

**7/18/1980**

**OREGON**

**ENVIRONMENTAL QUALITY**

**COMMISSION MEETING**

**MATERIALS**



State of Oregon  
**Department of  
Environmental  
Quality**

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July 18, 1980

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

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A G E N D A

9:00 am CONSENT ITEMS

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

- A. Minutes of the June 20, 1980, Commission meeting.
- B. Monthly Activity Report for June, 1980.
- C. Tax Credit Applications.
- D. Request for authorization to conduct public hearings to consider proposed noise control regulations for motor sports facilities.

9:05 am PUBLIC FORUM

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

9:10 am 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.

- F. Contested Case Review - DEQ v. Ernest Peter.
- G. Request by City of Myrtle Point for continuation of variance from rules prohibiting open burning dumps (OAR 340-61-040(2)(c)).
- ~~H. Solid Waste Management - Proposed adoption of amendments to Oregon Administrative Rules to provide for siting of landfills by the Department (OAR Chapter 340, Division 61).~~
- I. State Financial Assistance to Public Agencies for Pollution Control Facilities for the Disposal of Solid Waste - Proposed adoption of amendments to Oregon Administrative Rules to provide for pass-through of federal money to local governments and require waste reduction program for funding (OAR Chapter 340, Division 82).
- J. Pollution Control Bonds - Amendments to Resolution authorizing pollution control bond sale, including reducing the sale amount to \$40 million.
- K. Review of issues in 1981-83 Department budget.
- L. City of Bend - Slide presentation on status of construction of new Bend Sewage Treatment Plant.

WORK SESSION

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

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

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

THESE MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

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

July 18, 1980

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

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

The staff reports presented at this meeting, which contain the Director's recommendations mentioned in these minutes, are on file in the Office of the Director of the Department of Environmental Quality, 522 Southwest Fifth Avenue, Portland, Oregon. Written information submitted at this meeting is hereby made a part of this record and is on file at the above address.

BREAKFAST MEETING

All Commission members were present.

1. Discussion of revenue shortfall. Director Young reviewed the Agency's submittal to the Governor that outlined how it would reduce general fund expenditures by 30 percent over the remainder of the biennium. The Governor is recommending to the Legislature that the Agency take a 20 percent cut.
2. Explanation of why proposed adoption of amendments to Rules to provide for siting of landfills by the Department was postponed. Mr. E. A. Schmidt, Administrator of the Department's Solid Waste Division, explained that the agency neglected to put in its public notice that land use issues could also be considered (as required by our agreement with LCDC). He said the staff would reissue the public notice and rehear the matter only on the land use question.

3. Request for a change in policy of requiring general obligation bonds as security for pollution control bond fund loans. Mr. E. A. Schmidt, Administrator of the Department's Solid Waste Division, reviewed requests from local governments for pollution control bond fund loans that would be secured by means other than general obligation bonds, e.g., user fees, etc. Commissioner Somers expressed his opinion that moving away from securing loans through purchase of local bonds would be a mistake. Mr. Schmidt distributed a written report on this matter.
4. Discussion of possible assumption by the grass seed industry of the smoke management program. Mr. Scott Freeburn of the Department's Air Quality Division, reported that a Legislative committee is discussing this concept. He said EPA indicated it had some problems with this idea.
5. Mitigation of civil penalty for City of Portland open burning violation. Director Young reported that the City has made improvements in its method of debris disposal and that the mitigation was appropriate. The Commission signed the Order mitigating the civil penalty from \$7,500 to \$450.

FORMAL MEETING

All Commission members were present.

AGENDA ITEM A - MINUTES OF THE JUNE 20, 1980, COMMISSION MEETING

It was MOVED by Commissioner Somers, seconded by Commissioner Bishop and carried unanimously that the Minutes of the June 20, 1980, meeting be approved with the following corrections:

Page 10, Agenda Item Q - insert Director's Recommendation from staff report.

There are two item Q's in the minutes. Indicate which is correct item Q and what other item was.

AGENDA ITEM B - MONTHLY ACTIVITY REPORT FOR JUNE, 1980

AGENDA ITEM C - TAX CREDIT APPLICATIONS

AGENDA ITEM D - REQUEST FOR AUTHORIZATION TO CONDUCT PUBLIC HEARINGS TO CONSIDER PROPOSED NOISE CONTROL REGULATIONS FOR MOTOR SPORTS FACILITIES

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

Agenda Item B - Approve Monthly Activity Report for June, 1980, as presented.

Agenda Item C - Approve the following tax credit applications:

T-1181	Boise Cascade Corporation
T-1185	Timber Products Company
T-1206	Crown Zellerbach Corporation
T-1207	Crown Zellerbach Corporation
T-1208	Crown Zellerbach Corporation
T-1210	Crown Zellerbach Corporation
T-1212	Crown Zellerbach Corporation
T-1213	Crown Zellerbach Corporation
T-1221	Weyerhaeuser company
T-1223	Ochoco Pellet Plant
T-1224	Boise Cascade Corporation

Agenda Item D - Authorize the public hearings.

AGENDA ITEM E - PUBLIC FORUM

No one wished to appear.

AGENDA ITEM F - CONTESTED CASE REVIEW - DEQ v. ERNEST PETER

Mr. Peter was present to respond to questions. He did not wish to address the Commission at this time.

Chairman Richards asked the Department to respond to Mr. Peter's charge of selective enforcement.

Mr. Chris Reive, of the Department's Enforcement and Compliance Section, told the Commission that they evaluate all cases on their merits and this case merited enforcement action under the Department's evaluation. Mr. Reive said that numerous field burning violation cases were handled last year. Chairman Richards asked why it took one year to issue the violation. Mr. Reive responded that the violation memorandum from the field inspector had been misplaced. He said the delay was because of the investigation process and not indecision on the part of the Department.

Mr. Peter had no reply and Chairman Richards concluded the hearing.

Commissioner Somers stated he found nothing wrong with the Hearing Officer's Order but was concerned by the time delay in issuing the violation. Commissioner Somers MOVED that the fine be mitigated to \$5.00.

Commissioner Densmore concurred that some mitigation of the civil penalty was in order but that \$5.00 was not really a civil penalty. Chairman Richards also agreed that the mitigation was too low.

Commissioner Somers amended his motion to \$15.00. He said he would like to establish a policy of prompt enforcement action in field burning violations especially where farmers might have temporary help who may be gone by the time a civil penalty is issued. The motion was seconded by Commissioner Burgess and did not pass with Commissioners Bishop, Densmore and Richards dissenting.

It was MOVED by Commissioner Bishop, seconded by Commissioner Somers and carried unanimously that the appeal be allowed and the Hearing Officer's Order be modified to \$75.00 from \$250.00

AGENDA ITEM G - REQUEST BY CITY OF MYRTLE POINT FOR CONTINUATION OF VARIANCE FROM RULES PROHIBITING OPEN BURNING DUMPS (OAR 340-61-040(2)(c))

The City of Myrtle Point in Coos County operates an open burning solid waste site. The County's adopted solid waste management plan calls for closure of the site and transfer of wastes to a new incinerator complex near Bandon. Myrtle Point has had a variance to allow open burning, which expired on June 30, 1980. Due to construction delays, the incinerator is not yet available. The City of Myrtle Point opposes the County's plan and is requesting an indefinite extension of its variance.

Directors Recommendation

Based upon the findings in the Summation in the staff report, it is recommended that the City of Myrtle Point be granted an extension of its variance from OAR 340-61-040(2)(c) until December 31, 1980, or fourteen days from receipt of written notification by the Department that the Beaver Hill incinerator facility is available, whichever is earlier.

Mr. Ken Cerotsky, City Administrator, City of Myrtle Point, asked that the variance be extended to 1981. He said there would be meetings on the Coast to review the Federal solid waste regulations and the outcome of those meetings could affect Myrtle Point's plan. He also said that fourteen days was not enough time to notify the public of closure of the site and asked that it be extended to sixty days. He still thought there were a lot of problems that needed to be worked out.

It was MOVED by Commissioner Somers, seconded by Commissioner Burgess and carried unanimously that the Director's Recommendation be approved with the amendment changing fourteen days to sixty days.

Commissioner Densmore asked that the staff keep the Commission informed on any further delays in this project.

AGENDA ITEM I - STATE FINANCIAL ASSISTANCE TO PUBLIC AGENCIES FOR POLLUTION CONTROL FACILITIES FOR THE DISPOSAL OF SOLID WASTE - PROPOSED ADOPTION OF AMENDMENTS TO OREGON ADMINISTRATIVE RULES TO PROVIDE FOR PASS-THROUGH OF FEDERAL MONEY TO LOCAL GOVERNMENTS AND REQUIRE WASTE REDUCTION PROGRAM FOR FUNDING (OAR CHAPTER 340, DIVISION 82)

Summation

1. The 1979 legislature amended ORS 468.220 to require a waste reduction program prior to Department funding. Present rules do not provide for this requirement.
2. There is presently no mechanism in the rules to allow for pass-through of federal funds to local governments. This is a federal regulation to maintain continued funding of the solid waste program.
3. The subject rules have been reviewed by an advisory group with no comments.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission adopt the amendments to OAR Chapter 340, Division 82.

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

AGENDA ITEM J - POLLUTION CONTROL BONDS - AMENDMENTS TO RESOLUTION AUTHORIZING POLLUTION COTNROL BOND SALE, INCLUDING REDUCING THE SALE AMOUNT TO \$40 MILLION

Director Young reviewed for the Commission discussions he held with them individually by telephone two weeks previously. He said the Department's financial consultant had advised the Department that the municipal bond market was deteriorating week-by-week. The consultant's recommendation was that the sale date be moved up one week, to July 29, and that the term of the issue be shortened to attempt to gain a more favorable interest rate.

In addition, Mr. Young reviewed the potential demand for bond fund money over the next one to two years and determined that \$40 million would likely meet the demand and would be a safer sale feature, considering the current economic conditions and their affect on the ability or willingness of local jurisdictions to undertake large investments over the next 12 to 24 months.

Mr. Young recommended that the Commission adopt the Supplemental Resolution which changed the sale date to July 29, 1980, shortened the term of the issue, and reduced the size of the sale to \$40 million. Mr. Young told the Commission that they would have to schedule a conference call meeting on July 29, at 11:30 a.m. to act upon the bids.

It was MOVED by Commissioner Somers, seconded by Commissioner Burgess and carried unanimously that the Supplemental Resolution, and Notice of Bond Sale be approved.

It was MOVED by Commissioner Burgess, seconded by Commissioner Somers and carried unanimously that the Resolution be amended as follows:

Page 1, paragraph 1, The Environmental Quality Commission of the State of Oregon Finds: ...The staff of DEQ and the financial consultant....

Page 1, section 1, The Environmental Quality Commission of the State of Oregon Resolves: ...In accordance with these recommendations [of the financial consultant,] the principal amount...

AGENDA ITEM K - REVIEW OF ISSUES IN 1981-83 DEPARTMENT BUDGET

Director Young said the Department had hoped to respond to any of the Commissioner's questions as a result of their budget discussion last month, but other budget matters had taken precedence.

Commissioners Somers asked about the possibility of raising the vehicle inspection fee from \$5.00 to \$7.00. Director Young replied that the current proposal was to raise the fee to \$6.00. It is estimated that the \$1.00 increase would make the program self-supporting through the coming biennium.

Chairman Richards said the Commission also had been involved in budget problems for this biennium. He asked for a further look at the proposed budget for next biennium in August.

Director Young asked that if the Commission had any input that they forward it as soon as possible.

AGENDA ITEM L - CITY OF BEND - SLIDE PRESENTATION ON STATUS OF CONSTRUCTION OF NEW BEND SEWAGE TREATMENT PLANT

Representatives from the City of Bend made a presentation on the progress of their sewage treatment system.



STATUS OF PROGRAM EVALUATION STUDY

Mr. Chuck Crump, Executive Department, reported he had a draft copy of the study ready, but needed time from Bob Smith, Executive Department Director, for his review and approval prior to sending it to DEQ for review.

REVENUE SHORTFALL

Director Young reported that the average cut the Governor was proposing was 13 percent for all state agencies. DEQ is at 20 percent.

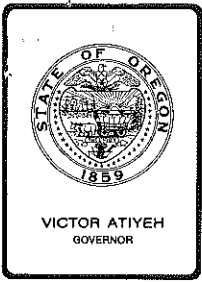
There being no further business, the meeting was adjourned.

Respectfully submitted,



Carol A. Spletstaszer  
Recording Secretary

MS51(1)



## *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, July 18, 1980, EQC Meeting  
June, 1980 Program Activity Report

### Discussion

Attached is the June, 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  
07-03-80



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DEPARTMENT OF ENVIRONMENTAL QUALITY

Monthly Activity Report

June, 1980

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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

AQ, WQ, SW Divisions  
(Reporting Unit)

June, 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>13</u>	<u>17</u>	<u>21</u>	<u>190</u>	<u>0</u>	<u>1</u>	<u>72</u>
<u>Water</u>							
Municipal	<u>47</u>	<u>808</u>	<u>47</u>	<u>804</u>	<u>0</u>	<u>0</u>	<u>27</u>
Industrial	<u>5</u>	<u>115</u>	<u>30</u>	<u>123</u>	<u>0</u>	<u>0</u>	<u>10</u>
<u>Solid Waste</u>							
General Refuse	<u>2</u>	<u>25</u>	<u>2</u>	<u>22</u>	<u>0</u>	<u>3</u>	<u>5</u>
Demolition	<u>0</u>	<u>4</u>	<u>0</u>	<u>5</u>	<u>0</u>	<u>1</u>	<u>0</u>
Industrial	<u>2</u>	<u>19</u>	<u>3</u>	<u>14</u>	<u>0</u>	<u>0</u>	<u>7</u>
Sludge	<u>1</u>	<u>5</u>	<u>1</u>	<u>4</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>70</u>	<u>993</u>	<u>104</u>	<u>1,162</u>	<u>0</u>	<u>5</u>	<u>121</u>

DEPARTMENT OF ENVIRONMENTAL QUALITY  
AIR QUALITY DIVISION  
MONTHLY ACTIVITY REPORT

JUNE, 1980  
PLAN ACTIONS COMPLETED

DIRECT SOURCES

County	Number	Source	Process Description	Date of Action	Status
MULTNOMAH	626	UNION OIL CO OF CALIF	2ND AMMONIA STORAGE TANK	06/09/80	COMPLETED-APRVD
WASCO	656	PORTLAND GENERAL ELECTRIC	COAL FIRED POLIER PLANT	05/27/80	COMPLETED-APRVD
MULTNOMAH	401	UNION OIL COMPANY	BOTTOM LOADING-VAPOR RECOVERY	04/25/80	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	453	CHAPPELL MANUFACTURING CO	NEW FURNITURE PLANT	04/25/80	COMPLETED-APRVD
MULTNOMAH	521	LLOYD A FRY ROOFING CO	LIMESTONE STORAGE BAGHOUSE	04/26/80	COMPLETED-APRVD
WASCO	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 MFG	04/25/80	COMPLETED-APRVD
MULTNOMAH	577	GRAPHIC ARTS CENTER	WEB PRESS&CONTROLS	06/18/80	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	HOLDING IMPROVEMENTS	04/25/80	COMPLETED-APRVD
COOS	600	JOHNSON ROCK PRODUCTS INC	REPLACEMENT BAGHOUSE, REDIMIX	05/09/80	COMPLETED-APRVD
MULTNOMAH	605	WEYERHAEUSER CO.	CARDBOARD BOX FACTORY	05/15/80	COMPLETED-APRVD
LAKE	612	OIL-DRI PRODUCTION CO.	FUGITIVE DUST COLLECTION	05/13/80	COMPLETED-APRVD
BENTON	614	HORSE BROS BLDG SUPPLY	ADD AG LIME CRUSHER AT SITE	05/22/80	COMPLETED-APRVD
COOS	615	WEYERHAEUSER COMPANY	SHAVINGS BIN CYCLONE	05/16/80	COMPLETED-APRVD
WASCO	618	AMALGAMATED SUGAR CO	NEW STACK LINER, STAINLESS	06/16/80	COMPLETED-APRVD

TOTAL NUMBER QUICK LOOK REPORT LINES                      21

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division  
(Reporting Unit)

June, 1980  
(Month and Year)

PLAN ACTIONS COMPLETED

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

Municipal Waste Sources - 47

Douglas	Rifle Range Road Sanitary Sewers Roseburg	6/10/80	PA
Multnomah	S.W. Powers Ct.--S.W. Terwilliger, Sanitary Sewers Portland	6/12/80	PA
Grant	Lemons Mobile Home Park San. Sewers Mt. Vernon	6/12/80	PA
Umatilla	Umatilla Elect. Co-op. Sanitary Sewers Hermiston	6/10/80	PA
Hood River	Dist. 8, Div. No. 2 Sievercrp Sanitary Sewers Hood River	6/12/80	PA
Jackson	Shady Meadows Tract Sanitary Sewers Shady Cove	6/10/80	PA
Lane	So. Sixth St. Improvement Sanitary Sewers Cottage Grove	6/11/80	PA
Lane	Spring Oaks Subdivision Sanitary Sewers Springfield	6/11/80	PA

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division  
(Reporting Unit)

June, 1980  
(Month and Year)

PLAN ACTIONS COMPLETED - Continued

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
Lane	Nor. 55th St.--Nor."A" to Nor., Sanitary Sewers Springfield	6/11/80	PA	
Clackamas	Eleanor Court Sanitary Sewers Lake Oswego	6/12/80	PA	
Multnomah	S.E. 11th Ave. & Flavel Sanitary Sewers Portland	6/12/80	PA	
Multnomah	S.W. Illinois & 35th Ave. Sanitary Sewers Portland	6/13/80	PA	
Washington	Golf Side Estates Sanitary Sewers USA--Tigard	6/13/80	PA	
Yamhill	Willamina Elem. School Sanitary Sewers. Willamina	6/13/80	PA	
Josephine	Windsor Vil. Subdivision Sanitary Sewers Grants Pass	6/13/80	PA	
Douglas	Winston Sewer Reparation Phase 1 & 2 Sanitary Sewers	6/14/80	PA	
Lane	21st Ave. Reconstruction Sanitary Sewers Eugene	6/16/80	PA	
Benton	Canberra Subdivision Sanitary Sewers Philomath	6/16/80	PA	

## DEPARTMENT OF ENVIRONMENTAL QUALITY

## MONTHLY ACTIVITY REPORT

Water Quality Division  
(Reporting Unit)

June, 1980  
(Month and Year)

PLAN ACTIONS COMPLETED - Continued

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
Jackson	Medford WQ Control Plants Sludge--Lag #3	6/16/80	PA	
Yamhill	W. Cozine Ext. 1980-5 Sanitary Sewers McMinnville	6/16/80	PA	
Douglas	Lincoln Ct.-- South Hill Sanitary Sewers Reedsport	6/16/80	PA	
Multnomah	N. Macrum-Cecelia Ave. Sanitary Sewers Portland	6/17/80	PA	
Clackamas	Quail Hill II Condos Sanitary Sewers Lake Oswego	6/17/80	PA	
Benton	Charlemagne Hts. Sanitary Sewers Corvallis	6/17/80	PA	
Lane	Rose Park Sanitary Sewers Corvallis	6/18/80	PA	
Lane	Rose Park Sanitary Sewers Junction City	6/18/80	PA	
Washington	Elmwood Park Sanitary Sewers USA	6/18/80	PA	



DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division	June, 1980
(Reporting Unit)	(Month and Year)

PLAN ACTIONS COMPLETED - Continued

* County	* Name of Source/Project	* Date of	* Action	*
*	* /Site and Type of Same	* Action	*	*
*	*	*	*	*
Lane	Golden Terrace Subdivision Sanitary Sewers Springfield	6/19/80	PA	
Linn	Airport Extension Sanitary Sewers Lebanon	6/19/80	PA	
Lincoln	Cantletree Park Sanitary Sewers Newport	6/20/80	PA	
Washington	Panorama Subdivision Sanitary Sewers USA-Tigard	6/20/80	PA	
Tillamook	Lateral B-7 Sanitary Sewers Wheeler-Authority NTCSA	6/20/80	PA	
Washington	Barnes R. Trunk Sanitary Sewers USA	6/20/80	PA	
Washington	Cedar Mill School Sanitary Sewers USA	6/20/80	PA	
Clackamas	Interstate Ind. Park Sanitary Sewers CCSD #1	6/20/80	PA	
Yamhill	Chehalem Estates Sanitary Sewers Newberg	6/23/80	PA	
Marion	79-80 Replacement Sanitary Sewers Salem	6/23/80	PA	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division  
(Reporting Unit)

