

1/18/1980

OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS



State of Oregon
**Department of
Environmental
Quality**

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OREGON ENVIRONMENTAL QUALITY COMMISSION MEETING

January 18, 1980

Portland City Council Chambers
1220 Southwest Fifth Avenue
Portland, Oregon

A G E N D A

9:00 am CONSENT ITEMS

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

- A. Minutes of the December 14, 1979 Commission meeting.
- B. Monthly Activity Report for November 1979.
- C. Tax Credit Applications.
- D. Request for authorization to conduct a public hearing on licensing of hazardous waste treatment facilities pursuant to SB 76 (Ch. 132, 1979 laws).
- E. Request for authorization to conduct a public hearing on proposed amendments to noise control regulations to establish noise emission limits for new motorboats (OAR 340-35-025).

9:10 am PUBLIC FORUM

- F. 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.

INFORMATIONAL ITEM

- 9:30 am G. Evans Products Company, Corvallis - Informational report on proposed issuance of air contaminant discharge permit.

ACTION ITEM - VARIANCE REQUEST

The Commission may hear testimony on this item at the time designated but may reserve action until the work session later in the meeting.

- 10:00 am H. Request by Boise Cascade Corporation, White City, for a variance from the compliance schedule for veneer dryers (OAR 340-30-045(b)).

OTHER ACTION ITEMS - RULE ADOPTIONS

The Commission may hear testimony on these items at the time designated but may reserve action until the work session later in the meeting.

- I. Proposed adoption of amendments to motor vehicle emission testing rules that revise policy on engine changes and other housekeeping matters (OAR 340-24-320 through 24-350).
- J. Proposed adoption of changes to air quality schedule of civil penalties (OAR 340-12-050).
- K. Proposed adoption of amendments to primary aluminum plant regulations (OAR 340-25-065(A)(b) and 25-265(5)).
- ~~L. Proposed adoption of clarification of OAR 340-30-060 regarding the calculation of plant site emission limits in the Medford/Ashland Air Quality Maintenance Area.~~ POSTPONED
- M. Proposed adoption of rules to clarify emission limits for veneer dryers in the Medford/Ashland Air Quality Maintenance Area (OAR 340-30-010 and 30-020).
- N. Proposed adoption of open field burning regulations, OAR 340-26-005 through 26-030, and amendment to the Oregon State Implementation Plan.

WORK SESSION

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

Because of the uncertain time span involved, the Commission reserves the right to deal with any item at any time in the meeting except 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) at the Portland Motor Hotel, 1414 Southwest Sixth Avenue, Portland; and lunch at Portland City Hall.

MINUTES ON THE ONE HUNDRED SEVENTEENTH MEETING
OF THE
OREGON ENVIRONMENTAL QUALITY COMMISSION

January 18, 1980

On Friday, January 18, 1980, the one hundred seventeenth meeting of the Oregon Environmental Quality Commission convened in the Portland City Council Chambers, 1220 Southwest Fifth Avenue, Portland, Oregon.

Present were all Commission members: Mr. Joe B. Richards, Chairman; Mr. Albert H. Densmore, Vice Chairman; Mr. Ronald M. Somers; Mr. Fred J. Burgess; and Mrs. Mary V. Bishop. Present on behalf of the Department were its Director and several members of the Department staff.

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

BREAKFAST MEETING

All Commission members were in attendance.

1. Disposal of Portland Area Storm Debris - Mr. Thomas Bispham of the Department's Northwest Region Office reported that local jurisdictions would be asking the Director for special letter burning permits to burn the debris resulting from the recent snow and ice storm in the Portland Area. He said that the Director intended to issue those permits as appropriate. The Director recommended that the Commission not allow individuals to burn until the start of the regular open burning season March 1. The Commission agreed with this recommendation.

2. Locations for future meetings - The Commission agreed on the following dates and locations for future meetings:

April 18	Eugene
May 16	Salem
June 20	Portland
July 18	Portland
August 15	Pendleton
September 19	Bend

The Commission asked that the Governor's office be checked with to see if travel by the Commission around the state was acceptable.

3. Upcoming Commission policy decisions - This item was postponed until the Commission's breakfast meeting in February.

4. LPG/NG conversions eligibility for tax credit - Mr. Ron Householder of the Department's Vehicle Inspection Program presented a report to the Commission on this matter. Commissioner Somers commented that a number of businesses in Portland could not obtain adequate gasoline for their vehicle fleets and it would be nice to be able to encourage alternative fuel usage. Mr. Ray Underwood, Department of Justice, suggested that the Director request a formal opinion on this matter from the Attorney General. The Commission agreed this would be appropriate.
5. Hazardous wastes abandoned site search - Mr. Rich Reiter, of the Department's Hazardous Wastes Section, presented a progress report on the search for abandoned hazardous waste sites. He said that EPA was going to put out an interim report on the preliminary results of the search.
6. Schedule for update of Goals and Objectives - The Commission requested a report at the February breakfast meeting on how the Goals and Objectives sessions were going. They indicated they would attempt to participate in the agency-wide session on March 21/22, 1980.

FORMAL MEETING

All Commission members were present for the formal meeting.

AGENDA ITEM A - MINUTES OF THE DECEMBER 14, 1979 COMMISSION MEETING

AGENDA ITEM B - MONTHLY ACTIVITY REPORT FOR NOVEMBER 1979

AGENDA ITEM C - TAX CREDIT APPLICATIONS

AGENDA ITEM D - REQUEST FOR AUTHORIZATION TO CONDUCT A PUBLIC HEARING ON LICENSING OF HAZARDOUS WASTE TREATMENT FACILITIES PURSUANT TO SB 76 (CHAPTER 132, Oregon Laws 1979)

AGENDA ITEM E - REQUEST FOR AUTHORIZATION TO CONDUCT A PUBLIC HEARING ON PROPOSED AMENDMENTS TO NOISE CONTROL REGULATIONS TO ESTABLISH NOISE EMISSION LIMITS FOR NEW MOTORBOATS (OAR 340-35-025)

It was MOVED by Commissioner Somers, seconded by Commissioner Bishop and carried unanimously that the following action be taken on the above agenda items:

- Item A - Minutes approved as presented.
- Item B - Monthly Activity Report approved as presented.
- Item C - Tax Credit Applications T-1109, T-1131, T-1132 and T-1149 be approved and Pollution Control Facility Certificates 34, 454, 548 and 570 be revoked.
- Item D - The public hearing be authorized.
- Item E - The public hearing be authorized.

DIPOSAL OF PORTLAND AREA STORM DEBRIS

This item was in response to questions from the public regarding disposal of debris caused by a recent snow and ice storm in Portland area. Mr. Tom Bispham of the Department's Northwest Region Office said the Department contacted the hardest hit local jurisdictions. He said those areas were now in the process of cleanup, but it was estimated that there was 25 percent more debris that last year. He said that the City of Portland set up five transfer sites for the collection of storm debris from citizens. The City of Portland applied for a special letter permit to burn the debris at West Delta Park and he said the other local jurisdictions would be asking for special permits also.

Mr. Bispham said that the spring burning season would begin March 1 and the recommendation from the Portland Air Quality Advisory Committee was to wait until that date to allow the public to burn. He said that the collection site locations would be publicized and they were trying to get help for persons who did not have the capability to haul debris to a collection site.

PUBLIC FORUM

Ms. Dolores Benz appeared regarding the burning of storm debris. She testified that the damage was worse than last year and she did not have the capability to cover the material or haul it off. Ms. Benz questioned the ability of the City to get permits to burn when she could not.

Chairman Richards told Ms. Benz that the local jurisdictions were more in a position to burn under controlled conditions than individuals.

Mr. Bispham said that the cities would not in all probability be burning before the March 1 date when individuals would be allowed to burn. In any event, he said, the burning period this year had been extended so individuals would be allowed to burn between March 1 and June 15.

Mr Donald Crispan testified that there would be less of a problem with smoke if burning were allowed on good days year-round instead of concentrated in a short period of time. He suggested that the public be informed on how to burn properly. Mr. Crispan also stated his opinion that the burning periods were set up arbitrarily without citizen input and to accommodate special interest groups.

Mr. Crispan also stated that he had had difficulty in finding out when this meeting was to be held and suggested that in the future wider publicity be given to meetings on open burning.

AGENDA ITEM J - PROPOSED ADOPTION OF CHANGES TO AIR QUALITY SCHEDULE OF CIVIL PENALTIES (OAR 340-12-050)

The Legislature authorized increases in the civil penalties for air quality violations to \$10,000 per day. The Department proposed changes to the Air Quality Schedule of Civil Penalties, and held public hearings to receive testimony. The proposed rule change was presented at this meeting for consideration and adoption.

Summation

1. The Legislature authorized increases in civil penalties for air quality violations from \$500 to \$10,000 per day.
2. The Commission is authorized by ORS 468.130 to establish a schedule of civil penalties.
3. At the October 19, 1979, EQC meeting, the Commission authorized public hearings on the proposed rule changes. A public hearing was held on December 15, 1979.
4. The Department has proposed modifications to the Air Quality Schedule of Civil Penalties which would result in an increase in the maximum penalty to \$10,000 and the minimum penalty to \$50.

Director's Recommendation

Based on the summation, it is recommended that OAR 340-12-150, Air Quality Schedule of Civil Penalties, be adopted as proposed.

It was MOVED by Commissioner Densmore and carried unanimously that the Director's recommendation be approved.

AGENDA ITEM K - PROPOSED ADOPTION OF AMENDMENTS TO PRIMARY ALUMINUM PLANT REGULATIONS (OAR 340-25-265(A) (b) and 25-265(5))

OAR 340-25-265(5) required the EQC to review, during calendar year 1979, the feasibility of applying "new plant" emission limits to "existing plants." Upon determining that this review was not practical due to insufficient data representing current control equipment at aluminum plants in Oregon, the Department proposed to extend the review and related compliance dates by two years.

The Department held a public hearing on November 29, 1979, at which the aluminum companies supported and no one opposed the proposed changes.

Summation

1. An adequate data base is not available at this time to conduct a review regarding applying "new plant" emission limits to existing aluminum plants.
2. The Department proposed to amend the aluminum plant regulation to facilitate the accumulation and analyses of emission data representative of current control equipment at aluminum plants in Oregon.
3. A public hearing was held on November 29, 1979, subsequent to EQC authorization and public notice. The testimony received indicated that the aluminum companies concurred with and no one opposed the proposed changes.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission adopt the proposed amendments to OAR 340-25-265(4)(b) and 340-25-265(5).

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

AGENDA ITEM M - PROPOSED ADOPTION OF RULES TO CLARIFY EMISSION LIMITS FOR VENEER DRYERS IN THE MEDFORD/ASHLAND AIR QUALITY MAINTENANCE AREA (OAR 340-30-010 and 30-020)

The Department proposed clarifications to the rules for veneer dryers in the Medford-Ashland AQMA. The Commission previously authorized public hearings and adopted the proposed rules as temporary rules. The Department held a public hearing and is presenting the proposed rules for consideration for adoption as permanent rules. These clarifications will not change emission limits or compliance schedules.

Summation

1. The Department adopted emission limits and compliance schedules for the veneer dryers in the Medford-Ashland AQMA by referencing portions of existing veneer dryer rules for non-AQMA areas.
2. The Department later adopted additional limits for wood fired veneer dryers outside AQMAs and in the process changed some subsection designations which made some portions of the Medford-Ashland AQMA rules meaningless.
3. The proposed changes under consideration herein will reinstate the Medford-Ashland AQMA rules to the previous and originally intended form.
4. The Commission authorized public hearings to receive testimony on the proposed rule change. After public notice, the Department held a hearing but no testimony was submitted.

Recommendation

Based upon the Summation, it is recommended that OAR 340-30-010 and 020 be adopted.

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

AGENDA ITEM N - PROPOSED ADOPTION OF OPEN FIELD BURNING REGULATIONS, OAR 340-26-005 THROUGH 26-030, AND AMENDMENT TO THE OREGON STATE IMPLEMENTATION PLAN

Summation

Revisions to the rules regulating open field burning have been proposed in order to:

- a) Implement changes required by the new field burning law, Chapter 181, Oregon Laws, 1979.
- b) Implement a "performance standard" approach to field burning regulations which would essentially prevent air quality standards violations due to field burning; and
- c) Reorganize and clarify the rules.

A public hearing was held on December 14, 1979, to consider the proposed rules. Testimony received at that hearing and during the subsequent period of open record was reviewed. In general, the testimony supported the proposed rules. In addition, the Department of Environmental Quality and Environmental Protection Agency (EPA) staff reviewed and discussed the proposed rules.

Based on the public hearing record and discussion with the EPA staff, additional rule changes were proposed to:

- a) Modify subsection 26-015(3)(c), regulating field burning based upon air quality conditions, to make its application more general. Also eliminate the reference in the regulation to the specific projected Total Suspended Particulate level of 135 ug/m³ in favor of a value developed after more experimentation.
- b) Modify the definition of hours of smoke intrusion in Eugene-Springfield such that late season hours of smoke intrusions of moderate levels are counted as heavy intrusions; that is, two hours are recorded for each hour of actual smokiness.

Revision a) was proposed, after discussions with EPA representatives, to avoid a significant contribution by field burning to a violation of applicable air quality standards. Revision b) above was proposed by the City of Eugene and the Oregon Seed Council in order to provide late-season protection to the Eugene-Springfield area.

If adopted the proposed rules, supporting documentation, and plan for implementation would be submitted to the EPA immediately.

Director's Recommendation

Based upon the information set forth in pages 1-5 of the Director's January 18, 1980, staff report to the Commission; the testimony in the record of the December 14, 1979, public hearing; and the recommendation of Oregon State University pursuant to ORS 468.460(3), it is recommended that the Environmental Quality Commission act as follows:

1. Designate as its final Statement of Need for Rulemaking the Statement of Need set forth in Attachment 1 to the Director's staff report.
2. Adopt as permanent rules the proposed rules set forth in Attachment II to the Director's staff report, such rules to become effective upon their prompt filing (along with the Statement of Need for Rulemaking) with the Secretary of State.
3. Instruct the staff to submit, pursuant to federal rules, those portions of the rules set forth in Attachment II of the Director's staff report plus additional supporting documentation as may be necessary for approval by the Environmental Protection Agency, as a revision to the Oregon State Implementation Plan.

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

AGENDA ITEM G - EVANS PRODUCTS COMPANY, CORVALLIS - INFORMATIONAL REPORT ON PROPOSED ISSUANCE OF AIR CONTAMINANT DISCHARGE PERMIT

Evans Products Company installed a submicroporous battery separator plant at their Corvallis location without obtaining an air contaminant discharge permit.

The Department held a public hearing regarding a proposed permit in Corvallis on November 28, 1979. Since then, the testimony has been evaluated and some changes have been made in the permit.

Although the Department has received requests to withhold issuance of the permit until the fugitive TCE losses have been identified, the Director preferred at this point to issue the permit, with the Commission's concurrence, so that the Department could pursue enforcement actions should Evans falter in their agreement to conduct the testing and control programs set forth in the permit.

Summation

1. The Friends of Benton County requested, at the December 14, 1979, Commission meeting, that the issuance of the Evans Products Submicroporous Battery Separator Plant Air Contaminant Discharge Permit be delayed.
2. The Friends of Benton County presented several reasons for that request.
3. The Evans Products Company currently possesses a Temporary Air Contaminant Discharge Permit.
4. The proposed permit for the Company already contains provisions addressing the concerns of the Friends of Benton County as expressed in their written testimony submitted on December 14, 1979, with one exception.

5. At this time, air sampling and literature on TCE do not support a requirement for a toxicological investigation of local residents.
6. The testimony of the Friends of Benton County expressing the concerns of the local citizens has been evaluated. The proposed permit contains conditions which address the concerns expressed in the testimony where appropriate. Without the permit, these special conditions are unenforceable.

Director's Recommendation

Based on the Summation, the Director recommends that the Commission concur with his intention to issue the Evans Products Company Submicroporous Battery Separator Permit.

Mr. Fritz Skirvin of the Department's Air Quality Division, told the Commission that condition 13 of the permit regarding reporting to the Department would be omitted in the final permit because the provision was covered elsewhere in the permit.

Mr. Charles Boyle, Friends of Benton County, presented written testimony and reiterated the feeling of his group that a permit not be issued until more information on where the TCE emissions were going was available.

Chairman Richards replied that he thought the staff report addressed that matter well. He said the permit could be reviewed when more information became available and DEQ would continue to be interested in the matter of the fugitive TCE emissions and will continue to monitor the plant.

Mr. James Foster, Corvallis, testified that he owned a bicycle motocross track adjacent to the Evans plant. He stated his concern about the fugitive TCE emissions not being identified. Mr. Foster said that DEQ was not concerned about the public health hazard presented by this plant and urged that violations of standards by Evans Products be enforced.

Chairman Richards said that DEQ had tested and found TCE emission were below federal standards. He said that if, after further testing the TCE emissions were found to violate standards, then the plant would cease operation.

Mr. William Denison, Corvallis, was also concerned with the unidentified fugitive emissions from the plant. He was not convinced the emissions were going entirely into the ambient air. Mr. Denison urged that a permit not be issued until the fugitive emissions could be controlled.

Mr. Diarmuid O'Scannlain, Evans Products Company, indicated the Company had no comment to make at this time.

Director Young said that the permit was an enforcement tool and needed to be in place before enforcement action can be taken.

It was MOVED by Commissioner Burgess, seconded by Commissioner Densmore and carried unanimously that the Director be guided to issue the permit with further modifications as necessary to require more frequent testing under conditions 14 a and b should TCE samples exceed limits.

AGENDA ITEM H - REQUEST BY BOISE CASCADE CORPORATION, WHITE CITY, FOR A VARIANCE FROM THE COMPLIANCE SCHEDULE FOR VENEER DRYERS (OAR 340-30-045(b))

Boise Cascade Corporation requested a variance to operate the veneer dryers at their White City plant without controls beyond the January 1, 1980, compliance deadline. The control equipment was purchased but the manufacturer has been unable to deliver and install the equipment as originally agreed. Therefore, the Department has proposed a variance until April 1, 1980, to allow completion of the control system.

Summation

1. Boise Cascade Corporation has requested a variance from OAR 340-30-045(b) for the uncontrolled veneer dryers at their plant in White City. They requested this variance until April 1, 1980.
2. The company has already issued purchase orders and taken delivery of some of the necessary equipment.
3. The manufacturer of the equipment has indicated that the system cannot be completed prior to January 1, 1980. This circumstance is beyond control of the company.
4. The Department has proposed a variance which would allow operation of the uncontrolled veneer dryers until April 1, 1980.
5. The Commission is authorized by ORS 468.345 to grant a variance, if it finds that strict compliance with the rules is inappropriate because conditions exist that are beyond the control of the company.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that a variance from OAR 340-30-045(b) and the plant site emission limit contained in the permit, be granted to Boise Cascade Corporation for the operation of the veneer dryers at their plant in White City, subject to the following conditions:

1. On-site construction of the control equipment shall be completed by no later than March 15, 1980.
2. The compliance of all veneer dryers shall be demonstrated by no later than April 1, 1980.
3. Portions of the plant site emission limits allocated to the veneer dryers will not be applicable until April 1, 1980. They will be prorated for the remainder of the calendar year.

4. If the Department determines that the veneer dryer emissions cause significant adverse impact on the community or airshed, this variance may be revoked.
5. The variance will expire on April 1, 1980.

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

AGENDA ITEM I - PROPOSED ADOPTION OF AMENDMENTS TO MOTOR VEHICLE EMISSION TESTING RULES THAT REVISE POLICY ON ENGINE CHANGES AND OTHER HOUSEKEEPING MATTERS (OAR 340-24-320 THROUGH 24-350)

The Commission is being asked to approve revisions to the inspection program rules. The proposed rule change would:

- 1) Change to December 31 of each year the license expiration dates for self-inspecting fleets;
- 2) Eliminate references to electric cars; and
- 3) Revise the policy on engine changes that 1980 and newer cars would be required to maintain the original factory installed system. Older cars would continue to have basically the same allowances as they do now except the unleaded fuel usage and catalytic converters (if so equipped) must be maintained.

Director's Recommendation

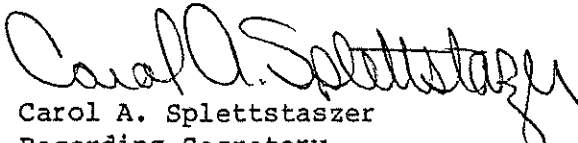
Based upon the Summation in the staff report, it is recommended that the proposed rule modifications be adopted.

After some discussion it was MOVED by Commissioner Densmore and seconded by Commissioner Burgess that the Director's recommendation be approved and that the staff be directed to prepare a submittal to the next Legislative Session to change the statute on conversion of motor vehicles to alternative fuels. The motion carried with Commissioner Somers dissenting.

In further business, Chairman Richards requested that a schedule of civil penalties assessed be made a part of the monthly report on a calendar year basis.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Carol A. Splettstaszer
Recording Secretary

H. Patterson

EQC BREAKFAST AGENDA

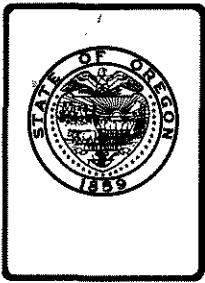
January 18, 1980

1. Location of April, May, June and July EQC Meetings.
2. Review of policy decisions that will be coming up for EQC action over the next six months.
3. LPG/LNG Conversions - Eligibility for tax credit.
4. Hazardous wastes abandoned site search.
5. Status report on Program Evaluation Study.
6. Schedule for review and update of agency goals and objectives.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
JAN 15 1980

AIR QUALITY CONTROL



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, January 18, 1980, EQC Meeting

November, 1979, Program Activity Report and December, 1979, Hearings Report

Discussion

Attached is the November, 1979, Program Activity Report and the December, 1979, Hearings Report.

ORS 468.325 provides for Commission approval or disapproval of plans and specifications for construction of air contaminant sources.

Water Quality 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
01-14-80



Contains
Recycled
Materials

DEPARTMENT OF ENVIRONMENTAL QUALITY

Monthly Activity Report

November, 1979

Month

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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

AQ, WQ, SW Divisions
(Reporting Unit)

November, 1979
(Month and Year)

SUMMARY OF PLAN ACTIONS

	Plans Received		Plans Approved		Plans Disapproved		Plans Pending
	Month	Fis.Yr.	Month	Fis.Yr.	Month	Fis.Yr.	
<u>Air</u>							
Direct Sources	<u>12</u>	<u>76</u>	<u>13</u>	<u>84</u>	<u>0</u>	<u>0</u>	<u>54</u>
<u>Water</u>							
Municipal	<u>44</u>	<u>455</u>	<u>51</u>	<u>464</u>	<u>0</u>	<u>0</u>	<u>26</u>
Industrial	<u>13</u>	<u>67</u>	<u>16</u>	<u>65</u>	<u>0</u>	<u>0</u>	<u>24</u>
<u>Solid Waste</u>							
General Refuse	<u>3</u>	<u>13</u>	<u>4</u>	<u>11</u>	<u>0</u>	<u>2</u>	<u>4</u>
Demolition	<u>0</u>	<u>3</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>3</u>
Industrial	<u>1</u>	<u>6</u>	<u>0</u>	<u>5</u>	<u>0</u>	<u>0</u>	<u>3</u>
Sludge	<u>0</u>	<u>2</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Hazardous Wastes</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>GRAND TOTAL</u>	<u>73</u>	<u>622</u>	<u>85</u>	<u>631</u>	<u>0</u>	<u>3</u>	<u>114</u>

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

November, 1979
(Month and Year)

PLAN ACTIONS COMPLETED

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

Clackamas (NC 1202)	Spaulding Pulp & Paper Co. Refuse boiler and sorter	05/24/79	Approved
Multnomah (NC 1385)	Atlantic Richfield Gasoline vapor recovery unit	10/29/79	Approved
Lane (NC 1417)	Clark & Powell Lumber Co.. Paving lumber storage yard	10/09/79	Approved (tax credit only)
Clackamas (NC 1433)	Precision Castparts Corp. New foundry	11/26/79	Approved
Jackson (NC 1482)	Martin Brothers Container & T. P. Corp. Blow pipe system	09/19/79	Approved
Linn (NC 1484)	Oregon Metallurgical Corp. Mill products finishing equipment	10/26/79	Approved
Linn (NC 1485)	Oregon Metallurgical Corp. Production expansion	10/26/79	Approved
Washington (NC 1490)	Daelco, Inc. Lead oxide for batteries	11/26/79	Approved
Lane (NC 1491)	Daelco, Inc. Lead oxide for batteries	11/05/79	Cancelled
Linn (NC 1502)	Teledyne Wah Chang Silicon tetrachloride storage facility	10/23/79	Approved
Jackson (NC 1507)	Medford Corp. Four burley scrubbers on boiler	11/07/79	Approved
Linn (NC 1510)	Teledyn Wah Chang TiCl pilot plant	10/30/79	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

November, 1979
(Month and Year)

PLAN ACTIONS COMPLETED

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

Multnomah (NC 1511)	Portland General Electric Gasoline storage tank	10/31/79	Approved
Crook (NC 1513)	Clear Pine Mouldings, Inc. New wood waste collection system	11/08/79	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

November 1979
(Month and Year).

PLAN ACTIONS COMPLETED

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

Municipal Wastes Sources (51)

Umatilla	Rev. Deadmans Pass STP Oregon DOT	11/13/79	PA
Coos	Jack's Mobile Home Pk Bridge	10/2/79	Comments 1/23/79
Marion	Cherry Ct N. of Locust Stayton	11/5/79	PA
Clackamas	Pamela's Add Subd. CCSD No. 1	11/19/79	PA
Lane	Maywood Eugene	11/2/79	PA
Washington	Trotter's Terrace Subd. USA	11/8/79	PA
Douglas	N. Umpqua SD/Gordon Brown NRSD	11/19/79	PA
Grant	Panorama Terrace Add John Day	11/21/79	PA
Deschutes	Nolan's Add Redmond	11/12/79	PA
Jackson	Shasta Meadows Subd Eagle Point	11/21/79	PA
Tillamook	Pacific City Sewers Revised, Pacific City	11/13/79	PA
Coos	Verlin-Lafayette Revised North Bend	11/30/79	PA
Jackson	Hallett Subdivision Medford	11/21/79	PA

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

November 1979
(Month and Year).

PLAN ACTIONS COMPLETED

* County	* Name of Source/Project	* Date of	* Action	* Action	* Action
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Municipal Waste Sources - Continued

Marion	Heather Heights Salem	11/19/79	PA		
Umatilla	S.E. Second Avenue Milton-Freewater	11/19/79	PA		
Jackson	Randy Street Ashland	11/1/79	PA		
Washington	Apartment Complex Forest Grove	11/1/79	PA		
Hood River	District 9 Div. 1 Project Hood River	11/1/79	PA		
Marion	Pheasant Hill Salem	11/28/79	PA		
Clackamas	McCafferty Hill Gladstone	11/21/79	PA		
Clackamas	Baker Drive Ind. Pk. Canby	11/29/79	PA		
Hood River	Mike Goe Property Odell SSD	11/19/79	PA		
Washington	Summer Hills Park USA--Durham	11/28/79	PA		
Jackson	Black Oak Shopping Center Medford	11/29/79	PA		
Lincoln	Township 13 Phase 3 Waldport	11/28/79	PA		
Coos	Public Square Ct North Bend	11/28/79	PA		

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

November 1979
(Month and Year).

PLAN ACTIONS COMPLETED

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

Municipal Waste Sources - Continued

Multnomah	Children's World Ph IV Gresham	11/21/79	PA
Multnomah	SW Greenleaf DR/Grenlef CT Portland	11/20/79	PA
Douglas	Parkview Subd. Revised Myrtle Creek	11/20/79	PA
Washington	Eiden Sewer Extension USA	11/8/79	PA
Josephine	Agness Avenue Grants Pass	11/21/79	PA
Douglas	De Priest Extension Green S.D.	11/20/79	PA
Douglas	Bourne St. Extension Green S.D.	11/20/79	PA
Douglas	Happy Valley Rd. Extension Green S.D.	11/20/79	PA
Lane	Sav-Mor Park Subd. Phase 1 Lowell	11/8/79	PA
Lincoln	Shell Sewer Extension Depoe Bay	11/28/79	PA
Multnomah	Linneman Pump Station & Pipeline, Gresham	11/19/79	PA
Multnomah	NE Mallory-McLelland Portland	11/23/79	PA

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

November 1979
(Month and Year).

PLAN ACTIONS COMPLETED

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

Municipal Waste Sources - Continued

Multnomah	Sandpiper East No. 2 Gresham	11/26/79	PA
Lane	Isabelle Plat Eugene	11/26/79	PA
Lane	Raindrop Ridge Eugene	11/26/79	PA
Jackson	Dudley Sewer Extension BCVSA	11/28/79	PA
Clackamas	Arista Hts No. 3 Subd. Oregon City	11/28/79	PA
Deschutes	Contract No. 8 Bend	11/30/79	PA
Klamath	Basin View Trunk Klamath Falls	11/30/79	PA
Tillamook	Lateral Extension Q-13 Twin Rocks S.D.	11/30/79	PA
Washington	Grenich USA, Hillsboro	11/28/79	PA
Washington	Ginger Park USA, Hillsboro	11/28/79	PA
Marion	Eola Dr. E. of College Dr. Salem	11/30/79	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

November 1979
(Month and Year).

PLAN ACTIONS COMPLETED

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

Municipal Waste Sources - Continued

Marion	Kooskooskee Salem	11/30/79	PA
Jackson	Laurelwood Phase 1 Medford	11/30/79	PA

PA = Provisional Approval

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality
(Reporting Unit)

November, 1979
(Month and Year)

PLAN ACTIONS COMPLETED

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

INDUSTRIAL WASTE SOURCES

Tillamook	Walter J. Blankenship Beaver, Liquid Manure Holding Tank	10/10/79	Approved
Linn	Teledyne Wah Chang Albany Silicon Tetrachloride Tank Berm	10/23/79	Approved
Linn	Teledyne Wah Chang Albany Titanium Chloride Storage Tank Berm	10/30/79	Approved
Washington	Marcus E. Simantel Hillsboro, Underground Manure Tank and Irrigation System	11/2/79	Approved
Washington	Donald Elmore, Banks Underground Manure Tank and Irrigation System	11/2/79	Approved
Marion	Moore's Brae Mailen, Aurora Earthen Storage Lagoon	11/26/79	Approved
Washington	Tektronix, Beaverton Oil/Water Separator	11/6/79	Approved
Marion	Siltech Corp., Salem Silicon Wafer Water Pollution Control	11/7/79	Approved
Clackamas	Richard Guest, Molalla Manure Holding Tank and Spreader	11/8/79	Approved
Clackamas	Arnold Moore, Boring Manure Holding Pond, Storage Tank and Irrigation Irrigation System	11/8/79	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality
(Reporting Unit)

November, 1979
(Month and Year)

PLAN ACTIONS COMPLETED

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

Industrial Waste Sources

Douglas	International Paper Gardiner, Log Handling	11/13/79	Approved
Linn	Teledyne Wah Chang Albany Columbium Pilot Plant Expansion	11/15/79	Approved
Clackamas	S. P. Anodizing, Inc., Portland, Anodizing Tank Overflow Control	11/15/79	Approved
Clatsop	Richard Hess Hog Farm Astoria, Animal Waste Holding Tank	11/16/79	Approved
Polk	Gould, Inc., Salem Spill Containment-Acid Mixing Tower	11/20/79	Approved
Multnomah	Arco Terminal, Portland Upgrade A.P.I. Separators	11/27/79	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

November, 1979
(Month and Year)

PLAN ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
Clackamas	Rossman's Existing Site Leachate Control Plans	10-31-79	Approval	*
Curry	Nesika Beach Transfer Station New Facility Construction and Operation Plans	11- 8-79	Conditional Approval	*
Multnomah	Obrist Landfill Existing Demolition Site Gas Venting Plans	11-14-79	Conditional Approval	*
Multnomah	Columbia Sand and Gravel Proposed Demolition Site Construction and Operation Plans	11-23-79	Denied	*
Baker	Haines Disposal Site Existing Site Operational Plan	11-27-79	Approved	*
Grant	Hendrix Landfill Existing Site Operational Plan Revision	11-30-79	Approved	*

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

November, 1979
(Month and Year)

SUMMARY OF AIR PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions Pending	Sources Under Permits	Sources Reqr'g Permits
	Month	FY	Month	FY			
<u>Direct Sources</u>							
New	4	23	1	16	23		
Existing	0	7	0	11	10		
Renewals	32	60	2	39	92		
Modifications	4	13	3	23	17		
Total	40	103	6	89	142	1929	1962
<u>Indirect Sources</u>							
New	1	11	5	23	7		
Existing	-	-	-	-	-		
Renewals	-	-	-	-	-		
Modifications	0	2	1	2	0		
Total	1	13	6	25	7	147	

Number of
Pending Permits

Comments

39	To be drafted by Northwest Region
10	To be drafted by Willamette Valley Region
6	To be drafted by Southwest Region
5	To be drafted by Central Region
8	To be drafted by Eastern Region
1	To be drafted by Program Planning Division
25	To be drafted by Program Operations
15	Awaiting Next Public Notice
33	Awaiting the end of 30-day Noted Period
<u>142</u>	

45 Technical Assistances
16 A-95's

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division (Reporting Unit)	November, 1979 (Month and Year)
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PERMIT ACTIONS COMPLETED

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

Indirect Source

Multnomah	St. Johns Riverfront Development 629 Spaces File No. 26-7930	11/02/79	Final Permit Issued
Multnomah	West Sellwood Bridge Interchange File No. 26-7929	11/06/79	Final Permit Issued
Jackson	Rogue Valley Mall 3820 Spaces File No. 15-7926	11/20/79	Final Permit Issued
Multnomah	McCormick Pier 440 Spaces File No. 26-7932	11/21/79	Final Permit Issued
Washington	Merlo Road Drive-In Theatre 960 Spaces File No. 34-7931	11/29/79	Final Permit Issued
Washington	Washington Square Temporary Employe Parking	11/14/79	Final Permit Issued

DEPARTMENT OF ENVIRONMENTAL QUALITY

PERMITS ISSUED

DIRECT STATIONARY SOURCES

COUNTY	SOURCE	PERMIT NUMBER	APPLIC. RECEIVED	STATUS	DATE ACHIEVED	TYPE OF APPLICATION
CLACKAMAS	PRECISION CASTPARTS CORP.	03 2674	06/06/79	PERMIT ISSUED	10/31/79	NEW
JACKSON	DOWN RIVER FOREST PRODUCT	15 0027	00/00/00	PERMIT ISSUED	11/09/79	MOD
JACKSON	WILDISH MEDFORD S & G CO:	15 0082	10/05/79	PERMIT ISSUED	10/26/79	MOD
LINCOLN	GEORGIA PACIFIC CORP	21 0005	07/01/75	PERMIT ISSUED	10/26/79	RNW
LINN	WILLAMETTE IND GRIGGS	22 5194	00/00/00	PERMIT ISSUED	11/07/79	MOD
PORT.SOURCE	DESCHUTES READY-MIX	37 0026	04/05/79	PERMIT ISSUED	11/06/79	RNW

TOTAL NUMBER QUICK LOOK REPORT LINES

6

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

November 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	0/0	1/3	0/0	0/3	2/7		
Existing	0/0	0/2	0/0	0/0	6/1		
Renewals	6/2	20/3	0/0	15/0	43/5		
Modifications	0/0	1/0	0/0	0/0	4/0		
Total	6/2	22/8	0/0	15/3	55/13	245/88	253/96
<u>Industrial</u>							
New	0/0	3/10	1/4	3/4	4/8		
Existing	0/0	0/1	0/2 ^{1/}	3/2	1/1		
Renewals	27/1	56/7	25/0	35/0	75/7		
Modifications	0/0	2/0	0/0	1/0	5/0		
Total	27/1	61/18	6/6	42/6	85/16	410/135	415/144
<u>Agricultural (Hatcheries, Dairies, etc.)</u>							
New	0/0	2/3	0/2 ^{3/}	1/3	3/0		
Existing	0/0	0/2	0/0	0/1	0/1		
Renewals	33/0	33/0	0/0	0/1	33/0		
Modifications	0/0	0/0	0/0	0/0	0/0		
Total	33/0	35/5	0/2	1/5	36/1	64/25	67/26
<u>GRAND TOTALS</u>	66/3	118/31	6/8	58/14	176/30	719/248	735/266
* NPDES Permits							
** State Permits							
1/ Includes Two State Permits Cancelled							
2/ Includes One NPDES Permit Cancelled							
3/ Includes One Application Withdrawn							

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

November 1979
(Month and Year)

PERMIT ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
Lincoln	Georgia Pacific Toledo	4/10/79	NPDES Permit Renewed	*
Marion	Oregon Aqua Foods Turner Facility	11/7/79	State Permit Issued	*
Douglas	Sun Studs, Inc. Sewage Disposal	11/15/79	NPDES Permit Renewed	*
Coos	Weyerhaeuser North Bend	11/15/79	NPDES Permit Renewed	*
Coos	Coos Bay-N. Bend Waterboard Pony Creek Filter Plant	11/15/79	NPDES Permit Renewed	*
Klamath	Chiloquin Forest Products Saw Mill	11/15/79	NPDES Permit Issued	*
Baker	Alan Mellott & Leonard Green Placer Mine	11/15/79	State Permit Issued	*
Baker	Lyle C. Chadwick Placer Mine	11/15/79	State Permit Issued	*
Baker	C G & H ³ Mining Co. Placer Mine	11/15/79	State Permit Issued	*
Union	Union Pacific RR La Grande Yard	11/28/79	State Permit Issued	*
Clackamas	Barton Sand & Gravel Aggregate	11/79	State Permit Cancelled	*
Coos	Keith Lucas Placer Mine	11/79	State Permit Cancelled	*
Umatilla	Kent L. Loiland Hog Farm	11/79	Application Withdrawn	*
Washington	Mears Controls	10/5/79	NPDES Permit Cancelled	*

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

November, 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	-	2	3	4	1		
Existing	-	-	-	-	11		
Renewals	3	11	3	9	20		
Modifications	10	12	-	11	14		
Total	13	25	6	24	46	172	174
<u>Demolition</u>							
New	-	-	-	-	1		
Existing	-	-	-	1	-		
Renewals	1	4	-	-	4		
Modifications	-	-	-	5	-		
Total	1	4	0	6	5	21	21
<u>Industrial</u>							
New	-	-	-	-	-		
Existing	-	-	-	-	-		
Renewals	4	9	-	2	11		
Modifications	1	1	-	-	1		
Total	5	10	1	3	14	104	104
<u>Sludge Disposal</u>							
New	-	-	1	1	-		
Existing	-	-	-	-	1		
Renewals	1	1	-	-	1		
Modifications	-	-	-	-	-		
Total	1	1	1	1	2	12	13
<u>Hazardous Waste</u>							
New	-	-	-	-	-		
Authorizations	12	48	9	43	9		
Renewals	-	-	-	-	-		
Modifications	-	-	-	-	-		
Total	12	48	9	43	9	1	-1
<u>GRAND TOTALS</u>	32	88	17	77	76	310	313

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division (Reporting Unit)	November, 1979 (Month and Year)
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PERMIT ACTIONS COMPLETED

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

DOMESTIC WASTE FACILITIES (6)

Clatsop	Warrenton Landfill Existing Site		11/14/79		Permit Renewed
Curry	Brookings Energy New Incinerator		11/14/79		Permit Issued
Curry	Wridge Creek Transfer New Facility		11/14/79		Permit Issued
Lincoln	Logsdon Transfer New Facility		11/14/79		Permit Issued
Wheeler	Spray Landfill Existing Site		11/14/79		Permit Renewed
Lincoln	Agate Beach Landfill Existing Site		11/15/79		Permit Renewed

DEMOLITION WASTE FACILITIES (None)

INDUSTRIAL WASTE FACILITIES (1)

Douglas	Douglas Co. Lumber Co. New Wood Waste Landfill		11/16/79		Permit Issued
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SLUDGE DISPOSAL FACILITIES (1)

Lake	Pettus Sludge Site New Spreading Area		11/09/79		Permit Issued
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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

November 1979
(Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

WASTE DESCRIPTION

* Date *	Type	Source	Present	Quantity Future
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Disposal Requests Granted (9)

Oregon (2)

1	Contaminated chemical products consisting of acids, aqua ammonia and formaldehyde	Chemical distributor	19 drums	10 drums/yr
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1	PCB wastes	Paper mill	~200 cu. ft.	0
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Washington (5)

1	PCB wastes	Al smelting plant	~102 cu. ft.	0
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1	Aqueous spent chemical cleaning solutions	Industrial cleaning service	8,000 gals.	300,000 gals/yr
---	---	-----------------------------	-------------	-----------------

16	Bag house dust	Al smelting plant	0	24-36 tons/yr
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20	PCB wastes, paint sludge, and isocynate	Foundry	80 drums	0
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23	PCB wastes	Utility	~200 cu. ft.	200 cu ft/yr
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Montana (1)

1	PCB wastes	Copper smelting plant	~200 cu. ft.	27 cu ft/yr
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Canada (1)

6	PCB wastes	University	~300 cu. ft.	0
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<u>ACTIONS</u>	<u>LAST MONTH</u>	<u>PRESENT MONTH</u>
Preliminary Issues	5	5
Discovery	1	1
Settlement Action	4	2
Hearing to be Scheduled	0	7
Hearing Scheduled	9	4
HO's Decision Due	3	5
Brief	0	0
Inactive	4	2
SUBTOTAL of Active Files		26
HO's Decision Out/Option for EQC Appeal .	2	2
Appealed to EQC	8	4
EQC Appeal Complete/Option for Court Review	1	3
Court Review Option Pending or Taken . . .	2	1
Case Closed	4	8
TOTAL Cases		43

KEY

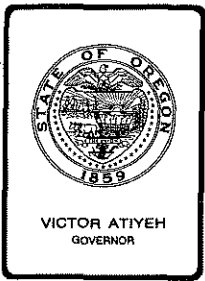
- ACD Air Contaminant Discharge Permit
- AQ Air Quality
- AQ-NWR-76-178 Violation involving Air Quality occurring in Northwest Region in the year 1976; 178th enforcement action during 1976.
- CLR Chris Reive, Investigation & Compliance Section
- Cor Wayne Cordes, Hearings Officer
- CR Central Region
- 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
- Hrngrs 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
- JHR John Rowan, Investigation & Compliance Section
- VAK Van Kollias, Investigation & Compliance Section
- LKZ Linda Zucker, Hearings Officer
- LMS Larry Schurr, Investigation & Compliance Section
- 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
- SW Solid Waste
- 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

December 1979
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
Paulsen	05/75	05/75	RLH	LKH		Resp		02-SS-WVR-75-01 1-SSD-Permit	Appeal to EQC with drawn 11-11-79
Faydrex, Inc.	05/75	05/75	RLH	LKZ	11/77	Hrgs		03-SS-SWR-75-02 64 SSD Permits	<u>Decision Due</u>
Mead and Johns et al	05/75	05/75	RLH	LKZ		All		04-SS-SWR-75-03 3 SSD Permits	Awaiting dis- position of Faydrex
PGE (Harborton)	02/76	02/76	RPU	LKZ		Prtys		01-P-AQ-PR-76-01 ACD Permit Denial	Extension to 12-01-79 for filing exceptions Further requests for extensions to be referred to Commission
Jensen	11/76	11/76	RLH	LKZ	12/77	Resp	06/78	\$1500 Fld Brn 05-AQ-SNCR-76-232	Signed stipulation to be submitted to EQC for approval
Mignot	11/76	11/76	LMS	LKZ	02/77	Resp	02/77	\$400 06-SW-SWR-288-76	Petition to Court of Appeals for review filed November 28, 1979
Jones	04/77	07/77	LMS	Cor	06/09/78	Resp		SSD Permit 01-SS-SWR-77-57	EQC affirmed HO's decision Notice of appeal to Court of Appeals due December 24
Magness	07/77	07/77	LMS	Cor	11/77	Hrgs		\$1150 Total 06-SS-SWR-77-142	H.O.'s Order issued 12-07-79; EQC appeal due 01-07-80
Grants Pass Irrig	09/77	09/77	RLH	LKZ	04/80	Prtys		\$10,000 10-WQ-SWR-77-195	Hearing set in Medford
Borich	10/77	10/77	FWO	Cor	12/11/79	Prtys		\$100 08-WQ-SNCR-77-173	Case closed 12-18-79; Stipulated settlement
Powell	11/77	11/77	RLH	Cor	01/23/80	Prtys		\$10,000 Fld Brn 12-AQ-MWR-77-241	Hearing scheduled in Corvallis
Carl F. Jensen	12/77	01/78	RLH	LKZ		Prtys		\$18,600 Fld Brn 16-AQ-MWR-77-321	Stipulation to be submitted to EQC for approval
Carl F. Jensen/ Elmer Klopfenstien	12/77	01/78	RLH	LKZ		Prtys		\$1200 Fld Brn 16-AQ-SNCR-77-320	Stipulation to be submitted to EQC for approval
Wah Chang	01/78	02/78	RLH	LKZ	11/27/79	Prtys		\$5500 17-WQ-MWR-77-334	Stipulation to be sub- mitted to EQC for approval
Hawkins	03/78	03/78	FWO	LKZ	12/17/79	Prtys		\$5000 15-AQ-PR-77-315	<u>Decision Due</u>
Hawkins Timber	03/78	03/78	FWO	LKZ				\$5000 15-AQ-PR-77-314	No action pending hearing in companion case
Wah Chang	04/78	04/78	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	05/78		FWO	LKZ	07/24/79	Hrgs		Tax Credit Cert. 01-T-AQ-PR-78-010	<u>Decision Due</u>
Vogt	06/78	06/78	RPU	Cor	11/08/78	Resp		\$250 Civil Penalty 05-SS-SWR-78-70	<u>Department's exceptions due 01-30-80</u>
Hogue	07/78	07/79	LMS	LKH		Resp		15-P-SS-SWR-78	<u>Appeal dismissed pursuant to stipulation</u>
Welch	10/78	10/78	RLH	LKZ		Dept		07-P-SS-CR-78-134	Discovery
Reeve	10/78		RLH	LKZ		Dept		06-P-SS-CR-78-132 & 133	Hearing deferred 60 days pending settlement
Bierly	12/78	12/78	VAK	LKZ	10/30/79	Prtys		\$700 08-AQ-WVR-78-144	Signed Stipulation to be submitted to EQC for approval.
Glaser	02/79	02/79	LMS	LKH		Prtys		\$2200 09-AQ-WVR-78-147	Case closed 12-10-79; Civil Penalty reduced to \$1,400. Stipulated Order approved by EQC 12-14-79

December 1979
DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rrst	Hrng Rfrrl	DEQ or Atty	Hrng Offcr	Hrng Date	Resp Code	Dec Date	Case Type & No.	Case Status
Wah Chang	02/79	02/79	RLH	LKZ		Resp		\$3500 L2-WQ-WVR-78-187	To be scheduled
WEN-BACH	12/78	08/79	LMS	LKB		Dept		02-P-SS-ER-78-66	Case Closed 12-10-79, Modified permit issued
Lozen-Reynold	04/79	04/79	FWB	LKB	08/28/79	Hrgs		02-P-SS-ER-79-02	No appeal filed, case closed 12-03-79
Martin, Leona	05/79	05/79	CLR	LKB	10/19/79	Prtys		\$250-04-SS-SWR-79-49	Case closed 12-04-79, dismissed with prejudice by order dated 12-04-79
Don Obrist, Inc.	07/79	07/79	RLH	LKZ		Dept		Solid Waste Permit Amendment 07-P-SW-213-NWR-79	Plans sent to Department for approval
JOHNSON, Melvin	06/79				10/05/79	Prtys		\$100-19-SS-PR-77-35 \$750-19-SS-PR-77-97	Appeal to circuit court due 12-30-79
KLINPIER, Richard I.	09/79	09/79	JHR	LKZ		Resp		08-P-SS-WVR-79-03 Subsurface sewage permit denial	Department's motion to dismiss filed November 14, 1979
CALLAHAN, Gerald R.	09/79	09/79	CLR	COR	01/09/80	Prtys		09-SS-ER-79-61 Civil Penalty of \$150	Hearing scheduled
BESCHUTES-READY-MEM SAND & GRAVEL CO.	09/79	09/79		LKB		Resp		18-WQ-CR-79-02 Civil Penalty of \$7,000	Default Order entered by Department Nov. 15, 1979
KRUGER, Walter A.	09/79	09/79	CLR	LKZ	01/30/80	Prtys		11-AQ-WVR-79-97 Open Burning Civil Penalty of \$250	Hearing scheduled
BARKER, Michael	10/79	10/79	LMS	COR	12/06/79	Prtys		12-SS-SWR-79-56 SS Permit revocation	Decision Due
PETER, Ernie	10/79	10/79	CLR	LKZ	12/05/79	Prtys		13-AQ-WVR-79-86 Open Field Burning Civil Penalty of \$500	Decision Due
MALLORY & MALLORY Inc.	11/79	11/79	JHR	COR	01/10/80			14-AQ-CR-79-101 Open Burning Civil Penalty	Hearing scheduled
BRIDENSTONE	11/08/79	11/20/79						15-SS-SWR-79-60 Permit denial	Preliminary Issues
<u>TIDEWATER BARGE LINES, INC.</u>	<u>12-05-79</u>	<u>12-05-79</u>	<u>RLH</u>					<u>16-WQ-ER-79-148</u> <u>WQ Civil Penalty of \$5,000</u>	<u>To be Scheduled</u>
<u>M/V TOYOTA MARA NO. 10</u>	<u>12-10-79</u>	<u>12-12-79</u>	<u>RLH</u>					<u>17-WQ-WVR-79-127</u> <u>Oil Spill Civil Penalty of \$5,000</u>	<u>To be Scheduled</u>
<u>COLUMBIA-RESOURCES CORP</u>	<u>12-03-79</u>	<u>12-12-79</u>	<u>CLR</u>					<u>18-AQ-WVR-79-125</u> <u>Civil Penalty of \$500</u>	<u>To be Scheduled</u>
<u>COLUMBIA SAND & GRAVEL PIT</u>	<u>12-12-79</u>	<u>12-14-79</u>						<u>19-P-SW-329-NWR-79</u> <u>Permit Denial</u>	<u>To be Scheduled</u>
<u>FORRETE, Gary</u>	<u>12-20-79</u>	<u>12-21-79</u>	<u>RLH</u>					<u>20-SS-WVR-79-146</u> <u>Permit Revocation</u>	<u>To be Scheduled</u>



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

522 SOUTHWEST 5th AVENUE, PORTLAND, OR 97204 PHONE (503) 229-5696

• MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item C, January 18, 1980, EQC Meeting

TAX CREDIT APPLICATIONS

Director's Recommendation

It is recommended that the Commission take the following actions:

1. Issue Pollution Control Facility Certificates to:

T-1109	Graphic Arts Center, Inc.
T-1131	Weyerhaeuser Company
T-1132	Weyerhaeuser Company
T-1149	Samuel Oberg

2. Revoke Pollution Control Facility Certificates 34, 454, 548 and 570 pursuant to the attached review report.

WILLIAM H. YOUNG

MJDowns:cs
229-6485
1/4/80
Attachments



Contains
Recycled
Materials

PROPOSED JANUARY 1980 TOTALS

Air Quality	\$ 253,201
Water Quality	10,463
Solid Waste	-0-
Noise	-0-
	<hr/>
	\$ 263,664

1979 CALENDAR YEAR TOTALS

Air Quality	\$ 8,185,984
Water Quality	13,428,082
Solid Waste	14,237,670
Noise	94,176
	<hr/>
	\$35,945,912

Appl T-1109R
Date 12/12/79

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Graphic Art Center, Inc.
2000 Northwest Wilson Street
Portland, OR 97209

The applicant owns and operates a commercial printing plant at Portland.

