

4/24/1981

OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS



State of Oregon
Department of
Environmental
Quality

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OREGON ENVIRONMENTAL QUALITY COMMISSION MEETING

April 24, 1981

Conference Room
Department of Fish and Wildlife
506 S. W. Mill Street
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 March 13, 1981, Commission meeting.
- B. Monthly Activity Report for February, 1981.
- C. Tax Credit Applications.
- D. Solid waste rules - Request for authorization to conduct a public hearing on amendments to Solid Waste Management Rules, OAR 340-61-005 through 61-040.
- E. Vehicle inspection rules - Request for authorization to hold a public hearing on proposed amendments to the motor vehicle emission control inspection test criteria, methods, and standards, OAR 340-24-300 through 24-350:
 - 1. Test method modifications for 1981 and newer light-duty motor vehicles.
 - 2. Updating inspection program standards for light- and heavy-duty motor vehicles.
 - 3. Upgrading of equipment specifications for licensed fleet inspection operators.
 - 4. Solicit public comment on all aspects of the rules governing operation of the Portland-area motor vehicle inspection program.
 - 5. Emergency adoption of rules extending the enforcement tolerance through 1981.

9:15 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.

(MORE)

ACTION ITEMS

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

- G. Approval of proposed Memorandum of Understanding between the Energy Facility Siting Council, Department of Energy, Environmental Quality Commission, and Department of Environmental Quality.
- H. Proposed adoption of modifications to the Air Contaminant Discharge Permit Fee Schedule, OAR 340-20-155, Table 1.
- I. Adoption of changes to standards of performance for new stationary sources, OAR 340-25-505 to -535.
- J. Consideration of temporary rule adoption to extend compliance dates for vapor control at gasoline storage, transport, and dispensing facilities, OAR 340-22-107(3), -110(3), -120(2), -130(1), -137(1), and -137(2).
- K. Amendments to OAR 340-30-010 to 340-30-045, wood particle dryer rules for Medford area.

10:00 am

- L. Public hearing and consideration of adopting proposed new Plant Site Emission Limit (PSEL) Rule and New Source Review (NSR) Rule for both non-attainment and attainment (PSD) areas and proposed revocation or modification of existing rules, as follows:
 - 1. Special permit requirements for sources locating in or near non-attainment areas, OAR 340-20-190 through 198;
 - 2. Criteria for approval of new sources in the Portland Special AQMA, OAR 340-22-005 through 025;
 - 3. Specific air pollution control rules for the Medford-Ashland AQMA, OAR 340-30-110;
 - 4. Prevention of significant deterioration, OAR 340-31-105, definitions 1 through 11, 13 and 14, and 17 through 22; 340-31-125, and 340-31-135 through 195.
- M. Appeal of variance denial: Daniel and Karen Walsh, Tillamook County.
- N. Request for variance from rules prohibiting open burning dumps, OAR 340-61-040 (2)(c), for the City of Mitchell.

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 will lunch at noon with the Portland Air Quality Advisory Committee 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 THIRTY-FIRST MEETING
OF THE
OREGON ENVIRONMENTAL QUALITY COMMISSION

April 24, 1981

On Friday, April 24, 1981, the one hundred thirty-first meeting of the Oregon Environmental Commission convened in the Conference Room, Department of Fish and Wildlife, Portland, Oregon. Present were Commission members Mr. Joe B. Richards, Chairman; Mr. Albert H. Densmore, Vice-Chairman; Mr. Fred J. Burgess; Mrs. Mary V. Bishop; and Mr. Ronald M. Somers. 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. All five of the Commissioners were present, as were several members of the Department staff.

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

1. Update of the budget process.
2. Update of the legislative process.
3. Update on the status of open burning in the Portland Metropolitan area.
4. Dates and locations of future EQC meetings. These will be decided finally at the next meeting, June 5, in Medford.

FORMAL MEETING

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

AGENDA ITEM A - MINUTES OF THE MARCH 13, 1981, MEETING.

AGENDA ITEM B - MONTHLY ACTIVITY REPORT FOR FEBRUARY, 1981.

AGENDA ITEM C - TAX CREDIT APPLICATIONS.

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

It was MOVED by Commissioner Somers, seconded by Commissioner Burgess, and carried unanimously that the Director's Recommendations for the next two agenda items, Items D and E, be approved.

AGENDA ITEM D - Request for Authorization to Conduct a Public Hearing on Amendments to Solid Waste Management Rules, OAR 340-61-005, 61-010, and 61-020 and 61-025 through 61-040.

The Department was proposing to amend its solid waste management rules and requested authorization to conduct a public hearing. The current rules were adopted in March 1972 and no longer accurately reflect the Department's philosophies and policies, nor current state of the art in proper solid waste disposal.

Summation

1. Existing rules, written in 1971, no longer adequately reflect current policy and state of the art in the field of solid waste management.
2. Existing rules are not consistent with new federal landfill standards.
3. In January 1981, the Commission adopted a State Solid Waste Management Plan which calls for the adoption of updated rules.
4. The staff has drafted amendments to the rules which are intended to overcome current deficiencies and requests authority to conduct a public hearing.
5. The Commission is authorized to adopt solid waste management rules by ORS 459.045.

Director's Recommendation

Based upon the summation, it is recommended that the Commission authorize a public hearing to take testimony on the proposed amendments to the Department's solid waste management rules, OAR 340-61-005, 61-010, 61-020 and 61-025 through 61-040.

AGENDA ITEM E - Request for authorization to hold a public hearing on proposed amendments to the motor vehicle emission control inspection test criteria, methods, and standards OAR 340-24-300 through 24-350:

- (1) Updating inspection programs standards for light- and heavy-duty motor vehicles.

- (2) Test method modifications for 1981 and newer light-duty motor vehicles and alternative format for program standards.
- (3) Upgrading of equipment specifications for licensed fleet inspection operations.
- (4) To solicit public comment on all aspects of the rules governing operation of the Portland area motor vehicle inspection program. And,
- (5) Emergency adoption of rules extending the enforcement tolerances through 1981.

The Commission was requested to act (1) to authorize a public hearing to take testimony on the proposed revisions and on all aspects of the inspection program rules; (2) to enter a finding that if the Motor Vehicle Inspection Program enforcement tolerances expire and if action is not taken promptly, there will be a serious prejudice to the public interest; and, (3) to adopt emergency rules extending the enforcement tolerance through October 1981.

Summation

The staff has requested authorization for a public hearing to receive testimony on a change in the test procedure for 1981 and newer motor vehicles, an update in the inspection program standard for 1981 model year motor vehicles, and an updating of exhaust gas analyzers list for licensed fleet operations. The change in test procedure would identify high-emitting vehicles that use the computer technology that would otherwise be passed in the inspection test. The data available shows that the idle test efficiency at identifying gross emitters would be improved 20 percentage points with no increase in error of commission rate.

Standards have been proposed for 1981 model year motor vehicles. Two formats are shown, the current format in Appendix B and an alternative format in Appendix C. The original format maintains the concept of individual standards and enforcement tolerances for the various makes of motor vehicles. The alternative format simplifies and emphasizes the actual cutpoint used in the inspection lane.

A new generation of exhaust gas analyzers would be authorized for use by the licensed fleet inspections operations. This would allow the use of state-of-the-art equipment in their operations.

A public hearing would be authorized. This hearing would provide a forum for the general public to comment on all of the inspection program rules.

In regard to the matter of the extension of the enforcement tolerance on the inspection program standards, should the temporary rule be granted, the status quo will be maintained. Should the enforcement tolerance expire, the program standards would become more stringent and there would

be an increased failure rate. The process would be reversed if either of the proposed standards were adopted by future Commission action. As such, there would be a serious prejudice to the public interest.

Director's Recommendation

1. Based upon the Summation, it is recommended that the Commission authorize public hearings to take testimony on the rule revisions proposed and on all aspects of the inspection program rules.
2. Based upon the Summation, it is recommended that the Commission enter a finding that failure to act promptly will result in serious prejudice to the public interest by allowing the enforcement tolerance to expire. It is further recommended that the Commission adopt, as an emergency rule, the amendments to OAR 340-24-330 and 24-335 as shown in Appendix D.

The above two items were unanimously approved.

AGENDA ITEM G - Consideration of Approving a Proposed Memorandum of Understanding With Energy Facility Siting Council and Oregon Department of Energy Relating to Environmental Regulation of Energy Facilities

By reason of existing Oregon Statutes, the EFSC, DOE, and EQC and DEQ all have regulatory responsibilities which affect the siting, construction, operation and monitoring of certain types of energy facilities.

In order to carry out the respective agency responsibilities and to provide a coordinated regulatory framework which is protective of the public interest, fair and understandable to owners of energy facilities, and efficient in operation, it is proposed that the four entities involved enter into a joint Memorandum of Understanding that sets forth individual agency roles and the procedures to be followed relative to siting, construction, operation and monitoring of energy facilities.

Summation

1. The EFSC is, by statute, Oregon's "one-stop" energy facility siting authority.
2. The State DOE serves as staff to the EFSC in siting, monitoring and enforcing relating to energy facilities.
3. The EQC and DEQ have statutory authorities and responsibilities to establish policy, adopt rules, issue permits and otherwise regulate and enforce to prevent environmental pollution which may be caused by energy facilities.
4. It is State policy to cooperate and assist other state agencies and to enter into cooperative agreements where such agreements appear necessary or beneficial.

5. A proposed MOU has been developed which sets forth the division of responsibilities and procedures to be followed in reviewing and approving proposed energy facilities projects, and which is designed to:
 - A. Carry out the respective statutory responsibilities and policies of the EQC, DEQ, EFSC and DOE, undiminished.
 - B. Maximize use of the existing staff and expertise of the respective agencies and thereby avoid duplication of effort and resources.
 - C. Clarify, coordinate and combine procedures to save time and costs in processing energy facility applications.
 - D. Preserve a "one-step" approach to energy facility siting.

Director's Recommendation

Based on the Summation, it is the Director's recommendation that the attached proposed Memorandum of Understanding be approved and authorized for signing by the Chairman and Director.

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

AGENDA ITEM H - Proposed Adoption of Modification to the Air Contaminant Discharge Permit Fee Schedule OAR 340-20-155, Table 1.

At the January 30, 1981, EQC Meeting, the Department obtained EQC authorization to hold a hearing on increasing air permit fees to reflect inflationary increases in Department program costs.

The staff report discussed comments from the March 9, 1981, hearing and recommended adoption of a new fee schedule which represents a 14-percent average increase. This new schedule will be used during the 1981-83 biennium.

Summation

- 1) On January 30, 1981, the EQC authorized a public hearing to consider increases in the fees for Air Contaminant Discharge Permits.
- 2) The public hearing was held on March 9, 1981. No testimony was submitted at the hearing. The Department supports the adoption of the fee schedule as proposed. The fee schedule should be in effect for the fees due July 1, 1981.
- 3) The EQC is authorized by ORS 468.045(2) to establish a schedule of fees for permits.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission adopt the proposed modifications to OAR 340-20-155, Table 1, Air Contaminant Sources and Associated Fee Schedule (Attachment 1).

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

AGENDA ITEM F - PUBLIC FORUM:

James Ebert, Holcomb-Outlook Parkplace Neighborhood Council, appeared to read a resolution passed by his organization protesting garbage burning in Oregon City.

Lee Hoffman, Gladstone, appeared and agreed with what Mr. Ebert had said before. He noted that a garbage-burning facility increases the air pollution problem in the area.

No one else chose to appear.

AGENDA ITEM I - Adoption of Changes to Standards of Performance for New Stationary Sources, OAR 340-25-505 to -535

Oregon has been administering the federal government's "Standards of Performance for New Stationary Sources." In September, 1975, the Commission adopted these standards. In the last five years, the federal standards have changed somewhat and new federal standards have come into effect. These changes, and additions, added to Oregon Administrative Rules 340-25-505 through 340-25-535, were reviewed at a January 21, 1981, public hearing, which was authorized by the Commission on November 21, 1980. The amended OAR's were presented to the Commission for adoption so that the Department can continue to fully administer this federal program.

Summation

1. Seventeen new federal standards of Performance for New Stationary sources and amendments to older standards have been adopted by EPA since the Commission adopted the original twelve such federal standards in 1975.
2. In order for the Department to administer these standards, the Commission must either adopt or declare inapplicable the new federal standards as State Standards and amend the existing ones. In the Department's annual agreement with EPA, we have agreed to do this before July 1, 1981.
3. If the Commission does not proceed toward adoption, dual regulatory responsibilities will develop, with certain new projects being subjected to both state and federal plan review, emission limits, and enforcement.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission adopt the attached amendments and additions to OAR 340-25-505 through -535 and direct the Department to seek renewed delegation for administering federal rules 40 CFR 60 in Oregon from EPA.

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

AGENDA ITEM J - Consideration of Temporary Rule Adoption to Extend Compliance Dates for Vapor Control at Gasoline Storage, Transport and Dispensing Facilities. OAR 340-22-107(3), -110(3), -120(2), -130(1), 137(1) and 137(2).

The Commission was advised at its last meeting that a substantial number of gasoline facilities which operate in the Portland, Salem and Medford areas would not be able to comply with vapor control by April 1, 1981, as required by existing rules. A majority of these situations were due to procurement problems which would be resolved with additional time.

The Commission was asked to extend the compliance dates for gasoline storage, transport and dispensing facilities from April 1, 1981, to July 31, 1981, by temporary rule adoption. During this additional four-month period, it is expected that the non-compliance situations will be reduced by about 90 percent. The remainder will be a more manageable number which can be addressed on an individual basis.

Summation

1. Gasoline storage, transport and dispensing facilities operating within the Portland and Medford AQMA's and the Salem SATS area are required to install vapor controls by April 1, 1981.
2. A substantial number of facilities are trying to comply but are experiencing procurement problems and will comply by July 31, 1981
3. Total compliance will not occur by July 31, 1981 and a manageable number of approvable variance requests are expected.
4. Extending the compliance dates will not cause violations of the ozone ambient air standard in the impacted air sheds.
5. Some suppliers will terminate deliveries to noncomplying facilities which will adversely affect the public.
6. The Commission is being asked to consider extending the compliance dates by temporary rule adoption procedures.

Director's Recommendation

Based upon the summation, it is recommended that the Environmental Quality Commission find that failure to act promptly will result in

interruptions in the gasoline supply in Portland, Salem and Medford which will result in a serious prejudice to the public interest. Also, it is recommended that the Commission adopt as a temporary rule the proposed revised rules contained in Attachment No. 1.

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

AGENDA ITEM K - Amendments to OAR 340-30-010 to 340-30-045 Wood Particle Dryer Rules for Medford Area

In November, 1980, three board products plants in Jackson County petitioned the Commission for a review of a stringent 1978 particle board dryer rule. The Commission gave variances to the petitioners (until June 1, 1981) from the rule's January 1, 1981, compliance deadline.

Two particle board plants asked for a relaxation of the standard on the grounds it was technically unachievable. The third plant, having a somewhat different hardboard process, asked for a change in the way the rule was expressed which would still keep the same stringency of the existing rule.

The Commission authorized a public hearing on the matter, which was held February 19, 1981, in Medford. The Department's staff reviewed the hearing testimony, reexamined available technology to meet this rule, and concluded the rule should not be changed other than making the adjustment requested on the one hardboard plant. A reasonable time for demonstrating compliance is suggested as November 1, 1982.

Summation

1. Three particle board plants in the Medford area have not met the January 1, 1981, compliance date for the .35 lb./1000 sq.ft. rule adopted by the EQC in April, 1978.
2. A hearing was held on February 19, 1981, in Medford to consider changes to the Department's particle board dryer rules.
3. Medco claims their process is different than the other two particle board plants and requests a rule change to 0.25 lb./1000 sq.ft. 1/8" basis, for the overall plant site. This limit has been verified to maintain the same stringent level of control on a plant site basis as required by the .35 dryer rule and Department permit conditions.
4. Medco is presently meeting the limits of their proposed rule and no testimony was received at the public hearing against making the requested rule change.
5. Down River and Timber Products have requested that the dryer rule be changed to .45 and .50 respectively based on their belief that the present rule is not achievable. Down River requested until June 30, 1983 to comply while Timber Products has not requested a specific compliance date.

6. Department information indicates that (1) a pilot wet electrostatic precipitator has met the present .35 limit, (2) a scrubber/mist eliminator system was guaranteed to meet .4 while controlling incinerator and dryer emissions and it appears it can meet the .35 limit while controlling the dryers only, (3) highly efficient and successful sand filters and ionizing wet scrubber have performed very well on veneer dryers, and their efficiency can be increased through design modifications which make them appear capable of meeting the .35 limit for particle dryers.
7. Dryer modernizations contemplated by Down River and Timber Products could reduce air flow needing control by 60% thereby substantially reducing the water treatment problems and control equipment costs associated with the most promising control devices.
8. Most testimony, including unanimous resolutions by the Jackson County Board of Commissioners and Medford City Council favored the Medco rule change and favor keeping the .35 rule for Down River and Timber Products.
9. Should the company's efforts fall short of the .35 standard a proposed Department bubble rule might give them flexibility to substitute more stringent control on other sources at the plant site.
10. A reasonable time to require compliance would be November 1, 1982. This would allow some time to consider and design dryer modifications but still obtain control before the 1982 winter high pollution period.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission adopt the following rule changes as presented in Attachment 1 to the Staff Report, and summarized as follows:

- a) Change the 340-30-030 rule to apply only to particle board plants, but retain the 0.35 lb. per 1000 sq.ft. standard.
- b) Adopt a new rule 340-30-031 for hardboard manufacturing plants.
- c) Change the 340-30-045 rule, to adjust the dates, so that particle board dryers must meet a .35 standard by November 1, 1982.
- d) Direct the Department to submit these rule changes to the Environmental Protection Agency as amendments to Oregon's State Implementation Plan.

Dewey Wilson, attorney for Down River Products, appeared and spoke on behalf of his client. Oliver Gee, general manager of Down River Products, also attended on behalf of his firm.

It was MOVED by Commissioner Burgess, seconded by Commissioner Somers, and carried that the Director's Recommendation with the changes noted below be approved. Commissioner Bishop and Commissioner Richards voted no.

The changes contained in the above motion are as follows:

The standards of 0.35 mentioned in the Director's Recommendation are to be changed to 0.40. The compliance date of November 1, 1982, contained in subparagraph c is to be changed to June 30, 1983.

In addition, the compliance dates for particle dryers listed on page 2 of the proposed rules are changed as follows:

| <u>Action</u> | <u>Proposed Date</u> | <u>Approved Date</u> |
|-------------------------------|----------------------|----------------------|
| Submit plan to the Department | 07/01/81 | 07/30/81 |
| Place purchase orders | 08/01/81 | 01/01/82 |
| Begin construction | 12/15/81 | 05/01/82 |
| Complete construction | 07/01/82 | 01/01/83 |
| Demonstrate compliance | 11/01/82 | 06/30/83 |

AGENDA ITEM L - PUBLIC HEARING and consideration of adopting proposed new Plant Site Emission Limit (PSEL) and New Source Review (NSR) Rules for both nonattainment and attainment (PSD) areas and proposed revocation of the following existing rules:

- (a) Special Permit Requirements for Source Locating In or Near Nonattainment Areas, OAR 340-20-190 through 198.
- (b) Criteria for Approval of New Sources in the Portland Special AQMA, OAR 340-32-005 through 025.
- (c) Specific Air Pollution Control Rules for the Medford-Ashland AQMA, OAR 340-30-110.
- (d) Prevention of Significant Deterioration, OAR 340-31-105, definitions 1 through 11, 13 and 14, and 17 through 22; 340-31-125 and 340-31-135 through 195.

The Department proposed revisions and additions to its existing rules concerning review and approval of major new or modified sources of air pollution and establishment of specific plant site emission limits for all permitted sources.

These changes were proposed to:

- 1) Correct deficiencies identified by EPA as needing to be corrected before final approval can be given to our Portland, Salem, Eugene, and Medford nonattainment area SIP revisions.

- 2) Revise our existing PSD rule to make it compatible with EPA's current PSD rule in order that the State can assume delegation of the federal PSD program.
- 3) Set forth by rule more detailed procedures for establishing PSELS.

In addition, the Department proposes to include provisions which would optionally allow sources to "bank" emission reduction credits to facilitate the availability of offsets and to "bubble" on a plant site basis to allow maximum flexibility and least cost in controlling emissions.

Summation

The proposed revisions of the Plant Site Emission Limit and New Source Review rules represent a major simplification of procedures for regulating new source construction. It is proposed that the present rules in these areas be revoked (Attachment 3) when and if the new rules are adopted. By revoking the existing 29 rules and adopting the proposed 18 rules, a net reduction of 11 rules would occur.

The adoption of the proposed rules and revocation of the existing rules will resolve deficiencies concerning the approval of the Oregon State Implementation Plan for nonattainment areas and will allow the Department to receive delegation of the Prevention of Significant Deterioration program from EPA.

The adoption of the proposed Plant Site Emission Limit Rule and the revocation of the present rule will resolve the petition submitted by Medford Corporation concerning the applicability of the present rule.

Director's Recommendation

I recommend that the Commission consider the public comments received prior to and during the hearing and consider adopting the proposed rules and revoking the existing rules for Plant Site Emission Limits and New Source Review.

Lloyd Kostow, Air Quality, displayed some overhead charts and expanded on the discussion on the proposed rules changes contained in the staff report.

Jack Weathersbee, Air Quality division administrator, reviewed briefly some possible alternative actions which the Commission might want to consider which were not clearly outlined in the staff report sent earlier to them.

The following people appeared and spoke generally in favor of the Director's Recommendation:

| <u>NAME</u> | <u>ADDRESS OR AFFILIATION</u> |
|--------------------|---------------------------------------|
| Tom Donaca | Associated Oregon Industries |
| Maxine Borcharding | City of Portland |
| Bill Cook | Oregon Environmental Council |
| Roland A. Johnson | Portland General Electric Co. |
| Don Arkell | Lane Regional Air Pollution Authority |
| John P. Denham | Time Oil Co. |

The following people appeared and spoke generally in opposition to the Director's Recommendation:

| | |
|-------------------|--|
| Bill Haas | Medford Chamber of Commerce |
| Llewelen Matthews | Northwest Pulp & Paper Association |
| Stuart Foster | Attorney for Medford Corporation |
| Bill Carlson | Southern Oregon Timber Industries Assoc. |
| Carol Edwards | Port of Portland |
| James R. Ebert | Holcomb-Outlook Parkplace Neighborhood Council |
| Lee M. Hoffman | Concerned Citizens of Gladstone |
| John H. Ruddick | Simpson Timber Co. |

The following people also appeared to speak to the Commission on this matter:

| | |
|----------------------|--------------------------------|
| Jeanne Roy | Portland Air Quality Committee |
| Jim Walthers | Crown Zellerbach |
| Lynn Newbry | Medford Corporation |
| Michael J. Dougherty | Union Oil Co. |

It was MOVED by Commission Densmore, seconded by Commissioner Burgess, and carried unanimously that any decision in this matter be set over until the June 5 meeting and that the record remain open for another ten days to accept additional written testimony. Chairman Richards invited any Commission member to submit in writing to staff any particular concerns within the next three weeks for comment or clarification.

The above agenda item was interrupted by a noon break at which time the Commission met at lunch with the Portland Air Quality Committee to discuss topics of general interest.

AGENDA ITEM M - Mr. and Mrs. Daniel J. Walsh - Appeal of Subsurface Variance Denial

Because of the length of the day's agenda, petitioners chose to set over their appeal to the June EQC meeting. They will submit their written arguments in the meantime and will not appear in their behalf at that meeting.

AGENDA ITEM N - Request for a Variance from Rules Prohibiting Open Burning Dumps, OAR 340-61-040(2)(c), for the City of Mitchell

Wheeler County requested a variance to allow open-burning to continue at the Mitchell solid waste disposal site. The county claims that strict compliance is impractical, citing limited cover material and the lack of reasonable disposal alternatives.

Summation

1. Mitchell residents regularly open-burn garbage at the Mitchell landfill.
2. OAR 340-61-040(2)(c) prohibits open-burning of garbage.
3. Wheeler County requests an indefinite variance to OAR 340-61-040(2)(c) citing limited cover material at the site and no reasonable and practical disposal alternatives.
4. Strict compliance could result in closure of the site, and there is no alternate disposal facility within a reasonable distance.
5. Granting a variance to open-burn indefinitely would keep the site open, but could result in inciting other rural eastern Oregon communities to start open-burning. Also, allowing open-burning on a long-term basis and without conditions deviates from the Department's and Commission's traditional view that open-burning garbage is only a conditional and temporary means of disposal.
6. Granting a variance with conditions would keep the site open and would be consistent with the Department's and Commission's open-burning policy.
7. Any variance would result in placing the site on the RCRA open dump inventory requiring upgrading or closing within 5 years.
8. The Commission may grant a variance in accordance with ORS 459.225(3).

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Environmental Quality Commission grant Wheeler County a 5-year conditional variance to OAR 340-61-040(2)(c) for the City of Mitchell, until July 1, 1986.

The conditions would be that open-burning be allowed on a controlled basis with the exact burning procedure and frequency to be negotiated between the Department, Wheeler County and the City of Mitchell, and that a report describing the progress being made toward upgrading the site be submitted to the Department by July 1, 1983.

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

There being no further business, the meeting adjourned at 3:05 p.m.

Respectfully submitted,


Jan Shaw

Recording Secretary

THESE MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

MINUTES OF THE ONE HUNDRED THIRTIETH MEETING
OF THE
OREGON ENVIRONMENTAL QUALITY COMMISSION

March 13, 1981

On Friday, March 13, 1981, the one hundred thirtieth meeting of the Oregon Environmental Commission convened in the Autzen Senate Chamber, George Putnam University Center, Willamette University, Salem, Oregon. Present were Commission members Mr. Joe B. Richards, Chairman; Mr. Fred J. Burgess; Mrs. Mary V. Bishop; and Mr. Ronald M. Somers. Mr. Albert H. Densmore was absent. Present on behalf of the Department were its Director, William H. Young, and several members of the Department staff.

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

There was no breakfast meeting.

FORMAL MEETING

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

AGENDA ITEM A - MINUTES OF THE JANUARY 30, 1981, MEETING.

AGENDA ITEM B - MONTHLY ACTIVITY REPORT FOR JANUARY, 1981.

AGENDA ITEM C - TAX CREDIT APPLICATIONS.

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

It was also MOVED by Commissioner Somers, seconded by Commissioner Bishop, and carried unanimously that the Director's Recommendations for the next two agenda items, Items D and E, be approved.

AGENDA ITEM D - REQUEST FOR AUTHORIZATION TO HOLD A PUBLIC HEARING ON A PROPOSED AMENDMENT OF WATER QUALITY PERMIT FEES (OAR 340-45-070, TABLE 2) TO INCREASE REVENUES FOR THE 81-83 BIENNIUM.

The Department proposed to increase the water permit fees beginning July 1, 1981, in order to cover increased program costs due to inflation. Agenda Item D is a request for authorization to hold a hearing on the proposed fee increase. The proposed increase is consistent with the Governor's recommended budget for fiscal biennium 1981-83.

Summation

1. ORS 468.065(2) authorizes the Commission to establish a schedule of permit fees for water permits issued pursuant to ORS 468.740.
2. A three-part Schedule was adopted April 30, 1976.
3. The permit processing fees were increased August 31, 1979. The Compliance determination fee has not been increased since 1976.
4. The 1981-83 biennium agency budget requires an increase in water permit fee revenues of about \$54,000 over the projected fees to be collected during the current biennium.
5. The Department proposes to increase annual compliance determination fees in order to raise the required revenue. (See Attachment 1)

Director's Recommendation

Based on the summation, the Director recommends that the Commission authorize the Department to schedule a public hearing on a proposed amendment of the Water Quality Permit Fee Schedule (OAR 340-45-070, Table 2) to increase revenues for the 1981-83 biennium.

AGENDA ITEM E - REQUEST FOR AUTHORIZATION FOR PUBLIC HEARING TO CODIFY PROPOSED GROUNDWATER QUALITY PROTECTION POLICY INTO OREGON ADMINISTRATIVE RULES

This item is a request for authorization to hold a public hearing to consider the adoption by the Commission of proposed rule 340-41-029, which establishes a General Groundwater Quality Protection Policy for Oregon and amendment of rule 340-41-006, which establishes a new definition for the term "non-point source." The proposed General Groundwater Quality Protection Policy is a revision of the interim statement of policy for the protection of groundwater quality approved by the Commission in April 1980. The revisions to the interim policy and the proposed addition of a non-point source definition is a result of public input from nine public meetings in January, 1981, which were chaired by the citizen members of the Department's Water Quality Policy Advisory Committee and from written comments. The Department of Water Resources has requested that the EQC

and Water Policy Review Board discuss groundwater issues generally. We expect the previously canceled joint meeting to be rescheduled prior to completing the hearing process and bringing the matter back to the Commission for final action.

Summation

1. Two legislative policy statements provide legal authority over pollution of groundwater.
2. The Department submitted to the Commission in April, 1980, a report, "Groundwater Quality Protection--Background Discussion and Proposed Policy." The Commission approved the proposed policy as an interim statement of policy with the adoption of a final policy pending:
 - a. Broad public review of the proposed policy through wide distribution of the report and through scheduled meetings.
 - b. Evaluation and consideration of public input in finalizing a recommended groundwater protection policy to the Commission.
3. The Department employed the following public involvement process in finalizing the EQC approved interim groundwater quality protection policy:
 - a. Circulated 1,400 copies of the report to various publics and invited comments.
 - b. Members of the Department's PAC chaired 8 of the 9 scheduled public meetings to discuss the proposed policy statements.
 - c. The staff evaluated the comments (both written and oral) which led to the following actions proposed to the Commission for consideration:
 - (1) Add a definition for nonpoint sources to be incorporated into OAR 340-41-006 under the heading of Definitions.
 - (2) Propose an additional policy statement to address the potential adverse impact to groundwater quality resulting from nonpoint sources.
 - (3) Propose an additional policy statement to emphasize that policy statements proposed to prevent and control groundwater pollution potentially resulting from point and nonpoint sources of waste neither overlap nor conflict with programs administered by the Water Resources Department.
 - (4) Amend other policy statements accordingly based upon recommendations received from the public.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission approve the revised policy statement and authorize the Department to hold a public hearing with the intent to codify the proposed definition for nonpoint sources and the final Groundwater Quality Protection Policy, as displayed in Attachment E, into Oregon Administrative Rules.

The above two items were unanimously approved.

The Director introduced the following unscheduled agenda item:

UNSCHEDULED AGENDA ITEM - REQUEST FOR AUTHORIZATION TO HOLD A PUBLIC HEARING ON AMENDMENTS TO THE STATE IMPLEMENTATION PLAN REGARDING RULES FOR NEW SOURCE REVIEW AND PLANT SITE EMISSION LIMITS

At the January 30, 1981 meeting, the Department requested authorization to hold a public hearing on proposed revisions to the New Source Review and Plant Site Emission Limit rules. The Commission deferred action to this meeting because of a request from Associated Oregon Industries (AOI) for more time to review the proposed rules.

The Department has conducted meetings with the Medford Chamber of Commerce and with AOI to explain the rules and receive comments. Staff believes that the comments of these groups have been generally resolved and that it would be appropriate to schedule the public hearing before the Commission at the April 24 meeting. If no major problems are identified during the public comment period or at the hearing, the Commission could consider adoption of the rules at that time.

Director's Recommendation

I recommend that a public hearing be authorized to consider amending the New Source Review and plant site Emission Limit Rules. I recommend that this hearing be conducted before the Commission at the April 24, 1981, meeting.

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

AGENDA ITEM G - ADOPTION OF PROPOSED RULES GOVERNING ON-SITE SEWAGE DISPOSAL, OAR 340-71-100 TO 71-600, TO REPLACE RULES GOVERNING SUBSURFACE AND ALTERNATIVE SEWAGE DISPOSAL, OAR 340-71-005 TO 71-045, 340-72-005 TO 72-030, 340-74-004 TO 74-025, AND 340-75-010 TO 75-060.

This item deals with the proposed adoption of rules for on-site sewage disposal. Action on this item was delayed at the last Commission meeting at the request of Senator Heard.

There was considerable testimony at the January 30th meeting on the proposed cesspool rules. That testimony is summarized as Attachment B to the staff report.

Since the last meeting, staff have met with Mr. Burton Weast, Homebuilders Association representative, and Multnomah County staff. The intent of the proposed cesspool rules was explained and discussed in detail.

Mr. Weast and Multnomah County staff proposed, at the meeting, that they work together to develop a different approach for phasing out cesspools than that contained in the proposed rules. This new approach would be developed prior to October 1, 1981.

The Department has informed Mr. Weast and the County that we would be interested in any new approach that would resolve the cesspool/groundwater problem in Multnomah County. Therefore it is possible that this question (cesspools) may be back to the Commission later this year.

There are two typo corrections in the rule package: One appears on page 71-8: ORS 310.030 should be 310.630. The same typo appears on page 71-62.

Summation

1. The Commission is required to adopt rules it considers necessary for carrying out ORS 454.605 to 454.745.
2. Rules have been adopted and amended numerous times. Present rules are unwieldy, disorganized, and difficult to interpret and administer.
3. A new rule package has been developed to replace existing rules.
4. The Commission authorized public hearings on the new proposed rules at its October 17, 1980 meeting.
5. Notice of public hearings was given by publication in Secretary of State's Bulletin and by mailing to the Subsurface and Land Use mailing lists.
6. Hearings were held at five locations around the state during the week of November 17, 1980.
7. The revised rule package (Attachment D) was prepared after completion of public hearings.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission adopt rules pertaining to On-Site Sewage Disposal, OAR 340-71-100 to 340-71-600 and rescind rules pertaining to Subsurface and Alternative Sewage Disposal,

OAR 340-71-005 to 71-045, 340-72-005 to 72-030, 340-74-004 to 74-025, and 340-75-010 to 75-060; both actions to be effective upon filing with the Secretary of State.

Robert M. Jorgenson, Philomath Pump Sales & Service, appeared with concerns about the rules' requirements for licensing and bonding. He feels that Appendix E contains some technical problems and voiced some additional concerns about the permit fee schedule.

Randy McKnight, building contractor, Redmond, claimed that the rules lack enforcement flexibility and hold no one responsible for failing systems. He suggested that the rules be submitted to public hearing again.

Robert McKnight, building contractor, Sisters, noted also the lack of flexibility in the rules, and further claimed that the conditions included in the rules are those of major cities, not those conditions which exist in Central Oregon.

Robert Baldwin, Bill Whitfield, Dick Howard, and Harding Chin, Multnomah County, appeared singly and noted some concerns with the rules, including supposed land-use conflicts and difficult enforcement, among others.

Burton Weast, Home Builders Association of Portland, appeared with concerns about septic tank requirements. He suggested additional time to work with staff on more creative solutions.

It was MOVED by Commissioner Somers, seconded by Commissioner Burgess, that the effective date of 1987 which appears in subsection (b) on page 50 of the rules be changed to 1985. It was carried unanimously that the Director's recommendation, including corrections and the change in date on page 50, be approved.

The Commission noted that if Multnomah County wishes any new changes to be made in the rules, they should submit those changes in writing and the staff will continue to work with them on any concerns they may have.

AGENDA ITEM F - PUBLIC FORUM:

Robert Manseth, Indian Forest, Inc., appeared with a problem in trying to develop a four-lot subdivision in Florence because he lacks prior planning approval. The Commission advised Mr. Manseth to pursue the Commission's contested case process for resolving this dispute over designation of his property.

AGENDA ITEM M - PUBLIC HEARING AND CONSIDERATION OF ADOPTING PROPOSED REVISED OPEN FIELD BURNING REGULATIONS, OAR CHAPTER 340, SECTION 26-005 THROUGH 26,030.

