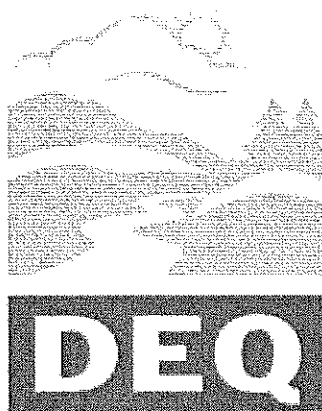


12/19/1980

OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS



State of Oregon
**Department of
Environmental
Quality**

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OREGON ENVIRONMENTAL QUALITY COMMISSION MEETING

December 19, 1980

Room 602
Multnomah County Courthouse
1021 Southwest Fourth 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 November 21, 1980, Commission meeting.
- B. Monthly Activity Report for November 1980.
- C. Tax Credit Applications.
- D. Request for authorization to conduct a public hearing on proposed amendment to rules governing subsurface sewage disposal, OAR 340-71-020(a)(B), Clatsop Plains moratorium area.
- E. Request for authorization to conduct a public hearing on amendment to rules governing on-site sewage disposal fees for Clackamas County, OAR 340-71-140(2)(b).

9:10 am PUBLIC FORUM

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

9:15 am ACTION ITEMS

- G. Proposed adoption of State Implementation Plan revision for total suspended particulates in the Portland Air Quality Maintenance Area.
- H. Request for a variance from the Lane Regional Air Pollution Authority Rules, Section 32-010(3), Restrictions on Emission of Visible Air Contaminants, Veneer Dryers, for the operation of the veneer dryers at Anderson Plywood, Inc.
- I. Requests for variances from OAR 340-30-045(d), compliance schedules for particle dryers at Timber Products Co., Medford, Down River Forest Products, White City, and Medford Corporation, Medford, and petitions for amendments to OAR 340-30-030, Medford-Ashland Air Quality Maintenance Area Wood Particle Dryer Rule.

(MORE)

~~J. Request for approval of sewage disposal methods for the Alsea Dunal Aquifer area in accordance with the EQC Interim Groundwater Quality Protection Policy adopted April 1980 (Bayshore Sandpiper subdivisions).~~

POSTPONED

K. Request for policy guidance on solid waste tax credits.

L. Request for adoption of a geographic regional rule for the lands overlying the North Florence Dunal Aquifer, OAR 340-71-030(11).

M. Appeals from subsurface variance denials:

~~(1) Rodney Swanson, Tillamook County~~

(2) Lenton Merryman, Jackson County

10:00 am N. Public hearing for rule adoption to allow spring backyard burning season, OAR 340-23-045.

WORK SESSION

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

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

The Commission will breakfast (7:30 am) at the Portland Motor Hotel, 1414 S. W. Sixth Avenue, Portland; and lunch in the 14th floor conference room at the DEQ headquarters, 522 S. W. Fifth Avenue, Portland.

THESE MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

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

December 19, 1980

On Friday, December 19, 1980, the one hundred twenty-eighth meeting of the Oregon Environmental Commission convened in Room 602, City Hall, in Portland, Oregon.

Present were Commission members: Mr. Joe B. Richards, Chairman; Mr. Fred J. Burgess; Mrs. Mary V. Bishop; Mr. Ronald M. Somers; and Mr. Albert H. Densmore. 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, Bishop, Somers and Densmore and several members of the Department staff.

The Commission members discussed the following items without taking any action:

1. Budget impact of loss of federal funds.
2. Progress of joint meeting with Water Policy Review Board and other agencies.
3. Backyard burning issues.
4. Newspaper article which attributed some misinterpreted statements to Jim Swenson, Assistant to the Director for Public Affairs.

FORMAL MEETING

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

AGENDA ITEM A - MINUTES OF THE NOVEMBER 21, 1980, MEETING

AGENDA ITEM B - MONTHLY ACTIVITY REPORT FOR NOVEMBER 1980

AGENDA ITEM C - TAX CREDIT APPLICATIONS

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

Agenda Item A - Minutes approved as presented.

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

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

T-1135	Cargill, Inc.
T-1153	Georgia-Pacific Corporation
T-1154	Georgia-Pacific Corporation
T-1156	Georgia-Pacific Corporation
T-1175	Bohemia, Inc.
T-1195	Columbia Grain, Inc.
T-1255	Pal-Bro, Inc.
T-1257	Potters Industries, Inc.
T-1264	Menasha Corporation
T-1271	Willamette Industries, Inc.
T-1272	Willamette Industries, Inc.
T-1273	Woodburn Fertilizer & Grain, Inc.
T-1275	Publishers Paper Company
T-1278	Weyerhaeuser Co.
T-1281	Beachman Orchards
T-1284	Willamette Industries, Inc.
T-1270	Willamette Industries, Inc.
T-1287	Spaulding Pulp & Paper Company
T-1288	Don Minear Orchard
T-1289	Ore-Ida Foods, Inc.
T-1290	Willamette Industries, Inc.
T-1291	Willamette Industries, Inc.
T-1292	Willamette Industries, Inc.
T-1294	Crown Zellerbach Corporation
T-1296	Georgia-Pacific Corporation
T-1300	Weyerhaeuser Company
T-1305	Owens-Illinois, Inc.
T-1307	Oregon Portland Cement Company
T-1308	Oregon Portland Cement Company
T-1310	Oregon Portland Cement Company
T-1313	Moores Brae Mailen
T-1314	Spear Beverage Company
T-1317	Columbia Plywood Corporation

It was MOVED by Commissioner Somers, seconded by Commissioner Bishop, and carried unanimously that the next two agenda items, Items D and E, be approved:

AGENDA ITEM D - REQUEST FOR AUTHORIZATION TO CONDUCT A PUBLIC HEARING ON
PROPOSED AMENDMENT TO RULES GOVERNING SUBSURFACE SEWAGE DISPOSAL,
OAR 340-71-020(7) (a) (B), CLATSOP PLAINS MORATORIUM AREA

Summation

1. ORS 454.685 provides for subsurface sewage system construction moratorium to be adopted by rule of the Commission.
2. The Commission has adopted a rule, OAR 340-71-020(7), that established a moratorium in a portion of Clatsop County known as Clatsop Plains.
3. ORS 183.390 and OAR 340-11-047 provide for petitions to the Commission to amend rules.
4. A petition, Attachment "A", has been received from Clatsop County and Mr. James B. Lucas, to amend OAR 340-71-020(7) (a) (B).

Director's Recommendation

Based upon the summation, it is recommended that the commission authorize a public hearing, to be held in Astoria, to take testimony on the question of amending OAR 340-71-020(7) (a) (B), Clatsop Plains Moratorium Area.

AGENDA ITEM E - REQUEST FOR AUTHORIZATION TO CONDUCT PUBLIC HEARING ON
AMENDMENT TO RULES GOVERNING ON-SITE SEWAGE DISPOSAL FEES FOR CLACKAMAS
COUNTY, OAR 340-71-140(2) (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.
2. Clackamas County has requested that maximum fee levels established in ORS 454.745 be increased for that County.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission authorize public hearings to take testimony on the question of amending rules governing subsurface fees to be charged by Clackamas County OAR 340-71-140(2) (b).

AGENDA ITEM G - PROPOSED ADOPTION OF THE PORTION OF THE PORTLAND-VANCOUVER
AIR QUALITY MAINTENANCE AREA STATE IMPLEMENTATION PLAN FOR TOTAL SUSPENDED
PARTICULATES

The Department proposed for adoption by the EQC a revision to the State Implementation Plan for Total Suspended Particulates for Oregon portion of the Portland-Vancouver Air Quality Maintenance Area. The plan focuses

primarily on population-related sources, such as traffic and vegetative burning, and lays out a program for development and implementation of non-traditional source strategies which could produce attainment if they are workable and practicable. The plan also revises the boundaries of the Particulate Non-Attainment Area to coincide more closely with the areas actually exceeding standards.

Bill Greene, Air Quality Division, submitted an addendum to this item which provides a more precise legal definition of the revised non-attainment area which is to be included as part of the SIP. That description will be included as Appendix 1 in the SIP submission to EPA and it will be considered a part of the SIP revision.

Summation

1. The Portland Air Quality Maintenance Area is designated by EPA as a non-attainment area for the National Ambient Secondary Standards for Total Suspended Particulates.
2. The Clean Air Amendments of 1977 require states to submit to EPA a plan for achieving particulate standards and to obtain EPA approval by January 1, 1981, or potentially incur EPA sanctions.
3. The bulk of the Portland AQMA's particulate problem can be attributed to population-related sources such as motor vehicles, road dust, or wood space heating. Control techniques for many of these sources are unproven and thus the effectiveness of these strategies is uncertain.
4. There is some uncertainty regarding the current particulate standard because EPA is reevaluating the standard and considering revisions to it.
5. The Department perceives that the best format for the required SIP revision, given the various uncertainties, is to commit to a schedule for study and evaluation of the most potentially effective control strategies.
6. The SIP revision commits to evaluate the following control strategies and lays out a possible implementation schedule.
 - Winter sanding control programs
 - Construction site trackout control programs
 - Efforts to reduce emissions from residential wood burning
 - Further open burning restrictions
 - Street sweeping programs
 - Unpaved area and dirt trackout control programs
 - Programs to identify and control local sources at predicted primary standard violation sites.

7. The proposed SIP revision has been generally endorsed by the Portland Air Quality Advisory Committee which met over 30 times during the last two years to evaluate potential particulate control strategies.
8. Statements have been made in the SIP which provides the Department flexibility in particulate controls programs if the Federal standards are revised and if planned nontraditional control programs turn out to be unworkable or infeasible.
9. The SIP as written does not commit to an open burning ban as was planned for December 31, 1980, because final action on the rule will likely not take place at least until mid-1981. The SIP does state that the EQC will reconsider the open burning ban issue in June 1981.

Recommendation

The Director recommends the Commission adopt the attached State Implementation Plan revision for Total Suspended Particulates in the Portland AQMA and direct the Department to formally submit it to EPA Region X.

Jeanne Roy, Portland AQMA, appeared to request that backyard burning be included in the SIP submission.

Tom Donaca, Associated Oregon Industries, appeared to voice his concerns that the SIP was too broad in scope.

It was MOVED by Commissioner Somers, seconded by Commissioner Bishop, that further discussion be held over to a work session later in the day. The motion was passed with Commissioner Densmore voting no.

At the work session later in the day, it was MOVED by Commissioner Somers, seconded by Commissioner Bishop, and passed unanimously that the amended SIP revisions be approved subject to the editorial license of the staff and taking into account the earlier action on open burning. Copies of the amended SIP revisions were to be mailed soon to the Commission members with time provided for their response.

AGENDA ITEM H - REQUEST FOR A VARIANCE FROM THE LANE REGIONAL AIR POLLUTION AUTHORITY RULES SECTION 32-010(3) RESTRICTIONS ON EMISSION OF VISIBLE AIR CONTAMINANTS, VENEER DRYERS AT ANDERSON PLYWOOD, INC., WESTFIR

Anderson Plywood, Inc., has been granted a variance by the Lane Regional Air Pollution Authority for operation of the veneer dryers at the plant in Westfir. The Department presented this variance to the Commission for approval.

Summation

1. On November 13, 1980, the Board of Directors of the Land Regional Air Pollution Authority issued a variance for operation of the veneer dryers at the Anderson Plywood plant in Westfir. The variance allows three weeks of operation in violation of the opacity limits and required installation of controls by March 31, 1981.
2. Except for three week period, these dryers will comply with emission limits before and after installation of controls.
3. LRAPA submitted this variance to the Commission on November 13, 1980, for consideration.
4. The Department supports the granting of this variance. Strict compliance with the rules, particularly the compliance deadline, is unreasonable due to conditions beyond the control of the company.
5. The Commission is authorized by ORS 486.345(3) to approve, deny or modify variances submitted by the Regional Authority.

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

AGENDA ITEM I - REQUESTS FOR VARIANCES FROM OAR 340-30-045(3), COMPLIANCE SCHEDULES FOR PARTICLE DRYERS AT TIMBER PRODUCTS CO., MEDFORD, AND DOWN RIVER FOREST PRODUCTS, WHITE CITY, AND MEDFORD CORPORATION, MEDFORD, AND PETITIONS FOR AMENDMENTS TO OAR 340-30-030, MEDFORD-ASHLAND AQMA WOOD PARTICLE DRYER RULES

Summation

1. The current emission limit for particle dryers in the Medford-Ashland AQMA is 0.35#/1000 SF and compliance is required by January 1, 1981.
2. Timber Products Co. and Down River Forest Products have petitioned for a change in the emission limit based upon pilot test data and a variance from the compliance deadline to install alternative, less costly controls.
3. Medford Corp. has petitioned for a change in the rules to establish specific emission limits for medium density fiberboard plants instead of including them with the particleboard dryers and requested a variance from the compliance deadline.
4. The Department proposes to hold a hearing to consider additional factual information on the appropriateness of the current emission limit, a proposal to extend the current compliance deadline and a rule specific to fiberboard plants.

5. The attainment date for primary ambient air standards is December 31, 1982. An extension of the compliance schedules up to that date could be allowed under an acceptable control strategy, however, the failure to attain primary standards by that date would result in serious growth curtailment consequences to the area and likely severe EPA enforcement against individual non-complying sources.
6. The Department supports short terms variances from the January 1, 1981, compliance deadline for Medford Corporation, Down River Forest Products and Timber Products until the current emission limit is either reaffirmed or altered, or until June 1, 1981, whichever is sooner because compliance with the current deadline would likely result in closure of these facilities.
7. The Commission is required by OAR 340-11-047 to deny or initiate rule making procedures with 30 days of a petition for rule change.

Director's Recommendation

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

1. Authorize a public hearing to receive testimony on the technical and economic aspects of the requested changes in the emission limit and extension of compliance schedules for particle dryers. The hearing will also consider the addition of a specific emission limit for medium density fiberboard plants.
2. Grant variances to Medford Corporation, Timber Products Co. and Down River Forest Products from the compliance schedule (OAR 340-30-045(3)) for achievement of particle dryer controls until the current emission limit and schedule are either changed or confirmed, or until June 1, 1981, whichever is sooner.

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

AGENDA ITEM N - PUBLIC HEARING FOR RULE ADOPTION TO ALLOW A SPRING BACKYARD BURNING SEASON(OAR 340-23-045)

This was a public hearing to consider a rule adoption to allow a spring backyard burn season. The staff has been working since June 1979 to establish reasonable programs with local governments which would permit the prohibition of backyard burning by December 31, 1980.

Initial efforts to stimulate local development of alternatives proved difficult due to budget pressures which precluded commitments to this effort and, most importantly, the fact that questions relative to the environmental impacts, waste volumes, and economics were unanswered. Since August 1980, the Department has been in the process of preparing a report which will attempt to answer these questions and provide a basis for a recommendation. This is the first attempt on the Department's part. To complete the report and allow an adequate public review and comment period will require until June 1981.

In light of this delay and the fact that alternatives to burning will not be available during the spring yard clean-up period, the Department has recommended that a spring burn period be permitted.

Summation

1. In June 1979, the EQC adopted OAR 23-045(6) (a) (Attachment C) which prohibits open burning of domestic waste in Clackamas, Columbia, Multnomah and Washington counties after December 31, 1980.
2. The date cited in item 1 was granted with the stipulation that the Department establish reasonable programs with local governments which would permit the imposition of a burning ban in the near future.
3. The Department has expended considerable staff time in attempting to assess the overall impact of a burning ban and in developing reasonable alternatives to burning. However, as of this date, information critical to a public understanding of this issue is still being developed to describe waste material volume, environmental impact, energy/economic impact, other burning alternatives, and public attitude.
4. The Department estimates that the final report will be completed by February; that a request for public hearings will be presented to the EQC February meeting; the public hearings can be conducted in March and April and that a final report and recommendation can be made to the Commission in June.
5. The Department is committed to providing the public time to conduct a full review of our assessment of this matter. The staff is opposed to reducing the public review period in order to bring this matter before the Commission at an earlier date.
6. In light of the above schedule, new disposal accommodations other than burning will not be available to the public during the spring yard clean-up period.
7. Because new alternative disposal methods are not available, the Department believes that the Department's open-burning rule should be revised to permit a spring burning period between March 1, 1980, to June 15, 1980.

Director's Recommendation

Based upon the Summation, it is recommended that the Environmental Quality Commission adopt the proposed revised rules contained in Attachment C.

The following people appeared to speak before the Commission:

OPPOSED to Department's proposed action:

<u>NAME</u>	<u>ADDRESS OR AFFILIATION</u>
Thelma Lester	State of Oregon League of Women Voters
John Cooper	Oregon Graduate Center
Robert J. Castagna	Oregon Environmental Council
Steve Lockwood	Portland Air Quality Advisory Committee
Eve Heidtmann	18052 SW Sandra Lane, Aloha
Neal Hribar	4823 SW Stonebrook Court, 97201
Eileen Key	4815 NE Flanders
Joseph Weller	Oregon Lung Association
Ann Klok	Sierra Club
Bobby Simons	0350 SW Dakota Street
Susan Wong	4212 SE Glenwood
B. J. Seymour	1405 SW Park Avenue, #34
Christi Perala	2333 SE Market Street, 97214
Sandra Gee	6905 SW 35th Avenue, 97219
John A. Charles	Oregon Environmental Council
Jeanne Roy	Portland Air Quality Advisory Committee
Dave Lawrence	Multnomah County Health Officer
Robert C. Smith	5856 NE 27th Avenue, 97211
Denis L. Heidtmann	18052 SW Sandra Lane, Aloha 97006
Sharon Casey	253 N Broadway, Apt. 315, 97227
Jan Sokol	2915 NE Davis Street
Charlotte Corkran	130 NW 114th, 97229
Alicia Swindel	Oregon Public Health Association
Nancy Doohan	NOHS, 5201 SW Westgate
Louise Weidlich	Oregon Neighborhoods Protective Association
Bill Cook	3315 SW Alice, 97219

IN FAVOR of Department's proposed action:

Maxine Borcharding	City of Portland
Carl Wilson	Clackamas County
Owen P. Cramer	3327 SW Dosch Road, 97201
George Kitzmiller	5010 SE 113th
R. Lee Smith	1122 SW Mitchell Street
George Field	Seaman, retired disabled
Wayne M. Coppel	Metropolitan Service District

The written testimony submitted is on file at Department headquarters, 522, SW Fifth Avenue, Portland, is hereby made a part of this record.

It was MOVED by Commissioner Burgess, seconded by Commissioner Bishop, and carried unanimously that the Director's recommendation be approved but excluding Paragraph No. 7 in the Summation of the staff report. The motion also included an instruction to staff to return to the January meeting with a rule modification addressing possible boundary alterations and alleviation of hardship burning problems.

The burning ban was put into effect; no extension was granted.

AGENDA ITEM K - REQUEST FOR POLICY GUIDANCE ON SOLID WASTE TAX CREDITS

On December 31, 1980, a change occurred in the statutes pertaining to tax credits for solid waste pollution control facilities. This change adds restrictions to the kinds of facilities that will be eligible for certification. In order to implement this statute change, the staff drafted policy statements to provide guidance in evaluating applications after December 31, 1980. These policy statements were presented informally to the Commission in December, and the Department now seeks formal concurrence.

Director's Recommendation

It is recommended that the Commission concur with the above statements, to serve as Departmental criteria for evaluating applications for solid waste pollution control tax relief, during the period from December 31, 1980, to December 31, 1983.

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

AGENDA ITEM M(1) - RODNEY SWANSON - APPEAL OF SUBSURFACE VARIANCE DENIAL

This item was withdrawn before the meeting at the request of the appellant.

AGENDA ITEM M(2) - LENTON MERRYMAN - APPEAL OF SUBSURFACE VARIANCE DENIAL

This item 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. Merryman submitted an application for a soil investigation to Jackson County on August 1, 1979.
3. Mr. Dick Florey evaluated the property to determine if a standard subsurface sewage disposal system or ETA system could be installed. The site was denied for standard and ETA drainfield placement because of shallow depths to restrictive and/or impervious soil layers.

4. Mr. Merryman submitted a variance application to the Department, which was found to be complete on September 26, 1979, and was assigned to Mr. Baker on October 1, 1979.
5. On October 19, 1979, Mr. Baker examined the proposed drainfield site, confirmed the County's soil report, and conducted a public information hearing so as to allow Mr. Merryman and others the opportunity to supply the facts and reasons to support the variance request.
6. Mr. Baker reviewed the variance record and found that the testimony provided did not support a favorable decision. He was unable to modify the variance proposal to overcome the site limitations.
7. Mr. Baker notified Mr. Merryman by letter dated January 8, 1980, that his variance request was denied.
8. Mr. Merryman filed for appeal of the decision by letter dated January 17, 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 Somers, seconded by Commissioner Bishop, and carried unanimously that the Director's recommendation be approved. Staff was further instructed to include in the record the details outlining the reasons for the delays encountered in this case.

AGENDA ITEM L - REQUEST FOR ADOPTION OF A GEOGRAPHIC REGIONAL RULE FOR THE LANDS OVERLAYING THE NORTH FLORENCE DUNAL AQUIFER -- OAR 340-71-030(1)

DEQ received authorization from the Environmental Quality Commission on November 21, 1980, to conduct a public rulemaking hearing regarding a proposed geographic regional rule for the North Florence dunal aquifer. The purpose of the rule was to protect the North Florence dunal aquifer and lakes from being degraded by the urbanized use of septic tanks. The public rulemaking hearing was held in the City of Florence on December 1, 1980. Approximately 75 persons attended the hearing and 21 persons offered testimony. The testimony was fairly evenly split. Approximately 1/3 supported adoption of the rule as proposed; 1/3 supported adoption of a modified rule; and 1/3 opposed adoption of a rule. Based on review of public testimony and additional data analysis, staff is now requesting adoption of a geographic regional rule, OAR 340-71-030(11), to protect the North Florence dunal aquifer.

Findings

Failure to act promptly by adopting a Geographic Regional Rule OAR 340-71-030(11), may result in serious prejudice to the public interest for the following reasons:

1. Long range plans show that the City of Florence and adjacent urbanizing areas will be dependent upon the North Florence Dunal aquifer and Clear Lake to supply their current and future drinking water resources. Current zoning and subsurface sewage disposal regulations are not adequate to protect these resources.
2. Development pressures at urban densities using on-site subsurface sewage disposal systems remain high over the North Florence Dunal aquifer and adjacent to Clear Lake.
3. Moratorium actions on development, or construction of expensive water purification systems may be necessary in the future if development is not controlled until the 208 study is completed and its technical findings related to appropriate local control strategies.

Summation

1. On October 17, 1980, the Commission requested DEQ staff to appear at the November 21, 1980 EQC meeting with a discussion of alternatives available to protect the North Florence Dunal Aquifer and a recommendation of which alternative would provide the best safeguards for the citizens dependent on the North Florence Dunal Aquifer for their drinking water.
2. On November 21, 1980, DEQ staff provided the EQC with a list of alternatives available to protect the North Florence Dunal Aquifer from being degraded by the urbanized use of septic tanks. The alternative recommended by staff was the establishment of a geographic Regional Rule. The EQC accepted the recommendation and authorized a public Rule-making Hearing.
3. On December 1, 1980, an EQC hearings officer conducted a public Rule-making Hearing in Florence and received public testimony on the proposed Geographic Rule.
4. Based on review of the public testimony, the proposed rule was modified to be less restrictive than originally proposed. Staff recommends adoption of the revised proposed Geographic Regional Rule as it appears the best alternative available to protect the North Florence Dunal Aquifer until the technical finds of the completed 208 study is related to appropriate local control strategies.

The following people appeared and spoke in general support of the Department's action:

<u>NAME</u>	<u>AFFILIATION OR ADDRESS</u>
Harold Rutherford	Lane County Board of County Commissioners
Gerritt Rosenthal	Lane County Council of Governments
Ray Bishop	88960 Sutton Lake Road, Florence
Robert Manseth	88493 Hwy. 101, Florence 97439

Gary Parks, 3445 Gilham Road, Eugene, appeared and spoke in opposition.

It was MOVED by Commissioner Somers, seconded by Commissioner Burgess, and carried unanimously that the rule as referenced in the staff report and including the following changes be adopted.

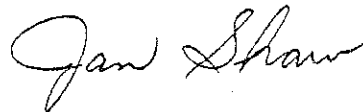
1. The correct number of the proposed rule is OAR 340-71-030(11).
2. On page 8, subsection (h):
 - a. Line 5 should read: "in subsection (b) above"; and
 - b. Line 7 should read: "Priority II Control Areas defined in subsection (f) above...".
3. On page 6, subsection (a), third line from top of page should read:

"...preliminary planning, zoning, and septic tank approval after January 1, 1974, and prior to October 1, 1980, under the following circumstances:"

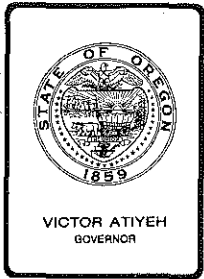
(Underlined portions are added language.)

There being no further business to come before the Commission, the meeting was adjourned.

Respectfully submitted,



Jan Shaw
Recording Secretary



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

TO: Environmental Quality Commission
FROM: Director
SUBJECT: Agenda Item B, December 19, 1980, EQC Meeting
November, 1980 Program Activity Report

Discussion

Attached is the November, 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 actions taken by the Department relative to air contaminant source plans and specifications; and
- 3) to provide logs of civil penalties assessed and status of DEQ/EQC contested cases.

Recommendation

It is the Director's Recommendation that the Commission take notice of the reported program activities and contested cases, giving confirming approval to the air contaminant source plans and specifications listed on page 2 of this report.

WILLIAM H. YOUNG

M. Downs:ahe
229-6485
12-05-80



Contains
Recycled
Materials

DEPARTMENT OF ENVIRONMENTAL QUALITY

Monthly Activity Report

November, 1980

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35 . . . Plan Actions Completed - Summary	1
44 . . . Plan Actions Pending - Summary	1
Plan Actions Completed - Listing	3
21 . . . Permit Actions Completed - Summary	11
174 . . . Permit Actions Pending - Summary	11
Permit Actions Completed - Listing	12
<u>Solid Wastes Management Division</u>	
3 . . . Plan Actions Completed - Summary	1
14 . . . Plan Actions Pending - Summary	1
Plan Actions Completed - Listing	7
42 . . . Permit Actions Completed - Summary	14
68 . . . Permit Actions Pending - Summary	14
Permit Actions Completed - Listing	15
<u>Noise Control Section</u>	
2 . . . Noise Control Actions Completed	19
<u>Investigation & Compliance Section</u>	
11 . . . Civil Penalties Assessed	21
<u>Hearings Section</u>	
DEQ/EQC Contested Case Log	26

MONTHLY ACTIVITY REPORT

November, 1980

(Month and Year)

	Plans Received		Plans Approved		Plans Disapproved		Plans Pending
<u>Air</u>	<u>Month</u>	<u>Fis.Yr.</u>	<u>Month</u>	<u>Fis.Yr.</u>	<u>Month</u>	<u>Fis.Yr.</u>	
Direct Sources	<u>4</u>	<u>28</u>	<u>3</u>	<u>54</u>	<u>0</u>	<u>0</u>	<u>47</u>
<u>Water</u>							
Municipal	<u>34</u>	<u>236</u>	<u>34</u>	<u>276</u>	<u>0</u>	<u>0</u>	<u>26</u>
Industrial	<u>1</u>	<u>35</u>	<u>1</u>	<u>27</u>	<u>0</u>	<u>0</u>	<u>18</u>
<u>Solid Waste</u>							
General Refuse	<u>2</u>	<u>9</u>	<u>1</u>	<u>9</u>	<u>0</u>	<u>0</u>	<u>8</u>
Demolition	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>
Industrial	<u>0</u>	<u>5</u>	<u>2</u>	<u>7</u>	<u>1</u>	<u>1</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>
GRAND TOTAL	<u>41</u>	<u>313</u>	<u>41</u>	<u>346</u>	<u>1</u>	<u>1</u>	<u>105</u>

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
MONTHLY ACTIVITY REPORT

PLAN ACTIONS COMPLETED

DIPECT SOURCES

County	Number	Source	Process Description	Date of Action	Status
BENTON	624	EVANS PRODUCTS BSP	FUME RECIRCULATION SYSTEM	10/27/80	COMPLETED-APRVD
MULTNOMAH	656	MALARKEY ROOFING CO	HEAF FUME FILTER	10/28/80	COMPLETED-APRVD
LANE	645	ROSBORO LUMBER COMPANY	SANDER DUST FILT,NC BY LRAP	11/10/80	COMPLETED-APRVD

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

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

MUNICIPAL WASTE SOURCES (34)

Douglas	Roseburg Swr.Rehab. - Replacement, Roseburg	11/3/80	P.A.
Lincoln	Agate Beach Trunk Newport	11/3/80	P.A.
Tillamook	Necarney Subdivision N.T.C.S.A.	11/3/80	P.A.
Lincoln	Mont.-Combs Swr. Yachats	11/3/80	P.A.
Jackson	Table Rock-Wilson Ext. B.C.V.S.A.	11/4/80	P.A.
Polk	Dickey Swr. Ext. Dallas	11/4/80	P.A.
Grant	Trans. Treat. & Disposal Modify - Prairie City	11/4/80	P.A.
Columbia	M. Lollich Ext. Clatskanie	11/4/80	P.A.
Douglas	Hunter Sewer Roseburg	11/5/80	P.A.
Lane	Kincaid St. Swr. Eugene	11/5/80	P.A.
Lane	Bailey Hill Rd. Swr. Eugene	11/5/80	P.A.
Lane	Cross St. Swr. Eugene	11/5/80	P.A.
Washington	Rodlun L.I.D. Forest Grove	11/6/80	P.A.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

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

MUNICIPAL WASTE SOURCES Continued

Benton	Lancaster Ave. Ext. Sewers Corvallis	11/6/80	P.A.
Douglas	Saddle Butte Ext. N.R.S.D.	11/6/80	P.A.
Deschutes	The Pines Condo Revised Sunriver	11/7/80	P.A.
Washington	Equities N.W. Swr. U.S.A.	11/7/80	P.A.
Hood River	Summit Dr. Swr. Odell San. Dist.	11/7/80	P.A.
Lane	Woodside Dr. Swr. Eugene	11/12/80	P.A.
Benton	Oakcrest Apts. Swr. Corvallis	11/12/80	P.A.
Curry	Westgate Homes Swr. Port Orford	11/12/80	P.A.
Lincoln	Makai Division 3 Lincoln County	11/12/80	P.A.
Marion	Lonebrook Subdivision Salem	11/13/80	P.A.
Marion	R.M. Tone Subdivision Salem	11/13/80	P.A.
Washington	Merritt Orchard U.S.A.	11/14/80	P.A.
Marion	Century Meadows Ext. Marion County	11/14/80	P.A.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division

November, 1980

(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 Continued

Curry	Allsup Pump Sta. Brookings	11/17/80	P.A.
Jackson	Foothills Project Medford	11/18/80	P.A.
Clackamas	Lawnfield-Stevens Project CCSD No. 1	11/18/80	P.A.
Washington	Lang Extension U.S.A.	11/20/80	P.A.
Washington	Llewellyn Sewer U.S.A.	11/20/80	P.A.
Washington	Merritt Orchard Rev. U.S.A.	11/20/80	P.A.
Washington	Kneeland Estates II U.S.A.	11/20/80	P.A.
Washington	Tiburon Ridge Subdivision U.S.A.	11/20/80	P.A.

P.A. = Preliminary Approval

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality
(Reporting Unit)

November 1980
(Month and Year)

PLAN ACTIONS COMPLETED

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

INDUSTRIAL WASTE SOURCES 1

Clackamas	Willamette Egg Farms	10/25/80	Approved
	Canby, Egg Wash Water		
	Disposal System		

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

November 1980
(Month and Year)

PLAN ACTIONS COMPLETED

* County	* Name of Source/Project	* Date of	* Action	*
*	* /Site and Type of Same	* Action	*	*
*	*	*	*	*
Clackamas	Cascade Utilities, Inc. Existing Facility Operational Plan	11/12/80	Approved	
Multnomah	St. Johns Landfill Existing Facility Operational Plan Amendment	11/13/80	Approved	
Clackamas	Publishers Paper, Molalla Existing Industrial Waste Site Operational Plan	11/6/80	Conditional Approval	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

AIR Quality Division
(Reporting Unit)

November , 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	2	3	2	14	9		
Existing	6	9	3	6	18		
Renewals	26	54	20	70	110		
Modifications	<u>0</u>	<u>1</u>	<u>2</u>	<u>17</u>	<u>4</u>		
Total	34	88	27	108	141	1975	2002
<u>Indirect Sources</u>							
New	0	8	1	17	5		
Existing	0	0	0	0	0		
Renewals	0	0	0	0	0		
Modifications	1	3	1	3	1		
Total	1	11	2	20	6	180	0
<u>GRAND TOTALS</u>	35	99	29	128	147	2155	2002

Number of
Pending Permits

Comments

17	To be drafted by Northwest Region
11	To be drafted by Willamette Valley Region
11	To be drafted by Southwest Region
4	To be drafted by Central Region
16	To be drafted Eastern Region
8	To be drafted Program Planning Division
32	To be drafted by Program Operations
17	Awaiting Public Notice
<u>31</u>	Awaiting the end of the 30-day period
147	TOTAL

10 Technical Assistants 14 A-95's

DEPARTMENT OF ENVIRONMENTAL QUALITY

PERMITS ISSUED

DIRECT STATIONARY SOURCES

COUNTY	SOURCE	PERMIT NUMBER	APPLIC. RECEIVED	STATUS	DATE ACHIEVED	TYPE OF APPLICATION
MULTNOMAH	STAUFFER CHEMICAL CO	26	2548 10/17/79	PERMIT ISSUED	10/29/80	RNW
COOS	TEPA INC.	06	0100 07/03/80	PERMIT ISSUED	10/31/80	NEW
CLATSOP	GREENWOOD CEMETARY ASSOC	04	0043 06/11/80	PERMIT ISSUED	11/14/80	RNW
COLUMBIA	OWENS-CORNING FIBERGLAS	05	2085 12/11/79	PERMIT ISSUED	11/14/80	MOD
COLUMBIA	J.E. NEUMAN ROCK CRUSHERS	05	2567 08/12/80	PERMIT ISSUED	11/14/80	EXT
CROOK	CONSOLIDATED PINE CO.	07	0003 06/11/80	PERMIT ISSUED	11/14/80	RNW
CROOK	LOUISIANA PACIFIC CORP.	07	0008 07/08/80	PERMIT ISSUED	11/14/80	RNW
CROOK	PRINEVILLE SAND & GRAVEL	07	0015 06/11/80	PERMIT ISSUED	11/14/80	RNW
JACKSON	DELAH TIMBER	15	0009 07/07/80	PERMIT ISSUED	11/14/80	RNW
JACKSON	MORTON MILLING CO	15	0061 06/23/80	PERMIT ISSUED	11/14/80	RNW
JACKSON	ROGUE VALLEY MEN. HOSPITAL	15	0080 07/08/80	PERMIT ISSUED	11/14/80	RNW
JACKSON	SOUTHERN OREGON CONCRETE	15	0082 01/18/80	PERMIT ISSUED	11/14/80	RNW
JACKSON	GRANGE COOPERATIVE SUPPLY	15	0084 06/11/80	PERMIT ISSUED	11/14/80	RNW
JACKSON	LININGER & SONS	15	0093 07/08/80	PERMIT ISSUED	11/14/80	RNW
JACKSON	ROGUE VALLEY READY MIX	15	0152 06/05/80	PERMIT ISSUED	11/14/80	EXT
JOSEPHINE	TIM-PLY CO.	17	0029 04/11/78	PERMIT ISSUED	11/14/80	RNW
JOSEPHINE	DAVISON'S READY MIX	17	0040 03/27/80	PERMIT ISSUED	11/14/80	RNW
LAKE	PRECISION PINE CO	19	0019 06/20/80	PERMIT ISSUED	11/14/80	EXT
LINCOLN	PACIFIC COMMUNITIES HOSP.	21	0038 07/08/80	PERMIT ISSUED	11/14/80	RNW
LINCOLN	NEW LINCOLN HOSPITAL	21	0040 06/11/80	PERMIT ISSUED	11/14/80	RNW
LINN	HAYWORTH SEED WHSE. INC.	22	4017 04/04/80	PERMIT ISSUED	11/14/80	NEW
MARION	GREEN VEHEER INC	24	2550 07/22/80	PERMIT ISSUED	11/14/80	MOD
MULTNOMAH	PIONEER FLINTKOTE CO	26	1345 00/00/80	PERMIT ISSUED	11/14/80	RNW
MULTNOMAH	PREMIUM KILN SPECIALTIES	26	2061 07/08/80	PERMIT ISSUED	11/14/80	RNW
MULTNOMAH	BRIDAL VEIL LUMBER CO.	26	2546 06/23/80	PERMIT ISSUED	11/14/80	RNW
TILLAMOOK	MIDWAY SHAKE COMPANY	29	0027 06/11/80	PERMIT ISSUED	11/14/80	RNW
WASHINGTON	WASHINGTON CO S ANIMAL SH	34	2630 07/08/80	PERMIT ISSUED	11/14/80	RNW

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

<u>Air Quality Division</u>	<u>November, 1980</u>
(Reporting Unit)	(Month and Year)

PERMIT ACTIONS COMPLETED

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

Washington	Woodcreek 825 Spaces File No. 34-8027	11/18/80	Final Permit Issued
Washington	Washington Square Temporary Parking 750 Spaces File No. 34-6022	11/18/80	Final Permit Issued

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

November, 1980
(Month and Year)

SUMMARY OF WATER PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions Pending	Sources Under Permits	Sources Reqr'g Permits
	Month	Fis.Yr.	Month	Fis.Yr.			
	* /**	* /**	* /**	* /**	* /**	* /**	* /**
<u>Municipal</u>							
New	0 /0	1 /2	1 /1	1 /2	3 /4		
Existing	0 /0	0 /0	0 /0	0 /0	2 /0		
Renewals	0 /0	8 /7	1 /2	16 /5	25 /9		
Modifications	1 /0	4 /1	0 /0	2 /2	7 /0		
Total	1 /0	13 /10	2 /3	19 /9	37 /13	261/91	266/95
<u>Industrial</u>							
New	4 /0	6 /3	3 /1	6 /7	6 /7		
Existing	0 /0	0 /1	0 /0	1 /0	1 /2		
Renewals	0 /1	20 /18	8 /4	40 /7	64 /26		
Modifications	3 /1	7 /3	0 /0	3 /1	6 /2		
Total	7 /2	33 /25	11 /5	50 /15	77 /37	365/155	372/164
<u>Agricultural (Hatcheries, Dairies, etc.)</u>							
New	0 /0	0 /0	0 /0	1 /0	1 /0		
Existing	0 /0	0 /0	0 /0	0 /0	0 /0		
Renewals	0 /0	1 /0	0 /0	25 /0	9 /0		
Modifications	0 /0	0 /0	0 /0	0 /0	0 /0		
Total	0 /0	1 /0	0 /0	26 /0	10 /0	53 /20	54 /20
<u>GRAND TOTALS</u>	8 /2	47 /35	13 /8	95 /24	124/50	679/266	692/279

*NPDES Permits

**State Permits

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

PERMIT ACTIONS COMPLETED

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

MUNICIPAL AND INDUSTRIAL SOURCES NPDES PERMITS (13)

Lane	Georgia Pacific Springfield	11-17-80	Permit Renewed
Jackson	Rogue River National Forest, Medford Forest Nursery	11-19-80	Permit Issued
Douglas	City of Roseburg, Oakland, WTP	11-19-80	Permit Renewed
Douglas	Winston-Dillard Water District, WTP	11-19-80	Permit Renewed
Douglas	City of Sutherlin, Cooper Creek, WTP	11-19-80	Permit Renewed
Marion	Stayton Canning Co. Coop. Liberty	11-19-80	Permit Renewed
Linn	Plywood Corporation, Brownsville	11-19-80	Permit Issued
Jackson	City of Shady Cove, STP	11-19-80	Permit Issued
Tillamook	Gold Medal Cedar Products, Tillamook	11-19-80	Permit Renewed
Washington	Intel Corporation, Aloha	11-24-80	Permit Issued
Polk	Ostrom Lumber Co., Monmouth	11-24-80	Permit Renewed
Yamhill	Willamina Lumber Co., Log Pond	11-24-80	Permit Renewed
Washington	Unified Sewerage Agency Somerset West STP	11-24-80	Permit Renewed

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

MUNICIPAL AND INDUSTRIAL SOURCES STATE PERMITS (8)

Grant	USFS, Umatilla National Forest, STP, Dale	11-17-80	Permit Issued
Hood River	Stadelman Fruit, Inc. Fruit Packing, Odell	11-17-80	Permit Renewed
Marion	Walling Sand & Gravel, Salem	11-17-80	Permit Renewed
Josephine	Rich Gallagher, Mine, Holland	11-17-80	Permit Issued
Clatsop	Olney School Dist, Inc., STP	11-17-80	Permit Renewed
Hood River	Walter Wells & Sons Vanhorn	11-17-80	Permit Renewed
Klamath	Gilchrist Timber Co. Gilchrist	11-19-80	Permit Renewed
Marion	Salem Development Co. Illahe, STP	11-19-80	Permit Renewed

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

November 1980
(Month and Year)

SUMMARY OF SOLID AND HAZARDOUS WASTE PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions Pending	Sites Under Permits	Sites Reqr'g Permits
	Month	FY	Month	FY			
<u>General Refuse</u>							
New	3	6	-	1	5		
Existing	-	-	2	2	1		
Renewals	-	29	-	17	25		
Modifications	-	2	-	8	2		
Total	3	37	2	28	33	166	166
<u>Demolition</u>							
New	-	2	-	3	-		
Existing	1	2	-	-	2		
Renewals	-	2	-	3	2		
Modifications	-	2	-	2	-		
Total	1	8	0	8	4	20	21
<u>Industrial</u>							
New	1	8	-	5	6		
Existing	1	2	-	-	1		
Renewals	1	13	-	10	22		
Modifications	-	-	-	1	-		
Total	3	23	0	16	29	101	101
<u>Sludge Disposal</u>							
New	1	4	-	3	1		
Existing	-	-	-	1	-		
Renewals	-	2	-	1	1		
Modifications	-	-	-	-	-		
Total	1	6	0	5	2	14	15
<u>Hazardous Waste</u>							
New	23	129	40	129	0		
Authorizations	-	-	-	-	-		
Renewals	-	-	-	-	-		
Modifications	-	-	-	-	-		
Total	23	129	40	129	0	1	1
<u>GRAND TOTALS</u>	31	203	42	186	68	302	304

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

PERMIT ACTIONS COMPLETED

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

Harney	Riley Existing Facility	11/20/80	Permit Issued	
Harney	Andrews Existing Facility	11/20/80	Permit Issued	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

November 1980
(Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTSCHEM-NUCLEAR SYSTEMS, GILLIAM CO.WASTE DESCRIPTION

* * Date *	* Type *	* Source *	* Present *	* Quantity Future *	* *
DISPOSAL REQUESTS GRANTED (40)					
OREGON (12)					
10/29	Paint sludge and sulfamic acid	Paint manuf.	155 gal.	5,000 gal/yr.	
10/29	Paint petroleum solvents	Paint manuf.	1,200 gal.	1,200 gal/yr.	
10/29	Paint pigments	Paint manuf.	600 gal.	250 gal/yr.	
10/29	Polyester resins and methyl methacrylate polymer	Paint manuf.	28 drums	0	
11/6	Lime filter cake with cyanide	Manufacturer of fireplace implemt	80 drums	40,000 gal/yr.	
11/10	Xylene and ethylebenzene	Electronics	--	1,000 gal/yr.	
11/10	Mixed solvents	Chemical wholesaler	71 drums	0	
11/14	Pentachlorophenol sludge	Wood treatment	5,000 gal.	15,000 gal/yr.	
11/14	Ink/paint sludge	Wood finishing	270 drums	360 drums/yr.	
11/14	Chlorinated sludge	Solvent processor	--	10,000 gal/yr.	
11/14	Waste sodium aluminate	Transportation	8 drums	5 drums/yr.	

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

		<u>WASTE DESCRIPTION</u>				
* * Date *	* Type *	* Source *	* Present *	* <u>Quantity</u> Future *	* Future *	
11/14	Pesticides	Pesticide dealer	15 drums	15 drums/yr.		
11/14	Ink sludge	Printing	30,000 gal	45,000 gal/yr.		
11/13	Spent solvent, oils, etc	Logging co.	80 drums	20 drums/yr.		
11/24	Chrome contaminated ceramic saddles	Aerospace	150 pcs.	150 pcs/yr.		
11/17	PCB equipment	Shipyard	7 units; 3 drums	22 units/yr.		
11/24	Lead contaminated materials	Battery recycling	---	500 tons/yr.		
OTHER STATES (10)						
10/29	PCB capacitors	Food processor	16 ft ³	0		
10/29	Mixed solvents	Food processor	275 drums	1,800 gal/yr.		
11/6	PCB capacitors	Utility	13 drums	0		
11/10	PCB capacitors, diphenyl oxide still bottoms	Fertilizer	6 drums	15 drums/yr.		
11/10	PCB contaminated transformers oil	Mining co.	8 drums	0		
11/12	Acrylic latex emulsion	Paint manuf.	3,500 gal.	0		
11/6	Spent cracking catalysts	Oil refinery	317 drums	160 drums/yr.		
11/17	PCB contaminated material	Construction	1,600 cu.ft.	0		
11/24	PCB materials	Chemical co.	834 cu.ft.	0		
11/24	PCB transformers	State agency	80 units	0		

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

		<u>WASTE DESCRIPTION</u>			
* * Date *	* Type *	* Source *	* Present *	* <u>Quantity</u> * Future *	* * *
11/24	40% caustic sludge	Foundry	--	175,000 gal/yr.	
WASHINGTON (18)					
10/29	Cyanide sludge, spent solvents, heavy metals sludges, spent acids and bases	Waste processor	175,000 gal.	0	
10/29	Petroleum sludge, gasoline tank scales	Oil co.	10,600 gal.	20,000 gal/yr.	
10/29	PCB transformers	Wood product	1 unit	5 units/yr.	
10/29	Paint sludge	Electrical service	--	300 drums/yr.	
10/29	Parathion contaminated water	Pesticide formulator	45 drums	45 drums/yr.	
10/29	PCB contaminated solids, organotin contaminated paint	Federal agency	--	207 drums/yr.	
11/3	Empty cyanide tank	Aerospace	250 gal. size	0	
11/3	API separator sludge	Cleaning service	--	360 cu.yd./yr.	
11/4	Paint sludge	Paint manuf.	--	60 drums/yr.	
11/5	PCB transformer oil	Utility	20 drums	0	
11/6	Methylene chloride	Plywood plant	70 drums	48 drums/yr.	
11/12	Methanol	Chemical distributor	8 drums	0	
11/12	PCB contaminated oil	Oil refinery	360 gal.	1,000 gal/yr.	
11/10	Tar residues	Oil co.	7,000 ft ³	0	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program

November 1980

(Reporting Unit)

(Month and Year)

SUMMARY OF NOISE CONTROL ACTIONS

Source Category	New Actions Initiated		Final Actions Completed		Actions Pending	
	Mo.	FY	Mo.	FY	Mo.	Last Mo
Industrial/ Commercial	3	12	2	11	64	63

Airports

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program
(Reporting Unit)

November 1980
(Month and Year)

FINAL NOISE CONTROL ACTIONS COMPLETED

* County	* Name of Source and Location	* Date	* Action
*	*	*	*
Multnomah	Spear Beverage Portland	11/80	In Compliance
	Santry Tire Portland	11/80	In Compliance

CIVIL PENALTY ASSESSMENTS

Department of Environmental Quality
1980

CIVIL PENALTIES ASSESSED DURING MONTH OF NOVEMBER, 1980:

<u>Name and Location of Violation</u>	<u>Case No. & Type of Violation</u>	<u>Date Issued</u>	<u>Amount</u>
Carl Jensen Linn County	AQ-WVR-80-181 Open field burning in violation of an EQC Order.	11/05/80	\$4,000
Glen Smith Clackamas County	AQ-NWR-80-191 Open burned construction wastes.	11/10/80	50
John Holmlund Multnomah County	AQ-NWR-80-192 Open burned tires.	11/17/80	300
Hayworth Farm Inc., and John Hayworth Lane County	AQ-WVR-80-187 Open field burned 233 acres without a permit.	11/17/80	4,660
James Lowell Linn County	AQ-WVR-80-186 Open field burned 90 acres after hours.	11/17/80	1,800
Thomas Tate Marion County	AQ-WVR-80-183 Open field burned 40 acres without a permit and on a no burn day.	11/17/80	1,000
Erman Lafayette Polk County	AQ-WVR-80-184 Open field burned 30 unregistered acres and without a permit.	11/17/80	750
Abijah Murphey Union County	SS-ER-80-177 Connected to a subsurface sewage system not approved by Department (100 days of violation).	11/17/80	500
Wally Welch Resturants, Inc. and Lyle Grove Columbia County	SS-NWR-80-194 Connected to a subsurface sewage system not approved by Department (58 days of violation).	11/17/80	290

<u>Name and Location of Violation</u>	<u>Case No. & Type of Violation</u>	<u>Date Issued</u>	<u>Amount</u>
Lyle Grove Columbia County	SS-NWR-80-193 Use of holding tank without first obtaining a Certificate (20 days of violation).	11/17/80	\$ 500
Theodore Brausen dba/Swift Blvd. Junk Co.	AQ-NWR-80-198 Open burned materials which emit dense smoke.	11/24/80	150

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	1/22/80	\$ 500	Mitigated to \$100 on 5/16/80; Paid.
Lauren Karstens	AQ-WVR-80-03	1/22/80	1,500	Mitigated to \$250 on 6/20/80; Paid.
David Taylor	AQ-WVR-80-04	1/22/80	860	Mitigated to \$100 on 6/20/80; Paid.
Dennis Glaser dba/ Mid Valley Farms, Inc.	AQ-WVR-80-13	1/22/80	2,200	Contested 2/7/80 Hearing held 6/19/80. Decision due.
City of St. Helens	WQ-NWR-80-02	1/22/80	2,000	Paid 2/12/80.
American-Strevell, Inc.	WQ-NWR-80-05	1/22/80	500	Remitted 4/18/80.
Mid-Oregon Crushing Co.	AQ-CR-80-16	2/11/80	600	Default judgment filed.
James Judd dba/ Jim Judd Backhoe Service	SS-SWR-80-18	2/11/80	100	Mitigated to \$50 on 5/16/80. Paid.
Robert W. Harper	AQ-WVR-80-14	2/11/80	500	Mitigated to \$100 on 8/15/80. Paid.
George Heidgenkin	WQ-WVR-80-21	2/19/80	1,000	Default judgment filed.
Westbrook Wood Products	AQ-SWR-80-25	2/20/80	3,125	Remitted on 7/18/80.
Hilton Fuel Supply Co.	AQ-SWR-80-30	2/25/80	200	Mitigated to \$100 on 6/20/80; Paid.

<u>Name</u>	<u>Case No.</u>	<u>Date Issued</u>	<u>Amount</u>	<u>Status</u>
Permapost Products Co.	WQ-NWR-80-33	3/07/80	\$ 500	Paid 3/11/80.
Tom C. Alford et. al. dba/Athena Cattle Feeders	WQ-ER-80-35	3/20/80	500	Paid 5/8/80.
Gary Kronberger/dba Hindman's Septic Tank Service	SS-WVR-80-36	3/20/80	50	Paid 4/9/80.
Adrian Van Dyk,	SS-WVR-80-27	3/20/80	500	Remitted on 10/17/80
David B. Reynolds,	SS-SWR-80-11	3/20/80	500	Settlement negotiations.
J. R. Simplot Co.,	WQ-ER-79-27	3/24/80	20,000	Contested 4/15/80.
Burlington Northern,	AQ-CR-80-44	3/27/80	200	Paid 4/10/80.
Elton Disher dba Riverview Service Corp.	WQ-WVR-80-39	4/04/80	100	Paid 4/9/80.
International Paper Co.	WQ-SWR-80-47	4/04/80	1,200	Paid 5/5/80.
Russell Stoppleworth	SS-SWR-80-43	4/10/80	325	Default judgment filed.
C-3 Builders	AQ-NWR-80-57	4/23/80	50	Paid 5/22/80.
Marion-Linn Construction Co.	SS-WVR-80-70	5/02/80	50	Paid 6/14/80.
City of Portland	AQ-NWR-80-76	5/06/80	7,500	Mitigated to \$450 on 7/18/80. Paid.
E. Lee Robinson Construction Co.	AQ-NWR-80-75	5/19/80	100	Paid 6/2/80.
Gate City Steel Corporation	AQ-NWR-80-77	5/20/80	50	Paid 6/4/80.
Ronald E. Borello	SS-ER-80-40	5/21/80	400	Mitigated to \$50 on 10/17/80. Paid.
Humphrey Construction	AQ-NWR-80-94	6/06/80	50	Paid 6/17/80.
Valley Landfills, Inc.	SW-WVR-80-96	6/09/80	100	Paid 6/19/80.
James Kenny dba Kenny Excavation	SS-CR-80-97	6/06/80	100	Paid 7/23/80.

<u>Name</u>	<u>Case No.</u>	<u>Date Issued</u>	<u>Amount</u>	<u>Status</u>
Cascade Utilities, Inc.	AQ-SW-NWR-80-98	6/06/80	\$ 400	Paid 6/4/80
Albert M. Mauck dba Goodman Sanitation Service	SS-NWR-80-110	6/23/80	300	Paid 6/27/80
Teledyne Wah Chang	WQ-WVR-80-89	6/23/80	400	Paid 7/3/80
Farmers Union Central Exchange, Inc/dba Cenex	WQ/HW-NWR-80-115	7/03/80	1,000	Paid 7/23/80.
R.L.G. Enterprises, Inc.	WQ-NWR-80-114	7/03/80	150	Hearing held 11/10/80.
Harris Hansen	SS-NWR-80-99	7/03/80	165	Default judgment filed.
Russell Stoppleworth	SS-SWR-80-122	7/09/80	1,680	Default judgment filed. Appeal to Court of Appeals.
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. Compliance achieved, mitigation requested.
Margaret Johnson	SS-CR-80-132	8/27/80	250	Mitigated to \$50 on 11/21/80. Paid.
Cedarwood Timber Co.	AQ-NWR-80-164	9/04/80	350	Default judgment filed.
E. W. Williamson	SS-CR-80-156	9/30/80	400	Paid 10/21/80.
Elton Logsdon	AQ-WVR-80-164	10/14/80	950	Contested 11/14/80.
Clyde Montgomery	AQ-WVR-80-166	10/14/80	500	Settlement negotiations.
United Sewage Agency	WQ-NWR-80-159	10/14/80	500	Settlement negotiations.
Oregon Portland Cement	AQ-NWR-80-169	10/14/80	1,000	Paid 10/24/80.
Synder Roofing	WQ-NWR-80-168	10/14/80	300	Paid 10/17/80.

<u>Name</u>	<u>Case No.</u>	<u>Date Issued</u>	<u>Amount</u>	<u>Status</u>
Russell Stoppleworth	SS-SWR-80-170	10/16/80	\$ 400	Contested 11/3/80.
Tom Daily	AQ-WVR-80-162	10/16/80	660	Defaulted.
Victor Brown	AQ-WVR-80-163	10/22/80	1,800	Contested 11/12/80.
James Basl	AQ-WVR-80-176	10/30/80	2,000	Paid 11/18/80.
Gary Eastwood	AQ-NWR-80-174	10/30/80	300	Settlement negotiations.
Arthur Puller dBA/ Foley Lakes M.H. Park	WQ-CR-80-189	10/30/80	1,600	Contested 11/10/80.
Main Rock Products	WQ-SWR-80-190	10/31/80	1,600	Contested 11/10/80.

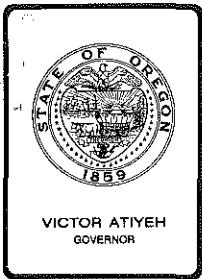
<u>ACTIONS</u>	<u>LAST MONTH</u>	<u>CURRENT MONTH</u>
Preliminary Issues	4	11
Discovery	0	0
Settlement Action	0	0
Hearing to be Scheduled	1	1
Hearing Scheduled	1	1
Hearing Officer's Decision Due	2	3
Brief	2	3
Inactive	4	4
SUBTOTAL of Files Requiring Hearing Section Action	15	23
HO's Decision Out/Option for EQC Appeal . .	1	0
Appealed to EQC	1	2
EQC Appeal Complete/Option for Court Review.	0	0
Court Review Option Pending/Taken	1	0
Case Closed	4	0
TOTAL Cases	22	25

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 Rfrl1	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
<u>Underlined</u>	Different status or new case since last month's contested case log
WVR	Willamette Valley Region
WQ	Water Quality Division

November 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	Resp	03-SS-SWR-75-02 64 SSD Permits	<u>EQC Review requested</u> <u>11/21/80</u>
MEAD and JOHNS, et al	05/75	05/75	RLH		All	04-SS-SWR-75-03 3 SSD Permits	<u>Awaiting completion of</u> <u>EQC Faydrex review</u>
POWELL, Ronald	11/77	11/77	RLH	01/23/80	Hrnsgs	\$10,000 Fld Brn 12-AQ-MWR-77-241	Decision due
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
MALLORY & MALLORY INC.	11/79	11/79	JHR	01/10/80	Dept	14-AQ-CR-79-101 Open Burning Civil Penalty	<u>Department's brief due</u> <u>12/15/80</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	<u>Action deferred pending</u> <u>evaluation of State v.</u> <u>Alexander, 2890 Or 733</u> <u>(slip opinion 10-21-80)</u>
LAND RECLAMATION, INC., et al	12/12/79	12/14/79	FWO	05/16/80	Resp	19-P-SW-329-NWR-79 Permit Denial	<u>EQC directed revision of</u> <u>Final Order 11/21/80</u>
FORRETT, Gary	12/20/79	12/21/79	RLH	10/21/80	Dept	20-SS-NWR-79-146 Permit Revocation	<u>Post-hearing briefing</u>
GLASER, Dennis F. dba MID-VALLEY	02/06/80	02/07/80	CLR	06/19/80	Hrnsgs	02-AQ-WVR-80-13 Open Field Burning Civil Penalty of \$2,000	Decision due
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 issues
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
R.L.G. ENTERPRISES, INC., dba THE MOORAGE PLACE	08/06/80	08/08/80	CLR	11/10/80	Hrnsgs	20-WQ-NWR-80-114 Civil Penalty of \$150	<u>Decision due</u>
KONDRASKY, Steven C.	08/04/80	08/06/80	CLR		Resp	22-AQ-NWR-80-120 Civil Penalty of \$500	<u>Preliminary issues</u>
COKE, Benoni	10/27/80	10/28/80	RLH	01/15/81	Prtys	24-SS-SWR-80-173 Permit revocation	Hearing scheduled in North Bend at 9:00 a.m.
STOPPLEWORTH, Russell B.	10/27/80	11/03/80	CLR		Resp	25-SS-SWR-80-170 Civil Penalty of \$400	Preliminary issues
MAIN ROCK PRODUCTS, INC.	11/08/80	11/10/80	JHR		Prtys	26-WQ-SWR-80-190 Civil Penalty of \$1,600	<u>Preliminary issues</u>
PULLEN, Arthur W. dba/FOLEY LAKES MOBILE HOME PARK	11/07/80	11/10/80	CLR		Prtys	27-WQ-CR-80-188 Remedial action required	<u>Preliminary issues</u>
PULLEN, Arthur W. dba/FOLEY LAKES MOBILE HOME PARK	11/07/80	11/10/80	CLR		Prtys	28-WQ-CR-80-189 Remedial action required	<u>Preliminary issues</u>
BROWN, Victor	11/05/80	11/12/80	LMS		Prtys	29-AQ-WVR-80-163 Civil Penalty of \$1,800	<u>Preliminary issues</u>
LOGSDON, Elton	11/12/80	11/14/80	JHR		Resp	30-AQ-WVR-80-164 Field Burning Civil Penalty of \$950	<u>Preliminary issues</u>
MORRIS, Robert	11/10/80	11/14/80			Hrnsgs	31-SS-CR-80 Permit revocation	<u>To be scheduled</u>
MURPHEY, Abijah	11/24/80	11/28/80	LMS		Prtys	32-SS-ER-80-178 Remedial action required	<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, December 19, 1980, EQC Meeting

TAX CREDIT APPLICATIONS

Director's Recommendation

It is recommended that the Commission take action to approve the attached 32 requests for pollution control tax relief as summarized in Table 1.

WILLIAM H. YOUNG

CASplettstaszer
229-6484
December 4, 1980

Attachments



Contains
Recycled
Materials

TABLE 1

SUMMARY OF REQUESTS FOR POLLUTION CONTROL TAX RELIEF
December 19, 1980

Appl No.	Applicant	Facility	Cost
AQ T-1135	Cargill, Inc.	Dust collectors and associated ductwork	\$ 507,950
AQ T-1153	Georgia-Pacific Corporation	Clark 350 unit Flow-Matic bin	420,798
AQ T-1154	Georgia-Pacific Corporation	New stainless steel ductwork and cyclones	10,998
AQ T-1156	Georgia-Pacific Corporation	New veneer dryer, heat cell and oxygen meter	128,231
WQ T-1175	Bohemia, Inc.	Water conservation projects	37,789
AQ T-1195	Columbia Grain, Inc.	Grain dust control system	504,931
WQ T-1255	Pal-Bro, Inc.	18" Sweco shaker screen to remove grease and solids	2,256
SW T-1257	Potters Industries, Inc.	Glass bead manufacturing plant	1,952,854
AQ T-1264	Menasha Corporation	Oxygen analyzer	2,758
AQ T-1271	Willamette Industries, Inc.	Multiclones, fans, stack, O ₂ monitors and improved combustion controls	872,096
SW T-1272	Willamette Industries, Inc.	Paving over railroad log carrier unloading area	77,600
AQ T-1273	Woodburn Fertilizer & Grain, Inc.	Baghouse filter and supporting ductwork	37,557
SW T-1275	Publishers Paper Company	Extension to storage building for waste newsprint and additional processing equipment	2,234,553
AQ T-1278	Beachman Orchards	Wind machine for frost control	15,495
AQ T-1281	Willamette Industries, Inc.	Baghouses and bin vent filters and associated ductwork	174,612
AQ T-1284	Willamette Industries, Inc.	Dry material storage buildings and truck dump enclosures	1,941,253
SW T-1287	Spaulding Pulp & Paper Company	Boiler supplying process steam for expanded mill production	14,159,107
AQ T-1288	Don Minear Orchard	Overtree sprinkler system for frost control	24,729
WQ T-1289	Ore-Ida Foods, Inc.	Waste activated sludge conditioning and disposal equipment	1,063,935
SW T-1290	Willamette Industries, Inc.	Waste paper cleaning and screening equipment	1,146,895
AQ T-1291	Willamette Industries, Inc.	Dryer end seals and reversing direction of air flow in the dryer	168,725
SW T-1292	Willamette Industries, Inc.	Wood waste handling facility	772,495
WQ T-1294	Crown Zellerbach Corporation	Piping to reuse caustic stage washer filtrate	7,121
WQ T-1296	Georgia-Pacific Corporation	Oil/water separator and associated equipment	23,523
WQ T-1300	Weyerhaeuser Company	Floating boom across log pond ditch outfall, floating skimmer and oil/water separator	3,354
SW T-1305	Owens-Illinois, Inc.	Cullet processing facility	401,889
AQ T-1307	Oregon Portland Cement Company	Baghouse and water spray system	137,309

	Appl No.	Applicant	Facility	Cost
AQ	T-1308	Oregon Portland Cement Company	Dust collectors, ductwork and associated equipment	5,988,577
WQ	T-1310	Oregon Portland Cement Company	Storm sewer system and evaporation/seepage pond, cooling water recirculation system with noncontact tube cooling tower, and closed cement cooling water recirculation system	279,608
WQ	T-1313	Moore's Brae Mailen	Holding lagoon to retain silage liquor runoff	4,049
N	T-1314	Spear Beverage Company	Concrete block wall sound barrier	10,528
SW	T-1317	Columbia Plywood Corporation	Waste wood to fuel preparation system	1,272,924

TABLE 2

PROPOSED DECEMBER 1980 TOTALS

Air Quality	\$10,936,019
Water Quality	1,421,635
Solid Waste	22,018,317
Noise	10,528
	<u>\$34,396,499</u>

CALENDAR YEAR TOTALS TO DATE

Air Quality	\$14,146,422
Water Quality	10,665,812
Solid Waste	12,228,649
Noise	75,152
	<u>\$37,116,066</u>

Appl T-1135R
Date 11-3-80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Cargill, Inc.
Commodity Marketing Division
Box 9300
Minneapolis, MN 55440

The applicant leases and operates a grain elevator at Terminal No. 4 in Portland.

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

2. Description of Claimed Facility

The facility described in this application is a system of ten dust collectors and associated ductwork installed to collect dust emissions from the grain handling equipment at the elevator. The facility cost consists of the following:

Contractors fees (equipment and installation)	\$484,898
Engineering fees	19,600
Building permits and legal fees	<u>3,452</u>
Total	\$507,950

Notice of Intent to Construct was made on July 11, 1974, and approved on September 13, 1974. Preliminary Certification for Tax Credit is not required.

Construction was initiated on the claimed facility in October, 1974, completed in October, 1975, and the facility was placed into operation in October, 1975.

Facility Cost: \$507,950 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed facility has been inspected by the Department and has been found operating satisfactorily. It has brought the elevator into compliance with the Department's regulations.

The value of material collected by the facility is less than the operating cost of facility. Therefore, it is concluded that the facility was installed solely for air pollution control and 80 percent or more of the costs are allocable to pollution control.

4. Summation

- a. Facility was constructed under a certificate of approval to construct issued pursuant to ORS 468.175.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- d. The facility was required by Columbia-Willamette 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 \$507,950 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1135R.

F. A. Skirvin:f
(503) 229-6414
November 4, 1980
AF1273

Appl T-1153
Date 12/4/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Georgia-Pacific Corp.
Eugene/Springfield Div.
PO Box 1618
Eugene, OR 97440

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 Clark 350 unit Flow-Matic Bin.

Request for Preliminary Certification for Tax Credit was made on 3/20/78, and approved on 5/1/78.

Construction was initiated on the claimed facility on 4/78, completed on 11/12/78, and the facility was placed into operation on 11/13/78.

Facility Cost: \$501,310.75 (Accountant's Certification was provided).

3. Evaluation of Application

The applicant uses wood waste boilers to supply steam for operation of the plywood plant. Some of the fuel is generated by the plant but additional fuel must be purchased to meet steam demands.

The fuel generated by the plant was stored in a bin, but the bin was not large enough to store the purchased fuel. This bin was in a state of disrepair. Instead of repairing and expanding the old bin, the company replaced it with a larger bin which is the facility in this application.

The new bin now stores all of the fuel generated by the plant and the purchased fuel. When the excess fuel was stored outside the bin the moisture content increased from the rain and snow. This caused poor combustion, increased boiler emissions and increased the amount of fuel used, and resulted in intermittent opacity violations. After installation of the new bin, the boiler has demonstrated and maintained compliance with the opacity and grain loading emission limits.

The company has requested the full amount of the bin, conveyors, classifier, foundation, and other installation costs of the new larger bin. The Department feels that since the conveyors are required to move the fuel to the boiler and the classifier is necessary to prevent bridging in the bin these items are process equipment and necessary for plant operation. The combined cost of the conveyors and classifier (\$80,511.99) is not allocable to pollution control and should be deducted from the certified cost (\$501,310.75 - \$80,511.99 = \$420,798.76).

Two methods were used to determine the portion of the new bin cost which was necessary to house the purchased fuel. The company submitted the cost of a bin equivalent to old bin. The cost of such a bin was estimated to be 65% of the cost of the new bin. On this basis about 35% of the cost of the new bin was necessary to house the purchased fuel. The old bin was approximately 72% of the size of the new bin. Thus, 28% of the capacity of the new bin is necessary to house the purchased fuel. Both of these methods fall in the range of 20% to 40%. Therefore it is concluded that more than 20% but less than 40% of the revised cost of the new bin (\$420,798) 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 comply with the rules of 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 20% or more but less than 40%.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$420,798.76 with 20% or more but less than 40% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1153.

Appl T-1154
Date 12-4-80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Georgia-Pacific Corp.
Eugene/Springfield Div.
P. O. Box 1618
Eugene, OR 97440

The applicant owns and operates a plywood plant at Eugene.

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

2. Description of Claimed Facility

The facility described in this application consists of new stainless steel ductwork and cyclones.

Request for Preliminary Certification for Tax Credit was made on 3/15/78, and approved on 4/20/78.

Construction was initiated on the claimed facility on 4/10/78, completed on 4/11/78, and the facility was placed into operation on 4/11/78.

Facility Cost: \$15,408.74 (Accountant's Certification was provided).

3. Evaluation of Application

The facility cost in the application included the cost of piping (\$4,410) and cyclones (\$10,998.74). However, the cost of the piping is not eligible because the piping was installed before preliminary certification was requested.

The cyclones are part of the veneer dryer control device. The original cyclones were made of mild steel and rapidly deteriorated. They have been replaced with cyclones made of more resistant stainless steel.

The reconstruction of this control system reduces emissions by keeping the system in operation for longer period of time at a higher overall efficiency.

The primary purpose of this reconstruction is air pollution control. As a result this source is operating in compliance with emission limits. Therefore, 80% or more of the cost of the cyclones (\$10,998.74) 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 comply with the rules of 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 \$10,998.74 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1154.

F. A. Skirvin:g
(503) 229-6414
December 4, 1980

AG610 (1)

Appl T-1156
Date 10/29/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Georgia-Pacific Corp.
Toledo Plywood Div.
P.O. Box 580
Toledo, OR 97391

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

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

2. Description of Claimed Facility

The facility described in this application consists of a new veneer dryer, heat cell and oxygen meter.

Request for Preliminary Certification for Tax Credit was made on 2/2/78, and approved on 4/4/78.

Construction was initiated on the claimed facility on 5/78, completed on 12/11/78, and the facility was placed into operation on 12/11/78.

Facility Cost: \$508,228 (Accountant's Certification was provided).

3. Evaluation of Application

The hogged fuel boiler which supplied steam to the 4 veneer dryers had demonstrated compliance with the Department emission limits. After installation of steam vats for the logs, the steam demand increased and the boiler could not maintain continuous compliance. The company proposed to replace an existing dryer with a new larger one and to convert the new dryer and existing dryer #4 to direct wood firing to reduce the boiler steam demand.

Since the installation of the new dryer and the conversion of 2 dryers to wood firing to reduce steam demand, the boiler again complies with the emission limits. In this application, the company claimed the entire cost of the new heat cell as a pollution control device. However, control of the boiler emissions could have been attained by a less expensive control device attached directly to the boiler. The addition of the heat cell enabled all parts of the plant to comply with emission limits and also allowed improvements in process equipment and production.

The company has estimated the cost of the boiler controls that would have enabled the boiler to comply with the emission limits after the increase in steaming rate at \$55,000. In addition, the recycle portion of the heat cell system is eligible for pollution control because it incinerates a portion of the veneer dryer emissions. This cost is \$69,261. The oxygen meter installed on the boiler enables better monitoring of boiler operation and reduces emissions by helping maintain good combustion. This cost is \$3,970. Both oxygen meters and heat cell recycle systems have been certified as pollution control devices for other facilities.

The total cost of the items eligible for tax credit is \$128,231 and 80% or more of this cost 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 Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 80% or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$128,231 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1156.

F.A. Skirvin:kmm
(503) 229-6414
November 3, 1980
AQ535



Georgia-Pacific Corporation

P. O. Box 1618
Eugene, Oregon 97440
Telephone (503) 689-1221

Ed Woods

RECEIVED
OCT 10 1980

October 8, 1980

Mr. Edward Woods
Department of Environmental Quality
P. O. Box 1760
Portland, Oregon 97204

Dear Ed:

Your letter of June 11, 1980, to Mr. Sergeant asked that we re-evaluate tax credit application T-1156, file 21-004, to select specific items that would relate to pollution control equipment. Your letter also stated that the Department would consider granting tax credit for a control device which would have reduced existing boiler particulate discharge to within the emission limits.

Following are the items that were installed with the heat cell system that relate specifically to pollution control:

1.	53907 - Recycle fan	\$11,041
2.	53910 - Dust Handling System (bag house fan ducting)	39,050
3.	53930 - Ducting recycle from dryers	12,079
4.	53933 - Insulation for 300°F recycle	629
5.	53935 - Metal covering)	
	53934 - Insulation for fitting)	
	53931 - Support for ducting)	
	(300° ducting	12,079
	(1200° ducting	58,438
		(18,996 + 1917 + 10,354)
		.207 (31,267) =
		6,462

The Thermot WDG-III Oxygen meter was not on your list,
but suggested as a candidate for tax credit
Installation

3,220
750

\$73,231

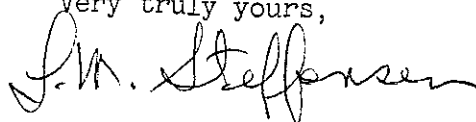
If we would have reduced emission on the existing boiler, we probably would have selected a U.O.P. high efficiency collector similar to what had been installed at Coos Bay. The estimated 1978 price would have been approximately \$40,000. The installation would have been about \$15,000, assuming we could use the existing fan. Therefore, a reasonable credit for equivalent pollution control with 1977 firing

Mr. Edward Woods
Department of Environmental Quality

Page 2
October 8, 1980

practices, combined with the equipment installed with the heat cell
would be \$128,231.

Very truly yours,

A handwritten signature in cursive script, appearing to read "L. M. Steffenson".

L. M. Steffenson

LMS:djh

Appl T-1175
Date 11/18/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Bohemia Inc.
Particleboard Division
2280 Oakmont Way
Eugene, Oregon 97401

The applicant owns and operates a particleboard manufacturing facility at Eugene.

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

2. Description of Claimed Facility

The facilities described in this application are several water conservation projects located throughout the mill. Bohemia converted from a water cooled compressor to an air cooled compressor on the sander feeder. Blender cooling water is also recycled for boiler make-up water.