June, 1980  
(Month and Year)

PLAN ACTIONS COMPLETED - Continued

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
Washington	MOR-RU Project Sanitary Sewers Hillsboro	6/23/80	PA	*
Lincoln	Zander Lane Ext. Sanitary Sewers Lincoln City-Roads End	6/24/80	PA	*
Washington	Sheldon Brook Ext. Sanitary Sewers USA	6/24/80	PA	*
Clackamas	Lake Road Estates Sanitary Sewers CCSD #1	6/24/80	PA	*
Lane	Bus. Park Sewer Florence	6/25/80	PA	*
Jackson	Shady Meadows Sanitary Sewers Shady Cove	6/25/80	PA	*
Clackamas	Barclay Hills #5 Sanitary Sewers Oregon City	6/26/80	PA	*
Benton	Dragon Drive Sewer Monroe	6/26/80	PA	*
Benton	Maple Tree Apartments Sanitary Sewers Corvallis	6/26/80	PA	*
Douglas	Fenner Sewer Extension Roseburg	6/26/80	PA	*

PA = Provisional Approval

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

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

INDUSTRIAL WASTE SOURCES (30)

Marion	Willamette Cherry Growers Salem, Screens at No. 1	6/27/79	Approved
Marion	Bernhardt Green Veneer Mill City, Steam Vat Waste	7/13/79	Approved
Linn	Teledyne Wah Chang Albany Waste Oil Storage Tank	9/19/79	Approved
Tillamook	Carl Hurliman- Loland Dairy Cloverdale, Animal Waste	10/15/79	Approved
Lane	Chembond Corp., Springfield Formaldehyde Contamination Prevention	1979	Approved
Polk	Kenneth McGrady New Animal Waste Operation	11/16/79	Approved
Polk	Gould, Inc., Salem Modify Neutralization System	11/20/79	Approved
Tillamook	Walter Blankenship- Beaver, Dairy Waste	12/10/79	Approved
Linn	Teledyne Wah Chang Albany, Solids Removal System, Settling Ponds	1/4/80	Approved
Clackamas	Avison Lumber Antistain Containment	4/23/80	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
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INDUSTRIAL WASTE SOURCES      Continued

Marion	Del Monte Corp. Inorganic Solids Removal System	5/22/80	Approved	
Marion	Delgety Foods, Inc. Two Settling Tanks and Upgrade Pit for Pumping	5/22/80	Approved	
Lane	Weyerhaeuser Company Springfield, Waste Water Recycle from Flotator to Paper Mill	5/27/80	Approved	
Linn	Oregon Metalurgical Albany Relocation of Storm Drain and New Line to Treatment System	6/5/80	Approved	
Linn	Oregon Metalurgical Albany Two Mix Tanks & pH Alarm Circuit	6/5/80	Approved	
Marion	Pal Bros. Inc., Sublimity; Screen for Solids & Fats	6/9/80	Approved	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
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INDUSTRIAL WASTE SOURCES Continued

Linn	David Koen, Lebanon Manure Washdown and Holding Basin	6/10/80	Approved	
Marion	Stayton Canning Liberty Plant Salem, Irrigation	6/19/80	Approved	
Marion	Wilsey Foods, Inc. Storage Tank for Recovered Wastes	6/20/80	Approved	
Yamhill	Willamina Lumber Willamina Waste Water Recycle	6/23/80	Approved	
Deschutes	Bend Plating, Bend, Electro Plating	6/26/80	Approved	
Linn	Linn-Board, Brownsville Dust Collector, Water Disposal	6/80	Approved	
Lane	Hemanway Farms Cottage Grove Screen and Lagoon	6/80	approved	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
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INDUSTRIAL WASTE SOURCES Continued

Lane	Weyerhaeuser Company Springfield, No. 2 Paper Machine Area Sewers & Paving	6/80	Approved	
Lane	Busy Bee Truck Wash Coburg Truck Wash Recycle	6/80	Approved	
Tillamook	Hank Bosch Tillamook Manure Handling	6/80	Approved	
Tillamook	Mike Burdick Tillamook Manure Handling	6/80	Approved	
Tillamook	Robert J. Gunder Tillamook Manure Handling	6/80	Approved	
Tillamook	Sunrise Acres Dairy Tillamook Manure Handling	6/80	Approved	
Tillamook	David R. Wood Tillamook Manure Handling	6/80	Approved	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division  
(Reporting Unit)

June, 1980  
(Month and Year)

PLAN ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
Clackamas	Rossmans Landfill Existing Facility Leachate Collection Plans	05/30/80	Approved	
Tillamook	Neil Boge Dairy New Industrial Waste Site Operational Plan	06/04/80	Letter Authorization Issued	
Lane	Short Mountain Landfill Existing Facility Sludge Utilization Plan	06/04/80	Conditional Approval	
Clatsop	Lewis & Clark Log Yard Existing Facility Revised Operational Plan	06/17/80	Conditional Approval	
Multnomah	St. Johns Landfill Existing Facility Revised Operational Plan	06/20/80	Approved	
Lane	Last Chance New Industrial Waste Site Revised Operational Plan	06/23/80	Conditional Approval	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division  
(Reporting Unit)

June, 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	5	43	6	41	21		
Existing	4	19	1	6	14		
Renewals	34	161	23	53	116		
Modifications	<u>1</u>	<u>36</u>	<u>6</u>	<u>36</u>	<u>9</u>		
Total	44	59	36	266	170	1956	1991
<u>Indirect Sources</u>							
New	6	31	0	38	12		
Existing	-	-	-	-	-		
Renewals	-	-	-	-	-		
Modifications	<u>0</u>	<u>3</u>	<u>0</u>	<u>2</u>	<u>1</u>		
Total	6	34	0	40	13	162	-
<u>GRAND TOTALS</u>	-	-	-	-	-	-	-

Number of  
Pending Permits

Comments

23	To be drafted by Northwest Region
2	To be drafted by Willamette Valley Region
21	To be drafted by Southwest Region
12	To be drafted by Central Region
6	To be drafted by Eastern Region
1	To be drafted by Program Planning Division
10	To be drafted by Program Operations
69	Awaiting Public Notice
<u>16</u>	Awaiting the end of 30-day Noted period
170	

14 technical Assistants--20 A-95's



DEPARTMENT OF ENVIRONMENTAL QUALITY  
MONTHLY ACTIVITY REPORT  
PERMITS ISSUED  
JUNE 1980  
DIRECT STATIONARY SOURCES

COUNTY	SOURCE	PERMIT NUMBER	APPLIC. RECEIVED	STATUS	DATE ACHIEVED	TYPE OF APPLICATION
DENTON	EVANS PRODUCTS CO.	02	2203 05/06/80	PERMIT ISSUED	06/06/80	MOD
CLACKAMAS	RIVER ISLAND SAND & GRAVE	03	1919 11/14/79	PERMIT ISSUED	05/12/80	RNM
CLACKAMAS	COOS SAND CORP	03	2629 11/14/79	PERMIT ISSUED	05/12/80	RNM
CLACKAMAS	OLAF M OJA LUMBER CO	03	2650 01/04/80	PERMIT ISSUED	05/14/80	RNM
COOS	W. J. CONRAD LUMBER CO.	06	0093 01/22/80	PERMIT ISSUED	05/20/80	NEW
DESCHUTES	CENTRAL OREGON PUTICE CO	09	0024 10/08/79	PERMIT ISSUED	05/13/80	RNM
JACKSON	DOUBLE DEE LUMBER COMPANY	15	0010 01/16/80	PERMIT ISSUED	05/13/80	RNM
JACKSON	TURNCRRAFT	15	0137 04/24/80	PERMIT ISSUED	05/13/80	NEW
JOSEPHINE	MOUNTAIN FIR LUMBER CO	17	0011 10/12/79	PERMIT ISSUED	05/12/80	RNM
KLAMATH	MODOC LUMBER CO	18	0009 00/00/00	PERMIT ISSUED	05/12/80	RNM
LINCOLN	KESSLER SHAKE CO	21	0048 03/03/80	PERMIT ISSUED	05/13/80	MOD
LIHN	OREMET	22	0328 04/24/80	PERMIT ISSUED	06/10/80	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	GOULD INC., METALS DIV.	26	1866 05/19/80	PERMIT ISSUED	05/19/80	MOD
MULTNOMAH	PRECISION CAST PARTS	26	1867 04/24/80	PERMIT ISSUED	05/20/80	RNM
MULTNOMAH	COLUMBIA STEEL CASTINGS	26	1869 10/31/79	PERMIT ISSUED	05/13/80	RNM
MULTNOMAH	SUPREME PERLITE COMPANY	26	2390 04/24/80	PERMIT ISSUED	05/12/80	RNM
MULTNOMAH	KENTON PACKING COMPANY	26	2402 04/24/80	PERMIT ISSUED	05/12/80	RNM
MULTNOMAH	WEST COAST ALLOYS CO INC	26	2806 04/24/80	PERMIT ISSUED	05/12/80	RNM
TILLAMOOK	PUBLISHERS PAPER CO	29	0007 12/05/79	PERMIT ISSUED	05/12/80	RNM
UMATILLA	BLUE MT FOREST PRODUCTS	30	0056 05/23/80	PERMIT ISSUED	05/23/80	MOD
UNION	BOISE CASCADE CORP	31	0006 04/24/80	PERMIT ISSUED	05/12/80	RNM
WASHINGTON	HERVIN COMPANY	34	1893 00/00/00	PERMIT ISSUED	05/12/80	RNM
WASHINGTON	ARTHUR H EATON	34	2022 00/00/00	PERMIT ISSUED	05/13/80	RNM
WASHINGTON	COFFEE LAKE ROCK INC.	34	2674 02/29/80	PERMIT ISSUED	05/13/80	NEW
PORT.SOURCE	ROY HOUCK CONSTR CO	37	0022 04/24/80	PERMIT ISSUED	05/12/80	RNM
PORT.SOURCE	DESCHUTES READY MIX S & G	37	0026 01/04/79	PERMIT ISSUED	05/12/80	RNM
PORT.SOURCE	EUCON CORP	37	0068 01/04/80	PERMIT ISSUED	05/12/80	RNM
PORT.SOURCE	HESKO 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	RNM
PORT.SOURCE	EUCON CORP	37	0192 01/04/80	PERMIT ISSUED	05/12/80	RNM
PORT.SOURCE	R.L. COALS	37	0207 12/19/79	PERMIT ISSUED	05/12/80	NEW
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

36

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division  
(Reporting Unit)

June 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 /0	1 /12	1 /4		
Existing	0 /0	0 /2	0 /0	0 /0	4 /0		
Renewals	1 /1	29 /6	0 /0	34 /6	30 /5		
Modifications	1 /0	8 /0	0 /0	2 /0	6 /0		
Total	2 /1	38 /15	0 /0	37 /18	41 /9	260/90	265/94
<u>Industrial</u>							
New	0 /3	6 /25	0 /4	4 /13	9 /13		
Existing	1 /1	1 /3	0 /1	5 /4	2 /1		
Renewals	9 /7	92 /26	0 /0	60 /13	83 /17		
Modifications	0 /0	5 /1	0 /0	7 /0	4 /1		
Total	10 /11	104 /55	0 /5	76 /30	98 /31	358/148	369/162
<u>Agricultural (Hatcheries, Dairies, etc.)</u>							
New	0 /0	3 /3	0 /1	2 /6	3 /0		
Existing	0 /0	0 /2	0 /0	0 /1	0 /0		
Renewals	0 /0	35 /0	0 /0	1 /1	34 /0		
Modifications	0 /0	0 /0	0 /0	0 /0	0 /0		
Total	0 /0	38 /5	0 /1	3 /8	37 /0	52 /20	55 /20
<u>GRAND TOTALS</u>	12 /12	189 /75	0 /6	116 /56	176 /40	670 /258	689 /276

\* NPDES Permits  
\*\* State Permits

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit)		June 1980 (Month and Year)			
<u>PERMIT ACTIONS COMPLETED</u>					
* County	* Name of Source/Project	* Date of	* Action	* Action	
*	* /Site and Type of Same	* Action	*	*	*
*	*	*	*	*	*

MUNICIPAL AND INDUSTRIAL SOURCES--WPCF PERMITS

Josephine	Ray Wolfe Placer Mine	6/3/80	Permit Issued	
Josephine	Kenneth & Betty Wirz Wirz Trout Farm	6/3/80	"	"
Grant	Vincent Caluccio Buffalo Mine	6/3/80	"	"
Baker	Bruce Parke Bulk Gulch Placers	6/3/80	"	"
Washington	Robert E. Stearns Coffee Lake Rock	6/17/80	"	"
Josephine	Bentley Exploration	6/17/80	"	"

## DEPARTMENT OF ENVIRONMENTAL QUALITY

## MONTHLY ACTIVITY REPORT

Solid Waste Division  
(Reporting Unit)

June, 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	1	6	2		
Existing	-	-	1	2	2		
Renewals	1	27	7	30	14		
Modifications	-	16	1	29	1		
Total	1	46	10	67	19	164	166
<u>Demolition</u>							
New	-	1	0	1	-		
Existing	-	1	0	2	-		
Renewals	-	8	0	4	2		
Modifications	1	1	0	7	-		
Total	1	11	0	14	2	20	21
<u>Industrial</u>							
New	1	7	3	8	3		
Existing	-	-	-	-	-		
Renewals	5	27	3	11	20		
Modifications	-	2	-	2	-		
Total	6	36	6	21	23	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	29	170	27	181	6		
Renewals	-	-	-	-	-		
Modifications	-	-	-	-	-		
Total	29	170	27	181	6	1	1
<u>GRAND TOTALS</u>	37	266	43	287	51	300	304

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division  
(Reporting Unit)

June, 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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Domestic Refuse Facilities (10)

Lincoln	Salishan Burn Pit Existing Facility	06/03/80	Permit Denied	
Lane	Marcola Transfer Station Existing Facility	06/06/80	Permit Renewed	
Umatilla	Sanitary Disposal Landfill Existing Facility	06/06/80	Permit Renewed	
Benton	Monroe Demolition Site and Transfer Station Existing Facility	06/06/80	Permit Renewed	
Multnomah	St. Johns Landfill Existing Facility	06/19/80	Permit Amended	
Klamath	Keno Transfer Station Existing Facility	06/19/80	Permit Renewed	
Coos	Beaver Hill Incinerator and Landfill New Facility	06/23/80	Permit Issued	
Wallowa	Joseph Drop Box Existing Facility	06/23/80	Permit Renewed	
Linn	Sweethome Transfer Station Existing Facility	06/23/80	Permit Renewed	
Lane	Franklin Landfill Existing Facility	06/23/80	Permit Renewed	

Demolition Waste Facilities (0)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division (Reporting Unit)	June, 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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Industrial Waste Facilities (6)

Tillamook	Neil Boge Dairy New Facility	06/04/80	Letter Authorization Issued	
Yamhill	Buck Hollow New Facility	06/06/80	Permit Issued	
Columbia	Coates Tire Existing Facility	06/06/80	Permit Renewed	
Linn	Fred Smith Existing Facility	06/06/80	Permit Renewed	
Coos	Menasha - North Spit Existing Facility	06/16/80	Letter Authorization Renewed	
Lane	Last Chance New Facility	06/23/80	Permit Issued	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division  
(Reporting Unit)

June, 1980  
(Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

WASTE DESCRIPTION

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

Disposal Requests Granted - (27)

OREGON - (11)

5/29	PCB contaminated water	Papermill	500 ft <sup>3</sup>	0
6/11	Spent laboratory solvents	Pharmaceutical company	13 drums	13 drums/yr
6/11	Paint booth cleaning	Railroad Co.	14,000 gal	0
6/11	Fire damaged pesticides	Pesticide supplier	9 drums	0
6/16	Trichloroethane spill cleanup debris	Rail cars manufacturer	17 drums	0
6/16	Polypropylene glycol, methylene chloride and tertiaryamine mix	Urethane foam manufacturer	241 drums	12 drums/yr
6/16	Assortment of outdated pesticide products	Wood nursery	8 drums	5 drums/yr
6/16	Substandard fluid printing ink	Printing ink manufacturer	4,350 lb	5 drums/yr
6/20	Carbon filter medium with chlorophenols	Herbicide manufacturer	---	40,000 lb/yr

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division  
(Reporting Unit)

June, 1980  
(Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS (continued)

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

		<u>WASTE DESCRIPTION</u>			<u>Quantity</u>	
* Date *	* Type *	* Source *	* Present *	* Future *		
<u>OREGON - (continued)</u>						
6/23	Asbestos insulation and lead contaminated tank wash water	Oil company	916 ft <sup>3</sup>	1,700 ft <sup>3</sup> /yr		
6/24	PCB transformer	Paper mill	1,100 ft <sup>3</sup>	0		
<u>WASHINGTON - (12)</u>						
5/29	PCB capacitors and pesticides	Utility	4,360 ft <sup>3</sup>	4,360 ft <sup>3</sup> /yr		
5/29	Phenolic waste water and defoamer	Chemical plant	2,500 gal	1,200 gal/yr		
5/29	Sodium cyanide and PCB capacitors	Paper mill	1,000 lb	500 lb/yr		
6/04	2% Diazinon powder	Federal agency	98,786 lb	0		
6/16	PCB waste and acids, bases, plating chemicals and miscellaneous lab, chemicals	Federal agency	---	462,000 gal/yr		
6/16	PCB capacitors	City government	45 drums	0		
6/16	Acid solutions	Printed circuit board fabrication	---	79 drums/yr		



DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division  
(Reporting Unit)

June, 1980  
(Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS (continued)

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

		<u>WASTE DESCRIPTION</u>			<u>Quantity</u>	
* Date *	Type	Source	Present	Future		
<u>WASHINGTON - (continued)</u>						
6/16	Chemonite, creosote and pentachlorophenol sludges	Wood treating plant	---	20,500 gal/yr		
6/16	Solid paint and stripper solvent	Service pipes	---	300 drums/yr		
6/16	Mercury contaminated brine sludge	Chlor-alkali plant	7,000 yd <sup>3</sup>	0		
6/18	Laboratory articles contaminated with carcinogenic chemicals	Commercial laboratory	---	24 drums/yr		
6/18	Magnesium shavings	Aerospace company	---	100 drums/yr		
<u>OTHER STATES - (4)</u>						
6/11	Mercury contaminated soil (Canada)	Chemical company	4,000 yd <sup>3</sup>	0		
6/12	PCB capacitors (Idaho)	Utility	35 drums	35 drums/yr		
6/16	Cyanide spill cleanup wash water (B.C.)	City government	8,400 gal	0		
6/16	PCB capacitors (Idaho)	Wood product	5 drums	1 drum/yr		

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program  
(Reporting Unit)

June 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	4	N/A	6	N/A	69	71
Airports						2

## DEPARTMENT OF ENVIRONMENTAL QUALITY

## MONTHLY ACTIVITY REPORT

Noise Control Program  
(Reporting Unit)

June 1980  
(Month and Year)

FINAL NOISE CONTROL ACTIONS COMPLETED

* County	* Name of Source and Location	* Date	* Action
Multnomah	Kinco Portland	6/80	In Compliance
Benton	BPA-Wren Substation Wren	6/80	Variance Granted
Linn	Helicopter Training Albany	6/80	In Compliance
Coos	Murphy Veneer Myrtle Point	6/80	Variance Granted
Jackson	Plumley Rock Crushing Medford	6/80	In Compliance
Josephine	Rogue River Rentals Grants Pass	6/80	In Compliance

CIVIL PENALTY ASSESSMENTS

Department of Environmental Quality  
1980

CIVIL PENALTIES ASSESSED DURING MONTH OF June, 1980:

<u>Name and Location of Violation</u>	<u>Case No. &amp; Type of Violation</u>	<u>Date Issued</u>	<u>Amount</u>
Humphrey Construction Multnomah County	AQ-NWR-80-94 Open burned construction wastes.	06/06/80	\$ 50
Valley Landfills, Inc. Marion County	SW-WVR-80-96 Allowed leachate to pond and discharge into public waters.	06/09/80	100
James Kenny dba Kenny Excavation Deschutes County	SS-CR-80-97 Illegal installation of a subsurface sewage system.	06/06/80	100
Cascade Utilities, Inc. Clackamas County	AQ/SW-NWR-80-98 Open burned tires and commercial wastes and established illegal solid waste site.	06/06/80	400
Albert M. Mauck dba Goodman Sanitation Service Multnomah County	SS-NWR-80-110 Disposal of sewage sludge at unauthorized site.	06/23/80	300
Teledyne Wah Chang Linn County	WQ-WVR-80-89 Three violations of NPDES Permit.	06/23/80	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	Mitigated to \$250 on 6/20/80; Paid.
David Taylor	AQ-WVR-80-04	01/22/80	860	Mitigated to \$100 on 6/20/80; Paid.

