

8/15/1980

OREGON

ENVIRONMENTAL QUALITY

COMMISSION MEETING

MATERIALS



**State of Oregon
Department of
Environmental
Quality**

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OREGON ENVIRONMENTAL QUALITY COMMISSION MEETING

August 15, 1980

Conference Room 240
State Office Building
700 Southwest Emigrant
Pendleton, Oregon

A G E N D A

9:00 am CONSENT ITEMS

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

- A. Minutes of the July 19, 1980 and July 29, 1980, Commission meetings.
- B. Monthly Activity Report for July, 1980.
- C. Tax Credit Applications.
- D. Request for authorization to conduct a public hearing to consider adoption of rules to allow for issuance of general permits (water quality).
- ~~E. Request for authorization to conduct a public hearing to consider amendments to rules governing subsurface fees (OAR 340-72-010).~~ POSTPONED
- F. Request for authorization to conduct a public hearing to consider amendments to administrative rules to include waste reduction rules (OAR 340-61-100 to 61-110).

INFORMATIONAL ITEM

- Missing
Order?*
- G. Eastern Regional Manager's Report.

PUBLIC FORUM

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

9:30 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.

- I. Request for approval of recommended action on construction grants projects by-passed on FY 80 construction grants priority list.
 - (1) City of Prineville
 - (2) Roseburg Metro Project
- J. Request to reconsider noise variance granted to Bonneville Power Administration's Wren Substation, Benton County.

(MORE)

K. Request for emergency rule actions in response to revenue shortfall.

Variances: Consideration of Variances granted by Lane Regional Air Pollution Authority.

L. Request for a variance from Lane Regional Air Pollution Authority Rules, Sections 32-101 and 32-035, for the Eugene Water and Electric Board to use coal as a supplemental fuel.

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

WORK SESSION

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

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

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

August 15, 1980

On Friday, August 15, 1980, the one hundred twenty-fourth meeting of the Oregon Environmental Commission convened in room 240 of the State Office Building, 700 Southwest Emigrant, Pendleton, Oregon.

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

The staff reports presented at this meeting, which contain the Director's recommendations mentioned in these minutes are on file in the Office of the Director of the Department of Environmental Quality, 522 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 AND LUNCH MEETING

The Commission did not hold a breakfast or lunch meeting.

FORMAL MEETING

AGENDA ITEM A - MINUTES OF THE JULY 19, 1980 AND JULY 29, 1980, COMMISSION MEETINGS

AGENDA ITEM B - MONTHLY ACTIVITY REPORT FOR JULY 1980

AGENDA ITEM C - TAX CREDIT APPLICATIONS

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

Agenda Item A - The minutes of the July 19, 1980 and July 29, 1980, Commission meetings be approved as presented.

Agenda Item B - The Monthly Activity Report for July, 1980 be approved.

Agenda Item C - The following Tax Credit Applications be approved:

T-1098	Owens-Corning Fibergias Corp.
T-1187	Crystal Springs Packing Co., Inc.
T-1193	Burkland Lumber Company
T-1198	Reter Fruit Company
T-1199	Moore Clear Co.
T-1200	Blue Mountain Forest Products, Inc.
T-1240	North Santiam Veneer, Inc.
T-1241	Reichhold Chemicals, Inc.

And, Pollution Control Facility Certificate 1063, issued to Hap Taylor, Inc. be revoked and reissued to Baker Redi-Mix, Inc. because of a change in owner of the certified facilities.

AGENDA ITEM D - REQUEST FOR AUTHORIZATION TO CONDUCT A PUBLIC HEARING TO CONSIDER ADOPTION OF RULES TO ALLOW FOR ISSUANCE OF GENERAL PERMITS (WATER QUALITY)

AGENDA ITEM F - REQUEST FOR AUTHORIZATION TO CONDUCT A PUBLIC HEARING TO CONSIDER AMENDMENTS TO ADMINISTRATIVE RULES TO INCLUDE WASTE REDUCTION RULES (OAR 340-61-100 TO 61-110)

It was MOVED by Commissioner Somers, seconded by Commissioner Bishop and carried unanimously that the above public hearings be authorized.

PUBLIC FORUM

Mr. Dennis Olson, Umatilla County Planning Department, appeared in support of the work being done by the DEQ Eastern Region staff. He realized that the Department was dealing with budget cuts at this time, but said any cuts in the Eastern Region would have a very dramatic affect on the ability of the staff to perform their duties.

Mr. Dean Seager, Morrow County Planning Department, submitted a letter from the Morrow County Court which agreed with Mr. Olson. Mr. Seager also asked that the Eastern Region staff not be cut.

AGENDA ITEM L - REQUEST FOR VARIANCE FROM LANE REGIONAL AIR POLLUTION AUTHORITY (LRAPA) RULES, SECTION 32-101 AND 32-035, FOR THE EUGENE WATER AND ELECTRIC BOARD TO USE COAL AS A SUPPLEMENTAL FUEL

The Lane Regional Air Pollution Authority granted a variance to the Eugene Water and Electric Board to allow the use of coal as a supplement to the normally used hogged fuel. Variances issued by LRAPA are subject to approval, denial or modification by the Commission.

Summation

1. The Eugene Water and Electric Board (EWEB) requested a variance from regulatory limits (opacity and grain loading) for combined boiler emissions when they burn coal as a supplemental fuel in boiler No. 3 because of a shortage of wood waste, the normal fuel.
2. No significant degradation of air quality or adverse health/welfare effects are expected in the Eugene area due to the EWEB request.
3. On June 10, 1980, upon finding that special circumstances render strict compliance unreasonable the LRAPA Board of Directors granted a variance from the emission limits for the boilers (LRAPA Rules, Section 32-010.2 and 32-035) until June 1, 1981.

4. LRAPA submitted the variance to the Department on June 20, 1980, for consideration by the Commission.
5. The Commission is authorized by ORS 468.345(3) to approve, deny or modify variances submitted by the Regional Authorities.
6. The Department concurs with the variance conditions and additional limits.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission approve the variance granted to the Eugene Water and Electric Board by the Lane Regional Air Pollution Authority Board of Directors.

After some discussion, it was MOVED by Commissioner Somers, seconded by Commissioner Bishop and carried unanimously that the Director's Recommendation be approved.

AGENDA ITEM M - REQUEST FOR VARIANCE EXTENSION FROM LANE REGIONAL AIR POLLUTION AUTHORITY RULES, TITLE 22, SECTION 22-045(1), AND TITLE 32, SECTION 32-005(B), FOR ALLIS-CHALMERS COMPANY AND LANE COUNTY, OPERATORS OF THE LANE COUNTY RESOURCE RECOVERY FACILITY

The Commission previously approved a variance granted by the Lane Regional Air Pollution Authority (LRAPA) for operation of the Lane County Resource Recovery Facility. LRAPA has granted an extension to that variance. Variances issued by LRAPA are subject to approval, denial or modification by the Commission.

Summation

1. On August 31, 1979, the Commission approved a LRAPA variance issued to the Lane County Resource Recovery Facility for operation of an air classification system without controls until July 23, 1980, to provide adequate time for shakedown of equipment and design of controls.
2. On June 10, 1980, the Lane Regional Air Pollution Authority Board of Directors approved an extension of the variance to March 15, 1981. The shakedown and testing of the equipment could not begin as scheduled until repairs of the damage caused by an explosion were made.
3. At the end of the variance period this source shall be in compliance with all emission limits.
4. LRAPA submitted the variance to the Department on June 20, 1980, for consideration by the Commission.
5. The Commission is authorized by ORS 468.354(3) to approve, deny or modify variances submitted by Regional Authorities.

Director's Recommendation

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

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

AGENDA ITEM K - REQUEST FOR EMERGENCY RULE ACTIONS IN RESPONSE TO REVENUE SHORTFALL

After reading the staff report, the Commission asked the staff to return at the next meeting with recommendations on how the Commission could respond to the budget cutback, including: (1) priority of positions to be added back as new funds become available, and (2) proposed increases in fees, under EQC Control, to generate additional funds.

The Commission also wanted more information on the effect of the budget cuts; whether the effects would be long-term and how devastating to programs.

No Commission action was necessary on this item.

AGENDA ITEM I(1) - REQUEST FOR APPROVAL OF RECOMMENDED ACTION ON CONSTRUCTION GRANTS PROJECTS BYPASSED ON FY 80 CONSTRUCTION GRANTS PRIORITY LIST - CITY OF PRINEVILLE

This item advised of the bypass of the City of Prineville's Laughlin-Melrose Project for the second consecutive year and requested the EQC to remove it from the State's Priority List.

1. The scope and nature of the originally identified water quality problem - area waste disposal problems cause by high groundwater from irrigation practices - has been substantially reduced.
2. The Laughlin-Melrose area is currently not in violation of any enforceable requirements of the Clean Water Act.
3. The project has been bypassed two consecutive years because it was not ready to proceed.
4. Authority is contained in the State's current prioritizing criteria for the EQC to remove the project from the Priority List.

Director's Recommendation

Based upon the summation in the staff report, it is recommended that the Prineville Laughlin Interceptor project be removed from the state's priority list.

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

AGENDA ITEM I(2) - REQUEST FOR APPROVAL OF RECOMMENDED ACTION ON
CONSTRUCTION GRANTS PROJECTS BYPASSED ON FY 80 CONSTRUCTION GRANTS PRIORITY
LIST

This item requested the EQC to confirm the bypass of the application by Douglas County for the FY 80 Roseburg Metro Project.

1. The approved facilities plan established a regional facility which would serve the City of Roseburg, North Roseburg Sanitary District, the North Umpqua Sanitary District, and adjacent county areas; and abandon the Roseburg and North Roseburg Sanitary District plants.
2. This plan required an intergovernmental agreement among the local jurisdictions for construction and operation and maintenance of the plant.
3. The existing intergovernmental agreement excludes the City of Roseburg after October 15, 1980, unless a city charter amendment is approved by the voters providing authority for the city of adopt an equitable user charge system in compliance with federal regulations.
4. The City of Roseburg has not been successful in amending their charter and has declined to amend the agreement.
5. In view of the Roseburg City Council action, there is no chance to change the Roseburg City Charter and amend the intergovernmental agreement prior to the end of this fiscal year.

Summation

1. On July 27, 1980, the Director bypassed the FY 80 Step 2 and Step 3 construction grants for the Roseburg Metro Area Sewage Treatment Facilities.
2. Douglas County, the lead applicant for the project, and the North Roseburg Sanitary District have submitted requests that the EQC reconsider this bypass action.
3. Facility improvements are needed to consistently meet permit requirements at both the Roseburg and the North Roseburg Sanitary District plants. Sewer system improvements are also needed for Roseburg.
4. A 1976 facilities plan conducted by Douglas County recommended the abandonment of both the Roseburg Treatment Plant and the North Roseburg Sanitary District Treatment Plant. A new regional facility was recommended in the plan, which was adopted by the City of Roseburg, the North Roseburg Sanitary District, the North Umpqua Sanitary District, and Douglas County.
5. In August, 1979, the first phase of a Step 3 grant application was submitted for FY 79 funding. The Director advised Douglas County that the application would not be certified because of several unresolved issues.

6. In July, 1980, the first phase of a Step 3 grant application was submitted for FY 80 funding. DEQ and EPA staff advised Douglas County that the current Intergovernmental Agreement did not satisfy federal requirements because it provides that the City of Roseburg is excluded from the Agreement after October 15, 1980, unless a City Charter Amendment is approved by the voters. A Charter Amendment is needed to enable the City to adopt an equitable user charge system before a grant for the second phase of construction of Roseburg Metro is awarded.
7. A notification of the intent to bypass the project was sent to interested parties. Two of three deficiencies in the application were later corrected. However, efforts to amend the existing Intergovernmental Agreement in order to meet federal requirements were unsuccessful.

Director's Recommendation

Based upon the Summation, it is recommended that the bypass of the Roseburg Metro project for FY 80 funds be confirmed.

Mr. Kenneth L. Erickson, Douglas County Director of Public Works, presented a letter from the Douglas County Board of Commissioners urging that the Roseburg Metro Project be allowed to continue.

Mr. John G. O'Brien, North Roseburg Sanitary District, outlined some difficulties they have had with this project. He also urged that it be allowed to continue.

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

AGENDA ITEM J - REQUEST TO RECONSIDER NOISE VARIANCE GRANTED TO BONNEVILLE POWER ADMINISTRATION'S WREN SUBSTATION, BENTON COUNTY

At the Commission's June meeting, a variance was granted to Bonneville Power from the noise control rules for an electric substation in Benton County. The variance was requested because noise controls did not achieve full compliance with nighttime noise standards. The variance will expire in September 1982, at which time the substation will be removed and relocated.

The Commission has received a request from a noise impacted resident to reconsider the variance. This resident objected to the variance at the June meeting, but now wishes to submit additional research and data to support his argument.

If the Commission believes the variance should be reconsidered, it must be done under the provisions of a contested case.

Summation

The following facts and conclusions are offered:

1. Bonneville Power Administration (BPA) owns and operates an electric power substation in Benton County that exceeds nighttime noise standards.
2. BPA requested a variance from strict compliance with the noise standards until September 1, 1980. A public hearing was held before the Commission at its June 20, 1980, meeting at which an impacted resident appeared and testified in opposition to the variance. However, the variance was granted as requested.
3. The same impacted resident, opposed to the granting of the variance, now has requested the Commission reconsider its June 20 decision.
4. The Commission may only revoke or modify the variance under procedures established for a contested case.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission deny the request to reconsider its variance to exceed nighttime noise standards granted on June 20, 1980, to Bonneville Power Administration's Wren Substation.

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

AGENDA ITEM G - EASTERN REGIONAL MANAGER'S REPORT

Mr. Steve Gardels, DEQ Eastern Regional Manager, presented slides on mining operations and food processing waste disposal in the Eastern Region, and outlined some of the pollution problems in the area.

FUTURE MEETING LOCATIONS

It was decided to hold the September Commission meeting in Bend; October in Portland; November in Portland; and tentatively the December meeting in Medford.

RIVER ROAD/SANTA CLARA SEWER MORATORIUM CONSENT AGREEMENT


The Commission was distributed a report by John Borden, Willamette Valley Regional Manager, which contained draft agreements. The final agreement will be presented to the Commission in September.

STATUS REPORT ON FIELD BURNING

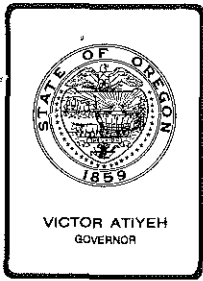
The Commission was distributed a report on the status of field burning so far this season.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Carol A. Spletstaszer
Recording Secretary

CAS:f
MF102(2)



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, August 15, 1980, EQC Meeting
July, 1980 Program Activity Report

Discussion

Attached is the July, 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:ahc
229-6485
07-31-80



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DEPARTMENT OF ENVIRONMENTAL QUALITY

Monthly Activity Report

July, 1980

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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

AQ, WQ, SWM Divisions
(Reporting Unit)

July, 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>6</u>	<u>6</u>	<u>12</u>	<u>12</u>	<u>0</u>	<u>0</u>	<u>71</u>
<u>Water</u>							
Municipal	<u>61</u>	<u>61</u>	<u>61</u>	<u>61</u>	<u>0</u>	<u>0</u>	<u>41</u>
Industrial	<u>11</u>	<u>11</u>	<u>1</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>20</u>
<u>Solid Waste</u>							
General Refuse	<u>1</u>	<u>1</u>	<u>3</u>	<u>3</u>	<u>0</u>	<u>0</u>	<u>4</u>
Demolition	<u>0</u>	<u>0</u>	<u>-</u>	<u>-</u>	<u>0</u>	<u>0</u>	<u>2</u>
Industrial	<u>2</u>	<u>2</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>8</u>
Sludge	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>-</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>81</u>	<u>81</u>	<u>77</u>	<u>77</u>	<u>0</u>	<u>0</u>	<u>146</u>

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

July 1980
(Month and Year)

PLAN ACTIONS COMPLETED

* County	* Name of Source/Project/Site and * Type of Same	* Date of * Action	* Action	* *
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MUNICIPAL WASTE SOURCES - 61

Linn	Albany	"Teledyne Collect Syst. Ph.1" Sanitary Sewer Extensions	7-8	PA
Joseph	Bend	"Tokay Hills Subdiv." Sanitary Sewer Extensions	7-11	PA
Jackson	BCVSA	"So. Stage Rd. Sewers" Sanitary Sewer Extensions	7-11	PA
Morrow	Boardman	"City L.I.D. Sewers" Sanitary Sewer Extensions	7-11	PA
Clatsop	Seaside	"Sunside Estates" Sanitary Sewer Extensions	7-14	PA
Washington	Tigard - USA	"Hillsview Court" Sanitary Sewer Extensions	7-14	PA
Washington	Hillsboro - USA	"Nor. Hillsboro Trunk" Sanitary Sewer Extensions	7-14	PA
Umatilla	Hermiston	"Sunland Subdivision" Sanitary Sewer Extensions	7-16	PA
Deschutes	Sunriver	"Black Bear Condo's" Sanitary Sewer Extensions	7-16	PA
Yamhill	Newberg	"Newberg East Apts." Sanitary Sewer Extensions	7-16	PA
Clackamas	Oak Lodge S.D.	"Dogwood Lane" Sanitary Sewer Extensions	7-16	PA
Washington	USA	"Blair Acres" Sanitary Sewer Extensions	7-16	PA
Multnomah	Portland	"Carlyle Subdiv." Sanitary Sewer Extensions	7-16	PA
Lincoln	Depoe Bay	"Hour Lane Ext." Sanitary Sewer Extensions	7-17	PA

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

July 1980
(Month and Year)

PLAN ACTIONS COMPLETED

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

Clackamas	Lake Oswego	"Mary Elizabeth Pk." Sanitary Sewer Extensions	7-17	PA
Multnomah	Portland	"Blair Acres" Sanitary Sewer Extensions	7-17	PA
Multnomah	Portland	"Canby-Kelly Swrs." Sanitary Sewer Extensions	7-17	PA
Marion	Salem	"Linwood Proj." Sanitary Sewer Extensions	7-17	PA
Benton	Monroe	"Monroe Mob. Hme. Pk." Sanitary Sewer Extensions	7-17	PA
Lane	Eugene	"Laurelhurst-Shasta" Sanitary Sewer Extensions	7-18	PA
Lane	Eugene	"Luella Subdiv." Sanitary Sewer Extensions	7-18	PA
Lane	Eugene	"Royalwood Subdiv." Sanitary Sewer Extensions	7-18	PA
Washington	USA	"Tacco Fir" Sanitary Sewer Extensions	7-18	PA
Washington	F. Grove	"Joyce Pk. II" Sanitary Sewer Extensions	7-18	PA
Baker	Baker	"Baker Ind. & Resources" Sanitary Sewer Extensions	7-18	PA
Clackamas	CCSD#1	"A & W Estates" Sanitary Sewer Extensions	7-18	PA
Lane	Eugene	"Martin St." Sanitary Sewer Extensions	7-18	PA
Lane	Eugene	"Flatbush 2nd" Sanitary Sewer Extensions	7-21	PA

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

July 1980
(Month and Year)

PLAN ACTIONS COMPLETED

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

Benton	Philomath	"Gateway Plaza" Sanitary Sewer Extensions	7-21	PA
Jackson	Talent	"Meadowood Subdiv." Sanitary Sewer Extensions	7-21	PA
Jackson	White City	"23rd St. Swr." Sanitary Sewer Extensions	7-21	PA
Lane	Eugene	"Kiska 1st Add." Sanitary Sewer Extensions	7-21	PA
Lane	Eugene	"Central Mfg." Sanitary Sewer Extensions	7-21	PA
Clackamas	Oak Lodge	"Woodridge Subdiv." Sanitary Sewer Extensions	7-22	PA
Clackamsa	Lake Oswego	"Thunder Vista" Sanitary Sewer Extensions	7-22	PA
Jackson	White City	"Medford Ind. Pk." Sanitary Sewer Extensions	7-22	PA
Multnomah	Gresham	"182nd - 190th LID" Sanitary Sewer Extensions	7-22	PA
Washington	USA	"Park 217" Sanitary Sewer Extensions	7-22	PA
Marion	Salem	"Rosenkran Part." Sanitary Sewer Extensions	7-22	PA
Lane	Eugene	"Judson Subdiv." Sanitary Sewer Extensions	7-22	PA
Multnomah	Portland	"Boardwalk Subdiv." Sanitary Sewer Extensions	7-23	PA
Clackamas	CCSD#1	"Gro's Quiet Meadow" Sanitary Sewer Extensions	7-23	PA

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

July 1980
(Month and Year)

PLAN ACTIONS COMPLETED

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

Marion	Salem	"Saginaw St." Sanitary Sewer Extensions	7-23	PA
Washington	USA	"Carlton School" Sanitary Sewer Extensions	7-23	PA
Lane	Florence	"City Business Pk." Sanitary Sewer Extensions	7-24	PA
Washington	USA	"Natkin & Co. Ph. 1" Sanitary Sewer Extensions	7-24	PA
Marion	Stayton	"Ind. Pk. #3" Sanitary Sewer Extensions	7-24	PA
Multnomah	Gresham	"Randall Co. Develop." Sanitary Sewer Extensions	7-24	PA
Jackson	Central Pt.	"Hopkins Rd. LID" Sanitary Sewer Extensions	7-24	PA
Linn	Sweet Home	"44th Ave. South" Sanitary Sewer Extensions	7-25	PA
Washington	USA	"Kneeland Est." Sanitary Sewer Extensions	7-25	PA
Marion	Salem	"Val Vista Est." Sanitary Sewer Extensions	7-25	PA
Lincoln	Newport	"Lighthouse Add." Sanitary Sewer Extensions	7-25	PA
Yamhill	McMinnville	"W. 2nd Street" Sanitary Sewer Extensions	7-25	PA
Linn	Albany	"Alandale Subdiv." Sanitary Sewer Extensions	7-25	PA
Marion	Salem	"Park Hill Ph. 1" Sanitary Sewer Extensions	7-25	PA

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

July 1980
(Month and Year)

PLAN ACTIONS COMPLETED

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

Marion	Salem	"Holley Subdiv." Sanitary Sewer Extensions	7-28	PA
Lane	Eugene	"Calvin Street" Sanitary Sewer Extensions	7-28	PA
Washington	USA	"Windemere Add." Sanitary Sewer Extensions	7-28	PA
Jackson	Central Pt.	"Stone Creek #2" Sanitary Sewer Extensions	7-28	PA
Lane	Florence	"Pepperoaks Subdiv."	7-28	PA

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

July 1980
(Month and Year)

PLAN ACTIONS COMPLETED

* County	* Name of Source/Project	* Date of	* Action	*
*	* /Site and Type of Same	* Action	*	*
*	*	*	*	*
Multnomah	Boeing of Portland Building for Sand Filters	7/9/80	Approved	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

July, 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 Odorous Gas	06/26/80	Conditional Approval	*
Benton	Coffin Butte Existing Facility Leachate Lagoon	06/27/80	Approved	*
Lane	Cottage Grove Landfill Existing Facility Operational Plan	07/02/80	Approved	*

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

July, 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	1	1	2	2	20		
Existing	0	0	1	1	14		
Renewals	28	28	19	19	14		
Modifications	0	0	2	2	18		
Total	29	29	24	24	175	1959	1993
<u>Indirect Sources</u>							
New	6	6	0	0	12		
Existing	-	-	-	-	-		
Renewals	-	-	-	-	-		
Modifications	0	0	0	0	1		
Total	6	6	0	0	13	162	-
<u>GRAND TOTALS</u>	35	35	24	24	188	2021	1993

Number of
Pending Permits

Comments

25	To be drafted by Northwest Region
11	To be drafted by Willamette Valley Region
23	To be drafted by Southwest Region
11	To be drafted by Central Region
11	To be drafted by Eastern Region
0	To be drafted by Program Planning Division
14	To be drafted by Program Operations
36	Awaiting Public Notice
<u>44</u>	Awaiting the end of 30-day Noted period
175	

DEPARTMENT OF ENVIRONMENTAL QUALITY
MONTHLY ACTIVITY REPORT
PERMITS ISSUED

DIRECT STATIONARY SOURCES

COUNTY	SOURCE	PERMIT NUMBER	APPLIC. RECEIVED	STATUS	DATE ACHIEVED	TYPE OF APPLICATION
CLACKAMAS	CROWN ZELLERBACH	03	2145 11/08/79	PERMIT ISSUED	07/08/80	RMI
DESCHUTES	RUSSELL INDUSTRIES	09	0031 03/05/80	PERMIT ISSUED	07/08/80	RMI
DESCHUTES	REDMOND TALLOW CO IN	09	0032 01/25/80	PERMIT ISSUED	07/08/80	RMI
DESCHUTES	MID OREGON READY MIX	09	0039 02/25/80	PERMIT ISSUED	07/08/80	RMI
HOOD RIVER	CHAMPION BUILDING PRODUCT	14	0009 01/18/80	PERMIT ISSUED	07/08/80	RMI
HOOD RIVER	HOOD RIVER S.G & R-M	14	0015 00/00/00	PERMIT ISSUED	07/08/80	RMI
JACKSON	LOUISIANA PACIFIC CHENEY	15	0007 02/06/80	PERMIT ISSUED	07/08/80	RMI
JACKSON	NORTHWEST DRY KILNS	15	0044 02/06/80	PERMIT ISSUED	07/08/80	RMI
JACKSON	OREGON CUTSTOCK & MOULDNG	15	0047 02/06/80	PERMIT ISSUED	07/08/80	RMI
LIHH	GEORGIA PACIFIC RESIN	22	1024 01/25/80	PERMIT ISSUED	07/08/80	RMI
LIHH	RIVERSIDE ROCK & REDI-MIX	22	2003 07/22/80	PERMIT ISSUED	07/22/80	RMI
MULTNOMAH	ASSOCIATED MEAT PACKERS	26	1739 01/18/80	PERMIT ISSUED	07/08/80	RMI
MULTNOMAH	PACIFIC POWER & LIGHT	26	1886 02/28/80	PERMIT ISSUED	07/08/80	RMI
TILLAMOOK	TILLAMOOK CO CREAMERY	29	0004 02/25/80	PERMIT ISSUED	07/08/80	RMI
TILLAMOOK	MARIE MILLS CENTER, INC.	29	0070 03/14/80	PERMIT ISSUED	07/08/80	LXT
TILLAMOOK	WASHOE ROOFING&INSULATION	29	0071 02/25/80	PERMIT ISSUED	07/08/80	RMI
WALLOWA	BOISE CASCADE CORP	32	0001 01/18/80	PERMIT ISSUED	07/02/80	RMI
WASHINGTON	DURA METAL FOUNDRY	34	1882 11/08/79	PERMIT ISSUED	07/08/80	RMI
WASHINGTON	L.H. COBB CRUSHED ROCK	34	1925 12/03/79	PERMIT ISSUED	07/08/80	RMI
WASHINGTON	STIMSON LUMBER COMPANY	34	2066 07/11/80	PERMIT ISSUED	07/11/80	RMI
WASHINGTON	FOREST GROVE LUMBER CO	34	2081 11/03/79	PERMIT ISSUED	07/08/80	RMI
WASHINGTON	DANT & RUSSELL INC.	34	2625 11/03/79	PERMIT ISSUED	07/08/80	RMI
PORT.SOURCE	SUPERIOR ASPHALT & CONCRT	37	0166 02/06/80	PERMIT ISSUED	07/08/80	RMI
PORT.SOURCE	WILDISH MEDFORD S & G CO.	37	0250 03/03/80	PERMIT ISSUED	07/08/80	RMI

TOTAL NUMBER QUICK LOOK REPORT LINES

24

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

July 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	1 /0	1 /0	0 /0	0 /0	2 /4		
Existing	0 /0	0 /0	0 /0	0 /0	4 /0		
Renewals	4 /4	4 /4	6 /0	6 /0	28 /9		
Modifications	0 /0	0 /0	0 /0	0 /0	6 /0		
Total	5 /4	5 /4	6 /0	6 /0	40 /13	260/90	266/94
<u>Industrial</u>							
New	0 /2	0 /2	0 /2	0 /2	9 /13		
Existing	0 /0	0 /0	1 /0	1 /0	1 /1		
Renewals	11 /9	11 /9	8 /1	8 /1	86 /25		
Modifications	0 /1	0 /1	0 /0	0 /0	4 /2		
Total	11 /12	11 /12	9 /3	9 /3	100 /41	359/150	369/164
<u>Agricultural (Hatcheries, Dairies, etc.)</u>							
New	0 /0	0 /0	1 /0	1 /0	2 /0		
Existing	0 /0	0 /0	0 /0	0 /0	0 /0		
Renewals	1 /0	1 /0	3 /0	3 /0	32 /0		
Modifications	0 /0	0 /0	0 /0	0 /0	0 /0		
Total	1 /0	1 /0	4 /0	4 /0	34 /0	53/20	55/20
<u>GRAND TOTALS</u>	17 /16	17 /16	19 /3	19 /3	174 /54	672/260	690/278

* NPDES Permits
** State Permits

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit)	July 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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MUNICIPAL AND INDUSTRIAL SOURCES NPDES PERMITS (19)

Marion	Terminal Ice & Cold Storage Salem	7/11/80	Permit Renewed
Marion	Stayton Canning Co. Stayton	7/11/80	" "
Marion	Stayton Canning Co. Silverton	7/11/80	" "
Marion	City of Silverton	7/15/80	" "
Curry	Burnt Hill Salmon Ranch--Fish Rearing Pistol River	7/15/80	Permit Issued
Clackamas	Rock Creek Sand & Gravel Aggregate Clackamas	7/15/80	Permit Renewed
Polk	Boise Cascade Independence	7/15/80	" "
Hood River	Moore Orchards Hood River	7/15/80	" "
Lane	Oregon Fish & Wildlife Leaburg	7/22/80	Permit Renewed