Request for Preliminary Certification for Tax Credit was made April 20, 1978, and approved October 1, 1978. Construction was initiated on the claimed facility August 1, 1978, completed January 15, 1980, and the facility was placed into operation January 15, 1980.

Facility Cost: \$37,789 (Accountant's Certification was provided).

3. Evaluation of Application

Waste waters from the particleboard manufacturing process used to be discharged to an unnamed open ditch (a tributary of Amazon Creek). The water conservation project has eliminated this discharge. The mill now operates as a no discharge facility with excess cooling water spray-irrigated onto adjacent land.

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

4. Summation

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

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$37,789, with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1175.

CKA:l

(503) 229-5325

November 18, 1980

WL421 (1)

Appl T-1195 R
Date 10/29/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Columbia Grain, Inc.
111 SW Columbia Street, Suite 1060
Portland, OR 97201

The applicant leases and operates a grain export elevator at Rivergate Terminal No. 5, Portland, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is to control grain dust emissions from bulk grain ship loading. The facility consists of 3 Model No. 109WB-20 Mikro-Pul baghouse filters, exhaust fans and related duct work. The costs are: 1) Baghouse filters and exhaust fans \$52,384.00, 2) Ductwork and installation \$231,917.00, 3) Concentric telescoping ship loading spouts \$125,267.00, 4) Compressed air system \$13,998.00, 5) Electrical work \$23,645.00, 6) Engineering costs \$57,620.95, total installed cost \$504,931.95.

Request for Preliminary Certification for Tax Credit was made on 8/27/76, and approved on 11/10/76.

Construction was initiated on the claimed facility on 9/78, completed on 8/79, and the facility was placed into operation on 8/79.

Facility Cost: \$504,931.95 (The applicant included a Summary of Transaction copy of the sublease agreement and a notarized statement from the lessor authorizing Columbia Grain, Inc. to take any allowable credit.)

3. Evaluation of Application

The claimed facility is approximately 90% effective in eliminating the dust emissions from the hatch of the ship during loading operations as required by the Department. The facility serves no other purpose than 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 Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 80% or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$504,931.95 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1195.

F.A. Skirvin:kmm
(503) 229-6414
October 31, 1980
AQ528

Appl T-1255
Date 11/17/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Pal-Bro, Inc.
3811 Drift Creek Rd.
Sublimity, Oregon 97385

The applicant owns and operates a facility which processes poultry offal for mink feed at Silverton.

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

2. Description of Claimed Facility

The facility described in this application is an 18 inch Sweco shaker screen which removes grease and solids prior to discharging to the Silverton sewerage system.

Request for Preliminary Certification for Tax Credit was made April 28, 1980, and approved June 9, 1980. Construction was initiated on the claimed facility May 6, 1980, completed May 26, 1980, and the facility was placed into operation June 1, 1980.

Facility Cost: \$2,256.99 (Accountant's Certification was provided).

3. Evaluation of Application

Wash water from equipment and truck cleanup is plumbed to the Silverton sewerage system. Due to the heavy concentration of poultry solids and oils in the sewer, Silverton required Pal-Bro, Inc. to install pretreatment equipment. The shaker screen has resulted in a significant reduction of solids and oils discharged to the sewer.

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

4. Summation

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

- e. The portion of the facility cost that is properly allocable to pollution control is 100 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$2,256.99 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1255.

CKA:l
(503) 229-5325
November 17, 1980
WL416 (1)

Appl T-1257
Date 11-26-80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Potters Industries, Inc.
Northwest Baker St.
Canby, OR
377 Route 17
Hasbrouck Heights, N.J. 07604

The applicant owns and operates a glass recycling plant at Northwest Baker Street, Canby, 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 glass bead manufacturing plant. Recycled glass cullet is crushed, fed to a building for drying and final size grinding, then routed to a furnace where it is formed into spheres. Glass spheres are sold for various highway safety and industrial applications.

Request for Preliminary Certification for Tax Credit was made on August 14, 1978, and approved on September 11, 1978.

Construction was initiated on the claimed facility on May 7, 1979, completed on October 6, 1979, and the facility was placed into operation on October 6, 1979.

Facility Cost \$1,952,854 (Accountant's Certification was provided).

3. Evaluation of Application

This facility processes up to 83 tons of waste (glass) cullet per week to produce useable products for highway safety and industrial applications. Thus an outlet for recycling programs is provided and substantial material is removed from the solid waste stream. Currently about 10 percent (or 8 tons) of the waste cullet received at this facility cannot be processed and is disposed of at a landfill. Methods for utilizing this waste fraction are being studied.

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 \$1,952,854 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1257.

W. H. Dana:g
SF116 (1)
(503) 229-6266
November 26, 1980

Appl T-1264
Date 10/21/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Menasha Corporation
Paperboard Division
P.O. Box 329
North bend, OR 97459

The applicant owns and operates a mill producing corrugating medium and salt cake by the sulfite pulping process at North Bend, 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 Bailey Type OJ Oxygen Analyzer installed on the No. 1 hogged fuel boiler.

Request for Preliminary Certification for Tax Credit was made on August 27, 1979, and approved on October 26, 1979.

Construction was initiated on the claimed facility in May, 1980, completed in June, 1980, and the facility was placed into operation on June 18, 1980.

Facility Cost: \$2,758.64 (Invoices Documenting The Cost Of The Facility Were Provided).

3. Evaluation of Application

The Bailey Type OJ Analyzer replaced an existing oxygen analyzer which had been installed in 1960 and had become unreliable and difficult to maintain. The new analyzer is a state-of-art device utilizing solid state circuitry for accuracy, reliability and ease of calibration. The old analyzer was a device utilizing wet chemistry principles requiring frequent calibration, excessive maintenance and numerous periods of downtime. The analyzer continuously monitors the oxygen content of the gases from the boiler.

The oxygen analyzer will enable critical boiler adjustments required for the control of stack opacity and particulate emissions. This improved combustion efficiency will not significantly increase the heat recovery or reduce the amount of hogged fuel utilized. Therefore, there is little or no return on the investment in the oxygen analyzer 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 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 \$2,758.64 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1264.

F.A. Skirvin:i
(503) 229-6414
October 21, 1980

Appl T-1271
Date 10/21/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Willamette Industries Inc.
Dallas Div.
3800 First National Bank Tower
Portland, Oregon 97201

The applicant owns and operates a plywood plant and sawmill at Dallas.

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 multiclones, fans, stack, O₂ monitors and improved combustion controls.

Request for Preliminary Certification for Tax Credit was made on 9/22/78, and approved on 10/9/78.

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

Facility Cost: \$872,096.58 (Accountant's Certification was provided).

3. Evaluation of Application

The three hogged fuel boilers at this site were controlled by 2 cyclones. These boilers did not meet opacity limits and caused numerous complaints of fallout.

In order to reduce these emissions the company installed a multiclone on each boiler, built an additional stack, installed O₂ monitors and improved overfire air controls. Source test results indicate that the boilers now comply with the Department's emission limits.

The primary purpose of this equipment is air pollution control. There is no economic advantage to the company. The company submitted a revision to their application which removed the cost of the economizer from the claimed cost. The economizer is not pollution control equipment. Therefore 80% or more of the revised cost of \$872,096.58 is allocable to pollution control.

4. Summation

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

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$872,096.58 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1271.

F.A. Skirvin:kmm
(503) 229-6414
October 27, 1980
AQ519

Appl T-1272
Date 11/20/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Willamette Industries Inc.
Dallas Division
3800 First National Bank Tower
Portland, Oregon 97201

The applicant owns and operates a plywood-lumber plant at Dallas, 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 approximately 52,500 square feet of asphalt paving over a railroad log carrier unloading area.

Request for Preliminary Certification for Tax Credit was made on 4/9/79, and approved on 6/20/79.

Construction was initiated on the claimed facility on 5/1/79, completed on 7/12/79, and the facility was placed into operation on 8/1/79.

Facility Cost: \$77,600 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to the paving of the log carrier unloading area, approximately 3,630 cubic yards per year of log yard residue (bark, scrap, soil and rock) was disposed of at an on-site landfill. The paving has reduced dust emissions, improved all-weather access and allowed efficient recovery of bark for hog fuel processing. A cost savings analysis submitted by the applicant indicates that the value of the recovered bark is greater than the annual operational savings. Thus, it appears that the substantial purpose of the claimed facility was utilization of solid waste.

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 \$77,600 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1272.

W. H. Dana:s(1)
(503) 229-6266
November 24, 1980

Appl T-1273
Date 10/17/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Woodburn Fertilizer & Grain, Inc.
P.O. Box 7
Woodburn, OR 97071

The applicant leases and operates a seed cleaning plant at Woodburn, 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 one Carothers Model Baghouse Filter and supporting duct work.

Request for Preliminary Certification for Tax Credit was made on 01/28/80, and approved on 02/27/80.

Construction was initiated on the claimed facility on 04/01/80, completed on 05/20/80, and the facility was placed into operation on 07/15/80.

Facility Cost: \$37,557 (Accountant's Certification was provided).

3. Evaluation of Application

The baghouse was installed in series with two existing cyclones on the seed cleaning screening building. Near by neighbors have complained of dust emissions; although, the cyclones were not observed by the Department in violation of the 20% opacity rule.

The operating expenses of the baghouse are greater than the value of the collected material which is sold for animal feed; therefore, 80% or more of the cost is allocable to pollution control.

The application includes a statement from the owner of the facility authorizing the lessee to take any allowable credit on the claimed 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, 1967, as required by ORS 468.165(1)(a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 80% or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$37,557 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1273.

F.A. Skirvin:sam
AM499
(503) 229-6414
October 21, 1980

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

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

The applicant owns and operates a pulp and paper manufacturing facility at Newberg, 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 an extension to a receiving/storage building for waste newsprint and additional processing equipment to increase the deinking pulping plant capacity by one hundred tons per day. The completed facility now can receive two hundred tons per day of waste newsprint.

Request for Preliminary Certification for Tax Credit was made on April 1, 1980, and approved on May 14, 1980.

Construction was initiated on the claimed facility on May 1, 1980, completed on July 10, 1980, and the facility was placed into operation on July 15, 1980.

Facility Cost: \$2,234,553 (Accountant's Certification was provided).

3. Evaluation of Application

The equipment described in the application included a fiber-fuge (second stage washing), a second press and additional screens, together with the necessary pumps, storage tanks, piping and control instrumentation to process an additional one hundred tons per day of waste newsprint. This equipment allows the production of thirty five thousand tons per year of pulp from thirty eight thousand tons per year of waste newsprint, with a market value of \$7,200,000 per year. This expansion involved the addition of equipment necessary to utilize the total capacity of the major components of the initial deink 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 \$2,234,553 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1275.

W.H.DANA
(503) 229-6266
December 1, 1980
SF125 (2)

Appl T-1278
Date 11/20/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Beachman Orchards
3644 Dethman Ridge Dr.
Hood River, OR 97031

The applicant owns and operates an apples and pears orchard at Hood River, 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 one gasoline engine powered wind machine used to provide frost protection to fruit trees.

Request for Preliminary Certification for Tax Credit was made on 2/6/80, and approved on 2/28/80.

Construction was initiated on the claimed facility on 2/15/80, completed on 3/28/80, and the facility was placed into operation on 3/28/80.

Facility Cost: \$15,495.00 (Accountant's Certification was provided).

3. Evaluation of Application

There is no law limiting the use of fuel oil fired heaters to provide frost protection to fruit trees, even though the use of orchard heaters in the past has produced significant smoke and soot air pollution problems in Hood River. The orchard farmers desire a secure long-range solution to frost protection that includes the reduction or elimination of the smoke and soot nuisance.

One orchard fan serves ten acres and reduces the number of heaters that are typically required in the Hood River area to provide frost protection from 340 heaters to 100 perimeter heaters.

The operating cost of a typical orchard fan is slightly greater than the savings in the cost of fuel oil to operate orchard heaters. The operating cost consists of the fuel cost using the fan, depreciation over ten years, and no salvage value plus the average interest at 9% on the undepreciated balance. Therefore, 80% or more of the cost is considered allocable to pollution control.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$15,495.00 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1278.

F.A. Skirvin:c

AC216

(503) 229-6414

11/21/80

Appl T-1281R
Date 10/16/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Willamette Industries, Inc.
Korpine Division
3800 First National Bank Tower
Portland, OR 97201

The applicant owns and operates a particleboard plant at Bend.

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 3 Carter Day baghouses (Model #48RF8) and 2 Carter Day bin vent filters (Model #16DFB8) and associated ductwork.

Request for Preliminary Certification for Tax Credit was made on November 1, 1979, and approved on December 19, 1979.

Construction was initiated on the claimed facility on December 20, 1979, completed on March 31, 1980, and the facility was placed into operation on March 31, 1980.

Facility Cost: \$174,612.24 (Accountant's Certification was provided).

3. Evaluation of Application

The five filters in this application control emissions from material handling systems CP150, 151, 155, 156 and 160. Emissions from these systems comply with all Department emission limits. There is no economic advantage to the company from the installation of these baghouses and bin vent filters, therefore 80 percent or more of the cost is allocable to pollution control.

The cost figures contained in the application included items that were not for pollution control. By letter of October 2, 1980, the company revised the cost figures to reflect only those related to pollution control.

4. Summation

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

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$174,612.24 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1281R.

F.A.Skirvin:f
(503) 229-6414
October 21, 1980
AF503(2)

Appl T-1284R
Date 11/25/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Willamette Industries, Inc.
Korpine Division
3800 First National Bank Tower
Portland, Oregon 97201

The applicant owns and operates a particle board plant at Bend.

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 2 dry material storage buildings and enclosures for 2 truck dumps.

Request for Preliminary Certification for Tax Credit was made on 9/14/79, and approved on 10/5/79.

Construction was initiated on the claimed facility on 10/6/79, completed on 3/31/80, and the facility was placed into operation on 3/31/80.

Facility Cost: \$1,941,253.97
(Accountant's Certification was provided).

3. Evaluation of Application

The raw material storage building at the Willamette Industries particle board plant in Bend was destroyed by fire. The company has replaced the destroyed building with two smaller buildings. They have also installed an additional truck dump and enclosures for the new and the existing truck dumps.

Raw material received at the truck dumps consists of planer shavings with a range of moisture contents. The dryer material is routed from the truck dumps to the dry material storage building until needed in the process. The material is moved by conveyor and dropped into piles inside the building.

Between the time of the fire and the completion of the new dry material storage buildings, the plant was able to operate at full capacity without storing the raw material inside. During this period, fugitive emissions from the storage and handling of the raw materials were a significant problem in the local area. After completion of

the new buildings and truck dump enclosures, fugitive emissions have been significantly reduced and this portion of the plant complies with all Department emission limits.

The storage of the raw material in the open did not significantly increase the moisture content or increase the cost of further drying of this material to the level required by the process. Since the cost of the conveyors are not included in this application, there is no economic advantage to the company from these dry material storage buildings and truck dump enclosures. Their primary purpose is emission reduction and, therefore, 80% or more of the revised cost is air pollution control.

The company has submitted a revised cost of the pollution control facility only of \$1,941,253.97.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$1,941,253.97 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1284R.

F.A. Skirvin:c
AC586
(503) 229-6414
11/26/80

Appl T-1287
Date 11/26/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Spaulding Pulp and Paper Company
Newberg Division
419 Main Street
Oregon City, Oregon 97045

The applicant owns and operates a pulp and paper manufacturing facility at Newberg, 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 three hundred thousand pounds of steam per hour boiler supplying process steam for the expanded mill production rate and for electrical generation to supply a portion of the total mill requirements.

Request for Preliminary Certification for Tax Credit was made on January 29, 1979, and approved on May 24, 1979.

Construction was initiated on the claimed facility in February 1980, completed in December 1980, and the facility was placed into operation in December 1980.

Facility Cost: \$14,159,107.00
(Accountant's Certification was provided).

3. Evaluation of Application

The boiler is designed to burn hogged waste wood and sludge from mill wastewater treatment equipment. Natural gas and No. 6 fuel oil will be used as secondary fuels. The boiler will initially supply process steam for the expanded demand of the paper mill expansion, using about ninety thousand oven dry tons per year of wood wastes over previous boiler consumption. When the second turbine-generator is completed, the boiler will use an additional eighty-six thousand oven dry tons of wood wastes to produce electricity. Operation of this boiler should therefore result in the use of a substantial amount of additional wood wastes now being landfilled. The boiler will also use about eight tons per day of clarifier sludge from the secondary wastewater treatment system, if combustion tests prove satisfactory.

At the time this report was written, construction was just being completed and the facility was not yet in operation. The staff believes, however, that the facility will be in operation in December. The Department has obtained an informal Attorney General's opinion stating that certification may be granted under these conditions.

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 \$14,159,107.00 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1287.

W.H. Dana:c
SC127
(503) 229-6266
11/28/80

Appl T-1288
Date 11/20/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Don Minear Orchard
1934 Fairland Dr.
Medford, OR 97501

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

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

2. Description of Claimed Facility

The facility described in this application is an overtree sprinkler system used for both irrigation and frost protection of 12 1/2 acres of pear orchard.

Request for Preliminary Certification for Tax Credit was made on 1/23/80, and approved on 2/22/80.

Construction was initiated on the claimed facility on 1/29/80, completed on 6/15/80, and the facility was placed into operation on 6/15/80.

Facility Cost: \$24,729.00 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed facility serves to provide frost protection for 12 1/2 acres of trees by replacing the need for some 400 oil fired orchard heaters. In addition, the facility provides irrigation by sprinklers instead of by an existing more than adequate irrigation system.

The Environmental Quality Commission has previously certified overtree sprinkler systems in the Medford area for the elimination of the smoke and soot air pollution from orchard heaters.

In these previous applications, the percent of the cost allocable to pollution control was based on the percentage of total operating time that the overtree sprinkler system was used for frost protection. The systems are typically used approximately equal time for frost protection and irrigation in the Medford area.

It is concluded that the facility operates to a substantial extent for reducing atmospheric emission and that the portion of the cost allocable to pollution control should be 40% or more but less than 60%.

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 40% or more but less than 60%.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$24,729 with 40% or more but less than 60% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1288.

F.A. Skirvin:c
AC215
(503) 229-6414
11/21/80

Appl T-1289
Date 11/19/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Ore-Ida Foods, Inc.
Ontario Factory
P.O. Box 10
Boise, ID 83707

The applicant owns and operates a plant which processes potatoes, onions, and corn into frozen vegetable products at Ontario.

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

2. Description of Claimed Facility

The facility described in this application is waste activated sludge conditioning and disposal equipment consisting of the following components:

- a. A 70,000 gallon waste activated sludge surge tank.
- b. Five centrifuges and hoppers for thickening sludge.
- c. A 30,000 gallon thickened sludge holding/loading tank.
- d. Associated pumps, piping, and electrical equipment.
- e. Expansion of an existing building to house the centrifuges and laboratory.
- f. A plant site emergency storage pond.
- g. A 143 acre farm for emergency sludge storage and disposal.
- h. Two 1978 International diesel trucks with 6,500 gallon trailers, and
- i. One Ag-Gator sludge injector truck.

Request for Preliminary Certification for Tax Credit was made June 13, 1977, and approved June 24, 1977. Construction was initiated on the claimed facility October 30, 1978, completed March 30, 1980, and the facility was placed into operation March 30, 1980.

Facility Cost: \$1,063,935 (Accountant's Certification was provided).

3. Evaluation of Application

Ore-Ida's biological waste water treatment system generates approximately 273,000 gallons (1.5% solids) of waste activated sludge daily. Prior to installation of the sludge conditioning and disposal

facilities, the waste sludge was pumped to on-site storage ponds which generated obnoxious odors. Waste sludge is now concentrated and hauled to farmland for fertilizer. The sludge is applied to land by surface or subsurface injection. The old sludge storage ponds dried out during the summer of 1980 and odors have been eliminated. The 143 acre farm purchased by Ore-Ida for emergency disposal is leased out for approximately \$10,000 per year. No fees are charged for the sludge application. The lease income is more than offset by the costs to operate the equipment.

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

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing water pollution.
- d. The facility was required by the Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 100 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$1,063,935 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1289.

CKA:l
(503) 229-5325
November 19, 1980
WL423 (1)

Appl T-1290
Date 11-26-80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Willamette Industries, Inc.
Albany Mill Division
3800 First National Bank Tower
Portland, OR 97201

The applicant owns and operates a linerboard, corrugating medium and bag paper manufacturing plant at Albany, 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 includes waste paper cleaning and screening equipment necessary to increase the amount of waste corrugated paper through the plant by ninety tons per day (90 TPD).

Request for Preliminary Certification for Tax Credit was made on February 8, 1980, and approved on March 12, 1980.

Construction was initiated on the claimed facility in March, 1980, completed on July 8, 1980, and the facility was placed into operation on July 10, 1980.

Facility Cost: \$1,146,895.97 (Accountant's Certification was provided).

3. Evaluation of Application

This expansion required addition of contra-clone cleaners, liquid cyclone cleaners, verti-screens and a hydrafloat tank, together with the necessary pumps, piping changes and instrumentation. The added equipment was designed to permit use of an additional ninety tons of waste corrugated paper per day as a raw material. The applicant stated that an additional seventy-six tons per day of waste corrugated were recycled during the first full month of operation of the expanded facility. They expect to reach full capacity soon.

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 \$1,146,895.97 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1290.

W.H.DANA:f
(503) 229-6266
November 26, 1980
SF125.A (2)

Appl T-1291
Date 11/3/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Willamette Industries, Inc.
Dallas Div.
3800 First National Bank Tower
Portland, Oregon 97201

The applicant owns and operates a plywood plant at Dallas.

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 dryer end seals and reversing the direction of the air flow in the dryer.

Request for Preliminary Certification for Tax Credit was made on 5/11/79, and approved on 6/15/79.

Construction was initiated on the claimed facility on 6/28/79, completed on 7/12/79, and the facility was placed into operation on 7/14/79.

Facility Cost: \$168,725.05 (Accountant's Certification was provided).

3. Evaluation of Application

Willamette Industries operates 3 steam heated veneer dryers at the plant in Dallas. Emissions from all three dryers are controlled by the Sand Air filter. Emissions from the Sand Air filter are in compliance, however, fugitives from dryer #2 were in violation on several occasions.

The company installed dryer end seals to reduce emissions from the infeed and outfeed sections of the dryer. The air circulation pattern in the dryer was reversed. The warmer air will now contact the wettest veneer. This reduces the amount of emissions generated. The dryer doors were resealed to prevent leaks. The fugitive emissions from dryer #2 now comply with the emission limits.

The primary purpose of the above equipment and construction 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 Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 80% or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$168,725.05 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1291.

F.A. Skirvin:kmm
(503) 229-6414
November 5, 1980
AQ542

Appl T-1292
Date 12/1/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Willamette Industries, Inc.
Lebanon Plywood Division
3800 First National Bank Tower
Portland, Oregon 97201

The applicant owns and operates a plywood manufacturing facility at Lebanon, 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 wood waste handling, pneumatic transfer and storage system and a Wellons fuel cell unit which supplies heat to dry veneer.

Request for Preliminary Certification for Tax Credit was made on September 7, 1978, and approved on October 17, 1978.

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

Facility Cost: \$772,495.50 (Accountant's Certification was provided).

3. Evaluation of Application

The fuel cell utilizes about forty-two units per day of wood waste (more than was estimated to be used prior to installation of the facility). Bark from the plant's barker and log deck cleanup material is used as fuel. This material was previously landfilled. The system operates seven days per week.

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 \$772,495.50 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1292.

W.H. Dana:c
SC130
(503) 229-6266
12/1/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Crown Zellerbach Corporation
Wauna Division
Clatskanie, Oregon 97016

The applicant owns and operates a pulp and paper mill at Wauna.

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

2. Description of Claimed Facility

The facility described in this application is piping to reuse caustic stage washer filtrate as shower water on the chlorine stage washer in the bleach plant.

Request for Preliminary Certification for Tax Credit was made October 19, 1979, and approved April 9, 1980. Construction was initiated on the claimed facility July 30, 1980, completed August 7, 1980, and the facility was placed into operation August 7, 1980.

Facility Cost: \$7,121.

3. Evaluation of Application

The claimed facility successfully reuses caustic stage washer filtrate as shower water in the bleach plant process. The caustic washer filtrate used to be sewered to the mill's secondary treatment plant. The project has resulted in a reduction of flow to the treatment plant of about 1.0 million gallons per day. Since this has also resulted in a reduction of fresh water consumption, less filter backwash is discharged to the river from the water treatment plant.

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

4. Summation

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

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$7,121 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1294.

CKA:1

(503) 229-5325

WL412 (1)

November 17, 1980

Appl T-1296
Date 12/4/80

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

1. Applicant

Georgia-Pacific Corporation
Toledo Paper Division
900 S.W. 5th Avenue
Portland, Oregon 97204

The applicant owns and operates a Kraft lineboard and paper manufacturing facility at Toledo.

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

2. Description of Claimed Facility

The facility described in this application is an oil/water separator, pump, and waste oil holding tank. The facility was installed in the pulp mill's bulk fuel oil storage tank farm to remove oil from rainwater prior to discharge to the mill's waste treatment system.

Request for Preliminary Certification for Tax Credit was made August 12, 1977, and approved August 26, 1977. Construction was initiated on the claimed facility October 2, 1977, completed October 26, 1977, and the facility was placed into operation October 1977.

Facility Cost: \$23,523 (Accountant's Certification was provided).

3. Evaluation of Application

The newly installed pump lifts rainwater from within the tank farm to the oil/water separator. Oil separated from the rainwater is periodically skimmed and sent to a waste oil holding tank. Approximately 24 barrels of oil are collected per year and sold at \$30 per barrel. The income from selling the waste oil is more than offset by the costs for operating the facility. The facility has eliminated the discharge of the oil to the pulp mill's biological waste water treatment system.

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

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1) (a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing water pollution.
- d. The facility was required by the Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 100 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$23,523 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1296.

Charles K. Ashbaker:l
WL409 (1)
(503) 229-5325
December 4, 1980

Appl T-1300
Date 11/17/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Weyerhaeuser Company
Cottage Grove Wood Products
P.O. Box 275
Springfield, OR 97477

The applicant owns and operates a plant producing lumber, plywood, particleboard, ply-veneer, and presto-logs at Cottage Grove.

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

2. Description of Claimed Facility

The facility described in this application is a floating boom across the log pond outfall ditch, a floating skimmer, and an oil/water separator.

Request for Preliminary Certification for Tax Credit was made May 17, 1978, and approved May 24, 1978. Construction was initiated on the claimed facility June 1, 1978, completed June 30, 1978, and the facility was placed into operation June 30, 1978.

Facility Cost: \$3,354 (Accountant's Certification was provided).

3. Evaluation of Application

The oil collection and removal facility was installed in the outfall ditch to collect oils discharged from the log pond. The existing NPDES Waste Discharge Permit for the Cottage Grove facility limits oil and grease discharged to 10 mg/L. There have been no violations of the permit limitation since the installation of the skimmer.

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

4. Summation

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

- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing water pollution.
- d. The facility was required by the Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 100 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$3,354 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1300.

CKA:l
(503) 229-5325
WL411 (1)
11/17/80

Appl T-1305
Date 12/1/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Owens-Illinois, Inc.
Glass Container Division
P.O. Box 20067
Portland, Oregon 97220

The applicant owns and operates a glass container 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 is a cullet processing facility designed to remove metal (ferrous and non-ferrous), paper, plastic, natural corks, wood and rubber stoppers from waste glass purchased from recycling organizations.

Request for Preliminary Certification for Tax Credit was made on October 26, 1978, and approved in December 1978.

Construction was initiated on the claimed facility in January 1979, completed in December 1979, and the facility was placed into operation in February 1980.

Facility Cost: \$401,889.89 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to the installation of this facility, Owens-Illinois was limited in the amount of cullet (recycled waste glass) that could be used in their batching process, due to the presence of contaminants in the cullet. This amounted to a limit of about 15% cullet per batch or 75 tons per day of waste glass. Now the company can effectively clean the cullet and is able to increase the amount used per batch to about 40% or 200 tons per day.

At the present time, the company is only receiving enough waste glass from recyclers to process about 100 tons per day. However, the company is actively seeking more waste glass and will be assigning one man full time to this effort beginning in January.

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 \$401,889.89 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1305.

W.H. Dana:c
SC131
(503) 229-6266
12/2/80

Appl T-1307
Date 11/20/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Oregon Portland Cement Company
111 S.E. Madison Street
Portland, Oregon 97214

The applicant owns and operates a cement manufacturing mill at Durkee (Baker County), 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 baghouse and water spray system that controls dust from the limestone and shale secondary crusher.

Request for Preliminary Certification for Tax Credit was made on 6/19/78, and approved on 7/5/78.

Construction was initiated on the claimed facility on 7/20/78, completed on 10/18/79, and the facility was placed into operation on 10/26/79.

Facility Cost: \$137,309 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed facility is part of a new construction cement mill, and as such it was required to meet lowest practicable emission levels.

The raw material from nearby quarries receives secondary crushing and screening at this facility. (The main cement mill is on a separate tax credit application.)

The secondary crusher and screens are enclosed in a building. A baghouse and water sprays are used to control fugitive dust emissions from the building. The building is not part of the claimed facility.

The facility operates in compliance with air permit conditions.

The total annual operating expenses of the claimed facility exceed the value of the material which is recovered annually. Therefore, 80% or more of the cost is 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 Department of Environmental Quality and EPA 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 \$137,309 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1307.

F.A. Skirvin:c
AC218
(503) 229-6414
11/21/80

Appl T-1308
Date 11/20/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Oregon Portland Cement Company
111 S.E. Madison Street
Portland, Oregon 97214

The applicant owns and operates a cement manufacturing mill at Durkee (Baker County), Oregon.

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

2. Description of Claimed Facility

The facility described in this application is the dust collectors, ductwork, covers for transfer chutes, belt loading areas, and conveyor belts, and the associated portions of the electrical and instrumentation costs.

The dust collectors include 18 baghouses and 2 electrostatic precipitators.

Request for Preliminary Certification for Tax Credit was made on 3/24/77, and approved on 6/6/77.

Construction was initiated on the claimed facility on 8/2/77, completed on 6/30/80, and the facility was placed into operation on 10/15/79.

Facility Cost: \$5,988,577 (Accountant's Certification was provided).

3. Evaluation of Application

This is a new construction cement mill, and as such it was required to meet lowest practicable emission levels. The mill operates in compliance with air permit conditions.

The electrostatic precipitators are on the main kiln stack and on the finish grind area. The baghouses are on the enclosed material storage silos, transfer points, conveyors and processors.

None of the claimed facilities provide income in excess of annual operating expense. For multi-purpose facilities, only those costs have been claimed that exceed costs that would have been incurred with no regard to prevention of air pollution. Therefore, 80% or more of the certified cost is allocable to pollution control.

The raw material secondary crusher for the cement mill is on a separate tax credit application.

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 EPA 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 \$5,988,577 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1308.

F.A.Skirvin:cn
AC219
(503) 229-6414
11/21/80

Appl T-1310
Date 11/21/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Oregon Portland Cement Company
Durkee Plant
111 S.E. Madison St.
Portland, Oregon 97214

The applicant owns and operates a cement manufacturing plant at Durkee.

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

2. Description of Claimed Facility

The facility described in this application consists of three projects:

1. A plant storm sewer system and evaporation/seepage pond;
2. A totally closed bearing cooling water recirculation system with a noncontact tube cooling tower; and
3. A closed cement cooling water recirculation system consisting of a pond, piping, and pumps.

Request for Preliminary Certification for Tax Credit was made March 11, 1977, and approved June 6, 1977. Construction was initiated on the claimed facility August 2, 1977, completed June 30, 1980, and the facility was placed into operation October 15, 1980.

Facility Cost: \$279,608 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed facilities have prevented any discharges from the cement plant. Stormwater which can become contaminated at the plant site is collected and allowed to evaporate and seep in the holding pond. The bearing cooling recirculation system has worked quite well. Unlike most cooling towers, this system runs the cooling liquid through the tower in closed tubes. Therefore, there is no blowdown from the tower. Cooling water is used for evaporative cooling in the tower, but it is lost as vapor to the atmosphere. The cement cooling system also has functioned quite well through its own cooling/recycle pond and has allowed no discharges off the plant site.

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

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1) (a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing water pollution.
- d. The facility was required by the Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 100 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$279,608 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1310.

CKA:1
(503) 229-5325
November 21, 1980
WL427 (1)

Appl T-1313
Date 12/3/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Moore's Brae Mailen
23061 Shulte Rd., N.E.
Aurora, Oregon 97002

The applicant owns and operates a bunk silo for storage of chopped corn at Aurora.

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

2. Description of Claimed Facility

The facility described in this application is an earthen holding lagoon to retain silage liquor runoff. A concrete catch basin and 60 feet of 6 inch PVC pipe collect and convey the runoff to the lagoon.

Request for Preliminary Certification for Tax Credit was made October, 1979, and approved November 6, 1979. Construction was initiated on the claimed facility August 1, 1980, completed August 16, 1980, and the facility was placed into operation October 1, 1980.

Facility Cost: \$4,049.35 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to installation of the holding facility, runoff from the bunk silo ran into Deer Creek. The discharge had a high organic concentration. Runoff from the silo is now contained in the holding basin for evaporation. Facilities are available to land irrigate the waste if the need arises. The holding facility has eliminated the discharge to Deer Creek.

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

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1) (a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing water pollution.
- d. The facility was required by the Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 100 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$4049.35 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1313.

CKA:1
(503) 229-5325
December 3, 1980

WL450 (1)

Appl T-1314
Date 12/4/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Spear Beverage Company
5825 N.E. Skyport Way
Portland, Oregon 97218

The applicant owns and operates a wine and beer distributorship at Portland, Oregon.

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 concrete block wall extending 60 feet in length and approximately 10 feet in height. The wall acts as a sound barrier to reduce noise resulting from falling bottles into a recycle bin. In addition, a vinyl sound curtain was installed over the east opening to provide further sound reduction.

Request for Preliminary Certification for Tax Credit was made on May 31, 1979, and approved on November 6, 1980.

Construction was initiated on the claimed facility on approximately 10/79, completed on approximately 12/79, and the facility was placed into operation on approximately 12/79.

Facility Cost: \$10,528.93

3. Evaluation of Application

In November 1978, the Department issued a Notice of Violation to Spear Beverage Company for excessive noise pollution. To achieve compliance with the noise standards, Spear Beverage constructed an acoustical wall around their recycle bottle bin. Spear Beverage was finally brought into compliance with the noise standards in October 1980. All of the facility costs are for environmental pollution control. No significant benefits other than environmental noise control were received by Spear Beverage. Therefore, 80 percent or more of this project's costs are allocable for noise 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, 1977, as required by ORS 468.165(1)(b).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing noise pollution.
- d. The facility was required by Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 467, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 80 percent or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$10,528.93 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1314.

John Hector:c
NC120
(503) 229-5989
12/4/80

Appl T-1317
Date 12/1/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Columbia Plywood Corporation
Klamath Plywood Division
2300 S.W. First
Portland, Oregon 97201

The applicant owns and operates a plywood manufacturing facility at Klamath Falls, 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 waste wood to fuel preparation system, a pneumatic fuel transport and storage system, an Advanced Combustion Products wet fuel furnace and associated ductwork to transfer hot gases into the two veneer dryer gas manifolds.

Request for Preliminary Certification for Tax Credit was made on August 17, 1979, and approved on October 23, 1979.

Construction was initiated on the claimed facility on November 5, 1979, completed on July 28, 1980, and the facility was placed into operation on July 28, 1980.

Facility Cost: \$1,272,924.72
(Accountant's Certification was provided).

3. Evaluation of Application

Completion of this facility eliminates the need to dispose of twelve units per day of waste wood into an environmentally unacceptable landfill. Approximately forty-eight additional units of wood wastes are purchased from other corporations, reducing the waste to be disposed of at the other plants. The wet fuel furnace also replaces the previous natural gas fired heat sources in the two veneer dryers, reducing consumption of fossil fuel at the facility.

4. Summation

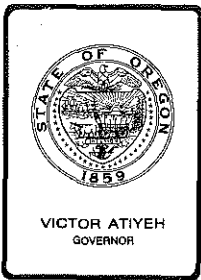
- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.

- 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 \$1,272,924.72 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1317.

W.H. Dana:c
SC128
(503) 229-6266
12/2/80



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Addendum No. 1, Agenda Item C, December 19, 1980, EQC Meeting

TAX CREDIT APPLICATIONS

Director's Recommendation

It is recommended that the Commission take action to approve the attached two requests for pollution control tax relief as follows:

Appl No.	Applicant	Facility	Cost
T-1316	Jerry Noble Dairy	Equipment to collect and hold dairy cattle manure	\$101,046
T-1322	Eugene F. Burrill Lumber Company	Flash dryer system	93,889


WILLIAM H. YOUNG

CASplettstaszer
229-6484
December 10, 1980

Attachments



Contains
Recycled
Materials

AMENDED PROPOSED DECEMBER 1980 TOTALS

Air Quality	\$10,936,019
Water Quality	1,522,681
Solid Waste	22,112,206
Noise	<u>10,528</u>
	\$34,591,434

State of Oregon
Department of Environmental Quality

Appl T-1316
Date 12/3/80

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Jerry Noble Dairy
12579 No. Applegate Rd.
Grants Pass, Oregon 97526

The applicant owns and operates a dairy farm near Grants Pass.

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

2. Description of Claimed Facility

The facility described in this application is equipment to collect and hold manure from dairy cattle. The project consists of:

- a. Two manure sump pumps (10 & 20 hp)
- b. A 57,000 gallon concrete receiving tank with a submersible mixer.
- c. A rotating screen for solids separation.
- d. Two earthen holding ponds with a total capacity of 130,000 gallons followed by a final earthen storage pond with a 1,721,074 gallon capacity.

Request for Preliminary Certification for Tax Credit was made February 12, 1980, and approved February 15, 1980. Construction was initiated on the claimed facility February 18, 1980, completed June 15, 1980, and the facility was placed into operation June 15, 1980.

Facility Cost: \$101,046.62 (Accountant's Certification was provided).

3. Evaluation of Application

Barn washwater and corral runoff periodically discharged to the Applegate River. Since there were no holding facilities irrigation of waste waters often occurred during wet winter conditions. Since the installation of the holding facilities, waste water irrigation only occurs during the dry season. The facility has eliminated periodic discharges to the Applegate River.

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

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1) (a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing water pollution.
- d. The facility was required by the Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 100 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$101,046.62 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1316.

CKA:1
(503) 229-5325
December 3, 1980

WL451 (1)

Appl T-1322
Date 12/9/80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Eugene F. Burrill Lumber Company
P.O. Box 220
Medford, OR 97501

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

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

2. Description of Claimed Facility

The facility described in this application is a Wellons, Inc., flash dryer system to allow the burning of green sawdust as boiler fuel.

Request for Preliminary Certification for Tax Credit was made on December 22, 1978, and approved on February 23, 1979.

Construction was initiated on the claimed facility in November 1979, completed in December 1979, and the facility was placed into operation in January 1980.

Facility Cost: \$93,889.00 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed system uses hot gases from the boiler to predry the wood waste which fuels the boiler. This system allows the company to use about 50% or 1000 units per month of the green sawdust that the plant generates. Without predrying, the sawdust is not useable as fuel. Prior to installation of the claimed facility, the company's sawdust was either stockpiled in a landfill or sold for transportation costs only. The market for sawdust is very poor and unstable.

4. Summation

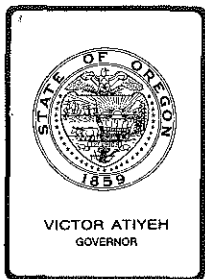
- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1973, as required by ORS 468.165(1)(c).
- c. Facility is designed for and is being operated to a substantial extent for the purpose 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 \$93,889.00 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1322.

W.H. Dana:c
SC139
(503) 229-6266
12/9/80



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. D, December 19, 1980, EQC Meeting

Request for Authorization to Conduct a Public Hearing on
Proposed Amendment to Rules Governing Subsurface Sewage
Disposal, OAR 340-71-020(7) (a) (B), Clatsop Plains Moratorium
Area

Background and Problem Statement

ORS 454.685 provides that after public hearing the Commission may limit or prohibit construction of subsurface sewage disposal systems in an area, if it finds that such construction should be limited or prohibited.

In March 1977, the Commission adopted a rule, OAR 340-71-020(7), which limits or prohibits construction of subsurface sewage systems in an area generally described as Clatsop Plains in Clatsop County. With some minor amendments the rule has remained in effect to this date.

ORS 183.390 and OAR 340-11-047 provide for petitions to the Commission to amend rules.

Clatsop County and Mr. James B. Lucas have petitioned the Commission for an amendment to OAR 340-71-020(7) (a) (B), Clatsop Plains Moratorium Area.

Justification for amendment to the Clatsop Plains Moratorium Rule is contained in the petition, Attachment "A".

Alternatives and Evaluation

1. Deny the petition to amend the rule and let the rule stand as it is presently written.
2. Authorize a public hearing to consider the Clatsop Plains Moratorium Rule in its entirety.
3. Authorize a public hearing on amending only that portion of the rule requested in the petition, OAR 340-71-020(7) (a) (B).



Contains
Recycled
Materials

The petitioners have established a basis for their petition. The proposed rule amendment would release 14.96 acres from the designated moratorium area. This property does not need to be included in the moratorium in order to accomplish the Commission's intent to establishing the moratorium, protection of the groundwater aquifer. With the removal of this 14.96 acres from the moratorium the area remaining under moratorium would still exceed that needed to protect the groundwater.

There appears to be no reason for denying the petition at this time. Nor does there appear to be any reason for a public hearing on the entire Clatsop Plains Rule. The most acceptable alternative appears to be the one to authorize public hearing on amending only that portion of the rule that is the subject of the petition.

Summation

1. ORS 454.685 provides for subsurface sewage system construction moratorium to be adopted by rule of the Commission.
2. The Commission has adopted a rule, OAR 340-71-020(7), that established a moratorium in a portion of Clatsop County known as Clatsop Plains.
3. ORS 183.390 and OAR 340-11-047 provide for petitions to the Commission to amend rules.
4. A petition, Attachment "A", has been received from Clatsop County and Mr. James B. Lucas, to amend OAR 340-71-020(7) (a) (B).

Director's Recommendation

Based upon the summation, it is recommended that the commission authorize a public hearing, to be held in Astoria, to take testimony on the question of amending OAR 340-71-020(7) (a) (B), Clatsop Plains Moratorium Area.



William H. Young

Attachments: 5

- "A" Petition for Amendment to OAR 340-71-020(7) (a) (B)
- "B" Draft Hearing Notice
- "C" Land Use Consistency Statement
- "D" Statement of Need and Fiscal Impact
- "E" Proposed Rule Amendment

T. Jack Osborne:1
229-6218
November 25, 1980
XL226 (1)

BEFORE THE ENVIRONMENTAL QUALITY CONTROL COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF AN AMENDMENT TO) PETITION FOR AMENDMENT TO
OAR 370-71-020(7)(a)(B).) OAR 370-71-020(7)(a)(B)

I.

Clatsop County, a political subdivision of the State of Oregon, acting by and through its Board of County Commissioners, hereinafter called "County", and James B. Lucas, petition the Environmental Quality Control Commission for a permanent amendment to OAR 370-71-020(7)(a)(B) pursuant to ORS 183.390 and OAR 340-11-047.

II.

The portion of OAR 370-71-020(7)(a)(B) proposed to be permanently amended is as set forth hereinbelow. Nothing shall be deleted. The proposed additions are shown by underlining:

"(7)(a) Pursuant to ORS 454.685, neither the director nor his authorized representative shall issue either construction permits for a new subsurface sewage disposal system or favorable reports of revaluation of site suitability within the boundaries of the following geographical areas of Clatsop County:

* * *

(B) The Del Rey Beach Subdivision, south of the north right-of-way line of County Road No. 340 (Del Rey Beach Road), located in Section 33, Township 7 North, Range 10 West, Willamette Meridian, as shown on Plat 7-10-33A, as hereinabove amended, Clatsop County, Oregon."

III.

This petition is made because the said rule unnecessarily restricts more property than is needed for the purpose of the restriction. The property set forth in subparagraph (B) of OAR 370-71-020(7)(a) is set aside as part of the reserve for a longterm ground water supply. The initial study upon which the said regulation is based is the study by H. Randy Sweet, Geologist/Hydrogeologist in cooperation with Clatsop County Department of Planning and Development and the Oregon Department of Environmental Quality, entitled "Carrying Capacity Of The Clatsop Plains Sand-Dune Aquifer." A copy of said report is attached hereto as Exhibit "A" and by this reference incorporated herein. The report recommends on page 1, recommendation paragraph number 3, that a 1.6 square mile reserve be created. To carry out said recommendation, three areas were set aside. The first area is the Camp Kiwanilong property owned by Clatsop County. It is adjacent to the second area, Camp Rilea, which is owned by the State of Oregon. The total area of the first two locations without consideration of a third location is in excess of two square miles. The third area is described in said subparagraph (B) of OAR 370-71-020(7)(a) and consists of 58.63 acres. This is 5.725% of the total 1.6 square miles needed. We are requesting that 14.96 acres of the third area be removed from the total designation. This request constitutes 2.3% of a square mile. As such, the amount removed still leaves a substantial

1 amount of area in excess of the recommended 1.6 square mile
2 reserve.

3 The excess in the amount of area designated for
4 such reserve was recognized by the County in its Comprehensive
5 Plan and Land and Water Development and Use Ordinance, No.
6 80-14, which excluded the area encompassed by this request
7 from the reserve and included said area in a rural development
8 zone. This leaves a total of 43.67 acres in reserve, all of
9 which is in excess of the recommended reserve amount.

10 IV.

11 Mr. Sweet's report is acknowledged by both him and
12 the Department of Environmental Quality as being conservative.
13 The report's conservative nature in setting aside more area
14 than is actually necessary is acknowledged in the last para-
15 graph on page 2 of that certain memorandum from the Environ-
16 mental Quality Control hearings officer to the Commissioner
17 dated October 18, 1977. Said report is attached hereto as
18 Exhibit "B" and by this reference incorporated herein.

19 The excessiveness of the recommended low densities
20 and reservations are further clarified by the first amended
21 report by Mr. Sweet entitled "Carrying Capacity Of The
22 Clatsop Plains Sand-Dune Aquifer Data Update" dated December
23 14, 1978, attached hereto as Exhibit "C" and by this reference
24 incorporated herein. In the first paragraph entitled "Summary"
25 on page 1 of the said report, Mr. Sweet explains that the
26 estimated nitrates from vegetation assumed in the first

1 report were higher than were borne out in the monitoring
2 program. Therefore, he recommended a 13% increase in permissible
3 density. The figure of 13% is important when considered in
4 terms of the magnitude of the reserve reduction requested by
5 this petition which is equivalent to 2.3% of the recommended
6 1.6 square mile reserve area. Such consideration demonstrates
7 that the reduction of reserve area requested by this petition
8 would have no adverse impact because the proposed reduction
9 is only 2.3% of a figure that is in itself excessive by 13%
10 and which has been more than complied with by reserving
11 substantially an excess of two square miles rather than the
12 recommended 1.6 square miles for the aquifer reserve.

13 v.

14 The carrying capacity of the subject Clatsop
15 Plains area is further protected by the recently adopted
16 Clatsop County Comprehensive Plan and Zoning Ordinance. The
17 regulations have placed 625 acres of the subject area into a
18 minimum lot size of 40 acres per dwelling unit. As such,
19 this regulation has a further substantial conservative
20 impact on the carrying capacity of the Plains and the aquifer.
21 The regulations further protect the balance of the subject
22 area by requiring one acre minimum lot sizes which is recognized
23 by Mr. Sweet's report, Exhibit "C", as restricting density
24 at 13% below the safe carrying capacity for the Plains and
25 aquifer. These regulations have a further conservative
26 impact through assignment of the one acre density in terms

1 of net acres while the existing DEQ regulation defines
2 density in terms of gross acres.

3 VI.

4 The Commission has authority to act to implement
5 the suggested changes under ORS 183.335 and OAR 340-11-047.

6 The Petitioners assert that they will be affected
7 by amendment of the rule and that it will make the property
8 subject to amendment and under their respective ownership
9 available for use. Clatsop County proposes to trade its
10 respective 11.23 acres of the subject property for other
11 property elsewhere within the county, thereby allowing the
12 subject area to be utilized and developed as a very low
13 density recreational facility, to wit: A golf course which
14 will provide necessary public recreation and help preserve
15 the fragile sand-dune areas of the vicinity. The County's
16 portion of the subject site would be utilized for a clubhouse,
17 thereby necessitating some subsurface sewage disposal facilities.
18 Applicant Mr. Lucas intends to utilize his 1.7 acres for low
19 density residential use, thereby necessitating some subsurface
20 sewage disposal facilities.

21 The Petitioner Clatsop County and the Environmental
22 Quality Control Commission will be further affected due to
23 the inclusion in this petition of property in the private
24 ownership of Mr. James B. Lucas. At the time this property
25 was designated, it was neither anticipated nor realized that
26 private property was included within the reserve area.

LARSON AND FISCHER
ATTORNEYS AT LAW
990 ASTOR STREET
ASTORIA, OREGON 97103
(503) 325-2301

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No other persons are known by Petitioners to have
special interest in the rule sought to amended.

Respectfully submitted,

CLATSOP COUNTY BOARD OF COUNTY
COMMISSIONERS

BY Chris A. Mikula

BY Don O'Connell

BY Bob Wentz

Respectfully submitted,

W. Louis Larson
W. Louis Larson, Attorney for
James B. Lucas

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

In the Matter of the	)	Notice of Proposed
Amendment to Rule	)	Adoption of Amendment
OAR 340-71-020(7) (a) (B)	)	to OAR 340-71-020(7) (a) (B),
Clatsop Plains	)	Clatsop Plains
Moratorium	)	Moratorium Area

1. A public hearing will be held at the location and date shown below to consider the adoption of an amendment to OAR 340-71-020(7) (a) (B), Clatsop Plains Moratorium:

Astoria Courthouse 10 a.m., January 16, 1981
County Commissioners Chambers

2. The proposed rule amendment would remove 14.96 acres from the Clatsop Plains subsurface sewage system moratorium area established by the Environmental Quality Commission (EQC) in March 1977. Clatsop County and Mr. James B. Lucas have petitioned the EQC to amend the rule to allow the deletion of the 14.96 acres from the moratorium area. Once removed from the moratorium area the parcel of land could be developed utilizing subsurface sewage disposal methods, provided all other EQC rules can be met.
3. The issue to be considered is the question of whether the 14.96 acres should be removed from the moratorium area.
4. Interested persons may present testimony orally or in writing at the hearing and/or in writing to the Department of Environmental Quality, Attn: Jack Osborne, P.O. Box 1760, Portland, Oregon 97207, not later than January 16, 1981.
5. Citation of statutory authority, statement of need, principal documents relied upon, state of fiscal impact, and land use consistency statement, are filed with the Secretary of State.
6. A Department of Environmental Quality staff member or an Environmental Quality Commission hearing officer will be named to preside over and conduct the hearing.

Dated: December 1, 1980
William H. Young, Director
Department of Environmental Quality

XL226.B (1)

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

In the Matter of the	)	Land Use
Amendment to Rule	)	Consistency
OAR 340-71-020(7)(a)(B),	)	
Clatsop Plains	)	
Moratorium	)	

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, and installation of subsurface sewage disposal systems, consistent with public health and safety and protection of the waters of the state, within Clatsop Plains area of Clatsop County.

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.

XL226.C

ATTACHMENT "D"

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

In the Matter of Amendment	)	Statutory Authority,
to Rule OAR 340-71-020(7) (a) (B)	)	Statement of Need,
Clatsop Plains	)	Principal Documents Relied Upon,
Moratorium	)	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: The rule unnecessarily restrict more property than is needed for the purpose of the restriction, groundwater aquifer protection. The intent of the rule amendment is to release 14.96 acres from the moratorium area and make it available for development.
3. Documents relied upon in proposal of the rule:
 - a. Petition to the Environmental Quality Commission, by cover letter dated October 31, 1980.
 - b. Carrying capacity of the Clatsop Plains sand dune aquifer, by H. Randy Sweet.
4. Fiscal and Economic Impacts: Fiscal impact would primarily affect Clatsop County and Mr. Jones B. Lucas. The County intends to trade its property for other property in the County, thereby allowing the area to be developed into a golf course. Mr. Lucas intends to utilize his portion of the affected property, 1.7 acres, for low density residential use.

Date: December 1, 1980

William H. Young, Director
Department of Environmental Quality

XL226.D

PROPOSED AMENDMENT

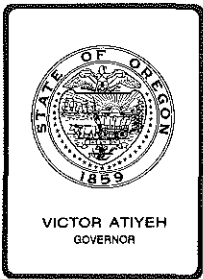
Amend OAR 340-71-020(7) (a) (B) as follows:

"(7) (a) Pursuant to OAR 454.685, neither the director nor his authorized representative shall issue either construction permits for a new subsurface sewage disposal system or favorable reports of evaluation of site suitability within the boundaries of the following geographical areas of Clatsop County:

(B) The Del Rey Beach Subdivision, south of the north right-of-way line of County Road No. 340 (Del Rey Beach Road), located in Section 33, Township 7 North, Range 10 West, Willamette Meridian, as shown on Plat 7-10-33A, Clatsop County, Oregon.

NOTE: Underlined ____ material is new.

XL226.E (1)



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. E, December 19, 1980, EQC Meeting

Request for Authorization to Conduct Public Hearing
on Amendment To Rules Governing On-Site Sewage Disposal
Fees for Clackamas County, OAR 340-71-140(2)(b)

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.

Clackamas County has requested that the County's fees be increased above the maximum now established in ORS 454.745. With increasing program costs, Clackamas County feels that an increase is necessary in order to maintain an adequate level of service.

Clackamas County has developed fee information upon which the proposal is based. That information is contained in Attachment A.

Alternatives and Evaluation

Alternatives are:

1. Continue fees at the present maximum established in ORS 454.745.
2. Increase maximum fees above present levels for Clackamas County.

In evaluating these two alternatives the latter appears more appropriate. Program costs for contract counties and the Department have increased dramatically since present fees were established. In many cases, cost increases are a result of numerous inspection visits required for alternative system construction control. There is a general need to generate additional revenue to maintain an efficient level of program services.



Contains
Recycled
Materials

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. Clackamas County has requested that maximum fee levels established in ORS 454.745 be increased for that County.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission authorize public hearings to take testimony on the question of amending rules governing subsurface fees to be charged by Clackamas County OAR 340-71-140(2)(b).



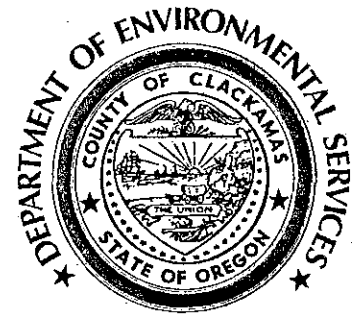
William H. Young

Attachments: 4

- "A" Clackamas County's Analysis of Subsurface Fees
- "B" Draft Public Hearing Notice
- "C" Draft Statement of Need
- "D" Draft of Proposed Rule

J. Jack Osborne:ld
229-6218
November 20, 1980
XL229 (1)

MEMORANDUM



MEMO TO: John C. McIntyre
Director

902 ABERNETHY ROAD
OREGON CITY, OREGON 97045
(503) 655-8521

WINSTON W. KURTH
Assistant Director
DON D. BROADSWORD
Operations Director
DAVID J. ABRAHAM
Utilities Director
DAVID R. SEIGNEUR
Planning Director
RICHARD L. DOPP
Development
Services
Administrator

FROM: Richard L. Polson *R.L.P.*
Chief Soil Scientist

JOHN C. MCINTYRE
Director

DATE: November 14, 1980

SUBJ: Proposed changes in fees for services in the Soils Section,
Development Services Division

The Department of Environmental Quality (DEQ) is proposing significant revisions in the rules under which we operate. These changes will allow us to modify our operations so we can stay in harmony with the regulations. For the past couple months we have also been examining our own fiscal and organization posture. The results of this effort suggest that (1) we can eliminate some of the inefficiencies in our system, thereby reducing costs, (2) a new way of handling soil tests needs to be developed, and (3) a new fee schedule, tailored to more accurately reflect our costs, should be developed.

In order to increase efficiency, some of our existing procedures have already been streamlined. We are developing form letters that take less time to fill out and type, and will eliminate forms that are of marginal value. Effective January 1, 1981, we will be adopting a new procedure for soil tests that should give better results than past practices. These steps should reduce our costs of operation slightly, but increase efficiency significantly. We have also done a cost/revenue study on our section. The results of this study show that our section has collected between 41 and 62 percent of the monies necessary to pay our costs. The remainder of our costs come from building permit revenues. For the past year or two the percentage of costs paid by revenues has declined slightly. We would like our section to cover 50 to 60 percent of its cost through revenue collection, and with this in mind propose the attached fee schedule. Some fees have been increased, one is reduced, and some fees are unchanged. The following paragraphs will discuss the fees where changes are proposed.

The fee for soil feasibility studies is increased from \$50 to \$75. The average cost for processing such studies is about \$124. This 50 percent increase is due to our cost increases plus our intention to offer greater service with each application. We will look at more test holes and be more thorough in completing each study. The new fee is still substantially less than the \$120 fee charged by the DEQ and some contract counties.



State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

R E C E I V E D

NOV 25 1980

WATER QUALITY CONTROL

Page 2
John C. McIntyre
November 14, 1980

Several changes are proposed for the septic tank permit program. The current fee for a permit for any system is \$40. We propose to charge \$50 for any type of system where only a single inspection should be necessary for approval. Those systems that are more complex (requiring 2 or 3 inspections) will require an \$80 fee. Sand filter systems, which require a thorough plan review as well as at least 3 or 4 inspections, will cost \$100, split between a \$25 plan check fee and a \$75 construction permit fee. Large systems, such as for mobile home parks, restaurants, or schools, require much more work at both the planning and construction stage; thus, the new fee. The alteration permit fee is new and covers changes or expansions in systems where no failure is involved.

The fee for pumper truck inspections is reduced from \$25 to \$15. The time and energy involved in these inspections does not warrant the \$25 fee.

The fees for soil investigations have been changed slightly. We will not do investigations on parcels smaller than 5 acres after January 1, 1981. These parcels will be handled by feasibility studies. The minimum fee for 5 acres to 7 acres will be \$150. All other fees are unchanged.

The fee for the septic permits are higher than those permitted by the DEQ rules. In order to charge such fees, our fee schedule must be approved by both the Board of County Commissioners and the Environmental Quality Commission (EQC). House Bill 2111, Chapter 591, Oregon Law 1979 requires that fees must not exceed the cost of operating the program. Based on our projected work load, our revenue for the current fiscal year should range between \$133,000 and \$158,000. Expected expenses should be near the \$248,000 level. We are in no danger of violating the law in this regard. Further, our proposal will more equitably distribute the cost of the program to the customer receiving the services.

If you agree with these changes, I would like to cut a court order to be presented to the County Commissioners. Hopefully, the Commissioners can act soon enough so that this schedule can be presented to the EQC at their mid-December meeting.

Thank you for your time and cooperation.

RICHARD L. POLSON - Chief Soil Scientist
Development Services Division

/rn

Attachment

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
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WATER QUALITY CONTROL

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WATER QUALITY CONTROL

Assumptions:

Number of Studies:

Feasibilities	:	750 to 900 per year
E.S.R.	:	450 to 500 per year
Septic Permits	:	950 to 1100 per year
Soil Investigations:		75 to 100 per year

Expected Revenue:

Feasibilities	:	\$56,250 to \$67,500 per year
Exist. Syst. Rev.	:	\$18,000 to \$20,000 per year
Septic Permits	:	\$47,500 to \$55,000 per year
Soil Investigations	:	\$12,000 to \$16,000 per year

TOTALS	\$133,750 to \$158,500 per year income
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State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
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NOV 25 1980

WATER QUALITY CONTROL

MEMO TO: Richard L. Dopp
Administrator
Development Services Division

FROM: Richard L. Polson
Chief Soil Scientist

DATE: September 10, 1980

SUBJ: Cost Analysis from January 1, 1980 to June 30, 1980
for Soils Section, Development Services



In order to determine if any changes are necessary or warranted in my section, I have studied the revenues versus the cost of the four major areas within my responsibility. The data is summarized in the table below. As you can see, no portion of our program approaches paying for itself. While this is not unexpected, perhaps the magnitude of the gap may be. The following analysis of the meaning of these numbers is given.

Within the above time frame, data was provided to show cost breakdowns by job code and by project number. Employees included in the analysis were myself, John Borge, Cathy Cartmill, Lee Grimes, Bruce Henderson, Dan Bush and Lew Meteliz. Omitted were Pat Totten, Karon Beers and any costs due to you, Jerry, Fron or other incidental personnel. Table 1 shows the number of studies completed in the 6 month time period for each category. Table 2 shows the direct and total expenses attributed to each job. The total cost was calculated by determining the percentage of our total expenses covered by direct costs. Assuming the remaining percentage can be called indirect costs, the percent of expenses covered by indirect costs is 61.2 percent. Thus, if each direct cost is multiplied by 2.58, a total cost can be calculated.

Table 3 is a data summary. The data show that feasibility study fees pay about half of what it costs to complete the average study. All other portions of our program pay between 32 and 38 percent of the operating expense. I do not find the data concerning existing system reviews or construction permits surprising, and would anticipate similar data if other time periods were sampled. However, the number of soil investigations has fallen sharply this year, so the numbers shown here are well below the norms that I would have expected over the previous four or five years.

If the data provided is assumed to be roughly accurate, some interesting questions need to be asked. At what level or percentage of overall expenses should the Soils Section be expected to function? How do the numbers shown here compare to data gathered during the same period in other years? Can one assume that the current method of accounting accurately reflects true costs? Each of these questions has implications that may be decisive in determining whether any changes in our fee schedule can be justified.

The second question above should be answered first, since it would be difficult to justify an upward adjustment of fees if we are now collecting about the same or a greater percentage of our expenses through our current fee schedule. I have no data on that at hand; if you have it, it would be useful in this analysis. If not, perhaps the information can be retrieved from accounting.

Assuming that some adjustment of fees is indicated, then some target income level as a percent of expenses should be set. Below are three possible methods for adjusting fees to achieve 50, 60 or 70 percent of our operating expenses.

1. 50%

Total Expenses \$143,000 - Income Needed \$71,500

- a) Soil Feasibilities - at 400 studies/6 mos., a \$10.00 increase in fees would generate \$4,000.
- b) Septic Tank Permits - at 330 permits/6 mos., a fee increase of \$15.00 for new construction would result in an increase of approximately \$5000. The fee for the remaining repair permits would be unchanged at \$25.00, to encourage parties with failing systems to repair at minimum cost.
- c) Sand Filters - preliminary data indicate that the cost of processing and plan checking sand filter applications is about \$100. The cost for all inspections on these systems is also about \$100. Thus, a minimum fee of \$120 for a sand filter installation permit seems justified. This fee would add about \$1000 to our 6 months income picture.
- d) Existing System Reviews - a \$10 increase for about 450 studies per 6 months would add \$4500 to revenues.

TOTAL INCREASE IN REVENUES	\$14,500
REVENUE (current)	\$55,500
TOTAL PROJECTED REVENUE	\$70,000

The remaining \$1500 could, in all probability, be made up through an increased demand for soil investigations and other miscellaneous fees.

2. 60%

Total Expenses \$143,000 - Income Needed \$85,800

- a) Soil Feasibilities - increase fees by \$20.00 would increase income \$8000.
- b) Septic Tank Permits - increase fees across the board by \$20.00 would increase income by \$9000. Sand filter permits would be as above, adding another \$1000 to income.

- c) Existing System Reviews - increase fee \$10.00 would add \$4500 to revenues.
- d) Increase soil investigation fees by 25 percent. Assuming a return to normalcy in the number of investigation requests, this fee increase would generate between \$5000 and \$8000 in revenue each 6 months.

TOTAL INCREASE IN REVENUES	\$27,500 to \$30,500
CURRENT REVENUE	\$55,000
TOTAL PROJECTED REVENUE	\$82,500 to \$85,500

3. 70%

Total Expenses \$143,000 - Income Needed \$100,100

- a) Soil Feasibilities - increase fees by \$50 for a net revenue increase of \$20,000.
- b) Septic Tank Permits - increase fees by \$25 across the board, resulting in a net increase in revenue of \$11,250. Increase fees to cover sand filters to \$100, resulting in increased revenues of \$1000.
- c) Existing System Reviews - increase fees \$10 to add \$4500 to net revenues.
- d) Soil Investigations - increase fees by 30 percent to add \$6-9,000 to net revenues.

TOTAL INCREASE IN REVENUES	\$42,700 to \$46,700
CURRENT REVENUE	\$55,000
TOTAL PROJECTED REVENUE	\$97,700 to \$101,700

This data is summarized in Table 4. These numbers are useful only after the question in the previous paragraph is answered.

A final question that needs to be addressed is whether the current cost accounting system gives us a reasonable estimate of costs. I am reasonably sure, after studying the data, that our accounting techniques could work, but currently miss the mark somewhat because the staff is not fully aware of how to use the appropriate codes, or the impact of the codes on the department's function. A quick training session appears to be called for.

In summary, this section is currently supplying about 39 percent of the revenue required to support it. Proposed increases in revenue through fee changes are within the framework of current DEQ rules. However, some basic questions must be resolved before any changes in fees are considered. These are:

1. At what level of revenue (as a percent of cost) should the Soils Section operate?
2. Can any proposed increase in our fees be justified politically, in terms of public acceptance or the long-term inflation involved with the Soils Section fee schedule?

Page 4
Richard L. Dopp
September 10, 1980

If you have a target income level in mind, or need more data, let me know and we can discuss what steps should be taken next.

RICHARD L. POLSON - Chief Soil Scientist
Development Services Division

/rn

Attachments

STATE OF CALIFORNIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
JUL 25 1980
WATER QUALITY CONTROL

TABLE I
SOURCES OF REVENUE - SOILS SECTION
JANUARY 1, 1980 to JUNE 30, 1980

<u>PROJECT</u>	<u>NUMBER PERFORMED</u>
Soil Feasibilities	388
Septic Tank Permits	455
Existing System Reviews	439
Soil Investigations	54

TABLE II
DIRECT AND TOTAL EXPENSES ASSOCIATED WITH
PROJECTS IN SOILS SECTION

<u>PROJECT</u>	<u>AVERAGE DIRECT COST</u>	<u>AVERAGE TOTAL COST</u>
Feasibilities	\$ 48.18	\$124.18
Construction Permits	\$ 33.02	\$ 85.19
Existing System Reviews	\$ 26.71	\$ 68.91
Soil Investigations	\$186.77	\$481.87

TABLE III
DATA SUMMARY

Type of Study	Avg. Direct Cost to Process	Avg. Total Cost to Process (Direct & Indirect Expenses)	Avg. Revenue Per Study	Percentage of Costs Paid by Revenue	Current Fee Schedule
1. Soil Feasibility	\$48.18	\$124.18	\$ 60.31	48.6%	\$50/\$90
2. Existing System Reviews	\$26.71	\$ 68.91	\$ 24.48	35.5%	\$40
3. Construction Permits	\$33.02	\$ 85.19	\$ 32.71	38.4%	\$24/\$40
4. Soil Investigation	\$186.77	\$481.87	\$155.96	32.4%	Variable

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
NOV 25 1980
WATER QUALITY CONTROL

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

In the Matter of the Adoption	)	Notice of Proposed
of Rule 340-71-140(2)(b),	)	Adoption of Rule
Establishing a Fee Schedule	)	340-71-140(2)(b)
for On-Site Sewage Disposal	)	Fees
Permits and Services	)	Clackamas County
in Clackamas County	)	

1. On January 5, 1981, at 10 a.m., a public hearing will be held at the following location, to consider adoption by the Environmental Quality Commission of proposed rule 340-71-140(2)(b), establishing a fee schedule for on-site sewage disposal permits and activities for Clackamas County:

Oregon City
902 Abernethy Road
Conference Room C

2. Clackamas County has proposed a new fee schedule for the on-site sewage disposal program to 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 Clackamas County.
5. Any interested person may provide oral or written testimony at the hearing or written testimony to Jack Osborne, Department of Environmental Quality, P.O. Box 1760, Portland, Oregon 97207, by January 5, 1981.
6. Citation of Statutory Authority, Statement of Need, Principal Documents Relied Upon, and Statement of Fiscal Impact are filed with the Secretary of State.
7. Land Use Consistency: this activity has been defined as "not affecting land use."
8. Department of Environmental Quality staff will be designated to preside over and conduct the hearing.

Dated: December 1, 1980

William H. Young, Director
Department of Environmental Quality

TJO:ld
XL229.A (1)

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

In the Matter of The Adoption	)	Statutory Authority,
of Rule 340-71-140(2)(b)	)	Statement of Need,
Establishing a Fee Schedule for	)	Principal Documents Relied Upon,
On-Site Sewage Disposal Permits	)	and Statement of Fiscal Impact
and Services in Clackamas County	)	

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 on-site sewage disposal permits and services.
2. Need for Rule: Clackamas County has experienced an increase in costs for providing services, issuing permits and general administration of the on-site 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 sixty percent of the on-site sewage disposal program.
3. Documents relied upon in proposal of the rule:
 - a. Memorandum to Richard L. Dopp from Richard Polson, both of Clackamas County, dated September 10, 1980.
 - b. Memorandum to John C. McIntyre from Richard Polson, both of Clackamas County, dated November 14, 1980.

The above documents are available for public inspection at Clackamas County Department of Environmental Management, 902 Abernethy Road, Oregon City, Oregon, during regular business hours, 8 a.m. to 5 p.m., Monday through Friday.
4. Fiscal and Economic Impacts: Some fees are increased. 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: December 1, 1980

William H. Young, Director
Department of Environmental Quality

TJO:ld
XL229.B

PROPOSED FEE SCHEDULE
SOILS SECTION, DEVELOPMENT SERVICES

	<u>FEE</u>
I. FEASIBILITY STUDIES	
A. First Lot or Site	\$75.00
B. Each Additional Lot or Site evaluated while on the site	\$65.00
C. Consultant Reviews	\$65.00
II. SEPTIC TANK PERMITS	
A. Standard Systems	\$50.00
B. Alternative Systems	
1. Holding tanks, seepage pits, redundant, steep slope, split waste, seepage trench systems	\$50.00
2. Tile Dewatering Systems, Capping Fill Systems, and Pressure Distribution Systems	\$80.00
3. Sand Filters	
a. Plan Check Fee	\$25.00
b. Construction Permit	\$75.00
C. Large Systems	
1. Plan Review for each 1200 gallons daily sewage flow, or part thereof	\$40.00
2. Permit, for each 1200 gallons daily sewage flow, or part thereof	\$40.00
D. Repair Permits, any system	\$25.00
E. Alteration Permits, any system	\$40.00
F. Permit Renewals*	\$25.00
III. EXISTING DISPOSAL SYSTEM REVIEWS	\$40.00
IV. PUMPER TRUCK INSPECTION, EACH VEHICLE	\$15.00
V. SUBDIVISION REVIEWS	\$40.00 per lot
VI. RECORD SEARCHES	\$10.00

* Fee may be waived if no additional work is required by this department.

VII. SOIL INVESTIGATIONS

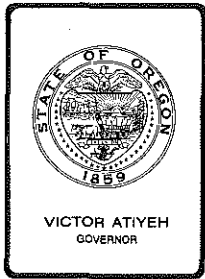
VARIABLE

<u>ACREAGE</u>	<u>FEE</u>	<u>ACREAGE</u>	<u>FEE</u>	<u>ACREAGE</u>	<u>FEE</u>
5	\$150.00	24	\$286.00	43	\$362.00
6	\$150.00	25	\$290.00	44	\$366.00
7	\$150.00	26	\$294.00	45	\$370.00
8	\$158.00	27	\$298.00	46	\$374.00
9	\$166.00	28	\$302.00	47	\$378.00
10	\$174.00	29	\$306.00	48	\$382.00
11	\$182.00	30	\$310.00	49	\$386.00
12	\$190.00	31	\$314.00	50	\$390.00
13	\$198.00	32	\$318.00	51	\$394.00
14	\$206.00	33	\$322.00	52	\$398.00
15	\$214.00	34	\$326.00	53	\$402.00
16	\$222.00	35	\$330.00	54	\$406.00
17	\$230.00	36	\$334.00	55	\$410.00
18	\$238.00	37	\$338.00	56	\$414.00
19	\$246.00	38	\$342.00	57	\$418.00
20	\$254.00	39	\$346.00	58	\$422.00
21	\$262.00	40	\$350.00	59	\$426.00
22	\$270.00	41	\$354.00	60	\$430.00
23	\$278.00	42	\$358.00		

Each acre beyond 60 acres - Add \$4.00 per acre

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
NOV 25 1980

WATER QUALITY CONTROL



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, December 19, 1980, EQC Meeting

Proposed Adoption of the Oregon Portion of the
Portland-Vancouver Air Quality Maintenance Area State
Implementation Plan for Total Suspended Particulates

Background

The Portland Air Quality Maintenance Area (AQMA) is designated non-attainment for secondary particulate standards. The 1977 Clean Air Act Amendments required states exceeding particulate standards to revise their particulate State Implementation Plans and obtain EPA approval by July 1, 1979 or incur EPA sanctions. The exception to this requirement was that states exceeding secondary particulate standards primarily because of non-traditional source impacts (i.e. road dust or other area sources) could obtain an 18-month extension. Because of ongoing airshed studies at the time, the Department elected to opt for the extension.

As the Portland Aerosol Characterization Study has indicated, the Portland AQMA exceeds particulate standards predominately because of non-traditional source impacts such as road dust and residential wood burning. Thus, this SIP revision concentrates on such non-traditional area source categories. Two areas of uncertainty complicated the particulate SIP revision process. First, EPA is re-evaluating the appropriateness of the current particulate standards and may revise those standards in the next 6 to 36 months. Because of the uncertainty of the standard, SIP Revision Plan efforts were directed toward identifying and scheduling studies of the most valuable potential effective control strategies. Secondly, most of the potential control techniques for non-traditional emission sources are not proven,



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and thus there is uncertainty in predicting how effective various non-traditional source controls will be. Efforts were thus directed to identify a possible mix of strategies which may meet the secondary standard if they are found to be effective and practicable.

