

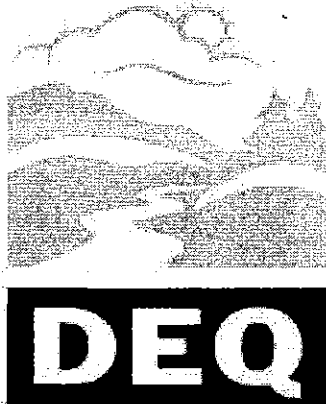
3/21/1980

OREGON

ENVIRONMENTAL QUALITY

COMMISSION MEETING

MATERIALS



State of Oregon
**Department of
Environmental
Quality**

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OREGON ENVIRONMENTAL QUALITY COMMISSION MEETING

March 21, 1980

Portland City Council Chambers
1220 Southwest Fifth Avenue
Portland, Oregon

11 items

REVISED TENTATIVE AGENDA

9:00 am CONSENT ITEMS

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

- ✓ A. Minutes of February 22, 1980, Commission meeting.
- ✓ B. Monthly Activity Report for February 1980.
- ✓ C. Tax Credit Applications.
- ✓ D. Request for authorization to conduct a public hearing to consider amendments to water quality rules that describe responsibility for pretreatment of industrial wastes discharged to publicly-owned treatment works (OAR 340-45-063).
- ✓ E. Request for authorization to conduct a public hearing to consider changes to the sulfite pulp mill regulations (OAR 340-25-350 through 25-390).
- ~~F. Request for authorization to conduct a public hearing to amend the State Implementation Plan with respect to Volatile Organic Compound Rules.~~ POSTPONED

PUBLIC FORUM

- ✓ G. Opportunity for any citizen to give a brief oral or written presentation on any environmental topic of concern. If appropriate, the Department will respond to issues in writing or at a subsequent meeting. The Commission reserves the right to discontinue this forum after a reasonable time if an unduly large number of speakers wish to appear.

ACTION ITEMS

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

- ✓ H. Proposed adoption of amendments to noise control regulations for sale of new automobiles and light trucks (OAR 340-35-025). *Hector*

(MORE)

- ✓ I. Request by Mt. Mazama Plywood Co., Sutherlin, for variance from veneer dryer emission limits (OAR 340-25-315(b)).
- ✓ J. Progress update on solid waste landfill site search, Lincoln County.
- ~~K. Request for approval of Multnomah County Groundwater Protection Plan. POSTPONED~~
- ✓ L. Medford Corporation - Petition for Declaratory Ruling on applicability of OAR 340-30-060 to air conveying systems and veneer dryers.

INFORMATIONAL ITEMS

- K. Review of 1981-83 biennial budget process and policy guidelines.

WORK SESSION

The Commission reserves this time if needed to further consider proposed action on any item on the agenda. This month, the Commission will use this time period to discuss Department Goals and Objectives. This will take place after lunch at the Riverside West Motor Hotel, 50 S. W. Morrison, Conference Room 210.

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 S. W. Sixth Avenue, Portland; and lunch at the Riverside West Motor Hotel, 50 S. W. Morrison, Portland, Conference Room 210.

- Stipulated Consent Order - City of Silverton - Kollias
- Tillamook County - Temporary Rules - Osborne

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

March 21, 1980

On Friday, March 21, 1980, the one hundred nineteenth 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, William H. Young, 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 Office of the Director of the Department of Environmental Quality, 522 Southwest Fifth Avenue, Portland, Oregon.

BREAKFAST MEETING

All Commission members were present.

1. Status of technical review of field burning State Implementation Plan (SIP) submittal. Mr. Scott Freeburn of the Department's Air Quality Division, informed the Commission that a response had been received from EPA on March 10, 1980, and the staff put together a package addressing EPA's concerns which was submitted on March 20, 1980. Mr. Freeburn said EPA would deny DEQ's January submittal unless DEQ withdrew it.
2. Discussion of letter from Roger Emmons regarding SB 925. Mr. Ernest Schmidt, Solid Waste Division, said that Mr. Emmons' letter asked if the Commission would follow through and issue show-cause orders where local government was not meeting the waste reduction guidelines in SB 925.

Commissioner Somers asked under what circumstances could Pollution Control Bond Funds be denied to local governments if there were no rules for implementing the SB 925 waste reduction requirements.

Commissioner Somers suggested that grants be conditioned to ensure that if local government changed its plan the Department would have the power to gain repayment of the grant money. The repayment schedule should require interest at prevailing rates, he continued.

3. Medford Corporation's Petition for Declaratory Ruling on applicability of OAR 340-30-060 to air conveying systems and veneer dryers. As this matter was placed on the agenda for the formal meeting, Chairman Richards asked that the staff respond at that time to what declaratory rulings had come before the Commission in the past.
4. River Road/Santa Clara Status Report. Mr. John Borden of the Department's Willamette Valley Region, told the Commission that the consultant's final technical report had been submitted to the Lane Council of Governments and that DEQ staff was awaiting a response from LCOG. In a brief summary of the conclusions of the consultant's report, Mr. Borden said that it showed areawide bacterial contamination of drinking water with a large percentage of the contamination from subsurface systems. Nitrate was not an areawide problem at this point, he continued, but many wells could not meet federal standards. This issue will be before the Commission for action at its April meeting.
5. Stipulated Consent Orders. Mr. Van Kollias, Enforcement Section, asked the Commission if there was a need to establish a record of the Commission's considerations that went into its agreement to sign stipulated consent orders. It was asked that these orders be placed on the formal agenda.
6. Tillamook County subsurface program problems. The Commission was informed that this matter had been added to the formal meeting agenda for the adoption of a temporary rule.
7. Federal budget cuts. The Commission was told that serious consideration was being given to delaying awarding of sewerage works construction grant money until September 1980. A freeze on grant awards was a strong possibility and staff needed to assess the impact of such a freeze on local projects.

Commissioner Somers said that local government compliance schedules which could not be met because federal funds were available needed to be looked at.

Commissioner Densmore said it did not make sense for the federal government to cut funding and not back off on federal requirements because that would just transfer the funding burden to state and local governments which wouldn't help the inflation problem.

FORMAL MEETING

AGENDA ITEM A - MINUTES OF THE FEBRUARY 22, 1980, COMMISSION MEETING

AGENDA ITEM B - MONTHLY ACTIVITY REPORT FOR FEBRUARY 1980

AGENDA ITEM C - TAX CREDIT APPLICATIONS

AGENDA ITEM D - REQUEST FOR AUTHORIZATION TO CONDUCT A PUBLIC HEARING TO CONSIDER AMENDMENTS TO WATER QUALITY RULES THAT DESCRIBE RESPONSIBILITY FOR PRETREATMENT OF INDUSTRIAL WASTES DISCHARGED TO PUBLICLY-OWNED TREATMENT WORKS (OAR 340-45-063)

AGENDA ITEM E - REQUEST FOR AUTHORIZATION TO CONDUCT A PUBLIC HEARING TO CONSIDER CHANGES TO THE SULFITE PULP MILL REGULATIONS (OAR 340-25-350 THROUGH 25-390)

It was MOVED by Commissioner Somers, seconded by Commissioner Bishop and carried unanimously that the following actions be taken:

Agenda Item A - Minutes approved as presented.

Agenda Item B - Monthly Activity Report approved as presented.

Agenda Item C - The following tax credit applications be approved:

T-1137	Melrose Orchards, Inc.
T-1143	Anodizing, Inc.
T-1146	Babler Brothers, Inc.
T-1147	Baker Redi-Mix, Inc.
T-1148	Hap Taylor, Inc.
T-1159	Georgia-Pacific Corp.
T-1167	Rosboro Lumber Co.
T-1171	Woolley Enterprises, Inc.

Agenda Item D - Public hearing authorized.

Agenda Item E - Public hearing authorized.

PUBLIC FORUM

No one wished to appear on any subject.

AGENDA ITEM H - PROPOSED ADOPTION OF AMENDMENTS TO NOISE CONTROL REGULATIONS FOR SALE OF NEW AUTOMOBILES AND LIGHT TRUCKS (OAR 340-35-025)

Several motor vehicle manufacturers indicated that the noise emission standard scheduled for 1982 model autos and light trucks should be rescinded. Current models must meet an 80 decibel limit with a reduction to 75 decibels scheduled for 1982 models.

The Commission authorized a public hearing on this matter at its November meeting and a hearing was held in January. Testimony was received on five proposed options to amend the existing rules.

The recommended amendment would rescind the 75 decibel standard as requested by the manufacturers. In addition, a progress and status report on the control of these vehicles would be made to the Commission by July 1982. If new testing procedures are developed, recommendations for incorporation of such procedures and appropriate standards would also be proposed.

Summation

Drawing from the background, evaluation and hearing report, the following facts and conclusions are offered:

1. Light duty vehicles are responsible for as much as one-half of the excessive ambient noise in Oregon.
2. The final step in a light duty vehicle control strategy to reduce emissions to 75 decibels is opposed by vehicle manufacturers because of an inadequate test procedure and limited environmental benefit.
3. Although manufacturers are willing to continue to meet the 80 decibel limit as determined under the present wide-open-throttle test procedure, some have decided not to design for a 75 decibel standard and will therefore withhold any noncomplying vehicle from the Oregon market if the standard is not relaxed.
4. Oregon motor vehicle dealers are fearful that profits may be lost if certain vehicles can not be sold in Oregon and are available in neighboring states.
5. The Federal EPA may adopt uniform national standards for these products, however, at this time, it has concentrated efforts on the development of a new test procedure that better correlates measured vehicle noise to community ambient noise levels.
6. Testimony was received and evaluated on proposed amendments that may provide administrative relief to the manufacturers and dealers.
7. The proposed amendment alternative that rescinds the stringent 75 decibel standard and allows for further evaluation of control strategies after the development of a new test procedure will probably be acceptable to manufacturers and Oregon dealers.

Director's Recommendation

Based on the Summation, it is recommended that the Commission adopt a permanent rule amendment to OAR 340-35-025, Noise Control Regulations for the Sale of New Motor Vehicles, to become effective upon its prompt filing with the Secretary of State.

Commissioner Bishop asked if labeling could be required so the public would know what it was buying. Mr. John Hector of the Department's Noise Control Section, replied that the State of Oregon could not require labeling on its own unless other states were willing to go along. He said EPA had that authority and might do so.

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

AGENDA ITEM I - REQUEST BY MT. MAZAMA PLYWOOD COMPANY, SUTHERLIN, FOR VARIANCE FROM VENEER DRYER EMISSION LIMITS (OAR 340-25-315(b))

Mt. Mazama Plywood Co. has requested a variance from the veneer dryer emission limits to delay purchase of control equipment until the company can afford it. The company has lost over \$400,000 in the past 9 months and is currently shut down. They have requested an extension of the final compliance date to November 1, 1981.

Summation

1. Mt. Mazama Plywood Company requested a variance to operate three veneer dryers in violation of the opacity limits until November 1, 1981.
2. The company installed a wood firing system on one dryer which was guaranteed to meet the opacity limits but has not been able to demonstrate compliance.
3. The company received approval for control system plans for the two steam dryers and is taking legal action to attain compliance of the wood fired dryer.
4. The company has agreed to a schedule for attaining compliance with the Department's opacity limits by no later than November 1, 1981.
5. The company's financial position has deteriorated rapidly in the past fiscal year to the point where the plant has been closed until the plywood market improves. Strict compliance would result in substantial curtailment or closing down of the business, plant, or operation of the company.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that a variance from OAR 340-25-315(1)(b), Veneer Dryer Emission Limits, be granted to Mt. Mazama Plywood Company, Sutherlin, for the operation of their three veneer dryers until November 1, 1981. This variance is subject to the following conditions:

- a. By January 30, 1981, submit a final control strategy for the wood fired veneer dryer.
- b. By April 1, 1981, issue purchase orders for all equipment necessary to control all three dryers.
- c. By August 1, 1981, begin construction of controls.
- d. By November 1, 1981, complete construction and demonstrate compliance with the emission limits (10% average and 20% maximum opacity and 0.75 pounds per 1000 square feet).
- e. Submit monthly financial statements until purchase orders have been issued for all equipment.
- f. On July 1 and November 1, 1980, submit status reports on the progress of litigation on the wood fired dryer and investigations of potential controls for that dryer.
- g. If the Department determines that the veneer dryer emissions cause significant adverse impact on the community or airshed, this variance may be revised or revoked.

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

AGENDA ITEM J - PROGRESS UPDATE ON SOLID WASTE LANDFILL SITE, LINCOLN COUNTY

The staff has experienced some frustration in Lincoln County's efforts in implementing a solid waste management plan. The Department is asking the Commission to reaffirm its intention that open burning will cease as of July 1, 1980, especially since the County continues to delay making the necessary decisions as to site acquisition and local financing.

Director's Recommendation

It is recommended that:

1. As the situation is now with respect to Lincoln County's solid waste management program, the EQC reaffirm that the Commission will not grant any further variance extension, and as of July 1, 1980, open burning will terminate at the North Lincoln and Waldport sites.

2. The Department review the County's progress prior to the June EQC meeting and make a final recommendation to be considered by the EQC at that time.

Mr. Lee Barrett, Association of Oregon Recyclers, appeared in support of the Director's recommendation. He said the county had delayed too long and should be urged to adopt a waste reduction program.

Mr. James Close, of the Department's Tillamook Branch Office, said that Phase II of the site study should be completed in April and DEQ would be sending approval to the County for site acquisition.

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

AGENDA ITEM L - MEDFORD CORPORATION - PETITION FOR DECLARATORY RULING ON APPLICABILITY OF OAR 340-30-060 TO AIR CONVEYING SYSTEMS AND VENEER DRYERS

Medford Corporation has presented a petition to institute proceedings for a declaratory ruling in the determination of plant site emission limits for air conveying systems and veneer dryers. There is a discrepancy between the Department and Medford Corporation on the authority given the Department to established plant site emission limits. A declaratory ruling could resolve this discrepancy.

Summation

1. Medford Corporation has presented a petition to institute proceedings for a declaratory ruling on setting plant site emission limits for air conveying systems and veneer dryers.
2. OAR 340-30-060 gives the specific authority to establish plant site emission limits in the Medford/Ashland AQMA area.
3. The EQC may decide not to issue a ruling.
4. The EQC may decide to issue a ruling in which case they must hold a hearing on the petition. The EQC may conduct the hearing or designate a hearings officer who will preside at and conduct the hearing.

Director's Recommendation

Based upon the Summation, it is recommended that the Environmental Quality Commission hold a hearing and issue a ruling on the petition.

Mr. Lynn Newbry, Medford Corporation, appeared in support of the Director's recommendation in this matter and asked that the hearing be held before the full Commission.

It was MOVED by Commissioner Somers, seconded by Commissioner Burgess and carried unanimously that this matter be placed on the Commission's May agenda; 40 days prior to that meeting a brief be received in the Department from Medford Corporation citing the issues and applicable administrative rules; and the Department respond to that brief within 20 days prior to the Commission's May meeting.

AGENDA ITEM M - TILLAMOOK COUNTY SUBSURFACE SEWAGE DISPOSAL PROGRAM -
PROPOSED TEMPORARY RULE

Director Young read the staff report into the record. In summary, the staff report stated that the Department had entered into an agreement with Tillamook County in December 1973 to perform the duties of the Department in the subsurface sewage disposal program. During audits conducted in November 1978, and July and August 1979, it was discovered that a number of sites approved for subsurface sewage were clearly in violation of Commission rules, which lead the Department to believe that massive program irregularities probably existed.

In March 1980, a DEQ investigation team actually reevaluated certain sites in Tillamook County that had been initially evaluated and approved during 1978 and 1979. It was found that of the approximately 100 approved sites reevaluated by the team, approximately 75 were found not to comply with Commission rules, and of those approximately 35 were found to not have any reasonable method of sewage disposal available. In addition, it appeared that a number of permits and certificates of satisfactory completion had been falsified. The certificates indicated that sewage systems had been installed and inspected when in fact the system had not been installed.

It was the recommendation of the Director that a temporary rule which would require that outstanding site evaluation approvals and falsified permits be reevaluated be adopted by the Commission with the findings that failure to act promptly and decisively would result in large numbers of sewage systems being installed which would fail, causing health hazards and water pollution, and in addition a number of individuals would be further harmed by being unable to eventually utilize an approved site evaluation.

Mr. Sherman Olson of the Department's Subsurface Section, showed the Commission slides of some of the sites in question in Tillamook County. Commissioner Somers requested that these slides be numbered and entered into the record as Exhibit A. Commissioner Densmore asked if these slides showed "worst case" conditions. Mr. Olson replied that they did not, but were just slides where the problems could be easily shown.

Commissioner Densmore asked what percentage of the approvals had been issued to improved lots. Mr. Olson replied that on 35 of the sites the team inspected homes were built and systems were in or under construction. Director Young stated that the proposed rule did not deal with property which had already been improved.

Mr. Doug Marshall, Tillamook County Senior Sanitarian, testified that he had only been in his present position since March 1, 1980. He said the Board of County Commissioners was asking that he present the following concerns for them: (1) DEQ should take the responsibility to notify property owners; (2) DEQ should provide personnel to assist; and (3) the Commission be aware there was some animosity in the past between the former county sanitarian and DEQ staff. Mr. Marshall said he was concerned about properties that nothing could be done with. He felt that those property owners should be worked with and that there be some flexibility to provide these people with alternatives. He emphasized that he was not asking for approvals on systems that would fail.

Mr. T. Jack Osborne of the Department's Subsurface Section, assured the Commission and Mr. Marshall that those properties would be reviewed for all possible options.

It was MOVED by Commissioner Somers, seconded by Commissioner Bishop and carried unanimously that the proposed temporary rule, amended as follows, be approved.

[(a)] Notwithstanding other rules contained in OAR Chapter 340, Division 71, within Tillamook County, Oregon[,]:

(a) [a]All favorable reports of evaluation of site suitability...are hereby voided, effective immediately, and the Department shall make reasonable effort to give written notice thereof by certified mail and by publication for four consecutive weeks in a newspaper of general circulation in Tillamook County, to persons to whom such reports were issued.

(b) Each property affected...may...be reevaluated at no charge if filed prior [up] to [September] October 1, 1980,...

Those sites found eligible...will be issued a new report of evaluation of site suitability. [at no charge.]

There being no further business, the meeting was adjourned.

LUNCH MEETING

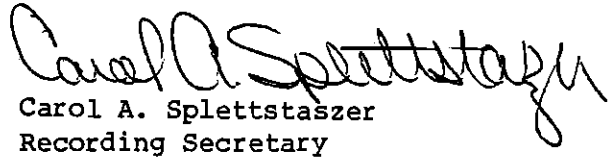
1. Presentation and briefing on Garbage Day. The Solid Waste Division presented a slide show and posters to familiarize the Commission with Garbage Day.
2. Portland Air Quality Maintenance Area emission offsets. Ms. Cynthia Kurtz of the City of Portland made a presentation to the Commission on the status of the Portland AQMA emission offset study. She will report back to the Commission in June.

3. Program Evaluation Study Progress Report. The Commission was informed that the study was proceeding on schedule.

WORK SESSION

Commission members and staff met after lunch to update the Commission on the Goals and Objectives planning sessions the Department held during the previous months. It was decided that one-half hour should be set aside on the next EQC agenda to further discuss this matter.

Respectfully submitted,


Carol A. Spletstaszer
Recording Secretary

CAS:fp
MF1176



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, March 21, 1980, EQC Meeting

Water Quality Division January, 1980 and February, 1980 Program Activity Reports

Discussion

Attached are the Water Quality Division January, 1980, and February, 1980, Program Activity Reports for the Department. Air Quality Division's February permit section will be in the March Activity 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 logs of civil penalties assessed and 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 10 and 11 of this report.

WILLIAM H. YOUNG

M. Downs: ahe
229-6485
03-07-80



Contains
Recycled
Materials

January 1980

WATER QUALITY DIVISION ONLY

(February 1980 Report Follows)

DEPARTMENT OF ENVIRONMENTAL QUALITY

Monthly Activity Report

January, 1980

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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

January, 1980
(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>Water</u>							
Municipal	37	535	36	550	0	0	18
Industrial	5	76	3	76	0	0	22
<u>Solid Waste</u>							
General Refuse							
Demolition							
Industrial							
Sludge							
<u>Hazardous Wastes</u>							
<u>GRAND TOTAL</u>	42	611	39	626	0	0	40

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit)	January 1980 (Month and Year)
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PLAN ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action
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Municipal Waste Sources - 36

Deschutes	Remington Arms Mobile Home Park - Redmond	1/9/80	PA
Marion	KoosKoosKee Phase 2 Salem	1/9/80	PA
Washington	Doreen USA--Durham	1/10/80	PA
Lincoln	Spruce Woods Subdivision Lincoln City	1/16/80	PA
Marion	Hawthorne Avenue Salem--Willow Lake	1/16/80	PA
Umatilla	Tolkien Heights Hermiston	1/14/80	PA
Yamhill	Jomac Subdivision Sheridan	1/22/80	PA
Washington	Whitmore Estates USA--Sherwood	1/14/80	PA
Clackamas	Gro's Quiet Meadows Estates CCSD #1	1/14/80	PA
Washington	Kingsgate Office Parksite Durham	1/14/80	PA
Multnomah	Bere's Addition Troutdale	1/15/80	PA

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality
(Reporting Unit)

January 1980
(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	SE Relieving Interceptor Ph 2, Unit 1 - Portland	1/18/80	PA
Jackson	Mt. Crest Subdivision, Unit 4 - Medford	1/18/80	PA
Washington	Burns Ridge Woods USA--Rock Creek	1/16/80	PA
Marion	Nina Estates Salem--Willow Lake	1/11/80	PA
Clackamas	Brandy Estates--Revised Canby	1/14/80	PA
Lincoln	Fairway Heights Subdivision Waldport	1/14/80	PA
Marion	Division St., NE-Trade St., SE (Salem)-Oregon DOT, Hwy. Div.	1/15/80	PA
Washington	Restful Terrace USA--Gaston	1/23/80	PA
Multnomah	SW Canyon Rd/Property E of SW Humphrey Blvd. Portland	1/23/80	PA
Clackamas	Mary Elizabeth Park Lake Oswego	1/23/80	PA
Marion	City of Gervais System Improvements - Gervais	1/25/80	PA
Deschutes	Medical Center Subdivision Bend	1/25/80	PA

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit)	January 1980 (Month and Year)
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PLAN ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action
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Municipal Waste Sources - Continued

Jackson	NW Commercial at Corona Ave. & Crater Lake Hwy. Medford	1/25/80	PA
Deschutes	North 20 Business Park Bend	1/28/80	PA
Yamhill	Newberg System Improvements Newberg	1/28/80	PA
Multnomah	NE Brazee St. (122 Ave. E.) Multnomah County Environmental Services	1/28/80	PA
Multnomah	Darby Downs Gresham	1/28/80	PA
Lane	Gateway Park Shopping Center - Springfield	1/28/80	PA
Klamath	Ron Merman Extension Bonanza	1/30/80	PA
Marion	Country Acres Estates Woodburn	1/30/80	PA
Washington	Cimarron-Phase 1 USA--Rock Creek	1/31/80	PA
Yamhill	Quail Meadow Subdivision Phase 2 (Revised) Newberg	1/31/80	PA

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit)	January 1980 (Month and Year)
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PLAN ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action
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Municipal Waste Sources - Continued

Washington	185th & Baseline Road USA	1/31/80	PA
Lane	Abby Lane Eugene	1/31/80	PA
Washington	Baseline Road Ext. USA--Rock Creek	1/31/80	PA

PA = Provisional Approval

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

January, 1980
(Month and Year)

PLAN ACTIONS COMPLETED

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

INDUSTRIAL WASTE SOURCES -- (3)

Tillamook	Robert J. Chatelain Dairy Cloverdale Animal Waste Holding Tank	1/3/80	Approved
Coos	Menasha Corporation North Bend Kason Screen	1/4/80	Approved
Marion	Mt. Jefferson Woolens Jefferson System to Pump to Municipal	1/15/80	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

January, 1980
(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 /1	1 / 5	0 /1	1 / 4	1 / 8		
Existing	0 /0	0 / 2	0 /0	0 / 0	6 / 1		
Renewals	0 /0	24 / 4	2 /0	24 / 0	38 / 6		
Modifications	1 /0	3 / 0	0 /0	1 / 0	5 / 0		
Total	1 /1	28 /11	2 /1	26 / 4	50 /15	246/89.	253/98
<u>Industrial</u>							
New	2 /2	5 /13	1 ⁴ / /1	4 / 5	4 /10		
Existing	0 /1	0 / 2	2 ² / /0	5 / 3	1 / 2		
Renewals	8 /3 ³ /	65 /12	2 ¹ / /1 ¹ /4 ¹	/ 1	78 /11		
Modifications	2 /0	4 / 0	0 /0	1 / 0	7 / 0		
Total	12 /6	74 /27	4 /2	51 / 9	90 /23	406/134	411/146
<u>Agricultural (Hatcheries, Dairies, etc.)</u>							
New	1 /0	3 / 3	0 /1	1 / 4	4 / 0		
Existing	0 /0	0 / 2	0 /0	0 / 1	0 / 1		
Renewals	0 /0	35 / 0	0 /0	0 / 1	35 / 0		
Modifications	0 /0	0 / 0	0 /0	0 / 0	0 / 0		
Total	1 /0	38 / 5	0 /1	1 / 6	39 / 1	64/ 26	68/ 27
GRAND TOTALS	14 /7	140 /43	6 /4	78 /19	179 /39	716/249	732/271

* NPDES Permits

** State Permits

1/ Applications not to be renewed

2/ Permits revoked upon request

3/ Previous NPDES permits which came as WPCF applications

4/ Includes 1 NPDES application withdrawn

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

January, 1980
(Month and Year)

PERMIT ACTIONS COMPLETED

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

Multnomah	Port of Portland Ship Repair Yards	1/15/80	NPDES Permit Renewed
Lane	City of Florence Sewage Disposal	1/15/80	NPDES Permit Renewed
Curry	City of Brookings Sewage Disposal	1/15/80	NPDES Permit Renewed
Umatilla	Top Cut Feed Lots Animal Waste	1/24/80	State Permit Issued
Lane	Emerald Valley Golf Course Sewage Disposal	1/24/80	State Permit Issued
Clackamas	Industrial Materials Technology, Inc.	1/24/80	State Permit Issued
Deschutes	Brooks Willamette Bend	1/31/80	State Permit Expired- Not to be Renewed
Klamath	Burlington Northern Klamath Falls Yard	1/ /80	NPDES Permit Revoked Upon Request
Linn	Lester Shingle Co. Sweet Home	1/ /80	NPDES Permit Expired- Not to be Renewed
Clatsop	Pacific Fabricators Astoria	1/16/80	NPDES Permit Revoked Upon Request
Lincoln	Newport Seafood Crab Processing	1/ /80	NPDES Permit Withdrawn

February 1980

Department of Environmental Quality

Monthly Activity Report

DEPARTMENT OF ENVIRONMENTAL QUALITY

Monthly Activity Report

February, 1980

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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

February, 1980
(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>28</u>	<u>128</u>	<u>23</u>	<u>135</u>	<u>1</u>	<u>1</u>	<u>55</u>
<u>Water</u> Municipal	<u>56</u>	<u>591</u>	<u>49</u>	<u>599</u>	<u>0</u>	<u>0</u>	<u>22</u>
Industrial	<u>7</u>	<u>83</u>	<u>3</u>	<u>79</u>	<u>0</u>	<u>0</u>	<u>28</u>
<u>Solid Waste</u> General Refuse	<u>2</u>	<u>18</u>	<u>0</u>	<u>14</u>	<u>1</u>	<u>3</u>	<u>7</u>
Demolition	<u>9</u>	<u>4</u>	<u>0</u>	<u>4</u>	<u>0</u>	<u>1</u>	<u>0</u>
Industrial	<u>0</u>	<u>14</u>	<u>0</u>	<u>5</u>	<u>0</u>	<u>0</u>	<u>11</u>
Sludge	<u>1</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Hazardous</u> Wastes	<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>94</u>	 <u>841</u>	 <u>76</u>	 <u>838</u>	 <u>2</u>	 <u>5</u>	 <u>123</u>

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

February, 1980
(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

Wasco (NC 1347)	Arin Williams Three orchard fans	02/12/80	Approved	
Coos (NC 1477)	Menasha Corporation Replacement of Oxygen analyzer	02/20/80	Approved	
Coos (NC 1500)	W. J. Conrad Lumber Co. Wood preserving, water base	01/28/80	Approved	
Multnomah (NC 1506)	Chevron USA, Inc. New oil storage tank	01/30/80	Approved	
Linn (NC 1520)	American Can Kalsey H ₂ S control on lignin	01/30/80	Approved	
Hood River (NC 1526)	Bickford Orchards, Inc. Two orchard fans	12/12/79	Approved	
Jackson (NC 1527)	Medford Pear Company Three orchard fans	01/16/80	Approved	
Jackson (NC 1528)	Joe Naumes Five orchard fans	01/16/80	Approved	
Jackson (NC 1529)	Central Point-Melrose Four orchard fans	01/16/80	Approved	
Jackson (NC 1530)	Naumes Orchards of Oregon Seven orchard fans	01/16/80	Approved	
Jackson (NC 1531)	Rogue Russet Orchards Twelve orchard fans	01/16/80	Approved	
Union (NC 1537)	Boise Cascade Corp. Particle dryer control	01/18/80	Approved	
Josephine (NC 1545)	Medford Corporation Seal-up veneer dryer	02/06/80	Approved	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

February, 1980
(Month and Year)

PLAN ACTIONS COMPLETED

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

Direct Stationary Sources (cont.)

