

6/20/1980

OREGON

ENVIRONMENTAL QUALITY

COMMISSION MEETING

MATERIALS



State of Oregon
**Department of
Environmental
Quality**

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OREGON ENVIRONMENTAL QUALITY COMMISSION MEETING

June 20, 1980

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

AGENDA

9:00 am CONSENT ITEMS

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

- A. Minutes of the May 16, 1980, Commission meeting.
- B. Monthly Activity Report for May, 1980.
- C. Tax Credit Applications.
- D. Request for authorization to conduct a public hearing for revising the State Implementation Plan (SIP) regarding the Special Rules for the Medford-Ashland Air Quality Maintenance Area (OAR Chapter 340, Division 30) affecting wigwam burners, schedules of compliance, and visible emissions from large wood-fired boilers.
- E. Request for authorization to conduct a public hearing for revising the State Implementation Plan (SIP) regarding the Salem Nonattainment Area Plan to meet the federal ozone ambient air quality standard.
- F. Request for authorization to conduct a public hearing on proposed administrative rule for establishment and management of the construction grants priority list.
- G. Request for authorization to conduct a public hearing on the proposed Fiscal Year 1981 Construction Grants Priority List.

9:10 am PUBLIC FORUM

- H. 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 these items at the time designated, but may reserve action until the work session later in the meeting.

(MORE)

- 10:00 am I. Appeals from subsurface variance denials:
- (1) Mr. Ted Panages, Baker County
 - ~~(2) Mr. and Mrs. Allen Forrette, Jackson County~~ (deferred at request of appellant)
 - (3) Mr. Chester Willson, Jackson County
- 11:00 am J. Request for variance from OAR 340-23-045(5) (Open Burning Construction and Demolition Wastes) for the St. Helens Public Schools, School District No. 502.
- 11:15 am K. Request for variance from Octave Band Noise Standards (OAR 340-35-035(1)(f)(A)) for Bonneville Power Administration's Wren Substation, Benton County.
- 11:30 am L. Request for the extension of a variance from OAR 340-35-035 for log loader noise at Murphy Company, Myrtle Point.
- 1:30 pm M. Request by Lake County for continuation of variances from rules prohibiting open burning dumps (OAR 340-61-040(2)(c)).
- 1:45 pm N. Request by the City of Paisley (Lake County) for continuation of variances from rules prohibiting open burning dumps (OAR 340-61-040(2)(c)).
- 2:00 pm O. Status Report on Lincoln County Solid Waste Program.
- P. Subsurface Sewage Disposal - Proposed adoption of rules for "capping fill" alternative sewage disposal systems (OAR 340-71-039).
- Q. Motor Vehicle Emission Testing Rules - Proposed adoption of amendments to rules concerning standards for 1980 model year motor vehicles (OAR 340-24-300 through 24-350).
- R. Request for clarification from the Commission as to whether or not the schedule for attainment of the State Ambient Air Quality Standard for ozone should be formally submitted to EPA and become a part of the federally approved State Implementation Plan (SIP).
- S. Pollution Control Bonds Sale - Request for approval of resolution authorizing issuance and sale of Pollution Control Bonds in the amount of \$60 million.
- T. 1981-83 Biennial Budget - Review of preliminary draft reduced level budgets and decision packages for Air Quality, Water Quality, Solid Waste, Noise Control and Agency Management programs.

WORK SESSION

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

Because of the uncertain time span involved, the Commission reserves the right to deal with any item at any time in the meeting except those items with a designated time certain. Anyone wishing to be heard on an agenda item that doesn't have a designated time on the agenda should be at the meeting when it commences to be certain they don't miss the agenda item.

The Commission will breakfast (7:30 am) at the Portland Motor Hotel, 1414 SW Sixth Avenue, Portland; and lunch in room 511 of the DEQ Offices, 522 Southwest Fifth Avenue, Portland.

THESE MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EOC

MINUTES OF THE ONE HUNDRED TWENTY-SECOND MEETING
OF THE
OREGON ENVIRONMENTAL QUALITY COMMISSION

On Friday, June 20, 1980, the one hundred twenty-second meeting of the Oregon Environmental Quality Commission convened in the City Council Chambers of City Hall in Portland, Oregon.

Present were the following Commission members: Mr. Joe B. Richards, Chairman; Mr. Ronald M. Somers; Mr. Fred J. Burgess; and Mrs. Mary V. Bishop. Mr. Albert H. Densmore, Vice-Chairman, was absent. 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 S.W. Fifth Avenue, Portland, Oregon. Written information submitted at this meeting is hereby made a part of this record and is on file at the above address.

BREAKFAST MEETING

1. EOC Meeting Locations. The Commission agreed to the following meeting locations throughout the state for the balance of the year: July - Portland; August - Pendleton; September - Bend; October - Medford; November - tentatively scheduled for a far Eastern Oregon city, possibly Vale or Ontario; December - probably Portland.
2. Introduction of New Business Manager. Mike Downs introduced to the Commission the Department's new Business Manager, Mr. Fergus O'Donnell.
3. Status of Current Biennium Budget. Commissioner Somers asked how this matter was progressing. He expressed a hope that the Department would not find it necessary to request further General Fund monies.
4. Volcanic Ash Situation Update. Janet Gillaspie, DEQ Air Quality Public Participation Representative, reviewed the current status of this situation in the state. She provided a written status report which is made a part of the Commission's records.
5. Significant Activities - Northwest Region. Mr. Tom Bispham, Assistant Regional Manager, reviewed a written report on significant ongoing activities in the Northwest Region, which is hereby made a part of the Commission's records.

FORMAL MEETING

AGENDA ITEM A - MINUTES OF THE MAY 16, 1980, COMMISSION MEETING

Commissioner Somers moved, seconded by Commissioner Bishop, that the minutes be approved as amended, the amendment being as follows:

Page 6, Line 16: Insert the words "on a schedule" after the word "briefs" and before the word "which." The corrected paragraph would read as follows (underlined words to be added):

Commissioner Somers MOVED, Commissioner Bishop seconded and it was carried unanimously that this matter be continued pending the filing of further briefs on a schedule which both sides have consented to.

The minutes were unanimously approved as amended.

AGENDA ITEM B - MONTHLY ACTIVITY REPORT FOR MAY 1980

Commissioner Somers MOVED, seconded by Commissioner Bishop, and carried unanimously that the Monthly Activity Report be approved.

AGENDA ITEM C - TAX CREDIT APPLICATIONS.

It was MOVED by Commissioner Somers, seconded by Commissioner Bishop, and carried unanimously that the following tax credit applications be approved:

T-1170	Grass Fiber, Inc.
T-1183	Boise Cascade Corp.
T-1186	Timber Products Co.
1-1188	White City Plywood
T-1191	Trus Joist Corp.
T-1194	Clear Pine Mouldings
T-1196	Kenneth L. Robertson
T-1197	Crown Zellerbach Corp.
T-1201	Crown Zellerbach Corp.
T-1205	Crown Zellerbach Corp.
T-1209	Crown Zellerbach Corp.
T-1215	Reynolds Metals Company
T-1216	Reynolds Metals Company
T-1218	Reynolds Metals Company
T-1219	Weyerhaeuser Company
T-1220	Weyerhaeuser Company
T-1228	Dant & Russell
T-1229	Kenneth L. Robertson

Tax Credit Application T-1168 was approved except for the \$500 requested for "office equipment and furniture" and for "lunch room furniture," which was disallowed. The Commission was told that the company would withdraw that portion of the application.

AGENDA ITEM D - REQUEST FOR AUTHORIZATION TO CONDUCT A PUBLIC HEARING FOR REVISING THE STATE IMPLEMENTATION PLAN (SIP) REGARDING THE SPECIAL RULES FOR THE MEDFORD-ASHLAND AIR QUALITY MAINTENANCE AREA (OAR CHAPTER 340, DIVISION 30) AFFECTING WIGWAM BURNERS, SCHEDULES OF COMPLIANCE, AND VISIBLE EMISSIONS FROM LARGE WOOD-FIRED BOILERS.

AGENDA ITEM E - REQUEST FOR AUTHORIZATION TO CONDUCT A PUBLIC HEARING FOR REVISING THE STATE IMPLEMENTATION PLAN (SIP) REGARDING THE SALEM NONATTAINMENT AREA PLAN TO MEET THE FEDERAL OZONE AMBIENT AIR QUALITY STANDARD.

AGENDA ITEM F - REQUEST FOR AUTHORIZATION TO CONDUCT A PUBLIC HEARING ON PROPOSED ADMINISTRATIVE RULE FOR ESTABLISHMENT AND MANAGEMENT OF THE CONSTRUCTION GRANTS PRIORITY LIST.

AGENDA ITEM G - REQUEST FOR AUTHORIZATION TO CONDUCT A PUBLIC HEARING ON THE PROPOSED FISCAL YEAR 1981 CONSTRUCTION GRANTS PRIORITY LIST.

It was MOVED by Commissioner Somers, seconded by Commissioner Bishop, and carried unanimously that the above agenda items be approved.

PUBLIC FORUM -

Chairman Richards read into the record a letter received from Senator Groener requesting the Commission to extend the backyard burning period.

Doug Brannock, the Department's meteorologist, in response to a question by the Commission in the above matter, told the Commission that during the longer-than-usual burning season this year, there has been a total of 73 days available for burning, more than in previous years.

Tom Bispham, DEQ's Northwest Regional Office, reported that there had been very few requests from the public to extend backyard burning this year.

The Commission requested the Director to prepare a response to Senator Groener's letter, to include some of the above information as well as a recent report on the volcanic ash problem in the metropolitan area.

Mrs. David Francisco, Gresham, appeared to request a few additional burning days to burn the last of the debris from the ice storm on their four acres of heavily wooded land. In response to a question from the Commission, Tom Bispham replied that a private citizen could request a variance from the Commission for extra burning days. If the variance were granted, the citizen would have to comply with the conditions of that variance.

Mr. Ernest Drapela, City of Eugene Parks and Recreation Department, appeared and spoke in favor of a quiet zone on the Willamette River at Eugene. He reported that the City of Eugene feels that the Commission should designate this a quiet zone in order to make river uses compatible with their riverfront parks.

Mr. Norman Jensen, Rural Communities Assistance Program of Oregon, appeared to review that group's program and how it relates to funding of sewage treatment facilities.

AGENDA ITEM I - APPEALS FROM SUBSURFACE VARIANCE DENIALS:

(1) Mr. Ted Panages:

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission adopt the findings of the variance officer as the Commission's findings and uphold the decision to deny the variance.

(2) Mr. Chester Willson:

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission adopt the findings of the variance officer as the Commission's findings and uphold the decision to deny the variance.

It was MOVED by Commissioner Somers, seconded by Commissioner Bishop, and carried unanimously that the Director's recommendations in the above two variance appeals be approved. The appeals were denied.

Commissioner Sommers suggested that in the future, (1) a docket number be assigned to each variance application; (2) that a checklist be used at all variance hearings, requiring that the officer solicit testimony from each person present; and (3) that a list of names and addresses of those present be maintained for the record. Department staff was requested to review their procedures and report back to the Commission.

AGENDA ITEM Q - PROPOSED ADOPTION OF RULES--MOTOR VEHICLE EMISSION TESTING AMENDMENTS THAT INCORPORATE STANDARDS FOR 1980 MODEL YEAR MOTOR VEHICLES--OAR 340-24-300 THROUGH 24-350.

Summation

The Commission is being asked to approve changes in the inspection program rules. The proposed rule revisions were reviewed based upon the testimony reviewed at the public hearing. The proposed rule modifications update the standards for the inspection program to include 1980 model year motor vehicles, change the definition of non-complying import vehicle, and clearly define the Department's policy on aftermarket parts and vehicle modifications.

Director's Recommendation

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

Tom Fender, Auto Safety and Equipment Association, appeared to request approval from the Commission to install turbochargers while still retaining pollution control equipment on vehicles.

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

AGENDA ITEM S - POLLUTION CONTROL BONDS SALE--REQUEST FOR APPROVAL OF RESOLUTION AUTHORIZING ISSUANCE AND SALE OF POLLUTION CONTROL BONDS IN THE AMOUNT OF \$60 MILLION

The balance of funds available in the Pollution Control Bond Fund has reached a point where a sale of additional bonds is necessary to meet projected demand. Many municipalities are planning on using Bond Fund money to construct sewage treatment works and solid waste disposal facilities.

Staff projects the demand for Bond Fund money to be in excess of \$60 million over the next three years. Information available indicates this is a relatively good time to sell bonds. Therefore, we are requesting the Commission to authorize the issuance and sale of \$60,000,000 in Oregon Pollution Control Bonds.

Director's Recommendation

Based upon the information set forth in this staff report and attachments, it is recommended the Commission adopt the findings and resolution in Attachment 1 authorizing the issuance and sale of \$60,000,000 in Oregon Pollution Control Bonds, Series 1980.

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

AGENDA ITEM T - 1981-83 BIENNIAL BUDGET--REVIEW OF PRELIMINARY DRAFT REDUCED LEVEL BUDGETS AND DECISION PACKAGES FOR AIR QUALITY, WATER QUALITY, SOLID WASTE, NOISE CONTROL, AND AGENCY MANAGEMENT PROGRAMS

This staff report contained the initial cut at developing a Reduced Level Budget and Decision Packages for the 1981-83 biennial budget. It includes a 70 percent RLB and decision packages for each of the five agency programs. A single consolidated and prioritized list of decision packages for the agency must be prepared, and the Commission's reactions are requested in developing that list prior to the July meeting.

Director's Recommendation

No formal action is required on this item at this time.

The Commission reviewed the staff report and indicated that they would provide any input to the Department by phone or letter before the July meeting.

AGENDA ITEM J - REQUEST FOR A VARIANCE FROM OAR 340-23-045(5) (OPEN BURNING CONSTRUCTION AND DEMOLITION WASTES) FOR THE ST. HELENS PUBLIC SCHOOLS, SCHOOL DISTRICT NO. 502.

Summation

1. Alternatives to open burning have been investigated by the District. This investigation reveals that hauling of the debris to a landfill would nearly triple the land clearing costs and delay the start of building. On-site burial would render the land unusable in the future for the intended purposes.
2. The District has taken steps to minimize the amount of material to be burned by removing marketable logs and firewood.
3. The District will exercise good burning practices in order to promote efficient combustion and reduce smoke.
4. Strict compliance with ORS 340-23-045(5) is unreasonable, burdensome and impractical.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that a variance be granted to the St. Helens Public School District to allow open burning of land clearing debris on their property adjacent to the St. Helens Senior High School subject to the aforementioned conditions.

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

AGENDA ITEM K - REQUEST FOR A VARIANCE FROM OCTAVE BAND NOISE CONTROL STANDARDS, OAR 340-35-035(1)(f)(A), FOR BONNEVILLE POWER ADMINISTRATION'S WREN SUBSTATION, BENTON COUNTY.

BPA owns an electric power substation in a rural area about 10 miles west of Corvallis, near Wren. Staff investigation of a complaint found the operation of a transformer at the substation to exceed noise standards by about 12 decibels.

BPA decided to relocate the Wren substation by the fall of 1982 and, as an interim measure, install noise barriers and control equipment. The interim controls have not provided strict compliance with the standards; therefore, a variance has been requested by BPA.

Mr. Fred Hughes, Philomath, appeared and presented information claiming harmful impact of noise from the substation on his family. He told the Commission he is not convinced that BPA meets requirements to justify this variance.

Ms. Janet McLennan, legal counsel for BPA, appeared and stated it would be a hardship for the substation to be moved at this time but that they were substantially on schedule for the planned move in 1982.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that Bonneville Power Administration, Wren Substation, be granted a variance from strict compliance with noise control standards until September 1, 1982.

As the Wren Substation is scheduled to be relocated by September 1, 1982, the following conditions are recommended:

1. BPA shall submit progress reports to the Department on the relocation project at three (3) month intervals beginning January 1, 1981, until completion and deenergization of the Wren Substation.
2. If progress of the relocation project appears to be substantially delayed, the Department shall bring the matter to the Commission's attention for consideration of appropriate further action.

It was MOVED by Commissioner Somers, seconded by Commissioner Burgess, and the motion was carried with Chairman Richards dissenting that the Director's recommendation be approved.

AGENDA ITEM L - REQUEST FOR THE EXTENSION OF A VARIANCE FROM
OAR 340-35-035 FOR LOG LOADER NOISE AT MURPHY COMPANY - MYRTLE POINT

The Murphy Co. was granted a variance to operate two diesel-powered log loaders at its Myrtle Point facility in excess of noise standards last October. That variance was to provide time to study the feasibility of either purchasing new quieter equipment or retrofitting the existing loaders with noise controls. During the variance period, administrative controls limited impacts to the extent practicable.

The feasibility study did not find the availability of new quieter equipment nor retrofit noise control kits. Therefore, the company has requested an extension of the present variance. The Department is proposing the company be granted a two-year variance extension, after which this matter would be reevaluated to determine whether strict compliance can be met.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Murphy Company, Myrtle Point facility, be granted a time-limited extension of the existing variance from strict compliance with the noise standard between 6 a.m. to 12:30 a.m. the following morning, due to operation of two diesel log loaders, until July 1, 1982. Operation of the loaders shall be limited as specified in the company's letter of September 25, 1979, between the hours of 8 p.m. to 12:30 a.m. and 6 a.m. to 8 a.m.

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

AGENDA ITEM P - ADOPTION OF PROPOSED RULES FOR "CAPPING FILL" ALTERNATIVE SEWAGE DISPOSAL SYSTEMS, OAR 340-71-039

Proposed is the adoption of rules for a new alternative system known as a "capping fill." This system has been installed through the variance process for several years. With a history of satisfactory operation, it seems appropriate to adopt it as a standard alternative.

Summation

1. Existing information supports transfer of capping fill systems from variances to alternative systems.
2. Specific alternative system rules to control capping fill systems appears to be the most acceptable alternative.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission:

1. Adopt rules for capping fill sewage disposal systems, OAR 340-71-039, as set forth in Attachment D.
2. Rescind OAR 340-71-030(8) Geographic Region Rule A, in its entirety, and Diagrams 7-A and 7-B.
3. Amend OAR 340-71-030(1)(c) and 340-71-030(1)(f) as set forth in Attachment D.

Jack Osborne, Department's Subsurface Section, suggested changes to the proposed rules, as follows (underlined portion is new wording; bracketed words are deleted):

(1) (3) A claypan, [duripan] hardpan, saprolite, or bedrock is eighteen (18) inches or more below the natural soil surface.

(1) (h) The system can be sized according to thirty (30) inches to a restrictive layer, in Table 5 of OAR 340-71-030, unless the Director or his authorized representative determines that additional drainfield is required to provide a properly operative system.

(2) (c) The drainfield site and the borrow site shall be scarified (rototill) to destroy the vegetative mat.

Mr. Osborne proposed another change to the rules which was not approved by the Commission:

(1) (j) Capping fill systems with sewage flows of 60 gallons or greater per day shall have plans reviewed and approved by the Department.

Mr. Alan Caldwell, appeared and spoke generally in favor of the capping fill rules, as amended above.

Mr. Bob Free, On-Site Wastewater Systems, appeared and spoke in support of the rules, as amended.

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

AGENDA ITEM R - REQUEST FOR CLARIFICATION FROM THE COMMISSION AS TO WHETHER OR NOT THE SCHEDULE FOR ATTAINMENT OF THE STATE AMBIENT AIR QUALITY STANDARD FOR OZONE SHOULD BE FORMALLY SUBMITTED TO EPA AND BECOME A PART OF THE FEDERALLY-APPROVED STATE IMPLEMENTATION PLAN.

In June 1979, the commission decided to retain the state ozone standard, which is more stringent than the federal standard, and adopted a schedule of dates by which to meet that standard. The Department is requesting clarification as to whether or not the schedule for attaining the state ozone standard should be incorporated into the Oregon Administrative Rules and whether or not it should be incorporated into the federally-approved Oregon State Implementation Plan.

Mr. Jan Sokol, OSPIRG, submitted written testimony to the Commission and offered to answer any questions. There were no questions.

Mr. Tom Donaca, Associated Oregon Industries, appeared and recommended that the state standard not be submitted as part of Oregon's SIP nor go to rulemaking. He recommended that public hearings be held to reconsider whether the .08 standard should be retained.

Director's Recommendation

Based on the Summation, it is recommended that the Commission advise the Department of its position on submitting the state ozone standard attainment schedule adopted on June 29, 1979, as a revision of the Oregon State Implementation Plan, and on making it a rule, and authorize the necessary public hearings.

It was MOVED by Commissioner Somers, seconded by Commissioner Bishop, and carried unanimously that (1) a hearing be authorized to determine the appropriate state ozone standard; and (2) a hearing be authorized on whether the new standard (if any) should be submitted as a SIP revision.

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

The Department has received a request from Lake County for continuation of variances to allow open burning at rural disposal sites. Previous requests have included the City of Paisley; however, Lake County requested that the city be handled separately (Agenda Item No. N).

Director's Recommendation

Based upon the findings in the summation, it is recommended that the Environmental Quality Commission grant an extension of variances to OAR 340-61-040(2)(c) until July 1, 1985, for Plush and Adel and until July 1, 1982, for Silver Lake, Summer Lake, Fort Rock, and Christmas Valley, subject to the following:

1. Progress reports toward upgrading of Silver Lake, Summer Lake, Fort Rock, and Christmas Valley be submitted by July 1, October 1, and December 1, 1981, and February 1 and April 1, 1982.
2. The six sites be listed on the RCRA open dump list with compliance dates consistent with expiration of the variances.

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

AGENDA ITEM N - REQUEST BY THE CITY OF PAISLEY FOR CONTINUATION OF VARIANCES FROM RULES PROHIBITING OPEN BURNING DUMPS (OAR 340-61-040(2)(c))

The City of Paisley, independently from Lake County, has requested a variance continuation to allow for open burning at their solid waste disposal site.

Director's Recommendation

Based upon the findings in the summation, it is recommended that the EQC grant a variance extension to OAR 340-61-040(2)(c) until July 1, 1982, for Paisley, subject to the following conditions:

1. Progress reports toward upgrading of Paisley be submitted on July 1, 1981, December 1, 1981, and April 1, 1982.
2. The site will be listed on the RCRA open dump list with compliance dates consistent with expiration of the variance.

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

AGENDA ITEM Q - STATUS REPORT ON LINCOLN COUNTY SOLID WASTE PROGRAM

During the March EQC meeting, a status report regarding the Lincoln County solid waste program was presented. At that time, staff indicated they would return in June with an update. The staff report indicates the progress made and makes a recommendation regarding the variances from rules prohibiting open burning at solid waste disposal sites in Lincoln County.

Judy Roumpf, representing Oregon Environmental Council and Association of Oregon Recyclers, appeared and spoke in opposition to continuing the variance which allows Lincoln County to burn solid waste.

Gail Stater, Lincoln County Temporary Solid Waste Administrator, appeared and submitted a letter from the Lincoln County Board of Commissioners in favor of a 6-month extension of the variance allowing open burning of solid waste in the county.

Gordon MacPherson, representing Lincoln County Solid Waste Association, appeared and spoke in favor of an extension because alternatives to open burning are not available at this time.

It was MOVED by Commissioner Burgess, seconded by Commissioner Bishop, with Commissioner Somers abstaining and Chairman Richards dissenting, that the Director's recommendation be approved. The vote carried, and the Director's recommendation was adopted.

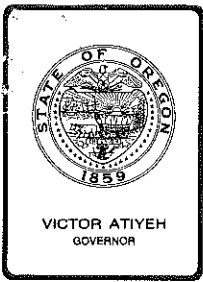
LUNCH MEETING

1. Metropolitan Growth Management. Ms. Cynthia Kurtz, City of Portland, reviewed the preliminary recommendations of the committee working on a growth strategy for the city of Portland.
2. SB 925 - Waste Reduction Programs. After a presentation by Ernie Schmidt, DEQ Solid Waste Administrator, the Director indicated it is the Attorney General's opinion that the Commission can and should adopt rules implementing waste reduction requirements.
3. Legislative Concepts. Jim Swenson, DEQ Public Affairs Officer, covered the Department's current proposed legislative concepts and ratings given them by the Governor's office.
4. Program Evaluation Study Status Report. Bob Jaeger reported that the completion date for this program has slipped one month.

Respectfully submitted,



Jan Shaw
Acting Recording Secretary



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 B, June 20, 1980, EQC Meeting
May, 1980 Program Activity Report

Discussion

Attached is the May, 1980, Program 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 contaminant 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 page 2 of this report.

WILLIAM H. YOUNG

M. Downs:ahe
229-6485
06-10-80



Contains
Recycled
Materials

DEPARTMENT OF ENVIRONMENTAL QUALITY

Monthly Activity Report

May, 1980

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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

AQ, WQ, SW Division
(Reporting Unit)

May, 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>4</u>	<u>158</u>	<u>19</u>	<u>169</u>	<u>0</u>	<u>1</u>	<u>72</u>
<u>Water</u>							
Municipal	<u>53</u>	<u>762</u>	<u>51</u>	<u>757</u>	<u>0</u>	<u>0</u>	<u>36</u>
Industrial	<u>13</u>	<u>110</u>	<u>3</u>	<u>93</u>	<u>0</u>	<u>0</u>	<u>37</u>
<u>Solid Waste</u>							
General Refuse	<u>1</u>	<u>23</u>	<u>1</u>	<u>20</u>	<u>0</u>	<u>3</u>	<u>6</u>
Demolition	<u>0</u>	<u>4</u>	<u>1</u>	<u>5</u>	<u>0</u>	<u>1</u>	<u>0</u>
Industrial	<u>0</u>	<u>17</u>	<u>4</u>	<u>11</u>	<u>0</u>	<u>0</u>	<u>8</u>
Sludge	<u>0</u>	<u>4</u>	<u>0</u>	<u>3</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Hazardous Wastes</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>GRAND TOTAL</u>	<u>71</u>	<u>1,078</u>	<u>79</u>	<u>1,058</u>	<u>0</u>	<u>5</u>	<u>159</u>

DEPARTMENT OF ENVIRONMENTAL QUALITY
 AIR QUALITY DIVISION
 MONTHLY ACTIVITY REPORT
 MAY, 1980
 PLAN ACTIONS COMPLETED

DIRECT SOURCES

County	Number	Source	Process Description	Date Received	Status
MULTNOMAH	401	UNION OIL COMPANY	BOTTOM LOADING-VAPOR RECOVERY	04/25/80	COMPLETED-APRVD
LANE	413	NATIONAL METALLURGICAL	REPLACE HOOD, ROUTE TO BAGHSE	04/08/80	COMPLETED-APRVD
MULTNOMAH	421	BIRD & SON INC.	REPLACE DIP SATURATOR	04/25/80	COMPLETED-APRVD
MULTNOMAH	464	ROSS ISLAND S&G-TAIT DIV	NEW PLANT	04/25/80	COMPLETED-APRVD
MULTNOMAH	465	ROSS ISLAND SAND & GRAVEL	MOVE DRY MIX PLT TO THIS SIT	04/25/80	COMPLETED-APRVD
MULTNOMAH	458	CHAPPELL MANUFACTURING CO	NEW FURNITURE PLANT	04/25/80	COMPLETED-APRVD
MULTNOMAH	521	LLOYD A FRY ROOFING CO	LINESTONE STORAGE BAGHOUSE	04/26/80	COMPLETED-APRVD
CLACKAMAS	544	OREGON SAW CHAIN	POWDER PAINT BOOTH	04/09/80	COMPLETED-APRVD
POLK	553	FRIESEN PRODUCTS, INC.	DUST COLLECTION SYSTEM	05/02/80	COMPLETED-APRVD
WASHINGTON	557	FOREST GROVE LUMBER CO	NEW PLANER & CYCLONE	04/25/80	COMPLETED-APRVD
MULTNOMAH	573	PURDY BRUSH CO	PAINT BRUSH HFG	04/25/80	COMPLETED-APRVD
MULTNOMAH	577	GRAPHIC ARTS CENTER	WEB PRESS&CONTROLS	05/08/80	COMPLETED-APRVD
MULTNOMAH	576	MASTER CLEANERS	VOC RECLAIM SYSTEM	04/26/80	COMPLETED-APRVD
MULTNOMAH	580	OLYMPIC MANUFACTURING CO	HOG & BIN	04/25/80	COMPLETED-APRVD
MULTNOMAH	583	ESCO CORPORATION PLANT 1	MOLDING IMPROVEMENTS	04/25/80	COMPLETED-APRVD
COOS	600	JOHNSON ROCK PRODUCTS INC	REPLACEMENT BAGHOUSE, REDIMIX	05/09/80	COMPLETED-APRVD
WASHINGTON	584	ANDRE'S AUTO BODY SHOP	SPRAY PAINT BOOTH	04/14/80	COMPLETED-APRVD
BAKER	604	NORTHWEST PIPELINE CORP.	GAS LINE COMPRESSOR	04/18/80	COMPLETED-APRVD
MULTNOMAH	605	WEYERHAEUSER CO.	CARDBOARD BOX FACTORY	05/15/80	COMPLETED-APRVD

TOTAL NUMBER QUICK LOOK REPORT LINES

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

May, 1980
(Month and Year)

PLAN ACTIONS COMPLETED

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

Municipal Waste Sources - 51

Linn	I-5/Diamond Hill Interchange Lagoon Disinfection Triple H Investments	4/22/80	PA
Tillamook	Dougherty Slough to Wilson River Hwy 101 N Sanitary District	5/5/80	PA
Douglas	Trinity Hills Subdivision Winston	5/13/80	PA
Washington	Rock Creek Ranch No. 4 USA - Rock Creek	5/13/80	PA
Yamhill	Abo Addition McMinnville	5/13/80	PA
Marion	Cloud "9" Village Addendum, Salem	5/14/80	PA
Yamhill	Fred Casey and Jack Nulson, Jr. Newberg	5/14/80	PA
Clackamas	October Hills No. 1 Subdivision, Sandy	5/14/80	PA
Washington	King City No. 20 USA	5/14/80	PA
Lane	55th Street from North "A" to 600'N. Springfield	5/14/80	PA

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

May, 1980
(Month and Year)

PLAN ACTIONS COMPLETED

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

Municipal Waste Sources

Grant	Green Acres Estates Mt. Vernon	5/15/80	PA
Multnomah	Halsey Green Condominiums Gresham	5/15/80	PA
Jackson	Rawlings-Brandon Extension BCVSA	5/15/80	PA
Polk	Bridlewood Esquestrian Estates- Dallas	5//19/80	PA
Wasco	Roberts St. Sanitary Sewer E. 14th-15th & E. in 15th The Dalles	5/19/80	PA
Lincoln	Lakewood Hills Subdivision Newport	5/20/80	PA
Lake	South "I" Street Sewer Rehab. - Lakeview	5/20/80	PA
Washington	Moon Shadow, Phase 1 & 2 USA - Durham	5/20/80	PA
Deschutes	Ridge View Park, First Addition Bend	5/20/80	PA
Washington	Jerry C. Cach - Minor Land Partition, (Tigard) USA-Durham	5/20/80	PA
Lincoln	8-Inch Sanitary Sewer Depoe Bay	5/20/80	PA

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

May, 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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Municipal Waste Sources

Lane	Beanel Acres Springfield	5/20/80	PA	
Coos	Sause Brothers Ways Facilities Eastside	5/20/80	PA	
Jackson	Countrywood Subdivision, Unit 4 Medford	5/20/80	PA	
Lincoln	Pacific Plaza North Sewer Newport	5/21/80	PA	
Multnomah	NW Belgrave, NW Essex, NW Vaughn Portland-Columbia Blvd.	5/21/80	PA	
Washington	Ash Ave. Extension--Tigard USA - Durham	5/22/80	PA	
Lane	9th Street - Florence	5/22/80	PA	
Josephine	Ballinger Industrial Park Grants Pass	5/22/80	PA	
Jackson	Mill Mar Subdivision Shady Cove	5/22/80	PA	
Umatilla	NE 7th and Main Pump Station Remodel Hermiston	5/22/80	PA	
Washington	Knoll Business Center (Tigard) USA-Durham	5/22/80	PA	
Douglas	Bremner Hills Co-op. Winston	5/22/80	PA	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

May, 1980
(Month and Year)

PLAN ACTIONS COMPLETED

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

Washington	Summerfield Trunk USA-Durham	5/22/80	PA		
Clackamas	Stafford Park No. 2 Wilsonville	5/23/80	PA		
Linn	Secondary Sludge Thickener Add. Albany	5/27/80	PA		
Washington	Rock Creek Ranch No. 3 USA-Rock Creek	5/27/80	PA		
Tillamook	Lateral E-I (Steven England) N. Tillamook County Sanitary Authority	5/27/80	PA		
Union	Helton Subdivision La Grande	5/27/80	PA		
Lincoln	Little Whale Cove Depoe Bay	5/27/80	PA		
Marion	Sanitary Sewer Line Extension Mt. Angel	5/27/80	PA		
Lincoln	N. Hwy. 101 LID Collection Lincoln City	5/27/80	PA		
Marion	Salem Industrial Park- Peterson Way Salem	5/28/80	PA		
Polk	Hill River Addition Dallas	5/28/80	PA		

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

<u>Water Quality Division</u>	<u>May, 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

Multnomah	Eastridge Park Portland-Col. Blvd.	5/28/80	PA
Douglas	McCoy Enterprises Green Sanitary District	5/28/80	PA
Douglas	Clearview Estates Green Sanitary District	5/28/80	PA
Clackamas	Grenelefe Lake Oswego	5/29/80	PA
Jackson	Corona Terrace Subdivision Medford	5/29/80	PA
Clackamas	Sabin Occupational Skill Center CCSD No. 1	5/29/80	PA
Washington	NW 216 Ave. LID USA-Rock Creek	5/30/80	PA

PA = Provisional Approval

Alia

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality
(Reporting Unit)

May, 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)

Multnomah	Boeing of Portland New Chemical Storage Building	5/28/80	Approved
Tillamook	George D. Allen Tillamook Manure Handling	--	Approved
Yamhill	Publishers Paper Newberg Upgrading of Waste Water Treatment System	5/29/80	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division	May, 1980
(Reporting Unit)	(Month and Year)

PLAN ACTIONS COMPLETED

* County	* Name of Source/Project	* Date of	* Action
*	* /Site and Type of Same	* Action	*
*	*	*	*
Douglas	Hayward Disposal Site Industrial Landfill Operational Plan	4/01/80	Conditional Approval
Douglas	Peter Kiewit and Sons Industrial Waste Site Operational Plan	4/16/80	Letter Authorization Issued
Linn	Willamette Industries- Narrows Industrial Waste Site Operational Plan	5/08/80	Approved
Washington	Lakeside Reclamation Existing Demolition Site Operational Plan Amendment	5/08/80	Approved
Coos	Beaver Hill Incinerator and Disposal Site New Facility Construction and Operational Plans	5/22/80	Conditional Approval
Coos	Menasha-Hauser Road New Industrial Waste Site Construction and Operational Plans	5/29/80	Conditional Approval

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

May, 1980
(Month and Year)

SUMMARY OF AIR PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions Pending	Sources Under Permits	Sources Reqr'g Permits
	Month	FY	Month	FY			
<u>Direct Sources</u>							
New	2	38	5	35	17		
Existing	1	15	1	15	11		
Renewals	1	127	41	130	83		
Modifications	<u>3</u>	<u>35</u>	<u>2</u>	<u>50</u>	<u>20</u>		
Total	7	215	49	230	131	1,949	2,001
<u>Indirect Sources</u>							
New	0	25	7	38	6		
Existing	-	-	-	-	-		
Renewals	-	-	-	-	-		
Modifications	<u>1</u>	<u>3</u>	<u>0</u>	<u>2</u>	<u>1</u>		
Total	1	28	7	40	7	162	-
<u>GRAND TOTALS</u>	8	243	56	270	138	2,111	2,001

Number of
Pending Permits

Comments

13	To be drafted by Northwest Region
7	To be drafted by Willamette Valley Region
9	To be drafted by Southwest Region
4	To be drafted by Central Region
3	To be drafted by Eastern Region
2	To be drafted by Program Planning Division
7	To be drafted by Program Operations
67	Awaiting Next Public Notice
19	Awaiting the end of 30-day Noted Period
<u>131</u>	

45 Technical Assistants--5 A-95's

DEPARTMENT OF ENVIRONMENTAL QUALITY

MAY 1980
PERMITS ISSUED

DIRECT STATIONARY SOURCES

COUNTY	SOURCE	PERMIT NUMBER	APPLIC. RECEIVED	STATUS	DATE RECEIVED	TYPE OF APPLICATION	
CLACKAMAS	RIVER ISLAND SAND & GRAVE	03	1919	11/14/79	PERMIT ISSUED	05/12/80	RHW
CLACKAMAS	WESTERN PACIFIC CNST MTL	03	2469	10/15/79	PERMIT ISSUED	04/21/80	RHW
CLACKAMAS	COO SAND CORPORATION	03	2629	11/14/79	PERMIT ISSUED	05/12/80	RHW
CLACKAMAS	OJA OLAF M LUMBER CO	03	2650	01/04/80	PERMIT ISSUED	05/14/80	RHW
DESCHUTES	CENTRAL ORE PUMICE	09	0024	10/08/79	PERMIT ISSUED	05/13/80	RHW
JACKSON	DOUBLE DEE LUMBER COMPANY	15	0010	01/16/80	PERMIT ISSUED	05/13/80	RHW
JACKSON	TURNCRAFT, DIV CE MORGAN	15	0137	04/24/80	PERMIT ISSUED	05/13/80	NEW
JOSEPHINE	MT FIR LDR-MURPHY CRK DIV	17	0011	10/12/79	PERMIT ISSUED	05/12/80	RHW
KLAMATH	MODOC LUMBER CO	18	0009	06/00/00	PERMIT ISSUED	05/12/80	RHW
KLAMATH		18					
LINCOLN	ECKMAN CREEK QUARRIES	21	0043	10/12/79	PERMIT ISSUED	04/21/80	RHW
LINCOLN	KESSLER SHAKE CO	21	0043	03/03/80	PERMIT ISSUED	05/13/80	MOD
MARION	SILTEC CORPORATION	24	4437	09/26/79	PERMIT ISSUED	05/13/80	NEW
MARION	BURKLAND LUMBER CO.	24	8004	09/05/79	PERMIT ISSUED	05/12/80	EXT
MULTNOMAH	PORTLAND RENDERING CO	26	1800	10/17/79	PERMIT ISSUED	04/08/80	RHW
MULTNOMAH	COLUMBIA STEEL CASTINGS	26	1869	10/31/79	PERMIT ISSUED	05/13/80	RHW
MULTNOMAH	SUPREME PERLITE COMPANY	26	2390	04/24/80	PERMIT ISSUED	05/12/80	RHW
MULTNOMAH	KENTON PACKING COMPANY	26	2402	04/24/80	PERMIT ISSUED	05/12/80	RHW
MULTNOMAH	WEST COAST ALLOYS CO INC	26	2806	04/24/80	PERMIT ISSUED	05/12/80	RHW
MULTNOMAH		26					
TILLAMOOK	PUBLISHERS PAPER CO	29	0007	12/05/79	PERMIT ISSUED	05/12/80	RHW
UNION	BOISE CASCADE ELGIN	31	0006	04/24/80	PERMIT ISSUED	05/12/80	RHW
WASHINGTON	HERVIN COMPANY	34	1823	00/00/00	PERMIT ISSUED	05/12/80	RHW
WASHINGTON	A W EATON SAND & GRAVEL	34	2022	00/00/00	PERMIT ISSUED	05/13/80	RHW
WASHINGTON	COFFEE LAKE ROCK INC.	34	2674	02/29/80	PERMIT ISSUED	05/13/80	NEW
PORT.SOURCE	DABLER BROS INC	37	0020	11/14/79	PERMIT ISSUED	04/21/80	RHW
PORT.SOURCE	ROY HOUCK CONSTR CO	37	0022	04/24/80	PERMIT ISSUED	05/12/80	RHW
PORT.SOURCE	DESCHUTES READY-MIX	37	0026	01/04/79	PERMIT ISSUED	05/12/80	RHW
PORT.SOURCE	ROGUE WEST	37	0028	11/08/79	PERMIT ISSUED	04/21/80	RHW
PORT.SOURCE	TILLAMOOK CNTY RD DP	37	0034	11/08/79	PERMIT ISSUED	04/21/80	RHW
PORT.SOURCE	CH STINSON INC	37	0047	11/13/79	PERMIT ISSUED	04/21/80	RHW
PORT.SOURCE	TIDEWATER CONTRACTORS INC	37	0053	11/27/79	PERMIT ISSUED	04/21/80	RHW
PORT.SOURCE		37					
PORT.SOURCE	L W VAIL CO INC	37	0068	01/04/80	PERMIT ISSUED	05/12/80	RHW
PORT.SOURCE	ALASKA SAND & GRAVEL CO	37	0078	11/06/79	PERMIT ISSUED	04/21/80	RHW
PORT.SOURCE	NORCAP CONSTRUCTION CO	37	0086	11/08/79	PERMIT ISSUED	04/21/80	RHW
PORT.SOURCE	ANGELL ASPHALT&AGGREGATE	37	0091	11/14/79	PERMIT ISSUED	04/21/80	RHW
PORT.SOURCE	DABLER BROS INC	37	0094	11/14/79	PERMIT ISSUED	04/21/80	RHW
PORT.SOURCE	PETER KIEWIT SON'S CO	37	0095	11/14/79	PERMIT ISSUED	04/21/80	RHW
PORT.SOURCE	NESKO ROCK INC.	37	0101	00/00/00	PERMIT ISSUED	05/13/80	MOD
PORT.SOURCE	S D SPENCER & SONS	37	0109	04/24/80	PERMIT ISSUED	05/12/80	RHW
PORT.SOURCE	DABLER BROTHERS INC	37	0121	04/24/80	PERMIT ISSUED	04/21/80	RHW
PORT.SOURCE	DABLER BROS INC	37	0163	11/14/79	PERMIT ISSUED	04/21/80	RHW
PORT.SOURCE	J C COMPTON CO	37	0173	11/06/79	PERMIT ISSUED	04/21/80	RHW
PORT.SOURCE	L W VAIL CO INC	37	0192	01/04/80	PERMIT ISSUED	05/12/80	RHW
PORT.SOURCE	QUALITY ASPHALT PAVING	37	0195	11/03/79	PERMIT ISSUED	04/21/80	RHW
PORT.SOURCE	JOHNSON ROCK PRODUCTS INC	37	0201	11/08/79	PERMIT ISSUED	04/21/80	RHW

DEPARTMENT OF ENVIRONMENTAL QUALITY
MAY, 1980
PERMITS ISSUED

DIRECT STATIONARY SOURCES

COUNTY	SOURCE	PERMIT NUMBER	APPLIC. RECEIVED	STATUS	DATE RECEIVED	TYPE OF APPLICATION
PORT.SOURCE	R.L. COATS	37	0207	12/19/79	PERMIT ISSUED	05/12/80 RNM
PORT.SOURCE	LOPEZ PAVING, INC.	37	0233	11/08/79	PERMIT ISSUED	04/21/80 RNW
PORT.SOURCE	JOHN TALLEY CONST. CO.	37	0246	10/08/79	PERMIT ISSUED	05/12/80 NEW
PORT.SOURCE	PROGRESS QUARRIES, INC.	37	0247	04/24/80	PERMIT ISSUED	05/13/80 RNM
PORT.SOURCE	TRU MIX LEASING CO.	37	0249	01/25/80	PERMIT ISSUED	05/13/80 NEW
TOTAL NUMBER QUICK LOOK REPORT LINES			49			

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

April, 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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INDIRECT SOURCES

Washington	Allen Boulevard Murray Boulevard to Alice Lane File No. 34-7935	5/23/80	Final Permit Issued	
Multnomah	Gradin Technology Park 1913 Spaces File No. 26-8006	5/6/80	Final Permit Issued	
Multnomah	NE 33rd at Broadway File No. 26-8007	5/6/80	Final	
Clackamas	Cascade Highway Park Place to Clackamas Comm. College File No. 34-8009	5/2/80	Final	
Washington	Beaverton-Tigurd Hwy. SW 72nd Avenue Interchange File No. 03-8010	5/2/80	Final	
Clackamas	Koll Business Center Milwaukie 400 Spaces File No. 26-8011	4/28/80	Final	
Multnomah	Oswego Hwy/Bancroft St. to Sellwood Bridge File No. 26-8011	5/2/80	Final	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

May 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 / 0	1 / 7	0 / 1	1 / 12	1 / 4		
Existing	0 / 0	0 / 2	0 / 0	0 / 0	4 / 0		
Renewals	1 / 0	28 / 5	2 / 0	34 / 6	29 / 4		
Modifications	4 / 0	7 / 0	0 / 0	2 / 0	5 / 0		
Total	5 / 0	36 / 14	2 / 1	37 / 18	39 / 8	260/90	267/97
<u>Industrial</u>							
New	1 / 3	6 / 22	0 / 0	4 / 9	9 / 14		
Existing	0 / 0	0 / 2	0 / 0	5 / 3	1 / 1		
Renewals	1 / 0	83 / 19	2 / 0	60 / 13	74 / 10		
Modifications	0 / 0	5 / 1	<u>1</u> /1 / 0	7 / 0	4 / 1		
Total	2 / 3	94 / 44	3 / 0	76 / 25	88 / 26	358/143	365/156
<u>Agricultural (Hatcheries, Dairies, etc.)</u>							
New	0 / 0	3 / 3	1 / 0	2 / 5	3 / 0		
Existing	0 / 0	0 / 2	0 / 0	0 / 1	0 / 0		
Renewals	0 / 0	35 / 0	<u>2</u> /1 / 0	1 / 1	34 / 0		
Modifications	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0		
Total	0 / 0	38 / 5	2 / 0	3 / 7	37 / 0	52/19	55/19
<u>GRAND TOTALS</u>	7 / 3	168/63	6 / 1	116/50	664/34	670/252	687/272

* NPDES Permits
** State Permits

1/ Modification dropped when renewal application received
2/ Application withdrawn

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit)	May 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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NPDES PERMITS

Clatsop	Arch Cape County Service District Sewage Disposal	4/30/80	Permit Renewed
Columbia	Anadromous, Inc. Fish Hatchery	5/1/80	Application Withdrawn
Clatsop	Crown Zellerbach Wauna Mill	5/15/80	Permit Renewed
Clatsop	Shoreline Sanitary District	5/28/80	Permit Renewed
Washington	Forest Grove Lumber Co.	5/28/80	Permit Renewed
Union	OF & WL Lookingglass Hatchery	5/28/80	Permit Issued

STATE PERMITS

Jackson	Oregon State Parks Valley of the Rogue	5/15/80	Permit Issued
Columbia	PGE—Trojan Cooling Water	5/30/80	Modification Dropped

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

May, 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
	Month	FY	Month	FY			
<u>General Refuse</u>							
New	-	3	-	5	1		
Existing	-	-	-	1	10		
Renewals	1	27	4	23	23		
Modifications	-	16	-	28	1		
Total	1	46	4	57	35	164	166
<u>Demolition</u>							
New	-	1	-	1	-		
Existing	-	1	-	2	1		
Renewals	1	8	1	4	1		
Modifications	-	-	2	7	-		
Total	1	10	3	14	2	20	21
<u>Industrial</u>							
New	2	6	3	5	3		
Existing	-	-	-	-	-		
Renewals	-	22	-	8	19		
Modifications	-	2	-	2	-		
Total	2	30	3	15	22	101	101
<u>Sludge Disposal</u>							
New	-	-	-	1	-		
Existing	-	2	-	2	1		
Renewals	-	1	-	1	-		
Modifications	-	-	-	-	-		
Total	0	3	0	4	1	14	15
<u>Hazardous Waste</u>							
New	-	-	-	-	-		
Authorizations	19	141	15	154	4		
Renewals	-	-	-	-	-		
Modifications	-	-	-	-	-		
Total	19	141	15	154	4	1	1
<u>GRAND TOTALS</u>	23	230	25	244	64	300	304

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

<u>Solid Waste Division</u> (Reporting Unit)		<u>May, 1980</u> (Month and Year)	
<u>PERMIT ACTIONS COMPLETED</u>			
* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action
<u>Domestic Refuse Facilities (4)</u>			
Coos	Joe Ney Existing Facility	5/05/80	Permit Renewed
Marion	Stayton Transfer Station Existing Facility	5/09/80	Permit Renewed
Wasco	Northern Wasco County Existing Facility	5/09/80	Permit Renewed
Jefferson	Box Canyon Existing Facility	5/09/80	Permit Renewed
<u>Demolition Waste Facilities (3)</u>			
Clackamas	PGE-Oak Grove Existing Facility	5/06/80	Permit Amended
Washington	Lakeside Reclamation Existing Facility	5/08/80	Permit Amended
Multnomah	H.G. LaVelle Existing Facility	5/13/80	Permit Renewed
<u>Industrial Waste Facilities (3)</u>			
Douglas	Peter Kiewit and Sons New Wood Waste Site	4/16/80	Letter Authorization Issued
Douglas	Hayward Disposal Site New Wood Waste Site	5/02/80	Permit Issued
Linn	Willamette Industries-- Narrows New Wood Waste Site	5/08/80	Letter Authorization Issued
<u>Sludge Disposal Facilities (None)</u>			

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division

May, 1980

(Reporting Unit)

(Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

WASTE DESCRIPTION

* Date *	Type	Source	Quantity	Present	Future
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Disposal Requests Granted (15)

Oregon (8)

7	Pentachlorophenol sludge	Wood product	10 drums	15 drums/yr
7	Stain residues	Building material supplier	3,800 gals.	3,800 gals/yr
7	Paint sludge	Fireplace implements manufacturer	64 drums	4,200 gals/yr
13	Waste water containing heavy metals	Railroad car repair facility	6,000 gals.	0
13	Contaminated copper sulfate solution	Plating	21 drums	10 drums/yr
13	Outdated lab chemicals	University	8 drums	20 drums/yr
13	Polymerized alkyd resins with ketone and hydro-carbon solvent	Coating	50 drums	20 drums/yr
29	Rainwater contaminated with PCB	Paper mill	500 cu. ft.	0

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division

(Reporting Unit)

May, 1980

(Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

WASTE DESCRIPTION

* Date *	Type	Source	Quantity Present	Quantity Future
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(continued)

Washington (6)

7	PCB contaminated soil	Federal agency	150 cu. yd.	0
7	PCB transformer	Wood product	1 trans.	1 unit/yr
20	Paint sludge and spent refinery catalyst	Industrial cleaning service	22 drums	17 drums/yr
21	PCB capacitors	Utility	84 units	0
28	PCB articles	Paper mill	14 cu. ft.	8 cu. ft./yr
29	PCB articles and pesticides	Utility	4,350 ft. ³	4,350 ft. ³ /yr

Utah (1)

7	PCB transformers	Chemical company	14 units	0
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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program
(Reporting Unit)

May 1980
(Month and Year)

SUMMARY OF NOISE CONTROL ACTIONS

<u>Source Category</u>	<u>New Actions Initiated</u>		<u>Final Actions Completed</u>		<u>Actions Pending</u>	
	Mo.	FY	Mo.	FY	Mo.	Last Mo.
Industrial/ Commercial	6	N/A	3	N/A	71	68
Airports	1				1	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program
(Reporting Unit)

May 1980
(Month and Year)

FINAL NOISE CONTROL ACTIONS COMPLETED

* County	* Name of Source and Location	* Date	* Action
Clatsop	Howard Johnson and Sons Const. Seaside	5/80	Blast exception granted
Tillamook	Louisiana Pacific Tillamook	5/80	In Compliance
Multnomah	Hair Barn Portland	5/80	Source burned down

CIVIL PENALTY ASSESSMENTS

Department of Environmental Quality
1980

CIVIL PENALTIES ASSESSED DURING MONTH OF May, 1980:

<u>Name and Location of Violation</u>	<u>Case No. & Type of Violation</u>	<u>Date Issued</u>	<u>Amount</u>
Marion-Linn Construction Co. Linn County	SS-WVR-80-70 Constructed a subsurface sewage system without being licensed by DEQ.	05/02/80	\$ 50
City of Portland Multnomah County	AQ-NWR-80-76 Unauthorized open burning.	05/06/80	7,500
E. Lee Robinson Construction Co. Washington County	AQ-NWR-80-75 Open burning of construction wastes.	05/19/80	100
Gate City Steel Corporation Multnomah County	AQ-NWR-80-77 Open burning of construction wastes (wood only).	05/20/80	50
Ronald E. Borello Baker County	SS-ER-80-40 Intentionally installed a subsurface sewage system after permit was denied.	05/21/80	400

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	Mitigated to \$100 on 5/16/80; Paid.
Lauren Karstens	AQ-WVR-80-03	01/22/80	1,500	Contested 01/28/80. Settlement action.
David Taylor	AQ-WVR-80-04	01/22/80	860	Contested 02/07/80. Settlement action.
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.

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>
American-Strevell, Inc.	WQ-NWR-80-05	01/22/80	500	Remitted 04/18/80.
Mid-Oregon Crushing Co.	AQ-CR-80-16	02/11/80	600	Default judgment filed.
James Judd dba/ Jim Judd Backhoe Service	SS-SWR-80-18	02/11/80	100	Mitigated to \$50 on 5/16/80. Paid.
Robert W. Harper	AQ-WVR-80-14	02/11/80	500	Contested 2/26/80. Settlement negotiations.
George Heidgenkin	WQ-WVR-80-21	02/19/80	1,000	Default.
Westbrook Wood Products	AQ-SWR-80-25	02/20/80	3,125	Goal achieved. Settlement action.
Hilton Fuel Supply Co.	AQ-SWR-80-30	02/25/80	200	Contested 3/17/80. Settlement action.
Permapost Products Co.	WQ-NWR-80-33	03/07/80	500	Paid 03/11/80.
Tom C. Alford et. al. dba/Athena Cattle Feeders	WQ-ER-80-35	03/20/80	500	Paid 5/8/80.
Gary Kronberger/dba Hindman's Septic Tank Service	SS-WVR-80-36	03/20/80	50	Paid 04/09/80.
Adrian Van Dyk,	SS-WVR-80-27	03/20/80	500	Contested 04/20/80.
David B. Reynolds,	SS-SWR-80-11	03/20/80	500	Contested 04/14/80.
J. R. Simplot Co.,	WQ-ER-79-27	03/24/80	20,000	Contested 04/15/80.
Burlington Northern,	AQ-CR-80-44	03/27/80	200	Paid 04/10/80.
Elton Disher dba/ Riverview Service Corp.	WQ-WVR-80-39	04/04/80	100	Paid 04/09/80.
International Paper Co.	WQ-SWR-80-47	04/04/80	1,200	Paid 05/05/80.
Russell Stoppeworth	SS-SWR-80-43	04/10/80	325	Defaulted.
C-3 Builders	AQ-NWR-80-57	04/23/80	50	Paid 05/22/80.

<u>ACTIONS</u>	<u>LAST MONTH</u>	<u>PRESENT MONTH</u>
Preliminary Issues	3	3
Discovery	1	2
Settlement Action	5	9
Hearing to be Scheduled	6	3
Hearing Scheduled	6	2
HO's Decision Due	4	3
Brief	0	2
Inactive	2	2
SUBTOTAL of Active Files	28	26
HO's Decision Out/Option for EQC Appeal .	2	1
Appealed to EQC	3	2
EQC Appeal Complete/Option for Court Review	0	0
Court Review Option Pending or Taken . . .	1	1
Case Closed	4	6
TOTAL Cases	38	36

KEY

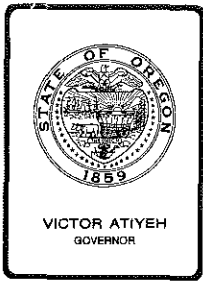
ACD Air Contaminant Discharge Permit
AQ Air Quality
AQ-NWR-76-178 Violation involving Air Quality occurring in Northwest Region in the year 1976; 178th enforcement action during 1976.
CLR Chris Reive, Investigation & Compliance Section
Dec Date Date of either a proposed decision of hearings officer or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

May 1980
DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrl	DEQ Atty	Hrng Date	Resp Code	Case Type & No.	Case Status
FAYDREX, INC.	05/75	05/75	RLH	11/77	Hrngs	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 Faydrex
PGS (Herbertson)	02/76	02/76	RFU		Prtys	01-P-AQ-ER-76-01	<u>Case Closed</u>
MIGNOT, E. W. & Dorothy	11/76	11/76	LMS	02/77		\$400 06-SW-SWR-288-76	Court of Appeals review pending.
MAGNESS, William	07/77	07/77	LMS	11/77	Dept	\$1150 Total 06-SS-SWR-77-142	Department preparing order of dismissal.
GRANIS PASS IRRIG	09/77	09/77	RLH		Prtys	\$10,000 10-WQ-SWR-77-195	Hrng postponed pending submission of stipulated settlement to EQC.
POWELL, Ronald	11/77	11/77	RLH	01/23/80	Resp	\$10,000 Fld Brn 12-AQ-MWR-77-241	Record open.
HAWKINS, Roy	03/78	03/78	FWD	12/17/79	Hrngs	\$5000 15-AQ-PR-77-315	Decision due.
HAWKINS TIMBER	03/78	03/78	FWD			\$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		FWD	07/24/79	Dept	Tax Credit Cert. 01-T-AQ-ER-78-010	<u>Decision issued 05-30-80</u>
VOGT, Eugene & Josephine	06/78	06/78	REL	11/08/78	Resp	\$250 Civil Penalty 05-SS-SWR-78-70	<u>Case closed. No appeal to Court of Appeals</u>
WELCH, Floyd & Virginia, et al	10/78	10/78	RLH		Prtys	07-P-SS-CR-78-134	Hearing deferred pending settlement.
REEVE, Clarence	10/78		RLH		Prtys	06-P-SS-CR-78-132 & 133	Hearing deferred pending settlement
BON-OBRIEN, INC.	07/79	07/79	REL		Dept	Solid Waste Permit Amendment 07-P-SW-213-NWR-79	<u>Case closed. Hearing request withdrawn</u>
BARKER, Michael	10/79	10/79	LMS		Resp	12-SS-SWR-79-56 88 Permit revocation	<u>Case closed 05-14-80</u>
PETER, Ernie	10/79	10/79	CLR	12/05/79	Dept	13-AQ-WVR-79-86 Open Field Burning Civil Penalty of \$500	<u>Department's exceptions due 06-06-80</u>
MALLORY & MALLORY INC.	11/79	11/79	JHR	01/10/80	Hrngs	14-AQ-CR-79-101 Open Burning Civil Penalty	Decision Due. <u>Awaiting transcript.</u>
TIDEWATER BARGE LINES, INC.	12/05/79	12/05/79	RLH	06/12/80	Prtys	16-WQ-ER-79-148 WQ Civil Penalty of \$5,000	Hrng set in Portland at 9 a.m.
M/V TOYOYA MARU No. 10	12/10/79	12/12/79	RLH		Prtys	17-WQ-NWR-79-127 Oil Spill Civil Penalty of \$5,000	Discovery
COLUMBIA SAND & GRAVEL PIT	12/12/79	12/14/79	FWD	05/16/80	Dept	19-P-SW-329-NWR-79 Permit Denial	<u>Underwood to draft EOC Final Order</u>
FORRETT, Gary	12/20/79	12/21/79	RLH	06/09/80	Prtys	20-SS-NWR-79-146 Permit Revocation	<u>Hearing postponed pending Discovery</u>
GLASER, Dennis F. dba MID-VALLEY FARMS, INC.	02/06/80	02/07/80	CLR	06/19/80	Prtys	02-AQ-WVR-80-13 Open Field Burning Civil Penalty of \$2,200	Hearing Re-set in Albany at 10 a.m.
SCHILLER CORP.	02/05/80	02/08/80	LMS	05/05/80	Prtys	03-AQ-WVR-80-15 Open Field Burning Civil Penalty of \$500	<u>Case closed. Civil Penalty mitigated to \$100</u>
TAYLOR, David R.	02/04/80	02/08/80	CLR	06/25/80	Prtys	04-AQ-WVR-80-04 Open Field Burning Civil Penalty of \$860.	<u>Stipulated settlement to EQC 06-20-80.</u>

May 1980
DEQ/BQC Contested Case Log

<u>Pet/Resp Name</u>	<u>Hrng Rqst</u>	<u>Hrng Rfrl</u>	<u>DEQ Atty</u>	<u>Hrng Date</u>	<u>Resp Code</u>	<u>Case Type & No.</u>	<u>Case Status</u>
KARSTEN, Lauren	01/28/80	02/27/80	CLR		<u>Prtys</u>	05-AQ-WWR-80-03 Open Field Burning Civil Penalty of \$1,500	<u>Stipulated settlement to BQC 06-20-80</u>
HARPER, Robert W.	02/26/80	02/28/80	LMS	05/13/80	<u>Prtys</u>	06-AQ-WWR-80-14 Open Burning Civil Penalty of \$500	<u>Hearing postponed pending settlement</u>
MEDFORD CORPORATION	02/25/80	02/29/80		05/16/80	<u>Dept</u>	07-AQ-SWR-80 Request for Declaratory Ruling	<u>Further briefing</u>
JUDD, James aka JIM JUDD BACKHOE-SERVICE	03/01/80	03/11/80	JHR		<u>Prtys</u>	08-SS-SWR-80-18 Subsurface Sewage Civil Penalty of \$100	<u>Case closed. Civil Penalty mitigated to \$50</u>
HILTON FUEL and SUPPLY CO.	03/08/80	03/17/80	LMS	06-17-80	<u>Prtys</u>	09-AQ-SWR-80-30 Open Burning Civil Penalty of \$200	<u>Hearing postponed pending settlement.</u>
WESTBROOK WOOD PRODUCTS	04/01/80	04/08/80	LMS		<u>Prtys</u>	01-AQ-SWR-80-25 Civil Penalty of \$3,125	<u>Settlement Action</u>
REYNOLDS, David B.	04/11/80	04/14/80	CLR		<u>Hrngs</u>	11-SS-SWR-80-11 Civil Penalty of \$500	<u>To Be Scheduled</u>
J.R. SIMPLOT COMPANY	04/15/80	04/16/80			<u>Hrngs</u>	12-WQ-ER-80-41 Civil Penalty of \$20,000	<u>To Be Scheduled</u>
VAN DYK, Adrian C.	04/20/80	04/25/80	CLR		<u>Resp</u>	13-SS-SWR-80-92 Civil Penalty of \$500	<u>Answer due 06-30-80</u>
<u>CITY OF PORTLAND</u>	<u>05/23/80</u>	<u>05/27/80</u>			<u>Hrngs</u>	<u>14-AQ-WWR-80-76</u> <u>Open Burning Civil</u> <u>Penalty of \$7,500</u>	<u>To be scheduled</u>



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item C, June 20, 1980, EQC Meeting

TAX CREDIT APPLICATIONS

Director's Recommendation

It is recommended that the Commission take the following action:

1. Issue Pollution Control Facility Certificates to the following applicants:

<u>Appl. No.</u>	<u>Applicant</u>	<u>Facility</u>
T-1168	Ellingson Lumber Co.	Manufacturing facility
T-1170	Grass Fiber, Inc.	Grass straw utilization facility
T-1183	Boise Cascade Corp.	Baghouses & ductwork
T-1186	Timber Products Co.	Scrubber & associated equipment
T-1188	White City Plywood	Scrubbers, water clarification tank & associated ducting
T-1191	Trus Joist Corp.	Baghouse & ductwork
T-1194	Clear Pine Mouldings	Baghouse, spark extinguishing system & related equipment
T-1196	Kenneth L. Robertson	Waste paper baler
T-1197	Menasha Corp.	Weighing microcells and electronics readout
T-1201	Crown Zellerbach Corp.	Relocation of ship fractionation facility, new cyclone & blower, sound insulated shed
T-1205	Crown Zellerbach Corp.	Boiler ash handling system
T-1209	Crown Zellerbach Corp.	Boot lift connector
T-1215	Reynolds Metals Company	13 ore buckets
T-1216	Reynolds Metals Company	Baghouse & associated equipment
T-1218	Reynolds Metals Company	Additional costs on dry scrubbing system
T-1219	Weyerhaeuser Company	Five concentrators & associated equipment
T-1220	Weyerhaeuser Company	Fiber filter
T-1228	Dant & Russell	Roofed tank farm, cooling tower, oil separation facilities, piping, pumps, high level tank alarms, & concrete drip pan
T-1229	Kenneth L. Robertson	Waste paper baler



Contains
Recycled
Materials

2. Revoke Pollution Control Facility Certificate 904, issued to Reynolds Metals Company because of a change in certified cost, and reissue at a reduced cost. (see attached review report)

A handwritten signature in cursive script that reads "Bill".

WILLIAM H. YOUNG

CASplettstaszer
229-6484
6/6/80
Attachments

PROPOSED JUNE 1980 TOTALS

Air Quality	\$ 2,914,620
Water Quality	1,640,677
Solid Waste	4,867,336
Noise	<u>67,145</u>
	\$ 9,489,778

CALENDAR YEAR TOTALS TO DATE

Air Quality	\$ 3,829,870
Water Quality	8,635,461
Solid Waste	5,665,845
Noise	<u>5,157</u>
	\$18,136,333



STATE OF OREGON

INTEROFFICE MEMO

DEQ - Solid Waste
DEPT.229-5913
TELEPHONE

TO: Environmental Quality Commission

DATE: June 4, 1980

FROM: Director

SUBJECT: Tax Relief Application T-1168

At the May 23, 1980, meeting the Commission considered an Application for Pollution Control Tax Relief from the Ellingson Lumber Company in Baker, Oregon. A copy of the staff report is attached. The Commission deferred action on this application so that the staff could re-evaluate the application in accordance with recent changes in the statutes.

ORS 468.155(2) now requires that the Department specifically consider such items as office buildings and furniture, parking lots and road improvements, landscaping, external lighting and signs, etc. in reviewing applications for tax credit. The staff had not specifically considered these items in the Ellingson Lumber Company application since Preliminary Certification was granted and the facility was constructed before these changes in the statute were made. The staff was asked to re-evaluate the application so that the significance of the new statute changes could be illustrated. Those items on the company's schedule of costs which were re-evaluated and the staff's recommendations are as follows:

<u>Item</u>	<u>Cost</u>	<u>Recommendation</u>
1. Air conditioning	\$ 489.00	Approve. Necessary for proper temperature maintenance in quality control lab.
2. Office equipment and furniture	2,575.12	Deny. Not an integral part of the Pollution Control Facility.
3. Lab and lunch room furniture	2,512.46	Deny approximately \$500 for lunch room furniture. Approve lab tables and cabinets.
4. Construction office supplies	1,592.95	Approve. "Supplies" consisted of bid documents and construction drawings necessary for plant construction.
5. Roads	11,976.91	Approve. Facility utilizes rubber tire fork lifts which require paved roadways. (Parking lot area not included.)

Environmental Quality Commission

Page 2

June 4, 1980

In summary, the Department continues to recommend approval of the entire facility cost claimed in the application (\$4,675,424.63) in accordance with the statutes which were in effect at the time the facility was constructed. If the facility was constructed today, however, claimed costs totaling \$19,146.44 would be subject to special evaluation under the new law. In that circumstance, the Department would be recommending approval of items totaling approximately \$16,100 and denial of items totaling approximately \$3,100.

/dro

Appl T-1168
Date _____

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Ellingson Lumber Company
ELCOBOARD Division
Box 866
Baker, OR 97814

The applicant owns and operates a manufacturing facility to produce wood "composite panels" at Baker, Oregon.

Application was made for tax credit for a solid waste pollution control facility.

2. Description of Claimed Facility

The facility described in this application consists of the entire manufacturing facility.

Request for Preliminary Certification for Tax Credit was made on March 27, 1978, and approved on April 28, 1978.

Construction was initiated on the claimed facility in August, 1978, completed in July, 1979, and the facility was placed into operation on July 4, 1979.

Facility Cost: \$4,675,424.63 (Accountant's Certification was provided)

3. Evaluation of Application

The claimed facility consists of a manufacturing plant designed to produce a "composite panel" replacement for plywood. The plant used various material such as shavings, bark, and trim that were previously burned, dumped, or given away.

A recent amendment to the tax credit law (Senate Bill 139) provides authority to exclude certain specific items from consideration for tax credit. Items to be considered include office buildings and furnishings, and road improvements among others. Expenditures for these specific items were included in the applicant's request.

If this project was being reviewed for Preliminary Certification today, the staff could recommend excluding some of the items noted above. However, Preliminary Certification was granted and the facility was constructed prior to the effective date of SB 139 (October 3, 1979). For this reason the staff believes it would not be equitable to exclude certain parts of the facility from

consideration at this late date. Accordingly, the staff is recommending approval of the facility in its entirety.

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, 1973, as required by ORS 468.165 (1) (c).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing solid waste.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 459, and the rules adopted under that chapter.
- e. The cost of the facility 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 \$4,675,424.63 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1168.

W. H. Dana:p
(503) 229-5913
April 29, 1980

SP1411

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Grass Fiber, Inc.
520 East Second Street
Junction City, OR

The applicant owns and operates a grass fiber mulch production plant at Junction City, Oregon.

Application was made for tax credit for a solid waste pollution control facility.

2. Description of Claimed Facility

The facility described in this application utilizes grass straw in the production of mulch for hydraulic seeding operations.

Request for Preliminary Certification for Tax Credit was made on June 8, 1978, and approved on October 4, 1978.

Construction was initiated on the claimed facility on June 25, 1978, completed on August 7, 1978, and the facility was placed into operation on August 7, 1978.

Facility Cost: \$178,376 (Accountant's Certification was provided).

3. Evaluation of Application

Straw from grass seed growing operations is a solid waste which is disposed by open burning. This facility utilizes approximately 2,500 tons of straw annually in the production of mulch for use in hydroseeding. This is a unique approach to solving a major waste disposal problem. Although the main benefit is a reduction in air pollution from reduced field burning, grass straw does meet the legal definition of solid waste (i.e., a useless or discarded material) and consideration under the solid waste statutes is appropriate.

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, 1973, as required by ORS 468.165(1)(c).

- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing solid waste.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 459, and the rules adopted under that chapter.
- e. The cost of the facility 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 \$178,376 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1170.

WHDana:da
(503) 229-5913
May 15, 1980

Appl T-1183
Date 4/21/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Boise Cascade Corporation
Northeast Oregon Region
Box 50
Boise, ID 83728

The applicant owns and operates a plywood plant at Elgin, 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 three Clarke Pneu-Aire baghouses and associated duct work.

Request for Preliminary Certification for Tax Credit was made on 5/26/78, and approved on 5/26/78.

Construction was initiated on the claimed facility in June, 1978, completed in November, 1978, and the facility was placed into operation in November, 1978.

Facility Cost: \$210,413.18 (Accountant's Certification was provided).

3. Evaluation of Application

The applicant installed three baghouses to control emissions from a sander dust cyclone, a plywood hogged cyclone, and a planer shaving cyclone. Prior to installation of these baghouses, these cyclones failed to meet the Department's emission limits. Since installation, these baghouses have been inspected and comply with all Department emission limits. Collected material is returned to the cyclone, however, it has no economic value to the company. The only purpose of these baghouses is air pollution control. Therefore, 80 percent or more of the cost of these units 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 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 \$210,413.18 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1183.

F. A. Skirvin:b
(503) 229-6414
April 23, 1980
AB1369

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Timber Products Company
Box 1669
Medford, OR 97501

The applicant owns and operates a plywood and particle board plant in Medford.

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 Industries scrubber and associated equipment.

Request for Preliminary Certification for Tax Credit was made on February 26, 1979, and approved on April 13, 1979.

Construction was initiated on the claimed facility on 10/15/79, completed on 12/20/79, and the facility was placed into operation on 1/15/80.

Facility Cost: \$193,556 (Accountant's Certification was provided).

3. Evaluation of Application

Due to the recently adopted emission limits for the Medford-Ashland Air Quality Maintenance Area, the boiler emissions from this facility required additional reductions. In order to meet those rules, the company has installed a Burley Industries scrubber. The Control equipment is operational, however, a source test to demonstrate compliance has not yet been completed. The facility does reduce emissions to the atmosphere as indicated by the material collected by the scrubber. The collected material is of no value to the company and is disposed of in a landfill. The primary purpose of this equipment is air pollution control. Therefore, 80 percent or more of the cost 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 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 \$193,556 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1186.

F. A. Skirvin:ba
(503) 229-6414
ABD91
May 20, 1980

Appl T-1188
Date 4/16/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

White City Plywood, Oregon, LTD.
8380 Agate Road
White City, OR 97501

The applicant owns and operates a plywood plant in White City, 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 two Burley Industries veneer dryer scrubbers, water clarification tank, and associated ducting.

Request for Preliminary Certification for Tax Credit was made on May 25, 1979, and approved on July 2, 1979.

Construction was initiated on the claimed facility on October 20, 1979, completed on November 15, 1979, and the facility was placed into operation on November 15, 1979.

Facility cost: \$222,050 (Accountant's certification provided).

3. Evaluation of Application

The two veneer dryers at this plant did not comply with the Department's emission limitations. After installation of the Burley scrubbers, the veneer dryer emissions are now in compliance with those limits. The primary purpose of these scrubbers is air pollution control. The collected material has no economic value, and there are no other economic benefits from the installation of this equipment. Therefore, 80 percent or more of the cost 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 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 \$222,050 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1188.

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

AP7336

Appl T-1191
Date 4/16/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Trus Joist Corporation
Micro-Lam Division
Box 60
Boise, ID 83707

The applicant owns and operates a laminated beam manufacturing plant in Eugene.

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 Carothers Model 460 baghouse filter and associated duct work.

Request for Preliminary Certification for Tax Credit was made on November 17, 1978, and approved on January 17, 1979.

Construction was initiated on the claimed facility on January 1, 1979, completed on March 27, 1979, and the facility was placed into operation on March 27, 1979.

Facility Cost: \$63,720.28 (Accountant's Certification was provided).

3. Evaluation of Application

The company installed this baghouse to collect emissions from three existing cyclones. Prior to the installation of this baghouse, these cyclones discharged to the atmosphere. The Lane Regional Air Pollution Authority required the installation of the baghouse to meet their emission limitations. The primary purpose of this baghouse is air pollution control. There is no economic benefit to the company from the installation of this equipment. Collected material is discarded; therefore, 80 percent or more of the cost of this 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 Lane Regional Air Pollution Authority 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 \$63,720.28 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1191.

F. A. Skirvin:bd
(503) 229-6414
April 18, 1980

AB1345

Appl T-1194
Date 5/15/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Clear Pine Mouldings, Inc.
Box 309
Prineville, OR 97754

The applicant owns and operates a moulding plant in Prineville.

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 Moldow model MA-336 Baghouse, a Flamex 2,000 spark extinguishing system, and related blowers, ducting and controls.

Request for Preliminary Certification for Tax Credit was made in two phases on October 30, 1979, and November 15, 1979, and approved on November 8, 1979 and December 18, 1979.

Construction was initiated on the claimed facility in two phases on November 8, 1979 and December 20, 1979. Both phases were completed on December 27, 1979, and the facility was placed into operation on January 25, 1980.

Facility Cost: \$98,586.42 (Accountant's Certification was provided).

3. Evaluation of Application

The first phase of this project consisted of controlling emissions from the Laminating Department. The applicant has installed a baghouse and the necessary duct work to collect the sander dust emissions from that Department. During the construction of this first phase, the company decided that it could easily add the necessary duct work and sections to the baghouse to control emissions from the prefinish department. The notice of construction for the second phase of the project was submitted on November 15, 1979, and received approval on December 18, 1979. The second phase consisted of a small amount of duct work and additional sections to be added to the baghouse. Both phase 1 and 2 were completed at the same time on December 27, 1979.

Material collected by this baghouse is of no value to the company. The primary purpose of this equipment is air pollution control. Therefore, 80 percent or more of the cost of this 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 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 \$98,586.42 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1194.

F. A. Skirvin:ba

(503) 229-6414

ABD90

May 20, 1980

Appl T-1196
Date 6/2/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Kenneth L. Robertson
1134 Lancaster Drive, N.E.
Salem, OR 97301

The applicant owns and operates an equipment leasing business in Salem, Oregon.

Application was made for tax credit for a solid waste pollution control facility.

2. Description of Claimed Facility

The facility described in this application is a waste paper and cardboard baler which is in use at the Clarke Distributing Co. in Salem.

Request for Preliminary Certification for Tax Credit was made on August 25, 1979, and approved on September 19, 1979.

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

Facility Cost: \$7,700 (a copy of the invoice was provided).

3. Evaluation of Application

Prior to installation of this equipment, cardboard boxes and other waste paper from the Clarke Distributing Company were disposed by landfilling. Markets for unbaled paper and cardboard are limited and unstable.

The applicant, Mr. Robertson, owns a waste paper baler which he has leased to Clarke Distributing Company. Now all of Clarke's waste cardboard and paper are baled and sold for recycling. Approximately 4-5 tons of material are salvaged from Clarke's operation each month.

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, 1973, as required by ORS 468.165(1)(c).

- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing solid waste.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 459, and the rules adopted under that chapter.
- e. The cost of the facility 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 \$7,700 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1196.

W. H. Dana:pw
(503) 229-5913
June 2, 1980

SP5 (1)

Appl T-1197
Date 5/27/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Menasha Corporation
Paperboard Division
Box 329
North Bend, OR 97459

The applicant owns and operates a pulp and paperboard mill manufacturing corrugating medium from hardwood chips and recycled container board at North Bend, Oregon.

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 installation of four Kistler-Morse weighing microcells and model 925 electronics readout on the spent liquor incinerator product (salt cake) tank.

Request for Preliminary Certification for Tax Credit was made August 6, 1979, and approved October 3, 1979. Construction was initiated on the claimed facility in September, 1979, (equipment ordered), completed October 30, 1979, and the facility was placed into operation October 31, 1979.

Facility Cost: \$3,195 (Accountant's Certification was provided).

3. Evaluation of Application

The system provides quantitative accounting of salt cake produced and delivered to rail cars or trucks. Previously, the product tank had no weighing system nor was one provided for loading out rail cars and trucks. To avoid overloading of carriers, rail cars were often underfilled resulting in the occasional dumping of salt cake to the mills waste water treatment system.

The new system allows each carrier to be filled to capacity resulting in less salt cake entering the waste water treatment system.

Applicant claims that 100 percent of the cost of the claimed facility is properly 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 water pollution.
- d. The facility was required by the Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 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 \$3,195 with 80 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1197.

CKA:l

WL54

(503) 229-5325

May 27, 1980

Appl T-1201
Date 5-2-80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Crown Zellerbach Corporation
Estacada Plant
904 Northwest Drake Street
Camas, WA 98607

The applicant owns and operates a sawmill and planing mill at Estacada, Oregon.

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

2. Description of Claimed Facility

The facility described in this application entails relocation of the chip fractionation facility, installation of a new cyclone and large blower, and construction of a sound insulated shed.

Request for Preliminary Certification for Tax Credit was made on July 17, 1978, and approved on August 22, 1978.

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

Facility Cost: \$67,145 (Accountant's Certification was provided). Certification is claimed under the 1969 Act with 100 percent allocated to pollution control.

3. Evaluation of Application

The old chip fractionation system could not be acoustically treated in its old location, thus requiring its relocation. A new chip blower and cyclone were needed in order to handle chip transport for the new system. An acoustical insulated shed was constructed around the fractionator and blower at the new location. After construction, the chip fractionation system no longer exceeds DEQ noise standards. All construction costs associated with this project appears to be related to environmental noise pollution control. Therefore we recommend an 80 percent or more allocation rating for this project.

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, 1977, as required by ORS 468.165(1)(b).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing noise pollution.
- d. The facility was required by Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 467, 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 \$67,145 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1201.

John Hector, Noise Pollution Section, Manager:f
(503) 229-6085
April 28, 1980
NF1436

Appl T-1205
Date 5/20/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Crown Zellerbach Corporation
West Linn Division
West Linn, Oregon 97068

The applicant owns and operates a pulp and paper mill at West Linn.

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

2. Description of Claimed Facility

The facility described in this application is a boiler ash handling system for transporting ash and recycling sluicing water.

A new sluicing system collects boiler bottom ash and transfers it to a grinder. The ground ash is collected and pumped to settling basins where clarified water is returned to the boilers.

The dewatered solids are periodically removed from the settling basins and landfilled.

Request for Preliminary Certification for Tax Credit was made October 25, 1977, and approved April 14, 1978. Construction was initiated on the claimed facility April, 1978, completed October, 1979, and the facility was placed into operation October, 1979.

Facility Cost: \$567,011 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed facility was recommended by staff to eliminate the disposal of boiler ash on the Willamette River bank where high water would wash the material downstream.

The claimed facility has eliminated the boiler ash from entering the river.

Applicant claims that 100 percent of the cost of the claimed facility is properly 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 water pollution.
- d. The facility was required by the Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 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 \$567,011 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1205.

CKA:1
WL35
(503) 229-5325
May 20, 1980

Appl T-1209
Date 5/20/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Crown Zellerbach Corporation
Wauna Division
Clatskanie, Oregon 97016

The applicant owns and operates a an integrated kraft pulp and paper mill near Clatskanie.

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

2. Description of Claimed Facility

The facility described in this application consists of a boot lift connector which attaches to the bottom of railroad cars to minimize the spillage of clay during unloading operations.

Included in the project is a new sump pump and sewer line which conveys all wash-up water to the mill's process sewer system.

Request for Preliminary Certification for Tax Credit was made November 25, 1977, and approved December 29, 1977. Construction was initiated on the claimed facility January, 1978, completed April, 1978, and the facility was placed into operation April, 1978.

Facility Cost: \$8,061 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed facility was recommended by staff to upgrade the railcar clay unloading process. Several clay spills had occurred in the past and wash-up water went to a storm sewer.

The claimed facility has minimized clay spillage and has rerouted wash-up water to the process sewer.

Applicant claims that 100 percent of the cost of the claimed facility is properly 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 water pollution.
- d. The facility was required by the Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 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 \$8,061 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1209.

CKA:l

WL34

(503) 229-5325

May 19, 1980

Appl T-1215
Date 6-3-80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Reynolds Metals Company
6601 West Broad Street
Richmond, VA 23261

The applicant owns and operates a primary aluminum reduction plant located at N.E. Sundial Road, Troutdale, Oregon, 97060.

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 13 custom designed ore buckets.

Request for Preliminary Certification for Tax Credit was made on April 13, 1978, and approved on December 19, 1978.

Construction was initiated on the claimed facility in August, 1978, completed on April 15, 1979, and the facility was placed into operation in April, 1979.

Facility Cost: \$664,100 (Accountant's Certification was provided).

3. Evaluation of Application

After completing the dry primary control system, Reynolds Metals experienced an unexpected fugitive dust problem with the alumina handling system within the potrooms. This dusting was caused by a decrease in particle size due to processing the alumina in the fluoride control system. The resulting elevated particulate emissions from the potrooms caused the aluminum plant to exceed air contaminant discharge permit limits. In order to solve this problem, the company replaced the existing ore buckets with the claimed facility.

The claimed facility includes 13 completely enclosed ore buckets which have specifically designed seals for both loading and unloading alumina. Potroom emissions have decreased significantly since the installation of the new ore buckets. Recent data indicates that particulate emissions are in compliance with monthly limits (13.0 lb/ton Al) and very close to annual limits (10.0 lb/ton Al). The actual status with respect to the annual limit will be determined by the accumulation of additional data.

Since the claimed facility was installed to solve an identified emission problem, replaced existing ore buckets, and no economic benefits were identified, it is concluded that the facility's principal purpose is pollution control and that 80% or more of its cost 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 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% 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 \$664,100 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1215.

F. A. Skirvin:b
(503) 229-6414
AB106
June 5, 1980

Appl T-1216
Date 6/3/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Reynolds Metals Company
6601 W Broad St
Richmond, VA 23261

The applicant owns and operates a primary aluminum reduction plant located at NE Sundial Road, Troutdale, Oregon 97060.

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 modular baghouse and associated fans, ducting, dampers, electrical supply, controls, and control building which treat high temperature exhaust gases from six aluminum holding furnaces and two degassing units in the Cast House.

Request for Preliminary Certification for Tax Credit was made on August 17, 1978, and approved on December 19, 1978.

Construction was initiated on the claimed facility on May 22, 1979, completed on September 12, 1979, and the facility was placed into operation on September 13, 1979.

Facility Cost: \$1,251,546 (Accountant's Certification was provided).

3. Evaluation of Application

After collecting molten aluminum from the pot rooms it is subjected to alloying and degassing operations prior to casting and solidifying in various ingot forms. This occurs in large holding furnaces located in the Cast House. Although Reynolds Metals Co. did reduce the opacity of Cast House emissions by procedural changes (Tri-gas fluxing), full-time compliance with air contaminant discharge permit opacity limits was not achieved.

The claimed facility is a high temperature, coated-bag system which has resulted in full-time compliance with permit limits according to Department inspections. Collected materials are being sent to a commercial landfill.