Recommendations on the SIP Revision effort were solicited and considered by the Portland Air Quality Advisory Committee which met over 30 times during a two year period. Most of their recommendations are believed to be acceptable and have been incorporated herein.

The EQC authorized a public hearing regarding this SIP revision at its September 19, 1980 meeting. After appropriate public notice, the Department held a hearing on October 21, 1980. The hearing officer's report is attached (Attachment 1).

A "Statement of Need for Rulemaking" is attached (Attachment 2). The State Implementation Plan is included as Attachment 3. One individual, the Chairperson of the Portland Advisory Committee, presented oral testimony at the hearing. He expressed basic support for the plan as written, and supported the retention of the open burning ban and the schedule for commitments in the plan. One set of written comments was received expressing support to include a ban on open burning in the SIP.

Alternatives and Evaluation

In the September 19, 1980 request for authorization to hold a public hearing, three issues were laid out to the Commission as potentially controversial: 1) whether the SIP as written would allow the EQC or DEQ sufficient flexibility to revise planned particulate control programs if the Federal particulate standard changes, 2) whether the SIP as written would allow the EQC or DEQ to revise planned control programs if certain non-traditional control strategies prove to be unworkable, and 3) whether the EQC was satisfied with the relative priorities for control programs as specified in the SIP. It was pointed out to the Commission that if they desired that the SIP revision contain fewer possible commitments to EPA, certain elements could be removed such as:

- the quantified strategy impact estimates in ug/m^3
- the goal dates specified for when the strategies may be implemented
- open burning ban rules

The Department perceives that sufficient qualifying statements have been included in the SIP to make it clear that modifications in the planned program will likely be necessary if the Federal particulate standards are revised, or as more knowledge is gained about the feasibility of various nontraditional source control programs. Thus, it appears to be reasonable to include in the SIP the estimated air quality improvements which would result if the various strategies are workable and to include the tentative goal dates for when the strategies may be implemented, so that the most likely course of action and relative priorities have been clearly stated.

With regard to open burning the Department has concluded that it is not appropriate to include the open burning ban in this particulate SIP revision at this time since the ultimate fate of the burn ban will probably not be decided until June 1981. The Department is requesting the EQC to take action at the December 19, 1980 EQC meeting to postpone the scheduled December 31, 1980 ban at least until June, 1981, to give time for the Department to complete reports detailing impacts and alternatives to backyard burning and to allow sufficient time for the public to review these reports. A tentative schedule to permanently act on the open burning rules has been included in the SIP.

Summation

1. The Portland Air Quality Maintenance Area is designated by EPA as a nonattainment area for the National Ambient Secondary Standards for Total Suspended Particulates.
2. The Clean Air Amendments of 1977 require states to submit to EPA a plan for achieving particulate standards and to obtain EPA approval by January 1, 1981 or potentially incur EPA sanctions.
3. The bulk of the Portland AQMA's particulate problem can be attributed to population-related sources such as motor vehicles, road dust, or wood space heating. Control techniques for many of these sources are unproven and thus the effectiveness of these strategies is uncertain.
4. There is some uncertainty regarding the current particulate standard because EPA is reevaluating the standard and considering revisions to it.
5. The Department perceives that the best format for the required SIP revision, given the various uncertainties, is to commit to a schedule for study and evaluation of the most potentially effective control strategies.
6. The SIP revision commits to evaluate the following control strategies and lays out a possible implementation schedule.
 - Winter sanding control programs
 - Construction site trackout control programs
 - Efforts to reduce vehicle miles travelled
 - Programs to reduce emissions from residential wood burning
 - Further open burning restrictions
 - Street sweeping programs
 - Unpaved area and dirt trackout control programs
 - Programs to identify and control local sources at predicted primary standard violation sites.
7. The proposed SIP revision has been generally endorsed by the Portland Air Quality Advisory Committee which met over 30 times during the last two years to evaluate potential particulate control strategies.
8. Statements have been made in the SIP which provides the Department flexibility in particulate controls programs if the Federal standards

are revised and if planned nontraditional control programs turn out to be unworkable or infeasible.

9. The SIP as written does not commit to an open burning ban as was planned for December 31, 1980 because final action on the rule will likely not take place at least until mid-1981. The SIP does state that the EQC will reconsider the open burning ban issue in June 1981.

Recommendation

The Director recommends the Commission adopt the attached State Implementation Plan revision for Total Suspended Particulates in the Portland AQMA and direct the Department to formally submit it to EPA Region X.



William H. Young

- Attachments: 1) Hearing Officer's Report
2) Statement of Need for Rulemaking
3) Proposed State Implementation Plan Revision for TSP in the Portland AQMA.

William T. Greene:in
229-6279
December 5, 1980
AD606



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Hearing Officer

Subject: Hearing on the Proposed State Implementation Plan for Total Suspended Particulates in the Portland AQMA

A hearing was held on October 21, 1980. One person testified and one set of written comments were received. Steve Lockwood testified, in person, representing the Portland Air Quality Advisory Committee. Lockwood stated that the SIP revision represents the most feasible economic acceptable control strategy given the uncertainties in how easy it is to control particulates and the uncertainties regarding future particulate standards which may be adopted by EPA. Lockwood stated that it was the intent of the Committee that the ban on open burning scheduled for December 31, 1980, should remain in the SIP and that it should go into effect at that date. Lockwood stated that the committee perceived that the ban on open burning was one of the most feasible control alternatives.

In response to the notice for public hearing in which public comment was requested on whether date commitments should remain in SIP for when certain control programs should be attempted and implemented, Lockwood stated that those dates should remain in the SIP.

Lockwood stated that the committee has been concerned about health effects issues and that they want the Department to develop further expertise in analyzing probable health impacts of different control strategies.

Lockwood finally addressed the area of residential wood burning noting that it was a difficult area since residential wood burning has desirable energy benefits but significant particulate emissions. Lockwood stated that the committee definitely supports plans to further develop wood stove technology so that pollutant emissions can be minimized while still allowing an energy contribution from this practice.



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Written comments were received from another member of the Portland Air Quality Advisory Committee, Jeanne Roy, who is the chairman of the open burning subcommittee. She stated that she believed that the Air Quality Committee had identified vegetative burning sources as one of the highest priority sources for control because of the potential adverse health effects from the respirable smoke particulates. She also noted that an open burning ban was one of the few feasible strategies which could be implemented immediately as compared to other nontraditional source strategies which may prove to be too expensive or impractical. For these reasons, she believes that backyard burning should be banned in the Portland area as of December 31, 1980.

Ms. Roy stated that a ban may be needed as a stimulus to push the municipalities into implementing some alternate methods for yard debris disposal. She also stated that removal of the commitment to ban open burning from the SIP would be a step backwards.

Recommendation

Your Hearing Officer makes no recommendations in this matter.

Respectfully submitted,

William T. Greene
William T. Greene

William T. Greene:in
December 5, 1980
(503) 229-6279

Attachment 2

STATEMENT OF NEED FOR RULEMAKING

Pursuant to ORS 183.335(2), this statement provides information on the intended action to amend the State Implementation Plan for Total Suspended Particulate for the Portland-Vancouver Interstate Air Quality Maintenance Area.

Legal Authority

ORS 468.020, ORS 468.305, and the Federal Clean Air Act as Amended.

Need for the Rule

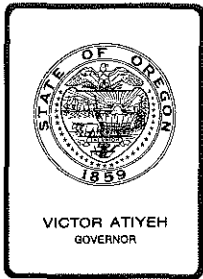
The Portland-Vancouver AQMA has been designated a nonattainment area for secondary total suspended particulate standards by the Environmental Protection Agency. The State is therefore required to submit a plan to EPA which delineates how the state intends to achieve compliance with the TSP standards.

Principal Documents Relied Upon

1. Clean Air Act Amendments of 1977 Public Law 95-95 August, 1977
2. DEQ Emission Inventory, 1977
3. Oregon Air Quality Report, 1978, Oregon Department of Environmental Quality
4. Portland Aerosol Characterization Study Final report, 1979, J. G. Cooper, Oregon Graduate Center.

Fiscal Impact Statement

This proposed rule change imposes minimal additional fiscal impact because no new regulations on particular sources have been adopted. The various non-traditional control strategies will have fiscal impacts if they are later required and implemented, but such costs will be evaluated and specified prior to the adoption of any such new regulations. A \$267,000 vacuum street sweeping demonstration project has been committed to in this SIP, \$67,000 of which will be local match funds.



Environmental Quality Commission

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• MEMORANDUM

To: Environmental Quality Commission

From: Director *Bill*

Subject: Amendment to Agenda Item No. G, December 19, 1980, EQC Meeting

One amendment to the Portland AQMA Particulate SIP Revision appears appropriate which has not been presented to the Commission prior to this date.

The Department has received comments during this last week from the Environmental Protection Agency, Region X, regarding the SIP, and it appears only one addition to the SIP is necessary for it to receive EPA approval. EPA Region X suggests that the more precise legal definition of the revised Non-Attainment Area should be formally included as part of the SIP. This legal definition is presented as Attachment 1 to this Amendment, and it is recommended that the Attachment should be included as Appendix 1 in the SIP submission to EPA and that it should be considered part of the SIP revision.

WILLIAM H. YOUNG
Director

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APPENDIX 1

Legal Definition of The Secondary 24-Hour Total Suspended Particulate Standard Non-Attainment Area Within The Oregon Portion of The Portland-Vancouver Air Quality Maintenance Area

The areas projected to exceed the secondary 24 hour National Ambient Air Quality Standard for total suspended particulate in 1987 within the Oregon portion of the Portland-Vancouver Air Quality Maintenance Area are contained within four discrete regions. They are legally defined as the areas within the bounds of the Universal Transverse Mercator (UTM) mapping and coordinate system, zone 10 as follows:

1) The square area bounded as follows: beginning at the point of intersection of the UTM easting coordinate 515,000 meters and the UTM northing coordinate 5,038,000 meters, extending thence east along the last referenced coordinate to the intersection with the UTM easting coordinate 517,000 meters, thence south along the last referenced coordinate to the intersection with the UTM northing coordinate 5,036,000 meters, thence west along the last referenced coordinate to the intersection with the UTM easting coordinate 515,000 meters, thence north along the last referenced coordinate to the point of beginning.

2) The rectangular area bounded as follows: beginning at the point of intersection of the UTM easting coordinate 515,000 meters and the UTM northing coordinate 5,050,000 meters, extending thence east along the last referenced coordinate to the intersection with the UTM easting coordinate 519,000 meters, thence south along the last referenced coordinate to the intersection with the UTM northing coordinate 5,048,000 meters, thence west along the last referenced coordinate to the intersection with the UTM easting coordinate 515,000 meters, thence north along the last referenced coordinate to the point of beginning.

3) The square area bounded as follows: beginning at the point of intersection of the UTM easting coordinate 521,000 meters and the UTM northing coordinate 5,044,000 meters, extending thence east along the last referenced coordinate to the intersection with the UTM easting coordinate 523,000 meters, thence south along the last referenced coordinate to the intersection with the UTM northing coordinate 5,042,000 meters, thence west along the last referenced coordinate to the intersection with the UTM easting coordinate 521,000 meters, thence north along the last referenced coordinate to the point of beginning

4) The area is bounded as follows: beginning at the point of intersection of the UTM easting coordinate 525,000 meters and the UTM northing coordinate 5,042,000 meters, extending thence east along the last referenced coordinate to the intersection with the UTM easting coordinate 531,000 meters, thence south along the last referenced coordinate to the intersection with the UTM northing coordinate 5,040,000 meters, thence west along the last referenced coordinate to the intersection with the UTM easting coordinate 527,000 meters, thence south along the last referenced coordinate to the intersection with the UTM northing coordinate 5,038,000 meters, thence east along the last referenced coordinate to the intersection with the UTM easting coordinate to 529,000 meters, then south

along the last referenced coordinate to the intersection with the UTM northing coordinate 5,036,000 meters, thence east along the last referenced coordinate to the intersection with the UTM easting coordinate 533,000 meters, thence north along the last referenced coordinate to the intersection with the UTM northing coordinate 5,038,000 meters, thence east along the last referenced coordinate to the intersection with the UTM easting coordinate 535,000 meters, thence south along the last referenced coordinate to the intersection with the UTM northing coordinate 5,036,000 meters, thence west along the last referenced coordinate to the intersection with the UTM easting coordinate 533,000 meters, thence south along the last referenced coordinate to the intersection with the UTM northing coordinate 5,030,000 meters, thence east along the last referenced coordinate to the intersection with the UTM easting coordinate 535,000 meters, thence south along the last referenced coordinate to the intersection with the UTM northing coordinate 5,028,000 meters, thence west along the last referenced coordinate to the intersection with the UTM easting coordinate 533,000 meters, thence south along the last referenced coordinate to the intersection with the UTM northing coordinate 5,022,000 meters, thence west along the last referenced coordinate to the intersection with the UTM easting coordinate 531,000 meters, thence north along the last referenced coordinate to the intersection with the UTM northing coordinate 5,026,000 meters, thence west along the last referenced coordinate to the intersection with the UTM easting coordinate 529,000 meters, thence north along the last referenced coordinate to the intersection with the UTM northing coordinate 5,028,000, thence west along the last referenced coordinate to the intersection with the UTM easting coordinate 525,000 meters, thence north along the last referenced coordinate to the intersection with the UTM northing coordinate 5,030,000 meters, thence east along the last referenced coordinate to the intersection with the UTM easting coordinate 527,000 meters, thence north along the last referenced coordinate to the intersection with the UTM northing coordinate 5,034,000 meters, thence west along the last referenced coordinate to the intersection with the UTM easting coordinate 525,000 meters, thence north along the last referenced coordinate to the point of beginning.

Legal Definition of The Secondary Annual Total Suspended Particulate Standard Non-Attainment Area Within The Oregon Portion of The Portland-Vancouver Air Quality Maintenance Area

The areas projected to exceed the annual National Ambient Air Quality Standards for total suspended particulate in 1987 within the Oregon portion of the Portland-Vancouver Air Quality Maintenance Area are legally defined as the areas within the bounds of the Universal Transverse Mercator (UTM) mapping and coordinate system, zone 10 as follows:

The square area bounded as follows: beginning at the point of the intersection of the UTM easting coordinate 515,000 meters and the UTM northing coordinate 5,052,000 meters, extending thence east along the last referenced coordinate to the intersection with the UTM easting coordinate 517,000 meters, thence south along the last referenced coordinate to the intersection with the UTM northing coordinate 5,050,000 meters, thence west along the last referenced coordinate to the intersection with the UTM easting coordinate 515,000 meters, thence north along the last referenced coordinate to the point of beginning.

The square area bounded as follows: beginning at the point of intersection of the UTM easting coordinate 517,000 meters and the UTM northing coordinate 5,050,000 meters, extending thence east along the last referenced coordinate to the intersection with the UTM easting coordinate 519,000 meters, thence south along the last referenced coordinate to the intersection with the UTM northing coordinate 5,048,000 meters, thence west along the last referenced coordinate to the intersection with the UTM easting coordinate 517,000 meters, thence north along the last referenced coordinate to the point of beginning.

The square area bounded as follows: beginning at the point of intersection of the UTM easting coordinate 523,000 meters and the UTM northing coordinate 5,050,000 meters, extending thence east along the last referenced coordinate to the intersection with the UTM easting coordinate 525,000 meters, thence south along the last referenced coordinate to the intersection with the UTM northing coordinate 5,048,000 meters, thence west along the last referenced coordinate to the intersection with the UTM easting coordinate 523,000 meters, thence north along the last reference coordinate to the point of beginning.

The rectangular area bounded as follows: beginning at the point of intersection of the UTM easting coordinate 521,000 meters and the UTM northing coordinate 5,046,000 meters, extending thence east along the last referenced coordinate to the intersection with the UTM easting coordinate 523,000 meters, thence south along the last referenced coordinate to the intersection with the UTM northing coordinate 5,042,000 meters, thence west along the last referenced coordinate to the intersection with the UTM easting coordinate 521,000 meters, thence north along the last referenced coordinate to the point of beginning

The area bounded as follows: beginning at the point of intersection of the UTM easting coordinate 525,000 meters and the UTM northing coordinate 5,044,000 meters, extending thence east along the last referenced coordinate to the intersection with the UTM easting coordinate 527,000 meters, thence south along the last referenced coordinate to the intersection with the UTM northing coordinate 5,042,000 meters, thence east along the last referenced coordinate to the intersection with the UTM easting coordinate 531,000 meters, thence south along the last referenced coordinate to the intersection with the UTM northing coordinate 5,040,000 meters, thence west along the last referenced coordinate to the intersection with the UTM easting coordinate 527,000 meters, thence south along the last referenced coordinate to the intersection with the UTM northing coordinate 5,038,000 meters, thence east along the last referenced coordinate to the intersection with the UTM easting coordinate 529,000 meters, thence south along the last referenced coordinate to the intersection with the UTM northing coordinate 5,036,000 meters, thence west along the last referenced coordinate to the intersection with the UTM easting coordinate 525,000 meters, thence north along the last referenced coordinate to the point of beginning.

The square area bounded as follows: beginning at the point of intersection of the UTM easting coordinate 535,000 meters and the UTM northing coordinate 5,042,000 meters, extending thence east along the last referenced coordinate to the intersection with the UTM easting coordinate 537,000 meters, thence south along the last referenced coordinate to the

intersection with the UTM northing coordinate 5,040,000 meters, thence west along the last referenced coordinate to the intersection with the UTM easting coordinate 535,000 meters, thence north along the last referenced coordinate to the point of beginning.

The square area bounded by as follows: beginning at the point of intersection of the UTM easting coordinate 531,000 meters and the UTM northing coordinate 5,036,000 meters, extending thence east along the last referenced coordinate to the intersection with the UTM easting coordinate 533,000 meters, thence south along the last referenced coordinate to the intersection with the UTM northing coordinate 5,034,000 meters, thence west along the last referenced coordinate to the intersection with the UTM easting coordinate 531,000 meters, thence north along the last referenced coordinate to the point of beginning.

The square area bounded as follows: beginning at the point of intersection of the UTM easting coordinate 529,000 meters and the UTM northing coordinate 5,034,000 meters, extending thence east along the last referenced coordinate to the intersection with the UTM easting coordinate 531,000 meters, thence south along the last referenced coordinate to the intersection with the UTM northing coordinate 5,032,000 meters, thence west along the last referenced coordinate to the intersection with the UTM easting coordinate 529,000 meters, thence north along the last referenced coordinate to the point of beginning.

WTG:g
AG643 (1)

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4.1.0 PORTLAND-VANCOUVER AIR QUALITY MAINTENANCE AREA (OREGON PORTION)
STATE IMPLEMENTATION PLAN FOR TOTAL SUSPENDED PARTICULATE

4.1.0.1. Introduction

The 1977 Clean Air Act Amendments specify that states are required to submit plans that demonstrate the method and schedule by which the National Ambient Air Quality Standards will be met and maintained. States must demonstrate compliance with the total suspended particulate (TSP) primary* standards by December 31, 1982, and as expeditiously as possible thereafter for TSP secondary** standards. The Portland-Vancouver Air Quality Maintenance Area has been designated a nonattainment area for secondary Total Suspended Particulate standards by the Environmental Protection Agency. An eighteen month extension was granted until July, 1980 for the state to revise and incorporate appropriate additional control strategies in the State Implementation Plan (SIP).

4.1.0.2 Summary

The purpose of this SIP revision is to delineate a plan whereby particulate standards throughout the Portland area can be attained

*75 micrograms/cubic meter or 75 ug/m^3 for annual average; 260 ug/m^3 second-highest day standard.

** 60 ug/m^3 annual standard; 150 ug/m^3 daily standard.

AQ0084.1

and maintained. Since all the control strategies involved are for non-traditional sources, some of the control strategies may not be completely practical or implementable. This SIP revision lays out a schedule for evaluating and developing those strategies and identifies a mix of strategies which could produce attainment.

Over 60 square kilometers of area are projected to exceed the annual secondary particulate standard by 1987 and over 120 square kilometers of area are projected to exceed the 24-hour secondary standard by 1987. Unless new control programs are adopted, 8 square kilometers of area are projected to exceed the annual primary (health) standard by 1987. Projections indicate that the maximum site concentrations in 1987 will be 254 ug/m^3 on the second-highest day and 84 ug/m^3 annual average in the southeast Portland industrial area.* These values exceed the daily secondary standard of 150 ug/m^3 by 104 ug/m^3 and the annual 60 ug/m^3 secondary standard by 24 ug/m^3 (or the annual 75 ug/m^3 primary standard by 9 ug/m^3).

During the period from 1976 to 1978, 24-hour concentrations exceeded the standard of 150 ug/m^3 by up to 70 ug/m^3 . Annual concentrations at regional monitoring sites exceeded the 60 ug/m^3 annual standard by up to 11 ug/m^3 .

Boundaries of the Nonattainment Area have been revised to include only those areas projected to exceed secondary particulate standards in 1987. Figure 4.1.1-4 shows the revised Particulate Nonattainment Area.

*For reference, see Tables 4.1.3-2 and 4.1.3-3
AQ0084.1

The DEQ has been developing particulate control strategies since 1970. Initial efforts concentrated on reducing industrial source emissions. These emissions have been substantially reduced by the application of reasonably available control technology (RACT) and by vigorous field inspection work which is scheduled to continue. In 1975, the Environmental Quality Commission (EQC), with the support of industry and commerce, determined that a comprehensive study of particulate sources in the Portland area was needed to identify which sources were truly responsible for the remaining particulate concentrations. That study, the Portland Aerosol Characterization Study (PACS), was completed in 1979** and produced results that for the first time identified the sources of particulates based on chemical tracing of the various sources by the unique "chemical fingerprints" of their emissions. In 1979 and 1980 those results were used to calibrate the DEQ's airshed simulation model such that the amount of impact attributed to various sources was consistent with the results of the PACS study.

The PACS study indicated that industrial source impacts were less than had been previously thought and that emissions from population-related (or "area") sources were greater than previously recognized, especially road dust and vegetative burning sources, such as residential wood burning. Impacts of other sources identified included motor vehicle exhaust, other vegetative burning sources, and residential oil combustion impacts.

** Portland Aerosol Characterization Study Final Report, John G. Cooper, Oregon Graduate Center, June 1979.

An Advisory Committee representing a wide range of interests from the community was established in the fall of 1978 to advise the DEQ on which potential control strategies were most acceptable to the public. Over 30 public meetings were held during the two year strategy development period. The control strategies which this plan incorporates have generally been endorsed by members of that committee.

The potential programs to control particulate concentrations focus largely on area sources not because those sources will be easy to control, but rather because those sources are primarily responsible for the exceedances of standards in the Portland metropolitan area. For many area sources, control technology has been neither well-defined or verified. Demonstration projects therefore need to be undertaken to quantify the effectiveness of potential control strategies.

The strategies and demonstration projects which this plan commits to study and evaluate, include:

- Control strategies for winter sanding
- Control strategies for construction site trackout,
- Efforts to reduce vehicle miles travelled,
- A ban on open burning,
- Programs to reduce emissions from residential wood burning,
- Street sweeping programs,
- Programs to identify and control major unpaved areas and dirt trackout sources

Generally, the DEQ will seek to adopt or ask local jurisdictions to adopt control programs on an expeditious basis for these source categories with the DEQ goal of having those programs implemented by the end of 1984. If all the control programs delineated herein are workable and implementable -- to which there is still some question -- attainment of the standards should be accomplished during the 1984 to 1986 period.

In order to present a perspective on how much of a reduction in particulate concentrations may be expected if these various strategies can be implemented, Table 4.1.0-1 is presented below which shows the improvement in 24-hour air quality (on a worst case day) which could be expected at three key monitoring sites--a SE Portland residential site, a downtown Portland site, and a NW Portland industrial area site. Maximum reductions from wood burning strategies occur at the residential site and maximum reductions from road dust control strategies occur at the downtown Portland and industrial area site.

Full implementation of all these strategies could produce a growth margin of 27, 22, and 6 ug/m^3 on a worst case day at the downtown Portland site, the southeast residential site, and the northwest Portland industrial site, respectively. Full implementation would produce an annual standard growth margin of 2.5, 8.7, and 16.4 ug/m^3 at the respective sites.

Table 4.1.0-1

TSP Air Quality Improvement Which Could Result If Non-Traditional Source
Control Strategies Are Implemented
And Successful

<u>Control Strategy Element</u>	<u>Daily TSP Air Improvement At Downtown Site (ug/m³)</u>	<u>Daily TSP Improvement At Residential Site (ug/m³)</u>	<u>Daily TSP Improvement At Industrial Site (ug/m³)</u>
<u>VMT Reduction Measures</u> 15% reduction	10.86	8.78	13.0
<u>Construction Site Trackout Control</u>	1.65	1.65	1.65
<u>Winter Sanding Controls</u>	30.00	14	4
<u>Wood Burning Control Strategies</u>			
Weatherization of 30% of Regions Homes by 1987	2.41	9.52	1.48
Reduction of Average Wood Moisture Content From 28% to 23%	2.14	8.46	1.31
75% Effective Control Device Installed on 50% of Stoves Installed During 1985 - 1987	.84	3.17	.49
Air Supply Regulation Device Which Reduces Emissions 30% Installed on 50% of Stoves Sold During 1984 - 1987	.40	1.59	.25
<u>Open Burning Ban</u>	*	*	*
<u>Street Sweeping</u> Reduce Paved Road Dust Impacts by 10% By Increased Sweeping Near Violation Areas	6.4	3.0	.88
<u>Unpaved Area Controls</u> Paving, Stabilization, or Traffic Diversion at the 20 Locations With Maximum Impacts	6.4	6.5	26.4
<u>Local Fugitive Dust Controls</u> Control of Fugitive Sources Causing Undue Bias of Levels	NA	NA	8.3

*Not currently quantified but will be prior to an EQC decision on full implementation of this strategy.

The reductions identified for various strategies are being adopted as goals for purposes of this plan, and may obviously need to be revised as additional knowledge is gained about the actual effectiveness of such strategies. If all the programs for control measures were implementable and successful in obtaining the expected reductions, particulate standards would be met throughout the nonattainment area.

There is some uncertainty about the federal particulate standards because EPA is re-evaluating those standards and considering revisions to them. In the event that the federal particulate standard is revised it is the express intent of the State of Oregon to re-evaluate whether the control strategies in this SIP revision are still appropriate. Furthermore, although the State intends to try to develop control programs in each of the eight areas delineated, it is clear that some of the strategies may not be completely practicable or implementable. The State reserves the right to re-evaluate what proportion of the air quality improvement is to be achieved by various control measures as knowledge is gained on the workability, practicability, and costs of various non-traditional source control measures.

The DEQ assumes that ashfall impacts from Mt. St. Helens, which began in May, 1980, will be a short-term phenomena which will not impact long-term particulate air quality. In the event that ashfall events or residual ash re-entrainment continues past the summer of 1980, the priorities of the DEQ and other state and local agencies will obviously need to be revised to focus more on clean up of the deposited ash.

4.1.1 AMBIENT AIR QUALITY

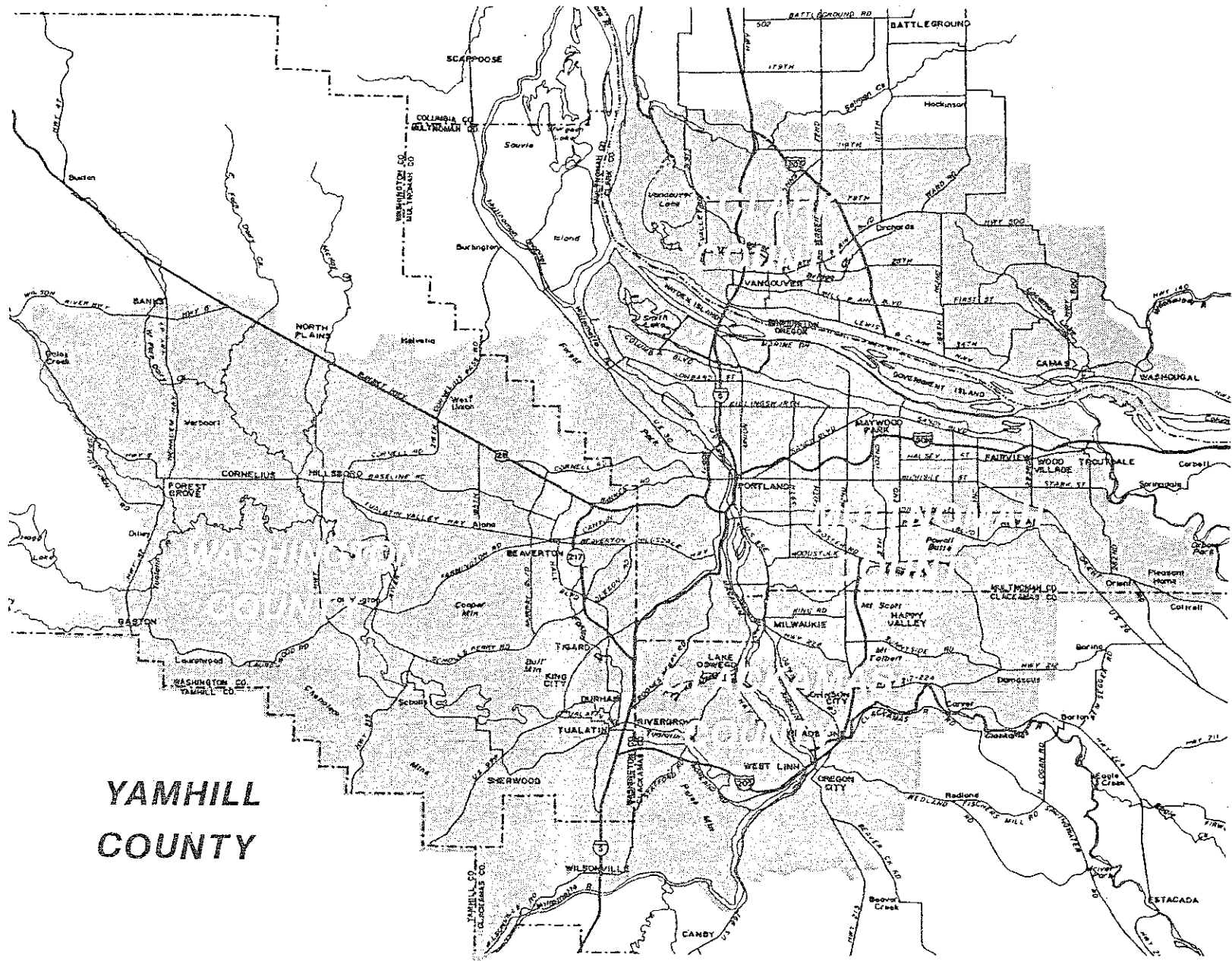
4.1.1.1. Identification of Study Area

In accordance with EPA regulations the Portland-Vancouver Interstate Air Quality Maintenance Area (AQMA) boundaries were designated by the EPA on March 18, 1974. The boundary chosen was identical to the original Columbia Region Association of Governments Transportation Study Area (1970). This area encompasses 2,230 square kilometers (861 square miles). Figure 4.1.1-1 is a map representing the area and boundaries of the AQMA.

The Oregon portion of the Portland-Vancouver AQMA is situated in the northernmost part of the Willamette Valley. Topographical features include the Cascade Mountains to the east, the Coast Range to the west, and the Columbia River which forms the northern boundary of the State. The area is contained within a wide valley, through which the Willamette River flows north joining the Columbia River in Portland. Foothills are scattered throughout the region on both sides of the Willamette River reaching elevations of up to 1,200 ft. The Oregon portion of the AQMA covers 1800 square kilometers (695 square miles) and has an approximate population of 851,000 which includes most of Washington, Clackamas and Multnomah counties. The Portland metropolitan area contains the largest urbanized sector of the state, with the greatest population density and industrial development located in Multnomah County.

Figure 4.11-1

Portland-Vancouver Interstate Air Quality Maintenance Area(AQMA)



**YAMHILL
COUNTY**

The Washington portion of the AQMA lies on the north side of the Columbia River, and is composed primarily of the urbanized section of Clark County which includes the City of Vancouver. This region has a population of approximately 105,500 and contains 430 square kilometers (166 square miles).

The Portland-Vancouver metropolitan area climate is fairly moderate year round, with average temperatures for January of 4°C and July of 19°C. Rainfall is most abundant from October to May, and measurable snowfall amounts to only a few inches during the year; the average annual precipitation is about 40 inches. During the spring and summer air flows are usually northwesterly, with southeasterly winds generally predominating the fall and winter months. Because the AQMA is located in a valley with surrounding hills and mountains, stagnant meteorological conditions (slow wind speeds and temperature stratifications) create inversions with high concentrations of air contaminants accumulating during certain times of the year. These episodic inversions which trap air pollutants regionally occur during the winter and fall. Basically, six surface wind flow conditions prevail in the area, and two of these show different seasonal stability patterns. The most frequent condition is a northerly flow with moderate wind speeds commonly occurring during the summer months, exhibiting strong diurnal variations in mixing heights and wind speeds. The second most frequent condition is associated with winter storms, has relatively high wind speeds and flows from a southerly

direction with minimal diurnal variation. This situation is the most favorable in terms of air pollution dispersion.

Occasionally during the winter, cold air masses from the east flow down through the Columbia River Gorge resulting in subfreezing temperatures in the Portland area. Ice storms have occurred when this situation has coincided with warmer marine air masses from the Pacific entering the region over the top of the colder layer resulting in freezing rain and very poor ventilation despite relatively high surface level wind speeds.

4.1.1.2. Monitoring Data

The DEQ air monitoring surveillance network for total suspended particulate currently has 14 sites in the Portland AQMA; four of these are NAMS sites (National Air Monitoring Stations) and four are SLAMS (State and Local Air Monitoring Stations) sites. The same sets of criteria apply to both NAMS and SLAMS for quality assurance and siting guidelines. EPA uses monitoring data from both NAM and SLAM stations in assessing national air quality trends. Data for suspended particulate are collected with Hi-Vol samplers every sixth day on a 24 hour basis. Concentrations are determined by the total mass of particulate matter deposited on a filter during each sampling period. Air quality monitoring and data reporting are handled by

the state and local agencies through the SLAMS monitoring network. NAMS sites are actually a subset of SLAMS sites; NAMS were established to represent locations with high pollutant concentrations or high population exposure or both. Figure 4.1.1-2 is a map showing the site locations for these stations.

The federal annual geometric mean and the 24 hour TSP standard have been exceeded in the Oregon portion of the AQMA at the NAMS and SLAMS sites as indicated in the following table (Table 4.1.1-1). Five of the eight sites recorded violations of secondary standards during 1976-1978. The AQMA is designated in violation of the secondary standards only. Recent exceedances of the primary standard which have occurred at the 1830 SE Schiller site can be attributed to atypical meteorological conditions (severe ice storm with heavy road sanding) and sampler bias due to nearby construction.

Violation of the secondary standards at sites other than the 1830 SE Schiller ranged from 1 to 70 $\mu\text{g}/\text{m}^3$ for the 24-hour average and 5.1 to 10.7 $\mu\text{g}/\text{m}^3$ for the annual geometric mean.

The monitoring sites at 1845 NE Couch and at 12240 NE Glisan did not surpass the federal standards during this period for either the daily or annual concentrations.

Table 4.1.1-1

SLAM Sites Particulate Concentrations

Monitoring Sites	Annual	24 hr Average		# of samples		Total # of Samples
	Geometric Mean	Max	2nd highest	greater than 150 ug/m ³	260	
55 SW Ash						
1976	65.5	220	200	4	0	76
1977	70.7	290	160	2	1	60
1978	66.4	173	159	3	0	34
1845 NE Couch						
1976	48.3	160	140	1	0	60
1977	52.1	200	120	1	0	58
1978	50.3	143	139	0	0	48
3200 NW Yeon						
1976	65.1	340	220	6	1	59
1977	67.5	170	160	2	0	56
1978	69.9	224	210	7	0	57
6941 N. Central						
1976	46.2	170	150	1	0	61
1977	47.1	120	110	0	0	57
1978	51.2	196	130	1	0	53
11212 NW St. Helens						
1976	52.4	200	200	2	0	58
1977	52.6	190	170	3	0	56
1978	56.3	228	172	4	0	59
12240 NE Glisan						
1976	47.9	140	110	0	0	59
1977	53.0	140	110	0	0	58
1978	57.7	163	144	1	0	53
1830 SE Schiller						
1976	77.5	240	220	9	0	67
1977	77.1	200	180	4	0	57
1978	84.4	276	269	11	2	53
13333 N Rivergate						
1976	45.8	385	160	2	1	58
1977	44.2	110	100	0	0	60
1978	44.5	159	116	1	0	58
Federal Standards (ug/m ³)						
	Primary	Secondary				
Annual Geometric Mean	75	60				
24 hour	260	150				
(not to be exceeded more than once/year)						

AQ0084.1

Figure 4.1.1-2

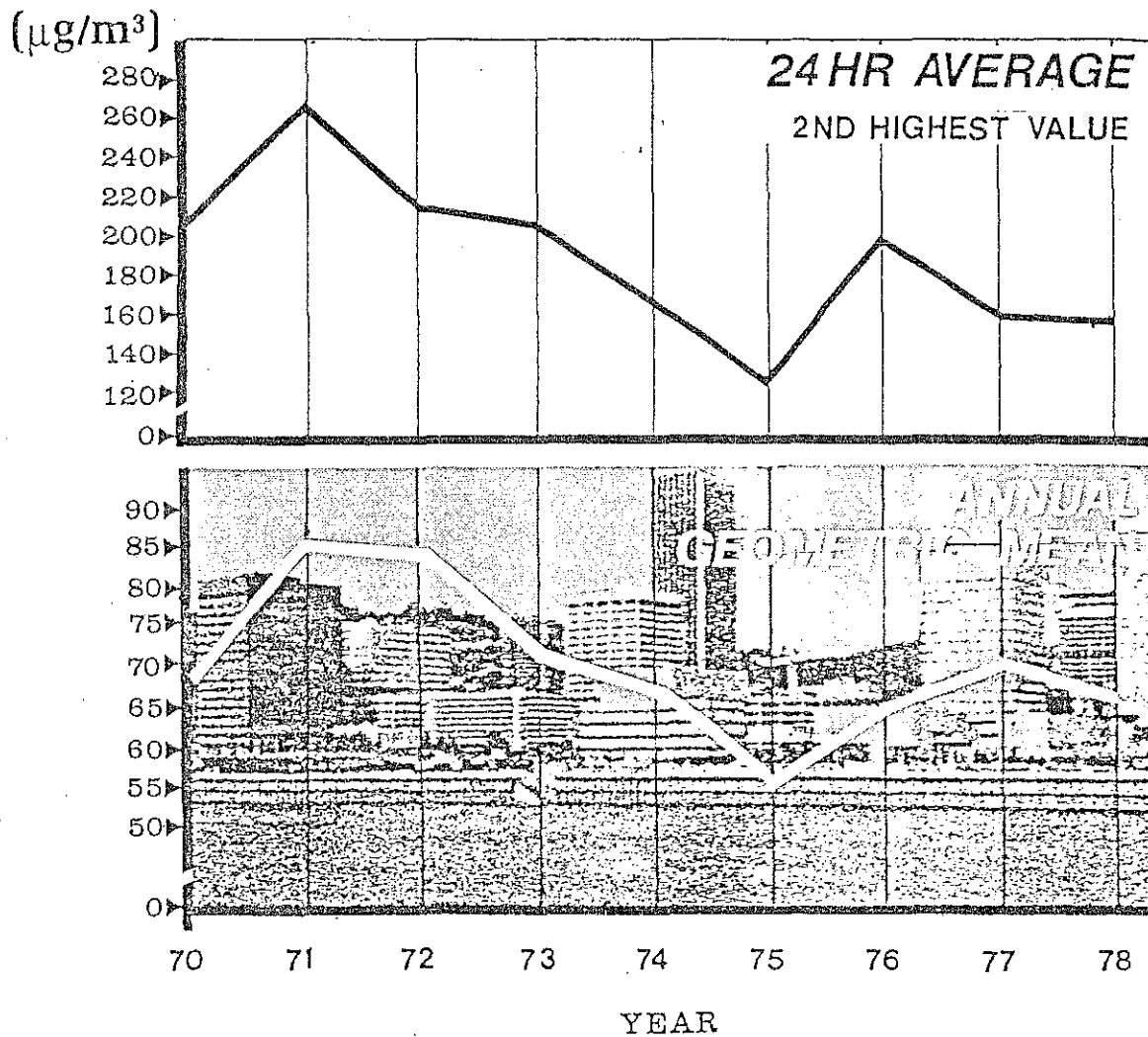
Portland-Vancouver Interstate AQMA

Air Surveillance Network
TOTAL SUSPENDED PARTICULATE



Regional particulate air quality has improved since 1970, primarily due to the imposition of strong control requirements for stationary sources. Figure 4.1.1-3 below shows the long term trends at the downtown Portland site for the 1970 to 1978 period.

Figure 4.1.1-3



4.1.1.3 Nonattainment Area Boundaries

Application of the calibrated computer model for simulated particulate concentrations has allowed the Department to define much more precisely the geographical area actually exceeding TSP standards. Prior to this SIP revision, the entire AQMA was designated as the Nonattainment Area. As part of this SIP revision, the boundaries of the "Nonattainment Area" will be revised to include only those areas expected to exceed particulate standards by 1987.

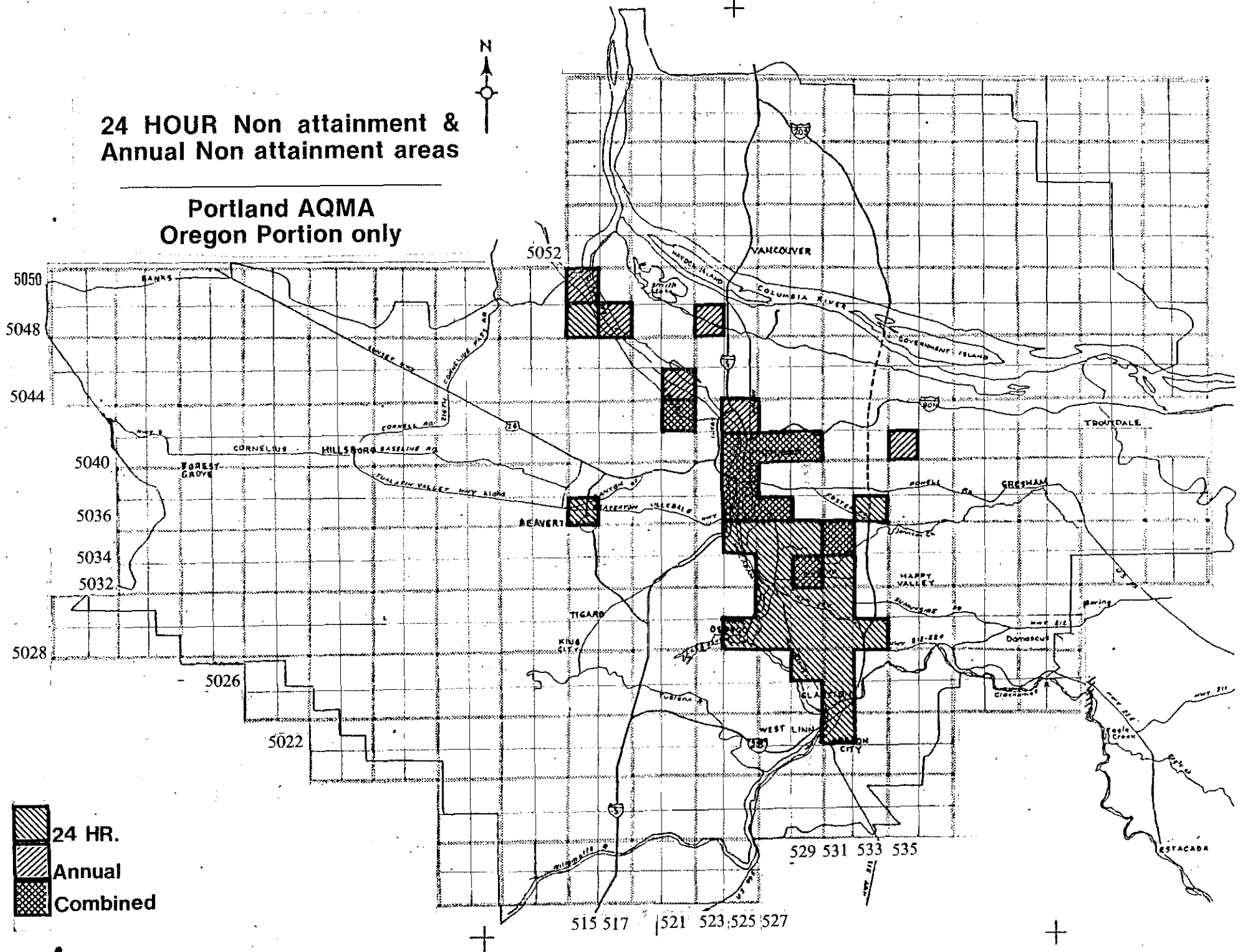
Figure 4.1.1-4 below shows the annual and 24-hour Nonattainment area as projected for 1987. A portion of all 3 counties in the Oregon portion of the AQMA is within the Nonattainment Area. Approximately 120 square kilometers will exceed the 24-hour secondary standard and about 60 square kilometers will exceed the annual secondary standard in 1987. The most common characteristic of all these areas is that they tend to be low lying areas adjacent to the Willamette River and near high traffic areas. The violation area primarily covers the area to the east of downtown Portland for about 6 kilometers and extending south from Multnomah County into Clackamas County near Oregon City. Several industrial areas with heavy truck traffic in North Portland are also included, as are isolated high traffic areas in Washington and east Multnomah Counties.

The precise definitions of the Nonattainment Areas are presented in Appendix 4.1-1.

Figure 4.1.1-4

24 HOUR Non attainment &
Annual Non attainment areas

Portland AQMA
Oregon Portion only



4.1.2.1 Emission Inventory Summary

Total suspended particulate emissions are projected to increase by 25% during the 1977 and 1987 period, primarily because of growth in wood burning and road dust emissions. This section describes the method by which emission sources and projections have been calculated and discusses expected growth trends.

The Portland Aerosol Characterization Study (PACS)* was conducted in 1977-1978 to clearly delineate and quantify source contributions to the total and fine suspended particulate concentrations in the airshed. State-of-the-art chemical element balance evaluation and statistical analysis resulted in substantial improvements in specific source emission composition and identification. The PACS study resulted in significant upgrading in the accuracy of the emissions inventory data base. Figure 4.1.2-1 below depicts major revisions in the emission inventory as a result of the chemical mass balance data analysis.

The revised area and point source emission inventory data were then used to model 10 year predicted TSP concentrations in the AQMA.

* Portland Aerosol Characterization Study Final Report, John G. Cooper, Oregon Graduate Center, June 1979.

Figure 4.1.2-1

Portland AQMA Emission Inventory

1977 Total Particulate*

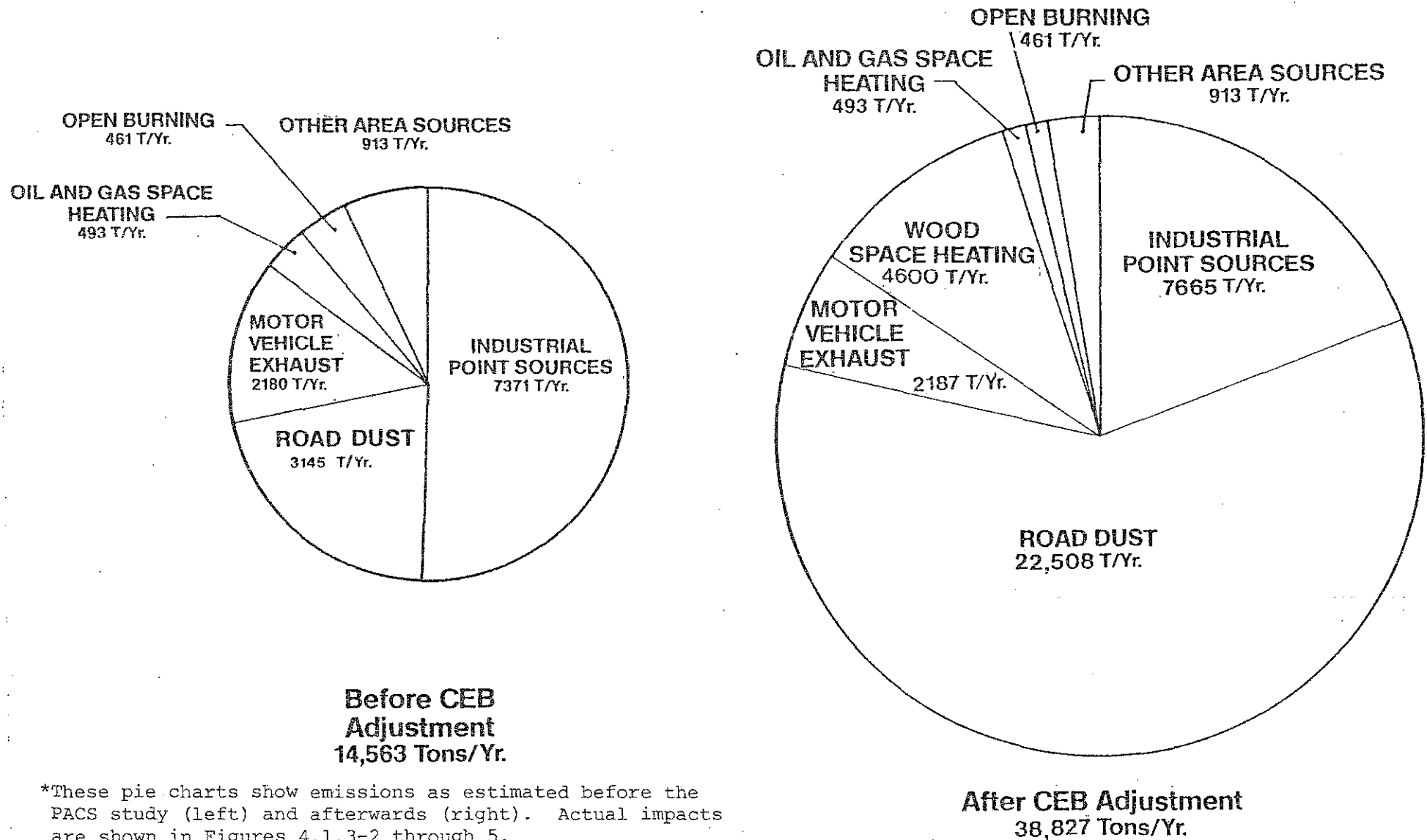


Table 4.1.1-2 provides a breakdown of area source emissions in tons per year for the baseline year (1977) and the projected values for 1987. Totals are given for both point and area sources.

Particulate emissions for industrial and commercial point sources are expected to be lower in 1987 than they were in 1977. Most major industrial sources of TSP over the last several years have applied control equipment to reduce their air pollution discharges as required by Oregon's first State Implementation Plan.* Projections show that point source emissions in 1987 will be slightly over 12% of total emissions as compared to 18% of the total in 1977.

Most area sources are projected to grow significantly in the coming years, especially road dust and wood space heating. Emissions from residential wood space heating are projected to increase 139% by 1987 to a level nearly double that from industrial point sources. Road dust emissions from paved and unpaved roads will increase from 22,500 tons/year (58% of total) to 27,300 tons/year (56% of total) during 1977 to 1987.

Area sources for the most part are expected to increase. This can be attributed to population and corresponding vehicle mile growth factors which will likely occur through 1987. The PACS and subsequent studies** have recently identified residential woodburning as a significant

* Oregon State Implementation Plan, 1972, Oregon Department of Environmental Quality.

** in Vail, Colorado, and Missoula, Montana. Also the Residential Wood Combustion Assessment, Monsanto, 1979.

contributor to urban particulate levels on a 'worst case' day basis. Consultants have projected an increase of nearly 140% in tons of particulates emitted from household combustion of firewood in the Portland area from 1977 to 1987.***

Transportation related area sources are the largest contributors to TSP levels. Paved, unpaved and tracked out road dust should be considered associated with motor vehicle impacts since motor vehicles mechanically disrupt, fractionate, and re-entrain considerable quantities of soil dust into the atmosphere.

*** Residential Wood Survey, Talbot and Wong, 1980.

TABLE 4.1.1-2

PORTLAND-VANCOUVER AIR QUALITY MAINTENANCE AREA

EMISSIONS SUMMARY *

Tons Particulate/Yr.

	<u>1977</u>	<u>1987</u>	<u>Percentage of Growth During 1977-87</u>	<u>Net Change in Tons of Emissions 1977 - 1987</u>
Paved Road Dust	12340	15490	25%	3150
Motor Vehicle Exhaust	2187	1644	-25%	-543
Residential Sp. Heating Oil	241	278	15%	37
Res. Space Heating, Wood	4600	11000	139%	6400
Commercial Sp. Heating Oil	152	152	0	0
Natural Gas Space Heating	100	116	16%	16
Open Burning and Incineration	461	461	0%	461
Ships/barges	68	80	17%	12
Field/slash burning	25	25	0	0
Railroads/Aircraft	175	201	15%	26
Unpaved and Trackout Road dust	10168	11787	16%	1619
Small Point Sources	737	818	11%	81
Agricultural tilling	<u>645</u>	<u>645</u>	<u>0</u>	<u>0</u>
Total Area Sources	31899	42070	32%	10171
Point (Industrial) Sources	<u>6928</u>	<u>5964</u>	<u>-14%</u>	<u>-964</u>
TOTAL	<u>38827</u>	<u>48034</u>	<u>24%</u>	<u>9207</u>

*Projected 1987 emissions without new control strategies

4.1.2.2 Growth Factors

The growth factors used in developing air quality projections are consistent with 208 water quality planning efforts and the Metropolitan Service District's Regional Transportation Plan.*

Most of the major area source categories show an increase in emissions by 1987. However, no increase in emissions are projected for commercial space heating with oil, field and slash burning, open burning and agricultural tilling since these activities are expected to decline or remain constant in future years. Major point source emissions are projected to be smaller in 1987 than in 1977 due to control equipment installed during 1977 to 1979.

Motor vehicle exhaust emissions are projected to be reduced by 1987 due to the scheduled lead phase out in gasoline to 0.5 grams/gallon by October, 1980 for major refineries and October, 1982 for smaller gasoline refineries.

Paved road dust growth factors were based on traffic growth projections supplied by the regional transportation agency, the Metropolitan Service District, or Metro. The unpaved road dust emission increase is based on population growth factors.

* 1979 Ozone State Implementation Plan, Oregon DEQ, and A Regional Employment, Population, and Household Forecast for the Portland SMSA (T.M. 23) CRAG, April 1978.

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The remainder of source categories are based on expected population increases with the exception of small point sources, which is based on projected industrial growth rates.

4.1.3 CONTROL STRATEGY

4.1.3.1 Introduction On How Strategy Effectiveness Was Analyzed

The Portland Aerosol Characterization Study (PACS)* was conducted during 1977 to 1979 to determine more accurately which sources were causing the region's particulate problem. The study was relied on chemical tracing techniques to determine which sources contributed the particulates collected at 6 representative monitoring sites throughout the region. As a result of the study, source contribution data was vastly improved and two source categories, road dust and vegetative burning, were found to be responsible for a much larger portion of the particulate problem than had been identified previously.

After completion of the PACS study in July of 1979, the DEQ's computer model and emission inventory were calibrated so as to attribute impacts to source categories in the proportions determined by the PACS study. This is a monumental step in the development of particulate strategies, and represents the first time that computer models have been calibrated with independent chemical data on the contributions of specific source categories. As a result, road dust emissions were increased from 3500 tons/year to over 22,000 tons/year and vegetative burning emissions were increased from 530 tons/year to over 4600 tons/year.

Using this calibrated computer simulation model, future particulate concentrations were projected, source category impacts were modeled, and

* PACS Final Report, John G. Cooper, Oregon Graduate Center, June, 1979.

control strategy effectiveness at improving particulate concentrations were identified. (Appendix 4.1-2 discusses the grid model and the model calibration process.) The information cited in the balance of this section is based on computer modeling results completed by the Department during 1979 and 1980.

The remainder of this section covers the following aspects of the control strategy; Section 4.1.3.2 discusses the reductions needed to attain standards. Section 4.1.3.3 discusses the daily and annual impacts attributable to various source categories for both total and fine particulates. Section 4.1.3.4 covers the impact of selected control strategies. Within Section 4.1.3.4, Part 1 summarizes the strategies, and Part 2 identifies the reductions which could result from those strategies.

4.1.3.2 Emission Reduction Necessary for Attainment

In the Oregon portion of the AQMA, six monitoring sites are predicted to exceed the secondary federal standards for TSP on an annual basis in 1987 (60 ug/m³ annual geometric mean). For the short term (150 ug/m³ 24-hour basis), eight sites are expected to exceed the secondary standard. These stations and the amount by which they are expected to be in excess of the standards are shown below in Table 4.1.3-1.

Table 4.1.3-1

MARGIN OF STANDARD EXCEEDANCE AT 1987 VIOLATION SITES

<u>Site</u>	Margin of 60 ug/m ³	Margin of 150 ug/m ³
	Annual	
	<u>Exceedance</u>	<u>24-Hour Exceedance</u>
3200 NW Yeon	12.4	69
718 W Burnside	2.3	19
55 SW Ash	9.2	27
SE 74th & Flavel	2.6	28
1830 SE Schiller	24.0	104
12240 NE Glisan	5.2	0
4950 SW Hall	0	14
368 S State	0	79
11212 NW St. Helens	0	39

Based on the computer modeling results, approximately 60 square kilometers of area within the Portland-Vancouver AQMA are projected to surpass the annual 1987 secondary TSP NAAQS*; this compares to a violation area of 36 square kilometers in 1977. This area is primarily located along the Willamette River, with the largest region of projected violations in the downtown Portland area, extending south about ten miles along the

* National Ambient Air Quality Standards

AQ0084.A

McLoughlin Corridor. Figure 4.1.1-4 showed the nonattainment area boundaries.

Violation of the primary standard in 1987 is projected to occur at the 1830 SE Schiller monitoring site in southeast Portland, if the expected growth in emission occurs and no new control strategies are adopted.

4.1.3.3 Analysis of Source Category Impacts on TSP Levels

4.1.3.3.1 Total Particulate Source Impacts

Table 4.1.3-2 shows the yearly TSP impacts in micrograms per cubic meter from point source and area sources in the Portland region for 1977 and 1987.

Table 4.1.3-3 shows the worst case 24-hour TSP concentrations in micrograms predicted for 1977 and 1987 point and area sources. Contributions from area sources are divided into six major categories for both years. The data presented in the tables below are a summary of computer modeling results displaying the impact of particulate pollution sources on air quality in the Portland-Vancouver area.

These modeling results attribute impacts to various source categories based on:

- 1) The Department's best available information on particulate emissions from various sources.
 - 2) Information on air quality impacts from various sources as determined by chemical-tracing work as part of the Portland
- AQ0084.A

Table 4.1.3-2

ANNUAL PARTICULATE CONCENTRATIONS FROM VARIOUS SOURCES
in 1977 and 1987
($\mu\text{g}/\text{m}^3$ Annual Geometric Mean)

Site	1977 Annual Geometric Mean (Typical Meteorology)*	1987 Annual Geometric Mean (Typical Meteorology*)	1987 Margin of Exceedance Over $60 \mu\text{g}/\text{m}^3$ Standard	Fractions of Local 1977 Impacts Predicted by Model	Point Source Impacts 1977	Point Source Impacts 1987	Area Source Impacts 1977	Area Source Impacts 1987	1987 Wood Burning Impact	Other Impacts**
3200 NW Yeon	66.3	72.4	12.4	.79	2.6	2.2	30.9	37.4	3.1	-8.8
718 W Burnside	61.2	62.3	2.3	1.27	5.2	2.5	32.0	35.8	3.9	+9.9
1830 SE Schiller	77.9	84.0	24.0	.76	3.5	2.5	37.3	44.3	6.0	-13.2
SE 74th & Flavel	58.3	62.6	2.6	.74	2.2	1.5	23.3	28.4	9.0	-8.8
55 SW Ash	69.4	69.2	9.2	1.19	7.2	3.3	38.2	41.9	3.8	+8.8
1845 NE Couch	53.8	55.7	-	1.50	4.3	2.4	25.5	29.3	5.3	+15.0
6941 N. Central	44.3	47.8	-	.89	2.6	2.1	15.3	19.4	3.7	-2.3
11212 NW St. Helens	51.5	55.7	-	.66	2.4	2.1	15.9	20.3	1.0	-9.2
13333 N. Rivergate	41.4	42.7	-	1.33	4.1	2.7	13.3	16.0	1.0	+5.8
4950 SW Hall	45.7	51.2	-	.76	0.1	0.1	16.3	27.8	5.5	-5.3
55 NE Cornell, Hillsboro	31.8	33.2	-	.36	0.0	0.0	2.8	4.1	1.1	-5.0
368 S. State	59.9	59.6	-	.49	6.7	4.3	10.8	12.9	2.5	-18.4
800 SE 23rd, Milwaukie	46.8	50.3	-	1.27	2.1	1.6	20.7	24.7	3.9	+6.1
4th and Main	51.6	54.0	-	.78	4.4	6.5	17.1	19.3	3.8	-6.2
625 SW 35th	32.3	33.3	-	2.31	0.4	0.3	7.9	8.8	1.5	+10.9
516 SW Barnes	32.6	34.3	-	1.66	0.8	0.6	7.8	9.7	1.6	+5.7
12240 NE Glisan	59.2	65.2	5.2	.51	1.0	0.9	17.0	23.8	7.2	-17.1
Troutdale Airport	31.3	30.9	-	.83	4.4	3.1	1.7	2.5	0.9	-1.3

*Annual geometric means normalized to account for differences between 1977 meteorology and typical meteorology; adjustment typically less than $\pm 2 \mu\text{g}/\text{m}^3$

**This column represents the amount by which the model over predicted or under predicted the TSP air quality in 1977.

+ overpredicted
- underpredicted

March 7, 1980 (AQ0009)

Table 4.1.3-3

WORST CASE DAY PARTICULATE CONCENTRATIONS FROM VARIOUS SOURCES IN 1977 AND 1987
($\mu\text{g}/\text{m}^3$)
(METEOROLOGICAL REGIME 8: SLOW NORTH WIND WINTER CONDITIONS)

High TSP Sites	Design Values*		Margin Over 150 $\mu\text{g}/\text{m}^3$ Standard In 1987	Fraction of 1977 Impacts Predicted by Model	Paved Road Dust Impacts		Trackout and Unpaved Road Dust Impacts		Residential Woodburning Impacts		Point Source Impacts		Residual Oil*** Impacts		Motor Vehicle Exhaust Impacts		Impact of Miscellaneous Sources Accounted For By Model	
	1977	1987			1977	1987	1977	1987	1977	1987	1977	1987	1977	1987	1977	1987	1977	1987
3200 NW Yeon	197	219	69	.77	8.8	12.4	80.8	93.7	3.8	8.2	6.6	7.1	2.0	2.0	1.2	1.0	6.0	7.3
718 W. Burnside	161	169	19	1.18	45.8	49.0	28.5	33.0	6.2	6.9	10.8	6.2	3.0	3.0	6.5	4.2	6.2	12.9
1830 SE Schiller	223	254	104	.91	56.9	62.2	49.9	57.8	15.4	37.0	9.9	7.4	3.0	3.0	8.0	5.2	11.8	12.9
SE 74th & Flavel	147	178	28	.99	28.5	30.3	21.7	25.2	24.8	52.9	5.8	4.4	0.7	0.7	4.6	3.0	4.0	4.4
55 SW Ash	173	177	27	1.19	60.1	63.6	21.3	24.7	6.6	13.4	13.8	6.6	2.6	2.6	8.5	5.4	5.6	6.2
1845 NE Couch	133	142	0	1.70	35.6	37.4	12.3	14.3	9.3	19.8	8.8	5.2	2.3	2.3	5.0	3.2	5.0	5.3
4950 SW Hall	146	164	14	.46	20.8	27.9	8.5	9.8	8.0	18.6	0.0	0.0	0.3	0.3	2.9	2.4	0.5	0.5
800 SE 23rd	127	143	0	1.68	27.7	31.3	21.1	24.5	9.3	19.4	3.6	2.8	1.4	1.4	3.9	2.6	4.4	4.9
High TSP Sites With Large Local Influences Not Identified by Model																		
368 SE State	219	229	79	.33	13.5	16.2	11.3	13.1	8.1	19.6	14.6	9.2	0.7	0.7	1.9	1.4	3.5	2.9
11212 NW St. Helensn	181	189	39	.31	2.0	3.6	32.2	37.3	0.5	1.0	3.7	4.4	0.2	0.2	0.3	0.3	0.0	0.0

*These columns are the particulate concentrations on the second highest TSP day in a year. The 1977 value is the average of second highest days in 1976, 1977, and 1987. The 1978 design values projected via computer simulation. Primary and secondary standards are 260 and 150 $\mu\text{g}/\text{m}^3$, respectively.

**These columns include miscellaneous source impacts such as residential oil or gas burning which are accounted for by the model.

***Residual oil impact is shown separately, but is partially included in the two categories "point sources" and "other miscellaneous sources" (Residual oil users are a combination of large point sources and small miscellaneous sources).

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Aerosol Characterization Study, and,

- 3) The best available computer model for simulating the particulate concentrations which result from the Portland-Vancouver area's unique combination of emission source characteristics, (emission rates and variance by day and month), meteorology, and topography.

Columns 1 and 2 of Table 4.1.3-2 represent the projected annual geometric mean concentrations for 1977 and those projected for 1987. Column 3 shows the margin by which various sites are predicted to exceed the 60 ug/m^3 level.

Column 4 shows how much of the known contributions of sources within the AQMA is predicted by the model at various locations. In some cases, the model does not account for all of the local impact to occur. This is due to either uninventoried local particulate sources near monitoring sites or some other unknown influence. Quite simply, no regional air quality simulation model can accurately simulate all the physical processes which result in observed concentrations of pollution.

Columns 5 through 8 show the 1977 and 1987 impacts from point or industrial sources as compared to area (population or motor-vehicle related) sources. Area source impacts clearly dominate point source impacts at most monitoring sites. The 1987 residential wood burning impacts are shown in Column 9. A maximum impact of 9.0 ug/m^3 is projected to occur at the SE 74th and Flavel residential site in Southeast Portland in 1987. These impacts are a subset of the area source impacts shown in Column 8.

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Table 4.1.3-3 summarizes the impacts from major sources for a worst case day. The format used is similar to that in Table 2. Only those sites with particulate concentrations greater than the 150 ug/m^3 daily standard have been summarized in the Table. Column 1 shows the 1977 typical second worst case day concentrations and Column 2 shows the projected 1987 concentrations. Column 3 shows the margin by which various sites are projected to exceed the 150 ug/m^3 standard. Columns 5 through 14 show the expected worst case impacts from major source categories in 1977 and 1987. Soil dust sources clearly dominate other source impacts. Residential wood burning impacts on a worst case 24-hour basis are projected to be a maximum of 53 ug/m^3 in 1987 at the Flavel Park residential site.

4.1.3.3.2 Fine Particulate Issues and Source Impacts

EPA is currently assessing whether the current particulate standard should be revised or augmented to include a standard for fine (smaller sized) particulates. EPA is considering such a revision is because the adverse health impacts of particulates are thought to be associated most closely with fine particulates (less than 15 u)* as opposed to larger particulates. It is not clear whether EPA will revise or add to the current standard, but EPA has expressed an intent to make a preliminary decision late in 1980. The best current information is that if a revision is made, the standard would probably be revised to include either a 2 micron or a 15 micron size cut standard or both.

*"Size Considerations for Establishing a Standard for Inhaleable Particulates", Miller et al, Journal of the Air Pollution Control Association, June 1979.

Table 4.1.3-4

1977 and 1987 Concentrations of Respirable Particulates ($0-2 \mu$)
From Various Sources On Worst Case (Slow North Winter Wind) Days
($\mu\text{g}/\text{m}^3$)

Site	Paved Road Dust Impacts		Unpaved Road Dust Impacts		Residential Woodburning Impacts		Point Source Impacts		Other Impacts		Motor Vehicle Exhaust Impacts		Total Impacts	
	1977	1987	1977	1987	1977	1987	1977	1987	1977	1987	1977	1987	1977	1987
3200 NW Yeon	0.9	1.2	8.1	9.4	3.0	6.6	3.3	3.6	2.0	2.4	1.0	0.8	18.3	24.0
718 W Burnside	4.6	4.9	2.8	3.3	5.0	5.5	5.4	3.1	2.0	4.3	5.2	3.4	25.0	24.5
1830 SE Schiller	5.7	6.2	5.0	5.8	12.3	29.6	5.0	3.7	3.9	4.3	6.4	4.2	38.3	53.8
SE 74th & Flavel	2.9	3.0	2.2	2.5	19.8	42.3	2.9	2.2	1.3	1.5	3.7	2.4	32.8	53.9
55 SW Ash	6.0	6.4	2.1	2.5	5.3	10.7	6.9	3.3	1.8	2.0	6.8	4.3	28.9	29.2
1845 NE Couch	3.6	3.8	1.2	1.4	7.4	15.8	4.4	2.6	1.7	1.7	4.0	2.6	22.3	27.9
4950 SW Hall, Beaverton	2.1	2.8	0.9	1.0	6.4	14.9	00	00	0.2	0.2	2.3	1.9	11.9	20.8
11300 SE 23rd, Milwaukie	2.8	3.1	2.1	2.5	7.4	15.5	1.8	1.4	1.4	1.6	3.1	2.1	18.6	26.2
368 S. State, Lake Oswego	1.4	1.6	1.1	1.3	6.5	15.7	7.3	4.6	1.2	1.0	1.5	1.1	19.0	25.3
11212 NW St. Helens, Linnton	0.2	0.4	3.2	3.8	0.4	0.8	1.9	2.2	0.0	0.0	0.2	0.2	5.9	7.4
Percent Respirable*	(10%)		(10%)		(80%)		(50%)		(33%)		(80%)			

*Fraction of a Source Category's total suspended particulate which is between 0 and 2 microns in size.

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Table 4.1.3-5

1977 and 1987 Concentrations of Inhalable Particulates (0-15 μ)
On Worst Case Slow North Wind Winter Days

Site	Paved Road Dust Impacts		Unpaved Road Dust Impacts		Residential Woodburning Impacts		Point Source Impacts		Other Impacts		Motor Vehicle Exhaust Impacts		Total Impacts	
	1977	1987	1977	1987	1977	1987	1977	1987	1977	1987	1977	1987	1977	1987
3200 NW Yeon	2.6	3.7	24.2	28.1	3.4	7.4	5.0	5.3	4.0	4.9	1.2	1.0	40.4	50.4
718 W. Burnside	13.7	14.7	8.6	9.9	5.6	6.2	8.1	4.7	4.2	8.6	6.5	4.2	46.7	48.3
1830 SE Schiller	17.1	18.7	15.0	17.3	13.9	33.3	7.4	5.5	7.9	8.6	8.0	5.2	69.3	88.6
SE 74th & Flavel	8.6	9.1	6.5	7.6	22.3	47.6	4.4	3.3	2.7	2.9	4.6	3.0	49.1	73.5
55 SW Ash	18.0	19.1	6.4	7.4	5.9	12.1	10.4	5.0	3.8	4.2	8.5	5.4	53.0	53.2
1845 NE Couch	10.7	11.2	3.7	4.3	8.4	17.8	6.6	3.9	3.3	3.6	5.0	3.2	37.7	44.0
4950 SW Hall, Beaverton	6.2	8.4	2.6	2.9	7.2	16.7	0.0	0.0	0.3	0.3	2.9	2.4	19.2	30.7
11300 SE 23rd, Milwaukie	8.3	9.4	6.3	7.4	8.4	17.5	2.7	2.1	3.0	3.3	3.9	2.6	32.6	42.3
368 S. State, Lake Oswego	4.1	4.9	3.4	3.9	7.3	17.6	11.0	6.9	2.3	1.9	1.9	1.4	30.0	36.6
11212 NW St. Helens, Linnton	0.6	1.1	9.7	11.2	0.4	0.9	2.8	3.3	0.0	0.0	0.3	0.3	13.8	16.8
Percent Inhalable*	(30%)		(30%)		(90%)		(75%)		(67%)		(100%)			

*Fraction of a Source Category's total suspended particulate that is smaller than 15 microns in size.

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In order to define fine particulate control issues, as clearly as possible, impacts from various sources are presented in Table 4.1.3-4 and 4.1.3-5.

Fine particulate (≤ 2 microns) concentrations on worst case days are projected to increase significantly in residential areas due to the projected doubling of residential wood burning by 1987. For example, worst case day fine particulate concentrations from local sources at the SE 74th and Flavel site are projected to increase from 33 ug/m³ in 1977 to 54 ug/m³ in 1987. Local source fine particulate concentrations on worst case days at the 1830 SE Schiller site (also residential wood burning influenced) are projected to increase from 38 ug/m³ to 54 ug/m³ by 1987.

4.1.3.4. Impact of Selected TSP Control Strategies

4.1.3.4.1 Summary of Control Strategies Being Pursued

Three major factors had a significant impact on the selection of the package of control measures described below. The PACS study*, completed in 1979, indicated that 1) relatively little improvement in total particulate air quality could be achieved by further industrial source reductions and that 2) two population-related sources, road dust and wood space heating, were responsible for more impact than had been previously thought. The third major factor was the advisory committee process, under which over 30 public meetings were held to discuss the development of different control strategy alternatives. Recommendations of the Portland Air Quality Advisory Committee are presented in Appendix 4.1-3.

* PACS Final Report, John G. Cooper, Oregon Graduate Center, June 1979
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During the strategy review process, several potential strategies were rejected as either too costly, unproductive, or socially unacceptable. An analysis of additional industrial process emission control strategies indicated that all major sources were controlled to the RACT (reasonably available control technology) level. All additional reasonable controls on industry in combination would only reduce daily concentrations by 1 ug/m³ at the maximum impact site at a cost of over \$2.6 million per year. A decision was made not to attempt to ban the use of wood stoves or fireplaces as this would be socially unacceptable. It was further decided to promote the development of control equipment that potentially could be applied to new woodburning unit sales. Slash burning control programs were not included because background site data indicated that slash intrusions during 1978 and 1979 had a relatively small impact on particulate air quality in the Portland area. It was also decided that road dust control measures such as sanding controls, construction site trackout controls, and additional emission inventory work should focus primarily on the areas exceeding particulate standards rather than the whole AQMA so as to apply limited resources where they could produce the greatest benefit.