Yamhill (NC 1547)	Willamina Lumber and Veneer New veneer mill	02/20/80	Approved
Marion (NC 1548)	Woodburn Fertilizer and Grain Baghouse	02/27/80	Approved
Josephine (NC 1550)	Southwest Forest Industries Scrubber on veneer dryer	02/22/80	Approved
Josephine (NC 1551)	Southwest Forest Industries Scrubber on veneer dryer	02/21/80	Approved
Lane (NC 1552)	The Kingsford Company Modification to improve emission control	02/26/80	Approved (tax credit only)
Lake (NC 1560)	Oil-Dri Production Co. No. 2 dryer cyclone system	02/22/80	Approved
Jackson (NC 1561)	Don Minear Orchard Overhead sprinkler system	02/22/80	Approved
Hood River (NC 1562)	Ackerman Orchards Two electric orchard fans	02/20/80	Approved
Hood River (NC 1564)	M. Goe & Son, Inc. One orchard fan	02/26/80	Approved
Jackson (NC 1565)	Harry and David Two orchard fans	02/27/80	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

<u>Water Quality Division</u>	<u>February, 1980</u>
(Reporting Unit)	(Month and Year)

PLAN ACTIONS COMPLETED

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

Municipal Waste Sources - 49

Marion	1979-80 Salem Sewer Grouting - Salem	02/13/80	PA	
Washington	Gary Nelson Sanitary Sewer USA--Rock Creek	02/13/80	PA	
Jackson	Shasta Meadows Eagle Point	02/14/80	PA	
Multnomah	Bauman Commons Condominiums I - Gresham	02/14/80	PA	
Multnomah	Port Air Business Park Multnomah County--Inverness	02/15/80	PA	
Marion	Spring Haven Woodburn	02/19/80	PA	
Lane	Lynnbrook II Eugene	02/19/80	PA	
Lincoln	NE 9th/Douglas Sewer Ext. Newport	02/19/80	PA	
Marion	D-RHO Estates Salem	02/21/80	PA	
Marion	Iverson Subdivision Salem	02/19/80	PA	
Tillamook	Lateral G-1 Ext.- Pacific View Estates Rockaway	02/19/80	PA	
Clackamas	Imperial Oaks No. 2 West Linn	02/21/80	PA	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit)	February, 1980 (Month and Year)
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PLAN ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action
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Municipal Waste Sources - 49 (Continued)

Clackamas	Plat of Mary Elizabeth Park - Lake Oswego	02/19/80	PA
Deschutes	Fairway Crest Village II & III - Sunriver	02/21/80	PA
Lincoln	Surfrider Motel Lincoln City - Gleneden	02/21/80	PA
Jackson	Tower Industrial Park Medford	02/22/80	PA
Jackson	Century Village Subdivision Medford	02/22/80	PA
Douglas	Flacy Extension Sutherlin	02/25/80	PA
Douglas	Stinnett Extension Sutherlin	02/25/80	PA
Lane	Laura's Subdivision-Revised Eugene	02/21/80	PA
Washington	Wynn Wood USA - Hillsboro	02/26/80	PA
Washington	Benjamin's Corner USA - Hillsboro	02/19/80	PA
Washington	Crowell Court USA - Rock Cr.	02/25/80	PA
Multnomah	Anderegg Meadows Phase I Portland	02/22/80	PA
Marion	Parkside Estates Salem - Willow Lake	02/21/80	PA

PA = Provisional Approval

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit)	February, 1980 (Month and Year)
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PLAN ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action
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Municipal Waste Sources - 49 (Continued)

Tillamook	Lateral U-1 (Classic Ridge Subdivision) N. Tillamook County S.A.	02/26/80	PA
Washington	Sierra (city of Tigard) USA - Durham	02/22/80	PA
Washington	Fitzpatrick Sewer Ext. USA - Rock Cr.	02/22/80	PA
Linn	Ashbrook Estates Phase II Sweet Home	02/22/80	PA
Multnomah	Corbeth Phase I Troutdale	02/27/80	PA
Multnomah	SE 190 Ave. & Stark St. Multnomah County Environmental Services	02/26/80	PA
Curry	Sea Bear Subdivision Gold Beach	02/25/80	PA
Lane	"T" Street Springfield	02/25/80	PA
Josephine	Ninth Street Extension Grants Pass	02/25/80	PA
Washington	Church of the Nazarene (Beaverton) USA - Rock Creek	02/26/80	PA
Douglas	Tabor Subdivision Sutherlin	02/26/80	PA
Lane	Jeans Road Veneta	02/26/80	PA

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit)	February, 1980 (Month and Year)
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PLAN ACTIONS COMPLETED

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

Municipal Waste Sources - 49 (Continued)

Jackson	Lawnview Subdivision Medford	02/27/80	PA
Baker	Elm St. from "H" - "F" St. Baker	02/27/80	PA
Baker	17th St. from Estes to Grace St. - Baker	02/28/80	PA
Lane	Valley Meadows Springfield	02/25/80	PA
Washington	Kingsgate Office Park Revised - USA - Durham	02/28/80	PA
Jackson	Lithia Park Revised Ashland	02/28/80	PA
Clackamas	New Hope Community Church Clackamas County Service Dist. No. 1	02/29/80	PA
Lane	Brentwood Homes, Ph III, Third Add. - Junction City	02/25/80	PA
Lane	N. 42nd Street Paving Springfield	02/28/80	PA
Marion	Middle Grove Pump Station Replacement - Salem	02/29/80	PA
Benton	Edgewood Park Third Add. Corvallis	02/20/80	PA
Washington	Old Town Block Grant Sherwood	02/25/80	PA

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit)	February, 1980 (Month and Year)
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PLAN ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action
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Industrial Waste Sources (3)

Yamhill	Mr. Gary Allison, Dayton Manure Holding Tank	2/2/80	Approved
Washington	Tektronix Inc. Beaverton, Etching Process Changes	2/5/80	Approved
Lane	Murphy Veneer, Florence Log Conditioning Water Recycle	2/28/80	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

February, 1980
(Month and Year)

PLAN ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
Columbia	Mickey's Landfill Existing Site Operational Plan	02/08/80	Denied	
Lincoln	Clark Sludge Site Existing Sludge Spreading Site Operational Plan	02/21/80	Conditional Approved	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

February, 1980
(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 /1	1 / 6	0 /4	1 / 8	1 / 9		
Existing	0 /0	0 / 2	0 /0	0 / 0	6 / 1		
Renewals	0 /0	24 / 4	4 /1	28 / 1	34 / 6		
Modifications	0 /0	3 / 0	1 /0	2 / 0	4 / 0		
Total	0 /1	28 /12	5 /5	31 / 9	45 /16	246/92	253/98
<u>Industrial</u>							
New	0 /1	5 /14	0 /0	4 / 5	4 /10		
Existing	0 /0	0 / 2	0 /0	5 / 3	1 / 1		
Renewals	4 /3 ^{3/}	69 /15	3 ^{2/} /0	44 / 1	74 /13		
Modifications	0 /0	4 / 0	1 /0	2 / 0	6 / 0		
Total	4 /4	78 /31	4 /0	55 / 9	85 /24	405/134	410/147
<u>Agricultural (Hatcheries, Dairies, etc.)</u>							
New	0 /0	3 / 3	0 /0	1 / 4	4 / 0		
Existing	0 /0	0 / 2	0 /0	0 / 1	0 / 0		
Renewals	0 /0	35 / 0	0 /0	0 / 1	35 / 0		
Modifications	0 /0	0 / 0	0 /0	0 / 0	0 / 0		
Total	0 /0	38 / 5	0 /0	1 / 6	39 / 0	64/26	68/27
<u>GRAND TOTALS</u>	4 /5	144 /48	9 /5	87 /24	169 /40	715/254	731/272

* NPDES Permits

** State Permits

1/ Includes 1 application withdrawn (Gus McCarty)

2/ Includes 1 permit no longer necessary (Bohemia, Inc.)

3/ Includes 2 NPDES applications which came as WPCF applications

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

February, 1980
(Month and Year)

PERMIT ACTIONS COMPLETED

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

Multnomah	City of Portland Columbia Blvd. STP	1/5/800	NPDES Permit Renewed	
Douglas	North Roseburg S.D. Sewage Disposal	1/5/80	NPDES Permit Renewed	
Douglas	Winchester Bay Seafood Fish Processing Plant	2/8/80	NPDES Permit Renewed	
Clackamas	U.S. Forest Service Timberlake--Ripplebrook	2/8/80	NPDES Permit Renewed	
Multnomah	U.S. Army Corps of Engr. Bonneville Dam	2/8/80	NPDES Permit Renewed	
Multnomah	Union Pacific Railroad Portland	2/8/80	NPDES Permit Renewed	
Lane	Bohemia, Inc. Brownsville	2/8/80	Cancelled (Discharge to be eliminated)	

STATE PERMITS

Lane	Gus McCarty Junction City--Domestic	5/25/78	Application Withdrawn	
Tillamook	Trask River Gravel, Inc. Aggregate	2/19/80	State Permit Issued	
Multnomah	Northwest Sand & Gravel Aggregate	2/20/80	State Permit Issued	
Umatilla	U.S. Gypsum Co.Co. Hardboard Plant	2/20/80	State Permit Issuedd-	
Baker	Coyote Mountain Ranch, Inc. Astoria	2/29/80	State Permit Issuedd Upon Request	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

February, 1980
(Month and Year)

PERMIT ACTIONS COMPLETED

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

Benton	City of Corvallis Airport STP	2/8/80	Addendum No. 1
Jackson	City of Ashland Filter Plant	2/13/80	Addendum No. 1

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

February, 1980
(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
	<u>Month</u>	<u>FY</u>	<u>Month</u>	<u>FY</u>			
<u>General Refuse</u>							
New	-	3	-	5	1		
Existing	-	-	1	1	10		
Renewals	7	20	-	16	21		
Modifications	3	16	7	22	6		
Total	10	39	8	44	38	164	166
<u>Demolition</u>							
New	-	-	-	-	-		
Existing	-	1	-	2	-		
Renewals	-	4	1	1	3		
Modifications	-	-	-	5	-		
Total	0	5	1	8	3	20	20
<u>Industrial</u>							
New	-	2	-	2	-		
Existing	-	-	-	-	-		
Renewals	4	18	2	5	17		
Modifications	-	2	-	1	1		
Total	4	22	2	8	18	98	98
<u>Sludge Disposal</u>							
New	-	-	-	1	-		
Existing	-	1	-	-	1		
Renewals	-	1	-	1	-		
Modifications	-	-	-	-	-		
Total	0	2	0	2	1	13	14
<u>Hazardous Waste</u>							
New	-	-	-	-	-		
Authorizations	16	92	14	105	4		
Renewals	-	-	-	-	-		
Modifications	-	-	-	-	-		
Total	16	92	14	105	4	1	1
<u>GRAND TOTALS</u>	30	160	25	167	64	296	299

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division (Reporting Unit)	February, 1980 (Month and Year)
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PERMIT ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
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Domestic Refuse Facilities (8)

Lake	Adel Landfill Existing facility	02/13/80	Permit amended	
Lake	Christmas Valley Landfill Existing facility	02/13/80	Permit amended	
Lake	Ft. Rock Landfill Existing facility	02/13/80	Permit amended	
Lake	Parsley Landfill Existing facility	02/13/80	Permit amended	
Lake	Plush Landfill Existing facility	02/13/80	Permit amended	
Lake	Silver Lake Landfill Existing facility	02/13/80	Permit amended	
Lake	Summer Lake Landfill Existing facility	02/13/80	Permit amended	
Baker	Haines Landfill Existing facility	02/29/80	Permit issued	

Demolition Waste Facilities (1)

Polk	Fowler's Landfill Existing facility	01/30/80*	Permit renewed	
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Industrial Waste Facilities (2)

Curry	South Coast Lumber Co. Existing wood waste site	01/29/80*	Permit renewed	
Crook	Les Schwab Co. Existing tire disposal site	01/30/80*	Permit renewed	

Sludge Disposal Facilities (none)

* Not reported last month.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

February, 1980
(Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

WASTE DESCRIPTION

* Date *	Type	Source	Quantity	
* * *	* * *	* * *	Present	Future

Disposal Request Granted (10)

Oregon (3)

19	Spent Solvents	Manufacturer of fireplace implements	23 drums	32 drums/yr
19	Phenolic resin contaminated water	Chemical plant	10,000 gals	10,000 gals/yr
21	Spent Chromic acid solution	Mechanical equipment manufacturer	1,660 gals	2,200 gals/yr

Washington (6)

1	Spent solvents and paint sludge	Truck manufacturer	80 drums	560 drums/yr
1	PCB Wastes	Food processor	65 cu.ft.	0
21	Unwanted pesticide products and fish poisons	State agency	8,600 lb	0
21	Oil shop sludge	Government agency	14,000 gals	0
22	Wood preserving waste	Wood product industry	20,000 gals	0
25	Coal tar distillates contaminated soil	Coal processing	1,000 cu.yd.	1,000 cu yd/yr

British Columbia (1)

19	Plating sludge	Maintenance shop	5,300 gals	5,200 gals/yr
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CIVIL PENALTY ASSESSMENTS

Department of Environmental Quality
1980

CIVIL PENALTIES ASSESSED DURING MONTH OF February, 1980:

<u>Name and Location of Violation</u>	<u>Case No. and Type of Violation</u>	<u>Date Issued</u>	<u>Amount</u>
Mid-Oregon Crushing Co. Deschutes County	AQ-CR-80-16 Exceeded opacity limits and operated without passing a source test	02/11/80	\$ 600
James Judd dba/ Jim Judd Backhoe Service	SS-SWR-80-18 Installed a subsur- face sewage disposal system without first obtaining a permit	02/11/80	100
Robert W. Harper Marion County	AQ-WVR-80-14 Open Field burning after cut off time	02/11/80	500
George Heidgenkin Yamhill County	WQ-WVR-80-21 Spilled 50 gallons of transformer oil containing PCBs and did not assume cleanup responsibility	02/19/80	1,000
Westbrook Wood Products Josephine County	AQ-SWR-80-25 Exceeded opacity limits from wigwam burner on 6 days and failed to report violations	02/20/80	3,125
Hilton Fuel Supply Co. Jackson County	AQ-SWR-80-30 Open burned industrial (wood) wastes	02/25/80	200

STATUS OF PAST CIVIL PENALTY ACTIONS TAKEN IN 1980:

<u>Name</u>	<u>Case No.</u>	<u>Date Issued</u>	<u>Amount</u>	<u>Status</u>
Scheler Corporation	AQ-WVR-80-15	01/22/80	\$ 500	Contested 02/08/80
Lauren Karstens	AQ-WVR-80-03	01/22/80	1,500	Contested 01/28/80
David Taylor	AQ-WVR-80-04	01/22/80	860	Contested 02/07/80
Dennis Glaser dba/ Mid Valley Farms, Inc.	AQ-WVR-80-13	01/22/80	2,200	Contested 02/07/80
City of St. Helens	WQ-NWR-80-02	01/22/80	2,000	Paid 02/12/80
American-Strevell, Inc.	WQ-NWR-80-05	01/22/80	500	Contested 02/05/80

<u>ACTIONS</u>	<u>LAST MONTH</u>	<u>PRESENT MONTH</u>
Preliminary Issues	4	5
Discovery	1	2
Settlement Action	2	2
Hearing to be Scheduled	6	9
Hearing Scheduled	1	1
HO's Decision Due	7	7
Brief	1	1
Inactive	<u>2</u>	<u>2</u>
SUBTOTAL of Active Files	24	29
HO's Decision Out/Option for EQC Appeal .	0	0
Appealed to EQC	4	2
EQC Appeal Complete/Option for Court Review	0	1
Court Review Option Pending or Taken . . .	1	1
Case Closed	<u>7</u>	<u>3</u>
TOTAL Cases	36	36

KEY

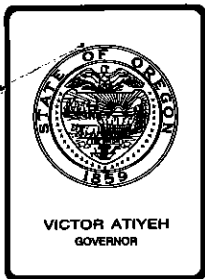
ACD Air Contaminant Discharge Permit
AQ Air Quality
AQ-NWR-76-178 Violation involving Air Quality occurring in Northwest Region in the year 1976; 178th enforcement action during 1976.
CLR Chris Reive, Investigation & Compliance Section
Dec Date Date of either a proposed decision of hearings officer or a decision by Commission
\$ Civil Penalty Amount
ER Eastern Region
Fld Brn Field Burning incident
RLE Robb Haskins, Assistant Attorney General
Hrngs Hearings Section
Hrng Rfrl Date when Investigation & Compliance Section requests Hearings Section to schedule a hearing
Hrng Rqst Date agency receives a request for hearing
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

February 1980
 DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrl	DEQ Atty	Hrng Date	Resp Code	Dec Date	Case Type & No.	Case Status
FAYDREX, INC.	05/75	05/75	RLH	11/77	Hrngrs		03-SS-SWR-75-02 64 SSD Permits	Decision Due
MEAD and JOHNS et al	05/75	05/75	RLH		All		04-SS-SWR-75-03 3 SSD Permits	Awaiting disposition of Paydrex
PGE (Harborton)	02/76	02/76	RPU		Prtys		01-P-AQ-PR-76-01	Exceptions due 03-31-80
MIGNOT, E. W. & Dorothy	11/76	11/76	LMS	02/77	Hrngrs	02/77	\$400 06-SW-SWR-288-76	Court of Appeals review pending.
MAGNESS, William	07/77	07/77	LMS	11/77	Resp		\$1150 Total 06-SS-SWR-77-142	Exceptions overdue.
GRANTS PASS IRRIG	09/77	09/77	RLH	04/80	Prtys		\$10,000 10-WQ-SWR-77-195	Hearing set in Grants Pass
POWELL, Ronald	11/77	11/77	RLH	01/23/80	Resp		\$10,000 Fld Brn 12-AQ-WVR-77-241	Record still open.
HAWKINS, Roy	03/78	03/78	FWO	12/17/79	Hrngrs		\$5000 15-AQ-PR-77-315	Decision Due
HAWKINS TIMBER	03/78	03/78	FWO				\$5000 15-AQ-PR-77-314	No action pending hearing in companion case
WAH CHANG	04/78	04/78	RLH		Prtys		16-P-WQ-WVR-2849-J NPDES Permit (Modification)	Preliminary Issues
WAH CHANG	11/78	12/78	RLH		Prtys		08-P-WQ-WVR-78-2012-J	Preliminary Issues
STIMPSON LUMBER CO.	05/78		FWO	07/24/79	Hrngrs		Tax Credit Cert. 01-T-AQ-PR-78-010	Decision Due
VOGT, Eugene & Josephine	06/78	06/78	RLH	11/08/78	Hrngrs		\$250 Civil Penalty 05-SS-SWR-78-70	EQC modified H.O.'s Order; Resp's appeal option expires 04/80.
WELCH, Floyd & Virginia, et al	10/78	10/78	RLH		Prtys		07-P-SS-CR-78-134	Hrng deferred pending settlement.
REEVE, Clarence	10/78		RLH		Prtys		06-P-SS-CR-78-132 & 133	Hearing deferred pending settlement
BIBREX, Craig	12/78	12/78	WAK	10/30/79	Prtys		\$700 08-AQ-WVR-78-144	Stipulated settlement of \$350 approved by EQC 02/22/80.
WAH CHANG	02/79	02/79	RLH		Hrngrs		\$3500 12-WQ-WVR-78-187	To be scheduled
DON OBRIST, INC.	07/79	07/79	RLH		Dept		Solid Waste Permit Amendment 07-P-SW-213-NWR-79	Plans sent to Department for approval
CALLAHAN, Gerald R.	09/79	09/79	CLR	01/09/80	Hrngrs		09-SS-ER-79-61 Civil Penalty of \$150	Decision Due
KRUGER, Walter Ar	09/79	09/79	CLR	01/30/80	Hrngrs		11-AQ-WVR-79-07 Open Burning Civil Penalty of \$250	Case closed 02/22/80 pursuant to CAR 340-11-136(2).
BARKER, Michael	10/79	10/79	LMS		Hrngrs		12-SS-SWR-79-56 SS Permit revocation	Decision Due
PETER, Ernie	10/79	10/79	CLR	12/05/79	Hrngrs		13-AQ-WVR-79-86 Open Field Burning Civil Penalty of \$500	Decision Due
MALLORY & MALLORY INC.	11/79	11/79	JHR	01/10/80	Hrngrs		14-AQ-CR-79-101 Open Burning Civil Penalty	Decision Due
BREIDENSTEINE	11/80/79	11/20/79			Resp		15-SS-SWR-79-60 Permit denial	Default Order of Dismissal issued 02/22/80
TIDEWATER BARGE LINES, INC.	12-05-79	12-05-79	RLH		Hrngrs		16-WQ-ER-79-148 WQ Civil Penalty of \$5,000	To be Scheduled
M/V TOYOYA MARU No. 10	12-10-79	12-12-79	RLH		Prtys		17-WQ-WVR-79-127 Oil Spill Civil Penalty of \$5,000	Discovery
COLUMBIA-RESOURCES CORP.	12-03-79	12-12-79	CLR		Hrngrs		18-AQ-WVR-79-125 Civil Penalty of \$500	To be Scheduled

February 1980
DEQ/EQC Contested Case Log

<u>Pet/Resp Name</u>	<u>Hrng Rgst</u>	<u>Hrng Rfrrl</u>	<u>DEQ Atty</u>	<u>Hrng Date</u>	<u>Resp Code</u>	<u>Dec Date</u>	<u>Case Type & No.</u>	<u>Case Status</u>
<u>COLUMBIA SAND & GRAVEL PIT</u>	<u>12-12-79</u>	<u>12-14-79</u>			<u>Prtys</u>		<u>19-P-SW-329-NWR-79 Permit Denial</u>	<u>Preliminary Issues</u>
<u>FORRETE, Gary</u>	<u>12-20-79</u>	<u>12-21-79</u>	<u>RLH</u>		<u>Hrngrs</u>		<u>20-SS-NWR-79-146 Permit Revocation</u>	<u>To be Scheduled</u>
<u>AMERICAN-STREVELL</u>	<u>02-01-80</u>	<u>02-05-80</u>	<u>LMS</u>		<u>Hrngrs</u>		<u>01-WQ-WVR-80-05 Oil Spill Civil Penalty of \$500</u>	<u>To be Scheduled</u>
<u>GLASER, Dennis F. dba MID-VALLEY FARMS, INC.</u>	<u>02-06-80</u>	<u>02-07-80</u>	<u>CLR</u>		<u>Prtys</u>		<u>02-AQ-WVR-80-13 Open Burning Civil Penalty of \$2,200</u>	<u>Discovery</u>
<u>SCHULER CORP.</u>	<u>02-05-80</u>	<u>02-08-80</u>	<u>LMS</u>		<u>Hrngrs</u>		<u>03-AQ-WVR-80-15 Open Field Burning Civil Penalty of \$500</u>	<u>To be Scheduled</u>
<u>TAYLOR, David R.</u>	<u>02-04-80</u>	<u>02-08-80</u>	<u>CLR</u>		<u>Hrngrs</u>		<u>04-AQ-WVR-80-04 Open Field Burning Civil Penalty of \$860.</u>	<u>To be Scheduled</u>
<u>KARSTEN, Lauren</u>	<u>01-28-80</u>	<u>02-27-80</u>	<u>CLR</u>		<u>Hrngrs</u>		<u>05-AQ-WVR-80-03 Open Field Burning Civil Penalty of \$1,500</u>	<u>To be Scheduled</u>
<u>HARPER, Robert W.</u>	<u>02-26-80</u>	<u>02-28-80</u>	<u>LMS</u>		<u>Hrngrs</u>		<u>Open Burning Civil Penalty of \$500</u>	<u>To be Scheduled</u>
<u>MEDFORD CORPORATION</u>							<u>07-AQ-SWR-80 Request for Declaratory Ruling</u>	<u>EQC to determine procedure. Department to inform applicant by 03-31-80</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, March 21, 1980, EQC Meeting

TAX CREDIT APPLICATIONS

Director's Recommendation

It is recommended that the Commission take action to issue Pollution Control Facility Certificates to the following:

<u>Appl. No.</u>	<u>Applicant</u>	<u>Facility</u>
T-1137	Melrose Orchards, Inc.	Six orchard fans
T-1143	Anodizing, Inc.	Fume scrubber and associated equipment
T-1146	Babler Brothers, Inc.	Baghouse
T-1147	Baker Redi-Mix, Inc.	Precipitator and associated equipment
T-1148	Hap Taylor, Inc.	Baghouse
T-1159	Georgia-Pacific Corp.	Emission control system for six veneer dryers
T-1167	Rosboro Lumber Co.	Conversion to hot water recirculation system
T-1171	Woolley Enterprises, Inc.	Scrubber and dryer endseals


WILLIAM H. YOUNG

CASplettstaszer
229-6484
3/11/80
Attachments



Contains
Recycled
Materials

PROPOSED MARCH 1980 TOTALS

Air Quality	\$ 894,879
Water Quality	95,156
Solid Waste	-0-
Noise	-0-
	<u>\$ 990,035</u>

CALENDAR YEAR TOTALS TO DATE

Air Quality	\$ 849,313
Water Quality	3,757,825
Solid Waste	2,251,548
Noise	5,157
	<u>\$6,869,843</u>

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Melrose Orchards, Inc.
Box 996
Medford, OR 97501

The applicant owns and operates a pear orchard at Medford, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is six Orchard Rite wind machines; Serial Numbers: T093-121 3715 79CD, T479-021 3644 99CD, T621-121 3715 81CD, T083-121 3715 75CD, T973-121 3715 77CD, T921-121 3715 78CD.

Request for Preliminary Certification for Tax Credit was made on January 30, 1979, and approved on February 15, 1979.

Construction was initiated on the claimed facility on March 5, 1979, completed on March 20, 1979, and the facility was placed into operation on March 20, 1979.

Facility Cost: \$77,800 (Accountant's Certification was provided).

3. Evaluation of Application

There is no rule prohibiting the use of fuel oil-fired heaters to control frost damage to fruit trees, even though the heaters produced a significant smoke and soot air pollution problem in the Medford Air Quality Maintenance Area. The orchard farmers desire a secure long-range solution to frost control that includes the reduction or elimination of the smoke and soot. Frost control is needed on an average of 50 hours per year of which one-third is considered heavy frost conditions using all heaters and two-thirds is light frost conditions using one-half the heaters.

In 1972 an Orchard fan was installed in the Medford area and its installation was evaluated by the OSU Agricultural Experiment Station, which published a favorable report in July, 1978. Twenty-six Orchard fans were installed for the 1979 season in the Medford area. One Orchard fan typically serves ten acres and reduces the number of heaters required for frost protection from 340 heaters to 100 perimeter heaters, a 70 percent reduction. An Orchard fan blows warmer air from above the trees--when there is a temperature inversion--down into the trees.

The operating cost of a typical orchard fan is slightly greater than the savings of the cost of fuel oil. The operating costs consist of the fuel cost using the fans, depreciation over seven years, and no salvage value, plus the average interest at 14 percent on the undepreciated balance.

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 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 \$77,800 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1137.

F. A. Skirvin:1
(503) 229-6414
February 20, 1980

AL4355

Appl T-1143
Date 3-4-80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Anodizing, Inc.
Architectural Division
7933 Northeast 21 Avenue
Portland, OR 97211

The applicant owns and operates an aluminum anodizing plant at 7933 Northeast 21st Avenue, 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 Duall Model No. 101 fume scrubber and associated equipment. The facility consists of the following components and costs:

Scrubber	\$17,363.08
Fan	3,735.00
Ductwork	11,210.00
Electrical	11,770.33
Structural	11,885.82
Installation	4,956.23
Miscellaneous	<u>1,440.76</u>
TOTAL	62,361.22

Request for Preliminary Certification for Tax Credit was made on October 31, 1978, and approved on November 16, 1978.

Construction was initiated on the claimed facility in December 1978, completed in August 1979, and the facility was placed into operation in August 1979.

Facility Cost: \$62,361.22 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed facility was installed to control sodium hydroxide and aluminum oxide emissions from the plant. They had received complaints from a neighbor about fallout of these materials on their property and wished to correct the problem.

The facility has been inspected by the Department and is operating satisfactorily. The estimated control efficiency is 99 percent.

The material collected by the scrubber is disposed of in the sanitary sewer. Therefore, it is concluded that the facility was installed solely for air pollution control and 80 percent or more of the cost is allocable to air 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 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 \$62,361.22 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1143.

F. A. Skirvin:w
(503) 229-6955
March 6, 1980

WW1022

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Babler Brothers, Inc.
4617 Southeast Milwaukie Avenue
Portland, OR 97202

The applicant owns and operates three drum mix asphaltic concrete paving plants at various sites throughout Oregon.

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

2. Description of Claimed Facility

The facility described in this application is a standard Havens baghouse, size 36 Alpha Mark II with 14 oz. nomex bags.

Request for Preliminary Certification for Tax Credit was made on April 4, 1979, and approved on April 6, 1979

Construction was initiated on the claimed facility on May 1, 1979 completed on September 15, 1979, and the facility was placed into operation on September 15, 1979.