MUNICIPAL AND INDUSTRIAL SOURCES NPDES PERMITS - Continued

Linn	City of Albany	7/22/80	"	"
Multnomah	Acme Trading & Supply Co. Portland	7/29/80	"	"
Linn	Oregon Fish & Wildlife Santiam	7/29/80	"	"
Multnomah	Oregon Fish & Wildlife Cascade	7/29/80		Permit Renewed
Linn	Simpson Timber Co. Millersburg	7/29/80	"	"
Wasco	City of Mosier	7/29/80	"	"
Clackamas	City of West Linn Willamette	7/29/80	"	"
Coos	City of Coos Bay STP No. 1	7/29/80	"	"
Marion	Champion International Corp.--Idanha	7/29/80		Permit Issued
Clackamas	City of West Linn--Bolton	7/29/80		Permit Renewed

MUNICIPAL AND INDUSTRIAL SOURCES WPCF PERMITS (3)

Coos	Conrad Wood Preserving Co. Coos Bay	7/21/80		Permit Issued
Lane	J. H. Baxter Co. Eugene	7/22/80		Permit Renewed
Deschutes	Bend Plating Co. Bend	7/22/80		Permit Issued

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

July, 1980
(Month and Year)

SUMMARY OF SOLID AND HAZARDOUS WASTE PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions Pending	Sites Under Permits	Sites Reqr'g Permits
	<u>Month</u>	<u>FY</u>	<u>Month</u>	<u>FY</u>			
<u>General Refuse</u>							
New	2	2	1	1	3		
Existing	-	-	-	-	2		
Renewals	5	5	-	-	19		
Modifications	1	1	1	1	1		
Total	8	8	2	2	25	164	166
<u>Demolition</u>							
New	-	-	1	1	-		
Existing	-	-	-	-	-		
Renewals	-	-	2	2	-		
Modifications	1	1	-	-	1		
Total	1	1	3	3	1	20	21
<u>Industrial</u>							
New	3	3	2	2	4		
Existing	-	-	-	-	-		
Renewals	3	3	1	1	22		
Modifications	-	-	-	-	-		
Total	6	6	3	3	26	101	101
<u>Sludge Disposal</u>							
New	-	-	-	-	-		
Existing	-	-	-	-	1		
Renewals	1	1	-	-	1		
Modifications	-	-	-	-	-		
Total	1	1	0	-	2	14	15
<u>Hazardous Waste</u>							
New							
Authorizations	29	29	11	11	18	1	1
Renewals	-	-	-	-	-		
Modifications	-	-	-	-	-		
Total	29	29	11	11	18	1	1
<u>GRAND TOTALS</u>	45	45	19	19	72	300	304

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

<u>Solid Waste Division</u>	July, 1980
(Reporting Unit)	(Month and Year)

PERMIT ACTIONS COMPLETED

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

Domestic Refuse Facilities (2)

Curry	Brookings Energy Facility Existing Facility	07/18/80	Addendum Request Denied
Grant	Dayville Proposed Facility	07/24/80	Application Withdrawn

Demolition Waste Facilities (3)

Lane	Delta Sand & Gravel New Facility	06/18/80	Letter Authorization Issued
Washington	Hillsboro Existing Facility	07/24/80	Permit Renewed
Marion	Salem Airport Existing Facility	07/24/80	Permit Renewed

Industrial Waste Facilities (3)

Douglas	I.P. - Gardiner Reservoir New Facility	06/26/80	Letter Authorization Issued
Columbia	Marthaller Trucking Proposed Facility	07/15/80	Application Withdrawn
Linn	W.I. - Lebanon Existing Facility	07/24/80	Permit Renewed

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

Date	Type	Waste Description	Source	Quantity	
				Present	Future
<u>OREGON</u> (6)					
2	PCB capacitors, transformers, and contaminated soil		Paper mill	50 Ft ³	50 Ft ³ /yr.
3	Ink waste		Newspaper	--	825 gal./yr.
3	PCB capacitors		Food processor	2 drums	2 drums/yr.
28	Spent HCl		Industrial cleaning service	4,000 gal.	0
28	PCB waste		University	500 gal.	0
28	Pesticides		Federal Agency	200 gal.	0
<u>WASHINGTON</u> (1)					
1	Spent caustic solution		Industrial cleaning service	1,000 gal.	30,000 gal./yr.
<u>SALT LAKE CITY</u> (1)					
3	PCB wastes		Utility	--	85,000 kg./yr.
<u>HAWAII</u> (2)					
9	Pentachlorophenol waste		Wood preserving	500 drums	16 drums per yr.
28	Mercury waste		Federal Agency	38 drums	400 gal./yr.
<u>BRITISH COLUMBIA</u> (1)					
28	Spent caustic solution		Al products	56 drums	0

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program
(Reporting Unit)

July 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	2	NA	1	NA	70	69
Airports	1					

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program
(Reporting Unit)

July 1980
(Month and Year)

FINAL NOISE CONTROL ACTIONS COMPLETED

* County	* Name of Source and Location	* Date	* Action
Washington	Karban Rock Farminton Road	7/80	Exception Granted

CIVIL PENALTY ASSESSMENTS

Department of Environmental Quality
1980

CIVIL PENALTIES ASSESSED DURING MONTH OF July, 1980:

<u>Name and Location of Violation</u>	<u>Case No. & Type of Violation</u>	<u>Date Issued</u>	<u>Amount</u>
Farmers Union Central Exchange, Inc. dba/Cenex Multnomah County	WQ/HW-NWR-80-115 Discharged chemical wastes containing 2,4-D to public waters.	7/3/80	\$1,000
R.L.G. Enterprises, Inc. Multnomah County	WQ-NWR-80-114 Discharged untreated sewage from moorage (3 days at the \$50 minimum)	7/3/80	150
Harris Hansen Washington County	SS-NWR-80-99 Use of an unapproved subsurface sewage system. (33 days at the \$5 minimum)	7/3/80	165
Russell Stoppleworth Douglas County	SS-SWR-80-122 Second penalty for use of subsurface sewage system without Certificate (28 days at \$50) and plumbing connected to unapproved system (28 days at \$10)	7/9/80	1,680
Ray Anderson Columbia County	SS-NWR-80-126 Plumbing connected to unapproved subsurface sewage system (28 days at \$10)	7/18/80	280
Steve Kondrasky Columbia County	AQ-NWR-80-120 Burned out a pickup truck body	7/18/80	500
Donald Pierce Clackamas County	SS-NWR-80-124 Plumbing connected to unapproved subsurface sewage system. (92 days at the \$5 minimum)	7/29/80	460

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.
Dennis Glaser dba/ Mid Valley Farms, Inc.	AQ-WVR-80-13	01/22/80	2,200	Contested 2/7/80. Hearing held 6/19/80.
City of St. Helens	WQ-NWR-80-02	01/22/80	2,000	Paid 2/12/80.
American-Strevell, Inc.	WQ-NWR-80-05	01/22/80	500	Remitted 4/18/80.
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	Remitted on 7/18/80.
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 3/11/80.
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 4/9/80.
Adrian Van Dyk,	SS-WVR-80-27	03/20/80	500	Contested 4/20/80.
David B. Reynolds,	SS-SWR-80-11	03/20/80	500	Contested 4/14/80.
J. R. Simplot Co.,	WQ-ER-79-27	03/24/80	20,000	Contested 4/15/80.
Burlington Northern,	AQ-CR-80-44	03/27/80	200	Paid 4/10/80.
Elton Disher dba/ Riverview Service Corp.	WQ-WVR-80-39	04/04/80	100	Paid 4/09/80.
International Paper Co.	WQ-SWR-80-47	04/04/80	1,200	Paid 5/5/80.

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 5/22/80.
Marion-Linn Construction Co.	SS-WVR-80-70	05/02/80	50	Paid 6/14/80.
City of Portland	AQ-NWR-80-76	05/06/80	7,500	Mitigated to \$450 on 7/18/80. Paid.
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.
Humphrey Construction	AQ-NWR-80-94	06/06/80	50	Paid 6/17/80.
Valley Landfills, Inc.	SW-WVR-80-96	06/09/80	100	Paid 6/19/80.
James Kenny dba Kenny Excavation	SS-CR-80-97	06/06/80	100	Paid 7/23/80.
Cascade Utilities, Inc.	AQ/SW-NWR-80-98	06/06/80	400	Paid 6/4/80.
Albert M. Mauck dba Goodman Sanitation Service	SS-NWR-80-110	06/23/80	300	Paid 6/27/80.
Teledyne Wah Chang	WQ-WVR-80-89	06/23/80	400	Paid 7/3/80.

<u>ACTIONS</u>	<u>LAST MONTH</u>	<u>PRESENT MONTH</u>
Preliminary Issues	3	4
Discovery	2	1
Settlement Action	4	3
Hearing to be Scheduled	7	0
Hearing Scheduled	3	4
HO's Decision Due	3	3
Brief	2	3
Inactive	<u>3</u>	<u>3</u>
SUBTOTAL of Active Files	26	21
HO's Decision Out/Option for EQC Appeal .	2	1
Appealed to EQC	1	0
EQC Appeal Complete/Option for Court Review	1	3
Court Review Option Pending or Taken . . .	1	0
Case Closed	<u>4</u>	<u>6</u>
TOTAL Cases	35	31

KEY

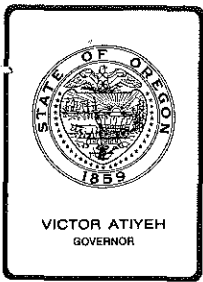
ACD Air Contaminant Discharge Permit
AQ Air Quality
AQ-NWR-76-178 Violation involving Air Quality occurring in Northwest Region in the year 1976; 178th enforcement action during 1976.
CLR Chris Reive, Investigation & Compliance Section
Dec Date Date of either a proposed decision of hearings officer or 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

July 1980
DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rgst	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	IMS	02/77	Dept	6400-06-SW-SWR-288-76	<u>Case closed</u>
MAGNESS, William	07/77	07/77	IMS	11/77	Dept	\$1150 Total 06-SS-SWR-77-142	<u>Order of Dismissal issued by Hearings Officer 06/30/80</u>
GRANTS PASS IRRIG	09/77	09/77	RLH		Prtys	\$10,000 10-WQ-SWR-77-195	Hrng postponed pending submission of stipulated settlement to EQC.
POWELL, Ronald	11/77	11/77	RLH	01/23/80	Resp	\$10,000 Fld Brn 12-AQ-MWR-77-241	<u>Respondent's post trial memo due 08-04-80</u>
HAWKINS, Roy	03/78	03/78	FWD	12/17/79	Hrngrs	\$5000 15-AQ-PR-77-315	Decision due.
HAWKINS TIMBER	03/78	03/78	FWD			\$5000 15-AQ-PR-77-314	No action pending decision in companion case.
WAH CHANG	04/78	04/78	RLH		Prtys	16-P-WQ-WVR-78-2849-J NEDES Permit (Modification)	Preliminary Issues
WAH CHANG	11/78	12/78	RLH		Prtys	08-P-WQ-WVR-78-2012-J	Preliminary Issues
STIMPSON LUMBER CO.	05/78		FWD	07/24/79	Dept	Fee Credit Cert. 01-T-AQ-PR-78-010	<u>Case closed. Department did not appeal</u>
WELCH, Floyd & Virginia, et al	10/78	10/78	REE	08/14/80	Prtys	07-P-SS-CR-78-134	<u>Case closed 07/18/80. Modification to system approved</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-WVR-79-86 Open Field Burning Civil Penalty of \$500	<u>Civil penalty mitigated to \$75; Court of Appeals review option pending</u>
MALLORY & MALLORY INC.	11/79	11/79	JHR	01/10/80	Hrngrs	14-AQ-CR-79-101 Open Burning Civil Penalty	Decision Due.
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	Action deferred pending Supreme Court decision in <u>State v Alexander</u> , 44 Or App 557 (1978)
LAND RECLAMATION, INC., et al	12/12/79	12/14/79	FWD	05/16/80	Resp	19-P-SW-329-NWR-79 Permit Denial	Request for Court of Appeals review due 08/18/80
FORRETE, Gary	12/20/79	12/21/79	RLH	06/09/80	Hrngrs	20-SS-NWR-79-146 Permit Revocation	Preliminary Issues
GLASER, Dennis F. dba MID-VALLEY FARMS, INC.	02/06/80	02/07/80	CLR	06/19/80	Resp	02-AQ-WVR-80-13 Open Field Burning Civil Penalty of \$2,200	Post-hearing briefing
HARPER, Robert W.	02/26/80	02/28/80	IMS		Prtys	06-AQ-WVR-80-14 Open Burning Civil Penalty of \$500	<u>Stipulated Order drafted</u>
MEDFORD CORPORATION	02/25/80	02/29/80		05/16/80	Dept	07-AQ-SWR-80 Request for Declaratory Ruling	Further briefing
WESTBROOK WOOD PRODUCTS	04/01/80	04/09/80	IMS		Prtys	01-AQ-SWR-80-25 Civil Penalty of \$3,125	<u>Case closed 07/18/80. Civil penalty mitigated to \$1,500</u>
REYNOLDS, David B.	04/11/80	04/14/80	CLR	08/19/80	Hrngrs	11-SS-SWR-80-11 Civil Penalty of \$500	Hearing set in Grants Pass at 9 a.m.

July 1980
DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rgst	Hrng Rfrl	DEQ Atty	Hrng Date	Resp Code	Case Type & No.	Case Status
J.R. SIMPLOT COMPANY	04/15/80	04/16/80			Prtys	12-WQ-ER-80-41 Civil Penalty of \$20,000	Preliminary Issues
VAN DYK, Adrian C.	04/20/80	04/25/80	CLR	<u>09/04/80</u>	<u>Prtys</u>	13-SS-SWR-80-92 Civil Penalty of \$500	<u>Hearing set in Grants Pass at 9 a.m.</u>
CITY OF PORTLAND	05/23/80	05/27/80			Hrngs	14-AQ-NWR-80-76 Open Burning Civil Penalty of \$7,500	Case closed 07/18/80. Civil penalty mitigated to \$450
HEIDGERKEN, George	06/04/80	06/04/80			<u>Resp</u>	15-WQ-WVR-80-21	<u>Order of Default issued 05/28/80. Appeal option expires 07/28/80</u>
SCHAEFER, Allen L.	05/23/80	06/06/80	JHR	<u>08/01/80</u>	<u>Prtys</u>	16-SS-NWR-80-90 SS Permit Revocation	<u>Hearing scheduled in Tillamook at 9 a.m.</u>
JONES, Jeffrey D., et al	06/03/80	06/06/80	CLR		<u>Resp</u>	17-SS-NWR-80-85 and 17-SS-NWR-80-86 SS Permit Revocations	<u>Answer due 08/12/80</u>
BORELLO, Ronald E.	06/02/80	06/11/80	LMS	<u>08/13/80</u>	<u>Prtys</u>	18-SS-ER-80-40 and 18-SS-ER-80-82. Civil Penalty of \$400	<u>Hearing scheduled in Baker at 9 a.m.</u>
KENNY, James	06/17/80	06/23/80	JHR		Hrngs	19-SS-ER-80-97 Civil Penalty of \$100	Case closed. Civil penalty of \$100 paid 07/21/80



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item C, August 15, 1980, EQC Meeting

TAX CREDIT APPLICATIONS

Director's Recommendation

It is recommended that the Commission take the following actions:

1. Issue Pollution Control Facility Certificates to:

<u>Appl.</u> <u>No.</u>	<u>Applicant</u>	<u>Facility</u>
T-1098	Owens-Corning Fiberglas Corp.	Tank venting system
T-1187	Crystal Springs Packing Co., Inc.	Overtree sprinkler system
T-1193	Burkland Lumber Company	Peerless sawdust bin & cyclones
T-1198	Reter Fruit Company	20 Tropic Breeze Wind Machines
T-1199	Moore Clear Co.	Baghouse
T-1200	Blue Mountain Forest Products, Inc.	Wood waste fired boiler system
T-1240	North Santiam Veneer, Inc.	Piping, sump, pumps & heat exchanger
T-1241	Reichhold Chemicals, Inc.	Scrubbing system

2. Revoke Pollution Control Facility Certificate 1063 issued to Hap Taylor, Inc., and reissue it to Baker Redi-Mix, Inc. (see attached review report).

WILLIAM H. YOUNG

CASplettstaszer
229-6484
7/31/80
Attachments



Contains
Recycled
Materials

PROPOSED AUGUST 1980 TOTALS:

Air Quality	\$ 1,476,294
Water Quality	123,679
Solid Waste	636,672
Noise	-0-
	<hr/>
	\$ 2,236,645

CALENDAR YEAR TOTALS TO DATE:

Air Quality	\$ 8,282,774
Water Quality	10,276,138
Solid Waste	10,533,818
Noise	72,302
	<hr/>
	\$29,164,395

Appl T-1098R1
Date July 3, 1980

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Owens-Corning Fiberglas Corp.
Trumbull Asphalt
59th & Archer Road
Summit, Illinois 60501

The applicant owns and operates a plant producing blown asphalt products for various industrial and construction applications at Portland, 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 tank venting system to remove asphalt fumes and off-gases from finished product storage tanks and a truck loading facility, and to conduct these fumes to a boiler for incineration.

Request for Preliminary Certification for Tax Credit was made on November 13, 1978, and approved on November 28, 1978.

Construction was initiated on the claimed facility on February 15, 1979, completed on April 18, 1979, and the facility was placed into operation on April 25, 1979.

Facility Cost: \$37,276.00 (Accountant's Certification was provided).

3. Evaluation of Application

The blown asphalt product storage tanks and product loading were a source of fumes and odors at this plant. Installation of this system to capture and incinerate the fumes and off-gases has relieved this problem to a significant degree. The system was installed in order to achieve compliance with Condition 9 of the plant's air contaminant discharge permit and OAR 340-21-060. It has been inspected by Department personnel and found to be working well. The gases recovered by the system provide an equivalent of \$200 to \$500 worth of fuel per year to the boiler, but the annual operating expense exceeds this by a substantial margin; therefore there is no financial return on the investment in the facility 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 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 \$37,276.00 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1098R1.

F. A. Skirvin:i
(503) 229-6414
A1179 (1)

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Crystal Springs Packing Co., Inc.
327 South Fir
Medford, OR 97501

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

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

2. Description of Claimed Facility

The facility described in this application is an overtree sprinkler system used for both irrigation and frost protection of a 110 acre pear orchard. The costs are:

Additional land purchased for water storage pond	\$16,050
Labor	20,120
Contract labor	42,263
Material	129,810
Equipment rental	<u>1,990</u>
Total Cost	\$210,233

Request for Preliminary Certification for Tax Credit was made on 7/21/78, and approved on 7/31/78 for pond #1. The remainder of the system was submitted and approved in three phases as the U.S. Department of Agriculture Soil Conservation Service completed the design of each phase.

Construction was initiated on the claimed facility on 1/15/79, completed on 6/1/79, and the facility was placed into operation on 6/10/79.

Facility Cost: \$210,233 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed facility serves to provide frost protection for 110 acres of trees by replacing the need for some 3,300 orchard heaters burning fuel oil. In addition, the facility provides irrigation by sprinklers instead of by an existing permanent system that uses underground tiles and risers for transporting water from block to block.

The applicant requested 100% allocation of cost to pollution control since he already had a functionally satisfactory system for irrigation and for frost control. The overtree sprinkler system was installed for frost protection because the orchard is adjacent to the city limits and is surrounded by urban development. It is his desire to remain in the farming business and to do so necessitates living in harmony with his close and numerous neighbors.

The Environmental Quality Commission has previously certified overtree sprinkler systems located in the Medford area (T212, T339, T476, T579, T951 and T1145) with the percent allocable to pollution control based on the percentage of total operating time used for frost protection. Allocation of cost by time usage is considered equitable by the Department.

The savings in the cost of operating the fuel oil burners is slightly greater (3.6% return on investment) than the operating cost of the overtree sprinkler system. The operating cost of the overtree sprinkler system is the cost of operating the sprinkler system, depreciation of the equipment over 10 years, average interest at 14% on the undepreciated balance and no salvage value.

Use of the overtree sprinkler system for irrigation results in labor savings when irrigating. The existing permanent system requires 2 people 6 or 7 days per season. The overtree sprinkler system is estimated to reduce the manpower by 90%.

The economics indicate that air pollution control was the main reason for converting to overtree sprinklers. Since the sprinkler system serves two purposes, the Department considers cost allocated to air pollution control based on time usage equitable.

The average time the system is used for both purposes as submitted by the applicant is:

Irrigation--60 hours per year (5 irrigations at 12 hours per irrigation)

Frost protection--102 hours per year (17 nights at 6 hours per night--frost protection varies from 33 nights maximum to two nights). This results in the system being used 37 percent of the time for irrigation and 63 percent for frost protection.

It is concluded that the facility operates to a substantial extent for reducing atmospheric emissions and that the portion of the cost allocable to pollution control should be 60 percent or more and less than 80 percent.

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.

- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1) (a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 60% or more but less than 80%.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$210,233 with 60% or more but less than 80% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1187.

FAS:kmm
(503) 229-6414
July 23, 1980
A262 (2)

Appl T-1193
Date 6/2/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Burkland Lumber Company
Box 78
Turner, OR 97392

The applicant owns and operates a molding mill at Turner, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is a Peerless sawdust bin and cyclone with blower and piping.

Request for Preliminary Certification for Tax Credit was made on August 16, 1979, and approved on September 19, 1979.

Construction was initiated on the claimed facility on October 1, 1979, completed on December 6, 1979, and the facility was placed into operation on January 1, 1980.

Facility Cost: \$62,148.00 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to completion of the claimed facility, wood waste (sawdust) was disposed of on plant property south of Mill Creek. In addition, the small cyclone on the collection system was inadequate for the amount of material being collected. This caused spillage on the ground. The new bin system is used to load trucks which transport the sawdust to a plant which produces wood pellets for fuel. The new larger cyclone prevents spillage so that all the sawdust generated is collected and utilized.

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1973, as required by ORS 468.165(1)(c).

- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing solid waste.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 459, and the rules adopted under that chapter.
- e. The cost of the facility allocable to pollution control is 100 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$62,148.00 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1193.

W. H. Dana:pw
(503) 229-5413
June 2, 1980

SP6 (1)

Appl T-1198
Date 6-26-80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Reter Fruit Company
Box 1027
Medford, OR 97501

The applicant owns and operates a pear orchard at Medford, Oregon. The subject pollution control equipment is, however, leased.

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

2. Description of Claimed Facility

The facility described in this application is twenty (20) Tropic Breeze Wind Machines used for frost protection in place of oil fired heaters.

Request for Preliminary Certification for Tax Credit was made on July 19, 1979, and approved on October 12, 1979.

Construction was initiated on the claimed facility on October 1979, completed on March 1, 1980, and the facility was placed into operation on March 28, 1980.

Facility Cost: \$330,064 (Terms of lease supplied by lessor).

3. Evaluation of Application

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

In 1972, an orchard fan was installed in the Medford area and its performance was evaluated by the OSU Agricultural Experiment Station, which published a favorable report in July, 1978. Ten orchard fans were installed in the Medford area in 1978, and 16 in 1979.

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

The fans in this request are owned by Bancorp Leasing and Financial Corp. and are leased to the farmer. The lease agreement is for seven years at \$66,530 per year payment. The bank purchased the fans for \$328,864 plus it cost the farmer \$12,000 to install the concrete pads for a total cost of \$330,064. In February 1986 when the seventh payment is made, the farmer can either negotiate to purchase the fans or the bank will dispose of the fans one year hence when the lease expires. The lease is a different form of financing and is comparable to borrowing the money to purchase the fans.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$330,064 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1198.

F.A.Skirvin:f
(503) 229-6414
July 1, 1980

AF182

Appl T-1199
Date 7/18/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Moore Clear Co.
Northwest Foundry Div.
10350 Southwest 5th
Beaverton, OR 97005

The applicant owns and operates a gray iron foundry at Portland, 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 new baghouse to control dust emissions from two casting shakeout areas.

Request for Preliminary Certification for Tax Credit was made on November 7, 1978, and approved on August 14, 1979.

Construction was initiated on the claimed facility on November 17, 1978, completed in February, 1979, and the facility was placed into operation in February, 1979.

Facility Cost: \$41,075.00 (Accountant's Certification was provided).

3. Evaluation of Application

The baghouse effectively controls particulate emissions from two areas of the foundry added during a plant expansion in which castings are removed from sand molds. Installation of the baghouse was necessary to meet conditions of the plant's Air Contaminant Discharge Permit, OAR 340-21-015, and OAR 340-21-050 through 340-21-060. The baghouse has been inspected by Department personnel, and has been found to operate satisfactorily. The only purpose of the baghouse is air pollution control and there is no return on the capital expenditure made for it; 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 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 \$41,075.00 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1199.

F. A. Skirvin:c
(503) 229-6414
July 18, 1980
P1199.R(1)

Appl T-1200
Date 7/15/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Blue Mountain Forest Products, Inc.
P.O. Box 1161
Pendleton, Oregon 97801

The applicant owns and operates a stud mill on the Rieth Highway near Pendleton, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of a Wellons wood waste fired boiler system, with fuel preparation, handling and storage equipment and the associated air contaminant control equipment.

Request for Preliminary Certification for Tax Credit was made on March 12, 1979, and approved on May 22, 1979.

Construction was initiated on the claimed facility on March 15, 1979, completed on September 24, 1979, and the facility was placed into operation on September 24, 1979.

Facility Cost: \$574,524.02 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to installation of this equipment, most of the company's wood wastes were disposed of by landfilling. A portion was used by feedlot operators for bedding and a portion used by other manufacturing facilities. The company now utilizes its wood wastes for the generation of steam.

The system includes conveyers, hammer hogs, storage silos and the steam generation system. Although the steam is used to dry lumber, the steam lines and the dry kilns are not included in the request for tax credit certification. The Commission has previously ruled that steam lines and dry kilns are not eligible for pollution control tax credit.

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1973, as required by ORS 468.165(1)(c).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing solid waste.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 459, and the rules adopted under that chapter.
- e. The cost of the facility allocable to pollution control is 100 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$574,524.02 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1200.

W.H. Dana:c
SC29
(503) 229-5913
7/15/80

Appl T-1240
Date 7/21/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

North Santiam Veneer, Inc.
P.O. Box 377
Mill City, OR 97360

The applicant owns and operates a plywood veneer plant at Idanha, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of sumps, 2-50 HP pumps, a Harris Thermal Products heat exchanger, piping and silt and bark removal equipment. The facility is used to preheat logs by means of steamed hot water to enable peeling of hemlock and white fir logs.

Request for Preliminary Certification for Tax Credit was made March 23, 1979 and approved July 13, 1979. Construction was initiated on the claimed facility July 20, 1979, completed January 14, 1980, and the facility was placed into operation January 14, 1980.

Facility Cost: \$123,679 (Accountant's Certification was provided).

3. Evaluation of Application

The facility has been inspected by staff and found to be operating with a completely closed water recirculation system.

Applicant claims that 100 percent of the cost of the claimed facility is properly allocable to pollution control.

4. Summation

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

- d. The facility was required by the Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 100 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$123,679 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1240.

CKA:1

(503) 229-5325

WL147 (1)

Appl T-1241
Date 7-18-80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Reichhold Chemicals, Inc.
Nitrogen Products Division
PO Box 810
St. Helens, OR 97051

The applicant owns and operates a plant producing anhydrous ammonia, urea, and urea-ammonium nitrate solutions at St. Helens, 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 scrubbing system to control particulate emissions from the urea prilling (drying) tower.

Request for Preliminary Certification for Tax Credit was made on June 7, 1977, and approved on January 23, 1978.

Construction was initiated on the claimed facility on September 1978, completed on March 1979, and the facility was placed into operation on May 23, 1979.

Facility Cost: \$857,646.00 (Accountant's Certification was provided).

3. Evaluation of Application

Installation of this new scrubber system has reduced particulate emissions from the prilling tower from 24-26 lb/hr to 0.4-0.5 lb/hr, and has reduced the opacity of the discharge from a level frequently in excess of 40 percent to 5-10 percent. The new scrubber was required by the Department of Environmental Quality to bring the facility into compliance with opacity regulations and permit conditions. The scrubber system has been inspected by the Department and has been found to be meeting all applicable requirements. The urea dust recovered has a value of about \$11,880 per year, but the annual operating expenses of the scrubber system substantially exceed this amount; therefore, there is no return on the investment in the scrubber system 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 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 \$857,646.00 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1241.

F.A.Skirvin:f
(503) 229-6414
July 17, 1980
AF235

State of Oregon
Department of Environmental Quality

REVOCATION AND REISSUANCE OF POLLUTION CONTROL FACILITY CERTIFICATE

1. Certificate Issued to:

Hap Taylor, Inc.
P. O. Box 5891
Bend, Oregon 97701

Certificate was issued for an air pollution control facility at their Pioneer portable asphalt batch plant.

2. Evaluation:

On March 31, 1980, the Environmental Quality Commission issued Pollution Control Facility Certificate No. 1063 to Hap Taylor, Inc., in the amount of \$119,827.00 for a baghouse at their Pioneer portable asphalt batch plant.

On July 14, 1980, Hap Taylor, Inc. notified the Department that they had sold their certified facilities (see attached letter). By letter of July 15, 1980 (attached) Baker Redi-Mix, Inc. informed the Department they had purchased facilities certified in Certificate No. 1063 from Hap Taylor, Inc. and requested the tax credit be transferred.

3. Director's Recommendation:

Pursuant to ORS 317.072(10), it is recommended that Pollution Control Facility Certificate No. 1063 in the amount of \$119,827.00 be revoked from Hap Taylor, Inc. and reissued to Baker Redi-Mix, Inc. The certificate to be valid only from the date of original issuance.