Listed below are the eight major potential elements of the TSP control strategy for the SIP. Each of these is described briefly in the discussion below. Administrative agreements and tentative schedules for completing

analysis and programs are presented in Section 4.2.5.1. As is demonstrated in Section 4.1.3.4.2, full development and implementation of these strategies could produce attainment of the particulate standards.

- Implement a program to reduce winter sanding impacts, concentrating on the particulate violation area.
- Implement a program to reduce construction site trackout impacts, concentrating on the particulate violation area.
- Prohibit open burning in the urbanized area. A final decision by the Environmental Quality Commission on this issue is scheduled for June, 1981.
- Promote and implement VMT reduction measures to the extent practicable.
- Develop Wood burning control measures;
 - Implement a moisture content reduction program to the extent practicable
 - Fund control device research.
 - Implement an emissions testing program.
 - Conduct additional residential monitoring during winter periods to track the impact of residential burning.
 - Develop emission control requirements as are warranted and practicable.

- Implement a street vacuuming demonstration project.

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- Develop a more detailed inventory on where the unpaved roads and lots within the violation area are and what their approximate traffic levels are.
- Implement a localized dust control program for those areas projected to exceed primary particulate air quality standards by 1987.

1. Implement a program to reduce winter sanding impacts concentrating on the particulate violation area.

Winter sanding controls appear to be one of the most cost-effective control strategies. Reduction of up to 30 ug/m³ (see Table 4.1.3-7 through 10) during post-sanding periods could be achieved at some locations. The City of Portland has agreed to evaluate their winter sanding program to determine whether winter sanding impacts on particulate concentrations could be reduced by either a) applying less material or b) applying sanding materials with less fines or c) cleaning up the sanded streets sooner such that less reentrainment of sand material occurs. Program operation revisions which reduce particulate concentrations from winter sanding at a reasonable cost will be considered by the city thereafter. The greatest emphasis will be on revising practices within the actual particulate nonattainment area.

The Oregon Department of Transportation has agreed to conduct a similar evaluation of their sanding practices on state roads within the TSP violation area. Clackamas County has agreed to revise their sanding program to accomplish reductions in sanding particulate impacts.

Other jurisdictions with minor portions of their area within the TSP violation area will be requested to consider revising their sanding practices within the violation area during this next year. These jurisdictions include Multnomah County, Washington County and Beaverton. The administrative agreements discussed above are presented in Section 4.1.5.1.1.

2. Implement program to reduce construction site track out

Construction site track out controls also appear to be among the most cost-effective of possible strategies. Average particulate concentration improvements of 1.65 ug/m^3 on a daily basis and .66 on an annual basis are projected (see Table 4.1.3-7). The City of Portland has agreed to evaluate the effectiveness of the existing city building code as a means to prohibit and enforce against significant construction site track out. The outcome of the evaluation will either be a) a determination that existing codes are sufficient to adequately enforce against track-out problems or b) a proposal to the City Council regarding how the code should be revised to ensure adequate enforcement.

The Oregon Department of Transportation has agreed to notify contractors for DOT projects that construction site trackout needs to be more carefully controlled for construction activities which occur within the TSP violation area. The DEQ will work with other jurisdictions to develop similar programs. Administrative agreements from the city of Portland, Clackamas County, and the Oregon Department of Transportation are presented in Section 4.1.5.1.1.

DEQ will utilize its existing field enforcement staff to enforce its nuisance regulations against obvious and significant violators. The DEQ perceives however, that individual construction site trackout problems can be most effectively identified by building inspectors who must otherwise visit each site on several occasions.

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3. Prohibit open burning in the urbanized area.

The Environmental Quality Commission is scheduled to evaluate the need and feasibility of an open burning ban in June, 1981. Strong efforts will be made by DEQ prior to that date to help assure that disposal alternatives will be demonstrated and available in this region by that date.

4. Promote measures to reduce vehicle miles traveled

Since motor vehicles are the single largest source of emissions of particulates as well as carbon monoxide and hydrocarbons, and since the transportation sector uses about 40% of Oregon's total energy, the reduction of the amount of vehicle miles traveled (VMT) is one of the highest priority control strategies identified by the DEQ. For these reasons, the Department has identified as a potential control strategy the reduction of expected 1987 VMT in the region by 10 to 20%. A 15% reduction in expected vehicle miles traveled would limit the 1977 to 1987 growth in VMT to 5 to 15% and would improve expected air quality by 13 $\mu\text{g}/\text{m}^3$ on a worst case day and by 4.35 on an annual basis at the Industrial Air Products Site (see Table 4.1.3-7 through 10).

Metro, the lead agency for transportation planning will complete its preliminary analysis of the effectiveness of transportation control measures by September 30, 1980 and will seek to implement or promote those measures identified as reasonable during the 1980 to 1987 period. Metro's Joint Policy Advisory Committee on Transportation, a body of local decision makers, has previously endorsed the goal of trying to reduce the expected

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growth in traffic levels in the region.* News reports** indicate that vehicle miles travelled nationally during 1979 actually dropped 4% instead of growing 2%. Metro intends to conduct a survey during fall 1980 to determine to what extent a commitment to reduce vehicle miles travelled is publicly acceptable. /

5. Develop wood burning control measures

The development of residential wood burning control strategies can be categorized into three program areas; 1) tracking and verification of ambient air impacts by special monitoring work, 2) the promotion of weatherization programs to reduce heating needs and thereby wood burning emissions and 3) the development of control device research funding. All these strategies in combination could result in a calculated 19.7 ug/m^3 daily improvement or a 3.35 ug/m^3 annual average improvement at the residential site with maximum wood burning impacts (see Table 4.1.3-7 through 10).

*JPACT meeting minutes, October 1979.

** "Driving Habits Spark Change in Oil Imports", Oregonian, August 22, 1980

Monitoring

Ambient worst day particulate impacts of 25 - 30 ug/m³ were identified for some January 1978 days during the Portland Aerosol Characterization Study. Since wood cutting trend information indicates that residential wood usage is likely to double between 1977 and 1987*, it is critical that the Department monitor ambient particulate impacts to verify whether the expected growth in emissions impact is actually occurring. During the winter of 1980-1981 chemical analysis (including C₁₂/C₁₄ radiocarbon dating and carbon enrichment analysis) will be conducted for at least 5 samples which appear to have been significantly impacted by residential wood burning. The purpose of this analysis will be to determine the likely peak impacts which can be attributed to residential wood burning.

A new residential site in SE Portland with the capability of particulate monitoring which allows chemical mass balance identification of particulate emission sources will be in operation by October of 1981. Chemical mass balance identification techniques will be used to determine likely peak daily particulate impacts from residential burning for at least 6 days which appear to have had significant residential wood burning impacts.

Weatherization Programs

Weatherization programs reduce wood burning by reducing the heating needs for individual structures. The City of Portland has adopted an Energy

* Residential Wood Survey, Talbot and Wong, 1980.

Policy which provides for the implementation of an aggressive weatherization policy during the next five years*. Under the program, all homes sold after June, 1984, will be required to be weatherized (up to a 10 year pay back standard) before they can be sold. The implementation of the program is contingent upon continuing support by the Portland City Council and area voters, and on the availability of low interest loan funds to assist low income property owners in financing the initial costs of weatherization.

DEQ will support the expansion of weatherization programs throughout the Portland metropolitan area.

* City of Portland Energy Conservation Policy, August 1979

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Development of Control Technique Research Funding

Air pollution impacts from residential wood burning are likely to increase significantly in future years, unless wood burning devices are either modified or operated differently such that they produce less emissions. Given this potential large increase in air pollution in populated areas which already exceed air quality standards, a strong program seems necessary to reduce wood burning emissions by either improved operating practices, improved stove design, or pollution control devices. Most likely all three approaches are needed. Listed below is DEQ's draft proposal for funding needs to address residential wood burning pollution problems in priority order.

The Department will seek funding during 1980 and 1981 to support work similar to the projects identified below from a variety of funding sources, including, the U.S. EPA, the U.S. Forest Service, the Oregon Legislature, the Fireplace Institute, the Wood Energy Association, and the Wood Energy Institute.

I. Emission Reduction Techniques

- | | |
|--|------------------------|
| A. <u>Verify relationship between moisture content and particulate emissions</u> | \$25,000
(contract) |
|--|------------------------|

One Auburn University research project indicated that lower moisture content wood produced greater creosote deposition on the stack walls of an airtight stove than wetter wood. Since the traditional view is that lower moisture wood produces less emissions at higher efficiency, this relationship needs to be evaluated focusing on particulate emissions rather than creosote deposition.

B. Determine the Average Moisture Content of Wood Burned in the Portland Area

\$ 7,000
(contract)

If moisture content is determined to have a significant impact on particulate emission rates from wood burning, then a survey will be needed to determine what the average wood moisture content is for wood being burned in residential units. The amount of effort to be focused on reducing average moisture content should depend on how much higher the average moisture content is as compared to 20% moisture content wood.

C. Public Education Program On Good Operating Practices

\$20,000
(DEQ)

Pollutant emission rates vary greatly depending on how the wood burning device is operated. A public education program would help to inform the public on how they can operate their stoves and fireplaces with less emissions.

II. Emission Control Incentive Programs

A. Evaluate and Develop Simplified Emission Rating System and Establish a Testing Laboratory

\$50,000
(contract)

A complete particulate emissions test can cost more than \$1000 per test. If a simplified emission rating system can be developed, it will be much easier for wood burning device manufacturers to obtain feedback on how cleanly one design operates as compared to another. In particular, it is hypothesized that an opacity monitor together with a continuous hydrocarbon analyzer or simply a smoke spot density measure could provide a good indication of particulate emission rates with much lower costs. A testing laboratory would also be set up somewhere in the Willamette Valley such that furnace or stove designers could test their devices in a standard manner at a reasonably low cost.

B. Design Tax Credit and Emission Taxation Program

\$10,000
(contract)

If long range research is needed to develop pollution control modifications for wood burning devices, some mechanism will be necessary. Under this contract, a consultant would evaluate different potential funding recommendations (i.e. \$1 tax per stove, etc.) and make recommendations on the most effective and acceptable option.

C. Grants to manufacturers for Control System Development \$75,000

Under this funding proposal, a panel of wood combustion experts would evaluate grant requests to fund different types of pollution control systems or improved design. Grant support would be awarded to applicants with the most promising ideas.

III Emission Control System Development

A. Development of the Most Promising Emission Control System \$175,000
(contract)

Under this program, it is assumed that one control technology clearly will have the greatest potential for reducing emissions. Up to \$150,000 would be spent in developing the most promising control system.

B. Design Standards and Program Implementation \$25,000
(contract)

After approximately 2 years of pollution control research, it should become clear which types of devices burn cleanly or what level of control can reasonably be achieved with control devices. If appropriate, design standards would be developed and the program would be implemented.

6. Implement a street vacuuming demonstration project

The City of Portland, with DEQ assistance, has been granted an EPA Demonstration Project to evaluate the effectiveness of controlling urban paved road dust by vacuum sweeping. The project is designed to focus on heavily loaded industrial and commercial streets located within the particulate violation areas. The streets surrounding these locations will receive alternating periods of vacuum sweeping contrasted with no street cleaning during a six month period. Differences in soil dust concentrations during the different periods will be analyzed to determine the effectiveness of this control measure. Appendix 4.1-4 describes the street sweeping project in detail.

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The final report with conclusions on the effectiveness of street sweeping is scheduled to be completed by January 1982. An evaluation of whether street sweeping programs are effective and should be expanded as a particulate control strategy will be completed by DEQ within 4 months of the date of the projects summary report. A comprehensive street sweeping program that reduced road dust impacts by 10% could reduce TSP concentrations by 6.4 ug/m^3 on a daily basis and 2.56 ug/m^3 on an annual basis at the downtown Portland site (see Table 4.1.3-7 through 10).

7. Develop improved inventory of unpaved roads and unpaved lots within the violation area.

DEQ will develop an inventory of unimproved streets and lots in the immediate vicinity of all locations that are predicted to exceed secondary and primary standards. Highest priority will be placed on those areas which are projected to exceed primary TSP standards by 1987. In order to accurately assess the scope of non-traditional sources (particularly fugitive dust), average daily traffic levels will be estimated and compiled. The Department will develop a list of the 20-30 specific sources of soil dust within the violation area which appear to have the most significant impact. Control measures for these highest priority sources will be evaluated and those with reasonable cost will be proposed for implementation. It is anticipated that particulate impacts from all unpaved roads and lots could be reduced by up to 30% as a result of this process (see Table 4.1.3-7 through 10).

8. Develop and Implement a Localized Control Program for Sites likely to Exceed Primary TSP Standards.

Two small areas have been identified as locations which appear likely to exceed primary TSP standards by 1987. These locations are shown in Figure 4.1.3-1.

One of these areas has a historical TSP monitoring site, and has a higher fraction of coarse particulates (greater than 30 microns in size) than typical regional sites. Such a size distribution indicates these locations may be biased above typical regional concentrations by sources of fugitive dust within the immediate vicinity of the monitors. For these reasons, a micro-scale emission inventory will be developed at each of these two locations and if local fugitive sources appear likely to be responsible for large amounts of coarse particulates then reasonable controls will be proposed and implemented for nearby sources of fugitive dust.

4.1.3.4.2 Particulate Air Quality Improvement Which Would Result if Non-Traditional Source Strategies Were Workable and Implemented

This section summarizes the air quality improvements which would result if various non-traditional source strategies were workable and implemented. As Table 4.1.3-5 shows below, full implementation of all the non-traditional source strategies could provide sufficient reduction to attain the particulate standards at four key sites.

Figure 4.1.3-1

Predicted 1987 Annual
Primary Standard Violation
areas

Portland AQMA
Oregon Portion only

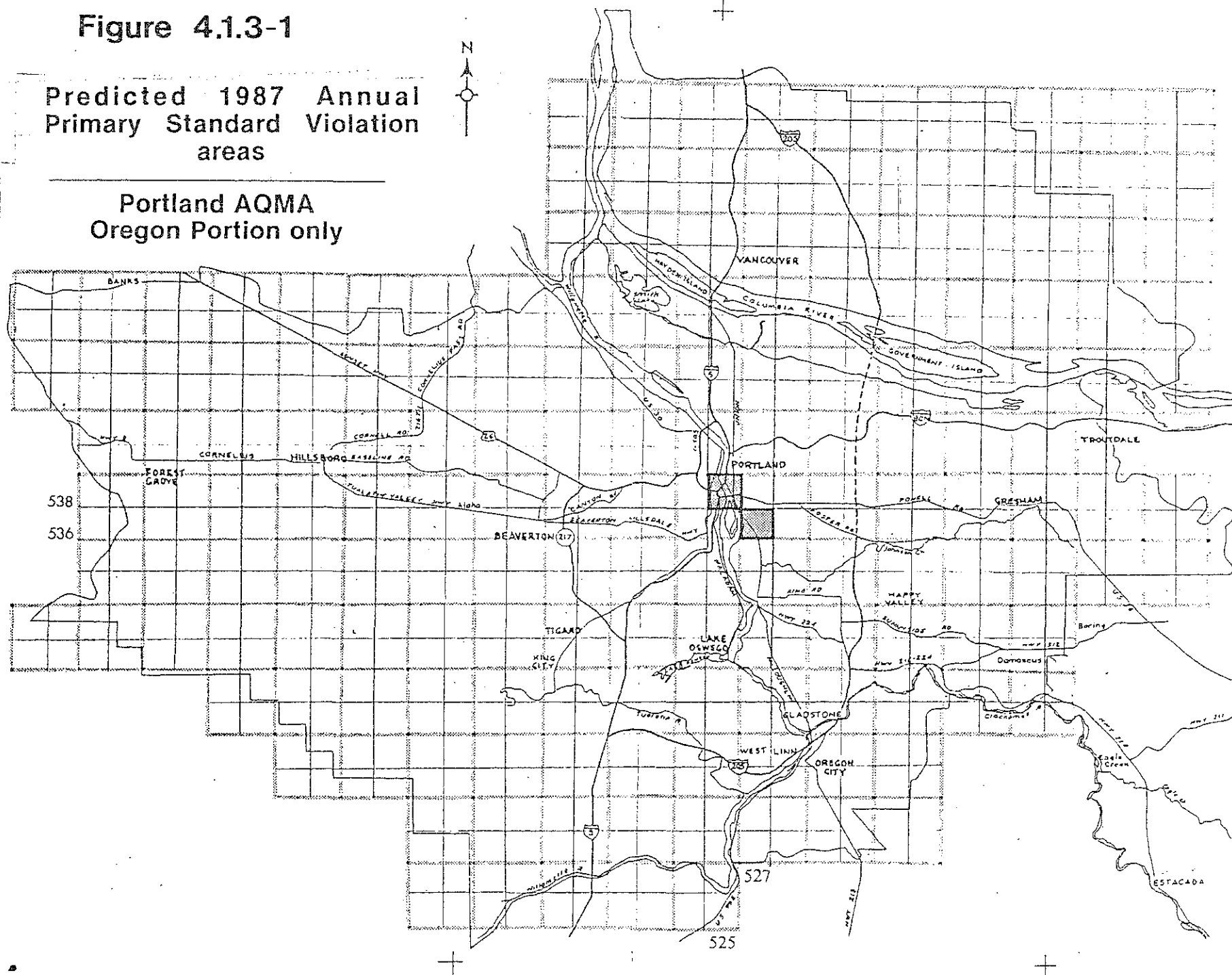


Table 4.1.3-6

Effectiveness of Combined Strategies At Reducing
Particulate Concentrations by 1987

Site	24-hour Reduction Needed (ug/m ³)	24-hour * Improvement Which Would Result (ug/m ³)	Annual Reduction Needed (ug/m ³)	Annual * Reduction Which Would Result (ug/m ³)
55 SW Ash	27	54.6	9.2	11.7
3200 NW Yeon	69	75.4	12.4	28.8
SE 74th & Flavel	28	50.8	2.6	11.3
1830 SE Schiller	104	107.2	24.0	30.56

*The overall effectiveness as shown in Columns 2 and 4 are less than the sum of all individual strategies in Tables 4.1.3-7 through 4.1.3-10 because the implementation of some strategies reduces the reduction potential of other strategies. These credits do not include any credits for reduced open burning.

Tables 4.1.3-7 through 4.1.3-10 show in detail the reductions which would result from the full development and implementation of all the non-traditional source strategies at the four urban sites operated during the PACS study. Due to the different contributions of source categories at different sites, the control strategies produce different levels of reductions at different sites. Maximum reductions from wood burning strategies occur at the residential site. Maximum reductions from strategies effecting paved road dust occur at the downtown site, whereas the greatest reductions from strategies effecting unpaved area emissions occur at the Northwest or Southeast Portland industrial area sites.

Table 4.1.3-7

TSP Air Quality Improvement Which Could Result If Non-Traditional Source
Control Strategies Are Implemented
And Successful At The Central Portland
Site, 55 SW Ash

<u>Control Strategy Element</u>	<u>Daily TSP Air Quality Improvement on a Worst Case Day (ug/m³)</u>	<u>Annual TSP Air Quality Improvement (ug/m³)</u>	<u>Reference</u>
<u>VMT Reduction Measures</u> 15% reduction	10.86	4.35	1
<u>Construction Site Trackout Control</u>	1.65	.66	2
<u>Winter Sanding Controls</u>	30.00	.74	3
<u>Wood Burning Control Strategies</u>			
Weatherization of 30% of Regions Homes by 1987	2.41	.68	4
Reduction of Average Wood Moisture Content From 28% to 23%	2.14	.61	5
75% Effective Control Device Installed on 50% of Stoves Installed During 1985 - 1987	.84	.23	6
Air Supply Regulation Device Which Reduces Emissions 30% Installed on 50% of Stoves Sold During 1984 - 1987	.40	.11	7
<u>Open Burning Ban</u>	*	*	8
<u>Street Sweeping</u> Reduce Paved Road Dust Impacts by 10% By Increased Sweeping Near Violation Areas	6.4	2.56	9
<u>Unpaved Area Controls</u> Paving, Stabilization, or Traffic Diversion at the 20 Locations with Maximum Impacts	6.4	2.56	10

*Impacts not currently quantified, but will be prior to an EQC decision on full implementation of this strategy.

Table 4.1.3-8

TSP Air Quality Improvement Which Could Result If Non-Traditional Source
Control Strategies Are Implemented
And Successful At The NW Industrial Site,
3200 NW Yeon

<u>Control Strategy Element</u>	<u>Daily TSP Air Quality Improvement on a Worst Case Day (ug/m³)</u>	<u>Annual TSP Air Quality Improvement (ug/m³)</u>	<u>Reference</u>
<u>VMT Reduction Measures</u> 15% reduction	13.0	5.2	11
<u>Construction Site Trackout Control</u>	1.65	.66	2
<u>Winter Sanding Controls</u>	4	.09	12
<u>Wood Burning Control Strategies</u>			
Weatherization of 30% of Regions Homes by 1987	1.48	.56	4
Reduction of Average Wood Moisture Content From 28% to 23%	1.31	.50	5
75% Effective Control Device Installed on 50% of Stoves Installed During 1985 - 1987	.49	.19	6
Air Supply Regulation Device Which Reduces Emissions 30% Installed on 50% of Stoves Sold During 1984 - 1987	.25	.09	7
<u>Open Burning Ban</u>	*	*	8
<u>Street Sweeping</u>			
Reduce Paved Road Dust Impacts by 10% By Increased Sweeping Near Violation Areas	.88	.35	9
<u>Unpaved Area Controls</u> Paving, Stabilization, or Traffic Diversion At the 20 Locations With Maximum Impacts	26.4	10.56	10
<u>Local Fugitive Dust Controls</u> Control of Fugitive Sources Causing Undue Bias of Levels	8.3	3.3	11

*Impacts not currently quantified, but will be prior to an EQC decision on full implementation of this strategy.

Table 4.1.3-9

TSP Air Quality Improvement Which Could Result If Non-Traditional Source
Control Strategies Are Implemented
And Successful At The Residential Site,
SE 74th & Flavel

<u>Control Strategy Element</u>	<u>Daily TSP Air Quality Improvement on a Worst Case Day (ug/m³)</u>	<u>Annual TSP Air Quality Improvement (ug/m³)</u>	<u>Reference</u>
<u>VMT Reduction Measures</u> 15% reduction	8.78	3.51	1
<u>Construction Site Trackout Control</u>	1.65	.66	2
<u>Winter Sanding Controls</u>	14	.32	3
<u>Wood Burning Control Strategies</u>			
Weatherization of 30% of Regions Homes by 1987	9.52	1.62	4
Reduction of Average Wood Moisture Content From 28% to 23%	8.46	1.44	5
75% Effective Control Device Installed on 50% of Stoves Installed During 1985 - 1987	3.17	.54	6
Air Supply Regulation Device Which Reduces Emissions 30% Installed on 50% of Stoves Sold During 1984 - 1987	1.59	.21	7
<u>Open Burning Ban</u>	*	*	8
<u>Street Sweeping</u>			
Reduce Paved Road Dust Impacts by 10% By Increased Sweeping Near Violation Areas	3.0	1.2	9
<u>Unpaved Area Controls</u>			
Paving, Stabilization, or Traffic Diversion at the 20 Locations With Maximum Impacts	6.5	2.6	10

*Impacts not currently quantified, but will be prior to an EQC decision on full implementation of this strategy.

Table 4.1.3-10

TSP Air Quality Improvement Which Could Result If Non-Traditional Source
Control Strategies Are Implemented
And Successful At The SE Industrial Site, 1830 SE Schiller

<u>Control Strategy Element</u>	<u>Daily TSP Air Quality Improvement on a Worst Case Day (ug/m³)</u>	<u>Annual TSP Air Quality Improvement (ug/m³)</u>	<u>Reference</u>
<u>VTM Reduction Measures</u> 15% reduction	18.8	7.52	1
<u>Construction Site Trackout Control</u>	1.65	.66	2
<u>Winter Sanding Controls</u>	31.1	1.79	3
<u>Wood Burning Control Strategies</u>			
Weatherization of 30% of Regions Homes by 1987	6.66	1.08	4
Reduction of Average Wood Moisture Content From 28% to 23%	5.92	.96	5
75% Effective Control Device Installed on 50% of Stoves Installed During 1985 - 1987	2.22	.36	6
Air Supply Regulation Device Which Reduces Emissions 30% Installed on 50% of Stoves Sold During 1984 - 1987	1.11	.18	7
<u>Open Burning Ban</u>	*	*	8
<u>Street Sweeping</u> Reduce Paved Road Dust Impacts by 10% By Increased Sweeping Near Violation Areas	6.22	2.49	9
<u>Unpaved Area Controls</u> Paving, Stabilization, or Traffic Diversion at the 20 Locations With Maximum Impacts	17.34	6.94	10
<u>Local Fugitive Dust Controls</u> Control of Fugitive Sources Causing Undue Bias of Levels	17.43	6.98	11

*Impacts not currently quantified, but will be prior to an EQC decision on full implementation of this strategy.

References for Tables

1. DEQ has assumed that the region may limit its growth in regional traffic during the 1977 to 1987 period to 10% rather than 25%. Annual estimate based on Larsen's peak to mean ratio technique.
2. Twenty-four hour estimate from Appendix 4.1-5. Annual effect estimated via Larsen's technique.*
3. Twenty-four estimate from Appendix 4.1-5. Annual effect determined by multiplying the 24-hour value by .4 per Larsen's technique and by multiplying this value by 21/365, which represents the fraction of a year during which the reduction would be effective (assuming 3 sandings/year).
4. Annual and 24-hour data from Appendix 4.1-5, multiplied by .18. The city of Portland (40% of AQMA's population) expects 75% of residences will weatherize by 1987. It was assumed that 0% of the rest of the AQMA will weatherize by 1987. With 60% reduction in heat requirement assumed (per city of Portland Energy office), regionwide an 18% reduction would occur by 1987.
5. Annual and 24-hour data from Appendix 4.1-5, multiplied by .16. Appendix 4.1-5 indicates a 26% reduction in emissions would occur if moisture content were reduced from an average of 28% to 20%. This calculation assumes that a 23% average moisture content level is achievable by 1987. $(.25 \times \frac{28-23}{28-20} = .16)$.
6. Annual and 24-hour data from Appendix 4.1-5, multiplied by .06. It was arbitrarily assumed that a 75% control device could be installed on 50% of the stoves sold during 1985-1987. Since 17.5% of the 1987 total emissions will occur as growth during 1985-1987, it was assumed that 50% of this expected growth would be controlled with 75% effectiveness $(0.66 = .175 \times .5 \times .75)$.
7. Annual and 24-hour data from Appendix 4.1-5, multiplied by .03. It was arbitrarily assumed that air supply regulating devices will be able to reduce emissions by 30% and will be installed on 50% of the stoves sold during 1984 to 1987. (23.3% of 1987 total is from 1984-1987 growth; $.035 = .233 \times .5 \times .3$).
8. No open burning is normally allowed on worst case winter days. Impact estimates still being evaluated.
9. Annual and 24-hour data from Appendix 4.1-5. It was arbitrarily assumed that street sweeping will be able to reduce concentrations by 10% by increased sweeping near the violation area.
10. It was assumed that by controlling 20 of the worst trackout problems, a 30% reduction in unpaved area impacts will result. Unpaved area impacts are shown in Tables 4.1.3-2 and 4.1.3-3. Annual values calculated via Larsen's technique.
11. TSP monitors at the 18th and Schiller Southeast site and at the 3200 NW Yeon site showed abnormally high values of sampler bias due to unusually large particles. It has been assumed that 75% of this bias could be controlled by local fugitive controls.

*Larsen's technique is a method for determining peak daily concentrations based on annual geometric mean concentrations. Typically the peak values are 2-1/2 times the annual geometric means.

4.1.3.5 Demonstration of Commitment to Adopt Future Reasonably Available Control Technology

EPA Region X has previously agreed, in correspondence date March 2, 1979 and April 6, 1979 that the state of Oregon's current SIP emission limits represent reasonable available control technology. The Federal Register acknowledging that RACT has been applied in Oregon is included as Appendix 4.1-6.

4.1.3.6 Growth Management Plan

Emission offsets will be required for sources greater than 100 tons/year locating within the nonattainment area until enforceable rules are implemented which will produce attainment and maintenance of the particulate standard and a growth cushion is included. As part of the New Source Review Rule to be modified by the Department in early 1981, the emissions cutoff for new or modified sources may be revised to be consistent with August 1980 guidance from EPA on new source review requirements*. Major sources outside the nonattainment area will be required to obtain offsets if the impact from such a source has an impact on the nonattainment area that exceeds specified daily or annual significance levels. The rules will also require major new or modified particulate sources locating in the particulate Non-Attainment Area to apply lowest achievable emission rate (LAER) technology. The Portland New Source Review requirements will likely be generally consistent with the recommendations of the Portland Airshed Growth Management Study Committee**.

* Federal Register, Aug. 7, 1980

** Air Quality and Economic Development: A Growth Management Strategy for Portland, Oregon, Seton, Johnson & Odell, Inc., June 1980

More detailed air quality maintenance plans will not be developed until a) EPA completes its evaluation of whether particulate standards should be revised and b) several of the demonstration projects have been completed such that it is possible to evaluate whether the standard can be attained with such nontraditional source control programs.

4.1.3.7 Health, Welfare, Energy, and Economic Impacts of the Strategies

4.1.3.7.1 Health Effects

Maintaining particulate air quality levels below the Federal Primary Standard will provide adequate protection to the health of the community within the criteria used by the Environmental Protection Agency in establishing the standard. EPA is currently reevaluating the particulate standard and may revise it to focus on smaller sized particulates which are thought to be more responsible for health effects than larger particulates. Tables 4.1.3-11 and 4.1.3-12 below show how much of the reductions from the proposed program would occur at key sites in the inhaleable fraction (0-15 microns) and in the respirable fraction (0-2 microns).

TABLE 4.1.3-11

Effect of Proposed Strategies on 24-hour Air Quality

<u>Site</u>	Possible Reduction In Total <u>Particulates</u>	Possible Reduction In Inhaleable <u>Particulates</u>	Possible Reduction In Fine <u>Particulates</u>
Downtown Portland	54.6	20.0	9.8
Southeast Portland Residential	50.8	27.6	19.5
Southeast Portland Industrial	75.4	41.6	21.8
Northwest Portland Industrial	107.2	25.3	10.7

TABLE 4.1.3-12

Effect of Proposed Strategies on Annual Air Quality

<u>Site</u>	Possible Reduction In Total <u>Particulates</u>	Possible Reduction in Inhaleable <u>Particulates</u>	Possible Reduction In Fine <u>Particulates</u>
Downtown Portland	11.7	6.3	2.5
Southeast Portland Residential	11.3	5.6	3.8
Southeast Portland Industrial	28.8	11.0	5.2
Northwest Portland Industrial	30.6	9.7	4.1

4.1.3.7.2 Welfare Effects

Reductions in particulate concentrations will have the benefit of marginally improving visibility in the region and of reducing soiling throughout the region which will reduce cleaning costs incurred by businesses and residences. Reductions in emissions from wood burning and open burning will help to reduce odors from these sources which are objectionable to some individuals. Property values may increase in areas in which substantial air quality improvements are achieved.

4.1.3.7.3 Energy Impacts

Reducing vehicle miles travelled in the region holds great potential for saving energy. In fact, reducing VMT by 15% would produce gasoline savings on the order of 100 million gallons per year.

Negative energy impacts of other elements of the proposed program will be minimal. Some additional resources will be required where paving programs using asphalt are required. However, the fraction of crude oil used to produce asphalt has limited application as an energy source. Fuel used to operate street cleaning machinery will not be the major consideration in total cleaning costs; for example, a vacuum sweeper will typically use \$6 of gas per hour of operation.

4.1.3.7.4 Economic Impacts

Costs of implementing all the proposed strategies are difficult to quantify because some of the control technologies require additional development. However, best estimated costs are shown in Table 4.1.3-13 below for those costs which could be estimated.

TABLE 4.1.3-13

Estimated Costs of Particulate Control Programs

<u>Strategy</u>	<u>Cost</u>	<u>Basis</u>
Reduce VMT Regionally By 15%	Potential Savings	Fuel and maintenance savings are substantial. Details in Appendix 4.1-5.
Construction Site Trackout Controls In Violation Area	\$126,000/year	Details in Appendix 4.1-5. Cost estimates for 80 sq. kilometers revised to cover 120 sq. kilometers
Winter Sanding Controls	\$ 50,000/year	Details in Appendix 4.1-5.
Weatherization	Net Savings	
Wood Moisture Content Reductions	Net Savings	
Control Device Application	\$300,000/year (\$900,000 for 1985-87)	Assume 18,000 wood burner, sold during 1985-1987, 50% coverage, and \$100 per device.
Air Supply Control Device Application	\$150,000/year (\$600,000 for 1984-1987)	Assume 24,000 wood burners sold during 1984-1987, 50% coverage, and \$50 per device.
Street Sweeping	Unknown	
Unpaved Area Controls	Unknown	
Local Fugitive Source Controls	Unknown	

AQ0091.2 (1)

4.1.5 REASONABLE FURTHER PROGRESS

The Clean Air Act requires reasonable further progress which means that areas exceeding standards should make continual incremental progress towards the attainment of standards. However, despite good intentions, it is not possible to ensure that such continual progress will be made when control techniques for nontraditional sources are as imperfect as at the present time. Since the Department has received no guidance from EPA regarding how reasonable further progress can be guaranteed when the necessary nontraditional source control techniques have not yet been developed, no distinct reasonable further progress demonstration has been included in this section. However, commitments are included in this section regarding what programs will be undertaken by which agencies, and a control program has been delineated in this SIP revision which would result in attainment of the secondary standards by 1987 if and only if all the nontraditional source control programs are workable, practicable, and implementable.

4.1.5.1 Commitments to Develop Strategies

This section includes commitments from various jurisdictions and agencies regarding what work they will conduct to develop control strategies for nontraditional sources of particulates. Those strategies will be implemented to the extent they are workable and practicable. The commitments describe the scope of commitments made and the goals for when the strategies may be implemented.

AQ0091.3 (1)

Although firm dates cannot be committed to regarding exactly when new regulations and ordinances will be adopted and implemented, Table 4.1.5-1 is presented below which shows the dates by which DEQ will seek to have control program elements adopted and implemented.

In the event of continuing eruptions of Mt. St. Helens and subsequent ashfalls on this area, priorities for area source controls may need to be shifted to concentrate more on cleanup of the volcanic ash.

Assumed Implementation Schedule of Potential Control Programs

Table 4.1.5-1

Strategy	Program Initiation	Goal for Program Implementation
Sanding Controls	6/30/81	12/31/81
Construction Trackout Controls	6/30/81	12/31/81
Measures to Reduce Vehicle Miles Travelled	12/31/82	12/31/86
Prohibit Open Burning		7/01/81
Residential Wood Burning Strategies		
- Weatherization	12/31/82	12/31/86
- Wood Moisture Content Reductions	NA	12/31/82
- Control Device for New Units	12/31/83	12/31/84
- Air Supply Control Device for New Units	12/31/82	12/31/83
Improved Street Sweeping Programs	12/31/82	12/31/83
Control of 20-30 Unpaved Areas With Maximum Impact	06/30/81	12/31/82
Local Fugitive Dust Controls	12/31/81	12/31/82

4.1.5.1.1 Commitment Regarding Programs to Reduce Particulates From Winter Sandings

Commitments have been received from the City of Portland, the Oregon Department of Transportation, and Clackamas County to review sanding practices with regards to whether they can be modified so as to reduce the amount of particulates resulting from sanding. Those agreements are presented below. The Department will attempt to obtain similar commitments from Multnomah County and the City of Beaverton. The Department will seek to have jurisdictions commit to revised sanding practices as appropriate, by June 30, 1981.

4.1.5.1.2 Commitments Regarding Control of Construction Site Trackout

The Department has received commitments from the City of Portland, Clackamas County, and from the Oregon Department of Transportation to review how those jurisdictions control construction site trackout and whether modifications to those practices are appropriate. Those commitments are included as part of the agreements in Section 4.1.5.1.1. The Department will attempt to obtain similar commitments from Multnomah County and the City of Beaverton. The Department will seek to have jurisdictions commit to revised construction site trackout control programs, as appropriate, by June 30, 1981.



Department of Transportation
STATE HIGHWAY DIVISION

In Reply Refer to
File No.: ENV 6

June 24, 1980

Mr. William H. Young, Director
Department of Environmental Quality
522 S.W. Fifth Avenue
Portland, OR 97204

Dear Mr. Young:

Your staff has requested a commitment on the part of the State Highway Division concerning the minimization of air pollution in the Portland area from winter sanding.

The Highway Division agrees to assess the feasibility and cost of revising winter sanding practices to reduce air pollution while still meeting traffic safety objectives on the state highway system in the Portland area as follows:

1. For sanding material not yet purchased and in stockpile, modifying the type (gradation) of material applied to street surfaces so that fewer fines are available for resuspension.
2. Applying sanding materials more selectively to avoid applying more material than is necessary to protect the public, within the adopted policy of the Oregon Transportation Commission; i.e., Chapter 9 (revised August 1978) of the Maintenance Manual, Technical Bulletin No. 26.
3. Attempting to increase the frequency of cleanup of sanding materials, within available funds, through street sweeping to reduce the time period in which the material is available for resuspension.

The Highway Division also agrees to review construction contract Standard Specifications and project Special Provisions for the inclusion of appropriate terminology relating to local ordinances concerning the deposition of soil materials from construction sites onto paved roadways. It is understood that the Highway Division is not charged nor empowered to enforce these local ordinances or regulations - that is the function of other state and local agencies.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JUN 25 1980

Mr. William H. Young
June 24, 1980
Page 2

As a general statement, the Highway Division is both concerned about and interested in a healthful environment and the reasonably safe and efficient operation of the state highway system. It is toward this end that the above commitments are made.

Sincerely,


H. S. Coulter
State Highway Engineer



LETTER OF AGREEMENT

DEPARTMENT OF
PUBLIC WORKS
MIKE LINDBERG
COMMISSIONER

OFFICE OF
PUBLIC WORKS
ADMINISTRATOR

621 S.W. ALDER
PORTLAND, OR 97205

Recent air quality studies have shown that dust and soil on street surfaces which is resuspended by motor vehicle traffic is the single greatest contributor to violations of the National Ambient Air Quality Standards (NAAQS) for particles in the Portland area.

Recognizing that under the 1977 amendments to the Clean Air Act, an implementation plan adequate to attain and maintain particulate air quality standards must be adopted for the Portland area as a precondition for new industrial growth; that it is in the best interest of the City of Portland to participate in the development of air pollution strategies which will affect the future of the City; and that programs to minimize construction site track-out and to minimize air pollution from winter sanding are among the most cost-effective particulate strategies; the City of Portland Department of Public Works and the Office of Planning and Development agree to carry out the following work programs to develop and implement soil dust control strategies within the City of Portland.

1. Public Works Bureau of Maintenance agrees to assess the feasibility and cost of revising winter sanding practices to reduce air pollution while still meeting traffic safety objectives by:
 - modifying the type of material applied to street surfaces so that fewer fines are available for resuspension;
 - applying sanding materials more selectively so as to avoid applying more material than is necessary to protect the public;
 - accelerating the cleanup of sanding materials (through street sweeping) to reduce the time period in which the material is available for resuspension.

The Bureau further agrees to prepare a report summarizing the findings of the above analysis and its recommendations for operational changes by September 30, 1981; and to present that information to the Oregon DEQ by October 15, 1981. Should the analysis indicate that changes which require City Council

approval are warranted, the Bureau of Maintenance agrees to propose operational changes to the Council by December 15, 1981.

2. The Bureau of Buildings and the Bureau of Streets and Structural Engineering, agree to develop programs to minimize the deposition of soil materials from construction onto public roadways.

The Bureau of Buildings will evaluate its current program to minimize trackout from private construction activities. This evaluation will include an assessment of enforcement methods, availability of manpower, frequency of inspection, and overall program effectiveness. The Bureau will also evaluate potential operational changes, and will incorporate those changes which are demonstrated to be most effective into a modified work program.

Operational changes to be investigated will include but will not be limited to: use of stop-work orders; use of private contractors to clean streets with charges assessed to the responsible party; use of civil penalties; assigning liability to the general contractor (or the property owner, or the sub-contractor) for violations; and developing specific criteria for defining a violation. Where Code revisions are necessary in order to implement elements of the modified work program, the Bureau (in conjunction with the City Attorney) will prepare the appropriate Code revisions for City Council consideration.

The Bureau of Streets and Structural Engineering will evaluate its current program to minimize trackout from public right-of-way construction. This evaluation will include an assessment of available enforcement methods, availability of manpower, frequency of inspections, and overall program effectiveness. The Bureau will also evaluate potential operational changes, and will include the changes which are demonstrated to be most effective into a modified work program. The modified work program will define the party or parties responsible for enforcement; method of enforcement; penalties; frequency of inspections; and specific criteria for defining a violation. Where Code revisions are determined to be necessary, the Bureau of Streets and Structural Engineering (in cooperation with the City Attorney) will prepare the appropriate Code revisions for City Council consideration.

The Bureau of Buildings and the Bureau of Streets and Structural Engineering each agrees to prepare a report summarizing the findings and recommendations based on their respective analysis by November 30, 1980, and to present that information to the Oregon DEQ by December 31, 1980. Should that analysis indicate that changes which would require City Council approval are warranted, the Bureaus agree to propose such changes to the Council by March 31, 1981.

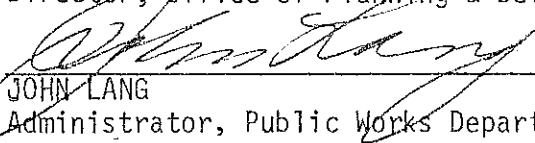
The City of Portland and the Oregon DEQ recognize that the schedules contained in this agreement may be revised should further eruptions of Mt. St. Helens significantly impact the Portland Metropolitan Area.



COWLES MALLORY
Director, Office of Planning & Development

9/3/80

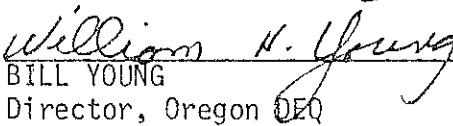
Date



JOHN LANG
Administrator, Public Works Department

9-2-80

Date



BILL YOUNG
Director, Oregon DEQ

9/11/80

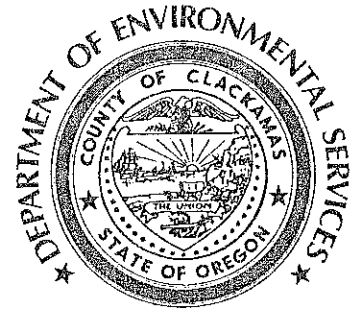
Date

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
AUG 8 1980

AIR QUALITY CONTROL

August 6, 1980



902 ABERNETHY ROAD
OREGON CITY, OREGON 97045
(503) 655-8521

JOHN C. MCINTYRE
Director

WINSTON W. KURTH
Assistant Director
DON D. BROADSWORD
Operations Director
DAVID J. ABRAHAM
Utilities Director
DAVID R. SEIGNEUR
Planning Director
RICHARD L. DOPP
Development
Services
Administrator

William T. Green - Coordinator
Portland Air Quality Maintenance Area
P. O. Box 1760
Portland OR 97207

Excessive Dust Problem

After our meeting with your representative in which we discussed the air pollution in the Portland area from winter sanding, I have had several discussions with our maintenance foremen and developed the following program:

1. Sanding material purchased in the future will be carefully inspected as to gradation to insure minimal fines.
2. Sanding material will be applied more carefully and in lesser amounts than in the past.
3. More rigid criteria used to determine those roads which will be sanded during the winter ice storms.
4. More expedient removal of sanding materials after the storm (within budget and equipment limitations).
5. First priority will be given to cleaning those streets and roads where there is heavy bicycle and pedestrian usage.

We will carefully monitor our winter program to determine if the steps are being carried out and if they are indeed effective in controlling the dust problem.

(cont.)

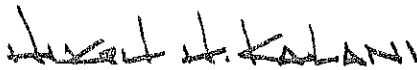


William T. Green, Portland Air Quality Maintenance Area 8/6/80 (cont.)

Page 2.

The Clackamas County Road Department is totally committed to the concept of clean air and a healthy environment. We believe our five-point program confirms our commitment and is the first step in the right direction.

Our program will allow us to continue efficient and safe maintenance of our highway system.

A handwritten signature in dark ink, appearing to read "Hugh H. Kalani". The signature is stylized with some loops and a clear ending stroke.

HUGH H. KALANI - Roads Superintendent

/arp

4.1.5.1.3 Commitments Regarding the Development of Alternatives to Open Burning

The DEQ is working to develop information demonstrating that reasonable alternatives to open burning exist. The Oregon Environmental Quality Commission is tentatively scheduled to reevaluate the proposed ban on open burning in June 1981 based on the feasibility of open burning alternatives.

Some legislative interest has been expressed that would prohibit the DEQ from banning open burning. In the event that such a bill is adopted, DEQ will revise its open burning policy to coincide with the Legislature's intent.

4.1.5.1.4 Commitment Regarding Reducing Vehicle Miles Traveled

The Metropolitan Service District has not adopted a commitment to try to reduce the expected vehicle miles traveled in 1987 by a particular percentage, but is expected to endorse the concept as part of the Regional Transportation Plan.

4.1.5.1.5 Commitments Regarding Wood Burning Control Strategies

The DEQ will pursue the work discussed in Section 4.1.3.3 under the following time schedule.

<u>Activity</u>	<u>Schedule</u>
1. Wood burning impact monitoring	
a) actual special monitoring	during winter 1980-1981 and 1981-1982
b) analysis of monitoring data	by May of following year
2. Promotion of Weatherization Programs	
a) Seek to have 30% of region's homes weatherized by 12/31/86	December 1986
DEQ will advocate the expansion of weatherization programs in the Portland area.	
3. Conduct Control Technique Research	
a) Solicit funding and funding support for proposed program	August 1980 - April 1981
b) Oversee funded control technique research as appropriate	Contingent upon funding. Attempt to complete by Dec. 1982
4. Seek Implementation of Control Programs by 1982 - 1984	
a) Wood moisture content reductions. If appropriate, DEQ will seek to reduce wood moisture content via public education.	December 1982
b) Pollution control devices for new units. DEQ will seek incentives for use of those devices.	December 1984
c) Air supply control devices for new units. DEQ will seek incentives for use of those devices.	December 1983

4.1.5.1.6 Commitment Regarding Street Cleaning Control Measures

The City of Portland has been awarded a grant to manage a demonstration project to evaluate the effectiveness of street cleaning as a means to reduce paved road dust and thereby ambient particulate concentrations.

The City of Portland's application to receive funding for the street sweeping demonstration project is included in Appendix 4.1-4 as a demonstration of their commitment to conduct the work.

DEQ will assist in the management of the contract by serving on the project management committee. Other commitments by DEQ under the project are included in the application in Appendix 4.1-4.

The project final report is scheduled to be completed by January of 1982. Within 4 months of completion of the final project report, the Department will prepare written recommendations regarding what level of increased or modified street cleaning is reasonable as a particulate control strategy. If appropriate, the Department will seek revisions in the street cleaning programs of those jurisdictions within the TSP violation area such that the revisions would be implemented by December, 1983.

4.1.5.1.7

Committments Regarding Evaluation of Unpaved Area Dust Control Measures Within The TSP Violation Area

The Department will conduct the work discussed in Section 4.1.3.3 under the following time schedule.

<u>Activity</u>	<u>Schedule</u>
1) Collate all maps and existing data on where unpaved roads, lots, and shoulders are located within the TSP violation area.	August-December 1980
2) Estimate traffic levels on unpaved roads, lots, and shoulders to the extent possible based on road configuration and known traffic levels.	August-December 1980
3) Physically inspect the areas expected to exceed primary TSP standards by 1987 and determine the 5 most likely sources of fugitive dust within each of those areas.	August-December 1980
4) Physically inspect the areas projected to exceed secondary TSP standards by 1987 and determine the 20 most likely sources of fugitive dust within each of those areas.	August-December 1980
5) Evaluate costs of controls for those 20 sources of fugitive dust identified in 3) and 4) above.	January-April 1981
6) Propose implementation of those fugitive dust control strategies determined to be effective at reasonable costs.	May 1981
7) Appropriate dust controls implemented by appropriate jurisdictions.	December 1982

AQ0091.4 (1)

4.1.5.1.8 Commitments Regarding Localized Control Programs for Sites
Likely to Exceed Primary Standards

A five-step process will be carried out by DEQ during the next one and one-half years. The major elements with the time schedule for completion are listed below:

<u>Activity</u>	<u>Schedule</u>
1) Conduct a micro inventory of particulate emissions sources adjacent to the two locations.	August-December 1980
2) Finalize report which summarizes the micro-inventory and identifies the 5 most likely sources of fugitive particulate emissions.	February 1980
3) Evaluate control strategies for the 5 most likely sources of fugitive emissions.	March-April 1981
4) Propose control strategies for nearby fugitive emission sources.	May 1981
5) Implement those high priority fugitive dust controls which have reasonable cost.	December 1982

4.1.6 ANNUAL REPORT

The Department of Environmental Quality will submit a report to the Environmental Protection Agency by July 1 for the preceeding calendar year, beginning July 1, 1980, covering the following requirements:

- A. Identification of growth of major new or modified existing sources, minor new sources (less than 100 tons/yr), and mobile sources;
- B. Reduction in emissions from existing sources;
- C. Update of emission inventory; and
- D. Conclusions of studies to quantify the air quality problem.

4.1.7 RESOURCE COMMITMENT

The program to attain and maintain the suspended particulate air quality standards requires the coordinated efforts of the Department, local governments, and other state and federal agencies for the next several years. Responsibilities for implementation and enforcement of nontraditional control measures will become clearer as nontraditional control measures are finalized and final agreements reached between participating agencies. However, commitments to completing certain tasks have been received and have been included as part of Section 4.1.5.1.

Assumptions as to manpower resources and funding are estimates based on current projections and are subject to change and approval by the respective budget review authorities.

4.1.7.1 The Department of Environmental Quality

The Department of Environmental Quality has a biennial budget beginning July 1 of odd numbered years. Table 4.1.7-1 presents the manpower resources committed to develop, implement and enforce the Secondary Standard attainment and maintenance strategy.

Table 4.1.7-1 Department of Environmental Quality Projected Resource

Commitment	
	<u>79-81 Biennium, Full Time Equivalent</u>
Headquarters Staff	
-Administration	0.2
-Planning & Development	1.0
-Limited Duration	0.7
Region Staff	
-Administration	0.1
-Monitoring/Analysis	0.4
-Enforcement	<u>0.5</u>
Total	2.9 FTE

Administration includes supervision and support services. Limited duration resources includes work study, graphic artist, public affairs, hearings officer, and other short involvement activities. Estimated resources, while subject to actual appropriations, will continue to the extent necessary in future years.

4.1.8 PUBLIC INVOLVEMENT

4.1.8.1 Designation of Lead Agency

The Department of Environmental Quality has the responsibility as the lead agency in the development and implementation of the revised SIP for attainment and maintenance of total suspended particulate standards in the Portland-Vancouver Air Quality Maintenance Area.

4.1.8.2 Interagency Coordination

The City of Portland, Multnomah, Washington, and Clackamas Counties, the Oregon Department of Transportation and Metro are all involved in determining which control strategies will be included in the State Implementation Plan. All have been directly involved in advising the DEQ regarding which TSP controls appear to be most acceptable; a representative of each agency is a member of the Portland-Vancouver Air Quality Advisory Committee. These agencies also interface with DEQ in their involvement in local transportation control strategies, the City of Portland's Growth Management Plan and Metro Regional Transportation Plan. DEQ is assisted by Metro in combined efforts to devise and implement measures to reduce vehicle miles traveled within the region. Control strategies for road dust are being developed with the cooperation of the Oregon Department of Transportation and the Public Works Departments from local counties and cities. City of Portland, Clackamas County, ODOT representatives have signed Administrative Agreements regarding construction site trackout controls and winter sanding housekeeping improvements.

AQ0091.4 (1)

Additionally, local jurisdictions, have been contacted to discuss alternatives in dealing with storm and yard debris disposal other than open burning or backyard incineration. Proposed residential wood burning strategies have been discussed in detail with representatives of the Oregon Department of Energy, the Bonneville Power Authority, and with entities concerned about wood heating safety.

4.1.8.3 Citizen Participation

Efforts have been made on several levels to promote public involvement in air quality issues and engage individuals in the planning and review process. Air quality information is coordinated and distributed via the DEQ/Metro air quality public involvement representative who works closely with citizens, city, state and federal agencies, local municipalities and the business sector in organizing informational and involvement activities to develop an increased awareness and understanding of air quality problems and programs statewide and within the Portland Metropolitan area.

More than 30 public meetings have been held during the last year of the Citizen's Advisory Committee to discuss issues in developing particulate strategies. Table 4.1.8-1 below lists the organizations represented on the Advisory Committee.

The Committee made recommendations for all major source categories of particulate emissions. Those recommendations are presented in Appendix 4.1-3. Generally, this SIP revision is consistent with those recommendations. Numerous other efforts to involve the public have occurred during this time period. These activities are summarized in Table 4.1.8-2 below.

Pamphlets and brochures have been made available to the public distributed through state and regional air pollution offices, extension services and direct mailings. In addition, Metro in conjunction with DEQ has begun production of the Air Times newsletter which informs the public of ongoing work in local air quality planning efforts and goals.

Interested parties routinely receive minutes of the advisory meetings, adopted resolutions and other materials and information relevant to air quality control and the region's clean air goals. There has been opportunity provided for citizen participation and input at every advisory committee meeting.

TABLE 4.1.8-1

Members of the Portland-Vancouver Air Quality Advisory Committee

League of Women Voters	Port of Portland
Associated Oregon Industries	Oregon Dept. of Transportation
City of Portland	Metropolitan Services District
City of Portland at-large	OSPIRG
Multnomah County	Oregon Environmental Council
Multnomah County at-large	Washington Department of Ecology
Clackamas County	Clark County Regional Planning
Clackamas County at-large	Council
Washington County	Western Oil and Gas Association
Washington County at-large	Multnomah County Labor Council
Portland Chamber of Commerce	Portland State University
Southwest Washington Air Pollution Control Authority	Tri-Met

TABLE 4.1.8-2

Public Involvement Activities During 1979 and 1980

- Public Meeting to Discuss Particulate Control Strategy Recommendations From the Citizens' Advisory Committee, June, 1980.
- Clean Air Fair, May 7, 1980, attendance by 2000.
- Clear Air Week Editorials and Public Service Announcements, May, 1980.
- Presentation to Wood Stove Dealers and Manufacturers on Wood Burning Pollution Problems and Potential Strategies, January, 1980.
- Presentation to Wood Energy Association on Wood Burning Pollution Problems, June, 1980.
- Testimony Before the Oregon Legislature on Residential Wood Burning Pollution Problems, February, 1980.
- Legislative Briefing on Wood Stoves, March, 1980.
- Sponsorship of a Ride-Sharing Conference with Over 125 Employers Represented, June, 1980.
- Presentation on Potential Particulate Strategies to the Portland Chamber of Commerce Environmental Standards Committee, March, 1980.
- Discussion of Particulate and Volcanic Ash Control Issues Before the Portland City Club, June, 1980.
- Presentation to Clackamas County Economic Development Committee, April 1980.
- Presentation at the Annual Meeting of the Oregon Environmental Council, May, 1980.
- Presentation to Governor's Biomass Task Force on Residential Wood Burning Pollution Control Issues.
- Publishing of bi-monthly newsletter, Earthwatch, and monthly environmental bulletin by the Oregon Environmental Council.
- Public conference on environmental issues sponsored by the Oregon Environmental Council in May, 1979.
- Survey on Citizen Attitudes About Open Burning in the Portland Neighborhood Association's Survey
- Monthly Publishing of a Newsletter by the Oregon Environmental Council

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4.1.9 PUBLIC NOTICE AND HEARINGS

4.1.9.1 Public Notice

Public notice was published in the Oregon Secretary of State Bulletin on September 15, 1980. This notice is contained in Appendix 4.1-7.

4.1.9.2 Media Coverage

Paid public advertisements of the proposed State Implementation Plan TSP revision were placed in the Daily Journal of Commerce, The Oregonian and the Oregon Journal on (), 30 days prior to the public hearing.

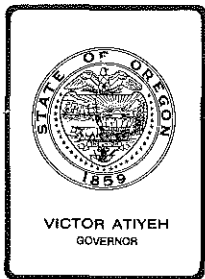
4.1.9.3 Public Hearing

A summary of the October 21, 1980, public hearing testimony on the control strategies appears in Appendix 4.1-8.

4.1.9.4 Annual Report

The Environmental Protection Agency requirements concerning the annual report will be followed. Refer to section 4.1.6, Annual Report.

AQ0091.4 (1)



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. H, December 19, 1980, EQC Meeting

Request for a Variance from the Lane Regional Air Pollution Authority Rules Section 32-010(3) Restrictions on Emission of Visible Air Contaminants, Veneer Dryers, for the Operation of the Veneer Dryers at Anderson Plywood, Inc., Westfir

Background

Fire destroyed most of the Anderson Plywood plant in Westfir in February 1980. Because of the fire and other financial problems, this company has been unable to meet the agreed-upon compliance schedule for the veneer dryers. The company has requested a variance from the emission limits for veneer dryers and compliance schedule requirements until the plant can be restarted and controls installed.

The Board of Directors of the Lane Regional Air Pollution Authority agreed to grant a variance for operation of the veneer dryers at Anderson Plywood at their meeting on October 14, 1980. The variance was issued to Anderson Plywood on November 13, 1980. The Regional Authority is required by ORS 468.345(3) to submit all variances to the Commission within 15 days for Commission approval, denial or modification within 60 days of receipt.

Alternatives & Evaluation

Lane Regional Air Pollution Authority (LRAPA) rules prohibit operation of veneer dryers unless they are in compliance or on an approved schedule to attain compliance by January 1, 1981. Anderson Plywood has a schedule approved by the LRAPA Board of Directors. However, a major fire destroyed much of the plant and inventory. The owner subsequently filed bankruptcy. These two problems prevented completion of veneer dryer controls on schedule. As part of a refinancing plan, Anderson Plywood requested a variance to operate in violation of the requirement for a compliance schedule to meet opacity limits.



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The LRAPA Board of Directors approved a variance with the following conditions:

- I. Visible emissions from operation of the dryers at Anderson may exceed the standards of Section 32-010, 3.b for a period of three weeks following initial start-up of the facility provided that:
 - A. This period shall not extend later than December 31, 1980.
 - B. On or before November 1, a notice to construct the control system at Anderson shall be filed with the Authority for approval, accompanied by purchase orders for major items of equipment needed to complete the installation.
 - C. Construction on the control system shall be initiated upon approval by the Authority, but no later than November 10, 1980, irrespective of the start-up date of the mill.
 - D. On or before the conclusion of this three-week period, Anderson shall determine maximum operating parameters such as temperatures, production rate, wood species (or moisture content), percentage of re-drying, etc., which will allow dryer operation in compliance with the emission limits of Section 32-010, 3.b., cited above, without the control system.
 - E. Anderson shall submit these operating limits to the Authority for confirmation that the emission limits can be met in that manner.
 - F. The Authority, upon making the confirmation, shall establish operating limits which shall be interim permit conditions.
- II. An extension of the compliance schedule shall be allowed to install an approved control system provided that:
 - A. Extension shall not extend beyond March 31, 1981.
 - B. The dryers are operated at or below maximum allowable parameters, as defined by the Authority, under I., F. above, which will allow sustained compliance with the emission limits cited above. These parameters shall become enforceable permit conditions.
 - C. Anderson shall keep records of production and production temperature, percentage re-dry, etc., as specified by the Authority, and shall report same bi-weekly (every two weeks) to the Authority.
 - D. The installation of approved control system shall be completed on or before March 31, 1981, at which time compliance will be demonstrated, and the interim conditions on production, temperature, percentage re-dry, etc., as established above, shall be removed.

III. If the dryer operations are not commenced prior to December 31, 1980, under the terms of this variance, the variance shall become void and an approved control system shall be installed and operational at the time such operations are commenced.

Based upon the above schedule and conditions, the dryers at Anderson Plywood will operate in violation of the opacity limits for at most a 3 week period. Operation after January 1, 1981 must comply with the opacity limits. Because of the short time the dryers will be out of compliance, emissions are not expected to cause violations of ambient air standards.

The Department supports the granting of this variance. Strict compliance with the rules, particularly the compliance deadline, is unreasonable due to conditions beyond the control of the company.

Summation

- 1) On November 13, 1980, the Board of Directors of the Lane Regional Air Pollution Authority issued a variance for operation of the veneer dryers at the Anderson Plywood plant in Westfir. The variance allows 3 weeks of operation in violation of the opacity limits and required installation of controls by March 31, 1981.
- 2) Except for a 3 week period, these dryers will comply with emission limits before and after installation of controls.
- 3) LRAPA submitted this variance to the Commission on November 13, 1980, for consideration.
- 4) The Department supports the granting of this variance. Strict compliance with the rules, particularly the compliance deadline, is unreasonable due to conditions beyond the control of the company.
- 5) The Commission is authorized by ORS 468.345(3) to approve, deny or modify variances submitted by the Regional Authority.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission approve the variance as granted to Anderson Plywood, Inc., by the Lane Regional Air Pollution Authority Board of Directors.



William H. Young

Attachments

1. Letter of Submittal from LRAPA
2. Letter to Anderson Plywood granting variance
3. LRAPA Staff Report to the Board of Directors
4. Order Granting Variance Report

F.A. Skirvin:c
AC584
229-6414
11/26/80

LANE REGIONAL

AIR POLLUTION AUTHORITY



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

Donald R. Arkell
~~XXXXXXXXXX~~, Program Director

November 18, 1980

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

Re: Anderson Plywood, Inc.
Permit No. 200020

Dear Mr. Patterson;

Attached for review by Air Quality Division personnel and the Environmental Quality Commission are the following:

- 1) Order granting variance to Anderson Plywood, Inc.;
- 2) Proposed permit revision, reflecting the terms of the variance.

Please advise when this matter is set for Commission action. If there are any questions, please call.

Sincerely,

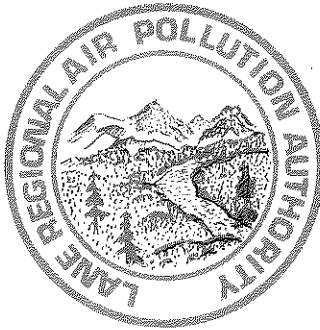
Donald R. Arkell
Director

DRA/mjd

Attachments: (2)

LANE REGIONAL

AIR POLLUTION AUTHORITY



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

Donald R. Arkell
~~XXXXXXXXXX~~ Anderson, Program Director

November 13, 1980

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

RE: LRAPA Permit No. 200020
Anderson, Plywood, Inc.

Dear Mr. Patterson:

Enclosed is the documentation supporting the variance issued to Anderson Plywood, Inc. by the LRAPA Board of Directors. This variance grants permission to Anderson Plywood, Inc. to exceed the standards of LRAPA Rules and Regulations, Section 32-010, 3.b under certain specified conditions and grants a short-term extension of the compliance schedule to allow time for an approved control system to be installed.

Sincerely,


Donald R. Arkell
Director

DRA/ec

Enclosures

LANE REGIONAL

AIR POLLUTION AUTHORITY



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

Donald R. Arkell
XXXXXXXXXXXX, Program Director

November 13, 1980

John Anderson
Anderson Plywood, Inc.
P. O. Box 218
Westfir, OR 97492

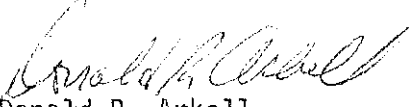
RE: LRAPA Permit No. 200020
Anderson Plywood, Inc.

Dear Mr. Anderson:

Enclosed is the order of the LRAPA Board of Directors granting variance to Anderson Plywood, Inc. The variance allows visible emissions from operation of the dryers to exceed the standards of Section 32-010, 3.b for a period of three weeks following initial start-up of the facility in order to establish operating conditions; a three-month extension of the compliance schedule to install an approved control system is allowed under specified conditions. If the dryer operations are not commenced prior to December 31, 1980 under the terms of this order, this variance is void, and compliance must be demonstrated at start-up. If there are circumstances beyond your control which may cause failure to meet the interim dates specified in this order, please notify this office. Substantial change must be approved by the Board in order to avoid violation.

The staff and myself are available if needed. Please call if you have any questions.

Sincerely,


Donald R. Arkell
Director

DRA/ec

Enclosure: LRAPA Order Granting Variance Request

Agenda Item No. 4
LRAPA Board of Directors' Meeting
October 14, 1980

TO: Board of Directors
FROM: Donald R. Arkell
SUBJ: Variance Request, Anderson Plywood, Inc.

Background

Anderson Plywood, Inc., through its owner, John Anderson, has requested variance from Section 32-010 (3)(c) of the LRAPA Rules and Regulations. A compliance schedule, approved by the Board, was originally negotiated in August of 1979 with Crater Plywood and later, after the sale of Crater, with Anderson Plywood, Inc. On February 11, 1980, a major fire occurred at the plant site, which damaged a substantial part of the plant and destroyed the veneer and plywood inventories. The plant was closed, and has remained closed since that time. The owner of the firm, John Anderson, filed bankruptcy on July 15. Bankruptcy proceedings are about concluded, and, according to correspondence with Anderson, refinancing is imminent, and start-up is possible very soon thereafter.

Analysis

Anderson Plywood, Inc. has operated three dryers at its plant in Westfir. The visible emissions from these operations exceed the limits established by the Board's rules, Section 32-010 (3)(b). The dryer operation is subject to Section 32-010 (3) of the rules, which requires that emission standards be met after December 31, 1980, and that maintaining a non-complying operation prior to that time is contingent upon meeting an approved schedule.

The request for variance, filed with the Authority, indicates that the original plan is no longer valid, and that another means of control is under consideration. Until the new plan is approved, operation of the dryer is, therefore, unlawful.

The request also states that installation of the control system by December 31, 1980 cannot be achieved. It is based on the assertion that the bankruptcy proceedings have precluded expenditure of assets and have delayed the commitment of funds to the extent that the deadline cannot be met.

As demonstration of good-faith effort to install the necessary equipment on an expeditious schedule, the applicant, Mr. Anderson, has indicated that, as part of the refinancing, there is capital committed to purchase of the major items of equipment needed for the control system; that the company will hire the necessary additional personnel to install the system (separate from production personnel); that construction of the control system will begin promptly. Mr. Anderson will retain managerial control throughout this period. He has proposed a revised schedule to begin operation within the first two weeks of November, if economic conditions are suitable, with completion of final control equipment installation on or before March 31, 1981.

Staff and Director have examined and weighed the information furnished by the company and have conferred lately with Mr. Anderson. Throughout the past year, the staff has regularly been in contact with management at Anderson Plywood Company in attempts to persuade the company to incorporate veneer dryer controls as part of the repair/reconstruction program. Staff has received assurances, throughout, that such controls would be incorporated. A final control plan was submitted on March 28, 1980. It was learned, later, that an alternate system was being considered, but no plans have been submitted for the alternate system.

Despite assurances of commitment and good-faith demonstration in this application, which may justify granting the request, the staff remains very concerned about the question of equity, in view of the highly competitive nature of the plywood business. Staff efforts to keep the need to install control equipment before the principals at Anderson apparently will not result in the successful installation of controls by the prescribed date. It is the staff's opinion that the reasons presented by Anderson for not completing installation are real enough, but need not have been factors in failing to meet the schedule, if more emphasis on that requirement had been established by the company.

Director's Recommendation

In view of the circumstances of this matter and the apparent artificial economic advantage which may be enjoyed by Anderson Plywood, should an unconditional variance be issued, the following is recommended:

- I. That the Board issue a variance to allow operation of the dryers at Anderson Plywood, and permit emissions to exceed the standards of Section 32-010 (3)(b) for a period of three weeks following initial start-up of the facility with the following conditions:
 - A. This period shall not extend later than December 31, 1980.
 - B. On or before November 1, a notice to construct the control system at Anderson shall be filed with the Authority for approval, accompanied by purchase orders for major items of equipment needed to complete the installation.
 - C. That construction on the control system be initiated upon approval by the Authority, but no later than November 10, 1980, irrespective of the start-up date of the mill.

- D. On or before the conclusion of this three week period, the applicant shall determine maximum operating parameters such as temperatures, production rate, wood species (or moisture content), percentage of re-drying, etc., which will allow dryer operation in compliance with the emission limits of Section 32-010 (3)(b), cited above, without the control system.
 - E. That Anderson submit these operating limits to the Authority for confirmation that the emission limits can be met in that manner.
 - F. That the Authority, upon making the confirmation, shall establish operating limits which shall be interim permit conditions.
 - G. If the dryer operations are not commenced prior to December 31, 1980 under the terms of this variance, the variance shall become void and an approved control system shall be installed and operational at the time such operations are commenced.
- II. That the Board allow an extension of the compliance schedule to install an approved control system under the following conditions:
- A. Extension shall not extend beyond March 31, 1981.
 - B. That the dryers be operated at or below maximum allowable parameters, as defined by the Authority, under I., F. above, which will allow sustained compliance with the emission limits cited above. These parameters shall become enforceable permit conditions.
 - C. Anderson keep records of production and production temperature, percentage re-dry, etc., as specified by the Authority, and shall report same bi-weekly (every two weeks) to the Authority.
 - D. The installation of approved control system be completed on or before March 31, 1981, at which time compliance will be demonstrated, and the interim conditions on production, temperature, percentage re-dry, etc., as established above, be removed.

LANE REGIONAL AIR POLLUTION AUTHORITY

ORDER GRANTING VARIANCE REQUEST

In the Matter of Request for
Variance by Anderson Plywood,
Inc. from Section 32-010, 3.c.
of the Lane Regional Air Pollution
Authority Rules and Regulations

1980-5

This request for variance was submitted pursuant to ORS 468.345 and Section 23-005 through 23-025, inclusive, of the Lane Regional Air Pollution Authority Rules and Regulations. A public hearing was held by the Board of Directors of the Lane Regional Air Pollution Authority. Upon hearing the testimony of Mr. John Anderson, representing Anderson Forest Products, Inc. AKA Anderson Plywood, Inc. (Anderson) and Donald Arkell, Director of Lane Regional Air Pollution Authority, and reviewing correspondence and supplementary information provided by Mr. Anderson, and based on the evidence presented, the Board finds:

1. A major fire occurred at the Anderson plywood plant in Westfir on February 11, 1980, destroying the inventory of plywood and causing other substantial damage at the plant site and resulting in closure of the plant.
2. Anderson Forest Products, Inc. filed for bankruptcy in July of 1980, which prevented expenditure of necessary funds to complete the agreed-upon compliance program on schedule.
3. The bankruptcy proceedings are almost concluded and, as part of the refinancing plan submitted by Anderson, there is provision to install control devices on the veneer dryers to comply with applicable emission limits.
4. Because of the bankruptcy and delay in implementing the schedule, Anderson will be unable to complete installation of

LANE REGIONAL AIR POLLUTION AUTHORITY
ORDER GRANTING VARIANCE REQUEST
ANDERSON PLYWOOD, INC.
(cont.)

1 control equipment before December 31, 1980, as provided in
2 LRAPA Rules and Regulations.

- 3 5. Strict compliance with the Rules, and particularly the deadline
4 contained therein, is unreasonable, under the special financial
5 circumstances of the company because of conditions beyond the
6 control of Anderson, and special physical conditions at the
7 plant site.

8 The Board has further concluded that, despite unusual circumstances
9 which appear in this case, it's decision on this matter must consider
10 the question of equity, with respect to the effect on other firms
11 competing in the same market, and which are also subject to the same
12 rule from which this variance is requested.

13 Based on the evidence presented and the foregoing findings, the
14 Board hereby approves the request for variance, on the following conditions:

- 15 I. Visible emissions from operation of the dryers at Anderson may
16 exceed the standards of Section 32-010, 3.b. for a period of
17 three weeks following initial start-up of the facility provided
18 that:
- 19 A. This period shall not extend later than December 31, 1980.
20 B. On or before November 1, a notice to construct the control
21 system at Anderson shall be filed with the Authority for
22 approval, accompanied by purchase orders for major items
23 of equipment needed to complete the installation.
24 C. Construction on the control system shall be initiated upon
25 approval by the Authority, but no later than November 10,
26 1980, irrespective of the start-up date of the mill.

LANE REGIONAL AIR POLLUTION AUTHORITY
ORDER GRANTING VARIANCE REQUEST
ANDERSON PLYWOOD, INC.
(cont.)

1 D. On or before the conclusion of this three week period,
2 Anderson shall determine maximum operating parameters
3 such as temperatures, production rate, wood species (or
4 moisture content), percentage of re-drying, etc., which
5 will allow dryer operation in compliance with the emission
6 limits of Section 32-010, 3.b., cited above, without the
7 control system.

8 E. Anderson shall submit these operating limits to the
9 Authority for confirmation that the emission limits can
10 be met in that manner.

11 F. The Authority, upon making the confirmation, shall
12 establish operating limits which shall be interim permit
13 conditions.

14 II. An extension of the compliance schedule shall be allowed to
15 install an approved control system provided that:

16 A. Extension shall not extend beyond March 31, 1981.

17 B. The dryers are operated at or below maximum allowable
18 parameters, as defined by the Authority, under I., F.
19 above, which will allow sustained compliance with the
20 emission limits cited above. These parameters shall
21 become enforceable permit conditions.

22 C. Anderson shall keep records of production and production
23 temperature, percentage re-dry, etc., as specified by the
24 Authority, and shall report same bi-weekly (every two
25 weeks) to the Authority.

26 D. The installation of approved control system shall be

LANE REGIONAL AIR POLLUTION AUTHORITY
ORDER GRANTING VARIANCE REQUEST
ANDERSON PLYWOOD, INC.
(cont.)

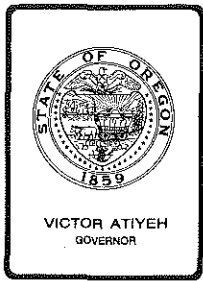
completed on or before March 31, 1981, at which time
compliance will be demonstrated, and the interim con-
ditions on production, temperature, percentage re-dry,
etc., as established above, shall be removed.