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>
Dennis Glaser dba/ Mid Valley Farms, Inc.	AQ-WVR-80-13	01/22/80	\$2,200	Contested 02/07/80. Hearing held 6/19/80.
City of St. Helens	WQ-NWR-80-02	01/22/80	2,000	Paid 02/12/80.
American-Strevell, Inc.	WQ-NWR-80-05	01/22/80	500	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	Mitigated to \$100 on 6/20/80; Paid.
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.

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>
Russell Stoppleworth	SS-SWR-80-43	04/10/80	\$ 325	Defaulted.
C-3 Builders	AQ-NWR-80-57	04/23/80	50	Paid 05/22/80.
Marion-Linn Construction Co.	SS-WVR-80-70	05/02/80	50	Paid 6/04/80.
City of Portland	AQ-NWR-80-76	05/06/80	7,500	Contested.
E. Lee Robinson Construction Co.	AQ-NWR-80-75	05/19/80	100	Paid 6/2/80.
Gate City Steel Corporation	AQ-NWR-80-77	05/20/80	50	Paid 6/4/80.
Ronald E. Borello	SS-ER-80-40	05/21/80	400	Contested 6/11/80.

<u>ACTIONS</u>	<u>LAST MONTH</u>	<u>PRESENT MONTH</u>
Preliminary Issues . . . . .	3	3
Discovery . . . . .	2	1
Settlement Action . . . . .	9	4
Hearing to be Scheduled . . . . .	3	7
Hearing Scheduled . . . . .	2	3
HO's Decision Due . . . . .	3	3
Brief . . . . .	2	2
Inactive . . . . .	<u>2</u>	<u>3</u>
SUBTOTAL of Active Files	26	26
HO's Decision Out/Option for EQC Appeal .	1	2
Appealed to EQC . . . . .	2	1
EQC Appeal Complete/Option for Court Review	0	1
Court Review Option Pending or Taken . . .	1	1
Case Closed . . . . .	<u>6</u>	<u>4</u>
TOTAL Cases	36	35

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)  
Prtys         All parties involved  
Rem Order     Remedial Action Order  
Resp Code     Source of next expected activity on case  
SNCR         Salem/North Coast Region (now WVR)  
SSD           Subsurface Sewage Disposal  
SW            Solid Waste  
SWR           Southwest Region  
T             At beginning of case number means litigation over tax credit matter  
Transcr       Transcript being made of case  
Underlined   Different status or new case since last month contested case log  
WVR           Willamette Valley Region  
WQ            Water Quality

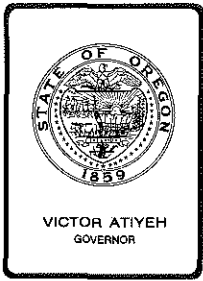
June 1980  
DEQ/EQC Contested Case Log

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	Hrngrs	03-SS-SWR-75-02 64 SSD Permits	Decision Due
MEAD and JOHNS et al	05/75	05/75	RLH		All	04-SS-SWR-75-03 3 SSD Permits	Awaiting disposition of Faydrex
MIGNOT, E. W. & Dorothy	11/76	11/76	LMS	02/77	Dept	\$400 06-SW-SWR-288-76	Court of Appeals <u>reversed agency decision.</u>
MAGNESS, William	07/77	07/77	LMS	11/77	Dept	\$1150 Total 06-SS-SWR-77-142	HO's Order of Dismissal issued 06-30-80
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-WWR-77-241	Record open.
HAWKINS, Roy	03/78	03/78	FWO	12/17/79	Hrngrs	\$5000 15-AQ-PR-77-315	Decision due.
HAWKINS TIMBER	03/78	03/78	FWO			\$5000 15-AQ-PR-77-314	No action pending hearing in companion case.
WAH CHANG	04/78	04/78	RLH		Prtys	16-P-WQ-WWR-2849-J NPDES Permit (Modification)	Preliminary Issues
WAH CHANG	11/78	12/78	RLH		Prtys	08-P-WQ-WWR-78-2012-J	Preliminary Issues
STIMPSON LUMBER CO.	05/78		FWO	07/24/79	Dept	Tax Credit Cert. 01-T-AQ-PR-78-010	Decision issued 05/30/80
WELCH, Floyd & Virginia, et al	10/78	10/78	RLH	<u>08/14/80</u>	Prtys	07-P-SS-CR-78-134	<u>Hearing scheduled in Bend at 9 a.m.</u>
REEVE, Clarence	10/78		RLH		Prtys	06-P-SS-CR-78-132 & 133	Hearing deferred pending settlement
PETER, Ernie	10/79	10/79	CLR	12/05/79	Dept	13-AQ-WWR-79-86 Open Field Burning Civil Penalty of \$500	To EQC 07-18-80
MALLORY & MALLORY INC.	11/79	11/79	JHR	01/10/80	Hrngrs	14-AQ-CR-79-101 Open Burning Civil Penalty	Decision Due.
<del>TIDEWATER BARGE LINES, INC.</del>	<del>12/05/79</del>	<del>12/05/79</del>	<del>RLH</del>	<del>06/12/80</del>	<del>Prtys</del>	<del>16-WQ-WR-79-140</del> <del>WQ Civil Penalty of \$5,000</del>	<del>Case closed. Civil Penalty mitigated to \$4,000.</del>
M/V TOYOTA MARU No. 10	12/10/79	12/12/79	RLH		Prtys	17-WQ-NWR-79-127 Oil Spill Civil Penalty of \$5,000	<u>Action deferred pending Supreme Court decision in State v Alexander, 44 or App 557 (1978).</u>
LAND RECLAMATION, INC., et al	12/12/79	12/14/79	FWO	05/16/80	Resp	19-P-SW-329-NWR-79 Permit Denial	<u>Request for Court of Appeals review due 08/18/80</u>
FORREITE, Gary	12/20/79	12/21/79	RLH	06/09/80	Resp	20-SS-NWR-79-146 Permit Revocation	<u>Preliminary Issues</u>
GLASER, Dennis F. dba MID-VALLEY FARMS, INC.	02/06/80	02/07/80	CLR	06/19/80	Dept	02-AQ-WWR-80-13 Open Field Burning Civil Penalty of \$2,200	<u>Post-hearing briefing</u>
<del>TAYLOR, David D.</del>	<del>02/04/80</del>	<del>02/09/80</del>	<del>CLR</del>	<del>06/25/80</del>	<del>Prtys</del>	<del>04-AQ-WWR-80-04</del> <del>Open Field Burning Civil Penalty of \$860.</del>	<del>Case Closed. Civil Penalty mitigated to \$100.</del>
<del>KARSTEN, Lauren</del>	<del>01/29/80</del>	<del>02/27/80</del>	<del>CLR</del>		<del>Prtys</del>	<del>05-AQ-WWR-80-03</del> <del>Open Field Burning Civil Penalty of \$2,500</del>	<del>Case Closed. Civil Penalty mitigated to \$250.</del>



June 1980  
DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rgstr	Hrng Rfrrl	DEQ Atty	Hrng Date	Resp Code	Case Type & No.	Case Status
HARPER, Robert W.	02/26/80	02/28/80	LMS		Prtys	06-AQ-WWR-80-14 Open Burning Civil Penalty of \$500	Hearing postponed pending settlement
MEDFORD CORPORATION	02/25/80	02/29/80		05/16/80	Dept	07-AQ-SWR-80 Request for Declaratory Ruling	Further briefing
HILTON FUEL and SUPPLY CO.	<del>03/08/80</del>	<del>03/17/80</del>	<del>LMS</del>	<del>06/17/80</del>	<del>Prtys</del>	<del>09-AQ-SWR-80-38 Open Burning Civil Penalty of \$200</del>	<del>Case Closed. Civil Penalty mitigated to \$100</del>
WESTBROOK WOOD PRODUCTS	04/01/80	04/08/80	LMS		Prtys	01-AQ-SWR-80-25 Civil Penalty of \$3,125	Settlement Action
REYNOLDS, David B.	04/11/80	04/14/80	CLR	<u>08/19/80</u>	Hrngrs	11-SS-SWR-80-11 Civil Penalty of \$500	<u>Hearing set in Grants Pass at 9 a.m.</u>
J.R. SIMPLOT COMPANY	04/15/80	04/16/80			<u>Prtys</u>	12-WQ-ER-80-41 Civil Penalty of \$20,000	<u>Preliminary Issues</u>
VAN DYK, Adrian C.	04/20/80	04/25/80	CLR		Resp	13-SS-SWR-80-92 Civil Penalty of \$500	<u>Amended answer due 08/04/80</u>
CITY OF PORTLAND	05/23/80	05/27/80			Hrngrs	14-AQ-NWR-80-76 Open Burning Civil Penalty of \$7,500	To be scheduled
HEIDGERKEN, George	<u>06/04/80</u>	<u>06/04/80</u>			<u>Hrngrs</u>	<u>15-WQ-WWR-80-21</u>	<u>To be scheduled</u>
SCHAEFER, Allen L.	<u>05/23/80</u>	<u>06/06/80</u>	<u>JHR</u>		<u>Hrngrs</u>	<u>16-SS-NWR-80-90 SS Permit Revocation</u>	<u>To be scheduled</u>
JONES, Jeffrey D., et al	<u>06/03/80</u>	<u>06/06/80</u>	<u>CLR</u>		<u>Hrngrs</u>	<u>17-SS-NWR-80-85 and 17-SS-NWR-80-86 SS Permit Revocations</u>	<u>To be scheduled</u>
BORELLO, Ronald E.	<u>06/02/80</u>	<u>06/11/80</u>	<u>LMS</u>		<u>Hrngrs</u>	<u>18-SS-ER-80-40 and 18-SS-ER-80-82. Civil Penalty of \$400</u>	<u>To be scheduled</u>
KENNY, James	<u>06/17/80</u>	<u>06/23/80</u>			<u>Hrngrs</u>	<u>19-SS-CR-80-79 Civil Penalty of \$100</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, July 18, 1980, EQC Meeting

### TAX CREDIT APPLICATIONS

#### Director's Recommendation

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

<u>Appl. No.</u>	<u>Applicant</u>	<u>Facility</u>
T-1181	Boise Cascade Corp.	Boiler breeching modifications; new hammer hog; feed bins
T-1185	Timber Products Company	Baghouse and associated ductwork
T-1206	Crown Zellerbach Corp.	Two continuous opacity monitoring devices
T-1207	Crown Zellerbach Corp.	New lime mud filter system; associated vacuum pump, motors, gear boxes, controls, etc.
T-1208	Crown Zellerbach Corp.	Modification of facilities to reroute noncondensable gases to secondary combustion air stream at lime kiln hood
T-1210	Crown Zellerbach Corp.	Hoods for washing stages in bleach plant
T-1212	Crown Zellerbach Corp.	Upgrading of electrostatic precipitator
T-1213	Crown Zellerbach Corp.	Upgrading of electrostatic precipitator
T-1221	Weyerhaeuser Co.	Baghouses and associated equipment
T-1223	Ochoco Pellet Plant	Baghouse and associated controls, ductwork and motors
T-1124	Boise Cascade Corp.	Acid plant overgas fan

WILLIAM H. YOUNG



Contains  
Recycled  
Materials

DEQ-46

CASplettstaszer  
229-6484  
July 3, 1980  
Attachments

PROPOSED JULY 1980 TOTALS

Air Quality	\$ 1,538,284
Water Quality	-0-
Solid Waste	-0-
Noise	-0-
	<hr/>
	\$ 1,538,284

CALENDAR YEAR TOTALS TO DATE

Air Quality	\$ 6,744,490
Water Quality	10,276,138
Solid Waste	10,533,181
Noise	72,302
	<hr/>
	\$27,626,111

State of Oregon  
Department of Environmental Quality

**TAX RELIEF APPLICATION REVIEW REPORT**

---

1. Applicant

Boise Cascade Corp.  
Northeast Oregon Region  
Box 610  
LaGrande, OR 97850

The applicant owns and operates a sawmill at LaGrande.

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 boiler breeching modifications, new hammer hog and feed bins.

Request for Preliminary Certification for Tax Credit was made on May 10, 1977, and approved on July 25, 1977.

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

Facility Cost: \$390,009 (Accountant's Certification was provided).

3. Evaluation of Application

Boise Cascade operates ten hogged fuel boilers. These boilers sometimes violated the opacity limits because of inconsistent fuel feeding. In order to meet the opacity limits continuously, Boise Cascade made several modifications to the boilers: ducted all boiler exhaust to the existing multiclones, installed fuel surge bins, replaced a knife hog with a hammer hog, and installed a larger ID fan. Since this installation was completed, there have been no opacity violations observed. There is no significant economic benefit to the company, therefore, 80 percent or more of the cost of this facility is allocable to pollution control.

A change in the date of the start of construction of this facility was submitted in a letter dated May 5, 1980. The date included in the application was the date purchase orders were issued rather than the date construction was started.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$390,009 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1181.

F. A. Skirvin:np  
AN111 (1)  
(503) 229-6414  
June 25, 1980

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 plant at Medford, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of a Carothers No.532 baghouse and associated ductwork.

Request for Preliminary Certification for Tax Credit was made on August 3, 1979, and approved on September 10, 1979.

Construction was initiated on the claimed facility on November 15, 1979, completed on November 30, 1979, and the facility was placed into operation on November 30, 1979.

Facility Cost: \$52,362 (Accountant's Certification was provided).

3. Evaluation of Application

The applicant has installed this baghouse to control emissions from three cyclones which handle sanderdust from the plywood plant. These cyclones were previously uncontrolled and were in violation of the Department's opacity limits. Installation of this baghouse will significantly reduce emissions and insure compliance with the Department's regulations. The collected material has no economic value. 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 \$52,362 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1185.

F. A. Skirvin:p

APD27

(503) 229-6414

May 14, 1980

Appl T-1206  
Date 5/28/80

State of Oregon  
Department of Environmental Quality

**TAX RELIEF APPLICATION REVIEW REPORT**

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1. Applicant

Crown Zellerbach Corp.  
Wauna Division  
Clatskanie, OR 97016

The applicant owns and operates an integrated pulp and paper mill at Wauna, 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 continuous opacity monitoring devices, one installed on each of two stacks from the recovery furnace.

Request for Preliminary Certification for Tax Credit was made on October 25, 1977, and approved on December 2, 1977.

Construction was initiated on the claimed facility on December 1977, completed on June 1979, and the facility was placed into operation on June 1979.

Facility Cost: \$32,226.00 (Accountant's Certification was provided).

3. Evaluation of Application

Installation of continuous opacity monitors on the recovery furnace stacks was required to fulfill OAR 340 Section 25-180(3) and conditions of the plant's Air Contaminant Discharge Permit. The monitors permit continuous assessment of the recovery furnace particulate emissions and provide early indication of electrostatic precipitator malfunctions. This assists in maintaining optimum precipitator performance and, thereby, leads to improved removal of particulate emissions. Previously, weekly particulate emission measurements were the only method employed to monitor precipitator performance. DEQ personnel have inspected these monitors and found them to operate satisfactorily. The entire 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 \$32,226.00 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1206.

FASkirvin:fn  
(503) 229-6414  
May 30, 1980

AF86 (2)

State of Oregon  
Department of Environmental Quality  
TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Crown Zellerbach Corp.  
Wauna Division  
Clatskanie, Oregon 97016

The applicant owns and operates an integrated pulp and paper mill at Wauna, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of a new lime mud filter system, including an associated vacuum pump, motors, gear boxes, controls, etc.

Request for Preliminary Certification for Tax Credit was made on November 25, 1977, and approved on December 29, 1977.

Construction was initiated on the claimed facility in December, 1977, completed in August, 1978, and the facility was placed into operation in August, 1978.

Facility Cost: \$388,678.00 (Accountant's Certification was provided).

3. Evaluation of Application

Given sufficient surface area and retention time, sulfides in lime mud can be oxidized on the surface of the lime mud filter which lessens the amount of total reduced sulfur (TRS) which is emitted from the lime kiln. The previously installed lime mud filter system was adequate from a process standpoint, but, with it, lime kiln emissions could not have consistently met the 20 ppm monthly average limit on TRS emissions which went into effect July 1, 1978. To achieve TRS control, the company replaced their existing lime mud filter system with one having 1.5 times the surface area of the old. Lime kiln TRS emissions are now meeting the current limitations. The new lime mud filter system was installed solely for purposes of TRS control and there is no return on the capital expenditure made; therefore, the percentage of the cost of the facility allocable to air pollution control is 80 percent or more.

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 \$388,678 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1207.

F. A. Skirvin:b  
(503) 229-6414  
AB124  
June 12, 1980

Appl T-1208  
Date 5/28/80

State of Oregon  
Department of Environmental Quality

**TAX RELIEF APPLICATION REVIEW REPORT**

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1. Applicant

Crown Zellerbach Corp.  
Wauna Division  
Clatskanie, OR 97016

The applicant owns and operates an integrated pulp and paper mill at Wauna, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is the addition of equipment and modification of existing facilities to reroute noncondensable gases from a number of sources to the secondary combustion air stream at the lime kiln hood for incineration.

Request for Preliminary Certification for Tax Credit was made on July 10, 1977, and approved on September 1, 1977.

Construction was initiated on the claimed facility on 5/78, completed on 9/78, and the facility was placed into operation on 9/78.

Facility Cost: \$93,397.00 (Accountant's Certification was provided).

3. Evaluation of Application

Modification of the non-condensable gas incineration system so that the gases enter the lime kiln as secondary combustion air, rather than primary, has alleviated problems with the operation of the lime kiln and has resulted in a reduction of Total Reduced Sulfur from the lime kiln from 7 ppm (0.8 lbs/T) to 5 ppm (0.6 lbs/T). Conditions of the plant's Air Contaminant Discharge Permit required this modification. Department personnel have inspected the installation and found it to operate satisfactorily. The sole purpose of the incineration of these noncondensable gases is pollution control. Although improved operation of the lime kiln is being obtained as a side-benefit of the modifications of the noncondensable gas incineration system, this action was principally a modification of an air pollution control system; 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 Oregon 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 \$93,397.00 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1208.

FASKirvin:fn  
(503) 229-6414  
May 30, 1980

AF88 (2)

Appl T-1210  
Date 6/4/80

State of Oregon  
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Crown Zellerbach Corp.  
Wauna Division  
Clatskanie, OR 97016

The applicant owns and operates an integrated pulp and paper mill at Wauna, 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 hoods for each of five washing stages in the bleach plant.

Request for Preliminary Certification for Tax Credit was made on November 25, 1977, and approved on March 3, 1978.

Construction was initiated on the claimed facility in December 1977, completed on March 28, 1978, and the facility was placed into operation on March 28, 1978.

Facility Cost: \$307,636.00 (Accountant's Certification was provided).

3. Evaluation of Application

The hoods are installed on the No. 1 Cl<sub>2</sub> washer, the No. 2 NaOH washer, the No. 3 hypochlorite washer, the No. 4 NaOH washer, and the No. 5 ClO<sub>2</sub> washer, all of which are stages of the pulp bleaching process at the plant. On four of these washers, these hoods replaced older, very ineffective hoods. Some chlorine is carried through with the pulp from one washer to the next so that chlorine emissions may come from any of the five washers. Upsets in the bleaching process before installation of the new hoods allowed high concentrations of Cl<sub>2</sub> to contaminate the bleach plant atmosphere, and to be vented to the atmosphere without control. The fumes are now trapped by the hoods and ducted to a caustic scrubber which had been installed for other purposes prior to this installation. The scrubber is adequate to handle the additional pollutant stream. Installation of the bleach plant fume control system is consistent with OAR, Chapter 340, Sections 21-50 through 21-60. Pollution control tax credit is not being requested for the ductwork because it had been completed prior

to the Notice of Construction and is, therefore, ineligible. DEQ personnel have inspected these hoods and found them to effectively collect the Cl<sub>2</sub> emitted from the bleach plant washers.

These hoods are parts of a system that has benefits both to the plant workers and the general environment, but the system's overall effect is the control of an air pollutant. There is no financial return from their installation. Therefore, 80 percent or more of the cost of the hoods is allocable to air pollution control.

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1) (a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- d. The facility was required by the Oregon 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 \$307,636.00 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1210.