Facility Cost: \$106,840.00 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed Facility is used on Bablers' three drum mix plants in lieu of their scrubber systems at sites with inadequate water and/or land area for settling basins. These plants operate in compliance when using the claimed facility. The sole purpose of the claimed facility is to prevent air pollution. Therefore, the claimed facility is eligible for 80 percent or more certification.

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 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 \$106,840 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1146.

FAS:j
(503) 229-6414
February 15, 1980

aj0846

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Baker Redi-Mix, Inc.
Box 825
Baker, OR 97814

The applicant owns and operates an asphaltic concrete paving plant at East "H" Street in Baker.

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 CMI Model HDP-936 Dynamic Precipitator with 8' diameter prewash, 300 HP exhaust fan, 30 HP water pump and 10' diameter exhaust stack.

Request for Preliminary Certification for Tax Credit was made on March 1, 1979, and approved on April 16, 1979.

Construction was initiated on the claimed facility on March 1, 1979, completed on April 2, 1979, and the facility was placed into operation on April 15, 1979.

Facility Cost: \$50,061 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed facility was required to bring Baker Redi-Mix's asphalt plant into compliance with the Department's visible emission limits.

A portion of the claimed facility (the washer, frame, and pump) was acquired from Babler Bros. at a cost of \$37,925 and was included in Pollution Control Facility Certificate No. 683. The Environmental Quality Commission amended Certificate No. 683 on March 30, 1979, and removed the \$37,925 portion from Certificate No. 683.

The remainder of the \$50,061 cost of the claimed facility includes installation, labor, electrical and water systems, and the wet fan. The Department considers 25 percent of cost i.e., \$1,250 allocable to product in requirements. Thus \$48,811 (97.5 percent) of \$50,061 is allocable to pollution control. Therefore, the claimed facility is eligible for 80 percent or more certification.

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 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 \$50,061 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1147.

F. A. Skirvin:p
AP0885.A
(503) 229-6414
February 22, 1980

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Hap Taylor, Inc.
Box 5891
Bend, OR 97701

The applicant leases and operates an asphaltic concrete paving plant at various locations throughout Oregon dependent upon job site.

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 WAG baghouse, S/N 586-74.

Request for Preliminary Certification for Tax Credit was made on March 13, 1979, and approved on March 27, 1979.

Construction was initiated on the claimed facility on March 13, 1979, completed on April 11, 1979, and the facility was placed into operation on April 25, 1979.

Facility Cost: \$119,827 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed facility allows Hap Taylor's asphalt plant to operate in continuous compliance with Department regulations. The sole purpose of the claimed facility is to prevent air pollution. Therefore, the claimed facility is eligible for 80 percent or more certification.

A copy of the lease agreement and notarized statement from the lessor authorizing the lessee to take any allowable credit on the facility was provided.

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 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 \$119,827 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1148.

F. A. Skirvin:p
AP0885
(503) 229-6414
February 22, 1980

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Georgia-Pacific Corporation
Coos Bay Division
Box 869
Coos Bay, OR 97420

The applicant owns and operates a plywood plant at Coquille, Oregon. Application was made for tax credit for an air pollution control facility.

2. Description of Claimed Facility

The facility described in this application is an emission control system for six veneer dryers.

Request for Preliminary Certification for Tax Credit was made on March 21, 1978, and approved on May 2, 1978.

Construction was initiated on the claimed facility in April, 1978, completed in May, 1979, and placed in operation in May, 1979.

Facility Cost: \$377,442 (Accountant's Certification was provided).

3. Evaluation of Application

Georgia-Pacific has installed veneer dryer scrubbers of their own design and manufacture. There are two units each one controlling the emissions from three veneer dryers. These scrubbers have been observed and have demonstrated ability to comply with all the Department's emission limits. The collected material is of no economic value, therefore, 80 percent or more of the cost of this pollution control facility 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. 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 \$377,442 with 80 percent more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-1159.

F. A. Skirvin:f
(503) 229-6414
January 22, 1980
AF3045

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Rosboro Lumber Company
Box 1098
Springfield, Oregon 97477

The applicant owns and operates a plant manufacturing lumber, veneer, plywood and Glu-Lam beams at 2509 Main Street, Springfield.

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

2. Description of Claimed Facility

The facility described in this application is the conversion of the plant veneer peeler block steam heating chests to a totally closed hot water recirculation system and consists of:

- a. Green veneer plant sump and two non-clog pumps.
- b. Sump pump at steam chests.
- c. Hot water recirculation pump.
- d. Heat exchanger (steam to hot water).
- e. pH control and analyzer.
- f. Condensate pumps.
- g. Water storage tank.
- h. Dewatering screen.
- i. Instrumentation, pulping and electrical

Request for Preliminary Certification for Tax Credit was made 2/27/79, and approved 3/14/79. Construction was initiated on the claimed facility 5/21/79, completed 7/13/79, and the facility was placed into operation 7/15/79.

Facility Cost: \$95,156.10 (Accountant's Certification was provided).

3. Evaluation of Application

Oil contaminated waters from the veneer lathe and steam vat waste water to storm sewers has been eliminated by the claimed facility. It has been estimated that 1,500 pounds of B.O.D., 2.5 pounds of phenols, and 100 pounds of suspended solids per day as well as oil and grease no longer enter state waters. Staff verifies the claimed facility is functioning as designed.

The applicant claims that no product is produced and that recovered water has no specific value compared to total annual operating expense. Therefore, the applicant claims that the facility has no other function than 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 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 468.175 and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 100 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$95,156.10 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1167.

CKA:s
(503) 229-5325
February 15, 1980

WS0836

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Woolley Enterprises, Inc.
Drain Plywood Company
Box 578
Drain, Oregon 97435

The applicant owns and operates a plywood manufacturing plant in Drain, 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 a Burley Industry's scrubber and dryer endseals to control emissions from veneer dryer No. 1.

Request for Preliminary Certification for Tax Credit was made on March 12, 1979, and approved on April 13, 1979.

Construction was initiated on the claimed facility on April 1, 1979, completed on November 26, 1979, and the facility was placed into operation on November 26, 1979.

Facility Cost: \$100,548 (Accountant's Certification was provided).

3. Evaluation of Application

The applicant has installed a Burley scrubber to control emissions from veneer dryer No. 1. The collected material from the scrubber is added to the hogged fuel and burned in the boiler. There is no economic advantage to the company from the installation of the proposed equipment. The only purpose of this equipment is air pollution control, therefore, 80 percent or more of the cost of this facility is allocable to pollution control. The Department has inspected this facility and it is capable of complying with the Department's emission limits.

4. Summation

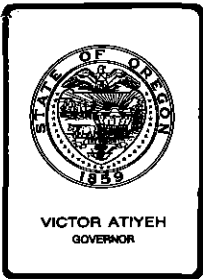
- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165 (1) (a).

- 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. 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 \$100,548 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1171.

F. A. Skirvin:n
(503) 229-6414
February 13, 1980
AN8985



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 March 21, 1980, EQC Meeting

Request for Authorization to Conduct a Public Hearing to Consider Amendments to Water Quality Rules that Describe Responsibility for Pretreatment of Industrial Wastes Discharged to Publicly-owned Treatment Works (OAR 340-45-063).

Background

Throughout the nation, publicly-owned treatment works (POTWs) are plagued with problems associated with industrial users who either discharge toxic wastes to the POTW or overload it with concentrated organic wastes. In order to combat this problem, the Environmental Protection Agency has adopted regulations requiring states who administer the NPDES permit program to also administer an industrial waste pretreatment program. EPA feels so strongly about this program that they have stated that if a state does not submit an adequate pretreatment program, it may be grounds for withdrawal of NPDES authority.

Although Oregon does not have industrial waste problems comparable to many of the more industrialized states, we do see a need for having a mechanism to control such problems. Therefore, we have made a brief submittal to EPA along with an Attorney General's statement as to our authority to manage such a program.

In evaluating our authority to manage a pretreatment program in accordance with federal rules and standards it was determined that new regulations were required to clarify our intent and to provide a mechanism for public participation. The Commission is being requested to authorize a public hearing for the purpose of considering these rule additions.



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Evaluation

The rules being proposed consist of a new section (OAR 340-45-063) which will fall between OAR 340-45-060 (Suspension or Revocation of an NPDES Permit) and OAR 340-45-065 (Other Requirements). Once these rules have been adopted, EPA can officially approve our pretreatment program submittal and we can implement the program. The Department intends to implement this minimal pretreatment program within existing resources. Most of the responsibility of enforcing pretreatment standards will be placed upon the POTWS receiving the industrial waste.

Summation

The Commission is being asked to authorize a public hearing. The proposed rule additions would 1) describe the Department's mechanism for implementing an industrial waste pretreatment program in conformance with federal regulation, and 2) identify the publicly owned treatment works as the entity responsible for enforcing categorical industrial pretreatment requirements as they are promulgated by EPA.

Bill

William H. Young

Attachments: Appendix A. Draft Rules
Appendix B. Draft Statement of Need for Rulemaking
Appendix C. Draft Fiscal Impact Statement
Appendix D. Draft Hearing Notice
Appendix E. DEQ Pretreatment Program Submittal to EPA

Charles K. Ashbaker
229-5325
March 4, 1980

WS0989

PROPOSED ADDITIONS TO OREGON ADMINISTRATIVE RULES CHAPTER 340Water Quality ControlIndustrial Waste Pretreatment

340-45-063 (1) All owners of sewerage systems which receive industrial waste subject to federal or state pretreatment standards shall develop and implement a pretreatment program for controlling those industrial contributors. The program shall be submitted to the Director for approval. Prior to approval, the Director shall provide opportunity for public comment by issuing a public notice of the receipt of a pretreatment program. Opportunity shall also be provided for a public hearing. Any person or group of persons may request or petition for a public hearing. A public hearing will be held if the owner of the affected sewerage system so requests. Also, if the Director determines that useful information may be produced thereby, or if there is significant public interest, a hearing will be held.

(2) The Director will review requests for revisions of categorical pretreatment standards to reflect removals achieved by the sewerage system. No removal credit is allowed unless approved by the Director.

(3) Both the owners of sewerage systems receiving industrial wastes and the industrial contributors shall comply with applicable pretreatment provisions of the federal Clean Water Act and the rules of the Department.

(4) Where a question exists as to whether or not an industrial contributor falls within a particular industrial subcategory, the Director shall make a written finding and shall submit it to the EPA Regional Enforcement Division Director for a final determination, unless the

Enforcement Division Director waives the receipt of the Director's determination as provided in the federal regulations. In that case the Director's determination shall be final.

(5) The owner of a sewerage system receiving industrial waste is responsible to assure that the industrial contributor meets the prohibited discharge or categorical pretreatment standards established by the United States Environmental Protection Agency or the Department, whichever is most limiting. The owner of the sewerage system may impose more stringent pretreatment standards if deemed necessary by the owner for the proper operation and maintenance of the sewerage system or disposability of the sewage sludge.

(6) The Director will review requests for Fundamentally Different Factors variances and shall either deny them or concur with them and submit the concurrence to the United States Environmental Protection Agency for approval, as provided in federal regulations.

WL0819.A

Title revised 3/4/80

APPENDIX B

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

In the Matter of the Adoption of an)
Addition to the Water Quality) STATEMENT OF NEED
Control Rules, OAR Chapter 340,)
Section 45-063)

The Environmental Quality Commission intends to adopt an additional section to the Water Quality Control Rules, OAR Chapter 340, Section 45-063.

- A. Legal Authority ORS 468.730 1973 Amendments
- B. Need for Rule.

The proposed rule is needed to establish policy regarding state implementation of a federally required industrial waste pretreatment program and to establish public participation procedures for the review of pretreatment programs prepared by publicly-owned treatment works.

- C. Documents relied upon.

- 1. Federal Clean Water Act, Public Law 95-466
- 2. 40 CFR Part 403 - General Pretreatment Regulations for Existing and New Sources of Pollution.
- 3. Oregon Department of Environmental Quality Pretreatment Program Submittal dated September 6, 1979.

WS0987

APPENDIX C

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

In the Matter of the Adoption of an)
Addition to the Water Quality) FISCAL IMPACT STATEMENT
Control Rules, OAR Chapter 340,)
Section 45-063)

The Environmental Quality Commission intends to adopt an additional section to the Water Quality Control Rules, OAR Chapter 340, Section 45-063.

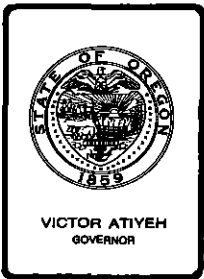
Agency costs in implementing the rule will include staff review of pretreatment programs submitted by publicly owned treatment works, review of federal pretreatment standards and other review functions mandated by federal regulations. In addition, some time will be spent assisting communities in developing and implementing their pretreatment programs. This will be accomplished within existing budget. It is estimated that it will take 1/4 FTE with some increases from time to time.

Those communities and sanitary districts which have industrial users will be required to establish and enforce industrial waste pretreatment programs. This can have a fiscal impact on the communities during development, but most of the fiscal impact of implementation can be shifted to the industrial users. Some federal grants are available. Depending on how extensive a pretreatment program already exists in a community, the costs to implement the federal program could be minimal or could be several thousands of dollars.

Those industrial users of publicly-owned treatment works will be required to provide the necessary equipment to adequately pretreat their industrial waste so that it does not upset or overload the publicly-owned treatment works. Depending on what pretreatment already exists, this will have a fiscal impact on the industries which are required to improve their pretreatment capability. This fiscal impact will undoubtedly be passed on to the consumer. For those industries already adequately providing pretreatment, the costs under the new program would be slight. Costs could range to hundreds of thousands of dollars if they have not made efforts in the past to provide pretreatment.

There will be an ultimate benefit to the community if the pretreatment program prevents overloading or upsetting of sewage treatment facilities.

WS0987.A



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

 * NOTICE OF PUBLIC HEARING *
 *

Distributed: 3/24/80
 Hearing: 4/24/80

A CHANCE TO BE HEARD ABOUT ADDITIONS TO WATER POLLUTION CONTROL RULES

The Department of Environmental Quality is proposing to add a section on Industrial Waste Pretreatment to the Water Pollution Control Rules. The proposed rules are necessary in order for the Department to implement a pretreatment program mandated by federal regulations.

What is DEQ Proposing?

Interested parties should request a copy of the proposed rules. The major aspects of the proposed rules are 1) Department procedures for approving pretreatment programs submitted by Oregon Communities, including opportunity for public hearings, 2) Department procedures for reviewing requests from publicly owned treatment works for industrial waste removal credits, 3) Department procedures for resolving industrial category questions, 4) establishing the owners of sewage treatment systems as ultimately responsible for enforcing federal pretreatment standards and 5) Department procedures for reviewing requests for Fundamentally Different Factors variances as authorized by federal regulations.

Who is Affected by this Proposal?

Those affected by these rules are those communities and sanitary districts which have sewage treatment plants receiving industrial wastes. Industries discharging industrial wastes to publicly-owned sewage treatment works are also affected.

How to Provide Your Information:

Written comments should be sent to the Department of Environmental Quality, Water Quality Division, Box 1760, Portland, Oregon, 97207, and should be received by April 24, 1980. Oral and written comments may be offered at the following public hearing:

City: Portland
 Time: 1:00 p.m.
 Date: April 24, 1980
 Location: 522 Southwest Fifth Avenue, Room 511



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Where to Obtain Additional Information:

Copies of rules or other information may be obtained from Charles K. Ashbaker, Department of Environmental Quality, Water Quality Division, 522 Southwest Fifth Avenue, Box 1760, Portland, Oregon, 97207, (503) 229-5325.

Legal References for This Proposal:

This proposal adds a new section (OAR 340-45-063) in Water Quality Rules and is authorized under ORS 468.730. The rules are written to satisfy federal pretreatment requirements found in 40 CFR 403.

Need for Rule:

The proposed rule is needed in order to establish Department policy and public participation procedures in implementing the federal industrial waste pretreatment requirements.

Fiscal Impact:

The federal pretreatment rules, which make this Department rule necessary, will impact all communities and sanitary districts which operate sewage treatment systems receiving industrial waste water. They will also impact industries who are discharging to public sewerage systems and the Department of Environmental Quality, which must implement the program.

Further Proceedings:

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

OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY PRETREATMENT PROGRAM

September 6, 1979

PROGRAM DESCRIPTION

The Department agrees with the objectives of the pretreatment regulation as found in Section 403.2. A pretreatment program will be conducted within the scope needed to address the pretreatment problems unique in Oregon.

The thrust of Oregon's pretreatment program will be administered through the Publicly Owned Treatment Works (POTW). The first step is to determine which POTWs must have a pretreatment program.

This is being done by requesting each POTW over 5 mgd to inventory all industries connected to their sewerage system. Those who receive waste waters from industries for which categorical standards are being promulgated will be required to have a pretreatment program. An additional check will be made by consulting the latest Directory of Oregon Manufacturers. The Environmental Protection Agency's model industrial waste questionnaires will be made available where technical assistance is requested or we feel it is necessary.

Those POTWs over 5 mgd which are experiencing problems with industrial waste from industries subject to the prohibited discharge standards will be required to implement a pretreatment program regardless of whether or not categorical standards have been promulgated for the types of industries involved.

Those POTWs of 5 mgd or less will be evaluated on a case-by-case basis as to whether or not industrial users are causing violations of POTW effluent limitations, indirectly affecting water quality, or are affecting sewage treatment plant operation, or sludge disposability. If industrial waste pretreatment is necessary, the POTW will be required to develop a pretreatment program. These POTWs will also be required to inform the

affected industrial users of, and to enforce the prohibited discharge and categorical standards. The Department will implement these pretreatment requirements through the POTWs' National Pollution Discharge Elimination System (NPDES) Permit.

The Department will make an initial decision on the basis of the POTW industrial waste inventories and information provided in the Directory of Oregon Manufacturers as to which POTWs will be required to develop pretreatment programs.

Once the Department has made the initial determination as to which POTWs need a pretreatment program, time schedules will be negotiated with those POTWs for submittal of approvable programs. The submittals will be required to be developed and submitted as early as possible but in sufficient time to receive approval no later than three years beyond the date the NPDES permits are modified or renewed, but in no case beyond July 1, 1983.

Compliance schedules will be incorporated into permits using the following procedures:

1. If the permit expiration date is more than 12 months away, the permit will be modified by adding the time schedule.
2. If the permit expires in less than one year, the POTW will be notified of the intent to add the schedule in the permit at the time it is renewed.

The Department will provide the POTWs technical and legal assistance as necessary to assist them in submitting an approvable program. Section 403.8 and Section 403.9 will be used to evaluate the programs submitted by the POTWs. Once the POTW has submitted an approvable program, the essential elements for its implementation will be added to their permit as necessary. This will give opportunity for public participation.

All industrial user monitoring and enforcement will be conducted by the POTW with Department overview. Each POTW will be required to inform industrial users of categorical and prohibited discharge pretreatment standards and to enforce such standards. The POTWs will be encouraged to use a permit system for implementing their pretreatment program. At the present time, when industrial waste is suspected of interfering with treatment processes, the Department staff independently collects and analyzes samples to help determine whether or not the upset is industrial waste related and/or if a violation of the local sewer-use ordinance has occurred. This activity involves headquarters, regional, and laboratory staff time and will continue as needed in the pretreatment program. The Department has the authority to take enforcement action against a POTW which fails to take appropriate action against violating industrial users and will exercise that authority, if needed.

The Department will review requests for modification of categorical pretreatment standards to reflect removal of pollutants by the POTW. It will be the responsibility of the POTW to adequately document the amount of pollutant removed and that it does not adversely affect the disposability of sludge.

The Department will screen requests for variances from categorical pretreatment standards for fundamentally different factors. If the Department considers the variance justified, it will recommend such to EPA in accordance with Section 403.13.

RESOURCE CAPABILITY

Initial surveys indicate that the number of POTWs with design flow greater than 5.0 mgd requiring a pretreatment program will be about six or eight. As the categories are finalized for categorical standards, this number may vary. The number of POTWs will be identified as soon as possible. Most will be identified by January 1, 1980. A final list will not be possible until all categorical standards have been promulgated.

Because of the few POTWs apparently involved and the lack of documented problems associated with industrial users, Oregon's pretreatment program will be implemented by existing staff. Staffing is minimal but should be adequate to implement the program. A Senior Environmental Engineer in the Municipal Facilities Unit will have responsibility to implement the program. A Senior Environmental Engineer in the Industrial Facilities Unit will be used as a resource on industrial waste problems. Field staff in the five regional offices who deal with the NPDES permit program will be involved in pretreatment as it fits with their regular duties and priorities. Budget constraints will not allow any additional positions. The amount of staff time anticipated to be necessary in implementing the pretreatment program will be about 0.25 FTE or less from central office staff plus the amount of regional resources as necessary. More than the 0.25 FTE will be needed at the outset, and whatever additional time is required to get the programs established, will be provided.

The burden of pretreatment in Oregon will be put on the POTW. They will be required to implement the program. The NPDES permit will be the mechanism we will use to see it is implemented.

STATUTORY AUTHORITY

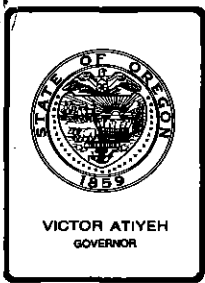
The state Attorney General's opinion indicates that the Department has adequate authority to implement the program. There are two areas where he recommends adding regulations:

1. To specify recording, reporting, and monitoring requirements, and;
2. To specify public participation procedures.

We will be evaluating these recommendations. A copy of the applicable state rules and statutes has been previously submitted.

CKA:l

WL4057.A



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. E , March 21, 1980, EQC Meeting

Request for Authorization to Conduct a Public Hearing
to Consider Changes to the Sulfite Pulp Mill Regulation
OAR 340-25-350 through 390

Background

The Sulfite Mill Regulation was adopted in 1971. It requires that small mills monitor ambient levels of sulfur dioxide. In addition, it requires that special studies be conducted and compliance schedules be completed. The Department has recently evaluated the accumulated ambient monitoring data and has concluded that continuation of the monitoring requirement is no longer necessary. Also, some provisions of the regulation have been completed and should be deleted. In addition, the emission testing methods need to be specified in the regulation. Therefore, the Department is seeking authorization to hold a public hearing to delete the ambient monitoring requirements for small mills and all items which are no longer applicable and to specify emission testing methods in the regulations.

Discussion

The Sulfite Pulp Mill Regulation has a special section which applies to mills having a production of less than 110 air-dried tons of pulp per day. This section exempts these mills from the emission limitations of the regulations if the mill maintains an eighty percent (80%) collection efficiency for sulfur dioxide and it continually monitors the ambient air to demonstrate compliance with state and federal ambient air standards. This section of the regulation was intended to spare the small mills the economic hardship of installing sophisticated control systems. The only facility subject to this section of the regulation is and has been the Crown Zellerbach mill in Lebanon.

Determination of compliance with the eighty percent (80%) control efficiency limit is done in accordance with a Department approved program as required by the regulation. The Crown Zellerbach permit requires that



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the sulfur dioxide emission sources be source tested twice per year. These tests have indicated that SO₂ emissions have been reduced since the regulation was initially adopted.

Crown Zellerbach had used the mill manager's residence as an ambient air monitoring site. However, they sold the residence and proposed that they locate the monitor at a new site. The Department in its review of this site determined that Crown Zellerbach was not using a monitor that employs one of the current EPA reference methods.

The monitoring that has been done by Crown Zellerbach indicates that the levels of SO₂ are low in the Lebanon area. The maximum levels of sulfur dioxide have been less than 0.5 part per million (ppm) which is the Department's three hour ambient standard since about 1974 when Crown Zellerbach achieved eighty percent control efficiency. The daily average has been less than 0.1 ppm of sulfur dioxide which is the Department's daily ambient standard. In addition, the Department has not received any odor complaints regarding Crown Zellerbach emissions.

The Department determined that if Crown Zellerbach were to continue ambient monitoring, the monitor would have to be replaced with one which employed a reference method. It is estimated that this would cost approximately \$10,000. The annual cost of operating this monitor would be approximately \$15,000.

Ambient air monitoring gives the source very little indication of the emission levels of the plant. The levels obtained by the monitor are affected by the weather and other sources. Source testing, on the otherhand, gives a direct indication of emissions and can be used to maximize control of emissions. Therefore, the Department now feels that source testing the digesters more frequently in lieu of ambient monitoring with a non-reference method will provide better information for control program purposes.

EPA is currently requiring that the emission testing/monitoring methods be specified in regulations. Also, several items in the Sulfite Pulp Mill Regulation have been completed. The proposed modifications address these items by specifying the test methods and deleting the items which have been completed and are no longer applicable.

ORS 468.020 authorizes the Commission to adopt rules as it considers necessary and proper in performing the functions vested in it by law.

Alternatives and Evaluation

There are two alternatives that exist to solve the problem of monitoring the ambient air in the vicinity of Crown Zellerbach Lebanon mill. The first is to not change the Sulfite Pulp Mill Regulation and require that Crown Zellerbach purchase and operate a reference method ambient monitor. The second alternative is to modify the Sulfite Pulp Mill Regulation to eliminate the ambient monitoring requirement for the small mills.

The first alternative would require that Crown Zellerbach expend \$10,000 to purchase an air monitor. Additional money would have to be spent annually to operate and maintain this monitor. It is the Department's opinion that a more effective use of this money could be made by having the company do more source tests.

The second alternative would allow Crown Zellerbach to stop monitoring ambient sulfur dioxide levels. The Department would modify the approved source testing program by increasing the source testing frequency from biannual to quarterly. This information could be used by the company to minimize emissions and establish a better data base.

The Department proposes to modify the Sulfite Pulp Mill Regulation by deleting the ambient sulfur dioxide monitoring for sulfite mills with less than 110 tons of air-dried pulp production per day. The Willamette Valley Regional office has reviewed the file for complaints and other pertinent information and concurs with this change. Also, the Department proposes to delete items in the regulation that are no longer applicable. In addition, compliance determination methods would be specified as required by EPA. A public hearing, preceded by public notice of the hearing, is necessary to make these modifications.

Specifically the Department proposes to make the following changes:

Definition 340-25-350	No change
State of Purpose 340-25-355	No change
Minimum Emission stds. 340-25-360	Amend the subsection C to require an 80 percent collection efficiency
Compliance Schedule 340-25-365	Delete this section as no longer applicable
Monitoring & Reporting 340-25-370	Amend this section to require approved source test procedures and establish Source Test Method 6 of the Department as the compliance determination method unless alternatives are approved in writing.
Special Studies 340-25-375	Delete
Exceptions 340-25-380	No change
Public Hearing 340-25-385	Delete as no longer applicable
Notice of Construction 340-25-390	Delete as no longer applicable. Modifications would be required to be submitted by existing NC & Permit Rules

Summation

1. The Crown Zellerbach mill in Lebanon is required by the Sulfite Pulp Mill Regulation to monitor ambient sulfur dioxide levels. The monitor that they have been using is not a reference method monitor.
2. Crown Zellerbach would have to purchase a new monitor at a cost of \$10,000 if they were required to continue monitoring ambient sulfur dioxide levels.
3. There is no known sulfur dioxide problem in the Lebanon area.
4. By increasing the source monitoring frequency to quarterly and eliminating the ambient monitoring, emissions from the mill could be minimized and thereby reduce ambient sulfur dioxide levels.
5. The Department has concluded that the Sulfite Pulp Mill Regulation should be modified to eliminate the ambient monitoring requirement for the Crown Zellerbach mill. Also, the Department would delete items which are no longer applicable and add compliance determination methods as required by EPA. Therefore, a public hearing is required to receive testimony on the proposed changes.

Director's Recommendation

Based on the Summation, it is recommended that the Commission authorize a public hearing to take testimony on the proposed changes to the Sulfite Pulp Mill Regulation, OAR 340-25-350 through 390.

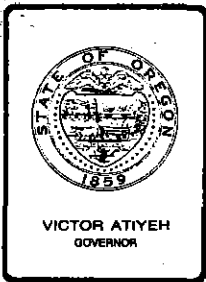


William H. Young

Attachments: Draft Statement of Need for Rulemaking
Draft Hearings Notice
Draft Rule (OAR 340-25-350 through 390)

F. A. Skirvin:l
229-6414
February 20, 1980

AL0772.B



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

Prepared: Jan. 24, 1980

Hearing Date: April 21, 1980

NOTICE OF PUBLIC HEARING

A CHANCE TO BE HEARD ABOUT:

Proposed Amendment of Sulfite Pulp Mill Regulation

The Department of Environmental Quality is proposing to amend the Sulfite Pulp Mill Regulation by deleting archaic language and the ambient sulfur dioxide monitoring requirements for mills which produce less than 110 tons of air-dried pulp per day and specifying emission test methods. A hearing on this matter will be held in Portland on April 21, 1980. 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:

- ** The proposed amendment deletes the requirement for small sulfite mills to monitor ambient sulfur dioxide levels.
- ** The regulation would also be updated, by eliminating sections which are no longer applicable and specify emission testing methods.

WHO IS AFFECTED BY THIS PROPOSAL:

The only facility which would be affected is the Crown Zellerbach mill in Lebanon. They would be required to measure stack emissions more frequently in lieu of monitoring ambient air sulfur dioxide levels.