III. If the dryer operations are not commenced prior to December
31, 1980 under the terms of this variance, the variance shall
become void and an approved control system shall be installed
and operational at the time such operations are commenced.

SIGNED:



Otto t'Hooft, Chairman
Board of Directors
Lane Regional Air Pollution Authority



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. I, December 19, 1980, EQC Meeting

Requests for Variances from OAR 340-30-045(3), Compliance Schedules for Particle Dryers at Timber Products Co., Medford, and Down River Forest Products, White City, and Medford Corporation, Medford, and Petitions for Amendments to OAR 340-30-030, Medford-Ashland AQMA Wood Particle Dryer Rule

Background

Medford Corp., Down River Forest Products and Timber Products Co. petitioned for modifications of the regulatory emission limit for particle dryers. In addition, Medford Corporation, Down River Forest Products and Timber Products Co. have also requested variances from the compliance schedule for installation of particle dryer controls. Both the emission limit and compliance schedule for particle dryers are part of the special rules for the Medford-Ashland Air Quality Maintenance Area (OAR 340-30-030 and 045(3)).

These rules required pilot testing of particle dryer controls and provided an opportunity for a public hearing by January 1, 1980, if compliance with the emission limit was demonstrated not to be feasible. Some pilot testing was completed but not in time to hold the hearing by January 1, 1980. Down River Forest Products and Timber Products have petitioned for rule changes and requested variances to install controls as a result of the pilot test data. Medford Corp. has requested a rule specific to medium density fiberboard plants based upon the contention that their facility significantly differs from a particleboard plant.

The Commission is authorized by ORS468.345 to grant a variance from the Department's rules if it finds that strict compliance is inappropriate because it would result in substantial curtailment or closing down of a business, plant or operation. The Commission is required by OAR 340-11-047



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to initiate rulemaking proceedings or deny the petitions for rule change within 30 days of receipt.

Alternatives and Evaluation

Timber Products and Down River Forest Products jointly sponsored a pilot test of a wet electrostatic precipitator in November, 1979. Since the test results became available, the companies have also been investigating water clarification systems, costs and contractual details with the manufacturer. In addition, another pilot unit was installed. It was not source tested because it was apparent from opacity readings that it would not meet the emission limits.

Both companies have stated that the cost of a full scale version of the unit pilot tested is unreasonable. In addition, there is some doubt expressed whether such a unit can continuously meet the existing regulation due to uncertainties related to long term performance. Therefore, Timber Products and Down River Forest Products have independently petitioned for changes in the emission limit and requested variance from the compliance deadline of January 1, 1981.

Down River requested an increase in the emission limit from 0.35 to 0.45#/1000 SF. Timber Products desires an increase to 0.75#/1000 SF. The Department has received the data on the pilot test indicating compliance can be achieved with the present standard. However, additional information is necessary to investigate the claims of financial hardship and the potential for long term performance problems with a wet electrostatic precipitator.

In the variance requests, both Timber Products and Down River Forest Products have proposed compliance schedules assuming the limit is changed per their own petitions. Down River's schedule includes both new dryers and control system. Timber Products is investigating an additional type of control system. Any new or unproven type of control system proposed for installation must be pilot tested before the Department would grant construction approval.

At this time the Department does not recommend a lengthy variance because of a potential rule change. However, a short term variance until a hearing on the petitions can be held seems appropriate for both Down River Forest Products and Timber Products. Certainly, neither plant could comply with the existing rule by January 1, 1981.

Medford Corporation has petitioned for a new rule for its plant. They operate a medium density hardboard plant, in contrast to Down River Forest Products and Timber Products, which are particleboard plants. Medford Corporation requested to have a new, specific rule for medium density fiberboard plants, limiting them to 0.25#/1000 square feet of board produced (1/8" basis) as a total from all sources at a plant.

Medford Corporation has requested a variance from the final compliance deadline of January 1, 1981 because strict compliance would pose an undue hardship on this facility and could result in closure of the plant.

In order to provide for additional input on the practicality and applicability of the existing emission limit for particle dryers in Medford, the Department requests authorization to hold a public hearing. The Department proposes a hearing to receive testimony on a rule which retains the existing emission limit for dryers at particleboard plants with an extended deadline to May 1, 1982, and contains a specific rule for medium density fiberboard plants.

The date for attainment of the primary air standards in the Medford AQMA is December 31, 1982. A revision to the compliance schedules up to that date will not adversely impact the Department's control strategy. However, a change in the emission limit for the Timber Products and Down River dryers would require additional emission reductions from other sources with emissions similiar to those from particle dryers. Changes in the dryer rule requested by Medford Corporation, however, would not appear to have any effect on the existing control strategy. Failure to attain the primary standard by December 31, 1982, would result in a strict moratorium on all new or modified sources and likely severe enforcement actions and penalties imposed by EPA.

In addition to the public hearing, the Department proposes short term variances for Medford Corporation, Down River Forest Products and Timber Products until the emission limit is either altered or confirmed, or until June 1, 1981, whichever is sooner. The hearing could be held February 5, 1981 and the Department's recommendations presented to the Commission at its March meeting.

Summation

1. The current emission limit for particle dryers in the Medford-Ashland AQMA is 0.35#/1000 SF and compliance is required by January 1, 1981.
2. Timber Products Co. and Down River Forest Products have petitioned for a change in the emission limit based upon pilot test data and a variance from the compliance deadline to install alternative, less costly controls.
3. Medford Corp. has petitioned for a change in the rules to establish specific emission limits for medium density fiberboard plants instead of including them with the particleboard dryers and requested a variance from the compliance deadline.
4. The Department proposes to hold a hearing to consider additional factual information on the appropriateness of the current emission limit, a proposal to extend the current compliance deadline and a rule specific to fiberboard plants.

5. The attainment date for primary ambient air standards is December 31, 1982. An extension of the compliance schedules up to that date could be allowed under an acceptable control strategy, however, the failure to attain primary standards by that date would result in serious growth curtailment consequences to the area and likely severe EPA enforcement against individual non-complying sources.
6. The Department supports short term variances from the January 1, 1981, compliance deadline for Medford Corporation, Down River Forest Products and Timber Products until the current emission limit is either reaffirmed or altered, or until June 1, 1981, whichever is sooner because compliance with the current deadline would likely result in closure of these facilities.
7. The Commission is required by OAR 340-11-047 to deny or initiate rule making procedures within 30 days of a petition for rule change.

Director's Recommendation

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

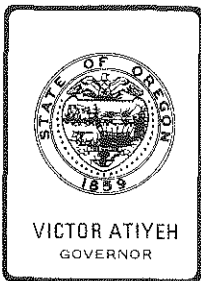
1. Authorize a public hearing to receive testimony on the technical and economic aspects of the requested changes in the emission limit and extension of compliance schedules for particle dryers. The hearing will also consider the addition of a specific emission limit for medium density fiberboard plants.
2. Grant variances to Medford Corporation, Timber Products Co. and Down River Forest Products from the compliance schedule (OAR 340-30-045(3)) for achievement of particle dryer controls until the current emission limit and schedule are either changed or confirmed, or until June 1, 1981, whichever is sooner.



William H. Young

- 1) Draft Public Notice and Statement of Need for Rulemaking
- 2) Letter from Timber Products
- 3) Letter from Down River Forest Products
- 4) Letter from Medford Corp.

FAS:d
229-6414
December 2, 1980
AD46 (1)



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

Prepared: December 3, 1980

Hearing Date: February 5, 1981

NOTICE OF PUBLIC HEARING

A CHANCE TO BE HEARD ABOUT:

Emission Limits and Compliance Schedules for Particle Dryers in the Medford-Ashland AQMA

At the request of the particleboard and medium density fiberboard industry in Medford, the Department is holding a hearing to consider changes in the emission limits and compliance schedules for particle dryers and fiberboard dryers. The latest allowable attainment date for the primary ambient air standards in Medford is December 31, 1982. In addition, significant changes in the emission limits for particle dryers could affect the attainment strategy resulting in further reduced emission limits for other sources.

WHAT IS THE DEQ PROPOSING?

Interested parties should request a copy of the complete proposed rule package. Some highlights are:

- ** Extension of the compliance deadline from January 1, 1981, to not later than June 1, 1981, and reestablishment of the interim schedule dates.
- ** Retaining the current emission limit of 0.35#/1000 square feet of board produced (1/8" basis) unless sufficient new data is presented to demonstrate that it is technically or economically impossible or impractical to attain.
- ** Separating fiberboard dryers from particleboard dryers by adopting emission limits specific to medium density fiberboard plants.

WHO IS AFFECTED BY THIS PROPOSAL:

The particleboard industry (Timber Products Co. and Down River Forest Products) and the fiberboard industry (Medford Corp.) in Medford.

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 February 4, 1981.

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

<u>City</u>	<u>Time</u>	<u>Date</u>	<u>Location</u>
Medford	9:00 a.m.	Thursday, Feb. 5, 1981	Municipal Court Room Medford City Hall 411 West 8th Street Medford, Oregon

WHERE TO OBTAIN ADDITIONAL INFORMATION:

Copies of the proposed rules may be obtained from:

Gary Grimes
Southwest Region Office
201 W. Main St. Suite 2D
Medford, Oregon 97501

LEGAL REFERENCES FOR THIS PROPOSAL:

This proposal amends OAR 340-30-030 and 045(3). It is proposed under authority of ORS 468.020.

LAND USE PLANNING CONSISTENCY

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

FURTHER PROCEEDINGS:

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

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

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

The Environmental Quality Commission is authorized by ORS 468.020 and 495 to initiate rule making proceedings and to adopt emission limits of sources or classes of sources.

Need for the Rule

Compliance with the existing schedule could result in closure of three plants in Medford. Attainment of primary ambient air standards is required by December 31, 1982.

Principle Documents Relied Upon

Letters from Down River Forest Products, Timber Products and Medford Corp.
Source tests and other technical data
Medford-Ashland portion of the State Implementation Plan
Clean Air Act Amendments of 1977

Fiscal Impact Statement

This rule could have significant fiscal impact on the particleboard industry in Medford.

EW:d
AD46.B (1)

BLACKHURST, HORNECKER, HASSEN & BRIAN
ATTORNEYS AT LAW

B KENT BLACKHURST
GREGORY T. HORNECKER
JOHN R. HASSEN
MICHAEL BRIAN
DANIEL C. THORNDIKE

P. O. BOX 670 SUITE 1 - 129 N. OAKDALE
MEDFORD, OREGON 97501

AREA CODE 503
TELEPHONE 779-8550

November 20, 1980

Mr. Joe Richards, Chairman
Environmental Quality Commission
P.O. Box 1760
Portland, OR 97207

Dear Mr. Richards:

This office represents Timber Products Company. In accordance with the provisions of OAR 340-11-047, Timber Products Company hereby petitions the Commission for the amendment of OAR 340-30-030. Alternatively, Timber Products Company petitions for the hearing provided by OAR 340-30-045(3) to consider amendments to the limitation set by OAR 340-30-030.

In either event, pursuant to Oregon Revised Statutes 468.345, Timber Products Company requests that the Commission grant a temporary variance from the requirements of OAR 340-30-030 and 340-30-045(2)(d), pending consideration and resolution of this petition by the Commission.

The specific amendment that the Company proposes is:

1. OAR 340-30-030 is amended as follows:

Wood Particle Dryer at Hardboard and Particleboard Plants.

340-30-030 No person shall cause or permit the total emission of particulate matter from all wood particle dryers at a plant site to exceed 0.35 0.75 pounds per 1000 square feet of board produced by the plant on a 3/4" basis as an annual average.

The pilot testing and cost analysis required by OAR 340-30-045(3) has demonstrated that the requirements of the existing rules cannot be met with any available equipment within the range of economic feasibility. At this point, there is no "state-of-the-art" technology which has actually demonstrated an ability to comply with the standards set forth in OAR 340-30-030.

Timber Products is anxious to proceed with resolution of this matter, but it is the Company's position that committing itself to any one existing -- and unproven -- control strategy

Mr. Joe Richards, Chairman
November 20, 1980
Page 2

cannot now be supported. Alternative control strategies are presently being investigated by Timber Products (e.g., the Blue Haze Eliminator system developed by Georgia-Pacific), but additional time is needed to complete further investigation and testing of these alternatives.

These systems promise a reduction in emission at a significantly lower cost than other systems which Timber Products has tested to this point. (See Exhibit "A", Cost Comparisons). Any such cost savings can benefit the entire Medford-Ashland AQMA control strategy by making funds available for further reductions in emissions from other plant sources.

Timber Products Company has expended a great deal of time and money in seeking to control emissions from its Particleboard Plant Dryers. Initially, it should be noted that the existing units have been fitted with an American Air Filter, Multiclone Scrubber. Testing of additional systems has also been proceeding.

A system developed by Burley Industries, 680 "F" Street, Eastside, OR 97420, was considered by the Company and was to have been tested. For this purpose, an extension of time to July 15, 1979 was granted to Timber Products by Mr. F.A. Skirvin of the Department of Environmental Quality. Prior to actual testing, it became apparent to Mr. Bill Coffendaffer, Plant Engineer, that the system could not meet the standards and, hence, the test was cancelled.

During October 29 through November 2, 1979, Timber Products spent approximately \$20,000.00 in testing a wet electrostatic precipitator offered by Mikro-Pul, Inc.. The results of the test were inconclusive and, in the Company's opinion, did not demonstrate an ability to comply with the existing standards. (See Exhibit "B" for a summary of test results).

Regarding the Mikro-Pul system, numerous unsolved questions remain as to its performance in actual plant operation. In particular, Mikro-Pul would not certify compliance with applicable DEQ standards unless the water used was of a specified purity. Clear water only was used in the tests. Testing of a water clarification unit produced by Envior-Clear, Inc., is now scheduled for November or December of this year. It is doubtful that this system will be satisfactory.

Additional problems remain both with regard to the control of water temperatures used with a wet electrostatic precipitator and as to its ability to meet the opacity regulations. Mikro-Pul will not certify compliance with DEQ's opacity standards.

Mr. Joe Richards, Chairman
November 20, 1980
Page 3

It is Timber Products' position that the existing standard set forth by OAR 340-30-030 cannot be supported on any technical and economic basis. Arguably, the method by which the particular requirement was established violates the provisions of Oregon Revised Statutes 468.295.

ORS 468.295(2)(g), (h) and (j) requires that the Commission shall have considered the availability of air-cleaning devices, the economic feasibility of air-cleaning devices, and the effect on efficiency of industrial operation resulting from use of air-cleaning devices in determining air purity standards. Apparently, none of these factors were adequately considered by the Medford-Ashland AQMA Advisory Committee.

The proposed change in the rule will not adversely impact the overall control strategy for particulates in the AQMA.

Under the terms of Air Contaminant Discharge Permit Number 15-0025, particulate emissions from all sources at the particleboard plant shall not exceed 41 pounds/hour. The Company estimates that 17 pounds/hour can, under existing operations, be attributed to emissions from cyclones. This leaves 24 pounds/hour for other sources, which is equivalent to 99.84 tons per year at maximum annual capacity.

Timber Product Company's particleboard plant has a maximum annual capacity of 96,000,000 square feet on a 3/4" basis of finished product equivalent. The current annual rate of production is 72,000,000 square feet on a 3/4" basis.

Under the proposed rule, there would be allowed a maximum annual emission of 36 tons per year at full plant capacity. Based on current operating schedules, the maximum annual emission would be 27 tons per year. Total allowable emissions would be well within the 41 pounds/hour limitation.

Testing by the Company has indicated that the proposed amendment represents a realistic goal based on existing state-of-the-art technology. Performance in actual operation should, of course, be the primary concern of both the Commission and Timber Products Company.

Partial testing of the Mikro-Pul wet electrostatic precipitator has indicated that, under optimal test conditions and with the best known equipment available, there is a maximum potential efficiency to reduce emission level from the particleboard dryers to .378 pounds per 1000 square feet on a 3/4" basis. This efficiency could not be sustained under normal operating conditions. The Company's best estimate is that such equipment

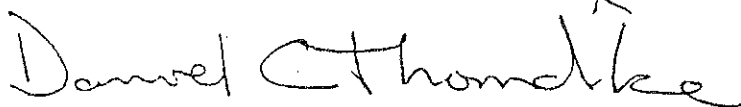
Mr. Joe Richards, Chairman
November 20, 1980
Page 4

-- if proven to be feasible at all -- would operate in the range of .5 to .9 pounds per 1000 square feet on a 3/4" basis under actual production conditions.

We respectfully request that this petition and request for a variance be considered by the Commission at its earliest convenience. Other parties that may be impacted or interested in this matter include: the Jackson County Board of Commissioners at Jackson County Courthouse, Room 201, Medford, Oregon 97501; the Greater Medford Chamber of Commerce at 304 South Central, Medford, Oregon 97501; the League of Women Voters at c/o Nancy L. Swan, 441 Eastwood Drive, Medford, Oregon 97501; Medford Corporation at North Pacific Highway, P.O. Box 550, Medford, Oregon 97501; and Down River Corporation at 1790 Avenue G, White City, Oregon 97501.

Sincerely,

BLACKHURST, HORNECKER, HASSEN & BRIAN

A handwritten signature in dark ink, reading "Daniel C. Thorndike". The signature is written in a cursive style with a large, stylized 'D' and 'T'.

Daniel C. Thorndike

DCT:cas

cc: Mr. Joseph Gonyea
Mr. Alex Austin
Mr. Gary L. Grimes

EXHIBIT "A"

COST ESTIMATES & COMPARISONS

Mikropul Single Stage Electrostatic Precipitator

Wet Electrostatic Precipitator (single stage)	\$ 388,000.00
Installation Supervision	26,500.00

Installation	300,000.00
Includes Foundation, Duct Work, Pumps, Stack, Support Platform Piping and Labor	

Water Clarification Unit - Enviro-Clear	93,000.00
Installation Including Piping and Foundation	25,000.00

Water Cooling Tower	90,000.00
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TOTAL	<u>\$ 922,500.00</u>
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Wet Electrostatic Precipitator (two stage)	776,000.00
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Installation	400,000.00
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Water Clarification Unit - Enviro-Clear	100,000.00
Installation	40,000.00

Water Cooling Tower	125,000.00
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TOTAL	<u>\$1,441,000.00</u>
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Georgia Pacific Emission Eliminator

Complete Turnkey Job	* <u>\$ 558,943.00</u>
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NOTE:

1. Mikropul guarantees the precipitator only and that is dependent upon clarification and cooling of water for recirculation. The clarification units must be supplied by other equipment dealer under another contract. The water clarification unit suggested for the Mikropul application has not been tested.
2. Georgia Pacific guarantees the operation of the complete unit including water clarification.
3. The Georgia Pacific cost figure has been provided as an estimate only and does not reflect possible upward adjustments based on corrected plant capacity figures that have since been supplied.

EXHIBIT "B"

MIKROPUL PILOT TEST RESULTS

Test Taken By: BWR Associates
Route 5 Box 145
Klamath Falls, Oregon

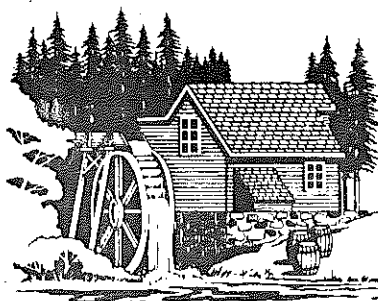
Series of ten test runs.
Week of Oct. 29 through Nov. 2, 1979

The Average Emission Rate Using Single Stage Unit

<u>ACFM</u>	<u>TEMP</u>	<u>SCFM</u>	<u>9/DSCF</u>	<u>16/HR</u>	<u>16/Msq3/4</u>
60,000	175	50,000	0.0104	414564	0.43

The production at time of testing 10,317 sq. ft. 3/4/hr.

Taking average 3 year production, 3/4" basis, which is 11,416 sq. ft. 3/4/hr. the emission rate would calculate out at about .378 per thousand sq. ft.



Down River
INTERNATIONAL, INC.

RECEIVED
NOV 20 1980

SOUTHWEST REGION OFFICE

State of Oregon

DEPARTMENT OF ENVIRONMENTAL QUALITY

P.O. BOX 15290-C • SACRAMENTO, CALIFORNIA 95813

November 26, 1980

Mr. Gary Grimes
Regional Manager
Department of Environmental
Quality - Southwest Region
201 W. Main, Suite 2-D
Medford, Oregon 97501

RE: AQ - Jackson County
Down River Forest Products
ACDP No. 15-0027

Dear Mr. Grimes:

This will follow up our many conversations concerning the Schedule of Compliance for our particle dryers under the AQMA particle dryer rule and will specifically address your request as outlined in your letter to us dated September 19, 1980.

As you know, we have been working on the pollution control since Down River purchased the White City plant in early 1977. As shown in the attached schedule, we have seriously attempted to meet all requirements as well as work closely with your department along the way. This includes the addition of six bag houses, bringing the total to eight units. Also, we added an additional cyclone and repaired all existing cyclones. One source (#4) has been completely eliminated and four separate sources have been combined into two (#7 & 8 and 9 & 11) with bag control. All of the work has met construction requirements and passed department inspection. These actions along with various other measures have led to a 76% reduction in particulate emissions from the total plant site. This has all been done in a matter of a little less than three years at a cost of almost \$500,000 plus, of course, the periodic maintenance required on all of the system.

The expenditures we have undertaken have been in the face of continued major operating losses at the White City facility as we have worked to turn this operation around. Economic conditions have been most difficult within our industry and this combined with the need to reestablish a market acceptance of our product has led to these losses and made the facility marginal, at best, over that period.

A thorough analysis by the White City management team along with personnel from our Corporate Headquarters in Sacramento has led to the conclusion and decision that the White City facility can be a viable, long-term operation. We are very pleased with this decision not only because of the contribution we feel our operation can make to the overall Corporation, but because of the economic impact to the community through the 130 jobs our plant provides.

Reference the specific requirement for control of the emissions from the dryer stacks, under our ACD permit guidelines, we have followed the pilot testing procedure outlined and submitted results to you. This began with the pilot test held in conjunction with Timber Products Corporation over a year ago. We then reviewed the results with your office early this year. These tests indicated that to attain the desired emission control levels would be marginal, at best, with the pilot equipment tested. Therefore, other means of emission control were sought, including sand filters and furnish bed filters. Numerous engineering firms were contacted, such as Fuller, Neptune-Airfal, Taylor, T.D.C., Rader, and Mekropul. While the filter approach did not prove to be a viable solution, in our various meetings with these people, they did suggest what we now feel to be the most effective alternative available to us; that is, an upgrade of our existing dryer operation to the point where satisfactory control of emissions would be technologically possible.

Under guidelines set forth in the Oregon Administrative Rules, Chapter 340, Division 30 - D.E.Q., Section 340-30-045 (2)(d), Down River Forest Products has until January 1, 1981, to comply with Rule 340-30-030 which sets particulate emissions not to exceed 0.35 pounds per 1,000 square feet 3/4" basis from our particle dryers.

As a result, Down River Forest Products, Inc. respectfully requests a variance from the compliance schedule for particulate dryers as provided for in O.R.S. 468.345. As outlined above, in the short time Down River has occupied the plant, we have been working to solve this problem even in the face of difficult economic conditions at the plant. We feel that these efforts have been undertaken in a timely manner leading to a viable alternative which now must be defined in detail. These special circumstances support our request for a variance under O.R.S. 468.345 (b & c). The variance request is as follows:

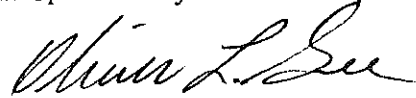
- | | |
|---|------------------|
| 1. Date to submit plan & specifications: | April 15, 1981 |
| 2. Date to issue purchase orders: | June 30, 1981 |
| 3. Date to initiate construction: | December 1, 1981 |
| 4. Date to complete construction: | March 1, 1982 |
| 5. Date to demonstrate compliance by source test: | May 1, 1982 |

In addition to the request for variance outlined above, we request a review and change of Rule 340-30-030 of O.R.S. 468. This rule states that

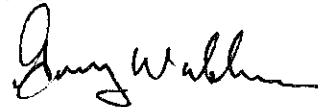
the total emission of particulate matter from all wood particle dryers will not exceed .35 pounds per 1,000 square feet of board produced by the plant on a 3/4" basis as an annual average. We request a change to .45 pounds per 1,000 square feet of board produced. This is based on the results of our preliminary test studies of the proposed upgrading we plan to pursue, which shows the .35 pounds to be unreasonably stringent.

We appreciate your consideration of our requests and are available to meet with you at any time to answer any questions which you may have or go into any amount of depth on the proposed system which you may desire. We are, likewise, available to keep you advised of our progress towards the development of our detailed plan and specifications, and plan to attend the December 19th meeting in Portland.

Respectfully submitted,

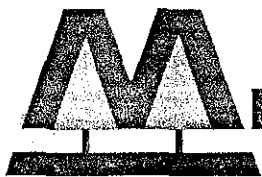


Oliver L. Gee
Vice President & General Manager



Gary J. Webber
Plant Manager

OLG:mah



EDFORD CORPORATION

ATTACHMENT 4

P.O. BOX 580, MEDFORD, OREGON 97501 * TELEPHONE 503 - 773 7491

November 7, 1980

Mr. Jack Weathersbee, Administrator
Air Quality Division
Department of Environmental Quality
P. O. Box 1760
Portland, OR 97207

Dear Jack:

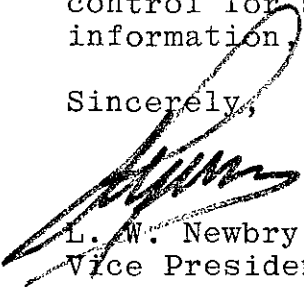
Enclosed is Medford Corporation's petition for rule changes to accommodate the strategy agreed upon for control of our hardboard plant. Also enclosed is the test data on the two dryer scrubbers and the only remaining air conveying system that is not controlled by a baghouse.

The data looks good and it appears that all emission points at the plant will total slightly less than the 65 ton criteria. My calculation of total tonnage is as follows:

6 Baghouses at 1 TPY	6.00 T
Face material cyclone	9.92 T
Dryer #2	24.74 T
Dryer #3	<u>13.74 T</u>
Total	<u>54.40 TPY</u>

We believe you will agree that this is exceptionally good control for a plant of this type. If you wish further information, please call.

Sincerely,


L. W. Newbry
Vice President - Public Affairs

LWN/dl

Enclosures



MEDFORD CORPORATION

P.O. BOX 550, MEDFORD, OREGON 97501 * TELEPHONE 503 - 773-7491

November 7, 1980

Mr. Joe Richards, Chairman
Environmental Quality Commission
P. O. Box 1760
Portland, OR 97207

Dear Mr. Richards:

In accordance with the provisions of OAR 340-11-047, Medford Corporation hereby petitions the Commission for the promulgation of additional rules to be added to and made a part of Chapter 340-30 Oregon Administrative Rules and for the amendment of OAR 340-30-030.

The specific changes and amendments are as follows:

1. The following definition is added to and made a part of OAR 340-30-010:

Hardboard Plants.

"Hardboard" means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhesive properties under pressure.

2. OAR 340-30-030 is amended as follows:

Wood Particle Dryers at [Hardboard and]
Particleboard Plants.

340-30-030 No person shall cause or permit the total emission of particulate matter from all wood particle dryers at a plant site to exceed 0.35 pounds per 1000 square feet of board produced by the plant on a 3/4" basis as an annual average.

3. The following section is added to and made a part of OAR 340-30:

Hardboard Manufacturing Plants.

340-30-___ No person shall cause to be emitted particulate matter from hardboard plant facilities in excess of a total from all facilities within the source of one-

Mr. Joe Richards, Chairman
Environmental Quality Commission
Page 2
November 7, 1980

fourth (0.25) pounds per 1000 square feet of hardboard produced on a 1/8 inch basis of finished product equivalent.

This petition for rule change is the culmination of the investigations required by OAR 340-30-045(3) relative to appropriateness and feasibility of the requirements of OAR 340-30-030 and an agreement reached between Medford Corporation and the Department (see attached letter: Department to Medford Corporation dated October 13, 1978).

The October 13, 1978 letter referred to in this petition was the result of several meetings between Medford Corporation and Department officials. During these meetings, Medford Corporation produced evidence to show that the proposed use of wet electrostatic precipitators on its fiber drying equipment was a misapplication of technology and further that the desired level of control for the entire plant could be achieved in another way. A copy of this presentation to the Department is attached.

Medford Corporation has completed and placed in operation all of the recommendations outlined in the October 13, 1978 letter. The testing requested has been completed indicating that all emissions from the facilities at this source are within the 65 tons per year set forth as the goal to be achieved (copy of tests is attached).

The maximum annual capacity of this plant is 510,000,000 square feet of board on a 1/8 inch basis of finished product equivalent. The maximum annual hours of operation is 7,720 hours. Under the provisions of the proposed rule, particulate emissions of 0.25 pounds per 1000 square feet of board produced on a 1/8 inch basis produces maximum allowable annual emission from the source of 63.75 tons per year. This emission level is below the goal outlined in the October 13, 1978 letter and the projected emission inventory for the plant expected in 1987 of 88 tons per year.

Based upon these facts, the proposed changes in the rules will not adversely impact the control strategy for particulate in the AQMA.

This proposed change in the rules for the AQMA present several advantages to the petitioner and to the air shed. By following the agreed upon control strategy for this source, the particulate emissions were reduced much earlier than could have been achieved under the existing rules. It is doubtful that the requirements of the existing rules could be met with any equipment within the range of economic feasibility. The advantage to Medford

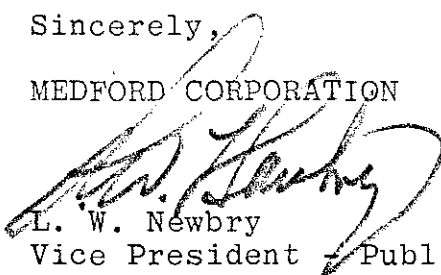
Mr. Joe Richards, Chairman
Environmental Quality Commission
Page 3
November 7, 1980

Corporation is the flexibility in selecting control equipment for all the facilities within the source. This flexibility permits the company to control the source to the desired level with proven equipment at a lower cost.

We respectfully request that this petition be considered by the Commission at its earliest convenience. Other parties that may be impacted or interested in this matter include the Jackson County Board of Commissioners, the Greater Medford Chamber of Commerce, the League of Women Voters, Timber Products Company, and Down River Corporation.

Sincerely,

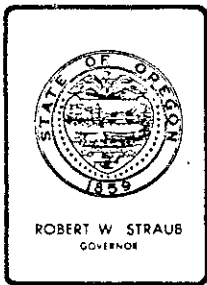
MEDFORD CORPORATION



L. W. Newbry
Vice President - Public Affairs

LWN/dl

Enclosures



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

(503) 229-5397

October 13, 1978

Medford Corporation
P. O. Box 550
Medford, Oregon 97501

Attn: Lynn Newbry

Gentlemen:

The Department has received your request for a change in the emission limit for particle dryers dated September 12, 1978. After our meeting on October 10, 1978, I would like to clarify the Department's position on your proposal.

The Department shares your concern over the condition of the existing scrubber on dryer #2. Since the scrubber is expected to be completely inoperable in the near future, it seems essential that Medford Corporation and the Department immediately agree on a strategy that will prevent an increase in current emission rates, provide for future reductions in emissions required by the AQMA strategy, and give Medford Corporation a sound basis for planning expenditures and designing control equipment. With this goal in mind, the Department proposes the following conditions, limits and allowances concerning the particle dryers at your fiberboard plant:

- a. Rebuild the existing scrubber on dryer #2 and add a similar scrubber on dryer #3.
- b. Embark on a pilot testing program to reduce the amount of carryover from the scrubber to comply with the .35 pounds per thousand square feet limit for particle dryers or an equivalent plant site limit of 65 tons per year.
- c. After completion of the control strategy, comply with a plant site limit of 65 tons per year of total particulate emissions from the fiberboard plant through control of dryers and other sources.

The test results of the existing scrubber indicates that performance has deteriorated since its installation. I think we both agree that performance and life will be significantly improved as a result of your rebuilding, using stainless steel and the improvements discussed at the meeting. However, it is very difficult to predict the actual emission reductions it will achieve. Therefore, the Department feels that Medford Corporation should attempt to comply with the existing dryer regulation.

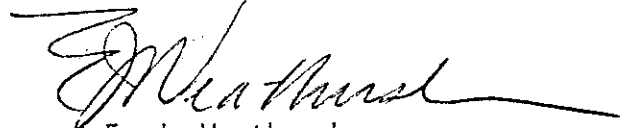
The particle dryer regulation itself provides for a review of its appropriateness by July, 1979. I am sure Medford Corporation will make a good faith effort to comply with the regulation and plant site limit, and the Department will review the results of your pilot program with that in mind. If compliance with the existing regulation appears impractical, the Department will support modification of the regulation. If the best practicable control of the dryers and other sources at the plant site does not result in compliance with the 65 ton per year plant site limit, the staff will support an increase in the plant site limit. In this event, reductions in emissions elsewhere in the AQMA would be necessary.

Medford Corporation
October 13, 1978
Page 2

I hope the Medford Corporation can agree with the above position. I am sure that you are sincere in your efforts to improve the air quality in the Medford area, but I also realize that other factors must be considered in your decision. The Department intends to be as fair as possible in achieving the overall reduction necessary to attain and maintain air quality standards in the Medford-Ashland AQMA.

If you have any questions, or need clarification of any of the above points, please call me at your convenience.

Sincerely,

A handwritten signature in dark ink, appearing to read "E. J. Weathersbee", with a long horizontal flourish extending to the right.

E. J. Weathersbee
Administrator
Air Quality Division

EGW:h

cc: SWRO

MEDFORD CORPORATION
PETITION FOR RULE CHANGE
FIRST DRAFT
SEPTEMBER 12, 1978

Medford Corporation is not seeking special consideration or special privilege nor does it wish to diminish in any way the control strategies developed for the Medford-Ashland A.Q.M.A. for total suspended particulate. This petition for rule change is the result of conversations with the vendors of wet electrostatic precipitators, a better understanding of the problem, and extenuating circumstances which have occurred since the A.Q.M.A. rules were adopted.

The current rules of 0.35 pounds per thousand square feet of board on a 3/4" basis was the result of an arithmetic calculation based upon the need to reduce emissions from the three synthetic board plants in the A.Q.M.A. by a sizable tonnage. The proposal in this petition will achieve essentially the same results insofar as the Medford Corporation plant is concerned, but with much more flexibility and cost effectiveness.

The rigid provisions of this rule is admittedly "technology forcing" and the appropriateness of this strategy was to be determined after the testing of wet electrostatic precipitators. Medford Corporation, in keeping with the spirit of the regulation, has met with

representatives of three vendors of this equipment at the plant site (Ceal Coat, TRW, and Fluid Ionics). Without exception, the engineers representing the respective vendors commented that they could do the job, but felt that it was a misapplication of technology on the Medco fiber dryers. This judgment was based on their observation of the emissions, the size of the particles, and the absence of "blue haze." They advised that a high energy scrubber similar to the installation on the No. 2 dryer would do as well as anything on an emission of this type, pointing out that wet ESP's are most effective on submicron sized particles and further that a wet scrubber of some type must be installed ahead of the wet ESP to knock down the large particles (approx. 5 microns and larger).

As a result of these discussions, Gene Wellman was employed to make a size distribution study of the dryer emissions (see Attachment A). The result of Wellman's study shows a range of from 1 to more than 1,000 microns, the mean size being 84 microns. Based on these comments by vendors and verification of particle size distribution, it becomes clear that the wet electrostatic precipitator would provide very little additional control. Wellman's testing of the wet scrubber installed on the No. 2 dryer indicates an efficiency of 94.3%. This compares with a calculated 98.1% required to meet the current rule.

Two of the three precipitators studied are fabricated from fiberglass and plastic resin. This construction makes them

extremely vulnerable to high temperatures. The two explosions and accompanying heat experienced in the Medco plant would have destroyed these units. The loss would run in excess of \$250,000, which constitutes a prohibitive cost.

During the hearings conducted on the fiber dryer rule for the Medford-Ashland A.Q.M.A., it was pointed out that the rule was inconsistent with OAR 340-25-320 and 325. In this section of the rules, hardboard plants are treated differently from particleboard. There is strong rationale for this distinction. The attached descriptions and flow diagrams (Attachments B and C) reveal the differences between the two processes.

There are three major differences that require special consideration in dealing with emission control techniques and equipment:

1. Type of Material and Method of Refining. In the manufacture of hardboard or fiberboard, the raw materials are first run through a steam digester where the wood is softened, moistened, and partially plasticized. From the digester, it is fed directly into a refiner, which reduces the wood into almost individual wood fibers. These wood fibers are then extruded directly into the flash tube dryer. The manufacture of particleboard, on the other hand, is entirely different. Raw material is fed directly into a hog that fractures the wood into the desired particle size. The product is not fibrous, but small wood particles of varying sizes. (Samples attached.)

2. Methods of Handling. The above described difference in the processed wood, called furnish, dictates the different handling and drying techniques required. Hardboard or fiberboard furnish can only be conveyed pneumatically. As a consequence, tube type dryers are essential wherein the fibers are held in suspension in the air stream of the dryer. Particleboard furnish has higher density and is normally augered through the dryer and is generally handled on live belt conveyors through the process.
3. Drying Temperature and Time. The refined, moist, wood fibers used in fiberboard manufacture are dried at relatively low temperatures (400°F) and very quickly (2 seconds) as contrasted with particleboard at 800°F for 20 minutes. This accounts for the fact that few hydrocarbons and the resulting blue haze is not generally found in fiber dryer emissions.

These major differences in the process create different emission control problems. Relatively large, but low density, particles must be controlled in fiberboard production while particleboard production produces much smaller particles. Experience in the Medford area indicates that the suspension time of fiberboard particles is short. The particles fall out within a few blocks from the plant.

The blanket rule for all wood particle dryers simply does not fit.

These fundamental differences underscore the wisdom of the general rules treating the two processes separately and distinguishing emission limits for each. The Commission is fully justified, by precedence, simple logic and the facts, in establishing a separate rule for hardboard plants in the A.Q.M.A.

The urgency for a rule change is brought about by the fact that the scrubber installed on the No. 2 dryer is rapidly disintegrating. It was constructed of mild steel and the low pH of wood residue has deteriorated it badly. The situation is such that, if a rule change is not granted within a short period of time, this equipment will collapse. Timing on the current regulation is such that during the interim, without a change in the rule, particulate emission will increase considerably. This will occur because Medford Corporation will be unable to complete the required testing and install the equipment.

In considering the proposed rule change, the most important thing to keep in mind is the overall objective within the A.Q.M.A. The objective is to reduce particulate to the point of achieving and maintaining the ambient air quality standards. How this is accomplished is of secondary importance.

Medford Corporation's fiberboard plant has undergone constant improvement in air quality control. Initially, the plant was

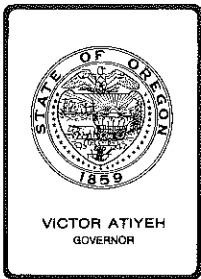
not in compliance with the permit. When the plant came into compliance, it became obvious that further control was necessary to overcome a "nuisance" problem. The success of the company in overcoming this problem has been outstanding. The installation of baghouses, closing air systems, and other improvements have brought the plant into compliance with the A.Q.M.A. rules with the exception of the dryers.

In January 1977, nine cyclones were in compliance with the A.Q.M.A. rules. This would give us an annual emission allowance of 90 tons/year from these sources. Four of these cyclones have been controlled by baghouses and one has been totally eliminated. It must be pointed out that these improvements were not required because of mass emission problems, but to minimize the nuisance problem.

Using the 90 tons/year allowance for air conveyor equipment plus the calculated allowance for fiber dryers under A.Q.M.A. rules of 25.2 tons/year, total plant site emissions are 115 tons/year. The rules proposed in this petition would result in a total plant emission of 108 tons/year. Put into perspective, this proposed rule would require a 75% reduction in total mass emission from the limits established for similar plants outside the A.Q.M.A.

If this petition is approved by the Commission, Medford Corporation proposes to immediately take steps to (1) rebuild the No. 2 dryer scrubber, (2) install a scrubber on No. 3 dryer, and (3) add

further controls to air conveying systems to bring the total plant well within the proposed rule.



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, December 19, 1980, EQC Meeting

Request for Policy Guidance on Solid Waste Tax Credits

Background

Last month the staff presented an informational report describing a forthcoming change in the tax credit statutes relative to solid waste pollution control facilities. The report also presented some draft policy statements describing how the Department proposes to implement the statutory requirements.

Discussion

ORS 468.170(8)(b) states, in part, that a facility commenced after December 31, 1980, and prior to December 31, 1983, shall only be certified for tax credit if it meets one or more of the following conditions:

1. The facility is necessary to assist in solving a severe or unusual solid waste, hazardous waste or used oil problem;
2. The facility will provide a new or different solution to a solid waste, hazardous waste or used oil problem than has been previously used, or the facility is a significant modification and improvement of similar existing facilities; or
3. The Department has recommended the facility as the most efficient or environmentally sound method of solid waste, hazardous waste or used oil control.

The intent of this legislation clearly seems to be to restrict the number and types of facilities being certified for tax credit. The staff believes that certain classes of facilities should be restricted more than others. Some types of waste are now commonly recycled or used for productive purposes and the availability of a tax credit does not seem to be a necessary incentive. With other materials, potential profits are less obvious and tax credits may be a major incentive. To provide guidance in implementing the new statutory requirements, the following policy statements have been drafted for the Commission's review and approval:



Contains
Recycled
Materials

1. In determining if a facility provides the most efficient or environmentally sound method of producing energy or a salable product from solid waste, the Department shall consider the facility's cost effectiveness and the cost to the public of diverting material from the solid waste stream. For a few waste types, the Department can identify facilities or technologies which are the most efficient or environmentally sound; specifically, the reprocessing of used motor oil into clean fuel or lubricants and the distillation of waste solvents to recover a clean product. For most waste types, however, the Department is not prepared to name a specific technology as the most efficient or environmentally sound. In these circumstances, judgement shall be made on a case-by-case basis.
2. Wood waste, with a few exceptions, is no longer considered to be a severe solid waste problem. Accordingly, facilities associated with wood waste utilization (e.g., hog fuel boilers, heat sources, hogs, chippers, particleboard plants, log yard paving and assorted hog fuel handling equipment) will normally no longer be certified. Also, the Department will not consider any of the facilities described above to be a new or different solution to a solid waste problem.
3. Waste cardboard and newsprint no longer represent a severe disposal problem. Balers, deinking and repulping equipment are no longer a new or different solution.
4. Grass straw, plastics, and tires, especially large truck tires, continue to represent severe disposal problems.
5. Virtually any hazardous waste management facility may be considered to be a new or different solution, since none have been certified to date.
6. "Commenced" means the date construction started, rather than the date the facility was placed in operation.

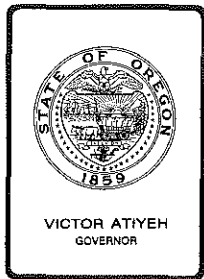
The Commission should note that a facility that has already received Preliminary Certification, but where construction has not yet started, could lose its eligibility for tax credit. On November 19, 1980, the staff mailed a questionnaire to thirty-three industries (representing 41 projects) which could potentially be affected. Early results indicate that many facilities are under construction and, therefore, would not be affected. (More complete survey information will be available from the staff today.)

Director's Recommendation

It is recommended that the Commission concur with the above statements, to serve as Departmental criteria for evaluating applications for solid waste pollution control tax relief, during the period from December 31, 1980, to December 31, 1983.



William H. Young



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. L, December 19, 1980, EQC Meeting

Request For Adoption Of A Geographic Regional Rule For The
Lands Overlaying The North Florence Dunal Aquifer --
OAR 340-71-030(11)

Background and Problem Statement

1. The background and problem statement contained in the staff report for Agenda Item D of the November 21, 1980 EQC Meeting (see Attachment 1) details the Department's concerns in this matter. The following chronology is provided the Commission on how the problem identification process has progressed up to today's request for adoption of a Geographic Regional Rule to protect the North Florence Dunal Aquifer.
 - (A) In July 1979, DEQ supported Lane County's request for funding of a 208 groundwater study to address the concerns of the urban density use of on-site sewage systems over the North Florence Dunal Aquifer.
 - (B) On April 18, 1980, the Environmental Quality Commission adopted an Interim Groundwater Quality Protection Policy to protect sensitive groundwater areas around the State like the North Florence Dunal Aquifer.
 - (C) Based on continued development pressure occurring over the North Florence Dunal Aquifer while the 208 study was in progress, Lane County perceived a threat to the future drinking water supplies of the Florence area. In response, DEQ was requested to provide administrative guidance that would ensure protection of current and future water supplies and be consistent with the April 18, 1980 EQC Groundwater Protection Policy until the 208 study was completed.
 - (D) On September 30, 1980, DEQ provided Lane County with a Policy Guidance Statement to address development proposals over the



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North Florence Dunal Aquifer until the 208 groundwater study was completed.

- (E) On October 17, 1980, staff gave an informal status report to the EQC regarding Lane County's implementation of the September 30, 1980 policy guidance. EQC members requested staff to appear at the November 21, 1980 EQC meeting with a discussion of alternatives and recommendations that would provide more permanent safeguards for the citizens dependent on the North Florence Dunal Aquifer for their drinking water.
- (F) On November 21, 1980, staff appeared before the EQC with a discussion of alternatives and a recommendation to authorize a Public Rule-making Hearing for a Geographic Regional Rule for the lands overlaying the North Florence Dunal Aquifer. In response, the EQC authorized a Public Rule-making Hearing.
- (G) On December 1, 1980, an EQC hearing's officer conducted a Public Rule-making Hearing in the City of Florence at the Florence City Hall and received public testimony on the proposed Geographic Regional Rule (see hearing officer's summary of public testimony). Based on review of public testimony, staff is now recommending adoption of a Geographic Regional Rule to protect the North Florence Dunal Aquifer.

Alternatives and Evaluation

The alternatives available to the Commission and the evaluation of each are contained in Agenda Item D of the November 21, 1980 EQC report. Basically, the alternatives were:

1. Establishment of a septic tank moratorium until the 208 North Florence Groundwater Study is complete, then replace the moratorium with a Geographic Regional Rule that is consistent with the technical findings of the 208 study.
2. Establishment of a Geographic Regional Rule for the lands overlaying the North Florence Dunal Aquifer that would be subject to modification by the Commission once the 208 study is completed.
3. Establishment of a Temporary Rule specifying maximum sewage loading rates on the lands overlaying the North Florence Dunal Aquifer.
4. Abolishment of the September 30, 1980 Groundwater Protection Policy Guidance Statement issued to Lane County and directing staff to depend on current subsurface sewage disposal regulations to protect the quality of the North Florence Dunal Aquifer.

Now that the public testimony regarding a proposed Geographic Regional Rule has been received, the Commission's choice seems narrowed to Alternatives 2 and 4 above. Staff's evaluation of all the Alternatives remains unchanged from those contained in the November 21, 1980 EQC report. Staff still supports Alternative 2 above, adoption of a Geographic Regional Rule.

In regard to the proposed Geographic Regional Rule originally submitted, Department staff has reviewed the public testimony with Lane County and LCOG 208 staff conducting the North Florence Dunal Aquifer study. Based on this review, it appears that modifications less restrictive than the originally proposed rule are reasonable and can be made without significantly impacting the beneficial use of the aquifer.

The proposed modifications are:

1. The boundary of the Priority 1 control area west of Highway 101 was originally meant to include primarily the large block of land held in public ownership. Public testimony indicated there was a relatively moderate amount of private ownership north of Heceta Beach Road and west of Highway 101. The revised rule has been made less restrictive by placing these private ownerships in a Priority 2 control category.
2. The northern boundary of the Priority 1 control area west of Highway 101 has been made less restrictive by a southerly adjustment. Sutton Creek Road is the proposed new boundary since those lands north of Sutton Creek Road are primarily groundwater discharge areas which require less protection. They are now proposed to be placed in Priority 3 control areas.
3. The northern boundary of the Priority 1 control area east of Highway 101 has been made less restrictive by a southerly adjustment. Mercer Lake Road is the proposed new boundary since those lands north of Mercer Lake Road are primarily groundwater discharge areas. They are now proposed to be placed in Priority 3 control areas.
4. The desirability of requiring special independent hydrogeological studies in relation to development proposals in Priority 2 and Priority 3 control areas is of doubtful benefit. Criticism of the proposed study method has been that:
 - (A) It is oversimplified as it only considers septic tank use and does not take into account nitrate-nitrogen($\text{NO}_3\text{-N}$) contributions nor other contaminant sources associated with development.
 - (B) It places the same development restrictions in Priority 3 areas as it does in Priority 2 control areas, even though it is generally accepted that less stringent controls are needed in Priority 3 control areas.
 - (C) The Priority 2 control areas have a small number of 208 study wells, and studies would often necessitate the construction of monitoring wells at the landowner's expense to obtain adequate background information.

As an alternative, the modified Rule has eliminated the study requirement and has relaxed the dwelling unit equivalent (D.U.) per acre restrictions in the Priority 2 and Priority 3 control areas.

5. The Priority 2 control areas now call for a density limitation of 1 D.U. per acre rather than the previous limitation of 1 D.U. per 2 acres. This less restrictive modification is proposed in response to public testimony and additional data analysis that indicated the proposed rule may have been overly restrictive until completion of the 208 study. Since the Priority 2 control areas are generally outside of the prime recharge areas, staff feels more flexibility exists than was originally proposed.
6. The Priority 3 control areas now call for a density limitation of 2 D.U. per acre (1 D.U. per 1/2 acre) rather than the previous limitation of 1 D.U. per acre. This less restrictive modification is proposed for the same reasons as in Number 5 above and recognizing that these areas have no potential for community water supply development.

There was also public testimony requesting "less stringent" to "no restrictions" in the Priority 1 control areas east of Highway 101. In April 1980, Oregon State University completed a seismic survey of the North Florence Dunal Aquifer as part of the 208 study. This study revealed a topographical anomaly of the bedrock formation underlaying the dunal sands north of Heceta Junction, roughly along Highway 101. This contributes to a groundwater flow system which drains eastward toward Clear Lake. Clear Lake is recharged from this aquifer and serve as the drinking water source for the Heceta Water District. In turn, Heceta Water District supplies the urbanizing areas north of Florence, as well as portions of the City of Florence. Currently, water is taken directly from the lake and is of such pristine quality that only chlorination is required. The lake water, as its name implies, is clear. It remains clear basically because it lacks sufficient nitrogen to support aquatic vegetation. If sufficient nitrogen were introduced to support aquatic vegetation, the entire ecosystem of the lake could change and eutrophication would likely occur. This is not solely a condition of "algae bloom," as the resulting decaying vegetative matter would then provide a food source for numerous micro-organisms and other aquatic life. Since this may result in color, odor, turbidity, and taste changes, this is the primary reason Department staff has been unreceptive to less restrictive control in this area. While the 5 mg/l $\text{NO}_3\text{-N}$ safety standard for underground water supplies in the other portions of the study area may be adequate, a 0.5 mg/l $\text{NO}_3\text{-N}$ level or less in Clear Lake may support a "bloom" of aquatic vegetation. Since a work segment of the 208 study is devoted to the Clear Lake area, staff has not recommended any changes in this area unless the completed 208 study shows technical support for change.

Findings

Failure to act promptly by adopting a Geographic Regional Rule OAR 340-71-030(11), may result in serious prejudice to the public interest for the following reasons:

1. Long range plans show that the City of Florence and adjacent urbanizing areas will be dependent upon the North Florence Dunal aquifer and Clear Lake to supply their current and future drinking

water resources. Current zoning and subsurface sewage disposal regulations are not adequate to protect these resources.

2. Development pressures at urban densities using on-site subsurface sewage disposal systems remain high over the North Florence Dunal aquifer and adjacent to Clear Lake.
3. Moratorium actions on development, or construction of expensive water purification systems may be necessary in the future if development is not controlled until the 208 study is completed and its technical findings related to appropriate local control strategies.

Summation

1. On October 17, 1980, the Commission requested DEQ staff to appear at the November 21, 1980 EQC meeting with a discussion of alternatives available to protect the North Florence Dunal Aquifer and a recommendation of which alternative would provide the best safeguards for the citizens dependent on the North Florence Dunal Aquifer for their drinking water.
2. On November 21, 1980, DEQ staff provided the EQC with a list of alternatives available to protect the North Florence Dunal Aquifer from being degraded by the urbanized use of septic tanks. The alternative recommended by staff was the establishment of a geographic Regional Rule. The EQC accepted the recommendation and authorized a public Rule-making Hearing.
3. On December 1, 1980, an EQC hearings officer conducted a public Rule-making Hearing in Florence and received public testimony on the proposed Geographic Rule.
4. Based on review of the public testimony, the proposed rule was modified to be less restrictive than originally proposed. Staff recommends adoption of the revised proposed Geographic Regional Rule as it appears the best alternative available to protect the North Florence Dunal Aquifer until the technical findings of the completed 208 study is related to appropriate local control strategies.

Director's Recommendations

Based on the Findings and the Summation, it is recommended that the Commission adopt the following permanent Geographic Regional Rule for the lands overlaying the North Florence Dunal Aquifer in Lane County:

OAR 340-71-030(11) Lands Overlaying the North Florence Dunal Aquifer
Rules

- (a) Within the areas set forth in Subsection (b) below the Director or his authorized representative may issue a construction permit for a new subsurface sewage disposal system or a favorable report of evaluation of site suitability to construct a single system

on lots that were lots of record prior to October 1, 1980; or on lots in partitions or subdivisions that have received preliminary planning, zoning, and septic tank approval *after 1-1-74, and* *prior to* October 1, 1980 under the following circumstances:

- (A) The lot shall comply with all rules in effect at the time the permit or favorable report of site suitability is issued.
 - (B) Low pressure subsurface sewage distribution shall be used in system construction.
 - (C) Sewage flows shall be limited to 600 gallons per day (GPD) per lot unless a higher flow was specifically approved by the Lane County Environmental Health Section prior to October 1, 1980.
- (b) Subsection (a) above shall apply to all of the following area generally known as the Lands Overlaying and/or Providing Immediate Recharge to the North Florence Dunal Aquifer and is defined by the boundary submitted by the Environmental Management Department for Lane County which is the area bounded on the west by the Pacific Ocean; on the southwest and south by the Siuslaw River; on the east by the North Fork of the Siuslaw River and the ridge line at the approximate elevation of 400 feet above mean sea level directly east of Munsel Lake, Clear Lake and Collard Lake; and on the north by Mercer Lake, Mercer Creek, Sutton Lake and Sutton Creek; and containing all or portions of T17S, R12W, Sections 27, 28, 33, 34, 35, 36, and T18S, R12W, Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, 26, 27; W.M., Lane County.
- (c) Within the areas set forth in Subsection (d) below, which are hereby referred to as Priority 1 Control Areas, the Director or his authorized representatives may not issue either construction permits or favorable reports of evaluation of site suitability for new partitions or subdivision proposals that would depend on subsurface sewage disposal systems to accommodate sanitary waste disposal needs. For these areas, only qualified municipal collection, treatment, and disposal facilities shall be approved.
- (d) Subsection (c) above shall apply to Priority 1 Control Areas. Priority 1 Control Areas are defined by the boundaries submitted by the Environmental Management Department for Lane County which are:
- (A) The areas east of highway 101 starting at the intersection of Highway 101 and Mercer Lake Road; thence easterly along Mercer Lake Road to the intersection of Collard Lake Road; thence easterly and southerly along Collard Lake Road to the ridge line at the approximate elevation of 400 feet above mean sea level; thence easterly along the ridge crest to its intersection with the ridge crest that runs generally north-south on the east side of the Collard-Clear-Munsel

Lake systems; thence southerly along the aforementioned ridge line until its closest approach to Munsel Lake; thence westerly to the county boat landing on Munsel Lake Road; thence westerly along Munsel Lake Road to its intersection with Highway 101; thence northerly along Highway 101 to the point of beginning; and containing all or portions of T17S, R12W, Sections 35 and 36; and T18S, R12W, Sections 1, 2, 11, 12, 13, and 14; W.M., Lane County.

- (B) The areas west of Highway 101 which are held in public ownership that are north of Heceta Beach Road; west of Highway 101; south of Sutton Creek; and east of the mean higher high water mark of the Pacific Ocean; and containing all or portions of T17S, R12W, Sections 27, 28, 33, 34 and 35; and T18S, R12W, Sections 2 and 3; W.M., Lane County.
- (e) Within the areas set forth in Subsection (f) below, which are hereby referred to as Priority II Control Areas, the Director or his authorized representatives may issue either construction permits or favorable reports of evaluation of site suitability for new partitions or subdivision proposals that would depend on subsurface sewage disposal systems under the following circumstances:
 - (A) Sewage loading rates shall be limited to one (1) dwelling unit equivalent (d.u.) per acre.
 - (B) Each proposed lot shall comply with all rules in effect at the time the permit or favorable report of site suitability is issued.
 - (C) Low pressure subsurface sewage distribution shall be used in on-site sewage disposal system construction.
- (f) Subsection (e) above shall apply to Priority II Control Areas. Priority II Control Areas are defined by the boundaries submitted by the Environmental Management Department for Lane County which is the area beginning at the western terminus of Sutton Creek Road; thence easterly along Sutton Creek Road to Highway 101; thence southerly along Highway 101 to its intersection with Munsel Lake Road; thence easterly and southerly along Munsel Lake Road to North Fork Road; thence southerly along North Fork Road to its intersection with Highway 36; thence westerly along Highway 36 to the City Limits of Florence; thence northerly and westerly along the City Limits of Florence to a point 1000 feet east of Rhododendron Drive; thence northerly along a line 1000 feet east of Rhododendron Drive and 4th Street in Heceta Beach to the southerly line of T17S, R12W, thence westerly along the southerly line of T17S, R12W, to the mean higher high water mark of the Pacific Ocean; thence northerly along the mean higher high water mark of the Pacific Ocean to the mouth of Sutton Creek; thence westerly along Sutton Creek to the point of beginning at the westerly terminus of Sutton Creek Road; and containing all or portions of T17S, R12W, Sections 27, 28, 33, 34, and 35; and T18S, R12W, Sections 2, 3, 4, 10, 11, 14, 15, 23, 24, and 26; W.M., Lane County.

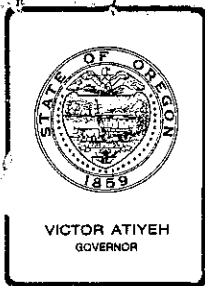
- (g) Within the areas set forth in Subsection (h) below, which are hereby referred to as Priority III Control Areas, the Director or his authorized representative may issue either construction permits or favorable reports of evaluation of site suitability for new partitions or subdivision proposals that would depend on subsurface sewage disposal systems under the following circumstances:
 - (A) Sewage loading rates shall be limited to one (1) dwelling unit equivalent (d.u.) per 1/2 acre.
 - (B) Each proposed lot shall comply with all rules in effect at the time the permit or favorable report of site suitability is issued.
 - (C) Low pressure subsurface sewage distribution will be used in on-site sewage disposal system construction.
- (h) Subsection (g) above shall apply to Priority III Control Areas. Priority III Control Areas are defined by the boundary submitted by the Environmental Management Department for Lane County which consists of those remaining areas inside the boundary defined in Subsection (b) above and which are not located within Priority I Control Areas defined in Subsection (d) above or within Priority II Control Areas defined in Subsection (f) above; and contain portions of T17S, R12W, Sections 27, 34, 35 and 36; and T18S, R12W, Sections 4, 9, 10, 13, 14, 15, 16, 22, 23, 24 and 25; W.M., Lane County.
- (i) For each lot that was a lot of record prior to October 1, 1980 which is contained in more than one priority control area, the Director or his authorized representative may determine which priority control area designation shall apply.
- (j) The completed 208 North Florence Dunal Aquifer Study shall be the technical basis for ultimate sewage loading rates and protective control strategies over the various geographic areas of the North Florence Dunal Aquifer.



William H. Young

- Attachments 1. Agenda Item D, November 21, 1980, EQC Meeting, including attachments.
2. Hearing Officer's Report.

Gary Messer
378-8240
GS166
December 5, 1980



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. D, November 21, 1980 Environmental Quality Commission Meeting. Request For Authorization To Conduct A Public Rule Making Hearing Regarding A Geographic Regional Rule For The Lands Overlaying The North Florence Dunal Aquifer OAR 340-71-030(11).

Background and Problem Statement

During the last few years Lane County, citizens and local officials of Florence, DEQ, and the State Water Resources Department have become increasingly concerned over the urbanization of lands overlaying the Florence Dunal Aquifer. Today most development depends on subsurface sewage disposal to accommodate sewage disposal needs.

In response, DEQ supported funding of the ongoing 208 North Florence Dunal Aquifer Study, scheduled for completion in March, 1982. One segment of the Study will be devoted to identifying all groundwater flow systems and establishing respective subsurface sewage loading rates that will not impact the beneficial use of the aquifer. Data for this activity is anticipated by January, 1982.

The 208 Study has progressed to where preliminary groundwater elevations, aquifer thickness, and flow systems are mapped. Long-range projections are that the major recharge areas identified may deserve classification as "sole source aquifers", since no alternate drinking water source is available. As such, a "sole source aquifer" would continue to provide domestic water supplies to both current and future development in the area.

Presently these recharge areas are used by the Heceta 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 Heceta Water District for additional supplies. All the drinking water supplies tap the dunal aquifer.



On April 18, 1980, the EQC adopted an Interim Groundwater Policy to protect sensitive groundwater areas like the North Florence Dunal Aquifer. Upon adoption, Lane County worked toward establishing density controls through interim planning and zoning ordinances. This approach has not been completed. Ordinances are not in place.

Lane County is now receiving proposals for urban density development in the 208 Study area. Several are located in the highly sensitive "sole source aquifer" recharge areas. Lane County has requested administrative guidance from DEQ that would be consistent with the EQC Interim Groundwater Protection Policy.

During the month of September, DEQ staff toured the 208 Study area and received input from Lane County staff, West Lane Planning Commission, LCOG 208 staff conducting the Study, Heceta Water District, Region 10 EPA, Coastal Groundwater Ad Hoc Committee, and the State Water Resources Department. Based on the input from these meetings and the tone of urgency we perceived, the attached September 30, 1980 policy guidance (Attachment 1) was developed.

On October 17, 1980, Department staff provided a status report to the Environmental Quality Commission regarding implementation of the September 30, 1980 policy guidance. EQC members acknowledged the report and requested staff to appear before the November 21, 1980 EQC meeting with a discussion of alternatives available and a recommendation on which alternative would provide the best safeguards for the citizens dependent on the North Florence Dunal Aquifer.

Alternatives and Evaluation

Department staff has identified four alternatives the Commission may wish to consider in regard to future development proposals on the lands overlaying the North Florence Dunal Aquifer as they would relate to the April 18, 1980 EQC Interim Groundwater Quality Protection Policy:

1. Direct staff to conduct a public rule making hearing for the establishment of a septic tank moratorium on the lands overlaying the North Florence Dunal Aquifer until the 208 North Florence Dunal Aquifer Study is complete.

Evaluation

This is the safest and most conservative alternative available. Upon completion of the 208 Study, the moratorium would be lifted and replaced by a geographic regional rule. The rule would presumably establish sewage loading rates that would be consistent with findings of the 208 Study.

Staff is not recommending this alternative, as it appears the situation has been recognized early enough that such drastic action can be avoided. Current background levels of $\text{NO}_3\text{-N}$ in the North Florence Dunal Aquifer are low, ranging from 0.01 to 0.03 mg/l. As such, other alternatives seem more appropriate.

2. Direct staff to conduct a public rule making hearing for the establishment of a permanent geographic regional sewage disposal rule for the lands overlaying the North Florence Dunal Aquifer.

Evaluation

Staff feels this alternative is the most desirable and practical since it relates directly to the uniqueness of the aquifer and the overlaying lands' ability to accommodate sewage loadings at rates that will not negatively impact the beneficial use of the aquifer.

Since the problem was recognized early enough, the rule would not have to impact current lots of record, existing septic tank approvals, or development proposals which received preliminary approvals prior to October 1, 1980.

The rule would primarily focus on future proposed developments and establish sewage loading rates that would ensure these new developments would not adversely impact the long term beneficial use of the aquifer.

Additionally, the rule would assure that the completed 208 North Florence Dunal Aquifer study would be the technical basis for ultimate sewerage loading rates and protective control strategies for selected geographic areas of the aquifer. For example, it might be necessary to make policy or rule changes once the 208 study is completed. The proposed rule should allow that latitude if necessary.

3. Direct staff to establish a temporary rule that will specify maximum sewage loading rates on the lands overlaying the North Florence Dunal Aquifer.

Evaluation

Staff would have preferred this alternative, except for the fact that a "temporary" rule expires after 180 days. The 208 Study will not be complete until March, 1982. Since the completed 208 Study will provide the most exacting information on what safe sewage loading rates can be applied, it logically should be the final determinant.

Staff feels a rule is needed that will tie in directly with the recommendations and findings of the completed 208 Study.

4. Direct staff to abolish the September 30, 1980 Groundwater Protection Policy Guidance Statement issued to Lane County in regard to the lands overlaying the North Florence Dunal Aquifer.

Evaluation

If the September 30, 1980 Groundwater Protection Policy Guidance statement were abolished, then only current Subsurface Sewage Disposal Regulations would apply.

The current rules primarily address disposal and treatment of septic tank effluent to remove pathogenic organisms. They do not specifically address chemical treatment. The unconsolidated beach sands overlaying the North Florence Dunal Aquifer have little, if any, potential to provide chemical treatment of septic tank effluent. Thus the current rules inadequately protect the North Florence Dunal Aquifer.

Since the City of Florence and the adjacent urbanizing areas are dependent on the North Florence Dunal Aquifer to provide their water supplies, staff feels the current rules do not provide adequate safeguards to protect this resource. Additionally, the streams and lakes of the area are recharged by this aquifer. If an uncontrolled source of nitrates is introduced into the local groundwater flow system, accelerated eutrophication of these surface waters would likely occur.

Summation

1. Long-range plans show that the City of Florence and adjacent urbanizing areas will be dependent on the North Florence Dunal Aquifer to supply their current and future drinking water supplies.
2. Drinking water supplies are the highest possible beneficial use for an aquifer and, as such, require that the highest possible quality be maintained.
3. During recent years, local officials and citizens of Florence, Lane County, the Department of Environmental Quality, and the State Water Resources Department have become increasingly concerned over the urbanizing use of septic tanks on lands overlaying the North Florence Dunal Aquifer.
4. Department and Lane County staff feel neither current zoning nor the Department's Subsurface Sewage Disposal Rules provide adequate safeguards to protect the chemical quality of the North Florence Dunal Aquifer.
5. In response to items 1, 2, 3, and 4 above, the Department of Environmental Quality helped fund an LCOG 208 Groundwater Study, scheduled

for completion in March, 1982. The completed Study will designate what sewage loading rates can be applied on the various geographic areas of the aquifer without impacting the beneficial use for current and future generations.

6. Currently, Lane County is receiving applications for urban density developments in the highly sensitive areas of the aquifer. On September 30, 1980, the Department of Environmental Quality issued Lane County a Groundwater Protection Policy Guidance Statement outlining interim control measures to use in addressing these proposals pending completion of the 208 Study.
7. On October 17, 1980, the Environmental Quality Commission received a status report on the North Florence Dunal Aquifer and requested staff to provide the Commission a list of alternatives with a recommendation for future actions necessary to preserve the beneficial use of the aquifer.
8. In response to the above request, staff review of the April 18, 1980 Environmental Quality Commission Interim Groundwater Protection Policy indicates at least four options are available to the Commission:
 - a. Enact a septic tank moratorium until the 208 Study is complete, then adopt a permanent geographic regional rule based on the Study findings.
 - b. Adopt a permanent geographic regional rule that will:
 1. Establish interim control measures until the 208 Study is complete.
 2. Allow for its own (the rule's) modification if necessary based on the technical findings and recommendations of the completed 208 study.
 - c. Adopt a 180-day temporary rule establishing maximum sewage loading rates.
 - d. Abolish the September 30, 1980 Policy Guidance Statement and depend on current subsurface sewage rules to protect the quality of the North Florence Dunal Aquifer.
9. Staff recommends option 8b as being the most practical choice because:
 - a. The situation has been recognized early enough to preclude the use of a moratorium if other measures are enacted.

- b. This option allows development to continue at levels that can be accommodated without impacting the beneficial use of the aquifer.
- c. A temporary rule would expire before the 208 Study is complete.
- d. Current rules do not specifically address chemical treatment of septic tank effluent.

Director's Recommendation

- 1. Based upon the Summation, it is recommended that the Commission authorize a public rule making hearing to take testimony on the question of whether to adopt a permanent geographic regional rule for the lands overlaying the North Florence Dunal Aquifer in Lane County, OAR 340-71-030(11).

Bill

WILLIAM H. YOUNG

Attachment 1: September 30, 1980 Groundwater Protection Policy Guidance for North Florence.

Appendix A: Hearing Notice for the Secretary of State.
Appendix B: Hearing Notice for the Local Media.
Appendix C: Land Use Consistency Statement.
Appendix D: Statement of Need and Fiscal Impact.
Appendix E: Proposed Rule OAR 340-71-030(11).

Gary Messer:wr
378-8240
October 31, 1980



Department of Environmental Quality

ATTACHMENT 1

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

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

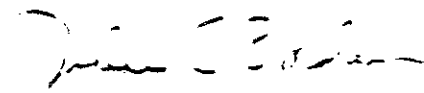
equivalent per 2 acres in Priority 2 Control Areas; or greater than one dwelling unit equivalent per 1 acre in Priority 3 Control Areas) will not cause groundwater to be degraded beyond 5 mg/l $\text{NO}_3\text{-N}$ anywhere in the flow channel if developed to the proposed density everywhere on the flow 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,

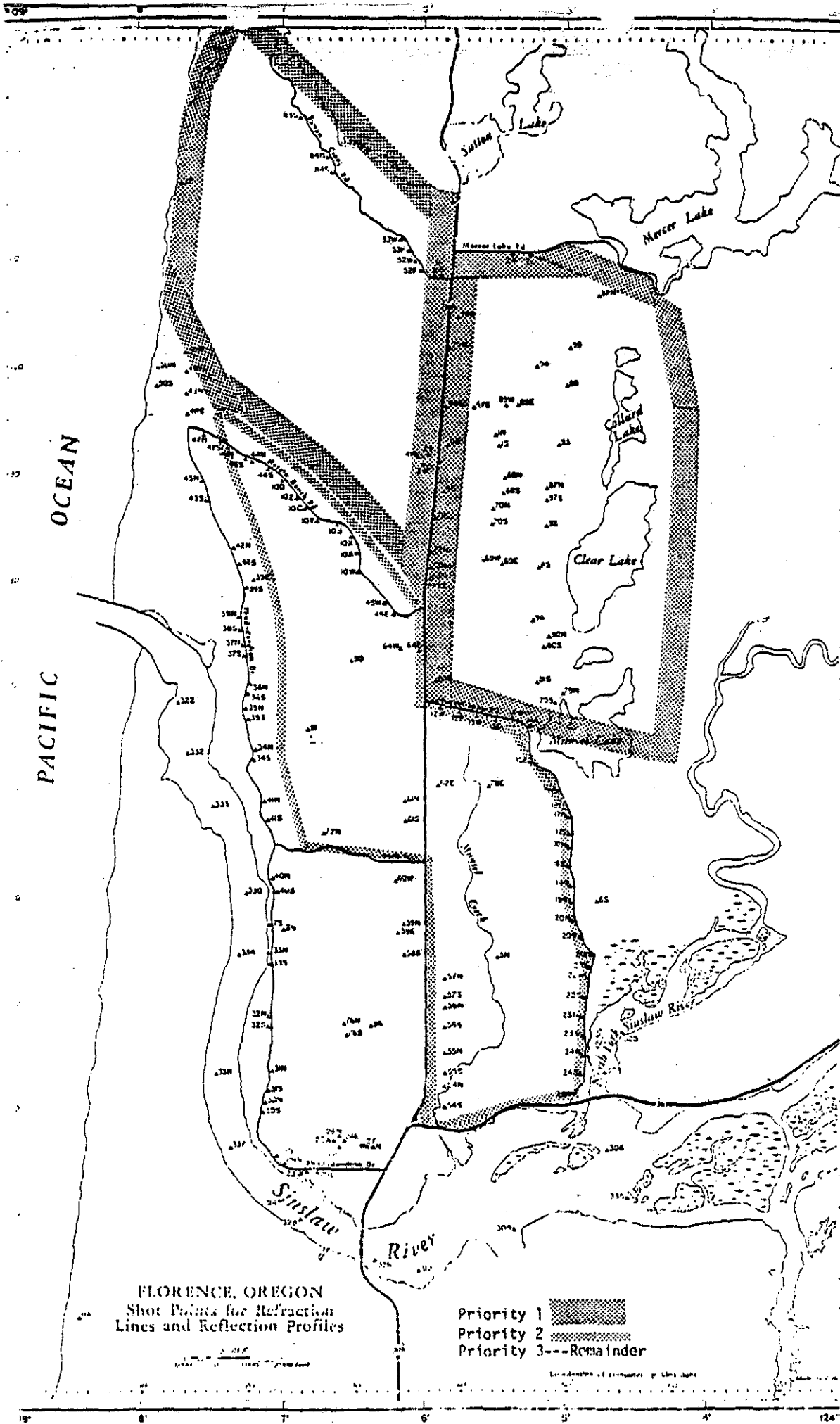


John E. Borden, P.E.
Regional Manager

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.



