

10/17/1980

**OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS**



State of Oregon
**Department of
Environmental
Quality**

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OREGON ENVIRONMENTAL QUALITY COMMISSION MEETING

October 17, 1980

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

AGENDA

9:00 am CONSENT ITEMS

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

A. Minutes of the September 19, 1980, Commission meeting.

B. Monthly Activity Report for September, 1980.

C. Tax Credit Applications.

~~D. Request for authorization to conduct a public hearing regarding proposed changes in the ambient air quality standard for ozone.~~

POSTPONED

E. Request for authorization to hold public hearing on proposed revised open burning rules, OAR 340-23-025 through 340-23-050 and OAR 340-30-070 to:

1. Define an area in and around Portland for permanently prohibiting domestic (backyard) burning,
2. Establish a schedule pursuant to ORS 468.450 for regulation of open burning, including agricultural open burning, outside of the Willamette Valley, and
3. Make extensive structural and language changes to make rules easier to understand and use.

F. Request for authorization to conduct public hearings on amendments to rules governing subsurface and alternative sewage disposal, OAR 340-71-005 to 71-045, 340-72-005 to 72-030, 340-74-004 to 74-025, and 340-75-010 to 75-060.

G. Request for authorization to conduct a public hearing to consider amendments to solid waste management rules, OAR 340-61-005 through 61-110. (State Solid Waste Plan under RCRA)

(MORE)

9:15 am PUBLIC FORUM

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

ACTION ITEMS

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

- 10:00 am I. Public hearing as to whether to repeal, modify, or make permanent the current temporary regional subsurface sewage disposal rule in effect in the River Road/Santa Clara area, Lane County, (OAR 340-71-020(10)).
- J. Proposed adoption of amendments to special rules for the Medford-Ashland Air Quality Maintenance Area (OAR 340-20-016, -035, and -045).
- 9:30 am K. Appeals from subsurface variance denials:
- (1) Irving Damitz, Lincoln County
 - (2) Mr. and Mrs. Wayne Bowls, Josephine County
- L. Adoption of amendment to rules governing subsurface fees. Fees to be charged by Lane County (OAR 340-72-030(1)).
- M. Water quality rules. Proposed adoption of amendments to water quality rules which provide for issuance of general permits (OAR 340-45-033).

INFORMATIONAL ITEMS

- N. Effect of 20% general fund reduction on Department's 1979-81 budget.

WORK SESSION

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

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

The Commission will breakfast (7:30 a.m.) at the Portland Motor Hotel, 1414 S. W. Sixth Avenue, Portland; and lunch in Room 4A of the DEQ offices, 522 S. W. Fifth Avenue, Portland.

THESE MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EOC

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

October 17, 1980

On Friday, October 17, 1980, the one hundred twenty-sixth meeting of the Oregon Environmental Quality Commission convened in the City Council Chambers, City Hall, in Portland, Oregon.

Present were Commission members: Mr. Joe B. Richards, Chairman; Mr. Fred J. Burgess; Mrs. Mary V. Bishop. Commissioners Ronald M. Somers and Albert H. Densmore were 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 MEETING

The breakfast meeting convened at 7:30 a.m. at the Portland Motor Hotel in Portland. Present were Commissioners Richards, Burgess, and Bishop and several members of the Department staff.

1. Status Report - Interim Groundwater Protection Policy. Gary Messer, Assistant Manager in DEQ's Salem office, and Roy Burns, Lane County, reviewed concerns over the urbanization occurring over the North Florence Dunal Aquifer. A 208 study is currently underway, after which this system may be designated a sole-source aquifer. A written report was submitted to the Commission members present. The staff has developed an interim policy and were requesting EQC concurrence that it is consistent with EQC-adopted Interim Groundwater Protection Policy. The Commission requested the staff to prepare a formal staff report for the next meeting, making recommendations on how to protect the drinking water aquifer until the 208 study is completed and permanent protective measures can be implemented.
2. Open Burning Rules. The Director reported that the pertinent studies will not be available for public scrutiny in sufficient time before the ban on burning goes into effect. The staff needs additional time to put together the report on alternatives for public review before the effective date of the ban. The staff recommended that the Commission direct the Department to hold hearings on a rule modification to allow a spring burning season. The Commission dealt with this item later on the formal agenda.

3. Beaverton Inspection Site. Ron Householder, Manager of the Vehicle Inspection Program, reported on the status of acquisition and development of the proposed site in Beaverton of the new inspection station. A written report was submitted to the Commission.

FORMAL MEETING

Commissioners Richards, Bishop and Burgess were present for the formal meeting.

AGENDA ITEM A - MINUTES OF THE SEPTEMBER 19, 1980, MEETING

AGENDA ITEM B - MONTHLY ACTIVITY REPORT FOR SEPTEMBER 1980

AGENDA ITEM C - TAX CREDIT APPLICATIONS

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

Agenda Item A - Minutes approved as presented.

Agenda Item B - The Monthly Activity Report approved as presented.

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

T-1152	Agripac, Inc.
T-1222	Robert W. Bourdon
T-1226	Willamette Industries, Inc.
T-1230	North Santiam Plywood Co.
T-1231	Miller Redwood Company
T-1244	Weyerhaeuser Company
T-1246	Weyerhaeuser Company
T-1247	Weyerhaeuser Company
T-1248	Weyerhaeuser Company
T-1252	Roseburg Lumber Co.
T-1265	Willamette Industries, Inc.
T-1268	Ashenberner Molding Co.
T-1276	Publishers Paper Company

Revoke Pollution Control Facility Certificate 87 issued to Georgia-Pacific Corporation because the facility certified has been taken out of service.

AGENDA ITEM E - REQUEST FOR AUTHORIZATION TO HOLD A PUBLIC HEARING ON PROPOSED OPEN BURNING RULES, OAR 340-23-025 THROUGH 340-23-050, AND OAR 340-30-070 TO:

- a. Define an area in and around Portland for permanently prohibiting domestic (backyard) burning,
- b. Establish a schedule pursuant to ORS 468.450 for regulation of open burning, including agricultural open burning, outside of the Willamette Valley and
- c. Make extensive structural and language changes to make rules easier to understand and use.

Since the necessary studies will not be available as expected for public scrutiny before any public hearing on the proposed open burning rules could take place, the Director requested the Commission to authorize the Department to hold hearings on a rule modification to allow a spring burning season. That hearing, to be held at the regular EQC meeting in December, would be limited to that issue.

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

AGENDA ITEM F - REQUEST FOR AUTHORIZATION TO CONDUCT A PUBLIC HEARING ON THE QUESTION OF ADOPTING NEW RULES GOVERNING ON-SITE SEWAGE DISPOSAL, OAR 340-71-100 TO 71-600, TO REPLACE RULES GOVERNING SUBSURFACE AND ALTERNATIVE SEWAGE DISPOSAL, OAR 340-71-005 TO 71-045, 340-72-005 TO 72-030, 340-74-004 TO 74-025, AND 340-75-010 TO 75-060, WHICH WOULD BE RESCINDED.

This is a request for authorization to conduct public hearing on the question of adopting new rules governing on-site sewage disposal to replace existing rules governing subsurface and alternative sewage disposal.

Summation

1. The Commission is required to adopt rules it considers necessary for carrying out ORS 454.605 to 454.745.
2. Rules have been adopted and amended numerous times. Present rules are unwieldy, disorganized, and difficult to interpret and administer.
3. A new rule package has been developed to replace existing rules.

Director's Recommendation

Based upon the summation, it is recommended that the Commission authorize public hearings to take testimony on the question of adopting rules pertaining to on-site sewage disposal, OAR 340-71-100 to 340-71-600 and rescinding rules pertaining to subsurface and alternative sewage disposal OAR 340-71-005 to to 71-045, 340-72-005 to 72-030, 340-74-004 to 74-025, and 340-75-010 to 75-060.

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

AGENDA ITEM G - REQUEST FOR AUTHORIZATION TO CONDUCT A PUBLIC HEARING ON AMENDMENTS TO SOLID WASTE MANAGEMENT RULES, OAR 340-61-005 THROUGH 61-110 (STATE PLAN UNDER RCRA)

EPA regulations require that states adopt a Solid Waste Management Plan through the state's Administrative Procedures Act. The plan must be adopted and submitted to EPA prior to January 31, 1981, or EPA funding of the program may be cut. The staff report outlines the procedures for plan adoption.

Summation

1. EPA, through RCRA and regulations, requires submission of an adopted State Solid Waste Plan prior to January 31, 1981, to allow for continued funding of the solid waste program.
2. ORS 459 gives the EQC authority to adopt "reasonable and necessary" rules covering solid waste management.
3. The public has been involved in development of many of the items making up the completed draft plan, including Goals and Objectives, Solid Waste Status Report, and Department rules.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission authorize a public hearing to take testimony on the proposed amendment to OAR 340-61-005 through 61-110 (State Solid Waste Plan).

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

AGENDA ITEM H - PUBLIC FORUM: No one wished to appear on any subject.

AGENDA ITEM J - PROPOSED ADOPTION OF AMENDMENTS TO SPECIAL RULES FOR THE MEDFORD-ASHLAND AIR QUALITY MAINTENANCE AREA (OAR 340-20-016, -035, AND -045)

Amendments to the special rules for the Medford-Ashland AQMA have been proposed to meet EPA's conditional approval of the rules as a SIP revision. Proposed changes remove the Director's authority to allow emergency operation of wigwam waste burners; add 5-step compliance schedules; and tighten opacity limits for large wood-fired boilers. No adverse testimony has been received on the proposed amendments. The proposed amendments are not expected to improve or degrade existing suspended particulate air quality. The Director recommends that the amendments be adopted and forwarded to EPA as a SIP revision.

Summation

1. The Department proposes to amend the Special Rules for the Medford-Ashland Air Quality Maintenance Area to correct certain deficiencies identified by EPA in granting conditional acceptance of the rules as a revision to the State Implementation Plan.
2. A public hearing was held on August 1, 1980, subsequent to EQC authorization and public notice. The testimony received indicated no opposition to the proposed amendments to OAR 340-30-016, -035, and -045 and no conflicts with state programs or plans were identified.

Director's Recommendation

Based on the Summation, it is recommended that the Commission adopt the proposed amendments to the Special Rules for the Medford-Ashland Air Quality Maintenance Area (OAR 340-30-016, -035, -045) as set forth in Attachment 3 and forward the amended rules to EPA as a revision to the State Implementation Plan.

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

AGENDA ITEM L - ADOPTION OF AMENDMENT TO RULES GOVERNING SUBSURFACE FEES FOR LANE COUNTY, OAR 340-72-030(1)

This is a proposed amendment to rules governing subsurface sewage disposal fees to be charged by Lane County. The required hearing was held in Eugene without adverse testimony.

Summation

1. The Commission may by rule increase maximum subsurface fees established in ORS 454.745 at the request of the Director or any Contract County.
2. Lane County has requested that maximum fee levels established in ORS 454.745 be increased for that county.
3. Public hearing has been held in Eugene.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission adopt proposed OAR 340-72-030(1), schedule of subsurface fees to be charged by Lane County.

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

AGENDA ITEM M - WATER QUALITY RULES - PROPOSED ADOPTION OF AMENDMENTS TO WATER QUALITY RULES WHICH PROVIDE FOR ISSUANCE OF GENERAL PERMITS (OAR 340-45-033).

The Commission previously authorized a public hearing to consider rules for issuance of General Permits. The rules have received proper public notice and a hearing was held. All of whom it would affect seem supportive of the idea and the proposed rules. The proposed rules were placed on this agenda for formal adoption.

Summation

1. Federal and state laws require permits for all point source discharges of pollutants to public waters.
2. New federal rules allow for the issuance of General Permits for categories of minor sources.

3. Under ORS 468.730, the Commission has authority to adopt rules necessary to carry out the provisions of the federal act and federal regulations issued pursuant thereto.
4. The proposed rules have been drafted which provide a mechanism for issuing General Permits in Oregon.
5. At the August 15, 1980, Commission meeting, the Department was authorized to hold a hearing on the proposed rules.
6. Public notice was mailed to the rulemaking notice list on August 18, 1980. The notice was published in the Daily Journal of Commerce on August 21, 1980, and in the Secretary of State's Bulletin on September 1, 1980.
7. A public hearing was held on September 18, 1980, at the Yeon Building in Portland.
8. No adverse comments or suggestions for change came from the public during the public participation period. The Department received a lot of supportive input both before and during the hearing.

Director's Recommendation

Based on the Summation, it is recommended that the rules contained in Appendix A be adopted as proposed.

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

AGENDA ITEM K (1) - IRVING J. DAMITZ - APPEAL OF SUBSURFACE VARIANCE DENIAL.

This concerns the appeal of a variance officer's decision to deny specific variances from the Oregon Administrative Rules pertaining to subsurface sewage disposal systems.

Summation

1. The pertinent legal authorities are summarized in Attachment "A."
2. Mr. William Zekan evaluated Mr. Damitz's property to determine if an on-site sewage disposal system could be installed. The property was denied for on-site sewage disposal because of the irregular landscape features with slopes in excess of twenty-five (25) percent, and because there was insufficient area to install a complete system, including future replacement area, on the small lot.
3. Mr. Damitz submitted a variance application to the Department, which was assigned to Mr. Michael Ebeling.

4. On May 23, 1980, Mr. Ebeling examined the proposed drainfield site and determined it to be as described by Mr. Zekan in his evaluation report. Mr. Ebeling further determined the property to be located on an active foredune with an erosion front approximately one hundred (100) feet to the west. Water seeps were observed along the ocean shore (200 feet west of site). Groundwater below the site would be expected to be moving toward the seeps or, depending on seasonal conditions, towards an artificial drainageway to the east. European beach grass was found to cover most of the property.
5. A public information-type hearing was conducted by Mr. Ebeling on May 23, 1980, so as to allow Mr. Damitz and others the opportunity to supply the facts and reasons to support the granting of the variance.
6. Mr. Ebeling reviewed the variance record and found that the testimony did not support a favorable decision. Although Mr. Ebeling was unable to modify the proposal to overcome the site limitations, he made provision for reconsideration should the findings of a groundwater study so warrant.
7. Mr. Ebeling notified Mr. Damitz by letter dated July 7, 1980, that the variance request was denied.
8. A letter appealing the Variance Officer's decision was received by the Department on July 28, 1980.

Director's Recommendation

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

Mr. Damitz appeared and agreed to await results of a water study at Bayshore due on November 1 which may result in a variance being available for his site. The hearing was continued to the November EQC meeting in Portland.

AGENDA ITEM K (2) - MR. AND MRS. WAYNE BOWLS - APPEAL OF SUBSURFACE VARIANCE DENIAL.

This concerns the appeal of a variance officer's decision to deny specific variances from the Oregon Administrative Rules pertaining to subsurface sewage disposal systems.

Summation

1. The pertinent legal authorization are summarized in Attachment "A."
2. Ms. Honey S. Auten submitted an application to Josephine County for a site evaluation report on December 28, 1979.

3. Mr. Hollis Gunter evaluated the property to determine if an on-site sewage disposal system could be installed. He determined the site did not meet the minimum requirements for installation of either a standard subsurface system or an alternative sand filter system. Ms. Auten was notified of the site deficiencies by letter dated January 9, 1980.
4. Mr. and Mrs. Bowls submitted a variance application to the Department, which was assigned to Mr. David Couch on May 12, 1980.
5. On June 12, 1980, Mr. Couch examined the proposed site and found it to be located on a filled terrace along Pickett Creek. The fill was deeper than forty-eight (48) inches and appeared to be unconsolidated, with void spaces, rock fragments, and wood waste. All pits showed evidence of saturation below forty-eight (48) inches. An irrigated pasture on adjacent property to the north has influence on the site. Vegetation associated with wetness was observed in the east portion of the site, and soft areas were found along the toe of the fill. The proposed fill site is relatively level.
6. On June 12, 1980, Mr. Couch conducted a public information-type hearing to allow Ms. Auten (representing Mr. and Mrs. Bowls and others) the opportunity to supply the facts and reasons to support the variance request.
7. Mr. Couch reviewed the variance record and found that the testimony provided did not support a favorable decision. He was unable to modify the variance proposal to overcome the site limitation.
8. Mr. Couch notified Mr. and Mrs. Bowls by letter dated July 10, 1980, of his decision to deny their variance request.
9. A letter the Department interpreted as a request for appeal of the variance officer's decision was received on July 22, 1980.

Director's Recommendation

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

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

AGENDA ITEM N - EFFECT OF GENERAL FUND REDUCTION ON DEPARTMENT'S 1979-81 BUDGET.

At the August 15 Commission meeting, the Department presented a report on the effects of the Special Session budget reductions on the Agency's current budget. The Commission requested further information on: (1) the Agency's priority for refilling positions if additional revenues become available this biennium; (2) an analysis of fees under Commission control to determine the practicability of increases this biennium that could

generate additional revenue; and (3) the effects of the cuts on program operations.

Director's Recommendation

No formal Commission action is necessary on this item. Concurrence of the Commission with the priority order for terminating layoffs is requested.

Mike Downs, Administrator of the Management Services Division, presented the staff report in response to the Commission's request. No formal Commission action was required on this item. The Commission accepted the report and concurred with the Director's Recommendation.

AGENDA ITEM I - PUBLIC HEARING AS TO WHETHER TO REPEAL, MODIFY OR MAKE PERMANENT THE CURRENT TEMPORARY REGIONAL SUBSURFACE SEWAGE DISPOSAL RULE IN EFFECT IN THE RIVER ROAD/SANTA CLARA AREA, LANE COUNTY.

On September 19, 1980, the EQC signed a Stipulated Agreement with the Lane County Board of Commissioners. This voluntary agreement settled many groundwater protection and improvement questions in River Road/Santa Clara. Accordingly, other EQC action of an enforcement nature became unnecessary.

This rulemaking hearing, then, is no more than an administrative or housekeeping measure. The temporary regional subsurface rule for River Road/Santa Clara will expire October 18, 1980, if not acted upon by the Commission. The rule is needed to preserve the 16.7 pound nitrate-nitrogen per acre-year loading limitation until such time as Lane County produces a comprehensive groundwater protection and implementation plan.

Summation

1. On April 18, 1980, the Commission directed DEQ staff to secure a voluntary agreement with the Lane Board by August 18 (extended to September 19, 1980).
2. It was secured and signed by the Environmental Quality Commission on September 19, 1980.
3. The Commission must act on the temporary regional rule before it expires on October 18, 1980. Public notices for the October 17 EQC rulemaking hearing were forwarded to the Secretary of State within the statutory time frame.
4. The Commission should consider rulemaking alternatives and their consequences.

Director's Recommendation

Based on the Findings and the Summation:

1. It is recommended that the Commission adopt a permanent regional rule to prevent further groundwater degradation by nitrate-nitrogen in the River Road/Santa Clara area from new development as follows:

NOTE: Brackets indicate deleted language.
Underlines indicate new language.

OAR 340-71-030(10) - RIVER ROAD/SANTA CLARA RULES:

- (a) Within the areas set forth in subsection (b) below, the Director, or his authorized representative, may issue either construction permits for new subsurface sewage disposal systems or favorable reports of evaluation of site suitability to construct systems under the following circumstances:
 - (A) The system complies with all rules in effect at the time the permit is issued; and
 - (B) The system will not in itself contribute, or in combination with other new sources after April 18, 1980, contribute more than 16.7 pounds nitrate-nitrogen per acre-year to the local groundwater. The applicant shall assure compliance with this condition by showing his ownership or control of adequate land through easements or equivalent.
- (b) Subsection (a) above shall apply to all of the following area generally known as River Road/Santa Clara, and defined by the boundary submitted by the Board of County Commissioners for Lane County which is bounded on the south by the city of Eugene, on the west by the Southern Pacific Railroad, on the north by Beacon Drive, and on the east by the Willamette River, and containing all or portions of T-16S, R-4W, Sections 33, 34, 35, 36; T-17S, R-4W, Sections 1, 2, 3, 4, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25; and T-17S, R-1E, Sections 6, 7, 18, Willamette Meridian.
- (c) This rule is subject to modification or repeal by the Commission on an area-by-area basis upon petition by the appropriate local agency or agencies. Such petition either shall provide reasonable evidence that development using subsurface sewage disposal systems will not cause unacceptable degradation of groundwater quality or surface water quality or shall provide equally adequate evidence that degradation of groundwater or surface water quality will not occur as a result of such modification or repeal.

(d) Subsections (10) (a) and (10) (b) above shall not apply to any construction permit application based on a favorable report of evaluation of site suitability issued by the Director or his authorized representative pursuant to ORS 454.755(1) (b), where such report was issued prior to the effective date of this subsection (10) (April 18, 1980).

Vora Heintz, 1938 Jayne Drive, Eugene, appeared and asked the Commission to discontinue the moratorium and requested that the Commission not participate in the Stipulated Agreement signed with Lane County.

Rudolph Malnar, 792 Meriau Lane, appeared and spoke in opposition to the Director's Recommendation and complained that there were few prior meetings held on this subject in the Eugene area in the past.

Ed Donaldson, River Road/Santa Clara area, Eugene, appeared in opposition to the moratorium and the Stipulated Agreement. He further requested additional meetings to be held in the Eugene area with enhanced advertising of those meetings.

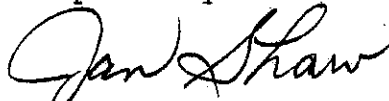
In response to the complaints regarding Eugene-area meetings on the River Road/Santa Clara subject, John Borden, Manager of the Willamette Valley Region, reviewed for the Commission the numerous meetings held in and around the Eugene area and their exact times and locations.

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

Mike Downs briefed the Commission on the status of the Department's budget request for the 1981-83 biennium.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Jan Shaw

Recording Secretary

MF134



STATE OF OREGON

INTEROFFICE MEMO

H. Patterson

O/D
DEPT.

229-5300
TELEPHONE

TO: EQC Members / DEQ Staff

DATE: October 9, 1980

FROM: Jan Shaw *Jan*

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
OCT 18 1980

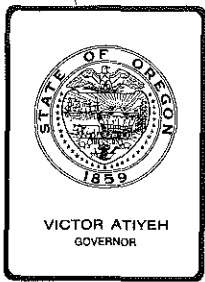
SUBJECT: Staff reports for October 17 EQC meeting

AIR QUALITY CONTROL

Agenda Item E: The draft open burning rules accompanying this staff report are not in the Secretary of State's preferred format.

The existing rules, Attachment D, are included to indicate when changes and deletions have been made and also to indicate where existing provisions can be found in the proposed rules. A merged copy of the existing and proposed rules will be prepared as an addendum prior to the Commission meeting and for public distribution.

Agenda Item N: This report is not yet available. I'll send it to you as soon as possible, probably on Monday.



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, October 17, 1980, EQC Meeting
September, 1980 Program Activity Report

Discussion

Attached is the September, 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.

Michael Downs
for
WILLIAM H. YOUNG

M. Downs:ahc
229-6485
10-03-80



Contains
Recycled
Materials

DEPARTMENT OF ENVIRONMENTAL QUALITY

Monthly Activity Report

September, 1980

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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

AQ, WQ, SW Divisions
(Reporting Unit)

September, 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>15</u>	<u>24</u>	<u>17</u>	<u>51</u>	<u>0</u>	<u>0</u>	<u>46</u>
<u>Water</u> Municipal	<u>88</u>	<u>130</u>	<u>45</u>	<u>166</u>	<u>0</u>	<u>0</u>	<u>53</u>
Industrial	<u>3</u>	<u>22</u>	<u>8</u>	<u>16</u>	<u>0</u>	<u>0</u>	<u>16</u>
<u>Solid Waste</u> General Refuse	<u>0</u>	<u>2</u>	<u>0</u>	<u>4</u>	<u>0</u>	<u>0</u>	<u>6</u>
Demolition	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>2</u>
Industrial	<u>0</u>	<u>4</u>	<u>3</u>	<u>3</u>	<u>0</u>	<u>0</u>	<u>5</u>
Sludge	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Hazardous Wastes</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>GRAND TOTAL</u>	<u>106</u>	<u>182</u>	<u>73</u>	<u>240</u>	<u>0</u>	<u>0</u>	<u>128</u>

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
MONTHLY ACTIVITY REPORT

PLAN ACTIONS COMPLETED

DIRECT SOURCES

County	Number	Source	Process Description	Date of Action	Status
KLAMATH	646	KLAMATH COUNTY SCH DIST.	5 SCH. BOILERS TO PELLETS	08/11/80	COMPLETED-APRVD
LANE	633	COAST MANUFACTURING	BAG HOUSE ON 2 CYCLONES	08/11/80	COMPLETED-APRVD
JACKSON	622	CRATER LAKE ORCHARDS	OVER TREE SPRINKLERS	08/18/80	COMPLETED-APRVD
HOOD RIVER	608	WALTER WELLS & SONS	ONE ORCHARD FAN	08/20/80	COMPLETED-APRVD
HOOD RIVER	631	GLENN W MARSH	ONE ORCHARD FAN	08/20/80	COMPLETED-APRVD
JACKSON	606	KEYSTONE ORCHARDS INC.	OVER TREE SPRINKLER SYS	08/20/80	COMPLETED-APRVD
JACKSON	649	ROGUE RIVER ORCHARDS	3 ORCHARD FANS	08/22/80	COMPLETED-APRVD
LINN	643	ORENET	BUILDING FOR SAND BLASTING	08/22/80	COMPLETED-APRVD
MULTNOMAH	601	COLLINS OIL CO	DELIVERY TRUCK VOC CONTROL	08/22/80	COMPLETED-APRVD
	602		BULK GASOLINE VOC CONTROL	08/22/80	COMPLETED-APRVD
COLUMBIA	533	OWENS-CORNING FIBERGLAS	MINERAL WOOL BOARD	08/25/80	COMPLETED-APRVD
JACKSON	648	MEYER ORCHARDS	4 ORCHARD FANS	08/25/80	COMPLETED-APRVD
LINN	393	PLYBOARD CORPORATION	PLYWOOD-COMPOSITE BOARD PLT	08/25/80	COMPLETED-APRVD
JACKSON	609	CRATER LAKE ORCHARDS	OVER TREE SPRINKLER SYS	08/28/80	COMPLETED-APRVD
LINN	654	FRERES LUMBER CO INC	HOGGED F BOILER W/H MULT CON	09/05/80	COMPLETED-APRVD
LINN	581	BOISE CASCADE CORP	VENEER DRYER CONTROLS	09/05/80	COMPLETED-APRVD
LANE	636	CONE LUMBER COMPANY	CONVEYER SYS, NC BY LRAPA	09/10/80	COMPLETED-APRVD
TOTAL NUMBER QUICK LOOK REPORT LINES			17		

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

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

INDUSTRIAL WASTE SOURCES (8)

Deschutes	Willamette Industries Waste Irrigation System Korpine Division, Bend	09/25/80	Approved	
Lane	Weyerhaeuser Company Solid Waste Transfer System Springfield	09/25/80	Approved	
Clackamas	Mike Kenegy Manure Handling System Hubbard	09/22/80	Approved	
Marion	Union 76 Oil/Water Separator Donald	09/09/80	Approved	
Tillamook	Marion Fletcher Manure Holding Tank Tillamook	09/09/80	Approved	
Tillamook	Brownlee Busch Manure Holding Tank Tillamook	09/09/80	Approved	
Tillamook	Frank & Loui Blazer Manure Holding Tank Tillamook	09/09/80	Approved	
Tillamook	Albert Bohren Manure Holding Tank Tillamook	09/09/80	Approved	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

PLAN ACTIONS COMPLETED

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

MUNICIPAL WASTE SOURCES (45)

Washington	Citadel Estates San. Sewers USA-Durham	9/3/80	PA
Washington	Bruss Extension Sewer USA-Durham	9/3/80	PA
Washington	Everglade Sewers USA-Rock Creek	9/3/80	PA
Douglas	Earwood Extension Sewer Roseburg	9/4/80	PA
Douglas	Pieshe Sewers Winston	9/4/80	PA
Linn	Bridgeport Condo's Sewer Lebanon	9/4/80	PA
Marion	Siltec System Sewers Salem	9/4/80	PA
Columbia	Kingbrook Add. Sewers Scappoose	9/8/80	PA
Washington	Cooper Creek Sewers USA-Tigard	9/11/80	PA
Jackson	KTVL Station Sewer Medford	9/11/80	PA
Lincoln	Hersch Add. Sewers Siletz	9/11/80	PA
Yamhill	Debbie Add. Rev. Sewers McMinnville	9/11/80	PA
Clackamas	Kinsman Prop. Sewers Wilsonville	9/11/80	PA
Linn	Airway Rd. Ext. Sewers Lebanon	9/11/80	PA

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

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(Month and Year)

PLAN ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
Lincoln	Roosevelt Subdiv. Sewers Lincoln City	9/11/80	PA	*
Marion	Tomalano Subdiv. Sewers Salem	9/11/80		*
Tillamook	Lateral 1.3-1 Sewer Rockaway	9/11/80	PA	*
Multnomah	48th - Pendleton Sewer	9/11/80	PA	*
Curry	Riviera Hts. Phase I Sewer Brookings	9/12/80	PA	*
Jackson	Shady Oaks Subdiv. Sewers Shady Cove	9/12/80	PA	*
Curry	Leith Rd. Exten. Sewers Gold Beach	9/12/80	PA	*
Clackamas	Seeburger Imp. Sewer Lake Oswego	9/12/80	PA	*
Yamhill	West 25th Ext. Sewer McMinnville	9/12/80	PA	*
Jackson	Truax Rd. Area Sewers BCVSA	9/22/80	PA	*
Yamhill	Chehalem Townhouse Sewers Newberg	9/22/80	PA	*
Multnomah	SW Powers - SW Terwilliger Sewer, Portland	9/22/80	PA	*
Deschutes	Contract #34 Sewer Bend	9/22/80	PA	*
Washington	Upper Tual. Int. Sewer USA	9/22/80	PA	*
Lincoln	Candletree Park Phase 2 Sewer, Newport	9/23/80	PA	*

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

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PLAN ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
Douglas	East Ramp Tracts Sewers Roseburg	9/23/80	PA	*
Douglas	Harris Hill Subdiv. Sewers Roseburg	9/23/80	PA	*
Marion	Iler St. West Sewer Salem	9/23/80	PA	*
Deschutes	Int. Effluent Containment Ponds, Contract #33, Bend	9/23/80	PA	*
Jackson	Cedar Hills Subdiv. #3 Sewers, Medford	9/23/80	PA	*
Multnomah	Camelot No. 5 Project Sewers, Gresham	9-24-80	PA	*
Washington	Steph's Addition Sewer USA-Durham	9/24/80	PA	*
Marion	Lincoln St. Sewer Salem	9/24/80	PA	*
Washington	Marsh Meadow Sewer USA-Rock Creek	9/24/80	PA	*
Lincoln	Lar-Mar P.U.D. Sewer Lincoln City	9/24/80	PA	*
Lincoln	Kimberling Tract Sewers Lincoln City	9/24/80	PA	*
Yamhill	Mallot-Sullivan Ind. Pk. Sewers, McMinnville	9/25/80	PA	*
Yamhill	Hill Rd. Proj. Sewers McMinnville	9/25/80	PA	*
Washington	Leo Loranger Ext. Sewer USA-Rock Creek	9/26/80	PA	*
Washington	Corey Park Sewers USA-Rock Creek	9/26/80	PA	*

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division	September 1980
(Reporting Unit)	(Month and Year)

PLAN ACTIONS COMPLETED

* County	* Name of Source/Project	* Date of	* Action	*
*	* /Site and Type of Same	* Action	*	*
*	*	*	*	*
Washington	Vale Park Sewers USA-Rock Creek	9/26/80	PA	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

September 1980
(Month and Year)

PLAN ACTIONS COMPLETED

* County	* Name of Source/Project	* Date of	* Action	*
*	* /Site and Type of Same	* Action	*	*
*	*	*	*	*
Douglas	Roseburg Lumber Co.-Riddle Existing Industrial Waste Site, Operational plan	9/10/80	Conditional Approval	
Douglas	Roseburg Lumber Co.-Green Existing Industrial Waste Site, Operational plan	9/10/80	Conditional Approval	
Douglas	Roseburg Lumber Co.- Dixonville, Existing Industrial Waste Site Operational plan	9/17/80	Conditional Approval	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

September, 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
	<u>Month</u>	<u>FY</u>	<u>Month</u>	<u>FY</u>			
<u>Direct Sources</u>							
New	1	2	5	9	15		
Existing	3	6	1	5	16		
Renewals	9	45	12	52	103		
Modifications	<u>0</u>	<u>1</u>	<u>2</u>	<u>15</u>	<u>10</u>		
Total	13	54	20	81	144	1970	2001
<u>Indirect Sources</u>							
New	1	7	5	10	8		
Existing	0	0	0	0	0		
Renewals	0	0	0	0	0		
Modifications	<u>0</u>	<u>1</u>	<u>1</u>	<u>2</u>	<u>0</u>		
Total	1	8	6	12	8	174	0
<u>GRAND TOTALS</u>	14	62	32	93	152	2144	2001

Number of
Pending Permits

Comments

12	To be drafted by Northwest Region
10	To be drafted by Willamette Valley Region
15	To be drafted by Southwest Region
6	To be drafted by Central Region
13	To be drafted by Eastern Region
0	To be drafted by Program Planning Division
12	To be drafted by Program Operations
35	Awaiting Public Notice
<u>41</u>	Awaiting the end of 30-day period
144	TOTAL

10 Technical Assistants
17 A-95's

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

September, 1980
(Month and Year)

PERMIT ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
Multnomah	Jantzen Beach Delta Park Interchange File No. 26-8017	08/21/80	Final Permit Issued	*
Multnomah	I-505 Alternative Columbia River Hwy. File No. 26-8018	09/09/80	Final Permit Issued	*
Washington	Barnes Road Sunset Highway to Multnomah County Line File No. 34-8019	09/05/80	Final Permit Issued	*
Clackamas	Mercantile Village 575 Spaces File No. 03-8020	09/05/80	Final Permit Issued	*
Multnomah	Columbia River Highway NE 117th to NE 181st File No. 26-8021	09/15/80	Final Permit Issued	*
Benton	Hewlett Packard Parking Lot Expansion 568 Additional Spaces File No. 02-7010	09/25/80	Final Permit Issued	*

DEPARTMENT OF ENVIRONMENTAL QUALITY

PERMITS ISSUED

DIRECT STATIONARY SOURCES

COUNTY	SOURCE	PERMIT NUMBER	APPLIC. RECEIVED	STATUS	DATE ACHIEVED	TYPE OF APPLICATION
COLUMBIA	DEER ISLAND SAND & GRAVEL	05	2577 05/29/80	PERMIT ISSUED	09/02/80	NEW
COOS	COOS COUNTY	06	0002 02/06/80	PERMIT ISSUED	09/02/80	RNW
DOUGLAS	BOHEMIA UNPQUA DIVISION	10	0097 07/05/79	PERMIT ISSUED	09/02/80	RNW
JACKSON	CASCADE WOOD PRODUCTS INC	15	0005 02/22/80	PERMIT ISSUED	09/02/80	RNW
JACKSON	MCGREW BROS SAWMILL	15	0016 02/28/80	PERMIT ISSUED	09/02/80	RNW
JOSEPHINE	SPALDING & SON INC.	17	0013 04/07/80	PERMIT ISSUED	09/02/80	RNW
JOSEPHINE	GARY L PETERSON	17	0053 03/05/80	PERMIT ISSUED	09/02/80	RNW
KLAMATH	JELD WEH INC.	18	0006 02/20/80	PERMIT ISSUED	09/02/80	RNW
LIHH	KROPF FEED & SEED	22	7144 05/21/80	PERMIT ISSUED	09/02/80	MOD
MARION	NORTHWEST ORGANICS	24	1002 04/10/80	PERMIT ISSUED	09/02/80	RNW
MULTNOMAH	PACIFIC STEEL FOUNDRY CO	26	1864 11/14/79	PERMIT ISSUED	09/02/80	RNW
MULTNOMAH	TRIANGLE MILLING CO	26	1959 12/05/79	PERMIT ISSUED	09/02/80	RNW
MULTNOMAH	BLITZ-WINHARD CO.	26	2014 04/07/80	PERMIT ISSUED	09/02/80	EXT
MULTNOMAH	CHEVRON ASPHALT CO	26	2025 04/03/80	PERMIT ISSUED	09/02/80	RNW
MULTNOMAH	ACHE TRADING AND SUPPLY	26	2070 10/23/79	PERMIT ISSUED	09/02/80	RNW
MULTNOMAH	STERLING FURNITURE MFG	26	2547 10/17/79	PERMIT ISSUED	09/02/80	RNW
MULTNOMAH	PALMCO INC	26	2938 10/17/79	PERMIT ISSUED	09/02/80	RNW
MULTNOMAH	COLUMBIA WEST MTRLS & CNS	26	3052 04/23/80	PERMIT ISSUED	09/02/80	NEW
UMATILLA	US GYPSUM CO.	30	0009 02/08/79	PERMIT ISSUED	09/02/80	RNW
UMATILLA	ROGERS CONSTRUCTION, INC.	30	0066 01/18/80	PERMIT ISSUED	09/02/80	RNW
UMATILLA	ROGERS CONSTRUCTION, INC.	30	0067 01/18/80	PERMIT ISSUED	09/02/80	RNW
WASHINGTON	FRANK VANDYKE & SONS	34	2626 03/14/80	PERMIT ISSUED	09/02/80	RNW
YAMHILL	ROWELL & WICKERSHAM CONTR	36	5330 02/28/80	PERMIT ISSUED	09/02/80	MOD
PORT.SOURCE	IDAHO SAND & GRAVEL CO IN	37	0253 04/25/80	PERMIT ISSUED	09/02/80	NEW
PORT.SOURCE	NELSON-DEPPE, INC.	37	0254 04/25/80	PERMIT ISSUED	09/02/80	NEW
MULTNOMAH	MERIT OIL & REFINING	26	3048 12/26/79	PERMIT ISSUED	09/03/80	NEW

TOTAL PERMITS ISSUED 100

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

September 1980
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SUMMARY OF WATER PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions Pending	Sources Under Permits	Sources Reqr'g Permits
	Month	Fis.Yr.	Month	Fis.Yr.			
	* /**	* /**	* /**	* /**	* /**	* /**	* /**
<u>Municipal</u>							
New	0 /0	1 /1	0 /0	0 /0	2 /5		
Existing	0 /0	0 /0	0 /0	0 /0	4 /0		
Renewals	0 /0	8 /5	1 /2	10 /2	28 /8		
Modifications	2 /0	3 /0	0 /0	0 /0	9 /0		
Total	2 /0	12 /6	1 /2	10 /2	43 /13	260/90	266/95
<u>Industrial</u>							
New	1 /0	1 /3	0 /1	3 /3	7 /13		
Existing	0 /0	0 /0	0 /0	1 /0	1 /1		
Renewals	2 /1	17 /17	2 /1	27 /2	73 /32		
Modifications	2 /1	4 /2	0 /0	2 /0	6 /3		
Total	5 /2	22 /22	2 /2	33 /5	87 /49	362/151	370/165
<u>Agricultural (Hatcheries, Dairies, etc.)</u>							
New	0 /0	0 /0	0 /0	1 /0	2 /0		
Existing	0 /0	0 /0	0 /0	0 /0	0 /0		
Renewals	0 /0	1 /0	15 /0	25 /0	10 /0		
Modifications	0 /0	0 /0	0 /0	0 /0	0 /0		
Total	0 /0	1 /0	15 /0	26 /0	12 /0	53/20	55/20
<u>GRAND TOTALS</u>	7 /2	35 /28	18 /4	69 /7	142 /62	675/261	691/280

* NPDES Permits
** State Permits

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit)	September 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 (18)

Multnomah	Oregon Fish & Wildlife Wahkeena Rearing Ponds	9/11/80	Permit Renewed	
Linn	City of Lebanon	9/12/80	" "	
Jackson	Modoc Orchard Company	9/11/80	" "	
Multnomah	Oregon Fish & Wildlife Bonneville Hatchery	9/11/80	" "	
Multnomah	Chevron USA Inc.	9/11/80	" "	
Jefferson	Oregon Fish & Wildlife Wizard Falls /	9/11/80	" "	
Jefferson	Oregon Fish & Wildlife Round Butte	9/11/80	" "	
Linn	Oregon Fish & Wildlife Marion Forks	9/11/80	" "	
Linn	Oregon Fish & Wildlife Roaring River	9/11/80	" "	
Linn	Oregon Fish & Wildlife Stayton Rearing Ponds	9/11/80	" "	
Tillamook	Oregon Fish & Wildlife E. Fork of Trask	9/11/80	" "	
Hood River	Oregon Fish & Wildlife Oxbow Fish Hatchery	9/11/80	" "	
Tillamook	Oregon Fish & Wildlife Cedar Creek Fish Hatchery	9/11/80	" "	
Deschutes	Oregon Fish & Wildlife Fall River Hatchery	9/11/80	" "	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

MUNICIPAL AND INDUSTRIAL SOURCES NPDES PERMITS (continued)

Klamath	Oregon Fish & Wildlife Klamath	19/11/80	Permit Renewed
Wasco	Oregon Fish & Wildlife Oak Springs	19/11/80	" "
Benton	Oregon Fish & Wildlife Alsea	9/11/80	" "
Marion	Oregon Fish & Wildlife Aumsville	9/11/80	" "

MUNICIPAL AND INDUSTRIAL SOURCES STATE PERMITS (4)

Columbia	Dikeside Moorage (Frank Reisinger dba)	9/24/80	Permit Renewed
Washington	Permapost Products Co.	9/24/80	" "
Jefferson	City of Culver	9/24/80	" "
Malheur	Ontario Rendering Co.	9/24/80	Permit Issued

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

September 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	1	3	-	1	4		
Existing	-	-	-	-	2		
Renewals	6	23	9	13	22		
Modifications	-	1	-	1	1		
Total	7	27	9	15	29	164	166
<u>Demolition</u>							
New	-	-	-	1	-		
Existing	-	1	-	-	1		
Renewals	2	2	1	3	2		
Modifications	1	2	1	2	-		
Total	3	5	2	6	3	20	21
<u>Industrial</u>							
New	1	6	1	4	5		
Existing	-	1	-	-	-		
Renewals	4	10	7	8	21		
Modifications	-	-	-	1	-		
Total	5	17	8	13	26	101	101
<u>Sludge Disposal</u>							
New	2	3	2	3	-		
Existing	-	-	-	1	-		
Renewals	1	2	-	-	2		
Modifications	-	-	-	-	-		
Total	3	5	2	4	2	14	15
<u>Hazardous Waste</u>							
New	25	80	30	79	1		
Authorizations	-	-	-	-	-		
Renewals	-	-	-	-	-		
Modifications	-	-	-	-	-		
Total	25	80	30	79	1	1	1
<u>GRAND TOTALS</u>	43	134	51	117	61	300	304

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
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Domestic Refuse Facilities (9)

Douglas	Camas Valley T.S. Existing Facility	9-5-80	Permit Issued	
Deschutes	Knott Pit Landfill Existing Facility	9-22-80	Permit Issued	
Deschutes	Southwest Landfill Existing Facility	9-22-80	Permit Issued	
Lane	Sharps Creek T.S. Existing Facility	9-22-80	Permit Issued	
Lane	Veneta T.S. Existing Facility	9-22-80	Permit Issued	
Josephine	Kerby Landfill Existing Facility	9-22-80	Permit Issued	
Columbia	Santosh Landfill Existing Facility	9-22-80	Permit Issued	
Klamath	Chiloquin Landfill Existing Facility	9-25-80	Permit Issued	
Klamath	Chiloquin T.S. Existing Facility	9-25-80	Permit Issued	

Demolition Waste Facilities (2)

Multnomah	Reidel International Proposed Facility	9-5-80	Addendum Issued	
Wasco	Tygh Valley Metal Storage Existing Facility	9-22-80	Permit Issued	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

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

Linn	Willamette Ind.-Dugger New Facility	8-14-80	Letter Authorization Issued	
Clatsop	Lewis & Clark Log Yard Existing Facility	9-17-80	Permit Issued	
Douglas	Sun Studs Existing Facility	9-22-80	Permit Issued	
Douglas	L.P. - Round Prairie Lumber Existing Facility	9-22-80	Permit Issued	
Coos	Allegany Shop Existing Facility	9-25-80	Permit Issued	
Coos	Horse Flats Existing Facility	9-25-80	Permit Issued	
Douglas	Roseburg Lumber - Green Existing Facility	9-25-80	Permit Issued	
Douglas	Roseburg Lumber - Riddle Existing Facility	9-25-80	Permit Issued	

Sludge Disposal Facilities (2)

Linn	Stayton Septic Service New Facility	8-26-80	Letter Authorization Issued	
Marion	George White New Facility	9-9-80	Letter Authorization Issued	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

September 1980
(Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

WASTE DESCRIPTION

* * Date *	* Type *	* Source *	* Quantity * Present * Future * * *		* *
Disposal Requests Granted (29)					
Oregon (13)					
8/26	Unmarketable product containing petroleum naphtha	Warehouse	114 cases	0	
8/28	PCB transformers	Utility	4 units	10 units/yr	
9/10	Lead contaminated rubber gaskets	Oil Company	720 gal.	0	
9/10	Spent pickling acids	Galvanizing Co.	5,000 gal	30,000 gal/yr	
9/10	Spent sulfuric acid	Battery Co.	3,172 gal.	0	
9/10	Paint sludge	Rail cars manufacturer	40 drums	40 drums/yr	
9/10	Empty insecticide drums	Metal fabricators	400 cu.ft.	0	
9/18	PCB transformers	Hospital	13,227 lb.	0	
9/18	PCB capacitors/transformers	Foundry	36 ft ³	365 ft ³	
9/18	Spent tank cleaning solvents	Paint manufacturers	39 drums	2,400 gal./yr	
9/18	Solidified phenolic formaldehyde resin	Plywood plant	70,000 lb.	0	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

September 1980
(Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

WASTE DESCRIPTION

* * Date *	* Type *	* Source *	* Quantity *	
			* Present *	* Future *
9/18	Ferrous sulfide sludge	Aerospace Co.	4,000 gal.	60 yd ³ /yr
9/18	Paint sludge, PCB capacitors, pesticide containers	Plywood plants	580 drums	5,000 gal./yr
Washington (13)				
8/26	Chromated copper arsenate sludge	Wood treatment plant	3,000 gal.	0
8/27	Asbestos	Fertilizer plant	-	5,000 lb./yr
9/15	Spent methanol, chloroform, trichlorotrifluoroethane	Research & Development	12 drums	12 drums/yr
9/15	Experimental herbicides	Herbicide formulator	9,050 gal.	3,000 gal/yr
9/15	Pb skimings, Pb contaminated materials, asbestos	Lead smelting	10,200 yd ³	450 yd ³ /yr
9/15	Creosote, penta and arsenic tank bottoms	Wood treatment plant	-	680 drums/yr
9/17	Arsenic contaminated equipment, pesticides	Chemical plant	3,200 ft ³	0

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

September 1980
(Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

WASTE DESCRIPTION

* * Date *	* Type *	* Source *	* Quantity *		* * *
			Present	Future	
9/17	Pentachlorophenol, creosote, chromated copper arsenate tank bottoms	Wood treatment plant	200 drums	300 drums/yr	
9/22	Cyanide contaminated asphalt sealant	Aerospace	90 drums	0	
9/22	PCB contaminated hydraulic fluid	Research lab	1 drum	0	
9/22	Oily sludge	Oil refinery	-	264,000 gal/yr	
9/22	Sodium dichromate salts	Aerospace	-	200,000 lb/yr	
9/22	PCB capacitors, contaminated rags	Utility	-	110 ft ³ /yr	
Other States (3)					
8/28	PCB capacitors, transformers	Sugar Co.	26 drums	64 drums/yr	
9/10	PCB capacitors	Utility	606,000 lb.	0	
9/22	Pesticides, lab chemicals	State agency	53 drums	0	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program
(Reporting Unit)

September 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	6	2	5	70	70
Airports			1			

MONTHLY ACTIVITY REPORT

Noise Control Program
(Reporting Unit)

September 1980
(Month and Year)

FINAL NOISE CONTROL ACTIONS COMPLETED

* County	* Name of Source and Location	* Date	* Action
Marion	Lucas Plywood Salem	9/80	In Compliance
Josephine	Rogue River Rentals Grants Pass	9/80	In Compliance
Marion	Silverton Emergency Heliport Silverton	9/80	Exception Granted

CIVIL PENALTY ASSESSMENTS

Department of Environmental Quality
1980

CIVIL PENALTIES ASSESSED DURING MONTH OF SEPTEMBER, 1980:

<u>Name and Location of Violation</u>	<u>Case No. & Type of Violation</u>	<u>Date Issued</u>	<u>Amount</u>
Charles and Rose Miller/dba Cedarwood Timber Company Columbia County	AQ-NWR-80-164 Operating without air contaminant discharge permit and open burning.	9/4/80	\$350
E.W. Williamson Deschutes County	SS-CR-80-156 Installed one or more subsurface sewage systems at a mobile home park without permits.	9/30/80	\$400

STATUS OF PAST CIVIL PENALTY ACTIONS TAKEN IN 1980:

<u>Name</u>	<u>Case No.</u>	<u>Date Issued</u>	<u>Amount</u>	<u>Status</u>
Scheler Corporation	AQ-WVR-80-15	01/22/80	\$ 500	Mitigated to \$100 on 5/16/80; Paid.
Lauren Karstens	AQ-WVR-80-03	01/22/80	1,500	Mitigated to \$250 on 6/20/80; Paid.
David Taylor	AQ-WVR-80-04	01/22/80	860	Mitigated to \$100 on 6/20/80; Paid.
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. Decision due.
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.

<u>Name</u>	<u>Case No.</u>	<u>Date Issued</u>	<u>Amount</u>	<u>Status</u>
Robert W. Harper	AQ-WVR-80-14	02/11/80	500	Mitigated to \$100 on 8/15/80. Paid.
George Heidgenkin	WQ-WVR-80-21	02/19/80	1,000	Default judgment filed.
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	Settlement.
David B. Reynolds,	SS-SWR-80-11	03/20/80	500	Settlement negotiations.
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 4/9/80.
International Paper Co.	WQ-SWR-80-47	04/04/80	1,200	Paid 5/5/80.
Russell Stoppeworth	SS-SWR-80-43	04/10/80	325	Default judgment filed.
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.

<u>Name</u>	<u>Case No.</u>	<u>Date Issued</u>	<u>Amount</u>	<u>Status</u>
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	Settlement action to EQC on 10/17/80.
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
Farmers Union Central Exchange, Inc/dba Cenex	WQ/HW-NWR-80-115	7/3/80	1,000	Paid 7/23/80.
R.L.G. Enterprises, Inc.	WQ-NWR-80-114	7/3/80	150	Contested 8/7/80.
Harris Hansen	SS-NWR-80-99	7/3/80	165	Defaulted.
Russell Stopplesworth	SS-SWR-80-122	7/9/80	1,680	Default judgment filed.
Ray Anderson	SS-NWR-80-126	7/18/80	280	Case withdrawn 8/21/80.
Steve Kondrasky	AQ-NWR-80-120	7/18/80	500	Contested 8/6/80. Settlement negotiations.
Donald Pierce	SS-NWR-80-124	7/29/80	460	Defaulted.
Margaret Johnson	SS-CR-80-132	8/27/80	250	Defaulted.

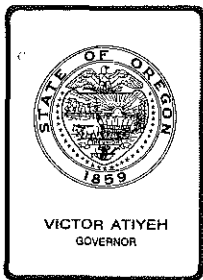
<u>ACTIONS</u>	<u>LAST MONTH</u>	<u>CURRENT MONTH</u>
Preliminary Issues	3	4
Discovery	0	0
Settlement Action	7	5
Hearing to be Scheduled	2	0
Hearing Scheduled	1	2
Hearing Officer's Decision Due	2	3
Brief	3	1
Inactive	<u>3</u>	<u>2</u>
SUBTOTAL of Files Requiring Hearing Section Action		
	21	17
HO's Decision Out/Option for EQC Appeal . .	1	1
Appealed to EQC	0	0
EQC Appeal Complete/Option for Court Review.	0	0
Court Review Option Pending/Taken	1	1
Case Closed	<u>5</u>	<u>4</u>
TOTAL Cases		
	28	23

KEY to Log

ACDP Air Contaminant Discharge Permit
AQ Air Quality Division
15-AQ-NWR-76-178 15th Hearing Section case in 1976 involving Air Quality Division violation in Northwest Region jurisdiction in 1976; 178th enforcement action in Northwest Region in 1976.
CLR Chris Reive, Enforcement Section
\$ Amount of Civil Penalty assessed
ER Eastern Region
Fld Brng Field Burning incident
RLH Robb Haskins, Assistant Attorney General
Hrngs Hearings Section
Hrng Rfr11 Date when Enforcement Section requests Hearings Section to schedule a hearing
Hrng Rqst Date agency receives Request for Hearing
JHR John Rowan, Enforcement Section
VAK Van Kollias, Enforcement Section
LMS Larry Schurr, Enforcement Section
MWR Midwest Region (now Willamette Valley Region/WVR)
NP Noise Pollution
NPDES National Pollutant Discharge Elimination System wastewater discharge permit
NWR Northwest Region
FWO Frank Ostrander, Assistant Attorney General
P Litigation over permit or its conditions
PR Portland Region (now Northwest Region/NWR)
Prtys All parties involved
Rem Order Remedial Action Order
Resp. Code Source of next expected activity on case
SSD Subsurface Sewage Disposal
SW Solid Waste Division
SWR Southwest Region
T Litigation over tax credit matter
Underlined Different status or new case since last month's contested case log
WVR Willamette Valley Region
WQ Water Quality Division

September 1980
DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrl	DEQ Atty	Hrng Date	Resp Code	Case Type & No.	Case Status
FAYDREX, INC.	05/75	05/75	RLH	11/77	Hrngs	03-SS-SWR-75-02 64 SSD Permits	Decision <u>coming soon</u>
MEAD and JOHNS, et al	05/75	05/75	RLH		All	04-SS-SWR-75-03 3 SSD Permits	Awaiting disposition of Faydrex
GRANTS-PASS IRRIGATION	09/77	09/77	RSH		Prtys	\$10,000- 10-WQ-SWR-77-195	<u>Civil penalty mitigated to \$5,000-09/29/80</u>
POWELL, Ronald	11/77	11/77	RLH	01/23/80	Hrngs	\$10,000 Fld Brn 12-AQ-MWR-77-241	<u>Decision due</u>
HAWKING, Roy	03/78	03/78	FWO	12/17/79	Resp	\$5,000-15-AQ-PR-77-315	<u>Case closed-09/03/80. Respondent did not appeal H.O.'s decision-</u>
HAWKINS TIMBER	03/78	03/78	FWO			\$5,000 15-AQ-PR-77-314	<u>Prosecution decision pending</u>
WAH CHANG	04/78	04/78	RLH		Resp	16-P-WQ-WVR-78-2849-J NPDES Permit (Modification)	Hearing postponed pending further evaluation of permit conditions
WAH CHANG	04/78	04/78	RLH		Resp	08-P-WQ-WVR-78-2012-J	Hearing postponed pending further evaluation of permit conditions
REEVE, Glazenee	10/78		RSH		Prtys	06-P-S6-CR-78-132-4-133	<u>Stipulation signed by BOE 09/19/80</u>
MALLORY & MALLORY INC.	11/79	11/79	JHR	01/10/80	Resp	14-AQ-CR-79-101 Open Burning Civil Penalty	<u>Decision issued 09/15/80; EQC review option due 10/15/80</u>
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 State v. Alexander, 44 Or App 557 (1978)
LAND RECLAMATION, INC., et al	12/12/79	12/14/79	FWO	05/16/80	Resp	19-P-SW-329-NWR-79 Permit Denial	Court of Appeals review option taken
FORRETTE, Gary	12/20/79	12/21/79	RLH	10/21/80	Prtys	20-SS-NWR-79-146 Permit Revocation	<u>Hearing set in Tillamook at 9:00 a.m.</u>
GLASER, Dennis F. dba MID-VALLEY	02/06/80	02/07/80	CLR	06/19/80	Hrngs	02-AQ-WVR-80-13 Open Field Burning Civil Penalty of \$2,000	<u>Decision due</u>
MEDFORD CORPORATION	02/25/80	02/29/80		05/16/80	Dept	07-AQ-SWR-80 Request for Declaration Ruling	Further briefing
REYNOLDS, David B.	04/11/80	04/14/80	CLR	08/19/80	Prtys	11-SS-SWR-80-11 Civil Penalty of \$500	Stipulation to be drafted
J.R. SIMPLOT COMPANY	04/15/80	04/16/80			Prtys	12-WQ-ER-80-41 Civil Penalty of \$20,000	Preliminary
VAN DYK, Adrian C.	04/20/80	04/25/80	CLR	09/04/80	Prtys	13-SS-SWR-80-92 Civil Penalty of \$500	<u>Stipulation to be drafted</u>
SCHAEFER, Allen Jr	05/23/80	06/06/80	JHR	08/01/80	Prtys	16-SS-NWR-80-90 SS-Permit-Revocation	<u>System correction implemented--Certificate of Satisfactory Completion issued</u>
JONES, Jeffery D.,	06/03/80	06/06/80	CLR		Resp	17-SS-NWR-80-85 and 17-SS-NWR-80-86 SS Permit Revocations	Preliminary Issues
BORELLO, Ronald E.	06/03/80	06/11/80	LMS		Prtys	18-SS-ER-80-40 and 18-SS-ER-80-82. Civil Penalty of \$400	Settlement Action
R.L.G. ENTERPRISES, INC., dba THE MOORAGE PLACE	08/06/80	08/08/80	CLR	11/10/80	Prtys	20-WQ-NWR-80-114 Civil Penalty of \$150	<u>Hearing scheduled in Portland at 9:00 a.m.</u>
KONDRASKY, Steven C.	08/04/80	08/06/80	CLR		Hrngs	22-AQ-NWR-80-120 Civil Penalty of \$500	To be scheduled
JOHN, Ralph B.	09/19/80	09/23/80	CLR		Prtys	23-SS-SWR-80-45 <u>Remedial action</u>	<u>Preliminary Issues</u>



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item C, October 17, 1980, EQC Meeting
TAX CREDIT APPLICATIONS

Director's Recommendation

It is recommended that the Commission take action as follows.

1. Issue Pollution Control Facility Certificates to:

<u>Appl. No.</u>	<u>Applicant</u>	<u>Facility</u>
T-1152	Agripac, Inc.	Conversion to steam and brush system
T-1222	Robert W. Bourdon	Nihot air heater
T-1226	Willamette Industries, Inc.	Forced draft fan, induced draft fan, dryer end seals and controls
T-1230	North Santiam Plywood Co.	Horizontal water spray scrubber system
T-1231	Miller Redwood Company	Burley scrubber, water clarification tank and associated equipment
T-1244	Weyerhaeuser Company	Cyclone and baghouse
T-1246	Weyerhaeuser Company	Oxygen analyzers & recorders
T-1247	Weyerhaeuser Company	Closed conveying system
T-1248	Weyerhaeuser Company	Particleboard press vent filters
T-1252	Roseburg Lumber Co.	Scrubber unit with clarification tank
T-1265	Willamette Industries, Inc.	Baghouse
T-1268	Ashenberner Molding Co.	Noise control facility
T-1276	Publishers Paper Company	Deink pulping facility

2. Revoke Pollution Control Facility Certificate 87 issued to Georgia-Pacific Corporation because the facility certified has been taken out of service (see attached review report).

Michael Young
for
WILLIAM H. YOUNG



Contains
Recycled
Materials

DEQ-46

CASplettstaszer
229-6484
Attachments

PROPOSED OCTOBER 1980 TOTALS

Air Quality	\$ 564,877
Water Quality	186,946
Solid Waste	773,756
Noise	<u>2,850</u>
	\$ 1,528,429

CALENDAR YEAR TOTALS TO DATE

Air Quality	\$11,073,942
Water Quality	10,418,997
Solid Waste	11,454,903
Noise	<u>72,302</u>
	\$33,020,144

Appl T-1152
Date 9/8/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Agripac, Inc.
Plant No. 4--Eugene
P.O. Box 5346
Salem, Oregon 97304

The applicant owns and operates a plant processing raw fruits and vegetables into canned and frozen products at Plant No. 4 in Eugene on Ferry Street.

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

2. Description of Claimed Facility

The facility described in this application is conversion from an existing lye peeling operation to a steam and brush system and consists of:

- a. Steam peeler--Goudsche Model 5000
- b. Brush belt--Goudsche Model B1201
- c. Hopper conveyor
- d. Holding bin
- e. Hose pump
- f. Miscellaneous installation expenses

Request for Preliminary Certification for Tax Credit was made March 6, 1979, and approved May 14, 1979. Construction was initiated on the claimed facility March 15, 1979, completed and placed into operation August 10, 1979.

Facility Cost: \$186,946 (Accountant's Certification was provided).

3. Evaluation of Application

The applicant's data demonstrates that the new steam and brush peeling system has substantially reduced waste discharges to the City of Eugene's sewerage system. Data for the 1979 season (after installation of the new peeling system) showed about a 61% reduction of biochemical oxygen demand discharged to the sewer from the 1978 season (with the old lye peeling system).

The new facility delivers a peel waste in a solid form which is screenable. The old system dissolved much of the peeled waste.

A cost comparison submitted by the applicant shows a \$64,000 annual savings realized from the dry peel system. The savings are the result of reduced operation and maintenance costs and a substantial savings in sewer charges from the City of Eugene. The 15.2% return on investment calculates to a 35% portion of the facility cost allocable for tax credit. This is based on the Department's 1976 guidelines for processing tax credit applications.

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 35 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 \$186,946 with 20% or more but less than 40% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1152.

CKA:c
WC271
(503) 229-5325
9/8/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Robert W. Bourdon
6915 N.E. 42nd Avenue
Portland, OR 97218

The applicant owns and operates a furniture manufacturing facility at Portland, 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 Nihot air heater fueled by scrap lumber and sawdust to supply heat (sole source) for the plant. The facility consists of two combustion units with fuel storage and emission equipment.

Request for Preliminary Certification for Tax Credit was made on September 26, 1978, and approved on February 14, 1979.

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

Facility Cost: \$80,015.80 (Accountant's Certification was provided).

3. Evaluation of Application

The combustors are designed to burn natural gas in the event that wood wastes are unavailable for some reason. The facility has eliminated the previous necessity of disposing of approximately three hundred (300) cubic yards of waste wood (scraps and sawdust) per month in a landfill. In addition, use of the equipment will save about eighty to one hundred thousand therms of natural gas (or the equivalent energy from electricity or fuel oil) as the wood waste now supplies all of the heat for the facility.

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 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 \$80,015.80 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1222.

W. H. Dana:b
SB88
(503) 229-6266
October 2, 1980

Appl T-1226 R
Date 9/23/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Willamette Industries Inc.
P.O. Box L
Springfield, OR 97477

The applicant owns and operates a plywood plant at Springfield.

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 forced draft fan, an induced draft fan, dryer end seals, and balancing controls.

Request for Preliminary Certification for Tax Credit was made on 1/25/78, and approved on 4/3/78.

Construction was initiated on the claimed facility on 2/10/78, completed on 11/15/78, and the facility was placed into operation on 12/78.

Facility Cost: \$79,173 (Accountant's Certification was provided).

3. Evaluation of Application

The applicant has installed a new veneer dryer. Dryer emissions are ducted to the boiler for incineration. The cost of the ductwork, fans, controls and dryer end seals have been claimed as pollution controls. The primary purpose of this equipment is air pollution control. This dryer complies with LRAPA emission limits. 80% or more of the cost of this equipment should be allocated 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 Lane Regional Air Pollution Authority and is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 80% 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 \$79,173 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1226 R.

F.A. Skirvin:kmm
(503) 229-6414
September 24, 1980
AQ439

Appl T-1230
Date 9/16/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

North Santiam Plywood Co.
P.O. Box 377
Mill City, Oregon 97360

The applicant owns and operates a plywood manufacturing plant at Mill City, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of a horizontal water spray scrubber system on the No. 2 Coe dryer.

Request for Preliminary Certification for Tax Credit was made on 12/26/78, and approved on 1/25/79.

Construction was initiated on the claimed facility on 2/1/79, completed on 6/15/79, and the facility was placed into operation on 6/30/79.

Facility Cost: \$59,910.60 (Accountant's Certification was provided).

3. Evaluation of Application

Installation of the scrubber system on the No. 2 Coe veneer dryer reduced the opacity from 30-40% to 10% or less. The scrubber system was required by the Department to bring the No. 2 veneer dryer into compliance with opacity regulations. The installation has been inspected and observations taken by Department personnel which show compliance with regulations and permit conditions. All material collected (solids) is stored and will be burned in a company hogged fuel boiler starting in December, 1980. The scrubber system has no function other than pollution control; therefore, 80 percent or more is allocable to pollution control.

4. Summation

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

- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- d. The facility was required by 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 \$59,910.60 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1230.

F.A. Skirvin:kmm
(503) 229-6414
September 17, 1980
AQ419

Appl T-1231
Date 8-20-80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Miller Redwood Company
Plywood Division
P O Box 840
Merlin, OR 97532

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

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

2. Description of Claimed Facility

The facility described in this application consists of a Burley Industries scrubber, water clarification tank, and associated equipment.

Request for Preliminary Certification for Tax Credit was made on 6-7-78, and approved on 6-19-78.

Construction was initiated on the claimed facility on 1-29-79, completed on 3-1-79, and the facility was placed into operation on 3-1-79.

Facility Cost: \$102,776.74 (Accountant's Certification was provided).

3. Evaluation of Application

Miller Redwood operates three veneer dryers at their plywood plant in Merlin. The facility claimed in this application is a control system for dryer number two. Prior to installation of this control system dryer number two was in violation of the Department's visible emission limitations for veneer dryers. Since installation of this system, this dryer has complied with these visible limits. There is no economic advantage to the company from the installation of this system. The primary purpose is air pollution control and 80% or more of the cost is allocable to pollution control.

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1) (a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- d. The facility was required by the Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 80 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 \$102,776.74 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1231.

FASkirvin:a
(503) 229-6414
August 21, 1980

Appl T-1244
Date 9/15/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Weyerhaeuser Company
Willamette Region -
Particleboard Manufacturing
Tacoma, Washington 98401

The applicant owns and operates a particleboard manufacturing plant at Springfield, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of a hi-efficiency cyclone and baghouse operating in series and replacing two (2) existing cyclones for controlling emissions from the hogged particleboard trim.

Request for Preliminary Certification for Tax Credit was made on 7/22/77, and approved on 9/19/77.

Construction was initiated on the claimed facility on 12/1/77, completed on 12/28/77, and the facility was placed into operation on 1/3/78.

Facility Cost: \$83,321 (Accountant's Certification was provided).

3. Evaluation of Application

Installation of the hi-efficiency cyclone and baghouse has reduced particulate emissions to the atmosphere by approximately 12.1 lbs/hr of wood dust. The installation was required by Lane Regional Air Pollution Authority to bring the plant into compliance with the process weight standard. The system has been inspected and source tests performed by LRAPA personnel to determine compliance with regard to the process weight standard. The annual operating expenses of the installation substantially exceed any benefit derived from utilization of the wood dust collected; therefore, 80 percent or more of the cost is allocable to pollution control.

4. Summation

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

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$83,321 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1244.

F.A. Skirvin:kmm
(503) 229-6414
September 17, 1980
AQ424

Appl T-1246
Date 9/15/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Weyerhaeuser Company
Willamette Region -
Particleboard Manufacturing
Tacoma, Washington 98401

The applicant owns and operates a particleboard manufacturing plant at Springfield, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of oxygen analyzers with recorders on Boilers 1 and 2.

Request for Preliminary Certification for Tax Credit was made on 4/30/79, and approved on 6/12/79.

Construction was initiated on the claimed facility on 7/5/79, completed on 7/13/79, and the facility was placed into operation on 7/13/79.

Facility Cost: \$12,012 (Accountant's Certification was provided).

3. Evaluation of Application

Installation of the oxygen analyzers and recorders has permitted Weyerhaeuser to monitor excess CO₂ from boilers 1 and 2 enabling optimum adjustment of boiler controls. The installation was recommended by Lane Regional Air Pollution Authority to insure compliance with grain loading and opacity standards. LRAPA has inspected the facility and has determined that the boilers are operating in compliance with grain loading and opacity requirements. The annual operating expenses of the installation exceed any saving that might be realized from reduced hog fuel consumption; therefore, 80 percent or more is allocable to pollution control.

4. Summation

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

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$12,012 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1246.

F.A. Skirvin:kmm
(503) 229-6414
September 17, 1980
AQ423

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Weyerhaeuser Company
Willamette Region -
Particleboard Manufacturing
Tacoma, Washington 98401

The applicant owns and operates a particleboard manufacturing plant at Springfield, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is a closed conveying system replacing an air conveying system.

Request for Preliminary Certification for Tax Credit was made on 10/27/78, and approved on 12/12/78.

Construction was initiated on the claimed facility on 12/11/78, completed on 12/26/78, and the facility was placed into operation on 1/26/79.

Facility Cost: \$105,617 (Accountant's Certification was provided).

3. Evaluation of Application

The installation consists of a totally enclosed mechanical conveying system replacing the air conveying system used to transport sawdust. Installation of this system was required by Lane Regional Air Pollution Authority to achieve compliance with process weight standards. The installation has eliminated all emissions from the conveying system consisting of 12.3 lbs/hr (76,752 lbs annually) of wood dust and hydrocarbons. The installation has been inspected by LRAPA and the plant has been found to be in compliance with process weight standards. Any savings realized from the material collected is negligible in relation to the annual operating cost: therefore, 80 percent or more is allocable to pollution control.

4. Summation

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

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$105,617 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1247.

F.A. Skirvin:kmm
(503) 229-6414
September 17, 1980
AQ418

Appl T-1248
Date 9/04/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Weyerhaeuser Company
Willamette Region
Tacoma, WA 98401

The applicant owns and operates a particle board at Springfield.

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 four particleboard press vent filters.

Request for Preliminary Certification for Tax Credit was made on 12/18/78, and approved on 2/2/79.

Construction was initiated on the claimed facility on 2/5/79, completed on 2/21/79, and the facility was placed into operation on 2/21/79.

Facility Cost: \$30,670 (Accountant's Certification was provided).

3. Evaluation of Application

Weyerhaeuser operates 2 particleboard presses with 4 vents above each press. The 2 units on each line which had the highest emissions were selected for control. The emissions from these vents totaled 16.6 #/hr. The particleboard plant was in violation of the process weight limit.

The installation of the vent filters eliminated nearly all of the emissions from the units selected for control. The claimed facilities plus the installation of other controls have brought the plant in compliance with the process weight limit. The primary purpose of these vent filters is air pollution control. Therefore, 80% or more of the cost is allocable to pollution control.

4. Summation

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

- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1) (a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- d. The facility was required by the Lane Regional Air Pollution Authority and is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 80% 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 \$30,670 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1248.

F. A. Skirvin:m
AI345
(503) 229-6414
September 4, 1980

Appl T-1252
Date 9/16/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Roseburg Lumber Co.
Dillard-Plywood Plant #2
P.O. Box 1088
Roseburg, Oregon 97470

The applicant owns and operates a plywood plant at Dillard, 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 5-stage scrubber unit with clarification tank on veneer dryer No. 4.

Request for Preliminary Certification for Tax Credit was made on 5/17/76, and approved on 8/4/76.

Construction was initiated on the claimed facility on 8/14/79, completed on 8/24/79, and the facility was placed into operation on 8/27/79.

Facility Cost: \$63,865.08 (Accountant's Certification was provided).

3. Evaluation of Application

Installation of the scrubber system with clarification tank has reduced particulate emissions from the No. 4 veneer dryer from 0.130 - 0.215 gr/SCF to 0.044 - 0.055 gr/SCF. Opacity has been reduced from 20% to 5-10%. The new scrubber with clarification tank was required by the Department of Environmental Quality to achieve compliance with regulations and permit conditions. The facility has been inspected by the Department and has been found to be in compliance with all applicable requirements. Material collected is applied to hog fuel for disposal. The benefit derived is insignificant in relation to the annual operating expense; therefore, 80 percent or more of the cost is allocable to pollution control.

4. Summation

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

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$63,865.08 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1252.

F.A. Skirvin:kmm
(503) 229-6414
September 17, 1980
AQ421(1)

Appl T-1265
Date 9/17/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Willamette Industries, Inc.
Custom Products
3800 First National Bank Tower
Portland, Oregon 97201

The applicant owns and operates a plywood, lumber and particleboard custom cutting plant at Albany, 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 baghouse installation on a bullnose sander and rip saw.

Request for Preliminary Certification for Tax Credit was made on 7/26/79, and approved on 8/27/79.

Construction was initiated on the claimed facility on 8/20/79, completed on 11/9/79, and the facility was placed into operation on 11/12/79.

Facility Cost: \$27,533.20 (Accountant's Certification was provided).

3. Evaluation of Application

The baghouse is required to reduce dust emissions from existing cyclones that have resulted in citizen complaints. The baghouse installation has been inspected by the Department and has been found to be meeting all requirements and to have significantly reduced emissions. The additional material collected has no commercial value; therefore, 80 percent or more of the cost is allocable to pollution control.

4. Summation

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

- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- d. The facility 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 \$27,533.20 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1265.

F.A. Skirvin:kmm
(503) 299-6414
September 17, 1980
AQ433

Appl T-1268
Date 9/12/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Ashenberner Molding Co.
P.O. Box 3125
Central Point, Oregon 97502

The applicant owns and operates a wood product manufacturing plant at Central Point.

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

2. Description of Claimed Facility

The facility described in this application is a noise control project. This project consists of: (1) acoustically insulating the west wall of the plant, and (2) acoustical wrapping the chip blower, piping, and cyclone.

Request for Preliminary Certification for Tax Credit was made on May 4, 1979, and approved on May 22, 1979.

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

Facility Cost: \$2850 (Accountant's Certification was provided).

3. Evaluation of Application

Ashenberner Molding was found in violation of Department noise pollution standards in July of 1978. Ashenberner constructed the above-described pollution control facility in order to meet the noise pollution standards. After the facility was constructed, Ashenberner was found to still marginally exceed the noise standards. However, the noise control facility had substantially reduced the noise levels. It is recommended, therefore, that tax credits be granted to Ashenberner.

All money spent on this facility (\$2850) is 80% or more allocable to noise pollution control. The legal fees listed in the application were not included in the \$2850 facility cost listed above.

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1977, as required by ORS 468.165(1)(b).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing noise pollution.
- d. The facility was required by the DEQ Noise Control Section and is necessary to satisfy the intents and purposes of ORS Chapter 467, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 80% 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 \$2850 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1268.

Norman Jette:c
NC67
(503) 229-5360
9/12/80

Appl T-1276
Date 9-30-80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Publishers Paper Company
Oregon City Division
419 Main Street
Oregon City, OR 97045

The applicant owns and operates a pulp and paper manufacturing facility at Oregon City.

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 six extractors, a pressure screen and rough screens, together with ancillary pumps, piping and controls, to increase deink pulping capacity from fifty or sixty tons per day to one hundred tons per day.

Request for Preliminary Certification for Tax Credit was made on April 3, 1980, and approved on June 12, 1980.

Construction was initiated on the claimed facility in May, 1980, completed on July 5, 1980, and the facility was placed into operation on July 5, 1980.

Facility Cost: \$693,741 (Accountant's Certification was provided).

3. Evaluation of Application

Completion of this facility has allowed the applicant to process approximately 17,800 tons per year of waste newsprint into 16,000 tons per year of recycled newsprint. The facility operates at a recovery rate of ninety percent. This application covers the equipment included in the third phase of the plant expansion. It is interesting to note that the plant expansion makes use of several used storage tanks. Although the tanks had to be refurbished, the cost was still less than if new tanks had been purchased.

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 \$693,741 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1276.

W. H. Dana: b
SB80
(503) 229-6266
September 30, 1980

State of Oregon
Department of Environmental Quality

REVOCATION OF POLLUTION CONTROL FACILITY CERTIFICATE

1. CERTIFICATE ISSUED TO:

Georgia Pacific Corporation
Chemical Division (Coos Bay Plant)
900 Southwest Fifth Avenue
Portland, Oregon 97204

The Certificate was issued for a water pollution control facility at the company's plant in Coos Bay, Oregon.

2. DISCUSSION

On March 27, 1970, the Environmental Quality Commission issued Pollution Control Facility Certificate 87 to Georgia-Pacific Corporation for a collection and recycle system to prevent discharge of reactor and tank truck washdown water containing phenols at their plant in Coos Bay, Oregon. The Certificate was issued in the amount of \$4,399.82.

By letter of September 25, 1980 (attached), Georgia-Pacific informed the Department that the certified facility was retired in April of 1979.

3. DIRECTOR'S RECOMMENDATION

Pursuant to OAR 317.072(10), it is recommended that Pollution Control Facility Certificate 87 be revoked as of April 30, 1979 because the facility was retired.

CASplettstaszer
229-6484
10/2/80
Attachments



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

September 25, 1980

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

Dear Ms. Splettstaszer:

We would like to notify you of the following retirement of a certified pollution control facility:

Wash-down Recycle System
Coos Bay, Oregon
Certificate 87-1969
Retired April, 1979
Cost \$4,399.82

Sincerely,

Rebecca M. Crockford
Controller - Corporate Accounting

RMC:mlp

cc: T. R. Bennett
R. C. Dubay

Management Services Div.
Dept. of Environmental Quality
RECEIVED
SEP 23 1980

COPY

Certificate No. 87Date of Issue 3-27-70State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITYApplication No. T-111

POLLUTION CONTROL FACILITY CERTIFICATE

Issued To: Georgia Pacific Corporation Chemical Division (Coos Bay Plant) Commonwealth Building. Portland, Oregon 97204	As: Owner	Location of Pollution Control Facility: 1/4 mile east of Hwy. 101 on Coos River Road on the south edge of Coos Bay, Oregon Coos County
Description of Pollution Control Facility: Collection and recycle system to prevent discharge of reactor and tank truck washdown water containing phenols.		
Date Pollution Control Facility was completed and placed in operation: <u>July 25, 1969</u>		
Actual Cost of Pollution Control Facility: \$ <u>4,399.82</u>		
Percent of actual cost properly allocable to pollution control: <u>80% or more.</u>		

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

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

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

Signed _____

Title B. A. McPhillips, Chairman

Approved by the Environmental Quality Commission

on the 27 day of March 19 70



STATE OF OREGON

INTEROFFICE MEMO

TO: W. H. Young thru E. J. Weathersbee

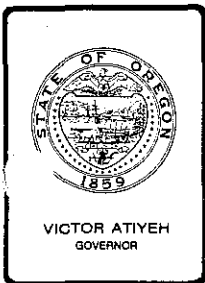
DATE: October 2, 1980

FROM: L. D. Brannock

SUBJECT: Staff Report, Agenda Item E Open Burning

The draft open burning rules accompanying this staff report, Attachment E, are not in the Secretary of State's preferred format.

The existing rules, Attachment D, are included to indicate when changes and deletions have been made and also to indicate where existing provisions can be found in the proposed rules. A merged copy of the existing and proposed rules will be prepared as an addendum prior to the Commission meeting and for public distribution.



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: Addendum No. 1 To Agenda Item No. E, October 17, 1980, EQC Meeting

Request for Authorization to Hold Public Hearing on Proposed Open Burning Rule, OAR 340-23-025 through 340-23-050 and OAR 340-30-070.

The Department is preparing a report on the status of the open burning issue in the Portland Air Quality Maintenance Area. This report will be available to the public in early November and will contain information on the scope of the problem (i.e. air quality, health and nuisance), plans for alternatives to open burning, and the public perception of the issue based on response to a survey of the public. In addition, METRO is preparing a report to include the administrative, logistical and economic aspects of the alternatives.

The staff is preparing to have both of these reports available for public review before open burning hearings are held in the Portland area.

The proposed rules have been merged with the existing rules in one common document showing deleted and added material. This merged copy of the proposed rule is Attachment A and is the copy which will be made available for public hearings.

William H. Young

Attachment: A: Proposed Rules

DLB:sam
229-5836
October 16, 1980



Contains
Recycled
Materials

DEPARTMENT OF ENVIRONMENTAL QUALITY

CHAPTER 340

DIVISION 23

[In the following proposed rules new material has been underlined and deleted material is contained in brackets and is also lined out [thus].]

How to use these Open Burning Rules

340-23-022

(1) These rules classify all open burning into one of seven classes: (a) Agricultural, (b) Commercial, (c) Construction, (d) Demolition (which includes land clearing), (e) Domestic (which includes what is commonly called backyard burning and burning of yard debris), (f) Industrial or (g) Slash.

Except for slash burning which is controlled by the forest practices smoke management plan administered by the Oregon Department of Forestry, these rules prescribe requirements for and prohibitions of open burning for every location in the state. Generally, if a class of open burning is not specifically prohibited in a given location, then it is authorized subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042. In addition, some practices specifically mentioned in OAR 340-23-035 are exempted from regulation under these rules.

(2) Organization of rules

- (a) OAR 340-23-025 is the Policy statement of the Environmental Quality Commission setting forth the goals of these rules.
- (b) OAR 340-23-030 contains definitions of terms which have specialized meanings within the context of these rules.
- (c) OAR 340-23-035 lists specific types of open burning and practices which are not governed by these rules.
- (d) OAR 340-23-040 lists general requirements which are always applicable to any open burning governed by these rules.
- (e) OAR 340-23-042 lists general prohibitions which apply to all open burning.
- (f) OAR 340-23-043 establishes the open burning schedule based on air quality and meteorological conditions as required by ORS 468.450.
- (g) OAR 340-23-045 indexes each county of the state to a specific rule giving specific restrictions for each class of open burning applicable in the county.
- (h) OAR 340-23-050 through 340-23-064 are rules which give specific restrictions to open burning for each class of open burning in the counties named in each rule.
- (i) OAR 340-23-070 provides for a letter permit authorization for open burning under certain circumstances which otherwise would be prohibited.
- (j) OAR 340-23-071 provides for general permit authorization for domestic open burning under certain circumstances.

- (k) OAR 340-23-072 establishes criteria for use of forced-air-pit incineration.
- (l) OAR 340-23-075 requires fire permit issuing agencies to keep records and reports.
- (m) OAR 340-23-080 contains the legal description of Open Burning Control areas and maps which generally depict these areas.