CASplettstaszer
229-6484
July 31, 1980
Attachments

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Certificate No. 1063

Date of Issue 3/21/80

Application No. T-1148

POLLUTION CONTROL FACILITY CERTIFICATE

Issued To: Hap Taylor, Inc. P.O. Box 5891 Bend, Oregon 97701	Location of Pollution Control Facility: Portable plant--temporary, variable locations throughout Oregon dependent upon job site.
As: <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Owner	
Description of Pollution Control Facility: A WAG baghouse, Serial Number 586-74, with 14 ounce Nomex bags.	
Type of Pollution Control Facility: <input checked="" type="checkbox"/> Air <input type="checkbox"/> Noise <input type="checkbox"/> Water <input type="checkbox"/> Solid Waste <input type="checkbox"/> Hazardous Waste <input type="checkbox"/> Used Oil	
Date Pollution Control Facility was completed: <u>April 11, 1979</u> Placed into operation: <u>April 15, 1979</u>	
Actual Cost of Pollution Control Facility: \$ <u>119,827.00</u>	
Percent of actual cost properly allocable to pollution control: 80% or more	

Based upon the information contained in the application referenced above, the Environmental Quality Commission certifies that the facility described herein was erected, constructed or installed in accordance with the requirements of ORS 468.175 and subsection (1) of ORS 468.165, and is designed for, and is being operated or will operate to a substantial extent for the purpose of preventing, controlling or reducing air, water or noise pollution or solid waste, hazardous wastes or used oil, and that it is necessary to satisfy the intents and purposes of ORS Chapters 454, 459, 467 and 468 and rules adopted thereunder.

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

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

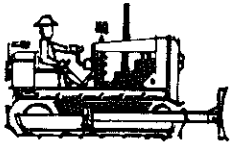
NOTE - The facility described herein is not eligible to receive tax credit certification as an Energy Conservation Facility under the provisions of Chapter 512, Oregon Law 1979, if the person issued the Certificate elects to take the tax credit relief under ORS 316.097 or 317.072.

Signed 

Title Joe B. Richards, Chairman

Approved by the Environmental Quality Commission on

the 21st day of March, 1980



hap taylor, inc.

Management Services Div.
Dept. of Environmental Quality

RECEIVED
JUL 16 1980

July 14, 1980

Ms. Carol Splettstasger
Management Services Division
Department of Environmental Quality
P. O. Box 1760
Portland, Oregon 97207

Dear Carol:

Our Pioneer asphalt batch plant with WAG baghouse S/N 586-74 has been sold. Accordingly will you please cancel pollution control certificate 1063 dated March 21, 1980 (Application #T-1148).

If you need to contact me please call 233-5536.

Very truly yours,

HAP TAYLOR, INC.

Lawrence E. Bosworth
Financial Manager

LEB:bkm

BAKER REDI-MIX, Inc.

CONCRETE - SAND & GRAVEL - ASPHALT

P. O. BOX 825

BAKER, OREGON 97814

July 15, 1980

Ms. Carol Splettstasger
Management Services Division
Department of Environmental Quality
P. O. Box 1760
Portland, Oregon 97207

Dear Carol:

We have recently purchased a Pioneer asphalt batch plant with WAG baghouse S/N 586-74 from Babler Bros., Inc. Accordingly will you please transfer pollution control certificate 1063 dated March 21, 1980 (Application #T-1148), which was issued to Hap Taylor, Inc. as lessee.

If you need to contact me please call 233-5536.

Very truly yours,

BAKER REDI-MIX, INC.



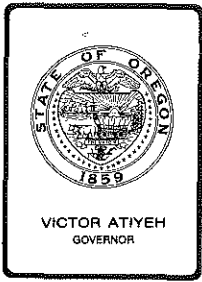
Lawrence E. Bosworth
Financial Manager

LEB:bkm

cc: Leo Payne
Sonny Walker

Management Services Div.
Dept. of Environmental Quality

RECEIVED
JUL 17 1980



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. D, August 15, 1980, EQC Meeting

Request for Authorization to Conduct a Public Hearing on
Administrative Rule to Provide for Issuance of General
Permits (OAR 340-45-033).

Background and Problem Statement

The Federal Clean Water Act requires a National Pollutant Discharge Elimination System (NPDES) for any point source discharge of pollutants to public waters. The Department's Administrative Rules currently require the same thing.

There are certain categories of minor discharges that would not create a threat to the environment even if they were not on an individual permit. If it were not for the federal permit requirement, the Department would exempt certain types of minor discharges from the permit requirements.

The Environmental Protection Agency has recognized the waste of resources in administering individual permits for many of these minor sources and have adopted rules allowing for the issuance of general permits for these categories of discharges. The general permit would authorize the discharge or activity without the issuance of an individual permit.

The Department has determined that there are advantages and resource savings in issuing general permits for some of the minor discharges and activities. In order to implement the general permit provisions some additions are necessary to the Water Quality Administrative Rules.

Alternatives and Evaluation

By issuing general permits for certain categories of minor sources the number of individual permits could be reduced by up to 30 percent. This



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would allow Department staff to concentrate on those sources which have a more significant effect on the environment. Although the reduced number of individual permits would also cause a reduction in permit fee revenues, there would be an overall savings in Department resources required to administer the permit program.

Another possible alternative to the issuance of general permits would be to develop a minimal source permit for certain minor categories. Although this could provide some reduction in manpower and paperwork the reduction would not be as great as could be expected with the issuance of general permits.

A final alternative would be to maintain the status quo and continue to issue individual permits for each discharge or activity. The Department prefers not to do this because of the resources which could be diverted to more productive things.

The proposed rules would allow the Director to issue general permits to minor categories that meet certain screening qualifications. The rules also describe the mechanism for issuance of general permits and for providing public participation.

Summation

1. Federal law requires all point source discharges of pollutants to have NPDES permits.
2. New federal regulations allow for the issuance of general permits for categories of minor discharges which do not significantly impact the environment.
3. The Department desires to issue general permits pursuant to the federal regulations.
4. Minor additions to the Water Quality Administrative Rules are necessary before general permits can be issued.
5. The Commission is being asked to authorize a public hearing to receive testimony on the proposed rules.

EQC Agenda Item No. D
August 15, 1980
Page 3

Director's Recommendation

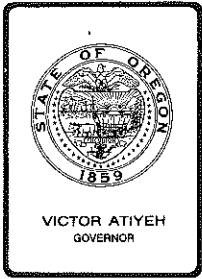
Based on the summation, it is recommended that the Commission authorize a public hearing to take testimony on the general permit rules (OAR 340-45-033).

Bill

William H. Young

Attachments: 4
Draft Statement of Need
Draft Fiscal Impact Statement
Draft Hearing Notice
Draft Rules OAR 340-45-033

Charles K. Ashbaker:1
229-5325
July 31, 1980
WL183 (1)



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

Distributed: 8/18/80

Hearing Date: 9/18/80

NOTICE OF PUBLIC HEARING

A CHANCE TO BE HEARD ABOUT:

Additions to Water Pollution Control Rules

The Department of Environmental Quality is proposing to add a section on General Permits to the Water Quality Control Rules. The proposed rules will provide the Department with a mechanism to issue general permits instead of individual permits for certain categories of sources.

WHAT IS THE DEQ PROPOSING?

New federal regulations allow for the issuance of general permits for categories of minor dischargers which can meet certain screening requirements. The Department is proposing to add a section to the Water Quality Control Rules which will provide the Department with a mechanism for issuing general permits. This will relieve certain permittees from the requirements to have an NPDES or WPCF permit.

WHO IS AFFECTED BY THIS PROPOSAL:

At the present time it has not been determined which sources might be candidates for general permits. The following are under consideration: small noncontact cooling water dischargers, fish hatcheries, log ponds, clarified filter backwash, and recreational placer miners.

HOW TO PROVIDE YOUR INFORMATION:

Written comments should be sent to the Department of Environmental Quality, Water Quality Division, Box 1760, Portland, Oregon 97207, and should be received by September 18, 1980.

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

City: Portland
Time: 1 p.m.
Date: September 18, 1980
Location: 522 S. W. Fifth Ave., Room 511.



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WHERE TO OBTAIN ADDITIONAL INFORMATION:

Copies of the draft rules or other information may be obtained from Charles K. Ashbaker, Department of Environmental Quality, Water Quality Division, 522 S. W. Fifth Ave., P.O. Box 1760, Portland, Oregon 97207, (503) 2295325.

LEGAL REFERENCES FOR THIS PROPOSAL:

This proposal adds a new section (OAR 340-45-033) to Water Quality Rules and is authorized under ORS 468.730. The federal rules allowing for issuance of general permits are 40 CFR Part 122.59.

NEED FOR RULE:

The proposed rule is necessary in order to take advantage of the federal provision for issuing general permits. The rule establishes the method and criteria for issuing general permits and the public participation procedures.

FISCAL IMPACT:

There will be savings to the permittees that are covered by a general permit since they will no longer be required to submit permit fees.

There will be a reduction in work load to the Department as individual permits are converted to general permits. The Department will lose some revenue from fee collections.

LAND USE GOALS:

This proposal does not appear to conflict with Land Use Goals. Public comment on land use issues is welcomed. The Department intends to ask the Department of Land Conservation and Development to mediate any apparent conflicts brought to our attention.

FURTHER PROCEEDINGS:

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

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

In the Matter of the Adoption of an)
Addition to the Water Quality) Statement of Need
Control Rules. OAR 340-45-033)

The Environmental Quality Commission intends to adopt an additional section to the Water Quality Control Rules, OAR Chapter 340, Section 45-033.

A. Legal Authority ORS 468.730

B Need for Rule

The proposed rule is needed to allow for issuance of general permits, to set the screening requirements for determining which categories might be covered by general permits, to describe how to become a general permittee, and to establish public participation procedures for the general permit issuance process.

C. Documents Relied Upon

1. Federal Clean Water Act. Public Law 95-466.
2. 40 CFR Part 122.59 General Permits.
3. Oregon Administrative Rules Chapter 340, Division 45.

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OR THE STATE OF OREGON

In the Matter of the Adoption of an)
Addition to the Water Quality Control) Fiscal Impact Statement
Rules, OAR 340-45-033)

The Environmental Quality Commission intends to adopt an additional section to the Water Quality Control Rules, OAR Chapter 340, Section 45-033.

Through the implementation of a general permit program, agency costs associated with administering the NPDES and WPCF permit programs could be reduced up to 25 percent.

There would also be a reduction in fee revenues of up to \$30,000 per year. The overall reduction in costs should be greater than the loss in revenue.

For those permittees which fall into a category where a general permit is issued, there will be a savings, since they will no longer be required to pay permit fees. There may be a reduction in self-monitoring and reporting required of those permittees covered by general permits. This would provide additional savings to the permittees.

General Permits

340-45-033 (1) The Director may issue general permits for certain categories of minor sources where individual NPDES or WPCF permits are not necessary in order to adequately protect the environment. Before the Director can issue a general permit, the following conditions must be met:

(a) There must be several minor sources or activities which involve the same or substantially similar types of operations;

(b) They discharge or dispose of the same or similar types of wastes;

(c) They require the same monitoring requirements, effluent limitations and operating conditions; and

(d) They would be more appropriately controlled under a general permit than an individual permit.

(2) Although general permits may include activities throughout the state, they may also be restricted to more limited geographical areas.

(3) Prior to issuing a general permit, the Department will follow the public participation procedures outlined in OAR 340-45-035(3) and (7). In addition the Department will make a reasonable effort to mail notices of pending actions to those persons known by the Department who are likely to be covered by the general permit.

(4) If a person covered by a general permit is dissatisfied with the conditions or limitations of the permit issued by the Director, he may request a hearing before the Commission or its authorized representative. Such a request for a hearing shall be made in writing to the Director within twenty (20) days following the date of issuance of the general permit.

(5) All persons operating a source or conducting an activity described in a general permit become permittees, unless the source or activity is specifically covered by an individual NPDES or WPCF permit.

(6) Any permittee covered by an individual NPDES or WPCF permit may request that the individual permit be cancelled or allowed to expire if the permitted source or activity is also covered by a general permit. As long as the source or activity is covered by an individual NPDES or WPCF permit, as well as a general permit, the conditions and limitations of the individual permit govern, until such time as it is cancelled or expires.

(7) Any permittee not wishing to be covered by a general permit may make application for an individual permit in accordance with WPCF permit procedures in OAR 340-14-020 or NPDES procedures in OAR 340-45-030, whichever is applicable.

(8) The Director may revoke a general permit as it applies to any person and require such person to apply for and obtain an individual NPDES or WPCF permit if:

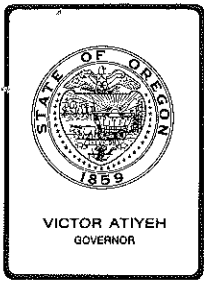
(a) The covered source or activity is a significant contributor of pollution or creates other environmental problems;

(b) The permittee is not in compliance with the terms and conditions of a general permit; or

(c) Conditions or standards have changed so that the source or activity no longer qualifies for a general permit.

(9) In order for the Department to maintain a list of general permittees, the Director may require general permittees to register with the Department.

CKA:l
OAL6 (1)
7/24/80



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. F, August 15, 1980, EQC Meeting

Request for Authorization for Public Meeting to Consider Additions (Amendments) to the Solid Waste Management Rules, OAR 340-61-100 through 61-110.

Background

ORS 459.055(2) and ORS 468.220 require that any local government which sites a landfill in an exclusive farm use zone under ORS 459.055, requests assistance from the Department under ORS 459.047, has the DEQ/EQC site a landfill under ORS 459.049, or receives funds for the planning or disposal of solid waste under ORS 468.220, develop and implement a waste reduction program which has been accepted by the Department.

OAR 340-61-110 of the proposed rules outlines the submittals necessary to comply with the criteria in ORS 459.055(2). Proposed rules are attached (Attachment A). These rules are developed as a basis for acceptance of waste reduction programs, and to: (1) assist local government and other persons in development, implementation and evaluation of waste reduction programs; (2) assist the Commission and the Department in evaluation of local government's waste reduction programs; and (3) serve as a basis for the Department's report to the Legislature on the level of compliance, number of programs accepted, and recommended further legislation.

Evaluation

The Department is proposing rules addressing criteria in ORS 459.055(2) relating to waste reduction programs. The Statement of Need is attached as Attachment B. The draft Fiscal Impact Statement is attached as Attachment C. The draft Notice of Public Hearing is attached as Attachment D. The requirements for submittal in OAR 340-61-110 would comply with the legislative intent in ORS 459.055(2).



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Summation

The Commission is being asked to authorize a public hearing. The proposed rule addition would: (1) state the intent of the Commission in carrying out the provision of ORS 459.047 through 459.055 and ORS 468.220, and (2) outline the submittals necessary for local governments to meet the level of minimum necessary effort to comply with the criteria in ORS 459.055(2).

Director's Recommendation

Based upon the Summation, it is recommended that the Commission authorize public hearings to take testimony on the additions to Solid Waste Management Rules, OAR 340-61-100 through 61-110.



William H. Young

Attachments: A Proposed Rules
B Statement of Need
C Fiscal Impact Statement
D Notice of Public Hearing

William R. Bree:b
229-6975
July 31, 1980
SB50(1)

- (1) It is the intent of the Commission that where local government requests funding, technical or landfill assistance under Chapter 773, Oregon Laws 1979, that the local government shall make a good faith effort toward development, implementation and evaluation of waste reduction programs.
- (2) These rules define the criteria set out in ORS 459.055(2). The Commission intends that these same criteria and rules apply to solid waste reduction under ORS 468.220. An accepted waste reduction program will be required before issuance of a permit for a landfill under this act or before the issuance of Pollution Control Bond Fund monies to local government.
- (3) These rules are meant to be used to:
 - (a) Assist local government and other persons in development, implementation and evaluation of waste reduction programs.
 - (b) Assist the Department and Commission in evaluation of local government waste reduction programs.
 - (c) Serve as a basis for the DEQ report to the Legislature on:
 - (1) the level of compliance with waste reduction programs,
 - (2) the number of programs accepted and rejected and why ,
 - and (3) the recommendations for further legislation.

- (4) These rules are developed on the premise that the DEQ shall base acceptance or nonacceptance of a waste reduction program on criteria (a) through (e) of ORS 459.055(2) as further defined by these rules.

340-61-110 Submittals

Each criteria shall be addressed with a written submittal to the Department with the following recommended materials included in or attached thereto. The following rules represent minimum reasonable effort to comply with the criteria and are not meant to limit the scope of potential programs.

- (1) Submittals regarding commitment to reduce waste volume:
- (a) A record of the official approval, adoption or inclusion into the adopted solid waste management plan of short and long-term goals, policies and objectives for a waste reduction program.
 - (b) A statement of the following:
 - (A) The techniques for waste reduction considered and those chosen for use in the program.
 - (B) The resources committed to achieve the actions, including dollars, staff time and other staff and government resources.

(C) The required waste reduction activities that are part of a governmentally regulated or funded collection, recycling, reuse, resource recovery or disposal of solid waste and answers to the following questions: Which requirements were considered as part of the waste reduction program? What are the reasons for acceptance or rejection of the requirements? What is the duration of time of the imposed requirements?

(c) Where more than one local government unit has jurisdiction, the statement shall include all such jurisdictions.

(2) Submittals regarding an implementing timetable:

(a) A statement indicating:

(A) A starting date and duration of each portion of the program.

(B) How the program timetable is consistent with other activities and permits dealing with solid waste management in the affected area. The minimum acceptable duration for any activity shall be the length of time for any permit or funding requested.

(3) Submittals regarding energy efficient, cost-effective approaches:

(a) An identification of the highest and best use of solid waste materials.

(A) Cost effectiveness analysis, including:

(1) The markets and market values of solid waste materials.

(2) The value of diverting solid waste from landfills.

(3) The value of potential energy savings through waste reduction alternatives considered.

(4) The dollar/cost/savings of different alternatives considered.

(B) Energy efficiency analysis including a net energy analysis of the different waste reduction alternative considered.

(C) Materials savings and the effects on resource depletion.

(D) Reduction of pollution from disposal sites and industrial processing.

(4) Submittals regarding commensurate procedures:

(a) A statement indicating the following:

- (A) The type and volume of waste generated in the area, including composition data.
- (B) Any special geographic conditions which have an impact on waste reduction efforts.
- (C) Efforts made to work joint programs with other localities or as part of a regional effort and answers to the following questions: At what level, regional or local, are the solid waste management efforts centered? At what level will the waste reduction plan be centered?

(5) Submittals regarding legal, technical and economical feasibility:

(a) A statement indicating the following:

- (A) The legal, technical and economic efforts which are necessary and have been undertaken to make waste reduction alternatives feasible.
- (B) A statement of what is considered "feasible" and why.
- (C) A statement of the actions which will be taken to assure the flow of materials to make waste reduction alternatives feasible.

- (b) A statement of examples which may include, but are not limited to, flow control of solid waste for one or more uses, prohibiting the theft or unauthorized taking of material under flow control, market development, price supports and others.

OA611.00 (f)

(author floppy #14)

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY)
of the STATE OF OREGON,)
In the Matter of the Adoption of)
Amendments to the Solid Waste) STATEMENT OF NEED
Management Rules, OAR Chapter 340,)
Section 61-100 to 61-110)

The Environmental Quality Commission intends to adopt the Solid Waste Management rule amendments, OAR Chapter 340, Section 61-100 to 61-110.

- A. Legal Authority, ORS 459.055(2) and ORS 468.220.
- B. Need for Rule.

The proposed amendments are needed to establish policy regarding development of waste reduction programs as required under ORS 459.055(2) and ORS 468.220.

C. Documents Relied Upon. ORS 459.055(2); ORS 468.220; memo to the House Interim Committee on Energy and Environment from the Legislative Research Committee, March 11, 1980, "Senate Bill 925, Legislative Intent of Section 8a," Attorney General's letter opinion, April 17, 1980.

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY)
of the STATE OF OREGON,)
)
In the Matter of Adoption of)
Amendments to the Solid Waste) FISCAL IMPACT STATEMENT
Management Rules, OAR Chapter 340,)
Section 61-100 to 61-110)

The Environmental Quality Commission intends to adopt the Solid Waste Management rule amendments, OAR Chapter 340, Section 61-100 to 61-110, to satisfy the requirements of ORS 459.055(2) and ORS 468.220.

Agency costs in implementing the proposed rule could include any or all of the following:

1. Review and processing of applications could be handled in the normal office routine unless complications arose. In that case, up to 0.25 staff positions could be used.

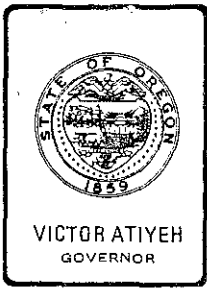
2. Field work and possible hiring of consultants could be involved in technical assistance to local governments or their agents. This could range as high as one full time employe and consulting contracts up to \$10,000 for each application.

Any local government which sites a landfill in an exclusive farm use zone under ORS 459.005, requests assistance from the Department under ORS 459.047, has DEQ/EQC site a landfill under ORS 459.049, or receives funds for the planning or disposal of solid waste under ORS 468.220, will be required to develop and implement an acceptable waste reduction program. Such a program may cost an average applicant \$10,000 to \$20,000. Grants or loans are available from the Department for planning to cover the above

1 costs and would be recoverable as part of a user fee established to finance
2 solid waste managment activities.

3 A waste reduction program may include the establishment of recycling
4 collection centers or a source separation collection system. The general
5 public, either through user charges, property taxes or other rates will
6 eventually pay the costs of these programs and repay the above costs.
7 This will increase their costs over what is presently paid. It is
8 estimated that collections costs for disposal may increase as much as
9 \$.25 to \$.50 per month per 30-gallon can or \$.10 to \$.25 per cubic yard
10 for disposal at a landfill.

11 The above estimates are based on an examination of current consulting
12 contracts and actual and projected costs for similar activities.



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

NOTICE OF PUBLIC HEARING - Distributed
- Hearing

A CHANCE TO BE HEARD ABOUT AMENDMENTS TO SOLID WASTE MANAGEMENT RULES

The Department of Environmental Quality is proposing amendments to the current solid waste management rules. The proposed modifications to the regulations cover policy direction to local government for developing waste reduction programs that are required in ORS 459.055(2), relating to landfill siting in exclusive farm use zones, Department siting of landfills, Department assistance in landfill siting and financial assistance for solid waste disposal planning and activities as provided under ORS 468.220.

What is DEQ Proposing?

Interested parties should request a copy of the complete proposed rule package. The major aspects of the proposed amendments are 1) policy regarding state involvement in waste reduction program development; 2) presentation of a list of submittals which represent the minimum reasonable effort to comply with the criteria in ORS 459.055(2).

Who is Affected by This Proposal?

Local governments and public at large. Land use decisions may be affected by these rules if adopted.

How to Provide Your Information

Written comments should be sent to the Department of Environmental Quality, Solid Waste Division, Box 1760, Portland, Oregon, 97207, and should be received by 5 p.m., September 3, 1980. Oral and written comments may be offered at the following public hearing:

City: Portland
Time: 1:00 p.m.
Date: September 3, 1980
Location: 522 Southwest Fifth Avenue, Room 511

Where to Obtain Additional Information:

Copies of the rules may be obtained from Valerie Lee, Department of Environmental Quality, Solid Waste Division, 522 Southwest Fifth Avenue, Box 1760, Portland, Oregon, 97207, (503) 229-5913.

Legal References for This Proposal:

This proposal amends OAR 340-61-100 through 61-110 and is proposed under ORS 459.055(2) and ORS 468.220.

Need for Rules:

The proposed rule amendments are developed to 1) assist local government and other persons in development, implementation and evaluation of waste reduction programs, 2) assist the Department and Commission in evaluation of local government waste reduction programs, and 3) serve as a basis for the Department's report to the Legislature on the level of compliance, number of programs accepted, and recommended further legislation.

These rules were developed as a basis for acceptance of waste reduction programs.

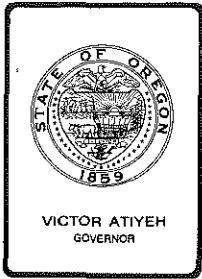
Fiscal Impact:

The estimated fiscal impacts are that 1) staff of up to one additional employe (\$30,000) may be required, 2) local governments applying for assistance may be required to spend \$10,000 to \$20,000 prior to applying, and 3) public rates in areas affected may increase by up to \$5 per month for disposal of wastes.

Further Proceedings:

After public hearing, the Environmental Quality Commission may adopt the rule identical to the proposed rules, adopt a modified rule on the same subject matter, or decline to act. The Commission's deliberation should come September 19, 1980, as part of the agenda of a regularly scheduled Commission meeting.

SS47 (b) (2)



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(1), August 15, 1980, EQC Meeting

Request for Approval of Recommended Action on Construction
Grants Projects Bypassed on FY 80 Construction Grants
Priority List-City of Prineville

Problem Statement and Background

The City of Prineville's Laughlin Interceptor project has been bypassed on the fundable portion of the priority list the last several years because it was not ready to proceed. In accordance with the approved criteria for managing the priority list, the project is now a candidate for Commission action to remove it from the priority list.

The water quality problem in the Laughlin-Melrose area west of the City of Prineville was attributed to seasonal high groundwater during periods of peak irrigation. During the summer irrigation season, groundwater was observed to rise to the surface and form stagnant puddles in low areas or isolated depressions. This high groundwater flooded septic tank drainfields and was the suspected source of contamination of local domestic water wells.

Originally, the area up behind the Laughlin-Melrose area was subject to intensive flood irrigation for agricultural purposes. Several years ago this method of irrigating was changed to spray irrigation resulting in a lowering of the level of groundwater in the Laughlin-Melrose area. Recently, part of this area was removed from irrigation and is currently being utilized for equipment storage. The net result has been a significant decrease in the severity of the water quality problem for which the project was originally identified.

A recent survey by the Central Region staff indicated that the Laughlin-Melrose area was not in violation of any enforceable requirements of the Clean Water Act.



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The project as developed and approved in the 1973 Facilities Plan consisted of construction of an interceptor to immediately serve the Laughlin area and provide capacity to serve the Melrose area in the future. The initial service was to be provided only to the Laughlin area because it had been annexed to the City. A Step 2 grant for design of the interceptor was awarded April 29, 1976, which included reimbursement of Step 1 costs. Plans and specifications were approved September 24, 1979.

The City's Step 3 application was delayed because of the inability to arrange for Local Improvement District financing. An attempt by the City to form a District in early 1977 was met with an overwhelming negative response. Because of this action by the concerned citizens, the City Council decided not to proceed with construction, but retain the plans for future use. The City has not made any further attempts to develop local financing.

The project was ranked No. 14 for funding on the FY 78 priority list, but was bypassed in August of 1978 because it was not ready to proceed. In FY 79 the project was transitioned to the top of the priority list in its same relative position, No.7, but had to be bypassed again because it was not ready to proceed. For FY 80, the project was transitioned to No. 2 on the priority list. Since there was no evidence that the project would be ready to proceed in this funding year, the City was advised on March 6, 1980, of the intent to bypass and that the Department would subsequently recommend to the EQC that the project be removed from the priority list. On March 27, 1980, the City requested an extension of time to July 1, 1980, to submit the Step 3 application. The deadline was extended as requested; however, no further correspondence has been received from the City. On July 7, 1980, a letter from the Department was sent to the City acknowledging the bypass.

On August 31, 1979, the EQC approved the priority system for sewerage works construction grants. Paragraph B2 of that document addressed bypassing of projects on the fundable portion of the priority list. The article included provisions for bypassing projects in accordance with federal regulations. In addition, it included authority for the EQC to remove the project from the priority list if it was bypassed for two consecutive years.

Alternatives and Evaluation

If the Commission decides to remove the project from the FY 80 priority list, it will not appear on the FY 81 priority list; however, there is nothing to prevent the project from being placed on future lists if the documentation of a water quality problem is sufficient to meet the enforceable requirements of the Clean Water Act.

If the Commission decides not to remove the project from the FY 80 priority list, it will not be transitioned but will appear on the list at the appropriate ranking determined by its point assignment based on current information relative to need.

Summation

1. The Prineville Laughlin Interceptor project is no longer in violation of the enforceable requirements of the Clean Water Act. Area waste disposal problems have been substantially reduced by a change in irrigation practices in the adjacent area.
2. The Prineville Laughlin Interceptor project, which was designed to correct waste disposal problems, has been bypassed for grant funding for two consecutive years because the project was not ready to proceed.
3. The approved state priority and management system provide authority for the EQC to remove the project from the priority list if the project is bypassed for two consecutive years.

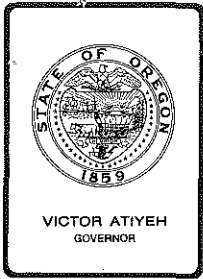
Director's Recommendation

Based upon the summation, it is recommended that the Prineville Laughlin Interceptor project be removed from the state's priority list.



William H. Young

William E. Gildow:l
229-5314
July 31, 1980
WL182 (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 No. I(2), August 15, 1980, EQC Meeting

Request for Approval of Recommended Action on
Construction Grants Projects Bypassed on FY 80
Construction Grants Priority List - Roseburg Metro Project

Problem Statement and Background

On July 27, 1980, the Director bypassed the Step 2 and 3 grant projects scheduled for the Roseburg Metro Area Sewage Treatment Plant and the North Bank Interceptor sewer. Advanced notification of the bypass was given on July 2 to the lead applicant, Douglas County, and to the City of Roseburg, the North Roseburg Sanitary District, the North Umpqua Sanitary District and CH₂M Hill. The notification specified that the project did not appear to be ready for Step 3 grant award by the end of the federal fiscal year on September 30, 1980. The three application deficiencies which were the basis of the Director's determination were listed, as well as suggested methods for resolving the deficiencies. The notification further provided that interested parties could request that the EQC reconsider the Director's action. Both Douglas County and the North Roseburg Sanitary District filed timely requests for the reconsideration of the bypass action.

The Roseburg Metro project has been given a high priority on the state's priority list for the past three years. Improvements are needed for the City of Roseburg and for the North Roseburg Sanitary District facilities. Currently, the North Roseburg Sanitary District (NRSD) sewage treatment plant, which serves the North Umpqua Sanitary District, is not able to consistently meet permit limitations and a partial moratorium on new connections exists. All new connections presently available to the NRSD are expected to be exhausted by November, 1982. The City of Roseburg's treatment plant marginally attains permit limitations; however, bypassing of partially treated wastes occurs when flows exceed plant capacity. Some portions of the City's sewer system are subject to excessive infiltration/inflow; others are structurally unsound and require replacement of old sewers. Combined sewer overflows exist in the system although



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the location, volume and frequency of all bypasses from the system are unknown. The City is also required to annex and to provide sewer service to a certified health hazard area. Although the City is not currently under a connection limitation, its capacity to provide new services is expected to be exhausted within a few years.