HOW TO PROVIDE YOUR INFORMATION:

Written comments should be sent to the Department of Environmental Quality, Air Quality Division, Box 1760, Portland, Oregon 97207, and should be received by April 21, 1980.



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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	10 a.m.	April 21, 1980	Department of Environmental Quality, Room 511 522 Southwest 5th Avenue Portland, Oregon 97204

WHERE TO OBTAIN ADDITIONAL INFORMATION:

Copies of the proposed rules may be obtained from:

Charles R. Clinton
DEQ Air Quality Division
Box 1760
Portland, Oregon 97207
Phone: 229-6955

LEGAL REFERENCES FOR THIS PROPOSAL:

This proposal amends OAR 340-25-350 through 390.
It is proposed under authority of ORS 468.020.

This proposal does not affect land use as defined in the Department's coordination program with the Department of Land Conservation and Development.

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 May as part of the agenda of a regularly scheduled Commission meeting.

A Statement of Need and Fiscal Impact Statement are attached to this notice.

AL0772

STATEMENT OF NEED FOR RULEMAKING

Pursuant to ORS 183.335(2), this statement provides information on the intended action to amend a rule.

Legal Authority

ORS 468.020 authorizes the Commission to adopt rules as it considers necessary and proper in performing the functions vested in it by law.

Need for the Rule

The proposed amendment would eliminate monitoring that is required because the Department does not use the data.

Principal Documents Relied Upon

The principal documents relied on were the monitoring data reports from the Crown Zellerbach mill in Lebanon which are on file at the DEQ.

Fiscal Impact Statement

The only economic effect that this proposed amendment would have is to save the Crown Zellerbach mill in Lebanon approximately \$10,000 in capital costs and \$15,000 in annual operating costs. Since no additional or new requirements are being considered, the other sulfite mills in Oregon will not incur any economic impact.

AL0772.A

OREGON ADMINISTRATIVE RULES
CHAPTER 340 - DEPARTMENT OF ENVIRONMENTAL QUALITY

Regulations for Sulfite Pulp Mills

Definitions

340-25-350 (1) "Acid Plant" - The facility in which the cooking liquor is either manufactured or fortified when not associated with a recovery furnace.

(2) "Average Daily Emission" - Total weight of sulfur oxides emitted in each month divided by the number of days of production that month.

(3) "Average Daily Production" - Air dry tons of unbleached pulp produced in a month, divided by the number of days of production in that month.

(4) "Blow System" - Includes the storage chest, tank or pit to which the digester pulp is discharged following the cook.

(5) "Continual Monitoring" - Sampling and analysis in a continuous or times sequence, using techniques which will adequately reflect actual emission levels, ambient air levels, or concentrations on a continuous basis.

(6) "Department" - The Department of Environmental Quality.

(7) "Other Sources" - Means sources of sulfur oxide emissions including but not limited to washers, washer filtrate tanks, digester dilution tanks, knotters, multiple effect evaporators, storage tanks, any operation connected with the handling of condensate liquids or storage of condensate liquids, and any vent or stack which may be a significant contributor of sulfur oxide gases other than those mentioned in emission standard limitations (section 340-25-360).

(8) "Particulate Matter" - A small discrete mass of solid matter, including the solids dissolved or suspended in liquid droplets but not including uncombined water.

(9) "Recovery System" - The process by which all or part of the cooking chemicals may be recovered, and cooking liquor regenerated from spent cooking liquor, including evaporation, combustion, dissolved, fortification, and storage facilities associated with the recovery cycle

(10) "Sulfite Mill" or "Mill" - A pulp mill producing cellulose pulp using a cooking liquor consisting of sulfurous acid and/or a bisulfite salt.

(11) "Sulfur Oxides" - Sulfur dioxide, sulfur trioxide and other sulfur oxides.

(12) "Total Reduced Sulfur (TRS)" - Hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide and other organic sulfides present.

Statutory Authority:

Hist: Filed 11-23-71 as DEQ 32, Eff. 12-15-71

Note: [] Indicates deleted language
 Indicates new language

Statement of Purpose

340-25-355 It is the policy of the Commission:

(1) To require, in accordance with a specific program and timetable for each operating mill, the highest and best practicable treatment and control of emissions from sulfite mills through the utilization of technically feasible equipment, devices and procedures;

(2) To require the evaluation of improved and effective measuring techniques for sulfur oxides, total reduced sulfur, particulates and other emissions from sulfite mills;

(3) To require effective measuring and reporting of emissions and reporting of other data pertinent to emissions. The Department will use these data in conjunction with ambient air data and observation of conditions in the surrounding area to develop and revise emission standards and air quality standards, and to determine compliance therewith;

(4) To encourage and assist the sulfite pulping industry to conduct a research and technological development program designed to progressively reduce sulfite mill emissions, in accordance with a definite program with specific objectives;

(5) To establish standards deemed to be technically feasible, reasonably attainable, and necessary for the attaining of satisfactory air quality with the intent of revising the standards as new information and better technology are developed.

Statutory Authority:

Hist: Filed 11-23-71 as DEQ 32, Eff. 12-15-71

Minimum Emission Standards

340-25-360 (1) Notwithstanding the specific emission limits set forth in this section, the Department of Environmental Quality may, after notice and hearing, establish more restrictive emission limits and compliance schedules for mills located in recognized problem areas, for new mills, for mills expanding existing facilities, for mills installing substantial modifications of existing facilities which result in increased emissions; or for mills in areas where it is shown ambient air standards are exceeded.

(2) The total average daily emissions from a sulfite pulp mill shall not exceed 20 pounds of sulfur dioxide per ton of air dried unbleached pulp produced and in addition:

(a) the blow system emissions shall not exceed 0.2 pounds of sulfur dioxide per minute per ton of unbleached pulp (charged to digester) on a 15 minute average.

(b) Emissions from the recovery system, acid plant and other sources, shall not exceed 800 ppm of sulfur dioxide as an hourly average.

Note: [] Indicates deleted language
 — Indicates new language

(3) Mills of less than 110 ton of air dried unbleached pulp per day may be exempted from the limitations of subsection (2) above provided[:]

[(a) That the schedule of compliance required by section 340-25-365 demonstrates that a minimum of 50% collection efficiency will be maintained and that compliance will be achieved within 1 year.

(b) That the schedule of compliance required by section 340-25-365 demonstrates that a minimum of 80% collection efficiency for SO₂ will be maintained and compliance will be achieved no later than December 31, 1975.

(c) That an approved program continually monitors ambient air to demonstrate compliance with State and Federal ambient air standards, and that a five (5) minute concentration of 0.8 ppm of sulfur dioxide is not exceeded:] that a minimum of 80% collection efficiency for sulphur dioxide (SO₂) is maintained.

(4) The total emission of particulate matter from the recovery furnace stacks shall not exceed four (4) ;pounds per air dried ton of unbleached pulp produced.

Statutory Authority:

Hist: Filed 11-23-71 as DEQ 32, Eff. 12-15-71

[Compliance Schedule

340-25-365 Each mill shall proceed promptly with a program to bring all sources into compliance with this regulation, but in no instance shall the compliance be achieved later than July 1, 1974 (except as provided in 340-25-360(3)(b)). A proposed schedule of compliance with this regulation shall be submitted within one hundred and twenty (120) days following the adoption of this regulation, or as otherwise determined by the Environmental Quality Commission. After receipt of the proposed schedule the Department shall adopt an approved compliance schedule. The proposed schedule shall include:

(1) A description of the program to determine the sulfur dioxide emissions from all sources.

(2) The dates when specific steps of the program will be completed, including but not limited to:

(a) Engineering study

(b) Purchase of equipment

(c) Erection of equipment

(d) Equipment placed in normal operation (full compliance with regulation)

(3) A description of each step in the program, including but not limited to:

(a) Engineering studies including alternative control procedures to be considered and a comprehensive time schedule for their evaluation.

Note: [] Indicates deleted language
 Indicates new language

- (b) Performance characteristics and estimated efficiencies of control devices.
 - (c) Justification for the time schedule requested.
 - (d) Reduction in emissions resulting from each completed step.
- The approval of a compliance schedule by the Department shall be based upon a showing that the mill is proceeding with all due speed to meet all requirements of this regulation.]

Statutory Authority:

Hist: Files 11-23-71 as DEQ 32, Eff. 12-15-71

Monitoring and Reporting

340-25-370 (1) Each mill shall maintain a Department approved [submit within sixty (60) days of the date of adoption, a] detailed sampling and testing program . [and time schedule for approval by the Department.]

(2) The monitoring equipment shall be capable of determining compliance with the emission limits established by these regulations, and shall be capable of continual sampling and recording of concentrations of sulfur dioxide contaminants from the recovery system. Unless otherwise approved in writing, compliance shall be determined by Source Test Method Six (6) which is contained in the Department files as part of the Source Sampling Manual.

(3) Each mill shall sample the recovery system, blow system, and acid plant for sulfur dioxide emissions on a regularly scheduled basis.

(4) Each mill shall sample the recovery furnace stacks for particulate on a regularly scheduled basis. Unless otherwise approved in writing, compliance shall be determined by Source Test Method Five (5) (front half only) which is contained in the Department files as part of the Source Sampling Manual.

(5) Unless otherwise authorized, data shall be reported by each mill at the end of each calendar month as follows:

(a) Average daily emissions of sulfur dioxides expressed as pounds of sulfur dioxide per ton of pulp produced from the blow system, recovery system, and acid plant.

(b) The daily average and peak concentrations of sulfur dioxides expressed in pounds per hour and expressed in ppm of sulfur dioxide and the number of hours each day that the concentration exceeds 500 ppm.

(c) The average daily production of unbleached pulp and the maximum daily production

[(d)Mills operation under the provisions of section 340-25-360(3) shall report the results of their ambient monitoring monthly.]

Note: [] Indicates deleted language
 — Indicates new language

(6) Each mill shall furnish upon request of the Department, such other pertinent data as the Department may require to evaluate the mill's emission control program. Unless otherwise prescribed, each mill shall report immediately to the Department abnormal mill operations which adversely affect the emission of air contaminants.

(7) All measurements shall be made in accordance with techniques approved by the Department. [Interim procedures may be approved for use prior to completion of the studies required by section 340-25-375.]

Statutory Authority:

Hist: Filed 11-23-71 as DEQ 32, Eff. 12-15-71

[Special Studies

340-25-375 Special studies of the nature described below and having prior approval of the Department shall be conducted at each mill or through cooperation among mills. The proposed program and timetable shall be submitted to the Department within 90 days of adoption of this regulations.

(1) Develop and recommend satisfactory measuring technique for particulates from recovery furnace stacks.

(2) Evaluate and report the emission and control methods of sulfur dioxide from other sources within the mill.

(3) Evaluate and report the emission of sulfur trioxide from recovery furnace and acid plants.

(4) Evaluate as required by local conditions emissions of TRS.

(5) Develop and recommend satisfactory continual monitoring techniques for SO₂ emissions from recovery systems and blow pit vents.

(6) Bleach plant contaminant emissions shall be measured and reported to the Department within one year of the effective date of this regulation. The report shall include a description of the processes and chemicals used, and shall report the emissions in terms of total emission flow rate, concentration, and mass emission rates, including but not necessarily limited to chlorine- and sulfur-containing gases.]

Statutory Authority:

Hist: Filed 11-23-71 as DEQ 32, Eff. 12-15-71

Exceptions

340-25-380 These regulations do not apply to open burning or power boiler operations conducted at sulfite pulp mills unless such boilers are an integral part of the sulfite process or recovery system.

Statutory Authority:

Hist: Filed 11-23-71 as DEQ 32, Eff 12-15-71

Note: [] Indicates deleted language
 Indicates new language

[Public Hearing

340-25-385 A public hearing may be held by the Department not later than December 31, 1973, in order to review current technology and adequacy of these regulations.]

Statutory Authority:

Hist: Filed 11-23-71 as DEQ 32, Eff. 12-15-71

[Notice of Construction and Submission of Plans and Specifications

340-25-390 (1) Prior to the construction, installation, or establishment of a sulfite mill, a notice of construction shall be submitted to the Department as required by OAR 340, sections 340-20-020 and 340-20-030.

(2) Addition to, or enlargement, or placement of a sulfite mill or any major alternation therein shall be constructed as construction, installation, or establishment]

Statutory Authority:

Hist: Filed 11-23-71 as DEQ 32, Eff. 12-15-71

AL0772.C

Note: [] Indicates deleted language
 ___ Indicates new language



Environmental Quality Commission

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

MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item H, March 21, 1980, EQC Meeting

Proposed Adoption of Amendments to Noise Control Regulations
for the Sale of New Automobiles and Light Trucks, OAR 340-35-025.

Background

Oregon Revised Statutes chapter 467 directs the Environmental Quality Commission to establish maximum permissible levels of noise emissions for categories of motor vehicles. On July 19, 1974 noise emission standards were adopted for the sale of new automobiles and light trucks (light duty vehicles). These standards were initially established at a maximum allowable level of 83 decibels for the 1975 model year, reduced to 80 decibels for 1976 models, with a final limit of 75 decibels for 1979 and subsequent models.

In 1976 and again in 1978, the Commission was petitioned by General Motors Corporation (GMC) to rescind the 75 decibel standard. The 1976 petition resulted in a two-year delay in the 75 decibel standard and the 1978 petition resulted in an additional one-year delay. Therefore, the present 75 decibel implementation schedule is for 1982 models.

Recently the Department received letters from GMC and Ford Motor Company outlining concerns over the 75 decibel standard. These concerns were brought to the Commission at its November 16, 1979 meeting with the recommendation that a public hearing be held to consider various rule amendment options.

Industry concerns with the 75 decibel standard included the issues of testing procedures, environmental benefits, potential Federal regulation, fuel economy, exhaust gas emissions and safety standards.

The test procedure used under Oregon rules is based on the Society of Automotive Engineers (SAE) J 986a procedure. This procedure, sometimes referred to as the "wide open throttle" (WOT) procedure, requires the vehicle to be tested under full-throttle conditions at approximately 30 to 40 miles per hour with the transmission in a lower gear range. This operation is not a typical mode of operation for most light vehicles. However, the procedure is widely used in the U.S. and does provide accurate and repeatable results.



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The Federal Environmental Protection Agency (EPA) has the authority to adopt nationally preemptive new product standards for light duty vehicles. EPA believes the WOT test procedure is deficient as it does not represent a typical mode of operation for these vehicles. In addition, EPA finds that vehicles that have equal noise emissions under the WOT procedure do not necessarily contribute equally to community noise.

Although EPA and GMC are developing alternative test procedures to the WOT test, no new procedure has yet been developed that is acceptable to most national or foreign manufacturers.

The other major issue in this matter is the question of environmental benefit. Both GMC and Ford have claimed that implementation of the 75 decibel standard would reduce community noise levels less than one decibel. Thus, the efforts of the regulation would be imperceptible to the general public. EPA studies, however, have consistently shown light vehicles to be significant contributors to the urban noise environment. Therefore, EPA is continuing to evaluate the effects of new product controls for light duty vehicles.

EPA's major effort in this matter has been its attempt to develop and gain approval of a non-wide open throttle (part-throttle) test procedure. In June 1977, EPA met with industry and others to discuss a proposed part-throttle test procedure. In October 1978, EPA asked for comments on the proposal. As a result of the EPA proposal, GMC developed and submitted their alternative test procedure. In May 1979, EPA published notice in the Federal Register of the EPA and GMC test procedures for comment. Comments are still being received on these two proposed test procedures.

EPA options in this area of noise control include the following:

- a) Decide light duty vehicles are not a "major noise source found in commerce" and leave rulemaking to state and local jurisdictions if needed.
- b) Adopt a Federal noise emission test procedure.
- c) Require labeling of light duty vehicles with noise emission data to facilitate State and local rules and assist the public to make informed decisions while purchasing new vehicles.
- d) Establish noise emission regulations for light duty vehicles with associated test procedures and implementation schedules.

EPA has made no decision to establish light duty vehicle noise emission standards; however, if a positive decision is made, it is highly unlikely that such regulations would be proposed earlier than 1983, and would not become effective earlier than 1985. It is conceivable that these dates could slip two to three years based on past EPA regulatory actions.

Although neither GMC nor Ford filed a petition for a rule amendment that would provide relief from the 75 decibel standard, both concluded that non-complying models would be withheld from the Oregon market. GMC stated it would not design vehicles to meet the 75 decibel limit and estimated 58 percent of the GMC passenger cars and 72 percent of the light trucks would not be saleable. Ford noted the potential for withholding 60-65 percent of its automobiles and 80-85 percent of its light trucks and asked for thoughtful and careful consideration of its request for administrative relief.

The following rule amendment options were the subject of a public hearing held in Portland January 8, 1980.

Option 1 would retain the present schedule to implement the 75 decibel standard in model year 1982.

Option 2 would rescind the 75 decibel limit and retain the present 80 decibel limit for future model years.

Option 3 would provide an additional two years to meet the 75 decibel limit; therefore, the effective date would be amended to 1984 and subsequent models.

Option 4 would retain the present 80 decibel limit and rescind the 75 decibel limit. However, it would also place a limit on any increase to each corporation's average noise emissions over the base year of 1980.

Option 5 would retain the 80 decibel limit and rescind the 75 decibel limit; however, after Federal test procedures are adopted, noise emission data must be submitted for evaluation. After two years of data evaluation, the Department would make recommendations to the Commission on the adequacy of the procedure and the necessity of further rule amendments to incorporate the Federal test procedure.

The legal authority for rulemaking, the need for rules and a list of principal documents relied upon in this rulemaking, are contained in the Statement of Need for Rulemaking as attached to this report.

Alternatives and Evaluation

Testimony was presented on the five proposed alternatives to amend the present rule. Some testimony provided comments on each of the alternatives and supported a desired option.

Option 1, the "no change" alternative was not found acceptable by any industry representative. The City of Portland's Transportation Planner supported the present rule as the City has made several major transportation decisions based on the 1982 schedule to achieve the 75 decibel limit. Therefore, they believe any relaxation of the standards would weaken the overall effort to reduce transportation noise, and would work against the City's efforts to improve the urban environment.

Although EPA testimony did not discuss the five options, they supported the State effort to establish standards needed to protect the public health and welfare without regard to the potential effect of as yet undeveloped Federal rules which may or may not be issued some time in the future.

Most industry representatives supported Option 2, which would rescind the 75 decibel limit and retain a standard of 80 decibels. Generally, this is the most desirable option for industry, and would resolve their concerns. Industry submitted additional analysis to strengthen their position on limited environmental benefits.

Two industry-submitted analyses calculated the average noise impacts under the 80 and 75 decibel standards over a lengthy roadway segment. One analysis assumed vehicles hold a constant 35 mile per hour speed. The second analysis determined

the average noise over a one-half mile road segment due to a short period of acceleration (10 seconds) with the remainder (50 seconds) at constant speed (35 mph) and deceleration. A staff analysis evaluated traffic noise at a busy urban intersection which therefore included periods of various traffic conditions and their impact at a single location (a residence). This analysis is contrasted with those conducted by industry in that impacts at noise sensitive property are evaluated rather than the averaged impact over the length of a street segment at some arbitrary distance from the road.

The GMC analysis evaluated a scenario in which the overall noise energy was calculated over a period of acceleration up to 35 miles per hour (mph), then a period of steady speed cruise with a final segment of deceleration to stop. As very little engine and drive-train noise is measured at 35 mph, due to tire noise dominance at this speed, the reduction of engine and drive-train noise to meet the 75 decibel standard showed little benefit to such a scenario.

Another industry-sponsored analysis conducted by Battelle Columbus Laboratories for the Motor Vehicle Manufacturers Association, used a scenario similar to that evaluated by GMC. However, this analysis assumed the vehicles traveled at a constant 35 mph without acceleration or deceleration periods. Therefore, again due to tire noise dominance, this analysis showed little environmental benefit from the 75 decibel control strategy.

The staff analysis, rather than evaluating noise reduction along the entire length of the analytical road segment, evaluated the noise reduction of a fixed point, a residence, near the intersection of two major arterial streets. This scenario is representative of the intersection of East Burnside and 39th Avenue in Portland. Stop and go signals provided for both constant speed, acceleration and deceleration of vehicles. Such a scenario is appropriate to determine impact at residences located on collector and arterial streets in urban areas. Thus, staff believes such a scenario is justified. This analysis first evaluated a condition of assuming only new light duty vehicles were flowing through the intersection. Although these vehicles are designed not to exceed a maximum limit of 80 decibels, the fleet average is much less than the limit and is actually about 74.5 decibels. Next, the analysis evaluated the vehicle fleet under the 75 decibel limit. In this case, the fleet average is estimated at 71.5 decibels. Therefore, although the regulated limit decreases 5 decibels (80 to 75 decibels) the estimated average reduction was only 3 decibels (74.5 - 71.5 decibels).

Although this analysis showed an ambient noise reduction of only 1.5 decibels after implementing the 75 decibel standard, the major results are found in examining the absolute impacts to residences. When assuming only new (80 decibel limit) light duty vehicles are flowing through the intersection, the average day-night noise level (Ldn) is 70 decibels; far exceeding the desired criteria of Ldn 55 decibels. After imposing the 75 decibel emission standards on this vehicle fleet, the ambient level dropped to Ldn 68.5 decibels. Although the reduction is not dramatic, any reduction in such a highly exposed location is justifiable.

Option 3, which would delay the 75 decibel implementation date by two years, was not favored during testimony. However, several manufacturers, including American Motors Corporation and Fuji Heavy Industries (Subaru), indicated additional lead-time was needed to meet the 75 decibel limit. Renault USA picked this option as a second choice after Option 2 (deletion of the 75 decibel standard). Comments in opposition to this option pointed out that it does not provide an ultimate solution for the manufacturers.

Option 4 offered a limit to increases of the average noise emission level for each manufacturer. Although the present standard limits emissions to 80 decibels, the current light duty vehicle fleet average is approximately 74.5 decibels. Staff is concerned that this average will increase toward the 80 decibel limit in the future. The increased sales of diesels, and 4-cylinder gas-powered vehicles, under the 80 decibel standard, may result in the overall average increasing to approach the 80 decibel limit. An increase of over 5 decibels in the fleet average would result without additional controls. This option could hold-the-line on the present new vehicle fleet.

Most manufacturers opposed Option 4 as being too complex to administer and potentially being challenged as discriminatory. Presently, most large manufacturers such as GMC and Ford probably have corporate average levels near the overall average of 74.5 decibels. However, some foreign and smaller manufacturers have average levels that greatly exceed the overall 74.5 decibels average. (Alfa Romeo - 79.7 decibels, British Leyland - 77.5 decibels, Fiat - 77 decibels.) Therefore, a single average standard for all manufacturers could not be justified.

Additional issues raised regarding Option 4 were the anticipated effort that industry must expend to determine noise emission levels of the entire fleet. Present philosophy is to concentrate testing on what are judged to be "worst case" vehicles so that compliance with the maximum limit is assured. American Motors estimated their testing effort would increase 300 percent to meet this proposal and labeled this type of regulation as "counter-productive to national interests and priorities." One smaller foreign manufacturer (Subaru) supported this option as being "currently the most realistic solution."

Option 5 was offered as a method to provide relief to the manufacturers until a nationally accepted test procedure is developed that provides results correlatable to community noise levels. This proposal would therefore rescind the 75 decibel standard and require the Department to evaluate additional controls after adoption of a Federal test procedure.

It appears that this proposal would be acceptable to industry, however, most are very concerned that a new test procedure may be adopted prematurely. GMC noted that at this time, there is not a consensus on an acceptable "new procedure" and does not expect the Federal EPA to adopt such a procedure in the near future. Ford is also concerned with the adoption of a Federal test procedure. Ford finds the proposed EPA procedure to be unacceptable as it has documented problems with test-to-test repeatability and vehicle-to-vehicle variability as well as procedure complexity and excessive testing time.

Staff recognizes the need for a new test procedure and is confident that any nationally approved procedure would ultimately be accepted by industry. The Federal EPA does not appear to be confident when a new procedure may be approved, albeit EPA published a proposed procedure in May 1979 for comment. However, EPA stated in testimony that "final action" on the test procedure is likely to take place late in 1980. Staff encourages EPA to meet this commitment.

The European Common Market motor vehicle manufacturers are also attempting to develop a new test procedure. EPA has been actively communicating with the Europeans with the goal of developing a mutually acceptable test procedure. U.S. manufacturers are also interested in an international procedure in order to ease their sales efforts in foreign markets.

As noted above, GMC has also developed a new test procedure that EPA included in the May 1979 Federal Register publication for comment. It is therefore possible that GMC or perhaps the U.S. Society of Automotive Engineers (SAE) may approve a new, nationally acceptable test procedure prior to any Federal adoption. If and when such a new procedure is developed, either industry accepted or Federally approved, Oregon regulations should be reevaluated in terms of such procedure.

Another issue within the Option 5 proposal is the requirement to submit noise emission data on all vehicle models after the adoption of the Federal test procedure. As much of the industry currently only tests "worst case" vehicles within categories, this requirement could add an excessive testing burden on the manufacturers. Therefore, industry was opposed to this requirement within Option 5.

Discussion

The Department has recently received results of an analysis conducted by EPA using the National Roadway Traffic Noise Exposure Model. An Oregon scenario was analyzed in this model, and provided results showing the impact of motor vehicle noise on Oregon citizens. Presently, 32 percent of Oregonians are exposed to excessive (greater than Ldn 55 decibels) noise from motor vehicles.

Approximately one-half of this exposure is caused by light duty vehicles, the remainder is caused by heavy trucks, buses and motorcycles. The analysis indicates the total exposure will grow to 38 percent by the year 2000; however, with new product controls, the overall exposure can be cut to 26 percent. This analysis supports the need for controls on new products as a means to achieve acceptable ambient noise levels.

Evaluation of the testimony by staff finds a need for administrative relief from the present rule. Economic hardships may occur to Oregon vehicle dealers if some models are withheld from the Oregon market and are available in neighboring states.

Staff believes the technology is available to industry to achieve the 75 decibel standard, however, it is clear that industry will not produce an "Oregon only" vehicle. Very few other jurisdictions are scheduled to control light duty vehicles below the 80 decibel limit. With Oregon only representing about one percent of the national market, the industry can afford to maintain their present position to refrain from achieving this standard.

At this time, it appears that a variation of Option 5 would be best suited for Oregon. The Department finds the wide open throttle test procedure inadequate and a new procedure must be developed and accepted. Without a new procedure that correlates well with community noise levels, regulatory controls of noise emission levels may not yield acceptable reductions in the community. Therefore, Option 5 would provide relief until a new procedure is developed and also requires an evaluation of control strategies at a future time.

Summation

Drawing from the background, evaluation and attached hearing report, the following facts and conclusions are offered:

1. Light duty vehicles are responsible for as much as one-half of the excessive ambient noise in Oregon.

2. The final step in a light duty vehicle control strategy to reduce emissions to 75 decibels is opposed by vehicle manufacturers because of an inadequate test procedure and limited environmental benefit.
3. Although manufacturers are willing to continue to meet the 80 decibel limit as determined under the present wide-open-throttle test procedure, some have decided not to design for a 75 decibel standard and will therefore withhold any non-complying vehicle from the Oregon market if the standard is not relaxed.
4. Oregon motor vehicle dealers are fearful that profits may be lost if certain vehicles can not be sold in Oregon and are available in neighboring states.
5. The Federal EPA may adopt uniform national standards for these products, however, at this time, it has concentrated efforts on the development of a new test procedure that better correlates measured vehicle noise emissions to community ambient noise levels.
6. Testimony was received and evaluated on proposed amendments that may provide administrative relief to the manufacturers and dealers.
7. The proposed amendment alternative that rescinds the stringent 75 decibel standard and allows for further evaluation of control strategies after the development of a new test procedure will probably be acceptable to manufacturers and Oregon dealers.

Director's Recommendation

Based on the Summation, it is recommended that the Commission adopt Attachment 1 as a permanent rule amendment to OAR 340-35-025, Noise Control Regulations for the Sale of New Motor Vehicles, to become effective upon its prompt filing with the Secretary of State.

Bill

WILLIAM H. YOUNG

John Hector/pw
March 4, 1980
(503) 229-5989

Attachments

1. Proposed Amendments to OAR 340-35-025
2. Hearing Report
3. Statement of Need for Rulemaking

Proposed Amendments

Noise Control Regulations for the Sale
of New Motor Vehicles

OAR 340-35-025

New Material is Underlined and
Deleted Material is [Bracketed]

(1) Standards and Regulations:

(a) 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 A, except as otherwise provided in these rules.

(b) Subsequent to the adoption of a Federal Environmental Protection Agency procedure to determine sound levels of passenger cars and light trucks, or a nationally accepted procedure for these vehicles not similar to those specified and approved under subsection (2) (a), the Department shall conduct an evaluation under such new procedure.

(c) After an appropriate evaluation of noise emission data measured under the procedure specified under subsection (1) (b), the Department shall make recommendations to the Commission on the adequacy of the procedure and the necessity of amendments to this rule for incorporation of the procedure and associated standards.

(d) Notwithstanding the provisions of subsections (1) (b) and (1) (c) the Department shall present a progress and status report on passenger car and light truck noise emission controls to the Commission no later than July 1, 1982.