Since the claimed facility was installed to solve an identified noncompliance situation and no economic benefit was identified, it is concluded that the principal purpose is pollution control and that 80 percent or more of its cost 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 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 \$1,251,546 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1216.

FASKirvin:f
(503) 229-6414
June 5, 1980
AF108 (2)

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Reynolds Metals Company
6601 W Broad St
Richmond, VA

The applicant owns and operates a primary aluminum reduction plant located at NE Sundial Road, Troutdale, Oregon 97060.

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 additional capital expenditures related to the dry scrubbing system. The applicant identified these expenditures to include the following:

- a. Ventilation and airlift baghouse system for the fresh ore (alumina) tank at the dry control center (\$163,285.59).
- b. 1979 additional costs to the pot hooding system (\$45,991.96).
- c. Lab equipment used to analyze emission testing samples (\$1,269.00).
- d. 1979 additional costs to dry control center (\$1,561.09).

Notice of Intent to Construct was made on March 10, 1975, and approved on July 1, 1975. Preliminary Certification for Tax Credit is not required.

Site preparation for the dry scrubbing system began in March 1975. Construction was initiated on April 6, 1976, completed on October 5, 1977, and the system was placed into operation on October 5, 1977.

Facility Cost: \$212,649.00 (Accountant's Certification was provided).

3. Evaluation of Application

The dry control system referred to above removes fluoride gases and particulates from the primary pot room exhausts at the Reynolds Metals Co. Troutdale Plant. This system is very large, complex and expensive. As a part of its initial tax credit application (Certificate T-904, \$24,384,381), the company indicated that modifications and additions to the original design would surely

occur. The additional capital costs incurred in 1978 were certified on May 25, 1979 (Certificate T-981, \$1,115,954). The items claimed herein, Application T-1218, constitute additional capital costs incurred in 1979.

The addition to the fresh ore tank has solved an unexpected fugitive emission problem according to Department inspection reports. Pot hooding modifications are done as pots are temporarily taken out of service for maintenance on an approximate three year cycle. (This effort is nearly completed.) The lab equipment is a specific ion detection device used to quickly measure fluoride ion in stack test samples. Additional costs to the dry scrubber center include electrical service modifications and exhaust stack sampling ports. Since all of these items are integral components of or directly related to the primary pot room control system (dry scrubber) and no net economic benefits were attributed to them, it is concluded that they were installed for the principal purpose of pollution control and that 80 percent or more of their cost is allocable to pollution control.

4. Summation

- a. Facility was constructed under a certificate of approval to construct issued pursuant to ORS 468.175.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1) (a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing 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 \$212,649 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1218.

Appl T-1219
Date 5/29/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Weyerhaeuser Company
Willamette Region
P.O. Box 275
Springfield, Oregon 97477

The applicant owns and operates a plant which produces paperboard, lumber, plywood, particleboard, ply-veneer and prestologs at Springfield.

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

2. Description of Claimed Facility

The facility described in this application consists of five 30-inch SWECO concentrators, associated stainless steel piping, three-2,000 GPM pumps, manual and automatic flow control valves, automatic screen cleaning systems, and electronic instrumentation.

Request for Preliminary Certification for Tax Credit was made December 28, 1976, and approved January 10, 1977. Construction was initiated on the claimed facility January, 1977, completed June, 1977, and the facility was placed into operation June, 1977.

Facility Cost: \$370,899 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to the installation of the claimed facility, fresh water was used for a portion of the shower water on the paper machines. The facility allows for the recirculation of screened white water which has reduced the paper mill sewer flow by 1700 GPM. The reduced flow has increased the retention time of the waste water treatment system and the applicant claims this has provided a reduction of 300 pounds per day BOD discharged to the McKenzie River.

Applicant claims that 100 percent of the cost of the claimed facility is properly 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 water pollution.
- d. The facility was required by the Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 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 \$370,899 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1219.

CKA:l
WL62 (1)
(503) 229-5325
May 29, 1980

Appl T-1220
Date 6/2/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Weyerhaeuser Company
Willamette Region
P.O. Box 275
Springfield, Oregon 97477

The applicant owns and operates a plant which produces paperboard, lumber, plywood, particleboard, ply-veneer and prestologs at 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 a fiber filter which removes pulp fiber from weak black liquor prior to feeding to the vapor compression evaporator. A fiber filter supply tank and pump, and a filtered dregs storage tank and pump are part of the claimed facility.

Request for Preliminary Certification for Tax Credit was made October 25, 1977, and approved November 30, 1977. Construction was initiated on the claimed facility December, 1977, completed March, 1978, and the facility was placed into operation March, 1978.

Facility Cost: \$484,573 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to the installation of the fiber filter, the vapor compression evaporator experienced occasional fiber pluggage and was forced to either shut down or run at reduced capacity. The vapor compression evaporator is an integral part of the mill's pollution control system which reduces organic loads to the waste water treatment system.

Since the installation of the filter, the feed capacity of the weak black liquor to the vapor compression evaporator has increased and pluggage has greatly reduced.

Applicant claims that 100 percent of the cost of the claimed facility is properly 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 water pollution.
- d. The facility was required by the Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 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 \$484,573 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1220.

CKA:l

WL60 (1)

(503) 229-5325

June 2, 1980

Appl T-1228
Date 6/2/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

DANT & RUSSELL, INC.
Wood Preserving Division
1221 S.W. Yamhill
Portland, OR 97205

The applicant owns and operates a wood preserving plant for treating telephone poles, bridge timbers, and piling at North Plains.

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

2. Description of Claimed Facility

The facility described in this application consists of a new roofed tank farm, a cooling tower/evaporator, oil separation facilities, piping, pumps, high level tank alarms, and a concrete drip pad.

Request for Preliminary Certification for Tax Credit was made November 17, 1978, and approved January 23, 1979. Construction was initiated on the claimed facility May 1, 1979, completed August, 1979, and the facility was placed into operation August, 1979.

Facility Cost: \$206,938 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to installation of the claimed facility, area drainage was often contaminated due to plant-site storm runoff and accidental spills.

All tanks now are stored within a roofed tank farm and tanks have alarms to warn operators of possible overflows. Runoff is now collected by a concrete drip pad, oils are removed for reuse, and the water is evaporated.

The claimed facility has greatly reduced contamination of plant runoff.

Applicant claims that 100 percent of the cost of the claimed facility is properly 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 water pollution.
- d. The facility was required by the Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 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 \$206,938 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1228.

CKA:l

WL67 (1)

(503) 229-5325

June 2, 1980

Appl T-1229
Date 6/2/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Kenneth L. Robertson
1134 Lancaster Drive, N.E.
Salem, OR 97301

The applicant owns and operates an equipment leasing business in Salem, Oregon.

Application was made for tax credit for a solid waste pollution control facility.

2. Description of Claimed Facility

The facility described in this application is a waste paper and cardboard baler which is in use at Walt's Market in Corvallis.

Request for Preliminary Certification for Tax Credit was made on October 22, 1979, and approved on February 19, 1980.

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

Facility Cost: \$5,836 (a copy of the invoice was provided).

3. Evaluation of Application

Prior to installation of this equipment, cardboard boxes and other waste paper from the Walt's Market were disposed by landfilling. Markets for unbaled paper and cardboard are limited and unstable.

The applicant, Mr. Robertson, owns a waste paper baler which he has leased to Walt's Market. Now all of the market's waste cardboard and paper are baled and sold for recycling. Approximately 3-4 tons of material are salvaged from the market each month.

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, 1973, as required by ORS 468.165(1)(c).

- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing solid waste.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 459, and the rules adopted under that chapter.
- e. The cost of the facility 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 \$5,836 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1229.

W. H. Dana:w
(503) 229-5913
June 2, 1980

SW14 (1)

State of Oregon
Department of Environmental Quality

REVOCATION AND REISSUANCE OF POLLUTION CONTROL FACILITY CERTIFICATE

Certificate Issued to:

Reynolds Metals Company
NE Sundial Road
Troutdale, Oregon 97204

Background

On June 4, 1980, Reynolds Metals Company informed the Department that the costs certified in Pollution Control Facility Certificate 904 had changed due to a settlement from a contractor. This settlement resulted in a credit which reduced the cost of the facility by \$146,744.02. (See attached letter from Company.)

Pollution Control Facility Certificate 904 was issued on May 26, 1978 for the air pollution control system at Reynolds' plant in Troutdale. The Certificate was issued in the amount of \$24,384,381.00 (certificate attached).

Director's Recommendation

Pursuant to ORS 307.405(4), it is recommended that Pollution Control Facility Certificate 904 be revoked and reissued in the amount of \$24,237,607, to reflect the change in costs.

CASplettstaszer
6/5/80
229-6484
Attachments (2)



REYNOLDS ALUMINUM

PRIMARY METALS DIVISION

June 4, 1980

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
JUN 4 1980

AIR QUALITY CONTROL

Mr. F. A. Skirvin
Department of Environmental Quality
522 S. W. Fifth Avenue
Portland, Oregon 97207

Re: Tax Relief Application Number T-1218

Dear Mr. Skirvin:

This letter will confirm our conversations relating to the \$146,774.02 credit shown on Exhibit C. This credit results from settlement with a contractor which applies to construction costs for the Scrubber Center that were reported under our Application Number T-986 and subsequently issued Certificate Number 904.

It is further my understanding that as a result of the above credit, Certificate Number 904 will be cancelled for \$24,384,381 and reissued for \$24,237,607.

Sincerely yours,

REYNOLDS METALS COMPANY

Jack Wilson
Plant Accountant

JOW:mk

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Certificate No. 904

Date of Issue 5/26/78

Application No. T-986

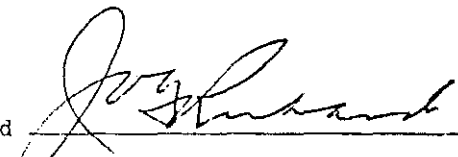
POLLUTION CONTROL FACILITY CERTIFICATE

Issued To: Reynolds Metals Company N.E. Sundial Road Troutdale, Oregon 97060	Location of Pollution Control Facility: N. E. Sundial Road Troutdale, Oregon
As: <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Owner	
Description of Pollution Control Facility: 62 baghouses, associated ductwork, 10 600 HP fans, two 100 HP fans, five air-lifts, associated air slides, one bridge crane, ambient SO ₂ stations, pot hooding, alumina handling and storage	
Type of Pollution Control Facility: <input checked="" type="checkbox"/> Air <input type="checkbox"/> Noise <input type="checkbox"/> Water <input type="checkbox"/> Solid Waste	
Date Pollution Control Facility was completed: <u>10/5/77</u> Placed into operation: <u>10/5/77</u>	
Actual Cost of Pollution Control Facility: \$ <u>24,384,381.00</u>	
Percent of actual cost properly allocable to pollution control: <p style="text-align: center;">80% or more</p>	

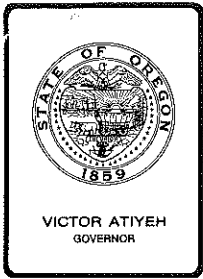
In accordance with the provisions of ORS 468.155 et seq., it is hereby certified that the facility described herein and in the application referenced above is a "Pollution Control Facility" within the definition of ORS 468.155 and that the air or water facility was constructed on or after January 1, 1967, the solid waste facility was under construction on or after January 1, 1973, or the noise facility was constructed on or after January 1, 1977, and the facility is designed for, and is being operated or will operate to a substantial extent for the purpose of preventing, controlling or reducing air, water, noise or solid waste pollution, and that the facility is necessary to satisfy the intents and purposes of ORS Chapter 459, 467 or 468 and the regulations adopted thereunder.

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

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

Signed 
 Title Joe B. Richards, Chairman

Approved by the Environmental Quality Commission on
 the 26th day of May, 19 78



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 Items D, E. and R, EQC Meeting of June 16, 1980

Background on Agenda Items D, E. and R and Outlook for Future SIP Revisions

In June of 1979, the Environmental Quality Commission adopted the first wave of SIP revisions made necessary under the Clean Air Act Amendments of 1977. In January, 1980, Environmental Protection Agency issued a Notice of Proposed Rule Making noting that Oregon's 1979 SIP revisions could be conditionally approved. Conditions proposed would require certain modifications to adopted rules.

The Department has been working on necessary rule modifications to satisfy the conditional approval and it expects to bring them before the EQC over the next few months according to the following schedule.

June 80 EQC Meeting

- . Hearing Authorization on Modification to Salem Ozone Strategy
- . Hearing Authorization on Modification to Medford TSP Industrial Source Rules.
- . Clarification on State Ozone Standard Schedule.
- . Adoption of Vehicle Inspection Rules

July 80 EQC Meeting

- . Adoption of Corrections to Round 1 VOC Rules.

August 80 EQC Meeting

- . Hearing Authorization on New Source Review Rules (with Offset and Banking Provisions and PSD Review Criteria).
- . Hearing Authorization on Simplified and Reorganized Complete SIP Document.



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Recycled
Materials

Memorandum
EQC Meeting June 16, 1980
Page 2

In addition, the next wave of SIP revisions, in response to the '77 CAAA's will be presented to the EQC on the following schedule.

July 1980 EQC Meeting

- . Adopt Round 2 VOC Rules

August 1980 EQC Meeting

- . Hearing Authorization on Portland, Medford and Eugene TSP Attainment Plans.

Adoption of those items from the above list which receive hearing authorization will likely be brought to the EQC for adoption of the following schedule.

September 1980 EQC Meeting (Bend)

- . Salem Ozone Strategy Adoption.

October 1980 EQC Meeting (Medford)

- . Medford TSP Attainment Strategy Adoption
- . Medford TSP Industrial Source Rules Adoption.

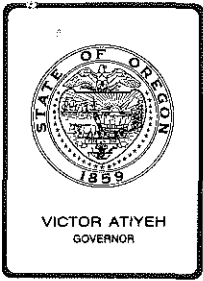
November 1980 EQC Meeting (Portland)

- . Portland TSP Attainment Strategy Adoption
- . New Source Review Rule Adoption
- . Eugene TSP Attainment Strategy - Approval (of Plan Adopted by LRAPA)
- . Simplified and Reorganized SIP Document - Adoption.



WILLIAM H. YOUNG

JFKowalczyk:h
229-6459



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, June 20, 1980, EQC Meeting

Request for Authorization to Conduct a Public Hearing on Revising the State Implementation Plan Regarding the Special Rules for the Medford-Ashland Air Quality Maintenance Area (OAR 340-30) Affecting Wigwam Burners, Schedules of Compliance; and Visible Emissions from Large Wood-fired Boilers.

Background and Problem Statement

Background: On March 31, 1978 the Commission adopted Special Rules for the Medford-Ashland Air Quality Maintenance Area and directed the Department to submit the rules as a revision to the State of Oregon Implementation Plan (SIP) for total suspended particulate.

Problem Statement: The Environmental Protection Agency (EPA) will grant approval (Attachment 1) of the SIP revision provided certain deficiencies are corrected.

Authority for the Commission to Act is given in ORS 468.020 and 468.295(3) where the Commission is authorized to establish emission standards for sources of air contaminants.

A "Statement of Need for Rulemaking" is attached to this memo.

Alternatives and Evaluation

Oregon must correct certain deficiencies to satisfy the conditions of EPA's proposed approval of the Medford rules as a SIP revision. Correction of the deficiencies will not have a significant effect on local commerce and industry nor will the corrections improve or degrade existing particulate air quality. The EPA comments are:



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Materials

EPA Comment 1 OAR 340-30-035 "Specific conditions under which the Director may lift the ban on operation of wigwam waste burners must be provided."

DEQ action The existing rule allows the Director to authorize short term operation of a wigwam waste burner in an emergency situation. The Department proposes to delete the emergency provision to comply with EPA comments. Refer to Attachment 3 for the proposed rule revision.

An operator of a wigwam waste burner could request a variance from the EQC if a short term wood waste disposal problem arises. A variance would provide relief from state enforcement of OAR 340-30-035 but the operator of the wigwam waste burner would remain subject to Clean Air Act noncompliance penalties.

EPA Comment 2 Rules 340-30-055: "Annual averaging times for emissions (from large wood fired boilers, particle dryers, and charcoal producing plants) make compliance determinations and enforcement extremely difficult. Compliance determinations must be based on the results of individual source tests conducted over a period not to exceed one week."

DEQ Action The Department has sent a letter to EPA (Attachment 2 page 6) requesting that EPA consider the fact that Medford sources are subject to OAR 340-21-015 related to visible emissions. This rule provides an effective means of compliance determination and enforcement on a short term basis for particle dryers and charcoal producing plants and to a lesser degree for large wood-fired boilers because of a less stringent opacity limit. EPA agrees but insists that the wood fired boiler opacity limit be tightened from 40 percent to 20 percent to meet Reasonably Available Control Technology requirements. The Department proposes to tighten the opacity limit to 20 percent for large (greater than 35 million BTU/hr) wood waste boilers. This is a limit comparable with the opacity limits required of particle dryers and charcoal producing plants. The proposed rule addition OAR 340-30-016 is found in Attachment 3. EPA has advised the Department (Attachment 4) that the proposed opacity limit for large wood waste boilers is tentatively acceptable in correcting the deficiency.

Properly functioning boilers and control equipment have consistently been observed to meet the opacity limits in the proposed rule thus the proposed rule will not necessitate additional control equipment to be installed.

EPA Comment 3 OAR 340-30-045: EPA is requiring 5 step compliance schedules to be enforceable SIP revisions by including compliance schedules in the rules submitted as a SIP revision or submit the operating permits containing compliance schedules as a SIP revision.

DEQ Action The first alternative was selected to avoid the burden of EPA review of each permit action such as renewal or modification.

The particle dryer sources have requested more time to investigate less costly means of compliance. The Department is supportive of extending the compliance deadline one year solely to allow additional time to possibly reduce pollution control equipment costs to the companies and expects the proposed compliance schedule to be met. Without the extension it is probable that particle dryer sources would have to consider a variance from the present January 1, 1981 compliance date. Even with a variance the sources would be subject to the Clean Air Act noncompliance penalties. It should be specifically understood that the Department's refined analysis of the Medford suspended particulate problem reaffirms the importance in reducing emissions from particle dryers to achieve air quality goals even if the sources must incur the substantial expense of sophisticated control equipment which has proven capable of meeting the present rule. The proposed schedule for particle dryer compliance extends the final compliance date to January 1, 1982.

Summation

1. The Commission adopted the Special Rules for the Medford/Ashland AQMA on March 31, 1978 and directed the Department to submit the rules to EPA as a revision to the State Implementation Plan.
2. EPA requires that Oregon amend the existing Special Rules for the Medford/Ashland AQMA in their conditional approval of the State Implementation Plan. The requested changes are discussed herein and found in the attached proposed rule revisions.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission authorize a public hearing on Friday, August 1, 1980 in Medford to receive testimony on the attached proposed amended rules, and to consider the proposed amended rules for adoption as a revision to the State Implementation Plan at the Commission's October 17, 1980 meeting.

Bill

WILLIAM H. YOUNG

DB:kmm
229-6446
April 16, 1980

- Attachment 1. EPA Proposed Rulemaking 45FR 3929-3938
- Attachment 2. DEQ letter to EPA dated February 14, 1980
- Attachment 3. Proposed amended rules OAR Chapter 340, Division 30, Sections -016; -035; -045; -055
- Attachment 4. Draft EPA Proposed Rulemaking (Federal Register preprint)
- Attachment 5. Statement of Need and Fiscal Impact Statement

to the annual allowable increment of 20 $\mu\text{g}/\text{m}^3$.

EPA is proposing to approve the revision to Regulation 310 CMR to allow the year-round use of sulfur residual fuel oil at Jan. Massachussetts, Fitchburg, and boilers vented by the 55 met Fitchburg Paper Company, F. Approval of the revision should result in violations of the NAAQS PSD annual increment. All open burning in Fitchburg must continue to use sulfur oil, including the 23 met at Fitchburg Paper.

Amendments to Regulation 310 CMR 7.07, Open Burning were submitted on September 28, 1979. The present regulation permits open burning for cooking; for training or research in fire protection or prevention; for combating or backfiring an existing fire; for agricultural purposes, agricultural land clearing, and disposal of fungus-infested elm wood; for operation of blowtorches and welding torches; for disposal of combustible material for which no suitable alternative is available; and for reduction of brush, cane, driftwood, and forestry debris under certain conditions during two months of each year.

The SIP revision extends the time period allowed for open burning of brush, cane, driftwood, and forestry debris. The months during which brush burning presently is permitted are March 1 to May 1 in the Berkshire APCD and January 15 to March 15 in the other APCD's. The proposed revision would allow a uniform period throughout the State, from January 15 to May 1 of each year. The conditions under which brush burning is allowed remain unchanged, and include the following:

Open burning of grass, hay, leaves and stumps is not permitted;

Open burning is not to be conducted in the cities and towns listed, which show recorded or potential violations of the National Ambient Air Quality Standards (NAAQS) for total suspended particles (TSP);

Open burning must be conducted during periods of good atmospheric ventilation; Smoke minimizing starters must be used if starting aids are needed;

A fire permit must be obtained per Section 13, Ch. 48, Massachusetts General Laws;

Creation of nuisance conditions is prohibited;

Open burning must be conducted on land proximate to the place of generation;

Open burning must be 75 feet from any occupied dwelling;

Open burning must take place between 10:00 AM and 4:00 PM; and

Open burning is prohibited at all refuse disposal facilities other than incinerators.

Two cities, Fitchburg and Pittsfield, are removed from the list of cities and towns where brush burning is

prohibited. A new provision is added which allows DEQE to prohibit brush burning in other cities and towns in

mode of operation is smooth and reliable.

No improvement in performance or expected to result from use of automatic viscosity controllers. In Cambridge Electric feels that such could possibly disrupt their especially during changes in use of the controller portion of the system is not perfected. Two adverse situations were observed: the lag time between signal interpretation and response of steam flows to the oil cause viscosity problems during changes; and malfunctions of the control equipment would affect the viscosity.

ATTACHMENT ONE

(Excerpts from 45 FR 3929-3938)

concerning the permits.

The SIP revision submittal does not contain a quantitative air quality impact evaluation or estimates of emissions increases. The DEQE's approach minimizes potential impacts of open burning emissions on TSP levels by prohibiting brush burning in those cities and towns where particulate NAAQS had been or were likely to be exceeded, and by setting conditions on brush burning which are designed to ensure that the dispersive capacity of the atmosphere is fully utilized. The impact of the revision on air quality levels is expected to be minimal.

EPA is proposing to approve the revision to Regulation 310 CMR 7.07, which will allow open burning of brush from January 15 to May 1 of each year. Emissions resulting from the revision are not expected to impact TSP levels in non-attainment areas, and any impacts elsewhere will be minimized by the safeguards contained in the regulation.

A SIP revision to vary the provisions of Regulation 310 CMR 7.04(5), Fuel Oil Viscosity, was submitted on December 28, 1978. The regulation requires the installation and use of automatic viscosity controllers at fossil fuel utilization facilities of over 250 million Btu/hour heat input, effective July 1, 1978. The proposed revision would vary the provisions of Regulation 7.04(5) as it applies to two plants owned and operated by the Cambridge Electric Light Company, Kendall Station, First Street, Cambridge, and Blackstone Station, Blackstone Street, Cambridge. Both plants utilize residual fuel oil of not more than 0.5% sulfur content.

Cambridge Electric's request to continue to operate without installing automatic viscosity controllers was supported by fuel and operational data submitted to the DEQE and presented at the public hearing. Cambridge Electric's main assertion is that automatic viscosity controllers are not necessary because of the consistent characteristics of their fuel oil and because their present

EPA is proposing to approve the variance to Regulation 310 CMR 7.04(5) for Cambridge Electric's Kendall and Blackstone Stations in Cambridge, which will allow these two plants to operate without installing automatic viscosity controllers. Cambridge Electric has shown that compliance with the particulate emission limitation and opacity requirements has not been a problem at the plants in question, and in this particular case, continued compliance is not dependent on installation and use of automatic viscosity controllers. Instead, use of low sulfur residual oil which consistently meets tight specifications is an effective particulate control measure. Approval of this SIP revision is not expected to result in increased particulate emissions and should therefore have no impact on ambient air quality standards or on the PSD increments.

The Administrator's decision to approve or disapprove the plan revisions will be based on whether they meet the requirements of Section 110(a)(2)(A)-(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. These revisions are being proposed pursuant to Sections 110(a) and 301 of the Clean Air Act, as amended, (42 U.S.C. 7401 and 7601).

Dated: January 9, 1980.

William R. Adams, Jr.,
Regional Administrator.

[FR Doc. 80-1835 Filed 1-18-80; 9:45 am]
BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1396-2]

Approval of Oregon State
Implementation Plan; Proposed
Rulemaking

AGENCY: Environmental Protection
Agency (EPA).

(3) *Conveyorized Degreasers (-147)*. A major control device must be required for those degreasers with an air/vapor interface greater than two square meters.

E. Exemption of Methyl Chloroform and Methylene Chloride. The Oregon regulations include exemptions for methyl chloroform and methylene chloride. The exemption is based on the fact that these compounds are photochemically unreactive and therefore do not play a significant role in ozone formation. Thus, the Oregon VOC regulation is approvable insofar as this exemption is concerned. However, both compounds may be subject to future regulation, not to meet the O₃ national ambient air quality standard (NAAQS), but because of evidence that they may be a direct health hazard. This possibility is stated here to put persons who may desire to take advantage of these exemptions on notice regarding the possibility of future control requirements for these compounds before conversion decisions are made.

(3) *Inspection and Maintenance (I/M)*. Inspection and maintenance (I/M) refers to a program whereby motor vehicles receive periodic inspections to assess the efficiency of fuel combustion and functioning of their exhaust emission control systems. Vehicles which have excessive emissions must then undergo mandatory maintenance.

A continuation of the present vehicle I/M program is a key element in both the O₃ and CO emission strategies for Portland; I/M is also a high priority alternative for other O₃ and CO attainment strategies in Oregon.

I/M for Portland was authorized by the State legislature in 1973. The program was initiated in January 1974 on a voluntary basis and continued as such for 18 months. A centralized, state-operated biennial program became mandatory in mid-1975. With few exceptions, all gasoline powered vehicles must be inspected and meet emission standards if they are to be licensed. No waivers are provided for those automobiles requiring expensive repairs to meet the emission standards.

A key factor in evaluating the adequacy of the Portland I/M program is whether minimum emission reduction requirements will be met. As set forth in a July 17, 1978 memorandum (from Dave Hawkins to Regional Administrators) containing specific criteria for I/M SIP approval, and I/M program must achieve a 25 percent reduction in passenger car emission of both hydrocarbons and CO. This reduction is measured by comparing the levels of emissions projected to December 31, 1987 with and without the I/M program.

The basis for this policy is the Act's requirement that a Part D SIP provide for implementation of all reasonably available control measures as expeditiously as practical. At the time of passage of the Clean Air Act Amendments of 1977, several I/M programs were in operation, including mandatory programs in New Jersey and Arizona. Studies of the effectiveness of the maintenance and repairs resulting from I/M showed that programs patterned after those operating in New Jersey and Arizona, when implemented by 1982, will result in emission levels in 1987 that are at least 25% lower than if there were no I/M program. This demonstration of practical operation and effectiveness of I/M forms the basis for the 25% emission reduction as the criterion to determine compliance of the I/M portion with Section 172(b)(2).

The Portland I/M program requires inspection once every two years. Preliminary results from EPA's study of the Portland program indicates biennial inspection frequency provides less emission reduction than an annual program. This finding casts doubts on the ability of the Portland I/M program to achieve a 25 percent emission reduction by 1987. EPA is currently working with the Oregon DEQ to assess the ability of the program to meet this criterion.

EPA therefore is proposing to approve Portland's I/M program on the conditions that the assessment of program effectiveness shows compliance with the 25 percent emission reduction requirement.

Finally, although Oregon has an ongoing I/M program it has never formally submitted the authorizing legislation or operating regulations to EPA as required by the Clean Air Act. Therefore, before final action conditionally approving the I/M portion of the Oregon SIP can be taken, the State will have to submit this legal authority to EPA.

4. *Other Regulations*.—a. *Source Test Procedures*: To maintain SIP enforceability, source test procedures for each emission limitation must be included in the SIP, or the SIP must contain specific reference to a properly identified source test method which is submitted for the record along with the SIP. The reference would normally include the title, number (if the method is coded), and the date of the appropriate version of the method(s).

Oregon's SIP does not contain source test procedures but does refer to specific methods on file. Many of these procedures have been approved by EPA. However, the VOC test methods have not been submitted. Thus, EPA is proposing an additional condition on the

approval of Oregon VOC rules. Such approval is contingent upon the State submitting approvable VOC source test methods.

Further, the SIP references to specific source test procedures include dates for the methods (as required above). However, EPA feels that once approved, the approval date of this Part D revision will be the date of these sources test procedures. Any significant modification to the procedures, if they are to be federally enforceable, will have to be adopted and submitted to EPA for approval.

b. Compliance Schedules: All sources subject to the new Part D emission regulations must have compliance schedules. These schedules are to meet the requirements of 40 CFR Section 51.15 and Section 51.1(q), and should be submitted for approval along with the Part D revisions.

Although the subject SIP revisions contain final compliance dates for sources subject to the Oregon VOC rules (OAR 340-22-100 through -150), required increments of progress were omitted. As a result of this omission, EPA proposes to impose a final condition upon the approval of the Oregon VOC rules (340-22-100 through 340-22-150). Such approval is contingent upon the State submitting compliance schedules for all sources covered by the VOC rules by July 1, 1980. These compliance schedules must contain the necessary increments of progress as required by 40 CFR, Section 51.15. The public participation requirements found in 40 CFR, Section 51.4 are also applicable and must be satisfied prior to adoption of the subject schedules by the State.

c. *Continuity of Regulations*: This proposal would replace measures in the current SIP with the new measures submitted by the State to EPA for approval. Under this proposal, the current emission control regulations applicable to any source would remain in effect until such time as the newly revised regulation becomes effective and the source achieves full compliance with its provisions. This provision applies to all revised SIP regulations, not merely those that are subjected to judicial challenge. Failure of the source to satisfy the requirements of the former regulation would result in appropriate enforcement actions.

d. *Ambient Air Quality Monitoring*: EPA has several concerns with respect to monitoring for ozone and its precursors in the non-attainment areas. However, it is felt that the ongoing formal revisions to ambient air quality monitoring networks and further EPA guidance/requirements on data collection for the 1982 ozone SIP

concentrations to under the 0.12 ppm standard.

A design value of 0.151 ppm (305 $\mu\text{g}/\text{m}^3$) was used to determine the emission reductions required. This value was derived from measured ambient air quality data.

(3) *Control Strategy.* Stationary source VOC regulations and the FMVCP are predicted to result in 27 percent or 2,243 tpy reduction by the end of 1982. Since only a 985 tpy reduction has been shown as being necessary for attaining the standard, the projected reduction is more than that needed to bring the area into attainment.

(4) *Deficiencies/Conditions.* No deficiencies serious enough to warrant conditioning the approval of the O_3 control strategy were noted. However, it is recommended that the control strategy identify reliance on the rural O_3 policy. The alternative involves revising the present modeling approach to adequately account for the influence of emissions from sources in Portland. EPA anticipates that this revision will be completed along with the alternatives analysis which is due to be submitted in July 1980.

d. *Medford AQMA*—(1) *Background.* A single monitor installed in 1976 has shown up to seven days with violations of the federal standard for each of three consecutive years (1976 through 1978). The highest one hour concentration recorded during this period was 0.18 ppm (384 $\mu\text{g}/\text{m}^3$). Base year (1977) emissions inventory figures show a total of 13,100 tons of VOC per year being emitted with approximately 44 percent attributed to motor vehicles.

(2) *Emission Reductions Required.* The EPA approved EKMA model identifies the need for a 13 percent or 1700 tpy reduction in total VOC emissions in order to meet the Federal standard.

A design value of 0.15 ppm (294 $\mu\text{g}/\text{m}^3$) was used to determine the emission reductions required. This value was derived from measured ambient air quality data.

(3) *Control Strategy.* Modeling efforts predict reductions in VOC emissions between 1977-1982 from the FMVCP, the stationary source VOC rules, and the particulate control strategy will total approximately 2200 tpy. This amounts to a 17 percent decrease, of which 12 percent originates from the FMVCP, 4 percent from stationary source VOC control, and 1 percent from special particulate rules. This projected decrease is substantially more than that shown to be needed for attainment.

Although Medford qualified, technically, as a "rural" O_3 non-attainment area (concept discussed

under Salem, *Background*), EPA is strongly supportive of the ongoing development of a specific attainment strategy for this area. Unlike Salem, whose O_3 problem appears to be significantly influenced by emissions from Portland, Medford's O_3 concentrations do not appear to be measurably impacted by emissions from a major urban area. Thus, reliance on EPA's rural O_3 policy, as is recommended for Salem, is inappropriate for Medford.

(4) *Deficiencies/Conditions.* No deficiencies serious enough to warrant conditioning the approval of the O_3 control strategy were noted. However, as discussed earlier under "other regulations," further guidance and requirements relating to oxides of nitrogen (NO_x) and hydrocarbon monitoring is forthcoming.

4. *Total Suspended Particulate (TSP).*—Although Portland, Eugene-Springfield, and Medford were designated non-attainment for TSP, no Part D plans are due at this time. This is attributable to (a) recent redesignations of the Medford and Eugene-Springfield areas and (b) 18-month extensions for submittal of secondary standard attainment plans. Extensions until July 1980 were formally requested by the State on March 2, 1979, and were granted in the July 30, 1979 Federal Register (44 FR 44497) pursuant to 40 CFR, Section 51.31.

In addition, EPA is proposing action at this time on revised rules for stationary sources of TSP in Medford.

a. *Portland.* The Portland portion of the Portland, Oregon—Vancouver, Washington AQMA was designated non-attainment for secondary standards only. Thus, with the above-18-month extension, no plan is due until July 1, 1980.

b. *Eugene-Springfield.* The area was initially designated non-attainment for both primary and secondary standards. However, only one monitor in the network (Springfield City Shops site) showed non-attainment of the primary standards. The representativeness of data from this monitor has been a subject of controversy for several years. It has been the State's recommendation that data from this monitor should not be considered in making attainment/non-attainment determinations because its location is such that measured TSP levels reflect the air quality of only a very small area surrounding the monitor. Justification provided by the State for discounting this data has recently been accepted by EPA Region 10. A notice of proposed rulemaking to redesignate the area from non-attainment for primary standards to non-attainment for

secondary standards only was published in the Federal Register on October 19, 1979 (44 FR 60341); additional details surrounding the redesignation can also be found in that publication. The above redesignation would postpone the due date for the SIP revision until July 1, 1980.

c. *Medford-Ashland.* The Medford-Ashland AQMA was initially designated non-attainment for secondary standards only. However, subsequent TSP data revealed an air quality problem which was found to be much worse than at first recognized; more recent concentrations well above the primary standard have been recorded. As a result, the area was proposed for redesignation to non-attainment of primary standards in the October 19, 1979 Federal Register (44 FR 60341). Since the redesignation involves changing to a more restrictive mode, EPA has proposed that the State be given nine months from the date of final action of this proposal to submit a primary standard non-attainment strategy. Additional details surrounding the redesignation can be found in October 19, 1979 Federal Register notice.

In addition, EPA is proposing to conditionally approve revised TSP rules for stationary sources. These rules were submitted by Oregon, as representing at least RACT.

Conditions. These regulations are being proposed for approval on the condition that the following deficiencies are corrected:

(1) Rule 340-30-035: Specific conditions under which the Director may lift the ban on operation of wigwam waste burners must be provided.

(2) Rules 340-30-015, -030, and -040: Annual averaging times for emissions regulations make compliance determinations must be and enforcement extremely difficult. Compliance determinations must be based on the results of individual source tests conducted over a period not to exceed one week.

Note.—Interested parties are invited to comment on all aspects of the approvability of the Oregon SIP. In particular, comments are requested on the appropriateness of the findings on issues discussed above, the suggested corrective actions, and the approvability of the SIP with respect to the applicable requirements.

Comments should be submitted, preferably in triplicate, to the address listed in the front of this notice. Public comments received by (30 days following publication) will be considered in EPA's final decision in the SIP.

*Department of Environmental Quality*

522 S.W. 5th AVENUE, P.O. BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5395

February 14, 1980

Laurie M. Kral
Air Programs Branch MS 629
Region X
Environmental Protection Agency
1200 Sixth Avenue
Seattle, Washington 98101

Dear Ms. Kral:

The Department of Environmental Quality has reviewed the proposed rule making addressing the Oregon State Implementation Plan revisions relative to Part D as published in the Federal Register of January 21, 1980. Several of the proposed conditions of approval will require the Department to modify existing rules. These rules modifications must be subject to SIP public participation procedures which take about 3 to 4 months to complete. We therefore request that EPA allow at least 6 months after its final rule promulgation for the Department to submit revised rules.

The following specific comments with respect to conditions of the proposed approval are submitted.

New Source Review (NSR)

The New Source Review rule will be revised to include the specific emission offset program required by EPA.

The multiple sources under single ownership subsection will be amended from "with applicable requirements of the adopted plan" to "in compliance with the Clean Air Act."

Volatile Organic Compounds (VOC)

The Department will make the following corrections and clarifications to the VOC rules as requested.

1. The definition of delivery vessel in 340-22-100(9) will be changed.
2. The conflicting exemption will be corrected. The former exemption, 340-22-115(5), is being moved to rule 340-22-110, and proposed to be lessened from 250,000 gal/yr to 10,000 gal/month.
3. The Department rule will be proposed to be changed to allow escape of vapors at terminal loading only for trucks which are switching from gasoline to diesel service, rather than the non-specific exemption found formerly in rule 340-22-122(1).



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Laurie M. Kral

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4. The Cutback Asphalt Rule will be proposed to be changed. Limits to the amount of solvent in emulsified asphalt are being added to the rules.
5. The Surface Coating rule will be proposed to be changed by the inclusion of certain requested terms to the Surface Coating rule, and
6. Documentation that the Inert Gas Process Paper Coating rule is RACT is being forwarded to EPA.
7. A change proposed in the Open Top Vapor Degreaser rule will make both a powered cover and a specific freeboard ratio required.
8. A section is being added to the Conveyorized Degreaser rule to make added controls required for large units.
9. The Department's VOC source test methods will be forwarded to EPA.
10. The required five step compliance schedule or increments of progress dates will be added to rule 340-22-106(5).
11. Relative to Gasoline Dispensing Rules (-110 and -115), the Department believes its current rule for gas stations is an equipment specification form of rule. Relative to bulk plants and delivery vessels as indicated in the rule, the Department requires the equipment proposed be listed on lists of equipment certified in California as passing their 90% or better vapor capture tests. If it is not listed, then it must pass a test procedure on file at the Department, which is the California test procedure.
12. The Department requests exemption from regulating cold cleaners, on the basis of impracticability of regulating a multitude of small sources which collectively cannot be a significant contributor to total VOC emissions and the fact that control technology suggestions are only operating procedures which are most difficult to enforce.

Motor Vehicle Inspection Maintenance (I/M)

EPA has stated in its notice that Portland's I/M program must meet EPA's criterion for I/M approval: "An I/M program must achieve a 25 percent reduction in passenger car emissions for both hydrocarbons and CO by 1987."

EPA is now doing an evaluation of Portland's program based on data from the EPA "Portland I/M Study." Preliminary results of the analysis show that a 25 percent reduction in CO will occur by 1987. For hydrocarbons, the reductions achieved by 1987 are extremely close to 25 percent. EPA is presently doing closer analysis of the hydrocarbon reductions to determine whether or not the 25 percent criterion is met.

Laurie M. Kral

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There are several factors which EPA will not have taken into consideration with their current reduction calculation program:

1. Heavy duty gas vehicles are tested annually under Portland's program.
2. All government vehicles are tested annually.
3. Mechanic training is carried out for community college graduates.

These factors should be considered and their possible impact on hydrocarbon reductions should be estimated.

The following is applicable to the comment that authorizing legislation and operating regulations for Portland's inspection/maintenance program were never formally submitted to EPA.

Initial legislation giving DEQ authority for I/M was passed in 1971 (ORS Chapter 449.949 to 449.965), and was submitted to EPA with the entire ORS Chapter 449 on May 3, 1972. This submittal was approved by EPA.

After recodification, ORS Chapter 468 was submitted to EPA on February 14, 1978, but was never acted upon by EPA. Motor Vehicle inspection laws are contained in ORS 468.360 to 468.420.

When ORS Chapter 449 was recodified, some parts of the motor vehicle inspection laws were put in other chapters. Therefore, the Department will submit ORS 481.190, 481.200, 483.800, 483.805, 483.820 and 483.825.

Operating regulations for the I/M program were submitted to EPA on 8/15/75, 8/15/77, 6/5/78, 8/10/78, 11/7/78, but were never acted upon by EPA.

The Department intends to resubmit to EPA all applicable regulations and statutes that are applicable to the Oregon program and the SIP as soon as practicable.

Source Test Procedures

VOC source test procedures are to be submitted as previously stated. Oregon's Source Test Manual is on file with EPA as well as other appropriate companies and persons. All new rules and rules which are subsequently amended will reference the applicable source test procedure as required by EPA.

Compliance Schedules

The increments of progress will be incorporated in the VOC rules as previously stated. Permits for Medford AQMA sources subject to new Part D emission regulations which have already been issued and those which will be issued will be subject to the public participation requirements and submitted to EPA as amendments to the Oregon SIP. Since rules relative to Part D for the Eugene-Springfield AQMA and the Portland AQMA will have increments of progress incorporated in the rules, permits for sources in those areas will not be formally submitted. Oregon has routinely submitted copies of all issued permits to EPA's Oregon Operation Office.

Laurie M. Kral

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Continuity of Regulations

The Department believes that current SIP procedures insure that sources will be subject to existing rules during new rule compliance development period.

Ambient Air Quality Monitoring

The state will have ozone monitoring sites established in accordance with SAMWG criteria by the 1982 control strategy submittal date.

Carbon Monoxide - Portland

Relative to the deficiencies/conditions stated, the Oregon Department of Transportation is developing a letter which commits to EPA that the four categories of projects will be funded in future years. Such a letter should totally satisfy EPA's concerns on this issue.

Similarly, a letter from the transit authority will be submitted which will adequately describe the expanded bus service on I-5.

The Portland Parking and Traffic Circulation Plan consultants are including parking lot emissions as part of the evaluation of transportation strategies to attain CO standards. Information on parking lot emissions should be included in the submittal of alternatives analysis which will be submitted by July 1, 1980.

Carbon Monoxide - Eugene-Springfield AQMA

Lane Council of Governments agrees to include an estimate of CO emissions from parking activities (lots and on-street) in their emission inventory, and in analysis of alternative control strategies, to be completed by June, 1980. This can only be done for those grids where reliable parking data is available, but this will include the "downtown grid", upon which CO compliance analysis are based, and the Valley River Shopping Center.

Inclusion of parking related CO emissions is not expected to affect either (1) the results of CO compliance analysis, or (2) future estimates of reasonable further progress (RFP) in abating CO emissions.

Carbon Monoxide - Salem

The Department has conducted a sketch analysis that approximately corrects for the error. The highest modeled CO concentration from the original SIP analysis was recalculated. The resulting revised CO concentration is still below the 8-hour average standard. The Department will submit this sketch analysis to EPA as documentation.

In view of the results, the Department concludes it would not be cost effective or practicable to require ODOT's transportation/SAPOLLUT models to be re-run for 1977.

Laurie M. Krai

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The Department is of the opinion that the existing emission inventory as output by SAPOLLUT adequately accounts for parking lot emissions in the CBD.

The Department has concluded that no alternative analysis would be required since the Salem CO SIP demonstrates attainment by 1982.

Carbon Monoxide - Medford

EPA requests that parking lot emissions be included in the EI. A letter has been sent by DEQ to the lead agency requesting this information. The lead agency expects to submit parking lot emission data to DEQ by September 30, 1980, along with the draft PTCP and alternatives analysis. The lead agency cautions that they are dependent upon ODOT to perform necessary modeling in a timely manner, to meet the September 30, 1980 date. Please note that the lead agency will need more time than the July 1st date suggested by EPA in the Notice of Proposed Rulemaking. This time is primarily needed to incorporate use of new EPA mobile emission factors which are scheduled for release in June, and to allow expansion of the program with funds recently provided by the proposed Rogue Valley Mall.

Ozone - Portland

Specific comments relative to specific transportation measure implementation made under Carbon Monoxide - Portland are applicable here.

Ozone - Salem

The Department is committed to revising the ozone SIP to reflect the ^{rural} rule 03 policy.

Ozone - Medford

No conditions of approval for Medford were stated.

Total Suspended Particulate

Under the extension grant, plans for the Portland portion of the Portland-Vancouver AQMA will be submitted July 1, 1980. Plans for the Medford-Ashland AQMA will be submitted by October 31, 1980.

Total Suspended Particulate - Medford

EPA asks that OAR 340-30-035 be amended to specifically state conditions that teepee burners can be reactivated for short periods. DEQ will amend the rule as requested.

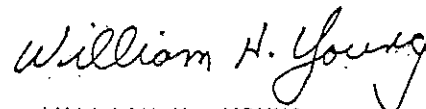
Laurie M. Kral

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EPA states that compliance must be determined on the result of individual source tests conducted over a one week period or less. The Department requests that EPA consider the fact that sources are subject to OAR 340-21-015 related to visible emissions. This rule provides an effective means of compliance determination and enforcement on a short term basis. Also OAR 340-30-055 indicates that no single mass emission test shall be greater than twice the annual average emission limitation for two of the three source classes in question. The Department is willing to extend this requirement to all three source classes in question.

If you have any questions, please feel free to contact John F. Kowalczyk at (503) 229-6459.

Sincerely,



WILLIAM H. YOUNG
Director

HMP:h

cc: Lane Regional Air Pollution Authority
Department of Ecology
Clark County Regional Planning
Oregon Dept. of Transportation
Advisory Committee Chairman
Governor Victor Atiyeh

ATTACHMENT 3

Proposed Draft of Changes and Additions

Introductory Note: Changes and additions are underlined.

Deleted portions are bracketed.

340-30-016 No person shall cause or permit the emission of any air contaminant into the atmosphere from any wood waste boiler with a heat input greater than 35 million BTU/hour for a period or periods aggregating more than 3 minutes in any one hour equal to or greater than 20 percent opacity.

WIGWAM WASTE BURNERS

340-30-035 No person shall cause or permit the operation of any wigwam burner [~~7-except-for-short-term-conditions-when disposal-of-plant-waste-by-other-methods-is-extremely impracticable-and-operation-is-authorized-in-writing-by the-Director-of-the-Department~~].

COMPLIANCE SCHEDULES

340-30-045 [~~The-person-responsible-for-an-existing-emission source-subject-to-340-30-015-through-340-30-040-shall proceed-promptly-with-a-program-to-comply-as-soon-as practicable-with-these-rules.--A-proposed-program-and~~

implementation plan shall be submitted no later than June 1, 1978, for each emission source to the Department for review and written approval. -- The Department shall within 45 days of receipt of a complete proposed program and implementation plan, notify the person concerned as to whether or not it is acceptable.

The Department shall establish a schedule of compliance, including increments of progress, for each affected emission source. -- Each schedule shall include the dates, as soon as practicable, by which compliance shall be achieved, but in no case shall full compliance be later than the following dates.

(a) -- Wood Waste Boilers shall comply with Section 340-30-015 as soon as practicable, in accordance with approved compliance schedules, but by no later than January 1, 1980.

(b) -- Veneer Dryers shall comply with Section 340-30-020 as soon as practicable, in accordance with approved compliance schedules, but by no later than January 1, 1980.

(c) -- Air Conveying System shall comply with Section 340-30-025 as soon as practicable, in accordance with approved compliance schedules, by not later than January 1, 1981.

~~(d)--Wood-Particle-Dryers-at-Hardboard-and-Particleboard-
Plants-shall-comply-with-Section-340-30-030-as-soon-
as-practicable, in accordance with approved compliance-
schedules, but by no later than January 17, 1981.--~~

~~(e)--Wigwam-Waste-Burners-shall-comply-with-Section-
340-30-035-as-soon-as-practicable, in accordance with
approved compliance-schedules, but by no later than
January 17, 1980.--~~

~~(f)--Charcoal-Producing-Plants-shall-comply-with-Section
340-30-040-as-soon-as-practicable, in accordance with
approved compliance-schedules, but by no later than
January 17, 1982.]~~

Sources affected by these rules shall comply with each increment
of progress as soon as practicable but in no case later than
the dates listed below.

<u>Rule</u> <u>340-30</u> <u>Section</u>	<u>Submit</u> <u>Plans to</u> <u>the Dept.</u>	<u>Place</u> <u>Purchase</u> <u>Orders</u>	<u>Begin</u> <u>Construction</u>	<u>Complete</u> <u>Construction</u>	<u>Demonstrate</u> <u>Compliance</u>
<u>-015</u> <u>Woodwaste</u> <u>boilers</u>	1/1/79	3/1/79	6/1/79	11/1/79	1/1/80
<u>-020</u> <u>Veneer Dryers</u>	1/1/79	3/1/79	6/1/79	11/1/79	1/1/80
<u>-025</u> <u>Air Conveying</u> <u>Systems</u>	3/15/80	5/15/80	9/1/80	12/1/80	1/1/81
<u>-030</u> <u>Particle</u> <u>Dryers</u>	12/15/80	2/1/81	9/1/81	12/1/81	1/1/81 1/1/82
<u>-035</u> <u>Wigwam Burners</u>	1/1/79	3/1/79	6/1/79	11/1/79	1/1/80
<u>-040(1)</u> <u>Charcoal</u> <u>Producing Plants</u>	1/1/80	3/1/80	9/1/80	7/1/81	1/1/82

The ~~6~~ compliance schedule for Charcoal Producing Plants and Wood Particle Dryers at Hardboard and Particleboard Plants ~~shall contain reasonably expeditious interim dates and~~ provides for pilot testing programs for control to meet the emission limits in 340-30-040(1) and 340-30-030, respectively. If pilot testing and cost analysis indicates that meeting the emission limits of these rules may be impractical, a public hearing shall be held no later than July 1, 1980, for Charcoal Producing Plants and January 1, 1980, for Wood Particle Dryers at Hardboard and Particleboard Plants to consider amendments to this limit.

TITLE 40 - PROTECTION OF ENVIRONMENT
CHAPTER I - ENVIRONMENTAL PROTECTION AGENCY
PART 52 - APPROVAL AND PROMULGATION OF THE IMPLEMENTATION
PLAN - OREGON

DRAFT

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: By this notice, EPA today announces its approval of portions of the State Implementation Plan (SIP) for Oregon which were received by EPA on June 27 and July 6, 1979. EPA is also taking final action to conditionally approve other elements of Oregon's SIP revision. In addition, EPA is taking no action on certain plans which will be the subject of separate rulemaking. These plan revisions were prepared by the State of Oregon to meet the requirements of Part D (Plan Requirements for Non-attainment Areas) of the Clean Air Act (hereafter referred to as the Act), as amended in August 1977 (42 U.S.C.

§1857 et. seq.).

In the January 21, 1980 issue of the Federal Register (45 FR 3929), EPA published a notice of proposed rulemaking which described the nature of the Part D SIP revisions, discussed certain provisions which in EPA's judgement did not comply with the requirements of the Act, and requested public comment. State and local agencies of Oregon submitted official responses to the proposed rulemaking. No other official comments specific to this rulemaking were received.

shall be required during the year with no single test result allowed to be more than twice the annual average emission limitation. For one of the three source categories covered by an annual average emission regulation, only one test per year is called for in the source test regulation. However, this test must show compliance or the source is in violation.

Final Action: EPA conditionally approves the Medford-Ashland AQMA TSP rules provided the DEQ:

(1) Identifies conditions under which the Director can lift the prohibition on wigwam waste burner operation.

(2) Adopts and submits a visible emission rule that restricts plume opacity to 20 percent or less for hogged fuel boilers with a heat input greater than 35 million BTU/hr.

EPA feels that the specific provisions of the annual average emission limitations will permit adequate enforcement of those rules.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

ATTACHMENT 5

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, 468.295(3) and 468.325

Need for the Rule

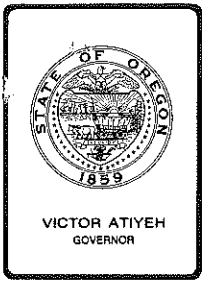
To correct certain deficiencies as a condition of approval by EPA of Oregon Administrative Rules Chapter 340, Division 30, Sections 005 through 070, which apply only in the Medford/Ashland Air Quality Maintenance Area, as a revision to the State of Oregon Implementation Plan.

Principal Documents Relied Upon

1. Agenda Item I, March 31, 1978 EQC Meeting, Adoption of Rules to Amend Oregon's Clean Air Act Implementation Plan Involving Particulate Control Strategy for the Medford/Ashland AQMA.
2. "Approval of Oregon State Implementation Plan; Proposal Rulemaking," Federal Register, January 21, 1980, pp 3929 to 3938, see EPA conditional approval of revised rules for stationary sources on page 3937 and compliance schedules on page 3933.
3. Agenda Item M, January 18, 1980 EQC Meeting, Proposed Adoption of Rules to Clarify the Emission Limits for Veneer Dryers in the Medford-Ashland Air Quality Maintenance Area, OAR 340-30-010.
4. February 14, 1980 DEQ letter to Ms. Kral, EPA, commenting on EPA proposed Rulemaking, January 21, 1980 Federal Register, page 3937.
5. Draft Notice of Rulemaking (Federal Register preprint) responding to proposed DEQ actions to satisfy SIP deficiencies.

Fiscal Impact Statement

The regulated sources will not incur further capital or operating costs as a result of the amended rules.



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, June 20, 1980, EQC Meeting

Request for Authorization to Conduct a Public Hearing for Revising the State Implementation Plan Regarding the Salem Nonattainment Area Plan to Meet the Federal Ozone Ambient Air Quality Standard

Background

On June 8, 1979 the EQC adopted the ozone attainment strategy for the Salem portion of the State Implementation Plan. Since that time EPA has published notice in the January 21, 1980 Federal Register concerning inadequacies of the State Implementation Plan. The EPA felt the Salem ozone attainment analysis provided by the Department is unapprovable, as it may be inaccurate due to less than adequate data bases and unquantified but suspected significant impacts from the Portland area. They recommended that the State identify reliance on the rural ozone (O₃) policy for the Salem control strategy in lieu of a full attainment plan. The Evaluation Section of this report explains the rural O₃ policy and covers the essence of what such a proposed SIP revision will contain. The Land Use Consistency Statement is shown in Attachment 1. The Statement of Need for Rulemaking is shown in Attachment 2. The proposed revision is contained in Attachment 3.

Evaluation

The plan submitted in June, 1979 projected attainment by 1982 with application of Reasonably Available Control Technology (RACT) for all existing Control Technology Guideline sources (CTG's), Lowest Achievable Emission Rate (LAER) for major new sources (greater than 100 tons/year),



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and the federal new vehicle tail pipe control program. EPA questions the modeling methodology used in Salem and suggests reliance on the rural ozone policy. Based on that policy, an acceptable SIP would contain: 1) RACT for major (greater than 100 tons/year) existing Volatile Organic Compound (VOC) sources covered by CTG's and 2) LAER for major (greater than 100 tons/year) new or modified VOC sources. In addition to the above two requirements, the rural ozone policy requires an approvable control strategy for nearby major urban areas (the Portland area in this case). EPA has indicated that the Portland ozone strategy will be approved once several VOC Rules are corrected. This should be accomplished by July, 1980.

In order to avoid disapproval and possible sanctions, the Department proposes to modify the previously submitted SIP by deleting the strategy calculations, but retaining the requirements for RACT and LAER. Thus, the local control requirements are the same as submitted in June, 1979, but the controversial strategy calculations are removed. RACT presently applies to all significant sources and, therefore, more than meets the EPA requirement for control of greater than 100 tons/year VOC sources.

An alternative to basing Salem's O₃ control strategy on EPA's rural O₃ policy is to develop a control strategy using a modeling approach that adequately accounts for the influence of emissions from VOC sources in Portland. The existing ozone data base has been judged to be inadequate for such an approach.

The previously submitted Salem O₃ SIP is proposed to be changed to show reliance on the rural ozone policy to satisfy EPA and facilitate SIP approval. Attainment of the federal O₃ standard in the Salem area will likely be heavily dependent upon O₃ attainment in the Portland area.

A public hearing needs to be held on the O₃ SIP revision for the Salem Nonattainment Area to satisfy both state and federal requirements.

Summation

1. Since adoption by the EQC of the Salem ozone portion of the State Implementation Plan, the EPA has indicated that deficiencies exist in the strategy and that the state should repeal the strategy calculations and rely on the rural O₃ policy in order to facilitate SIP approval.
2. EPA's rural O₃ policy consists of 1) Reasonably Available Control Technology (RACT) Rules applied to major existing VOC sources covered under CTG's; 2) Lowest Achievable Emission Rate (LAER) Rules applied to major new or modified VOC sources; 3) an approvable control strategy

for nearby major urban areas (the Portland area for Salem). Previously adopted VOC rules satisfy 1 and 2 above. Also, EPA indicates that the Portland ozone strategy will be approved once several VOC rules are corrected.

3. To satisfy EPA and facilitate SIP approval of the Salem ozone plan, the previously submitted Salem O₃ SIP is proposed to be changed by deleting the strategy calculations, but retaining the requirements for RACT and LAER. Thus, the control requirements remain the same as submitted in June, 1979, but the controversial strategy calculations are removed.
4. Attainment of the federal O₃ standard in the Salem area will likely be dependent upon O₃ attainment in the Portland area.
5. A public hearing needs to be held on the O₃ SIP revision for the Salem Nonattainment Area to satisfy both state and federal public participation requirements.

Recommendation

Based upon the summation, the Director recommends that the EQC authorize the Department to proceed to public hearing before a hearings officer for revising, as per attachment, the State Implementation Plan regarding the Salem Nonattainment Area Plan ozone control strategies for meeting the federal ozone ambient air quality standard.



WILLIAM H. YOUNG
Director

Attachments
HH: kmm
229-6086
June 2, 1980
AQ0071 (2)

LAND USE CONSISTENCY STATEMENT

for

PROPOSED REVISION TO THE CLEAN AIR ACT STATE IMPLEMENTATION PLAN
REGARDING THE OZONE CONTROL STRATEGY FOR THE SALEM NONATTAINMENT AREA

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

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

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

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

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 468.305 and Federal Clean Air Act as Amended 1977 (PL 95-95).

Need for the Rule

The proposed revision to the Salem ozone control strategy is in response to EPA conditions of approval of the June, 1979 SIP. The EPA suggested that the ozone control strategy conform to EPA's rural ozone policy. The proposed revision is in accordance with the rural ozone policy.

Principal Documents Relied Upon

1. Clean Air Act Amendments of 1977, PL 95-95, 8/7/77.
2. Rhoads, Richard (memo dated May 4, 1979), Need for Emission Offsets in Rural Ozone Nonattainment Areas.
3. Federal Register of January 21, 1980, pages 3929 to 3938.
4. OAR 340-22-100 to 340-22-220 relating to Volatile Organic Compounds.
5. OAR 340-20-240(1) relating to Lowest Achievable Emission Rate.
6. Oregon Air Quality report 1978, by State of Oregon, Department of Environmental Quality (DEQ).

Fiscal Impact Statement

The proposed Rule change imposes no additional fiscal impact. However, the cost data for this revision have been updated. The VOC Rules are estimated to have a lumped cost of \$304,000 which includes all existing VOC sources covered by these Rules in the Salem Nonattainment Area. The costs of LAER depend upon the nature of the particular controlled source. As a possible example of LAER, "Volume VI: Surface Coating of Miscellaneous Parts and Products," EPA Guideline Series, EPA - 450/2-78-015, shows that thermal incineration control for a large new or modified VOC source would require a \$1.9 million investment, based on 1977 dollars. For the 1979-1981 Biennium, the Department of Environmental Quality has allocated approximately 1.7 Full Time Equivalent for monitoring and implementation.

OAR 340-20-047

Sections 4.5 and 5.5 of the State of Oregon Clean Air Act Implementation Plan are hereby replaced with the following:

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List of Tables

- 4.5.1-1 Ozone Air Quality Summary, 1975-1978
- 4.5.2-1 Approximate Costs of Implementing Attainment Strategies
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4.5.0 SALEM NONATTAINMENT AREA STATE IMPLEMENTATION PLAN FOR OZONE

4.5.0.1 Introduction

The Clean Air Act of 1970 and the Clean Air Act Amendments of 1977 establish guidelines outlining the methods and schedule by which National Ambient Air Quality Standards must be attained. Generally, areas throughout the nation are required to develop plans for attainment if past air monitoring indicates they do not comply with the federal ambient air quality standards. The Salem area marginally violates the federal ambient air quality standard for ozone of 0.12 parts per million (ppm) one-hour average. Consequently, the Salem city limits were designated a Nonattainment Area for ozone in March, 1978. The original Nonattainment Area was expanded by Mid-Willamette Valley Council of Governments to include the area within the Salem Area Transportation Study boundary. A legal description of the Nonattainment Area is contained in Appendix 4.4-1.

4.5.0.2 Summary of Control Strategy

Salem's ozone concentrations appear to be significantly impacted by emissions of ozone precursors in the Portland area. Since Salem is technically defined under EPA guidelines as a "rural" ozone Nonattainment Area (less than 200,000 population) and is impacted by emissions from an urban area, EPA's rural ozone policy is applicable.

That policy consists of three elements: 1) controls on major existing Volatile Organic Compound (VOC) sources under Reasonably Available Control Technology (RACT) Rules; 2) controls on major new VOC sources under Lowest Achievable Emission Rate (LAER) Rules; 3) an approvable control strategy for major urban areas. Element 3 applies to the Portland urban area.

Growth is projected to be rapid in the Salem Nonattainment Area for the next two decades. Population is expected to grow from 110,800 in 1975 to 200,700 by the year 2000, an increase of 81%. To deal with the added pollution burden resulting from this growth, the State of Oregon will implement New Source Review Rules to control emissions from major new industrial sources by requiring LAER.

4.5.1 AMBIENT AIR QUALITY

Ozone is not directly emitted into the atmosphere but results from a reaction between volatile organic compounds and nitrogen oxides in the presence of sunlight. Maximum ozone levels occur downwind of the areas producing these precursors. Salem's ozone monitor, located downwind of the Salem city center at the Salem Airport, does not meet current federal siting guidelines. A new site which meets federal criteria has been selected.

Table 4.5.1-1 summarizes ozone air quality data for days exceeding the new federal ambient air quality standard of 0.12 ppm one-hour average at the Salem Airport ozone monitor. The data is presented for illustrative purposes, even though the monitor probably does not measure maximum ozone levels occurring downwind of Salem.

Table 4.5.1-1

Ozone Air Quality Summary, 1975 - 1978

<u>Year</u>	<u>Number of Days Exceeding 0.12 ppm 1 hr. Avg.</u>	<u>Hourly Ozone Concentration (ppm)</u>	
		<u>Highest</u>	<u>Second Highest</u>
1975	1	0.122	0.084
1976	0	0.114	0.102
1977	3	0.167	0.153
1978	4	0.149	0.147

4.5.2 OZONE CONTROL STRATEGY

4.5.2.1 Level of Control Needed

Salem's ozone control strategy meets the requirements of EPA's rural ozone policy. The policy consists of certain controls on VOC sources, explained below in Section 4.5.2.2, and an approvable control strategy for major urban areas (Portland). Under the policy no specific modeled strategy reduction of total VOC emissions for the Salem Nonattainment Area needs to be identified.

4.5.2.2 Control Alternatives

EPA's rural ozone policy requires the implementation of two types of control: a) Reasonably Available Control Technology (RACT) for existing VOC sources covered by EPA authored Control Technology Guideline documents; b) Lowest Achievable Emission Rate (LAER) for new or modified sources of greater than 100 tons/year potential VOC emissions. These controls are explained in succeeding sections.

Reasonably Available Control Measures (RACM) for mobile sources are not required by EPA's rural ozone policy, but some of the EPA recommended RACM's are already implemented or committed for implementation. These measures are documented in Section 4.5.2.3.

An alternative to the EPA rural ozone policy is the development of a control strategy based upon modeling that adequately accounts for the influence of emissions from sources in Portland. The existing data base has been judged to be inadequate for such an approach.

4.5.2.3 Selected Strategies

The selected strategies are the two aforementioned control elements of EPA's rural ozone policy: RACT and LAER. Although RACM's for transportation sources are not a required strategy, the existing alternative mode program that is consistent with RACM is documented in this section. The reduction strategies are:

1. RACT-Volatile Organic Compounds Rule

To reduce VOC from existing sources, RACT will be required for those sources covered by EPA issued Control Technology Guideline documents. The specific sources impacted by this rule are described under Rules and Regulations, Section 4.5.3.

2. LAER - Lowest Achievable Emission Rate

The LAER requirements are contained in OAR 340-20-240(1). Under LAER VOC sources emitting greater than 100 tons/year potential VOC would be limited to an emission rate that is: a) the most stringent emission limitation of any State's implementation plan for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or b) the most stringent emission limitation which is achieved and maintained in practice by such class or category of source, whichever is more stringent. Under (a) or (b) a new or modified source shall in no event be permitted to emit any air contaminant in excess of the amount allowable under applicable new source performance standards.

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

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

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

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

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

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

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

Staggered Working Hours. Flex hours have been available for over a year for all State, City, and County employees.

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

Traffic Flow Improvements. Five operations improvement projects have been scheduled for 1979. These projects will smooth traffic flow at intersections.

4.5.2.4 Socio-Economic Effects

In accordance with Section 172(b)(9)(A) of the Clean Air Act Amendments, an identification and analysis of the air quality, health, welfare, economic, energy, and social effects of the State Implementation Plan (SIP) follows:

Air Quality. Through the adopted strategies, ozone will be controlled on the basis of the EPA's rural ozone policy. Heavy reliance for attainment of the federal standard of 0.12 ppm will be placed on an effective control strategy in the Portland urbanized area. Emission

reductions of ozone forming vapor in Salem will be from the Volatile Organic Compound Rules and the Lowest Achievable Emission Rate regulation.

Health Effects. EPA has established the 0.12 ppm 1-hour average ozone standard based on available health impact studies. Attainment of the 0.12 ppm standard should, according to EPA, provide for the safety of the health of the community with an adequate margin of safety. However, the Environmental Quality Commission (EQC) has set the state standard at 0.08 ppm. The selected strategy is not intended as being sufficient to meet the state standard. A comprehensive staged strategy occurring over an extended time period is contemplated as the means for achieving the state ozone standard.

Welfare Effects. EPA has established an ozone standard of 0.12 ppm 1-hour average to protect welfare. The EQC has also set 0.08 ppm as the state standard to protect welfare.

Economic Effects. The control strategy is based upon the VOC Rules and LAER Rules. Table 4.5.2-1 summarizes the costs of implementing the VOC Rules. The costs of LAER would depend on the type of source and cannot be readily quantified.

Table 4.5.2-1

Approximate Costs of Implementing RACT

<u>Strategy</u>	<u>Approximate Cost</u>
VOC Rules	
Gas Stations	\$70,000
Asphalt Contractors	30,000
Misc. Parts Painting	164,000
Perc Dry Cleaning	10,000
Tank Truck Leak Tests	<u>30,000</u>
Total	\$304,000

Energy Effects. Industrial and petroleum commercial operations will partially recover petroleum compounds by implementing the VOC regulations.

Social Effects. The major social effect of the SIP is a favorable one. Individuals benefit from the cleaner air achieved through implementation of the control strategies.

4.5.3 RULES AND REGULATIONS

The rules and regulations pertaining to existing volatile organic compound sources are the Volatile Organic Compound Rule (OAR 340-22-100 through 220). The actual rules applying to existing sources are covered in Section 3.2. The rules applying to new sources are discussed in Section 5.5.

4.5.3.1 Volatile Organic Compound Rules

To meet Environmental Protection Agency requirements, Volatile Organic Compound Rules for applicable Group I sources have been adopted and additional Volatile Organic Compound Rules will be adopted as new Control Technology Guidelines become available.

<u>Group I</u>	<u>Date of Proposed Applicability</u>
	1979
1) Large Appliance Manufacture	
2) Magnet Wire Insulation	
3) Gasoline Bulk Plants	
4) Metal Furniture Manufacture	
5) Petroleum Liquid Storage, Fixed Roof Tanks	
6) Degreasing	
7) Bulk Gasoline Terminals	
8) Petroleum Refinery Vacuum Systems, Waste Water Separators and Process Unit Turnaround	
9) Service Stations, Stage I	
10) Cutback Asphalt Paving	
11) Surface Coating of Cans, Coils, Paper, Fabric, Automobiles and Light-duty trucks	

Group II

1980

- 1) Petroleum Refinery Fugitive Emissions (leaks)
- 2) Misc. Parts Painting
- 3) Pharmaceutical Manufacture
- 4) Rubber Products Manufacture
- 5) Large Tank Second Seals
- 6) Vegetable Oil Processing
- 7) Graphic Arts (Printing)
- 8) Flat Wood Products
- 9) Perc Dry Cleaning
- 10) Tank Truck Leak Tests

Of the sources impacted by the Volatile Organic Compound Rules under Group I, only service stations, degreasing operations, and the laying of cutback asphalt exist in the Salem Nonattainment Area at present.

Under Group II three sources exist: Misc. Parts Painting, Perc Dry Cleaning, and Tank Truck Leak Tests. Control equipment will be required for degreasing operations and for the transfer of gasoline from tank trucks to service stations storage tanks (Stage I) and laying of cutback asphalt will be subject to seasonal limitations.

For Misc. Parts Painting, control of emissions will be mostly through change to painting formulas. Control equipment will be required for Perc Dry Cleaning.

4.5.4 RESOURCE ANALYSIS/COMMITMENT

Local Involvement. The Mid-Willamette Valley Council of Government as lead agency has completed its tasks for the transportation planning process for ozone air quality. Any work which MWVCOG does to update the population, employment, and land use assumptions used as input for the ozone air quality analysis will be done as part of the general planning routine and not as a special task for air pollution planning. Therefore, no additional cost is foreseen at the local level.

State Involvement. The DEQ has responsibility to implement the ozone control strategy. The estimated costs for carrying out these tasks are summarized in Table 4.5.4-1 in full time equivalents (FTE) on a biennial basis.

Table 4.5.4-1
Projected DEQ Resource Commitments

<u>Division</u>	1979 - 1981 Biennium <u>FTE</u>
Headquarters Staff	
Monitoring	0.88
Planning and Development	0.10
Regional Staff	
VOC Rule Implementation	0.70

ODOT is not projected to be further involved with the ozone strategy.

4.5.5 PUBLIC INVOLVEMENT

4.5.5.1 Organizational Responsibility for Carrying out the SIP

Through a Memorandum of Understanding, Marion County, Polk County, and the City of Salem requested the Governor to designate Mid-Willamette Council of Governments as the lead agency to prepare the ozone State Implementation Plan revision. On March 30, 1978, the Governor requested Environmental Protection Agency to recognize Mid-Willamette Valley Council of Governments as the lead agency for the Salem Nonattainment Area. EPA concurred with that designation on April 14, 1978.

The main strategies from EPA's rural ozone policy are the State Volatile Organic Compound Rules and Lowest Achievable Emission Rate for new sources. The Department of Environmental Quality will be responsible for carrying out these programs and evaluating their effectiveness.

4.5.5.2 A-95 Review Procedure

Comments and responses from the A-95 review procedure on Salem's ozone control strategy portion of the State Implementation Plan are contained in Appendix 4.5-1.

4.5.5.3 Consultation Process and Organizations Specified

Through powers delegated by Mid-Willamette Valley Council of Governments and through a cooperative agreement between the Oregon

Department of Transportation and Mid-Willamette Valley Council of Governments, a group of committees known as the Salem Area Transportation Study was given authority for preparing and adopting transportation plans in the Salem urbanized area. The Salem Area Transportation Study includes representatives from Oregon Department of Transportation, the City of Salem, Polk and Marion Counties, School District 24J, a Technical Advisory Committee (TAC), and a Citizens Advisory Committee (CAC). All State Implementation Plan work was coordinated through Salem Area Transportation Study. The Salem Area Transportation Study organizational structure is shown in Figure 4.5.5-1.

4.5.5.4 Air Quality Planning Responsibilities

An air quality planning work program was devised during 1978 by Oregon Department of Transportation (ODOT), Department of Environmental Quality (DEQ) and Mid-Willamette Valley Council of Governments (MWVCOG). A list of the role and responsibility of each agency follows.

<u>Role/Responsibility</u>	<u>Agency</u>
Lead agency for air quality planning program management	MWVCOG
SATS-CC Support	MWVCOG
SATS-TAC Support	MWVCOG
SATS-CAC Support	MWVCOG
Other Special Interest Groups	MWVCOG
Mobile source emission estimates	ODOT-MWVCOG
Stationary source emission estimates	DEQ
Technical analysis and evaluation control strategies	
a. Mobile	MWVCOG, ODOT, DEQ
b. Stationary	DEQ
Transportation Control Plan and mobile source SIP revisions	MWVCOG, DEQ
Stationary source SIP revisions	DEQ
TCP/SIP revision hearings	DEQ

Review and Decision-Making Process of the
Salem Area Transportation Study

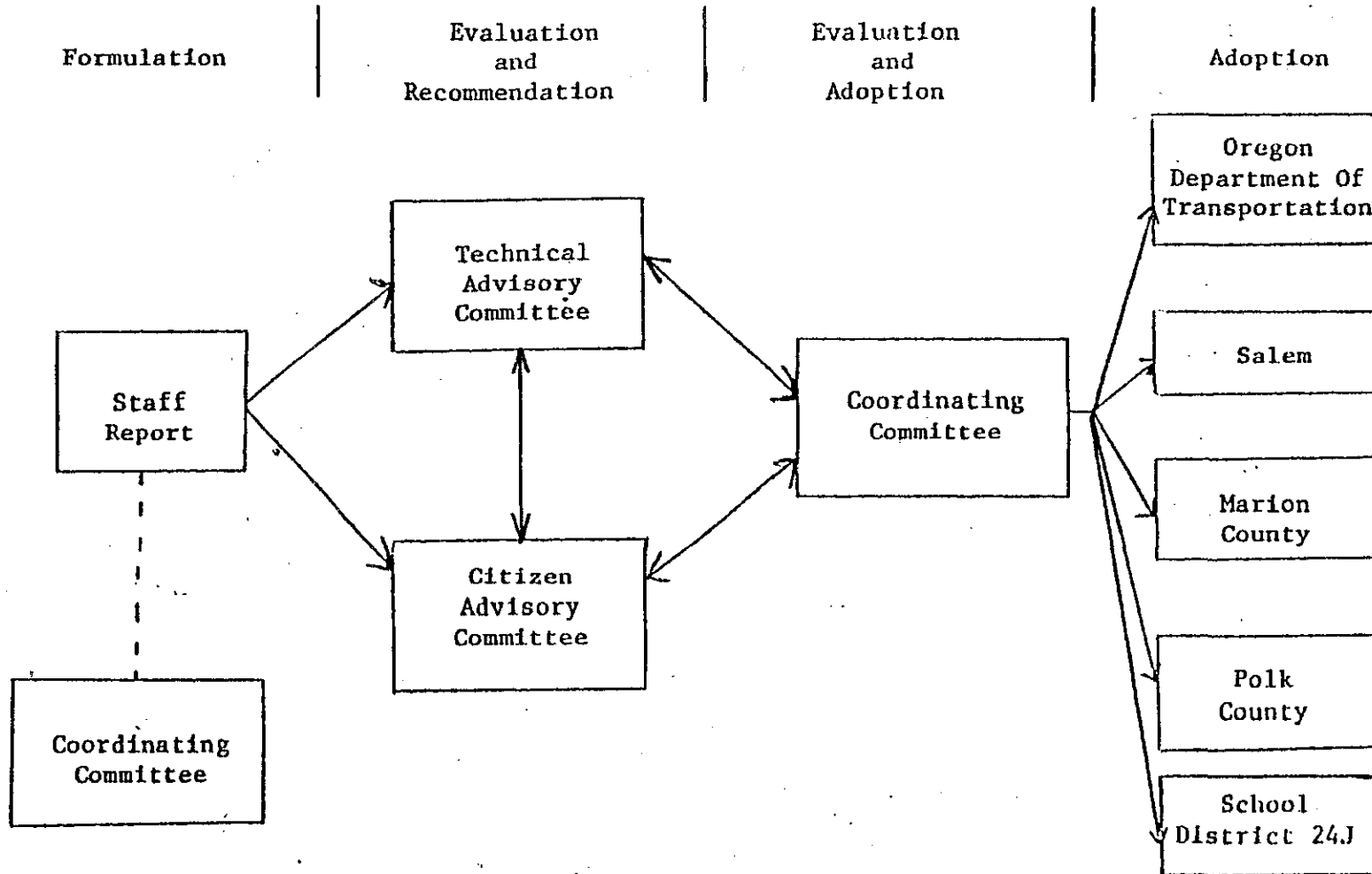


FIGURE 4.5.5-1

4.5.5.5 Consultation with Other Planning Agencies

A letter explaining EPA's rural ozone policy was sent to the City of Salem, Marion County, and Polk County through the Mid-Willamette Valley Council of Governments prior to the formal public comment period.

4.5.5.6 Consistency with Plans and Programs

To comply with the Clean Air Act Amendments of 1977 and the subsequent guidelines issued concerning consistency of base data, the Mid-Willamette Valley Council of Governments revised the Salem area population figures. The population projections for the Salem Urban Growth Boundary are now consistent for land use planning, water quality 208 planning, 701 planning, air quality planning and transportation planning.

4.5.5.7 Public Involvement Procedures

At the monthly meetings of the Citizens Advisory Committee, Mid-Willamette Valley Council of Governments has periodically reported on the progress of the ozone State Implementation Plan air quality analysis.

The DEQ publishes a report each year on air quality, covering the entire state. These reports are widely distributed and contain summaries of the most recent air quality measurements.

4.5.6 PUBLIC NOTICE AND HEARINGS

4.5.6.1 Public Notice

Public notice was published in the Oregon Secretary of State's Bulletin on July 1, 1980. This notice may be found in Appendix 4.5-1.

4.5.6.2 Media Coverage

Paid public advertisements of the proposed State Implementation Plan revision were placed in the Salem Statesman and Capitol Journal on July 4, 1980, to satisfy both EPA and State notice requirements.

4.5.6.3 Public Hearing

The Hearing Officer's Report on the public hearing held on August 4, 1980, is contained in Appendix 4.5-1.

4.5.6.4 Annual Report

Under EPA's rural ozone policy, Reasonable Further Progress tracking is not required. However, EPA requires an annual report that identifies growth of major new or modified existing sources, minor new sources, and mobile sources. The annual report must be submitted to EPA by July 1 for the previous calendar year.

5.5 NEW SOURCE REVIEW FOR THE SALEM NONATTAINMENT AREA - OZONE

Rules OAR 340-20-220 to 280 give the Department expanded authority and requirements regarding New Source Review for Sources Locating In or Near Nonattainment Areas.

The Clean Air Act Amendments of 1977, Sections 171, 172, 173, require that the 1979 State Implementation Plan contain an adequate permit program. Major new or modified volatile organic compound sources in the actual Salem Ozone Nonattainment Area with potential emissions greater than 100 tons per year must meet the requirements contained in OAR 340-20-240(1), (2), in order for a construction permit to be issued. The requirements are listed below:

1. Lowest achievable emission rate.
2. Demonstrate that all other facilities under the authority of the permit applicant are in compliance or on a compliance schedule to meet State Rules.

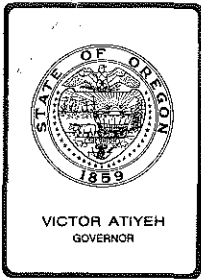
The following sections of the New Source Review permit program do not apply to volatile organic compound sources that need a permit and locate in the actual Salem Ozone Nonattainment Area: OAR 340-20-240(3) - (8).

In Salem the Rules have the main effect of rigidly limiting the amount of ozone forming vapor that can escape from sources required to have a permit.

APPENDIX 4.5-1

PUBLIC INVOLVEMENT, NOTICE AND HEARINGS

Material to be added.



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 Items No. F and G, June 20, 1980, EQC Meeting

Requesting Authority to Conduct a Public Hearing on August 6, 1980, to take Testimony on; (1) Proposed Administrative Rules for Establishing and Managing the Construction Grants Priority List, and (2) the Proposed Fiscal Year 1981 Construction Grants Priority List

Background and Problem Statement

1. Each fiscal year a sewerage works construction grants project priority list must be adopted.
2. The priority list must be developed in accordance with approved prioritization criteria.
3. The EQC approved the FY 80 priority criteria on August 31, 1979. These criteria were adopted in conformance with federal regulations but were not adopted as state administrative rules. EPA approved the criteria on October 18, 1979.
4. The FY 80 state priority list was approved by EQC on October 19, 1979. EPA finally accepted the priority list on February 7, 1980. This acceptance was delayed by challenges from Metropolitan Wastewater Management Commission and Charleston Sanitary District.
5. Department's legal counsel has advised that the priority criteria should be adopted as an administrative rule. The priority list itself, which would be developed in accordance with priority criteria rules, would not be adopted as a rule.
6. The legislative counsel committee reviewed this matter upon request of Metropolitan Wastewater Management Commission and Charleston Sanitary District and informally concurred with the opinion of Department's counsel.
7. On March 10, 1980, before any FY 80 grant funds could be awarded from the approved list, federal funds were frozen. To date--no grants have been awarded from FY 80 funds. FY 80 funds are expected to be released on a scheduled basis beginning in September 1980 and extending through FY 81. Actual schedules are unknown at this time.



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8. The FY 81 priority list will have to include the projects to be funded with FY 80 funds as well as those proposed for funding with FY 81 funds since the new list, when approved by EPA, replaces the current list.
9. EPA wants the final priority list submitted by August 15, 1980. A draft of the proposed list is desired by May 15, 1980.

Evaluation and Discussion

1. The extra work and total uncertainty injected into the grant program by the freeze on FY 80 funds has upset the Department's schedule for FY 81 priority list development. The tightest practicable schedule for list adoption is as follows, assuming that the criteria and list can be considered at the same hearing:

Public Notice to Secretary of State and Mailing List	June 20, 1980
Draft Rules and Draft Priority List to Mailing List	July 2, 1980
Public Hearing on (1) Rules and (2) Priority List	August 6, 1980
Complete Testimony Evaluation, Prepare Recommendation and Circulate to Mailing List	September 5, 1980
Final EQC Action	September 19, 1980

Although this schedule is one month behind EPA's desired schedule, it is possible for the priority list to be approved by EPA prior to October 1, 1980--the start of FY 81.

2. The Department originally expected to make some refinements in priority criteria for FY 81 based on the assumption that most of the "transitioned projects" on the FY 80 list would be fully funded. Since it now appears that the FY 81 list will have to include the projects expected to be funded with both FY 80 and FY 81 funds, changes in priority criteria should be minimized to avoid upsetting FY 80 funding commitments.
3. The Department is in the process of developing the priority criteria for adoption as administrative rules. The Department proposes to edit the August 31, 1979, approved criteria to the extent necessary to adapt to administrative rule format. In addition, some clarifications will be included as deemed necessary to address concerns raised in the EPA approval process on the FY 80 priority list. Since significant changes to the priority criteria will not

be proposed, a single hearing for critical rule adoption and the priority list is considered appropriate.

4. The proposed priority criteria administrative rules will be available to the EQC at its meeting on June 20, 1980. Specific language drafting and legal counsel review and concurrence is not expected to be complete prior to June 20, 1980. The proposed priority list will be developed in accordance with draft rules between June 20, 1980, and the mailing date of July 2, 1980.

Summation

1. Sewerage works construction grant priority criteria for FY 81 must be adopted as administrative rules. New criteria were approved by the EQC on August 31, 1979 but were not adopted as administrative rules.
2. A project priority list for FY 81 federal sewerage works construction grants must be adopted by the EQC and approved by EPA prior to October 1, 1980.
3. In order to comply with federal public participation requirements to meet the schedule for an approved priority list, Notice of Public Hearing on the proposed rules and proposed priority list must be circulated on June 20, 1980, and draft copies must be available to the public on July 2, 1980.
4. Proposed priority criteria rules are being drafted and will be available on June 20, 1980. The criteria approved by the EQC on August 31, 1979, are being adopted to rule format and clarified as deemed necessary to address concerns raised in the FY 80 priority list approval process. The proposed FY 81 priority list will be developed in accordance with the draft rules after June 20, 1980.

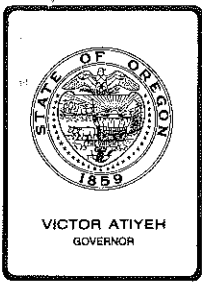
Director's Recommendation

Based on the summation, it is recommended that the Commission authorize a public hearing on August 6, 1980, to take testimony regarding:

1. Proposed administrative rules for establishment and management of the Construction Grants priority list, and
2. The proposed Fiscal Year 1981 Construction Grants priority list.