The regional waste water treatment planning effort began in 1971. Douglas County, as lead applicant for the regional area, sponsored a Step 1 facilities planning project from 1974 to 1976. The plan recommended the abandonment of both existing facilities and the construction of one new facility which would serve the City of Roseburg, the North Roseburg Sanitary District, the North Umpqua Sanitary District and adjacent county areas. Also proposed was the creation of a sewerage agency that would own, operate and maintain the regional plant. The local jurisdictions adopted the facilities plan but not the sewerage agency recommendation. In November, 1977, a Step 2 grant to design the facility was awarded to Douglas County. The Step 3 grant was due for certification on August 1, 1979.

The Roseburg Metro project was unsuccessful in meeting Step 3 application requirements during FY 79 and FY 80. During FY 79, the project ranked number 8 on the priority list. The first phase of the project, estimated at \$2 million, was scheduled for August, 1979, and the second phase then estimated at \$8 million, was planned for FY 80.

DEQ and EPA approved this phased funding schedule which would provide funds for capacity for the North Roseburg and North Umpqua Sanitary Districts and a year later to build treatment components for the City of Roseburg. The adjusted funding schedule was expected to enable the City to obtain charter authority to meet federal rules on user charges without slowing the construction of other portions of the treatment facilities.

The FY 79 Step 3 application was submitted according to the priority list schedule but adverse comments were received from the regional A-95 clearinghouse (Umpqua Regional Council of Governments). The adverse comments were based, in part, on the City's objections to phased project construction because they did not yet have the authority to adopt an equitable user charge system to comply with federal regulations. The City planned to request a change in its City Charter in order to establish such authority at a September 18, 1979, election. The Intergovernmental Agreement between the localities would expire on October 15, 1979, unless the City Charter was amended. Since all applications were due to EPA in August, the Director advised the County that these unresolved issues prevented the certification of a Step 3 grant during FY 79.

For FY 80, the Roseburg Metro project ranked number 6 on the priority list. Additional Step 2 design was scheduled for a grant of \$695,000 in January 1980, and a phase one construction grant of \$5,686,000 in July 1980. For FY 81, a grant for \$6,776,000 of phase two construction was planned. Despite unsuccessful attempts to amend the City Charter on September 18, 1979, and on June 24, 1980, efforts continued to complete the Step 3 application. A new Intergovernmental Agreement was executed on June 11, 1980. The Agreement provided that the City would not be bound to the regional facility after October 15, 1980, unless the City Charter was changed. On June 18, 1980, DEQ and EPA advised the County that the Agreement did not meet federal requirements because of the uncertainty of future City participation.

A bypass action was commenced on July 2, 1980, because the application lacked (1) an approvable intergovernment agreement; (2) a selected facility site; and (3) application materials, such as the City's land use certification, which are dependent upon site selection. The County subsequently provided information that items (2) and (3) above could be completed before the end of the fiscal year. However, the existing intergovernmental agreement excludes the participation of the City of Roseburg after October 15, 1980, unless a City Charter amendment is approved by voters. On July 14, 1980, the DEQ and EPA agreed that normal repair or replacement and reduction of infiltration/inflow at the City plant could be undertaken by the City until they received authority from the voters to establish a user charge system and become a full participant in the Roseburg Metro plant. On July 24 the Roseburg City Council declined to amend the Agreement in response to comments from DEQ and EPA.

Authority for the bypass process is derived from Paragraph II C of the FY 80 Priority System, approved by the EQC on August 31, 1979, and applicable federal regulations 40 CFR 35.915(f)(1).

Alternatives and Evaluation

1. Concur with the Director's bypass action. The bypass action is based on a quarterly staff assessment of projects that are unlikely to be ready for Step 3 grant award during the federal fiscal year. Additionally, Step 2 grant funds should not be committed to a project which may not be implemented.

The Roseburg Metro project's number 4 ranking on the priority list is primarily due to its status as a project "transitioned" between fiscal years (1978 to 1979). According to the FY 80 Priority Criteria, bypassed projects are listed according to their priority point rating and compete with other projects for the following year. Without the benefit of transition status, the Roseburg area's ranking is considerably reduced.

Conclusion of the bypass procedure at the earliest date will enable DEQ to prepare other projects to initiate their application for funds diverted from Roseburg Metro. About \$6.3 million will become available to assist other projects.

2. Delay the bypass action. The bypass action could be delayed until mid-September. However, the potential for amending the Inter-governmental Agreement or altering the City Charter within this fiscal year is doubtful. The City Council recently rejected amendments to the Agreement on July 24, 1980.

Congress has recently directed that EPA release all FY 80 funds after a deferral of five months. Added delay in the commitment of these \$6.3 million should be avoided. Due to the backlog of projects that are ready to proceed and the economic loss which the program suffers because of each month's construction delay, project delays resulting from program management should be kept minimal.

In addition, mid-September bypass action will not be coordinated with the scheduled development of the FY 81 priority list. The Department is expected to conclude its FY 81 recommendations by September 1, 1980.

Summation

1. On July 27, 1980, the Director bypassed the FY 80 Step 2 and Step 3 construction grants for the Roseburg Metro Area Sewage Treatment Facilities.
2. Douglas County, the lead applicant for the project, and the North Roseburg Sanitary District have submitted requests that the EQC reconsider this bypass action.
3. Facility improvements are needed to consistently meet permit requirements at both the Roseburg and the North Roseburg Sanitary District plants. Sewer system improvements are also needed for Roseburg.
4. A 1976 facilities plan conducted by Douglas County recommended the abandonment of both the Roseburg Treatment Plant and the North Roseburg Sanitary District Treatment Plant. A new regional facility was recommended in the plan, which was adopted by the City of Roseburg, the North Roseburg Sanitary District, the North Umpqua Sanitary District and Douglas County.

5. In August, 1979, the first phase of a Step 3 grant application was submitted for FY 79 funding. The Director advised Douglas County that the application would not be certified because of several unresolved issues.
6. In July, 1980, the first phase of a Step 3 grant application was submitted for FY 80 funding. DEQ and EPA staff advised Douglas County that the current Intergovernmental Agreement did not satisfy federal requirements because it provides that the City of Roseburg is excluded from the Agreement after October 15, 1980, unless a City Charter Amendment is approved by the voters. A Charter Amendment is needed to enable the City to adopt an equitable user charge system before a grant for the second phase of construction of Roseburg Metro is awarded.
7. A notification of the intent to bypass the project was sent to interested parties. Two of three deficiencies in the application were later corrected. However, efforts to amend the existing Intergovernmental Agreement in order to meet federal requirements were unsuccessful.

Director's Recommendation

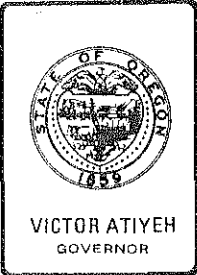
Based upon the Summation, it is recommended that the bypass of the Roseburg Metro project for FY 80 funds be confirmed.



William H. Young

B. J. Smith:lb
229-5415
August 6, 1980
WL190 (1)

Mailed 7-3



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

July 2, 1980

* CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Bill Vian, Chairman
Douglas County Commission
County Courthouse
Roseburg, OR 97470

Re: WQ-Douglas County
(Roseburg Metro)
Step 3 and Step 3
C-410487

Dear Mr. Vian:

This is to notify you that the Roseburg Metro project, presently ranked number four on the State's Fiscal Year 1980 project priority list, does not appear to be ready for Step 3 grant award during this fiscal year. Our assessment of the project's status is based on a quarterly review completed on this date. This letter constitutes official notification of our future intent to bypass your project and to divert unused funds to other projects on the priority list.

The bypass of your project will be considered final twenty (20) days after receipt of this notification.

Within this twenty-day period, you may request a reconsideration of this action and a hearing before the Environmental Quality Commission (EQC) which meets August 15. Your request for review, if submitted within this time, should document your ability to meet all federal grant application requirements in sufficient time for the DEQ to process your application by the end of the federal fiscal year on September 30, 1980.

Please note that procedures we adopted to govern the 1980 priority list specify that a bypassed project will retain its relative priority rating for funding consideration during future years. However, the present high ranking of the Roseburg Metro project results primarily from its special status as a project transitioned between fiscal years (1979 to 1980), not from its relative project rating score. The priority for your project, based solely on relative rating, would be considerably reduced. Only the relative rating, in competition with other projects, will determine priority for funding consideration in future years.

Mr. Bill Vian
July 2, 1980
Page 2

Our recent review of the project noted the lack of (1) an intergovernmental agreement which assures that federal funds would be committed to a regional facility intended to serve ultimately the entire Roseburg area; (2) final site selection; and (3) certain application materials, including the City's land use certification, which are dependent upon site selection.

The DEQ could only support reconsideration of this bypass action if satisfactory modifications to the June 11, 1980, Intergovernmental Agreement were executed and a schedule for completion of the site selection process is provided within the next twenty days. The schedule must clearly demonstrate the feasibility of completing the final site selection process and related application materials during this federal fiscal year.

Within a few days you will receive a draft copy of the State Priority List recommended by the Department for use during fiscal year 1981. At this time, the list reflects our judgment that the Roseburg Metro project may still proceed with its Step 3 application. However, if the project is bypassed, the final Fiscal Year 1981 Priority List will be amended accordingly.

I encourage your efforts to prevent the bypass of this important project. However, recognizing that federal grant funds fall short of meeting the needs of many Oregon communities who are ready to proceed, I believe this action is necessitated.

If we can provide any assistance, please contact us.

Sincerely,

William H. Young
Director

EJS:l
WL129 (1)

cc: *Jack O'Brien, Advisory Committee Chairman
*Mike Wyatt, City of Roseburg
*Shirley McLaughlin, North Umpqua Sanitary District
*CH₂M Hill, Corvallis
US EPA, Oregon Operations Office
Southwest Branch Office, DEQ



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. J, August 15, 1980, EQC Meeting

Request to Reconsider Noise Variance Granted to Bonneville Power Administration's Wren Substation, Benton County

Background

Bonneville Power Administration (BPA) owns and operates an electric power substation containing two transformers at a site near Wren in Benton County. One of the transformers at this substation was found to exceed octave band noise standards at a nearby residence.

As a result of Department action, and effort by BPA, noise emissions from the transformer were reduced approximately 10 to 12 decibels. The substation noise was found to then meet the daytime standards, but still exceed nighttime limits.

In addition to the noise mitigation action, BPA has also proposed to relocate the Wren facility by late 1982 which would completely remove all transformer noise from that location. As this proposal would require over two years to achieve full compliance, it was believed necessary to pursue a variance from the Commission to exceed nighttime standards until September 1982.

On June 20, 1980, the Commission granted BPA a variance for the noise generated at the Wren substation until September 1982. BPA argued that the interim noise reduction was adequate until the substation was relocated. In addition, BPA argued that all conditions defined in the rules and statutes were met to support a limited duration variance. BPA's variance request and a copy of the Department's staff report in support of BPA's request are provided as Attachment 1.

On July 10, 1980, the Commission received a letter from Mr. Fred Hughes, the resident of an impacted residence. In his letter, Mr. Hughes requests the Commission reconsider its action in granting the variance. In addition, Mr. Hughes states that he will submit "research and data" to support his contention that the variance should not have been granted. Mr. Hughes' letter is provided as Attachment 2. Mr. Hughes was present at the June 20 hearing and offered testimony to the Commission opposing the granting of the variance.

Alternatives and Evaluation

BPA was granted a limited duration variance from the noise control rules on June 20, 1980. An impacted resident who opposed the variance requests the Commission to reconsider its decision.



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The Commission, pursuant to ORS 467.060, may revoke or modify a variance if it finds:

- a) Violation of one or more conditions of the variance;
- b) Material misrepresentation of fact in the variance application or other representations of the variance holder;
- c) Material change in any of the circumstances relied upon by the Commission or Department in granting the variance; or
- d) A material change or absence of any of the circumstances set forth as conditions for which a variance may be granted.

The procedure for denial, modification, or revocation of a variance shall be the procedure for a contested case as provided in ORS 183.310 to 183.500.

As stated above, the noise control statutes, see Attachment 3, require any revocation or modification of a granted variance to follow the procedures for a contested case. If the Commission wishes to consider revocation or modification of the variance, it must therefore authorize a contested case hearing for that purpose. The basis for the Commission granting the variance on June 20, 1980 is supported by the attached staff report of that date.

Summation

The following facts and conclusions are offered:

1. Bonneville Power Administration (BPA) owns and operates an electric power substation in Benton County that exceeds nighttime noise standards.
2. BPA requested a variance from strict compliance with the noise standards until September 1, 1980. A public hearing was held before the Commission at its June 20, 1980 meeting at which an impacted resident appeared and testified in opposition to the variance. However, the variance was granted as requested.
3. The same impacted resident, opposed to the granting of the variance, now has requested the Commission reconsider its June 20 decision.
4. The Commission may only revoke or modify the variance under procedures established for a contested case.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission deny the request to reconsider its variance to exceed nighttime noise standards granted on June 20, 1980 to Bonneville Power Administration's Wren Substation.



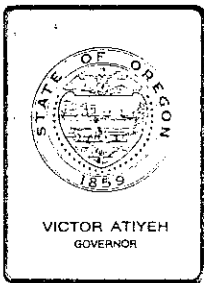
WILLIAM H. YOUNG

John Hector:pw

July 25, 1980

Attachments

1. Agenda Item K, June 20, 1980, EQC Meeting
2. Letter to EQC from Fred Hughes dated July 6, 1980
3. Noise Control Chapter ORS 467



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207
522 SOUTHWEST 5th AVENUE, PORTLAND, OR 97204 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. K, June 20, 1980, EQC Meeting

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

Background and Problem

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

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

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



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

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

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

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

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

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

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

Alternatives and Evaluation

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

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

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

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

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

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

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

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

Summation

The following facts and conclusions are offered:

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

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

Director's Recommendation

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

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

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



WILLIAM H. YOUNG

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

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



Department of Energy

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

In reply refer to: AP

Attachment
Agenda Item K
June 20, 1980
EQC Meeting

DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED

MAY 20 1980

NOISE POLLUTION CONTROL

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

Dear Members of the Commission:

The Bonneville Power Administration (BPA) is a Federal power marketing administration of the United States Department of Energy, with its principal office at 1002 NE. Holladay, Portland, Oregon 97232. Consumers Power, Inc. (CPI), is a rural electric cooperative with its principal office at 6990 SW. West Hills Road, P.O. Box 1108, Corvallis, Oregon 97330.

BPA maintains two transformers, devices for transferring energy from one circuit to another in an alternating current system, at a substation in Wren, Oregon. One of these transformers was installed October 13, 1978, in order to increase capacity to Consumers Power, Inc., and its customers. The transformer emits noise which has initiated a complaint from a nearby resident. The Department of Environmental Quality (DEQ) informed BPA that the transformer produced noise on three adjacent noise sensitive properties in excess of permitted levels. The DEQ instructed BPA to develop an abatement program and schedule for achieving compliance with these levels. BPA proposed that relocation of the substation by fall of 1982 would achieve such compliance. The DEQ requested that BPA develop an interim strategy prior to relocation. The interim strategy involved the construction of noise barriers, or baffles. The DEQ approved both the plan and the interim strategy. The interim strategy has reduced noise to a level slightly exceeding the standards.

CPI is served by the transformer in question. The operation of the transformer is essential to the service of more than 1,800 customers of CPI.

Initially, it must be noted that Federal law requires that BPA, as an agency of the executive branch of the Federal Government having jurisdiction over properties and facilities, and engaged in activities which may result in the emission of noise, must comply with State requirements respecting control and abatement of environmental noise to the same extent that any person is subject to such requirements. 42 U.S.C. 4903(b). There is considerable doubt, however, as to the duty

of the Federal Government to submit to the procedures of the State. Hancock v. Train, 426 U.S. 167, 48 L.Ed. 2d 555, 96 S.Ct. 2006 (1976). BPA has endeavored to comply with the standards set forth by the State to the same extent that any person is subject to such requirements, and notes that additional compliance efforts would be aided by a variance. BPA does not, however, waive its jurisdictional independence through participation in State proceedings. For example, it is not apparent BPA could be a party in a contested case proceeding on this matter.

Applicants request a variance from the rules prescribed in OAR Chapter 340, section 35-035(1)(f), including Table J.

OAR 340-35-035(1)(f) provides in pertinent part:

(f) Octave Bands and Audible Discrete Tones. When the Director has reasonable cause to believe that the requirements of subsections (1)(a), (1)(b), (1)(c) or (1)(d) of this section do not adequately protect the health, safety or welfare of the public as provided for in ORS Chapter 467, the Department may require the noise source to meet the following rules:

(A) Octave Bands. No person owning or controlling an industrial or commercial noise source shall cause or permit the operation of that noise source if such operation generates a median octave band sound pressure level which, as measured at an appropriate measurement point, specified in subsection (3)(b) of this section, exceeds applicable levels specified in Table J.

(B) One-third Octave Bands. No person owning or controlling an industrial or commercial noise source shall cause or permit the operation of that noise source if such operation generates a median one-third octave band sound pressure level which, as measured at an appropriate measurement point, specified in subsection (3)(b) of this section, and in a one-third octave band at a preferred frequency, exceeds the arithmetic average of the median sound pressure levels of the two adjacent one-third octave bands by:

(i) 5 dB for such one-third octave band with a center frequency from 500 Hertz to 10,000 Hertz, inclusive.

Provided: such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band, or;

(ii) 8 dB for such one-third octave band with a center frequency from 160 Hertz to 400 Hertz, inclusive.
Provided: such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band, or;

(iii) 15 dB for such one-third octave band with a center frequency from 25 Hertz to 125 Hertz, inclusive.
Provided: such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band.

This rule shall not apply to audible discrete tones having a one-third octave band sound pressure level 10 dB or more below the allowable sound pressure levels specified in Table J for the octave band which contains such one-third octave band.

BPA and CPI contend that the application of the administrative rules noted above to the Wren Substation transformer so as to require it not to exceed the Noise Source Standards specified in Table J is improper because, pursuant to ORS 467.060, the Environmental Quality Commission is authorized to "grant specific variances from the particular requirements of any rule or standard to such specific persons or class of persons or such specific noise emission source, upon such conditions as it may consider necessary to protect the public health, safety and welfare," and BPA and CPI have satisfied all conditions specified for such variance. ORS 467.060 also provides:

"The commission shall grant a specific variance only if it finds that strict compliance with the rule or standard is inappropriate because:

(a) Conditions exist that are beyond the control of the persons applying for the variance;

(b) Special circumstances render strict compliance unreasonable, unduly burdensome or impractical due to special physical conditions or cause;

(c) Strict compliance would result in substantial curtailment or closing down of a business, plant or operation; or

(d) No other alternative facility or method of operating is yet available."

The present facts support granting a variance under each of these alternative grounds.

- (a) Conditions beyond the control of BPA and CPI. The transformer in question is vital to the electric power marketing responsibilities of the BPA and the obligations of CPI. Transformers are complex devices which are not readily available from manufacturers and must be specially ordered. An order for a new transformer would require approximately 12 to 13 months for delivery. When the present transformer was installed, BPA had only two used transformers available for selection. The present transformer was selected for various reasons. There is no indication that the alternative transformer would operate at a lower sound level. Such conditions militate against the replacement of the transformer and are beyond the control of petitioners.
- (b) Special circumstances rendering strict compliance unreasonable, unduly burdensome or impractical. The facts set forth in (a) above are also applicable here and must be considered in addition to the fact that the replacement of a transformer is an undertaking of substantial magnitude. Furthermore, steps have been taken, at considerable expense, to reduce noise through the construction of specially designed barriers. Such barriers have reduced the noise to a level slightly above the standards set forth in Table J of Chapter 340, Oregon Administrative Rules, Division 35.
- (c) Strict compliance resulting in substantial curtailment or closing down of a business, plant or operation. If the transformer in question were not allowed to operate, there would, in 1980, be no power delivered to any CPI customers served by the Philomath, Kings Valley, and Valsetz substations. Calculations regarding the prospective impact of not allowing the transformer to operate note that 1,810 customers with an 11,600 kW peak load could not be served in October, 1981. In 1983, this increases to 2,060 customers with a peak load of 13,610 kW. The effect of such lack of service would result in curtailment or closing down of homes, businesses and industries.
- (d) No alternative facility or method of operating is available. The construction of a new substation has been planned for some

time. Such construction, however, requires compliance with the National Environmental Protection Act. This Act requires the preparation of an environmental assessment which is currently being compiled. Further administrative proceedings may be necessary prior to the purchase of land and equipment for the substation, as well as prior to the eventual construction of the new facility. A change in method of operation has already been undertaken, as noted above, in the installation of sound barriers between the transformer and the complainant's residence. The construction of such barriers, while insufficient to reduce the noise to standards specified in Table J of OAR Chapter 340, Division 35, has reduced the noise to levels slightly above such standards near the complainant's residence. No alternative facility or method of operating is yet available.

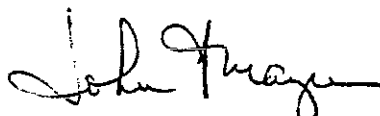
The question presented to the Commission is whether the administrative rules cited above need be applied to require BPA's transformer to meet the noise standards specified in Table J, OAR Chapter 340, Division 35, in light of the fact that BPA, together with CPI, has satisfied at least one of the alternative grounds upon which a variance from the administrative rules may be granted.

BPA and CPI request that the Commission rule that the transformer is not required to operate within the noise standards prescribed in the above-mentioned Table J until such time as petitioner completes the construction of an alternative facility.

Sincerely,



Marvin Klinger, Deputy Chief Engineer
Bonneville Power Administration



John F. Mayse, General Manager
Consumers Power, Inc.

Dept. of Environmental Quality
RECEIVED
JUL 11 1980

Noise Pollution Control

July 8, 1980
P.O.B. 452
Corvallis, Or.
97330

Joe Richards
c/o Bill Young
E.Q.C.
P.O.B. 1760
Portland, Or.
97207

Management Services Div.
Dept. of Environmental Quality

RECEIVED
JUL 10 1980

Dear Mr. Richards

This letter is to inform you that I am formally asking for a reconsideration of an E.Q.C. decision. The decision regards a variance permit granted to the B.P.A. on Sat. June 20, 1980 to operate in excess of state nighttime noise standards. I live directly adjacent to their (B.P.A.) substation so I am being affected by this nuisance. I spoke at the hearing in opposition to this variance permit. I am now compiling research and data which I intend to submit to the EQC within 30 days which I feel will show beyond the shadow of a doubt why this permit should not be granted. Therefore I ask you and your commission to

reconsider this matter
after reading my report.
Thankyou for your time.

Sincerely

Fred Hughes

Chapter 467

1979 REPLACEMENT PART

Noise Control

467.010	Legislative findings and policy	467.050	Enforcement powers
467.020	Emission of noise in excess of prescribed levels prohibited	467.060	Issuance, revocation or modification of specific variances; grounds
467.030	Adoption of noise control rules, levels and standards	467.100	Local regulation of noise sources
467.035	Determination of exempt noise emission sources	467.990	Penalties
467.040	Powers of Environmental Quality Commission		

CROSS REFERENCES

Exhaust systems required, noise emission standards, 483.449	Motor vehicles, unnecessary muffler noise prohibited, 483.448
Inclusion of noise emission standards with motor vehicle emission standards, 468.370	

Note: Section 2, chapter 413, Oregon Laws 1979, provides:

Sec. 2. (1) Agricultural operations and forestry operations are exempt from the provisions of this chapter.

(2) As used in this section:

(a) "Agricultural operations" means the current employment of land and buildings on a farm for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural operations or any combination thereof including the preparation and storage of the products raised for man's use and animal use and disposal by marketing or otherwise by a farmer on such farm.

(b) "Forestry operations" means an activity related to the growing or harvesting of forest tree species on forest land as defined in subsection (1) of ORS 526.324.

467.010 Legislative findings and policy. The Legislative Assembly finds that the increasing incidence of noise emissions in this state at unreasonable levels is as much a threat to the environmental quality of life in this state and the health, safety and welfare of the people of this state as is pollution of the air and waters of this state. To provide protection of the health, safety and welfare of Oregon citizens from the hazards and deterioration of the quality of life imposed by excessive noise emissions, it is hereby declared that the State of Oregon has an interest in the control of such pollution, and that a program of protection should be initiated. To carry out this purpose, it is desirable to centralize in the Environmental Quality Commission the authority to adopt reasonable state-wide standards for noise emissions permitted within this state and to implement and enforce compliance with such standards. [1971 c.452 §1]

467.020 Emission of noise in excess of prescribed levels prohibited. No person may emit, cause the emission of, or permit the emission of noise in excess of the levels fixed therefor by the Environmental Quality Commission pursuant to ORS 467.030. [1971 c.452 §3]

467.030 Adoption of noise control rules, levels and standards. (1) In accordance with the applicable provisions of ORS 183.310 to 183.500, the Environmental Quality Commission shall adopt rules relating to the control of levels of noise emitted into the environment of this state and including the following:

(a) Categories of noise emission sources, including the categories of motor vehicles and aircraft.

(b) Requirements and specifications for equipment to be used in the monitoring of noise emissions.

(c) Procedures for the collection, reporting, interpretations and use of data obtained from noise monitoring activities.

(2) The Environmental Quality Commission shall investigate and, after appropriate public notice and hearing, shall establish maximum permissible levels of noise emission for each category established, as well as the method of measurement of the levels of noise emission.

(3) The Environmental Quality Commission shall adopt, after appropriate public notice and hearing, standards for the control of noise emissions which shall be enforceable by order of the commission. [1971 c.452 §2; 1973 c.107 §1; 1973 c.835 §159]

467.035 Determination of exempt noise emission sources. (1) In addition to the powers of the Environmental Quality Commission described in ORS 467.060, the commission by rule may exempt a class of activity within a category of noise emission sources from the application of a rule establishing maximum permissible levels of noise emission for that category of noise emission sources.

(2) In determining whether to grant an exemption pursuant to subsection (1) of this section, the commission shall consider:

(a) Protection of the health, safety and welfare of the citizens of this state;

(b) Feasibility and cost of noise abatement; and

(c) Past, present and projected patterns of land use and such state and local laws and regulations as are applicable thereto. [1977 c.511 §3]

467.040 Powers of Environmental Quality Commission. The Environmental Quality Commission has the power to investigate complaints regarding excessive noise emission, to hold hearings, to issue orders, to make rules, to impose sanctions, and to do any other thing necessary to carry out the policies of this state as set forth in this chapter. [1971 c.452 §4]

467.050 Enforcement powers. The Environmental Quality Commission shall have the further power to enforce compliance with or restrain violation of this chapter or rules or orders made thereunder in the same manner provided for enforcement proceedings under ORS chapter 468. [1971 c.452 §5; 1973 c.826 §5; 1973 c.835 §160; 1974 s.s. c.36 §16]

467.060 Issuance, revocation or modification of specific variances; grounds. (1) The Environmental Quality Commission by order may grant specific variances from the particular requirements of any rule or standard to such specific persons or class of persons or such specific noise emission source, upon such conditions as it may consider necessary to protect the public health, safety and welfare. The specific variance may be limited in duration. The commission shall grant a specific variance only if it finds that strict compliance with the rule or standard is inappropriate because:

(a) Conditions exist that are beyond the control of the persons applying for the variance;

(b) Special circumstances render strict compliance unreasonable, unduly burdensome or impractical due to special physical conditions or cause;

(c) Strict compliance would result in substantial curtailment or closing down of a business, plant or operation; or

(d) No other alternative facility or method of operating is yet available.

(2) The commission by rule may delegate to the Department of Environmental Quality, on such conditions as the commission may find appropriate, the power to grant variances and to make the finding required by subsection (1) of this section to justify any such variance.

(3) In determining whether or not a variance shall be granted, the commission or the department shall consider the equities involved and the advantages and disadvantages to residents and to the person conducting the activity for which the variance is sought.

(4) A variance may be revoked or modified by the commission. The commission may revoke or modify a variance if it finds:

(a) Violation of one or more conditions of the variance;

(b) Material misrepresentation of fact in the variance application or other representations of the variance holder;

(c) Material change in any of the circumstances relied upon by the commission or department in granting the variance; or

(d) A material change or absence of any of the circumstances set forth in paragraphs (a) to (d) of subsection (1) of this section.

(5) The procedure for denial, modification, or revocation of a variance shall be the procedure for a contested case as provided in ORS 183.310 to 183.500 [1977 c.511 §2]

467.100 Local regulation of noise sources. (1) Pursuant to this chapter, in order to protect the health, safety and welfare of its citizens, a city or county may adopt and enforce noise ordinances or noise standards otherwise permitted by law. A city or county may also adopt such standards for a class of activity exempted by the commission or noise emission sources not regulated by the commission.

(2) The commission may by rule withdraw from enforcement any or all of its rules or standards adopted pursuant to this chapter within the boundaries of any city or county, if the commission finds such city or county:

(a) Has adopted noise standards that are at least as stringent as and no less protective than those standards adopted by the state; and

(b) Has a program of active enforcement of such standards which, in the commission's view, is at least as protective of the public health, safety and welfare as would be the enforcement provided by the department.

(3) The commission may modify or repeal such a rule as is made in accordance with subsection (2) of this section with regard to any particular city or county if it finds material change in any of the circumstances relied upon by the commission in making such rule. Such rulemaking shall be in conformance with the provisions of ORS 183.310 to 183.500.