(3) Use of these rules will be made easier by using the following procedure:

- (a) Read OAR 340-23-040 and OAR 340-23-042 to understand general requirements and prohibitions which apply to all burning which is governed by these rules.
- (b) In OAR 340-23-030 read the definitions of Agricultural, Commercial, Construction, Demolition, Domestic and Industrial open burning plus the definitions of land clearing and yard debris to determine the type of burning you are concerned with. Also read OAR 340-23-035 to determine if your type of burning is exempted from these rules.
- (c) Locate the rule (OAR 340-23-050 through OAR 340-23-064) which governs the county in which you wish to burn. OAR 340-23-045 is an index of the county rules.
- (d) Read the sections of the county rules which apply to the type of burning you wish to do.
- (e) If not prohibited by these rules, obtain a fire permit from the fire district, county court or county commissioners before conducting any burning.

Policy

340-23-025 In order to restore and maintain the quality of the air resources of the state in a condition as free from air pollution as is practicable, consistent with the overall public welfare of the state, it is the policy of the Environmental Quality Commission: to eliminate open burning disposal practices where alternative disposal methods are feasible and practicable; to encourage the development of alternative disposal methods; to emphasize resource recovery; to regulate specified types of open burning; to encourage utilization of the highest and best practicable burning methods to minimize emissions where other disposal practices are not feasible; and to require specific programs and timetables for compliance with these rules.

340-23-030 As used in these rules unless otherwise required by context:

- (1) "Agricultural Operation" means an activity on land currently used or intended to be used primarily for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by the raising and sale of [~~or the produce of,~~] livestock or poultry, or the produce thereof, which activity is necessary to serve that purpose; it does not include the construction and use of [~~human~~] dwellings customarily provided in conjunction with the agricultural operation.

- (2) "Agricultural open burning" means the open burning of any agricultural waste.
- (3) "Agricultural waste" means any material generated or used by an agricultural operation.
- (4) "Auxiliary Combustion Equipment" includes, but is not limited to, fans or air curtain incinerators.
- (5) "Combustion Promoting Materials" include, but are not limited to, propane, diesel oil, or jellied diesel.
- (6) "Commercial open burning" means the open burning of any commercial waste.
- (7) [~~2~~] "Commercial Waste" means [~~combustible-waste-which-is generated-by-any-activity-of-wholesale-or-retail-commercial offices-or-facilities, or-by-industrial, governmental, institutional, or-charitable-organization-offices-and-facilities, or-by-housing-facilities-with-more-than-four-living-units including, but-not-limited-to, apartments, hotels, motels, dormitories, and-mobile-home-parks, but-does-not-include-any waste-which-is-defined-as-industrial-waste-under-subsection-(9) of-this-section-or-which-is-prohibited-in-section-340-23-040(7).]~~
any material except

- (a) Material burned in an agricultural operation,
- (b) Construction waste,
- (c) Demolition waste,
- (d) Domestic waste, and
- (e) Industrial waste.

Examples of commercial waste are material from offices, warehouses, stores, restaurants, mobile home parks, and dwellings containing more than four family living units such as apartments, condominiums, hotels, motels or dormitories.

(8) [~~3~~] "Commission" means the Environmental Quality Commission.

(9) "Construction open burning" means the open burning of any construction waste.

~~[(4) - "Construction and Demolition Waste" - means - combustible - waste which - is - generated - by - the - removal - of - debris, - logs, - trees, - brush, - or - demolition - material - from - any - site - in - preparation - for - land improvement - or - a - construction - project, - any - waste - occurring - as - the - result - of - a - construction - project, - or - any - waste - resulting - from - the - complete - or - partial - destruction - of - any - man - made structures - such - as - houses, - apartments, - commercial - buildings, - or - industrial - buildings.]~~

(10) "Construction waste" means any material resulting from or produced by a building or construction project. Examples of construction waste are wood, lumber, paper, crating and packing materials used during construction, materials left

after completion of construction and materials collected during cleanup of a construction site.

(11) "Demolition open burning" means the open burning of demolition waste.

(12) "Demolition waste" means any material resulting or produced by the complete or partial destruction or tearing down of any man-made structure or the clearing of any site for land improvement or cleanup excluding yard debris (domestic waste) and agricultural waste.

(13) [~~45~~] "Department" means the Department of Environmental Quality.

(14) [~~46~~] "Director" means the Director of the Department [~~of Environmental Quality~~] or his delegated employee representative pursuant to ORS 468.045(3).

(15) "Domestic open burning" means the open burning of any domestic waste.

(16) [~~47~~] "Domestic Waste" means [~~combustible~~] household [~~waste, other than wet garbage, such as paper, cardboard, leaves, yard clippings, wood, or similar materials generated in a dwelling housing four (4) families or less, or on the real property on which the dwelling is situated.~~] material which includes paper, cardboard, clothing, yard debris, and other material generated in around a dwelling four (4) or fewer family living units, or on the real property appurtenant to the dwelling. Such materials

generated in or around a dwelling of more than four (4) family living units are commercial wastes. Once domestic waste is removed from the property of origin if becomes commercial waste.

- (17) [~~8~~] "Fire Hazard" means the presence or accumulation of combustible material of such nature and in sufficient quantity that its continued existence constitutes an imminent and substantial danger to life, property, public welfare, or to adjacent lands.
- (18) [~~9~~] "Forced-air Pit Incineration" means any method or device by which burning is done:
- (a) (A) In a subsurface pit or
 - (B) Above ground enclosure and with
 - (b) Combustion air supplied under positive draft or air curtain, and
 - (c) Combustion air controlled in such a manner as to optimize combustion efficiency and minimize the emission of air contaminants.
- (19) "Industrial open burning" means the open burning of any industrial waste.
- (20) [~~10~~] "Industrial Waste" means [combustible-waste] any material, including including process waste, produced as the direct result of any manufacturing or industrial process.
- (21) "Land clearing" means the removal of trees, brush, logs, stumps, debris or man made structures for the purpose of site clean-up or site preparation. All material generated by land clearing is demolition waste except those materials which are

included in the definitions of agricultural wastes and yard debris, (domestic waste).

(22) "Local jurisdiction" means

(a) the local fire permit issuing authority and

(b) local governmental entity with authority to regulate by law or ordinance.

(23) [~~11~~] "Open Burning" [~~means-conducted-in-such-a-manner-that combustion-air-and-combustion-products-may-not-be-effectively controlled-including,-but-not-limited-to,-burning-conducted-in~~] includes burning in

(a) Open outdoor fires,

(b) Burn barrels, [and-backyard]

(c) incinerators not required by OAR 340-20-155 to have a permit, and

(d) any other burning which occurs in such a manner that combustion air is not effectively controlled and combustion products are not effectively vented through a stack or chimney.

(24) [~~12~~] "Open Burning Control Area" means an area established to control specific open burning practices or to maintain specific open burning standards which may be more stringent than those established for other areas of the state [~~including,-but not-limited-to,-the-following-areas:~~] Open burning control areas in the State are described in OAR 340-23-080.

The open burning control areas in the state are:

- (a) All areas in or within [incorporated] three (3) miles of the corporate city limits of cities having a population of four thousand (4000) or more, [within-three-(3)-miles of-the-corporate-limits-of-any-such-city] as further described in OAR 340-23-080(1) and generally shown in Figure 2 thereof.
- (b) The Coos Bay open burning control area as described in OAR 340-23-080(2) and generally shown in Figure 3 thereof.
[generally-depicted-on-Attachment-1, and-as-defined-as follows:--Beginning-at-a-point-approximately-3-1/2-miles WNW-of-the-City-of-North-Bend, Coos-County, at-the intersection-of-the-north-boundary-of-T25S, R13E-and-the coast-line-of-the-Pacific-Ocean, Thence-east-to-the-NE-corner of-T26S, R12E, thence-south-to-the-SE-corner-of-T26S, R12E, thence-west-to-the-intersection-of-the-south-boundary-of T26S, R14W-and-the-coastline-of-the-Pacific-Ocean, thence northerly-and-easterly-along-the-coastline-of-the-Pacific Ocean-to-its-intersection-with-the-north-boundary-of-T25S, R13E, the-point-of-beginning.]
- (c) The Rogue Basin open burning control area as described in OAR 340-23-080(3) and generally shown in Figure 4 thereof [generally-depicted-on-Attachment-2, and-as-defined as-follows:--Beginning-at-a-point-approximately-4-1/2-miles NE-of-the-City-of-Shady-Cove, Jackson-County-at-the-NE-corner of-T34S, R1W, Willamette-Meridian, thence-south-along-the

Willamette-Meridian-to-the-SW-corner-of-T37S,-R1W,-thence East-to-the-NE-corner-of-T38S,-R1E,-thence-South-to-the-SE corner-of-T38S,-R1E,-thence-East-to-the-NE-corner-of-T39S,- R2E-thence-South-to-the-SE-corner-of-T39S,-R2E,-thence-West to-the-SW-corner-of-T39S,-R1E,-thence-NW-along-a-line-to the-NW-corner-of-T39S,-R1W,-thence-West-to-the-SW-corner of-T38S,-R2W,-thence-North-to-the-SW-corner-of-T36S,-R2W,- thence-West-to-the-SW-corner-of-T36S,-R4W,-thence-South-to the-SE-corner-of-T37S,-R5W,-thence-West-to-the-SW-corner of-T37S,-R6W,-thence-North-to-the-NW-corner-of-T36S,-R6W,- thence-East-to-the-SW-corner-of-T35S,-R1W,-thence-North-to the-NW-corner-of-T34S,-R1W,-thence-East-to-the-point-of beginning.]

- (d) The Umpqua Basin open burning control area as described in OAR 340-23-080(4) and generally shown in Figure 5 thereof. [generally-depicted-on-Attachment-3,-and-is-defined as-follows:-Beginning-at-a-point-approximately-4-miles-WNW of-the-City-of-Oakland,-Douglas-County,-at-the-NE-corner of-T25S,-R5W,-Willamette-Meridian,-thence-South-to-the-SE corner-of-T25S,-R5W,-thence-East-to-the-NE-corner-of-T26S,- R4W,-thence-South-to-the-SE-corner-of-T27S,-R4W,-thence-West to-the-SE-corner-of-T27S,-R5W,-thence-South-to-the-SE-corner of-T30S,-R5W,-thence-West-to-the-SW-corner-of-T30S,-R6W,- thence-north-to-the-NW-corner-of-T29S,-R6W,-thence-West-to the-SW-corner-of-T28S,-R7W-thence-North-to-the-NW-corner

~~of-T27S,-R7W,-thence-East-to-the-NE-corner-of-T27S,-R7W,
thence-North-to-the-NW-corner-of-T26,-R6W,-thence-East-to
the-NE-corner-of-T26,-R6W,-thence-North-to-the-NW-corner
of-T25S,-R5W,-thence-East-to-the-point-of-beginning-]~~

(e) The Willamette Valley open burning control area as described OAR 340-23-080(5) and generally shown in Figure 2 thereof. [~~defined-as-follows:-All-of-Benton,-Clackamas,-Columbia,-Linn,-Marion,-Multnomah,-Polk,-Washington-and Yamhill-counties-and-that-portion-of-Lane-County-east-of Range-7-West-]~~

(25) [~~13~~] "Person" means any individual, corporation, association, firm, partnership, joint stock company, public or municipal corporation, political subdivision, the state [~~and~~] or any agency thereof, [~~and~~] or the federal government [~~and~~] or any agency thereof.

(26) [~~14~~] "Population" means the annual population estimate of incorporated cities within the State of Oregon issued by the Center for Population Research and Census, Portland State University, Portland, Oregon.

[~~15~~]-"~~Regional-Authority~~"-means-the-Lane-Regional-Air-Pollution Authority-]

(27) "Slash" means forest debris left after a forest logging operation governed by the forest practices act when such slash is to be burned under the smoke management plan administered by the Oregon Department of Forestry pursuant to ORS 477.515.

~~[(16) - "Special-Control-Area" means an area within the Willamette Valley Open-Burning-Control-Area which includes:~~

~~(A) - Any area in or within three (3) miles of the boundary of any city of more than 1,000 but less than 45,000 population.~~

~~(B) - Any area in or within six (6) miles of the boundary of any city of 45,000 or more population.~~

~~(C) - Any area between areas established by this rule where the boundaries are separated by three (3) miles or less.~~

~~(D) - Whenever two or more cities have a common boundary, the total population of these cities will determine the control area classification and the municipal boundaries of each of the cities shall be used to determine the limit of the control area.]~~

(28) "Ventilation index" means a number calculated by the Department relating to the ability of the atmosphere to disperse pollutants. The ventilation index is the product of the measured or estimated meteorological mixing depth in hundreds of feet and the measured or estimated average wind speed through the mixed layer in knots.

(29) ~~[(17)]~~ "Waste" means any useless or discarded materials. Each waste is categorized in these rules as one but not more of the following types:

- (a) Agricultural,
- (b) Commercial,
- (c) Construction,
- (d) Demolition,
- (e) Domestic, or
- (f) Industrial.

(30) "Yard debris" means wood, needle or leaf materials from trees, shrubs or plants from the real property appurtenant to a dwelling of not more than four (4) family living units so long as such debris remains on the property of origin. Once yard debris is removed from the property of origin it becomes commercial waste. Yard debris is included in the definition of domestic waste.

Exemptions, [Exceptions] Statewide

340-23-035 The ~~[provisions-of-these]~~ rules in this Division 23 shall not apply to:

(1) Fires set for traditional recreational purposes and traditional ceremonial occasions for which a fire is appropriate provided that no ~~[waste]~~ materials which may emit dense smoke or noxious odors as prohibited in section ~~[340-23-040(7)]~~ 340-23-042(2) are burned. ~~[included-as-any-part-of-the-fuel-used-for-such-fires.]~~

(2) Any barbecue equipment ~~[not-used-for-commercial-or-fund-raising-purposes,-nor-to-any-barbeque-equipment-used-for~~

~~commercial-or-fund-raising-purposes-for-no-more-than-two-periods
in-any-calendar-year, each-such-period-not-to-exceed-two
consecutive-weeks, in-any-single-area.]~~

- (3) Fires set or ~~[allowed]~~ permitted by any public agency when such fire is set or ~~[allowed-to-be-set]~~ permitted in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, or a hazard to public health or safety or instruction of employees in the methods of fire fighting, [or-for-prevention-or elimination-of-a-fire-hazards, and] which ~~[are-necessary]~~ in the opinion of the ~~[public]~~ agency is necessary. ~~[responsible for-such-fires].~~

~~[(4)-Open-burning-as-a-part-of-agricultural-operations-which
is-regulated-in-part-of-OAR-Chapter-340, Division-26,
Agricultural-Operations.]~~

- (4) ~~[(5)]~~ Open burning on forest land permitted under the forest practices Smoke Management Plan filed with the Secretary of State pursuant to ORS 477.515.
- (5) ~~[(6)]~~ Fires set pursuant to permit for the purpose of instruction of employees of private industrial concerns in methods of fire fighting, or for civil defense instruction.

General Requirements ~~[and-Prohibitions]~~ Statewide

340-23-040

This rule applies to all open burning whether authorized, permitted or prohibited by the rules in this Division 23 or by any other rule, regulation, permit, ordinance, order or decree.

Proposed 10/13/80

15 - Div. 23

~~[(1) No person shall cause or allow to be initiated or maintained any open burning which is prohibited by any rule of the Commission.~~

~~(2) Open burning in violation of any rule of the Commission shall be promptly extinguished by the person in attendance or person responsible when notified to extinguish the fire by either the Department, or by any other appropriate public official.~~

~~(3) Any person who owns or controls, including the tenant of, property on which open burning occurs or who has caused or allowed such open burning to be initiated or maintained shall be considered the person responsible for the open burning.~~

~~(4) Open fires allowed by these rules shall be constantly attended by a responsible person until extinguished.~~

~~(5) All combustible material to be open burned shall be dried to the extent practicable to prevent emissions of excessive smoke. All combustible material to be open burned shall be stacked or windrowed in such a manner as to eliminate dirt, rocks, and other non-combustible material, to promote efficient burning. Equipment and tools shall be available to periodically re-stack the burning material to insure that combustion is essentially completed and that smoldering fires are prevented.~~

~~(6) (a) Open burning which creates any of the following is prohibited:~~

~~(i) --- a private nuisance;~~

~~(ii) --- a public nuisance;~~

~~(iii) --- a hazard to public safety.~~

~~(b) If paragraph (a) hereof is violated, the person or persons responsible for the open burning under these rules shall immediately abate the nuisance or hazard.~~

~~(c) This subsection applies equally to otherwise authorized and unauthorized open burning.~~

~~(7) Open burning of any waste materials which normally emit dense smoke, noxious odors, or which may tend to create a public nuisance such as, but not limited to, household garbage, plastics, wire insulation, auto bodies, asphalt, waste petroleum products, rubber products, animal remains, and animal or vegetable wastes resulting from the handling, preparation, cooking, or service of food is prohibited.~~

~~(8) If the Department determines that open burning allowed by these rules may cause or is causing a public nuisance, the Department may require that the burning be terminated or that auxiliary combustion equipment or combustion promoting materials be used to insure complete combustion and elimination of the nuisance. Auxiliary combustion equipment required under this subsection may include, but is not limited to, fans or air curtain incinerators. Combustion promoting materials may include, but are not limited to, propane, diesel oil, or jellied diesel.~~

~~(9) No open burning shall be initiated in any part of the state on any day or at any time when the Department advises fire permit issuing agencies that open burning is not allowed in that part of the state because of adverse meteorological or air quality conditions.~~

~~(10) No open burning shall be initiated in any area of the state in which an air pollution alert, warning, or emergency has been declared pursuant to OAR Chapter 340, Sections 340-27-010 and 340-27-025 (2), and is then in effect. Any open burning in progress at the time of such declaration shall be promptly extinguished by the person in attendance or person responsible when notified of the declaration by either the Department of any other appropriate public official.~~

~~(11) Open burning authorized by these rules does not exempt or excuse any person from liability for, consequences, damages, or injuries resulting from such burning, nor does it exempt any person from complying with applicable laws, ordinances, or regulations of other governmental agencies having jurisdiction.~~

~~(12) Forced air pit incineration may be approved as an alternative to open burning prohibited by these rules, provided that the following conditions shall be met:~~

~~(a) The person requesting approval of forced air pit incineration shall demonstrate to the satisfaction of the Department or Regional Authority that no feasible or practicable alternative to forced air pit incineration exists.~~

~~(b) The forced air pit incineration facility shall be designed, installed, and operated in such a manner that visible emissions do not exceed forty percent (40%) opacity for more than three (3) minutes out of any one (1) hour of operation following the initial thirty (30) minute~~

startup-period.

~~(e)-The person requesting approval of a forced-air-pit incineration facility shall obtain an Air Contaminant Discharge Permit, if required therefor, and the person shall be granted an approval of the facility only after a Notice of Construction and Application for Approval is submitted pursuant to OAR Chapter 340, Sections 340-20-020 through 340-20-030.]~~

- (1) All Open burning shall be constantly attended by a responsible person or an expressly authorized agent until extinguished.
- (2) Each person who is in ownership, control or custody of the real property on which open burning occurs, including any tenant thereof, or who is in ownership, control or custody of the material which is burned, shall be considered a responsible person for the open burning. Any person who causes or allows open burning to be initiated or or maintained shall also be considered a responsible person.
- (3) It shall be the duty of each responsible person to promptly extinguish any open burning which is in violation of any rule of the Commission or of any permit issued by the Department

unless the Department has given written approval to such responsible person to use auxiliary combustion equipment or combustion promoting materials to minimize smoke production and the responsible person complies with the requirements in the written approval. However, nothing in this section shall be construed to authorize any violation of OAR 340-23-042(1) or (2).

- (4) To promote efficient burning and prevent excessive emissions of smoke, each responsible person shall:
- (a) Assure that all combustible material is dried to the extent practicable. This action shall include covering the combustible material during rainy weather when practicable. However, nothing in this section shall be construed to authorize any violation of OAR 340-23-042(1) or (2).
 - (b) Loosely stack or windrow the combustible material in such a manner as to eliminate dirt, rocks and other non-combustible material and promote an adequate air supply to the burning pile, and provide the necessary tools and equipment for the purpose.
 - (c) Periodically restack or feed the burning pile and insure that combustion is essentially completed and smoldering fires are prevented and provide the necessary tools and equipment for the purpose.
- (5) Open burning in compliance with the rules in this Division 23 does not exempt any person from any civil or criminal liability for consequences or damages resulting from such

burning, nor does it exempt any person from complying with other applicable law, ordinance, regulation, rule, permit, order, or decree of this or any other governmental entity having jurisdiction.

General Prohibitions Statewide

[This is a new Rule which follows OAR 340-23-040.]

340-23-042 This Rule applies to all open burning whether authorized, permitted or prohibited by the rules in this Division 23 or by any other rule, regulation, permit, ordinance, order or decree.

(1) No person shall cause or allow to be initiated or maintained any open burning which creates any of the following:

- (a) A private nuisance;
- (b) A public nuisance;
- (c) A hazard to public safety.

(2) No person shall cause or allow to be initiated or maintained any open burning of any wet garbage, plastic, wire insulation, automobile part, asphalt, petroleum product, petroleum treated material, rubber product, animal remains, or animal or vegetable matter resulting from the handling, preparation, cooking, or service of food or of any other material which normally emits dense smoke or noxious odors.

(3) No person shall cause or allow to be initiated or maintained any open burning of any material in any part of the state on

any day at any time, regarding which when the Department has notified the State Fire Marshal that open burning is prohibited because of meteorological or air quality conditions pursuant to OAR 340-23-043.

- (4) No fire permit issuing agency shall issue any fire permit which purports to authorize any open burning of any material at any location on any day at any time regarding which the Department has notified the State Fire Marshal that open burning is prohibited because of meteorological or air quality conditions. However, the failure of any fire permit issuing agency to comply shall not excuse any person from complying with this section.
- (5) No person shall cause or allow to be initiated or maintained any open burning authorized by the rules in this Division 23 during hours other than specified by the Department.
- (6) No person shall cause or allow to be initiated or maintained any open burning at any solid waste disposal site unless authorized by a Solid Waste Permit issued pursuant to OAR 340-61-005 through 340-61-085.

Open Burning Schedule

[This is a new rule which follows OAR 340-23-042. It contains provisions which are new to this Division 23.]

340-23-043 Pursuant to ORS 468.450, 476.380 and 478.960 the following open burning schedule shall be administered by the Department.

(1) Mandatory Prohibition Based on Adverse Air Quality

Conditions.

- (a) The Department shall notify the State Fire Marshall that all open burning shall be prohibited in all or a specified part of the state regarding which the Department has declared:
- (A) A particulate or sulfur dioxide alert pursuant to OAR 340-27-010(2)(a), (b) or (c);
 - (B) A particulate or sulfur dioxide warning pursuant to OAR 340-27-010(3)(a), (b), or (c); or
 - (C) An emergency for any air contaminant pursuant to OAR 340-27-010(4).
- (b) All open burning shall be prohibited until the Department notifies the State Fire Marshall that the episode and prohibition have been declared to have terminated.

(2) Discretionary Prohibition or Limitation Based on

Meteorological Conditions.

- (a) The Department may notify the State Fire Marshall that all or specified types of open burning shall be prohibited or limited in all or any specified parts of the state based on any one or more of the following criteria affecting that part of the state:
- (A) An Air Stagnation Advisory issued by the National Weather Service;
 - (B) The daily maximum ventilation index calculated by

the Department for the Willamette Valley Open Burning Control Area is less than 250;

(C) The daily maximum ventilation index calculated by the Department for the Rogue Basin or Umpqua Basin open burning control area is less than 200.

(D) The daily maximum ventilation index calculated by the Department for any area outside the Willamette Valley, Rogue Basin and Umpqua Basin open burning control areas is less than 150; or

(E) Any other relevant factor.

(b) All open burning so prohibited or limited shall be prohibited or limited until the Department notifies the State Fire Marshal that the prohibition or limitation has been terminated.

(c) In making the determination of whether or not to prohibit or limit open burning pursuant to this section the Department shall consider:

(A) The policy of the state set forth in ORS 468.280

(B) The relevant criteria set forth in ORS 468.295(2).

(C) The extent and types of materials available to be open burned.

(D) Any other relevant factor.

(d) On making the determination of whether or not to prohibit or limit any open burning pursuant to this section the

Department shall give first priority to the burning of perennial grass seed crop used for grass seed production, second priority for annual grass seed crop used for grass seed production, third priority to grain crop burning, and fourth priority to all other burning.

(3) Unless and until prohibited or limited pursuant to sections (1) or (2) of this rule, open burning shall be allowed during a day, so long as it is not prohibited by, and is conducted consistent with, the other rules in this Division 23, the requirements and prohibitions of the local jurisdiction and the State Fire Marshal.

County Listing of Specific Open Burning Rules

[Requirements-and-Prohibitions-by-Area]

340-23-045

Except as otherwise provided, in addition to the general requirements and prohibitions listed in OAR 340-23-040 and 340-23-042, specific prohibitions of Agricultural, Commercial, Construction, Demolition, Domestic and Industrial open burning are listed in separate rules for each county. The following list identifies the Rule where prohibitions of specific types of open burning applicable to a given county may be found.

<u>County</u>	<u>OAR Rule Number</u>	<u>County</u>	<u>OAR Rule Number</u>
<u>Baker</u>	<u>340-23-050</u>	<u>Lake</u>	<u>340-23-050</u>
<u>Benton</u>	<u>340-23-052</u>	<u>Lane</u>	<u>340-23-057</u>
<u>Clackamas</u>	<u>340-23-053</u>	<u>Lincoln</u>	<u>340-23-050</u>
<u>Clatsop</u>	<u>340-23-050</u>	<u>Linn</u>	<u>340-23-052</u>
<u>Columbia</u>	<u>340-23-056</u>	<u>Malheur</u>	<u>340-23-050</u>
<u>Coos</u>	<u>340-23-060</u>	<u>Marion</u>	<u>340-23-052</u>
<u>Crook</u>	<u>340-23-050</u>	<u>Morrow</u>	<u>340-23-050</u>
<u>Curry</u>	<u>340-23-050</u>	<u>Multnomah</u>	<u>340-23-054</u>
<u>Deschutes</u>	<u>340-23-050</u>	<u>Polk</u>	<u>340-23-052</u>
<u>Douglas</u>	<u>340-23-062</u>	<u>Sherman</u>	<u>340-23-050</u>
<u>Gilliam</u>	<u>340-23-050</u>	<u>Tillamook</u>	<u>340-23-050</u>
<u>Grant</u>	<u>340-23-050</u>	<u>Umatilla</u>	<u>340-23-050</u>
<u>Harney</u>	<u>340-23-050</u>	<u>Union</u>	<u>340-23-050</u>
<u>Hood River</u>	<u>340-23-050</u>	<u>Wallowa</u>	<u>340-23-050</u>
<u>Jackson</u>	<u>340-23-064</u>	<u>Wasco</u>	<u>340-23-050</u>
<u>Jefferson</u>	<u>340-23-050</u>	<u>Washington</u>	<u>340-23-055</u>
<u>Josephine</u>	<u>340-23-064</u>	<u>Wheeler</u>	<u>340-23-050</u>
<u>Klamath</u>	<u>340-23-050</u>	<u>Yamhill</u>	<u>340-23-052</u>

~~{1}-Lane-County:-The-rules-and-regulations-of-the-Lane-Regional Air-Pollution-Authority-shall-apply-to-all-open-burning-conducted in-Lane-County,-provided-that-the-provisions-of-such-rules-and regulations-shall-be-no-less-stringent-than-the-provisions-of these-rules-~~

~~{2}-Solid-Waste-Disposal:-Open-burning-at-solid-waste-disposal sites-is-prohibited-statewide-except-as-authorized-by-a-Solid Waste-Permit-issued-as-provided-in-OAR-Chapter-3407-Sections 340-61-005-through-340-61-085-~~

~~{3}-Commercial-Waste:-Open-burning-of-commercial-waste-is prohibited-within-open-burning-control-areas-except-as-may-be provided-in-subsection-7-of-this-section-~~

~~{4}-Industrial-Waste:-Open-burning-of-industrial-waste-is~~

prohibited statewide except as may be provided in subsection 7 of this section.

(5) Construction and Demolition Waste. Except as may be provided in this subsection and in subsection 7 of this section, open burning of construction and demolition waste, including non-agricultural land-clearing debris, is prohibited within all Open Burning Control Areas except that such burning is permitted:

(a) In Multnomah County east of the Sandy River.

(b) In Washington County in all unincorporated areas outside of rural fire protection districts.

(c) In areas of all other counties of the Willamette Valley Open Burning Control area outside of Special Control Areas.

(6) Domestic Waste. Open burning of domestic wastes is prohibited in the Willamette Valley Open Burning Control Area, except:

(a) Such burning is permitted until December 31, 1980:

(A) In Columbia County

(B) In the Timber and Tri-City Rural Fire Protection District and in all areas, outside of rural fire protection districts in Washington County.

(C) In the following rural fire protection districts of Clackamas County:

(i) --- Clarkes Rural Fire Protection District.

(ii) --- Estacada Rural Fire Protection District No. 69.

(iii) --- Colton-Springwater Rural Fire Protection District

~~(iv) -- Molalla Rural Fire Protection District.~~

~~(v) --- Hoodland Rural Fire Protection District.~~

~~(vi) -- Monitor Rural Fire Protection District.~~

~~(vii) -- Scotts Mills Rural Fire Protection District.~~

~~(viii) -- Aurora Rural Fire Protection District.~~

~~(ix) -- All portions of the Clackamas-Marion Fire
Protection District within Clackamas County.~~

~~(D) -- In Multnomah County east of the Sandy River.~~

~~(E) -- In all other parts of Multnomah, Washington and
Clackamas counties, for the burning of wood, needle and
leaf materials from trees, shrubs or plants from yard
clean-up on the property at which one resides, during
the period commencing on the first day in March and
terminating at sunset on the fifteenth of December.~~

~~(b) -- Such burning is permitted until July 1, 1982.~~

~~(A) -- Outside of Special Control areas in the counties of
Benton, Lane, Linn, Marion, Polk and Yamhill counties.~~

~~(B) -- Within Special Control Areas of Benton, Lane, Linn,
Marion, Polk, and Yamhill counties for wood, needle and
leaf materials from trees, shrubs or plants from yard
cleanup on the property at which one resides, during the
period commencing on the first day in March and
terminating at sunset on the fifteenth of June and
commencing on the first day in October and terminating
at sunset on the fifteenth of December.~~

~~(c) -- Domestic open burning is allowed under this section only~~

between 7:30 a.m. and sunset on days when the Department has advised fire permit issuing agencies that open burning is allowed.

(7) Open Burning Allowed by Letter Permit -- Burning of commercial, industrial and construction and demolition waste on a singly occurring or infrequent basis may be allowed by a letter permit issued by the Department, provided that the following conditions are met:

(a) No practicable alternative method for disposal of the waste is available.

(b) Application for disposal of the waste by burning is made in writing to the Department, listing the quantity and type of waste to be burned, and all efforts which have been made to dispose of the waste by other means.

(c) The Department shall evaluate all such requests for open burning taking into account reasonable efforts to use alternative means of disposal, the condition of the particular airshed where the burning will occur, other emission sources in the vicinity of the requested open burning, remoteness of the site and methods to be used to insure complete and efficient combustion of the waste material.

(d) If the Department is satisfied that reasonable alternative disposal methods are not available, and that significant degradation of air quality will not occur as the result of allowing the open burning to be accomplished, the Department may issue a letter permit to allow the burning

to take place. The duration and date of effectiveness of the letter permit shall be specific to the individual request for authorization of open burning, and the letter permit shall contain conditions so as to insure that the burning is accomplished in the most efficient manner and over the shortest time period attainable.

(e) Within the boundaries of Clackamas, Columbia, Multnomah, and Washington counties, such letter permits shall be issued only for the purpose of disposal of waste resulting from emergency occurrences including, but not limited to, floods, windstorms, or oil spills, provided that such waste cannot be disposed of by any other reasonable means.

(f) Failure to conduct open burning according to the conditions of the letter permit, or any open burning in excess of that allowed by the letter permit shall cause the permit to be immediately terminated as provided in OAR 340-14-045(2) and shall be cause for assessment of civil penalties as provided in OAR 340-12-030, 340-12-035, 340-12-040(3)(b), 340-12-045, and 340-12-050(3), or for other enforcement action by the Department.]

[Records and Reports]

340-23-050

[As required by ORS 478.960(7), fire permit issuing agencies shall maintain records of open burning permits and the conditions thereof, and shall submit such records or summaries thereof to the Commission

~~as may be required, -- Forms for any reports required under this section shall be provided by the Department.]~~

Open burning prohibitions for the counties of Baker, Clatsop, Crook, Curry, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler.

(1) Industrial open burning is prohibited

(2) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal and OAR 340-23-042(3).

(3) Commercial open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042, except that all commercial open burning is prohibited in or within three (3) miles of the corporate city limits of the following cities:

(a) In Baker County, the city of:

(A) Baker

(b) In Clatsop County, the cities of:

(A) Astoria

(B) Seaside

(c) In Crook County, the city of:

(A) Prineville

(d) In Deschutes County, the cities of:

(A) Bend

(B) Redmond

(e) In Hood River County, the city of:

(A) Hood River

(f) In Klamath County, the city of:

(A) Klamath Falls

(g) In Lincoln County, the cities of:

(A) Lincoln City

(B) Newport

(h) In Malheur County, the city of:

(A) Ontario

(i) In Umatilla County, the cities of:

(A) Hermiston

(B) Milton Freewater

(C) Pendleton

(j) In Union County, the city of:

(A) La Grande

(k) In Wasco County, the city of:

(A) The Dalles

(4) Construction and Demolition open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042, except that Construction and Demolition open burning is prohibited in or within three (3) miles of the corporate city limits of the following cities:

(a) In Baker County, the city of:

(A) Baker

- (b) In Clatsop County, the cities of:
 - (A) Astoria
- (c) In Crook County, the city of:
 - (A) Prineville
- (d) In Deschutes County, the cities of:
 - (A) Bend
 - (B) Redmond
- (e) In Hood River County, the city of:
 - (A) Hood River
- (f) In Klamath County, the city of:
 - (A) Klamath Falls
- (g) In Malheur County, the city of:
 - (A) Ontario
- (h) In Umatilla County, the cities of:
 - (A) Hermiston
 - (B) Milton Freewater
 - (C) Pendleton
- (i) In Union County, the city of:
 - (A) La Grande
- (j) In Wasco County, the city of:
 - (A) The Dalles

(5) Domestic open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

340-23-052 Open burning prohibitions for Benton, Linn, Marion, Polk, and Yamhill counties which form a part of the Willamette Valley open burning control area described in OAR 340-23-080.

- (1) Industrial open burning is prohibited.
- (2) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal and OAR 340-26-005 through 340-26-030 (Agricultural Operations).
- (3) Commercial open burning is prohibited.
- (4) Construction and Demolition open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042, except that Construction and Demolition open burning is prohibited within special control areas including the following:
 - (a) Areas in or within six (6) miles of the corporate city limit of Salem in Marion and Polk Counties.
 - (b) Areas in or within three (3) miles of the corporate city limit of:
 - (A) In Benton County, the cities of:
 - (i) Corvallis
 - (ii) Philomath
 - (B) In Linn County, the cities of:
 - (i) Albany
 - (ii) Brownsville
 - (iii) Harrisburg

- (iv) Lebanon
- (v) Mill City
- (vi) Sweet Home

(C) In Marion County, the cities of:

- (i) Aumsville
- (ii) Hubbard
- (iii) Jefferson
- (iv) Mt. Angel
- (v) Silverton
- (vi) Stayton
- (vii) Sublimity
- (viii) Turner
- (ix) Woodburn

(D) In Polk County, the cities of:

- (i) Dallas
- (ii) Independence
- (iii) Monmouth

(E) In Yamhill County, the cities of:

- (i) Amity
- (ii) Carlton
- (iii) Dayton
- (iv) Dundee
- (v) Lafayette
- (vi) McMinnville
- (vii) Newberg
- (viii) Sheridan
- (ix) Willamina

(5) Domestic open burning

- (a) Domestic open burning is prohibited in the special control areas named in Section (4) of this Rule except that open burning of yard debris is allowed beginning March first and ending June fifteenth inclusive, and beginning October first and ending December fifteenth, inclusive, subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.
- (b) Domestic open burning is allowed outside of special control areas subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal OAR 340-23-040 and 340-23-042.
- (c) No person shall cause or allow to be initiated or maintained any domestic open burning other than during daylight hours between 7:30 a.m. and two hours before sunset unless otherwise specified by Department pursuant to OAR 340-23-043.

340-23-053 Open burning prohibitions for Clackamas County.

- (1) Industrial open burning is prohibited
- (2) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal and OAR 340-26-005 through 340-26-030, (Agricultural Operations).
- (3) Commercial open burning is prohibited.
- (4) Construction and Demolition open burning is allowed subject to the requirements and prohibitions of local jurisdictions,

the State Fire Marshal, OAR 340-23-040 and 340-23-042, except that Construction and Demolition open burning is prohibited within special control areas including the following:

(a) Areas in or within six (6) miles of the corporate city limits of:

- (A) Gladstone,
- (B) Happy Valley,
- (C) Lake Oswego,
- (D) Milwaukie,
- (E) Oregon City,
- (F) Portland,
- (G) Rivergrove,
- (H) West Linn.

(b) Areas in or within three (3) miles of the corporate city limits of

- (A) Canby,
- (B) Estacada,
- (C) Gresham,
- (D) Molalla,
- (E) Sandy,
- (F) Wilsonville.

(5) Domestic open burning

(a) As generally depicted in Figure 1 of OAR 340-23-080 domestic open burning is always prohibited within the following fire districts:

- (A) Clackamas Co. RFPD #1

(B) that portion of Clackamas RFPD #71 which lies west of I-205.

(C) Glenmorrie RFPD #66

(D) Gladstone

(E) Lakegrove RFPD #57

(F) Lake Oswego

(G) Milwaukie

(H) Oregon City

(I) Oak Lodge

(J) Portland

(K) Riverdale RFPD #60

(L) Rosemont RFPD #67

(M) that part of Tualatin RFPD #64 which lies north of I-205.

(N) West Linn

(b) Domestic open burning is prohibited in the following fire districts except that open burning of yard debris is allowed between March first and June fifteenth inclusive and between October first and December fifteenth inclusive, subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

(A) Beaver Creek RFPD #55

(B) Boring RFPD #59

(C) Canby

(D) Canby RFPD #62

(E) Clackamas Co. RFPD #54

(F) That portion of Clackamas RFPD #71 which
lies east of I-205

(G) Sandy RFPD #72

(H) That portion of Tualatin RFPD #64 which
lies south of I-205.

(c) Domestic open burning is allowed in the areas not covered
in subsections (a) and (b) of this section subject to the
requirements and prohibitions of local jurisdictions, the
State Fire Marshal, ORS 340-23-040 and 340-23-042.

(d) No person shall cause or allow to be initiated or
maintained any domestic open burning other than during
daylight hours between 7:30 a.m. and two hours before
sunset unless otherwise specified by Department pursuant to
OAR 340-23-043.

340-23-054 Open burning prohibitions for Multnomah County.

(1) Industrial open burning is prohibited

(2) Agricultural open burning is allowed subject to the
requirements and prohibitions of local jurisdictions, the State
Fire Marshal, OAR 340-23-042(3) and 340-26-005 through 340-26-
030, (Agricultural Operations).

(3) Commercial open burning is prohibited.

(4) Construction and Demolition open burning is prohibited west
of the Sandy River but is allowed east of the Sandy River subject
to the requirements and prohibitions of local jurisdictions,

the State Fire Marshal, OAR 340-23-040 and 340-23-042.

(5) Domestic open burning.

(a) As generally depicted in Figure 1 of OAR 340-23-080, domestic open burning is prohibited west of the Sandy River except, that open burning of yard debris is allowed in the following areas from March first to June fifteenth inclusive and from October first to December fifteenth inclusive, subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal OAR 340-23-040 and 340-23-042:

(A) All unincorporated area between the Sandy River and the Troutdale or Gresham city limits.

(B) Skyline RFPD #20

(C) Sauvie Island

(D) Burlington Water District

(E) All unincorporated areas located in Northwestern Multnomah County and not within a Fire Protection District.

(b) Domestic open burning is allowed east of the Sandy River subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

(c) No person shall cause or allow to be initiated or maintained any domestic open burning other than during daylight hours between 7:30 a.m. and two hours before sunset unless otherwise specified by Department pursuant to OAR 340-23-043.

340-23-055 Open burning prohibitions for Washington County.

- (1) Industrial open burning is prohibited
- (2) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-042(3) and 340-26-030, (Agricultural Operations).
- (3) Commercial open burning is prohibited.
- (4) Construction and Demolition open burning is prohibited in all incorporated areas and areas within rural fire protection districts. Construction and demolition open burning is allowed in all other areas subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.
- (5) Domestic open burning
 - (a) As generally depicted in Figure 1 of OAR 340-23-080 domestic open burning is prohibited in the following areas
 - (A) Beaverton Fire District
 - (B) River Grove Rural Fire Protection District #57
 - (C) Portland Fire District
 - (D) That portion of Tualatin RFPD including the cities of Tualatin, Durham, Tigard and King City, which is north of a line starting at the point where I-205 crosses the Washington-Clackamas County line, westward along I-205 to the Tualatin city limit at I-5, thence along the southerly and westerly city limit of Tualatin to the Tualatin River, thence westward along the Tualatin River to highway 99W, thence northward along highway 99W to

Fisher Road, thence westward along Fisher Road to 131st Avenue, thence northward along the King City city limit to its northern most point and continuing due north to the Tigard city limit, thence northward along the Tigard city limit to the boundary of the Tualatin Rural Fire Protection District.

(E) That part of Washington County Rural Fire Protection District number one which is within the Metropolitan Service district.

(F) That part of Washington County Rural Fire Protection District number two starting at the point where highway 26 crosses the eastern boundary of the fire district, thence westward along highway 26 to Cornelius Pass Road, thence northward along Cornelius Pass Road to West Union Road, thence eastward along West Union Road to the fire district boundary, thence southerly along the district boundary to the point of beginning.

(b) Domestic open burning is prohibited in the following areas except that open burning of yard debris is allowed on a day between March first and June fifteenth inclusive and between October first and December fifteenth inclusive subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal OAR 340-23-040 and 340-23-042:

(A) Within the corporate city limit of Cornelius.

(B) Within the corporate city limit of Forest Grove.

(C) Within the corporate city limit of Hillsboro.

(D) That portion of Tualatin RFPD not included in paragraph (a) (D) of this section.

(E) Within Cornelius RFPD

(F) Within Gaston RFPD

(G) Within Forest Grove RFPD

(H) Within that part of Washington County RFPD number 1 outside of the Metropolitan Service District.

(I) Within Washington County RFPD number 2 except for the portion included in paragraph (a) (F) of this section.

(c) Domestic open burning is allowed in the Tri cities RFPD and unincorporated areas of Washington County outside of rural fire protection districts subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal OAR 340-23-040 and 340-23-042.

(d) No person shall cause or allow to be initiated or maintained any domestic open burning other than during daylight hours between 7:30 a.m. and two hours before sunset unless otherwise specified by Department pursuant to OAR 340-23-043.

340-23-056 Open burning prohibitions for Columbia County

(1) Industrial open burning is prohibited.

- (2) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal and OAR 340-23-042(3) and 340-23-042(5).
- (3) Commercial open burning is prohibited.
- (4) Construction and demolition open burning
- (a) Construction and Demolition open burning is prohibited in and within three (3) miles of the city limits of:
- (A) Clatskanie,
- (B) Rainier,
- (C) St. Helens,
- (D) Scappoose,
- (E) Vernonia.
- (b) Construction and Demolition open burning is allowed in all other parts of Columbia County subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.
- (5) Domestic open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

340-23-057 Open burning prohibitions for Lane County. That portion of Lane County east of Range 7 West Willamette Meridian forms a part of the Willamette Valley open burning control area as generally described in OAR 340-23-080(5) and depicted in Figure 2.

- (1) The rules and regulations of the Lane Regional Air Pollution Authority shall apply to all open burning in Lane County provided such rules are no less stringent than the provisions of these

rules and further provided that the Lane Regional Air Pollution Authority may not regulate open burning as a part of agricultural operations.

(2) Industrial open burning is prohibited

(3) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-042(3) and 340-26-005 through 340-26-030, (Agricultural Operations).

(4) Commercial open burning is prohibited in Lane County east of Range 7 West Willamette Meridian and in or within three (3) miles of the city limit of Florence on the coast. Commercial open burning is allowed in the remaining areas of Lane County subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

(5) Construction and Demolition open burning is prohibited within all special control areas but is allowed elsewhere in Lane County subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042. Special control areas in Lane County are those areas defined in OAR 340-23-080(5) and include:

(a) In or within six (6) miles of the corporate city limits of Eugene and Springfield.

(b) In or within three (3) miles of the corporate city limits of:

(A) Cottage Grove,

- (B) Creswell,
- (C) Junction City,
- (D) Oakridge,
- (E) Veneta.

(6) Domestic open burning.

(a) Domestic open burning west of Range 6 West, Willamette Meridian is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal OAR 340-23-040 and 340-23-042.

(b) Domestic open burning east of range 7 West, Willamette Meridian.

(A) Domestic open burning is prohibited within all special control areas listed in Section (5) of this Rule except that open burning of yard debris is allowed between March first and June fifteenth inclusive and between October first and December fifteenth inclusive subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

(B) Domestic open burning is allowed outside of special control areas, subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, of OAR 340-23-040 and OAR 340-23-042.

(C) No person shall cause or allow to be initiated or maintained any domestic open burning east of Range 7, West, Willamette Meridian, other than during daylight hours between 7:30 a.m. and two hours before

sunset unless otherwise specified by Department pursuant to OAR 340-23-043.

340-23-060 Open burning prohibitions for Coos County.

- (1) The Coos Bay open burning control area as generally described in OAR 340-23-080 and depicted in Figure 3 is located in Coos County.
- (2) Industrial open burning is prohibited.
- (3) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal and OAR 340-23-042(3).
- (4) Commercial open burning is prohibited within the Coos Bay open burning control area and in or within three (3) miles of the corporate city limits of Coquille. Commercial open burning is allowed in all other areas of Coos County subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.
- (5) Construction and Demolition open burning is prohibited within the Coos Bay open burning control area. Construction and Demolition open burning is allowed in other areas subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.
- (6) Domestic open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

340-23-062 Open burning prohibitions for Douglas County:

- (1) The Umpqua Basin open burning control area as generally described in of OAR 340-23-080, and depicted in Figure 5, is located in Douglas county.
- (2) Industrial open burning is prohibited.
- (3) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal and OAR 340-23-042(3).
- (4) Commercial open burning is prohibited within the Umpqua Basin open burning control area and in or within three (3) miles of the corporate city limit of Reedsport. Commercial open burning is allowed in all other areas subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.
- (5) Construction and Demolition open burning is prohibited within the Umpqua Basin open burning control area. Construction and Demolition open burning is allowed in all other areas subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.
- (6) Domestic open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

340-23-064 Open burning prohibitions for Jackson and Josephine Counties.

- (1) The Rogue Basin open burning control area as generally

described in OAR 340-23-080 and depicted in Figure 4, is located in Jackson and Josephine Counties.

- (2) Industrial open burning is prohibited
- (3) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal and OAR 340-23-042(3).
- (4) Commercial open burning is prohibited within the Rogue Basin open burning control area. Commercial open burning is allowed in all other areas subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.
- (5) Construction and Demolition open burning is prohibited within the Rogue Valley open burning control area. Construction and demolition open burning is allowed in all other areas subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.
- (6) Domestic open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

340-23-070 Letter Permits

- (1) Open Burning of commercial, industrial, construction and demolition waste which is otherwise prohibited may be permitted on a singly occurring or infrequent basis by a letter permit issued by the Department in accordance with this rule and subject to the requirements and prohibitions of local jurisdictions, the

State Fire Marshal, OAR 340-23-040 and 340-23-042. OAR 340-14-025 and 340-20-140 through 340-20-185 shall not apply.

- (2) A letter permit may only be issued following receipt and approval by the Department of a written application for disposal of material by burning is made containing the following items:
- (a) The quantity and type of material proposed to be burned,
 - (b) All efforts which have been made to dispose of the material by means other than open burning.
 - (c) The expected amount of time which will be required to complete the burning.
 - (d) The methods proposed to be used to insure complete and efficient combustion of the material
 - (e) The location of the proposed burning site
 - (f) A diagram showing the proposed burning site and the structures and facilities inhabited or used in the vicinity including distances thereto,
 - (g) The expected frequency of the need to disposal of similar materials by burning in the future.
 - (h) Any other information which the Department may require.
- (3) Upon receipt of a written application the Department may issue a letter permit if the Department is satisfied that:
- (a) The applicant has demonstrated that all reasonable alternatives have been explored and no practicable alternative method for disposal of the materials exists; and

- (b) The proposed burning will not cause or contribute to significant degradation of air quality in the airshed.
- (4) The Department may deny an application for a letter or revoke or suspend an issued letter permit on any of the following grounds:
- (a) Any material misstatement or omission in the application;
 - (b) Any violation of any statute, rule, regulation, order, permit, ordinance, judgement or decree;
- (5) In making its determination under section (3) above, the Department may consider:
- (a) the conditions of the airshed of the proposed burning
 - (b) the other air pollution sources in the vicinity of the proposed burning,
 - (c) the availability of other methods of disposal,
 - (d) the frequency of the need to dispose of similar materials in the past and expected in the future.
 - (e) the applicant's prior violations, if any; and
 - (f) Any other relevant factor.
- (6) Each letter permit issued by the Department shall contain at least the following elements:
- (a) The location at which the burning is permitted to take place.
 - (b) The number of actual calendar days on which burning is permitted to take place, not to exceed seven (7).
 - (c) The period during which the permit is valid, not to exceed a period of thirty (30) consecutive days. The actual

period in the permit shall be specific to the needs of the applicant.

(d) Equipment and methods required to be used by the applicant to insure that the burning is accomplished in the most efficient manner over the shortest period of time to minimize smoke production.

(e) The limitations, if any, based on meteorological conditions required before burning may occur.

(f) Reporting requirements for both starting the fire each day and completion of the requested burning.

(g) A statement that OAR 340-23-040 and OAR 340-23-042 are fully applicable to all burning under the permit.

(h) Such other conditions as the Department considers to be desirable.

(7) Regardless of the conditions contained in any letter permit, each letter permit shall be valid for not more than thirty (30) consecutive calendar days of which a maximum of seven (7) can be used for burning. The Department may issue specific letter permits for shorter periods.

(8) Letter permits shall not be renewable. Any additional requests to conducting additional burning shall require a new application and a new permit.

(9) For locations within Clackamas, Columbia, Multnomah and Washington Counties, letter permits may be issued only for the purpose of disposal of material resulting from emergency

occurrences including, but not limited to floods, storms or oil spills.

(10) Failure to conduct open burning according to the conditions, limitations, or terms of a letter permit, or any open burning in excess of that permitted by the letter permit shall be violation of the permit and shall be cause for assessment of civil penalties for each violation as provided in OAR 340-12-030, 340-12-035, 340-12-040(3)(b), 340-12-045, and 340-12-050(3), or for other enforcement action by the Department.

General Permit

340-23-071 Domestic burning otherwise prohibited may be authorized by the Director by general permit without public hearing for the purpose of disposing of debris created by unusual storms or natural disasters. Such general permit shall be issued by the Director for a specific limited time with such conditions as he find appropriate upon his making a finding that failure to authorize the burning will create widespread hazard or hardship, other reasonable means of disposal are not available and significant degradation of air quality will not occur.

Forced Air Pit Incinerators

340-23-072 Forced air pit incineration may be approved as an alternative to open burning prohibited by these rules, provided that the following conditions shall be met:

- (1) The person requesting approval of forced air pit incineration shall demonstrate to the satisfaction of the Department that no feasible or practicable alternative to forced-air pit incineration exists.
- (2) The forced-air pit incineration facility shall be designed, installed, and operated in such a manner that visible emissions do not exceed forty percent (40%) opacity for more than three (3) minutes out of any one (1) hour of operation following the initial thirty (30) minute startup period.
- (3) The person requesting approval of a forced-air pit incineration facility shall be granted an approval of the facility only after a Notice of Construction and Application for Approval is submitted pursuant to OAR 340-20-020 through 340-20-030.
- (4) A forced-air pit permit for operation of a forced air pit incineration facility shall be required and shall be based on the same conditions and requirements stipulated for letter permits in OAR 340-23-070, which is included here by reference, except that the term of the permit shall not be limited to thirty (30) days and the operation of the facility shall not be limited to seven (7) days, but both the term of the permit and the operation limit of the facility shall be specified in the permit and shall be appropriate to the purpose of the facility.

Records and Reports

340-23-075

As required by ORS 478.960(7), fire permit issuing agencies shall maintain records of open burning permits and the conditions thereof, and shall submit such records or summaries thereof to the Commission as may be required. Forms for any reports required under this section shall be provided by the Department.

Open Burning Control Areas

340-23-080

Generally areas around the more densely populated locations in the state and valleys or basins which restrict atmospheric ventilation are designated open burning control areas. The practice of open burning may be more restrictive in open burning control areas than in other areas of the state. The specific open burning restrictions associated with these Open Burning Control Areas are listed in OAR 340-23-050 through OAR 340-23-064 by county. The general locations of Open Burning Control Areas are depicted in Figure 2 through 5 of this rule. The Open Burning Control Areas of the state are defined as follows:

- (1) All areas in or within three miles of the incorporated city limit of all cities with a population of 4,000 or more.
- (2) The Coos Bay Open Burning Control Area is located in Coos County with boundaries as generally depicted in Figure 3 of this rule. The area is enclosed by a line beginning at a point

approximately 4-1/2 miles WNW of the City of North Bend, at the intersection of the north boundary of T25S, R13E, and the coast line of the Pacific Ocean; thence east to the NE corner of T26S, R12E; thence south to the SE corner of T26S, R12E; thence west to the intersection of the south boundary of T26S, R14W and the coastline of the Pacific Ocean; thence northerly and easterly along the coastline of the Pacific Ocean to its intersection with the north boundary of T25S, R13E, the point of beginning.




(3) The Rogue Basin Open Burning Control Area is located in Jackson and Josephine Counties with boundaries as generally depicted in Figure 4 of this rule. The area is enclosed by a line beginning at a point approximately 4-1/2 miles NE of the City of Shady Cove at the NE corner of T34S, R1W, Willamette Meridian; thence South along the Willamette Meridian to the SW corner of T37S, R1W; thence East to the NE corner of T38S, R1E, thence South to the SE corner of T38S, R1E; thence East to the NE corner of T39S, R2E; thence South to the SE corner of T39S, R2E; thence West to the SW corner of T39S, R1E; thence NW along a line to the NW corner of T39S, R1W; thence West to the SW corner of T38S, R2W; thence North to the SW corner of T36S, R2W; thence West to the SW corner of T36S, R4W; thence South to the SE corner of T37S, R5W; thence West to the SW corner of T37S, R6W; thence East to the SW corner of T35S, R1W; thence North to the NW corner of T34S, R1W; thence East to the point of beginning.

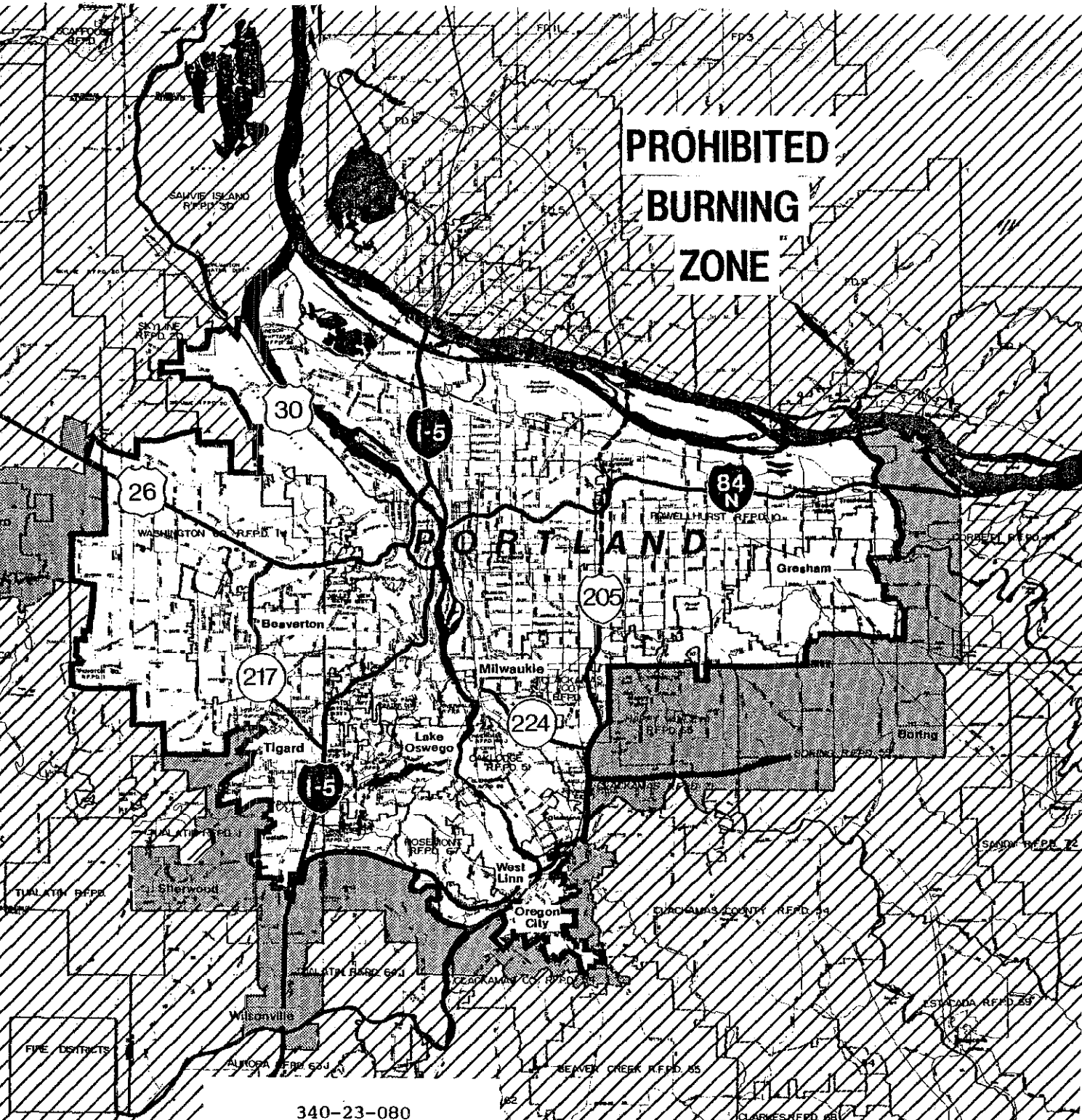
- (4) The Umpqua Basin Open Burning Control Area is located in Douglas County with boundaries as generally depicted in Figure 5 of this rule. The area is enclosed by a line beginning at a point approximately 4 miles WNW of the City of Oakland, Douglas County, at the NE corner of T25S, R5W, Willamette Meridian; thence South to the SE corner of T25S, R5W; thence East to the NE corner of T26S, R4W; thence South to the SE corner of T27S, R4W; thence West to the SE corner of T27S, R5W; thence South to the SE corner of T30S, R5W; thence West to the SW corner of T30S, R6W; thence north to the NW corner of T29S, R6W; thence West to the SW corner of T28S, R7W thence North to the NW corner of T27S, R7W; thence East to the NE corner of T27S, R7W; thence North to the NW corner of T26, R6W; thence East to the NE corner of T26, R6W; thence North to the NW corner of T25S, R5W; thence East to the point of beginning.
- (5) The boundaries of the Willamette Valley Open Burning Control Area are generally depicted in Figure 2 of this rule. The area includes all of Benton, Clackamas, Linn, Marion, Multnomah, Polk, Washington and Yamhill counties and that portion of Lane County east of Range 7 West.
- (6) Special control areas are established around cities within the Willamette Valley Open Burning control area. The boundaries of these special control areas are determined as follows:

- (a) Any area in or within three (3) miles of the boundary of any city of more than 1,000 but less than 45,000 population.
- (b) Any area in or within six (6) miles of the boundary of any city of 45,000 or more population.
- (c) Any area between areas established by this rule where the boundaries are separated by three (3) miles or less.
- (d) Whenever two or more cities have a common boundary, the total population of these cities will determine the applicability of subsection (a) or (b) of this section and the municipal boundaries of each of the cities shall be used to determine the limit of the special control area.

PORTLAND METROPOLITAN AREA

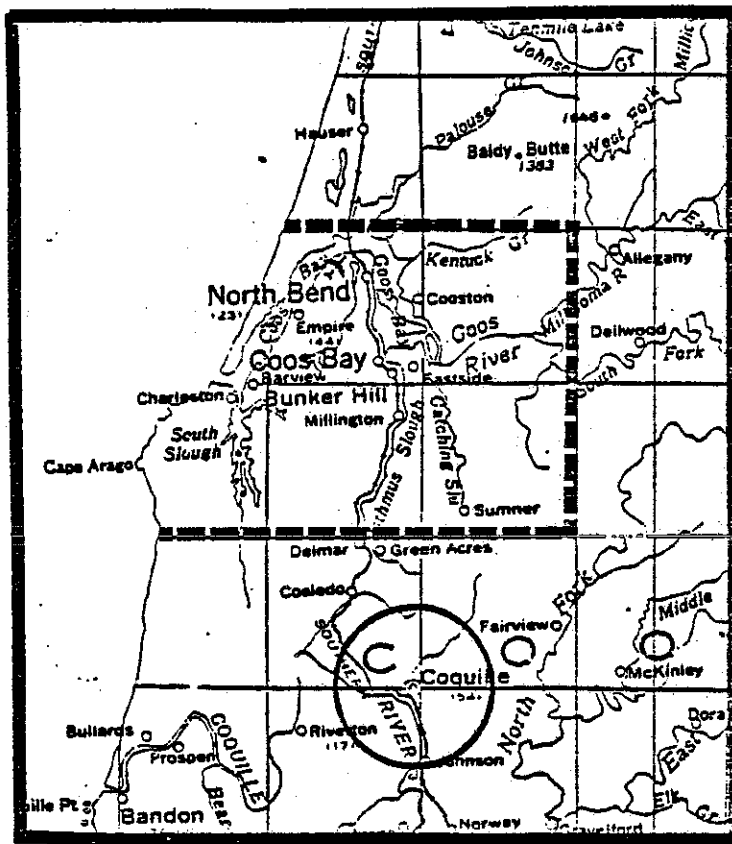
PROHIBITED BURNING ZONE

-  Prohibited Domestic Burning Area
-  METRO Seasonal Burning Area
-  Other area

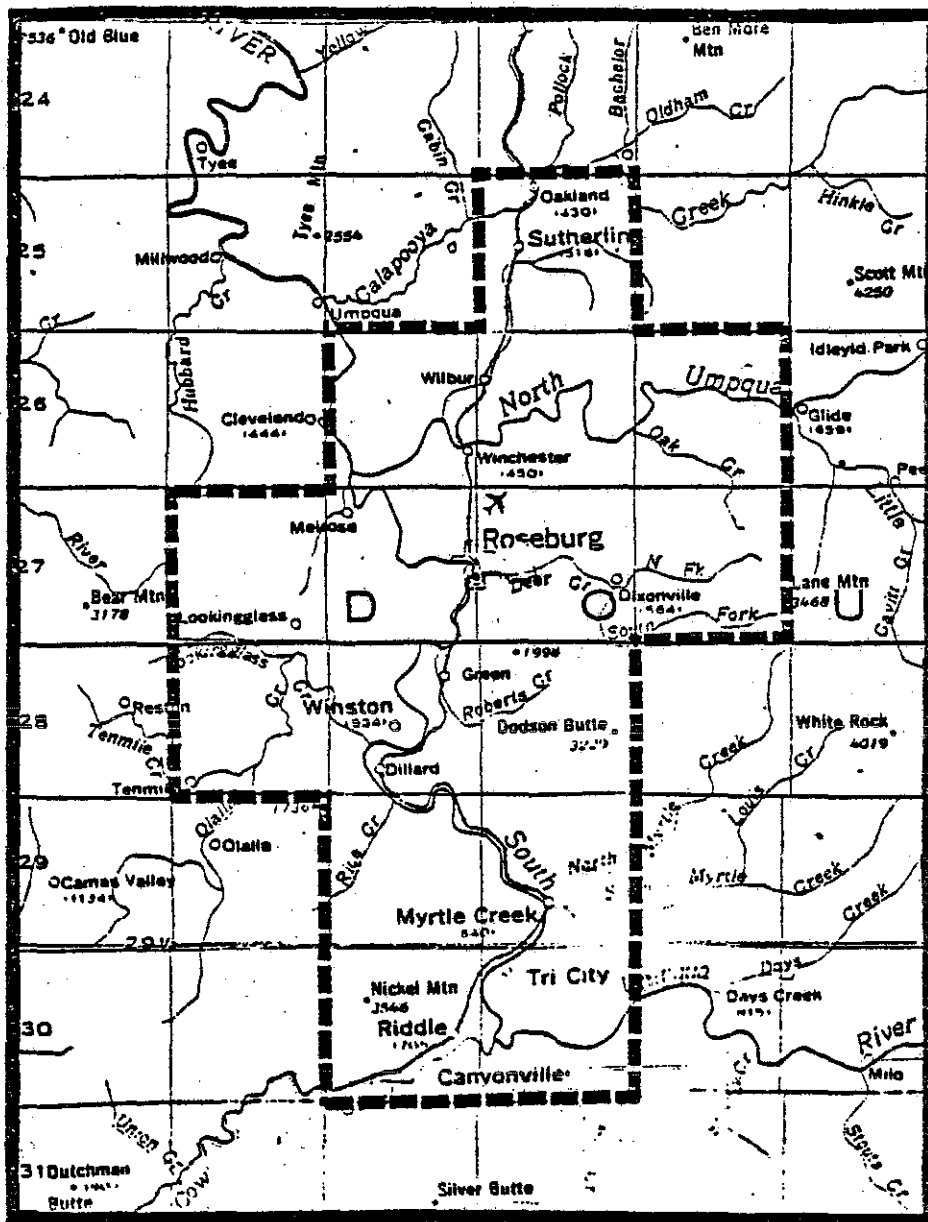


340-23-080
FIGURE 1

COOS BAY OPEN BURNING CONTROL AREA
(Coquille Control Area Shown As Circle)



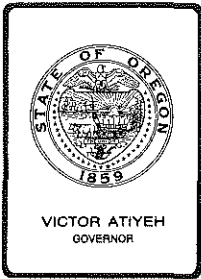
UMPQUA BASIN OPEN BURNING CONTROL AREA



340-23-080
FIGURE 5

Open Burning

340-30-070 [~~No open burning of domestic waste shall be initiated on any day or at any time when the Department advises fire permit issuing agencies that open burning is not allowed because of adverse meteorological or air quality conditions.~~] Any open burning within the Medford-Ashland AQMA shall be in accordance with OAR 340-23-022 through OAR 340-23-080.



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. E, October 17, 1980, EQC Meeting

Request for Authorization to Hold Public Hearing on Proposed Open Burning Rules, OAR 340-23-025 through 340-23-050, and OAR 340-30-070 to:

- a. Define an area in and around Portland for permanently prohibiting domestic (backyard) burning,
- b. Establish a schedule pursuant to ORS 468.450 for regulation of open burning, including agricultural open burning, outside of the Willamette Valley and
- c. Make extensive structural and language changes to make rules easier to understand and use.

Background

The primary mandate of the Commission was to redraft the Open Burning Rules so they would be easier to interpret and understand.

Over the last two decades the development of open burning rules in Oregon has separated open burning practices into various classes which reflect either the nature of the activity associated with the burning or the general public nuisance caused by the burning. Industrial burning, commercial burning, domestic burning, agricultural burning, and slash burning are examples of the former, while burning in open burning control areas, special control areas, within city boundaries, counties and valley basins are examples of the latter. These two schemes for classifying open burning interact to form a complicated and sometimes confusing set of rules which prohibit some classes of burning and allow other types of burning differently in various locations in the state.



Contains
Recycled
Materials

The rules being proposed retain this general concept but are indexed by county. Usually a person wants to know if he can burn in a specific location and counties serve as a convenient geographical indexing unit since counties are a well established, convenient geographical unit.

As efforts to rewrite the rules progressed, contacts of the Department staff with citizens, fire districts and local governmental entities revealed that several substantive changes in the rules were necessary.

Briefly summarized, the more important of these changes are:

1. Defining an area around Portland where domestic open burning is to be prohibited. This area needs to be much smaller than the four county area currently in the open burning rules, to reflect more closely the actual problem area.
2. Provide rules to implement a degree of management control over open burning, especially open field burning, in areas outside the Willamette Valley. The Department has received increasing comments (complaints) about agricultural open burning in places like Medford, Madras and Umatilla. State Law requires that even the most modest control in these areas be done on the basis of a "schedule" pursuant to ORS 468.450.
3. A more minor point is that prohibition of Demolition and Construction open burning on most of the coast is, to a degree, "over control" because of a) the predominant good ventilation on the coast, b) the relatively small and disperse population centers and c) lack of land fill space in much of the coastal area. It is proposed to delete the provision prohibiting Construction and Demolition open burning in coastal areas with the exceptions of Astoria and Coos Bay.

Analysis

1. Organization of Rules

It is proposed to completely reorganize the open burning rules. The general structure of the rules has been maintained but the rules have been more clearly organized. A new rule, OAR 340-23-022, has been added at the beginning of Division 23 to point out the important parts of the rules to a person seeking to know whether or not a particular type of material can be burned in a particular location. This rule is titled "How To Use These Rules."

Another informative rule, OAR 340-23-045, serves as an index of counties to locate specific open burning rules which apply to each county.

The complete list of rules is:

<u>OAR</u>	<u>Rule</u>
340-23-022	How To Use These Open Burning Rules
340-23-025	Policy
340-23-030	Definitions
340-23-035	Exemptions - Statewide
340-23-040	General Requirements Statewide
340-23-042	General Prohibitions Statewide
340-23-043	Open Burning Schedule (Criteria for declaring a prohibition)
340-23-045	County Listing of Specific Open Burning Rules
340-23-050 through 340-23-064	Specific Open Burning Rules For Each County
340-23-070	Letter Permits
340-23-071	General Permit
340-23-072	Forced Air Pit Incineration
340-23-075	Records and Reports
340-23-080	Open Burning Control Areas

2. Area for Prohibition of Domestic Burning

In seeking to find ways to implement a prohibition on domestic burning (backyard burning), the Department staff met with representatives from most of the fire districts and local governments in the area. All participants were concerned with establishing an area to prohibit burning which would meet the need of the urban air quality and nuisance problem without creating a larger and unmanageable rural problem of fire hazard and dumping where the urban air quality problems did not exist and alternative disposal means are not available.

The boundary selected is the staff's best judgement of the compromise which must be made between the issues involved.

It is an area slightly smaller than the Metro boundary which was the recommendation of the AQMA Advisory Subcommittee. Since a large part of the enforceability of domestic burning prohibition will depend on fire department methods, it is necessary to use fire district boundaries to delineate the area.

Understandably, not everyone is satisfied with the chosen boundary. A particular problem area is eastern Washington County, especially Washington County Fire District #1, which contains a large amount of unincorporated area with a high population density.

At this time a Metro contractor is preparing a report which identifies alternatives which are being employed nationwide. The Metro Report will identify the alternative or combination of alternatives which would be the most practicable for this area. Our preliminary opinion is that a combination of alternatives such as chipping, composting and some short-term land filling will be the most practicable, the least costly to the public and result in the generation of a useable product (hogged fuel and compost) rather than additional waste. The subject report is to identify the cost to the public. It is important to note that two private firms have expressed interest in taking all the woody material for conversion to hogged fuel. One firm presently has the necessary processing equipment while the other presently has fuel markets developed. The information developed by the report will be presented with staff evaluation and recommendations to the Commission, approximately November 1, 1980.

3. Agricultural Open Burning

For a number of years the Department has received a moderate level of complaints about agricultural burning from areas outside the Willamette Valley.

The Commission has never adopted specific rules relating to agricultural open burning in areas outside the Willamette Valley although it now appears that authority to do so may exist in the statutes.

The staff proposes implementing rules for a moderate level of regulation of open burning in areas outside the Willamette Valley.

Since there has been an agricultural exemption statement in the open burning rule, there are some who doubt the authority to regulate agricultural burning outside of Willamette Valley field burning. A careful reading of the relevant statutes, ORS 468.290 and 468.450 does not support that view. The Attorney General has been requested to render a formal opinion to resolve the issue.

In requesting these hearings the Department has included provisions in the proposed rules which will allow designation of "prohibited days" on a daily basis based on a "schedule of air quality and meteorological conditions," in order to receive public testimony. If authority is confirmed and this section is adopted the intent would be to use this authority only a few times a year during extremely adverse meteorological conditions.

4. Construction and Demolition Open Burning on the Coast

Considering the population density on the Oregon Coast and the ever present ocean breezes which keep the area ventilated, the various pollutants which plague the inland areas have very little opportunity to accumulate. Available space at land fill sites is at a premium. There was sentiment both from coastal area representatives and from the Department staff that prohibiting construction and demolition open burning is not necessary on the coast. Prohibition of this type of burning on the coast has been deleted from the proposed rules except for the more populous areas of Astoria and Coos Bay where it is retained.

5. Other Provisions

Several other changes in the Draft rules (Attachment E) are proposed, which are largely administrative, as follows:

A. Letter Permits (OAR 340-23-070, page 39)

Letter permits have been issued by the Department for open burning of Commercial, Construction, Demolition and Industrial open burning on singly occurring or infrequent bases when other alternatives are not available. The conditions of the application and requirements of the permit have been carefully defined in the proposed rule. Existing rules do not do this.

B. Burning Hours (OAR 340-23-052 through 055, OAR 340-23-057, pages 25, 28, 30, 33 and 36)

Smoke ventilation becomes quite poor in the evening and just before the sun sets. The existing rule allows domestic open burning in the Willamette Valley until sunset on days when it is permitted.

In the proposed rules domestic open burning is prohibited after two hours before sunset. This change is designed to reduce smoke output when ventilation is poor.

C. Barbecue Exemption (OAR 340-23-035(2), page 11)

By statute, residential barbecues are exempted from regulation under air pollution laws. Existing Commission rules also exempt commercial barbecues if they operate for less than two weeks in a particular location. There is no practical value in controlling commercial barbecues which are in one place for more than two weeks so the proposed rule simply exempts all barbecues.

D. General Permit

Finally, a large amount of concern has been expressed by the public about what will be done in Portland if another ice storm occurs. A proposed new rule OAR 340-33-071, General Permit, has been added to authorize the Director to act in such a case if he finds conditions warrant such action.

Hearings

It is proposed to hold public hearings in:

Portland
Albany
Medford
Pendleton
Bend
Coos Bay

At least two hearings are proposed to be held in Portland. The hearings in Pendleton and Coos Bay are made conditional on evidence of public interest in attending the hearing.

The Hearing Notice is Attachment C.

Draft Rules

An annotated copy of the existing rules is given in Attachment D. In this copy the deleted language is shown and each section is annotated on the right margin to help locate provisions in the new rule.

Agenda Item E
Page 7

Many of the provisions in the existing rule have been extensively rewritten for clarity in the new rule without changing the meaning. This is indicated by the margin note without showing a deletion in the text.

The proposed new rules, Attachment E, show new provisions underlined but do not show any of the deleted or replaced language from the old rule.

Director's Recommendation

It is recommended that the Director be authorized to schedule and hold Public Hearings on proposed adoption of the rules in Attachment E.



William H. Young

- Attachments:
- A. Letter from the Department to the Attorney General requesting formal opinion.
 - B. Statement of Need
 - C. Public Hearing Notice
 - D. Existing Rules showing marginal annotation and location of provisions in Proposed Rules.
 - E. Proposed Rules for Open Burning
OAR 340-23-022 through 340-23-080 and OAR 340-30-070

AM461 (2)
L. D. Brannock:sam
229-5836
October 2, 1980

ATTACHMENT A



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

September 30, 1980

- James Brown, Attorney General
Department of Justice
State Office Building
Salem, OR 97310

Dear Mr. Brown:

The Department of Environmental Quality requests a formal opinion on the following questions:

- 1) Does the Department or the Environmental Quality Commission or both have statutory authority under ORS 468.450 to prohibit all or any part of agricultural open burning outside of the Willamette Valley on a day to day basis under a schedule based on adverse meteorological conditions?
- 2) If so, does the Department or the Commission or both have authority under ORS 468.450 to conduct a smoke management program outside the Willamette Valley to limit the total amount to be burned on a given day and under a given set of meteorological conditions similar in manner to the existing slash smoke management plan and Willamette Valley field burning program and can the Department or the Commission or both regulate in its schedule the manner of said burning (e.g., require smouldering fires to be minimized, require burn piles to be loosely stacked, require burn piles be kept pushed together, etc.) under its power to "specify the extent and types of burning?"

Background

ORS 468.290 prohibits regulation of agricultural operations except as provided in ORS 468.450, 476.380 and 478.960 and except for field burning as provided in 468.140, 468.150 and 468.455 to 468.480.

The questions center around the extent of the applicability of ORS 468.450 and whether the editorial headings "FIELD BURNING REGULATION" and "Regulation of field burning on marginal days" limit the applicability of ORS 468.450.

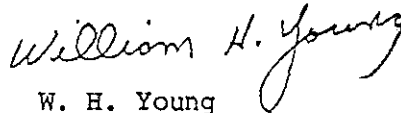
James Brown, Attorney General
September 30, 1980
Page 2

Conclusion

It is the Department's belief that the editorial headings are not part of the statute but were added when the statutes, as passed by the Legislature, were codified and therefore do not have any effect on the law.

The Department is interested in determining whether or not the Environmental Quality Commission has authority to adopt rules under which the Department could prohibit agricultural open burning in specified areas on days of extreme adverse meteorological conditions, if the basis for determining the said conditions is appropriately defined. Also, the Department has recently received citizen requests to consider regulation of open field burning in Jefferson County, and the Department wishes to clarify whether or not authority to do so exists.

Sincerely,



W. H. Young
Director

LDB:sam
cc: Ray Underwood

ATTACHMENT B

STATEMENT OF NEED FOR RULEMAKING

The Environmental Quality Commission intends to adopt revised Open Burning Rules, OAR, Chapter 340, Rules 23-022 through 23-080 and 30-070.

Legal Authority:

ORS 468.020, 468.045, 468.290, 468.295, 468.310, 468.450, and 477.515

Need for the Rule

1. The current rules impose a burning prohibition beginning January 1, 1981 in geographical areas which include areas where practicable disposal alternatives are not available. The proposed rules revise the boundaries for the area in which the ban will take effect to reflect the availability of disposal alternatives. The proposed boundaries enclose an area consisting primarily of the urban portion of the Portland metropolitan area.
2. A date for permanent prohibition of domestic open burning in the Willamette Valley south of Portland has been deleted from the proposed rules because alternatives are not available.
3. The organization and language of the rules are being revised to make the rules easier to read and understand.
4. An agricultural exemption has been removed from the proposed rules and provisions have been added to control agricultural open burning outside the Willamette Valley under a schedule of adverse meteorological conditions based upon meteorological and air quality factors. This proposal will allow minimal control of agricultural open burning in areas of the state where agricultural open burning is becoming an increasing problem.
5. The prohibition of construction, demolition and land clearing open burning in open burning control areas on the coast is not necessary except for the Coos Bay area and cause undue hardship in the small developing areas. Changes are proposed to allow this type of burning on the coast.

Fiscal Impact Statement

The current rules will have a considerable economic impact on local governments in the areas where open burning will be banned. Local governments will be required to find and fund disposal alternatives for yard debris.

The proposed revision of the boundaries in which the ban will take effect will have a beneficial fiscal impact on those areas outside the boundaries where practicable disposal alternatives are not available. Inside the boundary of the prohibited area, individuals who cannot make use of one of the alternatives provided by a local government will have to provide a means of transportation to a collection point or a landfill.

The fiscal impact on the local fire district will vary depending on the degree of enforcement of the rules and the ban.

Principle Documents Relied Upon

1. Personal communication with fire chiefs/marshalls of local fire districts, local elected officials, city and county governments, the Portland-Vancouver AQMA Air Quality Advisory Committee, and the Lane Regional Air Pollution Authority.
2. Requests from citizens to change the burning ban.
3. Environmental Quality Commission action on June 29, 1979 requesting the Department to revise the language of the rules to make them more clearly understandable.

ATTACHMENT C



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

Prepared: 10/9/1980
Hearing Date: 12/1
12/2, 12/3, 12/4, and
12/10,

NOTICE OF PUBLIC HEARING

A CHANCE TO BE HEARD ABOUT:

PROPOSED REVISION OF OPEN BURNING RULES

The Department of Environmental Quality has proposed revisions to its Open Burning Rules which reorganize the rules and make several changes in operation under the rules. Portions of these rules may affect the Clean Air Act State Implementation Plan. Hearings will be held in December to accept comments on the proposed changes.

WHAT IS THE DEQ PROPOSING?

Interested parties should request a copy of the complete proposed rule package. The proposed open burning rules have been completely reorganized and rewritten for the purpose of making them easier to understand. In addition changes are proposed which would have the following effects:

- ** Establish a boundary roughly equivalent to the boundaries of the Metropolitan Service District boundaries around Portland where backyard burning is to be prohibited after December 31, 1980.
- ** Remove a date for a proposed ban on backyard burning in the Willamette Valley outside of the Portland area.
- ** Extend the Department's ability to regulate under adverse meteorological conditions all types of burning including agricultural, backyard, commercial, and demolition in counties outside the Willamette Valley.
- ** Add petroleum-treated wood, such as railroad ties and wharf piers, to the list of materials that are prohibited from being burned.
- ** Change backyard burning hours in the Willamette Valley to 7:30 a.m. to two hours before sunset.
- ** Remove Columbia County from the Portland-area backyard burning ban.