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

2. Description of Claimed Facility

The facility described in this application is a poly-stage electrostatic precipitator manufactured by Beltran Associates and an ancillary wash water treatment system. This precipitator collects particles from the ink drying process.

Request for Preliminary Certification for Tax Credit was made on July 30, 1976, and approved on August 25, 1976.

Construction was initiated on the claimed facility on September 1, 1976, completed on March, 1979, and the facility was placed into operation on April, 1979.

Facility Cost: \$54,897.76 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to installation of this precipitator, smoke from the ink drying process was discharged directly to the atmosphere. Disposal of the waste water from washing the electrostatic precipitator collector plates proved to be a major problem both technically and contractually. The final waste water system was designed and built by a new contractor which delayed completion of the system. A chemical waste collecting company is paid to take away the material collected by the waste water system. This facility now meets all the Department's applicable emission limits. The only purpose of this facility is air pollution control; therefore, 80 percent or more is allocable to pollution control.

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165 (1) (a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- d. The facility was required by Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.
- e. Eighty percent (80%) or more of the cost is allocable to pollution control.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$54,897.76 with 80 percent or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-1109R.

F. A. Skirvin:ode

AO2294

(503) 229-6414

January 9, 1980

Appl T-1131
Date 12/17/79

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Weyerhaeuser Company
Eastern Oregon Region
Box 9
Klamath Falls, OR 97601

The applicant owns and operates a sawmill at Bly, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of multiclones to control emissions from a hogged fuel boiler. Also included in the claimed facility are ash hopper rotary valves, classifier screens, reinjection blowers and screw conveyors. The multiclones are manufactured by UOP.

Request for Preliminary Certification for Tax Credit was made on March 21, 1975, and approved on August 14, 1975.

Construction was initiated on the claimed facility in September, 1975, completed on June 3, 1976, and the facility was placed into operation on June 3, 1976.

Facility Cost: \$107,495.00 (Accountant's Certification was provided).

3. Evaluation of Application

The boiler currently operating at this facility replaced an existing boiler which was not capable of compliance with the Department's emission limits. In order for the recently installed boiler to comply with the Department's emission limits, control equipment was necessary. The company has installed dual UOP multiclones to control the particulate emissions from this boiler. The company has submitted source test results which demonstrate that this boiler can comply with the emission limits placed on it by a Department variance. The collected material from the multiclones is of no value to the company. The primary purpose of the multiclones is air pollution control and therefore, 80 percent or more of the cost is allocable as a pollution control facility.

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1) (a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- d. The facility was required by the Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. 80 percent or more of the cost of this facility is allocable to pollution control.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$107,495.00 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1131.

FAS:p
(503) 229-6414
December 19, 1979

AP7128

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Weyerhaeuser Company
Eastern Oregon Region
Box 9
Klamath Falls, OR 97601

The applicant owns and operates a wood products manufacturing facility at Klamath Falls.

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

2. Description of Claimed Facility

The facility described in this application consists of two baghouses which control sander dust emissions for three cyclones. Also included in the facility is foundation and electrical work.

Request for Preliminary Certification for Tax Credit was made on June 14, 1977, and approved on July 22, 1977.

Construction was initiated on the claimed facility on August 1977, and completed on December 19, 1977, and the facility was placed into operation on December 19, 1977.

Facility Cost: \$90,809 (Accountant's Certification was provided).

3. Evaluation of Application

Two baghouses, claimed in this application, were part of the lumber sander installation. The baghouses are secondary collectors and the three cyclones are primary collectors. Collected material from the cyclones and baghouses is used as boiler fuel, however, it has little economic value. The primary purpose of the baghouses is air pollution control. The cyclones are not claimed in this application, therefore, 80 percent or more of the cost of the two baghouses is allocable to pollution control. These facilities have been inspected and comply with all the Department's emission limitations.

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.

- d. The facility was required by the Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. Eighty percent or more of the cost of the claimed facility is allocable to pollution control.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$90,809 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1132.

F. A. Skirvin:n
AN8726
(503) 229-6414
December 17, 1979

Appl T-1149
Date 1/9/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Samuel Oberg
4930 Kings Valley Dallas Highway
Dallas, OR 97338

The applicant owns and operates a hog farming operation four (4) miles south of Dallas on Highway 223.

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

2. Description of Claimed Facility

The facility described in this application is a liquid manure disposal system consisting of:

- a. farrowing house manure pit (6' x 4' x 45')
- b. feeding house manure pit (6' x 6' x 83')
- c. manure pump and circulating system
- d. manure wagon and sprinkler

Request for Preliminary Certification for Tax Credit was made June 8, 1978, and approved June 21, 1978. Construction was initiated on the claimed facility June 21, 1978, completed September 9, 1979, but placed into operation before final completion, October 5, 1978.

Facility Cost: \$10,463.14. Cost statements were provided with the application.

3. Evaluation of Application

The claimed facility was required by the Department of Environmental Quality and designed by the Soil Conservation Service. The applicant claims that with the facility, liquid manure can be applied when the soil will readily absorb it, preventing run-off. Staff confirms the claimed facility is complete and operating as designed.

4. Summation

- a. Facility was constructed under a Preliminary Certificate of Approval issued pursuant to ORS 468.175.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1) (a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing water pollution.
- d. The facility was required by the Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 80 percent or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$10,463.14 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1149.

CKA:t

WT0391

(503) 229-5325

January 9, 1980

State of Oregon
Department of Environmental Quality

REVOCATION OF POLLUTION CONTROL FACILITY CERTIFICATES

Certificates Issued to:

Georgia-Pacific Corporation
900 Southwest Fifth Avenue
Portland, Oregon 97204

Background:

On December 18, 1979 Georgia-Pacific Corporation informed the Department that the equipment certified on the following Pollution Control Facility Certificates had been removed from service (see attached letter and certificates).

<u>Certificate Number</u>	<u>Date Issued</u>	<u>Amount</u>	<u>Date Removed from Service</u>
34 (AQ)	12/13/68	\$11,838.41	11/73
454 (AQ)	12/17/73	63,559.98	9/79
548 (WQ)	1/24/75	19,611.00	12/78
570 (AQ)	5/23/75	11,785.91	9/79

Director's Recommendation:

It is recommended that the Commission take action to revoke Pollution Control Facility Certificates 34, 454, 548 and 570 issued to Georgia-Pacific Corporation as of the date the equipment was removed from service.

MJDowns:cs
229-6485
1/4/80
Attachments



Georgia-Pacific Corporation 900 S.W. Fifth Avenue
Portland, Oregon 97204
Telephone (503) 222-5561

December 18, 1979

Ms. Carol A. Splettstaszer
Management Services Division
P.O. Box 1760
Portland, OR 97207

Dear Ms. Splettstaszer:

We would like to notify you of the following abandonments and retirements of certified pollution control facilities:

- 1) Toledo Traveling Screen
Toledo, Oregon
Certificate 548-1975 \$19,611.00

Removed from service in December 1978 as the unit was worn beyond repair.

- 2) Carter-Day System
Coos Bay, Oregon
Certificate 454-1973 \$63,559.98
Certificate 570-1975 11,785.81

The Carter-Day system was purchased by GP-Salvage on September 27, 1979 and subsequently sold to G-P Coos Bay hardboard. The hardboard plant will not operate the Carter-Day system as a unit. Instead the system will be used for spare and replacement parts on a like system at the hardboard plant.

- 3) Hardboard Incinerator
Coos Bay, Oregon
Certificate 34-1968 \$11,838.41

This equipment was abandoned in November, 1973.

Sincerely,

Rebecca M. Crockford
Accounting Manager
Corporate Accounting

RMC:bb

cc: Mr. L. R. Chabot
Mr. R. C. Dubay
Mr. M. L. Moore
Mr. R. D. Snyder

Certificate No. 34

Date of Issue 12/13/68

Application No. T-42

OREGON STATE SANITARY AUTHORITY

POLLUTION CONTROL FACILITY CERTIFICATE

Issued To: Georgia-Pacific Corporation as: Owner
Coos Bay Division
Hardboard Plant
Coos Bay, Oregon 97420

Facility Description: The facility consists of the redesign and reconstruction of an incinerator roof at the Coos Bay Hardboard Plant. Reconstruction was complete and the unit was placed in operation on April 17, 1968.

Location: Bunker Hill site, Coos Bay, Oregon, Coos County

Actual Cost of Facility: \$11,838.41

In accordance with the provisions of Chapter 592, Oregon Laws 1967, the Oregon State Sanitary Authority hereby certifies that the facility described herein and in the application referenced above is a "pollution control facility" within the definition of said Chapter 592 and that the facility was erected, constructed or installed on or after January 1, 1967, and on or before December 31, 1978, and is designed for, and is being operated or will operate for, the principal purpose of preventing, controlling or reducing air or water pollution, and that the facility is necessary to satisfy the intents and purposes of ORS Chapter 449 and regulations thereunder.

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

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

Signed *John P. Moore*

Title Chairman, Oregon State Sanitary Authority

Approved by the Oregon State Sanitary Authority

on the 13th day of December 19 68.

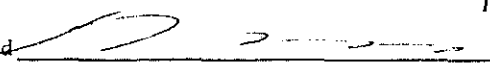
POLLUTION CONTROL FACILITY CERTIFICATE

Issued To: As: Owner Georgia-Pacific Corporation Coos Bay Division 900 S. W. Fifth Avenue Portland, Oregon 97204	Location of Pollution Control Facility: Coos Bay Plywood, Bunkerhill Coos Bay, Oregon Coos County
Description of Pollution Control Facility: Emission of sanderdust to the atmosphere control consisting of: two Carter-Day baghouse filter units, sanderdust collection and handling ducts, and necessary foundations, fans, motors, and electrical controls.	
Date Pollution Control Facility was completed and placed in operation: <u>September, 1972</u>	
Actual Cost of Pollution Control Facility: <u>\$ 63,559.90</u>	
Percent of actual cost properly allocable to pollution control: <u>Eighty percent (80%) or more</u>	

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

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

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

Signed 
 Title B. A. McPhillips, Chairman

Approved by the Environmental Quality Commission
 on the 17th day of December 19 73

POLLUTION CONTROL FACILITY CERTIFICATE

Issued To: Georgia-Pacific Corporation Toledo Division 900 S. W. Fifth Avenue Portland, Oregon 97204	As: <u>Owner</u>	Location of Pollution Control Facility: Paper Mill Site Toledo, Oregon Lincoln County
Description of Pollution Control Facility: Oversize material removal system for recycling white water.		
Date Pollution Control Facility was completed and placed in operation: <u>08-72; 08-72</u>		
Actual Cost of Pollution Control Facility: \$ <u>19,611.00</u>		
Percent of actual cost properly allocable to pollution controls: <u>Eighty percent (80%) or more</u>		

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

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

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

Signed Title B.A. McPhillips, Chairman

Approved by the Environmental Quality Commission

on the 24th day of January 19 75

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

Issued To: Georgia-Pacific Corporation Coos Bay Division 900 S. W. Fifth Avenue Portland, Oregon 97204	As: Owner	Location of Pollution Control Facility: Bunker Hill Area Coos Bay Plywood Plant Coos Bay, Oregon Coos County
Description of Pollution Control Facility: Baghouse fire suppression system consisting of agent storage containers, explosion gates (dampers) in duct pipes, and electrical panels with fire alarms.		
Date Pollution Control Facility was completed and placed in operation: February, 1974; March, 1974		
Actual Cost of Pollution Control Facility: \$ 11,785.81		
Percent of actual cost properly allocable to pollution control: Eighty percent (80%) or more		

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

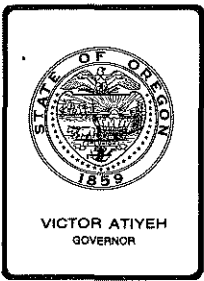
Therefore, this Pollution Control Facility Certificate is issued this date subject to compliance with the statutes of the State of Oregon, the regulations of the Department of Environmental Quality and the following special conditions:

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

Signed Title B. A. McPhillips, Chairman

Approved by the Environmental Quality Commission

on the 23rd day of May 19 75



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

522 SOUTHWEST 5th AVENUE, PORTLAND, OR 97204 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. D, January 18, 1980, EQC Meeting

Request for Authorization to Conduct a Public Hearing on the Question of Amending the Hazardous Waste Rules to Include:

- (1) Procedures for Licensing Hazardous Waste Treatment Sites (OAR Chapter 340, Division 62); and,
- (2) Housekeeping Changes to the Rules for Hazardous Waste Management (OAR Chapter 340, Division 63)

Background and Problem Statement

Due to a high potential for public health and environmental damage, hazardous wastes require special management procedures. These procedures generally entail controlling their pathway from the time of generation through transportation, storage, treatment and disposal. The benefits of this are two-fold:

- (1) It provides for the adequate disposal of all hazardous wastes and not just those which happen to reach a proper treatment or disposal site; and,
- (2) It fosters consideration of alternative methods and schemes to reduce the amount of waste as well as its inherent hazard.

The Legislature recognized the need for this control and granted the Commission authority over hazardous waste disposal in 1971 and over generation and storage in 1977. This was amplified in rules adopted by the Commission in 1972, 1978, and 1979. The Public Utility Commissioner also adopted rules for managing hazardous waste transportation in 1979 which left as the only void the lack of authority to control hazardous wastes going to treatment facilities.

The 1979 Legislature recognized this deficiency in the State's hazardous waste management program by enacting S.B.76 directing the Department to



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Materials

license hazardous waste treatment sites (Note: Excludes generators with on-site treatment of their own wastes). The rules herein proposed for public hearing, OAR Chapter 340, Division 62, are those by which the Department would license treatment sites. The legal basis for this action may be found in ORS Chapter 459 and S.B.76.

The comments in this memorandum generally pertain to the treatment site rules, OAR Chapter 340, Division 62. To take advantage of the public hearing opportunity, however, it is planned to also submit certain housekeeping changes to OAR Chapter 340, Division 63 (adopted by the Commission in June, 1979). They are being made mainly to clarify language and to reflect recent changes in federal hazardous waste legislation. The legal basis for these changes is likewise found in ORS Chapter 459 and S.B.76.

Alternatives and Evaluation

The alternatives to the problem of controlling hazardous waste treatment sites are whether or not to license them at all or how restrictive to make the license, i.e., as stringent as a disposal site or somewhat less stringent, such as that of a collection site license. For simplicity, three alternatives will be considered:

- (1) No license. In this case, treatment sites would simply be required to follow certain general rules for hazardous waste management such as using the manifest system, record keeping, and reporting to the Department.

The drawback would be the lack of a direct way to assure compliance with the rules and, in effect, would continue treatment as the weak link in the State's hazardous waste management program.

- (2) License similar to a hazardous waste disposal site. This would require a hazardous waste treatment site licensee to follow the same procedures and meet the same stringent requirements as he would to open a disposal site, including the five thousand dollar licensing fee, the report justifying the need for the site, and the geological survey.

Such requirements are believed to be excessively stringent as there would be neither on-site waste disposal nor storage of wastes for periods greater than six months.

- (3) License similar to a hazardous waste collection site. This approach was selected by the Department as being the most reasonable because of the operative similarities between treatment and collection sites. Both sites collect hazardous wastes for shipment to a disposal site but the treatment site would in addition, detoxify, desolublize, or reduce the volume of the waste. However, it is anticipated that a

hazardous waste treatment site license would also permit the simple collection of hazardous wastes subject to the conditions of the license and concomitant plan approvals.

The proposed rules (including Division 63) have been reviewed by the Department staff and an advisory committee consisting of industrial and environmental groups and the general public. Over 100 advance notices of rulemaking were mailed in October, 1979; subsequently about 50 interested persons received a first draft of these rules in November. A public information meeting was held to discuss the proposed rules on December 10, 1979, with ten persons attending and an additional 11 submitting written comments. The subject rules are a second draft resulting from that effort.

The rules basically describe the procedure which a person has to follow in applying for a hazardous waste treatment site license. In general, he must describe (with detailed drawings) the basic operation of the site, including the proposed types of treatment; wastes to be accepted; storage facilities; proposed monitoring and reporting; public, employe and environmental protection; and the proposed liability insurance. Rules are also included to guide the Department in issuing or denying a new license, and for the renewal, modification, termination or expiration of an existing license.

It is believed that a license will have a negligible economic impact on a treatment site that is well-run and complies with the hazardous waste management rules (Division 63).

Summation

- (1) The nature of hazardous wastes requires that they be completely controlled from the time of generation through transportation, storage, treatment and disposal. The Department believes that these steps are all sufficiently controlled at this time, except treatment.
- (2) The 1979 Legislature recognized this deficiency in the State's hazardous waste management program with the enactment of S.B.76 which directed the Department to license hazardous waste treatment sites.
- (3) The subject rules, OAR Chapter 340, Division 62, propose procedures whereby this licensing may be accomplished. As there will be no disposal of waste on-site, the rules generally parallel those for licensing a hazardous waste collection site rather than those for a disposal site.
- (4) The subject rules have been reviewed by an advisory committee consisting of Department staff, industrial and environmental groups, and the general public.
- (5) Also proposed for hearing are some housekeeping changes to OAR Chapter 340, Division 63. These have likewise been reviewed by the hazardous waste advisory committee.

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Page 4

Director's Recommendation

Based upon the Summation, it is recommended that the Commission authorize a public hearing to take testimony on the proposal to adopt amendments to OAR Chapter 340, Divisions 62 and 63.



WILLIAM H. YOUNG

R. Reiter:pd
229-6434
December 28, 1979

SP7151

(PART C: COLLECTION AND TREATMENT SITES)

62-060

LICENSE REQUIRED FOR A HAZARDOUS WASTE COLLECTION OR TREATMENT SITE.

- (1) Except as provided in ORS 459.505[(3)], no person shall establish or operate a hazardous waste collection or treatment site without a license [therefor] issued by the Department pursuant to ORS 459.410-459.690 and these rules.
 - (a) Licenses shall establish minimum requirements for the [storage of hazardous wastes, minimum requirements for] operation, maintenance, monitoring and reporting, and supervision of a collection or treatment site[s], and shall be properly conditioned to ensure compliance with pertinent local, state and federal standards and other requirements and to adequately protect life, property and the environment.
 - (b) Licenses shall be [issued] addressed to the applicant for the activities and operations of record, and shall be terminated automatically upon issuance of a new or modified license for the same operation.
- (2) Pursuant to ORS 459.505(3), the Department may exempt certain collection sites operating for less than 60 days from having to obtain a collection site license. However, prior to establishment, such sites shall obtain written authorization from the Department and shall comply with such rules as may be indicated therein.
 - (a) The applicant must demonstrate that the storage, due to the type and quantity of waste, site operation, and other relevant factors, is not likely to endanger the public health and safety and the environment.
 - (b) A local public agency must accept joint responsibility for the site operation.

(3) Treatment facilities already permitted by the Department are exempt from having to obtain a treatment site license. NOTE: OAR 340-14-025 and 340-45-035(1) require such permit to be developed in accordance with ORS Chapter 459 and these rules.

62-065

APPLICATION FOR A HAZARDOUS WASTE COLLECTION OR TREATMENT SITE LICENSE.

- (1) An application for a new collection or treatment site license shall consist of a written report, signed by the applicant or his authorized representative, which shall contain or be accompanied by, but not limited to:
- (a) The name and address of the applicant and person [or persons] to be directly responsible for the operation of the [collection] site[.] and the organization chart for all persons working at the site.
 - (b) The experience of the applicant in the handling of hazardous substances.
 - (c) The management program for the operation of the [collection] site, including the proposed methods of storage, treatment, and waste disposal, the site maintainance program, and the proposed emergency measures and safeguards to be provided for the protection of the public, the site employees, and the environment.
 - (d) A schedule and description of sources, types and quantities of material to be [stored] accepted and special procedures, if any, for their handling.
 - (e) A description and preliminary engineering sketch of the size and type of facilities to be constructed, including the height and type of fencing to be used; the size and construction of structures or buildings, warning signs, notices and alarms to be used; the type of drainage and waste handling facilities and maximum capacity of such

facilities; the location and source of each water supply to be used and the location and the type of fire control facilities to be provided at such site.

- (f) The exact location and place where the applicant proposes to operate and maintain the [collection] site including any currently available geological information.
 - (g) A proposed program for continuous surveillance of the [collection] site and for regular reporting to the Department.
 - (h) A proposal and supporting information justifying the amount[s] of ordinary liability insurance proposed to protect the environment and the health, safety and welfare of the people of this State, including the names and addresses of the applicant's current or proposed insurance carriers and a Certificate of Insurance of the [copies of insurance] policies then in effect.
 - (i) An economic analysis of the site operation.
 - (j) A statement indicating compliance with local land-use plans.
- (2) An application to renew, [or] modify, terminate, or allow a collection or treatment site license to expire shall consist of a written report, signed by the applicant or his authorized representative, which shall contain or be accompanied by, such items of subsection (1) of this Section as shall be deemed pertinent by the Department.
- (3) The Department may require the submission of such other information as it deems necessary to make a decision on granting, modifying or denying the license.
- (4) Applications which are incomplete, unsigned, or which do not contain the required information, may be excluded from consideration by the Department at its discretion. The applicant shall be notified in writing of the deficiencies.

62-070

PLANS REQUIRED FOR A HAZARDOUS WASTE COLLECTION OR TREATMENT SITE.

Before a collection or treatment site is established, constructed, [maintained] or [substantially] modified[,] to an extent that would result in a change in any item specified in Section 62-065(1), an applicant or licensee must submit to the Department final detailed plans and specifications covering construction and operation of the [collection] site and all related facilities; and receive written approval of such final plans from the Department.

62-075

HEARINGS AND ISSUANCE OR DENIAL OF A HAZARDOUS WASTE COLLECTION OR TREATMENT SITE LICENSE.

(1) Upon receipt of an application for a hazardous waste collection or treatment site, the Department shall make an effort to notify all interested and affected persons of the application and shall conduct a public hearing upon the written request of any person. NOTE: This rule shall pertain only to sites established after July 1, 1980.

(2) [(1) Upon receipt of an application] Within 90 days, the Department shall make such investigation as it considers necessary to determine whether or not a license should be issued. The determination of the Department, including proposed license provisions and conditions if the Department recommends issuance of a license, shall be forwarded to the applicant and, at the discretion of the Department, to other interested persons for comment. All comments must be submitted in writing within fourteen (14) days after mailing of the Department's determination, if such comments are to receive consideration prior to final action on the application.

(3) [(2)] After fourteen (14) days have elapsed since the date of mailing of the Department's determination and after considering all comments received, the Department shall notify the applicant of its decision by certified mail at the address designated by him in his application.

- (4) [(3)] If the Department refuses to issue a license, it shall state the reasons for such action and advise the applicant that he may request a hearing before the Commission or its authorized representative. Such a request for hearing shall be made in writing to the Director within 20 days of the date of the refusal and shall state the grounds for the request. Any hearing shall be conducted pursuant to the regulations of the Department.

62-080

RENEWAL, MODIFICATION, TERMINATION OR EXPIRATION
OF A HAZARDOUS WASTE COLLECTION OR TREATMENT SITE
LICENSE.

- (1) An application for renewal, modification or termination of a license or to allow a license to expire shall be filed in a timely manner, but not less than sixty (60) days prior to the expiration date of the license. Section 62-075 (2)-(4) pertaining to the issuance of a license shall apply to renewal, modification, termination or expiration of a license. A license shall remain in effect until final action has been taken by the Department on any appropriately submitted and complete application pending before the Department.
- (2) In the event that the Department finds it necessary to modify a license due to changed conditions or standards, receipt of additional information or any reason it deems would threaten public health and safety, the Department shall notify the licensee or his authorized representative by certified mail. Such notification shall include the proposed modification and the reasons for modification. The modification shall become effective twenty (20) days from the date of mailing of such notice unless within that time the licensee requests a hearing before the Commission. Such a request for hearing shall be made in writing and shall include the reasons for such hearing. At the conclusion of any such hearing the Commission may affirm, modify or reverse the proposed modification.

SUSPENSION OR REVOCATION OF A HAZARDOUS WASTE COLLECTION
OR TREATMENT SITE LICENSE

- (1) Whenever, in the judgment of the Department from the results of monitoring or surveillance of the operation of any collection or treatment site, there is reasonable cause to believe that a clear and immediate danger to the public health and safety exists from the continued operation of the site, without hearing or prior notice, the Department shall order the operation of the site halted by service of the order on the site superintendent. Notice of such suspension or revocation must state the reasons for such action and advise the licensee that he may request a hearing before the Commission or its authorized representative. Such a request for hearing shall be made in writing to the Director within 90 days of the date of suspension and shall state the grounds for the request. Any hearing shall be conducted pursuant to the regulations of the Department.

- (2) In the event that it becomes necessary for the Department to suspend or revoke a collection or treatment site license due to violation of any provision of ORS 459.410-459.690, noncompliance with these rules or the terms of the license, the threat of degradation of a natural resource, unapproved changes in operation, false information submitted in the application or any other cause, the Department shall notify the licensee by certified mail of its intent to suspend or revoke the license and the timetable and procedures to be followed. Such notification shall include the reasons for the suspension or revocation. The suspension or revocation shall become effective 20 days from the date of mailing of such notice unless within that time the licensee requests a hearing before the Commission or its authorized representative. Such a request for hearing shall be made in writing to the Director and shall state the grounds for the request. Any hearing held shall be conducted pursuant to the regulations of the Department.

SW65]

PROPOSED AMENDMENTS TO OAR CHAPTER 340, DIVISION 63
January 18, 1980

1. 63-011(15) "Hazardous waste treatment site" means a facility or operation, other than a hazardous waste disposal site, at which hazardous waste is treated in ~~(compliance with these rules and other applicable local, State, and Federal regulations.)~~ accordance with a license issued pursuant to ORS Chapter 459 and OAR Chapter 340, Divisions 62 and 63.

2. 63-110 IGNITABLE WASTE.
 - (1) A waste is ignitable if it has any of the following properties:
 - (a) Any liquid that has a flash point less than 60° C (140° F) as determined by the Pensky-Martens Closed Tester (ASTM D93-73) or an equivalent method.
 - (b) Any flammable compressed gas as defined by 49 CFR 173.00(b) (See Appendix).
 - ~~((c) Any oxidizer as defined by 49 CFR 173.151 or 173.151a.)~~
 - (c) ~~(+d)~~ Any Class C explosive as defined by 49 CFR 173.100.
 - (d) ~~(+e)~~ Any other waste, that under conditions incident to its management, is liable to cause fires through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing; and when ignited burns so vigorously and persistently as to create a hazard during its management.

3. 63-115 CORROSIVE WASTE

(1) A waste is corrosive if as a liquid or sludge, or as a solid mixed with an equal volume of water, it has either of the following properties:

- (a) A ph of 2 or less or of (\pm 2) 12.5 or greater.
- (b) Any corrosive as defined by 49 CFR 173.240.

4. 63-120 REACTIVE WASTE

(1) A waste is reactive if it has (~~either~~) any of the following properties:

(a) Any waste that is normally unstable and readily undergoes violent chemical change such as reacting violently or forming potentially explosive mixtures with water; or generating toxic fumes when mixed with water under mildly acidic or basic conditions.

(b) Any waste that is capable of detonation or explosive reaction with or without a strong initiating source or heat before initiation. This includes explosives as defined by 49 CFR 173.51 (Forbidden), 173.53 (Class A), or 173.88 (Class B).

(c) Any oxidizer as defined by 49 CFR 173.151 or 173.151a. NOTE: Unless determined otherwise, oxidizers shall be assumed to be incompatible with all other materials.

(2) Reactive waste shall be managed as hazardous or as otherwise approved by the Department.

(3) Waste explosives under the direct control of a local, State, or Federal agency are exempt from the rules of this Division.

5. 63-125(2)

Halogenated Hydrocarbons and Phenols (excluding polymeric solids).

- (a) Waste containing halogenated hydrocarbons (excluding polychlorinated biphenyls) or halogenated phenols is toxic if it contains 1% or greater of such substances.

~~((i))--Waste-containing-polychlorinated-biphenyls is-toxic-if-it-contains-100-ppm-or greater-of-such-substances--)~~

- (b) ~~((i))~~ A generator may dispose of up to 200 pounds of waste containing halogenated hydrocarbons or halogenated phenols per month (excluding polychlorinated biphenyls and pesticides) in accordance with Section 63-135 of this Part.

~~((ii))--Polychlorinated-biphenyls-shall-be-managed as-hazardous-or-as-otherwise-approved-by the-Department--)~~

~~((A) Household-items-containing-polychlorinated biphenyls-may-be-disposed-with-other household-refuse--)~~

- (c) Waste containing polychlorinated biphenyls is toxic and shall be managed in accordance with 40 CFR 761.

6. 63-125(4)

Carcinogens.

- (a) Waste containing carcinogens as identified by OSHA in 29 CFR ~~(1910.93e)~~ 1910 is toxic.
NOTE: See appendix for specific compounds and concentrations.
- (b) The identified carcinogenic wastes shall be managed as hazardous or as otherwise approved by the Department.

7. Add Section 340-63-405(1)(d) as follows:

(d) Persons operating a treatment facility permitted by the Department need not comply with rule 340-63-415. NOTE: OAR 340-14-025 and 340-45-035(1) require that the permit be developed in accordance with ORS Chapter 459 and these rules.

8. 63-415 LICENSE REQUIRED. Any person owning or operating a hazardous waste (~~collection-or-disposal-site~~) management facility or engaged in a hazardous waste disposal operation under ORS 459.510(3) shall obtain a license pursuant to ORS Chapter 459 and OAR Chapter 340, Divisions 62 and 63.

9. APPENDIX

The following regulations appear in condensed form and are presented for guidance only. The reader is referred to the appropriate Code of Federal Regulations for the full text.

(1) CFR Title 29, Labor, Part 1910, Occupational Safety and Health Administration, U. S. Department of Labor.

(2) CFR Title 40, Polychlorinated Biphenyls (PCBs), Part 761, U. S. Environmental Protection Agency.

(3) ~~++2++~~ CFR Title 49, Transportation, Parts 100 - 199, U. S. Department of Transportation.

10. Delete section entitled "29 CFR 1910.93c Carcinogens" in the APPENDIX and replace with the following:

29 CFR 1910.xxxx Carcinogens: A carcinogen means any of the substances listed below, or compositions containing such substances, but does not include compositions containing less than the indicated percent of the listed substance.

<u>Section</u>	<u>Substance</u>	<u>Hazardous Concentration (%)</u>
1910.1003	4-Nitrobiphenyl	0.1
1910.1004	alpha-Naphthylamine	1.0
1910.1006	Methyl Chloromethyl ether	0.1
1910.1007	3,3'-Dichlorobenzidine (and salts)	1.0
1910.1008	bis-Chloromethyl ether	0.1
1910.1009	beta-Naphthylamine	0.1
1910.1010	Benzidine (and salts)	0.1
1910.1011	4-Aminodiphenyl	0.1
1910.1012	Ethyleneimine	1.0
1910.1013	beta-Propiolactone	1.0
1910.1014	2-Acetylaminofluorene	1.0
1910.1015	4-Dimethylaminoazobenzene	1.0
1910.1016	N-Nitrosodimethylamine	1.0
1910.1017	Vinyl chloride	1.0
1910.1028	Benzene	0.5
1910.1045	Acrylonitrile (non-polymeric)	1.0

HM0478



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, January 18, 1980, EQC Meeting

Request for Authorization to Conduct a Public Hearing on Proposed Amendments to Noise Control Regulations to Establish Noise Emission Limits for New Motorboats, OAR 340-35-025.

Background

Oregon Revised Statutes chapter 467 directs the Environmental Quality Commission to establish maximum permissible levels of noise emission. In 1974, standards were adopted that established maximum limits for newly manufactured products. These new-product regulations presently include automobiles, trucks, buses, motorcycles and snowmobiles. The Oregon State Marine Board has requested that the Department propose noise emission standards for new motorboats.

Problem

A state wide attitudinal survey conducted by the Department indicated that motorboat noise was a moderate problem in Oregon. During the development of motor vehicle noise rules, the consideration of new product regulations for boats was discarded as having only a moderate impact on the problem. Standards were proposed and adopted that established operational noise limits for motorboats. These standards are identical to those included in State Marine Board administrative rules.

Presently, a large number of complaints are received due to operations of noisy boats. The State Marine Board provides boating rule enforcement through contracts with various county sheriffs. Department staff has assisted this effort by providing training and other technical assistance. However, this enforcement is not effective due to the limited numbers of enforcement personnel and the difficulty of monitoring operating motorboats for noise emissions.

Alternatives and Evaluation

As the State Marine Board does not believe the in-use operational noise standards for motorboats are totally effective in controlling this problem, they have requested that a new product rule be adopted by the Commission.

The states of California and Washington currently control motorboat noise at the time of sale. Their standards are presently 82 dBA under a standardized test



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procedure. The State of Washington requires new motorboats to meet a more stringent standard of 80 dBA in 1984. The State of California does not require further reductions from the 82 dBA standard. The Department proposes that new motorboats meet a noise emission limit of 82 dBA under the standard fifty (50) foot pass-by test procedure. The proposed rule would apply to all new motorboats except outboard motorboats with underwater exhausts. Outboard boats are believed to be well within the proposed standards and thus should not be burdened with the regulation.

The Department presently controls a variety of motor vehicle categories under new product, time of sale, noise emission standards. The addition of a motorboat standard is not expected to place an excessive burden on staff because of the self-certification requirement and the existing staff experience in administering similar programs for other motor vehicle categories. The State Marine Board has committed their support and assistance in the development and implementation of this proposed rule.

Summation

Based on the background and alternatives, the following conclusions are offered:

1. Excessive motorboat noise continues to be a problem in Oregon, despite the present efforts to enforce in-use operational noise standards.
2. The Oregon State Marine Board has requested the Department to develop and propose new product, time of sale, noise emission standards for motorboats.
3. The proposed standard of 82 dBA is identical to current standards established in the states of California and Washington.

Director's Recommendation

Based on the Summation, it is recommended that the Commission authorize a public hearing to take testimony on amendments to Noise Control Regulations to include noise emission standards for new motorboats, OAR 340-35-025, and associated procedure manual, NPC-21.

Bill

WILLIAM H. YOUNG

John Hector/pw
December 28, 1979
503-229-5989

Attachments

1. Draft Hearings Notice
2. Proposed Amendments to OAR 340-35-025
and Procedure Manual, NPC-21

Draft Hearings Notice

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*                                     *  
*                                     *  
*   NOTICE OF PUBLIC HEARING   *  
*                                     *  
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EQC SOLICITS TESTIMONY ON NEED TO ESTABLISH NOISE EMISSION STANDARDS FOR THE SALE OF NEW MOTORBOATS.

The Oregon Department of Environmental Quality (DEQ) has scheduled a public hearing to consider testimony on a proposal which would establish a maximum noise limit for new motorboats offered for sale in Oregon. A hearing on this matter will be held _____.

WHAT IS DEQ PROPOSING?

The Oregon State Marine Board has requested that DEQ develop and propose noise emission standards to control the sale of noisy motorboats. DEQ is proposing a noise emission limit of 82 decibels as measured at fifty (50) feet for any new motorboat, except outboards, offered for sale in Oregon. An associated test procedure has also been developed and would be approved with the approval of this proposal.

WHO IS AFFECTED BY THIS PROPOSAL?

The public is impacted by excessive motorboat noise. Motorboat manufacturers or dealers would be required to test and certify that their products meet the decibel limit prior to any sales.

HOW TO SUBMIT YOUR INFORMATION

Written comments should be sent to the Department of Environmental Quality, Noise Control Section, PO Box 1760, Portland, OR 97207 and should be received by _____.

Oral and written comments may offered at the following public hearing:

WHERE TO OBTAIN ADDITIONAL INFORMATION

Copies of the proposed amendments may be obtained from:

Department of Environmental Quality
Noise Control Section
PO Box 1760
Portland, OR 97207
or phone
503-229-6085

PRINCIPLE DOCUMENTS RELIED UPON IN THE RULEMAKING

- a) Letter to the Department from Oregon State Marine Board,
dated June 20, 1979

- b) SAE Recommended Practice - Exterior Sound Level Measurement
Procedure for Pleasure Motor Boats - SAE J34

- c) California Motorboat Noise Regulations - Harbor and
Navigation Code; Sections 654.05 and 654.06

- d) Washington Watercraft Noise Performance Standards -
Washington Administrative Code, Chapter 173-70

The above documents may be reviewed at the Department's offices at 522 SW Fifth Avenue, Portland, OR.

NEED FOR THE RULE

New motorboats cause noise impacts detrimental to the public health, safety or welfare. The Oregon State Marine Board also believes such a rule is needed to control excessive motorboat noise.

LEGAL REFERENCES FOR THIS PROPOSAL

This proposal may amend OAR 340-35-025 under authority of ORS 467.030.

This proposal does not appear to conflict with Land Use Goals. Public comment on land use issues involved is welcome and may be submitted in the same fashions as are indicated for testimony in this Public Notice of Hearing. The Department of Environmental Quality intends to ask the Department of Land Conservation and Development to mediate any apparent conflicts brought to our attention by local, state or federal authorities.

FISCAL IMPACT

It is believed that many new motorboats presently comply with the proposed noise emission limit. Therefore, a minimal adverse economic impact to the manufacturers may result.

FINAL ACTION

After public hearing, the Commission may adopt a rule identical to the one proposed, adopt a modified rule on the same subject, or decline to act. The Commission's deliberation should come late in March or April 1980 as part of the agenda of a regularly scheduled Commission meeting.

Department of Environmental Quality
Chapter 340, Oregon Administrative Rules

Division 35

Noise Control Regulations

Proposed Amendments
for Motorboats

January 1980

New Material is Underlined, and
Deleted Material is [Bracketed]

Relevant Definitions

340-35-015 DEFINITIONS. As used in this Division:

- (8) "Commission" means the Environmental Quality Commission.
- (11) "Department" means the Department of Environmental Quality.
- (21) "Motorcycle" means any Motor Vehicle, except Farm Tractors, designed to travel on not more than three wheels which are in contact with the ground.
- (22) "Motor Vehicle" means any vehicle which is, or is designed to be self-propelled or is designed or used for transporting persons or property. This definition excludes airplanes, but includes water craft.
- (25) "New Motor Vehicle" means a Motor Vehicle whose equitable or legal title has never been transferred to a Person who in good faith purchases the New Motor Vehicle for purposes other than resale. The model year of such vehicle shall be the year so specified by the manufacturer, or if not so specified, the calendar year in which the new motor vehicle was manufactured.
- (27) "Noise Level" means weighted Sound Pressure Level measured by use of a metering characteristic with an "A" frequency weighting network and reported as dBA.

(32) "Person" means the United States Government and agencies thereof, any state, individual, public or private corporation, political subdivision, governmental agency, municipality, industry, co-partnership, association, firm, trust, estate, or any other legal entity whatever.

(35) "Propulsion Noise" means that noise created in the propulsion of a Motor Vehicle. This includes, but is not limited to exhaust system noise, induction system noise, tire noise, cooling system noise, aerodynamic noise and where appropriate in the test procedure, braking system noise. This does not include noise created by Road Vehicle Auxiliary Equipment such as power take-offs and compressors.

(38) "Racing Events" means any competition using Motor Vehicles, conducted under a permit issued by the governmental authority having jurisdiction, or, if such permit is not required, under the auspices of a recognized sanctioning body. This definition includes, but is not limited to, events on the surface of land and water.

(39) "Racing Vehicle" means any Motor Vehicle that is designed to be used exclusively in Racing Events.

(45) "Motorboat" as used in OAR 340-35-025 means a water craft propelled by an internal combustion engine but does not include a boat powered by an outboard motor designed to exhaust beneath the surface of the water.

340-35-025 NOISE CONTROL REGULATIONS FOR THE SALE OF NEW MOTOR VEHICLES

(1) Standards and Regulations. No person shall sell or offer for sale any new motor vehicle designated in this section which produces a propulsion noise

exceeding the noise limits specified in Table 1, except as otherwise provided in these rules.

(2) Measurement:

(a) Sound measurements shall conform to test procedures adopted by the Commission in Motor Vehicle Sound Measurement Procedures Manual (NPCS-21), or to standard methods approved in writing by the Department. These measurements will generally be carried out by the motor vehicle manufacturer on a sample of either prototype or production vehicles. A certification program shall be devised by the manufacturer and submitted to the Department for approval within 60 days after the adoption of this rule.

(b) Nothing in this section shall preclude the Department from conducting separate or additional noise level tests and measurements on new motor vehicles being offered for sale. Therefore, when requested by the Department, a new motor vehicle dealer or manufacturer shall cooperate in reasonable noise testing of a specific class of motor vehicle being offered for sale.

(3) Manufacturer's Certification:

(a) Prior to the sale or offer for sale of any new motor vehicle designated in Table 1, the manufacturer or a designated representative shall certify in writing to the Department that vehicles listed in Table 1 made by that manufacturer and offered for sale in the State of Oregon meet applicable noise limits. Such certification will include a statement by the manufacturer that:

(A) The manufacturer has tested sample or prototype vehicles.

(B) That such samples or prototypes met applicable noise limits when tested in accordance with the procedure specified.

(C) That vehicles offered for sale in Oregon are substantially identical in construction to such samples or prototypes.

(b) Nothing in this section shall preclude the Department from obtaining specific noise measurement data gathered by the manufacturer on prototype or production vehicles for a class of vehicles for which the Department has reasonable grounds to believe is not in conformity with the applicable noise limits.

(4) Exceptions. Upon prior written request from the manufacturer or designated representative, the Department may authorize an exception to this noise rule for a class of motor vehicles, if it can be demonstrated to the Department that for that specific class a vehicle manufacturer has not had adequate lead-time or does not have the technical capability to either bring the motor vehicle noise into compliance or to conduct new motor vehicle noise tests.

(5) Exemptions:

(a) All racing vehicles, except racing motorcycles and racing motorboats, shall be exempt from the requirements of this section provided that such vehicles are operated only at facilities used for sanctioned racing events.