(4) Nothing in this section is intended to preclude contractual arrangements between a city or county and a state agency for services provided for the enforcement of state or local noise emission control standards. [1977 c.511 §4]

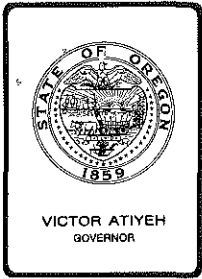
467.990 Penalties. Violation of any provision of this chapter or rules or orders made under the provisions of this chapter is a Class B misdemeanor. Each day of violation shall be considered a separate offense. [1971 c.452 §6; 1973 c.835 §161]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
October 1, 1979.

Thomas G. Clifford
Legislative Counsel



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item K, August 15, 1980, EQC Meeting

Effect of Twenty Percent (20%) General Fund Reduction
on Department's 1979-81 Budget

Background

On July 8, 1980, the Department received word from the Governor's Office of an impending \$204 million General Fund shortfall for the 1979-81 biennium, and instructions to prepare budget cuts totaling 30% in the agency's General Fund, displayed in six 5% decision packages.

Process

Immediately upon receiving word of a projected General Fund shortfall, I froze all hiring into vacant positions and curtailed out-of-state travel. Our five program managers--air, water, solid waste, noise and agency management--were directed to begin looking for possibilities for generating revenue and reducing expenditures in existing programs.

Revenue possibilities included fee increases for existing fees, generation of new fees, search for General Fund set-asides, and investigation of additional federal funding.

Expenditure reductions were to be achieved by reducing capital and supply and services outlays where possible, shifting General Fund positions to other funds or federal funds, shortened work weeks, and finally, layoffs.

The issue of new and adjusted fees was thoroughly investigated but not very fruitful. The conclusion is basically the only fee increase which is presently feasible is a one dollar increase in the inspection fee for the Portland area automobile inspection/maintenance program. This would generate an additional \$175,000 in indirect cost revenues to offset General Funds supporting the Agency Management Program. However, the Governor's Office did not recommend this increase, and the Legislature did not implement it. You will however see a number of proposed fee adjustments in our 1981-83 budget request, including an increase in the vehicle inspection fee.



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Federal funds to continue a special project in the noise program were the only new sources of revenue identified. The search for additional federal funds will continue and, if found, we would hope to be allowed to return to the Emergency Board for increased authorization to reduce General Fund layoffs.

Supplies and Services and Capital Outlay had already been tightened down as a result of the earlier \$65 million shortfall projection. It became immediately apparent that substantial reductions in Personal Services expenditures would be the only meaningful way to achieve the magnitude of reductions necessary. Supplies and Services associated with the proposed position cuts were included in our submittal.

We have considered a shortened work week. I left the matter up to individual managers to demonstrate to me how such a system would operate. I opposed such a concept agencywide, simply because there are not enough General Funded positions in the agency to reach our goal without going to something less than a four day week. For two reasons I find this unacceptable: Some of our work units are too small to be able to provide service internally and externally on such a scheme; second, our best people would not stay for a 20% or more pay cut. The quality of the work force suffers.

Program managers were assigned a dollar quota based on the amount of General Funds in their programs. Each manager ranked the proposed position cuts in order of priority. With few exceptions, the packages reflected were the already prepared decision packages for the 1981-83 budget. I then grouped packages from each program into the six 5% reduction increments. The final product was submitted to the Governor's Office for action.

The Governor recommended a 20% cut for DEQ with some changes in our priorities. Our recommendation of a reduction in the experimental systems monitoring was not accepted, and the noise program was cut 30%. The Legislature accepted the Governor's recommendations, and took the following additional actions:

1. Released 80% (\$125,106) of the General Fund money reserved to the Emergency Board for administration of the Tax Credit Program. (This program was not funded in the agency's budget because it was contingent upon passage of a bill that would allow assessment of fees for processing tax credit applications. The bill failed.)
2. Reverted approximately \$4.7 million General Fund appropriated to the Emergency Board for Pollution Control Bond Fund grants. (For the remainder of this biennium grants will be made from the Bond Fund.)

3. Instructed the Department to set the proposed increase in the vehicle emission testing fee at a level adequate to offset any General Fund support to this program. (This means our 1981-83 budget will show an assessment of indirect costs to this program sufficient to cover the full indirect cost for this biennium, as well as next biennium.)

Effects of 20% Reduction

Air Quality

1. Statewide Emission Inventory will not be completed and updated (possible trouble with EPA).
2. Will not develop procedure for tracking Prevention of Significant Deterioration (PSD) increment consumption; will not develop State Implementation Plan (SIP) revision to protect visibility in Class I PSD areas; will not develop procedures and provide assistance to reclass PSD areas. (Trouble with EPA, but may be able to find federal funds to continue.)
4. Field source tests will be discontinued; review of industry source tests will be delayed which will in turn delay compliance demonstration and permit issuance. (Trouble with EPA.)
5. Technical assistance to Regions (plan review, permit drafting, compliance inspections, guidance, etc.) will be cut 50%, which will extend plan reviews and permit issuance and build up bigger backlogs. (Trouble with EPA.)
6. Staff meteorologist will be lost, with loss of meteorological expertise at headquarters office and diminished ability to analyze and interpret meteorological data, issue open burning advisories, etc.
7. Compliance inspections in field will be reduced to minimum acceptable levels, with probable increase in emissions.
8. Volatile organic compounds (VOC) source inspections will not be made unless contracted out. (Trouble with EPA, but may be able to find federal funds to continue.)
9. Collection of Portland area meteorological data will be discontinued.
10. Loss of one of two laboratory electronic technicians will require some equipment maintenance and repair to be done by private repair shops.
11. Collection and analysis of special source oriented samples will be discontinued.
12. Air data processing will be reduced to minimum required routine data processing and reporting; programming for special (non-routine) projects will have to be "farmed out."

13. Planning and development of a centralized data processing center to meet overall agency needs will be discontinued.
14. Lane Regional Air Pollution Authority (LRAPA) will have some diminished capability of responding to public inquiries and complaints and in hiring parttime workers for special projects. (\$15,900 reduction.)

Noise Control

1. Environmental Technician 3

This position is the single headquarters staff that provides necessary support to the noise control effort by the regional staff. Impact of losing this position will cause:

- a. Substantial and probably total curtailment of DEQ response to citizen complaints of excessive noise. Note that regions are funded 1.0 FTE for noise control source compliance.
- b. No training, technical assistance, noise monitoring or data reduction provided to field staff from headquarters staff.
- c. No maintenance or laboratory calibration of noise monitoring equipment (rules require an annual laboratory calibration).
- d. Reduction in technical assistance and information provided to industry and the public.

2. Environmental Specialist 2

This position plans, develops and implements programs to abate transportation noise emissions. Major effort is focused on motor vehicle noise controls. Position is presently funded on EPA grant until November 1, 1980, at which time it would be vacated due to proposed elimination of General Funds for this position. Loss of position would:

- a. Eliminate equipment loans, training and technical assistance to city, county and other enforcement personnel for motor vehicle noise control efforts.
- b. Eliminate program established to allow Portland area police to refer noisy vehicles to DEQ inspection stations for noise testing.

This position is presently funded by an EPA grant that may be extended a second year. If extended, federal funds would be substituted for General Funds and the position would not be vacated.

Water Quality

1. Assistance to local governments applying for federal sewerage construction grant funds will be reduced causing delays in federal grants.
2. State inspection of sewerage works during construction will be eliminated.
3. Technical assistance to industries in waste treatment methods, effluent utilization and disposal will be cut by 50%.
4. Efforts to set up an automated data processing system to retrieve water quality trends information will be suspended.
5. Water quality sampling in Eastern Oregon rivers and streams will be eliminated.
6. Compliance inspection frequency of point sources will be reduced and laboratory analysis of compliance samples will be cut by one-third.
7. Investigation of many complaints will be eliminated.
8. Biological monitoring capabilities will be cut by one-half, eliminating monitoring in estuaries and lakes.
9. In the septic tank program, sanitarian positions are eliminated in Roseburg, Coos Bay and Pendleton, resulting in reduced technical assistance to contract counties and reduced ability to review permit denials on an informal basis. The Clatsop County program will be serviced from Tillamook.

Solid Waste

1. Recycling switchboard--The switchboard manager position is presently vacant. This position is critical to the continued functioning of the switchboard. We have one additional phone answerer (summer student) until the end of August and will then be limited to one clerical assistant (job share) with no manager and no capability to update information or provide outreach to recycling centers. This position has also "carried the ball" in the oil recycling program.
2. Data base--The work covered by the vacant Environmental Technician 3 position in hazardous waste (federal funds) will be assumed by the person assigned data base/annual report responsibilities (General Funds). This will at a minimum slow the data base preparation process.

3. Regional effort--Loss of portions of three Regional Operations positions will reduce compliance assurance efforts in the Southwest, Willamette Valley and Eastern Regions.
4. Loss of summer help in the laboratory will reduce productivity in the overall monitoring program.

Agency Management

1. A budget analyst position is eliminated reducing capability to track quarterly allotments, to prepare budget documents and monitor budget execution.
2. Centralized agency purchasing services and property management will be reduced requiring longer turn around on purchase orders, repair requests, decentralization of space management, utilities, vehicles, and contract management.
3. Shift of information officer to water quality position. Response to public information requests from media and citizens will fall to agency managers and technicians.

In conclusion, I want to acknowledge our realization that this agency is experiencing a relatively high number of positions affected by the proposed cuts. I want to assure you that we believe we have done everything we could do to minimize layoffs.

The following factors I believe affect our agency's ability to absorb the cuts without laying off people:

- We were tightly budgeted in the first place;
- Salary increases were underfunded;
- When new federal or other fund sources were approved by the E-Board, General Fund equal to the increased indirect cost was unscheduled;
- There is a shortfall in indirect costs as a result of overestimation of federal and other fund revenues;
- The septic tank program is suffering from reduced economic activity and is not generating the indirect cost relied upon;
- Administration of the Tax Credit Program was not funded on the assumption that the 1979 Session would pass a tax credit processing fee. They did not. We have now received 80% of the cost of administering that program.

Agenda Item K
August 15, 1980, EQC Meeting
Page 7

So, there is no slack. In fact, the opposite is true. We are short of General Fund even without this reduction.

But we are doing everything possible to minimize effects on regular employees. Of the 44 positions we have identified for holding a vacancy, only eleven full-time, permanent employees will have to be laid off. We hope through concerted efforts to find other funds to return these valued workers to their jobs as quickly as possible.

Director's Recommendation

No action is necessary on this item.



WILLIAM H. YOUNG

MJDowns:cs
229-6485
August 12, 1980

Attachment:

Budget Report - Joint Committee on Ways and Means - 1980 Special
Legislative Session.

BUDGET REPORT - Joint Committee on Ways and Means - 1980 Special Legislative Session

Agency Department of Environmental Quality

Subcommittee No. 5 Chairperson Heard

Date July 31, 1980

Members: Heard, Burbidge

Reps. Van Vliet, Simpson

<u>Budget Description</u>	<u>1980-81 Allotment</u>	<u>1980-81 ALLOTMENT REDUCTION</u>		
		<u>Governor's Printed Budget Recommendation</u>	<u>Committee Recommendation</u>	<u>Differences from Governor's Rec.</u>
<u>GENERAL FUND</u>				
Air Quality	\$1,482,144	\$ 355,677	\$ 297,300	\$ +58,377
Noise Control	140,982	36,551	36,551	--
Water Quality	1,364,049	334,116	334,116	--
Solid Waste	883,397	61,388	61,388	--
Agency Management	401,736	66,729	--	+66,729
Total	\$4,272,308	\$ 854,461	\$ 729,355	\$ +125,106

The Subcommittee adopted the Governor's recommended 20 percent reduction plan. The Governor's recommended budget also assumed the future release of a \$156,383 Emergency Board reservation. In lieu of a later Emergency Board appearance, the Subcommittee offset the reduction by \$125,106 -- net effect is to produce General Fund savings of \$31,277.

The Subcommittee also accepted the Governor's recommendation to revert approximately \$4.7 million General Fund appropriated to the Emergency Board for Pollution Control Bond Funds grants, but stipulated that this action represents an exception to the Legislature's policy regarding the management of the Pollution Control Fund rather than a change in the policy.

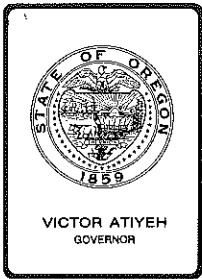
The Department advised the Subcommittee that a motor vehicle emission testing fee increase will be necessary for the 1981-83 biennium to meet inflating costs. In developing its fee increase proposal, the Department should establish a fee sufficient to recover any General Funds advanced to this program.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
AUG 8 1980

OFFICE OF THE DIRECTOR

Prepared by: (Executive Department) Michael Greany

Reviewed by: (Legislative Fiscal Office) Dan Simmons



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item L , August 15, 1980, EQC Meeting

Request for a Variance from Lane Regional Air Pollution Authority
Rules Section 32-010 and Section 32-035 for the Eugene Water
and Electric Board To Use Coal As A Supplemental Fuel

Background and Problem Statement

The Eugene Water and Electric Board operates three boilers for power generation. EWEB has requested a variance from LRAPA limits on grain loading and opacity to allow coal to be used as a fuel in Boiler No. 3 until June 1, 1981.

The Board of Directors of the Lane County Regional Air Pollution Authority granted the variance at its June 10, 1980, meeting upon finding that special circumstances render strict compliance unreasonable. The Regional Authority is required by ORS 468.345(3) to submit all variances to the Commission for approval, denial or modification. Additional information and clarifying statements agreed to by EWEB and LRAPA were also submitted.

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

Alternatives and Evaluation

Of the three boilers operated by EWEB, one is oil fired and the other two normally burn hogged fuel. Only boiler No. 3 is equipped to burn coal. All three are connected to a single exhaust stack. Because of the depressed lumber market and the high value of chips, EWEB has had trouble securing enough hogged fuel to meet steam demands. They requested authorization to burn coal as a supplemental fuel if necessary, to meet the steam demands.

The boilers have demonstrated compliance when burning hogged fuel. Additional testing has shown that when coal is mixed with the hogged fuel, the 0.2 gr/scf limit is consistently exceeded. Therefore, a variance was requested.



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Materials

The time period of the variance was based on the time needed to conduct a study to determine the future of these boilers. If the boilers continue to use coal, additional control measures would be required. The variance requires that the results of the study and a compliance schedule, if necessary, be submitted at the end of the variance period. At the end of the variance period, boiler No. 3 shall continuously maintain compliance by using hogged fuel only, or using hogged fuel until additional controls are installed or phasing out the boilers.

EWEB submitted the results of a testing program to evaluate the impact of coal usage. Although the grain limit will be exceeded when burning coal, significant degradation of the air quality in Eugene is not expected. Coal will be used as necessary but shall not exceed a 40/60 coal/wood mix by weight. Coal shall not be used at all if wood waste availability adequately improves.

Interim emissions limits on opacity (60%) have been imposed for the duration of the variance. These limits are applicable only when burning coal. When wood waste only is burned, the existing regulatory limits will be imposed. In addition the coal burned must be washed to reduce fines and have approximately the same moisture, ash, and sulfur contents of that used during the testing program.

The variance conditions and additional limits are adequate to prevent significant degradation of the air quality in that area. The Department concurs with the evaluation and supports the variance request.

The Commission has the authority to approve, deny or modify the conditions of this variance. If the Commission has not acted within 60 days of the submittal (August 20, 1980), the variance is automatically approved.

Summation

1. The Eugene Water and Electric Board requested a variance from regulatory limits (opacity and grain loading) for combined boiler emissions when they burn coal as a supplemental fuel in boiler #3 because of a shortage of wood waste, the normal fuel.
2. No significant degradation of air quality or adverse health/welfare effects are expected in the Eugene area due to the EWEB request.
3. On June 10, 1980, upon finding that special circumstances render strict compliance unreasonable the LRAPA Board of Directors granted a variance from the emission limits for the boilers (LRAPA Rules, Sect. 32-010.2 and 32-035) until June 1, 1981.
4. LRAPA submitted the variance to the Department on June 20, 1980, for consideration by the Commission.
5. The Commission is authorized by ORS 468.345(3) to approve, deny or modify variances submitted by the Regional Authorities.
6. The Department concurs with the variance conditions and additional limits.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission approve the variance granted to the Eugene Water and Electric Board by the Lane Regional Air Pollution Authority Board of Directors.



William H. Young

- Attachments:
1. Variance as approved by LRAPA Board of Directors
 2. Letter of Submittal
 3. Variance Request from EWEB
 4. Analysis & Recommendations of LRAPA staff
 5. Minutes of the June 10, 1980, Meeting of the LRAPA Board of Directors

Edward G. Woods:i
229-6040
August 1, 1980

AI252

ATTACHMENT I
Variance as Approved by LRAPA Board of Directors

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

VARIANCE

The Board of the Lane Regional Air Pollution Authority hereby finds:

1. The Eugene Water and Electric Board (EWEB) is experiencing severe shortages of wood waste material to produce steam for its customers and is examining the feasibility of utilizing alternate fuel to supplement and extend the available wood waste.

2. The use of low sulfur western coal may offer the most economical solution as a fuel alternative.

3. The present permit conditions for EWEB boiler operations do not allow the use of coal as a fuel.

4. Experimental burning of various wood/coal mixtures at EWEB show that the air pollution standards may be exceeded if poor quality hogged fuel is used or a coal/hogged fuel mix is burned in existing equipment.

5. A comprehensive examination of whether a fuel burning central steam generating facility will best serve EWEB's customers and, if so, what should be done with the existing plant needs to be undertaken.

NOW THEREFORE the Board of the Lane Regional Air Pollution Authority hereby further finds:

1. Special circumstances render strict compliance with the regulations of the authority unreasonable, burdensome and impractical at the present time because of the difficulty of obtaining the proper fuel.

2. Lane Regional Air Pollution Authority Regulations Section 23-005 and ORS 468.345 permit grant of a variance.

3. Any disadvantages to nearby residents affected by the emissions by grant of a variance will be relatively insignificant and short-lived.

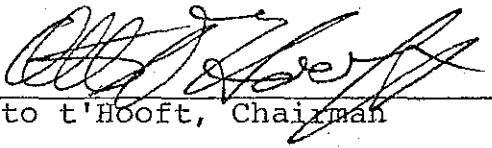
NOW THEREFORE, based on the above findings, the Lane Regional Air Pollution Authority hereby grants to Eugene Water and Electric Board a variance from the requirements of the Lane Regional Air Pollution Authority rule regarding the control of air emissions of pollutants to the atmosphere for the operation of the boilers at the central heating plant until June 1, 1981. The variance is granted subject to the following conditions:

- (a) The boiler using coal (No. 3) shall be maintained in as steady an operational state as possible, with load changes to be accommodated on either boiler No. 1 or boiler No. 2, utilizing oil, as needed.
- (b) Soot blowing shall be restricted except during periods of maximum ventilation and shall be reduced to minimum during stagnant atmospheric conditions.
- (c) Any coal utilized shall be washed, and shall have approximately the same moisture, ash, and BTU content content as that which was used during the testing period.

- (d) The coal handling system shall comply with all other requirements including fugitive emission.
- (e) When the variance expires on June 1, 1981, a report and conclusions based on the feasibility study will be submitted by EWEB. If the report concludes the existing fuel burning equipment shall continue in use, it shall include a schedule to install additional emission control equipment to assure continuing compliance with emission limits. If the conclusions are that the existing boiler system will be phased out, the report shall include a schedule of phase-out and a description of interim contingency operating procedures to assure ongoing compliance.

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

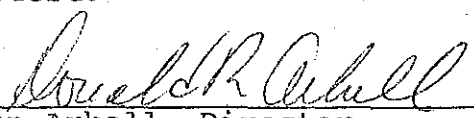
Issued by:



Otto t'Hooft, Chairman

On: 06/25/80

Attest:



Don Arkell, Director

S T I P U L A T I O N


On June 10, the Board of Directors of the Lane Regional Air Pollution Authority granted a variance to the Eugene Water and Electric Board, in order to allow EWEB to burn coal, if necessary, in its Boiler No. 3. The basis for EWEB's variance request was that there was a serious shortfall of available waste wood residue (hogged fuel) and EWEB was very uncertain as to whether enough hogged fuel could be obtained in order to satisfy its steam customers' demands through the fall, winter and spring of 1980-81.

In granting the variance, the LRAPA Board specified several conditions relating to: maintaining operational stability; the quality of coal to be burned; soot blowing; compliance with other LRAPA rules; and completion of a study and report describing how EWEB intended to remain in compliance with LRAPA rules after June 1, 1981.

Several questions have been raised concerning the interpretation of the terms and conditions in the variance. To clarify the intent of the variance, LRAPA, through its director, and EWEB, through its director, hereby stipulate as follows:

1. The variance is limited in nature, and allows only exceedence of the opacity and particulate concentration standards, Section 32-010.2, 32-035.
2. This variance shall apply only to Boiler No. 3 and only when coal is utilized as a supplemental fuel.
3. Maximum coal utilization shall be a mix of 40% coal to 60% hogged fuel, unless prior notification is given to, and approved by, the Director.
4. The opacity of the emission from Boiler No. 3 shall be maintained at or below 60%, as measured by in-stack continuous opacity monitor, while coal is being utilized.
5. Coal shall be burned only when waste wood is not available, or non-availability is forecasted and the remaining supply of waste wood must be extended to reduce the period of time of maximum coal usage.

6. The feasibility study will address reasonable concerns specified by LRAPA regarding air contaminant emissions.
7. EWEB will cease the utilization of coal after June 1, 1981, unless a compliance schedule providing same is adopted or approved control equipment is installed.



Lane Regional Air Pollution
Authority

August 1, 1980

(Date)



Eugene Water and Electric
Board

August 1, 1980

(Date)

LANE REGIONAL

AIR POLLUTION AUTHORITY



(503) 686-7618
16 Oakway Mall, Eugene, Oregon 97401

Donald R. Arke11
~~XXXXXXXXXX~~ Program Director

June 20, 1980

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

Re: LRAPA Permit No. 202505
Eugene Water & Electric Board

Dear Mr. Patterson;

Enclosed is the documentation supporting the variance issued to the Eugene Water & Electric Board by the LRAPA Board of Directors. This variance grants permission to EWEB to utilize coal as a supplement fuel under certain conditions. Technically, there are no interim dates associated with this part, except that at the conclusion of the variance period, EWEB will present a plan which will incorporate ways to stay in compliance. Our intent in recommending this condition to the variance is to begin an orderly planning process with EWEB so that violation of standards will not occur under similar circumstances in the future.

Sincerely,

Donald R. Arke11
Program Director

DRA/mjd

Enclosures: -Request for Variance (May 29, 1980)
-Supplemental Information Letter from EWEB (June 4, 1980)
-Staff Report and Recommendations
-Minutes of June 10, 1980 LRAPA Board Meeting
-Variance



ATTACHMENT 3
Variance Request from EWEB
MUNICIPAL UTILITIES

EUGENE WATER & ELECTRIC BOARD

500 EAST 4TH AVE. - P.O. BOX 10148 - EUGENE, OREGON 97440 - 503-484-2411

File
COMMISSIONERS:
JOHN A. TIFFANY, Pres.
CAMILLA P. PRATT, Vice-Pres.
RICHARD F. FREEMAN
JOHN BARTELS
JACK J. CRAIG

KEITH PARKS, Gen. Mgr.

May 29, 1980

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

To: Board of Directors

Attention: Don Arkell, Program Director

Subject: Variance for Boiler Emissions

To all concerned:

Due to conditions beyond our control, which are 1) the depressed lumber industry and 2) the booming pulp chip market, we at the Eugene Water & Electric Board are unable to obtain enough wood waste (hogged fuel) material to be able to produce steam for our customers.

To help us through this extreme emergency, the Eugene Water & Electric Board asks for a variance for our No. 3 boiler to allow us to burn coal or a wood-coal mix to supply the needed steam.

The technical aspects for the request will follow in a few days.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Ken".

Kenneth W. Rinard
Director, Operations & Engineering

MBC:lm

RECEIVED
MAY 30 1980

LANE REGIONAL AIR POLLUTION AUTHORITY

19233



MUNICIPAL UTILITIES

EUGENE WATER & ELECTRIC BOARD

500 EAST 4TH AVE. - P.O. BOX 10148 - EUGENE, OREGON 97440 - 503-484-2411

COMMISSIONERS:
JOHN A. TIFFANY, Pres.
CAMILLA P. PRATT, Vice-Pres.
RICHARD F. FREEMAN
JOHN BARTELS
JACK J. CRAIG

KEITH PARKS, Gen. Mgr.

June 4, 1980

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

To: Board of Directors
Attention: Don Arkell, Program Director
Subject: Variance for Boiler Emissions

To All Concerned:

EWEB is seeking a variance because "conditions exist that are beyond our control" which are; 1) the depressed lumber industry and 2) the booming pulp chip market. We at the Eugene Water & Electric Board are unable to obtain enough wood waste (hogged fuel) to be able to supply the steam requirements of our customers. We have made contact with all known sources to obtain wood waste fuel including forest slash; but, as yet, there does not appear to be sufficient quantity to avoid the use of backup fuel.

The Eugene Water & Electric Board asks for a variance for our No. 3 boiler to exceed air pollution limits while burning coal or a wood-coal mix from July 1, 1980 to June 1, 1981, to supply the needed steam. We have made test runs and conducted stack tests using coal-wood mixes. We have not, at this writing, received the report but preliminary indications are that the particulate exceeded our permit requirements by about 0.08 gr/sdcf.

However, consultation with the boiler manufacturer indicates poor fuel distribution is the cause. We are presently modifying the fuel feeders to attempt to improve the fuel and air distribution with both coal and wood fuels and expect considerable improvement in combustion. Whether this modification will permit us to run within the permit requirements with coal or a coal-wood mix is unknown. The boiler is a coal burning boiler modified to burn wood, and coal has been used as a fuel in the past. It has four small oil burners for emergency but can only carry a fraction of the steam requirements with oil. We can burn oil in the No. 1 boiler which is an oil fired boiler and in No. 2 boiler which is a wood fired boiler with oil as a backup fuel. No. 1 boiler is our emergency standby boiler and we would not have adequate standby capacity if we had to use it for base load.

For comparative cost last year we purchased 83,300 units of hogged fuel at an average cost of \$7.20 per unit. This year we have contracts for only 5000 units (mostly undelivered) at an average cost of \$27.67.

RECEIVED

JUN - 4 1980

LANE REGIONAL AIR POLLUTION AUTHORITY

19256

June 4, 1980

Don Arkell, Program Director

On an equal heat basis in million Btu's costs at June 1, 1980:

Hogged fuel	\$1.27 = \$1,660,200.00	for 60,000 units
Coal	\$2.50 = \$2,251,100.00	for 45,022 tons
Oil	\$3.59 = \$3,713,007.00	for 164,365 barrels
Pulp chips	\$3.67 = \$4,800,000.00	for 60,000 units

This is the quantity and cost needed to keep our steam customers supplied for one year for various fuels. These figures also include the efficiency of the different fuels burned in our boilers.

The coal we have on hand is from Castlegate, Utah and has 12% moisture, 0.5% sulfur and 7.9% ash. We have located a coal supply from Utah that would be available that is 9.0% moisture, 0.65% sulfur and 8.5% ash. There is also Wyoming coal available with 23% moisture, 0.7% sulfur and 5.6% ash but it is more expensive to get here.

In October 1980, we will be starting a study to determine what to do with our existing plant; abandon, retro-fit, rebuild, co-generation, etc., to best serve the energy needs of Eugene. Time will be needed to complete and evaluate this study, but we estimate that we would have a long range plan prior to June 1, 1981.

This request is only for the length of time needed to restore our wood waste supply with adequate fuel to operate our boilers under normal conditions. We will continue to strive for sufficient wood to keep the amount of coal burned to a minimum and to optimize the combustion to reduce the particulate emission as low as possible during the variance period.



Maynard B. Cotten
Steam Operations Superintendent

MBC:db

ATTACHMENT 4

Analysis and Recommendations of LRAPA staff

AGENDA ITEM 6

LRAPA BOARD OF DIRECTOR'S MEETING

June 10, 1980

TO: Board of Directors
FROM: Donald R. Arkell
SUBJECT: Eugene Water and Electric Board, Request for Variance
to Use Coal as Supplemental Fuel

Background

The Eugene Water and Electric Board (EWEB) is requesting a variance to allow the use of coal as a fuel in its boiler No. 3. The reason for requesting variance is that the utility is experiencing severe shortages of woodwaste material to produce steam for its customers and is examining the feasibility of utilizing alternate fuels to supplement and extend the available waste wood supply. According to the request, the use of low sulfur western coal appears to offer most economical solution to the present circumstances.

Staff Analysis

The present permit conditions for the EWEB boiler operations do not allow the use of coal as a fuel. The boilers normally operate on woodwaste residue, or oil. The results of past source testing indicate compliance, while utilizing high quality hogged fuel. Diminishing stockpiles have resulted in the use of poorer quality fuel in recent months.

Staff believes that the situation with EWEB should be approached in a two-fold manner: First, the immediate shortages of woodwaste residues

EWEB, Request for Variance
June 10, 1980
Page 2

should be addressed. Early last month, we agreed to allow a brief period of experimental burning of various wood/coal mixtures at EWEB to determine feasibility of sustaining that type of operation, if the hogged fuel shortage continues. Part of this short feasibility study was to find the optimum wood/coal ratio, and to measure emissions in order to estimate whether the standards would be exceeded if the poor quality hogged fuel alone, or a coal/hogged fuel mix was burned in existing equipment. This testing period has been concluded. The results show that standards would likely be exceeded in either instance. A summary of the tests is presented in the attached Table I.

A second concern is that, even if the present shortage of high quality woodwaste is temporary, it is probable that future such shortages could occur, and we would be faced with the same dilemma. EWEB has proposed to initiate a comprehensive examination of whether a fuel burning central steam generating facility will best serve its customers, and, if so, what it should do with its existing plant.