This item was a public hearing for proposed field burning rule revisions which would: address the need for streamlining and intensifying enforcement

efforts; provide for operational refinements in the standard mapping of registered fields; allow the Department additional flexibility in restricting burning times and locations, and to require basic field treatments in certain situations; establish minimum safety criteria for burning next to Interstate 5.

The Department sought final rule adoption on March 13, 1981, because of the immediate need for beginning the field registration process.

Summation

Revisions to the rules regulating open field burning have been proposed to:

- a) Address problems of illegal over-burning;
- b) Improve smoke management effectiveness through improved information collection and transfer and granting of authority to make additional restrictions on burning by area, time period and fuel condition; and,
- c) Reduce potential public safety hazards associated with burning adjacent to the Interstate 5 freeway.

Written testimony received to date has generally supported the proposed rule revisions with the following exceptions. The Oregon Seed Council and City of Eugene have concurred in recommending that 1) the proposed rule requiring fluffing on essentially all perennial grass seed fields by 1983 be eliminated, 2) an existing rule requiring into-the-wind strip-lighting on annual grass seed and cereal fields under poor ventilation conditions be eliminated, 3) the proposed penalty schedule be modified to eliminate the wide penalty range stipulated for each violation and further specify that the per-acre method of assessment be applied only in lieu of this new penalty schedule, not in addition to it, and 4) the provision allowing the Department to suspend burning privileges of repeat violators be eliminated.

Comments from OSU, for the most part, reflected those recommendations identified above.

Based on the public testimony received to date, additional rule changes are proposed to:

- a) Modify proposed subsection 26-015(3)(g)(A) to eliminate language stating it to be the Commission's intention that fluffing be required on essentially all perennial grass seed fields, and retain the provision specifying that the Department shall require fluffing treatments when conditions warrant;

- b) Modify subsection 26-015(3)(e)(A) to eliminate the existing requirement for into-the-wind strip-lighting on annual grass seed and cereal fields under poor ventilation conditions; and,
- c) Modify proposed subsection 26-025(2) to eliminate the penalty range stipulated for each violation, specify that the proposed penalty schedule be applied only in lieu of any per-acre assessment and not in addition to it, and eliminate the provision for suspending burning privileges of repeat violators.

If adopted, the proposed rules and any necessary supporting documentation would be submitted to the EPA immediately.

Director's Recommendation

Based on the information presented in pages 1 - 10 of the Director's January 30, 1981, staff report to the Commission; the written testimony received to date; the recommendation of Oregon State University pursuant to ORS 468.460(3); and subject to the testimony of the March 13, 1981, public hearing before the Commission, it is recommended that the Environmental Quality Commission act as follows:

1. Designate as its final Statement of Need for Rulemaking the Statement of Need set forth in Attachment 1 to the Director's staff report.
2. Adopt as permanent rules the proposed rules set forth in Attachment 11 of the Director's staff report, subject to any changes found appropriate as a result of the March 13, 1981, public hearing, such rules to become effective upon their prompt filing with the Secretary of State.
3. Instruct staff to submit the revised rules set forth in Attachment 11 to the Director's staff report and any necessary additional supporting documentation to the Environmental Protection Agency as a revision to the Oregon State Implementation Plan.

Dave Nelson, Oregon Seed Council, appeared and suggested some minor changes to be made in the rules.

Terry Smith, City of Eugene, appeared and spoke generally in favor of the Director's Recommendation.

Written testimony in general favor of the Director's Recommendation was submitted from Bill Cook, Oregon Environmental Council, and from Richard Thiel, EPA.

It was MOVED by Commissioner Somers, seconded by Commissioner Burgess, that the Director's Recommendation be approved and that the words "bare soil" be inserted on page 10 of the rules, replacing the words "plowed margin," to read as follows:

"(C) All priority acreage to be burned on the west side of and abutting U.S. Interstate 5 shall maintain [a plowed margin] bare soil at least 8 feet"

(Bracketed language deleted; underlined language to be added.)

The motion was carried unanimously.

AGENDA ITEM H - PROPOSED ADOPTION OF AMENDMENT TO RULES GOVERNING ON-SITE SEWAGE DISPOSAL, PROPOSED OAR 340-71-460(6)(e), APPENDIX J OR EXISTING, OAR 340-71-020(7)(a)(B), CLATSOP PLAINS MORATORIUM AREA

This report deals with a proposed amendment to the rule which established the Clatsop Plains moratorium. It was proposed that a total of 14.96 acres of county-owned and private property be released from the moratorium.

In the event this proposed amendment were adopted, the amended rules will be incorporated into the On-Site Sewage Disposal rule package just adopted as Agenda Item G, above.

Summation

1. ORS 454.685 provides for subsurface sewage system construction moratorium to be adopted by rule of the Commission.
2. The Commission 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).
5. At its December 19, 1980, meeting the Commission authorized a public hearing on the petition..
6. A public hearing was held in Astoria on January 16, 1981.

Director's Recommendation

Based upon the summation, it is recommended that the Commission adopt the proposed amendment to OAR 340-71-020(7)(a)(B), Clatsop Plains Moratorium Area, as set forth in Attachment "D", to be integrated into proposed On-Site Sewage Disposal Rules (340-71-100 to 71-600) as OAR 340-71-460(6)(e), Appendix J, if adopted this date. In the event the Commission fails to adopt the rule package 340-71-100 to 71-600, this proposal would amend OAR 340-71-020(7)(a)(B) in existing rules.

Richard Schroeder, Clatsop County, appeared and spoke generally in favor of the Director's Recommendation.

James B. Lucas, Portland, Oregon, appeared and spoke generally in favor of the Director's Recommendation.

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

AGENDA ITEM J - ACCEPTANCE OF THE DECEMBER 4, 1980, PUBLIC HEARING (RECORD EXTENDED TO FEBRUARY 9, 1981) REGARDING ISSUES AFFECTING THE ALLOCATION OF FEDERAL SEWERAGE WORKS CONSTRUCTION GRANTS DURING FY 82 AND APPROVAL OF THE SCHEDULE FOR FY 82 PRIORITY LIST DEVELOPMENT

On September, 1980, the Commission directed that the Department allow additional opportunity for public comment regarding three sewage treatment construction grant policy issues which would especially affect the management of the program during federal FY 82. Advance information was prepared and a public hearing was held on December 4, 1980. At the January 30, 1981, EQC meeting, the staff's evaluation of public testimony was presented. The EQC postponed consideration of the staff report and opened the public record for 10 days. This item requests that the EQC accept the staff report and direct that the FY 82 priority list be developed consistent with the staff evaluation.

Summation

1. The Department was instructed to conduct further public participation on three issues contained in the administrative rules adopted by the EQC for allocation of construction grants. These issues were (1) the determination of the segments or components to be included in a project; (2) the termination of the transition policy after September 30, 1981; and (3) the authority to establish federal grant participation at 50 percent of eligible project costs after September 30, 1981.
2. After public notice, distribution to the Department's mailing list and publication by the Secretary of State in October, a public hearing was held on December 4, 1980.
3. Public testimony regarding the ranking of treatment works components generally supported the adopted rule which provides for separate priorities, with limited exceptions to accommodate the operability of component(s).
4. Public testimony regarding the transition policy generally supported the adopted rule, which eliminates the transition policy after September 30, 1981. Considerable opposition was stated by individual parties and local governments who are presently holding the transition status and receiving funds.
5. Public testimony generally opposed the reduction of grant participation to 50 percent during FY 82. Major issues included the

timeliness of state action before pertinent federal guidelines are published and the potential invalidity of certain bond elections held before the administrative rule is effective. The Department agrees that reduced grant participation during FY 82 is not feasible.

6. At the January 30, 1981, EQC meeting, staff was directed to reopen the public hearing record for 10 days. Three of four respondents agreed with the staff's evaluation of testimony. One respondent requested that the EQC take action to confirm its adoption of the administrative rules.
7. EQC action on the acceptance of public testimony and staff evaluation regarding the three policy issues is integral to determining the scope of work for developing the FY 82 priority system.
8. A schedule and outline for public involvement for developing the FY 82 priority system, including a public hearing, is submitted.
9. Potential federal construction grant policy changes may require adjustments in the scope of scheduled public participation activities for the FY 82 priority list.

Director's Recommendation

Based on the summation, it is recommended that the Commission:

1. Accept the additional public comment and the staff evaluation and determine that modification of the rule is not warranted.
2. Direct staff to initiate development of the FY 82 priority list in accordance with OAR 340-53-015 (5) and 340-53-015(8), as adopted on September 19, 1980, based on the schedule in Attachment 5.
3. Authorize the Director to proceed immediately to public hearing with any rule changes that may be necessary to react to federal policy changes in order to permit the prompt use of available federal grant funds.

The following persons appeared and spoke in opposition to the Director's Recommendation:

| <u>NAME</u> | <u>ADDRESS OR AFFILIATION</u> |
|-------------|-------------------------------|
| Gary Wright | Commissioner, MWMC, Eugene |
| Dave Jewett | Legal Counsel, MWMC, Eugene |

The following persons appeared and spoke in favor of the Director's Recommendation:

Bill Parrish
Dave Abraham
Charles F. Anderson

City of Oregon City
Clackamas County
305 E. Clarendon, Gladstone

It was MOVED by Commissioner Somers, seconded by Commissioner Bishop, and carried unanimously that the Director's Recommendation be approved and, in addition, that the Commission reaffirms its rulemaking action of September 19, 1980, on this subject.

AGENDA ITEM K(1) - APPEAL OF MALLORY & MALLORY, INC., AND HARROLD M. MALLORY FROM A CIVIL PENALTY

The Commission has been asked to review the hearing officer's decision in DEQ v. Mallory and Mallory, Inc., and Harrold Mallory. A \$350 civil penalty for open burning of construction and demolition waste was upheld against Harrold Mallory individually. Mallory and Mallory, Inc., was absolved of liability. Respondent Harrold Mallory appeals the imposition of penalty against him, while the Department has cross-appealed, maintaining that the corporation as well as the individual is legally responsible for the violation.

It was MOVED by Chairman Richards, seconded by Commissioner Bishop, to adopt the Hearing Officer's "Findings of Fact, Conclusions of Law and Final Order," with the changes proposed by the Department in its "Notice of Cross Appeal and Exceptions," as modified by the following:

"CONCLUSIONS OF LAW"

"Respondent Harrold Mallory was the president and a shareholder of Respondent Mallory and Mallory, Inc. The knowledge, acts, and failures to act of respondent Harrold Mallory on August 21 and 22, 1979, are attributable to respondent Mallory and Mallory, Inc. Additionally, Mallory and Mallory, Inc., as owner of the real property upon which the open burning occurred is considered to be the person legally responsible for the burning and the civil penalty which was assessed. OAR 340-23-040(3).

"Respondent Harrold Mallory, whose conduct is attributable to respondent Mallory and Mallory, Inc., was negligent in failing to take reasonable precautions to prevent the fire from being ignited, and once ignited was negligent or willful in failing to take any action to extinguish the fire, although effective assistance by the local fire department was readily available."

The motion was unanimously approved.

AGENDA ITEM K(2) - REQUEST FOR DECLARATORY RULING - DEQ v. CURL, JAMES H., ET AL CASE NO. 07-SS-WQ-81

Respondent requested that this item be held over until the next regular Commission meeting, April 24, 1981.

AGENDA ITEM L - REQUEST FOR A VARIANCE FROM GENERAL EMISSION STANDARDS FOR VOLATILE ORGANIC COMPOUNDS (VOC) AT BULK GASOLINE TERMINALS, OAR 340-22-130(1), FOR TIME OIL COMPANY, NORTHWEST AND BELL TERMINAL

Time Oil Company requested a three-month variance from Department rules restricting emissions from their bulk gasoline terminal located in Portland. Although the company placed an order for control equipment in July, 1980, they did not expect to receive it until late in March, 1981. They will install the equipment immediately; however, it will not be fully operational until mid-June 1981.

Summation

1. The Environmental Quality Commission has authority under Oregon Revised Statutes 468.345 to grant a variance if it finds conditions exist that are beyond the control of Time Oil Company.
2. Time Oil Company has requested the variance from the compliance date of April 1, 1981, to extend the compliance date to July 1, 1981.
3. Time Oil Company has received confirmation from the supplier of the VOC control equipment that delivery will be made during the week of March 16, 1981.
4. Strict compliance with the established compliance date of April 1, 1981, is inappropriate in this case because conditions exist that are beyond the control of Time Oil Company.

Director's Recommendation

Based upon the findings in the summation, it is recommended that Time Oil Company, Northwest and Bell Terminal, be granted a variance from the compliance date of April 1, 1981, specified in OAR 340-22-130(1) upon the condition that compliance be achieved by no later than July 1, 1981.

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

The Commission adjourned for lunch which was attended by the following legislators, at the Commission's invitation: Representatives Lindquist, VanLeeuwen, Fawbush, and Meyers, Senator Ripper and Lee Johnson (Governor's Office).

John Kowalczyk, Air Quality Division, provided a slide show on Total Suspended Particulates, focusing on the wood stove particulate problem. Bob Gilbert, Northwest Regional Office, made a brief report on domestic open burning and distributed two written reports.

When the formal meeting reconvened after lunch, the Commission began a discussion on domestic open burning. It was MOVED by Commissioner Burgess, seconded by Commissioner Bishop, to adopt a temporary 180-day rule to permit open burning and to rescind the temporary rules adopted by the EQC after December 19, 1980, and to instruct the Department to continue the public hearings on the proposed permanent rules currently

under consideration. The findings for adopting this temporary rule were that failure to act promptly could result in serious damage to the public interest; that the Commission had overestimated the ability of the local jurisdictions to provide alternate disposal cleanup methods for yard debris; that there are no alternatives to burning available at this time; and that the debris poses a fire and pest hazard and encourages "outlaw" burning.

The motion was unanimously approved.

AGENDA ITEM N - STATUS REPORT ON PROPOSED APPROVAL OF THE PORTLAND "PARKING AND TRAFFIC CIRCULATION PLAN"

Agenda Item N was an informational status report on a Parking and Traffic and Circulation Plan for downtown Portland which has been submitted by the City of Portland to the Department for approval under the Indirect Source Rules. The Plan was presented to the Commission, even though the Commission was not required to act on it, because it is expected to form the primary basis for the METRO regions' attainment strategy for carbon monoxide. The selected strategy will become part of the State Implementation Plan. Results of the March 5, 1981, hearing and the Department's response to major issues raised were presented as an addendum to the original staff report.

Director's Recommendation

The Director' recommends that the subject staff report be amended by adding the foregoing Evaluation and Alternatives section and attaching the Hearing Report and the Department's response to major issues raised. The staff intends to submit a detailed recommendation to the Director requesting approval of the submitted Parking and Traffic Circulation Plan.

There was no discussion on this item.

AGENDA ITEM P - STATUS REPORT REGARDING THE EQC-LANE BOARD OF COMMISSIONERS INTERGOVERNMENTAL AGREEMENT FOR THE RIVER ROAD/SANTA CLARA AREA

In September, 1980, the Lane Board of Commissioners and the Commission signed an Intergovernmental Agreement regarding the River Road/Santa Clara area. The Agreement is a continuing effort to remedy existing groundwater pollution problems and prevent the creation of new ones.

There are several obligations in the Agreement. One is that Lane Board of Commissioners shall submit a semi-annual progress report to the Commission.

The Lane Board submitted their first progress report on January 13, 1981, in accordance with the Agreement. The Department has requested certain additional information from the Lane Board; however, their report reflects substantial progress towards the pollution abatement objectives.

Accordingly, this staff report recommends no action by the Commission at this time. It is informational only.

Summation

1. On April 18, 1980, the Commission directed DEQ staff to secure a voluntary agreement with the Lane Board. It was secured and signed by the Environmental Quality Commission on September 19, 1980.
2. Conditions in the agreement spell out specific obligations for the EQC, Department staff, the Lane Board of Commissioners, and Lane County staff. the semi-annual progress report required by Condition VI is among them. The first report was received on January 22, 1981.
3. The Director responded to the first report on February 18, 1981. Lane County has made substantial progress. In his letter, the Director noted that information which was to be provided by a tri-party agreement in Condition IX of the Intergovernmental Agreement has been provided only to residents of River Road. Santa Clara must also be addressed. Lane County may submit additional information before March 13. If so, it will be brought to the Commission's attention.
4. Staff will return to the Commission with appropriate status reports or requests for action as necessary. No action is required by the Commission at this time.

Director's Recommendation

Since this is an informational item and the progress report is generally sufficient, no Commission action is requested at this time.

The Lane Board of Commissioners should be commended for their continuing efforts to resolve the River Road/Santa Clara groundwater pollution and sewerage issues.

There was no discussion on this item.

AGENDA ITEM Q - REVIEW AND REQUEST FOR CONCURRENCE WITH TAX CREDIT PROGRAM GUIDANCE HANDBOOK

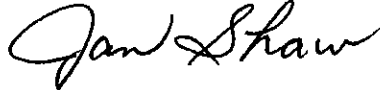
This was an item for the Commission's information presenting a Tax Credit Program Guidance handbook to be used by the Department staff. It was asked that the Commission take note of the information contained in this handbook and concur in its use in the administration of the tax credit program.

Chairman Richards suggested that the staff consider distribution of the section on precedents and the summary of Attorney General's opinions to potential applicants. The Commission also commended the staff on a "good job" in putting together this handbook and described it as one of the best guides of its kind they had seen.

There was no additional discussion on this item.

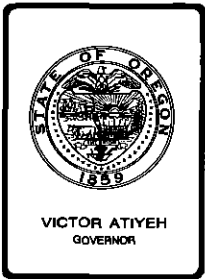
There being no further business, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jan Shaw".

Jan Shaw
Recording Secretary

MG209 (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. B, April 24, 1981, EQC Meeting
February, 1981 Program Activity Report

Discussion

Attached is the February, 1981, 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 activities and an historical record of project plan and permit actions;
- 2) to obtain confirming approval from the Commission on actions taken by the Department relative to air contaminant source plans and specifications; and
- 3) to provide logs of civil penalties assessed and status of DEQ/EQC contested cases.

Recommendation

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

William H. Young

M.Downs:t
229-6485
March 20, 1981
Attachments
FT24 (1)

DEPARTMENT OF ENVIRONMENTAL QUALITY

Monthly Activity Report

February 1981

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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

AQ, WQ, SW Divisions
(Reporting Unit)

February 1981
(Month and Year)

SUMMARY OF PLAN ACTIONS

| | Plans Received | | Plans Approved | | Plans Disapproved | | Plans Pending |
|-------------------------|----------------|-----|----------------|-----|-------------------|----|---------------|
| | Month | FY | Month | FY | Month | FY | |
| <u>Air</u> | | | | | | | |
| Direct Sources | 10 | 65 | 5 | 80 | - | - | 39 |
| <u>Water</u> | | | | | | | |
| Municipal | 44 | 363 | 26 | 380 | - | - | 35 |
| Industrial | 4 | 47 | 3 | 3 | - | - | 19 |
| Total | 48 | 410 | 29 | 383 | - | - | 54 |
| <u>Solid Waste</u> | | | | | | | |
| Gen. Refuse | 0 | 11 | 0 | 13 | 0 | 0 | 6 |
| Demolition | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Industrial | 0 | 6 | 1 | 9 | 0 | 1 | 5 |
| Sludge | 0 | 3 | 0 | 3 | 0 | 0 | 0 |
| Total | 0 | 20 | 1 | 25 | 0 | 1 | 11 |
| <u>Hazardous Wastes</u> | | | | | | | |
| | - | - | - | - | - | - | - |
| <u>GRAND TOTAL</u> | 58 | 495 | 35 | 488 | 0 | 1 | 104 |

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

February, 1981
(Month and Year)

PLAN ACTIONS COMPLETED (5)

| * County | * Name of Source/Project | * Date of | * Action | * |
|-----------|--------------------------|-----------|----------|---|
| * | * /Site and Type of Same | * Action | * | * |
| * | * | * | * | * |
| Linn | Willamette Industries | 01/29/81 | Approved | |
| Multnomah | Jantzen Inc. | 01/30/81 | Approved | |
| Multnomah | Gilsonite Inc. | 01/30/81 | Approved | |
| Lane | Whittier Wood Products | 02/03/81 | Approved | |
| Lane | Weyerhaeuser Co. | 02/09/81 | Approved | |

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

| | |
|--|-----------------------------------|
| Water Quality Division (Reporting Unit) | February 1981 (Month and Year) |
|--|-----------------------------------|

PLAN ACTIONS COMPLETED (29)

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

MUNICIPAL WASTE SOURCES (26)

| | | | | |
|-----------|--|---------|------|--|
| Umatilla | S.E. 2nd Ave. Ext. Milton-Freewater | 2/11/81 | P.A. | |
| Jackson | Hersey St. Sewer Imp. Ashland | 2/11/81 | P.A. | |
| Lincoln | Green St. Sewer Ext. City of Yachats | 2/17/81 | P.A. | |
| Union | North Depot Sewer Ext. Collection System - La Grande | 2/18/81 | P.A. | |
| Jackson | Far West Village Sub- division Talent | 2/18/81 | P.A. | |
| Tillamook | Gales Sewer Project North Tillamook S.A. | 2/19/81 | P.A. | |
| Multnomah | S.W. Lancaster Rd. Sewer Portland | 2/20/81 | P.A. | |
| Multnomah | Woodlee Heights P.U.D. Portland | 2/20/81 | P.A. | |
| Marion | Sunnyslope Shopping Center Salem | 2/20/81 | P.A. | |
| Lane | "Tioga Plat" Sewer Project Springfield | 2/20/81 | P.A. | |
| Lincoln | Sewerage Pump Stations (2) "Seagrove Subdivision" Project Gleneden Beach S.D. | 2/23/81 | P.A. | |

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

| | |
|--|-----------------------------------|
| Water Quality Division (Reporting Unit) | February 1981 (Month and Year) |
|--|-----------------------------------|

PLAN ACTIONS COMPLETED (29)

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

MUNICIPAL WASTE SOURCES CONTINUED

| | | | | |
|-----------|---|---------|------|--|
| Linn | White Sewer Extension Scio | 2/23/81 | P.A. | |
| Lane | Alder Court Improvements Florence | 2/23/81 | P.A. | |
| Union | Sewer Line Extensions Island City Area S.D. | 2/23/81 | P.A. | |
| Yamhill | Sanitary Sewer Extension Project No. 1980-2 McMinnville | 2/23/81 | P.A. | |
| Lincoln | 3 Sanitary Sewer Pump Stations for Agate Beach Trunk (Revised) Newport | 2/24/81 | P.A. | |
| Clackamas | Wilson Green Project Wilsonville | 2/24/81 | P.A. | |
| Deschutes | Contract No. 36 Bend | 2/26/81 | P.A. | |
| Deschutes | Contract No. 37 Bend | 2/26/81 | P.A. | |
| Clackamas | "Persons Addition" Project Oak Lodge S.D. | 2/27/81 | P.A. | |
| Clatsop | West Lexington Ave. Astoria | 2/27/81 | P.A. | |

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

| | |
|--|-----------------------------------|
| Water Quality Division (Reporting Unit) | February 1981 (Month and Year) |
|--|-----------------------------------|

PLAN ACTIONS COMPLETED (29)

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

MUNICIPAL WASTE SOURCES CONTINUED

| | | | | |
|-----------|--|---------|------|--|
| Clackamas | Beverly Hill Subdivision Gladstone (Oak Lodge S.D.) | 2/27/81 | P.A. | |
| Lane | Ivy Glen Subdivision Eugene | 2/27/81 | P.A. | |
| Lincoln | Cedar Shores Phase I Newport (Agate Beach) | 2/27/81 | P.A. | |
| Clatsop | Heceta St. Relocation Hammond | 2/27/81 | P.A. | |
| Douglas | Mercy Medical Center Project Roseburg | 2/27/81 | P.A. | |

P.A.= Provisional Approval

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

| | |
|-----------------------------------|-----------------------------------|
| Water Quality (Reporting Unit) | February 1981 (Month and Year) |
|-----------------------------------|-----------------------------------|

PLAN ACTIONS COMPLETED

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

INDUSTRIAL WASTE SOURCES (3)

| | | | | |
|------------|--|----------|---------------------------------------|--|
| Union | Valley Chemical Co. Fertilizer and Farm Chemical Loading Pad and Evaporation Pond | 2//27/81 | Approved | |
| Clackamas | Publishers Paper Co. Two New Aerators and a Lagoon Baffle | 2/27/81 | Approved | |
| Washington | Tektronix, Beaverton Mixer to Replace Lead Glaze Ball Mill | | Switched to Solid Waste Tax Credit | |

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

February, 1981
(Month and Year)

SUMMARY OF AIR PERMIT ACTIONS

| | Permit Actions Received | | Permit Actions Completed | | Permit Actions Pending | Sources Under Permits | Sources Reqr'g Permits |
|-------------------------|-------------------------------|-----------|--------------------------------|-----------|------------------------------|-----------------------------|------------------------------|
| | <u>Month</u> | <u>FY</u> | <u>Month</u> | <u>FY</u> | | | |
| <u>Direct Sources</u> | | | | | | | |
| New | 1 | 10 | 0 | 14 | 17 | | |
| Existing | 0 | 10 | 5 | 13 | 13 | | |
| Renewals | 18 | 96 | 7 | 84 | 117 | | |
| Modifications | 0 | 2 | 2 | 22 | 7 | | |
| Total | 19 | 118 | 14 | 134 | 154 | 1982 | 2012 |
| <u>Indirect Sources</u> | | | | | | | |
| New | 0 | 10 | 1 | 20 | 4 | | |
| Existing | 0 | 0 | 0 | 0 | 0 | | |
| Renewals | 0 | 0 | 0 | 0 | 0 | | |
| Modifications | 0 | 3 | 0 | 4 | 0 | | |
| Total | 0 | 13 | 1 | 24 | 4 | 184 | 0 |
| <u>GRAND TOTALS</u> | 19 | 131 | 15 | 158 | 158 | 2166 | 2012 |

Number of
Pending Permits

Comments

| | |
|------------|--|
| 14 | To be drafted by Northwest Region |
| 19 | To be drafted by Willamette Valley Region |
| 7 | To be drafted by Southwest Region |
| 4 | To be drafted by Central Region |
| 20 | To be drafted by Eastern Region |
| 1 | To be drafted by Program Planning Division |
| 19 | To be drafted by Program Operations |
| 14 | Awaiting Public Notice |
| 56 | Awaiting the end of the 30-day period |
| <u>154</u> | Total |
| | 15-Technical Assists 7-A-95's |

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

| <u>Air Quality Division</u> (Reporting Unit) | | <u>February 1981</u> (Month and Year) | | | | |
|---|----------------------------|--|----------------|---------------|------------------|------------------------|
| PERMIT ACTIONS COMPLETED (15) | | | | | | |
| County | Source | Permit Number | Appl. Red'd | Status | Date Achieved | Type of Application |
| <u>DIRECT STATIONARY SOURCES (14)</u> | | | | | | |
| Jackson | Boise Cascade Corp. | 15-0004 | 01/22/81 | Permit Issued | 01/28/81 | Modification |
| Klamath | Weyerhaeuser Company | 18-0037 | 01/15/79 | Permit Issued | 02/03/81 | Renewal |
| Marion | Walling Sand & Gravel | 24-5946 | 10/14/80 | Permit Issued | 02/09/81 | Renewal |
| Coos | Georgia-Pacific Corp. | 06-0008 | 06/12/78 | Permit Issued | 02/12/81 | Renewal |
| Benton | Philomath Construction Co. | 02-0003 | 10/06/80 | Permit Issued | 02/19/81 | Renewal |
| Coos | Westbrook Wood Products | 06-0060 | 09/09/80 | Permit Issued | 02/19/81 | Renewal |
| Jackson | Providence Hospital | 15-0075 | 08/12/80 | Permit Issued | 02/19/81 | Renewal |
| Jackson | Green Acres Pet Cemetary | 15-0154 | 08/15/80 | Permit Issued | 02/19/81 | Ext |
| Jackson | Hillcrest Memorial Pk-Mrt | 15-0155 | 08/26/80 | Permit Issued | 02/19/81 | Ext |
| Jackson | Siskiyou Memorial Park | 15-0157 | 08/26/80 | Permit Issued | 02/19/81 | Ext |
| Jackson | City of Ashland | 15-0160 | 09/29/80 | Permit Issued | 02/19/81 | Ext |
| Multnomah | Pacific Coast Hardwoods | 26-2556 | 10/01/80 | Permit Issued | 02/19/81 | Renewal |
| Multnomah | Alpenrose Dairy | 26-2771 | 08/13/80 | Permit Issued | 02/19/81 | Modification |
| Multnomah | St. Vincent De Paul Stores | 26-3054 | 10/14/80 | Permit Issued | 02/19/81 | Ext |

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

February 1981
(Month and Year)

PERMIT ACTIONS COMPLETED (15)

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

INDIRECT SOURCES (1)

| | | | |
|-----------|--|---------|---------------------|
| Multnomah | Packwest 410 Spaces File No. 26-8030 | 2/24/81 | Final Permit Issued |
|-----------|--|---------|---------------------|

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

February 1981
(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 | 2 /4 | 0 /0 | 1 /2 | 4 /5 | | |
| Existing | 0 /0 | 0 /0 | 0 /0 | 1 /0 | 1 /0 | | |
| Renewals | 3 /2 | 15 /17 | 1 /3 | 21 /8 | 27 /16 | | |
| Modifications | 0 /0 | 5 /1 | 0 /0 | 6 /2 | 4 /0 | | |
| Total | 3 /2 | 22 /22 | 1 /3 | 29 /12 | 36 /21 | 262/91 | 267/96 |
| <u>Industrial</u> | | | | | | | |
| New | 0 /2 | 8 /11 | 0 /0 | 6 /7 | 8 /16 | | |
| Existing | 0 /0 | 1 /1 | 0 /0 | 2 /0 | 1 /2 | | |
| Renewals | 6 /3 | 45 /24 | 7 /2 | 67 /16 | 61 /24 | | |
| Modifications | 0 /0 | 8 /3 | 0 /0 | 6 /2 | 4 /1 | | |
| Total | 6 /5 | 62 /39 | 7 /2 | 81 /25 | 74 /43 | 366/155 | 375/173 |
| <u>Agricultural (Hatcheries, Dairies, etc.)</u> | | | | | | | |
| New | 0 /0 | 1 /0 | 0 /0 | 1 /0 | 2 /0 | | |
| Existing | 0 /0 | 0 /0 | 0 /0 | 0 /0 | 0 /0 | | |
| Renewals | 0 /0 | 1 /0 | 0 /0 | 27 /0 | 7 /0 | | |
| Modifications | 0 /0 | 0 /0 | 0 /0 | 0 /0 | 0 /0 | | |
| Total | 0 /0 | 2 /0 | 0 /0 | 28 /0 | 9 /0 | 53/20 | 55/20 |
| <u>GRAND TOTALS</u> | 9 /7 | 86 /61 | 8 /5 | 138 /37 | 119 /64 | 681/266 | 697/289 |

* NPDES Permits
** State Permits

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

| | |
|--|-----------------------------------|
| Water Quality Division (Reporting Unit) | February 1981 (Month and Year) |
|--|-----------------------------------|

PERMIT ACTIONS COMPLETED

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

MUNICIPAL AND INDUSTRIAL SOURCES STATE PERMITS (5)

| | | | |
|-----------|--|---------|----------------|
| Coos | Erdman Packing Co. Bandon | 2/9/81 | Permit Renewed |
| Multnomah | Widing Transportation Inc. Portland | 2/11/81 | Permit Renewed |
| Marion | City of Mill City Sewage Disposal | 2/11/81 | Permit Renewed |
| Lane | Camp Lane STP Lane County | 2/11/81 | Permit Renewed |
| Lane | Lowell Park STP Lane County | 2/11/81 | Permit Renewed |

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

| | |
|--|-----------------------------------|
| Water Quality Division (Reporting Unit) | February 1981 (Month and Year) |
|--|-----------------------------------|

PERMIT ACTIONS COMPLETED

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

MUNICIPAL AND INDUSTRIAL SOURCES NPDES PERMITS (8)

| | | | | |
|------------|--|---------|----------------|--|
| Lane | S.W. Forest Industries Springfield-Log Pond #2 | 2/18/81 | Permit Renewed | |
| Douglas | Louisiana Pacific Corp. Round Prairie Stud Mill (was Fiberboard) | 2/18/81 | Permit Renewed | |
| Clatsop | Three D Corp-STP Astoria (old Sundown S.D.) | 2/18/81 | Permit Renewed | |
| Douglas | Keller Lumber Co. Sawmill & Planing Roseburg | 2/18/81 | Permit Renewed | |
| Hood River | Champion International Corp. - Neal Creek Odell | 2/19/81 | Permit Renewed | |
| Hood River | Stadelman Fruit Inc. Lenz, Whitney Plant Hood River | 2/19/81 | Permit Renewed | |
| Polk | Boise Cascade Corp. Valsetz | 2/19/81 | Permit Renewed | |
| Columbia | Boise Cascade Corp. St. Helens Sawmill | 2/19/81 | Permit Renewed | |

MAR.6 (5/79)

WL630.A

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

February 1981
(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 | - | 7 | - | 3 | 6 | | |
| Existing | - | - | - | 2 | - | | |
| Renewals | 2 | 37 | - | 20 | 30 | | |
| Modifications | - | 4 | - | 11 | - | | |
| Total | 2 | 48 | - | 36 | 36 | 166 | 166 |
| <u>Demolition</u> | | | | | | | |
| New | - | 3 | - | 3 | 2 | | |
| Existing | - | 2 | - | - | 1 | | |
| Renewals | - | 3 | - | 3 | 2 | | |
| Modifications | - | 2 | - | 3 | - | | |
| Total | - | 10 | - | 9 | 5 | 20 | 21 |
| <u>Industrial</u> | | | | | | | |
| New | 1 | 9 | - | 7 | 4 | | |
| Existing | 1 | 3 | - | - | 1 | | |
| Renewals | 2 | 19 | 3 | 17 | 21 | | |
| Modifications | 1 | 1 | - | 1 | 1 | | |
| Total | 5 | 32 | 3 | 25 | 27 | 101 | 101 |
| <u>Sludge Disposal</u> | | | | | | | |
| New | - | 4 | - | 4 | - | | |
| Existing | - | - | - | 1 | - | | |
| Renewals | - | 2 | - | 1 | 1 | | |
| Modifications | - | - | - | - | - | | |
| Total | - | 6 | - | 6 | 1 | 14 | 15 |
| <u>Hazardous Waste</u> | | | | | | | |
| New | 42 | 221 | 42 | 221 | 0 | | |
| Authorizations | - | - | - | - | - | | |
| Renewals | - | - | - | - | - | | |
| Modifications | - | - | - | - | - | | |
| Total | 42 | 221 | 42 | 221 | 0 | 1 | 1 |
| <u>GRAND TOTALS</u> | 49 | 317 | 45 | 297 | 69 | 302 | 304 |

SC221.E
MAR.5S (4/79)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

February 1981
(Month and Year)

PERMIT ACTIONS COMPLETED

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

Industrial Waste Facilities (3)

| | | | |
|------|--|--------|---------------|
| Lane | Pope & Talbot Existing Facility | 2/3/81 | Permit Issued |
| Lane | Mazama Timber Existing Facility | 2/3/81 | Permit Issued |
| Lane | Hickethier Quarry Existing Facility | 2/3/81 | Permit Issued |

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

February 1981
(Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

| | | <u>WASTE DESCRIPTION</u> | | | <u>Quantity</u> | |
|----------|------|--------------------------|-------------|------------|-----------------|--|
| * Date * | Type | * Source * | * Present * | * Future * | | |

DISPOSAL REQUESTS GRANTED (42)