F. A. Skirvin:p  
(503) 229-6414  
June 11, 1980  
AP101 (1)

Appl T-1212  
Date 5/28/80

State of Oregon  
Department of Environmental Quality

**TAX RELIEF APPLICATION REVIEW REPORT**

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1. Applicant

Crown Zellerbach Corp.  
Wauna Division  
Clatskanie, OR 97016

The applicant owns and operates an integrated pulp and paper mill at Wauna, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is the upgrading of the electrostatic precipitator controlling recovery furnace emissions by the addition of a transformer.

Request for Preliminary Certification for Tax Credit was made on November 25, 1977, and approved on January 23, 1978.

Construction was initiated on the claimed facility on 7/78, completed on 9/78, and the facility was placed into operation on 9/78.

Facility Cost: \$64,697.00 (Accountant's Certification was provided).

3. Evaluation of Application

Installation of an additional transformer on the precipitator improved its performance during some maintenance or outage conditions, and also provides increased corona current which has slightly improved collection efficiency during normal operation as well. Conditions of the plant's Air Contaminant Discharge Permit required this degree of improvement in performance of the precipitator. Department personnel have inspected the installation and found it to operate as planned. Since the entire purpose of this facility is air pollution control, 80 or more percent 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 Oregon 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 \$64,697.00 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1212.

FASkirvin:fn  
(503) 229-6414  
May 30, 1980

AF87

Appl T-1213  
Date 5-28-80

State of Oregon  
Department of Environmental Quality

**TAX RELIEF APPLICATION REVIEW REPORT**

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1. Applicant

Crown Zellerbach Corp.  
Wauna Division  
Clatskanie, OR 97016

The applicant owns and operates an integrated pulp and paper mill at Wauna, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is the upgrading of the electrostatic precipitator which controls particulate emissions from the recovery furnace through installation of a new solid-state matrix type rapping control system.

Request for Preliminary Certification for Tax Credit was made on November 25, 1977, and approved on January 23, 1978.

Construction was initiated on the claimed facility on 7/78, completed on 11/78, and the facility was placed into operation on 11/78.

Facility Cost: \$8,819.00 (Accountant's Certification was provided).

3. Evaluation of Application

The new rapper controls allow unlimited variations in the rapping cycles and thereby allow optimum cleaning of collected dust from the precipitator. This has enabled the precipitator to achieve improved particulate control. Conditions of the plant's Air Contaminant Discharge Permit required this improvement in the performance of the precipitator. DEQ personnel have inspected the installation and found the new rapping control system to be operating satisfactorily. Since the entire purpose of this facility is to control particulate air pollutants, 80 or more percent 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 \$8,819.00 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1213.

FASkirvin:fn  
(503) 229-6414  
May 30, 1980

AF85

Appl T-1221  
Date 5/20/80

State of Oregon  
Department of Environmental Quality

**TAX RELIEF APPLICATION REVIEW REPORT**

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1. Applicant

Weyerhaeuser Co.  
Tacoma, WA 98401

The applicant owns and operates a particleboard plant at Springfield, 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 Aero-Vac baghouses and associated equipment.

Request for Preliminary Certification for Tax Credit was made on July 17, 1978, and approved on August 16, 1978.

Construction was initiated on the claimed facility on September 15, 1978, completed on October 13, 1978, and the facility was placed into operation on October 16, 1978.

Facility Cost: \$130,124 (Accountant's Certification was provided).

3. Evaluation of Application

The applicant has installed three baghouses to control emissions from three cyclones at the particleboard plant. The emissions from these cyclones have been reduced to less than one pound per hour. The collected material has no economic value. The primary purpose is air pollution control and 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 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 \$130,124 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1221.

F. A. Skirvin:pa  
(503) 229-6414  
May 27, 1980

AP62

Appl T-1223  
Date 6-23-80

State of Oregon  
Department of Environmental Quality

**TAX RELIEF APPLICATION REVIEW REPORT**

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1. Applicant

Ochoco Pellet Plant  
ATTN: Jerold C. Parker  
P.O. Box 296  
Prineville, OR 97754

The applicant owns and operates a pellet mill at 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 an Aero-Vac baghouse and associated controls, ductwork and motors.

Request for Preliminary Certification for Tax Credit was made on April 17, 1979, and approved on July 6, 1979. Construction was initiated on the claimed facility on July 1, 1979, completed on September 6, 1979, and the facility was placed into operation on September 6, 1979.

Facility Cost: \$15,728 (Accountant's Certification was provided).

3. Evaluation of Application

This project is a baghouse to control emissions from the pellet mill. Prior to the installation, the cyclones were in violation of the Department's emission limits. The plant is now in compliance. The primary purpose is air pollution control and 80% 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% 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 \$15,728 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1223.

F. A. Skirvin, Program Operations Supervisor:i  
(503) 229-6414  
May 22, 1980

EW:i  
AI60

Appl T-1224  
Date 6/9/80

State of Oregon  
Department of Environmental Quality

**TAX RELIEF APPLICATION REVIEW REPORT**

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1. Applicant

Boise Cascade Corp.  
Paper Group  
PO Box 14201  
Salem, OR 97309

The applicant owns and operates a pulp mill at Salem, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is a second acid plant overgas fan.

Request for Preliminary Certification for Tax Credit was made on January 27, 1978, and approved on February 22, 1978.

Construction was initiated on the claimed facility on March 1978, completed on April 21, 1978, and the facility was placed into operation on April 21, 1978.

Facility Cost: \$54,608.37 (Accountant's Certification was provided).

3. Evaluation of Application

Installation of a second acid plant overgas fan provides a backup for use when a fan has to be shut down for repairs or maintenance and enables continued collection and control of SO<sub>2</sub> emissions at these times. With only one fan available, fugitive SO<sub>2</sub> emissions caused public complaints during periods when the fan was inoperable. Thirteen such fan failures occurred during 1977, which was considered excessive by the Department. The installation has been inspected and found to be satisfactory. The fan serves no purpose other than air pollution control and there is no financial benefit to its installation; therefore, 80 percent or more of its cost is allocable to pollution control.



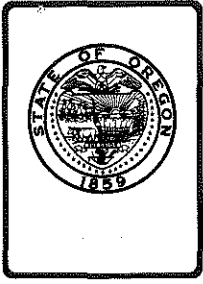
4. Summation

- 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 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 \$54,608.37 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1224.

F.A. Skirvin:s  
AS125  
(503) 229-6414  
June 12, 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 No. D, July 18, 1980, EQC Meeting

### Request for Authorization to Hold Public Hearings to Consider Proposed Noise Control Regulations for Motor Sports Facilities

#### Background

In 1971 the Oregon Legislature found that a program should be initiated to protect Oregon citizens from deterioration of the quality of life by excessive noise emissions. The Environmental Quality Commission was empowered to adopt reasonable statewide standards to that end, and to enforce compliance with those standards.

Studies initiated by the Department in 1972 indicated that racetrack noise was a significant source of annoyance to many citizens. In late 1973, regulations were proposed that set maximum noise levels for racing events when measured at the nearest noise sensitive property. Although many Oregonians felt the proposed rules were not stringent enough, it became apparent that the proposed standards could not be implemented without destroying the racing industry as it presently exists in Oregon. The 1973 draft was abandoned and further research begun.

In the interim, some Oregon track operators and sanctioning bodies have voluntarily undertaken muffling requirements on racing vehicles, but these efforts have had limited effect on the overall magnitude of the problem. As Oregon population increases and residential areas expand, increasing numbers of individuals are exposed to racetrack noise at high levels.

In late 1978, proposed racing rules were again scheduled for public hearings. These hearings were cancelled as a result of complaints from racing organizations that the proposal was not acceptable. The various racing interests then organized into Motor Sports Conference Incorporated (MSCI). This organization agreed to work with Department staff to develop a rule proposal that would meet their concerns and also provide meaningful noise control of racing vehicles and facilities.

The Environmental Quality Commission has legal authority to adopt a noise control rule for motor sports facilities under ORS 467.030.

#### Evaluation

Department staff has continued to cooperate with Motor Sports Conference Incorporated to draft proposed motor racing noise control rules. A "discussion draft" proposed



Contains  
Recycled  
Materials

rule was completed by MSCCI in February 1980. This proposal was reviewed by DEQ staff and legal counsel and amended as believed necessary. In May, 1980, MSCCI held a meeting for all motorsports organizations to discuss the revised draft proposal. Further amendments were again identified to DEQ staff. The final proposal, therefore, reflects the efforts of MSCCI and DEQ and has been found to be acceptable to both parties.

The proposed rule would apply to all identified major motor racing activities. Specifically included would be drag racing, oval track racing, sports car racing, closed and open course motorcycle racing, four wheel drive racing, watercraft racing, autocross and go-kart racing.

All racing vehicles would be required to use a properly installed and well maintained muffler. In addition, most racing vehicles must not exceed a noise emission limit measured near the race track. Monitoring and data reporting requirements are included to ensure compliance with standards.

Racing events and practice sessions would be controlled by day and time to further mitigate noise impacts. New racing facilities would be required to determine the extent of any noise impacts prior to construction or operation.

In order to provide flexibility in this proposal for safety, availability of technology and special events, exemptions and exceptions are included. The rule would also establish an advisory committee to assist the Department on rule implementation and granting of exceptions. This committee would be composed of various racing sanctioning bodies, a public member and the Department.

It is not anticipated that the adoption and implementation of this proposal will provide full protection from excessive noise to those people residing near motor racing facilities. However, the noise control equipment (mufflers) and administrative controls should provide substantial noise impact reduction. It is recognized that amendments to this proposed rule may be necessary after a period of implementation to ensure motor sports noise impacts are mitigated to the extent practicable without placing the motor sports industry in jeopardy.

#### Summation

1. A proposed motor sports facility noise control rule has been developed by Department staff and the Motor Sports Conference Incorporated.
2. The proposed standards would:
  - a) Require mufflers on motor racing vehicles,
  - b) Establish noise emission limits,
  - c) Limit hours of operation of motor sports facilities, and
  - d) Provide exemptions and exceptions to maintain safety, account for the state of noise control technology and provide for special events.

Director's Recommendation

Based on the Summation, it is recommended that the Commission authorize public hearings to take testimony on proposed Noise Control Regulations for Motor Sports Facilities.

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

WILLIAM H. YOUNG

John Hector:pw  
July 3, 1980  
503-229-5989

Attachments

1. Draft Rule
2. Draft Hearings Notice



PROPOSED  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
NOISE CONTROL REGULATIONS FOR MOTOR SPORTS FACILITIES  
CHAPTER 340, OREGON ADMINISTRATIVE RULES  
JULY, 1980

340-35-015 Definitions. As used in this Division (only pertinent definitions shown)

- (1) Closed Course Motorcycle Racing Vehicle means any motorcycle racing vehicle that is operated in competition or practice session on a closed course motor sports facility, i.e. where public access is restricted and admission is generally charged.
- (2) Drag Racing Vehicle means any racing vehicle used to compete in any acceleration competition initiated from a standing start and continued over a straight line course.
- (3) Four Wheel Drive Racing Vehicle means any four-wheeled racing vehicle with at least one wheel on the front and rear axle driven by the engine or any racing vehicle participating in an event with predominantly four wheel drive racing vehicles.
- (4) Fuel-Burning Racing Vehicle means a racing vehicle that operates using principally alcohol (more than 50 percent) or utilizes nitromethane as a component of its operating fuel.
- (5) Go-Kart Racing Vehicle means a light-weight four-wheeled racing vehicle of the type commonly known as a go-kart.
- (6) Motor Sports Advisory Committee means a committee appointed by the Director, from among the nominees, for the purpose of technical and policy advice on racing activities and to recommend Exceptions to these rules as specified in OAR 340-35-040(12). This Committee shall consist of:
  - (a) One permanent public member nominated by a noise impacted group or association; and
  - (b) One representative of each of the racing vehicle types identified in OAR 340-35-040(2) as nominated by the respective sanctioning bodies; and
  - (c) The program manager of the Department's noise pollution control section who shall also serve as the departmental staff liaison to this body.

- (7) Motor Sports Facility means any facility, track or course upon which racing events are conducted.
- (8) Motor Sports Facility Noise Impact Boundaries means the 55 dBA day-night (Ldn) noise contours around the motor sports facility representing events that may occur.
- (9) Motor Sports Facility Owner means the owner or operator of a motor sports facility or an agent or designee of the owner or operator. When a Racing Event is held on public land, the event organizer (i.e., promotor) shall assume the duties of the motor sports facility owner for the purposes of these rules.
- (10) Motor Vehicle means any vehicle which is, or is designed to be self-propelled or is designed or used for transporting persons or property. This definition excludes aircraft, but includes watercraft.
- (11) New Motor Sports Facility is any motor sports facility for which construction or installation was commenced after the effective date of these rules. Any recreational park or similar facility which initiates sanctioned racing after the effective date of these rules shall be a new motor sports facility.
- (12) Open Course Motorcycle Racing Vehicle means any motorcycle racing vehicle that is operated in competition on an open course motor sports facility, i.e. where public access is not generally restricted. This definition is intended to include the several types of motorcycles such as "enduro" and "cross country" that are used in events held in trail or other off-road environments.
- (13) Oval Racing Vehicles means any racing vehicle, not a motorcycle and not a sports car, which is operated upon a closed, oval-type motor sports facility.
- (14) Practice Sessions means any period of time during which racing vehicles are operated at a motor sports facility, other than during racing events. Driver training sessions or similar activities which are not held in anticipation of a subsequent racing event, and which include only vehicles with a stock exhaust system, shall not be considered practice sessions.
- (15) Racing Event means any competition using motor vehicles conducted under a permit issued by the governmental authority having jurisdiction, or under the auspices of a recognized sanctioning body. This definition includes, but is not limited to, events on the surface of land and water.

- (16) Racing Vehicle means any motor vehicle that is designed to be used in racing events or any motor vehicle participating in or practicing for a racing event.
- (17) Recreational Park means a facility open to the public for the operation of off-road recreational vehicles.
- (18) Special Motor Racing Event means any racing event in which a substantial or significant number of out-of-state racing vehicles are competing and which has been designated as a special motor racing event by the motor sports advisory committee.
- (19) Sports Car Racing Vehicle means any racing vehicle which meets the requirements and specifications of the competition rules of any sports car organization.
- (20) Stock Exhaust System means an original equipment manufacturer exhaust system or a replacement for original equipment for a street legal vehicle which is functionally similar to the original equipment in all respects.
- (21) Temporary Autocross or Solo Course means any area upon which a paved course motor sports facility is temporarily established. Typically such courses are placed on parking lots, or other large paved areas, for periods of one or two days.
- (22) Trackside means a sound measuring point of 50 feet from the edge of the designated track width and specified in Motor Race Vehicle and Facility Sound Measurement Manual, NPC-35.
- (23) Watercraft Racing Vehicle means any racing vehicle which is operated upon or immediately above the surface of water.
- (24) Well Maintained Muffler means a device or combination of devices which effectively decreases the sound energy of internal combustion engine exhaust by a minimum of 5 dBA at trackside. A well maintained muffler shall be free of defects or modifications that reduce its sound reduction capabilities. Each outlet of a multiple exhaust system shall comply with the requirements of this subsection, notwithstanding the total engine displacement versus muffler length requirements. Such a muffler shall be a:
- (a) Reverse gas flow device incorporating a multitube and baffle design; or a



- (b) Perforated straight core device, fully surrounded from beginning to end with a sound absorbing medium, not installed on a rotary engine, and:
  - (i) at least 20 inches in inner core length when installed on any engine exceeding 1600 cc (96.7 cubic inches) displacement; or
  - (ii) at least 12 inches in inner core length when installed on any non-motorcycle engine equal to or less than 1600 cc (96.7 cubic inches) displacement; or
  - (iii) at least 6 inches in inner core length and installed at the outlet end of any four-cycle motorcycle engine; or
  - (iv) at least 8 inches in inner core length when installed on any two-cycle motorcycle engine; or an
- (c) Annular swirl flow (auger-type) device of:
  - (i) at least 16 inches in swirl chamber length when installed on any engine exceeding 1600 cc (96.7 cubic inches) displacement; or
  - (ii) at least 10 inches in swirl chamber length when installed on any engine equal to or less than 1600 cc (96.7 cubic inches) displacement; or a
- (d) Stacked 360° diffusor disc device; or a
- (e) Turbocharger; or a
- (f) Go-Kart muffler as defined by the International Karting Federation as specified in Motor Race Vehicle and Facility Sound Measurement Procedure Manual, NPC-35; or an
- (g) Original equipment manufacturer motorcycle muffler when installed on a motorcycle model such muffler was designated for by the manufacturer; or
- (h) Any other device demonstrated effective and approved by the motor sports advisory committee and the Department.

340-35-040 NOISE CONTROL REGULATIONS FOR MOTOR SPORTS VEHICLES AND FACILITIES

(1) Statement of Purpose. The Commission finds that the periodic noise pollution caused by Oregon motor sports activities threatens the environment of citizens residing in the vicinity of motor sports facilities. To mitigate motor sports noise impacts, a coordinated statewide program is desirable to ensure that effective noise abatement programs are developed and implemented where needed. This abatement program includes measures to limit the creation of new noise impacts and the reduction of existing noise impacts to the extent necessary and practicable.

Since the Commission also recognizes the need of Oregon's citizens to participate in recreational activities of their choice, these rules balance those citizen needs which may conflict when motor sports facilities are in operation. Therefore, a policy of continuing participation in standards development through the active cooperation of interested parties is adopted. The choice of these parties is to limit the noise emission levels of racing and recreational vehicles, to designate equipment requirements, and to establish appropriate hours of operation. It is anticipated that safety factors, limited technology, special circumstances, and special events will require exception to these rules in some instances; therefore, a mechanism to accommodate this necessity is included in this rule.

This rule is designed to encourage the motor sports facility owner, the vehicle operator, and government to cooperate to limit and diminish noise and its impacts. These ends can be accomplished by encouraging compatible land uses and controlling and reducing the racing vehicle noise impacts on communities in the vicinity of motor sports facilities to acceptable levels.

(2) Standards

- (a) Drag Racing Vehicle. No motor sports facility owner and no person owning or controlling a drag racing vehicle shall cause or permit its operation at any motor sports facility unless the vehicle is equipped with a properly installed and well maintained muffler.
- (b) Oval Racing Vehicle. No motor sports facility owner and no person owning or controlling an oval racing vehicle shall cause or permit its operation at any motor sports facility unless the vehicle is equipped with a properly installed and well maintained muffler and noise emissions from its operation do not exceed 105 dBA at trackside.

- (c) Sports Car Racing Vehicle. No motor sports facility owner and no person owning or controlling a sports car racing vehicle shall cause or permit its operation at any motor sports facility unless the vehicle is equipped with a properly installed and well maintained muffler and noise emissions from its operation do not exceed 105 dBA at trackside.
- (d) Closed Course Motorcycle Racing Vehicle. No motor sports facility owner and no person owning or controlling a closed course motorcycle racing vehicle shall cause or permit its operation at any motor sports facility unless the vehicle is equipped with a properly installed and well maintained muffler and noise emissions from its operation do not exceed 105 dBA trackside.
- (e) Open Course Motorcycle Racing Vehicle. No motor sports facility owner and no person owning or controlling an open course motorcycle racing vehicle shall cause or permit its operation at any motor sports facility unless the vehicle is equipped with a properly installed and well maintained muffler and noise emissions from its operation do not exceed 105 dBA at trackside.
- (f) Four Wheel Drive Racing Vehicles. No motor sports facility owner and no person owning or controlling a four wheel drive racing vehicle shall cause or permit its operation at any motor sports facility unless the vehicle is equipped with a properly installed and well maintained muffler and noise emissions from its operation do not exceed 105 dBA at trackside.
- (g) Watercraft Racing Vehicle. No motor sports facility owner and no person owning or controlling a watercraft racing vehicle shall cause or permit its operation at any motor sports facility unless the vehicle is equipped with a properly installed and well maintained muffler and noise emissions from its operation do not exceed 105 dBA at trackside.

- (h) Autocross Racing Vehicle. No motor sports facility owner and no person owning or controlling an autocross racing vehicle shall cause or permit its operation on any temporary autocross or solo course unless the vehicle is equipped with a properly installed and well maintained muffler and noise emissions from its operation do not exceed 90 dBA at trackside.
  - (i) Go Kart Racing Vehicle. No motor sports facility owner and no person owning or controlling a go kart racing vehicle shall cause or permit its operation at any motor sports facility unless the vehicle is equipped with a properly installed and well maintained muffler.
- (3) New Motor Sports Facilities. Prior to the construction or operation of any permanent new motor sports facility, the motor facility owner shall submit for Department approval the projected motor sports facility noise impact boundaries for the first full calendar year of operation. The data and analysis used to determine the boundary shall also be submitted to the Department for evaluation.
  - (4) Practice Sessions. All racing vehicles, in order to operate in practice sessions, shall comply with a noise mitigation plan which shall have been submitted to and approved by the motor sports advisory committee and the Director. Such plans may be developed and submitted prior to each racing season. An approved plan may be varied with prior written approval of the Department.
  - (5) Recreational Park. When a motor sports facility is used as a recreational park for the operation of off-road recreational vehicles, the ambient noise limits of OAR 340-35-030(1)(d) shall apply.
  - (6) Operations.
    - (a) General. No motor sports facility owner and no person owning or controlling a racing vehicle shall permit its use or operation at any time other than the following:
      - (A) Sunday through Thursday during the hours 8 a.m. to 10 p.m. local time; and
      - (B) Friday through Saturday, state and national holidays and the day preceding, during the hours 8 a.m. to 11 p.m. local time.