William H. Young



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. F (1), June 20, 1980, EQC Meeting
Ted Panages--Appeal of Subsurface Variance Denial

Background

The pertinent legal authorities are summarized in Attachment "A".

Mr. Panages' one (1) acre parcel (identified as Lot 1, Block 3 Elkhorn Estates, also identified as Tax Lot 1000, Section 16 BC, Township 10 South, Range 38 East, in Baker County) was evaluated for on-site waste disposal on July 7, 1978, by Mr. Larry E. Lemkau, Supervising Sanitarian with the Department's Eastern Regional Office. An evaluation report dated July 13, 1978, was sent to Mr. Ted Panages. Mr. Lemkau determined the site to be unsuitable for subsurface sewage disposal because of the presence of a permanent table table (as evidenced by mottling) within twenty-nine (29) inches of the ground surface. One pit exhibited coarse grain material beginning at twenty-three (23) inches.

An application for a variance from the subsurface rules [OAR 340-71-020(3)(a); 71-030(1)(c); 71-030(4)(b); and 71-030(4)(f)(F)] was received by Water Quality Division on January 5, 1979. The application was found to be complete on January 15, 1979, and was assigned to Mr. Mark P. Ronayne,



Contains
Recycled
Materials

Variance Officer. Mr. Panages was notified of the assignment and provided a summary of the questions upon which the decision would be based (Attachment "B"). Mr. Ronayne contacted Mr. Panages by telephone on May 21, 1979, to schedule the site evaluation and public information gathering hearing to begin at 11 a.m. on May 30, 1979.

Mr. Panages indicated that because of a work conflict he would be unable to be in attendance, but to proceed with the variance anyway. Mr. Ronayne began the site evaluation at 11 a.m. During this activity an unidentified person walked through the property, paused briefly without speaking, then walked away. After completing the site evaluation, Mr. Ronayne began the public information gathering hearing. Mr. Lemkau was the only other person present. Mr. Ronayne left the hearing open until after he had the opportunity to receive input from Mr. Panages and Mr. Kent Mathiot, a hydrologist with the Department of Water Resources. After closing the hearing on July 13, 1979, Mr. Ronayne evaluated the information provided by Mr. Panages and others. The proposed site exhibited very gravelly sands beginning at thirty-four (34) to thirty-six (36) inches from the ground surface. Distinct low chroma mottles were observed at thirty-eight (38) to thirty-nine (39) inches, and groundwater was measured at sixty (60) and seventy-two (72) inches. Mr. Ronayne was concerned about the ability of the soil to adequately treat sewage effluent before it contacts the shallow permanent groundwater table. Testimony also indicated shallow individual wells are commonly used for domestic purposes throughout the area. As Mr. Ronayne was not convinced that a subsurface sewage disposal system could be installed at the proposed site without causing degradation of public waters and without creating a health hazard, he denied the variance request on July 20, 1979 (Attachment "C").

Mr. Panages' letter appealing the variance officer's decision was received on August 21, 1979. Besides conveying the appeal request, the letter contained questions and statements that needed a response (Attachment "D").

By letter dated September 24, 1979, Mr. Panages was provided a response to his previous letter. He was also informed that the grounds for appeal must be provided before the matter would be brought before the Commission (Attachment "E").

Mr. Joseph T. McNaught, counsel for Mr. Panages, provided a statement of the basis for appeal (Attachment "F"), listing the following particulars:

1. The variance officer did not present an offer for the record of a summary of the questions which would determine the matter in issue;
2. The variance officer did not present a summary of the facts relevant to the resolution of the questions; and
3. The variance officer did not take testimony.

The Department also received from Mr. McNaught a sworn affidavit prepared by Mr. Rex Moses which supports Mr. Panages' appeal (Attachment "G").

Evaluation

Pursuant to ORS 454.660, decisions of the variance officer to grant variances may be appealed to the Environmental Quality Commission. Mr. Panages made such an appeal, stating that the decision was a result of a public information gathering hearing that did not comply with OAR 340-11-007.

Upon receipt of a complete application for variance, the Department notified Mr. Panages by letter of its assignment to Mr. Ronayne for hearing. Information contained in the letter constitutes, for the record, a summary of the questions which would determine the matter. Mr. Ronayne scheduled a time and date for the site visit and information gathering hearing with Mr. Panages by telephone on May 21, 1979. At the agreed upon time and date Mr. Ronayne examined the site and conducted the hearing. The variance officer presented those facts he then possessed that were relevant to the resolution of the questions. The hearing remained open so as to allow the gathering of additional testimony from Mr. Panages and Mr. Mathiot. After closing the hearing and after evaluating the variance record, Mr. Ronayne was not able to find that a subsurface sewage disposal system, of either standard or modified construction, would function in a satisfactory manner so as not to create a

public health hazard or cause pollution of public waters. Mr. Ronayne was unable to modify the proposal to overcome his concerns about the proposed site.

Summation

1. The pertinent legal authorities are summarized in Attachment "A".
2. The property was evaluated by Mr. Larry Lemkau to determine if a standard subsurface sewage disposal system could be installed. The site was found unsuitable because of the presence of coarse grained materials closer than three (3) feet from the ground surface, and because a permanent water table was expected to be within four (4) feet of the bottom of the disposal trench.
3. Mr. Panages submitted a variance application to the Department. The application was found to be complete on January 15, 1979, and was assigned to Mr. Mark Ronayne for hearing.
4. Mr. Panages was notified by letter of the assignment and provided for the record a summary of the questions which would determine the matter.
5. On May 30, 1979, Mr. Ronayne examined the proposed drainfield site and found shallow soil depths to coarse grained materials and a permanent water table.
6. Beginning on May 30, 1979, Mr. Ronayne conducted a public information gathering hearing so as to allow Mr. Panages and others the opportunity to supply the facts and reasons in support of the variance request. During this process Mr. Ronayne presented a summary of the facts he possessed relevant to the resolution of the variance request.
7. Mr. Ronayne reviewed the variance record and found that the testimony provided did not support a favorable decision. He was unable to modify the variance proposal to overcome the site limitations.

8. Mr. Ronayne notified Mr. Panages by letter dated July 20, 1979, that his variance request was denied.
9. Mr. Panages filed for appeal of the decision by letter dated August 14, 1979, with supporting information furnished by his attorney in February and May, 1980.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission adopt the findings of the variance officer as the Commission's findings and uphold the decision to deny the variance.

Bill

William H. Young

Attachments: 6
Attachment "A"
Attachment "B"
Attachment "C"
Attachment "D"
Attachment "E"
Attachment "F"
Attachment "G"

Sherman O. Olson, Jr.:l
229-6443
XL9
May 23, 1980

ATTACHMENT "A"

1. Administrative rules governing subsurface sewage disposal are provided for by Statute: ORS 454.625.
2. The Environmental Quality Commission has been given statutory authority to grant variances from the particular requirements of any rule or standard pertaining to subsurface sewage disposal systems if after hearing, it finds that strict compliance with the rule or standard is inappropriate for cause or because special physical conditions render strict compliance unreasonable, burdensome or impractical: ORS 454.657.
3. The Commission has been given statutory authority to delegate the power to grant variances to special variance officers appointed by the Director of the Department of Environmental Quality: ORS 454.660.
4. The variance officer is required to hold a public information type hearing on each application for variance: OAR 340-75-045.
5. Practice and procedure pertaining to public informational hearings are identified in the Oregon Administrative Rules: OAR 340-11-007.
6. Decisions of the variance officers to grant variances may be appealed to the Commission: ORS 454.660.
7. Mr. Ronayne was appointed as a variance officer pursuant to the Oregon Administrative Rules: OAR 340-75-030.

XL9.A
SOO:1



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

January 23, 1979

Mr. Ted Panages
Rt. 1, Box 68
Boardman, OR 97818

Re: WQ-SSS-Variance Assignment
T.L. 1000; Sec. 16 BC.;
T. 10 S.; R. 38 E., W.M.;
Baker County

Dear Mr. Panages

The Department of Environmental Quality is in receipt of a completed application for variances from Oregon Administrative Rules governing subsurface sewage disposal, OAR Chapter 340: 71-020(3)(a); 71-030(1)(c); 71-030(1)(f); 71-030(4)(b); and 71-030(f)(f)(F)

A public information gathering hearing to consider your requests, as provided for in OAR Chapter 340, 75-045, will be scheduled by Mr. Mark Ronayne, your assigned variance officer.

Mr. Ronayne will contact you in the late spring to establish the hearing time, date, and location. At that time, he will receive pertinent testimony from all interested persons. If you wish, you may have a technical consultant in attendance to speak about your proposal. You may also be represented by legal counsel at the hearing or at any stage of the variance process.

The variance officer may visit the site of the proposed system if he deems it necessary to his reaching a decision. At that time he will examine the test pits you have provided in the area of the proposed drainfield. As specified on the variance application form, the test pits must be dug to a depth of five (5) feet or to bedrock. Please refer to the attached plan of your proposal for the most desirable locations to place these test pits.

At the time of your hearing, please be prepared to offer those facts and reasons which you feel give assurance that your requested variance, if granted, will not result in the creation of a public health hazard or cause pollution of public waters. Also be prepared to offer the reasons why you find that strict compliance with the rules would be unreasonable, burdensome, or impractical.

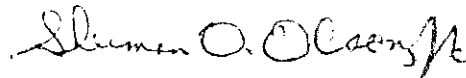
Mr. Ted Panages
January 23, 1979
Page 2

It is the variance officer's job to make an impartial decision on your application. The burden is upon you to present all of the facts and the reasoning which you feel justifies the granting of the variance.

The variance officer reserves the right to attach conditions to your proposal or to alter it if he finds that reasonable additional measures should be taken to protect public waters or avoid the creation of a health hazard.

If you have any questions, please feel free to contact Mr. Ronayne at the Department of Environmental Quality, Water Quality Division, P. O. Box 1760, Portland, Oregon 97207, Telephone: 229-6442.

Sincerely,



Sherman O. Olson, Jr., Sanitarian
Subsurface & Alternative
Sewage Systems Section
Water Quality Division

S00:em

Enclosure

cc: Hanley Engineering
Larry Lemkau - Eastern Region
Mark P. Ronayne

Access Drive

undisclosed lot

2" PVC drainage
lines
1 1/2" PVC
drainage
lines

P/C

10'

10' separation 45'

foot
hole

futures

Replacement
6" 45' lines

10' set back

Recommended
sewage
pit
locations

effluent lift pump

holding tank
500 - 750 gallons

1000 gal. S. tank

THU
CS

1/4" / ft grade

proposed
dwelling
placement

Slight
DRAW

RECEIVED
JAN 05 1979

Water Quality Division
Dept. of Environmental Quality

SEN

P/C

Temporarily
placed
10.50.

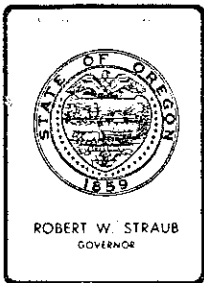
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10

DEER



Victor Atiyeh
Governor

Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

July 20, 1979

Ted Panages
Route 1, Box 68
Boardman, OR 97818

Re: WQ-SSS-Variance Denial
Lot 1, Block 3, Elkhorn
Estates, Baker County

Dear Mr. Panages:

This correspondence relates to variances you requested from Oregon Administrative Rules and standards governing the placement of subsurface sewage disposal systems which were considered during a public information gathering hearing (i.e., an information gathering hearing pursuant to OAR 340-75-045) May 30, 1979, on Lot 1, Block 3, Elkhorn Estates, Baker County.

Variances were requested from the following Oregon Administrative Rules:

1. OAR 340-71-020(3)(a) - Disposal system replacement area requirements. (This rule requires an area which complies to all minimum subsurface rules be available for the construction of a full-sized drainfield if the initial drainfield fails.)
2. OAR 340-71-030(1)(c) - Minimum depth of soil required between permanent groundwater table and the ground's surface. (This rule requires at least 4' of nonsaturated soil exist between the bottom of a disposal trench and permanent water table.)
3. OAR 340-71-030(1)(f) - Minimum depth of soil required between ground surface and coarse grained material (this rule requires 36" of soil over coarse grained (gravels and sand) materials or at least 18" of soil between the bottom of the disposal trench and coarse grained materials.

Prior to the variance hearing, I examined your site, gathering information on soils and topography relevant to your proposal.

One test pit approximately 15' north of lot one's south boundary and 57' east of the west boundary showed the following characteristics:

- 0-21" moist, dark brown, very fine sandy loam.
- 21-36" moist, very fine, sandy loam mixed with gravels and cobbles. (Coarse fragments made up approximately 35 percent of the profile.)
- 36-60" Very gravelly sands.

Ted Panages
July 16, 1979
Page 2

Water stood in the pit at 60". Red mottles appeared at 15", manganese stains were evident at 27" and low chroma mottles were found at 38". Roots penetrated to 21".

The second test pit, located approximately 36' northeast of the pit described above, showed:

0-28" moist, very dark brown, very fine sandy loam
28-34" moist, dark brown, very fine sandy loam
34-72" very gravelly sand (the west face of the profile)
27-72" ash, with distinct low chroma mottles at 39", and red mottles beginning at 27". Groundwater stood at 72".

The coarse fragment content from 9" to 34" at the west face of the profile increased from 10 percent near 19" to 40 percent below 34". Root penetration was evident to 55".

The undulating nearly level to gently sloping site was bisected by a shallow (approximately 4' deep) drainage depression entering near its northwest corner and outletting 15' north of its southeast corner. A second drainageway crossed the parcel's southwest corner. Sedge, wildrose, willow, and aspen, all plants requiring water at or near surface, grew in and along the drainage depressions.

Shallow pressurized disposal trenches crowned with locally derived topsoil located southwest of the principal drainageway separating lot one near the property's southwestern boundary, were proposed to overcome treatment limitations associated with shallowness of soils to groundwater.

Variances from particular requirements of rules or standards pertaining to subsurface sewage disposal systems may be granted where it can be concluded the proposed subsurface sewage disposal system will function without creating a public health hazard or polluting public waters and special physical conditions exist which render strict compliance to rules unreasonable, burdensome or impractical.

Unfortunately, your proposal would not be apt to overcome sewage treatment limitations inherent to your site.

Proper performance of on-site subsurface waste water treatment and disposal systems depends, in part, on the ability of soil or soil material to absorb and purify septic tank effluent.

Organic matter, chemicals, bacteria, and virus not removed by the septic tank must be removed or transformed by soil.

Septic tank effluent treatment capacity in soils is reduced where soil temperatures are cold, depth to groundwater is shallow and pore sizes between soil and coarse grained materials are large. Soils in the area proposed for your disposal field show these characteristics. Freezing to 28" has been reported for the area around lot one. Treatment efficiency diminishes with decreasing soil temperature.

Ted Panages
July 16, 1979
Page 3

Large pores evident in mixed sandy loam and gravelly sand subsoils would permit rapid movement of effluent towards groundwater. Short-circuiting of effluent into groundwater would be expected since the depth to groundwater is so shallow (i.e., 15 to 26" below 12" deep pressurized distribution trenches as evidenced by low chroma mottling found in test pits) and effluent passing into soils would not be retained long enough to permit adequate treatment.

Drainageways passing through the site are not deep enough to lower groundwater via field tiling.

Adequate treatment of effluent before it reaches the groundwater table is critical in your area. Shallow individual wells are commonly used as a domestic water supply throughout Elkhorn Estates. The Department's groundwater consultant with the State Department of Water Resources, reports well records show a 6' static water level in sands and gravels which extend from ground surface to depths exceeding 12'.

Since shallow wells are commonly relied on for drinking water supplies and lots are generally around one acre, the use of individual dual wells and septic tanks is incompatible.

Based on my evaluation of Lot 1, I am convinced the 375-linear-foot-pressure distribution you propose would not be able to overcome effluent treatment limitations inherent to your site, thus, your variance is regretfully denied for reasons discussed above.

Pursuant to OAR 340-75-050, my decision to deny your variance request may be appealed to the Environmental Quality Commission. Requests for appeal must be made by letter, stating the grounds for appeal, and addressed to the Environmental Quality Commission, in care of Mr. William H. Young, Director, Department of Environmental Quality, Box 1760, Portland, Oregon 97207, within twenty (20) days of the date of the certified mailing of this letter.

Please feel free to contact me at 229-6442 or 1-800-452-7813 (an indirect toll free number) if you have any questions regarding this decision.

Sincerely,

Mark P. Ronayne, Sanitarian
Subsurface & Alternative
Sewage Systems Section
Water Quality Division

NPR:em

cc: Larry Lemkau, Eastern Region - DEQ

Environmental Quality Commission
c/o Mr. William H. Young, Director
Box 1760, Portland, Oregon 97207

ATTACHMENT D

Aug 14 - 79

Re: WQSS Various Remed
Lot 1 Block 3, Elk Horn Estates,
Baker, Ore.

Dear Sir:

I am writing an appeal to this denial. -

The letter dated July 20-79 - mailed July 24-1979 -
Page 1 - 1st Paragraph. states there was a hearing
Pursuant to OAR 340-75-042) May 30, 1979 - on Lot 1, Block 3,
Elk Horn Estates, Baker County.

This must have been a One man Public-
Hearing Rep stated there was no question asked - only one
of them was there which I do not remember at the moment.

Page 2 - dated July 16-1979 - 5th Paragraph from Bathing
Letter (pg) This proposal - where did this come from.

I have tried to comply with the laws -

There is a believe adequate area for Wainfield both
primary and secondary. To which would be the
job adequately.

Where was this public information hearing held?

RECEIVED

AUG 22 1979

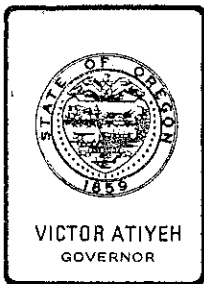
State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
Water Quality Division
Dept. of Environmental Quality

RECEIVED

AUG 21 1979

OFFICE OF THE DIRECTOR

Thank you
Ted Panager
P.O. # 1 Box 68
Boardman Ore 97818



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

September 24, 1979

Mr. Ted Panages
Rt. 1, Box 68
Boardman, OR 97818

Re: WQ--SSS---Variance

Dear Mr. Panages:

I have discussed your August 14, 1979, letter with Mr. Mark Ronayne. Mr. Ronayne states that a public information gathering hearing was scheduled for May 30, 1979, to be held at the property. Shortly before the hearing Mr. Ronayne was informed that you might not be unable to attend because of anticipated work commitments you had at that time. The purpose of the hearing is to enable the variance officer to gather additional verbal and written testimony pertinent to the variance proposal. In addition to the variance officer, Mr. Larry Lemkau, Supervising Sanitarian from the Department's Pendleton office, was also present at the hearing. The system proposed for the site was received with your application and prepared, we assume, by your consultant, Hanley Engineering.

Your letter does not cite specifically your basis for appeal of Mr. Ronayne's decision. Before Mr. Ronayne's decision is brought to the Environmental Quality Commission on appeal, you must provide a letter that specifically cites your grounds of appeal. Your August 14 letter does not indicate your basis of appeal. Once received, your request will then be scheduled before the EQC.

A copy of your agreement of sale has been made and placed within the variance file. The original is enclosed for your records.

Sincerely,

Original Signed By
WILLIAM H. YOUNG

SEP 24 1979

William H. Young
Director

SOO:1
XL4092
Enclosure

LAW OFFICES OF

MAUTZ & HALLMAN

February 21, 1980

113 S.E. Byers Avenue · Pendleton, Oregon 97801
Telephone (503) 276-2811ROBERT T. MAUTZ
W. EUGENE HALLMAN
JOSEPH T. McNAUGHTMr. William H. Young
Director
Department of Environmental Quality
P.O. Box 1760
Portland, OR 97204Re: APPEAL FROM WQ-SSS--VARIANCE DENIAL
Lot 1, Block 3, Elkhorn Estates
Baker County
Our File 838-001

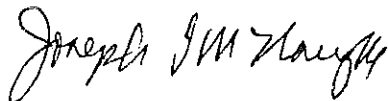
Dear Mr. Young:

In your September 24, 1979, letter to Mr. Panages, you stated that Mr. Panages' request for appeal did not specifically cite a basis. You further stated that, once a statement of the grounds for appeal was received by you, that request for appeal would be scheduled before the Environmental Quality Commission. We have enclosed a statement of the basis for Mr. Panages' appeal.

We anticipate submitting this matter upon the basis of affidavits obtained from individuals who were present at the time of the so-called public informational hearing. Please let me know if proceeding upon this basis will be sufficient.

Very truly yours,

MAUTZ and HALLMAN



Joseph T. McNaught

JTM: emf

cc Mr. Ted Panages

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
FEB 23 1980

WATER QUALITY CONTROL

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
FEB 25 1980

OFFICE OF THE DIRECTOR

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

In the Matter of the Application)
for a Septic Tank Variance)
) APPEAL FROM WQ-SSS--VARIANCE
 of) DENIAL
)
TED PANAGES,) Lot 1, Block 3, Elkhorn
) Estates, Baker County
 Applicant.)
) NOTICE OF GROUNDS OF APPEAL
)

NOTICE IS HEREBY GIVEN that the ground for appeal in the above-captioned matter is that the denial of the requested variance was a result of the public information gathering hearing which did not comply with OAR 340-11-007 in the following particulars:

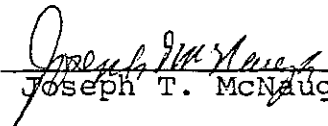
1. The variance officer did not present an offer for the record of a summary of the questions which would determine the matter in issue;

2. The variance officer did not present a summary of the facts relevant to the resolution of the questions; and

3. The variance officer did not take testimony.

WHEREFORE, the applicant prays for the vacation of the variance denial and a remand for a public informational hearing complying with OAR 340-11-007.

MAUTZ and HALLMAN
Attorneys for Applicant

BY 
Joseph T. McNaught

LAW OFFICES OF

MAUTZ & HALLMAN

April 29, 1980

113 S.E. Byers Avenue • Pendleton, Oregon 97801
Telephone (503) 276-2811

EQC
Hearing Section

MAY 05 1980

ROBERT T. MAUTZ
W. EUGENE HALLMAN
JOSEPH T. McNAUGHT

Mr. William H. Young
Director
Department of Environmental Quality
P.O. Box 1760
Portland, OR 97204

Re: APPEAL FROM WQ-SSS--VARIANCE DENIAL
Lot 1, Block 3, Elkhorn Estates
Baker County
Our File 838-001

Dear Mr. Young:

Please find enclosed for inclusion in the record, an Affidavit in support of Mr. Panages' appeal. I would appreciate hearing from you what the status of the appeal is at this time.

Very truly yours,

MAUTZ and HALLMAN

Joseph T. McNaught

JTM:rm
Enclosure - Affidavit
cc/ Mr. Ted Panages

RECEIVED
MAY 06 1980

Department of Environmental Quality

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
MAY 5 1980

OFFICE OF THE DIRECTOR

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

In the Matter of the Application)
for a Septic Tank Variance)
)
of) A F F I D A V I T
)
TED PANAGES)

I, Rex Moses, being first duly sworn, do depose and say:

I reside at Box 56, Sumpter Stage Road, Baker, Oregon.

I attended the Public Informational Hearing which was scheduled in the matter herein for May 30, 1979, to be held at Lot 1, Block 3, Elkhorn Estates, Baker County, Oregon. I attended at the request of Mr. Ted Panages who was unable to attend due to work commitments.

I did not hear the variance officer present an offer for the record of summary of the questions which would determine the matter in issue, the acceptance or denial of application for a septic tank variance.

I did not hear the variance officer present facts relevant to the resolution of the question above mentioned.

I did not observe a record being kept of the hearing.

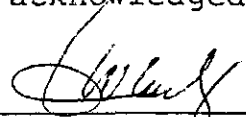
I attempted to ask the variance officer some questions, but I was ignored.



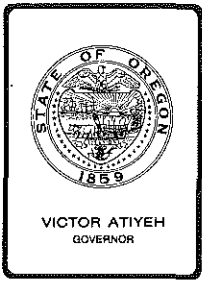
REX MOSES

STATE OF OREGON)
)ss.
County of)

On this 22ND day of April, 1980, the above named Rex Moses appeared before me and acknowledged the foregoing to be his voluntary act and deed.



NOTARY PUBLIC FOR OREGON
My Commission Expires: 3-23-83



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. I(3), June 20, 1980, EQC Meeting
Chester A. Willson--Appeal of Subsurface Variance Denial

Background

The pertinent legal authorities are summarized in Attachment "A".

Mr. Willson filed an application with Jackson County to have his four (4) acre parcel evaluated for on-site sewage disposal on June 1, 1979. The property is identified as Tax Lot 509, Section 10, Township 36 South, Range 1 West, in Jackson County. Ms. Pat Acklin, a sanitarian with Jackson County, evaluated the property on July 3, 1979. Ms. Acklin found that the site did not comply with the Department's requirements for installation of a standard subsurface sewage disposal system because of the presence of restrictive horizons at depths ranging from eight (8) to twelve (12) inches below the ground surface. She also determined the site did not meet the Department's minimum requirements for installation of an evapotranspiration-absorption (ETA) system, [described by Geographic Regional Rule C, OAR 340-71-030(9)] because the soil depth in three (3) pits out of seven (7) was less than twenty-four (24) inches deep. Mr. Willson was notified by letter, dated July 19, 1979, that the property was not approvable for subsurface sewage disposal.

On January 16, 1980, an application for a variance from the subsurface rules [OAR 340-71-020(3)(a); 71-030(9)(a)(B); and 71-030(9)(a)(D)] was received by Water Quality Division. The application was found to be complete on January 23, 1980, and



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Materials

was assigned to Mr. David H. Couch, Variance Officer. Mr. Couch scheduled a visit to the proposed site and public information type hearing for March 4, 1980. After closing the hearing, Mr. Couch evaluated the information provided by Mr. Willson and others. Mr. Couch found the natural slope through the site to be three (3) to four (4) percent. He examined the pits previously viewed by Ms. Acklin and concurred with her findings. He also observed mottling beginning at depths ranging from near the surface to sixteen (16) inches below, and standing water at depths of six (6) to twenty-six (26) inches. An irrigation ditch and sandstone outcroppings are located upslope from the proposed site. Mr. Couch felt the proposed site appeared to be poorly drained to very poorly drained. The placement of a curtain drain or ditch upslope from the site was discussed, but was not considered feasible because of the limited slope. Mr. Couch was concerned that the proposed system, if installed, could come into contact with the seasonal water table, and on occasion, could be partially submerged. This condition could cause sewage effluent to break out onto the ground surface. As Mr. Couch was not convinced that a subsurface sewage disposal system of the design proposed could be installed at the proposed site without creating a public health hazard, he denied the variance request on April 28, 1980 (Attachment "B").

The Department received a letter from Mr. Willson on April 28, 1980, appealing the variance officer's decision. A summary of monitoring data collected from the experimental ETA system located approximately fifty (5) feet from the proposed site was also provided. Mr. Willson feels that the proposed site and the experimental site are nearly identical, and that the data does not show the experimental system to have a groundwater problem (Attachment "C").

Evaluation

Pursuant to ORS 454.660, decisions of the variance officer to grant variances may be appealed to the Environmental Quality Commission. Such an appeal was made. The Commission must determine if a subsurface sewage disposal system of either standard or modified construction can reasonably be expected to function in a satisfactory manner at Mr. Willson's proposed site.

After evaluating the site and after holding a public information type hearing to gather testimony relevant to the requested variance, Mr. Couch was not able to find that a subsurface sewage disposal system, of either standard or modified construction, would function in a satisfactory manner so as not to create a public health hazard. Mr. Couch was unable to modify the proposal to overcome his concerns about the proposed site.

Summation

1. The pertinent legal authorities are summarized in Attachment "A".
2. Mr. Willson submitted an application to Jackson County for a site evaluation report on June 1, 1979.
3. Ms. Pat Acklin evaluated the property to determine if a subsurface sewage disposal system could be installed. She determined the site did not meet the minimum requirements for installation of a standard subsurface system or an ETA system. Mr. Willson was notified of the site deficiencies by letter dated July 19, 1979.
4. Mr. Willson submitted a variance application to the Department, which was assigned to Mr. David Couch.
5. On March 4, 1980, Mr. Couch examined the proposed site and found what appeared to be poorly drained to very poorly drained soils, with observed mottling at a shallow depth. He found a ground slope of three (3) to four (4) percent.

6. On March 4, 1980, Mr. Couch conducted a public information type hearing so as to allow Mr. Willson and others the opportunity to supply the facts and reasons to support the variance request.
7. Mr. Couch reviewed the variance record and found that the testimony provided did not support a favorable decision. He was unable to modify the variance proposal to overcome the site limitations.
8. Mr. Couch notified Mr. Willson by letter dated April 7, 1980, that his variance request was denied.
9. A letter appealing the variance officer's decision was received by the Department on April 28, 1980.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission adopt the findings of the variance officer as the Commission's findings and uphold the decision to deny the variance.

Bill

William H. Young

Attachments:

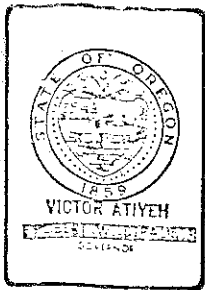
Sherman O. Olson, Jr.:1
229-6443
XL40 (1)
June 2, 1980

ATTACHMENT "A"

1. Administrative rules governing subsurface sewage disposal are provided for by Statute: ORS 454.625.
2. The Environmental Quality Commission has been given statutory authority to grant variances from the particular requirements of any rule or standard pertaining to subsurface sewage disposal systems if after hearing, it finds that strict compliance with the rule or standard is inappropriate for cause or because special physical conditions render strict compliance unreasonable, burdensome or impractical: ORS 454.657.
3. The Commission has been given statutory authority to delegate the power to grant variances to special variance officers appointed by the Director of the Department of Environmental Quality: ORS 454.660.
4. The variance officer is required to hold a public information type hearing on each application for variance: OAR 340-75-045.
5. Practice and procedure pertaining to public informational hearings are identified in the Oregon Administrative Rules: OAR 340-11-007.
6. Decisions of the variance officers to grant variances may be appealed to the Commission: ORS 454.660.
7. Mr. Couch was appointed as a variance officer pursuant to the Oregon Administrative Rules: OAR 340-75-030.

XL40.A

SOO:1



Department of Environmental Quality
SOUTHWEST REGION

MEDFORD BRANCH OFFICE
SOUTHWEST REGION
201 W. Main St., Room 2D
Medford, OR 97501 - 776-6010

1937 W. HARVARD BLVD., ROSEBURG, OREGON 97470 PHONE (503) 672-8204

April 7, 1980

CERTIFIED MAIL

Return Receipt Requested

Chester A. Willson
458 Alta Vista Road
Eagle Point, OR 97524

RE: WQ-SS - Jackson County
(36S-1W-10-509)
Variance Denial

Dear Mr. Willson:

This correspondence will serve to verify that your requested variance hearing, as provided for in Oregon Administrative Rules, Chapter 340, Section 74-045 was held in your residence at 458 Alta Vista Road, Eagle Point, Oregon at 11:03 a.m. on March 4, 1980. You have requested variance from the Oregon Administrative Rules, Chapter 340, Sections 71-020(3)(a), 71-030(9)(a)(B), and 71-030(9)(a)(D).

Just prior to the public information gathering hearing, I visited the proposed site to gather soils and topographic information relevant to your variance proposal. During my inspection, I found substantially identical findings to those presented in the Jackson County Department of Planning and Development site evaluation with the following additions. Indications of saturated soil conditions (mottling) were noted near the surface in test pit #1, 12 inches (faint) in pit #2, 13 inches (faint) in pit #3, and 16 inches (faint) in pit #4. During the evaluation, water was at six (6) inches in pit #1, twenty-one (21) inches in pit #2, twenty-six (26) inches in pit #3, twenty (20) inches in pit #4, pit #5 was filled in, ten (10) inches in pit #6, and six (6) inches in pit #7. Scum lines showed that the water had been at an unknown somewhat higher level. Slopes in the proposed disposal area were 3 to 4 percent. Above the disposal area there are sandstone outcroppings and an irrigation ditch. Observing setbacks from the irrigation ditch leaves limited replacement area. The site appears to be very poorly drained to poorly drained.

To overcome the site development limitations, you proposed a two (2) bedroom evapo-transpiration-absorption (ETA) system with three (3) beds. Maximum bed depths were 24 inches (downhill side) to 28 inches (uphill side). A total of 1700 square feet was to be installed. You were also in agreement to make changes in your proposal if necessary.



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Chester A. Willson
April 7, 1980
Page Two

Variance from particular requirements of the rules or standards pertaining to subsurface sewage disposal systems may be granted if it is found that the proposed subsurface sewage disposal system will function in a satisfactory manner so as not to create a public hazard or to cause pollution of public waters, and special physical conditions exist which render strict compliance unreasonable, burdensome, or impractical. Your proposal, although well prepared, does not give assurance that it will overcome the limitations present at the site.

Therefore, based on my evaluation of the verbal and written testimony contained in the record, I am not convinced that the proposed drainfield will function in a satisfactory manner so as not to create a public health hazard or pollution of surface water. As the required findings could not be made, your variance request is regretfully denied. The information presented and my evaluation of the site leave doubts as to whether the proposed system will function satisfactorily.

Pursuant to OAR 340-75-050, my decision to deny your variance request may be appealed to the Environmental Quality Commission. Requests for appeal must be made by letter, stating the ground for appeal, and addressed to the Environmental Quality Commission, in care of Mr. William H. Young, Director, Department of Environmental Quality, P.O. Box 1760, Portland, OR 97207, within twenty (20) days of the date of the certified mailing of this letter.

If you have any questions regarding my decision or if I can be of assistance in any way, please feel free to contact me at 776-6010.

Sincerely,



David H. Couch
Variance Officer

DHC:fs

CERTIFIED MAIL #7466361

cc: Michael J. Ebeling, DEQ Portland
Jackson County Dpet. of Planning and Development

Summary of Monitoring Data from Experimental System #62, Chester
 Wilson, Diked ETA Bed, 1700 sq ft., serving 2-Bedroom House.
 Average daily water useage: 88.4 gallons

<u>Monitoring Date</u>	<u>p1*</u>	<u>p2*</u>	<u>Precipitation</u>
2/28/77	dry	dry	Jan. 1.17; Feb. 0.67
3/14/77	24"	26.5"	March 1.17
3/28/77	24"	27"	April 0.81
4/13/77	24"	27"	
5/09/77	23"	27"	May 2.31
5/23/77	22"	27"	
6/06/77	22"	27"	June 0.53
6/20/77	22.5"	27"	
7/13/77	21.5"	27"	July 0.23
8/04/77	22"	27"	August 0.36
9/28/77	22"	27"	Sept. 4.22
11/02/77	24.5"	dry	Oct. 0.96 Nov. 4.91
12/07/77	23.5"	27"	December 4.81
12/29/77	23.5"	dry	
1/11/78	22"	dry	January 1.53
1/26/78	23"	dry	
2/09/78	24"	dry	February 2.45
2/23/78	23"	dry	
3/09/78	23"	dry	March 2.03
3/23/78	24"	27"	
4/27/78	23.5"	dry	April 1.26
5/25/78	23"	dry	May 1.59
6/14/78	24.5"	dry	June 1.02
7/20/78	24"	dry	July 0.54
8/29/78	22"	dry	August 1.46
10/18/78	23"	dry	Sept. 1.69 Oct. 0.01
12/20/78	22"	dry	Nov. 1.5 Dec. 0.66
2/21/79	23.5"	dry	Jan. 2.81 Feb. 1.54
3/21/79	22"	dry	March 0.83
5/14/79	23"	dry	

* p1 - Monitoring well extending to bottom of bed, 26" from bed bottom to ground surface

* p2 - Monitoring well 10' outside of bed on downslope side, the well is 28" deep, the ground surface at p2 is 24" lower than ground surface at p1

Note: Mr. Wilson uses the surface of his ETA Bed for gardening; during the summer he irrigates the surface of the bed.

Summary: The data from p1 indicates that the soil at the ETA Bed site is sufficiently permeable for a sewage disposal system of proper design to function at this site. The data from p2 indicates that at no time would a temporarily perched water table come in contact with the bottom of a 24 inch deep bed.

Environmental Quality Commission
 Mr. William H. Young - Director of D.E.Q.
 P.O. Box 1760 Portland Ore. 97207.

State of Oregon
 DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
 APR 28 1983

Dear Mr. Young:

OFFICE OF THE DIRECTOR

I hereby appeal the denial of a permit to install an E.T.A. system or a variance system on the following Plot. 365-1W-sec. 10 - ~~Lot~~ Lot 509 - Jackson County Ore.

I applied for an E.T.A. system of one bed consisting of 1700 sq ft. but was refused this system for the reason of not enough clay soil, so was requested to use the variance consisting of 3 beds of 8' wide amounting to 1700 sq feet of bed surface.

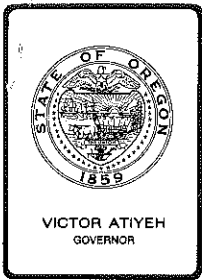
I am inclosing summary of monitoring data on a bed that is only 50 feet from the new proposal, on the exact same type of soil at same level. The only difference I find is the individuals handling the evaluations which was a different group entirely.

I refer you to Mr. Mark Ronayne at your same address. He is quite familiar with my existing system.

I fail to follow the reasoning of some of these people who are denying some of these permits. My site is at least a mile from a live stream, down grade from any well.

and no homes or home sites below my property
all required data for the variance application
was sent to your office, if you need further info.
you may check it.

Sincerely
Chester A. Wilson



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. J, June 20, 1980, EQC Meeting

Request for a Variance from OAR 340-23-045(5) (Open Burning Construction and Demolition Wastes) for the St. Helens Public Schools, School District No. 502.

Background and Problem Statement

St. Helens Public Schools, School District No. 502 requests a variance in order to open burn land clearing debris to allow for building expansion on District property.

All marketable logs and firewood material will be removed from site. Only underbrush, limbs, and stumps will be burned if the variance is granted.

The variance is requested under ORS 468.345.

Alternatives and Evaluation

The District has considered the following alternatives:

- a. Collection and hauling of debris to a local landfill.

The District considers this as burdensome and impractical because hauling will delay the start of scheduled construction and increase clearing cost from \$18,000 to approximately \$60,000. This increased cost is paid with tax monies.

In addition, the debris if taken to the landfill will fill approximately 9,000 yards of available space needed for domestic garbage.

- b. On-site burial of debris. The District considers this as unreasonable and impractical since the entire site is to be utilized for either building sites or athletic fields. Future settling of the burial area would render the land unusable for either purpose.



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Materials

ORS 468.345(1) allows the Commission to grant a variance from air contamination rules if it finds that strict compliance is in appropriate because special circumstances render strict compliance unreasonable, burdensome, or impractical. The District believes that alternatives to open burning are unreasonable, burdensome, and impractical as detailed in (a) and (b) above.

Proposed variance conditions and time period.

1. Burning of land clearing debris is granted for a one time period beginning no sooner than June 21, 1980, and ending before July 15, 1980.
2. Burning may only be initiated on a day designated by the Department.
3. Burning shall be conducted at the site referenced in the St. Helens Public School District's letter dated May 23, 1980, (near St. Helens Senior High School).
4. Auxiliary burning equipment shall be employed to promote and maintain the highest degree of combustion as per the District's letter dated May 23, 1980.
5. All fires shall be continuously attended to insure that good combustion is maintained.
6. The variance is revocable at any time upon notification from the Department that conditions exist which could endanger the public's health and welfare.

Summation

The Department's examination of the District's request for a variance finds the following:

1. Alternatives to open burning have been investigated by the District. This investigation reveals that hauling of the debris to a landfill would nearly triple the land clearing costs and delay the start of building. On-site burial would render the land unusable in the future for the intended purposes.
2. The District has taken steps to minimize the amount of material to be burned by removing marketable logs and firewood.
3. The District will exercise good burning practices in order to promote efficient combustion and reduce smoke.
4. Strict compliance with ORS 340-23-045(5) is unreasonable, burdensome and impractical.

Director's Recommendation

Based upon the findings in the Summation it is recommended that a variance be granted to the St. Helens Public School District to allow open burning of land clearing debris on their property adjacent to the St. Helens Senior High School subject to the aforementioned conditions.

Bill

William H. Young

Attachment: St. Helens P. S. District Letters

SCC:f

229-5297

June 3, 1980

RF11 (2)

JES
REG

St. Helens Public Schools

SCHOOL DISTRICT NO. 502
215 S. 2ND STREET
ST. HELENS, OREGON 97051
PHONE 397-3085

May 19, 1980

Dept. of Environmental Quality
RECEIVED
MAY 20 1980

NORTHWEST REGION

William Young
Director of D.E.Q.
P O Box 1760
Portland, OR 97207

Dear Sir:

The St. Helens School District #502 respectfully requests a variance from the air contamination rules and regulations in accordance with O.R.S. 468.345. This request is concerned with the burning of slash located on land which the school district will be developing in a building expansion program. The reasons for the above request are as follows:

- (1) The cost of transporting the material to the nearest land fill (Mickey's Sanitary Land Fill), would be burdensome in respect to the budgeted amount allotted for site development.
- (2) The time factor involved in ridding the site of the unwanted material has become a problem for the district in terms of having the property prepared on time for the scheduled work this summer.

We would appreciate your consideration on this matter as soon as possible, in that our time sequence is of great importance to the district. We are sorry this request is being made on such short notice, but we did talk with representatives from the Oregon Forestry Department who stated they would give us a burning permit, and to the fire chief, Abe Emerson of the St. Helens Rural Fire Department, who denied the request and referred us to your agency.

The land involved is a parcel within the city limits, and some acreage just adjacent to city property. Enclosed you will find some documents that more clearly define the area's location.

We would be most interested and happy to meet with you and your staff at your convenience, to further elaborate on our request. (Office phone: 397-3085)

Your consideration on this matter will be greatly appreciated.

Sincerely,

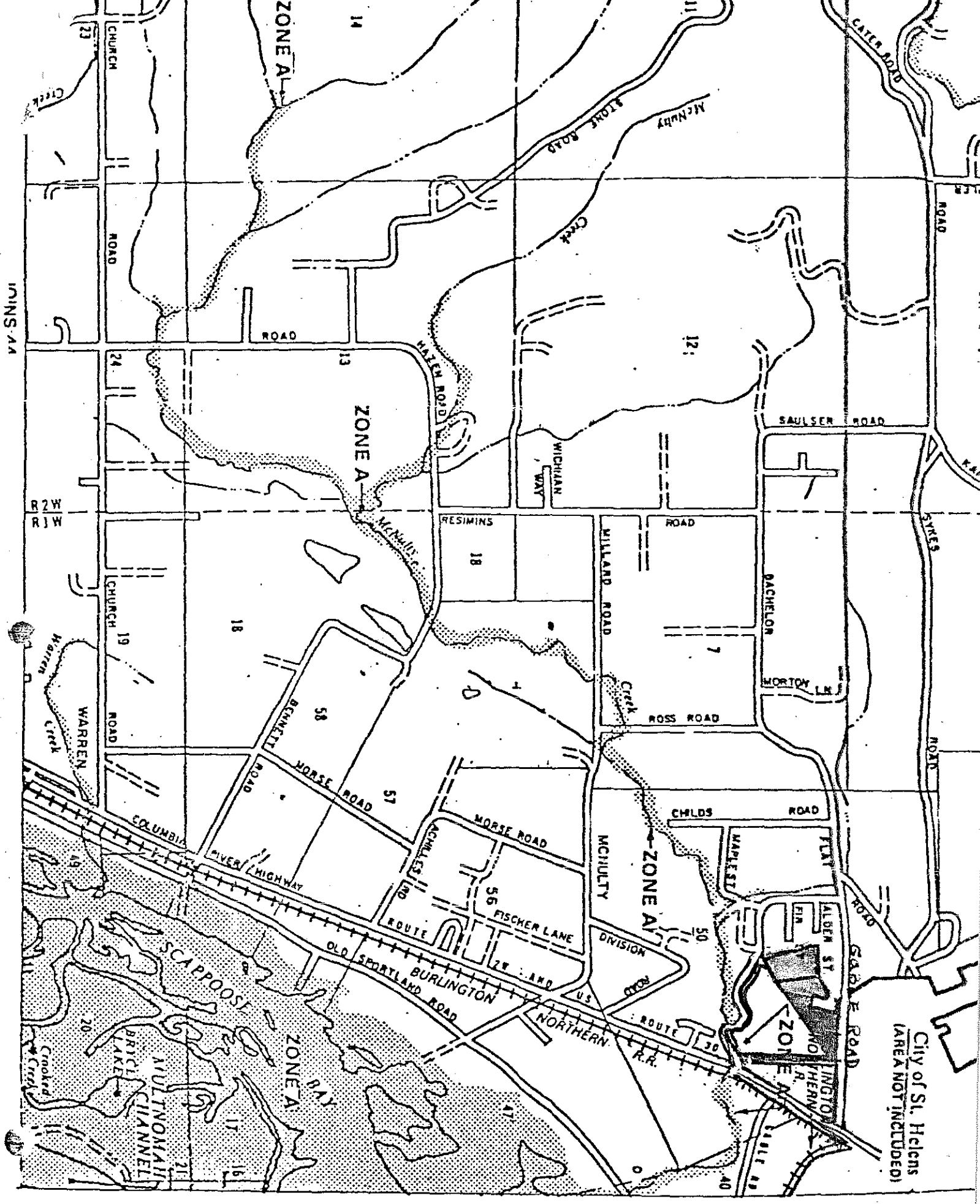
B. C. DeLashmutt
B.C. DeLashmutt
Director of Support Services

*Quantity of debris
Costs (including other alternatives)
Site availability (2000 sq ft would this
quantity of debris going
to Mickey's or Saitouh)*

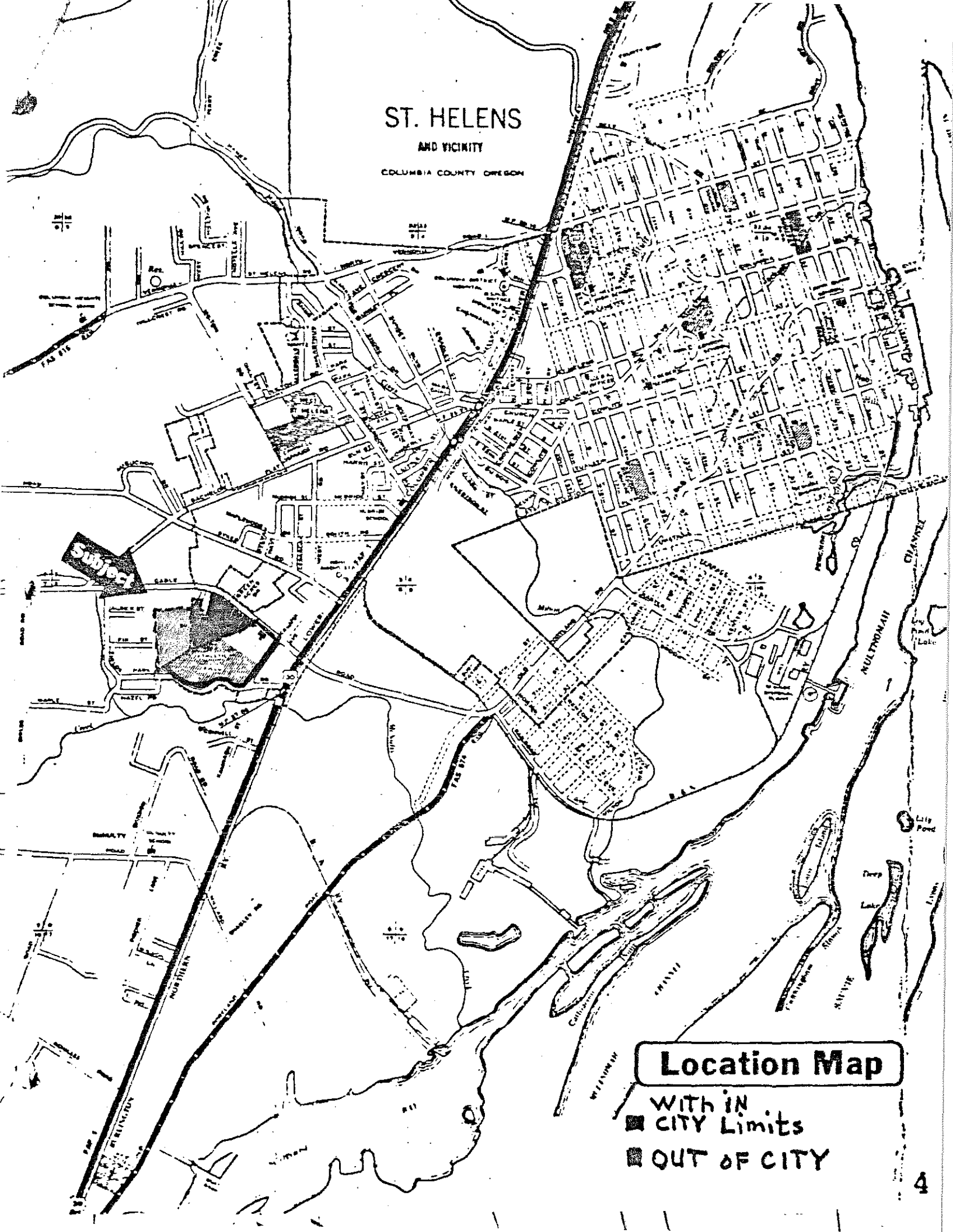
BCD/ga
2 enclosures

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
MAY 20 1980

OFFICE OF THE DIRECTOR



ST. HELENS
AND VICINITY
COLUMBIA COUNTY OREGON



Location Map

- WITH IN
- CITY Limits
- OUT OF CITY

St. Helens Public Schools

SCHOOL DISTRICT NO. 502
215 S. 2ND STREET
ST. HELENS, OREGON 97051
PHONE 397-3085

May 23, 1980

Dept. of Environmental Quality

RECEIVED
MAY 28 1980

NORTHWEST REGION

Mr. Steve Carter
D.E.Q.
P O Box 1760
Portland, Oregon 97207

Dear Sir:

This is in response to your phone call of Wednesday, May 21, 1980, asking for additional information on our request for a variance from the air contamination rules and regulations.

The school district will be developing approximately 20 acres of land which has about 16 acres in trees, some marketable firs and others which are alder maple and oak. Also, a considerable amount of underbrush covers these 16 acres.

The school district is making every effort to rid the site of trees which can be used for firewood by allowing four community service organizations to enter the property to cut firewood. Should these groups be unable to meet our time schedule, residents of the district will be allowed to cut up the remaining trees. Furthermore, the district is presently negotiating with some logging firms on the sale of the marketable firs.

The remaining debris will consist of limbs, brush, and stumps. Should this request receive favorable action, the most efficient method would be employed to ensure a high temperature burn. High powered fans, along with an approved combustibile promoting agent would be used.

If it were necessary to remove this material by hauling it to Mickey's Sanitary Landfill, much of the available space of the facility would be used. It is our understanding this landfill has nearly reached its capacity and the space remaining could better serve the community's waste problems.

In that we are going to be using the entire acreage for athletic fields and structures, it would be impractical to bury the unwanted material.

Mr. Steve Carter

2

May 23, 1980

According to estimates obtained, it would cost approximately \$60,000 to clear and remove the material by trucking it to the landfill, opposed to \$18,000 to clear and burn the same material. Not only would the additional cost be burdensome to the taxpayers of the district, but the time factor involved to haul the debris would place the district behind in the time schedule for development of the site.

We hope the above information will assist you in considering this request. Please don't hesitate to call me if we can be of further assistance. Thank you for your time and consideration in this matter.

Sincerely,



B.C. DeLashmutt
Director of Support Services

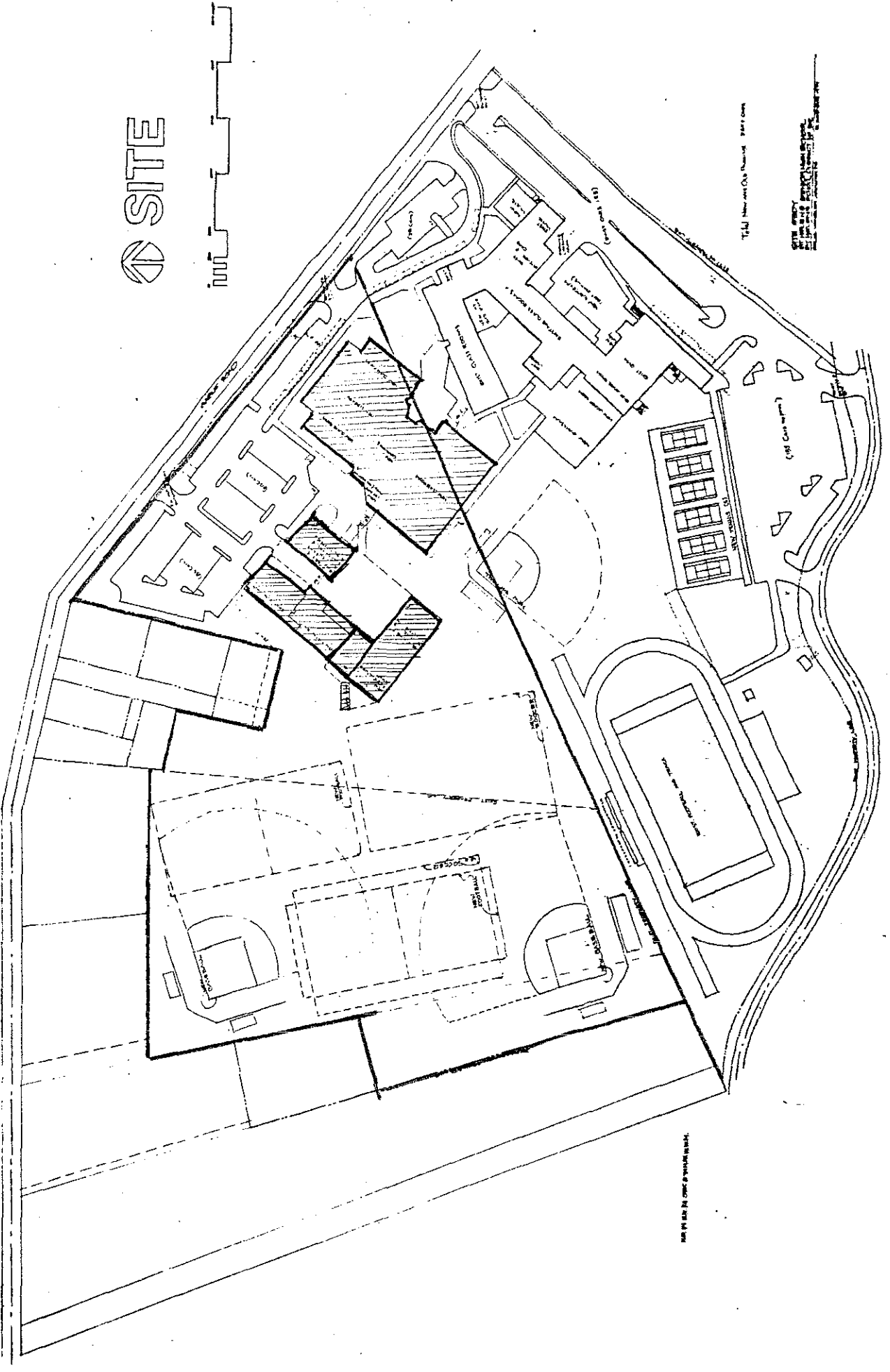
BCD/ga

543/104

40000

— Area to be developed,
by clearing of trees

▨ New Structures



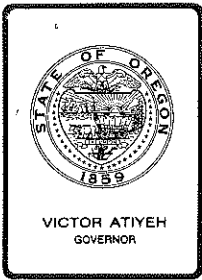
↑ SITE



Total Area: 100,000 sq. ft.

Site Plan
Scale: 1" = 100'

100' 0" 100' 0" 100' 0"



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. K, June 20, 1980, EQC Meeting

Request for a Variance from Octave Band Noise Control Standards, OAR 340-35-035(1)(f)(A), for Bonneville Power Administration's Wren Substation, Benton County.

Background and Problem

Bonneville Power Administration (BPA) owns and operates an electric power substation containing two transformers at a site near Wren (approximately 10 miles west of Corvallis). This substation provides electric power to Consumers Power, Inc., a rural electric cooperative, that provides electric service to approximately 1,800 customers in the area.

One of these transformers was replaced in October 1978 to increase capacity to Consumers Power. In January 1979 the Department received initial complaints of excessive noise from the recently installed transformer. As a result of investigations by Department staff, BPA was notified that a violation of noise standards existed and the octave band standards in Table 10 must be met due to the 120 Hertz humming noise commonly produced by electric transformers.

Subsequently BPA proposed to resolve the problem by constructing a replacement substation at a new location with adequate noise control design. No interim noise abatement was proposed. BPA proposed the replacement project would be complete by the fall of 1982 at which time the Wren Substation would be deenergized. It should be noted that BPA power forecasts show the need for a substation with more capacity than Wren. Thus the proposal to relocate the substation was based upon factors beyond the noise problem.



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As the relocation proposed by BPA would require until late 1982 for any noise relief, the Department requested an interim control strategy for the Wren Substation be developed. BPA then agreed to install acoustical barriers as an interim control. Construction of noise barriers was completed in late September 1979.

A subsequent noise survey indicated the barrier was providing only approximately 5 dB reduction, due to design and construction deficiencies. Full compliance with standards would require approximately 12 dB reduction and an effective acoustical barrier should have approached that needed reduction.

BPA therefore retained an acoustical consultant to determine why the barrier was not fully effective and to propose corrective action. The consultant's recommendations to add additional barrier and acoustical damping were accepted by the Department as they predicted further reductions of six to seven dB and therefore bringing the facility within near-compliance with the standard. Upon completion of these modifications in January 1980, the Department and BPA's consultant conducted noise surveys. Results of these surveys indicate the facility still does not fully comply with the nighttime 125 Hertz octave band standard of 56 dB.

A survey conducted by BPA's consultant showed the average readings taken at various sites located at the required distance of 25 feet from the nearest noise sensitive property, toward the substation, was 57 dB. However, due to the spatially complex radiation pattern of the transformer, several measurement sites were 3 to 4 dB above the average of all twelve sites.

The Department survey also yielded results similar to BPA's. Five sites located on the north side of the residence averaged 55 dB, whereas three sites located near the northeast corner of the residence averaged 61 dB due to the radiation pattern of the transformer. The occupant of the residence, although agreeing the noise has been reduced, is still not satisfied with the interim noise controls.

BPA has requested a variance from any further noise reduction at the Wren facility as they believe the interim noise reduction achieved by the barrier is adequate until full compliance can be achieved in the fall of 1982 with the relocation of the substation.

The Commission has the authority to grant such a variance pursuant to ORS 467.060 and OAR 340-35-100.

Alternatives and Evaluation

BPA requested a temporary variance until the Wren Substation is relocated and provided supporting justification for each of the four criteria specified in the rule and statute. Alternates to granting the variance could be to require the replacement of the existing transformer with a quieter unit or by requiring additional noise barriers and suppression equipment. BPA claims a replacement transformer is not reasonable due to the uncertain noise reduction and long delivery time.

The present noise barrier and associated suppression equipment has reduced noise from the substation approximately 10 to 12 dB in the 125 Hertz octave band. This degree of noise suppression, of 120 Hertz transformer hum, is as great as could be expected from a barrier of practicable height. The present barrier is approximately 20 feet in height and the transformer is approximately 12 feet in height.

The Commission may grant a variance from the noise control rules if any of four conditions are met. BPA maintains that facts support the variance for all the criteria.

BPA claims that conditions exist that are beyond their control to fully comply. A new, hopefully quieter, transformer would require approximately 12 to 13 months for delivery. BPA is not sure that an alternate transformer would operate at lower sound levels than the present unit.

BPA believes that special circumstances rendering strict compliance are unreasonable, unduly burdensome or impractical. Transformer replacement would be an "undertaking of substantial magnitude." Furthermore, BPA believes the considerable effort and expense to reduce noise levels to slightly above the 56 dB nighttime standard should be acceptable as a reasonable interim control measure.

BPA noted that strict compliance may require the closing down of the substation and would result in the loss of electric power to more than 1,800 customers. The lack of such service would result in the closing down of homes, businesses and industries.

BPA believes that the fourth condition is also met in that no other alternate facility or method of operating is yet available. Construction of a replacement substation is on schedule; however the planning, environmental assessment, purchase of land and equipment and eventual completion will require until the fall of 1982.

Staff agrees with BPA that the conditions for granting a variance are met and is justified for this slight exceedance of the standards. BPA claims a replacement substation will be operational by late 1982, therefore any variance would expire at that time. In addition, reports on the progress of the replacement substation would be submitted. If, for some reason the replacement substation project were cancelled or substantially delayed, immediate additional work at the Wren Substation to achieve full compliance could be required.

Summation

The following facts and conclusions are offered:

1. Bonneville Power Administration owns and operates an electric power substation in Wren, Benton County, that exceeds the nighttime (10 pm to 7 am) noise standards.

2. Noise abatement modifications at the substation have reduced transformer hum noise approximately 10 to 12 decibels to within the daytime standards and slightly above the nighttime standards.
3. BPA plans to relocate the Wren Substation by the fall of 1982 which would completely remove the noise from the Wren site.
4. The noise suppression equipment installed at the Wren Substation provided as much a noise reduction as could be expected using such practicable interim control measures. However, the nearest resident is not satisfied and believes the noise is still excessive.
5. BPA has requested a variance from strict compliance with the nighttime octave band noise control standards for the Wren Substation.
6. The Commission is authorized to grant variances from the noise regulations pursuant to ORS 467.060 and OAR 340-35-100, provided that certain conditions are met. BPA claims that conditions are met, as set forth on page 3 hereof, to warrant a variance until the Wren Substation is relocated.
7. BPA has adequately justified that conditions are met to warrant a variance until the fall of 1982.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that Bonneville Power Administration, Wren Substation, be granted a variance from strict compliance with noise control standards until September 1, 1982.

As the Wren Substation is scheduled to be relocated by September 1, 1982, the following conditions are recommended:

1. BPA shall submit progress reports to the Department on the relocation project at three (3) month intervals beginning January 1, 1981, until completion and deenergization of the Wren Substation.
2. If progress of the relocation project appears to be substantially delayed, the Department shall bring the matter to the Commission's attention for consideration of appropriate further action.



WILLIAM H. YOUNG

Attachments: Request for Variance
Bonneville Power Administration, received May 20, 1980

John Hector:fa
(503) 229-5989
May 30, 1980



Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208

In reply refer to: AP

Attachment
Agenda Item K
June 20, 1980
EQC Meeting

DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
MAY 20 1980
NOISE POLLUTION CONTROL

Environmental Quality Commission
Department of Environmental Quality
P.O. Box 1760
Portland, Oregon 97204

Dear Members of the Commission:

The Bonneville Power Administration (BPA) is a Federal power marketing administration of the United States Department of Energy, with its principal office at 1002 NE. Holladay, Portland, Oregon 97232. Consumers Power, Inc. (CPI), is a rural electric cooperative with its principal office at 6990 SW. West Hills Road, P.O. Box 1108, Corvallis, Oregon 97330.

BPA maintains two transformers, devices for transferring energy from one circuit to another in an alternating current system, at a substation in Wren, Oregon. One of these transformers was installed October 13, 1978, in order to increase capacity to Consumers Power, Inc., and its customers. The transformer emits noise which has initiated a complaint from a nearby resident. The Department of Environmental Quality (DEQ) informed BPA that the transformer produced noise on three adjacent noise sensitive properties in excess of permitted levels. The DEQ instructed BPA to develop an abatement program and schedule for achieving compliance with these levels. BPA proposed that relocation of the substation by fall of 1982 would achieve such compliance. The DEQ requested that BPA develop an interim strategy prior to relocation. The interim strategy involved the construction of noise barriers, or baffles. The DEQ approved both the plan and the interim strategy. The interim strategy has reduced noise to a level slightly exceeding the standards.

CPI is served by the transformer in question. The operation of the transformer is essential to the service of more than 1,800 customers of CPI.

Initially, it must be noted that Federal law requires that BPA, as an agency of the executive branch of the Federal Government having jurisdiction over properties and facilities, and engaged in activities which may result in the emission of noise, must comply with State requirements respecting control and abatement of environmental noise to the same extent that any person is subject to such requirements. 42 U.S.C. 4903(b). There is considerable doubt, however, as to the duty

of the Federal Government to submit to the procedures of the State. Hancock v. Train, 426 U.S. 167, 48 L.Ed. 2d 555, 96 S.Ct. 2006 (1976). BPA has endeavored to comply with the standards set forth by the State to the same extent that any person is subject to such requirements, and notes that additional compliance efforts would be aided by a variance. BPA does not, however, waive its jurisdictional independence through participation in State proceedings. For example, it is not apparent BPA could be a party in a contested case proceeding on this matter.

Applicants request a variance from the rules prescribed in OAR Chapter 340, section 35-035(1)(f), including Table J.

OAR 340-35-035(1)(f) provides in pertinent part:

(f) Octave Bands and Audible Discrete Tones. When the Director has reasonable cause to believe that the requirements of subsections (1)(a), (1)(b), (1)(c) or (1)(d) of this section do not adequately protect the health, safety or welfare of the public as provided for in ORS Chapter 467, the Department may require the noise source to meet the following rules:

(A) Octave Bands. No person owning or controlling an industrial or commercial noise source shall cause or permit the operation of that noise source if such operation generates a median octave band sound pressure level which, as measured at an appropriate measurement point, specified in subsection (3)(b) of this section, exceeds applicable levels specified in Table J.

(B) One-third Octave Bands. No person owning or controlling an industrial or commercial noise source shall cause or permit the operation of that noise source if such operation generates a median one-third octave band sound pressure level which, as measured at an appropriate measurement point, specified in subsection (3)(b) of this section, and in a one-third octave band at a preferred frequency, exceeds the arithmetic average of the median sound pressure levels of the two adjacent one-third octave bands by:

(i) 5 dB for such one-third octave band with a center frequency from 500 Hertz to 10,000 Hertz, inclusive.

Provided: such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band, or;

(ii) 8 dB for such one-third octave band with a center frequency from 160 Hertz to 400 Hertz, inclusive.
Provided: such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band, or;

(iii) 15 dB for such one-third octave band with a center frequency from 25 Hertz to 125 Hertz, inclusive.
Provided: such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band.

This rule shall not apply to audible discrete tones having a one-third octave band sound pressure level 10 dB or more below the allowable sound pressure levels specified in Table J for the octave band which contains such one-third octave band.

BPA and CPI contend that the application of the administrative rules noted above to the Wren Substation transformer so as to require it not to exceed the Noise Source Standards specified in Table J is improper because, pursuant to ORS 467.060, the Environmental Quality Commission is authorized to "grant specific variances from the particular requirements of any rule or standard to such specific persons or class of persons or such specific noise emission source, upon such conditions as it may consider necessary to protect the public health, safety and welfare," and BPA and CPI have satisfied all conditions specified for such variance. ORS 467.060 also provides:

"The commission shall grant a specific variance only if it finds that strict compliance with the rule or standard is inappropriate because:

(a) Conditions exist that are beyond the control of the persons applying for the variance;

(b) Special circumstances render strict compliance unreasonable, unduly burdensome or impractical due to special physical conditions or cause;

(c) Strict compliance would result in substantial curtailment or closing down of a business, plant or operation; or

(d) No other alternative facility or method of operating is yet available."

The present facts support granting a variance under each of these alternative grounds.

- (a) Conditions beyond the control of BPA and CPI. The transformer in question is vital to the electric power marketing responsibilities of the BPA and the obligations of CPI. Transformers are complex devices which are not readily available from manufacturers and must be specially ordered. An order for a new transformer would require approximately 12 to 13 months for delivery. When the present transformer was installed, BPA had only two used transformers available for selection. The present transformer was selected for various reasons. There is no indication that the alternative transformer would operate at a lower sound level. Such conditions militate against the replacement of the transformer and are beyond the control of petitioners.
- (b) Special circumstances rendering strict compliance unreasonable, unduly burdensome or impractical. The facts set forth in (a) above are also applicable here and must be considered in addition to the fact that the replacement of a transformer is an undertaking of substantial magnitude. Furthermore, steps have been taken, at considerable expense, to reduce noise through the construction of specially designed barriers. Such barriers have reduced the noise to a level slightly above the standards set forth in Table J of Chapter 340, Oregon Administrative Rules, Division 35.
- (c) Strict compliance resulting in substantial curtailment or closing down of a business, plant or operation. If the transformer in question were not allowed to operate, there would, in 1980, be no power delivered to any CPI customers served by the Philomath, Kings Valley, and Valsetz substations. Calculations regarding the prospective impact of not allowing the transformer to operate note that 1,810 customers with an 11,600 kW peak load could not be served in October, 1981. In 1983, this increases to 2,060 customers with a peak load of 13,610 kW. The effect of such lack of service would result in curtailment or closing down of homes, businesses and industries.
- (d) No alternative facility or method of operating is available. The construction of a new substation has been planned for some

time. Such construction, however, requires compliance with the National Environmental Protection Act. This Act requires the preparation of an environmental assessment which is currently being compiled. Further administrative proceedings may be necessary prior to the purchase of land and equipment for the substation, as well as prior to the eventual construction of the new facility. A change in method of operation has already been undertaken, as noted above, in the installation of sound barriers between the transformer and the complainant's residence. The construction of such barriers, while insufficient to reduce the noise to standards specified in Table J of OAR Chapter 340, Division 35, has reduced the noise to levels slightly above such standards near the complainant's residence. No alternative facility or method of operating is yet available.

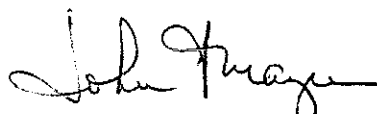
The question presented to the Commission is whether the administrative rules cited above need be applied to require BPA's transformer to meet the noise standards specified in Table J, OAR Chapter 340, Division 35, in light of the fact that BPA, together with CPI, has satisfied at least one of the alternative grounds upon which a variance from the administrative rules may be granted.

BPA and CPI request that the Commission rule that the transformer is not required to operate within the noise standards prescribed in the above-mentioned Table J until such time as petitioner completes the construction of an alternative facility.

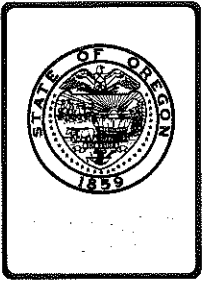
Sincerely,



Marvin Klinger, Deputy Chief Engineer
Bonneville Power Administration



John F. Mayse, General Manager
Consumers Power, Inc.



Environmental Quality Commission

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

MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item No. L, June 20, 1980 EQC Meeting

Request for the Extension of a Variance from OAR 340-35-035
for Log Loader Noise at Murphy Company - Myrtle Point

Background

The Murphy Company owns and operates a veneer mill in Myrtle Point. In 1976, the Department received complaints of excessive noise generated by this facility. Staff investigation confirmed the mill was in violation of noise standards and identified several residences located adjacent to the log yard as being severely impacted by the noise. The excessive noise resulted from a number of contributing sources, including the debarker, cut-off saw, bark hog, lilly pad chipper, veneer and core chipper, outside conveyor, air pressure release line, and two mobile diesel log loaders.

In a letter dated July 16, 1979 (Attachment 1), the Murphy Company outlined noise abatement measures which would bring the noise levels due to all sources, except the log loaders, into compliance with daytime noise standards. The Company then requested a variance which would both exempt the loader noise from compliance with noise standards and allow the remaining noise levels to exceed nighttime standards during specific hours.

At the August 31, 1979 meeting, the EQC granted a variance to allow noise levels resulting from mill operations to exceed nighttime standards during the hours of 6 am to 7 am and 10 pm to 12:30 am. The variance was granted based upon the feasibility and operational difficulties of enclosing the outside conveyors which were needed to meet nighttime noise standards. The Commission declined to allow exceedances of daytime standards. This variance will expire July 1, 1980.

On October 1, 1979, Murphy Company requested a second variance which would temporarily allow operation of the log loaders to exceed noise standards. During this time, the feasibility of either purchasing new equipment or retrofitting the existing loaders would be analyzed.

At the November 16, 1979 meeting, the Commission granted this variance with stipulations that a feasibility study for compliance achievement be submitted to the Department by April 1, 1980, and that operation of the loaders shall be restricted to certain areas in the log yard between the hours of 6 am to 8 am and 8 pm to 12:30 am, as specified in the Murphy letter of September 25, 1979 (Attachment 2).



Contains
Recycled
Materials

On April 2, 1980, the Department received a report prepared by Murphy consultants, Seton, Johnson and Odell, Inc. (Attachment 3). This report summarized information from four major diesel equipment manufacturers (Caterpillar, Ford, Pettibone, and GM) concerning a) the availability of exterior noise abatement programs, b) factory noise emission data for log loader equipment, c) availability and effectiveness of retrofit kits, d) the feasibility of manufacturing comparable equipment which would comply with DEQ noise standards, e) performance restrictions which would be associated with a quieter unit, and f) cost to consumer of either retrofit or new equipment. The manufacturers' responses included the following:

- a) Three of the manufacturers pursued active exterior noise abatement programs.
- b) No units currently manufactured would provide compliance at the Murphy mill. Furthermore, it appears that the Murphy log loaders are as quiet as any new unit in the U.S.
- c) Manufacturer produced retrofit kits are not available for this type of equipment.
- d) Pettibone considered it possible to manufacture a unit capable of meeting Oregon noise standards; the other three firms did not.
- e) Caterpillar indicated that performance restrictions would include cooling, fire hazard, maintenance and operating cost. The other firms either did not know or did not respond to this question.
- f) Caterpillar estimated the cost of a new unit with improved noise emission levels would be 12-16 percent over the current price. They referred to a quieter model sold in France which generated 7-9 dBA less, but has associated performance restrictions. The other firms either did not know or did not respond.

Subsequent to this report, staff requested three local firms, which specialize in noise level reduction of mobile diesel equipment, to respond to the questions that Murphy's consultant asked the manufacturers (Attachment 4). Two firms responded and both indicated that, although they knew of no retrofit kit currently available, they believed the technology is available and their firm could significantly reduce the existing log loader noise emissions. The firms declined to give absolute estimates of the extent of attenuation possible, or the costs of such modification, without the necessary engineering tests and studies.

To date, the Murphy Company has satisfactorily implemented all of the noise abatement measures that were specified in previous compliance agreements.

The Commission may grant an extension of the existing variance under authority granted by statute in ORS 467.060 and in Commission rule OAR 340-35-100.

Alternatives and Evaluation

The company believes an extension of the existing log loader variance should be granted as strict compliance may be "unreasonable, unduly burdensome, or impractical." A variance may be granted by the Commission for these reasons.

Alternatives the Commission may consider in this matter are:

1. Grant an extension of the existing variance for the two log loaders as requested, to exempt their noise from the noise rules between 6 am and 12:30 am the following morning until July 1, 1982, at which time the availability of quieter equipment and/or retrofit technology will again be investigated. Administrative control of the location of the loader operation would be required from 8 pm to 12:30 am and 6 am to 8 am.
2. Require the Murphy Company to obtain sufficient engineering tests and studies to clearly establish the extent that retrofit modifications can mitigate the noise emission levels associated with the existing diesel log loaders.

Summation

1. The Murphy Company owns and operates a mill in Myrtle Point. Due to the close proximity of adjacent residences, the mill has had difficulties resolving a noise pollution problem.
2. The Company has successfully attenuated noise emissions from all of the primary noise sources in the mill operation, except for two mobile diesel log loaders.
3. A variance granted on November 16, 1979 exempted log loader noise from 6 am to 12:30 am the following day. This variance required that certain administrative controls regulate the loader's operation. The purpose of this variance was to provide Murphy Company time to prepare a feasibility study which would determine whether compliance could be achieved by retrofit or replacement of the existing units. This variance expires July 1, 1980.
4. On April 2, 1980, the Department received a report prepared by Seton, Johnson and Odell, Inc. This report indicates that equipment manufacturers neither produce quieter equipment for sale in the U.S., nor offer retrofit kits which may be implemented on existing units.
5. Staff solicited response from local firms specializing in noise reduction on diesel equipment indicates that the desired retrofit may be possible, but the cost and magnitude of attenuation could not be determined prior to further testing and study.

6. On May 7, 1980, Murphy Company attended a conference at DEQ to discuss the results of the feasibility study. At this time, they requested an extension of the existing log loader variance, subject to the same administrative controls currently in effect.
7. The purpose of the requested variance is to allow operation of existing log loaders until it can be established that retrofit or replacement will allow Murphy log loader operations to comply with noise standards.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Murphy Company, Myrtle Point facility, be granted a time limited extension of the existing variance from strict compliance with the noise standard between 6 am to 12:30 am the following morning, due to operation of two diesel log loaders, until July 1, 1982. Operation of the loaders shall be limited as specified in the Company's letter of September 25, 1979, between the hours of 8 pm to 12:30 am and 6 am to 8 am.

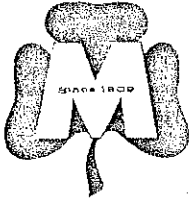
Bill

WILLIAM H. YOUNG

John Hector:pw
(503)229-5989
June 4, 1980

Attachments:

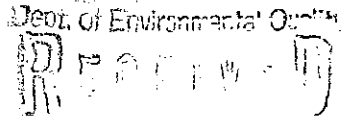
1. Murphy Company letter of July 16, 1979
2. Murphy Company letter of September 25, 1979
3. Murphy Company/Seton, Johnson & Odell
Log Loader Report dated March 27, 1980
4. Gerald T. Wilson letter to local consultant
firms, dated April 15, 1980, and response
from Barrier Corporation and Michael C. Kaye



THE MURPHY CO.

Attachment 1
Agenda Item L
June 20, 1980
EQC Meeting

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



JUL 18 1979

July 16, 1979

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

JUL 17 1979

Noise Control Section

OFFICE OF THE DIRECTOR

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

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

Dear Mr. Young:

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

Summary of Proposal

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

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

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

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

TABLE 1

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

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

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

Program Details

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

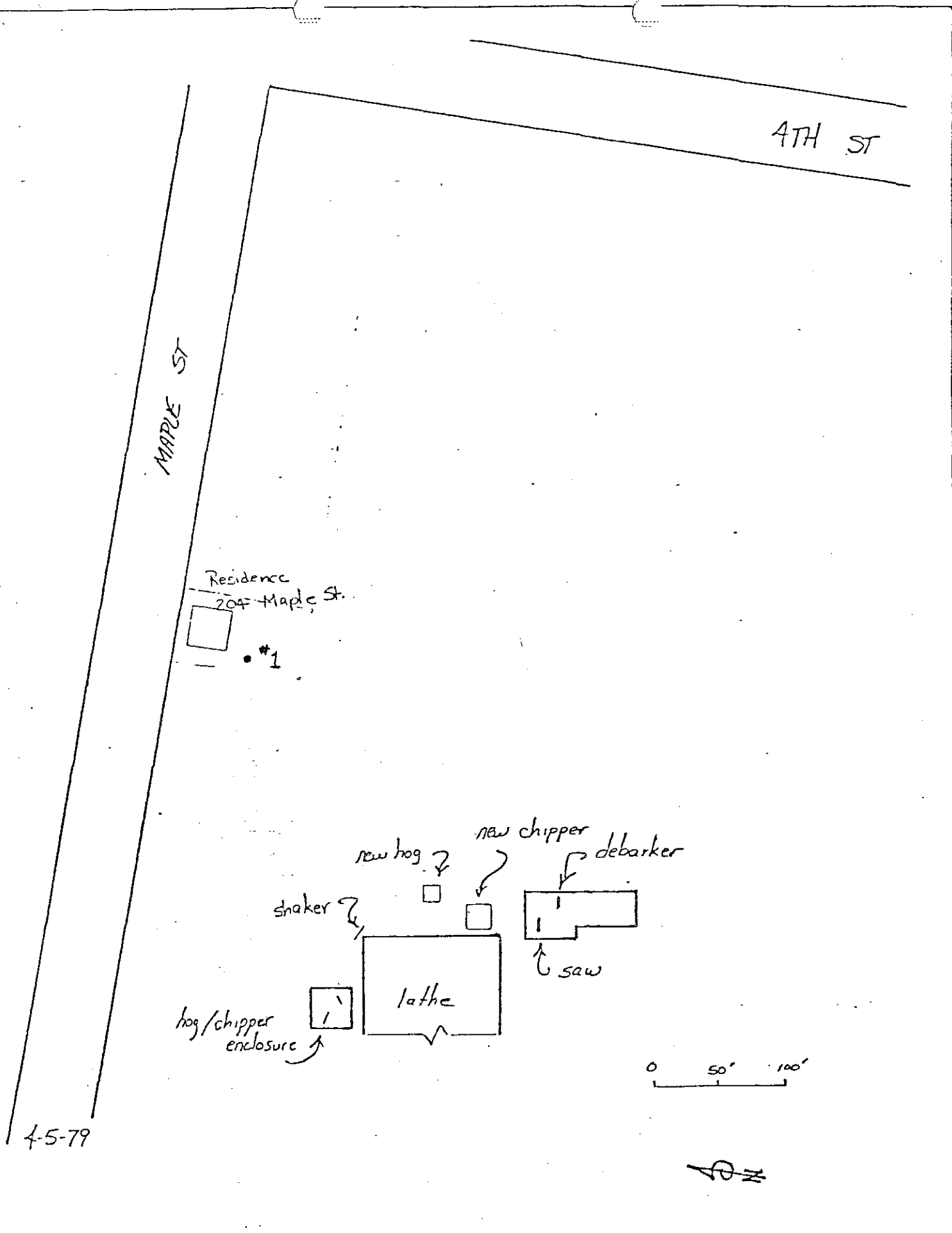


FIGURE 1 - SITE PLAN

TABLE 2
INDIVIDUAL NOISE LEVELS AT SITE 1

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

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

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

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

Kicker

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

Cutoff Saw and Debarker

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

New Bark Hog and Conveyor

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

New Lily Pad Chipper and Conveyor

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

Mr. William H. Young
July 16, 1979
Page -4-

Veneer and Core Chippers

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

Outside Conveyors

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

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

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

These modifications will result in a 6 to 7 db reduction in conveyor noise. This reduction to an L₅₀ sound level of 54 to 55 dbA is not sufficient for compliance with the night time regulated L₅₀ sound level of 50 dbA.

Option 2 - enclosure, would be necessary for all metal chain exterior conveyors to achieve a reduction sufficient to meet combined mill operation noise levels of L₅₀ = dbA. The conveyor enclosures would be individually designed for field fabrication and installation. For maintenance and clean out, the top of the enclosure would have to be openable by busched material on the conveyor and weighted to close afterwards. The enclosure would be complete around the supply and return portion of the conveyor. Motors and drives would be enclosed with the conveyor. This treatment would be necessary to reduce conveyor noise to less than 50 dbA. The materials necessary for construction would, however, reduce the conveyor noise by approximately 30 db. Additional support framing will be necessary for each elevated conveyor. These conveyor enclosures will have to be individually designed, with sufficient access panels to perform routine maintenance.

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

TABLE 3
 STATISTICAL NOISE LEVELS
 BEFORE AND AFTER MODIFICATIONS

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

(1) W/option 1 (lining)

(2) W/option 2 (enclosure)

Mr. William H. Young
July 16, 1979
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Two sources of noise, the air compressor and mobile log loaders, were omitted from our consultants report of May 7, 1979. These sources have subsequently been addressed by SJO. Their analysis and support documentation is attached for your reference.

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

Costs

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

Noise Abatement Schedule

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

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

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

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

(1) Assumes 920' of conveyors

(2) Assumes 300' of conveyors

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

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

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

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

By completing projects 1 through 5 and option 1 of project 6, our consultant is confident that the maximum technical violations of the night time noise standards would be 2, 1 and 5 db for the statistical L_1 , L_{10} , and L_{50} values respectively. As you are aware, a change of 3 db is barely noticable, with 5 db readily noticeable and 10 db sounding one-half as loud. The reductions realized by construction of projects 1-6 (option 1) would be, (see Table 3):

14 db from the present L_1 values
14 db from the present L_{10} values
11 db from the present L_{50} values

Overall, the noise from mill operations will be perceptibly half as loud as at present. Only in the L_{50} values would additional noise reduction be perceptible in achieving compliance with the night time standard.

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

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

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

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

Very truly yours,



The Murphy Company

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

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

JM
CT
File
Sample
Date

seton, johnson & odell, inc.

consulting engineers

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

September 25, 1979

RECEIVED
OCT 1 1979

Noise Pollution Control

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

cc: NPC
FM BOLTON
CBEC

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

Dear Mr. Young:

On behalf of the Murphy Company, we are requesting a variance from the noise pollution standards for the mobile diesel equipment that presently operates in the log yard at the Myrtle Point Mill.

The variance request is based upon the conditions set forth in OAR Chapter 340, Section 35-100, that a variance may be granted if strict compliance is "...unreasonable, unduly burdensome or impractical."