OREGON (10)

| | | | | |
|------|--|-------------------------|---------------------|----------------|
| 1/26 | Paint contaminated filters | Heavy equip-ment manuf. | 65 drums | 600 drums/yr. |
| 2/9 | Trichloroethylene contaminated asphalt | Waste oil processor | 12 drums | 15 drums/yr. |
| 2/9 | Paraffinic oil | Rubber co. | 10 drums | 0 |
| 2/9 | Alcohol flux | Electronic plant | 14 drums | 3 drums/yr. |
| 2/9 | Pentachlorophenol sludge | Wood preserving | 20,000 lb. | 24,000 lb/yr. |
| 2/12 | Oily sludge | Al smelting | 31 drums | 30 drums/yr. |
| 2/12 | Creosote and penta sludge | Wood preserving | 5,000 gal. | 11,000 gal/yr. |
| 2/12 | PCB wastes | Plywood plant | 101 ft ³ | 0 |
| 2/23 | Contaminated line flush | Chemical supplier | 11 drums | 60 drums/yr. |
| 2/23 | Pentachlorophenol contaminated sawdust | Lumber products | 12 drums | 0 |

WASHINGTON (18)

| | | | | |
|------|---------------|---------------------------|------------|---|
| 1/26 | Muriatic acid | Industrial cleaning serv. | 3,000 gal. | 0 |
|------|---------------|---------------------------|------------|---|

SC221.A
MAR.15 (4/79)

WASTE DESCRIPTION

| * * Date * | * Type * | * Source * | * Quantity * | | * * |
|------------------|---|----------------------|---------------------|--------------------------|--------|
| | | | * Present | * Future | |
| 1/28 | Acids, caustics and solvents | Electronic devices | 0 | 43,000 gal/yr. | |
| 2/9 | PCB wastes | Utility co. | 214 ft ³ | 282 ft ³ /yr. | |
| 2/9 | PCB contaminated liquids | Al smelting | 14 drums | 125,000 lb/yr. | |
| 2/9 | Various chemicals | Railroad co. | 85 drums | 0 | |
| 2/17 | Urea-formaldehyde | Waste disposal co. | 120 ft ³ | 0 | |
| 2/18 | Pesticides | Pesticide formulator | 29 drums | 0 | |
| 2/18 | Fiberglass resin | Construction co. | 8 drums | 0 | |
| 2/18 | Chrome contaminated soil | Aerospace co. | 960 ft ³ | 0 | |
| 2/18 | PCB capacitors | City govt. | 10 drums | 0 | |
| 2/23 | Cyanide sludge, heavy metals sludge, and chemicals | Federal agency | 195 drums | 0 | |
| 2/23 | Pesticides | Lumber products | 269 gal. | 0 | |
| 2/23 | Leaded tank bottoms, tetrahydrothiopene, muriatic acid, and dewatered sour water tank bottoms | Oil co. | 0 | 141 tons/yr. | |
| 2/23 | Acids, caustics, and monoethanolamine | Electronic co. | 0 | 334 drums/yr. | |
| 2/23 | Iron phosphate sludge | Boat loader manuf. | 0 | 1,850 lb/yr. | |
| 2/23 | IPA, trichloro-trifluoro-ethane and methylene chloride solvents | Electronic devices | 55 gal. | 300 gal/yr. | |

SC221.A
MAR.15 (4/79)

WASTE DESCRIPTION

| * * Date * | * Type * | * Source * | * Quantity * | | * Future * |
|-------------------|---|------------------|---------------------|------------|--------------------|
| | | | * Present * | * Future * | |
| 2/23 | Pesticides | Federal agency | 8 drums | 0 | |
| 2/23 | Treated acids, caustics, paint sludge and oil slop | Waste processor | 0 | | 220,000 gal/yr. |
| OTHER STATES (14) | | | | | |
| 1/26 | Asbestos and chlorinated organic residues (B.C.) | Chemical co. | 55 drums | 0 | |
| 1/26 | Pesticides (Utah) | Federal agency | 430,000 gal. | 0 | |
| 1/26 | PCB wastes (Idaho) | Chemical co. | 170 ft ³ | 0 | |
| 2/9 | HF contaminated tanks (B.C.) | Oil refining | 4 tanks | 0 | |
| 2/12 | Paint sludge (Hawaii) | Federal agency | 11,000 gal. | | 41,500 gal/yr. |
| 2/12 | PCB contaminated soil (Saskat.) | Utility | 112 drums | 0 | |
| 2/12 | Leaded gasoline tank bottoms (Hawaii) | Oil co. | 0 | | 160 drums/yr. |
| 2/12 | PCB capacitors, etc. | Chemical co. | 150 ft ³ | | 80 ft ³ |
| 2/18 | Hexachlorobenzene/sulfuric acid (B.C.) | Chemical co. | 12 drum | 0 | |
| 2/23 | PCB capacitors (Utah) | Coal mining | 16 drums | 0 | |
| 2/20 | Pentachlorophenol and mercury contaminated sludges (B.C.) | Utility | 6 drums | | 6 drums/yr. |
| 2/23 | Penta contaminated charcoal | Chemical co. | 40,000 lb. | | 40,000 lb/yr. |
| 2/23 | Heavy metals sludge, acids, plating solutions, and methanol solder flux | Electronic co. | 0 | | 3,496 drums/yr. |

SC221.A
MAR.15 (4/79)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program
(Reporting Unit)

February 1981
(Month and Year)

SUMMARY OF NOISE CONTROL ACTIONS

| <u>Source Category</u> | <u>New Actions Initiated</u> | | <u>Final Actions Completed</u> | | <u>Actions Pending</u> | |
|---------------------------|------------------------------|-----------|--------------------------------|-----------|------------------------|-----------|
| | Mo. | FY | Mo. | FY | Mo. | Last Mo. |
| Industrial/ Commercial | 0 | 15 | 2 | 19 | 62 | 63 |
| Airports | - | - | 2 | - | - | - |
| GRAND TOTAL | <u>0</u> | <u>15</u> | <u>4</u> | <u>10</u> | <u>62</u> | <u>63</u> |

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program
(Reporting Unit)

February 1981
(Month and Year)

FINAL NOISE CONTROL ACTIONS COMPLETED (4)

| * County | * Name of Source and Location | * Date | * Action |
|------------|--|--------|---------------------------|
| Washington | Meyerbrand Insulation Sherwood | 2/81 | In Compliance |
| Washington | Oregon Culvert | 2/81 | In Compliance |
| Klamath | Klamath Falls Airport Klamath Falls | 2/81 | Airport Boundary Approved |
| Jackson | Medford-Jackson Co. Airport Medford | 2/81 | Airport Boundary Approved |

CIVIL PENALTY ASSESSMENTS

Department of Environmental Quality
1981

CIVIL PENALTIES ASSESSED DURING MONTH OF FEBRUARY, 1981:

| <u>Name and Location of Violation</u> | <u>Case No. & Type of Violation</u> | <u>Date Issued</u> | <u>Amount</u> | <u>Status</u> |
|---|---|--------------------|---------------|---------------|
| None | | | | |

CPASES

GE69 (1)

| <u>ACTIONS</u> | <u>LAST MONTH</u> | <u>PRESENT MONTH</u> |
|---|-----------------------|--------------------------|
| Preliminary Issues | 4 | 3 |
| Discovery | 1 | 1 |
| Settlement Action | 3 | 5 |
| Hearing to be Scheduled | 5 | 2 |
| Hearing Scheduled | 7 | 8 |
| HO's Decision Due | 3 | 3 |
| Brief | 2 | 3 |
| Inactive | 4 | 3 |
| SUBTOTAL of Active Files | 29 | 28 |
| HO's Decision Out/Option for EQC Appeal . | 0 | 0 |
| Appealed to EQC | 2 | 3 |
| EQC Appeal Complete/Option for Court Review | 0 | 0 |
| Court Review Option Pending or Taken . . . | 3 | 1 |
| Case Closed | 3 | 4 |
| TOTAL Cases | 37 | 36 |

KEY

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.

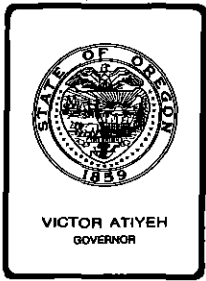
ACDP Air Contaminant Discharge Permit
AQ Air Quality Division
CLR Chris Reive, Enforcement Section
Dec Date Date of either a proposed decision of hearings officer or a decision by Commission
\$ Civil Penalty amount
ER Eastern Region
Fld Brn Field Burning incident
RLH Robb Haskins, Assistant Attorney General
Hrngs Hearings Section
Hrng Rfrl Date when Enforcement Section requests Hearings Section to schedule a hearing
Hrng Rqst Date agency receives a request for hearing
VAK Van Kollias, Enforcement Section
LMS Larry Schurr, Enforcement Section
MWR Midwest Region (now WVR)
NP Noise Pollution
NPDES National Pollutant Discharge Elimination System wastewater discharge permit
NWR Northwest Region
FWO Frank Ostrander, Assistant Attorney General
P Litigation over permit or its conditions
Prtys All parties involved
Rem Order Remedial Action Order
Resp Code Source of next expected activity in case
SSD Subsurface Sewage Disposal
SW Solid Waste Division
SWR Southwest Region
T Litigation over tax credit matter
Transcr Transcript being made of case
Underlining New status or new case since last month's contested case log
WVR Willamette Valley Region
WQ Water Quality Division

February 1981
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 | Resp.'s Appeal brief received 2/17/81 |
| MEAD and JOHNS, et al | 05/75 | 05/75 | RLH | | All | 04-SS-SWR-75-03 3 SSD Permits | Awaiting completion of EQC Faydrex review |
| POWELL, Ronald | 11/77 | 11/77 | RLH | 01/23/80 | Hrngrs | \$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. To be completed by 07/01/81. |
| WAH CHANG | 04/78 | 04/78 | RLH | | Resp | 08-P-WQ-WVR-78-2012-J NPDES Permit Modification | Hearing postponed pending further evaluation of permit conditions. To be completed by 07/01/81 |
| MALLORY & MALLORY INC. | 11/79 | 11/79 | JHR | 01/10/80 | Prtys | 14-AQ-CR-79-101 Open Burning Civil Penalty | Hearing Officer's Decision scheduled for EQC review 03/13/81 |
| M/V TOYOTA MARU No. 10 | 12/10/79 | 12/12/79 | RLH | | Resp | 17-WQ-NWR-79-127 Oil Spill Civil Penalty of \$5,000 | Response to Dept's Motion for Judgment due 02/27/81 |
| LAND RECLAMATION, INC., et al | 12/12/79 | 12/14/79 | FWO | 05/16/80 | | 19-P-SW-329-NWR-79 Permit Denial | Court of Appeals review in process |
| FORRETE, Gary | 12/20/79 | 12/21/79 | RLH | 10/21/80 | Prtys | 20-SS-NWR-79-146 Permit Revocation | Post-hearing briefing |
| GLASER, Dennis F. dba MID-VALLEY FARMS, INC. | 02/06/80 | 02/07/80 | CLR | 06/19/80 | Hrngrs | 02-AQ-WVR-80-13 Open Field Burning Civil Penalty of \$2,000 | Decision drafted |
| MEDFORD CORPORATION | 02/25/80 | 02/29/80 | | 05/16/80 | Prtys | 07-AQ-SWR-80 Request for Declaratory Ruling | Settlement action |
| J.R. SIMPLOT COMPANY | 04/15/80 | 04/16/80 | RLH | 06-16-81 | Prtys | 12-WQ-ER-80-41 Civil Penalty of \$20,000 | Depositions scheduled; hearing scheduled in Portland at 9 a.m. |
| R.L.G. ENTERPRISES, INC., dba THE MOORAGE PLACE | 08/06/80 | 08/08/80 | CLR | 11/10/80 | Hrngrs | 20-WQ-NWR-80-114 Civil Penalty of \$150 | Decision drafted |
| COKE, Benoni | 10/27/80 | 10/28/80 | RLH | 01/15/81 | Prtys | 24-SS-SWR-80-173 Permit revocation | Settlement action |
| STOFFENWORTH, Russell-B. | 10/27/80 | 11/03/80 | CLR | | Resp | 25-SS-SWR-80-170 Civil Penalty of \$400 | Case closed--Appeal dismissed by Court of Appeals for lack of jurisdiction |
| MAIN-ROCK PRODUCTS, INC. | 11/08/80 | 11/10/80 | JHR | | Prtys | 26-WQ-SWR-80-190 Civil Penalty of \$1,600 | Case closed--Default Order issued 12/18/80. No appeal |
| FULLEN, Arthur W. dba/FOLEY LAKES MOBILE HOME PARK | 11/07/80 | 11/10/80 | CLR | 04/23/81 | Prtys | 27-WQ-CR-80-188 Remedial action required | Hearing scheduled in The Dalles at 9 a.m. |
| FULLEN, Arthur W. dba/FOLEY LAKES MOBILE HOME PARK | 11/07/80 | 11/10/80 | CLR | 04/23/81 | Prtys | 28-WQ-CR-80-189 Remedial action required | Hearing scheduled in The Dalles at 9 a.m. |
| BROWN, Victor | 11/05/80 | 11/12/80 | LMS | 02/19/81 | Prtys | 29-AQ-WVR-80-163 Civil Penalty of \$1,800 | Hearing continuation 03/22/81 in McMinnville at 9:30 a.m. |
| LOGSDON, Elton | 11/12/80 | 11/14/80 | CLR | 02/26/81 | Prtys | 30-AQ-WVR-80-164 Field Burning Civil Penalty of \$950 | Post-hearing briefing |
| MORRIS, Robert | 11/10/80 | 11/14/80 | | | Prtys | 31-SS-CR-80 Permit revocation | Dept. to file Motion for Partial Summary Judgment |
| MURPHY, Abijah | 11/24/80 | 11/28/80 | LMS | | Dept. | 32-SS-ER-80-178 Remedial action required | Case closed 03/05/81. Resp. withdrew request for hearing |

February 1981
DEQ/EQC Contested Case Log

| <u>Pet/Resp Name</u> | <u>Hrng Rgst</u> | <u>Hrng Rfrrl</u> | <u>DEQ Atty</u> | <u>Hrng Date</u> | <u>Resp Code</u> | <u>Case Type & No.</u> | <u>Case Status</u> |
|---|----------------------|-----------------------|---------------------|----------------------|----------------------|---|--|
| HAYWORTH, John W. dba/HAYWORTH FARMS INC. | 12/02/80 | 12/08/80 | LMS | <u>04/28/81</u> | <u>Prtys</u> | 33-AQ-WVR-80-187 Field burning civil penalty of \$4,660 | <u>Hearing scheduled in Eugene at 9:30 a.m.</u> |
| LOWELL, James R. | 12/05/80 | 12/08/80 | LMS | | <u>Prtys</u> | 34-AQ-WVR-80-186 Field burning civil penalty of \$1,800 | Settlement Action |
| ROGERS, Donald E. | 12/08/80 | 12/09/80 | | | <u>Prtys</u> | 35-SS-NWR-80-196 Permit denial | <u>Parties to confirm hearing date</u> |
| HOPPER, Harold | 12/09/80 | 12/09/80 | | | <u>Prtys</u> | 36-SS-NWR-80-197 Permit revocation | <u>Parties to confirm hearing date</u> |
| JENSEN, Carl F. dba/JENSEN SEED & GRAIN, INC. | 12/19/80 | 12/24/80 | CLR | <u>04/16/81</u> | <u>Resp</u> | 37-AQ-WVR-80-181 Field burning civil penalty of \$4,000 | <u>Hearing rescheduled in Salem at 9:30 a.m.</u> |
| SETERA, Frank | 12/27/80 | 01/05/81 | CLR | <u>04/14/81</u> | <u>Prtys</u> | 01-AQ-NWR-80-199 Open burning civil penalty of \$500 | <u>Hearing scheduled in Portland at 9 a.m.</u> |
| GINTER, Lloyd M. | 01/02/81 | 01/05/81 | CLR | | <u>Hrngs</u> | 02-SS-SWR-80-205 Subsurface sewage Civil penalty of \$100 | <u>Response to Dept.s Motion for Summary Judgment due.</u> |
| DeLASHMUTT, Eldon | 01/06/81 | 01/08/81 | CLR | 03/24/81 | <u>Prtys</u> | 03-SS-WVR-80-209 Subsurface sewage civil penalty of \$200 | <u>Stipulated Order before EQC 03/13/81</u> |
| R-D MAC, INC. | 01/06/81 | 01/08/81 | LMS | | <u>Prtys</u> | 04-WQ-ER-80-24 Water Quality civil penalty of \$5,000 | Compliance effected; mitigation sought |
| BROOKINGS ENERGY FACILITY, INC. | 12/18/80 | 01/14/81 | | | <u>Prtys</u> | 05-SW316-SWR-80 Solid waste facility permit denial | Settlement action |
| JAL CONSTRUCTION, INC. | 02/06/81 | 02/09/81 | LMS | <u>05/07/81</u> | <u>Dept</u> | 06-AQOB-NWR-81-02 Open burning civil penalty of \$3000 | <u>Hearing scheduled in Portland at 9 a.m.</u> |
| CURL, James H., et al | 02/09/81 | 02/12/81 | | | <u>EQC</u> | 07-SS-CR-81 Request for Declaratory Ruling | Before EQC 03-13-81 |
| SCHNIFFER SWHEE-PRODUCTS COMPANY | 02/27/81 | 03/04/81 | | | | 08-AQ-NWR-81 Request for Declaratory Ruling | Request withdrawn 03/06/81 |
| <u>OREGON SHORES ASSOCIATES, LTD.</u> | <u>02/11/81</u> | <u>03/09/81</u> | | | | <u>09-WQ-NWR-81</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, April 24, 1981, EQC Meeting

TAX CREDIT APPLICATIONS

Director's Recommendation

It is recommended that the Commission take the following actions:

1. Issue Pollution Control Facility Certificates to:

| <u>Appl. No.</u> | <u>Applicant</u> | <u>Facility</u> |
|----------------------|-------------------------------|--|
| T-1302 | Weyerhaeuser Company | Combustion air preheaters, revised flyash reinjection system & associated controls |
| T-1319 | Gilsonite, Inc. | Baghouse |
| T-1325 | Roseburg Lumber Co. | Boiler control system |
| T-1331 | Libby, McNeill & Libby, Inc. | Equipment to remove grit and mud from vegetable wash water |
| T-1332 | Meyer Orchards | Five wind machines |
| T-1333 | McDaniel Grain & Feed Corp. | Grain dust collection system |
| T-1336 | Oregon Glass Co., Inc. | Sound enclosures |
| T-1341 | Blasen & Blasen Lumber Corp. | Wood fired boiler system |
| T-1343 | Valley Chemicals of La Grande | Water pollution control system |
| T-1346 | DeLong Sportsware | Effluent disposal system |

2. Revoke Pollution Control Facility Certificate 773 issued to George M. Ackerman and reissue it to Ackerman Orchards, Inc. (see attached review report).

Bill

William H. Young

CASplettstaszer
229-6484
April 2, 1981
Attachments



Contains
Recycled
Materials

PROPOSED APRIL 1981 TOTALS

| | |
|---------------|---------------|
| Air Quality | \$1,864,083 |
| Water Quality | 82,943 |
| Solid Waste | 265,644 |
| Noise | <u>15,929</u> |
| | \$1,428,599 |

CALENDAR YEAR TOTALS TO DATE

| | |
|---------------|-------------|
| Air Quality | \$4,789,904 |
| Water Quality | 1,552,119 |
| Solid Waste | -0- |
| Noise | <u>-0-</u> |
| | \$6,342,023 |

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Weyerhaeuser Co.
Tacoma, WA

The applicant owns and operates a wood products facility at Cottage Grove.

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 combustion air preheaters, revised flyash reinjection system and associated controls.

Request for Preliminary Certification for Tax Credit was made on 6/2/77, and approved on 6/8/77.

Construction was initiated on the claimed facility on 6/24/77, completed on 4/9/78, and the facility was placed into operation on 7/18/77.

Facility Cost: \$614,724 (Accountant's Certification was provided).

3. Evaluation of Application

Combustion air preheaters were installed on boilers #1 and #2. These units preheat the air used in the boilers for combustion. By preheating the air with the boiler exhaust gases more heat from the burning of the wood waste can be used to generate steam. This results in an increase in the boiler efficiency (less wood burned to generate the same amount of steam). By using less fuel and providing for more complete combustion of that fuel, emissions to the atmosphere are reduced. The minimal fuel savings from this project does not exceed the operating costs. There is no return on investment on this facility.

The flyash reinjection system was revised to distribute the flyash in all 3 cells of boiler #2 rather than just one cell. This provides better combustion and prevents the over burdening of one cell. This should provide more complete combustion and reduced emissions.

Violations of opacity limits had been documented by LRAPA. These violations were caused by poor combustion during changes in steam

demand. Since installation of the preheaters, the boilers have maintained continuous compliance.

Included in the items for which tax credit was requested were new boiler skins and refractory replacement. The existing boiler skins were warped and allowed tramp air to enter the boiler. The warped skins contributed to the deterioration of the refractory. Replacement of these items will improve combustion efficiency and give the operators more control over the boiler operation. However, it is the Department's opinion that these items should be considered as part of an ongoing maintenance program. The replacement parts, although structurally improved, perform the same function as the original parts. The cost of these items was supplied by the company.

The cost of the boiler skins and refractory totaled \$81,852. After subtracting this amount, the cost of the facility is \$614,724. A substantial purpose of the remaining equipment is air pollution control and 80% or more of the cost (\$614,724) should be allocated to pollution control.

4. Summation

- a. Facility was constructed on 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 \$614,724 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1302.

F.A. Skirvin:in
(503) 229-6414
AI881
February 23, 1981

State of Oregon
Department of Environmental Quality

TAX CREDIT APPLICATION REVIEW REPORT

1. Applicant

Gilsonite, Inc.
P.O. Box 11242
Portland, OR 97211

The applicant owns and operates an asphaltic roof patching material and auto undercoating material manufacturing plant at Portland, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is a baghouse.

Request for Preliminary Certification for Tax Credit was made on 1/11/80, and approved on 3/13/80.

Construction was initiated on the claimed facility on 6/80, completed on 9/10/80, and the facility was placed into operation on 9/10/80.

Facility Cost: \$16,037.00 (cost completely documented by copies of invoices).

3. Evaluation of Application

The applicant was required by OSHA to install a work place dust pick-up system because the level of asbestos dust in the building was too high. The building had depended upon room ventilation. The dust pick-up system is ducted to the outside through a baghouse filter. Operation of the system was tested by OSHA including a test under the baghouse filter. The test results, a fiber count per quantity of air, at the baghouse were:

| | |
|---|------|
| Maximum allowed by OSHA (long exposure) | 2.0 |
| Actual test result #1 | 0.13 |
| Actual test result #2 | 0.04 |

The system is functioning properly.

Only the cost of the baghouse filter and the cost of the fan proportioned according to pressure drop across the dust pick-up

ductwork and the baghouse is included in the claimed facility. The collect material is returned to the product. Its value is much less than the operating cost of the baghouse. Therefore, 80% or more of the cost is allocated to pollution control.

4. Summation

- a. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1) (a).
- b. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- c. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- d. The portion of the facility cost that is 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 \$16,037.00 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1319.

F.A. Skirvin:in
(503) 229-6414
AI884
February 27, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Roseburg Lumber Company
Dillard Division
P.O. Box 1088
Roseburg, OR 97470

The applicant owns and operates a wood products facility and powerhouse at Dillard, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of a Burley Industries boiler control system.

Request for Preliminary Certification for Tax Credit was made on November 13, 1978, and approved on December 15, 1978.

Construction was initiated on the claimed facility on December 26, 1979, completed on April 10, 1980, and the facility was placed into operation on April 21, 1980.

Facility Cost: \$1,076,676 (Accountant's Certification was provided).

3. Evaluation of Application

The facility claimed in this application is an emission control system for boiler number 1. It consists of 4 Burley Industries BSC-3 scrubbers operated in parallel. Prior to installation of this control system, the boiler was unable to demonstrate compliance with the 0.2 grains/standard cubic foot limit. After installation of these scrubbers the boiler demonstrated the ability to continuously comply with the grain loading and opacity limits. The primary purpose of this equipment is air pollution control. There is no economic benefit to the company, 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 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 \$1,076,676 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1325.

FAS:r
(503) 229-6414
January 12, 1981
AR730(1)

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Libby, McNeill & Libby, Inc.
General Office Headquarters
200 South Michigan Ave.
Chicago, Illinois 60604

The applicant owns and operates a vegetable processing plant at Salem.

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 remove grit and mud from the vegetable wash water. The equipment consists of:

- a. Two steel settling tanks with bottom scrapers
- b. Pump and controls, and
- c. Piping

Request for Preliminary Certification for Tax Credit was made July 31, 1980, and approved October 16, 1980. Construction was initiated on the claimed facility August 15, 1980, completed August 26, 1980, and the facility was placed into operation August 26, 1980.

Facility Cost: \$51,100 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to installation of the facility, green bean wash water carried large volumes of settleable solids (grit and mud) which discharged to the City of Salem's sewerage system. The new settling facility removes approximately 50 percent of the solids in the wash water. Solids removed in the pretreatment facility are disposed of in an approved landfill. The reduction of extra strength sewer charge has been minimal.

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 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 \$51,100 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1331.

Charles K. Ashbaker:l
WL674 (1)
(503) 229-5325
March 13, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Meyer Orchards
6626 Tarry Lane
Talent, OR 97540

The applicant owns and operates a pear and peach orchard at Talent, 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 five "Orchard Rite" wind machines for frost protection. The tower serial numbers are: 80252, 80254, 80280, 80281, and 80255.

Request for Preliminary Certification for Tax Credit was made on 7/18/80 and approved on 8/22/80.

Construction was initiated on the claimed facility on 8/26/80, completed on 11/21/80, and the facility was placed into operation on 12/2/80.

Facility Cost: \$87,610.00 (Accountant's Certification was provided).

3. Evaluation of Application

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

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

The five orchard fans serve approximately 50 acres and reduce the number of heaters that are required to provide frost protection from 1,500 to 500 perimeter heaters on heavy frost nights. On most light frost nights no heaters are used.

The operating cost of a typical orchard fan is slightly greater than the savings in the cost of fuel oil. The operating cost consists of the fuel cost using the fan, depreciation over seven years, and no salvage value plus the average interest at 13 percent on the undepreciated balance.

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 \$87,610.00 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1332.

F.A. Skirvin:r
(503) 229-6414
February 5, 1981
AR818

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

1. Applicant

McDaniel Grain & Feed Corporation
P.O. Box 828
McMinnville, OR 97128

The applicant owns and operates an animal feed mill at McMinnville, 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 grain dust collection system consisting of a "Aero-Vac" baghouse filter, supporting ductwork, and two dust control cyclones.

Request for Preliminary Certification for Tax Credit was made on 6-23-76, and approved on 9-2-76.

Construction was initiated on the claimed facility on 8-15-76, completed on 11-26-76, and the facility was placed into operation on 11-26-76.

Facility Cost: \$69,036.52 (Accountant's Certification was provided).

3. Evaluation of Application

The Department requires commercial grain operations in town to control the grain dust they vent outside and their fugitive dust. The claimed facility collects dust through 8 main ducts from 17 points in the mill and filters the air through the baghouse. The facility collects dust only and meets all Departmental requirements.

Control of dust inside the buildings is also required by OSHA for explosion prevention. Approximately one quarter of the 17 collection points would normally not be vented to the outside. To effectively control fugitive emissions however, requires that dust be controlled both inside and outside the buildings. The total system is, therefore, considered an air pollution control facility.

The collected dust, which is returned to the animal feed, is worth less than the operating cost of the control system. The portion of the control system cost allocated to pollution control is 80% or more.

4. Summation

- a. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1) (a).
- b. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- c. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- d. 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 \$69,036.52 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1333.

F.A. Skirvin:r
(503) 229-6414
February 4, 1981
AR827

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Oregon Glass Co., Inc.
dba/Oregon Tempered Glass
2170 N.W. Raleigh St.
Portland, Oregon 97210

The applicant owns and operates a glass tempering plant at Wilsonville, 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 two enclosures of wood, sheetrock, and sound absorbent material. The enclosures reduce noise produced by the "glass quenching" process (i.e. glass cooling).

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

Construction was initiated on the claimed facility on July 8, 1980 completed December 9, 1980, and the facility was placed into operation on December 9, 1980.

Facility Cost: \$15,929.52

3. Evaluation of Application

The company was in excess of the DEQ's noise standards prior to construction of the enclosures. The enclosures have reduced the environmental noise levels by about 15 dba. This is a substantial noise reduction. The company is now in compliance with the DEQ's daytime standards. This facility is strictly for noise control. Therefore, an allocation rating of 80 percent or more is recommended.

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 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 \$15,929.52 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1336.

John Hector:a
(503) 229-5989
February 25, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Blasen & Blasen Lumber Corp.
P.O. Box 17130
Portland, OR 97217

The applicant owns and operates a lumber mill 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 Steelcraft Vyncke wood-fired boiler system and related fuel storage and handling equipment.

Request for Preliminary Certification for Tax Credit was made on June 22, 1979, and approved on August 16, 1979.

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

Facility Cost: \$265,644.79 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to installation of the claimed facility, sawdust, shavings and trim ends were taken to the landfill or used at times by farmers and horse owners for bedding (unstable market). The company is now able to use all the wood waste (approximately 200 units per month) in the production of steam. The steam is used for drying lumber and in the gluing operation. Only the boiler and fuel handling equipment are claimed for tax credit. (Note: The applicant also claimed \$234.66 for building permit fees. These costs are not eligible and have been deducted from the claimed total facility cost of \$265,879.45.)

4. Summation

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

- b. As required by ORS 468.165, the facility was under construction on or after January 1, 1973, and
 - (1) The substantial purpose of the facility is to utilize material that would otherwise be solid waste by burning;
 - (2) The end product of the utilization is a usable source of power or other item of real economic value;
 - (3) The end product of the utilization, other than a usable source of power, is competitive with an end product produced in another state; and
 - (4) The Oregon law regulating solid waste imposes standards at least substantially equivalent to the federal law.
- c. The facility is necessary to satisfy the intents and purposes of ORS Chapter 459, and the rules adopted under that chapter.
- d. 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 \$265,644.79 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1341.

W. H. Dana:c
SC257
(503) 229-6266
April 6, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Valley Chemicals of La Grande
Union Chemical Division of Union Oil of California
Rt. 1, Box 1659
La Grande, Oregon 97850

The applicant owns and operates an agricultural chemical fertilizer dispensing station near La Grande.

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

2. Description of Claimed Facility

The facility described in this application consists of

- a. Three curbed asphalted loading pads to collect fertilizer spills and drippings during truck loading and unloading.
- b. An 80 x 120 foot clay lined pond to hold and evaporate collected spills.
- c. Associated piping to connect the loading pads to the evaporation pond.

Request for Preliminary Certification for Tax Credit was made August 28, 1979, and approved October 12, 1979. Construction was initiated on the claimed facility June 1, 1980, completed September 2, 1980, and the facility was placed into operation October 15, 1980.

Facility Cost: \$13,944 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to installation of the claimed facility, fertilizer spillage from truck loading operations and tank wash water discharged to the ground. There was a high potential for runoff to carry the contaminants to an adjacent ditch. The new installation contains spills and wash water for on-site evaporation.

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 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 \$13,944, with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1343.

CKA:l

WL 695 (1)

(503) 229-5325

March 25, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

DeLong Sportswear
Mt. Jefferson Woolens
P.O. Box 185
Jefferson, OR 97352

The applicant owns and operates a woolen manufacturing facility at Jefferson.

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 effluent disposal system for woolen cloth processing wastewater. The system consists of:

- a. A sidehill screen
- b. Sump and pump
- c. PVC irrigation distribution system, and
- d. Rainbird sprinkler heads

Request for Preliminary Certification for Tax Credit was made June 30, 1980, and approved July 3, 1980. Construction was initiated on the claimed facility July 1980, completed August 1980, and the facility was placed into operation August 1980.

Facility Cost: \$17,899

3. Evaluation of Application

Prior to installation of the claimed facility, wastewaters were disposed of through a subsurface disposal system. Due to solids in the effluent, the soils plugged causing ponding in the drainfield. This condition resulted in odorous conditions. The new system has functioned well and has eliminated the odorous ponding condition. The irrigation system distributes the wastes evenly over the land thereby minimizing the potential for groundwater contamination.

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 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 \$17,899 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1346.

LP:s(2)
WS699
(503) 229-5325
March 25, 1981

State of Oregon
Department of Environmental Quality

REISSUANCE OF POLLUTION CONTROL FACILITY CERTIFICATE

1. Certificate Issued to:

George M. Ackerman
Route 6, Box 465
Hood River, Oregon

The Certificate was issued for an air pollution control facility.

2. Summation

On January 14, 1977, the Environmental Quality Commission issued Pollution Control Facility Certificate 772 to George M. Ackerman for two Tropic Breeze wind machines at his orchard in Hood River.

By letter of March 17, 1981 (attached), Mr. Ackerman informed the Department he had incorporated and requested Certificate 773 be revoked and reissued to Ackerman Orchards, Inc.

3. Director's Recommendation

It is recommended that Pollution Control Facility Certificate 773 be revoked and reissued to Ackerman Orchards, Inc. The Certificate to be valid only for the time remaining from the date of first issuance.

CASplettstaszer
229-6484
4/2/81
Attachment

George M. Ackerman
2175 Mason Rd.
Hood River, Oregon 97031

March 17, 1981

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

Attention: Carol Splettsteaszer

Dear Sirs:

Enclosed is our notice of election for pollution control tax credit certificate #1203 dated January 30, 1981.

Since our operation is now a corporation we are electing to take the credit under ORS 317.072. We would also request that the Department of Environmental Quality revoke our certificate #773 dated January 14, 1977, and reissue a new certificate for the remaining credit, Under ORS 317.072, all of the fans were transferred to our corporation, Ackerman Orchards, Inc. November 1, 1980.

Your attention to this matter is greatly appreciated. If you have any questions please contact our accountant, Lester E. Henry at 386-1833.

Sincerely,



George M. Ackerman

Enclosure

Management Services Div.
Dept. of Environmental Quality

RECEIVED
MAR 23 1981

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Certificate No. 773
Date of Issue 1-14-77
Application No. T-852

POLLUTION CONTROL FACILITY CERTIFICATE

| | |
|---|---|
| Issued To: George M. Ackerman Route 6, Box 465 Hood River, Oregon 97031 | Location of Pollution Control Facility: Hood River, OR, Pine Grove Area, off Hwy. 25. Located 1/2 mile north of Diamond Fruit Warehouse on Mason Road |
| As: <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Owner | |
| Description of Pollution Control Facility: Two Tropic Breeze Wind Machines, Model GP-300-G, serial numbers 16697 and 16698 | |
| Type of Pollution Control Facility: <input checked="" type="checkbox"/> Air <input type="checkbox"/> Water <input type="checkbox"/> Solid Waste | |
| Date Pollution Control Facility was completed: May 3, 1976 Placed into operation: May 3, 1976 | |
| Actual Cost of Pollution Control Facility: \$ 15,890 | |
| Percent of actual cost properly allocable to pollution control: 100% | |

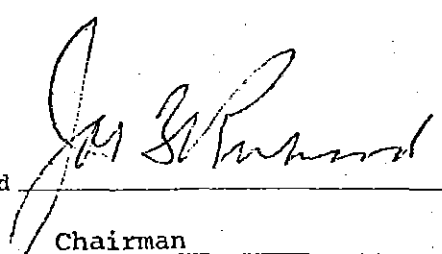
In accordance with the provisions of ORS 468.155 et seq., it is hereby certified that the facility described herein and in the application referenced above is a "Pollution Control Facility" within the definition of ORS 468.155 and that the air and water or solid waste facility was erected, constructed or installed on or after January 1, 1967, or January 1, 1973 respectively, and on or before December 31, 1980, and is designed for, and is being operated or will operate to a substantial extent for the purpose of preventing, controlling or reducing air, water or solid waste pollution, and that the facility is necessary to satisfy the intents and purposes of ORS Chapters 459, 468 and the regulations thereunder.