Staff agrees with this proposal, as a means to address this second issue. It is suggested that, if the proposed study shows that the existing central boiler system should be retained, provision should be made for multi-fuel capability, and EWEB should schedule installation of additional air pollution control equipment to assure continuing compliance with emission limits. If the study shows that the existing system should be phased out, EWEB should describe when the existing boilers would be retired,

and under what conditions they would be operated for an interim period, if there is continuing or recurring hogged fuel shortage.

The Board, in order to issue a variance, must determine that strict compliance is unreasonable because of any of the following reasons:

- a) Conditions exist that are beyond the control of the persons granted such variance; or
- b) Special circumstances render strict compliance unreasonable, burdensome or impractical due to special physical conditions or cause; or
- c) Strict compliance would result in substantial curtailment or closing down of a business, plant or operation; or
- d) No other alternative facility or method of handling is yet available.

The Board must further determine the equities involved, and the advantages and disadvantages to residents and to the person conducting the activity for which variance is sought.

Director's Recommendation

Based on the material submitted by EWEB and the staff analysis, it is recommended that variance from the rules be issued, with the following conditions:

1. That the boiler using coal (No. 3) be maintained in as steady an operational state as possible, that load changes be accommodated on either Boiler No. 1 or Boiler No. 2, utilizing oil, as needed.

2. Soot blowing should be restricted except during periods of maximum ventilation, and reduced to minimum during stagnant atmospheric conditions.
3. The coal utilized shall be washed, and shall have approximately the same moisture, ash, and BTU content as that which was used during the test period.
4. The coal handling system shall comply with all other requirements, including fugitive emissions.
5. That this variance shall expire on June 1, 1981 at which time a report and conclusions, based on the feasibility study, will be submitted by EWEB. If the conclusions are that there will be continued use of the existing fuel burning equipment, the report shall include a schedule to install additional emissions control equipment to assure continuing compliance with emission limits. If the conclusions are that the existing boiler system will be phased out, the report shall include a schedule of phase-out, and a description of interim contingency operating procedures to assure ongoing compliance.

TABLE I

SUMMARY EWEB SOURCE TEST

BOILER #3-5/12 & 5/13/80

	S A M P L E N U M B E R				
	1	2	3	4	5
Steam Flow, #/HR	120,000	120,000	120,000	120,000	90,000
Coal/Wood, %	0/100	20/80	40/60	40/60	40/60
Ash Reinjection	YES	YES	YES	NO	NO
Avg. Opacity, %*	33	38	42	48	46
Conc. grains/SDCF @12% CO ₂	.316	.280	.253	.270	.406
Mass Emissions, #/HR	95.69	104.97	91.50	102.06	115.44

*Recorded by LSI Opacity Monitor

Note: Runs #3 and #4 had instantaneous opacity readings of 100%.

Other Observations:

1. Heaviest visible emissions occur during load shift, indicating more difficulty in maintaining stability at low steaming rates.
2. Coal used during test was generally equivalent to that available from western coal supply sources as washed coal (ash and sulfur content).
3. Coal contained a substantial quantity of "fines" ($\frac{1}{4}$") which appeared to cause some firing problems. Sized coal ($\frac{1}{4}$" - $1\frac{1}{2}$") improve combustion.
4. Ash reinjection appears to not significantly affect mass emissions or corrected concentrations.

GWEB BOILER #3

5/80 SOURCE TEST RESULTS

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
STEAM RATE	120,000	120,000	120,000	120,000	90,000
COAL/WOOD	0/100	20/80	40/60	40/60	40/60
REINJECTION	YES	YES	YES	NO	NO
ACFM	139,200	119,700	122,200	110,500	141,000
STACK GAS H ₂ O	15.3	15.3	15.6	15.8	16.0
CO ₂	5.8	8.4	7.9	9.1	5.2
EXCESS AIR	240	132	150	120	280
M-S CONC. %/SCF	.154	.196	.166	.205	.177
M-S CONC. @ 2% CO ₂	.316	.280	.253	.270	.406
MASS EMISSIONS #/HR	95.69	104.97	91.50	102.06	115.44
MMD, μm	9.1	12.0	25.0	20.0	11.7
#/HR < 10 μm	45.45 44.28	49.86	33.40	40.82	45.45

EMISSION DATA
 EWER BOILER #3

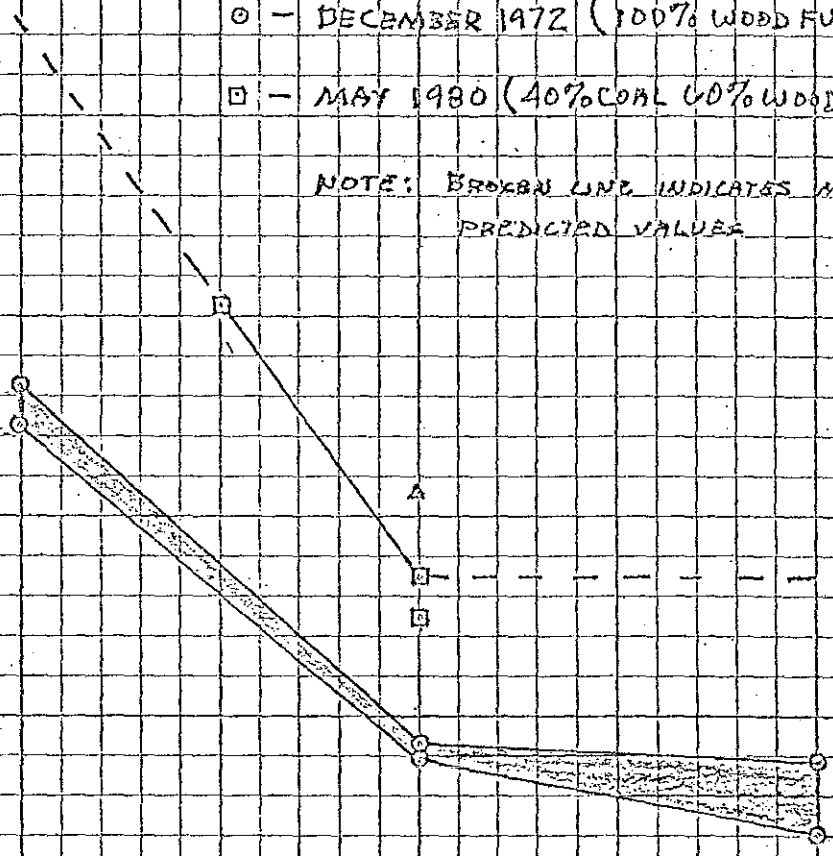
EMISSION CONCENTRATION, GRAMS / (SDCF @ 12% CO₂)

- △ - MAY 1980 (100% WOOD FUEL)
- - DECEMBER 1972 (100% WOOD FUEL)
- - MAY 1980 (40% COAL 60% WOOD FUEL)

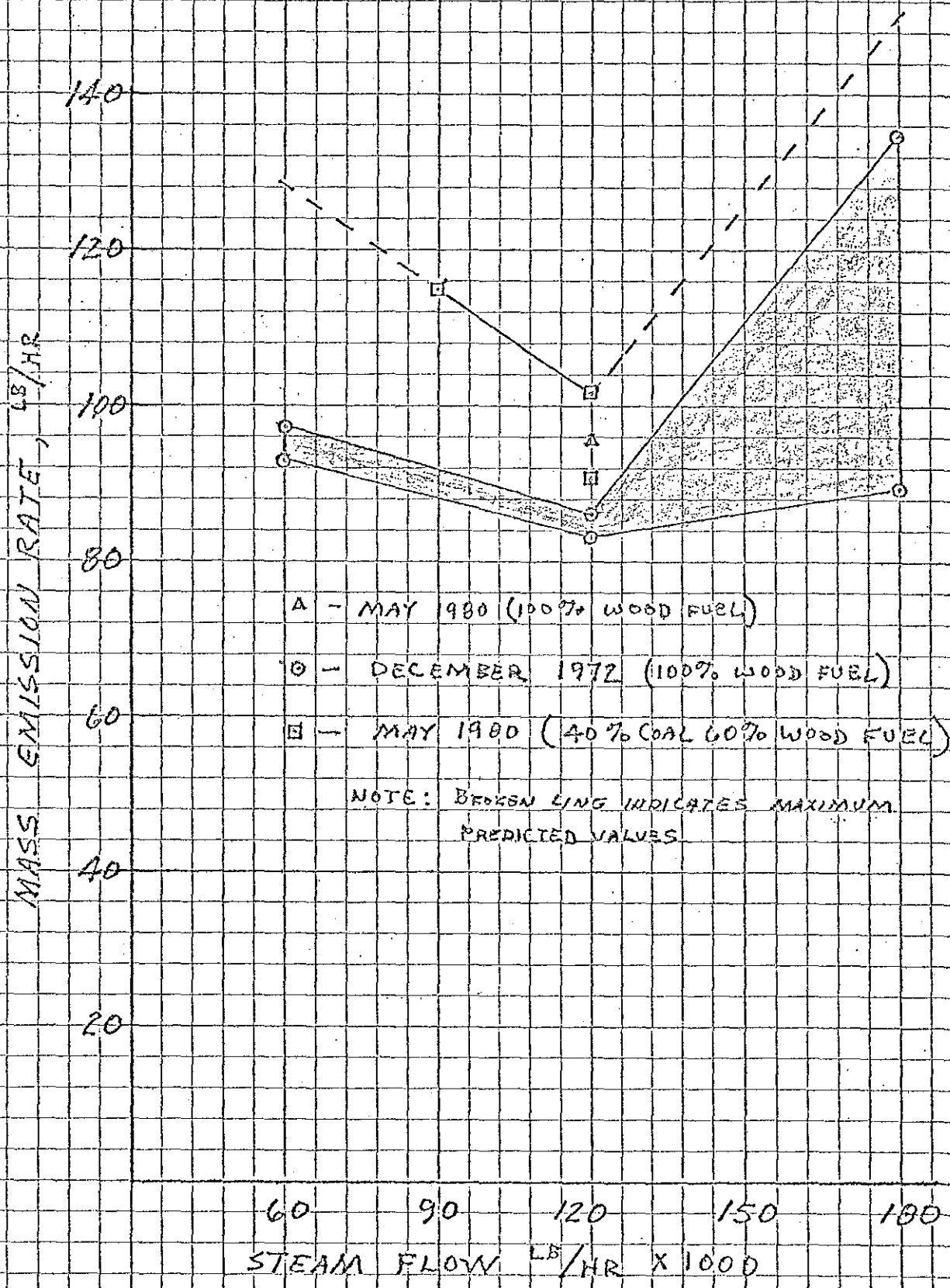
NOTE: BROKEN LINE INDICATES MAXIMUM PREDICTED VALUES

60 90 120 150 180
 STEAM FLOW, LB/HR X 1000

0.5
 0.4
 0.3
 0.2
 0.1



EMISSION DATA
 EWER BOILER #3



6/4/80 J.B.

ATTACHMENT 5
Minutes of the June 10, 1980, Meeting of the LRAPA Board of Directors
(See third page)

M I N U T E S

LANE REGIONAL AIR POLLUTION AUTHORITY
MONTHLY BOARD MEETING
TUESDAY - JUNE 10, 1980

ATTENDANCE

- BOARD: Otto t'Hooft, Chairman - Lane County; Jack Delay - City of Eugene; Emily Schue - City of Eugene; John Lively - City of Springfield; Bill Whiteman - City of Cottage Grove; (ABSENT: Bill Hamel - City of Eugene; Bob Adams - City of Springfield)
- STAFF: Don Arkell, Program Director; Joyce Benjamin, Legal Counsel; Millie Watson, Recording Secretary; Marty Douglass; Merrie Dinteman; Dick Ruth
- OPENING: The meeting was called to order by Chairman t'Hooft at 12:15 P.M. in the agency conference room.
- MINUTES: Bill Whiteman MOVED to approve the minutes of the May meeting as submitted. Jack Delay SECONDED and the motion was approved unanimously.
- EXPENSE REPORT: Bill Whiteman MOVED to approve the expense report for May as presented. Jack Delay SECONDED and the motion was APPROVED unanimously.
- KINGSFORD COMPANY: Kingsford Company of Springfield request for a change in the interim date in their Compliance Schedule.
- Chairman t'Hooft stated there was a quorum of the board present, and asked the Program Director for some background on the request. Arkell stated the board approved a compliance schedule for the Kingsford Company in July of 1979 which contained a number of conditions. Kingsford has met all the conditions ordered by the board up to the first of May when it was required to determine and communicate whether or not it would enter into a co-generation plan with the Eugene Water and Electric Board. Kingsford has asked for an extension of the first interim date until June 15, 1980 to make a decision on this matter.
- Tom Faber of Kingsford Company stated they were looking at the question of co-generation from an economic point and no decision has been reached on whether or not to proceed with the plan. They are, in the meantime, proceeding with the alternate plan to attain compliance by the final compliance date.
- Jack Delay asked if it would be proper, inasmuch as the June 15, 1980 date is only five days away, to consider extending the request to the July board meeting date of July 8, 1980. Arkell said he would need action by the board to comply with this change.

MOTION: Jack Delay stated that with assurances from Kingsford they were continuing to work the optional plans and in order not to foreclose it he would MOVE to amend the compliance schedule so the date be extended to the next regular board meeting on Tuesday, July 8, 1980. John Lively SECONDED and the motion was APPROVED unanimously.

PUBLIC HEARING: Lane County request for a Variance to test the Resource Recovery Facility.

Chairman t'Hooft disqualified himself on this matter as he is an 'interested party' and appointed Jack Delay to preside as Acting Chairman for the Public Hearing.

Delay asked Arkell to provide the background on this request. Arkell stated, in the first part of May, Lane County had requested an extension of a variance which was issued by this board in July of 1979. The reason given for the request was that testing of pre-acceptance, under which the old variance was active, was terminated rather suddenly in November when there was an explosion in the plant. Since that time the plant has been restored to operating condition and the County and its contractor have been operating it at the variance pace for the past month or so. A by-pass has been created to exhaust air from the grinding operation in order to adequately convey material through the system. The original variance contained a stipulation that a temporary facility be installed to catch the large particles coming out of the by-pass as an interim control measure.

LRAPA staff has reviewed the request and suggest the variance apply only to the by-pass. Lane County's request basically asks for an extension of the current variance to allow it sufficient time to test the system, including the by-pass, to make sure that it is operating to the point where the county can accept it. It was the Director's recommendation that the variance be granted for the by-pass with the conditions listed in the staff report and that it be for a fixed period of time after which the pre-acceptance period performance tests be concluded and during the period which ends September 5, 1980, some source testing be done.

Acting Chairman Delay opened the public hearing at 12:40 p.m. and asked for testimony from Lane County.

Craig Starr testified that the facility has been operating since May 1, 1980 under a new pre-acceptance period, and for at least a portion of each working day during that period they have run, with at least the 400 tons required under the contract being processed most of the days. Some problems still exist with clogging of the fuel and primarily in the ash content and they are working on this problem with the contractor. Starr felt this should have no significant impact on the amount or quality of air that is bled off from the facility. Lane County is working with a consulting firm that is under contract to the EPA, to provide an

evaluation of the facility and to provide some evaluation of the impact on various boiler operations of combusting material. They will continue to use that technical assistance through EPA in the matter of getting the source testing done at the facility. The possibility of reducing the volume of air that has to be emitted even more than is the case right now is being investigated. At the present time approximately 30,000 cubic feet of air per minute is being exhausted and if the air portion of that which is required as makeup air can be by-passed, it would then be possible to reduce the amount to approximately 10,000 cubic feet per minute. This would reduce the size and cost of the air quality control equipment and, hopefully, move toward the goal of no emissions. In answer to Jack Delay's question, Starr said testing has not been done at the plant site on toxic materials but there will be an investigation to identify the toxic substances in the by-products. No testing is planned for toxic substances in the air which finally escapes the baghouse.

Chairman Delay closed the public hearing at 1:00 P.M. and asked the desire of the Board.

MOTION:

Bill Whiteman MOVED to adopt the Director's recommendation to reconfirm the original findings of fact and to grant the extension of a variance as recommended by the Director and subject to the conditions as scheduled in the recommendations, based upon the findings of fact that special circumstances render strict compliance unreasonable, burdensome or impractical due to special conditions. Emily Schue SECONDED and the motion was APPROVED with Bill Whiteman, Emily Schue, John Lively and Jack Delay voting 'Aye'. Otto t'Hooft did not vote.

The gavel was returned to Chairman t'Hooft.

PUBLIC HEARING:

Eugene Water and Electric Board request for a variance to use coal as a supplemental fuel.

Arkell stated that basically the Eugene Water and Electric Board has run out of wood or is running out of wood waste to burn. The wood which is available is of very low quality and has a lot of moisture in it. EWEB has requested a variance from the board to allow them to use coal in the one boiler they have which is equipped to burn coal, as a means to continue to supply customers with steam. A source test has been run on a trial burn and the results have been submitted.

The public hearing was opened at 1:05 p.m. and Ken Rinard of EWEB testified.

Rinard stated modifications will have to be made to the boiler before 100% coal can be burned. At the present time they can use a mixture of coal and wood and need the variance to see if this can be done and still hold the emissions down to a practicable level.

He asked that if EWEB could arrange its load shifters in a better way, that conditions #1 of the director's recommendation could be modified.

Arkell responded that maintaining load stability on the boiler was what was sought. If EWEB could accomplish this some other way, it would be acceptable.

Richard Owings asked if, under the variance, EWEB would still maintain essentially a .2 grain emission standard and was told the reason for requesting the variance was that the .2 grain loading level could be exceeded during the coal burning period.

Owings then stated he hoped the board would give some consideration to having EWEB use Resource Derived Fuel (RDF) from the Resource Recovery Facility as an alternate fuel if it proves to be satisfactory.

Arkell explained that the general situation is one of not only trying to deal with the short term circumstances EWEB is faced with, but with our other major fuel users in the area such as the University. There should be a longer range approach than EWEB's short range solution to the problem, which is to use some substitute fuel to make up this loss of wood. Air quality concerns should be considered in any kind of long range situation. The staff agreed with EWEB's proposal that a feasibility study be conducted as to what it feels it should do with its whole system, part of which includes what it should do with the central steam generating facility in the downtown Eugene area. The proposal should, when it is concluded, lead to a determination whether that existing plant will remain or whether it will either be replaced or will be eliminated altogether.

It is the Director's recommendation that the variance from the rules be issued with the following conditions:

1. That the boiler using coal (No. 3) be maintained in as steady an operational state as possible, that load changes be accommodated on either Boiler No. 1 or Boiler No. 2, utilizing oil, as needed.
2. Soot blowing should be restricted except during periods of maximum ventilation, and reduced to minimum during stagnant atmospheric conditions.
3. The coal utilized shall be washed, and shall have approximately the same moisture, ash, and BTU content as that which was used during the test period.
4. The coal handling system shall comply with all other requirements, including fugitive emissions.
5. That this variance shall expire on June 1, 1981 at which time

a report and conclusions, based on the feasibility study, will be submitted by EWEB. If the conclusions are that there will be continued use of the existing fuel burning equipment, the report shall include a schedule to install additional emission limits. If the conclusions are that the existing boiler system will be phased out, the report shall include a schedule of phase-out, and a description of interim contingency operating procedures to assure ongoing compliance.

To concerns expressed by Rinard of rigid interpretation of conditions the Board answered that the Program Director has administrative discretion between board meetings to make accommodations and bring them to the attention of the board, as in the decision to conduct source tests at EWEB.

t'Hooft closed the public hearing at 1:26 P.M.

MOTION:

Emily Schue MOVED to adopt the variance based on the report that, under the law, special circumstances renders strict compliance unreasonable, with the Director's conditions as listed, including the comments he made about adjusting under condition No. 1. Jack Delay SECONDED and the motion was APPROVED unanimously.

Bill Whiteman left at this time.

VACATION:

Chairman t'Hooft stated he would be on vacation from June 26th through July 14th and would not be here for the July meeting. He instructed the secretary to notify Bill Hamel, Vice-Chairman, that he would be required to Chair the Board for the July meeting. If Hamel cannot attend, then Jack Delay will act as Alternate Chairman.

t'Hooft asked legal counsel if an alternate County Commissioner would be allowed to sit in for him at the meeting as a voting member. He was told that this would not be in order as the LRAPA board is an independent board and is not part of any other governing body.

DIRECTOR'S REPORT:

Arkell reported the Kingsford Company, aside from its request for 45 days for point sources, has also requested an additional 90 days to install controls for fugitive dust. The request will be handled administratively.

Ash fallout in Lane County from the Mount St. Helens eruption has been detected on only one occasion and most of it appears to have been accompanied by rains. The monitoring instruments registered no detectable effects. Unless there is additional major activity and we happen to lie in the path of a fallout, it is unlikely we will receive large quantities of ash.

The AQMA is entering its final process stages and staff is working on a draft. DEQ has requested from EPA a short extension beyond the July 1 submittal date. The current time schedule is for a public hearing in August and adoption in September.

FUNDING:

The Lane County Budget Committee has approved support of this agency at the same level as the current fiscal year which is \$9,465 less than requested.

Jack Delay stated the City of Eugene has approved an 8% increase rather than the 10% requested and John Lively said the City of Springfield has approved the full amount requested. It was agreed, by the board that since this is the first year the governing bodies have not unanimously financed the agency at the requested levels, there would be no across-the-board cut to the current funding levels. It was determined that, should the trend continue, then they would take another look at it.

ADJOURNMENT:

There being no further business to come before the board, the meeting was adjourned at 1:55 P.M. The next regular board meeting will be held on Tuesday, July 8, 1980 at 12:15 p.m. in the agency conference room.

Respectfully submitted,

Millie Watson

Millie Watson
Recording Secretary

ATTACHMENT 6

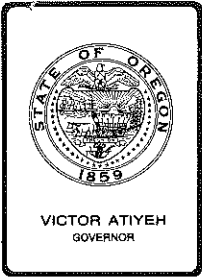
Agenda Item L, August 15, 1980, EQC Meeting.

Environmental Quality Commission hereby grants to Eugene Water and Electric Board a variance from the requirements of the Lane Regional Air Pollution Authority rule regarding the control of air emissions of pollutants to the atmosphere for the operation of Boiler No. 3 at the central heating plant only when firing coal and only until June 1, 1981. The variance is granted subject to the following conditions:

1. The boiler using coal (No. 3) shall be maintained in as steady an operational state as possible, with load changes to be accommodated on either boiler No. 1 or boiler No.2, utilizing oil, as needed.
2. Soot blowing shall be restricted except during periods of maximum ventilation and shall be reduced to minimum during stagnant atmospheric conditions.
3. Any coal utilized shall be washed, and shall have approximately the same moisture, ash, and BTU content as that which was used during the testing period.
4. The coal handling system shall comply with all other requirements including fugitive emission.
5. When the variance expires on June 1, 1981, a report and conclusions based on the feasibility study will be submitted by EWEB. If the report concludes the existing fuel burning equipment shall continue in use, it shall include a schedule to install additional emission control equipment to assure continuing compliance with emission limits. If the conclusions are that the existing boiler system will be phased out, the report shall include a schedule of phase-out and a description of interim contingency operating procedures to assure ongoing compliance.

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

AI252.A



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. M, August 15, 1980, Meeting

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

Background

The Lane County Resource Recovery Facility operates an air classification system which will separate material suitable for use as fuel. The discharge from this system needs additional controls to meet the LRAPA emission limits.

The operators of the Lane County Resource Recovery Facility requested an extension of the variance which was granted to them by the Board of Directors of the Lane Regional Air Pollution Authority on July 11, 1979, and approved by the Commission on August 31, 1979. The original variance allowed operation of an air classification system without controls until July 23, 1980, to provide adequate shakedown of the equipment and testing for proper sizing of controls. An extension of this variance has been requested until March 15, 1981.

The Board of Directors of the Lane Regional Air Pollution Authority approved the extension of the variance on June 10, 1980. The Regional Authority is required by ORS 468.345(3) to submit all variances to the Commission for approval, denial or modification.

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

Alternatives and Evaluation

The Staff concurs with the evaluation in the report presented to their Board of Directors by LRAPA (attachment 3). The original variance allowed time for startup and shakedown of the equipment before testing and sizing of controls. However, an explosion delayed the start of this process until May 1, 1980.



Contains
Recycled
Materials

The variance and extension granted by the LRAPA Board of Directors requires interim control measures to minimize emissions and monthly reports to monitor progress and compliance with the conditions of the variance. This source shall be in compliance by the expiration of the variance.

The Commission has the authority to approve, deny or modify the conditions of this variance. If the Commission has not acted within sixty days of the submittal (August 20, 1980), the variance is automatically approved.

Summation

1. On August 31, 1979, the Commission approved a LRAPA variance issued to the Lane County Resource Recovery Facility for operation of an air classification system without controls until July 23, 1980, to provide adequate time for shakedown of equipment and design of controls.
2. On June 10, 1980, the Lane Regional Air Pollution Authority Board of Directors approved an extension of the variance to March 15, 1981. The shakedown and testing of the equipment could not begin as scheduled until repairs of the damage caused by an explosion were made.
3. At the end of the variance period this source shall be in compliance with all emission limits.
4. LRAPA submitted the variance to the Department on June 20, 1980, for consideration by the Commission.
5. The Commission is authorized by ORS 468.345(3) to approve, deny or modify variances submitted by Regional Authorities.

Director's Recommendation

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



William H. Young

- Attachments
- 1) Letter of Submittal from LRAPA
 - 2) Variance Request - Lane County Resource Recovery Facility
 - 3) Analysis and Recommendations of LRAPA staff
 - 4) Minutes of the June 10, 1980, meeting of the LRAPA Board of Directors
 - 5) Modified Variance

EGW:i
F. A. Skirvin
229-6480
AI230.X (1)

LANE REGIONAL

AIR POLLUTION AUTHORITY



(503) 686-7618
16 Oakway Mall, Eugene, Oregon 97401

Donald R. Arke11
~~Walter A. Ackson~~ Program Director

June 20, 1980

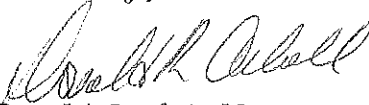
Mr. H.M. Patterson
Air Quality Division
Department of Environmental Quality
P.O. Box 1760
Portland, OR 97207

Re: LRAPA Permit No. 204729
Lane County Resource
Recovery Facility

Dear Mr. Patterson;

Enclosed are the pertinent documents supporting an extension of variance issued to Lane County by the LRAPA Board of Directors on June 10. The findings of the LRAPA Board of Directors included the same conditions under which the original variance was issued. The schedule in the summary and recommendations was agreeable to the County. Please note that the variance affects only the bleed-off vent. All other sources are expected to remain in compliance.

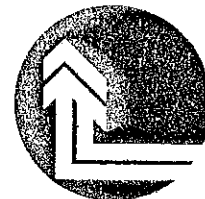
Sincerely,


Donald R. Arke11
Program Director

DRA/mjd

Enclosures: -Request for Extension of Variance (May 1, 1980)
-Letter of Acknowledgement of Request (May 8, 1980)
-Staff Report and Recommendations
-Minutes of June 10, 1980 LRAPA Board Meeting
-Variance

May 1, 1980

RECEIVED
MAY 02 1980

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

LANE REGIONAL AIR POLLUTION AUTHORITY

19136

RE: Resource Recovery Facility
Variance Request

Dear Mr. Arkell:

As you are aware, Lane County and Allis-Chalmers Corporation jointly requested an air quality variance from your agency in June 1979 for operation of the Resource Recovery Facility (RRF). On July 10, 1979, your agency issued such a variance, including a schedule which indicated that compliance would be achieved prior to July 23, 1980.

As you are also aware, the RRF has operated only sporadically since July 10, 1979 and in total during this time has run for only about 18 days. In addition, until very recently, the RRF had been totally inoperative since November 6, 1979 due to the effects of an explosion. Although most of the variance period has passed, very little of the work intended to be accomplished during the variance has been possible due to the extensive periods of RRF down time.

The intent of this letter is to request an extension of the variance to certain air quality requirements for operation of the Lane County Resource Recovery Facility (RRF) in Glenwood. A copy of the Allis-Chalmers Corporation and Lane County letters (dated June 21 and June 26, 1979, respectively) requesting and substantiating the need for the original variance are attached. I believe that the limited operation of the RRF since approval of the original variance means that the need still fully exists.

Lane County and Allis-Chalmers Corporation have negotiated and executed a contract amendment which permits another preacceptance and acceptance operation period with exactly the same requirements as in the original contract. The purpose of this period is still to permit testing and adjustments (perhaps, including adjustments in the quantity of bleedoff air) to the RRF under full time operation. As before, the preacceptance/acceptance period could conceivably vary between 50 work days (about 2 1/2 months) and 90 work days (about 4 1/4 months) depending on the frequency with which the products of the RRF meet contract specifications. Lane County still requests an additional variance permitting operation for a period of up to 6 months following acceptance to permit final design, delivery and installation of properly sized air quality control facilities.

Lane County is working with SYSTECH, a consulting firm under contract to the U.S. Environmental Protection Agency (EPA), and the Oregon Department of Environmental Quality (DEQ) to perform air quality testing at the RRF during preacceptance operations. In addition, the possibility of utilizing SYSTECH to

Don Arkell
May 1, 1980
Page Two

investigate the feasibility of ducting the makeup transport air around the air classifier to minimize the quantity of contaminated air which would go to a baghouse or other equivalent air quality control device is being investigated with EPA. Even if SYSTECH cannot conduct such an investigation, Lane County would still use some other means to investigate the ducting feasibility as a way of minimizing operational costs associated with air quality control.

In summary, Lane County is requesting a revision of the July 10, 1979 air quality variance approved by your agency to provide an extension of the variance time schedule, as follows:

1. Preacceptance operations at the RRF will resume on or about May 1, 1980 under the requirements of the July 10, 1979 air quality variance.
2. Preacceptance and acceptance operations shall be completed as soon as practicably possible, but no later than September 5, 1980.
3. Lane County shall implement measures which result in the proper design of air quality control facilities consisting of fabric filtration or approved equivalent control, and delivery and installation of such facilities by March 5, 1981 or 6 months after completion of preacceptance and acceptance operations, whichever comes first.
4. The temporary interim control measures provided at the RRF shall continue to be used during the period of the variance extension.
5. Allis-Chalmers Corporation and Lane County shall resume filing monthly reports indicating the status of the project and efforts being undertaken to install air quality control equipment.