HEARING NOTICE FOR THE SECRETARY OF STATE

APPENDIX A

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

In the Matter of the Adoption	)	Notice of Proposed Rule
of Rule 340-71-030(11)	)	Adoption OAR 340-71-030(11)
Geographic Regional Rule for	)	Geographic Regional Rule for
the Lands Overlaying the North	)	the Lands Overlaying the
Florence Dunal Aquifer	)	North Florence Dunal Aquifer

1. A public hearing will be held at the location and date shown below to consider the adoption of a proposed subsurface sewage disposal Geographic Regional Rule for the Lands Overlaying the North Florence Dunal Aquifer:

City of	City Council Chambers	7:30 p.m.	December 1, 1980
Florence	250 Highway 101		

2. The proposed rule is intended to serve as groundwater quality protection guidance to assist local planning agencies in the development of a comprehensive plan that will meet Statewide Planning Goals. The rule also provides a method to resolve the conflicting use or need of providing for future development, while at the same time preserving a necessary natural resource that will be depended upon to support that future development.
3. Among the issues to be considered are:
- a. Establishment of Interim Priority Control Areas and sewage loading (septic tank) rates for proposed new subdivisions over geographic areas of the North Florence Dunal Aquifer in relation to the dependency on these areas to provide for current and future drinking water supplies.
 - b. Establishment of guidance that new urban density development proposals overlaying the North Florence Dunal Aquifer must be served by municipal sewerage collection, treatment and disposal facilities rather than by individual on-site subsurface sewage disposal systems.
 - c. Establishment of a procedure that allows for the implementation of the recommendations provided by the completed 208 North Florence Dunal Aquifer Study.
4. Interested persons may present testimony orally or in writing at the hearing and/or in writing to the Department of Environmental Quality, 16 Oakway Mall, Eugene, Oregon, 97401 by December 1, 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 hearings officer has been designated to preside over and conduct the hearings.

Dated: October 30, 1980
WILLIAM H. YOUNG, Director
Department of Environmental Quality

NOTICE OF PUBLIC HEARING

A chance to be heard about whether the environmental Quality Commission should adopt a Regional Groundwater Protection Rule for land overlying the Florence Dunal Aquifer.

The Environmental Quality Commission will soon consider whether to adopt a regional groundwater protection rule for the North Florence dunal aquifer. A public rule-making hearing will take place before a designated Environmental Quality Commission Hearings officer on:

DATE: December 1, 1980
LOCATION: Florence City Council Chambers
Florence City Hall
250 Highway 101
Florence, Oregon

TIME: 7:30 p.m.

Interested citizens, especially those living in the North Florence area (including the areas of Munsel and Clear Lakes), people wishing to build houses or structures requiring septic tanks or sewers in the affected area, and those such as the Heceta Water District, who use groundwater from the dunal aquifer, are urged to attend the public rule-making hearing and express their opinions.

Testimony may be presented at the hearing orally or in writing, or may be submitted, in writing, to the Department of Environmental Quality, 16 Oakway Mall, Eugene, Oregon, 97401, no later than December 1, 1980. There will be informal meetings December 1, 1980, on the same subject at the Florence City Council Chambers from 11:00 a.m. to 3:00 p.m. (including the lunch hour), and from 5:00 p.m. to 6:30 p.m. Staff from the DEQ and Lane County will be available to answer questions at both informal sessions.

Citation of statutory authority, statement of need, principle documents relied upon, statement of fiscal impact, and land use consistency statement are filed with the Secretary of State.

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

In the Matter of The Adoption)	Land Use
of Rule 340-71-030(11))	Consistency
Geographic Regional Rule)	Statement
for the Lands Overlaying)	
the North Florence Dunal)	
Aquifer, Lane County)	

The enclosed Public Notice concerns a proposal that appears to relate primarily to Statewide Planning Goals 5, 6, 11, and 18.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources.

Goal 5, in part, requires land use plans to provide open spaces to protect water supplies and/or the carrying capacity of the water resources of the planning area. Since this proposal addresses a means to resolve the conflicting use of urbanized development vs. preservation of the ground water resources, it conforms with Goal 5.

Goal 6 - Air, Water, and Land Resource Quality.

With regard to Goal 6, this proposal would establish a Geographic Regional Rule for the lands overlaying the North Florence Dunal Aquifer. It primarily would establish sewage (septic tank effluent) loading rates that will not adversely impact the beneficial use of the aquifer.

Essentially the rule will:

1. Ensure that septic tank discharges into the lands overlaying the aquifer will not exceed the carrying capacity of the aquifer.
2. Preclude septic tank discharges into the aquifer in volumes that would degrade the quality of the aquifer beyond Federal Drinking Water Standards.
3. Eliminate the threat of degrading the required amount and availability of high quality drinking water to support the current and future development of the area. As such, the proposal conforms with Goal 6.

Goal 11 - To Plan and Develop a Timely, Orderly, and Efficient Arrangement of Public Facilities and Services to Serve as a Framework for Urban and Rural Development.

The proposal would oblige the City of Florence to plan for urban services

to be extended into areas they have designated for urban development.

For those areas where the City has neither planned nor anticipated the extension of urban services, the proposal provides guidance on densities that can be accommodated without adversely impacting the North Florence Dunal Aquifer. As such, the proposal conforms with Goal 11.

NOTE: The proposal is in basic conflict with the current draft Comprehensive Plan for the City of Florence. Areas of the North Florence Dunal Aquifer are designated for urban density development with no firm commitment to provide municipal sewerage collection and treatment facilities. Currently, the City of Florence's existing sewerage facilities are in need of major improvements; however, the curtailment of Federal funds has greatly reduced the City's and DEQ Regional staff's ability to correct the problem.

Goal 18 - Beaches and Dunes

This Goal requires that Coastal Comprehensive Plans provide for the appropriate use of dunal lands consistent with their natural limitations.

Soil and ground water experts recognize that naturally occurring unconsolidated beach sand provides little, if any, chemical treatment of septic tank effluent. In recognition of this, the proposal provides that septic tank effluent disposed into the dunal sands should be at levels commensurate with the sand's ability to treat, and natural rainfall's ability to dilute, the chemical pollutants to levels that will not impact the ground water beyond Federal Drinking Water Standards.

Since this proposal would preserve the economic value of the aquifer, it conforms with Goal 18.

10/27/80

STATEMENT OF NEED AND FISCAL IMPACT

APPENDIX D

In the Matter of the Adoption	)	Statutory Authority,
of Rule 340-71-030(11)	)	Statement of Need,
Geographic Regional Rule for	)	Principal Documents Relied Upon,
the Lands Overlaying the North	)	and Statement of Fiscal Impact
Florence Dunal Aquifer,	)	
Lane County	)	

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: (See attached Statement of Need).
3. Documents Relied Upon in Proposal of the Rule:
 - a. April 18, 1980 Environmental Quality Commission Interim Groundwater Protection Policy.
 - b. April, 1980, OSU Geophysics Group report for the Lane Council of Governments, titled "North Florence Dunal Aquifer Study, Seismic Survey Subreport".
 - c. Subsurface Sewage and Alternative Disposal Rules, OAR Chapter 340, Division 71, Sections 340-71-005 through 340-71-045.
4. Fiscal and Economic Impact: (See Attached).

10/27/80

STATEMENT OF NEED

Current subsurface sewage disposal regulations do not adequately address pollution of sensitive aquifers in areas where urban density development is planned or is occurring.

In response to this inadequacy, the Environmental Quality Commission adopted a Statewide Interim Groundwater Quality Protection Policy on April 18, 1980. This policy provides guidance to the Department of Environmental Quality and local governmental entities on how to address development proposals in sensitive groundwater areas.

This is especially important where rapidly draining soils, such as unconsolidated beach sands, overlay shallow groundwater flow systems and provide domestic water supplies, such as in the North Florence Dunal Aquifer. The proposed urban growth boundary for the City of Florence covers much of the aquifer. Current development depends mostly on individual subsurface sewage disposal systems to accommodate sanitary waste disposal needs.

Long range projections indicate the City of Florence and all adjacent unincorporated areas will be singularly dependent on the dunal aquifer and lakes to provide their drinking water supply needs.

If development is allowed to continue at densities currently allowed by the subsurface sewage disposal rules, a great potential exists that the groundwater may be degraded to levels of contamination which impair beneficial uses. In turn, a critical natural resource would be lost to the citizens of Oregon.

10/27/80

FISCAL IMPACT

There will be both short term negative and long term positive fiscal impact.

Negative Factors

1. The City of Florence would probably need to expand their current sewage collection and treatment capabilities to serve those areas proposing development at urban densities. Besides the City, this would also impact land developers.
 - a. In Priority I Control Areas, all future subdivisions would be dependent upon the availability of municipal sewage collection and treatment facilities if they were to proceed.
 - b. In Priority II Control Areas, future subdivision densities would be limited to 1 dwelling unit (d.u.) per 2 acres until:
 1. A hydrogeological study was completed that showed higher densities could be accommodated without causing degradation of the local groundwater flow system, or
 2. Municipal sewerage collection and treatment facilities were available.
 - c. In Priority III Control Areas, future subdivision densities would be limited to 1 d.u. per acre unless the same exceptions listed in (b)(1) or (2) were met.

Positive Factors

1. The City of Florence and all adjacent development is dependent upon the North Florence Dunal Aquifer to provide all current and future drinking water supplies. No other drinking water source has been identified which is economically feasible. As such, the North Florence Dunal Aquifer deserves designation as a "sole source aquifer".

The obvious positive fiscal impact will be the preservation of the pristine quality of the North Florence Dunal Aquifer. If maintained at its present quality, it will supply the current and future development needs of the area without the necessity of building sophisticated and expensive water treatment facilities.

2. An indirect long term positive impact would be preserving and, perhaps in some cases, improving the water quality of lakes and streams recharged by the aquifer. The long term net effect would be to improve the livability or desirability of the area, thereby positively impacting property values.

Agency costs and those of our Lane County contract agent would not be significantly affected by this action. Local government may need to obligate funds for additional planning and construction activities. The amount would be dependent on the nature and timing of capital construction projects, if any.

PROPOSED RULE

OAR 340-71-030(11): Lands Overlaying the North Florence Dunal Aquifer.

(a) Within the areas set forth in Subsection (b) below the Director or his authorized representative may issue a construction permit for a new subsurface sewage disposal system or a favorable report of evaluation of site suitability to construct a single system on lots that were lots of record prior to October 1, 1980; or on lots in partitions or subdivisions that have received preliminary planning, zoning, and septic tank approval prior to October 1, 1980 under the following circumstances:

(A) The lot complies with all rules in effect at the time the permit or favorable report of site suitability is issued.

(B) Low pressure subsurface sewage distribution will be used in system construction.

(C) Sewage flows will be limited to 600 gallons per day (GPD) per lot unless higher flows were specifically approved by the Lane County Environmental Health Section prior to October 1, 1980.

- (b) Subsection (a) above shall apply to all of the following area generally known as the Lands Overlaying and/or Providing Immediate Recharge to the North Florence Dunal Aquifer and is defined by the boundary submitted by the Environmental Management Department for Lane County which is the area bounded on the west by the Pacific Ocean; on the southwest and south by the Siuslaw River; on the east by the North Fork of the Siuslaw River and the ridge line at the approximate elevation of 400 feet above mean sea level directly east of Munsel Lake, Clear Lake and Collard Lake; and on the north by Mercer Lake, Mercer Creek, Sutton Lake and Sutton Creek; and containing all or portions of T17S, R12W, Sections 27, 33, 34, 35 36, and T18S, R12W, Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27; W.M., Lane County.
- (c) Within the areas set forth in Subsection (d) below, which are hereby referred to as Priority I Control Areas, the Director or his authorized representatives may not issue either construction permits or favorable reports of evaluation of site suitability for new partitions or subdivision proposals that would depend on subsurface sewage disposal systems to accommodate sanitary waste disposal needs. For these areas, only municipal collection, treatment, and disposal facilities shall be approved as specified in the April 18, 1980 EQC State Interim Groundwater Protection Policy.

- (d) Subsection (c) above shall apply to Priority I Control Areas.

Priority I Control Areas are defined by the boundary submitted by the Environmental Management Department for Lane County which is the area east and west of Highway 101 bounded on the west by the Pacific Ocean; on the south by Heceta Beach Road, a portion of Highway 101 and Munsel Lake Road excluding the lands 500 feet north of Heceta Beach Road; on the east by the ridge line at the approximate elevation of 400 feet above mean sea level directly east of Munsel Lake and running northerly to Mercer Lake; and on the north by Mercer Lake, Mercer Creek, Sutton Lake and Sutton Creek to the Pacific Ocean and containing all or portions of T17S, R12W, Sections 27, 33, 34, 35, 36 and T18S, R12W, Sections 1, 2, 3, 10, 11, 12, 13, 14, W.M., Lane County.

- (e) Within the areas set forth in Subsection (f) below, which are hereby referred to as Priority II Control Areas, the Director or his authorized representatives may issue either construction permits or favorable reports of evaluation of site suitability for new partitions or subdivision proposals that would depend on subsurface sewage disposal systems under the following circumstances:

- (A) Sewage loading rates will be limited to one (1) dwelling unit equivalent (d.u.) per two (2) acres unless a hydrogeological study as specified in Subsection (i) below is approved by the

Director or his authorized representative which and shows that greater densities can be accommodated without impacting the beneficial use of the aquifer.

- (B) The proposed lots will comply with all rules in effect at the time the permit or favorable report of site suitability is issued.
- (C) Low pressure subsurface sewage distribution will be used in on-site sewage disposal system construction.
- (f) Subsection (e) above shall apply to Priority II Control Areas. Priority II Control Areas are defined by the boundary submitted by the Environmental Management Department for Lane County which is the area bounded on the west by a line starting 500 feet north of Heceta Beach Road and running southerly 1000 feet east of Rhododendron Drive to 35th, then easterly on 35th to Highway 101, then southerly on Highway 101 to Highway 36; on the south by Highway 36; on the east by North Fork Road; and on the north by Munsel Lake Road west to Highway 101, then northerly on Highway 101 to a point 500 feet north of Heceta Beach Road, then westerly to the starting point and containing all or portions of T18S, R12W, Sections 3, 4, 10, 11, 14, 15, 22, 23, 24, 25, 26; W.M., Lane County.

(g) Within the areas set forth in Subsection (h) below, which are hereby referred to as Priority III Control Areas, the Director or his authorized representatives may issue either construction permits or favorable reports of evaluation of site suitability for new partitions or subdivision proposals that would depend on subsurface sewage disposal systems under the following circumstances:

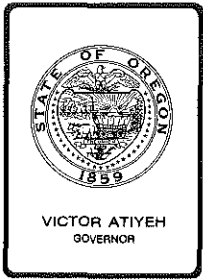
(A) Sewage loading rates will be limited to one (1) dwelling unit equivalent (d.u.) per acre unless a hydrogeological study as specified in Subsection (e)(A) above and Subsection (i) below is approved by the Director or his authorized representative.

(B) Circumstances specified in Subsection (e)(B) and (C) above are met.

(h) Subsection (g) above shall apply to Priority III Control Areas. Priority III Control Areas are defined by the boundary submitted by the Environmental Management Department for Lane County which is the area bounded on the west by the Pacific Ocean; on the southwest and south by the Siuslaw River; and on the east and north by the western boundary line of the Priority II Control Area set forth in Subsection (f) above and containing all or portions of T18S, R12W, Sections 4, 9, 10, 15, 16, 22, 23, 26, 27; W.M., Lane County.

- (i) Densities greater than those specified in Subsections (e) and (g) above may be considered and may be approved by the Director or his authorized representative if justified by a satisfactory hydrogeological study that clearly shows greater densities can be accommodated without impacting the beneficial uses of the aquifer. Such studies shall be designed upon the following assumptions:
 - (A) Based upon the work in the 208 North Florence Dunal Aquifer Study, a flow channel shall be defined that extends from the top of the recharge zone to the bottom of the discharge zone and is at least as wide as the proposed development. This flow channel and the proposed development shall be displayed on a map which shows the entire 208 Study area and shall be verified by the Groundwater Hydrogeologist for the 208 Study or the State Water Resources Department.
 - (B) Projected sewage flows for the proposed development shall be based on the Department's Subsurface Sewage Disposal Rules' flow equivalents, OAR Chapter 340, Division 71, Table 3, or its replacement table if new rules are adopted.
 - (C) Assumed Nitrate-Nitrogen ($\text{NO}_3\text{-N}$) loading from septic tank effluent shall not be less than 30 mg/l.

- (D) The "stirred tank" model shall be used as the basic study method. Rainfall dilution over the study area shall be assumed to have no background $\text{NO}_3\text{-N}$. Existing groundwater may not be used for dilution, BUT background groundwater $\text{NO}_3\text{-N}$ levels must be subtracted from 5 mg/l to determine the maximum allowable $\text{NO}_3\text{-N}$ increment before applying the model.
- (E) The study must show that the densities proposed will not cause the groundwater to be degraded beyond 5 mg/l $\text{NO}_3\text{-N}$ anywhere in the flow channel if developed to the proposed maximum density everywhere on the flow channel.
- (j) The completed 208 North Florence Dunal Aquifer Study shall be the technical basis for ultimate sewage loading rates and protective control strategies over the various geographic areas of the North Florence Dunal Aquifer.



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 DATE: December 5, 1980

FROM: Linda K. Zucker, Hearings Officer

SUBJECT: Hearing on Proposed Geographic Regional Rule for
Lands Overlaying the North Florence Dunal Aquifer,
OAR 340-71-030 (11).

Summary of Procedure

Pursuant to public notice a public hearing was held at the City Council Chambers in Florence, Oregon at 7:30 p.m. on December 1, 1980. The purpose was to receive public comment on a draft rule intended to regulate on-site waste disposal system eligibility.

Summary of Testimony

Edward P. Thompson, an attorney, testified first on behalf of his clients, Florence Land Co. and Thomas E. Wildish, owners of 205.4 acres within the proposed Priority I Recharge Area. Mr. Thompson urged modification of the rule to eliminate the concepts of priority areas and discharge and recharge areas as lacking scientific and legal merit. A modified rule should use nitrate-nitrogen levels to restrict population density only where state drinking water standards would be exceeded. He proposed that the rule specifically state that a dwelling unit's 600 gallon per day effluent allowance permit four one-bedroom dwellings, two two-bedroom dwellings, or one four-bedroom dwelling to count as "one dwelling unit."

Mr. Thompson further asked that "(I)f the EQC's concern is nitrate-nitrogen loading of water, any proposed rule should be based on cited surface water studies which focus on surface water bodies on a lake by lake basis and identify and quantify the existing source of nitrate-nitrogen loading. Recharge of the lakes by streams and groundwater infiltration must be distinguished. The rules should state (and cite the scientific basis for) standards for lake fertility. The rules should then set nitrate and nitrogen loading standards based on that fertility level. Finally, the rule must be justified by studying the fiscal impact of such standard in relationship to alternate sources of drinking water such as wells tapping ground water instead of direct pumping of surface water sources."



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North Florence Dunal Aquifer Hearing

Page 2

December 5, 1980

A member of the Heceta Lake Partnership, which owns 275 acres of undeveloped property in the area, Mr. Thompson also has a personal interest in the rule proposal. In addition to endorsing the suggestions made by his clients, Mr. Thompson proposed that the southerly boundary of the Priority I Control Area west of Highway 101 be redefined to correspond to the southerly limits of public ownership of the land lying within Section 3, Township 18 South, Range 12 West. Otherwise, 100 of the partnership's 275 acres could not be developed using septic tanks. The seismic sub-report of the aquifer study shows that the groundwater flow pattern from the property makes it unlikely that development of the partnership acreage would have an adverse effect on water wells. Moreover, geological impediments to intensive development eliminate the need for a Priority I Control Area. Statements attached.

James Low, a retiree, was drawn to the Florence area by its natural beauty. He cited the aquifer's status as the area's only water source and requested that the Environmental Quality Commission do everything in its power to protect Clear Lake. Statement attached.

B. C. Rozaire-Brown, a Florence property owner, sees the ground water study as a potential benefit to both water consumers and developers because improved knowledge should permit best use of the resource to enhance livability while protecting economic growth. Misuse of the aquifer could lead to property value decline and require costly treatment facilities. It is easier to prevent pollution than to cure it. Statement attached.

Ruel Chapman, a resident of Lane County, owns land in Priority Areas I & II. He requests that Section 36, Township 17, Range 12 not be regulated. He does not believe that there is any water flow into Clear Lake from that area because studies show that aquifer waters flow naturally into the ocean and the topography and altitude of the site give the watershed special protection. He fears that the present study will produce economic hardship by preventing development.

Donald T. Wells, joins in Mr. Chapman's comments. Statement attached.

J. Dean Spencer, a long-time area resident, owns 13 3/4 acres in Priority Area I. A strong supporter of the dunal aquifer study, Mr. Spencer believes the study will provide necessary guidance about the effects of development of recharge area. He is concerned, too, that a sewer system allowing high density development might contribute to pollution beyond increased nitrate levels.

December 5, 1980

Mr. Spencer also requested a limited variance from the rule's application as detailed in the statement attached.

John Chuck Hoaks, owns a parcel of less than two acres in Priority Area II. He had obtained septic approval for construction but had failed to partition the property at the same time, as required. He wishes special approval to proceed with partition and construction.

Christianna Crook, Lane County Coastal Planner, endorsed the special request of Messrs. Spencer and Hoaks on the basis of their partition applications having been partially processed and septic approval having been issued prior to October 1, 1980. Statement attached.

V. M. Howard perceives a conspiracy to bankrupt Clear Lake land owners. He reminded the audience that the present health of the lake is largely attributable to the efforts of the long-time property owners. He believes the area is over-regulated, and that the aquifer is geographically less extensive than the regulation suggests. He does not believe that water moves from west to east into Clear Lake. He was reassured to learn that the 208 study will be open to public scrutiny. He urged, too, that the eastern lake boundary be changed.

Shirley Gardinier, a member of the West Lane Planning Commission, noted her agreement with the Lane County Coastal Domestic Water Supply Study. It warns that while the Florence and Heceta Water District systems are adequate for present domestic needs, continued growth will render these supplies inadequate. Development should take account of the need to assure return of precipitation to the ground and non-pollution of the aquifer. While she endorses regulation, she is concerned about the potential for county abuse of "Intent to Rezone" procedures. Ms. Gardinier provided a copy of the Coastal Waters Study which is available for Commission Review. A detailed statement of her views is attached.

J. H. Wilson stated his general opposition to the methods used in this matter. He anticipates that the remaining tests (studies) will take two years or more with disastrous effects on the area's economy. He fears that commerce may be stymied and the city of Florence left in economic ruin.

Edith Roberts urges the Commission in making its decision to ignore vested interest groups and follow the advice of trained hydrologists. She is convinced that the area cannot afford to delay preventive action

until the 208 study is complete. Land owners will not want to bear the cost of expensive plants required for cleanup. She feels that the Commission must act as the watch dog of individual citizens.

Mary Rozaire supports the aquifer study and cautions against delay in taking protective action.

Robert Manseth , a consulting engineer, did a study of the Priority I Control Area and recommends a different division of that area based on sewage load. His recommendation is included as an attachment.

Art Koning believes that the Florence economy is based on land development. The present proposal locks up land by "overkill".

Ray Bishop believes that interim controls establish a bad precedent and would wait to act until review of the 208 study has been completed.

Wilbur E. Ternyik, a city councilman, advised that the rule fails to address potential problems related to current septic tank open pit dumping in the city of Florence. He noted that adoption of the rule will cause a temporary adjustment in property values and seeks DEQ assistance in getting recognition of this. He advised that the Priority I Area should not extend into the city of Florence where sewer service is available.

Chris Attneave finds the proposed rule conservative and modest in imposing only a 14-month hiatus on development. She finds certain assumptions in the interim rule, e.g. rainfall, to be too generous. She believes that logging may match development as a factor in lake pollution.

She supports inclusion of the Collard Lake area in the rule, approves of a unit per acre standard for development, and urges adoption of the rule with as little modification as possible. Statement attached.

Ron Edelman advises that his property has been traversed by the Priority III boundary line and asked a modification of the boundary to place his entire parcel in the Priority III area. Maps and specific narrative are attached.

North Florence Dunal Aquifer Hearing

Page 5

December 5, 1980

David B. Williams, attorney for owners of property in the proposed Priority I Control Area, believes that the geographic rule has the effect of a moratorium, and is unjustified by available data. The objectives of the rule can be met by less drastic means. His proposal, in rule form, is attached.

Harold Rutherford, Commissioner, West Lane County. Commissioner Rutherford believes that the 208 study is a worthwhile effort which, on completion, will require evaluation. Of real concern to him is whether Statewide Planning Goal No. 5 has been adequately considered. That goal states in part:

"Where conflicting uses [of natural resources] have been identified the economic, social, environmental and energy consequences of the conflicting uses shall be determined and programs developed to achieve the goal [of conserving natural and scenic resources]."

Commissioner Rutherford is concerned lest the economic impact on property owners be greater than needed considering this valuable information.

Respectfully submitted,


Linda K. Zucker

LZ:g
HGD42 (1)

The attachments to this hearing officer's report are too voluminous to reproduce. The originals are on file at DEQ Headquarters, 522 S. W. Fifth Avenue, Portland, Oregon.

WESTERN LANE COMMUNITY ACTION ASSOCIATION

P. O. Box 1772

Florence, Oregon 97439

December 17, 1980

Environmental Quality Commission
Box 1760
Portland, Oregon 97207

Dear Commission Members:

As representatives of all major organizations in the Florence area, the Western Lane Community Action Association wishes to thank you for conducting the recent hearing on the dunal aquifer in Florence. The proposed new acreage limits are something the area will be better able to live with pending completion of the groundwater study, although we still feel that the limits are more restrictive than necessary.

We feel that this "moratorium" and original lot size should not have been imposed prior to the hearings. Such quasi-judicial decisions made without public input should be strongly discouraged.

The Western Lane Community Action Association would also like to add "public input" regarding the Commission's proposal to require "low pressure systems." While low pressure systems may have some merit, we have had virtually no failures of the present systems and strongly suggest that we try the low pressure system on an experimental basis rather than as a requirement at this time.

Our objections to making the low pressure system the "rule" rather than an "alternative" are as follows:

1. This system has not had an adequate trial in this area.
2. It requires a pump, which consumes electrical energy. Not only does a pump defeat our energy-saving programs, but it makes the systems vulnerable to breakdowns and maintenance. Very few mechanical systems will work in our sand and salt environment without large maintenance costs or replacement costs. Another drawback of pump usage is the exposure to electrical outages, which can occur frequently and for several days' duration during severe coastal storms.
3. The added cost of installing a low pressure system is coming at a time when the building industry is already depressed and the average wage earner is having difficulty affording housing.

Environmental Quality Commission
Page Two
December 17, 1980

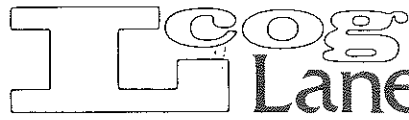
For the above reasons, we ask that the word "shall" be changed to "may" in subsection (B) of the Directors Recommendations found on page 6 of the Request for Adoption of a Geographical Regional Rule For The Lands Overlaying the North Florence Dunal Aquifer--OAR 340-71-030 (1). The subsection would thus read: "Low pressure subsurface sewage distribution may be used in system construction."

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Art Korman", with a long horizontal flourish extending to the right.

President
WESTERN LANE COMMUNITY
ACTION ASSOCIATION



Lane Council of Governments

NORTH PLAZA LEVEL PSB /125 EIGHTH AVENUE EAST /EUGENE, OREGON 97401 /TELEPHONE (503) 887-4283

Item L

December 12, 1980

Chairman
Environmental Quality Commission Salem, OR

RE: Agenda Item L, December 19, 1980

To the EQC:

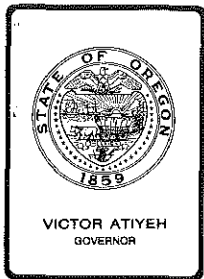
The Lane Council of Governments 208 Areawide Advisory Committee met on December 10, 1980 and reviewed the proposed "Request for Adoption of a Geographic Regional Rule for the North Florence Dunal Aquifer." The committee received presentations from both the L-COG staff and Lane County Environmental Management in their consideration of the four proposed alternatives.

The committee voted unanimously to give their "support to the 3 priority area regional rule but want to stress that the review of this rule occur in a timely fashion as soon as preliminary results of the 208 Aquifer Study are available." The committee noted interest in continuing its review of the final evaluation of alternatives.

For the L-COG 208 Areawide Advisory Committee.

Laurie Power
Laurie Power, Chairperson

GR:mj1/F2



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(2), December 19, 1980, EQC Meeting

Mr. Lenton Merryman-Appeal of Subsurface Variance Denial

Background

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

Mr. Lenton R. Merryman filed an application with Jackson County to have his five (5) acre parcel evaluated for an on-site sewage disposal system on August 1, 1979. The property is identified as Tax Lot 2624, Section 13, Township 38 South, Range 2 West, in Jackson County. Mr. Richard Florey, Jackson County Soil Scientist, examined the property on August 14, 1979, and determined the site to be unsuitable for installation of a standard subsurface sewage disposal system because of presence of the mottled restrictive soil horizons at depths ranging from seventeen (17) to twenty-four (24) inches from the ground surface, with slopes varying from eleven (11) to eighteen (18) percent. The site examined was also identified as being in a "bowl." Mr. Florey determined the site did not meet the Department's minimum requirements for an evapotranspiration-absorption (ETA) system because the subsoil below twelve (12) inches was not clay.

An application for variance from the subsurface rules [OAR 340-71-020(3)(a); 71-030(1)(b); 71-030(1)(d); 71-030(1)(e); 71-030(4)(f)(F); 71-030(9)(a)(B); and 71-030(9)(a)(D)] was received by Water Quality Division on September 19, 1979. The application was found to be complete on October 1, 1979, and was assigned to Mr. Ron Baker, Variance Officer. Mr. Baker scheduled a visit to the site and a public information gathering hearing to take place on October 19, 1979. After closing the hearing, Mr. Baker evaluated the information provided by Mr. Merryman and others. Mr. Baker found the site to be located in a concave, sloping position, with restrictive soil horizons and mottling present at depths ranging from seventeen (17) to twenty-three (23) inches from the ground surface. Mottling is an indicator used to predict seasonal water levels. Drainages as deep as two (2) to three (3) feet are located just downslope from the proposed site. Yearly rainfall in the area is approximately twenty (20) inches.



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In order for Mr. Baker to have approved the proposed variance request it would have been necessary for Mr. Merryman to have proposed a system design which did in fact overcome the site limitations to allow safe and proper treatment of the septic effluent proposed to be discharged into the on-site soils. Mr. Merryman's proposal called for a smaller than normal system while adding dikes which would enhance the entrapment of groundwater, thus increasing the total liquid volume to be disposed of, while decreasing the on-site soils absorptive ability necessary for liquid disposal.

The design criteria, poor soil conditions, and concave position of the site combined Mr. Baker feels would result in a system malfunction and a discharge of sewage effluent to the natural ground surface and a health hazard condition.

Evaluation

Pursuant to ORS 454.660, decisions of the variance officer to grant variances may be appealed to the Environmental Quality Commission. Mr. Merryman 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. Merryman's proposed site.

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

Summation

1. The pertinent legal authorities are summarized in Attachment "A".
2. Mr. Merryman submitted an application for a soil investigation to Jackson County on August 1, 1979.
3. Mr. Dick Florey evaluated the property to determine if a standard subsurface sewage disposal system or ETA system could be installed. The site was denied for standard and ETA drainfield placement because of shallow depths to restrictive and/or impervious soil layers.
4. Mr. Merryman submitted a variance application to the Department, which was found to be complete on September 26, 1979, and was assigned to Mr. Baker on October 1, 1979.
5. On October 19, 1979, Mr. Baker examined the proposed drainfield site, confirmed the County's soil report, and conducted a public information hearing so as to allow Mr. Merryman and others the opportunity to supply the facts and reasons to support the variance request.

December 19, 1980

Page 3

6. Mr. Baker reviewed the variance record and found that the testimony provided did not support a favorable decision. He was unable to modify the variance proposal to overcome the site limitations.
7. Mr. Baker notified Mr. Merryman by letter dated January 8, 1980, that his variance request was denied.
8. Mr. Merryman filed for appeal of the decision by letter dated January 17, 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"

Ronald E. Baker:1

XL215 (1)

440-3338

11/6/80

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. Baker was appointed as a variance officer pursuant to the Oregon Administrative Rules: OAR 340-75-030.

XL215.A (1)

L

EDWARD P. THOMPSON
ATTORNEY AT LAW
NORTHBANK OFFICES, SUITE 230
66 CLUB ROAD
EUGENE, OREGON 97401
TELEPHONE (503) 687-2191

December 1, 1980

Environmental Quality Commission
16 Oakway Mall
Eugene, Oregon 97401

Re: Public comment - Rule 340-71-010(11),
Geographic Regional Rule for lands under-
lying the North Florence Dunal Aquifer

Gentlemen:

I am writing as a partner of the Heceta Lake Partnership. The Heceta Lake Partnership is the owner of 275 acres of undeveloped real property lying west of Highway 101, north of Heceta Junction and straddling Heceta Beach Road along most of its undeveloped length.

The Heceta Lake Partnership has reviewed the public comments submitted in writing by Florence Land Co. and Thomas E. Wildish. The Heceta Lake Partnership adopts those comments as its own and fully supports and agrees with the arguments advanced. A copy of the Florence Land Co. public comment is attached hereto and incorporated herein by reference.

* * * * *

ADDITIONAL PUBLIC COMMENT

Heceta Lake Partnership requests the EQC to redefine the southerly boundary of the Priority 1 Control Area west of Highway 101 to correspond to the southerly limits of public ownership of the land lying within Section 3, Township 18 South, Range 12 West. We make this request on several grounds.

First, during my conversation with Gary Messer of the DEQ on Friday, November 21, he indicated that the boundaries of the Priority 1 Recharge area west of Highway 101 were intended to encompass only public ownership. That intent is not reflected in the rule. As drafted, over 100 of the partnership's 275 acres cannot be developed using any septic tanks.

Second, the North Florence Dunal Aquifer Study: Seismic Survey Subreport, indicates that the ground water flow from the Heceta Lake Partnership property is either sharply north through undeveloped active dune area in public ownership, or sharply south to an area immediately west of the Highway 101-Munsel Lake Road junction, and thence west to the Siuslaw

December 1, 1980

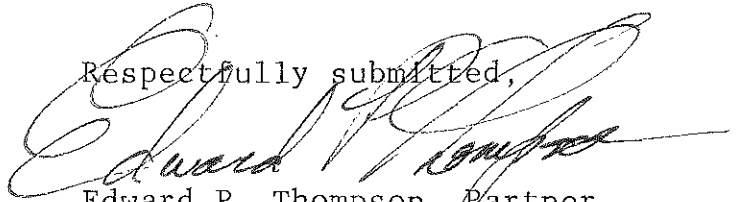
River or under the river and into the ocean under the South Jetty area. Neither flow pattern is likely to have adverse effects on water wells. This is true because of the massive volumes of water in these flow channels and because of the unlikelihood of development among them.

Finally, the Priority 1 Control Area is not needed in fact because geological conditions, including open dunes, open water and deflation plains mitigate against intensive development in many areas. The Heceta Lake Partnership requests the rule to be modified by eliminating the Priority 1 category west of Highway 101. Honoring the request will allow the partnership flexibility in siting septic tanks on good quality areas without violating the proposed nitrate-nitrogen loading standards. Failure to modify the rule as requested creates a severe economic hardship on the partners and on other private owners in the Priority 1 area without any corresponding benefit to the public health concerns that are the legitimate province of the EQC.

* * * * *

For the reasons stated in this letter and on the attached comments adopted by reference, the proposed rule OAR 340-71-030(11) should not be adopted as drafted. Any rule which is ultimately proposed should be drafted as a uniform, area-wide density rule related solely to the state planning standard for nitrate-nitrogen loading. The locations and concentrations of septic fields should be determined by the local planning agency, subject to the state standards.

Respectfully submitted,



Edward P. Thompson, Partner
in and of Attorneys for
Heceta Lake Partnership

EPT:ejh

EDWARD P. THOMPSON
ATTORNEY AT LAW
NORTHBANK OFFICES, SUITE 230
66 CLUB ROAD
EUGENE, OREGON 97401
TELEPHONE (503) 687-2191
November 26, 1980

Environmental Quality Commission
16 Oakway Mall
Eugene, Oregon 97401

Re: Public comment
Rule 340-71-030 (11)
Geographic Regional Rule
for lands underlying the
North Florence Dunal Aquifer

Gentlemen:

I am writing to place public comment in your record on behalf of my clients, Florence Land Co. and Thomas E. Wildish. My clients are the owners of 205.4 acres lying within the proposed Priority One Recharge Area east of Highway 101 and north of Heceta Junction. The land is all in Township 18 South, Range 12 West and lies in Sections 2, 3 and 11, and is tax lotted as Tax Lot Nos. 200 and 1200.

* * * * *

MAJOR POINTS: SUMMARY

1. The proposed rule focuses solely on preventing nitrate-nitrogen loading of the aquifer in excess of the proposed state planning standard of 5 ppm (parts per million). No other purpose or goal can be legally considered under the existing justification.
2. Existing data generated by the state and county provides a reliable and existing data basis sufficient for determining nitrate-nitrogen loading without waiting for the results of the 208 study.
3. Loading calculations demonstrate that nitrate-nitrogen loading will not exceed the planning standard if there are uniform densities of no more than one dwelling unit for each .84 acres.
4. There is no scientific or legal basis for the EQC's proposed division of the North Florence Dunal Aquifer into Priority Areas.

November 26, 1980

5. There is no scientific or legal basis for identifying "Recharge Areas" or "Discharge Areas." Nor is there any scientific or legal basis for determining that any area of the dunal aquifer is more sensitive to nitrate loading than other areas.

* * * * *

REQUESTED ACTION: SUMMARY

1. The rule should not be adopted as written.
2. In rewriting the rule, the concept of "Priority Areas" should be abolished.
3. In rewriting the rule, the concept of discharge and recharge areas should be abolished.
4. In rewriting the rule, the EQC should focus solely on nitrate-nitrogen loading and on defining a method of calculating that loading. Specifically, the EQC should allow the various local planning groups to cluster or spread density in accordance with local needs so long as ground water loading of nitrate and nitrogen meets state drinking water standards.
5. The rule should specifically state that the standard of 600 gallons of effluent per day per dwelling unit would permit four one-bedroom dwellings, two two-bedroom dwellings, or one four-bedroom dwelling to count as "one dwelling unit" for the purpose of the rule.
6. If EQC's concern is nitrate-nitrogen loading of surface water any proposed rule should be based on cited surface water studies which focus on surface water bodies on a lake-by-lake basis and identify and quantify the existing source of nitrate-nitrogen loading. Recharge of the lakes by streams and ground water infiltration must be distinguished. The rule should state (and cite the scientific basis for) standards for lake fertility. The rule should then set nitrate and nitrogen loading standards based on that fertility level. Finally, the rule must be justified by studying the fiscal impact of such standard in relationship to alternate sources of drinking water such as wells tapping ground water instead of direct pumping of surface water sources.

* * * * *

DETAILED COMMENT

1. The purpose of the rule is stated in the Land Use Consistency Statement (appendix C to the proposed rule) in the following language: "Soil and ground water experts recognize

2. The state and county have previously developed data from which a specific geographic regional rule can be developed for the North Florence Dunal Aquifer. Relying on the "stirred tank" model specified in the rule, the only data needed is the amount of effluent, the concentrations of nitrate-nitrogen in the effluent, the amount of rain falling on the area, and the percentage of that rain recharging the aquifer. This data is known as follows: The rule assumes 600 gallons of effluent per dwelling unit. The effluent is assumed to have 30 ppm of nitrate-nitrogen per liter. There is an average of 65 inches of rainfall over the North Florence Dunal Aquifer in an average year and 75% of this rainfall enters the ground water. (Brown and Newcomb, 1963; Hampton, 1963, and Environmental Geology of Coastal Lane County, Oregon, 1974). The rule does require reduction of nitrate-nitrogen loading based on existing levels of nitrate and nitrogen; however, these levels are specified as .01 to .03 parts per million at page 3 of the "Request for Authorization to Conduct a Public Rulemaking Hearing regarding...OAR 340-71-030(11)."

(a) There is 68,040 mg. of $\text{NO}_3\text{-N}$ per day per septic tank:

$$\frac{\text{mg NO}_3\text{-N}}{\text{day}} = \frac{600 \text{ gal. NO}_3\text{-N}}{\text{day}} \times \frac{30 \text{ mg}}{\text{liter}} \times \frac{3.78 \text{ liter}}{\text{gal.}}$$

November 26, 1980

- (b) There is 48.75 inches of rain water recharge of the aquifer per year:

$$.75 \times 65" = 48.75"$$

- (c) Rain water recharges the aquifer at the rate of 3626.77 gal/day:

- (1) Assume:

$$\begin{aligned} 1 \text{ gal} &= 231 \text{ in}^3 = 3.7852 \text{ liter} \\ 1 \text{ ft}^3 &= 1728 \text{ in}^3 \\ 1 \text{ ac} &= 43,560 \text{ ft}^2 \end{aligned}$$

- (2) 1 ft^3 of water = 7.48052 gal

$$\frac{x \text{ gal}}{\text{ft}^3} = \frac{1728 \text{ in}^3}{1 \text{ ft}^3} \times \frac{1 \text{ gal}}{231 \text{ in}^3}$$

- (3) 48.75" of rain = 4.0625 ft. of rain

$$48.75" \times \frac{1 \text{ ft}}{12"} =$$

- (4) 48.75" of rain provides 1,323,771.521 gal/yr of recharge per acre:

$$4.0625 \text{ ft. rain} \times \frac{43,560 \text{ ft}^2}{1 \text{ acre}} \times \frac{7.48052 \text{ gal}}{1 \text{ ft}^3}$$

- (5) Such a recharge is 3626.77 gal of rain per day

$$\frac{1,323,771.521 \text{ gal}}{\text{year}} \times \frac{1 \text{ yr}}{365 \text{ days}} =$$

- (d) 1 septic tank on one acre will cause 4.293422 mg $\text{NO}_3\text{-N}$ per liter of nitrate-nitrogen loading:

$$\frac{68,043 \text{ mg } \text{NO}_3\text{-N}}{(3626 \text{ gal} + 600 \text{ gal.})} \times \frac{1 \text{ gal}}{3.78 \text{ liter}}$$

- (e) Based on the rule, 1 septic for each .84 acres will not violate the state nitrate-nitrogen ground water standard for drinking water:

- (1) The state standard, after correction for background $\text{NO}_3\text{-N}$ is 4.97 mg/liter

$$\frac{5 \text{ mg } \text{NO}_3\text{-N}}{\text{liter}} - \frac{.03 \text{ mg } \text{NO}_3\text{-N}}{\text{liter}}$$

November 26, 1980

- (2) What is the minimum amount of rain water needed to dilute 68,040 mg NO₃-N to not more than 4.97 mg
liter ?

$$\frac{4.97 \text{ mg NO}_3\text{-N}}{\text{liter}} = \frac{68,040 \text{ mg NO}_3\text{-N}}{(X + 600 \text{ gal.})} \times \frac{1 \text{ gal}}{3.78 \text{ liter}}$$

$$X = 3021.73 \text{ gal}$$

- (3) What portion of an acre receives 3021.73 gal rain per year recharging the aquifer?

$$\frac{3626.77129 \text{ gal}}{1 \text{ ac}} = \frac{3021.73 \text{ gal}}{X}$$

$$X = .83317 \text{ acres}$$

In summary, the government's own data indicates that if all of the North Florence Dunal Aquifer area were developed to the maximum density allowed, it would only be a nitrate-nitrogen loading of 4.3 ppm of nitrate-nitrogen in the ground water or 86% of the standard. Also based on the government's own statistics, the entire North Florence Dunal Aquifer could be developed to an average of one septic tank per each .84 acre without violating the state nitrate-nitrogen ground water loading standards.

3. The assumptions underlying the proposed rule are extremely conservative. The effect of the assumptions is cumulative. The probability is that development to maximum permissible densities would still result in actual measured nitrate-nitrogen loadings far below the state's standards. Examples of these conservative assumptions are as follows:

(a) The EQC has built in a 100% safety factor by reducing the federal nitrate-nitrogen loading standard of 10 parts per million to the proposed EQC standard of five parts per million. The conservative nature of this assumption is highlighted by the federal proposal to relax its standard for certain users.

(b) The proposed rule assumes 600 gallons per day of sewage flow. We are informed and believe that Heceta Beach Water District user records demonstrate an actual use of 160 gallons of water per day. This indicates a safety factor of 375%.

(c) The 600 gallons per day assumption is based on a four-bedroom home even though population data for Florence indicates that it has high populations of retirees and vacation home

November 26, 1980

users who are unlikely to construct four-bedroom homes and are unlikely to utilize the home they do construct on an intensive basis.

(d) The proposed rule assumes no dilution of nitrate and nitrogen by the massive volumes of existing ground water.

(e) The rule requires an assumption that all real property is assumed to be developed. This is highly unlikely to occur because of large areas of state and federal land and large areas of active dune.

4. There is no scientific or legal basis for the EQC's proposed division of the North Florence Dunal Aquifer into priority areas. The concepts and limits of the various priority zones proposed by the rule are political in nature and don't relate to the public health needs of the citizens of Oregon. It is beyond the authority of the EQC to dictate the location and concentration of the natural growth of the Florence area except to the extent that it relates to the public health needs of the state. It is improper for the EQC to undertake to regulate density planning under the guise of public health needs. The sole legitimate function of the EQC is to set public health perimeters of growth, not dictate the manner in which the local jurisdictions implement their comprehensive plans so long as that implementation does not conflict with the public health needs of the state.

5. There is no scientific or legal basis for the EQC's proposed designations of portions of the North Florence Dunal Aquifer as recharge areas or discharge areas. The proposed rule erroneously assumes that there are "recharge" and "discharge" areas within the aquifer which can readily be identified and which are more or less sensitive to nitrate-nitrogen loading.

The recharge of the Florence ground water is almost entirely the result of absorption of rain. Recharge from surface water is insignificant. (Environmental Geology of Coastal Lane County, Oregon, page 80, 1974). Rainfall is uniformly over the entire aquifer area. Accordingly, the amount of recharge is uniform throughout the aquifer area unless intercepted by storm sewers. Therefore there is no basis for differentiating various areas based upon the concept of recharging ground water.

In a similar manner there is no scientific basis for assuming that any portion of the aquifer is a "discharge area." There are no significant surface water discharge areas for ground water within the aquifer. Available studies (Lane County Coastal Lakes: Water Quality Report, 1979, and the Environmental Geology of Coastal Lane County, Oregon, 1974) do not indicate that ground water is discharged into the coastal lakes. There is some indication that

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the inlet and outlet streams of the lakes are in general balance. However, if the coastal lakes are discharge areas for ground water, the proposed rule indicates that "discharge areas" are less sensitive to nitrate-nitrogen loading than recharge areas.

The entire stated basis for the rule is use of ground water for drinking water purposes. The rule is stated in terms of parts per million of nitrate and nitrogen. The location of the point of recharge or the location of the point of pumping is not a matter of legitimate concern for the EQC so long as concentrations of nitrate and nitrogen in the ground water remain within the stated state standards.

6. The problem of nitrate-nitrogen loading of ground water is not limited to shallow aquifers underlying rapidly draining soils. Neither septic tanks nor municipal treatment plants remove nitrate or nitrogen in any significant degree. All nitrate-nitrogen loading is simply discharged to the drain field and migrates to the ground water over time. The rapidly draining soils and shallow aquifers only accelerate the time frame within which the loading can be measured. The EQC's ground water standards should be uniformly applied throughout the state with density restrictions geared to local conditions. The timing and structure of the EQC's proposed rule is clearly politically sensitive and equally clearly inappropriate.

7. The proposed rule and its supporting data are inadequate because they cite no scientific basis for setting a 30 ppm standard for nitrate-nitrogen loading of effluent. Such a citation is required by ORS 183.335(2). Failure to provide such information prevents informed public comment.

8. The proposed rule and its supporting data are inadequate because the "fiscal impact" statement makes no estimate of the economic impact of the rule on the state or local government or the public as required by ORS 183.335(2)(d). In fact, the fiscal impact statement does not make any estimate of the economic impact either in dollar terms or relative terms. The clear intent and purpose of the Administrative Procedure Act is to require the EQC to make rules which are realistic in economic terms and to study that impact prior to promulgating their rules. This has not been done even though the effect of the rule is to prohibit any development whatsoever in an area exceeding 1,000 acres unless the owners extend the public sanitary sewers for several miles.

9. The Priority One restrictions are so severe as to amount to a public taking of the property. The EQC would prohibit human habitation. Salt spray prevents use of the land for forestry purposes. The prohibition on removing vegetation under the Beaches and Dunes Goal and related zoning prevents farming. Such regulation steps beyond legitimate regulation of use to a public taking for public purposes.

November 26, 1980

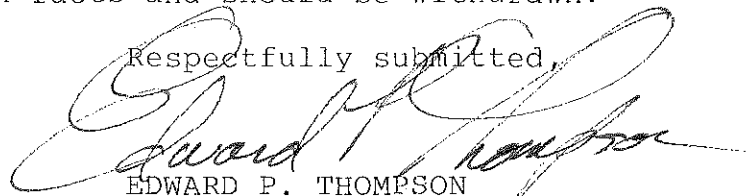
10. The proposed rule is technically defective because it proposes to adopt the 208 study result as the sole unchallengeable basis for future planning. This is an illegal delegation of authority to the scientists. This proposal would also result in the adoption of study results without knowing what those results are, without knowing the methodology, without knowing the precision with which the study is done and without allowing any avenue by which other data can be developed or considered.

* * * * *

CONCLUSIONS:

The EQC has no factual support for any rule which proposes to limit density to any area greater than .84 acre. The proposed rule is without foundation in facts and should be withdrawn.

Respectfully submitted,

A large, stylized handwritten signature in dark ink, appearing to read 'Edward P. Thompson', is written over the typed name and title.

EDWARD P. THOMPSON
Attorney for Florence Land Co.
and Thomas Wildish

EPT:ejh

11-22-80

North Florence Dunal Aquifer

To the DEQ

We are property owners and Residents in the Sub Division of Sutton Creek by the Sea.

Many of us in this Sub Division are Retired persons who chose this area because of its unique character. The lush coastal vegetation, meandering and clean Sutton Creek, the ever changing nearby Sand Dunes and the good clean water which we get from Clear Lake.

We have a good clean abundant water supply here and should not do anything to pollute this water supply.

We should do everything possible to take care of and protect Clear Lake because it is our only source of good clean water that is left in the area north of Florence.

There are many people in this area North of Florence and there are going to be many, many, more people in the future, who will be depending on a good clean water supply and we have it here from Clear Lake, so let's do what we have to, to preserve it, keeping it clear and clean and do not pollute it.

We support Proposed Rule Appendix E OAR 340-71-030 and hope that you will help keep Clear Lake just the way it is Clear and Clean and Unpolluted

Mr + Mrs James W Low

Box 123
Florence, OR 97439

Dec. 1, 1980

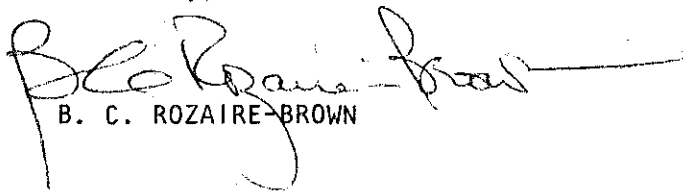
To: State Dep't of Environmental Quality

Subject: North Florence Dunal Aquifer Study

It would appear that as a community, we have a unique opportunity to protect our water resources, rather than having to clean up after ourselves. I strongly support this groundwater study and see the results benefitting both water consumers and developers. The knowledge that the quality and quantity of our water is a known factor can only enhance livability and promote economic growth in this area. Should this study be subverted or not completed and if the result be polluted or a paucity of water, our property values will be diminished and the expenses and time involved both in a water treatment facility and certain litigation will put everyone in a losing situation.

The future of this area and our responsibility to generations to come far override any objections to this project and demand this short hiatus in any dunal development activity, especially in Priority I Area.

Sincerely,



B. C. ROZAIRE-BROWN

ENVIRONMENTAL QUALITY COMMISSION

DUNAL AQUIFER STUDY

I am Ruel Chapman, 83960 Highway 101 S. Florence. I have been a resident of Lane County for thirty years. I have property in both Priority 1 and Priority 2 areas.

I respectfully ask the Commission to remove Section 36; Township ¹⁷18; Range 12; from the dunal aquifer study limits and the proposed moratorium on property development.

The North-South ridge referred to as 400' high in E-3 rises to a height of 465' on the North end which meets an East-West ridge extending to the West in a drop of approximately 250' high from 465' high in Section 36. To the East it rises approximately 200' higher. The East-West ridge is from 1,000 to 2,000' South of Mercer Lake Rd. This eliminates any aqua flow to the South and to Clear Lake.

Extensive studies in the South Dunal Area by a multiple of State, City, Federal,, and private interests state that all aquifer water flows natrually into the Ocean. My reference for this is the Draft Environmental Statement for the National Dunes Reareation Area.

Respectfully submitted,

Ruel E. Chapman

Ruel E. Chapman
83960 Highway 101 S.
Florence, Or. 97439

P. O. Box 161
Florence, Ore. 97439

Dept. of Environmental Quality
16 Oakway Mall
Eugene, Ore. 97401

Re: Map #17-12-36-3
Parcel 1702

Dear Sirs:

In regard to the North Florence Dunal Aquifer Study, we as owners of Map #17-12-36-2 Parcel #1702 (Approx. 60 acres), submit the following statement:

1. Lane County assessed value of this property is \$128,830. The property is not suited for, or Timber related, nor is it suited for, or Agriculture related. The tax value is based on a high development potential.

Abutting the property is a paved road, P.U.D. and Heceta Water District.

2. Your study is locking up this property until 1982 or longer. Why not the Aquifer Study first?

Why not a closed look at the water shed and developed property abutting the east side of the lake?

If you are looking for nitrate pollution, why not look for it in the right place?

3. This property is approximately 130 feet higher than the surface of Collard and Clear Lake, with smaller hills between the property and the lakes. In other words, the topography gives water shed protection ~~the~~ to the lakes.

Water shed is approx. 30% to the south and 70% to the north.

4. We question if the Dunal Aquifer Study will drill test holes in areas of this elevation. This property is the highest vegetated ~~land~~ dune in your Dunal Aquifer Study area.

Contt on Page 2

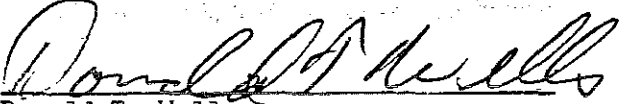
5. This property represents some of the best development property in the area, and we believe the study will cause an economic hardship, not only for us but the area in general. Already two building sites with ocean view have been petitioned out of this parcel, and the demand for this type of property is heavy in this area.

It is becoming increasingly difficult to build on any property on the lakes or in low lying areas due to surface water, too close to water table, flooding and improper soils to accept septic tanks.

Because of these reasons and questions and many more, we request the removal of this property (Map #17-12-36-3 Parcel 1702) from the Dunal Aquifer Study area.

We request that this statement be included in any records and hearings you might have concerning this area.

Respectfully submitted,


Donald T. Wells


Ruel E. Chapman

Florence, Oregon
December 1, 1980

TO: Department of Environmental Quality

FROM: J. Dean and Ramona Spencer

J. Dean Spencer, Ramona Spencer

SUBJECT: Request for Exemption--Proposed Rule AOR 340-71-030(11)
Passages in subsection (c) page 2 and subsection (a) page 1.

We are the owners of 13 3/4 acres (Tax lot 402, 18-12-02) in Priority Area One of the North Florence Dunal Aquifer. We have lived on the property for more than four years. We wish to partition off 2 1/2 acres for our son and his wife.

On February 20, 1980, I made an application for an SDS and paid the appropriate fees. Land was cleared and the SDS was approved August 6, 1980. The intended 2 1/2 acres lot is not partitioned off.

Last week I initiated the partition process by paying a fee and filling out forms. I was surprised in a preliminary planning meeting in Eugene, November 24th, when I was told that Interim Control Practices precluded current partitioning in Priority Area One for construction purposes. (Communication from John E. Borden to Rich Owings, September 30, 1980, page 3, Interim Control Practices, Item 1.)

The specific problem is the approved SDS is not on an existing lot of record October 1, 1980.

In the document to Environmental Quality Commission from Director William H. Young dated October 31, 1980, on page three, item 2, paragraph 2, under Evaluation, it is stated:

"Since the problem was recognized early enough, the rule would not have to impact current lots of record, existing septic tank approvals, or development proposals which received preliminary approvals prior to October 1, 1980."

Clearly EQC intends not to impact developments that are in process. We have been granted an SDS, a process which began February 20, 1980, with fees and forms. The site is ready for installation. There has been no intent or effort to circumvent county process or requirements.

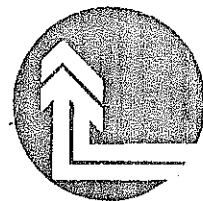
We are specifically requesting:

- 1) Exemption from the restrictive wording in Proposed Rule OAR 340-71-030 (11) subsection (a), which reads "...lots of record prior to October 1, 1980;...."
- 2) Exemption from the restrictive wording in Proposed Rule OAR 340-71-030 (11), subsection (c), which would preclude the possibility of construction permits or a favorable report of site suitability.

- 3) Permission to continue with the planning process, partitioning, and development of a single system on this site.

According to the County Office in Florence, this is the only case in the North Florence Dunal Aquifer, Priority Area One, in which there is an SDS approval on an area that is not partitioned.

Roy Burns, Director of Lane County Environmental Health Department, indicated support for this request if it is in fact one of a very small number of unique cases where SDS approval has been granted on unpartitioned lots. His office is making a check to determine if other cases exist.



December 1, 1980

Oregon Department of
Environmental Quality
522 SW 5th Avenue
Portland, OR 97207

The Lane County Planning Division requests approval for two exceptions to the proposed DEQ Groundwater Protection Rule for the North Florence area. The exceptions requested are for two partition applications which were partially completed by October 1, 1980. Both cases had septic approval prior to the date the Interim Groundwater policy was interpreted for the dunal aquifer in this region.

In the first case Mr. Dean Spencer was not informed by Lane County that he could file for a partition concurrent with his site inspection. This application would otherwise likely have had approval by the October 1 deadline. The application was for the partitioning of approximately 2 1/2 acres off from a 13 acre parcel. This parcel is located in the Priority 1 area between Collard Lake and Highway 101 on tax lot 402 of map 18-12-02 as indicated on attached map.

The second application concerns the partition application of John Hoaks in Priority 2 area south of Munsel Lake Road. Mr. Hoaks had septic approval on tax lot 2306 (18-12-14) but was not aware that when two adjacent tax lots are in one ownership a partition is required before development is permitted. This partition application does not meet the required two acre minimum for development.

We appreciate your assistance and cooperation in this regard.

Christianna Crook
Coastal Planner

dkb
Enc.

In the Matter of the Adoption of Rule 340-71-030 (11)
Geographical Regional Rule for the Lands Overlaying the
North Florence Dunal Aquifer, Lane County

December 1, 1980

I'd like to speak first, for myself only, as a member of the West Lane Planning Commission, an appointed not elected body.

In August 1979 the Lane County Coastal Domestic Water Supply Study was completed and a report prepared by the Lane County Department of Environmental Health Division at the request of and with the support of the Lane County Board of Commissioners and an Ad Hoc Committee composed of local citizens of the City of Florence and the area South of the Siuslaw. This 93 page exegesis with accompanying maps and appendices brought forth two salient points we can apply to this Public Rule Making Hearing:

1. "That portion of the Subarea north of the Siuslaw River and South of Heceta Head is, at present, adequately provided with domestic water from the widespread Florence and Heceta Water District systems. As growth continues, existing water supplies for Florence and the Heceta Water District will become inadequate and other sources will be required." (p 6)

2. "Development of groundwater in the sand area could require undertaking wastewater disposal in the area shortly thereafter, and special provisions in property development to assure return of precipitation to the ground and nonpollution of the aquifer." (p 8) (Emphasis added).

This study used the Comprehensive Land Use Plan for the Lane County Coastal Subarea to project the domestic water requirements for this area. The Comprehensive Plan has been significantly changed by a device used by the County Commissioners called an "Intent to Rezone". Basically this means that after certain requirements are met, the zoning may be changed. For example, Farm Forestry-20 that would not require domestic water in the Comp Plan can become Rural Residential density which would require substantially more water and sewerage considerations. In the Priority I area alone, to the East of Highway 101 in the Clear Lake area, a total of 255 acres is on the books as "Intent to Rezone". Aside from this one 20 acre parcel has met the

Adoption of Rule 340-71-030(11) contd.

I find the politicizing of something as basic as a water supply deplorable.

The Coastal Subarea Plan adopted by the Lane County Board of Commissioners on June 5, 1978 states page 8 B (1) "Proposed land uses should be carefully reviewed to ensure that significant drainage or hydraulic flow patterns are not adversely affected by development." Page 39 B (3) "Decisions regarding land use designations and regulations in the portions of the Subarea not served by a collective sewage treatment system should conform to the limitations dictated by continued use of private septic systems; primarily, selected environmentally compatible low density development only should occur throughout the subarea." ---

Speaking for myself as a member of the North Florence Dunal Aquifer Ad Hoc Committee, I endorse Appendix "E" in its entirety.

In the Priority I area there is interaction between the coastal lakes, their watershed and the recharge area. I strongly recommend a Primary Productivity test be taken on these lakes for comparison with earlier tests so we will know the base line and can thus compute the outside parameter of the carrying capacity of the dunal aquifer.

I have asked Dr. Douglas Larson, Limnologist, who has studied extensively the coastal lakes, to address this concern as it is his area of expertise.

Respectfully submitted,



SHIRLEE J GARDINER
88336 Collard Lake Road
Florence, OR 97439

Clear Lake included *EUGENE REGISTER-GUARD.*

Zoning approved for western Lane

By LARRY LUTA
Of the Register-Guard

Zoning for the Coastal Subarea was adopted Thursday by the Lane County commissioners despite the contention of two commissioners that some of the zoning decisions were "travesties."

The concerns were expressed by Jerry Rust and Archie Weinstein — for opposite reasons — as the commissioners went item by item down a list of 25 requests for changes from the zoning recommended by the West Lane Planning Commission for individual properties.

Rust said the board was "committing a travesty to the people of Western Lane County" by approving residential zoning in several areas, particularly properties near Clear Lake, without a study to determine whether such development levels could pollute the lake and underground water supplies. "They're going to ruin that fresh water, just wait and see," he said of one request.

For Weinstein, it was a "travesty on justice" that the other board members weren't willing to approve all of the zon-

ing as requested by individual applicants. "You don't have any conscience, fellows. And that includes all of you," he said at one point.

In the end, the commissioners agreed to a zoning plan that contained some of the West Lane Planning Commission recommendations and some of the citizen proposals. The zoning was adopted by a 4-0 vote, with Weinstein having left for another appointment shortly before the vote was taken.

The adoption of the zoning plan came at the end of a full-day public hearing in Harris Hall at the county courthouse. An earlier hearing was held two months ago in Florence.

Rust was particularly upset by the board's support for residential zoning requested by Don Tosch for 53 acres, Tom Wildish for 60 acres, Florence Land Co. for 145 acres, and Gary Parks for 50 acres. All four parcels are north of Florence, and the last three are near Clear Lake. *PRIORITY I AREA*

Rust recommended in several cases that approval of residential zoning be delayed at least until a study could be

made to determine if effluent from a large number of new septic tanks would threaten the underground water or the lake. The lake is the water source for the Heceta Water District.

On the Parks request, Rust said, "Clear Lake is the cleanest lake in the state of Oregon, and you're going to make 50 one-acre lots out there."

"That's right," Weinstein responded. And when Commissioner Otto Hooft said the lake is a quarter of a mile away, Rust asked, "Did you ever hear of water flowing downhill?"

For the three requests near Clear Lake, the commissioners adopted an "intent" to rezone the property for residential use. That gives the property owners two years to come up with plans for residential development or have the land revert to farm-forestry zoning with 20-acre minimum parcel sizes.

Weinstein made clear his position on the coastal zoning at the beginning of Thursday's eight-hour board meeting. He said he'd be willing to approve all of the citizen zoning requests without even listening to testimony if he could get two other commissioners to agree to that.

No one went along with the idea. "It would be nice if it was that simple," Commissioner Vance Freeman told him.

The commissioners approved about half of the citizen requests, with Weinstein generally abstaining or voting "no" when a request was turned down.

On several properties, the commissioners were told that they couldn't approve the zoning requested by the owners because that zoning would violate the land-use plan adopted for the area. In such cases, a plan amendment would be necessary before residential zoning could be permitted. The commissioners voted earlier this week to postpone the processing of plan amendment requests

Weinstein, who along with Rust voted against the plan-amendment delay, said it needs to be overturned if that's the only way property owners can have the zoning they want. "I'm going on the agenda next week as fast as I can get on to . . . reverse that moratorium," he said.

Weinstein also indicated he was willing to ignore the land-use plan, if necessary, to give people the zoning they wanted. When he was told the board couldn't authorize residential zoning in an area designated for forest management use, Weinstein said, "Let's do it anyway and let somebody tackle it."

In addition to citizen requests, the commissioners dealt with several requests from the city of Florence. They readily agreed to designate four parcels owned by the county and the Bureau of Land Management for open space as the city requested.

City requests for industrial zoning at North Fork Road and Highway 126 and just north of Florence were rejected, however. City officials said they believe the sites will be needed for industrial growth over the next 20 years, but the commissioners approved suburban residential zoning for them, noting that industrial zoning has potential plan conformity in suburban residential areas, and the city could request a zone change when it believes the time is right to develop the land.

The commissioners rejected a city request to require at least 19,000 square feet for lots in the urban service boundary that don't yet have community water and sewers. City officials said that limitation would permit division into two lots within the city's minimum lot size of 9,000 square feet after the properties are annexed and services are provided.

The commissioners said the West Lane Planning Commission proposal,

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No one went along with the idea. "It would be nice if it was that simple," Commissioner Vance Freeman told him.

The commissioners approved about half of the citizen requests, with Weinstein generally abstaining or voting "no" when a request was turned down.

On several properties, the commissioners were told that they couldn't approve the zoning requested by the owners because that zoning would violate the land-use plan adopted for the area. In such cases, a plan amendment would be necessary before residential zoning could be permitted. The commissioners voted earlier this week to postpone the processing of plan amendment requests until at least next spring so the planning staff could work on development of a new rural land-use program for the entire county.

it needs to be overturned if that's the only way property owners can have the zoning they want. "I'm going on the agenda next week as fast as I can get on to . . . reverse that moratorium," he said.

Weinstein also indicated he was willing to ignore the land-use plan, if necessary, to give people the zoning they wanted. When he was told the board couldn't authorize residential zoning in an area designated for forest management use, Weinstein said, "Let's do it anyway and let somebody tackle it."

In addition to citizen requests, the commissioners dealt with several requests from the city of Florence. They readily agreed to designate four parcels owned by the county and the Bureau of Land Management for open space as the city requested.

City requests for industrial zoning at North Fork Road and Highway 128 and just north of Florence were rejected, however. City officials said they believe the sites will be needed for industrial growth over the next 20 years, but the commissioners approved suburban residential zoning for them, noting that industrial zoning has potential plan conformity in suburban residential areas, and the city could request a zone change when it believes the time is right to develop the land.

The commissioners rejected a city request to require at least 19,000 square feet for lots in the urban service boundary that don't yet have community water and sewers. City officials said that limitation would permit division into two lots within the city's minimum lot size of 9,000 square feet after the properties are annexed and services are provided.

The commissioners said the West Lane Planning Commission proposal, which would allow lot size to be determined by evidence in individual cases, provides better flexibility in meeting the needs of citizens and the city.

Water shortage tops list of growing pains

Register - Guard 8/7/5

Fast-growth problem concerns Florence

FLORENCE — There is one thing city officials agree on here. It's that Florence has a growth problem — too much growth too fast.

The growth issue dominated a joint session Monday night of the city council, planning commission, design review board and city staff. The session was called to discuss ways to better coordinate land use decisions.

Instead the group spent the evening discussing problems Florence faces as one of the fastest-growing cities in Oregon.

At the top of the list of growing pains is water. Recently, the city has faced water shortages that officials have termed "critical."

Public Works Director Greg Hamman used that term to describe the situation to the city council last week, saying that the water level in one of the city's two reservoirs at times was only two feet deep. He told the council that if a fire had broken out at such a time, firemen would be hard-pressed to combat it.

City Councilman Wilbur Ternyik on Monday night brought up another problem the water shortage might cause.

"If we don't get it solved, we're going to be faced with a building moratorium," he said. "Maybe this is the time to start talking about merging (water supply systems) somewhere, or dig some wells."

The city now pumps part of its water from city-owned wells. But during peak

The city has plans to improve the situation somewhat by increasing storage capacity. They are now working on plans for a new 2-million gallon reservoir. But that won't be completed before fall at the earliest. And additional storage capacity will be needed beyond that.

Officials admitted Monday night that water storage is only half the problem. There also is the problem of water supply.

Hamman said Heceta Water officials

told him they have enough water to supply all the city's needs. He added that water district officials might not be adverse to possible consolidation with the city, although that possibility has been discussed fruitlessly in the past. Meanwhile, Hamman recommended that two more wells be added to the two the city already has.

Mayor Roger McCorkle said that until the city has more storage capability, more wells would be of no value. Plan-

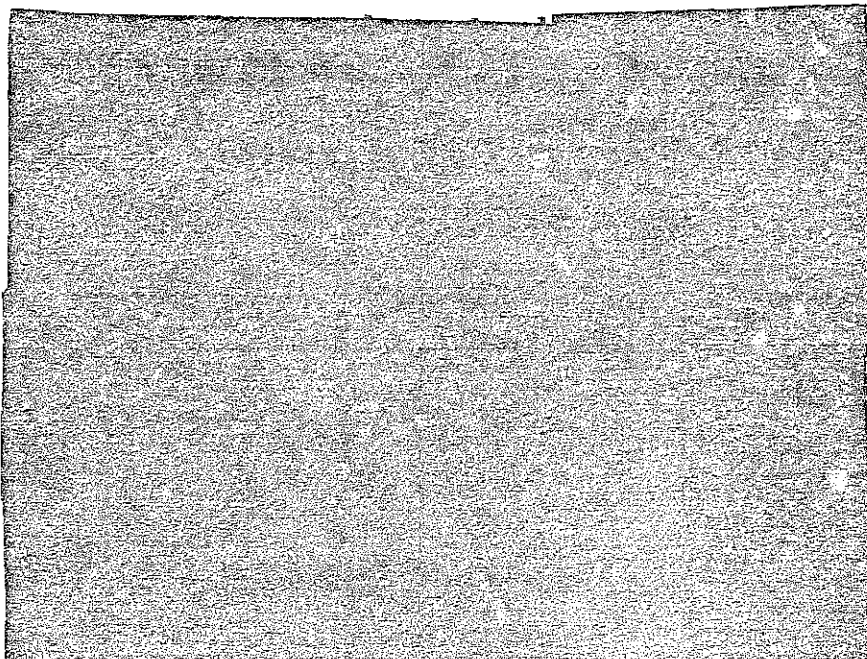
ning Commission Chairman Greg Anderson said the city should look toward buying all of its water from Heceta Water District.

McCorkle said it is going to cost about \$450,000 to acquire a reservoir site and build another reservoir. He said the city plans to pay for the project through a combination of federal funds and profits from the city-owned Pepper Oaks subdivision on 35th Street.

Hamman also told the group the city's growth rate also may strain the capacity of the city's sewer treatment plant. That facility can only handle about 200 more individual hookups, he said. He projected that when the plant expansion is completed, it would be able to handle only about 400 additional hookups "give or take as much as 50 percent." With several new subdivisions currently being planned and more to come in the future, the city may encounter another crisis, he said.

McCorkle said he doesn't expect to see the latest expansion completed before 1983 or 1984 due to delays in funding by the Environmental Protection Agency. He said the plant modifications are designed to make it a regional facility capable of handling sewage treatment for much of Western Lane County.

Ternyik said all it would take to "put the city under" as far as sewage treatment is concerned is the annexation of the fast-growing Rhododendron Drive area to the west of Florence.



County Commission

Modifies Local Road Development Decision

The Lane County Commissioners voted last Wednesday to declare a portion of Taylor Road a public road, modifying a decision made by the Western Lane Planning Commission a week earlier declaring Taylor Road a way of necessity or access.

The Western Lane group had feared that declaration of Taylor Road as a public road could lead to rapid development of the Clear Lake area and potential pollution of the aquifer in the area. The aquifer may be a source of the City of Florence water supply.

The fears of the Western Lane Planning Commission are also supported by County Commissioner Jerry Rust, who voted against allowing Taylor Road the public road designation.

Rust indicated he didn't want to allow extensive development in the area until the North Florence Dunal Aquifer study is completed, and its implications can be used in planning and development.

Commission Chairman Otto Hooft, who voted for the public road designation, told the Siuslaw News he feels that the Western Lane Planning Commission can monitor development in the Clear Lake area by reviewing applications for new construction following already established zoning and planning guidelines.

The chairman noted that Taylor Road would be a public road rather than a county road and that designation would permit usage.

Hooft also said the board of commissioners had received a letter from the state Highway Department indicating they would take back a portion of land they gave for the creation of Taylor Road if it didn't receive the way of necessity designation.

The action taken by the

commissioners is still tentative, Hooft stressed, with final action coming later after county legal staff has an opportunity to review the letter from the Highway Department.

Gary Parks and the Florence Land Company, land owners in the area, have sought access to their property either through Taylor Road or County Road 386, which runs north-south to the east of Highway 101.

Road 386 has not been maintained by the county. County Surveyor Bob Esell told The Siuslaw News that the road may not be exactly as indicated in records, but its location has been plotted.