(b) Racing motorcycles and racing motorboats shall be exempt from the requirements of this section provided that [such vehicles] racing motorcycles are operated only at facilities used for sanctioned racing events, racing motorboats are operated only at areas designated by the State Marine Board for testing or at an approved racing event, and the following conditions are complied with:

(A) Prior to the sale of a racing motorcycle or racing motorboat, the prospective purchaser shall file a notarized affidavit with the Department, on a Departmentally approved form, stating that it is the intention of such prospective purchaser to operate the vehicle only at facilities used for sanctioned racing events; and

(B) No racing vehicle shall be displayed for sale in the State of Oregon without notice prominently affixed thereto:

(i) That such vehicle will be exempt from the requirements of this section only upon demonstration to the Department that the vehicle will be operated only at facilities used for sanctioned racing events; and

(ii) that a notarized affidavit will be required of the prospective purchaser stating that it is the intention of such prospective purchaser to operate the vehicle only at facilities used for sanctioned racing events; and

(C) No racing vehicle shall be locally advertised in the State of Oregon as being for sale without notice included:

(i) which is substantially similar to that required in (B)(i) and (B)(ii) above, and

(ii) which is unambiguous as to which vehicle such notice applies.

TABLE 1
(340-35-025)

New Motor Vehicle Standards
Moving Test At 50 Feet (15.2 meters)

Vehicle Type	Effective For	Maximum Noise Level, dBA
Motorcycles	1975 Model	86
	1976 Model	83
	1977-1982 Models	81
	1983-1987 Models	78
	Models after 1987	75
Snowmobiles as defined in ORS 481.048	1975 Model	82
	Models after 1975	78
Truck in excess of 10,000 pounds (4536 kg) GVWR	1975 Model	86
	1976-1981 Models or Models manufactured after Jan. 1, 1978 and before Jan. 1, 1982	83
	Models manufactured after Jan. 1, 1982 and before Jan. 1, 1985	80
	Models manufactured after Jan. 1, 1985	(Reserved)
Automobiles, light trucks, and all other road vehicles	1975 Model	83
	1976-1981 Models	80
	Models after 1981	75
Bus as defined under ORS 481.030	1975 Model	86
	1976-1978 Models	83
	Models after 1978	80
<u>Motorboats</u>	<u>Models Offered for Sale after June 30, 1980</u>	<u>82</u>



MOTOR VEHICLE
SOUND
MEASUREMENT
PROCEDURES
MANUAL

Proposed Amendments

for

Motorboats

New Material is Underlined

Deleted Material is [Bracketed]

January 1980

CHAPTER 4

NEW VEHICLE SOUND LEVEL MEASUREMENT

4.1 Scope. This Chapter establishes procedures for setting up and calibrating sound measuring equipment and conducting tests to determine vehicle sound level output.

4.2 Test Area and Personnel.

4.2.1 Test Area. Generally, the test area shall be a flat open space free of large upright sound-reflecting surfaces, such as parked vehicles, signboards, buildings, or hillsides, located within 100 feet radius of the microphone [and of the following unmarked points on the vehicle path] as shown in Figure 4-1. Detailed test area layouts are provided in Section 4.5 for specific vehicle categories.

[a. The microphone point, which is the location on the vehicle path closest to the microphone.]

[b. A point fifty feet before the microphone point.]

[c. A point fifty feet beyond the microphone point.]

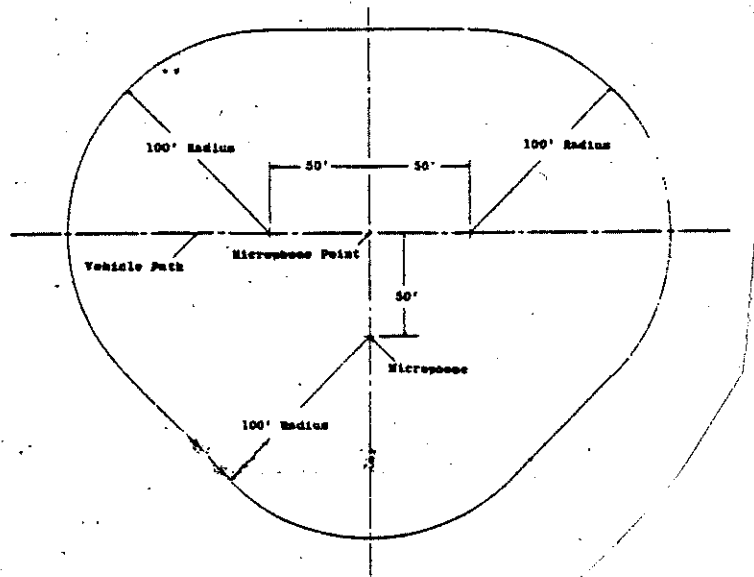


Fig. 4-1. New Vehicle Test Area Layout

- 4.2.2 [Ground]Surface Condition. The surface of the ground within the measuring site for road vehicles shall be smooth asphalt or concrete free of snow, soil or ashes in at least the triangular area formed by the microphone location and points on the vehicle path 50 feet before and beyond the microphone point. The ground surface in the above area for snowmobiles shall be live vegetation (grass) no more than four inches in height. Motorboats shall be tested on a calm water surface.
- 4.2.3 Roadway Surface. The surface of the vehicle path shall be dry, smooth asphalt or concrete pavement free of extraneous material, except that the pathway for snowmobiles shall be covered with live vegetation (grass) no more than four inches in height or a maximum of 3 inches of loose snow over a base of at least 2 inches of compacted snow.
- 4.2.4 Wind. Do not conduct sound measurements when wind velocity at the test area exceeds ten miles per hour.
- 4.2.5 Personnel Location. Exercise care to prevent interference with sound level measurements caused by personnel in the measuring area.
- a. Bystander Location. Bystanders shall remain at least fifty feet from the microphone and the vehicle being measured during sound level measurements.
- b. Technician Location. The technician making direct readings from the sound level meter with microphone attached shall stand with the instrument positioned in accordance with the manufacturer's instructions.
- 4.3 Equipment Setup and Use.
- 4.3.1 General. All types of sound level meters shall be field calibrated immediately prior to use using the procedures described in the factory instruction manual.
- 4.3.2 Battery Check. Batteries in both the meter and calibrator shall be checked before calibration.
- 4.3.3 Instrument Calibration. The instrument shall be set to the correct level range, weighting scale, and meter response. The calibrator shall be placed on the microphone of the meter. The output indicated on the meter shall then be adjusted to the correct calibration level.
- 4.3.4 Microphone Location. Attach the microphone or sound level meter to the tripod, extending the tripod legs so that the microphone, when aimed at the microphone point, will be at a height of 4+ 1/2 ft. above the plane of the roadway or water surface. Position the tripod so the microphone is at a distance of 50±1 ft. from the center of the lane of travel.

COMMENT Connect extension cable between the instruments. Secure the cable to the foot of the tripod leg nearest the recorder location. This will help prevent the tripod from being pulled over by an accidental tug on the cable.

- 4.3.5 Windscreens. Windscreens made of open cell polyurethane foam furnished by the instrument manufacturer shall be placed over the microphone after calibration.

COMMENT The windscreen reduces the effect of wind noise and protects the microphone diaphragm from dust or other airborne matter.

- 4.3.6 Annual Calibration. Within one year prior to use, each set of sound measuring instruments, sound level meter including octave band filter, and calibrator, shall receive a laboratory calibration in accordance to the manufacturer's specifications. This calibration shall be traceable to the National Bureau of Standards.

COMMENT An inspection label will be attached to each instrument set to determine when the calibration was performed.

4.4 Sound Level Measurement

- 4.4.1 Preliminary Steps. The following steps shall be followed before taking a measurement.

- a) Turn meter on
- b) Switch meter to "A" weighting scale
- c) Switch meter to "FAST" response
- d) Set the meter to the appropriate range to measure the anticipated sound level.

- 4.4.2 Mounting. The sound level meter shall be placed on a tripod according to the manufacturer's instructions.

- 4.4.3 Orientation. The orientation of the sound level meter microphone shall be according to the manufacturer's instructions to obtain random incidence.

- 4.4.4 Variations. Allowances are necessary due to unavoidable variations in measurement sites and test equipment. Vehicles are not considered in violation unless they exceed the regulated limit by 2 dBA or more.

- 4.4.5 Weather Measurement. Record wind velocity and direction with a wind gauge and temperature and relative humidity with a sling psychrometer or other Department approved instruments.
- 4.4.6 Data Recording. Record all required vehicle data, type of test equipment, and weather information on the New Vehicle Test Form, (NPCS-26), as shown in Figure 4-2 or any other form approved in writing by the Department.

NEW VEHICLE NOISE TEST				DEPARTMENT OF ENVIRONMENTAL QUALITY				DATE		
YEAR	VEHICLE MAKE			VEHICLE TYPE			LICENSE NO.		MODEL	
REGISTERED OWNER				ADDRESS						
DRIVER			D.L. NO.		ADDRESS					
ENGINE TYPE			HP	ENGINE DISPLACEMENT			LOCATION		VEHICLE MILEAGE	
EXHAUST OUTLET <input type="checkbox"/> Single <input type="checkbox"/> L. Side <input type="checkbox"/> Rear <input type="checkbox"/> Dual <input type="checkbox"/> R. Side <input type="checkbox"/> Vertical			CHECK POSITION AND SIZE OF OUTLET <input type="checkbox"/> Straight <input type="checkbox"/> 45° to rear <input type="checkbox"/> 45° to side <input type="checkbox"/> ___ dia.			RESONATORS <input type="checkbox"/> Single <input type="checkbox"/> Dual		MUFFLER TYPE	TIRE SIZE ____ x ____	GEAR RATIOS Diff. ____ : ____ Spkt. ____ : ____ (No. of Teeth)
RECORDER MODEL AND DEQ NO.			METER MODEL AND DEQ NO.		VEHICLE SUPPLIED BY			CALIBRATOR AND DEQ NO.		
TEST DRIVER			TEST ENGINEER			METER CHECK <input type="checkbox"/> BAT. <input type="checkbox"/> WINDSCREEN <input type="checkbox"/> "A" SCALE <input type="checkbox"/> FAST <input type="checkbox"/> CALIB.				
OPERATING CONDITIONS		TIME	SBA READINGS		MAXIMUM		TEST CONDITIONS			
			L.S.	R.S.	RPM	MPH	WEATHER CONDITION	TEMP.	%RH	WIND VEL.
							Indicate by proper symbols the direction of the wind, vehicle path, and microphone location.			
							<div style="text-align: center;"> <p>Key: Wind Direction \dashrightarrow Vehicle Path \longrightarrow Microphone Location \square</p> </div>			

INSTRUMENTATION SET UP AT 50 FT. FROM CENTERLINE OF TRAVEL.

NPCS-26

Figure 4-2
New Vehicle Test
-25-

4.5 New Vehicle Test Procedure

4.5.1 Vehicle Sound Level. The sound levels for new motor vehicles shall be determined by tests performed according to procedures established for each particular class of vehicle.

4.5.2 Definitions. For the purpose of these procedures, the following terms have the meanings indicated:

- a. Maximum RPM. "Maximum rpm" means the maximum governed engine speed, or if uncontrolled, the rpm at maximum engine horsepower as determined by the engine manufacturer in accordance with the procedures in Society of Automotive Engineers Standard, Engine Rating Code - Spark Ignition - SAE J245, April 1971, or Engine Rating Code Diesel - SAE J270, September 1971.
- b. Microphone Point. "Microphone point" means the unmarked location on the center of the lane of travel that is closest to the microphone.
- c. Vehicle Reference Point. "Vehicle reference point" means the location of the vehicle used to determine when the vehicle is at any of the points on the vehicle path. The primary vehicle reference point is the front of the vehicle.

4.5.3 Operation.

- a. Preliminary Runs. Sufficient preliminary runs shall be made to enable the test driver to become familiar with the operation of the vehicle and to stabilize engine operating conditions.
- b. Test Runs. At least four test runs shall be made for each side of the vehicle.
- c. Reported Noise Level. The reported sound level for each side of the vehicle shall be on the average of the two highest readings on that side which are within 2 dBA of each other. The sound level reported for the vehicle shall be the sound level of the loudest side.
- d. Visual Reading and Recording. Visual readings shall be taken from the sound level meter during preliminary test runs and recorded. The readings from the sound level meter shall be compared with those of the recorder and there shall be no more than + 0.5 dBA variation between the readings. When the variation is greater, the equipment shall be checked and recalibrated. If the variation still exists, the test shall be conducted using only direct readings from the sound level meter.

4.5.4 Motorcycles. Motorcycles shall be tested as follows:

- a. Vehicle Path. The test area shall include a vehicle path of sufficient length for safe acceleration, deceleration, and stopping of the vehicle.
- b. Test Area Layout. The following points and zones shown in Figure 4-3 where only one directional approach is illustrated for purposes of clarity, shall be established on the vehicle path so that measurements can be made on both sides of the vehicle:
 1. Microphone point.
 2. Acceleration point - a location 25 feet before the microphone point.
 3. End point - a location 100 feet beyond the microphone point.

4. End zone - the last 75-foot distance between the microphone point and the end point.

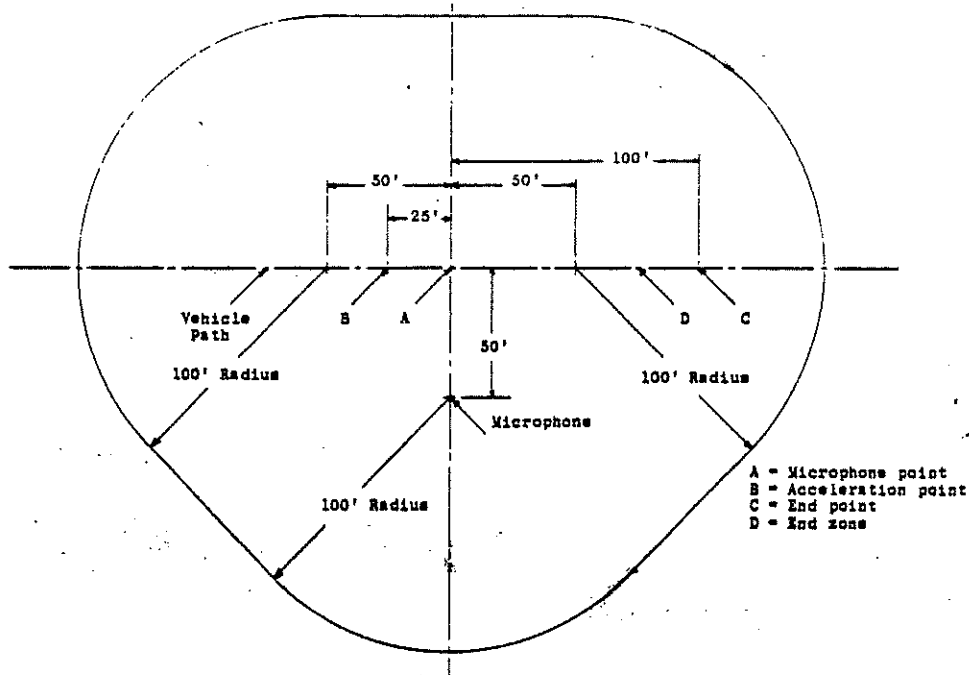


Fig. 4-3. Test Area Layout for Motorcycles

- c. Test Procedures. Vehicles shall be tested according to the following procedures:

1. Gear Selection. Motorcycles shall be operated in second gear. Vehicles which reach maximum rpm at less than 30 mph or before a point of 25 feet beyond the microphone point shall be operated in the next higher gear.

If the motorcycle has an automatic transmission or torque converter, then gear selection shall follow the following procedure:

If the gear range is selectable, employ the lowest range. If the vehicle reaches maximum rpm at less than 30 mph or before a point 25 feet beyond the microphone point (see Figure 4-3), use the next higher range. If maximum rpm is reached before a point 25 feet beyond the microphone point when the vehicle is in the highest gear range, then the throttle shall be opened less rapidly, but in such a manner that full throttle and maximum rpm are attained while within the end zone.

If the gear range is not selectable, then the throttle shall be opened less rapidly, but in such a manner that full throttle and maximum rpm are attained while within the end zone.

2. Acceleration. The vehicle shall proceed along the test path at a constant approach speed which corresponds either to an engine speed of 60 percent of maximum rpm or to 30 mph, whichever is lower. When the vehicle reference point reaches the acceleration point, the throttle shall be rapidly and fully opened. The throttle shall be held open until the vehicle reference point reaches the end point or until the maximum rpm is reached within the end zone, at which point the throttle shall be closed. Wheel slip shall be avoided.
3. Deceleration. Tests during deceleration shall be conducted when deceleration noise appears excessive. The vehicle shall proceed along the vehicle path at maximum rpm in the same gear selected for the tests during acceleration. When the reference point on the vehicle reaches the acceleration point, the throttle shall be rapidly closed and the vehicle shall be allowed to decelerate to less than 1/2 of maximum rpm.
4. Engine Temperature. The engine temperature shall be within normal operating range before each test run.
5. Test Weight. The total weight of test driver and test instrumentation shall be 165 lbs. For small drivers, additional weights shall be used to bring the total to 165 lbs.

4.5.5. Snowmobiles. Snowmobiles shall be tested as follows:

- a. Vehicle Path. The test area shall include a vehicle path of sufficient length for safe acceleration, deceleration, and stopping of the vehicle.
- b. Test Area Layout. The following points and zones shown in Figure 4-3, where only one directional approach is illustrated for the purposes of clarity, shall be established on the vehicle path so that measurements can be made on both sides of the vehicle.
 1. Microphone point.
 2. End point - a location 50 feet beyond the microphone point.
 3. Acceleration point - a location on the vehicle path established as follows: Position the vehicle headed away from the microphone point with the vehicle reference point at 25 feet from the microphone point. From a standing start with transmission in low gear, rapidly apply wide-open throttle, accelerating until maximum rpm is attained. The location on the vehicle path where maximum rpm was attained is the acceleration point for test run in the opposite direction.
 4. Maximum rpm zone.

- c. Test Procedures. From a standing start, with transmission in low gear and the vehicle reference point positioned at the acceleration point, the throttle shall be rapidly and fully opened and held through the maximum rpm zone until the reference point on the vehicle reaches the end point after which the throttle shall be closed.

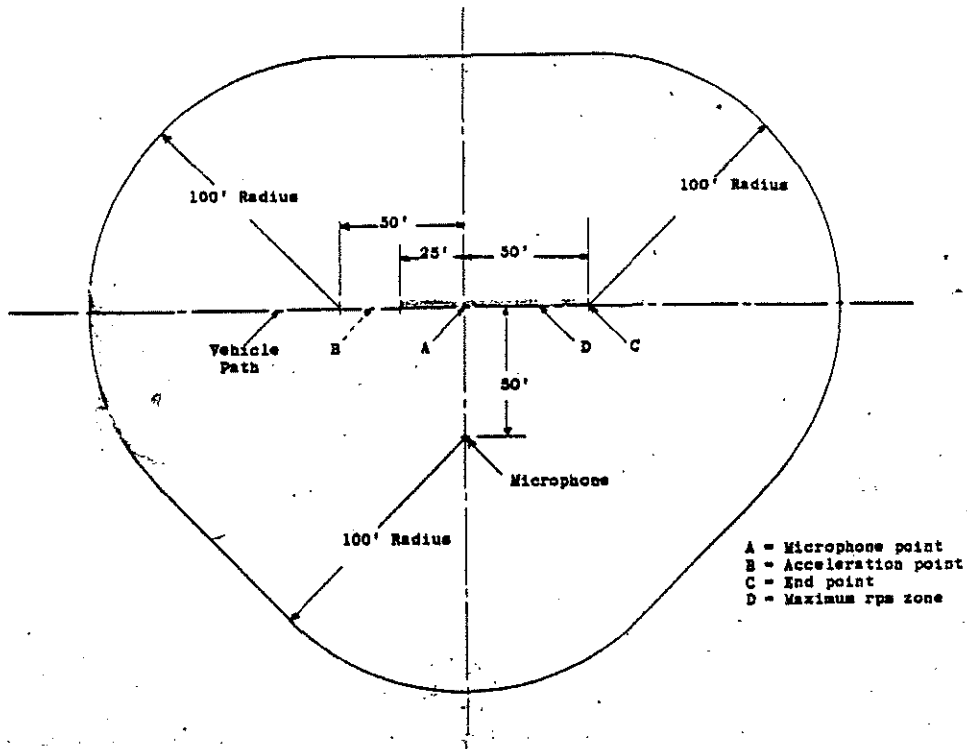


Fig. 4-4. Test Area Layout for Snowmobiles

4.5.6 Heavy Trucks, Truck Tractors, and Buses. The test procedure for vehicles with a manufacturer's gross vehicle weight rating of 10,000 lbs or more shall be as follows:

(1) Test Area Layout. The test area shall include a vehicle path of sufficient length for safe acceleration, deceleration, and stopping of the vehicle. The following points and zones shall be established on the vehicle path as shown in Figure 4, where only one directional approach is illustrated for purposes of clarity.

- (A) Microphone point
- (B) Acceleration point - a location 50 ft before the microphone point
- (C) End point - a location 50 ft beyond the microphone point.
- (D) End zone - the last 40-ft distance between the microphone point and the end point.

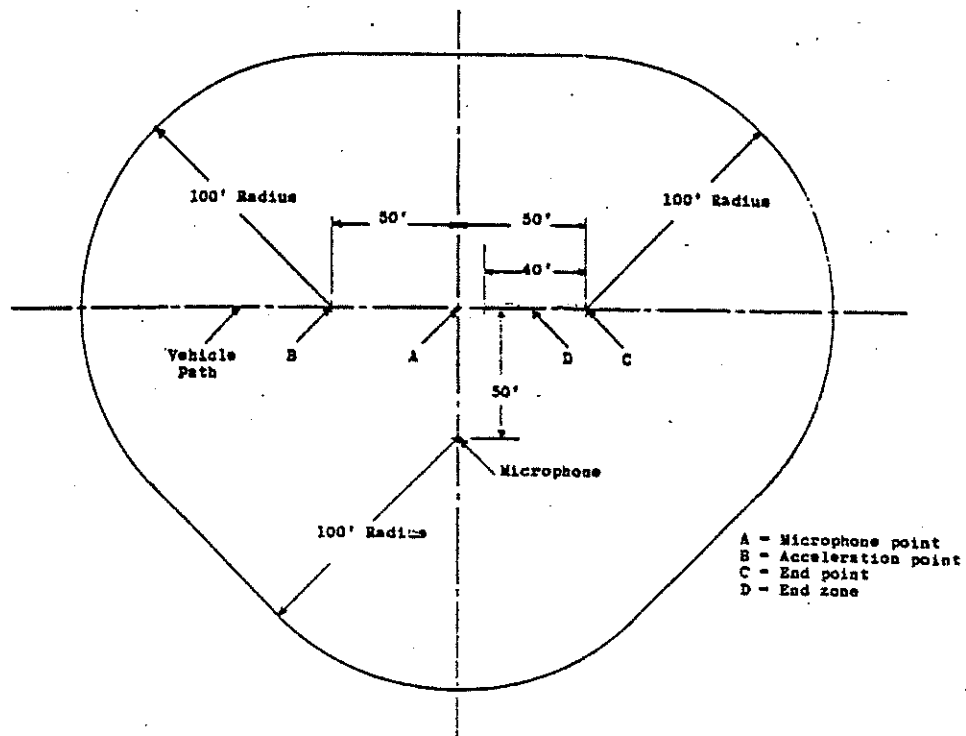


Figure 4-5 Test Area Layout for Trucks

(2) Gear Selection. A gear shall be selected (manual or automatic transmission) which will result in the vehicle beginning at an approach rpm of no more than $2/3$ maximum rpm at the acceleration point and reaching maximum rpm within the end zone without exceeding 35 mph.

(A) When maximum rpm is attained before reaching the end zone, the next higher gear shall be selected, up to the gear where maximum rpm produces over 35 mph.

(B) When maximum rpm still occurs before reaching the end zone, the approach rpm shall be decreased in 100 rpm increments until maximum rpm is attained within the end zone.

(C) When maximum rpm is not attained until beyond the end zone, the next lower gear shall be selected until maximum rpm is attained within the end zone.

(D) When the lowest gear still results in reaching maximum rpm beyond the end zone, the approach rpm shall be increased in 100 rpm increments above $2/3$ maximum rpm until the maximum rpm is reached within the end zone.

(3) Acceleration. The vehicle shall proceed along the vehicle path maintaining the approach engine rpm in the gear selected for at least 50 ft before reaching the acceleration point. When the vehicle reference point reaches the acceleration point, the throttle shall be rapidly and fully opened and held open until maximum rpm is attained within the end zone, at which point the throttle shall be closed.

(4) Deceleration. Tests during deceleration shall be conducted when deceleration noise appears excessive. The vehicle shall proceed along the vehicle path at maximum rpm in the same gear selected for the tests during acceleration. When the vehicle reference point reaches the microphone point, the throttle shall be rapidly closed and the vehicle allowed to decelerate to less than $1/2$ maximum rpm. Vehicles equipped with exhaust brakes shall also be tested with the brake full on immediately following closing of the throttle.

(5) Engine Temperature. The engine temperature shall be within normal operating range throughout each test run.

(6) Demand-Activated Fans. If the test vehicle contains a demand-activated fan, the fan may be in the "off" position during the test.

4.5.7 Light Trucks, Truck Tractors, Buses, Cars and All Other Vehicles. The test procedure for trucks, truck tractors, and buses with a manufacturer's gross vehicle weight rating of less than 10,000 lbs, and all passenger cars shall be as follows:

(1) Test Area Layout. The test area shall include a vehicle path of sufficient length for safe acceleration, deceleration, and stopping of the vehicle. The following points and zones shall be established on the vehicle path as shown in Figure 5, where only one directional approach is illustrated for purposes of clarity:

- (A) Microphone point
- (B) Acceleration point - a location 25 ft before the microphone point
- (C) End point - a location 100 ft beyond the microphone point
- (D) End zone - the last 75-ft distance between the microphone point and the end point.

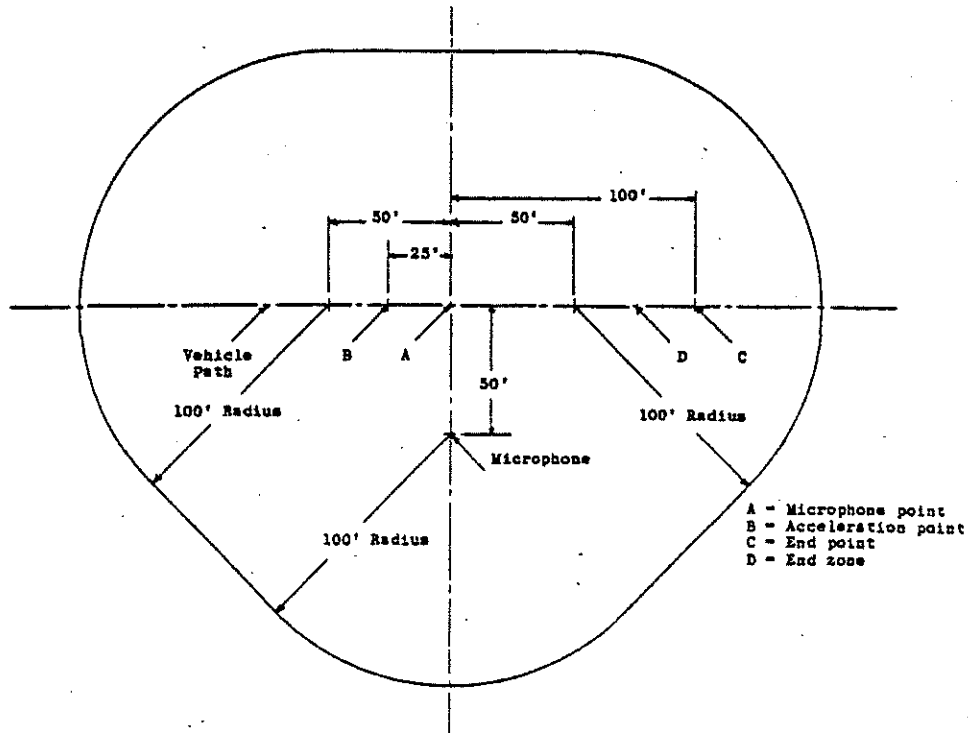


Figure 4-6 Test Area Layout for Passenger Cars

(2) Gear Selection. Motor vehicles equipped with three-speed manual transmissions and with automatic transmissions shall be operated in first gear. Vehicles equipped with manual transmissions of four or more speeds shall be operated in first gear and in second gear. Vehicles which reach maximum rpm at less than 30 mph or before reaching the end zone shall be operated in the next higher gear. Auxiliary step-up ratios (overdrive) shall not be engaged on vehicles so equipped.

(3) Acceleration. The vehicle shall proceed along the vehicle path at a constant speed of 30 mph in the selected gear for at least 50 ft before reaching the acceleration point. When the vehicle reference point reaches the acceleration point, the throttle shall be rapidly and fully opened. The throttle shall be held open until the vehicle reference point reaches the end point or until maximum rpm is reached within the end zone. At maximum rpm, the throttle shall be closed sufficiently to keep the engine just under maximum rpm until the end point, at which time the throttle shall be closed.

(4) Deceleration. Tests during deceleration shall be conducted when deceleration noise appears excessive. The vehicle shall proceed along the vehicle path at maximum rpm in the same gear selected for the tests during acceleration. When the vehicle reference point reaches the acceleration point, the throttle shall rapidly be closed and the vehicle allowed to decelerate to less than 1/2 of maximum rpm.

(5) Engine Temperature. The engine temperature shall be within normal operating range throughout each test run. The engine shall be idled in neutral for at least one minute between runs.

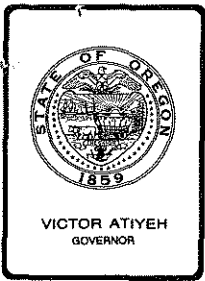
4.5.8 Motorboats. The test procedure for motorized water craft (motorboats) shall be as follows:

(1) Test Area Layout. A suitable test site is a calm body of water, large enough to allow full-speed pass-bys. The area around the microphone and boat shall be free of large obstructions, such as buildings, boats, hills, large piers, breakwater, etc., for a minimum distance of 100 ft (30 m). Three markers (buoys or posts) will be placed in line, 50 ft (15 m)

apart, to mark the course the boat is to follow while being tested.

(2) Test Procedure. The boat shall pass all three markers on a straight course at wide-open throttle with the engine operating at the midpoint of the manufacturer's recommended full-throttle rpm range. The engine speed tolerance shall be ± 100 rpm if this falls in the recommended full-throttle speed range. If a single top speed rpm is recommended, the tolerance shall be +0, -100 rpm.

(3) Measurements. The microphone shall be placed 50 ft (15 m) from the line determined by the three markers, normal to the line and opposite the center marker. It will also be placed $3\frac{1}{2}$ - $4\frac{1}{2}$ ft (1.1 - 1.4 m) above the water surface, and no closer than 2 ft (0.6 m) from the surface of the dock or platform on which the microphone stands, as near to the end of the dock as possible or overhanging the end of the dock. Measurements shall be taken while the boat is passing no more than three (3) feet (0.9 m) on the far side of all three markers.



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

522 SOUTHWEST 5th AVENUE, PORTLAND, OR 97204 PHONE (503) 229-5696

MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item No. G, January 18, 1980 EQC Meeting

Evans Products Company Submicroporous Battery Separator Plant:
Permit Issuance Process Status Report.

Background

Much public input has occurred during the Air Contaminant Discharge Permit drafting period for the Evans Products Company Submicroporous Battery Separator Plant.

That plant was constructed without Department approval of air contaminant handling systems. The Company received a Notice of Violation and Intent to Assess Civil Penalty for the unauthorized construction in May of 1979.

Subsequent to the Department's enforcement action, the Company filed an application for an Air Contaminant Discharge Permit. The Department reviewed the permit application and pollution control equipment plans, directed the Company to perform an emissions test of the equipment, to modify that equipment and to retest emissions, and then drafted a proposed Air Contaminant Discharge Permit.

Because of the high level of public interest, a hearing was felt necessary and the proposed permit was mailed with the public notice of the hearing. During the public notice period, evaluations of the Company's industrial process and its effects on the surrounding community continued. Some of these evaluations resulted in changes to the proposed permit presented at the hearing. A copy of the current draft permit is attached (Attachment 3).

At the public hearing, held November 28, 1979, testimony was received from local citizens and a question and answer session was held on the record. A copy of the transcript of the hearing tapes is attached (Attachment 1). The question and answer period is presented on pp 33 - 68 in Attachment 1. The hearings officer has drafted a report to you on that meeting (Attachment 7).



Contains
Recycled
Materials

At the December 14, 1979, Environmental Quality Commission meeting, additional material regarding the proposed permit was submitted to the Commission. The remainder of this report deals with the new materials and the issues contained therein.

Evaluation

The December 14, 1979, testimony submitted requested that the Commission delay issuing an Air Contaminant Discharge Permit for the Evans Products Submicroporous Battery Separator plant for several reasons. Those reasons (grouped for ease of evaluation) and a discussion of each follow:

Statement:

- a. The permit establishes a precedent allowing a company to start a process without a permit, in violation of state statutes, without penalty.

Response:

Evans Products Company was issued a Notice of Violation and Intent to Assess Civil Penalty (Attachment 2) for its failure to submit an application for an Air Contaminant Discharge Permit.

Once a company has filed an Air Contaminant Discharge Permit application, Oregon Administrative Rules (OAR 340-14-020(4)) give the Department 15 days to preliminarily review the application. If final action to grant or deny an Air Contaminant Discharge Permit is not accomplished within 45 days of when the application is considered complete, the applicant is automatically granted a Temporary Air Contaminant Discharge Permit (OAR 340-14-020(5)).

Such permits do not authorize construction, activity, operation or discharge which will violate any laws or regulations. But neither do they help the Department enforce any special provisions.

Evans products Company currently holds a Temporary Air Contaminant Discharge Permit.

Statement:

- b. Large amounts (2 1/2 to 3 tons per day) of Trichloroethylene (TCE) are being emitted. The permit addresses only 4% to 5% of the total TCE emissions. A thorough materials balance has not been completed which would account for the loss of the fugitive emissions.

Response:

Evans purchases an average of 107,000 pounds of TCE per month (according to data on file with the Department). The Department has made the assumption that Evans' TCE air emissions equal the TCE purchases minus the TCE discharged to the wastewater system (660 lbs/mo). Thus the TCE emission rate is considered to be 53 tons per month (2.65 tons/day or 440 gal/day).

Up to 2,800 tons of TCE per month pass through the Evans process. The 53 tons of TCE emitted to the atmosphere is a small percentage of the total process throughput (95+% of the process TCE is reclaimed and reused in the process). Of the 53 tons emitted, about 3 1/2 are emitted from pollution control equipment. Thus, 50 tons of TCE per month are emitted from the process as fugitive emissions. If the control equipment were not in place, the total emission from the facility would be about 2,700 tons per month.

The above material balance indicates the Evans Products Company currently reclaims over 95% of its process TCE. Condition 6 of the attached proposed permit (Attachment 3) requires further investigation and control of TCE emissions (fugitive).

Statement:

- c. TCE is a toxic, mutagenic and potentially carcinogenic to humans.

Response:

The Department concurs with current literature which considers TCE to be a potential human carcinogen (See Attachment 6).

EPA is considering whether to include TCE in a group of 15 additional compounds to be classified as "hazardous," and to be regulated under the NESHAPS section of the Clean Air Act. Work on promulgating such standards might begin within a year. And, if any standard is adopted, it would be applied to the Evans facility through its Air Contaminant Discharge Permit.

Statement:

- d. The plant is located near a residential area. Department estimates of TCE in the ambient air were based on 5% of the total emissions (from pollution control equipment).

No tests have been conducted on residents who have reported symptoms similar to those of TCE exposure. DEQ's ambient air sampling found levels that were lower than they should have been, Evans was notified prior to the testing. The sampling was inadequate.

Response:

Evans Products Company is located on Southeast Crystal Lake Drive in Corvallis (see attached map--Attachment 4). The site has been industrially developed since the late 1940's and there is residential development in the immediate area.

Because of the proximity of the residential area and the nature of the plant's emissions, two things were done during the process of drafting the permit by DEQ that would not have been done otherwise. The first was to construct a computer model of emissions from the pollution control equipment stacks, the emission rates were used in the model which gave conservative estimates of ambient concentration at various distances downwind from the stacks under varying wind conditions. Secondly, when TCE purchase data confirmed that modifications to the pollution control equipment had not resulted in a significant reduction in TCE losses, ambient air sampling was performed. The air sampling, which requires special instrumental methods of analysis available at the Oregon Graduate Center, showed TCE concentrations in the neighborhood during poor mixing conditions to be between 1 and 4 parts per billion (OSHA's 8 hour average exposure allowance for workers is 100 parts per million).

Had the sampling shown ambient TCE concentrations in the neighborhood to be on the order of 25 parts per million (for example), the Department would have considered recommending that Evans immediately cease emitting TCE. Since measured TCE concentrations were orders of magnitude less, no such recommendation was made.

The permit was drafted with a fugitive emission reduction program (Condition 6), a requirement for further source testing (Condition 10), a requirement for additional ambient air testing (Condition 11), and a condition requiring cessation of TCE emitting operations in the event of ambient concentrations of 25 parts per million or greater are found (Condition 12). Evans Products Company has agreed to abide by the permit as drafted.

A questionnaire eliciting reports of symptoms from Southeast Corvallis residents (Attachment 5) was circulated by the Friends of Benton County. Eighteen responses and two additional letters were submitted at the December Commission meeting. Literature reports symptomology due to TCE exposure beginning at concentration levels of 10 to 200 parts per million depending on the literature read; the point at which one can detect TCE with the nose is between 20 ppm and 400 ppm). The lowest of those levels is 2,500 times higher than the concentration found in the Department's ambient sampling. Since there is no basis in literature considering available empirical evidence to support a link between Evans' air emissions and symptomology development, the Department has not required a toxicological study within the neighborhood surrounding the Evans plant at this time.

Statement:

- e. The second stack from the drying ovens was discovered just three weeks prior to the public hearing.

Response:

A secondary drying oven which was designed to dewater Evans' product was found to be discharging TCE to the atmosphere in October of 1979. The permit contains a requirement (Condition 7) to connect all ovens to carbon adsorption beds by February 1, 1980.

Statement:

- f. DEQ did not account for 150,000 gallons of oil a year. How is it disposed of?

Response:

Evans uses a mineral oil as a plasticizer for their product. The 150,000 gallons purchased becomes a part of the product. About 55 gallons per month of waste oil is collected from the plant's wastewater sump for recycling.

Summation

1. The Friends of Benton County requested, at the December 14, 1979, Commission meeting, that the issuance of the Evans Products Submicroporous Battery Separator Plant Air Contaminant Discharge Permit be delayed.
2. The Friends of Benton County presented several reasons for that request.
3. The Evans Products Company currently possesses a Temporary Air Contaminant Discharge Permit.
4. The proposed permit for the Company already contains provisions addressing the concerns of the Friends of Benton County as expressed in their written testimony submitted on December 14, 1979, with one exception.
5. At this time, air sampling and literature on TCE do not support a requirement for a toxicological investigation of local residents.
6. The testimony of the Friends of Benton County expressing the concerns of the local citizens has been evaluated. The proposed permit contains conditions which address the concerns expressed in the testimony where appropriate. Without the permit, these special conditions are unenforceable.

EQC Agenda Item No. G
January 18, 1980
Page 6

Director's Recommendations

Based on the Summation, the Director recommends that the Commission concur with my intention to issue the Evans Products Company Submicroporous Battery Separator Permit as it appears in Attachment 3 of this report.

Bill

William H. Young

John E. Borden:we
378-8240
January 8, 1980

AW0501

Attachment 1

Transcription of Public Hearing Tape

This attachment is too voluminous to photocopy for distribution. It is available for inspection at either the Department's Mid Willamette Valley Region Office, 1095 25th Street, S.E. in Salem (378-8240) or the Air Quality Division, 4th Floor, 522 Southwest Fifth Avenue in Portland (229-6092).

Attachment 2 - Notice of Violation and Intent to Assess Civil
Penalty Sent to Evans Products Company for Installing
and Operating Submicro Process without Notifying and Obtaining
DEQ Approval.

Department of Environmental Quality

WVR
DEQ AQ
Dt WQ
Underwood
O'Scannlain

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON
MAILING ADDRESS: P.O. BOX 1760, PORTLAND, OREGON 97207

CERTIFIED MAIL #347979

May 23, 1979

Evans Products Company
c/o C. T. Corporation System, Reg. Agent
800 Pacific Building
Portland, OR 97204

Re: Notice of Violation and
Intent to Assess Civil Penalty
AQ-WQ-WVR-79-53
Benton County

Gentlemen:

I have thoroughly reviewed with my staff the results of the April 19th inspection of your battery separator plant. The enclosed materials, including a formal legal notice, relate to the violations noted on that visit. While I appreciated the recent opportunity to discuss with your representatives the reasons for the unlawful actions, their comments at that time do not alter the facts before me.

This Department does not view the violations cited within the enclosed notice as trivial. The reporting requirements are at the heart of a complex pollution control program directed by this Department. Circumventing that program, either willfully or otherwise, damages that program's effectiveness and credibility, and, therefore, cannot be allowed.

Please review the enclosed material carefully and feel free to contact Mr. Borden, as indicated within, if questions arise regarding your obligations in this matter.

It is unfortunate that we have had to take the above-captioned action. However, it is my hope that, with your cooperation, we can work together to resolve this matter with no further legal action.

Sincerely,

WILLIAM H. YOUNG
Director

Original Signed By
WILLIAM H. YOUNG

MAY 23 1979

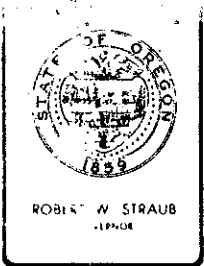
CLR:jl

Enclosures

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
MAY 28 1979

CLERK OFFICE



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

CERTIFIED MAIL #347979

Evans Products Company
c/o C. T. Corporation System, Reg. Agent
800 Pacific Building
Portland, OR 97204

Re: Notice of Violation and
Intent to Assess Civil Penalty
AQ-WQ-WVR-79-53
Benton County

Gentlemen:

On April 19, 1979, representatives from this Department conducted a field investigation that, among other things, followed up a public complaint of trichloroethylene (TCE) being discharged from the "submicro" component of your battery separator plant. Prior to that investigation, the Department had no knowledge of TCE being used in any process at your facility and, therefore, had no reason to monitor it as a pollutant. The field investigation revealed that, without this Department's knowledge, a new process line had been added to your plant that utilizes TCE and discharges it as both an air and water contaminant.

The act of modifying your plant's manufacturing process without notifying this Department beforehand and without following the appropriate procedures that ensure adequate treatment of the pollutants generated violates Oregon Statutes, Administrative Rules, and your current air and water discharge permits. In addition, the discharge of TCE is not within the scope of your current permits and therefore constitutes an unlawful, unpermitted, discharge. The above inspection also noted other violations that require remedial action: The noncontact cooling water from the illegally constructed "submicro" process line is currently being discharged directly to the receiving stream, a violation of Oregon Law and Administrative Rules; and your discharge monitoring reports for March, 1979, indicate that you violated both the daily maximum and monthly average limits of your NPDES permit for suspended solids.

I have enclosed a formal legal notice that details the above violations, with the appropriate legal citations, and warns you of our intent to assess civil penalties should the violations cited be continued or similar violations occur. The civil penalty schedule provides a maximum \$500 per day penalty for each air quality violation and a maximum \$10,000 per day penalty for each water quality violation.

All of the violations cited above and within the enclosed notice require remedial action on your part for correction. The suspended solids violations are a continuing problem that we have been aware of for several months. Those violations must be eliminated through adequate waste treatment prior to discharge. Should those violations continue, civil penalties will be assessed pursuant to the schedule mentioned above.

To begin correcting the other cited violations, including your failure to report the plant's modification and the discharge of an unpermitted pollutant, you must complete the following within fourteen (14) days of receipt of this letter and the enclosed notice:

- 1) File all required "Notice of Construction" forms applicable to the subject plant expansion;
- 2) Make application for all appropriate permits and plan reviews required under your current permits and our Administrative Rules. An Air Contaminant Discharge Permit Application form is enclosed for your use;
- 3) Submit a proposed compliance schedule for phasing out the unpermitted noncontact cooling water discharge.

If you have any questions regarding this letter, the enclosed notice, or if you require assistance in the above corrective actions, please call Mr. John Borden, Willamette Valley Regional Office Manager in Salem at 378-8240.

Sincerely,



Fred M. Bolton
Administrator
Regional Operations

CLR:jl

Enclosure

cc: Willamette Valley Region, DEQ
Air Quality, DEQ
Water Quality, DEQ
Raymond P. Underwood, Chief Counsel, DOJ
Diarmuid F. O'Scannlain, Attorney for Respondent

1 BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

2 OF THE STATE OF OREGON

3 DEPARTMENT OF ENVIRONMENTAL QUALITY,) NOTICE OF VIOLATION AND
4 OF THE STATE OF OREGON,) INTENT TO ASSESS CIVIL PENALTY
) No. AQ-WQ-WVR-79-53
5 Department,) BENTON COUNTY
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I

9 This notice is being sent to Respondent, Evans Products Company, a
10 Delaware Corporation, pursuant to Oregon Revised Statutes ("ORS")
11 468.125(1) and Oregon Administrative Rules ("OAR") Section 340-12-040(1)
12 and (2).

II

14 On or about September 11, 1978, the Department of Environmental
15 Quality ("Department") issued Air Contaminant Discharge Permit number
16 02-2515 ("ACD Permit") to Respondent. The ACD Permit authorized Respondent
17 to discharge exhaust gases containing air contaminants including emissions
18 from those processes and activities directly related or associated thereto
19 in accordance with the requirements, limitations, and conditions set forth
20 therein. The Permit expires on July 1, 1983. At all material times cited
21 herein, the ACD Permit was and is now in effect.

III

23 On or about October 23, 1978, the Department issued National Pollutant
24 Discharge Elimination System Waste Discharge Permit Number 2844-J ("NPDES
25 Permit") to Respondent. The NPDES Permit authorized Respondent to
26

1 construct, install, modify or operate waste water treatment, control and
2 disposal facilities and discharge adequately treated waste waters in
3 conformance with the requirements, limitations, and conditions set forth
4 therein. The NPDES Permit expires on February 28, 1981. At all material
5 times herein, the NPDES Permit was and is now in effect.

6 IV

7 A. At some time prior to April 19, 1979, Respondent, by modifying
8 its battery separator plant, established a new source of air contaminant
9 emissions without first notifying the Department in writing on a form
10 supplied by the Department, in violation of Respondent's ACD Permit
11 Condition G3, ORS 468.325(1), OAR 340-20-020, OAR 340-20-025(1)(a),
12 OAR 340-20-030(1), and OAR 340-20-155(3).

13 B. From on or about April 19, 1979, to the present, Respondent has
14 allowed trichloroethylene, an air contaminant, to be emitted to the
15 atmosphere without first obtaining a permit pursuant to ORS 468.065, in
16 violation of ORS 468.315(1)(a), ACD Permit Condition G7, and
17 OAR 340-20-155(1).