In Kevin Murphy's letter to you of July 16, 1979, he discussed, on page 5, retrofit modifications to the diesel mobile units. This statement was made based upon information we provided to Mr. Murphy on a local consulting firm which fabricates noise suppression kits for stationary and mobile equipment. Since July, we have been in contact with the Caterpillar factory, the manufacturers of the equipment used by the Murphy Company. Mr. Doyal Long of the Peoria, Illinois plant advised Tom Arnold of SJO, during a phone conversation on 9/14/79, that Caterpillar

- has a design goal of 85 dbA @ 50 feet for U.S. manufactured units;
- does not manufacture a retrofit exterior noise suppression kit;
- does not endorse retrofit modifications by independent consultants;
- does manufacture in France a unit that meets French environmental noise regulation (80 dbA @ 7 meters);

- does not manufacture the French design units in the U.S.

The three main sources of exterior noise on mobile diesel equipment are:

- exhaust noise
- engine and transmission casing radiated noise
- radiator fan noise.

Abatement of each noise source was necessary for Caterpillar units to comply with the French environmental noise regulations. Briefly, Mr. Long described the following differences between the French and U.S. assembled units.

<u>U.S.</u>	<u>French</u>
standard muffler	residential quality muffler
open engine compartment	engine enclosed with Louvered side panels which allow minimum necessary outside air circulation enclosed belly pan beneath unit
standard radiator and fan	oversized radiator and redesigned fan which revolves slower yet with wider blades to move more air
standard engine mounts	vibration isolated mounting for engine

The maximum ambient operating temperature for the U.S. unit is 110°F, while the French unit is restricted to 90°F.

Table I compares the noise levels of the two units operating at Myrtle Point with the U.S. and French design levels. For comparison purposes, all noise levels are normalized to 50 feet. Also shown is the maximum allowable noise level for compliance to daytime and nighttime DEQ noise regulations.

TABLE I.
dbA Noise Levels
Diesel Mobile Equipment

<u>Condition</u>	<u>Sound Level at 50'</u>
Caterpillar U.S. design	85
Caterpillar French design	74
Existing unit 966C	79-80
Existing unit 950	75
DEQ daytime standard*	72
DEQ nighttime standard*	67

*assumes closest distance to noise sensitive property of 200 feet.

Both of the units operating at the Myrtle Point mill are equipped with residential quality mufflers. These were installed in late 1976 or early 1977 at the start of the noise complaints. The table shows that both units are operating quieter than the present Caterpillar U.S. design goals. The table also shows that an additional 7 db reduction below that attainable by the French design (for new manufactured equipment) would be necessary for compliance with DEQ nighttime noise regulations. The cost to Caterpillar to develop the French design, according to Mr. Long, was two years of an engineering department's design work. This cost is recovered by charging French customers \$4,000 for the quiet design option.

The cost of modifications is not an issue in this variance request. The issue is whether or not it is practical or even feasible for DEQ noise regulations to be met by modifying the existing units or by purchasing new equipment.

Based upon the above information provided by Caterpillar, we request that a temporary variance for the existing mobile diesel equipment be granted to the Murphy Company. The temporary variance should extend through July 1, 1980. During this time, the Murphy Company will solicit additional opinions on compliance measures from other consultants, manufacturers and equipment dealers. To obtain information on new equipment, a request for bids on equipment specified to comply with the noise regulations will be let no later than November 1, 1979. The results of the engineering feasibility study and new equipment costs will be compiled and a report on the findings will be submitted to the Department by April 1, 1980. The Department's review of the study report will be used as a basis for recommending an extension or revoking the variance that expires on July 1, 1980.

Page 4
Mr. William H. Young

If the temporary variance is granted, the Murphy Company has agreed to implement the following interim controls on diesel log loader operation to mitigate the present noise impact:

1. Diesel powered log yard equipment shall operate within restricted areas of the log yard between 6 am and 8 am and 8 pm to 12:30 am. From 8 am to 8 pm the log loaders will operate on any part of the Murphy Company log yard.
2. The restricted area shall be the middle and west side of the Murphy Company property. The diesel loaders may not operate near (or a specified distance from) noise sensitive property on the north and east sides of the Murphy Company outside of the 8 am to 8 pm hours.
3. Any other administrative or operational controls that will minimize noise impact from the diesel equipment will be implemented voluntarily during this interim period by the Murphy Company.

I trust that the provided information is complete and that the variance request and conditions are acceptable to the Department.

If you have any questions, please call.

Yours very truly,



F. Glen Odell, P.E.

FGO:dmr

Attachment 3
Agenda Item L
June 20, 1980
EQC Meeting

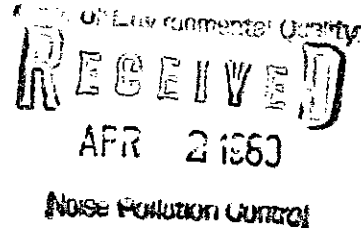
62W
PBM
FILE
MURPHY Co
MYRTLE Pt
Coos Co.

seton, johnson & odell, inc.

consulting engineers

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

March 27, 1980



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

Re: Murphy Veneer - Myrtle Point

Dear Mr. Young:

As required by the "Stipulation and Final Order" approved by the EQC on November 16, 1979, we have prepared the following summary on the state-of-the-art for mobile equipment noise control. This summary is to serve to satisfy the conditions within the "Stipulated Order" which required the Murphy Company to submit to the DEQ by April 1, 1980 a report on availability of new equipment to meet the DEQ noise regulations, the feasibility of retrofitting existing units and cost involved.

Attached are the supportive information documents for this summary. Exhibit 1 is a copy of the information request letter which was sent to eight individual equipment manufacturers. Exhibit 2 is a copy of the mailing list. Exhibit 3 contains copies of the four responses received to date. Responses were only solicited from manufactures of equipment similar to the Murphy equipment, Table 1 summarizes the manufacturer's responses to our questions.

Of the responses received, we feel the Caterpillar Company's is the most complete. The complexity, cost, and feasibility of providing exterior noise reduction to mobile diesel equipment has been specifically addressed by both Caterpillar and Ford. Their successes, 74-78 dbA at 50 feet, fall short of the DEQ criteria for legal operation on the Murphy property, or at any other log yard where residential "noise sensitive" property is within 200 to 400 feet of the normal operating area for the equipment.

Mr. William H. Young, Director
March 27, 1980
Page -2-

We feel that within the governing operating conditions of the units, (environmental, terrain and service) and existing and proposed design operating noise levels, the information provided by the manufacturers is supportive of the noise variance granted to The Murphy Company.

Also, based upon the manufacturer's response, we feel that the engineering exercise required to provide individual exterior noise suppression modifications to the existing units would be prohibitively costly (\$9,500 to \$18,500) with a high potential for failure.

On July 11, 1977 the Environmental Protection Agency proposed noise emission standards for dual wheel and crawler tractors. These proposed regulations are referenced in the response by GM. The following table lists the proposed EPA regulations, the DEQ motor vehicle standards and maximum allowable noise level for operation of log-loaders on The Murphy property under the DEQ industrial noise regulations.

dba Noise Levels

Diesel Mobile Equipment

<u>Condition</u>	<u>Maximum Allowable</u> <u>Sound Level at 50'</u>		
	Present	1981	1984
EPA proposed regulations (1) wheel loaders (20-249 hp.)	--	79	76
DEQ motor vehicle regulations (2) trucks in excess of 8,000 lbs. GVWR	85	82	--
DEQ industrial noise regulations (3) daytime standard	72 (4)	--	--
nighttime standard	67 (4)	--	--

- 1) EPA proposed noise emission standards for dual wheel and crawler tractors, July 11, 1977.
- 2) Oregon Administrative Rules, 340-35-030, Table 2
- 3) Oregon Administrative Rules, 340-35-035, Table 7

Mr. William H. Young, Director
March 27, 1980
Page -3-

- 4) Assumes closest distance to noise sensitive property of 200 feet.

For mobile diesel equipment, the proposed EPA noise regulations are based upon data collected from three sources: submittals from manufacturers, field measurements and an EPA sponsored testing program. Wheel loaders with engine power between 20 and 249 horsepower were identified to have an average maximum stationary sound level of 81.5 dbA. The EPA proposed regulations are based upon their estimation that a 5 dbA average noise reduction is achievable by application of best available technology.

The proposed EPA noise regulations are more restrictive than the DEQ motor vehicle regulations but more lenient than that required by the DEQ industrial noise regulations.

Now may be the time for Oregon to further refine its environmental noise regulations and specifically address mobile diesel equipment. The noise violation condition which exists in Myrtle Point is traceable to historical land development which has encouraged residential growth up to property lines of industries located within the city limits. This type of development is not uncommon and not peculiar to Myrtle Point.

On behalf of our client, we recommend that the DEQ identify and adopt one of the following options.

- Option 1 - Vocalize to the equipment manufacturing industry and EPA its intention to enforce Oregon industrial noise regulation limits on on-site operating mobile diesel equipment.
- Option 2 - Adopt specific maximum noise emission levels for industrial mobile diesel equipment, such as the proposed EPA regulations.
- Option 3 - Exempt mobile diesel equipment from the industrial noise regulations and regulate the equipment under the present DEQ on and off road motor vehicle regulations.

Mr. William H. Young, Director
March 27, 1980
Page -4-

Any one of these options would present a clear position for all Oregon firms which utilize on-site mobile diesel equipment, enabling them to require equipment manufacturers to provide a unit which is legal to operate within the state. Of the three alternatives we believe Option 2, adoption of specific noise rules for mobile diesel equipment, is preferable.

We recommend that the log loaders at the Murphy Plant be allowed to operate under the administrative controls presently enforced until new units are purchased for replacement at the end of the machinery's useful life. The Murphy Company will purchase at that time new equipment specifically designed for use in a log yard. This equipment will be fitted with the best available noise abatement control options offered by the manufacturer.

We feel the DEQ should move now to define for the manufacturer of mobile diesel equipment the exterior noise levels which their units must meet to be marketed in Oregon.

Yours very truly,



F. Glen Odell, P.E.

FGO/cyn

TABLE 1

SUMMARY OF MANUFACTURERS RESPONSE

QUESTION	RESPONSE			
	CATERPILLAR	FORD	PETTIBONE	GM
1. Active exterior noise abatement program.	yes	yes	N.R. (a)	yes
2. Base line criteria levels.	yes	yes	yes	no
Unit size 966c	85	79	89	
Unit size 950	83	N.R.	82	
3. Retrofit kits available	no	no	N.R.	no
Potential noise reduction	7-9 (b)	5 (c)		
4. Possible to manufacture unit to DEQ compliance	no	N.R.	yes	no
5. Performance restrictions	Cooling, fire hazard maintenance, operating cost.	Unknown	N.R.	N.R.
6. Cost to consumer	if available	Unknown	N.R.	N.R.
New unit	+ 12-16%			
Retrofit				

(a) NR - no response provided to question.

(b) Potential noise reduction if "French package" parts adapted to in use units, probable sound level 76-78 dbA @ 50 feet.

(c) Noise reduction attainable by installing noise suppression package available for French market (not available for North American market).

EXHIBIT 1

seton, johnson & odell, inc.
consulting engineers

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

December 17, 1979

Pettibone Michigan Corp.
P.O. Box 368
Banaga, Michigan 49908

Attention: Raymond E. McDonald

Gentlemen:

Seton, Johnson and Odell, Inc. is a multi-disciplinary engineering firm offering noise abatement and control as one of the environmental engineering services available to clients. We have been working with the Murphy Company to resolve environmental noise problems at that company's veneer mill in Myrtle Point, Oregon. The noise problem now centers around on-site mobile diesel equipment. I am asking for your assistance in providing information on exterior noise levels from mobile diesel equipment which your firm manufactures. The following text briefly describes the history and purpose for this request.

The Oregon State Department of Environmental Quality (DEQ) cited the mill operations on February 6, 1979 as being in violation of environmental noise regulations. Mobile diesel equipment (Caterpillar log loaders) are identified as one of the major noise sources. Mobile diesel equipment used on-site is not exempt from DEQ regulations. We have completed our analysis on stationary noise sources, and feel that the noise emissions from these sources will be brought into compliance with DEQ regulations. Excessive noise emissions from the mobile diesel equipment, however, remains as an unresolved problem.

As stated, two Caterpillar units presently operate in the mill yard. The units are model styles 966C and 950. Each of these units are stock except that they were fitted with Caterpillar "residential" quality mufflers. Photographs of these units and product specification for new model 966C and 950 units are attached. The following table lists the measured noise levels of these units in relation to present design noise levels obtained from Caterpillar and maximum allowable noise levels to comply with environmental regulations.

Table 1
dbA Noise Levels
Diesel Mobile Equipment

<u>Condition</u>	<u>Sound Level at 50'</u>
Caterpillar U.S. design	85
Existing unit 966C ¹	79-80 ²
Existing unit 950 ¹	75 ²
DEQ daytime standard ³	72
DEQ night time standard ³	67

- ¹ Equipped w/residential muffler, stock engine side covers and turbocharged.
- ² Stationary maximum noise level, measured in accordance with ASA standard 3-1975. (A copy of this test procedure is attached)
- ³ Assumes lowest allowable operating distance to noise sensitive property of 200 feet.

The state of Oregon has granted our client a variance from the noise regulations for the log loaders until July 1, 1980. (Copies of pertinent sections of the noise regulations are attached) The variance was granted, permitting operation of the units, contingent upon the Murphy Company providing to the DEQ a feasibility study to determine if noise abatement to mobile equipment is practical to the degree necessary to comply with DEQ noise regulations.

One aspect of the feasibility study is to survey manufacturers of mobile diesel equipment to establish the present industry, state-of-the-art for exterior (environmental) noise control. To that end, we need to know from your firm:

- do you pursue an active engineering program for abatement of exterior noise?
- are baseline criteria established for your units for exterior noise, and if so, what are the levels?
- are retro-fit exterior noise suppression kits available for your mobile equipment, if so, what are the possible noise reductions?
- does or could your firm presently manufacture a "quiet" diesel log loader which would comply with the DEQ standard values listed in Table 1?

Page -3-
December 17, 1979

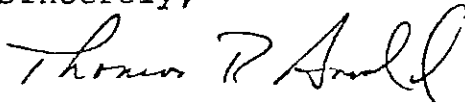
- what operating/performance restrictions, if any, would be placed on the "quiet unit"?
- what is the cost to the consumer associated with your firm producing a "quiet" diesel log loader, i.e. percent increase above a standard unit?

-----> By April 1, 1980 we are to prepare, for our client, a report to the DEQ based upon the responses received. We feel the agency will be using this report as a basis for deciding the applicability of the noise regulations for uniform enforcement upon on-site mobile diesel equipment.

Meanwhile, our client is actively seeking a solution to his mobile equipment noise problem, and is prepared to replace his present units with comparable new quiet units. Our client will be using the information returned to us by your firm to base any new purchase decisions on.

I appreciate your attention to the above requests and am looking forward to your prompt response.

Sincerely,



Thomas R. Arnold
Chief Acoustical Engineer

TRA/ecp
Enclosures

EXHIBIT 2

MAILING LIST

Letters sent to:

	<u>Address</u>	<u>Equipment</u>
1)	Hessel Tractor and Equipment 1425 N.E. Columbia Blvd. Portland, OR 97211 Attention: Ed Fielder	John Deere
2)	Trail Equipment Company P.O. Box 20127 Portland, OR 97220 Attention: Jerry Smith	KOMATSU/Ford
3)	Howard Cooper Corporation 8501 N.E. Killingsworth Portland, OR 97220 Attention: Al Rust	International Harvester
4)	Pettibone Michigan Corporation P.O. Box 368 Banaga, Michigan 49908 Attention: Raymond E. McDonald	Pettibone
5)	Barco Hydraulics P.O. Box 6227 Duluth, MN 55806	Barco
6)	Terex Route 91 Hudson, OH 44236 Attention: Jerry Beddle Sales	Terex/GM
7)	Mr. H.J. Hoffman U.S.C.D. Western Service Div. AB1C Caterpillar Tractor Company 100 N.E. Adams Peoria, IL 61629	Caterpillar

EXHIBIT 3
MANUFACTURERS RESPONSE

RECEIVED

DEC 31 1979

Pettibone Michigan Corporation

P.O. BOX 368 • BARAGA, MICHIGAN 49908 • TELEPHONE: A/C 906-353-6611



December 28, 1979

Seton, Johnson and Odell, Inc.
317 S.W. Alder St.
Portland, Oregon 97204

Attn: Thomas R. Arnold
Chief Acoustical Engineer

Sir:

In regards to your letter of December 17, 1979 to Ray McDonald pertaining to noise levels at the Murphy Co. and their Caterpillar machines.

I am in charge of taking noise surveys on our Pettibone machines and submit the following figures:

(Sound level at 50')

10,000 lb class - Super 10 Cary-Lift	DBa 83
15,000 lb class - Super 15 Cary-Lift	DBa 82
20,000 lb class - Super 20 Cary-Lift	DBa 82 -
30,000 lb class - Super 30 Cary-Lift	DBa 89 -

The above units were equipped with stock mufflers when surveyed.

No baseline criteria has been established for our machines. Certain noise abating methods are available for our units, ie; Residential mufflers; insulated engine side panels; isolated cabs, transmissions, engines & etc.

I feel that our firm could manufacture a unit that would comply with DEQ standards listed in table 1.

Sincerely,

Robert Keippela
Noise survey coordinator

Encl: Specification sheets on above machines



CATERPILLAR TRACTOR CO.

Peoria, Illinois 61629

January 9, 1980

RECEIVED

JAN 14 1980

Thomas R. Arnold, Chief Acoustical Engineer
SETON, JOHNSON & ODELL, INC.
317 S.W. Alder Street
Portland, OR 97204

Dear Mr. Arnold:

This is in reference to your letter of December 20 and our telephone conversation of January 7 regarding exterior noise levels of our 966C and 950 Wheel Loaders. As mentioned to you on the phone, we think you have done an excellent job in treating the two machines which you currently have on hand. From an engineering standpoint, we know that additional treatment can probably be added, but only at considerable expense and reduction in machine performance. We believe that many of the regulations existing throughout the country greatly exceed the current state of the art. Answers to the specific questions you ask are as follows:

-- Yes, we do have an active, ongoing engineering program for abatement of exterior noise. We have been working on this for a number of years, and exterior noise levels on our products have gradually been going down over the past few years.

-- Baseline data on the standard 950 and 966C measured in accordance with SAE J88a as an average of 4 production units is as follows:

	<u>966C</u>	<u>950</u>
HI	85.1 ± 1.9	82.3 ± .3
IMI	87.9 ± .7	82.6 ± .4
HC	86.3 ± 1.7	82.6 ± .5

Our corporate goal for newly-designed product measured in accordance with J88a at 50' is 85 dB(A) for the 966C and 82 dB(A) for the 950.

-- In general, no retrofit packages are available. However, depending on serial number and age, some of the parts from the "French package" could probably be adapted to "in use" 966C and/or 950, though with some difficulty.

Probable sound level--HI @ 50'--in range of 76--78 dB(A) with complete French package installed on "old" machine.

Thomas R. Arnold

- 2 -

January 9, 1980

- No "quiet" package for exterior presently available in U.S. European source could achieve level of approximately 76 dB(A)--HI @ 50'. This is substantially higher than the 67-72 dB(A) range DEQ wants. Practicality of achieving DEQ level is extremely questionable.
- Any vehicle with exterior sound treatment suffers "some" operating performance and serviceability compromises. Enclosures of this type (a) restrict cooling capability, (b) increase fire hazard, (c) discourage proper maintenance of fluid levels and filters, (d) add time and cost to maintenance or repair, etc. The two machines being discussed would have extreme difficulty during the high ambient temperatures which the state of Oregon encounters during the summertime.
- Cost of French package is approximately 4% of machine price for 950 and 966C when factory installed.

European 950 w/bucket \$115,250--French package \$4,730 (4.1%)

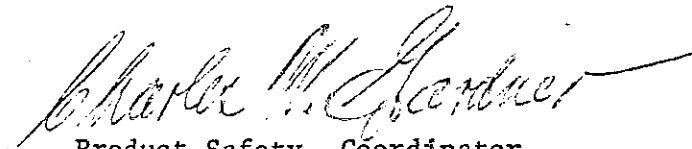
European 966C w/bucket \$78,910--French package \$3,400 (4.3%)

Cost to achieve DEQ levels would be much more than this--estimated range 12-16% or more.

Cost of operation and maintenance would also be higher--hard to estimate how much.

I hope this provides satisfactory answers to your questions. If you need any additional information or wish to discuss this further, please feel free to contact me.

Very truly yours,



Product Safety Coordinator
Product Division

CWGardner
AB2C - Ph: (309)675-4920
cjh

JAN 31 1980



Environmental Activities Staff
General Motors Corporation
General Motors Technical Center
Warren, Michigan 48090

January 28, 1980

Mr. Thomas R. Arnold
Seton, Johnson & Odell, Inc.
317 S.W. Alder Street
Portland, OR 97204

Dear Mr. Arnold:

We have received your inquiry dated December 17, 1979, directed to TEREX Division of General Motors, concerning sound levels of log loading equipment. Your letter asks specific questions which are answered as follows:

1. Q. Do you pursue an active engineering program for abatement of exterior noise?
A. Yes
2. Q. Are baseline criteria established for your units for exterior noise, and if so, what are the levels?
A. The U.S. EPA has proposed noise regulation of loaders such as are being evaluated by Seton, Johnson & Odell. The level of regulation proposed for wheeled loaders in the 20 to 249 HP class was initially 79 dB with a reduction to 76 dB at a later date. The reaction of interested parties to this proposal is still being evaluated by EPA. Regulations have not yet been promulgated. When regulations are promulgated they will become the national standard for this class of equipment. Please note that the level of regulation proposed by EPA does not comply with the DEQ standard values listed in Table 1 of your inquiry.
3. Q. Are retrofit exterior noise suppression kits available for your mobile equipment, if so, what are the possible noise reductions?
A. No
4. Q. Does or could your firm presently manufacture a "quiet" diesel log loader which would comply with the DEQ standard values listed in Table 1?
A. No

We hope the above information will be satisfactory for purposes of your study.

Sincerely,

Bruce J. Greig
Staff Noise Control Engineer
Product Noise Control

BJG/km1



TRAIL Equipment Company

5440 N. E. Columbia Boulevard
Portland, Oregon 97220

P.O. Box 20127
(503) 288-8311

4227 West Fifth
Eugene, Oregon 97440

P.O. Box 10246
(503) 482-2151

RECEIVED
FEB 22 1980

February 22, 1980

Mr. Arnold
SETON, JOHNSON & ODELL, INC.
317 S. W. Alder
Portland, Oregon 97204

Mr. Arnold:

We are enclosing a letter from Ford Tractor Operations which I hope answers some of the questions you asked in your letter of December 17, 1979.

If there is any way we can be of further assistance, please do not hesitate to call on us.

Very truly yours,

TRAIL EQUIPMENT COMPANY

Faye Macpherson, Secretary to M. G. Smith, President

M/

Enclosure



Ford Tractor Operations
Ford Motor Company

2500 East Maple Road
Troy, Michigan 48084

FEB 20 1980

February 14, 1980

Mr. M. G. Smith, President
Trail Equipment Company
P.O. Box 20127
Portland, Oregon 97220

Dear Mr. Smith:

Your December 21, 1979 letter to Mr. D. F. Peters regarding noise control was referred to me. I, in turn, am responding directly to you.

Mr. Arnold's December 17, 1979 letter is certainly extensive. The answers to the questions asked, may not be entirely satisfactory, nevertheless, they are the best that we have at this time. Questions and answers follow:

- Q. Do you pursue an active engineering program for abatement of exterior noise?
- A. Yes.
- Q. Are baseline criteria established for your units for exterior noise, and if so, what are the levels?
- A. Ford A-66 = 79 dbA based on an average of four microphones at 15 M and at wide open throttle during stationary test.
- Q. Are retro-fit exterior noise suppression kits available for your mobile equipment, if so, what are the possible noise reductions?
- A. A retro-fit kit is not available in the North American market. However, wheel loaders produced for the French market are equipped with a noise suppression package which provides a 74 dbA noise level for the Ford A-66 under the same conditions as shown above.
- Q. Does or could your firm presently manufacture a "quiet" diesel log loader which would comply with the DEQ standard values listed in Table I?
- A. It is not clear to us what, if any, the DEQ duty cycle requirements are.

Q. What operating/performance restrictions, if any, would be placed on the "quiet unit?"

A. The French noise control package was not designed for and has not been tested in North American climatic conditions. Therefore, operating restrictions, if any, have not been evaluated.

Q. What is the cost to the consumer associated with your firm producing a "quiet diesel" log loader, i.e. percent increase above a standard unit.

A. Wheel loaders for the French market (as well as other overseas markets) are produced in France, while machines for the North American market are produced in Romeo, Michigan.

Additionally, as stated above, the specific content of a noise control package compatible with North American climatic conditions has not been developed. For these reasons, North American costs have not been developed.

Hope the above helps.

If you need additional information, please let me know.

Sincerely,



David E. Cheklich, Manager
Industrial Product Sales

DEC/jp

cc: D. F. Peters
D. Johnson
(WL-H)

April 15, 1980

I am asking for your assistance in providing information on reduction of exterior noise levels from mobile diesel equipment. The following text briefly describes the history and purpose of this request.

The DEQ cited a southern Oregon lumber mill's operations for noise violations in 1979. The mill has worked on noise reduction of most of the major noise sources. However, noise reduction work on two Caterpillar log loaders has not been done except for two "residential" mufflers. DEQ industrial regulations apply to these units which are used exclusively on site. Therefore, the noise from these units remains an unresolved problem.

The two caterpillar units presently operate in the mill yard about 200 feet from residences. The units are Cat models 966C and 950. As stated, each is stock except they both are fitted with Caterpillar "residential" mufflers. Photographs of these units and product specifications for new model 966C and 950 units are attached. The following table lists the measured noise levels of these units in relation to present design noise levels obtained from Caterpillar and maximum allowable noise levels to comply with environmental regulations.

dba Noise Levels
Diesel Mobile Equipment

<u>Condition</u>	<u>Sound Level at 50'</u>
Caterpillar U.S. design	85
Existing unit 966C ¹	79-80
Existing unit 950 ¹	75-2
DEQ daytime standard ³	72
DEQ nighttime standard ³	67

¹ Equipped w/ residential muffler, stock engine side covers and turbocharged.

² Stationary maximum noise level, measured in accordance with ASA standard 3-1975.

³ Assumes nearest allowable operating distance to noise sensitive property of 200 feet.

Page 2
April 15, 1980

A variance was granted permitting operation of the log loaders, contingent upon the mill and their consultant providing DEQ with a feasibility study to determine if noise abatement to mobile diesel equipment is practical to the degree necessary to comply with DEQ noise regulations.

One aspect of the feasibility study was to survey diesel equipment manufacturers to establish present state-of-the-art for exterior noise control on a production line vehicle. This was accomplished. Another aspect of the study was to establish the additional noise reduction that could be attained by after market application of noise controls to either in-use or newly purchased log loaders. This mill did not contact any local contractors. To that end, we ask the following questions:

1. Do you pursue an active engineering program for the abatement of exterior noise?
2. Are retro-fit exterior noise suppression kits available for the Caterpillar 966C and 950? If so, what are the possible noise reductions?
3. Are retro-fit exterior noise suppression applications available for similar types of new log loader equipment? If so, what are the possible noise reductions?
4. Could your firm presently modify these diesel log loaders to comply with the noise level specified to meet DEQ limits listed in the table?
5. What operating/performance restrictions, if any, would be placed on the modified unit?
6. What would be the cost to modify the new and/or in-use unit to be in compliance with DEQ daytime requirements and DEQ nighttime limits (as in the table)?

The Department will be discussing these issues with the mill during June, 1980. We would appreciate receiving your response by May 15, 1980. Please use the self-addressed stamped envelope that is enclosed for your response. Thank you for your assistance.

Sincerely,

Gerald T. Wilson
Noise Program Operations Specialist
Noise Pollution Control

GTW:pw
Enclosures

cc: Regional Operations, DEQ
Coos Bay Branch Office, DEQ

Tigard Industrial Park
9908 S.W. Tigard Street
Tigard Oregon 97223
(503) 639-4192

April 16, 1980

Mr. Gerald T. Wilson
Noise Program Operations Specialist
Noise Pollution Control
Department of Environmental Quality
P. O. Box 1760
Portland, Oregon 97207

~~J.H.A.~~
~~E.T.~~
~~P.H.~~
FILE
MURPHY Co
COOS Co

Dear Mr. Wilson:

Re: Your letter of 4/15/80

Barrier Corporation is heavily involved in the abatement of exterior noise emissions of various pieces of mobile and stationary equipment. To this end, our work has been generally done in conjunction with original equipment manufacturers where we are hired to determine source contribution, design feasible controls, and install the controls on the vehicle. This work is specialized in that each vehicle has different problems and different feasible controls. We design these controls only where we have a purchase order to cover costs.

We do not presently have a design for a CAT 966C or CAT 950. However, we have installed various commercially available treatments on similar equipment such as intake silencers, exhaust treatments, fan ducts, fan modifications, transmission lagging etc., which would most likely be of benefit.

We are currently involved in a very extensive program where we have designed feasible controls for a similar piece of equipment and in the eyes of the Mining Safety and Health Administration (and others), have essentially established the "state of the art" for equipment of this type.

We could not say exactly what treatments are feasible or necessary in this case because we lack specific information as to the rank order and relative level of sources. However, if this data were available, some reasonable prediction could be made as to the possible reductions that might be achieved and the approximate cost of the treatments required.

Thank you for your inquiry.

Best regards,
BARRIER CORPORATION

James C Moore
James C. Moore
Vice President
JCM:nd

DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
APR 21 1980
Noise Pollution Control

JTH/VA
STH
PAK
File
MURPHY Co
COOS Co

MICHAEL C. KAYE
2166 N.W. Flanders Street
Portland, Oregon 97210

April 22, 1980

Gerald T. Wilson
Department of Environmental Quality
PO Box 1760
Portland, Oregon 97207

Dear Gerry:

This is in answer to your letter of April 15 regarding prospects for retrofit noise treatment of log loaders.

Question 1:

Do I pursue an active engineering program for the abatement of exterior noise?

For the past 2 years, I have been providing engineering services to Tri-Met on an UMTA-funded project to develop a retrofit noise treatment for contemporary in-service diesel transit buses. With the thermally automatic fan drive in "normal" mode, we have reduced the average of right and left side EPA 50-foot ratings from 79½ dBA to 75½ dBA. We have demonstrated that an acoustically effective floor to the engine compartment can reduce the noise level by another 3 dBA. The test bus is powered by a 220 hp 8-cylinder 2-stroke cycle turbo-charged vee engine. It has been in service since September, 1979, without any compromise to performance or cost of operation being found.

From 1972 to 1975, I managed a DOT-funded project for Freightliner Corporation to determine the techniques and economics for noise control of factory-built diesel highway trucks. We demonstrated a treatment which gave a 72 dBA EPA rating. This truck was powered by a 350 hp 6-cylinder 4-stroke cycle turbo-charged in-line diesel engine, similar to, but larger than the engines in the subject log loaders. The cooling system capacity was not up to engine manufacturer standard, but the truck operated successfully for 2 years in revenue service before being retired.

Questions 2 and 3:

Are retro-fit exterior noise suppression kits available for the Caterpillar 966C and 950? Or, for similar types of new log loaders? If so, what are the possible noise reductions?

I do not know. I doubt it. I think there is insufficient market demand to justify engineering and tooling investments with competitive expected returns.

Question 4:

Could I presently modify these diesel log loaders to comply with the noise level specified to meet DEQ limits listed in the table?

RECEIVED
APR 30 1980

DEPT. OF ENVIRONMENTAL QUALITY

I don't have enough information to answer with certainty how much I could reduce the noise of these log loaders. However, my opinion is that, within practical limits, the DEQ daytime standard could be met and the nighttime standard could not be met. Were I to attempt this project, I would set these goals for myself which I believe are attainable:

Source	<u>L₁₀</u> at 50 feet - dBA
Engine	65
Fan	65
Exhaust	64
All else	60
Total	70

Question 5:

What operating/performance restrictions, if any, would be placed on the modified unit?

Again, there is not enough information to answer with certainty, but my opinion is:

- a. There would be more structure (housings, baffles) showing around the engine compartment, making the overall width and length of that part of the vehicle wider and longer by about a foot. This would have moderate maleffects on manueverability and maintenance access.
- b. Cooling system capacity would be reduced. The effect would be more frequent servicing (cleaning of the air side of the radiator core) to avoid overheating.

Question 6:

What would be the cost to modify the new and/or in-use unit to be in compliance with DEQ daytime requirements and DEQ nighttime limits?

This is really hard to answer without at least knowing the source levels. But, if I had to guess, I'd say:

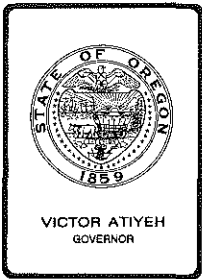
- a. To make some quick fixes without any engineering study or tests that would probably reduce noise by 3 dBA.....\$1,500
 - b. To meet the DEQ daytime standard*.....\$7,000
 - c. To meet the DEQ nighttime standard*.....\$20,000
- *includes engineering work

These estimates are mostly for the necessary engineering tests and studies. The actual hardware isn't too expensive until one gets into major vehicle alterations to more completely enclose the engine while maintaining minimal cooling capacity.

One would begin with a initial survey of source levels and performance parameters costing about \$2,000.

Sincerely,

Michael C. Kays



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. M, June 20, 1980, EQC Meeting

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

Background

On three occasions the EQC has granted variances to Lake County to continue open burning at seven rural solid waste disposal sites. Agenda Item No. J(2), April 27, 1979; Agenda Item No. H(1), June 29, 1979; and Agenda Item No. H, September 21, 1979, are attached for reference.

Discussion

Department staff met with the Lake County Commission on March 5, 1980, to discuss the issues involved with continued open burning at the rural sites. At that time the Lake County Commission asked that the City of Paisley site be considered separately because the city owns and operates the site independent of county control.

As a result of the meeting, Lake County has submitted a letter (copy attached) requesting continuation of the variances on Plush and Adel for five years and Summer Lake, Silver Lake, Fort Rock, and Christmas Valley for two years. County rationale for requesting the two-year variance on the four sites is based on prohibitive costs, (\$199,000 capital and \$67,000 operational vs. present \$23,000), rural location of the sites, and lack of citizen concerns over the present program. No projections for upgrading the sites at the end of the two-year period were provided.

Alternatives and Evaluation

Alternatives were discussed in the April 27, 1979, staff report. Basically, they are: 1) deny the variance requests; and 2) approve the variance requests for an indefinite period. An additional alternative



Contains
Recycled
Materials

would be to approve the present request with a requirement that during the two-year period plans for upgrading would be developed by the county.

With the past history of negotiations with Lake County, it is staff opinion that should the two-year variance be granted without conditions, Lake County would return with a request for variance extension at the end of that time without having planned for any significant site upgrading.

In any case, if variances are granted, all the sites would be placed on the RCRA open dump list with a maximum of five years to close or upgrade.

This compliance schedule could be altered to require upgrading of the four sites at the end of the two-year variance. The schedule would become part of the State Plan submitted to EPA as a RCRA requirement. Progress reports outlining efforts toward upgrading could be required at the end of the first year and quarterly during the second year to assure efforts toward compliance. As was noted in the previous staff reports, strict compliance at this time would result in probable closure of the disposal sites with no alternative facility or method of solid waste disposal available.

Staff concurs with the request for a five-year variance on Plush and Adel.

Summation

1. As the variance request indicates, staff has been unable to negotiate a schedule for upgrading the existing open burning dumps. Lake County continues to cite high costs, rural location, and public support of the present system.
2. The county has requested a five-year variance for Plush and Adel and a two-year variance for Silver Lake, Summer Lake, Fort Rock, and Christmas Valley.
3. No solution for upgrading the sites has been submitted. If a variance is granted, the county should be required to submit progress reports leading to submission of a plan for upgrading the sites.
4. All open burning dumps must be placed on the RCRA open dump list with a negotiated compliance schedule not to exceed five years.
5. Strict compliance at this time would result in probable closure of the disposal sites with no alternative facility or method of solid waste disposal available.

Directors Recommendation

Based upon the findings in the summation, it is recommended that the Environmental Quality Commission grant an extension of variances to OAR

340-61-040(2)(c) until July 1, 1985, for Plush and Adel, and until July 1, 1982, for Silver Lake, Summer Lake, Fort Rock, and Christmas Valley subject to the following:

1. Progress reports toward upgrading of Silver Lake, Summer Lake, Fort Rock, and Christmas Valley be submitted by July 1, October 1, and December 1, 1981, and February 1 and April 1, 1982.
2. The six sites be listed on the RCRA open dump list with compliance dates consistent with expiration of the variances.



WILLIAM H. YOUNG

- Attachments:
1. Agenda Item H
 2. Agenda Item J(2)
 3. Agenda Item H(1)
 4. Letter from Lake County Counsel

Bob Brown:np
229-5157
June 4, 1980
SN2 (1)

Environmental Quality Commission

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

Victor Atiyeh
Governor

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. H, September 21, 1979; EQC Meeting

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

Background

At the April 27, 1979, EQC meeting, variances to continue open burning until July 1, 1979, at seven rural solid waste disposal sites were granted by the Commission (Agenda Item No. J(2) attached). At the June 29, 1979, EQC meeting staff presented a request to extend the variances until October 1, 1979, to allow for negotiations with the County by staff (Agenda Item No. H(1) attached).

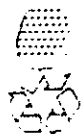
Discussion

Department staff met with Lake County on August 15, 1979, to determine a time schedule for submission of information, including cost data, to support continued variances or development of a proposed plan for site upgrading. During the meeting, March 1, 1980, was discussed as a date for submission of tentative costs and schedules with the variances to expire on July 1, 1980, (to coincide with the new budget year).

As a result of the meeting, the Lake County Counsel has submitted a letter request for continuation of the variances to July 1, 1980, to allow for preparation of accurate cost estimates and possible changes in the city of Paisley and Lake County budgets. Preliminary cost estimates were also included (letter and cost estimates attached).

Alternatives and Evaluation

Alternatives were discussed in the April 27, 1979, staff report.



Summation

1. The Environmental Quality Commission on April 27, 1979, granted a variance to OAR 340-61-040(2)(c) to allow open burning of garbage at seven rural Lake County disposal sites. The Commission extended the variance on June 29, 1979, to expire October 1, 1979. This extension was granted to allow time for staff to negotiate with Lake County.
2. Department staff met with Lake County to determine a schedule for submission of cost and other related information.
3. Lake County has submitted a request for extension of variances to July 1, 1980. This coincides with the budget process for both the city of Paisley and Lake County. The request included some preliminary cost information.
4. The Department concurs with the Lake County request. Extension of the variance will provide time for development of accurate cost estimates (for submission to the Department by March 1, 1980) and will allow for reasonable increases in budgets for solid waste disposal to start in a new budget year.
5. Strict compliance at this time would result in probable closure of the disposal sites with no alternative facility or method of solid waste disposal available.

Directors Recommendation

Based upon the findings in the Summation, it is recommended that the Environmental Quality Commission grant an extension of variances to OAR 340-61-040(2)(c) until July 1, 1980, for Plush, Adel, Paisley, Summer Lake, Silver Lake, Fort Rock, and Christmas Valley subject to the following:

1. Prior to March 1, 1980, a schedule for upgrading the sites to landfills with no further burning, or cost figures which justify continued variances, be submitted to the Department for review.
2. Staff shall return to the June, 1980, Commission meeting with a recommendation regarding the Lake County solid waste program.


Bill

WILLIAM H. YOUNG

Bob Brown:n
229-5157
September 6, 1979
Attachments:

1. Agenda Item J(2)
2. Agenda Item H (1)
3. Letter from Lake County Counsel

SN8174.2



Environmental Quality Commission

POST OFFICE BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5666

MEMORANDUM

To: Environmental Quality Commission

From: Director

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

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

Background

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

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

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

Discussion

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

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

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

Possible Alternatives and Expected Consequences

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

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

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

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

C. Approve the variance until July 1, 1979.

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

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

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

D. Approve the variance until July 1, 1980.

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

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

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

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

Summation


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

Director's Recommendation

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

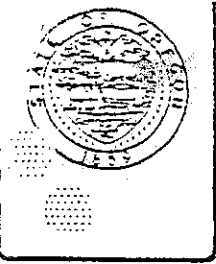
The City of Paisley and Lake County be required to submit evidence to the Department to justify a variance past July 1, 1979.

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


WILLIAM H. YOUNG

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

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



Environmental Quality Commission

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

To: Environmental Quality Commission
From: Director
Subject: Agenda Item H(1), June 29, 1979, EQC Meeting

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

Background

At the April 27, 1979 EQC meeting, staff presented variance requests from Lake County and the City of Paisley (Agenda Item No. J(2) attached) to allow for continued open burning at seven rural solid waste disposal sites. At that time staff was directed to meet with Lake County and the City of Paisley and request information to support a variance past July 1, 1979.

Discussion

Department staff met with Lake County and the City of Paisley on June 6, 1979 to request further information to support the variance extension. Possible phasing to upgrade the larger sites first (Paisley - Christmas Valley - Silver Lake and Summer Lake during hunting season) was discussed. In response to the meeting, the Lake County attorney has written to request attendance at an EQC meeting to present Lake County's position regarding open burning (copy attached). No information to support a continued variance was submitted.

Lake County and the City of Paisley have been notified of the location of the June 29, 1979 meeting and have been invited to attend.

Possible Alternatives and Expected Consequences

Alternatives were discussed in the April 27, 1979 staff report.

Summation

1. The City of Paisley and Lake County routinely open burn garbage at rural disposal sites in Lake County.
2. The Environmental Quality Commission, on April 27, 1979, granted a variance to OAR 340-61-040(2)(c) to allow open burning of garbage. The variance expires July 1, 1979.

- 2-
3. Department staff has contacted Lake County and the City of Paisley to request information in support of a continued variance.
 4. Lake County and the City of Paisley have requested a meeting with the Environmental Quality Commission to present their position and have been notified of the June 29, 1979 meeting.
 5. Adequate evidence to support an extended variance has not been received by the Department.
 6. Strict compliance at this time would result in probable closure of the disposal sites with no alternative facility or method of solid waste disposal available.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Environmental Quality Commission not grant an extension of the variance until such time as adequate justification for granting of a variance is received.

Bill

WILLIAM H. YOUNG

Robert L. Brown:dro

229-5157

6/14/79

Attachments (2)

1. Agenda Item No. J(2), 4/27/79 EQC Meeting
2. Letter from Lake County attorney

Agenda Item H-1
June 29, 1979 EQC Meeting

Amended Director's Recommendation

Based on the summary and recent contacts with Lake County, it is the Director's recommendation that:

An extension of the variance to rules prohibiting open burning dumps at Paisley, Fort Rock, Christmas Valley, Silver Lake, Summer Lake, Plush and Adel, OAR 340-61-040 (2)(c), be granted to October 1, 1979, and that the Commission urge Lake County and the City of Paisley to work with the Department staff to prepare by September 1, 1979, a schedule for upgrading and/or justification for continuation of the variance.



Board of Commissioners

Lake County

STATE OF OREGON

LAKEVIEW, OREGON 97630

GEORGE CARLON

LESLIE SHAW

LOUIS LAMB

April 30, 1980

Attachment 4
6/20/80 EOC Meeting
Agenda Item No. M



RECEIVED

MAY 5 1980

SOLID WASTE SECTION

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

Re: Lake County - Rural Solid Waste Sites - Open Burning
Variances.

Dear Mr. Brown:

The purpose of this letter is to supply information as requested in your letter of March 17, 1980, and in discussion held with your Department staff March 5, 1980, in support of request by Lake County for continued variance for burning at solid waste sites.

The sites affected are as follows:

1. Plush
2. Adel
3. Summer Lake
4. Silver Lake
5. Fort Rock
6. Christmas Valley

As previously discussed the Department will deal directly with the City of Paisley concerning the operation of that site.

As indicated in your March 17, 1980 letter, the Department position supports continued long-term variances on the Plush and Adel sites. The County concurs with this position and so requests that these sites be granted the maximum five year variances, with a condition that the variances be reconsidered if there is any unanticipated development which would substantially effect the usage of either of those sites.

The County requests a continuation of the variance for burning at the Summer Lake, Silver Lake, Christmas Valley and Fort Rock sites for a period of two (2) years. This request is based on an analysis of the alternative methods available based on costs of the different methods, impacts on the community and the environment, and the most effective method of disposal.

Present Operations

Present operations involve a weekly contact with each site for clean-up and burning of refuse. This involves one employee and pick-up truck, and serves the additional function of a check of roads for deterioration, rocks, dead deer, road sign vandalism, damage, etc. The pits are presently ignited with gasoline. Primary substances burned are paper and wood. Most burning occurs early in the morning. Pits are filled and new sites opened as needed, approximately once a year. Signs direct the separation of wire, tin, etc. from the burnable debris as much as possible.

Site Usages

I have previously supplied your office with a map indicating population/housing distribution for the County. At our March 5 meeting you requested that I furnish a usage breakdown for the Silver Lake, Fort Rock, Summer Lake, Christmas Valley sites. I regret that I am unable to comply with that request, as that information is simply not available. I can advise that, as you are undoubtedly aware, the Silver Lake and Christmas Valley sites receive a greater disposal use than do the Summer Lake and Fort Rock sites.

Location

The Summer Lake, Silver Lake, Christmas Valley, and Fort Rock sites are all located so as to minimize the impact of the disposal functions on the communities they serve and the environmental concerns of the areas. They are located in predominantly low density desert or agricultural areas. Placement in relationship to prevailing winds is such for all sites that any emissions are directed away from residences, public use areas and the town sites.

Community Input

Generally the population of the north county area is satisfied with the disposal sites that are available and the manner in which they are presently being maintained. The County has received no complaints resulting from the operation of the four sites.

Satisfactory Method of Disposal

It is the County's position that a burning program of disposal as now exists is the only satisfactory method of properly dealing with the solid waste program in the northern end of the County. Until the present system was established some years ago most disposal occurred on private land or unsupervised on public lands, and widely dispersed sites, being very detrimental in terms of overall impact on the land. The effects of this program, or lack of disposal program, are still present throughout the rural areas of the County. The four sites being discussed are located in relatively desert-type environments. Decomposition is slow. Frequent, unobstructed winds in the area quickly displace much of the waste that is not regularly covered or burned. Due to the economic considerations as discussed below which dictate against regular covering, burning is the only acceptable method of dealing with the disposal problems present.

Costs of Alternative Method

We have been requested by Department staff to provide a site-by-site cost estimate for upgrading the disposal sites to a no-burn status. We feel that it is impractical to attempt a site-by-site review. The four sites are all located in the northern end of the County, with similar disposal problems. We have therefore provided a cost estimate which would provide a system of landfill or modified land fill for the four sites.

The cost of establishing a landfill program is broken into fixed and variable costs. The fixed costs are based on the equipment needed to properly handle the necessary excavations, fills and transportation between sites. The variable costs would depend on the schedule of filling, summer vs. winter schedule, and standards required.

The present program is covered by road department equipment and personnel, as need for heavy equipment is infrequent. The alternative method would require additional expenditure from the general fund, as there are no alternative general fund work programs to utilize the equipment or personnel.

Estimated Costs:

Fixed Costs:

Pickup	5,500
Low Boy Trailer	67,000
D6D Crawler	111,900
Ripper	8,800
TOTAL	<u>\$193,200</u>

Insurance - Property Damage and liability	6,000
TOTAL	<u>\$199,200</u>

Variable Costs: Approximate Annual Cost

Labor - 2 Operators Wages & Fringe	36,900
Fuel	11,500
Overhead	5,130
Depreciation on equipment	12,366
Repairs	2,000
TOTAL ANNUAL COST	<u>\$67,896</u>

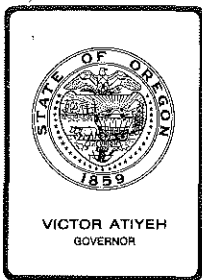
Costs of the present system based on 1 man, 3/4 time, 1 pickup, minimal fuel, and shared duties with road department operations are estimated at approximately \$23,000.00, with no significant capital investment.

Sincerely,



William F. Hanlon
County Counsel

WFH/bg
cc: Commissioners



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. N, June 20, 1980, EQC Meeting

Request by the City of Paisley for Continuation of Variances from Rules Prohibiting Open Burning Dumps (OAR 340-61-040(2)(c))

Background

On three occasions the EQC has granted variances to Paisley to continue open burning at their city's solid waste disposal site. Agenda items covering these variances are attached to Item M, today's meeting.

Discussion

Department staff has contacted the mayor of Paisley to discuss continued open burning at the site. The mayor indicated he would again request a continuation of the variance for Paisley. The city's rationale was based on prohibitive costs and lack of concern about the need to change the current operation. As a result of the meeting the city has requested a variance extension of two years. No projection for upgrading the site was provided.

Alternatives and Evaluation

1. Deny the variance request.
2. Approve the variance request for an indefinite period.
3. Approve the variance request for a specified period of time with the stipulation that during that period plans for upgrading would be developed by the city.
4. Approve the variance for a specified period with no conditions.

With the past history of negotiations with the City of Paisley, it is staff opinion that a specified period without conditions for future upgrading would result in Paisley returning for another variance without significant plans for site upgrading. Plans for upgrading during a specific length variance should be required. Progress reports could be required during the variance period.



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If a variance is approved, the site would be placed on the R.C.R.A. open dump list with a maximum of five years to close or upgrade.

As was noted in previous staff reports, strict compliance at this time would probably result in closure of the site with no alternative facility or method of solid waste disposal available.

Summation

1. As the variance request indicates, staff has been unable to negotiate a schedule for upgrading the existing open burning dump. Paisley still cites high cost, rural location, and local support of the present system.
2. The city has asked for a continued variance.
3. No solution for upgrading the site has been submitted. Progress reports leading to submission of plans for upgrading should be required.
4. All open burning dumps will be placed on the R.C.R.A. open dump list with a maximum of five years for closure or upgrading.
5. Strict compliance at this time would result in probable closure of the disposal site with no alternative facility for solid waste available.

Director's Recommendation

Based upon the findings in the summation, it is recommended that the EQC grant a variance extension to OAR 340-61-040(2)(c) until July 1, 1982 for Paisley subject to the following conditions:

1. Progress reports toward upgrading of Paisley be submitted on July 1, 1981, December 1, 1981, and April 1, 1982.
2. The site will be listed on the R.C.R.A. open dump list with compliance dates consistent with expiration of the variance.

Bill

William H. Young

Attachment: Letter - City of Paisley

Gil Hargreaves:be
884-2747
June 5, 1980

SB15

CITY OF PAISLEY

P. O. Box 100
PAISLEY, OREGON 97636

Attachment 1
6/20/80 EQC Meeting
Agenda Item N

RECEIVED

May 23, 1980

MAY 23 1980

SOLID WASTE SECTION

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

ATTN: Bob Brown

RE: Solid waste variance
extension

Gentlemen:

The City of Paisley is requesting a two year variance extension to July 1, 1982 on open burning at our disposal site. We are submitting the following reasons for requesting the extension.

We have a population of 300. This is a low to moderate income area. The tax base for the City of Paisley will not meet the requirements of a landfill operation as required by DEQ. Study shows it would take an initial investment of approximately \$200,000 for equipment and an annual budget of approximately \$5,000 for operation and maintenance. Further, the city has only 80 acres of land for solid waste purposes. The landfill method would soon use up the present site and no other land is available.

In 1968 our tax payers voted in a forty year obligation with FHA to finance a water and sewer system. Until that obligation has been met the tax payers will not accept further burden to landfill when, with occasional burning one pit will last a year. The County covers the old pit and digs the new one for us.

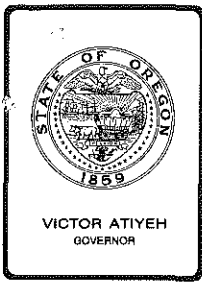
Yours truly,

C.E. Young, Mayor



cc: Gil H. Hargreaves
Hlamath Falls

CEY:hc



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. 0 , June 20, 1980, EQC Meeting
Status Report on Lincoln County Solid Waste Program

Background

The purpose of this report is to review with the Environmental Quality Commission the progress that Lincoln County has made in its landfill site search since the last update presented before the March 21, 1980, EQC Meeting. Previous actions are included as follows:

1. Attachment 1--Agenda Item No. J, March 21, 1980, EQC Meeting with attachments and letters of previous actions.

Since the March 21, 1980, meeting, Phase II (Feasibility Analysis on the Moolach Creek Site) has been completed by the consultant and accepted by the Lincoln County Board of Commissioners.

However, before Lincoln County commits to acquisition and development of the Moolach site, they propose that additional soils testing be completed to confirm feasibility of the site.

In addition, the county has not yet reached an agreement with the local franchised collectors on how the project will be financed and hence implemented. Recently, the franchised haulers have expressed considerable reluctance to proceed with development and operation of the Moolach site and are apparently proposing other alternatives.

In a letter sent to Lincoln County, dated May 13, 1980, (Attachment 2), Mr. R. E. Gilbert, Northwest Regional Manager, gave the Department's preliminary approval to the Phase II feasibility study and indicated that based on the information to date, the Moolach site appears feasible. He encouraged the county to proceed with the next phase of the project.



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Mr. Gilbert again reiterated that the Department intended to recommend to the Environmental Quality Commission at its June 20, 1980 meeting, that no further variances be granted to the North Lincoln or Waldport sites and that they cease open burning effective July 1, 1980.

In a second letter dated May 27, 1980, (Attachment 3), Mr. Gilbert notified the operators of the North Lincoln and Waldport sites that the Department had recommended no further variances be granted and that the Commission indicated that they will support that recommendation.

To date, the Department has not received any requests for further variance extensions from either Lincoln County or the site operators.

Evaluation

The Department is concerned that no real progress has been made since the March 21, 1980 Commission meeting. Although the Phase II study has been completed and accepted by Lincoln County, there is still no firm decision to proceed with development of the site nor any agreement with the franchised collectors as to how it will be financed and implemented. In addition there is a concern that the potential need for public transfer sites, as a part of the overall disposal system, is not being addressed.

In summary, some of the important decisions required to solve Lincoln County's solid waste problems have yet to be made, and in any event a solution is not immediately forthcoming. The Department believes that open burning has continued long enough in Lincoln County.

Director's Recommendation

It is recommended that the EQC grant no further variance extensions to the North Lincoln or Waldport disposal sites in Lincoln County and that as of July 1, 1980, open burning will be terminated. The sites would then be either upgraded and operated without burning or closed and materials transferred to a new regional site.



William H. Young

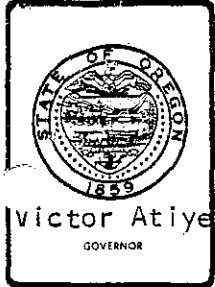
Attachments: 3

1. Agenda Item No. J, March 21, 1980, EQC Meeting, with additional attachments.
2. Letter from DEQ to Lincoln County dated May 13, 1980.
3. Letter from DEQ to site operators dated May 27, 1980.

Robert E. Gilbert

229-5292

June 6, 1980



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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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.

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.

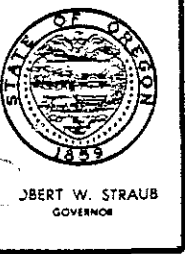
BACKGROUND

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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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.

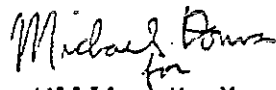
SUMMATION

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 Mendels Inn, Corvallis. It would be helpful if Benton County Commissioners and/or staff attend the meeting.

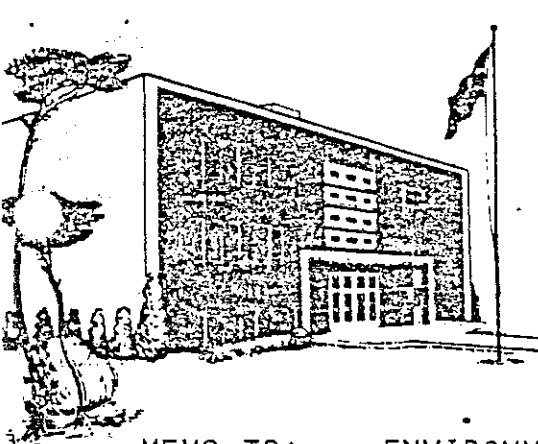
If we can be of any assistance in obtaining a decision on the proposal, please contact the Department.

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.

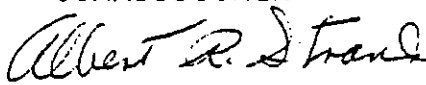
LINCOLN COUNTY BOARD OF COMMISSIONERS.

JACK W. POSTLE.
CHAIRMAN

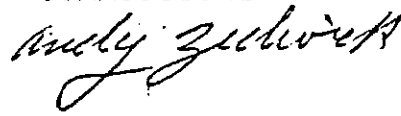


ED/JL

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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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

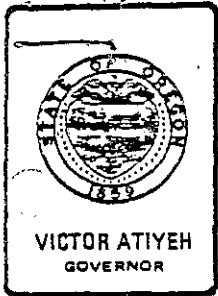
WILLIAM H. YOUNG

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

R E C E I V E D
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.

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

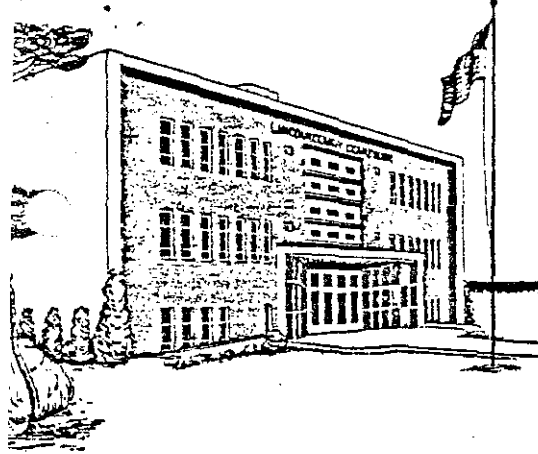
SS:w

SW693

cc: Northwest Region ✓

Public Health Department

Sanitation Section



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

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.

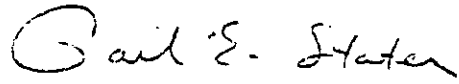
To: William H. Young, Director
Department of Environmental Quality
February 19, 1980
Page 3

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.

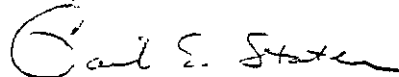
The Board feels that Phase II is proceeding reasonably, and wishes the continued process of implementing a new disposal site to proceed in an orderly manner.

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



Department of Environmental Quality

522 S.W. 5th AVENUE, P.O. BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5209

May 13, 1980

Lincoln County Board of Commissioners
225 W. Olive
Newport, Oregon 97365

Attention: Honorable Andy Zedwick, Chairman

Re: Preliminary Design and
Operational Plan -
Moolach Creek Landfill

Gentlemen:

The Department has completed review of the Phase II feasibility study of the Moolach Creek Landfill as prepared by R.A. Wright Engineering. The study is a very thorough preliminary analysis of the potential feasibility of developing the Moolach site as a regional sanitary landfill.

In general, we are in agreement with the findings of the study and concur that based on the information available at this time, the site appears feasible for a landfill operation.

The Department would therefore encourage Lincoln County to proceed with additional soils testing to clarify any concerns regarding the ancient landslide. Assuming no major problems are encountered, the County then should proceed with final design and construction.

It is the Department's opinion that if work is commenced as soon as possible, significant progress could still be made on site development during this upcoming construction season. We would therefore encourage Lincoln County to proceed with the next phase of this project, including development of a financial plan and application to the Department for a construction grant/loan to assist in the final design and construction of the site.

As noted in previous letters, the Department will be recommending to the Environmental Quality Commission at its June 20, 1980 meeting that no further variances be granted to the North Lincoln or Waldport sites and that they cease open burning effective July 1, 1980. Prompt movement toward implementing your regional landfill site is, therefore, most important.



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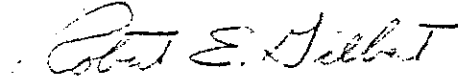
Lincoln County Board of Commissioners

Page 2

May 13, 1980

Should you have further questions regarding this matter, please feel free to contact me at 229-5209 in Portland or the Solid Waste Division at 229-5913 (toll free 1-800-452-7813).

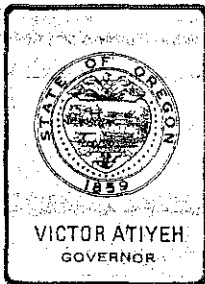
Sincerely,



Robert E. Gilbert
Regional Manager
Northwest Region

SRS/mb

cc: Gene R. & William R. Dahl
Dunn-LeBlanc, Inc.
Chuck Kemper
Kent Mathiot
City of Newport
North Coast Branch, DEQ
Northwest Region, DEQ
Solid Waste Division, DEQ
Ken Thompson
City of Waldport



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

May 27, 1980

Gene R. and William R. Dahl
dba Waldport-Yachats Disposal
Box 368
Waldport, OR 97344

Re: Waldport-Yachats Disposal Site
Lincoln County
SW Permit No. 132

Gentlemen:

At a recent meeting of the Lincoln County Solid Waste Committee, it was apparent that confusion still exists regarding the status of your solid waste disposal site. This letter is intended to clarify our position.

Open burning of garbage violates Department of Environmental Quality (DEQ) rules and cannot be permitted without a variance from those rules issued by the Environmental Quality Commission (EQC). Your current variance expires on July 1, 1980. The DEQ has recommended that the Commission not renew the variance, and the Commission has indicated that they will support this recommendation (see attached letters dated February 22 and March 27, 1980).

The Lincoln County Solid Waste Management Plan calls for the closure of your disposal site and transfer of wastes to a central facility. In January 1979, the Department awarded Lincoln County a grant of up to \$38,900 for "detailed planning leading toward the location, evaluation and feasibility analysis for selection of a solid waste sanitary landfill site." The county hired an independent consultant to conduct the study. The fact that this study was in progress was the primary reason why your current open burning variance was approved in July, 1979.

The consultant has identified two potential landfill sites. In addition, the existing Agate Beach Landfill may be available on at least an interim basis. We are asking the City of Newport to formally respond to this proposal before the June EQC meeting.

Financial assistance in the form of grants and low-interest loans is available from the Department to implement the approved county plan. We will not, however, put state money into other alternatives.

Gene R. and William R. Dahl

May 27, 1980

Page 2

As noted above, your current variance expires on July 1, 1980. Your permit to operate a disposal site, however, does not expire until July 31, 1980. Therefore you may legally continue to operate, without open burning, until that date. If you desire to operate beyond July 31, 1980, you must provide the following to us by not later than July 1, 1980:

1. Written approval of your proposal by the Lincoln County Board of Commissioners and the Solid Waste Committee.
2. Three (3) sets of detailed engineering plans (stamped by a registered Professional Engineer) which include at least the information described in the Department's Administrative Rules, Sections 340-61-030(4), (5) and (6) and 340-61-040(1)(a) and (b). A copy of these rules is attached.

I hope this ends whatever confusion has existed. If you have any additional questions, please call us toll-free at 1-800-452-7813.

Sincerely,

Robert E. Gilbert
Regional Manager
Northwest Region

WHD:w

SW9.1

Enclosure

cc: Lincoln County Board of Commissioners w/o enc.
North Coast Branch Office w/o enc.



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

May 27, 1980

Dunn-Le Blanc, Inc.
935 North Highway 101
Lincoln City, OR 97367

Re: North Lincoln Disposal Site
Lincoln County
SW Permit No. 182

Gentlemen:

At a recent meeting of the Lincoln County Solid Waste Committee, it was apparent that confusion still exists regarding the status of your solid waste disposal site. This letter is intended to clarify our position.

Open burning of garbage violates Department of Environmental Quality (DEQ) rules and cannot be permitted without a variance from those rules issued by the Environmental Quality Commission (EQC). Your current variance expires on July 1, 1980. The DEQ has recommended that the Commission not renew the variance, and the Commission has indicated that they will support this recommendation (see attached letters dated February 22 and March 27, 1980).

The Lincoln County Solid Waste Management Plan calls for the closure of your disposal site and transfer of wastes to a central facility. In January 1979, the Department awarded Lincoln County a grant of up to \$38,900 for "detailed planning leading toward the location, evaluation and feasibility analysis for selection of a solid waste sanitary landfill site." The county hired an independent consultant to conduct the study. The fact that this study was in progress was the primary reason why your current open burning variance was approved in July, 1979.

The consultant has identified two potential landfill sites. In addition, the existing Agate Beach Landfill may be available on at least an interim basis. We are asking the City of Newport to formally respond to this proposal before the June EQC meeting.

Financial assistance in the form of grants and low-interest loans is available from the Department to implement the approved county plan. We will not, however, put state money into other alternatives.

Dunn-Le Blanc, Inc.

May 27, 1980

Page 2

As noted above, your current variance expires on July 1, 1980. Your permit to operate a disposal site, however, does not expire until July 31, 1980. Therefore you may legally continue to operate, without open burning, until that date.

It is our opinion that your disposal site is not suitable for anything more than very brief operation as a landfill without open burning. Our concerns are based upon the steep topography, proximity to surface water drainage courses, and apparent lack of cover material at the site. Accordingly, we would recommend that you not go to the expense of having engineered plans prepared in an attempt to gain approval for continued operation. The decision of course is up to you. If you desire to operate beyond July 31, 1980, you must provide the following to us by not later than July 1, 1980:

1. Written approval of your proposal by the Lincoln County Board of Commissioners and the Solid Waste Committee.
2. Three (3) sets of detailed engineering plans (stamped by a registered Professional Engineer) which include at least the information described in the Department's Administrative Rules, Sections 340-61-030(4), (5) and (6) and 340-61-040(1)(a) and (b),. A copy of these rules is attached.

I hope this ends whatever confusion has existed. If you have any additional questions, please call us toll-free at 1-800-452-7813.

Sincerely,

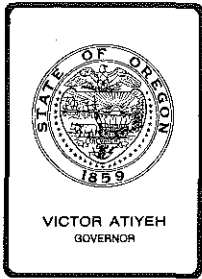
Robert E. Gilbert
Regional Manager
Northwest Region

WED:w

SW9.2

Enclosure

cc: Lincoln County Board of Commissioners w/o enc.
North Coast Branch Office w/o enc.



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. P, June 20, 1980, EQC Meeting

Adoption of Proposed Rules for "Capping Fill"
Alternative Sewage Disposal Systems, OAR 340-71-039.

Background and Problem Statement

OAR 340-71-030 prohibits installation of subsurface sewage disposal systems on sites where restrictive soil layers are within 30 inches of the surface and/or temporarily perched water is within 24 inches of the surface. Whenever a standard system is denied the applicant has the option of applying for a variance. The applicant is required to propose a method or construction technique that would overcome specific site limitations. Since enactment of ORS 454.657 (variances) the most common proposal to overcome the restrictive layer and perched water table limitations has been the "capping fill" method. During the period 1975 to present, approximately 350 capping fill systems have been approved under the variance rules. Reinspection of a large percentage of installed systems leads staff to the conclusion that the capping fill is a workable system which should be moved from the variance category to alternative systems.

Public hearings were conducted on June 3, 1980, at four locations; Oregon City, Albany, Grants Pass, and Bend. No significant adverse comments were received. The proposed rules have been amended, as deemed appropriate, as a result of testimony at the hearings. The hearing officer's report is Attachment C.

Alternatives and Evaluation

Alternatives are:

1. Continue to allow capping fill systems to be installed under the variance program; or
2. Adopt specific rules for capping fill systems which would make them alternative systems.



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In evaluating these two alternatives the latter appears most appropriate, for a number of reasons. Capping fills appear to be a viable system that could have specific rules to govern design and installation; applicants would not have to go through the more cumbersome variance process; a lower fee is required and the applications could be processed by contract counties and Department regions and branch offices rather than through Department headquarters, as is now required for variances.

The proposed rule would provide minimum site criteria, construction standards and required inspections for capping fill systems. In addition, OAR 340-71-030(8), Geographic Region Rule A, which has been incorporated into this rule, would be rescinded.

Summation

1. Existing information supports transfer of capping fill systems from variances to alternative systems.
2. Specific alternative system rules to control capping fill systems appears to be the most acceptable alternative.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission:

1. Adopt rules for capping fill sewage disposal systems, OAR 340-71-039, as set forth in Attachment D,
2. Rescind OAR 340-71-030(8) Geographic Region Rule A, in its entirety, and Diagrams 7-A and 7-B.
3. Amend OAR 340-71-030(1)(c) and 340-71-030(1)(f) as set forth in Attachment D.

Bill

William H. Young

- Attachments:
- A. Statement of Need For Rulemaking
 - B. Land Use Consistency Statement
 - C. Hearing Officer's Report and Written Testimony
 - D. Proposed Rule, OAR 340-71-039

T. Jack Osborne:1
229-6218
June 6, 1980
XL27 (1)

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

OF THE STATE OF OREGON

IN THE MATTER OF THE ADOPTION OF RULE)	STATUTORY AUTHORITY,
340-71-039, SETTING OF STANDARDS FOR)	STATEMENT OF NEED,
"CAPPING FILL" ALTERNATIVE SEWAGE)	PRINCIPAL DOCUMENTS RELIED
SYSTEM)	UPON, AND STATEMENT OF FISCAL
)	IMPACT

1. Citation of Statutory Authority: ORS 454.625 which authorizes the Environmental Commission to adopt rules governing subsurface and alternative sewage disposal.

2. Need for the Rule: The need for rulemaking is based upon the fact that capping fill disposal systems have been installed under the variance rules with good success. Adequate evidence exists to support transfer of these systems from the variance category to alternative systems. As alternative systems, application procedures will be simpler and the fee to applicants less.

3. Documents, reports and studies relied upon in proposing the rule: None.

4. Fiscal and economic impact: Fiscal and economic impact will fall principally upon the Department of Environmental Quality and its contract county agents; however, it is expected that any workload will be absorbed within existing staff allocations and within existing budget limitations. Applications are expected to be processed in a similar manner to that for existing alternative systems.

Dated April 30, 1980

William H. Young, Director
Department of Environmental Quality

LAND USE CONSISTENCY STATEMENT

for

Proposed Rules for Capping Fill Alternative Sewage Systems

The proposal described herein appears to be consistent with statewide planning goals. This proposal appears to conform with Goal No. 6 (Air, Water, and Land Resources Quality) and Goal No. 11 (Public Facilities and Services). There is apparently no conflict with other goals.

With regard to Goal 6, the proposal would revise state rules and standards to provide another option for safe subsurface disposal of sewage. This by definition in the goal complies with Goal 6. The goal requires waste discharges from future and existing developments not to violate state standards.

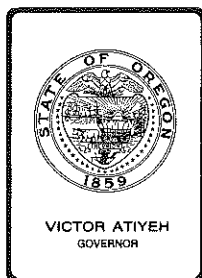
With regard to Goal 11, the proposal provides standards for additional facilities for "urban and rural development," in the language of the goal. Though not usually "public" in size, rural or suburban subsurface systems may be approved as the facilities to serve the sewage disposal needs of multiple families. When used in suburban situations, these systems may be the transition to future public sewers when the area becomes sufficiently developed. This is consistent with "timely" arrangement of services required by the goal. This rule would provide a new alternative sewage disposal system which could alleviate existing health hazards or allow additional land to be developed.

Public comment on these proposals is invited.

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

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

TJO:f
XF1290.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: Mark P. Ronayne, Hearing Officer

Subject: Public Hearing--Proposed Adoption of Capping Fill
Rules (OAR 340-71-039), June 3, 1980 - Albany
George Miller Conference Room A
Old Albany Armory Building

At 10:10 a.m. June 3, 1980, I held a public hearing on the proposed adoption of capping fill rules in George Miller Conference Room A of the Old Albany Armory Building.

Six individuals attended the hearing. Three testified. All supported the Commission's adoption of capping fill rules.

Specific testimony follows:

Richard Swensen - Linn County Health Department (oral testimony)

Supports local management of capping fill rules.

Wants detailed plans and specifications submitted as a permit application requirement

Colleen Allison -Soil Scientist, Lane County Water Pollution Control Division (oral and written testimony)

Supports local contract county administration of capping fill rules.

Wants 71-039(2)(c) clarified to point out scarification shall involve rototilling. Asked that the word "rototill" be placed in parenthesis behind the word "scarified" in the first line of (2)(c).

Thought 71-039(2)(d) might be reworded to clearly indicate 2 additional layers of soil are added once the original topsoil and initial layer of fill have been rototilled.

Strongly recommends DEQ provide training sessions for:

Installers
County personnel

to acquaint them with capping fill technology.



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EQC Memorandum

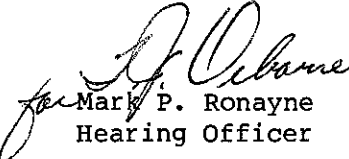
Public Hearing--Proposed Adoption of Capping Fill Rules

Page 2

Stan Petrsek -Supervising Sanitarian, Lane County Water Pollution Control
(oral testimony)

Feels 71-039(1)(c) and (1)(d) ought to specify variable separation distances between the bottom of the disposal trench and permanent groundwater or coarse-grained materials, on the basis of soil groupings, in a manner similar to that noted under OAR 340-71-037(4)(e)(B), the sand filter rules. Felt this requirement ought to be incorporated in standard systems rules also.

The hearing was adjourned at 10:55 a.m.


for Mark P. Ronayne
Hearing Officer

Attachment: Lane County Water Pollution Control Division
Memo May 28, 1980

MPR:1

XL49 (1)

June 6, 1980



Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission
From: David H. Couch, Hearings Officer
Subject: Public Hearing
Proposed Adoption of Capping Fill Rules (O.A.R. 340-71-039)
June 3, 1980
Room 162, Josephine County Courthouse, Grants Pass, Oregon

Beginning at 10:00 a.m. in Room 162, Josephine County Courthouse, Grants Pass, Oregon a public hearing was held to gather testimony regarding the proposed capping fill rules (O.A.R. 340-71-039). Eleven (11) persons attended. Four (4) persons testified.

Salient testimony presented at the hearing:

Bradley W.H. Prior, Jackson County Department of Planning and Development

- Supported adoption of the rule in general
- 71-039(1)(f): should also give consideration to well structured clays with a low shrink-swell potential (i.e. Jory or Pollard).
- 71-039(2)(a): a maximum limit of thirty-five (35) percent clay fraction should be considered in all soils considered for caps.
- 71-039(2)(b): consider placing the cap after the disposal trenches were installed. Sequence of installation: scarify site, install trenches, stake disposal lines, and then install cap.
- 71-039(2): consider allowing individual contract counties some flexibility in the manner in which the cap is applied. Allow individual county variability.
- 71-039(2)(e): increase separation on downhill edge of the fill and the nearest trench sidewall to twenty-five (25) feet.

Alex Boutacoff, Contractor

- Rules provide too many minimum and maximum standards. Installation should be more toward a performance approach. The system is to work in a certain way; general standards for installation.
- The rules contain too many specific requirements.

[CONTINUED]



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Materials

Dave Bassett, Consulting Engineer

- Rules contain too much of a specification approach to installation requirements.
- There is an arbitrary selection of standards. Rules should provide more flexibility.
- 71-039(1)(a): maximum slope of twelve (12) percent is arbitrary. Slopes of up to twenty (20) percent could be used if system is adequately designed and constructed.
- 71-039(1)(b) and 71-039(1)(d): the use of eighteen (18) inches minimums are excessive. A lesser standard could be used if systems are properly designed and installed.
- A twelve (12) inch cap seems arbitrary; could be six (6), eight (8), one (1) or zero (0) inches depending on circumstances which might be appropriate.
- 71-039(1)(e) and 71-039(1)(g): choosing eighteen (18) inches is arbitrary; under certain conditions the standard should allow flexibility.
- 71-039(1)(i): a full replacement area is excessive and is arbitrarily restrictive.
- 71-039(2): this section contains too many specifications.
- 71-039(3): require as many inspections as necessary.
- 71-039 and 71-037(4) (Sand Filter Rules): should be reviewed to eliminate possible conflicts or overlap.

Chuck Costanzo, Josephine County Environmental Health Services

- In support of adoption of rule
- 71-039(2)(e): increase separation on downhill edge of the fill and the nearest trench sidewall to twenty (20) feet.

The hearing was adjourned at 11:30 a.m.

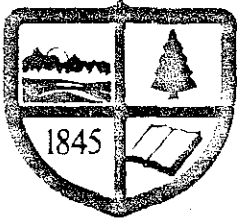
Sincerely,



David H. Couch
Hearings Officer

DHC:fs

Attachments: (1) Hearing Record (Tape)
(2) Attendance List



POLK COUNTY
DEPARTMENT OF COUNTY DEVELOPMENT

PLANNING

BUILDING

ENVIRONMENTAL HEALTH

TELEPHONE 623-8171

COUNTY COURTHOUSE
DALLAS, OREGON 97338

May 29, 1980

Mark Ronayne
Department of Environmental Quality
Box 1760
Portland, Oregon 97207

Subject: Capping Fill Sewage Systems

Mr. Ronayne:

This Department has reviewed the proposed Administrative Rules regarding capping fill sewage systems as an alternative to the standard septic tank and drainfield. This letter is intended to express support for the addition of Section 71-039 to OAR Chapter 340 Division 71.

Sincerely,

PLANNING DIVISION

A handwritten signature in cursive script that reads 'Jim Owens'.
Jim Owens
Coordinator

JO:sj

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JUN 8 1980

WATER QUALITY CONTROL

GEORGE D. WARD & ASSOCIATES

821 N. W. Flanders, Portland, Oregon 97209
222-4333

ENVIRONMENTAL CONSULTING ENGINEERS

June 3, 1980

Mr. Mark Ronayne
D.E.Q.
Box 1760
Portland, Oregon 97207

Re: Capping Fills - proposed rules.

Dear Mr. Ronayne:

I would first like to compliment D.E.Q. for the position it has taken concerning the proposed use of capping fills for use in difficult, subsurface sewage disposal sites. There is no doubt in my mind that under controlled conditions, the use of this concept will greatly extend the utilization of subsurface disposal in areas where no other reasonable alternatives are available.

Please accept the following as recommendations we feel might be beneficial to the intent of the proposed rules.

1. It is our suggestion that you include the use of an approved soil filter fabric, at least at the innerface between the capping fill and the top surface at the drain rock. My personal preference would be to see it used on all four faces of the disposal trench. However, if this is not acceptable we strongly suggest its use at least above the rock to reduce downward migration of soil particles from the effects of rainfall and gravity.
2. In the D.E.Q. diagrams of capping fill alternates, no dimensions are shown for the bottom width of the disposal trench. As was presented in our Cooper Mt. design, we suggest the use of narrower trenches which then permit the use of lightweight trenching equipment. Additionally, the current rules, as we understand them, do not allow the use of the trench bottom in surface area computation. Since the rules prohibit the use of the bottom area, we recommend a minimum width be specified if for no other reason than the conservation of aggregate.
3. Section (g) of D.E.Q.'s proposed Construction Requirements appear to make the use of serial distribution mandatory except as required otherwise by the Director. It would be appreciated if provisions could be included that would also make it possible for a consulting engineer to specify pressure systems as an alternate to gravity operated serial systems.

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of Environmental

I trust you will find the above helpful. Thanks for providing us an opportunity to comment.

Cordially yours,

A handwritten signature in cursive script that reads "George D. Ward".

George D. Ward, P.E.

GDW:ly

cc: Alternative Sewage Management Inc.



State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

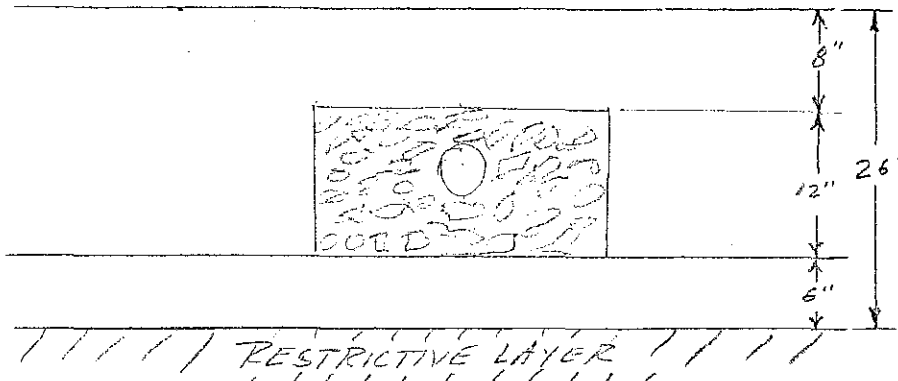
To: Mark Ronayne *J. M.*
From: Gil Hargreaves/Randy Rees *R*
Subject: Adoption of Rule 340-71-039

Date: May 30, 1980

This is our written testimony concerning the proposed adoption of Rule 340-71-039.

As it reads now, Geographic Region Rule A allows approval of a system if there is between 18 and 30 inches of sand, loamy sand, loam, silt loam, or silt over a restrictive layer, and the mean annual precipitation does not exceed twenty (20) inches.

The trenches in these systems might look as shown below:



These trenches are installed entirely in the natural soil. There is no record of systems of this type failing in either Klamath or Lake Counties, despite the fact that large portions of both counties meet the criteria allowing the use of this rule. Many of these systems have been put in.

From talking with other counties, we have become aware of the fact that in some areas, these systems are failing. We feel that this is because of the sizing of the systems.

It must be understood by the inspector that the sizing chart is a minimum footage and requirement. The inspector can require a larger field if in his professional judgment it is needed for the system to work properly. In the instances where these systems are failing, they were not oversized. Due to the shallow soils to restrictive layer (less than 30"), they should be oversized.

This office feels that the best way to prevent systems installed under this rule from failing is to attack the problem - the undersizing of the systems. The easiest way to do this is by putting a clause in the current rules. A chart with revised sizing for soils with less than 30 inches to the restrictive layer may be appropriate as a guideline, or a base line of so many feet as a minimum footage with the inspector having the ability to require more line if he feels that it's needed.

Mark Ronayne
May 30, 1980
Page 2

The amended rules do not change the method of sizing the systems, and we feel that such a change is what is needed to solve the problem.

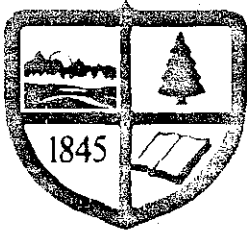
The new capping fill rule allows the inspector to approve a system in conditions that were previously unapprovable. This office encourages their adoption, but with a modification in the sizing of the system to prevent the undersizing problem that exists with Geographic Region Rule A.

However, we would like to see that rule as an addition rather than a substitution of Geographic Region Rule A. This rule was created specifically for areas east of the Cascades with little annual rainfall and shallow soils. It has been working well for this office and the elimination of it will take away a method by which we can approve lots for a standard system.

Whereas a system in the conditions outlined earlier may not function properly in the valley, we have had good success with these systems in these areas which have little rainfall. By removing Geographic Region Rule A from the rules, you will make it necessary for the property owner to install a more expensive, elaborate, and time consuming alternative system rather than a standard system that has proven to work satisfactorily. When conditions exist that require a more elaborate capping and fill, we could then require this alternative system.

GH/RR:dr

cc: Don Bramhall, CRO



POLK COUNTY
DEPARTMENT OF COUNTY DEVELOPMENT

PLANNING

BUILDING

ENVIRONMENTAL HEALTH

TELEPHONE 623-8171

COUNTY COURTHOUSE
DALLAS, OREGON 97338

May 29, 1980

Mark Ronayne
Department of Environmental Quality
Box 1760
Portland, Oregon 97207

Subject: Capping Fill Sewage Systems

Mr. Ronayne:

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Sincerely,

PLANNING DIVISION

A handwritten signature in cursive script that reads 'Jim Owens'.

Jim Owens
Coordinator

JO:sj

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

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JUN 8 1980

WATER QUALITY CONTROL



Home Builders Association of Metropolitan Portland

May 28, 1980

3140 N. E.
Broadway /
Portland, Oregon
97232 /
Telephone
288-0121

Mr. Mark Ronayne
DEQ
Box 1760
Portland, OR 97207

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HOW Council
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RAY HALLBERG

Dear Mr. Ronayne:

The Home Builders Association of Metropolitan Portland supports the amendment of OAR Ch. 340 Division 71 by adding section 71-039 setting criteria and standards for capping fill sewage systems. There is a growing need for making alternative methods of sewage treatment more easily available, especially since federal funding of collector plants is being severely curtailed. Permitting this system outright under site standards rather than only by variance will make this alternative more attractive by reducing the cost of the approval process.

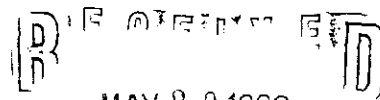
In addition, EPA is making funds available to alternative treatment projects. The capping fill system would be ideal for such projects.

Thank you for the opportunity to comment.