The board of commissioners

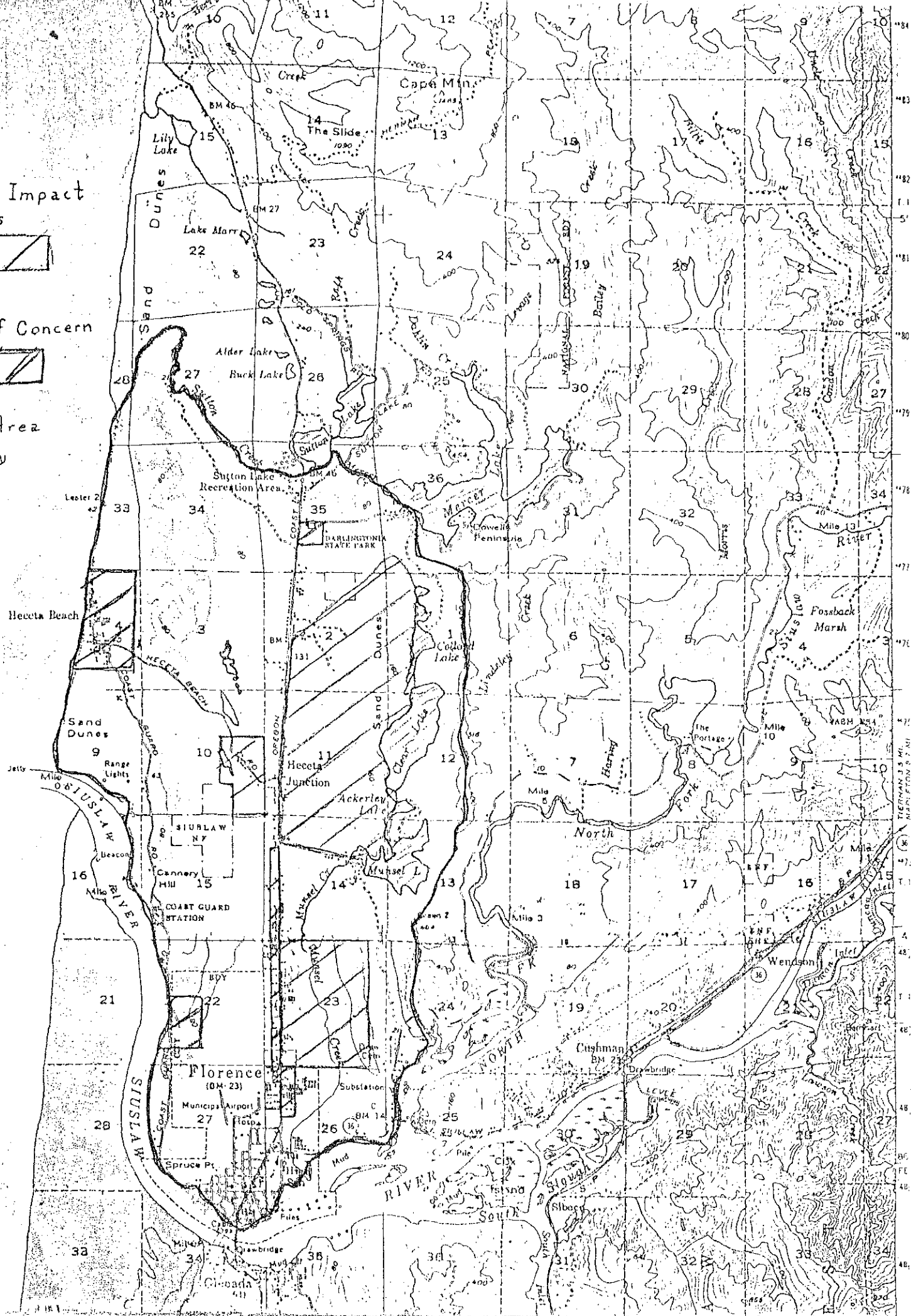
County Commissioner (Cont. from Page 1-A)

voted to vacate Road 386, supporting an earlier decision of the Western Lane Planning Commission.

Esell said that the road could be converted to a public road to provide access to the property. A public hearing on the Road 386 vacation and conversion to a public road will be held Oct. 8 at 1:30 p.m.

Both Hooft and Esell indicated the county could have legal problems in vacating roads and denying right of way access to property owners.

DAY	TIME	FT.	TIME	FT.
25 Thur	1:33	8.3	1:55	8.8
26 Fri	2:23	8.1	2:35	8.9
27 Sat	3:14	7.7	3:17	8.9
28 SUN	4:07	7.2	4:04	8.6
29 Mon	5:08	6.7	4:55	8.2
30 Tues	6:12	6.2	5:52	7.7
1 Wed	7:23	6.1	7:01	7.3
LOW TIDES WASHINGTON & OREGON COAST				
25 Thur	7:49	-0.5	8:21	-0.9
26 Fri	8:31	-0.1	9:11	-1.1
27 Sat	9:16	0.4	10:00	-1.2
28 SUN	10:02	1.1	10:55	-1.0
29 Mon	10:54	1.7	11:53	-0.7
30 Tues	11:53	2.2		
1 Wed	0:54	-0.3	1:02	2.7



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Additional comments supplementing oral testimony at the December 1, 1980 hearing on a proposed rule applying to the North Florence Dunal Aquifer - Submitted by Chris Attneave, 85328 Willamette, Eugene, OR 97405

After I appeared last evening to support the proposed rule restricting development in the dunal aquifer, I was attacked by one of the developers who was present who demanded to know if I wouldn't be taking a quite different view if I were a Californian seeking to build a house within the restricted area covered by the proposed rule. The gentleman may be right, but the fact is that those of us who live in the area and have the responsibility for making decisions about it are Oregonians. The fact that in many areas we have so far escaped the pressures of intensive development and have not yet squandered our natural resources should be no reason to adopt standards that only look good coming from a state which has made so many mistakes already.

The proposed rule is conservative in the best sense of the world and is really quite modest in imposing only a 14 month hiatus in development. I would have a real concern that more time may be needed to get all the information we would like to have to make the best decisions for protecting this area. Because I learned of the study and the proposed rule only from the newspaper a few days ago, I have not had time to look at any of the details and it may be that my concerns are not realistic.

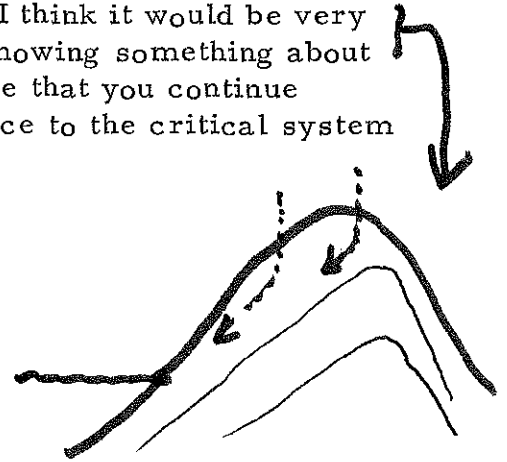
Some of the assumptions in the interrim rule seem to me to be too generous. It is well known that rainfall in the Florence area is extremely variable at different times of the year ranging from more than 12 inches during the month of January to less than 1/2 an inch during August. (Note that in terms of the time of maximum use of coastal dwellings this would coincide exactly with the months of very little precipitation.) Likewise, there is considerable variation in weather at different points separated by rather small distances. I do not have any actual information about rainfall amounts but the area of the lakes, for instance, is well out of the fog belt (which would lead to greater evaporation and perhaps lower - or higher - rainfall).

As far as I could tell, the proposed rule seems to consider only septic tanks as a source of nitrogen although alder, scotch broom, and lupines are common in coastal vegetation and all are nitrogen fixing. This is probably the source of the increased in nitrogen (10 to 100 times) seen in lakes following logging. If in fact Clear Lake is high in phosphorous, it may well be that the recent clear cutting on one side will produce some interesting results over the next two winters. Disturbance of coastal soils for any reason could be expected to produce the same effect.

One participant at the hearing (Mr. Wilson) told me afterward that a physician friend of his assured him that algae help to reduce pathogenic organisms in Mercer Lake and helped make the water safe. (In fact, he indicated that they wiped out the organisms causing hepatitis and other such diseases.) As far as I discover there is no foundation for this belief. (Conversation with U of O biologists Cook and Castenholz.)

It was proposed that some of the areas around Collard Lake be eliminated from the area of greatest protection on the ground that they have a different surface soil or are sand dunes well covered with vegetation. In the case of the sand dune, I do not believe that vegetation will make much difference to the fate of the water once it gets into the ground and I think it would be very difficult to be sure about the non-sand hills without knowing something about the layers that exist under the surface. I would urge that you continue to take a conservative approach here since the distance to the critical system of water supply lakes is very small indeed.

Collard Lake with which I am most familiar has quite a vigorous growth of plant life already and will probably have much more when the many septic tanks that are installed there come into use as houses are built to go with them. Whatever goes into Collard Lake will end up in Clear Lake and this in turn can have a significant impact on all the development in the Florence area.



I urge the Commission to adopt the proposed rule with as little modification as possible. It is, after all, not going to apply for eternity and if it has been over-strict the result could be corrected in another 15 months. If it has not been strict enough, there will be no easy solution.

Respectfully submitted,

Chris Attneave

Chris Attneave

Dec 2, 1980

Table II-17 Lakes of Lane County - Coastal Portion

NAME	SURFACE AREA			DEPTH Maximum (ft)	Mean (ft)	SHORELINE (miles)	RECREATION DAYS
	1938	1972	1973				
	(acres)						
Lily Lake	*	*	32	10	*	0.75	*
Lake Marr	*	*	3	15	*	0.25	*
Dune Lake	*	*	2	15	*	0.25	*
Alder Lake	*	*	3	14	*	0.3	*
Buck Lake	*	*	5	100	*	0.35	*
Sutton Lake	120	*	127	34	*	3.31	*
Mercer Lake	320	*	341	41	23	8.0	*
North Collard	*	*	6	42	*	0.4	*
Collard Lake	60	*	32	56	*	2.08	*
Clear Lake	160	*	140	82	*	2.35	*
Ackerly Lake	10	*	10	29	*	0.5	*
Munsel Lake	120	*	93	70	31	5.25	*
Cleawox Lake	*	82	82	48	*	5.21	2,000
Woahink Lake	820	*	787	82	*	13.68	*
Siltcoos Lake & Lagoon	3,116	2,887	*	18	12	29.6	50,000
Erhart Lakes	*	1.7(N)	*	20	*	0.15	175
	*	1.0(S)	*				
Loon Lake	*	3	3	20	*	0.25	300

*information not available

66
32/8
2/

EAG
Hearing Section

DEC 04 1980

12-2-80

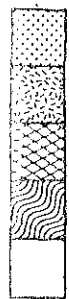
Linda Zuker
EQC Hearings Officer

It appears that my property (lot 2305
map 18-12-04-14) has been cut by
the upper priority ~~1~~ 3 boundary line.

My request is that this issue be clarified
and that the priority ~~two~~ ^{three} line follow
my property line in order that the entire
parcel (lot 2305) be included in the
priority ~~two~~ ^{three} area. Included for your
reference are two maps locating the property.
Sincerely,

* By telephone call
of 12/3/80 at 8:50am
by Ron Edelman.
Jane Fichter
DEP

Ron Edelman
3812 Monroe St
Eugene, OR 97405
686-2554



INTENT TO REZONE

APPROVED SUBDIVISION

PROPOSED SUBDIVISION

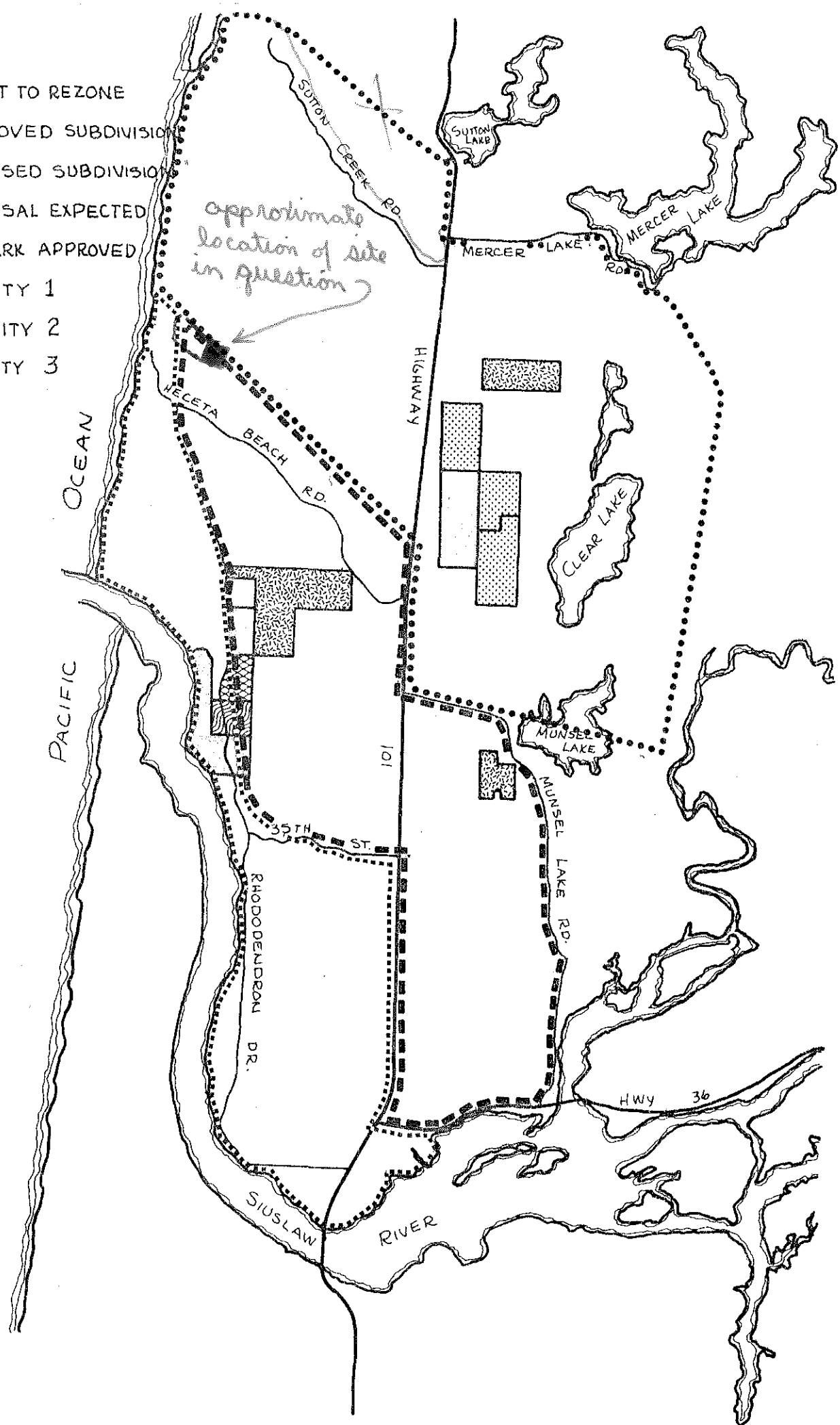
PROPOSAL EXPECTED

M.H. PARK APPROVED

..... PRIORITY 1

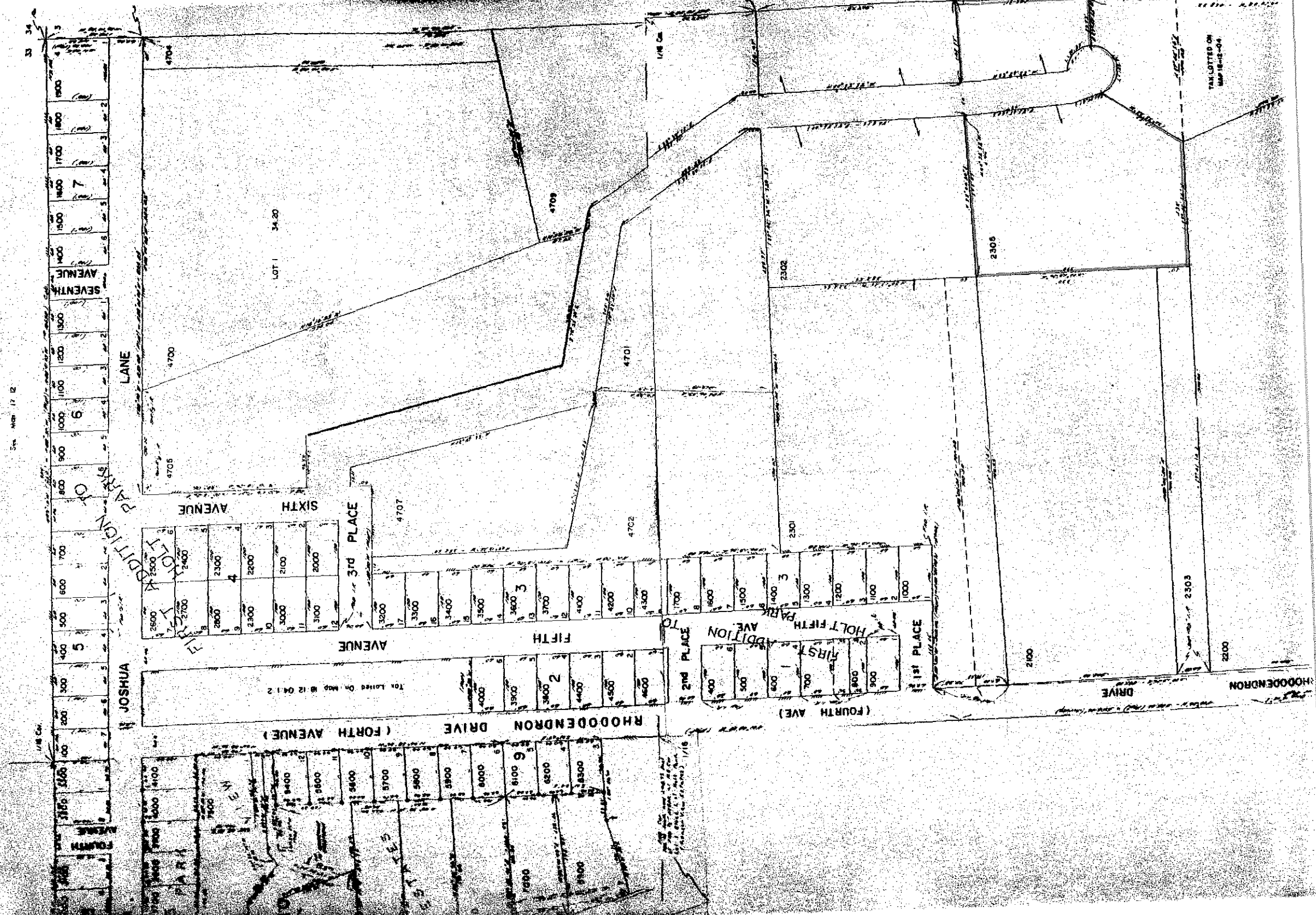
- - - - - PRIORITY 2

..... PRIORITY 3



NE 1/4 NE 1/4 Sec. 4 T. 18 S. R. 12 W. W.M.
LANE COUNTY

NE 1/4 NE 1/4 Sec. 4 T. 18 S. R. 12 W. W.M.
LANE COUNTY



ROBINETTE, CLEVELAND & WILLIAMS

Attorneys at Law

December 1, 1980

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ROBERT A. GEBHARDT

975 OAK, SUITE 600
EUGENE, OREGON 97401
(503) 485-1616

Department of Environmental Quality
16 Oakway Mall
Eugene, OR 97401

Re: Proposed Rule, North Florence
Dunal Aquifer

Gentlemen:

The following comments are submitted on behalf of owners of property in the proposed Priority I control area. The comments assume that the Commission may move in the direction recommended by the staff, ie., a geographic rule.

The Director's memorandum recommending rulemaking notes that available data do not justify a moratorium. However, the effect of the proposed rule is essentially equivalent to a moratorium as to the Priority I area. The objectives of the rule can be met in the Priority I areas through less drastic means.

A major source of the present concerns appears to have been proposals submitted to Lane County for "urban density development" in the study area. Despite this source of concern, "urban level density" is not defined in the proposed rule. While the rule's minimum loading rates for the Priority II and III areas provide some definition through density control measures, a major defect in the rule is that no similar measure is provided for Priority I area.

The proposed rule, at least as to new development proposals in the Priority I area, may place unreasonable fiscal and practical pressure on the City of Florence. Physical limitations or available funds may cause Florence to deny or severely limit the availability of municipal sewage treatment facilities to the Priority I area. Since the City of Florence is the only municipality offering those services, the Priority I rules may encourage urbanization through annexation that is not desirable to Florence or to the affected property owners. The rule should allow more flexibility to permit, for example,

private systems which accomplish the objectives.

The following proposed changes reflect the concerns outlined above. OAR 340-71-030(11) (c) should be amended to read as follows (new material underlined, deleted material in brackets):

- (c) Within the areas set forth in Subsection (d) below, which are hereby referred to as Priority I control areas, the Director or his authorized representatives may not issue either construction permits or favorable reports of evaluation of site suitability for new partitions or subdivision proposals containing a lot or lots less than ~~five~~ ^{Two} acres in size would depend on subsurface sewage disposal systems to accomodate sanitary waste disposal needs. For [these areas,] such proposals, only [municipal] collection, treatment, and disposal facilities essentially equivalent to facilities of municipal quality shall be approved as specified in the April 18, 1980 EQC State Interim Groundwater Protection Policy.

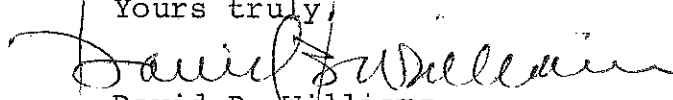
Within the Priority I Control Areas, the Director or his authorized representatives may issue either construction permits or favorable reports of site suitability for new partitions or subdivision proposals that would depend on subsurface sewage disposal systems under the following circumstances:

(A) Sewage loading rates will be limited to one (1) dwelling unit equivalent (d.u.) per ~~five (5)~~ acres unless a hydrogeological study as specified in Subsection (i) below is approved by the Director or his authorized representative which shows that greater densities can be accommodated without impacting the beneficial use of the aquifer.

(B) The proposed lots will comply with all rules in effect at the time the permit or favorable report of site suitability is issued.

(C) Low pressure subsurface sewage distribution will be used in on-site sewage disposal system construction.

Yours truly,


David B. Williams

DBW/db
cc: Mr. Gary Parks
Mr. Allen Johnson

ROBERT A. MANSETH *Consulting Engineer*

Phone 997-3677
88493 Highway 101 North
Florence, OR 97439

1 December 1980

North Florence Dunal Aquifier Hearing
Florence City Hall 1 December 1980

This testimony applies to the Priority one area only.

The existing moratorium on development in the Priority one area, if applied during the dunal aquifier study, is unnecessary.
I submit the following to support this statement;

Exhibit A Zoning Map

Local citizens and the Western Lane Planning Commission members were involved for years in the land use planning and zoning of this area. The zoning map, which has been approved by the Lane County Commissioners, reflects concerns for preserving the livability of the area, including reasonable protection of Clear Lake and the ground water. Only three areas were zoned RR1, representing approx. 7% of the Priority one area, and probably most of the RR1 zone will not be approved for drainfields. If the RR1 zoned area north of Mercer Lake Road is included, the figure becomes approx. 9%.

Exhibit B Government owned lands

Priority one area	approx. 4200 acres
Gov't. lands within Priority one area	approx. 1800 acres

The gov't. lands occupy over 40% of the Priority one area and should be used as the first line of defense against water pollution.

Exhibit C Proposed division of Priority one area

Priority 1A Clear Lake surface water supply

That portion of the priority one area in Section 1, Section 12, E1/2 of Section 11 and E1/4 of Section 2.

This gives approx. 1/2 mile of protection to the west side of Clear Lake and Collard Lake.

Place a moratorium on this area until the study is completed, unless findings during the study indicate development can be permitted.

Priority 1B Remainder of the Priority one area

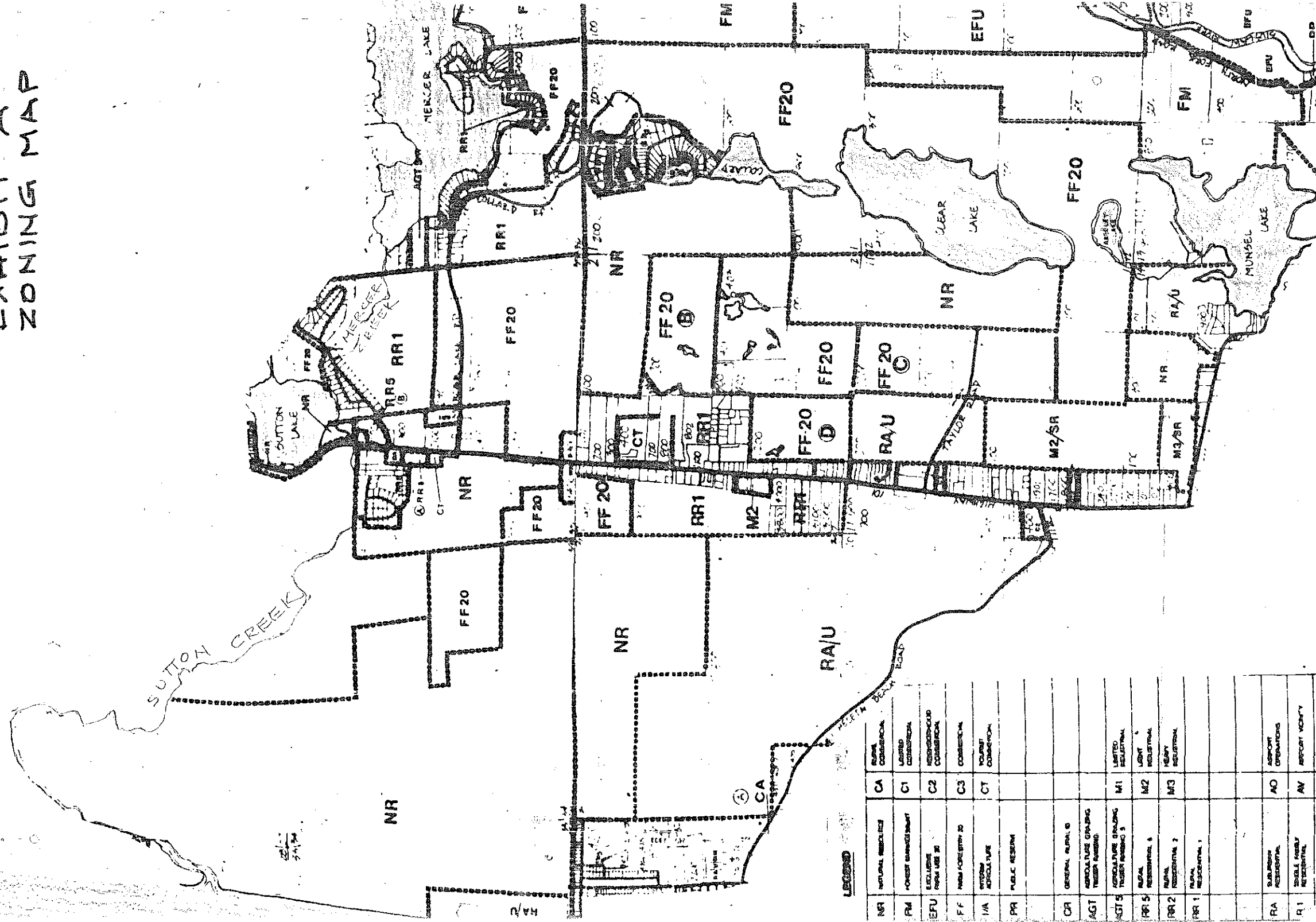
Place restrictions on this area as follows; (until the study is complete).

Zone RR-1 Establish and average sewage load per acre.

Zone FF-20 One dwelling unit per 20 acres.

Lots of record One dwelling unit if the lot has less acreage than the zoned minimum.

EXHIBIT A ZONING MAP



LEGEND

NR	NATURAL RESERVE	CA	RURAL COMMERCIAL
RA	FOREST MANAGEMENT	CT	LIMITED COMMERCIAL
EFU	EXCLUSIVE FARM USE 20	C2	RESIDENTIAL COMMERCIAL
FF	FARM HOUSELIFE 20	C3	COMMERCIAL
IA	INTENSIVE AGRICULTURE	CT	POURTY COMMERCIAL
PR	PUBLIC RESERVE		
CR	GENERAL RURAL 10		
AGT	AGRICULTURE GRADING TRUCKS 10000		
AGT5	AGRICULTURE GRADING TRUCKS 5000	M1	LIMITED INDUSTRIAL
PR 5	RURAL RESIDENTIAL 5	M2	LIGHT INDUSTRIAL
PR 2	RURAL RESIDENTIAL 2	M3	HEAVY INDUSTRIAL
PR 1	RURAL RESIDENTIAL 1		
RA	SUBURBAN RESIDENTIAL	AO	AIRPORT OPERATIONS
R1	SINGLE FAMILY RESIDENTIAL	AV	AIRPORT VICINITY
RG	GARDEN APARTMENT RESIDENTIAL	S-G	SPECIAL SPECIAL AND HIGH PRODUCTS
RP	RESIDENTIAL PROFESSIONAL	SC/CP	SPECIAL SPECIAL AND HIGH PRODUCTS
RA	RECREATION		
MH	MOBILE HOME DISTRICT		
		PLD	PLANNED UNIT DEVELOPMENT

 GOV'T. OWNED
(TO BE CHECKED
FOR ACCURACY)

SCALE 1"=5000'
30 NOV. 1980

COMPILED BY
ROBERT HANSETH
900,000

EXHIBIT B

PRIORITY 1 AREA

HECETA BEACH

PACIFIC

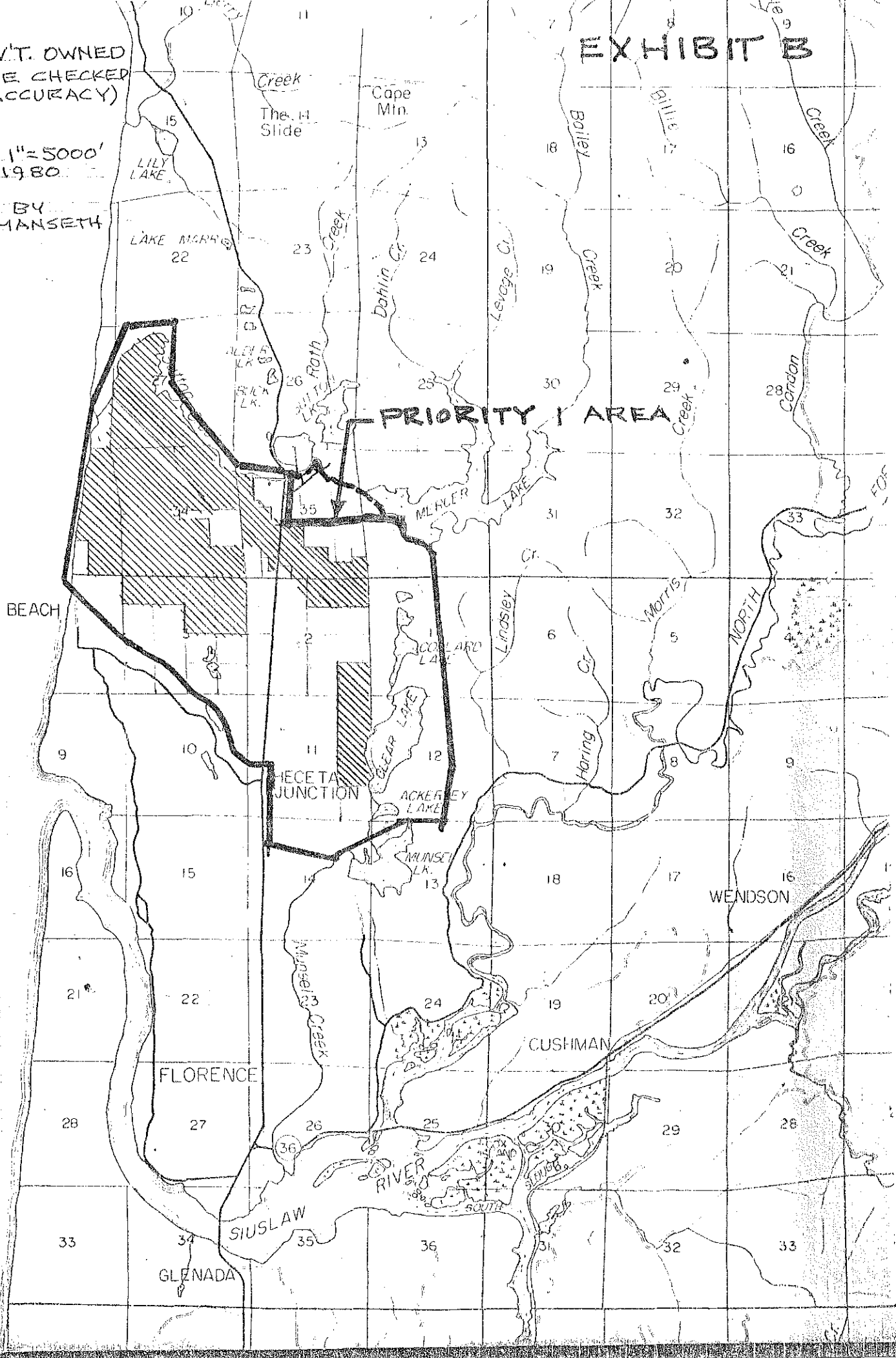
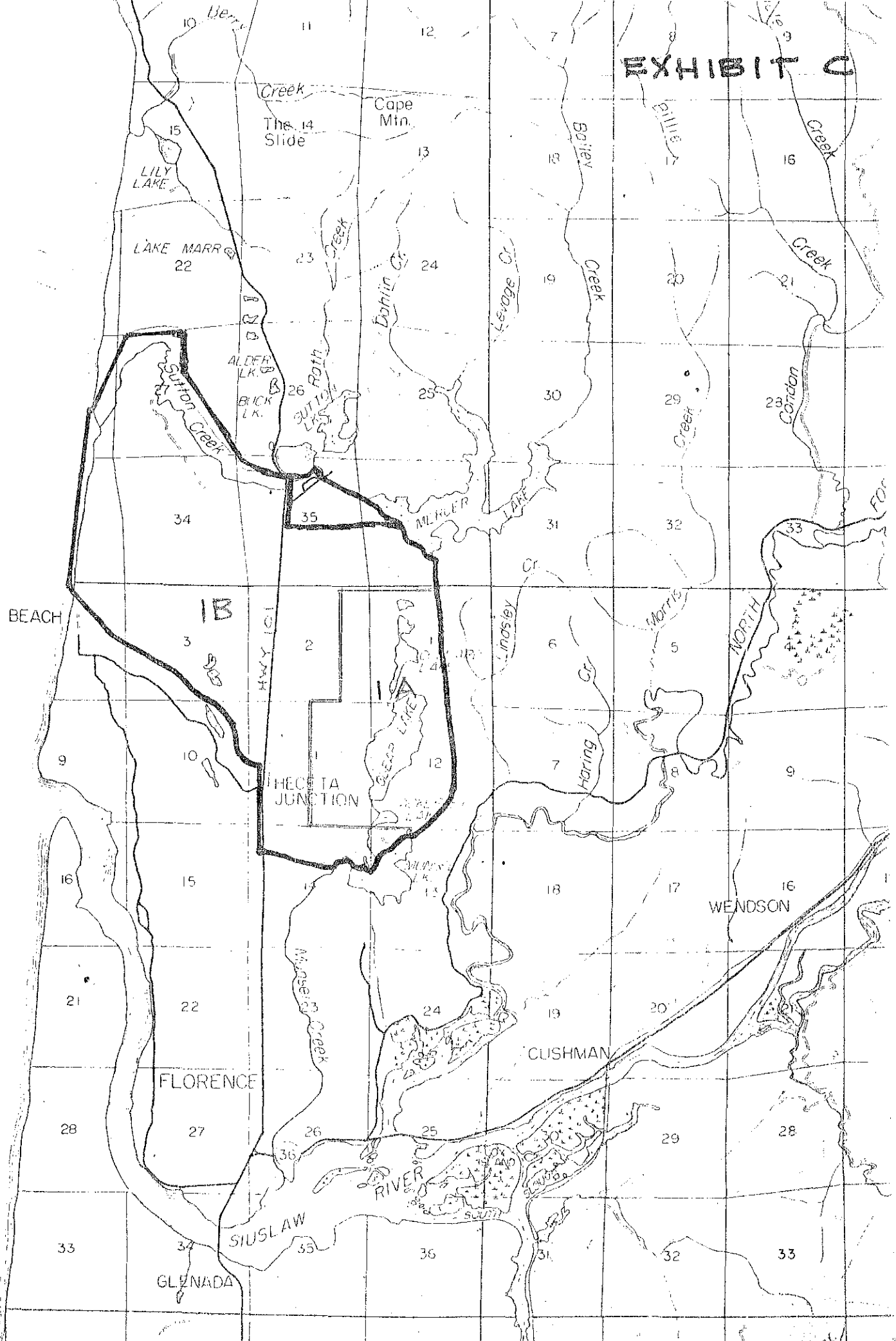


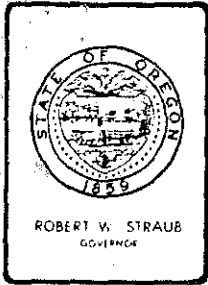
EXHIBIT C

900,000

HECETA BEACH

PACIFIC





ATTACHMENT "B"

DEPARTMENT OF ENVIRONMENTAL QUALITY
SOUTHWEST REGION
131 W. HARVARD BLVD., SUITE 200
MEDFORD, OR 97501 - 776-6000

Department of Environmental Quality
SOUTHWEST REGION

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

January 8, 1980

Len Merryman
2825 Barnett Road
Medford, Oregon 97501

RE: WQ-SS-Jackson County
Variance Hearing
38S-2W-13-2624

Dear Mr. Merryman:

This correspondence will serve to verify that your requested Variance Hearing, provided for in Oregon Administrative Rules, Chapter 340, Section 75-045 was held in Jackson County Planning Dept., Conference Room in Medford, Oregon, at 3:00 p.m., October 19, 1979. Persons present at the hearing were: Mr. Daniel R. Frank, Environmental Specialist and Mr. Bradley W. H. Prior, Jackson County Subsurface Program. Prior to the hearing at 11:00 a.m. on October 19, 1979, an on-site inspection of the property in question was conducted, in your presence, by the Variance Officer for the purpose of gathering soils and topographic information with regard to your request. Persons present during the inspection were: Mr. Frank and Mr. Prior.

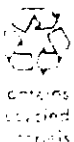
Your request was for a variance to the following rules:

OREGON ADMINISTRATIVE RULES, CHAPTER 340

- 71-020(3)(a) Requiring replacement area.
- 71-030(1)(b) Minimum depth to restrictive layer.
- 71-030(1)(d) Temporarily perched water table.
- 71-030(1)(e) Slope/depth relationship.
- 71-030(4)(f)(F) Minimum disposal trench depth.

The property in question is described as Township 38 South, Range 2 West, Section 13, Tax Lot 2624 of Jackson County, Oregon. Said property is approximately five (5) acres in size.

All exhibits were provided to the Variance Officer before the hearing and were entered into the record by number. For exhibit verification refer to hearing record.



To overcome the site development limitations you propose to install a dyke on the downslope side of each proposed seepage trench.

Verbal testimony was given by both Mr. Frank and Mr. Prior. For verification of testimony refer to hearing record.

Variances 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.

Your proposal, although well prepared, does not give assurance that it will overcome the limitations present at the site, I do not believe that the proposal adequately dealt with the nature of the site. Several problems are evident in your proposal. Some of them are:

1. You proposed a repair area forty-one (41) percent smaller than would be required had the site been suitable for the issuance of a permit without a variance. (Exhibit II, IX compared to OAR 71-030(9)(b)(A))
2. In contrast to #1 above you feel a forty-seven (47) percent increase is necessary for the initial system to function even though the systems would be installed under virtually identical soil conditions and trench design. (Exhibit II) I find no explanation for this eighty-eight (88) percent difference in the proposal or testimony except that the design does not represent the actual intended installation procedure but is a concept representation showing square footage available. You therefore, propose to compensate for a seventy (70) to ninety-six (96) percent downgrade in soils criteria with a three (3) percent average increase in bed size. (Exhibit VIII)

If we change the sizing to correspond to Mr. Frank's and Mr. Prior's testimony calling for four smaller beds, we have a two (2) percent smaller total bed size, per system, than would be required had the site been approvable without a variance. This does not improve your proposal.

3. I am of the opinion that the construction of the dykes as proposed (Exhibits II, IX and VII) enhances the entrapment of ground water, thus increasing liquid volume to be disposed of, while decreasing the site absorptive ability necessary for liquid disposal.

This situation combined with the seventy (70) to ninety-six (96) percent downgrade in required soil conditions (Exhibit VIII) does not improve the site's disposal abilities.

4. I must also consider the site's concave position, west exposure and the presence of temporarily perched ground water. (Exhibit VII and IX, Mr. Frank's and Mr. Prior's testimony.) There is no explanation provided by your consultant as to why it is felt that a twenty-four (24) inch deep (downhill side) curtain drain, set as little as one inch into the restrictive layer, is expected to dewater the site for a downslope distance of over one-hundred (100) feet.

Testimony (Prior) provides that the bowl shape of the site allows water to come into the proposed disposal area from virtually all uphill and side hill sides.

Testimony (Prior) further provides that the existence of impressive drainages, to three (3) feet in depth, located just down slope from the proposed disposal area indicates that a large amount of water is moving through the proposed installation area. This water must be satisfactorily dealt with, something I feel your proposal does not do.

Therefore, based on 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 allow the discharge of sewage to the natural ground surface. Your variance is regretfully denied.

Pursuant to OAR 340, 75-050, my decision to deny your variance requests 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, P. O. Box 1760, Portland, OR. 97207, within twenty (20) days of the date of the certified mailing of this letter.

Please feel free to contact me at 440-3338, if you have any questions regarding this decision.

Sincerely,

R. E. Baker, R. S.
ml

R. E. Baker, R. S.
Variance Officer

REB:ml

cc: T. Jack Osborne, WQ-SS-Portland
Jackson County
Daniel Frank, T. Flatebo & Associates

ATTACHMENT "C"

4690 Pioneer Road
Medford, Oregon 97501

January 17, 1980

EC
Hearing Section

JAN 21 1980

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

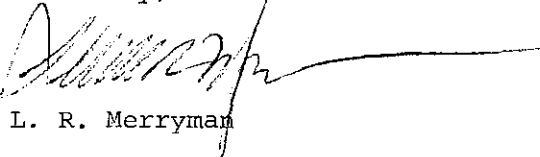
Dear Mr. Young,

Today I received a copy of a letter from Dan Frank to yourself, wherein he indicates my application for a sewage disposal variance has been denied. Upon receipt of this letter I phoned Dan for details and learned that I have only 20 days from the date of the denial within which to formally appeal.

My purpose in writing you is to let you know I have still not received any notice from DEQ of this denial. This concerns me because of the very limited (20 day) period available for filing appeals.

Please consider this a formal appeal of the denial of my application for a subsurface sewage variance request. I will be prepared to justify my appeal at the appeals hearing. Please notify me as soon as possible the date and time of the appeals hearing.

Sincerely,



L. R. Merryman

LRM:ba

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JAN 21 1980

OFFICE OF THE DIRECTOR

T. FLATBO AND ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
(503) 899-8267
P. O. BOX 900
937 NORTH FIFTH STREET
JACKSONVILLE, OREGON 97530

899-9000
KURT C. WEAVER, P. L. E.
899-7845
DANIEL R. FRANK, R. E.
855-7583

RECEIVED
MAY 29 1980

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
MAY 28 1980

Len Merryman
2825 Barnett Road
Medford, Oregon 97501

Dept. of Environmental Quality

Re: Variance Appeal
Site 38S-2W-13-2624

OFFICE OF THE DIRECTOR

Dear Len:

The purpose of this letter is to provide grounds for appeal regarding your variance request denial. In doing so, I will specifically address the reasons cited by the variance officer as the basis for his decision. His reasons are numbered one through four, presumably in diminishing order of priority.

- 1). Rule allows this descretion.
71-030(9)(b)(A) states sizing shall be 850 sq.ft. bdrm. min.
 - a). Installing a larger initial system is optional
 - b). Replacement area simply must match the minimum sizing requirement, as I interpret the rules.
- 2). Enlargement of initial system is optional-see above.
 - a). Note: In the proposal the sizing of "beds" exceeds the 850 sq.ft./bdrm. requirement. Therefore adding the initial and repair area should equal 100 percent of rule requirement not 88 percent.
 - b). The design represents the proposal. Mr. Prior's suggestion of utilizing four "beds" rather than three is discretionary. The County has followed a policy of maintaining maximum bed widths, which was one of the considerations in utilizing three beds. Also, four beds means one more "dike" Mr. Prior's bed sizing adding up to 2% less sq.ft. is trivial; that correction is an easy adjustment. Please note the plans spell out the proposal. Mr. Prior's imput was simply a consideration, which I found agreeable.
- 3). 71-030(1)(d) is the single issue on site eligibility for ETA, but more appropriately it should be identified as 71-Q30-(9)(a)(A).
 - a). As a practice the County installs the bed within the restrictive layer. 71-030(9)(a)(A) simply states below 12 inches shall be fine textured soil.

The "dike" idea was a modification to insure the bed is installed in the restrictive area which is a County policy.

- b). It is unnecessary to defend eligibility criteria for the ETA. Mr. Baker's reference to reducing absorptive ability is inappropriate unless he thinks the "dike" would create an impervious layer (he gave no explanation).
 - c). "Entrapment" of ground water is not an issue of suitability. Fine texture soils will retain a temporary perched water table and mottle. Rainfall is the critical issue-the site is eligible (less than 25"/yr.)
 - d). Reference to 70 to 96% downgrade in soils conditions is nonsensical. What does Mr. Baker mean? How does he arrive at these percentages?
4. Dispute description of site as having ... "concave position," it is a hillside position - see topography of site layout. A west exposure plus slope (more direct sunlight) should be a positive consideration.
- a). Temporary perched water table must be kept in perspective.
 - 1). 71-030(9)(a)(B) says soil shall be moderately well to well drained. The site satisfies that requirement.
 - 2). Fine textured soils mottles - virtually all suitable ETA sites are mottled.
 - 3). The curtain drain is considered necessary to divert runoff water around the site. It's purpose is not to "dewater" the site- that is a physical impossibility because of the nature of fine textured soil. The curtain drain would be effective as proposed for the purpose of diverting runoff water.
 - 4). Eroded cut is evidence of surface runoff which is more a function of fine soil texture (once saturated it has very limited water holding capacity) slope and yearly distribution of rainfall than evidence of "... large amount of water moving through the proposed installation area." It would be more accurate to say surface runoff is significant and should be addressed (and it is).

This proposal is for an "ETA" system, therefore reference to variance from rules should be as applicable to that request. It appears Mr. Baker is mixing apples and oranges by "his" list of applicable site restrictions which apply to the standard system rather than the "ETA".

He lists five rule violations requiring variance consideration. Actually the only specific variance request is 71-030(9)(a)(A) which states the "bed" sidewall shall be contained in fine textured soil. Mr. Baker does not even list this restriction although it often (but not always) relates to 71-030(1)(b) which sets the minimum depth to a restrictive layer for a standard system. 71-020(3)(a) applies because 71-030(9)(a)(A) is unsatisfied (a repeat of same restriction found in the area of the initial installation).

71-020(3)(a) refers to presence of a temporarily perched water table - it does not apply to ETA sites. The applicable considerations to be made in this regard are:

- a). 71-030(9)(a) which defines eligible areas based on annual precipitation (-this site is eligible).
- b). 71-030(9)(a)(B) which states site shall be moderately well to well drained (again this site is suitable in this regard but it was this consideration that makes the use of a curtain drain advisable).

71-030(1)(e) which specifies slope restrictive layer depths is not applicable (71-030(9)(a)(C) which states site must not exceed 15 percent is satisfied. 71-030(4)(f)(F) which stipulates minimum standard trench depth is maintained. The proposed construction of the "beds" is in accordance with the Contract Agent's interpretation of this rule.

Also Mr. Baker on Page 2, first paragraph refers to the proposal as having "seepage trenches". This is not true. See 340-71-010(74) which defines a seepage trench.

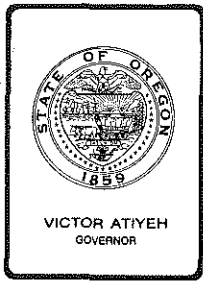
It should be noted that two separate denial letters, both dated January 8, were issued. The first one I picked up from the local DEQ after Mr. Baker informed me of his decision. I find it interesting that it took Mr. Baker over eighty days (violation of 340-75-035, which says "A decision shall be made in writing by the Variance Officer within (45) days after completion of the hearing on the variance request") to prepare his first response letter but was able to revise a new more extensive letter almost immediately!

I hope this correspondence will be of assistance in your effort of appeal. As explained before it is my opinion this variance request should have been granted.

Please do not hesitate to call to discuss this letter, or for any additional assistance.

Sincerely,


Daniel R. Frank, R.S.
Environmental Specialist



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. N, December 19, 1980, EQC Meeting
Public Hearing for Rule Adoption to Allow a Spring
Backyard Burning Season (OAR 340-23-045)

Background

At its June 1979 meeting, the Environmental Quality Commission (EQC) granted an extension of the spring and fall backyard burning periods through 1980. In granting this extension, the Commission directed staff to establish reasonable programs with local governments which would permit the prohibition of backyard burning after December 31, 1980.

The efforts to fully assess the feasibility of prohibiting backyard open burning and to establish reasonable alternative disposal programs has met with a number of obstacles. The Department is continuing to develop the following information: volume of material involved; the environmental impacts; the energy/economic impacts of various alternatives; and an assessment of the public's attitude. The Department is committed to seeking wide public review and comment on the final assessment. To meet this commitment additional time is needed to complete the report, distribute to the public, conduct hearings and evaluate public comment. It is projected that the final report will be completed by February 1, 1981, and that a request for public hearing will be made at the February EQC meeting. The hearings would be held in March and April and a final report and recommendation made to the Commission in June.

Since the final report will not be completed until May and alternatives to burning will not be available during the 1981 spring clean-up period, it is the Department's belief that the Department's open burning rule should be revised to allow a spring burn period in 1981. This can be done by changing the date listed in OAR 340-23-045(6)(a) from December 31, 1980, to June 30, 1981.



Contains
Recycled
Materials

Authority

Oregon Revised Statute (ORS) 468.020 Rules and Standards (1) states:

"In accordance with the applicable provision of ORS 183.310 to 183.500, the commission shall adopt such rules and standards as it considers necessary and proper in performing the functions vested by law in the commission."

The Notice of Public Hearing (Attachment A), a Statement of Need for Rulemaking (Attachment B), and a copy of the revised rule (Attachment C) (OAR 340-23-045), are attached to this report.

Summation

1. In June 1979, the EQC adopted OAR 23-045(6)(a) (Attachment C) which prohibits open burning of domestic waste in Clackamas, Columbia, Multnomah and Washington counties after December 31, 1980.
2. The date cited in item 1 was granted with the stipulation that the Department establish reasonable programs with local governments which would permit the imposition of a burning ban in the near future.
3. The Department has expended considerable staff time in attempting to assess the overall impact of a burning ban and in developing reasonable alternatives to burning. However, as of this date, information critical to a public understanding of this issue is still being developed to describe waste material volume, environmental impact, energy/economic impact, other burning alternatives, and public attitude.
4. The Department estimates that the final report will be completed by February; that a request for public hearings will be presented to the EQC February meeting; the public hearings can be conducted in March and April and that a final report and recommendation can be made to the Commission in June.
5. The Department is committed to providing the public time to conduct a full review of our assessment of this matter. The staff is opposed to reducing the public review period in order to bring this matter before the Commission at an earlier date.
6. In light of the above schedule, new disposal accommodations other than burning will not be available to the public during the spring yard clean-up period.

7. Because new alternative disposal methods are not available, the Department believes that the Department's open-burning rule should be revised to permit a spring burning period between March 1, 1980, to June 15, 1980.

Director's Recommendation

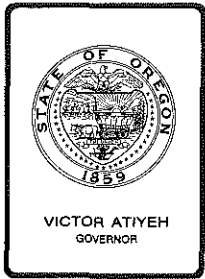
Based upon the Summation, it is recommended that the Environmental Quality Commission adopt the proposed revised rules contained in Attachment C.



William H. Young

Attachments: Open Burning Rule
Statement of Need for Rulemaking

T.R. Bispham:g
RS61 (1)
229-5342
December 2, 1980



ATTACHMENT A

Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

Prepared: 10/20/1980

Hearing Date: 12/19

NOTICE OF PUBLIC HEARING

A CHANCE TO BE HEARD ABOUT:

PROPOSED REVISION OF OPEN BURNING RULES

The Department of Environmental Quality is proposing a revision to its Open Burning Rules to postpone the date for prohibiting backyard burning in Clackamas, Columbia, Multnomah, and Washington Counties for a 180-day period from December 31, 1980, to June 30, 1981.

WHAT IS THE DEQ PROPOSING?

A public hearing before the EQC to consider postponing the ban on backyard open burning in Multnomah, Clackamas, Washington, and Columbia Counties for 180 days and allow a spring open burning period from March 1, 1981, to June 15, 1981.

The Department will be recommending that one more spring open-burning period be allowed, March 1 - June 15, 1981, to allow time to better identify:

- a. Alternatives to backyard open burning.
- b. Comparison of open burning to:
 1. Costs of alternatives
 2. Environmental effects of alternatives
 3. Effect of the alternatives on the energy resource.

The Department will also be recommending that the Environmental Quality Commission direct the staff to schedule a series of public hearings as soon as full information on alternatives can be made available to the public, but within the 180-day extended burn period, to receive public testimony on whether or not backyard open burning should be permanently banned, and if so, in what areas and under what conditions.

Therefore, the only action the Department is proposing at the December 19, 1980, hearing is to amend the date contained in existing rules to:

- ** Allow a 1981 spring open burning period in the four county Portland Area, from March 1, 1981 to June 15, 1981. (Only testimony pertaining to the question of whether or not one more spring open burning period should be held will be received and considered at this hearing.)



Contains
Recycled
Materials

FURTHER EXPLANATIONS

The Department was originally scheduled to hold public hearings in early December to receive testimony on proposed revised open burning rules. The proposed rules, if adopted would prohibit backyard open burning within an area roughly equivalent to the MSD area, but excluding rural areas and Hillsboro and Forest Grove.

At the time the December hearings were initially proposed it was expected that information on availability, costs and impacts of alternatives to open burning would be available for dissemination to the public. Because of the complexity of this problem and the involvement of a number of State and local entities and public interest groups, this information could not be assembled in time for the public to receive and evaluate prior to December hearings.

Therefore, the Department decided to ask the Commission to postpone the public hearings on the proposed extensive revisions to the open burning rules. Since the new rules would not be effective and alternatives to open burning would not be identified in time for the public to know what it should do with its backyard debris next spring, it was decided that one more open burning period was probably necessary to:

- ** Allow more time for identifying and reporting information to the public on availability, cost and energy impacts of alternative methods of disposal and
- ** Allow more time for public review of this information and comment on future extensive revisions to the rules including a possible permanent ban on backyard open burning in the Portland area.

Additional hearings will be scheduled within the next few months to fully discuss and decide this issue.

WHO IS AFFECTED BY THIS PROPOSAL:

- ** Citizens of Clackamas, Columbia, Multnomah, and Washington County who have an interest in "backyard burning."
- ** Local governmental agencies in the above four counties who are or have been involved in planning for open burning ban, especially fire districts in these counties.

WHERE TO OBTAIN ADDITIONAL INFORMATION:

After November 1, 1980, interested persons may request a copy of the proposed rule change and background material from the Department of Environmental Quality Offices in Portland at:

Department of Environmental Quality
Air Quality Division
522 S.W. 5th Avenue, Box 1760
Portland, Oregon 97207
(503) 229-5836
Toll Free 1-800-452-7813

PUBLIC HEARING

A public hearing will be held before the Environmental Quality Commission at their regular December meeting in Portland.

<u>City</u>	<u>Time</u>	<u>Date</u>	<u>Location</u>
Portland	10 a.m.	Dec 19	Regular December meeting of the Environmental Quality Commission in Portland. 522 SW 5th Avenue, DEQ Conference Room 1400. (Persons may request to be notified. Call Portland 229-5836 or toll free 1-800-452-7813.)

Written comments should be sent to the Department of Environmental Quality, Air Quality Division, Box 1760, Portland, Oregon 97207, and should be received prior to December 19, 1980.

Oral and written comments may be offered at the above public hearing.

LEGAL REFERENCES FOR THIS PROPOSAL:

This proposal amends 340-23-045. It is proposed under authority of ORS Chapters 183 and 468 including Sections 468.020, 468.290, 468.295, 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 will be submitted to the Environmental Protection Agency as part of the State Clean Air Act Implementation Plan. The Commission's deliberation should come December 19, 1980, after the public hearing at their regularly scheduled Commission meeting.

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

Agenda Item _____, December 19, 1980, EQC Meeting

Statement of Need for Rulemaking

Pursuant to ORS 183.335(7), this statement provides information on the Environmental Quality Commission's intended action to adopt a rule.

1) Legal Authority

ORS Chapters 183 and 468 including ORS 468.020, 468.045, 468.290, 468.295 and 468.450.

2) Need for the Rule

The proposed rule change postpones the date for an open burning prohibition from December 31, 1980, to June 30, 1981, in order to:

1. Provide more time to identify suitable alternatives to open burning and the environment/economic impacts of such a rule.
2. Provide a spring domestic open burning period from March 1, 1981, to June 15, 1981.

3) Fiscal Impact

Based upon past records of fire permits issued during the spring burn period in the Portland Metro area, it is estimated that 30,000 - 60,000 individuals conduct backyard burning. Should a ban be imposed at this time, these individuals would be faced with increased garbage hauling costs or dumping fees should they haul the material themselves.

4) Land Use Consistency Statement

This is not relevant.

5) Principal Documents Relied Upon in the Rulemaking.

- a) Department staff report and recommendation to the EQC (December 19, 1980).
- b) Copy of open burning rule.

TRB:g
RS61.AT (1)
229-5342
November 24, 1980

ATTACHMENT C

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.

(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.

(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~~]

June 30, 1981:

- (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 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:

(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.

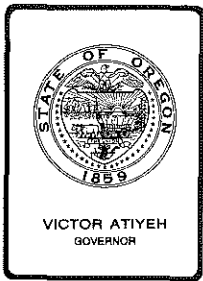
(f) Failure to conduct open burning according to the conditions of the letter permit, or any open burning in excess of that allowed by the letter permit shall cause the permit to be immediately terminated as provided in OAR 340-14-045(2) and shall be cause for assessment of civil penalties as provided 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.

Environmental Quality Commission

December 19, 1980

BREAKFAST AGENDA

- | | |
|---|--------|
| 1. Budget impact of loss of federal funds | Downs |
| 2. Progress of joint meeting with Water Policy Review Board, et al. | Sawyer |



Department of Environmental Quality

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

MEMORANDUM

To: Environmental Quality Commission Date: December 19, 1980

From: William H. Young *Bill*
Director

Subject: Effect on 1981-83 Budget of Elimination of Federal Grants

As requested by Commissioner Somers at the November 21, 1980 EQC meeting, the following is a program by program summary of the effect of the loss of all federal grants on the Governor's recommended budget for 1981-83. It should be stressed that the agency has no information that would suggest such an event is likely to occur in the near future.

Air Quality Program

The only two subprograms that would not be directly affected are the Vehicle Inspection and Smoke Management programs because they are almost entirely fee supported. The remainder of the air program is approximately 40% funded by federal air grants under Section 105 of the Clean Air Act. On a subprogram basis the percentage of federal support follows:

Source Compliance	25%
Data Acquisition & Reporting	52%
Planning & Development	53%
Administration & LRAPA Grant	<u>31%</u>
TOTAL	40%

Noise Control Program

This program receives project grants under the federal Noise Control Act that it competes for on a national basis. Approximately 35% of the 1981-83 budget is supported by federal grants. These grants are expected to fund projects to develop motor vehicle noise enforcement programs and to provide technical assistance to cities and counties to develop noise ordinances and other local noise control capability.

Water Quality Program

The Subsurface Sewage, Experimental/Alternate Systems, and Administration programs are not directly impacted by a cutoff of federal funds because they are entirely funded in the 1981-83 budget by fees and general fund appropriation. The remainder of the water program is approximately 56% supported by federal grants under Sections 106 and 208 of the Clean Water Act, excluding grant money passed through to other agencies for nonpoint

source planning and rehabilitation of fresh water lakes. On a subprogram basis the percentage of federal support is:

Source Control	46%
Monitoring	57%
Planning	75%
TOTAL	56%

Solid Waste Program

This program is approximately 36% supported by federal grants under Subtitle C, Hazardous Wastes, and Subtitle D, Solid Waste, of the Resource Conservation and Recovery Act. On a subprogram basis the percentage of federal support is:

Solid Waste Management	6%
Hazardous Waste Management	73%
Program Development & Support	40%
Administration	25%
TOTAL	36%

Agency Management Program

This program receives approximately 25% of its revenue from indirect cost charges against direct program federal grants. This revenue would, of course, disappear if the federal grants were eliminated.

Sewerage Works Construction Grants

In addition to the federal grants the agency receives directly, an important cog in the agency's program to improve sewage treatment is the federal grants that are given directly to local jurisdictions to pay 75% of the cost of constructing sewage treatment works. The elimination, or drastic cutback, of these grants is more likely than cutoff of program grants, and even though it doesn't directly affect our 1981-83 budget request, it would have a dramatic effect on the ability of local jurisdictions to finance capital construction to meet state and federal water quality standards. Current estimated grant allotments to Oregon are \$47 million annually.

It seems obvious from the foregoing percentages, that each program is supported by federal grants, that significant reductions or elimination of federal grants would drastically affect the agency's 1981-83 budget and ability to meet its mandated functions. Should such an event occur, a process would immediately be initiated by the agency to: (1) determine what, if any, activities could appropriately be eliminated; (2) determine what statutory and rule changes would be appropriate; and (3) request general fund and/or fee increases to support the critical activities of the agency.



STATE OF OREGON

INTEROFFICE MEMO

O/D

229-5395

DEPT.

TELEPHONE

TO: Environmental Quality Commission

DATE: December 18, 1980

FROM: Bill Young

SUBJECT: Letters received regarding spring
backyard burning season

The Department received 17 letters in the past few weeks discussing the Commission's actions with regard to allowing an additional spring backyard burning season. Eight letters argued against allowing an additional spring burning season. Many felt that the Department and the Commission had already delayed too long in banning backyard burning and urged the EQC to take strong action for clean air and hold fast to the burning prohibition.

An equal number of eight letters argued that backyard burning should be allowed at least through the spring season. Many felt that the expenses of chipping or hauling yard debris would be excessive. Others--especially in the rural tri-county area--felt that they had too much debris to dispose of without burning. All eight argued that there were no alternatives to backyard burning at this time.

An additional letter was received from the Southwest Air Pollution Control Authority director who asked that, should the Commission allow one additional spring burning season, the dates of the season be altered to correspond to those set in Clark and Cowlitz Counties which starts the second Friday in April and ends the third Sunday in May. SWAPA felt the 15-week burn period was far too long.

JAG:jas

1000 S. 1st Street
Portland, Oregon
1970

D. G. Co.
Portland, Oregon
Portland, Oregon

What do you propose in
places of meetings such
as trees, shrubs and trees in the
since citizens and others must
appear to pay for having which
means an accumulation of some
insects, rodents, flies, gnats,
mosquitoes and others, some
can be a health problem.

And now you have a research group
about it. Do you have a strong
which have been in your
activity which is strong, high
have a heart, to forest and you
the citizens and others, but if you
then, will you be doing or have

burning days would eliminate
the heavy pollution, you explain
about. When you have the
burning dates the meetings etc, but
not and add more to the
problem. I believe paper would
burn more often than the
actual to burn in day and
not necessary to burn. But that
is. Please consider wisely.

Thank you
D. G. Co.

Gaston, Ore

Nov 23, 1980

D. E. Q.

Box 1760

Portland, Ore

Sir;

Just published in this News Times of Nov 21 is an article in regard to a burning time to be set in the spring by D. E. Q. May I urge that such a special burning be established. I live out of town & have some pasture land that needs to be cleared yet wonder what can be done with the brush & it can't be burned, leaves etc do accumulate & it isn't very practical to call a disposal agency for this. I do hope some plan for burning can be worked out in the future.

Sincerely,

Mary Ann Sutton

Rt. 1 Box 102 C, Gaston, OR

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

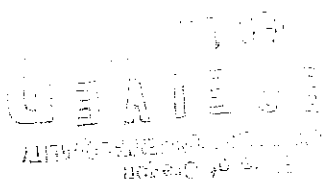
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NOV 23 1980

97119

Sincerely,
Thelma Mills

As a local "justice" resident of mid-
city Portland I am very much concerned
about the "clean air" program for
our city and Multnomah County. Because
our air is about as bad as it can be
concerned about our mud-city air, and
back that having central air conditioning
great interest to the high-rise dwellers.
There is great danger in the 6 month delay
(realignment) of the back yard burning
and especially the local government
main a redistribution in real commitment
to finding alternatives to back yard
burning. The must not let the bar
be lowered.



Dec. 10, 1980

THELMA MILLS
222 SW Harrison
Portland, Oregon 97201

Air Quality Bureau
Dept of Environmental Quality
Box 1766
Portland, Ore. 97207

November 30, 1980

J e a n M c G r e g o r
21900 S. E. Alder Dr., #225
Gresham, OR 97030

Department of Environmental Quality
Air Quality Control
522 S.W. 5th Avenue
Portland, OR 97204

Dear Air Quality Control:

I am very concerned with DEQ's extenting the outside trash burning for another six months.

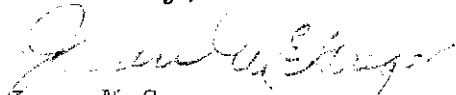
The air is already full of Auto exhaust pollutants, Ash from Mt.St. Helens as well as carbon fallout from jet fuel as planes arrive in, and out of Portland. The trash burning fills the air during the day while wood burning stoves fill the air during the night. For those of us with respiratory difficulties breathing becomes a 24 hour ordeal, brought on and complicated by air pollution.

I moved to the East County 6 years ago so I could have fresh air to breath, now I find that my ears are plugged, nose plugged and face swells constantly from air pollution. I know elderly that have not been out of their homes for months because of the air pollution. These are the people that built this country, now their lives are confined to their homes because some one wants to burn their trash all day. And have you ever told a child that can't sleep at night that his nose is stuffed because some one wants to burn wood and trash all day, and that he may never be better?

I was raised in N.Dakota during the dust storms, and 4 of my five brothers have emphysema, two died before the age of 50. If todays children are continually subjected to this kind of pollution, their fate will be the same.

I see no reason why tree trimmings and leaves cannot be made into usable presto logs or other energy saving material, and wood burning stoves must be fitted with air filters. The question remains, why control auto exhausts then allow burning. People complained about having to bring their cars up to standard, so lets bring other pollutants up to standard, the air will be better for us all.

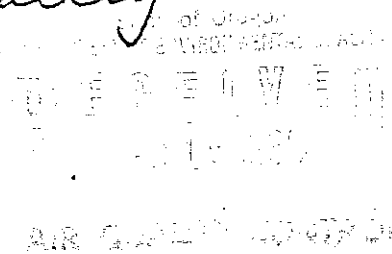
Sincerely,


Jean McGregor

cc: Department of Health

12.15.80

Dept. of Environmental Quality
Air Quality Division
P.O. Box 1760
Portland, OR 97207



Dear Sirs :

The purpose of this letter is urge you to implement the ban on backyard burning that is planned for Dec 31, 1980.

I am a long-distance marathon runner and resident of Forest Grove. I believe that the smoke and pollution from open backyard burning is an unnecessary and avoidable health hazard. Alternatives such as composting and free city leaf collection would eliminate the necessity of backyard burning.

As a long distance runner I am greatly concerned about the quality of air I breathe in the Washington County area. A long distance runner consumes 10 times the amount of oxygen (and pollutants) while running compared to sedentary

activity.

Clean air is our most precious resource. Please, let's keep it that way and we can all breathe easier!

Thank you.

Sincerely,

Douglas A Brown
1648-B Douglas St
Forest Grove, OR 97116
359-4245

December 16, 1980

Department of Environmental Quality
522 Southwest Fifth Avenue
P. O. Box 1760
Portland, OR 97207

State of Oregon
Department of Environmental Quality
RECEIVED
DEC 16 1980
AIR QUALITY DIVISION

RE: Public Hearing--Proposed Prohibition of 1981
Burning Season

Gentlemen:

This letter is written in support of the postponement
of the prohibition date for approximately 180 days.
This postponement should occur to:

- 1) Ensure that there is ample time to debate the
overall wisdom of the eventual prohibition of
backyard burning, so if the prohibition is
eventually removed there will have been no
undue expense incurred on behalf of the home
owner or government due to an early and unwise
decision to bring about a prohibition.
- 2) There is no satisfactory disposal system in
place at this time to serve for the disposal of
natural waste.
- 3) The economics of taking waste to the dump or
disposal area fly in the face of energy con-
servation.

Thank you for your consideration of these comments.

Yours very truly,



A. E. Brim

FRANK PERLMAN, M.D. (1979)
PHYSICIAN
JOHN D. O'HOLLAREN, M.D., P.C.
PHYSICIAN
DAVID BILSTROM, M.D., P.C.
PHYSICIAN

ALLERGY CLINIC
1208 PORTLAND MEDICAL CENTER
S.W. 10th AVE. AND WASHINGTON
PORTLAND, OREGON 97205
(OFF.) 228-0155
(BUS.) 222-1966

December 16, 1980

Department of Environmental Quality
Air Quality Division
Post Office Box 1760
Portland, Oregon 97207

Dear Sirs:

I am writing concerning the proposed DEQ recommendation that back yard burning be continued through the spring season, as opposed to discontinuing the practice as had been originally planned, effective this fall.

As a medical specialist treating pulmonary problems I am intimately aware of the problems and dangers that continued particulate exposure in the air shed can pose for my patients. Portland's air is of poor quality and backyard burning is a significant contributor to this problem. The practice that is usually undertaken generates a great deal of smoke and particulate matter since the material is invariably wet when burned. I frankly cannot understand or condone a postponement of the termination date for backyard burning.

Other major metropolitan areas far bigger than Portland have discontinued this practice entirely and have done so for ten years or more. I am originally from the midwest and the practice has been banned for fifteen years in my home near Chicago. We have lived in Washington, D.C. and in the San Francisco Bay area recently, and they did not allow such practice at all.

Other alternatives will have to be found, but it will take a strong direction from your Department to institute such changes. In my own experience, trash collection agencies and/or City collection agencies would collect leaves and other debris on a fortnightly basis and at special request if there was an unusual situation within a neighborhood where multiple pickups could be made. Unless we clean up this residential source of environmental pollution, industry and ultimately jobs will suffer in this area and that could not be condoned.

I am certain the Oregon Medical Association Public Health Committee of which I am a member will have a strongly worded statement to this effect also.

Sincerely yours,

DEB:esg

David E. Bilstrom, M.D.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
NOV 4 1980

AIR QUALITY CONTROL

November 3, 1980

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

In Re: Ban on Back-Yard Burning

Gentlemen:

We request that you reconsider the ban on backyard burning, effective December 31, 1980. We are very opposed to the ban on backyard burning as it would be a real hardship on us. We have a lot of brush to burn since we have an acre of ground. We could not afford to have the brush hauled away and we have no means of disposing of it. Permitting the brush to pile up (which is what we would have to do) would be a fire hazard, be a nesting ground for insects, and unwanted animals such as rats, mice, opossums, etc.

Please consider our plea not to ban backyard burning, effective December 31, 1980.

Very truly yours,

Mrs. L. C. Eakin
Mrs. L. C. Eakin
13401 S. E. Foster Road
Portland, Oregon 97236

cc - Fire District No. 10
Office of Public Education
P. O. Box 16368
Portland, Oregon 97216

10495 S.W. Johnson Ct.
Tigard- Oregon, 97223
Dec. 11, 1980

Dept. of Environmental Quality
Air Quality Division
Box 1760
Portland, Oregon 97207

I would like to express my appreciation for your concern for air pollution in our area. My husband has had breathing problems, so recognize the joy of being free from pollutants.

However, we do feel that not to be able to have burning of tree and shrub trimmings in our back yard at regulated times would be a serious problem for us to dispose of our trimmings. We have a large yard & shrubs, and a good place to pile our cuttings - and even our neighbors use our "burn pile".

We are retired people and it would be most inconvenient to haul our stuff away as well as expensive. We compost what we can - but there is usually quite a lot to burn.

We would like you to reconsider your burning ban for Spring 1981 and let us be regulated for times to do it.

Thank you for allowing us to express ourselves, in favor of burning.

Sincerely -

Elizabeth C. Bishop
and
James F. Bishop

To HWP, LDB file
Copy sent to NW Region
12-1-80 EJC

W. Young
G. Gillaspie
W. Weathersbee

Southwest Air Pollution Control Authority

7601 N.E. HAZEL DELL AVENUE
VANCOUVER, WASHINGTON 98665

PHONE 206 696-2508

November 26, 1980

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

Subject: Revision of Open Burning Rules.

Dear Mr. Young:

The 1980 fall burning period that you set made an administrative and enforcement mess for the fire control agencies in Clark and Cowlitz Counties, Washington. We were tolerant, however, of your extended period. The intent, as we understood it, was to allow the people of Oregon to completely clean up their property and begin 1981 without residuals. The extra 30 days, beginning on October 1st should have been sufficient. The open burning rules in the four county area of Oregon have been in a state of flux for over ten years.

We agree that the impact on the local governmental units, by imposing your current open burning rules, will be great. We ask, however, that if you do allow an extension into the spring of 1981, the period correspond with the schedule we set, and have been following, since 1972. In Clark and Cowlitz Counties domestic refuse consisting of leaves, clippings, prunings and other natural vegetation may be burned, with proper permit, during the period commencing with the second Friday in April and terminating at sundown on the third Sunday in May. This five week period would accomplish the intent of your rule change. A fifteen week burn period borders on the ridiculous.

You can then use the time between December 19, 1980 and October 1, 1981 to establish the 1981 fall burn period.

Hopefully you will set the spring dates to correspond with ours.

Very truly yours,

Edward K. Taylor
Edward K. Taylor,
Executive Director

EKT/js

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

NOV 28 1980

OFFICE OF THE DIRECTOR

Dec. 17, 1980

To the D.E.Q.

7110 S.W. 68 View 8521
Portland, OR

We have been looking forward to the ban on backyard burning to take place on Dec. 31, 1980.

Now we understand some groups are requesting a 6 mo. postponement.

We think the D.E.Q. should have the power to stop this burning in backyards. You look forward to the spring of the year with clean air. When people burn all around you, it is necessary to keep the windows and doors closed & it generally happens on weekends.