18 C. At some time prior to April 19, 1979, Respondent implemented a
19 process modification at the above-described plant that resulted in a change
20 in the character of pollutants discharged in the waste water without
21 submitting a new application for an NPDES permit or permit modification
22 together with the necessary reports, plans, and specifications for the
23 proposed change, in violation of Respondent's NPDES Permit Condition G6,
24 ORS 468.720(2), and OAR 340-45-015(5).

25 ///

26 ///

1 D. From on or about April 19, 1979, to the present, Respondent has
2 allowed the indirect discharge of noncontact cooling water, a polluting
3 substance, to the Willamette River, waters of the State, in violation of
4 Respondent's NPDES Permit, ORS 468.720(1)(a) and (2), and
5 OAR 340-41-455 (2)(d).

6 E. From on or about April 19, 1979, to the present, Respondent has
7 discharged noncontact cooling water, a polluting substance, to the
8 Willamette River, waters of the State, without first obtaining a permit
9 from the Director of the Department, in violation of ORS 468.740(1) and
10 OAR 340-45-015(1)(a), (e), and (2).

11 F. Respondent's discharge monitoring report for the month of March,
12 1979, shows that Respondent committed four (4) violations of that portion
13 of NPDES Permit condition 1 of Schedule A which limits the amount of
14 suspended solids ("TSS") that Respondent is allowed to discharge into the
15 Willamette River, waters of the State, during any single calendar day
16 ("daily maximum"), in violation of that condition and ORS 468.720(2).

17 G. Respondent's above described monitoring report shows that
18 Respondent committed one (1) violation of that portion of NPDES Permit
19 Condition 1 of Schedule A which limits the amount of TSS that Respondent
20 is allowed to discharge into the Willamette River, waters of the State,
21 measured as the average amount discharged during a 24-hour period for the
22 calendar month ("monthly average"), in violation of that Condition and
23 ORS 468.720(2).

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If five (5) or more days after Respondent receives this notice, the one or more violations cited in Paragraph IV of this notice continue, or any similar violation occurs, the Department will impose upon Respondent a civil penalty pursuant to Oregon statutes and OAR, Chapter 340, Divisions 11 and 12. In the event that a civil penalty is imposed upon Respondent, it will be assessed by a subsequent written notice, pursuant to ORS 468.135(1) and (2), ORS 183.415(1) and (2), and OAR 340-11-100 and 340-12-070. Respondent will be given an opportunity for a contested case hearing to contest the allegations and penalty assessed in that notice, pursuant to ORS 468.135(2) and (3), ORS 183, and OAR Chapter 340, Division 11. Respondent is not entitled to a contested case hearing at this time.

May 23, 1979
Date


Fred M. Bolton, Administrator
Regional Operations, DEQ

Certified Mail #347979

Attachment 3 - Proposed Permit

Permit Number: 02-2203
Expiration Date: 11/1/84
Page 1 of 6 Pages

AIR CONTAMINANT DISCHARGE PERMIT

Department of Environmental Quality
522 Southwest Fifth, Portland, OR 97204
Mailing Address: Box 1760, Portland, OR 97207
Telephone: (503) 229-5696

Issued in accordance with the provisions of ORS 468.310

ISSUED TO:

Evans Products Company
Box "E"
Corvallis, OR 97330

INFORMATION RELIED UPON:

Application No. 1616
Date Received: June 8, 1979

PLANT SITE:

1115 Southeast Crystal Lake Drive
Corvallis, OR 97330

ISSUED BY DEPARTMENT OF ENVIRONMENTAL QUALITY

WILLIAM H. YOUNG, Director

Dated

Source(s) Permitted to Discharge Air Contaminants:

<u>Name of Air Contaminant Source</u>	<u>Standard Industry Code as Listed</u>
Battery Separator Manufacturing (Submicro Process)	2599

Permitted Activities

Until such time as this permit expires or is modified or revoked, the permittee is herewith allowed to discharge exhaust gases containing air contaminants including emissions from those processes and activities directly related or associated thereto in accordance with the requirements, limitations and conditions of this permit from the air contaminant source(s) listed above.

The specific listing of requirements, limitations and conditions contained herein does not relieve the permittee from complying with all other rules and standards of the Department.

Performance Standards and Emission Limits

1. The permittee shall at all times maintain and operate all air contaminant generating processes and all contaminant control equipment at full efficiency and effectiveness, such that the emissions of air contaminants are kept at the lowest practicable levels.
2. Particulate emissions from any single air contaminant source shall not exceed any of the following:
 - a. 0.1 grains per standard cubic foot.
 - b. An opacity equal to or greater than twenty percent (20%) for a period aggregating more than three (3) minutes in any one (1) hour.
 - c. Particulate matter which is larger than 250 microns and which may be deposited upon the real property of another person shall not be emitted.
3. Trichloroethylene emissions from the carbon bed adsorption units shall not exceed a total of 15 pounds per hour, based on a minimum acceptable removal efficiency of 95 percent.
4. The permittee shall not allow the emission of odorous matter as measured off the permittee's property in excess of:
 - a. A scentometer no. 0 odor strength or equivalent dilution in residential and commercial areas.
 - b. A scentometer no. 2 odor strength or equivalent dilution in all other land use areas.

A violation of Condition 4 a or b shall have occurred when two measurements made by the Department within a period of one hour, separated by at least 15 minutes exceed the limits.

Compliance Demonstration Schedule

5. In the event the permittee is unable to comply with the emission limits established in Condition 3, an alternative emission control strategy and time schedule shall be submitted to the Department within 30 days of the determination of noncompliance.
6. A fugitive TCE emission reduction program shall be established by the permittee. The following tasks shall be performed:
 - a. Identify the causes of fugitive emissions and quantify where possible the losses in writing to the Department.
 - b. Submit a control strategy and implementation schedule for control measures to reduce the fugitive emissions reported in "a" by April 15, 1980.

- c. Complete implementation of fugitive emission reduction control measures by July 15, 1980.
- 7. Emissions from all of the permittee's ovens shall be connected to activated carbon beds by February 1, 1980.
- 8. The emissions from the carbon beds shall be consolidated and exhausted from a single stack at least 2 1/2 times the height of the nearest building by February 1, 1980.

Monitoring and Reporting

- 9. The permittee shall effectively inspect and monitor the operation and maintenance of the plant and associated air contaminant control facilities. A record of all such data shall be maintained for a period of three years and be available at the plant site at all times for inspection by the authorized representatives of the Department. At least the following shall be monitored and recorded at the indicated interval. The data for Conditions 9 a, b, and c shall be submitted to the Department of no later than the 15th day of the month following the month of record.

<u>Parameter</u>	<u>Minimum Monitoring Frequency</u>
a. The amount of trichloroethylene used.	Monthly
b. A description of any maintenance to the air contaminant control systems.	As performed
c. The results of source tests required by Condition 10.	As performed
d. Inspection of all trichloroethylene process, conveying, refining, control and storage systems for physical integrity and any incident, malfunction, leakage or operator error resulting in a potential, uncontrolled release of trichloroethylene. (Note: Upset reporting is required by Condition G5.)	Daily

- 10. The permittee shall conduct a minimum of three source tests per year, separated by 4 month intervals, to demonstrate compliance with Condition 3 and to verify the collection efficiency of the adsorption units. A source test shall also be conducted following any repairs or modifications to the units that could affect trichloroethylene emissions.
- 11. The permittee shall commission an ambient air study approved by the Department (to be performed by an independent contractor) to determine the concentration of trichloroethylene in the area surrounding the plant during the period January, 1980, to March, 1980, and submit the results of the study to the Department by April 30, 1980.

12. The permittee shall submit monthly progress reports to the Department on fulfilling the requirements of Conditions 6, 7, 8, 11, and 14 of this permit. Such reports shall be submitted no later than 15 days after the end of the reporting period and shall include all data obtained during the reporting period.
13. The permittee shall report to the Department by January 15, of each year this permit is in effect the plant production on a monthly basis for the preceding calendar year.

Special Condition

14. During the period of the ambient air study in Condition 11, the permittee shall monitor the concentration of trichloroethylene in the neighborhood adjacent to the plant on a weekly basis. Sample points shall be agreed upon in writing by the Department. Monitoring shall be conducted by Department approved methods and the results shall be reported in writing to the Department. If the TCE concentration at any sample point reaches:
 - a. 15 parts per million or greater, the permittee shall:
 - (1) Notify the Department by telephone.
 - (2) Repeat the measurement in 24 hours and report the result to the Department.
 - (3) Locate and correct the cause of excessive TCE level.
 - b. 25 parts per million or greater the permittee shall:
 - (1) Repeat the procedure cited in "a."
 - (2) If the TCE level remains at or above 25 ppm for 24 hours the permittee shall cease TCE emitting operations at the plant unless otherwise authorized by the Department. Those TCE emitting operations shall not be resumed without authorization from the Department.

Fee Schedule

15. The Annual Compliance Determination Fee for this permit is due on October 1 of each year this permit is in effect. An invoice indicating the amount, as determined by Department regulations, will be mailed prior to the above date.

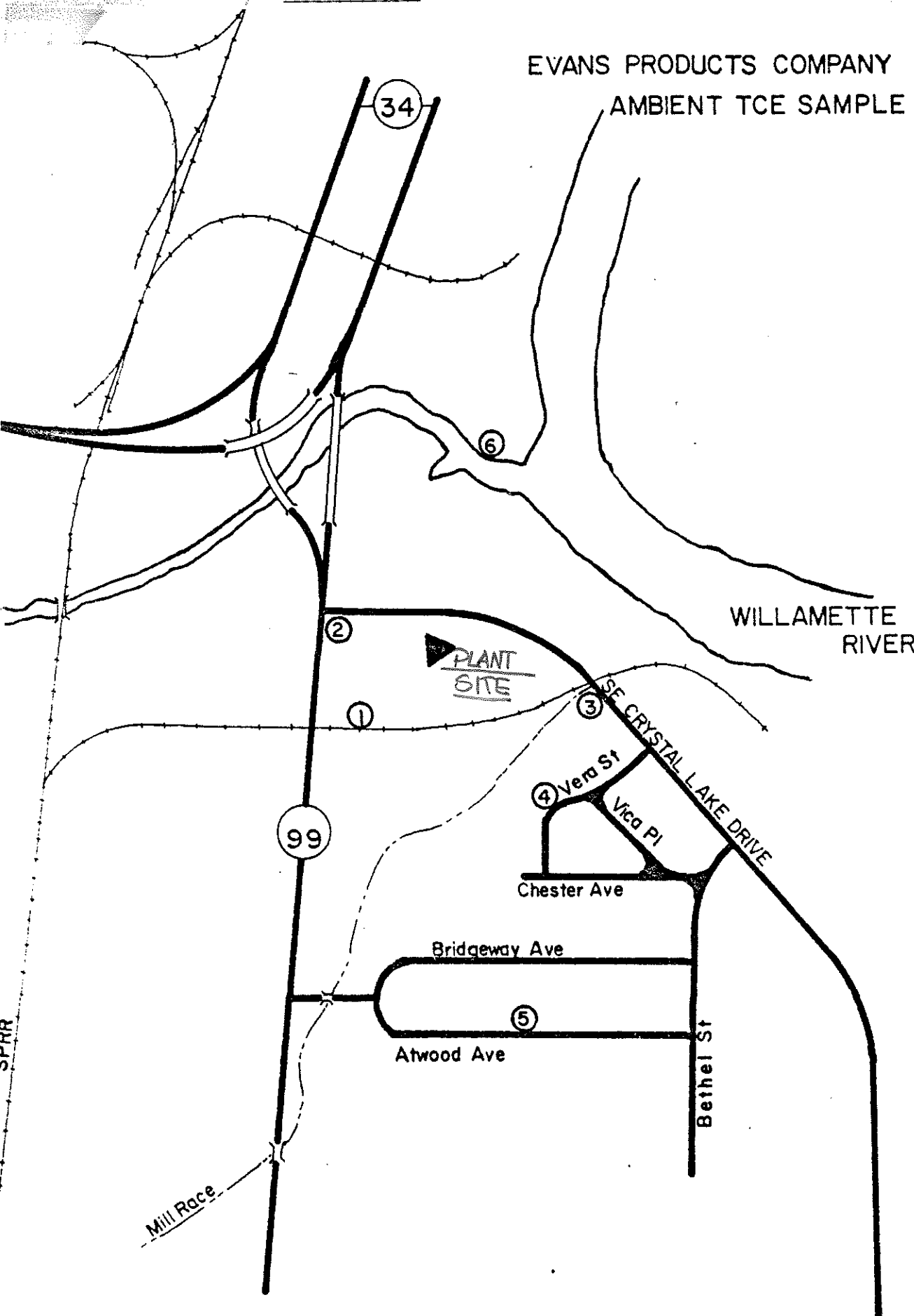
General Conditions and Disclaimers

- G1. The permittee shall allow Department of Environmental Quality representatives access to the plant site and pertinent records at all reasonable times for the purposes of making inspections, surveys, collecting samples, obtaining data, reviewing and copying air contaminant emission discharge records and otherwise conducting all necessary functions related to this permit.
- G2. The permittee is prohibited from conducting open burning except as may be allowed by OAR Chapter 340, Sections 23-025 through 23-050.
- G3. The permittee shall:
- a. Notify the Department in writing using a Departmental "Notice of Construction" form, and
 - b. Obtain written approval.
- before:
- a. Constructing or installing any new source of air contaminant emissions, including air pollution control equipment, or
 - b. Modifying or altering an existing source that may significantly affect the emission of air contaminants.
- G4. The permittee shall notify the Department at least 24 hours in advance of any planned shutdown of air pollution control equipment for scheduled maintenance that may cause a violation of applicable standards.
- G5. The permittee shall notify the Department by telephone or in person within one (1) hour of any malfunction of air pollution control equipment or other upset condition that may cause a violation of the applicable standards. Such notice shall include the nature and quantity of the increased emissions that have occurred and the expected duration of the breakdown.
- G6. The permittee shall at all times conduct dust suppression measures to meet the requirements set forth in "Fugitive Emissions" and "Nuisance Conditions" in OAR Chapter 340, Sections 21-050 through 21-060.
- G7. Application for a modification of this permit must be submitted not less than 60 days prior to the source modification. A Filing Fee and an Application Processing Fee must be submitted with an application for the permit modification.
- G8. Application for renewal of this permit must be submitted not less than 60 days prior to the permit expiration date. A Filing Fee and an Annual Compliance Determination Fee must be submitted with the application for the permit renewal.

- G9. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.
- G10. This permit is subject to revocation for cause as provided by law.
- G11. Notice provision: Section 113(d)(1)(E) of the Federal Clean Air Act, as amended in 1977, requires that a major stationary source, as defined in that act, be notified herein that "it will be required to pay a noncompliance penalty under Section 120 (of that act) or by such later date as is set forth in the order (i.e., in this permit) in accordance with Section 120 in the event that such source fails to achieve final compliance by July 1, 1979."

P02220.3(d)

EVANS PRODUCTS COMPANY AMBIENT TCE SAMPLE POINTS



SPRR

Attachment 5 - Example of Questionnaire Circulated in Neighborhood around Plant Site

ATTENTION : YOUR FAMILIES HEALTH MAY BE IN DANGER.

PLEASE READ THE FOLLOWING QUESTIONNAIRE THOROUGHLY AND CAREFULLY.

WRITE OR PRINT COMMENTS LEGIBLY, IN YOUR OWN WORDS, AND TO THE BEST OF YOUR KNOWLEDGE.

PLEASE NOTE ANY CHANGES IN NORMAL BODY FUNCTIONS (Listed under headings I-VII) DURING THE LAST YEAR, FOR ALL FAMILY MEMBERS LIVING IN YOUR HOUSEHOLD.

DO NOT INCLUDE BODY CHANGES EXPERIENCED DURING ANY OF THE FOLLOWING:

1)Stress, 2)Fatigue, 3)prescription drug use, 4)non-prescription drug use, Or 5) Currently existing medical condition or ailment.

I HEAD (Headache,Light-Headedness,Dull Thinking,Lack-of-Coordination,Clumsiness)

yes

II EYES (Irritation,Vision Changes)

III NOSE (Irritation, Strange Odors)

IV HEART (Increase,Decrease,Irregular,Heartbeat)

V LUNGS (Increase,Decrease,Irregular,Breathing)

VI STOMACH (Acid,Gas,Upset,Nausea,Vomiting) *yes*

VII SKIN (Irritation, Itching)

PLEASE LIST FREQUENTLY OR COMMONLY USED NON-PRESCRIPTION PRODUCTS:

Pain & Headache *yes*

Eye Preparations

Cold & Allergy

Antacid

Laxative

Antidiarrheal *yes*

NOTE USE BY ANY HOUSEHOLD MEMBER:

Alcohol	yes	___	no	<input checked="" type="checkbox"/>
Cigarettes	yes	___	no	<input checked="" type="checkbox"/>
Coffee	yes	<input checked="" type="checkbox"/>	no	___

FATIGUE

I do hereby signify with my signature, that the above information is true and correct to the best of my knowledge,

Date 12/12/79 Signature *Norman Hornung*

Name *Norman Hornung*

Address *585 SE Vona Ave*
Corvallis, OR 97330

"THANK YOU FOR YOUR TIME"

Attachment 6 - TCE Carcinogenic Potential

The National Cancer Institute (NCI) found TCE to induce a statistically significant number of liver tumors in the B3C6F1 strain of mouse but no tumors were found in Osborne Mendel rats.

The Manufacturing Chemists Association (MCA) performed an inhalation study from which preliminary results resembling those of the NCI were reported in 1978. Department staff contacted the MCA and learned that the study has been invalidated due to a lack of control on TCE concentration in the test atmospheres, replacement of the control group of mice during the experiment, and discrepancies in interpretation of tissue data.

TCE has been found to cause mutations in bacteria and yeast in the presence of homogenized B3C6F1 mouse liver. Studies of mice exposed to 300 ppm of TCE 6 hours per day, 5 days per week for 9 months (mating with unexposed females) showed no dominant lethal mutagenic effect.

In vitro cell transformation experiments in which Fisher rat embryo cells were incubated for 48 hours in a solution containing TCE produced cells which induced fibrous tumors when one million incubated cells were under the skin of newborn Fisher rats.

The postulated route of carcinogenic activity is through an epoxide intermediate. Research conducted on differences of metabolism of TCE to an epoxide indicated that the potential degree of epoxide activity (carcinogenic potential in this case) would be mice $\frac{1}{2}$ rats $\frac{1}{2}$ humans.

To date, there have been only a few small scale epidemiological investigations (in Scandinavia) of humans exposed to TCE in the work place over long periods of time. Those studies did not show any relationship between TCE and human cancer. The studies did not involve large numbers of workers (only about 1,500 total).

The Environmental Protection Agency Carcinogen Assessment Group has prepared a preliminary assessment on TCE. The Assessment makes three basic assumptions:

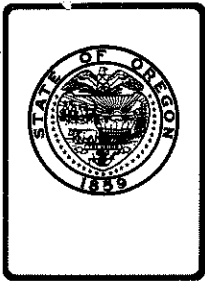
1. Mouse carcinogenic potential is the same as human carcinogenic potential.
2. Exposure due to force feeding TCE to mice equals exposure by human inhalation.
3. The dose response curve is linear (in other words, if one unit given to each of 100 rats weighing 100 grams yields ten cancers, then 1/10 unit given to each of 10 rats weighing 100 grams would yield one cancer).

Each assumption biases the cancer risk assessment on the conservative side.

EPA calculated that a continuous lifetime exposure to 1 ppb TCE in air would give a person a 2.25×10^{-5} (one in 45,000) chance of dying of cancer due to TCE. Similarly, EPA has made calculations showing that the risk of dying of cancer in the general public is one in four, and the risk of dying of cancer due to exposure to sunlight is one in 1,000.

TCE is currently considered a potential carcinogen in humans. A health assessment report by an EPA contractor has recommended minimizing human exposure, but the National Institute of Occupational Safety and Health has not recommended that TCE users switch to alternative solvent systems.

EPA is considering whether to include TCE in a group of 15 additional compounds to be classified as "hazardous," and to be regulated under the NESHAPS section of the Clean Air Act. Work on promulgating such standards might begin within a year. And, if any standard is adopted, it would be applied to the Evans facility through its Air Contaminant Discharge Permit. At present, however, no emission or ambient TCE standards exist.



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: January 2, 1980
From: Linda K. Zucker, Hearing Officer
Subject: Hearing Report on November 28, 1979, Hearing on Evans Products Company
Submicroporous Battery Separator Plant Air Contaminant Discharge Permit

SUMMARY OF PROCEDURE

Pursuant to public notice, a public hearing was convened at the First Presbyterian Church in Corvallis, OR at 7:15 p.m. on November 28, 1979. The purpose was to receive testimony regarding issuance of a proposed air contaminant discharge permit controlling the Evans Products Company's Submicroporous Battery Separator Plant in Corvallis.

SUMMARY OF TESTIMONY

Diarmuid O'Scannlain, counsel for Evans Products Company reported that while the company considers the proposed permit conditions to be costly and restrictive, the company is willing to accept the permit as drafted.

Robert Shepard, graduate student, Oregon State University School of Pharmacy, lives near the battery separator plant. His study and experience persuade him that there has been undue emphasis on the carcinogenic properties of trichloroethylene (TCE), and not enough emphasis on its physiological effects. The Shepard family and their visitors have experienced headaches, nausea and dizziness which Mr. Shepard attributes to high concentrations of TCE in the ambient air.

Mr. Shepard advises that TCE has long been used as an inhalation anesthetic. TCE is metabolized in the body to four components. Of these, trichloroacetic acid is a herbicide which is corrosive to the skin and precipitates protein. A second, trichloroethanol is a hypnotic agent. A third, dichloroethylene may have toxic effects on the liver and kidneys.

Accordingly, Mr. Shepard would restrict emissions to 25 parts per million.

Marvin Marcotte whose property is adjacent to the battery separator plant, urges delay in permit issuance pending assurance that the fugitive emissions (those leaving the plant other than through the emissions control equipment) do not jeopardize public health.

Mr. Marcotte expressed concern that the Department's regulation of this industrial process reflects a bias toward industry interests. He recommends abolishment of



Contains
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Materials

the Department to avoid lulling the public into a false security concerning its health. An incidental benefit would accrue through tax savings.

Jeri (Mrs. Edward) Hurff pointed to the location of the plant in a residential area close to downtown Corvallis rather than an industrial park as exacerbating the plant's potential for harm.

Charles A. Boyle was particularly concerned about the asserted loss through fugitive emissions of 93% of the TCE amounting to 557 tons per year. He suggests that the Department delay permit issuance until completion of a materials balance study accounting for the emissions loss. He also suggests that the Department undertake a reliable ambient air testing study under varied weather conditions to determine the levels of public exposure to TCE. Both studies should be funded by Evans Products Company but carried out by independent consultants.

At the conclusion of public testimony, Mr. Boyle posed a list of questions to Department's representative. A copy of those questions and a summary of the answers given are included as an appendix to this report.

Dave Schmedding, a research chemist with Oregon State University urges delay of permit issuance until the problem of fugitive emissions is resolved.

Alec Evans is concerned about the reported carcinogenic effects of TCE. While respecting the need to preserve jobs, Mr. Evans seeks assurance that personal rights to a healthy environment are respected.

Bonnie Marcotte lives directly in front of the Evans battery separator plant. She states that her family and guests have experienced nausea and headaches as a result of the plant's emissions. She believes that the Department's handling of the permit issuance process reflects a lack of concern for local residents.

William C. Denison urged the importance of providing opportunity for public questioning of Department staff at hearings on proposed permits. He noted that the TCE used as a cleaning solvent is supposed to be recovered at the end of the production process and reused. He then concluded that the fugitive emission loss rate and ratio make permit issuance irresponsible.

James R. Foster chided the Department for failing to take action against Evans Products Company for its failure to obtain a permit prior to initiating the industrial process which releases TCE.

Jaime Phelps objected to issuance of the permit without assurance of protection to human health, and suggested that public comment precede the drafting of a proposed permit. Ms. Phelps inquired whether Evans Products had been fined for its failure to obtain a permit before carrying on the process.

Fran Recht generally favored issuance of the permit provided that TCE concentration is maintained at below 25 ppm in the ambient air and fugitive discharges are eliminated. She noted that human diseases and disabilities associated with TCE and its components, and provided a list of source references for documentation.

Inge McNeese submitted a written statement summarized as follows:

In the absence of ambient air standards for TCE emissions, permit issuance affirms a premise with which the writer disagrees: that a substance is safe until proven harmful. As occupational standards are liberal, DEQ's reliance on the favorable comparison of the measured emissions with occupational standards is misplaced.

Permits will dilute emission concentration rather than reduce the amount of discharge. Reliance on dispersal should entail a stack height recommendation.

Portia B. and William A. Foster consider TCE to be a carcinogen. They urge immediate action to determine the volume of TCE being discharged and to discover where it is going. They further urge that the Department take necessary steps to control it.

Fred W. Decker, Ph.D., posited conditions under which the emission of TCE directly into the air at the source or into the air from a stream into which the TCE might be released, would yield concentrations of TCE exceeding 200 parts per million concentration in the air at low elevations. This possibility requires that precautions be taken to assure that fugitive emissions be gathered and released high in the atmosphere to assure safe dilution in large volumes of air.

Ron McNeese provided a reminder that the Department is accountable to the public. He inquired whether Evans Products Company had been forewarned that ambient emission testing would take place. Department's representative responded that the company had paid for the testing and knew of it in advance.

Patrick Cannon inquired whether the Department was satisfied that it knew of all point source emissions from the plant, and was assured that all ovens were vented.

Jim Foster sought assurance that the ambient emissions testing on which the Department relies could not have been rigged to favor low TCE concentration readings. Department's representative expressed satisfaction that during the testing period the plant was operating normally, allowing reliable readings.

Terry Finley attributed public hostility to the plant, as evinced at the hearing, to the company's failure to act in good faith and as a good corporate neighbor.

Copies of written statements submitted at the hearing are attached to this report.

A rough copy of the hearing transcript is also attached.

Respectfully submitted,



Linda K. Zucker
Hearings Officer

L.Zucker:ahe
229-5383
01-03-80

SPEAKER 1:

Okay, most of you have copies of our Staff Report and Proposed Permit Draft here. Look to be about 30 or 40 more, and so those of you who don't have copies of those things, you might come up and pick one up. I'm not going to read those because they are a matter of public record now. I will, however, touch on the high points, those points that are more important than other points in the Staff Report and the Permit; and I will give you a little supplemental information that has developed in the period of time that's lapsed since these documents were prepared and since the public notice period started. Okay.

First off, I'd like to say that the Proposed Permit obviously is for the Evans Products Submicro ... Battery Separater Plant and it's located on Crystal Lake Drive here. What we are proposing to control are, through the Permit, are the emissions from that particular process.

Those emissions consist of two things, basically. The first is a potential dust emission from polyethylene and silica dust handling facilities. Those dust handling facilities are controlled in a fairly conventional manner by bag houses and they're, that method of control is acceptable to the Department and it's the norm, it's what everyone else uses for good dust control.

The second emission and the one that we've had quite a bit of

public feedback about already has been trichlorethylene vapor. Trichlorethylene is a substance that's used in great quantities worldwide. Some 450 million pounds are produced in America alone each year. There are figures, that figure came from Dow Chemical, there are other figures available that show somewhat lower production rate. I've heard that as high as 40 million tons per year produced worldwide. Some of the industries in Europe are geared a little more heavily toward trichlorethylene as a solvent base than those in America.

The Occupational Safety and Health Administration have set limits for worker exposure to trichlorethylene, those being 100 parts per million as an 8 hour average. That's a level that a worker could, according to OSHA, be exposed to on an 8 hour basis, 5 days a week. And 300 parts per million maximum. Now there was a study done by two people with NIOSH, which is another Government Agency, which does the research end of OSHA's job, and they recommended back in 1978 that this average value be cut to 25 parts per million. But OSHA did not act on that recommendation, and the 100 parts per million average level still stands.

Now, there were two studies done on trichlorethylene as a result of concern that was generated about the time when the vinylchloride cancer program came up. The first study was done by the National Cancer Institute. They fed TCE through gastric tubes to mice and rats and found that the mice, this one particular mouse strain, developed liver tumors in significant

quantities. Enough to say that the material had caused those tumors in the mice.

The Manufacturing Chemists Association, which is now the Chemical Manufacturers Association, contracted out a study to see if there is a carcinogenic potential in the same mouse strain that the NCI used, National Cancer Institute, used only for inhalation since most of the exposure of people in this country is by inhalation rather than drinking TCE. They, the study had purported preliminary results in 1978, it was a two year study, that a similar ... liver cancer was formed due to TCE. Now, I called the folks at the Manufacturing Chemists Association to find out what had happened with the study. They informed me that, unfortunately, the people who conducted the study for them, and it was a well-designed study looking at control group, group exposed to 100 parts per million, 300 parts per million, and 600 parts per million. The people who did that study had not established a control over the levels of trichlorethylene to which the mice were exposed during the first 4 months of the test, so that all of the mice, including the control group, were exposed to levels as high as 1200 parts per million. And that basically invalidated the study as far as saying anything about specific levels of TCE that may have or may not have caused tumor formation in mice. But, the preliminary results still stand.

Now, as far as studies in man go, there have been no real epidemiological studies done in this country, basically because our population, working population, seems to be mobile and people

don't stay in one place long enough for a long term study to be conducted.

There were two studies conducted in Sweden. One of them was a study of people, and a small number of people, only 518 people, who were exposed to TCE for long periods of time. That study didn't establish any causal relationship between exposure to trichlorethylene and development of cancer, but it didn't rule it out either. So, the current status of trichlorethylene, and it's not an official status, but just as a result of these tests, is that TCE is a potential carcinogen in man. There have not been any cancers found in man due to TCE, but the potential exists, as it does with most other chlorinated hydrocarbons. For example, perchloroethylene, methylene chloride, chloroform, and the whole list.

So, as far as Evans Products itself goes, Evans Products uses trichlorethylene in the Submicro Battery Separater Plant process. They use process throughput of up to 2800 tons per month of TCE; 95 to 98 percent of that amount is recycled and returned to the process or captured by pollution control equipment. Okay, 2 to 5 percent then, or about 50 tons per month, are released to the atmosphere. Five percent of the 50 tons are released from pollution control equipment. Again, this material does not appear in the SAC Report so if you're a note taker you might want to take notes. 95 percent of that 50 tons released is fugative emissions, okay. By the way, there are about 22 pounds per day released to the water. So you can figure

on a monthly basis that's about 600 pounds. We have tested the water discharges also, by the way, and found that there is no TCE leaving the waste water system in the form of ethylene.

Okay, so based on the obviously large amount of TCE that is being released as a fugative emission, we scoured the country and managed to come up with a person who could test for TCE content in the ambient air at very low levels. Now, by low levels I mean in the parts per trillion range. EPA has a test method that's available that will look at parts per million, but it was the Department's feeling that if the levels were in the parts per million range, that would be cause for some concern. So I took a couple of days and went up to see this man and learned how to operate his sampling equipment, and took several samples in the area around the Evans Products Plant and the local neighborhood. On the day that was a poor mixing day, it was not during an air stagnation advisory but it was during a stagnant air condition, okay, we found that the levels in the ambient air were all less than 10 parts per billion, okay. Based on that low level, the Department made the determination that there was not an immediate threat to human health, okay. And we went ahead of the drafting of the Permit.

Now, I'm going to recap briefly the Permit conditions, the major Permit conditions, and this recap can be found on page 5 of the Staff Report. I'm going to read these, sort of.

The first major condition says that all pollution control

equipment has to operate at full efficiency. That's pretty straight forward.

The second condition says that particulate emissions are limited to 1/10th of a grain per standard cubic foot, less than 20 percent opacity, and no particle with a diameter larger than 250 microns can be deposited on the real property of someone else. Now that's a standard condition, just like the first one. It appears in all of our Permits where we're dealing with dust type emission. And this speaks mainly to the silica and polyethylene dust handling systems.

The third condition says that TCE emissions from the carbon beds are limited to 10 pounds per hour with a minimum carbon bed efficiency of 95 percent TCE removal, whichever is more restrictive. Okay.

The fourth condition says that odor from the Submicro ... Battery Separator Manufacturing Process is limited to centimeter number 0 strength in residential and commercial areas. This, in case or lest anyone be mislead, is a standard condition. Trichlorethylene, in order to be smelled by people, has to be in concentration of somewhere between 21 and 400 parts per million, depending on your nose. And that's an awful lot of material and far before any concentration got that high, we would all be concerned. I'm sure Evans Products would be extremely concerned. And, like I said before, the ambient monitoring showed levels thousands of times lower than that, less than 10

parts per billion.

Okay, the fifth condition is that monitoring of the process through TCE consumption, emission control device maintenance and source test results, that sort of thing, would be performed and that results of that monitoring would be submitted to the Department of Environmental Quality on a monthly basis.

The sixth provision is that 3 source tests per year would be performed on the carbon beds. That's to make sure that the carbon beds are operating at this 95 percent efficiency or better.

Okay, there are three additional conditions which would be added to the Permit which have not been entered in this Report. The first is that four ambient air samplings will be made during the next year. It's the Department's intention that three of those samplings be done during this next winter during stagnant air conditions.

The second of those three is that there will be connection of a secondary drying oven made to the pollution control equipment. In other words, there is an oven which is now discharging directly to the atmosphere which will be connected the activated carbon beds. That connection should result in a 20 to 25 percent decrease in the fugative emission rate. And, once that bed, prior to that bed being connected, we will make an adjustment in this condition 3 that you see up there, the 10 pounds per

hour, because when we take the 80 gallons per day that will be recovered by connecting the second oven to the pollution control equipment, there will be a greater, well, a small amount compared to the 80 gallons per day discharged from the carbon beds. So we'll have to increase the, we'll increase the level of discharge from the pollution control equipment, but the plant-wide emissions will decrease by about 20 to 25 percent.

Okay, and the third is that there will be a fugative emission reduction plan established by the Company, and we will require progress reports on that plan.

Okay, that is all of the information the Department will present at this time.

HEARING OFFICER:

Mr. Diarmuid O'Scannlon, an Attorney for Evans Products, is also here tonight and he will provide a very brief statement concerning Evans Products' position on the Permit.

Mr. O'Scannlon.

DIARMUID O'SCANNLON

Thank you very much Madam Hearing Officer. For the record, my name is Diarmuid F. O'Scannlon, partner in the law firm of Regan,

Roberts, O'Scannlon, Robertson & Neil, Portland, Oregon, Counsel
for Evans Products Company.

I would simply like to state on behalf of the Company, that since
May of this year the Company has been working very closely, I
believe, with the Department in response to the Permit process
for this Plant. We have, were served with this Draft Form of
Permit. We have reviewed it very carefully. We have also been
advised that there will be 3 additional conditions which were
referred to tonight. So far as we are concerned, frankly we
feel that the Permit conditions are very restrictive. They are
also costly. But having reviewed the text of the Permit and
having considered the specific conditions that have been
outlined, it is the Company's position that they are willing
to accept the Permit as the Department has drafted. Thank you
very much.

HEARING OFFICER:

Robert Shepard, would you come forward please, Mr. Shepard.

ROBERT SHEPARD:

My name is Robert Shepard, and I'm currently residing at
435 S.E. Atwood, approximately 6 blocks south of the Evans Plant.
And I've, myself and my wife have resided there for approximately

2 years now. And I'm currently a graduate student at OSU in Pharmacy, the School of Pharmacy. I have worked with chemicals in a laboratory, as well as studying them as far as their effect on the body, for the past 6 years and feel that I have some knowledge of the effects of TCE on the body.

I feel that there has been far too much emphasis placed on the carcinogenic properties of this chemical, and not enough on what the chemical actually does when it enters the body. And the following information I'm about to give you is all obtained from current literature and texts that I'm currently using in my educational work at OSU.

TCE, along with being an industrial solvent, has been used for many years as an inhalation general anesthetic. Now, most of your inhalation general anesthetics are easily handled by the body, converted to carbon dioxide and ether, and the ether is usually excreted in the urine. As far as TCE goes, it is a halogenated hydrocarbon, also used as a inhalation anesthetic, and it has been found and proven to be metabolized in the body to 4 components. They are trichloroacetic acid, which is a known and used herbicide which is corrosive to the skin and precipitates protein. Also, it is converted to trichloroethanol, which is a known hypnotic agent. Also, another active metabolized is dichloroethylene which cannot be handled by the body and has been proven experimentally in animals to have toxic effects on the liver and kidneys. And the fourth component is the chloride ion which can be handled by the body.

Myself, my wife, as well as visiting friends and relatives, have experienced at my residence, six blocks from the Evans Plant, headaches, nausea and dizziness which I, with my background in the use of chemicals in the laboratory, emphatically state is the result of TCE in the air. There are approximately 1 to 2 days per week where I cannot enter my backyard because the concentration in the air is higher than any chemical in my 6 years of education working with in the laboratory with 20 to 30 students in an average laboratory about half to one-fourth the size of this room. The concentration of TCE in the air in my backyard is higher than any concentration I've experienced in the laboratory with 20 to 30 students working with the same compound. And I find it a little ironic that the standards for fumes in an organic chemistry or ... chemistry laboratory in a teaching institution should be lower than the environmental air that we breathe. And I strongly oppose the present Permit for the Evans Plant, and I personally would not allow the Evans Plant to work with anything being omitted above 25 parts per million. Thank you.

HEARING OFFICER:

Thank you, Mr. Shepard. Marvin Marcot Would you state your name.

MARVIN MARCOT:

My name is Marvin Marcot. I reside at 685 S.E. Vera, which is property adjacent to the Battery Separater Plant. I urge the DEQ in delaying the issue of this Permit till there has been complete investigation into the loss of such huge amounts of toxic substance that the public health and the well-being is not being jeopardized.

In my opinion, the handling of this matter demonstrates a gross negligence, incompetence and disregard of the public interest by the Department of Environmental Quality. It appears to me that DEQ is more interested in protecting industry than in public health and well-being.

The handling by DEQ of repeated violations of pollution standards by Evans Products brings the whole pollution control program into disrespect and leaves many unanswered questions. With this kind of pollution control and enforcement by DEQ, it would be better to let industry regulate itself. This is what appears to be occurring with Evans Products in Corvallis. This would, at least, we should do away with DEQ. This would, at least, save the taxpayers millions of dollars and not lull the public into false sense of security that their health and environment is being protected.

You have already issued Permits to Evans to dump tons of microscopic fiberglass particles onto my real estate. You have

allowed them to illegally dump tons of wood fibers on my property. You allow them to make noise illegally and keep the neighbors up at night. And now you are going to issue another Permit to legally endanger our health. I ask you, the Department of Environmental Quality, what you have against southeast Corvallis.

I urge you not to issue this Permit, not now, not ever. For if you had done an environmental impact study, you'd realize that you don't dump toxic chemicals into the air, midway between residential neighborhood and a downtown area. I ask you, please, to do the job the Government originally set up DEQ for, and please be the Department of Environmental Quality and not the Department of Industrial Protection or DIP for short. Thank you.

HEARING OFFICER:

Thank you, Mr. Marcot. Would you like to submit that in the form of written testimony? It's easier for us to handle in putting a record together.

MARVIN MARCOT:

....

HEARING OFFICER:

It doesn't need to be. Thank you. And anyone else who wishes to supplement their oral statement with some outline or text, it's appreciated.

Mrs. Edward Herf.

And just so that you're aware, the next speaker will be Charles A. Boyle.

JERI HERF:

My name is Jeri Herf. I live at 1915 S.E. Bethel in Corvallis. I would like to submit this letter from Inga McNiece, Counsellperson on the Corvallis City Counsel, to the Department of Environmental Quality. I won't read her letter because you're interested in expediting this meeting.

But I would also like to emphasize to the Department of Environmental Quality that Evans Products is not in an industrial park. It is backed up against residences, immediately within yards of that place, and that it is also right across the river from downtown Corvallis. Whatever is disposed of by them into the atmosphere cannot but get within the breathing area of thousands of people. And immediately within the vicinity of

south Corvallis, brand new homes and a lot of people who intend to live there You may eventually have your long term experiment down in south Corvallis if you allow this to be dumped into the atmosphere down there. Thank you.

HEARING OFFICER:

Thank you. Mr. Boyle. Pardon me, Mr. Boyle.

CHARLES BOYLE:

I'm Charles A. Boyle and I have a serious question which I feel is pertinent, that should be answered, if possible, and maybe a follow up in writing.

HEARING OFFICER:

.... Okay. Mr. Boyle this isn't the form for that. What we're interested in ...

CHARLES BOYLE:

... in the sense of finding out, can I ask him and then if they're, then he can, you know, tell me no. But I think, as

part of understanding the whole process it would be important
to cover these.

HEARING OFFICER:

We do not want to have questions and answer period now.

CHARLES BOYLE:

Okay, okay. Well, can I get them in writing back then?

HEARING OFFICER:

That's

CHARLES BOYLE:

Ya, okay.

HEARING OFFICER:

You certainly should be able to do that. Would you

CHARLES BOYLE:

Okay. I have some comments. I'm Charles A. Boyle and I'm concerned about the large amounts of trichlorethylene, TCE, being used by Evans Products. DEQ has only addressed the loss of 5 percent of TCE or 45, 43 tons a year which comes from the carbon beds. It is the other 95 percent, or 557 tons, that disappears and is unaccounted for that concerns me. I do not feel that DEQ has sufficient information to say that the health of the citizens in the community will be protected by the proposed Permit. DEQ should delay issuing the Permit until the annual loss rate of 1,200,000 of TCE can be accounted for, and that this loss does not jeopardize the health and well-being of the public. DEQ should take the following action prior to issuing the Permit.

1. Do a materials balance study to account for the loss of TCE.
2. Do a statistically reliable ambient testing study under varied weather conditions to determine the levels of public exposure to TCE.

These two studies should be done by independent consultants, and the costs paid by Evans Products. It is incumbent on Evans to prove that the public's health is not being jeopardized. The taxpayer should not have to pay in order to prove that the

air he breathes is safe. Thank you.

HEARING OFFICER:

Thank you, Mr. Boyle. The next speaker is Dave Schmeding, and to follow him is Alec Evans so that you can be prepared.

DAVE SCHMEDING:

My name is Dave Schmeding, Route 2, Box 299, Corvallis. I'm a research chemist up at OSU, Department of Ag. Chemistry. I think it somewhat academic to state the efficiency of the carbon beds as being 95 percent efficient, when what you're looking at is perhaps less than 20 gallons of the 400 plus that they release per day. And as a chemist, I'm much more concerned about 380 gallons that they call fugative emissions, than the part that comes out the stack. I think it's sort of silly for you to talk about extending the stack, when you're only talking about 20 gallons. Okay. Let's worry about the 380 gallons that they're dumping out into the City. I think you ought to delay the permit until they come up with some reasonable way to approach the fugative emissions. Thank you.

HEARING OFFICER:

Thank you. Alec Evans.

ALEC EVANS:

My name is Alec Evans. I live

HEARING OFFICER:

Mr. Evans, perhaps you could turn it a little so the audience
.... Thank you.

ALEC EVANS:

Alec Evans. I live at 1510 S.E. Alexander, which is pretty close
to the Evans Products Plant. I drive by there on a bicycle every
day a couple times and breathe the air, and at times I've really
experienced some very heavy concentrations of toxic vapors coming
from the Plant. And, I don't know, I intend to keep on riding
my bicycle by Evans Products and I really don't want to keep
on breathin' TCE or anything else that Evans is gonna be putting
into the public atmosphere. It seems like a basic violation
of privacy or human rights. I mean, you know, it, it's strange.

I came across a book in the OSU Library a couple of days ago.
Lookin' through the new book section and it had a book on

environmental pollutants. And in that, it definitely states that TCE is a carcinogen and a mut...mutag...mutagen, something like that. It definitely states that, whereas you stated that it has a potential for being carcinogenic, that it.... Well, anyway, I have that information for the, the Counsel. Oh, so, I just don't want my personal rights or anybody else's rights to be violated. There seems to be some basic elements of law that are being avoided in the issue, and, I don't know, I think people really ought to think about the work they do and the consequences they have to other people. You know, I'm all for work and I don't want anybody to lose their job, and I just perhaps see the situation as a situation is like a challenge for to use the community mind, or whatever, to try to develop safe ways to live and get what we need here on the earth and, well, anyway, my, I hope we can do it 'cause the environment's getting pretty polluted. I hope we can do it pretty soon.

HEARING OFFICER:

Thank you. Bonnie Marcot, and we'll follow Ms. Marcot with William Dennison.

BONNIE MARCOT:

My name is Bonnie Marcot. I live at 685 S.E. Vera. The Separater Plant is right directly behind our house. I guess,

I guess it's the filthiest place I've ever smelled or been close to.

A lot of people have asked us lately, "Well," you know, "why did you did you move there if you knew that Plant was there?" We moved to Corvallis, we had no idea that there was such a place. We came here and we found a house that we really, really liked and we moved in, and that was in the winter time and by the time summer came the air was so stagnant and the dust filled the air so bad that it was almost took your breath away. We had, we had lost our house before in a fire. We used up our first State Vetrans. We bought this house on a State Vetrans, and we have no other. We cannot leave and go to any other place in the City because we can't afford it. We are stuck in a place right up next to Evans Products, and a payment that we can afford. We can't move anywhere else. We have to stay here because we can't afford the present interest rates.

I don't like living next door to Evans Products. I have no choice. I, my family visited from Idaho last year and they went home three days early because two of them were so sick that they could hardly, nauseated with headaches. And, we live next to it and we put up with it, hoping somebody out there will hear us. And hoping DEQ will finally get off their ass and get down there and stop judging us because we live there and nobody else does. DEQ sits in Salem, they don't care about us. They really don't, and if they did, they wouldn't let these Permits slide and they wouldn't let Evans Products get by with the stuff they

get by with.

HEARING OFFICER:

Mr. Mr. Dennison.

BILL DENNISON:

My name is Bill Dennison. I live at Route 1, Box 286, that's way out in the north end of town, I'm not a neighbor of Evans Products.

I want to start out by protesting, and formally protesting in the record, the suppression of Mr. Boyle's testimony. I was told as I came in and signed up to testify, by the gentleman that was standing there, the gentleman in the gray suit, it would, in fact, be appropriate for me to address my testimony in the form of questions. I don't see any reason why Art shouldn't.

In addition to that, one of my concerns in going to hearings of this sort, of course, I'm interested in the problems of the people in the immediate neighborhood, anybody who's human would be, but I think that those of us that go to testimonies of this sort are also interested in questions of technical detail. Especially where they relate to matters of health and where they

relate to matters of something like this, as important as this Permit. And I submit that the questions that I had in mind were directly to the point, they were directly to the relevance of the tests that have been made in connection with establishment of this Permit, and I want to protest their being deleted.

I also want to be sure that all of you understand some of the things that have been going by very fast. This material, TCE, is used in this industrial process as supposedly recycled within the system, it's a solvent which is used to clean the product out. It's then recovered, brought back into the process. And so, in the normal course of events, if one was concerned about economics, as I'm sure Evans is, you try to recover as much of it as possible and you keep it within the system. It isn't deliberately a part of the product. You don't send it out in these battery separators. It doesn't become part of the battery separator. It goes round and round in the process.