(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 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 A, the manufacturer or a designated representative shall certify in writing to the Department that vehicles listed in Table A 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 procedures 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, 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 shall be exempt from the requirements of this section provided that such vehicles are operated only at facilities used for sanctioned racing events, and the following conditions are complied with:

(A) Prior to the sale of a racing motorcycle, 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:

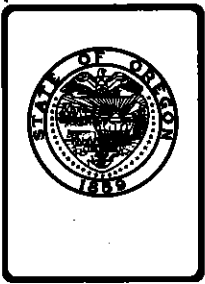
(i) Which is substantially similar to that required in (B)(i) and (B)(ii) above, and

(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
	<u>[1976-1981 Models] Models after 1975</u>	80
	<u>Models after 1981]</u>	[75]
Bus as defined under ORS 481.030	1975 Model	86
	1976-1978 Models	83
	Models after 1978	80



Environmental Quality Commission

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

MEMORANDUM

TO: Environmental Quality Commission

FROM: Hearing Officer

SUBJECT: Hearing Report: Hearing Regarding Proposed Amendments to Rule
Governing Noise Emissions from New Motor Vehicles

Background

When noise emission standards for new automobiles and light trucks were adopted by the Commission in 1974, those standards specified that regulated vehicles must achieve noise levels no higher than 75 dB(A) by the 1979 model year. Petitions submitted and supported by automobile manufacturers and associated industries have sought, and received, delays in the implementation of the 75 dB(A) standard until the 1982 model year.

The Department has recently been contacted by several automotive manufacturers who seek to rescind or further modify the new automobile noise standards. The Department brought these concerns before the Commission in November, 1979, recommending that a public hearing be held to consider rule amendment.

The Commission authorized a public hearing on this subject, which was held on January 8, 1980. Testimony presented at the hearing, and testimony submitted in writing, focused primarily on five rule amendment options that had been proposed by the Department. A summary of written and oral testimony follows:

Bob Murray, Vice President, Oregon Automobile Dealers Association

Customers do not complain about noise from new vehicles built to the current 80 dB standard. Studies by Battelle Columbus Laboratories and General Motors Environmental Activities staff predict no noticeable environmental improvement by enforcing a 75 dB standard. We know of no study by DEQ that establishes that a 75 dB standard is environmentally beneficial.

If 1979 General Motors passenger cars and light trucks that would be affected by the 75 dB regulation are not sold in Oregon, the loss in gross profit would be \$27,110,416. Over 12,000 dealership employees with a payroll of over \$171,000,000 would be affected. Ford Motor Company estimates up to 60 percent of its passenger cars and up to 85 percent of its light trucks would not be saleable in Oregon if a 75 dB regulation were enforced. American Motors stated that it may have to restrict one-half of its product line.



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Neighboring states would place Oregon dealers at a competitive disadvantage. We can live with the 80 dB standard, but the economic effect of the 75 dB standard would be enormous.

John Thomas, EPA Project Officer, Federal Government Light Vehicle Noise Program

Major studies have consistently shown light vehicles to be significant contributors to the urban noise environment. Surveys show that vehicles which are equally noisy when measured by the Wide Open Throttle (WOT) procedure do not necessarily contribute equally to community noise. With this realization, the U.S. EPA is developing a procedure more consistent with the noise generation by light motor vehicles as they operate in the urban environment. The concensus is that the proposed test is complicated, but this will not rule out its adoption.

EPA believes that much of the potential increase in noise can be controlled by the vehicle manufacturers, but there is no market incentive for the industry to do so. The absence of higher noise levels in some, if not most, of the vehicles today, is the result of legislation of several states and cities. Without a 75 dB requirement, it is unlikely that the noise level generated by light vehicles will be further reduced.

It is unlikely that any EPA regulations for motor vehicles would be effective before 1985, and it might be two-three years later. Oregon is encouraged to establish such levels for motor vehicles at it believes requisite to protect the health and welfare of its citizens.

Bruce Greig, Staff Noise Control Engineer for General Motors Corporation
(Summary of a letter dated July 9, 1979, submitted for the record)

1. Enforcement of a 75 dB WOT requirement for passenger cars and light trucks will not result in a recognizable environmental improvement.
2. U.S. EPA recognizes that the WOT test is not good for regulatory purposes.
3. Currently manufactured new automobiles and light trucks are quiet, but enforcement of the 75 dB regulation would require withholding 58 percent of 1979 cars and 72 percent of 1979 light trucks from the Oregon market.
4. Because of the lack of environmental benefit associated with a 75 dB vehicle, GM will continue to design for 80 dB and withhold noncomplying vehicles from the Oregon market if a 75 dB standard becomes effective.

(The following is an analysis of the desirability of the various options proposed by the Department.)

Option 1 - New cars built to 80 dB are recognized as quiet. No study demonstrates that a 75 dB requirement is meaningful, and a number of regulators have rescinded the 75 dB standard after careful analysis. If Option 1 had been invoked for 1980, 50 percent of GM cars and 70 percent of GM trucks would exceed 75 dB. The impact would not be minor, because GM would withhold these vehicles from the market. This percentage not meeting the 75 dB standard is not expected to change significantly by 1982.

Option 2 - This is the best option. GM has provided ample evidence to show that the 80 dB standard results in cars that are quiet in normal operation.

Option 3 - This is not desirable because it is not a solution. In addition, the proposed change would not be perceptible to the exposed population.

Option 4 - This option seems discriminatory, and would require extensive testing. Present procedure is to concentrate testing on "worst case" vehicles. This option would require more testing of the "best vehicles" also. The concept could be opposed to the federal requirements for a corporate average fuel economy.

Option 5 - GM does not perceive a consensus on a new procedure in the near future. GM does acknowledge some agreement with the intent of the approach, and would not oppose furnishing DEQ with test data on vehicles using the new test procedures being evaluated by EPA and the industry. GM would be opposed to regulation with a test procedure not consistent with uniform procedures prevailing elsewhere in the U.S. GM also believes it would be a mistake to establish a schedule for regulation before consensus has been reached.

John Damian, Manager, Environmental & Safety Engineering Staff, Ford Motor Company

Evidence previously presented DEQ shows that further powertrain noise reduction for light vehicles is unsupportable. Dilution of efforts to achieve maximum fuel economy is counterproductive to national goals. The state of the U.S. economy and the limited resources available for technical manpower and facilities make it important that the impact of any noise regulation be critically evaluated.

Option 2 - Ford has consistently recommended that Option 2 be adopted. Recent community analyses in the Portland area provide additional support for indefinitely carrying over the 80 dB sound level. Battelle Columbus Laboratories has projected an imperceptible reduction of community noise in the Cedar Hills Blvd. area of Beaverton, Oregon, when assuming all light vehicles on the road today comply with a 75 dB noise limit. Even when assuming complete elimination of powertrain noise on light vehicles, projected community noise reduction was less than 1/4 dB.

A 75 dB level will result in major economic impact and could be expected to annually cost Oregon purchasers of new light vehicles over \$18,000,000. Based on sound levels of projected mix of 1980 vehicles, only 35-40 percent of passenger cars and 15-20 percent of light trucks could be offered for sale in Oregon.

Option 5 - The premature adoption of a part throttle test will result in an unprecedented increase in vehicle noise testing by manufacturers without benefits to the public. Ford has supplied information documenting problems with test complexity and repeatability. Further development is required before the EPA part throttle test procedure can be considered feasible. The EPA test also lacks national and international acceptance. The test, moreover, is unsuitable for measuring sound levels of vehicles equipped with Ford's automatic overdrive transmission.

Bruce Henderson, Automobile Importers of America

At a recent AIA technical meeting, participants unanimously agreed that the 75 dB standard is not in the best interests of motor vehicle manufacturers or dealers in Oregon. Many cars cannot meet the standard without significant modifications. Redesign will often add weight, which will also affect gas mileage. Modifications specifically for Oregon will also increase costs pursuant to EPA certification, and will cause many distributional problems. High costs for solving these problems is a disincentive, especially for small-volume dealers. Present information indicates that 55-65 percent of vehicles presently offered do not meet 75 dB. Many of these are the vehicles that have the best gas mileage ratings.

Foreign manufacturers are concerned that there are anomalies between the EPA part throttle test and the presently used WOT test. Without perfect correlation, there will be conflicts, because international testing requires WOT testing. AIA requests that the 80 dB standard be retained.

Theodore M. Cleaver, Brookings, Oregon

(Referring to an article in the Oregon Journal, January 10, 1980)
V8 engines are twice as noisy as four cylinder engines where used with open or burnt out mufflers. The answer is the kind of muffler. Excessive noise magnifies the neurotic tendencies that we all have, triggering actions that can be lethal.

Steven Dotterrer, Chief Transportation Planner, City of Portland

The City has no ability to control vehicle noise itself, although the City does deal with noise control through the use of noise receptor design and noise barriers. The City's transportation projects are based on the existing 1982 model year standard of 75 dB. If the standard is changed pursuant to Options 2-5, those projects will not provide the noise reductions expected. Any relaxation of the standards will weaken the overall effort to reduce transportation noise. Any of the DEQ proposed options would be inappropriate and would work against the City's efforts to improve the urban environment.

Alberto Negro, Director, Fiat Research & Development, USA Branch

The amount of reduction that would be required by the 75 dB standard is very large, and would require substantial modification of the present automobile design in a very short time. The new standard would also affect the EPA emission certification process. Because there are no federal regulations dealing with the subject, it would be a considerable burden for Fiat to develop a specific type of car to meet the standard. Fiat endorses Option 2, and asks alternatively that a decision be postponed until EPA sets noise measurement methods and standards.

L. J. Hinch, Director, State and Regional Government Relations, Chrysler

Urges the adoption of Option 2. Studies conducted by Battelle Columbus Laboratories clearly indicate that implementation of the 75 dB standard would reduce community sound levels only imperceptibly. Retooling, design, and testing to meet the new standard would involve considerable additional expense, with no benefit. Some manufacturers may be forced to restrict sales in Oregon to certain model vehicles.

Ron Arbizzani, Chief Engineer of Exhaust Products, Maremont Corp.

In most cases, changes in exhaust system alone would not be sufficient to bring a vehicle into compliance with a 75 dB standard; other noise generating components contribute to cause the vehicle to exceed that level. If manufacturers must comply with the 75 dB limit, they must also treat these additional components, dealing not only with noise, but with durability and accessibility of the treatment.

The WOT test is obviously a worst case condition, but it is relatively repeatable and also considerably more economical to run than part throttle acceleration tests. Our experiences have indicated that an 80 dB vehicle (when reduced to 75 dB under the WOT test procedure) actually shows little or no difference when measured under part throttle acceleration.

The end result of the proposed regulations is a significant increase in vehicle cost and complexity with virtually no perceptible reduction in the ambient noise level of urban areas. A detailed economic analysis would conclusively show little or no payoff as a result of the regulations.

We strongly recommend that the acceptable levels be left at 80 dB.

David McCowan, Bend, OR

Any car or light truck produced in the last ten years and maintained in stock condition is barely noticeable compared to modified vehicles. Any serious attempt at reducing the problem of vehicle noise to bystanders must deal with these offenders foremost.

To be fair, this enforcement must include other vehicles, including not only motorcycles, but heavy trucks.

Francois Louis, Governmental Affairs, Renault, USA

Renault would favor and support the following options, listed in order of preference: Option 2, 3, 1, 4.

Robert A. Heath, Director of Government and Consumer Affairs, Tenneco Automotive

Data conclusively shows that lowering the level of new cars below 80 dB gives negligible sound level improvements on the road and in the community. Alternatively, we suggest that levels be lowered for uncontrolled vehicles, tractors and construction equipment and that effective enforcement of present regulations pursued. It is technically possible to engineer a vehicle to a level of 75 dB(A), but such cost is not in the best interest of the driving public.

Kei Matsui, Doctor of Engineering, Manager of Development Administration Division, Mazda

We recommend that Option 2 be adopted. To reduce the noise to 75 dB(A) the sound energy must be cut by 70 percent, and this would require either reducing engine noise by 5 dB or shielding the engine for arresting the noise. This reduction would make it necessary for us to reengineer our engines. This would involve risks, great investment for redesign, and a substantial price rise of the vehicles sold in Oregon.

Nobuo Tsuboi, Director and General Manager, Subaru Engineering Division

In spite of our continuous research and development activities, we are still far away from attaining the proposed 75 dB level. It will probably be very difficult to attain that level, even on a development basis, by 1982, and it could not be commercially available before 1985. Option 4 is currently the most realistic solution until a breakthrough technique for noise reduction appears.

N. A. Miller, Staff Engineer, Sound and Energy, International Harvester

Based upon data from the Battelle Community Noise Report, IH does not believe there is justification to further increase the cost of vehicles to obtain the minimum benefits.

Option 1 - Development costs to achieve would force the removal or severely restrict the availability of models offered for sale in Oregon.

Option 2 - Recommends adoption.

Option 3 - Same as Option 1

Option 4 - The volume of vehicles sold in Oregon cannot support a test program of this magnitude, and availability of models would be restricted.

Option 5 - This would require an extensive test program, and it has been shown that this procedure yields inconsistent test results. IH is totally opposed to any option using this test procedure, and if it were adopted in Oregon, IH would be forced to remove or restrict the availability of models offered for sale.

Ralph W. Van Demark, Executive Director, Automotive Exhaust Systems Manufacturers Committee

Membership strongly endorses Option 2. Data indicates that the reduction of levels to 75 dBA will result in a change of approximately 1 dB or less in the mean energy community sound level of Portland. This change would not be perceptible to the exposed population.

The WOT test procedure does not represent a typical mode of operation for light duty

vehicles, and it is obvious that manufacturing of new systems to achieve a level below 80 dB will have major economic impact.

Tim Jon Runner, Technical Director, Specialty Equipment Market Association

Option 1 - It is not cost-effective, and has no basis in protecting public health and welfare.

Option 2 - Recommend this option. Risk that manufacturers will significantly increase vehicle noise is slight because all vehicles are soon to be equipped with three-way catalysts which function as mufflers.

Option 3 - Can only be justified if more time is required to analyze the effects of different standards on public health and welfare. Recommends against.

Option 4 - Increases paperwork and is not fair to the individual manufacturers. No benefit to the public health and welfare.

Option 5 - Logical only if manufacturers are required by EPA to perform fleet wide noise tests. The procedure has been criticized for its costs and difficulty to perform.

Two other options: a) Stop regulating new car sound levels. b) Set standard of 95 dB and require the use of a simple static test with the engine at 75 percent Maximum Rated Horsepower RPM. This test correlates better with the EPA test, is easy to perform, and would assure that new vehicles would pass the inspection test DEQ conducts in conjunction with the emissions inspection.

K. H. Faber, Mercedes-Benz of North America, Inc.

Comments filed at the hearing on October 10, 1978 still apply. The viewpoints expressed therein are:

1. The 80 dBA standard in effect today should be kept.
2. The first task before lowering the standard should be the development of an appropriate test procedure.
3. With a new procedure, the noise emissions can be reduced with better results and a better cost/benefit ratio.

Therefore:

- * Recommend not to adopt Option 1
- * Recommend to adopt Option 2
- * Option 3 would be acceptable as an interim measure
- * Option 4 would be too complicated with respect to administrative work
- * Option 5 should not be adopted because EPA procedure is not suitable.

K. W. Schang, Director, Vehicle Emissions and Fuel Economy, American Motors Corp.

(The transmittal letter retracts AMC's petition dated October 16, 1979, presently being held in abeyance by the Department)

Option 1 - The 75 dB requirement is not only non-productive, but would unduly penalize AM and its position in the Oregon market. AM recommends rejection of the option.

Option 2 - 80 dB is a reasonable requirement and protective of the public health. Because of engineering tolerances, manufacturers design vehicles to a noise level several dB less than the 80 dB standard.

Option 3 - The extension of the implementation date for the 75 dB standard would be neither realistic nor technically sound.

Option 4 - This option would dramatically increase cost and burdens on both the State of Oregon and the manufacturers.

Option 5 - This option establishes procedures that could be wasteful, and would generate the need for added facilities and staff.

(AM submitted a detailed statement supporting the above recommendations. A synopsis of the supporting statements follow)

- * The available literature reveals no direct adverse health effects that could be attributed to motor vehicles at 80 dB. A standard at this level represents a reasonable standard based on good engineering practice.
- * AM's position as a low-volume manufacturer forces it to be heavily dependent on suppliers for most powertrain components. This position would cause AM to suffer a disproportionate cost penalty for regulations which would necessitate powertrain modifications.
- * If such a standard is implemented, low volume manufacturers will need additional lead time to comply.
- * Technical difficulties and legal questions concerning an individual noise standard based upon average noise level makes this proposal counter-productive to national interests.
- * A number of issues remain to be resolved concerning part-throttle testing. Costs for AM to develop the capability to do this kind of testing would be high.

Attachments

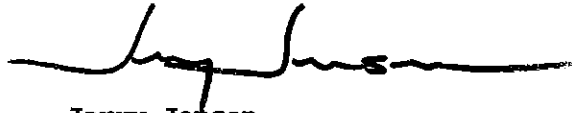
- Exhibit A - Written testimony received and available written statements of testimony delivered orally.
- Exhibit B - Notice of Availability of Draft Light Vehicles Noise Emission Test Procedure (U.S. EPA)
- Exhibit C - Letter from General Motors to John Hector, dated July 9, 1979.
- Exhibit D - Letter from Ford Motor Company to John Hector, dated July 25, 1979.
- Exhibit E - Letter from Motor Vehicle Manufacturers Association to John Hector, dated August 24, 1979.
- Exhibit F - American Motors Corporation petition, dated October 16, 1979.
- Exhibit G - Document: The Impact of Oregon's Franchised Automobile Dealers on the State Economy.
- Exhibit H - Report, Light Vehicle Noise, Volume I, Wyle Laboratories, November 1978.
- Exhibit I - Report, Light Vehicle Noise, Volume II, Wyle Laboratories, November 1978.
- Exhibit J - Report, The Automobile as a Component of Community Noise, Battelle Columbus Laboratories, November 1979.
- Exhibit K - Document, Draft Light Vehicle Noise Test Procedures, U.S. Environmental Protection Agency, Docket # 79-02.

Exhibit L - Attachments I-VIII, consisting of documents and testimony submitted by Ford Motor Company.

Recommendation

Your Hearing Officer makes no recommendations in this matter.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jerry Jensen", written in a cursive style.

Jerry Jensen

Jerry Jensen/pw
March 5, 1980
(503) 229-6408

STATEMENT OF NEED FOR RULEMAKING

Pursuant to ORS 183, this statement provides information on the Environmental Quality Commission's intended action to adopt a rule.

1. Legal Authority

This rule may be amended pursuant to ORS 467.030

2. Need for the rule

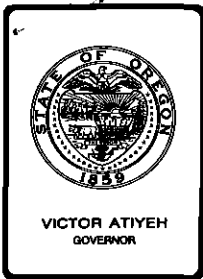
Motor vehicles cause noise impacts detrimental to the public health, safety or welfare. Motor vehicle manufacturers indicate an unwillingness to comply with the 1982 model year standards for various reasons. Amendments to the 1982 model year standard may be necessary.

3. Principal documents relied upon in this rulemaking:

- a) Letter to the Department from General Motors Corporation dated July 9, 1979.
- b) Letter to the Department from Ford Motor Company dated July 25, 1979.

4. Fiscal Impact

The fiscal impact of the published proposal similar to the final proposal stated "[a] minimal adverse economic impact to the manufacturers may result."



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 I, March 21, 1980, EQC Meeting

Request for a Variance from OAR 340-25-315(1)(b)
Veneer Dryer Emission Limits, for
Mt. Mazama Plywood Company, Sutherlin, Oregon

Background & Problem Statement

Mt. Mazama Plywood Company operates a plywood manufacturing plant in Sutherlin, Oregon, an area in compliance with all ambient standards. The company has requested a variance to operate their three veneer dryers in violation of the veneer dryer emissions limits until November 1, 1981. Two of the veneer dryers are heated with steam and the third dryer by direct wood combustion.

The company installed the wood firing system with a guarantee from the manufacturer that it would meet the opacity limits. Since the installation of the wood fired system, the operating temperature of the wood fired dryer has been reduced, door seals have been replaced on all three dryers and roofs are being patched. These actions have reduced emissions but have not resulted in compliance. The company is proceeding with legal actions to require the manufacturer of the wood fired system to meet the performance guarantee.

The Commission is authorized by ORS 468.345 to grant variances from Department rules if it finds strict compliance is inappropriate for one of the reasons specified in the statute, including substantial curtailment or closing down of a business, plant, or operation.



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Alternatives and Evaluation

Department guidelines established April 1, 1980 as the final compliance date for steam or gas heated veneer dryers. This also corresponds to the three year limit for compliance with new rules set under the Clean Air Act Amendments of 1977. OAR 340-25-315(1)(e) sets forth the final compliance date for wood fired veneer dryers at January 1, 1981. The company has requested an extension of the compliance attainment date for all three dryers until November 1, 1981. This is an extension of 17 months for the steam dryers and 10 months for the wood fired dryers. The company's request is based upon its poor financial condition.

All of the other veneer dryers outside the AQMA's are in compliance or are proceeding with the installation of control equipment. The dryers which are in the process of installing controls should meet or only slightly exceed the compliance deadlines.

Since mid-1979, plywood prices and demand have declined. Industry studies expect this trend to continue through the first half of 1980. All plywood manufacturers have been affected by this decline, but some to a greater extent than others. In Oregon, this has resulted in production cutbacks and some temporary plant closures. Mt. Mazama Plywood Company ceased operation in late December because recent losses are claimed to have exceeded \$100,000 per month and projected losses were even higher for January and February, 1980. The company intends to begin operation again when projected losses decrease to the cost of closure. Although Mt. Mazama's assets currently exceed their liabilities, continued plant closure would likely result in the company going out of business. The company has submitted a letter and financial statement (attached) which indicate the control strategy and fiscal status of the company.

The company has selected and received Department approval for the control equipment for the steam dryers. They have estimated the cost of this equipment to be \$280,000. The company converted the third dryer to wood firing with a guarantee from the manufacturer that it would then comply with the Department's opacity limits. This dryer has not demonstrated an ability to comply and Mt. Mazama is currently taking legal action to force the manufacturer to meet the guarantee. The schedule currently proposed by Mt. Mazama includes all three dryers regardless of the status of its legal actions with the equipment manufacturer.

Mt. Mazama Plywood Company has requested a variance and has submitted a control strategy and time schedule for attaining compliance. The company has stated that if compliance is required by the deadline or when the plant restarts, whichever is later, it would probably result in a permanent closure of the plant.

The current emission rate from this source is estimated to be 45 tons per year of particulates using 1979 production data. Installation of controls would reduce the emission rate to approximately 25 tons per year. This

source is located outside of any AQMA, and the higher emissions are not expected to have a direct impact on any population centers and are not expected to result in a violation of ambient air standards. However, the emissions could impact receptors in the vicinity of the mill. If substantial adverse impacts are detected, the variance could be revoked.

The Department supports Mt. Mazama Plywood Company's variance request because the air quality impact is expected to be small and the fiscal impact on the company could be very severe. The variance should be subject to the following conditions:

- a) By January 30, 1981, submit a final control strategy for the wood fired veneer dryer.
- b) By April 1, 1981, issue purchase orders for all equipment necessary to control all three dryers.
- c) By August 1, 1981, begin construction of controls.
- d) By November 1, 1981, complete construction and demonstrate compliance with the emission limits (10% average and 20% maximum opacity and 0.75 pounds per 1000 square feet).
- e) Submit monthly financial statements until purchase orders have been issued for all equipment.
- f) On July 1 and November 1, 1980, submit status reports on the progress of litigation on the wood fired dryer and investigations of potential controls for that dryer.
- g) If the Department determines that the veneer dryer emissions cause significant adverse impact on the community or airshed, this variance may be revised or revoked.

The above required financial statements would be reviewed for the possibility of achieving compliance at an earlier date. The completion of the above schedule is still dependent upon the improvement of the plywood market. At this time the Department would oppose any further extension because of financial hardship since many other plywood mills have already purchased control equipment for their veneer dryers.

If Mt. Mazama Plywood operates its steam heated veneer dryers in excess of the Department's emission limits after April 1, 1980 or the wood fired dryers after January 1, 1981, they will be subject to the non-compliance penalty section of the Federal Clean Air Act Amendments of 1977. Any variance issued by the Department cannot exempt the company from any enforcement action taken by the Federal EPA under that section.

Summation

- 1) Mt. Mazama Plywood Company has requested a variance to operate three veneer dryers in violation of the opacity limits until November 1, 1981.
- 2) The company has installed a wood firing system on one dryer which was guaranteed to meet the opacity limits but has not been able to demonstrate compliance.
- 3) The company has received approval for control system plans for the two steam dryers and is taking legal action to attain compliance of the wood fired dryer.
- 4) The company has agreed to a schedule for attaining compliance with the Department's opacity limits by no later than November 1, 1981.
- 5) The company's financial position has deteriorated rapidly in the past fiscal year to the point where the plant has been closed until the plywood market improves. Strict compliance would result in substantial curtailment or closing down of the business, plant, or operation of the company.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that a variance from OAR 340-25-315(1)(b), Veneer Dryer Emission Limits, be granted to Mt. Mazama Plywood Company, Sutherlin, for the operation of their three veneer dryers until November 1, 1981. This variance is subject to the following conditions:

- a) By January 30, 1981, submit a final control strategy for the wood fired veneer dryer.
- b) By April 1, 1981, issue purchase orders for all equipment necessary to control all three dryers.
- c) By August 1, 1981, begin construction of controls.
- d) By November 1, 1981, complete construction and demonstrate compliance with the emission limits (10% average and 20% maximum opacity and 0.75 per 1000 square feet).
- e) Submit monthly financial statements until purchase orders have been issued for all equipment.
- f) On July 1 and November 1, 1980, submit status reports on the progress of litigation on the wood fired dryer and investigations of potential controls for that dryer.

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March 21, 1980

Page 5

- g) If the Department determines that the veneer dryer emissions cause significant adverse impact on the community or airshed, this variance may be revised or revoked.



William H. Young

Attachments: Variance Request and Financial Statement

F. A. Skirvin:b
229-6414
February 27, 1980

AB0826 (d)

Mt. Mazama Plywood Co.

POST OFFICE BOX 738 • SUTHERLIN, OREGON 97479 • TELEPHONE 503/459-9555

January 14, 1980

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Department of Environmental Quality
P.O. Box 1760
Portland, Oregon 97207

RECEIVED
JAN 16 1980

Attn: Ed Woods

AIR QUALITY CONTROL

Gentlemen:

Please refer to your letter dated December 19, 1979

I regret the delay in answering your request for more information, but we have had our hands full just trying to keep the operation going. Temporarily at least we have lost that battle as we were forced to shut down all operations as of January 11, 1980. We will remain shut down until there is sufficient recovery in the market to allow us to resume operations.

Attached you will find as requested our financial statement as of November 30, 1979. The December statement has not be completed, but preliminary figures indicate that we will show a loss of \$125,000.00 for the month. The reason we have suspended all operations is that our current projections indicate that we would have lost an additional amount in excess of \$160,000.00 during the month of January. In order for us to resume operations the loss projections will have to decline to the \$80,000.00 to \$90,000.00 range which approximates our shut down costs.

The projections for additional losses in 1980 presented in our variance request were based primarily on the considerable experience and judgement of our management personnel and the daily contacts they have with various suppliers and customers throughout the United States. There also are numerous publications available with market forecasts and I have included a few of them for your review. Some of the publications are not too current, but little has happened during the previous year to create much optimism at least through the first half of 1980. If you still doubt the validity of our projections I would suggest that you might contact some independent sources that you consider to be knowledgeable about the plywood industry.

I am somewhat puzzled at how you read into our initial request that we considered our wood fired dryer to be in compliance. The whole reason for our legal problem with Moore Oregon-Canada is that it is quite obvious to us that the dryer is not in compliance. We do however feel that we did, in good faith, complete our original control strategy, which was approved by your department, through the installation of guaranteed equipment. All we are asking for is enough time to pursue the legal means at our disposal to force Moore Oregon-Canada to stand behind that guarantee.

I feel that forcing us to initiate a different control strategy before we have completed litigation would be very unreasonable.


Concerning interim control measures the following has been completed or scheduled:

1. We have reduced the operating temperature of our wood fired dryer from the 400°F to 420°F range to the 350°F to 370°F range.
2. Replaced the door seals on all three dryers.
3. During the shut down period we are going to do some extensive patching to the roofs of our two steam dryers.

Little else remains to be done until the litigation is finished on the wood fired dryer, and our final control strategy is initiated for the steam dryers.

If you still have problems supporting our variance request I would like to suggest that we arrange a meeting to try and hammer out an agreement face to face. I do not feel that further paper shuffling will be very productive for either of us.

Sincerely,
MT. MAZAMA PLYWOOD CO.


Arnold Jackson
Assistant Manager

Mt. Mazama Plywood Co.

POST OFFICE BOX 738 • SUTHERLIN, OREGON 97479 • TELEPHONE 503/459-9555

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
FEB 7 1980

AIR QUALITY CONTROL

February 2, 1980

Department of Environmental Quality
P.O. Box 1760
Portland, Oregon 97207

Re: Variance Request 12/13/79

Attn: Ed Woods

Gentlemen:

Please accept the following as a revision of our final control strategy submitted in conjunction with our variance request on December 13, 1979.