- ** Remove the existing prohibition of demolition open burning in the coastal cities of Coquille, Florence, Lincoln City, Newport, Reedsport, and Tillamook.

WHO IS AFFECTED BY THIS PROPOSAL:

- ** Citizens of the Willamette Valley and Columbia County who have an interest in "backyard burning."
- ** Anyone, including contractors, businessmen, and farmers who conducts open burning as a part of business anywhere in the State;
- ** Local government agencies, especially fire districts.

HOW TO PROVIDE YOUR INFORMATION:

Written comments should be sent to the Department of Environmental Quality, Air Quality Division, Box 1760, Portland, Oregon 97207, and should be received by December 15, 1980.

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

<u>City</u>	<u>Time</u>	<u>Date</u>	<u>Location</u>
Portland	7 p.m.	Dec. 4	Multnomah County Courthouse Rm. 602 1021 SW 4th Ave. Portland, OR
Portland	7 p.m.	Dec. 10	BPA Auditorium 1002 NE Holladay St. Portland, OR
Albany	7 p.m.	Dec. 3	Albany Public Library 1390 Waverly Drive SE Albany, OR
Medford	7 p.m.	Dec. 2	Jackson County Courthouse Auditorium 10 South Oakdale Medford, OR
Bend	7 p.m.	Dec. 1	City Hall Commission Chambers 720 Wall Street Bend, OR

Opportunity for an oral hearing in Coos Bay, Pendleton, or in other communities not specifically listed above shall be granted upon request if notification is received from ten persons or from an association having not less than ten members within 15 days after issuance of this notice. Call toll free 1-800-452-7813.

WHERE TO OBTAIN ADDITIONAL INFORMATION:

Copies of the proposed rules may be obtained from any DEQ regional or branch office or:

L. D. Brannock, Meteorologist
DEQ Air Quality Division
Box 1760
Portland, Oregon 97207
(503) 229-5836
Toll free 1-800-452-7813

LEGAL REFERENCES FOR THIS PROPOSAL:

This proposal amends OAR Chapter 340 Division 23 and OAR 340-30-070. It is proposed under authority of ORS Chapters 183 and 468 including Sections 468.020, 468.290, 468.295, 468.310, and 468.450.

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

FURTHER PROCEEDINGS:

After public hearing the Commission may adopt rule amendments identical to the proposed amendments, adopt modified rule amendments on the same subject matter, or decline to act. The adopted regulations may be submitted to the Environmental Protection Agency as part of the State Clean Air Act Implementation Plan. The Commission's deliberation should come in January, 1981 as part of the agenda of a regularly scheduled Commission meeting.

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

AM391:b

ATTACHMENT D

DEPARTMENT OF ENVIRONMENTAL QUALITY

CHAPTER 340, DIVISION 23

Open Burning Adopted June 29, 1979

[ED NOTE: The lined out and bracketed material, [~~thus~~], is language containing provisions being deleted in the proposed rule change. Other provisions being retained may have different language and rule numbers (OAR reference numbers) in the proposed revised rules, which are indicated in the right margin.]

<u>Existing Rule</u>	<u>Location in Proposed Rule & Text Changes</u>
<p>Policy</p> <p>340-23-025 In order to restore and maintain the quality of the air resources of the state in a condition as free from air pollution as is practicable, consistent with the overall public welfare of the state, it is the policy of the Environmental Quality Commission: to eliminate open burning disposal practices where alternative disposal methods are feasible and practicable; to encourage the development of alternative disposal methods; to emphasize resource recovery; to regulate specified types of open burning; to encourage utilization of the highest and best practicable burning</p>	<p>340-23-025 <i>Pg. 4</i> unchanged <i>in Attach E</i></p>

Adopted 6/29/79

Existing Rule

Location in
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Text Changes

methods to minimize emissions where other disposal practices are not feasible; and to require specific programs and timetables for compliance with these rules.

Definitions

340-23-030 As used in these rules unless otherwise required by context:

(1) "Agricultural Operation" means an activity on land currently used or intended to be used primarily for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by the raising and sale of, or the produce of, livestock or poultry, which activity is necessary to serve that purpose; it does not include the construction and use of [human] dwellings customarily provided in conjunction with the agricultural operation."

340-23-030 Pg 4 in
minor change Attach E

(2) "Commercial Waste" means combustible waste which is generated by any activity of wholesale or retail commercial offices or facilities, or by industrial, governmental, institutional, or charitable organization offices and facilities, or by housing facilities.

340-23-030 Pg 5 in
new language Attach E

Existing Rule	Location in Proposed Rule & Text Changes	
<p>with more than four living units including, but not limited to, apartments, hotels, motels, dormitories, and mobile home parks, but does not include any waste which is defined as industrial waste under subsection (9) of this section or which is prohibited in section 340-23-040(7).</p>		
<p>(3) "Commission" means the Environmental Quality Commission.</p>	<p>340-23-030 unchanged</p>	<p><i>Pg. 5 in Attach E</i></p>
<p>(4) "Construction and Demolition Waste" means combustible waste which is generated by the removal of debris, logs, trees, brush, or demolition material from any site in preparation for land improvement or a construction project; any waste occurring as the result of a construction project; or any waste resulting from the complete or partial destruction of any man-made structures such as houses, apartments, commercial buildings, or industrial buildings.</p>	<p>340-23-030 (9) and (11) new language</p>	<p><i>Pg. 6 in Attach E</i></p>
<p>(5) "Department" means the Department of Environmental Quality.</p>	<p>340-23-030 unchanged</p>	<p><i>Pg. 6 in Attach E</i></p>
<p>(6) "Director" means the Director of the Department of Environmental Quality or his delegated representative pursuant to ORS 468.045(3).</p>		

Existing Rule	Location in Proposed Rule & Text Changes
<p>(7) "Domestic Waste" means combustible household waste, other than wet garbage, such as paper, cardboard, leaves, yard clippings, wood, or similar materials generated in a dwelling houseing four (4) families or less, or on the real property on which the dwelling is situated.</p>	<p>340-23-030 new language</p> <p><i>Pg 6 in Attach E</i></p>
<p>(8) "Fire Hazard" means the presence or accumulation of combustible material of such nature and in sufficient quantity that its continued existence constitutes an imminent and substantial danger to life, property, public welfare, or to adjacent lands.</p>	<p>340-23-030 unchanged</p> <p><i>Pg 7 in Attach E</i></p>
<p>(9) "Forced-air Pit Incineration" means any method or device which burning of waste is done in a subsurface pit or above ground enclosure with combustion air supplied under positive draft on air curtain, and controlled in such a manner as to optimize combustion efficiency and minimize the emission of air contaminants.</p>	<p>340-23-030 minor language changes</p> <p><i>Pg 7 in Attach E</i></p>
<p>(10) "Industrial Waste" means combustible [waste] produced as the direct result of any manufacturing or industrial process.</p>	<p><i>Pg 7 in Attach E</i></p>
<p>(11) "Open Burning" [means conducted] in such a manner that combustion air and combustion products may not be effectively controlled including, but not</p>	<p><i>Pg 8 in Attach E</i></p>

Existing Rule	Location in Proposed Rule & Text Changes
<p>limited to, burning [conducted] in open outdoor fires, burn barrels, [and-backyard] incinerators.</p>	
<p>(12) "Open Burning Control Area" means an area established to control specific open burning practices or to maintain specific open burning standards which may be more stringent than those established for other areas of the state. [including, but not limited to, the following areas:]</p>	<p>340-23-030 minor changes</p> <p><i>Pg 8 in Attach E</i></p>
<p>(a) All areas within incorporated cities having a population of four thousand (4,000) or more within three (3) miles of the corporate limits of any such city.</p>	<p>340-23-030 minor changes</p> <p><i>Pg 8 in Attach E</i></p>
<p>(b) The Coos Bay Open Burning Control Area, as generally depicted on Attachment 1, [and as defined as follows: Beginning at a point approximately 4-1/2 miles WNW of the City of North Bend, Coos County, at the intersection of the north boundary of T25S, R13E and the east line of the Pacific Ocean; Thence east to the NE corner of T26S, R12E; thence south to the SE corner of T26S, R12E; thence west to the intersection of the south boundary of T26S, R14W and the coastline of the Pacific Ocean; thence northerly</p>	<p>340-23-030 brief description remains in 340-23-030 Boundary in- formation moved to 340-23-080</p> <p><i>Pg 8 in Attach E</i></p> <p><i>Pg 46 in Attach E</i></p>

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~~[and easterly along the coastline of the Pacific Ocean to its intersection with the north boundary of T25S, R13E, the point of beginning.]~~

(c) The Rogue Basin Open Burning Control Area, as generally depicted on Attachment 2, ~~as defined as follows: Beginning at a point approximately 4 1/2 miles NE of the City of Shady Cove, Jackson County at the NE corner of T34S, R1W, Willamette Meridian; thence south along the Willamette Meridian to the SW corner of T37S, R1W; thence East to the NE corner of T38S, R1E; thence South to the SE corner of T38S, R1E; thence East to the NE corner of T39S, R2E; thence South to the SE corner of T39S, R2E; thence West to the SW corner of T39S, R1E; thence NW along a line to the NW corner of T39S, R1W; thence West to the SW corner of T38S, R2W; thence North to the SW corner of T36S, R2W; thence West to the SW corner of T36S, R4W; thence South to the SE corner of T37S, R5W; thence West to the SW corner of T37S, R6W; thence North to the NW corner of T36S, R6W; thence East to the SW corner of T35S, R1W; thence North to the NW corner of T34S, R1W; thence East to the point of beginning.]~~

Pg 9 in
Attach E

Pg 46 in
Attach E

Existing Rule	Location in Proposed Rule & Text Changes
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(d) The Umpqua Basin Open Burning Control Area, as generally depicted on Attachment 3, [~~and as defined as follows: Beginning at a point approximately 4 miles WNW of the City of Oakland, Douglas County, at the NE corner of T25S, R5W, Willamette Meridian, thence South to the SE corner of T25S, R5W, thence East to the NE corner of T26S, R4W, thence South to the SE corner of T27S, R4W, thence West to the SE corner of T27S, R5W, thence South to the SE corner of T30S, R5W, thence West to the SW corner of T30S, R6W, thence North to the NW corner of T29S, R6W, thence West to the SW corner of T28S, R7W, thence North to the NW corner of T27S, R7W, thence East to the NE corner of T27S, R7W, thence North to the NW corner of T26, R6W, thence East to the NE corner of T26, R6W, thence North to the NW corner of T25S, R5W, thence East to the point of beginning.~~]

Pg 9 in
Attach E

Pg 47 in
Attach E

(e) The Willamette Valley Open Burning Control Area, [~~defined as follows: All of Benton Clackamas, Columbia, Linn, Marion, Multnomah, Polk, Washington and Yamhill counties and that portion of Lane County east of Range 7 West.~~]

Pg 9 in
Attach E

Pg 47 in
Attach E

Existing Rule	Location in Proposed Rule & Text Changes
<p>(13) "Person" means any individual, corporation, association, firm, partnership, joint stock company, public or municipal corporation, political subdivision, the state [and] any agency thereof, [and] the federal government federal government [and] any agency thereof.</p>	<p>340-23-030 minor changes <i>Pg 9 in Attach E</i></p>
<p>(14) "Population" means the annual population estimate of incorporated cities within the State of Oregon issued by the Center for Population Research and Census, Portland State University, Portland, Oregon.</p>	<p>340-23-030 unchanged <i>Pg 9 in Attach E</i></p>
<p>(15) -- "Regional Authority" means the Lane Regional Air Pollution Authority.]</p>	<p>deleted</p>
<p>(16) ["Special Control Area" means an area within the Willamette Valley Open Burning Control Area which includes:</p>	<p>340-23-030 moved to <i>Pg 48 in Attach E</i> 340-23-080</p>
<p>(A) --- Any area in or within three (3) miles of the boundary of any city of more than 1,000 but less than 45,000 population.</p>	
<p>(B) --- Any area in or within six (6) miles of the boundary of any city of 45,000 or more population.</p>	
<p>(C) --- Any area between areas established by this rule where the boundaries are separated by three (3) miles or less.]</p>	

Existing Rule	Location in Proposed Rule & Text Changes
<p>(D) Whenever two or more cities have a common boundary, the total population of these cities will determine the control area classification and the municipal boundaries of each of the cities shall be used to determine the limit of the control area.</p>	
<p>(17) "Waste" means any useless or discarded materials.</p>	<p>340-23-030 added language</p>
<p>Exceptions, Statewide</p>	
<p>340-23-035 The provisions of these rules shall not apply to:</p>	
<p>(1) Fires set for traditional recreational purposes and traditional ceremonial occasions for which a fire is appropriate provided that no [waste] materials which may emit dense smoke or noxious odors as prohibited in section [340-22-040(7)] are [included as any part of the fuel used for such fires.]</p>	<p>minor change 340-23-035(1)</p>
<p>(2) Any barbecue equipment. [not used for commercial or fund-raising purposes, nor any barbecue equipment used for commercial or fund-raising purposes for no more than two periods in any calendar year, each such period]</p>	<p>deleted language 340-23-035(2)</p>

Pg 10 in Attach E

Pg 10 in Attach E

Pg 11 in Attach E

Existing Rule	Location in Proposed Rule & Text Changes
<p>not-to-exceed-two-consecutive-weeks,-in-any single-area.]</p>	
<p>(3) Fires set or [allowed] by any public agency when such fire is set or [allowed-to-be set] in the performance of its official duty for the purpose of weed abatement, instruction or employes in the methods of fire fighting, or for prevention or elimination of a fire hazard, [and] which are necessary in the opinion of the public agency responsible for such fires.</p>	<p>minor changes to conform to statutory language 340-23-035(3)</p> <p><i>Pg 11 in Attach E</i></p>
<p>[(4)--Open-burning-as-a-part-of-agricultural operations which is regulated in part by OAR Chapter-340, Division-26, Agricultural Operations.]</p>	<p>340-23-035 deleted</p>
<p>(5) Open burning on forest land permitted under the Smoke Management Plan filed pursuant to ORS 477.515.</p>	<p>minor changes 340-23-035(4)</p> <p><i>Pg 11 in Attach E</i></p>
<p>(6) Fires set pursuant to permit for the purpose of instruction of employees of private industrial concerns in methods of fire fighting, or for civil defense instruction.</p>	<p>no change 340-23-035(5)</p> <p><i>Pg 11 in Attach E</i></p>

Existing Rule	Location in Proposed Rule & Text Changes	
General Requirements and Prohibitions		
<p>340-23-040 [(1) -- No person shall cause or allow to be initiated or maintained any open burning which is prohibited by any rule of the Commission.]</p>	<p>deleted unnecessary statement</p>	
<p>(2) [Open burning in violation of any rule of the Commission shall be promptly extinguished by the person in attendance or person responsible when notified to extinguish the fire by either the Department, or by any other appropriate public official.]</p>	<p>340-23-040 (3) modified language</p>	<p><i>Pg 12 in Attach E</i></p>
<p>(3) Any person [who owns or controls, including [the] tenant of, property on which open burning occurs [or who has caused or allowed such open burning to be initiated or maintained shall be considered the person responsible for the open burning.]</p>	<p>340-23-040 (2) modified language</p>	<p><i>Pg 11 in Attach E</i></p>
<p>(4) [Open fires allowed by these rules shall be] constantly attended by a responsible person until extinguished.</p>	<p>340-23-040 (1) minor change</p>	<p><i>Pg 11 in Attach E</i></p>
<p>(5) All combustible material to be open burned shall be dried to the extent practicable to prevent emissions of excessive smoke.</p>	<p>340-23-040 (4) modified language</p>	

Existing Rule	Location in Proposed Rule & Text Changes
<p>All combustible material to be open burned shall be stacked or windrowed in such a manner as to eliminate dirt, rocks, and other non-combustible material, to promote efficient burning. Equipment and tools shall be available to periodically re-stack the burning material to insure that combustion is essentially completed and that smoldering fires are prevented.</p>	<p>340-23-040(4) Pg 12 in Attach E</p>
<p>(6) (a) Open burning which creates any of the following is prohibited:</p> <ul style="list-style-type: none"> (i) a private nuisance; (ii) a public nuisance; (iii) a hazard to public safety. 	<p>340-23-042(1) modified language Pg 14 in Attach E</p>
<p>(b) If paragraph (a) hereof is violated, the person or persons responsible for the open burning under these rules shall immediately abate the nuisance or hazard.</p>	<p>deleted unnecessary</p>
<p>(c) This subsection applies equally to otherwise authorized and unauthorized open burning.</p>	<p>340-23-042 Pg 14 in Attach E</p>
<p>(7) Open burning of any waste materials which normally emit dense smoke, noxious odors, or which may tend to create a public nuisance such as, but not limited to, household garbage, plastics, wire insulation, auto bodies, asphalt,</p>	<p>340-23-042(2) modified language Pg 14 in Attach E</p>

Existing Rule	Location in Proposed Rule & Text Changes
<p>waste petroleum products, rubber products, animal remains, and animal or vegetable wastes resulting from the handling, preparation, cooking, or service of food is prohibited.</p>	<p>340-23-042(1) <i>Pg 14 in Attach E</i> highly modified language</p>
<p>(8) If the Department determines that open burning allowed by these rules may cause or is causing a public nuisance, the Department may require that the burning be terminated or that auxiliary combustion equipment or combustion promoting materials to be used to insure complete combustion and elimination of the nuisance. Auxiliary combustion equipment required under this subsection may include, but is not limited to, fans or air curtain incinerators. Combustion promoting materials may include, but are not limited to, propane, diesel oil, or jellied diesel.</p>	<p>340-23-042(3) <i>Pg 14 in Attach E</i> modified language</p>
<p>(9) No open burning shall be initiated in any part of the state on any day or at any time when the Department advises fire permit issuing agencies that open burning is not allowed in that part of the state because of adverse meteorological or air quality conditions.</p>	<p>340-23-042(3) <i>Pg 14 in Attach E</i> and 340-23-043</p>

Existing Rule	Location in Proposed Rule & Text Changes
<p>alert, warning, or emergency has been declared pursuant to OAR Chapter 340, Sections 340-27-010 and 340-27-025(2), and is then in effect. Any open burning in progress at the time of such declaration shall be promptly extinguished by the person in attendance or person responsible when notified of the declaration by either the Department or any other appropriate public official.</p>	<p>modified language Pg 14 in Attach E</p>
<p>(11) Open burning authorized by these rules does not exempt or excuse any person from liability for, consequences, damages, or injuries resulting from such burning, nor does it exempt any person from complying with applicable laws, ordinances, or regulations of other governmental agencies having jurisdiction.</p>	<p>340-23-040(5) minor changes Pg 13 in Attach E</p>
<p>(12) Forced-air pit incineration may be approved as an alternative to open burning prohibited by these rules, provided that the following conditions shall be met:</p>	<p>340-23-070(2) Pg 43, 44 in Attach E</p>
<p>(a) The person requesting approval of forced air pit incineration shall demonstrate to the satisfaction of the Department or Regional Authority that no feasible or practicable alternative to forced-air pit incineration exists.</p>	<p>modest changes in Paragraph (c)</p>

Existing Rule

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(b) The forced-air pit incineration facility shall be designed, installed, and operated in such a manner that visible emissions do not exceed forty percent (40%) opacity for more than three (3) minutes out of any one (1) hour of operation following the initial thirty (30) minute startup period.

(c) The person requesting approval of a forced-air pit incineration facility [~~shall obtain an Air Contaminant Discharge Permit, if required therefor, and the person~~] shall be granted an approval of the facility only after a Notice of Construction and Application for Approval is submitted pursuant to OAR Chapter 340, Sections 340-20-020 through 340-20-030.

Requirements and Prohibitions by Area

340-23-045 (1) Lane County: The rules and regulations of the Lane Regional Air Pollution Authority shall apply to all open burning conducted in Lane County, provided that the provisions of such rules and regulations shall be no less stringent than the provisions of these rules.

340-23-057(1)
minor changes

*Pg 34 in
Attach E*

Existing Rule	Location in Proposed Rule & Text Changes
<p>(2) Solid Waste Disposal: Open burning at solid waste disposal sites is prohibited [statewide] except as authorized by a Solid Waste Permit issued as provided in OAR Chapter 340, Sections 340-61-005 through 340-61-085.</p>	<p>340-23-042(6) minor change</p>
<p>(3) Commercial Waste: Open burning of commercial waste is prohibited within open burning control areas except as may be provided in subsection 7 of this section.</p>	<p>These restrictions are indexed under each</p>
<p>(4) Industrial Waste: Open burning of industrial waste is prohibited statewide except as may be provided in subsection 7 of this section.</p>	<p>county in 340-23-050 through 340-23-064</p>
<p>(5) Construction and Demolition Waste: Except as may be provided in this subsection and in subsection and in subsection 7 of this section, open burning of construction and demolition waste, including non-agricultural land clearing debris, is prohibited within all Open Burning Control Areas except that such burning is permitted:</p>	
<p>(a) In Multnomah County east of the Sandy River.</p>	
<p>(b) In Washington County in all unincorporated areas outside of rural fire protection districts.</p>	

Pg 15 in Attach E

Pg 20-39 in Attach E

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(c) In areas of all other counties of the Willamette Valley Open Burning Control Area Outside of Special Control Areas.

(6) Domestic Waste: Open burning of domestic wastes is prohibited in the Willamette Valley Open Burning Control Area, except:

(a) Such burning is permitted until December 31, 1980:

(A) In Columbia County.

(B) In the Timber and Tri-City Rural Fire Protection District and in all areas, outside of rural fire protection districts in Washington County.

(C) In the following rural fire protection districts of Clackamas County:

(i) Clarkes Rural Fire Protection District.

(ii) Estacada Rural Fire Protection District No. 69.

(iii) Colton-Springwater Rural Fire Protection District.

(iv) Molalla Rural Fire Protection District.

Existing Rule	Location in Proposed Rule & Text Changes
(v) Hoodland Rural Fire Protection District.	
(vi) Monitor Rural Fire Protection District.	
(vii) Scotts Mills Rural Fire Protection District.	
(viii) Aurora Rural Fire Protection District.	
(ix) All portions of the Clackamas-Marion Fire Protection District within Clackamas County.	
(D) In Multnomah County east of the Sandy River.	
(E) In all other parts of Multnomah, Washington, and Clackamas counties, for the burning of wood, needle and leaf materials from trees, shrubs or plants from yard clean-up on the property at which one resides, during the period commencing on the first day in March and terminating at sunset on the fifteenth of June and commencing on the first day in October and terminating at sunset on the fifteenth of December.	
(b) Such burning is permitted until July 1, 1982:	

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(A) Outside of Special Control areas in the counties of Benton, Lane, Linn, Marion, Polk and Yamhill counties.

(B) Within Special Control Areas of Benton, Lane, Linn, Marion, Polk, and Yamhill counties for wood, needle and leaf materials from trees, shrubs or plants from yard cleanup on the property at which one resides, during the period commencing on the first day in March and terminating at sunset on the fifteenth of June and commencing on the first day in October and terminating at sunset on the fifteenth of December.

(c) Domestic open burning is allowed under this section only between 7:30 a.m. and sunset on days when the Department has advised fire permit issuing agencies that open burning is allowed.

(7) Open Burning Allowed by Letter Permit: Burning of commercial, industrial and construction commercial, industrial and construction and demolition waste on a singly occurring or infrequent basis may be allowed by a letter permit issued by the Department, provided that the following conditions are met:

340-23-070(1)
Considerable
change in
language and
requirements

*Pg 39-43
in Attach E*

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(a) No practicable alternative method for disposal of the waste is available.

(b) Application for disposal of the waste by burning is made in writing to the Department, listing the quantity and type of waste to be burned, and all efforts which have been made to dispose of the waste by other means.

(c) The Department shall evaluate all such requests for open burning taking into account reasonable efforts to use alternative means of disposal, the condition of the particular airshed where the burning will occur, other emission sources in the vicinity of the requested open burning, remoteness of the site and methods to be used to insure complete and efficient combustion of the waste material.

(d) If the Department is satisfied that reasonable alternative disposal methods are not available, and that significant degradation of air quality will not occur as the result of allowing the open burning to be accomplished, the Department may issue a letter permit to allow the burning to take place. The duration and date of effectiveness

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of the letter permit shall be specific to the individual request for authorization of open burning, and the letter permit shall contain conditions so as to insure that the burning is accomplished in the most efficient manner and over the shortest time period attainable.

(e) Within the boundaries of Clackamas, Columbia, Multnomah, and Washington counties, such letter permits shall be issued only for the purpose of disposal of waste resulting from emergency occurrences including, but not limited to, floods, windstorms, or oil spills, provided that such waste cannot be disposed of by any other reasonable means.

(f) Failure to conduct open burning according to the conditions of the letter permit, or any open burning in excess of that allowed by the letter permit [~~shall cause the permit to be immediately terminated as provided in OAR 340-14-045(2) and~~] shall be cause for assessment of civil penalties as provided in OAR 340-12-030, 340-12-035, 340-040(3)(b), 340-12-045, and 340-12-050(3), or for other enforcement action by the Department.

Existing Rule	Location in Proposed Rule & Text Changes
<p>Records and Reports</p> <p>340-23-050 As required by ORS 478.960 (7), fire permit issuing agencies shall maintain records of open burning permits and the conditions thereof, and shall submit such records or summaries thereof, to the Commission as may be required. Forms for any reports required under this section shall be provided by the Department.</p>	<p>340-23-075 no change</p> <p><i>Pg 45 in Attach E</i></p>

ATTACHMENT E

DEPARTMENT OF ENVIRONMENTAL QUALITY

CHAPTER 340

DIVISION 23

How to use these Open Burning Rules [This new rule is to be inserted into OAR Chapter 340, Division 23 ahead of OAR 340-23-025]

340-23-022 (1) These rules classify all open burning into one of seven classes: (a) Agricultural, (b) Commercial, (c) Construction, (d) Demolition (which includes land clearing), (e) Domestic (which includes what is commonly called backyard burning and burning of yard debris), (f) Industrial or (g) Slash.

Except for slash burning which is controlled by the forest practices smoke management plan administered by the Oregon Department of Forestry, these rules prescribe requirements for and prohibitions of open burning for every location in the state. Generally, if a class of open burning is not specifically prohibited in a given location, then it is authorized subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042. In addition, some practices specifically mentioned in OAR 340-23-035 are exempted from regulation under these rules.

(2) Organization of rules

(a) OAR 340-23-025 is the Policy statement of the Environmental Quality Commission setting forth the goals of these rules.

(b) OAR 340-23-030 contains definitions of terms which have specialized meanings within the context of these rules.

(c) OAR 340-23-035 lists specific types of open burning and practices which are not governed by these rules.

(d) OAR 340-23-040 lists general requirements which are always applicable to any open burning governed by these rules.

(e) OAR 340-23-042 lists general prohibitions which apply to all open burning.

(f) OAR 340-23-043 establishes the open burning schedule based on air quality and meteorological conditions as required by ORS 468.450.

(g) OAR 340-23-045 indexes each county of the state to a specific rule giving specific restrictions for each class of open burning applicable in the county.

(h) OAR 340-23-050 through 340-23-064 are rules which give specific restrictions to open burning for each class of open burning in the counties named in each rule.

(i) OAR 340-23-070 provides for a letter permit authorization for open burning under certain circumstances which otherwise would be prohibited.

(j) OAR 340-23-071 provides for general permit authorization for domestic open burning under certain circumstances.

(k) OAR 340-23-072 establishes criteria for use of forced-air-pit incineration.

(l) OAR 340-23-075 requires fire permit issuing agencies to keep records and reports.

(m) OAR 340-23-080 contains the legal description of Open Burning Control areas and maps which generally depict these areas.

(3) Use of these rules will be made easier by using the following procedure:

(a) Read OAR 340-23-040 and OAR 340-23-042 to understand general requirements and prohibitions which apply to all burning which is governed by these rules.

(b) In OAR 340-23-030 read the definitions of Agricultural, Commercial, Construction, Demolition, Domestic and Industrial open burning plus the definitions of land clearing and yard debris to determine the type of burning you are concerned with. Also read OAR 340-23-035 to determine if your type of burning is exempted from these rules.

(c) Locate the rule (OAR 340-23-050 through OAR 340-23-064) which governs the county in which you wish to burn. OAR 340-23-045 is an index of the county rules.

(d) Read the sections of the county rules which apply to the type of burning you wish to do.

(e) If not prohibited by these rules, obtain a fire permit from

the fire district, county court or county commissioners before conducting any burning.

Policy

340-23-025 In order to restore and maintain the quality of the air resources of the state in a condition as free from air pollution as is practicable, consistent with the overall public welfare of the state, it is the policy of the Environmental Quality Commission: to eliminate open burning disposal practices where alternative disposal methods are feasible and practicable; to encourage the development of alternative disposal methods; to emphasize resource recovery; to regulate specified types of open burning; to encourage utilization of the highest and best practicable burning methods to minimize emissions where other disposal practices are not feasible; and to require specific programs and timetables for compliance with these rules.

Definitions [New material is underlined. For clarity large text deletions are not shown. The accompanying copy of the existing Division 23 should be compared to this proposed rule for deletions.]

340-23-030 As used in these rules unless otherwise required by context:

(1) "Agricultural Operation" means an activity on land currently used or intended to be used primarily for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by the raising and sale of [~~er-the-produce-of~~₇] livestock or poultry, or

the produce thereof, which activity is necessary to serve that purpose; it does not include the construction and use of [human] dwellings customarily provided in conjunction with the agricultural operation.

(2) "Agricultural open burning" means the open burning of any agricultural waste.

(3) "Agricultural waste" means any material generated or used by an agricultural operation.

(4) "Auxiliary Combustion Equipment" includes, but is not limited to, fans or air curtain incinerators.

(5) "Combustion Promoting Materials" include, but are not limited to, propane, diesel oil, or jellied diesel.

(6) "Commercial open burning" means the open burning of any commercial waste.

(7) "Commercial Waste" means any material except

(a) Material burned in an agricultural operation,

(b) Construction waste,

(c) Demolition waste,

(d) Domestic waste, and

(e) Industrial waste.

Examples of commercial waste are material from offices, warehouses, stores, restaurants, mobile home parks, and dwellings containing more than four family living units such as apartments, condominiums, hotels, motels or dormitories.

(8) "Commission" means the Environmental Quality Commission.

(9) "Construction open burning" means the open burning of any construction waste.

(10) "Construction waste" means any material resulting from or produced by a building or construction project.

Examples of construction waste are wood, lumber, paper, crating and packing materials used during construction, materials left after completion of construction and materials collected during cleanup of a construction site.

(11) "Demolition open burning" means the open burning of demolition waste.

(12) "Demolition waste" means any material resulting or produced by the complete or partial destruction or tearing down of any man-made structure or the clearing of any site for land improvement or cleanup excluding yard debris (domestic waste) and agricultural waste.

(13) "Department" means the Department of Environmental Quality.

(14) "Director" means the Director of the Department [~~of Environmental Quality~~] or his delegated employee representative pursuant to ORS 468.045(3).

(15) "Domestic open burning" means the open burning of any domestic waste.

(16) "Domestic Waste" means household material which includes paper, cardboard, clothing, yard debris, and other material generated in around a dwelling four (4) or fewer family living units, or on the real property appurtenant to the dwelling. Such materials

generated in or around a dwelling of more than four (4) family living units are commercial wastes. Once domestic waste is removed from the property of origin it becomes commercial waste.

(17) "Fire Hazard" means the presence or accumulation of combustible material of such nature and in sufficient quantity that its continued existence constitutes an imminent and substantial danger to life, property, public welfare, or to adjacent lands.

(18) "Forced-air Pit Incineration" means any method or device by which burning is done

(a) (A) in a subsurface pit or

(b) (B) combustion air supplied under positive draft or air curtain, and

(c) (C) combustion air controlled in such a manner as to optimize combustion efficiency and minimize the emission of air contaminants.

(19) "Industrial open burning" means the open burning of any industrial waste.

(20) "Industrial Waste" means [~~waste~~] any material, including including process waste, produced as the direct result of any manufacturing or industrial process.

(21) "Land clearing" means the removal of trees, brush, logs, stumps, debris or man made structures for the purpose of site clean-up or site preparation. All material generated by land clearing is demolition waste except those materials which are included in the definitions of agricultural wastes and yard debris, (domestic waste).

(22) "Local jurisdiction" means

- (a) the local fire permit issuing authority and
- (b) local governmental entity with authority to regulate by law or ordinance.

(23) "Open Burning" includes burning in

- (a) open outdoor fires,
- (b) burn barrels,
- (c) incinerators not required by OAR 340-20-155 to have a permit, and
- (d) any other burning which occurs in such a manner that combustion air is not effectively controlled and combustion products are not effectively vented through a stack or chimney.

(24) "Open Burning Control Area" means an area established to control specific open burning practices or to maintain specific open burning standards which may be more stringent than those established for other areas of the state. Open burning control areas in the State are described in OAR 340-23-080.

The open burning control areas in the state are:

(a) All areas in or within three (3) miles of the corporate city limits of cities having a population of four thousand (4000) or more, as further described in OAR 340-23-080(1) and generally shown in Figure 2 thereof.

(b) The Coos Bay open burning control area as described in OAR 340-23-080(2) and generally shown in Figure 3 thereof.

(c) The Rogue Basin open burning control area as described in OAR 340-23-080(3) and generally shown in Figure 4 thereof.

(d) The Umpqua Basin open burning control area as described in OAR 340-23-080(4) and generally shown in Figure 5 thereof.

(e) The Willamette Valley open burning control area as described OAR 340-23-080(5) and generally shown in Figure 2 thereof.

(25) "Person" means any individual, corporation, association, firm, partnership, joint stock company, public or municipal corporation, political subdivision, the state or any agency thereof, or the federal government or any agency thereof.

(26) "Population" means the annual population estimate of incorporated cities within the State of Oregon issued by the Center for Population Research and Census, Portland State University, Portland, Oregon.

(27) "Slash" means forest debris left after a forest logging operation governed by the forest practices act when such slash is to be burned under the smoke management plan administered by the Oregon Department of Forestry pursuant to ORS 477.515.

(28) "Ventilation index" means a number calculated by the Department relating to the ability of the atmosphere to disperse pollutants. The ventilation index is the product of the measured or estimated meteorological mixing depth in hundreds of feet and the measured or estimated average wind speed through the mixed layer in knots.

(29) "Waste" means any useless or discarded materials.

Each waste is categorized in these rules as one but not more of the following types:

(a) agricultural,

(b) commercial,

(c) construction,

(d) demolition,

(e) domestic, or

(f) industrial.

(30) "Yard debris" means wood, needle or leaf materials from trees, shrubs or plants from the real property appurtenant to a dwelling of not more than four (4) family living units so long as such debris remains on the property of origin. Once yard debris is removed from the property of origin it becomes commercial waste. Yard debris is included in the definition of domestic waste.

Exemptions, Statewide [New material is underlined. Large sections of this rule have been deleted and made a part of other rules in this Division. The accompanying copy of the existing Division 23 should be compared to this proposed rule for changes and deletions]

340-23-035 The rules in this Division 23 shall not apply to:

(1) Fires set for traditional recreational purposes and traditional ceremonial occasions for which a fire is appropriate provided that no materials which may emit dense smoke or noxious odors as prohibited in section 340-23-042(2) are burned.

(2) Any barbecue equipment.

(3) Fires set or permitted by any public agency when such fire is set or permitted in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, or a hazard to public health or safety or instruction of employes in the methods of fire fighting, which in the opinion of the agency is necessary.

(4) Open burning on forest land permitted under the forest practices Smoke Management Plan filed with the Secretary of State pursuant to ORS 477.515.

(5) Fires set pursuant to permit for the purpose of instruction of employees of private industrial concerns in methods of fire fighting, or for civil defense instruction.

General Requirements Statewide

[The entire text of Rule 340-23-040 is deleted and the following is substituted therefor]

340-23-040 This rule applies to all open burning whether authorized, permitted or prohibited by the rules in this Division 23 or by any other rule, regulation, permit, ordinance, order or decree.

(1) All Open burning shall be constantly attended by a responsible person or an expressly authorized agent until extinguished.

(2) Each person who is in ownership, control or custody of the real property on which open burning occurs, including any tenant thereof, or who is in ownership, control or custody of the material

which is burned, shall be considered a responsible person for the open burning. Any person who causes or allows open burning to be initiated or or maintained shall also be considered a responsible person.

(3) It shall be the duty of each responsible person to promptly extinguish any open burning which is in violation of any rule of the Commission or of any permit issued by the Department unless the Department has given written approval to such responsible person to use auxiliary combustion equipment or combustion promoting materials to minimize smoke production and the responsible person complies with the requirements in the written approval. However, nothing in this section shall be construed to authorize any violation of OAR 340-23-042(1) or (2).

(4) To promote efficient burning and prevent excessive emissions of smoke, each responsible person shall:

(a) Assure that all combustible material is dried to the extent practicable. This action shall include covering the combustible material during rainy weather when practicable. However, nothing in this section shall be construed to authorize any violation of OAR 340-23-042(1) or (2).

(b) Loosely stack or windrow the combustible material in such a manner as to eliminate dirt, rocks and other non-combustible material and promote an adequate air supply to the burning pile, and provide the necessary tools and equipment for the purpose.

(c) Periodically restack or feed the burning pile and insure that combustion is essentially completed and smoldering fires are prevented and provide the necessary tools and equipment for the purpose.

(5) Open burning in compliance with the rules in this Division 23 does not exempt any person from any civil or criminal liability for consequences or damages resulting from such burning, nor does it exempt any person from complying with other applicable law, ordinance, regulation, rule, permit, order, or decree of this or any other governmental entity having jurisdiction.

General Prohibitions Statewide

[This is a new Rule which follows OAR 340-23-040. Underlined portions are new provisions. Other portions are provisions which were in the previous rules under a different rule.]

340-23-042 This Rule applies to all open burning whether authorized, permitted or prohibited by the rules in this Division 23 or by any other rule, regulation, permit, ordinance, order or decree.

(1) No person shall cause or allow to be initiated or maintained any open burning which creates any of the following:

- (a) A private nuisance;
- (b) A public nuisance;
- (c) A hazard to public safety.

(2) No person shall cause or allow to be initiated or maintained any open burning of any wet garbage, plastic, wire insulation, automobile part, asphalt, petroleum product, petroleum treated material, rubber product, animal remains, or animal or vegetable matter resulting from the handling, preparation, cooking, or service of food or of any other material which normally emits dense smoke or noxious odors.

(3) No person shall cause or allow to be initiated or maintained any open burning of any material in any part of the state on any day at any time, regarding which when the Department has notified

the State Fire Marshal that open burning is prohibited because of meteorological or air quality conditions pursuant to OAR 340-23-043.

(4) No fire permit issuing agency shall issue any fire permit which purports to authorize any open burning of any material at any location on any day at any time regarding which the Department has notified the State Fire Marshal that open burning is prohibited because of meteorological or air quality conditions. However, the failure of any fire permit issuing agency to comply shall not excuse any person from complying with this section.

(5) No person shall cause or allow to be initiated or maintained any open burning authorized by the rules in this Division 23 during hours other than specified by the Department.

(6) No person shall cause or allow to be initiated or maintained any open burning at any solid waste disposal site unless authorized by a Solid Waste Permit issued pursuant to OAR 340-61-005 through 340-61-085.

Open Burning Schedule

[This is a new rule which follows OAR 340-23-042. It contains provisions which are new to this Division 23.]

340-23-043 Pursuant to ORS 468.450, 476.380 and 478.960 the following open burning schedule shall be administered by the Department.

(1) Mandatory Prohibition Based on Adverse Air Quality Conditions.

(a) The Department shall notify the State Fire Marshall that all open burning shall be prohibited in all or a specified part of the state regarding which the Department has declared:

(A) A particulate or sulfur dioxide alert pursuant to OAR 340-27-010(2)(a), (b) or (c);

(B) A particulate or sulfur dioxide warning pursuant to OAR 340-27-010(3)(a), (b), or (c); or

(C) An emergency for any air contaminant pursuant to OAR 340-27-010(4).

(b) All open burning shall be prohibited until the Department notifies the State Fire Marshall that the episode and prohibition have been declared to have terminated.

(2) Discretionary Prohibition or Limitation Based on Meteorological Conditions.

(a) The Department may notify the State Fire Marshall that all or specified types of open burning shall be prohibited or limited in all or any specified parts of the state based on any one or more of the following criteria affecting that part of the state:

(A) An Air Stagnation Advisory issued by the National Weather Service;

(B) The daily maximum ventilation index calculated by the Department for the Willamette Valley Open Burning Control Area is less than 250;

(C) The daily maximum ventilation index calculated by the Department for the Rogue Basin or Umpqua Basin open burning control area is less than 200.

(D) The daily maximum ventilation index calculated by the Department for any area outside the Willamette Valley, Rogue Basin and Umpqua Basin open burning control areas is less than 150; or

(E) Any other relevant factor.

(b) All open burning so prohibited or limited shall be prohibited or limited until the Department notifies the State Fire Marshall that the prohibition or limitation has been terminated.

(c) In making the determination of whether or not to prohibit or limit open burning pursuant to this section the Department shall consider:

(A) The policy of the state set forth in ORS 468.280

(B) The relevant criteria set forth in ORS 468.295(2).

(C) The extent and types of materials available to be open burned.

(D) Any other relevant factor.

(d) On making the determination of whether or not to prohibit or limit any open burning pursuant to this section the Department shall give first priority to the burning of perennial grass seed crop used for grass seed production, second priority for annual grass seed crop used for grass seed production, third priority to grain crop burning, and fourth priority to all other burning.

(3) Unless and until prohibited or limited pursuant to sections (1) or (2) of this rule, open burning shall be allowed during a day, so long as it is not prohibited by, and is conducted consistent with, the other rules in this Division 23, the requirements and prohibitions of the local jurisdiction and the State Fire Marshall.

County Listing of Specific Open Burning Rules

[The entire text of Rule 340-23-045 is deleted and the following new language is substituted therefor.]

340-23-045 Except as otherwise provided, in addition to the general requirements and prohibitions listed in OAR 340-23-040 and 340-23-042, specific prohibitions of Agricultural, Commercial, Construction, Demolition, Domestic and Industrial open burning are listed in separate rules for each county. The following list identifies the Rule where prohibitions of specific types of open burning applicable to a given county may be found.

County	OAR Rule Number	County	OAR Rule Number
Baker	340-23-050	Lake	340-23-050
Benton	340-23-052	Lane	340-23-057
Clackamas	340-23-053	Lincoln	340-23-050
Clatsop	340-23-050	Linn	340-23-052
Columbia	340-23-056	Malheur	340-23-050
Coos	340-23-060	Marion	340-23-052
Crook	340-23-050	Morrow	340-23-050
Curry	340-23-050	Multnomah	340-23-054
Deschutes	340-23-050	Polk	340-23-052
Douglas	340-23-062	Sherman	340-23-050
Gilliam	340-23-050	Tillamook	340-23-050
Grant	340-23-050	Umatilla	340-23-050
Harney	340-23-050	Union	340-23-050
Hood River	340-23-050	Wallowa	340-23-050
Jackson	340-23-064	Wasco	340-23-050
Jefferson	340-23-050	Washington	340-23-055
Josephine	340-23-064	Wheeler	340-23-050
Klamath	340-23-050	Yamhill	340-23-052

[The entire text of OAR 340-23-050 is deleted and the following new language is substituted therefor. Underlined language contains new provisions]

340-23-050 Open burning prohibitions for the counties of Baker, Clatsop, Crook, Curry, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler.

(1) Industrial open burning is prohibited

(2) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal and OAR 340-23-042(3).

(3) Commercial open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042, except that all commercial open burning is prohibited in or within three (3) miles of the corporate city limits of the following cities:

(a) In Baker County, the city of:

(A) Baker

(b) In Clatsop County, the cities of:

(A) Astoria

(B) Seaside

(c) In Crook County, the city of:

(A) Prineville

- (d) In Deschutes County, the cities of:
 - (A) Bend
 - (B) Redmond
- (e) In Hood River County, the city of:
 - (A) Hood River
- (f) In Klamath County, the city of:
 - (A) Klamath Falls
- (g) In Lincoln County, the cities of:
 - (A) Lincoln City
 - (B) Newport
- (h) In Malheur County, the city of:
 - (A) Ontario
- (i) In Umatilla County, the cities of:
 - (A) Hermiston
 - (B) Milton Freewater
 - (C) Pendleton
- (j) In Union County, the city of:
 - (A) La Grande
- (k) In Wasco County, the city of:
 - (A) The Dalles

(4) Construction and Demolition open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042, except that Construction and Demolition open burning is prohibited in or within three (3) miles of the corporate city limits of the following cities:

- (a) In Baker County, the city of:
 - (A) Baker
- (b) In Clatsop County, the cities of:
 - (A) Astoria
- (c) In Crook County, the city of:
 - (A) Prineville
- (d) In Deschutes County, the cities of:
 - (A) Bend
 - (B) Redmond
- (e) In Hood River County, the city of:
 - (A) Hood River
- (f) In Klamath County, the city of:
 - (A) Klamath Falls
- (g) In Malheur County, the city of:
 - (A) Ontario
- (h) In Umatilla County, the cities of:
 - (A) Hermiston
 - (B) Milton Freewater
 - (C) Pendleton
- (i) In Union County, the city of:
 - (A) La Grande
- (j) In Wasco County, the city of:
 - (A) The Dalles

(5) Domestic open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire

Marshal, OAR 340-23-040 and 340-23-042.

[This new Rule follows OAR 340-23-050. Underlined language contains new provisions.]

340-23-052 Open burning prohibitions for Benton, Linn, Marion, Polk, and Yamhill counties which form a part of the Willamette Valley open burning control area described in OAR 340-23-080.

(1) Industrial open burning is prohibited.

(2) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal and OAR 340-26-005 through 340-26-030 (Agricultural Operations).

(3) Commercial open burning is prohibited.

(4) Construction and Demolition open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042, except that Construction and Demolition open burning is prohibited within special control areas including the following:

(a) Areas in or within six (6) miles of the corporate city limit of Salem in Marion County.

(b) Areas in or within three (3) miles of the corporate city limit of:

(A) In Benton County, the cities of:

(i) Corvallis

- (ii) Philomath
- (B) In Linn County, the cities of:
 - (i) Albany
 - (ii) Brownsville
 - (iii) Harrisburg
 - (iv) Lebanon
 - (v) Mill City
 - (vi) Sweet Home
- (C) In Marion County, the cities of:
 - (i) Aumsville
 - (ii) Hubbard
 - (iii) Jefferson
 - (iv) Mt. Angel
 - (v) Silverton
 - (vi) Stayton
 - (vii) Sublimity
 - (viii) Turner
 - (ix) Woodburn
- (D) In Polk County, the cities of:
 - (i) Dallas
 - (ii) Independence
 - (iii) Monmouth
- (E) In Yamhill County, the cities of:
 - (i) Amity
 - (ii) Carlton

- (iii) Dayton
- (iv) Dundee
- (v) Lafayette
- (vi) McMinnville
- (vii) Newberg
- (viii) Sheridan
- (ix) Willamina

(5) Domestic open burning

(a) Domestic open burning is prohibited in the special control areas named in Section (4) of this Rule except that open burning of yard debris is allowed beginning March first and ending June fifteenth inclusive, and beginning October first and ending December fifteenth, inclusive, subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

(b) Domestic open burning is allowed outside of special control areas subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal OAR 340-23-040 and 340-23-042.

(c) No person shall cause or allow to be initiated or maintained any domestic open burning other than during daylight hours between 7:30 a.m. and two hours before sunset unless otherwise specified by Department pursuant to OAR 340-23-043.

[This new Rule follows OAR 340-23-052. Underlined language contains new provisions.]

340-23-053 Open burning prohibitions for Clackamas County.

(1) Industrial open burning is prohibited

(2) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal and OAR 340-26-005 through 340-26-030, (Agricultural Operations).

(3) Commercial open burning is prohibited.

(4) Construction and Demolition open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042, except that Construction and Demolition open burning is prohibited within special control areas including the following:

(a) Areas in or within six (6) miles of the corporate city limits of:

- (A) Gladstone,
- (B) Happy Valley,
- (C) Lake Oswego,
- (D) Milwaukie,
- (E) Oregon City,
- (F) Portland,
- (G) Rivergrove,
- (H) West Linn.

(b) Areas in or within three (3) miles of the corporate city limits of

- (A) Canby,

- (B) Estacada,
- (C) Gresham,
- (D) Molalla,
- (E) Sandy,
- (F) Wilsonville.

(5) Domestic open burning

(a) As generally depicted in Figure 1 of OAR 340-23-080 domestic open burning is always prohibited within the following fire districts:

- (A) Clackamas Co. RFPD #1
- (B) that portion of Clackamas RFPD #71 which lies west of I-205.
- (C) Glenmorrie RFPD #66
- (D) Gladstone
- (E) Lakegrove RFPD #57
- (F) Lake Oswego
- (G) Milwaukie
- (H) Oregon City
- (I) Oak Lodge
- (J) Portland
- (K) Riverdale RFPD #60
- (L) Rosemont RFPD #67
- (M) that part of Tualatin RFPD #64 which lies north of I-205.
- (N) West Linn

(b) Domestic open burning is prohibited in the following fire districts except that open burning of yard debris is allowed between March first and June fifteenth inclusive and between October first and December fifteenth inclusive, subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

- (A) Beaver Creek RFPD #55
- (B) Boring RFPD #59
- (C) Canby
- (D) Canby RFPD #62
- (E) Clackamas Co. RFPD #54
- (F) that portion of Clackamas RFPD #71 which lies east of I-205
- (G) Sandy RFPD #72
- (H) that portion of Tualatin RFPD #64 which lies south of I-205.

(c) Domestic open burning is allowed in the areas not covered in subsections (a) and (b) of this section subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, ORS 340-23-040 and 340-23-042.

(d) No person shall cause or allow to be initiated or maintained any domestic open burning other than during daylight hours between 7:30 a.m. and two hours before sunset unless otherwise specified by Department pursuant to OAR 340-23-043.

[This new Rule follows OAR 340-23-053. Underlined language contains new provisions.]

340-23-054 Open burning prohibitions for Multnomah County.

(1) Industrial open burning is prohibited

(2) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-042(3) and 340-26-005 through 340-26-030, (Agricultural Operations).

(3) Commercial open burning is prohibited.

(4) Construction and Demolition open burning is prohibited west of the Sandy River but is allowed east of the Sandy River subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

(5) Domestic open burning.

(a) As generally depicted in Figure 1 of OAR 340-23-080, domestic open burning is prohibited west of the Sandy River except, that open burning of yard debris is allowed in the following areas from March first to June fifteenth inclusive and from October first to December fifteenth inclusive, subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal OAR 340-23-040 and 340-23-042:

(A) All unincorporated area between the Sandy River and the Troutdale or Gresham city limits.

(B) Skyline RFPD #20

(C) Sauvie Island

(D) Burlington Water District

(E) All unincorporated areas located in Northwestern Multnomah County and not within a Fire Protection Districts.

(b) Domestic open burning is allowed east of the Sandy River subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

(c) No person shall cause or allow to be initiated or maintained any domestic open burning other than during daylight hours between 7:30 a.m. and two hours before sunset unless otherwise specified by Department pursuant to OAR 340-23-043.

[This new Rule follows OAR 340-23-054. Underlined language contains new provisions.]

340-23-055 Open burning prohibitions for Washington County.

(1) Industrial open burning is prohibited

(2) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-042(3) and 340-26-030, (Agricultural Operations).

(3) Commercial open burning is prohibited.

(4) Construction and Demolition open burning is prohibited in all incorporated areas and areas within rural fire protection districts. Construction and demolition open burning is allowed in all other areas subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

(5) Domestic open burning

(a) As generally depicted in Figure 1 of OAR 340-23-080 domestic open burning is prohibited in the following areas

(A) Beaverton Fire District

(B) River Grove Rural Fire Protection District #57

(C) Portland Fire District

(D) That portion of Tualatin RFPD including the cities of Tualatin, Durham, Tigard and King City, which is north of a line starting at the point where I-205 crosses the Washington-Clackamas County line, westward along I-205 to the Tualatin city limit at I-5, thence along the southerly and westerly city limit of Tualatin to the Tualatin River, thence westward along the Tualatin River to highway 99W, thence northward along highway 99W to Fisher Road, thence westward along Fisher Road to 131st Avenue, thence northward along the King City city limit to its northern most point and continuing due north to the Tigard city limit, thence northward along the Tigard city limit to the boundary of the Tualatin Rural Fire Protection District.

(E) That part of Washington County Rural Fire Protection District number one which is within the Metropolitan Service district.

(F) That part of Washington County Rural Fire Protection District number two starting at the point where highway

26 crosses the eastern boundary of the fire district, thence westward along highway 26 to Cornelius Pass Road, thence northward along Cornelius Pass Road to West Union Road, thence eastward along West Union Road to the fire district boundary, thence southerly along the district boundary to the point of beginning.

(b) Domestic open burning is prohibited in the following areas except that open burning of yard debris is allowed on a day between March first and June fifteenth inclusive and between October first and December fifteenth inclusive subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal OAR 340-23-040 and 340-23-042:

- (A) Within the corporate city limit of Cornelius.
- (B) Within the corporate city limit of Forest Grove.
- (C) Within the corporate city limit of Hillsboro.
- (D) That portion of Tualatin RFPD not included in paragraph (a)(D) of this section.
- (E) Within Cornelius RFPD
- (F) Within Gaston RFPD
- (G) Within Forest Grove RFPD
- (H) Within that part of Washington County RFPD number 1 outside of the Metropolitan Service District.
- (I) Within Washington County RFPD number 2

except for the portion included in paragraph
(a) (F) of this section.

(c) Domestic open burning is allowed in the Tri cities RFPD and unincorporated areas of Washington County outside of rural fire protection districts subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal OAR 340-23-040 and 340-23-042.

(d) No person shall cause or allow to be initiated or maintained any domestic open burning other than during daylight hours between 7:30 a.m. and two hours before sunset unless otherwise specified by Department pursuant to OAR 340-23-043.

[This new Rule follows OAR 340-23-055. Underlined language contains new provisions.]

340-23-056 Open burning prohibitions for Columbia County

(1) Industrial open burning is prohibited.

(2) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal and OAR 340-23-042(3) and 340-23-042(5).

(3) Commercial open burning is prohibited.

(4) Construction and demolition open burning

(a) Construction and Demolition open burning is prohibited in and within three (3) miles of the city limits of:

- (A) Clatskanie,
- (B) Rainier,
- (C) St. Helens,
- (D) Scappoose,
- (E) Vernonia.

(b) Construction and Demolition open burning is allowed in all other parts of Columbia County subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

(5) Domestic open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

[This new Rule follows OAR 340-23-056. Underlined language contains new provisions.]

340-23-057 Open burning prohibitions for Lane County. That portion of Lane County east of Range 7 West Willamette Meridian forms a part of the Willamette Valley open burning control area as generally described in OAR 340-23-080(5) and depicted in Figure 2.

(1) The rules and regulations of the Lane Regional Air Pollution Authority shall apply to all open burning in Lane County provided such rules are no less stringent than the provisions of these rules and further provided that the Lane Regional Air Pollution Authority may not regulate open burning as a part of agricultural operations.

(2) Industrial open burning is prohibited

(3) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-042(3) and 340-26-005 through 340-26-030, (Agricultural Operations).

(4) Commercial open burning is prohibited in Lane County east of Range 7 West Willamette Meridian and in or within three (3) miles of the city limit of Florence on the coast. Commercial open burning is allowed in the remaining areas of Lane County subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

(5) Construction and Demolition open burning is prohibited within all special control areas but is allowed elsewhere in Lane County subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042. Special control areas in Lane County are those areas defined in OAR 340-23-080(5) and include:

(a) In or within six (6) miles of the corporate city limits of Eugene and Springfield.

(b) In or within three (3) miles of the corporate city limits of:

- (A) Cottage Grove,
- (B) Creswell,
- (C) Junction City,
- (D) Oakridge,
- (E) Veneta.

(6) Domestic open burning.

(a) Domestic open burning west of Range 6 West, Willamette Meridian is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal OAR 340-23-040 and 340-23-042.

(b) Domestic open burning east of range 7 West, Willamette Meridian.

(A) Domestic open burning is prohibited within all special control areas listed in Section (5) of this Rule except that open burning of yard debris is allowed between March first and June fifteenth inclusive and between October first and December fifteenth inclusive subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

(B) Domestic open burning is allowed outside of special control areas, subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, of OAR 340-23-040 and OAR 340-23-042.

(C) No person shall cause or allow to be initiated or maintained any domestic open burning east of Range 7, West, Willamette Meridian, other than during daylight hours between 7:30 a.m. and two hours before sunset unless otherwise specified by Department pursuant to OAR 340-23-043.

[This new Rule follows OAR 340-23-057. Underlined language contains new provisions.]

340-23-060 Open burning prohibitions for Coos County.

(1) The Coos Bay open burning control area as generally described in OAR 340-23-080 and depicted in Figure 3 is located in Coos County.

(2) Industrial open burning is prohibited.

(3) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal and OAR 340-23-042(3).

(4) Commercial open burning is prohibited within the Coos Bay open burning control area and in or within three (3) miles of the corporate city limits of Coquille. Commercial open burning is allowed in all other areas of Coos County subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

(5) Construction and Demolition open burning is prohibited within the Coos Bay open burning control area. Construction and Demolition open burning is allowed in other areas subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

(6) Domestic open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

[This new Rule follows OAR 340-23-060. Underlined language contains new provisions.]

340-23-062 Open burning prohibitions for Douglas County:

(1) The Umpqua Basin open burning control area as generally

described in of OAR 340-23-080, and depicted in Figure 5, is located in Douglas county.

(2) Industrial open burning is prohibited.

(3) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal and OAR 340-23-042(3).

(4) Commercial open burning is prohibited within the Umpqua Basin open burning control area and in or within three (3) miles of the corporate city limit of Reedsport. Commercial open burning is allowed in all other areas subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

(5) Construction and Demolition open burning is prohibited within the Umpqua Basin open burning control area. Construction and Demolition open burning is allowed in all other areas subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

(6) Domestic open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

[This new Rule follows OAR 340-23-062. Underlined language contains new provisions.]

340-23-064 Open burning prohibitions for Jackson and Josephine Counties.

(1) The Rogue Basin open burning control area as generally described in OAR 340-23-080 and depicted in Figure 4, is located in

Jackson and Josephine Counties.

(2) Industrial open burning is prohibited

(3) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal and OAR 340-23-042(3).

(4) Commercial open burning is prohibited within the Rogue Basin open burning control area. Commercial open burning is allowed in all other areas subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

(5) Construction and Demolition open burning is prohibited within the Rogue Valley open burning control area. Construction and demolition open burning is allowed in all other areas subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

(6) Domestic open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

[This new Rule follows OAR 340-23-064. Underlined language contains new provisions.]

340-23-070 Letter Permits

(1) Open Burning of commercial, industrial, construction and demolition waste which is otherwise prohibited may be permitted on a singly occurring or infrequent basis by a letter permit issued by

the Department in accordance with this rule and subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042. OAR 340-14-025 and 340-20-140 through 340-20-185 shall not apply.

(2) A letter permit may only be issued following receipt and approval by the Department of a written application for disposal of material by burning is made containing the following items:

(a) The quantity and type of material proposed to be burned,

(b) All efforts which have been made to dispose of the material by means other than open burning.

(c) The expected amount of time which will be required to complete the burning.

(d) The methods proposed to be used to insure complete and efficient combustion of the material

(e) The location of the proposed burning site

(f) A diagram showing the proposed burning site and the structures and facilities inhabited or used in the vicinity including distances thereto,

(g) The expected frequency of the need to disposal of similar materials by burning in the future.

(h) Any other information which the Department may require.

(3) Upon receipt of a written application the Department may issue a letter permit if the Department is satisfied that:

(a) The applicant has demonstrated that all reasonable alternatives have been explored and no practicable alternative method for disposal of the materials exists; and

(b) The proposed burning will not cause or contribute to significant degradation of air quality in the airshed.

(4) The Department may deny an application for a letter or revoke or suspend an issued letter permit on any of the following grounds:

(a) Any material misstatement or omission in the application;

(b) Any violation of any statute, rule, regulation, order, permit, ordinance, judgement or decree;

(5) In making its determination under section (3) above, the Department may consider:

(a) the conditions of the airshed of the proposed burning

(b) the other air pollution sources in the vicinity of the proposed burning,

(c) the availability of other methods of disposal,

(d) the frequency of the need to dispose of similar materials in the past and expected in the future.

(e) the applicant's prior violations, if any; and

(f) Any other relevant factor.

(6) Each letter permit issued by the Department shall contain at least the following elements:

(a) The location at which the burning is permitted to take place.

(b) The number of actual calendar days on which burning is permitted to take place, not to exceed seven (7).

(c) The period during which the permit is valid, not to exceed a period of thirty (30) consecutive days. The actual period in the permit shall be specific to the needs of the applicant.

(d) Equipment and methods required to be used by the applicant to insure that the burning is accomplished in the most efficient manner over the shortest period of time to minimize smoke production.

(e) The limitations, if any, based on meteorological conditions required before burning may occur.

(f) Reporting requirements for both starting the fire each day and completion of the requested burning.

(g) A statement that OAR 340-23-040 and OAR 340-23-042 are fully applicable to all burning under the permit.

(h) Such other conditions as the Department considers to be desirable.

(7) Regardless of the conditions contained in any letter permit, each letter permit shall be valid for not more than thirty (30) consecutive calendar days of which a maximum of seven (7) can be used for burning. The Department may issue specific letter permits for shorter periods.

(8) Letter permits shall not be renewable. Any additional requests to conducting additional burning shall require a new applicant and a new permit.

(9) For locations within Clackamas, Columbia, Multnomah and Washington Counties, letter permits may be issued only for the purpose of disposal of material resulting from emergency occurrences including, but not limited to floods, storms or oil spills.

(10) Failure to conduct open burning according to the conditions, limitations, or terms of a letter permit, or any open burning in

excess of that permitted by the letter permit shall be violation of the permit and shall be cause for assessment of civil penalties for each violation as provided in OAR 340-12-030, 340-12-035, 340-12-040(3)(b), 340-12-045, and 340-12-050(3), or for other enforcement action by the Department.

General Permit

[This new rule contains new and prohibitions is proposed to be added to and made a part of OAR Chapter 340 Division 23]

340-23-071 Domestic burning otherwise prohibited may be authorized by the Director by general permit without public hearing for the purpose of disposing of debris created by unusual storms or natural disasters. Such general permit shall be issued by the Director for a specific limited time with such conditions as he finds appropriate upon his making a finding that failure to authorize the burning will create widespread hazard or hardship, other reasonable means of disposal are not available and significant degradation of air quality will not occur.

Forced Air Pit Incinerators

[This new rule is proposed to be added and made a part of OAR Chapter 340 Division 23. It contains language which was formerly in OAR 340-23-040(12)]

340-23-072 Forced air pit incineration may be approved as an alternative to open burning prohibited by these rules, provided that the following conditions shall be met:

(1) The person requesting approval of forced air pit incineration shall demonstrate to the satisfaction of the Department that no feasible or practicable alternative to forced-air pit incineration exists.

(2) The forced-air pit incineration facility shall be designed, installed, and operated in such a manner that visible emissions do not exceed forty percent (40%) opacity for more than three (3) minutes out of any one (1) hour of operation following the initial thirty (30) minute startup period.

(3) The person requesting approval of a forced-air pit incineration facility shall be granted an approval of the facility only after a Notice of Construction and Application for Approval is submitted pursuant to OAR 340-20-020 through 340-20-030.

(4) A forced-air pit permit for operation of a forced air pit incineration facility shall be required and shall be based on the same conditions and requirements stipulated for letter permits in OAR 340-23-070, which is included here by reference, except that the term of the permit shall not be limited to thirty (30) days and the operation of the facility shall not be limited to seven (7) days, but both the term of the permit and the operation limit of the

facility shall be specified in the permit and shall be appropriate to the purpose of the facility.

Records and Reports

[This new Rule contains language which was previously in OAR 340-23-050.]

340-23-075

(1) As required by ORS 478.960(7), fire permit issuing agencies shall maintain records of open burning permits and the conditions thereof, and shall submit such records or summaries thereof to the Commission as may be required. Forms for any reports required under this section shall be provided by the Department.

Open Burning Control Areas

[This new Rule contains language which was previously in OAR 340-23-030(12) and(16)]

340-23-080

Generally areas around the more densely populated locations in the state and valleys or basins which restrict atmospheric ventilation are designated open burning control areas. The practice of open burning may be more restrictive in open burning control areas than in other areas of the state. The specific open burning restrictions associated with these Open Burning Control Areas are listed in OAR 340-23-050 through OAR 340-23-064 by county. The general locations

of Open Burning Control Areas are depicted in Figure 2 through 5 of this rule. The Open Burning Control Areas of the state are defined as follows:

(1) All areas in or within three miles of the incorporated city limit of all cities with a population of 4,000 or more.

(2) The Coos Bay Open Burning Control Area is located in Coos County with boundaries as generally depicted in Figure 3 of this rule. The area is enclosed by a line beginning at a point approximately 4-1/2 miles WNW of the City of North Bend, at the intersection of the north boundary of T25S, R13E, and the coast line of the Pacific Ocean; thence east to the NE corner of T26S, R12E; thence south to the SE corner of T26S, R12E; thence west to the intersection of the south boundary of T26S, R14W and the coastline of the Pacific Ocean; thence northerly and easterly along the coastline of the Pacific Ocean to its intersection with the north boundary of T25S, R13E, the point of beginning.

(3) The Rogue Basin Open Burning Control Area is located in Jackson and Josephine Counties with boundaries as generally depicted in Figure 4 of this rule. The area is enclosed by a line beginning at a point approximately 4-1/2 miles NE of the City of Shady Cove at the NE corner of T34S, R1W, Willamette Meridian; thence South along the Willamette Meridian to the SW corner of T37S, R1W; thence East to the NE corner of T38S, R1E; thence South to the SE corner of T38S, R1E; thence East to the NE corner of T39S, R2E; thence South to the

SE corner of T39S, R2E; thence West to the SW corner of T39S, R1E; thence NW along a line to the NW corner of T39S, R1W; thence West to the SW corner of T38S, R2W; thence North to the SW corner of T36S, R2W; thence West to the SW corner of T36S, R4W; thence South to the SE corner of T37S, R5W; thence West to the SW corner of T37S, R6W; thence East to the SW corner of T35S, R1W; thence North to the NW corner of T34S, R1W; thence East to the point of beginning.

(4) The Umpqua Basin Open Burning Control Area is located in Douglas County with boundaries as generally depicted in Figure 5 of this rule. The area is enclosed by a line beginning at a point approximately 4 miles WNW of the City of Oakland, Douglas County, at the NE corner of T25S, R5W, Willamette Meridian; thence South to the SE corner of T25S, R5W; thence East to the NE corner of T26S, R4W; thence South to the SE corner of T27S, R4W; thence West to the SE corner of T27S, R5W; thence South to the SE corner of T30S, R5W; thence West to the SW corner of T30S, R6W; thence north to the NW corner of T29S, R6W; thence West to the SW corner of T28S, R7W thence North to the NW corner of T27S, R7W; thence East to the NE corner of T27S, R7W; thence North to the NW corner of T26, R6W; thence East to the NE corner of T26, R6W; thence North to the NW corner of T25S, R5W; thence East to the point of beginning.

(5) The boundaries of the Willamette Valley Open Burning Control Area are generally depicted in Figure 2 of this rule. The area includes all of Benton, Clackamas, Linn, Marion, Multnomah, Polk, Washington and Yamhill counties and that portion of Lane County east of Range 7 West.

(6) Special control areas are established around cities within the Willamette Valley Open Burning control area. The boundaries of these special control areas are determined as follows:

(a) Any area in or within three (3) miles of the boundary of any city of more than 1,000 but less than 45,000 population.

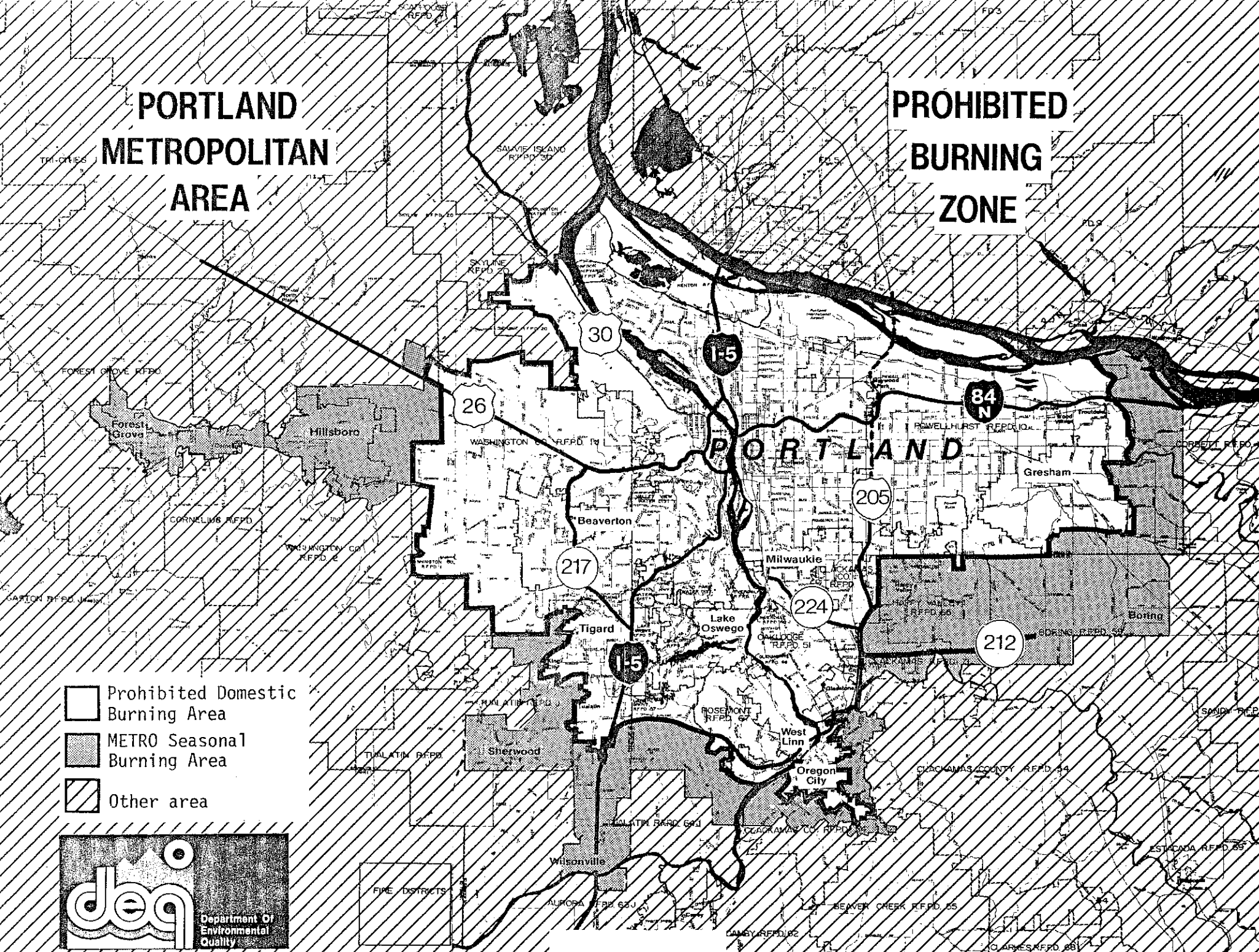
(b) Any area in or within six (6) miles of the boundary of any city of 45,000 or more population.

(c) Any area between areas established by this rule where the boundaries are separated by three (3) miles or less.

(d) Whenever two or more cities have a common boundary, the total population of these cities will determine the applicability of subsection (a) or (b) of this section and the municipal boundaries of each of the cities shall be used to determine the limit of the special control area.

PORTLAND METROPOLITAN AREA

PROHIBITED BURNING ZONE



- Prohibited Domestic Burning Area
- ▨ METRO Seasonal Burning Area
- ▧ Other area

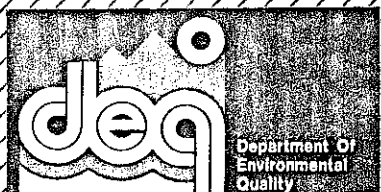


FIGURE 1

COOS BAY OPEN BURNING CONTROL AREA
(Coquille Control Area Shown As Circle)

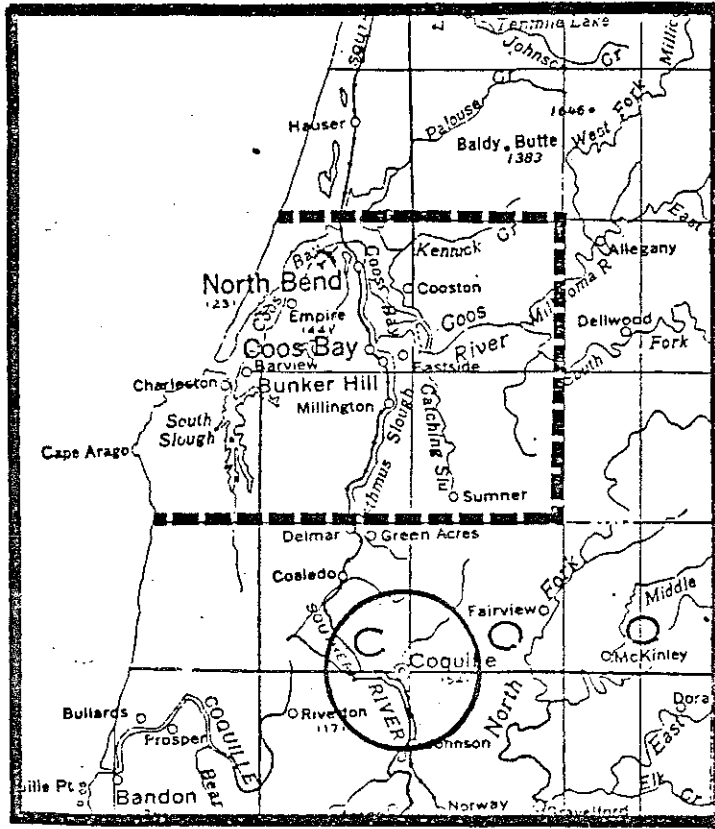


FIGURE 3

ROGUE BASIN OPEN BURNING CONTROL AREA

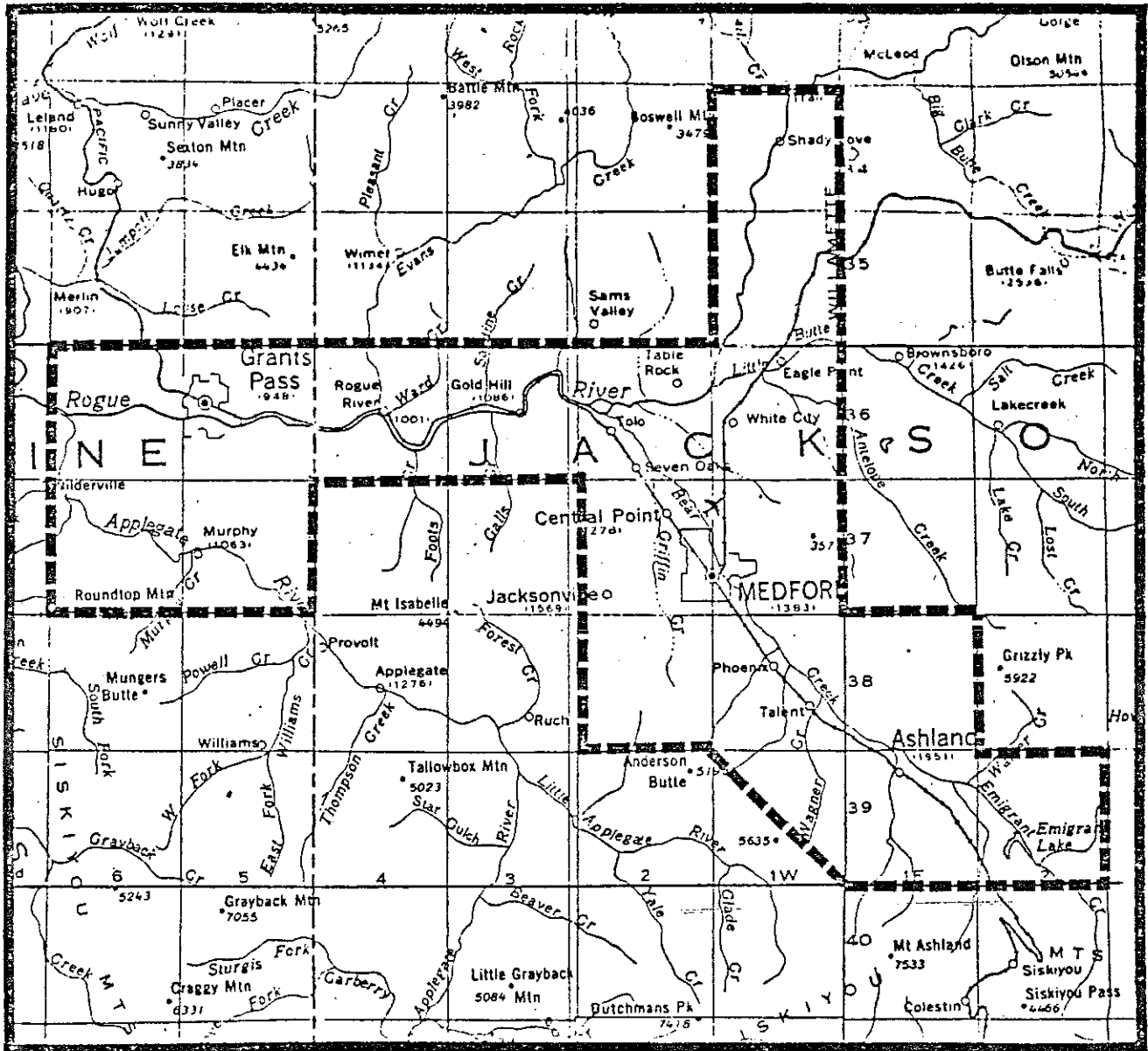


FIGURE 4

UMPQUA BASIN OPEN BURNING CONTROL AREA

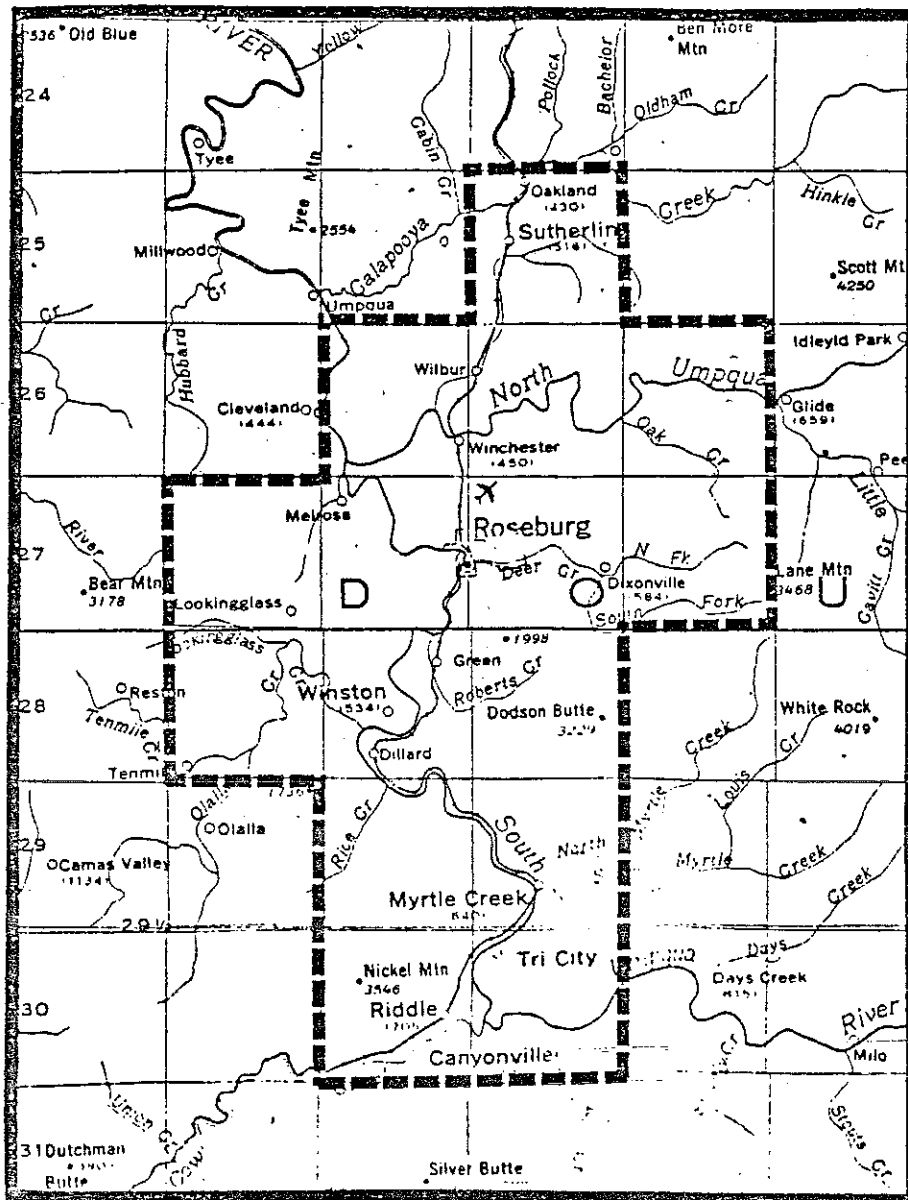


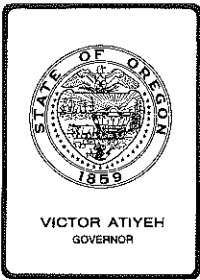
FIGURE 5

Open Burning

340-30-070 [~~No open burning of domestic waste shall be initiated on any day or at any time when the Department advises fire permit issuing agencies that open burning is not allowed because of adverse meteorological or air quality conditions.~~] Any open burning within the Medford-Ashland AQMA shall be in accordance with OAR 340-23-022 through OAR 340-23-080.