- (b) Special Events. Any approved special motor racing event may be authorized to exceed this curfew pursuant to subsection (12) (a) of this section.
- (7) Measurement and Procedures. All instruments, procedures and personnel involved in performing sound level measurements shall conform to the requirements specified in Motor Race Vehicle and Facility Sound Measurement and Procedure Manual NPC5-35, or to standard methods approved by the Department.
- (8) Monitoring and Reporting.
  - (a) It shall be the responsibility of the motor sports facility owner to measure and record the required noise level data. The owner shall keep such recorded noise data available for a period of at least one calendar year and, upon request, shall make such recorded noise data available to the Department.
  - (b) When requested by the Department, any motor sports facility owner shall provide the following:
    - (A) Free access to the facility
    - (B) Free observation of noise level monitoring
    - (C) Cooperation and assistance in obtaining the reasonable operation of any Racing Vehicle using the facility as needed to ascertain its noise emission level.
- (9) Vehicle Standards. No motor sports facility owner and no person owning or controlling a racing vehicle shall cause or permit it to participate in any racing event or practice session unless the vehicle is equipped and operated in accordance with these rules.
- (10) Vehicle Testing. Nothing in this section shall preclude the motor sports facility owner from testing or barring the participation of any racing vehicle for non-compliance with these rules.
- (11) Exemptions.
  - (a) Any motor sports facility whose racing surface is located more than 2 miles from the nearest noise sensitive property shall be exempt from this rule.

- (b) Any fuel burning racing vehicle shall be exempt from the requirements of subsection (2) of this section.
- (12) Exceptions. The Department shall consider the recommendations of the motor sports advisory committee prior to the approval or denial of any exception to these rules. Exceptions may be authorized by the Department for the following pursuant to OAR 340-35-010:
- (a) Special motor racing events upon the recommendation of the motor sports advisory committee.
  - (b) Race vehicle or class of vehicles whose design or mode of operation makes operation with a muffler inherently unsafe or technically infeasible upon the recommendation of the motor sports advisory committee.
  - (c) Motor sports facilities previously established in areas of new development of noise sensitive property.
  - (d) Noise sensitive property owned or controlled by a motor sports facility owner.
  - (e) Noise sensitive property located on land zoned exclusively for industrial or commercial use.
  - (f) Any motor sports facility owner or race sanctioning body that proposes a racing vehicle noise control program that accomplishes the intended results of the Standards of subsection (2), the Measurement and Procedures of subsection (7) the Monitoring and the Reporting of subsection (8) of this section.
- (13) Motor Sports Advisory Committee Actions. The Committee shall serve at the call of the chairman who shall be elected by the members in accordance with the rules adopted by the Committee for its official action.
- (14) Effective Date. These rules shall be effective July 1, 1981.

Draft Hearings Notice

\*\*\*\*\*  
\*  
\* NOTICE OF PUBLIC HEARING \*  
\*  
\*\*\*\*\*

EQC SOLICITS TESTIMONY ON NEED TO ESTABLISH NOISE CONTROL REGULATIONS FOR MOTOR SPORTS FACILITIES.

The Oregon Department of Environmental Quality (DEQ) has scheduled public hearings to consider testimony on a proposal that would establish noise control rules and standards for motor sports racing vehicles and facilities. Hearings will be held on this proposal on \_\_\_\_\_.

WHAT IS DEQ PROPOSING?

DEQ and Motor Sports Conference Incorporated (MSCI) have developed proposed noise control rules that would require mufflers on racing vehicles and establish maximum noise emission limits for vehicles participating in racing events at motor sports facilities.

WHO IS AFFECTED BY THIS PROPOSAL?

The public is affected by excessive noise from motor sports facilities. Racing vehicle owners and operators and racetrack owners and operators are directly affected by this proposal. Specific motor racing vehicle types within this proposal include drag racing vehicles, oval racing vehicles, sports car racing vehicles, closed course and open course motorcycle racing vehicles, four wheel drive racing vehicles, watercraft racing vehicles, autocross racing vehicles and go kart racing vehicles.

HOW TO SUBMIT YOUR INFORMATION

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

Oral and written comments may be offered at the following public hearings:

WHERE TO OBTAIN ADDITIONAL INFORMATION

Copies of the proposed regulation may be obtained from:

Department of Environmental Quality

Noise Control Section

PO Box 1760

Portland, OR 97207

or phone

503-229-6085 or

1-800-452-7813

PRINCIPAL DOCUMENTS RELIED UPON IN THE RULEMAKING

- a) Proposed Regulations for Motor Sports Facilities (discussion draft)  
dated February 26, 1980, submitted by Motor Sports Conference, Inc.
- b) Letter to motorsports organizations from Motor Sports Conference, Inc.,  
giving notice of meeting to discuss draft noise control rules.

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

NEED FOR THE RULE

Excessive noise from motor sports facilities and motor racing vehicles cause impacts detrimental to the health, safety or welfare of citizens residing near motor sports facilities.

LEGAL REFERENCES FOR THIS PROPOSAL

This proposal may be adopted under authority of ORS 467.030.

This proposal does not appear to conflict with Land Use Goals. Public comment on land use issues involved is welcome and may be submitted in the same fashions



as are indicated for testimony in this Public Notice of Hearing. The Department of Environmental Quality intends to ask the Department of Land Conservation and Development to mediate any apparent conflicts brought to our attention by local, state or federal authorities.

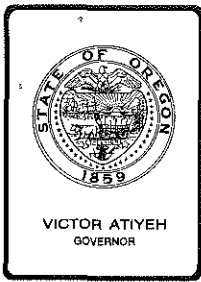
#### FISCAL IMPACT

The cost of mufflers needed to meet this proposal are not excessive. It is not anticipated that this proposal would cause major economic impacts to race facility owners, therefore, a minimal adverse economic impact to race vehicle and facility owners may result.

#### FINAL ACTION

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

John Hector:pw  
June 30, 1980  
503-229-5989



## *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: Linda K. Zucker, Hearings Officer

SUBJECT: Agenda Item F, July 18, 1980, EQC Meeting

Request for Commission Review: DEQ v. PETER, Ernie  
Case No. 13-AQ-WVR-79-86

Commission review of the hearings officer's order in this case is scheduled for the July 18, 1980, meeting.

The following documents are enclosed:

1. Hearings Officer's Findings of Fact, Conclusions of Law and Final Order;
2. Respondent's exceptions; and
3. Department's June 4, 1980, response.

Linda K. Zucker  
Hearings Officer

LKZucker:ahc  
07-01-80  
229-5383

Enclosures



Contains  
Recycled  
Materials

1                                   BEFORE THE ENVIRONMENTAL QUALITY COMMISSION  
2   OF THE STATE OF OREGON

3 DEPARTMENT OF ENVIRONMENTAL QUALITY,            )  
  )  
4   Department,                                    )  
  )  
5   v.    )  
  )  
6 ERNEST PETER,    )  
  )  
7   Respondent.                                    )

HEARING OFFICER'S FINDINGS  
OF FACT, CONCLUSIONS OF LAW  
AND FINAL ORDER  
Case No. 13-AQ-WVR-79-86

8 Summary

9 Ernest Peter appeals Department's assessment of a single civil penalty  
10 of \$500 for alleged violations of ORS 468.475(1), OAR 340-26-010(2) (a), and  
11 of OAR 340-26-011(4) (b)-(c), resulting in the unauthorized open burning of  
12 perennial seed crop acreage.

13 Findings of Fact

14 On October 5, 1978, and at all other times referred to, Respondent was  
15 in control of acreage located in Marion County, Oregon in an area west of  
16 Interstate 5 in which open burning is regulated by the Department.  
17 Respondent's field was planted to fescue, a grass seed crop. In October,  
18 1978, Respondent registered the acreage for open burning but did not secure  
19 a field burning permit. He did obtain a permit to propane flame sanitize  
20 the field. Propane flame sanitization is an approved alternative to field  
21 burning provided certain conditions are met.

22 While Respondent had not obtained a burning permit in 1977, and was  
23 unable to open burn the field after the 1977 harvest, he had removed much  
24 of the 1977 growth by swathing, leaving about a six-inch growth. Because  
25 the fescue produced only leaves rather than seed heads in 1978, Respondent  
26 did not swathe the field for harvest in 1978. By October 8, 1978, the

1 unburned field supported a lush fescue growth about a foot high. Some  
2 dried remnants of 1977 growth also remained, although there was no loose  
3 straw to be seen on the ground. The field had not been flail chopped,  
4 mowed, or otherwise cut close to the ground.

5 On October 8, 1978, having checked wind and weather conditions, and  
6 having found them satisfactory, Respondent attempted to propane sanitize  
7 the field. Typically in the sanitizing process, burning is controlled by  
8 starting and stopping the propane burner and does not outdistance the flame  
9 emitted by the propane flamer. Relying on the experience of other farmers,  
10 Respondent anticipated that he would have to cover the field more than once  
11 with the propane flamer to accomplish sanitization. He did not anticipate  
12 that the burning would get out of control.

13 However, when Respondent extinguished his propane flaming equipment,  
14 the field fire, fueled by the field's load and aided by previous dry  
15 weather and a shift in wind direction, did not go out behind the flamer,  
16 but spread over the field igniting contiguous growth and creating an open  
17 field burn.

18 Respondent made varied and sensible but ineffective efforts to control  
19 the fire. He was hampered by shifting winds and the inadequacy of his  
20 equipment. Several fire control units were required to contain and quell  
21 the conflagration. Because the dense smoke covered the freeway for a  
22 distance, freeway visibility was extremely reduced. Several accidents  
23 occurred and a number of law enforcement units were needed for traffic  
24 control and accident attention.

25 Respondent was cited for the violations alleged in Department's Notice  
26 of Assessment of Civil Penalty. These violations normally would not

1 continue beyond five days. A copy of the Notice was duly served on  
2 Respondent.

3 Conclusions of Law

- 4 1. The Department has jurisdiction to impose a civil penalty.  
5 2. Respondent's effort to propane flame the acreage as an approved  
6 alternative to open field burning was defective in that he did not meet  
7 the conditions of OAR 340-20-011(4).  
8 3. Respondent negligently caused or allowed acreage to be open burned  
9 without a valid burning permit in violation of ORS 468.475(1).  
10 4. Respondent is liable for a civil penalty of \$250 for violation  
11 of ORS 468.475(1). The amount of the penalty is reasonable.  
12 5. Respondent is not subject to any additional penalty for his  
13 defective attempt to meet the conditions of OAR 340-20-011(4).

14 Opinion

15 The Notice of Assessment of Civil Penalty provides in part as follows:

16 III

17 A. On or about October 5, 1978, Respondent used a  
18 propane flamer as an alternative to open field burning the  
19 above-described field. That field had not been previously  
20 burned and appropriate fees paid. Respondent failed to  
21 flail-chop, mow or otherwise cut close to the ground and  
22 remove loose straw from the above-described field prior  
23 to propane-flaming, in violation of OAR 340-26-011(4)(c).

24 B. On or about October 5, 1978, a portion of the above-  
25 described field did sustain an open fire, in violation of  
26 ORS 468.475(1), OAR 340-26-011(4)(b) and OAR 340-26-  
010(2)(a).

IV

27 Pursuant to OAR 340-12-050(2) the Director hereby  
28 imposes upon Respondent a civil penalty of \$500 for the  
29 violations cited in Paragraph III.

1  
2 The violations cited in Paragraph III above involve  
3 aggravating factors which support the assessment of a civil  
4 penalty larger than the minimum established in the schedule  
referred to in Paragraph IV.

5 At hearing, Department confirmed that it considered Respondent liable  
6 for two distinct violations, each justifying imposition of a separate civil  
7 penalty. See OAR 340-12-035. The Commission must decide whether these two  
8 allegations, if proved, create cumulative liability.

9 Two arguments militate against a dual penalty. First, the rule  
10 relating to propane flaming, OAR 340-26-011(4), does not contain a  
11 prohibition. Rather, it states conditions under which an approved  
12 alternative to field burning can be met. It is in the nature of an  
13 exception to the general prohibition against open burning without a permit  
14 contained in ORS 468.475, rather than an independent offense. Under  
15 Department's construction, violation of the general rule can bring a first  
16 civil penalty, while failure to meet an exception to that rule can bring a  
17 second civil penalty. In effect, this amounts to double exposure for  
18 violation of the general rule.

19 Second, the dual penalty discourages voluntary compliance. Had  
20 Respondent blithely or intentionally ignited his field by the usual means  
21 and succeeded in burning it, he would have been liable for a single civil  
22 penalty attributable to unauthorized open burning. Instead, Respondent  
23 acknowledged the regulatory system by registering the field, obtaining  
24 a permit for propane sanitization, arranging for rental and procurement  
25 of propane sanitation equipment, undertaking (albeit imperfectly) the more  
26 onerous task of propane sanitization, and is called to pay an additional

1 fine for his added effort. The result has little to recommend it and does  
2 not appear to be the goal of the regulatory scheme.

3 Having resolved the extent of Respondent's liability, it is necessary  
4 to determine the amount. A single civil penalty of \$500 was imposed.  
5 Although there was no direct testimony regarding the allocation of penalty  
6 between the two violations charged, the record suggests that the same  
7 factors of aggravation and mitigation were involved in assessing civil  
8 penalties for each violation, and it reasonably may be assumed that half  
9 the total penalty is allocable to each violation, and to find that \$250 is  
10 the amount of Respondent's obligation.

11 Therefore, IT IS ORDERED THAT, Respondent, Ernest Peter, is liable  
12 for a civil penalty of \$250 for violation of ORS 648.475(1) and that the  
13 state of Oregon have judgment therefore.

14 Appeal of this Order is to the Environmental Quality Commission. See  
15 ORS 183.460. The procedure governing commission review is set out in  
16 Oregon Administrative Rule (OAR) 340-11-132. Judicial review is authorized  
17 by ORS 183.480.

18 Dated this 7th day of March, 1980.

19 Respectfully submitted,

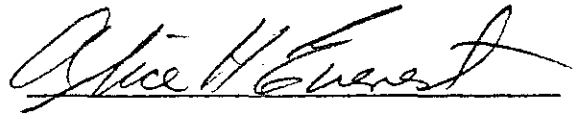
20 

21 Linda K. Zucker  
22 Hearings Officer

CERTIFICATE OF SERVICE  
(Mail)

I, Alice H. Everest, being a competent person over the age of eighteen (18), do hereby certify that I served ERNEST PETER by mailing by certified mail no. 348715 to Ernest Peter, a true and valid copy of HEARING OFFICER'S FINDING OF FACT, CONCLUSIONS OF LAW & FINAL ORDER in DEQ v. PETER, Ernie, Case No. 13-AQ-WVR-79-86.

I hereby further certify that said document was placed in a sealed envelope addressed to said person at 8330 South Lone Elder Road, Canby, OR 97013, his last known address, and deposited in the Post Office at Portland, Oregon, on the 7<sup>th</sup> day of March, 1980, and that the postage thereon was prepaid.



Alice H. Everest  
Administrative Assistant  
Hearings Section



IN THE MATTER OF ARBITRATION BETWEEN

DEPARTMENT OF ENVIRONMENTAL QUALITY,  
OF THE STATE OF OREGON,

v.

ERNEST H. PETER,

*Zucker*  
EQC  
Hearing Section

MAY 09 1980

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

MAY 9 1980

OFFICE OF THE DIRECTOR

I am filing this brief in compliance with the letter received Mar. 7, 1980 from Linda Zucker, hearings officer. Let us consider the situation as I see it, just what brings this allegation of field burning violation.

HISTORY

We owned this farm long before I-5 was ever dreamed of, but we had no control over the diagonal dissection of the farm resulting in this small triangular field bordered by the Freeway on the East and a creek canyon containing a small fir grove on the West. This has created a very unusual wind direction pattern when burning this field.

We have always had trouble burning this field, and keeping smoke off the Freeway (which has been my sole controlling factor in timing the burning and the options open to me of methods.)

REVIEW

A review of my inability to burn this field after the 1977 crop harvest: I would not, under any condition, burn that field with smoke blowing toward the Freeway. Many days the Fire Department had open quota permits available to me, but I would not burn, perhaps endangering people's lives on the

Freeway from smoke drift. Having gone through the entire burning season without accomplishing burning this field, I clipped the stubble closely, and baled off all residue. As you know, without field burning practice, no seed heads form the next year, and no harvest can take place. So I hoped that with this late removal of all possible material, I would get a crop in 1978, but this did not materialize.

#### STATEMENT OF FACTS

As soon as the burning season opened in 1978, I tried in vain to open-burn on proper prevailing winds, with no success, because on East wind days the quota was filled before I called. By Oct. 8, 1978, the field was wet and very green. There was no straw or loose material, only green leaves of fescue plants on the field. It seemed no other alternative was open to me, plus I could not sustain another fallow year, financially.

At this late date, to flail, chop, and try to remove the green material seemed to be useless, when the rains were threatening to set in for good. Therefore, my judgement to obtain the propane burner permit. I have been a seed farmer for 19 years, and have always complied with all field burning laws, and I would not do anything illegal. When I rented the burner, the company man stated that other farmers using the burner had to go over their fields 2 or 3 times to get a satisfactory coverage.

There is no service available that will make a judgemental opinion as to which method is best, therefore I had to rely on my previous experiences. In my best judgement, the material on the field would not sustain an open burn. The only other alternative

left to me was propane burning. ~~That reason alone was why I did not apply for an open field burning permit.~~ I applied and received a propane burning permit. With the information of the renter of the burner about the repeated application of the burners to get a satisfactory coverage of burning, I made the judgement to start.

After commencing propaning, perhaps on a low humidity day which I had no way of measuring, the green leaves did burn. Then, co-incidentally, the wind direction changed, which caused smoke to drift onto the Freeway. Recognizing this condition, I immediately circled the field, thinking that an updraft thermal would occur and thus draw the smoke off the Freeway.

The Fire Department was called, and the firemen were amazed to see the green leaf material openly burning. The State Police came to assist, and they concurred with amazement that the green and wet material would burn. I used the very best judgement I knew how, relying on my many years of experience. Fescue grass burns very differently from other types of grass.

#### CONCLUSION:

When it took your department from Oct. 8, 1978 until Sept. 7, 1979 to cite me, there must have been quite a bit of uncertainty about this case. I believe that I am being unfairly singled out because this condition has occurred many times before my incident, and since. I recall a St. Paul grower who burned a small field under similar conditions with a propane field burner. When an open fire became apparent, he immediately circled the field with the burner, thus averting danger to a near-by home. I think you will find this in your records, and he was not cited, or singled out for a fine. And no one else that I know of

has been singled out for a fine when they had proper permits.

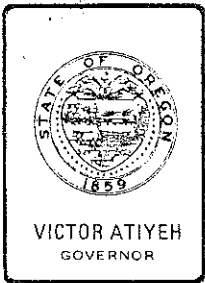
SUMMARY

A farmer's economic fortune is not predictable, and this occupation is not an exact science. Basically all farmers are by nature and temperament ecologists, environmentalists, and conservationists. I respect laws controlling our environment. I was using my best judgement. I have had no prior violations. I think my record over the last 19 years should speak to you in my favor. I see this whole episode as being blown out of all proportion, and very unnecessary.

*Ernest H Peter*

*May 5, 1980*

ERNEST H. PETER  
8330 S. Lone Elder Rd.  
Canby, Oregon 97013



# Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

JUN 4 1980

Linda Zucker, Hearings Officer  
Environmental Quality Commission  
PO Box 1760  
Portland, OR 97207

EQC  
Hearing Section

JUN 04 1980

SUBJECT: DEQ v. Ernest Peter, 13-AQ-WVR-79-86  
Reply to Respondent's Appeal and Brief

I have reviewed Mr. Peter's brief, filed with the Commission's hearing section on May 9, 1980, and offer the following for the record:

Mr. Peter has raised no objection to any of the Findings of Fact or Conclusions of Law included within the subject Final Order. He has raised nothing directed to the merits of the case. Therefore, the Department feels that is neither necessary nor appropriate to file additional materials or a cross-appeal. The Department is satisfied with the Order as issued and recommends that it be upheld by the Commission.