Sincerely,

Kevin L. Hanway
Legal Counsel
Governmental Affairs Division

KLH/sc



MAY 29 1980

City of Environmental Quality



HOOD RIVER COUNTY HEALTH
DEPARTMENT
1109 JUNE STREET
HOOD RIVER, OREGON 97031
TELEPHONE 386-1115

May 29, 1980

Mark Ronayne
Department of Environmental Quality
Subsurface Sewage Section
P.O. Box 1760
Portland, OR 97207

RE: CAPPING FILL AMENDMENT

Dear Mr. Ronayne,

The following comments are given for your consideration regarding introduction of capping fills:

1. I feel that it should be worded more specifically that the conditions for approval are required and that consideration is not given for sites which do not satisfy these minimum requirements.

2. The question I have regarding temporary perched water, sections B and G, is this adequate enough separation and should the installation of cut-off drains or curtain drains be required where possible? This would be of help to those property owners who have parcels on Rockford soils series in the county. However, a large percentage of our shallow soils are on slopes in excess of 25%, which would not be suitable for capping fills.

3. The sizing of these systems where explained in section H, may not be adequate, my recommendation would be for a minimum of 125 feet per 150 gallons daily sewage flow.

4. With regard to section I, I feel that the repair area should be considered at the time of installing the capping fill. The other alternative is to allow the failing drainfield to continue flowing until the dry time of the year and then proceed with the fill installation. I think the alternative of having the repair area upgraded at the same time the original area is installed would be a better idea.

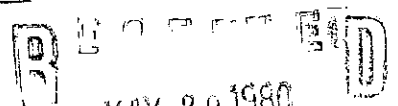
Thank you for your opportunity to comment on these rules.

Sincerely,

Scott Fitch, R.S.
County Sanitarian

SDF/td

cc: Don Bramhall, DEQ- Central Region Office



Department of Environmental Quality

Mark Ronayne:

La 5-15-80

Although I don't know what the site criteria & construction standards for the proposed capping fill system will be, I am in favor of it as an alternative system from the experience I've had in the past.

Twenty five years ago, we used a 12" fill of sandy loam over a drain field that was located on the corner of Barnett Rd. & Ellendale drive in Medford. The soil in this area is black sticky as is much of the soil to the East & north of Medford.

This system seeped to the surface during wet weather and at any time there was excessive usage.

This fill didn't completely solve our problem but it was a big improvement, if we had covered a larger area and had more

depth to the fill, I believe it would have been trouble free.

There was another capped drain field on Table Rock Rd. in the vicinity of the freeway overpass.

This system was in clay soil and hard pan close to the surface in spots. The cap soil was Bear Creek bottom land spread to an average settled depth of 18". This system was about the only one along this portion of Table Rock Rd. that functioned properly during the winter months.

With proper standards, I believe a capping-fill system would work in many of the problem areas of the Rogue Valley.

Use this as part of the hearing record if you wish.

Leland Coggins
4207 Dark Hollow Rd.
Medford, Ore. 97501



STATE OF OREGON

INTEROFFICE MEMO

DEPT.

TELEPHONE

TO: Mark Ronayne

DATE: June 3, 1980

FROM: Dick Nichols

SUBJECT: Capping Fill Hearing

The hearing was held at the Deschutes County Courthouse Annex at 10:00 a.m. this morning.

Three people testified. Two testifiers felt that the minimum separation distance between coarse grained material and the bottom of the trench should vary depending on the depth to water and the intervening soil types existing above the water table. The testifiers felt that at depths to water of 50 feet or greater, there would not be a need to maintain a minimum of 18 inches separation. In fact, they felt that at depths of 200 to 300 feet there may not be need for any separation at all. In addition, if restrictive or impervious layers of material lay between the coarse grain and the water table, the separation distance to the coarse grain should be less restrictive.

The comments made by Deschutes County are attached and will not be summarized in this memo. A tape of the oral testimony at the hearing is included.

Enclosures

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
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JUN 6 1980
WATER QUALITY CONTROL

Deschutes County Health Department

ENVIRONMENTAL HEALTH SECTION

COURTHOUSE ANNEX

BEND, OREGON 97701

M E M O R A N D U M

TO: MYER AVEDOVECH, HEARINGS OFFICER

FROM: JAY LANGLEY, FIELD SUPERVISOR

DATE: JUNE 3, 1980

SUBJ: PROPOSED CAPPING FILLS RULE

Deschutes County has experienced the use of capping fills extensively with the Geographic Region Rule "A". Problems have been encountered which have not been addressed adequately by these proposed rules.

1 (g). Due to the up and down nature of the lava terrain in this area it is next to impossible to maintain a six inch separation from the bottom of the trench to the restrictive layer. With the approval of lots with only eighteen inches of soil there is no allowance being made for uneven subsurface terrain.

SOLUTION: Allow excavators to dig down to restrictive layer. In reality, the area will have some areas with more than 18" soil and areas with less than 18" soil. This will allow additional rock storage for effluent.

1 (h). Deschutes County is currently requiring more drainfield than Table 5 requires. The drainfields in Terrebonne were sized by this table.

This table has brought repeated drainfield failures in Deschutes County from having insufficient drainfield installed. Currently Deschutes County requires 100 lineal feet/150 gal. for 24-30 original soil depth and 125/150 gal. for 18-24 original soil depth. I would recommend this be incorporated in the rules.

2 (a). The location of allowable fill material has become a time-consuming next to impossible task. It is ridiculous to continue approving sites knowing that approvable fill dirt cannot be found. In Deschutes County almost all top soil is sandy loam or loamy sand. I believe one textural classification coarser should be allowable as fill material provided that nothing coarser than loamy sand is allowed. The difference in the infiltration rate from rain cannot be significant enough to cause failure of the drainfield system.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
R E C E I V E D
JUN 6 1980

WATER QUALITY CONTROL

TO: HEARINGS OFFICER
FROM: JAY LANGLEY
PAGE 2

3. The additional inspections required cannot be provided for the \$40.00 permit fee. This is particularly true since most departments are experiencing staffing cutbacks. This should be considered an alternative system with a fee other than the standard \$40 fee. I would suggest a \$75 fee. Deschutes County handles hundreds of Geographic Regional Rule "A" permits now. Current staffing does not allow time for these additional inspections. Additional fees are needed to provide additional staff.

In addition, more failures have occurred from loop systems than all other types of systems combined. With shallow soils, effluent must move laterally for disposal. There is also less rock in a loop system, therefore less effluent storage. I suggest that loop systems require additional footage to be installed.

Systems installed on flat ground have failed significantly more often than systems on sloping ground. This is hard to explain. Perhaps the soil texture and the lack of hydrolic head to move the water are responsible.

Current rules have a technical flaw which should be corrected. Serial systems are required to be dug 24 inches deep. This is impossible to do when the proposed as well as the current Geographic Region Rule "A" approve sites of 3-12% slope with eighteen inches of soil. Maintaining a six inch separation from the trench bottom is even more difficult when you are required to install a 24 inch trench on a sloping site with 18 inches original soil depth.

In addition, item (3(d) is an unreasonable request of the excavators. Although planting should be done over the filled area, it is not reasonable to withhold the Certificate of Satisfactory Completion until that is done. Most installers are not paid until that Certificate is issued. It may be months before the builder or owners will do the necessary planting.

JLL/lp
cc: File

June 6, 1980

Proposed Amendments to OAR 340, Division 71

Amend OAR 340 Division 71, by adding a new rule, 71-039, as follows:

340-71-039 Capping Fills

For the purposes of this rule, "Capping Fill" means a system where the disposal trench effective sidewall is installed a minimum of twelve (12) inches into natural soil below a soil cap of specified depth and texture.

(1) General Conditions for Approval.

Subsurface sewage system construction permits may be issued by the Director or his authorized representative, for capping fill systems on specific sites provided all the following requirements can be met:

- (a) Slope does not exceed twelve (12) percent.
- (b) Temporarily perched water table is not closer than eighteen (18) inches to the surface at anytime during the year. Water levels may be predicted during periods

of dry weather using criteria under 71-030, subsection (1)(c)(A), (B), and (C). A six (6) inch minimum separation must be maintained between the bottom of the disposal trench and the water table.

- (c) Where permanent water table is present, a minimum four (4) feet separation can be maintained between the bottom of the disposal trench and the water table. Water levels may be predicted during periods of dry weather using criteria under 71-030, subsections (1)(c)(A), (B), and (C).
- (d) Where coarse grained material is present, a minimum eighteen (18) inch separation can be maintained between the bottom of the disposal trench and coarse grained material.
- (e) A claypan, duripan, saprolite, or bedrock is eighteen (18) inches or more below the natural soil surface.
- (f) Soil texture from the ground surface to the layer described in 71-039(1)(e) is no finer than silty clay loam (as defined in OAR 340-71-010 and as classified in the soil texture classification chart (Table 2)).

- (g) A minimum six (6) inch separation can be maintained between the bottom of the disposal trench and the layer described in 71-039(1)(e).
- (h) The system can be sized according to thirty (30) inches to a restrictive layer, in Table 5 of OAR 340-71-030.
- (i) The site contains enough area for a full-sized initial system and a full-sized replacement system.
- (j) Capping fill systems shall be limited to sewage flows of six hundred (600) gallons or less per day without special Department authorization.
- (k) All other requirements of OAR 340-71-010 to 71-045 can be met.

(2) Construction Requirements.

The cap shall be constructed pursuant to permit requirements. Unless otherwise required by the Director or his authorized representative, construction sequence shall be as follows:

- (a) The texture of the soil used for the cap must be of the same textural class, or of one textural class finer, as the natural topsoil. The soil must be examined and approved by the Director or his authorized representative prior to placement.

- (b) Construction of capping fills [west of the Cascade Mountains] must occur between June 1 and October 1 unless otherwise allowed by the Director or his authorized representative. The upper twenty-four (24) inches of soil must not be saturated or at a moisture content which causes loss of soil structure and porosity when worked.

- (c) The drainfield site and the borrow site shall be scarified [rototill] to destroy the vegetative mat.

- (d) Install drainfield as specified in construction permit. There shall be a minimum ten (10) feet of separation between the edge of the fill and the nearest trench sidewall.

- (e) Apply fill to the fill site and work in (rototill) so that the two contact layers (native soil and fill) are incorporated. Evenly grade fill material to a final depth of sixteen (16) inches above the drainfield gravel. Both initial cap and repair cap to be constructed at the same time.
- (f) The site shall be landscaped with grass and protected from livestock, automotive traffic or other activity that would damage the system.
- (g) Serial distribution systems shall be used on sites with slopes with three (3) to twelve (12) percent. The Director or his authorized representative may require a low pressure distribution system.

(3) Required Inspections.

The following minimum inspections shall be performed for each capping fill installed:

- (a) Both the drainfield site and borrow material must be inspected for scarification, soil texture, and moisture content, prior to cap construction.

- (b) Pre-cover inspection of the installed drainfield.

- (c) After cap is placed, to determine that there is good contact between fill material and native soil (no obvious contact zone visible), adequate depth of material, and uniform distribution of fill material.

- (d) Final inspection, after cover, grading, and planting.
A Certificate of Satisfactory Completion may be issued at this point.

Amend OAR 340-71-030 and Diagrams as follows:

(a) Rescind:

1. OAR 340-71-030(8), Geographic Region Rule "A", in its entirety.

2. Diagrams 7-A and 7-B

(b) Amend OAR 340-71-030(1)(c) and OAR 340-71-030(1)(f) to delete reference to Diagram 7-A

Amend OAR 340-71-030(1)(c) as follows:

(c) An area where the highest level attained by a permanent water table or permanently perched water table will be within four (4) feet of the bottom point of the effective sidewall of the disposal trench, except in defined areas that have been the subject of a groundwater study and where the Department has determined that degradation of groundwater supplies or health hazards would not be caused. [Diagram 7-A shows an acceptable design where such water table will

be five (5) feet or more but less than five and one-half (5-1/2) feet below the surface of the ground.]
Water table levels may be predicted during periods of dry weather utilizing one of the following criteria: ..

Amend OAR 340-71-030(1)(f) as follows:

- (f) Where coarse grain material is located within thirty-six (36) inches of the natural ground surface and the installation and utilization of a disposal trench would cause degradation of the quality of public waters. A minimum separation distance of eighteen (18) inches shall be maintained between coarse grained materials and the bottom of the trench. [Diagram 7-A shows an acceptable design where coarse grain material is thirty (30) inches but less than thirty-six (36) inches below the natural ground surface.]

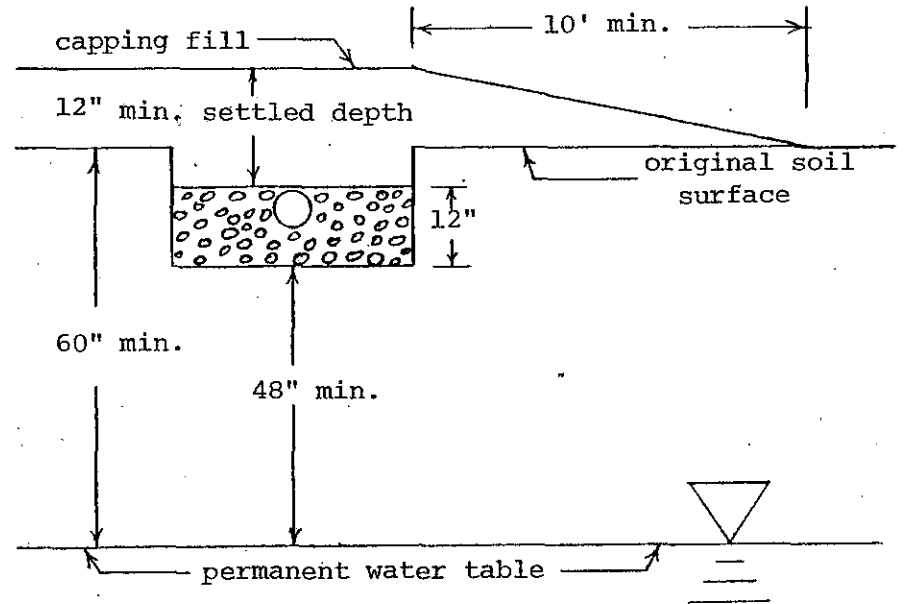
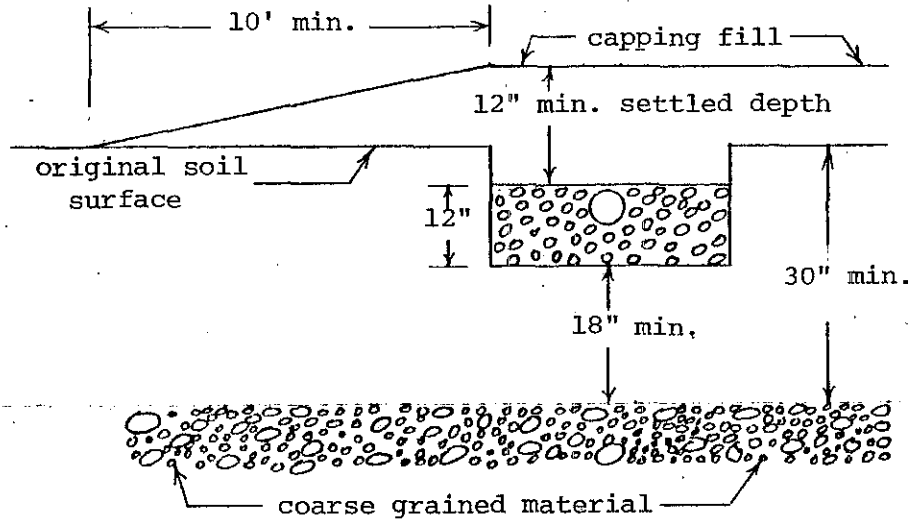
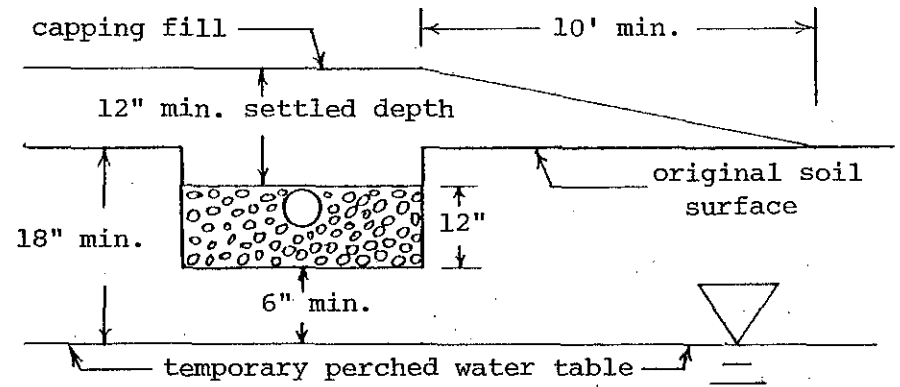
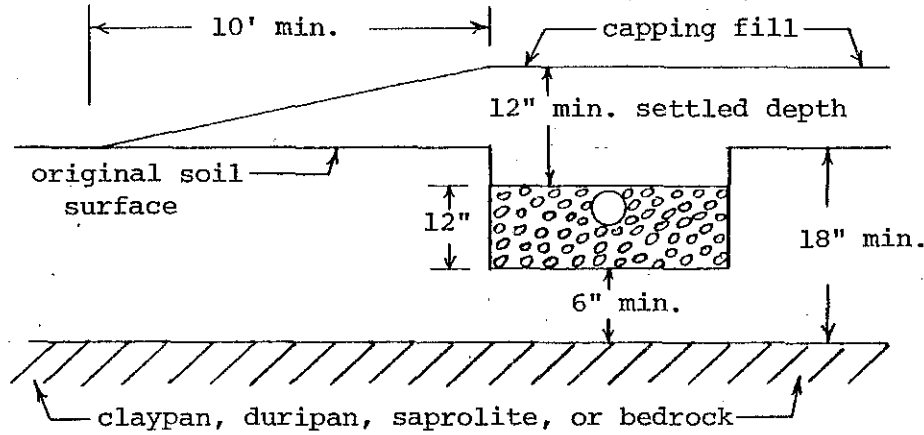
NOTE: Material underlined _____ is new

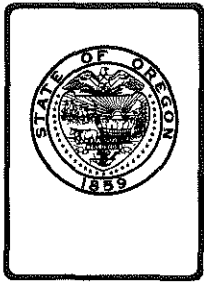
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DIAGRAM

CAPPING FILL





Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: David H. Couch, Hearings Officer

Subject: Public Hearing
Proposed Adoption of Capping Fill Rules (O.A.R. 340-71-039)
June 3, 1980
Room 162, Josephine County Courthouse, Grants Pass, Oregon

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Bradley W.H. Prior, Jackson County Department of Planning and Development

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- 71-039(2)(a): a maximum limit of thirty-five (35) percent clay fraction should be considered in all soils considered for caps.
- 71-039(2)(b): consider placing the cap after the disposal trenches were installed. Sequence of installation: scarify site, install trenches, stake disposal lines, and then install cap.
- 71-039(2): consider allowing individual contract counties some flexibility in the manner in which the cap is applied. Allow individual county variability.
- 71-039(2)(e): increase separation on downhill edge of the fill and the nearest trench sidewall to twenty-five (25) feet.

Alex Boutacoff, Contractor

- Rules provide too many minimum and maximum standards. Installation should be more toward a performance approach. The system is to work in a certain way; general standards for installation.
- The rules contain too many specific requirements.

[CONTINUED]



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Dave Bassett, Consulting Engineer

- Rules contain too much of a specification approach to installation requirements.
- There is an arbitrary selection of standards. Rules should provide more flexibility.
- 71-039(1)(a): maximum slope of twelve (12) percent is arbitrary. Slopes of up to twenty (20) percent could be used if system is adequately designed and constructed.
- 71-039(1)(b) and 71-039(1)(d): the use of eighteen (18) inches minimums are excessive. A lesser standard could be used if systems are properly designed and installed.
- A twelve (12) inch cap seems arbitrary; could be six (6), eight (8), one (1) or zero (0) inches depending on circumstances which might be appropriate.
- 71-039(1)(e) and 71-039(1)(g): choosing eighteen (18) inches is arbitrary; under certain conditions the standard should allow flexibility.
- 71-039(1)(i): a full replacement area is excessive and is arbitrarily restrictive.
- 71-039(2): this section contains too many specifications.
- 71-039(3): require as many inspections as necessary.
- 71-039 and 71-037(4) (Sand Filter Rules): should be reviewed to eliminate possible conflicts or overlap.

Chuck Costanzo, Josephine County Environmental Health Services

- In support of adoption of rule
- 71-039(2)(e): increase separation on downhill edge of the fill and the nearest trench sidewall to twenty (20) feet.

The hearing was adjourned at 11:30 a.m.

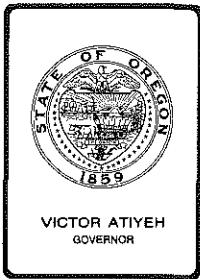
Sincerely,



David H. Couch
Hearings Officer

DHC:fs

Attachments: (1) Hearing Record (Tape)
(2) Attendance List



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: Sherman O. Olson, Jr., Hearing Officer

Subject: Public Hearing--Proposed Addition to Subsurface and Alternative Sewage Disposal Rules Concerning Capping Fills--June 3, 1978, Conference Room B, Clackamas County Department of Environmental Services, 902 Abernethy Road, Oregon City, Oregon

Beginning at 10:00 a.m. on the date and location identified above, a public hearing was held to take testimony relative to the proposed rule (OAR-340-71-039). Six (6) persons were in attendance, with four (4) persons providing verbal testimony. All present expressed support for the proposed rules in general, but those testifying offered their concerns and suggestions on several technical aspects, those of greatest concern listed as follows:

1. The capping fill should be placed after the drainfield installation.
2. All other provisions of OAR 340-71-005 through 035 should be applicable.
3. At the time of initial construction the capping fill should be properly placed over the area designated for the replacement system.
4. The soil texture of the capping fill must be the same as topsoil at the site.
5. Because of the technical requirements of this type of system, installation should be by a licensed sewage disposal service.
6. Capping fill systems installed in rural areas must be fenced, both to keep livestock off and to prevent the farmer from scraping off the cap.

The hearing was adjourned at 11:15 a.m.

Sherman O. Olson, Jr.
Hearing Officer

SOO:1
XL48 (1)



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GEORGE D. WARD & ASSOCIATES

821 N. W. Flanders, Portland, Oregon 97209
222-4333

ENVIRONMENTAL CONSULTING ENGINEERS

June 3, 1980

Mr. Mark Ronayne
D.E.Q.
Box 1760
Portland, Oregon 97207

MWR

Re: Capping Fills - proposed rules.

Dear Mr. Ronayne:

I would first like to compliment D.E.Q. for the position it has taken concerning the proposed use of capping fills for use in difficult, subsurface sewage disposal sites. There is no doubt in my mind that under controlled conditions, the use of this concept will greatly extend the utilization of subsurface disposal in areas where no other reasonable alternatives are available.

Please accept the following as recommendations we feel might be beneficial to the intent of the proposed rules.

1. It is our suggestion that you include the use of an approved soil filter fabric, at least at the innerface between the capping fill and the top surface at the drain rock. My personal preference would be to see it used on all four faces of the disposal trench. However, if this is not acceptable we strongly suggest its use at least above the rock to reduce downward migration of soil particles from the effects of rainfall and gravity.
2. In the D.E.Q. diagrams of capping fill alternates, no dimensions are shown for the bottom width of the disposal trench. As was presented in our Cooper Mt. design, we suggest the use of narrower trenches which then permit the use of lightweight trenching equipment. Additionally, the current rules, as we understand them, do not allow the use of the trench bottom in surface area computation. Since the rules prohibit the use of the bottom area, we recommend a minimum width be specified if for no other reason than the conservation of aggregate.
3. Section (g) of D.E.Q.'s proposed Construction Requirements appear to make the use of serial distribution mandatory except as required otherwise by the Director. It would be appreciated if provisions could be included that would also make it possible for a consulting engineer to specify pressure systems as an alternate to gravity operated serial systems.

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Department of Environmental Control

I trust you will find the above helpful. Thanks for providing us an opportunity to comment.

Cordially yours,

A handwritten signature in cursive script that reads "George D. Ward".

George D. Ward, P.E.

GDW:ly

cc: Alternative Sewage Management Inc.



State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

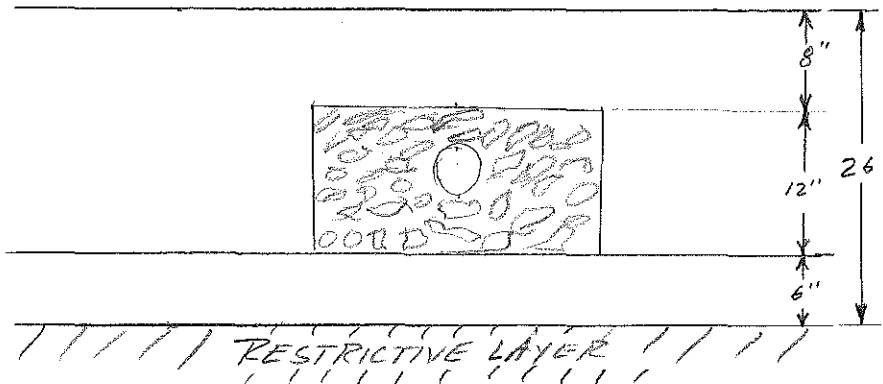
To: Mark Ronayne *MR*
From: Gil Hargreaves/Randy Rees *GR*
Subject: Adoption of Rule 340-71-039

Date: May 30, 1980

This is our written testimony concerning the proposed adoption of Rule 340-71-039.

As it reads now, Geographic Region Rule A allows approval of a system if there is between 18 and 30 inches of sand, loamy sand, loam, silt loam, or silt over a restrictive layer, and the mean annual precipitation does not exceed twenty (20) inches.

The trenches in these systems might look as shown below:



These trenches are installed entirely in the natural soil. There is no record of systems of this type failing in either Klamath or Lake Counties, despite the fact that large portions of both counties meet the criteria allowing the use of this rule. Many of these systems have been put in.

From talking with other counties, we have become aware of the fact that in some areas, these systems are failing. We feel that this is because of the sizing of the systems.

It must be understood by the inspector that the sizing chart is a minimum footage and requirement. The inspector can require a larger field if in his professional judgment it is needed for the system to work properly. In the instances where these systems are failing, they were not oversized. Due to the shallow soils to restrictive layer (less than 30"), they should be oversized.

This office feels that the best way to prevent systems installed under this rule from failing is to attack the problem - the undersizing of the systems. The easiest way to do this is by putting a clause in the current rules. A chart with revised sizing for soils with less than 30 inches to the restrictive layer may be appropriate as a guideline, or a base line of so many feet as a minimum footage with the inspector having the ability to require more line if he feels that it's needed.

Mark Ronayne
May 30, 1980
Page 2

The amended rules do not change the method of sizing the systems, and we feel that such a change is what is needed to solve the problem.

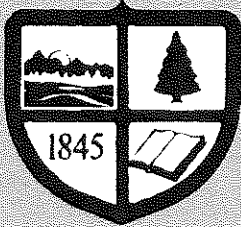
The new capping fill rule allows the inspector to approve a system in conditions that were previously unapprovable. This office encourages their adoption, but with a modification in the sizing of the system to prevent the undersizing problem that exists with Geographic Region Rule A.

However, we would like to see that rule as an addition rather than a substitution of Geographic Region Rule A. This rule was created specifically for areas east of the Cascades with little annual rainfall and shallow soils. It has been working well for this office and the elimination of it will take away a method by which we can approve lots for a standard system.

Whereas a system in the conditions outlined earlier may not function properly in the valley, we have had good success with these systems in these areas which have little rainfall. By removing Geographic Region Rule A from the rules, you will make it necessary for the property owner to install a more expensive, elaborate, and time consuming alternative system rather than a standard system that has proven to work satisfactorily. When conditions exist that require a more elaborate capping and fill, we could then require this alternative system.

GH/RR:dr

cc: Don Bramhall, CRO



POLK COUNTY
DEPARTMENT OF COUNTY DEVELOPMENT

PLANNING

BUILDING

ENVIRONMENTAL HEALTH

TELEPHONE 623-8171

COUNTY COURTHOUSE
DALLAS, OREGON 97338

May 29, 1980

Mark Ronayne
Department of Environmental Quality
Box 1760
Portland, Oregon 97207

Subject: Capping Fill Sewage Systems

Mr. Ronayne:

This Department has reviewed the proposed Administrative Rules regarding capping fill sewage systems as an alternative to the standard septic tank and drainfield. This letter is intended to express support for the addition of Section 71-039 to OAR Chapter 340 Division 71.

Sincerely,

PLANNING DIVISION

Jim Owens
Coordinator

JO:sj

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

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JUN 3 1980

WATER QUALITY CONTROL



Home Builders Association of Metropolitan Portland

May 28, 1980

3140 N. E.
Broadway /
Portland, Oregon
97232 /
Telephone
288-0121

Mr. Mark Ronayne
DEQ
Box 1760
Portland, OR 97207

Dear Mr. Ronayne:

The Home Builders Association of Metropolitan Portland supports the amendment of OAR Ch. 340 Division 71 by adding section 71-039 setting criteria and standards for capping fill sewage systems. There is a growing need for making alternative methods of sewage treatment more easily available, especially since federal funding of collector plants is being severely curtailed. Permitting this system outright under site standards rather than only by variance will make this alternative more attractive by reducing the cost of the approval process.

In addition, EPA is making funds available to alternative treatment projects. The capping fill system would be ideal for such projects.

Thank you for the opportunity to comment.

Sincerely,

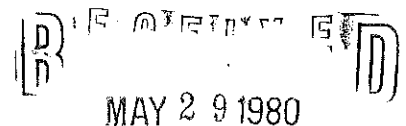
Kevin L. Hanway
Legal Counsel
Governmental Affairs Division

KLH/sc

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Dept. of Environmental Quality



HOOD RIVER COUNTY HEALTH
DEPARTMENT
1109 JUNE STREET
HOOD RIVER, OREGON 97031
TELEPHONE 386-1115

May 29, 1980

Mark Ronayne
Department of Environmental Quality
Subsurface Sewage Section
P.O. Box 1760
Portland, OR 97207

RE: CAPPING FILL AMENDMENT

Dear Mr. Ronayne,

The following comments are given for your consideration regarding introduction of capping fills:

1. I feel that it should be worded more specifically that the conditions for approval are required and that consideration is not given for sites which do not satisfy these minimum requirements.
2. The question I have regarding temporary perched water, sections B and C, is this adequate enough separation and should the installation of cut-off drains or curtain drains be required where possible? This would be of help to those property owners who have parcels on Rockford soils series in the county. However, a large percentage of our shallow soils are on slopes in excess of 25%, which would not be suitable for capping fills.
3. The sizing of these systems where explained in section H, may not be adequate, my recommendation would be for a minimum of 125 feet per 150 gallons daily sewage flow.
4. With regard to section I, I feel that the repair area should be considered at the time of installing the capping fill. The other alternative is to allow the failing drainfield to continue flowing until the dry time of the year and then proceed with the fill installation. I think the alternative of having the repair area upgraded at the same time the original area is installed would be a better idea.

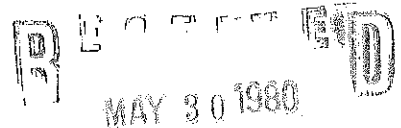
Thank you for your opportunity to comment on these rules.

Sincerely,

Scott Fitch, R.S.
County Sanitarian

SDF/td

cc: Don Bramhall, DEQ- Central Region Office



Mark Ronayne.

Rev 5-15-80

Although I don't know what the site criteria & construction standards for the proposed capping fill system will be, I am in favor of it as an alternative system from the experience I've had in the past.

Twenty five years ago, we used a 12" fill of sandy loam over a drain field that was located on the corner of Barnett Rd. & Ellen Dale drive in Medford. The soil in this area is black sticky as is much of the soil to the East & North of Medford.

This system seeped to the surface during wet weather and at any time there was excessive usage.

This fill didn't completely solve our problem but it was a big improvement, if we had covered a larger area and had more

depth to the fill, I believe it would have been trouble free.

There was another capped drain field on Table Rock Rd. in the vicinity of the freeway overpass.

This system was in clay soil and hard pan close to the surface in spots. The cap soil was Bear Creek bottom loam spread to an average settled depth of 18". This system was about the only one along this portion of Table Rock Rd. that functioned properly during the winter months.

With proper standards, I believe a capping-fill system would work in many of the problem areas of the Rogue Valley.

Use this as part of the hearing record if you wish.

Leland Coggins
4207 Dark Hollow Rd.
Medford, Ore. 97501



STATE OF OREGON

INTEROFFICE MEMO

DEPT.

TELEPHONE

TO: Mark Ronayne

DATE: June 3, 1980

FROM: Dick Nichols

SUBJECT: Capping Fill Hearing

The hearing was held at the Deschutes County Courthouse Annex at 10:00 a.m. this morning.

Three people testified. Two testifiers felt that the minimum separation distance between coarse grained material and the bottom of the trench should vary depending on the depth to water and the intervening soil types existing above the water table. The testifiers felt that at depths to water of 50 feet or greater, there would not be a need to maintain a minimum of 18 inches separation. In fact, they felt that at depths of 200 to 300 feet there may not be need for any separation at all. In addition, if restrictive or impervious layers of material lay between the coarse grain and the water table, the separation distance to the coarse grain should be less restrictive.

The comments made by Deschutes County are attached and will not be summarized in this memo. A tape of the oral testimony at the hearing is included.

Enclosures

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
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JUN 6 1980
WATER QUALITY CONTROL

Deschutes County Health Department

ENVIRONMENTAL HEALTH SECTION
COURTHOUSE ANNEX BEND, OREGON 97701

M E M O R A N D U M

TO: MYER AVEDOVECH, HEARINGS OFFICER
FROM: JAY LANGLEY, FIELD SUPERVISOR
DATE: JUNE 3, 1980
SUBJ: PROPOSED CAPPING FILLS RULE

Deschutes County has experienced the use of capping fills extensively with the Geographic Region Rule "A". Problems have been encountered which have not been addressed adequately by these proposed rules.

1 (g). Due to the up and down nature of the lava terrain in this area it is next to impossible to maintain a six inch separation from the bottom of the trench to the restrictive layer. With the approval of lots with only eighteen inches of soil there is no allowance being made for uneven subsurface terrain.

SOLUTION: Allow excavators to dig down to restrictive layer. In reality, the area will have some areas with more than 18" soil and areas with less than 18" soil. This will allow additional rock storage for effluent.

1 (h). Deschutes County is currently requiring more drainfield than Table 5 requires. The drainfields in Terrebonne were sized by this table.

This table has brought repeated drainfield failures in Deschutes County from having insufficient drainfield installed. Currently Deschutes County requires 100 lineal feet/150 gal. for 24-30 original soil depth and 125/150 gal. for 18-24 original soil depth. I would recommend this be incorporated in the rules.

2 (a). The location of allowable fill material has become a time-consuming next to impossible task. It is ridiculous to continue approving sites knowing that approvable fill dirt cannot be found. In Deschutes County almost all top soil is sandy loam or loamy sand. I believe one textural classification coarser should be allowable as fill material provided that nothing coarser than loamy sand is allowed. The difference in the infiltration rate from rain cannot be significant enough to cause failure of the drainfield system.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
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JUN 6 1980
WATER QUALITY CONTROL

TO: HEARINGS OFFICER
FROM: JAY LANGLEY
PAGE 2

3. The additional inspections required cannot be provided for the \$40.00 permit fee. This is particularly true since most departments are experiencing staffing cutbacks. This should be considered an alternative system with a fee other than the standard \$40 fee. I would suggest a \$75 fee. Deschutes County handles hundreds of Geographic Regional Rule "A" permits now. Current staffing does not allow time for these additional inspections. Additional fees are needed to provide additional staff.

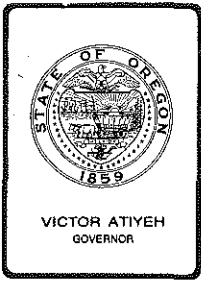
In addition, more failures have occurred from loop systems than all other types of systems combined. With shallow soils, effluent must move laterally for disposal. There is also less rock in a loop system, therefore less effluent storage. I suggest that loop systems require additional footage to be installed.

Systems installed on flat ground have failed significantly more often than systems on sloping ground. This is hard to explain. Perhaps the soil texture and the lack of hydrolic head to move the water are responsible.

Current rules have a technical flaw which should be corrected. Serial systems are required to be dug 24 inches deep. This is impossible to do when the proposed as well as the current Geographic Region Rule "A" approve sites of 3-12% slope with eighteen inches of soil. Maintaining a six inch separation from the trench bottom is even more difficult when you are required to install a 24 inch trench on a sloping site with 18 inches original soil depth.

In addition, item (3(d) is an unreasonable request of the excavators. Although planting should be done over the filled area, it is not reasonable to withhold the Certificate of Satisfactory Completion until that is done. Most installers are not paid until that Certificate is issued. It may be months before the builder or owners will do the necessary planting.

JLL/lp
cc: File



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. Q, June 20, 1980, EQC Meeting

Proposed Adoption of Rules--Motor Vehicle Emission Testing
Amendments That Incorporate Standards for 1980 Model Year
Motor Vehicles--OAR 340-24-300 through 24-350.

Background

At the Environmental Quality Commission meeting of April 18, 1980, authorization was granted to conduct public hearings to gather testimony on amendments to the inspection program rules. These proposed amendments provided (1) a change in the definition of non-complying import vehicle; (2) a change in the light duty vehicle test criteria section of the rules to more clearly specify the allowable criteria for modifications to vehicle engines and emission control systems, and (3) the incorporation of standards for 1980 model year motor vehicles. The statement of need for rulemaking is included in Appendix A. A hearing officer's report on the public hearings of May 19, 20, and 21 is attached as Appendix B. Four hearings were held during the three day period, and two people testified on the 19th and one person testified on the 20th. Nobody attended the other two hearings. The proposed rule revision is attached as Appendix C.

Alternatives and Evaluation

Rule modifications have been proposed in the following areas:

OAR 340-24-305(7)--the definition of non-complying import vehicles--no comments on this proposal were received at the hearing.

OAR 340-24-320--the emission test criteria section--comments on these proposed changes were reviewed.

and OAR 340-24-330 & 335--the emission standards--comments on these proposed changes were reviewed.



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The comments reviewed on the test criteria portion of the rule concerned section 340-24-320(4)(b). Staff had proposed that the criteria for aftermarket product evaluations be incorporated into the rule. What was proposed was to cite both the California Air Resources Board after market product exemption procedure and the proposed EPA self-certification procedures. These procedures allow for a technical determination of the effect on emissions of aftermarket parts. Currently, staff is utilizing these lists to assist in determining that auxiliary aftermarket equipment does not adversely affect pollution control.

Mr. Fender, an attorney representing Multnomah Hot Rod Council, the Motor Sports Conference, and the Automobile Safety and Equipment Association, in his testimony, attached in Appendix C, suggested that OAR 340-24-320 be amended to allow the installation of aftermarket turbochargers, subject to the provision that all equipment pertinent to the certified system be unmodified and retained. Mr. Fender further suggested that staff review the hearing record of the Senate Transportation Committee on HB 2157. In reviewing that hearing record, it is the opinion of staff that the legislative intent as expressed at the May 25, 1979 hearing was to expressly not prohibit the use of turbochargers as long as they did not significantly affect the efficiency or effectiveness of the system in the control of air pollution.

Several new motor vehicles are now equipped with original equipment manufactured (OEM) turbochargers. These installations utilize sophisticated electronics to maintain emission control, performance, fuel economy, and durability. The whole engine system is redesigned with the turbocharger in mind. These engine systems must meet the same pollution requirements as their unturbocharged cousins. The test used for this determination is the federal test procedure, a 22-minute driving cycle. All of the emissions from the vehicle are collected and the mass of emissions expressed in grams per vehicle mile driven is determined. These values are compared to the federal emission standards to determine compliance with the federal standards and to determine a baseline emission characteristic for the individual vehicle class.

Aftermarket turbochargers kits, however, bolt into existing engine systems. Engine systems, not designed to effectively mate with turbochargers, generally need additional modifications to overcome the need for higher octane fuels, higher thermal loadings and the like. Aftermarket turbocharger kits, on the market today are often advertized as not being legal for "street" use. The cost of these kits, \$1500-\$2000, puts them into a specialty class, though marketing pressures remain strong. Fuel economy and emission claims generally have not been verified during certification type testing.

The California Air Resources Board has an extensive aftermarket product evaluation group. The CARB has tested several kits and exempted two different aftermarket turbocharger kits. Several other systems are under study. The aftermarket turbocharger manufacturers are beginning to work more closely with the CARB, and more exempted kits should soon appear. The federal government is proposing the self-certification program which provides another avenue for this segment of the market. Both the California and federal procedures are included in the proposed addition to the rule.

It should be noted that under the 1977 Clean Air Act Amendments professional installers of non-exempted turbocharger kits can be prosecuted under the federal anti-tampering law.

Department policy does not hinder the use of aftermarket performance equipment that is pollution control compatible. Many specialty aftermarket equipment manufacturers have engaged in testing programs that show the non-degradation effects on emissions as well as the performance benefits of their products. Aftermarket turbocharger manufacturers have been trying to do the same and there are many indications that there will be more exempted kits available in the future that do not degrade emission control. It would appear that this situation should resolve itself. For these reasons, it is recommended that no change in the proposed rule revision be made.

Comments were received on the test standards section OAR 340-24-330. The comments by Mr. McCann, owner of Gene's Carburetor and Electric in Beaverton, and Mr. Fender both called for an easing of the standards for catalyst equipped cars. Mr. McCann's request was based in part on a lack of parts availability and performance objectives of his customers. Mr. Fender requested easing the standards for catalyst vehicles with an alternative "no go" criteria. The current standard with enforcement tolerance is 1.0% carbon monoxide and 225 ppm hydrocarbons. While Mr. McCann did not propose alternative values, Mr. Fender proposed values of 1.5% carbon monoxide and 300 ppm hydrocarbons.

The criteria reviewed in the EQC report of April 18, 1980, listed three major items that are considered in formulating the standards for the state's inspection test. These three items are:

1. The design used by the individual manufacturer in building the motor vehicle to comply with the federal criteria including the manufacturer's tuning procedures. These procedures are specified in the maintenance manuals and summarized on emission labels located in the engine compartments.
2. The emission results obtained from prototype vehicle testing in the federal certification process and short cycle test results obtained at the state inspections centers.

3. An engineering evaluation and judgment based upon reasonable repeatability of emission readings from a given vehicle design.

In reviewing these items it is worthwhile to again note the differences between short test cycles and the federal test procedure. The federal test procedure, as stated above, is the industry standard test method for determining compliance with the federal emission standards and for determining baseline emission characteristics. The purpose of the state's idle test is to detect vehicles with gross emissions. It does this by predicting passage or failure of the federal test procedure. This ability or correlation only applies if all elements of the pollution control systems are installed and operating and if the vehicle is operating within the manufacturer's specifications.

The standards chosen for catalyst equipped vehicles are based upon the criteria stated above. These values were documented in the recent EPA study of the Portland program as effective in detecting high polluting vehicles. The EPA has recently issued the 207(b) rules, and these rules use values of 1.0% carbon monoxide and 200 ppm H.C. 207(b) refers to section 207(b) of the Clean Air Act. 207(b) provides emission warranty protection for car owners that fail a state's short test. Changing those values, without technical justification, would deviate from the criteria used in establishing the standards, lessen potential warranty protection for area residents, and allow increased air pollution from area motor vehicles.

Parts availability to assist in proper repair, is an issue that has concerned staff for some time. Inquiries with the manufacturers have indicated that OEM parts are available through the independent dealer network. Checking with individual parts houses and dealerships confirmed the availability of emission related parts. In some instances there was time delays for parts, but on other items where a demand had been established there was better parts supply. As the demand for various parts increases, due in part to more thorough maintenance of motor vehicles, the parts supply problems should ease. It is the opinion of staff that no change in the idle emission standards from the values proposed is warranted.

The third item raised at the public hearing concerned mechanic licensing. Mr. Barber, a local mechanic, raised that issue, because he felt that a licensed mechanic would be better trained and maintain a higher quality of workmanship. Legal authority for mechanics licensing does not exist and while the question has been debated in the legislature, no licensing requirement has been enacted.

Summation

The Commission is being asked to approve changes in the inspection program rules. The proposed rule revisions were reviewed based upon the testimony reviewed at the public hearing. The proposed rule modifications update the standards for the inspection program to include 1980 model year motor vehicles, change the definition of non-complying import vehicle, and clearly define the Department's policy on aftermarket parts and vehicle modifications.

Director's Recommendation

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



William H. Young

Attachments: Appendix A - Statement of Need
Appendix B - Hearing Officer's Report
Appendix C - Proposed Rule Revisions

W.P. Jasper:pe
229-5081
June 6, 1980

APD62

Appendix A

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

OF THE STATE OF OREGON

IN THE MATTER OF)
The Adoption of Amendments to the)
Motor Vehicle Emission Testing Rules,) STATEMENT OF NEED
OAR Chapter 340) FOR RULEMAKING
Section 24-300 to 24-350)

I

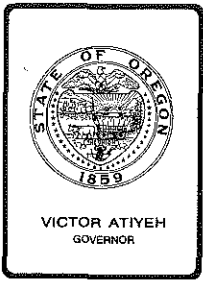
Pursuant to ORS 183.335(2), the statement provides information on the intended action to amend a rule. The Environmental Quality Commission intends to adopt the motor vehicle inspection program rule amendments, OAR Chapter 340 Section 24-300 to 24-350.

A. Legal Authority. ORS 468.370 and ORS 183.341.

B. Need For Rule. The proposed amendments are needed to update the inspection program standards and criteria to include 1980 model year motor vehicles.

C. Documents Relied Upon. The existing rules, the automobile and motor vehicle manufacturers, shop manuals, service manuals. 40 CFR Part 85 (FRL-1401-4) Emission Control System Performance Warranty Regulations--Short test Establishment. 40 CFR Part 85 (FRL-1416-8) Exclusion and Exemption of Motor Vehicles and Motor Vehicle Engines. 40 CFR Part 85 (FRL-1260-7) Voluntary After Market Part Self Certification Program. California VC 27156 Exemption List.

D. Fiscal Impact Statement. Estimated fiscal impacts are that some motorists will experience savings, while other motorists will experience increased costs in maintaining their motor vehicles.



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Hearing Officer

Subject: Hearing Report--Proposed Rules for Emission Inspection Program

Background

Four public hearing had been authorized by the Environmental Quality Commission to be conducted May 19, 20, and 21. On May 19, at 7 p.m. at the Operations Center in the City of Beaverton, a hearing was conducted. There were four people in attendance. Mr. Gene McCann testified that cars today are very difficult to tune and maintain because some of the emission control requirements hinder the vehicle's ability to optimize performance. He requested more lenient emission standards. Mr. McCann did recognize, however, that there are often necessary trade-offs that need to be made between performance, emission control, and fuel economy considerations.

Mr. John Barnes, Fleet Superintendent for the Beaverton School District No. 48, was concerned about how the proposed rule revisions might affect his diesel bus operation. His concern was to maintain his fleet in a good condition within his budget limitations. No other testimony was received at this hearing.

At 7 p.m. May 20, 1980, in the Community Room at the Farwest Federal Savings and Loan Association in Milwaukie, a public hearing was conducted in which one person, a Mr. Ron Barber, attended. Mr. Barber, a mechanic by trade, called upon the Commission to conduct mechanic licensing and certification so that the mechanics in the field would both have the training and the credentials to be able to properly conduct emission repairs on automobiles. He felt that many people in the service industry were not aware and did not care about the emission control requirements and that if there was a mandatory licensing program this would change.

A public hearing was conducted at 9 a.m. May 21, 1980, at the Fish and Game Commission offices in downtown Portland. No one attended that meeting. A public hearing was conducted at 7 p.m. May 21, 1980, at the Gresham Educational and Municipal Building Complex in Gresham, Oregon. There were no attendees of that meeting.



Contains
Recycled
Materials

Hearing Officer's Report

June 20, 1980

Page 2

The hearing record was extended to the close of business day, Friday, May 23. Written testimony was received from a Mr. Thomas Fender. Mr. Fender, an attorney, represents the Multnomah Hot Rod Council, the Motor Sports Conference, and the Automobile Safety and Equipment Association. Mr. Fender's testimony, copy attached, requested that OAR 340-24-320 be amended to allow the use of aftermarket turbochargers. Mr. Fender also requested that the exhaust emission standards for catalyst equipped vehicles be eased.

Recommendation

Your hearing officer makes no recommendation in this matter.

Respectfully submitted,



William P. Jasper
Hearing Officer

W. P. Jasper
229-5081
May 27, 1980
Attachment

APD62.A

THOMAS FENDER, P.C.
LAWYERS

POST OFFICE BOX 2208
SALEM, OREGON 97308

TELEPHONE
(503) 399-9801

CLIENT REFERENCE

May 22, 1980

STATE OF OREGON
R E C E I V E D

MAY 23 1980

Dept. of Environmental Quality
Vehicle Inspection Division

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

Re: Comments on Rulemaking Action Authorized Pursuant to
Agenda Item F, EQC Meeting of April 18, 1980

Dear Mr. Jasper:

Consistent with our telephone conversation of May 21, 1980, the following comments are submitted as part of the above referenced rulemaking action on behalf of the Multnomah Hot Rod Council, the Motor Sports Conference, and the Automobile Safety and Equipment Association. The primary thrust of these comments is directed to OAR 340-24-320(4)(b) which, in your draft form, is inconsistent with the legislative intent expressed in House Bill 2157 in the 1979 Regular Session.

To assist you in the evaluation of this matter, since you were not present at the hearings, Senator L. B. Day of Salem advanced amendments to ORS 483.825(4) in the interest of providing a consumer oriented economical approach to the issue of aftermarket equipment and, in particular, turbochargers. In this regard, it is my suggestion that you review the record on this particular subject as it was very clear to me that the Committee's intent was to facilitate, however possible, the installation of equipment whose "overall effect" did not "significantly" derogate the standards established pursuant to Oregon State law from which authority the DEQ inspection process originates.

Based on that premise, it is my clients' suggestion that OAR 340-24-320 be amended to allow the installation of aftermarket equipment such as turbochargers, subject to the provision that all equipment pertinent to the "certified system" be retained and no modifications take place to any of those items. Beyond that criteria, the additional "expensive language" relating to the California Vehicle Code and EPA criteria could remain.

. . . more . . .

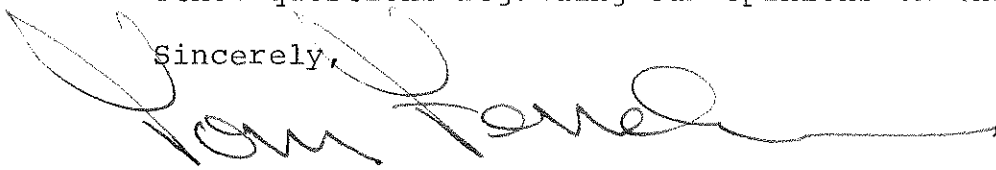
William P. Jasper
Environmental Quality Commission
May 22, 1980
Page 2

On the separate subject of standards relating to catalytic equipment converter vehicles, it would be our suggestion that rather than having complex tables relating to '76 and later catalytic converter vehicles, that one uniform standard of 1 1/2% CO and 300 parts per million HC be adopted as an expeditious alternative to what is becoming a ridiculously complex and unnecessarily convoluted regulatory scheme for which a simple "no-go" criteria could be adopted.

Such a no-go criteria, while not meeting perhaps the most difficult enforcement tolerance, would be adequate to insure catalytic converter functioning and would also accept those production variant vehicles that, regardless of tinkering and tuning, seem totally resistance to compliance. In addition, such action on the Department's part would have the additional benefit of establishing a rational tolerance of vehicles that while properly maintained are somewhat worn due to the current economic condition.

Thank you for your consideration and courtesy in this matter and please feel free to call should you have any other questions regarding our opinions on this matter.

Sincerely,



Tom Fender

TF/ly

Appendix C

Proposed Revision to Oregon Administrative Rules, Chapter 340-24

Motor Vehicle Emission Control Inspection Test, Criteria, Methods, and Standards.

Definitions

OAR 340-24-305 As used in these rules unless otherwise required by context:

(1) "Carbon dioxide" means a compound consisting of the chemical formula (CO₂).

(2) "Carbon monoxide" means a compound consisting of the chemical formula (CO).

(3) "Certificate of Compliance" means a certification issued by a vehicle emission inspector that the vehicle identified on the certificate is equipped with the required functioning motor vehicle pollution control systems and otherwise complies with the emission control criteria, standards, and rules of the Commission.

(4) "Certificate of inspection" means a certification issued by a vehicle emission inspector and affixed to a vehicle by the inspector to identify the vehicle as being equipped with the required functioning motor vehicle pollution control systems and as otherwise complying with the emission control criteria, standards, and rules of the Commission.

OAR243.05(f)

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

(6) "Crankcase emissions" means substances emitted directly to the atmosphere from any opening leading to the crankcase of a motor vehicle engine.

(7) "Department" means the Department of Environmental Quality.

(8) "Diesel motor vehicle" means a motor vehicle powered by a compression-ignition internal combustion engine.

(9) "Director" means the director of the Department.

(10) "Electric vehicle" means a motor vehicle which uses a propulsive unit powered exclusively by electricity.

(11) "Exhaust emissions" means substances emitted into the atmosphere from any opening downstream from the exhaust ports of a motor vehicle engine.

(12) "Factory-installed motor vehicle pollution control system" means a motor vehicle pollution control system installed by the vehicle or engine manufacturer to comply with [federal] United States motor vehicle emission control laws and regulations.

(13) "Gas analytical system" means a device which senses the amount of contaminants in the exhaust emissions of a motor vehicle, and which has been issued a license by the Department pursuant to rule 340-24-350 of these regulations and ORS 468.390.

(14) "Gaseous fuel" means, but is not limited to, liquefied petroleum gases and natural gases in liquefied or gaseous forms.

(15) "Gasoline motor vehicle" means a motor vehicle powered by a spark-ignition internal combustion engine.

(16) "Heavy duty motor vehicle" means a motor vehicle having a combined manufacturer vehicle and maximum load rating to be carried thereon of more than 3855 kilograms (8500 pounds).

(17) "Hydrocarbon gases" means a class of chemical compounds consisting of hydrogen and carbon.

(18) "Idle speed" means the unloaded engine speed when accelerator pedal is fully released.

(19) "In-use motor vehicle" means any motor vehicle which is not a new motor vehicle.

(20) "Light duty motor vehicle" means a motor vehicle having a combined manufacturer vehicle and maximum load rating to be carried thereon of not more than 3855 kilograms (8500 pounds).

(21) "Model year" means the annual production period of new motor vehicles or new motor vehicle engines designated by the calendar year in which such period ends. If the manufacturer does not designate a production period, the year with respect to such vehicles or engines shall mean the 12 month period beginning January of the year in which production thereof begins.

(22) "Motorcycle" means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground and having a mass of 680 kilograms (1500 pounds) or less with manufacturer recommended fluids and nominal fuel capacity included.

(23) "Motor vehicle" means any self-propelled vehicle used for transporting persons or commodities on public roads.

(24) "Motor vehicle fleet operation" means ownership by any person of 100 or more Oregon registered, in-use, motor vehicles, excluding those vehicles held primarily for the purposes of resale.

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

(26) "New motor vehicle" means a motor vehicle whose equitable or legal title has never been transferred to a person who in good faith purchases the motor vehicle for purposes other than resale.

(27) "Non-complying imported vehicle" means a motor vehicle of model years 1968 through 1971 which was originally sold new outside of the United States and was imported into the United States as an in-use vehicle prior to February 1, 1972[.], or a motor vehicle owned by a foreign national which has entered the United States in compliance with federal regulations.

(28) "Owner" means the person having all the incidents of ownership in a vehicle or where the incidents of ownership are in different persons, the person, other than a security interest holder or lessor, entitled to the possession of a vehicle under a security agreement, or a lease for a term of 10 or more successive days.

(29) "Person" includes individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the state and any agencies thereof, and the federal government and any agencies thereof.

(30) "PPM" means parts per million by volume.

(31) "Public roads" means any street, alley, road, highway, freeway, thoroughfare, or section thereof in this state used by the public or dedicated or appropriated to public use.

(32) "RPM" means engine crankshaft revolutions per minute.

(33) "Two-stroke cycle engine" means an engine in which combustion occurs, within any given cylinder, once each crankshaft revolution.

(34) "Vehicle emission inspector" means any person possessing a current and valid license by the Department pursuant to rule 340-25-340 of these regulations and ORS 468.390.

Light Duty Motor Vehicle Emission Control Test Criteria

OAR 340-24-320 (1) No vehicle emission control test shall be considered valid if the vehicle exhaust system leaks in such a manner as to dilute the exhaust gas being sampled by the gas analytical system. For the purpose of emission control tests conducted at state facilities, except for diesel vehicles, tests will not be considered valid if the exhaust has is diluted to such an extent that the sum of the carbon monoxide and carbon dioxide concentrations recorded for the idle speed reading from an exhaust outlet is 8% or less, and on 1975 and newer vehicles with air injection systems 7% or less.

(2) No vehicle emission control test shall be considered valid if the engine idle speed either exceeds the manufacturer's idle speed specifications by over 200 RPM on 1968 and newer model vehicles, or exceeds 1,250 RPM for any pre-1968 model vehicle.

(3) No vehicle emission control test for a 1970 or newer model vehicle shall be considered valid if any element of the following factory-installed motor vehicle pollution control systems have been disconnected, plugged, or otherwise made inoperative in violation of ORS 483.825(1), except as noted in section (5) or as provided for by 40 CFR 85.1701-1709. Motor vehicle pollution control systems include, but are not necessarily limited to :

- (a) Positive crankcase ventilation (PVC) system.
- (b) Exhaust modifier system:
 - (A) Air injection reactor system;
 - (B) Thermal reactor system;

(C) Catalytic converter system - (1975 and newer model vehicles only).

(c) Exhaust gas recirculation (EGR) systems - (1973 and newer model vehicles only).

(d) Evaporative control system.

(e) Spark timing system:

(A) Vacuum advance system;

(B) Vacuum retard system.

(f) Special emission control devices. Examples:

(A) Orifice spark advance control (OSAC);

(B) Speed control switch (SCS).

(C) Thermostatic air cleaner (TAC).

(D) Transmission controlled spark (PCS).

(E) Throttle solenoid control (TSC).

(F) Fuel filler inlet restrictors.

(G) Oxygen sensor.

(4) No vehicle emission control test for a 1970 or newer model vehicle shall be considered valid if any element of the factory installed motor vehicle pollution control system has been modified or altered in such a manner so as to decrease its efficiency or effectiveness in the control of air pollution in violation of ORS 483.825(2), except as noted in section (5). For the purposes of this section, the following apply:

(a) The use of a non-original equipment aftermarket part (including a rebuilt part) as a replacement part is not considered to be a violation of ORS 483.825(2), if a reasonable basis exists for knowing that such use will not adversely effect

emission control efficiency. The Department will maintain a listing of those parts which have been determined to adversely effect emission control efficiency.

(b) The use of a non-original equipment aftermarket part or system as an add-on, auxiliary, augmenting, or secondary part or system, is not considered to be a violation of ORS 483.825(2), if such a part or system [is listed on the exemption list maintained by the Department.] is on the exemption list of "Modifications to Motor Vehicle Emission Control System Permitted Under California Vehicle Code Section 27156 granted by the Air Resources Board," or is on the list maintained by the U.S. Environmental Protection Agency of "Certified to EPA Standards," or has been determined after review of testing data by the Department that there is no decrease in the efficiency or effectiveness in the control of air pollution.

(c) Adjustments or alterations of a particular part or system parameter, is done for purposes of maintenance or repair according to the vehicle or engine manufacturer's instructions, are not considered violations of ORS 483.825(2)!

(5) A 1970 and newer model motor vehicle which has been converted to operate on gaseous fuels shall not be considered in violation of ORS 483.825(1) or (2) when elements of the factory-installed motor vehicle air pollution control system are disconnected for the purpose of conversion to gaseous fuel as authorized by ORS 483.825(3).

(6) The following applies:

- (a) to 1979 and earlier motor vehicles. When a motor vehicle is equipped with other than the original engine and the factory installed vehicle pollution control systems, it shall be classified by the model year and manufacture make of the non-original engine and its factory installed motor vehicle pollution control systems, except that when the non-original engine is older than the motor vehicle any requirement for evaporative control system and fuel filler inlet restrictor and catalytic convertor shall be based on the model year of the vehicle chassis.
- (b) to 1980 and newer motor vehicles. These motor vehicles shall be classified by the model year and make of the vehicle as designated by the original chassis, engine, and its factory installed motor vehicle pollution control systems.

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

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

	Enforcement Tolerance Through	
	<u>% June, [1980] 1981</u>	
<u>ALFA ROMEO</u>		
1978 [and 1979] <u>through 1980</u>	0.5	0.5
1975 through 1977	1.5	1.0
1971 through 1974	3.0	1.0
1968 through 1970	4.0	1.5
pre-1968	6.0	0.5
<u>AMERICAN MOTORS CORPORATION</u>		
1975 through [1979] <u>1978</u> Noncatalyst	1.5	0.5
1975 through [1979] <u>1980</u> Catalyst Equipped	0.5	0.5
1972 through 1974	2.0	1.0
1970 through 1971	3.5	1.0
1968 through 1969	5.0	0.5
pre-1968	6.0	0.5
Above 6000 GVWR 1974 through 1978	2.0	1.0
<u>ARROW</u> , Plymouth - see COLT, Dodge		
<u>AUDI</u>		
1975 through [1979] <u>1980</u> Catalyst Equipped	0.5	0.5
1975 through 1979 Noncatalyst	1.5	0.5
1971 through 1974	2.5	1.0
1968 through 1970	4.0	1.0
pre-1968	6.0	0.5
<u>AUSTIN</u> - see BRITISH LEYLAND		

	Enforcement Tolerance Through	
	%	June, [1980] 1981
<u>BMW</u>		
1979 through 1980 Catalyst Equipped	0.5	0.5
1975 through 1979	1.5	0.5
1974 6 cyl.	2.5	1.0
1974 4 cyl.	2.0	1.0
1971 through 1973	3.0	1.0
1968 through 1970	4.0	1.0
pre-1968	6.0	0.5
<u>BRITISH LEYLAND</u>		
Austin, Austin Healey, Morris, America, and Marina		
1975	2.0	0.5
1973 through 1974	2.5	1.0
1971 through 1972	4.0	1.0
1968 through 1970	5.0	1.0
pre-1968	6.5	0.5
Jaguar		
1975 through [1979] <u>1980</u>	0.5	0.5
1972 through 1974	3.0	1.0
1968 through 1971	4.0	1.0
pre-1968	6.0	0.5
MG		
1976 through [1979] <u>1980</u> MG	0.5	0.5
1975 MG, MG Midget and 1976 MG Midget	2.0	0.5
1973 through 1974 MGB, MGBGT, MGC	3.0	1.0
1971 through 1974 Midget	3.0	1.0
1972 MGB, MGC	4.0	1.0
1968 through 1971, except 1971 Midget	5.0	1.0
pre-1968	6.5	0.5
Rover		
1971 through 1974	4.0	1.0
1968 through 1970	5.0	0.5
pre-1968	6.0	0.5

	Enforcement Tolerance Through	
	%	June, [1980] 1981
<u>Triumph</u>		
1978 and [1979] <u>1980</u>	0.5	0.5
1975 through 1977	2.0	0.5
1971 through 1974	3.5	1.0
1968 through 1970	4.0	1.0
pre-1968	6.5	0.5
<u>BUICK</u> - see GENERAL MOTORS		
<u>CADILLAC</u> - see GENERAL MOTORS		
<u>CAPRI</u> - see FORD MOTOR COMPANY		
<u>CHECKER</u>		
1975 through [1979] <u>1980</u> Catalyst Equipped	0.5	0.5
1973 through 1974	1.0	1.0
1970 through 1972	2.5	1.0
1968 through 1969	3.5	1.0
pre-1968	6.0	0.5
<u>CHEVROLET</u> - see GENERAL MOTORS		
<u>CHEVROLET L.U.V.</u> - see L.U.V., Chevrolet		
<u>CHRYSLER</u> - see CHRYSLER CORPORATION		
<u>CHRYSLER CORPORATION</u> (Plymouth, Dodge, Chrysler)		
1975 through [1979] <u>1978</u> Noncatalyst	1.0	0.5
1975 through [1979] <u>1980</u> Catalyst Equipped	0.5	0.5
1973 through 1974	1.0	1.5
1970 through 1972	1.5	1.5
1968 through 1969	2.0	2.5
pre-1968	6.0	0.5
Diesel Engines (all years)	1.0	0.5
Above 6000 GWR 1968 through 1971	4.0	1.0
Above 6000 GWR 1972 through 1978	2.0	1.0

Enforcement
Tolerance
Through
% June, [1980] 1981

CITROEN

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

COLT, Dodge

1978 and [1979] <u>through 1980</u>	0.5	0.5
1975 through 1977	3.0	0.5
1971 through 1974	5.0	1.0
pre-1971	6.0	0.5

COURIER, Ford

1975 through [1979] <u>1980</u> Catalyst Equipped	0.5	0.5
1975 through 1979 Noncatalyst	1.5	0.5
1973 through 1974	2.0	1.0
pre-1973	4.0	1.0

CRICKET, Plymouth

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

DATSUN

1975 through [1979] <u>1980</u> Catalyst Equipped	0.5	0.5
1975 through [1979] <u>1980</u> Noncatalyst	2.0	0.5
1968 through 1974	2.5	1.0
pre-1968	6.0	0.5

DE TOMASO - see FORD MOTOR COMPANY

DODGE - see CHRYSLER CORPORATION

DODGE COLT - see COLT, Dodge

Enforcement
Tolerance
Through
% June, [1980] 1981

FERRARI

1978 [and 1979] <u>through 1980</u>	0.5	0.5
1975 through 1977	2.0	0.5
1971 through 1974	2.5	1.5
1968 through 1970	4.0	1.5
pre-1968	6.0	0.5

FIAT

1975 through [1979] <u>1980</u> Noncatalyst	1.5	0.5
1975 through [1979] <u>1980</u> Catalyst Equipped	0.5	0.5
1974	2.5	1.0
1972 through 1973 124 Spec. sedan and wgn.	4.0	1.0
1972 through 1973 124 sport coupe and spider	3.0	1.0
1972 through 1973 850	3.0	1.0
1971 850 sport coupe and spider	3.0	1.0
1971 850 sedan	6.0	0.5
1968 through 1970, except 850	5.0	0.5
1968 through 1970 850	6.0	0.5
pre-1968	6.0	0.5

FIESTA - see FORD MOTOR COMPANY

FORD - see FORD MOTOR COMPANY

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

1975 through [1979] <u>1978</u> Noncatalyst	1.0	0.5
1975 through [1979] <u>1980</u> Catalyst Equipped	0.5	0.5
1974 except 4 cyl.	1.0	1.0
1973 except 4 cyl.	1.0	1.5
1972 except 4 cyl.	1.0	2.0
1972 through 1974 4 cyl., except 1971-1973 Capri	2.0	1.0
1971 through 1973 Capri only	2.5	1.0
1970 through 1971	2.0	1.0
1968 through 1969	3.5	1.0
pre-1968	6.0	0.5
Diesel Engines (all years)	1.0	0.5

Enforcement
Tolerance
Through
% June, [1980] 1981

FORD MOTOR COMPANY - continued

Above 6000 GVWR 1968 through 1971	4.0	1.0
Above 6000 GVWR 1972 through 1973	3.0	1.0
Above 6000 GVWR 1974 through 1978	2.0	1.0

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

1975 through [1979] <u>1978</u> Noncatalyst	1.0	0.5
1975 through [1979] <u>1980</u> Catalyst Equipped	0.5	0.5
1973 through 1974	1.0	1.0
1971 through 1972, except 1971 4 cyl.	1.5	1.0
1970, except 4 cyl.	1.5	1.5
1970 through 1971 4 cyl.	2.5	1.0
1968 through 1969	3.5	1.0
pre-1968	6.0	0.5
Diesel Engines (all years)	1.0	0.5
Above 6000 GVWR 1968 through 1971	4.0	1.0
Above 6000 GVWR 1972 through 1973	3.0	1.0
Above 6000 GVWR 1974 through 1978	2.0	1.0

GMC - see GENERAL MOTORS

HONDA AUTOMOBILE

<u>1980 Catalyst</u>	<u>0.5</u>	<u>0.5</u>
<u>1980 Noncatalyst</u>	<u>1.0</u>	<u>0.5</u>
1975 through 1979 CVCC	1.0	0.5
1975 through 1979 except CVCC engine	1.5	0.5
1973 through 1974	3.0	1.0
pre-1973	5.0	1.0

INTERNATIONAL HARVESTER

1979 <u>and 1980</u> below 8500 GVWR	0.5	0.5
1975 through 1978	2.5	0.5
1972 through 1974	3.0	1.0
1970 through 1971	4.0	1.0
1968 through 1969	5.0	1.0
pre-1968	6.0	0.5
Diesel Engines (all years)	1.0	0.5

Enforcement
Tolerance
Through
% June, [1980] 1981

JAGUAR - see BRITISH LEYLAND

JEEP - see AMERICAN MOTORS

JENSEN-HEALEY

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

LAND ROVER - see BRITISH LEYLAND, Rover

LINCOLN - see FORD MOTOR COMPANY

L.U.V., Chevrolet

1980	0.5	0.5
1974 through 1979	1.5	1.0
pre-1974	3.0	1.0

MAZDA

1978 [and 1979] through 1980 Catalyst Equipped	0.5	0.5
1975 through [1979] 1980 Noncatalyst	1.5	0.5
1968 through 1974 Piston Engines	4.0	1.0
1974 Rotary Engines	2.0	0.5
1970 through 1973 Rotary Engines	3.0	0.5

MERCURY - see FORD MOTOR COMPANY

MERCEDES-BENZ

1975 through 1977 Noncatalyst 4 cyl.	1.0	0.5
1975 through [1979] 1980 all other	0.5	0.5
1973 through 1974	2.0	1.0
1972	4.0	1.0
1968 through 1971	5.0	1.0
pre-1968	6.0	0.5
Diesel Engines (all years)	1.0	0.5

MG - see BRITISH LEYLAND

Enforcement
Tolerance
Through
% June, [1980] 1981

OLDSMOBILE - see GENERAL MOTORS

OPEL

1975 through 1979 Catalyst Equipped	0.5	0.5
1975 through 1979 Noncatalyst	1.5	0.5
1973 through 1974	2.5	1.0
1970 through 1972	3.0	1.0
1968 through 1969	3.0	1.0
pre-1968	6.0	0.5

PANTERA - see FORD MOTOR COMPANY

PEUGEOT

1978 [and 1979] <u>through 1980</u>	0.5	0.5
1975 through 1977	1.5	0.5
1971 through 1974	3.0	1.0
1968 through 1970	4.0	1.0
pre-1968	6.0	0.5
Diesel Engines (all years)	1.0	0.5

PLYMOUTH - see CHRYSLER CORPORATION

PLYMOUTH CRICKET - see CRICKET, Plymouth

PONTIAC - see GENERAL MOTORS

PORSCHE

1978 [and 1979] <u>through 1980</u> Catalyst Equipped	0.5	0.5
1975 through [1979] <u>1980</u> Noncatalyst	2.5	0.5
1972 through 1974	3.0	1.0
1974 Fuel Injection 1.8 liter (914)	5.0	1.0
1968 through 1971	5.0	1.0
pre-1968	6.5	0.5

Enforcement
Tolerance
Through
% June, [1980] 1981

RENAULT

1977 through [1979] <u>1980</u> Catalyst Equipped	0.5	0.5
1977 through [1979] <u>1980</u> Noncatalyst	1.5	0.5
1976 Carbureted	1.5	0.5
1975 and 1976 Fuel Injection	1.5	0.5
1975 Carbureted	0.5	0.5
1971 through 1974	3.0	1.0
1968 through 1970	5.0	1.0
pre-1968	6.0	0.5

ROLLS-ROYCE and BENTLEY

1975 through [1979] <u>1980</u>	0.5	0.5
1971 through 1974	3.0	1.0
1968 through 1970	4.0	1.0
pre-1968	6.0	0.5

ROVER - see BRITISH LEYLAND

SAAB

1978 [and 1979] <u>through 1980</u> Catalyst	0.5	0.5
1975 through 1979 Noncatalyst	1.5	0.5
1968 through 1974, except 1972 99 1.85 liter	3.0	1.0
1972 99 1.85 liter	4.0	1.0
pre-1968 (two-stroke cycle)	3.0	3.5

SAPPORO, Plymouth - see COLT, Dodge

SUBARU

1975 through [1979] <u>1980</u>	1.5	0.5
1972 through 1974	3.0	1.0
1968 through 1971, except 360's	4.0	1.0
pre-1968 and all 360's	6.0	0.5

Enforcement
Tolerance
Through
% June, [1980] 1981

TOYOTA

1975 through [1979] <u>1980</u> Catalyst Equipped	0.5	0.5
1975 through 1979 4 cyl. Noncatalyst	2.0	0.5
1975 through 1978 6 cyl.	1.0	0.5
1968 through 1974 6 cyl.	3.0	1.0
1968 through 1974 4 cyl.	4.0	1.0
pre-1968	6.0	0.5

TRIUMPH - see BRITISH LEYLAND

VOLKSWAGEN

1979 <u>through 1980</u> all others	0.5	0.5
1977 <u>through 1979</u> Rabbit and Scirocco and Dasher <u>and 1980</u> Pickup Truck	2.0	0.5
1976 Rabbit and Scirocco	0.5	0.5
1976 through 1978 All Others	2.5	0.5
1975 Rabbit, Scirocco, and Dasher	0.5	0.5
1975 All Others	2.5	0.5
1974 Type 4 Fuel Injection 1.8 liter	5.0	0.5
1972 through 1974, except Dasher	3.0	1.0
1972 through 1974 Dasher	2.5	1.0
1968 through 1971	3.5	1.0
pre-1968	6.0	0.5
Diesel Engines (all years)	1.0	0.5

VOLVO

1978 [and 1979] <u>through 1980</u>	0.5	0.5
1975 through 1977 6 cyl.	1.0	0.5
1975 through 1977 4 cyl.	2.0	0.5
1972 through 1974	3.0	1.0
1968 through 1971	4.0	1.0
pre-1968	6.5	0.5

NON-COMPLYING IMPORTED VEHICLES

ALL	6.5	0.5
-----	-----	-----

Enforcement
Tolerance
Through
% June, [1980] 1981

DIESEL POWERED VEHICLES

All	1.0	0.5
-----	-----	-----

ALL VEHICLES NOT LISTED and VEHICLES FOR WHICH NO VALUES ENTERED

1975 through [1979] <u>1980</u> Noncatalyst 4 cyl.	2.0	0.5
1975 through [1979] <u>1980</u> Noncatalyst all except 4 cyl.	1.0	0.5
1975 through [1979] <u>1980</u> Catalyst Equipped	0.5	0.5
1972 through 1974	3.0	1.0
1970 through 1971	4.0	1.0
1968 through 1969	5.0	1.0
pre-1968 and those engines lesss than 820 cc (50 cu. in.)	6.5	0.5

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

<u>PPM</u>	<u>Enforcement Tolerance</u> <u>Through June, [1980] 1981</u>	
No HC Check	—	All two-stroke cycle engines & diesel ignition
1500	100	Pre-1968 4 or less cylinder engines, 4 or less cylindered noncomplying imports, and those engines less than 820 cc (50 cu. in.) displacement
1200	100	Pre-1968 with more than 4 cylinder engines, and noncomplying imports with more than 4 cylinder engines
800	100	1968 through 1969, 4 cylinder
600	100	All other 1968 through 1969
500	100	All 1970 through 1971
400	100	All 1972 through 1974, 4 cylinder
300	100	All other 1972 through 1974
200	100	1975 through [1979] <u>1980</u> without catalyst
125	100	1975 through [1979] <u>1980</u> with catalyst

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

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

340-24-335 HEAVY-DUTY GASOLINE MOTOR VEHICLE EMISSION CONTROL EMISSION STANDARDS

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

	<u>Base Standard</u> %	<u>Enforcement Tolerance</u> <u>Through June, [1980] 1981</u>
<u>ALL VEHICLES</u>		
Pre-1970	6.0	0.5
1970 through 1973	4.0	1.0
1974 through 1978	3.0	1.0
1979 <u>through 1980</u>	2.0	1.0

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

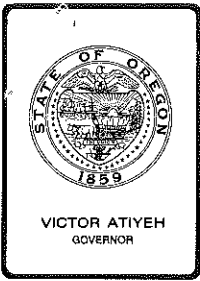
	<u>Base Standard</u> %	<u>Enforcement Tolerance</u> <u>Through June, [1980] 1981</u>
<u>ALL VEHICLES</u>		
Pre-1970	3.0	1.0
1970 through [1979] <u>1980</u>	2.0	1.0
Fuel Injected	No Check	

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

	<u>Base Standard</u> PPM	<u>Enforcement Tolerance</u> <u>Through June, [1980] 1981</u>
<u>ALL VEHICLES</u>		
Pre-1970	700	200
1970 through 1973	500	200
1974 through 1978	300	200
1979 <u>through 1980</u>	250	100

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

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



Environmental Quality Commission

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. R, June 20, 1980, EQC Meeting

Request for Clarification from the Commission as to whether or not the schedule for Attainment of the State Ambient Air Quality Standard for Ozone should be formally submitted to EPA and become a part of the federally-approved State Implementation Plan.

BACKGROUND

On February 8, 1979 the U.S. Environmental Protection Agency (EPA) revised the federal photochemical oxidant ambient air quality standard by: 1) changing the chemical designation of the standard from photo chemical oxidant to ozone, 2) relaxing the standard from .08 parts per million (ppm) to .12 ppm, and 3) changing the averaging time for determining standard attainment.

On June 8, 1979 the Commission adopted revisions to the state photochemical oxidant standard which retained .08 ppm as the state standard but changed its expression from photochemical oxidants to ozone and changed the averaging time in accordance with the federal regulations. The Commission also decided to keep the state ozone standard of .08 ppm in the Oregon State Implementation Plan (SIP).

On June 8, 1979 the Commission deferred adoption of the nonattainment area plans which had been developed to meet the .12 ppm federal standard, and instructed the Department to revise the ozone control strategies in light of the Commission's action on retaining the more stringent state ozone standard. The Commission also requested that the Department define the problems and alternatives in meeting the state standard in light of efforts and requirements to meet the federal standard.



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Materials

On June 29, 1979 the Commission again considered adoption of the federal ozone standard attainment plans prepared by the Department, with the problems and alternatives in meeting both the federal and state standards outlined in a staff report to the Commission. The Commission adopted the plans for attaining the federal ozone standard for the City of Salem, the Portland-Vancouver Air Quality Maintenance Area (AQMA) and the Medford-Ashland AQMA as a staged strategy toward attaining the state ozone standard. The Commission also adopted a schedule to develop plans by January 1, 1985 for attaining the state ozone standard by December 31, 1992.

The Department submitted the revisions to the state ozone standard rule, which retained the .08 standard but changed the chemical designation of photochemical oxidant to ozone and changed the averaging time for attainment determination, to EPA as a SIP revision on June 20, 1979. The Department submitted the plans adopted by the Commission for attaining the .12 ppm federal ozone standard to EPA as revisions of the SIP on June 29, 1979. The Department specified in its cover letter to EPA that the plans were a staged strategy towards attaining the state ozone standard. The schedule adopted by the Commission to meet the state standard was not addressed in the plans.

Problem Statement

The Oregon Student Public Interest Research Group has indicated their belief that the state ozone standard and schedule was not submitted to EPA as a SIP revision, and they have requested that the Department take action to conform to the Commission's direction (Attachment 1).

The Department believes that the Commission's directives were correctly carried out by submitting the state ozone standard of .08 ppm as a SIP revision but not submitting the schedule for meeting that state ozone standard. In reviewing the meeting records, the Department does not find any reference to the Commission directing the Department to submit the .08 ppm attainment schedule to EPA as a SIP revision, thereby making it federally enforceable. The Department, however, also did not file the schedule adopted by the Commission with the Secretary of State, because it was not clear that it was adopted as a rule.

The Department is requesting clarification of the Commission's position for submitting the state ozone standard attainment schedule as part of the Oregon State Implementation Plan.

Authority to Act

A Statement of Need and Fiscal Impact Statement are included as Attachment 2. The statements would only be needed if the Commission authorizes hearings for SIP revisions.

ALTERNATIVES AND EVALUATION

1. If the Commission decides that the state ozone standard attainment schedule should not be submitted to EPA as part of the Oregon State Implementation Plan, but the schedule should be adopted as a rule, the Department will begin the rulemaking procedure for a revision of OAR 340-31-010 (Attachment 3). The schedule would then be enforceable as a state rule, which would give the state greater flexibility in preparing, enforcing and revising the plans and/or the schedule.
2. If the Commission decides that the state ozone standard attainment schedule should be submitted to EPA as part of the Oregon State Implementation Plan, the Department would need authorization to conduct public hearings on revising OAR 340-31-010, revising sections 4.3, 4.5 and 4.8 of the SIP, and adopting a new section 4.11 of the SIP (Attachments 3 and 4) to include the schedule adopted by the Commission on June 29, 1979. The hearings would be needed to fulfill procedural rulemaking requirements for SIP revisions. If the schedule is approved by EPA as a SIP revision, it becomes federal law and would be subject to federal enforcement. The plans required for attaining the state ozone standard, when adopted by the Commission and approved by EPA as SIP revisions, would also be subject to federal enforcement. Any subsequent revision of the schedule or the plans would need to be approved by EPA.

SUMMATION

1. The Oregon ozone ambient air quality standard of .08 ppm is more stringent than the federal ozone ambient air quality standard of .12 ppm. The state ozone standard is included in the Oregon SIP.
2. On June 29, 1979 the Commission adopted a schedule to develop plans by January 1, 1985 for attaining the state ozone standard by December 31, 1992.
3. The Oregon Student Public Interest Research Group has contended that the Department did not submit the state ozone standard and schedule as a SIP revision as directed by the Commission.
4. The Department believes in reviewing meeting records that the Commission's directives were carried out by submitting the state ozone standard to EPA and not submitting the schedule as a SIP revision.
5. The Department is requesting clarification of the Commission's position on submitting the state ozone standard attainment schedule, as a revision of the Oregon State Implementation Plan.
6. If the Commission decides not to include the schedule and the plans for meeting the state ozone standard in the SIP, but to make it a rule, the Department will begin rulemaking procedures for a revision to OAR 340-31-010, and enforce the schedule and plans as state rules.
7. If the Commission decides that the schedule and plans for meeting the

state ozone standard should be included in the SIP, the Department requests authorization to conduct public hearings for revising OAR 340-31-010, revising sections 4.3, 4.5 and 4.8 of the SIP, and adopting a new section 4.11 of the SIP, to include the schedule adopted by the Commission on June 29, 1979. The hearings would be necessary to fulfill procedural requirements for SIP revisions.

DIRECTOR'S RECOMMENDATION

Based on the Summation, it is recommended that the Commission advise the Department of its position on submitting the state ozone standard attainment schedule adopted on June 29, 1979 as a revision of the Oregon State Implementation Plan, and on making it a rule, and authorize the necessary public hearings.

Bill

WILLIAM H. YOUNG
Director

M.E. Fitzgerald:i
229-5353
June 2, 1980

- Attachments:
1. Letter from Jan Sokol, attorney to the Oregon Student Public Interest Research Group, to the Department, dated November 19, 1979; and the Department's response, dated January 28, 1980.
 2. Statement of Need, and Fiscal Impact Statement.
 3. Revised OAR 340-31-010, proposed for filing with the Secretary of State.
 4. Proposed revisions to sections 4.3, 4.5 and 4.8 of the SIP, and proposed new section 4.11.

2915 NE Davis Street
Portland, Oregon 97232
November 19, 1979

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

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
R E C E I V E D
NOV 20 1979

Dear Bill:

OFFICE OF THE DIRECTOR

I recently received a copy of the ozone portion of Oregon's Implementation Plan (SIP) which along with a cover letter dated June 29, 1979, was submitted to the Environmental Protection Agency (EPA) pursuant to the Clean Air Act.

On June 8, 1979, the Environmental Quality Commission (EQC) affirmed its support for the State ambient air standard for ozone of 0.08 ppm, one hour average. The Commission specifically directed the Department to include the 0.08 ppm standard in the SIP submittal.

On June 29, 1979, the EQC adopted a timetable for the implementation of the State 0.08 ppm standard:

- (1) By January 1, 1985, DEQ/MSD shall develop control strategies necessary to achieve the standard;
- (2) By December 31, 1992, the 0.08 ppm standard shall be achieved; and
- (3) Until control strategies for the the 0.08 ppm standard are adopted, the 0.12 ppm standard will be used as the interim standard.