1. January 30, 1981 submit final control strategy for the wood fired dryer if legal action has not resulted in compliance.
2. April 1, 1981 issue a purchase order to Burley Industries for the installation of equipment required to bring the two steam dryers into compliance. If necessary also issue purchase orders for additional control equipment described in compliance schedule for wood fired dryer. Initiate preliminary plumbing and wiring work by our own construction crew.
3. August 1, 1981 initiate installation of control systems on all dryers not yet in compliance.
4. November 1, 1981 demonstrate all three dryers are capable of operating in continuous compliance with air quality standards.

I hope that this additional commitment on our part concerning emission controls on the wood fired dryer will make it possible for your department to support our variance request.

Sincerely,

MT. MAZAMA PLYWOOD CO.


Doyle Hall
General Manager

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
FEB 7 1980

AIR QUALITY CONTROL

MT. MAZAMA PLYWOOD CO.
BALANCE SHEET
AT
JANUARY 31, 1980

ASSETS

Current Assets:

Cash	2,458.00	
Accounts receivable	173,362.00	
Inventories	264,349.00	
Less LIFO reserve	(34,417.00)	
Prepaid expenses	43,835.00	
Loans & notes receivable - Current	2,400.00	
Other current assets	<u>12,159.00</u>	464,146.00

Property, Plant & Equipment at cost	2,754,550.00	
Less reserve for depreciation	<u>(1,198,536.00)</u>	1,556,014.00

Loans & Notes Receivable - Long-Term		45,080.00
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Organizational Costs		2,324.00
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Acct. W/Mazama Timber Products, Inc.		<u>580,696.00</u>
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Total Assets		2,648,260.00
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LIABILITIES

Current Liabilities:

Accounts payable	339,362.00	
Accrued payroll & P/R taxes	22,138.00	
Income taxes payable	10,122.00	
Profit-sharing contribution payable	120,553.00	
Other accrued expenses payable	62,518.00	
Note payable, Oregon Bank - Operating loan	422,604.00	
Note payable, Oregon Bank - Real Estate	83,400.00	
Other notes & contracts payable - Current	<u>62,590.00</u>	1,123,287.00

Note Payable, Oregon Bank - Real Estate (L-T)		430,069.00
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Other Notes & Contracts Payable - (L-T)		<u>45,193.00</u>
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Total Liabilities		1,598,549.00
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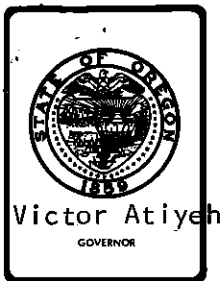
STOCKHOLDERS' EQUITY

Capital stock	277,750.00	
Retained earnings	<u>771,961.00</u>	<u>1,049,711.00</u>

Total Liabilities & Equity		2,648,260.00
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MT. MAZAMA PLYWOOD

	JANUARY			YEAR TO DATE		
	<u>AMOUNT</u>	<u>FTGE</u>	<u>PER M</u>	<u>AMOUNT</u>	<u>FTGE</u>	<u>PER M</u>
SALES:						
Wholesale	482,251.00	3,082	156.47	7,462,704.00	44,706	166.92
Discounts	(19,329.00)			(164,312.00)		
Retail	1,829.00	12	152.41	32,783.00	234	140.09
Underweights	404.00			115,702.00		
Claims, Comm. Etc.	(343.00)			(11,605.00)		
	<u>464,812.00</u>	<u>3,094</u>	<u>150.23</u>	<u>7,435,272.00</u>	<u>44,940</u>	<u>165.44</u>
COSTS:						
Net wood cost	282,306.00	2,570	109.84	4,534,511.00	43,855	103.39
Mfg. costs	150,376.00		58.51	2,785,449.00		63.51
Gen. & admin.	33,652.00		13.09	229,164.00		5.22
Fixed overhead	30,773.00		11.97	223,203.00		5.08
Inventory Adj.	<u>73,006.00</u>	<u>524</u>		<u>181,560.00</u>	<u>1,085</u>	
	<u>(105,301.00)</u>	<u>3,094</u>	<u>(34.03)</u>	<u>(518,615.00)</u>	<u>44,940</u>	<u>(11.54)</u>
Sale of by-products	1,788.00			16,377.00		
Misc. income	867.00			14,247.00		
Interest expense	(24,732.00)			(105,303.00)		
Profit-sharing	<u> </u>			<u>(73,457.00)</u>		
	<u>(127,378.00)</u>			<u>(666,751.00)</u>		



Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item J, March 21, 1980, EQC Meeting

Progress Update on Solid Waste Landfill Site Search, Lincoln County

Background

The purpose of this report is to bring the Environmental Quality Commission up to date on the progress that Lincoln County has made in its landfill site search since the last open burning variance extension was granted on June 29, 1979. Previous actions are included as follows:

1. Attachment 1--Agenda Item No. N, June 30, 1978, EQC Meeting
2. Attachment 2--Agenda Item H(3), June 29, 1979, EQC Meeting
3. Attachment 3--Letter from DEQ to Lincoln County dated October 24, 1979
4. Attachment 4--Lincoln County report to DEQ dated February 19, 1980

With a planning grant from this Department, Lincoln County retained R. A. Wright Engineering to locate an environmentally acceptable sanitary landfill site within the county. Two potential landfill sites were located, and the consultant is expected to complete Phase II, Feasibility Analysis on the Moolach Creek Site, this next month. Reports from the work done thus far on Phase II indicate the Moolach Creek site will be an acceptable one.

The County has not initiated any action to procure the site from Longview Fibre. Further, it has not developed a plan to fund the program. The County's position on acquisition of the site is one of waiting until the Department staff have met with the County and the Solid Waste Advisory Committee and discussed several methods available to the County.



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Recycled
Materials

In a letter sent to Lincoln County, dated February 22, 1980 (Attachment 5), Mr. R. E. Gilbert, Northwest Regional Manager, stated the Department intends to recommend to the EQC at its March meeting that no further variances be granted to the North Lincoln or Waldport sites and that they cease open burning effective July 1, 1980.

On March 5, 1980, Mr. Gail Stater, Lincoln County Solid Waste Administrator, said he was instructed to respond to Mr. Gilbert's letter (see Attachment 6). The County still wishes to wait, pending site approval, before attempting to procure it. However, the County has begun in earnest to develop a plan to finance the program. The County Counsel, Mr. Fred Ronnau, has been instructed to meet with the garbage haulers and arrive at some sort of agreement as to how the program will be implemented.

Evaluation

The Department is concerned with the delays inherent in the County's approach. Originally, the understanding was to have had the funding arranged and the site more or less secured by the time Phase II was completed. In this way, the actual work could start on site development this spring or early summer. Now, however, with this approach not being utilized, there is a real possibility of little or no site development work being accomplished this year.

The current variances are scheduled to expire on July 1, 1980. As long as the County Commissioners feel they can prolong making a decision relative to the solid waste program, they will continue to ask for variances. By removing the option of additional variances, the County and the haulers will be compelled to develop an alternative program to open burning.

The Department will continue to provide assistance and guidance to the County. In addition, the Department should be able to give preliminary approval on the Moolach Creek Site by the end of March. The County can then make the necessary arrangements with Longview Fibre for site acquisition.

When the July 1, 1980, date arrives, the Department will have to take a very hard look at the County's progress. However, based on what has transpired so far, the Department cannot support any more extensions of the open burning variances.

Director's Recommendation

It is recommended that:

1. As the situation is now, with respect to Lincoln County's solid waste management program, the EQC reaffirm that the Commission will not grant any further variance extension, and as of July 1, 1980, open burning will terminate at the North Lincoln and Waldport sites.

EQC Agenda Item J
March 21, 1980
Page 3

2. The Department review the County's progress prior to the June EQC meeting and make a final recommendation to be considered by the EQC at that time.

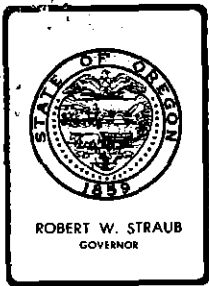
Bill

William H. Young

James Close:dro
842-6637
March 7, 1980

Attachments: 6

1. Agenda Item No. N, June 30, 1978, EQC Meeting
2. Agenda Item H(3), June 29, 1979, EQC Meeting
3. Letter from DEQ to Lincoln County dated October 24, 1979
4. Lincoln County report to DEQ dated February 19, 1980
5. Letter from Robert E. Gilbert to Lincoln County Board of Commissioners, dated February 22, 1980
6. Letter from Gail E. Stater to Robert E. Gilbert, dated March 5, 1980.



Environmental Quality Commission

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

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. N. June 30, 1978

Request for Variance to Continue Open Burning of Garbage at
Disposal Sites in Lincoln County.

BACKGROUND

The Department's Solid Waste Management regulations prohibit the open burning of putrescible wastes (e.g., garbage) at disposal sites. Open burning of non-putrescible wastes (e.g., tree stumps) is permitted on a case-by-case basis. The Department's Air Quality Control regulations prohibit open burning at disposal sites except when authorized by the facility's Solid Waste Disposal Permit.

At its September 16, 1975 meeting the Commission granted a variance to allow continued open burning of garbage at two privately operated disposal sites in Lincoln County. The variance was granted with the understanding that the County was attempting to implement a centralized processing system with resource recovery.

At its September 23, 1977 meeting the Commission extended the variance for the Lincoln County sites. A \$600,000 bond measure for the resource recovery program had been approved by the voters and a solid waste service district formed, however the County now felt that transferring wastes to Benton County was a more realistic alternative. The Department supported this position. The variance was extended until July 1, 1978, at the County's request, to allow time to implement the transfer program.

Lincoln County met informally with Benton County on March 13, 1978 regarding this matter, but no agreements were reached. On April 6, 1978 the Lincoln County Commissioners sent a letter to the Benton County Commissioners requesting a change in the conditional use permit for the Coffin Butte Landfill in Corvallis to allow receipt of wastes from Lincoln County. About the same time, Lincoln County staff appeared before the Chemeketa Region Solid Waste Program Board and obtained approval of the proposal. The Chemeketa Board is the regional solid waste coordinating agency.



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Recycled
Materials

Benton County has not formally responded to Lincoln County's request to date. Apparently the April 6, 1978 letter was not forwarded to the Planning Commission for action. It also appears that only the operator of the Coffin Butte Landfill may request the change in the use permit. The private operator, Valley Landfills Inc., is willing to accept Lincoln County's waste, but is reluctant to request a change in the use permit without assurances that the hearing would be limited to only the Lincoln County issue. At this time they have not received such assurance from the Planning Commission. The Department has recently written to Benton County in strong support of the proposal, but as of today the matter is at a virtual standstill.

Lincoln County Commissioners on behalf of private operators at North Lincoln and Waldport-Yachats disposal sites have now requested an indefinite renewal of the variance to allow continued open burning until the Benton County issue is resolved or some other suitable alternative secured.

The Waldport-Yachats disposal site is a small low-volume site. Recently, the commercial hauler has changed his route and most waste is now hauled to the Agate Beach Landfill near Newport. The Waldport-Yachats site remains open only a few days a week for public use. There appears to be adequate soil for cover and there is a crawler tractor on site. There also appears to be room for expansion and the site could probably operate without open burning for several years. The State Forestry Department currently prohibits open burning during the summer.

The North Lincoln site is also a small site, but it receives a moderately large amount of waste (approximately 6,000 tons/year). The site is open daily and receives wastes from the public as well as the commercial hauler. The operator has a crawler tractor but cover material is not available on site. There is room to operate without burning for a short time (perhaps 2 years) but apparently there is no land available for expansion. Currently, open burning is prohibited during the summer by the State Forestry Department.

EVALUATION

The Lincoln County Board of Commissioners have taken some steps to secure the necessary agreement with Benton County, but in the opinion of the staff the matter has not been vigorously pursued. Following the granting of the variance in September 1977, the County apparently took no official action until the informal meeting in March 1978. One commissioner from each county attended the meeting, however little was accomplished. The County's letter of April 6, 1978 was a positive gesture, but when Benton County failed to respond, Lincoln County took no further action. After nine months it appears that the County is no closer to an agreement than when it began.

The disposal sites can be operated without open burning. Normally the sites do not burn during the summer, but currently no cover is applied. Cover material is available at Waldport-Yachats but would have to be imported to the North Lincoln site. From an environmental quality standpoint it would be desirable to cease burning and to upgrade the sites as soon as possible.

Granting another extension of the variances would allow a continuation of the status quo. The County's request does not indicate any increase in efforts to resolve this problem and does not contain a schedule for resolution.

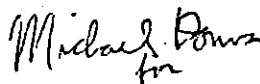
SUMMATION

1. Lincoln County has not yet secured an agreement with Benton County to allow the transfer of wastes to the Coffin Butte Landfill in Corvallis.
2. Lincoln County has taken some steps to attain such an agreement, but the issue is now at a standstill and the County offers no definitive plan or time schedule for resolving the problem.
3. Continuing the variances would seem to offer no incentive for Lincoln County or other affected parties to take a more active role in attempting to solve this problem.
4. The Lincoln County disposal sites can be operated as landfills without open burning, but disposal costs would rise and the life of the sites would be significantly shortened. The Waldport-Yachats site could begin landfilling immediately. The North Lincoln site would need some time to arrange for cover material to be hauled to the site. These matters would be handled by separate solid waste disposal permit action.
5. To approve the variance requests the EQC must make a finding that the facilities meet the requirements of the statutes in that strict compliance would result in closing of the facilities and no alternative facility or alternative method is yet available.

DIRECTOR'S RECOMMENDATION

It is the Director's recommendations that:

1. The variances for the Waldport-Yachats and North Lincoln disposal sites not be extended beyond July 1, 1978.
2. The Department immediately proceed with issuing new Solid Waste Disposal Permits for these facilities requiring prompt compliance with State standards pertaining to landfills.
3. The Department continue to actively assist Lincoln County in its negotiations with Benton County.


for
William H. Young

WHD:mm

229-5913

June 21, 1978

Letter from William H. Young dated June 13, 1978

Letter from Lincoln County dated June 14, 1978

June 13, 1978

Benton County Board of Commissioners
Benton County Courthouse
Corvallis, Oregon 97330

Re: SW-Benton County
SW-Lincoln County

Gentlemen:

During the September 1977 Environmental Quality Commission (EQC) meeting Lincoln County requested, and received, a 9 month extension of the variance to continue open burning at Lincoln County solid waste disposal sites. The variance expires July 1, 1978.

The extension was granted to allow time for Lincoln County to negotiate with Benton County use of the Coffin Butte Sanitary Landfill, operated by Valley Landfills, Inc. for disposal of Lincoln County solid waste. Since that time meetings between the two counties and the Department have been held and the Lincoln County Commission has made a written request (April 6, 1978) for your consideration in this matter. For a number of reasons formal action concerning the request has not been taken.

The Department has supported Lincoln County's effort for the following reasons:

1. After extensive study and evaluation of all known sites an acceptable disposal site has not been located in Lincoln County.
2. Valley Landfills has indicated willingness to service Lincoln County.
3. It is the Department policy to support consolidation of wastes at regional disposal sites.
4. The Chemeketa Region Solid Waste Management Program has approved the proposal subject to Benton County approval.

Benton County Board of Commissioners
June 13, 1978
Page 2

The Department has evaluated all proposed alternatives for handling of Lincoln County solid waste and found this to be the most acceptable. Some confusion exists on our part about the proper method to obtain approval from Benton County for use of the Coffin Butte Landfill for Lincoln County waste. We are asking therefore that Benton County advise all concerned parties of the proper course of action to bring the matter to public hearing or to otherwise obtain full consideration of issuance of the necessary approvals.

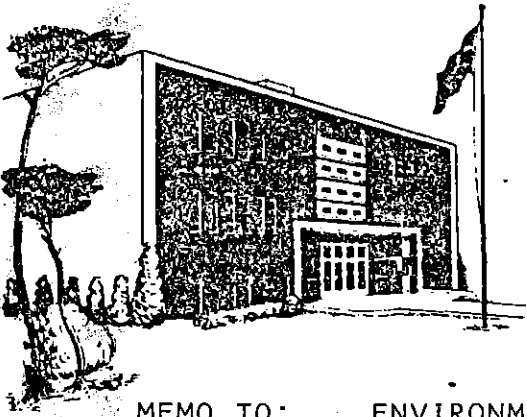
The Lincoln County variance will be discussed at the June 30, 1978 EQC meeting to be held at Nendels Inn, Corvallis. It would be helpful if Benton County Commissioners and/or staff attend the meeting.

If we can be of any assistance in obtaining a decision on the proposal, please contact the Department.

Sincerely,

William H. Young
Director

RLB:mb
cc: DLCD Attention: Jack Kartez
cc: Lincoln County Commission
cc: Benton County Planning Department
cc: Valley Landfills
cc: Bob Jackman



DEPARTMENT OF PUBLIC WORKS

PERMITS, UTILITIES, RESOURCES, PARKS

J. D. STEERE, Director

COUNTY OF LINCOLN

225 W. OLIVE

NEWPORT, OR. 97365

PHONE: 265-5341

JUNE 14, 1978

MEMO TO: ENVIRONMENTAL QUALITY COMMISSION
FROM: LINCOLN COUNTY BOARD OF COMMISSIONERS.
SUBJECT: SOLID WASTE PERMITS.

AS YOU ARE AWARE LINCOLN COUNTY FRANCHISED SOLID WASTE COLLECTORS FOR SOMETIME HAVE ATTEMPTED TO FINALIZE AN AGREEMENT BETWEEN THEMSELVES AND VALLEY LANDFILLS. THIS AGREEMENT CALLS FOR THE TRANSFER OF THE COUNTY'S SOLID WASTE TO THE COFFIN BUTTE LANDFILL SITE IN BENTON COUNTY FOR FINAL DISPOSAL. BECAUSE THIS AGREEMENT HAS NOT BEEN FINALIZED WE, THE COUNTY COMMISSIONERS, RESPECTFULLY REQUEST ON BEHALF OF THE COLLECTOR, A TIME EXTENSION TO THEIR SOLID WASTE DISPOSAL PERMITS.

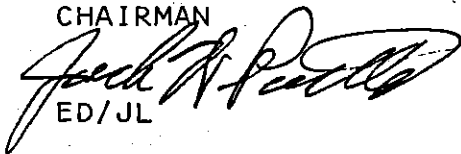
WE WOULD LIKE THIS EXTENSION TO BE OF A DURATION WHICH WILL ALLOW THEM TO FINALIZE THEIR AGREEMENT WITH VALLEY LANDFILLS OR TO PURSUE A SEPARATE COURSE OF ACTION.

WE WOULD ADD THAT THE COMMISSIONERS AND THE HAULERS HAVE BEGUN PRELIMINARY DISCUSSION WHICH ALLOWS THE COUNTY TO ACCEPT THE RESPONSIBILITY FOR THE OPERATION OF THE EXISTING LANDFILL.

IF YOU REQUIRE ADDITIONAL INFORMATION, PLEASE CONTACT US.

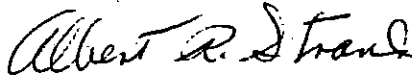
LINCOLN COUNTY BOARD OF COMMISSIONERS.

JACK W. POSTLE.
CHAIRMAN

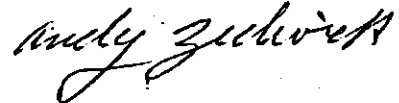


ED/JL

ALBERT R. STRAND.
COMMISSIONER



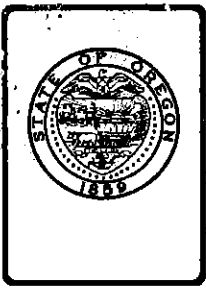
ANDY ZEDWICK
COMMISSIONER



RECEIVED

JUN 16 1978

SOLID WASTE SECTION



Environmental Quality Commission

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

To: Environmental Quality Commission
From: Director
Subject: Agenda Item H(3), June 29, 1979, EQC Meeting

Request for an Extension of Variances from Rules Prohibiting
Open Burning Dumps, OAR 340-61-040(2)(c), for Disposal
Sites in Lincoln County

Background and Problem Statement

Lincoln County has again requested a 12-month continuation of its current variance to allow open burning of putrescible wastes (garbage) at the privately operated Waldport and North Lincoln (near Lincoln City) disposal sites. OAR 340-61-040(2)(c) prohibits open burning of putrescible solid wastes.

On September 16, 1975, the Commission granted a variance to allow open burning of garbage at the two sites. The variance was granted with the understanding that the County was attempting to implement a centralized processing system with resource recovery.

On September 23, 1977, the Commission extended the variance. A \$600,000 bond measure for the resource recovery program had been approved by the voters and a solid waste service district formed; however, the County had decided to attempt to arrange the transfer of its solid waste to Benton County. The variance was extended until July 1, 1978 to allow time to implement the transfer program.

The issue of solid waste transfer to Benton County had still not been resolved by June 1978, so the Commission, at its June 30, 1978 meeting, granted another 180-day extension with the provision that a progress report be submitted and, if found acceptable, the variance would be extended for an additional 180 days.

On November 22, 1978, Lincoln County applied to DEQ for a planning grant to find a new landfill within the County after concluding that the Benton County waste transfer proposal was dead. The State Emergency Board authorized the \$38,900 grant in December 1978. On December 15, 1978, the EQC granted the additional 180-day extension of Lincoln County's variance.

In March 1979, Lincoln County contracted with R. A. Wright Engineering to locate, analyze and prepare preliminary engineering plans for a new disposal



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Materials

site. That study is to be completed this fall and will also include discussion of possible methods to transfer wastes from the north and south ends of the County to the new landfill. Once the study is completed, Lincoln County must decide whether to implement the plan, gain control of the landfill and, if needed, the transfer station sites, implement the transfer system,¹ complete final design of the landfill, and construct the landfill.

ORS 459.225 authorizes the Commission to issue variances to the solid waste rules. Section 3 states:

"The Commission shall grant a variance or conditional permit only if:

- (a) Conditions exist that are beyond the control of the applicant.
- (b) Special considerations exist that render strict compliance unreasonable, burdensome or impractical.
- (c) Strict compliance would result in substantial curtailment or closing of a disposal site and no alternative facility or alternative method of solid waste management is available."

Alternatives and Evaluations

The following alternatives are available to the Commission in reaching a decision on this variance application:

1. Approve extension of the variance for either or both sites.
2. Approve extension of the variance with conditions specific to each site.
3. Deny the variance for either or both sites.

In evaluating these alternatives, the Commission may want to consider the following information:

1. Lincoln County is pursuing what appears to be a practical solution to their solid waste disposal problem. The study phase is underway with a predictable completion date (Fall 1979). After that, the decision making and implementation phase

¹"Transfer system" referred to throughout this report means any system of transporting waste from one area to another. The actual method of transfer must be determined by the County and could range from collectors and public direct hauling, to temporarily placed drop boxes, to fully manned transfer stations, or any other transportation scheme. It could be publically or privately owned and operated.

is entirely dependent on the action of Lincoln County. The County estimates the total time required until implementation to be one year. During the interim, solid wastes should be handled in the most environmentally acceptable manner at the existing sites, without imposing unreasonable costs.

2. The only non-burning landfill in the County (Agate Beach site) is nearing completion of its first lift. They plan to construct a second lift, which will provide better final grades and drainage control. With the current volume of waste (Newport and vicinity), it is questionable if the second lift can be completed by the time that the new landfill is estimated to be available. The second lift would be completed sooner if additional wastes were diverted to this site.
3. Some sort of transfer system will ultimately be needed to get waste from the north and south ends of the County to the new landfill. Rapid implementation of the transfer system would allow additional wastes to be taken to the Agate Beach site while it is being completed, and the system would be in place when the new landfill opened. Both of the most promising potential new landfill sites are located within one or two miles of the existing Agate Beach site.
4. The Waldport site has adequate area and cover material to operate as a modified landfill until the new landfill is open. However, the owner claims that the existing equipment (a cable-lift cat) is inadequate to dig and move the on-site soil. He feels it would need to be replaced if the site was converted to a modified landfill. The cost of replacing the equipment, while within the control of the operator, would be unreasonable if the site is only going to be open for a 12-month period. The owner has indicated a willingness to consider investing in adequate equipment if the site could remain open indefinitely as a modified landfill.
5. There is very little available cover material or useable area at the North Lincoln site. These factors are beyond the control of the operator. The cost of importing cover material would be unreasonable and would result in closure of the site with no other alternative (i.e., transfer system) available.

Summation

1. Lincoln County is in the process of identifying a new regional landfill site. Following completion of this study in the fall of 1979, the County plans to construct a new County landfill. Some method of transferring waste to the landfill from the north and south ends of the County will be necessary.
2. The new landfill will not be constructed for at least one year.
3. Agate Beach landfill could accept additional waste from the north and south ends of the County for a limited period of time in order to reach final grade on the second lift.
4. As soon as the transfer system is implemented, all solid waste except demolition waste should be transferred to either the Agate Beach site (until fall) or the new landfill and both the Waldport and North Lincoln sites be closed or converted to demolition sites.
5. Lincoln County should immediately begin seriously considering transfer system options, operation and financing. Their consultant's report this fall should outline several potential alternatives. The County should get itself to a point where a decision on this issue can be made rapidly after receiving the study results and that decision implemented without delay.
6. Lack of cover material and useable area at the North Lincoln site is beyond the control of the operator. The cost of importing cover material would be unreasonable and would result in closure of the site with no other alternative available.
7. The Waldport site could be converted to a modified landfill, however, the cost of obtaining adequate equipment is unreasonable if the site is to remain open only until the transfer system is implemented (estimated one year).

Director's Recommendation

Based upon the findings in the Summation, it is recommended that:

1. Lincoln County submit a plan and time schedule for implementing a transfer system and the new landfill to the Department by November 1, 1979.

This plan must also address the question of whether the Waldport site will remain open as a modified landfill or whether waste will be transferred to the new landfill.

2. Lincoln County submit progress reports on implementation of the transfer system and new landfill to the Department on February 1, 1980 and May 1, 1980.
3. The open burning variance for the Waldport site be extended until the transfer system has been implemented, but not later than July 1, 1980, unless the transfer system plan referred to in No. 1 above recommends keeping the Waldport site open indefinitely as a modified landfill. In that case, the open burning variance should terminate on April 1, 1980 and the site be converted to a modified landfill.
4. The open burning variance for the North Lincoln disposal site be extended until the transfer system has been implemented, but not later than July 1, 1980.

Bill

WILLIAM H. YOUNG

Joseph F. Schultz:dro
229-6237
June 15, 1979



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

October 24, 1979

Dept. of Environmental Quality

RECEIVED
OCT 26 1979

NORTHWEST REGION

• Honorable Albert R. Strand
Chairman, Lincoln County
Board of Commissioners
Lincoln County Courthouse
225 West Olive
Newport, OR 97365

Re: Lincoln County
SWP No. 602

Gentlemen:

This Department has completed review of the report entitled "Solid Waste Landfill Site Search Phase 1," as prepared for Lincoln County by R. A. Wright Engineering. The purpose of this study was to identify and initially evaluate proposed landfill sites and transfer systems for Lincoln County, Oregon.

The report presents a well prepared systematic process of site selection which resulted in a number of recommendations for action to Lincoln County. The consultant recommends that a regional landfill be developed at the Moolach Creek or the Iron Mountain site, both located north of Newport. It further recommends that the county proceed with phase 2 of the study which includes preliminary engineering and more detailed geotechnical evaluation on both sites to determine acceptability.

Department staff have briefly viewed both sites, and while we cannot speak to their specific acceptability at this time, we do believe that either site merits further evaluation. The Department therefore, approves completion of phase 1 of the study and hereby authorizes the commencement of phase 2, for further study of the two identified sites.

The Department supports the consultant's recommendation that Lincoln County should now obtain approval from the site's landowners for more detailed investigations; select and acquire the most acceptable site and complete design and operational plans leading to construction during the Summer of 1980.

Honorable Albert R. Strand

Page 2

October 24, 1979

The Department further reiterates the other key recommendations of the study including:

1. Consideration of a transfer system for public convenience and to reduce direct hauling distance.
2. Analysis of volume reduction alternatives to preserve landfill space.
3. Legal determination as to whether funds from the existing bond measure approved by Lincoln County voters may be used as capital for this project.
4. Implementation of the Solid Waste Management Service District and establishment of a user fee to support the disposal program.
5. Adoption of an amendment to the 1974 solid waste plan which will incorporate the findings and recommendations of this study.

It should be noted that as a result of recent legislation (SB 925) Lincoln County will need to develop some type of recycling or waste reduction program in order to be eligible for pollution control bond construction funds to implement this project.

Department staff will be available to work closely with county staff and the consultant throughout this project. Should you have any questions regarding this matter, or if we may be of further assistance, please feel free to contact this Department's Solid Waste Division at 229-5913 in Portland (toll free 1-800-452-7813) or the North Coast Branch Office at 842-6637 in Tillamook.