It should be noted that the brief, filed as exceptions to the Hearing Officer's Final Order, was filed after the due date established by Oregon Administrative Rule. The Department hereby waives any objection it may have had as a result of that late filing.

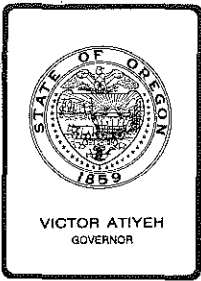
I will be present at the Commission meeting on June 20, 1980, and will be prepared to respond to questions from the Commission regarding the Department's action.

Christopher Reive  
Special Investigator  
Investigation & Compliance Section

CLR:p

GPD76 (1)

cc: Raymond P. Underwood, Dept. of Justice  
Fred Bolton, Administrator, Regional Operations, DEQ  
Ernest H. Peter, Respondent



## *Environmental Quality Commission*

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

### MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. G, July 18, 1980, EQC Meeting

Request by City of Myrtle Point for Continuation  
of Variance from Rules Prohibiting Open Burning Dumps,  
OAR 340-61-040(2)(c).

### Background and Problem Statement

On June 29, 1979, a variance was granted to the City of Myrtle Point in Coos County. The variance was an extension of earlier variances granted in 1978, 1977, and 1975. The extension was granted to allow the county sufficient time to construct a new incineration facility near Bandon which is to receive wastes from the Myrtle Point area. Also time was needed for the Myrtle Point refuse collector to purchase a truck capable of making such a haul. A copy of the June 1979 staff report is attached.

The City's current variance expired on June 30, 1980. However, the county's incinerator is not yet available. The City has again requested an indefinite extension, citing minimal environmental impact and economic hardship (copy of letter attached).

ORS 459.225 provides authority for the Commission to grant variances from solid waste regulations.

### Alternatives and Evaluation

The June 1979 staff report (attached) details the alternatives available and the staff's evaluation. Today circumstances are essentially the same, except for inflation and a generally worsened economic situation. Basically, the alternatives available to the City are (1) construct a transfer facility, (2) haul directly to another facility, and (3) continue open burning. No good potential landfill sites have been found near Myrtle Point and the existing site cannot be upgraded to state standards.



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A transfer station with transportation of wastes to the incinerator would be the best long-term alternative. It would provide the best service to the community and waste hauling would be conducted in more fuel efficient vehicles. However, initial costs would be high (estimated at \$20,000 in June 1979).

Direct hauling of wastes to the incinerator by the garbage collector was determined in June 1979 to be a reasonable alternative. At that time the collector served half to two-thirds of the commercial establishments and households and the additional costs for hauling to the new facility, over the costs for hauling to the old dump, were estimated at about \$1.00 per household per month.

Continued open burning is the cheapest alternative and is favored by the City and most of the residents (based on a May 1979 public meeting). Current economic conditions make this alternative even more appealing and the City is again asking for a long-term variance to continue open burning indefinitely. The Department's position is that open burning is unacceptable.

Coos County's adopted Solid Waste Management Plan calls for closure of the Myrtle Point Dump and transport (either direct or by transfer vehicle) to the new Beaver Hill incinerator complex. This facility was designed as a regional facility to serve the entire county including Myrtle Point.

The new incinerator complex under construction near Bandon is expected to be completed about August 1, 1980. Normally, two or three months additional shakedown time can be expected before the facility is into routine operation. Therefore, direct haul from Myrtle Point could commence about November 1, 1980. To allow for any unforeseen delays, the Department would recommend extending the variance to December 31, 1980, with the condition that burning must stop as soon as the new facility is available.

#### Summation

1. The City of Myrtle Point had a variance to allow open burning of solid waste which expired on June 30, 1980. The variance was granted to allow Coos County time to establish a new incinerator complex near Bandon and to allow the Myrtle Point collector time to purchase a new truck to facilitate hauling to that facility.
2. The incinerator complex is nearly completed and should be ready to accept wastes from Myrtle Point about November 1, 1980. The Myrtle Point collector has purchased a newer truck and should be able to haul to the facility as soon as it becomes available.
3. The City of Myrtle Point has requested an indefinite extension of its variance, citing minimal environmental impact from continued open burning and economic hardship.

4. Coos County has adopted a Solid Waste Management Plan which calls for closure of the Myrtle Point site and transport of wastes to the Beaver Hill incinerator.
5. Until the Beaver Hill facility is available, Myrtle Point has no alternative but to continue open burning. Closure of the site with no alternative available would be unreasonable. Therefore, the Commission may issue a variance in accordance with ORS 459.225.
6. After the Beaver Hill facility becomes available, it is the Department's opinion that the City no longer meets the statutory requirements under which a variance may be granted. The 18-mile haul to Beaver Hill does not seem impractical or burdensome.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the City of Myrtle Point be granted an extension of its variance from OAR 340-61-040(2)(c) until December 31, 1980, or fourteen days from receipt of written notification by the Department that the Beaver Hill incinerator facility is available, whichever is earlier.



William H. Young

Attachments:

1. June 29, 1979 staff report
2. Letter from City of Myrtle Point

W. H. Dana:e  
229-6266  
July 3, 1980

SE27





## *Environmental Quality Commission*

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

To: Environmental Quality Commission  
 From: Director  
 Subject: Agenda Item H(2), June 29, 1979, EQC Meeting

Request for Variance Extensions from Rules Prohibiting Open  
 Burning Dumps, OAR 340-61-040(2)(c), for the Cities of Powers  
 and Myrtle Point

### Background and Problem Statement

On February 24, 1978, variances were granted to the Cities of Powers and Myrtle Point to continue operation of their open burning dumps until June 30, 1979. The variances granted were extensions of earlier variances, and were to allow Coos County an opportunity to expand the capacity of the Bandon Disposal Site so that wastes could be received from Powers and Myrtle Point.

Since the last variances were granted, Coos County has proceeded to install an additional incinerator at the Bandon Disposal Site. The County is now prepared to accept wastes from the Cities of Powers and Myrtle Point, and has included this in their Solid Waste Management Plan (recently adopted).

On March 16, 1979, the City of Powers submitted a request to the Department for another extension and outlined the basis for their request (see attached). On April 6, 1979, the City of Myrtle Point submitted a similar request for a variance (see attached).

On May 21, 1979 a public informational meeting was held in Myrtle Point. Testimony from numerous citizens was received, and is summarized in Attachment 3. A similar public meeting was held in Powers on May 30. A summary of that testimony is included in Attachment 4.

ORS 459.225 provides authority for the Commission to grant variances from Solid Waste regulations, under certain conditions which will be discussed below.

### Alternatives and Evaluations<sup>1</sup>

The Department has been negotiating the closure of the dumps at Powers and Myrtle Point for several years. It has participated in the search for replacement landfills and has funded studies to identify alternatives. After

---

<sup>1</sup>The alternatives and costs are summarized in Tables 1 and 2.



much effort and delay the Department, Coos County and the Cities of Myrtle Point and Powers reached verbal agreement on a plan to close the open dumps and haul to the Bandon Disposal Site. Now that the plan is being implemented, the cities have taken a closer look at the proposal and now contend that closure of the dumps is unwarranted.

Powers - The Powers dump is located on approximately two acres of land near the city. No complaints have been received by the Department, nor have any significant environmental problems been noted during inspections beyond localized air pollution. During the May 30, 1979 public meeting, however, two people living near the dump testified they were adversely affected by the dump. They reported problems with rats, smoke from the burning, numerous fires spreading from the dump, and some debris getting into the nearby creek. With the exception of the smoke, operation of the dump could be improved to eliminate these problems. Approximately 200 of the 300 households in Powers are served by the local hauler, Alka Thornsberry. The alternatives for solid waste disposal are discussed below.

#### Establishing a Sanitary Landfill

The current dump cannot be upgraded to a sanitary landfill. Successful operation of a sanitary landfill is very difficult in the wet, mountainous area around Powers. Several sites have been investigated around Powers, but none have been acceptable. If a suitable site could be found, the initial investment would be considerable.

#### Transfer Station

The operation of a transfer station would be of comparable cost to hauling to Bandon, but would also require an initial expense of about \$20,000. The City has not expressed interest in this option unless the County would pay for the transfer station.

#### Hauling Garbage to Bandon

The Bandon Disposal Site, operated by Coos County, is the only established site in Coos County capable of being operated in an environmentally acceptable manner. A new site for the county's incinerators is proposed to be established at a distance of 48 miles from Powers, pending DEQ approval. The road from Powers to Highway 42 is not good, with many curves and rough stretches.

The local franchised hauler has estimated the cost of hauling garbage the extra distance to Bandon to be about \$5.75/household/month. The current charge for collecting and taking garbage to the Powers dump is \$3.50/month. The initial monthly charge for hauling to Bandon has not been set, but would probably be in the range of \$7.50 - \$10.00/household. Costs would go up if fuel prices increase, and if the County establishes a fee for dumping at Bandon (as expected).

---

<sup>1</sup> \$1.50/mile to operate truck (fuel, depreciation, insurance, driver time, upkeep), and 12 trips/month.

### Maintaining Open Burning Dump

This option is by far the cheapest, and is favored by the City and by almost all the city residents. The reasons cited during the public meeting were:

1. The cost of hauling garbage to Bandon (96 miles round trip) is prohibitive, and likely to get higher as fuel costs increase.
2. Powers is not a prosperous community, with 50% of the residents retired and many on fixed incomes.
3. The tax rate in Powers is already the highest in the County.
4. The dump is remotely located, and causing only localized nuisance conditions.

The disadvantages of continuing the operation of the open burning dump are:

1. Nuisance conditions such as smoke and litter and safety and public health hazards including fires, rats, and insects, have been reported by several neighbors living near the dump. These problems are typical of open burning dumps.
2. Under the Department's agreement with EPA to enforce criteria developed pursuant to the Federal Resource Conservation and Recovery Act (RCRA), the dump will almost certainly have to be phased out in five to six years at the most.

### Coos County Position

The Coos County Commissioners support Powers' variance request, based on the financial hardship of closing down the Powers' dump. They have indicated they are prepared to modify the Coos County Solid Waste Management Plan to reflect continued operation of the Powers dump.

### Staff Position

Under Oregon Revised Statutes (ORS) 459.225, the Commission may grant a variance to solid waste regulations only if the following conditions exist:

1. The conditions in existence are beyond the control of the applicant.
2. Strict compliance would be unreasonable, burdensome or impractical.

3. Strict compliance would result in closure of a site with no alternate facility available.

In the Department's opinion, closing out the Powers dump would be burdensome because of the high cost to the many retired people in this community. We would therefore support a five-year variance, provided the City agrees to upgrade the operation of the current site. These improvements should include rat control, fire protection, and litter control.

Myrtle Point - The Myrtle Point landfill is located about one mile from Myrtle Point, on 12 acres of land. Whether or not there is leachate is unknown, because of the steep bank covered by blackberry bushes below the fill. Environmental problems noted at the fill are litter, safety hazards, insects, rats, and localized air pollution. Half to two-thirds of the commercial establishments and households (over 800) are served by the local hauler, Elvin Murray.

The alternatives available to Myrtle Point are essentially the same as for Powers, and are discussed briefly below and are summarized in Table 2.

#### Establishing a New Landfill Near Myrtle Point

Costs for establishing and operating a sanitary landfill will be somewhat greater than for Powers. More land would be required, and more operator time needed. No acceptable sites have been found near Myrtle Point. At least \$1/month increase in fees would be required, plus an initial expense of about \$75,000 - \$100,000. The current dump site cannot be upgraded to a sanitary landfill. No acceptable sites have been found in the Myrtle Point area.

#### Transfer Station

The initial expense would be about \$20,000, the same as for Powers. An additional \$1.50/month/household would be required, which would not include costs of collecting and taking the garbage to the transfer station.

#### Hauling to Bandon

The proposed county disposal site, if approved, will be about 18 miles from Myrtle Point. This compares with about a 17-mile haul for Coquille residents currently. The increased monthly fee will be somewhere around \$1 per household.

#### Maintaining Open Burning Dump

This is the cheapest option, and for this reason is favored by the City and most of the residents. Most of those testifying felt that no serious environmental damage was occurring because of their dump, and therefore it should not have to be shut down.

Coos County Commission

The Coos County Commissioners support a limited extension to Myrtle Point's variance. They are planning to place the new incinerators on Beaver Hill, which will be seven miles closer to Myrtle Point than the current incinerators. They would prefer to wait until the new site is operational (expected within 1 year) before accepting Myrtle Point's garbage.

Staff Position

In the Department's opinion, only a short term variance for Myrtle Point could be granted under the conditions set forth in ORS 459.225. The monthly fee increase does not appear unreasonable, merely somewhat burdensome.

A short term variance is recommended, however, to allow the County an opportunity to establish their new site. In addition, the franchised hauler has indicated he will need to purchase a new truck if he must haul to the Bandon site. The extension will allow Mr. Murray time to buy the truck.

Summation

1. Myrtle Point and Powers are currently operating open burning dumps under EQC variances granted February 24, 1978. The variances were granted to allow the cities and Coos County time to expand the processing capacity at Bandon and to establish franchising ordinances. Both of these tasks have been completed.
2. Coos County has adopted a Solid Waste Management Plan which identifies Bandon as the disposal site for wastes from Myrtle Point and Powers. The cities verbally agreed to this proposal prior to adoption of the plan. Sufficient capacity now exists for the County to receive wastes from these cities. At least one franchised hauler has expressed interest in collecting garbage from both cities.
3. The Bandon disposal site is the only one currently in operation in Coos County that can be operated in an environmentally acceptable manner.
4. Neither dump can be upgraded to a sanitary landfill. Current deficiencies include localized air pollution, rat harborage, minor leachate discharge, insect vectors and safety hazards.
5. Other alternatives, such as a transfer station or a new landfill, would be more expensive than hauling to Bandon.
6. The City of Powers has requested an indefinite extension of their variance, citing minimal pollution problems, economic hardship (rates will probably go up to at least \$7.50/month in a city populated by many retired people), and the fuel shortage.

7. The City of Myrtle Point has requested an indefinite extension of its variance, citing the minimal pollution problems and cost (rates will probably go to \$5.50 - \$6.50/month).
8. Coos County supports the Powers variance request, but would only support a limited extension to Myrtle Point's variance until the new county site can be established.
9. In the Department's opinion, the variance for Powers should be granted as the long distance from the nearest acceptable landfill and the large number of retired residents on low, fixed incomes make closing the Powers dump burdensome and impractical.
10. Operation of the Powers dump can be improved by better rat, fire, and litter control. This will eliminate many of the environmental problems discussed at the May 30, 1979 public meeting in Powers.
11. In the Department's opinion, Myrtle Point's request only minimally meets the statutory requirement of ORS 459.225. Therefore, only a temporary variance should be issued to allow the County time to establish the new site and to allow the local hauler time to purchase the necessary truck. Since the distance to the new Beaver Hill site is only 18 miles, and the likely fee increase is comparable to other fees in Oregon, a longer variance cannot be granted on the basis that closing the Myrtle Point dump is burdensome or impractical.

#### Director's Recommendation

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

#### Powers

1. The City of Powers be granted an extension of its variance from OAR 340-61-040(2)(c) until June 30, 1984. Said variance to be subject to earlier review by the Commission if in the opinion of the Department there has been a substantial change in circumstances prior to that date.
2. The City of Powers be required to submit, by August 1, 1979, a proposed plan for DEQ review and approval that provides for improving access control, rodent and insect control, litter control and fire protection by September 30, 1979.

Myrtle Point

The City of Myrtle Point be granted an extension of its variance from OAR 340-61-040(2)(c) until June 30, 1980.

*Bill*

WILLIAM H. YOUNG

Richard P. Reiter:dro  
672-8204  
6/12/79  
Attachments (4)

1. Letter from Lillian Ross, City of Powers
2. Letter from Ken Cerotsky, City of Myrtle Point
3. Summary of testimony from public informational meeting in Myrtle Point, May 21, 1979.
4. Summary of testimony from public informational meeting in Powers, May 30, 1979.

Table 1  
City of Powers  
Solid Waste Disposal Options

<u>Alternative</u>	<u>Monthly Cost<sup>1</sup> (per household)</u>	<u>Initial Capital Expense</u>	<u>Other Factors</u>
Maintain open burning dump	~\$5.50	None	Site operation could be improved to minimize nuisance conditions to neighbors.
Transfer station	\$3 to operate and transport garbage from station <sup>2</sup> + \$5.50 to collect garbage from homes = \$8.50.	\$20,000 <sup>2</sup>	---
Establish sanitary landfill	\$1 to operate site <sup>3</sup> + \$5.50 to collect garbage from homes = \$6.50.	\$45,000 <sup>3</sup>	No acceptable site has been found
Haul to Bandon	Not established at at this time, but probably \$7.50 - \$10.	Collector recently purchased an 8-yard compactor in order to retain City franchise.	96 miles round trip. Only current site in Coos County capable of being operated in environmentally acceptable manner.

<sup>1</sup> Typical monthly charges range from \$3.50 - \$5 in Oregon. The current monthly rate in Powers is \$3.50.

<sup>2</sup> Based on average costs for other Oregon transfer stations.

<sup>3</sup> Based on cost of newly established Condon landfill (Eastern Oregon city of comparable size).



Table 2

City of Myrtle Point  
Solid Waste Disposal Options

<u>Alternative</u>	<u>Monthly Cost<sup>1</sup> (per household)</u>	<u>Initial Capital Expense</u>	<u>Other Factors</u>
Maintain open burning dump	Not established, but probably in the range of \$5 - \$6.	None	---
Transfer station	\$1.50 to operate and transport garbage from station <sup>2</sup> + \$5.50 to collect garbage from homes = \$7.	\$20,000 <sup>2</sup>	---
Establish sanitary landfill	\$1 to operate site <sup>3</sup> + \$5.50 to collect garbage from homes = \$6.50.	\$75,000 - \$100,000 <sup>3</sup>	No acceptable site has been found.
Haul to Bandon	~\$6.50	Franchise collector will need to purchase new collection vehicle.	36 mile round trip. Bandon site can be operated in an environmentally acceptable manner.

<sup>1</sup> Typical monthly charges range from \$3.50 to \$5 in Oregon. The current monthly fee in Myrtle Point is \$4.50.

<sup>2</sup> Based on average costs for other Oregon transfer stations.

<sup>3</sup> Estimates based on \$2,000/acre, costs extrapolated from newly established Condon Landfill (Eastern Oregon).

# CIT. OF MYRTLE POINT

*Handwritten signature/initials*

IN THE HEART OF THE MYRTLEWOODS  
424 5th STREET  
MYRTLE POINT, OREGON 97458

*prof - Solid Waste  
Division*

April 6, 1979

Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**RECEIVED**  
APR 17 1979

RE: S.W. - Coos County  
Myrtle Point Disposal Site

**COOS BAY BRANCH OFFICE**

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

**RECEIVED**  
APR 9 1979

D.E.Q.  
1937 Havard Blvd.  
Roseburg, Or. 97470

**SOUTHWEST REGIONAL OFFICE**

Dear Sir:

As required by our solid waste permit, the City of Myrtle Point is requesting an extension to the variance granted for its solid waste disposal site.

The City's solid waste site is located in a county which has few, acceptable sanitary landfill sites. The soils are mostly clay, and there is little flat land with existing economical cover material. These conditions have required that the City ask for a variance from strict sanitary landfill requirements, to include the burning of the solid waste.

Reduction of solid waste by fire had been an acceptable procedure until air pollution from the large amount of garbage in urban areas became a visual blight and a health hazard. In our area neither condition exists. We are a rural area, with a City population of 3,000. The solid waste disposal site is located several miles above town, in the foothills. The site is burned every night, so there is smoke for only a short period in the evening. This is quickly dissipated by the southerly winds. This air pollution is much less than the smoke from the hundreds of thousands of grass seed areas burned every year or the smoke from the thousands of acres of timber slash burned each year.

As previously stated, there are few alternative disposal sites in the county. The county owned and managed site at Bandon is approximately 50 miles from Myrtle Point. Given the long haul distance and the few number of assured customers, it would be very costly for the local refuse collector to dispose of the solid waste at Bandon. This is an important point. The high cost of petroleum will probably require the purchase of large economical garbage trucks. These trucks are very expensive, especially when compared to the trucks presently in use by the collector.