My understanding is, from four independent sources, that Evans purchases on the order of 100,000 gallons of this material per year. This is something that's supposedly going round and round in the system. If that's the case, this means that there is nutrition, a loss, a net loss annually of 100,000 of this. Now, as the testimony has been given here from DEQ, approximately five percent of this is accounted for in the stack on which there are pollution controls. The remainder of this 100,000 gallons is the fugative emissions.

Now, I'm concerned not only with what fugative emits out into the atmosphere, and obviously we're all concerned about that, but it seems like an enormous amount, and so I've been asking myself, and indirectly DEQ, the question, "Is it possible any of this is dirtied and it's shipped out by truck or tank car?" And the answer is, "no." Is it possible that there's a leak somewhere in the system? Some of it I hear tonight got out and gets out in the water, a relatively small amount of it. But it seems to me completely irresponsible to issue a Permit until the other 995,000 gallons are accounted for. And, thank you.

HEARING OFFICER:

Thank you. Mr. Dennison, I would respond to your suggestion that there is some suppression of testimony only by saying we saw a goodly number of people, we were expecting a very long evening. I'm sure that Mr. Groskevich will be happy to remain and, on the record, respond to those questions at the conclusion of this opportunity for public input. That was the purpose of the evening, for us to get information from you. I think the Department is always willing to share its information with the public, and we'd be happy to do so tonight. So, I urge you to stay and we'll take that opportunity when we've heard from everyone here to speak.

BILL DENNISON:

.... Will there be opportunity then for us to respond to Mr. Groskevich's response to those questions?

HEARING OFFICER:

We

BILL DENNISON:

This was one of the reasons for scheduling ...

HEARING OFFICER:

Sure.

BILL DENNISON:

the questions early.

HEARING OFFICER:

The meeting, we have the room for quite some time and we'll be happy to give you an opportunity to get answers. We're not trying to debate this evening. It's an exchange of information.

James, James Foster.

JAMES FOSTER:

Good evening. I'm James Foster. I lived on S. E. Atwood. My feeling is not so much an issue of what's being in the air or anything else. The fact is, Evans went ahead and went on with whatever they wanted to do. They started things out, they put it in motion, they let it roll. Then they got caught.

Now then, this is the second time that we're fighting them on a situation that should have been controlled from the very start. And you cannot tell me that people at Evans are that dumb that they did not know that they needed a Permit to discharge things in the air. You just, you just can't, you just can't make me believe that I'm that gullable to listen to that and to also hear from the DEQ to do nothing about it. The same as nothing about it. It amounts to a slap on the wrist. DEQ, you're a disgrace. You really are. So, we're not, there should be a third party here in this meeting tonight to put you on trial. And that's what I think it should happen. Whatever happened to honesty and honor? Now, these are some things that we've not heard very much of lately. Honesty and honor, your

word is your bond. Now, what has happened to those things?

Thank you.

HEARING OFFICER:

Himie Phelps. Is that Jaimie?

JAIMIE PHELPS:

Yes, it is.

HEARING OFFICER:

Excuse me.

JAIMIE PHELPS:

Hi, I'm Jaimie Phelps and I live at 1935 S.E. Debord Street,
which is in Southeast Corvallis. And I don't want to waste any
time 'cause I want to get some answers to these questions.

I just want to say that I think we should all be able to voice
our opinion about what we're breathing, and I don't like
breathin' this shit in the air.

HEARING OFFICER:

I'm going to change the tape.

HEARING OFFICER:

I am going to remind you that we are here through the courtesy of the First Presbyterian Church, and we'd like to be sure that the room will be available for public meetings in the future.

Fran, I think it's Recht.

FRAN RECHT:

Hello, my name is Fran Recht. I reside at 905 N.W. 31st Street in Corvallis. While I'm generally in favor of issuance of the Discharge Permit to Evans Products Company if TCE concentrations can be kept below 25 parts per million in the ambient air and if those fugative discharge can be eliminated, I'm withholding support of such a Permit.

I have been reading information about trichlorethylene, generally as related to the work environment, and have become concerned about some contaminants of trichlorethylene and some of its break-down products. I'm not sure if exist of the concentrations of these substances that may be found at the level of allowable TCE discharge of the Evans Products Plant or at the level of the fugative discharge, and would like some studies done or possible monitoring for these compounds.

TCE is produced from tetrachloroethane by heating with calcium

hydroxide. Tetrachloroethane may be present as an impurity in technical products. I'm enclosing a list of my references at the end of this, okay?

HEARING OFFICER:

Good.

FRAN RECHT:

It has a vapor pressure of 11 ... of mercury. The 1963 Handbook of Poisoning says tetrachloroethane is the most poisonous of the chlorinated hydrocarbons and the maximal level of concentration is 5 parts per million. It can cause death with delayed onset in the liver and kidney. It is an irritant of the eyes, nose, and causes headaches, nausea, vomiting, abdominal pain, etc. Chronic symptoms for inhalation or skin absorption cause headache, tremor, dizziness and anesthesia. And, I want to know how much tetrachloroethane will be present. There is no monitoring for that that I'm aware of.

TCE may decompose in the presence of excess water to hydrogen chloride and other products. TCE also decomposes in the presence, the presence of hot metals, heat or ultraviolet radiation. Chlorine products that include chlorine gas, hydrogen chloride and phosphine gas, phosphine gas, excuse me.

Federal occupation standards for chlorine is 1 part per million. There is a recommended ceiling limit of .5 parts per million for a 15 minute sampling period. Chlorine reacts with body moisture to form acids. This itself is extremely irritating for the skin, eyes at 7 to 8 parts per million, mucous membranes at .2 to 16 parts per million, and throat at 15 parts per million. It may cause corrosion of teeth. Prolonged exposure to low concentrations may produce chlor.... The threshold limit value is 1 part per million and is set at a level to minimize chronic changes in the lungs and erosion of the teeth.

When TCE is exposed to sunlight or heat from the ovens of the new, of the new system, how much chlorine will be in the air or in the rain? Hydrogen chloride can be produced and exp..., on exposure of TCE to UV light or heat. Threshold limit is set at 5 parts per million. It is a strong irritant of the throat and GI tract. The threshold limit value is interpreted to be as sufficiently low to prevent toxic injury, but on the border line of severe irritation. How much hydrochloric acid will be present in the air? Will this be a significant contribution to acid rain?

Phosgene gas is the compound I'm most concerned with. The permissible exposure limit set in 1977 is only .1 parts per million. It is a severe respiratory tract irritant, causes tearing, conjunctivitis, upper respiratory tract systems. Chronic exposure may cause irreversible pulmonary changes of emphysema and fibrosis. Animal experimentation has shown increased

incidents of chronic ... and acute pneumonia from exposure to phos, phosgene. It is generally accepted that phosgene may cause chronic lung disease in man. There are no quantitative data available on what dosage may cause permanent lung damage in man. The threshold limit value of .1 part per million value has been recommended because of the irritating effects of the respiratory tract it will double slightly above this value. What might the phosgene concentration be at the maximal level of emission at, of trichlorethylene?

Thank you for your attention, and hopefully your answers.

Perhaps monitoring for all these compounds in the immediate area would be advisable and the Permit withheld until this is done.

HEARING OFFICER:

Thank you. Would you like to Thanks.

Okay. Mr. Groskevich would like to respond.

MR. GROSKEVICH:

On, on, on your phosgene statements, we did monitor for phosgene from the pollution control equipment which carries the emissions that have gone through the oven and been heated, and we did not find any.

HEARING OFFICER:

Mr. Boyle. If you'd like to submit questions for information, we'd be happy to have them.

MR. BOYLE:

....

HEARING OFFICER:

Then it isn't the kind of thing you want off the cuff right now?

MR. BOYLE:

No, well, where he can. He knows some of the answers but, and knows that he doesn't, but he's just, as much as possible. You know, I'd like to get some background that was involved in some of the source testing and things like this.

HEARING OFFICER:

Well, have you reviewed them?

MR. GROSKEVICH:

Did you

MR. BOYLE:

I gave you

MR. GROSKEVICH:

No, I haven't reviewed them.

MR. BOYLE:

I ...

MR. GROSKEVICH:

Let, let me see if I can dig them out here so I can follow along
with you.

MR. BOYLE:

Yes, yes.

These are some, I've been involved in this and been reviewing the record for about six months hoping that there'd be more positive action and so I'm a little more familiar, I think, and and I've worked with Ted on this. I'll again ask this question, does the ... monthly use rate of 100,000 pounds, 50 tons, mean that that much TCE is being lost?

MR. GROSKEVICH:

It, it means, as far as the Department is concerned, that that much material is being lost. There, like I said, there is some material being lost in the pollution control equipment, there's a small amount being lost through water, and there is a large amount then that is being lost through other sources, some 80 gallons per day on an average, which 12 times 80 gallons gives you a number being lost through a secondary oven which is not controlled now but which will be controlled by the end of January. And the remainder being lost through, as we understand it now, fugative losses. Those losses being loose points in the process. We understand that a small amount of material is carried over in the product, but not, not any appreciable amount at all.

MR. BOYLE:

One, question that isn't on, this is based on a five day, 24
hour workweek, right? The...

MR. GROSKEVICH:

24 hours a day

MR. BOYLE:

The loss rate

MR. GROSKEVICH:

24 hours a day ...

MR. BOYLE:

But

MR. GROSKEVICH:

5 days per week.

MR. BOYLE:

Right, rather than the 7?

MR. GROSKEVICH:

That's correct.

MR. BOYLE:

Okay. 'Cause it makes a difference in the percentage of

MR. GROSKEVICH:

It makes a difference in the pounds per day loss.

MR. BOYLE:

Yes, yes. Does the company ship waste TCE from the plant, or

are they just adding TCE to the process to replace that which is lost?

MR. GROSKEVICH:

The company is adding TCE to the process to the material lost.

MR. BOYLE:

None is being shipped out in a truck or ...?

MR. GROSKEVICH:

Not, not that I know of.

MR. BOYLE:

How long has the industrial process involving TCE been in operation?

MR. GROSKEVICH:

We became aware of the process in March or April of this year.

The plant had been operating for some time prior to that. It's my understanding that as of January 1979, production level operations were going on, but that the plant had operated for some time prior to that, perhaps as long as year, as a pilot process. And, pilot processes do not come under our normal permit program.

MR. BOYLE:

Okay. What is the total amount of TCE which has been used by Evans Products from the start of the present process to this month. Now, I'll, I, I would like to, I assume it's basically 100,000 pounds, but I'd like to have a written copy, if possible, of the monthly use rate.

MR. GROSKEVICH:

I can give you that in writing later, I ...

MR. BOYLE:

Yes, yes, I ...

MR. GROSKEVICH:

can't give you any example because I don't have the back up information.

MR. BOYLE:

Ya, that'd be fine, that'd be fine.

HEARING OFFICER:

And I would ask you to repeat any requests you have in writing, if you would.

MR. BOYLE:

Ya, okay, okay, we'll Okay, I've asked about the 5 day workweek. Now, these are questions involving the level of TCE control.

What was the amount of TCE being lost from the carbons beds at the time of the first source test? Prior to the correction.

MR. GROSKEVICH:

Okay. It wasn't really, when we did the first set of source tests, when ... was hired by Evans Products to do the first set of source tests and we saw that the carbon beds were basically being overloaded and we did not calculate the exact amount that was being lost, but rather we went with a request to Evans Products that they modify the operation of the carbon beds so that they would not be overloaded.

MR. BOYLE:

Would, would it be possible though to compute up until that time how much was being lost as a result of, of that, the way the equipment was being operated, or is that possible?

MR. GROSKEVICH:

It would be possible to make a very gross estimate, but not any, not any kind of a reliable calculation.

MR. BOYLE:

But we can assume it was more than is being lost as a result of the, of the correction and the second source test?

MR. GROSKEVICH:

Yes, that's true.

MR. BOYLE:

Why wasn't a materials balance study completed before proposing to issue the Permit?

MR. GROSKEVICH:

Okay, I did read as a part of this, you know, this ...

MR. BOYLE:

Yes.

MR. GROSKEVICH:

proceeding today, a materials balance, per se. A materials balance being an accounting of input, output and loss.

MR. BOYLE:

Okay, but the 95, I meant there isn't a better way, a materials balance that would account for more than 90, the 95 percent that's a fugative emission?

MR. GROSKEVICH:

If you're asking me, and you can tell me if this is what you're asking me, if we have been able to pin down each point of loss of fugative emission in the process and how much has gone, or if Evans has done this yet, the answer is no.

MR. BOYLE:

Okay, thank you. Why didn't DEQ require a source test from, for TCE and phosgene from the second exhaust point from the dark drying ovens? That's the, that's the heated gases coming off the ovens. Why wasn't there a source test done on that one, rather than the cold one?

MR. GROSKEVICH:

I'm a little bit confused ...

MR. BOYLE:

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Well, ...

MR. GROSKEVICH:

as to ...

MR. BOYLE:

Aren't there two exhaust, what would be considered point exhausts? One that you did, the pollution control equipment, can you test just air going out a tube as a source test?

MR. GROSKEVICH:

Let, let, let me do a small and, if Evans Products personnel don't have any objection, my describing in a little detail the pollution control system. Some of that material was submitted as confidential information. Okay.

The way that the system works is that the, the ovens pass heated, heated air through them to evaporate TCE. Okay, that all of that air goes through a set of coal ^{cold} finger condensor chillers to remove the, the majority of TCE, and the TCE that's left in that stream after it leaves the chillers, goes through the carbon

beds. Okay. There is a secondary oven on one line which vents to the atmosphere. We were not aware that it vented to the atmosphere until approximately 3 weeks ago. That material, that, that set has been tested and those are the emissions that I'm, that I stated in this Amended Condition to the Permit, will be hooked up to additional pollution control equipment by January. That the level of emission from the secondary oven is approximately 20 to 25 percent of the total fugative emission loss, okay. And, and I lump it as a fugative emission loss, now, because we're talking that. That is actually a point source emission and it will be controlled as such.

MR. BOYLE:

Okay, that, that answers my question. Now, what is the temperature within that secondary drying oven.

MR. GROSKEVICH:

The temperature within the secondary drying oven, last time I made an inspection, was about 140 degrees fahrenheit.

MR. BOYLE:

Has DEQ studied the level of TCE control and change in the cycle

time for the carbon beds if additional TCE from the drying ovens are exhausted through them? I was assuming that they would be ducted to the same system. I, are they going to ^(buy a) spy on whole new system of pollution control?

MR. GROSKEVICH:

Okay. There are two sets of carbon beds in place at the plant now. One is a set that was designed to handle about 14,000 cubic feet per minute. That currently serves, that's currently the only unit which is, which is operating. There is a unit that was purchased to serve the pilot operations which is rated at about 7,000 cubic feet per minute, and that is the unit to which the emissions from the secondary oven will be vented, and the secondary oven emissions will be within the design capacity of that unit.

MR. BOYLE:

Well, now will this second source also have a source test as part of the Permit?

MR. GROSKEVICH:

The emissions from the second set of carbon beds will be combined

with those from the first set of carbon beds, and all of those will be discharged through a common stack, and that stack will be source tested.

MR. BOYLE:

Okay, fine. Okay, I'm, I, I think you've answered the question essentially, but I did, I'll ask it. Why wasn't the second exhaust from the ovens included in this Permit? I believe you answered it that you were not aware of it at the time.

MR. GROSKEVICH:

Ya, it is included, it is to be included now.

MR. BOYLE:

Now. Okay, fine. Will the proposed Permit have to be changed later to increase the limits of TCE emissions from the carbon beds if a source, a second source is exhausted through the same pipe? And I believe you also answered that, that that is true, it'll have to be raised.

DEQ is charged to Evans is to provide the highest and best practical removal of TCE vapors. Does DEQ consider the loss

of 100,000 pounds of TCE a month, 50 tons, to be the highest and best practical removal of TCE vapors?

MR. GROSKEVICH:

We consider the pollution control equipment that is in place to treat that material which gets to it, as the highest and best practicable treatment. The fugative emissions are controlled on the basis of, of the tightening the system up as best possible.

MR. BOYLE:

These are questions involving ambient air testing and computer modeling, modeling. Why didn't DEQ do a, a computer model of the total emission, including fugative emissions, from the plant instead of about 5 percent from one source? You indicate the level of public exposure.

MR. GROSKEVICH:

I'm, I'm sorry, I lost your question here now I was following. It's on the back page instead of the second page.

MR. BOYLE:

Ya, okay. It's the ... Why didn't DEQ do a computer model of total emissions? And I've written in, "including fugative emissions." From the plant instead of 5 percent from one source to indicate level of public exposure?

MR. GROSKEVICH:

Our computer model, which is just that, it's a calculated estimation of something based on certain parameters. Our computer model is designed to handle emissions from a point source. In other words, from a stack. The inputs to that system are temperature, concentration, height of the stack, wind velocity, that sort of thing. It is not the type of model which is amenable to plugging in the, some values for fugative emissions. Rather than do that, we did actual ambient sampling.

MR. BOYLE:

In the opinion of DEQ, is one day's testing of the ambient air outside the plant for TCE statistically significant, and that it can be used to determine the exposure level?

MR. GROSKEVICH:

Statistical significance is something that's going to be very difficult for anyone to achieve in an ambient sampling condition for anything. I feel that the samples that were taken were, were valid samples. That the samples were taken under conditions when there was very poor air mixing. They were taken during a time when the day previously we inspected the plant and found a, a corroded gasket in the pollution control equipment. So, more highly concentrated TCE was being emitted to the atmosphere than what normally would be the case. And that we got what would perhaps not be the worst, worst, worst case, the absolute worst case, but which was indicative of levels that might be found during a worst case time. I mean, not worst case, bad case time, let's put it that way.

We are planning to do, and I've discussed this with you in the office, additional ambient samples. And it's, it's my intent, and I believe that the Company will agree, that those, those samplings should be made during an air stagnation advisory or equivalent thereto, because I, I'm not certain that Corvallis is often included in air stagnation advisory listings. Most of those are given for the Portland area or the Eugene area, that, that sort of area. But on a time when we would be fairly certain of getting poor mixing conditions. Just like we did the initial study, very early in the morning on a day when it was dead calm. You could most of the plumes from the plant going up and coming straight down. That tends to indicate that locally, at least, you know, we're outside of Corvallis it might have been sunny, but right in that local area it, things were

hanging in the area. That's the type of day that we'll take these samples on.

MR. BOYLE:

TC, TCE can decompose under a number of environmental conditions and may degrade to more hazardous compounds such as phos, phosgene and dichloroacetaline. TCE vapors around an open flame, or even drawn through a lighted cigarette may degrade to phosgene and carbon monoxide. Did DEQ analyze the ambient air outside of the plant for the hazardous compounds such as phosgene and dichloroacetaline?

MR. GROSKEVICH:

We did not analyze for phosgene and dichloroacetaline. We would have, obviously, had we found enough, enough trichlorethylene in, in the local atmosphere for those things to have been a potential problem. As it was, we found, early in the morning in the neighborhood, values ranging around 4 to 5 parts per billion. And then, later on in the day when mixing conditions improved somewhat, we found levels around 1 to 2 parts per billion. And at those levels we do not analyze for phosgene.

MR. BOYLE:

I have some questions now that involve the background investigation and search of the literature. Did anyone from DEQ contact EPA to get the latest information on TCE, such as the risk factor for cancers in the community, hazards, toxicity^A or the state of the art of controll of TCE emissions?

MR. GROSKEVICH:

We contacted EPA. The only feedback we got from EPA was an anonymous paper. The paper carried no names, no dates. Usually when you get a paper from EPA it'll say who prepared the paper and what part of EPA they worked with. That sort of thing. That paper dealt with water discharges and did go into some discussion of risk factors, etc., etc., and said that a review of literature had been made and that TCE should be considered a carcinogen and no release should be made to the environment. I, personally, reviewed the literature itself, after seeing this thing. And, there is no where appearing in the literature a statement that TCE is a human carcinogen. There are statements, as I said before, that TCE is considered, along with many other large and small chlorinated hydrocarbons, to be a potential carcinogen. And EPA does not have any special regulation, in effect at this time, for trichlorethylene or any of the other chlorinated, small chlorinated hydrocarbons.

MR. BOYLE:

Did anybody from DEQ contact OSHA or NIOSH for latest information on TCE, such as its potential as a carcinogen in, on job sites, toxicity and so forth?

MR. GROSKEVICH:

I contacted the people at the local Workers Compensation Board, at the Workers Compensation Board Headquarters here in, well, in Salem. I contacted some folks who were the supervisors of the NIOSH people, which is the research arm of OSHA, in, who did the literature review. And, above and beyond that material that appears in the staff report, I received no further information.

MR. BOYLE:

Find. Did anyone from DEQ do a literature review for the latest information on TCE, I'm thinking through a university or through a library?

MR. GROSKEVICH:

Like through a key word search for example?

MR. BOYLE:

Ya.

MR. GROSKEVICH:

No.

MR. BOYLE:

Does, and again I'll just for the record, does DEQ consider TCE, this is DEQ, consider TCE to be a potential carcinogen for humans?

MR. GROSKEVICH:

DEQ, as such, does not possess the expertise to have that consideration. We are, you know, we have the literature, you know, people who are experts in that field who have said that it is a potential carcinogen. And that is the way we're accepting it.

MR. BOYLE:

Okay, fine.

HEARING OFFICER:

Excuse me, Mr. Boyle ...

MR. BOYLE:

I've just got a few more ...

HEARING OFFICER:

That's fine, the purpose of this hearing is for us to obtain information from you. Have you done such a literature review and did you ...

MR. BOYLE:

I'm in the process ...

HEARING OFFICER:

Discover there is some ...

MR. BOYLE:

I'm in the process, I will say that I have coming from EPA a risk factor document. I'm in, in, going to be in contact with a, believe his last name, Wall, who's an engineer who is a consultant for EPA. He wasn't available and I would have passed this on to Ted had I gotten the information, and as soon as I get it, I'll make it available, but I, I have, I'm, I am searching the records and OSHA is coming out with a list of, of, of I believe they're categorized cancer producing agents in category 1 and 2, and I'm hoping to get a copy of that in order to see where, how OSHA will be dealing with TCE under, you know, they're new, it's supposed to be out the 15th of December.

MR. GROSKEVICH:

One, you know, one thing to, to consider, is that in order for there to be some regulatory force behind something like these, risk factors, I think, are kind of an, an inflammatory matter to deal with. And unless they're officially recognized by someone, they, they're really not necessarily valid.

MR. BOYLE:

Well, we'll take it in that light, I agree. I, I'm just trying to get a, you know, build up some background on this that.

MR. GROSKEVICH:

Okay.

MR. BOYLE:

Okay, the, the condensor system and carbon beds should be considered as TCE recovery systems designed to save money and not for pollution control. In other words, I feel that they were put in for, for re..., from a dollar standpoint because this TCE is rather expensive. Did Evans Products apply for a federal tax credit on this equipment?

MR. GROSKEVICH:

Okay, I don't know whether they applied for federal tax credit on the equipment. The only tax credit program I know of that exists right now is the one we administer as a state tax credit program. They did not apply for state tax credit program since all of this material, you know, all of the, the construction

was done prior to any Permits having been obtained. And, therefore, the construction was ineligible for tax credit.

MR. BOYLE:

Okay, fine. Thank you.

Now, this involves the oil used in the process. What happens to the 150,000 gallons of rubber extender type oil that is used in this process?

MR. GROSKEVICH:

That oil stays in the product.

MR. BOYLE:

And, and this, okay. It, it definitely is involved in the process?

MR. GROSKEVICH:

That's true.

MR. BOYLE:

How much waste oil is shipped out each month? Or is it, have you, have you, it's, in other words, none is shipped out?

MR. GROSKEVICH:

There, there are some heavy materials that would, like a sludge, that would accumulate in the bottom of the storage tank that are barrelled up in drums and saved for recycling. They produce approximately one 55 gallon drum of sludge per month.

MR. BOYLE:

I'll not ask the next question then.

Okay, now this is involving TCE in the waste water. Has DEQ found evidence of TCE in sumps which drain affluent from the submers..., from the submicro plant to the treatment ponds.

MR. GROSKEVICH:

Yes, we have.

MR. BOYLE:

Does steam involved in the cleaning of the carbon absorption beds contain TCE when it condenses, and could some of this TCE end up in the treatment ponds?

MR. GROSKEVICH:

Yes, it could.

MR. BOYLE:

Did there used to be a pipe line from the Evans Plant to the middle of the Willamette River which dumped ^e affluent directly into the River?

MR. GROSKEVICH:

That's a question which I'll have to ask to someone who was in DEQ when such a thing may have occurred. I took the matter up with Kent Ashbaker in Portland in, you know, response to the question you asked me in the office the other day, and I didn't get an answer at that time. But I, I'll check and I'll get, I'll make a note here that I'll get back to you if this is a

written comment.

MR. BOYLE:

Real fine. This is questions involving violations of the Permits and Noise Standards. Has DEQ investigated why Dr. Zencheck did not seek a pollution permit for the new process involving TCE, and why his position was that there are no emissions as quoted in the 26 April '79 issue of the GT?

MR. GROSKEVICH:

Okay, I, I'd like to preface this at, you know, at the outset, that we are, we are talking strictly about the submicro forced battery separator plant and I will not answer any questions regarding other permits.

MR. BOYLE:

Well, this is, this is ...

MR. GROSKEVICH:

➤ At this hearing. I, I understand that, but I'm reading ...

MR. BOYLE:

Oh, later on, okay.

MR. GROSKEVICH:

The heading to your question section. The Department did refer this matter to, well I, out of the Regional Office, made a referral to our Portland Office. The Department did issue a Notice of Violation and Intent to Assess Civil Penalty for the violation of Oregon Administrative Rules dealing with permits.

MR. BOYLE:

Has there been a civil penalty assessed against Evans Products for emitting thousands of pounds of TCE in violation of the State Statutes?

MR. GROSKEVICH:

There has not been a civil penalty assessed against Evans Products. There has not been a finding that TCE is being discharged in violation of State Statutes.

MR. BOYLE:

Even prior to discovery of the plant was ...

MR. GROSKEVICH:

Okay, the, the operation of the plant and the emissions from that plant which occurred prior to the beginning of the Permit process were addressed in the Notice of Violation and Intent to Assess Civil Penalty.

MR. BOYLE:

And I, sort of assume, the last question, you'd just as soon not answer?

MR. GROSKEVICH:

That's true.

MR. BOYLE:

Okay, thank you very much.

HEARING OFFICER:

Is there anything further? Then I thank you very much for your courtesy. I'm glad to see so many of you here and interested. We will conclude the hearing.

Yes?

Will you state your name?

RON MCNIECE:

I'm Ron McNiece and I live at 815 S.E. Atwood, about, oh, six blocks from Evans. Normally, I've never taken part in any of these. I've come and sat and listened to them all, all through the last hearings we had with Evans Co. And, it seems to me that under the free nation, that you folks are supposed to be our servants. We're not supposed to be yours. And I think this meeting, just standing back there listening to this, seems like you've got your guidelines, you're supposed to be the Department of Environmental Quality. The environment we live in is important, alright. And you guys have to make sure that it stays important. And it seems like you should answer our questions just as much as you should gather data from us.

HEARING OFFICER:

Do you have a question, Mr. McNiece?

RON MCNIECE:

Yes, Maam. I, I would like to ask you this, you went down there one day and then you showed up the next day to test them to see if they had any TCE being emitted. Did they, were they forewarned that your test was coming the next day?

MR. GROSKEVICH:

The, the fact that the Company paid for the ambient testing.

RON MCNIECE:

Okay.

MR. GROSKEVICH:

And that, you know, of course, they knew we were there.

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RON MCNIECE:

That's all I have, thank you.

MR. GROSKEVICH:

I, I would like to address this as well. I, it's not very often that you can take an industrial process which operates at, at a, you know, given rate, having been, having had inspectors be there many times to take a look at the process and have a company pull the wool over your eyes and have you take ambient samples with the process shut down.

During the time we took the ambient samples, the plant was inspected and it was operating at a normal production rate. And, like I said, the, there were higher emissions than would normally be expected at the time due to the fact that there was a malfunction in part of the pollution control equipment. So I think your allegation is out of line.

HEARING OFFICER:

Whatever you think of this process, what was intended here was to gather information. There can be another opportunity for

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you to express, to inquire and for us to provide information.

Is there someone else who wishes to speak? Yes?

I have, I have a registration form rec..., just handed in.

Mr. Decker, do you object? Do you want to come first? Okay.

And, Mr. McNiece, would you spell your name please? Thank you.

PATRICK CANNON:

I'm Patrick Cannon. I live at 1830 S.W. Whiteside. I had a concern when you said you'd found out about the second exhaust from the ovens only 3 weeks ago. And I was wondering how that was found out and do you have, are you sure that you've accounted for all the exhaust? That discovery was made so recently.

MR. GROSKEVICH:

I am now certain that we've accounted for all of the point source emissions from the plant. The reason that it was overlooked was that it was the, the representation prior to that time, whether it had been a specific representation or a tacit representation, or, or just an assumed representation, that, that, that oven was vented already to the carbon beds.

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PATRICK CANNON:

Do you mean that, you mean you were lead to believe that that was the only exhaust? I'm, I'm a little, I'm just confused.

MR. GROSKEVICH:

Okay. Like, like I just stated, until that time it was the Department's understanding that all of the ovens were vented to the carbon beds.

PATRICK CANNON:

Was Evans ever asked if that was the case? I mean, did the Department ask Evans if they were all vented to that stack?

MR. GROSKEVICH:

We did when we asked for plans to review in preparing the original draft of this Permit.

PATRICK CANNON:

So they answered in the affirmative that all, that they were

all vented to the one, to the one place?

MR. GROSKEVICH:

To my best recollection, yes.

PATRICK CANNON:

Then, what, how can you be sure now that you've accounted for all the exhausts?

MR. GROSKEVICH:

Because I've looked at all the ovens.

PATRICK CANNON:

Okay.

HEARING OFFICER:

Mr. Decker, do you have a statement or some questions? Thank you.

MR. DECKER:

The question of fugative emissions has come up here and the computer model question has arisen in which you've given some answers that I've heard. The, it is possible to estimate, at least, in a simple way, what sort of concentrations would occur downwind of a plant that is emitting some given amount, some assumed amount, or fugative emissions. No matter where they're emitted, in the wake of a building, for instance. And, I'll submit for the record a sheet here giving details of the computations where you can simply say that if in one hour, 200 pounds of TCE were emitted into the air in the wake of building that's 100 broadside to the wind and 30 feet high, and the air is moving at 1/2 mile per hour, which is not an unusual nighttime slow movement condition, nearly calm wind. Then downwind of that region, there will be, and the computation is valid, there'll be a volume of some 7.9 million cubic feet of air after one hour into which that 200 pounds has been emitted.

HEARING OFFICER:

Excuse me, Mr. Decker. I'm going to have to change the tape.

HEARING OFFICER:

Go ahead.

MR. DECKER:

Now, this 7.9 million cubic feet of air containing the 200 pounds of TCE fugative emissions would then have a mass itself of some .616 million pounds. And, when you compute the concentration, if the air is uniformly mixed or if the TCE is uniformly mixed into the air, that would come out with a concentration of TCE in the air of 325 parts per million.

There's another way that the fugative emissions can occur, of course. Simply by going into a stream, and this is done industrially with heat or emitted discarded materials all over the world. If this were put into the river, a river like the Willamette, flowing in the summertime at 60 feet per minute, 300 feet wide, then one can compute the distance downstream of the river, the stretch of the river that would receive one hour's supply of 200 pounds of TCE into it and from which surface the TCE would then be able to evaporate into the air immediately above the water. That computation, which I summarize now, results in a, a volume of 10.8 million cubic of air above the downstream stretch of river, between the banks of the river, and I'm assuming that now

a 10 foot deep layer of air would be above the river. The river cool, compared to the land on either side in the summer, that would be a reasonable assumption for one, for that condition. Then the concentration in that air above the river water would be 238 parts per million, and boaters or others on the river would be expo..., would be in that environment.

Well, the conclusion's pretty obvious that if in the first case the air weren't mixed 30 feet deep but were mixed much, in a much shallower layer, we could get two or three times or more, times the concentration that I stipulated of 325 parts per million. I think that figure that I gave for the concentration in the air above the river is a maximum likely prospect. But, it's obvious that the best way to get rid of the emissions of TCE into the air to get dilution to provide a safe, low concentration of TCE in the atmosphere is to concentrate all of the emissions together and emit from a high point. A tall stack, obviously, is a lot better than fugative emissions occurring at low levels or fugative emissions occurring down in the river.

I submit the paper here, unless there are any questions.

MR. GROSKEVICH:

No, I don't have any questions. But, I will, I will tell

you that we did take some of the ambient samples that we took down at the river level, I, I agree with you, and, with your calculations, and they're totally sensible. Down on the river during stagnant air conditions, this is downstream from Evans Products, and this was taken maybe four feet off the river, about as high as I am, holding my hand, I'm a little bit taller than four feet tall. We found 4, 4.5 parts per billion. That was at the confluence of the Marys and Willamette Rivers. Down, and downstream when the wind was blowing, the wind was blowing about 0 to 3 miles per hour, we found 2.1 parts per billion. And during stagnant air conditions in, in the neighborhood, on Vera Avenue, on which Mr. Marcot lives, about, oh, a half a block down from his house, we found 4.7 parts per billion.

And, I'm, I'm in somewhat of an agreement with you. I'm a little perplexed that at the levels which are apparently fugative emissions that these ambient levels are as low as they are. I did, however, well, I do, however, have complete confidence in the methods that were used to, to do the ambient sampling in that the person who was doing, who did the analysis for us is the person who is doing the, the freon in the atmosphere study on a worldwide basis for National Science Academy and, and other people, and is well recognized in his field. So, I ...

MR. DECKER:

It, it only means though that if there are fugative emissions, and I've taken two possible scenarios here, someplace there is a, a concentration at a higher level likely than you've been able to measure someplace in the atmosphere, the water, the soil.

HEARING OFFICER:

Thank you, Mr. Decker.

Mr. Decker?

FRED W. DECKER:

I'm Fred W. Decker, of Ore..., of 827 N.W. 31st Street. I'm a Consultant Meteorologist, among other activities. I'm Associate Professor at Oregon State University, and in this appearance I in no way implicate Oregon State University, officially, as being involved in my testimony. I appear here as a private Consulting Meteorologist.

HEARING OFFICER:

Thank you. Okay. I, I'm going to monitor the questions to some extent. I'm concerned about those in, that are accusatory in tone. We're not here defending anything, and I'm particularly concerned about those that in any way relate to what may be potential litigation. So, you can state it and then we'll see.

JIM FOSTER:

Jim Foster. My question has to do with, is it possible to close the windows and doors in that Plant while that the air, the ambient tests were being done to where that all the other things that are not going through the emission controls are being held and contained in the Plant while that you were doing your tests? That would be one way that they could pull the wool over your eyes. Now, was there tests done simultaneously and the TCE concentrations in the Plant?

MR. GROSKEVICH:

You asked about five questions. The answer to the basic question that you asked is that we looked through the Plant

immediately prior to starting the tests, and we went back and forth in front of the Plant several times during the period of time when we were testing the Plant, and the Plant was operating normally. In other words, all area ventilation systems that normally operate were operating, all doors that are normally closed were closed, all doors that are normally open were open.

HEARING OFFICER:

If there's anyone, is there anyone else who has a statement to make? A statement? Do you have information to provide to the Department to help it in evaluating the conditions of the Permit? Pardon me? Did I not call your name? I'm sorry, Terry Finley. Thank you. And if there are any others who wish to speak, I'd appreciate having your slips now. Then this will be the last contributor.

TERRY FINLEY:

I don't want to take much time. My name is Terry Finley. I live at 2411 Fairmont, Corvallis. I'd like to just point out to you why there is a little bit of hostility in the crowd tonight about Evans Products, and a little bit about DEQ.

We've gone through this before with Evans Products with their fiberglass emissions, and at the same time that the people of Corvallis were going through the process with Evans Products about fiberglass emissions and Evans Products was telling us they were doing everything they possibly could to take care of the health of the community, that they were being a good corporate neighbor, at that very same time that they were telling us that in hearings back in March and April, they were running a Plant without a Permit releasing deadly gases in the air. Now that's a fact, that's a fact you can't ignore.

So, then now when people turn around six months later and they've fought one battle, they even won stricter controls on their fiberglass emissions that Evans said couldn't be done, but then it was proved through the hearings that they could put stricter controls on it. After we fought that battle, then we find out that at that very same time that they were telling us they were the good corporate neighbor, that they were releasing deadly gases without your knowledge, without our knowledge, without the workers really knowing what was in store for them.

So, if you, if you're a little bit perplexed or wonder why there is so much hostility in Corvallis over Evans Products, is because Evans Products has brought it on themselves. And we look as citizens, taxpayers of Oregon, to you to help protect us. And if we don't get that protection, then

the hostility will be turned back to you too. Thank you.

HEARING OFFICER:

Thank you, Mr. Finley. We'll conclude the hearing.



TO: William H. Young

DATE: October 15, 1980

FROM: Linda K. Zucker, Hearings Officer

SUBJECT: Tepas, Inc. Air Contaminant Discharge Permit

In response to Tepas's application, Department staff drafted a proposed ACD permit regulating the operation of Tepas's newly constructed fish and shellfish waste processing plant in Charleston near Coos Bay.

Public interest and concern prompted Department to schedule a public information hearing. The hearing was conducted after notice on October 9, 1980, at 7 p.m. at the Power Squadron Building in Charleston, Oregon. Residents offered their comments on the proposed permit and asked questions of Department's representative, F. A. Skirvin.

A summary of the testimony follows:

Beryl Taylor, President of the Charleston Sanitary District, cited the need for new fish waste disposal methods. Deportation of fish waste by truck is an unsatisfactory solution as odors are carried through the community. The Tepas plant is designed to dispose of the waste without introducing odor problems. The lease between the Port of Coos Bay and Tepas prohibits generation of offensive odors. Most importantly, the plant will bring needed jobs to the community.

Michael Hosie, Vice President of the Port of Coos Bay, which is leasing the plant building to Tepas, offered assurance that the landlord's influence would be brought to bear to assure clean operation of the facility. Hosie was pleased that the proposed permit limited the emission of odors from the property.

William M. Sutherland inquired about scentometer operation.

Mike Raven characterized Tepas's process as capital intensive. What few jobs are brought to Coos Bay would, he suspects, go to Alaskans. In any case, quality of life should not be sacrificed to jobs.

He recalled that the process had initially been described by the plant's proponents as discharging wastewater only, not contaminants.

Raven mentioned a purportedly similar plant in New Jersey which created a stench which carried for a five mile distance and as a result was under court order to cease operations.

Mark Fryer, a Tepas principal, had attempted to check whether such a problem had occurred in New Jersey. According to his information, the New Jersey plant used conventional equipment rather than the enzymatic process which will be used by Tepas.



Tepa, Inc. Air Contaminant Discharge Permit Memo
October 15, 1980
Page 2

Lucille Sutherland is not categorically opposed to a fish waste processing plant in Coos Bay, but objects to its location in the boat basin.

She expressed concern whether the plant can operate without excessive noise and odor, and whether the Department would do a conscientious job of monitoring the plant's performance.

At the conclusion of the formal testimony, questions were asked and answered. Residents were encouraged to maintain close contact with the local DEQ office.

Written testimony is attached.

ahc
Attachments

cc: Jack Weathersbee, Air Quality Division

10-9-80



Public forum

Look ahead, beyond today

The environmental impact statement (EIS) which was done for BLM has come under attack by business interests and county commissioners, who by loud voice have tried to discredit the EIS. The impact statement was made to assess where we are now and where we are going.

I think we have to look further ahead than just today. What about the future — 10, 20, 30 years down the road? We should have no right to use up all of nature's gifts to man without reserving something for our children and their children.

We need conservation today more than ever, judging from our past record. Just look how the timber in Minnesota was cut off, and then some of those same timber operators moved out here and started doing the same thing with little or no thought for the future.

Fortunately, there were a few grand patriarchs in the early days. I refer to one Asa M. Simpson, father of L.J. Simpson, who wrote an article for the Commercial Encyclopedia (1913). He wrote: "The forests are diminishing rapidly while wants are rapidly increasing, therefore prudence suggests conservation as much as may be possible, and moreover, the use in building of all substitutes available. . ."

It's time we were stretching out our timber cutting for many reasons, and this includes the habitat for wildlife. According to the Nature Conservancy, bird extinction was occurring at the rate of one every 10 years, up until 1950. Now the extinction rate for bird species is one every year. Just stop and think what we are doing.

The BLM is trying to provide for a high level of timber production to be carried out in accordance with the principles of sustained yield, multiple use and environmental protection. A permanent source of timber supply contributes to the economic stability of our local communities.

People like Tony Kuhn of the Coos-Curry Economic Improvement District and county officials are paid with our tax money to promote more jobs, so naturally they are in there pitching for a higher timber cut per year. We pay their

salary whether we like what they are doing or not.

Now as to the 200 jobs you hear about that are going to be lost to our community. This is not true, although many have said this. The BLM District is spread over four counties; therefore, the jobs lost will be spread over the four counties, and not all in our local community.

I think it is better to lose a few jobs now instead of jobs when the timber is gone.

Lorance W. Eickworth
Coos Bay

Money for more death

Recently, this newspaper was handling articles and readers comments concerning animal euthanasia. It is nice how you people "feel" towards animals to find a polite way of exterminating them.

In America, we are taught we live under a government for the people, by the people, and of the people. All men are created equal and endowed by God with such rights as life, liberty, and the pursuit of happiness.

As governments are created by the people, they have power only as the citizens so give it. If a certain government is unjust, it is the peoples right, it is their duty to do away with such governments.

I thank God and Thomas Jefferson for the above words.

The following was taken from this very paper, of Thursday Sept. 25, 1980. The section of Congressional Roll Call:

—House-Nerve Gas. The House rejected, 125 for and 276 against, an amendment to delete nerve gas money from the fiscal 1981 defense appropriations bill.

—Senate-By a vote of 52 for, and 38 against, the Senate approved the spending of \$3.2 million, the next fiscal year (1981) to begin preparing a facility for possible production of Binary nerve gas.

Though you all are mindful, as to whether or not an animal feels pain while dying, is commendable. What of the recent bill HR8105?

Though there are millions dying

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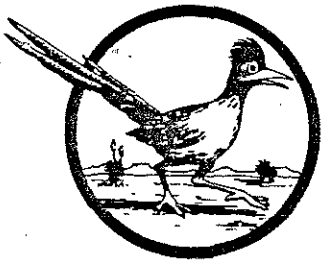
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for or resulting from any violation by any person or persons, other than Lessor, at, in or about the premises, of any mandates, ordinances, regulations and laws of all judicial, administrative and governmental bodies having jurisdiction thereover. Lessee shall not use the premises or any part thereof so as to constitute a nuisance to or otherwise substantially interfere with owners or occupants of adjoining or neighboring property or so as to cause cancellation of or prevent the use of standard form fire insurance policy or insurance covering any peril included in the Oregon standard form of extended coverage. Lessee may install or maintain any machinery or apparatus reasonable and necessary for the purpose of its business, but will use due precaution and available safeguards to prevent injury to the demised premises. All damage or injury to the demised premises caused by the use or misuse during the term of this Lease, or in removal therefrom, shall be repaired and the demised premises restored to original condition by the Lessee and at Lessee's sole expense, provided Lessee shall not be required to restore items attributable to reasonable wear and tear.

In addition to the above, the Lessee will not allow any materially offensive odor to emanate or generate from its premises or from the operation of its business which may at any time constitute a nuisance to or otherwise substantially interfere with owners or occupants of adjoining or neighboring property.

6. DESTRUCTION OF PREMISES.

(a) In the event of a partial destruction of the premises (which partial destruction shall be defined to be a destruction of not less than 60% by floor space of the improvements on the premises, except a building or improvements put or placed by the Lessee on the premises and still owned by Lessee, shall not be included in such calculations) during the term of this Lease which requires repairs to the premises. Lessor forthwith (except as hereinafter further set forth) shall make such repairs if they lawfully can be completed within sixty (60) working days; and such partial destruction (including any destruction necessary in order to make any repairs required by any such declaration) shall not annul or void this Lease; provided, however, that Lessee shall be entitled to a proportionate abatement of rent to be based upon the extent to which such destruction, or loss of use or the making of such repairs shall interfere with the business conducted by Lessee within the premises.



Worne Biochemicals, Inc.

LYON INDUSTRIAL PARK
ROUTE 73
BERLIN, NEW JERSEY 08009

PHONE: 609-767-8553
CABLE: BIOCHEM
TELEX: 831623

October 2, 1980

Mr. Leonard Lane
TEPA, Inc.
880 H St.
Suite 208
Anchorage, Alaska 99501


Dear Leonard:

You have asked me for the particulars when we ran the fish hydrolysate program here in New Jersey. This was done in 1965 and 1966 at the J. Howard Smith Company in Port Monmouth, New Jersey and the tests were run under the direction of Dr. Thomas Meade. We ran a half dozen 20,000 pound batches during this period. It was at this time that the schools of menhaden disappeared off the coast of New Jersey and the pilot program was shut down. As a result of the loss of menhaden J. Howard Smith closed the operation for a period. I now understand that there is an operation operating under the name of Seacoast Products. I further understand the Seacoast Products is the company that had a cease and desist because of the pollution from the plant. Their operation, as I understand it, was a standard fish meal operation.

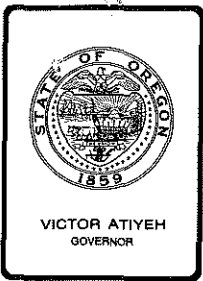
I just want to point out that the operation on fish protein hydrolysis has not been carried out since the late 60's and therefore would hardly be under the EPA restrictions which we have today. At that time we maintained odors at a minimum level and during the several test runs while I was there we had no odor problems.

Trusting this is the desired information, I am

Yours sincerely,


HOWARD E. WORNE, Ph.D., Sc.D.
President

HEW:c



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

522 SOUTHWEST 5th AVENUE, PORTLAND, OR 97204 PHONE (503) 229-5696

MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item No. H, January 25, 1980, EQC Meeting

Request for a Variance from OAR 340-30-045(b), Compliance Schedule for Veneer Dryers, from Boise Cascade Corporation, White City, Oregon

Background and Problem Statement

Boise Cascade Corporation has requested a variance from the final compliance schedule deadline for the veneer dryers at their plant in White City. OAR 340-30-045(b) requires compliance of all veneer dryers in the Medford-Ashland Air Quality Maintenance area by no later than January 1, 1980. Boise Cascade has requested an extension of that date to April 1, 1980.

Boise Cascade has already submitted plans and specifications, issued purchase orders for control equipment, and has had a portion of the necessary equipment delivered to the plant site. Construction of the control equipment by the manufacturer is already underway.

The Commission is authorized by ORS 468.345 to grant variances from these rules if it finds that strict compliance with the rule is inappropriate because of conditions beyond the control of the company.