At this same meeting, the Commission again directed the Department to include the 0.08 ppm standard, as well as the above timetable, in the State's submittal to EPA.

The only reference to the above actions by the EQC is contained in ¶ 1 of the June 29, 1979 cover letter:

Page 2

These portions of the Plan were adopted by the Environmental Quality Commission on June 29, 1979 as a staged strategy towards meeting the state ozone standard of 0.08 ppm. . . .

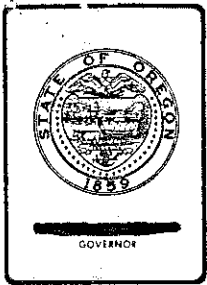
Since the EQC has directed the Department to include not only the 0.08 ppm standard but also the timetable adopted at the June 29, 1979 meeting, I request that the Department amend the State's ozone SIP submittal to conform to the Commission's actions.

Sincerely,



JAN D. SOKOL
ATTORNEY AND OSPIRG'S
REPRESENTATIVE TO THE
PORTLAND AIR QUALITY
ADVISORY COMMITTEE

cc: EQC members
Dan Brandt, OSPIRG
Melinda Renstrom



Victor Atlyeh

Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

(503) 229-5395

January 28, 1980

Jan D. Sokol
Attorney at Law
2915 N. E. Davis Street
Portland, Oregon 97232

Dear Mr. Sokol:

In response to your letter of November 19, 1979, it is my understanding that John F. Kowalczyk has informed you of our view that we have followed the direction of the Commission relative to ozone and the Oregon SIP. We have completed our review, and we are still of the same opinion. We do, however, plan to bring this matter to the attention of Commission members to assure that there is no misinterpretation of their intent.

Sincerely,

Original Signed by
WILLIAM H. YOUNG

JAN 29

WILLIAM H. YOUNG
Director

HMP:h

COPIES

ATTACHMENT 2

These statements would only be needed if the Commission authorizes public hearings on proposed revisions to the Oregon State Implementation Plan.

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

Oregon Revised Statutes 468.020 authorizes the Commission to adopt such rules and standards as it considers necessary and proper in performing the functions vested by law in the Commission. ORS 468.295 authorizes the Commission to adopt air purity standards. ORS 468.305 authorizes the Commission to adopt a general comprehensive plan for the control or abatement of air pollution.

Need for the Rule

On June 29, 1979 the Environmental Quality Commission adopted a schedule of dates by which the state ozone standard must be attained. The Department is proposing to revise OAR 340-31-010 and Sections 4.3, 4.5, 4.8 and 4.11 of the State Implementation Plan to include that schedule.

Principal Documents Relied Upon

1. Minutes of the June 8, 1979 and June 29, 1979 meetings of the Environmental Quality Commission.
2. Staff Report from William H. Young, Director, to the Commission, dated June 29, 1979.
3. Letter from Jan Sokol, attorney representing the Oregon Student Public Interest Research Group, dated November 19, 1979, and the Department's response, dated January 28, 1980.

FISCAL IMPACT STATEMENT

The adoption of the state ozone standard attainment schedule in itself would not have any significant fiscal impact. The plans required by the schedule would require cooperation from local governments for control strategy development. The control strategies would affect the main sources of ozone pollution: sources of volatile organic compounds (industrial and commercial) and mobile sources (automobiles). The fiscal impact of the control strategy development and implementation would be significant upon DEQ, local governments, industries and commercial businesses, and the general public in the areas affected.

The U.S. Environmental Protection Agency has indicated it will not provide funds for preparing or implementing plans for attaining the more stringent state ozone standard.

These statements would only be needed if the Commission authorizes public hearings on proposed revisions to OAR 340-31-010.

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

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Need for the Rule

On June 29, 1979 the Environmental Quality Commission adopted a schedule of dates by which the state ozone standard must be attained. The Department is proposing to revise OAR 340-31-010 to include that schedule.

Principal Documents Relied Upon

1. Minutes of the June 8, 1979 and June 29, 1979 meetings of the Environmental Quality Commission.
2. Staff Report from William H. Young, Director, to the Commission, dated June 29, 1979.
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The adoption of the state ozone standard attainment schedule in itself would not have any significant fiscal impact. The plans required by the schedule would require cooperation from local governments for control strategy development. The control strategies would affect the main sources of ozone pollution: sources of volatile organic compounds (industrial and commercial) and mobile sources (automobiles). The fiscal impact of the control strategy development and implementation would be significant upon DEQ, local governments, industries and commercial businesses, and the general public in the areas affected.

The U.S. Environmental Protection Agency has indicated it will not provide funds for preparing or implementing plans for attaining the more stringent state ozone standard.

ATTACHMENT 3

Proposed Revised OAR 340-31-010(3),

Purpose and Scope of Ambient Air Quality Standards

340-31-010 (3) (a) In adopting the ambient air quality standards in this division, the Environmental Quality Commission recognizes that one or more of the standards are currently being exceeded in certain parts of the state. It is hereby declared to be the policy of the Environmental Quality Commission to achieve, by application of a timely but orderly program of pollution abatement, full compliance with ambient air quality standards throughout the state at the earliest possible date, but in no case later than July 1, 1975 except as noted below.

(b) Plans for attaining the ozone standard specified in OAR 340-31-030 shall be developed for Nonattainment Areas by January 1, 1985. Attainment of the ozone standard specified in OAR 340-31-030 shall be achieved by no later than December 31, 1992.

Note: Underlined material represents new material added to the text; bracketed [] material represents material to be deleted from the text.

ATTACHMENT 4

Proposed revisions to the State Implementation Plan for the Portland-Vancouver AQMA (section 4.3), the Salem Nonattainment Area (Section 4.5), and the Medford-Ashland AQMA (Section 4.8); and proposed new section for the Eugene-Springfield AQMA (Section 4.11).

Proposed Revisions to State Implementation Plan Section 4.3

4.3.0 PORTLAND-VANCOUVER INTERSTATE AIR QUALITY MAINTENANCE AREA STATE
IMPLEMENTATION PLAN FOR OZONE

4.3.0.1 Introduction

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

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

Note: Underlined material represents new material added to the text; bracketed [] material represents material to be deleted from the text.

On March 3, 1978, the entire Portland-Vancouver Interstate Air Quality Maintenance Area was designated by Environmental Protection Agency as a non-attainment area for ozone. In accordance with section 174 of the Clean Air Act Amendments of 1977, former Governor Straub designated the Columbia Regional Association of Governments as the lead agency for the development of the Ozone State Implementation Plan revisions for the Oregon portion of the interstate Air Quality Maintenance Area. On December 12, 1978, Governor Straub redesignated the Metropolitan Service District as lead agency, effective January 1, 1979, in accordance with the voter approved May 23, 1978 ballot measure which abolished CRAG and transferred its responsibilities and powers to a reorganized Metropolitan Service District.

Since mid-1978 the staff of Metropolitan Service District (formerly Columbia Region Association of Governments), working in cooperation with Department of Environmental Quality has spent considerable time projecting emissions and air quality trends which are documented in this State Implementation Plan revision.

4.3.0.2 Summary

1. Most ozone, unlike carbon monoxide, is not directly emitted into the atmosphere but results from a reaction between volatile organic compounds and oxides of nitrogen in the presence of sunlight. Generally, highest concentrations of ozone are found

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downwind of the area producing the majority of the precursor emissions.

2. In 1977 motor vehicle sources were responsible for 65% of the total volatile organic compound emissions within the Air Quality Maintenance Area. The remainder of volatile organic compound emissions result from primarily from industrial, commercial and other area sources, eg. bulk fuel storage terminals, industrial coating operations, gasoline stations, etc. In 1977, emissions from motor vehicles represented approximately 76% of total Air Quality Maintenance Area oxides of nitrogen emissions.
3. A description of previously implemented or committed transportation control measures is included in this SIP revision.
4. The volatile organic compound emission inventory indicates that existing transportation control measures (eg. federal motor vehicle emission control program, state biennial inspection/maintenance program, etc.) coupled with state industrial volatile organic compound regulations will result in a 37% reduction in volatile organic compound emissions by 1982 and 42% reduction by 1987 as compared to 1977 emissions.
5. The air quality modeling analysis included in this State Implementation Plan revision indicates that a 50% reduction in

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1977 volatile organic compound emissions will be needed to meet the 0.12 ppm federal ozone standard by December 31, 1982.

6. Based on the statements in #4 and #5 above, approximately a 13% reduction (14,236 ton/year) of 1977 volatile organic compound emission levels will be needed to meet the federal ozone standard by December 31, 1982. By December 31, 1987 approximately an 8% (9,200 tons/year) reduction of 1977 volatile organic compound emission levels will be needed to meet the federal ozone standard by December 31, 1987.

7. This ozone State Implementation Plan revision consists of a commitment to analyze new control strategies which would insure attainment and maintenance of ambient air standards with Metropolitan Service District remaining in the lead coordinating role. This control strategy analysis will be completed by June 30, 1980.

8. Environmental Protection Agency requirements regarding an interim growth management strategy which includes: New Source Review requirements of the Clean Air Act Amendments of 1977, enforcement of federal offset rule, implementation of Reasonable Available Control Technology measures, and commitment to implement reasonable available transportation controls, have been fulfilled.

Note: Underlined material represents new material added to the text; bracketed [] material represents material to be deleted from the text.

9. A requested extension to attain the federal ozone ambient air standard beyond December 31, 1982 but prior to December 31, 1987 is being included in the proposed State Implementation Plan revision. The Environmental Protection Agency requirements for requesting this extension have been met.

10. A completed attainment/maintenance strategy for the federal ozone standard for the Portland Air Quality Maintenance Area will be submitted to Environmental Protection Agency as a State Implementation Plan revision by July 1, 1982.

11. The Oregon portion of the Portland-Vancouver Air Quality Maintenance Area also violates the state ozone standard of .08 parts per million, one hour average. This plan, and the attainment/maintenance strategies for the federal ozone standard, are staged strategies toward attaining the state ozone standard by December 31, 1992. A plan for attaining the state ozone standard will be developed by January 1, 1985.

AQ0080.A

Note: Underlined material represents new material added to the text; bracketed [] material represents material to be deleted from the text.

Proposed Revisions to State Implementation Plan Section 4.5

4.5.0 SALEM NON-ATTAINMENT AREA STATE IMPLEMENTATION PLAN FOR OZONE

4.5.0.1 Introduction

The Clean Air Act of 1970 and the Clean Air Act Amendments of 1977 establish guidelines outlining the methods and schedule by which National Ambient Air Quality Standards must be attained. Generally, areas throughout the nation are required to develop plans for attainment if past air monitoring indicates they do not comply with the federal ambient air quality standards. The Salem area marginally violates the federal ambient air quality standard for ozone of 0.12 parts per million (ppm) one-hour average. Consequently, the Salem city limits were designated a Nonattainment Area for ozone in March, 1978. The original Nonattainment Area was expanded by Mid-Willamette Valley Council of Governments to include the area within the Salem Area Transportation Study boundary. A legal description of the Non-attainment Area is contained in Appendix 4.4-1.

The Salem area also violates the state ozone standard of .08 parts per million, one-hour average. The following strategy for attaining the federal ozone standard by 1982 is a staged strategy towards meeting the state ozone standard by 1992. A plan for attaining the state ozone standard will be developed by January 1, 1985.

Note: Underlined material represents new material added to the text, bracketed [] material represents material to be deleted from the text.

4.5.0.2 Summary of Attainment Strategy

Using the Environmental Protection Agency approved model EKMA, Salem is estimated to need a 12% or 985 tons/year reduction in volatile organic compounds to meet the federal ozone standard.

The attainment strategy relies on the following measures to attain the federal ozone ambient air quality standard by December 31, 1982, and to meet other requirements of the 1977 Clean Air Act Amendments:

1. Federal Motor Vehicle Emissions Control Program
2. Volatile Organic Compounds Rules for 11 source categories
3. Commitment to adopt practicable measures from new volatile organic source categories.
4. Setting of plant site emission limits for existing sources that are consistent with the attainment strategy data base.

Emission projections show that a 2243 tons/year or 27% reduction in the 1977 volatile organic compound levels should occur by the end of 1982 through the implementation of the federally required Volatile Organic Compounds Rules for stationary sources and the Federal Motor Vehicle Emissions Control Program, which reduces volatile organic

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emissions from mobile sources. Since only a 985 tons/year reduction is required and a 2243 tons/year is expected, the reduction is more than sufficient to attain the federal ozone standard.

Growth is projected to be rapid in the Salem Nonattainment Area for the next two decades. Population is expected to grow from 110,800 in 1975 to 200,700 by the year 2000, an increase of 81%. To deal with the added pollution burden resulting from this growth, the State of Oregon will implement New Source Review Rules to control emissions from new industrial sources and the Plant Site Emission Limits Rules to control emissions from existing sources.

AQ0080.B1

Note: Underlined material represents new material added to the text, bracketed [] material represents material to be deleted from the text.

Proposed Revisions to State Implementation Plan Section 4.8

4.8.0 MEDFORD-ASHLAND AIR QUALITY MAINTENANCE AREA STATE IMPLEMENTATION
PLAN FOR OZONE

4.8.0.1 Introduction

The Clean Air Act (CAA) of 1970 and the Clean Air Act Amendments of 1977 (CAAA) establish requirements specifying the methods and schedule by which National Ambient Air Quality Standards (NAAQS) must be attained. States are required to develop plans to demonstrate attainment by December 31, 1982 if past air monitoring indicates they do not comply. The Medford-Ashland Air Quality Maintenance Area (AQMA) exceeds the federal one-hour NAAQS for ozone, .12 parts per million. Consequently, the AQMA was designated nonattainment for ozone by the Environmental Protection Agency (EPA) on March 30, 1978. Jackson County was designated lead agency and has completed an analysis of future air quality in conjunction with the Oregon Department of Environmental Quality (DEQ) and the Oregon Department of Transportation (ODOT).

The Medford-Ashland Air Quality Maintenance Area also violates the state ozone standard of .08 parts per million, one-hour average.
The following strategy for attaining the federal ozone standard by

Note: Underlined material represents new material added to the text, bracketed [] material represents material to be deleted from the text.

1982 is a staged strategy towards meeting the state ozone standard by no later than December 31, 1992. A plan for attaining the state ozone standard will be developed by January 1, 1985.

4.8.0.2 Summary

This is the Medford-Ashland Air Quality Maintenance Area's ozone portion of the 1979 State Implementation Plan (SIP) revision.

Projections of future ozone levels indicates that the Federal standard will be attained by December 31, 1982. A small growth increment above the area source growth in the plan is available from 1977 to 1982. After 1982, further emission reductions occur creating a projected growth increment up to 600 tons by 1987. Further growth increment may become available if other potential strategies are adopted in the future such as vehicle inspection/maintenance.

The attainment strategy contains the following measures to meet requirements of the CAA and attain the ozone standard by December 31, 1982.

1. Federal Motor Vehicle Control Program (FMVCP)
2. Volatile Organic Compound Rules for 11 source categories

Note: Underlined material represents new material added to the text, bracketed[] material represents material to be deleted from the text.

3. Commitment to adopt practicable measures from new VOC source categories.
4. Use of offset provisions to accomodate growth not identified or available in the plan.
5. Setting of plant site emission limits for existing sources consistent with the attainment strategy data base.

This plan also contains a commitment of sufficient resources to implement the plan and an annual reporting program to analyze progress towards attainment.

Note: Underlined material represents new material added to the text, bracketed [] material represents material to be deleted from the text.

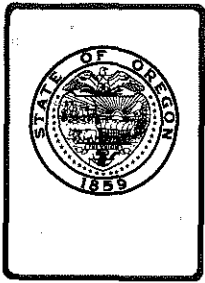
Proposed New State Implementation Plan Section 4.11

4.11.0 EUGENE-SPRINGFIELD AIR QUALITY MAINTENANCE AREA STATE
IMPLEMENTATION PLAN FOR OZONE

The Clean Air Act of 1970 and the Clean Air Act Amendments of 1977 establish guidelines outlining the methods and schedule by which national ambient air quality standards must be attained. Areas throughout the nation are required to develop plans which demonstrate attainment if past monitoring indicates they do not comply with national ambient air quality standards. The Eugene-Springfield Air Quality Maintenance Area is currently in compliance with the national ambient air quality standard for ozone, .12 parts per million. However, the area is in violation of the state ambient air quality standard for ozone, .08 parts per million, one-hour average. A plan will be developed by January 1, 1985 for attaining the state ozone standard by no later than December 31, 1992.

AQ0080.C1

Note: Underlined material represents new material added to the text, bracketed [] material represents material to be deleted from the text.



Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. S, June 20, 1980, EQC Meeting

Pollution Control Bonds Sale -- Request for approval of resolution authorizing issuance and sale of Pollution Control Bonds in the amount of \$60 million.

Background

ORS 468.195 authorizes the Commission, with the approval of the State Treasurer, to issue and sell general obligation bonds of the State of Oregon to provide funds for the purposes specified in Article XI-H of the Oregon Constitution. Article XI-H, copy attached, generally indicates the funds may be advanced by contract, grant or loan to any governmental agency in the state for the purpose of planning or constructing facilities for controlling all forms of pollution. ORS 468.220 further limits the types of eligible facilities to municipal sewage treatment works and sewerage systems, and facilities for disposal of solid waste.

The Commission has authorized three previous sales of Pollution Control Bonds: \$45 million in 1971; \$45 million in 1972; \$30 million in 1977. Currently, outstanding principal on these bonds is just over \$99 million. Since ORS 468.195 limits the principal amount of bonds outstanding at any one time to \$160 million par value, the maximum sale that can be authorized at this time is \$60 million.

At the present time, the balance of funds available in the Pollution Control Bond Fund for loans to municipalities is approximately \$16 million. Staff of the Water Quality and Solid Waste Management Divisions expect the majority of this remaining money to be loaned out within a few months. Therefore, if the Department is to continue to meet the demands for Bond Fund money, a sale of Bonds is imperative.

Discussion

The Department has retained the services of Bartle Wells, financial consultants, and Rankin, McMurry, Osborn, VavRosky, and Doherty, bond counsel, to assist in the proposed sale of additional Pollution Control Bonds. The Department, Bartle Wells, and Rankin, McMurry, et al., are working closely with the Municipal Bond Division of the State Treasury Department to plan and effect this sale. The tentative schedule we have agreed upon thus far follows:



Contains
Recycled
Materials

June 20, 1980	EQC authorizes issuance and sale of \$60,000,000 Oregon Pollution Control Bonds, Series 1980
July 14, 1980	Official Statement available and publish notice of sale.
August 5, 1980	Date of sale. Special EQC conference call meeting to award bid, 11:30 a.m.
September 3, 1980	Date of bond closing. Money available to Pollution Control Bond Fund.

ORS 468.195 requires the Commission to authorize the bonds by adoption of a resolution. Such a resolution has been prepared by bond counsel and is Attachment 1 to this report. You will note that the resolution asks the Commission to make three findings as the basis for authorizing this sale. Information to support these findings follows:

1. "Additional moneys are needed for deposit in the pollution control fund to operate the programs financed with that fund..."

As of June 11, 1980, the balance available in the Pollution Control Fund for the purpose of carrying out ORS 468.195 to 468.260 was \$16,621,266.42. Water Quality Division has current commitments to loan Bend and MWMC a total of \$6,017,224. The agreement with Bend has already been executed and the agreement with MWMC is expected shortly. That will leave a balance of \$10,604,042 in the Bond Fund in September, 1980, when the proceeds from the anticipated sale would be available.

2. "In addition to moneys on hand, in the pollution control fund, \$60,000,000 will be required for projects during the next three years."

A sale of \$60,000,000 would increase the Pollution Control Bond Fund balance to \$70,604,042. Projected demand over the next three years on the Bond Fund has been estimated as follows (see Attachment 2):

Solid Waste Division	\$26,000,000
Water Quality Division	<u>66,400,000</u>
Total Projected Demand	\$92,400,000

This is the maximum estimated demand. A more conservative estimate would be \$81.44 million, which is still more than would be available in the Bond Fund. The Department has submitted proposed legislation to the Governor's office which would increase the amount of allowable principal outstanding above the current \$160 million limit in ORS 468.195. We expect this to be introduced to the 1981 Legislative Assembly.

3. "The interest rate at which tax-exempt bonds may be sold has increased substantially since the Commission last issued bonds in 1977. The increased interest rate will require an increase in the rate at which money is loaned to public corporations to fund eligible projects. Rather than selling several bond issues during the next three years, the Department of Environmental Quality recommends that the entire \$60,000,000 required to fund projects during the next three years be borrowed in a single bond issue, in order to minimize transaction costs and to take advantage of relatively favorable interest rates currently available in the tax-exempt bond market. Borrowing the entire \$60,000,000 at this time will best serve the purposes for which the Pollution Control Fund was created and will result in reduced public costs."

The average interest rate on the combined maturity schedule for the 1977 sale is 4.89%. As of June 5, 1980, the Municipal Bond Buyer Index (Attachment 3) indicates that the average municipal bond yields were 7.67%. Bartle Wells believes we can expect an average interest rate of less than 8% on a sale of \$60,000,000. This means that a combined maturity schedule for the remaining proceeds from the 1977 sale and the anticipated 1980 sale would result in an average interest rate available to clients from the Pollution Control Bond Fund in the vicinity of 7%. This is significantly higher than the interest rate at which money is currently being loaned from the Bond Fund and municipalities should be notified of this change as soon as possible so they can take it into account in their financial planning.

Over the past several months, the municipal bond market has gone from very bad to relatively good. Attachment 4 shows the long-range trend of the municipal bond market. Bartle Wells' conclusion is that interest rates appear to be relatively favorable and stable at this time. Thus, they support the sale now of the total amount needed to take advantage of the relatively good market and reduce transactions costs that would be involved in smaller sales.

If there is a dramatic worsening of the bond market in the next month, the Commission will be able to cancel the sale. In fact, the Commission should plan on a conference call meeting on July 2, 1980, to be briefed on the latest market conditions and make any necessary revisions to the resolution authorizing the sale. The bond sale can comfortably be cancelled, if necessary, up to 30 days before the anticipated sale date of August 5, 1980.

Bartle Wells has prepared suggested bond terms and conditions for the sale of the bonds as indicated in Section 6 of the Resolution. These are included with this report as Attachment 5 for your information. It must be stressed that they are tentative and subject to change.

Director's Recommendation

Based upon the information set forth in this staff report and attachments, it is recommended the Commission adopt the findings and resolution in Attachment 1 authorizing the issuance and sale of \$60,000,000 in Oregon Pollution Control Bonds, Series 1980.

Bill

William H. Young

MJDowns:jas
229-6485

Attachments:

1. Resolution Authorizing Issuance of Bonds
2. Projected Demand on Pollution Control Bonds
3. The Bond Buyer Index
4. Trend of the Bond Market
5. Suggested Bond Terms & Conditions
6. Article XI-H, Oregon Constitution
7. ORS 468.195 to 468.260

RESOLUTION AUTHORIZING ISSUANCE OF BONDS

THE ENVIRONMENTAL QUALITY COMMISSION OF THE STATE OF OREGON FINDS:

1. Additional moneys are needed for deposit in the pollution control fund to operate the programs financed with that fund pursuant to Article XI-H of the Constitution of Oregon and Oregon Revised Statutes Chapter 468.

2. In addition to moneys on hand in the pollution control fund, \$60,000,000 will be required for projects during the next three years.

3. The interest rate at which tax exempt bonds may be sold has increased substantially since the Commission last issued bonds in 1977. The increased interest rate will require an increase in the rate at which money is loaned to public corporations to fund eligible projects. Rather than selling several bond issues during the next three years, the Department of Environment Quality recommends that the entire \$60,000,000 required to fund projects during the next three years be borrowed in a single bond issue, in order to minimize transaction costs and to take advantage of interest rates currently available in the tax-exempt bond market. Borrowing the entire \$60,000,000 at this time will best serve the purposes for which the Pollution Control Fund was created, and will result in reduced public costs.

THE ENVIRONMENTAL QUALITY COMMISSION OF THE STATE OF OREGON RESOLVES:

Section 1. Bonds to be Issued. Pursuant to the authority of Article XI-H of the Constitution of the State of Oregon and Chapter 468, Oregon Revised Statutes, there shall be issued State of Oregon General Obligation Pollution Control Bonds in the amount of Sixty Million Dollars (\$60,000,000). The bonds shall be dated September 1, 1980, shall be in denominations of \$5,000 each (or larger multiples if requested by the bond purchaser), and shall mature serially on September 1 of each year as follows:

<u>YEAR</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>AMOUNT</u>
1985	\$ 500,000	1996	\$ 3,000,000
1986	1,000,000	1997	3,500,000
1987	1,500,000	1998	3,500,000
1988	2,000,000	1999	3,500,000
1989	2,250,000	2000	3,500,000
1990	2,500,000	2001	3,500,000
1991	2,750,000	2002	3,500,000
1992	3,000,000	2003	3,500,000
1993	3,000,000	2004	4,000,000
1994	3,000,000	2005	4,000,000
1995	3,000,000		

The bonds maturing after September 1, 1990 shall be redeemable at the option of the Commission on September 1, 1990, and on any interest payment date thereafter, in inverse order of maturity and by lot within a maturity, at par plus a premium of one-fourth (1/4) of 1 percent of par value per year (or any portion thereof) from the date fixed for redemption to the date of regular maturity, limited to a maximum premium of 2 1/2 percent of par value.

Section 2. Execution of Bonds. The bond shall be executed with the facsimile signatures of the Governor and the Secretary of State and with the manual signature of the State Treasurer or his Deputy. The bond coupons shall be executed with the facsimile signatures of the Governor, Secretary of State and State Treasurer or Deputy. The bonds shall bear a facsimile of the seal of the State of Oregon.

Section 3. Bonds to be General Obligations. The full faith and credit of the State of Oregon are pledged to the successive holders of each of the bonds and of the interest coupons appertaining thereto, for the punctual payment of such obligations, when due. The State of Oregon shall levy annually, as provided by law, a direct ad valorem tax upon all of the taxable property within the State of Oregon in sufficient amount, with other available funds, to pay bond principal and bond interest promptly as they become due and payable. The State of Oregon covenants with the holders of its bonds, if other appropriate funds of the state are insufficient to pay the maturing bonds as due, that the state will levy annually an ad valorem tax upon all taxable property within the state sufficient to pay the bonds.

Section 4. Coupon and Registered Bonds Authorized. Bonds shall be issued initially in coupon form as provided in Section 5, below. Coupon bonds may be converted to

registered bonds at the expense of the bondholder.
Registered bonds may not be converted to coupon bonds.

Section 5. Coupon Bond Form. Subject to the approval of the Oregon Attorney General, the bonds and coupons attached thereto shall be in substantially the following form:

Number

Number

UNITED STATES OF AMERICA
STATE OF OREGON
OREGON POLLUTION CONTROL BONDS
SERIES 1980

\$5,000

\$5,000

KNOW ALL MEN BY THESE PRESENTS, that the State of Oregon acknowledges itself indebted and for value received hereby promises to pay the bearer hereof the principal sum of

FIVE THOUSAND DOLLARS

(\$5,000) on the first day of September, 19__, with interest on that sum from the date hereof until paid, at the rate of _____ percent (____%) per annum payable semiannually on the first day of March and on the first day of September in each year, upon presentation and surrender of the interest coupons hereto annexed as they severally mature. Both the principal of and the interest upon this bond are payable at the fiscal agency of the State of Oregon in the City and State of New York, in any coin or currency which, at the time of payment, is legal tender for the payment of public and private debts within the United States of America.

The Series 1980 bonds which mature after September 1, 1990, may be redeemed at the option of the State of Oregon, on September 1, 1990 and on any interest payment date thereafter, at par plus a premium equal to one-fourth (1/4) of 1 percent of par value per year (or any portion thereof) from the date fixed for redemption to the date of regular maturity, limited to a maximum premium of 2 1/2 percent of par value. Bonds shall be redeemed in inverse order of maturity and by lot within a maturity upon notice given by the Treasurer of the State of Oregon at least thirty (30) days prior to the redemption date specified therein, by publication thereof in one issue of a newspaper or financial

journal of general circulation printed and published within the City and State of New York, and one issue of a newspaper of general circulation printed and published within the City of Salem, Oregon. From the date of redemption designated in any such notice, interest on the bonds so called for redemption shall cease.

This coupon bond may be exchanged for a registered bond of the same terms, upon presentation at the office of the State Treasurer and payment of the appropriate fee. Registered bonds may not be exchanged for coupon bonds.

This bond is issued by the State of Oregon in conformance to its Constitution and under and by virtue of and in all respects in full and strict compliance with its laws, and in particular Article XI-H of the Constitution of the State of Oregon and Chapter 468 of the Oregon Revised Statutes.

The full faith and credit of the State of Oregon are hereby irrevocably pledged for the punctual payment of the interest upon and the principal of this bond, as the same become due and payable.

IN TESTIMONY WHEREOF, the State of Oregon has caused this bond to be executed with the facsimile signatures of its Governor and Secretary of the State and with the manual signature of its State Treasurer or Deputy State Treasurer, and to bear a facsimile of the seal of the State of Oregon, and has caused the annexed interest coupons to be executed with the facsimile signatures of these officers, all as of the first day of September, 1980.

Governor

Secretary of State

(SEAL)

[Deputy] State Treasurer

FORM OF COUPON

On _____, 19__

\$ _____

THE STATE OF OREGON

will pay the bearer the amount shown hereon at the fiscal agency of the State of Oregon in the City and State of New York, in any coin or currency which at the time of payment is legal tender for the payment of public and private debts within the United States of America, for interest then due on its Pollution Control Bonds, Series 1980, dated September 1, 1980 and bearing No. _____.

State Treasurer

Secretary of State

Governor

Language to be added to redeemable coupons:

"unless sooner redeemed as therein provided"

Section 6. Sale of Bonds. With the approval of the State Treasurer, the bonds shall be sold at public sale pursuant to publication of notice in The Daily Journal of Commerce, Portland, Oregon, a newspaper of general circulation printed and published in the State of Oregon, and The Daily Bond Buyer, in New York, New York. Bonds shall be sold upon the terms recommended by Bartle Wells Associates, financial consultant for this issue, and approved by the State Treasurer. Sealed bids shall be received on the Commission's behalf up to and including the hour of 11:30 a.m. on the 5th day of August, 1980, at the offices of Rankin, McMurry, Osburn, VavRosky & Doherty, bond counsel, in Portland, Oregon.



STATE OF OREGON

INTEROFFICE MEMO

DEQ-- Solid Waste Division 229-5313
DEPT. TELEPHONE

TO: Mike Downs through E.A. Schmidt

DATE: June 11, 1980

FROM: Bob Brown

SUBJECT: Projected Revenue Demands Pollution Control Bonds

Following is a list of projected demands on PCB funds for the next three years:

JURISDICTION	PROJECT DESCRIPTION	\$
Metropolitan Service District	Solid Waste system including transfer stations source separation program and partial funding of a major resource recovery plant	9,000,000
Marion County	Resource recovery facility (densified refuse derived fuel) and upgrade of existing boilers at state facilities	12,000,000
Hood River County	Major transfer station for transfer out of county	600,000
Tillamook County	Regional landfill and transfer system	800,000
Clatsop County	Regional landfill, possible transfer station	800,000
Lincoln County	Regional landfill	800,000
Curry County	Addition of energy recovery to existing modular incinerators	750,000
Various Jurisdictions (6)	Hazardous waste collection sites	250,000
Small projects yet to be determined		\$1,000,000
	Total	\$26,000,000

Attached is a proposed rewrite of solid waste program for bond sale.

THE BOND BUYER INDEX

Municipal Bond Average Yields

(COMPILED WEEKLY)

1980	20 Bonds (%)	11 Bonds (%)	U.S. Gov't (See Notes) (%)	1980	20 Bonds (%)	11 Bonds (%)	U.S. Gov't (See Notes) (%)
June 5.....	7.67	7.24	5.71	Jan. 17.....	7.28	6.86	5.90
May 29.....	7.73	7.31	5.78	Jan. 10.....	7.30	6.89	5.73
May 22.....	7.72	7.30	5.77	Jan. 3.....	7.32	6.94	5.78
May 15.....	7.44	6.99	5.85	1979			
May 8.....	7.11	6.63	5.65	Dec. 27.....	7.23	6.85	5.70
May 1.....	7.96	7.48	6.01	Dec. 20.....	7.22	6.85	5.65
April 24.....	8.11	7.57	6.24	Dec. 13.....	7.26	6.88	5.73
April 17.....	7.89	7.32	6.01	Dec. 6.....	7.17	6.81	5.52
April 10.....	9.07	8.61	6.76	Nov. 29.....	7.26	6.91	5.59
April 3.....	9.44	9.02	7.11	Nov. 21.....	7.38	7.02	5.86
March 27.....	9.44	9.04	7.43	Nov. 15.....	7.31	6.95	5.79
March 20.....	9.20	8.75	7.09	Nov. 8.....	7.27	6.90	5.97
March 13.....	9.08	8.58	7.11	Nov. 1.....	7.26	6.89	5.82
March 6.....	8.94	8.44	7.45	Oct. 25.....	7.38	7.02	5.86
Feb. 28.....	8.72	8.20	7.11	Oct. 18.....	7.18	6.85	5.53
Feb. 21.....	8.46	7.95	7.50	Oct. 11.....	7.12	6.78	5.47
Feb. 14.....	7.75	7.34	6.96	Oct. 4.....	6.64	6.30	5.14
Feb. 7.....	7.71	7.28	6.69	Sept. 27.....	6.56	6.23	5.07
Jan. 31.....	7.52	7.09	6.35	Sept. 20.....	6.57	6.27	4.98
Jan. 24.....	7.33	6.89	6.19	Sept. 13.....	6.49	6.18	5.01

(Note: Yield shown is for U.S. Government 7s of 5/15/98 after 48% corporate income tax. On 12/28/78, after 46% corporate income tax. From 1/4/79 yield shown is for U. S. Government 8³/₄s of 11/15/2008, after 46% corporate income tax.)

TWENTY BONDS

	High Yield		Low Yield	
	%	Date	%	Date
1980.....	9.44	(3/27)	7.11	(5/ 8)
1979.....	7.38	(10/25)	6.08	(7/ 5)
1978.....	6.67	(12/21)	5.58	(3/ 9)
1977.....	5.93	(2/ 3)	5.45	(11/17)
1976.....	7.13	(1/ 8)	5.83	(12/29)

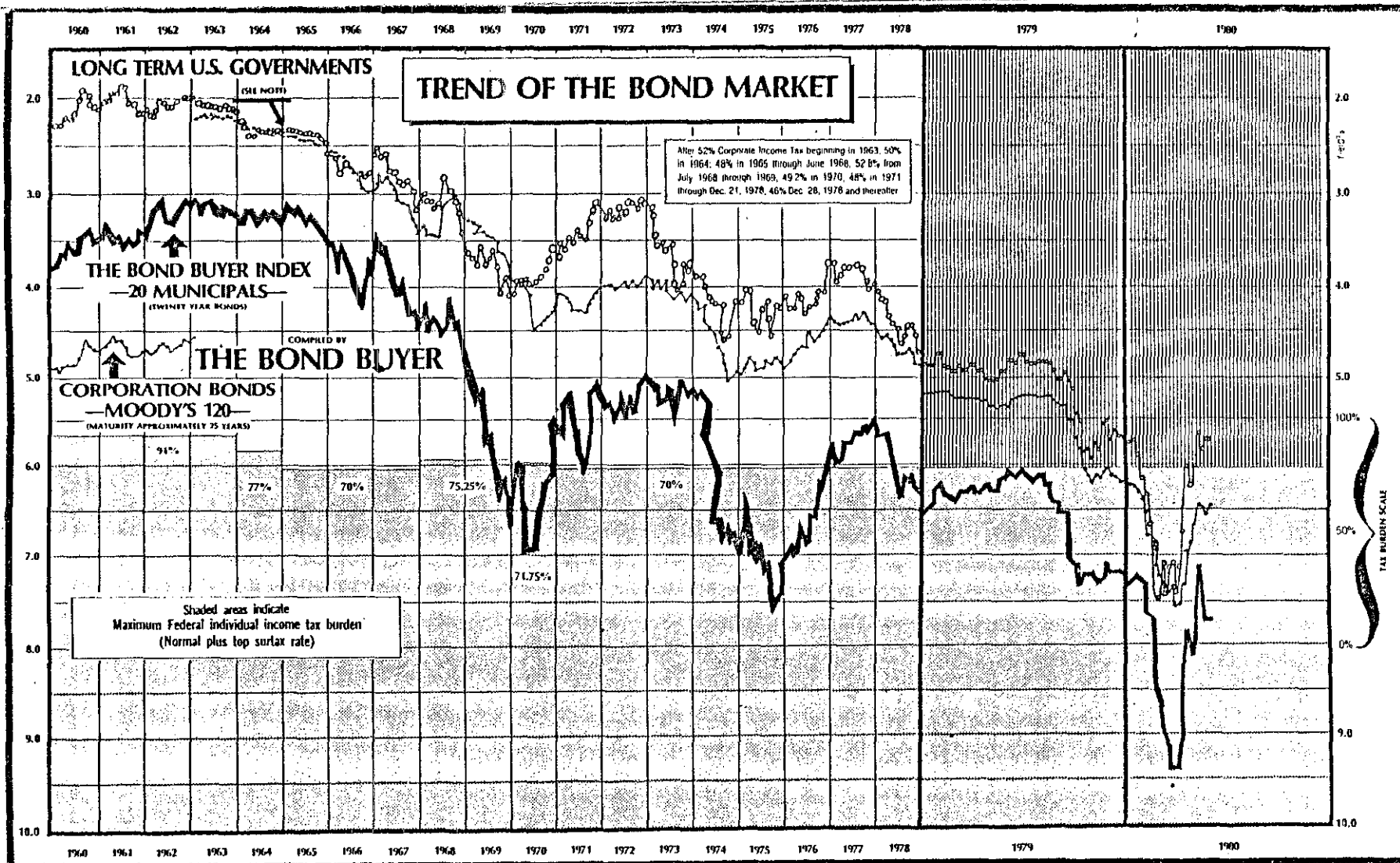
Highest Yield—9.44%, Mar. 27, 1980
Lowest Yield—1.29%, Feb. 14, 1946

ELEVEN BONDS

	High Yield		Low Yield	
	%	Date	%	Date
1980.....	9.04	(3/27)	6.63	(5/ 8)
1979.....	7.02	(10/25)	5.77	(7/ 5)
1978.....	6.28	(12/21)	5.32	(3/ 9)
1977.....	5.57	(2/24)	5.18	(11/17)
1976.....	6.57	(5/27)	5.36	(12/29)

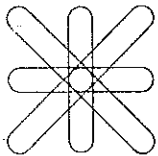
Highest Yield—9.04%, Mar. 27, 1980
Lowest Yield—1.04%, Feb. 21, 1946

The average rating of the 20 bonds used in this index falls midway between the four top groups as classified by Moody's Investors Service. The composite rating of the 11 bonds is equivalent to the second best rating of the rating agency.



NOTE: Long-term U.S. Governments—The line for Government bonds in this graph from Jan. 4, 1979 to date is based on yields of 8³/₈s of 11/15/2008, after 46% corporate income tax, as shown in our weekly compilation "The Bond Buyer's Index of Municipal Bond Average Yields." From March 28, 1974 through Dec. 21, 1978 yields of 7s of 5/15/98, after 48% corporate income tax, on Dec. 28, 1978 after 46% corporate income

tax, was used. From Feb. 15, 1973 through March 21, 1974 yield of 6³/₈s of 2/15/93 was used. From Jan. 1960 through Feb. 8, 1973 yield of 3¹/₈s of 2/15/90 was used. Corporate Bonds—Beginning in 1963, the yield shown for corporate bonds is after corporate income tax shown above. From 1960 through 1962 yields shown are before corporate income tax.


BARTLE WELLS ASSOCIATES MUNICIPAL FINANCING CONSULTANTS

TO: Mr. Harvey Rogers
 Rankin, McMurry, Osburn, VavRosky
 & Doherty
 One S.W. Columbia Street #1600
 Portland, OR 97258

DATE: June 3, 1980
 RE: Oregon Pollution
 Control Bonds
 SUGGESTED BOND
 TERMS & CONDITIONS

BONDS Name: \$60,000,000 Oregon Pollution Control Bonds, Series 1980

Date: September 1, 1980

Denomination: \$5,000 (or other multiple as requested by bidder)

Maturities: 1985-2005. See attached maturity schedule.

Redemption: Bonds maturing 1985-1990 not callable. Bonds maturing 1991-2005 callable beginning September 1, 1990, at par plus a premium of $\frac{1}{4}$ of 1 percent per year from date of call to date of maturity, but not more than $2\frac{1}{2}$ percent.

Interest: Semiannually beginning March 1, 1981

Registration: Bearer bonds, exchange for registered bonds only, without provisions for reconversion

SALE Date: August 5, 1980, 11 a.m. Pacific Time

Place: At the office of Rankin, McMurry, Osburn, VavRosky & Doherty, One S.W. Columbia Street, 16th floor, Portland, Oregon 97258

Discount: Not less than 98.5 percent of par

Coupons: 8 percent maximum, multiples of $\frac{1}{20}$ of 1 percent (no supplemental coupons). Interest rate on bonds maturing 1991-2005 shall not be less than the interest rate on prior bonds maturing within that period.

Legal Printing: Printed on each bond.

Good Faith Check: \$500,000

Additional Bonds: Not prior to January 1, 1981

cc: Kevin Peterson
 Michael Downs

Management Services Div.
 Dept. of Environmental Quality

BY: Edwin A. Wells

R E C E I V E D
 JUN 9 1980

BOND MATURITY SCHEDULE
OREGON POLLUTION CONTROL BONDS

Year	Principal Maturing
1985	\$ 500,000
1986	1,000,000
1987	1,500,000
1988	2,000,000
1989	2,250,000
1990	2,500,000
1991	2,750,000
1992	3,000,000
1993	3,000,000
1994	3,000,000
1995	3,000,000
1996	3,000,000
1997	3,500,000
1998	3,500,000
1999	3,500,000
2000	3,500,000
2001	3,500,000
2002	3,500,000
2003	3,500,000
2004	4,000,000
2005	4,000,000
	<u>\$60,000,000</u>

Section 3. Sources of revenue. Ad valorem taxes shall be levied annually upon the taxable property within the State of Oregon in sufficient amount to provide for the prompt payment of bonds issued pur-

suant to this Article and the interest thereon. The Legislative Assembly may provide other revenues to supplement or replace, in whole or in part, such tax levies. [Created through H.J.R. No. 8, 1963 (s.s.), adopted by people May 15, 1964]

Sect Article. enact leg of this all conf

ARTICLE XI-E

POLLUTION CONTROL

- Sec. 1. State empowered to lend credit for financing pollution control facilities
- 2. Only facilities seventy percent self-supporting and self-liquidating authorized

- 3. Authority of public bodies to receive funds
- 4. Source of revenue
- 5. Bonds
- 6. Legislation to effectuate Article

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Section 1. State empowered to lend credit for financing pollution control facilities. In the manner provided by law and notwithstanding the limitations contained in sections 7 and 8, Article XI, of this Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred in an amount not to exceed, at any one time, one percent of the true cash value of all taxable property in the state:

grants from the Federal Government, user charges, assessments and other fees. [Created through H.J.R. No. 14, 1969, and adopted by people May 26, 1970]

(1) To provide funds to be advanced, by contract, grant, loan or otherwise, to any municipal corporation, city, county or agency of the State of Oregon, or combinations thereof, for the purpose of planning, acquisition, construction, alteration or improvement of facilities for the collection, treatment, dilution and disposal of all forms of waste in or upon the air, water and lands of this state; and

Section 3. Authority of public bodies to receive funds. Notwithstanding the limitations contained in section 10, Article XI of this Constitution, municipal corporations, cities, counties, and agencies of the State of Oregon, or combinations thereof, may receive funds referred to in section 1 of this Article, by contract, grant, loan or otherwise and may also receive such funds through disposition to the state, by sale, loan or otherwise, of bonds, notes or other obligations issued or made for the purposes set forth in section 1 of this Article. [Created through H.J.R. No. 14, 1969, and adopted by people May 26, 1970]

Section state officer

(2) To provide funds for the acquisition, by purchase, loan or otherwise, of bonds, notes or other obligations of any municipal corporation, city, county or agency of the State of Oregon, or combinations thereof, issued or made for the purposes of subsection (1) of this section.

Section 4. Sources of revenue. Ad valorem taxes shall be levied annually upon all taxable property within the State of Oregon in sufficient amount to provide, together with the revenues, gifts, grants from the Federal Government, user charges, assessments and other fees referred to in section 2 of this Article for the payment of indebtedness incurred by the state and the interest thereon. The Legislative Assembly may provide other revenues to supplement or replace such tax levies. [Created through H.J.R. No. 14, 1969, and adopted by people May 26, 1970]

Section 1959; Repeal adopted by p former 1958 (this section Article)

[Created through H.J.R. No. 14, 1969, and adopted by people May 26, 1970]

Section permanent shall be Ma [Created throu Nov. 4, 1958 (this Article ad and 3 of this A

Section 2. Only facilities seventy percent self-supporting and self-liquidating authorized. The facilities for which funds are advanced and for which bonds, notes or other obligations are issued or made and acquired pursuant to this Article shall be only such facilities as conservatively appear to the agency designated by law to make the determination to be not less than 70 percent self-supporting and self-liquidating from revenues, gifts,

Section 5. Bonds. Bonds issued pursuant to section 1 of this Article shall be the direct obligations of the state and shall be in such form, run for such periods of time, and bear such rates of interest, as shall be provided by law. Such bonds may be refunded with bonds of like obligation. [Created through H.J.R. No. 14, 1969, and adopted by people May 26, 1970]

Section prior to 1 money of t tracted for

of the facility properly allocable to the prevention, control or reduction of air or water pollution.

(2) The portion of actual costs properly allocable shall be:

- (a) Eighty percent or more.
- (b) Sixty percent or more but less than 80 percent.
- (c) Forty percent or more but less than 60 percent.
- (d) Twenty percent or more but less than 40 percent.
- (e) Less than 20 percent.

[Formerly 449.655; 1974 s.s. c.37 s.4]

STATE POLLUTION CONTROL BONDS

468.195 Issuance of bonds authorized. In order to provide funds for the purposes specified in Article XI-H of the Constitution of Oregon, the commission, with the approval of the State Treasurer, is authorized to issue and sell such general obligation bonds of the State of Oregon, of the kind and character and within the limits prescribed by Article XI-H of the Constitution of Oregon as, in the judgment of the commission, shall be necessary. The bonds shall be authorized by resolution duly adopted by a majority of the members of the commission at a regular or special meeting of the commission. The principal amount of the bonds outstanding at any one time, issued under authority of this section, shall not exceed \$160 million par value.

[Formerly 449.672]

468.200 Form and content of bonds; refunding bonds. (1) At the request of the commission, the Attorney General shall prepare a form of direct, general obligation, interest-bearing coupon bonds of the State of Oregon to be sold in order to provide funds for carrying out the purposes of Article XI-H of the Constitution of Oregon and ORS 468.195 to 468.260. The bonds shall be numbered and shall be payable at such times and in such amounts as shall be fixed by the commission. However, none of the bonds shall mature sooner than six months nor later than 30 years from issued date. The bonds shall bear interest, payable semiannually, at such rates as the commission, with the approval of the State Treasurer, deems advisable.

(2) In the discretion of the commission, the bonds may be issued as provided by ORS 286.040. The bonds may be refunded either

prior to or at their maturity dates. In the event of redemption or refunding prior to maturity date, the commission is not required to redeem or refund bonds in the order in which they were originally issued. Refunding bonds may be sold in the same manner as other bonds are sold under ORS 468.195 to 468.260. The issuance of refunding bonds, their maturity dates and other details, the rights of their holders and the duties of the Governor, Secretary of State, State Treasurer and of the commission with respect thereto, shall be governed by the other provisions of ORS 468.195 to 468.260 in so far as applicable. Refunding bonds may be issued to refund bonds originally issued or to refund bonds previously issued for refunding purposes.

[Formerly 449.675]

468.205 Advertisement and sale of bonds. With the approval of the State Treasurer, the commission shall provide such method as it considers necessary for the advertisement of each issue of the bonds mentioned in ORS 468.195 to 468.260 before they are sold. As approved by the State Treasurer, the commission shall require such deposit, with bids, as it considers advisable and generally shall conduct the sale and issuance of the bonds under such rules as the commission may adopt.

[Formerly 449.677]

468.210 Execution of bonds; payment; deposit and destruction of paid bonds; where bonds payable; payment of costs of issuance. (1) All bonds issued under ORS 468.195 to 468.260, including refunding bonds and the coupons appurtenant thereto, shall be direct, general obligations of the State of Oregon, in negotiable form, and shall embody an absolute promise to pay the amounts thereof in any coin or currency which, at the time of payment, is legal tender for the payment of public and private debts within the United States of America. The bonds shall be executed with a facsimile signature of the Governor and the Secretary of State and the manual signature of the State Treasurer. The bonds shall bear coupons evidencing interest to become due for each instalment thereof upon which shall be printed the facsimile signatures of all said officers.

(2) Not less than 20 days before the payment of the principal or interest falls due on any of the bonds, the department shall prepare and submit to the State Treasurer, for verification, a claim duly approved by

the department for the amount necessary to meet the payment thereof. Upon such verification, the department shall present the claim in like manner as other claims against the state are presented. The claim shall be paid out of moneys provided by law for its payment.

(3) All bonds and interest coupons that are paid by the State Treasurer shall be retained and then destroyed as provided in ORS 288.120.

(4) The principal of and the interest upon all bonds issued under authority of ORS 468.195 to 468.260, when due, shall be paid at the office of the State Treasurer; but, with the approval of the State Treasurer, the commission may designate a fiscal agency of the State of Oregon in the City and State of New York or such other fiscal agency of the State of Oregon as may be designated by law, as the place of payment of the bonds and of the interest thereon.

(5) Interest and costs incurred in issuance of the bonds, including engineering, legal and accounting and other financial advisory services shall be paid upon approval by the State Treasurer from the funds derived from the sale of the bonds and the capitalization of interest in the incurrence of such costs is hereby authorized.

[Formerly 449.680; 1975 c.462 s.14]

468.215 Pollution Control Fund. The money realized from the sale of each issue of bonds shall be credited to a special fund in the State Treasury, separate and distinct from the General Fund, to be designated the Pollution Control Fund; which fund is hereby appropriated for the purpose of carrying out the provisions of ORS 468.195 to 468.260. It shall not be used for any other purpose, except that this money, with the approval of the State Treasurer, may be invested as provided by ORS 293.701 to 293.776, and the earnings from such investments inure to the Pollution Control Sinking Fund.

[Formerly 449.682].

468.220 Department to administer funds; uses; limitations. (1) The department shall be the agency for the State of Oregon for the administration of the Pollution Control Fund. The department is hereby authorized to use the Pollution Control Fund for one or more of the following purposes:

(a) To grant funds not to exceed 30 percent of total project costs for eligible projects as defined in ORS 454.505 or sewerage systems as defined in ORS 468.700.

(b) To acquire, by purchase, or otherwise, general obligation bonds or other obligations of any municipal corporation, city, county, or agency of the State of Oregon, or combinations thereof, issued or made for the purpose of paragraph (a) of this subsection in an amount not to exceed 70 percent of the total project costs for eligible projects.

(c) To acquire, by purchase, or otherwise, other obligations of any city that are authorized by its charter in an amount not to exceed 70 percent of the total project costs for eligible projects.

(d) To grant funds not to exceed 30 percent of the total project costs for facilities for the disposal of solid waste.

(e) To make loans or grants to any municipal corporation, city, county, or agency of the State of Oregon, or combinations thereof, for planning of eligible projects as defined in ORS 454.505, sewerage systems as defined by ORS 468.700 or facilities for the disposal of solid waste.

(f) To acquire, by purchase, or otherwise, general obligation bonds or other obligations of any municipal corporation, city, county, or agency of the State of Oregon, or combinations thereof, issued or made for the purpose of paragraph (d) of this subsection in an amount not to exceed 70 percent of the total project costs.

(g) To pay compensation required by law to be paid by the state for the acquisition of real property for the disposal by storage of environmentally hazardous wastes.

(h) To dispose of environmentally hazardous wastes by the Department of Environmental Quality whenever the department finds that an emergency exists requiring such disposal.

(2) The facilities referred to in paragraphs (a), (b) and (c) of subsection (1) of this section shall be only such as appear to the department to be not less than 70 percent self-supporting and self-liquidating from revenues, gifts, grants from the Federal Government, user charges, assessments and other fees.

(3) The facilities referred to in paragraphs (d) and (f) of subsection (1) of this section shall be only such as appear to the department to be not less than 70 percent self-supporting and self-liquidating from revenues, gifts, grants from the Federal Government, user charges, assessments and other fees.

(4) The department may sell or pledge any bonds, notes or other obligations ac-

quired under paragraph (b) of subsection (1) of this section.

[Formerly 449.685]

468.225 Investment yield on undistributed bond funds and revenues. All undistributed bond funds and revenues received as payment upon agency bonds or other obligations, if invested, shall be invested to produce an adjusted yield not exceeding the limitations imposed by section 103, subsection (d) of the Internal Revenue Code of 1954, and amendments thereto in effect on March 1, 1971.

[Formerly 449.687]

468.230 Pollution Control Sinking Fund; use; limitation. (1) The commission shall maintain, with the State Treasurer, a Pollution Control Sinking Fund, separate and distinct from the General Fund. The Pollution Control Sinking Fund shall provide for the payment of the principal and interest upon bonds issued under authority of Article XI-H of the Constitution of Oregon and ORS 468.195 to 468.260. Moneys of the sinking fund are hereby appropriated for such purpose. With the approval of the commission, the moneys in the Pollution Control Sinking fund may be invested as provided by ORS 293.701 to 293.776, and earnings from such investment shall be credited to the Pollution Control Sinking Fund.

(2) The Pollution Control Sinking Fund shall consist of all moneys received from ad valorem taxes levied pursuant to ORS 468.195 to 468.260, all moneys that the Legislative Assembly may provide in lieu of such taxes, all earnings on the Pollution Control Fund, Pollution Control Sinking Fund, and all other revenues derived from contracts, bonds, notes or other obligations, acquired, by the commission by purchase, loan or otherwise, as provided by Article XI-H of the Constitution of Oregon and by ORS 468.195 to 468.260.

(3) The Pollution Control Sinking Fund shall not be used for any purpose other than that for which the fund was created. Should a balance remain therein after the purposes for which the fund was created have been fulfilled or after a reserve sufficient to meet all existing obligations and liabilities of the fund has been set aside, the surplus remaining may be transferred to the Pollution Control Fund at the direction of the commission.

[Formerly 449.690]

468.235 Levy of taxes to meet bond obligation authorized. Each year the Department of Revenue shall determine the amount of revenues and other funds that are available and the amount of taxes, if any, that should be levied in addition thereto to meet the requirements of ORS 468.195 to 468.260 for the ensuing fiscal year. Such additional amount of tax is hereby levied and shall be apportioned, certified to, and collected by the several counties of the state in the manner required by law for the apportionment, certification and collection of other ad valorem property taxes for state purposes. This tax shall be collected by the several county treasurers and remitted in full to the State Treasurer in the manner and the times prescribed by law, and shall be credited by the State Treasurer to the Pollution Control Sinking Fund.

[Formerly 449.692]

468.240 Remedy where default occurs on payment to state. If any municipal corporation, city or county defaults on payments due to the state under ORS 468.195 to 468.260, the state may withhold any amounts otherwise due to the corporation, city or county to apply to the indebtedness.

[Formerly 449.694]

468.245 Acceptance of federal funds. The commission may accept assistance, grants and gifts, in the form of money, land, services or any other thing of value from the United States or any of its agencies, or from other persons subject to the terms and conditions thereof, regardless of any laws of this state in conflict with regulations of the Federal Government or restrictions and conditions of such other persons with respect thereto, for any of the purposes contemplated by Article XI-H of the Constitution of Oregon and by ORS 468.195 to 468.260. Unless enjoined by the terms and conditions of any such gift or grant, the commission may convert the same or any of them into money through sale or other disposal thereof.

[Formerly 449.695]

468.250 Participation in matching fund programs with Federal Government. (1) The commission may participate on behalf of the State of Oregon in any grant program funded in part by an agency of the Federal Government if the implementation of the program requires matching funds of the state or its participation in administering the program. However, any grant advanced by the commission to an

otherwise eligible applicant shall not exceed 30 percent of the total eligible costs of the project applied for, and further provided that the project shall not be less than 70 percent self-supporting and self-liquidating from those sources prescribed by Article XI-H of the Constitution of Oregon.

(2) Subject to conditions imposed on federally granted funds, a municipal corporation, city, county or agency of the State of Oregon, or combination thereof, who is eligible for federal funds for a project during its construction or becomes eligible for reimbursement for funds expended, if the project has been constructed and placed into operation, shall apply for and pay to the commission such funds so received, or otherwise made available to it, in such amounts as determined by the commission as just and necessary, from an agency of the Federal Government. These funds shall first be used to reimburse the State of Oregon for the portion of any grant that was advanced to the municipal corporation, city, county or agency of the State of Oregon, or combination thereof, for construction of the project that exceeded the federal requirements for state matching funds and any remainder thereof shall be used to apply upon the retirement of any principal and interest indebtedness due and owing to the State of Oregon arising out of funds loaned for the project prior to federal funds becoming available.

(3) The refusal of a municipal corporation, city, county or agency of the State of Oregon, or combinations thereof, to apply for federal funds in such amounts as determined by the commission as just and necessary for which it would otherwise be eligible, shall be sufficient grounds to terminate any further participation in construction of a facility by the commission.

(4) The municipal corporation, city, county or agency of the State of Oregon, or combinations thereof, shall consent to and request that funds made available to it by an agency of the Federal Government shall be paid directly to the commission if required to do so under subsection (2) of this section.

[Formerly 449.697]

468.255 Limit on grants and loans. Any funds advanced by the commission by grant shall not exceed 30 percent of the total project costs for eligible projects or for facilities related to disposal of solid wastes, and any obligation acquired by the commission by purchase, contract, loan, or otherwise,

shall not exceed 70 percent of the total project costs for eligible projects or for facilities related to disposal of solid wastes.

[Formerly 449.699]

468.260 Return of unexpended funds to state required; use of returned funds.

Any proceeds unexpended after a project is constructed and inspected, and after records relating thereto are audited by the commission, shall be returned to the commission on behalf of the State of Oregon to apply upon the retirement of principal and interest indebtedness on obligations acquired by it from a municipal corporation, city, county or agency of the State of Oregon, or any combinations thereof.

[Formerly 449.701]

COUNTY POLLUTION CONTROL FACILITIES

Note: 468.263 to 468.272 were not added to ORS chapter 468 by legislative action.

468.263 Definitions for ORS 468.263 to 468.272. As used in ORS 468.263 to 468.272, unless the context requires otherwise:

(1) "Bonds" means revenue bonds or other types of obligations authorized by ORS 468.263 to 468.272.

(2) "Pollution control facilities" or "facilities" means any land, building or other improvement, appurtenance, fixture, item of machinery or equipment, and all other real and personal property, whether or not in existence or under construction at the time the bonds are issued, which are to be used in furtherance of the purpose of abating, controlling or preventing, altering, disposing or storing of solid waste, thermal, noise, atmospheric or water pollutants, contaminants, or products therefrom.

(3) "Governing body" means the county court or board of county commissioners.

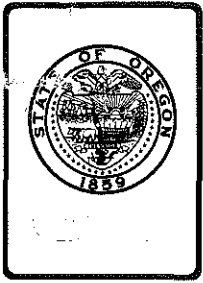
[1974 s.s. c.34 s.2]

468.264 Policy. The Legislative Assembly finds:

(1) That control of environmental damage and general health and welfare of the citizens of the State of Oregon is promoted by encouraging the installation of antipollution devices, equipment and facilities.

(2) That the methods of financing provided in ORS 468.263 to 468.272 will encourage such installation.

[1974 s.s. c.34 s.1]



Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. T, June 20, 1980, EQC Meeting

1981-83 Biennial Budget -- Review of preliminary draft reduced level budgets and decision packages for Air Quality, Water Quality, Solid Waste, Noise Control, and Agency Management programs.

Background

Preparation of the Department's 1981-83 biennial budget request has begun utilizing procedures under the Alternative Planning Levels System (APLS), which is Oregon's adaptation of zero-base budgeting.

The Department is required to submit an 85% Reduced Level Budget (RLB) plus Decision Packages (DP) to the Executive Department by September 1, 1980. Simply stated, that means at least 15% of the Department's existing activities must be displayed in decision packages for Executive and Legislative consideration of whether or not they should be funded next biennium. We may also request program improvements and new activities in decision packages.

Currently, each program (air, noise, water, solid waste, agency management) has developed a preliminary RLB and list of prioritized decision packages for your review and input. At my request, the RLB for each program has been prepared at the 70% level to provide some intra-program flexibility in building the agency-wide 85% RLB, and to ensure we will easily be able to determine what further cuts we would make if that becomes necessary later due to severe restrictions on available revenues.

I have not yet reviewed the programs' preliminary requests, nor have I been briefed on these materials. I will be seeking your reactions to these requests during the briefing at today's meeting. Your views will be useful in the work sessions to follow in the Department to develop a more coordinated and firm budget request. We will bring that request to you at the July meeting for final EQC comment.



Contains
Recycled
Materials

EQC Agenda Item T
June 20, 1980
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Recommendation

No formal action is required on this item at this time.

A handwritten signature in cursive script that reads "Bill".

William H. Young

MJDowns:jas
229-6485

Attachments: Reduced Level Budgets and Decision Packages for each Program

AIR QUALITY PROGRAM

AIR PROGRAM

Summary Statement
of Major Impact
of 70% Reduced Level Budget

- o Would continue development of standard attainment/maintenance strategies and SIP Revisions
- o Would continue New Source Review (NSR) in non-attainment areas and seek delegation from EPA of NSR in PSD areas
- o Would continue to maintain and report Statewide Emission Inventory (EI)
- o Would reduce Statewide AQ Monitoring Network to minimum Federal and State requirements
- o Would reduce processing, analysis and reporting of data to minimum routine requirements
- o Would reduce compliance inspections of point-sources to minimum EPA requirements.
- o Would reduce permit drafting and plan review staff by 40%
- o Would reduce non-permitted source inspections and complaint follow-up by 44%
- o Would reduce technical assistance to the regions by 50%

- o Would Not provide staff to develop strategies to restore/maintain visibility in Class I PSD areas; to re-class PSD areas, or to track and report PSD increment consumption
- o Would eliminate staff to provide headquarters overview of laboratory air monitoring Quality Assurance
- o Would eliminate the Department's only meteorologist position (except for F. B. Met. position in Eugene)
- o Would eliminate the Department's capability to conduct emission tests of point and non-point sources
- o Would Not provide resources to conduct any special studies (i.e. PACS, MACS and Field Burning)

- o Would eliminate all meteorological station operation except those necessary to conduct field burning smoke management
- o Would reduce Vehicle Inspection Program (VIP) to bare minimum:
 - reduce test lanes by 20%
 - eliminate staff training program
 - reduce public response staff by 80%
 - eliminate the fleet self-inspection program
 - reduce equipment and facility maintenance/repair
 - eliminate the Service Industry program
 - reduce technical analysis and reporting of data by 50%
- o Would maintain current Field Burning smoke management program, but would reduce:
 - R & D project management staff by 33%
 - Field Burning impact monitoring by 60%
 - Specific Slash Burning impact monitoring 100%

PRIORITIZED
AIR PROGRAM
DECISION PACKAGES*
(6-11-80)

Program Priority	Sub-Program Priority	D P Description	D P Impact (+) or (-)	FTE
AP-1	AA-2	Restores to Division, 1/2 of file clerk position cut in RLB.	Restores full-time file clerk needed to reasonably manage AQ files.	0.5
AP-2	AA-1	Restores to Division 1/4 Admin. Position cut in RLB.	Restores current level capability to centrally coordinate preparation and tracking of budget and grants and general Admin. assistance.	0.24
AP-3	ASC-1	Restores to NW Region 1 position cut in RLB.	Restores to current levels, Region's capability to draft permits, review plans and inspect sources.	1.0
AP-4	ASC-2	Restores to WV Region 1 of 2 positions cut in RLB.	Partially restores Region's capability to draft permits, review plans and inspect sources.	1.0
AP-5	ASC-3	Restores to Central Region 1 position cut in RLB.	Restores to current levels, Region's capabilities to draft permits, review plans and inspect sources.	1.0
AP-6	APD-1	Provides new position to Division.	To develop new, innovative ways to effectively control area sources needed to attain/maintain air quality standards.	1.0
AP-7	ADAR-1	Provides 2 lab positions to extend fine particulate network.	To develop a fine particulate background and data bases at Bend and Pendleton to relate to actual AQ problem and Proposed Federal Standards.	2.0

*Does not include Vehicle Inspection Program and Field Burning Program Decision Packages which are prioritized independently within their respective programs.

Program Priority	Sub-Program Priority	D P Description	D P Impact (+) or (-)	FTE
AP-8	ASC-4	Restores to Division Source Compliance Staff 1 of 2 positions cut in RLB.	Partially restores Division's capability to process permits, conduct complex plan reviews and provide technical assistance to Regions.	1.0
AP-9	ASC-5	Restores to SWR, 1 position cut in RLB.	Restores to current levels, Region's capabilities to draft permits, review plans and inspect sources.	1.0
AP-10	APD-2	Restores to Division Program Planning Staff, 1 position cut in RLB.	Restore current capability to develop programs to restore visibility in Class I areas, provide for PSD re-classifications and track consumption of PSD increments.	1.0
AP-11	APD-3	Restores to Division 1 position cut in RBL.	Restores current capability to conduct a minimal Indirect Source Permit program and provide transportation planning assistance to Regions and local governments.	1.0
AP-12	AA-3	Restore to AQ Lab, 0.57 Admin. position cut in RBL.	Restores to current level AQ Program Administrative capability in the laboratory.	0.57
AP-13	ADAR-2	Restores to Division 1 member of (2 man) Source Test Team and 0.3 position to Lab, <i>cut</i> in RLB.	Restores Department's capability conduct field source tests of point and area source emissions and analyze samples.	1.3
AP-14	ADAR-4	Restores to Division, 1 position cut in RLB.	Restores current capability to write new programs to accomodate special studies and non-routine data analysis and reporting.	1.0
AP-15	APD-4	Restores to Division 1.125 position cut in RLB.	Restores current capability to coordinate <i>data</i> collection between Division and Lab and to "Quality-Assure" and report data to EPA pursuant to EPA guidance.	1.125
AP-16	ADAR-3	Restores to Lab, 1 of 2.7 positions cut in RLB.	Partially restores Lab capability to operate meteorological data stations in Portland (3 of 6).	1.0

Program Priority	Sub-Program Priority	D P Description	D P Impact (+) or (-)	FTE
AP-17	ASC-6	Restores to Division ^{2nd} 1 of 2 positions cut in RLB.	Restores to current level Division's capability to issue permits, review complex plans and provide technical assistance to Regions.	1.0
AP-18	ADAR-6	Restores Division meteorologist position cut in RLB.	Restores the only meteorologist position in the Department budget (except 1 in F.B.); would restore ability to analyze and report data and provide expert met. assistance to Division staff and Regions.	1.0
AP-19	ADAR-5	Provide Lab resources to participate in Special Studies.	Conduct special strategies to determine AQ impact of woodstoves in Portland and to conduct fine particulate study in BEND	2.5
AP-20	ASC-7	Restores to WV Region 2nd of 2 staff positions cut in RLB.	Restores to current level capability to draft permits, review plans and inspect sources in WV Region.	1.0
AP-21	ADAR-8	Restore to Lab 1.61 positions cut in RLB.	Restores Lab capability to conduct special purpose monitoring, as needed, to determine source compliance, etc. and to provide microscopic analysis of samples.	1.62
AP-22	APD-5	Provides <u>new</u> position to Division.	Provides for increased trends analysis, routine CMB analysis and field and slash impact analysis.	1.0
AP-23	ADAR-7	Restore to Lab remaining 1.7 ^{of} and 2.7 positions cut in RLB.	Restores current capability to operate meteorological data stations in Portland, Coburg and Halsey.	1.7
AP-24	AA-4	Provides new secretarial position in Division.	To reduce turnabout time (typing) of letters reports and dictation.	1.0

AIR PROGRAM ADMINISTRATION

Current Program

<u>Program Element</u>	<u>Activity/Purpose</u>	<u>FTE</u>
1) Air Quality Division Administration	Provide program guidance; Goals and Objectives coordination; centralized budget and grant preparation and tracking; staff development and general administrative services.	5
2) Air Quality Regional Administration	Air Quality Program portion of General Regional Administration	0.57
3) Air Quality Lab Administration	Air Quality Program portion of General Lab Administration	2.59
	TOTAL	<u>8.16 FTE</u>

Reduced Level Budget

<u>Program Element</u>	<u>Activity/Purpose/Impact</u>	<u>FTE</u>
1) Air Quality Division Administration	Reduce all of (1) above but specifically shift Budget and Grant preparation and tracking to Section Managers and re-organize from 3 to 2 Section operation in Air Quality Division after Jan. 15, 1983.	4.26
2) Air Quality Regional Administration	(Same as (2) above)	0.57
3) Air Quality Lab Administration	Reduced level of Air Quality lab program supervision and management.	2.03
	TOTAL	<u>6.86 FTE</u>

AIR PROGRAM ADMINISTRATION

Decision Packages

<u>Program Element</u>	<u>Activity/Purpose/Impacts</u>	<u>FTE</u>
AA-1 AQ Div. Admin.	Restore centralized budget and grant preparation and tracking capability from January 15, 1983 to the end of the biennium.	0.24
AA-2 AQ Div. Admin.	Restore administrative services (full-time file clerk) to current level.	0.5
AA-3 AQ Lab. Admin.	Restore Air Quality lab administrative support to current level from July 1, 1982 to the end of the biennium.	0.56
AA-4 AQ Div. Admin.	Provide additional secretary for Air Quality Division to provide adequate level of secretarial services.	1.
	TOTAL	<hr/> 2.30 FTE

PROGRAM PLANNING AND DEVELOPMENT

Current Program

<u>Program Element</u>	<u>Activity/Purpose</u>	<u>FTE</u>	
		<u>Perm.</u>	<u>Limited Duration</u>
1) Attainment/Maintenance Plan Development	Coordinate development, implementation, and enforcement of control strategies to meet State and Federal Air Quality Standards.	3	2
2) SIP Revision Coordinating	Conduct administrative duties with respect to rule adoption and SIP revisions and coordinate reporting to EPA.	1	1
3) New Source Review	Evaluate impacts of major new and modified sources with respect to control strategies and PSD increments and develop stationary source rules representing the latest technology.	2	1
4) Air Monitoring Coordinating	Develop air monitoring network plans meeting State and EPA requirements; conduct quality assurance program and analyze and report Air Quality data.	2.125	0.5
5) Indirect Source Permits	Review new indirect sources for conformance with Air Quality standards and provide transportation expertise in control strategy development.	1	0
6) Prevention of Significant Deterioration (PSD)	Develop programs within EPA guidelines to restore visibility in Class I Areas; reclass areas in conjunction with local planning agencies and track consumption of PSD increments.	1	0
TOTAL		10.125	4.5

PROGRAM PLANNING AND DEVELOPMENT

Reduced Level Budget

<u>Program Element</u>	<u>Activity/Purpose/Impact</u>	<u>FTE</u>	
		<u>Perm.</u>	<u>Limited Duration</u>
1) Attainment/Maintenance Plan Development	(Same as (1) Current Program)	3	0
2) SIP Revision Coordinating	(Same as (2) Current Program)	1	0
3) New Source Review	(Same as (3) Current Program)	2	0
4) Air Monitoring Coordination	Maintain air monitoring network plans meeting State and EPA requirements conduct minimal analysis of Air Quality data.	1	0
5) Indirect Source Permits	(Eliminate (5) in Current Program)	0	0
6) Prevention of Significant Deterioration (PSD)	(Eliminate (6) in Current Program)	0	0
	TOTAL	7	0 FTE

PROGRAM PLANNING AND DEVELOPMENT

Decision Packages

<u>Program Element</u>	<u>Activity/Purpose/Impact</u>	<u>FTE</u>	
		<u>Perm.</u>	<u>Limited Duration</u>
P&D-1 Area Source Control Strategy Development	Provide new capability for identifying impacts and for developing control for wood heating, road dust and VMT reduction (rated highest priority at Menucha).	1	0
P&D-2 PSD	Restore (6) from Current Program	1	0
P&D-3 Indirect Source	Restore (5) from Current Program	1	0
P&D-4 Air Monitoring/Quality Assurance	Restore 1/2 of (4) in Current Program dealing with quality assurance oversight of lab and industrial operations, current level Division Quality data evaluation and coordinating sampling programs with EPA and Lab.	1.125	0
P&D-5 Air Quality Data Evaluation	Provide new capabilities analyzed increased data including analyse of trends, field and slash impacts and routine chemical mass balances for source impact identifications.	1	0
TOTAL		5.125	0 FTE

AIR SOURCE COMPLIANCE

Current Program

<u>Program Element</u>	<u>Activity/Purpose</u>	<u>FTE Div/RO/Lab</u>
1) Permit Issuance	Draft and issue permits to identify and limit direct source emissions. Program managed by AQ Div.	1.4/2.7/0.0
2) Plan Review & Preliminary Certification	Evaluate control and processes before installation to ensure air shed needs and emission limits will be attained. Required by rule.	1.5/2.4/0.0
3) Permitted Source Inspection	Inspections are made with the following frequencies to ensure compliance with permits. - 250 majors 2x/yr - 550 minors 1x/yr - 1200 minimal 1x/5yr Enforcement actions are taken as warranted.	1.4/8.6/0.0
4) Nonpermitted Source Inspection	Inspections of nonpermitted sources are made for NESHAPS, open burning, fugitive nuisance conditions and public complaints. Enforcement actions are taken as warranted.	0.5/2.9/0.0
5) Technical & Field Assistance	AQ Div. provides technical support, field assistance and training to region staffs to maintain competence, uniformity, and continuity statewide. Lab provides plume training and technical assistance.	1.0/0.0/0.9
6) Pollution Control Tax Credit Certification	Applications for completed projects are reviewed and reports are written for EQC approval to implement the program as set forth in ORS 468.150 - 468.190.	0.2/0/0
TOTAL		6.0/16.6/0.9 FTE

AIR SOURCE COMPLIANCE

Reduced Level Budget

A 70% RLB requires a reduction of 2 FTE in AQ, 5 FTE in RO and 0.4 FTE in the Lab. The resulting program is outlined below.

<u>Program Element</u>	<u>Activity/Purpose/Impact</u>	<u>FTE</u> <u>Div/RO/Lab</u>
1) Permit Issuance	Increased permit drafting in Div., decrease in RO. Impact on program minimal.	1.8/2.2/0.0
2) Plan Review & Preliminary Certification	Reduce level and detail of program statewide. Div. review all major and minor sources for SWR, CR and ER. NWR & WVR conduct all but most complex reviews. Processing time will increase & program effectiveness will decrease.	1.5/1.9/0.0
3) Permitted Source Inspection	Reduce inspections 50% to the following: - 250 major sources 1x/yr (2x/yr in Medford) - 550 minor sources 1x/2yr - 1200 minimal sources 1x/10yr Severe negative impact on program effectiveness.	0.0/5.6/0.0
4) Nonpermitted Source Inspection	Current program activities reduced 44%. Would include NESHAPS sources (EPA required) some open burning, and minimal public complaint follow-up. Air quality would be adversely impacted by lower open burning enforcement. Public support would be lessened due to lack response to their concerns.	0.0/1.9/0.0
5) Technical & Field Assistance	Div. effort reduced 50%. Lab would provide plume training and reduced level of assistance. Adversely affects program uniformity and continuity. Program more severely impacted by staff turnover. Quality assurance of source self monitoring and testing by lab reduced. Lab capability to do nonbudgeted special studies nearly zero.	0.5/0.0/0.5
6) Pollution Control Tax Credit Certification	Same as current program.	0.2/0.0/0.0
TOTAL		4.0/11.6/0.5

AIR SOURCE COMPLIANCE

Decision Packages:

Prioritized incremental restoration to current levels of all program elements in Div. and RO. No additional staffing requested.

<u>Program Element</u>	<u>Activity/Purpose/Impact</u>	<u>FTE Div/RO</u>
ASC-1 Restore 1 FTE in NWR	Restores current levels of permit issuance, plan review, and inspection capabilities in NWR. Necessary to maintain adequate field work regarding existing sources and conduct major VOC source inspections within most populated non-attainment area.	0.0/1.0
ASC-2 Restore 1 FTE in WVR	Partially restores current levels of permit issuance, plan review, and inspection capabilities in WVR. Result is in restricted program for area containing several complex and significant sources.	0.0/1.0
ASC-3 Restore 1 FTE in CR	Restores current levels of permit issuance, plan review and inspection capabilities in CR. Without this position CR efforts would be about 50% of current levels.	0.0/1.0
ASC-4 Restore 1 FTE in Div.	Partially restores current levels of permit issuance, plan review, inspection and assistance capabilities of Div. Would result in minimal level of field activity by Div.	1.0/0.0
ASC-5 Restore 1 FTE in SWR	Restores current levels of permit issuance, plan review and inspection capabilities in SWR which contains several complex sources throughout region.	0.0/1.0

AIR SOURCE COMPLIANCE

<u>Program Element</u>	<u>Activity/Purpose/Impact</u>	<u>FTE</u> <u>Div/RO</u>
ASC-6 Restore 1 FTE in Div.	Restores current levels of permit issuance, plan review, inspection and assistance capabilities of Div. Provides for statewide program consistency, staff competence and minimizes impact of staff turnover and RO workload variations.	1.0/0.0
ASC-7 Restore 1 FTE in WVR	Restores current levels of permit issuance, plan review and inspection capabilities in WVR. Provides 2x/yr inspection of major sources, implementation of VOC program and response to public concerns.	0.0/1.0

DATA ACQUISITION AND REPORTING

Current Program

<u>Program Element</u>	<u>Activity/Purpose</u>	<u>FTE</u>	
		<u>Div.</u>	<u>Lab</u>
1) Operate 9 station multi-parameter NAMS network and analyze samples.	Used by EPA to monitor National Air Quality trends.		2.23
2) Operate 44 station multi-parameters SLAMS network and analyze samples plus special purpose monitors.	To determine Air Quality standards attainment/nonattainment and to develop data base.		10.6
3) Operate 6 station meteorology network in Portland AQMA and conduct meteorology soundings (plus Met. Stations at Halsey and Coburg)	Used to develop and refine model, help in alert forecasts and open burning control.		2.7
4) Operate 8 station fine particulate network and analyze samples (plus 2 additional nephelometers)	To determine fine particulate concentrations; help pin-down specific source contributions and to develop fine particulate data base.		2.0
5) Special Studies including Millersburg and Medford Air Characterization Study (MACS)	To determine aerosol composition and source contributions to aid in Control Strategy development.		0.92
6) Provide Technical Assistance to industries and Quality Assurance of of industry data.	To ensure non-DEQ data is properly collected and analyzed.		0.43
7) Analyze Source Test Samples	To provide data for developing emission factors, emission inventory data and compliance by specific sources.		0.3
8) Maintaining Statewide Emission Inventory (EI)	To determine levels and trends in emissions, report to EPA and use to develop and track attainment strategies.	2	

DATA ACQUISITION AND REPORTING

<u>Program Element</u>	<u>Activity/Purpose</u>	<u>FTE</u> <u>Div.</u>	<u>Lab</u>
9) Data Processing Support	To store, sort, statistically process and report data in various formats for EPA and State program needs.	5	
10) Source Testing	Test area and point source emissions to gather basic data for EI and Special Studies; develop and publish test procedures; review industry source tests for compliance determinations.	2	
11) Meteorological Data Analysis and Technical Assistance.	To maintain and interpret meteorological data; issue open burning advisories; provide meteorological technical assistance to air program.	1	
TOTAL		10	19.18

Reduced Level Budget

<u>Program Element</u>	<u>Activity/Purpose/Impact</u>	<u>FTE</u> <u>Div</u>	<u>Lab</u>
1) NAMS Network	(Same as (1) Current Program)		2.23
2) SLAMS Network	(Reduce (2) in Current Program by eliminating special purpose monitors)		8.92
3) Portland Area Meteorological Network (plus Met. Stas. at Halsey and Coburg)	Eliminate activity; model refinement largely accomplished may need to shift resources in future to meet special meteorological needs. Lose Dept. Met. monitoring capability.		0
4) Fine Particulate Network	Essentially the same as current level program (4) above but reduce nephelometers from 9 to 7.		1.5
5) Special Studies	No special study activity budgeted.		0

DATA ACQUISITION AND REPORTING

<u>Program Element</u>	<u>Activity/Purpose</u>	<u>FTE</u>	
		<u>Div.</u>	<u>Lab</u>
6) Technical Assistance to Industries and Quality Assurance of data collected by industries	Eliminate assistance and Quality Assurance; rely on industry and private labs to provide quality data.		0
7) Analyze Source Test Data	Require industries and private consultants to source test; use published emission factors for non-point sources.		0
8) Statewide EI	Maintain current level program as in (8) above.	2	
9) Data Processing Support	Reduce data processing and requirements to meet minimum EPA requirements. (Cut one programmer)	3	
10) Source Testing	Eliminate DEQ ability to source test; rely on industry, and consultant source tests; use published emissions factors and testing procedures.	1	
11) Meteorological Data Analysis and Open Burning Coordination	Rely on other meteorological data sources as needed; eliminate or simplify open burning regulations; obtain meteorological technical assistance from consultants as needed.	0	
	TOTAL	6.0	12.65

DATA ACQUISITION AND REPORTING

Decision Packages

<u>Program Element</u>	<u>Activity/Purpose/Impact</u>	<u>FTE</u>	
		<u>Div.</u>	<u>Lab</u>
DAR-1 Fine Particle Network	Extend current visibility and fine particulate network to Bend and Pendleton.		2.
DAR-2 Source Testing	Restore current source test sample analysis capability.	1	0.3
DAR-3 Portland Area Meteorological Network	Restore partial meteorological data collection capability. (3 sites in Portland)		1
DAR-4 Data Processing Support	Restore to current capability to process meteorological data and special study data (chemical mass balance).	1.0	
DAR-5 Special Studies	Conduct special studies in Portland to determine Air Quality impact of wood stoves and develop fine particulate background data for Bend.		2.5
DAR-6 Meteorological Data Analysis and Meteorological Technical Assistance	Restore meteorological expertise to Air Quality program.	1	
DAR-7 Meteorological Data Collection	Restore meteorological data capability to current levels by restoring 3 sites in Portland, 1 at Coburg, and 1 at Halsey.		1.7
DAR-8 Special Purpose Monitors and Microscopy	Restore 6 special purpose monitors (PFO) and microscopy capability.		1.0
TOTAL		3.0	8.5

VEHICLE INSPECTION PROGRAM

Current Level Program

<u>Program Element</u>	<u>Activity/Purpose</u>	<u>FTE</u>
1) Inspection Station Network	Operate and maintain up to an 18 inspection lane network to give good customer service and maintain good quality data and control.	45.22
2) Staff Training and Development	Provide formalize training programs, and supporting materials, for inspection program staff. Regular staff meetings and OJT supplements are conducted. Purpose is to insure quality of inspection process, equipment maintenance, safety, and customer service.	1.5
3) Public Information and Assistance	Provide telephone and written response to customer inquiries in order to assist in achieving compliance with emission control requirements.	1.2
4) Fleet Self-Inspection	Supervise a fleet self-inspection program, currently over 45 fleets involved, to improve customer service at inspection stations and reduce fleet cost for inspection process.	1
5) Quality Assurance of Test Data and Certification Procedures	Equipment calibration and operation audits; are conducted test data reviewed for quality control, and certificates of compliance are audited. Purpose is to insure quality and repeatability of tests on customer vehicles and to insure control and accountability for certificates.	1
6) Service Industry Relations	Information Bulletins mailings and Seminars and meetings with the service industry are held. Purpose is to insure industry awareness of emission control requirements and improve repair capabilities.	1

VEHICLE INSPECTION PROGRAM

<u>Program Element</u>	<u>Activity/Purpose</u>	<u>FTE</u>
7) Program Analysis reporting	Technical analysis of testing standards and procedures are conducted; equipment needs determined & specified; test data effects are analyzed, evaluated, and reported.	1
	TOTAL	51.92 FTE

VEHICLE INSPECTION PROGRAM

Reduced Level Program

<u>Program Element</u>	<u>Activity/Purpose/Impact</u>	<u>FTE</u>
1) Inspection Station Network	Reduce inspection lanes to a maximum of 14 and conduct minimal repair and maintenance of equipment and facilities. Increases customer waiting time and reduces equipment accuracy and reliability.	35.24
2) Staff training and development	Eliminate formalized training program and minimize staff meetings. Increase risks of improper testing procedures, equipment breakdowns, and communication problems.	0.2
3) Public Information and Assistance	Reduce the amount of technical assistance and information provided the general public and reduce time spent on general telephone inquiries regarding testing locations a hours, program boundaries, legal requirements. Eliminate certificate replacement. The general public will need to obtain information from other sources.	0.2
4) Fleet Self-Inspection Program	Eliminate fleet self-inspection program; require all fleets to be tested at DEQ facilities. Would increase customer waiting times and cost of compliance for fleet operations.	0

VEHICLE INSPECTION PROGRAM

<u>Program Element</u>	<u>Activity/Purpose/Impact</u>	<u>FTE</u>
5) Quality Assurance of Test Data and Certification Procedures	Reduce equipment calibrations operational audits to a minimum and eliminate certificate of compliance audits. Reduces quality assurance of test and increases risk of improper customer failure, and increases risk of improper and unauthorized use of certificates.	0.2
6) Service Industry Relations	Eliminate service industry contact with loss in coordination/understanding/acceptability of program.	0
7) Program Analysis & Reporting	Reduce technical analysis, evaluation, and reporting. Reduces ability to assess program impacts, equipment capabilities, and test equability.	0.5
	TOTAL	<u>36.34</u>

VEHICLE INSPECTION PROGRAM

Decision Packages

<u>Program Element</u>	<u>Activity/Purpose/Impact</u>	<u>FTE</u>
VIP-1 Staff training and Development, and equipment maintenance and repair	Restore staff training and development programs and equipment facility repair and maintenance programs. Speed integrity of test procedure improved and equipment down time reduced resulting in improved customer service and increased equipment life.	2.82
VIP-2 Inspection Station Network Restoration	Restore up to 2 testing lanes to reduce customer waiting time and driving distance.	4.5
VIP-3 Public Information and Assistance	Restore current levels of telephone service in providing the general public with technical and general program information. Provides positive image for program and assists public in achieving compliance with emission control requirements.	1
VIP-4 Program Analysis and Reporting	Restore technical analysis, evaluation and reporting to current level. Thus continue to assess program impacts, equipment capabilities and test equability.	0.5
VIP-5 Quality Assurance of Test Data and Certification Process	Restore equipment calibrations and operational audits. Reduces risk of improper cost or failure and unauthorized use of certificates.	0.8
VIP-6 Fleet Self-Inspection Program	Restore fleet self-inspection program to reduce fleet cost for emission tests and reduce customer waiting time.	1
VIP-7 Service Industry Relations	Restore service industry contact through seminars, meetings, information bulletin, and training sessions. Improve service industry understanding and acceptability of program and ability to properly conduct repairs.	1
VIP-8 Inspection Station Network Restoration	Restore up to 2 testing lanes to reduce customer waiting time and driving distance to current status.	3.96
	TOTAL	<u>15.58 FTE</u>

FIELD BURNING PROGRAM

Current Program

<u>Program Element</u>	<u>Activity/Purpose</u>	<u>FTE</u>
1) Smoke Management Program (SMP)	Plan and conduct statutorily required daily smoke management program to minimize impact of Field Burning smoke.	3.5
2) Field Burning Research and Development	Monitor Air Quality impacts and health effects; research and develop alternatives to open burning.	3
3) Field/Slash Burning Impact Monitoring	Collect and analyze Field/Slash Burning samples and report data.	2.95 (Lab)
	TOTAL	<u>9.45 FTE</u>

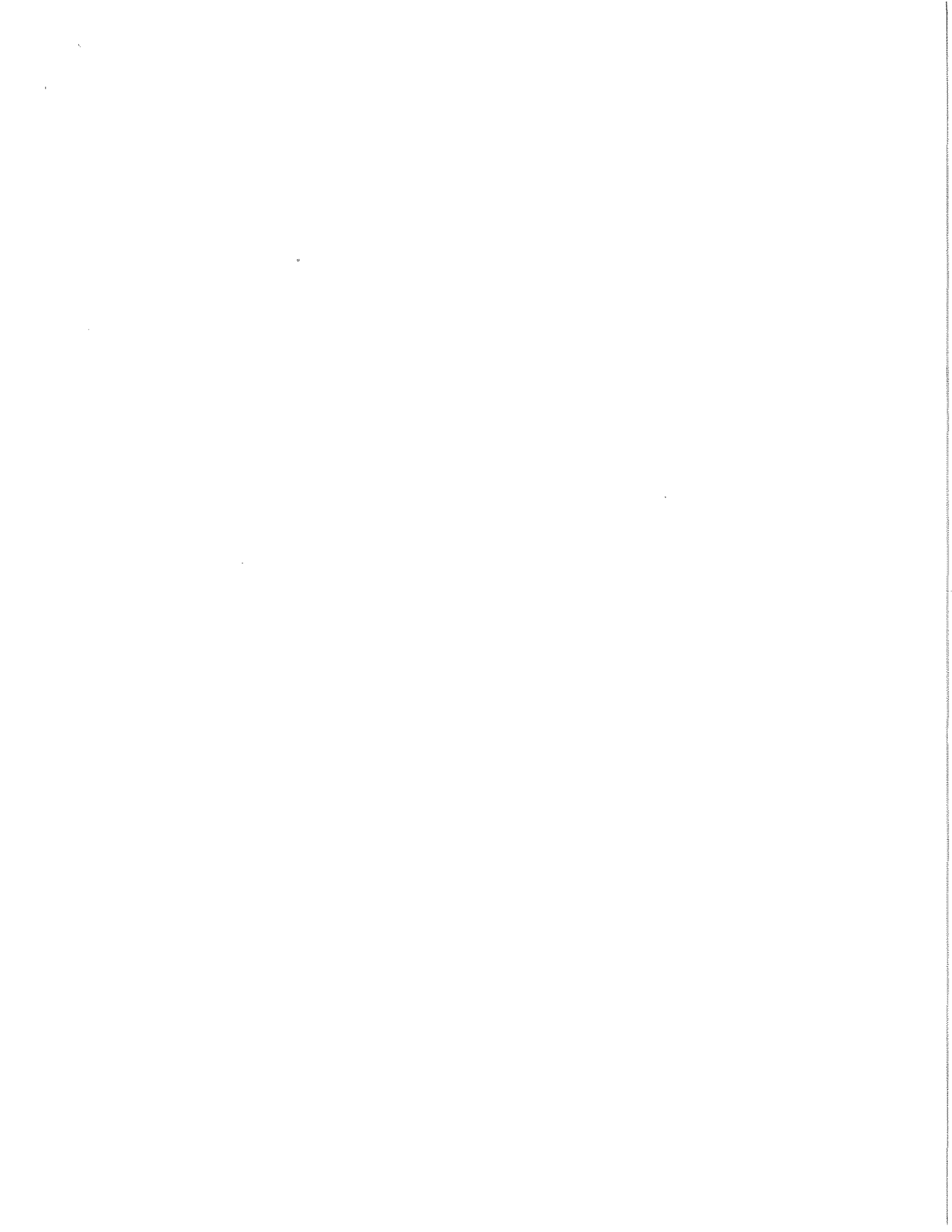
Reduced Level Budget

<u>Program Element</u>	<u>Activity/Purpose/Impact</u>	<u>FTE</u>
1) Smoke Management	Conduct daily SMP at approximate current level. Limit seasonal personnel to active burning season and save 1/4 FTE.	3.25
2) Field Burning Research and Development	Reduce or eliminate direct monitoring of consultant contracts by cutting 1 FTE.	2.
3) Field/Slash Burning Monitoring	Eliminate Field and Slash particulate sampling. Operate nephelometers and Met. Stations only in South Valley to implement field burning SMP (Reduce monitoring effort by 1.7 FTE)	1.25 (Lab)
	TOTAL	<u>6.5 FTE</u>

FIELD BURNING PROGRAM

Decision Packages

<u>Program Element</u>	<u>Activity/Purpose/Impact</u>	<u>FTE</u>
FB-1 Field Burning Monitoring (Halsey and Lebanon TSP)	Restore collection and analysis of daily TSP samples in Halsey and Lebanon during burning seasons.	0.45 (Lab)
FB-2 Field/Slash Burning Monitoring (Lane County DAS)	Restore support to LRAPA through operation of DAS in Lane County thru slash burning season and providing analysis of particulate samples.	0.75 (Lab)
FB-3 Field Burning Research and Development	Restore to current level review and monitoring of contracts and research projects.	1



NOISE CONTROL PROGRAM

Noise Control Program .