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

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

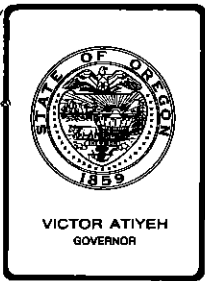
Signed

Title


Chairman

Approved by the Environmental Quality Commission on

the 14th day of January, 19 77



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, April 24, 1981, EQC Meeting

Request for Authorization to Conduct a Public Hearing on
Amendments to Solid Waste Management Rules, OAR 340-61-005,
61-010, 61-020 and 61-025 through 61-040

Background and Problem Statement

The Department's current solid waste management rules were adopted in March 1972. These rules no longer accurately reflect the Department's philosophies and policies, nor current state-of-the-art in proper solid waste management. Certain sections of the rules have been found to be vague and confusing. Other sections have been found to be unworkable and have not been strictly enforced. New control technologies, such as processing, liners and gas vents, are not addressed.

Concern by the public for the protection of the environment when solid waste is disposed has intensified over the years. This is evidenced by the increasing public opposition that individuals and local governments face whenever an attempt is made to establish a new solid waste disposal facility. Given this concern, it is increasingly important to have clear, effective regulations.

The current rules are also not consistent with national landfill criteria recently adopted by the U.S. Environmental Protection Agency, pursuant to the Resource Conservation and Recovery Act of 1976 (RCRA). On January 30, 1981, the Commission adopted a State Solid Waste Management Plan which the Department developed in accordance with RCRA requirements. The plan calls for adoption of revised rules, consistent with EPA's landfill criteria, as soon as possible. The Commission is authorized to adopt such rules by ORS 459.045.

Alternatives and Evaluation

Basically, the only alternative to amending these rules as proposed is to continue with the existing rules. This alternative was considered and rejected, because the Department believes that an effective program requires rules which reflect current policy and best available environmental protection strategies.

In addition, failure to adopt rules consistent with the federal criteria would cause some landfill owners and operators to be subjected to two different sets of standards which may be conflicting. Further, failure to implement the recently adopted State Solid Waste Management Plan would probably result in a loss of public confidence and a loss of federal funds to help administer the Department's program.

In proposing these rules, a draft was prepared based upon the Department's experiences with the current rules, EPA's landfill criteria and a review of current rules from fifteen other states. Initial drafts were reviewed by a task force of fourteen people representing DEQ headquarters and regional staff, landfill operators from private industry and local government, and consultants specializing in solid waste disposal site design and construction. Later drafts were also reviewed by the Department's Enforcement Section and legal counsel from the Department of Justice.

The proposed rule amendments include the following major provisions:

1. An expanded list of definitions for the purpose of clarity.
2. A more detailed explanation of the roles and responsibilities of the Department and applicants in the permitting process.
3. An expanded description of the information to be included in a permit application.
4. A restriction on the types of waste which may be open burned at a landfill, to allow burning of only tree stumps and limbs, brush, timbers, lumber and other wood waste (federal standard). Current rules also allow open burning of cardboard and other bulky combustibles.
5. A requirement that construction projects at landfills be certified as properly completed by the permittee's engineer. Currently, the Department has responsibility for checking construction.
6. The establishment of groundwater contamination limits for landfills (federal standard). Currently, there are no groundwater standards.
7. A clarification of the Department's authority to require permittees to collect and analyze samples of groundwater and landfill gases and to weigh incoming loads of refuse at disposal sites. Current rules give general authority to require

reporting, but do not specifically address groundwater monitoring, gas monitoring or weighing.

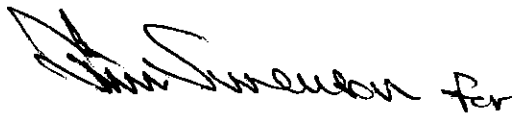
8. The establishment of standards for landfill operators pertaining to protection of endangered species, control of landfill decomposition gases and the prevention of bird hazards to aircraft (federal standards). Currently, there are no standards in these areas.

Summation

1. Existing rules, written in 1971, no longer adequately reflect current policy and state-of-the-art in the field of solid waste management.
2. Existing rules are not consistent with new federal landfill standards.
3. In January 1981, the Commission adopted a State Solid Waste Management Plan which calls for the adoption of updated rules.
4. The staff has drafted amendments to the rules which are intended to overcome current deficiencies and requests authority to conduct a public hearing.
5. The Commission is authorized to adopt solid waste management rules by ORS 459.045.

Director's Recommendation

Based upon the summation, it is recommended that the Commission authorize a public hearing to take testimony on the proposed amendments to the Department's solid waste management rules, OAR 340-61-005, 61-010, 61-020 and 61-025 through 61-040.



William H. Young

Attachments

- (1) Draft Statement of Need for Rulemaking
- (2) Draft Hearing Notice
- (3) Land Use Consistency Statement
- (4) Proposed Rules, OAR 340-61-005, 61-010, 61-020 and 61-025 through 61-040

Before the Environmental Quality Commission
of the State of Oregon

In the Matter of the Adoption of) Statutory Authority,
Amendments to Solid Waste) Statement of Need,
Management Rules OAR Chapter 340,) Principal Documents Relied Upon,
Sections 61-005, 61-010, 61-020) and Statement of Fiscal Impact
and 61-025 through 61-040)

1. Statutory Authority: ORS 459.045, which requires the Environmental Quality Commission to adopt rules pertaining to solid waste management.
2. Need for the Rule: Current rules, adopted in March 1972, no longer adequately reflect departmental policy and the state-of-the-art in proper solid waste management. The rules are not consistent with national landfill criteria adopted by the U.S. Environmental Protection Agency, in September 1979, pursuant to Public Law 94-580 (the Resource Conservation and Recovery Act of 1976).
3. Principal documents relied upon in this rulemaking:
 - a. Criteria for Classification of Solid Waste Disposal Facilities and Practices (Federal Register, September 13, 1979)
 - b. Current or proposed new solid waste management rules from fifteen other states.
4. Fiscal Impact:

Positive impacts on economic resources would primarily result from the institution of safer management practices which, if undertaken now, will result in reduced risk of environmental damage and reduced cost for cleanup measures and remedial programs later on.

Although the proposed revisions provide a public benefit of protecting natural resources and public health, they may result in increased costs to permittees and consumers. The extent of these costs cannot be presented in specific detail, however. The revisions would affect permittees statewide and the number of facilities involved would make an analysis of this kind prohibitive.

It should be noted that during 1979-80 the Department conducted an inventory of most landfills which receive domestic garbage using the new federal criteria. Of the 125 sites evaluated, only 31 were found not to be in compliance with these standards. Therefore, the number of domestic waste landfills that will require substantial upgrading or closure to conform to the Department's proposed new rules should not be great. Some industrial waste landfills have also been evaluated and results are similar.

When new landfills are established and when existing landfills are upgraded to conform to the new standards, the increased costs to operators will likely be reflected in increased user fees and/or taxes to consumers. If the costs to operators should prove to be unreasonable, burdensome or impractical, the Commission may grant a variance from these requirements in accordance with ORS 459.225.

Date: April 1, 1981
SC242

Attachment 2

Distributed: May 1, 1981
Hearing Date: May 19, 1981

NOTICE OF PUBLIC HEARING

A CHANCE TO BE HEARD ABOUT:

Proposed Revision of Solid Waste Management Rules

The Department of Environmental Quality is proposing to revise its solid waste management rules. The sections of the rules which are affected are the definitions, requirements for obtaining solid waste disposal permits and standards for landfills.

What is the DEQ proposing?

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

- a. Require that construction projects at landfills be certified as properly completed by the permittee's engineer.
- b. Limit the types of materials which may be open burned at a landfill to only land clearing debris, diseased trees and debris from emergency cleanup operations.
- c. Establish groundwater contamination limits for landfills.
- d. Confirm DEQ authority to require that permittees collect and analyze samples of groundwater and decomposition gases and weigh incoming loads of refuse at landfills.
- e. Establish standards for landfill operators pertaining to protection of endangered species, control of landfill decomposition gases and the prevention of bird hazards to aircraft.

Who is affected by this proposal?

Persons affected will be owners and operators of landfill disposal sites and consulting engineers and contractors who design and/or construct landfills. The public will also likely be affected to some degree by increased costs for solid waste disposal.

How to provide your information

Written comments should be sent to the Department of Environmental Quality, Solid Waste Division, P.O. Box 1760, Portland, Ore., 97207, and should be received by May 24, 1981.

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

City: Portland
Time: 1:00 p.m.
Date: May 19, 1981
Location: 522 SW 5th, Room 1400

Where to obtain additional information

Copies of the rules and other information may be obtained from William H. Dana, Department of Environmental Quality, Solid Waste Division, 522 SW 5th, P.O. Box 1760, Portland, Ore., 97207, (503) 229-6266, toll-free 1-800-452-7813.

A Statement of Need and Statement of Fiscal Impact are on file with the Secretary of State.

Legal references for this proposal

This proposal amends OAR 340-61-005, 61-010, 61-020 and 61-025 through 61-040. The rules are proposed under the authority of ORS Chapter 459.

The proposed rules appear to be consistent with statewide land use planning goals 6 and 11. There is no apparent conflict with the other land use goals.

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 Commission's deliberation should come in July 1981 as part of the agenda of a regularly scheduled Commission meeting.

Before the Environmental Quality Commission
of the State of Oregon

In the Matter of the Adoption of) Land Use Consistency
Amendments to Solid Waste)
Management Rules OAR Chapter 340,)
Sections 61-005, 61-010, 61-020)
and 61-025 through 61-040.)

The proposals described herein appear to be consistent with statewide planning goals. These proposals appear to conform with Goal No. 6 (Air, Water and Land Resources Quality) and Goal No. 11 (Public Facilities and Services). There is no apparent conflict with the other goals.

With regard to Goal 6, the proposals would revise state rules and standards for proper disposal of solid waste, in order to better protect public health and safety and the air, water and land resources of the state. This action by definition complies with Goal 6.

With regard to Goal 11, the proposals provide new standards for landfills, which are "public facilities" that "serve as a framework for urban and rural development." Goal 11 specifically requires that local comprehensive plans include a provision for solid waste disposal sites.

Public comment on these proposals is invited and may be submitted in the manner described in the accompanying NOTICE OF PUBLIC HEARING.

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

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

After public hearing the Commission may adopt permanent rule modifications identical to the proposals, adopt a modified rule on the same subject matter, or decline to act. The Commission's deliberation should come in July 1981 as part of the agenda of a regularly scheduled Commission meeting.

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY

PROPOSED AMENDMENTS

OREGON ADMINISTRATIVE RULES

CHAPTER 340 - DIVISION 61

"SOLID WASTE MANAGEMENT"

340-61-005 PURPOSE. The purpose of these rules is to prescribe requirements, limitations, and procedures for storage, collection, transportation, and disposal of solid waste[, pursuant to Chapter 648, Oregon Laws 1971 (HB 1051)].

340-61-010 DEFINITIONS. As used in these rules unless [the context requires] otherwise specified:

(1) "Access road" means any road owned or controlled by the disposal site owner which terminates at the disposal site and which provides access for users between the disposal site entrance and a public road.

(2) "Airport" means any area licensed by the Oregon Department of Transportation for the landing and taking-off of aircraft which is open to the public for such use without prior permission.

(3) "Aquifer" means a geologic formation, group of formations or portion of a formation capable of yielding usable quantities of ground water to wells or springs.

(4) "Baling" means a volume reduction technique whereby solid waste is compressed into bales for final disposal.

(5) "Base flood" means a flood that has a one percent or greater chance of recurring in any year or a flood of a magnitude equalled or exceeded once in 100 years on the average of a significantly long period.

[(1)] (6) "Commission" means the Environmental Quality Commission.

(7) "Cover material" means soil or other suitable material approved by the Department that is placed over the top and side slopes of compacted solid wastes in a landfill.

[(2)] (8) "Composting" [is] means the process of controlled

[biochemical degradation] biological decomposition of organic solid waste. [under controlled conditions.]

[(3)] (9) "Department" means the Department of Environmental Quality.

[(4)] (10) "Digested sewage sludge" means the concentrated sewage sludge that has decomposed under controlled conditions of pH, temperature and mixing in a digester tank.

[(5)] (11) "Director" means the Director of the Department of Environmental Quality.

[(6)] (12) "Disposal site" means land and facilities used for the disposal, [or] handling or transfer of or resource recovery from [of] solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, transfer stations, resource recovery facilities, [salvage sites,] incinerators for solid waste delivered by the public or by a solid waste collection service and composting plants; but the term does not include a facility subject to the permit requirements of ORS 468.740; a landfill site which is used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar nondecomposable material, unless the site is used by the public either directly or through a solid waste collection service; or a site licensed pursuant to ORS 481.345.

(13) "Endangered or threatened species" means any species listed as such pursuant to Section 4 of the Federal Endangered Species Act and any other species so listed by the Oregon Department of Fish and Wildlife.

(14) "Floodplain" means the lowland and relatively flat areas adjoining inland and coastal waters which are inundated by the base flood.

.. (15) "Groundwater" means water that occurs beneath the land surface in the saturated zone of an aquifer.

[(7)] (16) "Hazardous [Solid] Waste" [is solid waste that may, by itself or in combination with other solid waste, be infectious, explosive, poisonous, highly flammable, caustic or toxic or otherwise dangerous or injurious to human, plant or animal life, but does not include Environmentally Hazardous Wastes as defined in Section 1, Chapter 699, Oregon Laws 1971 (Enrolled HB 1931).] means discarded, useless or unwanted materials or residues in solid, liquid or gaseous state and their empty containers which are classified as hazardous pursuant to ORS 459.410.

[(8)] (17) "Heat-treated" means a process of drying or treating sewage sludge where there is an exposure of all portions of the sludge to high temperatures for a sufficient time to kill all pathogenic organisms.

[(9)] (18) "Incinerator" means [a combustion] any device [specifically designed] used for the reduction[, by burning,] of combustible solid wastes. by burning under conditions of controlled air flow.

[(10)] "Land Disposal Site" is a disposal site at which solid wastes are placed on or in the ground for disposal, such as but not limited to landfills, sludge lagoons and sludge spreading areas.]

[(11)] "Modified Landfill" is the disposal of solid waste by compaction in or upon the land and cover of all wastes deposited, with earth or other approved cover material at specific designated intervals, but not each operating day.]

[(12)] (19) "Landfill" [is a general term meaning all landfill operations such as sanitary landfills and modified landfills.] means a

facility for the disposal of solid waste involving the placement of solid waste on or beneath the land surface.

[(13)] (20) "Leachate" [is] means liquid that has come into direct contact with [percolated through] solid waste and contains dissolved and/or suspended contaminants as a result of such contact.

(21) "Local government unit" means a city, county, metropolitan service district formed under ORS Chapter 268, sanitary district or sanitary authority formed under ORS Chapter 450, county service district formed under ORS Chapter 451, regional air quality control authority formed under ORS 468.500 to 468.530 and 468.540 to 468.575 or any other local government unit responsible for solid waste management.

[(14)] "Non-digested Sludge" means the sewage sludge that has accumulated in a digester but due to a lack of environmental control has only partially decomposed.]

(22) "Open Dump" means a facility for the disposal of solid waste which does not comply with these rules.

[(15)] (23) "Permit" means a document [written permit] issued by the Department, bearing the signature of the Director or his authorized representative which by its conditions may authorize the permittee to construct, install, modify or operate a [specified facilities] disposal site [conduct specified activities, or dispose of solid wastes] in accordance with specified limitations.

[(16)] (24) "Person" means the [United States or agencies thereof, any] state or a public or private corporation, local government unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity.

(25) "Point source" means any discernible, confined, and discrete

conveyance, including, but not limited to, any pipe, ditch, channel, tunnel conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

[(17)] (26) "Public Waters" or "Waters of the State" include lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

(27) "Processing of Wastes" means any technology designed to change the physical form or chemical content of solid waste including, but not limited to, baling, composting, classifying, hydropulping, incinerating and shredding.

[(18)] (28) "Putrescible [Material] Waste " [is] means solid waste containing organic material that can be rapidly decomposed by microorganisms, which [and] may give rise to foul smelling, offensive products during such decomposition or which is capable of attracting or providing food for birds and potential disease vectors such as rodents and flies.

[(19)] "Raw Sewage Sludge" means the accumulated suspended and settleable solids of sewage deposited in tanks or basins mixed with water, to form a semi-liquid mass.]

(29) "Resource Recovery" means the process of obtaining useful

material or energy from solid waste and includes:

(a) "Energy recovery," which means recovery in which all or a part of the solid waste materials are processed to utilize the heat content, or other forms of energy, of or from the material.

(b) "Material recovery," which means any process of obtaining from solid waste, by presegregation or otherwise, materials which still have useful physical or chemical properties after serving a specific purpose and can, therefore, be reused or recycled for the same or other purpose.

(c) "Recycling," which means any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity.

(d) "Reuse," which means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

[(20)] (30) "Salvage" means [separating or collecting reusable solid or liquid wastes for resale or the business of separating or collecting and reclaiming] the controlled removal of reusable , recyclable or otherwise recoverable materials from solid [or liquid] wastes at a solid waste disposal site.

[(21)] (31) "Sanitary Landfill" [is the disposal of solid waste by compaction in or upon land and cover of all wastes deposited with earth or other approved cover material at least once each operating day.] means a facility for the disposal of solid waste which complies with these rules.

(32) "Saturated zone" means a three (3) dimensional layer, lens, or other section of the subsurface in which all open spaces including joints, fractures, interstitial voids and pores are filled with ground-

water. The thickness and extent of a saturated zone may vary seasonally or periodically in response to changes in the rate or amount of ground-water recharge, discharge or withdrawal.

(33) "Sludge" means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility or any other such waste having similar characteristics and effects.

[(22)] (34) "Solid Waste" means all putrescible and non-putrescible wastes, including but not limited to garbage, rubbish refuse, ashes, waste paper and cardboard; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction wastes; discarded or abandoned vehicles or parts thereof; discarded home and industrial appliances; manure; vegetable or animal solid and semi-solid wastes, dead animals and other wastes; but the term does not include:

(a) [Environmentally] Hazardous Wastes as defined in [Section 1, Chapter 699, Oregon Laws 1971 (Enrolled HB 1931).] ORS 459.410.

(b) Materials used for fertilizer or for other productive purposes or which are salvageable as such materials [and] are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals.

(35) "Solid waste boundary" means the outermost perimeter (on the horizontal plane) of the solid waste at a landfill as it would exist at completion of the disposal activity.

[(23)] (36) "Transfer Station" means a fixed or mobile facility, normally used as an adjunct of a solid waste collection and disposal system or resource recovery system, between a collection route and a disposal

site, including but not limited to a large hopper, railroad gondola or barge.

(37) "Underground drinking water source" means an aquifer supplying drinking water for human consumption or an aquifer in which the ground-water contains less than 10,000 mg/l total dissolved solids.

(38) "Vector" means any insect, rodent or other animal capable of transmitting, directly or indirectly, infectious diseases from one person or animal to another.

[(24)] (39) "Waste" means useless or discarded materials.

340-61-020 PERMIT REQUIRED. (1) Except as provided by [sub]section[s] (2) [and (3)] of this rule, [after July 1, 1971, a disposal site] no person shall [not be] establish[ed] , [and after July 1, 1972, a disposal site shall not be] operate[d], maintain[ed] or substantially alter[ed], expand[ed] or improve[d,] a disposal site, and [a change] no person shall [not be made in] change the method or type of disposal at a disposal site, until the person owning or controlling the disposal site obtains a permit therefor from the Department.

[(2) Disposal sites in existence at the time of adoption of these rules and used only by the owner or person in control of the premises, to dispose of industrial or agricultural wastes generated by the owner or person in control of the premises, need not obtain a permit until July 1, 1973, unless the Department determines that a permit is necessary for a specific site prior to July 1, 1973, in order to adequately protect environmental quality or the public health or welfare.]

[(3)] (2) Persons owning or controlling the following classes of disposal sites are specifically exempted from the above requirements to obtain a permit under these rules, but shall comply with all other

provisions of these rules and other applicable laws, rules and regulations regarding solid waste disposal:

(a) Disposal sites, facilities or disposal operations [covered under] operated pursuant to a permit issued under ORS [499.083 or under Chapter 699, Oregon Laws 1971 (HB 1931).] ORS 468.310.

(b) A landfill site [which is] used [only] exclusively [by the owner or person in control of the premises to dispose] for the disposal of soil, rock, concrete or [other similar non-decomposable materials.] asphalt paving. (Note: Such a landfill may require a permit from the Oregon Division of State Lands, 1445 State Street, Salem, OR 97310, Phone 503/378-3805).

(c) Household composting operations used only by the owner or person in control of the property to dispose of not more than five (5) cubic yards per year of food scraps, garden wastes, weeds, lawn cuttings, leaves, and prunings and operated in a manner approved by the Department.

[(4)] (3) The Department may, in accordance with a specific [conditional] permit containing a [and] compliance schedule, grant reasonable time for solid waste disposal sites or facilities which were existing at the time of adoption of these rules to comply with these rules.

[(5)] (4) If it is determined by the Department that a proposed or existing disposal site [or solid waste handling operation used only by the owner or person in control of the premises,] is not likely to create a public nuisance, health hazard, air or water pollution or other environmental problem, the Department may waive any or all requirements of rules 340-61-025, 340-61-030, [and rule] 340-61-035 and 340-61-036 and section 340-61-040(1) [of these rules] and issue a [properly conditioned

written authorization, which may be in the form of a letter. Application for such authorization shall be in the form of a letter which fully describes the need and justification therefor, the materials to be disposed and the conditions under which the operation is to be carried out and shall include an agreement by the applicant to terminate the operation immediately upon request by the Department.] special letter authorization in accordance with rule 340-61-027.

(5) Each person who is required by section (1) of this rule to obtain a permit shall:

(a) Make prompt application to the Department therefor;

(b) Fulfill each and every term and condition of any permit issued to such person;

(c) Comply with these rules;

(d) Comply with the Department's requirements for recording, reporting, monitoring, entry, inspection, and sampling, and make no false statements, representations, or certifications in any form, notice, report, or document required thereby.

(6) Failure to conduct solid waste disposal according to the conditions, limitations, or terms of a permit, letter authorization or these rules, or failure to obtain a permit or letter authorization, is a violation of these rules and shall be cause for the assessment of civil penalties for each violation as provided in OAR Chapter 340, Division 12 or for any other enforcement action provided by law. Each and every day that a violation occurs is considered a separate violation and may be the subject of separate penalties.

340-61-025 APPLICATIONS FOR PERMITS. (1) Applications for permits shall be [filed and permits shall be issued, denied, modified or revoked]

processed in accordance with the Procedures for Issuance, Denial, Modification and Revocation of Permits as set forth in OAR Chapter 340, Division 14.

(2) Applications for a permit shall be accepted by the Department only when complete, as detailed in section 340-61-025(3).

[(2)] (3) [In order for the] Applications for permits [to] shall be [considered] complete [and accepted for processing] only if they [shall]:

(a) [Be] are submitted in [triplicate] duplicate on forms provided by the Department , [and be] accompanied by [a like number of copies of] all required exhibits, and the forms are completed in full and are signed by the property owner or person in control of the premises.

(b) Include written recommendations of the local [or state health agency] government unit or units having jurisdiction for solid waste planning and implementation.

(c) Include recommendations of the local governing body and its [regional solid waste advisory committee] and the city or county planning commission having jurisdiction, to establish a new disposal site or to substantially alter, expand, or improve a disposal site or to make a change in the method or type of disposal. Such recommendations shall include a statement of compatibility with the acknowledged local comprehensive plan and zoning requirements or the Land Conservation and Development Commission's Statewide Planning Goals.

(d) Include[, for all existing landfill operations, a] detailed [site development and operational] plans and specifications as required by [subsection 61-040-(1)(b)] rule 340-61-035 [of these rules.]

[(3)] (e) [Applications for a permit to establish a new disposal site

or to substantially alter, expand or improve a disposal site or to make a change in the method or type of disposal shall be accompanied by] Include a feasibility study report prepared in accordance with rule 340-61-030 [of these rules], to establish a new disposal site or to substantially alter, expand or improve a disposal site or to make a change in the method or type of disposal at a disposal site, unless the requirements of said feasibility study have been met by [submittal of a regional or county-wide plan or] other prior submittals.

[~~(e)~~] (f) Include such other information as the Department may deem necessary to determine whether the proposed site and solid waste disposal facilities and the operation thereof will comply with applicable requirements.

(4) If in the judgment of the Department, a proposed new, modified or expanded disposal site or a proposed change in the method or type of disposal is not likely to have significant adverse effects on public health or the environment, the Department may waive the requirements of subsections 340-61-025(2)(d) and 340-61-025(2)(e) and rule 340-61-036.

In making this judgment, the Department may consider the size and location of the disposal sites, the volume and types of waste received and any other relevant factor.

[~~(4)~~] (5) If a local public hearing regarding a proposed disposal site has not been held and if, in the judgment of the Department, there is sufficient public concern regarding the proposed disposal site, the Department may, as a condition of receiving and acting upon an application, require that such a hearing be held by the County Board of Commissioners or County Court or other local government agency responsible for solid waste management, for the purpose of informing and receiving information

from the public.

[(5) Landfills, incinerators, composting plants and sludge disposal sites are subject to special regulations under rules 340-61-040, 340-61-045, 340-61-050 and 340-61-055 of these rules, however nothing in rules 340-61-040, 340-61-045, 340-61-050 and 340-61-055 shall be construed to limit the methods of solid waste handling or disposal which may be permitted by the Department to only those methods cited.]

340-61-026 DENIAL OF PERMITS. (1) Upon receipt of a completed application, the Department shall deny the permit if:

(a) The application contains false information;

(b) The application was wrongfully accepted by the Department;

(c) The proposed disposal site would not comply with these rules or other applicable rules of the Department.

(d) The proposal is not part of or not compatible with the adopted local solid waste management plan approved by the Department.

(e) There is no clearly demonstrated need for the proposed new, modified or expanded disposal site or for the proposed change in the methods or type of disposal.

340-61-027 Letter Authorizations. The Department may authorize the temporary operation of a disposal site by issuing a "letter of authorization" subject to the following:

(1) A letter authorization may only be issued on the basis of a complete written application which has been approved by the Department. Applications for letter authorizations shall be complete only if they contain the following items:

(a) The quantity and types of material to be disposed.

(b) A discussion of the need and justification for the proposed project.

(c) The expected amount of time which will be required to complete the project.

(d) The methods proposed to be used to insure safe and proper disposal of solid waste.

(e) The location of the proposed disposal site.

(f) A statement of approval from the property owner or person in control of the property, if other than the applicant.

(g) Any other relevant information which the Department may require.

(2) Upon receipt of a complete written application the Department may approve the application if it is satisfied that:

(a) The applicant has demonstrated sufficient need and justification for the proposal.

(b) The proposed project is not likely to cause a public nuisance, health hazard, air or water pollution or other environmental problem.

(3) The Department may deny an application for a letter authorization revoke or suspend an issued letter authorization on any of the following grounds:

(a) A material misrepresentation or false statement in the application;

(b) Any relevant violation of any statute, rule, order, permit, ordinance, judgment or decree;

(4) The Department may issue letter authorizations for periods not to exceed one (1) year. Any requests to conduct additional disposal shall

require a new application and a new authorization.

340-61-030 FEASIBILITY STUDY REPORT. A feasibility study report shall include, but not be limited to, the following:

(1) [A description of and background information on the service area including climate, topography, political entities, transportation system, major contributors to the area economy, population density and trends and projections of factors affecting solid waste management in the area.]

An Existing Conditions Map of the area showing land use and zoning within 1/4 mile of the disposal site. Also, any airport runway within 10,000 feet of the site or within 5,000 feet if used only by propeller-driven aircraft. (Note: Runways may be shown on a scaled insert). The map shall show all, structures, natural features of the land and the precise geographical location and boundaries of the disposal site. For landfills, topography of the site and area within 1/4 mile shall be shown with contour intervals not to exceed five feet. An on-site bench mark shall be indicated and a north arrow drawn. The scale of the map shall be no greater than one inch equals 200 feet, unless otherwise approved by the Department.

[(2) A statement of the existing disposal practice in the service area, including types and quantities of wastes, methods of processing and disposal presently used.]

[(3) The status of a regional or county-wide solid waste management plan and evidence that the proposed disposal facility is a part of or is compatible with such a plan.]

[(4)] (2) A description of the proposed method or methods to be used in processing and disposing of solid wastes, including anticipated types and quantities of solid wastes, justification of alternative disposal

method selected, general design criteria, [ultimate] planned future use of [land] the disposal site after closure, type of equipment to be used, and projected life of the site[, and proposed administration of the program].

[(5) Maps, exhibits and reports to show graphically the location and nature of the proposed project. For a land disposal facility, the geologic characteristics of each site reflecting depths and types of soil; depth to rock; depth to local and regional groundwater tables; location and logs of soil borings; down-gradient uses of groundwater; direction and flow of groundwater; historic and seasonal surface water flows and elevations; proposed surface water diversion structures, berms, ditches, access roads, residences, buildings, streams, springs, ponds, wells and existing contours and elevations. For all sites and facilities the land use and zoning in the vicinity of the proposed site; population projections; prevailing and seasonal wind characteristics; supporting data and other pertinent information shall be presented.]

(3) For a landfill, a detailed soils, geologic, and ground water report of the site prepared and stamped by a professional Engineer, Geologist or Engineering Geologist with current Oregon registration. The report shall include consideration of surface features, underground formations, soil boring data, water table profile, direction of ground-water flow, background quality of water resources in the anticipated zone of influence of the landfill, need and availability of cover material, climate, average rates of precipitation, evapotranspiration, runoff, and infiltration.

Soil borings shall be to a minimum depth of twenty feet below the deepest proposed excavation and lowest elevation of the site or to the

permanent groundwater table if encountered within twenty feet. A minimum of three borings shall be provided. Soil boring data shall include the location, depth, surface elevation and water level measurements of all borings, the textural classification (Unified Soil Classification System) permeability and cation exchange capacity of the subsurface materials.

For all water wells located within the anticipated zone of influence of the disposal site, the depth and current use shall be identified.

Background groundwater quality shall be determined by laboratory analysis and shall include at least each of the constituents specified in the National Interim Primary Drinking Water Regulations and the National Secondary Drinking Water Regulations (Refer to the federal Safe Drinking Water Act, Public Law 93-523).

[(6)] (4) A proposal for protection and conservation of the air, water and land environment surrounding the disposal site, including control and/or treatment of leachate, control of methane gas, control of litter and vectors, prevention of traffic congestion and control of other discharges, emissions [or] and activities which may result in a public health hazard, a public nuisance or environmental degradation.

[(7) A proposed fiscal program for plan implementation, including initial capital required, capital budget and bond or loan amortization if applicable.]

340-61-031 PRELIMINARY APPROVAL. (1) The Department may issue written preliminary approval to any applicant for a Solid Waste Disposal Permit, prior to submission of detailed engineering plans and specifications, based on the material submitted in accordance with the requirements of rule 340-61-030.

(2) The purpose of the preliminary review and approval process is

to inform the applicant of the Department's concerns, if any, regarding the proposal and to provide guidance in the development of the detailed plans and specifications required to complete the permit application. Receipt of preliminary approval does not grant the applicant any right to begin construction or operation of a disposal site.

(3) Requests for preliminary approval shall be made to the Department in writing. Within 45 days of receipt of such request, the Department shall either grant or deny preliminary approval or request additional information.

(4) Granting of preliminary approval shall not prevent the Department from denying or conditionally approving a completed permit application.

(5) If the Department denies preliminary approval, it shall clearly state the reasons for denial. Failure to receive preliminary approval shall not prevent an applicant from completing a permit application. Any application completed after denial of preliminary approval shall specifically address those concerns listed in the Department's letter of denial.

340-61-035 DETAILED PLANS AND SPECIFICATIONS REQUIRED. (1) [Before a new disposal site or fixed transfer station used by the public is established, constructed, maintained or operated and before an existing disposal site or fixed transfer station is substantially altered, expanded or modified, an applicant must submit to the Department final detailed plans and specifications for construction and operation of the proposed disposal site or transfer station and all related facilities and obtain written approval of such final plans and specifications from the Department.] Any person applying for a Solid Waste Disposal Permit shall submit plans and specifications to the Department sufficiently

detailed and complete so that the Department may evaluate all relevant criteria before issuing a permit.

The Department may refuse to accept plans and specifications that are incomplete and may request such additional information as it deems necessary to determine that the proposed disposal site and site operation will comply with all pertinent rules of the Department.

(2) Engineering plans and specifications submitted to the Department shall be prepared and stamped by a professional engineer with current Oregon registration.

[(4) Plans and specifications submitted to the Department shall be sufficiently detailed and complete to ensure that the proposed disposal site and related facilities will be constructed and operated as intended and in compliance with all pertinent state and local air, water and solid waste statutes and regulations.]

(3) If in the course of facility construction any person desires to deviate from the approved plans, the permittee shall submit a detailed description of the proposed change to the Department for review and approval. No significant deviations from the approved plans shall be implemented without the prior written approval of the Department.

340-61-036 CONSTRUCTION CERTIFICATION. (1) Upon completion of construction at a disposal site, the permittee shall submit to the Department, a final project report signed by the project engineer. The report shall certify that construction has been completed in accordance with the approved plans including any approved amendments thereto.

(2) If any construction has been scheduled in the plans for phase development subsequent to the initial operation, the permittee shall submit additional certification for each phase when construction of that phase

is completed.

340-61-038 AUTHORIZED AND PROHIBITED DISPOSAL METHODS. (1) Sanitary Landfill. Disposal of solid waste is authorized only at a sanitary landfill.

(2) Open Dump. The establishment, operation, or maintenance of an open dump is prohibited.

340-61-040 SPECIAL RULES PERTAINING TO LANDFILLS. (1) Plan Design Requirements. In addition to the requirements of rule 340-61-025 detailed plans and specifications for landfills shall include but not be limited to:

(a) Topographic maps which show natural features of the site; the location and design of all pertinent existing and proposed structures [physical features of the site], such as berms, dikes, surface drainage control devices, access and on-site roads, water and waste water facilities, [trenches, landfill lifts and cells,] monitoring wells, fences, utilities, [truck washing] maintenance facilities, shelter and buildings; legal boundaries and property lines, [land use,] and existing contours and projected finish grades at not to exceed five (5) foot contour intervals unless otherwise approved by the Department.

(b) A minimum of two cross section drawings through the landfill and all pertinent structures, perpendicular to one another. Additional cross sections shall be provided as necessary to adequately depict underlying soils and geology and landfill contours. Each cross section shall illustrate existing grade, excavation grade, proposed final grade, any additions for groundwater protection, water table profile and soil profile.

[(b)] (c) A detailed operational plan and timetable [including]

which describes the proposed method of operation and progressive development of trenches and/or landfill lifts or cells [sequence of site development, utilization and operation and a proposal for monitoring and reporting any environmental affects resulting therefrom]. Said plan shall include a description of the types and average total daily quantity of waste materials that will be received; hours of operation; number and duties of site personnel; methods of waste unloading, placement, compaction and covering; areas and/or procedures to be used for disposal of waste materials during inclement weather; types and weights of equipment to be used for site operation; detailed description of any salvaging or resource recovery operations to take place at the facility; such measures for the collection, containment, treatment or disposal of leachate as may be required; provisions for managing surface drainage, including calculations used to forecast flows and to size ditches and culverts; and measures to be used for the control of fire, dust, decomposition gases, birds, disease vectors, scavenging, access, flooding, erosion, and blowing debris.