Open Burning

340-30-070 ~~[No open burning of domestic waste shall be initiated on any day or at any time when the Department advises fire permit issuing agencies that open burning is not allowed because of adverse meteorological or air quality conditions.]~~ Any open burning within the Medford-Ashland AQMA shall be in accordance with OAR 340-23-022 through OAR 340-23-080.



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, October 17, 1980, EQC Meeting

Request for Authorization to Conduct Public Hearings on the Question of Adopting New Rules Governing On-Site Sewage Disposal, OAR 340-71-100 to 71-600, to Replace Rules Governing Subsurface and Alternative Sewage Disposal, OAR 340-71-005 to 71-045, 340-72-005 to 72-030, 340-74-004 to 74-025, and 340-75-010 to 75-060, Which Would Be Rescinded.

Background and Problem Statement

ORS 454.625 requires the Commission to adopt such rules as it considers necessary for the purpose of carrying out ORS 454.605 to 454.745, Subsurface and Alternative Sewage Disposal.

At its August 1975 meeting, the Commission adopted a comprehensive set of rules, which were the product of eighteen months work by a sixteen member citizens task force. That rule package became effective in September 1975. Since that date, these rules have been amended extensively due to program changes brought on by new legislation or program direction. Due to numerous amendments, the rules have become unwieldy, disorganized, and difficult to interpret and administer.

Alternatives and Evaluation

The Department considered and rejected the alternative of continuing present rules. This would necessitate continued amendments which would have contributed to the problem rather than reduce it.

The alternative selected early in 1979 was a complete rewrite and restructuring of the rules. The rewrite commenced in May 1979, and has been ongoing to date.

First, an outline for the new rules was developed. This was followed by a process of rearranging the present rules to conform to the new outline, to determine whether overlaps or gaps existed. It then became necessary to eliminate overlaps and to fill gaps.



Contains
Recycled
Materials

An editing process was then undertaken. The intent was to clarify the rules, make them more readable and understandable as well as easier to administer, while making as few changes in basic standards as possible. During this process it became clear that some changes in standards as well as procedures were necessary.

Several draft rule packages were developed and reviewed by special committees, appointed for that purpose. These committees were made up of state and county employees and private consultants.

The draft rule package was discussed in September 1980 for two and one-half days, at a meeting of subsurface personnel from throughout the state. The package of proposed rules, (Attachment D) is the revised rule package developed after the September statewide meeting.

In addition to being easier to interpret and administer, the proposed rule package contains several significant new rules that should increase the approval rate for subsurface and alternative system applications.

Among others, the proposal contains the following:

1. Changes the maximum slope where a standard system can be approved from 25 percent to 30 percent.
2. Provides for two new alternative systems developed from the experimental systems program:
 - a. Steep slope systems.
 - b. Tile dewatering systems.
3. Generally provides for greater contract county program responsibility.
4. Establishes a "large" system category as one with 2500 gallons per day or larger, with specific rules for such systems.
5. Puts systems (5000 gallons per day and larger) under a Water Pollution Control Facilities (WPCF) Permit, for better long-term operational control.
6. Establishes site evaluation procedures which are absent in present rules.
7. Provides rules for pressurized distribution systems which are absent in present rules.
8. Establishes a "Community" system category with specific rules for such systems.

9. Establishes a "Glossary of Terms" to replace much of the present definition section.
10. Changes the word "subsurface" to "on-site" to better reflect current nationwide terminology.

It is proposed that all present rules pertaining to subsurface sewage disposal be rescinded and the new rule package be adopted as a replacement. After public hearings a final revised package is expected to be brought before the Commission for adoption at its December 1980 Meeting, to become effective January 1, 1981.

Summation

1. The Commission is required to adopt rules it considers necessary for carrying out ORS 454.605 to 454.745.
2. Rules have been adopted and amended numerous times. Present rules are unwieldy, disorganized, and difficult to interpret and administer.
3. A new rule package has been developed to replace existing rules.

Director's Recommendation

Based upon the summation, it is recommended that the Commission authorize public hearings to take testimony on the question of adopting rules pertaining to on-site sewage disposal, OAR 340-71-100 to 340-71-600 and rescinding rules pertaining to subsurface and alternative sewage disposal OAR 340-71-005 to to 71-045, 340-72-005 to 72-030, 340-74-004 to 74-025, and 340-75-010 to 75-060.

Michael Young
for
William H. Young

Attachments: 4

Attachment A	Draft Public Hearing Notice
Attachment B	Draft Statement of Need
Attachment C	Land Use Consistency Statement
Attachment D	Draft of Proposed Rules

T. Jack Osborne:1
229-6218
XL184 (1)
October 1, 1980

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

In the Matter of the	)	Notice of
Adoption of Rule	)	Proposed Rule
340-71-100 to 71-600	)	Adoption, OAR
On-Site Sewage Disposal	)	340-71-100 to 71-600,
	)	On-Site Sewage Disposal

1. Public hearings will be held at the following locations and dates to consider the adoption of proposed rules for "on-site sewage disposal" to replace present rules pertaining to subsurface and alternative sewage disposal:

Oregon City	Department of Environmental Services, 901 Abernethy Rd. Conference Room A	10 a.m.	November 17, 1980
Eugene,	Lane County Courthouse Harris Hall-Main Floor 125 W. 8th St.	10 a.m.	November 18, 1980
Medford,	City Hall Council Chambers	10 a.m.	November 19, 1980
Bend,	Deschutes County Courthouse Annex, Conference Room A.	10 a.m.	November 20, 1980
Pendleton,	State Office Building Suite 240, 700 S.E. Emigrant	10 a.m.	November 20, 1980

2. The proposed rule package is intended to replace all existing rules pertaining to subsurface and alternative sewage disposal, OAR 340-71-005 to 71-045, 340-72-005 to 72-030, 340-74-004 to 74-025, and 340-75-010 to 75-060.
3. Among the issues to be considered are:
- a. Increase of maximum slope for standard system from 25% to 30%.
 - b. Rules for two new alternative systems; steep slope system and tile dewatering system.
 - c. Greater contract county program responsibility.
 - d. Rules for "large" systems and pressurized distribution systems.

4. Interested persons may present testimony orally or in writing at the hearing and in writing to Jack Osborne, Department of Environmental Quality, P.O. Box 1760, Portland, Oregon 97207, by November 18, 1980.
5. Citation of statutory authority, statement of need, principal documents relied upon, statement of fiscal impact and land use consistency statement are filed with the Secretary of State.
6. An Environmental Quality Commission hearing officer has been designated to preside over and conduct the hearings.

Dated _____

William H. Young, Director
Department of Environmental Quality

XL184 (1)
10/1/80

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

In the Matter of the	)	Statutory Authority,
Adoption of Rule	)	Statement of Need,
340-71-100 to 71-600	)	Principal Documents Relied Upon,
On-Site Sewage Disposal	)	and Statement of Fiscal Impact

1. Citation of Statutory Authority: ORS 454.625, which requires the Environmental Quality Commission to adopt rules pertaining to subsurface and alternative sewage disposal.
2. Need for Rule: Present rules, adopted in August 1975, have been amended extensively and are now unwieldy, disorganized, and difficult to interpret and administer. The rules, if amended further, will only become more cumbersome.
3. Documents relied upon in proposal of the rule: None.
4. Fiscal and Economic Impact: Fiscal impact should be positive for several reasons; the rules should be more clear and easier to interpret, thus, less legal counsel time for interpretation should result; local interpretation should be easier with less time required by Headquarters staff; additional land can be developed with the new alternative systems proposed, providing a positive public fiscal impact. No additional staff will be needed as a result of the new rules.

Date _____

William H. Young, Director
Department of Environmental Quality

XL184 (1)
10/1/80

ATTACHMENT C

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

In the Matter of The	)	Land Use
Adoption of Rule	)	Consistency
340-71-100 to 71-600	)	Statement
On-Site Sewage Disposal)	

The proposals described herein appear to be consistent with statewide planning goals. These proposals appear to conform with Goal Number 6 (Air, Water and Land Resources Quality). The proposals do not relate to Goal Number 11 (Public Facilities and Services). There is apparently no conflict with other goals.

With regard to Goal 6, the proposals provide for standards for construction, installation, maintenance and periodic inspection of on-site sewage disposal systems, consistent with public health and safety and protection of the waters of the state.

Public comment on these proposals is invited.

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

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

XL184 (1)
10/1/80

PROPOSED RULES
ON-SITE SEWAGE DISPOSAL

ATTACHMENT D

Individual On-site Systems

340-71-100 Definitions

As used in these rules, unless otherwise specified:

(1) "Agent" means the Director or his authorized representative.

(2) "Alteration" means expansion and/or change in location of an existing system, or any part thereof.

(3) "Authorized Representative" means the staff of the Department of Environmental Quality or staff of the local governmental unit performing duties for and under agreement with the Department of Environmental Quality.

(4) "Commercial Facility" means any structure or building, or any portion thereof, other than a single-family dwelling.

(5) "Commission" means the Environmental Quality Commission.

(6) "Community System" means an on-site system which will serve more than one (1) lot or parcel or more than one (1) condominium unit or more than one (1) unit of a planned unit development.

(7) "Construction" means installation of a new system.

(8) "Department" means the Department of Environmental Quality.

(9) "Director" means the Director of the Department of Environmental Quality.

(10) "Dwelling" means any structure or building, or any portion thereof which is used, intended, or designed to be occupied for human living purposes including, but not limited to, houses, houseboats, boathouses, mobile homes, travel trailers, hotels, motels, and apartments.

(11) "Existing On-Site Sewage Disposal System" (Existing System) means any one of several installed on-site sewage disposal systems constructed in conformance with the rules, laws and local ordinances in effect at the time of construction, or which would have conformed substantially with system design provided for in Commission, State Board of Health or State Health Division rules.

(12) "Failing System" means any system which discharges untreated or partially treated sewage or septic tank effluent directly or indirectly onto the ground surface or into public waters.

(13) "Governmental unit" means the state or any county, municipality, or political subdivision, or any agency thereof.

(14) "Individual System" means a system that is not a community system.

(15) "Large System" means any on-site system with a projected daily sewage flow greater than two thousand five hundred (2,500) gallons.

(16) "Occupant" means any person living or sleeping in a dwelling.

(17) "On-Site Sewage Disposal System (System)" means any one of several installed or proposed sewage disposal facilities including, but not limited to standard subsurface, alternative, experimental or non-water carried sewage disposal systems.

(18) "Owner" means any person who:

(a) Has legal title to any single lot, dwelling, dwelling unit, or commercial facility; or

(b) Has care, charge, or control of any real property as agent, executor, executrix, administrator, administratrix, trustee, commercial lessee, or guardian of the estate of the holder of legal title; or

(c) Is the contract purchaser of real property.

Each such person as described in (b) and (c) above, thus representing the legal title holder, is bound to comply with the provisions of these rules as if he were the legal title holder.

(19) "Permit" means the written document issued and signed by the agent which authorizes the permittee to install a system or any part thereof.

(20) "Person" includes individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the state and any agencies thereof, and the federal government and any agencies thereof.

(21) "Public Health Hazard" exists when there are sufficient types and amounts of biological, chemical, or physical, including radiological, substances in water or sewage that are likely to cause human illness, disorders, or disability. These include, but are not limited to, pathogenic viruses and bacteria, parasites, toxic chemicals, and radioactive isotopes.

(22) "Public waters" means lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

(23) "Repair" means installation of all portions of a system necessary to eliminate a public health hazard or pollution of public waters created by a failing system.

(24) "Sewage" means the water-carried human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments, or other places, together with such groundwater infiltration, surface waters, or industrial waste as may be present.

(25) "System" - see "on-site sewage disposal system."

340-71-110 Purpose

These rules, adopted pursuant to ORS 454.625, prescribe the requirements for the construction, operation, and maintenance of on-site sewage disposal systems. Their purpose is to restore and maintain the quality of public waters and to protect the public health and general welfare of the people of the State of Oregon.

340-71-120 Jurisdiction and Policy

(1) Effective January 1, 1981, unless otherwise required within these Rules, each county having an agreement with the Department under ORS 454.725, shall be responsible for receiving and processing applications, issuing permits and performing required inspections for all on-site systems. The Department shall assume those responsibilities in nonagreement counties. The Division of responsibilities, by sewage flow, is set forth in the following table:

System Permit Responsibility

SUBSURFACE INSTALLATION		WPCF
PERMIT		PERMIT
Contract County	DEQ	DEQ
Systems 2,500 gallons or less	Systems 2,501 to 5,000 gallons	Systems 5,001 gallons or greater
Site Evaluation	**Site Evaluation	Site Evaluation
*Plan Review	Plan Review	Plan Review
Permit	**Permit	Permit
Inspections	**Inspections	***Inspections
*Plan Review may be done by DEQ at County's request	**May be delegated to contract counties	***Periodic Inspections may be delegated to contract counties

(2) Each and every owner of real property is jointly and severally responsible for:

(a) Disposing of sewage on that property in conformance with the rules of this Division; and

(b) Connecting all plumbing fixtures on that property, from which sewage is or may be discharged, to a sewerage or on-site sewage disposal system approved by the Department.

(3) Agreement counties may, by ordinance, adopt requirements for operation and maintenance of systems within that county. Such requirements must be approved by the Director.

(4) The Commission may, by rule impose operation and maintenance requirements on specified types and/or sizes of systems.

(5) Entry level personnel employed to work in the on-site sewage disposal program on or after July 1, 1983, shall meet the minimum educational qualifications for the State of Oregon, Personnel Division classification "Waste Management Specialist" No. C6408.

Exception. Those personnel employed to do pre-cover inspections only. Pre-cover inspection personnel shall meet the minimum qualifications for the State of Oregon, Personnel Division classification "Environmental Technician 2" No. 9312.

340-71-130 General Standards, Prohibitions and Requirements

(1) Public Waters or Public Health Hazards. If, in the judgment of the Agent, proposed operation of a system would cause pollution of public waters or create a public health hazard, system installation or use shall not be authorized.

(2) Approved Disposal Required. All sewage shall be treated and disposed of in a manner approved by the Department.

(3) Discharge of Sewage Prohibited. Discharge of untreated or partially treated sewage or septic tank effluent directly or indirectly onto the ground surface or into public waters constitutes a public health hazard and is prohibited.

(4) Discharges Prohibited. No cooling water, air conditioning water, water softener brine, ground water, oil, or roof drainage shall be discharged into any system.

(5) Increased Flows Prohibited. Except where specifically allowed within this Division, no person shall connect a dwelling or commercial facility to a system if the total projected sewage flow would be greater than that allowed under the original system construction permit.

(6) System Capacity. Each system shall have adequate capacity to properly treat and dispose of the maximum projected daily sewage flow. The quantity of sewage shall be determined from Table 2 or other information the Agent determines to be valid that may show different flows.

(7) Material Standards. All materials used in on-site systems shall comply with standards set forth in these rules.

(8) Encumbrances. A permit to install a system can be issued only if each site that has received an approved site

evaluation (OAR 340-71-150) is free of encumbrances (i.e., easements, deed restrictions, etc.) which could prevent the installation or operation of the system from being in conformance with the rules of this Division.

(9) Future Connection to Sewerage System. In areas where a district has been formed to provide sewerage facilities placement of house plumbing to facilitate connection to the sewerage system shall be encouraged.

(10) Plumbing Fixtures Shall be Connected. All plumbing fixtures in dwellings and commercial facilities from which sewage is or may be discharged, shall be connected to, and shall discharge into an approved areawide sewerage system, or an approved on-site system which is not failing.

(11) Property Line Crossed. A recorded utility easement is required whenever a system crosses a property line separating properties under different ownership. The easement must accommodate that part of the system, including setbacks, which lies beyond the property line, and must allow entry to install, maintain and repair the system.

(12) Replacement Area. Except as provided in specific rules, system replacement area shall be kept vacant, free of vehicular traffic and soil modification.

(13) Operation and Maintenance. All systems shall be operated and maintained so as not to create a public health hazard or cause water pollution.

(14) Operating Permit Requirements. Systems with a projected daily sewage flow greater than five thousand (5,000) gallons shall be operated under a Water Pollution Control Facilities (WPCF) Permit.

340-71-140 Fees-General

(1) Except as provided in sections (3) and of this rule, the following nonrefundable fees are required to accompany applications for site evaluations, permits, licenses and services:

ON-SITE	MAXIMUM
<u>SEWAGE DISPOSAL SYSTEMS</u>	<u>FEE</u>
(a) New Site Evaluation:	
First Lot	120
Each Additional Lot Evaluated while On-site	100
Large System, for Each 450 Gallons Projected Daily Sewage Flow	120
Evaluation Denial Review	25

- (A) Fees for site evaluation applications made to an agreement county shall be in accordance with that county's fee schedule.
- (B) Each fee paid entitles the applicant to as many site inspections on a single parcel or lot as are necessary to determine site suitability for a single system. The applicant may request additional site inspections within 90 days of the initial site evaluation, at no extra cost.
- (C) Separate fees shall be required if site inspections are to determine site suitability for more than one system on a single parcel of land.

SEWAGE DISPOSAL SYSTEMS

FEE

(b) Construction Installation Permit	
Standard On-site System	40
Alternative Systems	
Large System, Plan Review, for Each 1200 Gallons Daily	
Sewage Flow, or Part Thereof	40
Large System, Permit, for Each 1200 Gallons Daily	
Sewage Flow, or Part Thereof	40
Sand Filter	40
Capping Fill	40
Holding Tank	40
Other	40
Permit Denial Review	25
Construction-Installation Permit Renewal	
If Field Visit Required	25
No Field Visit Required	10
(c) Alteration Permit	40
(d) Repair Permit	25
(e) Authorization Notice	
If Field Visit Required	40
No Field Visit Required	10
(f) Annual Evaluation of Alternative System (Where Required).	40
(g) Annual Evaluation of Large System	40
(h) Annual Evaluation of Temporary Mobile Home	25
(i) Variance to On-Site System Rules	225
An applicant for a variance is not required to pay the	
application fee, if at the time of filing, the owner:	

SEWAGE DISPOSAL SYSTEMS

FEE

- a. Is 65 years of age or older; and
- b. Is a resident of the State of Oregon; and
- c. Has an annual household income, as defined in ORS 310.030, of \$15,000 or less.

(j) Rural Area Variance to Standard Subsurface Rules

Site Evaluation	120
Permit	40

In the event there is on file a site evaluation application for that parcel that is less than ninety (90) days old, the above site evaluation fee shall be waived.

(k) Sewage Disposal Service

Business License	100
Pumper Truck Inspection, Each Vehicle	25

(l) Experimental Systems

Permit	100
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(2) Contract County Fee Schedules

(a) Lane County

(3) The agent may refund a fee accompanying an application for a construction-installation permit, site evaluation report, or variance, if the applicant withdraws the application before the agent has done any field work or other substantial review of the application.

340-71-150 Site Evaluation Procedures

(1) A site evaluation is the first step in the process of obtaining a construction permit for an on-site System.

Any person who wishes to install a new on-site sewage system shall first obtain a site evaluation report.

The Agent shall evaluate the site of the proposed system, shall consider all system options, and shall provide a report of such evaluation.

(2) Applications for site evaluations shall be made to the Agent, on forms approved by the Department.

Each application must be completed in full and be accompanied by all required exhibits and appropriate fee. Incomplete applications shall be returned to the applicant to be completed. Unless other procedures approved by the Department are provided within a contract county, applicants shall provide at least two (2) test pits with dimensions of at least two (2) feet wide by four (4) feet long by five (5) feet deep, and located approximately seventy-five (75) feet apart and within the area of the proposed system.

(3) Site Evaluation Report:

(a) The site evaluation report shall be on a form approved by the Department.

(b) The report shall contain, at a minimum, a plot plan and observations of the following site characteristics, if present:

(A) Parcel size

(B) Slope--in disposal field and replacement areas (percent and direction)

- (C) Surface streams--springs--other bodies of water
- (D) Escarpments
- (E) Cuts and fills
- (F) Unstable landforms
- (G) Soil profiles--determined from test pits provided by

Applicant;

(H) Water table levels (as indicated by conditions associated with saturation)

(I) Useable area for initial and replacement disposal area

(J) Encumbrances

(K) Sewerage availability

(L) Other observations as appropriate

(c) Site evaluation reports for subdivisions shall be based upon an evaluation of each lot.

(d) Specific conditions or limitations imposed on an approved site shall be listed on the evaluation report.

(e) An approved site evaluation report does not assure the property owner will receive a permit to construct a system on that property. Procedures and conditions for permit issuance are found in Rule 340-71-160.

(4) Approval or Denial.

(a) In order to obtain an approved site evaluation report the following conditions shall be met:

(A) All criteria for approval as outlined in Rules 340-71-220 and/or 340-71-260 shall be met.

(B) Each lot or parcel must contain sufficient useable area to accommodate an initial and replacement system. A replacement

area is not required in areas under control of a legal entity such as a city, county, or sanitary district, provided the legal entity gives a written commitment that sewerage service will be provided within five (5) years.

(b) A site evaluation shall be denied where the above conditions are not met.

(5) Site Evaluation Denial Review. A site evaluation denied by the Agent shall be reviewed at the request of the applicant. The application for review shall be submitted to the Department in writing, and be accompanied by the denial review fee. The review shall be conducted by the Department's appropriate region or branch office.

340-71-160 Permit Application Procedures-General Requirements

(1) No person shall cause or allow construction, alteration, or repair of a system, or any part thereof, without first applying for and obtaining a permit.

Exception: Emergency repairs as set forth in Rule 340-71-215.

(2) Applications for permits shall be made on forms provided by the Agent.

(3) An application is complete only when the form, on its face, is completed in full, is signed by the owner or his legally authorized representative, is accompanied by all required exhibits (including a site evaluation report) fee, and contains a statement of compatibility with the acknowledged local comprehensive plan and zoning requirements or Land Conservation and Development Commission's goals from the appropriate jurisdiction.

(4) The application form shall be received by the Agent only when the form is complete, as detailed in section 340-71-160(3).

(5) Upon receipt of a completed application the Agent shall deny the permit if:

- (a) The application contains false information;
- (b) The application was wrongfully received by the Agent;
- (c) The proposed system would not comply with these rules;
- (d) The proposed system, if constructed, would violate a Commission moratorium as described in rule 340-71-460.

(e) The proposed system location is encumbered as described in section 340-71-130(8).

(f) A sewerage system which can serve the proposed sewage flow is both legally and physically available, as described below:

(A) Physical Availability. A sewerage system shall be deemed physically available if its nearest connection point from the property to be served is:

(i) For a single family dwelling, or other establishment with a maximum projected daily sewage flow of not more than four hundred fifty (450) gallons, within three hundred (300) feet;

(ii) For a proposed subdivision or group of two (2) to five (5) single family dwellings, or equivalent projected daily sewage flow, not further than two hundred (200) feet multiplied by the number of dwellings or dwelling equivalents.

(iii) For proposed subdivisions or other developments with more than five (5) single family dwellings, or equivalents, the agent shall make a case-by-case determination of sewerage availability.

Exception: A sewerage system shall not be considered available if topographic or man-made features make connection physically impractical.

(B) Legal Availability. A sewerage system shall be deemed legally available if the system is not under a Department connection permit moratorium, and the sewerage system owner is willing or obligated to provide sewer service.

(6) A permit shall be issued only to a person licensed under ORS 454.695, or to the owner or easement holder of the land on which the system is to be installed.

(7) No person shall construct, alter or repair a system, or any part thereof, unless he is licensed under ORS 454.695, or he is the permittee.

(8) The Agent shall either issue or deny the permit within twenty (20) days after receipt of the completed application.

Exception: If weather conditions or distance and unavailability of transportation prevent the Agent from acting to either issue or deny the permit within twenty (20) days, the applicant shall be notified in writing. The notification shall state the reason for delay. The Agent shall either issue or deny the permit within sixty (60) days after the mailing date of such notification.

340-71-165 Permit Denial Review.

(1) A permit denied by the Agent shall be reviewed at the request of the applicant. The application for review shall be submitted to the Department in writing and be accompanied by the denial review fee. The denial review shall be conducted and a report prepared by the Department's appropriate region or branch office.

(2) Permit denials for systems proposed to serve a commercial facility, intended to be used in a commercial activity, trade, occupation or profession, may be appealed through the contested case hearing procedure set forth in ORS 183 and OAR Chapter 340, Division 11.

(3) If the Agent intends to deny a permit for a parcel of ten (10) acres or larger in size, the Agent shall:

- (a) Provide the applicant with a Notice of Intent to Deny;
- (b) Specify reasons for the intended denial; and
- (c) Offer a contested case hearing in accordance with ORS 183 and OAR Chapter 340, Division 11.

340-71-170 Pre-cover Inspection.

(1) When construction, alteration or repair of a system for which a permit has been issued is complete, except for backfill (cover), the property owner or system installer shall notify the Agent. The Agent shall inspect the installation to determine if it complies with the rules of the Commission, unless the inspection is waived by the Agent in accordance with section 340-71-170(2).

(2) The Agent may, at his own election, waive the pre-cover inspection provided:

(a) The installation is a standard subsurface system installed by a sewage disposal service licensed pursuant to ORS 454.695; and

(b) The inspecting jurisdiction and the Department have developed an impartial method of identifying those installers who have a history of proper installations without excessive numbers of corrections; and

(c) Inspections waived are for installations made by installers identified as having a good history of proper installation; and

(d) A list of installers whose inspections may be waived is available to the public and the Department; and

(e) A representative number of each installer's systems has been inspected, regardless of installation history; and

(f) After system completion the installer certifies in writing that the system complies with the rules of the Commission, and provides the Agent with a detailed as-built plan (drawn to scale) of the installation.

340-71-175 Certificate of Satisfactory Completion.

(1) The Agent shall issue a Certificate of Satisfactory Completion, if, upon inspection of installation, the system complies with the rules of the Commission.

(2) If inspected installation does not comply with the rules of the Commission, the permittee shall be notified in writing or a Correction Notice shall be posted on the site. System deficiencies shall be explained and satisfactory completion required. Follow-up inspections may be waived by the Agent. After satisfactory completion a Certificate shall be issued.

(3) If the inspection is not made within seven (7) days after notification of completion, or the inspection is waived, a Certificate of Satisfactory Completion shall be deemed to have been issued by operation of law. In such cases, a modified Certificate shall be issued to the owner.

(4) A system, once installed, shall be backfilled (covered) only when:

(a) The permittee is notified by the Agent that inspection has been waived; or

(b) The inspection has been conducted by the Agent and a Certificate of Satisfactory Completion has been issued; or

(c) A Certificate of Satisfactory Completion has been issued by operation of law where the inspection has not been conducted within seven (7) days of notification of completed installation.

(5) Failure to meet requirements for satisfactory completion within thirty (30) days after written notification or posting of a Correction Notice on the site, constitutes a violation of ORS 454.605 to 454.745 and these rules.

(6) No person shall connect to or use any system, completed on or after January 1, 1974, unless a Certificate of Satisfactory Completion has been issued for the installation, or deemed issued by operation of law as provided in ORS 454.665(2).

(7) Either the system installer or property owner shall backfill (cover) a system within ten (10) days after issuance of a Certificate of Satisfactory Completion for that system.

(8) A Certificate of Satisfactory Completion shall be valid for a period of one (1) year, for connection of the system to the facility for which it was constructed. After the one (1) year period, rules for authorization notices or alteration permits apply, as outlined in rules 340-71-205 and 340-71-210.

(9) Denial of a Certificate of Satisfactory Completion may be appealed in accordance with ORS 183.310 and OAR 340, Division 11.

340-71-180 Plan Review. Systems with a projected daily sewage flow exceeding two thousand five hundred (2,500) gallons shall have plans reviewed and approved by the Department prior to permit issuance.

340-71-185 Abandonment of Systems

(1) The Owner shall abandon a system when one of the following conditions exists:

(a) A sewerage system becomes available and the building sewer has been connected thereto; or

(b) The source of sewage has been permanently eliminated;
or

(c) The system is failing and cannot be repaired; or

(d) The system has been constructed without a permit and cannot be brought into compliance with these rules; or

(e) The system has been used without a required Certificate of Satisfactory Completion, or Authorization Notice, and cannot be brought into conformance with these rules.

(2) Procedures for Abandonment:

(a) The septic tank, cesspool or seepage pit shall be pumped by a licensed sewage disposal service to remove all sludge;

(b) The septic tank, cesspool or seepage pit shall be filled with bank run gravel or other material approved by the Agent;

(c) The system building sewer shall be permanently capped.

340-71-190 Construction of New Systems

(1) Permit Required. No person shall cause or allow the construction of a new system without first applying for and receiving a permit. Permit application procedures are outlined in rule 340-71-160.

(2) Certificate of Satisfactory Completion Required. No person shall connect to or use any new system without first receiving a Certificate of Satisfactory Completion for the construction of that system.

340-71-195 Upgrading Disposal Systems.

When upgrading systems which approximate a pit privy and gray water discharge to the surface or to a pit, system repair rules (340-71-215) shall apply, provided:

- (1) The system serves an occupied dwelling; and
- (2) The system and dwelling were constructed prior to January 1, 1974.

340-71-200 Prior Construction Permits or Approvals.

(1) All construction permits and written approvals issued prior to January 1, 1974, expired by rule of the Commission on July 1, 1976, unless they met all requirements of OAR 340-71-015(8) and were converted to Department construction permits prior to that date.

(2) Converted permits required system construction prior to July 1, 1980. Any prior approvals or prior permits failing to meet the two (2) deadline dates above are now void.

(3) All sites now proposed for on-site systems must meet appropriate requirements of these rules.

340-71-205 Authorization to Use Existing Systems

(1) For the purpose of these rules:

(a) "Authorization Notice" means a written document issued by the Agent which establishes that an on-site sewage disposal system appears adequate to serve the purpose for which a particular application is made.

(b) "Type 1 System" means an existing on-site sewage disposal system constructed pursuant to a permit less than two (2) years prior to the date of application for an Authorization Notice, and for which a Certificate of Satisfactory Completion was issued.

(c) "Type 2 System" means any existing on-site sewage disposal system constructed more than two (2) years prior to the date of application for an Authorization Notice.

(2) Authorization Notice Required. No Person shall place into service, change the use of, or increase the projected daily sewage flow into an existing on-site sewage disposal system without obtaining an Authorization Notice or alteration permit as appropriate.

Exceptions:

(a) An authorization notice is not required when there is a chance in use (replacement of mobile homes or recreational vehicles with similar units) in mobile home parks or recreational vehicle facilities operated by a public entity or under a license or Certificate of Sanitation issued by the Oregon State Health Division or Oregon State Department of Commerce.

(b) An authorization notice is not required for use of a previously unused system for which a Certificate of

Satisfactory Completion has been issued within one (1) year of the date such system is placed into service, providing the projected daily sewage flow does not exceed the design flow.

(3) For changes in the use of an existing on-site sewage disposal system where no increase in sewage flow is projected, and where the design flow is not exceeded; an Authorization Notice shall be issued if:

(a) The existing system is not failing; and

(b) All set-backs from the existing system can be maintained; and

(c) In the opinion of the Agent the proposed use would not create a public health hazard.

(d) If condition (a) or (b) of OAR 340-71-205(3) cannot be met, an Authorization Notice shall be withheld until such time as the necessary alterations and/or repairs to the system are made.

(e) Conditions (a) through (d) of OAR 340-71-205(3) shall apply to Type 1 and Type 2 systems.

(4) For changes in the use of a system where projected daily sewage flow would be increased by not more than three hundred (300) gallons or by not more than fifty (50) percent of the design capacity for the system, whichever is less; an Authorization Notice shall be issued if:

(a) Type 1 System--The on-site sewage disposal system is shown to be in full compliance with these rules for the proposed use.

(b) Type 2 System--

(A) The existing system is shown not to be failing; and

(B) All set-backs from the existing system can be maintained; and

(C) Sufficient area exists so that a complete replacement area meeting all requirements of these rules (except those portions relating to soil conditions and groundwater) is available; and

(D) In the opinion of the Agent the proposed increase would not create a public health hazard or water pollution.

(5) For changes in the use of a system where projected daily sewage flows would be increased by more than three hundred (300) gallons, or increased by more than fifty (50) percent of the design capacity of the system, whichever is less, an Alteration Permit shall be obtained. Such permit may be issued only if the proposed installation will be in full compliance with these rules.

(6) Personal Hardship. The Agent may allow a mobile home to use an existing system serving another dwelling, in order to provide housing for a family member suffering hardship, by issuing an Authorization Notice, if:

(a) The Agent receives satisfactory evidence which indicates that the family member is suffering physical or mental impairment, infirmity, or is otherwise disabled (a hardship approval issued under local planning ordinances shall be accepted as satisfactory evidence); and

(b) The system is not failing; and

(c) The application is for a mobile home which will house not more than two (2) persons.

The Authorization Notice shall remain in effect for a

specified period, not to exceed cessation of the hardship. The Authorization Notice is renewable on an annual or biannual basis. The Agent shall impose conditions in the Authorization Notice which are necessary to assure protection of public health.

(7) Temporary Placement.

(a) The Agent may allow a mobile home to use an existing system serving another dwelling in order to provide temporary housing for a family member in need, and may issue an Authorization Notice provided:

(A) The Agent receives evidence that the family member is in need of temporary housing; and

(B) The system is not failing; and

(C) A full system replacement area is available.

(b) The Authorization Notice shall authorize use for no more than two (2) years and is not renewable. The Agent shall impose conditions in the Authorization Notice necessary to assure protection of public health. If the system fails during the temporary placement and additional replacement area is no longer available, the mobile home shall be removed from the property.

340-71-210 Alteration of Existing On-Site Sewage Disposal Systems

(1) Permit Required.

(a) No person shall alter an existing on-site sewage disposal system without first obtaining a permit. See Rule 340-71-160.

(b) No person shall increase the projected daily sewage flow into an existing on-site sewage disposal system by more

than three hundred (300) gallons, or increase by more than fifty (50) percent of the design capacity of the system, whichever is less, until an alteration permit is obtained. Such permit may be issued only if the proposed installation will be in full compliance with these rules.

(2) Certificate of Satisfactory Completion Required. Upon completion of installation of that part of a system for which an alteration permit has been issued, the permittee shall obtain a Certificate of Satisfactory Completion from the Agent pursuant to Rule 340-71-175.

(3) Criteria for Permit Issuance. Except as provided in Section J1b, the Agent may issue an alteration permit if:

- (a) The existing system is not failing; and
- (b) In the opinion of the agent use of the on-site system would not create a public health hazard or water pollution.

340-71-215 Repair of Existing Systems

(1) For the purpose of these rules:

"Emergency Repair" means the repair of a system where sewage is backing up into a dwelling or commercial facility, or there is a broken pressure sewer pipe and immediate action is necessary to correct the situation.

(2) A failing system shall be immediately repaired.

(3) No person shall repair a failing system without first obtaining a permit. See OAR 340-71-160.

Exception. Emergency repairs may be made without first obtaining a permit provided that a permit is obtained within three (3) days after the emergency repairs are begun.

(4) Certificate of Satisfactory Completion. Upon completion of installation of that part of a system for which a repair permit has been issued, the permittee shall obtain a Certificate of Satisfactory Completion from the Agent pursuant to rule 340-71-175.

(5) Criteria for Permit Issuance

(a) If the site characteristics and standards described in rule 340-71-220 can be met, then the repair installation shall conform with them.

(b) Even if the site characteristics or standards described in rule 340-71-220 cannot be met, the Agent may still allow a repair installation in order to eliminate a public health hazard.

(c) If reasonable repairs have not corrected a failing system, the Agent may require the installation of an alternative system in order to eliminate a public health hazard.

(6) Failing systems which cannot be repaired shall be abandoned in accordance with rule 340-71-185.

340-71-220 Standard Subsurface Systems.

(1) For the purpose of these rules:

(a) "Standard Subsurface System" means an on-site sewage disposal system consisting of a septic tank, distribution unit and subsurface drainfield.

(b) "Effective Soil Depth" means the depth of soil material above a layer that impedes movement of water, air, or growth of plant roots. Layers that differ from overlying soil material enough to limit effective soil depths are hardpans, claypans, fragipans, bedrock, saprolite and clayey soil.

(c) "Large System" means any on-site system with a daily sewage flow greater than two thousand five hundred (2,500) gallons.

(d) "Conditions Associated with Saturation" means:

(A) Reddish brown or brown soil horizons with gray and red or yellowish red mottles; or

(B) Gray soil horizons with red, yellowish red or brown mottles; or

(C) Dark colored highly organic soil horizons; or

(D) Soil profiles with concentrations of soluble salts at or near the ground surface.

(2) Criteria For Standard Subsurface System Approval.

In order to be approved for a standard subsurface system each site must meet all of the following conditions:

(a) Effective soil depth shall be thirty (30) inches or greater from the ground surface as shown in Table 3. A minimum six (6) inch separation shall be maintained between the layer that limits effective soil depth and the bottom of the disposal trench.

(b) Water table levels shall be predicted using "conditions associated with saturation." If conditions associated with saturation do not occur in soil with rapid or very rapid permeability, predictions of the highest level of the water table shall be based on past recorded observations of the Agent. If such observations have not been made, or are inconclusive, the application shall be denied until observations can be made. Groundwater level determinations shall be made during the period of the year in which high groundwater normally occurs in that area.

(A) A Permanent Water Table shall be four (4) feet or greater below the bottom of the disposal trench.

Exception: In defined geographic areas where the Department has determined through a groundwater study that degradation of groundwater would not be caused nor public health hazards created.

In the event this exception is allowed, the rule pertaining to a temporary water table shall apply.

(B) A temporary water table shall be twenty-four (24) inches or more below the ground surface. A disposal trench shall not be installed deeper than the level of the temporary water table.

(i) Curtain Drains. (Diagram 9) A curtain drain may be used to intercept and/or drain temporary water from a disposal area.

Curtain drains may be used only on sites with adequate slope to permit proper drainage.

Where required, curtain drains are an integral part of the disposal system.

(c) A curtain drain shall not be used to bring temporary water levels into compliance with these rules. Soil with rapid or very rapid permeability shall be forty-eight (48) inches or greater from the ground surface.

A minimum thirty (30) inch separation shall be maintained between the soil with rapid or very rapid permeability and the bottom of the disposal trench.

(d) Slopes shall not exceed thirty (30) percent and the slope/depth relationship set forth in Table 3.

(e) The site has not been filled or the soil has not been modified in a way that would, in the opinion of the agent, adversely affect functioning of the system.

(f) The site shall not be on an unstable land form, where operation of the system may be adversely affected.

(g) The site of the initial and replacement drainfield shall not be covered by asphalt or concrete, or subject to vehicular traffic.

(h) The site of the initial and replacement drainfield will not be subjected to excessive saturation due to, but not limited to, artificial drainage of ground surfaces, driveways, roads, and roof drains.

(i) Setbacks in Table 1 can be met.

(3) Criteria For System Sizing.

(a) Disposal Fields. Disposal fields shall be designed and sized on the basis of information contained in:

(A) Table 2-Quantities of Sewage Flows; or other information determined by the Agent to be reliable.

Exceptions:

(i) Systems for lots of record prior to March 1, 1978, which are inadequate in size to accommodate four hundred fifty (450) gallons sewage flow; or

(ii) Systems for specifically planned developments, with living units of three (3) or fewer bedrooms, where deed restrictions prohibit an increase in sewage flows.

(B) Table 4-Effective Seepage Area--Soil Texture Versus Effective Soil Depth

(C) Table 5-Effective Seepage Area--Soil Texture Versus Depth to Temporary Water

(4) Septic Tanks.

(a) For the purpose of these rules, "Septic Tank" means a watertight receptacle which receives sewage from a sanitary drainage system, is designed to separate solids from liquids, digest organic matter during a period of detention, and allow the liquids to discharge to a second treatment unit or to a soil disposal system.

(b) Liquid Capacity. The minimum liquid capacity of any septic tank installed after July 1, 1981, shall be one thousand (1,000) gallons.

(A) For projected sewage flows up to fifteen hundred (1,500) gallons the septic tank shall have a liquid capacity equal to at least one and one-half (1-1/2) days sewage flow, or one thousand (1,000) gallons, whichever is greater.

(B) For projected sewage flows greater than fifteen hundred (1,500) gallons, the septic tank shall be equal to eleven hundred twenty-five (1,125) gallons plus seventy-five (75) percent of

the projected daily sewage flow.

(C) Additional volume may be required by the agent for industrial or other special wastes.

(D) The quantity of daily sewage flow shall be estimated from Table 2. For structures not listed in Table 2, the Agent shall determine the projected daily sewage flow.

(E) Single Family Dwelling. Septic tanks to serve single family dwellings shall be sized on the number of bedrooms in the dwelling, as follows:

- 1 to 4 bedrooms.....1,000 gallons
- 5 bedrooms.....1,250 gallons
- More than 5 bedrooms.....1,500 gallons

(c) Installation Requirements.

(A) Septic tanks shall be installed on a level, stable base that will not settle.

(B) Septic tanks located in high groundwater areas shall be weighted or provided with an antibuoyancy device to prevent floatation. All septic tanks installed deeper than eighteen (18) inches shall be provided with an access manhole brought to finish grade. The manhole shall be sufficient in size to accommodate tank pumping and servicing.

(C) Septic tanks shall be installed in a location that provides access for servicing and pumping.

(D) Where practicable, the sewage flow from any establishment shall be consolidated into one septic tank.

(d) Construction. Septic tank construction shall comply with minimum standards set forth in Appendix B.

(5) Distribution Techniques. Disposal trenches shall be constructed according to one of the following methods:

(a) Equal distribution (including loop) system. (Diagrams 4 and 5)

The equal distribution system shall be used on level ground only. All trenches, laterals and headers shall be level within a tolerance of plus or minus two (2) inches. All lateral piping shall be at the same evaluation.

(b) Serial distribution system. (Diagrams 1 and 2)

The serial distribution system is generally used on sloping ground. Each lateral shall be level within a tolerance of plus or minus two (2) inches.

(c) Pressurized Distribution Systems. See rule 340-71-275, for pressurized distribution requirements.

(6) Distribution Boxes and Drop Boxes.

(a) Construction. Construction of distribution boxes and drop boxes shall comply with minimum standards in Appendix C.

(b) Foundation. All distribution boxes and drop boxes shall be bedded on a firm, stable base.

(7) Dosing Tanks

(a) Construction of dosing tanks shall comply with the minimum standards in appendix D.

(b) Foundation. Each dosing tank shall be installed on a stable level base.

(c) Each dosing tank shall be provided with a watertight riser extending to the ground surface or above, with a minimum inside horizontal measurement of twenty-two (22) inches. Provision shall be made for security fastening the manhole cover.

(8) Minimum Installation Requirements. (Diagram 10)

(a) The bottom of the disposal trench shall be level within a tolerance of plus or minus two (2) inches.

(b) When the subsoil within the disposal trench is wet, sidewalls may be raked to insure permeability.

(c) Trenches shall not be constructed to allow septic tank effluent to flow backwards from the distribution pipe to undermine the distribution box, the septic tank, or any portion of the distribution unit.

(d) Filter material shall be clean washed rock or clean, crushed rock ranging in size from three quarters (3/4) inch to two and one-half (2-1/2) inches in diameter. Filter material shall extend the full width and length of the disposal trench to a depth of not less than twelve (12) inches. There shall be at least six (6) inches of filter material under the distribution pipe and at least two (2) inches over the distribution pipe.

(e) Prior to backfilling the trench, the filter material shall be covered with filter fabric, untreated building paper, or a minimum of six (6) inches of straw, or other material approved by the Agent.

(f) Where trenches are installed in sandy loam or coarser soils, the filter material shall be covered with filter fabric, plastic, tar paper, or other long lasting material approved by the agent.

(9) Trench Backfill.

(a) The installer shall assume responsibility for backfilling the system. Backfill shall be carefully placed to prevent damage to the system.

(b) A minimum of six (6) inches of backfill is required, except in serial systems where twelve (12) inches is required.

(c) Backfill shall be free of large stones, frozen clumps of earth, masonry, stumps, or waste construction materials, or other materials that would damage the system.

(10) Header Pipe. (Appendix F) Header pipe shall be watertight, have a minimum diameter of four (4) inches, and be bedded on undisturbed earth. Where distribution boxes or drop boxes are used, header pipe shall be at least four (4) feet in length.

(11) Distribution pipe. (Appendix F)

(a) Distribution pipes shall have a minimum diameter of four (4) inches.

(b) Each disposal trench shall have a distribution pipe, centered in the trench, laid on grade, within a tolerance of plus or minus two (2) inches.

(c) Distribution pipe, which complies with standards in Appendix E, may consist of perforated bituminized fiber, perforated plastic, clay pipe or concrete tile.

(d) All pipe shall be installed with centerline markings up.

(e) Concrete tile and clay tile shall be laid with grade boards and with one-quarter (1/4) inch open joints. The top one-half (1/2) of the joints shall be covered with strips of treated building paper, tar paper, tile connectors, spacers, collars or clips, or other materials approved by the Agent.

(12) Effluent Sewer. The effluent sewer shall extend at least five (5) feet beyond the septic tank before connecting to the distribution unit. See Appendix F.

(13) Disposal Trenches. Disposal trenches shall be constructed in accordance with the standards contained in the following table, unless otherwise allowed or required within a specific rule of this chapter:

Maximum length of trench - - - - -	125 feet
Minimum bottom width of trench - - - - -	24 inches
Minimum depth of trench, using:	
Equal or loop distribution - - - - -	18 inches
Serial distribution - - - - -	24 inches
Maximum depth of trench - - - - -	36 inches
Minimum distance of undisturbed earth between disposal trenches - - - - -	8 feet

(14) Minimum Separation Distances.

(a) On-site systems or parts thereof shall not be installed closer than the indicated distances from the items in Table 1.

Table 1

Items Requiring Setback	From Sewage Disposal Area Including Replacement Area	From Septic Tank And Other Treatment Units, Building & Effluent Sewer and Distribution Units
1. Groundwater Supplies	100'	50'
2. Temporarily Abandoned Wells	100'	50'
3. Springs:		
--Upslope from Effective Sidewall	50'	50'
--Downslope from Effective Sidewall	100'	50'
*4. Surface Public Waters	100'	50'
5. Intermittent Streams	50'	50'
6. Groundwater Interceptors, Agricultural Drain tile, Ditches	50'	50'
7. Curtain Drains:		
--Upslope from Effective Sidewall	20'	5'
--Downslope from Effective Sidewall	50'	25'
8. Irrigation Canals:		
--Upslope from Effective Sidewall	25'	25'
--Downslope from Effective Sidewall	50'	50'
9. Cuts Manmade in Excess of 30 Inches (Top of Downslope Cut):		
--Which Intersect Layers that Limit Effective Soil Depth Within 48 Inches of Surface	50'	25'
--Which Do Not Intersect Layers that Limit Effective Soil Depth	25'	10'
10. Escarpments:		
--Which Intersect Layers That Limit Effective Soil Depth	50'	10'
--Which Do Not Intersect Layers That Limit Effective Soil Depth	25'	10'
11. Property Lines	10'	10'
12. Water Lines	10'	10'
13. Foundation Lines of Any Building, Including Garages and Out Buildings	10'	5'

*This does not prevent stream crossings of pressure effluent sewers.

(b) Stream Setbacks. (Table 1) Setback from streams shall be measured from bank drop-off or mean yearly high water mark, whichever provides the greatest separation distance.

(c) Lots Created Prior to May 1, 1973. For lots or parcels legally created prior to May 1, 1973, the Agent may approve installation of a standard subsurface system with a surface public waters setback of not less than fifty (50) feet provided all other provisions of these rules can be met.

(d) Water Lines and Sewer Lines Cross. Where water lines and building or effluent sewer lines cross, separation distances shall be as required in the State Plumbing Code.

(e) Septic Tank Setbacks. (Table 1) The Agent shall encourage septic tanks and other treatment units be kept as close as feasible to the minimum separation from the foundation to minimize clogging of the building sewer.

(15) Large Systems. Systems with a projected daily sewage flow of two thousand five hundred (2,500) gallons or greater shall be designed in accordance with requirements set forth in rule 340-71-520.

340-71-260 Alternative Systems.

(1) For the purpose of these rules "Alternative system" means any Commission approved on-site sewage disposal system used in lieu of, including modifications of, the standard subsurface system.

(2) "Sewage Stabilization Ponds" and "Land Irrigation of Sewage" are alternative systems available through the Water Pollution Control Facilities (WPCF) permit program.

(3) Unless otherwise noted, all rules pertaining to the siting, construction, and maintenance of standard subsurface systems shall apply to alternative systems.

(4) General Requirements

(a) Periodic Inspection of Installed Systems. Where required by rule of the Commission, periodic inspections of installed alternative systems shall be performed by the Agent. An inspection fee may be charged for each inspection that does not occur more often than once annually.

(b) A report of each inspection shall be prepared by the agent. The report shall list system deficiencies and correction requirements and timetables for correction. A copy of the report shall be provided promptly to the system owner. Necessary follow-up inspections shall be scheduled.

340-71-265 Capping Fills.

(1) For the purposes of this rule, "Capping Fill" means a system where the disposal trench effective sidewall is installed a minimum of twelve (12) inches into natural soil below a soil cap of specified depth and texture.

(2) Criteria for Approval. In order to be approved for a capping fill system, each site must meet all the following conditions:

(a) Slope does not exceed twelve (12) percent.

(b) Temporary water table is not closer than eighteen (18) inches to the surface at anytime during the year. A six (6) inch minimum separation must be maintained between the bottom of the disposal trench and the water table.

(c) Where permanent water table is present, a minimum four (4) feet separation shall be maintained between the bottom of the disposal trench and the water table.

(d) Where material with rapid or very rapid permeability is present, a minimum thirty (30) inch separation can be maintained between the bottom of the disposal trench and soil with rapid or very rapid permeability.

(e) Effective soil depth is eighteen (18) inches or more below the natural soil surface.

(f) Soil texture from the ground surface to the layer that limits effective soil depth is no finer than silty clay loam.

(g) A minimum six (6) inch separation shall be maintained between the bottom of the disposal trench and the layer that limits effective soil depth.

(h) The system can be sized according effective soil depth in Table 10.

(3) Installation Requirements. The cap shall be constructed pursuant to permit requirements. Unless otherwise required by the Agent, construction sequence shall be as follows:

(a) The texture of the soil used for the cap shall be of the same textural class, or of one textural class finer, as the natural topsoil. The soil shall be examined and approved by the agent prior to placement.

(b) Construction of capping fills shall occur between June 1 and October 1 unless otherwise allowed by the agent. The upper eighteen (18) inches of natural soil must not be saturated or at a moisture content which causes loss of soil structure and porosity when worked.

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

(d) Drainfield shall be installed as specified in construction permit. There shall be a minimum ten (10) feet of separation between the edge of the fill and the nearest trench sidewall.

(e) Fill shall be applied to the fill site and worked in so that the two contact layers (native soil and fill) are mixed. Fill material shall be evenly graded to a final depth of sixteen over the gravel. Both initial cap and repair cap may be constructed at the same time.

(f) The site shall be landscaped according to permit conditions and be protected from livestock, automotive traffic or other activity that could damage the system.

(g) Serial distribution systems shall be installed on sites with slopes of three (3) to twelve (12) percent.

(4) Required Inspections. The following minimum inspections shall be performed for each capping fill installed:

(a) Both the drainfield site and borrow material must be inspected for scarification, soil texture, and moisture content, prior to cap construction.

(b) Pre-cover inspection of the installed drainfield.

(c) After cap is placed, to determine that there is good contact between fill material and native soil (no obvious contact zone visible), adequate depth of material, and uniform distribution of fill material.

(d) Final inspection, after cover, grading, and planting. A Certificate of Satisfactory Completion may be issued at this point.

340-71-270 Evapotranspiration-Absorption (ETA) Systems.

(1) For the purpose of these rules "Evapotranspiration-Absorption System" means an alternative system consisting of a septic tank or other treatment facility, effluent sewer and a disposal bed or disposal trenches, designed to distribute effluent for evaporation, transpiration by plants, and by absorption into the underlying soil.

(2) Criteria for Approval. Installation permits may be issued for evapotranspiration-absorption (ETA) systems on sites that meet all of the following conditions:

(a) Mean annual precipitation does not exceed twenty-five (25) inches.

(b) There exists a minimum of twenty-four (24) inches of moderately-well to well drained soil. Where material underlying the soil is porous enough to cause hazard of groundwater pollution, a minimum six (6) inch separation distance shall be maintained between the bottom of the eta bed and the underlying porous material.

(c) Slope does not exceed fifteen (15) percent. Exposure and slope aspect may be taken into consideration.

(3) Criteria for System Design. ETA beds shall be designed under the following criteria:

(a) Beds shall be sized using A minimum of five and one-half (5-1/2) square feet of surface area per gallon of projected daily sewage flow in areas where annual precipitation is fifteen (15) to twenty-five (25) inches, or four (4) square feet of bottom surface area per gallon of projected daily sewage flow in areas where annual precipitation is less than fifteen (15) inches.

(b) Beds shall be installed twenty-four (24) inches into natural soil on the downhill side and not more than thirty-six (36) inches deep on the uphill side.

(c) A minimum of one (1) distribution pipe shall be placed in each bed.

(d) The surface shall to be seeded according to permit conditions.

(e) Other bed construction standards contained in diagrams 7 and 8 shall apply.

340-71-275 Pressurized Distribution Systems.

(1) Pressurized distribution systems may be permitted on any site meeting requirements for installation of standard subsurface sewage disposal systems.

(2) Pressurized distribution systems shall be used where depth to soil with rapid or very rapid permeability is less than forty-eight (48) inches and the minimum separation distance between the bottom of the disposal trench and soil with rapid or very rapid permeability is less than thirty (30) inches.

(3) Pressurized distribution systems in areas with permanent water tables shall not discharge more than four hundred fifty (450) gallons of effluent per acre except where:

(a) A gray water system is proposed for lots of record existing prior to January 1, 1974, which have sufficient area to accommodate a gray water pressurized distribution system, or

(b) Groundwater is degraded and specified as no longer a developable resource by the State Department of Water Resources, or

(c) A detailed flow net analysis and hydrogeological study disclose loading rates exceeding four hundred fifty (450) gallons per acre per day would not increase the nitrate-nitrogen concentration in the groundwater above five (5) milligrams per liter.

(4) Materials and Construction.

(a) General. All materials used in pressurized systems shall be structurally sound, durable, and capable of withstanding normal stresses incidental to installation and operation.

Nothing in these rules shall be construed to set aside applicable building, electrical, or other codes. An electrical permit and inspection from the Department of Commerce or the municipality with jurisdiction [as defined in ORS 456.750(5)] is required for pump wiring installation.

(b) Pressurized Drainfield Piping. Piping, valves and fittings for pressurized systems shall meet the following minimum requirements:

(A) All pressure transport manifolds, lateral piping, and fittings shall meet or exceed the requirements for class 160 PVC 1120 pressure pipe as identified in ASTM specification D2241.

(B) Pressure transport piping shall be uniformly supported along the trench bottom, and at the discretion of the Agent, it shall be bedded in sand or other material approved by the Agent.

(C) All pressure lateral piping and fittings shall have a minimum diameter of two (2) inches unless submitted plans and specifications show a smaller diameter pipe is adequate.

(D) Discharge orifices within lateral piping shall have a minimum diameter of one-eighth (1/8) inch, with spacing between orifices not to exceed twenty-four (24) inches. Orifices shall be located on top of the pipe, except in areas of extended frozen soil conditions in which case the agent may specify orifice location. There shall be a minimum head of five (5) feet at the remotest orifice.

(E) The ends of lateral piping shall be provided with threaded plugs or caps.

(F) No more than twenty (20 percent) percent of the projected daily sewage flow shall be discharged with each cycle.

(G) All joints in the pressure transport piping, manifold, lateral piping, and fittings shall be solvent welded, using the appropriate joint compound for the pipe material.

(H) A gate valve shall be placed on the pressure transport pipe, in or near the dosing tank, when appropriate.

(I) A check valve shall be placed between the pump and the gate valve, when appropriate.

(c) Minimum Seepage Area.

Minimum seepage area required for pressurized systems shall be not less than that specified in Tables 4 and 5 for the specific soil texture and depth.

(d) Trench Construction.

(A) Pressurized system drainfield trenches shall be constructed using the specifications for the standard drainfield trench unless otherwise allowed by the Department on a case-by-case basis.

(B) Pressure lateral piping shall have not less than eight (8) inches of filter material below, nor less than two (2) inches of filter material above the piping.

(C) The top of the filter material shall be covered with treated building paper (15 pound felt), filter fabric, or other equally effective material that is not subject to degradation.

(D) Notwithstanding other requirements of this rule, when the projected daily sewage flow is greater than two thousand five hundred (2500) gallons the Department may approve other design criteria and standards it deems appropriate.

340-71-280 Seepage Trench System.

(1) For the purpose of these rules "Seepage Trench System" means a system with disposal trenches with more than six (6) inches of filter material below the distribution pipe.

(2) Criteria for Approval. Construction permits may be issued by the Agent for seepage trench systems on lots created prior to January 1, 1974, for sites that meet all the following conditions:

(a) Groundwater degradation would not result.

(b) Lot or parcel is inadequate in size to accommodate standard subsurface system disposal trenches.

(c) All other requirements for standard subsurface systems can be met.

(3) Design Criteria. Seepage trench system dimensions shall be determined by the following formula:

Length of seepage trench = (4) (length of disposal trench)/(3 + 2D) where D = depth of filter material below distribution pipe in feet. Maximum depth of filter material (D) shall be two (2) feet.

340-71-285 Redundant Systems. (Diagram 6)

(1) For the purpose of these rules "Redundant disposal field system" means a system in which two (2) complete disposal systems are installed, the disposal trenches of each system alternate with each other and only one system operates at any given time.

(2) Criteria for Approval. Construction installation permits may be issued by the Agent for redundant disposal field

systems to serve single family dwellings on sites that meet all the following conditions:

(a) The lot or parcel was created prior to January 1, 1974, and

(b) There is insufficient area to accommodate a standard system.

(3) Design Criteria.

(a) Each redundant disposal system shall contain two (2) complete disposal fields.

(b) Each disposal field shall be adequate in size to accommodate the projected daily sewage flow from the dwelling.

(c) A minimum separation of ten (10) feet [twelve (12) feet on centers] shall be maintained between disposal trenches designed to operate simultaneously, and a minimum separation of four (4) feet [six (6) feet on centers] shall be maintained between adjacent disposal trenches.

340-71-290 Sand Filter Systems

(1) For the purpose of these rules, the following definitions mean:

(a) "Conventional sand filter" means a filter with two (2) feet of medium sand designed to filter and biologically treat septic tank or other treatment unit effluent from a pressure distribution system at an application rate not to exceed one and twenty-three hundredths (1.23) gallons per square foot sand surface area per day, applied at a dose not to exceed twenty (20) percent of the projected daily sewage flow.

(b) "Medium sand" means a mixture of sand with 100 passing the 3/8 inch sieve, 85 percent to 100 percent passing the No. 10 sieve, 20 percent to 50 percent passing the No. 35 sieve, with a minimum of 20 percent retained on the No. 60 sieve, and 10 percent or less passing the No. 60 sieve.

(c) "Sand filter system" means the combination of septic tank or other treatment unit, dosing tank, effluent pump(s) and controls, or dosing siphons, piping and fittings, sand filter, absorption facility or effluent reuse method used to treat sewage.

(2) Inspection Requirements. Each sand filter system installed under this rule, and those filters installed under OAR 340-71-038, may be inspected annually. The Department may waive the annual evaluation fee during years when sand filter field evaluation work is not performed.

(3) Sites Approved for Sand Filter Systems. Sand filters may be permitted on any site meeting requirements for standard subsurface sewage disposal systems contained under OAR

340-71-220, or where disposal trenches (including shallow subsurface irrigation) trenches would be used and all following minimum site conditions can be met:

(a) The highest level attained by temporary water would be eighteen (18) inches or more below ground surface for systems required serial distribution; or twelve (12) inches or more below the natural ground surface for a systems requiring equal distribution. Pressurized distribution trenches may be used on slopes up to twelve (12) percent to achieve equal distribution. Temporary groundwater levels shall be determined pursuant to methods contained in Subsection 340-71-220(2)(b).

(b) The highest level attained by a permanent water table would be equal to or more than distances specified below:

<u>Soil Groups</u>	Minimum Separation	
	<u>Distance from Bottom of Effective Seepage Area</u>	<u>*Minimum Separation Distance from Soil Surface</u>
Gravel, sand, loamy sand, sandy loam	24 inches	48 inches
Loam, silt loam, sandy clay loam, clay loam	18 inches	42 inches
Silty clay loam, silty clay, clay, sandy clay	12 inches	36 inches

(C) Permanent water table levels shall be determined in accordance with methods contained in subsection 340-71-220(a)(b). Sand filters in areas with permanent water tables shall not discharge more than four hundred-fifty (450) gallons effluent per acre except where:

(A) A gray water system is proposed for lots of record existing prior to January 1, 1974, which have sufficient area to accommodate a gray water sand filter system, or

(B) Groundwater is degraded and specified as no longer a developable resource by the State Department of Water

Resources, or
*FOOTNOTE:

A capping fill sixteen (16) inches above the filter material may be used to achieve these separation distances from permanent groundwater provided a fill is in place and approved by the agent prior to issuance of a construction installation permit.

(C) A detailed flow net analysis and hydrogeological study disclose loading rates exceeding four hundred fifty (450) gallons per acre per day would not increase nitrate-nitrogen concentration in the groundwater above five (5) mg/l.

(d) Twelve (12) inches or more natural soil occur over fractured bedrock or saprolite diggable with a backhoe so that a standard twenty-four (24) inch deep trench can be installed.

(e) Where slope is thirty (30) percent or less.

(4) Minimum Seepage Area Required and Recommended. The recommended and minimum seepage area required for sand filter absorption facilities is indicated in the following table:

<u>Soil Groups</u>	<u>Effective Seepage Area (Ft.²) Per 150 Gallons Sewage Flow</u>	
	<u>Recommended</u>	<u>Minimum</u>
Gravel, sand, loamy sand, sandy loam	100	100
Loam, silt loam, sandy clay loam, clay loam	250	150
Silty clay loam, silty clay, sandy clay, clay	300	200
Saprolite or fractured bedrock	250	150
High shrink-swell clays (Vertisols)	400	275

FOOTNOTES:

- (1) All parcels must have sufficient area of soil meeting requirements of section 340-71-290(4) to accommodate a drainfield of recommended size and a full sized replacement area.
- (2) Sites with saprolite, gravel, or soil textures of sand, loamy sand, or sandy loam to the ground surface, that meet all other requirements of sections 340-71-290(3) and (4) and have the water table thirty-six (36) inches or more below ground surface, may utilize a sand filter without a bottom that discharges treated effluent directly into these materials. A minimum thirty-six (36) inch separation must be maintained between the water table and the bottom of the sand filter.

(5) Materials and Construction.

(a) General. All materials used in sand filter system construction shall be structurally sound, durable and capable of withstanding normal installation and operation stresses. Component parts subject to malfunction or excessive wear shall be readily accessible for repair and replacement.

(b) All filter containers shall be placed over a stable level base.

(c) In areas of temporary groundwater at least twelve (12) inches of unsaturated soil shall be maintained between the bottom of the sand filter and top of the disposal trench.

(d) Sand Filter Piping Fittings. Piping and fittings for the sand filter distribution system shall be as required under pressure distribution systems, OAR 340-71-275.

340-71-295 Conventional Sand Filter Design.

(1) Flows.

(a) Conventional sand filter systems shall be designed to serve sewage flows of six hundred (600) gallons or less per day unless otherwise authorized by the Department.

(b) Flows of four hundred fifty (450) gallons per day shall be used in determining the minimum sand surface area required for a single-family dwelling.

(c) Flows of two hundred (200) gallons per day shall be used in determining minimum sand surface area required for individual residential gray-water filters.

(2) Minimum Filter Area. Sand filters shall be sized based on an application rate of no more than one and twenty-three hundredths (1.23) gallons septic tank effluent per square foot medium sand surface per day.

(3) General Details.

(a) Sand filter container, piping, medium sand, gravel, gravel cover, and soil crown material for a sand filter system discharging to disposal trenches shall meet minimum specifications indicated in Diagrams 11 and 12 unless otherwise authorized by the Department, and the following:

(b) Holes perforating pressure distribution laterals shall be at least one-eighth (1/8) inch diameter. At least one (1) hole shall be provided for each twelve (12) square feet of sand surface.

(c) Filter containers shall be constructed of reinforced concrete, a thirty (30) mil liner or other membrane liners acceptable to the Department which will effectively exclude groundwater and will contain the sand, gravel, septic tank effluent and soil crown cover for at least a twenty (20) year service life.

340-71-300 Other Sand Filter Designs.

(1) Other sand filters which vary in design from the conventional sand filter may be authorized by the Department if they can be demonstrated to produce comparable effluent quality.

(2) Pre-Application Submittal. Prior to applying for a construction permit for a variation to the conventional sand filter, the applicant shall submit the following required information data to the Department and must receive written approval for the design.

(a) The Effluent quality data shall address the following:

- (A) BOD₅
- (B) Suspended solids
- (C) Fecal coliform

(b) Filter effluent quality samples shall be collected and analysed by a testing agency acceptable to the Department using procedures identified in the latest edition of "Standard Methods for the Examination of Wastewater," published by the American Public Health Association, Inc.

(c) The duration of filter effluent testing shall be sufficient to ensure results are reliable and applicable to anticipated field operating conditions. The length of the evaluation period and number of data points shall be specified in the test report.

(d) A description of unique technical features and process advantages.

(e) Design Criteria, loading rates, etc.

(f) Filter media characteristics.

(g) A description of operation and maintenance details and requirements.

(h) Any additional information specifically requested by the Department.

(3) Construction Procedure. Following pre-application approval, a permit application shall be submitted in the usual manner. Applications shall include applicable drawings, details and written specifications to fully describe proposed construction and allow system construction by contractors. Included must be the specific site details peculiar to that

application, including soils data, groundwater type and depth, slope, setbacks, existing structures, wells, roads, streams, etc. Applications shall include a manual proposed for homeowner use in operation and maintenance of the system.

340-71-305 Sand Filter System Operation and Maintenance.

(1) Sand filter operation and maintenance tasks and requirements shall be as specified on the permit. Where a conventional sand filter system or other sand filter system with comparable operation and maintenance requirements is used, the system owner shall be responsible for the continuous operation and maintenance of the system.

(2) The owner of any sand filter system shall provide the Agent written verification that the system's septic tank has been pumped at least once each forty-eight (48) months by a licensed sewage disposal service business. Service start date shall be assumed to be the date of issuance of the Certificate of Satisfactory Completion. The owner shall provide the Agent certification of tank pumping within two (2) months of the date required for pumping.

(3) No permit shall be issued for the installation of any other sand filter which in the judgment of the Department would require operation and maintenance significantly greater than the conventional sand filter unless responsibility for system operation and maintenance is vested in a municipality as defined in ORS 454.010(3) which the Department determines to have adequate resources to carry out such responsibility, unless other arrangements meeting the approval of the Director have been made

which will ensure adequate operation and maintenance of the system. Each permitted installation may be inspected by the Agent or responsible public entity at least every twelve (12) months and checked for necessary corrective maintenance for which an annual system evaluation fee shall be assessed.

340-71-310 Steep Slope Systems

(1) General conditions for approval On-site system installation permits may be issued by the Agent for steep slope systems on slopes in excess of thirty (30) percent provided all the following requirements can be met:

(a) Slope does not exceed forty-five (45) percent.

(b) Well drained soil with no evidence of saturation and a minimum effective soil depth of sixty (60) inches.

(2) Construction requirements

(a) Seepage trenches shall be installed at a minimum depth of thirty (30) inches and at a maximum depth of thirty-six (36) inches below the natural soil surface and contain a minimum of eighteen (18) inches of clean filter material and twelve (12) inches of native soil backfill.

(b) The system shall be sized at a minimum of one hundred (100) linear feet per one hundred fifty (150) gallons daily waste flow.

340-71-015 Tile Dewatering System

(1) General conditions for approval. On-site system installation permits may be issued by the Agent for tile dewatering system provided the following requirements can be met:

(a) The site has a natural outlet that will allow a field tile to daylight above annual high water when installed sixty-six (66) inches deep on a proper grade around the area of the proposed drainfield.

(b) Soils must be silty clay loam or coarser textured and

be drainable, with a minimum effective soil depth of at least sixty-six (66) inches.

(c) Slope does not exceed three (3) percent.

(d) All other requirements for standard on-site systems, except depth to groundwater, can be met.

(2) Construction Requirements

(a) Field collection drainage tile shall be installed a minimum of sixty-six (66) inches deep on a uniform grade of two-tenths to four-tenths (0.2-0.4) feet of fall per one hundred (100) feet.

(b) Maximum drainage tile spacing shall be seventy (70) feet center to center.

(c) Minimum horizontal separation distance of drainage tile from disposal trenches shall be twenty (20) feet center to center.

(d) Field collection drainage tile shall be rigid smooth wall perforated pipe with a minimum diameter of four (4) inches.

(e) Field collection drainage tile shall be enveloped in clean filter material up to within thirty (30) inches of the soil surface. Filter material shall be covered with filter fabric, treated building paper or other nonbiodegradable material approved by the Agent.

(f) Outlet tile shall be rigid smooth wall solid PVC pipe with a minimum diameter of four (4) inches. The outlet end shall be protected by a short section of schedule 80 PVC, ABG or metal pipe and a flap gate.

(g) The discharge pipe and dewatering system is an intergral part of the system.

(h) The Agent has the discretion of requiring demonstration that a proposed tile dewatering sites can be drained prior to issuing a construction installation permit.

340-71-320 Split Waste Systems

(1) For the purpose of these rules:

(a) "Split waste system" means A system where "black waste" sewage and "gray water" sewage from the same dwelling or building are disposed of by separate methods.

(b) "Black waste" means human body wastes including feces, urine, other extraneous substances of body origin and toilet paper.

(c) "Gray water" means household sewage other than "black wastes", such as bath water, kitchen waste water and laundry wastes.

(2) Criteria for Approval. In split waste systems wastes may be disposed of as follows:

(a) Black wastes may be disposed of by the use of state Department of Commerce approved nonwater-carried plumbing units such as recirculating oil flush toilets or compost toilets.

(b) Gray water may be disposed of by discharge to:

(A) An existing on-site system which is not failing; or

(B) A new on-site system with a soil absorption system two-thirds (2/3) normal size. A full size initial drainfield area and replacement area of equal size is required; or

(C) A public sewerage system.

340-71-325 Gray Water Waste Disposal Sumps.

(1) (Diagrams Band 14) For the purpose of these rules "gray water waste disposal sump" means a series of receptacles designed to receive gray water for absorption into the soil.

(2) Criteria for Approval.

(a) Gray water may be disposed of in gray water waste disposal sumps which serve facilities such as recreation parks, camp sites, seasonal dwellings, or construction sites which do not have running water piped into the units.

(b) Gray water sumps may be used only where soil conditions are approved for such use by the agent.

(c) In campgrounds or other public use areas, gray water waste disposal sumps shall be identified as "sink waste disposal" by placard or sign in letters not less than three (3) inches in height and in a color contrasting with the background.

340-71-330 Nonwater-Carried Systems.

(1) For the purpose of these rules:

(a) "Nonwater-carried waste disposal facility" means any toilet facility which has no direct water connection, including pit privies, vault privies and self-contained construction type chemical toilets.

(b) "Privy" means a structure used for disposal of human waste without the aid of water. It consists of a shelter built above a pit or vault in the ground into which human waste falls.

(2) Criteria for Approval.

(a) Nonwater-carried waste disposal facilities shall not be installed or used without prior written approval of the Agent.

Exception: Temporary use pit privies used on farms for farm labor shall be exempt from approval requirements.

(b) Nonwater-carried waste disposal facilities may be approved for temporary or limited use areas, such as recreation parks, camp sites, seasonal dwellings, farm labor camps or

construction sites, provided all liquid wastes can be handled in a manner to prevent a public health hazard and to protect public waters, provided further that the separation distances in Table 8 can be met.

(3) Pit Privy. To be approved unsealed earth pit type privies shall comply with the following requirements:

(a) The highest level attained by groundwater shall not be closer than four (4) feet to the bottom of the privy pit.

(b) The privy shall be constructed to prevent surface water from running into the pit.

(c) When the pit becomes filled to within sixteen (16) inches of the ground surface, a new pit shall be excavated and the old pit shall be backfilled with at least two (2) feet of earth.

(4) Construction. Nonwater-carried waste disposal facilities shall be constructed in accordance with requirements contained in Appendix G.

(5) Maintenance. Nonwater-carried waste disposal facilities shall be maintained to prevent health hazards and pollution of public waters.

(6) General. No water-carried sewage shall be placed in nonwater-carried waste disposal facilities. Contents of nonwater-carried waste disposal facilities shall not be discharged into storm sewers, on the surface of the ground or into waters of the state.

340-71-335 Cesspools and Seepage Pits.

(1) (Diagrams 15 and 16) For the purpose of these rules:

(a) "Cesspool" means a lined pit which receives raw sewage,

allows separation of solids and liquids, retains the solids and allows liquids to seep into the surrounding soil through perforations in the lining.

(b) "Seepage Pit" means a "cesspool" which has a pretreatment facility such as a septic tank ahead of it.

(2) Prohibitions Cesspools and seepage pits shall not be used except in areas specifically authorized in writing by the Director. Effective with the adoption of these rules, all previous written and oral authorizations for cesspool or seepage pit use are invalid. New authorizations, signed by the Director, must be secured.

(a) Effective July 1, 1981:

(A) Installation of new cesspools is prohibited. Cesspools may be used only to replace existing failing cesspools.

(B) Seepage pits may be used only on lots created prior to adoption of these rules, which are inadequate in size to accommodate a standard subsurface system.

(b) Effective January 1, 1987:

(A) Installation of cesspools is prohibited.

(B) Installation of new seepage pits is prohibited.

(C) Seepage pits may be used only to replace existing failing cesspools or seepage pits on lots that are inadequate in size to accommodate a standard subsurface system.

(3) Criteria for Approval. Except as provided for in Section 340-71-335(2) Seepage pits and cesspools may be used for sewage disposal on sites that meet the following site criteria:

(a) The permanent water table is sixteen (16) feet or greater from the surface.

(b) Gravelly sand, gravelly loamy sand, or other equally porous material occurs in a continuous five (5) foot deep stratum within twelve (12) feet of the ground surface.

(c) A layer that limits effective soil depth does not overlay the gravel stratum.

(d) A community water supply is available.

(4) Construction Requirements.

(a) Each cesspool and seepage pit shall be installed in a location to facilitate future connection to a sewerage system when such facilities become available.

(b) Maximum depth of cesspools and seepage pits shall be thirty-five (35) feet below ground surface.

(c) The cesspool or seepage pit depth shall terminate at least four (4) feet above the water table.

(d) Construction of cesspools and seepage pits in limestone areas is prohibited.

(e) Other standards for cesspool and seepage pit construction are contained in Appendix H.

340-71-340 Holding Tanks.

(1) For the purpose of these rules "Holding tank" means a watertight receptacle designed to receive and store sewage to facilitate disposal at another location.

(2) Criteria for Approval. Installation permits may be issued by the Agent for holding tanks on sites that meet all the following conditions:

(a) Permanent Use.

(A) The site is not approvable for installation of a standard on-site system; and

(B) No community or area-wide sewerage system is available or expected to be available within five (5) years; and

(C) The tank is intended to serve a small industrial or commercial building, or an occasional use facility such as a county fair or a rodeo; and

(D) Unless otherwise allowed by the Department, the projected daily sewage flow is not more than two hundred (200) gallons; and

(E) Setbacks as required for septic tanks can be met.

(b) Temporary Use.

(A) In an area under the control of a city or other legal entity authorized to construct, operate, and maintain a community or area-wide sewerage system, a holding tank may be installed provided the application for permit includes a copy of a legal commitment from the city or other legal entity that within five (5) years from the date of the application such city or other legal entity will extend to the property covered by the application a community or area-wide sewerage system meeting

the requirements of the Commission, and provided further that the proposed holding tank will otherwise comply with the requirements of these rules.

(B) Installation of an approved on-site system has been delayed by weather conditions; or

(C) The tank is to serve a temporary construction site.

(3) General.

(a) No building may be served by more than one (1) holding tank.

(b) A single tax lot may be served by no more than one (1) holding tank unless the holding tank is under control of a municipality as defined in ORS 454.010(3).

(4) Design and Construction Requirements.

(a) Plans and specifications for each holding tank proposed to be installed shall be submitted to the Agent for review and approval.

(b) Each tank shall have a minimum liquid capacity of fifteen hundred (1,500) gallons.

(c) Each tank shall:

(A) Comply with standards for septic tanks contained in Appendix B.

(B) Be located and designed to facilitate removal of contents by pumping.

(C) Be equipped with both an audible and visual alarm, placed in a location acceptable to the agent, to indicate when the tank is seventy-five (75) percent of full.

(D) Have no overflow vent at an elevation lower than the overflow level of the lowest fixture served.

(5) Special Requirements. The application for a installation permit shall contain:

(a) A copy of a contract with a licensed sewage disposal service company which shows the tank will be pumped periodically, at regular intervals or as needed, and the contents disposed of in a manner and at a facility approved by the Department.

(b) Evidence that the owner or operator of the proposed disposal facility will accept the pumpings for treatment and disposal.

(c) A record of pumping dates and amounts pumped shall be maintained by both the treatment facility owner and the sewage disposal service, and upon request, made available to the Agent.

(6) Inspection Requirements. Each holding tank installed under this rule, and those tanks installed under OAR 340-71-037(3), shall be inspected annually. An alternative system evaluation fee may be charged for each annual inspection.

340-71-345 Aerobic Systems.

(1) For the purpose of these rules:

(a) "Aerobic Sewage Treatment Facility" means a sewage treatment plant which incorporates a means of introducing air (oxygen) into the sewage so as to provide aerobic biochemical stabilization during a detention period.

(b) "Mechanical Oxidation Sewage Treatment Facility" means an aerobic sewage treatment facility.

(2) Criteria For Approval. Aerobic sewage treatment facilities may be approved for a construction installation permit provided all the following criteria are met.

(a) The daily sewage flow to be treated is less than five thousand (5000) gallons.

(b) The plant conforms to Class I and other requirements of the current version of Standard No. 40, relating to Individual Aerobic Wastewater Treatment Plants, adopted by the National Sanitation Foundation (NSF). In lieu of NSF Class I certification, the Department may accept testing by another agency which it considers to be the equivalent to NSF Class I of Standard No. 40.

(c) The plant is part of an approved on-site sewage disposal system.

(3) The plant shall:

(a) Have a visual and audible alarm, placed at a location acceptable to the agent, which activates at an electrical or mechanical malfunction.

(b) Have a minimum rated hydraulic capacity equal to the daily sewage flow or five hundred (500) gallons per day whichever is greater.

(c) Have aeration and settling compartments constructed of durable material not subject to excessive corrosion or decay.

(d) Have raw sewage screening or its equivalent.

(e) Have provisions to prevent surging of flow through aeration and settling compartments.

(f) Have access to each compartment for inspection and maintenance.

(g) Have provisions for convenient removal of solids.

(h) Be designed to prevent:

(A) Short circuiting of flow.

(B) Disposition of sludge in the aeration compartment.

(C) Excessive accumulation of scum in the settling compartment.

(4) Operation and Maintenance.

(a) Responsibility for operation and maintenance of an aerobic facility, and the disposal system of which it is a part, shall be vested in a municipality as defined in ORS 454.010(3).

In lieu of the above, other arrangements for operation and maintenance meeting the approval of the Director may be made.

(b) A supply of parts must be locally available for the expected life of the unit.

(5) Inspection Requirements. Each aerobic sewage treatment facility installed under this rule shall be inspected by the responsible entity at least once every three (3) months.

340-71-350 Low-Flush Toilets. Permits issued for installation of an on-site system shall allow a reduction of twenty-five (25) percent in the seepage area provided:

(1) The single family dwelling or commercial facility utilizes two (2) quarts or less low volume flush toilets, approved by the State Department of Commerce; and

(2) A full sized initial and replacement drainfield area is available.

340-71-400 Geographic Area Special Considerations.

(1) River Road-Santa Clara Area, Lane County.

(a) Within the areas set forth in subsection 340-71-400(1)(b) the Agent may issue either construction permits for new subsurface sewage disposal systems or favorable reports of evaluation of site suitability to construct systems under the following circumstances:

(A) The system complies with all rules in effect at the time the permit is issued; and

(B) The system will not in itself contribute, or in combination with other new sources after April 18, 1980, contribute more than sixteen and seventenths (16.7) pounds nitrate-nitrogen per acre per year to the local groundwater. The applicant shall assure compliance with this condition by showing his ownership or control of adequate land through easements or equivalent.

(b) Subsection 340-71-400(1)(a) shall apply to all of the following area generally known as River Road/Santa Clara, and defined by the boundary submitted by the Board of County Commissioners for Lane County which is bounded on the south by the city of Eugene, on the west by the Southern Pacific Railroad, on the north by Beacon Drive, and on the east by the Willamette

River, and containing all or portions of T-16S, R-4W, Sections 33, 34, 35, 36; T-17S, R-4W, Sections 1, 2, 3, 4, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25; and T-17S, R-1E, Sections 6, 7, 18, Willamette Meridian.

(c) This rule is subject to modification or repeal by the Commission on an area-by-area basis upon petition by the appropriate local agency or agencies. Such petition either shall provide reasonable evidence that development using subsurface sewage disposal systems will not cause unacceptable degradation of groundwater quality or surface water quality or shall provide equally adequate evidence that degradation of groundwater or surface water quality will not occur as a result of such modification or repeal.

(d) Subsections 340-71-400(1)(a) and 340-71-400(1)(b) shall not apply to any construction permit application based on a favorable report of evaluation of site suitability issued by the Agent pursuant to ORS 454.755(1)(b), where such report was issued prior to the effective date of this rule.

340-71-410 Rural Area Variances.

(1) Variances from any standard contained in Subsections 340-71-220(2)(a) through 340-71-220(2)(h) may be granted by the Agent in certain rural zones provided:

(a) The County designates and the Department accepts specific rural zoning classifications for purposes of this rule.

(b) The minimum parcel size considered under this rule is designated by the County, but in no event shall it be less than ten (10) acres.