If there are questions regarding this matter, please contact Craig Starr at 687-4119.

Sincerely,



Richard Owings, Director
Environmental Management

RO:kr

cc: Allis-Chalmers Corp.

Enc.

AGENDA ITEM 5

LRAPA BOARD OF DIRECTOR'S MEETING

June 10, 1980

TO: Board of Directors
FROM: Donald R. Arkell
SUBJECT: Lane County, Request for Variance to Test Resource Recovery Facility

Background

Lane County is requesting a variance from LRAPA regulations for a period of time necessary to allow thorough testing of the bleed-off vent at its resource recovery facility in Glenwood. In July 1979, the LRAPA Board issued a one-year conditional variance for this source, to allow acceptance testing of the facility itself, and delivery and installation of control equipment for the air bleed-off vent. This action was based on Lane County's need to see the system demonstrated at acceptable production levels prior to concluding its contract with the supplier, Allis Chalmers, Inc. LRAPA's position was that the bleed-off vent (not part of the original design) required "highest and best practicable" technology, represented by baghouse fabric filtration.

In November, an explosion occurred at the Resource Recovery Facility, interrupting the testing process and causing the complete shut-down of the facility until May of this year.

Staff Analysis

The staff, in its review of this request, and of the facility's operations, is aware of the innovative nature of the project and of the

stated benefits to Lane County if the project is successful in reducing the volume of solid waste for landfill and at extracting useable energy for supplemental fuel. The concern in this instance is how these operations can be carried out with minimum adverse effect on air quality. The following LRAPA regulations apply in this case:

Section 32-005. Notwithstanding specific emissions limits, highest and best practicable treatment and control of air contaminant emissions shall in every case be provided to maintain contaminant concentrations, visibility reduction, odors, soiling and other deleterious factors at the lowest possible levels.

Section 32-030. 0.1 grain per standard cubic foot of air. (The "highest and best" technology provision of Section 32-005 should produce 0.05 grains per cubic foot or less.)

Section 32-045. Weight of emissions based upon process weight. At maximum production capacity, approximately 45 pounds/hour would be allowed. ("Highest and best" technology would produce about 9 pounds/hour.)

Staff's interpretation of the original variance request, as well as the current request for its extension, is that Lane County desires to reinstate temporary immunity from enforcement actions for excessive emissions which may occur from the bleed-off vent during the acceptance/pre-acceptance period. Variance is not sought for any other point of

emission. The County is interested in minimizing the volume of air to be handled by a control device, so part of its testing program is to reduce the volume of air in the bleed-off so that costs of control are lowered.

Before the explosion halted the testing period at the facility, staff evaluated the nature of the material captured in the temporary control device installed at the exit of the bleed-off vent. It is known that some kinds of particulate exhibit properties which may present special control equipment design problems. In the case of fabric filtration systems, blinding, or blockage of the filter media can seriously hamper performance. The staff opinion is that the collected fibrous material may present such problems. If baghouse, or equivalent, technology is appropriate for this source, it should be designed to accommodate this specific emission. Source testing is indicated, to obtain a detailed characterization of the particulate material as it is emitted - including mass and particle size distribution, and moisture content of the exhaust.

This testing should be conducted during the pre-acceptance period and should provide sufficient information upon which to base a determination of highest and best practicable technology.

In order to issue a variance, the Board must make any of the following determinations:

- a) Conditions exist that are beyond the control of the persons granted such variance; or
- b) Special circumstances render strict compliance unreasonable, burdensome or impractical due to special physical conditions or cause; or
- c) Strict compliance would result in substantial curtailment or closing down of a business, plant or operation; or
- d) No other alternative facility or method of handling is yet available.

In addition, the Board must evaluate the equities involved, the advantages and disadvantages to residents affected by the emissions and to the person(s) conducting the activity.

Staff believes that the County is exercising good faith efforts to provide an expeditious program, and proposes the following schedule, which includes incremental steps of progress toward an acceptable system of control emissions from the bleed-off vent:

- I. Pre-acceptance performance tests concluded. September 5, 1980
(During this period, emissions from bleed-off vent should be characterized through source testing to determine "highest and best" control equipment type and design.)
- II. Plans and specifications, with Notice of Construction of control system submitted to LRAPA by Lane County. September 30, 1980

- | | |
|--------------------------------------------------|------------------|
| III. LRAPA review, evaluation of control system. | October 15, 1980 |
| IV. Major equipment purchase orders issued.* | November 1, 1980 |
| V. Installation initiated.* | February 5, 1981 |
| VI. Installation completed. | March 5, 1981 |
| VII. Compliance demonstrated.* | March 15, 1981 |

*Progress reports submitted ten days after the dates shown above.

Director's Recommendation

It appears that the conditions exist now, which served to justify the initial granting of variance in 1979, and there is assurance that the County is committed to pursue the implementation of suitable controls. It is recommended that this request for extension of the variance for the bleed-off vent at Lane County's Resource Recovery Facility be granted to March 15, 1981. This variance should incorporate the schedule as proposed in the staff analysis, above, as well as continued use of the temporary, interim control measures. If this extension and schedule is approved, the permit to operate shall be amended accordingly.

M I N U T E SLANE REGIONAL AIR POLLUTION AUTHORITY
MONTHLY BOARD MEETING
TUESDAY - JUNE 10, 1980ATTENDANCE

- BOARD: Otto t'Hooft, Chairman - Lane County; Jack Delay - City of Eugene; Emily Schue - City of Eugene; John Lively - City of Springfield; Bill Whiteman - City of Cottage Grove; (ABSENT: Bill Hamel - City of Eugene; Bob Adams - City of Springfield)
- STAFF: Don Arkell, Program Director; Joyce Benjamin, Legal Counsel; Millie Watson, Recording Secretary; Marty Douglass; Merrie Dinteman; Dick Ruth
- OPENING: The meeting was called to order by Chairman t'Hooft at 12:15 P.M. in the agency conference room.
- MINUTES: Bill Whiteman MOVED to approve the minutes of the May meeting as submitted. Jack Delay SECONDED and the motion was approved unanimously.
- EXPENSE REPORT: Bill Whiteman MOVED to approve the expense report for May as presented. Jack Delay SECONDED and the motion was APPROVED unanimously.
- KINGSFORD COMPANY: Kingsford Company of Springfield request for a change in the interim date in their Compliance Schedule.

Chairman t'Hooft stated there was a quorum of the board present, and asked the Program Director for some background on the request. Arkell stated the board approved a compliance schedule for the Kingsford Company in July of 1979 which contained a number of conditions. Kingsford has met all the conditions ordered by the board up to the first of May when it was required to determine and communicate whether or not it would enter into a co-generation plan with the Eugene Water and Electric Board. Kingsford has asked for an extension of the first interim date until June 15, 1980 to make a decision on this matter.

Tom Faber of Kingsford Company stated they were looking at the question of co-generation from an economic point and no decision has been reached on whether or not to proceed with the plan. They are, in the meantime, proceeding with the alternate plan to attain compliance by the final compliance date.

Jack Delay asked if it would be proper, inasmuch as the June 15, 1980 date is only five days away, to consider extending the request to the July board meeting date of July 8, 1980. Arkell said he would need action by the board to comply with this change.

MOTION:

Jack Delay stated that with assurances from Kingsford they were continuing to work the optional plans and in order not to foreclose it he would MOVE to amend the compliance schedule so the date be extended to the next regular board meeting on Tuesday, July 8, 1980. John Lively SECONDED and the motion was APPROVED unanimously.

PUBLIC HEARING:

Lane County request for a Variance to test the Resource Recovery Facility.

Chairman t'Hooft disqualified himself on this matter as he is an 'interested party' and appointed Jack Delay to preside as Acting Chairman for the Public Hearing.

Delay asked Arkell to provide the background on this request. Arkell stated, in the first part of May, Lane County had requested an extension of a variance which was issued by this board in July of 1979. The reason given for the request was that testing of pre-acceptance, under which the old variance was active, was terminated rather suddenly in November when there was an explosion in the plant. Since that time the plant has been restored to operating condition and the County and its contractor have been operating it at the variance pace for the past month or so. A by-pass has been created to exhaust air from the grinding operation in order to adequately convey material through the system. The original variance contained a stipulation that a temporary facility be installed to catch the large particles coming out of the by-pass as an interim control measure.

LRAPA staff has reviewed the request and suggest the variance apply only to the by-pass. Lane County's request basically asks for an extension of the current variance to allow it sufficient time to test the system, including the by-pass, to make sure that it is operating to the point where the county can accept it. It was the Director's recommendation that the variance be granted for the by-pass with the conditions listed in the staff report and that it be for a fixed period of time after which the pre-acceptance period performance tests be concluded and during the period which ends September 5, 1980, some source testing be done.

Acting Chairman Delay opened the public hearing at 12:40 p.m. and asked for testimony from Lane County.

Craig Starr testified that the facility has been operating since May 1, 1980 under a new pre-acceptance period, and for at least a portion of each working day during that period they have run, with at least the 400 tons required under the contract being processed most of the days. Some problems still exist with clogging of the fuel and primarily in the ash content and they are working on this problem with the contractor. Starr felt this should have no significant impact on the amount or quality of air that is bled off from the facility. Lane County is working with a consulting firm that is under contract to the EPA, to provide an

evaluation of the facility and to provide some evaluation of the impact on various boiler operations of combusting material. They will continue to use that technical assistance through EPA in the matter of getting the source testing done at the facility. The possibility of reducing the volume of air that has to be emitted even more than is the case right now is being investigated. At the present time approximately 30,000 cubic feet of air per minute is being exhausted and if the air portion of that which is required as makeup air can be by-passed, it would then be possible to reduce the amount to approximately 10,000 cubic feet per minute. This would reduce the size and cost of the air quality control equipment and, hopefully, move toward the goal of no emissions. In answer to Jack Delay's question, Starr said testing has not been done at the plant site on toxic materials but there will be an investigation to identify the toxic substances in the by-products. No testing is planned for toxic substances in the air which finally escapes the baghouse.

Chairman Delay closed the public hearing at 1:00 P.M. and asked the desire of the Board.

MOTION:

Bill Whiteman MOVED to adopt the Director's recommendation to reconfirm the original findings of fact and to grant the extension of a variance as recommended by the Director and subject to the conditions as scheduled in the recommendations, based upon the findings of fact that special circumstances render strict compliance unreasonable, burdensome or impractical due to special conditions. Emily Schue SECONDED and the motion was APPROVED with Bill Whiteman, Emily Schue, John Lively and Jack Delay voting 'Aye'. Otto t'Hooft did not vote.

The gavel was returned to Chairman t'Hooft.

PUBLIC HEARING:

Eugene Water and Electric Board request for a variance to use coal as a supplemental fuel.

Arkell stated that basically the Eugene Water and Electric Board has run out of wood or is running out of wood waste to burn. The wood which is available is of very low quality and has a lot of moisture in it. EWEB has requested a variance from the board to allow them to use coal in the one boiler they have which is equipped to burn coal, as a means to continue to supply customers with steam. A source test has been run on a trial burn and the results have been submitted.

The public hearing was opened at 1:05 p.m. and Ken Rinard of EWEB testified.

Rinard stated modifications will have to be made to the boiler before 100% coal can be burned. At the present time they can use a mixture of coal and wood and need the variance to see if this can be done and still hold the emissions down to a practicable level.

He asked that if EWEB could arrange its load shifters in a better way, that conditions #1 of the director's recommendation could be modified.

Arkell responded that maintaining load stability on the boiler was what was sought. If EWEB could accomplish this some other way, it would be acceptable.

Richard Owings asked if, under the variance, EWEB would still maintain essentially a .2 grain emission standard and was told the reason for requesting the variance was that the .2 grain loading level could be exceeded during the coal burning period.

Owings then stated he hoped the board would give some consideration to having EWEB use Resource Derived Fuel (RDF) from the Resource Recovery Facility as an alternate fuel if it proves to be satisfactory.

Arkell explained that the general situation is one of not only trying to deal with the short term circumstances EWEB is faced with, but with our other major fuel users in the area such as the University. There should be a longer range approach than EWEB's short range solution to the problem, which is to use some substitute fuel to make up this loss of wood. Air quality concerns should be considered in any kind of long range situation. The staff agreed with EWEB's proposal that a feasibility study be conducted as to what it feels it should do with its whole system, part of which includes what it should do with the central steam generating facility in the downtown Eugene area. The proposal should, when it is concluded, lead to a determination whether that existing plant will remain or whether it will either be replaced or will be eliminated altogether.

It is the Director's recommendation that the variance from the rules be issued with the following conditions:

1. That the boiler using coal (No. 3) be maintained in as steady an operational state as possible, that load changes be accommodated on either Boiler No. 1 or Boiler No. 2, utilizing oil, as needed.
2. Soot blowing should be restricted except during periods of maximum ventilation, and reduced to minimum during stagnant atmospheric conditions.
3. The coal utilized shall be washed, and shall have approximately the same moisture, ash, and BTU content as that which was used during the test period.
4. The coal handling system shall comply with all other requirements, including fugitive emissions.
5. That this variance shall expire on June 1, 1981 at which time

a report and conclusions, based on the feasibility study, will be submitted by EWEB. If the conclusions are that there will be continued use of the existing fuel burning equipment, the report shall include a schedule to install additional emission limits. If the conclusions are that the existing boiler system will be phased out, the report shall include a schedule of phase-out, and a description of interim contingency operating procedures to assure ongoing compliance.

To concerns expressed by Rinard of rigid interpretation of conditions the Board answered that the Program Director has administrative discretion between board meetings to make accommodations and bring them to the attention of the board, as in the decision to conduct source tests at EWEB.

t'Hooft closed the public hearing at 1:26 P.M.

MOTION:

Emily Schue MOVED to adopt the variance based on the report that, under the law, special circumstances renders strict compliance unreasonable, with the Director's conditions as listed, including the comments he made about adjusting under condition No. 1. Jack Delay SECONDED and the motion was APPROVED unanimously.

Bill Whiteman left at this time.

VACATION:

Chairman t'Hooft stated he would be on vacation from June 26th through July 14th and would not be here for the July meeting. He instructed the secretary to notify Bill Hamel, Vice-Chairman, that he would be required to Chair the Board for the July meeting. If Hamel cannot attend, then Jack Delay will act as Alternate Chairman.

t'Hooft asked legal counsel if an alternate County Commissioner would be allowed to sit in for him at the meeting as a voting member. He was told that this would not be in order as the LRAPA board is an independent board and is not part of any other governing body.

DIRECTOR'S
REPORT:

Arkell reported the Kingsford Company, aside from its request for 45 days for point sources, has also requested an additional 90 days to install controls for fugitive dust. The request will be handled administratively.

Ash fallout in Lane County from the Mount St. Helens eruption has been detected on only one occasion and most of it appears to have been accompanied by rains. The monitoring instruments registered no detectable effects. Unless there is additional major activity and we happen to lie in the path of a fallout, it is unlikely we will receive large quantities of ash.

The AQMA is entering its final process stages and staff is working on a draft. DEQ has requested from EPA a short extension beyond the July 1 submittal date. The current time schedule is for a public hearing in August and adoption in September.

FUNDING:

The Lane County Budget Committee has approved support of this agency at the same level as the current fiscal year which is \$9,465 less than requested.

Jack Delay stated the City of Eugene has approved an 8% increase rather than the 10% requested and John Lively said the City of Springfield has approved the full amount requested. It was agreed, by the board that since this is the first year the governing bodies have not unanimously financed the agency at the requested levels, there would be no across-the-board cut to the current funding levels. It was determined that, should the trend continue, then they would take another look at it.

ADJOURNMENT:

There being no further business to come before the board, the meeting was adjourned at 1:55 P.M. The next regular board meeting will be held on Tuesday, July 8, 1980 at 12:15 p.m. in the agency conference room.

Respectfully submitted,

Millie Watson

Millie Watson
Recording Secretary

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

MODIFICATION OF VARIANCE

The Board of the Lane Regional Air Pollution Authority hereby finds:

1. On July 10, 1979, the Lane Regional Air Pollution Authority granted to Allis-Chalmers Co., Appleton, Wisconsin, and Lane County, Oregon, a variance from the requirements of the Lane Regional Air Pollution Authority rules regarding the control of air emissions of pollutants to the atmosphere for the operation of the Lane County Resource Recovery Facility during the pre-acceptance/acceptance testing period.

2. The variance was granted for a period of one year commencing July 23, 1979, and ending July 23, 1980, to permit preliminary shake-down testing, pre-acceptance/acceptance testing and delivery, and installation of the control equipment after the end of the acceptance period.

3. In November of 1979 an explosion occurred at the resource recovery facility interrupting the testing process and causing the complete shutdown of the facility until May, 1980.

4. Lane County is requesting a modification of the variance issued July 10, 1979, for a period of time necessary

to allow thorough testing of the bleed-off vent at the resource recovery facility in Glenwood.

5. The resource recovery facility is of an innovative nature which may produce substantial benefit to Lane County by reducing the volume of solid waste for land fill and by extracting useable energy for supplement fuel.

6. Lane County desires to reinstate temporary immunity from enforcement actions for excessive emissions which may occur from the bleed-off vent during the acceptance/pre-acceptance period.

7. Lane County is interested in minimizing the volume of air to be handled by a control device so part of its testing program will reduce the volume of air in the bleed-off to lower the costs of control.

8. Some kinds of the particulate captured in the temporary control device installed at the exit of the bleed-off vent exhibit properties which may present special control equipment design problems. If a fabric filtration is used, blinding or blockage of the filter media may seriously hamper performance. The collected fibrous material emitted at the bleed-off vent may present such problems.

9. If a bag house or equivalent technology is used to control emissions from the bleed-off vent, it must be designed to accommodate these specific emissions.

10. Source testing is necessary to obtain a detailed characterization of the particulate material as it is emitted including mass and particle size distribution and moisture content of the exhaust.

11. Such testing must be conducted during the pre-acceptance period to provide sufficient information upon which to base a determination of the highest and best practicable technology.

NOW THEREFORE, the Board of the Lane Regional Air Pollution Authority hereby further finds:

1. Special circumstances render strict compliance with the regulations of the authority unreasonable, burdensome and impracticable because of special physical conditions involved in the operation of the Lane County Resource Recovery facility.

2. The Lane Regional Air Pollution Authority regulations, Section 23-015 and ORS 468.345 permit modification of a variance.

3. Any disadvantages to nearby residents affected by the emissions by grant of a modification of the variance to permit an extension of time will be relatively insignificant and short-lived.

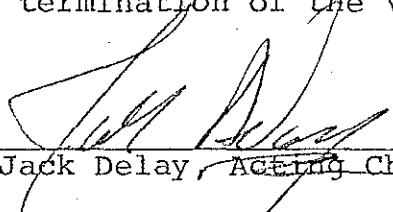
NOW THEREFORE based on the above findings, the variance granted by the Lane Regional Air Pollution Authority on July 10, 1979, is hereby modified to extend the period of variance from the regulations until March 15, 1981. The variance is granted subject to the following conditions:

Incremental steps of progress towards an acceptable system of control emissions from the bleed-off vent

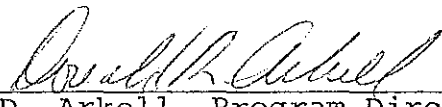
shall occur with:

- (a) Pre-acceptance performance tests concluded by September 5, 1980, (during the period emissions from bleed-off vents should be characterized through source testing to determine "highest and best" control equipment type and design).
- (b) Plans and specifications with notice of control systems shall be submitted to Lane Regional Air Pollution Authority by Lane County by September 30, 1980.
- (c) Lane Regional Air Pollution Authority review and evaluation of the control system shall occur by October 15, 1980.
- (d) Major equipment purchase order shall be issued by November 1, 1980, with a progress report submitted ten days thereafter.
- (e) Installation shall be initiated by February 5, 1981, with a progress report submitted ten days thereafter.
- (f) Installation shall be completed by March 5, 1981.
- (g) Compliance shall be demonstrated by March 15, 1981, with a progress report submitted ten days thereafter.

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

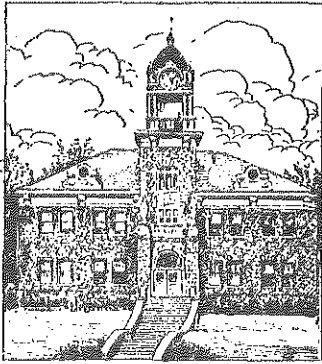
By: 
Jack Delay, ~~Acting~~ Chair

On: June 24, 1980

Attest: 
D. Arkell, Program Director

Rec'd 8/10/80
Q2

Morrow County Court



Morrow County Courthouse
Heppner, Oregon 97836
(503) 676-9233

DONALD C. McELLAGOTT, County Judge
Ione, Oregon
WARREN H. McCOY, Commissioner
Irrigon, Oregon
DOROTHY KREBS, Commissioner
Ione, Oregon

August 13, 1980

Steve Gardels
D.E.Q.
700 SE Emigrant - Suite 330
Pendleton, Oregon 97801

Dear Mr. Gardels:

It has been brought to our attention that the Commission for the Department of Environmental Quality, will be holding a regional meeting in Pendleton Friday, August 15, 1980.

The Morrow County Court would like to go on record in opposition to any cutbacks in personnel or service for our D.E.Q. region. The reason being that we are currently experiencing citizen resentment towards the length of time necessary to receive D.E.Q. permits and the related issuance of permits by our departments who must wait for D.E.Q. approvals.

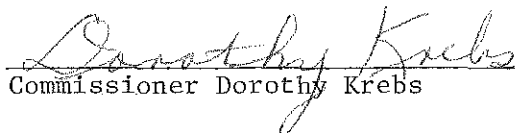
Further, Morrow County is facing in the near future an extreme increase in industrial expansion, all of which will require close scrutiny by your department. They are as follows:

- 1) The possibility of the location of a disposal site for the City of Portland sludge.
- 2) A sixty million dollar ethanol plant with waste problems.
- 3) The existing (now under construction) Simplot feed yard and related employee housing site.
- 4) The Boeing Company's proposed riverside industrial park, consisting of several thousand acres. (They are already proposing four new industries).
- 5) In addition we are experiencing an increase in housing starts that are now averaging 10 to 15 units per month and are expected to exceed 25 per month by October of this year.

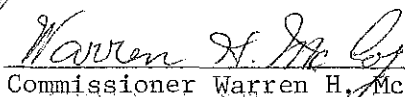
Sincerely,



Judge Donald C. McElligott



Commissioner Dorothy Krebs



Commissioner Warren H. McCoy

North Roseburg Sanitary District

Office: 691 N.E. Alameda — Mail: P.O. Box 176

Office Phone: 672-1551

ROSEBURG, OREGON 97470

August 14, 1980

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

Gentlemen:

Subject: Roseburg Regional Wastewater Treatment Facility Bypass

The current intergovernmental agreement between the City of Roseburg, Douglas County, and the Sanitary Districts provides for modular construction of the regional plant if the City is initially unable to participate. The design of the facility is approximately 30 percent complete with equipment purchase documents ready for bidding.

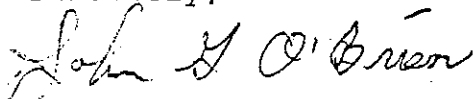
Considering our partial connection moratorium, the condition of our 30-year-old existing plant and the amount of work completed on the regional facility, we believe it is imperative to begin construction without delay. The initial segment would serve approximately one half of the Roseburg metro area and include the portion of the City of Roseburg within the North Roseburg Sanitary District.

Although it may be unintentional, the bypassing and termination of the regional project will penalize the Districts, who have always supported the project and have been eligible for Federal grants.

Almost 10 years ago, the Districts could have rehabilitated our existing plant at a relatively low cost. However, we have made a commitment to a regional system that has been shown to be the cost-effective solution for the entire Roseburg metro area.

We request that the Districts be allowed to proceed with construction of our portion of the regional facility. We do not believe the project can be bypassed and terminated without a commitment to the Districts, or firm course of action for the Districts to take toward meeting water quality standards.

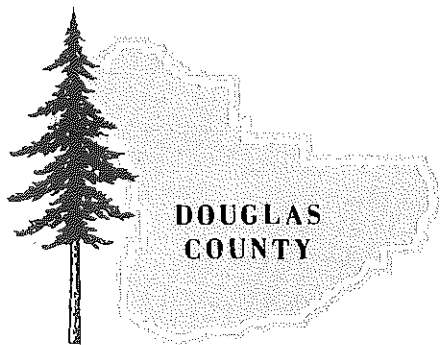
Sincerely,



John O'Brien, Board Chairman
North Roseburg Sanitary District

dmk

Rec'd 8/18/80
Q2



BOARD OF COMMISSIONERS

BILL VIAN

PAUL MAKINSON

BRUCE LONG

Courthouse

—

Roseburg, Oregon 97470

—

(503) 672-3311

August 14, 1980

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

Subject: Douglas County (Roseburg Metro)

Gentlemen:

The Roseburg Regional Wastewater Treatment Facility has been under stages of planning and design for the past 10 years. Approximately \$450,000 has been spent on the project to date.

In 1974, Douglas County received a Step 1 grant as the lead agency for the City and sanitary districts. As the result of the facilities plan, the City of Roseburg, North Roseburg Sanitary District, North Umpqua Sanitary District and Douglas County all approved and adopted the plan of a new, single regional treatment facility.

The major obstacle for the past several years has been the City's ineligibility for a Federal grant due to a user charge limitation in the city charter. To avoid additional major project delays, which have already more than doubled our costs, we have proposed staged construction. The sanitary districts' capacity could be constructed first, with the City's capacity to be constructed when they become eligible for a grant. The DEQ has agreed with this approach providing the City is committed to the regional project.

Thus the key to the entire project comes down to the City's commitment to the regional project. In an attempt to amend the city charter and remove the user charge limitation of \$2.60 per month, the City has gone to voters three times, and failed three times. The City Council has passed several resolutions in support of the project.

It seems to the County that the insistence upon a repayment rate, which the City has failed to assure, in lieu of a combination of rates plus property tax, which the City now employs, is going to cost the citizens of the area extreme hardship.

Although the agreement is in effect for the Districts and County, the city attorney does not believe the City can sign a binding agreement required by DEQ and EPA while the user charge limitation is in effect, and therefore the

Environmental Quality Commission
Page 2
August 14, 1980

City has not signed the new agreement. There seems to be legal arguments on both sides of this issue.

Our dilemma is the possible loss of the 10 years of effort over the subjective question of the City's commitment to the project. The 10,000 persons of the sanitary districts have always been eligible for Federal grants, and if the project is bypassed their commitment to the regional system may ultimately be so expensive as to be economically destructive. We understand that EPA may terminate the grant if it is bypassed this year. In the interest of water quality, we believe the bypass of the project will create more problems than it solves. The existing 20 to 30 year old plants cannot last much longer.

To the best of our knowledge, there is no alternative Federal grant available, nor can Douglas County ever hope to finance a project of this magnitude. Though the sewer problems for the City of Roseburg and the residents within the two sewer districts are not a jurisdictional responsibility of the County, we are vitally concerned over the health and welfare of all of the citizens of Douglas County, and have evidenced this concern by taking a substantial administrative and financial lead in its solution.


Therefore, on behalf of all the citizens of the Roseburg region of the County, we request that the staged project be allowed to continue, with our assurance to you that renewed effort to find a way for the City to participate will be made by all of us.

Sincerely,

BOARD OF COMMISSIONERS
OF DOUGLAS COUNTY, OREGON



Bill Vian, Chairman



Paul T. Makinson, Commissioner

J. B. Long, Commissioner

COONS & ANDERSON, P.C.

ATTORNEYS AT LAW

SOUTH PARK BUILDING

101 E. BROADWAY, SUITE 303

EUGENE, OREGON 97401

ALLAN H. COONS

BRUCE H. ANDERSON

DOUGLAS M. DUPRIEST

D. MICHAEL WELLS

AREA CODE 503
TELEPHONE 485-0203

August 13, 1980

Management Services Div.
Dept. of Environmental Quality

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

RECEIVED
AUG 13 1980

RE: Agenda Item No. 1., August 15, 1980 EQC Meeting;
WQ-Douglas County (Roseburg Metro) Step 2 and Step 3 C-410487

Dear Members of the Commission:

This firm represents Don and Betty Bailey, owners of property in the Garden Valley area outside the city of Roseburg. Portions of their property have been selected as a proposed site for the Regional Roseburg Sewage Treatment Plant. We support the DEQ staff's recommendation to bypass Step 2 and 3 grant projects scheduled for the Roseburg Metro Area Sewage Treatment Plant and the North Bank Interceptör Sewer at the August 15, 1980 meeting. We concur in the staff's recommendation but wish to add the following comments.

THE CURRENT PROPOSAL FAILS TO SATISFY STATE LAND USE REQUIREMENTS.

A. LCDC Goal 1 (Citizen Involvement)

There has been a total of three public hearings held on the issue of a Regional Sewer Treatment Plant for the greater Roseburg area. The first public hearing was called by the Douglas County Commissioners on March 31, 1975. The second public hearing was held by the Douglas County Department of Public Works on December 1, 1975. The area of service from the proposed facility and its location were not defined at the time of these hearings. The last public hearing on the Roseburg Regional Sewer System was held January 27, 1976. At this meeting, the three "alternatives" were discussed but there was no discussion of a specific site for the proposed plant and there was still no decision on the area of service from such a plant.

In a belated attempt to satisfy public demand, Douglas County has called a public hearing to be held on August 27, 1980, for the purpose of allowing public input on the selection of the site. The hearings in 1975 and 1976 may have satisfied EPA's public hearing requirements for sewage facilities, but they do not satisfy the State's requirement for citizen involvement in land use decisions of this magnitude. Presenting the citizens of the greater Roseburg area with a final decision to locate a Regional Plant in the Garden Valley area frustrates the opportunity for meaningful public input.