(d) Plan drawings shall be submitted on paper no larger than 24" by 36" (clear and legible reductions are acceptable) folded to 8-1/2" by 11" or less. The scale of the drawings shall be no greater than one inch equals 200 feet, unless otherwise approved by the Department.

Horizontal and vertical controls shall be established and tied to an established bench mark located on or near the site, referenced to the Oregon State Plane Co-ordinate System, Lambert Projection.

(2) Guidelines Applicability. The U.S. Environmental Protection Agency's proposed landfill guidelines (Federal Register, March 26, 1979) may be used as a general guideline for purposes of complying with these rules.

Guidelines are not intended to be regulations. Rather, they are a summation of current standards, practices and policies in the field and are meant to give affected members of the public a fair indication of what the Department regards as meaningful standards.

[(2) Authorized Landfill Methods:]

[(a) Sanitary Landfill. Disposal of solid waste by landfilling shall be by the sanitary landfill method unless a modified landfill is specifically authorized by written permit.]

[(b) Modified Landfill. Modified landfills may be permitted if it is determined by the Department that special circumstances such as climate, geographic area, site location, nature or quantity of the material to be landfilled, or population density justifies less than daily compaction and cover.]

[(c) Open Burning or Open Dumps. Open burning or open dumps of putrescible solid wastes shall not be permitted.]

[Open burning of non-putrescible combustible wastes at a disposal site at distances greater than five hundred (500) feet from the active landfill area may be permitted in accordance with plans approved and permits issued by the Department provided that such burning is permitted by rules and regulations of the air pollution control authority having jurisdiction.]

(3) Open Burning. No person shall conduct the open burning of solid waste at a landfill, except in accordance with plans approved and permits issued by the Department prior to such burning. The Department may authorize the open burning of tree stumps and limbs, brush, timbers, lumber and other wood waste, except that open burning of industrial wood waste is prohibited.

[(3) Landfill Design and Construction:]

[(a) Location. Modified landfills should be located a minimum of 1/4 mile from the nearest existing residence or commercial establishment other than that used by the landfill operator.]

[(b)] (4) Leachate. Any person designing, constructing, or operating a landfill shall ensure that leachate production [shall be] is minimized . [and] Where required by the Department, leachate shall be collected and treated or otherwise controlled in a manner approved by the Department.

[(c)] (5) Groundwater[.]: [Areas having high groundwater tables may be restricted to landfill operations which will maintain a safe vertical distance between deposited solid waste and the maximum water table elevation.]

[Solid wastes other than tires, rock, dirt, brick and concrete rubble and similar non-decomposable materials shall not be deposited directly into the groundwater table or in flooded trenches or cells.]

(a) No person shall introduce a substance into an underground drinking water source beyond the solid waste boundary of a landfill or beyond an alternative boundary specified by the Department such that:

(A) The concentration of that substance in the groundwater exceeds the maximum contaminant level specified in the National Interim Primary Drinking Water Regulations or the National Secondary Drinking Water Regulations.

(B) There is an increase in the concentration of that substance in the groundwater where the existing concentration of that substance exceeds the maximum contaminant level specified in the National Interim Primary Drinking Water Regulations or the National Secondary Drinking Water Regulations.

(b) The Department may specify an alternative boundary only if it finds that such a change would not result in contamination of ground water which may be needed or used for human consumption. This finding shall be based on analysis and consideration of all of the following factors:

(A) The hydrogeological characteristics of the facility and surrounding land;

(B) The volume and physical and chemical characteristics of the leachate;

(C) The quantity, quality, and directions of flow of ground water;

(D) The proximity and withdrawal rates of ground water users;

(E) The availability of alternative drinking water supplies.

(F) The existing quality of the ground water including other sources of contamination and their cumulative impacts on the ground water; and

(G) Public health, safety, and welfare effects.

(6) Surface Water:

(a) No person shall cause a point source discharge of pollutants from a landfill into public waters, including wetlands, except in compliance with the conditions of an NPDES permit issued by the Department under ORS 468.740.

(b) Surface runoff and leachate seeps shall be controlled so as to minimize non-point source discharges of pollutants into public waters.

(7) [(d)] Monitoring Wells[.] :

(a) The Department may require a permittee to provide monitoring wells [may be required where deemed necessary] to determine the effect of a landfill on [usable ground water resources in accordance with plans approved in writing by the Department] groundwater and/or to determine the concentration of methane gas at a landfill.

[Other sites may be required to provide monitoring wells if they are determined by the Department to be necessary.]

(b) The permittee shall provide and maintain monitoring wells at the locations specified by the Department and, at the Department's request, shall submit a copy of the well logs to the Department within thirty (30) days of completion of construction.

(c) The permittee shall ensure that samples of groundwater and/or gas in the wells are collected and analyzed at intervals specified and in a manner approved by the Department. The results of analysis specified by the Department shall be submitted to the Department by the permittee within thirty (30) days of the date of collection of each sample.

(8) Endangered Species. No person shall establish, operate, expand or modify a landfill in a manner that will cause or contribute to the actual or attempted:

(a) Harassing, harming, pursuing, hunting, wounding, killing, trapping, capturing or collecting of any endangered or threatened species of plants, fish, or wildlife.

(b) Direct or indirect alteration of critical habitat which appreciably diminishes the likelihood of the survival and recovery of threatened or endangered species using that habitat.

(9) Gas Control. No person shall establish, operate, expand or modify a landfill such that:

(a) The concentration of methane (CH₄) gas at the landfill exceeds twenty-five (25) percent of its lower explosive limit in facility structures (excluding gas control or gas recovery system components) or its lower explosive limit at the property boundary.

(b) Malodorous decomposition gases become a public or private nuisance.

(10) [(e)] Surface Drainage Control. Each permittee shall insure that: [A disposal site shall be so located, sloped or protected]

(a) The landfill is designed, constructed and maintained so that drainage will be diverted around or away from [the] active and completed operational areas [of the site].

(b) The surface contours of the [site shall be] landfill are maintained such that ponding of surface water [run-off will not flow into or through the fill.] is minimized.

[(f) Dikes. Landfill sites which may be subject to flooding shall be protected by dikes which are constructed to be impervious to the passage of water and designed to prevent erosion or cutting out of the filled portions of the landfill site.]

(11) Floodplains. No permittee of a landfill located in a floodplain shall allow the facility to restrict the flow of the base flood, reduce the temporary water storage capacity of the floodplain, or result in washout of solid waste so as to pose a hazard to human life, wildlife or land or water resources.

(12) Liners:

(a) Any person may use an artificial (man made) or natural (soil) liner to minimize leachate and/or gas migration at a landfill, if construction is in accordance with engineering plans which have been approved in writing by the Department.

(b) The Department shall not approve proposed disposal operations which would rely substantially on the integrity of a liner to protect

ground water which serves or is likely to serve as a drinking water source.

(13) [(g)] Cover Material. Each permittee shall provide adequate quantities of cover material of a type approved by the Department [shall be available to provide] for the [periodic] covering of deposited solid waste at a landfill in accordance with the approved operational plan , [and] permit conditions and these rules.

[Final cover material must be available which will permit minimal percolation of surface water and minimum cracking of the completed fill.]

(14) Cover Frequency. Each permittee shall place a compacted layer of at least six inches of approved cover material over the compacted wastes in a landfill at intervals specified in the permit. In setting a requirement for cover frequency, the Department may consider such factors as the volume and types of waste received, hydrogeologic setting of the facility, climate, proximity of residences or other occupied buildings, site screening, availability of equipment and cover material, any past operational problems and any other relevant factor.

[(h)] (15) Access Roads. Each permittee shall insure that roads from [a public highway to a] the [disposal site] landfill property line to the active operational area and roads within [a disposal site] the operational area are [shall be designed] constructed and maintained so as to [prevent] minimize [traffic congestion,] traffic hazards , [and] dust and [noise pollution] mud and to provide reasonable all-weather access for vehicles using the site.

[(i) Fences. Access to landfills which are not attended on a twenty-four hour basis shall be controllable by means of gates which may be locked and the site shall be completely enclosed by a perimeter fence

unless access is adequately controlled by the natural terrain features of the site.]

(16) Access Control. Each permittee shall insure that the landfill has a perimeter barrier or topographic constraints adequate to restrict unauthorized entry.

[(j)] (17) Site Screening. [Site screening shall be provided as required to effectively screen, insofar as is practicable, the active landfill area from residences and public view.] To the extent practicable, each permittee shall screen the active landfill area from public view by trees, shrubbery, fence, stockpiled cover material, earthen berm, or other appropriate means.

[(k) Public Dumping. Where practicable, special facilities such as a transfer station, vehicles or drop-box shall be provided to keep the public out of the active landfill area.]

[(l)] (18) Fire Protection. [Fire protection shall be provided in accordance with design and operational plans approved by the Department and in accordance with pertinent state and local fire regulations.]

[Where practicable, water under pressure shall be available at the site.]

[A minimum water supply of not less than 300 gallons should be provided.]

(a) Each landfill permittee shall make arrangements with the local fire control agency to immediately acquire their services when needed and shall provide adequate on-site fire protection as determined by the local fire control agency.

(b) In case of accidental fires at the site, the operator shall be responsible for initiating and continuing appropriate fire-fighting methods

until all smoldering, smoking and burning ceases.

(c) No operator shall permit the dumping of combustible materials within the immediate vicinity of any smoldering, smoking or burning conditions at a landfill, or allow dumping activities to interfere with fire-fighting efforts.

[(m)] (19) Special Handling. Large dead animals, sewage sludges, septic tank pumpings, hospital wastes and other materials which may be hazardous or difficult to manage, shall not be deposited at a disposal site unless special provisions for such disposal are included in the operational plan or otherwise approved by the Department [or local health department having jurisdiction].

(20) Site Personnel. Each landfill permittee shall provide site personnel as necessary to ensure compliance with permit conditions and these rules.

(21) Communication. Each permittee of an attended landfill shall have adequate telephone or radio communication equipment available to the operator for emergency use.

[(n)] (22) Signs. [Clearly stating dumping area rules shall be posted and adequate to obtain compliance with the approved operational plans.]

[A clearly visible and legible sign or signs shall be erected at the entrance to the disposal site which shall contain at least the following:

- (a) Name of facility and owner.
- (b) Emergency phone number of attendant.
- (c) Restricted materials (if applicable).
- (d) Operational hours during which wastes will be received for disposal.

(e) Penalty for unlawful dumping.]

Each permittee of a landfill open to the public shall post a permanent sign at the site entrance specifying the name of the facility, the hours and days the site is open to the public, an emergency phone number and listing the general types of materials which either will be accepted or will not be accepted.

[(o)] (23) Truck Washing Facilities. Each permittee shall insure that any truck washing areas at a landfill [shall be] are hard surfaced and that any on-site disposal of [all] wash waters [shall be] is accomplished in a manner [conveyed to a catch basin drainage and disposal system] approved by the Department [or state or local health agency having jurisdiction].

[(p)] (24) Sewage Disposal. Each landfill permittee shall insure that any on-site [Sanitary waste] disposal of sewage is [shall be] accomplished in a manner approved by the Department [or state or local health agency having jurisdiction].

[(4) Landfill Operation:

(a) Compaction and cover. Solid Waste deposited at a landfill site shall be spread on a slope no steeper than 3 horizontal to 1 vertical and compacted in layers not to exceed 2 feet in depth up to maximum cell heights in accordance with the approved operational plan and covered with not less than 6 inches of compacted cover material at intervals specified in the permit. Alternative procedures to achieve equivalent results may be approved by the Department.]

[(b) Final Cover and Grading. A layer of not less than two (2) feet of compacted earth, in addition to intermediate cover material, shall be placed over the completed fill following the final placement of solid

waste. The final cover shall be graded, seeded with appropriate ground cover and maintained to prevent cracking, erosion and the ponding of water.]

[(c) Exposed Solid Waste. Unloading of solid waste on the site shall be confined to the smallest practical area and the area of exposed waste material on the active landfill face shall be kept to a minimum.]

[(d)] (25) Equipment. [Sufficient equipment in good operating condition and adequate to construct and operate the landfill site including placement, compaction and covering of solid wastes under all anticipated weather and soil conditions shall be available at all times, with provisions for auxiliary or standby equipment as required in accordance with the approved operational plan.]

(a) Each permittee shall insure that equipment is available for proper operation of the landfill in accordance with approved plans, permit conditions and these rules.

(b) Each permittee shall arrange for standby equipment in the event of breakdown of regular equipment and shall promptly notify the Department of any equipment breakdown which will result in noncompliance with permit conditions or these rules.

[(e) Accidental Burning. All reasonable precautions, such as segregation of flammable wastes and early removal of "hot spots", shall be taken to prevent accidental ignition or spontaneous combustion of solid wastes at a landfill site. Water, stockpiled earth or other means shall be available to extinguish such fires as may occur.]

[Hot or burning materials, or any materials likely to cause fire shall be deposited temporarily at a safe distance from the fill area and shall

not be included in the landfill operation until the fire hazard is eliminated.]

[(f)] (26) Salvage.

(a) A permittee may conduct or allow the recovery of materials such as metal, paper and glass from the landfill only when such recovery is conducted in a planned and controlled manner approved by the Department.

[Salvaging or scavenging shall be controlled so as to not interfere with optimum disposal site operation and to not create unsightly conditions or vector harborage.]

[All salvaged materials shall be removed from the disposal site at the end of each operating day, unless some other recycling or storage program is authorized in the operational plan approved by the Department.]

(b) No person may salvage food products, hazardous materials[, containers used for hazardous materials] or furniture and bedding with concealed filling [shall not be salvaged] from a [disposal site]. landfill.

(27) Litter. (a) Each permittee shall ensure that portable fencing, earthen banks, or other appropriate devices are provided adjacent to the active working area of the landfill to confine windblown paper and other light materials.

(b) Each landfill operator shall collect windblown materials from the disposal site and adjacent property and properly dispose of same at sufficient frequency to prevent aesthetically objectionable accumulations.

(28) Vector and Bird Control:

(a) Each permittee shall ensure that effective means such as the periodic application of earth cover material or other techniques as

appropriate are taken at the landfill to control or prevent the propagation, harborage, or attraction of flies, rodents, or other vectors and to minimize bird attraction.

(b) No permittee of a landfill disposing of putrescible wastes that may attract birds and which is located within 10,000 feet (3,048 meters) of any airport runway used by turbojet aircraft or within 5,000 feet (1,524 meters) of any airport used by only piston-type aircraft shall allow the operation of the landfill to increase the likelihood of bird/aircraft collisions.

[(g) Nuisance Conditions. Blowing debris shall be controlled such that the entire disposal site is maintained free of litter.]

[Dust, malodors and noise shall be controlled to prevent air pollution or excessive noise as defined by ORS Chapter 449 and Chapter 452, Oregon Laws 1971, and rules and regulations adopted pursuant thereto.]

[(h) Health Hazards. Rodent and insect control measures such as baiting and insecticide spraying shall be provided as necessary to prevent vector production and sustenance.]

[Any other conditions which may result in transmission of diseases to man and animals shall be controlled.]

(29) Weighing. The Department may require that landfill permittees provide scales and weigh incoming loads of solid waste, to facilitate solid waste management planning and decision making.

[(i)] (30) Records. The Department may require [such] records and reports [as] it considers [are] reasonably necessary to ensure compliance with conditions of a permit [of] or these rules.

[(j)] (31) Closure of Landfills[.] :

[(a) Before a landfill may be closed or abandoned to further use,

all solid wastes at the disposal site shall be compacted and covered and the site finally graded and restored in a manner approved in writing by the Department.]

[A maintenance program for continued control or erosion, repair, and stabilization of the fill shall be provided until the completed fill has stabilized to the point where maintenance is no longer required.]

(a) Unless otherwise approved or required in writing by the Department, no person shall permanently close or abandon a landfill, except in the following manner:

(A) All filled areas shall be covered with at least two (2) feet of compacted earth graded to a minimum two (2) percent and maximum thirty (30) percent slope.

(B) Final cover material shall be applied within sixty (60) days after the landfill or a recognized phase thereof reaches approved final grade. In the event of inclement weather, final cover may be applied as soon as practicable.

(b) Unless otherwise approved by the Department as provided in section 340-61-025(4), permanent closure of landfills shall be in accordance with detailed plans approved in writing by the Department.

(3) The finished surface of the filled areas shall consist of soils that will support vegetation and minimize surface cracking. The finished surface shall be promptly seeded with native grasses or other suitable vegetation.

(32) Completed Landfills:

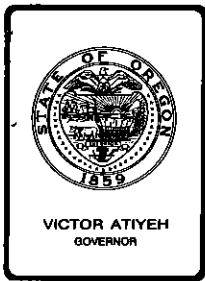
(a) Upon completion or closure of a landfill, a detailed description of the site including a plat should be filed with the appropriate county land recording authority by the permittee. The description should include

the general types and location of wastes deposited, depth of fill and other information of probable interest to future land owners.

(b) Completed landfills shall be inspected and maintained by the permittee as necessary to prevent significant surface cracking, erosion, or ponding of water and to comply with these rules.

WHD:gc

SP0605 (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, April 24, 1981, EQC Meeting
Motor Vehicle Emission Testing Rules

Request for authorization to hold a public hearing on proposed amendments to the motor vehicle emission control inspection test criteria, methods, and standards OAR 340-24-300 through 24-350:

- (1) Updating inspection programs standards for light- and heavy-duty motor vehicles.
- (2) Test method modifications for 1981 and newer light-duty motor vehicles and alternative format for program standards.
- (3) Upgrading of equipment specifications for licensed fleet inspection operations.
- (4) To solicit public comment on all aspects of the rules governing operation of the Portland area motor vehicle inspection program. And,
- (5) Emergency adoption of rules extending the enforcement tolerances through 1981.

Background

At the Environmental Quality Commission meeting of June 20, 1980, amendments to OAR 340-24-300 through 24-350 were approved. These amendments updated the inspection criteria to include the 1980 model year motor vehicles. This was part of an annual review made to keep the inspection program rules current.

This year's review has been completed and the staff is proposing amendments in three areas.

- (1) Updating the standards for 1981 light-duty and heavy-duty motor vehicles.

- (2) Test modifications for 1981 and newer light-duty motor vehicles.
- (3) Upgrading of equipment specifications for licensed fleet inspection operations.

At the time of the annual public hearing, the Department has traditionally solicited public comment on all aspects of the rules governing the inspection program. This forum provides an opportunity for the public to directly comment and suggest alternatives on other aspects of the rules.

The test standards are composed of a base value and an enforcement tolerance, or extra allowance. The enforcement tolerance is scheduled to expire June 30, 1981. Because of time constraints and public notice requirements, the process of amending the rules will extend beyond that date. If the enforcement tolerance expires, there will be an increase in failure rate. The increase in failure rate will create an intolerable burden on the portion of the population that have their vehicle tested after June 30, 1981, but before the proposed revisions to the rules are adopted. The emergency rules adoption extends the current rules and the enforcement tolerance, without change, through the rule making process.

Authority for the Commission action is included in ORS 468.370. This is the general statutory authority for the Commission to adopt rules.

Two hearings are proposed, one for June 15, 1981 and the second for June 17, 1981. A copy of the proposed Public Notice, Statement of Need and Financial Impact Statement are attached as Appendix A. Final scheduling and publication of notice will occur if approved by the Commission.

The Statement of Need and Emergency rules are contained in Appendix D.

Alternatives and Evaluations

Updating the Inspection Program Standards for Light- and Heavy-Duty Motor Vehicles. A major item in the annual rules review is the updating of the inspection program standards for new model year motor vehicles. Again this year the standards as listed in OAR 34-24-330 and 24-335 are proposed to be updated. These are listed in Appendix B.

The following provides background information on the standards selection process. All new motor vehicle models offered for sale in the United States must be certified as complying with the federal emission criteria.

The method for measuring the compliance with federal criteria is through the certification procedure. The exhaust emission test is the Federal Test Procedure (FTP), a 22-minute driving cycle test on a chassis dynamometer. During this FTP all the exhaust from the motor vehicle is captured and the exhaust gas is analyzed. A determination, expressed in grams of pollutant per vehicle mile driven, is made and is compared against the federal emission standards.

The Department of Environmental Quality's inspection test does not use a mass evaluation procedure but rather evaluates the exhaust of the various automobiles on a volumetric basis in a short cycle test. The results of the short inspection test have been successfully used to predict passage or failure of the FTP provided all of the pollution control equipment on the vehicle is operating and the rest of the engine operating parameters are reasonably close to manufacturer's specifications.

Three major items were considered in the original formulation of standards for the State's inspection program test. These three items are:

- (1) The design used by the individual manufacturer in building motor vehicles to comply with the federal criteria, including the manufacturer's tuning and adjustment procedures. These procedures are specified in the maintenance manuals and are summarized on emission labels located in the engine compartment of each vehicle.
- (2) The emission results obtained from prototype vehicles tested in the federal certification process and short cycle test results obtained at the State inspection centers.
- (3) An engineering evaluation and judgment based upon reasonable repeatability of emission readings from a particular vehicle design.

The proposed standards include both the primary update for the 1981 model year vehicles and a change in some of the individual vehicle standards. Changes in individual standards reflect experience and knowledge gained over the past year.

Highlights among the new proposed standards include the new standard for the 2500 rpm portion of the test for 1981 light-duty motor vehicles. There is a restructuring of the Volkswagen section to help clarify the standards and the addition of a diesel category to many makes to reflect their recent market additions.

Attached as Appendix C is a new format which is being offered as an alternative format to the current structure of the standards within the rule. The prime aim of the new format is both to simplify the structure and make clearer to the general public and the aftermarket auto repair industry what are the pass/fail limits. The concept of enforcement tolerance would be deleted and the introduction of the term "cutpoint" would be substituted for standard. The intent here is to clearly identify that the cutpoint values are not manufacturer's specifications. The use of the term "standard" often causes confusion in this area. Also, the restructuring of the values for the vehicle "cutpoints" would simplify the overall layout of the standards, making them easier to work with.

The alternative format of standards or cutpoints consolidates the number of categories. The effect of this consolidation will be a slight decrease in failure rate for pre-1972 vehicles. Program data for these vehicles

from the past several years was reviewed. All pre-1972 vehicle classes will benefit to some degree from this new format. These vehicles are approaching 10 years in age. The entire pre-1972 segment of the overall population accounts for only about one-fifth of the total population. A slight decrease in stringency, estimated at approximately 3-5%, will not significantly impact air quality. A format change for 1972 through 1974 model year vehicles is also proposed. This category does maintain a breakdown by vehicle manufacturer. Maintaining this category system is necessary because of the variety of technologies then used by the various manufacturers. This method still allows the standards to be applied equitably to the various vehicle makes.

The 1975 through 1980 category of vehicles has two major technologies--catalyst and noncatalyst. Reviewing the current standards, the cutpoints among the various makes were all similar within a technology category. It appears justified combining those vehicles into two major groups.

The 1981 vehicle category recognizes the new technology that is being applied to this class of vehicle and incorporates the two-stage idle test that is described below. All 1981 light-duty gasoline powered passenger cars use catalyst technology.

Public input during the hearing process will be used to evaluate each format, and the findings would then be forwarded to the Commission for action.

Test Modification for 1981 and Newer Light-Duty Motor Vehicles. Department staff is proposing modifications to OAR 340-24-310 and 24-330. This section, included in Appendix B, specifies the test procedure used in the inspection lanes. The proposed modification would require that a 1981 or newer light-duty motor vehicle pass an emission standard at 2500 rpm in addition to the regular idle standard. The reasoning behind this proposal is as follows.

In 1981, the motor vehicle manufacturers have introduced a new technology for automobiles that affects emission control and fuel economy. These systems, which will be on about 85% of the new motor vehicles sold in Oregon, include engine computer control. This computer control will be coupled with a new type of catalyst which allows for the catalytic conversion of hydrocarbons, carbon monoxide, and nitrogen oxides. The computer will be sensing many different parameters of engine operation, such as engine speeds, temperatures, and the oxygen content in the exhaust. All these parameters are then analyzed by the onboard computer to optimize fuel economy and reduce emissions.

Early experience in the operational character of this type of technology has been gained from some models of California and a few 49-state vehicles. Manufacturers such as Volvo, Ford, General Motors, and Audi have marketed cars which include computer control. The experience gained from these models indicate that when failure of the system occurs it can

be detected by the idle test or during the 2500 rpm run-up portion of an idle test. The data to date indicates that with the cutpoints proposed for 1981 cars, an identification rate of 50% of vehicles experiencing component failure leading to gross FTP emissions, can be identified at idle only. With the 2500 rpm portion of the test, a step which is already included as a portion of the procedure, the identification rate of those vehicles with component failure rises to approximately 60%.

The total in-use field experience for durability of these computer systems is limited. Studies which monitored these vehicles indicated that failures of the emission control systems occur. Failures were often not detected by the simple idle test. The 2500 rpm "run-up", however, did detect failures that could be readily repaired.

In addition to identifying these high emitting vehicles, the impact that failed vehicles using this new technology will have on emissions is important. When only 10% of the vehicles in the study group failed, they accounted for approximately half of the entire carbon monoxide emissions and over a third of the total hydrocarbon emissions. The data indicates that these emission defective vehicles are identifiable either by means of the idle or raised idle portion of the emissions test, or by means of the underhood inspection. In studying the passing and failing rates of these vehicles, the identification rate has been good. The rate of incorrectly identifying vehicles, that is failing vehicles which passed the Federal test, was 0.3 to 1.2 percent.

All of these tests results are based upon early production vehicles. These data do not take into account tampering and misadjustments. Tampering and misadjustments along with general loss in emission control due to parts deterioration based upon past experience should occur as the vehicle ages. Electronic diagnosis has been incorporated into the vehicle design. The vehicle manufacturers are relying on engine alert lights to inform the driver when serious electronic failures occur. It has been stated that there will also be fuel economy penalties that will prove to be the necessary incentive for a vehicle owner to heed the "idiot" light. The data on in-use vehicles is admittedly limited. In carefully controlled test fleets, during the first 10,000 miles of operation, the overall failure rate was about 5%. Deterioration rates, that is the rates which emissions increase with time, for these new real world situations is not fully known. Data from the inspection program for 1980 and 1981 model year motor vehicles indicates an overall failure rate of 10 to 15% during February, 1981. With this new technology just coming into effect, it is best to be prepared with the necessary tools to identify those vehicles for repair which have high emissions and which also may have poorer fuel economy.

Upgrading of Equipment Specifications for Licensed Fleet Inspection Operators. Recent technology changes have not been limited to automotive emission control. Exhaust gas analysis equipment has also been improved. California has recently issued new specification for exhaust gas analyzers, and several manufacturers have produced products which now meet or exceed those specifications.

The change in wording proposed in OAR 340-24-350 provides for the inclusion of this new generation of equipment while still allowing flexibility for an individual fleet operator to choose the equipment that best suits its needs. The time specified for changeover will allow for adequate supplies of equipment to reach the market place.

To Solicit Public Comment on all Aspects of the Rules Governing Operation of the Inspection Program. The program has traditionally used this period to solicit public comment on various aspects of the rules. All of the rules are being reprinted so that should suggestions for improving the operation of the program or formatting the rules, be made, such changes could be considered by the Commission.

Emergency Adoption of Rules Extending the Enforcement Tolerances Through October, 1981. The enforcement tolerances included in the programs standards, OAR 340-24-330 and 24-335 are scheduled to expire June 30, 1981. While public hearings have been tentatively scheduled for mid-June, and an alternative formatting of the program rules has been suggested, the whole process will extend beyond the June 30, 1981 deadline. The effect of such action will result in a change of program standards which will result in increased failure rates. The increased stringency of the standards would then be eased if the rules as proposed were adopted. If the Commission should extend the rules currently in effect, there would not be the increase then the decrease in failure rates, but rather a consistent application of the existing rules. Appendix D contains the proposed emergency rules and required statement of need. If the enforcement tolerance expires and the failure rate rises and is then lowered, a group of motorists would be unfairly penalized. As such, there would be a serious prejudice to the public interest.

Summation

The staff has requested authorization for a public hearing to receive testimony on a change in the test procedure for 1981 and newer motor vehicles, an update in the inspection program standard for 1981 model year motor vehicles, and an updating of exhaust gas analyzers list for licensed fleet operations. The change in test procedure would identify high-emitting vehicles that use the computer technology that would otherwise be passed in the inspection test. The data available shows that the idle test efficiency at identifying gross emitters would be improved 20 percentage points with no increase in error of commission rate.

Standards have been proposed for 1981 model year motor vehicles. Two formats are shown, the current format in Appendix B and an alternative format in Appendix C. The original format maintains the concept of individual standards and enforcement tolerances for the various makes of motor vehicles. The alternative format simplifies and emphasizes the actual cutpoint used in the inspection lane.

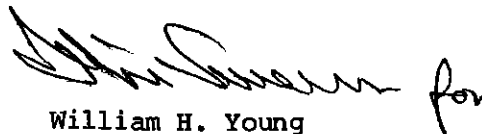
A new generation of exhaust gas analyzers would be authorized for use by the licensed fleet inspections operations. This would allow the use of state-of-the-art equipment in their operations.

A public hearing would be authorized. This hearing would provide a forum for the general public to comment on all of the inspection program rules.

In regards to the matter of the extension of the enforcement tolerance on the inspection program standards, should the temporary rule be granted, the status quo will be maintained. Should the enforcement tolerance expire, the program standards would become more stringent and there would be an increased failure rate. The process would be reversed if either of the proposed standards were adopted by future Commission action. As such, there would be a serious prejudice to the public interest.

Director's Recommendation

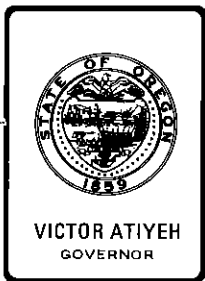
1. Based upon the Summation, it is recommended that the Commission authorize public hearings to take testimony on the rule revisions proposed and on all aspects of the inspection program rules.
2. Based upon the Summation, it is recommended that the Commission enter a finding that failure to act promptly will result in serious prejudice to the public interest by allowing the enforcement tolerance to expire. It is further recommended that the Commission adopt, as an emergency rule, the amendments to OAR 340-24-330 and 24-335 as shown in Appendix D.


William H. Young

Attachments: Appendix A
Appendix B
Appendix C
Appendix D

W. P. Jasper:o
229-5081
4/7/81

VO94 (2)



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

Prepared: March 27, 1981
Hearing Date: June 15, 1981
June 17, 1981

NOTICE OF PUBLIC HEARING

A CHANCE TO BE HEARD ABOUT:

Proposed Modifications to the Motor Vehicle Inspection Control Program Inspection Test Criteria Methods and Standards OAR Chapter 340, Section 24-300 through 24-350 for the inspection program operating in the Portland Metropolitan Area.

The Department of Environmental Quality is proposing modifications to the current inspection program rules. The proposed modifications to the regulations include test method modifications for 1981 and newer light duty motor vehicles and updating the inspection program standards for 1981 light and heavy duty motor vehicles.

WHAT IS THE DEQ PROPOSING?

Interested parties should request a copy of the complete proposed rule package. Some highlights are:

- 1) Test method modifications for 1981 and newer light duty motor vehicles.
- 2) Updating Inspection Program standards for 1981 light and heavy duty motor vehicles, and proposing an alternative simplified format for the program standards which may slightly decrease stringency on older vehicles.
- 3) Upgrading of equipment specifications for licensed fleet inspection operations.
- 4) Solicit public comment on all aspects of the rules governing operation of the Motor Vehicle Inspection Program.

WHO IS AFFECTED BY THIS PROPOSAL:

Motor vehicle owners and operators and people engaged in the business of repairing motor vehicles in the Portland Metropolitan area will be affected by the proposal.

HOW TO PROVIDE YOUR INFORMATION:

Written comments should be sent to the Department of Environmental Quality, Vehicle Inspection Program, P.O. Box 1760, Portland, OR 97207 and should be received by 5:00 p.m., June 19, 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> |
|-------------|-------------|---------------|--|
| Portland | 1:30 p.m. | June 15, 1981 | Oregon Department of Environmental Quality Room 1400 522 SW 5th Avenue Portland, OR 97204 |
| Beaverton | 7:30 p.m. | June 17, 1981 | City of Beaverton Operations Center Meeting Room 9600 S. W. Allen Blvd. Beaverton, OR |

WHERE TO OBTAIN ADDITIONAL INFORMATION:

Copies of the proposed rules may be obtained from:

Mr. William Jasper
DEQ Vehicle Inspection Program
522 SW 5TH Avenue
P.O. Box 1760
Portland, OR 97207
Telephone: 503-229-6235

LEGAL REFERENCES FOR THIS PROPOSAL:

This proposal amends OAR 340-24-300 through 24-350. This rule is proposed under authority of ORS 468.370.

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

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

STATEMENT OF NEED

Pursuant to ORS 183.335(2) this statement provides information on the intended action to amend rule.

LEGAL AUTHORITY

Legal Authority for this action is ORS 468.370 and ORS 183.341.

NEED FOR RULE

The proposed amendments are needed to update the Inspection Program standards and criteria to include 1981 model year light and heavy duty motor vehicles to provide modifications to the testing method for 1981 light duty vehicles and to make changes in the equipment specifications list for licensed motor vehicle fleet operations.

PRINCIPLE DOCUMENTS RELIED UPON

The existing rules, the automobile and motor vehicle manufacturers' shop manuals and service manuals have been relied upon. The California Air Resources Board's staff report dated March 19, 1981 on the adoption of standards for Loaded Mode testing has been relied upon. EPA documents AA-IMS/81 and AA-IMS/80-8 have been relied upon.

FISCAL IMPACT STATEMENT

Estimated fiscal impacts are that some motorists will experience savings while other motorists will experience increase cost in maintaining their motor vehicles due to these rules.

WPJ:ta
VTD26 (1) (o)

**Motor Vehicle Emission Control Inspection
Test Criteria, Methods, and Standards
Proposed Modifications**

Scope

340-24-300 Pursuant to ORS 468.360 to 468.405, 481.190 to 481.200, and 483.800 to 483.825, the following rules establish the criteria, methods, and standards for inspecting motor vehicles, excluding motorcycles, to determine eligibility for obtaining a Certificate of Compliance or inspection.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 89, f. 4-22-75, ef. 5-25-75; DEQ 139, f. 6-30-77
ef. 7-1-77

Note: Items in Brackets [] are to be deleted. Items underlined are to be added.

Definitions

340-24-305 As used in these rules unless otherwise required by context:

(1) "Carbon dioxide" means a compound consisting of the chemical formula (CO₂).

(2) "Carbon monoxide" means a compound consisting of the chemical formula (CO).

(3) "Certificate of Compliance" means a certification issued by a vehicle emission inspector that the vehicle identified on the certificate is equipped with the required functioning motor vehicle pollution control systems and otherwise complies with the emission control criteria, standards, and rules of the Commission.

(4) "Certificate of inspection" means a certification issued by a vehicle emission inspector and affixed to a vehicle by the inspector to identify the vehicle as being equipped with the required functioning motor vehicle pollution control systems and as otherwise complying with the emission control criteria, standards, and rules of the Commission.

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

(6) "Crankcase emissions" means substances emitted directly to the atmosphere from any opening leading to the crankcase of a motor vehicle engine.

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

(8) "Diesel motor vehicle" means a motor vehicle powered by a compression-ignition internal combustion engine.

(9) "Director" means the director of the Department.

(10) "Electric vehicle" means a motor vehicle which uses a propulsive unit powered exclusively by electricity.

(11) "Exhaust emissions" means substances emitted into the atmosphere from any opening downstream from the exhaust ports of a motor vehicle engine.