(c) The parcel is an existing parcel that does not have an area approvable for a standard subsurface system.

(d) The permit is for an on-site system designed to serve a single family dwelling, or for a commercial facility with an equivalent or less sewage flow permitted by the zone.

(e) The on-site sewage disposal system will function in a satisfactory manner so as not to create a public health hazard, or cause pollution of public waters.

(f) Requiring strict compliance with the standards contained in subsections 340-71-220(2)9a) through 340-71-220(2)(h) section F. 2, would in the judgment of the Agent, be unreasonable, burdensome, or impractical due to special physical conditions or cause.

(2) The conditions of rural area variances shall be set forth in an addendum to the memorandum of agreement (contract) between the County and the Department.

340-71-415 Formal Variances.

(1) Variances from any rule for standard or alternative sewage systems contained in these rules may be granted by the Commission; or

(2) Variances from any standard contained in rules 340-71-220 and 340-71-260 through 340-71-315 may be granted by special variance officers appointed by the Director, provided:

(a) The standard or alternative sewage disposal system will function in a satisfactory manner so as not to create a public health hazard, or to cause pollution of public waters.

(b) Special physical conditions exist which render strict compliance unreasonable, burdensome, or impractical.

(3) Applications.

(a) Applications shall be made to the Department or Agreement County as appropriate. A separate application must be filed for each site considered for a variance.

(b) Each application shall be accompanied by:

(A) A site evaluation denial (unless waived by the variance officer).

(B) Plans and specifications for the proposed system.

(C) The appropriate fee.

(D) Other information necessary for rendering a proper decision.

(E) The application shall be signed by the property owner.

(4) An applicant for a variance under this rule is not required to pay the application fee, if at the time of filing, the applicant:

(a) Is sixty-five (65) years of age or older; and

- (b) Is a resident of the State of Oregon; and
- (c) Has an annual household income, as defined in ORS 310.030, of \$15,000 or less.

340-71-420 Hardship Variances.

(1) The Commission may grant variances from rules or standards pertaining to on-site sewage disposal systems in cases of extreme and unusual hardship.

(2) The Commission may consider the following factors in reviewing an application for a variance based on hardship:

- (a) Advanced age or bad health of applicant.
- (b) Need of applicant to care for aged, incapacitated or disabled relatives.
- (c) Relative insignificance of the environmental impact of granting a variance.

(3) Hardship variances granted by the Commission may contain conditions such as:

- (a) Permits for the life of the applicant.
- (b) Limiting the number of permanent residents using the system.
- (c) Use of experimental systems for specified periods of time.

(4) Before an application is considered for a hardship variance it must be denied for a standard variance on the basis of technical rule considerations. At the time of application, the applicant must designate on the application whether it is to be considered for a hardship variance.

(5) Documentation of hardship must be provided before the application is referred to the Commission for action.

(6) Department personnel shall strive to aid and accommodate the needs of applicants for variances due to hardship.

340-71-425 Variance Officers.

(1) To qualify for appointment as a special variance officer an individual must:

(a) Have three (3) years full time experience in subsurface sewage disposal methods since January 1, 1974; one (1) year of which shall have been in Oregon; and

(b) Have attended one (1) or more seminars, workshops, or short courses pertaining soils and their relationship to subsurface sewage disposal.

(2) Agreement (contract) counties may request that a county staff member, meeting the above qualifications, be appointed special variance officer. That staff member, if appointed, would perform the Department's variance duties within that county.

340-71-430 Hearings.

(1) The variance officer shall hold a public information type hearing on each variance application.

(2) The hearing shall be held in the county where the property described in the application is located.

(3) Each variance shall be heard within thirty (30) days after receipt of a completed application.

(4) A decision to grant or deny the variance shall be made

in writing within thrity (30) days after completion of the hearing. If the variance is granted, the variance officer shall set forth in writing the specifications, conditions and location of the system.

(5) The burden of presenting the supportive facts shall be the responsibility of the applicant.

(6) The variance officer shall visit the site of the proposed system prior to conducting the hearing.

(7) Except for hardship variances, granted variance shall run with the land.

340-71-435 Permit Issuance, Inspections, Certificate of Satisfactory Completion.

(1) After a variance is granted the appropriate Agent shall be notified in writing.

(2) In nonagreement counties the Department shall issue system construction installation permits, perform necessary inspections and issue Certificates of Satisfactory Completion.

(3) In agreement contract counties, the county shall issue system construction installation permits, perform necessary inspections and issue Certificates of Satisfactory Completion.

(4) The Department shall disburse forty (40) dollars of the variance fee per granted variance to the contract county, in which the property is located, to cover costs of permit and certificate issuance and inspections.

340-71-440 Appeals. Decisions of variance officers to grant or deny a variance may be appealed to the Commission.

340-71-445 Administrative Review. The Department may review all records and files of variance officers to determine compliance or noncompliance with these rules.

340-71-450 Experimental Systems

(1) Policy. Alternative technologies to standard subsurface sewage systems are needed in areas planned for rural or low density development. It is the policy of the Commission to allow the Department to pursue a program of experimentation for the purpose of obtaining sufficient data for the development of alternative sewage disposal systems, which may benefit significant numbers of people within Oregon.

(2) Permit Required. Without first obtaining a permit from the Department, no person shall construct an experimental on-site sewage treatment and disposal system.

(3) Application Procedures.

(a) Application for experimental systems shall be made on Department forms.

(b) The application shall be complete, signed by the owner and be accompanied by the required fee.

(c) The application shall include detailed system design specifications and plans and any additional information the Department considers necessary.

(d) The owner shall agree, in writing, to hold the State of Oregon, its officers, employes, and agents harmless of any and all loss and damage caused by defective installation or operation of the proposed system.

(4) Criteria For Approval. Sites may be considered for experimental system permits where:

(a) Soils, climate, groundwater, or topographical conditions are common enough to benefit large numbers of people.

(b) A specific acceptable backup alternative is available

in the event of system failure.

(c) For absorption systems, soils in both original and system replacement areas are similar.

(d) Installation of a particular system is necessary to provide a sufficient data sampling base.

(e) Zoning, planning, and building requirements allow system installation.

(f) A single family dwelling will be served.

(g) The system will be used on a continuous basis during the life of the test project.

(h) Resources for monitoring, sample collection, and laboratory testing are available.

(i) Legal and physical access by easement for construction inspections and monitoring are available.

(j) The property owner records a Department approved affidavit which notifies prospective property purchasers of the existence of an experimental system.

(k) The parcel size is at least one (1) acre.

(5) Permit Conditions. The system installation permit shall:

(a) Specify method and manner of system installation, operation, and maintenance.

(b) Specify method, manner, and duration of system testing and monitoring.

(c) Identify when and where system is to be inspected.

(d) Require that permit not be transferable.

(e) Require system construction and use within one (1) year of permit issuance.

(6) Denial Appeal. The decision of staff to either issue or deny a permit may be reviewed by the Director. The Director may affirm or reverse the decision.

(7) Inspection of Installed System.

(a) Upon completing construction for each inspection phase required under the permit, the permit holder shall notify the Department.

(b) The Department shall inspect construction to determine whether it complies with permit conditions and requirements.

(c) After system installation is complete and complies with permit conditions, a Certificate of Satisfactory Completion shall be issued.

(8) Repair or Replacement of System. If the Department finds the operation of the system is unsatisfactory, the owner upon written notification, shall promptly repair or modify the system, replace it with another acceptable system, or as a last resort, abandon the system.

(9) System Monitoring. The system shall be monitored by the Department in accordance with a schedule contained in the permit.

340-71-460 Moratorium Areas.

(1) Whenever the Commission finds that construction of subsurface or alternative sewage disposal systems should be limited or prohibited in an area, it shall issue an order limiting or prohibiting such construction.

(2) The order shall be issued only after public hearing for which more than thirty (30) days notice is given.

(3) The order shall be a rule of this division which contains a general description of the moratorium area. A more detailed description of the area, if needed, shall be an appendix to these rules.

(4) No permit or site evaluation report shall be issued for construction of a new or expanded system which would violate any order of the Commission issued pursuant to ORS 454.685.

(5) Criteria For Establishing Moratoriums. In issuing an order under this section the Commission shall consider the factors contained in ORS 454.685(2).

(6) Specific Moratorium Areas. Pursuant to ORS 454.685, the Agent shall not issue sewage system construction installation permits or approved site evaluation reports within the boundaries of the following areas of the state:

(a) Benton County--Kingston Heights Subdivision

(b) Benton County--Kingston Heights Subdivision, First Addition

(c) Benton County--Princeton Heights Subdivision

(d) Benton County--Princeton Heights Subdivision, First Addition

(e) Clatsop County--Clatsop Plains, as set forth in Appendix __.

(f) Lane County--Community of Dexter, as set forth in
Appendix __.

340-71-500 Community Systems

(1) For the purpose of these rules:

(a) "Community System" means an on-site system which will serve more than one (1) lot or parcel; or more than one (1) condominium unit; or more than one (1) unit or a planned unit development.

(b) "Person" means individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the state and any agencies thereof, and the federal government and any agencies thereof.

(2) Without first applying for and obtaining a construction installation permit, no person shall install a community on-site system.

(3) Proposed community systems with projected sewage flows greater than two thousand five hundred (2,500) gallons per day shall have plans reviewed and approved by the Department prior to construction permit issuance.

(4) Plans for all community systems shall include operation and maintenance details including details for financing system operation and maintenance.

(5) The site criteria for approval of community systems shall be the same as required for standard subsurface systems contained in section 340-71-220(2), or in the case of community alternative systems, the specific site conditions for that system contained in rules 340-71-260 through 340-71-345.

(6) Operation Responsibility.

(a) Responsibility for operation and maintenance of community systems shall be vested in a municipality as defined

in ORS 454.010(3), or a condominium association as defined in ORS 91.500.

(b) Community systems shall be inspected at least annually by the responsible entity.

(7) Denial of construction installation permits for community systems may be appealed through the contested case procedure set forth in ORS 183.

340-71-520 Large Systems

(1) For the purpose of these rules "large system" means any system with a projected daily sewage flow greater than two thousand five hundred (2,500) gallons.

(2) Special Design Requirements.

(a) Unless otherwise authorized by the Department, large systems shall be designed in accordance with the following requirements:

(A) Large system drainfields shall be designed with pressure distribution.

(B) Drainfields shall be divided into units with a maximum of six hundred (600) lineal feet of drainfield per unit.

(C) Drainfield replacement (repair) area shall be divided into units with a replacement area unit located adjacent to an initial drainfield area unit.

(1) Effluent distribution shall alternate between the drainfield units.

(E) Each distribution system shall have at least two (2) pumps or siphons.

(b) Plans and specifications for large systems shall be prepared by any competent professional with education or experience in the specific technical field involved. The professional may accept an assignment requiring education or experience outside of his own field of competence provided he retains competent and legally qualified services to perform that part of the assignment outside his own field of competence, his client or employer approves this procedure, and he retains responsibility to his client or employer for the competent

performance of the whole assignment.

(c) After completion of the system the engineer shall certify that the system was installed in accordance with approved plans and specifications.

(d) The applicant shall provide a written assessment of the impact of the proposed system upon the quality of public waters and public health.

340-71-600 Sewage Disposal Service

(1) For the purpose of these rules "Sewage Disposal Service" means:

(a) The installation of on-site sewage disposal systems, or any part thereof; or

(b) The pumping out or cleaning of on-site sewage disposal systems, or any part thereof; or

(c) The disposal of material derived from the pumping out or cleaning of on-site sewage disposal systems.

(d) Grading, excavating, and earth-moving work connected with the operations described in paragraph (a) of this subsection, except streets, highways, dams, airports or other heavy construction projects and except earth-moving work performed under the supervision of a builder or contractor in connection with and at the time of the construction of a building or structure.

(e) The construction of drain and sewage lines from five (5) feet outside a building or structure to the service lateral at the curb or in the street or alley or other disposal terminal holding human or domestic sewage.

(2) No person shall perform sewage disposal services or advertise or represent himself as being in the business of performing such services without first obtaining a license from the Department. Licenses are not transferable.

(3) Those persons making application for a sewage disposal service license shall:

(a) Complete an application supplied by the Department.

(b) Execute a surety bond in the penal sum of two thousand

five hundred (\$2500) dollars in favor of the State of Oregon, on forms supplied by the Department. Bonds shall be written to coincide with the licensing period.

(c) Those applicants who intend to pump out or clean systems, shall have pumping equipment inspected by the Agent annually and shall complete the "Sewage Pumping Equipment Description/Inspection" form supplied by the Department. An inspection performed after January 1st shall be accepted for licensing the following July 1st.

(d) Provide evidence of registration of business name with state Department of Commerce.

(e) Submit the appropriate fee as set forth in Subsection C of this section.

(4) Each licensee shall:

(a) Be responsible for any violation of any statute, rule, or order of the Department or Commission pertaining to his licensed business.

(b) Be responsible for any act or omission of any servant, agent, employee, or representative of such licensee in violation of any statute, rule, or order pertaining to his license privileges.

(c) Deliver to each person for whom he performs services requiring such license, prior to completion of services, a written notice which contains:

(A) Name and address of his bonding company.

(B) A list of rights of the recipient of such services which are contained in ORS 454.705(2).

(d) Keep the Department informed on company changes that

affect the license, such as, name change, change from individual to partnership, change from partnership to corporation, etc.

(5) Misuse of License

(a) No licensee shall permit anyone to operate under his license, except an employee who is paid a wage by and who is working under supervision of the licensee.

(b) No person shall:

(A) Display or cause or permit to be displayed, or have in his possession any license, knowing it to be fictitious, revoked, suspended or fraudulently altered.

(B) Fail or refuse to surrender to the Department, upon demand, any license which has been suspended or revoked.

(C) Give false or fictitious information or knowingly conceal a material fact or otherwise commit a fraud in any license application.

(6) Personnel Responsibilities.

(a) Persons performing the service of pumping or cleaning of sewage disposal facilities shall avoid spilling of sewage while pumping or while in transport for disposal.

(b) Any accidental spillage of sewage shall be cleaned up by the operator and the spill area shall be disinfected.

(7) License Suspension or Revocation

(a) The Department may refuse to grant, refuse or renew, suspend, or revoke any sewage disposal service license if it finds:

(A) A material misrepresentation or false statement in connection with a license application; or

(B) Failure to comply with any provisions of ORS 454.605

through 454.785, the rules of this Division, or an order of the Department or Commission; or

(C) Failure to maintain in effect at all times the required bond in the full amount specified in ORS 454.705; or

(D) Nonpayment by drawee of any instrument tendered by applicant as payment of license fee.

(b) Whenever a license is revoked or expires, the operator shall remove the license from display and remove all Department identifying labels from equipment.

(c) A sewage disposal service need not be considered for re-licensure for a period of at least one (1) year after revocation of its license.

(8) Equipment Minimum Specifications.

(a) Tanks for pumping out of sewage disposal facilities shall comply with the following:

(A) Have a liquid capacity of at least five hundred fifty (550) gallons.

Exception; Tanks for equipment used exclusively for pumping chemical toilets not exceeding fifty (50) gallons capacity, shall have a liquid capacity of at least one hundred fifty (150) gallons.

(B) Be of watertight metal construction.

(C) Be fully enclosed.

(D) Have suitable covers to prevent spillage.

(b) The vehicle shall be equipped with either a vacuum or other type pump which will not allow seepage from the diaphragm or other packing glands and which is self priming.

(c) Sewage hose on vehicles shall be drained, capped, and

stored in a manner that will not create a public health hazard or nuisance.

(d) The discharge nozzle shall be:

(A) Provided with either a camlock quick coupling or threaded screw cap.

(B) Sealed by threaded cap or quick coupling when not in use.

(C) Located so that there is no flow or drip onto any portion of the vehicle.

(e) No pumping equipment shall have spreader gates.

(f) Each vehicle shall at all times be supplied with a pressurized wash water tank, disinfectant, and implements for cleanup.

(g) Pumping equipment shall be used for pumping sewage disposal facilities exclusively unless otherwise authorized by the Agent.

(h) Chemical toilet cleaning equipment shall not be used for any other purpose.

(9) Equipment Operation and Maintenance.

(a) When in use, pumping equipment shall be operated in a manner so as not to create public health hazards or nuisances.

(b) Equipment shall be maintained in a reasonably clean condition at all times.

(10) Vehicles shall be identified as follows:

(a) Display the name or assumed business name on each vehicle cab and on each side of a tank trailer.

(A) In letters at least three (3) inches in height; and

(B) In a color contrasting with the background.

(b) Tank capacity shall be printed on both sides of the tank;

(A) In letters at least three (3) inches in height, and

(B) In a color contrasting with the background.

(C) Labels issued by the Department for each current license period shall be displayed at all times at the front, rear, and on each side of the "motor vehicle" as defined by United States Department of Transportation Regulations, Title 49 U.S.F.

(11) Disposal of Pumpings.

(a) Each licensee shall:

(A) Discharge no part of the pumpings upon the surface of the ground unless approved by the Department in writing.

(B) Dispose of pumpings only in disposal facilities approved by the Department.

(C) Posses at all times during pumping, transport or disposal of pumpings, origin-destination records for sewage disposal services rendered.

(D) Maintain on file complete origin-destination records for sewage disposal services rendered. Origin-Destination records shall include:

(i) Source of pumpings on each occurrence, including name and address.

(ii) Specific type of material pumped on each occurrence.

(iii) Quantity of material pumped on each occurrence.

(iv) Name and location of authorized disposal site, where pumpings were deposited on each occurrence.

(v) Quantity of material deposited on each occurrence.

(E) Transport pumpings in a manner that will not create a public health hazard or nuisance.

OAR 71-100

GLOSSARY OF TERMS

APPENDIX A

(1) "Absorption facility" means a system of open-jointed or perforated piping, alternative distribution units, or other seepage systems for receiving the flow from septic tanks or other treatment facilities and designed to distribute effluent for oxidation and absorption by the soil within the zone of aeration. (See Diagrams 1 through 8 and 13 through 16.

(2) "Aerobic sewage treatment facility" means a sewage treatment plant which incorporates a means of introducing air and oxygen into the sewage so as to provide aerobic biochemical stabilization during a detention period.

(3) "Agent" means the Director or his authorized representative.

(4) "Alteration" means expansion and/or change in location of an existing system, or any part thereof.

(5) "Alternative system" means any Commission approved on-site sewage disposal system used in lieu of, including modifications of, the standard subsurface system.

(6) "Authorized representative" means the staff of the Department of Environmental Quality or the Agreement (contract) Designated staff of the local unit of government performing duties for and under agreement with the Department of Environmental Quality.

(7) "Automatic siphon" means a hydraulic device designed

to rapidly discharge the contents of a dosing tank between predetermined water or sewage levels.

(8) "Bedroom" means any room within a dwelling which is accepted as such by the State of Oregon Department of Commerce building codes representative or the local authorized building official having jurisdiction.

(9) "Black waste" means human body wastes including feces, urine, other extraneous substances of body origin and toilet paper.

(10) "Building sewer" means that part of the system of drainage piping which conveys sewage into a septic tank, cesspool or other treatment facility that begins five feet (5) outside the building or structure within which the sewage originates. (See Diagrams 1, 2 and 3.

(11) "Certificate of Adequacy" means a written document issued by the Agent which certifies that a system is adequate to serve the purpose for which a particular application is made. A Certificate of Adequacy shall be valid for one (1) year from the date of issuance.

(12) "Cesspool" means a lined pit which receives raw sewage, allows separation of solids and liquids, retains the solids and allows liquids to seep into the surrounding soil through perforations in the lining.

(13) "Chemical recirculating toilet facility" means a toilet facility wherein black wastes are deposited and carried from the bowl by a combination of liquid waste and water which has been chemically treated and filtered.

(14) "Chemical toilet facility" means a non-flushing non-

recirculating toilet facility wherein black wastes are deposited directly into a chamber containing a solution of water and chemical.

(15) "Clayey Soil" means mineral soil that is over forty (40) percent clay that shrinks and develops wide cracks when dry and swells and shears when rewet forming slickensides and wedge-shaped structure. Clayey soil is very hard or extremely hard when dry, very firm when moist, and very sticky and very plastic when wet.

(16) "Claypan" means a dense, compact clay layer in the subsoil. It has a much higher clay content than the overlying soil horizon from which it is separated by an abrupt boundary. Claypans are hard when dry and very sticky and very plastic when wet. They impede movement of water and air and growth of plant roots.

(17) "Combustion or incineration toilet facility" means a toilet facility wherein black wastes are deposited directly into a combustion chamber for incineration.

(18) "Commercial Facility" means any structure or building, or any portion thereof, other than a single family dwelling.

(19) "Commission" means the Environmental Quality Commission.

(20) "Community System" means an on-site system which will serve more than one (1) lot or parcel, or more than one (1) condominium unit or more than one (1) unit of a planned unit development.

(21) "Completed Application" means one in which the application form is completed in full, is signed by the owner,

is accompanied by all required exhibits and required fee, and is correct.

(22) "Conditions associated with saturation: means:

(a) Reddish brown or brown soil horizons with gray and red or yellowish red mottles; or

(b) Gray soil horizons with red, yellowish red, or brown mottles; or

(c) Dark colored highly organic soil horizons; or

(d) Soil profiles with concentrations of soluble salt at or near the ground surface.

(23) "Construction" means installation of a new system.

(24) "Conventional sand filter" means a filter with two(2) feet of medium sand designed to filter and biologically treat septic tank or other treatment unit effluent from a pressure distribution system at an application rate not to exceed one and twenty-three hundredths (1.23) gallons per square foot sand surface area per day applied at a dose not to exceed twenty (20) percent of the projected daily sewage flow per cycle.

(25) "Curtain drain" means a groundwater interceptor introduced upslope from a disposal field to intercept and divert ground water or surface water from the absorption facility which may be required to be installed as a condition for approval of a system.

(26) "Cut-manmade" means a land surface resulting from mechanical land shaping operations where one (1) or more layer that limit effective soil depth intersect the cut surface and where the modified slope is greater than five (5) percent, or any other man formed slopes in excess of fifty (50) percent which

do not intersect one or more layers that limit effective soil depth. (See Diagram 19).

(27) "Department" means the Department of Environmental Quality.

(28) "Director" means the Director of the Department of Environmental Quality.

(29) "Disposal area" means the entire area used for underground dispersion of the liquid portion of sewage. It may consist of a seepage pit or of a disposal field or of a combination of the two. It may also consist of a cesspool or evapotranspiration system.

(30) "Disposal field" means a system of disposal trenches or a seepage trench or system of seepage trenches.

(31) "Disposal trench" means a ditch or trench with vertical sides and substantially flat bottom with a minimum of twelve (12) inches of clean, coarse filter material into which a single distribution line has been laid, the trench then being backfilled with a minimum of six (6) inches of soil. (See Diagram 10)

(32) "Distribution box" means a watertight structure which receives septic tank or other treatment facility effluent and distributes it concurrently into two (2) or more header pipes leading to the disposal area. (See Appendix C)

(33) "Distribution pipe or lateral pipe" means an open-jointed or perforated pipe used in the dispersion of septic tank or other treatment facility effluent into disposal trenches or seepage trenches. (See Diagrams 1 through 8)

(34) "Distribution unit" means a distribution box, dosing tank, diversion valve or box, header pipe, or other means of

transmitting septic tank or other treatment unit effluent from the effluent sewer to the distribution pipes. (See Diagrams 1 through 8)

(35) "Diversion valve" means a watertight structure which receives septic tank or other treatment facility effluent through one (1) inlet, distributes it to two (2) outlets, only one (1) of which is utilized at a given time. (See Diagram 6 and Appendix C)

(36) "Dosing tank" means a watertight receptacle placed after a septic tank or other treatment facility equipped with an automatic siphon or pump designed to discharge treated effluent intermittently. (See Appendix D)

(37) "Dwelling" means any structure or building, or any portion thereof which is used, intended, or designed to be occupied for human living purposes including, but not limited to, houses, houseboats, boathouses, float houses, mobile homes, hotels, motels, and apartments.

(38) "Effective seepage area" means the sidewall area within a disposal trench or a seepage trench from the bottom of the trench to a level two (2) inches above the distribution pipes, or the sidewall area of any cesspool, seepage pit, unsealed earth pit privy, or gray water waste disposal sump seepage chamber; or the bottom area of any disposal trench in which pressurized lateral piping issued. (See Diagrams 10, 13, 14, 15 and 16)

(39) "Effective soil depth" means the depth of soil material above a layer that impedes movement of water, air, and growth of plant roots. Layers that differ from overlying soil material enough to limit effective soil depth are hardpans, claypans,

fragipans, bedrock, saprolite, and clayey soil.

(40) "Effluent lift pump" means a pump used to lift septic tank or other treatment facility effluent to a higher elevation. (See Appendix E)

(41) "Effluent sewer" means that part of the system of drainage piping that conveys treated sewage from a septic tank or other treatment facility into a distribution unit or an absorption facility. (See Diagrams 1 through 8 and 15 and Appendix F).

(42) "Emergency repairs" means repair of a failing system where immediate action is necessary to relieve a situation in which sewage is backing up into a dwelling or building, or repair of a broken pressure sewer line.

(43) "Escarpment" means any naturally occurring slope greater than fifty (50) percent which extends vertically six (6) feet or more as measured from toe to top, and which is characterized by a long cliff or steep slope which separates two (2) or more comparatively level or gently sloping surfaces, and may intercept one (1) or more layers that limit effective soil depth. (See Diagrams 17 and 18)

(44) "Evapotranspiration-Absorption (ETA) system" means an alternative system consisting of a septic tank or other treatment facility, effluent sewer and a disposal bed or disposal trenches, designed to distribute effluent for evaporation, transpiration by plants, and by absorption into the underlying soil. (See Diagrams 7 and 8)

(45) "Existing on-site sewage disposal system" (existing system) means any one of several installed on-site sewage disposal systems constructed in conformance with the rules, laws (October 1, 1980)

and local ordinances in effect at the time of construction, or which would have conformed substantially with system design provided for in Commission, State Health Division, or State Board of Health Rules.

(46) "Failing System" means any system which discharges untreated or partially treated sewage or septic tank effluent directly or indirectly onto the ground surface or into public waters.

(47) "Filter material" means clean, crushed stone or washed gravel ranging from three quarters (3/4) to two and one-half (2 1/2) inches in size. (See Diagram 10)

(48) "Five-day biochemical oxygen demand" (5 day BOD) means the quantity of oxygen used in the biochemical oxidation of organic matter in five days at twenty (20) degrees centigrade under specified conditions and reported as milligrams per liter (mg/l).

(49) "Fragipan" means a loamy subsurface horizon with high bulk density relative to the horizon above, seemingly cemented when dry, and weakly to moderately brittle when moist. Fragipans are mottled and low in organic matter. They impede movement of water, air, and growth of plant roots.

(50) "Governmental unit" means the state or any county, municipality, or political subdivision, or any agency thereof.

(51) "Grade" means the rate of fall or drop in inches per foot or percentage of fall of a pipe.

(52) "Gray water" means household sewage other than "black wastes", such as bath water, kitchen waste water and laundry wastes.

(53) "Groundwater interceptor" means any natural or artificial groundwater drainage system including agricultural drain tile, cut banks, and ditches. (See Diagram 9)

(54) "Hardpan" means a hardened layer in soil caused by cementation of soil particles with either silica, calcium carbonate, magnesium carbonate, or iron and/or organic matter. The hardness does not change appreciably with changes in moisture content. Hardpans impede movement of water and air and growth of plant roots.

(55) "Header pipe" means a tight jointed part of the sewage drainage conduit which receives septic tank effluent from the distribution box, or drop box, or effluent sewer and conveys it to the disposal area. (See Diagrams 1 through 6, 8, and 15)

(56) "Headwall" means a steep slope at the head or upper end of a land slump block or unstable landform. (See Diagrams 21 and 22)

(57) "Holding tank" means a watertight receptacle designed to receive and store sewage to facilitate disposal at another location.

(58) "Individual system" means system that is not a community system.

(59) "Individual water supply" means a source of water and a distribution system which serves a single residence or user for the purpose of supplying water for drinking, culinary, or household uses and which is not a public water supply system.

(60) "Industrial waste" means any liquid, gaseous, radioactive, or solid waste substance or a combination thereof resulting from any process of industry, manufacturing, trade,

or business, or from the development or recovery of any natural resources.

(61) "Intermittent stream" means any surface public water or groundwater interceptor that continuously flows water for a period of greater than two months in any one year, but not continuously for that year.

(62) "Invert" is the lowest portion of the internal cross section of a pipe or fitting. (See Diagram 10)

(63) "Large system" means any on-site system with a daily sewage flow greater than two thousand five hundred (2,500) gallons.

(64) "Mechanical oxidation sewage treatment facility" means an aerobic sewage treatment facility.

(65) "Medium sand" means a mixture of sand containing at least twenty (20) percent and not more than forty (40) percent by weight sand ranging from one-quarter (0.25) to one-half (0.5) millimeter and less than ten (10) percent by weight soil material smaller than one-quarter (0.25) millimeter. Medium sand may contain up to fifteen (15) percent gravel up to three-eighth (3/8) inches in diameter.

(66) "Nonwater-carried waste disposal facility" means any toilet facility which has no direct water connection, including pit privies, vault privies and self-contained construction type chemical toilets.

(67) "Occupant" means any person living or sleeping in a dwelling.

(68) "On-site sewage disposal system (system)" means any one of several installed or proposed sewage disposal facilities

including, but not limited to standard subsurface, alternative, experimental or non-water carried sewage disposal systems.

(69) "Owner" means any person who alone, or jointly, or severally with others:

(a) Has legal title to any lot, dwelling, or dwelling unit;
or

(b) Has care, charge, or control of any real property as agent, executor, executrix, administrator, administratrix, trustee, leasee, or guardian of the state of the holder of legal title; or

(c) Is the contract purchaser of real property.

(70) "Permanent Ground Water Table" means the upper surface of a saturated zone that exists year-round. The thickness of the saturated zone, and, as a result, the upper surface of the permanent ground water table may fluctuate as much as fifteen to twenty (15-20) feet annually; but the saturated zone and associated permanent ground water table will be present at some depth beneath land surface throughout the year.

(71) "Permit" means the written permit issued by the Agent bearing the signature of the Agent which by its conditions authorizes the permittee to construct, install, alter, repair, or extend a subsurface or alternative sewage disposal system.

(72) "Person" includes individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the state and any agencies thereof, and the federal government and any agencies thereof.

(73) "Portable toilet shelter" means any readily relocatable

structure built to house a toilet facility.

(74) "Prior approval" means a written approval for on-site sewage disposal, for a specific lot, issued prior to January 1, 1974.

(75) "Pressure distribution lateral" means piping and fittings in pressure distribution systems which distribute septic tank or other treatment unit effluent to filter material through small diameter orifices. (See Diagrams 11 and 12)

(76) "Pressure distribution manifold" means piping and fittings in a pressure distribution system which supply effluent from pressure transport piping to pressure distribution laterals. (See Diagrams 11 and 12)

(77) "Pressure distribution system" means any system designed to uniformly distribute septic tank or other treatment unit effluent under pressure in an absorption facility or sand filter. (See Diagrams 11 and 12)

(78) "Pressure transport piping" means piping which conveys septic tank or other treatment unit effluent to a pressure distribution manifold by means of a pump. (See Diagrams 11 and 12)

(79) "Prior approval" means a written approval for on-site sewage disposal, for a specific lot, issued prior to January 1, 1974.

(80) "Prior construction permit" means a subsurface sewage disposal system construction permit issued prior to January 1, 1974, by a county that had an ordinance requiring construction permits for subsurface sewage disposal systems.

(81) "Privy" means a structure used for disposal of human

waste without the aid of water. It consists of a shelter built above a pit or vault in the ground into which human waste falls.

(82) "Public health hazard" means a condition whereby there are sufficient types and amounts of biological, chemical, or physical, including radiological, agents relating to water or sewage which are likely to cause human illness, disorders, or disability. These include, but are not limited to, pathogenic viruses and bacteria, parasites, toxic chemicals, and radioactive isotopes.

(83) "Public waters" means lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

(84) "Repair" means installation of all portions of a system necessary to eliminate a public health hazard or pollution of public waters created by a failing system.

(85) "Redundant disposal field system" means a system in which two complete disposal systems are installed, the disposal trenches of each system alternate with each other and only one system operates at a given time. (See Diagram 6)

(86) "Sand filter system" means the combination of septic tank or other treatment unit, dosing tank, effluent pump(s) and controls, or dosing siphons piping and fittings, sand filter,

absorption facility or effluent reuse method used to treat sewage. (See Diagrams 11 and 12)

(87) "Sanitary drainage system" means that part of the system of drainage piping that conveys untreated sewage from a building or structure to a septic tank or other treatment facility, service lateral at the curb or in the street or alley, or other disposal terminal holding human or domestic sewage. The sanitary drainage system consists of a building drain or building drain and building sewer. (See Diagrams 1, 2, 3, and 16)

(88) "Saprolite" means weathered material underlying the soil that grades from soft thoroughly decomposed rock to rock that has been weathered sufficiently so that it can be broken in the hands or cut with a knife. It does not include hard bedrock or hard fractured bedrock. It has rock structure instead of soil structure.

(89) "Saturated zone" means a three (3) dimensional layer, lens, or other section of the subsurface in which all open spaces including joints, fractures, interstitial voids, pores, etc. are filled with ground water. The thickness and extent of a saturated zone may vary seasonally or periodically in response to changes in the rate or amount of ground water recharge or discharge. (See Diagram 23)

(90) "Scum" means a mass of sewage solids floating at the surface of sewage which is buoyed up by entrained gas, grease, or other substances.

(91) "Seepage area" see effective seepage area.

(92) "Seepage pit" means a "cesspool" which has a treatment

facility such as a septic tank ahead of it. (See Diagram 15)

(93) "Seepage trench system" means a system with disposal trenches with more than six (6) inches of filter material below the distribution pipe.

(94) "Self-contained nonwater-carried waste disposal facility" includes, but is not limited to, vault privies, chemical toilets, combustion toilets, recirculating toilets, and portable toilets, in which all waste is contained in a watertight receptacle.

(95) "Septic tank" means a watertight receptacle which receives sewage from a sanitary drainage system, is designed to separate solids from liquids, digest organic matter during a period of detention, and allow the liquids to discharge to a second treatment unit or to a soil disposal system. (See Appendix B)

(96) "Septic tank effluent" means partially treated sewage which is discharged from a septic tank.

(97) "Sewage" means the water-carried human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments, or other places, together with such groundwater infiltration, surface waters, or industrial waste as may be present.

(98) "Sewage disposal service" means:

(a) The construction of subsurface sewage disposal systems, alternative sewage disposal systems or any part thereof.

(b) The pumping out or cleaning of subsurface sewage disposal systems, alternative sewage disposal systems or nonwater-carried sewage disposal facilities.

(c) The disposal of material derived from the pumping out or cleaning of subsurface sewage disposal systems, alternative sewage disposal systems or nonwater-carried sewage disposal facilities.

(d) Grading, excavating, and earth-moving work connected with the operations described in paragraph (a) of this subsection, except streets, highways, dams, airports or other heavy construction projects and except earth-moving work performed under the supervision of a builder or contractor in connection with and at the time of the construction of a building or structure.

(e) The construction of drain and sewage lines from five (5) feet outside a building or structure to the service lateral at the curb or in the street or alley or other disposal terminal holding human or domestic sewage.

(99) "Sewage stabilization pond" means a pond designed to receive the raw sewage flow from a dwelling or other building and retain that flow for treatment without discharge.

(100) "Slope" means the rate of fall or drop in feet per one hundred (100) feet of the ground surface. It is expressed as percent of grade.

(101) "Soil permeability rating" refers to that quality of the soil that enables it to transmit water or air, as outlined in the United States Department of Agriculture Handbook, Number 18, entitled Soil Survey Manual.

(102) "Soil separate" means the size of soil particles according to Table 7.

(103) "Soil texture" means the amount of each soil separate

in a soil mixture. Field methods for judging the texture of a soil consist of forming a cast of soil, both dry and moist, in the hand and pressing a ball of moist soil between thumb and finger. The major textural classifications are defined as follows: (See Table 6.)

(a) Sand: Individual grains can be seen and felt readily. Squeezed in the hand when dry, this soil will fall apart when the pressure is released. Squeezed when moist, it will form a cast that will hold its shape when the pressure is released, but will crumble when touched.

(b) Sandy loam: Consists largely of sand, but has enough silt and clay present to give it a small amount of stability. Individual sand grains can be readily seen and felt. Squeezed in the hand when dry, this soil will readily fall apart when the pressure is released. Squeezed when moist, it forms a cast that will not only hold its shape when the pressure is released, but will withstand careful handling without breaking. The stability of the moist cast differentiates this soil from sand.

(c) Loam: Consists of an even mixture of sand and of silt and a small amount of clay. It is easily crumbled when dry and has a slightly gritty yet fairly smooth feel. It is slightly plastic. Squeezed when moist, it forms a cast that will not only hold its shape when the pressure is released, but will withstand careful handling without breaking. The stability of the moist cast differentiates this soil from sand.

(d) Silt loam: Consists of a moderate amount of fine grades of sand, a small amount of clay, and a large quantity of silt particles. Lumps in a dry, undisturbed state appear quite

cloddy, but they can be pulverized readily; the soil then feels soft and floury. When wet, silt loam runs together in puddles. Either dry or moist, casts can be handled freely without breaking. When a ball of moist soil is pressed between thumb and finger, it will not press out into a smooth, unbroken ribbon, but will have a broken appearance.

(e) Clay loam: Consists of an even mixture of sand, silt, and clay, which breaks into clods or lumps when dry. When a ball of moist soil is pressed between the thumb and finger, it will form a thin ribbon that will readily break, barely sustaining its own weight. The moist soil is plastic and will form a cast that will withstand considerable handling.

(f) Silty clay loam: Consists of a moderate amount of clay, a large amount of silt, and a small amount of sand. It breaks into moderately hard clods or lumps when dry. When moist, a thin ribbon or one-eighth (1/8) inch wire can be formed between thumb and finger that will sustain its weight and will withstand gentle movement.

(g) Silty clay: Consists of even amounts of silt and clay and very small amounts of sand. It breaks into hard clods or lumps when dry. When moist, a thin ribbon or one-eighth (1/8) inch or less sized wire formed between thumb and finger will withstand considerable movement and deformation.

(h) Clay: Consists of large amounts of clay and moderate to small amounts of sand. It breaks into very hard clods or lumps when dry. When moist, a thin, long ribbon or one-sixteenth (1/16) inch wire can be molded with ease. Fingerprints will show on the soil, and a dull to bright polish is made on the

soil by a shovel.

These and other soil textural characteristics are also defined as shown in the United States Department of Agriculture Textural Classification Chart which is hereby adopted as part of these rules. This textural classification chart is based on the Standard Pipette Analysis as defined in the United States Department of Agriculture, Soil Conservation Service Soil Survey Investigations Report No. 1. (See Table 6)

(104) "Soil with rapid or very rapid permeability" means:

(a) Soil which contains thirty-five (35) percent of coarse fragments two (2) millimeters in diameter or larger by volume with interstitial soil of sandy loam texture or coarser as defined in Subsection 340-71-100 [(Appendix A, (103)(b)] and as classified in soil textural classification chart Table 6, or

(b) Coarse textured soil (loamy sand or sand) as defined in Subsection 340-71-100 [(Appendix A (103)(a)] and as classified in soil textural classification chart, Table 6, or

(c) Stones, cobbles, gravel, and rock fragments with too little soil material to fill interstices larger than one (1) millimeter in diameter.

(105) "Standard subsurface system" means an on-site sewage disposal system consisting of a septic tank, distribution unit and subsurface drainfield.

(106) "Subsurface sewage disposal" means the physical, chemical or bacteriological breakdown and aerobic treatment of sewage in the unsaturated zone of the soil above any temporarily perched groundwater body.

(107) "Subsurface disposal system" means a cesspool or the combination of a septic tank or other treatment unit and effluent sewer and absorption facility. (See Diagrams 1, 2, 3, 15 and 16)

(108) "Suspended solids" means solids in the sewage that can be removed readily by standard filtering procedures in a laboratory and reported as milligrams per liter (mg/l).

(109) "System" see "On-site Sewage Disposal System"

(110) "Temporary Ground Water Table" means the upper surface of a saturated zone that exists only on a seasonal or periodic basis. Like a permanent ground water table, the upper surface of a temporary ground water table may fluctuate. However, a temporary ground water table and associated saturated zone will normally dissipate (dry up) for a period of at least three (3) months each year.

(111) "Test pit" means an open pit dug to sufficient size and depth to permit thorough examination of the soil to evaluate its suitability for subsurface sewage disposal.

(112) "Toilet facility" means a fixture housed within a toilet room or shelter for the purpose of receiving black waste.

(113) "Unstable landforms" means areas showing evidence of mass downslope movement such as debris flow, landslides, rockfalls, and hummocky hillslopes with undrained depressions upslope. Unstable landforms may exhibit slip surfaces roughly parallel to the hillside; landslide scars and curving debris ridges; fences, trees, and telephone poles which appear tilted; tree trunks which bend uniformly as they enter the ground. Active sand dunes are unstable landforms. (See Diagrams 20, 21 and 22)

(114) "Zone of aeration" means the unsaturated zone that occurs below the ground surface and above the point at which the upper limit of the water table exists. (See Diagram 23)

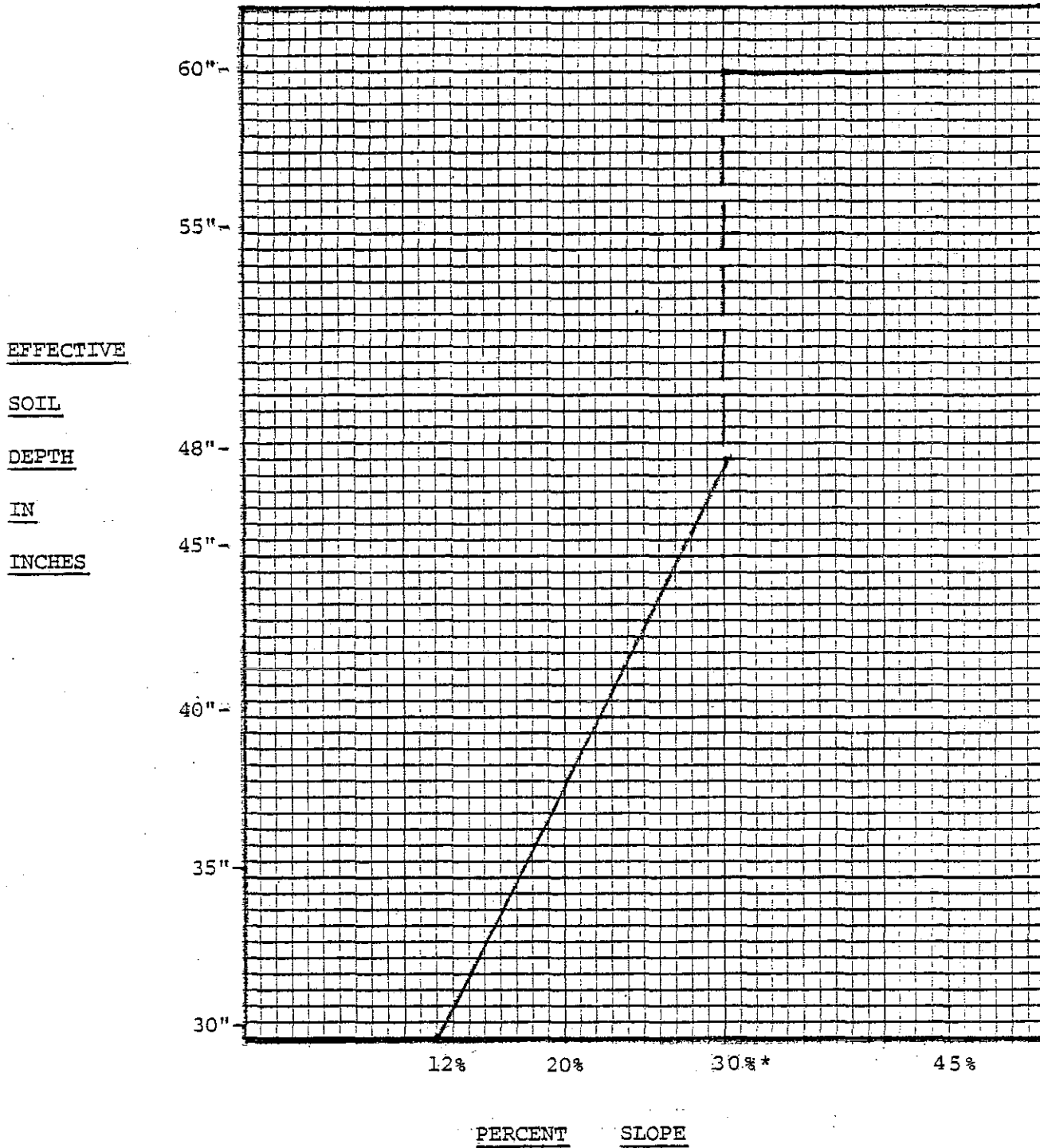
TABLE 2
Quantities of Sewage Flows

Type of Establishment	Column 1	Column 2
	Gallons Per Day	Minimum Gallons Per Establishment Per Day
Airports	5 (per passenger)	150
Bathhouses and swimming pools	10 (per person)	300
Camps: (4 persons per campsite, where applicable)		
Campground with central comfort stations	35 (per person)	700
With flush toilets, no showers	25 (per person)	500
Construction camps (semi-permanent)	50 (per person)	1000
Day camps (no meals served)	15 (per person)	300
Resort camps (night and day) with limited plumbing	50 (per person)	1000
Luxury camps	100 (per person)	2000
Churches	5 (per seat)	150
Country clubs	100 (per resident member)	2000
Country clubs	25 (per non-resident member present)	—
Dwellings:		
Boarding houses	150 (per bedroom)	600
Additional for non-residential boarders	10 (per person)	—
Rooming houses	80 (per person)	500
Condominiums, Multiple family dwellings (Including apartments)	300 (per unit)	900
Single family dwellings	300 (not exceeding 2 bedrooms)	450*
With more than 2 bedrooms	75 (for third & each succeeding bedroom)	450
Factories (exclusive of industrial wastes, with shower facilities)	35 (per person per shift)	300
Factories (exclusive of industrial wastes, without shower facilities)	15 (per person per shift)	150
Hospitals	250 (per bed space)	2500
Hotels with private baths	120 (per room)	600
Hotels without private baths	100 (per room)	500
Institutions other than hospitals	125 (per bed space)	1250
Laundries, self-service	500 (per machine)	2500
Mobile home parks	250 (per space)	750
Motels (with bath, toilet, and kitchen wastes)	100 (per bedroom)	500
Motels (without kitchens)	80 (per bedroom)	400
Picnic Parks (toilet wastes only)	5 (per picnicker)	150
Picnic Parks (with bathhouses, showers and flush toilets)	10 (per picnicker)	300
Restaurants	40 (per seat)	800
Restaurants (single-service)	2 (per customer)	300
Restaurants (with bars and/or lounges)	50 (per seat)	1000
Schools:		
Boarding	100 (per person)	3000
Day, without gyms, cafeterias or showers	15 (per person)	450
Day, with gyms, cafeterias and showers	25 (per person)	750
Day, with cafeteria, but without gyms or showers	20 (per person)	600
Service Stations	10 (per vehicle served)	500
Swimming pools and bathhouses	10 (per person)	300
Theaters:		
Movie	5 (per seat)	300
Drive-In	20 (per car space)	1000
Travel trailer parks (without individual water and sewer hookups)	50 (per space)	300
Travel trailer parks (with individual water and sewer hookups)	100 (per space)	500
Workers:		
Construction (as semi-permanent camps)	50 (per person)	1000
Day, at schools and offices	15 (per shift)	150

* Except as otherwise provided in these rules.

TABLE 3

SLOPE, EFFECTIVE SOIL DEPTH RELATIONSHIP



* When slope exceeds 30 percent, rules on steep slope systems apply. (Refer to OAR 340-71-310)

TABLE 4

Minimum effective seepage area in square feet per one (1) gallon daily waste flow determined from soil texture versus effective soil depth.

18" To Less Than 24"	1.66	2.00	2.33
24" To Less Than 54"	1.33	1.66	2.00
54" or More	1.00	1.33	1.66
Soil Group *	A	B	C

- * Soil Group A Sand, Loamy Sand, Sandy Loam
- Soil Group B Silty Clay Loam, Sandy Clay, Silty Clay, Clay
- Soil Group C Silty Clay Loam, Sandy Clay, Silty Clay, Clay

TABLE 5

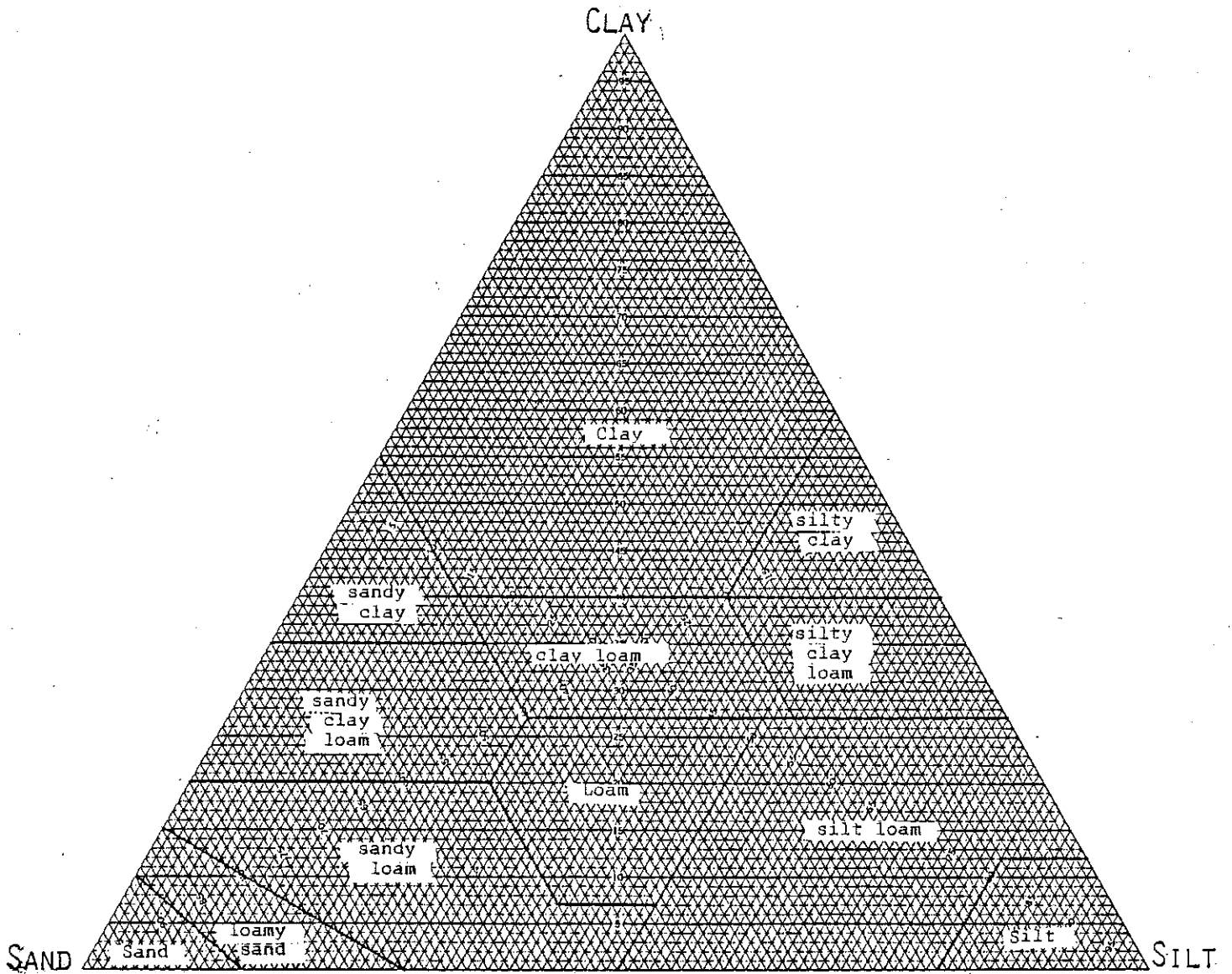
Minimum effective seepage area in square feet per one (1) gallon daily waste flow determined from soil texture versus depth to temporary groundwater.

24" To Less Than 48"	1.33	1.66	2.00
48" or More	1.00	1.33	1.66
Soil Group*	A	B	C

SOIL TEXTURE IN EFFECTIVE SEEPAGE AREA OF ON-SITE SYSTEM

- * Soil Group A Sand, Loamy Sand, Sandy Loam
- Soil Group B Silty Clay Loam, Sandy Clay, Silty Clay, Clay
- Soil Group C Silty Clay Loam, Sandy Clay, Silty Clay, Clay

TABLE 6



SOIL TEXTURAL CLASSIFICATION CHART

TABLE 7

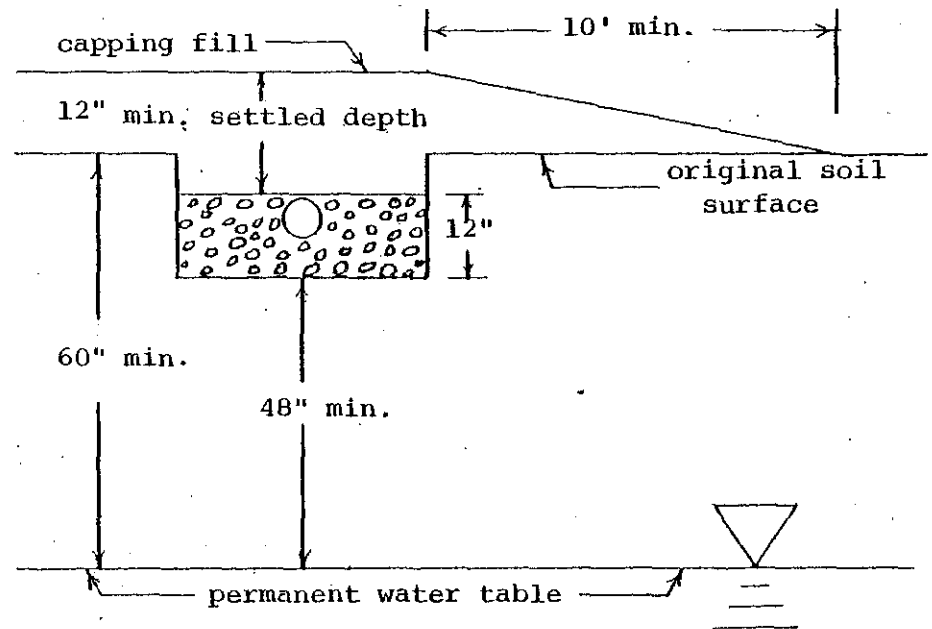
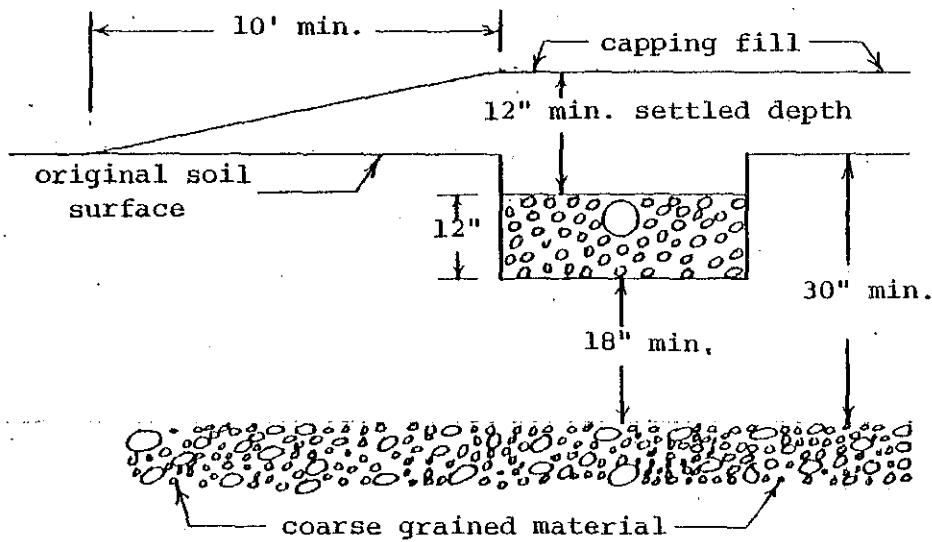
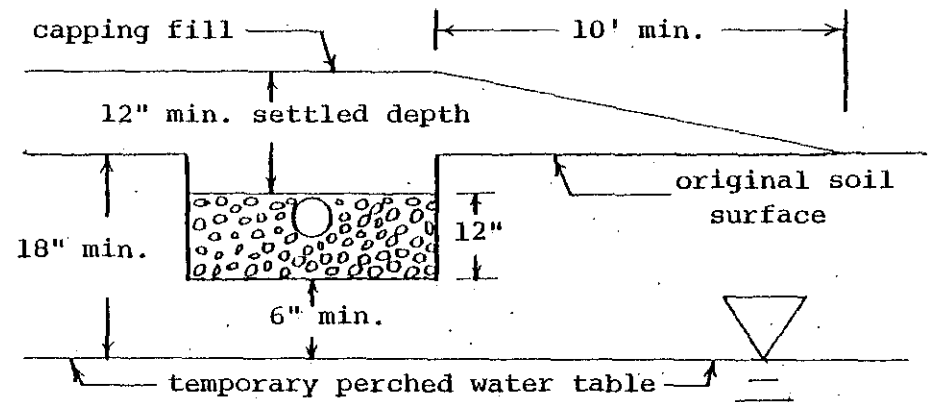
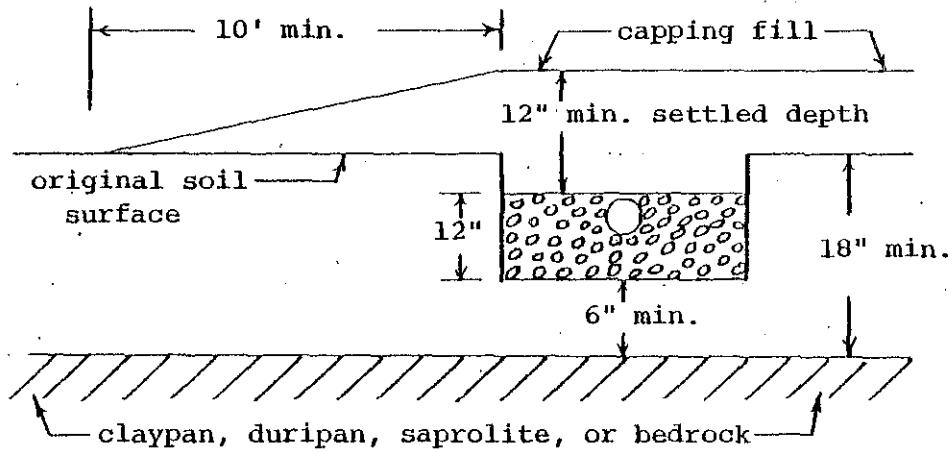
	Sieve Sizes	Millimeters
Clay		.001
		.002
Silt		.003
		.004
		.006
		.008
		.01
		.03
Very fine sand	270	.04
		.06
Fine sand	200	.08
	140	.1
	60	.2
Medium sand	40	.3
		.4
		.6
Coarse sand	20	.8
		1.0
Very coarse sand	10	2.0
		3.0
Fine gravel	4	4.0
		6.0
		8.0
		10
Coarse gravel	$\frac{1}{2}$	20
	$\frac{3}{4}$	30
		40
		60
	3	80
Cobbles		

USDA SOIL CLASSIFICATION SIZES OF SOIL SEPARATES

TABLE 8

Springs and cisterns	Self-Contained Nonwater-Carried Waste Disposal Facility	Unscaled Earth Type Privies, Gray Water Waste Disposal Sump and Seepage Chambers
Groundwater supplies including springs and cisterns	50'	100'
Surface public waters, excluding intermittent streams	50'	100'
Intermittent streams	50'	50'
Property line	25'	25'

CAPPING FILL



APPENDIX B

STANDARDS FOR SEPTIC TANK CONSTRUCTION

The following requirements shall apply to all septic tanks manufactured for use in Oregon unless specifically exempted by other portions of these rules:

- A. Compartments: Septic tanks shall have single or multiple compartments.
1. The first compartment shall have a minimum liquid capacity of at least two-thirds ($2/3$) of the total required liquid capacity, as measured from the invert of the outlet fitting.
 2. The second and succeeding compartments shall each have a minimum liquid capacity equal to or greater than one-half ($1/2$) of the liquid capacity of the first compartment.
 3. Each compartment shall have access provided by a manhole having not less than eighteen (18) inches across its shortest dimension.
 4. No compartment shall have an inside horizontal dimension of less than twenty-four (24) inches.
- B. Liquid Depth: The liquid depth of any or compartment shall be at least forty-two (42) inches. Liquid depths greater than seventy-two (72) inches shall not be considered in determining the working liquid capacity.
- C. Septic tanks shall be water tight.

- D. Septic tanks shall be capable of supporting an earth load of at least three hundred (300) pounds per square foot when the maximum coverage does not exceed three (3) feet. Tanks installed with more than three (3) feet of cover shall be reinforced to support the additional load.
- E. The inlet and outlet fittings shall be of cast iron, schedule 40 P.V.C. plastic, schedule 40 ABS plastic, or other materials approved by the Department, with a minimum diameter of four (4) inches.
1. The distance between the inlet and outlet fittings shall be equal to or greater than the liquid depth of the tank.
 2. The inlet and outlet fittings shall be located at opposite ends of the tank. They shall be attached in a water tight manner approved by the Department.
 3. The inlet fitting shall be a sanitary tee extending at least six (6) inches above and below the liquid level.
 4. The outlet fitting shall be a "tee" extending below liquid level a distance equal to not less than thirty-five (35) percent nor greater than fifty (50) percent of the liquid depth, and at least six (6) inches above the liquid depth in order to provide scum storage. When the tank is used as a holding tank, the outlet fitting shall be provided with a water tight plug.

5. Ventilation shall be provided through the fittings by means of a two (2) inch minimum space between the underside of the top of the tank and the top of the "tee" fitting.
 6. The invert of the inlet fitting shall be not less than one (1) inch and preferably three (3) inches above the invert of the outlet fitting.
 7. The septic tank manufacturer shall provide with each fitting a rubber or neoprene rubber gasket meeting ASTM specification C-564, or an appropriate coupler which the Department determines will provide for a water tight connection between the fittings and the building and effluent sewer pipes.
 8. An access cover of not less than eight (8) inches across shall be provided above each fitting.
- F. At least ten (10) percent of the inside volume of the tank shall be above liquid level to provide scum storage.
- G. In tanks with more than one (1) compartment, a four (4) inch diameter (minimum) "tee" fitting shall be placed in each common compartment wall, using the same specifications as required for the outlet fitting. The invert of this "tee" fitting shall be at the same elevation as the outlet "tee."
- H. Septic tanks shall be constructed of concrete, not less than twelve (12) gauge or thicker steel, or other materials approved by the Department.
1. Steel tanks shall be coated inside and out with asphalt or other protective coatings, meeting the most current

U.S. Department of Commerce Commercial Standard CS 177, Sections 5.3.1 through 5.3.4.4, or other coatings of equal performance approved by the Department.

2. Precast concrete tanks shall have a minimum wall, compartment, and bottom thickness of two and one-half (2 1/2) inches, and shall be adequately reinforced. The top shall be at least four (4) inches thick.
3. Where concrete block tanks are permitted by the Director or his authorized representative, the tanks shall be constructed of heavyweight concrete block, eight (8) inch minimum thickness, laid on a four (4) inch poured foundation slab. The mortared joints shall be well filled. All block holes or cells shall be filled with mortar or concrete. "k" webbing shall be installed at every third row of block. No. three (3) re-bar shall be installed vertically in every block. Tank interiors shall be surfaced with at least two (2) one-quarter (1/4) inch thick coats of corrosion resistant water-proof sealant. The first row of blocks shall be keyed or doweled to the concrete foundation.
4. Cast-in-place concrete tanks shall be constructed using the minimum sidewall thickness, bottom thickness, top thickness, and reinforcing shown in Diagram ____ and table __. All other requirements contained herein shall also be met. A structural permit is required from the Department of Commerce or the municipality with jurisdiction [as defined in ORS 456.750(5)].

5. For cast-in-place septic tanks with dimensions different from those shown in Table ____, or when the septic tank is to be located under a road or driveway, two (2) copies of detailed plans and specifications, prepared by a registered professional engineer licensed to practice in Oregon shall be provided to the agent for review and approval.
- I. All prefabricated septic tanks shall be marked on the uppermost tank surface with the liquid capacity of the tank and either the manufacturers full business name or the number assigned by the Department.
- J. Each commercial manufacturer of prefabricated septic tanks shall provide two (2) complete sets of plans and specifications, prepared by a registered professional engineer licensed to practice in Oregon, to the Department for review and approval.
- K. Each commercial manufacturer of prefabricated septic tanks shall provide the Department with written certification that septic tanks for use in on-site sewage disposal systems in the State of Oregon will comply with all requirements of this section.

APPENDIX C

STANDARDS FOR DISTRIBUTION BOXES, DROP BOXES, AND DIVERSION VALVES

I. DISTRIBUTION BOXES:

- A. Distribution Boxes shall be constructed of concrete, fiberglass, or other materials acceptable to the Department.
- B. Distribution boxes shall be watertight, and designed to accomodate the necessary distribution laterals. The top, walls, and bottom of concrete distribution boxes shall be at least one and one-half (1 1/2) inches thick.
- C. The invert elevation of all outlets shall be the same, and shall be at least two (2) inches below the inlet invert.
- D. Each distribution box shall be provided with a sump extending two (2) inches below the invert of the outlet.
- E. The minimum inside horizontal dimension measured at the bottom shall be eight (8) inches, with a minimum bottom inside surface area of one hundred sixty (160) square inches. The bottom outside surface area shall be equal to or greater than the top outside surface area.

- F. Distribution box covers shall be marked with the manufacturer's full business name, or number assigned by the Department.
- G. Each manufacturer shall provide the Department with complete and detailed plans and specifications of the distribution box, and shall certify, in writing, that distribution boxes manufactured for use in on-site sewage systems in Oregon will comply with all requirements of this section.

II. DROP BOXES:

- A. Drop boxes shall be constructed of concrete, fiberglass, or other materials acceptable to the Department.
- B. Drop boxes shall be watertight, and designed to accommodate the necessary piping. The top, walls, and bottom of concrete drop boxes shall be at least one and one-half (1 1/2) inches thick.
- C. The inverts of the inlet and overflow port shall be at the same elevation. The invert of the header pipe port(s) leading to the disposal trench(es) shall be six (6) inches below the inlet invert.
- D. Drop box covers shall be marked with the manufacturer's full business name, or number assigned by the Department.
- E. Each manufacturer shall provide the Department with complete and detailed plans and specifications of the drop box, and shall certify, in writing, that drop

boxes manufactured for use in on-site sewage disposal systems in Oregon will comply will all requirements of this section.

III. DIVERSION VALVES:

- A. Diversion valvues shall be constructed of durable material and of a design approved by the Department. They shall be corrosion-resistant, watertight, and designed to accomodate the inlet and outlet pipes.
- B. The manufacturer's name or number assigned by the Department shall be marked on the cover.
- C. Each manufacturer shall provide the Department with complete and detailed plans and specifications of the diversion valve, and shall certify, in writing, that diversion valves manufacuted for use in on-site sewage disposal systems in Oregon will comply with all requirements of this section.

APPENDIX D

STANDARDS FOR DOSING TANK CONSTRUCTION

- A. Dosing tanks used in on-site sewage disposal systems in Oregon shall be watertight. They may be constructed of concrete, fiberglass, or other noncorrosive materials approved by the Department.
1. Fiberglass dosing tanks shall be a minimum one-fourth (1/4) inch thick and constructed with a glass to fiber ratio of 40:60, with no exposed glass fiber.
 2. Precast concrete dosing tanks shall have a minimum wall and bottom thickness of two and one-half (2 1/2) inches. The top shall be not less than four (4) inches thick. There shall be no seams in the walls or bottom.
 3. Cast-in-place concrete dosing tanks shall have a minimum wall, top, and bottom thickness of six (6) inches when the liquid capacity is twelve hundred (1200) gallons or less. A structural permit from the Department of Commerce or the municipality with jurisdiction [as defined in ORS 456.750(5)] is required when cast-in-place concrete dosing tanks are used.
 4. Cast-in-place concrete dosing tanks with a liquid capacity greater than twelve hundred fifty (1250) gallons shall require submittal of detailing plans

and specifications, prepared by a registered professional engineer licensed to practice in Oregon.

- B. Each dosing tank shall be constructed and reinforced to withstand the loads imposed upon the walls and bottom.
- C. Except when dosing siphons are used, each dosing tank shall have a minimum inside bottom surface area of twelve and one-half (12 1/2) square feet.
- D. Each dosing tank shall have a minimum liquid capacity equal to the projected daily sewage flow or four hundred fifty (450) gallons, whichever is greater, for projected flows up to twelve hundred (1200) gallons per day. The Department may use its discretion in sizing dosing tanks when the projected daily sewage flow is greater than twelve hundred (1200) gallons per day. The liquid capacity shall be as measured from the invert elevation of the inlet fitting.
- E. The inlet fitting shall be of hubbed cast iron soil pipe or other materials approved by the Department, with a minimum diameter of four (4) inches. The dosing tank manufacturer shall supply a rubber or neoprene rubber compression gasket meeting the minimum requirements of ASTM designation C-564 with each fitting, or an appropriate coupler which the Department determines will provide for a water-tight connection.
- F. Each dosing tank shall be provided with an access manhole with a minimum horizontal measurement of eighteen (18) inches.

- G. Each prefabricated dosing tank shall be marked on the uppermost surface with the liquid capacity and the manufacturer's full business name, or number assigned by the Department.
- H. Each commercial manufacturer of prefabricated dosing tanks shall provide two complete sets of plans and specifications, prepared by a registered professional engineer, licensed to practice in Oregon, to the Department for review and approved. Each manufacturer must also provide written certification to the Department that such tanks distributed for use in on-site sewage disposal systems in Oregon will comply with all requirements of this section.

APPENDIX E

STANDARDS FOR EFFLUENT PUMPS, CONTROLS & ALARMS, AND DOSING
SIPHONS

- I. Pumps, Controls, and Alarms: electrical components used in on-site sewage disposal systems shall comply with Oregon's electrical code, and the following provisions:
 - A. Motors shall be continuous-duty, single-phase with built-in automatic reset-overload protection on a separate starting winding.
 - B. Pumps shall have durable impellers of bronze, cast iron, or other materials approved by the Department.
 - C. Submersible pumps shall be provided with an easy, readily accessible means of electrical and plumbing disconnect, and a noncorrosive lifting device as a means of removal for servicing.
 - D. Pumps shall be capable of passing a three-quarter (3/4) inch solid sphere, and have a minimum one and one-quarter (1 1/4) inch discharge.
 - E. Pumps shall be placed a minimum of six (6) inches above the dosing tank bottom.
 - F. Pumps shall be automatically controlled by sealed mercury float switches with a minimum mercury tube rating of twelve (12) amps at one hundred fifteen (115) volts A.C. The switches shall be installed so that

twenty(20) percent of the projected daily sewage flow is discharged each cycle.

- G. An audible, high water level alarm with manual silence switch shall be located near the building served by the pump. Alarm and pump controls shall be on separate circuits. If the alarm is located inside the building it shall be an audio-visual type with silence switch. The mercury float switch controlling the high water level alarm shall be located so that at time of activation the dosing tank has at least one-third (1/3) of its capacity remaining for effluent storage.
- H. An electrical permit is required for all electrical connections and components.
- I. When the projected sewage flow for the system exceeds twelve hundred (1200) gallons per day, or when the static lift is greater than one hundred (100) feet, the Department may exercise reasonable judgment in varying from the minimum pump requirements identified in this section.

II. Dosing Siphons. Dosing siphons used in on-site sewage disposal systems shall comply with all of the following minimum requirements:

- A. Shall be constructed of corrosion-resistant materials.
- B. Shall have a minimum siphon diameter of four (4) inches.
- C. Shall be installed in accordance with the manufacturer's recommendations.

- D. Shall have sufficient clearance above the siphon dome to allow removal of the dome.
- E. Shall be placed inside a specially designed dosing tank (constructed pursuant to appendix E) that will cause twenty (20) percent of the projected daily sewage flow to be discharged each cycle, unless otherwise authorized by the Department.

APPENDIX F

STANDARDS FOR PIPE MATERIALS AND CONSTRUCTION

I. EFFLUENT SEWER PIPE:

The effluent sewer shall be constructed with materials in conformance to building sewer standards, as identified in the Oregon State Plumbing Laws and Administrative Rules. The effluent sewer pipe shall have a minimum diameter of four (4) inches and extend not less than five (5) feet beyond the septic tank. It shall be installed with a minimum fall of six (6) inches per one hundred (100) feet, but in no instance shall there be less than two (2) inches of fall from one end of the pipe to the other.

II. DISTRIBUTION AND HEADER PIPE AND FITTINGS:

A. Plastic Pipe and Fittings

1. Styrene-rubber plastic distribution and header pipe and fittings shall meet the most current ASTM (American Society for Testing and Materials) Specification D 2852 and Sections 5.5 and 7.8 of Commercial Standard 228, published by the U.S. Department of Commerce. Pipe and fittings shall also pass a deflection test withstanding three hundred-fifty (350) pounds/foot without cracking by using the method found in ASTM 2412. In addition to the markings required by ASTM 2852, each manufacturer of styrene-rubber plastic pipe

shall certify, in writing to the Department, that the pipe to be distributed for use in absorption facilities within the State of Oregon will comply with all requirements of this section.

2. Polyethylene distribution pipe in ten (10) foot lengths and header pipe in lengths of ten (10) feet or greater of which pipe and fitting shall meet the most current ASTM Specification F405. Pipe and fittings shall also pass a deflection test withstanding three hundred-fifty (350) pounds per foot without cracking or collapsing by using the method found in ASTM 2412. Pipe used in absorption facilities shall be heavy duty. In addition to the markings required by ASTM F405, each manufacturer of polyethylene pipe shall certify, in writing to the Department that the pipe to be distributed for use in absorption facilities within the State of Oregon will comply with all requirements of this section.
3. Polyvinyl chloride (PVC) distribution and header pipe and fittings shall meet the most current ASTM Specification D-2729. Pipe and fittings shall pass a deflection test withstanding three hundred-fifty (350) pounds per foot without cracking or collapsing by using the method found in ASTM 2412. Markings shall meet requirements

established in ASTM Specification D-2729, subsections 9.1.1., 9.1.2 and 9.1.4. Each manufacturer of polyvinyl chloride pipe shall certify, in writing to the Department, that pipe and fittings to be distributed for use in absorption facilities within the State of Oregon will comply with all requirements of this section.

4. High density polyethylene smooth wall distribution and header pipe in ten (10) foot lengths, of which pipe and fittings shall meet the specifications designated as Appendix I and by this reference made a part of these rules. Each manufacturer of high density polyethylene smooth wall pipe shall certify, in writing to the Department that the pipe to be distributed for use in absorption facilities within the State of Oregon will comply with all requirements of this section.
5. The four types of plastic pipe described above shall have two (2) rows of holes spaced one hundred-twenty (120) degrees apart and sixty (60) degrees on either side of a center line. For distribution pipe, a line of contrasting color shall be provided on the outside of the pipe along the line furthest away and parallel to the two (2) rows of perforations. Markings, consisting of durable ink, shall cover at least fifty (50)

percent of the pipe. Markings may consist of a solid line, letters, or a combination of the two. Intervals between markings shall not exceed twelve (12) inches. The holes of each row shall be not more than five (5) inches on center and shall have a minimum diameter of one-half (1/2) inch.

- B. Concrete tile in twelve (12) inch lengths which meets the most current ASTM Specification C 412. Each manufacturer of concrete tile shall certify, in writing to the Department, that the pipe to be distributed for use in absorption facilities within the State of Oregon will comply with all of the requirements of this section.
- C. Clay drain tile in twelve (12) inch lengths that meets the most current ASTM Specification C 4. Tile used as part of an absorption facility shall bear the ASTM number above and some identification as to which quality standard it meets (Standard, Extra-Quality, Heavy-Duty). In addition to the markings required above, each manufacturer of clay tile shall certify, in writing to the Department, that the pipe to be distributed for use in absorption facilities within the State of Oregon shall comply with all of the requirements of this section.
- D. Bituminized fiber of which both solid pipe and fittings must meet the most current ASTM Specification D 1861.

Perforated bituminized fiber pipe shall meet the most current ASTM Specification D 2312. Each length of pipe and each fitting shall be marked with the nominal size, the manufacturer's name or trademark, or other symbol which clearly identifies the manufacturer and the appropriate ASTM specification number above. Markings on pipe shall be spaced at intervals not greater than two (2) feet. In addition to the markings required above, each manufacturer of bituminized pipe shall certify, in writing to the Department, that the pipe to be distributed for use in absorption facilities within the State of Oregon shall comply with all requirements of this section. In addition, all bituminized pipe that is to be installed as part of an absorption facility shall comply with the following requirements. The pipe shall have two rows of holes spaced one hundred-twenty (120) degrees apart and sixty (60) degrees on either side of a center line. For distribution pipe, a line of contrasting color shall be provided on the outside of the pipe along the line furthest away and parallel to the two (2) rows of perforations. Markings, consisting of durable ink, shall cover at least fifty (50) percent of the pipe. Markings may consist of a solid line, letters, or a combination of the two. Intervals between markings shall not exceed twelve (12) inches. The holes of

each row shall not be more than five (5) inches in center and shall have a minimum diameter of one-half (1/2) inch.

- E. Polyvinyl chloride (PVC) pressure transport pipe, pressure manifolds, and pressure lateral pipe and fittings shall meet the most current requirements for Class 160 PVC 1120 pressure pipe as identified in ASTM specification D-2241. The pipe and fittings shall marked be as required by ASTM Specification D-2241.

APPENDIX G

STANDARDS FOR NONWATER-CARRIED WASTE DISPOSAL FACILITIES,
MATERIALS, AND CONSTRUCTION

I. PRIVIES AND PORTABLE TOILET SHELTERS:

A. Privies and portable toilet shelters shall comply with the following general requirements:

1. Structures shall be free of hostile surface features, such as exposed nail points, sharp edges, and rough or broken boards, and shall provide privacy and protection from the elements.
2. Building ventilation shall be equally divided between the bottom and top halves of the room. All vents shall be screened with sixteen (16) mesh screen of durable material.
3. Buildings shall be of fly-tight construction and shall have self-closing doors with an inside latch.
4. Pits, tanks or vaults shall be vented to the outside atmosphere by a flue or vent stack having a minimum inside diameter of four (4) inches. Vents shall extend not less than twelve (12) inches above the roof.
5. Interior floors, walls, ceilings, partitions, and doors shall be finished with readily cleanable impervious materials resistant to wastes,

cleansers and chemicals. Floors and risers shall be constructed of impervious material and in a manner which will prevent entry of vermin.

6. Seat tops shall be not less than twelve (12) inches nor more than sixteen (16) inches above the floor. The seat openings shall be covered with attached, open-front toilet seats with lids, both of which can be raised to allow use as a urinal.
7. The distance between the front of the riser and the building wall shall not be less than twenty-one (21) inches.

B. Privies: In addition to complying with the requirements specified in Section I-A of this Appendix, privies shall be provided with:

1. Vents equal in area to not less than one-fifth (1/5) the floor area or a minimum of three (3) square feet, whichever is greater.
2. A minimum clear space of twenty-four (24) inches between seats in multiple-unit installations and a clear space of twelve (12) inches from the seat opening to the building wall in both single and multiple units.

C. Portable Toilet Shelters: Portable toilet shelters may be prefabricated, skid mounted, or mobile. In addition to complying with the requirements specified

in Section I-A of this Appendix, portable toilet shelters shall:

1. Provide screened ventilation to the outside atmosphere having a minimum area of one (1) square foot per seat.
2. Provide a minimum floor space outside of the riser of nine (9) square feet per seat.
3. Be furnished with a toilet tissue holder for each seat.
4. Be located in areas readily accessible to users and to pumping/cleaning services.
5. Provide separate compartments with doors and partitions or walls of sufficient height to insure privacy in multiple-unit shelters except that separate compartments are not required for urinals.

II. UNSEALED EARTH PITS FOR PRIVIES:

- A. The pit shall be constructed of such material and in such a manner as to prevent rapid deterioration, provide adequate capacity, and facilitate maintenance in a satisfactory manner under ordinary conditions of usage.
- B. The pit shall provide a capacity of fifty (50) cubic feet for each seat installed in the privy and shall be at least five (5) feet deep. The area within sixteen (16) inches of the surface grade shall not

be counted as part of the fifty (50) cubic-foot capacity.

- C. Pit cribbing shall fit firmly and be in uniform contact with the earth walls on all sides, and shall rise at least six (6) inches above the original ground line and descend to the full depth of the pit. However, pit cribbing below the soil line may be omitted in rock formations.

III. SELF-CONTAINED NONWATER-CARRIED TOILET FACILITIES:

- A. General Standards. All self-contained nonwater-carried toilet facilities shall comply with the following requirements:
 - 1. They shall have water-tight chambers constructed of reinforced concrete, plastic, fiberglass, metal, or of other material of acceptable durability and corrosion resistance, approved by the Department, and designed to facilitate the removal of the wastes.
 - 2. Black wastes shall be stored in an appropriate chamber until removal for final disposal elsewhere. Wastes shall be removed from the chamber whenever necessary to prevent overflow.
 - 3. Chemicals containing heavy metals, including but not limited to copper, cadmium and zinc, shall not be used in self-contained toilet facilities.

4. All surfaces subject to soiling shall be impervious, easily cleanable, and readily accessible.

B. Vault Toilet Facilities:

1. The minimum capacity of vaults shall be three hundred-fifty (350) gallons or in places of employment, one hundred (100) gallons per seat.
2. Caustic shall be added routinely to vault chambers to control odors.