The collector is faced with large capitalization costs. These will be passed back to the user via collection fees. However, with few

assured customers, the fees will be very high, perhaps so high as to discourage new customers. Both of these serious potential problems, waste of energy and high collection fees, could be avoided by continued use of the present site.

The City of Myrtle Point understands that there is a need for environmental controls on certain businesses, both public and private. However, we feel that the environmental condition that our waste disposal site operates under are not serious enough to warrant the drastic alternative suggested. In fact, the extra energy costs and wide spread promiscuous dumping which is sure to happen, may be more environmentally harmful than the existing waste site, particularly since no environmental data has ever been presented on our site.

We would like the Commission to consider our request and grant a long term variance for our solid waste disposal site.

Sincerely,



Ken Cerotsky  
City Administrator

KC/lb

City of Powers

P. O. Box 250

Powers, Oregon 97466

March 16, 1979

State of Oregon

DEPARTMENT OF ENVIRONMENTAL QUALITY

MAR 20 1979

SOLID WASTE SECTION

RECEIVED  
APR 17 1979

RECEIVED  
MAR 21 1979

GOOS BAY BRANCH OFFICE

Department of Environmental Quality  
1234 S.W. Morrison Street  
Portland, Oregon 97205

SOUTHWEST REGIONAL OFFICE

*Sw-Cos*

Dear Sirs:

Re: City of Powers Solid waste site.

We the people of Powers, with a population of 975 persons, come to you again for an extension to our Solid Waste site here in Powers which is to be closed down on June 30, 1979.

We realize that the Bandon site is open to our use, the location of this is 45 miles one way from Powers, the first 20 miles over 2-242 is very rough in spots and very crooked as you well know if you have ever been to Powers. The present franchise holder Mr Thonsberry has stated that if would be forced to take the garbage to the Bandon site that he would have to purchase a new 20 yard compactor truck, which would cost him \$42,000.00 as the present truck he has would be lucky to make it to Gaylord as it is a very old truck, and has difficulty keeping it running here in Powers. He stated that the cost of a new truck would take him too long to pay for at the amount of approxamately 200 customers he has, and any profits that he would hope to make would go for interest let alone the payments of this truck, so would be prohibitive for him to even consider it.

Mr Murry, another interested party, who has the Myrtle Point franchise, stated that he would take the Powers area. He would have to have \$5.50 per can which is \$2.00 more than the present rate and 50% of the people in Powers are retired and are limited income and would put an extra burden on these people, who are barely existng now.

We Also must consider that we are reminded many times a day that we should conserve on fuel, and forcing the City into a 90 mile hall to dispose of our waste is going against another rule set up for us to abide by.

We have not had any complaints on this site except for the party who purchased property right next to the site and, moved in a Mobil Home, and they were well aware of the disposal site being there when they purchased the property. We have had no notifications that test have been made to show that it is a hazzard to peoples health here in the Powers Area.

For many years we have been searching for a site for a land fill, but has never been accepted for the few sites that we have come up with, by your Commission, and now it is prohibitive for a land fill with the high cost of property and the equipment we would have to purchase to meet with the requirements, to operate it.

# City of Powers

P. O. Box 250

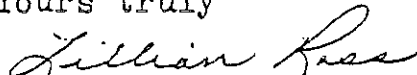
Powers, Oregon 97466

We have been notified that, as of July 1, 1979 the County is going to charge each City who uses the Bandon site, and we do not know how much they are going to charge the cities, and this will also put an extra burden on our people.

The City operates on a tax base of \$43,500. per year, and I know that you are going to say that this is not your problem, but we have went to the people for the past 4 years to get a new tax base so we would have more money to work with, but the people has voted it down by a large margin. We realize that people are sick and tired of taxes and Powers has the highest rate in Coos County. This is due to the high cost of operating of our schools here in Powers, not for the operations of the City. As you can readily see we are operating on a very limited amount of money, we have no frills. We are operating in the black and we are not in debt, if we were I do not know what we would pay the debt with,

We do hope that you will see it within your scope to grant the City of Powers another extension, and maybe we will be able to get this thing resolved. We would accept any funds that the State would grant us , so that we could comply with the laws that the State has forced upon us. We truly feel that we have a legitimate request. Thank you for your consideration.

Yours truly



Lillian Ross  
City Recorder  
City of Powers  
P.O. Box 250  
Powers, Oregon 97466

cc. Senator Jason Boe  
Senator Ripper  
Rep. Bill Grannell  
Rep. Doc. Stevenson

Summary of Testimony

Public meeting in Powers City Hall to discuss  
Closing down Powers open burning dump

May 30, 1979

Noble Adamek - small towns were not considered when the rule outlawing open burning was adopted. No harm is being done by the dump, no air pollution problem. Hauling to Bandon will double the cost, and already Powers has the highest tax rate in the county. Wants the dump kept open.

Mayor Jim McCulloch - would like a federal grant to set up electricity generating plant which would run on garbage and slash. Slash burning causes an air pollution problem. (Comment from Red Clark, Coos County roadmaster - technology for low pressure steam generator is still experimental. From his review of literature, he feels proven technology is at least a year away). Mayor McCulloch favors extending use of the open burning dump until this technology is available.

Charles Burrus - Lives above dump. He knew dump was there when he moved in. People voted for D.E.Q., we should follow regulations (for closing open burning dumps) or repeal the law or regulation. Fires started have been a hazard, and he has had to put out 2 fires himself. Wants to build more up there, and he is opposed to the continued operation of the dump. Some debris does get in the stream, which he has seen. Cost will only increase 7¢ per day.

Jean Flood - Hauling to Bandon will result in roads being lined with garbage. Field burning much worse a problem than dump. Favors retaining dump, or establishing local sanitary landfill.

Ethel Post - Lives alone, generates very little garbage. Doesn't want to have to pay increased cost.

Everett McAdams - 66% raise in garbage is way above President Carter's 7% guidelines. Many senior citizens in Powers who can't afford the raise. Doesn't think rats are a health hazard. Low pressure steam turbine is proven technology, used by sawmill in Empire in 1930's, favors this for Powers. Dump never clouds up town with smoke, but Forest Service burning slash often fills entire valley with smoke. Higher prices on garbage collection will result in more dumping of garbage along the road.

R.C. Goldizen - Slash burning much more serious air pollution problem than dump. Rats can be controlled by poison. 50% of residents are retired, some trying to live on \$250. They don't generate a lot of garbage. Income in town is low. Costs quoted have been \$7.50 - 10.00, could go higher. Closing of dump is arbitrary, imposed by big city types.

Most residents moved to Powers to get away from big cities. Wants to retain the dump.

Jim Gillilan - Wants to build another dump in Powers. Makes more sense than hauling to Bandon, with the high cost of fuel.

Frances McKenzie - Fuel allocation in Powers has been cut by 1/3, will be getting worse. New garbage truck will cost at least \$1.00/mile to run, will be more as gas prices rise. If state passes regulations, should be prepared to furnish money to comply. Thinks within a year, costs will be \$10.00/month.

Lillian Ross; City Recorder. City has never received report on air pollution readings by state. (Comment from Rich Reiter - DEQ has never measured air around dump).

Don Johnson - Lives close to dump, knew it was there when he moved in. Smoke is definitely a problem. He was told by City that dump would be phased out within a few years. Rats are a serious problem - get in his barn, come from dump. He sees them scatter as he drives up. There is a serious fire problem - he has put out at least a dozen fires. Shooting is also a problem, people are probably shooting at rats. As He gets ricochet bullets near his house regularly, which is a hazard to his two small sons, wife, and himself. Definitely wants dump closed.

Linda Fry - In addition to burden on retired people, families can't afford higher costs. Tax money should be spent on City upkeep and schools, not garbage. Wants to keep garbage in Powers.

Don Fluerborn - With Forest Service. Worked in Tillamook area - when that dump was closed, people hauled garbage into woods. He was very impressed with cleanliness of Powers. When costs go up and dump closed, there will be an increase in dumping in forests.

Jack Inhofe - Re-cycling should be emphasized. Something should be done about current dump to avoid annoyance to neighbors. Wants to have a local option, feels county should have been more helpful.



STATE OF OREGON

INTEROFFICE MEMO

Southwest Region  
DEPT.

672-8204  
TELEPHONE

TO: Environmental Quality Commission

DATE: June 5, 1979

FROM: Richard Reiter, Hearings Officer

SUBJECT: Hearing Report on May 21, 1979 Public Information Meeting regarding  
"Request for Variance Extensions from Solid Waste Regulations for  
the Cities of Powers and Myrtle Point Solid Waste Disposal Sites".

SUMMARY OF PROCEDURE

Pursuant to public notice, a public information meeting was convened in the Myrtle Point City Hall at 8:00 P.M. on May 21, 1979. The purpose was to receive testimony regarding the staff's recommendation to deny the City's request for a variance extension from the Solid Waste Regulations.

SUMMARY OF TESTIMONY

Some sixty-one (61) citizens signed an attendance roster. Of those 61, the following fourteen (14) offered verbal testimony:

F.C. Meldrun, City Attorney  
Ervin Wilberger, Former Mayor  
Art Ratcliffe, citizen  
A.E. Kirkpatrick, citizen  
W.M. Myers, Sr., Fire Dept.  
J.R. Howe, citizen  
Richard Capehart, citizen  
Ralph Hermes, citizen  
Ed Van Vlack, citizen  
Fran Capehart, citizen  
Tony Boom, citizen  
Martha McCuskey, citizen  
C.S. Lehmanowsky, citizen  
Wilma Wadsworth, citizen

In addition, written testimony was received from the following individuals:

\*F.C. Meldrun, City Attorney  
Laura Isenhardt, Publisher, Myrtle Point Herald  
Bob & Donna Breitzkreutz, citizens  
\*Martha McCuskey, citizen  
Janet DeSoto, citizen

\* offered both verbal and written testimony.



The following pertinent testimony was offered:

Unless and until the citizens of Myrtle Point area start complaining, open burning dump should not be closed just to satisfy state regulations (DeSoto, Ratcliffe, Kirkpatrick, Myers, Hermes).

Operation as it is now conducted at the Myrtle Point dump site causes very little, if any, adverse impact on the environment by way of air, water or visual pollution (Meldrun, Wilberger, Kirkpatrick, Van Vlack).

Anticipate increase in promiscuous dumping of trash and garbage along the numerous isolated roadways in rural areas and an increase in backyard burning of materials now hauled to dump (Meldrun, McCuskey, Breikreutz, Isenhardt, R. Capehart, F. Capehart).

Can't afford estimated increase in cost to haul to Bandon (DeSoto, McCuskey, Wilberger, F. Capehart, Lehmanowsky).

Appears to be no definite assurance that any reasonable alternatives (including Bandon Landfill) are immediately available to the City of Myrtle Point (Meldrun, Kirkpatrick, Howe).

Since the State has created the mandate requiring phaseout of Myrtle Point's dump, state should come up with solution and many to implement (Kirkpatrick, Howe).

Have lived near site and never been bothered by it (McCuskey, Ratcliffe).

Less than two (2) acres of land have been utilized to dispose of Myrtle Point's garbage since 1973! (Meldrun).

Coos County Rodent Control periodically sets poison bait around dump to control rat population (Kirkpatrick).

Over the years a comprehensive and efficient maintenance program for the dump has been conducted so that no dangerous or objectionable conditions have been allowed to exist (Meldrun).

Far more pollution occurs from slash and field burning than from Myrtle Point's open burning dump (Boom).

Concerned about increase in fuel usage if people have to haul to Bandon (R. Capehart).

Dump provides a positive contribution to community in terms of providing for an exchange of useable, salvageable materials (Hermes).



# CITY OF MYRTLE POINT

ATTACHMENT 2

IN THE HEART OF THE MYRTLEWOODS  
424 5th STREET  
MYRTLE POINT, OREGON 97458

RECEIVED  
JUN 30 1980  
SOLID WASTE SECTION

June 30, 1980

Bill Dana  
D.E.Q.  
P.O. Box 1760  
Portland, Oregon 97208

Dear Sir;


Please consider this letter a formal request that the City of Myrtle Point be granted an extension of time, for a period of one year, for continuation of its municipal garbage dump.

The City feels that the following conditions should be considered:

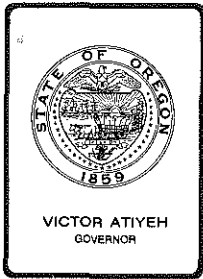
- (1) The present operation causes very little impact on the environment by way of air, water, or visual pollution.
- (2) The working force of the dump is quite small, and has been this way since its opening in 1943.
- (3) We are aware of no dangerous or objectionable condition at the dump, and have responded in a responsible manner whenever these conditions have developed.
- (4) The only alternative site is the Bandon disposal site. This will involve an additional haul of about 50 miles. This translates into much higher disposal bills for the private citizen and franchise holder. This city has a large minority of low income and elderly people, which will be especially hurt by increased disposal fees.
- (5) One of the reasons the municipal dump developed years ago was to help eliminate indiscriminate dumping of trash and garbage on isolated roadways. We are very concerned that many residents will resort to this practice once again, when given a choice only between higher solid waste bills or a lengthy drive to a new site.

Your consideration of this request would be appreciated.

Sincerely,

  
Ken Cerotsky,  
City Administrator

cc: file  
Bruce Hammon  
Elvin Murray



# Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

*Postponed  
w/c to  
agenda*

## MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. H, July 18, 1980, EQC Meeting

Proposed Amendments to the Administrative Rules for Solid Waste Management (OAR Chapter 340, Division 61)

### Background and Problem Statement

Senate Bill 925 (Chapter 773, Oregon Laws, 1979) requires the Commission to adopt rules regarding state siting of landfills in the following three areas:

1. To establish a procedure for local government units to request assistance from the Department in the establishment of landfill disposal sites under Section 3 and to give notice of such requests.
2. To establish a procedure for obtaining public comment on determinations of need for landfill sites made by the Commission.
3. To provide for public hearings in the area affected by a proposed landfill disposal site to be established by the Department under Section 4.

Comments in this memorandum are directed mainly at Item No. 1.

The statement of need for this rulemaking is attached. (Attachment I).

### Alternatives and Evaluation

The alternatives available in the application for assistance and siting a landfill are the ranges of pre-application requirements. This could vary from a simple letter request with no background information to an elaborate procedure with multiple requirements.

The draft rules were developed with the aid of a citizen task force. During the task force meetings there was considerable disagreement on how complex the application procedure should be.



Contains  
Recycled  
Materials

A public hearing was held on April 21, 1980, in Portland (Attachment II). Four persons attended. Three of the four testified with all testimony directed against OAR 340-61-021(2)(e)(A through C). Written statements were also submitted by two of the three persons testifying.

As a result of the public hearing, the task force was reconvened to explore alternative language acceptable to those persons objecting.

Following is the portion of the Proposed Rules objected to:

- (e) The local government has carried out an acceptable process for landfill siting (with technical assistance from the Department if requested) including a minimum of the following:
  - (A) Alternative sites have been identified and ranked as to probable acceptability based upon information sufficient to establish preliminary feasibility of each site.
  - (B) Information has been gathered on at least the two top ranked sites sufficient to satisfy the requirements of the "Feasibility Study Report" provided for in OAR 340-61-030. Certain requirements of the "Feasibility Study Report" may be waived for the purposes of this section, by the Department upon a demonstration of prohibiting cost or legal constraint.
  - (C) A public participation process, including the use of a citizen's advisory committee, has been carried out in the siting effort, with public meetings and/or hearings held on the candidate sites.

Major objection was that by requiring work to be done on alternative sites, costs to local governments and/or private operators would be greatly increased.

During the task force meeting held May 22, 1980, wording acceptable to the objectors was developed as follows:

- (e) The local government has carried out a process for landfill siting (with technical assistance from the Department if requested) including a minimum of the following:
  - (NEW) (A) Alternative sites have been reviewed and ranked as to adequacy and probable acceptability based upon locally developed criteria and applicable laws and regulations.
  - (NEW) (B) Information has been gathered on at least the top ranked site sufficient to satisfy the requirements of the "Feasibility Study Report" provided for in OAR 340-61-030. Certain requirements of the "Feasibility Study Report" may be waived, for the purpose of this section, by the Department upon a demonstration of prohibitive cost or legal constraint.

- (NEW) (C) A public participation process, including the use of a citizens advisory committee or other approach which provides for public access, review and input has been carried out in the siting process.
- (3) The Department shall give reasonable public notice of each such request, including the prompt publication of a summary of such request in the Secretary of State's Bulletin.
- (NEW) (4) Requests for siting under Section 3 of Chapter 773, Oregon Laws, 1979, will be reviewed by the Commission, and written findings as to the acceptability of the process under (2)(e) will be prepared. Should the process be found incomplete, the Commission may request the Department or the local government to complete the process.

#### Summation

- (1) The 1979 legislature enacted Senate Bill 925 (Chapter 773, Oregon Laws, 1979), which required adoption of rules in three areas.
- (2) The proposed changes to OAR Chapter 340, Division 61, outline procedures for accomplishing application for siting and for public hearings.
- (3) The subject rules have been amended to address the concerns raised at a public hearing without major changes.

#### Director's Recommendation

Based upon the Summation, it is recommended that the Commission adopt the amendments to OAR Chapter 340, Division 61.

William H. Young

- Attachments:
1. Statement of Need for Rulemaking
  2. Hearings Officer's Report
  3. Response to Public Comment
  4. Proposed Amendments to Division 61

Robert L. Brown:p  
229-5157  
June 26, 1980  
SP20 (2) (b)

STATEMENT OF NEED FOR RULEMAKING

The Environmental Quality Commission intends to adopt the Solid Waste Management rule amendments, OAR Chapter 340, Section 61-005 to 61-085.

(1) Legal Authority,

Chapter 773, Oregon Laws, 1979.

(2) Need for Rule.

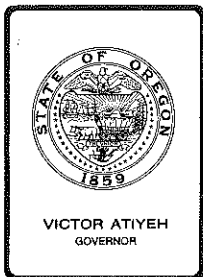
The proposed amendments are needed to establish policy regarding state assistance in landfill siting, provide a procedure for local government to request assistance and to provide for public hearings to determine need and inform persons in areas affected by proposed landfills.

(3) Documents Relied Upon.

No documents, as of this date other than the recent legislation.

Robert L. Brown:p  
229-5157  
June 26, 1980

SP20 (2) (b)



## *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: Robert L. Brown, Hearings Officer

SUBJECT: Proposed Rule Making Pursuant to Senate Bill 925  
Report of Public Hearing  
April 21, 1980

On April 21, 1980, a public hearing was held pursuant to a notice issued March 17, 1980. The hearing was held in Portland at 1 p.m. in Room 511 of the Department's offices at 522 Southwest Fifth.

Four persons were present. Following an explanation of the purpose of the meeting, three (Gordon Fultz, representing the Association of Counties, Roger Emmons, representing Oregon Sanitary Service Institute, and Angus MacPhee, representing the landfill industry), gave testimony.

All testimony was directed in objection to the application requirements (OAR 340-61-021(2)(e)(A through C)). Major points were as follows:

1. Language is too restrictive to allow local governments to apply.
2. Commission has no legal authority to adopt section.
3. Excessive costs to local government.
4. All of the section should be deleted.
5. Section places an undue burden on local government. Legislation was intended to be an escape hatch rather than another layer of government regulations.

All other sections of the rules were supported.

There being no other verbal testimony, the record was left open until April 22, 1980, for receipt of written comments.

Robert L. Brown:p  
229-5157  
June 26, 1980

SP20 (2) (b)



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Recycled  
Materials

RESPONSE TO PUBLIC COMMENT

Attached is a summary of comments received in response to the April 21, 1980, public hearing on proposed amendments to administrative rules for Solid Waste Management (OAR Chapter 340, Division 61).

Comment

All public comment was directed toward objections to OAR 340-61-021(2) (e) (A through C).

Response

As a result of public testimony, Department staff meet with the task force which had assisted in original draft rules. The meeting was held on May 22, 1980. At the meeting, the proposed rule was amended to alleviate the concerns of those testifying at the public hearing.