(12) "Factory-installed motor vehicle pollution control system" means a motor vehicle pollution control system installed by the vehicle or engine manufacturer to comply with United States motor vehicle emission control laws and regulations.

(13) "Gas analytical system" means a device which senses the amount of contaminants in the exhaust emissions of a motor vehicle, and which has been issued a license by the Department pursuant to rule 340-24-350 of these regulations and ORS 468.390.

(14) "Gaseous fuel" means, but is not limited to, liquefied petroleum gases and natural gases in liquefied or gaseous forms.

(15) "Gasoline motor vehicle" means a motor vehicle powered by a spark-ignition internal combustion engine.

(16) "Heavy duty motor vehicle" means a motor vehicle having a combined manufacturer vehicle and maximum load rating to be carried thereon of more than 3855 kilograms (8500 pounds).

(17) "Hydrocarbon gases" means a class of chemical compounds consisting of hydrogen and carbon.

(18) "Idle speed" means the unloaded engine speed when accelerator pedal is fully released.

(19) "In-use motor vehicle" means any motor vehicle which is not a new motor vehicle.

(20) "Light duty motor vehicle" means a motor vehicle having a combined manufacturer vehicle and maximum load rating to be carried thereon of not more than 3855 kilograms (8500 pounds).

(21) "Model year" means the annual production period of new motor vehicles or new motor vehicle engines designated by the calendar year in which such period ends. If the manufacturer does not designate a production period, the year with respect to such vehicles or engines shall mean the 12 month period beginning January of the year in which production thereof begins.

(22) "Motorcycle" means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground and having a mass of 680 kilograms (1500 pounds) or less with manufacturer recommended fluids and nominal fuel capacity included.

(23) "Motor vehicle" means any self-propelled vehicle used for transporting persons or commodities on public roads.

(24) "Motor vehicle fleet operation" means ownership by any person of 100 or more Oregon registered, in-use, motor vehicles, excluding those vehicles held primarily for the purposes of resale.

(25) "Motor vehicle pollution control system" means equipment designed for installation on a motor vehicle for the purpose of reducing the pollutants emitted from the vehicle, or a system or engine adjustment or modification which causes a reduction of pollutants emitted from the vehicle, or a system or device which inhibits the introduction of fuels which can adversely effect the overall motor vehicle pollution control system.

(26) "New motor vehicle" means a motor vehicle whose equitable or legal title has never been transferred to a person who in good faith purchases the motor vehicle for purposes other than resale.

(27) "Non-complying imported vehicle" means a motor vehicle of model years 1968 through 1971 which was originally sold new outside of the United States and was imported into the United States as an in-use vehicle prior to February 1, 1972, or a motor vehicle owned by a foreign national which has entered the United States in compliance with federal regulations.

(28) "Owner" means the person having all the incidents of ownership in a vehicle or where the incidents of ownership are in different persons, the person, other than a security interest holder or lessor, entitled to the possession of a vehicle under a security agreement, or a lease for a term of 10 or more successive days.

(29) "Person" includes individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the state and any agencies thereof, and the federal government and any agencies thereof.

(30) "PPM" means parts per million by volume.

(31) "Public roads" means any street, alley, road, highway, freeway, thoroughfare, or section thereof in this state used by the public or dedicated or appropriated to public use.

(32) "RPM" means engine crankshaft revolutions per minute.

(33) "Two-stroke cycle engine" means an engine in which combustion occurs, within any given cylinder, once each crankshaft revolution.

(34) "Vehicle emission inspector" means any person possessing a current and valid license by the Department pursuant to rule 340-25-340 of these regulations and ORS 468.390.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 89, f. 4-22-75, ef. 5-25-75; DEQ 139, f. 6-30-77, ef. 7-1-77; DEQ 9-1978, f. & ef. 7-7-78; DEQ 22-1979, f. & ef. 7-5-79.

Publicly Owned Vehicles Testing Requirements

340-24-306 (1) All motor vehicles registered as government-owned vehicles under ORS 481.125 which are required to be certified annually pursuant to ORS 481.190 shall, as means of that certification, obtain a Certificate of Compliance.

(2) Any motor vehicle which is to be registered under ORS 481.125, but is not a new motor vehicle, shall obtain a Certificate of Compliance prior to that registration as so required by ORS 481.190.

(3) For the purposes of providing a staggered certification schedule for vehicles registered as government-owned vehicles under ORS 481.125, such schedule shall be on the basis of the final numerical digit contained on the vehicle license plate. Such certification shall be completed by the last day of the month as provided below (Last Digit and Month, respectively):

- (a) 1-----January;
- (b) 2-----February;
- (c) 3-----March;
- (d) 4-----April;
- (e) 5-----May;
- (f) 6-----June;
- (g) 7-----July;
- (h) 8-----August;
- (i) 9-----September;
- (j) 0-----October.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 3-1978, f. 3-1078, ef. 4-1-78.

Light Duty Motor Vehicle Emission Control Test Method

340-240-310 (1) The vehicle emission inspector is to insure that the gas analytical system is properly calibrated prior to initiating a vehicle test.

(2) The Department approved vehicle information data form is to be completed at the time of the motor vehicle being inspected.

(3) Vehicles having coolant, oil, or fuel leaks or any other such defect that is unsafe to allow the emission test to be conducted shall be rejected from the testing area. The emission test shall not be conducted until the defects are eliminated.

(4) The vehicle is to be in neutral gear if equipped with a manual transmission, or in "park" position if equipped with an automatic transmission.

(5) All vehicle accessories are to be turned off.

(6) An inspection is to be made to insure that the motor vehicle is equipped with the required functioning motor vehicle pollution control system in accordance with the criteria of Section 340-24-320(3). Vehicles not meeting this criteria shall be rejected from the testing area without an emission test. A report shall be supplied to the driver indicating the reason(s) for rejection.

(7) With the engine operating at idle speed, the sampling probe of the gas analytical system is to be inserted into the engine exhaust outlet.

(8) The steady state levels of the gases measured at idle speed by the gas analytical system shall be recorded. Except for diesel vehicles, the idle speed at which the gas measurements were made shall also be recorded.

(9) Except for diesel vehicles, the engine is to be accelerated with no external loading applied, to a speed of between 2,200 RPM and 2,700 RPM. The engine speed is to be maintained at a steady speed within this speed range for a 4 to 8 second period and then returned to an idle speed condition. In the case of a diesel vehicle, the engine is to be accelerated to an above idle speed. The engine speed is to be maintained at a steady above idle speed for a [4 to 8] 10 to 15 second period and then returned to an idle speed condition. The values measured by the gas analytical system at the raised rpm speed shall be recorded.

(10) The steady state levels of the gases measured at idle speed by the gas analytical system shall be recorded. Except for diesel vehicles, the idle speed at which the gas measurements were made shall also be recorded.

(11) If the vehicle is equipped with a multiple exhaust system, then steps (7) through (10) are to be repeated on the other exhaust outlet(s). The readings from the exhaust outlets are to be averaged into one reading for each gas measured for comparison to the standards of rule 340-24-330.

(12) If the vehicle is capable of being operated with both gasoline and gaseous fuels, then steps (7) through (10) are to be repeated so that emission test results are obtained for both fuels.

(13) If it is ascertained that the vehicles may be emitting noise in excess of the noise standards adopted pursuant to ORS 467.030, then a noise measurement is to be conducted in accordance with the test procedures adopted by the Commission or to standard methods approved in writing by the Department.

(14) If it is determined that the vehicle complies with the criteria of rule 340-24-320 and the standards of rule 340-24-330, then, following receipt of the required fees, the vehicle emission inspector shall issue the required certificates of compliance and inspection.

(15) The inspector shall affix any certificate of inspection issued to the lower left-hand side (normally the driver side) of the front windshield, being careful not to obscure the vehicle identification number nor to obstruct driver vision.

(16) No certificate of compliance or inspection shall be issued unless the vehicle complies with all requirements of these rules and those applicable provisions of ORS 468.360 to 468.405, 481.190 to 481.200, and 483.800 to 483.825.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 89, f. 4-22-75, ef. 5-25-75, DEQ 139, f. 6-30-77,
ef. 7-1-77

Heavy Duty Gasoline Motor Vehicle Emission Control Test Method

340-24-315 (1) The vehicle emission inspector is to insure that the gas analytical system is properly calibrated prior to initiating a vehicle test.

(2) The Department approved vehicle information data form is to be completed prior to the motor vehicle being inspected.

(3) The vehicle is to be in neutral gear if equipped with a manual transmission, or in "park" position if equipped with an automatic transmission.

(4) All vehicle accessories are to be turned off.

(5) An inspection is to be made to insure that the motor vehicle is equipped with the required functioning motor vehicle pollution control system in accordance with the criteria of rule 340-24-325.

(6) With the engine operating at idle speed, the sampling probe of the gas analytical system is to be inserted into the engine exhaust outlet.

(7) The engine is to be accelerated, with no external loading applied, to a speed of between 2200 RPM and 2700 RPM. The engine speed is to be maintained at a constant speed within this speed range for a sufficient time to achieve a steady-state condition whereupon the steady-state levels of the gases measured by the gas analytical system shall be recorded on the Department approved vehicle information form. The engine speed shall then be returned to an idle speed condition.

(8) The steady-state levels of the gases measured at idle speed by the gas analytical system shall be recorded on the Department approved vehicle information form. The idle speed at which the gas measurements were made shall also be recorded.

(9) If the vehicle is equipped with a [dual] multiple exhaust system, then steps (6) through (8) are to be repeated on the other exhaust outlet(s). The readings from the exhaust outlets are to be averaged to determine a single reading for each gas measured in each step (7) and (8).

(10) The reading from the exhaust outlet, or the average reading from the exhaust outlets obtained in each step (7) and (8) are to be compared to the standards of rule 340-24-335.

(11) If the vehicle is capable of being operated with both gasoline and gaseous fuels, then steps (6) through (8) are to be repeated so that emission test results are obtained for both fuels.

(12) If it is ascertained that the motor vehicle may be emitting noise in excess of the noise standards adopted pursuant to ORS 467.030, then a noise measurement is to be conducted in accordance with the test procedures adopted by the Commission or to standard methods approved in writing by the Department.

(13) If it is determined that the motor vehicle complies with the criteria of rule 340-24-325 and the standards of rule 340-24-335, then, following receipt of the required fees, the vehicle emission inspector shall issue the required certificates of compliance and inspection.

(14) The inspector shall affix any certificate of inspection issued to the lower left-hand side (normally the driver side) of the front windshield, being careful not to obscure the vehicle identification number nor to obstruct driver vision.

(15) No certificate of compliance or inspection shall be issued unless the vehicle complies with all requirements of these rules and those applicable provisions of ORS 468.360 to 468.405, 481.190 to 481.200, and 483.800 to 483.825.

(16) Any motor vehicle registered on less than an annual basis pursuant to ORS 481.205(2) need not pass more than an annual inspection to assure compliance with ORS 481.190. Such vehicles shall be issued a Certificate of Compliance in a form provided by the Department stating that the vehicle passed inspection by the Department on a certain date and was in compliance with the standards of the Commission, and having no information to the contrary, presumes the continuance of such compliance at the date of the issuance of the Certificate through four consecutive quarterly periods.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 136, f. 6-10-77, ef. 7-1-77

Light Duty Motor Vehicle Emission Control Test Criteria

340-24-320 (1) No vehicle emission control test shall be considered valid if the vehicle exhaust system leaks in such a manner as to dilute the exhaust gas being sampled by the gas analytical system. For the purpose of emission control tests conducted at state facilities, except for diesel vehicles, tests will not be considered valid if the exhaust gas is diluted to such an extent that the sum of the carbon monoxide and carbon dioxide concentrations recorded for the idle speed reading from an exhaust outlet is 8 percent or less, and on 1975 and newer vehicles with air injection systems 7 percent or less.

(2) No vehicle emission control test shall be considered valid if the engine idle speed either exceeds the manufacturer's idle speed specifications by over 200 RPM on 1968 and newer model vehicles, or exceeds 1,250 RPM for any pre-1968 model vehicle.

(3) No vehicle emission control test for a 1970 or newer model vehicle shall be considered valid if any element of the following factory-installed motor vehicle pollution control systems have been disconnected, plugged, or otherwise made inoperative in violation of ORS 483.825(1), except as noted in section (5) or as provided for by 40 CFR 85.1701-1709. Motor vehicle pollution control systems include, but are not necessarily limited to:

- (a) Positive crankcase ventilation (PVC) system.
- (b) Exhaust modifier system:
 - (A) Air injection reactor system;
 - (B) Thermal reactor system;
 - (C) Catalytic converter system - (1975 and newer model vehicles only).
- (c) Exhaust gas recirculation (EGR) systems - (1973 and newer model vehicles only).
- (d) Evaporative control system
- (e) Spark timing system:
 - (A) Vacuum advance system;
 - (B) Vacuum retard system.
- (f) Special emission control devices. Examples:
 - (A) Orifice spark advance control (OSAC);

- (B) Speed control switch (SCS).
- (C) Thermostatic air cleaner (TAC).
- (D) Transmission controlled spark (PCS).
- (E) Throttle solenoid control (TSC).
- (F) Fuel filler inlet restrictors.
- (G) Oxygen Sensor

(4) No vehicle emission control test for a 1970 or newer model vehicle shall be considered valid if any element of the factory-installed motor vehicle pollution control system has been modified or altered in such a manner so as to decrease its efficiency or effectiveness in the control of air pollution in violation of ORS 483.825(2), except as noted in section (5). For the purposes of this section, the following apply:

(a) The use of a non-original equipment aftermarket part (including a rebuilt part) as a replacement part is not considered to be a violation of ORS 483.825(2), if a reasonable basis exists for knowing that such use will not adversely effect emission control efficiency. The Department will maintain a listing of those parts which have been determined to adversely affect emission control efficiency.

(b) The use of a non-original equipment aftermarket part or system as an add-on, auxiliary, augmenting, or secondary part or system, is not considered to be a violation of ORS 483.825(2), if such a part or system is on the exemption list of "Modifications to Motor Vehicle Emission Control System Permitted Under California Vehicle Code Section 27156 granted by the Air Resources Board," or is on the list maintained by the U.S. Environmental Protection Agency of "Certified to EPA Standards," or has been determined after review of testing data by the Department that there is no decrease in the efficiency or effectiveness in the control of air pollution.

(c) Adjustments or alterations of a particular part or system parameter, if done for purposes of maintenance or repair according to the vehicle or engine manufacturer's instructions, are not considered violations of ORS 483.825(2).

(5) A 1970 and newer model motor vehicle which has been converted to operate on gaseous fuels shall not be considered in violation of ORS 483.825(1) or (2) when elements of the factory-installed motor vehicle air pollution control system are disconnected for the purpose of conversion to gaseous fuel as authorized by ORS 483.825(3).

(6) The following applies:

(a) to 1979 and earlier motor vehicles. When a motor vehicle is equipped with other than the original engine and the factory installed vehicle pollution control systems, it shall be classified by the model year and manufacture make of the non-original engine and its factory-installed motor vehicle pollution control systems, except that when the non-original engine is older than the motor vehicle any requirement for evaporative control system and fuel filler inlet restrictor and catalytic convertor shall be based on the model year of the vehicle chassis.

(b) to 1980 and newer motor vehicles. These motor vehicles shall be classified by the model year and make of the vehicle as designated by the original chassis, engine, and its factory-installed motor vehicle pollution control systems.

Heavy Duty Gasoline Motor Vehicle Emission Control Test Criteria

340-24-325 (1) No vehicle emission control test shall be considered valid if the vehicle exhaust system leaks in such a manner as to dilute the exhaust gas being sampled by the gas analytical system. For the purpose of emission control tests conducted at state facilities, tests will not be considered valid if the exhaust gas is diluted to such an extent that the sum of the carbon monoxide and carbon dioxide concentrations recorded for the idle speed reading from an exhaust outlet is 8 percent or less.

(2) No vehicle emission control test shall be considered valid if the engine idle speed either exceeds the manufacturer's idle speed specifications by over 200 RPM on 1970 and newer model vehicles, or exceeds 1000 RPM for any age model vehicle.

(3) No vehicle emission control test for a 1970 or newer model vehicle shall be considered valid if any element of the following factory-installed motor vehicle pollution control systems have been disconnected, plugged, or otherwise made inoperative in violation of ORS 483.825(1), except as noted in section (5):

- (a) Positive crankcase ventilation;
- (b) Exhaust modifier system. Examples:
 - (A) Air injection system
 - (B) Thermal reactor system
 - (C) Catalytic convertor system.
- (c) Exhaust gas recirculation (EGR) systems;
- (d) Evaporative control system;
- (e) Spark timing system. Examples:
 - (A) Vacuum advance system;
 - (B) Vacuum retard system.
- (f) Special emission control devcies. Examples:
 - (A) Orifice spark advance control (OSAC);
 - (B) Speed control switch (SCS);
 - (C) Thermostatic air cleaner (TAC);

- (D) Transmission controlled spark (TCS);
- (E) Throttle solenoid control (TSC);
- (F) Fuel filler inlet restrictor.

(4) No vehicle emission control test conducted for a 1970 or newer model vehicle shall be considered valid if any element of the factory-installed motor vehicle pollution control system has been modified or altered in such a manner so as to decrease its efficiency or effectiveness in the control of air pollution in violation of ORS 483.825(2), except as noted in section(3). For the purposes of this section, the following apply;

(a) The use of a non-original equipment aftermarket part (including a rebuilt part) as a replacement part is not considered to be a violation of ORS 483.825(2), if a reasonable basis exists for knowing that such use will not adversely effect emission control efficiency. The Department will maintain a listing of those parts which have been determined to adversely affect emission control efficiency.

(b) The use of a non-original equipment aftermarket part or system as an add-on, auxiliary, augmenting, or secondary part or system, is not considered to be a violation of ORS 483.825(2), if such part or system is listed on the exemption list maintained by the Department.

(c) Adjustments or alterations of a particular part or system parameter, if done for purposes of maintenace or repair according to the vehicle or engine manufacturer's instructions, are not considered violations of ORS 483.825(2).

(5) A 1970 or newer model motor vehicle which has been converted to operate on gaseous fuels shall not be considered in violation of ORS 483.825(1) or (2) when elements of the factory-installed motor vehicle air pollution control system are disconnected for the purpose of conversion to gaseous fuel as authorized by ORS 483.825(3).

(6) For the purposes of these rules, a motor vehicle with an exchange engine shall be classified by the model year and manufacturer make of the exchange engine, except that any requirement for evaporative control systems shall be based upon the model year of the vehicle chassis.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 136, f. 6-10-77, ef.7-1-77, DEQ 22-1979, f. & ef. 7-5-79

OAR 340-24-330 LIGHT DUTY MOTOR VEHICLE EMISSION CONTROL IDLE
EMISSION STANDARDS

(1) Carbon monoxide idle emission values not to be exceeded:

| | % | Enforcement Tolerance Through [June, 1981] <u>June, 1982</u> |
|---|------------|--|
| <u>ALFA ROMEO</u> | | |
| 1978 through [1980] <u>1981</u> | 0.5 | 0.5 |
| 1975 through 1977 | 1.5 | 1.0 |
| 1971 through 1974 | 3.0 | 1.0 |
| 1968 through 1970 | 4.0 | 1.5 |
| pre-1968 | 6.0 | 0.5 |
| <u>AMERICAN MOTORS CORPORATION</u> | | |
| 1975 through 1978 Noncatalyst | 1.5 | 0.5 |
| 1975 through [1980] <u>1981</u> Catalyst Equipped | 0.5 | 0.5 |
| 1972 through 1974 | 2.0 | 1.0 |
| 1970 through 1971 | 3.5 | 1.0 |
| 1968 through 1969 | 5.0 | 0.5 |
| pre-1968 | 6.0 | 0.5 |
| Above 6000 GVWR 1974 through 1978 | 2.0 | 1.0 |
| <u>ARROW, Plymouth - see COLT, Dodge</u> | | |
| <u>AUDI</u> | | |
| 1975 through [1980] <u>1981</u> Catalyst Equipped | 0.5 | 0.5 |
| 1975 through 1979 Noncatalyst | 1.5 | 0.5 |
| 1971 through 1974 | 2.5 | 1.0 |
| 1968 through 1970 | 4.0 | 1.0 |
| pre-1968 | 6.0 | 0.5 |
| <u>Diesel Vehicles All Years</u> | <u>1.0</u> | <u>0.5</u> |
| <u>AUSTIN - see BRITISH LEYLAND</u> | | |
| <u>BMW</u> | | |
| 1979 through [1980] <u>1981</u> Catalyst Equipped | 0.5 | 0.5 |
| 1975 through 1979 | 1.5 | 0.5 |
| 1974 6 cyl. | 2.5 | 1.0 |
| 1974 4 cyl. | 2.0 | 1.0 |
| 1971 through 1973 | 3.0 | 1.0 |
| 1968 through 1970 | 4.0 | 1.0 |
| pre-1968 | 6.0 | 0.5 |

Enforcement
Tolerance
Through
% [June, 1981]
June, 1982

BRITISH LEYLAND

| | | |
|--|------------|------------|
| Austin, Austin Healey, Morris, America, and Marina | | |
| 1975 | 2.0 | 0.5 |
| 1973 through 1974 | 2.5 | 1.0 |
| 1971 through 1972 | 4.0 | 1.0 |
| 1968 through 1970 | 5.0 | 1.0 |
| pre-1968 | 6.5 | 0.5 |
| Jaguar | | |
| 1975 through [1980] <u>1981</u> | 0.5 | 0.5 |
| 1972 through 1974 | 3.0 | 1.0 |
| 1968 through 1971 | 4.0 | 1.0 |
| pre-1968 | 6.0 | 0.5 |
| MG | | |
| 1976 through 1980 MG | 0.5 | 0.5 |
| 1975 MG, MG Midget and 1976 MG Midget | 2.0 | 0.5 |
| 1973 through 1974 MGB, MGBGT, MGC | 3.0 | 1.0 |
| 1971 through 1974 Midget | 3.0 | 1.0 |
| 1972 MGB, MGC | 4.0 | 1.0 |
| 1968 through 1971, except 1971 Midget | 5.0 | 1.0 |
| pre-1968 | 6.5 | 0.5 |
| Rover | | |
| <u>1980 and 1981</u> | <u>0.5</u> | <u>0.5</u> |
| 1971 through 1974 | 4.0 | 1.0 |
| 1968 through 1970 | 5.0 | 0.5 |
| pre-1968 | 6.0 | 0.5 |
| Triumph | | |
| 1978 and [1980] <u>1981</u> | 0.5 | 0.5 |
| 1975 through 1977 | 2.0 | 0.5 |
| 1971 through 1974 | 3.5 | 1.0 |
| 1968 through 1970 | 4.0 | 1.0 |
| pre-1968 | 6.5 | 0.5 |

BUICK - see GENERAL MOTORS

CADILLAC - see GENERAL MOTORS

CAPRI - see FORD MOTOR COMPANY

CHECKER

| | | |
|---|-----|-----|
| 1975 through [1980] <u>1981</u> Catalyst Equipped | 0.5 | 0.5 |
| 1973 through 1974 | 1.0 | 1.0 |
| 1970 through 1972 | 2.5 | 1.0 |
| 1968 through 1969 | 3.5 | 1.0 |
| pre-1968 | 6.0 | 0.5 |

Enforcement
Tolerance
Through
% [June, 1981]
June, 1982

CHEVROLET - see GENERAL MOTORS

CHEVROLET L.U.V. - see L.U.V., Chevrolet

CHRYSLER - see CHRYSLER CORPORATION

CHRYSLER CORPORATION (Plymouth, Dodge, Chrysler)

| | | |
|---|-----|-----|
| 1975 through 1978 Noncatalyst | 1.0 | 0.5 |
| 1975 through [1980] <u>1981</u> Catalyst Equipped | 0.5 | 0.5 |
| 1973 through 1974 | 1.0 | 1.5 |
| 1970 through 1972 | 1.5 | 1.5 |
| 1968 through 1969 | 2.0 | 2.5 |
| pre-1968 | 6.0 | 0.5 |
| Diesel Engines (all years) | 1.0 | 0.5 |
| Above 6000 GVWR 1968 through 1971 | 4.0 | 1.0 |
| Above 6000 GVWR 1972 through 1978 | 2.0 | 1.0 |

CITROEN

| | | |
|-------------------|-----|-----|
| 1971 through 1974 | 3.0 | 1.0 |
| 1968 through 1970 | 4.0 | 1.0 |
| pre-1968 | 6.0 | 0.5 |

COLT, Dodge

| | | |
|---------------------------------|-----|-----|
| 1978 through [1980] <u>1981</u> | 0.5 | 0.5 |
| 1975 through 1977 | 3.0 | 0.5 |
| 1971 through 1974 | 5.0 | 1.0 |
| pre-1971 | 6.0 | 0.5 |

COURIER, Ford

| | | |
|---|-----|-----|
| 1975 through [1980] <u>1981</u> Catalyst Equipped | 0.5 | 0.5 |
| 1975 through 1979 Noncatalyst | 1.5 | 0.5 |
| 1973 through 1974 | 2.0 | 1.0 |
| pre-1973 | 4.0 | 1.0 |

CRICKET, Plymouth

| | | |
|--|-----|-----|
| 1973 through 1974 (twin carb. only) | 3.0 | 1.0 |
| 1972 (twin carb. only) | 4.5 | 1.0 |
| pre-1972 (and 1972 through 1973 single carb. only) | 7.5 | 0.5 |

| | Enforcement Tolerance Through | |
|---|-------------------------------------|------------|
| | % [June, 1981] | |
| | <u>June, 1982</u> | |
| <u>DATSUN</u> | | |
| 1975 through [1980] <u>1981</u> Catalyst Equipped | 0.5 | 0.5 |
| 1975 through 1980 Noncatalyst | 2.0 | 0.5 |
| 1968 through 1974 | 2.5 | 1.0 |
| pre-1968 | 6.0 | 0.5 |
| <u>Diesel Vehicles All Years</u> | <u>1.0</u> | <u>0.5</u> |

DE TOMASO - see FORD MOTOR COMPANY

DODGE - see CHRYSLER CORPORATION

DODGE COLT - see COLT, Dodge

FERRARI

| | | |
|---------------------------------|-----|-----|
| 1978 through [1980] <u>1981</u> | 0.5 | 0.5 |
| 1975 through 1977 | 2.0 | 0.5 |
| 1971 through 1974 | 2.5 | 1.5 |
| 1968 through 1970 | 4.0 | 1.5 |
| pre-1968 | 6.0 | 0.5 |

FIAT

| | | |
|---|-----|-----|
| 1975 through 1980 Noncatalyst | 1.5 | 0.5 |
| 1975 through [1980] <u>1981</u> Catalyst Equipped | 0.5 | 0.5 |
| 1974 | 2.5 | 1.0 |
| 1972 through 1973 124 Spec. sedan and wgn. | 4.0 | 1.0 |
| 1972 through 1973 124 sport coupe and spider | 3.0 | 1.0 |
| 1972 through 1973 850 | 3.0 | 1.0 |
| 1971 850 sport coupe and spider | 3.0 | 1.0 |
| 1971 850 sedan | 6.0 | 0.5 |
| 1968 through 1970, except 850 | 5.0 | 0.5 |
| 1968 through 1970 850 | 6.0 | 0.5 |
| pre-1968 | 6.0 | 0.5 |

FIESTA - see FORD MOTOR COMPANY

FORD - see FORD MOTOR COMPANY

FORD MOTOR COMPANY (Ford, Lincoln, Mercury, Capri, except Courier)

| | | |
|---|-----|-----|
| 1975 through 1978 Noncatalyst | 1.0 | 0.5 |
| 1975 through [1980] <u>1981</u> Catalyst Equipped | 0.5 | 0.5 |
| 1974 except 4 cyl. | 1.0 | 1.0 |
| 1973 except 4 cyl. | 1.0 | 1.5 |
| 1972 except 4 cyl. | 1.0 | 2.0 |
| 1972 through 1974 4 cyl., except 1971-1973 Capri | 2.0 | 1.0 |
| 1971 through 1973 Capri only | 2.5 | 1.0 |

| | Enforcement Tolerance Through | |
|-----------------------------------|-------------------------------------|------------|
| | % [June, 1981] | June, 1982 |
| 1970 through 1971 | 2.0 | 1.0 |
| 1968 through 1969 | 3.5 | 1.0 |
| pre-1968 | 6.0 | 0.5 |
| Diesel Engines (all years) | 1.0 | 0.5 |
| Above 6000 GVWR 1968 through 1971 | 4.0 | 1.0 |
| Above 6000 GVWR 1972 through 1973 | 3.0 | 1.0 |
| Above 6000 GVWR 1974 through 1978 | 2.0 | 1.0 |

GENERAL MOTORS (Buick, Cadillac, Chevrolet, GMC, Oldsmobile, Pontiac)

| | | |
|---|-----|-----|
| 1975 through 1978 Noncatalyst | 1.0 | 0.5 |
| 1975 through [1980] <u>1981</u> Catalyst Equipped | 0.5 | 0.5 |
| 1973 through 1974 | 1.0 | 1.0 |
| 1971 through 1972, except 1971 4 cyl. | 1.5 | 1.0 |
| 1970, except 4 cyl. | 1.5 | 1.5 |
| 1970 through 1971 4 cyl. | 2.5 | 1.0 |
| 1968 through 1969 | 3.5 | 1.0 |
| pre-1968 | 6.0 | 0.5 |
| Diesel Engines (all years) | 1.0 | 0.5 |
| Above 6000 GVWR 1968 through 1971 | 4.0 | 1.0 |
| Above 6000 GVWR 1972 through 1973 | 3.0 | 1.0 |
| Above 6000 GVWR 1974 through 1978 | 2.0 | 1.0 |

GMC - see GENERAL MOTORS

HONDA AUTOMOBILE

| | | |
|--------------------------------------|-----|-----|
| 1980 and <u>1981</u> Catalyst | 0.5 | 0.5 |
| 1980 Noncatalyst | 1.0 | 0.5 |
| 1975 through 1979 CVCC | 1.0 | 0.5 |
| 1975 through 1979 except CVCC engine | 1.5 | 0.5 |
| 1973 through 1974 | 3.0 | 1.0 |
| pre-1973 | 5.0 | 1.0 |

INTERNATIONAL HARVESTER

| | | |
|-------------------------------|-----|-----|
| 1979 and 1980 below 8500 GVWR | 0.5 | 0.5 |
| 1975 through 1978 | 2.5 | 0.5 |
| 1972 through 1974 | 3.0 | 1.0 |
| 1970 through 1971 | 4.0 | 1.0 |
| 1968 through 1969 | 5.0 | 1.0 |
| pre-1968 | 6.0 | 0.5 |
| Diesel Engines (all years) | 1.0 | 0.5 |

IZUZU

| | | |
|---------------------------------|------------|------------|
| <u>1981</u> engines | <u>0.5</u> | <u>0.5</u> |
| <u>Diesel Engines All Years</u> | <u>1.0</u> | <u>0.5</u> |

Enforcement
Tolerance
Through
% [June, 1981]
June, 1982

JAGUAR - see BRITISH LEYLAND

JEEP - see AMERICAN MOTORS

JENSEN-HEALEY

| | | |
|---------------|-----|-----|
| 1973 and 1974 | 4.5 | 1.0 |
|---------------|-----|-----|

JENSEN INTERCEPTER & CONVERTIBLE - see CHRYSLER CORPORATION

LAND ROVER - see BRITISH LEYLAND, Rover

LINCOLN - see FORD MOTOR COMPANY

L.U.V., Chevrolet

| | | |
|-------------------|-----|-----|
| 1980 and 1981 | 0.5 | 0.5 |
| 1974 through 1979 | 1.5 | 1.0 |
| pre-1974 | 3.0 | 1.0 |

MAZDA

| | | |
|---|-----|-----|
| 1978 through [1980] <u>1981</u> Catalyst Equipped | 0.5 | 0.5 |
| 1975 through 1980 Noncatalyst | 1.5 | 0.5 |
| 1968 through 1974 Piston Engines | 4.0 | 1.0 |
| 1974 Rotary Engines | 2.0 | 0.5 |
| 1970 through 1973 Rotary Engines | 3.0 | 0.5 |

MERCURY - see FORD MOTOR COMPANY

MERCEDES-BENZ

| | | |
|---|-----|-----|
| 1975 through 1977 Noncatalyst 4 cyl. | 1.0 | 0.5 |
| 1975 through [1980] <u>1981</u> all other | 0.5 | 0.5 |
| 1973 through 1974 | 2.0 | 1.0 |
| 1972 | 4.0 | 1.0 |
| 1968 through 1971 | 5.0 | 1.0 |
| pre-1968 | 6.0 | 0.5 |
| Diesel Engines (all years) | 1.0 | 0.5 |

MG - see BRITISH LEYLAND

OLDSMOBILE - see GENERAL MOTORS

Enforcement
Tolerance
Through
% [June, 1981]
June, 1982

OPEL

| | | |
|-------------------------------------|-----|-----|
| 1975 through 1979 Catalyst Equipped | 0.5 | 0.5 |
| 1975 through 1979 Noncatalyst | 1.5 | 0.5 |
| 1973 through 1974 | 2.5 | 1.0 |
| 1970 through 1972 | 3.0 | 1.0 |
| 1968 through 1969 | 3.0 | 1.0 |
| pre-1968 | 6.0 | 0.5 |

PANTERA - see FORD MOTOR COMPANY

PEUGEOT

| | | |
|---------------------------------|-----|-----|
| 1978 through [1980] <u>1981</u> | 0.5 | 0.5 |
| 1975 through 1977 | 1.5 | 0.5 |
| 1971 through 1974 | 3.0 | 1.0 |
| 1968 through 1970 | 4.0 | 1.0 |
| pre-1968 | 6.0 | 0.5 |
| Diesel Engines (all years) | 1.0 | 0.5 |

PLYMOUTH - see CHRYSLER CORPORATION

PLYMOUTH CRICKET - see CRICKET, Plymouth

PONTIAC - see GENERAL MOTORS

PORSCHE

| | | |
|---|-----|-----|
| 1978 through [1980] <u>1981</u> Catalyst Equipped | 0.5 | 0.5 |
| 1975 through 1980 Noncatalyst | 2.5 | 0.5 |
| 1974 Fuel Injection 1.8 liter (914) | 5.0 | 1.0 |
| 1968 through 1971 | 5.0 | 1.0 |
| pre-1968 | 6.5 | 0.5 |

RENAULT

| | | |
|-------------------------------------|-----|-----|
| 1977 through 1980 Catalyst Equipped | 0.5 | 0.5 |
| 1977 through 1980 Noncatalyst | 1.5 | 0.5 |
| 1976 Carbureted | 1.5 | 0.5 |
| 1975 and 1976 Fuel Injection | 1.5 | 0.5 |
| 1975 Carbureted | 0.5 | 0.5 |
| 1971 through 1974 | 3.0 | 1.0 |
| 1968 through 1970 | 5.0 | 1.0 |
| pre-1968 | 6.0 | 0.5 |

Enforcement
Tolerance
Through
% [June, 1981]
June, 1982

ROLLS-ROYCE and BENTLEY

| | | |
|---------------------------------|-----|-----|
| 1975 through [1980] <u>1981</u> | 0.5 | 0.5 |
| 1971 through 1974 | 3.0 | 1.0 |
| 1968 through 1970 | 4.0 | 1.0 |
| pre-1968 | 6.0 | 0.5 |

ROVER - see BRITISH LEYLAND

SAAB

| | | |
|---|-----|-----|
| 1978 through 1980 Catalyst | 0.5 | 0.5 |
| 1975 through 1979 Noncatalyst | 1.5 | 0.5 |
| 1968 through 1974, except 1972 99 1.85 liter | 3.0 | 1.0 |
| 1972 99 1.85 liter | 4.0 | 1.0 |
| pre-1968 (two-stroke cycle) | 3.0 | 3.5 |

SAPPORO, Plymouth - see COLT, Dodge

SUBARU

| | | |
|---------------------------------|------------|------------|
| <u>1981</u> | <u>0.5</u> | <u>0.5</u> |
| <u>1975</u> through 1980 | <u>1.5</u> | <u>0.5</u> |
| 1972 through 1974 | 3.0 | 1.0 |
| 1968 through 1971, except 360's | 4.0 | 1.0 |
| pre-1968 and all 360's | 6.0 | 0.5 |

TOYOTA

| | | |
|---|-----|-----|
| 1975 through [1980] <u>1981</u> Catalyst Equipped | 0.5 | 0.5 |
| 1975 through 1979 4 cyl. Noncatalyst | 2.0 | 0.5 |
| 1975 through 1978 6 cyl. | 1.0 | 0.5 |
| 1968 through 1974 6 cyl. | 3.0 | 1.0 |
| 1968 through 1974 4 cyl. | 4.0 | 1.0 |
| pre-1968 | 6.0 | 0.5 |

TRIUMPH - see BRITISH LEYLAND

VOLKSWAGEN

| | | |
|---|------------------|------------------|
| 1975 through [1980] <u>1981</u> Catalyst Equipped | 0.5 | 0.5 |
| 1977 through 1979 Rabbit and Scirocco and Dasher and [1980] <u>1981</u> Pickup Truck | 2.0 | 0.5 |
| 1976 Rabbit and Scirocco | 0.5 | 0.5 |
| 1976 through 1978 All Others | 2.5 | 0.5 |
| 1975 Rabbit, Scirocco, and Dasher | <u>1.0</u> [0.5] | [0.5] <u>1.0</u> |
| 1975 All Others | 2.5 | 0.5 |

| | Enforcement Tolerance Through % [June, 1981] <u>June, 1982</u> | |
|---|--|------------|
| 1974 Type 4 Fuel Injection 1.8 liter | 5.0 | 0.5 |
| 1972 through 1974, except Dasher | 3.0 | 1.0 |
| 1972 through 1974 Dasher | 2.5 | 1.0 |
| 1968 through 1971 | 3.5 | 1.0 |
| pre-1968 | 6.0 | 0.5 |
| Diesel Engines (all years) | 1.0 | 0.5 |
| <u>VOLVO</u> | | |
| 1978 through [1980] <u>1981</u> | 0.5 | 0.5 |
| 1975 through 1977 6 cyl. | 1.0 | 0.5 |
| 1975 through 1977 4 cyl. | 2.0 | 0.5 |
| 1972 through 1974 | 3.0 | 1.0 |
| 1968 through 1971 | 4.0 | 1.0 |
| pre-1968 | 6.5 | 0.5 |
| Diesel Vehicles All Years | <u>1.0</u> | <u>0.5</u> |
| <u>NON-COMPLYING IMPORTED VEHICLES</u> | | |
| All | 6.5 | 0.5 |
| <u>DIESEL POWERED VEHICLES</u> | | |
| All | 1.0 | 0.5 |
| <u>ALL VEHICLES NOT LISTED and VEHICLES FOR WHICH NO VALUES ENTERED</u> | | |
| 1975 through 1980 Noncatalyst 4 cyl. | 2.0 | 0.5 |
| 1975 through 1980 Noncatalyst all except 4 cyl. | 1.0 | 0.5 |
| 1975 through [1980] Catalyst Equipped | 0.5 | 0.5 |
| 1972 through 1974 | 3.0 | 1.0 |
| 1970 through 1971 | 4.0 | 1.0 |
| 1968 through 1969 | 5.0 | 1.0 |
| pre-1968 and those engines less than 820 cc (50 cu. in.) | 6.5 | 0.5 |

(2) Hydrocarbon idle emission values not to be exceeded:

| PPM | Enforcement Tolerance | |
|-------------|-----------------------|--|
| | Through June, [1981] | 1982 |
| No HC Check | -- | All two-stroke cycle engines & diesel ignition |
| 1500 | 100 | Pre-1968 4 or less cylinder engines, 4 or less cylindered noncomplying imports, and those engines less than 820 cc (50 cu. in.) displacement |
| 1200 | 100 | Pre-1968 with more than 4 cylinder engines, and noncomplying imports with more than 4 cylinder engines |
| 800 | 100 | 1968 through 1969, 4 cylinder |
| 600 | 100 | All other 1968 through 1969 |
| 500 | 100 | All 1970 through 1971 |
| 400 | 100 | All 1972 through 1974, 4 cylinder |
| 300 | 100 | All other 1972 through 1974 |
| 200 | 100 | 1975 through [1980] <u>1981</u> without catalyst |
| 125 | 100 | 1975 through [1980] <u>1981</u> with catalyst |

(3) 1981 and newer vehicle 2500 rpm standards
1.0% carbon monoxide and 225 ppm hydrocarbons

(4) [(3)] There shall be no visible emission during the steady-state unloaded and raised rpm engine idle portion of the emission test from either the vehicle's exhaust system or the engine crankcase. In the case of diesel engines and two-stroke cycle engines, the allowable visible emission shall be no greater than 20% opacity.