Alternatives and Evaluation

Boise Cascade Corporation operates three (3) wood-fired veneer dryers at their plant in White City. Visible and particulate emissions from these facilities are in violation of the Department's emission limits. In January of 1979, the company proposed installation of a Ceilcote ionizing wet scrubber. The Department approved their proposal. However, this type of control equipment has not been installed on a veneer dryer in Oregon to date. Ceilcote, Incorporated has notified Boise Cascade that they will be unable to complete installation of the control equipment prior to the January 1, 1980, deadline because of delays in procurement of purchased items and fabrication of Ceilcote components.

The veneer dryers at this facility are essential to the overall plant operation. Should the Department require compliance by the January 1, 1980 deadline, the company would be forced to close the plant in order to attain compliance.



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The veneer dryers at this plant are limited to a maximum opacity of 20% and an average of 10%. In addition, the portion of the plant site emission limit allocated to the veneer dryers is 33 tons per year. This plant site emission limit assumes that the control equipment has been installed. If the dryers are not controlled during the first three months of 1980, as requested by Boise Cascade, approximately five (5) tons of additional particulates would be emitted. This extension would not hinder the required attainment of the primary ambient air standard by January 1, 1983.

Because the company has made a good-faith effort in adapting new technology to the control of these veneer dryers, the Department proposes approval of a variance to allow continued operation of this facility. This variance should be subject to the following conditions:

1. On-site construction of the control equipment shall be completed by no later than March 15, 1980.
2. The compliance of all veneer dryers shall be demonstrated by no later than April 1, 1980.
3. Portions of the plant site emission limits allocated to the veneer dryers will not be applicable until April 1, 1980. They will be pro-rated for the remainder of the calendar year.
4. If the Department determines that the veneer dryer emissions cause significant adverse impact on the community or airshed, this variance may be revoked.
5. The variance will expire on April 1, 1980.

Summation

1. Boise Cascade Corporation has requested a variance from OAR 340-30-045(b) for the operation of the uncontrolled veneer dryers at their plant in White City. They requested this variance until April 1, 1980.
2. The company has already issued purchase orders and taken delivery of some of the necessary equipment.
3. The manufacturer of the equipment has indicated that the system cannot be completed prior to January 1, 1980. This circumstance is beyond control of the company.
4. The Department has proposed a variance which would allow operation of the uncontrolled veneer dryers until April 1, 1980.
5. The Commission is authorized by ORS 468.345 to grant a variance, if it finds that strict compliance with the rules is inappropriate because conditions exist that are beyond the control of the company.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that a variance from OAR 340-30-045(b) and the plant site emission limit contained in the permit, be granted to Boise Cascade Corporation for the operation of the veneer dryers at their plant in White City, subject to the following conditions:

1. On-site construction of the control equipment shall be completed by no later than March 15, 1980.
2. The compliance of all veneer dryers shall be demonstrated by no later than April 1, 1980.
3. Portions of the plant site emission limits allocated to the veneer dryers will not be applicable until April 1, 1980. They will be prorated for the remainder of the calendar year.
4. If the Department determines that the veneer dryer emissions cause significant adverse impact on the community or airshed, this variance may be revoked.
5. The variance will expire on April 1, 1980.



William H. Young

Attachment: Variance Request by Boise Cascade Corporation

F. A. Skirvin:w
229-6414
12-19-79
AW813(d)



Timber and Wood Products Group

Boise Cascade

Environmental and Energy Services
P.O. Box 8328
Boise, Idaho 83707
(208) 384-6433

November 30, 1979

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
DEC 03 1979

AIR QUALITY CONTROL

Mr. Ed Woods
Department of Environmental Quality
Box 1760
Portland, Oregon 97207

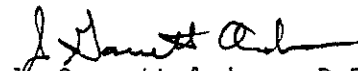
RE: Rogue Valley Plywood
Compliance Testing

This letter is in follow-up to our telephone conversation on November 29. As discussed in the enclosed letter to us from Ceilcote, the start-up date for the Rogue Valley Plywood Scrubber System has been delayed, which will preclude us from demonstrating emission compliance by year end.

The initiation and development of this project with Ceilcote has been a long and complicated exercise. The contract alone took nearly a year to get executed because of the technology forcing nature of this application for their equipment. As you are aware, this is the initial installation of this type of equipment for veneer dryer emission control. Other companies in the Medford area have also contracted with Ceilcote for dryer emission control equipment without the benefit of operating data from this initial installation in an attempt to meet the year end deadline. Unfortunately, all the projects have been delayed.

Based on the aforementioned, we request a variance to allow Rogue Valley Plywood until March 31, 1980 to demonstrate compliance with OAR 340-30-045(b).

Additionally, the Medford Boiler Scrubber Project is nearing completion and should be on line by year end. We anticipate initial start-up beginning next week. We will be a little late with a compliance demonstration report to you because of the year end holidays.


J. Garrett Andrew, P.E.
Environmental Engineer

CC: Merlin Hough
Bob Vincent

JGA/ad
encl

Ceilcote

November 21, 1979

RECEIVED

NOV 21 1979

Boise Cascade Company
Timber and Wood Products Group
P. O. Box 8328
Boise, Idaho 83707

BOISE CASCADE
TIMBER PRODUCTS
ENG. & CONSTRUCTION DEPT.

Attention: Mr. Garrett Andrew
P. E. Environmental Engineer

Subject: Ceilcote IWSTM System for
White City Plant
Veneer Drier Emissions

Reference: Ceilcote Shop Order No. 20875

Gentlemen:

This will confirm our telephone conversation of earlier today pertaining to the subject application.

A. DRAWINGS:

General arrangement drawings for the Duct, Stack and Scrubber system have been sent under separate cover. Copies of the transmittals are attached for your reference. Concrete foundation, steel support and overall site drawings will be delivered to you by our Mr. Dave Brysacz next week.

B. INSTALLATION SCHEDULE:

Due to complications in the design of the overall system, delays in procurement of some key purchased parts, as well as fabrications for Ceilcote components, we are unable to meet our original promised operational date. After thorough review of the status of all components, we now project that on site construction will begin in mid December. Installation of all parts should be complete by January 31, 1980, and the system at full operational status by the end of February.

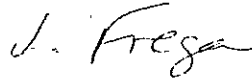
Boise Cascade Company
Boise, Idaho 83707
Attn: Mr. Garrett Andrew

Page -2-

To keep you fully informed of our progress on this system, we will start submitting weekly status reports for the project. At the same time, we will of course, do everything in our power to improve the above projected dates. We apologize for this delay and trust that it has not inconvenienced you excessively.

Should you have other questions, or if we may be of further service to you, please feel free to contact us.

Very truly yours,



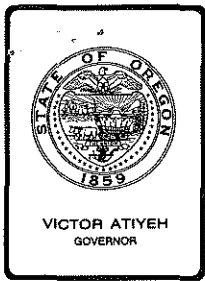
V. Frega

VF:ss

Our Representative:

cc: Jim Miller
Arthur Forsyth Company
2800 Fifteenth St.
W. Seattle, Washington 98119

cc: D. Scheiman
V. Peterka
Dave Brysacz
John Cummings
S. Sheppard
D. W. Richard



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

522 SOUTHWEST 5th AVENUE, PORTLAND, OR 97204 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. I, January 18, 1980, EQC Meeting

Proposed Adoption of Rules -- Motor Vehicle Emission Testing
Amendments That Revise Policy on Engine Changes and Other
Housekeeping Matters -- OAR 340-24-320 through 24-350.

Background

At the Environmental Quality Commission meeting of November 16, 1979, authorization was granted to hold a public hearing to consider amendments to the Inspection Program Rules. These proposed amendments provided for 1) changing of all licensing dates for the licensed fleet self-inspection programs so that the renewals will run on a calendar year basis, 2) revising the Department policy on engine changes, and 3) eliminate references to electric cars. The "Statement of Need for Rulemaking" is included as Appendix A.

Evaluation

A hearing officer's report on the public hearing of December 6, 1979, is attached as Appendix B. The staff comment on the testimony received at the public hearing is attached as Appendix C. Based upon that public hearing, modifications in the proposed rules were made and are presented as Appendix D. The proposal does not affect land use.

Based upon the input of the public hearing, no changes were made in the proposal affecting OAR 340-24-320(3) and (7), the deleting of dates and references to electric cars, and OAR 340-20-340 and 350, the fleet licensing program. However, based upon the input from the public hearing and the review of those comments by the staff, significant changes were made in OAR 340-24-320(6), and the changes proposed for 325(6) were withdrawn pending further study.



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The revised policy now proposed by the staff would apply to those customers who have found it necessary to replace the original engine in their vehicles. The proposed rule amendments recognize that the engine is an integral part of the overall factory installed motor vehicle pollution control system for compliance with both federal and state motor vehicle emission standards. It should also be noted that this proposed rule modification clarifies current policy for 1979 and older motor vehicles and establishes a new policy for 1980 and newer motor vehicles. The effect of the proposed regulation can be reviewed for four basic options.

Option 1 - 1980 and newer motor vehicle. The proposed regulation would require customers who have found it necessary to replace the original engine, to do so with an equivalent and compatible engine of the same type. This proposed regulation would require that the original emission certification/factory installed pollution control system be maintained.

Option 2 - 1979 and older vehicles. The proposed regulation affects owners who have found it necessary to replace the original engine with an equivalent and compatible engine. The proposed regulation has virtually the same effect on the customer as Option 1. This recognizes that an engine can be considered a replacement component part in the total factory installed motor vehicle pollution control system.

Option 3 - 1979 and older vehicles. The proposed regulation affects owners who have found it necessary to replace the original engine with an engine that is older than the original. The proposed regulation would allow this but requires the retention and reconstruction of that replacement engine's original factory installed motor vehicle pollution control equipment. Additionally, the regulation would require that the fuel filler inlet restricter (to prevent the addition of leaded fuel) plus the catalytic converter in addition to the evaporative control system be maintained on the vehicle if the vehicle were so equipped, originally.

Option 4 - 1979 and older vehicles. The proposed regulation affects owners who have found it necessary to replace the original engine with an engine that is newer than the original. The proposed regulation would require that in this instance that the customer upgrade the vehicle so that all of the newer engine's factory installed motor vehicle pollution control systems be added to the existing vehicle.

No changes were made in the remaining proposed rule amendments. The fleet operation amendments should provide a cost saving to the fleet self inspection program participants. The amendment to delete references to electric cars is solely a housekeeping action to remove a regulation made unnecessary by statute revision.

Summation

The Commission is being asked to approve changes in the Inspection Program Rules. The changes are being proposed and modified from the original staff recommendations in light of the testimony received at the public hearing. The proposed rule modification would eliminate redundant dates and references made obsolete by statute changes, make more efficient the fleet self-inspection program, and revise the policy regarding engine changes. The original proposal for the engine change policy has been modified based upon the testimony received at the public hearing. These proposed rule revisions will take care of minor problems for the inspection program and will provide for greater uniformity in the inspection process in achieving its goal of reduced air pollution from motor vehicles.

Directors Recommendation

Based upon the Summation, it is recommended that the proposed rule modifications be adopted.

Bill

William H. Young

W. P. Jasper:n
229-5081
January 3, 1980
VN8746

Attachments:

- Appendix A Statement of Need
- Appendix B Hearing Officer's Report
- Appendix C Staff Comments on Testimony
- Appendix D Proposed Rule Modification

APPENDIX A

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
of the State of Oregon

In the Matter of the Adoption of)
Amendments to the Motor Vehicle)
Emission Testing Rules, OAR Chapter) STATEMENT OF NEED
340 Section 24-300 to 24-350)

The Environmental Quality Commission intends to adopt the motor vehicle inspection program rule amendments, OAR Chapter 340 Section 24-300 to 24-350.

- A. Legal Authority ORS 468.370 and ORS 183.341
- B. Need for Rule

The proposed amendments are needed to simplify bookkeeping procedures for fleet operations by having all licenses expire simultaneously; and eliminate references to electric cars which are now legislatively exempt from the inspection program; and revise policy on engine changes.

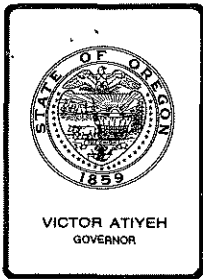
- C. Documents Relied Upon:

Testimony from the public hearing of December 6, 1979.

DEPARTMENT OF ENVIRONMENTAL QUALITY



By: William R. Jasper
Date: January 2, 1980



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

522 SOUTHWEST 5th AVENUE, PORTLAND, OR 97204 PHONE (503) 229-5696

APPENDIX B

MEMORANDUM

TO: Environmental Quality Commission

FROM: Hearing Officer

SUBJECT: Hearing Report Proposed Rules for Emission Inspection Program

Background

Commencing at 1 p.m. on Thursday December 6, 1979, a public hearing was held in the Commission room of the Fish and Wildlife Offices in Portland. Of the six people in attendance, three offered testimony. This testimony is summarized below. Written testimony was also offered by the Stayton Cannery Co. Coop. A copy of that is attached and that testimony is summarized below.

Summary of Testimony

All testimony recieved was only concerned with Sections OAR 340-24-320(6) and 325(6).

Mr. Donald B. Broadsword, Operations Director for Clackamas County stated that he, as operations director, was opposed to the portion of the rules that limited his flexibility for engine changes, particularly those involving heavy duty trucks. Mr. Broadsword indicated that the Clackamas County shop procedures and purchase of new equipment is formulated so that the trucks have interchangeable engines to minimize equipment down time. Mr. Broadsword indicated that after-market suppliers are unable to meet the needs of Clackamas County. Thus his shop would not be able to do their job if the restriction that the Department staff has proposed is adopted. Mr Broadsword stated that the Department proposal would be costly to the County, and that it would work a hardship on the County, since only 20 percent of Clackamas County is in the Metropolitan Service District boundaries. Mr. Broadsword said he would like to see further staff studies indicating that the problem of engine changes is a serious problem, and that he felt that the Department was proposing the change simply to make people spend money.



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Mr. Tom Fender, a Salem Attorney, represents the Automobile Safety and Equipment Association, the Motor Sports Conference and the Multnomah Hot Rod Council. Mr. Fender's remarks were in two areas. One area addressed was the staff's interpretation of the antitampering enforcement of ORS 483.825 and the Department's continued rejection of motor vehicles equipped with aftermarket turbochargers. Mr. Fender indicated that he felt that the 1979 Legislature authorized these turbocharger installations and that not withstanding Section 2 of ORS 483.825, the Department should pass vehicles which have aftermarket turbochargers installed. Mr Fender indicated that some of the aftermarket modifications available to automobile owners could provide improvement in engine performance and fuel economy, and the Department should address these areas.

Mr. Fender called upon the Department to increase it's activities in evaluating aftermarket parts, and vehicles with turbochargers that have been installed in the aftermarket and to develop reasonable standards and test procedures for these vehicles.

Mr. Fender then indicated that he felt that there was merit in the changes that the Department staff was proposing, but that he felt that the staff was using an awkward process. He suggested that the proposed rule be written to strictly control engine changes for 1980 and newer vehicles, instead of the 1975 date proposed by the Department.

Mr. George Sipes, Service Manager of Canyon Chrysler Plymouth, indicated that he felt that the restrictions that the Department was proposing would place a new burden on garages by requiring that they explain the legalities of these restrictions to their customers. Mr. Sipes also thought that this would be an economic burden on lower income people. He stated that he did not think the problem which the proposed rule change addressed was large enough to be of any major concern. He did state that if the proposal or a similar proposal was adopted, then the Department should increase its public information activity to get the word out to people that would be affected.

Written Testimony

Stayton Canary Co. Co-op indicated that they were opposed to the particular section of the rules which would restrict the flexibility in changing motor vehicle engines to those engine configurations with which the engine was originally equipped because of economic considerations. A copy of that testimony is attached.

Recommendation

You hearing officer makes no recommendation in this matter.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "William P. Jasper".

William P. Jasper
Hearing Officer

dn
VN8802

Attachment: Stayton Canary Co. Co-op letter



PHONE: AREA CODE 503, 769-2101

Stayton Canning Company Cooperative

AFFILIATED WITH NORTH PACIFIC
CANNERS AND PACKERS INCORPORATED
ALSO PLANTS AT SILVERTON AND DAYTON, OREGON



PACKERS OF
BERRIES • PURPLE PLUMS • CHERRIES
BLUE LAKE BEANS • CORN • CARROTS

STAYTON, OREGON 97383

November 5, 1979

Department Of Environmental Quality
P. O. Box 1760
Portland, Oregon 97207

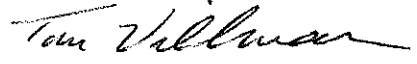
Dear Sirs:

This is to protest the proposed ruling, that after January 1, 1980, the vehicles be required to meet emission standards based on the original engine certification package.

With the current price of new vehicles and parts it is in many instances advantageous to put an older rebuilt engine into a newer vehicle. These older engines are not designed to operate with the new "anti smog" devices. This ruling can impose a definite economic hardship on vehicle owners, and is in reality another form of taxation.

Most of the older engines are more fuel efficient than the new ones for equivalent sizes.

Yours truly,
Stayton Canning Co. Coop.


Tom Villman,
Technical Service Mgr.

TV/ps



Staff Comments on Public Hearing of December 6, 1979

Three people testified at the public hearing of December 6, 1979. The testimony represented a variety of perspectives. All three individuals indicated that they were opposed to portions of the rules as proposed.

Mr. Don Broadsword, who is operations manager of Clackamas County Department of Public Works, indicated that he was opposed to the proposed rule OAR 340-24-325(6) because of its expected effect on the heavy duty truck maintenance schedule which Clackamas County has adopted, adding that only twenty percent of Clackamas County is within the boundaries of the Metropolitan Service District. Mr. Broadsword indicated that the parts availability for heavy duty trucks was not adequate so Clackamas County maintains a program of engine interchangeability. He stated that this was helping Clackamas County save operating dollars, and that requiring the motor vehicles to be maintained in their original emission configuration would cost the county extra funds.

Mr. Tom Fender addressed two separate areas. First, Mr. Fender acknowledged the validity of the Department's concern that uncontrolled engine interchangeability might reduce effectiveness of the state I/M program. However he suggested that stringent control of engine changes become effective with the 1980 model year vehicles rather than 1975 vehicles as originally proposed by the Department. The staff concurs with Mr. Fender's suggestion. The 1980 start date would likely eliminate much of the confusion that the 1975 date may have generated.

The second area which Mr. Fender addressed, regarded the Department's position on after-market turbochargers. Mr. Fender feels that ORS 483.825(4) provides for the use of after-market turbochargers on light duty motor vehicles, if the altered vehicle meets the requirements of the state's idle emission inspection test. It should be noted that during the legislative hearings on this statute, the subcommittee which prepared the bill, struck out such a tie in with the state's I/M test. This was done with the realization that the state's idle emission test is not the sole method for determining the emission output of an automobile, and is not the method used to monitor changes in the emissions from motor vehicles during all of the operating modes.

The Department has cooperated in the past in evaluating and testing one after-market turbocharger and found that it did increase emissions over the base line values for equivalent motor vehicles. It should be noted, however, that the Department recognizes that two after-market turbocharging systems are suitable for after-market installations with certain limitations. These two systems have been documented not to adversely effect the emission characteristics of the motor vehicles to which they are applicable.

Mr. George Sipes, Service Manager of Canyon Chrysler Plymouth, opposed the rule because he felt it would, as he stated, require one more thing he has to tell a customer whose car was being serviced. The staff would comment that the repair facility already has an obligation to advise the vehicle owner on the proper maintenance required, and to perform that maintenance properly. The staff does not believe that this proposed rule will add to the service industry's burden.

APPENDIX D

PROPOSED REVISION TO OREGON ADMINISTRATIVE RULES. CHAPTER 340
MOTOR VEHICLE EMISSION CONTROL INSPECTION TEST
CRITERIA, METHODS, AND STANDARDS

OAR 340-24-320(3). No vehicle emission control test for 1970 or newer model vehicle shall be considered valid if any element of the following factory-installed motor vehicle pollution control systems have been disconnected, plugged, or otherwise made inoperative in violation of ORS 483.825(1), except as noted in subsection (5). The motor vehicle pollution control systems include, but are not necessarily limited to:

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

340-24-320 (6) [For the purposes of these rules, a motor vehicle with an exchange engine] The following applies:

- (a) to 1979 and earlier motor vehicles. When a motor vehicle is equipped with other than the original engine and the factory installed vehicle pollution control systems, it shall be classified by the model year and manufacture make of the [exchange] non-original engine and its factory installed motor vehicle pollution control systems, except that any requirement for evaporative control systems and fuel filler inlet restrictor and catalytic convertor shall be based on the model year of the vehicle chassis.

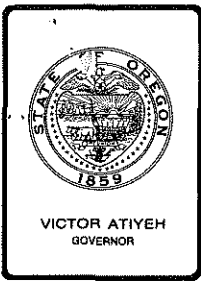
(b) to 1980 and newer motor vehicles. These motor vehicles shall be classified by the model year and make of the vehicle as designated by the original chassis, engine, and its factory installed motor vehicle pollution control systems.

[(7) Electric vehicles are presumed to comply with all requirements of these rules and those applicable provisions of ORS 468.360 to 468.405, 481.190 to 481.200, and 483.800 to 483.825, (1) and may be issued the required certificates of compliance and inspection at no charge.]

OAR 340-24-340 (3) Each license shall be valid [for 12 months following the end of the month of issuance] through December 31 of each year unless revoked, suspended, or returned to the Department.

OAR 340-24-350 (3) Each license issued for an exhaust gas analyzer shall be valid [for 12 months following the end of the month of issuance] through December 31 of each year, unless returned to the Department or revoked.

VN8297.6



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

522 SOUTHWEST 5th AVENUE, PORTLAND, OR 97204 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. J, January 18, 1980, EQC Meeting

Proposed Adoption of Rules, Modifications to the Air Quality
Schedule of Civil Penalties, OAR 340-12-050

Background

Senate Bill 488 authorized a maximum civil penalty of \$10,000 per each violation of air quality rules, permits, orders or laws. The current maximum in OAR 340-12-050 is \$500. The proposed changes to 340-12-050 would increase the maximum civil penalty to \$10,000.

At the October 19, 1979, EQC meeting, the Commission authorized the Department to hold public hearings to consider changes to the Air Quality Schedule of Civil Penalties. After at least 30 days public notice the Department held a hearing on December 5, 1979.

ORS 468.130 authorizes the Commission to establish a schedule of civil penalties. A Statement of Need for Rule Making is attached.

Alternatives and Evaluation

The legislative authorization to increase civil penalties for air quality violations corresponds to previously granted authorization for water quality violations. OAR 340-12-055, Water Pollution Schedule of Civil Penalties, allows for a maximum of \$10,000 for violation of permit conditions, rules or orders and up to \$20,000 for oil spills.

The testimony received at the hearing and during the public notice period is outlined in the attached hearing officer's report. The following is a discussion of the main points of that testimony.

Because of the wide range in the amount of penalties proposed by the Department, it was suggested that the Department form a committee to develop guidelines for setting the amounts of various types of violations.



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The Department is considering revisions to all of the civil penalty schedules. It is anticipated that these revisions may include specific minimum penalties for certain types or classes of violations. When the Department considers these revisions or guidelines, input from the public and industry will be solicited. A specific time frame for these revisions has not been established.

There was concern expressed that the increased penalty amounts would result in additional administrative costs. The increased penalties may cause more appeals. This will certainly result in additional costs to the Department. The penalties assessed will not offset these increased costs because all civil penalties collected are put into the state's general fund.

The proposed increase in the maximum civil penalty has been construed as an excessive increase in the regulatory power of the Department and a change in the emphasis of the Department's air quality programs. The proposed increases do give the Department additional options during enforcement actions. However, the safeguards in ORS 468.130 on the Department's exercise of that power would not be changed. Anyone assessed a penalty by the Department may appeal first to the Commission's hearing officer, then the Commission itself and finally to the State Court of Appeals. In addition, the Department does not plan any significant changes in the enforcement of the air quality emission limits or in its emphasis on solutions to problems.

Some of the testimony pointed out that the majority of enforcement actions by the Department were against industry or private citizens. The Department does not intend to use a different procedure in dealing with state or local government agencies. These facilities will be dealt with in the same manner as all other noncomplying sources.

It was suggested that an additional subsection be added to specifically include violations of emission limits by sources which do not require permits. The Department legal counsel indicated that this area is adequately covered by the proposed regulation without the addition.

The proposed changes would increase the maximum civil penalty for violations of permit conditions or Department or Commission orders and violations which result in the emission of air contaminants to \$10,000. The reference to violations of permit conditions and variances has been added in the proposed rule.

The minimum penalty in subsection (2) would be increased from \$25 to \$50 to correspond to the water quality minimum penalty for that type of violation.

The increase in the maximum civil penalty would allow the Department to assess a penalty which more nearly approximates the economic advantages of some violations.

Summation

1. The Legislature authorized increases in civil penalties for air quality violations from \$500 to \$10,000 per day.
2. The Commission is authorized by ORS 468.130 to establish a schedule of civil penalties.
3. At the October 19, 1979 EQC meeting, the Commission authorized public hearings on the proposed rule changes. A public hearing was held on December 5, 1979.
4. The Department has proposed modifications to the Air Quality Schedule of Civil Penalties which would result in an increase in the maximum penalty to \$10,000 and the minimum penalty to \$50.

Director's Recommendation

Based upon the Summation, it is recommended that OAR 340-12-150, Air Quality Schedule of Civil Penalties, be amended as proposed in the attached regulation.



William H. Young

F. A. Skirvin:pd
229-6414
January 3, 1980

Attachments: 1) Draft Rule (OAR 340-12-050)
2) Statement of Need for Rule Making
3) Hearing Officers Report

AP0416

ATTACHMENT 1

Air Quality Schedule of
Civil Penalties

Proposed Rule Changes

340-12-050 in addition to any liability, duty, or other penalty provided by law, the Director, or the director of a regional air quality control authority, may assess a civil penalty for any violation pertaining to air quality by service of a written notice of assessment of civil penalty upon the respondent. The amount of such civil penalty shall be determined consistent with the following schedule:

- (1) Not less than one hundred dollars (\$100) nor more than [five hundred dollars (\$500)] ten thousand dollars (\$10,000) for violation of an order of the Commission, Department, or regional air quality control authority.
- (2) Not less than [twenty-five dollars (\$25)] five dollars (\$50) nor more than [five hundred dollars (\$500)] ten thousand dollars (\$10,000) for [any violation which causes, contributes to, or threatens the emission of an air contaminant into the outdoor atmosphere.]:
 - (a) Any violation of any condition of any Air Contaminant Discharge Permit, Indirect Source Permit, or variance; or
 - (b) Any violation which causes, contributes to, or threatens the emission of any air contaminant into the outdoor atmosphere.
- (3) Not less than twenty-five dollars (\$25) nor more than [three hundred dollars (\$300)] seven thousand five hundred dollars (\$7,500) for any other violation.

STATEMENT OF NEED FOR RULEMAKING

Pursuant to OPS 183.335(7), this statement provides information on intended action to amend a rule.

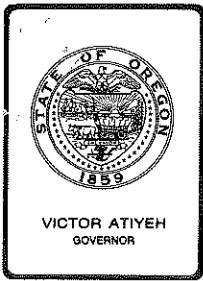
LEGAL AUTHORITY

Senate Bill 488 amended ORS 468.140 to allow a maximum civil penalty of \$10,000 for air quality violations. ORS 468.130 authorizes the Commission to establish a schedule of civil penalties.

NEED FOR THE RULE CHANGE

An increase in the maximum civil penalties is needed to eliminate the economic incentive to violate air quality rules, orders, permits or laws.

EGW:nlb
10/18/79



Department of Environmental Quality

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

MEMORANDUM

To: Environmental Quality Commission

From: Hearing Officer

Subject: Hearing Report on December 5, 1979 Hearing, Revision of the Air Quality Schedule of Civil Penalties

Summary of Procedure

Pursuant to public notice the public hearing was convened in the office of the Department of Environmental Quality, Portland, Oregon at 10 a.m. on December 5, 1979. The purpose was to receive testimony regarding the proposed modifications to the Air Quality Schedule of Civil Penalties. As a result of the testimony received, the hearing record remained open until January 4, 1980.

Summary of Testimony

The Department submitted some changes to the proposed rule for consideration at the hearing. The word "dollars" was inserted after "ten thousand" in subparagraph (1) and (2). Subparagraph 2(a) would read as follows: "Any violation of any condition of any Air Contaminant Discharge Permit, Indirect Source Permit or Variance; or"

George Morton, Associated General Contractors, submitted a written statement and requested that the hearing record remain open for an additional 30 days to allow his organization time to analyze and comment upon the proposed regulations.

Tom Donaca, Associated Oregon Industries, stated that recent legislative authority, which authorized the increase in civil penalties did not alter ORS 468.125 and 468.130, which require five days notice before assessment of penalties and list considerations to be made in determining the amount of the penalty. It was hoped that these safeguards would be adequate to prevent abuse of the power granted by the proposed civil penalty schedule. Mr. Donaca also questioned whether or not the first sentence in ORS 468.130(1) required specific penalties for specific violations rather than the general schedule proposed by the Department.



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Mike Huddleston, Asphalt Pavement Association, submitted a written statement. Mr. Hudleston stated that because of the wide range in penalties, from \$50 to \$10,000, guidelines should be prepared to outline conditions for applying these penalties. In order to prepare these guidelines he suggested that a special committee of industry and DEQ staff draft the guidelines. He also indicated that the civil penalties should be applied to public entities, as well as private industry.

Fredrick H. Gerlock, of Talent, Oregon, submitted a written statement. His statement supported the proposed increase in civil penalties.

Ray Row, Chairman of the Planning Department of the city of Haines, submitted a written statement. The statement indicated that the city of Haines was opposed to any proposed rule change which would stop or limit the use of wood burning stoves by private citizens or increase the penalty for such violations.

W. Allan Schenck, Menasha Corporation, submitted a written statement. The statement opposed the proposed increase in civil penalties because of the large increase and the excessive power granted by the proposed increases. By increasing the amount of the penalty, administration costs for the system would also be increased.

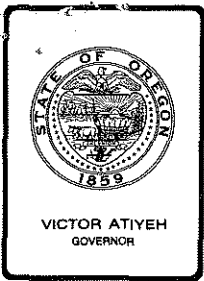
Sister's Shake Company of Sisters, Oregon, submitted a written statement in opposition to the Department's proposed increases in civil penalties. The company felt that the Department should assist small business in solving problems rather than becoming a revenue generating and collecting agency .

Cathy Roberto, Eagle Point, Oregon, submitted a written statement in support of the Department's proposed changes in civil penalties.

Byron Meadows, Mid-Willamette Valley Council of Governments, submitted a written statement which supported the Department's proposed civil penalty changes.

Donald Arkell, Director, Lane Regional Air Pollution Authority, submitted a written statement. The statement supported the intent of the rule but expressed concern that subparagraph 2(b) may be unenforcable in instances where there is a violation of emission standards from a source which does not require a permit.

Edward Woods
Hearing Officer



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

522 SOUTHWEST 5th AVENUE, PORTLAND, OR 97204 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item K, January 18, 1980, EQC Meeting

Proposed Adoption of Amendments to Primary Aluminum Plant Regulations (OAR 340-25-265(4)(b) and 340-25-265(5)).

Background and Problem Statement

OAR 340-25-265(5) requires the EQC to review, during calendar year 1979, the feasibility of applying "new plant" emission limits to "existing plants." Upon determining that this review was not practical due to insufficient data representing current control equipment at aluminum plants in Oregon, the Department proposed to extend the review and related compliance dates by two years.

The EQC authorized a public hearing regarding the proposed changes at its September 21, 1979, meeting. After appropriate public notice, the Department held a hearing on November 29, 1979. The hearing officer's report is attached (Attachment B).

A Statement of Need for Rulemaking is contained in Attachment IV of the hearing officer's report.

Alternatives and Evaluation

The only available alternative, i.e., conducting a review using the current data base, was considered to be inappropriate.

Testimony received at the hearing from representatives of both Martin Marietta and Reynolds Metals concurred with the proposed rule changes. A representative of the city of Springfield recommended that a schedule specifying key elements in the development and review of applicable information be included in the proposed amendment. Since the Department receives and reviews emission data monthly this recommendation has not been included in the proposed changes. The balance of the testimony (written) received indicated no impact or no comment. No one opposed the proposed changes.



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Summation

1. An adequate data base is not available at this time to conduct a review regarding applying "new plant" emission limits to existing aluminum plants.
2. The Department proposed to amend the aluminum plant regulation to facilitate the accumulation and analyses of emission data representative of current control equipment at aluminum plants in Oregon.
3. A public hearing was held on November 29, 1979, subsequent to EQC authorization and public notice. The testimony received indicated that the aluminum companies concurred with and no one opposed the proposed changes.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission adopt the proposed amendments to OAR 340-25-265(4)(b) and 340-25-265(5) as set forth in Attachment A.



William H. Young

F. A. Skirvin:e
229-6414
January 4, 1980
AE0506

Attachments:

- Attachment A - Proposed Amendments
- Attachment B - Hearing Officer's Report

Attachment A - Proposed Amendments to OAR 340-25-265(4) (b) and 340-25-265(5)

- (b) Existing plants shall comply with emission standards in section 340-25-265(1) by no later than January 1, [1984] 1986, pending a review by the Commission as described in 340-25-265(5).
- (5) The Commission shall review, [~~during-calendar-year-1979~~] by no later than December 31, 1981, the feasibility of applying subsection 340-25-265(4) (b) based on their conclusions regarding:
 - (a) The then current state of the art of controlling emissions from primary aluminum plants;
 - (b) The progress in controlling and reducing emissions exhibited at that time by then existing aluminum plants;
 - (c) The need for further emissions control at those facilities based on discernible environmental impact of emissions up to that time.

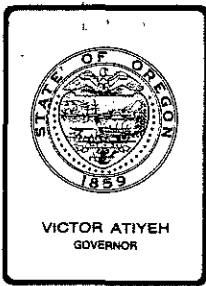
Note: Brackets, [] indicate proposed deletions.

Underlining, no later than, indicates proposed additions.

FAS:nlb

ATTACHMENT B

This attachment, which contains the Hearing Officer's report of the November 29, 1979 hearing, the list of persons submitting oral testimony, the written testimony submitted, public notice, and Department's request for authorization to conduct the public hearing, is too voluminous to copy. Please contact the Department's Air Quality Division, P. O. Box 1760, Portland, Oregon 97207 (phone 229-6092), if you wish to see a copy of this attachment.



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

522 SOUTHWEST 5th AVENUE, PORTLAND, OR 97204 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission

From: Hearing Officer

Subject: Hearing Report on November 29, 1979, regarding proposed amendment of the Primary Aluminum Plan Regulations.

Summary of Procedure

Pursuant to public notice, a hearing was held at the Department of Environmental Quality headquarters, Room 511, 522 Southwest Fifth Avenue, Portland, Oregon, at 2:00 p.m. on November 29, 1979. The purpose was to receive testimony on proposed amendments of the Primary Aluminum Plant Regulation, OAR 340-25-265(4)(b) and 340-25-265(5).

Summary of Testimony

Joseph L. Byrne, Martin Marietta Aluminum, Inc., The Dalles stated that his company concurred with the proposed amendments. E. Jack Gates, Plant Manager, Reynolds Metals Co., Troutdale, indicated that Reynolds Metals Co. was in agreement with the Department's intended action. No other testimony was received.

The following summarizes written comments which resulted from the statewide public notice.

Governor Victor Atiyeh indicated that no significant conflicts with state plans or programs were identified by his office.

Mayor Al Myers, City of Gresham, stated his concern that additional restrictions which are not needed to protect the area could lead to closing the Reynolds Metals plant, thus adversely impacting Gresham.

Mayor Robert M. Sturges, City of Troutdale, favored the proposed two year extension to review the feasibility of applying "new plant" emission limits to "existing plants" because of the tremendous progress made by Reynolds



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in cleaning up emissions. He is certain that Reynolds has made, and will continue to make, every effort to protect the air quality in his area.


Mr. Edward Black, Environmental Affairs Supervisor, City of Springfield, indicated that the proposed amendments appear justified. He recommended that a schedule which specifies key elements in the development and review of applicable information be included in the proposed amendment.

Statements representing Mid-Willamette Valley Council of Governments, Harney County and Malhuer County indicated no impact or no comment.

Recommendation

The hearing officer has no recommendation.

Respectively submitted,


Wayne Cordes
Hearing Officer

FAS:s

(503) 229-6414

December 17, 1979

Attachments:

- I. List of Persons Submitting Oral Testimony
- II. List of Persons Submitting Written Testimony
- III. Written Testimony
- IV. Public Notice
- V. Department Request for Authorization to Hold Public Hearing

AS0340

Attachment I - List of Person's Submitting Oral Testimony

1. Mr. Joseph L. Byrne, Manager of Environmental Control, Martin Marietta Aluminum, Inc., Box 711, The Dalles, Oregon, 97058.
2. Mr. E. Jack Gates, Plant Manager, Reynolds Metals Company, Sundial Road, Troutdale, Oregon, 97060.

Attachment II - List of Person's Submitting Written Testimony

1. Governor Victor Atiyeh, State Capitol, Salem, Oregon, 97310.
2. Mayor Al Myers, 1333 Northwest Eastman, Gresham, Oregon, 97030.
3. Mayor Robert M. Sturges, 104 Kibling Street, Troutdale, Oregon, 97060.
4. Mr. Edward Black, City Environmental Affairs Supervisor,
346 Main Street, Springfield, Oregon, 97477.
5. Ms. Sue C. Hollis, Clearinghouse Coordinator, Mid-Willamette Valley
Council of Governments, 220 High Street, Northeast, Salem, Oregon,
97301.
6. Mr. Rand Lindley, Associate Planner, IDA-ORE Regional Planning and
Development Association, Box 311, Weiser, Idaho, 83672.

Attachment III - Written Testimony

AS0340.A

VICTOR ATIYEH
GOVERNOR



OFFICE OF THE GOVERNOR
STATE CAPITOL
SALEM, OREGON 97310
November 13, 1979

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

Dear Mr. Skirvin:


RE: Primary Aluminum Plant
Rules Revision
7910 6 450

Thank you for the opportunity to review your state plan amendment.

The amendment was circulated for review among appropriate state agencies. No significant conflicts with state plans or programs were identified.

I am pleased to add my approval as required by OMB A-95, Part III.

Sincerely,

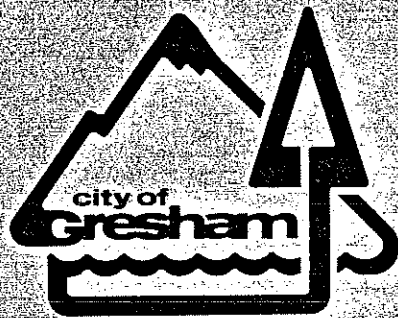


Victor Atiyeh
Governor

VA:cb

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
NOV 20 1979

AIR QUALITY CONTROL



CITY OF GRESHAM

1333 N.W. Eastman • Gresham, Oregon 97030
Telephone: (503) 661-3000

November 16, 1979

Department of Environmental Quality
522 S.W. 5th Avenue
Portland, OR 97207

Gentlemen:

I am writing in regard to a notice of a public hearing on November 29 regarding the proposed amendment to primary aluminum plant regulations.

I think it is important to realize there is a limit to what industry can provide and a limit to the costs that can be absorbed by industry in complying with many of the imposing regulations being placed against them today.

I have personally toured the Reynolds Metal Plant at Troutdale, Oregon, on the completion of the \$39 Million system to reduce fluoride emissions. It is a very impressive system and I feel that if continued oppression and requirements are imposed against them it will eventually force the closure of such worthwhile industries as this plant. I can assure you that if this should occur the citizens of our City and the surrounding area will suffer greatly, and will be deeply distressed with the action that you may take in this regard. It is very apparent that as you view the lush landscape, the beautiful fields and crops, the wildlife as well as the livestock that is being produced in our surrounding area that we are fairing very well in the company of the Reynold Metal Plant in Troutdale. I would hope that you would realize that when we have the common compatibility with a plant of this magnitude and realizing the benefits it provides for this community and our citizens that we just can't afford to sacrifice it because of extensive and oppressive regulations.

Please make this letter an item of testimony at the hearing on November 29, 1979.

Yours very truly,


Al Myers, Mayor

AM/md

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
NOV 19 1979

AIR QUALITY CONTROL



City of Troutdale

104 Kibling Street (503)685-5175
Troutdale, Oregon 97060

November 28, 1979



Environmental Quality Commission
Department of Environmental Quality
522 S.W. Fifth Avenue
P.O. Box 1760
Portland, Oregon 97207

SUBJECT: Amendments to Primary Aluminum Plant Regulations

Dear Commissioners:


The City of Troutdale is in favor of the proposed amendments to the Primary Aluminum Plant regulations to allow two additional years to review the feasibility of applying "new plant" emission limits to "existing plants".

The reason we support the amendments is because of the tremendous progress made by the Reynolds Aluminum Plant at Troutdale in cleaning up the emissions from the plant. We are convinced that Reynolds Aluminum has made, and will continue to make, every effort to protect the air quality in this area.

If the Department feels that two more years is needed for review and study, then the City certainly has no objections.

Yours truly,

CITY OF TROUTDALE


Robert M. Sturges,
Mayor

RMS:d1

cc: Jack Gates, Reynolds Aluminum Company
Ed Murphy, Director of Community Development

FAS



CITY OF SPRINGFIELD
SPRINGFIELD, OREGON 97477

PUBLIC WORKS

November 13, 1979

346 MAIN STREET
726-3753

Dept. of Environmental Quality
Air Quality Division
P. O. Box 1760
Portland, OR 97207

Subject: Proposed Amendment of Primary Aluminum Plant Regulations

Dear Sir:

The proposal to amend the regulations in order to allow two additional years to review the feasibility of applying "new plant" emission limits to "existing plants" appears justified. It is, however, recommended that a schedule which specifies key elements in the development and review of applicable information be included in the proposed amendment.

Thank you for the opportunity to comment on this matter.

Very truly yours,

Edward Black
Environmental Affairs Supervisor

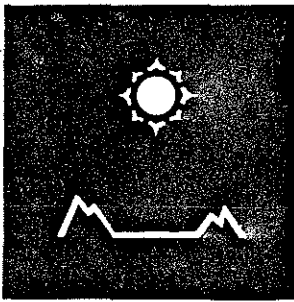
EB:sk

cc: Don Arkell, Director
L-RAPA

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
NOV 15 1979

AIR QUALITY CONTROL



MID WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS

400 SENATOR BUILDING ★ 220 HIGH ST. N.E., SALEM, OREGON 97301

TELEPHONE (503) 588-6177

ALAN H. HERSHEY, *Director*

COG FILE #: EQ-01020

November 27, 1979

F.A. Skirvin
Department of Environmental
Quality
Air Quality Division
Box 1760
Portland, OR 97207

SUBJECT: PROPOSED REVISION OF PRIMARY ALUMINUM PLANT RULES

Dear Mr. Skirvin:

The Clearinghouse staff of the Council of Governments has completed its review of the proposed rule changes.

The proposed changes were referred to appropriate local agencies for review. Comments from Russ E. Abolt, Salem Assistant City Manager and the Council of Governments are attached for your consideration. A complete list of those who received a copy of the proposed changes is also attached.

Thank you for the opportunity to review the proposed rule changes.

Sincerely yours,

Sue C. Hollis
Clearinghouse Coordinator

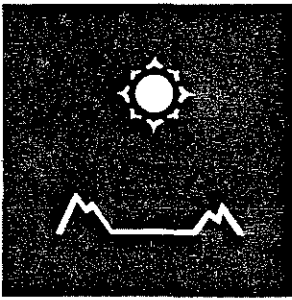
SCH/c
Attachments

cc: Kay Wilcox, State Clearinghouse Coordinator
Marianne Fitzgerald



MEMBER AGENCIES:

State of Oregon. COUNTIES: Marion, Polk, Yamhill. CITIES: Amity, Aumsville, Aurora, Carlton, Dallas, Dayton, Detroit, Falls City, Gervais, Hubbard, Idanha, Independence, Jefferson, Lafayette, McMinnville, Monmouth, Mt. Angel, Newberg, Salem, Sheridan, Silverton, Stayton, Sublimity, Turner, Willamina, Woodburn. SPECIAL DISTRICTS: Chemeketa Community College, Marion County Fire District # 1, Marion County Education Service District, Yamhill County Education Service District, Marion, Polk and Yamhill Soil & Water Conservation Districts, Salem School District 24J.



MID WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS

400 SENATOR BUILDING ★ 220 HIGH ST. N.E., SALEM, OREGON 97301
TELEPHONE (503) 588-6177

RECEIVED
ALAN H. HERSHEY, Director
NOV 27 1979

M E M O R A N D U M

MID WILLAMETTE VALLEY
COUNCIL of GOVERNMENTS

COG FILE # EQ-01020

TO: Sue Hollis
Clearinghouse Coordinator

DATE: November 21, 1979

FROM: Byron Meadows *BDM*
Senior Transportation Planner

SUBJECT: A-95 ON PROPOSED REVISION OF PRIMARY ALUMINUM PLANT RULES

The Salem Urban Area is nonattainment for ozone and carbon monoxide. Salem's ozone problem is due in part to transport from the Portland area.

Since the data to make a rational decision is not available, the two-year time extension is a reasonable request. Neither one of the existing aluminum plants are located in the Mid Willamette Valley Council of Government's jurisdiction.

MEADOWS:mh

MEMBER AGENCIES:

State of Oregon. COUNTIES: Marion, Polk, Yamhill. CITIES: Amity, Aumsville, Aurora, Carlton, Dallas, Dayton, Detroit, Falls City, Gervais, Hubbard, Idanha, Independence, Jefferson, Lafayette, McMinnville, Monmouth, Mt. Angel, Newberg, Salem, Sheridan, Silvertown, Stayton, Sublimity, Turner, Willamina, Woodburn. SPECIAL DISTRICTS: Chemeketa Community College, Marion County Fire District #1, Marion County Education Service District, Yamhill County Education Service District, Marion, Polk and Yamhill Soil & Water Conservation Districts, Salem School District 24J.

MEMORANDUM

TO: Sue C. Hollis, Clearinghouse Coordinator
COG

FROM: 
Russ E. Abolt
Assistant City Manager

DATE: October 31, 1979

SUBJECT: A-95 Review - Proposed Revision of Primary Aluminum Plant Rules

FOLLOW-UP
DATE:

RECEIVED
OCT 31 1979
MID WILLAMETTE VALLEY
COUNCIL of GOVERNMENTS

We are responding to COG file No. EQ-01020 on subject revisions.

There are no existing primary aluminum plants constructed prior to 1973 located in Salem. The only plant of note is the Reynolds Metals plant of Troutdale, which might be considered to be at the furthest extremity of Salem's air-shed. Due to this location, it is doubtful that Reynolds has any effect on Salem.

Consequently, the two year delay in retrofitting old plants suggested in DEQ's rule-making has no effect on Salem. There is no old plant close enough to be of concern, and all the new plants must meet the more stringent standards.