C. Chemical Toilet Facilities:

1. Toilet bowls shall be constructed of stainless steel, plastic, fiberglass, ceramic or of other material approved by the Department.
2. Waste passages shall have smooth surfaces and be free of obstructions, recesses or cross braces which would restrict or interfere with flow of black wastes.
3. Biocides and oxidants shall be added to waste detention chambers at rates and intervals recommended by the chemical manufacturer and approved by the Department.
4. Chambers and receptacles shall provide a minimum storage capacity of fifty (50) gallons per seat.
5. Portable shelters housing chemical toilets shall display the business name of the licensed sewage disposal service that owns and is responsible for servicing them.

APPENDIX H

STANDARDS FOR CONSTRUCTION OF SEEPAGE PITS, CESSPOOLS, AND GRAY WATER WASTE DISPOSAL SUMPS

I. SEEPAGE PITS OR CESSPOOLS:

A. The liquid capacity of a seepage pit or cesspool shall be at least equal to the calculated volume of the required septic tank capacity for the dwelling or establishment served.

B. The minimum inside diameter of the lining shall be four (4) feet.

C. Two or more seepage pits shall be separated from each other by a distance equal to twelve (12) feet of undisturbed earth, minimum.

Whenever a pit with inside diameter greater than four (4) feet is used, pits shall be separated by a distance equal to three (3) times the diameter of the largest pit. For pits over twenty (20) feet in depth, the minimum space between pits shall be twenty (20) feet.

D. Maximum depth of seepage pits and cesspools shall be thirty-five (35) feet below the ground surface.

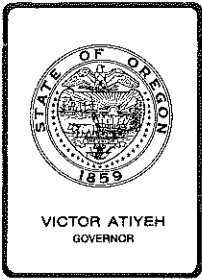
E. The seepage pit or cesspool shall be lined with stone, fired clay brick, building tile, adequately reinforced perforated precast concrete rings at least two and one-half (2-1/2) inches thick, or other materials approved by the Department. A six (6) inch space shall

be required between the lining of the pit and the soil, and it shall be backfilled with clean, coarse filter material.

- F. The inlet pipe of the seepage pit or cesspool shall be an elbow constructed of cast-iron or other material approved by the Department.
- G. Pits shall be covered with reinforced concrete tops equivalent in strength to septic tank covers required under Appendix B.
- H. An inspection port, not less than six (6) inches across its shortest dimension shall provide access at the top of the seepage pit over the inlet. (See Diagrams 15 and 16).
- I. Connecting building and/or effluent sewer lines shall be laid on a firm bed of undisturbed earth throughout their length.
- J. When multiple pits are used, or in the event new pits are added to an existing system, they should be connected in parallel.

II. GRAY WATER WASTE DISPOSAL SUMPS:

- A. A gray water waste disposal sump shall consist of a receiving chamber, settling chamber, and either a seepage chamber or disposal trench. Gray water waste disposal sumps shall be constructed of materials approved by the Department. (See Diagrams _____).



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. G, October 17, 1980, EQC Meeting

Request for Authorization to Conduct a Public Hearing on
Amendments to Solid Waste Management Rules, OAR 340-61-005
through 61-110 (State Plan under RCRA)

Background and Problem Statement

The Resource Conservation and Recovery Act of 1976 (RCRA) requires states to adopt a solid waste plan. Criteria for an acceptable plan are included in 40 CFR Part 256 which were adopted on July 31, 1979. The law allows 18 months from that date for states to submit a plan to the Regional Administrator of EPA-Region X (January 31, 1981). State guidance documents published by EPA indicate that funding will be withdrawn unless the plan is submitted.

The State Solid Waste Plan can be incorporated into Solid Waste Management Rules under the rulemaking authority of ORS 459, which allows for reasonable and necessary rulemaking, by reference, similar to the Air Quality SIP.

Alternatives and Evaluation

The only alternative other than adopting a State Plan is to discontinue participation in the federally funded solid waste program. The present funding for federal fiscal year 1981 beginning October 1 is \$117,200. It is uncertain whether EPA would continue funding of the Hazardous Waste Program if a plan is not adopted. At a minimum, hazardous waste portions of the plan would be required.

The state plan is to identify a general strategy for solid waste disposal, resource recovery and resource conservation and is to set forth the arrangements between state and local governments for implementing the plan. As such, the Division's Goals and Objectives and Status Report and Department rules are incorporated. All of these documents have undergone public review by the general public. At a minimum, a group of advisors to the Division have had opportunity to review and comment on the documents. The draft State Plan has been circulated to those advisors who have indicated a willingness to review the plan.

Summation

1. EPA, through RCRA and regulations, requires submission of an adopted State Solid Waste Plan prior to January 31, 1981, to allow for



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Materials

continued funding of the solid waste program.

2. ORS 459 gives the EQC authority to adopt "reasonable and necessary" rules covering solid waste management.
3. The public has been involved in development of many of the items making up the completed draft plan, including Goals and Objectives, Solid Waste Status Report and Department rules.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission authorize a public hearing to take testimony on the proposed ammendment to OAR 340-61-005 through 61-110 (State Solid Waste Plan).

Michael Downs
for
William H. Young

Attachments

- 1) Draft Statement of Need for Rulemaking
- 2) Draft Fiscal Impact Statement
- 3) Draft Hearings Notice
- 4) Draft Rule (340-61-017)
- 5) Draft State Plan
- 6) Land Use Consistency Statement

Robert L. Brown:ca

SC78

229-5157

9/29/80

Before the Environmental Quality Commission

In the Matter of the Adoption of)
Amendments to Solid Waste) Statement of Need
Management Rules OAR Chapter)
340, Section 61-005 to 61-110.)

The Environmental Quality Commission intends to adopt Solid Waste Program rule amendments OAR 340, Section 61-005 to 61-110.

A. Legal Authority
ORS 459

B. Need for the Rule

The proposed amendments are needed to adopt a State Solid Waste Plan as required by Public Law 94-580 (Resource Conservation and Recovery Act of 1976) and 40 CFR Part 256 (July 31, 1979), Guidelines for Development and Implementation of State Solid Waste Management Plans.

C. Principle Documents Relied Upon

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

Before the Environmental Quality Commission

In the Matter of the Adoption of)
Amendments to Solid Waste)
Management Rules OAR Chapter)
340, Section 61-005 to 61-110.)

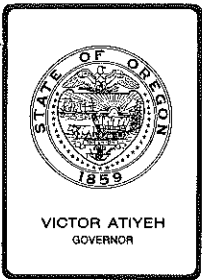
Fiscal Impact Statement

The Environmental Quality Commission intends to adopt Solid Waste Program rule amendments OAR 340, Section 61-005 to 61-110.

Adoption of a State Solid Waste Plan and submission of this plan to the federal Environmental Protection Agency will have no substantial fiscal impact on state or local government or the public at large. The plan only outlines existing policies, goals and statutes and regulations.

Adoption of the plan does make the state eligible to receive federal funding (federal F/Y 81 Total \$512,000) and should pass-through money become available, local designated solid waste planning and implementing agencies would be eligible. As funding for pass-through has never been appropriated, no estimate of possible funds can be made.

RLB:b
SB79.A



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

Attachment III
Agenda Item No. G
10/17/80 EQC Meeting

Distributed: 11/1/80
Hearing: 11/20/80

NOTICE OF PUBLIC HEARING

A Chance to Be Heard About

Additions to Solid Waste Management Rules
Regarding Adoption of a State Solid Waste Plan

The Department of Environmental Quality is proposing additions to the current Solid Waste Management rules. The proposed modifications to the rules cover adoption of a State Solid Waste Plan to be submitted to the federal Environmental Protection Agency.

What is DEQ Proposing?

Interested parties should request a copy of the complete proposed rule package (rule-summary of State Plan). The complete draft State Solid Waste Plan is on file at the Secretary of State's office and the State Department of Environmental Quality. The State Solid Waste Plan contains Policy, Goals and Objectives and Legislative Authority for operation of a solid waste management program.

Land Use Consistency:

The proposed rules appear to be consistent with statewide planning goals 2, 6, and 11. There is no apparent conflict with other goals.

Who is Affected by this Proposal?

The State Plan is a compilation of existing policy, goals and legislative authority. As such, there are no major effects on state or local government or the public at large. Submission of the plan to federal EPA does make the state eligible to receive federal grant funds.



Contains
Recycled
Materials

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 November 20, 1980, 5 p.m. Oral and written comments may be offered at the following public hearing:

City: Portland
Time: 1:00 p.m.
Date: November 20, 1980
Location: 522 S.W. 5th, Room 4A

Where to Obtain Additional Information:

Copies of the rules may be obtained from Robert Brown, 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 340-61-005 through 61-110. This rule is proposed under the authority of ORS 459.

Need for Rule:

The proposed rule amendments are needed to provide for adoption of a State Solid Waste Plan as required by the federal Environmental Protection Agency. Submission of the plan will make the state eligible for continued federal funding in the solid waste program and provide a document which outlines the policy, goals and legislative authority for the solid waste management program.

Fiscal Impact:

Adoption of the plan and submission to EPA makes the state eligible to receive grant funds (\$512,000 in federal F/Y 81). If pass-through money to local government becomes available, the state would be eligible to receive funds for local government.

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 in late December as part of the agenda of a regularly scheduled Commission meeting.

RLB:b
SB79.B

Proposed Amendments to Solid Waste Management Rules
OAR Chapter 340-61-005 to 61-110.

"State of Oregon Solid Waste Plan"

61-017 This solid waste plan, including rules prepared by the Department of Environmental Quality, is adopted as the State Plan pursuant to the Federal Resource Conservation and Recovery Act.

[Publications: The publication(s) referred to or incorporated by reference in this rule is available from the office of Secretary of State or the Department of Environmental Quality]

RLB:b

SB79.C

DRAFT

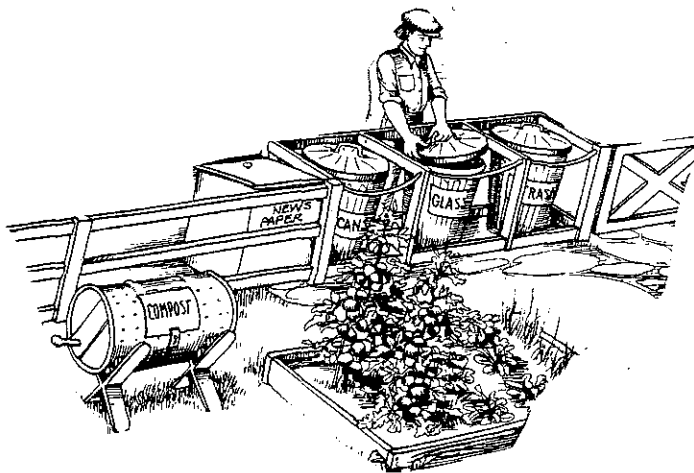
STATE SOLID WASTE MANAGEMENT PLAN

PREPARED FOR THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY

AS A REQUIREMENT OF SUBTITLE D FUNDING

UNDER THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976

October 1, 1980



GARBAGE is what you throw away!

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LIST OF ATTACHMENTS

1. 1979 STATUS REPORT

LEGAL AUTHORITY - LAWS AND RULES GOVERNING SOLID WASTE PROGRAM:

2. ORS 456 - SOLID WASTE CONTROL
3. ORS 468 - POLLUTION CONTROL
4. ORS 767 - MOTOR CARRIERS
5. OAR 340 14-005 thru 14-050 - PROCEDURES FOR ISSUANCE, DENIAL, MODIFICATION AND REVOCATION OF PERMITS
6. OAR 340 61-005 thru 61-110 - SOLID WASTE MANAGEMENT IN GENERAL (Includes new rules re. landfill siting assistance and requirements for waste reduction which have not yet been typeset into the rules)
7. a. OAR 340 62-005 thru 62-100 - PROCEDURES FOR LICENSING HAZARDOUS WASTE MANAGEMENT FACILITIES
b. OAR 340 63-006 thru 63-240, 63-400 thru 63-435, & OAR 860 36-060 thru 36-066, DEQ HAZARDOUS WASTE MANAGEMENT
8. OAR 860 36-060 thru 36-066 - STATE FINANCIAL ASSISTANCE TO PUBLIC AGENCIES FOR POLLUTION CONTROL FACILITIES FOR THE DISPOSAL OF SOLID WASTE
9. Letter from Department of Justice clarifying DEQ authority
10. 1981 State/EPA Agreement
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12. List of DEQ Regional Offices
13. Governor's Proclamation designating solid waste management planning areas
14. Governor's Proclamation designating solid waste management planning and implementing agencies
15. Letter of clarification to solid waste management planning and implementing agencies clarifying responsibilities

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Commonly Used Acronyms:

DEQ Oregon Department of Environmental Quality
EPA Federal Environmental Protection Agency
RCRA Resource Conservation and Recovery Act of 1976 (Federal)
SEA State/EPA Agreement - annual work plan for use of Federal funds

"Division" refers to DEQ Solid Waste Division

"Subtitle D" of RCRA refers to the section regarding State or Regional Solid Waste Plans

"Subtitle C" of RCRA refers to the section governing Hazardous Waste Management

INTRODUCTION

This Plan has been prepared to satisfy a requirement of the Resource Conservation and Recovery Act of 1976. This Federal Act provides that a State Plan approved by the EPA's Regional Administrator is a pre-requisite to provision of Federal funds to State and local agencies under Subtitle D of RCRA. RCRA's intent, we believe, is to ensure that all states have in place adequate waste management programs, and the EPA has provided standards for the development of such programs in the "Guidelines for Development and Implementation of State Solid Waste Management Plans".

For those States with existing waste management, programs, however, the requirement basically amounts to providing a documentation of what those programs consist of, and demonstrating that they meet RCRA standards. In fact, given the status of Oregon's waste management program, stimulation of waste reduction activities would have been our first choice for use of Federal funds, over the planning and inventory activities which have been required. A description of the development of Oregon's waste management program since 1971, and summaries of all local plans are contained in the enclosed 1979 STATUS REPORT, Attachment 1.

What the following pages represent, then, is a presentation of Oregon's program in the format of the Federal Guidelines for Development and Implementation of State Solid Waste Management Plans. Important documents to augment this presentation are attached, as listed on page

CHAPTER I - SCOPE OF PLAN

This Plan addresses all solid waste in Oregon that poses potential adverse effects to health or the environment, or provides opportunities for resource conservation or resource recovery. These wastes are: municipal, wastewater treatment sludge, pollution control residuals, industrial wastes, mining wastes, agricultural wastes, water treatment sludge, septic tank pumpings, and hazardous wastes. The Plan also addresses all aspects of solid waste management, which are: resource conservation, source separation, collection, transportation, storage, transfer, processing (including resource recovery), treatment and disposal. A description of our program for improved solid and hazardous waste management, addressing all categories of waste and waste management aspects follows on page 11.

A. Priorities

On page is a matrix indicating which waste types are getting most of the DEQ's attention, and our priorities for addressing the various aspects of managing each waste. As the matrix illustrates, municipal and hazardous wastes get the lions' share of the DEQ's attention. Historically, both local and state efforts have focused largely on solving the pressing environmental, health and nuisance problems associated with transfer and disposal of municipal solid wastes. The State has developed minimum standards for the storage, collection, and transportation of solid wastes, but regulation and enforcement of these activities has been a local affair. Processing waste for volume reduction alone is expensive and considered a low priority except in cases where alternatives are not feasible.

While there is a need to address the aspects of waste management mentioned above on a continuing basis, the State and many local governments recognize the imperative of implementing waste reduction and resource conservation measures as well. While waste reduction and resource recovery are philosophically high priorities of the DEQ, as outlined in Legislative and EQC policy statements, the degree to which we are able to make real-life progress in these areas is a direct reflection of at least three factors:

1. Legislative mandates: With the passage of new legislation in 1979, the DEQ was instructed to require waste reduction programs as a condition of landfill siting or financial assistance to Designated Agencies. We still have no authority to require such programs as a part of the local plans where such assistance is not requested.
2. Legislative allocation of funds: Historically, we have been able to encourage waste reduction and resource recovery through operation of the Recycling Switchboard, tax incentives and Pollution Control Bond monies, all programs funded by the Oregon Legislature. Although resource conservation and recovery appear to be high priorities of RCRA, in fact almost no money has been allocated by EPA for these activities. We feel that in Oregon waste reduction should be a higher priority for federal funding, given the status of our program.

3. Local government initiative: As more local governments undertake source separation and resource recovery projects, both DEQ headquarters and Regional staffs spend more technical assistance time on such matters, and more pollution control bond funds are allocated for these purposes.

Priority efforts in the management of hazardous wastes have been the establishment of a program to ensure proper storage, collection, transportation, treatment and disposal of hazardous wastes so as to protect health and the environment. In addition to maintaining this basic program, it is a high priority for the future to develop alternatives to long-term storage (disposal) of hazardous wastes. This will mean stimulating private industry to reuse wastes where possible, and to treat them so as to recycle them into usable products, reduce them in volume and/or neutralize their hazardous properties.

STATE SOLID WASTE MANAGEMENT PRIORITIES

1980-84

ASPECTS OF WASTE MANAGEMENT

WASTE TYPES	RESOURCE		SOURCE							
	DISPOSAL	CONSERVATION	SEPARATION	COLLECTION	TRANSPORT	STORAGE	TRANSFER	PROCESSING	TREATMENT	
<u>Priority 1:</u>										
Municipal (resi- dential, commercial & demolition)		A	A	C	C	C	B	A	NOT APPLICABLE	
Hazardous	A	A	A	A	A	A	A	A	A	
<u>Priority 2:</u>										
Industrial	A	B	B	C	C	C	C	B	B	
<u>Priority 3:</u>										
Agricultural	B	B	B	B	B	B	C	B	C	
Mining	B	C	C	C	C	C	C	C	C	
Water Treatment Sludge	B	C	C	C	C	C	C	C	C	
Wastewater Treatment Sludge	B	C	C	C	C	C	C	C	C	
Septic Tank Pumpings	B	C	C	B	B	C	C	C	C	
Pollution Control Residue	B	C	C	C	C	C	C	C	C	

A = High Priority
 B = Medium Priority
 C = Low Priority

B. Goals and Objectives

We are presently prioritizing Division Goals and Objectives, which were revised in the winter of 1979-80, and we will present the results of this effort in our budget discussions with the 1981 State Legislature. We have sent copies to interested advisors for prioritization, and will analyze their responses and complete the prioritization for inclusion in the final State Plan document. A detailed schedule of activities and check points for the next five years will be completed subsequent to the completion of this project. A listing of the Goals and Objectives follows:

SOLID WASTE PROGRAM 1981 - 1983

MISSION STATEMENT: To protect public health and safety and the environment and to conserve natural resources through a statewide program to:
minimize the generation of solid waste, obtain maximum recovery of usable materials, and provide for environmentally acceptable disposal of presently unusable solid waste within the framework of citizen involvement, interagency coordination, and efficient use of available resources. (Includes "generation to disposal" control of hazardous waste.)

GOALS

- I. To reduce/minimize generation of solid waste and hazardous waste.
- II. To increase/maximize recovery of usable resources from solid waste and hazardous waste.
- III. To ensure environmentally acceptable management of solid waste and hazardous waste.
- IV. To plan and manage the solid waste program for the Department of Environmental Quality.

GOAL I

TO REDUCE/MINIMIZE GENERATION OF SOLID WASTE AND HAZARDOUS WASTE.

OBJECTIVES:

- * Develop a data base, by geographic area, to determine the amounts of waste being generated in Oregon region of sludge. In priority order:
 - (1) Municipal/Hazardous Wastes
 - (2) Industrial Wastes
 - (3) Sludge
- * Carry out ongoing public education program to promote waste reduction.
- * Assist recyclers and local government in planning, implementation and coordination of waste reduction activities.

- * Seek legislative clarification of responsibility and role of state and local government in solid waste management programs.
- * Increase waste reduction programs for industrial and hazardous waste generators.
- * Promote research into new or improved technology for waste reduction.
- * Establish programs to reduce contributions of specific items to solid waste stream.
- * Work with generators (public/industry) to reduce hazardous wastes.

GOAL II

TO INCREASE/MAXIMIZE RECOVERY OF USABLE RESOURCES FROM SOLID WASTE AND HAZARDOUS WASTE.

OBJECTIVES:

- * Evaluate use of mechanical and thermal processing techniques for Municipal Wastes and selected materials and promote appropriate projects.
- * Encourage controlled salvage from the waste stream.
- * Develop markets for recyclable & recycled materials as they become available.
- * To promote hazardous waste treatment facilities.

GOAL III

TO ENSURE ENVIRONMENTALLY ACCEPTABLE MANAGEMENT OF SOLID WASTE AND HAZARDOUS WASTE RESIDUE.

OBJECTIVES:

- * Ensure integrity and safety of inactive sites.
- * To ensure that all off-site hazardous waste treatment facilities are in compliance with licenses (permits); facility and operating plans; statutes and rules (six (6) estimated).
- * To ensure that all on-site hazardous waste treatment facilities are in compliance with licenses (permits); facility and operating plans; statutes and rules (six (6) estimated).
- * To ensure that all off-site hazardous waste collection sites are in compliance with licenses (permits); facility and operating plans; statutes and rules (four (4) existing --six (6) proposed).

- * To ensure that all on-site hazardous waste collection sites are in compliance with licenses (permits); facility and operating plans; statutes and rules. (estimate twenty-five (25)).
- * Complete & implement pesticide container recycle/disposal program.
- * Complete and implement pesticide waste management program.
- * To ensure all hazardous waste generators are in compliance with the statutes and rules.
- * To ensure that all hazardous waste transporters are in compliance with rules.
- * Assume state authority for RCRA Subtitle "C" (hazardous waste).
- * Develop & maintain baseline information by intrastate geographic regions on hazardous waste management activities.
- * Acquire and maintain knowledge of hazardous management facilities; waste reduction, treatment and disposal techniques; and environmental monitoring techniques.
- * Increase the number of hazardous waste collection sites (promotional objective only! - See separate compliance objective).
- * Develop Pacific Northwest Comprehensive Management Plan for collection, transportation, treatment & disposal of hazardous wastes (EPA, Region X and Canada).
- * Develop and implement public education program for hazardous waste program.
- * Provide adequate response capability for hazardous material spills/emergencies.
- * Ensure that all operating hazardous waste disposal sites are in compliance with licenses (permits); facility and operating plans; statutes and rules.
- * Bring all landfills into compliance with performance standards.
- * Complete the RCRA inventory.
- * Develop and implement a uniform permit processing procedure.
- * Develop and implement procedures for uniform plan review.
- * Develop and implement the use of uniform landfill siting criteria and procedures.
- * Develop and implement a groundwater protection program which satisfies the requirements of RCRA.

- * Develop and implement a program for proper management (use, treatment and disposal of all sludges).
- * Assure that a continuing program of technical assistance and pertinent information concerning solid waste disposal is provided to the staff, local government, industry and the public.
- * Ensure proper closure of completed and abandoned landfills.
- * Bring the issue of "required acceptance" of wastes to local decision makers.
- * Develop a data base, by geographic region, of the volumes of municipal, industrial, demolition waste and sludges being landfilled.

GOAL IV

TO PLAN AND MANAGE THE SOLID WASTE PROGRAM FOR THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

OBJECTIVES:

- * Prepare a biennium budget.
- * Carry on an ongoing program planning effort.
- * Carry on a division-wide public participation program.
- * Provide for staff training.

C. Authority

Existing legal authority for solid waste management is found in the following Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR). See Attachments 2 through 8.

ORS Chapter 459, Solid Waste Control

ORS Chapter 468, Pollution Control

ORS Chapter 767, Motor Carriers

OAR Chapter 340

14 through 14-050 Procedures for Issuance, Denial, Modification and Revocation of Permits

61-005 through 61-110 Solid Waste Management in General

62-006 through 62-100 Procedures for Licensing Hazardous Waste Management Facilities

63-006 through 63-240 Department of Environmental Quality Hazardous Waste Management Facilities

63-400 through 63-435 Department of Environmental Quality Hazardous Waste Management Facilities

(Oar Chapter 860)

36-060 through Department of Environmental Quality Hazardous Waste Management Facilities

82-005 through 92-055 State Financial Assistance to Public Agencies for Pollution Control Facilities for the Disposal of Solid Waste

Also, see Attachment 9, a letter from the Oregon Department of Justice which contains the opinion that the DEQ has adequate authority to prohibit the establishment of open dumps and to close or upgrade existing open dumps. We are preparing revised rules for EQC adoption which would also allow us to ban open dumps for non-putrescible wastes, and would remove an exemption allowing landfill sites which are used only by the owners or persons in control of the premises to dispose of soil, rock, concrete or other similar non-decomposable materials. The new rules will be equivalent to or more stringent than the Criteria, except in the area of sludge disposal (see discussion page 11), and we expect adoption by March 1981.

The Division is also taking proposals to the 1981 Legislature to:

1. Correct a SNAFU in the law regarding waste reduction programs for solid waste. The proposed change would allow loan of Pollution Control Bond funds to prepare waste reduction plans.
2. Establish permit fees for solid waste landfills to provide an alternate funding source to Subtitle D RCRA funds, which are being phased out.

3. Establish performance bonds for landfills to cover costs of closing the fill and/or repairing any environmental damage.
4. Upgrade laws to allow Oregon to run the hazardous waste program in this state, in lieu of EPA. Would provide for site closure bonds, penalties, permit for on-site storage of hazardous wastes, a license fee and deed notation on property containing closed hazardous waste disposal sites.

D. Procedures for Revising this Plan

The procedures for revising this Plan are the same as those for adopting it - the State Administrative Procedures for Rule-making. At such time as the DEQ becomes aware of the need for revision, based on EPA advice, public advice, or our own determination, these Procedures will be followed.

CHAPTER II - IDENTIFICATION OF RESPONSIBILITIES FOR WASTE MANAGEMENT IN OREGON;
DISTRIBUTION OF FUNDING

- A. Responsibility for development and implementation of the State Plan:
State Legislation which was enacted in 1971 establishes the DEQ Solid Waste Division, and assigns to the DEQ the tasks of adopting and enforcing minimum performance standards and providing technical assistance to local governments. This legislation places the primary responsibility for solid waste management with local governments.

The Resource Conservation and Recovery Act of 1976 required identification of waste management planning areas, and of agencies to be responsible for waste management in those areas. Counties and Regions which had been the units for previous State planning efforts (see 1979 STATUS REPORT, Attachment 1), were identified as planning areas, and the county and regional governments which had developed the plans were designated as the agencies responsible for waste management and planning (see Governor's Proclamations, Attachments 13 and 14).

Of the various categories of solid waste, management of municipal wastes has been a high priority for local and state government attention. In addition, disposal of sewage sludge in connection with local wastewater treatment efforts has been designated as a high priority for local government attention.

(See DEQ letter clarifying responsibilities for waste types, Attachment 14.) Therefore, although State legislation gives responsibility for waste management primarily to local government, until adequate progress has been made in the management of municipal waste and sewage sludge, we foresee little local government planning activity for the remaining waste types. Management of these wastes presently consists of DEQ regulatory activity in relation to industries and other generators.

- B. The State has legal authority to pass Federal funds through to local governments under Section 82-005 thru 82-055. These procedures are patterned after existing State procedures, and were adopted so that Federal RCRA funds can be passed through to local governments if they become available.
- C. The DEQ has historically, and will continue to coordinate substate planning and implementation. Not only do we provide funds for such planning and implementation, but permits for facilities are issued based in part upon conformance with the accepted waste management plans. We also assist in coordinating projects which involve more than one planning and implementing agency.
- D. The DEQ is conducting the classification of disposal facilities for the inventory of open dumps (See page 13) this report, and the 1981 State/EPA Agreement, Attachment 10.
- E. The DEQ is responsible for development and implementation of the State regulatory program (See Chapter III this report).
- F. As noted in other sections of this report, the DEQ assists local government in development of their waste management plans, including resource conservation and recovery programs. Responsibility for development and implementation of these plans, however, rests with designated planning and implementing agencies.
- G. The planning and implementation of solid waste management facilities and services is the responsibility of local government, with State assistance as described in A above. The responsibility for planning and implementation of hazardous waste facilities rests with the State in cooperation with private industry.

Chapter III - Solid Waste Disposal Program

Regulation and Enforcement

A. Scope of Authority

Chapter 459 of Oregon Revised Statutes (ORS - copy attached) provides the framework for the state's regulatory and enforcement program. While primary responsibility for adequate solid waste management programs remains with local government, the state has authority to adopt and enforce minimum performance standards for the storage, collection, transportation, treatment and disposal of solid waste (ORS 459.015 and 459.045).

The Department's current rules, adopted in March 1972, are equivalent to most, but not all, of the RCRA criteria for classification of solid waste disposal facilities (40 CFR Part 257). Department staff are currently drafting revised rules which will be equivalent to or more stringent than the criteria, except in the area of sludge disposal. It is anticipated that these rules will be adopted by not later than March, 1981. (See copy of the current rules, Attachment 5.)

The Department currently does not have authority to regulate land spreading of sludge to an extent that could be considered equivalent to the criteria. Under the state's water quality statutes (ORS Chapter 468), the Department may regulate sludge application where there is an apparent threat to surface or ground water (ORS 468.72 and 468.770). However, where water quality is not threatened, the Department lacks authority to regulate sludge application so as to prevent contamination by pathogens, heavy metals or other toxic materials. ORS 459.005(11)(b) specifically excludes materials returned to agricultural land as fertilizers and soil conditioners from the state's legal definition of "solid waste." This effectively prohibits any regulatory or enforcement action by the Department. Recognizing this deficiency, the Department is proposing corrective legislation to the 1981 Legislature. It should be noted, however, that even if regulatory authority is granted, the Department does not intend to adopt regulations that are entirely consistent with EPA's sludge disposal criteria. The Department has formally appealed that portion of the criteria which requires adjusting the pH of the solid waste and soil mixture to 6.5 or greater. Research by Oregon State University scientists indicate that such treatment is a needless expense as it results in virtually no substantial change in the rate of heavy metal uptake by the crops to which sludge is typically applied in Oregon. The Department is hopeful that EPA will grant an exemption from this requirement.

B. Surveillance and Monitoring

The Department has ten field offices around the state in addition to the central office and laboratory. The field staff investigate complaints and carry out routine surveillance of solid waste facilities. The field staff also draft permits (see PERMITS below)

and initiate any enforcement action. A small central office staff writes rules, establish policies and procedures, review and approve permit drafts, lead the review of engineering plans for solid waste facilities and provide technical assistance and training for the regional staff. Headquarters and regional staff frequently conduct joint field inspections. The Department's laboratory includes two chemists who are assigned full-time to solid waste program activities. The chemists collect and analyze samples of various solid, liquid and gaseous materials.

Disposal sites located in areas where there is a potential for groundwater impact are required to install groundwater monitoring wells, in accordance with the recommendations of hydrogeologists from the State Department of Water Resources. Monitoring wells are sampled at least quarterly by Department staff and samples are analyzed in the Department's Laboratory. In addition to the groundwater monitoring, numerous special surface water surveys are conducted as part of the permit application review and permit compliance monitoring processes. Recently, the Department added the capability to evaluate disposal sites and their environs for accumulations of explosive gases. In addition to the Department's monitoring activities, the agencies' rules allow the Department to require self-monitoring by site operators when necessary or desirable. The Department's right to enter disposal sites for purposes of determining compliance and to enforce pertinent rules and regulations is guaranteed by ORS 459.285.

C. Permits

ORS 459.205 provides that a solid waste disposal site shall not be established, operated or maintained and that an existing site shall not be substantially altered or expanded until a permit is obtained from the Department. This permit, which contains a number of "conditions," is the Department's primary regulatory tool. The Department may deny a permit or may suspend or revoke a permit for facilities which fail to comply with the statutes or the Department's rules (ORS 459.245 and 459.255). Violation of permit conditions may result in a variety of criminal and civil penalties. Applications for a permit to establish a new disposal site or to modify or expand an existing site must include a feasibility study report (environmental impact assessment) as well as detailed engineering plans and specifications. These documents allow the Department to evaluate proposals and, by conditional approval, assure compliance with state standards.

D. Enforcement

ORS 459.276 states that the Environmental Quality Commission (the Department's governing board) may take "whatever action is appropriate for the enforcement of its regulations or orders." As noted above, these actions may include a full range of criminal and civil penalties and other legal remedies. In addition to the staff noted above, the Department's solid waste program is supported by a full-time Investigation and Compliance Section which coordinates enforcement

activities, prepares and prosecutes cases. The Department is also represented by legal counsel from the Department of Justice.

E. Summary

Oregon's DEQ has available most, but not all, of the authority and program elements necessary to achieve compliance with federal standards, including the closure or upgrading of all open dumps. Where deficiencies exist, the Department is actively pursuing remedies.

Closing or Upgrading Open Dumps

A. Open Dump Inventory

The State of Oregon is conducting an inventory of all existing disposal sites as defined by RCRA and is evaluating each site against the EPA sanitary landfill criteria for the purpose of listing open dumps in accordance with Section 4005 of RCRA. The inventory is a necessary prerequisite to implementing a dump closing program as required by Section 4003.

1. Methodology

The inventory is being conducted primarily by DEQ staff. Staff from other agencies and/or consultants are used as needed. Classification of a site shall be made only after an on-site inspection and evaluation in accordance with EPA's sanitary landfill criteria. Violations are documented so as to withstand judicial review. In the event that there is no reasonable way to promptly determine the classification of a site, that site may be classified as indeterminate until a final determination can be made. A reasonable effort will be made to search out operating sites currently unknown to the State, possibly including the use of aerial photography.

Operators of facilities found to be in violation of the criteria or the Department's rules are mailed a preliminary notification which describes the violation(s) and includes a schedule for correction. In the event that corrections are not feasible or when operators refuse to comply within the time period allotted, the operator and other directly affected parties are sent a final notification (by certified mail) (at least 20 days) prior to submission of the facility name must be submitted to EPA for publication on the open dump list.

Facilities classified as open dumps are prohibited and will be closed to the extent that state rules are equivalent to the RCRA criteria. Permits for facilities which violate the Department's rules will be promptly amended to include a time schedule for upgrading or closure, unless such a schedule is already in effect. The time period allotted for compliance shall not exceed five years from the date of publication on the open dump list. Copies of permits for sites classified as open dumps during FY 80 are listed as Attachment .

2. Appeals

Pursuant to ORS Chapter 183, the Department has promulgated regulations outlining procedures for contested case hearings. Any action by the Department which would result in closure of a disposal site may be appealed to the Environmental Quality Commission for such a hearing. As noted above, it shall be the policy of the Department to notify affected parties by certified mail at least 20 days prior to formal classification of a site as an open dump. Said notification shall describe the procedure for appealing the proposed classification. In the event of an appeal, classification shall be delayed until the appeals process has been completed and a ruling made by the Environmental Quality Commission.

3. Timetable

DEQ staff have completed an inventory of most municipal (domestic) waste sites. Those which remain (including some considered indeterminate) will be completed during FY-81. Background data (i.e., name of property owner, legal description of property, etc.) for impoundments and some industrial waste landfills has been gathered. The actual survey of industrial waste sites will begin approximately October 1, 1980. Data on all sites to be listed in the next publication of the inventory will be submitted by September 1, 1981. Data on sites inventoried after that date will appear in subsequent publications of the inventory.

Inasmuch as the inventory shall include all categories of solid waste disposal sites, a phasing of the inventory over several years is required. The determination of priorities for the classification of disposal sites was based upon (a) the potential for health and environmental impacts of the solid waste material or disposal facility, (b) the availability of state regulatory and enforcement power, and (c) the availability of federal and state resources for this purpose. Accordingly, categories of facilities and their priority for inventory are as follows:

1. Municipal waste disposal sites.
2. Industrial waste impoundments and landfills.
3. Waste water treatment plant sludges.
4. Other pollution control residues.
5. Agricultural waste disposal sites.
6. Mining waste disposal sites.

Through a grant from EPA the Department has completed a preliminary assessment of surface water impoundments in accordance with Section 1442(a)(b)(c) of the Safe Drinking Water Act (P.L. 930523). This assessment was completed in May, 1980. The results of this survey will provide some of the data necessary for the RCRA inventory.

4. Dump Closure Requirements

The Department's administrative rules specifically require proper closure and continued maintenance of a disposal site before it may be legally closed. All solid wastes must be compacted and covered with at least two feet of compacted earth. The final cover must be graded, seeded with appropriate groundcover and maintained until the fill has stabilized. The Department is also seeking authority from the 1981 Legislature to require performance bonds or other surety from disposal site operators to further assure proper closure and maintenance of completed landfills.

5. Abandoned Facilities

As noted above, state rules currently prohibit the abandoning of a solid waste disposal site without proper closure and maintenance. These rules have been in effect since 1972 and it is the Department's position that very few, if any, illegally abandoned facilities exist that pose any significant threat to public health or the environment. Nevertheless, as time permits, the Department will seek out and pursue proper closure of any abandoned facilities that may exist. Authority for such action exists in ORS 459.205 which prohibits a landowner from "maintaining" a disposal site without a permit from the Department, whether the facility is being actively operated or not.

B. Establishment of New Open Dumps

It is the policy of the State of Oregon to prohibit the establishment of new open dumps. Currently, the Department's rules specifically prohibit the open dumping of putrescible waste and the Attorney General's Office has confirmed that authority exists to adopt additional rules prohibiting all open dumps (see Attachment 9). Proposed rule changes have been drafted and are scheduled for adoption by no later than March, 1981.

CHAPTER IV - RESOURCE RECOVERY PROGRAM

- A. Resource Conservation and Recovery Policies and Strategy
(For greater detail on policies, see 1979 Status Report, Attachment 1).

The State Legislature has charged the Department of Environmental Quality with the responsibility of actively encouraging and assisting local government, industry and private citizens to conserve and recover resources that were previously discarded. The Environmental Quality Commission has developed various incentives to pursue this objective. The Commission has provided the following programs:

1. Planning grants to local government entities.
2. Pollution Control Bond grant/loan program for project implementation of resource recovery projects.
3. Approval of tax credit applications for private industrial facilities that utilize waste materials.
4. Public information and education programs and exhibits and seminars.
5. Technical assistance programs to assist in planning activities, equipment testing and material and energy market development.

These programs have been beneficial, but not completely successful in promoting resource conservation and recovery. Among the various factors inhibiting progress in achieving the goals are:

1. Recent economic conditions beyond the control of the affected parties such as inflation, recessions and loss of state financial resources.
2. Lack of adequate skilled personnel within the Department.
3. Lack of successful projects in Oregon and nationally.
4. Reluctance by local government to modify present disposal practices to accomplish recovery and reuse of waste materials.

Although some of the factors which discourage conservation and recovery programs are beyond the power of the Department or the State to change, certain programs and procedures can be modified to achieve better results. Portions of the following items will be implemented by the Department to the extent that necessary resources are available:

1. Strengthen the existing information and education programs by incorporating new materials as they become available from other federal, state, local government, industrial or private sources. These sources can include programs and information developed by schools, industrial associations, and governmental agencies on all levels.

2. Develop and present periodical training sessions around the state to Department regional staff members and through use of other forums. This could include providing staff presentations to other organizations (Association of Oregon Counties, Association of Oregon Industries, etc.) as well as to schools.
3. Initiate cooperative evaluation and assistance programs within the various DEQ divisions to better utilize staff expertise on specific projects.
4. Develop new programs in cooperation with other state agencies (Department of Energy, Public Utility Commission, etc.) to encourage use of waste materials as energy sources.
5. Develop new techniques in cooperative efforts with private associations (American Society of Mechanical Engineers, Governmental Refuse Collection and Disposal Association, Association of Oregon Industries Association of Oregon Recyclers, etc.) to foster material and energy recovery programs for using wastes.
6. Continue and improve the existing technical assistance program by employee development and by implementing a project manager program (giving one individual overall responsibility and resources) for a project.
7. Continue use (as financial resources are available) of the present grant/loan program.
8. Continue tax credit approvals for waste reduction and recovery programs; develop guidelines (under the direction of the Environmental Quality Commission).

B. Procurement of Recovered Materials

A draft report, "Institutional Barriers to the Procurement of Products Made From Recovered Materials in the State of Oregon" has been produced by a contract research firm for the Department. This report contains a review of present state policy with regard to procurement of items containing recovered materials. In the process of review all key procurement agencies and items were identified. Special attention was paid to construction materials, paper products, waste oil, and tires. Efforts were made to coordinate with the Oregon Department of Energy and their activities toward compliance with the Federal Energy Production and Conservation Act (EPCA).

The report will recommend procurement procedures and policies for responsible agencies. A further product of the report will be the establishment of a time table for implementation of procurement procedures to bring the state and local procurement agencies into full compliance with Section 6002 (C) of RCRA by September 30, 1982.

In consideration of the lack of emphasis put on this section of the law by the EPA, and given the multi-jurisdictional nature of procurement in Oregon, the report will be advisory and informational rather than regulatory in nature.

The draft report is still in the review process, and thus far no negative comments have been received. During this period of research and report review Oregon procurement agencies have been making efforts to obtain recycled products through their standard procurement procedures. The Oregon Department of General services has made special efforts to finalize administrative changes necessary to enable the Department to comply with Attorney Generals Opinion (no. 7856) relative to ORS 279, use of recycled paper. Procedures have been changed to include more recycled paper in the bidding and purchase process and to increase the general use of recycled paper by the Department of General Services and other state agencies.

- C. For more information about our resource recovery and waste reduction efforts, see the 1979 STATUS REPORT, Attachment 1, and the 1981 State/EPA Agreement, Attachment 10.

CHAPTER V - FACILITY PLANNING AND DEVELOPMENT

A. Solid Waste Facilities

Planning for new disposal facilities to replace those which are reaching capacity, those which are scheduled for closure as a result of state regulations, and/or those which are identified as Open Dumps based on Federal Criteria is a high priority. Where choices must be made, resources will go first to planning for replacement of the sites which handle the greatest volumes and serve the greatest numbers of people. As local government requests our assistance in facility planning and implementation, we intend to encourage updating of their local waste management plans governing all aspects of waste management. In such cases, waste reduction programs will be a required part of the plans.

Should accelerated population growth or other factors create needs for plan updates, we would, of course, encourage additional planning activities and provide whatever technical and financial assistance we have available. The Solid Waste Division will contact counties as necessary to encourage plan updates and offer supplemental state planning grants as an incentive.

Following is a list of counties we presently intend to work with, in priority order, along with a listing of the sites in each county which are classified as Open Dumps. The asterixed (*) sites have been granted variances and do not presently violate state law, so are not scheduled for closure. Those sites marked with a double asterix (**) are already working on waste management plan updates.

PRIORITY #1

<u>County</u>	<u>Site</u>	<u>Permit No.</u>
** 1. Portland	Metro Area	(Need for new regional site)
** 2. Marion County	Brown's Island	225
** 3. Hood River County	Hood River	168
** 4. Clatsop County	Elsie	73 *
	Seaside	22 *
	Cannon Beach	23 *
	Astoria	118
	Warrenton	120
** 5. Lincoln County	Waldport	132
	Agate Beach	162
	North Lincoln	182

PRIORITY #2

<u>County</u>	<u>Site</u>	<u>Permit No.</u>
1. Wheeler County	Fossil	260

2. Lane County	Cottage Grove	83
	Creswell	78
3. Columbia County	Santosh	195
4. Coos County	Powers	160 *

PRIORITY #3

<u>County</u>	<u>Site</u>	<u>Permit No.</u>
1. Lake County	Christmas Valley	9 *
	Fort Rock	276 *
	Plush	10 *
	Summer Lake	183 *
	Silver Lake	184 *
	Adel	4 *
	Paisley	178 *
2. Malheur County	Willow Creek	228
	Juntura	272
	Harper	271
	Adrian	101
	Brogan-Jamieson	103
3. Jackson County	Butte Falls	205
4. Grant County	Dayville	207
5. Polk County	Fowler's	198
6. Umatilla County	Pilot Rock North	107

B. Hazardous Waste Facilities

Planning for hazardous waste disposal sites should be done on a regional basis. The Chem-Securities disposal site in Oregon presently receives approximately 45 percent of its wastes from Washington, and 5 percent from Canada. Thus, projections for the life of the site vary depending upon actions taken region-wide. Given historical volumes, the estimated life of this site is 80 years, but the increase in the number of materials which are defined as hazardous wastes under EPA rules could double these volumes, decreasing the life of the site to 40 years. This increase at the Chem Securities site could be off-set if the state of Washington opens a disposal site as planned. We will be investigating, in cooperation with Washington, the possibility of providing a facility in that state which could meet regional needs which are not presently met at the Chem-nuclear site, e.g., an incineration facility. The Hazardous Waste Section is not presently allocating planning resources to developing additional disposal facilities in Oregon.

Oregon's plan for collection of hazardous wastes is already developed. It is to encourage the development of a collection site in each Oregon

city of 10,000 or more people. We are presently working with local government, local landfill operators, and transporters/generators of hazardous wastes to implement this plan and provide this important service. Planning for adequate treatment of hazardous wastes should also be done with a regional basis. We intend to identify treatable wastes being generated in the region, and to determine their volumes and geographic locations. We will then determine the available capacity of treatment facilities, and based on this information determine what additional capacity is needed. We will use tax incentives to support industry to provide new treatment capacity in Oregon. (Since treatment is essentially an industrial process, we anticipate that it is private industry which will provide the service.)

Chapter VI - COORDINATION WITH OTHER PROGRAMS

Requirements:

- a) DEVELOP THE STATE SOLID WASTE MANAGEMENT PLAN IN COORDINATION WITH FEDERAL, STATE AND SUBSTATE PROGRAMS FOR AIR AND WATER QUALITY, WATER SUPPLY, WASTE WATER TREATMENT, PESTICIDES, OCEAN PROTECTION, TOXIC SUBSTANCES CONTROL, AND RADIATION CONTROL. Draft copies of the plan will be sent to these programs for review and comment.
- b) PROVIDE FOR COORDINATION WITH PROGRAMS UNDER SECTION 208 OF THE CLEAN WATER ACT. The DEQ Water Quality program has not yet addressed waste disposal sites as non-point sources. We will coordinate activities with them when they do more into this activity.
- c) PROVIDE FOR COORDINATION WITH THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEMS (NPDES). Where NPDES permits are in effect, state facility permits and actions taken to close or upgrade open dumps are issued as amendments to this permit, and where practicable, are coordinated with issuance of new or revised NPDES permits.
- d) PROVIDE FOR COORDINATION WITH ACTIVITIES FOR MUNICIPAL SEWAGE SLUDGE DISPOSAL AND UTILIZATION CONDUCTED UNDER THE AUTHORITY OF SECTION 405 OF THE CLEAN WATER ACT AND WITH THE PROGRAM FOR CONSTRUCTION GRANTS FOR PUBLICLY OWNED TREATMENT WORKS. The Department has undertaken an integrated sludge management project, as detailed in 1980 and 1981 State/EPA agreements, and described further in Chapter III.
- e) PROVIDE FOR COORDINATION WITH STATE PRETREATMENT ACTIVITIES FOR THE CLEAN WATER ACT. See d) above.
- f) PROVIDE FOR COORDINATION WITH AGENCIES CONDUCTING ASSESSMENTS OF THE IMPACT OF SURFACE IMPOUNDMENTS ON UNDERGROUND SOURCES OF DRINKING WATER UNDER THE AUTHORITY OF THE SAFE DRINKING WATER ACT: The solid Waste Division conducted the Surface Impoundment Assessment (to identify potential impacts on drinking water) in cooperation with the Water Quality Division, and will work in cooperation with Water Quality and Regional staff to determine impacts of industrial impoundments on drinking water as part of the Open Dump Inventory over the coming year.
- g) PROVIDE FOR COORDINATION WITH STATE UNDERGROUND INJECTION CONTROL PROGRAMS UNDER THE AUTHORITY OF THE SAFE DRINKING WATER ACT AND WITH THE DESIGNATION OF SOLE SOURCE AQUIFERS UNDER THAT ACT. A preliminary work plan has been developed between DEQ Water Quality Division and the State Water Resources Department to identify sole source aquifers. We will be kept informed as this project proceeds, and consider protection of sole source aquifers in our regulatory and permitting program.
- h) PROVIDE FOR COORDINATION WITH STATE IMPLEMENTATION PLANS DEVELOPED UNDER THE CLEAN AIR ACT; INCINERATION AND OPEN BURNING LIMITATIONS; AND STATE IMPLEMENTATION PLAN (SIP) REQUIREMENTS IMPACTING RESOURCE RECOVERY SYSTEMS. Municipal open burning dumps are prohibited under state law, except for a few rural sites which have been given variances

while developing alternatives. These variances are being evaluated as they expire, and are largely being phased out. Silvicultural, agricultural, land clearing and waste burning are coordinated with the SIP, and must get permission from DEQ regional offices based on the SIP.

- i) PROVIDE FOR COORDINATION WITH THE ARMY CORPS OF ENGINEERS PERMIT PROGRAM FOR DREDGE AND FILL ACTIVITIES IN WATERS OF THE UNITED STATES. The DEQ will not approve a proposed landfill plan where dredge and fill is proposed without Corps approval.
- j) PROVIDE FOR COORDINATION WITH THE OFFICE OF ENDANGERED SPECIES, DEPARTMENT OF INTERIOR, TO ENSURE THAT SOLID WASTE MANAGEMENT ACTIVITIES, ESPECIALLY THE SITING OF DISPOSAL FACILITIES, DO NOT JEOPARDIZE THE CONTINUED EXISTENCE OF AN ENDANGERED OR THREATENED SPECIES NOR RESULT IN THE DESTRUCTION OF ADVERSE MODIFICATION OF A CRITICAL HABITAT. In review of plans for proposed sites we will consult with State Fish and Wildlife, and the Office of Endangered Species.
- k)
 - 1. We will be aware of developments and coordinate with programs under the Toxic Substances Control Act (EPA) and the Federal Insecticide, Fungicide and Rodenticide Act (State and Federal Departments of Agriculture) to accommodate disposal of substances banned and removed from the market under these programs.
 - 2. We will coordinate when appropriate with the EPA and the National Oceanic and Atmospheric Administration regarding disposal in ocean waters under the Marine Protection, Research and Sanctuaries Act.
- l) Where practicable and applicable, we will coordinate with programs of other Federal agencies, including:
 - 1.
 - Department of the Interior - Fish and Wildlife Service, re. wetlands,
 - Bureau of Mines and Office of Surface Mining re. mining waste disposal and use of sludge in reclamation
 - U.S. Geological Survey re. wetlands, floodplains and groundwater
 - 2. Department of Commerce, National Oceanic and Atmospheric Administration re. coastal zone management plans.
 - 3. Water Resources Council re. floodplains, surface and ground waters.
 - 4. Department of Agriculture, including Soil Conservation Service re. land spreading solid waste on food chain croplands.
 - 5. The Federal Aviation Administration re. locating disposal facilities on or near airport property.
 - 6. The Department of Housing and Urban Development re. 701 comprehensive planning program, flood plains mapping.

7. The Department of Defense re. development and implementation of state and substage plans with regard to resource recovery and solid waste disposal programs at various installations.
 8. The Department of Energy re. state energy conservation plans under the Energy Policy and Conservation Act.
 9. Other programs as deemed appropriate.
- m) Where practicable, we will coordinate with solid waste and hazardous waste management plans in neighboring states and with plans for Indian reservations in the state.

CHAPTER VII - PUBLIC PARTICIPATION

A. Requirements for Public Participation in State and Substate Plans

1. The Solid Waste Division maintains a current list of agencies, organizations and individuals affected by or interested in the Plan. We conducted a major constituency development activity in early 1979, and have just conducted an update of our list of advisors. As a part of that update, we asked advisors to sign up for specific tasks, and as a result developed a list of persons interested in reviewing the State Plan. (See questionnaire, Attachment 11.)
2. An information depository of relevant information is maintained at the Solid Waste Division headquarters office, and when appropriate, in each of the DEQ's 10 regional and branch offices around the state (see list, Attachment 12).
3. This draft plan will be reviewed by those advisors who expressed an interest in doing so, and by other appropriate individuals. A public workshop and hearing will be held in the process of formal adoption of the Plan by the EQC, and a responsiveness summary will be prepared to summarize the public's view and set forth the Agency's responses. This responsiveness summary will be made available to the public and all those who commented.
4. While the task of compiling State Plan elements has not been deemed an appropriate activity for public participation, such participation has occurred over the years in the development of the State program and of the local waste management plans which make up pieces of the State Plan. A State Advisory Committee was involved in the initiation and review of local waste management planning. (See summary of local Plans in 1979 Status Report, Attachment 1.) Similar committees existed for each of the local planning units. The State Advisory Committee was also instrumental in developing of much of the policy and Guidance found in the 1979 Oregon Solid Waste Management Status Report. Subsequently, work in the areas of rule development and revision, education projects, Goals & Objectives revision and prioritization and other specific work products which are included in the State Plan has been and is being accomplished with the assistance of Task Forces, meetings, hearings, and other appropriate public participation activities.

To meet the requirement of providing information and consulting with the public on plan development and implementation, the Division shall further:

- a. Publish information in our newsletter, which reaches an interested audience, as well as send press releases to major media announcing the public hearing prior to adoption of the State Plan by the EQC. Notice of the hearing will also be published in the Secretary of State's Bulletin.

- b. Make copies of the draft and final State Plan available at DEQ Headquarters, Regional and Branch Offices.
 - c. Send drafts of the State Plan for review to those individuals, agencies, and organizations which expressed an interest in reviewing the State Plan on our questionnaire (Attachment 11).
 - d. Prepare a public responsiveness summary and make it available to the public. Copies will be sent to those who responded.
5. State and substate planning agencies shall conduct public hearings and public meetings where the agency determines there is sufficient interest. A public hearing will be held prior to EQC adoption of the plan. An informal session will precede this hearing to discuss comments from Plan reviewers received to date, and the Agency's responses. (See schedule for State Plan Adoption in the State/EPA Agreement, Attachment 10).

B. Requirements for Public Participation in the Annual State Work Program

1. A public participation work plan is included in the annual State work program.
2. Since EPA limits so strictly the use of Federal funds allocated under Subtitles C and D, there are few if any decisions left to be made at the State/local level about how to spend these funds. We have, therefore, not found that development of the work program lends itself well to public participation. The DEQ has, however, held a well-publicized public information meeting to inform the public about the nature of the State/EPA Agreement for the year. The draft work program is made available for review at DEQ Headquarters and Regional Offices.
3. The State/EPA Agreement for the DEQ as a whole undergoes the A-95 Review process as required. (A process designed to ensure review of federal and federally-funded projects by appropriate state and local agencies.)
4. The final work program (Attachment 10) is available for review at the DEQ Headquarters and Regional Offices, and contains our comments to EPA on the public participation issue.

C. Requirements for Public Participation in State Regulatory Development

1. Public hearings are conducted prior to adoption or revision of any rules, in accord with the State Administrative Procedures Act. Legislative hearings are conducted prior to adoption of any legislation. Where there is sufficient interest, public workshops, task forces or other meetings may be held. A public responsiveness summary is prepared, sent to those who commented, and made available to the public.

2. In advance of such hearings, fact sheets are prepared and made available to those on the appropriate mailing list(s), and placed in the information depositories.

D. Requirements for Public Participation in the Permitting of Facilities

1. Hearings on approval or renewal of for disposal or resource recovery facilities are generally and most appropriately held by the local/regional governments involved. The DEQ would hold hearings only if local governments could not be persuaded to provide adequate opportunities for public input. Such hearings would be held in accord with applicable State and Federal rules.

E. EPA Recommended (Not Required) Public Participation Activities

1. "Work with an Advisory Group which has a balanced viewpoint":
The Division's process for working with our advisors is outlined in the SEA (Attachment 10). For 1980-91 we updated our list of advisors, sending them a list of activities for which we would like public involvement, and asking them to sign up for the specific activities which interest them. This questionnaire (Attachment 11) was also sent to all State Agencies, the nearly 2,000 recipients of our newsletter, BEYOND WASTE, and others.

We now maintain separate mailing lists for each item listed. This approach allows advisors to set priorities for their time and involvement, and helps the Division to avoid the time and expense of sending mailings to those who are not interested in a given task. To date, approximately 175 individuals, organizations or agencies have signed up for involvement in or to receive information for one or more of the listed activities. We will conduct an analysis of each list to see whether additional expertise or points of view would assist us to accomplish the task, and if so, we will actively seek involvement of persons who can provide that.

2. "Develop public education programs": We have developed an education package which helps to explain waste management problems and the need for improved management and waste reduction measures. The materials we have developed (Fact sheets, a poster display set, and a slide/tape presentation) are providing invaluable assistance to community, church and youth groups; the schools; and environmental and recycling groups in their educational efforts. Additionally, a display is currently making a tour of public places around the State. Subsequent to our Goals and Objectives prioritization effort, a task force will assist our education staff to develop and implement an education strategy for the coming year.

Chapter VIII - Program for Improved Solid Waste Management

Ed. note: Except as noted, the following discussion applies to all non-hazardous solid wastes (i.e., municipal waste, water and waste water treatment sludges, other pollution control residues, industrial waste, mining wastes, agricultural wastes, septic tank pumpings, etc.). Hazardous wastes will be treated in the following section.

A. Storage

1. Definition:

"Storage" means the temporary containment of solid wastes prior to disposal.

2. Objective:

To ensure that solid wastes are stored in a manner to prevent adverse environmental impacts and hazards to public health and safety.

3. Issue Discussion:

a. Benefits

Proper storage of solid wastes will ensure the prevention of vector production and sustenance, hazards to disposal workers and the public, air pollution or water pollution, objectionable odors, unsightliness and related nuisance conditions.

b. Current Status

The storage of municipal wastes is normally regulated by local government in Oregon. The state has assumed primary responsibility for regulating the storage of other solid wastes. The state adopted minimum standards for proper storage of all non-hazardous solid wastes in March 1972.

c. Problems to be Overcome -- None

4. Recommendations:

a. No planning tasks are identified.

b. DEQ will continue to conduct compliance inspections and provide technical assistance.

B. Collection/Transfer

1. Definition:

"Transfer facilities" are places where solid wastes are moved from smaller collection vehicles to larger ones so as to

facilitate more efficient transportation. Frequently, municipal waste transfer facilities receive materials directly from the public.

2. Objective:

To ensure that solid wastes are collected and transported safely and efficiently.

3. Issue Discussion:

a. Benefits

-Transfer facilities have less environmental impact, tend to be more aesthetically acceptable and, therefore, are easier to site (establish) than a new landfill.

-If the haul distance from a transfer facility to a disposal site is not excessive, a transfer system is cheaper to operate than a landfill (Note: the relative costs of landfilling vs. transfer may vary significantly and should be carefully analyzed on a case-by-case basis).

-A further benefit of transfer vs. multiple landfills is that wastes from a large geographic area are ultimately consolidated in one place, thereby providing better opportunity for resource recovery and/or more cost-efficient landfilling, and better control of environmental impacts.

b. Current Status

The collection of municipal wastes is primarily regulated by local government, although there are state standards relative to load limits, speed limits, etc. The state minimally regulates the collection of other wastes and is the primary regulator of solid waste transfer facilities. A few local governments, however, have regulatory programs in addition to the Department's, for controlling municipal solid waste transfer facilities.

c. Problems to be Overcome

-Franchising and public vs. private operation are major issues in solid waste collection. The Department has not taken an official position (pro or con) relative to the franchising of refuse collection or public vs. private collection of municipal waste. These are considered to be local issues.

-Self-hauling of wastes by the public is another important issue. For reasons of energy conservation and safety, the Department strongly believes that individuals should be discouraged from transporting their own wastes to disposal sites.

-Local governments and private collectors are generally not willing to provide collection services to sparsely populated areas.

4. Recommendations:

- a. The Department encourages the establishment of transfer facilities for municipal waste to replace small rural open dumps or completed landfills.
- b. The Department strongly encourages local government to evaluate collection practices and to develop a scheme that provides the most efficiency, and which facilitates resource conservation and/or recovery.

C. Treatment/Processing

1. Definition:

The "processing" or "treatment" of solid wastes includes any technology designed to change the physical form or chemical content of the waste. Common processing techniques include baling, composting, shredding and incinerating. Common treatment techniques (applied primarily to sewage sludges and industrial wastes) include neutralization, biological digestion and dilution.

2. Objective:

To encourage and promote the treatment/processing of solid wastes in order to recover, reuse or recycle wastes and/or to reduce the volume and/or potential adverse environmental impacts of disposal.

3. Issue Discussion:

a. Benefits

- The processing and treatment of certain wastes, particularly sludges and industrial wastes, will reduce the potential harmful effects of the waste, render it easier to manage, etc
- The shredding or hydropulping of municipal wastes is a necessary first step for some large scale resource recovery operations, primarily because the smaller, more uniform particle size of the processed waste is better suited for mechanical handling and sorting.
- The processing of solid wastes prior to landfilling reduces the volume of the wastes, thereby saving landfill space. In addition, processing by incineration or composting significantly changes the character of the waste resulting in materials which can be more safely landfilled.

-Processing wastes by shredding and/or baling prior to landfilling is also beneficial. The processed waste is less attractive to and supportive of disease vectors such as flies and rats. The landfill is less susceptible to spontaneous combustion and stabilizes more rapidly than a landfill containing similar wastes which have not been processed.

b. Current Status

Processing and treatment facilities are primarily regulated by the state, although some local governments regulate municipal waste processing facilities. A permit from the Department is required for solid waste processing and/or treatment facilities and there are special sections in the Department's rules governing incinerators and composting facilities.

c. Problems to be Overcome

Major deterrents to processing are the costs associated with construction and operation of the processing equipment.

4. Recommendations:

- a. The state should continue to make planning and implementation monies available to local governments who are interested in waste treatment and/or processing.
- b. The DEQ should continue to provide technical assistance in this area.

D. Disposal

1. Definition:

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters of the state.

2. Objective:

To provide for the environmentally safe disposal of those solid wastes which cannot be recovered, reused, recycled or have their energy value extracted.

3. Issue Discussion

a. Benefits

-Disposal is a necessary component of all solid waste management systems at this time. The DEQ is not aware of

any recycling, reuse or recovery system that does not leave some residue for disposal.

-Properly designed and operated disposal sites can result in the reclaiming of marginal lands and a resultant increase in property values with minimal threat to the environment, public health and safety.

b. Current Status

Currently, most of the DEQ's efforts in solid waste management are directed at ensuring that solid waste disposal is conducted in a safe manner. The Department is now conducting a state-wide inventory of all disposal sites, in accordance with the federal Resource Conservation and Recovery Act (RCRA).

c. Problems to be Overcome

- (1) DEQ regional offices are understaffed and cannot devote adequate time to SW disposal compliance activities.
- (2) Proper solid waste disposal is a low-priority item with most local governments.
- (3) There is strong public opposition to the siting of new disposal sites. Improper disposal of solid wastes may easily result in adverse effects to the environment, public health and safety.

4. Recommendations:

- a. A data base, listing the types and amounts of solid waste currently being landfilled, is needed to help measure progress and to set future program priorities.
- b. Seek new sources of funding (i.e., permit fees) to offset decreasing federal and state general funding of the DEQ's disposal control program.
- c. Update existing solid waste disposal regulations to better reflect the current state-of-the-art.
- d. Continue, and expand if possible, technical assistance and training for disposal site operators and DEQ regional staff.
- e. Complete the inventory of disposal sites, using criteria developed by EPA pursuant to RCRA.

E. Waste Reduction

1. Definitions:

"Waste reduction" means preventing material from entering the waste stream and includes such practices as conscientious consumerism, reuse and recycling (separation of materials at the source of waste generation -- the home, office, etc.)

2. Objective:

To encourage and promote waste reduction programs and techniques that reduce the generation of solid waste at the source.

3. Issue Discussion:

a. Benefits

To the degree that waste reduction is successful, material and energy resources are conserved and landfill space is saved.

b. Current Status

-Resource conservation is being practiced to some degree for virtually all waste types. As the costs of disposal and of goods and materials rise, there is an ever increasing incentive to reduce waste generation.

-The DEQ may require industries to reduce wastes as a means of reducing the environmental impact of their disposal activities. The state also offers incentives in the form of tax credits to individuals (primarily businesses) who are able to utilize solid waste to produce energy or salable goods. Under this program, 5% of the total cost of the recovery system may be deducted from the individuals' taxes each year for ten years (i.e., 50% of the total facility cost is recovered).

-The Department also provides a considerable amount of technical assistance, financial assistance (grants and loans) and educational effort in support of waste reduction.

-Recent legislation now requires that local governments who seek DEQ assistance in obtaining new landfill sites must adopt a DEQ approved waste reduction plan for their community.

c. Problems to be Overcome

- (1) Waste reduction is largely a matter of attitude. Old habits are often hard to change even when benefits are clear. The DEQ will need to continue to encourage waste reduction by the public, industry and local government into the foreseeable future.

4. Recommendations:

- a. Continue and, if possible, expand technical assistance and training regarding waste reduction.
- b. Continue the existing tax credit program.

F. Resource Recovery

1. Definition:

"Resource recovery" involves extracting salvageable materials or energy from the waste stream. Examples include magnetically recovering ferrous metal and burning combustible wastes in a boiler to generate steam.

2. Objective:

To maximize recovery of useable material and/or energy from solid wastes otherwise destined for disposal.

3. Issue Discussion:

a. Benefits

To the degree that resource recovery is successful, landfill capacity and raw materials will be saved and energy will be conserved.

b. Current Status

Resource recovery activities are regulated primarily by the state. Although such activities are generally beneficial, improper management of the wastes can result in health and safety hazards and adverse environmental impacts. For this reason, some local governments also regulate municipal waste resource recovery facilities.

c. Problems to be Overcome

-The major problem area inhibiting resource recovery at this time is the lack of markets for recovered materials.

-Resource recovery systems are generally costly and energy consumptive. Accordingly, these activities should not be ventured into without careful analysis and forethought.

4. Recommendations

- a. DEQ should continue to staff a full-time resource recovery engineer and market development specialist to aid in the development of viable resource recovery systems.
- b. The state should continue its existing financial assistance to local government to help plan and implement resource recovery systems.

- c. A resource recovery data base is needed to measure progress and help in priority setting for future work in this area.

G. Technical and Financial Assistance

1. Objective:

To provide technical/financial assistance to the regulated community, public interest groups, other governmental agencies and the public by carrying out the Goals and Objectives of this Plan.

2. Issue Discussion:

a. Benefits

Technical and financial assistance provides the incentives and means for waste management planning and implementing activities by local governments, and for waste reduction efforts by private industries.

b. Current Status

Rules governing the DEQ's financial assistance program are found in OAR Chapter 340, Subdivision 2, (See Attachment _). Approximately \$10 million in grants and low-interest loans have been issued to local governments to date. Additionally, our tax credit program provides continued incentives for waste reduction efforts by private industry (see description of Tax Credit Program under Hazardous Waste Section, Page __ this report).

The DEQ's enforcement philosophy relies on technical assistance and training, and considerable time is spent on this activity by regional staff. A major function of the headquarters staff is to train field staff and serve as technical experts in the various aspects of waste management.

c. Problems to be Overcome

The major problem is the uncertainty of continued funding for these programs as a result of State fiscal difficulties.

3. Recommendations:

That the DEQ continue to make funds available for appropriate waste management and facility planning and implementation projects, and encourage continued legislative funding for these purposes.

H. Public Participation

See Chapter VII, Public Participation, for a full description of our public participation program.

Chapter IX Background/Existing Conditions

Hazardous Waste

Prior to the late 1960s--early 1970s, no effort was made to make a program or legal distinction between non-hazardous and hazardous solid wastes in Oregon. However, as a result of the abandonment of some 23,500 - 55 gallon drums of pesticide manufacturing residues near Lakeview, Oregon in 1970, the State's attention was focused on the potentially serious public health and environmental implications associated with the mismanagement of toxic/hazardous chemical wastes. This attention resulted in action by Oregon's 1971 legislature, which assigned to the Environmental Quality Commission and Department of Environmental Quality the responsibility to adopt administrative rules and implement a regulatory program to manage the collection, storage, transportation and disposal of hazardous wastes in Oregon. The Department's initial effort was to complete an inventory of potentially hazardous wastes, the results of which were published in a March, 1974 report entitled "Hazardous Waste Management Planning 1972-73." An update of that inventory was undertaken in 1978-79 and the results will be published shortly.

During 1975 and early 1976, the Department worked with a private company to evaluate and license a proposed chemical waste landfill near Arlington, Oregon. A license was issued in March of 1976 to Chem-Nuclear Systems, Inc., and today that authorized site is receiving approximately 1,000,000 cubic feet of hazardous wastes from business, industry, government and the general public in the Pacific Northwest (Oregon, Idaho, Washington, Alaska, Hawaii and western Canada). Depending on their physical and/or chemical properties, these wastes are handled in solar evaporation treatment ponds, disposal trenches, land treatment facilities or long-term secure storage buildings. Proposed additions to the site include neutralization/detoxification facilities, sludge dewatering facilities and waste solidification facilities.

In 1979, major revisions/improvements were made to the hazardous waste administrative rules such that they currently provide for:

1. Defining hazardous waste
2. Registering generators
3. Registering transporters
4. Licensing off-site storage and treatment facilities and disposal sites
5. Requiring use of a manifest during transportation
6. Requiring submission of reports from generators and operations of storage, treatment and disposal facilities
7. Requiring proper packaging, labelling and placarding during storage and transportation

As a result of these rules, some 87 generators and 55 transporters have registered as of September 1, 1980 (these numbers have been increasing monthly due to DEQ compliance monitoring and report review activities). Further, DEQ licenses 1 disposal site, 3 off-site collection sites for small quantities of hazardous waste (application for a fourth site was received during August, 1980), and is processing 4 applications for off-site hazardous waste treatment facilities.

On August 2, 1980, DEQ submitted a draft application to EPA to manage a "substantially equivalent" state program in lieu of a federal hazardous waste program. By September 16, 1980, the Department expects to submit a complete application for Phase I Interim Authorization. We expect EPA's approval of Oregon's program by November 19, 1980. Meanwhile, we are consulting with a Task Force which will advise the DEQ, the EPA and the 1981 Oregon Legislature regarding the issue of whether the DEQ or the EPA should run the program on a permanent basis.

Over the last year, DEQ and EPA-Region X conducted an uncontrolled (abandoned) site survey. The purpose of this survey was to locate any large quantities of uncontrolled hazardous waste that may pose a threat to public health or the environment. As of September 1, 1980, DEQ evaluated 46 sites and EPA evaluated 28 sites. Although some investigations are still continuing (to collect ground or surface water samples, to examine soil and geologic profiles, to better define waste, stored or disposal of etc.), to date the survey has not uncovered any large quantities of uncontrolled hazardous waste that presently an immediate threat to public health or the environment.

Chapter X Program for Improved Hazardous Waste Management

A. Storage

1. Definition:

"Storage" means the containment of hazardous waste for a temporary specified period of time, in such a manner as not to constitute disposal of such hazardous waste.

2. Objective:

To ensure hazardous waste is stored in appropriate containers in secure locations; that containers are properly identified and labelled; and that incompatible wastes (such as ignitable and reactive) are properly segregated.

3. Issue Discussion:

a. Benefits

Properly stored, identified and labelled hazardous wastes will ensure on-site worker safety; will ensure worker safety during subsequent handling and transport; will minimize environmental damage by incidental leakage or container failure; and will facilitate cleanup in case of an accident that releases the wastes into the environment.

b. Current Status

To minimize confusion and avoid potentially conflicting regulations, the Department has adopted the Federal Department of Transportation (DOT) packaging, labelling and placarding requirements for hazardous materials/wastes that are being prepared for shipment.

c. Problems to be Overcome

It is the Department's opinion that most Oregon companies are already in compliance with worker safety (OSHA) and DOT requirements and therefore in compliance with our storage requirements. Future efforts will go into training DEQ field staff about the requirements in order to facilitate technical assistance and training to the regulated community.

4. Recommendations:

a. No planning tasks are identified

b. DEQ is currently identifying possible funding sources needed for increasing field compliance monitoring personnel

- c. Training is planned to be a combination of on-the-job training, technical conferences and technical bulletins

B. Collection/Transfer

1. Definition:

Small quantity collection/transfer sites are those sites that could handle up to 2000 lbs. of hazardous wastes from any one generator in any one year. Collected wastes would go to authorized treatment or disposal facilities.

2. Objective:

To provide readily available, environmentally safe, secure collection sites for small quantities of hazardous wastes in Oregon cities over 10,000 people.

3. Issue Discussion:

a. Benefits

Collection sites for small quantities provide an alternative for generators (including the public) who otherwise would dispose of their wastes at local municipal or industrial landfills. Further, for potentially recoverable materials (i.e., solvents), collection sites may facilitate accumulation of sufficient volumes to justify reuse, recovery or recycling. Collection sites may also facilitate a waste exchange program.

b. Current Status

Currently the Department has licensed small quantity collection sites in Portland, Springfield and Arlington which are capable of handling most waste types. We have received an application for a second site in Portland which would handle primarily waste solvents. All the sites authorized to date are privately operated sites that charge a fee to cover transportation and final disposal. Local governments, such as counties, have not shown a major interest in this program to date.

c. Problems to be Overcome

Incentives need to be found to stimulate interest in establishing collection sites in additional Oregon cities. Once identified, the incentives need to be applied to achieve construction and operation of these additional collection sites.

4. Recommendations:

- a. General planning is completed (i.e., cities over 10,000 population)

- b. A study is needed to identify incentives that would cause a small quantity collection site program to blossom
- c. Work with private industry or local government to design, construct, operate and license collection sites for small quantities of hazardous waste

C. Treatment

1. Definition:

"Treatment" means any method, technique, activity, or process including, but not limited to, neutralization designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize such waste or to render such waste non-hazardous, safer for transport, amenable for recovery, amenable for storage or reduced in volume.

2. Objective:

To encourage and promote the treatment of hazardous waste in order to recover, reuse or recycle hazardous waste and/or to detoxify hazardous wastes prior to disposal.

3. Issue Discussion:

a. Benefits

To the degree that treatment is successful, valuable materials or energy will be conserved, limited disposal capacity will be saved, less toxic hazardous waste will be disposed of, and presumably long-term monetary savings will accrue to businesses and the public.

b. Current Status

At this time, Oregon has received license applications from four existing treatment facilities. One facility specializes in the recovery of chlorinated solvents. Two facilities handle both non-chlorinated and chlorinated solvents, with the bulk being non-chlorinated. The fourth facility handles only the detoxification of their metal plating sludges (heavy metal removal). A fifth firm may apply for a license to neutralize waste prior to final disposal of detoxified wastes.

c. Problems to be Overcome

Several problems exist relative to the treatment of hazardous wastes. Solvent recovery operates most efficiently on larger volumes (say 1000 gallons) of a fairly homogenous waste. Many companies generating potentially recyclable solvents, therefore, have no current treatment outlet for their miscellaneous small quantities. A related problem is the marketing of the recovered solvent. One

existing treater will only accept return of the recovered solvent (he has no separate marketing opportunities at this time). Lastly, particularly for generators in the non-metropolitan areas, is the problem of transporting potentially recyclable waste to the few existing treatment facilities.

4. Recommendations:

A study needs to be completed on the geographical distribution, types and volumes of potentially recyclable (particularly solvents) wastes in Oregon. The study should also evaluate potential markets for recovered materials and disposal options for treatment facility residues.

D. Disposal

1. Definition:

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous waste into or on any land or water so that such hazardous waste or any hazardous constituent thereof may enter the environment or be emitted into the air or discharged into any waters of the state.

2. Objective:

To provide for the environmentally safe disposal of those hazardous wastes which cannot be recovered, reused, recycled or have their energy value extracted.

3. Issue Discussion:

a. Benefits

Having an authorized disposal site provides the outlet that industry and the public need to properly manage their hazardous wastes. Indiscriminate or promiscuous dumping is minimized. No undue burdens are placed on municipal/industrial landfills that may not have all the necessary safeguards to safely handle toxic/hazardous waste.

b. Current Status

Oregon is fortunate to have a state-licensed chemical waste landfill capable of handling all waste types except low-level radioactive wastes. Low-level radioactive wastes are shipped to an authorized site on the Hanford Reservation near Richland, Washington. At the current rate of usage (approx. one million cu.yd./yr.), the Arlington Disposal Site has a projected 40 year useful life.

c. Problems to be Overcome

The Arlington Disposal Site currently relies on solar evaporation, disposal trenches, land treatment and long-term storage for treatment/disposal alternatives. Planned improvements during 1980/81 include neutralization/detoxification facilities, sludge drying facilities and solidification facilities. In the long run, incineration of liquid organic wastes such as contaminated solvents or organic pesticide products or residuals is needed.

4. Recommendations:

- a. A study needs to be undertaken to identify geographic distribution, types and volumes of potentially incinerable wastes. Planning needs to be done on probable location(s) for a liquid organic waste incinerator.
- b. Seek funding and complete study on incinerable wastes and probable locations of liquid organic waste incinerators. Evaluate available incineration techniques.
- c. Seek an operator and provide technical assistance for financing, designing, constructing, licensing, and operating an incinerator for liquid organic wastes.

E. Waste Reduction

1. Definition:

"Waste reduction" is that activity or change that minimizes or eliminates hazardous waste production.

2. Objective:

To encourage and promote waste reduction programs and techniques such as process changes, production changes, material substitutions and on-site recovery, reuse and recycling activities that reduce the generation of hazardous waste at the source.

3. Issue Discussion:

a. Benefits

To the degree waste reduction is successful, plant-site worker safety should be enhanced, opportunities for accidental leakage or spillage during handling, storage and transportation will be reduced, and hazardous waste disposal capacity will be conserved.

b. Current Status

Historically, there have been few, if any, incentives such as high raw material costs, high disposal costs or

environmental regulations to stimulate waste reduction practices. Within the last 5 years, however, increasing energy costs, raw material costs and authorized disposal costs, as well as enforcement against unauthorized activities, have caused a fundamental change in attitude toward waste reduction. Many companies, particularly large companies, are willing to state publicly that waste reduction is essential to reduce current operating costs and avoid the long-term public health or environmental impacts, which would result from inadequate disposal.

c. Problems to be Overcome

The main challenge will be to foster and nurture industry's - particularly small industry's - continuing involvement in waste reduction programs. DEQ can play a vital role through information sharing and technical assistance, particularly for small businesses, on waste reduction techniques.

4. Recommendations:

- a. No specific planning tasks are identified
- b. DEQ needs to identify potential waste reduction techniques by industrial category
- c. DEQ needs to provide technical assistance, including facilitating technology transfer, to the regulated community on waste reduction techniques.

F. Resource Recovery

1. Definition:

As a compliment to waste reduction efforts which emphasize minimizing waste generation, resource recovery emphasizes maximizing the recovery of waste for secondary or non-related uses and/or utilization of the wastes' energy value.

2. Objective:

To maximize recovery of useable material and/or energy from hazardous wastes otherwise destined for disposal.

3. Issue Discussion:

a. Benefits

To the degree that resource recovery is successful, landfill capacity and raw materials will be saved and energy will be conserved.

b. Current Status

As with waste reduction, there has been little incentive for companies to recover rather than dispose of wastes. However, as raw material, energy and disposal costs rapidly escalate, resource recovery opportunities are being explored. A first manifestation of this progress was the formation of a waste exchange program currently managed by the Western Environmental Trade Association. Companies with potentially useable wastes list them (i.e., type, quantity, etc.) hoping to secure a secondary market. Companies needing materials advertise their specific needs hoping to find a supplier. Additionally, some organic solvents are finding their way into industrial/residential heating oil, via blending, for their energy value. No large-scale resource recovery projects related to hazardous wastes are being planned or evaluated at this time.

c. Problems to be Overcome

Major problem areas inhibiting resource recovery at this time would seem to be the lack of identification of secondary material markets, market specifications, availability of potentially recoverable wastes and knowledge of energy value and compatibilities of various waste materials.

4. Recommendations:

- a. No specific planning tasks are identified
- b. Inventory work needs to be done to define geographic distribution, types and quantities of potentially recoverable materials, secondary material markets for hazardous waste, material specifications, and potential energy value and markets.
- c. DEQ needs to provide technical assistance, including facilitating technology transfer, to the regulated community on resource recovery techniques.

G. Technical and Financial Assistance

1. Definition:

The singular form of financial assistance to industry at this time is in the form of a Pollution Control Facility tax credit. A pollution control facility means any land, structure, building, installation, excavation, machinery, equipment or device . . . reasonably used, erected, constructed or installed by any person if a substantial purpose of such use . . . is the . . . reduction of . . . hazardous waste . . . by the use of a resource recovery process which obtains useful material or energy resources from material that would otherwise be . . . hazardous waste.

2. Objective:

To provide technical/financial assistance to the regulated community, public interest groups, other governmental agencies and the public.

3. Issue Discussion:

a. Benefits

-The primary thrust behind the hazardous waste tax credit program is to stimulate industry to consider resource recovery, including energy recovery options to historical waste disposal practices, and to do it now rather than delay such considerations.

-To the degree that the Department can provide technical assistance to the regulated community and the public, the degree of voluntary compliance with reasonable regulations should be enhanced.

b. Current Status

To date, only one request for preliminary certification has been made under the hazardous waste tax credit program although other informational inquiries have been received.

4. Recommendations:

a. No specific planning activities identified

b. Continue to provide technical assistance to the regulated community, public interest groups, other governmental agencies and the public on the proper management of hazardous waste.

H. Public Participation

1. Objective:

To encourage, solicit and consider public interest, support and comments on the hazardous waste goals and objectives, funding priorities, proposed administrative rules and proposed license issuance/denial actions.

2. Issue Discussion:

a. Benefits

To the degree that the public participates in the decision making process, presumably scarce resources will be better allocated to those activities having the highest return and the public and the regulated community supports appropriate regulation to protect public health and the environment.

b. Current Status

Prior to the adoption of the two most recent hazardous waste administrative rule amendments, task forces of interested parties have been created. It would appear that such task forces can play a major role in focusing issues prior to consideration by the EQC. It is our intent to continue to use the task force approach when proposing substantive amendments to the rules. It is also our intent to use public notices, including public hearings if significant public interest is shown, in the issuance of hazardous waste collection and treatment site licenses. On all applications for hazardous waste disposal site licenses, a public hearing must be held in the vicinity of the disposal site.

c. Problems to be Overcome

The major problem to be avoided is the hazardous waste program's complacency due to an apparent lack of current public participation. For the most part, historical and current disposal practices have not and are not creating public health or environmental threats, hence, there has been little direct public focus on th issues. Efforts must be continued to insure public education and public support of a forward-looking hazardous waste management program.