(5) [(4)] The Director may establish specific separate standards, differing from those listed in subsections (1), (2), and (3), for vehicle classes which are determined to present prohibitive inspection problems using the listed standards.

**340-24-335 HEAVY-DUTY GASOLINE MOTOR VEHICLE EMISSION CONTROL
EMISSION STANDARDS**

(1) Carbon Monoxide idle emission values not to be exceeded:

| | <u>Base Standard</u> % | <u>Enforcement Tolerance</u> <u>Through June, [1981]</u> <u>1982</u> |
|---------------------|---------------------------|--|
| <u>ALL VEHICLES</u> | | |
| Pre-1970 | 6.0 | 0.5 |
| 1970 through 1973 | 4.0 | 1.0 |
| 1974 through 1978 | 3.0 | 1.0 |
| 1979 through 1980 | 2.0 | 1.0 |

(2) Carbon monoxide nominal 2,500 RPM emission values not to be exceeded:

| | <u>Base Standard</u> % | <u>Enforcement Tolerance</u> <u>Through June, [1981]</u> <u>1982</u> |
|---------------------------------|---------------------------|--|
| <u>ALL VEHICLES</u> | | |
| Pre-1970 | 3.0 | 1.0 |
| 1970 through [1980] <u>1981</u> | 2.0 | 1.0 |
| Fuel Injected | No Check | |

(3) Hydrocarbon idle emission values not to be exceeded:

| | <u>Base Standard</u> PPM | <u>Enforcement Tolerance</u> <u>Through June, [1981]</u> <u>1982</u> |
|---------------------------------|-----------------------------|--|
| <u>ALL VEHICLES</u> | | |
| Pre-1970 | 700 | 200 |
| 1970 through 1973 | 500 | 200 |
| 1974 through 1978 | 300 | 200 |
| 1979 through [1980] <u>1981</u> | 250 | 100 |

(3) 1981 and newer vehicle 2500 rpm standards
1.0% carbon monoxide and 225 ppm hydrocarbons

(4) There shall be no visible emission during the steady-state unloaded engine idle and raised rpm portion of the emission test from either the vehicle's exhaust system or the engine crankcase.

(5) The Director may establish specific separate standards, differing from those listed in subsections (1), (2), (3), and (4) for vehicle classes which are determined to present prohibitive inspection problems using the listed standard.

Criteria for Qualifications of Persons Eligible to Inspect Motor Vehicles and Motor Pollution Control Systems and Execute Certificates

340-24-340 (1) Three separate classes of licenses are established by these rules:

- (a) Motor Vehicle fleet operations.
- (b) Fleet operation vehicle emission inspector.
- (c) State employed vehicle emission inspector.

(2) Application for a license must be completed on a form provided by the Department.

(3) Each license shall be valid through December 31 of each year unless revoked, suspended, or returned to the Department.

(4) No license shall be issued until the applicant has fulfilled all requirements and paid the required fee.

(5) No license shall be transferable.

(6) Each license may be renewed upon application and receipt of renewal fee if the application for renewal is made within the 30 day period prior to the expiration date and the applicant complies with all other licensing requirements.

(7) A license may be suspended, revoked, or not renewed if the licensee has violated these rules or ORS 468.360 to 468.405, 481.190 or 800 to 483.820.

(8) A fleet operation vehicle emission inspector license shall be valid only for inspection of, and execution of certificates for, motor vehicle pollution control systems and motor vehicles of the motor vehicle fleet operation by which the inspector is employed on a full time basis, except:

A fleet operation vehicle emission inspector employed by a governmental agency may be authorized by the Department to perform inspections and execute Certificates of Compliance for vehicles of other governmental agencies that have contracted with that agency for that service and that contract having the approval of the Director.

(9) To be licensed as a vehicle emission inspector, the applicant must:

(a) Be an employee of the Vehicle Inspection Division of the Department, or

(b) Be an employee of a licensed motor vehicle fleet operation.

(c) Complete application.

(d) Satisfactorily complete a training program conducted by the Department. Only persons employed by the Department or by a motor vehicle fleet operation shall be eligible to participate in the training program unless otherwise approved by the Director. The duration of the training program for persons employed by a motor vehicle fleet operation shall not exceed 24 hours.

(e) Satisfactorily complete an examination pertaining to the inspection program requirements. This examination shall be prepared, conducted, and graded by the Department.

(10) To be licensed as a motor vehicle fleet operation, the applicant must:

(a) Be the owner of 100 or more Oregon registered in-use motor vehicles, or 50 or more publicly owned vehicles registered pursuant to to ORS 281.125.

(b) Be equipped with an exhaust gas analyzer complying with criteria established in rule 340-24-350.

(c) Be equipped with a sound level meter conforming to "Requirements for Sound Measuring Instruments and Personnel" (NPCS-2) manual, revised September 15, 1974, of this Department.

(11) No person licensed as a motor vehicle fleet operation shall advertise or represent himself as being licensed to inspect motor vehicles to determine compliance with the criteria and standards of rules 340-24-320 and 340-24-330.

GAS ANALYTICAL SYSTEM LICENSING CRITERIA

340-24-350 (1) To be licensed, an exhaust gas analyzer must:

(a) Conform substantially with either:

(A) All specifications contained in the document "Specifications for Exhaust Gas Analyzer System Including Engine Tachometers" dated July 9, 1974, prepared by the Department and on file in the office of the Vehicle Inspection [Division] Program of the Department, [or]

(B) The technical specifications contained in the document "Performance Criteria, Design Guidelines, and Accreditation Procedures for Hydrocarbon (HC) and Carbon Monoxide (CO) Analyzers Required in California Official Motor Vehicle Pollution Control Stations," issued by the Bureau of Automotive Repair, Department of Consumer Affairs, State of California, and on file in the office of the Vehicle Inspection [Division] Program of the Department. Evidence that an instrument model is approved by the California Bureau of Automotive Repair will suffice to show conformance with this technical specification, or

(C) If a gas analytical system is purchased after January 1, 1982, the technical specifications contained in the document "The California Exhaust Gas Analyzer Specification - 1979" on file in the office of the Vehicle Inspection Program of the Department.

(D) Be owned by the licensed motor vehicle fleet operation or the Department.

(E) Be span gas calibrated a minimum of once a month (at least every 30 calendar days) by licensed inspector. The calibration and the inspector's initials are to be recorded on the back of the exhaust gas analyzer's license for verification by the Department.

(2) Application for a license must be completed on a form provided by the Department.

(3) Each license issued for an exhaust gas analyzer shall be valid through December 31 of each year, unless returned to the Department or revoked.

(4) A license for an exhaust gas analyzer system shall be renewed upon submission of a statement by the motor vehicle fleet operation that all conditions pertaining to the original license issuance are still valid and that the unit has been gas calibrated and its proper operation verified within the last 30 days by a vehicle emission inspector in their employment.

(5) Grounds for revocation of a license issued for an exhaust gas analyzer system include the following:

(a) The unit has been altered, damaged, or modified so as to no longer conform with the specifications of subsection (1)(a) of this rule.

(b) The unit is no longer owned by the motor vehicle fleet operation to which the license was issued.
by the motor vehicle fleet operation to which the license was issued.

(c) The Department verifies that a Certification of Compliance has been issued to a vehicle which has been emission tested by an analyzer that has not met the requirements of subsection (1)(c) of this section.

(6) No license shall be transferable.

(7) No license shall be issued until all requirements of section (1) of this section are fulfilled and required fees paid.

JASPER (1)

Appendix C

Alternative Standards Format
for Inspection Program

340-24-331 LIGHT DUTY MOTOR VEHICLE EMISSION CONTROL CUTPOINTS

(1) Light Duty Diesel Motor Vehicle Emission Control Cut Points

All: 1.0% CO NO HC Check

(2) Light Duty Gasoline Motor Vehicle Emission Control Cut Points -
two stroke cycle

All: 7.0% CO NO HC Check

(3) Light Duty Gasoline Motor Vehicle Emission Control Cut Points -
four stroke cycle - passenger cars

Pre 1968 Model Year Motor Vehicles

4 or less cylinders

All: 7.0% CO 1600 ppm HC

More than 4 cylinders

All: 6.5% CO 1300 ppm HC

1968 - 1969 Model Year Motor Vehicles

4 or less cylinders

All: 6.0% 900 ppm HC

More than 4 cylinders

All: 5.5% 700 ppm HC

1970 - 1971 Model Year Motor Vehicles

All: 5.% 600 ppm HC

1972-1974 Model Year Motor Vehicles

| | <u>% CO</u> | <u>ppm HC</u> |
|-----------------|-------------|---------------|
| Alfa Romeo | 4.0 | 500 |
| American Motors | 3.0 | 400 |
| Audi | 3.5 | 500 |
| BMW | 4.0 | 500 |
| BL-Jaguar | 4.0 | 400 |
| BL-MG | 5.0 | 500 |
| BL-Triumph | 4.5 | 500 |
| Buick | 3.0 | 400 |
| Cadillac | 3.0 | 400 |
| Capri | 3.5 | 500 |
| Checker | 3.0 | 400 |
| Chevrolet | 3.0 | 400 |
| Chrysler | 3.0 | 400 |
| Colt, Dodge | 6.0 | 500 |
| Courier, Ford | 3.0 | 500 |

1972-1974 Model Year Motor Vehicles

| | <u>% CO</u> | <u>ppm HC</u> |
|-------------------------|-------------|---------------|
| Cricket, Plymouth | 4.0 | 500 |
| Datsun | 3.5 | 500 |
| Dodge | 3.0 | 400 |
| Ferrari | 4.0 | 400 |
| Fiat | 5.0 | 500 |
| Ford | 3.0 | 400 |
| Ford - 4 cylinder | 3.0 | 500 |
| GMC | 3.0 | 400 |
| Honda Automobile | 4.0 | 500 |
| International Harvester | 4.0 | 400 |
| Jenson-Healy | 5.5 | 500 |
| Lincoln | 3.0 | 400 |
| Mazda - Piston Engine | 5.0 | 500 |
| Mazda - Rotary Engine | 3.5 | 500 |
| Mercury | 3.0 | 400 |
| Oldsmobile | 3.0 | 400 |
| Opel | 4.0 | 500 |
| Peugeot | 4.0 | 500 |
| Plymouth | 3.0 | 400 |
| Pontiac | 3.0 | 400 |
| Porsche | 4.0 | 400 |
| Porsche 1974 914 | 6.0 | 500 |
| Renault | 4.0 | 400 |
| Rolls Royce and Bentley | 4.0 | 400 |
| SAAB | 4.0 | 400 |
| Subaru | 4.0 | 400 |
| Toyota | 4.0 | 400 |
| Volkswagen - Type 4 | 5.0 | 500 |
| - Dasher | 3.5 | 500 |
| - All Others | 4.0 | 500 |
| Volvo | 4.0 | 500 |
| All Vehcles Not Listed | 4.0 | 500 |

1975 - 1980 Model Year Motor Vehicles

| | | |
|--------------------------------|---------|------------|
| Catalyst Equipped Vehicle | 1.0% CO | 225 ppm HC |
| Non-Catalyst Equipped Vehicles | 2.5% CO | 300 ppm HC |

1981 and Newer Model Year Motor Vehicles

| | | |
|-------------------|---------|------------|
| At idle - All | 1.0% CO | 225 ppm HC |
| At 2500 rpm - All | 1.0% CO | 225 ppm HC |

(4) Light duty gasoline Motor Vehicle Emission Control Cut Points -
Light Duty Trucks.

(a) 6000 GVWR or less Pre 1968 Model Year

| | | |
|------------------------------|----------------|--------------------|
| <u>4 or less cylinders</u> | | |
| <u>All:</u> | <u>7.0% CO</u> | <u>1600 ppm HC</u> |
| <u>More than 4 cylinders</u> | | |
| <u>All:</u> | <u>6.5% CO</u> | <u>1300 ppm HC</u> |

1968 - 1969 Model Year

| | | |
|------------------------------|-------------|-------------------|
| <u>4 or less cylinders</u> | | |
| <u>All:</u> | <u>6.0%</u> | <u>900 ppm HC</u> |
| <u>More than 4 cylinders</u> | | |
| <u>All:</u> | <u>5.5%</u> | <u>700 ppm HC</u> |

1970 - 1971 Model Year

| | | |
|-------------|-------------|-------------------|
| <u>All:</u> | <u>5.0%</u> | <u>600 ppm HC</u> |
|-------------|-------------|-------------------|

1972 - 1974 Model Year

| | | |
|------------------------------|-------------|-------------------|
| <u>4 or less cylinders</u> | | |
| <u>All:</u> | <u>4.0%</u> | <u>500 ppm HC</u> |
| <u>More than 4 cylinders</u> | | |
| <u>All:</u> | <u>3.0%</u> | <u>400 ppm HC</u> |

1975 - 1980

| | | |
|------------------------------|-------------|-------------------|
| <u>Catalyst Equipped</u> | | |
| <u>All:</u> | <u>1.0%</u> | <u>225 ppm HC</u> |
| <u>Non-Catalyst Equipped</u> | | |
| <u>All:</u> | <u>2.5%</u> | <u>300 ppm HC</u> |

1981 and Newer

| | | |
|---------------------|----------------|-------------------|
| <u>All: At idle</u> | <u>1.0% CO</u> | <u>225 ppm HC</u> |
| <u>At 2500 rpm</u> | <u>1.0% CO</u> | <u>225 ppm HC</u> |

(b) 6001 to 8500 GVWR

| | | |
|----------------------------|----------------|--------------------|
| <u>Pre 1968 Model Year</u> | <u>6.5% CO</u> | <u>1300 ppm HC</u> |
|----------------------------|----------------|--------------------|

1968 - 1969 Model Year 5.5% CO 700 ppm HC

1970 - 1971 Model Year 5.0% CO 600 ppm HC

1972 through 1974 Model Yr. 3.0% CO 400 ppm HC

| | | |
|--------------------------|---------|------------|
| <u>1975 through 1978</u> | 3.0% CO | 300 ppm HC |
| <u>1978 through 1980</u> | | |
| <u>Catalyst</u> | | |
| <u>Non-Catalyst</u> | 2.5% CO | 300 ppm HC |
| <u>1981 and Newer</u> | | |
| <u>All: At idle</u> | 1.0% CO | 225 ppm HC |
| <u>At 2500 rpm</u> | 1.0% CO | 225 ppm HC |

VA29.C (1)

Statement of Need for
Temporary Rules Adoption

Pursuant to ORS 183.335(5) and (6) this statement provides information on the intended action of a temporary rules adoption.

Legal Authority

Legal authority for this action is ORS 468.370 and ORS 183.341.

Need for Rule

The emergency rules adoption is necessary because if the enforcement tolerances of OAR 340-24-330 and 24-335 are allowed to expire there will be serious prejudice to the public interest. This action would extend the enforcement tolerances cited through October, 1981 to allow for completion of the public hearing and rulemaking processes.

Principle Documents Relied Upon

OAR 340-24-370 and 24-335.

Proposed Rules for Emergency Adoption

OAR 340-24-330 LIGHT DUTY MOTOR VEHICLE EMISSION CONTROL IDLE
EMISSION STANDARDS

(1) Carbon monoxide idle emission values not to be exceeded:

| | % | Enforcement Tolerance Through [June, 1981] <u>Oct. 1981</u> |
|--|-----|---|
| <u>ALFA ROMEO</u> | | |
| 1978 through 1980 | 0.5 | 0.5 |
| 1975 through 1977 | 1.5 | 1.0 |
| 1971 through 1974 | 3.0 | 1.0 |
| 1968 through 1970 | 4.0 | 1.5 |
| pre-1968 | 6.0 | 0.5 |
| <u>AMERICAN MOTORS CORPORATION</u> | | |
| 1975 through 1978 Noncatalyst | 1.5 | 0.5 |
| 1975 through 1980 Catalyst Equipped | 0.5 | 0.5 |
| 1972 through 1974 | 2.0 | 1.0 |
| 1970 through 1971 | 3.5 | 1.0 |
| 1968 through 1969 | 5.0 | 0.5 |
| pre-1968 | 6.0 | 0.5 |
| Above 6000 GVWR 1974 through 1978 | 2.0 | 1.0 |
| <u>ARROW, Plymouth - see COLT, Dodge</u> | | |
| <u>AUDI</u> | | |
| 1975 through 1980 Catalyst Equipped | 0.5 | 0.5 |
| 1975 through 1979 Noncatalyst | 1.5 | 0.5 |
| 1971 through 1974 | 2.5 | 1.0 |
| 1968 through 1970 | 4.0 | 1.0 |
| pre-1968 | 6.0 | 0.5 |
| <u>AUSTIN - see BRITISH LEYLAND</u> | | |
| <u>BMW</u> | | |
| 1979 through 1980 Catalyst Equipped | 0.5 | 0.5 |
| 1975 through 1979 | 1.5 | 0.5 |
| 1974 6 cyl. | 2.5 | 1.0 |
| 1974 4 cyl. | 2.0 | 1.0 |
| 1971 through 1973 | 3.0 | 1.0 |
| 1968 through 1970 | 4.0 | 1.0 |
| pre-1968 | 6.0 | 0.5 |

| | % | Enforcement Tolerance Through [June, 1981] Oct. 1981 |
|--|-----|--|
| <u>BRITISH LEYLAND</u> | | |
| Austin, Austin Healey, Morris, America, and Marina | | |
| 1975 | 2.0 | 0.5 |
| 1973 through 1974 | 2.5 | 1.0 |
| 1971 through 1972 | 4.0 | 1.0 |
| 1968 through 1970 | 5.0 | 1.0 |
| pre-1968 | 6.5 | 0.5 |
| Jaguar | | |
| 1975 through 1980 | 0.5 | 0.5 |
| 1972 through 1974 | 3.0 | 1.0 |
| 1968 through 1971 | 4.0 | 1.0 |
| pre-1968 | 6.0 | 0.5 |
| MG | | |
| 1976 through 1980 MG | 0.5 | 0.5 |
| 1975 MG, MG Midget and 1976 MG Midget | 2.0 | 0.5 |
| 1973 through 1974 MGB, MGBGT, MGC | 3.0 | 1.0 |
| 1971 through 1974 Midget | 3.0 | 1.0 |
| 1972 MGB, MGC | 4.0 | 1.0 |
| 1968 through 1971, except 1971 Midget | 5.0 | 1.0 |
| pre-1968 | 6.5 | 0.5 |
| Rover | | |
| 1971 through 1974 | 4.0 | 1.0 |
| 1968 through 1970 | 5.0 | 0.5 |
| pre-1968 | 6.0 | 0.5 |
| Triumph | | |
| 1978 and 1980 | 0.5 | 0.5 |
| 1975 through 1977 | 2.0 | 0.5 |
| 1971 through 1974 | 3.5 | 1.0 |
| 1968 through 1970 | 4.0 | 1.0 |
| pre-1968 | 6.5 | 0.5 |
| <u>BUICK</u> - see GENERAL MOTORS | | |
| <u>CADILLAC</u> - see GENERAL MOTORS | | |
| <u>CAPRI</u> - see FORD MOTOR COMPANY | | |
| <u>CHECKER</u> | | |
| 1975 through 1980 Catalyst Equipped | 0.5 | 0.5 |
| 1973 through 1974 | 1.0 | 1.0 |
| 1970 through 1972 | 2.5 | 1.0 |
| 1968 through 1969 | 3.5 | 1.0 |
| pre-1968 | 6.0 | 0.5 |

Enforcement
Tolerance
Through
% [June, 1981]
Oct. 1981

CHEVROLET - see GENERAL MOTORS

CHEVROLET L.U.V. - see L.U.V., Chevrolet

CHRYSLER - see CHRYSLER CORPORATION

CHRYSLER CORPORATION (Plymouth, Dodge, Chrysler)

| | | |
|-------------------------------------|-----|-----|
| 1975 through 1978 Noncatalyst | 1.0 | 0.5 |
| 1975 through 1980 Catalyst Equipped | 0.5 | 0.5 |
| 1973 through 1974 | 1.0 | 1.5 |
| 1970 through 1972 | 1.5 | 1.5 |
| 1968 through 1969 | 2.0 | 2.5 |
| pre-1968 | 6.0 | 0.5 |
| Diesel Engines (all years) | 1.0 | 0.5 |
| Above 6000 GVWR 1968 through 1971 | 4.0 | 1.0 |
| Above 6000 GVWR 1972 through 1978 | 2.0 | 1.0 |

CITROEN

| | | |
|-------------------|-----|-----|
| 1971 through 1974 | 3.0 | 1.0 |
| 1968 through 1970 | 4.0 | 1.0 |
| pre-1968 | 6.0 | 0.5 |

COLT, Dodge

| | | |
|-------------------|-----|-----|
| 1978 through 1980 | 0.5 | 0.5 |
| 1975 through 1977 | 3.0 | 0.5 |
| 1971 through 1974 | 5.0 | 1.0 |
| pre-1971 | 6.0 | 0.5 |

COURIER, Ford

| | | |
|-------------------------------------|-----|-----|
| 1975 through 1980 Catalyst Equipped | 0.5 | 0.5 |
| 1975 through 1979 Noncatalyst | 1.5 | 0.5 |
| 1973 through 1974 | 2.0 | 1.0 |
| pre-1973 | 4.0 | 1.0 |

CRICKET, Plymouth

| | | |
|--|-----|-----|
| 1973 through 1974 (twin carb. only) | 3.0 | 1.0 |
| 1972 (twin carb. only) | 4.5 | 1.0 |
| pre-1972 (and 1972 through 1973 single carb. only) | | |

| | % | Enforcement Tolerance Through [June, 1981] Oct. 1981 |
|---|-----|--|
| <u>DATSUN</u> | | |
| 1975 through 1980 Catalyst Equipped | 0.5 | 0.5 |
| 1975 through 1980 Noncatalyst | 2.0 | 0.5 |
| 1968 through 1974 | 2.5 | 1.0 |
| pre-1968 | 6.0 | 0.5 |
| <u>DE TOMASO</u> - see FORD MOTOR COMPANY | | |
| <u>DODGE</u> - see CHRYSLER CORPORATION | | |
| <u>DODGE COLT</u> - see COLT, Dodge | | |
| <u>FERRARI</u> | | |
| 1978 through 1980 | 0.5 | 0.5 |
| 1975 through 1977 | 2.0 | 0.5 |
| 1971 through 1974 | 2.5 | 1.5 |
| 1968 through 1970 | 4.0 | 1.5 |
| pre-1968 | 6.0 | 0.5 |
| <u>FIAT</u> | | |
| 1975 through 1980 Noncatalyst | 1.5 | 0.5 |
| 1975 through 1980 Catalyst Equipped | 0.5 | 0.5 |
| 1974 | 2.5 | 1.0 |
| 1972 through 1973 124 Spec. sedan and wgn. | 4.0 | 1.0 |
| 1972 through 1973 124 sport coupe and spider | 3.0 | 1.0 |
| 1972 through 1973 850 | 3.0 | 1.0 |
| 1971 850 sport coupe and spider | 3.0 | 1.0 |
| 1971 850 sedan | 6.0 | 0.5 |
| 1968 through 1970, except 850 | 5.0 | 0.5 |
| 1968 through 1970 850 | 6.0 | 0.5 |
| pre-1968 | 6.0 | 0.5 |
| <u>FIESTA</u> - see FORD MOTOR COMPANY | | |
| <u>FORD</u> - see FORD MOTOR COMPANY | | |
| <u>FORD MOTOR COMPANY</u> (Ford, Lincoln, Mercury, Capri, except Courier) | | |
| 1975 through 1978 Noncatalyst | 1.0 | 0.5 |
| 1975 through 1980 Catalyst Equipped | 0.5 | 0.5 |
| 1974 except 4 cyl. | 1.0 | 1.0 |
| 1973 except 4 cyl. | 1.0 | 1.5 |
| 1972 except 4 cyl. | 1.0 | 2.0 |
| 1972 through 1974 4 cyl., except 1971-1973 Capri | 2.0 | 1.0 |
| 1971 through 1973 Capri only | 2.5 | 1.0 |

| | % | Enforcement Tolerance Through [June, 1981] <u>Oct. 1981</u> |
|--|-----|---|
| 1970 through 1971 | 2.0 | 1.0 |
| 1968 through 1969 | 3.5 | 1.0 |
| pre-1968 | 6.0 | 0.5 |
| Diesel Engines (all years) | 1.0 | 0.5 |
| Above 6000 GVWR 1968 through 1971 | 4.0 | 1.0 |
| Above 6000 GVWR 1972 through 1973 | 3.0 | 1.0 |
| Above 6000 GVWR 1974 through 1978 | 2.0 | 1.0 |
| <u>GENERAL MOTORS</u> (Buick, Cadillac, Chevrolet, GMC, Oldsmobile, Pontiac) | | |
| 1975 through 1978 Noncatalyst | 1.0 | 0.5 |
| 1975 through 1980 Catalyst Equipped | 0.5 | 0.5 |
| 1973 through 1974 | 1.0 | 1.0 |
| 1971 through 1972, except 1971 4 cyl. | 1.5 | 1.0 |
| 1970, except 4 cyl. | 1.5 | 1.5 |
| 1970 through 1971 4 cyl. | 2.5 | 1.0 |
| 1968 through 1969 | 3.5 | 1.0 |
| pre-1968 | 6.0 | 0.5 |
| Diesel Engines (all years) | 1.0 | 0.5 |
| Above 6000 GVWR 1968 through 1971 | 4.0 | 1.0 |
| Above 6000 GVWR 1972 through 1973 | 3.0 | 1.0 |
| Above 6000 GVWR 1974 through 1978 | 2.0 | 1.0 |
| <u>GMC</u> - see GENERAL MOTORS | | |
| <u>HONDA AUTOMOBILE</u> | | |
| 1980 Catalyst | 0.5 | 0.5 |
| 1980 Noncatalyst | 1.0 | 0.5 |
| 1975 through 1979 CVCC | 1.0 | 0.5 |
| 1975 through 1979 except CVCC engine | 1.5 | 0.5 |
| 1973 through 1974 | 3.0 | 1.0 |
| pre-1973 | 5.0 | 1.0 |
| <u>INTERNATIONAL HARVESTER</u> | | |
| 1979 and 1980 below 8500 GVWR | 0.5 | 0.5 |
| 1975 through 1978 | 2.5 | 0.5 |
| 1972 through 1974 | 3.0 | 1.0 |
| 1970 through 1971 | 4.0 | 1.0 |
| 1968 through 1969 | 5.0 | 1.0 |
| pre-1968 | 6.0 | 0.5 |
| Diesel Engines (all years) | 1.0 | 0.5 |
| <u>JAGUAR</u> - see BRITISH LEYLAND | | |
| <u>JEEP</u> - see AMERICAN MOTORS | | |

| | % | Enforcement Tolerance Through [June, 1981] <u>Oct. 1981</u> |
|--|-----|---|
| <u>JENSEN-HEALEY</u> | | |
| 1973 and 1974 | 4.5 | 1.0 |
| <u>JENSEN INTERCEPTER & CONVERTIBLE</u> - see CHRYSLER CORPORATION | | |
| <u>LAND ROVER</u> - see BRITISH LEYLAND, Rover | | |
| <u>LINCOLN</u> - see FORD MOTOR COMPANY | | |
| <u>L.U.V., Chevrolet</u> | | |
| 1980 | 0.5 | 0.5 |
| 1974 through 1979 | 1.5 | 1.0 |
| pre-1974 | 3.0 | 1.0 |
| <u>MAZDA</u> | | |
| 1978 through 1980 Catalyst Equipped | 0.5 | 0.5 |
| 1975 through 1980 Noncatalyst | 1.5 | 0.5 |
| 1968 through 1974 Piston Engines | 4.0 | 1.0 |
| 1974 Rotary Engines | 2.0 | 0.5 |
| 1970 through 1973 Rotary Engines | 3.0 | 0.5 |
| <u>MERCURY</u> - see FORD MOTOR COMPANY | | |
| <u>MERCEDES-BENZ</u> | | |
| 1975 through 1977 Noncatalyst 4 cyl. | 1.0 | 0.5 |
| 1975 through 1980 all other | 0.5 | 0.5 |
| 1973 through 1974 | 2.0 | 1.0 |
| 1972 | 4.0 | 1.0 |
| 1968 through 1971 | 5.0 | 1.0 |
| pre-1968 | 6.0 | 0.5 |
| Diesel Engines (all years) | 1.0 | 0.5 |
| <u>MG</u> - see BRITISH LEYLAND | | |
| <u>OLDSMOBILE</u> - see GENERAL MOTORS | | |
| <u>OPEL</u> | | |
| 1975 through 1979 Catalyst Equipped | 0.5 | 0.5 |
| 1975 through 1979 Noncatalyst | 1.5 | 0.5 |
| 1973 through 1974 | 2.5 | 1.0 |
| 1970 through 1972 | 3.0 | 1.0 |
| 1968 through 1969 | 3.0 | 1.0 |
| pre-1968 | 6.0 | 0.5 |

Enforcement
Tolerance
Through
% [June, 1981]
Oct. 1981

PANTERA - see FORD MOTOR COMPANY

PEUGEOT

| | | |
|----------------------------|-----|-----|
| 1978 through 1980 | 0.5 | 0.5 |
| 1975 through 1977 | 1.5 | 0.5 |
| 1971 through 1974 | 3.0 | 1.0 |
| 1968 through 1970 | 4.0 | 1.0 |
| pre-1968 | 6.0 | 0.5 |
| Diesel Engines (all years) | 1.0 | 0.5 |

PLYMOUTH - see CHRYSLER CORPORATION

PLYMOUTH CRICKET - see CRICKET, Plymouth

PONTIAC - see GENERAL MOTORS

PORSCHE

| | | |
|-------------------------------------|-----|-----|
| 1978 through 1980 Catalyst Equipped | 0.5 | 0.5 |
| 1975 through 1980 Noncatalyst | 2.5 | 0.5 |
| 1972 through 1974 | 3.0 | 1.0 |
| 1974 Fuel Injection 1.8 liter (914) | 5.0 | 1.0 |
| 1968 through 1971 | 5.0 | 1.0 |
| pre-1968 | 6.5 | 0.5 |

RENAULT

| | | |
|-------------------------------------|-----|-----|
| 1977 through 1980 Catalyst Equipped | 0.5 | 0.5 |
| 1977 through 1980 Noncatalyst | 1.5 | 0.5 |
| 1976 Carbureted | 1.5 | 0.5 |
| 1975 and 1976 Fuel Injection | 1.5 | 0.5 |
| 1975 Carbureted | 0.5 | 0.5 |
| 1971 through 1974 | 3.0 | 1.0 |
| 1968 through 1970 | 5.0 | 1.0 |
| pre-1968 | 6.0 | 0.5 |