REA/pes

cc: Robert Briscoe
Lou McNicoll

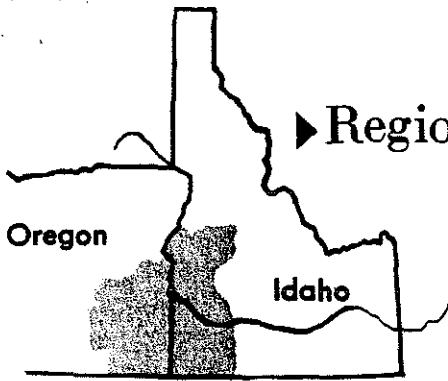
PROJECT TITLE: PROPOSED REVISION OF PRIMARY ALUMINUM PLANT RULES

APPLICANT: Oregon Environmental Quality Commission

Date Received: October 17, 1979

NOTICES SENT TO THE FOLLOWING:

Marion County Board of Commissioners
Polk County Board of Commissioners
Yamhill County Board of Commissioners
Marion County Department of Community
Development
Yamhill County Department of Planning
and Development
Yamhill County Economic Development
Committee
Ralph Hanley, City of Salem
Dick Knowles, COG Staff



IDA-ORE

Regional Planning and Development Association

P.O. BOX 311

WEISER, IDAHO 83672

(208) 549-2411

Steve Helm
President

Barton F. Bailey
Executive Director

MEMBER COUNTIES

(Including Municipalities)

Ada
Adams
Boise
Canyon
Elmore
Gem
Owyhee
Payette
Valley
Washington
Harney
Malheur

November 13, 1979

Mr. F. A. Skirvin
Dept. of Environmental Quality
Air Quality Division
Box 1760
Portland, OR 97207

Dear Mr. Skirvin:

Copies of the proposed regulations for the proposed revision of Primary Aluminum Plants rules were sent out for review by the following:

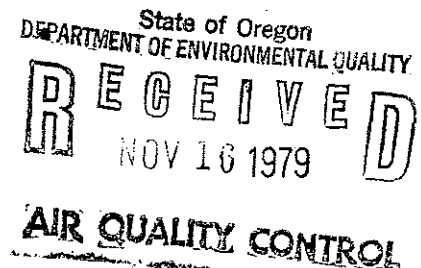
Harney County Commissioners
Malheur County Commissioners
Malheur County Task Force.

Copies of their comments are enclosed for your information.

Sincerely,

Rand Lindley
Associate Planner

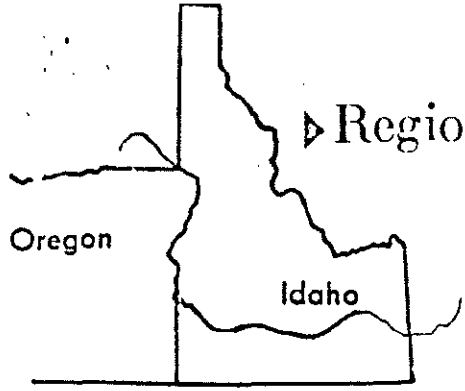
RL:mlh
Enc.



IDA-ORE

Regional Planning and Development Association

P. O. BOX 311 WEISER, IDAHO 83672
(208) 549-2411



Steve Helm
President

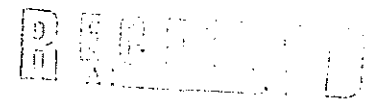
Barton F. Bailey
Executive Director

MEMBER COUNTIES (Including Municipalities)

- Ada
- Adams
- Boise
- Canyon
- Elmore
- Gem
- Owyhee
- Payette
- Valley
- Washington
- Harney
- Malheur

DATE: 10-22-79

TO: Malheur County Commissioners
Malheur County Courthouse
Vale, OR 97918



OCT 26 1979

MALHEUR COUNTY

RE: PNRS PRIMARY ALUMINUM PLANTS RULE REVISION

The attached material regards a project which may have impact in your area. Please review the material and comment on its necessity, environmental effect, usefulness, or any other matter you would like. We would like to have the comments within seven (7) days following receipt of this notice. If you need more time, please call collect and we will seek an extension. Your comments will be forwarded, no matter when we receive them.

Please send your comments to the above address to the attention of Rand Lindley.

Thank you.

COMMENTS: _____

No comment: X

Project recommended without comment: _____

Reviewer's Signature: Judge E. M. [Signature]

Date: 10-25-79

Regional Planning and Development Association

P. O. BOX 311

WEISER, IDAHO 83672

(208) 549-2411

Oregon

Idaho

Steve Helm
President

Barton F. Bailey
Executive Director

MEMBER COUNTIES
(Including Municipalities)

DATE: 10-22-79

- Ada
- Adams
- Boise
- Canyon
- Elmore
- Gem
- Owyhee
- Payette
- Valley
- Washington
- Harney
- Malheur

TO: Harney County Commisssioners
 Harney County Courthouse
 Burns, OR 97720

RE: PNRS PRIMARY ALUMINUM PLANTS RULE REVISION

The attached material regards a project which may have impact in your area. Please review the material and comment on its necessity, environmental effect, usefulness, or any other matter you would like. We would like to have the comments within seven (7) days following receipt of this notice. If you need more time, please call collect and we will seek an extension. Your comments will be forwarded, no matter when we receive them.

Please send your comments to the above address to the attention of Rand Lindley.

Thank you.

COMMENTS: _____

No comment: X

Project recommended without comment: _____

Reviewer's Signature: Dale White Date: 10-26-79

Attachment IV - Public Notice

AS0340.A



VICTOR ATIYEH
GOVERNOR

Department of Environmental Quality

522 S.W. 5th AVENUE, P.O. BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5353

Prepared: October 3, 1979

Hearing Date: November 29, 1979

NOTICE OF PUBLIC HEARING

A CHANCE TO BE HEARD ABOUT:

PROPOSED AMENDMENT OF PRIMARY ALUMINUM PLANT REGULATIONS

The Department of Environmental Quality is proposing to amend the Primary Aluminum Plant regulations to allow two additional years to review the feasibility of applying "new plant" emission limits to "existing plants". A hearing on this matter will be held in Portland on November 29, 1979. The proposed amendments, if adopted, will be submitted to the Environmental Protection Agency as a revision of Oregon's State Clean Air Act Implementation Plan.

WHAT IS THE DEQ PROPOSING?

Interested parties should request a copy of the complete proposed rule package. Some highlights are:

- ** Existing primary aluminum plant regulations require the Environmental Quality Commission to review, during calendar year 1979, the feasibility of applying new source emission limits to existing sources.
- ** Because of unanticipated operational problems, an adequate emission data base is not available at this time to conduct the review.
- ** The Department estimates that two years' additional time is needed to accumulate and analyze emission data obtained during normal operating conditions.

WHO IS AFFECTED BY THIS PROPOSAL:

Owners and operators of primary aluminum plants and citizens who reside near these plants.

HOW TO PROVIDE YOUR INFORMATION:

Written comments should be sent to the Department of Environmental Quality, Air Quality Division, P.O. Box 1760, Portland, Oregon 97207, and should be received by November 29, 1979.



Contains
Recycled
Materials

Oral and written comments may be offered at the following public hearing:

<u>City</u>	<u>Time</u>	<u>Date</u>	<u>Location</u>
Portland	2:00	November 29, 1979	Department of Environmental Quality Room 511 522 S. W. Fifth Avenue Portland, Oregon 97204.

WHERE TO OBTAIN ADDITIONAL INFORMATION:

Copies of the proposed rules may be obtained from:

Fredric A. Skirvin
Department of Environmental Quality
Air Quality Division
P. O. Box 1760
Portland, Oregon 97207
Phone: 229-6414

LEGAL REFERENCES FOR THIS PROPOSAL:

This proposal amends OAR 340-25-265(4)(b) and 25-265(5). This amendment is proposed under authority of ORS 468.295. This amendment does not affect land use.

FURTHER PROCEEDINGS:

After public hearing the Commission may adopt rule amendments identical to the proposed amendments, adopt modified rule amendments on the same subject matter, or decline to act. The adopted regulations will be submitted to the Environmental Protection Agency as part of the State Clean Air Act Implementation Plan. The Commission's deliberation should come in December as part of the agenda of a regularly scheduled Commission Meeting.

A statement of Need and a Fiscal Impact Statement are attached to this notice.



Department of Environmental Quality

522 S.W. 5th AVENUE, P.O. BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5353

FISCAL IMPACT STATEMENT

The proposed amendment would not have an economic effect upon the primary aluminum industry in that the existing plants would not have to install additional control equipment to comply with OAR 340-25-265(1) for at least an additional two years. The Department cannot determine at this time the economic impact upon other members of the public.

October 3, 1979
DEQ-AQD
MEF:h



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Materials.



Department of Environmental Quality

522 S.W. 5th AVENUE, P.O. BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5353

STATEMENT OF NEED FOR RULE MAKING

Pursuant to ORS 183.335 (7), this statement provides information on intended action to amend a rule.

Legal Authority

ORS 468.295 authorizes the Commission to adopt rules limiting air contaminant emissions.

Need for the Rule

The subject rule amendment is needed to allow sufficient time to accumulate representative emission data necessary for determining if "existing plants" can ultimately comply with "new plant" emission limits.

October 3, 1979
DEQ-AQD
MEF:h



Contains
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Materials

Attachment V - Department Request for Authorization to Hold Public Hearing
and Attachments.



Environmental Quality Commission

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

MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item No. D, September 21, 1979 EQC Meeting
Request for Authorization to Hold Public Hearing
Regarding Proposed Amendments of Primary Aluminum
Plant Regulation OAR 340-25-265(4)(b) and OAR 340-25-265(5).

Background

OAR 340-25-265(5) requires the Commission to review, during calendar year 1979, the feasibility of applying "new plant" emission limits to "existing plants". For reasons discussed later herein, this review is not practical at this time. Therefore, the Department is proposing to extend the review date and related compliance date by two years.

Statement of Need for Rule Making

Pursuant to ORS 183.335 (7), this statement provides information on intended action to amend a rule.

Legal Authority

ORS 468.295 authorizes the Commission to adopt rules limiting air contaminant emissions.

Need for the Rule

The subject rule amendment is needed to allow sufficient time to accumulate representative emission data necessary for determining if "existing plants" can ultimately comply with "new plant" emission limits.

Principle Documents Relied Upon in this Proposed Rulemaking

Primary Aluminum Plants regulation OAR 340-25-255 through 340-25-290.

Evaluation

Both existing aluminum plants, i.e., Martin Marietta in The Dalles and Reynolds Metals in Troutdale, have essentially replaced their primary control systems since the Commission modified the Primary Aluminum Plant regulations in 1973. In each case, unanticipated operational problems occurred which in effect has not allowed the accumulation of emission data under normal operating conditions.

OAR 340-25-265(5) requires the Commission to review, during calendar year 1979, the feasibility of applying "new plant" emission limits to "existing plants" based on the following considerations:

- (a) The then current state of the art of controlling emissions from primary aluminum plants;
- (b) The progress in controlling and reducing emissions exhibited at that time by then existing aluminum plants;
- (c) The need for further emissions control at those facilities based on discernible environmental impact of emissions up to that time.

This review is not practical at this time due to the lack of emission data obtained during normal operations.

The Department estimates that two years additional time is required to achieve an adequate data base. Therefore, it is proposed to amend the regulation by extending the dates in OAR 340-25-265(4)(b) and 340-25-265(5) by two years and minor word changes. The proposed amended sections and the current regulation are attached hereto.

If authorized by the Commission, the Department will hold a public hearing on the proposed amendments in late November or early December, 1979.

Summation

1. An adequate data base is not available at this time to conduct the required review regarding applying "new plant" emission limits to existing aluminum plants.
2. The Department estimates that two years additional time is needed to accumulate and analyze emission data obtained during normal operating conditions.
3. Subsequent to authorization by the Commission, the Department will hold a public hearing in late November or early December, 1979.

Director's Recommendation

Based upon the summation, it is recommended that the Commission authorize the Department to hold a public hearing regarding proposed amendments to the Primary Aluminum Plant Regulations, OAR 340-25-265(4) (b) and 340-25-265(5).

Bill

WILLIAM H. YOUNG

Attachments:

1. Proposed Amendments
2. Existing Regulations

FAS:nlb

Attachment 1 - Proposed Amendments to OAR 340-25-265(4) (b) and 340-25-265(5)

- (b) Existing plants shall comply with emission standards in section 340-25-265(1) by no later than January 1, [~~1984~~] 1986, pending a review by the Commission as described in 340-25-265(5).
- (5) The Commission shall review, [~~during-calendar-year-1979~~] by no later than December 31, 1981, the feasibility of applying subsection 340-25-265(4) (b) based on their conclusions regarding:
 - (a) The then current state of the art of controlling emissions from primary aluminum plants;
 - (b) The progress in controlling and reducing emissions exhibited at that time by then existing aluminum plants;
 - (c) The need for further emissions control at those facilities based on discernible environmental impact of emissions up to that time.

Note: Brackets, [] indicate proposed deletions.

Underlining, no later than, indicates proposed additions.

FAS:nlb

Primary Aluminum Plants

[ED. NOTE: Administrative Order DEQ 60 repealed previous rules 340-25-255 through 340-25-290 (consisting of DEQ 19, filed 7-14-70 and effective 8-10-70).]

Statement of Purpose

340-25-255. In furtherance of the public policy of the state as set forth in ORS 449.765, it is hereby declared to be the purpose of the Commission in adopting the following regulations to:

(1) Require, in accordance with a specific program and time table for each operating primary aluminum plant, the highest and best practicable collection, treatment, and control of atmospheric pollutants emitted from primary aluminum plants through the utilization of technically feasible equipment, devices, and procedures necessary to attain and maintain desired air quality.

(2) Require effective monitoring and reporting of emissions, ambient air levels of fluorides, fluoride content of forage, and other pertinent data. The Department will use these data, in conjunction with observation of conditions in the surrounding areas, to develop emission and ambient air standards and to determine compliance therewith.

(3) Encourage and assist the aluminum industry to conduct a research and technological development program designed to reduce emissions, in accordance with a definite program, including specified objectives and time schedules.

(4) Establish standards which, based upon presently available technology, are reasonably attainable with the intent of revising the standards as needed when new information and better technology are developed.

Statutory Authority:

Hist: Filed 12-5-73 as DEQ 60,
Eff. 12-25-73

Definitions

340-25-260 (1) "All Sources" means sources including, but not limited to, the reduction process, alumina plant, anode plant, anode baking plant, cast house, and

collection, treatment, and recovery systems.

(2) "Ambient Air". The air that surrounds the earth, excluding the general volume of gases contained within any building or structure.

(3) "Annual Average" means the arithmetic average of the twelve most recent consecutive monthly averages reported to the Department.

(4) "Anode Baking Plant" means the heating and sintering of pressed anode blocks in oven-like devices, including the loading and unloading of the oven-like devices.

(5) "Anode Plant" means all operations directly associated with the preparation of anode carbon except the anode baking operation.

(6) "Commission" means Environmental Quality Commission.

(7) "Cured Forage" means hay, straw, ensilage that is consumed or is intended to be consumed by livestock.

(8) "Department" means Department of Environmental Quality.

(9) "Emission" means a release into the outdoor atmosphere of air contaminants.

(10) "Emission Standards" means the limitation on the release of contaminant or multiple contaminants to the ambient air.

(11) "Fluorides" means matter containing fluoride ion.

(12) "Forage" means grasses, pasture, and other vegetation that is consumed or is intended to be consumed by livestock.

(13) "Monthly Average" means the arithmetic average of three test results obtained during any calendar month, utilizing test methods and procedures approved by the Department.

(14) "Opacity" means the degree to which an emission reduces transmission of light or obscures the view of an object in the background.

(15) "Particulate Matter" means a small discrete mass of solid or liquid matter, but not including uncombined water.

(16) "Primary Aluminum Plant" means those plants which will or do operate for the purpose of, or related to, producing aluminum metal from aluminum oxide (alumina).

(17) "Pot Line Primary Emission Control Systems" means the system which collects and removes contaminants prior to the emission point. If there is more than one such

system, the primary system is that system which is most directly related to the aluminum reduction cell.

(18) "Regularly Scheduled Monitoring" means sampling and analyses in compliance with a program and schedule approved pursuant to rule 340-25-280.

(19) "Ringlemann Smoke Chart" means the Ringlemann Smoke Chart with instructions for use as published in May, 1967, by the U.S. Department of Interior, Bureau of Mines.

(20) "Standard Dry Cubic Foot of Gas" means that amount of the gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor at a pressure of 14.7 P.S.I.A. and a temperature of 60°F.

[Publications: The publication(s) referred to or incorporated by reference in this rule is available in the office of the Department of Environmental Quality or Secretary of State.]

Statutory Authority:

Hist: Filed 12-5-73 as DEQ 60,

Eff: 12-25-73

Emission Standards

340-25-265 (1) The exhaust gases from each primary aluminum plant constructed on or after January 1, 1973, shall be collected and treated as necessary so as not to exceed the following minimum requirements:

(a) Total fluoride emissions from all sources shall not exceed:

(A) a monthly average of 1.3 pounds of fluoride ion per ton of aluminum produced; and

(B) an annual average of 1.0 pound of fluoride ion per ton of aluminum produced; and

(C) 12.5 tons of fluoride ion per month from any single aluminum plant without prior written approval by the Department.

(b) The total of organic and inorganic particulate matter emissions from all sources shall not exceed:

(A) a monthly average of 7.0 pounds of particulate per ton of aluminum produced;

(B) an annual average of 5.0 pounds of particulate per ton of aluminum produced.

(c) Visible emissions from any source

shall not exceed ten (10) percent opacity or 0.5 on the Ringlemann Smoke Chart at any time.

(2) Each primary aluminum plant constructed and operated after January 1, 1973, shall be in full compliance with these regulations no later than 180 days after completing potroom start-up and shall maintain full compliance thereafter.

(3) The exhaust gases from each primary aluminum plant constructed on or before January 1, 1973, shall be collected and treated as necessary so as not to exceed the following minimum requirements:

(a) Total fluoride emissions from all sources shall not exceed:

(A) a monthly average of 3.5 pounds of fluoride ion per ton of aluminum produced; and

(B) an annual average of 2.5 pounds of fluoride ion per ton of aluminum produced; and

(C) 22.0 tons of fluoride ion per month from any single aluminum plant without prior written approval by the Department.

(b) The total organic and inorganic particulate matter emissions from all sources shall not exceed:

(A) a monthly average of 13.0 pounds of particulate per ton of aluminum produced; and

(B) an annual average of 10.0 pounds of particulate per ton of aluminum produced.

(c) Visible emissions from any source shall not exceed 20 percent opacity or 1.0 on the Ringlemann Smoke Chart at any time.

(4) Each existing primary aluminum plant shall proceed promptly with a program to comply as soon as practicable with these regulations. A proposed program and implementation plan shall be submitted by each plant to the Department not later than 180 days after the effective date of these amended regulations.

The Department shall establish a schedule of compliance for each existing primary aluminum plant. Each schedule shall include the dates by which compliance shall be achieved, but in no case, shall full compliance be later than the following dates:

(a) Existing plants shall comply with emission standards in section 340-25-265(3) by January 1, 1977;

(b) Existing plants shall comply with emission standards in section 340-25-265(1)

by January 1, 1984, pending a review by the Commission as described in 340-25-265(5).

(5) The Commission shall review, during calendar year 1979, the feasibility of applying subsection 340-25-265(4)(b) based on their conclusions regarding:

(a) The then current state of the art of controlling emissions from primary aluminum plants;

(b) The progress in controlling and reducing emissions exhibited at that time by then existing aluminum plants;

(c) The need for further emissions control at those facilities based on discernible environmental impact of emissions up to that time.

[Publications: The publication(s) referred to or incorporated by reference in this rule is available in the office of the Department of Environmental Quality or Secretary of State.]

Statutory Authority:

Hist: Filed 12-5-73 as DEQ 60,
Eff. 12-25-73

Special Problem Areas

340-25-270 The Department may require more restrictive emission limits than the numerical emission standards contained in rule 340-25-265 for an individual plant upon a finding by the Commission that the individual plant is located, or is proposed to be located, in a special problem area. Such more restrictive emission limits for special problem areas may be established on the basis of allowable emissions per ton of aluminum produced or total maximum daily emissions to the atmosphere, or a combination thereof, and may be applied on a seasonal or year-round basis.

Statutory Authority:

Hist: Filed 12-5-73 as DEQ 60,
Eff. 12-25-73

Highest and Best Practicable Treatment and Control Requirement

340-25-275 In order to maintain the lowest possible emissions of air contaminants, the highest and best practicable treatment and control currently available shall in every case be provided, but this

section shall not be construed to allow emissions to exceed the specific emission limits set forth in rule 340-25-265.

Statutory Authority:

Hist: Filed 12-5-73 as DEQ 60,
Eff. 12-25-73

Monitoring

340-25-280 (1) Each primary aluminum plant constructed and operated on or before January 1, 1973, shall submit, within sixty (60) days after the effective date of these amended regulations, a detailed, effective monitoring program. The program shall include regularly scheduled monitoring and testing by the plant of emissions of gaseous and particulate fluorides and total particulates. The plant shall take and test a minimum of three (3) representative emission samples each calendar month. The samples shall be taken at specified intervals. A schedule for measurement of fluoride levels in forage and ambient air shall be submitted. The Department shall establish a monitoring program for the plant which shall be placed in effective operation within ninety (90) days after written notice to the plant by the Department of the established monitoring program.

(2) Each primary aluminum plant proposed to be constructed and operated after January 1, 1973, shall submit a detailed pre-construction of post-construction monitoring program as a part of the air contaminant discharge permit application.

Statutory Authority:

Hist: Filed 12-5-73 as DEQ 60,
Eff. 12-25-73

Reporting

340-25-285 (1) Unless otherwise authorized in writing by the Department, data shall be reported by each primary aluminum plant within thirty (30) days of the end of each calendar month for each source and station included in the approved monitoring program as follows:

(a) Ambient air: Twelve-hour concentrations of gaseous fluoride in ambient air expressed in micrograms per cubic meter of air, and in parts per billion (ppb); also 28-day test results using calcium formate ("limed") paper expressed in micrograms of

fluoride per centimeter squared per cubic meter ($\mu\text{g}/\text{-cm}^2/\text{m}^3$).

(b) Forage: Concentrations of fluoride in forage expressed in parts per million (ppm) of fluoride on a dried weight basis.

(c) Particulate emissions: Results of all emission sampling conducted during the month for particulates, expressed in grains per standard dry cubic foot, in pounds per day, and in pounds per ton of aluminum produced. The method of calculating pounds per ton shall be as specified in the approved monitoring programs. Particulate data shall be reported as total particulates and percentage of fluoride ion contained therein.

(d) Gaseous emissions: Results of all sampling conducted during the month for gaseous fluorides. All results shall be expressed as hydrogen fluoride in micrograms per cubic meter and pounds per day of hydrogen fluoride, and in pounds per ton of aluminum produced.

(e) Other emission and ambient air data as specified in the approved monitoring program.

(f) Changes in collection efficiency of any portion of the collection or control system that resulted from equipment or process changes.

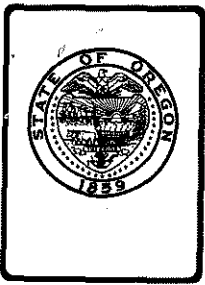
(2) Each primary aluminum plant shall furnish, upon request of the Department, such other data as the Department may require to evaluate the plant's emission control program. Each primary aluminum plant shall report the value of each emission test performed during that reporting period, and shall also immediately report abnormal plant operations which result in increased emission of air contaminants.

(3) No person shall construct, install, establish, or operate a primary aluminum plant without first applying for and obtaining an air contaminant discharge permit from the Department. Addition to, or enlargement or replacement of, a primary aluminum plant or any major alteration thereof shall be construed as construction, installation, or establishment.

Statutory Authority:

Hist: Filed 12-5-73 as DEQ 60,
Eff. 12-25-73

340-25-290 [Filed 7-14-70 as DEQ 19,
Eff. 8-10-70
Repealed 12-5-73 by DEQ 60,
Eff. 12-25-73]



Environmental Quality Commission

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

Victor Atiyeh
Governor

MEMORANDUM

TO: Environmental Quality Commission

FROM: William H. Young, Director

SUBJECT: Agenda Item M , January 18, 1980, EQC Meeting

Proposed Adoption of Rules to Clarify the Emission Limits for Veneer Dryers in the Medford-Ashland Air Quality Maintenance Area, OAR 340-30-010 and 020.

Background and Problem Statement

In establishing emission limits specific to the Medford-Ashland AQMA, the Commission adopted rules for veneer dryers (OAR 340-30-020) which included the non-AQMA emission limits by reference. Exceptions to specific sections of the non-AQMA rules were also made by reference. After adoption of the rules for Medford-Ashland AQMA, the Department proposed and Commission adopted additional emission limits (non-AQMA) for wood fired veneer dryers. The additional limits were inserted in appropriate places in the non-AQMA rules for veneer dryers. The insertion of these new limits changed the subsection numbers and the Medford veneer dryers rules no longer meet the original intent of the rules.

At the November 16, 1979, EQC meeting, the Commission adopted the proposed rules as temporary rules and authorized the Department to hold a public hearing. After thirty days public notice the Department held a hearing on December 17, 1979.

The Commission is authorized by ORS 468.295 to adopt rules limiting air contaminant emissions. ORS 183.335(5) authorizes the adoption of temporary rules for not more than 180 days.

A Statement of Need for Rulemaking is attached.



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Alternatives and Evaluation

The Department proposes to separate the Medford-Ashland AQMA veneer dryer rules from the non-AQMA rules by incorporating in the Medford-Ashland AQMA veneer dryer rules those emission limits, and definitions applicable as originally intended in Sections 340-30-010 and 340-30-020 rather than referencing the non-AQMA rules.

As the rules for veneer dryers in the Medford-Ashland AQMA now read, they are ambiguous and may be unenforceable. OAR 340-30-045 requires compliance with the veneer dryer emission limits by no later than January 1, 1980. These clarifications to the rules cannot be adopted before that date.

The control strategy for Medford requires significant capital outlays by industry for control equipment to meet these rules including the veneer dryer rule. It is important that the original intent of these rules be preserved so that control programs currently in progress and scheduled for completion by January 1, 1980, are not jeopardized.

On December 17, 1979, the Department held a public hearing to receive testimony on the proposed rule change. No written or oral testimony was presented at the hearing or during the thirty day public notice period.

The proposed rule changes will not alter the original requirements of the Medford-Ashland AQMA rules. The emission limits, compliance dates and definitions would not be changed.

Summation

- 1) The Department adopted emission limits and compliance schedules for the veneer dryers in the Medford-Ashland AQMA by referencing portions of existing veneer dryer rules for non-AQMA areas.
- 2) The Department later adopted additional limits for wood fired veneer dryers outside AQMA's and in the process changed some subsection designations which made some portions of the Medford-Ashland AQMA rules meaningless.
- 3) The proposed changes under consideration herein will reinstate the Medford-Ashland AQMA rules to the previous and originally intended form.
- 4) The Commission authorized public hearings to receive testimony on the proposed rule change. After public notice, the Department held a hearing but no testimony was submitted.

Agenda Item
January 18, 1980, EQC Meeting
Page 3

Recommendation

Based upon the Summation, it is recommended that OAR 340-30-010 and 020 be amended as proposed in the attached regulation and adopted.

Bill

William H. Young
Director

Attachments: Proposed Rule (OAR 340-30-010 and 020)
Statement of Need for Rulemaking

F.A.Skirvin:f
229-6414
December 18, 1979
AF3169

Proposed Rule

OAR 340-30-020 would be replaced as follows. The following definitions would be added to OAR 340-30-010.

Definitions

340-30-010 (13) "Department" means Department of Environmental Quality.

(14) "Emission" means a release into the outdoor atmosphere of air contaminants.

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

(16) "Veneer" means a single flat panel of wood not exceeding 1/4 inch in thickness formed by slicing or peeling from a log.

(17) "Opacity" means the degree to which an emission reduces transmission of light and obscures the view of an object in the background.

(18) "Fugitive emissions" means dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof not easily given to measurement, collection and treatment by conventional pollution control methods.

340-30-020 Veneer Dryer Emission Limitations

(1) No person shall operate any veneer dryer such that visible air contaminants emitted from any dryer stack or emission point exceed:

- (a) A design opacity of 10%,
- (b) An average operating opacity of 10%, and
- (c) A maximum opacity of 20%.

Where the presence of uncombined water is the only reason for the failure to meet the above requirements, said requirements shall not apply.

(2) No person shall operate a veneer dryer unless:

(a) The owner or operator has submitted a program and time schedule for installing an emission control system which has been approved in writing by the Department as being capable of complying with subsection 340-30-020(1)(a), (b), and (c),

(b) The veneer dryer is equipped with an emission control system which has been approved in writing by the Department and is capable of complying with subsection 340-30-020(1), (b), and (c), or

(c) The owner or operator has demonstrated and the Department has agreed in writing that the dryer is capable of being operated and is operated in continuous compliance with subsection 340-30-020(1)(b), and (c).

(3) Each veneer dryer shall be maintained and operated at all times such that air contaminant generating processes and all contaminant control equipment shall be at full efficiency and effectiveness so that the emission of air contaminants is kept at the lowest practicable levels.

(4) No person shall willfully cause or permit the installation or use of any means, such as dilution, which, without resulting in a reduction in the total amount of air contaminants emitted, conceals an emission which would otherwise violate this rule.

(5) Where effective measures are not taken to minimize fugitive emissions, the Department may require that the equipment or structures in which processing, handling and storage are done, be tightly closed, modified, or operated in such a way that air contaminants are minimized, controlled, or removed before discharge to the open air.

(6) Air pollution control equipment installed to meet the opacity requirements of OAR 340-30-020(1) shall be designed such that the particulate collection efficiency can be practicably upgraded.

(7) Compliance with the emission limits in section (1) above shall be determined in accordance with the Department's Method 9 on file as of November 16, 1979.

EW:f

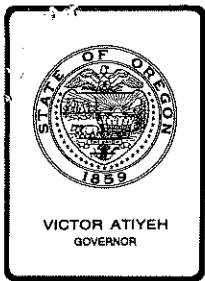
The Commission is authorized by ORS 468.295 Air Purity Standards; Air Quality Standards to adopt rules limiting air contaminant emissions. The Commission is authorized by ORS 183.335 to adopt temporary rules for not longer than 180 days.

The emission limits and compliance schedules for veneer dryers in the Medford-Ashland AQMA were based upon existing regulations for dryers outside AQMA's. The Medford rules included the existing rules by reference. Subsequent changes in the non-AQMA rules inadvertently altered the intent of the Medford rules. Therefore it is necessary to restore the Medford rules as originally intended and adopted. The proposed changes to the rule will incorporate the language of the non-AQMA rule. The two rules will then be separate so that future changes can be made without impacting both rules.

The Department anticipates that some operators will request a variance from the Medford dryer rules because of control equipment delivery delays. Therefore the Department has requested the Commission to adopt the proposed changes as temporary rules because the current rules are ambiguous.

The Department has based the proposed temporary and permanent rules upon:

- 1) OAR 340-30-020 and 045
- 2) OAR 340-25-315
- 3) ORS 468.295
- 4) ORS 183.335



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

522 SOUTHWEST 5th AVENUE, PORTLAND, OR 97204 PHONE (503) 229-5696

• MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item N, January 18, 1980 EQC Meeting
Consider for Adoption Proposed Open Field Burning
Regulations, OAR Chapter 340, Sections 26-005 Through
26-030 and Amendment to the Oregon State Implementation Plan

1. Background

As stated in the December 14, 1979, staff report, revisions to the rules regulating open field burning have been made necessary by the passage of a new field burning law, Senate Bill 472 (Chapter 181, Oregon Law, 1979), during the 1979 legislative session. This law became effective January 1, 1980. In addition to these necessary changes other rule revisions were requested in order to implement a performance-based approach to the daily regulation of open field burning and to reorganize the existing rules to provide greater clarity.

As part of the rule adoption procedure, a public hearing was held December 14, 1979, to receive comment on the proposed field burning rules. A period for additional post-hearing comments was authorized through December 31, 1979. Public testimony and comment received during this period is reviewed in the Evaluation section of this report.

A "Statement of Need for Rulemaking" is attached (Attachment I). As mentioned previously, the EQC's authority to regulate field burning is established in the following Oregon Revised Statutes (ORS):

- a) ORS 468.450 allowing the Commission to establish a schedule to identify the extent and type of burning to be allowed on each "marginal" day; and,
- b) ORS 468.460 authorizing the Commission to promulgate rules controlling Willamette Valley field burning.

2. Evaluation

2.1 Summary of Testimony

Both the City of Eugene and the Oregon Seed Council testified in favor of the previously proposed rules since the rules reflected, for the most part, the provisions of an agreement (Attachment III) recently signed by those two parties.



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However, in their testimony some minor revisions were suggested which would make the rules and the agreement congruent. These revisions have been subsequently discussed by the various staff personnel and the proposed changes are addressed in section 2.2 of this staff report and in the proposed rules, (Attachment II). Both parties testified that adoption of the proposed rules would result in a period of much improved relations between themselves. In addition, less public confrontation over the issue is expected resulting in fewer Commission appearances than has been the case in the past.

Oregon State University (OSU) also submitted testimony in answer to a staff request. The OSU response (Attachment IV) indicates no major concerns with the proposed rules. In other discussion, OSU representatives have generally supported the proposed changes in the management program.

The proposed field burning rules have been reviewed by local, state, and federal governmental agencies as part of a federally mandated coordinated review process. All responses received to date have been supportive of the proposed changes and no conflicts with local planning or management efforts have been identified.

In summary, with the exception of the minor changes offered by the City of Eugene and the Oregon Seed Council, all testimony received as a result of the public hearing and subsequent period of open record has been supportive of the proposed rules.

2.2 Proposed Additional Rule Changes

2.2.1 Additional Revision to Subsection 26-015

As mentioned at the public hearing, discussion with representatives of the Environmental Protection Agency (EPA) led to some late revisions to section 26-015(3)(c) dealing with the regulation of field burning based upon air quality. Staff submitted these changes to the Commission at the hearing. Originally, rules drafted by the Department addressed the Eugene-Springfield and Lebanon-Sweet Home areas separately in defining control procedures. Specifically, the performance standard criteria as well as protection against violations of 24-hour particulate standards through use of an automatic particle monitor (APM) were applied to Eugene-Springfield only. Lebanon and Sweet Home were to be protected from standards violations through a daily acreage limit in 1980 and real-time monitoring thereafter. The revised proposed rule would provide for uniform protection from air quality violations while still incorporating the use of the performance standard for Eugene and Springfield.

The EPA staff was also concerned that the use of a projected particulate level of 135 ug/m³ as a firm criterion for burning regulation was premature considering DEQ's limited experience in making such projections. The EPA recommended that the appropriate level be selected after the DEQ had gained some additional expertise. The proposed rule would delete specific numbers from the regulation and the Department would propose to submit information identifying a projection method as part of the supporting technical documentation to the State Implementation Plan revision.

2.2.2 Additional Revision Proposed by the City of Eugene and Oregon Seed Council

As a result of continuing discussions by the City of Eugene and the Oregon Seed Council prior to the signing of their agreement, a late change in that document was not addressed in the proposed rules mailed prior to the public hearing. This change provided that moderate smoke intrusions in mid- to late-September would be assessed as heavy intrusions and thereby provide some additional late-season protection for the Eugene-Springfield area. After September 15, each hour of smoke intrusion resulting in changes in nephelometer readings greater than 4.0×10^{-4} b-scat would be counted as two hours. Intrusions which occur earlier in the season must cause a change of 5.0×10^{-4} b-scat or more before the doubling procedure is applied.

The change would tend to slightly restrict late season burning, particularly if burning has been delayed. However, it would have little effect on operational procedures since no significant changes in management practices would be necessary. A change in the method of determining hours of intrusion in the late season would be all that is required.

The revised proposed rules would redefine hours of smoke intrusion in the Eugene-Springfield area, 26-005(27), to accommodate the change.

2.3 Submittal of a Field Burning State Implementation Plan Revision

The proposed rules, if adopted, would be submitted along with supporting documentation to the Environmental Protection Agency. Scheduling of the submission is contingent upon completion of the supporting documentation package and plans for implementation of automatic particle and nephelometer monitors. This material is expected to be completed prior to the January meeting so that a SIP package may be submitted immediately if the proposed rules are adopted. Analysis of the initial APM and nephelometer data used for TSP projections should be completed early next month so that it may be submitted by mid-February. Provided the concept of making TSP projections using an APM is finally accepted by the EPA, updates and minor revisions to the projection models should not upset processing of the SIP.

Submission of a SIP package to the EPA by January allows approximately five months for processing prior to the beginning of the burning season. This represents a very compressed schedule for approval based on recent experience with SIP revision submittals. However, the EPA indicates it is feasible provided minimum additional changes are necessary. Pursuant to ORS 468.475 any such additional changes would need to be addressed by the Commission prior to June 1, 1980.

3. Summation

Revisions to the rules regulating open field burning have been proposed in order to:

- a) Implement changes required by the new field burning law, Chapter 181, Oregon Laws, 1979.

- b) Implement a "performance standard" approach to field burning regulations which would essentially prevent air quality standards violations due to field burning; and
- c) Reorganize and clarify the rules.

A public hearing was held on December 14, 1979, to consider the proposed rules. Testimony received at that hearing and during the subsequent period of open record has been reviewed. In general, the testimony supported the proposed rules. In addition, the Department of Environmental Quality and Environmental Protection Agency (EPA) staff reviewed and discussed the proposed rules.

Based on the public hearing record and discussion with the EPA staff, additional rule changes are proposed to:

- a) Modify subsection 26-015(3)(c), regulating field burning based upon air quality conditions, to make its application more general. Also eliminate the reference in the regulation to the specific projected Total Suspended Particulate level of 135 ug/m³ in favor of a value developed after more experimentation.
- b) Modify the definition of hours of smoke intrusion in Eugene-Springfield such that late season hours of smoke intrusions of moderate levels are counted as heavy intrusions; that is, two hours are recorded for each hour of actual smokiness.

Revision a) is proposed, after discussions with EPA representatives, to avoid a significant contribution by field burning to a violation of applicable air quality standards. Revision b) above is proposed by the City of Eugene and the Oregon Seed Council in order to provide late-season protection to the Eugene-Springfield area.

If adopted the proposed rules, supporting documentation, and plan for implementation would be submitted to the EPA immediately.

4. Director's Recommendation

Based upon the information set forth in pages 1-5 of the Director's January 18, 1980, staff report to the Commission; the testimony in the record of the December 14, 1979, public hearing; and the recommendation of Oregon State University pursuant to ORS 468.460(3), it is recommended that the Environmental Quality Commission act as follows:

1. Designate as its final Statement of Need for Rulemaking the Statement of Need set forth in Attachment I to the Director's staff report.
2. Adopt as permanent rules the proposed rules set forth in Attachment II to the Director's staff report, such rules to become effective upon their prompt filing (along with the Statement of Need for Rulemaking) with the Secretary of State.

3. Instruct the staff to submit, pursuant to federal rules, those portions of the rules set forth in Attachment II of the Director's staff report plus additional supporting documentation as may be necessary for approval by the Environmental Protection Agency, as a revision to the Oregon State Implementation Plan.

Bill

WILLIAM H. YOUNG

Attachments: I Statement of Need for Rulemaking
 II Proposed Field Burning Rules, OAR Chapter
 340, Sections 26-005 Through 26-030
 III Memorandum of Understanding, City of
 Eugene and Oregon Seed Council
 IV Memorandum to S. A. Freeburn, DEQ,
 from D. O. Chilcote, OSU

SAF:pas
686-7837
1/3/80

ATTACHMENT I

Agenda Item N, January 18, 1980, EQC Meeting
Consider for Adoption Proposed Open Field Burning
Regulations, OAR Chapter 340, Sections 26-005 Through
26-030 and Amendment to the Oregon State Implementation Plan

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 through 26-030 is needed to:

1. Incorporate changes made necessary by adoption by the 1979 Oregon Legislature of Senate Bill 472, Chapter 181, Oregon Laws, 1979, establishing new law regulating open field burning;
2. Make operational rule changes supportive of the potential increase in acreage to be open burned authorized by SB 472; and,
3. Clarify the existing rules.

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 reports, William H. Young, director, Department of Environmental Quality, presented at the August 6, November 16, December 14, 1979, and January 18, 1980, EQC meetings.
2. Record of the Environmental Quality Commission meetings, August 6, November 16, December 14, 1979, and January 18, 1980.
3. Personal communication with Terry Smith, environmental analyst, City of Eugene, August 3 and August 22, 1979.
4. Personal communication with Charles D. Craig, smoke management specialist, Oregon Seed Council, October 17 and October 22, 1979.
5. Personal Communication with David S. Nelson, executive secretary, Oregon Seed Council, October 12 and October 17, 1979.
6. Personal communication with Terry Smith, environmental analyst, City of Eugene, November 28 and December 18, 1979.

7. Personal communication with Charles D. Craig, smoke management specialist, Oregon Seed Council, November 28 and December 18, 1979.
8. Personal communication with John Core, Department of Environmental Quality, November 28, 1979.
9. Proposed regulations regarding Prevention of Significant Deterioration, U. S. Environmental Protection Agency, in Federal Register, September 5, 1979.
10. "Proposal for an Air Quality Performance Regulation for Field Burning Smoke Management," Terry Smith, environmental analyst, City of Eugene, August 3, 1979.
11. "Analysis of Field Burning Performance Standard," memorandum from Charles D. Craig, Oregon Seed Council, to David S. Nelson, executive secretary, Oregon Seed Council, September 27, 1979.
12. Memorandum from David O. Chilcote, agronomist, OSU, to Scott A Freeburn, Department of Environmental Quality, December 7, 1979.
13. Memorandum of Understanding between the City of Eugene and the Oregon Seed Council, December 13, 1979.

SAF:pas
686-7837
1/2/80

Attachment II

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, or burning is specifically authorized by the Department for experimental or test purposes).

"[----]" 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:

$$VI = \frac{(\text{Effective mixing height (feet)})}{1000} \times (\text{Average wind speed through the effective mixing height (knots)})$$

(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 of 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 fire 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. Little or no preparatory backfire burning shall be done."

(19) "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.

{20} - "Approved Field Sanitizer" means any field burning device that has been approved by the Department as an alternative to open field burning;

{21} - "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;

{22} - "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;

{23} - "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;

{24} - "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.]

(20) [{26}] "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.

(22) [{27}] "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.

(23) [{28}] "Drying Day" means a 24-hour period during which the relative humidity reached a minimum less than 50% and no rainfall occurred.

[{29} - "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.]

(24) "Basic Quota" means an amount of acreage 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.

(25) "Priority Area Quota" means an amount of acreage established for each permit jurisdiction, for fields in priority areas, in a manner to provide, as reasonably as practicable, an equitable opportunity to burn.

(26) "Effective Mixing Height" means either the actual plume rise as measured or the calculated mixing height, whichever is greater.

(27) "Cumulative Hours of Smoke Intrusion in the Eugene-Springfield Area" means the average of the total cumulative hours of nephelometer readings at the Eugene and Springfield sites which exceed the preexisting background readings by 1.8×10^{-4} b-scat units or more and which have been determined by the Department to have been significantly contributed to by field burning. For each hour of nephelometer readings which exceed the preexisting background readings by 5.0×10^{-4} b-scat or more, two hours shall be added to the total cumulative hours for that site. After September 15 of each year, for each hour of nephelometer readings which exceed the preexisting background readings by 4.0×10^{-4} b-scat or more, two hours shall be added to the total cumulative hours for that site.

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.

(d) As provided in ORS 468.465(1), permits for open field burning of cereal grain crops shall be issued only if the person seeking the permits submits to the issuing authority a signed statement under oath or affirmation that the acreage to be burned will be planted to seed crops (other than cereal grains, hairy vetch, or field pea crops) which require flame sanitation for proper cultivation.

(e) Any person granted an open field burning permit under these rules shall maintain a copy of said permit at the burn site or be able to readily demonstrate authority to burn at all times during the burning operation and said permit shall be made available for at least one year after expiration for inspection upon request by appropriate authorities.

(f) At all times proper and accurate records of permit transactions and copies of all permits shall be maintained by each agency or person involved in the issuance of permits, for inspection by the appropriate authority.

(g) Open field burning permit issuing agencies shall submit to the Department on forms provided, weekly summaries of field burning activities in their permit jurisdiction during the period July 1 to October 15. Weekly summaries shall be mailed and postmarked no later than the first working day of the following week.

(3) Fuel conditions shall be limited as follows:

(a) All debris, cuttings and prunings shall be dry, cleanly stacked and free of dirt and green material prior to being burned, to insure as nearly complete combustion as possible.

(b) No substance or material which normally emits dense smoke or noxious odors may be used for auxiliary fuel in the igniting of debris, cuttings or prunings.

~~[(c) The Department may, on a field by field basis, prohibit burning of fields containing high moisture content stubble and/or regrowth material which, when burned, would result in excessive low level smoke.]~~

(4) In accordance with ORS 468.450 the Department shall establish a schedule which specifies the extent and type of burning to be allowed each day. During the time of active field burning, the Department shall broadcast this schedule over the Oregon Seed Council radio network operated for this purpose, on an as needed basis, depending on atmospheric and air quality conditions.

(a) Any person open burning or preparing to open burn under these rules shall conduct the burning operation in accordance with the Department's burning schedule.

(b) Any person open burning or preparing to open burn fields under these rules shall monitor the Department's field burning schedule broadcasts and shall conduct the burning operations in accordance with the announced schedule.

(5) Any person open field burning under these rules shall actively extinguish all flames and major smoke sources when prohibition conditions are imposed by the Department. Normal after smoulder excepted.

26-011 CERTIFIED ALTERNATIVE TO OPEN FIELD BURNING.

~~[(1) Approved pilot field sanitizers, approved experimental field sanitizers, or propane flammes may be used as alternatives to open field burning subject to the provisions of this section.]~~

~~(2) Approved pilot field sanitizers.~~

~~(a) Procedures for submitting application for approval of pilot field sanitizers.]~~

[Applications shall be submitted in writing to the Department and shall include, but not be limited to, the following:

- (i) Design plans and specifications;
- (ii) Acreage and emission performance data and rated capacities;
- (iii) Details regarding availability of repair service and replacement parts;
- (iv) Operational instructions.

(b) Emission Standards for Approved Pilot Field Sanitizers.

(A) Approved pilot field sanitizers shall be required to demonstrate the capability of sanitizing a representative harvested grass or cereal grain field with an accumulative straw and stubble fuel load of not less than 1.0 ton/acre, dry weight basis, and which has an average moisture content not less than 10%, at a rate of not less than 85% of rated maximum capacity for a period of 30 continuous minutes without exceeding emission standards as follows:

- (i) Main stack: 20% average opacity;
- (ii) Leakages: not to exceed 20% of the total emissions.
- (iii) After-smoke: No significant amounts originating more than 25 yards behind the operating machine.

(B) The Department shall certify in writing to the manufacturer, the approval of the pilot field sanitizer within thirty (30) days of the receipt of a complete application and successful compliance demonstration with the emission standards of 2(b)(A). Such approval shall apply to all machines built to the specifications of the Department certified field sanitation machine.