3. Recommendations:

Continue efforts to educate the public on the need for a strong hazardous waste management program.

Land Use Consistency Statement
for
Proposed Rules Adopting a State Solid Waste Plan

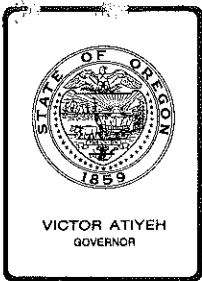
The proposed rule adopting a State Solid Waste Plan appears to be consistent with statewide planning goals 2, 6, and 11. There is no apparent conflict with other goals.

The primary purpose of the State Solid Waste Plan is to assemble in one document policy, goals and objectives and statutes and rules relating to solid waste management. Development of the document will not in itself have a significant effect on land use since it is mainly a compilation of existing material.

Public comment on the proposed plan is invited.

The Department of Environmental Quality intends to ask the Department of Land Conservation and Development to review the proposed plan for conflicts prior to rule adoption.

RLB:b
SB79.D



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item No. 1, October 17, 1980 Environmental Quality Commission Meeting. Public Hearing As To Whether To Repeal, Modify Or Make Permanent The Current Temporary Regional Subsurface Sewage Disposal Rule In Effect In The River Road/ Santa Clara Area, Lane County.

Background and Problem Statement

1. On April 18, 1980, the Environmental Quality Commission found that:
 - a. The River Road/Santa Clara shallow aquifer is generally contaminated with fecal coliform organisms in excess of drinking water and body contact standards.
 - b. Existing nitrate-nitrogen concentrations within the study area exceed the 5 mg/l planning target on the average. The 10 mg/l EPA maximum drinking water standard is currently exceeded in several locations. Said 10 mg/l standard contains no safety factor.
 - c. Based on the Sweet Groundwater Study, about 73% of the nitrate-nitrogen pollutants (and by analogy a similar share of the fecal coliform contamination) results from septic tank effluent. Septic tank pollutants can migrate rapidly to the groundwater from drainfields via macropore travel.
 - d. A public health hazard exists based on fecal coliform data for persons using the aquifer for domestic (drinking) or irrigation purposes. A health hazard similarly exists in several subareas based on nitrate-nitrogen levels.
2. The Commission further concluded that even if the septic tank moratorium then in effect were continued, groundwater pollution would increase before stabilizing at some worse condition. The Commission stopped short of declaring a health hazard or even continuing a full scale septic tank moratorium because:



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- a. The Lane Board of Commissioners, who had originally requested the septic tank moratorium, submitted a subsequent request to lift that moratorium on February 21, 1980, and
 - b. The Commission felt there were (and still are) better ways to solve the documented area-wide pollution problems in the long term utilizing the local planning process.
3. Accordingly, on April 18, 1980, the Commission:
- a. Repealed the septic tank moratorium.
 - b. Adopted a temporary regional rule which allows some new development on septic tanks. The Commission recognized that such action would add to the pollutant load to local groundwater, but hoped such approval would support the Lane Board in their efforts to develop a long term remedy for all of River Road/Santa Clara. Thus the total groundwater problem would be solved in some reasonable time as facilitated by permitting the problem to temporarily worsen.
 - c. Authorized DEQ staff to approve a groundwater protection and remedial action plan for the River Road/Santa Clara area when Lane County submitted one. It was further allowed that such plan could accommodate even further temporary groundwater degradation if necessary to accomplish a long term remedy. For example, temporary high density on septic tanks might be necessary to provide the financial base for ultimate remedies.
 - d. Directed DEQ staff to secure within 120 days (by August 18) a voluntary agreement with the Lane Board to prepare a groundwater protection and remedial action plan for the River Road/Santa Clara area.
4. The Lane Board requested a 30 day extension to prepare the voluntary stipulated agreement. At its August 15 meeting in Pendleton, the Commission granted the extension to September 19, 1980.
5. On September 17, 1980, the Lane Board of Commissioners adopted a voluntary stipulated agreement by a four to one vote.
6. On September 19, 1980, the Environmental Quality Commission signed the voluntary stipulated agreement. And the Commission authorized a public rule making hearing to deal with the anticipated expiration (October 18, 1980) of the temporary regional rule, OAR 340-71-030(10).

Evaluation and Alternatives

1. The voluntary stipulated agreement adopted on September 19, 1980 meets the minimum requirements set by Department staff in the negotiation process:
 - a. A recognition that the River Road/Santa Clara area will eventually be served by urban sewer services.
 - b. Sewers are the effective overall method to reduce pollutants to groundwater.
 - c. Sewers will ultimately be routed to a central sewage treatment facility, namely the MWMC plant.
 - d. Lane County agrees to adopt or amend the existing "Eugene-Springfield Metropolitan Area Treatment Alternatives 208 Plan" of April, 1977 in a reasonably short time frame.
 - e. 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, and indicate how they will commit to its eventual implementation.
 - f. The maximum possible commitment toward resolution of the jurisdictional question is made. A triparty agreement among Lane County, Eugene and the Environmental Quality Commission is recommended to "hasten improvement in groundwater quality and thereby enable further development" in the subject area.
2. Possible EQC actions regarding temporary regional rule OAR 340-71-030(10) include but are not limited to:
 - a. Continue the temporary rule (make it permanent).
 - b. Modify the temporary rule.
 - c. Repeal the rule or let it lapse.
3. An evaluation of each alternative for OAR 340-71-030(10) and its respective consequences follows:
 - a. Continue the temporary rule (make it permanent). The temporary rule establishes a maximum allowable nitrate-nitrogen loading

rate to groundwater from new development. This is intended to be an interim condition to prevent further groundwater degradation until a groundwater protection and remedial action plan is reviewed and approved by the Department.

That plan could include different loading rates.

Without a permanent rule, loading could occur at much higher rates, resulting in unacceptable groundwater degradation. And the legal basis for some of the conditions in the voluntary stipulated agreement would be removed. Thus, the rule is needed.

- b. Modify the temporary rule. In light of the voluntary stipulated agreement, no constructive consideration has been given to this alternative.
 - c. Repeal the rule or let it lapse. Without a permanent rule, loading could occur at much higher rates, resulting in unacceptable groundwater degradation. And the legal basis for some of the conditions in the voluntary stipulated agreement would be removed. Thus, the rule is needed.
4. Alternately or in addition to any one of the above, the EQC might:
- a. Reinstate the septic tank moratorium (ORS 454.685).
 - b. Begin proceedings to form a Lane County sewer service district, then construct a sewage collection system and assess costs to the public served (ORS 454.235(2)).
 - c. Participate in health hazard annexation proceedings (ORS 222.850 through 222.915).
 - d. Formally object to the versions of the 1990 Plan Update through the LCDC interagency coordination process.
 - e. Order Lane County to prepare a groundwater protection and remedial action plan.
 - f. Elaborate on the April 18, 1980 dialogue to allow modifications to the 16.7 pound/acre-year nitrate-nitrogen loading rate if either:
 - i. Lane County adopts the existing "Eugene-Springfield Metropolitan Area Treatment Alternatives 208 Plan" and commits to its implementation, or

2. The EQC adopts a statewide groundwater policy which delineates specific state and local jurisdiction responsibilities/actions different from or in addition to those currently in place in the interim policy document.

However, none of the above appear appropriate in light of the voluntary stipulated agreement. Such additional alternatives need only be considered in the event sufficient progress is not made toward accomplishment of the agreement conditions.

Findings

1. Failure to act promptly, by making temporary rule OAR 340-71-030(10) permanent, will result in serious prejudice to the public interest or the interest of the parties concerned, for the following reasons:
 - a. Existing nitrate-nitrogen concentrations within the study area exceed the 5 mg/l planning standard on the average. The 10 mg/l maximum drinking water standard is currently exceeded in several locations. The 10 mg/l standard contains no safety factor.
 - b. Additional urban density development on subsurface sewage disposal systems could occur without the rule. Such development will slightly increase the magnitude of nitrate-nitrogen violations, and significantly increase the area where said violations occur.
 - c. The aquifer is generally contaminated as indicated by fecal coliform organisms in excess of drinking water and body contact standards. Pollutants can migrate rapidly laterally and to groundwater from drainfields via macropore travel.
 - d. A public health hazard exists based on fecal coliform data for persons using the aquifer for domestic (drinking) or irrigation purposes. A health hazard similarly exists in several areas based on nitrate-nitrogen levels.
 - e. Action is needed to correct the existing groundwater problems. A voluntary stipulated agreement addresses the interrelated findings and obtains some of its legal basis from the proposed rule.

Summation

1. On April 18, 1980, the Commission directed DEQ staff to secure a voluntary agreement with the Lane Board by August 18 (extended to September 19, 1980).
2. It was secured and signed by the Environmental Quality Commission on September 19, 1980.
3. The Commission must act on the temporary regional rule before it expires on October 18, 1980. Public notices for the October 17 EQC rule making hearing were forwarded to the Secretary of State within the statutory time frame.
4. The Commission should consider rule making alternatives and their consequences.

Director's Recommendation

Based on the Findings and the Summation:

1. It is recommended that the Commission adopt a permanent regional rule to prevent further groundwater degradation by nitrate-nitrogen in the River Road/Santa Clara area from new development as follows:

NOTE: Brackets [] indicate deleted language.
Underlines _____ indicate new language.

0AR 340-71-030(10) - RIVER ROAD/SANTA CLARA RULES:

- (a) Within the areas set forth in subsection (b) below, the Director, or his authorized representative, may issue either construction permits for new subsurface sewage disposal systems or favorable reports of evaluation of site suitability to construct systems under the following circumstances:
 - (A) The system complies with all rules in effect at the time the permit is issued; and
 - (B) The system will not in itself contribute, or in combination with other new sources after April 18, 1980, contribute more than 16.7 pounds nitrate-nitrogen per acre per year to the local groundwater. The applicant shall assure compliance with this condition by showing his ownership or control of adequate land through easements or equivalent.

- (b) Subsection (a) above shall apply to all of the following area generally known as River Road/Santa Clara, and defined by the boundary submitted by the Board of County Commissioners for Lane County which is bounded on the south by the city of Eugene, on the west by the Southern Pacific Railroad, on the north by Beacon Drive, and on the east by the Willamette River, and containing all or portions of T-16S, R-4W, Sections 33, 34, 35, 36; T-17S, R-4W, Sections 1, 2, 3, 4, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25; and T-17S, R-1E, Sections 6, 7, 18, Willamette Meridian.
- (c) This rule is subject to modification or repeal by the Commission on an area-by-area basis upon petition by the appropriate local agency or agencies. Such petition either shall provide reasonable evidence that development using subsurface sewage disposal systems will not cause unacceptable degradation of groundwater quality or surface water quality or shall provide equally adequate evidence that degradation of groundwater or surface water quality will not occur as a result of such modification or repeal.
- (d) Subsections (10)(a) and (10)(b) above shall not apply to any construction permit application based on a favorable report of evaluation of site suitability issued by the Director or his authorized representative pursuant to ORS 454.755(1)(b), where such report was issued prior to the effective date of this subsection (10) (April 18, 1980).


WILLIAM H. YOUNG

- Appendix A: Hearing Notice for Secretary of State.
Appendix B: Land Use Consistency Statement.
Appendix C: Statement of Need for Rule Making and Fiscal Impact Statement.
Appendix D: Proposed Permanent Rule OAR 340-71-030(10).

John E. Borden/wr
378-8240
September 29, 1980



VICTOR ATIYEH
Governor

APPENDIX A

Environmental Quality Commission

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

Public Notice of Hearing
Prepared: Sept. 5, 1980
Hearing: October 17, 1980

Before the Environmental Quality Commission
of the State of Oregon

A CHANCE TO BE HEARD ABOUT:

WHETHER TO REPEAL, MODIFY OR MAKE PERMANENT THE CURRENT
TEMPORARY REGIONAL SUBSURFACE SEWAGE DISPOSAL RULE IN
EFFECT IN THE RIVER ROAD/SANTA CLARA AREA, LANE COUNTY

The Department of Environmental Quality is considering whether to change or make permanent Oregon Administrative Rules 340-71-030 (10). The existing rule limits the amount of nitrate-nitrogen discharged from subsurface sewage disposal systems to local groundwater in the River Road/Santa Clara area north of Eugene.

What Is The Department of Environmental Quality Proposing?

Four options will be presented to the Commission. The options are listed below. The Commission could change the language of these proposals:

- Option 1: REPEAL THE TEMPORARY REGIONAL RULE.
- Option 2: MODIFY THE TEMPORARY REGIONAL RULE.
- Option 3: MAKE THE TEMPORARY REGIONAL RULE PERMANENT.
- Option 4: TAKE NO ACTION and thereby let the current temporary regional rule lapse.

Who May Be Affected By This Proposal?

Residents who have shallow domestic water wells and/or irrigation wells in the River Road/Santa Clara area, persons who wish to construct or install buildings requiring sewage disposal systems in the River Road/Santa Clara area, and downgradient groundwater users (i.e., north of Beacon Drive).



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How To Provide Your Information:

Information may be provided by any interested person. Written comments should be sent to the Department of Environmental Quality, Willamette Valley Region, 1095 25th St. S.E., Salem, Oregon 97310, and should be received by 5:00 p.m., October 17, 1980. Oral and written comments may be offered at the following public hearing:

City: Portland
Time: 10:00 a.m.
Date: October 17, 1980
Location: Portland City Council Chambers,
1220 SW 5th
Hearing Body: Environmental Quality Commission

Where To Obtain Additional Information:

Copies of the staff report and proposed rules may be obtained from Terri Sylvester, Department of Environmental Quality, Willamette Valley Region, 1095 25th St. S.E., Salem, Oregon, 97310, (503) 378-8240; or from Jane Fechtal, Department of Environmental Quality, Willamette Valley Region, 16 Oakway Mall, Eugene, Oregon, 97401, (503) 686-7601.

(From outside the Eugene and Salem areas, the State's toll-free number is 1-800-452-7813.)

Legal References For This Proposal:

The rule making hearing is being proposed under authority of ORS 454.612; 454.625; 454.685; 468.020 and will repeal, modify or make permanent OAR 340-71-030(10).

Need For Rule:

The Environmental Quality Commission approved OAR 340-71-030(10), a temporary regional subsurface sewage disposal rule, at its April 18, 1980 meeting in Eugene.

Temporary rules expire after 180 days unless made permanent by the Environmental Quality Commission. October 18, 1980 is the expiration date for the temporary rule.

Accordingly, the Commission must act to repeal, modify or make the rule permanent on or before October 18. The public rule making hearing is October 17, 1980.

Fiscal Impact:

Repeal the temporary rule OAR 340-71-030(10):

Agency costs would not be significantly affected by this action.

Local government could experience increased program costs associated with inspections conducted and permits issued in the subsurface sewage disposal program. Their resultant costs would be covered by permit fees associated with that program.

The general public could experience greatly increased costs due to increased construction difficulties should a sewerage system eventually be constructed to serve the area. Initial savings might be derived by the ability to more intensely develop currently undeveloped land.

Modify the temporary rule OAR 340-71-030(10):

Agency costs could be increased depending upon how the rule is modified. Up to 0.25 existing staff positions for two years might need to be allocated to compliance inspection, plan review, and administrative work.

Local government might need to obligate local funds for additional planning efforts and construction activities. The amount would depend on the nature and timing of capital construction projects, if any.

The general public might derive short term savings by more intensive development of currently undeveloped land. But costs associated with capital construction projects would eventually be borne by the general public.

Take no action and let the temporary rule OAR 340-71-030(10) lapse:

Fiscal impacts would be essentially the same as repeal of the rule.

Further Proceedings:

After rule making hearing, the EQC may adopt rules identical to those proposed, adopt modified rules on the same subject matter, repeal the temporary rule, or decline to act. The Commission's deliberation should come on October 17, 1980.

Dated: September 5, 1980
John E. Borden: wr
378-8240

APPENDIX B

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

NOTICE PERTAINING TO CONSISTENCY WITH STATEWIDE PLANNING GOALS

The enclosed Public Notice concerns a proposal that appears to conform to Statewide Planning Goals 6 (Air, Water, and Land Resources Quality) and 11 (Public Facilities and Services). We are aware of no conflict with other goals.

With regard to Goal 6, the proposal could revise State rules and standards for safe subsurface disposal of sewage. This by definition in the goal complies with Goal 6. The goal requires waste discharges from future and existing developments not to violate State standards.

With regard to Goal 11, the proposal addresses the current River Road/Santa Clara septic tank temporary regional rule in terms of assurances that groundwater will not be further polluted. To the extent that sewage disposal systems may be permitted under the proposal, such authorizations would accommodate the transition to future urban services, or be in accordance with alternatives developed in a later groundwater protection and remedial action plan. This is consistent with "timely" arrangement of services required by the goal.

The proposal is so similar to the current situation that no major land use impacts are identified.

Public comment on each of the land use issues involved is welcome, and may be submitted in the same fashion indicated for testimony in the accompanying NOTICE OF PUBLIC HEARING.

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

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

After rule making hearing, the EQC may approve rules identical to those proposed in one of the options, adopt modified rules on the same subject matter, repeal the temporary rule, or decline to act. The Commission's deliberation should come on October 17, 1980 as part of a scheduled Commission meeting.

STATEMENT OF NEED FOR RULEMAKING
and
FISCAL IMPACT STATEMENT

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

Proposed Permanent Amendment to Oregon Administrative Rules 340-71-030, Rules Governing Subsurface and Alternative Sewage Disposal

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

B. Need for Rulemaking:

The Environmental Quality Commission approved OAR 340-71-030(10), a temporary regional subsurface sewage disposal rule, at its April 18, 1980 meeting in Eugene.

Temporary rules expire after 180 days unless made permanent by the Environmental Quality Commission. October 18, 1980 is the expiration date for the temporary rule.

Accordingly, the Commission must act to repeal, modify or make the rule permanent on or before October 18. The public rule making hearing is October 17, 1980.

C. Documents relied upon in considering the need for and in preparing the Rule.

"The River Road/Santa Clara Groundwater Study, Final Technical Report" prepared by Sweet, Edwards and Associates, Inc.

Agenda Item No. J, April 18, 1980 Environmental Quality Commission Meeting. Public Hearing As To Whether To Continue, Repeal Or Modify Oregon Administrative Rule (OAR) 340-71-020(9) As It Relates To The Current Septic Tank Moratorium In Effect In The River Road/Santa Clara Area Of Lane County.

D. Fiscal Impact:

Repeal the temporary rule OAR 340-71-030(10):

Agency costs would not be significantly affected by this action.

Local government could experience increased program costs associated with inspections conducted and permits issued in the subsurface sewage disposal program. Their resultant costs would be covered by permit fees associated with that program.

The general public could experience greatly increased costs due to increased construction difficulties should a sewerage system eventually be constructed to serve the area. Initial savings might be derived by the ability to more intensely develop currently undeveloped land.

Modify the temporary rule OAR 340-71-030(10):

Agency costs could be increased depending upon how the rule is modified. Up to 0.25 existing staff positions for two years might need to be allocated to compliance inspection, plan review, and administrative work.

Local government might need to obligate local funds for additional planning efforts and construction activities. The amount would depend on the nature and timing of capital construction projects, if any.

The general public might derive short term savings by more intensive development of currently undeveloped land. But costs associated with capital construction projects would eventually be borne by the general public.

Take no action and let the temporary rule OAR 340-71-030(10) lapse:

Fiscal impacts would be essentially the same as repeal of the rule.

APPENDIX D

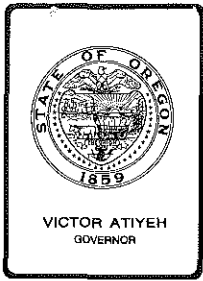
OAR 340-71-030(10) - RIVER ROAD/SANTA CLARA RULES:

- (a) Within the areas set forth in subsection (b) below, the Director, or his authorized representative, may issue either construction permits for new subsurface sewage disposal systems or favorable reports of evaluation of site suitability to construct systems under the following circumstances:
 - (A) The system complies with all rules in effect at the time the permit is issued; and
 - (B) The system will not in itself contribute, or in combination with other new sources after April 18, 1980, contribute more than 16.7 pounds nitrate-nitrogen per acre per year to the local groundwater. The applicant shall assure compliance with this condition by showing his ownership or control of adequate land through easements or equivalent.
- (b) Subsection (a) above shall apply to all of the following area generally known as River Road/Santa Clara, and defined by the boundary submitted by the Board of County Commissioners for Lane County which is bounded on the south by the city of

Eugene, on the west by the Southern Pacific Railroad, on the north by Beacon Drive, and on the east by the Willamette River, and containing all or portions of T-16S, R-4W, Sections 33, 34, 35, 36; T-17S, R-4W, Sections 1, 2, 3, 4, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25; and T-17S, R-1E, Sections 6, 7, 18, Willamette Meridian.

- (c) This rule is subject to modification or repeal by the Commission on an area-by-area basis upon petition by the appropriate local agency or agencies. Such petition either shall provide reasonable evidence that development using subsurface sewage disposal systems will not cause unacceptable degradation of groundwater quality or surface water quality or shall provide equally adequate evidence that degradation of groundwater or surface water quality will not occur as a result of such modification or repeal.

- (d) Subsections (10)(a) and (10)(b) above shall not apply to any construction permit application based on a favorable report of evaluation of site suitability issued by the Director or his authorized representative pursuant to ORS 454.755(1)(b), where such report was issued prior to the effective date of this subsection (10) (April 18, 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. J, October 17, 1980, EQC Meeting

Proposed Adoption of Amendments to Special Rules for the
Medford-Ashland Air Quality Maintenance Area (OAR
340-20-016, -035, and -045)

Background

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

The Environmental Protection Agency (EPA) will grant approval of the SIP revision provided certain deficiencies which were identified during the approval consideration are corrected.

The EQC authorized a public hearing regarding the proposed amendments at its June 20, 1980 meeting. After appropriate public notice, the Department held a hearing on August 1, 1980. The hearing officer's report is attached (Attachment 1).

A "Statement of Need for Rulemaking" is attached (Attachment 2).

Alternative and Evaluation

Oregon must correct certain deficiencies to satisfy the conditions of EPA's proposed approval of the Medford rules as a SIP revision. The proposed rule amendments meet EPA's conditional approval of the Medford rules as a SIP revision by:

1. Removing from OAR 340-30-035 the Director's authority to allow emergency operation of a wigwam wood waste burner,
2. Adding 5 step compliance schedules to OAR 340-30-045, and
3. Tightening the maximum allowable visible emission from large wood fired boilers from 40 to 20 percent opacity which is more consistent with the stringent grain loading requirement.



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The proposed rule amendments are attached, Attachment 3.

Correction of the deficiencies will not have a significant impact on local commerce and industry nor will the corrections improve or degrade existing particulate air quality.

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

The only available alternative, i.e. declining to correct the deficiencies, was considered to be inappropriate.

No oral testimony was presented at the hearing. The balance of the testimony (written) received indicated no conflict with state programs or plans. No one opposed the proposed amended rules.

Summation

1. The Department proposes to amend the Special Rules for the Medford-Ashland Air Quality Maintenance Area to correct certain deficiencies identified by EPA in granting conditional acceptance of the rules as a revision to the State Implementation Plan.
2. A public hearing was held on August 1, 1980, subsequent to EQC authorization and public notice. The testimony received indicated no opposition to the proposed amendments to OAR 340-30-016, -035, and -045 and no conflicts with state programs or plans were identified.

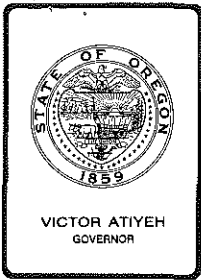
Director's Recommendation

Based on the Summation, it is recommended that the Commission adopt the proposed amendments to the Special Rules for the Medford-Ashland Air Quality Maintenance Area (OAR 340-30-016, -035, -045) as set forth in Attachment 3 and forward the amended rules to EPA as a revision to the State Implementation Plan.



William H. Young

- Attachments:
1. Hearing Officer's Report
 2. Statement of Need for Rulemaking
 3. Proposed Amendments



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: Hearings Officer

Subject: Hearing Report on August 1, 1980, regarding proposed amendment of the Special Rules for the Medford-Ashland Air Quality Maintenance Area.

Background

Pursuant to public notice, the Department of Environmental Quality held a public hearing at the Medford City Hall, Medford, Oregon at 8:00 a.m. on August 1, 1980 to receive testimony on proposed amendments to OAR 340, Division 30, Special Rules for the Medford-Ashland Air Quality Maintenance Area.

Summary of Testimony

No oral testimony was presented at the hearing.

Governor Victor Atiyeh indicated by letter dated August 5, 1980 that no significant conflicts with state plans or programs were identified by his office.

Recommendation:

The hearing officer has no recommendation.

Respectively submitted,

Dennis Belsky

Dennis Belsky
Hearing Officer

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ATTACHMENT 2

Statement of Need for Rulemaking -

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

Legal Authority

ORS 468.020, 468.295(3) and 468.325

Need for the Rule

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

Principal Documents Relied Upon

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

Fiscal Impact Statement

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

ATTACHMENT 3

Proposed Draft of Changes and Additions

Introductory Note: Changes and additions are underlined.

Deleted portions are bracketed.

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

WIGWAM WASTE BURNERS

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

COMPLIANCE SCHEDULES

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

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

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

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

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

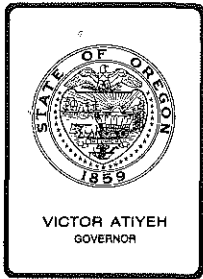
(c) Air Conveying System shall comply with Section 340-30-025 as soon as practicable, in accordance with approved compliance schedules, by not later than January 1, 1981.

- ~~(d)--Wood-Particle-Dryers-at-Hardboard-and-Particleboard-Plants-shall-comply-with-Section-340-30-030-as-soon-as-practicable,-in-accordance-with-approved-compliance-schedules,-but-by-no-later-than-January-1,-1981--~~
- ~~(e)--Wigwam-Waste-Burners-shall-comply-with-Section-340-30-035-as-soon-as-practicable,-in-accordance-with-approved-compliance-schedules,-but-by-no-later-than-January-1,-1980--~~
- ~~(f)--Charcoal-Producing-Plants-shall-comply-with-Section-340-30-040-as-soon-as-practicable,-in-accordance-with-approved-compliance-schedules,-but-by-no-later-than-January-1,-1982.]~~

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

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

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



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(1), October 17, 1980, EQC Meeting
Irving J. Damitz - Appeal of Subsurface Variance Denial

Background

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

Mr. Damitz's property (identified as Lot 4, Block 16, Bayshore Subdivision, in Lincoln County) was evaluated for on-site waste disposal on March 3, 1980, by Mr. William Zekan, R.S., Environmental Manager of the Sub-Surface Section, Lincoln County. An evaluation report, dated March 3, 1980, was sent to Mr. Damitz. Mr. Zekan determined the site to be unsuitable for subsurface sewage disposal because of landscape limitations (slopes greater than 25% in the east and west portions of the property, and hummocks or sand ridges with swales), and because of the small size of the property (60 feet by 120 feet). The use of a sand filter was found unfeasible because there was not sufficient area on the property for installation.

An application for variance from the subsurface rules [OAR 340-71-020(3) (a); 71-030(1) (e); and 71-030(1) (h)] was received by Water Quality Division on May 1, 1980. The application was found to be complete on May 5, 1980, and was assigned to Mr. Michael G. Ebeling, Variance Officer. Mr. Ebeling scheduled a visit to the site and a public information gathering hearing to take place on May 23, 1980. After closing the hearing, Mr. Ebeling evaluated the information provided by Mr. Damitz and others. Mr. Ebeling found the site to be located on an active foredune, with an erosion front approximately one hundred (100) feet to the west. Topographically, the site is described as irregular, hummocky terrain, comprised of sand ridges and swales, with natural ground slopes greater than twenty-five percent.



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Water seeps (presumed to be fresh water) were observed along the ocean shore approximately two hundred feet west of the proposed site. Groundwater below the site would be expected to be moving towards the seeps, or possibly (depending on seasonal conditions) towards an unlined canal constructed through the subdivision on the deflation plane. A pit located in the area of the proposed system exhibited a pale grey unconsolidated dune sand with fine to medium roots penetrating to the pit depth (54 inches). Soil development was not observed. European beach grass covers most of this property.

Mr. Ebeling was concerned about two major factors, landform modifications and the undefined groundwater aquifer. Cutting and filling high and low portions of the dune could affect the stability of this recent landform through the same natural processes that caused its formation. The presence of a groundwater aquifer is evidenced by the seeps occurring along the beach and by the unlined canal 200 feet east of the property. The aquifer underlying this coastal area has not been studied nor is there information currently available concerning its potential for development or its capacity to accept and treat sewage effluent safely. Mr. Ebeling considered the use of a pressurized drainfield, but concluded this technique did not address the two major factors. As Mr. Ebeling was not convinced that a subsurface sewage disposal system could be installed at the proposed site without causing pollution of public water, he denied the variance request on July 7, 1980 (Attachment "B"). Provision was made for reconsideration of this decision at such time as the findings of a groundwater study are furnished to the Variance Officer.

On July 28, 1980, the Department received a letter from Mr. Damitz appealing the Variance Officer's decision (Attachment "C").

Evaluation

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

After evaluating the site and after holding a public information type hearing to gather testimony relevant to the requested variance, Mr. Ebeling was not able to find that a subsurface sewage disposal system, of either standard or modified construction, would function in a satisfactory manner.

Mr. Ebeling was unable to modify the proposal to overcome his concerns about the proposed site. Mr. Ebeling provided for reconsideration of his decision upon receipt of a groundwater study.

Summation

1. The pertinent legal authorities are summarized in Attachment "A".
2. Mr. William Zekan evaluated Mr. Damitz's property to determine if an on-site sewage disposal system could be installed. The property was denied for on-site sewage disposal because of the irregular landscape features with slopes in excess of twenty-five (25) percent, and because there was insufficient area to install a complete system, including future replacement area, on the small lot.
3. Mr. Damitz submitted a variance application to the Department, which was assigned to Mr. Michael Ebeling.
4. On May 23, 1980, Mr. Ebeling examined the proposed drainfield site and determined it to be as described by Mr. Zekan in his evaluation report. Mr. Ebeling further determined the property to be located on an active foredune with an erosion front approximately one hundred (100) feet to the west. Water seeps were observed along the ocean shore (200 feet west of site). Groundwater below the site would be expected to be moving toward the seeps or, depending on seasonal conditions, towards an artificial drainageway to the east. European beach grass was found to cover most of the property.
5. A public information type hearing was conducted by Mr. Ebeling on May 23, 1980, so as to allow Mr. Damitz and others the opportunity to supply the facts and reasons to support the granting of the variance.
6. Mr. Ebeling reviewed the variance record and found that the testimony did not support a favorable decision. Although Mr. Ebeling was unable to modify the proposal to overcome the site limitations, he made provision for reconsideration should the findings of a groundwater study so warrant.
7. Mr. Ebeling notified Mr. Damitz by letter dated July 7, 1980, that the variance request was denied.
8. A letter appealing the Variance Officer's decision was received by the Department on July 28, 1980.

Director's Recommendation

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



William H. Young

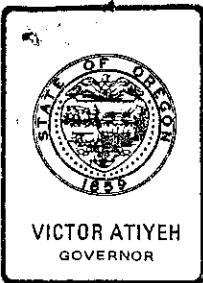
Attachments: 3
Attachment "A"
Attachment "B"
Attachment "C"

SOO:1
644-6443
XL168 (1)
September 25, 1980

ATTACHMENT "A"

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

XL168.A (1)
9/25/80



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

July 7, 1980

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Irving Damitz
3120 W. Shore Dr.
Albany, OR 97321

Re: WQ-SSS-Variance Denial
T.L. 5700; Sec. 24 AA;
T. 13 S.; R. 12 W., W.M.;
Lincoln County

Dear Mr. Damitz:

This correspondence will serve to verify that your requested variance hearing, as provided for in Oregon Administrative Rules, Chapter 340, Section 75-045 was held May 23, 1980, at the residence of Mr. Calvin Palmer in the Bay Shore subdivision

You have requested variance from the Oregon Administrative Rules, Chapter 340, Sections 71-020(3)(a); 71-030(1)(e); and 71-030(1)(h).

Just prior to the public information gathering hearing, Mr. Steve Wilson the Department soil scientist, Mr. Kent Mathiot, a hydrologist from the Department of Water Resources, and I visited the proposed site to gather soil and topographical information relevant to the variance proposal. A test pit was provided on the foredune. The pit examined was unconsolidated medium dune sand to 54 inches, with root penetration to bottom. Topography in the proposed initial and replacement drainfield area is very irregular, hummocky terrain, comprised of sand ridges and swails with slopes in excess of 25 percent.

To overcome the site development limitations, you have proposed to modify the foredune by cutting and filling a possible four to five feet of sand to create a sloping site not to exceed 13 percent. If additional sand is needed, it may be obtained from adjoining lots in the subdivision. When the shaping of the site is complete, a loop type equal distribution system with 100 lineal feet of drainfield. will be installed. The replacement drainfield will require a serial distribution type system.

Variance from particular requirements of the rules or standards pertaining to subsurface sewage disposal systems may be granted if it is found that the proposed subsurface sewage disposal system will function in a satisfactory manner so as not to create a public health hazard or to cause pollution of public waters, and special physical conditions exist which render strict compliance unreasonable, burdensome, or impractical.

Irving Damitz
July 7, 1980
Page 2

Your proposal, although well prepared, does not give assurance that it will overcome the limitations present at the site. I am concerned about the severe modification of this site by removing and filling as much as five feet of sand, coupled with the problem of stabilizing the sand and preventing erosion. I am concerned about the possibility of degrading the groundwater aquifer, even with the installation of a low pressure distribution system. Sand is very rapidly draining, its ability to remove pathogenic agents from the sewage effluent before discharge into the groundwater is questionable.

Based on my evaluation of the verbal and written testimony contained in the record, I am not convinced that the proposed drainfield will function in a satisfactory manner so as not to cause pollution of public waters of the state; therefore your variance request is regretfully denied.

I may reconsider this decision if groundwater studies performed jointly by the Departments of Water Resources and Environmental Quality show that degradation of groundwater supplies or health hazards would not be caused if an on-site system is installed.

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

Please feel free to contact me at 229-5269 if you have questions regarding this decision.

Sincerely,

Michael G. Ebeling
Subsurface Sewage Systems Specialist
Subsurface and Alternative
Sewage Systems Section
Water Quality Division

MGE:l (1)
XSD13

cc: Bill Zaken, Lincoln County
Kent Mathiot, Department of Water Resources
John Smits, North Coast Branch Office, DEQ
Steve Wilson, Regional Operations, DEQ
Greg Baesler, Northwest Region, DEQ

IRVING H DAMITZ
3120 N SHORE DR.
ALBANY, OREGON, 97321

TO: DEPARTMENT OF ENVIRONMENTAL QUALITY COMMISSION
C/O WILLIAM H YOUNG--DIRECTOR D.E.Q.
P.O. BOX 1760
PORTLAND, OREGON, 97207

SUBJECT: APPEAL OF DENIAL OF
VARIANCE REQUEST

On July 10, 1980, this writer signed for certified mail. Enclosed was a denial on my application for a variance, which was submitted to your office on April 25, 1980.

The following are the grounds for an appeal from the meaningless decisions by the hearings officer, (Ebling), who chose to ignore my basis for the variance and interjected his own variance hearing on entirely different subject matters. HE DID NOT EVEN ADDRESS HIMSELF TO THE BASIS OF MY VARIANCE PROPOSAL (FOR WHICH I PAID \$225.00).

I am also basing my appeal on the fact that there is not, nor has there ever been, any doubt by anyone, that a septic system would be perfectly functional on my lot.

It is my firm and honest belief that everyone concerned and everyone involved in the hearing believed that the ecology of the State of Oregon should be preserved to the extent that it is reasonable and functional to do so.

I have had literally hundreds of people look at this property and not one of them could see any justification for the D.E.Q. to prohibit me from building. Some of the comments I heard were: "Who is being paid off"-- "There is just no reason for any such action."--"They just do not know what they are doing"--Doesn't the DEQ have any responsibility to operate in a meaningful manner?"and many other far worse and vulgar comments.

You are more than aware that the Bayshore sub-division went thru all of the legal ramifications and have met all of the State, County and local requirements to become a bonafide sub-division. The sub-division was approved by all governmental agencies in 1963. Several hundred homes have been built since 1963 including very many west of Oceana drive. There have been absolutely no septic problems as a result. There must be other reasons for you to try to stop building in this area.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

JUL 28 1980

OFFICE OF THE DIRECTOR

RECEIVED

AUG 11 1980

State of Oregon
Department of Environmental Quality

Lincoln county charges me property taxes, based upon my capacity to build on that site. We have been paying property taxes on this lot, as a building site, since 1963. I believe that state law requires you to notify the county assessors office when you have taken such an adverse action, as you have, in order that we may be exempted from property taxes on a lot condemned by you. I further believe that you have the responsibility to condemn all of the lots south of the beach house and pay their respective values by your apparent adverse actions.

No State or county official has any right to administer any statute based on their personal beliefs. If you will review the testimony, all of the states position was taken from testimony given by what the soil scientist, Steve Wilson, Water resources department, Kent Mathiot, and from DEQ, John Smits "believed" to be the facts and issues. Not one of them stated that a septic system would not function properly, on the property. To so testify would have put them into a position of lying and they wanted to stay away from going that far. What they did do was work around the peripheral areas, trying to cast as many doubts, in unrelated areas as they could, so as to create a condition of doubt and still not deal with the truth. Not one of them would say that a septic system on that lot would be anything but functional and have adverse effects upon the environment. All they did was talk out of the side of their mouths. I flatly state that there is no one that has any working knowledge, of the physical conditions of this property, that could honestly state that a septic system would not be totally functional on this property. The same holds true as it relates to all other lots in the bayshore sub-division.

The hearings officer chose to ignore the facts that many homes have been built on properties in the area with terrain sufficiently similar to mine to be able to call them the same. These homes have never had any septic problems. in fact, the sanitarian testified that no septic problems in the area existed.

You know yourself that you could not get a qualified, recognized authority or sanitarian that has proper credentials to even say that a septic system would not work on that property. IN FACT JUST THE OPPOSITE-- Any qualified sanitarian will tell you that you can drink the water after only a short filtration. In short, the whole concept, as portrayed by your hearings officer is ludicrous, and factitious in nature.

REGISTERED
AUG 11 1980

County Division
Dept. of Environmental Quality

I do not believe that you can set in your cloistered halls and render adverse decisions on subject matter you know so little about. That coupled with the fact that you are hurting so many people in the process because you choose not to make yourself more knowledgeable of what the physical realities are of these properties and areas.

In the hearings officers denial he stated "I am concerned about the severe modification of this site by removing and filling as much as five feet of sand and preventing erosion." First let me inform you that there would be no filling of any part of the land, only removal of the overburden of sand to make the lot sufficiently level to accommodate a residence. The Septic system would still be on virgin untouched sand. That should stop any further concern that you should have on this objection.

The stabilizing of the sand and erosion is an insult to your and my intelligence. First, if the hearings officer would have looked around he would have noticed the hundreds of homes in the area that have been built and that there has never been a problem in this area. In 1963 this was a spit of sand. The developers and land owners brought in European beach grass and it has taken over the area. You can hardly walk thru it. It has totally stabilized the area. The roots go down to approximately twelve feet. It has taken over. To further squelch this sick thinking, if the hearings officer had done his homework he would have found that the covenants to the Bayshore Development call for the immediate re seeding after building has been completed. The covenants call for the bayshore beach club (which is the watchdog for all landowners at bayshore) to bring in their own crews, and at the owners expense, do the re seeding for the owner if the owner fails to reseed on a timely basis. This is again a part of the covenants. After listening to the testimony in this area, I can only conclude that the hearings officer chose not to listen or chose to ignore the facts and reality.,

Now lets deal with what I considered to be the phoniest part of the variance hearing. This is the subject of the aquifer. This was a new item brought up. This was not a part of the variance hearing that I bought and paid for. It was a part of the DEQ fabricated in order to establish a basis for rejection of the variance even though it was not a part of the variance request. The bottom line on all of the aquifer testimony was that no one knew if an aquifer existed beneath my property; where it was (if it was), how large and how deep it was; and in what direction it flowed. They could not testify that if an aquifer existed, whether it was salt or fresh water or a combination of the two.

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AUG 11 1980

To permit the kind of testimony that was allowed on the aquifer did not show any sense of fairness on the part of DEQ & in fact showed that they appeared with every intent to throw up enough smokescreens to disallow the variance. (not based on fact but a lot of conjecture.)

Kent Mathiot, Water resources dept, contended that there was an erosion front on my property. This is not the truth. There have been too many years of accretion and no erosion front as he claimed. When testimony was brought out that the land was accreting from one to three feet a year and has been since the 1930's (and proven by photos that were introduced into evidence at the hearing). He, in his own feeble way attempted to discredit these facts with his own diatribe about sediment supply and transport and called the man a liar who would say otherwise. He talked in generalities. It was obvious from the start that this man was sent here to discredit the property even though he seemed to know little of nothing about the physical accretion that was and is taking place.

Steve Wilson, Soil Scientist, stated he had not been in the Bayshore area before. In the hearing he felt he should disqualify himself as an expert, then proceeded to expound on the erosion possibilities and his beliefs" of the negative aspects that could take place if a variance was allowed. He does not warrant any more space in this appeal.

John L Smits, DEQ, Tillamook, gave some help in the preparation & was a co-suggestor of the variance, then had a change of heart & testified against the variance. It was obvious in the face of his testimony that the powers to be from the Portland office had gotten to him. The best testimony he gave was that he knew "zilch" about what was going on.

The second best testimony on my behalf was when someone from the State DEQ stated that it seemed unfair that they had brought half of the State of Oregon with them and that the hearing should be continued until a later date. This would allow me time to establish facts to rebuttal the states testimony (guesses and beliefs). I countered with the fact that I had been hurt so bad in both time & money & that I wanted the hearings closed and an answer as soon as possible. The hearings officer kept reiterating that he had 45 days in which to answer the variance request. I waited until the 47th day and proceeded to Newport to pick up my septic tank permit.

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AUG 11 1980

There is no question that the hearings officer had 45 days to answer on the variance hearing. I must presume that he is not above the law & that the statute of limitations expired on any negative answer that he could have given me on the variance. When I reached Newport I made contact with M. Ebling who acted totally unconcerned. He Stated "I can't help it if my secretary is busy", He then proceeded to tell me that he was denying my variance. I received the denial on July 10, 1980 via certified mail. The postmark was dated July 9, 1980. Apparently you are above the statutes provided for you. Who will pay for my needless trip to Newport?.

I would like to say a good word on behalf of one man under your contract, and the only one that handled himself in a truly professional manner. He has more qualifications than all of rest of the personnel present at the variance hearing. His name is Bill Zekan, The County sanitarian. He turned down my original request but was man enough to know (and knowledgable) to admit that the 25% slope condition really was not germane to sandy slopes. To me he is a credit to your organization.

It is one thing to protect the people and the environment so that all of us may lead a cleaner, healthier and happier life. It is quite another thing for a person charged with the duty to uphold the law and acting on the authority vested in him to act and perform his duties in a meaningful manner. It is quite another when he uses these powers in such a manner that he hurts innocent people.

It is common knowledge (outside of Portland & Salem) that the DEQ is making every attempt to undermine & stop all building attempts within a close proximity to the ocean. I still believe that the legislature that created your agency intended that you act in good faith with a degree of fairness & above all honesty as to the facts presented to you.

It is apparent that you have every sanitarian in the state running so scared that they are unable to function in a meaningful manner. Is it any wonder that the building in this state has ground to a halt?. It is true that the economy has slowed things down in the building industry. What the economy hasn't done to hurt building the DEQ has. It is a case of pure empire building within your organization. You are creating shadows and unfounded issues strictly for the purpose of furthering your empire & not for the sake of ecology. This is proven by the excessive number of employees your agency has. An audit of your agency would show that you would be overstaffed with 25 people. I realize that the more people you have, the higher the grades for upper management. Is this good reason to have bodies stacked on bodies, each trying to justify their jobs?. Does there need to be so many people in one agency with the responsibility to overlook each other's work?.

AUG 11 1980

Mr. Young, I have lost my veterans loan right because this has taken so long. (I applied for my veterans loan in January 1980. I started in early February with a request for a septic tank permit.) Considerable dollars have been spent in travel and time to get this permit. I retired on August 31, 1979 with the intent of building and retiring on the coast. I am not going to rest until I have proven that what is happening to me is nothing less than a conspiracy to deprive me of my right to build. The tools that are being used to thwart my building attempts are totally empire building on your agencies part.

To show you how sincere I am in my contentions. I will be willing to deed this most beautiful piece of property to the state of Oregon if the Honorable Governor, Victor Atiyeh would accompany me to the lot and make a statement that building should not be allowed here. This is a bonafide offer.

I have written in excess of 60 pages on this appeal. In an effort to condense it down, I hope I have covered the salient issues.

By virtue of your actions and your handling of the coastal problems, you have generated more intense hatred than you would care to acknowledge. It is imperative that you leave all of your Portland and Salem people out of trying to control the lives of the people that live on the coast. You maintain just enough knowledge to make yourself dangerous.

I am considering a suit for the suffering and mental anguish that I have suffered over this mess.

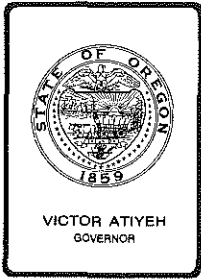
I request an answer as soon as possible so that the next steps can be taken. I hope that you can see it within your powers, Mr. Young, to go view the property and then render an honest opinion and decision.

Irving E. Danitz
 IRVING E. DANITZ
 3120 N Shore Dr.
 Albany, Oregon, 97521

CC Victor Atiyeh, Governor
 Jackie Winters, Ombudsman
 Lincoln County Commissioners
 Bill Zekan, Sanitarian
 Senator Mark Hatfield

(R) 1/3 9 7 1980
 AUG 11 1980

Regulatory Division
 Environmental Quality



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(2), October 17, 1980, EQC Meeting

Mr. and Mrs. Wayne Bows--Appeal of Subsurface Variance Denial

Background

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

Ms. Honey S. Auten filed an application with the Josephine County Health Department to have her 2.72 acre parcel evaluated for on-site sewage disposal on December 28, 1979. The property is identified as Tax Lot 1400, in Section 26, Township 35 South, Range 7 West, Josephine County. Mr. Hollis Gunter, Registered Sanitarian with Josephine County, evaluated the property on January 8, 1980. Mr. Gunter found the property did not provide sufficient area to install the initial and replacement disposal fields while maintaining the required one hundred (100) foot setback from Pickett Creek. Mr. Gunter observed that the test pits were located on a nearly level, filled site. The soil profile indicated that the fill material was greater than forty-eight (48) inches below ground surface. Mr. Gunter suggested the possibility of a variance.

An application for a variance from subsurface rules [OAR 340-71-020(2)(d) and 71-020(3)(a)] was received by Water Quality Division on April 28, 1980. The application was found to be complete on May 12, 1980, and was assigned to Mr. David H. Couch, Variance Officer. Mr. Couch scheduled a visit to the site and a public information gathering hearing to take place on June 12, 1980. The hearing was left open until July 1, 1980, to obtain additional information pertinent to the proposal. After closing the hearing, Mr. Couch evaluated the information provided by Mr. and Mrs. Bows and others. Mr. Couch found the site to be located on a filled terrace along Pickett Creek. The fill material was deeper than forty eight (48) inches, and appeared to be unconsolidated, with void spaces, rock fragments, and wood waste (such as bark, limbs, roots, and stumps). All test pits showed evidence of saturation below forty eight (48) inches. An irrigated pasture on the adjacent property to the north has influence on the site. Vegetation associated with wetness was observed in the east portion of the site, and soft areas were found along the toe of the fill.



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The proposed fill site is relatively level. In his analysis of the site limitations, Mr. Couch was concerned that the unconsolidated fill is subject to further settling as the organic debris decomposes. This settling process could cause mechanical disruption of disposal trenches should they be installed. Irrigation practices on the adjacent property upslope influence water levels at the proposed site, elimination or correction of these practices does not appear likely because of the very limited area available. Rapid movement of effluent could be expected given the unconsolidated nature of the fill. This occurrence may allow effluent to move into the water table below and ultimately into Pickett Creek, less than one hundred (100) feet away. As Mr. Couch was not convinced that a subsurface sewage disposal system could reasonably be expected to function properly at the site, he denied the variance request on July 10, 1980. (Attachment "B").

On July 22, 1980, the Department received a letter interpreted as a request for appeal of Mr. Couch's decision. Enclosed with the letter were copies of two (2) letters Mr. Couch had previously considered before reaching his decision. (Attachment "C").

Evaluation

Pursuant to OAR 454.660, decisions of variance officers to grant variances may be appealed to the Environmental Quality Commission. Mr. and Mrs. Bowls made such an appeal. The Commission must determine if a subsurface sewage disposal system of either standard or modified construction can reasonably be expected to function in a satisfactory manner at Mr. and Mrs. Bowls' proposed site.

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

Summation

1. The pertinent legal authorization are summarized in Attachment "A."
2. Ms. Honey S. Auten submitted an application to Josephine County for a site evaluation report on December 28, 1979.
3. Mr. Hollis Gunter evaluated the property to determine if an on-site sewage disposal system could be installed. He determined the site did not meet the minimum requirements for installation of either a standard subsurface system or an alternative sand filter system. Ms. Auten was notified of the site deficiencies by letter dated January 9, 1980.

4. Mr. and Mrs. Bowls submitted a variance application to the Department, which was assigned to Mr. David Couch on May 12, 1980.
5. On June 12, 1980, Mr. Couch examined the proposed site and found it to be located on a filled terrace along Pickett Creek. The fill was deeper than forty eight (48) inches, and appeared to be unconsolidated, with void spaces, rock fragments, and wood waste. All pits showed evidence of saturation below forty eight (48) inches. An irrigated pasture on adjacent property to the north has influence on the site. Vegetation associated with wetness was observed in the east portion of the site, and soft areas were found along the toe of the fill. The proposed fill site is relatively level.
6. On June 12, 1980, Mr. Couch conducted a public information type hearing so as to allow Ms. Auten (representing Mr. and Mrs. Bowls and others) the opportunity to supply the facts and reasons to support the variance request.
7. Mr. Couch reviewed the variance record and found that the testimony provided did not support a favorable decision. He was unable to modify the variance proposal to overcome the site limitation.
8. Mr. Couch notified Mr. and Mrs. Bowls by letter dated July 10, 1980, of his decision to deny their variance request.
9. A letter the Department interpreted as a request for appeal of the variance officer's decision was received on July 22, 1980.

Director's Recommendation

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



William H. Young

Attachments: 3
Attachment "A"
Attachment "B"
Attachment "C"

Sherman O. Olson, Jr.
XCD90
229-6443
9/26/80

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

XCD90.A



VICTOR ATIYEH
GOVERNOR

Department of Environmental Quality
SOUTHWEST REGION

201 W. MAIN, SUITE 2-D, MEDFORD, OREGON 97501 PHONE (503) 776-6010

July 10, 1980

CERTIFIED MAIL
Return Receipt Requested

Mr. & Mrs. Wayne O. Bowls
River Bend Park, Space 21
Brookings, OR 97415

RE: WQ-SS - Josephine County
T35S - R7W - S26 - T.L. 1400
Variance Denial (2.72 Acres)

Dear Mr. & Mrs. Bowls:

This correspondence will serve to verify that your requested variance hearing, as provided for in Oregon Administrative Rules, Chapter 340, Section 74-045 was held at 11:00 a.m., June 12, 1980 in Rm. 162, Josephine County Courthouse, Grants Pass, Oregon. As requested by your representative, Honey S. Auten of Mike Larsen Realty, the hearing record was left open for submission of additional information relative to your proposal. The hearing was officially closed July 1, 1980.

You have requested variance from Oregon Administrative Rules, Chapter 340, Sections 71-020(3)(a) and 71-020(2)(d).

Just prior to the public information gathering hearing I visited the proposed site to gather soils and topographic information relevant to your variance proposal. Four (4) test holes were examined. All four test holes showed the proposed disposal area had been filled to an unknown depth. The fill was greater than five (5) feet as observed by the depth of the test holes. The fill had been placed on the low terrace of Pickett Creek. More than half on the proposed disposal area was less than one hundred (100) feet to Pickett Creek. The proposed initial system (see Exhibit XIV) is less than one hundred (100) feet to the creek. Three (3) of the four (4) test holes observed had varying amounts of wood waste (bark, limbs, pieces of roots and stumps). The fill showed signs of not being consolidated (i.e. voids, holes). Two (2) of the test holes had a considerable amount of undecomposed wood waste. The fourth test hole was substantially soil and rock fragments mixed and was fairly consolidated. The proposed disposal area is relatively flat with an irrigated field up slope. The bottoms of the test pits were moist. Soft areas were noted at the toe of the fill on the Pickett Creek side. Some vegetative indicators of wetness were noted. Concern was expressed by the Variance Officer that channelized flow may occur in the unconsolidated fill and that it may be further enhanced as the wood waste decomposes. Mechanical disruption of the system may occur as the fill settles and the wood decomposes. Possible pollution of Pickett Creek may occur if the system is

Mr. & Mrs. Wayne O. Bows
July 10, 1980
Page Two

allowed to be installed.

To overcome the site development limitations you proposed to install three (3) one hundred (100) foot disposal lines in a loop system design. Trenches would be eighteen (18) to thirty-six (36) inches in depth. The system would basically be a "standard" system.

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

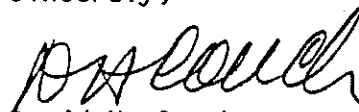
Your proposal, although well prepared, does not give assurance that it will overcome the limitations present at the site.

Therefore, based on my evaluation of the verbal and written testimony contained in the record, I am not convinced that the proposed drainfield will function in a satisfactory manner so as not to cause a public health hazard or cause pollution of public waters. Your variance request is regretfully denied.

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

Please feel free to contact me at 776-6010 if you have any questions regarding this decision.

Sincerely,


David H. Couch
Variance Officer

DHC:pb

cc: Michael G. Ebeling
Honey S. Auten, Mike Larsen Realty
Josephine County Environmental Health Services

July 15, 1980

Environmental Quality Commission
 Mr. William H. Young, Director,
 Dept. of Environmental Quality
 Box 1760
 Portland, OR

Re: WQ-SS - Josephine County
 T35 - R7W - S26 - T. L. 1400

Dear Mr. Young:

We were very disappointed to learn that our application for septic variance on our property had been denied. Had it been a clear-cut decision, it would have been easier to take. But the County soil scientist, the sanitarians for the County all disagreed with Mr. Couch and felt that the soil would not present any hazard.


I do not really have any further data to submit. But since the denial of a septic variance makes this land useless, I am asking that if there is any other way for me to have another opinion. I was told that there is a State soil scientist who comes to this area now and then. Would there be any way that he could examine the test holes? I really feel that he, too, might agree with the County officials, rather than Mr. Couch.


Regarding the moisture Mr. Couch stated was in the holes, the neighbor was flood irrigating and besides, it was raining. So there might be other differences another inspector might find.

I'm sending copies of the letters from the County and the man who dug the holes for me. If there is anything else I can do, I will do it.

Please let me hear from you soon.

Thank you.


 Evva Bowls


 Evva Bowls

98203 S. Bank, Sp. 21
 Brookings, OR 97415
 Phone 469-6294

REGIONAL OFFICE
 DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

State of Oregon
 DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

JUL 22 1980

OFFICE OF THE DIRECTOR

13. June. 1980

Department of Environmental Quality
ATTENTION: David H. Couch, Variance Officer
Medford Branch Office
201 West Main Street, Room 2D
Medford, Oregon, 97501

Re: WQ-SS - Josephine County
35S-7W-26-1400 (2.72 Acres)
Wayne & Evva Bowls

Dear Mr. Couch:

While I have no particular expertise as a soil scientist, I do have many years experience in septic system installation in Josephine County.

I dug the initial septic test holes on the above captioned property, and I dug the later holes required for the variance inspection.

The soil is obviously a land fill with many branches, sticks, rocks and probably some "pockets" unfilled as yet. They are all bits and pieces as opposed to long roots of many feet which might certainly act as a "drain pipe."

It is my feeling that these test holes would indicate the land has compacted and consolidated sufficiently so as to provide adequate filtration and that a septic system installed in the proposed area would present no health hazard.

I respectfully request that this letter of support be entered into the records concerning this variance request.

Sincerely,



Robert T. Littlefield,
LITTLEFIELD EXCAVATING & BACKHOE SERVICE

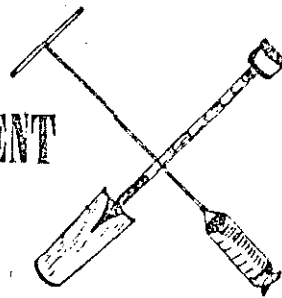
696 Ewe Creek Road
Grants Pass, Oregon 97526
503/479-2802

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JUN 25 1980

MEDFORD BRANCH OFFICE

Ex. 8U

JOSEPHINE COUNTY SOILS DEPARTMENT



PEDRO PESCADOR, SOIL SCIENTIST

XXXXXXXXXXXXXXXXX 4th & C Sts.
GRANTS PASS, OREGON 97526
TELEPHONE (503) ~~475-1300~~ 474-5428

Received
7/1/80
[Signature]

June 30, 1980

Honey S. Auten
c/o Mike Larson Realty
3388 Merlin Road
Grants Pass, Oregon 97526

Re: Variance application for Bowls Property on Pickett Creek
Tax Lot 1400 (35-7-26)

On June 12, 1980 I visited the proposed site with Charles Costanzo, John Blanchard, and Hollis Gunter of the Josephine County Environmental Health Services. The test pits were reviewed and the determination of this office is that the "fill" is settled to the extent it is as stable as natural ground with unrestrictive rooting depths. The mainly horizontal holes created by the removal of old buried logs are not continuous.

The soil material is generally a gravelly clay loam with some compaction in one test pit. The compacted layer does not appear to be continuous over the landscape. The healthy vegetative regeneration has contributed strongly to the settled condition of the fill. These are mainly deep rooted bunch grasses, shrubs, and trees.

Conclusions: The site is a settled old fill with a few old buried log pieces which are not continuous across the landscape of the fill. They do not extend beyond the fill edge. I believe the application for a variance from setbacks is proper as recommended by Hollis Gunter, Registered Sanitarian.

If there are any questions please contact this office.

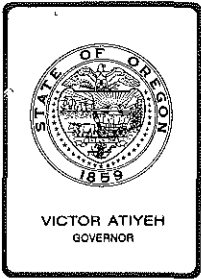
Sincerely,

Pedro Pescador CPSS

Pedro Pescador, C.P.S.S.
Certified Professional Soil Scientist

PP:bh
cc: David Couch, DEQ Medford ✓

Ex. XVI



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. L, October 17, 1980, EQC Meeting

Adoption of Amendment to Rules Governing Subsurface Fees for Lane County, OAR 340-72-030(1)

Background and Problem Statement

ORS 454.745(4) provides that the Commission at the request of the Director or any Contract County, may by rule increase fees above the maximum levels established in Subsection (1) of ORS 454.745. Fee increases permitted by the Commission shall be based upon actual costs for efficiently conducted minimum services as developed by the Director or Contract County.

Lane County has requested that the County's fees be increased above the maximums now established in ORS 454.745. With increasing program costs, Lane County feels that an increase is necessary in order to maintain an adequate level of service.

Lane County has developed fee information upon which the proposal is based. That information is contained in Attachment A.

On September 19, 1980, the Commission authorized a public hearing on the question of adoption of a new schedule of subsurface fees for Lane County. That hearing was conducted September 30, 1980, in Eugene. A hearing officer's report is attached. (Attachment B)

Summation

1. The Commission may by rule, increase maximum subsurface fees established in ORS 454.745 at the request of the Director or any Contract County.



Contains
Recycled
Materials

2. Lane County has requested that maximum fee levels established in ORS 454.745 be increased for that county.
3. Public hearing has been held in Eugene.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission adopt proposed OAR 340-72-030(1), schedule of subsurface fees to be charged by Lane County.



William H. Young

Attachments: 4

- (A) Lane County's Analysis of and Board Order on Subsurface Fees
- (B) Hearing Officer's Report
- (C) Draft Statement of Need
- (D) Draft of Proposed Rule

T. Jack Osborne: 1
229-6218
October 1, 1980
XL191 (1)

A number of methods to reduce cost have been implemented by Lane County. As examples:

- 1) Temporary (Hardships) Mobile Home annual evaluations have been changed to have renewal every two years during December and January. This results in:
 - (a) Ability to schedule multiple inspections along a transportation route; and
 - (b) Ability to use para-professional personnel (technicians) to evaluate system performance.
- 2) Certified installer program implementation. This program achieved:
 - (a) Ability to schedule field visit during SDS construction as a portion of scheduled work; and
 - (b) Ability to direct staff effort toward poor quality construction of select installers and individual applicants.
- 3) Transfer of capping fill jurisdiction to Lane County achieved:
 - (a) Reduction in county staff time assisting applicants with the variance process; and
 - (b) Allow field personnel to complete the process from evaluation through final construction.

Attached you will find the following:

- 1) Copy of Lane Manual 60.855(10) which includes actual fee schedule.
- 2) Copy of comparable fees depicting current and proposed levels for certain classes of applications.

Lane County has an integrated application process. In those cases where the SDS construction is combined with structures a \$15.00 reduction is made on the SDS or alternative construction application.

As a portion of our cost analysis we requested information from other contract counties. Only a limited number of counties had information regarding capping fills and sand filter inspection costs. The following summary is provided.

	<u>CAPPING FILL</u>	<u>SAND FILTER</u>
Application Processing	1/2-1 hour	1/2-1 hour
Design Review Office	1/2	1-1.5 hour
Construction Control	5 hours	5-7 hours
Total	6-6.5 hours	6-9.5 hours

Costs per hour vary widely in individual counties. The capping fill and sand filter construction control time requirements in the responding counties are similar to the Lane County experience.

In applying our average cost per hour to the time range the following costs were projected.

	Range
1) Capping Fill:	\$120.25 to 130.25
2) Sand Filter:	120.25 to 194.25

There is a fee proposed for a service not previously charged, for a portion of ORS 454.725. Which is:

- 1) Septic tank abandonment inspections proposed at \$35.00.

We request placement on the August EQC hearing for fee adjustment consideration. Please notify me of necessary supporting information for the hearing.

RLB/jbw

SAMPLE IMPACT OF FEE CHANGES

Single Family Dwelling Construction, with SDS. 1200 square feet; 480 square foot garage;
9 fixtures; 2 connectors.

	<u>79-80 Rate</u>	<u>Val.</u>	<u>Fee</u>	<u>80-81 Rate</u>	<u>Val.</u>	<u>Fee</u>	<u>% Incr.</u>
Building Fee:							
1200 sq ft SFD	@ 35.25	42,300		@ 38.10	45,720		
480 sq ft garage	@ 8.85	4,248		@ 9.50	4,560		
Total		46,548	178.00		50,280	189.00	6%
Plumbing Fee:							
9 fixtures	@ 5.00		45.00	@ 5.00		45.00	
2 connectors	@ 5.00		10.00	@ 15.00		30.00	
Total			55.00			75.00	
Mechanical Fee:							
1 furnace, dryer vent	@ 10.00		10.00	@ 19.00		19.00	90%
State Surcharge (@ 4%)			9.72			11.32	16%
Plans Check Fee (@ 50%)			121.50			141.50	16%
SDS Installation	@ 40.00		40.00	@ 50.00		50.00	25%
TOTAL FEES:			414.22			485.82	17%

* * * * *

New Mobile Home Installation, with SDS installation. (Not in a mobile home park.)

	<u>79-80 Fee</u>	<u>80-81 Fee</u>	<u>% Increase</u>
Mobile Home Fee (includes State surcharge)	31.50 singlewide 41.50 doublewide	65.00 65.00	106% 57%
Mobile Home Plumbing	10.00	10.00	0
SDS Installation	40.00	50.00	25%
TOTAL FEES:	81.50 singlewide 91.50 doublewide	125.00	45% (approx)

* * * * *

Temporary Mobile Home Renewal. (Good two years.)

	<u>79-80 Fee</u>	<u>80-81 Fee</u>	<u>% Increase</u>
Temp mobile home renewal	10.00 (good 1 yr)	25.00 (good 2 yrs)	25%
SDS review-TMH renewal	25.00 (good 1 yr)	10.00 (good 2 yrs)	-75%
TOTAL FEES	35.00 (good 1 yr)	35.00 (good 2 yrs)	-50%

B

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

O R D E R N O. 80-7-16-11))))	IN THE MATTER OF AMENDING OF LANE MANUAL TO CHANGE BUILDING AND SANITATION DIVISION FEES AND INCREASE FEES AND SETTING EFFECTIVE DATES
---------------------------	------------------	---

The Board of County Commissioners of Lane County orders as follows:

Chapter 60 of Lane Manual is hereby amended by removing and substituting the following pages:

REMOVE THESE PAGES

INSERT THESE PAGES

60.855(1) - 60.855(2) to
 60.855(2) - 60.855(2) and
 pp. 1 through 5 of Exhibit "A"
 to Chapter 60 of Lane Manual
 (60.855) (a total of seven pages)

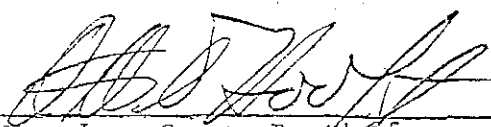
60.856(1) - 60.856(3) (one page)

60.855(1) - 60.855(4) to
 60.855(10) - 60.855(10) and
 pp. 1 through 5 of Exhibit "A"
 to Chapter 60 of Lane Manual
 (60.855) (a total of nine pages)

Said pages are attached hereto and incorporated herein by reference. The purpose of these substitutions is to change Construction Permits and Inspection Division fees to Building and Sanitation Division fees and increase fees; change Water Pollution Control Division fees to Subsurface and Alternative Systems fees and incorporate into Building and Sanitation Division fees and increase fees and increase the fees on pp. 1 through 5 of Exhibit "A" to Chapter 60 of Lane Manual (60.855). These fees are effective as of July 1, 1980, except 60.855(10), which is effective August 18, 1980.

Adopted this 6th day of August, 1980.

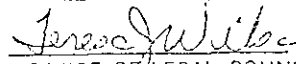
State of Oregon
 DEPARTMENT OF ENVIRONMENTAL QUALITY
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 AUG 25 1980



 Chairman, Lane County Board of
 Commissioners

WATER QUALITY CONTROL

In the Matter of Amending Chapter 60 of Lane Manual to Change Building and Sanitation Division Fees and Increase Fees and Setting Effective Dates

APPROVED AS TO FORM
DATE <u>7-9-80</u> by <u> </u>

OFFICE OF LEGAL COUNSEL

of total fee as set forth in Table A MHP. Standards plus regular permits fees for building, plumbing and mechanical permits.

- (5) Recreation Parks construction permit fee based on \$5.00 per space plus regular permit fee for plumbing. Plan Review fee is 65 percent of total permit fee.
- | | |
|-----------------------------|----------|
| Sanitary Dump Station | \$ 20.00 |
| Wastewater Disposal Station | 3.00 |
| Water Hydrant (Rec. Park) | 5.00 |
- (6) Plumbing Fees:
- | | |
|---|---------|
| Sink | \$ 5.00 |
| Lavatory (Wash basin) | 5.00 |
| Tub and shower | 5.00 |
| Shower, separate | 5.00 |
| Water Closet (toilet) | 5.00 |
| Dishwasher | 5.00 |
| Disposal (garbage) | 5.00 |
| Washing Machine | 5.00 |
| Water Heater | 5.00 |
| Floor Drain | 5.00 |
| Sewer - 1st 50 ft. (Building to Septic Tank or City sewer line) | 15.00 |
| Water Service - 1st 100 ft. (Building to well or public water main) | 15.00 |
| Storm and Rain Drain - 1st 100 ft. | 15.00 |
| Sewage and Sump Pump (ejector) | 5.00 |
| Miscellaneous: | |
| Sewer, each additional 100 ft. | 10.00 |
| Water service, each additional 100 ft. | 10.00 |
| Storm and Rain Drain, each additional 100 ft. | 10.00 |
| Mobile Home Space, each (MHP) | 15.00 |
| Minimum Plumbing Fee | 10.00 |
| Composting Toilet | 35.00 |
- (7) Reinspection Fees for building, plumbing and mechanical as listed:
- | | |
|--------------------------------|-----------|
| 1st reinspection | No charge |
| 2nd reinspection | \$ 15.00 |
| 3rd reinspection | 30.00 |
| 4th reinspection | 45.00 |
| 5th reinspection or more, each | 60.00 |
- (8) Commercial/Industrial Temporary Certificate of Occupancy Fee 10 percent of Building Permit Fee
- (9) Fee for Development Report Service \$ 20.00

60.855 Building and Sanitation Division Fees. In accordance with Chapter 11 of Lane Code and ORS Chapter 456, OAR 814-23-075 and 814-28-040, the following fees are established:

(1) Building permit fees as shown on Exhibit "A" attached hereto and incorporated herein.

(2) Additional fees:

Mobile Home Placement Permit	\$ 65.00
Mobile Home Placement in a Mobile Home Park	55.00
Additional Widths over 2, each	9.00
Attached Mobile Home Accessory Buildings or Structures, each	9.00
Mobile Modular Structures (used for other than dwelling purposes)	65.00
Modular Homes (Plumbing extra, any onsite work extra)	3.00/sq. ft. for foundations plus \$35.00 inspection fee
Temporary Mobile Home Placement Permit (Original Placement - Good for two calendar years)	70.00
Temporary Mobile Home Placement Permit (Biannual renewal)	25.00
Mobile Home Plumbing Connections Fee	10.00
Recreational Vehicle (six months)	15.00
Moving of Structure:	
Dwelling	100.00
Nonres., 400 sq. ft. or under	30.00
Nonres., over 400 sq. ft but under 800 sq. ft.	40.00
Nonres., 800 sq. ft. or over	.1/2 bldg. permit fee based on current assessed value
Swimming Pool	60.00
Demolition of Buildings over 500 sq. ft.	45.00
Agricultural Buildings not located in Flood Hazard areas	30.00
Change of Occupancy Inspection Fee	100.00
Other Requested Inspections	25.00
Appeals Hearing Filing Fee	35.00
Floodplain Review Fee for applications in floodplain	10.00
Mechanical Permit fees as provided in Table 3A Uniform Mechanical Code 1979 Edition	
(4) Mobile Home Parks plan review fee based on valuation computed at \$4,000 per space. Fee is found in Table A of MHP. Standards effective February 1, 1979. OAR 814-28-040 Mobile Home Park Construction permit shall be 50 percent	

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
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WATER QUALITY CONTROL

(v)	<u>Repair Permits.</u>	<u>Standard</u>	25.00
		<u>Special*</u>	1.00
(vi)	<u>Evaluation of Existing System Adequacy.</u>		50.00
(vii)	<u>Annual Evaluations.</u>		
	-Office Only		20.00
	-Alternative System		25.00
	-Temporary Mobile Home - Biannual		10.00
	-Pumper Trucks**		25.00
(viii)	<u>Septic Tank Abandonment Compliance Inspection.</u>		35.00
(ix)	<u>Renewal Expired Permits.</u>		37.00
	-Office Action Only		22.00
(b)	<u>Soil Survey and Interpretation Report per request.</u>		
	(i)	Minimum Fee	30.00
	(ii)	Hourly Cost	25.00
	(iii)	Soil Report - Office	15.00

* Special repair permits shall be issued upon application therefor to the owner (or contract purchaser) to repair the system serving the owner (or contract purchaser) occupied housing unit located within the boundaries of any area which has been formally declared by the Lane County Board of Commissioners ("Board") or the Oregon State Health Division to be a health hazard area, or applicants receiving assistance through the Farmers Home Administration Section 502 or 504 loan and grant programs or within an area defined in sewer plan adopted by the Board recommending correction of individual systems; provided that a repair permit application and fee is filed not later than 30 days after the date of written notification that the applicant's system has failed.

** Pumper trucks inspected during the same field visit shall be charged at a rate of \$5 per additional truck.

- (10) Subsurface and Alternative Systems Fees. The Division shall have the authority to charge the following fees:
- (a) Subsurface and Alternative waste disposal as adopted by the Oregon Department of Environmental Quality, pursuant to ORS 454.725:
- (i) New Site Evaluation.
- (aa) Residential.
- 1st Lot \$120.00
 - Each Additional Lot Evaluated While On Site 90.00
 - Shared System
- Fee shall be based on single family equivalency load by number of units times \$90.00 + \$20.00 filing.
- (bb) Commercial/Industrial.
- Fees for Commercial/Industrial evaluations shall be based upon the following formula:
- $$\frac{\text{Daily Sewage Load}}{450} \times \$25.00 + \$90.00$$
- (ii) Construction Installation Permits.
(With Favorable Evaluation Report)
- New Subsurface-Residential 65.00
 - Commercial/Industrial
- Fees for Commercial/Industrial permits shall be based upon the following formula:
- $$\frac{\text{Daily Sewage Load}}{450} \times \$15.00 + \$65.00$$
- (iii) New Alternative Systems.
- Plans review only 35.00
 - Holding Tank 100.00
 - Sand Filters, Other Fees for Commercial/Industrial Alternative Systems permits shall be based on the following formula: 125.00
- $$450 \times \$20.00 + \$90.00$$
- Capping Fill - No-Plan Review Required 90.00
- (iv) Alteration/Extension of Existing System Permits. 75.00

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

R E C E I V E D

AUG 25 1980

WATER QUALITY CONTROL

Lane Manual

<u>**Occupancy and Type</u>	<u>Cost per Square Foot</u>
5. <u>Dwellings:</u>	
Type V-Masonry.....	\$40.85
2nd-Story Living.....	32.00
Type V-Wood Frame.....	38.10
Lower Level or 2nd Story Living.	28.40
<u>Basements:</u>	
Non-Living Unfurnished.....	7.75
Residential Accessory Buildings..	9.50
6. <u>Private Garages:</u>	
Masonry.....	12.50
Wood-Frame.....	9.50
Open Carports.....	5.10
7. <u>Hospitals:</u>	
*Type I or II F.R.....	83.35
Type III-1-Hour.....	78.70
Type V-1-Hour.....	67.75
8. <u>Hotels and Motels:</u>	
*Type I or II F.R.....	51.90
Type III-1-Hour.....	44.15
Type III-N.....	41.80
Type V-1-Hour.....	38.85
Type V-N.....	36.35
9. <u>Industrial Plants:</u>	
Type I or II F.R.....	32.20
Type II-1-Hour.....	20.35
Type II (Stock)	18.20
Type III-1-Hour.....	23.65
Type III-N.....	21.25
Type V-1-Hour.....	20.35
Type V-N.....	18.80
Tilt-up.....	15.10
Structures - open two or more sides Type III-N or V-N.....	9.50
Industrial Loading Docks	
Uncovered.....	7.05
Pole Building.....	7.00

EXHIBIT "A" TO CHAPTER 60
OF LANE MANUAL (60.855)

NOTE: For additions, alterations and remodel see page 5 of 13 for fees.

LANE COUNTY
 Department of Environmental Management
 Building and Sanitation Division

BUILDING VALUATION DATA

The valuation of building construction for building permit purposes shall be the actual total construction costs for all classes of work. The application for a building permit shall include an accurate estimate of the construction cost or the actual contract cost. The building permit fee will be based on this cost estimate or as a minimum shall be based on the following costs:

	<u>Cost per Square Foot</u>
<u>**Occupancy and Type</u>	
1. <u>Apartment Houses:</u>	
*Type I or II F.R.....	\$53.85
Type V-Masonry (or Type III).....	41.30
Type V-Wood Frame.....	37.00
Type I Basement/Garage.....	20.30
2. <u>Banks:</u>	
*Type I or II F.R.....	71.70
Type III-1 Hour.....	60.80
Type III-N.....	58.25
Type V-1-Hour.....	51.25
Type V-N.....	48.65
3. <u>Churches:</u>	
Type I or II F.R.....	52.20
Type III-1-Hour.....	42.05
Type III-N.....	39.50
Type V-1-Hour.....	37.60
Type V-N.....	35.35
4. <u>Convalescent Hospitals:</u>	
*Type I or II F.R.....	70.20
Type III-1-Hour.....	57.75
Type V-1-Hour.....	46.05

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EXHIBIT "A" TO CHAPTER 60
 OF LANE MANUAL (60.855)

WATER QUALITY CONTROL

NOTE: For additions, alterations and remodel see Page 5 of 13 for fees.

<u>**Occupancy and Type</u>	<u>Cost per Square Foot</u>
<u>15. Schools:</u>	
Type I or II F.R.....	\$51.85
Type III-1-Hour.....	44.15
Type III-N.....	41.75
Type V-1-Hour.....	39.60
<u>16. Service Stations:</u>	
Type II-N.....	39.60
Type III-1-Hour.....	43.15
Type V-1-Hour.....	27.40
Canopies.....	13.75
<u>17. Theaters:</u>	
Type I or II F.R.....	60.50
Type III-1-Hour.....	44.55
Type III-N.....	42.15
Type V-1-Hour.....	41.40
Type V-N.....	39.00
<u>18. Warehouses:</u>	
Type I or II F.R.....	27.30
Type II or V-1-Hour.....	18.15
Type II or V-N.....	15.60
Type III-1-Hour.....	20.00
Type III-N.....	17.50
Pole Building	7.00
<u>19. Equipment:</u>	
<u>Air Conditioning:</u>	
Commercial.....	3.00
Residential.....	2.50
Sprinkler Systems.....	1.35
<u>20. Miscellaneous Structures:</u>	
Agricultural Buildings..... in Flood Hazard Areas	5.50

* Add 0.8% to total cost for each story over three.
 ** Occupancy and type based on 1979 UBC.

EXHIBIT "A" TO CHAPTER 60
 OF LANE MANUAL (60.855)

NOTE: For additions, alterations and remodel see page 5 of 13 for fees.

Lane Manual

<u>**Occupancy and Type</u>	<u>Cost per Square Foot</u>
10. <u>Medical Offices:</u>	
*Type I or II F.R.....	\$66.75
Type III-1-Hour.....	49.25
Type III-N.....	46.70
Type V-1-Hour.....	43.90
Type V-N.....	41.50
11. <u>Offices:</u>	
*Type I or II F.R.....	56.50
Type III-1-Hour.....	41.90
Type III-N.....	39.35
Type V-1-Hour.....	35.10
Type V-N.....	32.60
12. <u>Public Garages:</u>	
*Type I or II F.R.....	27.60
Type II-N.....	18.35
Type III-1-Hour.....	21.85
Type III-N.....	18.35
Type V-1-Hour.....	18.35
13. <u>Restaurants:</u>	
Type III-1-Hour.....	51.30
Type III-N.....	49.25
Type V-1-Hour.....	45.20
Type V-N.....	42.65
14. <u>Stores:</u>	
*Type I or II F.R.....	43.00
Type III-1-Hour.....	32.80
Type III-N.....	30.55
Type V-1-Hour.....	28.90
Type V-N.....	26.00

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WATER QUALITY CONTROL

EXHIBIT "A" TO CHAPTER 60
OF LANE MANUAL (60.855)

NOTE: For additions, alterations and remodel see page 5 of 13 for fees.

ENVIRONMENTAL MANAGEMENT DEPARTMENT
BUILDING AND SANITATION DIVISION
CURRENT AND PROPOSED FEES COMPARISON

<u>APPLICATION TYPE</u>	<u>AVERAGE COST TO PROCESS</u>	<u>CURRENT FEE</u>	<u>% SELF SUPPORT</u>	<u>PROPOSED FEE</u>	<u>PROPOSED % SELF SUPPORT</u>
<u>BUILDING PERMITS</u>					
New Residential	\$281	\$265	94%	***	100%
Res. Alter/Addition	281	86	31	***	50
Agric. Bldg.--Flood Plain	158	no data		***	50
Agric. Bldg.	30	10	33	\$30	100
Wood Stove	90	15	17	15	17
Chg. of Occupancy	208	50	24	100	50
Move	208	50	24	100	50
Swimming Pool	62	38	60	60	97
Demolition	48	15	32	45	93
Sign	71	35	50	***	50
Mobile Home	83	46	55	65	97
Temp. Mobile Home	88	46	52	70	97
New Commercial	543	458	84	***	90
Comm. Repair/Remodel	513	176	34	***	50

Notes: Average cost to process includes all departmental costs, but excludes County indirect costs (County indirect cost figure is 18% of Pers. Svcs.)
***These items are based upon preset valuation tables; the only way fees are changed is by changing valuations.

SANITATION PERMITS AND SERVICES

Site Evaluation: 1st site	\$124	\$120	94%	\$120	94%
" additional sites	100	100	100	90	90
" shared systems	est.\$100/site	120	31	formula	90
" Comm/Industrial	500	120	25-50	formula	90
Subsurface Permits--resid.	86	40	47	65	76
" Comm/Industrial	375	40	11	formula	90
Alternative Systems					
Holding Tanks	86	40	47	65	76
Capping Fill	110	40	36	90	82
Sand Filter	155	40	26	125	81
Comm/Industrial	375	40	11	formula	85
Alteration or Extension	112	25	22	75	67
Repair Permits	75	25	33	25	33
Special	75	1	1	1	1
Evaluation/Cert. of Adequacy	53	40	75	50	95
Annual Eval.-Alter. Systems	25	40	160	25	100
Temporary Mobile Home renew	10	25	250	10	100 1/
Pumper Trucks Renewal	25	25	100	25	100
Septic Tank Abandonment	38.50	0	0	35	91
Building Permit Referral	15	0	0	15	100

Notes: Items with a formula for the proposed new fee will be, on the average, fee supported at the level shown.

DEQ and Department of Commerce approval will be necessary following Board action on these items.

1/ based on new TMH process.

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Lane Manual

If the above determination of construction costs does not agree with the actual cost of construction, the permit holder may submit a detailed certified cost record after completion of construction. Any overpayment of permit fees will be refunded based on the actual cost as approved by the Construction Permits & Inspection Division Director.

21. Additional Fees:

Plan Checking Fee:

In addition to the building permit fee a plan check fee will be charged based on building permit fee.