CURRENT PROGRAM:

<u>Program Element</u>	<u>Purpose</u>	<u>FTE</u>
Administration	Plan, develop and manage the noise control program	1.0
Operations	Implement noise control rules through plan reviews, investigation, monitoring and compliance	4.0
Local Programs	Assist the development and implementation of local noise control and enforcement programs	1.5
		<hr/> 6.5

70% RLB: (See attached narrative)

<u>Program Element</u>	<u>Purpose/Impact</u>	<u>FTE</u>
Administration	Plan, develop and manage the noise control program	1.0
Operations	Limited noise control rule implementation through plan reviews and assistance to industry and local jurisdictions. No formal investigation, monitoring and compliance effort by Regional staff.	3.5
Local Programs	Delete program providing assistance to cities developing local noise control programs and program implementing transportation noise enforcement through local jurisdictions	-
		<hr/> 4.5

Noise Control Program

Prioritized Decision Packages

<u>DP</u>	<u>Divisions</u>	<u>Description</u>	<u>Impact</u>	<u>FTE</u>
DP 1	Regional Operations	Restore Regional field staff to current level (spread among several positions).	Restores ability to conduct minimal response to citizen complaints	0.5
DP 2	AQ/Noise	Restore program to train and assist enforcement jurisdictions to implement programs to reduce excessive motor vehicle noise.	Motor vehicles are responsible for largest noise problem with little active enforcement. Local jurisdictions need training and other assistance to address this problem.	1.0
DP 3	AQ/Noise	Restore program to assist the development and implementation of local noise control programs.	Cities and counties are interested in developing local noise controls but need technical assistance. If local programs are implemented, they may supplement and reduce the need for DEQ programs.	1.0
DP 4	Regional Operations	Provide adequate field staff to respond to citizen complaints through the redistribution of existing Regional staff.	Present level is not adequate to respond to citizen complaints, therefore, public demand requires additional staff. This may require a shift of staff from other programs to noise control.	1.5
DP 5	AQ/Noise & Regional Operations	Develop and implement a consistent noise control program that shifts enforcement from response to complaints, to monitoring of all sources within a category.	Provides uniform enforcement of noise rules to major sources rather than primary enforcement as a result of citizen complaints where public is aware of the DEQ noise program. Long term savings may be realized by early correction of problems.	3.0
DP 6	Regional Operations	Provide technical assistance to local noise control programs from Regional staff.	As local noise programs are implemented, they will require continuing technical assistance. It is most efficient to provide such assistance from the Regional staff	0.5

Noise Control Program

1981-83 Budget

70% RLB

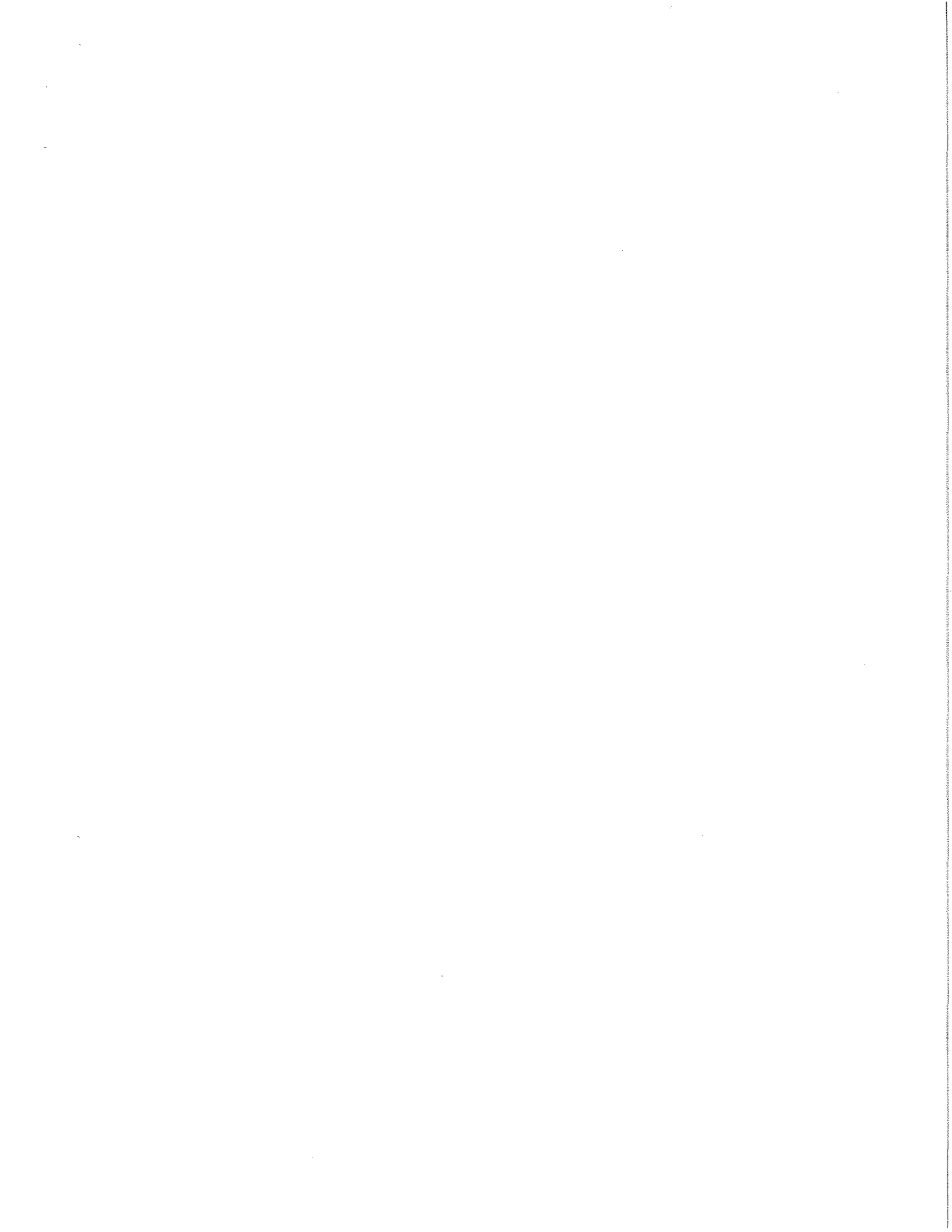
The 70% Reduced Level Budget (RLB) was developed by retaining the operations portion of the central technical staff, deleting several activities that provide assistance to other jurisdictions, and reducing overall field staff support.

Specifically, the RLB retains the program manager and the clerical/administrative assistant positions as required to continue any semblance of a DEQ noise control program. In order to provide limited service to regulated sources and the general public, the RLB retains the noise control engineer position to implement the tax credit program, administer the rules for new motor vehicles and airports, provide various engineering plan reviews, and support required rulemaking activities.

The regional field staff presently has only minimal capability to investigate citizen complaints of excessive noise. A central staff position, that provides assistance to, and coordination of field activities, is retained in the RLB. As a means to achieve a 70% RLB, it was necessary to reduce the field staff by 0.5 FTE which would be spread among several Regional positions. Such a reduction would retain only 0.5 FTE of field staff effort and therefore no formal enforcement of rules could be accomplished at this level of staffing. In such case, no investigation of complaints could be performed by the field staff. Without a field investigation and noise survey, the staff will not have knowledge of the severity of the "noise problem" or whether a violation of standards exists. Therefore, the noise source would be notified of a "noise problem" that they may wish to address on a voluntary basis.

In summary, the 70% RLB retains the program operations section of the central staff and a portion of the field staff. Central staff would be reduced 1.5 FTE and Region staff by 0.5 FTE. Under this budget, the programs to support local jurisdictions would be deleted and no field investigation of sources could be accomplished.

JH:pw
5/28/80



WATER QUALITY PROGRAM

WATER QUALITY PROGRAM

Proposed 70% Reduced Level Manpower Budget for FY 81-83.

A manpower allocation budget has been prepared by the Water Quality Program which reflects a 30% cut in Full-Time Equivalent Positions (FTE) from current levels to use as a starting point for budget development. This is referred to as the 70% RLB (Reduced Level Budget).

The 70% RLB provides for the following:

1. Reduction in Ambient Monitoring coverage for streams, estuaries, and toxic parameters. (Terminate Monitoring in Eastern Oregon and perhaps Southwest Oregon, limit sampling to three estuaries, eliminate sampling for heavy metals.)
2. Termination of data systems development just being initiated.
3. Reduction on cause/effect studies and long range control strategy development and refinement to a pre-1974 level.
4. Substantial reductions in source compliance inspections, plan reviews, and technical assistance to cities, industries and design engineers.
5. Reduction of permit issuance service in counties where DEQ runs the subsurface program as well as a reduction in technical assistance to contract counties.
6. Elimination of the Experimental Program for alternative on-site sewage disposal systems.

The remaining resource would permit most legally mandated functions to continue at base minimum levels. Streams in the most populated areas would be monitored. Permits would be maintained on significant sources. Significant sources would be inspected once per year. Plans would be reviewed for Grant Projects, Tax Credit Applications and major new Industrial Sources. Planning capability would remain to address only the most critical problem. Subsurface permits would be issued in counties where DEQ runs the program but delays would be expected. Some technical assistance would be available to contract counties on subsurface, but informal denial reviews (second opinion) would be eliminated. Training of subsurface staff will continue as will audits of field offices.

Priority	Subprogram	Package Title	Package Description and Impact	Full-Time Equivalent Positions			
				WQ Div.	Region	Lab	TOTAL
0	WQ - Planning	P-0 Convert position to Data Clerk (to be within Reduced Level Budget)	Convert existing 1/2 time Student Trainee position to a data entry clerk to support data storage function of Planning and other Water Quality Program units. Shift effort from cause/effect studies to Program Evaluation element. Lack of Data Processing support is a serious deficiency in Water Quality Program.	---	---	---	---
1	WQ - Subsurface	SS-1 Restore Direct Service.	Restore 3.0 FTE to continue current level service in Coos, Klamath and 8 Eastern Oregon Counties. Failure to restore will cause delay and inconvenience to the public.	---	3.0	---	3.0
2	WQ - Planning	P-1 Restore Data System Development capability.	Restore System Analyst/Programmer to continue development of efficient automated data storage, retrieval analysis, display systems for Water Quality -- coordinated with Department effort. Lack of Data Systems Development and support prevents proper analysis of data to support Plan Development and implementation.	1.0	---	---	1.0
3	WQ - Experimental	EX-1 Establish continuing Alternative Systems Unit.	Restore four positions permanently to preserve expertise development; to complete project as originally designed; and to continue beyond 06-30-82 to follow-up on Experimental Systems not yet approved for use; to check back on systems to gather data to refine rules and provide technical assistance to direct service staff of Subsurface Program on Alternative Systems. Failure to fund will preclude completion of project and cause loss of unique staff expertise.	1.0	2.0	1.0	4.0
4	WQ - Source Control	SC-1 Restore Technical Assistance	Restore Technical Expertise to handle complex sources; evaluate and recommend corrective action on waste treatment problems. Failure to restore will limit ability of department to deal knowledgably with new control technology, and significantly reduce manpower available to help cities and industries resolve waste disposal problems.	1.0	1.0	---	2.0

Full-Time Equivalent Positions

WQ Div. Region Lab TOTAL

Priority	Subprogram	Package Title	Package Description and Impact	WQ Div.	Region	Lab	TOTAL
5	WQ - Subsurface	SS-2 Improve Training/Audit.	Restore position cut in Variance Program reduction. Re-assign to increase emphasis on training. Increase audit frequency. As more responsibility for Alternative Systems is placed on counties, increased training and better audits will be needed.	1.0	---	---	1.0
6	WQ - Monitoring	M-1 Restore Toxics.	Restore manpower to continue development of minimal data on occurrence of toxics in Oregon waters. Failure to respond to public concerns on toxics by developing hard data on existing levels will hurt program credibility.	---	---	1.0	1.0
7	WQ - Monitoring	M-2 Restore Stream/Estuary Monitoring.	Restore manpower to continue present monitoring program. Program was revised in 1979-80 to broaden coverage of state and obtain reliable trend data for long-range program planning. Cutback now would negate the effort in areas where data is needed. A better data base is essential for development of cost effective future control strategies.	---	---	2.0	2.0
8	WQ - Source Control	SC-2 Restore Grant Program staff.	Restore Grant Specialist to assist grantees and manage Grant projects. Department will be unable to process numerous small grants for update of sewerage facility construction and financing plans to respond to reality of inadequate grant support if position is not funded.	1.0	---	---	1.0
9	WQ - Source Control	SC-3 Restore inspections.	Restore staff to maintain current inspection frequencies on significant sources; maintain occasional inspection of minor source under general permit. Inspection frequency was significantly reduced in last budget. Experience indicates that attention to proper operation of facilities declines if inspections are infrequent.	---	3.0	1.0	4.0
10	WQ - Subsurface	SS-3 Restore Technical Assistance.	Restore 5.0 FTE in field offices to continue denial reviews, technical assistance to direct service counties. Failure to restore will result in significant decrease in contacts with contract county staff. Net effect will be impaired communications and increased potential for problems. Appeals will increase because of elimination of informat denial reviews.	---	5.0	---	5.0

Priority	Subprogram	Package Title	Package Description and Impact	Full-Time Equivalent Positions			
				WQ Div.	Region	Lab	TOTAL
11	WQ - Source Control	SC-4 Restore Plan Review.	Restore staff to maintain current minimal level of plan and tax credit review. (Minor Plan Reviews have already been eliminated.) Failure to review will limit plan review to grant funded Sewerage Treatment Plants, Tax Credit Facilities, and major new sources. Deficiencies frequently found in plans include features which make operational control difficult, lack of reliability and failure to consider maintenance needs all of which cause "down time" and failure to meet standards.	2.0	1.0	---	3.0
12	WQ - Source Control	SC-5 Restore Mixing Zone Studies	Restore resource to undertake special impact studies of discharges on mixing zones. As new toxics standards are imposed, this function assumes greater importance.	---	1.0	---	1.0
13	WQ - Monitoring	M-3 Improve Toxics Analysis/Compound Identification capabilities.	Add manpower and instrumentation to increase ability to identify toxics and determine concentration--both in streams and in municipal and industrial effluents and sludges. This capability is essential to effectively respond to public concerns over toxics.	---	---	1.0	1.0
14	WQ - Administration	A-1 Add Management Assistant.	Add position for purpose of tracking budgets, tracking Federal grants, completing Grant Reports and assisting in other Management paperwork. Lack of this support is detracting from long-range strategy development and Program Management.	1.0	---	---	1.0
15	WQ - Administration	A-2 Add File Clerk and Microfilm capability.	Add Clerk to do filing and maintain files, microfilm back records to reduce storage space and assure all offices have access to complete file information. Lack of up-to-date files results in decisions made based on inaccurate or inadequate information. Problem has been created by reduction of clerical support staff and increase of technical staff and paperwork.	1.0	---	---	1.0
16	WQ - Subsurface	SS-4 Add Soil Scientist.	Add an additional Soil Scientist to staff to strengthen expertise in technical assistance to direct service offices. Majority of field staff were not trained in soils. Long-range success is dependent on improvement of staff knowledge of soils via training and the opportunity to work with a soil scientist in actual field work.	---	1.0	---	1.0

Full-Time Equivalent Positions

WQ Div. Region Lab TOTAL

Priority	Subprogram	Package Title	Package Description and Impact	WQ Div.	Region	Lab	TOTAL
17	WQ - Experimental	EX-2 Monitor Experimental Systems.	Restore balance of existing Experimental Systems monitoring staff for one year to complete project as originally planned. Failure to restore will delay project completion.	---	2.0	1.0	3.0
18	WQ - Planning	P-2 Restore accelerated Plan Development.	Restore 6 FTE's to accelerate planning by conducting studies, developing strategies, conducting related public involvement, and emphasizing coordinated support from other agencies. Existing effort is funded by Federal Funds which may not be continued. Termination will delay development of studies and development of control strategies for Coos Bay and the South Umpqua Basin.	5.0	---	1.0	6.0
19	WQ-Subsurface	SS-5 Continue Douglas County.	Continue direct service in Douglas County if effort to contract is not successful. Restore 3 position. In accordance with present Emergency Board directives, service to public will end 06-30-81 unless county contracts for program or package is approved.	---	3.0	---	3.0
20	WQ - Subsurface	SS-6 Pick up other Counties, if needed.	Staff to provide direct service in two counties, if present contracts are terminated due to budget problems. (Possibly Marion & Washington Counties.) Package will only be necessary if present county contracts are terminated.	---	6.0	---	6.0
21	WQ - Subsurface	SS-7 Improve Technical Assistance.	Add position to Central Region to provide improved technical assistance to contract counties. DEQ contact frequency with counties in subsurface needs to be increased. Substantial subdivision activity in Central Oregon needs closer evaluation.	---	1.0	---	1.0
22	WQ - Administration	A-3 Improve Word Processing.	Add additional terminal and operator to second floor to reduce delay in document routing. This would permit addition of some record management tasks to system, allow administrative support to get caught up. Delay in response to public would be reduced.	1.0	---	---	1.0
23	WQ - Subsurface	SS-8 Eliminate General Fund Support.	Increase fees for permits, require portion of all fees collected by both DEQ and contract county direct service offices to be paid to DEQ to fund program overhead (training, audits, technical assistance, enforcement, administration). This package would result in reduction of demand on state General Fund, and increased fees to persons obtaining permits or approvals. Intent would be to make the program totally fee supported.	---	---	---	0.0

Full-Time Equivalent Positions

Priority	Subprogram	Package Title	Package Description and Impact	Full-Time Equivalent Positions			
				WQ Div.	Region	Lab	TOTAL
24	WQ - Source Control	SC-6 Assume Grant Delegation.	Restore and add staff to assume delegation of Construction Grants Program from EPA (Federally funded). (Includes four existing unfunded positions.) Assumption of delegation would a) make EPA happy; b) reduce grant funds available to cities for construction (and make them mad); and c) theoretically reduce paperwork and speed ultimate Grant Awards--at least according to EPA it will.	9.0	---	---	9.0

SOLID WASTE MANAGEMENT PROGRAM

SOLID WASTE DIVISION

1981-83 Proposed Budget Structure

Introductory Discussion to First Draft

There are two major interest areas in the Solid Waste budget: (1) The retreat of federal funding from the non-hazardous solid waste program and (2) the agreement to seek and implement the federal hazardous waste program under the Resource Conservation and Recovery Act (RCRA).

The state Solid Waste Program has greatly benefited from the federal funds available under RCRA Subtitle D. These monies have effectively subsidized the growth and development of the program by financing essential new positions related to disposal control (permits), waste reduction and public participation. The emphasis of the federal program has turned to hazardous waste and Subtitle C. Funds are being phased out over a five-year period (1980-1985). The use of the diminishing monies is being narrowly confined to open dump inventory related activities. There is reason to believe that Congress will bolster Subtitle D funding as early as Federal FY 82, but for budgeting purposes now, we must assume a federal funds revenue shortfall equivalent to 3 FTE for the 81-83 biennium.

The prospect of losing much of the federal subsidy to the Solid Waste Program, potentially places an increased demand on General Funds. Offsets will be created where possible (e.g.: DP-3) and the actual impact will not be known until the calculations are completed for adjusted budget level and decision package costs. To get a feel for the impact, however, the Solid Waste Division has presented in its format, the estimated revenue demand based upon best known information at this time, in addition to FTE demand. The program as a whole has a relatively high (in DEQ) dependence upon General Fund, therefore a legislation proposal for establishing permit fees similar to other DEQ programs has been offered to the Governor's Office as an alternative.

Decision Package DP-4 displays the resources required to assume Interim Authorization of the RCRA Hazardous Waste Program under Subtitle C. Staffing is proposed as follows:

- (1) Clerical Specialist, New on Federal Funds to HQ
- (1) Environmental Analyst, New on Other Funds to HQ
- (1) Environmental Technician 3, Existing on Federal Funds in HQ
- (3) Environmental Analysts as federal assignees to the regions on Federal Funds for up to 3 years.

The use of federal assignees for a few years to get the Hazardous Waste Program up and running gives the Department flexibility should federal

funding level off or be withdrawn. The permanent staffing level would be decided in the '83-'85 biennium budget and the impact on number of state employee positions would be delayed until then. The Department has authority to require an annual license fee for the monitoring and surveillance of disposal sites, which has been used to some extent in the past. It is now proposed to fully account for those costs to the Department and they are reflected as Other Funds in this Decision Package and in DP-3. The clerical position is critically needed by the Division even now.

The only other program improvements proposed in the '81-'83 budget are in the Lab. The GC/MS involves \$160,000 capital outlay and 1.0 FTE to be a shared package between Air, Water and Solid Waste, although it can be justified on Hazardous Waste Program needs alone. Sharply increased Hazardous Waste emphasis has significantly impacted the Lab with "priority" extra work. The Program's resource recovery market development work related to processed garbage fuel has added time consuming fuel value analyses to the Lab workload. DP-8 is intended to help out some here. If the GC/MS package is successful, there could be some budget tradeoffs between the two.

/dro
6/13/80

SOLID WASTE DIVISION

CURRENT PROGRAM

SUB PROGRAM

<u>PROGRAM ELEMENT</u>	<u>PURPOSE</u>	<u>FTE</u>			
		HQ.	REG.	LAB.	TOTAL
ADMINISTRATION	Program direction, management, and clerical support.				
	ADMINISTRATION SUB TOTALS	2.00	0.25	0.82	3.07
SOLID WASTE OPERATIONS					
SUPERVISION	Supervision, rules, and program planning.	1.00	0	0	1.00
PERMIT ISSUANCE	Regulatory control of disposal and recovery facilities.	1.00	1.44	0	2.44
FACILITY PLAN REVIEW	Assure all sites have adequate design and an operating plan.	0.50	0.48	0	0.98
COMPLIANCE ASSURANCE	Maintain proper site operation/monitoring/enforcement.	0	4.81	1.12	5.93
TAX CREDIT REVIEW	Assure projects eligible for tax credits and process applications.	0.50	0.02	0	0.52
TECHNICAL ASSISTANCE	Assist local government to implement solid waste management plans (siting, financial). Assist regulated community to comply with standards, train operators and others.	1.00	2.87	0	2.92
RCRA OPEN DUMP INVENTORY	Inventory disposal sites for compliance with EPA landfill criteria. Respond to EPA.	1.00	0	0	1.00
	SUB TOTALS	5.0	9.62	1.12	15.74

SUB PROGRAM

CURRENT PROGRAM

<u>PROGRAM ELEMENT</u>	<u>PURPOSE</u>	<u>FTE</u>			
		HQ.	REG.	LAB.	TOTAL
PROGRAM DEVELOPMENT AND SUPPORT (S.W./H.W. activities)					
SUPERVISION	Supervision, rules, program planning, EPA liason.	1.0	0	0	1.00
PLANNING	Comprehensive local plans, waste reduction plans, facility siting assistance and data base. EPA related activities.	1.0	0	0	1.00
TECHNICAL ASSISTANCE	Assistance to local government, industry, recyclers in low technology and high technology systems.	2.0	0	0	2.00
EDUCATION PROGRAM	Newsletter publication, educational material production and distribution, media contacts. Support to local efforts for public information and understanding of the S.W./H.W. problem.	1.50	0	0	1.50
PUBLIC PARTICIPATION	Plan for public involvement in programs. Maintain advisory group, current mailing lists, arrange public meetings, satisfy federal requirements.	1.00	0	0	1.00
SOLID WASTE SWITCHBOARD	Recycling and other solid waste information communications. Waste reduction support.	2.00	0	0	2.00
SUB TOTALS		8.5	0	0	8.50

CURRENT PROGRAM						
<u>SUB PROGRAM</u>	<u>PROGRAM ELEMENT</u>	<u>PURPOSE</u>	<u>FTE</u>			
			HQ.	REG.	LAB.	TOTAL
HAZARDOUS WASTE OPERATIONS						
	SUPERVISION	Supervision/program planning	1.00	0	0	1.00
	LICENSE ISSUANCE	Regulatory control of storage, treatment, and disposal facilities.	0.40	0	0	0.40
	FACILITY PLAN REVIEW AND DISPOSAL REQUESTS	Assure all facilities have adequate design and an operating plan. Control wastes disposed and methods.	0.95	0	0	0.95
	COMPLIANCE ASSURANCE	Determine compliance with plans/licenses. Monitor impacts on environment. Enforce regulations.	0.75	0.54	1.21	2.50
	MANIFEST SYSTEM	Identify generators, track movement of wastes, identify hazardous waste disposition.	0.90	0.27	0	1.17
	RULES DEVELOPMENT	Provide and maintain minimum standards.	0.45	0	0	0.45
	TECHNICAL ASSISTANCE	Assist regulated community toward compliance with standards and reduction in waste generation.	0.55	0.27	0	0.82
		SUB TOTALS	5.00	1.08	1.21	7.29
		SOLID WASTE PROGRAM TOTALS	20.50	10.95	3.15	34.60

SOLID WASTE DIVISION
1981-83 PROPOSED BUDGET STRUCTURE
FIRST DRAFT

SUB PROGRAM

<u>DECISION PACKAGE</u>	<u>PURPOSE</u>	<u>F.T.E.</u>				<u>EST'D ADJ. BUDGET DEMAND</u>	
		HQ.	REG.	LAB.	%	%GF	%TOTAL
ADMINISTRATION <u>RLB-1</u>		2.00	0.25	0.82	9.1	14.4	9.8
SOLID WASTE OPERATIONS <u>RLB-2</u> permits/plan review/ TA planning and siting/ rule adoption/tax credits	Minimum statutory requirements only.	4.00	4.81	0	34.2	55.9	37.9
PROGRAM DEVELOPMENT AND SUPPORT <u>RLB-3</u> TA planning/waste reduction plan review/TA siting/local S.W.M. plan review/rule adoption/minimal TA	Minimum statutory requirements only.	2.00	0	0	39.9	66.0	44.8
HAZARDOUS WASTE OPERATIONS <u>RLB-4</u> License management facilities/ compliance inspections/ generator requests/intra- state manifest/monitoring (Arlington, Alkali Lake)	Minimum statutory "State" program.	3.00	1.00	1.00	54.3	72.1	62.7

MAJOR PROGRAM ELEMENTS MISSING IN "STATUTORY" REQUIRED PROGRAM

All compliance assurance, solid waste monitoring, waste reduction program (low tech, high tech, oil), education program, solid waste switchboard, public participation, RCRA subtitles C (H.W.) and D (S.W.) programs review of hazardous waste disposal requests.

SUB PROGRAM

	<u>DECISION PACKAGE</u>	<u>PURPOSE</u>	<u>FTE</u>				<u>EST. ADJ. BUDGET DEMAND</u>	
			HQ.	REG.	LAB.	%	%GF	%TOTAL
S.W. OPERATIONS								
<u>RLB-5</u>	Beginning level compliance assurance including monitoring.	Allows some determination of permit, plans and standards compliance, environmental monitoring and enforcement.	0	1.0	1.0	60.1	80.1	68.1
PROGRAM DEVELOPMENT AND SUPPORT								
<u>RLB-6</u>	Beginning level waste reduction program	Provides some technical assistance to recyclers, markets, and local government for establishing and operating "low tech" waste reduction programs; half of present education/information effort; some oil recycling support.	2.75	0	0	68.0	89.4	74.4
S.W. OPERATIONS								
<u>DP-1</u>	Minimum level compliance assurance	Establishes survival level surveillance and enforcement program in regions.	0	1.81	0	73.2	96.8	79.5
PROGRAM DEVELOPMENT AND SUPPORT								
<u>DP-2</u>	Resource recovery engr.	Plan review, state-of-the-art tracking, and technical assistance for resource and energy recovery projects; market development; engineering systems application to waste reduction.	1.0	0	0	76.0	102.9	83.5

SUB PROGRAM

<u>DECISION PACKAGE</u>		<u>PURPOSE</u>	<u>FTE</u>				<u>EST. ADJ. BUDGET DEMAND</u>	
			HQ.	REG.	LAB.	%	%GF	%TOTAL
H.W. OPERATIONS								
<u>DP-3</u>	H.W. Disposal request review	Review and approval of wastes going to Arlington for type/method of disposal. Diversion of recyclable wastes. Proposed on other funds fees.	1.0	0	0	78.9	102.9	87.1
<u>DP-4</u>	RCRA H.W. Program	Assume state operation of federal program including licensing of on-site in addition to off-site storage, treatment, and disposal facilities, for greatly expanded EPA "universe" of wastes. Requires significant increase in capability to register generators, perform compliance inspection and enforcement, inter-state manifests, environmental monitoring, records review and handling, plan review, rule development and technical assistance. No new G.F. but two new state positions plus three federal assignees to regions.	3.0	(3.0)	0	87.5	102.9	93.0
S.W. AND H.W. OPERATIONS								
<u>DP-5</u>	GC/MS For lab monitoring	Provides capability for rapid, positive identification and analysis of unknown organic compounds. Particularly important in "finger printing" hazardous compounds in spill situations and identifying a wide range of "other" compounds detected during lab analysis, but presently remain unknown.	0	0	0.55	89.1	102.9	94.5

SUB PROGRAM

	<u>DECISION PACKAGE</u>	<u>PURPOSE</u>	<u>FTE</u>				<u>EST. ADJ. BUDGET DEMAND</u>	
			HQ.	REG.	LAB.	%	%GF	%TOTAL
DEVELOPMENT AND SUPPORT								
<u>DP-6</u>	Restore education prog./recycling switchboard	Informing the public of how they contribute to the waste problem; what they can do and helping them do it is critical first step toward waste reduction and utilization. Direct service to public and creation of supporting informational materials.	1.75	0	0	94.2	106.6	97.1
S.W. OPERATIONS								
<u>DP-7</u>	Restore compliance assurance, SW region.	Restores increment of field staff for control of disposal sites, investigation of complaints, and technical assistance to operators and public.	0	1.0	0	97.0	110.7	99.9
S.W. and H.W. OPERATIONS								
<u>DP-8</u>	Restore and improve S.W./H.W. lab	Adds 0.44 FTE for increased work load of resource recovery fuels analysis and related work. Restores 0.56 FTE summer help monitoring landfills, Alkali Lake, and Arlington. Proposed upgrade to full time position to meet combined increased workload.	0	0	1.0	99.9	114.1	102.1
S.W. OPERATIONS								
<u>DP-9</u>	Restore compliance assurance, N.W. region.	Restores regions to present capability for surveillance, investigation and compliance and operator technical assistance.	0	1.0	0	102.8	118.2	104.9

SUB PROGRAM

	<u>DECISION PACKAGE</u>	<u>PURPOSE</u>	<u>HQ. FTE</u>				<u>EST. ADJ. BUDGET DEMAND</u>	
			HQ.	REG.	LAB.	%	%GF	%TOTAL
S.W. OPERATIONS AND PROGRAM DEVELOPMENT AND SUPPORT								
<u>DP-10</u>	Restore public participation and open dump inventory.	RCRA related package. Planning for and coordinating public participation in S.W./H.W. is essential and required in federal funded programs. Open dump inventory under Sub-title D is assisting state's dump closing efforts. All federal funds.	2.0	0	0	108.5	118.2	108.7

AGENCY MANAGEMENT PROGRAM

REDUCED LEVEL BUDGET

Management Services Division

List of existing functions and activities in 70% Reduced Level Budget:

1. Manage agency payroll to ensure proper and timely payment of employees.
2. Make payments to vendors for agency services and supplies.
3. Monitor the receipt and expenditure of Pollution Control Bond Fund money.
4. Receive revenue from fees and grants, ensure deposit to proper account, and reconcile with State Treasurer's records. This would be done at a reduced level. See decision package #2.
5. Prepare annual expenditure reports to federal agencies on grants received.
6. Provide monthly reports to track revenues and expenditures against budget limitations and projections.
7. Perform purchasing function for the agency. This would be done at a reduced level. See decision package #2.
8. Perform property control function for the agency.
9. Provide central review of contracts to ensure adherence to good business practices.
10. Coordinate preparation of biennial and operating budgets for agency. This would be done at a reduced level. See decision packages #1 and #3.
11. Coordinate preparation of quarterly allotments of expenditures versus budget limitations.
12. Manage Pollution Control Bond Fund.
13. Maintain PICS to reflect current status of positions.
14. Provide receptionist services for the agency.
15. Manage activities of accounting staff to ensure fiscal control and compliance with state and federal laws, regulations and audit requirements.
16. Manage activities of procurement and facilities management staff to ensure compliance with legal requirements, agency policy, and prudent business practices.

17. Provide photocopying services and mail sorting, delivery, postage, and folding/inserting services for the agency. This would be done at a reduced level. See decision package #5.
18. Provide word processing services for the agency (typing/printing). This would be done at a reduced level. See decision package #5.

Total existing FTE's in MSD:	33.25
Total FTE's in 70% RLB:	23.00
Total FTE's in decision packages:	12.25
Existing:	10.25
New:	2.25

DECISION PACKAGES

Management Services Division

<u>Priority Number</u>	<u>Section/Office</u>	<u>Description</u>	<u>Impact</u>	<u>No. of FTE's</u>
1	Administration	Restore overall management of MSD, staff support of EQC, tax credit program coordination, State/EPA Agreement coordinator, budget technical assistance, technical programs coordination, and administrative support.	Failure to fund this package would mean: (1) increased supervisory responsibilities for Director; (2) loss of Commission recording secretary; (3) loss of direction and control of tax credit program; (4) SEA coordination provided by EPA; (5) loss of budget expertise and other support provided by Administrator of MSD; and (6) loss of administrative support for Administrator of MSD.	2
2	Business and Planning Serv.	Restore purchasing support, space and facilities management, expenditure and revenue tracking technical assistance, receipt and deposit of revenue, filing accounting source documents and administrative support.	Failure to fund this package would mean: (1) loss of control and accounting of fee revenues; (2) difficulty finding and some loss of accounting source documents; (3) audit exceptions; (4) a doubling of time presently taken to issue purchase orders from requisitions; (5) Divisions would have to deal directly with building owner re: complaints, maintenance, safety precautions, reconstruction, utilities installation/changes, and physical moves; (6) Divisions would have to deal directly with General Services re: maintenance and replacement of vehicles; (7) technical assistance to programs requesting help in tracking revenues and expenditures would be reduced.	2
3	Business and Planning Serv.	Restore coordination of E-Board requests, coordination of grant applications, coordination of biennial update of agency goals and objectives, monitoring progress in implementation of agency goals and objectives, technical assistance in preparation of biennial and operating budgets, capability to perform special studies in fields of work simplification, work measurement, organizational analysis, systems and procedures, records management, and budget.	Failure to fund this package would mean: (1) loss of assistance to programs and Director in preparing E-Board request and grant applications; (2) errors in budget data, loss in indirect cost revenue and possibly grant revenue; (3) reduction in technical support in preparation of biennial budgets and preparation and maintenance of operating budgets; (4) likely elimination of goals and objectives preparation because process is meaningless without followup monitoring; (5) loss of ability to analyze work procedures, organization, etc., to improve efficiency and effectiveness.	2

Priority Number	Section/Office	Description	Impact	No. of FTE's
4	Intergov. Coord.	Restore and enhance coordination of review and comment on local land use plans, and coordination of program to ensure agency actions are compatible with local land use plans and LCDC goals. Restore coordination of A-95 reviews, one-stop permits, agency concurrence on pollution control projects for DED revenue bond approvals, and other miscellaneous reviews of environmental impact statements and similar documents.	Failure to fund this package would mean: (1) increased workload for Divisions in reviewing local plans and reduction in quantity and quality of comments offered, resulting in potential long-term negative impact on ability to implement agency environmental programs; (2) increased workload for Division in reviewing required documents such as A-95's, one-stop permits, etc.	2
5	Support Services	Restore typing production to current levels, coordination of word processing services with Divisions, in-house training of word processing operators, A.A.'s, and users, quality control of word processing work, and development of improvements to word processing machine programs. Restore photocopy service, intra-agency mail delivery, and special errand services to existing levels.	Failure to fund this package would mean: (1) currently inadequate typing service would be further reduced, resulting in longer waiting periods for typed documents, increased errors, and increased frustration among users; (2) word processing operations will become much more rigid (procedures controlled), limiting ability to meet individual needs and changing priorities; (3) cost of training will increase; (4) Center will revert to management by crisis; (5) intra-agency mail deliveries will be cut in half to 2 per day; (6) errands will no longer be run for Divisions; (7) photocopying service will be reduced, resulting in longer turnaround time and elimination of special projects; (8) folding/inserting services will be reduced, resulting in longer waiting for requested work.	1.5
6	Data Processing	Restore capability to develop and implement agency-wide plan for data processing services, and ability to provide improvements in agency's existing operational systems and development of new systems. Enhance data processing services to organizational units currently lacking adequate support: Water Quality, Solid Waste, Management Services, Office of Director, Laboratory, and Regional Operations.	Failure to fund this package would mean: (1) current inadequate data processing support of majority of agency will continue for long term; (2) introduction of more efficient operation of existing systems would likely be curtailed; (3) development of high-priority systems would likely not proceed or proceed slowly at higher cost.	2

<u>Priority Number</u>	<u>Section/Office</u>	<u>Description</u>	<u>Impact</u>	<u>No. of FTE's</u>
7		Enhance administrative support of Management Services Division, Office of Director, and Regional Operations by providing increased service in filing, answering phones, photocopying, typing, etc.	Funding this package would: (1) provide necessary administrative support to technical staff on third floor, resulting in more efficient and effective use of personnel resources; (2) allow the establishment and maintenance of a more effective filing system; (3) reduce complaints about unanswered phones.	1

DEPARTMENT OF ENVIRONMENTAL QUALITY
AGENCY MANAGEMENT
OFFICE OF THE DIRECTOR

REDUCED-LEVEL BUDGET (FY 81-83)

The Office of the Director includes the follows activities: Administration, Hearings, Personnel, and Public Affairs.

The overall proposal for reduced-level budgets (70% FTE), restoration decision packages, and new packages for these activities are:

<u>70% Reduced-Level Budget</u>	<u>Restoration Packages</u>	<u>New Packages</u>
Administration: Director Administrative Assistant		Deputy Director
Hearings: Hearings Referee Administrative Assistant	Hearings referee	Rule improvement Transcripts (no FTE)
Personnel: Personnel Officer Administrative Assistant	Personnel Assistant	Clerical Assistant
Public Affairs: Public Affairs Officer Public Information Officer	Secretary Graphic Artist	Videotape capability (No FTE)

With a reduced-level budget of 70% FTE, the following functions would be performed:

1. Direction of the Department: establish overall agency policy and direction; recommend policy direction and administrative rules to the Environmental Quality Commission; ensure policy of the EQC is carried out by the Department; issue civil penalties and recommend mitigation; recommend biennial budget to the Governor and the legislature; represent the agency to cities, governments, citizens and industry; carry out the laws of the state and federal government (where applicable). RLB represents no change in these functions.

2. Hearings: provide only for legally mandated administrative review of appeals from agency action. Duties include maintenance of contested case records; resolution of preliminary issues; scheduling of hearings; conduct of hearings on behalf of Commission; preparation of record and coordination of materials for appellate review. RLB represents elimination of one hearings referee, which will result in lengthening of turnaround time on cases, hearings, and decisions. Reduces likelihood of training technical staff in rule-writing and of indexing rules.

3. Personnel: agency-wide services of providing computer lists of applicants; maintenance of personnel files and records; position allocations (audits) to assign correct level of classification; resolution of employee grievances; updating of affirmative action plans; conduct of training and safety programs. Proposed RLB would require that recruitment be decentralized to each division for most purposes. One personnel assistant is abolished.

4. Public Affairs: statewide response to media and citizen information inquiries; management of agency legislative relations; serve as agency ombuds-person; minimal support for public advisory committees. Proposed RLB would place greater reliance on technical staff to answer news media and public inquiries; eliminate agency graphic arts capability; cut back production of informational materials; eliminate clerical support for agency advisory committees. One graphic artist and one secretary is abolished.

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BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF THE ADOPTION OF RULES)
340-53-035 THROUGH 340-53-035,)
PRESCRIBING PROCEDURES FOR DEVELOPMENT) NOTICE OF PROPOSED
AND MANAGEMENT OF THE STATEWIDE) ADOPTION OF RULES
SEWERAGE WORKS CONSTRUCTION GRANTS)
PRIORITY LIST,)

1. On August 5, 1980, at 10:30 a.m., a public hearing will be held at the following location to consider the adoption of proposed rules 340-53-005 through 340-53-035, by the Environmental Quality Commission which prescribe Procedures for Development and Management of the statewide Sewerage Works Construction Grants Priority List.

City Council Chambers
City Hall, 1220 S.W. Fifth Avenue
Portland, Oregon

2. The proposed rules 340-053-005 through 340-053-035 provide as follows:

General procedures and specific criteria to be used to rank project potentially eligible for federal financial assistance from the federal sewerage work construction grants program.

3. The main issue to be considered at the hearing is the editing of the criteria approved by the EQC in 1979 to the extent necessary to adapt to the administrative rule format while remaining consistent with federal requirements.

4. Interested person may provide oral testimony at the hearing or written testimony to the construction Grants Unit, Department of Environmental Quality, Box 1760 Portland, Oregon, 97207 by August 4, 1980.

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5. Citation of statutory authority, statement of need, principal documents relied upon, statement of fiscal impact, and land use consistency statement are attached to and made a part of this notice.

6. Department of Environmental staff will be designated to preside and conduct the hearings.

Dated June 20, 1980

William H. Young, Director
Department of Environmental Quality

1 the criteria previously used, the impact of adoption of the criteria in
2 rule form should be minimal. No fiscal or economic impact is expected
3 relative to DEQ or other state agencies.
4

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6 William H. Young, Director
7 Department of Environmental Quality
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LAND USE CONSISTENCY STATEMENT
for
PROPOSED RULES FOR DEVELOPMENT AND MANAGEMENT
of the
MUNICIPAL WASTE WATER TREATMENT WORKS
CONSTRUCTION GRANTS PRIORITY LIST

The proposals described herein appear to be consistent with statewide planning goals 6, 10, 11, and 14. There is no apparent conflict with other goals.

Goal 6 Air, Water and Land Resources Quality

The primary purpose of the municipal waste water treatment works construction grant program is to restore and maintain the chemical, physical, and biological integrity of the nation's waters through provision of federal funds for the construction of municipal sewage collection and treatment systems. The specific criteria proposed gives preference to projects presently unable to meet present water quality standards.

Goal 10 Housing

The specific criteria proposed gives preference to projects where moratoriums now exist relative to new development.

Goal 11 Public Facilities and Services

The municipal waste water treatment works construction grants program has provided one of the most viable financial sources for municipal sewage systems. Facility planning required as a grant condition is carefully reviewed by the Department and others to insure compatibility with desirable growth patterns.

Goal 14 Urbanization

No municipal waste water treatment works construction grant is approved where it stimulates growth beyond an established urban growth boundary or otherwise stimulates undesirable unplanned urban growth. Project must however provide for an orderly and efficient transition from rural to urban uses where desirable and planned for.

In addition to the goals specifically addressed above, facility planning required of all applicants for construction grants must address the following specific areas: citizen involvement (goal 1), land use planning (goal 2), open space and scenic, historic, and natural resource areas (goal 5), flood plains (goal 7), recreation opportunity (goal 8) and energy conservation (goal 13). Specific alternative will often be selected or rejected based on their impact in any of these areas.

The priority criteria proposed will not in themselves have a significant effect on land use. The particular project selected through this criteria could have a great impact on some of the goals and a minor impact on almost all goals. Great care is taken in imposing planning requirements however, to insure that no conflicts develop between the particular facilities and the adopted local comprehensive plan.

Public comment on these proposals is invited.

It is requested that local, state, and federal agencies review the proposed criteria and comment on possible conflicts with their programs affecting land use and with statewide planning goals within their expertise and jurisdiction.

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

RTE:1

WT.11 (1)

MUNICIPAL WASTE WATER TREATMENT WORKS
CONSTRUCTION GRANTS PROGRAM

DIVISION 53

Development and Management of The Statewide
Sewerage Works Construction Grants Priority List

Purpose

340-53-005 The purpose of these rules is to prescribe procedures and priority criteria to be used by the Department for development and management of a statewide priority list of sewerage works construction projects potentially eligible for financial assistance from Environmental Protection Agency's Municipal Waste Water Treatment Works Construction Grants Program, Sec. 201, P.L. 95-217.

Definitions

340-53-010 As used in these regulations unless otherwise required by context:

- (1) "Department" means Department of Environmental Quality. Department actions shall be taken by the Director as defined herein.
- (2) "Commission" means Environmental Quality Commission.
- (3) "Director" means Director of the Department of Environmental Quality or his authorized deputies or officers.
- (4) "Municipality" means any county, city, special service district, or other governmental entity having authority to dispose of sewage, industrial waste, or other wastes, any Indian tribe or authorized Indian Tribal Organization or any combination of two or more of the foregoing.

(5) "EPA" means U.S. Environmental Protection Agency.

(6) "Treatment Works" means any facility for the purpose of treating, neutralizing or stabilizing sewage or industrial wastes of a liquid nature, including treatment, or disposal plants, the necessary intercepting, outfall and outlet sewers, pumping stations integral to such plants or sewers, equipment and furnishings thereof and their appurtenances.

(7) "Grant" means financial assistance from the U.S. Environmental Protection Agency Municipal Waste Water Treatment Works Construction Grants Programs as authorized by Sec. 201, P.L. 95-217 and subsequent amendments.

(8) "Project" means a potentially fundable entry on the priority list consisting of Step 1, Step 2, or Step 3, of treatment works or components or segments of treatment works as further described in Section 340-53-015, Subsection (4).

(9) "Treatment Works Component" means a portion of an operable treatment works described in an approved facility plan including but not limited to:

- (a) Sewage treatment plant
- (b) Interceptors
- (c) Sludge disposal or management
- (d) Rehabilitation
- (e) Other identified facilities.

A treatment works component may but need not result in an operable treatment works.

(10) "Treatment Works Segment" means a portion of a treatment works component which can be identified in a contract or discrete subitem of a contract and may but need not result in operable treatment works.

(11) "Priority List" means all projects in the state potentially eligible for grants listed in rank order.

(12) "Fundable portion of the list" means those projects on the priority list which are planned for grant award during the current funding year. The fundable portion of the list shall not exceed the total funds expected to be available during the current funding year less applicable reserves.

(13) "Facilities Planning" means necessary plans and studies which directly relate to the construction of treatment works. Facilities planning will demonstrate the need for the proposed facilities and that they are cost-effective and environmentally acceptable.

(14) "Step 1 Project" means any project for development of a facilities plan for treatment works.

(15) "Step 2 Project" means any project for engineering design of all or a portion of treatment works.

(16) "Step 3 Project" means any project for construction or rehabilitation of all or a portion of treatment works.

(17) "Eligible Project Costs" means those costs which could be eligible for a grant according to EPA regulations and certified by the Department and awarded by EPA.

(18) "Innovative Technology" means treatment works utilizing conventional or alternative technology not fully proven under conditions contemplated but offering cost or energy savings or other advantages as recognized by federal regulations.

(19) "Alternative Technology" means treatment work or components or segments thereof which reclaim or reuse water, recycle waste water constituents, eliminate discharge of pollutants, or recover energy.

(20) "Alternative system for small communities" means treatment works for municipalities or portions of municipalities having a population of less than 3,500 and utilizing alternative technology as described above.

(21) "Funding Year" means a federal fiscal year commencing October 1st and ending September 31st.

(22) "Current Funding Year" means the funding year for which the priority list is adopted.

(23) "State Certification" means assurances by the Department that the project is acceptable to the state and that funds are available from the state's allocation to make a grant award.

Priority List Development

340-53-015 The Department will develop a statewide priority list of projects potentially eligible for a grant.

(1) The statewide priority list will be developed prior to the beginning of each funding year utilizing the following procedure:

(a) The Department will determine and maintain sufficient information concerning potential projects to develop the statewide priority list.

(b) The Department will develop a proposed priority list utilizing criteria and procedures set forth in this section.

(c) A public hearing will be held concerning the proposed priority list prior to Commission adoption. Public Notice and a draft priority list will be provided to all interested parties at least thirty (30) days prior to the hearing. Interested parties include the following:

(A) Municipalities having projects on the priority list.

(B) Engineering consultants involved in projects on the priority list.

(C) Interested state and federal agencies.

Interested parties will have an opportunity to present oral or written testimony at or prior to the hearing.

(d) The Department will summarize and evaluate the testimony and provide recommendations to the Commission.

(e) The Commission will adopt the priority list at a regularly scheduled meeting.

(2) The priority list will consist of a listing of all projects in the state potentially eligible for grants listed in ranking order based on criteria set forth in Table "A". Table A describes five (5) categories used for scoring purposes as follows:

(a) Project Class

(b) Regulatory Emphasis

(c) Stream Segment Rank

(d) Population Emphasis

(e) type of treatment component or components.

The score used in ranking a project consists of the project class identified by letter code plus the sum of the points from the remaining four categories. Projects are ranked by the letter code of the project class with "A" being highest and within the project class by total points from highest to lowest.

(3) The priority entry list for each project will include the following:

- (a) Name and type of municipality
- (b) EPA project identification number
- (c) Description of project component
- (d) Project segment code number
- (e) Project step
- (f) Ready to proceed date consisting of the expected date when the project application will be complete and ready for certification by the Department.
- (g) Target certification date consisting of the earliest estimated date on which the project could be certified based on readiness to proceed and on the Department's estimate of federal grant funds expected to be available. In the event actual funds made available differ from the Department's estimate when the list was adopted the Department may modify this date without public hearing to reflect actual funds available and revised future funding estimates.
- (h) Estimated grant amount consisting of seventy-five (75) percent of the estimated cost of that portion of the project which is potentially eligible for a grant

(i) Priority rank consisting of the project's sequential rank on the priority list. The project having the highest priority is ranked number one (1).

(4) The Department will determine the scope of work to be included in each project prior to its placement on the priority list. Such scope of work may include the following:

(a) Development of a facilities plan (Step 1) or

(b) Design (Step 2) or construction (Step 3) of complete treatment works or

(c) Design or construction of one or more treatment works components, or

(d) Design or construction of one or more treatment works segments of a treatment works component.

(5) When determining the treatment works components or segments to be included in a single project, the Department will consider.

(a) The specific treatment works components or segments that will be ready to proceed during the funding year and

(b) The size of the component or segment. In no case will a single project exceed ten (10) million dollars.

In all cases the Department shall have final discretion relative to scope of work or treatment works components or segments which constitute a project.

(6) A project may consist of an amendment to a previously funded project which would change the scope of work significantly and thus constitute a new project.

(7) Projects for which a Step 2 grant was certified prior to September 30, 1979, are designated as transition projects and will not be ranked according to the criteria. These projects will be placed at the top of the funding year priority list and will maintain the same relative position that they occupied on the preceding year's priority list.

(8) FY 80 Fundable List - Since the freeze on FY 80 funds precluded their utilization prior to adoption of the FY 81 priority list the fundable portion of the FY 80 list will appear at the beginning of the FY 81 list with the notation that these projects will be awarded from FY 80 funds.

(9) The Director may delete any project from the priority list if:

(a) It has received full funding

(b) It is no longer entitled to funding under the approved system

(c) EPA has determined that the project is not needed to comply with the enforceable requirements of the Clean Water Act or the project is otherwise ineligible.

(10) If the priority assessment of a project within a regional 208 areawide waste treatment planning area conflicts with the priority list, the priority list has precedence. The Director will upon request from a 208 planning agency, meet to discuss the project providing the request for such a meeting is submitted to the Director prior to Commission approval of the priority list.

Eligible Costs and Limitations

340-80-020 For each project included on the priority list the Department will determine the costs potentially eligible for a grant.

(1) Where state certification requirements differ from EPA eligibility requirement the more restrictive shall apply.

(2) Except as provided for in subsection (3) eligible costs shall generally include Step 1, Step 2, and Step 3 costs related to an eligible treatment works, treatment works components or treatment works segments as defined in federal regulations.

(3) The following will not be eligible for state certification:

(a) The cost of collections systems except those for which a Step 1 grant was certified prior to September 30, 1979, and;

(A) which serve an area where a mandatory health hazard annexation is required pursuant to ORS 222.850 et.seq. or

(B) Where elimination of waste disposal wells is required by OAR 340-44-005 et.seq.

(b) Step 2 or Step 3 costs associated with advanced treatment components.

(c) The cost of treatment components not considered cost effective and environmentally sound.

Establishment of Special Reserves

340-53-030 From the total funds allocated to the state the following reserves will be established for each funding year:

- (1) Reserve for grant increases of ten (10) percent.
- (2) Reserve for Step 1 and Step 2 projects of ten (10) percent.
- (3) Reserve for alternative components of projects for small communities utilizing alternative system as required by federal law or regulations. For FY 81 federal regulations require four (4) percent.
- (4) Reserve as required by federal law or regulations for additional funding of projects involving innovative or alternative technology. Current federal regulations require three (3) percent for FY 81.
- (5) The balance of the state's allocation will be the general allotment.
- (6) The Director may at his discretion transfer funds from the Step 1 and 2 reserve to the following reserves:
 - (a) The reserve for grant increases
 - (b) The general allotment with first demand for conventional components of small community projects utilizing alternative systems.

Priority List Management

340-53-030 The Department will select projects to be funded from the priority list as follows:

(1) After Commission adoption, and EPA acceptance of the priority list, allocation of funds to the state and determination of the funds available in each of the reserves, final determination of the fundable portion of the priority list will be made. The fundable portion of the list will include the following:

(a) Sufficient projects selected according to priority rank to utilize funds identified as the state's general allotment and

(b) Additional projects involving alternative system for small communities sufficient to utilize funds available in that reserve.

(2) No project will be funded unless it is included in or added to the fundable portion of the list except for projects funded from the Step 1 and 2 reserve.

(3) Projects to be funded from the Step 1 and 2 reserve will be selected according to their ranking relative to other projects to be funded from that reserve. These projects to be funded from this reserve will usually extend beyond the fundable portion of the list to the limit of funds available in the reserve.

(4) Projects included on the priority list but not included within the fundable portion of the list will constitute the planning portion of the list.

Priority List Modification and Bypass Procedure

340-53-035 The Department may modify the priority list or bypass projects as follows:

(1) The Department may add to or rerank projects on the priority list after the adoption of the priority list but prior to the approval of the priority list for the next year providing:

(a) Notice of the proposed action is provided to all affected lower priority projects.

(b) Any affected project may within 20 days of receiving adequate notice request a hearing before the Commission.

(2) The Department will initiate bypass procedures when any project on the fundable portion of the list is not ready to proceed during the funding year.

(a) The determination will be based on quarterly progress reports.

(b) Written notice will be provided to the applicant of intent to bypass the project.

(c) An applicant may request a hearing on the proposed bypass within 20 days of adequate notice. If requested the Director will schedule a hearing before the Commission within 60 days of the request.

(d) If a project is bypassed it will maintain its relative ranking for consideration in future years. If however, a project is bypassed for two consecutive years the Commission may remove it from the priority list.

(e) Department failure to certify a project not on the fundable portion of the list or for which funds are otherwise unavailable will not constitute a "bypass".

RTE:lbl

OAL3 (1)

TABLE A
CONSTRUCTION GRANTS PRIORITY CRITERIA
PROJECT CLASS

<u>Letter Code</u>	<u>Description</u>
A	<p>Project will minimize or eliminate surface or underground water pollution where:</p> <ol style="list-style-type: none">1. Water quality standards are violated repeatedly or2. Beneficial uses are impaired or may be damaged irreparably. <p>In addition:</p> <ol style="list-style-type: none">1. The EQC by rule OAR 340-44-005 et.seq., had mandated elimination of discharge or inadequately treated waste to disposal wells or2. The Administrator of the Health Division or the EQC has certified findings of fact which conclude that<ol style="list-style-type: none">(a) Water pollution or beneficial use impairment exists and(b) Hazard to public health exists. <p>Documentation required includes:</p> <ol style="list-style-type: none">1. Field investigations, and2. Public Notice and hearing and3. Written findings of fact.
B.	<p>Project will minimize or eliminate surface or underground water pollution where:</p> <ol style="list-style-type: none">1. Water quality standards are violated repeatedly or2. Beneficial uses are impaired or may be damaged irreparably.

Letter Code

Description

Documentation required includes:

1. Actual written documentation of existing water use impairment or
2. Actual written documentation of reported violation of standards.

C. Project is required to insure treatment capability to comply with water quality standards including:

1. Minimum federal effluent guidelines established by rule pursuant to PL 95-217 or
2. Effluent standards established in an issued WPCF or NPDES permit or
3. Treatment levels or effluent standards that would be placed in a permit to comply with state or federal regulation (for a source not presently under permit).

Documentation required includes:

Actual written documentation of the applicable guideline, standard, permit condition, or other regulatory requirement.

D. Project is necessary to minimize or eliminate pollution of surface or underground waters from:

1. Nonpoint sources where malfunctioning subsurface sewage disposal systems in developed areas are a contributing factor or
2. Point sources where infrequent discharges above permitted levels are a contributing factor.

Documentation required includes:

1. Sufficient information to suggest a problem, but
2. Insufficient data to conclusively demonstrate the problem. Facility planning is expected to provide additional documentation.

<u>Letter Code</u>	<u>Description</u>
E.	Project is desirable for prevention of potential water pollution problem.
	Documentation required includes:
1.	Recognition that a problem could develop in the future, but
2.	Lack of information to suggest a present water quality problem.

Regulatory Emphasis

<u>Points</u>	<u>Description</u>
150	Project received a limited time extension to meet the 1977 secondary treatment goals of the Clean Water Act.
	Documentation required includes:
1.	Addendum to the NPDES permit extending the compliance date, or
2.	Stipulated consent agreement indicating noncompliance.
	Finding must have been made prior to January 1, 1978.
130	Project is necessary for immediate correction of a public health hazard through extraordinary measures such as:
1.	Annexation, or
2.	Service district formation.
	Documentation required includes:
1.	EQC order, or
2.	Certification of public health hazard by the Administrator of the Health Division pursuant to ORS 431.705 et.seq. or 222.850 et.seq.
120	Project is necessary to eliminate a voluntary or involuntary moratorium, including:
1.	Involuntary connection limitation to a centralized facility, or

Points

Description

2. EQC rule that restricts issuance of subsurface disposal permits for a specific geographic area or
3. Voluntary limitations on connection to a centralized facility or construction of subsurface disposal systems. voluntary moratorium must meet the following conditions:
 - a. The moratorium was formally enacted prior to August 1, 1979, and
 - b. It attempts to limit flow to a central facility which is at or beyond 90 percent capacity, and
 - c. The jurisdiction has a medium to high growth rate which and therefore requires preventive pollution control action.

Documentation required includes:

1. Rule or order establishing involuntary moratorium, or
2. Order, ordinance, etc., documenting voluntary moratorium.

90 Project is necessary because of the potential for regulatory action identified by:

1. NPDES Permit limitations or conditions which would be included in a permit when issued or amended, or
2. DEQ approval of a facility plan including a determination of such potential, or
3. A sanitary survey conducted by the Health Division or the DEQ.

Documentation required includes:

DEQ written concurrence based on the above.

50 Project is needed because of probable water quality problems identified through preliminary screening of problem and water quality concerns.

Documentation required includes:

Written suggestion by DEQ.

0 No immediate need for the project has been identified. Background information is either insufficient or unavailable to document the existence of present water quality problems.

STREAM SEGMENT RANK

Stream Segment ranking points shall be assigned based on the formula:

n

where:

BR = Basin Rank (1 to 19) based on the total population within the Oregon portion of the river basin. The basin having the greatest population is ranked number 1.

n = Number of stream segments in the particular basin.

SR = Segment rank within basin as indicated in the statewide water quality management plan.

Following is a listing of basin ranks, stream segment ranks, and computed stream segment ranking points:

Basin Rank

<u>Basin</u>	<u>1978 Population</u>	<u>No. of Stream Segments</u>	<u>Basin Rank</u>
Willamette	1,672,000	23	1
Rogue	180,100	4	2
Umpqua	84,700	3	3
Deschutes	76,600	4	4
South Coast	76,300	5	5
North Coast/Lower Columbia	66,440	18	6
Klamath	58,200	5	7
Umatilla	50,000	3	8
Mid Coast	44,630	10	9
Hood River	34,200	4	10
Grande Ronde	30,100	3	11
Malheur River	22,480	1	12
Sandy	18,530	3	13
Powder	17,200	4	14
John Day	12,250	2	15
Walla Walla	10,300	2	16
Malheur	7,650	3	17
Goos and Synner Kajes	6,900	2	18
Owyhee	3,420	2	19

Stream Segment Ranking Points

<u>Segment</u>	<u>Segment Rank</u>	<u>Points</u>
No. 1, Willamette Basin		
Tualatin	1	95.73
Willamette (River Mile	2	93.45
Willamette (River Mile 84-186)	3	91.18
South Yamhill River	4	88.91
North Yamhill River	5	86.64
Yamhill River	6	84.36
Pudding River	7	82.09
Molalla River	8	79.82
S. Santiam River	9	77.55
Santiam River & N. Santiam	10	75.27
Coast Fork Willamette River	11	73.00
Middle Fork Willamette River	12	70.73
Clackamas River	13	68.45
McKenzie River	14	66.18
Rickreall Creek	15	63.91
Luckiamute River	16	61.64
Marys River	17	59.36
Calapooia River	18	57.09
Long Tom River	19	54.82
Columbia Slough	20	52.55
Thomas Creek	21	50.27
Remaining Willamette Basin Streams	22	48.00
No. 2, Rogue Basin		
Bear Creek and Tributaries	1	83.50
Applegate River	2	71.00
Middle Rogue	3	58.50
Remaining Rogue Basin Streams	4	46.00
No. 3, Umpqua Basin		
South Umpqua River	1	77.33
Cow Creek	2	60.67
Remaining Umpqua Basin Streams	3	44.00
No. 4, Deschutes Basin		
Crooked River	1	79.50
Deschutes River (River Mile 120-166)	2	67.00
Deschutes River (River Mile 0-120)	3	54.50
Remaining Deschutes Basin Streams	4	42.00

<u>Segment</u>	<u>Segment Rank</u>	<u>Points</u>
No. 5, South Coast Basin		
Coos Bay	1	80.00
Coos River	2	70.00
Coquille River (River Mile 0-35)	3	60.00
Coquille River (River Mile 35-Source)	4	50.00
Remaining South Coast Basin Streams	5	40.00
No. 6, North Coast/Lower Columbia Basin		
Lewis and Clark River	1	85.22
Klatskanine River	2	82.44
Wilson River (River Mile 0-7)	3	79.88
Trask River (River Mile 0-6)	4	76.88
Skipanon River	5	74.10
Nestucca River (River Mile 0-15)	6	71.32
Nehalem River	7	68.54
Wilson River (River Mile 7 +)	8	65.76
Trask River (River Mile 6 +)	9	62.98
Nestucca River (River Mile 15 +)	10	60.20
Nehalem Bay	11	57.42
Tillamook Bay	12	56.64
Tillamook River (River Mile 0-15)	13	51.86
Nestucca Bay	14	49.08
Necanicum River	15	46.30
Tillamook River (River Mile 15+)	16	43.54
Netarts Bay	17	40.74
Remaining North Coast/ Lower Columbia Basin Streams	18	38.00
No. 7, Klamath Basin		
Lost River	1	76.00
Klamah River (River Mile 210-250)	2	66.00
Williamson	3	56.00
Sprague	4	46.00
Remaining Klamath Basin Streams	5	36.00
No. 8, Umatilla Basin		
Umatilla River	1	67.33
Columbia River (Umatilla Basin)	2	50.67
Remaining Umatilla Basin Streams	3	34.00

<u>Segment</u>	<u>Segment Rank</u>	<u>Points</u>
No. 9, Mid Coast Basin		
Siuslaw Bay	1	77.00
Yaquina Bay	2	72.00
Siletz River	3	67.00
Yaquina River	4	62.00
Alsea River	5	57.00
Siuslaw River	6	52.00
Alsea Bay	7	47.00
Salmon River	8	42.00
Siletz Bay	9	37.00
Remaining Mid Coast Basin Streams	10	32.00
No. 10, Hood Basin		
Hood River Main Stem	1	67.50
Columbia River (Hood Basin)	2	55.00
Hood River East, (Middle and West Forks)	3	42.50
Remaining Hood Basin Streams	4	30.00
No. 11, Grande Ronde Basin		
Grande Ronde River	1	61.33
Wallowa River	2	44.67
Remaining Grande Ronde Basin Streams	3	28.00
No. 12, Malheur Basin		
Malheur River	1	26.00
No. 13, Powder Basin		
Snake River (Powder Basin)	1	61.50
Powder River	2	49.00
Burnt River	3	36.50
Remaining Power Basin Streams	4	24.00
No. 14, Sandy Basin		
Columbia River (Sandy Basin)	1	55.33
Sandy River	2	38.67
Remaining Sandy Basin Streams	3	22.00
No. 15, John Day Basin		
John Day River	1	45.00
Remaining John Day Basin Streams	2	20.00

<u>Segment</u>	<u>Segment Rank</u>	<u>Points</u>
No. 16, Walla Walla Basin		
Walla Walla River	1	43.00
Remaining Walla Walla Basin Streams	2	18.00
No. 17, Malheur Lake Basin		
Silvies River	1	49.33
Donner & Blitzen River	2	3267
Remaining Malheur Lake Basin Streams	3	16.00
No. 18, Good and Summer Lakes Basin		
Chewaucan River	1	39.00
Remaining Goose and Summer Lakes Basin Streams	2	14.00
No. 19, Owyhee Basin		
Owyhee River	1	17.00
Remaining Owyhee Basin Streams	2	12.00

Population Emphasis

Population emphasis points shall be assigned on the basis of the formula:

$$\text{Points} = \text{Population Served}^2 \log 10$$

where:

Population Served represents the existing population that would be initially served by the project if it were in operation.

PROJECT TYPE

<u>Description</u>	<u>Points</u>
Secondary Treatment and BPWTT	10
Major Sewer System Rehabilitation	9
Interception of Existing Discharge	8
Infiltration/Inflow	7
Interceptor to Serve Existing Development	6
Treatment More Stringent than Secondary	5
Correction of Combined Sewer Overflows	3
Interceptor to Serve New Development	2
New Collectors	1

RTE:l
OAL10.R (1)
June 19, 1980

Environmental Quality Commission

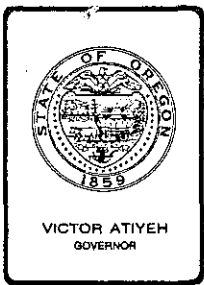
June 20, 1980

BREAKFAST AGENDA

- | | |
|--|---------------|
| 1. Proposed change in EQC meeting locations | Downs |
| 2. Introduction of new Business Manager | Downs |
| 3. Volcanic ash situation update | Gillaspie |
| 4. Significant activities - Northwest Region | Bispham/Gray |
| 5. Legislative update | Swenson |
| 6. SB 925 - Waste Reduction Programs | Schmidt/Brown |

LUNCH AGENDA

- | | |
|-----------------------------------|---|
| 1. Metropolitan Growth Management | City of Portland:
Cynthia Kurtz
Jack Landau |
|-----------------------------------|---|



Department of Environmental Quality

522 S.W. 5th AVENUE, BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229- 5327

MEMORANDUM

SUBJECT: VOLCANO UPDATE

DATE: 18 June 80

Portland was dusted with volcanic ash for the second time the evening of June 12, and the early morning of June 13. The ash fallout, much more severe than the fallout of May 24 and 25, was followed by rain which kept particulate pollution levels suppressed. Drying conditions and higher surface winds forced the Portland/Metropolitan area into an air pollution Alert* for high levels of particulate the afternoon of Saturday, June 14. Even higher particulate levels moved that alert into an air pollution Warning on Monday, June 15, when analysis of the Sunday sampling from noon to midnight were available. That air pollution Warning has been extended until at least Friday, June 20, at 2:00 pm when it will be updated.

Extremely high particulate levels were recorded during the volcanic dust storm kicked up by high winds Tuesday afternoon. Particulate levels exceeded the Emergency episode level. Declaration of an Emergency would have necessitated the Department and the Commission, along with the Governor, taking broad and drastic measures to protect public health by curtailing all activity in the region, including closing all businesses, offices, and schools, and suspending all motor vehicle traffic except emergency vehicles. Under ORS 468.410, the Commission does have the ability to prohibit motor vehicle operation as necessary to protect the public from air pollution which is an "imminent and substantial endangerment to the health of persons".

In spite of some levels at some monitoring stations exceeding the pre-planned emergency level for traditional urban particulate, the Department continued its air pollution Warning. Medical authorities advise the Department that - - other than causing temporary eye, nose, and throat irritation - - the short term exposure to dust at recorded levels did not pose a significant threat to public health. The Emergency level was set for more traditional urban particulate matter often associated with heavy metal, and toxics, and is not applicable to equal concentrations of the volcanic ash, a relatively clean and inert material. The Emergency plan, intended to deal with reductions of industrial sources, was not related to the source of the pollution problem and would have unduly alarmed and inconvenienced the public. If medical authorities advised that levels are becoming hazardous from a public health point of view, additional action may be contemplated.

*Established episode levels: Alert, 375; Warning, 625; Emergency, 875 $\mu\text{g}/\text{m}^3$.

After the first pollution alert due to the volcanic dust, DEQ received some criticism from the medical community for unsubstantiated health advice during the alert. To address that concern, the Department and the Oregon Health Division organized a group of 10 medical professionals to advise the general public and the Department on appropriate actions to prevent deteriorious effects to public health from the ash. The advise of that committee continues to be that there are no long term impacts from exposure to the ash. Temporary nose, eye, and throat irritation can be expected. People should avoid prolonged exposure to high levels of the dust. If that is not possible, especially in an occupational setting, a well-fitting approved face mask is appropriate.

The Department has urged local jurisdictions in the area to intensify their efforts to clean the ash from street, buildings, and rooftops. Response to that request has been very positive, especially from the City of Portland.

The Department agreed that several areas were appropriate for the disposal of ash collected by public work departments. Those include Durham pit, Cobb pit off of Murray Road, and Grabhorn Landfill near Hillsboro.

Extremely high levels of grit caused the City of Portland to request permission to by-pass disinfected raw sewage into the Columbia River late Saturday afternoon. The sewage treatment plant continues to by-pass sewage, although now treating sewage 4 hours out of an 8 hour period.

Careful coordination is being maintained with the City of Portland, the Federal Emergency Management Agency, and other local jurisdictions including health officials.

The Public Affairs office has been deluged with phone calls and questions. In an attempt to alleviate some of the calls, the Department has installed two special phone lines which carry a recorded message, updated regularly, about air pollution levels. The number for these lines is 229-NEWS.

A chart illustrating the particulate pollution levels, and the advisory from the health officials is attached.

PARTICULATE READINGS

	<u>6/14</u>	<u>6/15</u>	<u>6/16</u>	<u>6/17</u>	<u>6/18</u>
BURNSIDE & BROADWAY					
AM	386	256	766	489	583
PM	651	985	339	2,204	614
24 hr average	474	620	553	1,347	569
55 SW ASH					
AM		318			
PM		2,085			
24 hr average	336	1,202	483	4,779(16)	1,137
MCLOUGHLIN & SE SCHILLER					
AM	210	181	835	469	781
PM	402	1,498	270	3,932	864
24 hr average	274	840	553	2,196	823
NW YEON					
AM			523	472	1,007
PM			295	6,196	881
24 hr average	269	448	409	3,334	944
123 & GLISAN					
AM	332				
PM	422				
24 hr average	362	754	345	1,907	516
CANBY					
AM					
PM					
24 hr average	27		111	214	182
HILLSBORO					
AM				490	938
PM				1,812	533
24 hr average	1,549	830	816	1,151	736
BEAVERTON					
AM			789	390	565
PM	472		554	2,247	510
24 hr average		590	672	1,319	538
FOREST GROVE (24 hr ave)				4,792	653
SALEM (24 hr ave)				224	251
TILLAMOOK (24 hr average)				2,000	682

Representing:

Oregon State Health Division
Oregon Department of Environmental Quality
Oregon Operations Office, EPA
Oregon Lung Association
University of Oregon Health Sciences Center, Chest Division
Accident Prevention Division, Workers Compensation Department
Oregon Thoracic Society
Clackamas County Health Department
Multnomah County Health Department
Washington County Health Department
Southwest Washington Health District

N E W S R E L E A S E

June 18, 1980

Contact:

Bonnie Percival
229-6249 - OSHD

(or any of the above
named agencies)

Yesterday's particulate levels reported by DEQ reflect a marked increase due to the drying conditions, wind, and traffic. The Oregon Public Health Committee on Volcanic Ash Fallout met again this morning to consider whether these increased dust levels warrant special precautions beyond those issued last Friday.

The committee does expect temporary eye, nose and throat irritation from these volcanic dust levels. If present dust levels do not persist for more than a few weeks, the committee members do not expect them to cause serious short term or any long term health effects. However, the committee recognizes that no one can predict whether Oregonians will continue to be exposed to volcanic

OREGON PUBLIC HEALTH COMMITTEE ON VOLCANIC ASH FALLOUT

June 18, 1980

ash from new eruptions over the coming months and years. Repeated exposure over several years to silica such as that found in the ash can have a cumulative effect in producing silicosis, a lung scarring disease.

Therefore, the committee continues to recommend that citizens take prudent precautions to minimize exposure during dry, dusty conditions. These fall into two categories: Measures to prevent raising dust levels in the community, and measures to reduce personal exposure.

To avoid raising dust levels in the community the committee strongly recommends the following measures:

- A. Drive only when absolutely necessary. If driving is necessary it should be done at speeds and in such a manner as to avoid raising dust from the road bed. Use mass transit whenever possible.
- B. Try to clean up paved surfaces near your home as much as possible. Persons who are cleaning up ash should wet it down before sweeping it up. Masks should be worn during the process.
- C. Avoid stirring up dust with activities such as lawn mowing.
- D. Avoid other polluting activities such as barbequeing and outdoor burning.

To reduce personal exposure the committee recommends the following measures:

- A. Stop smoking. Smoking increases the risk of disease from exposure to silica. By itself the hazards of smoking are far greater than any caused by volcanic ash exposure. Employers are encouraged to urge their smoking employees to stop smoking at the work site.

B. If dust is causing eye, nose, throat irritation, stay indoors or minimize time spent outdoors and wear a NIOSH approved mask. The mask should fit and be worn properly.

C. If it is necessary to be out in high dust levels for prolonged periods of time, wear a NIOSH approved mask.

D. Employees are expected to have masks or other protection available to employees who are exposed to excessive dust on the job. This will apply to many outdoor workers. Such workers are strongly encouraged to use the masks.

E. When dust levels are high avoid unnecessary outdoor activities. This precaution particularly applies to areas near heavily traveled streets where dust levels are highest. Of concern are activities such as jogging and other sports activities, especially those which raise dust.

F. Persons with chronic respiratory or cardiac conditions who are experiencing a change in symptoms, should consult their physicians.

Air quality conditions are not identical throughout the ashfall area. Further more conditions can improve or worsen rapidly depending upon meteorologic conditions and Mt. St. Helens activity. Advisories often can not keep up with or accomodate to specific conditions within a given area. Consequently, the public is encouraged to excercise good judgement in its approach to this problem.

STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

TO: Joe Richards, Chairman
Environmental Quality Commission

DATE: June 17, 1980

FROM: Robert E. Gilbert, Manager
Northwest Region

SUBJECT: Significant Northwest Region Activities

Air Quality

- A. Open Burning Ban -- since the June 1979 EQC meeting, the Department has attempted to stimulate local jurisdictions to develop alternative programs to open burning. In September an "Open Burning Alternative Workshop" was conducted for the benefit of local governments. By February 1980, cities and counties in the METRO boundary had been contacted and requested to submit proposals. On May 30, 1980, the Department held a meeting to determine the status of program development, problems being incurred, successes, and to advise of areas that DEQ/METRO could be of assistance. Only four cities have given serious consideration to the problem and none have made a firm commitment. The Department intends to further advise the cities of assistance available and encourage their participation in program development with cities interested in regional processing.
- B. City of Portland (Open Burning) -- a \$7,500 civil penalty was imposed against the city of Portland for burning storm debris during a prohibited period and for using improper burning techniques. The city has formally appealed the penalty. However, it has also submitted a proposal for disposal of the remaining storm debris which they hope will be sufficient justification for mitigation of the penalty. This matter is currently being received by the Department.
- C. Port of Astoria Grain Elevator -- the Department has issued a 60-day special permit to the Port of Astoria to allow the loading of grain while the Columbia River is under shipping restrictions due to the volcanic debris.
- D. Portland Grain Elevators -- during the past year the question of explosion from the use of hatch tents while loading ships has been resolved. Source tests conducted by EPA confirmed the safety of this system.