We believe the D.E.Q. should have sole power to stop this unnecessary burning.

I have any debris hauled away or we use compost methods

Sincerely

Leo & Ruth Skipton

Myron J. McCamley
1965 SW McCamley Road
BEAVERTON,
OREGON 97007

D. E. Q.
Air Quality Division
Portland, Or. 97207

12/13/80

Gentlemen —

Re: Restrictions on
Backyard Burning

During the past fall we been ^(part of 30 plus fruit trees) ~~tree~~ topping my backyard Orchard trees to attain better picking & to get a bit of summer sun thru the trees. as a result I have had a pile of limbs out back (1/2 acre lot) 8' high by 10' long & 6' wide. With "no burning" days all fall & when could (Wet or Green limbs) ~~not~~ start of fire. One can't use old motor oil, paint, thinner or oil paint due smoke like we used to do before your D.E.Q. set up a Nuisance Dept. in our Gov't. Hope to burn in 1981.
Sincerely Truly M. J. McCamley

State of Oregon
DEPARTMENT OF FOREST & LANDS
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DEC 13 1944

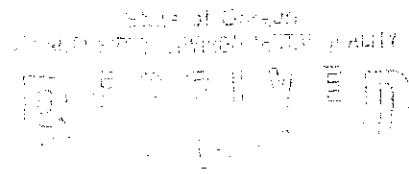
Dear Sir.

I'm writing about your stupid
rule to no more burning. This isn't
even common sense. No, you expect
us to drown in our own brush. What
do we do with the cutting each spring
soon we will have a jungle. It has
been handled very well when we have
burning days as before - that does
make sense. I believe in ecology
but this is simply dumb. Someone
can have the garbage man take it
for a great price and I simply can't
afford it so what do I do - you are so
stupid. You won't have garbage men
enough to haul the piles of clippings
away and soon no place to dump
them. I think this is wrong -

MRS LUCILLE E SCHELLER
10375 S W JOHNSON
TIGARD OR 97223

Dept of Environmental Quality
Air Quality Division
P.O. Box 1760
Portland, Ore: 97207

Dec 15, 1980



Gentlemen/Ladies:

I'm writing this letter to urge you to allow the ban on backyard burning to take effect, as planned, on Dec. 31, '80, as ordered by the Environmental Quality Commission.

My family & I, as citizens of Hillsboro, enjoy outdoor activities in Spring & Fall, and have found the smoke from nearby backyard burning to be a real irritant to throat, lungs & eyes. This problem is further compounded by the addition of much smoke from wood burning space heating stoves, which have become very popular for economic reasons, but have also had a very detrimental effect on air quality.

My primary concern, now, is with regard to backyard burning. This practice has been banned in all the large Metropolitan areas from Seattle to Los Angeles and there are many viable alternatives available which make backyard burning a needless nuisance & irritant. In Hillsboro the city owns a large chipper which may, with crew, be rented by citizens, and there is a free leaf pick-up service, performed by a large street sweeping machine equipped with suction hose.

This leaf pick-up service is available to any citizen - simply by calling Dept of Public Works.

In conclusion, studies have shown that backyard burning smoke contains particulates that are deeply inhaled into our lungs. Thus, backyard burning is not only an eyesore & a nuisance, but must have negative long term effects on community health. Again, I strongly recommend instituting the ban on Dec. 31, 1980, as announced.

Thank you for considering my letter.

Very Truly Yours,

Dockum A. Shaw

Dockum A. Shaw

823 N.E. Baldwin Dr.
Hillsboro, ORE. 97123
ph. 640-5155

OFFICE OF
DEPARTMENT OF ENVIRONMENTAL QUALITY
5265 S.W. 153
BEAVERTON, OREGON 97005
503-261-1200

10/12/80

5265 S.W. 153
Beaverton, OR

97005

Dear DEQ,

We should not postpone cleaner air in the Portland metropolitan area. I find it disgusting that residents in the Portland area are allowed to burn yard debris. My hope for clean air was encouraged in June, 1979 when the ban on backyard burning was announced to take effect on December 31, 1980.

Now it seems that DEQ is about to back off and allow local governments to procrastinate longer. One and a half years has been long enough. DEQ needs to apply pressure on those groups responsible in order obtain a real commitment to finding alternatives to backyard burning.

Sincerely,

Ed Forgeron

7330 SW Dogwood Place
Portland, Oregon 97225
December 14th, 1980

Department of Environmental Quality
Air Quality Division
Box 1760
Portland, Oregon 97207

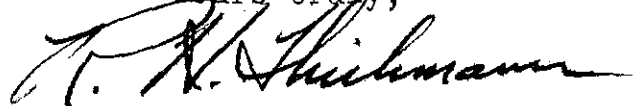
Dear Sirs:

This is with regard to the proposed revision of open burning rules that will allow a spring burning period from March 21 to June 15, 1981.

In my case, the spring burning period is very important in disposing of the trimmings from 15 large fruit trees and the many broken branches from the large cedar, fir and maple trees that we have on our woodsy one acre lot. Further, I have the trimmings from forty rose bushes, six grape vines and the other shrubs that have to be controlled. On top of all this, I have two or three yards of leaves which I was unable to dispose of during the last burning period which was quite unsatisfactory.

Since the work of gathering the leaves, limbs, branches and cuttings has to be done on an almost continual basis, all I can do is accumulate the material in open areas that I have cleared so that I can burn it safely when it is dry. It follows that a spring burning period is most important and I trust that you will give consideration to the many property owners who, like myself, will suffer a real hardship if we can't dispose of our material this spring.

Yours truly,

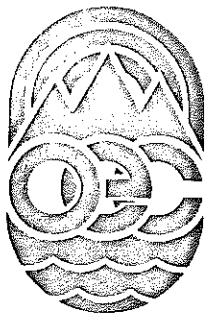


R.H. Thielemann

EQC meeting, December 19, 1980:

Written testimony submitted on Agenda Item N,

Public Hearing for Rule Adoption to Allow a Spring
Backyard Burning Season (OAR 340-23-045)



OREGON ENVIRONMENTAL COUNCIL

2637 S.W. WATER AVENUE, PORTLAND, OREGON 97201 / PHONE: 503/222-1963

TESTIMONY OF JOHN A. CHARLES BEFORE THE ENVIRONMENTAL
QUALITY COMMISSION, DECEMBER 19, 1980.

My name is John A. Charles, and I am the executive director of the Oregon Environmental Council. The OEC is a state-wide citizens' organization comprised of over 3,000 individuals and 70 organizations. Twenty one of our organizational members are in the Portland area, as are the majority of our individual members.

OEC has had a long-standing concern about air quality issues, and has had a representative on the Portland Air Quality Advisory Committee since it's inception. Our concerns over the proposed postponment of the ban on open backyard burning are several.

First, it is clear that there is much more at stake here today than simply a 6-month extension of open burning. That would be serious enough by itself. However, several DEQ documents make it clear that the agency is interested in much more than a delay of the ban. They wish to re-open the whole generic question of open burning, while limiting public testimony today to the narrow question of the postponement.

Evidence of this intent exists in at least two DEQ documents. In the formal Notice of Public Hearing, dated 10/20/80, the agency explicitly assures the public that "the only action the Department is proposing at the December 19, 1980 hearing is to amend the date contained in existing rules to: Allow a 1981 spring open burning period in the four county Portland Area, from March 1, 1981 to June 15, 1981. (Only testimony pertaining to the question of whether or not one more spring open burning period should be held will be received and considered at this hearing)."

AMERICAN INSTITUTE OF ARCHITECTS
Portland Chapter
ASSOCIATION OF NORTHWEST STEELHEADERS
ASSOCIATION OF OREGON RECYCLERS
AUDUBON SOCIETY
Central Oregon, Corvallis, Portland, Salem
B.R.I.N.G.
CENTRAL CASCADES CONSERVATION COUNCIL
CHEMEKETANS, Salem
CITIZENS FOR PURE WATER
CLATOP ENVIRONMENTAL COUNCIL
CONCERNED CITIZENS FOR AIR PURITY
Eugene
DEFENDERS OF WILDLIFE
ECO-ALLIANCE, Corvallis
ENVIRONMENTAL ACTION CLUB
Parkrose High School
EUGENE FUTURE POWER COMMITTEE
EUGENE NATURAL HISTORY SOCIETY
FRIENDS OF TERWILLIGER PARKWAY
GARDEN CLUBS of Cedar Mill
Corvallis, McMinnville, Nahalem Bay, Scappoose
GREENPEACE OREGON
HOOD RIVER COUNTY CITIZENS FOR RECYCLING
LAND, AIR, WATER, Eugene
LEAGUE OF WOMEN VOTERS
Central Lane, Coos County
McKENZIE FLYFISHERS
McKENZIE GUARDIANS, Blue River
NORTHWEST ENVIRONMENTAL DEFENSE
CENTER
OBSIDIANS, Eugene
1,000 FRIENDS OF OREGON
OREGON ASSOCIATION OF RAILWAY
PASSENGERS
OREGON FEDERATION OF GARDEN CLUBS
OREGON FUR TAKERS
OREGON GUIDES AND PACKERS
OREGON HIGH DESERT STUDY GROUP
OREGON LUNG ASSOCIATION
Portland
OREGON NORDIC CLUB
OREGON NURSES ASSOCIATION
OREGON PARK & RECREATION SOCIETY
Eugene
OREGON ROADSIDE COUNCIL
OREGON SHORES CONSERVATION COALITION
O.S.P.I.R.G.
OREGON TRAVEL COMMISSION
PLANNED PARENTHOOD ASSOCIATION INC.
Portland
PORTLAND ADVOCATES OF WILDERNESS
PORTLAND RECYCLING TEAM, INC.
RECREATIONAL EQUIPMENT, INC.
ROGUE FLYFISHERS
SANTIAM ALPINE CLUB
Salem
SANTIAM FLYCASTERS
SIERRA CLUB
Oregon Chapter,
Columbia Group, Portland Klamath Group,
Klamath Falls Mary's Peak Group,
Eugene Mary's Peak Group,
Corvallis Mt. Jefferson Group,
Salem Rogue Valley Group, Ashland
SOLAR OREGON LOBBY
SPENCER BUTTE IMPROVEMENT ASSOCIATION
STEAMBOATERS
SURVIVAL CENTER
University of Oregon
THE TOWN FORUM, INC.
Cottage Grove
TRAILS CLUB OF OREGON
UMPOUA WILDERNESS DEFENDERS
WESTERN RIVER GUIDES ASSOCIATION, INC.

Oddly enough, however, on page two, DEQ states that during the proposed 6-month extension they plan to ask the EQC to authorize hearings to "allow more time for public ... comment on future extensive revisions to the rules including a possible permanent ban on backyard open burning in the Portland area." A "possible permanent ban?" With that one sentence DEQ shifts the entire focus of this hearing away from the narrow question of a postponement to the broader question of 'should there be any ban at all?', and thereby reveals the complete lack of conviction on the part of the agency to carry out the rule adopted by the EQC 18 months ago to ban open burning.

On page 41 of the proposed Revised SIP for TSP, it states "the EQC is scheduled to evaluate the need and feasibility of an open burning ban in June, 1981." Why would this statement be included in the proposed revised SIP when the hearing notice for today's meeting announces to the public that the only thing at stake is merely one more delay.

The DEQ is being evasive, and they are not acting in good faith in trying to carry out the directive of the EQC rule adopted in June, 1979, when the tenor of the decision was that this would be the very last postponement.

This lack of commitment on the part of the agency has very severe implications for the alternative yard debris program that other agencies and municipalities have worked on. If the Commission today adopts the proposed rule change, it will be sending out a clear signal to all parties involved that they should put their efforts on hold, because the ban might never be implemented. In essence, we will be back to square one with regards to alternatives.

A successful ^{yard}year debris program requires cooperation from many people and municipalities, and implementation of the current ban will provide strong incentive to work together. A ban will ensure that the efforts of one jurisdiction will not fail for lack of commitment by others. Without the ban, agencies and communities will be hesitant to devote scarce resources to the effort, since others may not go along, perhaps causing the whole effort to fail. Individuals within METRO, for example, have bluntly told OEC that without the ban, and without assertive leadership from DEQ, METRO will not move aggressively on it's part of the program. The rationale is obvious: why should any agency invest money

into some kind of "voluntary" program, when the rules of the game may change at any time and their investment may wind up wasted?

The history of the implementation of the Clean Air Act is replete with examples of polluters who cleaned up only when forced to. Individuals who burn yard debris are no different -- they will not make lifestyle adjustments until forced to, and until they are assured that everyone else will change with them. Implementation of the ban will provide that assurance.

In over two years of working together on air pollution problems, the Portland Air Quality Advisory Committee has been able to come up with only one air pollution control strategy that it felt was implementable -- a ban on open burning. Since there are other more serious pollution problems which we have not been able to control, such as auto emissions and wood stove burning, the most practical course of action today would be to uphold the ban, get the implementation program started, and then move on to other problems. At least then you will have faced up squarely to one problem and tackled it head on.

If the EQC once again changes it's mind today, it will be telling the advisory committee, in effect, that it is disregarding 2 years of hard work by the committee. Not only will the agency's credibility be damaged by such action, but their ability to recruit talented volunteers to serve on this or any other advisory committee will be diminished. Why should anyone devote their personal time to a committee that is consistently ignored by the agency it is supposed to be advising?

Despite the fact that we were openly discouraged from attending today's hearing by DEQ staff, we have presented testimony in hope that the Commission will act independently and affirmatively in retaining the ban. I can assure you that if this is done, the Oregon Environmental Council stands ready and willing to assist the agency in implementing alternatives and educating the public.

"Fear of Pollution Will Drive Men To World Government"!

Panel to ponder delay of burning ban

By DON BUNDY
of The Oregonian staff

A ban on backyard burning that is scheduled to take effect in the Portland area on Dec. 31 will be allowed to smolder for another six months if the Oregon Environmental Quality Commission agrees with a delay recommended by its staff.

The commission will consider delay of the ban Friday at a public hearing in Portland.

The Department of Environmental Quality, which serves as staff for the commission, has recommended the ban be delayed at least until June 15, 1981, to give the DEQ time to complete a study of alternate methods and costs of disposing of backyard debris. The DEQ also wants to conduct public hearings on whether the ban should be imposed at all.

Proponents of the ban believe the delay would remove incentives for cities and counties in the Portland area to develop alternate ways of disposing of backyard debris and that it may result in the discard of the burning ban altogether.

The ban has been an issue in the state for more than 10 years and already has experienced repeated delays. As written, it would ban backyard burning in most of Multnomah, Washington, Clackamas and Columbia counties.

However, DEQ has drafted another proposal that would shrink the size of the affected area to correspond roughly with the boundaries of the Metropolitan Service District, but excluding Hillsboro, Forest Grove, Happy Valley and Boring. The idea, DEQ officials said, was to restrict burning only in the heavily populated areas, where it creates pollution problems.

The most recent action to delay the ban was in June 1979, when the Environmental Quality Commission voted to postpone implementation until this winter to allow DEQ time to develop other ways to dispose of the debris.

While some cities and counties that would be affected have pushed ahead in developing methods to handle leaves, limbs and yard clippings, others have dragged their feet, and some officials

believe a ban Dec. 31 would be foolhardy without effective alternatives.

Portland Fire Chief Francis Sargent said he and other fire officials in the four counties that would be affected have been meeting with DEQ and have expressed concern that allowing backyard debris to accumulate would present a severe fire hazard.

The Portland chapter of the Sierra Club strongly opposes the delay and maintained in a recent newsletter that "if the ban does not take place Dec. 31, according to schedule, activity by public bodies to get ready for the ban will likely cease."

The Oregon Environmental Council also supports implementation of the ban.

John Charles, executive director of the council, said that it believes viable alternatives to backyard burning already exist, but, "We don't think anything will get done without commitments."

The Portland Air Quality Advisory Committee also supports the ban as a means of reducing pollution.

It is not yet clear what agency would oversee development of alternatives to backyard burning if the ban is put into effect.

B The Oregonian
THURSDAY, DECEMBER 18, 1980

While the Metropolitan Service District has authority over solid waste management in the area, its executive officer, Rick Gustafson, said the service district lacks authority over collection of backyard debris. He said the service district will not take a position on the delay Friday at the hearing, except that it does not want backyard debris to end up in landfills.

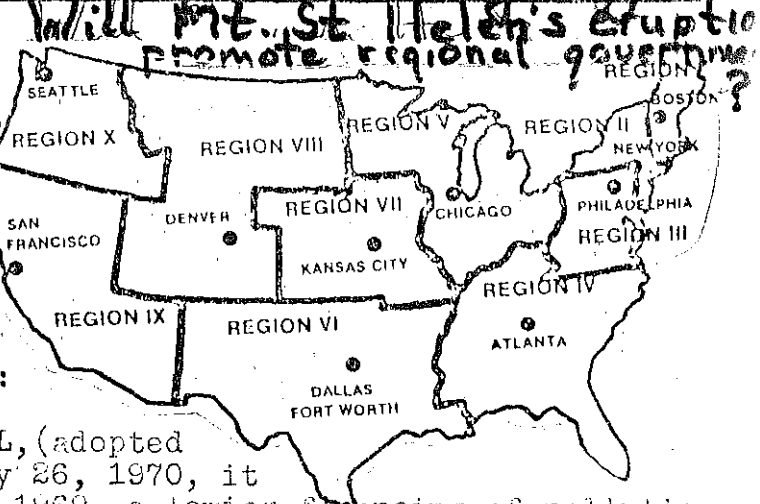
However, the service district has contracted for a study that recommends it take the lead in developing alternatives to backyard burning and that the ban be postponed for two years while those alternatives are developed.

**The real question we are raising is.... "Does air, noise, and other pollution which crosses over property lines--through the air, not really promote world government???"

**Could this be implemented under the United Nations Charter

MSD is a Regional Agency!

Beware!
Sub-division
of Seattle
Region X?



Under Oregon Revised Statutes: Article XI-H POLLUTION CONTROL, (adopted by the people May 26, 1970, it shows H.J.R. 14, 1969, allowing financing of pollution control facilities..bonds..sources of revenue.. to lend credit, and finally:under Section 6 "Legislation to effectuate Article. The legislative Assembly shall enact legislation to carry out the provisions of this Article" and.."supersede conflicting ..provisions."

Neighborhoods Protective Association, P.O. Box 19824, Portland Oregon

STATEMENT TO EQC DATED 12-19-80

The Metropolitan Service District (Metro) is responsible for managing the local aspects of solid waste disposal. Metro is also the lead planning agency for ozone and carbon monoxide. However, Metro has no jurisdiction over particulates or the Particulate State Implementation Plan. Although Metro generally supports efforts to reduce particulate emissions in the metropolitan area, a ban on backyard burning of yard debris could increase the burden on the region's landfills. Metro has no authority over the collection of solid waste in the region. Since we do have responsibilities for the region's landfills, we are developing alternatives to recover yard debris. To assist Metro in this task, we have hired a solid waste consultant, and we will continue working with DEQ and the local jurisdictions to further explore yard debris recovery alternatives.

RG:lmk

0350 S.W. Dakota Street
Portland, Oregon 97201

December 17, 1980

Environmental Quality Commission
c/o Department of Environmental Quality
P.O. Box 1760
Portland, Oregon 97207

Re: Open Burning Rules

Dear Commission Members:

It is my understanding that you are considering postponing the ban on backyard burning which is to be effective December 31, 1980. I want to state my opposition to any further postponements of the backyard burning ban for the following reasons:

1. I have a respiratory system that is very sensitive to smoke. There have been times when it has been necessary for me to stay indoors rather than using my backyard when open burning was allowed. I live in a neighborhood where lot sizes are generally in the range of 50'x100' and therefore my neighbor's backyard burning smoke can directly impact my property. Unfortunately, my neighbors who burn do not seem to care about the impact of their smoke and ashes on my lungs and property despite my requests for them to stop burning. In discussing this problem with my husband and friends, it appears the only effective legal method of stopping this air pollution infringement situation is through a DEQ imposed ban.
2. Other cities around the country, e.g., Seattle, Washington, imposed bans on backyard burning recognizing it as both a health and nuisance problem. Having been raised in Philadelphia, Pennsylvania which has had a ban on backyard burning for many years, I was surprised when I moved here to find out that DEQ permitted this activity in a so-called environmentally conscious state. I also feel Portland's reputation as the "Most Livable City"

is a bit of a sham as long as this activity is permitted to continue.

3. For years I have composted and/or removed my leaves and tree clippings without resorting to burning them. I therefore, believe that most of the alternative solutions to the backyard burning can be developed within the private sector, e.g., homeowners, neighborhood groups, etc., rather than through the development of complex, expensive and time-consuming governmental programs. The only real incentive needed is the ban - the solution will follow! Possibly, the only role government should play is providing information as to effective alternate methods to reducing and recycling leaves, garden clippings, etc.
4. Recent newspaper articles and studies have indicated that the health impacts of smoke from backyard burning, wood stoves, etc. can be serious. The Oregon Graduate Center's PACS Final Report (April 23, 1979) (which the DEQ commissioned) stated vegetative burning is:
 "...the second largest contributor to the TSP and the largest contributor to the respirable particulate fraction.... It is quite possibly one of the most significant air pollution sources in the area, not only because of its magnitude but also because of its fine particle nature, potential carcinogenic compounds and possible difficulties in control."
 (author's emphasis)

I hope you will seriously consider my comments and vote to protect the health and welfare of all Portland area residents by banning the outdated practice of backyard burning.

Sincerely,

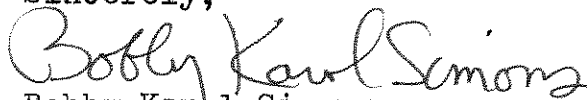

Bobby Karol Simons

Table I. Priority pollutants measured in smoke from residential wood combustion sources.

Pollutant	Reference	Emission Factors (g/kg) ^a	
		Stoves	Fireplaces
Acenaphthylene	a,b	0.064	0.010
Fluorene	a,b	0.020	0.0047
Anthracene/phenanthrene	a,b	0.096	0.0088
Phenol	a	0.1	0.02
Fluoranthene	a,b	0.022	0.0016
Pyrene	a,b	0.019	0.0016
Benz(a)anthracene	a,b	0.0177	0.0019
Chrysene	a,b		
Benzofluoranthenes	a,b	0.0135	0.0019
Benzo(a)pyrene ^c	a,b	0.0025	0.00073
Indeno(1,2,3-ed)pyrene	a,b		
Benzo(ghi)perylene	a,b	0.0059	0.0014
Dibenzanthracenes	a,b	0.001	0.00018
Acenaphthene	a	0.0064	0.0012
Ethyl benzene	a	0.041	0.0091 ^d
Phenanthrene	a,b	e	
Dibenz[a,h]anthracene	b		
TOTAL		0.41	0.063

Submitted by
Neal Huber

Table II. Carcinogenic compounds observed in smoke from residential wood combustion sources.^{a,b}

Compound	Carcinogenic Activity ^c	Reference Observed	Emission Factor (g/kg) ^{a,d}	
			Stove	Fireplace
Dimethylbenzanthracene	++++	a		
Benz(a)anthracene	+	a,b	.0177	.0019
Dibenzanthracene		a	.0010	.00018
Dibenz[a,h]anthracene	+++	b		
Dibenz[a,c]anthracene	+	b		
Benzo[c]phenanthrene	+++	a	.0025	.008
Benzofluoranthenes		a	.0135	.0019
Benzo[b]fluoranthene	++	e	e	e
Benzo[j]fluoranthene	++	e	e	e
Methylcholanthrene		a		
3-methylcholanthrene	++++	e	e	e
Benzopyrenes		a	.009	.0015
Benzo(a)pyrene	+++	b	.0025 ^e	.00073 ^e
Indeno(1,2,3-ed)pyrene	+	a,b		
Chrysene	±	a,b	f	f
Dibenzopyrenes		a	.0007	.0004
Dibenzo[a,l]pyrene	high	e	e	e
Dibenzo[a,h]pyrene	+++	e	e	e
Dibenzo[a,e]pyrene	+++	e	e	e
Dibenzocarbazoles		a		
Dibenzo[a,g]carbazole	±	e	e	e
Dibenzo[c,g]carbazole	+++	e	e	e
Dibenzo[a,i]carbazole	±	e	e	e
TOTAL			.038 ^h	.0059 ^h

Table VI. Emissions of major pollutants from residential wood combustion sources.^a

Chemical Species	Wood-Burning Stoves			Fireplaces		
	g/kg wood	lb/10 ⁶ Btu ^e	% Particulates	g/kg wood	lb/10 ⁶ Btu ^e	% Particulates
Carbon monoxide	160 (83-370)	22		22 (11-40)	3.0	
Volatile hydrocarbons	2.0 (0.3-3.0)	0.28		19	2.6	
NO _x as NO ₂	0.5	0.07		1.8	0.25	
SO _x as SO ₂	0.2	0.03				
Aldehydes	1.1	0.15		1.3	0.18	
Condensable organics	4.9 (2.2-14)	0.67	58	6.7 (5.4-9.1)	0.92	74
Particulates	3.6 (0.6-8.1)	0.50	42	2.4 (1.8-2.9)	0.33	26
Total particulates	8.5 (1-24) ^c	1.2	100	9.1 (7.2-12)	1.3	100
Polycyclic organic mat.	0.3	0.04	3.5	0.03	0.004	0.3
Benzo(a)pyrene ^d	0.0025	0.0003	0.03	0.00073	0.0001	0.008
Carcinogens (Table II)	0.038	0.005	0.45	0.0059	0.0008	0.06
Priority pollutants (Table I)	0.41	0.06	4.8	0.063	0.009	0.7
Na ^d	0.005	0.0007	0.06	0.004	0.0006	0.04
Al ^d	0.004	0.0006	0.05	0.002	0.0003	0.02
Si ^d	0.003	0.0004	0.04	0.002	0.0003	0.02
S ^d	0.03	0.004	0.4	0.004	0.0006	0.04
CL ^d	0.05	0.007	0.6	0.05	0.007	0.6
K ^d	0.07	0.01	0.8	0.05	0.007	0.5
Ca ^d	0.004	0.0006	0.05	0.005	0.0007	0.05
Organic carbon ^e	4.2	0.58	49	4.2	0.58	46
Elemental carbon ^e	0.7	0.1	8	1.2	0.16	13

These tables are taken from: ENVIRONMENTAL IMPACT OF RESIDENTIAL WOOD COMBUSTION EMISSIONS AND ITS IMPLICATIONS. By John A. Cooper, Oregon Graduate Center, Beaverton, Oregon. As printed in APCA JOURNAL, Vol. 30 No. 8, August 1980.

OREGON LUNG ASSOCIATION INC. SINCE 1915

STATEMENT PREPARED FOR SUBMISSION TO ENVIRONMENTAL QUALITY COMMISSION MEETING OF DEC. 19, 1980

The Oregon Lung Association has for 65 years fought battles for respiratory health. We have worked closely with all concerned in assessing and preventing lung disease from asthma to lung cancer. Our concern for public health is long standing. Concern for public health is why we became involved in air quality issues.

According to a Department of Environmental Quality letter informing the Oregon Lung Association of this meeting, "Portland's airshed is already in violation of health standards for air quality for many pollutants, including concentrations from burning organic yard debris". Significant new amounts of uncontrollable pollutants are now being added to our airshed via wood burning heaters. It is important to do what we can now to reduce sources of controllable pollution.

The American Lung Association published in December, 1977 a comprehensive review of the costs to human health resulting from air pollution. This analysis of over two dozen research studies showed varying but always significant relationships between respiratory diseases and air quality. Respiratory complications cost us money. Some estimates run into the tens of billions of dollars nationally for costs related to urban air pollution.

Allowing citizens to transform relatively benign solid waste into respirable gas and particulate waste does public health in Portland a serious disservice. Many cities in this country have dealt with the problem of solid waste disposal after initiating no burn policies. We in the Portland Metropolitan area can solve this problem also. In the mean time, give our lungs a break and stick with the decision of 1½ years ago. NO MORE BACKYARD BURNING.

Submitted by Joseph Weller, Program Associate, for Robert Neely,
President, Board of Directors, Oregon Lung Association



Joseph Weller

Christmas Seals fight lung disease



The "Christmas Seal" People

Officers

President

ROBERT E. NEELY
Hillsboro

President-elect

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Lake Oswego

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BRIAN STOCKS
Portland

FORREST A. WHIL
Hillsboro

Executive Director
FRANCES H. COSTIKYAN
Portland

THE OREGON LUNG ASSOCIATION,
which is more than 60 years old, works for
the prevention and control of lung diseases.

Specific activities include:

- ★ Self-care workshops for emphysema patients.
- ★ Camp Christmas Seal for children with asthma
- ★ Sponsoring of ANSR, the Association for Non-Smokers' Rights.
- ★ Education about occupational breathing hazards.
- ★ School programs for young Oregonians.
- ★ Family Asthma Programs for families with children with asthma.

In short, we are busy doing the things to help you in
the MATTER OF LIFE AND BREATH.

YOUR GIFT . . .

to the CHRISTMAS SEAL CAMPAIGN,
regardless of its size, is always most welcome and
appreciated. However, there are other ways you can
support the work of the Oregon Lung Association
such as:

- ★ Memorials
- ★ Wills and bequests
- ★ Insurance
- ★ Gifts of appreciated property
- ★ Pooled income
- ★ Special funds to undertake special projects

The Oregon Lung Association can provide you with
information and help on any of the above. Please
give us a call, (503) 224-5145.

**Marriott
Hotels®**

Item N - ~~to~~ written
testimony only

Suzanne Cook
P.D.

To Whom It May Concern

As a member of the
Portland Air Quality Advisory
Committee and a health
professional I am apposed
to the DEQ's proposal
to postpone the ban on
backyard burning. This type
of air pollution poses a
significant health hazard
to those with respiratory

diseased as well as having
a grossly detrimental effect
on healthy individuals &
urge the EAC to support
the ban imposed this
week & not to extend
backyard burning another season.

Item N

My name is Thelma Lester. I work at TERA One (An Energy Conservation and Solar Exhibit), as an Energy Educator.

My concern is that extending the deadline for backyard burning will continue to aggravate the quality of our air. It seems inconsistent for the DEQ to request that people refrain from burning wood in fireplaces and woodstoves while suggesting a postponement on the ban for backyard burning. With an energy shortage and the need for burning wood for heat, it seems wrong to permit yard burning that has the same chemical content and particulate emissions as the woodstove or fireplace would give off.

We try to educate the public to burn dry wood to prevent particulates, while yard burning involves freshly cut or blown down twigs and branches.

Yard burnables could and should be a valuable resource. Postponing the decision for the elimination of backyard burning will only delay looking for alternatives.

ENVIRONMENTAL QUALITY COMMISSION

WITNESS REGISTRATION

Thelma Lester Dec. 19/80
NAME (Please Print) DATE

7508 SE. 29th Ave
ADDRESS OR AFFILIATION

I request approximately 3 minutes to address the Commission on the
subject of A yard Burning Extension Ban

I primarily favor _____ / oppose ☒ the Department's proposed action
with regard to this subject matter.

3327 SW Dosch Rd.
Portland, Ore. 97201
December 19, 1980

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

Testimony regarding proposed revision of open burning rules

I am a retired fire-research meteorologist, formerly with the U. S. Forest Service Experiment Station in Portland. My field was applications of meteorology to problems of forest fire behavior and control, and, later, the development of smoke management plans for Oregon, Washington, and California, specifically designed to keep smoke from prescribed burning out of areas where it would be a nuisance.

In considering an additional postponement of a ban on backyard burning (BYB), the Commission is to be commended for being sensitive to the needs of property owners in an area where we take pride in our thriving trees and shrubs, which routinely produce considerable, mostly woody residue.

In many localities BYB has been banned with no thought to the alternative of permitting burning only on those days when weather conditions assure that emissions will not accumulate. Unfortunately, many who are critical of the way BYB is handled here, and would urge an immediate ban, have not yet recognized the distinction between the calm, inversion-capped, non-burn days which are synonymous with pollution problems, and the days with good air quality and excellent dispersion potential when BYB may be permitted. The Oregon system actually prevents BYB from being a contributor on days with pollution problems, and would so function in the spring of 1981.

The Commission is to be commended also for considering postponement of the abandonment of the present working system until a replacement disposal system can be thoroughly analysed and determined to be a significant improvement, environmentally and economically. For spring use, should that be your decision, the existing system can be tightened to further limit burning, just as it can be relaxed to permit burning on marginal days as was, for example, done on the first designated burn day last spring. I'm sure you recognize that any operating system has imperfections and can be improved. The only perfect system is the theoretical one that hasn't been tried yet.

I believe it would be a bad mistake to abandon a working system at this time in favor of what is apparently a non-existent, complex disposal system, when all that is needed is further refinement of the present system. (Please see attached list of possible refinements.)

It is my professional opinion as a fire-research meteorologist that if the existing system for designating burn and no burn days is discarded in favor of a ban, such a ban on burning offers no assurance of a decrease in non-attainment days or of any real improvement in Portland's air quality.

I strongly recommend delaying any ban on BYB until alternatives have been thoroughly examined, have been determined to be obviously preferable for attainment of air quality and solid waste goals, and can be implemented by all agencies and jurisdictions as soon as a ban goes into effect.



Owen P. Cramer
Fire Research Meteorologist (retired)

December 19, 1980

Possible refinements to backyard burning control system

1. Require fires to be out two hours before sunset. This should prevent most puddling of residual smoke in low or flat areas.
2. Emphasize educating the public on
 - a. Alternatives to burning -- composting, mulching, etc.
 - b. Burning methods to maintain a flaming fire.(See my letter to Janet Gillaspie of March 21, 1980 with suggestions for an instructive leaflet.)
3. Penalize producers of nuisance smokes and persistent smudges. Make fines support the cost of enforcement.
4. Limit burning to predominantly woody material. Prohibit burning of combinations that will not support a flaming fire such as all leaves or all lawn clippings.
5. Change terminology to permit the burning of "prunings and other woody yard debris". Eliminate terms such as "yard debris" and "waste" that sound like compostable material and garbage.
6. Require greater dispersion conditions for designated burn days.
7. Subdivide the backyard burning control region into meaningful forecast and air quality districts. This permits flexibility in designating burning for only certain portions of the region when desirable.
8. Plan ahead for the possibility of destructive storms that generate huge disposal problems. Such a plan should be formulated and implemented in full cooperation with affected local and State agencies and jurisdictions.
9. Contract out development of an objective forecasting system for designating burn days from observed and predicted weather parameters. Keep verification records and know the accuracy.

Owen P. Cramer

Owen P. Cramer
Fire-Research Meteorologist
(retired)

TESTIMONY PRESENTED TO THE OREGON
ENVIRONMENTAL QUALITY COMMISSION
DECEMBER 19, 1980

THE CITY OF PORTLAND FULLY SUPPORTS THE PROPOSAL TO EXTEND IMPLEMENTATION OF THE BAN ON BACKYARD BURNING AND ALLOW RESIDENTS OF THE PORTLAND METROPOLITAN AREA TO BURN BACKYARD LANDSCAPING WASTES DURING THE 1981 SPRING SEASON.

OUR REASONS FOR SUPPORTING THE EXTENSION CAN BE SIMPLY STATED. A GREAT DEAL OF WORK HAS BEEN INITIATED BY THE CITY OF PORTLAND, BY THE DEQ, AND BY OTHER INTERESTED AGENCIES AND JURISDICTIONS TO ANSWER MANY OF THE COMPLEX TECHNICAL QUESTIONS ASSOCIATED WITH BACKYARD BURNING. WE ARE ATTEMPTING TO DEFINE THE VOLUMES OF YARD WASTES WHICH ARE CURRENTLY BEING BURNED IN THE PORTLAND AIRSHED; TO DETERMINE THE MAGNITUDE OF THE AIR QUALITY IMPACT OF THAT BURNING; TO COMPARE THE COSTS OF VARIOUS COLLECTION SYSTEMS FOR BACKYARD WASTES; TO DETERMINE THE LEAST COST METHOD OF PROCESSING THESE WASTES TO BOTH REDUCE VOLUME AND CREATE MARKETABLE PRODUCTS; AND TO DETERMINE THE MARKET POTENTIAL OF THE MATERIAL SO PRODUCED. THESE INVESTIGATIONS HAVE BEEN FRUITFUL; BUT THEY ARE NOT YET COMPLETE.

IF A BAN ON BACKYARD BURNING IS IMPLEMENTED NOW, PRIOR TO THE DEVELOPMENT OF REASONABLE, COST EFFECTIVE ALTERNATIVES, MOST OF THE MATERIAL CURRENTLY BEING BURNED WILL BE DEPOSITED IN AREA LANDFILLS. LANDFILL CAPACITY IS A SCARCE AND VALUABLE RESOURCE. THE PUBLIC INTEREST WILL NOT BE SERVED IF BY ELIMINATING A RELATIVELY MINOR AMOUNT OF AIR POLLUTION, WE CONTRIBUTE TO CREATION OF A REGIONAL SOLID WASTE CRISIS.

IN CONCLUSION, BEFORE A RATIONAL DECISION CAN BE MADE ON THE ADVISABILITY OF BANNING BACKYARD BURNING, WE NEED TO COMPLETE THE WORK THAT WE HAVE STARTED.

WE NEED HARD DATA ON THE MAGNITUDE OF THE AIR QUALITY IMPACT OF BACKYARD BURNING IN PORTLAND; AND WE NEED SPECIFIC INFORMATION ON THE COSTS AND BENEFITS OF ALTERNATIVE COLLECTION AND DISPOSAL METHODS WHICH DO NOT RELY ON CONSUMPTION OF VALUABLE LANDFILL CAPACITY. ONLY THEN CAN THE BENEFITS OF ELIMINATING BACKYARD BURNING BE BALANCED AGAINST THE COSTS OF ALTERNATIVE METHODS OF DISPOSAL.



December 19, 1980

OFFICE OF
PUBLIC WORKS

MIKE LINDBERG
COMMISSIONER

1220 S.W. FIFTH AVE.
PORTLAND, OR. 97204
503 248-4145

State of Oregon Environmental
Quality Commission

Dear Commissioners:

The purpose of this letter is to express my personal position to the Commission on the issue of backyard burning.

I support the proposal for an extension of time in recognition of the City of Portland's efforts to date to develop cost effective alternatives to backyard burning. However, I want to emphasize that my support of a 6 mo. extension in implementation date in no way lessens my support of the ban on backyard burning, so long as the data shows a ban improves air quality. While I understand that the subject of appropriateness of the ban itself will be the subject of a separate hearing in the Spring, I feel it is important for me to clarify my position at this time to prevent possible misinterpretation or misunderstanding.

Sincerely,

MIKE LINDBERG
Commissioner
Department of Public Works

ML.dl

TESTIMONY OF RALPH FROHWERK, GRAY PANTHERS

GRAY PANTHERS WLD LIKE TO SUGGEST, IN THE INTEREST OF CONSERVATION ALONE, A MORE COMPREHENSIVE PROGRAM OF LEAF MULCHING + CHIPPING OF WOOD-WASTE FOR GENERATION OF ALCOHOL (FUEL).

SUFFICIENT ~~EFFORT~~ HAS NOT BEEN MADE TO CONSERVE OUR VALUABLE RESOURCES. WOOD-WASTE + LEAF MOLD CAN BE RECYCLED + UTILIZED TO A MUCH GREATER EXTENT (AS IN OTHER MORE BACKWARD COUNTRIES). IT IS TO OUR ADVANTAGE OVER FUTURE YEARS TO IMPLEMENT A CRASH PROGRAM TO SOLVE DISPOSAL PROBLEMS, TO CONSERVE AND TO PROVIDE JOBS IN NEW INDUSTRIES THRU RECYCLING OF ALL OUR WASTES.

WE WILL ONLY BE GOING OVER THIS SAME GROUND AGAIN + AGAIN IF WE DON'T DO IT NOW! LET'S BAN BURNING AS A WASTEFUL AND UNHEALTHFUL PROCESS.

66 YEAR RESIDENT
OF PORTLAND

RALPH FROHWERK
4330 SE. WOODWARD
PORTLAND ORE 97206

B A C K Y A R D B U R N I N G

The Environmental Quality Commission is only considering a DEQ staff recommendation to allow one additional spring backyard burning season from March 1 to June 15, 1981, in order to allow the DEQ adequate time to complete a comprehensive report on alternatives for disposal of yard debris, including an estimate of the energy, environmental, and economic costs of various alternatives.

Testimony will be strictly limited to the proposed additional spring season.

The fall burning season ended as scheduled on December 15th. The Commission IS NOT considering any extension of the fall 1980 burning season.

Extensive public hearings will be held in the spring of 1981 following the completion of the DEQ staff report on backyard burning alternatives. These hearings will explore the broader issues of non-burning debris disposal and a possible ban on backyard burning. Should you wish to be notified of these spring public hearings on the broader issues of backyard burning, fill out the information below:

NAME: _____

ADDRESS: _____

CITY: _____ ZIP CODE: _____

I strongly believe that the ban on backyard burning should go into effect on Dec 31, 1980, as scheduled. Portland has an air quality problem. It is my understanding that ~~Portland~~ the air inversion pattern in the Portland area has the potential for Portland to be amongst

the worst polluted cities in the country. I understand that those who support a postponement of the ban argue that no alternative methods of disposal have been developed. It is time to face up to this responsibility. Although this ban is not the answer to our air quality problem,

it is certainly a step
in the right direction.

Melinda O'Sullivan

Northwest Oregon Health Systems

Health Systems Plan / Annual Implementation Plan

1980 - 1981

2-9 Environmental Health

AIR QUALITY CONTROL

Air pollution from commercial and industrial sources is regulated through the permit system. Several major industries are still completing compliance schedules.

DEQ's motor vehicle inspection program in the Portland metropolitan area is designed to reduce auto emissions. DEQ reviews plans and proposals for large parking facilities, freeways, shopping centers, drive-in movies and other areas identified as indirect sources of pollution, where great numbers of autos congregate. With the exception of most agricultural operations, open burning is regulated and restricted to specific short-term periods. The 1975 Legislature nullified the 1971 law banning grass field burning in the nine-county Willamette Valley air shed. New legislation encourages development of alternatives and improved methods for the combustion of grass straw.

2-9-1 GOAL

Environmental hazards should be minimized and eliminated when possible.

2-9-1-1 OBJECTIVE

The ambient air quality of the region should be maintained at the level defined in the Federal Clean Air Act Amendments of 1970 and ORS 468.285 of the State of Oregon. As new standards become official, they should be promptly achieved and maintained in the region.

ACTIONS

1. The Oregon State Department of Environmental Quality should maintain an air quality monitoring system for the region to provide adequate information about released and ambient concentrations of all substances covered by air quality standards. This system should be expanded as new standards are promulgated.
2. Every local planning and zoning organization in the region should have a policy which will maintain air quality while promoting rational community growth and economic development.

Nancy Doohan
Health Systems Planning Analyst

NORTHWEST OREGON HEALTH SYSTEMS

I feel that many of the witnesses do not have a problem at their own homes of backyard debris.

We compost everything possible - but until alternative measures are found - we cannot reasonably handle all the brush from 3 apple trees, 2 pear trees, 2 cherry trees & a laurel hedge - too many others like us (who cannot come to ~~day~~ meetings because of having work) are sick to think of trying to dispose of their brush without burning - without funds to rent pick-ups, and or chippers.

I feel, with Mr. Owens, that Portland has a good regulatory system now. Please let us burn this ^{spring} until viable alternative

Item N - Written testimony only

Environmental Quality Commission

Witness Registration

Barbara Krieg (Mrs. Wm. E) 12/19/80
NAME (Please Print) DATE

69375 W 31 Ave. Portland, Ore.
ADDRESS OR AFFILIATION

I request approximately _____ minutes to address the Commission on the subject
of postponing the ban on open burning

I primarily favor X / oppose _____ the Department's proposed action with
regard to this subject matter.

RECEIVED
FEB 11 9 32 PM 1976
GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.
BY 2 ch

February 11, 1976

c/o George Yerkovich, City Auditor
Mayor Neil Golaschmidt
Members of the City Council
City Hall
Portland, Oregon

Dear Mayor Goldschmidt and Members of the City Council: Commissioner Jordan, Commissioner McCready, Commissioner Schwab, and Commissioner Ivancie:

Tomorrow is Abraham Lincoln's Birthday...February 12th, 1809. In this Bi-Centennial year it would seem appropriate to give recognition to our XVth President "Honest Abe" Lincoln. Yet, it does not look as if the Oregon Bi-Centennial Commission nor the Oregon Historical Society think that such a date is of great enough importance to be given notice. We need to pray for them, as well as you members of the City Council in these days of "change for a new ERA"??????????

Today the issue before you is in regard to D.E.Q. pollution control standards in the City of Portland. We would ask...are you really not being caught in a trap set up the Oregon State Legislature?? The *Metropolitan Service District crosses into three counties, which is governed by appointed commissioners not elected, nor controlled by the citizens and taxpayers!! What about Federal Government "handouts?"

Federal Clean Air Act

*We are not aware of any law changing the Oregon State Constitution..
*BY A VOTE OF THE PEOPLE ...to allow for a taxing structure that takes in parts of Multnomah, Washington, and Clackamas County. -If I am mistaken I wish to be corrected. We are not mistaken on the fact that the board is unelected, but could it have been voted on by the people at some time? In any case it is TAXATION WITHOUT REPRESENTATION, which violates our United States Constitution, and the Oregon Constitution! After all, such a law smacks of tyranny without justice!

It has been brought out that trucks pollute more than cars, and that cars and other vehicles coming into Portland from outside the area will not have to be inspected. (Article I, Section 20 of the Oregon Constitution.) "Equality of privileges and immunities of citizens. No law shall be passed granting to any citizen or class of citizens, privileges or immunities, which upon the same terms, shall not equally belong to all citizens."

*This has been stressed, but the issue is....that the air pollution
*ignores property lines, therefore creating a need for regional agencies
*such as D.E.Q. and CRAG. Under the Oregon Revised Statutes: Article XI-H POLLUTION CONTROL, and adopted by the people May 26, 1970, it shows H.J.R. 14, 1969 allowing financing of pollution control facilities..bonds..sources of revenue..to lend credit, and finally:

* O.R.S., Article XI-H POLLUTION CONTROL

* Under Section 6. "Legislation to effectuate Article. The Legislative Assembly shall enact legislation to carry out the provisions of this Article. This Article shall supersede all conflicting constitutional provisions and shall supersede any conflicting provision of a county or city charter or act of incorporation." (Created through H.J.R. 14, 1969, and adopted by people May 26, 1970.)

* * Could this be a hoax or be construed as "treason" for the state legislature to pass such a law? I do not know how it was worded when passed, but, certainly feel that there could be room for legal questions of Constitutionality, to put it mildly!

* Is this service district not possibly setting up a "new government", metropolitan and or regional in scope? Could they be, by passing this law and possibly with concealment of its true intent from the voters, giving "aid and comfort" to appointed bureaucrats who will use our own money to promote "government ownership of the means of transportation" for example?? Will this not be used to promote Tri-Met now...a regional Zoo next? our very freedom next?

Under Article I, Section 24: Oregon State Constitution

"Treason. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid or comfort.--No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open Court."

** The United Nations Charter "Preliminary Report" gives Section H the heading, "Limitation on Sovereignty." These attributes of sovereignty which the commissioners claim 'must be limited' are these:

1. "Nations must renounce the claim to be the final judge in their controversies with other nations and must submit to the jurisdiction of international tribunals...."
2. "Nations must renounce the use of force for their own purposes in relations with other nations, except in self-defense. The justification for self-defense must always be subject to review by an international court or other competent body."
3. "The right of nations to maintain aggressive armaments must be sacrificed in consideration for an assurance of the security of all through regional and world-wide forces subject to international law and adequate to prevent illegal resorts to international violence."
4. "Nations must accept certain human and cultural rights in their constitutions and in international covenants.."
5. "Nations must recognize that their right to regulate economic activities is not unlimited. The world has become an economic unit; all nations must have access to its raw materials and its manufactured articles...." ("The Humanitarian Curtain by Claude

Bunzel, Director of Twentieth Century Evangelism, P.O.Box 345, Pasadena, California 91102)

* The real question we are raising is....does not air, noise and other pollution, not really promote World Government? We must not be trapped into...let us include all vehicles; because in so doing we may be accepting regional...and World...Government in the future.

For more information (Mrs) Louise Weidlich

CPO 10 Washington Co.
Lars Milling Chrmn
Rt. 2 Box 346
Hillsboro Or. 97123

Enviornmental Quality Commission
522 S.W. 5th
Portland Or. 97207

Ladies and Gentlemen,

CPO 10 discussed the proposal before you at their December meeting. Our consensus opinion about open burning is that it will be absolutely essential for our area that open burning be extended at least 6 months, and probably more, for the following reasons.

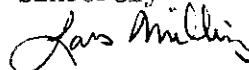
First there is the need to get rid of materials from clearing brush or trees to make more farmland available. The bulk of material from such an operation makes it impossible to use other methods of disposal.

Secondly there is the need to get rid of annual orchard trimmings and the like. For Filberts there will be about 170 trees per acre (depending on the arrangement) so even for a small orchard there will be substantial debris. This matter must be removed from the vicinity of the orchard because it is a source of disease and insects.

Thirdly there are the other methods of disposal to consider. Chipping orchard debris has been tried and found to cause problems for some farmers, particularly with incorporation into the soil. Landfill is obviously not desireable with the current problems of finding landfill sites. Currently we are aware of one small site specifically for this type of material. Also, in the case of clearing wooded land, picking up the limbs and so forth and putting them into trucks would be extremely expensive. Perhaps there are other methods of disposing such materials that we are not aware of, but I think we have adressed the major ones.

Many of the people in the area have wondered at times why we should not burn out here(more than 20 miles from Portland). We would be in favor of a proposal whereby the more distant areas under your control have more lenient burning times. This would probably take some of the pressure off the airshed over Portland during prime burning days, thus it may not be necessary to close burning entirely.

Sincerely



Lars Milling
CPO 10



*The League of Women Voters
of Oregon*

581-5722

TESTIMONY BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
ON PROPOSED REVISION OF OPEN BURNING RULES
DECEMBER 19, 1980

The League of Women Voters of Oregon and the League of Women Voters of Portland urge the Environmental Quality commission not to extend the deadline for backyard burning. An extension at this time would show weakness in the agency which must stand firm on matters involving public health.

The adverse effects of backyard burning on air quality have been public knowledge for over a decade. In 1968, the League of Women Voters of Oregon took a stand against backyard burning. Today we have more information about the harmful effects of smoke from vegetative burning than we had then. Particulate emissions from this source are projected to get worse in the near future. Yet the Department of Environmental Quality continues to ask for extensions of a ban on outdoor burning just so people can dispose of their wastes in a cheap and convenient manner. The excuse for waiting is that just around the corner something will happen which will make a ban a little easier to accept. A new landfill may be sited, or MSD may have transfer stations, or the DEQ may have more data to convince the opposition. Contrary to such hopes, the time will never be right. Six months from now will be a no more propitious time for banning burning than now.

We do recognize that there are differences in the ability of communities to properly dispose of the yard debris. We would not oppose the DEQ allowing an extension for a specific city or county under very strict conditions. But a blanket postponement is inappropriate.

We would like to see you stand by your decision of June 29, 1979. A year and a half has been plenty of time for DEQ and the local entities to determine costs of alternatives. DEQ should be directed to coordinate and assist the efforts made so far by local entities in developing alternatives. It should also be directed to educate the public about alternative disposal methods.

Norma Jean Germond

Norma Jean Germond

President

League of Women Voters of Oregon

Darleane Lemley

Darleane Lemley

President

League of Women Voters of Portland

Regarding Marine Borewarding's statement
about the landfills filling up -

Yard debris does not have
to go to Rossmore or St. Johns landfills.
It is not garbage. There are demolition
landfills where it could go.

Jeanne Ray

Portland Air Quality Advisory Committee

P.O. Box 1760
Portland, Oregon 97207
(503) 229-6092

TESTIMONY BEFORE THE EQC ON THE PROPOSED RULE ADOPTION TO ALLOW A SPRING BACKYARD BURNING SEASON

By Jeanne Roy, Chairman; Open Burning Subcommittee

December 19, 1980

A year and half ago when you granted an extension until December 31, 1980, I asked if this ban date could be relied upon unlike the previous ones. You said it could because the DEQ had committed to develop alternative disposal methods. This would be the first time actions were to be taken to prepare for a ban.

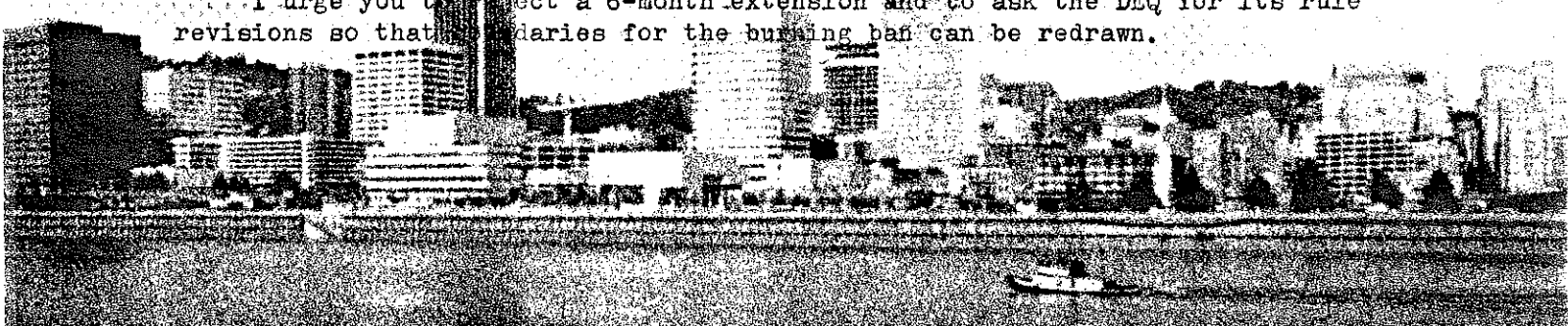
The DEQ staff researched alternatives and communicated with cities and counties about which methods would work for them. Lake Oswego formed a neighborhood task force which made recommendations to its City Council on how to deal with the yard waste. The City of Portland secured the services of an EPA employee to plan a program for the city. Milwaukee developed a plan for a composting project. Metro's Solid Waste Reduction Task Force addressed the question of how to reduce the volume of yard debris and invited experts from Seattle and Berkeley. Metro hired a consultant to plan a system for handling yard debris. All of these actions were taken because people believed the ban would be enforced. If they hadn't believed so, the cities and Metro would not have committed time and money to this task. I watched the cities test the DEQ to see how serious it was. One of the cities which had at first said it wouldn't do anything turned around and became more cooperative when it appeared the ban would really take effect.

The ground work done so far has shown that alternatives are available. The only thing left to do is for the agencies to make some commitments. Only the pressure of the ban will cause this to happen. Allowing another 6 months will make it less likely that the agencies will come together.

A postponement of the ban will be interpreted as a loss of will by the EQC. The local jurisdictions no longer believing a ban inevitable, will have little incentive to continue their programs.

Three DEQ statements hint that the agency is no longer serious about the burning ban. On one hand DEQ says that it needs just a little more time to collect information. On the other hand it says in the notice of this public hearing that more hearings will be held on whether or not to have a ban. In addition, the Department's draft revision of open burning rules eliminates the 1982 ban in the Willamette Valley Special Control Area. Finally, the Department has removed its commitment to the ban from the SIP.

I urge you to reject a 6-month extension and to ask the DEQ for its rule revisions so that boundaries for the burning ban can be redrawn.



1429 ROSE ARDEN DR.
FOREST GROVE, OR 97116

MRS. JANETA GILLASPIE DEC. 17, 1980

PUBLIC INVOLVEMENT COORDINATOR

D.E.Q. - AIR QUALITY

P.O. BOX 1760

PORTLAND, OR 97207

DEAR MS GILLASPIE;

THANK YOU FOR YOUR LETTER OF
DEC. 11, 1980. WE WERE VERY PLEASED
WITH THE TONE OF YOUR LETTER! WE ARE
GLAD TO KNOW THAT THE D.E.Q. IS
CONSIDERING THE FOREST GROVE AREA
DIFFERENT FROM THE PORTLAND AREA.

WE REALIZE THAT IT IS A DIFFICULT JOB
TO HAVE CLEAN AIR AND YET LET PEOPLE
DO AS THEY WANT. WE THINK ^{THE} D.E.Q., UNDER
MR YOUNG'S GUIDANCE, IS QUITE WELL
BALANCED. LET US KNOW IF WE CAN BE
OF SERVICE IN ANY WAY.

RECEIVED

DEC 19 1980

PUBLIC AFFAIRS

SINCERELY,

Harry Skene Jr

Mrs. M. A. Holmes
11400 S. W. Fanner Street, Tigard, Oregon 97223

12/6/50

Mr. F. C.
Portland, Oregon
Gentlemen,
Wheat de year

What do you propose in
place of burning, killing and burying
our folk, white and black and
Chinese citizens and families, which
appear to pay for failure
in accumulation of space,
rising in density, fire, flood
massive and what else, human
and other health problem.

And will you have a stone
a heart stone. Do you have a stone
which has been in your
heart that he forget and give
the little a heart, do it please
them. All your loving on paper

burning days would eliminate
the ~~the~~ heavy pollution you complain
about. When you announced the
burning dates the cuttings etc, are
burning and add more to the
problem. I believe people would
burn more often when the
material is here in day and
not allowed to burn the first
time usually.

rat ^{not} ~~not~~
 days. Please consider carefully.
 Annexed

Yours truly
Geo. M. Holmes

Dec. 17, 1980

To the D.E.Q.

7110 S.W. 6th View 9521
Portland, OR

We have been looking forward to the ban on backyard burning to take place on Dec. 31, 1980. Now we understand some groups are requesting a 6 mo. postponement.

We think the D.E.Q. should have the power to stop this burning in backyards. You look forward to the spring of the year with clean air. When people burn all around you, it is necessary to keep the windows and doors closed & it generally happens on weekends.

We believe the D.E.Q. should have sole power to stop this unnecessary burning.

I have my debris hauled away or we use compost methods.

Sincerely

Leo & Ruth Skipton

To Mr. Young, LDB file
Copy sent to NW Region
12-1-80 EFW

W. Young
J. Gillaspie
M. Weatherbee

Southwest Air Pollution Control Authority

7601 N.E. HAZEL DELL AVENUE
VANCOUVER, WASHINGTON 98665

PHONE 206 696-2508

November 26, 1980

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

Subject: Revision of Open Burning Rules.

Dear Mr. Young:

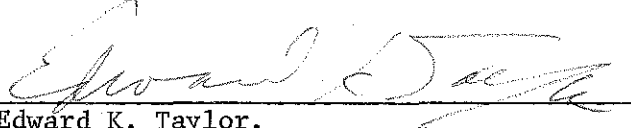
The 1980 fall burning period that you set made an administrative and enforcement mess for the fire control agencies in Clark and Cowlitz Counties, Washington. We were tolerant, however, of your extended period. The intent, as we understood it, was to allow the people of Oregon to completely clean up their property and begin 1981 without residuals. The extra 30 days, beginning on October 1st should have been sufficient. The open burning rules in the four county area of Oregon have been in a state of flux for over ten years.

We agree that the impact on the local governmental units, by imposing your current open burning rules, will be great. We ask, however, that if you do allow an extension into the spring of 1981, the period correspond with the schedule we set, and have been following, since 1972. In Clark and Cowlitz Counties domestic refuse consisting of leaves, clippings, prunings and other natural vegetation may be burned, with proper permit, during the period commencing with the second Friday in April and terminating at sundown on the third Sunday in May. This five week period would accomplish the intent of your rule change. A fifteen week burn period borders on the ridiculous.

You can then use the time between December 19, 1980 and October 1, 1981 to establish the 1981 fall burn period.

Hopefully you will set the spring dates to correspond with ours.

Very truly yours,


Edward K. Taylor,
Executive Director

EKT/js

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
NOV 28 1980

OFFICE OF THE DIRECTOR

Myron J McCamley
1965 SW McCamley Road
BEAVERTON,
OREGON 97007

D. E. Q.

12/13/80

Air Quality Division

Portland, Or. 97207

Gentlemen—

Re: Restrictions on
Backyard Burning

During the past fall we been ~~tree~~
topping my backyard ^(part of 30 plus fruit trees) Orchard trees
to attain better picking & to get a
bit of summer sun thru the trees.
As a result I have had a pile of
limbs out back (1/2 acre lot) 8' high by 10'
long & 6" wide. With "no burning" days
all fall & when could (Wet or Green limbs)
~~start~~ start of fire. One Can't use old
motor oil, paint, thinner or oil paints
due smoke like we used to do before
your D.E.Q. set up a Nuisance Dept.
in our Gov't. Hope to burn in 1981.
Yours truly, M.J. McCamley

RECEIVED
DEC 1 1961

Dear Sir.

I'm writing about your stupid
rule to no more burning. This isn't
even common sense. You expect
us to drown in our own brush. What
do we do with the cutting each spring
Soon we will have a jungle. It has
been handled very well when we have
burning days as before - that does
make sense. I believe in ecology
but this is simply dumb. Someone
can have the garbage man take it
for a great price and I simply can't
afford it so what do I do - you are so
smart. You won't have garbage men
enough to haul the piles of clippings
away and soon no place to dump
them. I think this is wrong.

MRS LUCILLE E SCHELLER
10375 S W JOHNSON
TIGARD OR 97223

State of Oregon
Department of Environmental Quality
Air Quality Division
Box 1760
Portland, Oregon 97207
1-800-451-1000

7330 SW Dogwood Place
Portland, Oregon 97225
December 14th, 1980

Department of Environmental Quality
Air Quality Division
Box 1760
Portland, Oregon 97207

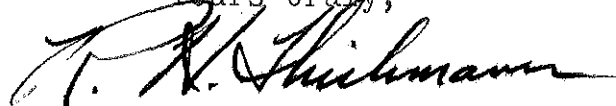
Dear Sirs:

This is with regard to the proposed revision of open burning rules that will allow a spring burning period from March 21 to June 15, 1981.

In my case, the spring burning period is very important in disposing of the trimmings from 15 large fruit trees and the many broken branches from the large cedar, fir and maple trees that we have on our woodsy one acre lot. Further, I have the trimmings from forty rose bushes, six grape vines and the other shrubs that have to be controlled. On top of all this, I have two or three yards of leaves which I was unable to dispose of during the last burning period which was quite unsatisfactory.

Since the work of gathering the leaves, limbs, branches and cuttings has to be done on an almost continual basis, all I can do is accumulate the material in open areas that I have cleared so that I can burn it safely when it is dry. It follows that a spring burning period is most important and I trust that you will give consideration to the many property owners who, like myself, will suffer a real hardship if we can't dispose of our material this spring.

Yours truly,



R.H. Thielemann

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
OCT 15 1980

10/12/80

5265 S.W. 153
Beaverton, OR

97005

Dear DEQ,

AIR QUALITY SECTION

We should not postpone cleaner air in the Portland metropolitan area. I find it disgusting that residents in the Portland area are allowed to burn yard debris. My hope for clean air was encouraged in June, 1979 when the ban on backyard burning was announced to take effect on December 31, 1980.

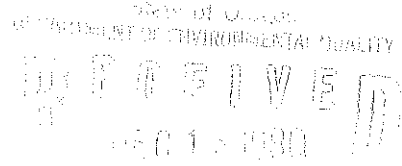
Now it ~~seems~~ that DEQ is about to back off and allow local governments to procrastinate longer. One and a half years has been long enough. DEQ needs to apply pressure on those groups responsible in order obtain a real commitment to finding alternatives to backyard burning.

Sincerely,

Ted Forgeron

10495 S.W. Johnson Ct.
Tigard- Oregon, 97223
Dec. 11, 1980

Dept. of Environmental Quality
Air Quality Division.
Box 1760
Portland, Oregon 97207



I would like to express my appreciation for your concern for air pollution in our area. My husband has had breathing problems, so recognize the joy of being free from pollutants.

However, we do feel that not to be able to have burning of tree and shrub trimmings in our back yard at regulated times would be a serious problem for us to dispose of our trimmings. We have a large yard & shrubs, and a good place to pile our cuttings - and even our neighbors use our "burn pile".

We are retired people and it would be most inconvenient to haul our stuff away as well as expensive. We compost what we can - but there is usually quite a lot to burn.

We would like you to reconsider your burning ban for Spring 1981 and let us be regulated for times to do it.

Thank you for allowing us to express ourselves, in favor of burning.

Sincerely-

Elizabeth O. Bishop
and
James F. Bishop

Gaston, Ore
Nov 23, 1980
D. E. Q.

Box 1760

Portland, Ore

Sir;

Just published in this News
Times of Nov 21 is an article
in regard to a burning time
to be set in the spring by
D. E. Q. May I urge that such
a special burning be established.
I live out of town & have some
pasture land that needs to be
cleared yet wonder what can
be done with the brush if it
can't be burned, leaves etc do
accumulate & it isn't very practical
to call a disposal agency for this.
I do hope some plan for burning
can be worked out in the
future.

Sincerely,

Mayhew Sutton

Rt. 1 Box 102 C, Gaston, OR

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
NOV 27 1980

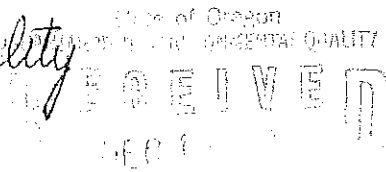
AIR QUALITY DIVISION

97119

THELMA MILLS
222 SW Harrison
Portland, Oregon 97201

Dec. 10, 1980

Air Quality Division
Dept of Environmental Quality
Box 1766
Portland, Ore. 97207

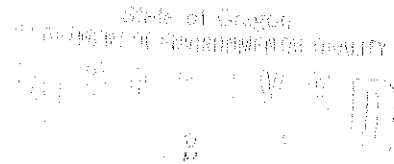


Sirs:

As a 10 year "retiree" resident of mid-city Portland I am very much concerned about the "clean air" program for our City and Multnomah County. Because I am an apartment dweller, I am so concerned about our mid-city air. And back-yard burning controls surely are of great interest to the high-rise dwellers. There is great danger in the 6 month delay (postponement) of the back yard burning and especially because it could so easily mean a reduction in real commitment to finding alternatives to back yard burning. We must not let the ban be removed.

Sincerely,
Thelma Mills

November 30, 1980



Air Quality Control
J e a n M c G r e g o r
21900 S. E. Alder Dr., #225
Gresham, OR 97030

Department of Environmental Quality
Air Quality Control
522 S.W. 5th Avenue
Portland, OR 97204

Dear Air Quality Control:

I am very concerned with DEQ's extending the outside trash burning for another six months.

The air is already full of Auto exhaust pollutants, Ash from Mt.St. Helens as well as carbon fallout from jet fuel as planes arrive in, and out of Portland. The trash burning fills the air during the day while wood burning stoves fill the air during the night. For those of us with respiratory difficulties breathing becomes a 24 hour ordeal, brought on and complicated by air pollution.

I moved to the East County 6 years ago so I could have fresh air to breath, now I find that my ears are plugged, nose plugged and face swells constantly from air pollution. I know elderly that have not been out of their homes for months because of the air pollution. These are the people that built this country, now their lives are confined to their homes because some one wants to burn their trash all day. And have you ever told a child that can't sleep at night that his nose is stuffed because some one wants to burn wood and trash all day, and that he may never be better?

I was raised in N.Dakota during the dust storms, and 4 of my five brothers have emphysema, two died before the age of 50. If todays children are continually subjected to this kind of pollution, their fate will be the same.

I see no reason why tree trimmings and leaves cannot be made into usable presto logs or other energy saving material, and wood burning stoves must be fitted with air filters. The question remains, why control auto exhausts then allow burning. People complained about having to bring their cars up to standard, so lets bring other pollutants up to standard, the air will be better for us all.

Sincerely,


Jean McGregor

cc: Department of Health

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
NOV 4 1980

AIR QUALITY CONTROL

November 3, 1980

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

In Re: Ban on Back-Yard Burning

Gentlemen:

We request that you reconsider the ban on backyard burning, effective December 31, 1980. We are very opposed to the ban on backyard burning as it would be a real hardship on us. We have a lot of brush to burn since we have an acre of ground. We could not afford to have the brush hauled away and we have no means of disposing of it. Permitting the brush to pile up (which is what we would have to do) would be a fire hazard, be a nesting ground for insects, and unwanted animals such as rats, mice, opossums, etc.

Please consider our plea not to ban backyard burning, effective December 31, 1980.

Very truly yours,

Mrs. L. C. Eakin
Mrs. L. C. Eakin
13401 S. E. Foster Road
Portland, Oregon 97236

cc - Fire District No. 10
Office of Public Education
P. O. Box 16368
Portland, Oregon 97216

FRANK PERLMAN, M.D. (1979)
PHYSICIAN
JOHN D. O'HOLLAREN, M.D., P.C.
PHYSICIAN
DAVID BILSTROM, M.D., P.C.
PHYSICIAN

ALLERGY CLINIC
1206 PORTLAND MEDICAL CENTER
S.W. 10th AVE. AND WASHINGTON
PORTLAND, OREGON 97205
(OFF.) 228-0155
(BUS.) 222-1966

December 16, 1980

State of Oregon
Department of Environmental Quality
1000 NE Oregon Street
Portland, Oregon 97232
12/16/80

Department of Environmental Quality
Air Quality Division
Post Office Box 1760
Portland, Oregon 97207

Dear Sirs:

I am writing concerning the proposed DEQ recommendation that back yard burning be continued through the spring season, as opposed to discontinuing the practice as had been originally planned, effective this fall.

As a medical specialist treating pulmonary problems I am intimately aware of the problems and dangers that continued particulate exposure in the air shed can pose for my patients. Portland's air is of poor quality and backyard burning is a significant contributor to this problem. The practice that is usually undertaken generates a great deal of smoke and particulate matter since the material is invariably wet when burned. I frankly cannot understand or condone a postponement of the termination date for backyard burning.

Other major metropolitan areas far bigger than Portland have discontinued this practice entirely and have done so for ten years or more. I am originally from the midwest and the practice has been banned for fifteen years in my home near Chicago. We have lived in Washington, D.C. and in the San Francisco Bay area recently, and they did not allow such practice at all.

Other alternatives will have to be found, but it will take a strong direction from your Department to institute such changes. In my own experience, trash collection agencies and/or City collection agencies would collect leaves and other debris on a fortnightly basis and at special request if there was an unusual situation within a neighborhood where multiple pickups could be made. Unless we clean up this residential source of environmental pollution, industry and ultimately jobs will suffer in this area and that could not be condoned.

I am certain the Oregon Medical Association Public Health Committee of which I am a member will have a strongly worded statement to this effect also.

Sincerely yours,


David E. Bilstrom, M.D.

DEB:esg

December 16, 1980

Department of Environmental Quality
522 Southwest Fifth Avenue
P. O. Box 1760
Portland, OR 97207

RE: Public Hearing--Proposed Prohibition of 1981
Burning Season

Gentlemen:

This letter is written in support of the postponement of the prohibition date for approximately 180 days. This postponement should occur to:

- 1) Ensure that there is ample time to debate the overall wisdom of the eventual prohibition of backyard burning, so if the prohibition is eventually removed there will have been no undue expense incurred on behalf of the home owner or government due to an early and unwise decision to bring about a prohibition.
- 2) There is no satisfactory disposal system in place at this time to serve for the disposal of natural waste.
- 3) The economics of taking waste to the dump or disposal area flys in the face of energy conservation.

Thank you for your consideration of these comments.

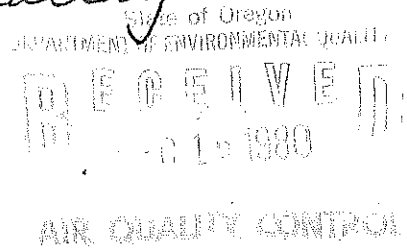
Yours very truly,

A handwritten signature in dark ink, appearing to be 'A. E. Brim', with a stylized, somewhat circular flourish at the end.

A. E. Brim

12.15.80

Dept. of Environmental Quality
Air Quality Division
P.O. Box 1760
Portland, OR 97207



Dear Sirs :

The purpose of this letter is to urge you to implement the ban on backyard burning that is planned for Dec 31, 1980.

I am a long-distance marathon runner and resident of Forest Grove. I believe that the smoke and pollution from open backyard burning is an unnecessary and avoidable health hazard. Alternatives such as composting and free city leaf collection would eliminate the necessity of backyard burning.

As a long distance runner I am greatly concerned about the quality of air I breathe in the Washington County area. A long distance runner consumes 10 times the amount of oxygen (and pollutants) while running compared to sedentary

activity.

Clean air is our most precious resource. Please, let's keep it that way and we can all breathe easier!

Thank you.

Sincerely,

Douglas A Brown
1648-B Douglas St
Forest Grove, OR 97116
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Dept of Environmental Quality
Air Quality Division
P.O. Box 1760
Portland, Ore: 97207

Dec 15, 1980

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
DEC 15 1980

Gentlemen/Ladies:

AIR QUALITY CONTROL

I'm writing this letter to urge you to allow the ban on backyard burning to take effect, as planned, on Dec. 31, '80, as ordered by the Environmental Quality Commission.

My family & I, as citizens of Hillsboro, enjoy outdoor activities in Spring & Fall, and have found the smoke from nearby backyard burning to be a real irritant to throat, lungs & eyes. This problem is further compounded by the addition of much smoke from wood burning space heating stoves, which have become very popular for economic reasons, but have also had a very detrimental effect on air quality.

My primary concern, now, is with regard to backyard burning. This practice has been banned in all the large Metropolitan areas from Seattle to Los Angeles and there are many viable alternatives available which make backyard burning a needless nuisance & irritant. In Hillsboro The city owns a large chipper which may, with crew, be rented by citizens, and there is a free leaf pick-up service, performed by a large street sweeping machine equipped with suction hose.

This leaf pick-up service is available to any citizen - simply by calling Dept of Public Works.

In conclusion, studies have shown that backyard burning smoke contains particulates that are deeply inhaled into our lungs. Thus, backyard burning is not only an eyesore & a nuisance, but must have negative long term effects on community health. Again, I strongly recommend instituting the ban on Dec. 31, 1980, as announced.

Thankyou for considering my letter.

Very Truly Yours,

Dockum A. Shaw

Dockum A. Shaw

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