(C) In the event of the development of significantly superior field sanitizers, the Department may decertify approved pilot field sanitizers previously approved, except that any unit built prior to this decertification in accordance with specifications of previously approved pilot field sanitizers shall be allowed to operate for a period not to exceed seven years from the date of delivery provided that the unit is adequately maintained as per (2)(c)(A).

(c) Operation and/or modification of approved pilot field sanitizers.

(A) Operating approved pilot field sanitizers shall be maintained to design specifications (normal wear expected) i.e., skirts, shrouds, shields, air bars, ducts, fans, motors, etc., shall be in place, intact and operational.

(B) Modifications to the structure or operating procedures which will knowingly increase emissions shall not be made.

(C) Any modifications to the structure or operating procedures which result in increased emissions shall be further modified or returned to manufacturer's specifications to reduce emissions to original levels or below as rapidly as practicable.

(D) Open fires away from the sanitizers shall be extinguished as rapidly as practicable.

(2) Experimental field sanitizers not meeting the emission criteria specified in 2(b)(A) above, may receive Department authorization for experimental use for not more than one season at a time, provided:

(a) The operator of the field sanitizers shall report to the Department the locations of operation of experimental field sanitizers.]

(1) The Department may certify approved alternative methods of field sanitation and straw utilization and disposal on a permanent or interim basis provided the applicant for such certification:

(a) Provides information adequate to determine compliance with such emissions standards as may be developed pursuant to subsection (2) of this section as well as other State air, water, solid waste, and noise laws and regulations, and

(b) Operates any associated equipment subject to subsection (3) of this section or other operational standards as may be established by the Department.

(2) Pursuant to ORS 468.472 the Commission shall establish emission standards for alternative methods to open field burning. Such standards shall be set to insure an overall improvement in air quality as a result of the use of the alternative as compared to the open field burning eliminated by such use.

(3) Mobile field sanitizers and other alternative methods of field sanitation specifically approved by the Department, and propane flammers are considered alternatives to open field burning for the purposes of fee refunds pursuant to ORS 468.480 and may be used subject to the following provisions:

(a) ~~[(b)]~~ Open fires away from the machines shall be extinguished as rapidly as practicable.

(b) ~~[(b)]~~ Adequate water supply shall be available to extinguish open fires resulting from the operation of field sanitizers.

(c) ~~[(4)]~~ Propane flammers~~[-Propane-flaming-is]~~ may be used as an approved alternative to open field burning provided that all of the following conditions are met:

(a) Field sanitizers are not available or otherwise cannot accomplish the burning.

(b) The field stubble will not sustain an open fire.

(c) One of the following conditions exist:

(A) The field has been previously open burned and appropriate fees paid.

(B) The field has been flailchopped, mowed, or otherwise cut close to the ground and loose straw has been removed to reduce the straw fuel load as much as practicable.

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

(1) On or before April 1 of each year, all acreages to be open burned under this rule shall be registered with the local fire permit issuing agency or its authorized representative on forms provided by the Department. A nonrefundable \$1.00 per acre registration fee shall be paid at the time of registration.

(2) Registration of acreage after April 1 of each year shall require:

(a) Approval of the Department.

(b) An additional late registration fee of \$1.00 per acre if the late registration is determined by the Department to be the fault of the late registrant.

(3) Copies of all Registration/Application forms shall be forwarded to the Department ~~[and the Executive Department]~~ promptly by the local fire permit issuing agency.

(4) The local fire permitting agency shall maintain a record of all registered acreage by assigned field number, location, type of crop, number of acres to be burned and status of fee payment for each field.

(5) Burn authorizations shall be issued by the local fire permit issuing agency up to daily quota limitations established by the Department and shall be based on registered fee paid acres and shall be issued in accordance with the

priorities established by subsection 26-010(1) of these rules, except that fourth priority burning shall not be permitted from July 15 to September 15 of any year unless specifically authorized by the Department.

(6) No local fire permit issuing agency shall authorize open field burning of more acreage than may be sub-allocated annually to the District by the Department pursuant to section 26-013(5) of these rules.

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

(1) Except for acreage to be burned under 26-013(6) and (7), the maximum acreage to be open burned under these rules shall not exceed that amount authorized under applicable State and Federal law.

~~(a) Shall not exceed 150,000 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 x 10⁻⁴ B-sect 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 cutoff 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.]~~

(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 flammers~~ alternative methods shall not be applied to open field burning acreage allocations or quotas, and such ~~equipment~~ operations may be conducted under either marginal or prohibition condition.

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

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

(a) Each year the Department shall sub-allocate 110 percent of the total acre allocation established by the Commission, as specified in section 26-013(1), to the respective growers on a pro rata 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 section,]~~ The Department shall sub-allocate the total acre allocation established by the Commission, as specified in section 26-013(1) to the respective fire permit issuing agencies on a pro rata share basis of the acreage registered within each fire permit issuing agency's jurisdiction as of April 1 to the total acreage registered as of April 1.

(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 permit utilization,]~~ the Department may adjust, in cooperation with the fire districts, allocations of the maximum acreage allowed in section 26-013(1).

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

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

(6) Notwithstanding the acreage limitations under 26-013(1), the Department may allow experimental open burning pursuant to ~~[Section 9 of the 1977 Oregon Laws; Chapter 650, (HB-2196)]~~ ORS 468.490. Such experimental open burning shall be conducted only as may be specifically authorized by the Department and will be conducted for gathering of scientific data, or training of personnel or demonstrating specific practices. The Department shall maintain a record of each experimental burn and may require a report from any person conducting an experimental burn stating factors such as:

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

(a) Experimental open burning, exclusive of that acreage burned by experimental open field sanitizers, shall not exceed 7500 acres 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.

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

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

(A) Extreme hardship documented by:

An analysis and signed statement from a CPA, public accountant, or other recognized financial expert which establishes that failure to allow emergency open burning as requested will result in extreme financial hardship above and beyond mere loss of revenue that would ordinarily accrue due to inability to open burn the particular acreage for which emergency open burning is requested. The analysis shall include an itemized statement of the applicants net worth

and include a discussion of potential alternatives and probable related consequences of not burning.

(B) Disease outbreak, documented by:

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

The statement must also include at least the following:

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

(C) Insect infestation, documented by:

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

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

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

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

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

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

26-015 WILLAMETTE VALLEY SUMMER BURNING SEASON REGULATIONS

As part of the smoke management program provided for in [Section 6 of Oregon Law 1977, Chapter 650] ORS 468.470 the Department shall schedule the times, places, and amounts of open field burning [conduct a smoke management program which shall include in addition to other provisions covered in these rules] according to the following provisions:

(1) [~~Classification of Atmospheric Conditions:--All days~~] As provided for in 468.450 atmospheric conditions will be classified as marginal or prohibition [days] conditions under the following criteria:

(a) Marginal Class N conditions: Forecast northerly winds and a ventilation index [mixing depth] greater than [3500-feet] 12.5.

(b) Marginal Class S conditions: Forecast southerly winds and a ventilation index greater than 12.5.

(c) Prohibition conditions: [~~Forecast northerly winds and a mixing depth of 3500-feet~~] A ventilation index of 12.5 or less.

[(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-acre 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 as 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.~~

(2) [(3)] Limitations on Burning Hours.

(a) Burning hours shall be limited to those specifically authorized by the Department each day.

(b) Unless otherwise specifically limited by the Department, 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 later than one-half hour after sunset.

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

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

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

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

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

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

(3) Limitations on Locations and Amounts of Field Burning Emissions.

(a) Use of acreage quotas.

(A) In order to assure a timely and equitable distribution of burning, 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.

(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) The Department may designate additional areas as 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.

(b) Distribution and limitation of burning under various classifications of atmospheric conditions.

~~[(4) - Extent and Type of Burning:]~~

(A) [(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 completed, [or] an approved field sanitizer is used [:], or when burning is specifically authorized by the Department for determining atmospheric dispersion conditions or for experimental burning pursuant to Section 26-013(6) of this regulation.

(B) [(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:

(i) [(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.

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

(C) [(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:

(i) [(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.

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

(D) [(e)] 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 issued on two consecutive days.

(c) Restrictions on burning based upon air quality.

(A) The Department shall establish the minimum allowable effective mixing height required for burning based upon cumulative hours of smoke intrusions in the Eugene-Springfield area as follows:

(i) Except as provided in (ii) of this subsection, burning shall not be permitted on a marginal day whenever the effective mixing height is less than the minimum allowable height specified in Table 2, attached as Exhibit B and incorporated by reference into this regulation.

(ii) Notwithstanding the effective mixing height restrictions of (i) above, the Department may authorize up to 1000 acres total for the Willamette Valley, each marginal day on a field-by-field or area-by-area basis.

(B) During 1980, the total acreage burned in the south Valley under southerly winds shall not exceed the maximum acreage burned on a single day in the south Valley during 1978.

(C) The Department shall prohibit burning if, based upon real-time monitoring, a violation of federal or state air quality standards is projected to occur.

(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.

(e) Restrictions on burning techniques.

(A) The Department shall require the use of into-the-wind strip-lighting on annual grass seed and cereal crop fields when fuel conditions or atmospheric conditions are such that use of into-the-wind strip-lighting 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 strip-lighting 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.

(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.

(D) The Department may on a field-by-field or area-by-area basis prohibit the burning of fields containing high moisture content stubble or regrowth material which, when burned, would result in excessive low level smoke.

26-020 WINTER BURNING SEASON REGULATIONS.

(1) Classification of atmospheric conditions:

(a) Atmospheric conditions resulting in computed air pollution index values in the high range, values of 90 or greater, shall constitute prohibition conditions.

(b) Atmospheric conditions resulting in computed air pollution index values in the low and moderate ranges, values less than 90, shall constitute marginal conditions.

(2) Extant and Type of Burning.

(a) Burning Hours. Burning hours for all types of burning shall be from 9:00 a.m. until 4:00 p.m., but may be reduced when deemed necessary by the fire chief or his deputy. Burning hours for stumps may be increased if found necessary to do so by the permit issuing agency. All materials for burning shall be prepared and the operation conducted, subject to local fire protection regulations, to insure that it will be completed during the allotted time.

(b) Certain Burning Allowed Under Prohibition Conditions. Under prohibition conditions no permits for agricultural open burning may be issued and no burning may 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.

(c) Priority for Burning on Marginal Days. Permits for agricultural open burning may be issued on each marginal day in each permit jurisdiction in the Willamette Valley, following the priorities set forth in ORS 468.450 which gives 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.

26-025 CIVIL PENALTIES. In addition to any other penalty provided by law:

(1) Any person who intentionally or negligently causes or permits open field burning contrary to the provisions of ORS 468.450, 468.455 to 468.480, 476.380 and 478.960 shall be assessed by the Department a civil penalty of at least \$20, but not more than \$40 for each acre so burned.

(2) Any person planting contrary to the restrictions of subsection (1) of ORS 468.465 shall be assessed by the Department a civil penalty of \$25 for each acre planted contrary to the restrictions.

(3) Any person who violates any requirements of these rules shall be assessed a civil penalty pursuant to OAR Chapter 340, Division 1, Subdivision 2, CIVIL PENALTIES.

26-030 TAX CREDITS FOR APPROVED ALTERNATIVE METHODS, APPROVED INTERIM ALTERNATIVE METHODS OR APPROVED ALTERNATIVE FACILITIES.

(1) As provided in ORS 468.150, approved alternative methods or approved alternative facilities are eligible for tax credit as pollution control facilities as described in ORS 468.155 through 468.190.

(2) Approved alternative facilities eligible for pollution control facility tax credit shall include:

(a) Mobile equipment including but not limited to:

(A) Straw gathering, densifying and handling equipment.

(B) Tractors and other sources of motive power.

(C) Trucks, trailers, and other transportation equipment.

(D) Mobile field sanitizers [~~approved models and approved pilot models~~].

and associated fire control equipment.

- (E) Equipment for handling all forms of processed straw.
- (F) Special straw incorporation equipment.
- (b) Stationary equipment and structures including but not limited to:
 - (A) Straw loading and unloading facilities.
 - (B) Straw storage structures.
 - (C) Straw processing and in plant transport equipment.
 - (D) Land associated with stationary straw processing facilities.
 - (E) Drainage tile installations which will result in a reduction of acreage burned.

(3) Equipment and facilities included in an application for certification for tax credit under this rule will be considered at their current depreciated value and in proportion to their actual use to reduce open field burning as compared to their total farm or other use.

(4) Procedures for application and certification of approved alternative facilities for pollution control facility tax credit.

(a) Preliminary certification for pollution control facility tax credit:

(A) A written application for preliminary certification shall be made to the Department prior to installation or use of approved alternative facilities in the first harvest season for which an application for tax credit certification is to be made. Such application shall be made on a form provided by the Department and shall include but not be limited to:

- (i) Name, address and nature of business of the applicant.
- (ii) Name of person authorized to receive Department requests for additional information.
- (iii) Description of alternative method to be used.
- (iv) A complete listing of mobile equipment and stationary facilities to be used in carrying out the alternative methods and for each item listed include:

- (a) Date or estimated future date of purchase.
- (b) Percentage of use allocated to approved alternative methods and approved interim alternative methods as compared to their total farm or other use.

(v) Such other information as the Department may require to determine compliance with state air, water, solid waste, and noise laws and regulations and to determine eligibility for tax credit.

(B) If, upon receipt of a properly completed application for preliminary certification for tax credit for approved alternative facilities the Department finds the proposed use of the approved alternative facilities are in accordance with the provisions of ORS 468.175, it shall, within 60 days, issue a preliminary certification of approval. If the proposed use of the approved alternative facilities are not in accordance with provisions of ORS 468.175, the Commission shall, within 60 days, issue an order denying certification.

(b) Certification for pollution control facility tax credit.

(A) A written application for certification shall be made to the Department on a form provided by the Department and shall include but not be limited to the following:

- (i) Name, address and nature of business of the applicant.
- (ii) Name of person authorized to receive Department requests for

additional information.

(iii) Description of the alternative method to be used.

(iv) For each piece of mobile equipment and/or for each stationary facility, a complete description including the following information as applicable:

(a) Type and general description of each piece of mobile equipment.

(b) Complete description and copy of proposed plans or drawings of stationary facilities including buildings and contents used for straw storage, handling or processing of straw and straw products or used for storage of mobile field sanitizers and legal description of real property involved.

(c) Date of purchase or initial operation.

(d) Cost when purchased or constructed and current value.

(e) General use as applied to approved alternative methods and approved interim alternative methods.

(f) Percentaga of use allocated to approved alternative methods and approved interim alternative methods as compared to their farm or other use.]

(B) Upon receipt of a properly completed application for certification for tax credit for approved alternative facilities or any subsequently requested additions to the application, the Department shall return within 120 days the decision of the Commission and certification as necessary indicating the portion of the cost of each facility allocable to pollution control.

(5) Certification for tax credits of equipment or facilities not covered in OAR Chapter 340, Section 26-030(1) through 26-030(4) shall be processed pursuant to the provisions of ORS 468.165 through 468.185.

(6) Election of type of tax credit pursuant to ORS 468.170(5).

(a) As provided in ORS 468.170(5), a person receiving the certification provided for in OAR Chapter 340, Section 26-030(4)(b) shall make an irrevocable election to take the tax credit relief under ORS 316.097, 317.072, or the ad volorem tax relief under ORS 307.405 and shall inform the Department of his election within 60 days of receipt of certification documents on the form supplied by the Department with the certification documents.

(b) As provided in ORS 468.170(5) failure to notify the Department of the election of the type of tax credit relief within 60 days shall render the certification ineffective for any tax relief under ORS 307.405, 316.097 and 317.072.

Exhibit A

TABLE 1

FIELD BURNING ACREAGE QUOTAS

NORTH VALLEY AREAS

<u>County/Fire District</u>	<u>Quota</u>	
	<u>Basic</u>	<u>Priority</u>
<u>North Valley Counties</u>		
<u>Clackamas County</u>		
Canby RFPD	50	0
Clackamas County #54	50	0
Clackamas - Marion FPA	100	0
Estacada RFPD	75	0
Molalla RFPD	50	0
Monitor RFPD	50	0
Scotts Hills RFPD	<u>50</u>	<u>0</u>
Total	425	0
<u>Marion County</u>		
Aumsville RFPD	100	0
Aurora-Donald RFPD	50	50
Drakes Crossing RFPD	100	0
Hubbard RFPD	50	0
Jefferson RFPD	225	50
Marion County #1	200	50
Marion County Unprotected	50	50
Ht. Angel RFPD	50	0

TABLE 1
(continued)

<u>County/Fire District</u>	<u>Quota</u>	
	<u>Basic</u>	<u>Priority</u>
<u>North Valley Counties</u>		
<u>Yamhill County</u>		
Amity #1 RFPD	125	50
Carlton RFPD	50	0
Dayton RFPD	50	50
Dundee RFPD	50	0
McHinnville RFPD	150	75
Newberg RFPD	50	50
Sheridan RFPD	75	50
Yamhill RFPD	<u>50</u>	<u>50</u>
Total	600	325
<u>North Valley Total</u>	4475	875

TABLE I
(continued)

<u>County/Fire District</u>	<u>Quota</u>	
	<u>Basic</u>	<u>Priority</u>
<u>North Valley Counties</u>		
<u>Marion County (continued)</u>		
St. Paul RFPD	125	0
Salem City	50	50
Silverton RFPD	600	0
Stayton RFPD	300	0
Sublimity RFPD	500	0
Turner RFPD	50	50
Woodburn RFPD	125	50
Total	2575	350
<u>Polk County</u>		
Spring Valley RFPD	50	0
Southeast Rural Polk	400	50
Southwest Rural Polk	125	50
Total	575	100
<u>Washington County</u>		
Cornelius RFPD	50	0
Forest Grove RFPD	50	0
Forest Grove, State Forestry	50	0
Hillsboro	50	0
Washington County RFPD #1	50	50
Washington County FPD #2	50	50
Total	300	150

TABLE 1

(continued)

SOUTH VALLEY AREAS

<u>County/Fire District</u>	<u>Quota</u>	
	<u>Basic</u>	<u>Priority</u>
<u>South Valley Counties</u>		
<u>Benton County</u>		
County Non-District & Adair	350	175
Corvallis RFPD	175	125
Monroe RFPD	325	50
Philomath RFPD	125	100
Western Oregon RFD	100	50
Total	1075	500
<u>Lane County</u>		
Coburg RFPD	175	50
Creswell RFPD	75	100
Eugene RFPD		
(Zumwalt RFPD)	50	50
Junction City RFPD	325	50
Lane County Non-District	100	50
Lane County RFPD #1	350	150
Santa Clara RFPD	50	50
Thurston-Walterville	50	50
West Lane RPD	50	0
Total	1225	550
<u>Linn County</u>		
Albany RFPD (inc. N. Albany, Palestine, Co. Unprotected Areas)	625	125
Brownsville RFPD	750	100

TABLE 1
(continued)

<u>County/Fire District</u>	<u>Quota</u>	
	<u>Basic</u>	<u>Priority</u>
<u>South Valley Counties</u>		
<u>Linn County (continued)</u>		
Halsey-Shedd RFPD	2050	200
Harrisburg RFPD	1350	50
Lebanon RFPD	325	325
Lyons RFPD	50	0
Scio RFPD	175	50
Tangent RFPD	<u>925</u>	<u>325</u>
Total	6250	1225
<u>South Valley Total</u>	<u>8550</u>	<u>2275</u>

Exhibit B

TABLE 2

MINIMUM ALLOWABLE EFFECTIVE MIXING HEIGHT
REQUIRED FOR BURNING BASED UPON THE CUMULATIVE HOURS
OF SMOKE INTRUSION IN THE EUGENE-SPRINGFIELD AREA

Cumulative Hours of Smoke Intrusion
In the Eugene-Springfield Area

Minimum Allowable Effective
Mixing Height (feet)

0 - 14

no minimum height

15 - 19

4,000

20 - 24

4,500

25 and greater

5,500

ATTACHMENT III

MEMORANDUM OF UNDERSTANDING

This is to memorialize an understanding reached by the City of Eugene and the Oregon Seed Council with respect to open agricultural burning of grass and cereal crop residues in the Willamette Valley.

RECITALS:

Both parties have agreed to a system of regulating open agricultural burning and now desire to resolve differences and disagreements which have existed between the parties. The purpose of this document is to formalize the understanding reached between the parties and to provide for cooperation between the City of Eugene and the grass seed industry.

The City of Eugene has had historical concern with open agricultural burning in the Willamette Valley because of the health and economic effects of smoke intrusions from field burning. More recently, the City has attempted to remove the field burning controversy from the political realm and treat the issue as a technical and legal problem. The City's concerns have centered upon the development of alternative burning methods and practices designed to minimize the number and intensity of smoke intrusions into the Eugene/Springfield metropolitan area. As a result of more extensive analysis, the City of Eugene recognizes that acreage limitations are generally ineffective to regulate the number or intensity of smoke intrusions and that other means of control are more productive.

The Oregon Seed Council and the grass seed industry desire to effectively regulate field burning so as to minimize the number of smoke intrusions into populated or smoke-sensitive areas. The Oregon Seed Council is anxious to take steps to insure some degree of regulatory stability in the grass seed industry. The Oregon Seed Council recognizes the legitimacy and seriousness of the City of Eugene's concerns over the practice of open agricultural burning.

The City of Eugene recognizes the importance of the grass seed industry in this state. Both parties now desire to cooperate with each other to insure that no degradation of Eugene's air quality occurs from field burning and to assure the continued economic viability of the grass seed industry.

AGREEMENTS:

Based upon the above recitals, the City of Eugene and the Oregon Seed Council agree that:

1. Both parties will continue to assist each other and work together on future research and experiments on the air quality effects of field burning, alternative methods to open burning and alternative crops to grass seed. Each party will inform the other of technical advances and other relevant information which it discovers in the future. Each party recognizes that some differences may exist between them regarding some operational rules and practices. Both parties pledge to cooperate in the future to resolve any differences which may exist.

2. The Oregon Seed Council will take appropriate steps to end any economic boycotts of the City of Eugene.

3. Both parties have concurred in the details of a performance standard applicable to field burning, the contents of which are described in Exhibit "A" to this agreement.

4. Both parties have agreed that the management of the smoke management program should ultimately lie with the Oregon Seed Council.

5. Both parties have agreed to jointly present this performance standard to the Oregon Environmental Quality Commission and to the United States Environmental Protection Agency for adoption and inclusion within the Oregon State Implementation Plan.

6. The City of Eugene agrees to discontinue its efforts to defeat proposed revisions to the State Implementation Plan allowing an increase in acreage to 250,000 acres to be openly burned. This lack of opposition, however, is contingent upon adoption of the attached performance standard as part of the State Implementation Plan.

7. Both parties agree that more data is necessary to evaluate the effects of open burning on attainment of air quality standards and agree to support such efforts in the future.

8. Both parties agree that in addition to the performance standard, the rules on moisture content/relative humidity restrictions and lighting techniques shall continue to be operative in the future. Most other restrictions and limitations, except for the performance standard, need not be part of the State Implementation Plan.

9. Both parties desire to eliminate the animosity that has existed between them and to begin a future of mutual trust and cooperation.

IN WITNESS WHEREOF, this Agreement is executed the _____ day
of _____, 1979, pursuant to duly adopted Resolutions
of the governing bodies of the parties.

CITY OF EUGENE, a Municipal
Corporation

By original signed by Mayor Keller 12/13/79
R. A. "Gus" Keller, Mayor

OREGON SEED COUNCIL

By original signed by Gene Hastie
President

By original signed by David Nelson 12/13/79
Vice-President

Exhibit "A"

PERFORMANCE STANDARD

1. The purposes of this performance standard are as follows:

- a. To end the present conflict over field burning acreage limitations and the content of field burning rules;
- b. To allow the creation of a traditional relationship between the Department of Environmental Quality and an industry which it regulates, that is, to allow the DEQ to be in a monitoring/enforcement capacity and the Oregon Seed Council to have eventual control over the smoke management program;
- c. To allow simplification of the State Implementation Plan; and
- d. To protect the economic future and the health of the residents of the City of Eugene and to allow as much open agricultural burning in the Willamette Valley as is consistent with these aims.

2. Cumulative hours of significant smoke intrusions into the Eugene-Springfield area that are attributable to field burning are to be tabulated for each summer burning season. Such tabulation shall be from at least one monitoring site in Eugene and one in Springfield, and shall be separately tabulated for each locale.

3. Smoke intrusions which are significant are those for which a nephelometer b_{scat} value of 1.8×10^{-4} exists over a background value which is not attributable to field burning, and which last for a total duration of more than .5 hours.

4. The hours of smoke intrusions prior to September 15 of each season which result in an intensity of 5.0×10^{-4} b_{scat} nephelometer readings above background baseline values at either location

shall be doubled for purposes of cumulating the hours of significant smoke intrusions. The hours of smoke intrusions after September 15 of each season which result in an intensity of $4.0 \times 10^{-4} b_{scat}$ nephelometer readings at either location above background baseline values shall be doubled for purposes of cumulating the hours of significant smoke intrusions. Any doubling, however, shall be only of the duration of the severe intrusion time above the stated levels and not of the entire intrusion period. The remainder of the intrusion period (outside of the severe intrusion time) shall be cumulated normally.

5. After particular levels of smoke intrusions have occurred, limitations on the mixing height or minimum plume rise required for burning shall be imposed. Such limitations shall be as follows and shall occur if the cumulative average hours of smoke intrusions at the Eugene and Springfield monitoring sites (one site at each locale to be averaged) reach the following levels:

<u>Cumulative Hours of Smoke Intrusions Into Eugene/ Springfield</u>	<u>Minimum Plume Rise or Mixing Height for Burning (feet)</u>
15	4,000
20	4,500
25	5,500

6. The minimum plume rise height shall be determined by test fires prior to daily burning activities under the supervision of smoke management personnel.

7. To provide the flexibility to handle special problems, reduce extraordinary hardships, and conduct test fires of either a conventional or experimental nature, an amount not to exceed 1,000 acres per day may be burned on a field-by-field basis under close

supervision of smoke management personnel, regardless of which step of the performance standard is in effect. Smoke management personnel may exercise this discretion, only if all reasonable measures to minimize the smoke impact on sensitive areas are employed.

8. Existing field burning rules shall be thoroughly revised, resulting in the minimum number of rules in addition to the performance standard that would be required to provide the legal authority to operate the program and satisfy the requirements of applicable state and federal regulations. In particular, the existing rules on rainfall/moisture content/relative humidity restrictions on burning and ignition techniques shall be retained as constant emission controls under the State Implementation Plan.

9. A real time total suspended particulate monitor shall be installed in the Eugene and Springfield AQMA. If, in the absence of field burning, a 24 hour total suspended particulate reading in excess of 135 ug/m^3 was projected to occur in Eugene or Springfield, all open agricultural burning would be prohibited under north wind conditions.

10. After the performance standard is operative for one summer's burning season, the Oregon Seed Council will by appropriate means assume operational control over the smoke management program, including the operation of this performance standard. DEQ will be responsible for registration, enforcement, and determining the significance and source of observed smoke intrusions.

11. This particular performance standard shall be applicable only to the Eugene-Springfield area.

ATTACHMENT IV

Department of
Crop Science



Corvallis, Oregon 97331 (503) 754-2821

December 7, 1979

TO: Scott A. Freeburn

FROM: D. O. Chilcote

A handwritten signature in dark ink, appearing to be "D.O. Chilcote", written over the printed name.

The only comment I would make relative to the proposed rules revision regulating open field burning is in regards to alternatives to burning. Our research on this subject is incomplete at this time, but it does suggest that mechanical removal methods including the "crew-cut" techniques are quite expensive¹ which would make such approaches economically unattractive at least for large scale usage. The role mechanical removal techniques can play in reducing open burning will be better defined as our research with different grass seed species is completed over a several year period.

¹ Some costs were identified in the November 1979 progress report on Crew-cut/Less Than Annual Burning.

/da

RECEIVED
DEC 13 1979

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
FIELD BURNING OFFICE

CORRECTIONS TO AGENDA ITEM N, January 18, 1980 EQC Meeting
Consider for Adoption Proposed Open Field Burning Regulations,
OAR 340-26-005 through 26-030, and Amendment to the Oregon
State Implementation Plan

(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:

$$VI = \frac{(\text{Effective mixing height (feet)})}{1000} \times (\text{Average wind speed through the effective mixing height (knots)})$$

(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 of 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. Little or no preparatory backfire burning shall be done.

(19) "Regular Headfire Burning" means a method of burning fields in which substantial preparatory backfiring is done prior to ignition of the [upward] upwind side of the field.

~~[(20)-"Approved-Field-Sanitizer" means any field-burning device that has been approved by the Department as an alternative to open field burning.~~

~~(21)-"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.~~

~~(22)-"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.~~

~~(23)-"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.~~

~~(24)-"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.]~~

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

(21) [(26)] "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.

(22) [(27)] "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.

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

[(29)-"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.]

(24) "Basic Quota" means an amount of acreage 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.

(25) "Priority Area Quota" means an amount of acreage established for each permit jurisdiction, for fields in priority areas, in a manner to provide, as reasonably as practicable, an equitable opportunity to burn.

(26) "Effective Mixing Height" means either the actual plume rise as measured or the calculated mixing height, whichever is greater.

(27) "Cumulative Hours of Smoke Intrusion in the Eugene-Springfield Area" means the average of the total cumulative hours of nephelometer readings at the Eugene and Springfield sites which exceed the preexisting background readings by 1.8×10^{-4} b-scat units or more and which have been determined by the Department to have been significantly contributed to by field burning. For each hour of nephelometer readings which exceed the preexisting background readings by 5.0×10^{-4} b-scat or more, two hours shall be added to the total cumulative hours for that site. After September 15 of each year, for each hour of nephelometer readings which exceed the preexisting background readings by 4.0×10^{-4} b-scat or more, two hours shall be added to the total cumulative hours for that site.

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

26-015 WILLAMETTE VALLEY SUMMER BURNING SEASON REGULATIONS

As part of the smoke management program provided for in [Section 6 of Oregon Law 1977, Chapter 650] ORS 468.470 the Department shall schedule the times, places, and amounts of open field burning [conduct a smoke management program which shall include in addition to other provisions covered in these rules] according to the following provisions:

(1) [Classification of Atmospheric Conditions: All days] As provided for in ORS 468.450 atmospheric conditions will be classified as marginal or prohibition [days] conditions under the following criteria:

(a) Marginal Class N conditions: Forecast northerly winds and a ventilation index [mixing depth] greater than [3500 feet] 12.5.

(b) Marginal Class S conditions: Forecast southerly winds and a ventilation index greater than 12.5.

(c) Prohibition conditions: [Forecast northerly winds and a mixing depth of 3500 feet] A ventilation index of 12.5 or less.

[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 acre 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 as 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.

(2) [3] Limitations on Burning Hours.

(a) Burning hours shall be limited to those specifically authorized by the Department each day.

(b) Unless otherwise specifically limited by the Department, 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 later than one-half hour after sunset.

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

TABLE I
(continued)

<u>County/Fire District</u>	<u>Quota</u>	
	<u>Basic</u>	<u>Priority</u>
<u>North Valley Counties</u>		
<u>Marion County (continued)</u>		
St. Paul RFPD	125	0
Salem City	50	50
Silverton RFPD	600	0
Stayton RFPD	300	0
Sublimity RFPD	500	0
Turner RFPD	50	50
Woodburn RFPD	<u>125</u>	<u>50</u>
Total	2575	350
<u>Polk County</u>		
[Amity-#2] Spring Valley RFPD	50	0
Southeast Rural Polk	400	50
Southwest Rural Polk	<u>125</u>	<u>50</u>
Total	575	100
<u>Washington County</u>		
Cornelius RFPD	50	0
Forest Grove RFPD	50	0
Forest Grove, State Forestry	50	0
Hillsboro	50	[0] <u>50</u>
Washington County RFPD #1	50	50
Washington County FPD #2	<u>50</u>	<u>50</u>
Total	300	150

TABLE 1

(continued)

<u>County/Fire District</u>	<u>Quota</u>	
	<u>Basic</u>	<u>Priority</u>
<u>North Valley Counties</u>		
<u>Yamhill County</u>		
Amity #1 RFPD	125	50
Carlton RFPD	50	0
Dayton RFPD	50	50
Dundee RFPD	50	0
McHinnville RFPD	150	75
Newberg RFPD	50	50
Sheridan RFPD	75	50
Yamhill RFPD	<u>50</u>	<u>50</u>
Total	600	325
<u>North Valley Total</u>	4475	925

TABLE 1

(continued)

SOUTH VALLEY AREAS

<u>County/Fire District</u>	<u>Quota</u>	
	<u>Basic</u>	<u>Priority</u>
<u>South Valley Counties</u>		
<u>Benton County</u>		
County Non-District & Adair	350	175
Corvallis RFPD	175	125
Monroe RFPD	325	50
Philomath RFPD	125	100
Western Oregon FPD	100	50
Total	1075	500
<u>Lane County</u>		
Coburg RFPD	175	50
Creswell RFPD	75	100
Eugene RFPD		
(Zumwalt RFPD)	50	50
Junction City RFPD	325	50
Lane County Non-District	100	50
Lane County RFPD #1	350	150
Santa Clara RFPD	50	50
Thurston-Walterville	50	50
West Lane FPD	50	0
Total	1225	550
<u>Linn County</u>		
Albany RFPD (inc. N. Albany, Palestine, Co. Unprotected Areas)	625	125
Brownsville RFPD	750	100

Exhibit B

TABLE 2

MINIMUM ALLOWABLE EFFECTIVE MIXING HEIGHT
REQUIRED FOR BURNING BASED UPON THE CUMULATIVE HOURS
OF SMOKE INTRUSION IN THE EUGENE-SPRINGFIELD AREA

Cumulative Hours of Smoke Intrusion
In the Eugene-Springfield Area

Minimum Allowable Effective
Mixing Height (feet)

<u>0 - 14</u>	<u>no minimum height</u>
<u>15 - 19</u>	<u>4,000</u>
<u>20 - 24</u>	<u>4,500</u>
<u>25 and greater</u>	<u>5,500</u>

WCD 1/18/80 @

18 January 1980

TO: Environmental Quality Commission

FROM: Friends of Benton County, 7610 N.E. Pettibone, Corvallis, Or. 97330

SUBJECT: Agenda Item No. G., January 18, 1980, Proposed Permit for Evans Products.

I am Charles A. Boyle speaking on behalf of the Friends of Benton County. We ^{again} ~~would~~ request that the Commission ^{request ~~by~~ DEQ} delay issuing the proposed Air Contaminant Discharge Permit for Evans Products' Battery Separator Submicro Plant in Corvallis. We do not feel that DEQ has investigated ^{completely} the process involving the loss of TCE, ~~completely~~. We feel that DEQ is more interested in justifying why ~~the~~ permit should be issued, rather than completing a thorough investigation. We are still not satisfied that the public interest or the environment is being protected.

Evans Products is one of the largest users of TCE on the West Coast. They use approximately $\frac{1}{2}$ of 1% of the total national production of TCE. Boeing Aircraft Company in Washington uses almost the same amount of TCE, but at three different plants. They are the largest user in Washington State. In California, the ^{a year} 636 tons of TCE being used by Evans would rank them among the largest users of TCE in that State. By any standard, Evans Products in Corvallis is an extremely large user of TCE. It is important that large losses of TCE be accounted for and the impact on the community and the environment be thoroughly studied.

We are pleased that there will be a ambient air study performed to determine the concentration of TCE in the area surrounding the plant. However; we are beginning to question whether it is all being lost to the air as fugitive emissions from the Submicro plant. It is just possible that ^{some of} it may be lost through the water or ⁱⁿ distillation bottoms.

Using a formula from an EPA document, "Air Pollution Assessment of TCE" dated February 1976; it is possible to develop a computed estimate of expected levels around a plant. With the help of an individual at OSU, the expected levels ranged from 3 ppm. at 1500 feet in a 2 mph wind to 38 ppm at 750' in a $\frac{1}{2}$ mph wind. In another EPA document, "Environmental Monitoring near Industrial Sites"; the levels of TCE around the Boeing Aircraft plant near Boeing Field were as high as 44 ppb in a 2.2 mph. wind and 1600' from the plant. And this plant was releasing less than one third of what Evans Products is losing from the level of TCE being emitted from the Evans plant.

their plant in Corvallis.

In an EPA control technique guideline documents concerning emission reduction techniques for volatile organic compound emissions; it states, "A well designed and maintained carbon adsorption system will normally capture in excess of 95% of the organic input to the bed. Carbon adsorption systems for solvent metal cleaning normally will achieve about 40-65 percent reduction of the total solvent emission."

If the bulk of the TCE is being lost as fugitive emissions through the air, most of it would have to pass through the work area. If the building were 205' x 60' x 40' or 492,000 cubic feet, it would take a complete change of air every 6.3 minutes just to maintain 100ppm if 338 ^{a day} gallons of TCE were being lost. The air moving through 10' x 10' opening would be ^{travelling} moving at almost 9 miles per hour.

It is worth considering that 90% of the air crossing the adsorption beds come from the area surrounding the TCE bath and oven.

It may just be that not all of the TCE is being lost through the air from around the plant. The ambient air test which were conducted by DEQ may in fact represent the levels of TCE in surrounding area.

Evans Products states that 1 barrel of waste is generated every month from the distillation process. There ^{appears to be} ~~is~~ over 5,400,000 pounds of TCE passing through the distillation process each month. A portion of the 12,500 gallons ^{a month} of rubber extender type oil would also cycle through the process as well as other material. If the barrel of waste, mostly oil, weighed 500 pounds; this would be .009% of the distillate.

Again in the EPA document concerning emission reduction techniques, it states; "An external still is attached to the conveyORIZED degreaser so that used solvent can be constantly pumped out, distilled and returned. Thus, the wastes will usually consist of only still bottoms. Still, because of the high volume, waste solvent emissions from conveyORIZED degreasers are significant, typically equalling 10 to 20 percent of the total emissions from a conveyORIZED degreaser. As was discussed earlier, the method of disposal of the still bottoms will determine the amount of solvent that evaporates into the atmosphere"

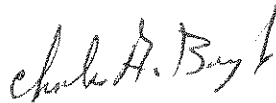
We feel that this portion of the process should be thoroughly investigated to eliminate

it as a possible source of loss of the TCE.

There is an Ambient Water Quality Criteria document covering TCE which was issued by EPA. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5} , 10^{-6} , or 10^{-7} with corresponding criteria of 21 ug/l, 2.1 ug/l, and .21 ug/l respectively. This was to provide protection of human health from the potential carcinogenic effects of exposure to TCE through ingestion of water.

DEQ should investigate ^{what} ~~the~~ levels of contamination ^{with TCE} that were found in the 26 wells supplying drinking water to nearly 400,000 people in 12 cities in the San Gabriel Valley of southern California. DEQ should ^{then} determine the levels of TCE in the Willamettee River especially in the summer during periods of low flow.

The friends of Benton County feel that there should be a complete accounting of how the TCE is being lost before the permit is issued to Evans Products. Our concern is that once the permit is issued there will be no effort to follow up on the fugitive emissions. We find it hard to comprehend how a permit could be issued before all of the data is in and evaluated.



Charles A. Boyle
Board Member
Friends of Benton County

EQC BREAKFAST AGENDA

January 18, 1980

1. Location of April, May, June and July EQC Meetings.
2. Review of policy decisions that will be coming up for EQC action over the next six months.
3. LPG/LNG Conversions - Eligibility for tax credit.
4. Hazardous wastes abandoned site search.
5. Status report on Program Evaluation Study.
6. Schedule for review and update of agency goals and objectives.



State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

To: Young, Downs

Date: 1/14/80

From: Carol Spletstaszer

Subject: Proposed Locations for Future EQC Meetings

Following are the serious suggestions I've received on places to hold EQC meetings in the Spring and early Summer:

April 18

Air Quality suggested Portland - Adoption of noise regs for new motor boats.

No thoughts

Solid Waste suggested LaGrande - Look at solid waste problems in that area.

May 16

Should be in Eugene

Willamette Valley Region suggested Eugene - The work on River Road/Santa Clara should be complete by then and they may have a status report or be requesting or holding a public hearing.

Air Quality suggested Portland, Salem, or Eugene - (1) field burning acreage allocation; (2) VOC rule adoption; (3) pollution standard index rule adoption.

June 20

No thoughts

Air Quality suggested Portland - (1) adopt SIP TSP strategies for Portland & Eugene; (2) adopt lead ambient air standard and SIP; (3) adopt Indirect Source Rule; (4) adopt PSD rule; (5) adopt revised kraft and sulfite pulp and paper rules.

Solid Waste suggested Lakeview - Look at Alkali Lake and a variance for Lake County's open burning dump.

July 18

No thoughts

Air Quality suggested Portland - Adoption of vehicle noise inspection rules.

Pardleton

September

Like this

Dick Nichols in Bend suggested the Commission might want to check out the new \$50 million Bend STP.

I did some checking back and found that we haven't been out of the Valley since we went to LaGrande in July of 1978. The places we've been in the last few years are: Medford (July 1976 and December 1977), The Dalles (October 1976), Seaside (April 1977), Coos Bay (October 1977), Bend (November 1977), Corvallis (June 1978), and LaGrande (July 1978). Other than that we've been staying in Portland, Salem, Albany, Eugene.

I would like to suggest that if we do hold meetings around the state in places we don't get to often, we hold meetings at night. That would allow attendance of the most people and shouldn't affect travel too much. It might even be more convenient.

Carol

SCHEDULE OF EVENTS, ENVIRONMENTAL QUALITY COMMISSION

AIR PROGRAM

FEBRUARY 1980

INFORMATIONAL:

Air Program Planning Conference - Silver Creek Falls, Feb. 26-28

Open Burning Status Report

RULE (OR PLAN) ADOPTION

Proposed Adoption - New Auto Amendments (Noise)

Proposed Adoption - Forestry Exemption (Noise)

SCHEDULE OF EVENTS, ENVIRONMENTAL QUALITY COMMISSION
AIR PROGRAM

MARCH 1980

INFORMATIONAL:

Grants Pass Air Quality Update

Spring Open Burning season begins March 1

PUBLIC HEARING AUTHORIZATION:

Authorization to amend rules for Indirect Sources

Authorization to amend and adopt new VOC Rules

Authorization to adopt new rules re PSI Reporting and Public Information
Criteria

Authorization to amend Lead rules

Authorization for Hearing on Motor Race rule. (Noise)

Authorization for Hearing on Vehicle Inspection rule. (Noise)

Authorization to revise Sulfite and Kraft Mill regulations

SCHEDULE OF EVENTS, ENVIRONMENTAL QUALITY COMMISSION

AIR PROGRAM

APRIL 1980

RULE (OR PLAN) ADOPTION

Proposed Adoption - New Motorboat Rule

(Noise)

SCHEDULE OF EVENTS, ENVIRONMENTAL QUALITY COMMISSION

AIR PROGRAM

MAY 1980

PUBLIC HEARING AUTHORIZATION

Authorization for Hearing on Willamette River-Eugene Boat
Noise (possibly may be revised to status report only) (Noise)

Authorization for Portland, Eugene SIP TSP Strategies

Authorization for Revised SIP

Authorization to amend PSD Rules

RULE (OR PLAN) ADOPTION

Adoption of Proposed Amendments to the Motor Vehicle Emission
Testing Rules (MVI)

Adoption of VOC rules

Adoption of PSI Reporting (et al)

SCHEDULE OF EVENTS, ENVIRONMENTAL QUALITY COMMISSION
AIR PROGRAM

JUNE 1980

INFORMATIONAL:

Program Status Report

(Noise)

PUBLIC HEARING AUTHORIZATION:

Authorization to amend Emergency Action Plan

Authorization for rules concerning the use of wood stoves

RULE (OR PLAN) ADOPTION:

Adopt Portland, Eugene SIP TSP Strategies

Adopt SIP Revisions*

Adopt Lead SIP

Adopt Indirect Source Rules

Adopt PSD rules

*Note: Adoption of SIP TSP strategies and revised SIP and PSD rules and Lead SIP may need most of an EQC meeting, so we should consider holding a separate meeting (ie. June 27) for this purpose.

SCHEDULE OF EVENTS, ENVIRONMENTAL QUALITY COMMISSION

AIR PROGRAM

JULY 1980

PUBLIC HEARING AUTHORIZATION

Authorization for Hearing on rule changes necessary for
Alternative Plans of Local Governments (and Status Report)

Authorization for Medford SIP TSP Strategies

RULE (OR PLAN) ADOPTION

Adoption of Rules for Vehicle Inspection

(Noise)

SCHEDULE OF EVENTS, ENVIRONMENTAL QUALITY COMMISSION
AIR PROGRAM

AUGUST 1980

PUBLIC HEARING AUTHORIZATION

Authorization for Hearing on Housekeeping Amendments (Noise)

RULE (OR PLAN) ADOPTION

Adoption of Motor Race Rule (Noise)

Adoption of Emergency Action Plan

Adoption of Medford SIP TSP Strategies

SCHEDULE OF EVENTS, ENVIRONMENTAL QUALITY COMMISSION

AIR PROGRAM

SEPTEMBER 1980

PUBLIC HEARING AUTHORIZATION

Authorization for Hearing on Portland PTCP

Public Hearings in Portland, Coast, South and East of Mountains
on Open Burning rule revision.

RULE (OR PLAN) ADOPTION

Adoption of Quiet River Rule (if May item requires) (Noise)

Adoption of rules concerning use of Wood Stoves

SCHEDULE OF EVENTS, ENVIRONMENTAL QUALITY COMMISSION

AIR PROGRAM

OCTOBER 1980

INFORMATIONAL

Fall Open Burning Season begins

PUBLIC HEARING AUTHORIZATION

Authorization of Hearing on Heat Pump Rule

10/30

SCHEDULE OF EVENTS, ENVIRONMENTAL QUALITY COMMISSION

AIR PROGRAM

NOVEMBER 1980

RULE (OR PLAN) ADOPTION

Adoption of Open Burning rule change

Adoption of Portland PTCP

SCHEDULE OF EVENTS, ENVIRONMENTAL QUALITY COMMISSION

AIR PROGRAM

DECEMBER 1980

INFORMATIONAL

Acceptance of Motor Vehicle Emission Testing Program Biennial
Report

(MVI)

RULE (OR PLAN) ADOPTION

Adoption of Housekeeping amendments.

(Noise)



STATE OF OREGON

INTEROFFICE MEMO

TO: Mike Downs

DATE: 1/3/80

FROM: Harold Sawyer

SUBJECT: Anticipated EQC Agenda Items - 1980

- February Addition of special subsurface fee categories for three counties.
- *April Log Policy - Remainder of Coast.
- *April-May Construction Grant Priority Criteria for FY 81 - Rule adoption.
- May Rule Adoptions - *Plan Review Procedures, Pretreatment, *Small Treatment Systems
- July-August Construction Grant Priority List for FY 81 - Rule adoption.
- August-Sept. State/EPA Agreement Review
- Sept.-October Restructured Subsurface Rules target for adoption.
- *March-April Pre-budget review of Goals, Objectives and potential legislation.

*involve policy issues



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