B. LCDC Goal 2 (Land Use Planning)

Although two of the possible sites contain agricultural soils (the Bailey and Laurance properties), there has been no discussion of the compelling reasons and

facts supporting an exception to LCDC Goal 3.

C. LCDC Goal 3 (Agricultural Soils)

Irrevocable commitment to non-farm uses of at least 20 acres of agricultural soils has not been justified. Manipulation of a proposed urban growth boundary cannot be used to ignore Goal 3's requirements. The Roseburg urban growth boundary has not been acknowledged by LCDC and therefore the state land use requirements apply directly to this decision.

D. LCDC Goal 11 (Public Facilities and Services)

In its land use consistency statement setting forth the rules for development and management of the grants priority list, the EQC has stated that the Department is to carefully review facility planning "to insure compatability with desirable growth patterns." Undesirable growth patterns are exactly what will result from the location of a sewage treatment plant in the Garden Valley area. One justification for placing the proposed plant in the Garden Valley area was that "[i]t could better serve existing concentrated development on the city fringe." Roseburg Urban Area Waste Water Facilities Plan, CH2M Hill, page 9-2. Besides being internally inconsistent, the statement reflects a misunderstanding of state requirements for desirable compact growth.

E. LCDC Goal 14 (Urbanization)

The location of a regional facility in the Garden Valley area will stimulate growth beyond any reasonably placed urban growth boundary and will stimulate growth even beyond the currently proposed urban growth boundary. There has been no discussion of any means to mitigate the stimulation of undesirable urban growth.

The above discussion is not exhaustive, since there are other relevant LCDC Goals involved. However, it is obvious that insufficient attention has been given to the significant and irreversible land use implications of siting the proposed regional plant in the Garden Valley area. Bypassing the proposed project for the current fiscal year would, at a minimum, provide the opportunity to consider these concerns.

THERE EXISTS A MORE ECONOMICAL ALTERNATIVE FOR A REGIONAL SEWAGE TREATMENT FACILITY

The city of Roseburg recently undertook a study of the feasibility of upgrading the existing Roseburg Sewer Treatment Plant to provide for regional needs. Brown and Caldwell and Boatwright Engineering, Inc. completed a study of this alternative in May, 1980. Upgrading the existing city plant to meet regional needs would not only be more economical, but would also be consistent both with state land use requirements and the original design of the city plant.

Funding of a regional plant located in the Garden Valley area commits the residents of the greater Roseburg area (including those within the city of Roseburg)

to an unnecessarily expensive project which will create irreversible adverse land use consequences.

We strongly recommend that the EQC accept the staff's recommendation to bypass the above project for the 1980 fiscal year.

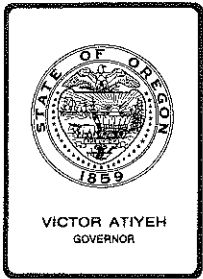
Respectfully submitted,

COONS & ANDERSON, P.C.

A handwritten signature in black ink, appearing to read "D. Michael Wells", written over the typed name below.

D. Michael Wells

DMW/hlc



Department of Environmental Quality

522 S.W. 5th AVENUE, BOX 1760, PORTLAND, OREGON 97207

MEMORANDUM

August 15, 1980

TO: Governor Atiyeh
Members, Environmental Quality Commission

FROM: Bill Young, Director

SUBJ: Field Burning Status Report

BACKGROUND

The 1979 Legislative Assembly passed into law a 250,000 acre limit for burning of grass seed and grain fields in the Willamette Valley. Strong emphasis in the law is placed on use of daily smoke management by the DEQ to minimize smoke intrusions into populated areas. The Environmental Quality Commission adopted administrative rules to affect the legislative direction. Those rules were submitted to the U.S. Environmental Protection Agency (EPA) and approved last month as a revision to the State Implementation Plan. For the first time in almost a decade state and federal law are parallel.

PERFORMANCE STANDARD

The rules for smoke management rely largely on a performance standard in the Eugene/Springfield area. This performance standard was worked out in lengthy negotiations between the City of Eugene, the Oregon Seed Council and the department.

The performance standard tightens the criteria for the daily burning allowance as more and more smoke is measured in Eugene or Springfield. The intrusions are measured electronically at the Lane Community College campus in downtown Eugene and at the Springfield City Hall.

Under normal conditions burning is allowed on days when the straw stubble is sufficiently dry, when there is good atmospheric ventilation and when direction and speed of the wind are appropriate. After an accumulation of 14 hours of smoke intrusion in Eugene and Springfield above a certain level, the criteria used by the department to allow burning is tightened. It becomes more conservative still for each five hours of additional smoke above standards.

Though the DEQ does measure smoke levels in other communities in the valley (and reads them on a real-time basis through a telemetered data acquisition system), the performance standard only exists in Eugene.

OREGON SEED COUNCIL ROLE

The Oregon Seed Council, which represents most of the growers in the valley, plays a major role in the daily smoke management program. Under contract to the state, they provide an extensive two-way radio communications network, aerial surveillance, meteorological measurements, test fires and make daily (sometimes hourly) recommendations to the DEQ smoke management team. The radio network allows the DEQ, the fire districts, the Seed Council representatives and the growers to communicate instantaneously as conditions change. Each farmer is informed through personal radio pagers of the burning conditions and requirements.

The department's intent is to transfer a larger role to the Seed Council in the future. The DEQ would retain its more traditional role of monitoring and enforcement.

PERFORMANCE THIS SEASON

As of August 14, about 53,000 acres have been burned of the 297,000 acres registered. This is about the same amount of burning as this time last year.

Smoke intrusions into Eugene/Springfield have totaled about 2.5 hours against the 14 hour performance standard. There have also been heavy intrusions into other valley communities and complaints from central Oregon as well. Specific incidents are as follows:

- July 27 -- heavy smoke in Lebanon for 3 hours. Later drift into Eugene/Springfield.
- July 29 -- lower valley had smoke from experimental burning and slash.
- Aug. 10 -- Smoke in Lebanon during early evening from limited field burning.
- Aug. 11 -- 10,000 acres released for burning at 12:45 pm. Winds died, then shifted. Dense smoke in Lebanon, Sweet Home, Halsey, Scio, Stayton, Canby. Burning terminated at 1:30 pm.

FOLLOW-UP

As a result of the extremely heavy smoke intrusions into the mid-valley, the DEQ met with the Seed Council and fire districts from the area to revise procedures. New procedures will limit the number of fires in an area that may be burning at one time. This will reduce density of smoke and allow quicker adjustments, but some smoke intrusions will continue and complaints will still occur.



STATE OF OREGON

INTEROFFICE MEMO

Public Affairs

6488

DEPT.

TELEPHONE

William Young
Jim Swenson

DATE: August 14, 1980

TO:

FROM:

Janet A. Gillaspie

SUBJECT:

Details on Performance Standard

The air quality performance standard for field burning was negotiated between the City of Eugene and the Oregon Seed Council following the passage of SB 472(79) authorizing 250,000 acres of grass seed fields to be burned annually.

That standard was included in the agricultural burning rules adopted by the Commission at their January meeting.

The performance standard tightens the criteria for mixing height after 15 average total hours of smoke intrusion are recorded in Eugene or Springfield. (Lane Community College site at 7th & Willamette downtown Eugene, Springfield library 320 North A.)

The clock starts running on smoke intrusions when either site records an hourly B-scat reading, measured on the nephelometer, of 1.8 units above background levels.

The background level is determined by averaging the three hourly readings prior to the intrusion. B-scat readings 5 units above the background are doubled (i.e., 1 hour of 22 b-scats above the background level of 0.8 is two hours on the smoke intrusion "clock".) After the 15th of September, the doubling rate is at 4, not 5 b-scat units above background. This is to account for poorer fall ventilation patterns, and to discourage wide-spread unauthorized burning late in the season.

As intrusions are clocked above 15 hours the mixing height required to allow burning is raised.

<u>Hours of Smoke Intrusion In the Eugene-Springfield Area</u>	<u>Allowable Effective Mixing Height (feet)</u>
0 - 14	No minimum height
15 - 19	4,000
20 - 24	4,500
25 and greater	5,500

Below 14 hours the mixing height must meet a general requirement of being at least 12.5 when divided by 1000 times the wind speed in knots. Mixing height is determined setting test fires and observing plume rise height.

STATUS:

- As of 14 Aug approximately 53,000 acres had been burned. This is approximately equal to the burned acreage at this point in the season last year.
- Only two general days of quota release burning have been allowed. Both have pushed high levels of smoke into the Lebanon/Halsey/Sweet Home area. The remaining acreage has been released on a field-by-field basis.
- 2.5 hours of smoke intrusion has been recorded in Eugene, occurring in the late afternoon/evening of 11 Aug 80.
- Rain in early July has prompted re-growth on many fields. The greening is more significant than last season and is contributing to the smoke problems.
- Freeburn would expect that several notices of violation would be issued after Monday's problems.

Freeburn and the Seed Council have agreed to more strict operating procedures in Linn County fire districts to attempt to avoid the type of extremely heavy smoke in Lebanon on Monday. In the future, Linn County fire districts will be limited to the number of fires they can have burning at one time. This should significantly reduce the density of smoke hitting the Lebanon area. Spacing the fires should allow greater time for dispersion, and should allow the Department and the Seed Council to respond to changes in weather conditions prior to all the released acreage being in the air. Since these changes are more restrictive than the current regulations, Freeburn sees no need to more rule-making on these changes at this time. He will likely incorporate this procedure into the 1981 burning rules should it work.

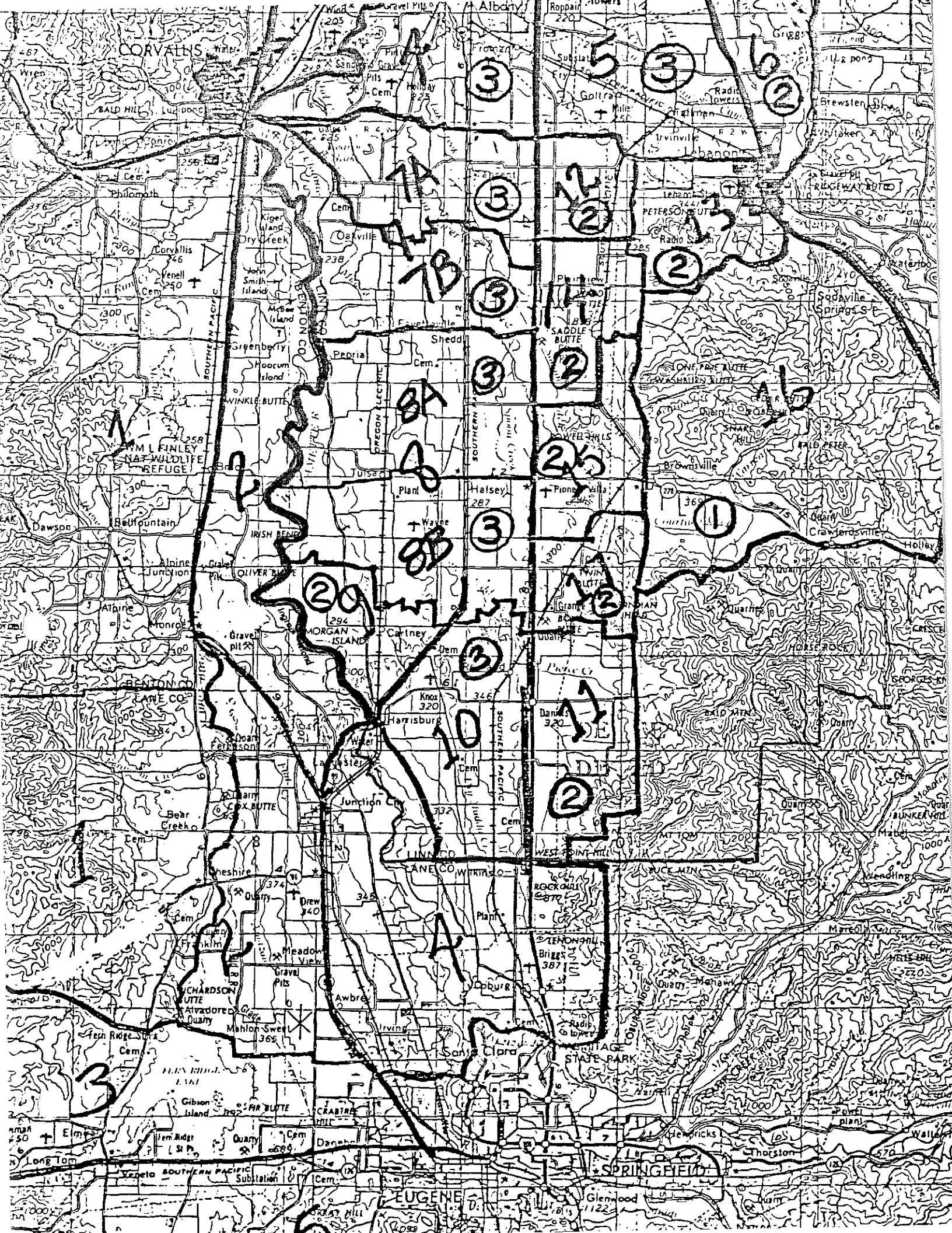
8/13/50

Jack,

Attached is the Linn Co. Zone Map we will be using henceforward. The zones were identified to growers and permit agents this spring and all are familiar with burning within these areas. They are identified by the large numbers.

The circled numbers identify the number of fields which may be burning at any time under what will be an standard Linn Co. Field Release Rate. Quotas will remain in effect and these field density can be modified to suit particular daily conditions. (Typically zones upward of Lebanon and Sweet Home will be significantly curtailed.)

For the purposes of equity to all growers under this program, individual permits will be automatically revoked if not used within one hour or other time period specified by the permit agent. Permits then cannot be held and unused by an individual grower. S.A.F.



Speed Letter.

To Bill Young

From Carol Spletstaszer

Subject Future EQC Meeting Places

-No. 9 & 10 FOLD

MESSAGE

Date 8/11/80 19

Among other things, on Friday we'll need to discuss with the Commission where they wish to hold future meetings. I've attached a memo from Dick Nichols in which he outlines some reasons why we should go to Bend in September. Also, Weathersbee feels we must be in Medford in December. Other than that I've not heard any other reasons to be out of the Portland area.

The proposed dates are:

- September 19 - *bend*
- October 17
- November 21
- December 19

-No. 9 FOLD

-No. 10 FOLD

Signed

Carol

REPLY

Date _____ 19

-No. 9 & 10 FOLD

Signed

Memo

To: Carol S.

From: Nichols - Bend

Subject: Bend EQC Meeting - September 80.

I anticipate the following items will either be on the agenda at the September 19, 1980 EQC meeting or will result from the meeting:

1. An appeal by the City of Prineville concerning Oregon Administrative Rules requiring connection to sewer if available, OAR ~~340-71-015~~ 340-71-015(s) and ~~340-71-015~~ 340-71-010(c).
2. A ~~request~~ petition by septic tank installers to modify certain aspects of the "capping fill" rules.
3. A tour of the new Bend STP.
4. Public Forum
 - a. Complaints about field burning impact on Central Oregon. (Probably 2 people will testify.)
 - b. Concerns of subsurface sewage disposal in La Pine.
5. Request by Westside S.D. (R-Falls) for plan review of alternative facilities to alleviate health hazard in Stewart-Lennex.



STATE OF OREGON

INTEROFFICE MEMO

TO: Bill Young cc: Ray Underwood DATE: August 13, 1980
 cc: HLSawyer/TJOsborne cc: FMBolton cc: DSJohnson
 cc: LHLowenkron cc: GWMesser/File

FROM: John Borden

SUBJECT: WQ-River Road/Santa Clara, Lane County
RE: EQC-Lane County Stipulated Agreement

Stan Biles, Larry Lowenkron and I prepared another draft stipulated agreement on August 12. This draft (attached) reflects Commissioner Rutherford's recommendations made on August 11 in Salem.

Rutherford represented the August 12 draft to the Lane Board of Commissioners on August 13. The Board offered little discussion, and moved that it should be the only version sent to their two public hearings on August 21.

But Stan Biles questioned the Board as to whether they really intended to drop the July 24 draft (also attached). The Board admitted to inadequate understanding of the most recent draft, and decided to send both versions to public hearing.

The August 12 draft contains the following important points:

1. A recognition that River Road/Santa Clara eventually shall be served by urban services.
2. Groundwater is polluted.
3. Sewers are the effective method to reduce pollutants.
4. Sewers will go to the MWMC sewage treatment plant.
5. Lane County will maintain the current subdivision moratorium in River Road/Santa Clara at least until they adopt a long-term urban master sewerage plan, adopt a plat control program, and adopt an interim sewage collection, treatment and disposal ordinance.
6. After adoption of the master sewerage plan, Lane County will design the River Road/Santa Clara sewage collection system.
7. Regarding resolution of the jurisdictional question, Lane County will provide detailed information for formation and operation of a County Service District. A separate triparty agreement among Lane County, City of Eugene, and EQC is recommended to provide the same information for annexation.



Contains
Recycled
Materials

The July 24 draft also up for consideration at the August 21 hearings does not contain these key points:

1. A clear reopener for the EQC if satisfactory progress is not demonstrated.
2. Recital of possible EQC actions in the event of inadequate progress.
3. Adoption of past sewerage planning documents for the River Road/ Santa Clara area or a commitment to prepare a master sewerage plan including collector sewer design.
4. A commitment to central sewage treatment (MWMC plant).
5. Any method other than the courts for resolving the jurisdictional question (i.e., who should provide services).

The Lane Board may make decisions at the conclusion of both hearings on August 21, or they may delay. Their decision may range from "no agreement" to adoption of one of the drafts or a modified draft.

Public sentiment on August 21 will likely be "no sewers" and certainly "no annexation", more than whether there is a pollution problem.

LCDC's recent Lake Oswego decision indicates their reluctance to give direction as to who shall provide services within urban growth boundaries but outside city limits.



WJ

Attachments:

1. August 12 draft agreement.
2. July 24 draft agreement.

Draft, For Discussion Purposes

Attachment 1
August 12

INTERGOVERNMENTAL AGREEMENT

WHEREAS, the Lane County Board of Commissioners and the Environmental Quality Commission recognize that public health must be protected and that a high-quality environment be maintained in the area generally known as River Road/Santa Clara, and

WHEREAS, Lane County recognizes that the River Road/Santa Clara area should eventually receive urban services including but not limited to sewerage, police protection, fire protection, and community water supply, and

WHEREAS, recent studies indicate that portions of the shallow groundwater in the area are contaminated with bacteria and nitrate-nitrogen, and

WHEREAS, studies indicate that significant pollutants may result from septic tank discharges from current developments, and

WHEREAS, Lane County and the Environmental Quality Commission agree that sanitary sewers are the effective long-term method to reduce the level of contaminants, and

WHEREAS, Lane County recognizes that the sewage treatment needs of the area should be primarily provided by the Metropolitan Wastewater Commission's Sewerage Treatment Facility, and

WHEREAS, Lane County and the City of Eugene have not jointly determined the most appropriate jurisdiction to provide sanitary collections facilities to the area, and

WHEREAS, both jurisdictions recognize the planning and installation of long-term sanitary facilities in the area requires resolution of the question of jurisdictional responsibility, and

WHEREAS, Lane County and the EQC agree that concerted governmental effort to enhance the public health should be initiated prior to resolution of the jurisdictional question,

THEREFORE BE IT HEREBY RESOLVED:

- I. Lane County hereby agrees to remove its current subdivision moratorium which was originally implemented on June 9, 1971 after the following have been accomplished:
 - A. Lane County adopts a long-term urban master sewerage plan as described in Condition _____.
 - B. Lane County develops and adopts an interim sewage collection, treatment and disposal ordinance as described in Condition _____.

C. Lane County develops and adopts a plat control program as described in Paragraph ____.

II. Lane County agrees to adopt a long-term urban master sewerage plan 60 days after approval of this agreement for the River Road/Santa Clara area. Such plan shall utilize or amend the existing "Eugene-Springfield Metropolitan Area Treatment Alternatives 208 Plan" of April 1977. This master sewerage plan shall specify the method of management, collection, treatment and disposal of sewage. Within 12 months of adoption of the master sewerage plan, design of the River Road/Santa Clara sewage collection system shall be completed.

III. Lane County agrees to develop and adopt an interim sewage collection, treatment and disposal ordinance by _____ for the River Road/Santa Clara area. Interim facilities are defined as temporary, and are to be replaced by permanent regional facilities when available.

Interim facilities shall include but not be limited to standard subsurface sewage disposal systems, mechanical oxidation facilities, sewage stabilization ponds, sand filters or others as described in Oregon Administrative Rules 340-71-005 through 71-045.

The ordinance shall at a minimum specify:

A. Minimum criteria for facilities siting and construction.

B. Who will own and operate the facilities.

C. Under what circumstances and time schedules the facilities shall be salvaged or abandoned.

IV. Lane County agrees to develop and adopt a new "Plat control program" no later than July 1, 1981, to facilitate reasonable development in the area.

The purpose of a plat control program is to maintain desired ultimate development density potential in areas where development may occur at lower densities prior to provision of full urban services. Developing areas outside of cities rely upon on-site sewage disposal. The large parcel sizes necessary to accommodate on-site sewage disposal can diminish ultimate density potentials and preclude the economical provision of urban services if plat control is not implemented.

V. Lane County agrees to continue a public education program originally implemented on February 21, 1980.

VI. Lane County agrees to provide semi-annual progress reports to the EQC to indicate the status of these programs and the interagency jurisdiction question. The first report is due January 1, 1981.

VII. The EQC will review the semi-annual progress reports in V., above. The EQC shall conduct a public hearing by no later than January 1, 1982 to evaluate progress. Upon review of said progress reports, at the public hearing, or at any other time the EQC may comment, assist, or take action outside the intergovernmental agreement including but not limited to that described in Oregon Revised Statutes (ORS) 222.850 through 222.915, ORS 454.235(2), and/or ORS 454.685.

- VIII. Lane County agrees to work with the public, and affected public agencies during the planning and implementation of the public education, plant control, and alternative interim sewage programs.
- IX. Lane County agrees to facilitate an ultimate resolution of the jurisdictional question by providing information to residents of the area regarding formation and operation of a County Service District. This information shall describe the formation process, identify services which may be provided by a service district, and estimate the cost of providing such services. Lane County shall begin dissemination of this information no later than July 1, 1981. If area residents choose to refer the creation of a service district to a vote, Lane County will process their request in a timely manner under provisions of ORS 198, 450 and/or 451.
- X. Lane County and the Environmental Quality Commission agree that resolution of the jurisdictional question will hasten improvement in groundwater quality and thereby enable further development of the area. A separate tri-party agreement among Lane County, the Environmental Quality Commission, and the City of Eugene is needed to define a joint process to distribute information regarding jurisdictional alternatives to area residents. In particular the City is encouraged to develop positions on, and disseminate information pertaining to a) annexation procedures, b) available city services, c) costs of identified services, and d) optional strategies to deliver services including but not limited to phased delivery of city services and phased financial mechanisms. A tri-party agreement including provisions identified above should be completed no later than December 1, 1980.
- XI. Upon a delineation of the appropriate jurisdiction to provide long-term sanitary services, Lane County agrees to develop or to work closely with appropriate public agencies to develop a plan to provide sanitary facilities.
- XII. The EQC agrees to offer Lane County technical staff assistance on call as expeditiously as possible. To enhance local program capabilities, such assistance will not exceed one-fourth FTE position to fulfill all provisions of this agreement.
- XIII. The EQC agrees to adopt a final groundwater quality policy, as discussed on 18 April, 1980, on or before March 1981.
- XIV. Lane County and the Environmental Quality Commission agree that timely implementation of this agreement may be impacted by federal and state regulations, litigation, and financial conditions. Therefore, Lane County reserves the right to request from the EQC alterations to initially established time schedules.

Board of County Commissioners
of Lane County, Oregon

Environmental Quality Commission
of Oregon

By: _____
Otto t'Hooft, Chairman

Harold Rutherford, Vice
Chairman

Vance Freeman

Gerald Rust

Archie Weinstein

Date

By: _____

Date

Approved as to Form

Date

INTERGOVERNMENTAL AGREEMENT

*Attachment 2
July 24*

WHEREAS, the Lane County Board of Commissioners and the Environmental Quality Commission recognize that public health must be protected and that a high quality environment be maintained in the area generally known as River Road/Santa Clara, and

WHEREAS, recent studies indicate that the shallow groundwater in the area is contaminated with high levels of bacteria and nitrate-nitrogen, and

WHEREAS, studies indicate that these pollutants primarily result from septic tank discharges from current developments, and

WHEREAS, Lane County and the Environmental Quality Commission agree that sanitary sewers are the most effective long-term method to reduce the level of contaminants, and

WHEREAS, Lane County and the City of Eugene currently disagree regarding the most appropriate jurisdiction to provide urban services including sanitary sewers to the area and this disagreement has been forwarded to LCDC as part of the metropolitan land use planning process for resolution, and

WHEREAS, both jurisdictions recognize the planning and installation of sanitary sewers in the area is impossible until the jurisdictional question has been completely resolved, and

WHEREAS, the EQC cannot indefinitely remain in waiting for resolution of said jurisdictional question, and

WHEREAS, Lane County and the EQC agree that the maximum possible governmental progress to enhance the public health must be achieved prior to resolution of the jurisdictional question,

THEREFORE BE IT HEREBY RESOLVED:

- I. Lane County agrees to continue two current programs designed to reduce groundwater contamination and decrease human contact with contaminated water. First, Lane County agrees to continue its current subdivision moratorium which was originally implemented on June 9, 1971.
 - 1) No new subdivision (i.e., a subdivision not previously granted preliminary and/or final approval) will be approved.
 - 2) Any subdivision previously granted preliminary and/or final approval that has expired will be evaluated on an individual basis.
 - 3) This policy shall remain in effect until such time as a program for the installation of a public sewerage system in the River Road-Santa Clara area has been undertaken.

- 4) Further resolutions by the Board of County Commissioners:
 - a) The Board will exert all possible efforts to establish or assure establishment of a sewerage system and is confident that this curtailment of subdivision activity is in the public interest.
 - b) In the event engineered sewer plans for the River Road-Santa Clara area are adopted by Lane County or other agency, no subdivision will be approved in the area covered by such sewer plans unless either "dry line" sewers or "active" sewers with appropriate interim sewage treatment and disposal facilities are installed in the subdivision in accordance with the area master sewage plan and with other appropriate specifications.

Secondly, Lane County agrees to continue a public education program originally implemented on February 21, 1980, with the following elements:

- 1) Identification of homes and businesses who use the shallow aquifer for consumption.
 - 2) Identification of users of the shallow aquifer for irrigation.
 - 3) Direct contact with those individuals utilizing the shallow aquifer for consumption purposes.
 - 4) General news media release to the public on shallow aquifer use and protection.
 - 5) Public meetings and information release to community organizations and granges and realty groups regarding shallow aquifer use.
 - 6) Provide continued assistance and information to individuals who depend on shallow wells regarding remedial or mitigation measures.
- II. Lane County agrees to develop and consider a new "Plat control program" no later than July 1, 1981, to facilitate reasonable development in the area.

The purpose of a plat control program is to maintain desired ultimate development density potential in areas where development may occur at lower densities prior to provision of full urban services. Developing areas outside of cities rely upon on-site sewage disposal. The large parcel sizes necessary to accommodate on-site sewage disposal can diminish ultimate density potentials and preclude the economical provision of urban services if plat control is not implemented.

- III. Lane County agrees to provide quarterly progress reports to the EQC to indicate the status of these programs and the interagency jurisdiction question.

- IV. The EQC will review the quarterly progress reports in III., above, and determine whether any EQC comment or assistance outside the intergovernmental agreement is appropriate.
- V. Lane County agrees to work with the public, and affected public agencies during the planning and implementation of the programs identified above.
- VI. Upon a final resolution of the jurisdictional issue, Lane County agrees to develop or to work closely with appropriate public agencies to develop a plan to provide sanitary sewers and/or sewage collection and treatment facilities to the area. The County's role will be determined by the ultimate outcome of the jurisdictional question.
- VII. The EQC agrees to offer Lane County technical staff assistance on call as expeditiously as possible. To enhance local program capabilities, such assistance will not exceed one-fourth FTE position to fulfill all provisions of this agreement.
- VIII. The EQC agrees to exert influence to prompt a quick administrative recommendation from LCDC concerning the jurisdictional question.
- IX. The EQC agrees to adopt a final groundwater quality policy, as discussed on 18 April, 1980, on or before March 1981.

Board of County Commissioners
of Lane County, Oregon

By _____

Position _____

Date _____

Environmental Quality Commission of
of Oregon

By _____

Date _____



STATE OF OREGON

INTEROFFICE MEMO

TO: Distribution List

DATE: August 13, 1980

FROM: L. D. Brannock *L. D. Brannock*

SUBJECT: Open Burning Rules Schedule (Revised)

The revised schedule for adoption of open burning rules delays the hearing process two weeks to bring the hearing announcement closer to the September 19 date for authorization. The starred items in the following schedule are changed from my memo of August 1, 1980.

- August 15 E. J. Weathersbee to brief EQC on open burning rules schedule at EQC meeting in Pendleton.
- August 29 Agenda title due for September 19th EQC meeting.
- * September 5* Statement of need and hearing notices delivered to Secretary of State for publication in Bulletin September 15, 1980.
- September 5 Staff report due for September 19th EQC meeting - Request authorization to hold public hearings.
- * September 15* Notice of public hearing published in Secretary of State's Bulletin and in local papers around the state. Hearings to be held during first two weeks in October in Portland (2), Eugene, Medford, Bend. (Maybe also Pendleton and Coos Bay - to be decided). Proposed rules ready for distribution to public.
- September 19 EQC meeting in Bend. Receive authorization to hold public hearings.
- * October 15-24* Hold public hearings.
- November 28 Agenda title for December 19th EQC meeting.
- December 5 Staff report due for December 19 EQC meeting.
- December 19 EQC meeting to adopt rules. Effective date of rules to be January 1, 1981.

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