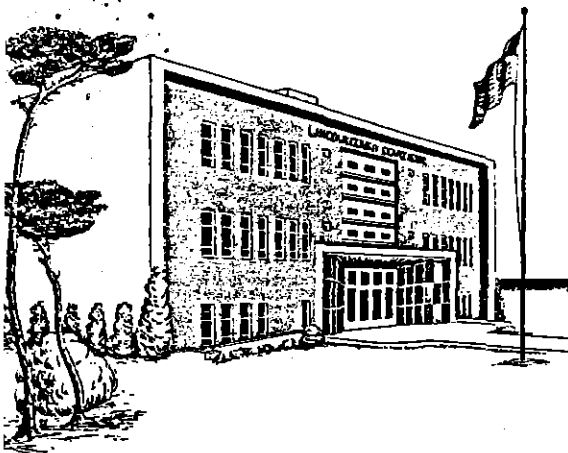
Sincerely,

Ernest A. Schmidt, Administrator
Solid Waste Division

ES:w

SW693

cc: Northwest Region ✓



COUNTY OF LINCOLN

225 W. Olive
Newport, Oregon 97365
February 19, 1980

TO: William H. Young, Director
Department of Environmental Quality

FROM: Gail Stater, R.S.
Temporary Solid Waste Administrator
Lincoln County

RE: Progress Update on Solid Waste Site Search, Lincoln County

To help find an acceptable, permanent solution to its continuing solid waste disposal problems, Lincoln County contracted (April 1979) with R. A. Wright Engineering to "locate, analyze, and prepare preliminary engineering plans" for a new disposal site.

This site search was divided into two Phases:

- Phase I - Locating potential landfill sites
- Phase II - Feasibility analysis

Phase I was completed in the fall of 1979. Phase I identified two potentially acceptable sites to be intensively examined in Phase II. The Phase I report was presented to and approved by the Lincoln County Board of Commissioners, and reviewed and approved by D.E.Q. (as indicated in the October 24, 1979 letter from Ernest Schmidt's office).

Upon approval of the Phase I report, our county legal counsel contacted owners of the two potentially acceptable sites for the purpose of securing access for geotechnical studies (part of Phase II).

Longview Fibre, which owns most of the land upon which both potential sites are located, granted access to the Moolach Creek site, but withheld access to the Iron Mountain site pending results of Moolach Creek site studies.

Dept. of Environmental Quality

RECEIVED
FEB 28 1980

NORTHWEST REGION

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
FEB 27 1980

OFFICE OF THE DIRECTOR

To: William H. Young, Director
Department of Environmental Quality
February 19, 1980
Page 2

Thus, R. A. Wright Engineering proceeded with Phase II geotechnical studies only at Moolach Creek.

L. R. Squier Associates (geotechnical consultants for R. A. Wright Engineering) have prepared a preliminary report evaluating field data (soils testing). This report recommends that the proposed site study continues, including "further laboratory testing, detailed engineering studies and analysis, and the preparation of a formal geotechnical engineering report." These activities would be included as part of Phase III, final design.

Charles Kemper of R. A. Wright has presented the Squier preliminary report to the Lincoln County Board of Commissioners, and is now proceeding with the remainder of the Phase II work - preliminary design and development of a D.E.Q. permit application.

Mr. Kemper is scheduled to present the preliminary soils report to the Solid Waste Advisory Committee on February 26, 1980. It is my hope that this presentation will allay any remaining concerns that some committee members have about the possibilities of successfully engineering a solid waste disposal site on this ancient slide area - understanding that final soils work and final engineering design remains to be done.

At this point in time, as Phase II draws to a close, Lincoln County is considering what lies ahead in the near future.

Once the study is completed, Lincoln County must decide whether to implement the plan.

Lincoln County has given some consideration to acquisition of the potential site, land use considerations, and the general approach which Lincoln County would like to take in making arrangements with the haulers for operation of a new site.

Several times, at meetings and discussions, the Lincoln County Commissioners, with the County Counsel, have expressed their intention to keep Lincoln County from becoming directly involved with the operation of a new site, preferring the possibility of having the haulers incorporate and operate the site which the County would acquire.

One such occasion was a meeting held on October 30, 1979 to discuss financial alternatives for the future solid waste disposal system. Attending were Commissioners Ouderkirk and Strand, County Counsel Ronnau, members of the Solid Waste Advisory Committee, and Bob Gilbert, Steve Sander, Joe Schultz, and James Close of the D.E.Q.

Concerning land use, Charles Kemper has presented the Phase I report to the County Planning Commission. Members of the County Planning staff and Mutual Aide Planning Service have been invited to and have attended some of the Advisory Committee meetings and have not expressed doubts about acceptability of the proposed site, although the conditional use process remains to be done.

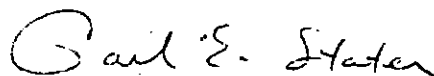
To: William H. Young, Director
Department of Environmental Quality
February 19, 1980
Page 3

Concerning acquisition of the site, the County Counsel believes there are possibilities for the County to execute a land trade.

To sum up, Phase II nears completion. The time required to implement the plan is going to take us past July 1, 1980, when variances allowing open burning in the Lincoln City and Waldport disposal sites expire. I expect that Lincoln County will request extensions to these variances.

Please do not hesitate to communicate with us at any time.

Sincerely,



GAIL E. STATER, R.S.
TEMPORARY SOLID WASTE ADMINISTRATOR

GES:cm

cc: Ernest Schmidt, D.E.Q.
Bob Gilbert, D.E.Q.
Steve Sander, D.E.Q.
Lincoln County Board of Commissioners
Lincoln County Counsel
Lincoln County Solid Waste Advisory Committee
Lincoln County Planning Department
M.A.P.S.
William Zekan, Lincoln County Sanitarian

February 22, 1980

Lincoln County Board of Commissioners
Lincoln County Courthouse
255 West Olive
Newport, Oregon 97365

Attention: Mr. Albert R. Strand
Chairman

Re: SW - Lincoln County
SWP No. 602

Gentlemen:

At its June 29, 1979 meeting, the Environmental Quality Commission (EQC) extended the variances for open burning of solid waste at the North Lincoln and Waldport disposal sites until no later than July 1, 1980.

This extension was granted without this Department's support and largely due to strong support for extension by Lincoln County officials. The main argument for extension at that time was that Lincoln County had obtained a planning grant from this Department to retain a consultant to locate an environmentally acceptable sanitary landfill site within the county. It was anticipated that a solid waste disposal system could be completed by the end of the requested variances.

Two potential landfill sites were located and preliminary feasibility on one site (Moolach Creek) is now being completed by the consultant. Lincoln County and the affected private collectors have yet to reach any agreement on how the site can become a reality.

Some mechanism must be developed to finance the implementation of the new disposal site. This could include public funding through State Pollution Control Bond grants/loans and private operation of facilities through a franchise agreement, or private financing and operation through a user fee system or some combination thereof. A decision needs to be reached soon if any construction is to occur during the coming 1980 construction season.

From our viewpoint, there does not appear to be a concerted effort toward any implementation. Even if an agreement to proceed can be reached, it is obvious that it will be some time after the expiration of the variances before a new site will be developed.

Lincoln County Board of Commissioners

Page 2

February 22, 1980

In view of the above the Department intends to recommend to the Environmental Quality Commission at its meeting in March that no further variances be granted to the North Lincoln or Waldport sites and that they cease open burning effective July 1, 1980. This could necessitate the direct transfer of wastes from these two areas to the Agate Beach site until a regional landfill site can be developed. Lincoln County should be aware that this action may cause some hardship on the local private collectors.

We will notify you of the date, time and place of the March EQC meeting and provide you with our staff report regarding this matter as soon as possible.

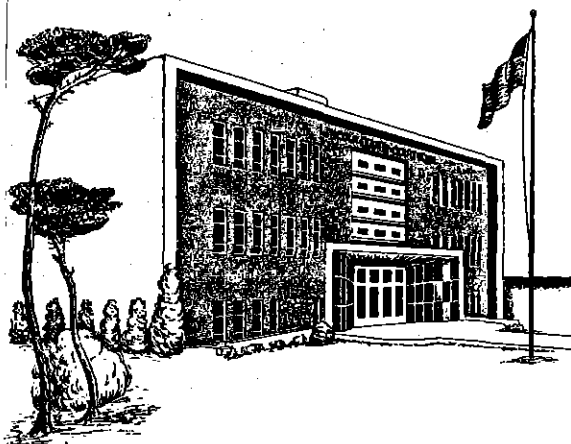
We would be happy to meet with you to discuss this matter, if you so desire. Please give me a call at 229-5209, or Mr. Joe Schultz of our Solid Waste Division at 229-6237.

Sincerely,

Robert E. Gilbert
Regional Manager
Northwest Region

REG/mb

cc: Gene R. & William R. Dahl
Dunn-LeBlanc, Inc.
North Coast Branch Office, DEQ
Solid Waste Division, DEQ
Charles Kemper



Public Health Department

Sanitation Section

COUNTY OF LINCOLN

225 W. Olive

Newport, Oregon 97365

March 5, 1980

Dept. of Environmental Quality

R E C E I V E D

MAR 7 1980

NORTHWEST REGION

Robert E. Gilbert
Regional Manager
Northwest Region
Department of Environmental Quality
522 SW 5th Ave.
Portland, Oregon 97207

Dear Mr. Gilbert:

Thank you for your letter to the Lincoln County Board of Commissioners dated February 22, 1980.

The Lincoln County Board of Commissioners has directed me to communicate their response to that letter.

In regard to your position that burning variances for the county's north and south disposal sites will not be extended past July 1, 1980, the Board has directed the Solid Waste Advisory Committee (including the disposal site operators) to attempt to determine location and design of public transfer stations in the affected areas of the county. Since transfer stations would require D.E.Q. approval (permits), the county will be working closely with the D.E.Q. to implement these transfer stations.

Since establishment of these transfer stations will be done in conjunction with closing the present burning sites, the county may wish to apply for funding assistance from the D.E.Q. to apply toward closure/transfer site establishment costs.

In regard to establishing a mechanism to finance implementation of the new disposal site, County Legal Counsel has been in written communication with the attorney for the haulers association, for the purpose of beginning to work out an arrangement between the county and the haulers by which the county disposal system is to be financed and operated. We will keep you informed of developments.

Robert E. Gilbert
Regional Manager
Northwest Region
Department of Environmental Quality
March 5, 1980
Page 2

Concerning other processes that must take place before a new disposal system is implemented, such as acquisition of the proposed Moolach Creek site and attainment of a conditional use permit, the Board feels that the D.E.Q. should be able to inform the Board, in writing, that the Moolach Creek site will be acceptable prior to the county committing itself to acquiring and approving the land.

Phase II (preliminary design to the point of D.E.Q. permit application) is approximately one month away from completion, according to Charles Kemper of R. A. Wright Engineering.

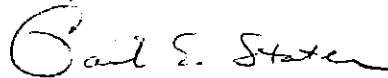
The Board feels that Phase II is proceeding reasonably, and wishes the continued process of implementing a new disposal site to proceed in an orderly manner.

Please do not hesitate to communicate with us to discuss any of these matters.

Note: The current chairman of the Board of Commissioners is Andrew Zedwick.

For the Lincoln County Board of Commissioners.

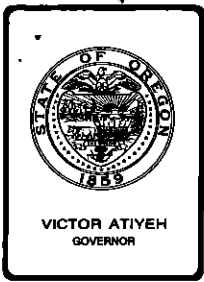
Sincerely,



GAIL E. STATER, R.S.
TEMPORARY SOLID WASTE ADMINISTRATOR

GES:cm

cc: Lincoln County Board of Commissioners
Lincoln County Legal Counsel
Solid Waste Advisory Committee
Steve Sander, Department of Environmental Quality
Charles Kemper, R. A. Wright, Engineering



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: William H. Young, Director

Subject: Agenda Item K, March 21, 1980, EQC Meeting

Informational Report: Department of Environmental Quality
Biennial Budget Process and Policy Guidelines

Background

Oregon is now in the second stage of a major change in its budgeting system. This change was inspired by Senate Joint Resolution 23, Oregon Laws, 1977, which states:

"The Governor is urged to submit as many 1979-81 state agency budget requests as may be feasible using the priority ranking and decision-making techniques associated with the concept of zero-based budgeting. This concept should be developed in consultation with the Legislative Fiscal Officer. By the completion of the budgeting and appropriation process for the 1983-85 biennium, all state agencies shall have been subjected to the concept of zero-based budgeting."

The first stage of compliance with this resolution occurred in the preparation of budgets for the 1979-81 biennium. At that time, 31 state agencies were instructed to prepare their budget requests in accordance with Oregon's adaptation of zero-based budgeting principles. This adaptation was named the Alternative Program Levels System (APLS).

The purpose of the Oregon budget system is to define clearly major issues so state decision makers can express their public policy to citizens of the state. To accomplish this purpose, the Executive Department policies were carefully developed to recognize the changing climate in which public policy is made.



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UNQUESTIONABLY, OREGON'S CLIMATE IN 1981-83 WILL BE MOST FAVORABLE FOR AGENCY PROPOSALS THAT RESPONSIBLY ENCOURAGE CITIZEN SELF-RELIANCE, ELIMINATE OR REDUCE UNNECESSARY REGULATIONS, USE TECHNOLOGY TO MEET NECESSARY OBJECTIVES WITH DEMONSTRATED SAVINGS, OR CHANGE EXISTING STAFFING PATTERNS TO MEET NEW, HIGHER PRIORITY NEEDS WITHOUT ADDING NEW EMPLOYEES.

Oregon's citizens are best served when budget proposals are developed in a logical manner after a rigorous and thorough review of the statutory responsibilities of each agency. Objectives will then be reviewed in relation to the level of need and in terms of understandable accomplishment measures.

Oregon's budget system is based on the assumption that all state agencies could operate at a reduced financing level and still meet major service objectives. Under this set of circumstances, low priority activities may be reduced or discontinued. Participation by all levels of management is essential to determine the priority activities that would be performed under reduced funding levels. WRITTEN CRITERIA are to be used by all levels of management in ranking their priorities. A formal ranking of priorities is the key to the APLS process.

Oregon's system encourages the elimination of unneeded programs and challenges agencies to discuss alternatives to needed programs that are more effective and less costly. APLS forces agencies to review and consider both the positive and negative consequences and the short and long-range impact of decisions.

If the budgeting process is done effectively, top management will have gained a planning, budgeting, and management tool. Middle-level managers will have had an opportunity to express their priorities, and both middle and top management will have integrated individual priorities to meet overall organization objectives.

If the agencies lowest priority activities are not financed, top management will have some assurance that the least important contributions to achieving the organization's objectives have been eliminated. Finally, there is a clear statement of what will be accomplished if a program or activity is adopted.

DEFINITIONS OF APLS TERMS

Adjusted Budget

This identifies the cost necessary to maintain existing approved programs through the 1981-83 biennium.

Decision Unit

A decision unit is an agency, or a part of an agency, that meets essential criteria.

Reduced Level Budget (RLB)

This represents no more than 85 percent of the total adjusted budget, including all fund sources. The reduced level budget is a dollar control figure only.

Decision Package

This describes discrete additions within and above the reduced level budget. Each of these incremental packages will be prioritized according to the agency's written criteria.

PROCESS

THE APLS BUDGET PROCESS BEGINS WITH THE AGENCY'S TOP MANAGEMENT ESTABLISHING MAJOR POLICY ISSUES AND AGENCY-WIDE GOALS, INCLUDING SELECTION OF ACCOMPLISHMENTS.

The agency then should proceed to develop the fiscal portion of the budget document using the following chronological steps:

- Selection of decision units and decision unit managers
- Formulation of the adjusted budget
- Development of the reduced level budget (RLB)
- Development of decision packages
- Selection and implementation of the ranking process
- Development of agency and APLS narratives (agency-wide, decision unit, decision package, etc.)

As a first step in the budgeting process, each agency identifies its decision units within budgetary program, that is, budget structure.

While it is desirable to have one individual responsible for each decision unit, some agencies find that a participatory management approach is most effective.

The attached schedule of interrelated activities indicate the Department's planning process including budget, Goals and Objectives, and work toward completion of State-EPA agreements.

To date, five Goals-Objectives workshops are dealing with previously stated agency commitments and stages of progress toward those commitments and planning for future concerns.

A number of issues have evolved from this planning process, some of which are identified as broad "Agency Policy", others as merely questions or ideas to be considered.

In the 1981-83 Biennial Budget Preparation Manual provided by the Executive Department, state agencies are told,

"Agency and program objectives must be defined," and

"The APLS process focuses a decision-maker's attention on major policy questions rather than on the review of individual line items in the budget. This approach should save time for decision makers and should result in better policy decisions."

DEQ broad policy issues include, but are not limited to

- To adhere to Federal and State regulations and guidelines beneficial to the citizens of the state of Oregon.
- To review and ratify or replace those regulations and guidelines.
- To balance between regulatory functions and research and development leadership.
- To identify and effectively utilize resources available.

The Goals and Objectives which have been identified in preparation for this biennial budget planning will be addressed elsewhere and will be identified with resources necessary for the accomplishment of those Goals and Objectives.

Director's Recommendation

It is recommended the Commission provide direction for subsequent actions of Department staff, after hearing the proposed agency Goals and Objectives.



WILLIAM H. YOUNG

Attachment

Michael J. Downs:be
229-6485
March 6, 1980
MB2132

ATTACHMENT

	<u>Goals & Objectives Update</u>	<u>1981-83 Biennial Budget Preparation</u>	<u>FY 81 State/EPA Agreement</u>
February:			
	4, 5, 6 Water Quality Program		National guidance for SEA development issued by <u>EPA</u> .
	11, 12, 13 Solid Waste Management Program	11-15 Budget preparation manual available from <u>Executive Department</u> .	
	20 Noise Control Program		Prioritize problems based on goals and objectives review, problem assessments and multi-year strategies. (<u>Program managers</u>).
	22 Brief EQC at breakfast	22 Budget preparation executive briefing session 1 (<u>Director or delegate attend</u>).	
	26, 27, 28 Air Quality Program	27 Budget preparation training session (<u>Fiscal officer and program and middle managers attend</u>).	
March:			
		3-7 <u>Agency Management Group</u> identify and <u>Director</u> approve 1981-83 organization and budget structure including decision units.	<u>Public Affairs</u> prepares public participation program for SEA, and issues public notice re: SEA development (including A-95 clearinghouses and COGS).
	12, 13, 14 Agency Management Program	14 <u>Executive Department</u> approval of 1981-83 organization and budget structures.	<u>Program Managers</u> begin negotiating SEA priorities.
	21 EQC Meeting	21 <u>EQC</u> review of budget process (<u>MSD</u>).	<u>EQC</u> reviews draft SEA priorities (<u>MSD</u> coordinates).
	21, 22 Agency-wide Session	26 <u>Agency Management Group</u> discuss criteria for determining RLB for decision units.	
	31 Publish G & O Document	31 <u>Agency Management Group</u> from revised G & O, produce tentative decision package issues including workload measures and accomplishments.	

Goals & Objectives Update

1981-83 Biennial Budget Preparation

FY 81 State/EPA Agreement

April:

1-4 Director approves decision package issues, workload measures and accomplishments. Also approves criteria for determining RLB.

7 MSD provides budget preparation workshop and information packets

15 Price List for Goods and Services available including standard inflation factors from Executive Department. Supplemental budget instructions available including data processing supplement, ABIS and PICS instructions from Executive Department.

ABIS available on-line for data entry (MSD coordinates)

PICS printout of adjusted budget for personal services available from Executive Department.

MSD gets Executive Department approval of list of workload measures for 1981-83.

18 EQC review of budget issues (MSD coordinates)

30 1979-81 current level actuals, budgets and position information frozen for budget preparation effective 3/31/80. (MSD and Executive Department)

Public meetings/workshops/questionnaires for SEA priorities. (Public Affairs coordinates). Complete SEA negotiations for draft FY 81 SEA (Programs Managers and MSD). MSD issues format guidance for programs to use in developing SEA work plans and strategies.

(Program Managers & MSD)
prepare draft FY 81 SEA

May:

15 Decision Unit Managers complete preparation of figures for approved accomplishments and workload measures for 79-80, 80-81, 82-83.

Decision Unit Managers complete calculation of S & S and capital outlay for 79-80, 80-81 and adjusted budget.

Mid-year review of FY 80 SEA (Program Managers, MSD, Director and EPA)

Goals & Objectives Update

1981-83 Biennial Budget Preparation

FY 81 State/EPA Agreement

Decision Unit Managers complete calculation of estimated OF and FF revenues for 81-83.

15-30

Director approves RLB figures and revenue projections for each decision unit.

MSD provides budget workshops for decision package preparation and ranking within decision decision units. (Decision Unit Managers attend).

June:

2-27

Decision Unit Managers prepare preliminary P.S., S & S, and C.O. figures for 81-83 for RLB's and decision packages. Enter into ABIS.

MSD distribute FY 81 SEA draft for review. Prepare summaries for public. (Program Managers) Solicit public comments on SEA draft. (Public Affairs coordinates)

July:

7

Decision Unit Managers submit RLB and DP narratives and special analysis to MSD

Final SEA negotiations (Director and EPA)

7-17

Review and rank of decision packages on agency-wide basis. (Agency Management Group)

18

EQC review & approval of ranking (MSD coordinates)

25

Director forwards ranked decision packages and related information to MSD for budget

August:

July 28 - August 15

MSD prepares agency budget request document.

Complete FY 81 SEA, reflecting public comments. (Program Managers and MSD) Prepare public responsiveness summaries and distribute as appropriate. (Public Affairs coordinates)

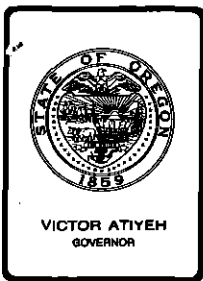
September:

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MSD submits Agency Request budget document to Executive Department.

Sign FY 81 SEA (Director and Region X Administrator)

(w)
MM0643



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 L, March 21, 1980, EQC Meeting

Medford Corporation - Petition for Declaratory Ruling on
Applicability of OAR 340-30-060 to Air Conveying Systems
and Veneer Dryers

Background

OAR 340-30 Sections 010 through 070 were adopted by the Environmental Quality Commission on March 31, 1978, as special rules applicable in the Medford/Ashland Air Quality Maintenance Area (copy attached). Section 060 gives specific authority to limit emissions on a plant site basis.

Problem Statement

Medford Corporation disagrees with the Department in setting of plant site limits for air conveying systems and veneer dryers. The Department proposed a limit generally commensurate with actual emissions and the levels used in development of the area's first control strategy. The Department's understanding of Medford Corporation's position is that since there are no specific particulate matter emission limits in the Special Rules applicable to veneer dryers, only opacity, that such facility cannot be included in the plant site limit; and the plant site limit for air conveying systems must be set in accordance with the regulatory limits of OAR 340-21-020 and OAR 340-30-025.

Evaluation

Medford Corporation has presented a petition to institute proceedings for a declaratory ruling in the determination of plant site emission limits for air conveying systems and veneer dryers. The petition is deemed filed when received by the Department (February 29, 1980).

An informal Attorney General's opinion has indicated that the Department has the authority to establish plant site limits. Also, other major sources in the Medford/Ashland AQMA have accepted Department-set plant site emission limits for air conveying systems and veneer dryers based in general on actual emissions.



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The alternatives for the EQC are:

1. The EQC may decide not to issue a ruling in which case the Department would continue to administer the rule as previously interpreted.
2. The EQC may decide to issue a ruling in which case they must hold a hearing on the petition. The EQC may conduct the hearing or designate a hearings officer to preside at and conduct the hearing.

Summation

1. Medford Corporation has presented a petition to institute proceedings for a declaratory ruling on setting plant site emission limits for air conveying systems and veneer dryers.
2. OAR 340-30-060 gives the specific authority to establish plant site emission limits in the Medford/Ashland AQMA area.
3. The EQC may decide not to issue a ruling.
4. The EQC may decide to issue a ruling in which case they must hold a hearing on the petition. The EQC may conduct the hearing or designate a hearings officer who will preside at and conduct the hearing.

Director's Recommendation

Based upon the Summation, it is recommended that the Environmental Quality Commission hold a hearing and issue a ruling on the petition.



William H. Young

John F. Kowalczyk:w

229-6459

March 13, 1980

AW1084

EXCERPTS FROM OREGON ADMINISTRATIVE RULES340-21-030 - Particulate Emission Limitations for Sources Other Than Fuel Burning and Refuse Burning Equipment

No person shall cause, suffer, allow or permit the emission of particulate matter from any air contaminant source other than fuel burning equipment or refuse burning equipment, in excess of:

- (1) 0.2 grains per standard cubic foot for existing sources; or
- (2) 0.1 grains per standard cubic foot for new sources.

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%.

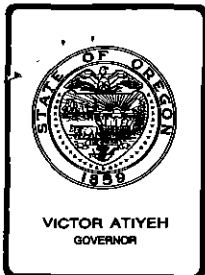
340-30-025 - Air Conveying Systems

All air conveying systems emitting greater than 10 tons per year of particulate matter to the atmosphere at the time of adoption of these rules shall, with the prior written approval of the Department, be equipped with a control system with collection efficiency of at least 98.5 percent.

340-30-060 - Total Plant Site Emissions

The Department shall have the authority to limit the total amount of particulate matter emitted from a plant site, consistent with requirements in these rules. Such limitation will be applied, where necessary, to ensure that ambient air quality standards are not caused to be exceeded by the plant site emissions and that plant site emissions are kept to lowest practicable levels.

3/20/80



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: Tillamook County Subsurface Sewage Disposal Program--
Proposed Temporary Rule

ORS 454.725 provides that the Department of Environmental Quality may enter into agreements with local units of government for the local units to perform the duties of the Department in the subsurface sewage disposal program.

The Department entered into an agreement with Tillamook County during December, 1973. That agreement was renegotiated January 23, 1976. The renegotiated agreement provides, among other things, that Tillamook County will:

- (a) Maintain adequate personnel to perform necessary program duties.
- (b) Issue subsurface sewage system favorable site evaluations and construction permits only where sites meet rules of the Environmental Quality Commission.

As part of the Department's on-going agreement county auditing process, Tillamook County's subsurface sewage program was audited in November, 1978. A number of program deficiencies, both office and field, were discovered at that time. A number of corrective recommendations were made to the county.

A follow-up audit was conducted July 25 and August 9 and 10, 1979. It was found that some of the office deficiencies were corrected. However, field visits revealed a number of sites approved for subsurface sewage disposal which clearly were in violation of Commission rules. This follow-up audit, as well as continued observation of the program, led the Department to the conclusion that massive program irregularities probably existed.



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Tillamook County Subsurface Sewage Disposal Program--
Proposed Temporary Rule
Page 2

The Department dispatched an investigation team to Tillamook County during early March, 1980. The team was instructed to actually reevaluate certain sites that had been initially evaluated and approved during 1978 and 1979. Of the approximately one hundred (100) approved sites reevaluated by the team, approximately seventy-five (75) were found not to comply with Commission rules. Of these, approximately thirty-five (35) were found to not have any reasonable method of sewage disposal available.

In addition, a number of permits and certificates of satisfactory completion appear to have been falsified. The certificates indicate that the sewage systems have been installed and inspected when in fact the system has not been installed.

With this background, the Department is of the opinion that it is likely that a large percentage of the approvals and permits issued by Tillamook County during the past six years were issued in violation of Commission rules.

The effect of the proposed rule, if adopted by the Commission, will be to require that the outstanding site evaluation approvals and falsified permits be reevaluated.

Failure to act promptly and decisively will result in large numbers of sewage systems being installed which will fail, causing health hazards and water pollution. In addition, a number of individuals will be further harmed by being unable to eventually utilize an approved site evaluation.

It is the Director's recommendation that the proposed temporary rule, set forth in Attachment "A" be adopted by the Commission to be effective immediately.

Attachment: Attachment "A"

T. Jack Osborne:l
229-6218
March 20, 1980
XL1144

PROPOSED TEMPORARY RULE

The following rule is made a part of Oregon Administrative Rules,
Chapter 340, Division 71.

- (a) Notwithstanding other rules contained in OAR Chapter 340, Division 71, within Tillamook County, Oregon, all favorable reports of evaluation of site suitability issued pursuant to ORS 454.755, between January 1, 1974, and December 31, 1979, which have not been converted to a current sewage system construction permit, pursuant to ORS 454.655, are hereby voided, effective immediately, and the Department shall make reasonable effort to give written notice thereof to the persons to whom such reports were issued.
- (b) Each property affected by the action in Section (a) may, at the request of the property owner, be reevaluated at no charge up to September 1, 1980, and at the regular charge after that date.

Each site reevaluated will be inspected to determine whether it meets Rules of the Commission. Sites not meeting Commission Rules will be considered for variances or alternative systems, as appropriate.

Those sites found eligible for a standard system approval, variance, or alternative system approval will be issued a new report of evaluation of site suitability at no charge.

Each new favorable report of evaluation of site suitability may be converted to a sewage system construction permit by payment of the appropriate fee.

Those applicants with sites failing to qualify for either a standard system, alternative system, or a variance will be issued a report of evaluation of site suitability denying use of on-site sewage disposal.

- (c) Sewage system construction permits issued pursuant to ORS 454.655, which are valid, will be honored for system construction until the permit expires. Each construction permit is valid for one year from the date of issuance; or in the event the permit contains no date of issuance or expiration, one year from date of adoption of this rule. Expired permits will be subject to the procedure for reports set forth in section (b) above.

- (d) All reports of evaluation of site suitability, sewage system construction permits and certificates of satisfactory completion issued without lawful authority or which contain, or were issued on the basis of, false information are to be revoked promptly by the Department and the Department shall give prompt written notice thereof to the persons to whom such reports, permits or certificates were issued. Each such site, in order to be approved for sewage disposal, must be reevaluated as set forth in section (b) above.

STATEMENT OF NEED FOR RULEMAKING
and
FISCAL IMPACT STATEMENT

ATTACHMENT "B"

Pursuant to ORS 183.335(2), this statement provides information on the Environmental Quality Commission's intended action to adopt a rule.