- E. Reichhold Chemical (St. Helens) -- completed the installation of particulate control equipment on the prell tower. This system, which cost is approximately equal to \$750,000, has been determined to be in compliance with Department opacity and particulate standards.
- F. Bergsoe & Son (St. Helens) -- a Danish corporation, has broken ground in St. Helens to construct a battery lead reclamation plant. This operation will utilize a process not previously employed in the U.S. The air permit has been issued.

Noise

Oregon Portland Cement (Lake Oswego) -- as a result of public complaint and Department confirmation of noise violations at OPC, the company embarked upon a noise abatement program in 1979. This program included a comprehensive site study and noise source identification by a private consultant. A significant number of sources were found to require control, many of which require innovative engineering design. As a result of the study, OPC and the Department entered a three phase compliance program with final completion dates of September 1, 1980, October 1, 1980, and September 1, 1981.

Water Quality

- A. Cannon Beach -- for several years Cannon Beach has been attempting to receive approval to employ a marsh treatment system as the means to upgrade present facilities. Acceptance of this proposal was denied by state and federal fish and wildlife agencies because the system is proposed to be located in an existing wetland. The city has continued to pursue this approach from the standpoint that the sewer committee has a strong belief in the efficiency of such a system and its economic advantages. At this time, EPA is conducting an Environmental Assessment Study which could result in the approval or denial of the system. Another possibility would be the recommendation that an EIS be conducted.
- B. Tillamook Bay 208 Study -- staff have been participating in this study which is attempting to identify sources of shellfish contamination and develop appropriate control measures. Several dairies have been identified and with the cooperation of the Soil Conservation Service and local dairy associations corrective measures have been initiated.
- C. Clatsop Plains -- the aquifer study has been underway for six months and two full sample runs conducted. Expect to run study for a full year after which the aquifer protection plan will be developed. Samples are being taken from approximately 60 sites.
- D. Gresham, Troutdale, Wilsonville -- completed major treatment plant expansions. Each project was completed without federal funds.

- E. Mt. Hood Service District -- the service district has been formed and expect construction to begin on a treatment system this summer at Welches.

Subsurface Sewage Disposal Program

The Northwest Region has seven counties within our region. Six of those counties are presently operating under a DEQ contract of agreement.

Clatsop County

Last year Clatsop County gave the program back to the Department because of severe budget problems within the county. In response to this, we opened a branch office in Astoria to run the program.

Tillamook County

Earlier this year, the Commission voided all site approvals issued in Tillamook County since January 1, 1974. This action has placed a heavy workload on both our Tillamook and Portland office personnel.

A total of 92 re-evaluations of properties has been completed to date. The statistical breakdown is as follows:

- 92 site evaluations
- 46 meet current regulations
- 40 do not meet regulations
- 6 pending
- *8 no available alternatives

Sand Filter Alternative System

The region has received limited response to the sand filter alternative system. Most of the interest is in the Portland-Metro area where land prices are sufficiently high to warrant the additional cost of the system.

Experimental Systems

There are a total of (26) experimental systems approved for installation. The various types of systems which have been approved for installation are:

<u>Type</u>	<u>Number</u>
Intermittent Sand Filter	1
Intermittent Recirculating Sand Filter	1
Mounds	2
Agricultural Tile	7
Seepage Trenches	1
Compost Toilet - Grey Water	9
Compost Toilet - Grey Water Sand Filter	4
Low Pressure Distribution	1
TOTAL:	<u>26</u>

Solid Waste Disposal Program

The two general areas for discussion are the Portland-Metro area and the North Coastal counties.

METRO

The Portland-Metro area has a designated regional solid waste management body called METRO. DEQ has an agreement with METRO to assist in finding a new regional landfill site.

METRO has narrowed down the list of possible sites from 46 to 1. The finalist site will be given detailed engineering studies. METRO hopes to make the final site selection sometime early in 1981.

Locating a regional site is becoming very critical as one of the remaining general household garbage sites (Rossman's Landfill) is slated to be filled in mid-1982. The other household refuse site (St. Johns) is estimated to be filled between 1984-1987. Actual closure time is dependent on whether a new landfill site is opened prior to 1982 and/or non-putrescible wastes are diverted to other demolition sites.

Resource Recovery Plant

METRO is still negotiating with Publishers Paper Co. in Oregon City for a contract price for the sale of steam from the proposed Resource Recovery Plant. This facility will burn up to 500,000 tons per year of solid wastes.

The plant is now expected to be completed in 1984 at an estimated cost of 100 million dollars. Even after the plant is operational there will still be a need for a regional landfill site i.e., breakdowns, non-processible wastes, ash from incinerator, etc.

Demolition Sites in Multnomah County

The EQC, as you know, sustained the Department's denial of a solid waste disposal site at N.E. 122nd and San Rafael (Columbia Sand & Gravel). The applicant is now appealing this to the Court of Appeals.

Two new demolition sites have been approved to serve the east Multnomah County area. One of these will be sorting drop-box wastes to remove recyclables such as wood, metals, cardboard and glass.

Methane Gas Problems/Controls

Two landfills now have active gas venting systems. One landfill was experiencing odor problems and the other was detecting off-site explosive levels of methane gas. Rossman's Landfill in Oregon City which accepts household wet garbage is particularly oppressed with malodors.

No energy recovery of these gases is occurring at this time.

Joe Richards, Chairman

June 17, 1980

Page 5

Hazardous Wastes

EPA regulations for control of hazardous wastes have finally been promulgated. Regional personnel have been assisting EPA in reviewing some (19) suspected abandoned hazardous waste disposal sites. To date, no "Love Canals" have been found.

The region has several hazardous waste treatment facilities. These companies are recycling and/or reclaiming valuable materials such as waste solvents and heavy metals. One company has reconstituted approximately 450,000 gallons of waste solvents over the last three years. All of this material would have ended up at the Chem-Nuclear site or other illicit disposal sites.

North Coast Counties

Clatsop County received grant money for assistance in finding a regional landfill site. Several prospective sites have been identified. Three of the four existing disposal sites are operating under an open burning variance until November 1, 1980.

Tillamook County is now converting the old Tillamook disposal site to a regional landfill site. Completion is expected this summer. The Manzanita and Pacific City disposal sites open burning variances expire on October 1, 1980. Local funding to finance construction and operation of transfer stations at these two sites was turned down at the May primary. Discussions with county officials are underway to pursue alternative financing of the transfer stations.

Lincoln County has located a regional landfill site near Newport. County officials have been reluctant to proceed with final engineering design, however, because of vociferous opposition by two of the landfill operators. The opposing operators have disposal sites in Waldport and Lincoln City. We have notified both of these operators that we will not recommend extension of open burning variances. They have the option of converting their disposal sites to sanitary landfills.

We are recommending the existing Agate Beach Disposal Site north of Newport to be used as an interim regional site. Concurrently, the new regional site could be constructed and ready for operation by September 1981.

REG:p
RP16

GOVERNOR'S APPROVED DEQ LEGISLATIVE PACKAGE

(Not in priority order)

<u>BILL TITLE</u>	<u>SUMMARY</u>	<u>GOVERNOR'S RATING</u>
DEQ 1	Establishes funding mechanism to assist homeowners in repairing failing subsurface sewage systems. Low interest loan would become lien on property.	A
DEQ 2	Allows counties to adopt local ordinances to enforce rules of the subsurface program.	B
DEQ 3	Allows EQC to establish fees for processing pollution control tax credits.	B
DEQ 4	Increases statutory limit on amount of pollution control bonds that may be outstanding.	B
DEQ 5	Allows EQC to establish requirements for inspection/maintenance programs in areas which need the testing program to meet standards. Requires approval by local jurisdictions. Does not speak to funding or operation of the program.	B (A)
DEQ 6	Exempts 20 year old automobiles from the inspection/maintenance testing requirement.	A
DEQ 7	Allows exemptions to the emission anti-tampering laws to permit experimentation for energy and environmental purposes.	B
DEQ 8	Fee increase for vehicle inspection certificates.	(REJECTED)
DEQ 9	Corrects SNAFU in law regarding waste reduction programs for solid waste. Allows loan of pollution bond fund money to prepare waste reduction plans.	B
DEQ 10	Establishes permit fees for solid waste landfills.	B
DEQ 11	Performance bonds for landfills to cover costs of closing the fill.	B
DEQ 12	Hazardous waste: Upgrade state law to allow primacy under RCRA hazardous waste. Closure bonds, penalties, permit for on-site storage, license fee, deed notation.	B



STATE OF OREGON

INTEROFFICE MEMO

Joe Richards

TO: William Young, Director
Department of Environmental Quality DATE: June 3, 1980

FROM: *Chuck*
Charles L. Crump, Management Supervisor
Executive Department Budget and Management Division

SUBJECT: Additional Review Work on Agency Assessment

I believe I verbally mentioned to you that we were considering adding an economist/consultant to our study team in an attempt to assess some of the economic impact of environmental actions in the state. We have contracted with James Burke of Pacific Economicia to assist us in this effort. He may be contacting some of the program people directly with questions and requests for information.

Additionally, during my progress report to the Commission at the last meeting in May, I was asked regarding information being received from other states. We indicated early in the study progress, we would be issuing a questionnaire to other states. However, we revised our thinking too many times and set the questionnaire aside, concentrating on other activities. We have now reinstated that questionnaire, revised it somewhat, and are currently issuing it to a selected number of other states, approximately 15. We will be calling these people directly at the time we mail the questionnaire to expedite their returns.

Further, all the analysts on the team have indicated requiring additional time to compile the large amount of data collected, array it, analyze it, and develop a staff report. As you may imagine, this particular study has been a large undertaking.

As a result of the above, our initial draft report to you will be delayed approximately one month. I would anticipate the additional time will allow for a more complete and higher quality report to the Department.

At the time of the next Commission meeting, I will be out of state attending a conference with the Council of State Governments. I will have one of the other team members present our progress report.

CLC:cb

cc: Joe Richards, Chairman, Environmental Quality Commission
Team Members

MEMORANDUM

TO: Environmental Quality Commission
FROM: William H. Young
SUBJECT: Discussion of SB 925 Waste Reduction Program

DATE: June 20, 1980

During the February 22, 1980 EQC meeting, staff presented waste reduction guidelines (clarification of SB 925 waste reduction criteria) for adoption by the Commission. At that time, legal counsel was requested to submit an opinion as to authority, mandate or restraints on the EQC to promulgate rules implementing waste reduction requirements. Attached is counsel's opinion that the Commission is not prevented from writing rules and, in fact, if it is determined that rules are "necessary" the Commission must do so.

In the interim, two local governments have taken money from the Department with a commitment to develop a waste reduction program consistent with the adopted guidelines.

Department staff agrees that rules would be more acceptable, and enforceable, than guidelines. The one problem that could arise from rule adoption (expansion and clarification of the criteria) would be funding of projects to help develop a waste reduction plan when a literal reading of the law requires such a plan to be in place before funding.

At the present time the Department is addressing this problem by requiring local government to submit a waste reduction plan outline which covers each of the five general criteria in the law. In addition, the contract between the Department and the local government contains a requirement that local government develop a full waste reduction plan consistent with the guidelines within a specified time period. It is possible that wording could be inserted in the rules to express the above procedure.

Unless otherwise directed, it is staff's intent to return to the July EQC meeting with draft proposed rules for the Commission's review and with further recommendations.

/dro
Attachment

JAMES M. BROWN
Attorney General



DEPARTMENT OF JUSTICE

PORTLAND DIVISION
500 Pacific Building
520 S.W. Yamhill
Portland, Oregon 97204
Telephone: (503) 229-5725

April 17, 1980

Mr. Ernest A. Schmidt
Solid Waste Division
Department of Environmental
Quality
522 S.W. Fifth Avenue
Portland, OR 97204

Re: SB 925 (Chapter 773, Or Laws 1979)

Dear Ernie,

You requested in your March 28, 1980 memorandum to me that I review section 8a of SB 925 (Chapter 773, Or Laws 1979), now codified as ORS 459.055, as well as the report, dated March 11, 1980, of Katy Murphy, Research Analyst, to Representative Fadely, Chairman of the House Interim Committee on Environment and Energy, relating to the record of the consideration by the Oregon House of SB 925. You asked for an informal opinion as to the legal authority, mandate or restraints on the Environmental Quality Commission to promulgate rules implementing the waste reduction program requirements of section 8a.

In addition to making the review you requested, I have reviewed the record of the consideration of SB 925 by the Oregon Senate.

I have found nothing in the records of the Senate and House considerations of SB 925 upon which to base a conclusion as to the intent of the legislature to have, or not to have, the Environmental Quality Commission adopt rules implementing the waste reduction program requirements of section 8a. In the absence of such special legislative direction, the Commission must adhere to the general statutory requirements as to rulemaking.

A rule is broadly defined by ORS 183.310(7) as "any agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law

Mr. Ernest A. Schmidt
April 17, 1980
Page 2

or policy, or describes the procedure or practice requirements of any agency. . ."

ORS 468.020(1) provides:

"(1) In accordance with the applicable provisions of ORS 183.310 to 183.500, the Commission (the Environmental Quality Commission) shall adopt such rules and standards as it considers necessary and proper in performing the functions vested by law in the Commission."

More specifically as to solid waste management, ORS 459.045 provides that the Environmental Quality Commission shall adopt rules necessary to carry out ORS 459.005 to 459.105 and 459.205 to 459.285. Section 8a of SB 925 was, by legislative direction, made a part of ORS 459.005 to 459.105.

Therefore, in my opinion, the Commission is required to adopt rules necessary to carry out section 8a (now ORS 459.055), there being no evident legislative intent to the contrary, either in section 8a itself or in the legislative history of SB 925.

Please let me know if you have further questions regarding this matter.

Sincerely,



Raymond P. Underwood
Chief Council

dg
cc: Mr. William H. Young, Director
Department of Environmental
Quality
522 S.W. Fifth Street
Portland, OR 97204

HARRY S. OXENHANDLER, M.D.
PHYSICIAN & SURGEON
ACUPUNCTURE, NUTRITION
WHOLISTIC HEALTH COUNSELING



1515 N.W. Harrison Blvd.
Corvallis, Oregon 97330

By Appointment
Phone (503) 757-8970

6-4-79

To whom it concerns: This concerns:
Mr. Fred Hughes is a patient
of mine. He has complained of
headaches, insomnia, nervousness,
drowsiness and libidinal changes.
Since the installation of an
electrical transformer in the
vicinity of his home in October
or November of 1978. He claims
that the transformer is exter-
ordinarily loud and quite distur-
bing to him. Chronic exposure to
noise could very possibly account
for the above mentioned symptoms.
It is recommended that if such
noise is present that it be elim-
inated immediately.

Item K

Effects of Noise on Sleep

Dr. H. Wilson to International Congress on Noise as a Health Prob.

Other aspects of the pre-sleep state alter the sleep EEG profile, and possibly the subject's responsiveness to disturbing stimuli. For example, Lester et al (1967) reported that a moderate increase of daytime stress, such as that occasioned by a college examination, was associated with increased spontaneous arousal and inhibition of delta sleep. Jansen et al cites evidence that emotional factors, stress and neuroticism influence responsiveness to noise in waking subjects. It is reasonable to predict similar positive relationships between disturbed emotional states and responsiveness to noise during sleep. Indirect evidence for such a relationship comes from studies showing that 64 hr of sleep deprivation caused a systematic reduction in behavioral and physiological responsiveness to noise stimuli in all stages of sleep (Williams et al, 1964). Keefe and his colleagues (1971) suggest that the higher awakening thresholds found in their daytime sleepers may also have resulted from chronic loss of sleep.

Individual Differences

As mentioned earlier in this review, responsiveness to noise during sleep varies in relation to the age of the subject, sex, psychopathology and physical condition. The series of studies by Lukas and his co-workers used simulated sonic booms ranging in "outdoor" intensities from .06 to 5.0 psf, and recordings of subsonic jet flyovers, ranging in "outdoor" intensity from 101-119 PNdB. They found that children 5-8 years old were relatively undisturbed by either type of noise, whereas elderly men were much more disturbed than the younger subjects (Lukas and Kryter, 1970a and 1970b). In general, this age effect was confirmed by Collins' group, using simulated sonic booms with "outdoor" intensities of 1.0 psf. However, the average magnitude of boom effects was considerably less in Collins et al's investigation than in the studies by Lukas et al. (See Collins' report in this symposium.) Possible reasons for this difference include differences in instructions, scheduling of subjects and variation of the boom intensity parameter. Steinicke (1957) reported that both the elderly and people under thirty were more readily awakened by noise than the middle-aged, and that manual workers were more susceptible to noise awakening than intellectual workers. He concluded, incidentally, that the noise in bedrooms should not exceed 35 dB(A).

Although the sleep of small children and normal infants (e.g., Gadeke et al, 1969) is less disturbable by acoustic stimuli than that of adults, babies subjected to gestational difficulty or birth trauma may be hyperresponsive. Murphy (1969) on the basis of clinical observation suggested that the short gestation, anoxic or brain-injured infant, in particular, displays exceptional responsiveness to sounds. Bench and Parker (1971), however, in an interesting application of signal detection theory, failed to confirm this assertion. In fact, their short-gestation babies tended to have higher awakening thresholds than full-term infants.

For neutral auditory stimuli delivered during sleep, the threshold for EEG arousal responses is lower in women than men (Steinicke, 1957; Wilson and Zung, 1966). Lukas and Dobbs (1972) found similar greater sensitivity in middle-aged women to the sounds of subsonic jet aircraft flyovers and simulated sonic booms. The women were particularly responsive to the sound of aircraft flyovers. Wilson and Zung (1966) suggest that this

When unwanted sounds intrude into our environment, noise exists. We have all experienced to varying degrees the annoyance and irritation caused by noise. Sometimes this annoyance is brought about by disruption of our sleep or difficulty in falling asleep. At other times, it may be because we have to raise our voices over background noise to be heard or because we are distracted from our activities.

Except for the serious problem of hearing loss, there is no human illness known to be directly caused by noise. But throughout dozens of studies, noise has been clearly identified as an important cause of physical and psychological stress, and stress has been directly linked with many of our most common health problems. Thus, noise can be associated with many of these disabilities and diseases, which include heart disease, high blood pressure, headaches, fatigue and irritability.

Noise is also suspected to interfere with children's learning and with normal development of the unborn child. Noise is reported to have triggered extremely hostile behavior among persons presumably suffering from emotional illness. It is suspected to lower our resistance, in some cases, to the onset of infection and disease.

However, most Americans are largely unaware that noise poses

such significant dangers to their health and welfare. The reasons for this lack of awareness are clear. Noise is one of many environmental causes of stress and cannot easily be identified as the source of a particular physical or mental ailment by the layman. Another reason is that biomedical and behavioral research is only now at the point where health hazards stemming from noise can actually be named, even though some specific links have yet to be found.

Dr. William H. Stewart, former Surgeon General, in his keynote address to the 1969 Conference on Noise as a Public Health Hazard, made the following point: "Must we wait until we prove every link in the chain of causation? I stand firmly with (Surgeon General) Burney's statement of 10 years ago. In protecting health, absolute proof comes late. To wait for it is to invite disaster or to prolong suffering unnecessarily. I submit that those things within man's power to control which impact upon the individual in a negative way, which infringe upon his sense of integrity, and interrupt his pursuit of fulfillment, are hazards to public health."

It is finally clear that noise is a significant hazard to public health. Truly, noise is more than just an annoyance.

It's not «just a little.»

Have you ever walked from a crowded, noisy street into a quiet room and noticed your ears ringing? Ever felt your blood pressure rising while a jack hammer tore up the street as you walked by? Or felt yourself becoming frustrated when you couldn't hear someone speak over the roar of a vacuum cleaner?

If you can answer "yes" to any of the above questions, then you are a victim of noise pollution. Doctors have discovered that too much noise in a person's environment can cause fatigue, weight loss, ulcers, high blood pressure - even a nervous breakdown. And these are all in addition to what we most commonly associate with noise - hearing loss.

Many physical and mental problems caused by noise pollution are just beginning to be discovered. For example there are studies underway to find out if constant background noise in the home may be one cause of learning problems in children. Researchers believe that this kind of noise creates a din over which it is hard for children to understand home conversation. The conversation that a child hears around the home usually is the basis for understanding words in the classroom.

The present noise barrier and associated suppression equipment has reduced noise from the substation approximately 10 to 12 dB in the 125 Hertz octave band. This degree of noise suppression, of 120 Hertz transformer hum, is as great as could be expected from a barrier of practicable height. The present barrier is approximately 20 feet in height and the transformer is approximately 12 feet in height.

The Commission may grant a variance from the noise control rules if any of four conditions are met. BPA maintains that facts support the variance for all the criteria.

BPA claims that conditions exist that are beyond their control to fully comply. A new, hopefully quieter, transformer would require approximately 12 to 13 months for delivery. BPA is not sure that an alternate transformer would operate at lower sound levels than the present unit.

BPA believes that special circumstances rendering strict compliance are unreasonable, unduly burdensome or impractical. Transformer replacement would be an "undertaking of substantial magnitude." Furthermore, BPA believes the considerable effort and expense to reduce noise levels to slightly above the 56 dB nighttime standard should be acceptable as a reasonable interim control measure.

BPA noted that strict compliance may require the closing down of the substation and would result in the loss of electric power to more than 1,800 customers. The lack of such service would result in the closing down of homes, businesses and industries.

BPA believes that the fourth condition is also met in that no other alternate facility or method of operating is yet available. Construction of a replacement substation is on schedule; however the planning, environmental assessment, purchase of land and equipment and eventual completion will require until the fall of 1982.

Staff agrees with BPA that the conditions for granting a variance are met and is justified for this slight exceedance of the standards. BPA claims a replacement substation will be operational by late 1982, therefore any variance would expire at that time. In addition, reports on the progress of the replacement substation would be submitted. If, for some reason the replacement substation project were cancelled or substantially delayed, immediate additional work at the Wren Substation to achieve full compliance could be required.

Summation

The following facts and conclusions are offered:

1. Bonneville Power Administration owns and operates an electric power substation in Wren, Benton County, that exceeds the nighttime (10 pm to 7 am) noise standards.

Los Angeles Office
21120 Vanowen Street
Post Office Box 633
Canoga Park, CA 91305
Telephone (213) 347-8360

MAR 28 1980

Bolt Beranek and Newman Inc.

Consulting Equipment Research

26 March 1980

Bonneville Power Administration
P.O. Box 3621
1302 Holladay Avenue
Portland, Oregon 97208

Subject: Wren Substation - Post-Modification Evaluation
 SBN Project 164637

Dear Mr. Swenson:

In this brief report we present and discuss the findings of the post-modification studies carried out at Wren Substation on the afternoon and evening of 26 February, 1980.

INTRODUCTION

In our letter report of 20 December 1979 we identified a number of reasons why the "Soundfighter" barrier system, as it existed at that time, was behaving inefficiently.

- The combined effect of limited absorption coupled with unfortunate spacing between the south leg of the barrier and the transformer tank wall seemed to be causing excessive "buildup" due to interspace reverberation.
- The many gaps existing between adjacent elements (moulded plastic bricks) and between these elements and the supporting framework were reducing substantially the effective transmission loss of the barrier wall.
- The limited lateral extent of the barrier wall, especially to the east, detracted from its effectiveness at the complainant's property.

We estimated that the barrier construction extended laterally, properly sealed and provided with improved sound absorption should provide an overall attenuation, relative to the unscreened condition, of about 9 dB at the complainant's

60
192

Far-Field Data - Data were acquired at Locations 1 to 12 shown in Figure 1 of our report of 20 December 1979. The results are shown in Table I, together with the results obtained in the pre-modification survey.

All of these data were obtained using the "maximum search" technique. Each data point represents the maximum level detected by traversing the microphone over a ± 3 ft. arc centered on the nominal measurement position. These data indicate that towards the south (in the direction of the complainant's house) the barrier performance has been improved, by the modifications, to the extent of about 6 dB.

In the course of these measurements it became evident that there are several difficulties in measuring tonal noise in this particular substation situation.* The problems appear to be due to the rather sharp directivity pattern emanating from this transformer installation, coupled with the fact that wave interference effects arise because of reflections from the north face of the complainant's house.

These effects combine with temporal changes in the source itself to produce a spatially and temporally complex radiation pattern. It becomes, in effect, difficult to measure the source in a way which can be reliably used for determining compliance with the State of Oregon noise regulations.

In an attempt to overcome this problem we undertook a series of east-to-west traverses across the north face of the complainant's house at a height above ground level of about 5 ft. The "maximum search" technique was not used. In other words each level recorded was the level measured at a particular position in space.

Each traverse consisted of eleven equally spaced locations, the first in line with the east wall of the house and the last in line with the west wall.

The data are summarized in Table II. We have normalized the traverse data taken at 12 inches from the north face of the house to the 25 ft. noise ordinance distance and in addition "normalized out" the pressure doubling that would be expected to occur at these close-in locations.

* In other BPA studies, such as McLoughlin, the measurement problems encountered have generally been less severe.

The 10 ft. traverse data are shown normalized to the 25 ft. distance, but without any allowance for build-up due to reflections that might be expected at this distance (which is close to one wavelength).

An indication of the magnitude of phase interference effects is found by separately analysing the results of each of the four traverses taken at the nominal 25 ft. distance from the complainant's house. (Each traverse was made at a slightly different distance in the range 23 to 27 ft.) The average traverse levels varied between 57 dB and 60 dB while the peak levels varied between 62 dB and 67 dB.

In our letter report of 20 December 1979, we concluded from our data that ".... In the absence of barrier screening, the transformer generates at 120 Hz and at 125 ft. distance, an average sound pressure level of about 69 dB Our data indicated peaks reaching 73 to 75 dB at positions to the east and west of the transformer. Data collected by BPA in November 1978 show the presence of a peak to the south also."

This statement (modified to the 110 ft. normalization distance) taken in combination with the results given in Table II, suggests that the barrier as presently constructed has attenuated the average level at 120 Hz by about 13 dB and the peak level by about 8 dB. On the other hand, the data given in Table I suggest that 120 Hz levels to the south of the barrier wall have been reduced by, on average, 6 dB below those that existed prior to barrier modification. This figure taken in combination with the 3 dB barrier effectiveness estimated in our report of 20 December 1979, suggests that now the barrier has an average effectiveness to the south of about 9 dB. These average attenuation estimates straddle the 10 - 11 dB reduction expected from an efficiently operating barrier of the Wren Substation design. The data of course also illustrate the problem of making accurate performance estimates, especially when the "before" condition is not sufficiently documented.

Close-In Data - During the course of our visit we closely inspected the noise conditions occurring within the transformer/barrier interspace and outside the barrier also. [It was in these locations that, on our previous visit, two of the major shortcomings of the pre-modification barrier design were evident.] Some limited data were obtained also.

The transmission loss performance of the barrier -- especially of the south leg -- has been substantially improved. The standing-wave pattern that was observed previously between the south end of the transformer bank and the south leg of the barrier wall has also been substantially modified.

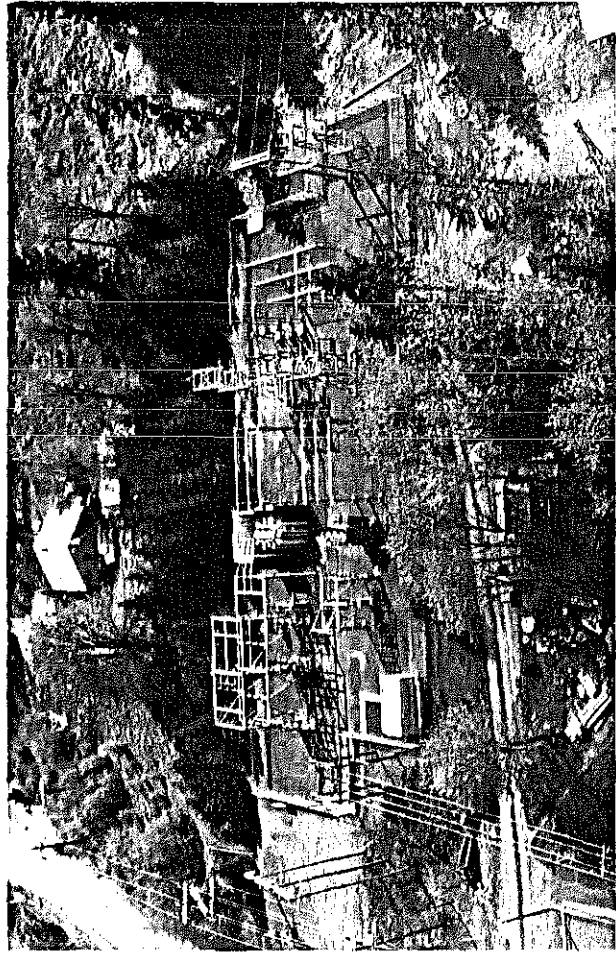
We find that the average 120 Hz levels measured on the outside surface of the south and west legs respectively are now 75 dB and 80 dB compared to 81 dB and 82 dB prior to modification. The apparent noise reduction afforded by each wall, respectively, is 21 dB and 12 dB compared to 15 dB and 10 dB prior to modification.

The transmission loss performance of the south leg of the barrier has been substantially improved. The wall now probably approaches the 16 to 18 dB figure claimed by Soundfighter.

It is clear now, the major effects of interspace reverberation having been controlled, that the Wren Substation transformer does generate 120 Hz sound more strongly to the south than it does in most other directions. Now, however, the barrier construction is able to attenuate this radiation as effectively as its dimensional constraints (primarily height) will allow.



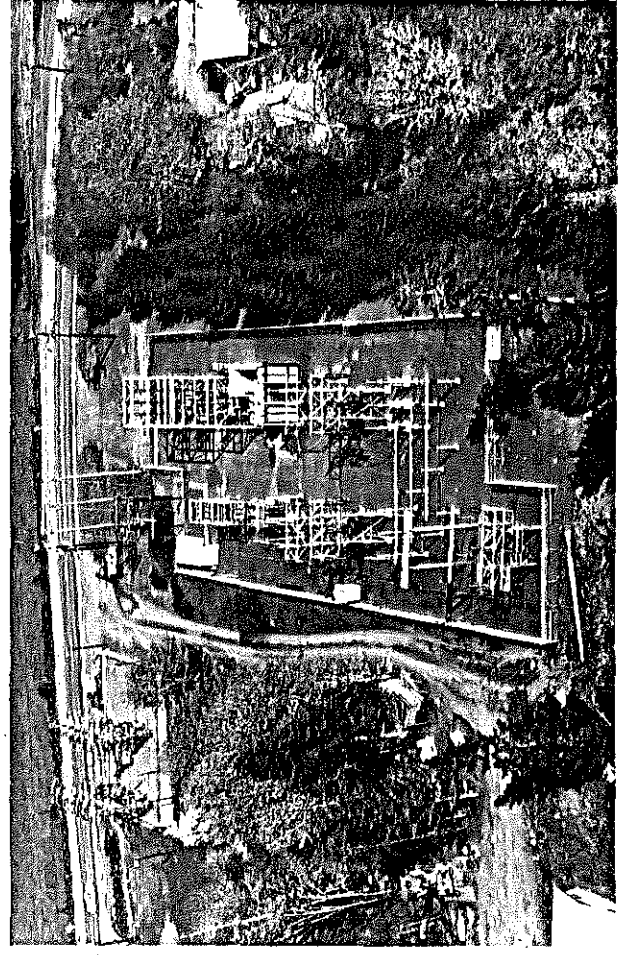
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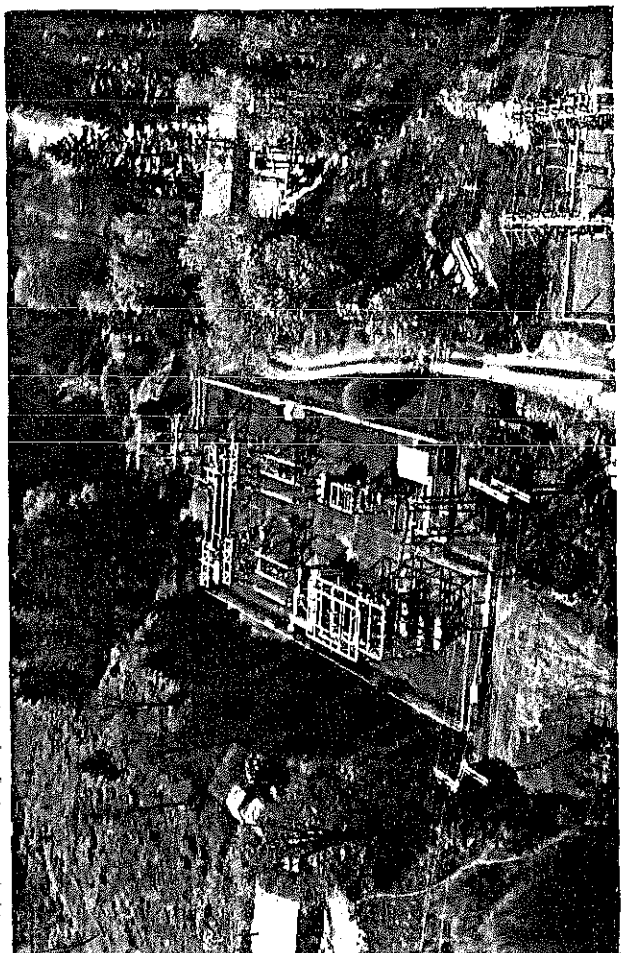
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WREN SUBSTATION

April 1980



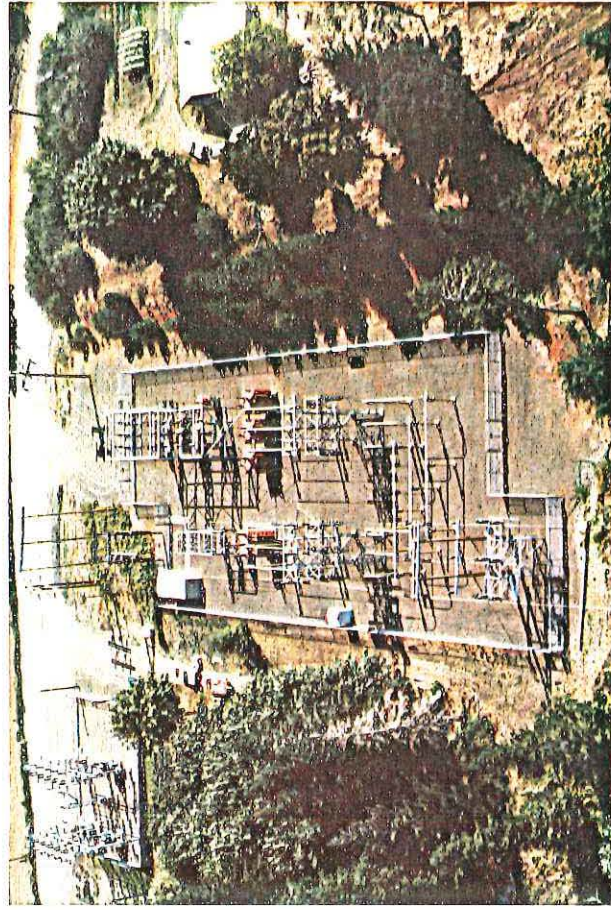
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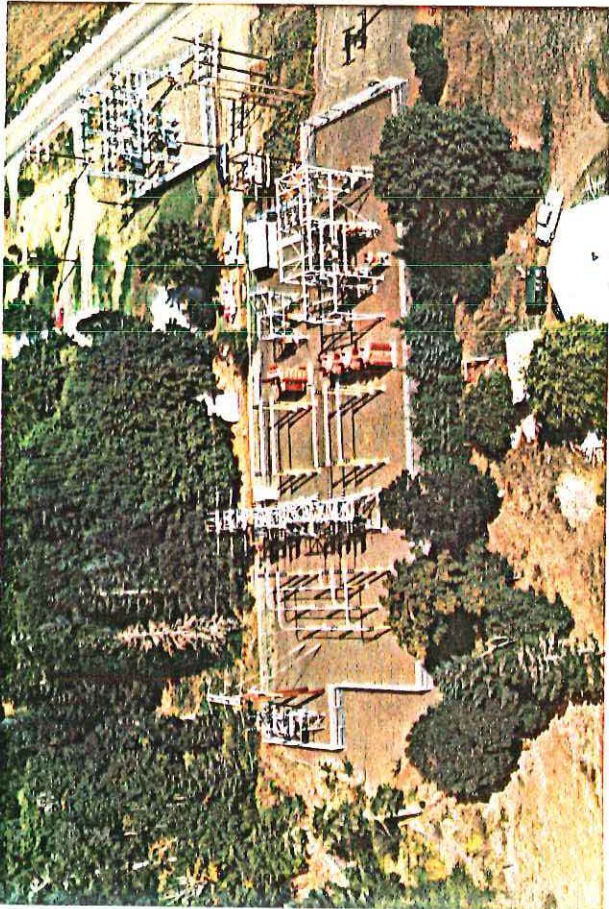
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WREN

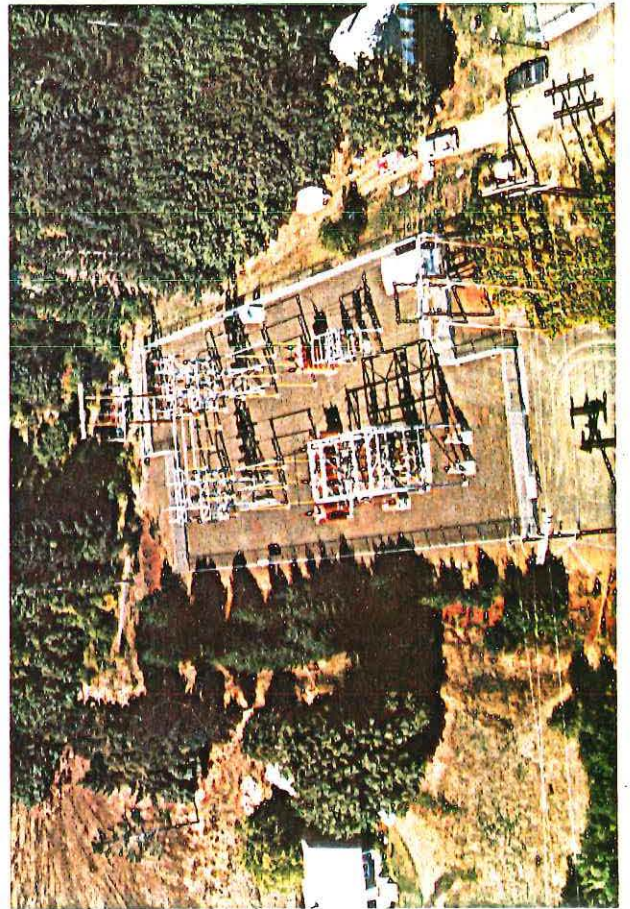
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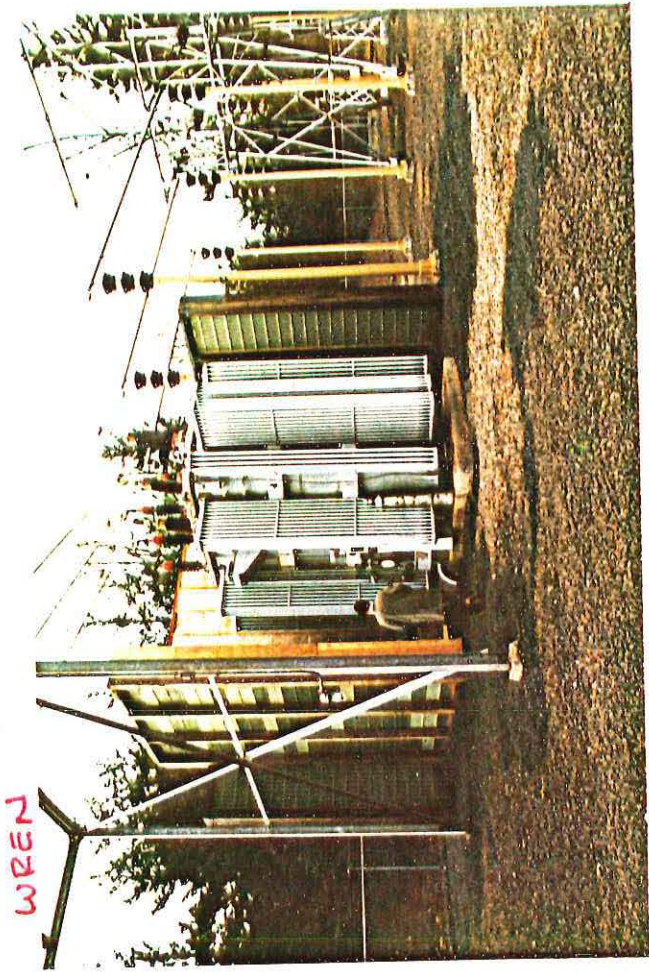


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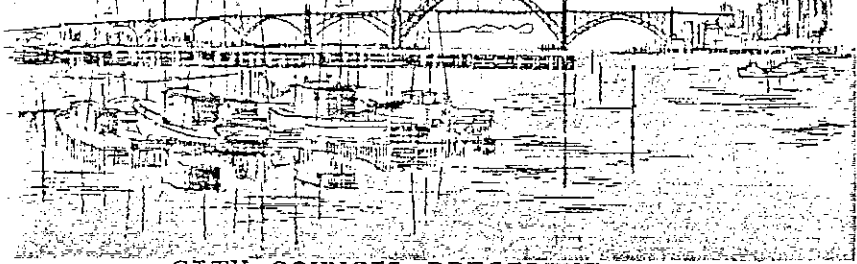


17





Sound Barrier



OFFICE OF CITY COUNCIL PRESIDENT

CITY OF NEWPORT

810 S.W. ALDER STREET

NEWPORT, OREGON, 97365

(503) 265-5331

why

June 18, 1980

Department of Environmental Quality
522 SW Fifth Avenue
P.O. Box 1760
Portland, Oregon 97207

RE: City of Newport
Agate Beach Disposal Site

Gentlemen:

We are informed that you intend to recommend to the Environmental Quality Commission at its June 20, 1980 meeting that the variances for open burning at the North Lincoln and Waldport disposal sites not be extended beyond July 1, 1980. Further, that you have advised both franchise collectors from the North Lincoln and Waldport areas to transfer their solid waste volume to the Agate Beach site owned by the City of Newport.

Your direction to the franchise haulers and your recommendation that the variances not be extended are contrary to the goals and best interests of the City of Newport.

The City of Newport has had a representative on the Lincoln County Solid Waste Committee for nearly ten years, in an attempt to resolve the solid waste problem in Lincoln County. The City was willing in the middle 1970's to accommodate the recommendation of the June, 1974 Lincoln County Solid Waste Plan to locate a solid waste disposal facility at the Agate Beach site to serve the entire County, but this plan did not recommend a sanitary landfill but a hammer mill. The people of Lincoln County passed a general obligation bond issue to fund this facility. A copy of the mailer sent to all City residents with their utility bills is enclosed. Nothing came of this, and the County started over by hiring another consultant to seek a sanitary landfill site in the County. Newport's position has always been that the solid waste problem was a county-wide problem and should be solved at that level of government. Without a County plan for area drop boxes and transfer stations, the state is not solving the solid waste problem in this County by closing dumps, but worsening it. Road side dumping will increase greatly.

Letter to the Department of
Environmental Quality
18 June 1980
Page 2.

We further object to only those people that pay for garbage service being forced to finance the others that also generate solid waste but do not pay for the solution to the problem. Newport's citizens bought this site and paid for its initial development, and we object to increasing the solid waste at the Agate Beach site beyond that which is presently being placed there.

The County has authorized a study for selection of an alternative disposal site for Lincoln County, which has resulted in the selection of the Moolack Creek site by the Phase II report of R.A. Wright Engineering. We are certain you have seen that report since you participated in its funding.

Having seen the report, you have to be aware that the Moolack Creek site is from one to two years from completion and that there are other fears being expressed that it is an active geologic fault area and that the cost of constructing and operating the site will not be cost effective or reasonable to the ultimate consumer. Additional concerns arise concerning funding since we understand all monies for such purposes are now frozen due to State Executive Department action.

We object to your requesting or suggesting to other area operators that they have their solid waste volume transferred to our Agate Beach site.

There appears to be no logical reasons for the staff's resistance to allowing an extension of the burning variances for both sites. Without such variance, we are told that the North Lincoln collector will be out of space for further disposal by the end of summer, 1980.

The Mayor of the City of Waldport, Oregon appeared before our Council on June 16, 1980 and explained the disposal site under lease by them was adequate for future use and quite possibly one of the best potential disposal sites in Lincoln County. He also said the Waldport City Council had never received a complaint about the disposal site or the burning. At that meeting, we specifically indicated our disinterest in receiving the South Lincoln County solid waste volume at our Agate Beach site.

Until the Moolack Creek site or some other alternative site or disposal method is accomplished, we can see no alternative but to allow the present sites to continue operating.

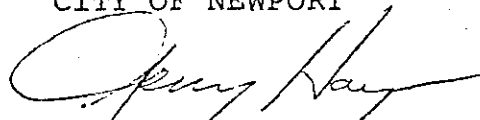
Letter to the Department of
Environmental Quality
18 June 1980
Page 3.

It now appears that the primary causes for delaying these alternatives rests with you and the engineering firm conducting the study. We understand the soils test samples from the Moolack Creek site study have not as yet been reduced and that an additional \$10,000 is being requested for that purpose. The study was to be completed in the fall of 1979. The report was finally circulated in May, 1980. No action has been taken to our knowledge to implement the study by the start of construction nor is such action contemplated in the near future until all tests are complete and funding assured.

It seems to serve no useful purpose to put pressure upon the collectors and their disposal sites when none of the fault lies with them. The variances should be extended until there is an alternative disposal site.

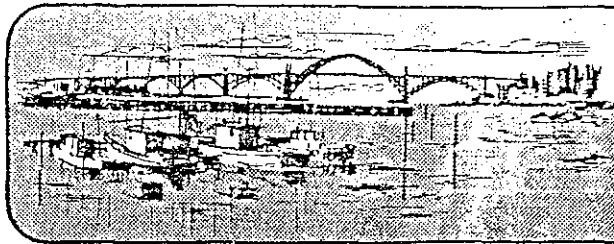
Sincerely,

CITY OF NEWPORT



J. Edgar Hayes
Council President in
absence of Mayor

JEH/mas
Enclosure



NEWS of NEWPORT

Vol. 2 No. 3
Aug./Sept., 1975

Solid waste disposal plan to go to voters

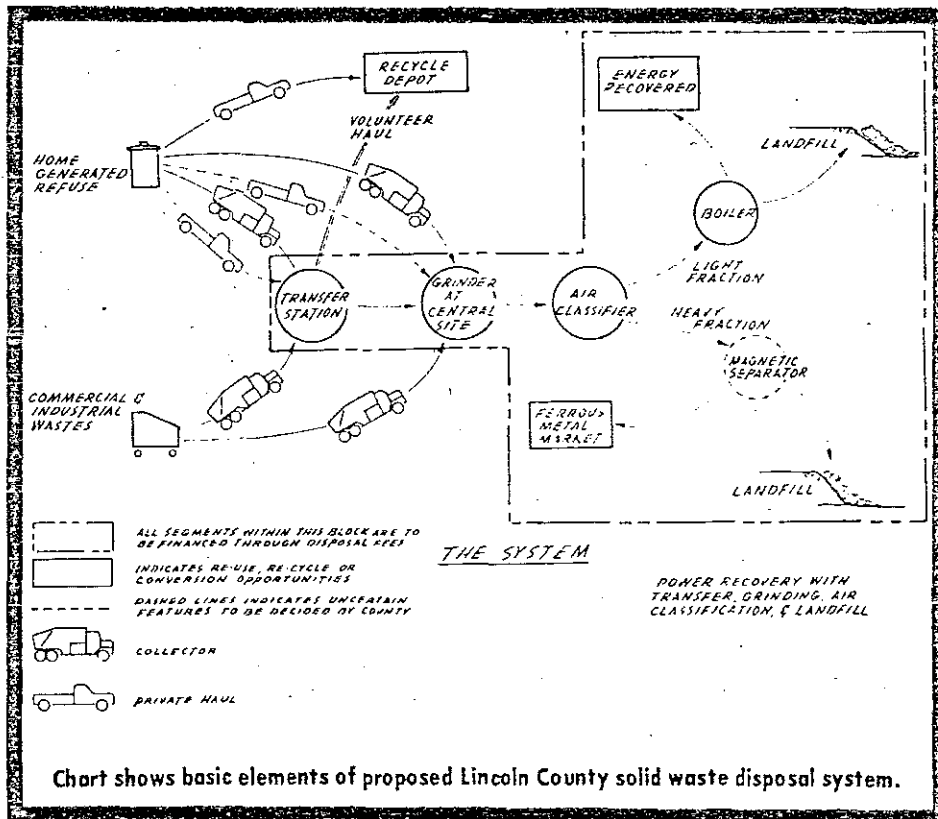


Chart shows basic elements of proposed Lincoln County solid waste disposal system.

Newport may soon find all of Lincoln County's garbage in its backyard.

But don't panic. It's doubtful the Agate Beach landfill will rise up to blanket the city with egg shells and coffee grinds. In fact, once the refuse is processed, there probably won't even be anything identifiable as egg shells and coffee grinds.

It's all part of a plan for handling the county's solid waste problem drawn up by the Portland consulting engineers' firm of Urna Nortec, Inc.

Basically the proposed management plan calls for closure of all garbage dumps in the county except the Agate Beach landfill.

(Continued on page 2)

More About Solid waste disposal

(Continued from page 1)

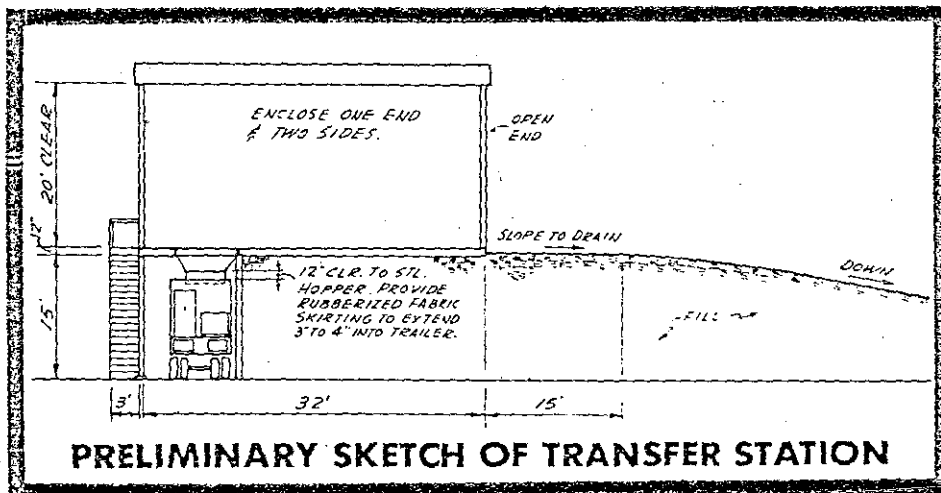
"All four of the landfills are now being operated uneconomically," said Paul Brookhyser of the county planning department. "The Department of Environmental Quality (D.E.Q.) requires that all garbage be covered daily. The alternative is to be closed down by the D.E.Q.—which is going to happen if we don't come up with another means of handling it."

Under plan, all the county's solid waste would be trucked to Agate Beach, where it will be ground up and separated into burnable and non-burnable portions.

Brookhyser said, all of the county's refuse can be processed in an economical manner.

What's it all going to cost? If things go according to schedule, Lincoln County voters be asked to approve a \$420,000 general obligation bond issue this fall which will finance 70 percent of the estimated \$600,000 capital expenditure for the needed grinding and separating equipment and transfer stations.

The D.E.Q. will grant the county the remaining 30 percent of the construction expense and will make a loan available for the rest by means of low



This grinding and separating process will have at least two beneficial effects. First, the burnable portion (estimated to be about 70 percent of the total weight) will have a ready market for use in a local hog fuel-boiler. The county hopes to realize some \$60,000 per year from the sale of the wood and paper, which would be used to help offset capital expenditures.

By setting up the necessary equipment only at the Agate Beach site,

interest bonds.

In addition, if the bond issue passes, each household in the county will be assessed \$12 per year to meet the system's estimated \$130,000 annual operating costs, plus another \$40,000 per year to retire the bonds.

Industrial and commercial generators of waste will also be assessed part of the operating costs through a fee based on volume.

(Continued on page 4)

More About

Solid waste disposal

(Continued from page 2)

What kind of a system will that money buy? One, it is hoped, that will get the job done economically and in a way that will meet D.E.Q. requirements.

A major feature of the proposed system is the planned network of convenience stations and transfer stations designed to handle the problems of getting all of the county's garbage to one site.

Brookhyser said that a preliminary map has been prepared showing nine possible sites for convenience stations. A variety of types of stations are also being considered.

"The simplest type of stations would be refuse containers similar to those found along highways for tourists, but placed out of view of main-travelled highways so they would be used by residents and not tourists," he said. "A more sophisticated type would be a series of drop boxes where a large trailer would be left for depositing trash. A truck would come by regularly to pick up the full box and leave an empty one."

Brookhyser said there would be no charge at any of the convenience or transfer stations.

Residents who now have their garbage collected by private collection service would continue to do so. All refuse would be trucked to Agate Beach or to transfer sites instead of to private dumps.

And although collectors will not be charged for dumping at Agate Beach or the transfer sites, and will also be eliminating the cost of maintaining a private dump, the transportation problems will involve some additional operating expenses.

For example, "the guy up in the north end will have to purchase and operate

one additional truck," Brookhyser said. "The county will work out some kind of formula, based on mileage or time, to compensate those operators who will face additional expenses."

Once the refuse reaches Agate Beach, it will be ground up and separated into burnable (wood and paper) and non-burnable (glass, cans and rocks) portions.

An electric magnet will pick out valuable ferrous metals from the non-burnable portion. The remainder will be stored in a trench.

This grinding and separating process will have at least two beneficial effects. First, the burnable portion will be sold to a local industry to be used as fuel for generating steam. The county could realize some \$60,000 per year from the sale of the wood and paper which would be used to offset capital expenditures.

Secondly, the non-burnable refuse which remains will not have to be buried daily to meet D.E.Q. requirements.

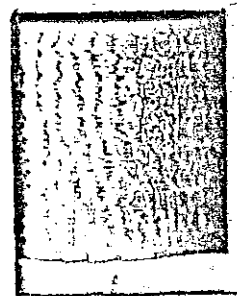
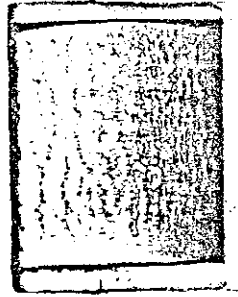
"By grinding the refuse up, you've got an acceptable alternative to daily covering," Brookhyser said. "By the time the material goes through the grinder it is homogeneous mixture. There's no large spaces left for rats to live in and no identifiable food left for rats or birds."

Brookhyser said that a dump in the Midwest which began using this process experienced no infestation of rats over a period of several months, even though it was located adjacent to an area known to have a fairly high rodent population.

"News of Newport"

is published monthly
by the City of Newport

Editor:  Dove Parden





County of Lincoln

Board of County Commissioners

Courthouse, Room 201
225 West Olive Street
Newport, Oregon 97365
(503) 265-6611, Ext. 263

June 18, 1980

Environmental Quality Commission
Box 1760
Portland, Oregon 97207

Gentlemen:

Regarding the progress of the Lincoln County landfill site search, and the variances permitting open burning at the Lincoln City and Waldport sites within Lincoln County:

D.E.Q. staff memorandums of late and letters to the Lincoln County Board of Commissioners indicate the D.E.Q. feels that Lincoln County is not proceeding expeditiously and possibly not in good faith, regarding progress on the landfill site search.

The Board would like to respond that it is following the recommendation of R.A. Wright's Phase II report, and indeed Mr. Gilbert's own recommendation in his May 13, 1980 letter to the board, namely that final soils work be done.

Mr. Gilbert's May 13, 1980 letter to the Board stated that "the Department is in agreement with the findings of the study" and that "the Department would therefore encourage Lincoln County to proceed with additional soils testing to clarify any concerns regarding the ancient landslide."

Mr. Stater, Lincoln County Temporary Solid Waste Administrator, reviewed in his June 17, 1980 letter to Mr. Gilbert the Board's continuing position that before the County commits to acquiring the land, and financing, the County should receive assurance from the D.E.Q. that the site will be acceptable. The County, therefore, requests that either a statement that the site will be acceptable, period, to D.E.Q. without final soils work OR that adequate funds from the D.E.Q. to do final soils work be provided.

Concerning steps the Board has taken to implement the Moolach Creek site when it becomes certain that the site is feasible, the Board has made some progress.

The County Counsel with the Board has completed all zoning and comprehensive plan work. This is done. The Board understands that in some other counties acquiring proper zoning for possible landfill sites has been a large roadblock.

Concerning acquisition of land at the Moolach Creek site, the Board has been in, and continues to be in, negotiations with the owners for County acquisition.

The Board is committed to having an acceptable solid waste disposal system for the County. Recent extreme monetary shortages have made it imperative that the Board be very prudent in any matters which will cost the County money. Hence the County's insistence upon an orderly process of landfill site search and development, with assurances that County monies spent will have tangible results.

The County's monetary problems may not be unlike the State's very current position where State monies spent will have to be scrutinized very carefully. The apparent difficulties the State may have in extending 30% grant monies as planned toward development of a Lincoln County landfill system may put us all in a position where it is difficult to proceed as rapidly as we all would wish.

Regarding variances permitting continued open burning:

The Board was represented at a meeting called by the Lincoln County Haulers Association June 5, 1980 in Salem. In attendance were Bill Young and several members of the Solid Waste Division staff.

The result of that meeting was that after five and one half hours of discussion, no agreement was reached as to what must be scheduled to be done in order to alleviate the immediate difficulties for the haulers and the County that a July 1 cessation of open burning would cause, at this stage in the process of site search and development.

We feel that the failure of this meeting illustrates the need for more and better communication between all parties concerned.

We feel that development of an acceptable landfill system will be difficult enough given monetary and public relations parameters, without encouraging adversary relationships which denial of variances at this stage of the process might very well do.

Lincoln County therefore proposes a six months extension, or for whatever period is acceptable to the Commission, in order to cooperatively work out and begin to implement a development schedule that is agreeable to all.

For the Lincoln County Board of Commissioners:


Albert Strand, Commissioner



County of Lincoln

Board of County Commissioners

Courthouse, Room 201
225 West Olive Street
Newport, Oregon 97365
(503) 265-6611, Ext. 263

June 18, 1980

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Mr. Stater says
of Lincoln - out of business
Waldport - low soil
Newport - would accept material
County - want more solid grant money
is available
- each city is requested

your staff did not ask Newport
extend an indefinite time.

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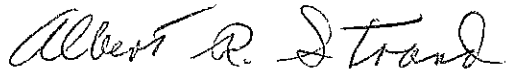
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Lincoln County therefore proposes a six months extension, or for whatever period is acceptable to the Commission, in order to cooperatively work out and begin to implement a development schedule that is agreeable to all.

For the Lincoln County Board of Commissioners:

A handwritten signature in cursive script that reads "Albert R. Strand". The signature is written in dark ink and is positioned above the printed name.

Albert Strand, Commissioner

MEMORANDUM

lane county



TO Environmental Quality Commission
FROM Roy Burns, Water Pollution Control-Lane County
SUBJECT Adoption of Rules "Capping Fill" DATE June 16, 1980
OAR 340-71-039

We support adoption of the proposed rules as temporary rules. We recognize that refinements and changes will occur when the rules are reviewed in a total package over the next few months.

Any variance program needs periodic review. If a single type of variance becomes routine and predictable it should be converted to a standard allowed method. The capping fill clearly meets this criteria. We have been able to accurately predict variance officer approval of sites for capping fill for some time. This ability is shared by most personnel in contract counties and DEQ regional offices. This predictability is based upon "unwritten" standards for design of capping fills. We evaluated capping fill installations that had been constructed under variance permits and found the systems to be operating satisfactorily. We support adoption of the proposed rule based upon:

- 1) Capping fill design standards are known and have been developed by technical staff.
- 2) Properly designed, constructed and maintained capping fill installations offer a viable alternative system design.
- 3) Contract county personnel are qualified to design and control construction of capping fills.
- 4) Administration of capping fill alternative systems by contract county personnel as an alternative system will require less time than currently required by the variance program.

RLB/jbw

LUCKY BUTTE ENTERPRISES

June 16, 1980

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

Gentlemen:

With reference to Robert Free's letter of today's date, I, as the developer of Eagle Springs, want to express my complete concurrence with his letter and specifically the amendment to section (j) of the proposed capping fill rules.

In anticipation of a close working relationship with the Department of Environmental Quality over the next 5 to 7 years, I need assurance at the outset that there is room economically for a project like Eagle Springs within the scope of the new rules.

Sincerely,



Alan D. Caldwell

cc: Mark Ronayne/Jack Osborne
Department of Environmental Quality
Don Bramhall
Department of Environmental Quality
Tom Throop
State Representative
Bob Free
On-Site Waste Water Systems

Management Services Div.
Dept. of Environmental Quality
RECEIVED
JUN 13 1980

ADDENDUM (PAGE 10) Agenda item Q

VOLKSWAGEN

[1979]1975 through 1980 catalyst equipped[all others] 0.5 0.5

THOMAS FENDER, P.C.
LAWYERS
POST OFFICE BOX 2208
SALEM, OREGON 97308

TELEPHONE
(503) 399-9801

CLIENT REFERENCE

June 20, 1980

Joe Richards, Chairman
Environmental Quality Commission
522 S. W. 5th
Portland, OR 97204

Re: Item ④, EQC Meeting, June 20, 1980

Dear Mr. Richards:

As the representative of the Automotive Safety and Equipment Association, I would appreciate five minutes to address the Commission on Item ④ as it relates to aftermarket turbo-charger installations.

We are an interested party and offered testimony during the administrative hearings. Additionally, we believe that the policy articulated in the proposed rule is in conflict with legislative intent on this issue, in that the rule effectively prevents custom installations of turbocharger components.

Sincerely,

Tom Fender

TF/ly

1 (2) It shall be unlawful for any person to modify or alter a certified system or a factory-installed system, as
2 defined in ORS 468.360, in a manner which decreases its efficiency or effectiveness in the control of air
3 pollution.

4 (3) (a) The provisions of subsections (1) and (2) of this section do not apply when factory-installed motor
5 vehicle air pollution control equipment, systems or devices are disconnected for the purpose of conversion to
6 gaseous fuels.

7 (b) As used in this subsection, "gaseous fuels" includes, but is not limited to, liquefied petroleum gases
8 and natural gases in liquefied or gaseous form.

9 (4) The provisions of subsections (1) and (2) of this section are not intended to prohibit the use of
10 replacement, [or] conversion, turbocharger, or other alternative components in a certified or factory-installed
11 system, if the components do not significantly affect the efficiency or effectiveness of the system in controlling
12 air pollution.

emission control efficiency. The Department will maintain a listing of those parts which have been determined to adversely effect emission control efficiency.

(b) The use of a non-original equipment aftermarket part or system as an add-on, auxiliary, augmenting, or secondary part or system, is not considered to be a violation of ORS 483.825(2), if such a part or system [is listed on the exemption list

maintained by the Department.] is on the exemption list of "Modifications to Motor Vehicle Emission Control System Permitted Under California Vehicle Code Section 27156 granted by the Air Resources Board," or is on the list maintained by the U.S. Environmental Protection Agency of "Certified to EPA Standards," or has been determined after review of testing data by the Department that there is no decrease in the efficiency or effectiveness in the control of air pollution.

(c) Adjustments or alterations of a particular part or system parameter, is done for purposes of maintenance or repair according to the vehicle or engine manufacturer's instructions, are not considered violations of ORS 483.825(2)!

(5) A 1970 and newer model motor vehicle which has been converted to operate on gaseous fuels shall not be considered in violation of ORS 483.825(1) or (2) when elements of the factory-installed motor vehicle air pollution control system are disconnected for the purpose of conversion to gaseous fuel as authorized by ORS 483.825(3).

→ is a turbocharger installed in such a manner so as to retain all required elements of the factory-installed motor vehicle pollution control system, or

Jan Shaw

Jan D. Sokol
ATTORNEY AT LAW
2915 N.E. DAVIS STREET
PORTLAND, OREGON 972 32
508 - 233-0336

June 19, 1980

TO: Marianne ^{mt}Fitzgerald
FROM: Jan Sokol *Jan*
RE: EQC Agenda Item R, June 20, 1980 Meeting

Please find enclosed material in support of OSPIRG's position on the above agenda item. I have enclosed copies for the EQC members, a copy for Bill Young and an extra copy.

Could you please see that these copies are distributed. If you have any questions, you can reach me at 221-6431. Thanks!

Jan D. Sokol
ATTORNEY AT LAW
2915 N.E. DAVIS STREET
PORTLAND, OREGON 972 32
503 - 233-0338

June 19, 1980

Joe B. Richards, Chairman
Environmental Quality Commission
Portland, Oregon 97204

Fred Burgess
Environmental Quality Commission
Portland, Oregon 97204

Ronald M. Somers
Environmental Quality Commission
Portland, Oregon 97204

Mary Bishop
Environmental Quality Commission
Portland, Oregon 97204

Al Densmore
Environmental Quality Commission
Portland, Oregon 97204

RE: Agenda Item R, June 20, 1980, EQC Meeting

Dear Commissioners:

This letter is submitted in support of the Oregon Student Public Interest Research Group's (OSPIRG) position on the above matter. Because this item is not scheduled at a time-certain, I may not be present when you discuss this matter.

Our position is adequately set forth in my letter of November 19, 1979, to Bill Young (Attachment 1 to Staff Report). I have only a few things to add in light of the Staff Report.

1. My notes of the June 29, 1979 meeting indicate that it was your intention to submit to EPA the 0.08 ppm attainment schedule as a SIP submission. You believed that because you were going to adopt a timetable to achieve the 0.08 ppm standard, that timetable should be included in the State's overall clean air strategy submitted to EPA; only in this way could it be assured that such a timetable would be achieved. The Commission should authorize a hearing to consider a revised SIP submittal which includes the timetable.

2. I agree with the staff that you did not indicate whether or not the state ozone attainment schedule was adopted as a rule. I think it should. I agree with the staff's suggestion that you should authorize a hearing for this purpose (This hearing could take place at the same time as the SIP submittal hearing.)

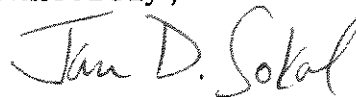
3. On Attachment 2 to the Staff Report, the Staff indicates

that the EPA may not fund the preparation or implementation plans for the more stringent state standard. This may be true, but other sources may be available. At a meeting of the lead agencies on June 19, 1979, a representative of ODOT indicated that transportation planning funds might be available for preparing and implementing strategies necessary to achieve the state standard. In addition, the unified work program, which provides technical assistance to local jurisdictions and which receives both federal and state funds, may be available for 0.08 ppm strategy development.

4. When DEQ/MSD presented the Portland Air Quality Advisory Committee with a preliminary workup on ozone in early 1979, only the .12 ppm federal standard was considered. I pointed out that the State law was still 0.08 ppm and that a similar workup should be done for this standard. I was assured by the staff at that time that such a workup would take little time and involve minimal extra costs.

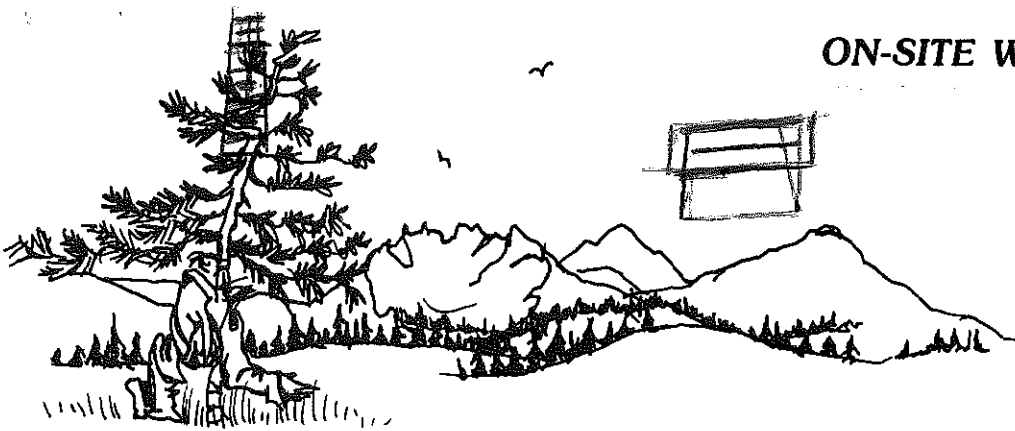
In conclusion, we urge you to authorize public hearings on a revised ozone SIP submittal and state rule which establishes the state ozone standard attainment schedule as part of Oregon's overall clean air strategy.

Sincerely,



JAN D. SOKOL
OSPIRG'S REPRESENTATIVE TO
THE PORTLAND AIR QUALITY
ADVISORY COMMITTEE

cc: Bill Young
Ross Williams
Melinda Renstrom



ON-SITE WASTEWATER SYSTEMS

61555 Parrell Road

Suite H

Bend, Oregon 97701

Bus. 388-3995

Res. 389-1419

June 16, 1980

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

Management Services Div.
Dept. of Environmental Quality

RECEIVED
JUN 18 1980

Gentlemen:

I represent the developer of a rather unique recreational project currently planned for Crook County. The project will be called Eagle Springs and is to be a planned unit development where individual lots will be sold and the only use will be for recreational vehicles and camping. We plan a quality project with individual sewer, water and electrical hookups plus a wide variety of amenities. We have been almost two years in the planning and have obtained conceptual approval from the Crook County Planning Commission. The scope of our project is to develop up to 3200 campsites and has received Crook County's unanimous approval. We are now at the stage where we are proceeding to develop the first of six phases and will be submitting requests for on-site sewage systems consisting of drainfields. Crook County isn't noted for very deep soils and as such we will be seeking DEQ approval of drainfields which will involve capping fill systems.

We support the adoption of the proposed amendments to OAR Chapter 340 Division 71 which consists of adding Section 039. We feel the general public will be better served by making it possible for more approvals where presently many lots aren't being approved. However, we are very concerned about the proposed sections 340-71-039(1)(j) and 340-71-039(2)(e). During the public hearings notification process these sections were represented differently than what you now have before you. As you know, the underlined portions were added as a result of comments received during and after the June 3rd hearings.

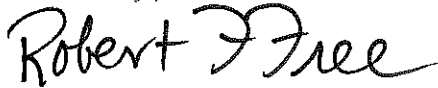
Our project will be campsite oriented and the septic systems will have sewage flows well over 600 gallons per day. We are very concerned that section (j) could be used in such a way to disallow systems of over 600 gallons per day. Our project will be both licensed by the State Health Division as well as required by DEQ regulations to be under the control of a municipality as defined by ORS 454-010(3). We feel that section (j) of these proposed capping fill rules should be amended to read as follows:

(j) capping fill systems shall be limited to sewage flows of six hundred (600) gallons or less per day unless they would be designed to serve projects licensed by the State Health Division or multi-lot developments where the Department requires formation and control by a municipality as defined by ORS 454.010 (3).

The portion of Section (2)(e) requiring filling both the initial and repair area could potentially result in an unreasonable expense for our project. Our project is not at all similiar to a housing type situation where lots will be fenced and in time it would be almost impossible to get access for applying fill later when needed. Our community drainfields would be located in common areas and it will be no problem later to fill the repair areas should this ever be needed. We would ask that, during the plan review process required by the regulations, the requirement for constructing the cap over the repair area be waived.

We have spoken with DEQ representatives of the Subsurface Section (Mr. Jack Osborne) and the Bend Regional Office (Mr. Don Bramhall). Both men seem willing to work in a reasonable manner with our project. We would however, appreciate staff comment on our concerns and requested amendment at the June 20th EQC meeting prior to your adopting the proposed capping fill rules.

Sincerely,



Robert F. Free

RFF:skm

cc: Mark Ronayne/Jack Osborne
Don Bramhall
Tom Throop
Alan Caldwell

LUCKY BUTTE ENTERPRISES

June 16, 1980

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

Gentlemen:

With reference to Robert Free's letter of today's date, I, as the developer of Eagle Springs, want to express my complete concurrence with his letter and specifically the amendment to section (j) of the proposed capping fill rules.

In anticipation of a close working relationship with the Department of Environmental Quality over the next 5 to 7 years, I need assurance at the outset that there is room economically for a project like Eagle Springs within the scope of the new rules.

Sincerely,



Alan D. Caldwell

cc: Mark Ronayne/Jack Osborne
Department of Environmental Quality
Don Bramhall
Department of Environmental Quality
Tom Throop
State Representative
Bob Free
On-Site Waste Water Systems

Management Services Div.
Dept. of Environmental Quality

RECEIVED
JUN 18 1980

OFFICE OF PRESIDENT PRO TEMPORE
OREGON STATE SENATE
SALEM, OREGON
97310



RICHARD GROENER
PRESIDENT PRO TEMPORE
HOME ADDRESS
15014 WOODLAND WAY
MILWAUKIE, OREGON 97222
CLACKAMAS COUNTY

COMMITTEES
CHAIRMAN:
LABOR AND INDUSTRIES
VICE CHAIRMAN:
EDUCATION
MEMBER:
REVENUE
RULES AND RESOLUTIONS
TRANSPORTATION

June 16, 1980

Joe Richards
P.O. Box 10747
Eugene, Oregon 97140

Dear Joe:

Due to the amount of damage sustained by the January ice storm and the inclement weather this spring, making burning impossible, there should be an extension of the burning season for a four week period.

Your thoughtful consideration of this request will be greatly appreciated.

Sincerely,

Dick Groener
Dick Groener

cc:
Bill Young
P.O. Box 1760
Portland, Oregon 97207

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

JUN 18 1980

OFFICE OF THE DIRECTOR

OFFICE OF PRESIDENT PRO TEMPORE
OREGON STATE SENATE
SALEM, OREGON
97310



RICHARD GROENER
PRESIDENT PRO TEMPORE
HOME ADDRESS
15014 WOODLAND WAY
MILWAUKIE, OREGON 97222
CLACKAMAS COUNTY

M. Francisco

COMMITTEES
CHAIRMAN:
LABOR AND INDUSTRIES
VICE CHAIRMAN:
EDUCATION
MEMBER:
REVENUE
RULES AND RESOLUTIONS
TRANSPORTATION

June 16, 1980

*MARK FITZLER?
Public Works*

Joe Richards
P.O. Box 10747
Eugene, Oregon 97440

Dear Joe:

Due to the amount of damage sustained by the January ice storm and the inclement weather this spring, making burning impossible, there should be an extension of the burning season for a four week period.

Your thoughtful consideration of this request will be greatly appreciated.

Request 1/80

Sincerely,

Dick Groener
Dick Groener

cc:
Bill Young
P.O. Box 1760
Portland, Oregon 97207

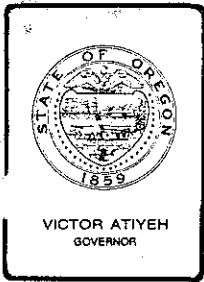
*TOTAL DAYS
3 1/2 73 days
of burning
app.
longer than prior*

for
State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED

JUN 18 1980

OFFICE OF THE DIRECTOR

*2-3 requests
per requests
a few*



To: *Air Quality* *Hil*
AS

Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207
522 SOUTHWEST 5th AVENUE, PORTLAND, OR 97204 PHONE (503) 229-5696

MEMORANDUM

JUN 20 1980

To: Environmental Quality Commission

From: William H. Young, Director, DEQ

Subject: DEQ v. Hilton Fuel and Supply Company
Case No. 09-AQ-SWR-80-30
Jackson County

On February 25, 1980, I assessed a \$200 civil penalty against Respondent, Hilton Fuel and Supply Company for open burning industrial waste.

Respondent requested a hearing and filed the attached Answer.

The Department has confirmed that the material burned was old waste unrelated to Respondent's industrial activity. The burning took place on a domestic "backyard" burn day, and Respondent believed it legally burned the material after confirming that burning was permitted.

The Department has discussed this matter with Respondent, and has reaffirmed that no open burning will be permitted on Respondent's property, as is already required by Respondent's air contaminant discharge permit. Respondent has acknowledged that it will burn the remainder of the old debris only if it can obtain a letter permit from the Department authorizing Respondent to do so.

The Department and Respondent have agreed to the terms of the attached Stipulation and Final Order which settles the contested case, and mitigates the civil penalty to \$100.

I urge your approval.

Bill

William H. Young

LMS:b
GBD178
Attachments



Contains
Recycled
Materials

1 BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

2 OF THE STATE OF OREGON

3	DEPARTMENT OF ENVIRONMENTAL QUALITY,)	STIPULATION AND FINAL ORDER
	OF THE STATE OF OREGON,)	No. 09-AQ-SWR-80-30
4)	JACKSON COUNTY
	Department,)	
5)	
	v.)	
6)	
)	
7	HILTON FUEL AND SUPPLY COMPANY,)	
	an Oregon Corporation,)	
8)	
	Respondent.)	

9 WHEREAS:

10 1. On February 25, 1980, the Department of Environmental Quality
 11 (Department) filed with the Environmental Quality Commission (Commission)
 12 a Notice of Assessment of Civil Penalty in case No. AQ-SWR-80-30, against
 13 Hilton Fuel and Supply Company, an Oregon Corporation, (Respondent),
 14 assessing a \$200 civil penalty upon Respondent.

15 2. On March 8, 1980, the Respondent filed a request for hearing and
 16 an "Answer" to the notice referred to in Paragraph 1 above.

17 3. The parties wish to compromise and settle the civil penalty
 18 referred to in Paragraph 1 above on the following terms.

19 NOW THEREFORE, in consideration of the mutual covenants and agreements
 20 of the parties hereto, it is stipulated and agreed that:

21 I

22 Respondent hereby waives any and all objections it may have: to
 23 the form, content, manner of service and timeliness of the notice referred
 24 ///
 25 ///
 26

1 to in Paragraph 1 above; to a contested case hearing thereon and judicial
2 review, thereof; and to service of a copy of this Stipulated Final Order,
3 which order shall be effective upon signing by or on behalf of the
4 Commission.

5 II

6 Respondent admits each and every fact and violation alleged in the
7 notice referred to in Paragraph 1 above. However, Respondent denies that
8 it intentionally violated the Department's rule, and for the record asserts
9 that on the day of violation, Respondent telephoned the Department to
10 inquire if burning was permitted that day, and was told that it was.
11 Respondent asserts that it did not realize that the permitted burning only
12 applied to domestic "backyard" waste and not to Respondent's old wood
13 waste, which is classified as industrial waste.

14 III

15 Subject to approval by the Commission, the parties agree to a
16 mitigation of the \$200 civil penalty to \$100.

17 IV

18 The Commission shall enter a Final Order:

19 A. Finding that each and every fact and violation alleged in the
20 notice referred to in Paragraph 1 above occurred.

21 B. Imposing upon Respondent a civil penalty of \$100 for the
22 violation cited in the notice referred to in Paragraph 1 above, plus
23 interest from the date which the Order is signed below until paid in full.

24 ///

25 ///

26 ///

1 C. Finding that the Department and Commission have satisfied all
2 the requirements of law and the mitigation herein is consistent with public
3 health and safety and is in the public interest.

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DEPARTMENT OF ENVIRONMENTAL QUALITY

JUN 18 1980

Date

William H. Young
WILLIAM H. YOUNG
Director

RESPONDENT

Date

31 May 80

William F. E. ...
(Name William F. E. ...)
(Title President)

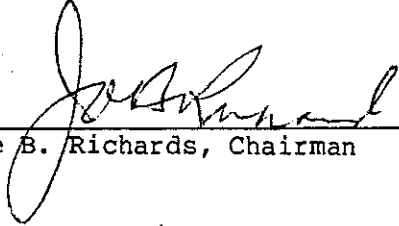
FINAL ORDER

IT IS SO ORDERED:

ENVIRONMENTAL QUALITY COMMISSION

6-20-80

Date


Joe B. Richards, Chairman

Date

Al Densmore, Member

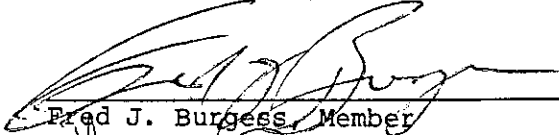
6-20-80

Date


Ronald M. Somers, Member

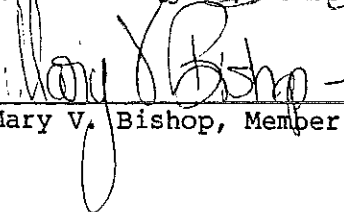
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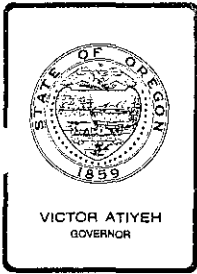
Date


Fred J. Burgess, Member

6/20/80

Date


Mary V. Bishop, Member



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

Solid WASTE

Steve Sands

*OK -
Shut em
down*

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. 0 , June 20, 1980, EQC Meeting

Status Report on Lincoln County Solid Waste Program

Background

The purpose of this report is to review with the Environmental Quality Commission the progress that Lincoln County has made in its landfill site search since the last update presented before the March 21, 1980, EQC Meeting. Previous actions are included as follows:

1. Attachment 1--Agenda Item No. J, March 21, 1980, EQC Meeting with attachments and letters of previous actions.

Since the March 21, 1980, meeting, Phase II (Feasibility Analysis on the Moolach Creek Site) has been completed by the consultant and accepted by the Lincoln County Board of Commissioners.

However, before Lincoln County commits to acquisition and development of the Moolach site, they propose that additional soils testing be completed to confirm feasibility of the site.

In addition, the county has not yet reached an agreement with the local franchised collectors on how the project will be financed and hence implemented. Recently, the franchised haulers have expressed considerable reluctance to proceed with development and operation of the Moolach site and are apparently proposing other alternatives.

In a letter sent to Lincoln County, dated May 13, 1980, (Attachment 2), Mr. R. E. Gilbert, Northwest Regional Manager, gave the Department's preliminary approval to the Phase II feasibility study and indicated that based on the information to date, the Moolach site appears feasible. He encouraged the county to proceed with the next phase of the project.



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Mr. Gilbert again reiterated that the Department intended to recommend to the Environmental Quality Commission at its June 20, 1980 meeting, that no further variances be granted to the North Lincoln or Waldport sites and that they cease open burning effective July 1, 1980.

In a second letter dated May 27, 1980, (Attachment 3), Mr. Gilbert notified the operators of the North Lincoln and Waldport sites that the Department had recommended no further variances be granted and that the Commission indicated that they will support that recommendation.

To date, the Department has not received any requests for further variance extensions from either Lincoln County or the site operators.

Evaluation

The Department is concerned that no real progress has been made since the March 21, 1980 Commission meeting. Although the Phase II study has been completed and accepted by Lincoln County, there is still no firm decision to proceed with development of the site nor any agreement with the franchised collectors as to how it will be financed and implemented. In addition there is a concern that the potential need for public transfer sites, as a part of the overall disposal system, is not being addressed.

In summary, some of the important decisions required to solve Lincoln County's solid waste problems have yet to be made, and in any event a solution is not immediately forthcoming. The Department believes that open burning has continued long enough in Lincoln County.

Amen!

Director's Recommendation

It is recommended that the EQC grant no further variance extensions to the North Lincoln or Waldport disposal sites in Lincoln County and that as of July 1, 1980, open burning will be terminated. The sites would then be either upgraded and operated without burning or closed and materials transferred to a new regional site.

Bill

William H. Young

Attachments: 3

1. Agenda Item No. J, March 21, 1980, EQC Meeting, with additional attachments.
2. Letter from DEQ to Lincoln County dated May 13, 1980.
3. Letter from DEQ to site operators dated May 27, 1980.

Robert E. Gilbert
229-5292
June 6, 1980

Jan D. Sokol
ATTORNEY AT LAW
2915 N.E. DAVIS STREET
PORTLAND, OREGON 972 32
503 - 233-0338

*Should be a guideline
Should be rule?
Should be
in SIP*

June 19, 1980

Joe B. Richards, Chairman
Environmental Quality Commission
Portland, Oregon 97204

Fred Burgess
Environmental Quality Commission
Portland, Oregon 97204

Ronald M. Somers
Environmental Quality Commission
Portland, Oregon 97204

Mary Bishop
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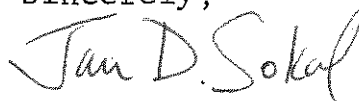
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In conclusion, we urge you to authorize public hearings on a revised ozone SIP submittal and state rule which establishes the state ozone standard attainment schedule as part of Oregon's overall clean air strategy.

Sincerely,



JAN D. SOKOL
OSPIRG'S REPRESENTATIVE TO
THE PORTLAND AIR QUALITY
ADVISORY COMMITTEE

cc: Bill Young
Ross Williams
Melinda Renstrom