Persons Submitting Comments

Gordon Fultz	Association of Oregon Counties PO Box 2051 Salem, OR 97308
Roger Emmons	Oregon Sanitary Services Institute 4645 - 18th Place, S. Salem, OR 97302
Angus MacPhee	Disposal Industries, Inc. Newberg, Oregon

Robert L. Brown:p  
229-5157  
June 26, 1980

SP20 (2) (b)



PROPOSED REVISION TO OREGON ADMINISTRATIVE RULES, CHAPTER 340,  
SOLID WASTE MANAGEMENT

Policy

OAR 340-61-015. Whereas inadequate solid waste collection, storage, transportation, recycling and disposal practices cause nuisance conditions, potential hazards to public health and safety and pollution of the air, water and land environment, it is hereby declared to be the policy of the Department of Environmental Quality to require effective and efficient solid waste collection and disposal service to both rural and urban areas and to promote and support comprehensive county or regional solid waste management planning, utilizing progressive solid waste management techniques, emphasizing recovery and reuse of solid wastes and insuring highest and best practicable protection of the public health and welfare and air, water and land resources. In keeping with the Oregon policy to retain primary responsibility for management of adequate solid waste programs with local government units (ORS 459.015) and the Environmental Quality Commission's perception of Legislative intent under Chapter 773, Oregon Laws 1979, the Commission will look for, and expect, the maximum participation of local government in the planning, siting, development and operation of needed landfills. It is expected that local government will have carried out a good faith effort in landfill siting, including but not limited to public participation and Department assistance, before requesting the Department to site the landfill. Local government will be expected to assume or provide for responsibility in the ownership and operation of any Department/Commission sited landfill under anything but an extraordinary circumstance.

Request for Assistance

OAR 340-61-021

- (1) Applications for requests for assistance in siting landfills under ORS 459.047 shall be in the form of a letter signed by the governing body of the city or county with attachments as necessary to fully describe the need and justification for the request, need for the site as outlined in the Department approved Solid Waste Management Plan and types of assistance required.
- (2) When the request for assistance includes Department siting of the landfill under ORS 459.047 exhibits and information shall be submitted which document the following:
  - (a) The local government has an adopted, Department approved Solid Waste Management Plan which identifies the need for a landfill.
  - (b) The local government has re-evaluated the plan in consultation with the Department and has confirmed that siting a landfill in the immediate future is still needed.
  - (c) An explanation of why the local government is unable to proceed successfully to site the landfill, including a discussion of progress to date and the obstacles to be overcome.

- (d) All pertinent reports, plans, documents and records relative to the siting process to date will be made available to the Department at the Department's request.
- (e) The local government has carried out a process for landfill siting (with technical assistance from the Department if requested) including a minimum of the following:
  - (A) Alternative sites have been reviewed and ranked as to adequacy and probable acceptability based upon locally developed criteria and applicable laws and regulations.
  - (B) Information has been gathered on at least the top ranked site sufficient to satisfy the requirements of the "Feasibility Study Report" provided for in OAR 340-61-030. Certain requirements of the "Feasibility Study Report" may be waived, for the purpose of this section, by the Department upon a demonstration of prohibitive cost or legal constraint.
  - (C) A public participation process, including the use of a citizens advisory committee or other approach which provides for public access, review and input has been carried out in the siting process.
- (3) The Department shall give reasonable public notice of each such request, including the prompt publication of a summary of such request in the Secretary of State's Bulletin.
- (4) Requests for siting under ORS 459.047 will be reviewed by the Commission and written findings as to the acceptability of the process under Subsection (2)(e) will be prepared. Should the process be found incomplete, the Commission may request the Department or the local government to complete the process.

Public Comment to Determine Need

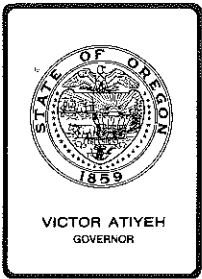
340-61-022

Prior to the Commission making a determination of need for any landfill site under ORS 459.049 the Department shall give prior reasonable public notice of, and hold a public informational hearing on, the need for the landfill site.

Public Hearing in Area Affected by Proposed Site

340-61-023

Prior to siting a landfill under ORS 459.049 the Department shall give prior reasonable public notice of and hold a public informational hearing in the area affected by the proposed site.



## *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, July 18, 1980, EQC Meeting

Proposed Amendments to the Administrative Rules For State  
Financial Assistance to Public Agencies For Pollution  
Control Facilities For The Disposal of Solid Waste (OAR  
Chapter 340, Division 82).

### Background and Problem Statement

Senate Bill 925 (Chapter 773 Oregon Laws 1979) amended ORS 468.220 to require an adopted solid waste plan that has been approved by the Department, including a waste reduction program, prior to funding of solid waste projects. In addition, present rules do not allow for pass through of federal funds to local governments. This is a requirement of EPA (RCRA).

The statement of need for rulemaking is attached (Attachment I).

### Evaluation

The Department is proposing additions to rules addressing funding of solid waste planning and construction projects. One change would comply with a legislature change. The other would allow for pass through of federal funds to local governments, a mechanism required under federal regulations.

A public hearing was held on April 21, 1980, in Portland (Attachment II). Four persons attended; none testified on this item. No specific written comments were received.

Prior to public hearing, the proposed amendments were mailed to the solid waste advisory group of over 100 persons and local government representatives.



Contains  
Recycled  
Materials

Summation

1. The 1979 legislature amended ORS 468.220 to require a waste reduction program prior to Department funding. Present rules do not provide for this requirement.
2. There is presently no mechanism in rules to allow for pass through of federal funds to local governments. This is a federal regulation to maintain continued funding of solid waste programs.
3. The subject rules have been reviewed by an advisory group with no comments.

Directors Recommendation

Based upon the findings in the Summation, it is recommended that the Commission adopt the amendments to OAR Chapter 340, Division 82.

*Bill*

William H. Young

Attachments:

- Attachment I--Statement of Need for Rulemaking
- Attachment II--Hearing Officer's Report
- Attachment III--Proposed Amendments to Division 82

RBROWN:f  
229-5157  
June 30, 1980

SF19

STATEMENT OF NEED FOR RULEMAKING

The Environmental Quality Commission intends to adopt Solid Waste Program rule amendments, OAR 340, Sections 82-005 to 82-055.

1. Legal authority.

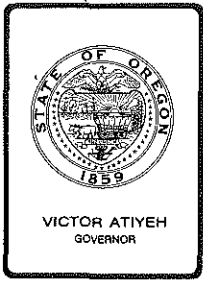
ORS 459 and Chapter 773, Oregon Laws, 1979.

2. Need for rules.

The proposed amendments are needed to implement a mechanism for pass through to local agencies of federal funds and to add requirements for applications for funds imposed by new legislation.

3. Documents relied upon.

1. Public Law 94-580 (90 Stat. 2795)
2. 40 CFR Part 256 (Guidelines for Development and Implementation of State Solid Waste Management Plans)



ATTACHMENT II  
EQC Agenda Item I  
July 18, 1980, EQC Meeting

## *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:** Robert L. Brown, Hearings Officer

**SUBJECT:** Proposed Rulemaking Pursuant to Senate Bill 925,  
Report of Public Hearing--April 21, 1980.

On April 21, 1980, a public hearing was held pursuant to a notice issued March 17, 1980. The hearing was held in Portland at 1 p.m. in Room 511 of the Department's offices at 522 Southwest Fifth.

Four persons were present. No testimony on this item was presented.

The record was left open until April 22, 1980, for receipt of written comments.

RLB:f  
SF19.B



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Recycled  
Materials

ATTACHMENT III

EQC Agends Item No. I

July 18, 1980, EQC Meeting

PROPOSED REVISION TO OREGON ADMINISTRATIVE RULES, CHAPTER 340 STATE  
FINANCIAL ASSISTANCE TO PUBLIC AGENCIES FOR POLLUTION CONTROL FACILITIES  
FOR THE DISPOSAL OF SOLID WASTE

OAR 340-82-005 PURPOSE. The purpose of these regulations is to prescribe requirements and procedures for obtaining state financial assistance for planning and construction of pollution control facilities for the disposal of solid waste pursuant to Article XI-H of the Oregon Constitution[.] , and to provide for pass-through of federal funds to designated agencies.

OAR 340-82-010 DEFINITIONS. 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) "Agency" means municipal corporation, city, county or agency of the State of Oregon, or combination thereof, applying or contracting for state financial assistance under these regulations.
- (5) "EPA" means U.S. Environmental Protection Agency.
- (6) "Designated Agency" means a governmental unit designated by the

State as a planning or implementing solid waste agency, or both.

OAR 340-82-030 APPLICATION DOCUMENTS. The representative of an agency wishing to apply for state financial assistance under these regulations shall submit to the Department three signed copies of each of the following completed documents:

(1) Department Solid Waste Management Projects Grant - Loan application form currently in use by the Department at the time of the application for state financial assistance. This form will be provided by the Department upon request.

(2) All applications for federal financial assistance to the solid waste projects for which state financial assistance is being requested.

(3) Resolution of the agency's governing body authorizing an official of the agency to apply for state and federal financial assistance and to act on behalf of the agency in all matters pertaining to any agreements which may be consummated with the Department or with EPA or other federal agencies.

(4) Five year projection of the agency's estimated revenues and expenses related to the project (on form provided by the Department).

(5) An ordinance or resolution of the agency's governing body establishing solid waste disposal user rates, and other charges for the facilities to be constructed.

(6) A legal opinion of the agency's attorney establishing the legal authority of the agency to enter into a financial assistance agreement, together with copies of applicable agency ordinance and charter sections.



(7) A waste reduction plan which is consistent with ORS 459.055(2)  
(a through e).

An application is not deemed to be completed until any additional information requested by the Department is submitted by the agency.

Applications for financial assistance for planning under ORS 468.220 (1) (e) shall be on special forms provided by the Department and shall be accompanied by a resolution of the agency's governing body.

SF19.C



STATE OF OREGON

INTEROFFICE MEMO

Environmental Quality  
DEPT.

229-5395  
TELEPHONE

TO: Environmental Quality Commission

DATE: 7/10/80

FROM: Bill Young *WJY*

SUBJECT: July 18, 1980, Agenda Item J - Amendments to Resolution authorizing Pollution Control Bond sale, including reducing the sale amount to \$40 million

As I discussed with each of you individually last week, enclosed are the proposed changes to the Resolution authorizing issuance of bonds which we will ask you to act upon July 18.

/cs  
Enclosure

SUPPLEMENTAL RESOLUTION AUTHORIZING ISSUANCE OF BONDS

THE ENVIRONMENTAL QUALITY COMMISSION OF THE STATE OF OREGON FINDS:

1. The market for municipal bonds has deteriorated since the Commission adopted its resolution authorizing the issuance of \$60,000,000 of Oregon Pollution Control Bonds on June 20, 1980. The financial consultant for the issue, Bartle Wells Associates, recommends that the amount of the bond issue be reduced to \$40,000,000 and that the term of the issue be shortened.

2. In order to expedite the sale of the bonds, the Department of Environmental Quality has authorized the publication of a notice of bond sale, in the attached form, advertising \$40,000,000 of Oregon Pollution Control Bonds for sale on July 29, 1980.

THE ENVIRONMENTAL QUALITY COMMISSION OF THE STATE OF OREGON RESOLVES:

Section 1. Prior Resolution Amended to Change Principal Amount and Maturity Schedule. In accordance with the recommendations of the financial consultant, the principal amount of the Oregon Pollution Control Bonds, Series 1980 shall be reduced to \$40,000,000, and the maturity schedule for the issue shall be changed as provided below. Section 1 of the Resolution Authorizing the Issuance of Bonds adopted by the Commission on June 20, 1980 is hereby amended to read as follows:

"Section 1. Bond 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 Forty Million Dollars (\$40,000,000). 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>
1983	\$ 250,000	1993	\$ 2,500,000
1984	500,000	1994	2,500,000
1985	750,000	1995	3,000,000
1986	1,000,000	1996	3,000,000
1987	1,500,000	1997	3,000,000
1988	2,000,000	1998	3,000,000
1989	2,000,000	1999	3,000,000
1990	2,000,000	2000	3,000,000
1991	2,000,000	2001	3,000,000
1992	2,000,000		<u>\$40,000,000</u>

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. Sale Terms and Publication of Notice Ratified. Sale of the Oregon Pollution Control Bonds, Series 1980 in accordance with the terms provided in the attached notice of bond sale is hereby approved. The prior publication of the notice of bond sale in The Daily Journal of Commerce, and the prior publication of a summary notice in The Daily Bond Buyer of New York, is hereby ratified and approved.

Section 3. Change of Sale Date. Upon recommendation of the financial consultant, the date of sale of the bonds shall be changed from August 5, 1980 to July 29, 1980. Sealed bids shall be received on the Commission's behalf up to and including the hour of 11:00 a.m. on July 29, 1980 at the offices of Rankin, McMurry, Osburn, VavRosky & Doherty, bond counsel, in Portland, Oregon. A special meeting of the Commission shall be convened within four hours thereafter to act upon the bids.

NOTICE OF BOND SALE

\$40,000,000

OREGON POLLUTION CONTROL BONDS

SERIES 1980

TIME AND PLACE OF SALE

Sealed bids will be received for the purchase of this State of Oregon general obligation bond issue on behalf of the Environmental Quality Commission at the offices of Rankin, McMurry, Osburn, Vavrosky & Doherty, One S.W. Columbia Street, Suite 1600, Portland, Oregon until 11:00 a.m. on

July 29, 1980

Immediately thereafter the bids will be publicly opened and announced, and within four hours thereafter the Commission will act upon the bids.

DESCRIPTION OF BONDS

The bonds will be negotiable general obligation coupon bonds of the state in the principal amount of \$40,000,000, dated September 1, 1980, in denominations of \$5,000 each (or larger multiples if requested by the successful bidder), numbered 1 to 8,000, and will mature serially in numerical order on the first day of September as follows:

<u>Maturity Date</u>	<u>Amount</u>
1983	\$ 250,000
1984	500,000
1985	750,000
1986	1,000,000
1987	1,500,000
1988	2,000,000
1989	2,000,000
1990	2,000,000
1991	2,000,000
1992	2,000,000
1993	2,500,000
1994	2,500,000
1995	3,000,000
1996	3,000,000
1997	3,000,000
1998	3,000,000
1999	3,000,000
2000	3,000,000
2001	<u>3,000,000</u>
	\$40,000,000

INTEREST RATE

The bonds will bear interest payable semiannually on March 1 and September 1 at such rate or rates, in multiples of one-twentieth (1/20) of one percent (1%), not exceeding a net effective rate of 10% per annum, as specified by the successful bidder. The bonds shall have but one coupon for the interest due on any interest payment date, no bond shall bear more than one rate of interest, and supplemental coupons will not be permitted. Coupon interest rates quoted for bonds maturing from 1983 to 1990, inclusive, may not exceed eight (8) percent. Coupon interest rates quoted for bonds maturing during the period from 1991 to 2001 may not

be less than the interest rates quoted for prior bonds maturing within that period.

PAYMENT

Both the principal of and the interest on the bonds will be paid at the fiscal agency of the State of Oregon in the City and State of New York.

REDEMPTION

Bonds maturing after September 1, 1990 are redeemable at the option of the state 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.

AWARD OF BONDS

Bonds will not be sold for less than ninety-eight and one-half percent (98.5%) of par value and the full amount of accrued interest. Bonds will be sold to the highest bidder, but the state reserves the right to reject any or all bids. Unless all bids are rejected, the bonds will be awarded to the bidder complying with the terms of this notice of bond

sale and submitting the bid which, if none of the bonds are called for redemption prior to final maturity date, provides the lowest net interest cost to the state. Each bidder shall include in its bid a statement of the net interest cost and the net effective interest rate if its bid is accepted, but this statement shall not be deemed to be a part of the bid.

#### GOOD FAITH DEPOSIT; FORM OF BID

Each bid must be unconditional, and must be for the purchase of all bonds herein described. Each bid must be accompanied by a certified check or cashier's check in favor of the State of Oregon, or upon a solvent bank in the sum of \$500,000, and should be enclosed in a sealed envelope marked "Proposal for Oregon Pollution Control Bonds." No interest will be allowed on the deposit with the bid, and the check of the successful bidder will be retained as part payment for the bonds or to secure the state against any loss resulting from failure of the bidder to comply with the terms of its bid.

#### LEGAL OPINION

The successful bidder will be furnished, without cost, with the approving opinion of the law firm of Rankin, McMurry, Osburn, VavRosky & Doherty of Portland, Oregon, to



the effect that the bonds are valid and legally binding general obligations of the state, and that the interest on the bonds is exempt from all present federal income taxes and present State of Oregon personal income taxes. The legal opinion will be reproduced on each bond.

#### DELIVERY OF BONDS; NO LITIGATION

The bonds will be delivered in the City of New York, New York at the expense of the State of Oregon on or about September 3, 1980. Settlement must be in federal funds immediately available on the date and at the time and place of delivery.

The successful bidder will be provided with the usual closing documents, including a nonlitigation certificate.

#### CUSIP NUMBERS

It is anticipated that CUSIP numbers will be printed on the bonds at the expense of the State of Oregon. However, neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser to accept delivery and pay for the bonds.

ADDITIONAL INFORMATION

Copies of the preliminary official statement for this bond issue may be obtained upon request from Bartle Wells Associates, 100 Bush Street, San Francisco, California 94104, telephone (415) 981-5751.

BY ORDER OF THE STATE OF  
OREGON ENVIRONMENTAL QUALITY  
COMMISSION

# Affidavit of Publication

## Daily Journal of Commerce

DAILY EXCEPT SATURDAY AND SUNDAY

2014 N.W. 24th Ave. • Portland, Oregon 97210

Phone: (503) 226-1311

RECEIVED  
JUL 11 1980

STATE OF OREGON, COUNTY OF MULTNOMAH,—ss.

I, I. J. CAPLAN, being first duly sworn, depose and say that I am the Manager of the DAILY JOURNAL OF COMMERCE, a newspaper of general circulation in the counties of CLACKAMAS, MULTNOMAH and WASHINGTON as defined by ORS 193.010 and 193.020; published at Portland in the aforesaid County and State; that the

BOND SALE

Ad No. FL8926

Oregon Pollution Control Bonds

### NOTICE OF BOND SALE

\$40,000,000  
OREGON POLLUTION CONTROL BONDS  
SERIES 1980

Bids due 11 a.m. July 29

#### TIME AND PLACE OF SALE

Sealed bids will be received for the purchase of this State of Oregon general obligation bond issue on behalf of the Environmental Quality Commission at the offices of Rankin, McMurry, Osburn, VavRosky & Doherty, One S.W. Columbia Street, Suite 1600, Portland, Oregon until 11:00 a.m. on July 29, 1980. Immediately thereafter the bids will be publicly opened and announced, and within four hours thereafter the Commission will act upon the bids.

#### DESCRIPTION OF BONDS

The bonds will be negotiable general obligation coupon bonds of the state in the principal amount of \$40,000,000, dated September 1, 1980, in denominations of \$5,000 each (or larger multiples if requested by the successful bidder); numbered 1 to 8,000, and will mature serially in numerical order on the first day of September as follows:

Maturity Date	Amount
1983	\$250,000
1984	500,000

premium of 2 1/2 percent of par value.

#### AWARD OF BONDS

Bonds will not be sold for less than ninety-eight and one-half percent (98.5%) of par value and the full amount of accrued interest. Bonds will be sold to the highest bidder, but the state reserves the right to reject any or all bids. Unless all bids are rejected, the bonds will be awarded to the bidder complying with the terms of this notice of bond sale and submitting the bid which, if none of the bonds are called for redemption prior to final maturity date, provides the lowest net interest cost to the state. Each bidder shall include in its bid a statement of the net interest cost and the net effective interest rate if its bid is accepted, but this statement shall not be deemed to be a part of the bid.

#### GOOD FAITH DEPOSIT;

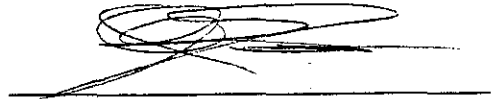
#### FORM OF BID

Each bid must be unconditional, and must be for the purchase of all bonds herein described. Each bid must be accompanied by a certified check or cashier's check in favor of the State of Oregon, or upon a solvent bank in the sum of \$500,000, and should be enclosed in a sealed envelope marked "Proposal for Oregon Pollution Control Bonds." No interest will be allowed on the deposit with the bid, and the

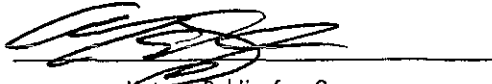
a printed copy of which is hereto annexed was published in the entire issue of said newspaper for one XXXXXXXXXXXXXXXXXX time successive and consecutive in the following issues:

July 9, 1980

Case No. \_\_\_\_\_



Subscribed and sworn to before me this 9 day of July 19 80



Notary Public for Oregon.

My Commission Expires Sept. 6, 1981

This portion may be detached.

DAILY JOURNAL OF COMMERCE, 2014 N.W. 24th Ave., Portland, Ore. 97210

Mr. Michael Downs  
Department of Environmental Quality  
522 S.W. Fifth  
Portland, Oregon 97201