Proposed Amendment to Oregon Administrative Rules, Chapter 340, Division 71, , Rules Governing Subsurface and Alternative Sewage Disposal

- A. Legal authority for rules governing subsurface and alternative sewage disposal is ORS 454.625.

- B. The need for rulemaking is based upon the fact that recent revelations of improper action in the subsurface sewage disposal program administration in Tillamook County dictates prompt, decisive action to prevent creation of public health hazards and water pollution. In addition, prompt action is necessary to prevent further expenditures of private funds based upon erroneous or false suitability reports and sewage system construction permits.

The proposed rule is intended to meet the need for rulemaking in that the proposed rule contains provisions which will effectively stop most actions pertaining to subsurface sewage disposal until each site and records pertaining to that site can be reviewed and appropriate action taken.

C. The Department relied upon a report of a study of county program files and actual site visits in considering the need for and in preparing the rule. The study report and other files are available for public inspection at the Department of Environmental Quality, 522 Southwest Fifth, Portland.

D. Fiscal Impact. Fiscal impact is expected to be varied and major. Fiscal impact will fall upon the state Department of Environmental Quality, Tillamook County, and owners of property affected by the rule.

State Fiscal Impact. Fiscal impact to the state is estimated to be close to \$100,000 during the next twelve months. This impact will be absorbed by the Department of Environmental Quality to the extent possible, by diversion of personnel from other programs to deal with this extraordinary situation. Other Department budgeted programs will suffer as a consequence.

This estimate does not include funds that may be necessary for legal fees as a result of potential administrative and court litigation.

Tillamook County Fiscal Impact. Fiscal impact to the county is expected to be somewhat less than that estimated for the Department, principally due to less travel and lodging expenses.

Property Owners Fiscal Impact. Overall fiscal impact will be major. For individual property owners the impact will be either major or minor depending upon whether or not they eventually gain an approved method of sewage disposal for their particular property. The type of system approved could also have a major fiscal impact upon an individual property owner.

In the event the Commission fails to take this action, individuals may be impacted to an even greater extent because they will expend funds to purchase property which they will not be able to use as intended due to lack of an approved method of sewage disposal.

TJO:1

March 21, 1980

XL1141

STATE OF OREGON
ENVIRONMENTAL QUALITY COMMISSION

FINDINGS

The Environmental Quality Commission of the State of Oregon finds that its failure to act promptly, by adopting a temporary rule to be made a part of OAR Chapter 340, Division 71, will result in serious prejudice to the public interest or the interest of the parties concerned, for the following reasons:

1. On-site disposal systems will be installed in Tillamook County which will malfunction creating public health hazards and water pollution.
2. Individuals will expend funds to purchase property which they will not be able to use as intended due to lack of an approved method of sewage disposal.

Joe Richards, Chairman

March 21, 1980

XL1141.A (1)

TL 600 SEC 22 DA TIS, R10W
SLIDE 1 OF 9
EXPIRED PERMITS
MARCH 12, 1980
SD

TL 600 SEC. 22 DA TIS R 10W
APPROVED PIT
MARCH 12, 1980
SLIDE #2 OF 9
SO

TL 2001 SEC 24 AD-EVALUATION TIS R 11W
60 X 150 LOT-VACATED FROM HIGHWAY RIGHT OF WAY
STEVE AT PROP. CORNER
MARCH 12, 1980
SLIDE #3 OF 9
SD

TL 2001 SEC 24AD TIS R 11W
60 X 150 LOT EVALUATION
MARCH 12 1980
SLIDE #4 OF 9
SO

C
SLIDE #5 OF 9

TL 900 SEC. 19C TIS R9W
PICTURE #6 OF 9
PERM. WATER TABLE
MARCH 11 1980
SD

D
SLIDE NUMBER 7 OF 9

MAR. 11, 1980 VALID PERMIT
LOOKING WEST SHOWS SYSTEM AREA. 25-10W SEC 8
TL 1701 PARCEL 11
SLIDE 8 OF 9
J.L.S.

MAR. 11, 1980 VALID PERMIT
SHOWS REST. LAYER CUT BANK OF PICT #10
25-10W-SEC 8 TL 1701 #11
J.L.S.
SLIDE 9 OF 9

EXHIBIT A
3/21/80
Agenda Item #1
Tulare County SSI

Young

ENVIRONMENTAL QUALITY COMMISSION

MARCH 21, 1980

BREAKFAST AGENDA

1. Status of technical review of field burning SIP submittal.
2. Discussion of letter from Roger Emmons regarding SB 925.
3. Medford Corporation's Petition for Declaratory Ruling on applicability of OAR 340-30-060 to air conveying systems and veneer dryers.
4. River Road/Santa Clara status report.
5. Stipulated Consent Orders (municipal).

LUNCH AGENDA

1. Presentation and briefing on Garbage Day.
2. Portland Air Quality Maintenance Area emission offsets-- Representative from City of Portland
3. Program Evaluation Study status report.

Young

DEPARTMENT OF ENVIRONMENTAL QUALITY

Goals and Objectives Review

March 21, 1980

- 1:30 pm Water Quality Division
- 2:00 pm Solid Waste Division
- 2:30 pm Noise Section
- 3:00 pm Air Quality Division
- 3:30 pm Agency Management
- 4:00 pm Discussion
- 4:30 pm Adjourn

...sive joinder as plain-

(1) All persons may join as plaintiffs if they assert jointly, severally, or in the alternative, to or arising out of the occurrence, or series of occurrences and if any question common to all these persons...

...y be joined in one action if there is asserted jointly, severally, or in the alternative, to relief in respect to or arising out of the same transaction, occurrence, or series of occurrences of law or fact common to all the parties...

...defendant need not be joined or defending against the plaintiff. Judgment may be rendered for the plaintiffs according to their respective rights to relief, and against the defendants according to their liabilities.

...y make such orders as may be necessary to prevent the plaintiff from being embarrassed, or from incurring unnecessary expense by the defendant against whom he asserts a claim, or against whom he asserts no claim against the defendant, separate trials or make such orders as may be necessary to prevent delay or prejudice.

...sory joinder. Parties who are united in interest as plaintiffs or defendants; but one who should have been joined is not obtained, he may be added, the reason being stated...

...; 1975 c.158 §5]

...r of persons in contracts. (1) The defendant in an action on a contract brought by the maker of the contract or against the maker of the contract or against the maker of the contract who has a claim against the maker of the contract arising out of the contract...

...may, in an action or suit brought by an assignee of rights, join as parties to that action persons liable for attorney fees...

...section: The original party to the action is the subject of the action...

or suit who is the predecessor in interest of the plaintiff under the contract; and

(b) "Contract" includes any instrument or document evidencing a debt. [1975 c.623 §5]

13.190 State agencies as parties in governmental administration proceedings. In any action, suit or proceeding arising out of county administration of functions delegated or contracted to the county by a state agency, the state agency must be made a party to the action, suit or proceeding. [1975 c.623 §13]

CLASS ACTIONS

13.210 Definitions for ORS 13.210 to 13.410. As used in ORS 13.210 to 13.410:

(1) "Action" means an action, suit or proceeding.

(2) "Court" means circuit or district court. [1973 c.349 §1]

13.220 Requirement for class action; when maintainable. (1) One or more members of a class may sue or be sued as representative parties on behalf of all only if:

(a) The class is so numerous that joinder of all members is impracticable; and

(b) There are questions of law or fact common to the class; and

(c) The claims or defenses of the representative parties are typical of the claims or defenses of the class; and

(d) The representative parties will fairly and adequately protect the interests of the class; and

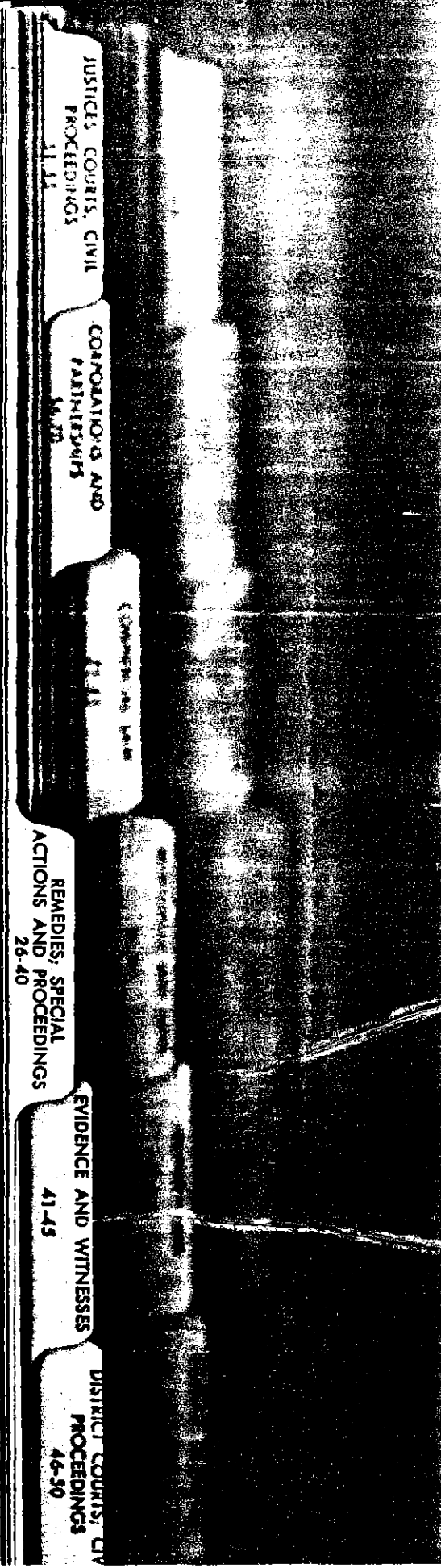
(e) In an action for damages under paragraph (c) of subsection (2) of this section, the representative parties have complied with the prelitigation notice provisions of ORS 13.280.

(2) An action may be maintained as a class action if the prerequisites of subsection (1) of this section are satisfied, and in addition:

(a) The prosecution of separate actions by or against individual members of the class would create a risk of:

(A) Inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the party opposing the class; or

(B) Adjudications with respect to individual members of the class which would as a practical matter be dispositive of the interests...



I. APPROVED SITE EVALUATION REPORTS ONLY;

RECOMMEND:

(a) VOID ALL SITE EVALUATION REPORTS ISSUED SINCE JAN. 1, 1974, THAT HAVE NOT BEEN CONVERTED TO A SUBSURFACE SYSTEM CONSTRUCTION PERMIT.

H-500

Ray -
flow done

(b) EACH SITE BE RE-EVALUATED BY COUNTY AT REQUEST OF PROPERTY OWNER. (NO FEE).

DEP
Cassidy
Bac Kuf

(c) EACH SITE RE-EVALUATED BE CONSIDERED FOR EACH OF THE FOLLOWING OPTIONS AND IN THIS ORDER OF PREFERENCE:

1. MEETS RULES FOR STANDARD SUBSURFACE SYSTEMS:
PROVIDE NEW FAVORABLE SITE EVALUATION REPORT.

(2)

2. DOES NOT MEET RULES - BUT
VARIANCE PROCEDURE COULD
PROVIDE WORKABLE SYSTEM:

A. ISSUE SITE EVALUATION

REPORT ~~RECOMMENDING~~ denying a
standard system but recommending a
VARIANCE APPLICATION.

B. APPLY FOR VARIANCE,
WITHOUT FEE.

C. VARIANCE GRANTED:
ISSUE NEW FAVORABLE
SITE EVALUATION REPORT.

D. NO VARIANCE GRANTED:
GO TO 3 BELOW.

3. DOES NOT MEET RULES FOR
STANDARD SYSTEM OR VARIANCE
BUT DOES MEET RULES FOR AN
ALTERNATIVE SYSTEM:

ISSUE NEW FAVORABLE SITE
EVALUATION REPORT FOR THAT
PARTICULAR ALTERNATIVE SYSTEM.

85-96

250

? -
0

Sand filter
holding tank

(3)

4. DOES NOT MEET RULES FOR STANDARD OR ALTERNATIVE SYSTEM, VARIANCE NOT APPROPRIATE:

ISSUE REPORT DENYING USE OF ON-SITE SEWAGE DISPOSAL.

NOTE: REGARDLESS OF ABOVE STILL HAS RIGHT TO APPLY FOR VARIANCE.

II APPROVED SITE EVALUATION REPORT;
"EXPIRED" CONSTRUCTION PERMIT:

RECOMMEND:

H

FOLLOW PROCEDURE SET FORTH IN I ABOVE.

III APPROVED SITE EVALUATION REPORT;
VALID CONSTRUCTION PERMIT:

(NO HOME OR SYSTEM CONSTRUCTION)

RECOMMEND:

(a) SUSPEND PERMIT

(b) FOLLOW PROCEDURE SET FORTH IN I ABOVE.

(4)

IV

APPROVED SITE EVALUATION REPORT;
VACIO CONSTRUCTION PERMIT;
SYSTEM INSTALLED (LSC ISSUED):

(a) HOUSE COMPLETED -

TAKE NO ACTION.

(b) HOUSE UNDER CONSTRUCTION -

TAKE NO ACTION.

(c) HOUSE NOT BUILT AND NOT
UNDER CONSTRUCTION -

1. SUSPEND CERTIFICATE

OF SATISFACTORY COMPLETION

2. RE-EVALUATE THE INSTALLED
SYSTEM AND SIZE:

A. WILL FUNCTION PROPERLY:

LIFT SUSPENSION OR

RE-VALIDATE CERTIFICATE.

B. WILL NOT FUNCTION PROPERLY:

REVOKE CERTIFICATE AND

CONSTRUCTION PERMIT.

EVALUATE OTHER OPTIONS -

- VARIANCE

- ALTERNATIVE SYSTEMS

(5)

IV APPROVED SITE EVALUATION REPORT;
VALID CONSTRUCTION PERMIT;
SYSTEM NOT INSTALLED, (CSC NOT ISSUED):

- (a) HOUSE COMPLETED -
TAKE NO ACTION.
- (b) HOUSE UNDER CONSTRUCTION -
TAKE NO ACTION.
- (c) HOUSE NOT BUILT OR UNDER
CONSTRUCTION -
SAME PROCEDURE AS III.

VI SITES UPON WHICH REPORTS
APPEAR TO BE FALSIFIED:

(CERTIFICATE OF SATISFACTORY
COMPLETION ISSUED WHICH SHOWS
SYSTEM TO BE INSTALLED AND
INSPECTED WHEN IN FACT
SYSTEM PROBABLY NOT INSTALLED).

RECOMMEND:

- (a) VERIFY BY FIELD VISIT
WHETHER SYSTEM HAS BEEN
INSTALLED.
- (b) IF SYSTEM INSTALLED -
SAME PROCEDURE AS IV ABOVE.

(6)

(C) IF SYSTEM NOT INSTALLED:

1. REVOKE CSC.

2. HOUSE COMPLETED OR UNDER
CONSTRUCTION -

REQUIRE SYSTEM INSTALLATION

3. HOUSE NOT BUILT OR UNDER
CONSTRUCTION -

SAME PROCEDURE AS III ABOVE.

PROPOSED TEMPORARY RULE

Amend OAR 340-71-013 by adding a new subsection (6) to read as follows:

(6) (a) Within Tillamook County, Oregon, all favorable reports of evaluation of site suitability issued pursuant to ORS 454.755, between January 1, 1974, and December 31, 1979, which have not been converted to a current sewage system construction permit, pursuant to ORS 454.655, are hereby voided, effective

certified

immediately, and the Department shall give prompt written notice thereof to the persons to whom such reports were issued.

(b) Each property affected by the action in 340-71-013(6) (a)

may, at the request of the property owner, be re-evaluated at

no charge up to September 1, 1980, and at regular charge after that date.

DATE TIME

Each site re-evaluated will be inspected to determine whether it meets Rules of the Commission. Sites not meeting Commission Rules will be considered for variances or alternative systems, as appropriate.

Those sites found eligible for a standard system approval, variance, or alternative system approval will be issued a new report of evaluation ^{OF SITE} suitability at no charge.

Each new ^{favorable} report of evaluation of site suitability may be converted to a sewage system construction permit by payment of the appropriate fee.

Variances by procedure followed by EQC

Those applicants with sites failing to qualify for either a standard system, alternative system, or a variance will be issued a report of evaluation of site suitability denying use of onsite sewage disposal.

(c) Sewage system construction permits issued pursuant to ORS 454.655, which are valid, will be honored for system construction until the permit expires. Each construction permit is valid for one year from the date of issuance. Expired permits will be subject to the procedure for reports set forth in 340-71-013 (6) (b).

*Expiration
of one year
from date of
issuance
which means
later*

*Permit
has died
before
expiration*

(d) All reports of evaluation of site suitability, sewage system construction permits, and certificates of satisfactory completion issued without lawful authority or which contain, or were issued on the basis of, false information ^{to be} are ~~hereby~~ promptly by the Department and the Department shall give written notice thereof to the person to whom such reports, permits or certificates were issued. Each such site, in order to be approved for sewage disposal, must be re-evaluated as set for in OAR 340-71-013 (6) (b).

*shall give
written
notice
thereof to
the person
to whom
such
reports,
permits
or certificates
were issued*

TJO:1

XL1134

*Give general
public
notice*

*NOTICE of problem
CSC
ST.*

STATEMENT OF NEED FOR RULEMAKING
and
FISCAL IMPACT STATEMENT

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

Proposed Amendment to 340-71-005 to 71-045, Rules
Governing Subsurface and Alternative Sewage Disposal

- A. Legal authority for rules governing subsurface and alternative sewage disposal is ORS 454.625.
- B. The need for rulemaking is based upon the fact that recent revelations of improper action in the subsurface sewage disposal program administration in Tillamook County dictates prompt, decisive action to prevent creation of public health hazards and water pollution. In addition, prompt action is necessary to prevent further expenditures of private funds based upon erroneous or false suitability reports and sewage system construction permits.

The proposed rule is intended to meet the need for rulemaking in that the proposed rule contains provisions which will effectively stop most actions pertaining to subsurface sewage disposal until each ^Tsite and records pertaining to that ^Tsite can be reviewed and appropriate action taken.

- C. The Department relied upon a report of a study of county program files and actual site visits in considering the need for and in preparing the rule. The study report is available for public inspection at the Department of Environmental Quality, 522 Southwest Fifth, Portland, ~~OR~~

Oregon.

- D. Fiscal Impact, Fiscal impact is expected to be varied and major. Fiscal impact will fall upon the state Department of Environmental Quality, Tillamook County, and owners of property affected by the rule.

State Fiscal Impact, Is estimated to be close to \$100,000 during the next twelve months. This impact will be absorbed by the Department of Environmental Quality by diversion of personnel from other programs to deal with this situation. Other Department budgeted programs will suffer as a consequence.

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TJO:1

3/19/80

XL1141

STATE OF OREGON

ENVIRONMENTAL QUALITY COMMISSION

FINDINGS

The Environmental Quality Commission of the State of Oregon finds that its failure to act promptly, by adopting temporary rule OAR 340-71-013(6), will result in serious prejudice to the public interest or the interest of the parties concerned, for the following reasons:

1. On-site disposal systems will be installed in Tillamook County which will malfunction creating public health hazards and water pollution.
2. Individuals will expend funds to purchase property which they will not be able to use as intended due to lack of an approved method of sewage disposal.

Joe Richards, Chairman

XL1141.A (1)

OSI

Research
Standards
Service

Oregon Sanitary Service Institute

~~4645 10th Pl. S., Salem, Oregon 97302~~ Phone 399-7784

SUITE 106, RIVERGROVE OFFICE PARK
2111 FRONT ST. N.E., BLDG. 1
SALEM, OR 97303

RECEIVED
MAR 3 1980

March 3, 1980

SOLID WASTE SECTION

REVISED DRAFT

TO: MEMBERS OF THE OREGON ENVIRONMENTAL QUALITY COMMISSION
BILL YOUNG, DIRECTOR, DEQ
JIM SWENSON, PUBLIC AFFAIRS OFFICER, DEQ
✓ ERNIE SCHMIDT, DIRECTOR, SOLID WASTE, DEQ

RE: IMPLEMENTING SENATE BILL 925 ON WASTE REDUCTION

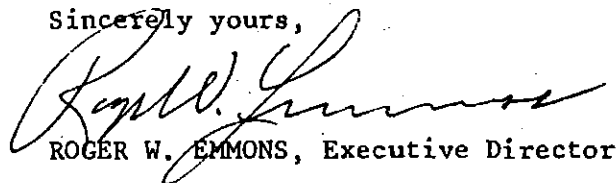
At the request of Representative Campbell, I phrased the following question which is at the heart of the waste reduction issued under SB 925.

The DEQ representatives announced that the EQC could and would issue a show cause order to a local government unit which has an inadequate waste reduction plan or program. If, after the hearing, the EQC finds that the local government barely meets the five criteria in the law, but does not meet the waste reduction "guidelines", could and would the EQC reject the waste reduction plan? On the basis of the rejection, would the EQC reject state pollution bond funding, expanded siting assistance, direct siting or super siting?

This follows up a question raised by your Waste Reduction Task Force members at their first meeting with Mr. Schmidt. That question continues today through all their deliberations and those of the Interim Committee.

We are involved in a number of existing and potential partnerships with local government that require answers on waste reduction. We respectfully request that you submit this question as part of your inquiry to the Attorney General.

Sincerely yours,



ROGER W. EMMONS, Executive Director

RWE/ts

CC: Members of the Interim Committee on Environment & Energy
Larry Trumbull, Marion Co. Solid Waste Administrator
Rick Gustaphson, Metro, Executive Director
Gordon Fulta, Association of Oregon Counties
Mike Huston, League of Oregon Cities
Tom Donaca, Associated Oregon Industries
Jerry Powell, Resource Conservation Consultants
Ezra Koch, President, OSSI
Angus MacPhee, Disposal Industries, Inc.
Robert French, Waste Reduction Task Force, Chairperson

Association of State and Interstate Water Pollution Control Administrators



101
MAR 21 1980

U.S. Department of Environmental Quality

Robbi J. Savage
Executive Director

TO: ASIWPCA Membership
FROM: Robbi Savage *Robbi*
DATE: March 17, 1980
SUBJECT: EPA CUTS IN FY 81

On Friday, March 14, just prior to President Carter's briefing on his revised budget, US EPA's Administrator Douglas Costle called to advise this Association of expected cuts in the Construction Grants Program.

As I understand it, there will be an obligations freeze on all construction grants programs which will be in effect until at least the end of FY 80.

SPECIFIC EPA CUTS IN FY 81 include:

- \$ 102 million - Agency wide
- \$ 7 million - Internal EPA (travel, personnel, etc.)
- \$ 95 million - Construction grant outlays

To affect the \$ 95 million in Construction grant outlays, the Agency must freeze future obligations in FY 80. (Total reduction of \$ 880 million in obligations is expected between now and the end of FY 80, \$ 600 million in project cuts have already been identified by US EPA, with \$ 280 million in specific projects cuts yet to be identified.)

Though this cut is not a direct attack on the Presidential request for \$ 3.7 billion in the FY 81 budget, it will certainly have implications and each state may wish to inform their Congressional delegations of the impacts of such cuts.

This Association will be working with Mr. Costle and members of his staff on ways to affect these cuts in as painless a way as possible.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
AIR, NOISE, AND RADIATION

MAR 18 1980

Mr. John Hector
Program Manager
Noise Pollution Control
Department of Environmental Quality
522 S.W. 5th Avenue, P.O. Box 1760
Portland, Oregon 97207

Dear Mr. Hector:

We appreciate your providing us with a copy of your staff report on light duty vehicles which you will be presenting to the Environmental Quality Commission on March 21st. I would like to be there to answer any questions from the Commission regarding the Federal Noise Program as it relates to light vehicles. Unfortunately, the press of business this week in Washington prevents me from coming at this time.

However, I wanted to pass along our comments on your staff paper. We are glad that the State of Oregon recognizes the seriousness of the light vehicle noise problem for its citizens. Light vehicle emissions are often ignored while people focus on the more obvious problems of trucks and motorcycles. However, light vehicles establish the ambient noise level for so many of our residential neighborhoods, and though subtle in their effects, can be a very serious problem. As you know, we have not yet decided the exact role which the Federal Government should play in the regulation of the noise emissions of light vehicles. It would be unfortunate indeed if the State of Oregon were to abandon its own efforts to control this problem on the mistaken assumption that the Federal Government was going to take care of the problem. However, we can understand the State's concern about the measurement procedure presently in use and the desirability of postponing further action in this area until the technical problems of a new measurement procedure are worked out. We expect that these problems, from the Federal perspective, will be put to rest this calendar year. We urge the State of Oregon to stay abreast of these developments so that whatever the Federal decision on the possible regulation of light vehicles the State will be in a position to take appropriate action to protect its citizens from this source of noise. We will continue to lend our support to your efforts in this area.

Sincerely yours,

Charles L. Elkins
Deputy Assistant Administrator
for Noise Control Programs

RECEIVED
MAR 19 1980

Noise Pollution Control

JAMES A. REDDEN
ATTORNEY GENERAL



DEPARTMENT OF JUSTICE
STATE OFFICE BUILDING
SALEM, OREGON 97310
TELEPHONE: (503) 378-4400

March 10, 1980

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

Dear Mr. Young:

Enclosed is Opinion No. 7863 which has just been issued
in response to your question.

Very truly yours,

James A. Redden
James A. Redden (HJR)
Attorney General

tlg
Enclosure

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
MAR 14 1980
OFFICE OF THE DIRECTOR



DEPARTMENT OF JUSTICE

100 State Office Building
Salem, Oregon 97310
Telephone: (503) 378-4400

March 10, 1980

No. 7863

This opinion is issued in response to a question presented by William H. Young, Director, Department of Environmental Quality.

QUESTION PRESENTED

May a tax credit certification be made by the Environmental Quality Commission for the conversion of a motor vehicle from the use of gasoline fuel to the use of liquified petroleum gas fuel, such as propane or butane, or natural gas fuel?

ANSWER GIVEN

Yes, if a substantial purpose of the conversion is to prevent, control or reduce air pollution by the disposal or elimination of or redesign to eliminate air contaminants or air pollution or air contamination sources. The taxpayer obtaining any such tax credit must own a trade or business which would use converted motor vehicles.

DISCUSSION

We are asked under what circumstances, if any, the Environmental Quality Commission may issue a tax credit

certification under ORS 468.155 to 468.190, for conversion of a motor vehicle from use of gasoline to use of liquified petroleum gas or natural gas.

The conversion equipment installed in motor vehicles to make possible the use therein of such alternative fuels would come within the definition in ORS 468.155 of a "pollution control facility" which is eligible for tax credit. certification under ORS 468.155 to 468.190, if a substantial purpose of the conversion is to prevent, control or reduce air pollution. If the only substantial purpose of the conversion were something else, such as energy or economic savings, the conversion would not qualify for a pollution control tax credit. Further, to obtain the tax credit, the taxpayer must own the trade or business which uses the pollution control facility. ORS 316.097(5) and 317.072(5). ORS 307.405(2)(b) contains similar provisions applicable if the taxpayer elects to use the tax benefit for real property tax reduction purposes, but this section would not be applicable to pollution control facilities which are part of such personal property as motor vehicles.

It is arguable that the legislature did not intend the definition of "pollution control facility" in ORS 468.155 to include modifications made to motor vehicles, because the legislature has provided other measures for reducing motor vehicle emissions. See ORS 468.360 to 468.405 and 483.760 to 483.825. However, ORS 468.360 to 468.405 and 483.760 to

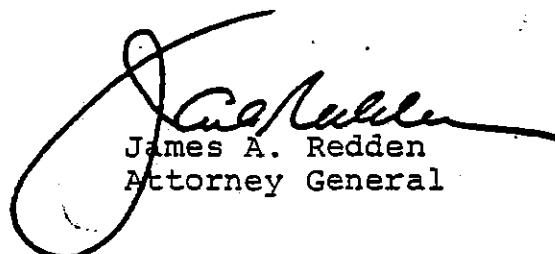
483.825, which provide for motor vehicle pollution control systems, are consistent with the allowance by the legislature of a tax credit for such conversion equipment on motor vehicles to change the fuel use, in order to reduce pollution beyond the requirements of 468.360 to 468.405 and 483.760 to 483.825. Of course, a tax credit could not be presumed to be authorized for simply accomplishing that which ORS 468.360 to 468.405 and 483.760 to 483.825 already require.

It may be argued that ORS 468.155 was intended to include only industrial and commercial facilities at fixed work place locations. Nevertheless, this argument is not supported specifically by any such restrictive language in ORS 468.155 or by the legislative history of this provision.

If a tax credit certification is made by the Environmental Quality Commission for the subject conversion, it will be available only to a taxpayer who owns a trade or business using the converted motor vehicles. ORS 316.097(5) and 317.072(5). This could include the taxpayer owners of taxicabs, parcel delivery trucks, utility company fleets and vehicles used to transport employees to and from work. It could not include vehicles owned by employees of the taxpayer, such as vehicles used by salespersons, though such vehicles were converted and used in connection with the taxpayer's business. The taxpayer owner could be an individual, partnership or corporation so long as the converted vehicles

were used only in the trade or business of such a taxpayer owner.

The legislature may, of course, amend the pertinent statute appropriately if it determines that the tax credit benefits for pollution control should not extend to such fuel conversions of motor vehicles.



James A. Redden
Attorney General

JAR:RPU:jo