One and Two Family Dwellings and Residential Accessory Buildings:
50% of building fee (see Schedule A)

Commercial and Industrial Buildings and Structures:
65% of building fee (see Schedule B)

22. Additions, Alteration and Remodel:

Dwellings:

Additions..... \$53.00/sq. ft.

Alterations and remodel other than additions use contract price or 50% current per square foot value for new construction. Figure square foot area to be remodeled only.

Minimum Fee..... 25.00

Commercial/Industrial:

Additions..... Add \$5.00/sq. ft to price of new construction for type of occupancy

Alterations and remodel other than additions use contract price or 50% of current per square foot value of new construction for type of occupancy. Figure square foot area to be remodeled only.

Minimum Fee..... 25.00

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WATER QUALITY CONTROL

EXHIBIT "A" TO CHAPTER 60
OF LANE MANUAL (60.855)

for proper wood stove installation.

10. Reinspection fees--Accelerate cost after first charged reinspection.

First reinspection \$15 (as currently charged)
Second reinspection \$30
Third reinspection \$45
Fourth reinspection \$60

11. Subsurface fees have been analyzed and adjusted to reflect actual costs. One departure from past procedures is in recognition that system evaluation and construction for commercial and industrial development and clustered residential have been charged proportionally lower than individual residential lots. Based on cost analysis during FY79-80 the proposed formula method will achieve parity for the classes of action. The capping fill and sand filter system construction permits are new fee categories. These new alternative systems require increased inspection. The capping fill fee proposal is a reduction in permit cost. Previously most capping fills required a variance with DEQ at a \$225.00 fee. We have compared our proposed fee categories with other counties and find our cost to be consistent.
12. Temporary mobile homes--based upon board action on this class of permits a more efficient inspection procedure is possible. The proposed fee reduction reflects this productivity improvement.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
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WATER QUALITY CONTROL

SUMMARY OF PROPOSED CHANGES

1. Mobile home permit--change from \$31.50 (\$41.50 for double-wide) to \$65. to cover 97% of costs (retain \$10. plumbing inspection fee)
2. Temporary mobile home permit--change from \$31.50 (41.50) to \$70. to cover 97% of costs, including neighbor notification.
3. Revise valuation tables for commercial and residential new construction to more accurately reflect current valuation; increases average 8%, resulting in approximately 6% increase in fees.
4. Revise valuation data for commercial and residential repair--remodel permits, to more accurately reflect current valuations. Institute minimum fee of \$25. Average fees will cover 25 to 50% of costs; minimum fee affects 5% of all repair remodel permit applications.
5. Floodplain processing fee--establish a \$10. fee to cover 50% of the costs of additional processing necessary for applications in flood hazard areas. Does not cover costs of field site reviews, if needed.
6. Establish a temporary certificate of occupancy fee for commercial construction permits in which occupancy is desired before the job is complete. Requires extra inspections, and is proposed to cost 10% of the original application fee.
7. Agricultural Buildings--(those not located in flood hazard areas) change from \$10. to \$30. to cover 100% of costs.
8. Other items--Pools increased from \$37.50 to \$60. to cover 97% of costs. Moves and changes of occupancy increased from \$50. to \$100. to cover 46% of costs. Demolition increased from \$15. to \$45. to cover 94% of costs.
9. Wood Stoves--these permit actions are a unique area of health and safety code compliance. Due to increased energy cost retrofitting actions involving wood stove and fireplace inserts installations are occurring with regularity and are likely to increase. Three alternatives were evaluated by staff.
 1. Increase fees to cover cost of services; or
 2. Maintain current fee levels; or
 3. Eliminate fee and request increased budget supplement from the general fund.

Alternatives one (1) and three (3) are not recommended by staff. Alternative one would further discourage citizens from obtaining proper installation and result in further fire and safety hazard. Alternative three would result in a dramatic increase in application actions and result in an estimates need for 75,000 to 80,000 budget supplement from the general fund.

Staff recommends that the current fee be maintained and the County pursue;

1. State legislation to establish wood stove standards.
2. Lane County, in cooperation with Eugene, Springfield, prepare a brochure and other informational materials describing the basic elements and needs

ENVIRONMENTAL MANAGEMENT
BUILDING AND SANITATION DIVISION

SERVICES IMPACT FROM REDUCED BUDGET

1. Reduced Public Assistance - For owner-builders, etc. 50% less time is available to explain codes, fees or procedures. This area will be helped when a booklet is produced, in the third quarter, containing a summary of rules and procedures and a list of professionals who will assist applicants for a fee.
2. Eliminate same-day called inspections, reducing visits to outlying areas to twice a week. Necessary due to restricted fuel allocation as well as a 38% reduction in inspectors. Four-day work week established with 10-hour days results in 12% increase in productivity during summer month.
3. Institute recorders for called inspections (a similar system works for City of Eugene) necessitated by the elimination of the clerk who answers phones, tracks pending actions, and schedules inspections. Inspection and requests received by 4 pm will be scheduled for the next available day the inspector is in that area. Maximum response time for any inspection will be three working days.
4. Walk-Through Permits (same-day issue) are eliminated entirely. Single family dwelling permit issuance is 12 working-days (up from the current standard of 10 working-days).
5. Reduced public assistance - Septic systems 50% reduction in public assistance is available to help citizens on waste disposal problems. Elimination of private telephone lines decreased phone contact service by 75%-85% of previous levels.
6. Field inspection service levels reduced by 20%. No ability to respond to repair permits, new S.D.S. or sewage violation within 24 hours of notice. Final inspection on installation for non-certified installers cannot be assured within three working days.
7. Reduction in support levels of clerical activity for permit and application function reduced by 50% in the Division.



STATE OF OREGON

INTEROFFICE MEMO

TO: Jack Osborne

DATE: September 30, 1980

FROM: Daryl S. Johnson

SUBJECT: Public Hearing -- Proposed Fee Schedule -- Lane County

I met with Roy Burns to conduct the scheduled hearing. I put together the following handout for those who might have come.

Nobody showed up so, I didn't open any record. I waited until 10:30 a.m. There was no testimony.

DSJ/jnf

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IN THE MATTER OF THE ADOPTION
OF RULE 340-72-030(1), ESTABLISHING
A FEE SCHEDULE FOR SUBSURFACE
SEWAGE DISPOSAL PERMITS AND SERVICES
IN LANE COUNTY

- (1) Public Hearing, September 30, 1980: To consider adoption by the Environmental Quality Commission of proposed rule 340-72-030(1), establishing a fee schedule for subsurface sewage disposal permits and activities for Lane County:

Eugene; Lane County Public Service Building
125 East Eighth Street
Conference Room, Harris Hall

- (2) The Lane County Board of Commissioners on August 6, 1980, adopted a new fee schedule for the subsurface program pending approval of the Environmental Quality Commission.
- (3) The proposed rule provides for a general increase of fees over those presently charged, to reflect increased costs of program operation.
- (4) The main issue to be considered at the hearing is whether the proposed fees reflect actual costs for efficiently conducted required program services, as developed by Lane County.

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ENVIRONMENTAL QUALITY COMMISSION

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF THE ADOPTION	)	STATUTORY AUTHORITY,
OF RULE 340-72-030(1),	)	STATEMENT OF NEED,
ESTABLISHING A FEE SCHEDULE FOR	)	PRINCIPAL DOCUMENTS
SUBSURFACE SEWAGE DISPOSAL PERMITS	)	RELIED UPON, AND
AND SERVICES IN LANE COUNTY	)	STATEMENT OF FISCAL
	)	IMPACT

1. Citation of Statutory Authority: ORS 454.625 which authorizes the Environmental Quality Commission to adopt rules pertaining to subsurface sewage disposal and ORS 454.745 which establishes fees to be charged for subsurface sewage disposal permits and services.
2. Need for Rule: Lane County has experienced an increase in costs for providing services, issuing permits and general administration of the subsurface sewage disposal program. In order to maintain the present level of service, a general fee increase is necessary. The proposed fee increase will support approximately 85 percent of the subsurface sewage disposal program.
3. Documents Relied Upon in Proposal of the Rule:
 - a. Board Order Number 80-7-16-11 in the Matter of Amending Fees for the Building and Sanitation Division of Lane County.
 - b. Lane County Memorandum of July 21, 1980, regarding fee adjustments for subsurface and alternative systems.

The above documents are available for public inspection at the Lane County Department of Environmental Management, 125 E. Eighth St., Eugene, Oregon, during regular business hours, 8 a.m. to 5 p.m., Monday through Friday.

4. Fiscal and Economic Impact: Some fees are increased, others are reduced to reflect actual costs incurred for program services. The additional costs to applicants for permits and services related to subsurface sewage disposal will range from a \$15 reduction to an \$85 increase for the Sand Filter Construction Permit.

The direct monetary impact will fall upon individual applicants for permits or services. A positive impact will be seen by increased county revenues which will offset general fund monies in the county's budget.

Dated: October 1980

William H. Young, Director
Department of Environmental Quality

TJO:1
XL191 (1)

PROPOSED AMENDMENT TO RULES

GOVERNING SUBSURFACE FEE SCHEDULES

340-72-030 CONTRACT COUNTY FEE SCHEDULES

Pursuant to ORS 454.745(4) fee schedules, which exceed maximum fees in ORS 454.745(1), are established for Contract Counties as follows:

(1) Lane County.

(a) New Site Evaluation.

(A) Residential.

- 1st Lot \$120.00
- Each Additional Lot Evaluated While On Site 90.00
- Shared System
Fee shall be based on single family equivalency load by number of units times \$90.00 + \$20.00 filing.

(B) Commercial/Industrial.

- Fees for Commercial/Industrial evaluations shall be based upon the following formula:
Daily Sewage Load
450 X \$25.00 + \$90.00

(b) Construction Installation Permits.

(With Favorable Evaluation Report)

- New Subsurface-Residential 65.00
- Commercial/Industrial
- Fees for Commercial/Industrial permits shall be based upon the following formula:
Daily Sewage Load
450 X \$15.00 + \$65.00

(c) New Alternative Systems.

- Plans review only 35.00
- Holding Tank 100.00
- Sand Filters, Other Fees for Commercial/Industrial Alternative Systems permits shall be based on the following formula:
Daily Sewage Load
450 X \$20.00 + \$90.00

- Capping Fill - No Plan Review Required 90.00

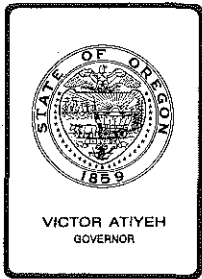
(d) Alteration/Extension of Existing System Permits.

75.00

(e)	<u>Repair Permits.</u>	<u>Standard</u>	25.00
		<u>Special*</u>	1.00
(f)	<u>Evaluation of Existing System Adequacy.</u>		50.00
(g)	<u>Annual Evaluations.</u>		
	-Office Only		20.00
	-Alternative System		25.00
	-Temporary Mobile Home - Biannual		10.00
	-Pumper Trucks**		25.00
(h)	<u>Septic Tank Abandonment Compliance Inspection.</u>		35.00
(i)	<u>Renewal Expired Permits.</u>		37.00
	-Office Action Only		22.00

*Special repair permits shall be issued upon application therefor to the owner (or contract purchaser) to repair the system serving the owner (or contract purchaser) occupied housing unit located within the boundaries of any area which has been formally declared by the Lane County Board of Commissioners ("Board") or the Oregon State Health Division to be a health hazard area, or applicants receiving assistance through the Farmers Home Administration Section 502 or 504 loan and grant programs or within an area defined in sewer plan adopted by the Board recommending correction of individual systems: provided that a repair permit application and fee is filed not later than 30 days after the date of written notification that the applicant's system has failed.

** Pumper trucks inspected during the same field visit shall be charged at a rate of \$5 per additional truck.



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, October 17, 1980, EQC Meeting

Water Quality Rules - Proposed Adoption of Amendments to Water Quality Rules Which Provide for Issuance of General Permits (OAR340-45-033).

Background

Pursuant to federal and state laws, all point source discharges of pollutants to public waters must be authorized by permit, regardless of the minor nature of the source or lack of adverse impact on the receiving stream. It takes about the same amount of paper work to process a permit for a small source of noncontact cooling water as it does for a major industry. There is no provision for exempting a source from the requirement to have a permit.

New federal rules allow for the issuance of General Permits, in lieu of individual permits, for categories of minor sources which have little impact on receiving waters. The Department intends to take advantage of this provision for allowing issuance of General Permits and has drafted rules which describe the mechanism for issuance of General Permits. At the August 15, 1980, Commission meeting, the Commission authorized the Department to conduct a public hearing on the proposed rules.

For appropriate categories of sources a General Permit may be issued for a particular activity or discharge. Once the activity or discharge is covered by a General Permit all a person has to do to be permitted is to notify the Department of intent. Immediately, they are covered by the General Permit. No application is necessary and no individual permit will be issued. The person will be sent a copy of the General Permit so they will be aware of the limitations and conditions. This will significantly reduce paper work and the delays associated with issuance of individual permits.



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Alternatives and Evaluation

The only alternative to adopting these rules, or something substantially similar, would be to continue to issue individual permits to each source. The Department believes that the total number of individual permits could be reduced by about 30 percent by issuing General Permits to certain categories of minor sources such as small cooling water sources, log ponds, clarified filter backwash, and fish hatcheries.

Through the public participation process there was no adverse reaction to the prospects of issuing General Permits. There was a lot of interest expressed in favor of the proposal. During the public hearing there was no testimony regarding the content of the rules. There were suggestions on categories of sources which might be covered by General Permits. A copy of the Hearing Officer's report and the Statement of Need are attached as a part of this report.

Summation

1. Federal and state laws require permits for all point source discharges of pollutants to public waters.
2. New federal rules allow for the issuance of General Permits for categories of minor sources.
3. Under ORS 468.730, the Commission has authority to adopt rules necessary to carry out the provisions of the federal act and federal regulations issued pursuant thereto.
4. Proposed rules have been drafted which provide a mechanism for issuing General Permits in Oregon.
5. At the August 15, 1980, Commission meeting, the Department was authorized to hold a hearing on the proposed rules.
6. Public notice was mailed to the rulemaking notice list on August 18, 1980. The notice was published in the Daily Journal of Commerce on August 21, 1980, and in the Secretary of State's Bulletin on September 1, 1980.
7. A public hearing was held on September 18, 1980, at the Yeon Building in Portland.
8. No adverse comments or suggestions for change came from the public during the public participation period. The Department received a lot of supportive input both before and during the hearing.

Director's Recommendation

Based on the summation, it is recommended that the rules contained in Appendix A be adopted as proposed.

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

William H. Young

Attachments: 3

Appendix A - Proposed Rules (OAR 340-45-063)

Appendix B - Statement of Need

Appendix C - Hearing Officer's Report

Charles K. Ashbaker:1

WL315 (1)

229-5325

September 29, 1980

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:1
OAL6 (1)
7/24/80

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.

STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

TO: Environmental Quality Commission DATE: September 22, 1980

FROM: Charles K. Ashbaker, Hearing Officer

SUBJECT: Report of Public Hearing Held to Receive Testimony Regarding
Proposed Modification of Water Quality Rules to Add Provisions
for Issuing General Permits

Procedures Followed

A public notice of proposed rules was mailed August 18, 1980, to the Department rulemaking notice list. In addition, it was published in the Daily Journal of Commerce, August 21, 1980, and the Secretary of State's Administrative Rules Bulletin, September 1, 1980.

There was a lot of interest expressed in the proposed rules and many requests for copies. All persons who talked to us prior to the hearing thought it was a good idea and a step in the right direction.

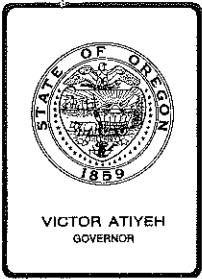
A public hearing was held at the Yeon Building on September 18, 1980, at 1 p.m. Five people attended the hearing. Three were from BLM, one from a consulting firm, and one from industry. The hearing officer gave an explanation of the proposed rules and why they were being proposed. Discussion drafts of four General Permits were also provided for their information.

Summary of Testimony

There was no testimony regarding the proposed rules. There were questions asked regarding the content of the draft General Permits. There were also suggestions on other categories of sources which might be handled by General Permit.

This concludes the testimony received, and is respectfully submitted to the Environmental Quality Commission for their consideration.

CKA:l
WL315.A (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 N, October 17, 1980, EQC Meeting

EFFECT OF GENERAL FUND REDUCTION ON DEPARTMENT'S 1979-81 BUDGET

Background

At the August 15, 1980 Commission meeting, the Department reported on the effects of the General Fund reductions imposed by the 1980 Special Legislative Session on the Department's 1979-81 budget. A copy of the staff report prepared for that meeting is appended as Attachment 1 for reference. Upon review of the staff report, the Commission requested staff to develop recommendations of how it could respond to the cutback by:

1. Recommending the priority order in which layoffs would be terminated as new funds become available.
2. Recommending increases in fees, under the control of the EQC, to generate additional revenue.
3. Providing more in-depth information on the effects of these cuts; whether effects will be long-term; and how devastating to specific programs.

Position Priorities

The action of the Special Session in reducing the agency's General Fund appropriation did not affect the number of authorized positions or FTE's (full time equivalent positions) in the Department's 1979-81 budget. Therefore, as new revenues become available, the Department would be able to terminate layoffs in some agreed upon priority order. Attachment 2 provides a proposed priority order for returning agency employees to their jobs.

One caution must be raised as discussions proceed on terminating layoffs. Before the Department begins returning employees to work, it must consider two things:



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1. We have been informed that the General Fund revenue shortfall currently being experienced by the State will be with us at least through the end of next biennium. Therefore, we must consider the wisdom of increasing a work force that may have to be decreased again in a few months.
2. We must be certain that other revenue shortfalls do not threaten to leave the agency short of cash to cover its expenditures this biennium even with the current reduction in force.

The Department has recently completed an in-depth review on its projected revenues and expenditures for the biennium. We find that generally there will be adequate revenue to cover expenditures, although some internal adjustments may be necessary between programs. Further discussion and decision making within the Department will be necessary before any decisions can be made on whether the small revenue surplus identified in this study is indeed real and can be used to rehire layed off employees.

Two problems are causing us to be conservative in our reliance on the projected surplus. One is that accounting adjustments are still being made with respect to the 1977-79 biennium and could conceivably affect the amount of revenue available this biennium. The second is the requirement in the Clean Air Act that no Federal grant may be given to any agency that doesn't spend at least as much state funds in its air program as it did the previous fiscal year, unless the Administrator finds that the reduction resulted from non-selective cuts in all executive branch agencies. While we are confident that we can demonstrate non-selectivity to EPA (and are proceeding to do so), the air program federal grant for fiscal year 1981 is not yet assured.

Fee Increases

The Department has reviewed all of the fee schedules under the control of the Commission. Attachment 3 is a summary of our analysis of each fee source. Overall, our view is that an immediate increase in any of these fees would be ill-advised and we recommend that the Commission not take action to raise any of the fees under its control for the remainder of this biennium. However, we will be requesting you to raise each of these fees next biennium to account for inflationary increases in the cost of providing service to business and the public.

There are several problems we face in attempting to apply immediate increases to fee schedules. First, there is generally a significant lag time between the time when the fees are raised and when increased revenue begins to flow to the agency. This reduces the practicability of a fee increase when only a few months are left in the biennium. Second, an immediate unplanned for fee increase is disruptive to the budgets of local governments and businesses that weren't expecting them this fiscal year. Not only may many of the affected agencies not be able to absorb the resulting revenue reduction any more than we could absorb the general fund reduction, but

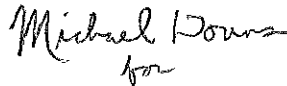
such a precipitous move would be politically very unpopular. The Governor and Legislature made it very clear in their deliberations on the budget reductions that they weren't going to solve the State fiscal crisis by passing it on to local government, businesses or the public by increasing fees or establishing new ones. I believe they expect State agencies to follow their lead in this area.

Effects of the Budget Cuts

Attachment 1, the August staff report to the Commission on the budget reduction contains a summary of the cuts on a program-by-program basis. For the air and solid waste program, no additional information is offered in this staff report. Attachment 4 contains supplementary information for the water, noise, and agency management programs, as well as a review of the cuts as they affected the Regional Operations and Laboratory Divisions.

Director's Recommendation

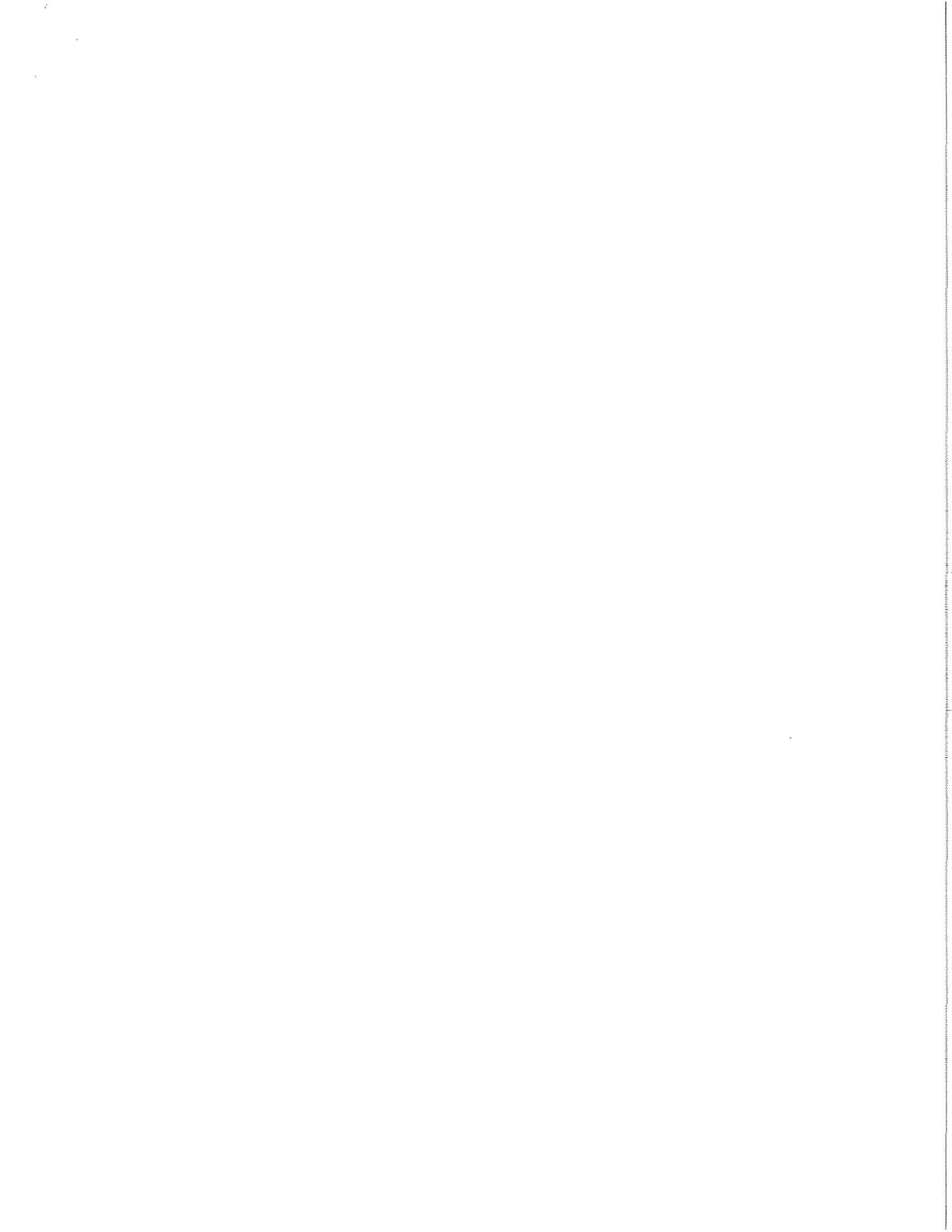
No formal Commission action is necessary on this item. Concurrence of the Commission with the priority order for terminating layoffs is requested.

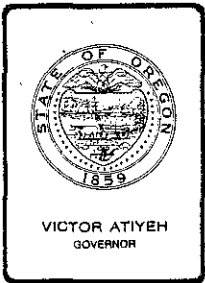

for
WILLIAM H. YOUNG

MJDowns:cs
229-6485
October 5, 1980

Attachments:

1. August 15, 1980, EQC Agenda Item K
2. Priorities for Restoration if Funds Become Available
3. Discussion of Potential Fee Increases
4. Supplementary Information on the Effects of General Fund Budget Reduction, 1979-81.





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.

Bill

WILLIAM H. YOUNG

MJDowns:cs
229-6485
August 12, 1980

Attachment:

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

Budget Description	1980-81 Allotment	1980-81 ALLOTMENT REDUCTION		
		Governor's Printed Budget Recommendation	Committee Recommendation	Differences from Governor's Rec.
GENERAL FUND				
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.

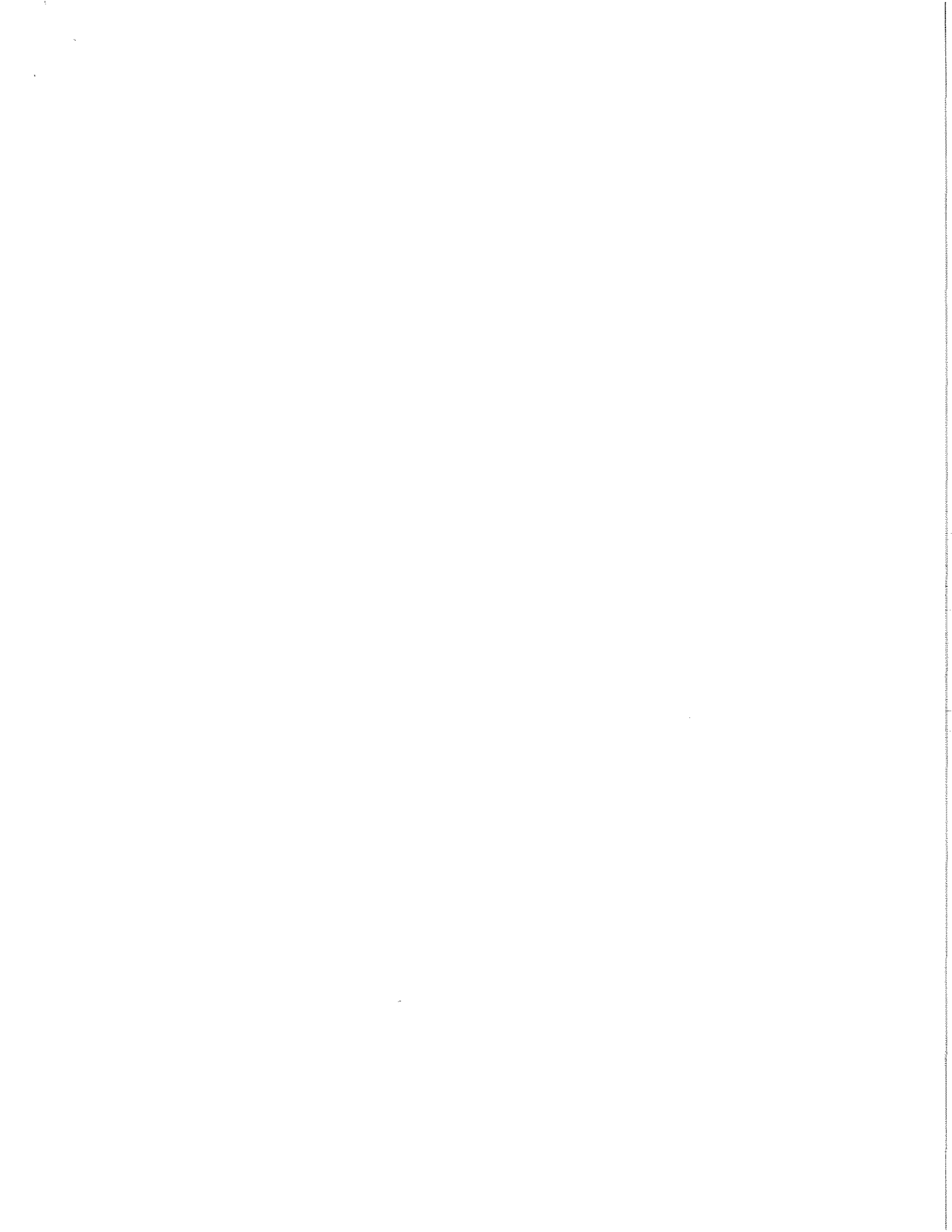
State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
AUG 8 1980

OFFICE OF THE DIRECTOR

Prepared by: (Executive Department) Michael Greany

Reviewed by: (Legislative Fiscal Office) Dan Simmons

ATTACHMENT 2
PRIORITIES FOR RESTORATION IF FUNDS BECOME AVAILABLE



DIRECTOR'S PRIORITIES FOR RESTORATION
IF FUNDS BECOME AVAILABLE

Regional Positions to be Returned
Contingent Upon Increased Workload and Increased Fee Revenue

Priority	Position No.	Description
1	0364	Waste Management Specialist, Coos Bay
2	0399	Waste Management Specialist, Roseburg
3	0366	Waste Management Specialist, Pendleton

Group 1
First Priority in Priority Order

Priority	Position No.	Description
1	0071	Emission Inventory Engineer (AQ)
2	0166	Prevention of Significant Deterioration Analyst (AQ)
3	0012	Recycling Switchboard Manager
4	0193	Supervisor, Sewage Works Construction Grants (WQ)
5	0067	Purchasing Clerk (AM)
6	0168	Source Test Assistant (AQ)
7	0404	Data Coordinator/Program Analyst (WQ)
8	0097	Data Entry Clerk (1/2 Time) (WQ)
9	0056	Headquarters/Regional Office Coordinator (N)

-2-

Group 2
Second Priority Not in Priority Order

Position No.	Description
0211	Southwest Region Engineer
0052	Eastern Region Engineer
0011	Public Affairs Officer
0048	Permit Coordinator (AQ)
0165	Biological Lab Supervisor
0118	Industrial Waste Engineer (WQ)
0152	Chemist 2 (limited duration until 8/81)
0291	Instrument Repair in Laboratory
0171	Lab Trainee
0220	Southwest Region Clerical Assistant

Group 3
Third Priority Not in Priority Order

Position No.	Description
0289	Willamette Valley Region Environmental Analyst
0360	Hazardous Wastes Pesticides Program
0173	Lab Summer Help
0022	Word Processing Supervisor
0162	Water Quality Chemist
0163	Water Quality Lab Tech.
0195	Northwest Region Environmental Engineer
0108	Construction Grants Engineer (WQ)
0066	Computer Programmer
0035	Meteorologist
0078	Air Source Compliance Engineer
0154	Chemist 1
0083	Willamette Valley Region Clerical Assistant
0033	Central Data Processing Manager
0062	Data Acquisition System Engineer
0044	Student Trainee (AQ)
0504	Student Trainee (WQ Lab) (Combination of former positions 1074 & 1072)

ATTACHMENT 2

Air Quality Program
Priorities for Restoration if Funds Become Available

Priorities	Position	Description
1	0071	Emission Inventory Engineer
2	0166	Prevention of Significant Deterioration Analyst
3	0168	Source Test Assistant
4	0152	Chemist 2 (limited duration til Aug. 1981)
5	0066	Computer Programmer
6	0048	Permit Coordinator
7	0211	Southwest Region Air Source Compliance
8	0291	Instrument Repair in Laboratory
9	0035	Meteorologist
10	--	Restore General Fund Support to Lane Regional Air Pollution Authority
11	0078	Air Source Compliance Engineer
12	0289	Willamette Valley Region Environmental Analyst
13	0052	Eastern Region Source Compliance Engineer
14	0171	Lab Trainee
15	0220	Southwest Region Clerical Assistant
16	0154	Chemist I
17	0083	Willamette Valley Region Clerical Assistant
18	0033	Central Data Processing Manager
19	0062	Data Acquisition System Engineer
20	0044	Student Trainee

Noise Control Program
Priorities for Restoration if Funds Become Available

<u>Priority</u>	<u>Position No.</u>	<u>Description</u>
1	0056	Headquarters/Regional Office Coordinator
2	0211	Southwest Region Engineer
3	0289	Willamette Valley Region Environmental Analyst
4	0052	Eastern Region Engineer

ATTACHMENT 2

Water Quality Program
 Priorities for Restoration if Funds Become Available

Priority	Position No.	Description
1	0193	Supervisor, Sewage Works Construction Grants
2	0404	Research Analyst--Data Coordinator/Programmer/Analyst
3	0097	Data Entry Clerk (1/2 time)
4	0211	Senior Environmental Engineer, Southwest Region (Source control activities)
5	0052	Environmental Engineer, Eastern Region (Source control activities)
6	0165	Senior Environmental Analyst, Biological Lab Supervisor (restore biological monitoring)
7	0364	Waste Management Specialist, Southwest Region, Coos Bay (subsurface program, contingent upon increased workload and increased fee revenue)
8	0162	Chemist 1 (source sample analysis)
9	0366	Waste Management Specialist, Eastern Region, Pendleton (subsurface program, contingent upon increased workload and increased fee revenue)
10	0163	Water Quality Lab Tech (water quality monitoring)
11	0118	Senior Environmental Engineer, Industrial Waste Engineer
12	0289	Environmental Analyst, Willamette Valley Region (Source control activities)
13	0195	Environmental Engineer, Northwest Region (Source control activities)
14	0399	Waste Management Specialist, Southwest Region, Roseburg (subsurface program, contingent upon increased workload and increased fee revenue)
15	0108	Environmental Engineer, Construction Grant Engineer
16	0174	Student Trainee, Lab Aide
17	0172	Student Trainee, Summer Help, Water Quality Lab

Solid Waste Program
Priorities for Restoration if Funds Become Available

<u>Priority</u>	<u>Position No.</u>	<u>Description</u>
1	0012	Recycling Switchboard Manager
2	0211	Southwest Region Engineer
3	0289	Willamette Valley Region Environmental Analyst
4	0360	Hazardous Wastes Pesticides Program
5	0052	Eastern Region Engineer
6	0173	Lab Summer Help

Agency Management Program
Priorities for Restoration if Funds Become Available

<u>Priority</u>	<u>Position No.</u>	<u>Description</u>
1	0067	Purchasing Clerk
2	0404	Management Analyst
3	0011	Public Affairs Officer
4	0022	Word Processing Supervisor

Regional Operations
Priorities for Restoration if Funds Become Available

<u>Priority</u>	<u>Position No.</u>	<u>Description</u>
1	0364	Waste Management Specialist, Subsurface Program, Southwest Region, Coos Bay
2	0366	Waste Management Specialist, Subsurface Program. Eastern Region, Pendleton
3	0211	Senior Environmental Engineer, Southwest Region
4	0289	Environmental Analyst, Willamette Valley Region
5	0052	Environmental Engineer, Eastern Region
6	0195	Environmental Engineer, Northwest Region
7	0220	Clerical Assistant, Southwest Region, Medford
8	0083	Clerical Assistant, Willamette Valley Region
9	0399	Waste Management Specialist, Southwest Region, Roseburg

ATTACHMENT 3 .

DISCUSSION OF POTENTIAL FEE INCREASES

AIR PROGRAM
DEPARTMENT OF ENVIRONMENTAL QUALITY

Immediate Fee Increase Evaluation - Air Contaminant Discharge Permit Fees:

Air Contaminant Discharge Permit fees could be increased by Environmental Quality Commission action, revision of Table A, OAR 340-20-155. The rule revision process would take, at a minimum, three months for authorization, public notices, public hearing and adoption by the Environmental Quality Commission, and undoubtedly longer if the Air Permit Fee Task Force was an integral part of the process. Historically the Task Force has been consulted and been an integral party relative to fee schedule revisions.

To be equitable, any fee increase should be in effect for at least one year so that all sources pay one fee at the increased rate.

Assuming the fee increases would be effective, January 1, 1981, the following revenue increases could be expected:

An increase of 10% would result in an additional revenue of \$17,810 for the remainder of the biennium.

A 30% increase would generate \$53,430. However, it would also generate an additional \$181,458 during the 81-83 biennium.

In view of the above and since the Department is considering a 14% fee increase for the 81-83 biennium, an immediate increase in fees at the above levels would not significantly impact the \$355,677 General Fund Reduction.

DISCUSSION OF POTENTIAL FEE INCREASES

Vehicle Inspection Program - Fleet Self-Inspection Fee Income

Vehicle fleet operations which meet a number of specific requirements are eligible to self-inspect their own vehicles and issue certificates of compliance for those vehicles.

Currently 44 fleets are licensed to issue certificates. Of these, 30 are governmental fleets, and 14 are private fleets. A total of 112 fleet employees are licensed inspectors.

During the period of July 1, 1979 to June 30, 1980, 6,703 fleet-issued certificates were issued. Of these, 437 were federal vehicles; 923 were state vehicles; and 3,484 were local government vehicles. Thus, almost three-fourths of the self-certifying fleet vehicles are government owned, with over half of the total being local government owned.

Currently licensed fleets are charged \$2.00 for each certificate they issue. The maximum fee that can be charged for a certificate is legislatively set at \$5.00. However, ORS 481.190(5) limits the fee charged local government agencies to "...a reasonable fee covering department expenses in administering such self-testing programs..."

As an upper limit estimate of fee income available from fleet operations under existing legislative authorization, assume a \$5.00 fee for all fleet certificates and assume no significant change in the number of fleet vehicles. Note that government-owned vehicles must be tested annually as opposed to every two year inspection of privately-owned vehicles. With these assumptions, biennium income is estimated at \$57,740. This compares to the current income of \$23,094 for an increase of \$34,646. Note that this projected income is greater than our projected expenses for this program. Thus the limit of ORS 481.190(5) would be an issue. At a \$4.00 fee, projected income is \$46,188 or a \$23,094 biennial increase. At a \$3.00 fee, projected income is \$34,641 or a \$11,547 biennial increase. At the current \$2.00 fee projected biennial income is \$23,094.

The projected increase income from any fee increase will not be immediately realized since fleet operations purchase blocks of certificates in advance. Undoubtedly a number of fleets would increase their inventory if it were known that a fee increase was forthcoming. In any event, a fee increase would not result in any significant increased program income for at least three to six months following the increase.

The current work level of the fleet self-inspection program is about 0.5 FTE with an estimated biennium expenditure of about \$40,000. Thus the current fee is not directly and totally supporting this program operation. Secondary benefits of the fleet self-inspection have been judged by program staff to warrant its cost.

-2-

For the 1981-83 biennium, a reduction in direct fleet self-inspection program effort is projected. Cost should be in the \$35,000 range. Thus, a \$3.00 fee would be appropriate for the fleet certificates.

If an increase from \$2.00 to \$3.00 for the certificates were made immediately, the Department, through the indirect cost charges, would realize a fund increase of about \$1,000. The dedicated program funds would increase by about \$4,000.

It is the recommendation of the Vehicle Inspection Office to schedule a fleet certificate fee increase to \$3.00 for the 1981-83 biennium. Hopefully this increase would coincide with legislative action increasing the general certificate fee.

Water Program Fees

Waste Discharge Permit fees. Present annual fee income is \$160,000 per year. Permittees have already been invoiced for fees for the period from July 1, 1980 to June 30, 1981. Any attempt to increase fees before July 1, 1981 would be difficult and would cost almost as much to try to collect it as it would raise. Fees will be increased effective July 1, 1981 anyway to maintain program level in the next biennium.

Subsurface Fees. Fees were significantly increased in September 1980. The fee schedule was expected to cover costs through June 1981. Fees can be set at the level of service. Increasing fees to keep staff on in the fact of a declining workload does not appear to be justified. Adjustments to reflect inflationary cost increases will be implemented July 1, 1981 and will be planned to carry through June 30, 1983.

ATTACHMENT 4
SUPPLEMENTARY INFORMATION
ON THE
EFFECTS OF GENERAL FUND BUDGET REDUCTION
1979-81

Noise Control Program
Effect of General Fund Budget Reduction

The General Fund budget cuts authorized by the 1980 Special Session is having a severe impact on the noise control program.

Regional staff was budgeted at 1.0 FTE for their state-wide effort to investigate and achieve compliance of noise sources after complaints are received. Their efforts are primarily focused on industrial and commercial sources and occasional work on off-road vehicles (motorcycles) operating near residences. Their funding is all General Funds and was reduced approximately 25 percent. As a method to reduce spending, the Regions are not responding to any complaints related to sources that do not have DEQ permits for other pollutants. Therefore, no effort is being made to achieve compliance on many commercial sources that are not air or water pollution sources. This includes sources such as grocery store refrigeration units and all motor vehicle sources.

The headquarters staff was cut two positions by the Special Session. This represents 40 percent of the HQ technical staff and is having a severe effect on our ability to implement existing rules. One deleted position was charged with coordinating and assisting the Regional effort. Without this position, no technical support is provided to the Regional staff for their monitoring and compliance efforts. This cut, coupled with the Regional reduction, has placed our ability to provide noise control to the public in jeopardy. We will therefore notify all complainants whether DEQ staff will be able to investigate and hopefully resolve their noise problem after the source is evaluated, using the air/water permit criteria.

The second headquarter's position that was cut is presently on Federal Funds and is scheduled to return to General Funds on November 1. We have applied to continue the position on Federal Funds and will seek approval by the Emergency Board to substitute Federal for General Funds. If approved, and the Federal grant is extended, this position will continue effort to develop motor vehicle noise controls. Therefore, no effort may be applied to complaint investigation and resolution by this position, due to the grant conditions.

In summary, the noise control program has been cut by more than 30 percent due to the General Fund shortfall. The investigation and compliance effort has been reduced by 25 percent (.25 FTE) of Regional staff and 100 percent (1.0 FTE) of HQ staff. This is resulting in a severe reduction in the Department's ability to respond to citizen complaints of excessive noise emissions.

Water Quality Program

- A. Nature and Impact of Cuts (\$334,116)
 1. Source Control Subprogram (\$170,642)
 - a. 5 3/4 full time equivalent positions must be held vacant until 7/1/81 (out of 34 1/2 FTE).
 - b. Technical assistance to industries and cities will be reduced somewhat.
 - c. Compliance inspections and sampling of discharges will be reduced somewhat. As long as it does not continue for a long period, there should be no significant adverse impact.
 - d. Technical assistance to cities on construction grants will be reduced significantly. This will be Top Priority for early restoration if funds become available.
 2. Planning Subprogram (\$34,036)
 - a. 1 1/2 full time equivalent positions must be held vacant until 7/1/81 (Programmer/Analyst & Data Clerk) (out of 12 1/2 FTE)
 - b. Efforts to begin to meet data processing needs will be set back for several months. The delay, while not desirable, can be accepted if it is only for a few months.
 3. Monitoring Subprogram (\$43,710)
 - a. 2 1/2 full time equivalent positions must be held vacant until 7/1/81 (out of 10 1/2 FTE).
 - b. Initial proposed impacts have been modified as time has permitted a more detailed look at deployment of remaining resources.
 - c. Basic monitoring network coverage will be maintained by reducing the frequency of analysis of some parameters deemed less critical. (Originally planned to eliminate all sampling in Eastern Oregon.)
 - d. Estuary monitoring will be reduced to quarterly on major bays only. Monitoring of minor bays will be terminated.
 - e. Lake evaluation will be limited to a complaint response basis.

- f. Biological monitoring and Special Studies will be delayed.
 - g. Baseline Toxics monitoring will be maintained at sites with greatest potential problem.
 - h. There will be some loss of baseline data; however, the program has been rearranged to avoid creating totally destructive "holes" which disrupt statistical analysis.
4. Subsurface Subprogram (\$73,728)
- a. Three positions will be held vacant until 7/1/81 or until workload increases to the point where the positions become necessary and fee revenues are sufficient to cover costs (out of 32 FTE).
 - b. Reduced workload brought on by the recession has reduced the need for a full staff and left a shortage of fee revenue. General Fund has thus been used to forestall loss of trained staff in anticipation of resumption of home building. The General Fund reduction simply necessitated vacating the positions.
5. Experimental Program (\$12,000)
- a. The eliminated funds do not impact the program. \$15,000 was set aside to pay cost of installing special monitoring or study facilities if needed. To date, none of it has been used. \$3000 remains available if needed.

- f. Biological monitoring and Special Studies will be delayed.
 - g. Baseline Toxics monitoring will be maintained at sites with greatest potential problem.
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Agency Management Program
Effect of General Fund Budget Reduction

Management Services Division

Planning and Budget - The Management Analyst 2 position became vacant September 24, 1980, and will be held vacant for the remainder of the biennium. Among other things, this position was responsible for coordinating the agency's goals and objectives planning and tracking activities. The development and implementation of an adequate goals and objectives monitoring and updating process will be severely hampered for the duration of this biennium. Further, the loss of other management analysis capabilities (e.g., organizational analysis, work simplification, procedure writing, systems analysis) will be felt but not destructive if only lost for a limited duration. This position is in a decision package in the 1981-83 agency request budget.

Purchasing and Property Control - The Property and Services Clerk position was vacated September 15, 1980 and will be held vacant for the remainder of the biennium. The purchasing duties performed by this position are critical to the operation of the agency, therefore they were transferred to the supervisor. The supervisor in turn relinquished some responsibilities that are less critical to the day-to-day operation of the agency. For example, complaints about building operation or maintenance, requests for utilities changes or installation, requests for minor construction, etc., will be handled directly by the various organizational units affected. The vacant position is in the RLB in the 1981-83 budget request.

Support Services - The Word Processing Manager position was vacant at the time the agency first learned budget reductions would be necessary. Therefore, it was selected to remain vacant for the duration of the biennium. Since supervision is critical to operation of the Word Processing Center, the responsibilities were transferred to the supervisor. The result is less time for the Support Services Supervisor to communicate with users and make improvements to operations or resolve users' problems. The vacant position is in a decision package in the 1981-83 budget request.

Director's Office

Public Affairs - The Public Affairs Officer position was vacated September 1, 1980 by moving the employee to the Public Participation Coordinator position for the 208 planning program in water quality. This has resulted in many more responses to public information requests from media and citizens being handled by agency managers and technicians.



STATE OF OREGON

ATTACHMENT 4

INTEROFFICE MEMO

TO: Mike Downs

FROM: Fred M. Bolton

SUBJECT: Effects of cuts in Regional Operations Division

DATE: 9/11/80

The effects of recent reduction in staff in the Regional Operations Division will result in a lack of service to the public in the subsurface sewage permit program in Coos Bay, Roseburg and Pendleton; slow turn around of letters, memos in certain offices; and difficulty in achieving scheduled environmental inspections on permittees, and inability to respond on complaints in the Portland, Pendleton, Salem, Coos Bay and Roseburg Offices.

The following is a listing of the staff cuts with a comment on the particular program that will be affected. They are not listed in priority order of re-establishment. I am working with the Regional Managers to develop the order of re-hire if money becomes available.

<u>REGION</u>	<u>POSITION</u>	<u>ACTIVITIES/COMMENT</u>
Northwest Portland	Env. Engineer #195	Reduction in Air and Water Source Inspections in Portland area.
Will.Valley Salem	Env. Analyst #289	Reduction in Air and Water Source Inspections in Marion, Yamhill and Linn Counties.
Will.Valley Salem	Cler. Asst. #083	Telephone coverage, typing and filing workload shifts to other staff including technical staff.
Southwest Coos Bay	Waste Mgt. Spec.#364 Subsurface Program	Office supervisor assigned to Air, Water and Solid Waste Programs must pick up Subsurface workload as Coos County is a direct service county.
Southwest Roseburg	Waste Mgt. Spec.#399 Subsurface Program	Office supervisor assigned to Air, Water and Solid Waste Programs must pick up Subsurface workload as Douglas County is a direct service county.
Southwest Regional Responsibility	Sr. Env. Engr. #211	Reduction in technical experience in Southwest Region; Plan review, inspections and permit preparation of complex sources by experienced person; Special studies.
Southwest Medford	Clerical Assistant 220	Management Assistant cannot perform duties. Telephone coverage, typing and filing workload shifts to one person.

Memo to Mike Downs
9/11/80
Page 2

<u>REGION</u>	<u>POSITION</u>		<u>ACTIVITIES/COMMENT</u>
Eastern Pendleton	Env. Engr.	#052	Reduction in Air and Water sources and Solid Waste site inspections in the region.
Eastern Pendleton	Waste Mgt. Spec. Subsurface	366	Reorganization of area assignment, Supervisor of program must pick up workload, thereby reducing response to variances and the experimental program, Pre-cover inspections will be optional.

FMB:hk



STATE OF OREGON
Environmental Quality
Laboratories & Applied Research

ATTACHMENT 4
INTEROFFICE MEMO Management Services Div,
Dept. of Environmental Quality

RECEIVED
AUG 29 1980

TO: Bill Young

DATE: August 26, 1980

FROM: Warren C. Westgarth *WCW*

SUBJECT: 20% Budget Reduction Impact on Laboratories and Applied Research Division

PROLOG With a projected \$204 million shortfall for the 1979-81 biennium and the fact that it is constitutionally illegal to overspend, the Governor called a special session. Pre work was done by agencies to show 0,5,15,20,25 and 30% cuts in budgets. The Governor chose amounts to present to Ways and Means. DEQ's share was at 20%. Also all out of state travel, capital outlay and rehiring were frozen. DEQ's 20% had to come out of personal services with some small portion of S & S support money saved. The cutback is \$854,461 (20%) and the 46 positions. Ways and Means went along with the proposal.

IMPACT ON LABORATORIES (See attached organization chart and individual Supervisor reports).

There will be a loss of 12 positions for the period of time from September 1, 1980, to July 1, 1981:

(1)	0062	DAS Supervisor (Air)	Sen.Env.Engr.	Fuller
(2)	0154	Chemist (Air)	Chemist 1	Swartz
(3)	0152	Chemist (Air)	Chemist 2	Lande
(4)	0171	Lab. Aide (Air)	SS & TT	Vacant
(5)	0163	Technician (Water)	Lab. Tech.2	Compton
(6)	0162	Chemist (Water)	Chemist 1	Herring
(7)	0164	Summer Aide (Water)	SS & TT	Vacant
(8)	0174	Lab. Aide (Water)	SS & TT	Ralston
(9)	0172	Summer Helper (Water)	SS & TT	Blunk
(10)	0165	Biology Laboratory Supvr. (Water)	Snr.Env.Anal.	McHugh
(11)	0173	Summer Helper (S.W.)	SS & TT	Vacant
(12)	0291	Electronics Tech.(Air,Water, SW)	Elect.Tech.2	Lofting

No's 4, 7, 8, 9, 11 are the ones who do the clean up, preparation work, assistance in laboratory and field and take the routine work off skilled professionals. The skilled workers will have to take on these sub-professional tasks which will cut their productivity in analysis work.

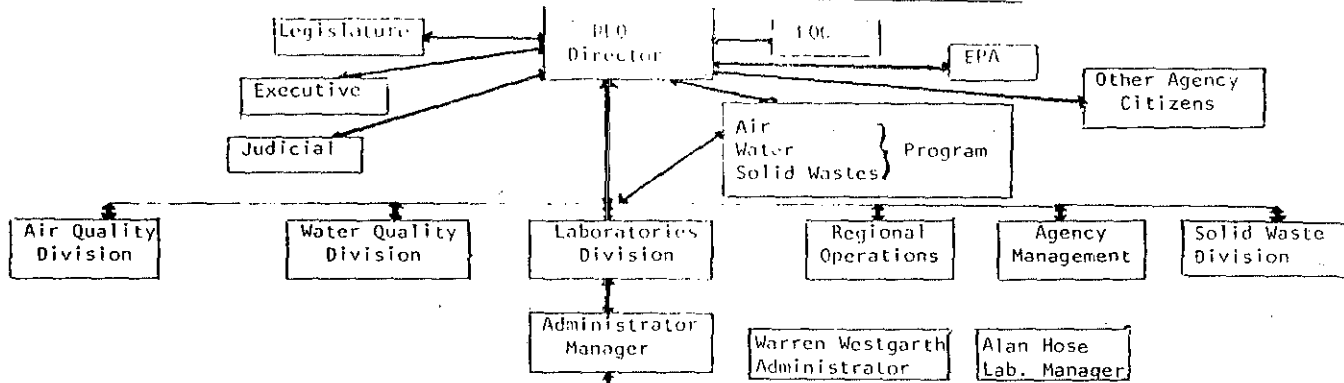
No.1 Loss of this position will:

- 1) Create a need to shift emphasis from engineering to technician.
- 2) Will take sampling person who had been on meteorological work. Meteorological will be cut from 8 to 3 stations.
- 3) Will cut meteorological support and put the Data Acquisition System without a systems engineer. Outside maintenance costs may accrue as a result.

-2-

- No. 2 This position produced trend data for metals and other chemicals. There will be no measurement of metals and chemicals such as sulfates.
- No.3 This position produced data for special projects such as Oregon Portland Cement, source testing, metals analysis, X-Ray fluorescence, Quality assurance for high volume filters and low volume filters. Projects will discontinue and quality control will decrease to minimal required by methodologies used.
- No.5 Loss of this position impacts the number of analyses possible on stream and estuary samples. The laboratory will be able to accept 70% of current samples.
- No.6 This position handles source control and compliance analyses along with one other position.
The number of samples and analyses will have to be cut by 50%
- No.10 Loss of this position will:
1) Stop the gathering of and interpretation of data regarding conditions of Oregon Lakes. This will severely curtail the "Lakes Restoration" evaluation project.
2) Eliminate DEQ's capability for response to people who have biological problems such as pond fish kills, blue-green algal blooms, lagoon malfunctions, swimming area organism accumulations, stream biological changes or other problems which may be water related.
3) Cause loss of consultation expertise on biological situations.
- No.12 The incumbent repairs and maintains electrical, electronic, and mechanical instrumentation for the air, water and solid wastes laboratories. Without the position maintenance will cease and most repairs will be through vendors. Down time will increase and impact other positions. Some professional people may try to repair and maintain with inadequate results.
- c.c. E. J. Weathersbee
H. L. Sawyer
E. A. Schmidt
M. J. Downs
F. M. Bolton

ORGANIZATION LABORATORIES AND RELATED RESEARCH DIVISION
 Laboratories Division Personnel Impact of 20% Budget Reduction



Administrators Office	Air Quality Laboratory Section	Air Quality Monitoring Section	Water Quality Laboratory Section	Water Quality Monitoring Section	Solid Wastes Laboratory Monitoring Section	Maintenance & Repair Section
Ramona King Office Manager	Allan Van Hoeter Supervisor	Dennis Duncan Supervisor	Kala Banerjee Supervisor	Andy Schaedel Supervisor	Richard Gates Supervisor	Hal Shroll Supervisor
Marlene Miller Clerical Spec.	Ken McDonald Chemist 2	Michael Dick Special Projects	Ron McCartney Chemist 2	Marv McGlothlin Env. Tech 3	Dan Hickman Chemist 2	Bill Löffing Elect. Tech 2
Melody Lopas Clerical Asst.	Dick Kauffman Lab. Tech. 2	[REDACTED]	Timothy Huang Chemist 2	Gerald Bell F & W Bio. 3	[REDACTED] SS & TT	Paul Rasku Stores Clerk
Karen Miller Student Worker	Bill Calzaretta Chemist 2	Claude Shinn Env. Tech 4	Donna Larson Chemist 2	Nancy Alstrum Env. Tech 3		
William Fuller QAS Engineer	Clayton Swartz Chemist 1	Rich Koenig Chemist 2	Dick Avedovech Microbiologist	Allen Minton Env. Tech 2		
	Laurie McCulloch Env. Tech 1	Jeff Smith Env. Tech 4	Dick Warkentin Chemist 2	Faith Ruffing SS & TT		
	Laade Chemist 2	Jeff Werner Env. Tech 3	Wilma Compton Lab Tech 2	Mark Ralston SS & TT		
	[REDACTED] SS & TT	Diana Lackner Env. Tech 2	Sigrid Lund Lab Tech. 1	Dan Blunk SS & TT		
		Rick Volpel Env. Tech. 2	Lois Herring Chemist 1	Robert McHugh Sr. Env. Analy.		
	Phil Carpentier Env. Tech 2	Jeff Jones SS & TT				
	Mike Wiltsey Env. Tech. 2	Mark Murphy Student Worker				
		[REDACTED] SS & TT				

1. Bump to Air Quality Position (Sieffert)
2. Bump to No. 3 Position
3. Transfer to Motor Vehicles
4. Educational Leave (Layoff)
5. Vacant Position
6. Bump to No. 7 Position
7. Layoff
8. Layoff (Has job with City)
9. Vacant Position
10. Layoff
11. Layoff (May be picked up by USA)
12. Layoff
13. Layoff (Retirement and Emeritus status)
14. Vacant Position
15. Layoff
16. Jim Smith bumped to Position
17. To DAS system



ATTACHMENT 4
INTEROFFICE MEMO

STATE OF OREGON
Environmental Quality
Laboratories & Applied Research

TO: Warren C. Westgarth

DATE: August 18, 1980

FROM: Kala Banerjee, Andy Schaedel /all

SUBJECT: Impact of Budget Cuts and Hiring Freeze

The following is a summary of the work load reduction due to (1) the budget cuts and (2) the hiring freeze. Water Quality Program Goals - Objective - Task number as well as brief statement as to the impact of the loss are given.

1. Loss of Personnel

A. Ambient Monitoring Program (1.2)

1. Streams (1.2.1)

a. Reduce or eliminate the following laboratory analyses.

- 1) DO (to be done in the field).
- 2) Laboratory pH.
- 3) Laboratory alkalinity.
- 4) Laboratory conductivity.
- 5) Sodium (to be done quarterly only)
- 6) Potassium (to be done quarterly only)
- 7) Some sampling sites may be dropped upon further assessment.

(Reduces laboratory ability to quality assure data, loss of data coverage)

2. Estuaries (1.2.2.)

a. Reduce sampling coverage to major shellfish growing bays on a quarterly basis (30% reduction in sample load)

(Reduces shellfish sanitation data base, data collected on only 4 of Oregon's 13 estuaries)

3. Lakes (1.2.3)

a. Reduce sampling coverage to 2 BWMP lakes on a quarterly basis and on selected priority problem lakes (70% reduction in sample load)

(a 90% reduction in lake coverage; tremendous reduction in lake expertise)

4. Ambient special studies (1.2.5)

a. Terminate all studies (Willamette Weekly Run, Mt. St. Helens ash study and Yamhill Basin low flow study).

(Limits ability to do further studies in potential problem areas and to assist planning and source control activities)

5. Quality Assurance (1.3)

a. Reassess and restructure current quality assurance procedures

to reflect loss of personnel and elimination of certain laboratory analyses

- b. Delay documentation of quality assurance program

(Delays development of quality assurance packages)

6. Baseline Toxic Data (1.4)

- a. Reduce the number of quarterly metal samples from 100 to approximately 30-40.
- b. Delay development, collection, and analysis of fish tissue sampling.

(Reduces toxic substance data base, delays development of toxic substance analytical capabilities)

7. Biological Surveillance (1.5)

- a. Terminate all biological work related to ambient conditions in lakes, rivers and estuaries.
- b. Severely reduce response to biological problem areas.
- c. Severely reduce biological consultation ability; lose most of algal and zooplankton taxonomic capability.
- d. Terminate further development of biological reference collection.

(Nearly eliminate the basis of a biological program, leaves only source control related biological capability)

B. Planning (3.10)

- 1. Loss of personnel from the laboratory in general will require personnel to be obtained elsewhere or a reduction in sampling in order to complete Tillamook Bay 208 Study.

(Reduce ability to build a data base in order to develop control strategies)

C. Source Control (5.2.5)

- 1. Reduce source control sampling and analyses by 50%.
- 2. Delay in turnaround on Bioassay tests.

(Reduces ability of state to assure source compliance with permits and rules).

II. Freeze of Vacancies

A. Experimental (8.1.5)

- 1. A reduction of experimental program samples by about 30% will occur if frozen SS & TT position cannot be filled.

(Reduces ability to assess the development of on site sewage disposal alternatives)

ALS:mal



STATE OF OREGON
Environmental Quality
Laboratories & Applied Research

INTEROFFICE MEMO

TO: Alan W. Hose

DATE: August 18, 1980

FROM: Air Monitoring, Air Laboratory

SUBJECT: Special Impact of 20% Budget Reduction

1. OPC Special Project: will be cut. Resources were diverted from metals, benzene soluble, High Vol. analysis, and are included. 0.5 FTE
2. Cut Met. network to 3 Portland area stations. Cut Met. soundings 30/year. 1.7 FTE
3. Millersburg project will not be done this biennium and is not specifically proposed for the coming biennium - is one of the more industrial source intensive areas of the state. 0.3 FTE
4. No special project work in the Bend area will be started this biennium. Resources for this project were to have been identified, probably from SF₆ tracer areas. 0.32 FTE
5. CO monitoring at Lloyd Center will be dropped. This monitoring is of lowest priority and the probe exposure has been criticized by EPA. 0.33 FTE
6. Nephelometer monitoring at Bend will be dropped this biennium (resources from discontinued SO₂ bubbler network.) Program may trade 1010 Couch for this. 0.12 FTE
7. Reduced operation time on DAS because of reduced Met. operation. 0.12 FTE
8. Drop remaining PFO sampling/analysis. 0.07 FTE
9. Drop total carbon analysis. 0.25 FTE
10. Support for LRAPA reduced to 0.15 FTE 0.05 FTE
11. Drop Lo.Vol. analysis on Field Burning Network 0.40 FTE
12. Drop Astoria High Vol. 0.065FTE
13. Drop Field Burning off-season HV sampling Lebanon, Corvallis. 0.15 FTE
14. Cut source test analysis to 0.2 FTE 0.28 FTE

DGD:mm

c.c. W. C. Westgarth
A. Van Hoeter
D. G. Duncan



ATTACHMENT 4
INTEROFFICE MEMO

STATE OF OREGON
Environmental Quality
Laboratories & Applied Research

TO: Warren C. Westgarth

DATE: August 26, 1980

FROM: H. A. Shroll

SUBJECT: Lay-Off of Electronics 2 Position # 291

In elimination of this position some of the sampling jobs listed above would be curtailed. Repair time on others would be longer. Some instruments would have to be sent out for repair and bring about the lost use of the instrument for a longer time and increased cost of repair.

Calling in a repairman for some of the jobs listed calls for a flat rate fee by the repair company, often including air fare, plus parts.

Layed off workers sometimes do not return when rehiring starts, which results in losing a trained person and an added cost of finding a new and qualified person to start training.

Field Sampling of Jobs

1. Assist Hal Shroll in DAS and Satellite station trouble shooting.
2. Trouble shoot problems in DAS and satellites on H. Shroll's day off.
3. Change Met. sensor every six months
4. Repair or replace Met. cabling.
5. Replace bad air conditioners in trailer sites.
6. Set up and testing of DAS station satellites.
7. Moving and installing trailers at new sites, blocking up and tie down.
8. Calibration of optical isolators at different sites to level need by Bill Fuller on DAS print out.

Shop Sampling of Jobs

1. Clean, lube and calibrate L & N records.
2. Change gaskets and set up nephelometer for calibration.
3. Cleaning and trouble shooting Beckman CO analyzer.
4. Repair air, vacuum and gas pump.
5. Circuit board repair.
6. Time clocks new wiring and maintenance.
7. Extension cord new and upkeep.
8. Changing HV gaskets.
9. Rewiring equipment.
10. Making sure that there are enough parts available or are in order to repair the many pieces of equipment we use.

HAS:mm




ATTACHMENT 4
INTEROFFICE MEMO

STATE OF OREGON
Environmental Quality
Laboratories & Applied Research

TO: Warren C. Westgarth

DATE: August 14, 1980

FROM: Daniel J. Hickman 

SUBJECT: Reduction of Output Due to Loss of Position

The loss of the full-time summer help position has seriously hampered our work in RDF*. Completion of the project has been at least delayed by a few months or perhaps possibly scrapped. Since this was not specifically funded, it has fallen to the bottom of the priorities.

Another specific area of loss has been in solid waste monitoring. We are no longer able to keep up with the schedule we had developed. Since monitoring requires two people, all laboratory work must end while we're in the field.

And then more generally, since we have to wash our own glassware and keep up with other small menial tasks, we find that there is less time available for the actual laboratory work at hand. So basically solid waste and RDF have suffered while we've done our best to keep up with hazardous waste.

DJH:mal

* Refuse derived fuel samples.

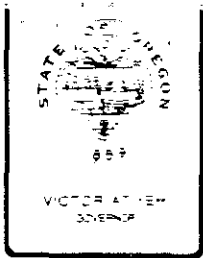
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Environmental Quality Commission

BREAKFAST AGENDA

October 17, 1980

1. Status Report, activities associated with Interim Groundwater Protection Policy adopted on April 18, 1980, (Florence Dunal Aquifer).
2. Beaverton Inspection Site



Environmental Quality Commission

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

TO: Environmental Quality Commission

FROM: Gary Messer

SUBJECT: Status Report, Activities Associated With The Interim Ground Water Protection Policy Adopted On April 18, 1980.

During the last few years Lane County, local officials and citizens of Florence, DEQ, and the State Water Resources Department have become increasingly concerned over the urbanization of lands overlaying the Florence Dunal Aquifer. Most development now depends on subsurface sewage disposal for accommodating sewerage needs.

In response, DEQ supported funding of the ongoing 208 North Florence Dunal Aquifer Study, scheduled for completion in July, 1981. One segment of the Study will be devoted to identifying all ground water flow systems and establishing sewage loading rates that will not impact the beneficial use of the aquifer.

The Study has progressed to where the ground water elevations, thicknesses and flow systems are mapped. Long range projections are that the major recharge areas identified deserve classification as "sole source aquifers", as they will continue to provide domestic water supplies to both current and future development in the area. Presently these areas are used by the Heceda Water District (Clear Lake) to serve the unincorporated but urbanizing areas outside the City of Florence. The City of Florence has its own series of dunal aquifer wells, but also contracts with the Heceda Water District for additional supplies.

On April 18, 1980, the EQC adopted an Interim Groundwater Policy to protect sensitive ground water areas like the North Florence Dunal Aquifer. Upon adoption, the Lane County Environmental Health Section worked toward establishing density controls through interim planning and zoning ordinances. Unfortunately, this approach has not been successful.



Contains
Recycled
Materials

Lane County is now receiving applications for urban density developments utilizing septic tanks in the Study area. Several are located in the highly sensitive "sole source aquifer" recharge areas. They have requested DEQ to establish an interim policy for them to implement that would be consistent with the EQC Interim Groundwater Protection Policy.

During the month of September, DEQ staff toured the Study area and received input from Lane County Environmental Health and Planning staff, City of Florence Planning Commission staff, 208 staff conducting the Study, and the State Water Resources Department. Based on the input from these meetings and the tone of urgency we perceived, the attached interim policy was developed.

Department staff would like concurrence from the EQC that this interim policy is consistent with the adopted Interim Groundwater Protection Policy and that it should remain in effect until planning and zoning controls are enacted in the area which are consistent with the findings and recommendations of the completed 208 North Florence Dunal Aquifer Study.

Attachment: Interim Policy dated September 30, 1980.

Gary Messer:wr
378-8240
September 30, 1980



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

DEPT. OF ENVIRONMENTAL QUALITY
MAILING ADDRESS: P.O. BOX 1760, PORTLAND, OREGON 97207
SAL

September 30, 1980

- Mr. Rich Owings, Director
Lane County Dept. of Environmental Health
125 E. 8th Ave.
Eugene, OR 97401

Dear Mr. Owings:

On April 18, 1980, the Oregon Environmental Quality Commission enacted a Statewide Interim Groundwater Quality Protection Policy. Soon after, Lane County confirmed that the Florence Dunal Sheet was affected by this policy. The most direct implication is the policy statement that:

"For areas where urban density development is planned or is occurring and where rapidly draining soils overlay local groundwater flow systems and their associated shallow aquifers, collection, treatment, and disposal of sewage will be deemed highest and best practical treatment and control unless otherwise approved."

Basically, this equates to municipal sewerage services for urban density development in sands underlaid by usable aquifers. However, this policy is later qualified by a statement that "less stringent controls" may be approved for a specific area if technical studies show that lesser controls will adequately protect the groundwater.

Fortunately, Lane County currently has an ongoing comprehensive 208 ground water study being conducted in the North Florence Dunal Sheet area. When complete, it should provide information on what sewage loading rates can be applied at the various areas without adversely impacting the beneficial use of the aquifer. Unfortunately, this study will not be done until July, 1981. During the interim, your staff has requested administrative guidance for addressing current development requests.

On September 23, 1980, we toured the study area with representatives from the Lane County Environmental Health and Planning Departments, Lane County 208 staff, and a representative from the West Lane Planning Commission.

Following those discussions, this group met on September 26, 1980 with representatives from the State Water Resources Department. As a result of this meeting, it was agreed that the 208 Study, scheduled for completion

in July 1981, will provide the final basis for determining minimum density controls to protect the North Florence Dunal Aquifer in relation to development proposals utilizing subsurface sewage disposal. Until the study is completed, the data obtained to date is complete enough to identify 3 major categories of ground water flow systems and identify interim control practices for each. The major categories are:

PRIORITY 1 CONTROL AREAS

These are highly sensitive and productive groundwater recharge areas (such as the areas adjacent to Clear Lake) which are easily susceptible to both surface and groundwater contamination by man's activities. These areas appear to be "sole source aquifers" that are being used now and/or are likely to be used in the future to provide domestic water supplies to serve current and future development needs of the area.

The boundaries of the identified Priority 1 Control Areas are:

- (a) Areas east of Highway 101 and adjacent to Clear Lake. Starting at Mercer Lake, south to Munsel Lake, then west on Munsel Lake Road to Highway 101, then north on Highway 101 to Mercer Lake Road, then east on Mercer Lake Road to Mercer Lake.
- (b) Those lands west of Highway 101 and lying between Heceda Beach Road and Sutton Creek, excluding the lands 500 feet north of Heceda Beach Road.

PRIORITY 2 CONTROL AREAS

These are existing and potentially highly productive areas of ground water withdrawal located further downgradient in the ground water flow system than the Priority 1 Control Areas. These areas are subject to degradation from man's activities, but require less protective controls due to their downgradient position in the flow system.

The boundaries of the identified Priority 2 Control Areas are:

Starting at a point 500 feet north of the junction of Highway 101 and Heceda Beach Road, then west to a point 1000 feet east of Rhododendron Drive, then south to 35th, then east along 35th to Highway 101, then south along Highway 101 to Highway 36, then east on Highway 36 to North Fork Road, then north along North Fork Road to Munsel Lake Road, then west along Munsel Lake Road to Highway 101 to starting point.

PRIORITY 3 CONTROL AREAS

These are primarily ground water discharge areas from the dunal aquifer and are located at the lowest elevation in the ground water flow system. These areas are susceptible to degradation by man's activities, but have a low potential for municipal water supply development. Primary control measures in these areas are aimed toward prevention of negative impacts to individual ground water users and toward protecting surface water bodies.

The identified Priority 3 Control Area lands are west of a line 1000 feet east of Rhododendron Drive.

The interim control practices that will be applied are:

1. Lots of record or development proposals that have received preliminary planning, zoning and septic tank approval prior to October 1, 1980 that are located in Priority 1, 2 and 3 Control Areas may be approved for individual on-site sewage disposal systems provided:
 - a. They meet all applicable DEQ Subsurface Sewage Disposal Rules.
 - b. Low pressure subsurface sewage distribution techniques will be utilized.
 - c. The projected sewage flow does not exceed 600 GPD per parcel unless specifically approved for a higher flow prior to the establishment of the Interim Groundwater Protection Policy (April 18, 1980).
2. For proposed new developments located in Priority 1 Control Areas, municipal collection, treatment, and disposal services must be provided as specified in the State Interim Groundwater Quality Protection Policy.
3. For proposed new developments located in Priority 2 Control Areas, the Lane County Planning Department proposal of 1 d.u. per 2 acres using low pressure subsurface sewage distribution techniques will be accepted as outlined in our memo dated August 12, 1980, provided the land meets all other DEQ Subsurface Sewage Rule requirements. Exceptions to this are noted in number 5, below.

4. For proposed new developments located in Priority 3 Control Areas, a density of 1 d.u. per acre will be accepted provided low pressure subsurface sewage distribution techniques will be used and the land meets all other DEQ Subsurface Sewage Rule requirements. Exceptions to this are noted in number 5, below.
5. Densities greater than those specified in Priority 2 and Priority 3 Control Areas may be considered and may be approved if justified by a satisfactory hydrogeological study. The hydrogeological study shall be designed upon the following assumptions:
 - a. Based upon preliminary work in the 208 Study (or other method approved by the Department), a flow channel shall be defined. The flow channel shall extend from the top of the recharge zone to the bottom of the discharge zone and be at least as wide as the proposed ultimate development proposal.
 - b. The flow channel shall be located on a map which shows the entire 208 Study area. The proposed development shall be located on the map in relation to the assumed flow channel. The flow channel shall be confirmed or modified by the State Water Resources Department.
 - c. Projected sewage flows for the proposed development will be based on the Department's subsurface sewage disposal flow equivalents, OAR Chapter 340, Division 71, Table 3, or its replacement table if new rules are adopted.
 - d. Assumed Nitrate-Nitrogen ($\text{NO}_3\text{-N}$) loadings shall not be less than 30 mg/l.
 - e. Rainfall dilution over the flow channel area may be assumed. Assume rainfall has no background $\text{NO}_3\text{-N}$. Existing ground water may not be used for dilution, BUT background ground water $\text{NO}_3\text{-N}$ (i.e., before mixing) must be subtracted from 5 mg/l to determine the maximum allowable $\text{NO}_3\text{-N}$ before applying the "stirred tank" model.

The objective of the hydrogeological study is to show that development at the proposed higher density (i.e., greater than one dwelling unit

Mr. Rich Owings
Page 5
September 30, 1980

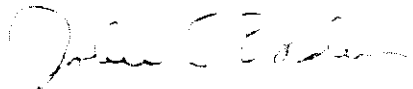
equivalent per 2 acres in Priority 2 Control Areas; or greater than one dwelling unit equivalent per 1 acre in Priority 3 Control Areas) will not cause groundwater to be degraded beyond 5 mg/l $\text{NO}_3\text{-N}$ anywhere in the flow channel if developed to the proposed density everywhere on the flow channel.

Example: 100 single family homes are proposed on one acre lots. The flow channel area is 2000 acres. To use the model, you must assume 2000 one acre lots will be developed on the flow channel.

I trust this will satisfy your staff's request for administrative guidance in this matter. When they implement these interim policies, care should be taken to inform the public that the completed 208 Study will be the final determinant on densities in the various areas of the aquifer. As such, the interim policy is obviously subject to modification. Our primary purpose is to protect those areas that currently appear as highly sensitive "sole source aquifers" and yet not be overly restrictive on the less critical areas.

Please call me at 378-8240 if you have questions or need further assistance.

Sincerely,

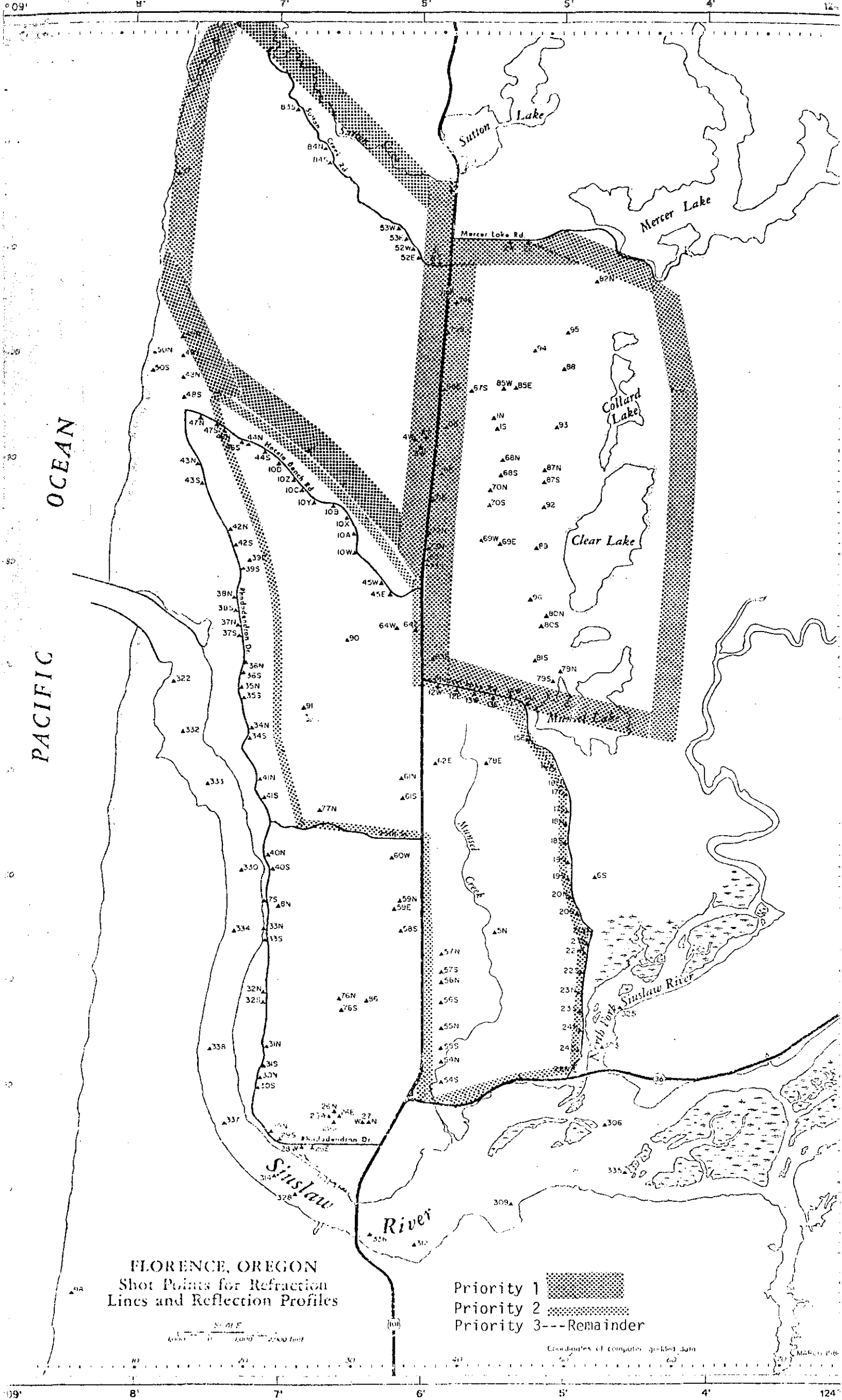


John E. Borden, P.E.
Regional Manager

JEB/wr

Attachment: Map outlining Priority Control Areas.

cc: H.L. Sawyer, Water Quality Division
cc: Fred Bolton, Regional Operations
cc: Daryl Johnson, Willamette Valley Region, Eugene Office
cc: Kent Mathiot, Water Resources Dept.
cc: Lee Miller, Lane County Planning Director
cc: Ralph Christensen, Lane County Hydrogeologist
cc: Gerritt Rosenthal, 208 Program Mgr., Lane COG
cc: Roy Burns, Lane County Environmental Health Dept.

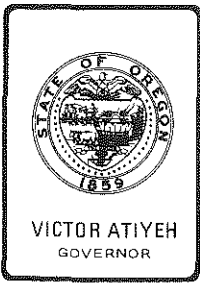


FLORENCE, OREGON
Shot Points for Refraction
Lines and Reflection Profiles

SCALE
1 inch = 1000 feet

Priority 1 [Cross-hatched]
Priority 2 [Dotted]
Priority 3---Remainder

Coordinates of computer gridded data



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Beaverton Inspection Site, October 17, 1980,
Breakfast Meeting

The Department is preparing to present to the State Emergency Board at its November 1980 meeting a request for approval on the construction of a motor vehicle inspection station in Beaverton. It would be proposed that, should we obtain E Board approval, an inspection station in Beaverton be built. This will provide a much needed improvement in service for eastern Washington County and also allow us to shut down permanently the drive-in theater operation at Tigard. It is estimated that, should E Board approval be obtained, the station would be operational in September 1981. It is estimated that the total cost on this project will be approximately \$200,000. An architect, Peck/Grady Associated Architects, has been selected for the design and is preparing conceptual plans and drawings for presentation at the State Emergency Board meeting. A preliminary working drawing is available for review.

An innovative co-use of the property is that we will be sharing the site with the Metropolitan Service District operated recycling center. The property site is currently involved in litigation. The former owner, Hoffman Construction Company, is contesting the Beaverton Urban Renewal Agency's condemnation. It is our understanding that Hoffman's actions are due to his resistance to having a recycling center next to his warehouse property in the industrial park.

The concept that will be laid out in the inspection station will be that it is a three-lane station with capabilities of expanding into four lanes at a later date. There will be additional area for training. The following is the time schedule for the project:

November, 1980	E-Board Approval
January, 1981	Beaverton Facilities and Design Review
February, 1981	Construction Documents and Bid
March, 1981	Award of Bid
April, 1981	Site Development and Excavation
May-August, 1981	Construction
September, 1981	Opening of Station

WPJ:cn
VCD109

Item K(2)

DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

AUG 15 1980

WATER QUALITY CONTROL

8/8/80

DEPT. OF ENVIRONMENTAL QUALITY:

RE: WC-SSS VARIANCE

As suggested I have put in

7 phone calls tailored to Sherman Olson
Secretary still no return calls after
3 days. I am puzzled.

After reading this letter
it seems as if the letters & proof
of difference of opinion dated July
10th 80. That I have wasted
additional time & money which is
now close to a thousand dollars,
which I can ill afford!

Now #1 across creek from
this property just this summer
there was a permit issued Sept
1st just down from
adjoining property & no other
permit was issued & no problem.
Now FILL has been in 8 years.
Settled, #2 approximate dam is
about completed.

#3 would another phase up
creek suit you better, or.

Would you prefer to remove
ALL STUMPS & FILL WITH SAND
& GRAVEL.

As you have been informed
I am getting on in years
& am getting old & need to
sell this place & it is not
worth anything without a
septic tank permit now
Please if you mean please
be consider this & help
me resolve this

Thanks

Wagne Bows

98203 S. BANK RD SA 21

Brookings OR 97415

Phone 503-469-6294

Mr. & Mrs. W. O. Bows
98203 S. Bank, Sp. 21
Brookings, OR 97415