ROLLS-ROYCE and BENTLEY

| | | |
|-------------------|-----|-----|
| 1975 through 1980 | 0.5 | 0.5 |
| 1971 through 1974 | 3.0 | 1.0 |
| 1968 through 1970 | 4.0 | 1.0 |
| pre-1968 | 6.0 | 0.5 |

ROVER - see BRITISH LEYLAND

| | % | Enforcement Tolerance Through [June, 1981] Oct. 1981 |
|---|-----|--|
| <u>SAAB</u> | | |
| 1978 through 1980 Catalyst | 0.5 | 0.5 |
| 1975 through 1979 Noncatalyst | 1.5 | 0.5 |
| 1968 through 1974, except 1972 99 1.85 liter | 3.0 | 1.0 |
| 1972 99 1.85 liter | 4.0 | 1.0 |
| pre-1968 (two-stroke cycle) | 3.0 | 3.5 |
| <u>SAPPORO, Plymouth</u> - see COLT, Dodge | | |
| <u>SUBARU</u> | | |
| 1975 through 1980 | 1.5 | 0.5 |
| 1972 through 1974 | 3.0 | 1.0 |
| 1968 through 1971, except 360's | 4.0 | 1.0 |
| pre-1968 and all 360's | 6.0 | 0.5 |
| <u>TOYOTA</u> | | |
| 1975 through 1980 Catalyst Equipped | 0.5 | 0.5 |
| 1975 through 1979 4 cyl. Noncatalyst | 2.0 | 0.5 |
| 1975 through 1978 6 cyl. | 1.0 | 0.5 |
| 1968 through 1974 6 cyl. | 3.0 | 1.0 |
| 1968 through 1974 4 cyl. | 4.0 | 1.0 |
| pre-1968 | 6.0 | 0.5 |
| <u>TRIUMPH</u> - see BRITISH LEYLAND | | |
| <u>VOLKSWAGEN</u> | | |
| 1975 through 1980 catalyst equipped | 0.5 | 0.5 |
| 1977 through 1979 Rabbit and Scirocco and Dasher and 1980 Pickup Truck | 2.0 | 0.5 |
| 1976 Rabbit and Scirocco | 0.5 | 0.5 |
| 1976 through 1978 All Others | 2.5 | 0.5 |
| 1975 Rabbit, Scirocco, and Dasher | 0.5 | 0.5 |
| 1975 All Others | 2.5 | 0.5 |
| 1974 Type 4 Fuel Injection 1.8 liter | 5.0 | 0.5 |
| 1972 through 1974, except Dasher | 3.0 | 1.0 |
| 1972 through 1974 Dasher | 2.5 | 1.0 |
| 1968 through 1971 | 3.5 | 1.0 |
| pre-1968 | 6.0 | 0.5 |
| Diesel Engines (all years) | 1.0 | 0.5 |

Enforcement
Tolerance
Through
% [June, 1981]
Oct. 1981

VOLVO

| | | |
|--------------------------|-----|-----|
| 1978 through 1980 | 0.5 | 0.5 |
| 1975 through 1977 6 cyl. | 1.0 | 0.5 |
| 1975 through 1977 4 cyl. | 2.0 | 0.5 |
| 1972 through 1974 | 3.0 | 1.0 |
| 1968 through 1971 | 4.0 | 1.0 |
| pre-1968 | 6.5 | 0.5 |

NON-COMPLYING IMPORTED VEHICLES

| | | |
|-----|-----|-----|
| All | 6.5 | 0.5 |
|-----|-----|-----|

DIESEL POWERED VEHICLES

| | | |
|-----|-----|-----|
| All | 1.0 | 0.5 |
|-----|-----|-----|

ALL VEHICLES NOT LISTED and VEHICLES FOR WHICH NO VALUES ENTERED

| | | |
|---|-----|-----|
| 1975 through 1980 Noncatalyst 4 cyl. | 2.0 | 0.5 |
| 1975 through 1980 Noncatalyst all except 4 cyl. | 1.0 | 0.5 |
| 1975 through 1980 Catalyst Equipped | 0.5 | 0.5 |
| 1972 through 1974 | 3.0 | 1.0 |
| 1970 through 1971 | 4.0 | 1.0 |
| 1968 through 1969 | 5.0 | 1.0 |
| pre-1968 and those engines less than 820 cc (50 cu. in.) | 6.5 | 0.5 |

(2) Hydrocarbon idle emission values not to be exceeded:

| <u>PPM</u> | | <u>Enforcement Tolerance</u> <u>Through [June, 1981]</u> <u>Oct. 1981</u> |
|-------------|-----|--|
| No HC Check | -- | All two-stroke cycle engines & diesel ignition |
| 1500 | 100 | Pre-1968 4 or less cylinder engines, 4 or less cylindered noncomplying imports, and those engines less than 820 cc (50 cu. in.) displacement |
| 1200 | 100 | Pre-1968 with more than 4 cylinder engines, and noncomplying imports with more than 4 cylinder engines |
| 800 | 100 | 1968 through 1969, 4 cylinder |

| | | |
|-----|-----|------------------------------------|
| 600 | 100 | All other 1968 through 1969 |
| 500 | 100 | All 1970 through 1971 |
| 400 | 100 | All 1972 through 1974, 4 cylinder |
| 300 | 100 | All other 1972 through 1974 |
| 200 | 100 | 1975 through 1980 without catalyst |
| 125 | 100 | 1975 through 1980 with catalyst |

(3) There shall be no visible emission during the steady-state unloaded and raised rpm engine idle portion of the emission test from either the vehicle's exhaust system or the engine crankcase. In the case of diesel engines and two-stroke cycle engines, the allowable visible emission shall be no greater than 20% opacity.

(4) The Director may establish specific separate standards, differing from those listed in subsections (1), (2), and (3), for vehicle classes which are determined to present prohibitive inspection problems using the listed standards.

**340-24-335 HEAVY-DUTY GASOLINE MOTOR VEHICLE EMISSION CONTROL
EMISSION STANDARDS**

(1) Carbon Monoxide idle emission values not to be exceeded:

| | <u>Base Standard</u> % | <u>Enforcement Tolerance</u> <u>Through [June, 1981]</u> <u>Oct. 1981</u> |
|---------------------|---------------------------|---|
| <u>ALL VEHICLES</u> | | |
| Pre-1970 | 6.0 | 0.5 |
| 1970 through 1973 | 4.0 | 1.0 |
| 1974 through 1978 | 3.0 | 1.0 |
| 1979 through 1980 | 2.0 | 1.0 |

(2) Carbon monoxide nominal 2,500 RPM emission values not to be exceeded:

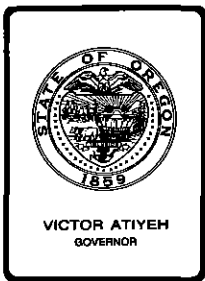
| | <u>Base Standard</u> % | <u>Enforcement Tolerance</u> <u>Through [June, 1981]</u> <u>Oct. 1981</u> |
|---------------------|---------------------------|---|
| <u>ALL VEHICLES</u> | | |
| Pre-1970 | 3.0 | 1.0 |
| 1970 through 1980 | 2.0 | 1.0 |
| Fuel Injected | No Check | |

(3) Hydrocarbon idle emission values not to be exceeded:

| | <u>Base Standard</u> PPM | <u>Enforcement Tolerance</u> <u>Through [June, 1981]</u> <u>Oct. 1981</u> |
|---------------------|-----------------------------|---|
| <u>ALL VEHICLES</u> | | |
| Pre-1970 | 700 | 200 |
| 1970 through 1973 | 500 | 200 |
| 1974 through 1978 | 300 | 200 |
| 1979 through 1980 | 250 | 100 |

(4) There shall be no visible emission during the steady-state unloaded engine idle and raised rpm portion of the emission test from either the vehicle's exhaust system or the engine crankcase.

(5) The Director may establish specific separate standards, differing from those listed in subsections (1), (2), (3), and (4) for vehicle classes which are determined to present prohibitive inspection problems using the listed standard.



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. G, April 24, 1981, EQC Meeting

Consideration of Approving a Proposed Memorandum of Understanding With Energy Facility Siting Council and Oregon Department of Energy Relating to Environmental Regulation of Energy Facilities

Background

By reasons of existing Oregon statutes, the Energy Facility Siting Council (EFSC), the Department of Energy (DOE), the Environmental Quality Commission (EQC) and the Department of Environmental Quality (DEQ) all have regulatory responsibilities which affect the siting, construction, operation and monitoring of certain types of energy facilities. These agencies must conduct their respective regulatory activities in a manner consistent with Oregon Statute and policies and applicable federal laws.

In order to carry out the statutory policies and to provide a coordinated regulatory framework which is protective of the public interest, fair and understandable to owners of energy facilities, and efficient in operation, it is proposed that the four entities involved enter into a joint memorandum of understanding (MOU) relating to siting, construction, operation and enforcing energy facilities.

Discussion

The EFSC is by statute, Oregon's "one-stop" siting authority for energy facilities.

The EFSC's siting decisions are required to be made in a manner consistent with, among other things, air quality, water quality, solid waste control and other environmental policies of the State.

The EFSC is required to adopt siting standards and construction and operating rules, issue site certificates and to conduct necessary monitoring and enforce compliance with site certificate conditions.

Once a site certificate is issued, all other state agencies must issue their respective licenses or permits subject to the conditions in the site certificate.

The DOE provides staff support to the EFSC and is specifically required to assist the EFSC in reviewing site certificate applications and to monitor and enforce the conditions of site certificates.

The EQC is charged generally with ensuring that Oregon's statutory environmental policies are implemented and enforced. It adopts rules and standards, has enforcement authority and oversees the activities of the DEQ, some of which may affect energy facilities.

The DEQ has the responsibility, under the policy direction of the EQC, to review plans, issue permits, monitor and enforce permit conditions designed to prevent air, water and land pollution, some of which may affect energy facilities. The DEQ is also the State agency delegated to implement Federal air and water laws.

DEQ is authorized to cooperate with and provide technical assistance to other State agencies relating to environmental matters.

It is the policy of the State of Oregon to promote and further interagency cooperation by agreement, joint provision of administrative offices, and other means.

Pursuant to the above, the DOE and DEQ staff, with substantial assistance from the Assistant Attorneys General who routinely represent the two agencies, have developed a proposed MOU which is designed to:

- 1) Carry out the respective statutory responsibilities and policies of the EQC, DEQ, EFSC and DOE, undiminished.
- 2) Maximize use of the existing staffs and expertise of the respective agencies and thereby avoid duplication of effort and resources.
- 3) Clarify, coordinate, and combine procedures to save time and costs in processing energy facility applications.

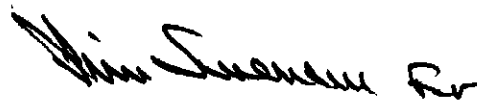
Summation

1. The EFSC is, by statute, Oregon's "one-stop" energy facility siting authority.
2. The State DOE serves as staff to the EFSC in siting, monitoring and enforcing relating to energy facilities.

3. The EQC and DEQ have statutory authorities and responsibilities to establish policy, adopt rules, issue permits and otherwise regulate and enforce to prevent environmental pollution which may be caused by energy facilities.
4. It is State policy to cooperate and assist other state agencies and to enter into cooperative agreements where such agreements appear necessary or beneficial.
5. A proposed MOU has been developed which sets forth the division of responsibilities and procedures to be followed in reviewing and approving proposed energy facilities projects, and which is designed to:
 - A. Carry out the respective statutory responsibilities and policies of the EQC, DEQ, EFSC and DOE, undiminished.
 - B. Maximize use of the existing staff and expertise of the respective agencies and thereby avoid duplication of effort and resources.
 - C. Clarify, coordinate and combine procedures to save time and costs in processing energy facility applications.
 - D. Preserve a "one-step" approach to energy facility siting.

Director's Recommendation

Based on the Summation, it is the Director's recommendation that the attached proposed MOU be approved and authorized for signing by the Chairman and Director.


William H. Young

Attachment 1. Proposed MOU

EJW:in
(503) 229-5397
April 8, 1981
AI952

MEMORANDUM OF UNDERSTANDING BETWEEN THE
ENERGY FACILITY SITING COUNCIL, DEPARTMENT OF ENERGY,
ENVIRONMENTAL QUALITY COMMISSION AND
DEPARTMENT OF ENVIRONMENTAL QUALITY

A. Purposes.

1. By reason of existing Oregon statutes the four state agencies executing this Memorandum of Understanding have regulatory responsibilities which affect the siting, construction, operation and monitoring of certain types of energy facilities. These agencies must conduct these regulatory activities in a manner consistent with statutory policies. In order to carry out the statutory policies and to provide a coordinated regulatory framework which avoids duplication of staff capabilities and responsibilities and which is protective of the public interest, fair and understandable to owners of energy facilities, and efficient in operation, the four agencies have entered into this Memorandum of Understanding.

2. One of the purposes of this agreement is to give DEQ the primary role of providing EFSC information and recommendations relating to environmental control matters in rulemaking and site certificate proceedings.

3. The federal government has enacted numerous environmental laws applicable to energy facilities including the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act and the Noise Control Act. The United States Environmental Protection Agency ("EPA") has promulgated extensive regulations implementing federal environmental laws. In order to attain and maintain EPA approval under those laws and to avoid other sanctions the State of Oregon must administer its programs, issue its permits, conduct enforcement, etc. consistent with those laws and implementing regulations. One of the purposes of this agreement is to assure that EFSC's rulemaking and site certificate actions will be consistent with all applicable federal environmental laws.

B. Definitions.

For the purposes of this memorandum the following terms shall have the following meaning, unless the content clearly requires otherwise:

1. "Energy facilities" means those facilities defined in ORS 469.300, ORS 469.553 and ORS 469.580 for which a site certificate is required.

2. "Rulemaking activity" means the adoption, amendment or revocation of a rule pursuant to ORS Ch. 183.

3. "Subject of mutual concern" means any aspect of the construction or operation of an energy facility which is subject to regulation by EQC, DEQ, DOE, or EFSC.

C. Cooperation with Respect to Rulemaking Activity.

1. Each agency shall solicit the comments, advice and recommendations of the other agencies prior to taking final action upon any rulemaking activity related to a subject of mutual concern. When specifically requested by the rulemaking agency, the other agency shall participate to the greatest extent feasible in the public rulemaking activities of the rulemaking agency relating to a subject of mutual concern in order to provide its special expertise and insure that its concerns will be addressed.

2. As required by ORS 469.520(2), during the public notice period the DEQ shall file with DOE a copy of each EQC rulemaking proposal related to a subject of mutual concern. DOE and EFSC shall submit all comments, objections and issue all orders under that statute during the EQC public comment period.

3. DOE and EFSC will provide to the DEQ for advance comment copies of draft rules dealing with subjects of mutual concern, including procedural rules, a reasonable amount of time prior to any hearing thereon. To the greatest extent feasible, such proposals by DOE and EFSC shall incorporate by reference existing EPA, DEQ and EQC statutes and rules on the same subject. EFSC, however, pursuant to ORS 469.400, shall retain final decision making authority on its standards relating to site certificate applications. From time to time and particularly upon revision of EPA, EQC or DEQ rules relating to a subject of mutual concern DEQ and/or EQC will identify any subject of mutual concern that should be addressed by new or amended siting, construction and operating standards and rules.

4. Prior to adopting any rule on any subject of mutual concern EFSC and DOE shall consider its impact on EQC and DEQ relationships with EPA. In no event shall EFSC or DOE adopt any rule which would violate federal or state law. Should it come to the attention of DOE or EFSC that any of its adopted rules could have such effect, DOE or EFSC shall amend the rule as soon as possible to eliminate the cause.

5. EFSC and DOE shall by rule require the filing of a complete written application for a site certificate as a prerequisite for the commencement of the running of the time limits contained in ORS 469.370.

D. Cooperation with Respect to the Issuance of Site Certificates or Permits.

1. The DEQ will advise the DOE of any technical studies including but not limited to modeling and monitoring required

to determine if any siting standards related to a subject of mutual concern can be met. EFSC and DOE with the cooperation of DEQ, on a case-by-case basis, will require, when appropriate, that such technical studies be performed by an applicant.

2. Pursuant to ORS 469.350(3), the EFSC will submit copies of each site certificate application and notice of intent to file an application for an energy facility to the DEQ for its review and recommendations within the time schedule established by EFSC.

3. On a case-by-case basis, EFSC and DOE shall require that DEQ testimony, site certificate recommendations and cross-examination thereon be scheduled to the greatest extent feasible such that the applicant will have previously filed with the DEQ and EQC, through DOE and EFSC, a complete application which contains all necessary information for DEQ and EQC permits, licenses and preconstruction approvals and the DEQ and EQC have had a reasonable amount of time to review the completed applications.

4. Within the time schedule prescribed by the EFSC, the DEQ shall:

a. Inform the EFSC in writing fully setting forth the appropriate technical basis of their opinions as to whether existing siting, construction and operation standards applicable to the project and pertaining to subjects of mutual concern have been or can be met by the applicant and whether additional standards should be adopted.

b. Recommend any site certificate conditions related to subjects of mutual concern which the DEQ believes should be adopted or amended.

5. The DEQ's opinions and recommendations shall be made part of the record in the hearing on the site certificate applications, and shall be subject to cross-examination by all parties pursuant to OAR 345-15-026.

6. DOE will provide DEQ with the administrative support necessary to prepare and introduce DEQ testimony under ORS 469.350.

7. To the extent necessary to insure thorough review of the application by DEQ within the time schedule established by the EFSC, the DEQ may request and obtain EFSC funding necessary to accomplish their review from the site certificate application fee required by ORS 469.420.

8. Prior to adopting each siting, construction and operation standard and site certificate condition on any subject of mutual concern EFSC and DOE shall consider its impact on EQC and DEQ relationships with EPA. In no event shall EFSC or DOE adopt any

such standard or condition which would violate federal or state environmental law. Should it come to the attention of EFSC or DOE that any such standard or condition could have such effect, EFSC or DOE shall amend such standard or condition as soon as possible to eliminate the cause. EFSC shall provide a reopener clause in each site certificate to allow such an amendment.

9. Following the EFSC determination on a site certificate application, all DEQ or EQC permits and licenses will be issued or amended consistent with the conditions of the site certificate as required by ORS 469.400(5).

10. If, subsequent to issuance of a site certificate, engineering evaluations or other technical or legal determinations indicate a need to revise a DEQ or EQC permit, license or pre-construction approval or the site certificate, DEQ will recommend such change to DOE and the EFSC.

11. DEQ, EQC, DOE and/or EFSC may enter into supplemental agreements on a case-by-case basis to provide for scheduling and other responsibilities relating to the circumstances presented by each particular site certificate application.

E. Cooperation with Respect to Monitoring and Enforcement Activities.

EQC, DEQ, EFSC and DOE may enter into agreements supplemental to this Memorandum of Understanding relating to individual energy facilities for the purposes of avoiding duplicate monitoring, reporting, inspections, and other enforcement activities, sharing information, and such other cooperative actions as they may deem appropriate and necessary, including but not limited to, sharing of resources, designation of an individual responsible for coordination of agency actions, timing of notification of potential or actual violations, and so on.

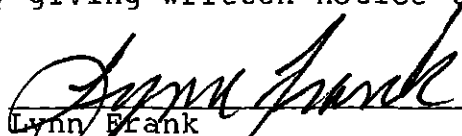
F. Miscellaneous.

1. Nothing in this Memorandum of Understanding is intended to restrict or extend the statutory authority of the agencies which are parties hereto, or to affect or vary the terms of any agreement between the State of Oregon and EPA regarding the implementation and enforcement of federal law.

2. This agreement is terminable at the will of any one or more of the four parties hereto by giving written notice to the other parties.

Date: _____

9/8/81



Lynn Frank
Director, Department of Energy

Date:

JUL 10 1981

Michael Pounafor

William H. Young
Director, Department of
Environmental Quality

Date:

Raphael Wilson

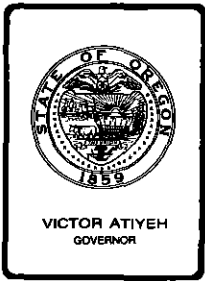
Brother Raphael Wilson
Chairman, Energy Facility
Siting Council

Date:

JUL 17 1981

Joe B. Richards

Joe B. Richards
Chairman, Environmental
Quality Commission



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, April 24, 1981, EQC Meeting

Proposed Adoption of Modifications to
the Air Contaminant Discharge Permit Fee
Schedule OAR 340-20-155, Table 1

Background

On January 30, 1981 the Commission authorized a public hearing to take testimony on proposed increases in the fees for Air Contaminant Discharge Permits. Increases in the fees were proposed to keep pace with inflation. The fee schedule proposed by the Department would increase revenues by 14% for the 1981-83 biennium.

The public hearing was held on March 9, 1981. The hearing officer's report is attached. The Statement of Need for Rulemaking is also attached.

The Commission is authorized by ORS 468.045(2) to establish a fee schedule for permits.

Evaluation

The Department has proposed increases in the compliance determination fees and processing fees. The average increase in these fees is approximately 14%. The proposed fee schedule would generate approximately \$684,000 during the 81-83 biennium.

The fees for sources of volatile organic compounds, items 64 through 73 in Table 1, have not been increased. This portion of the fee schedule was adopted in September, 1980.

There was no testimony submitted during the hearing. The only written testimony indicated that pulp mill fees were increased by more than the average 14% and that the Department should cut costs rather than index fees to inflation. As indicated in the staff report requesting authorization for a public hearing, the 14% increase was an average

increase. The fees for individual categories were adjusted after considering the time spent on those sources. The Department had met with the Air Permit Fees Task Force and received their input prior to proposing the fee increases. The Department supports the adoption of the fee schedule as proposed.

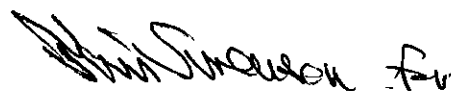
This fee schedule is intended to be effective for the fees due July 1, 1981. The current schedule was effective for the July 1, 1979 fees. Each regular permit will have paid two annual fees under the current schedule.

Summation

- 1) On January 30, 1981, the EQC authorized a public hearing to consider increases in the fees for Air Contaminant Discharge Permits.
- 2) The public hearing was held on March 9, 1981. No testimony was submitted at the hearing. The Department supports the adoption of the fee schedule as proposed. The fee schedule should be in effect for the fees due July 1, 1981.
- 3) The EQC is authorized by ORS 468.045(2) to establish a schedule of fees for permits.

Director's Recommendations

Based upon the Summation, it is recommended that the Commission adopt the proposed modifications to OAR 340-20-155, Table 1, Air Contaminant Sources and Associated Fee Schedule (Attachment 1).


William H. Young

- Attachments
- 1) Proposed fee schedule
 - 2) Staff Report for Hearing Authorization
 - 3) Hearing Officers Report
 - 4) Statement of Need for Rulemaking

F.A. Skirvin:in
(503) 229-6414
March 13, 1981
AI925

TABLE 1
AIR CONTAMINANT SOURCES AND
ASSOCIATED FEE SCHEDULE

(340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58 or 59, or 60 in addition to fee for other applicable category.

| Air Contaminant Source | Standard Industrial Classification Number | Filing Fee | Application Processing Fee | Annual Compliance Determination Fee | Fees to be Submitted with New Application | Fees to be Submitted with Renewal Application | Fee to be Submitted with Application to Modify Permit |
|--|---|------------|----------------------------|-------------------------------------|---|---|---|
| 1. Seed cleaning located in special control areas, commercial operations only (not elsewhere included) | 0723 | 50 | <u>100</u> [75] | <u>175</u> [100] | <u>325</u> [225] | <u>225</u> [150] | <u>150</u> [125] |
| 2. Smoke houses with 5 or more employees | 2013 | 50 | <u>100</u> [75] | <u>125</u> [115] | <u>275</u> [240] | <u>175</u> [165] | <u>150</u> [125] |
| 3. Flour and other grain mill products in special control areas | 204] | | | | | | |
| a) 10,000 or more t/y | | 50 | <u>325</u> [250] | <u>350</u> [315] | <u>725</u> [615] | <u>400</u> [365] | <u>375</u> [300] |
| b) Less than 10,000 t/y | | 50 | <u>250</u> [200] | <u>150</u> [125] | <u>450</u> [375] | <u>200</u> [175] | <u>300</u> [250] |
| 4. Cereal preparations in special control areas | 2043 | 50 | <u>325</u> [250] | <u>250</u> [230] | <u>625</u> [530] | <u>300</u> [280] | <u>375</u> [300] |
| 5. Blended and prepared flour in special control areas | 2045 | | | | | | |
| a) 10,000 or more t/y | | 50 | <u>325</u> [250] | <u>250</u> [230] | <u>625</u> [530] | <u>300</u> [280] | <u>375</u> [300] |
| b) Less than 10,000 t/y | | 50 | <u>250</u> [200] | <u>125</u> [115] | <u>425</u> [365] | <u>175</u> [165] | <u>300</u> [250] |
| 6. Prepared feeds for animals and fowl in special control areas | 2048 | | | | | | |
| a) 10,000 or more t/y | | 50 | <u>325</u> [250] | <u>350</u> [315] | <u>725</u> [615] | <u>400</u> [365] | <u>375</u> [300] |
| b) Less than 10,000 t/y | | 50 | <u>200</u> [150] | <u>275</u> [125] | <u>525</u> [325] | <u>325</u> [175] | <u>250</u> [200] |

ATTACHMENT 1

TABLE 1 Continued (340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58 or 59, or 60 in addition to fees for other applicable category.

| Air Contaminant Source | Standard Industrial Classification Number | Filing Fee | Application Processing Fee | Annual Compliance Determination Fee | Fees to be Submitted with New Application | Fees to be Submitted with Renewal Application | Fee to be Submitted with Application to Modify Permit |
|--|---|------------|----------------------------|-------------------------------------|---|---|---|
| 7. Beet sugar manufacturing | 2063 | 50 | <u>425</u> [300] | <u>1725</u> [1520] | <u>2200</u> [1870] | <u>1775</u> [1570] | <u>475</u> [350] |
| 8. Rendering plants | 2077 | | | | | | |
| a) 10,000 or more t/y | | 50 | <u>250</u> [200] | <u>425</u> [375] | <u>725</u> [625] | <u>475</u> [425] | <u>300</u> [250] |
| b) Less than 10,000 t/y | | 50 | <u>250</u> [200] | <u>250</u> [260] | <u>550</u> [510] | <u>300</u> [310] | <u>300</u> [250] |
| 9. Coffee roasting | 2095 | 50 | <u>200</u> [150] | <u>225</u> [200] | <u>475</u> [400] | <u>275</u> [250] | <u>250</u> [200] |
| 10. Sawmill and/or planing | 2421 | | | | | | |
| a) 25,000 or more bd.ft./shift | | 50 | <u>200</u> [150] | <u>350</u> [315] | <u>600</u> [515] | <u>400</u> [365] | <u>250</u> [200] |
| b) Less than 25,000 bd.ft./shift | | 50 | <u>75</u> [50] | <u>250</u> [200] | <u>375</u> [300] | <u>300</u> [250] | <u>125</u> [100] |
| 11. Hardwood mills | 2426 | 50 | <u>75</u> [50] | <u>225</u> [200] | <u>350</u> [300] | <u>275</u> [250] | <u>125</u> [100] |
| 12. Shake and shingle mills | 2429 | 50 | <u>75</u> [50] | <u>275</u> [200] | <u>400</u> [300] | <u>325</u> [250] | <u>125</u> [100] |
| 13. Mill work with 10 employees or more | 2431 | 50 | <u>150</u> [125] | <u>275</u> [260] | <u>475</u> [435] | <u>325</u> [310] | <u>200</u> [175] |
| 14. Plywood manufacturing | 2435 & 2436 | | | | | | |
| a) Greater than 25,000 sq.ft./hr, 3/8" basis | | 50 | <u>625</u> [500] | <u>700</u> [630] | <u>1375</u> [1180] | <u>750</u> [680] | <u>675</u> [550] |
| b) Less than 25,000 sq.ft./hr, 3/8" basis | | 50 | <u>450</u> [350] | <u>475</u> [375] | <u>975</u> [775] | <u>525</u> [425] | <u>500</u> [400] |
| 15. Veneer manufacturing only (not elsewhere included) | 2435 & 2436 | 50 | <u>100</u> [75] | <u>250</u> [200] | <u>400</u> [325] | <u>300</u> [250] | <u>150</u> [125] |
| 16. Wood preserving | 2491 | <u>50</u> | <u>150</u> [125] | <u>250</u> [200] | <u>450</u> [375] | <u>300</u> [250] | <u>200</u> [175] |
| 17. Particleboard manufacturing | 2492 | <u>50</u> | <u>625</u> [500] | <u>825</u> [630] | <u>1500</u> [1180] | <u>875</u> [680] | <u>675</u> [550] |

TABLE 1 Continued (340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58, 59 or 60 in addition to fees for other applicable category.

| Air Contaminant Source | Standard Industrial Classification Number | Filing Fee | Application Processing Fee | Annual Compliance Determination Fee | Fees to be Submitted with New Application | Fees to be Submitted with Renewal Application | Fee to be Submitted with Application to Modify Permit |
|---|---|------------|----------------------------|-------------------------------------|---|---|---|
| 18. Hardboard manufacturing | 2499 | 50 | <u>625</u> [500] | <u>675</u> [630] | <u>1350</u> [1180] | <u>725</u> [680] | <u>675</u> [550] |
| 19. Battery separator mfg. | 2499 | 50 | <u>100</u> [75] | <u>500</u> [115] | <u>650</u> [240] | <u>550</u> [165] | <u>150</u> [125] |
| 20. Furniture and fixtures | 2511 | | | | | | |
| a) 100 or more employees | | 50 | <u>200</u> [150] | <u>350</u> [315] | <u>600</u> [515] | <u>400</u> [365] | <u>250</u> [200] |
| b) 10 employees or more but less than 100 employees | | 50 | <u>125</u> [100] | <u>225</u> [200] | <u>400</u> [350] | <u>275</u> [250] | <u>175</u> [150] |
| 21. Pulp mills, paper mills, and paperboard mills | 2611 2621 2631 | 50 | <u>1250</u> [1000] | <u>3000</u> [2520] | <u>4300</u> [3570] | <u>3050</u> [2570] | <u>1300</u> [1050] |
| 22. Building paper and building-board mills | 2661 | 50 | <u>200</u> [150] | <u>225</u> [200] | <u>475</u> [400] | <u>275</u> [250] | <u>250</u> [200] |
| 23. Alkalies and chlorine mfg. | 2812 | 50 | <u>350</u> [275] | <u>600</u> [515] | <u>1000</u> [840] | <u>650</u> [565] | <u>400</u> [325] |
| 24. Calcium carbide manufacturing | 2819 | 50 | <u>375</u> [300] | <u>600</u> [630] | <u>1025</u> [980] | <u>650</u> [680] | <u>425</u> [350] |
| 25. Nitric acid manufacturing | 2819 | 50 | <u>250</u> [200] | <u>300</u> [260] | <u>600</u> [510] | <u>350</u> [310] | <u>300</u> [250] |
| 26. Ammonia manufacturing | 2819 | 50 | <u>250</u> [200] | <u>350</u> [315] | <u>650</u> [565] | <u>400</u> [365] | <u>300</u> [250] |
| 27. Industrial inorganic and organic chemicals manufacturing (not elsewhere included) | 2819 | 50 | <u>325</u> [250] | <u>425</u> [400] | <u>800</u> [700] | <u>475</u> [450] | <u>375</u> [300] |
| 28. Synthetic resin manufacturing | 2819 | 50 | <u>250</u> [200] | <u>350</u> [230] | <u>650</u> [480] | <u>400</u> [280] | <u>300</u> [250] |
| 29. Charcoal manufacturing | 2861 | 50 | <u>350</u> [275] | <u>725</u> [630] | <u>1125</u> [955] | <u>775</u> [680] | <u>400</u> [325] |
| 30. Herbicide manufacturing | 2879 | 50 | <u>625</u> [500] | <u>3000</u> [2520] | <u>3675</u> [3070] | <u>3050</u> [2570] | <u>675</u> [550] |

TABLE 1 Continued (340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58, 59 or 60 in addition to fees for other applicable category.

| Air Contaminant Source | Standard Industrial Classification Number | Filing Fee | Application Processing Fee | Annual Compliance Determination Fee | Fees to be Submitted with New Application | Fees to be Submitted with Renewal Application | Fee to be Submitted with Application to Modify Permit |
|--|---|------------|----------------------------|-------------------------------------|---|---|---|
| 31. Petroleum refining | 2911 | 50 | <u>1250</u> [1000] | <u>3000</u> [2520] | <u>4300</u> [3570] | <u>3050</u> [2570] | <u>1300</u> [1050] |
| 32. Asphalt production by distillation | 2951 | 50 | <u>250</u> [200] | <u>350</u> [275] | <u>650</u> [525] | <u>400</u> [325] | <u>300</u> [250] |
| 33. Asphalt blowing plants | 2951 | 50 | <u>250</u> [200] | <u>450</u> [400] | <u>750</u> [650] | <u>500</u> [450] | <u>300</u> [250] |
| 34. Asphaltic concrete paving plants | 2951 | | | | | | |
| a) Stationary | | 50 | <u>250</u> [200] | <u>275</u> [260] | <u>575</u> [510] | <u>325</u> [310] | <u>300</u> [250] |
| b) Portable | | 50 | <u>250</u> [200] | <u>350</u> [345] | <u>650</u> [595] | <u>400</u> [395] | <u>300</u> [250] |
| 35. Asphalt felts and coating | 2952 | 50 | <u>250</u> [200] | <u>525</u> [515] | <u>825</u> [765] | <u>575</u> [565] | <u>300</u> [250] |
| 36. Blending, compounding, or refining of lubricating oils and greases | 2992 | 50 | <u>225</u> [175] | <u>325</u> [260] | <u>600</u> [485] | <u>375</u> [310] | <u>275</u> [225] |
| 37. Glass container manufacturing | 3221 | 50 | <u>250</u> [200] | <u>425</u> [400] | <u>725</u> [650] | <u>475</u> [450] | <u>300</u> [250] |
| 38. Cement manufacturing | 3241 | 50 | <u>800</u> [625] | <u>2200</u> [1890] | <u>3050</u> [2565] | <u>2250</u> [1940] | <u>850</u> [675] |
| 39. Redimix concrete | 3273 | 50 | <u>100</u> [75] | <u>150</u> [125] | <u>300</u> [250] | <u>200</u> [175] | <u>150</u> [125] |
| 40. Lime manufacturing | 3274 | 50 | <u>375</u> [300] | <u>225</u> [200] | <u>650</u> [550] | <u>275</u> [250] | <u>425</u> [350] |
| 41. Gypsum products | 3275 | 50 | <u>200</u> [150] | <u>250</u> [200] | <u>500</u> [400] | <u>300</u> [250] | <u>250</u> [200] |
| 42. Rock crusher | 3295 | | | | | | |
| a) Stationary | | 50 | <u>225</u> [175] | <u>275</u> [260] | <u>550</u> [485] | <u>325</u> [310] | <u>275</u> [225] |
| b) Portable | | 50 | <u>225</u> [175] | <u>350</u> [345] | <u>625</u> [570] | <u>400</u> [395] | <u>275</u> [225] |

TABLE 1 Continued (340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58, 59 or 60 in addition to fees for other applicable category.

| Air Contaminant Source | Standard Industrial Classification Number | Filing Fee | Application Processing Fee | Annual Compliance Determination Fee | Fees to be Submitted with New Application | Fees to be Submitted with Renewal Application | Fee to be Submitted with Application to Modify Permit |
|---|---|------------|----------------------------|-------------------------------------|---|---|---|
| 43. Steel works, rolling and finishing mills, electrometallurgical products | 3312 & 3313 | 50 | <u>625</u> [500] | <u>600</u> [460] | <u>1275</u> [1010] | <u>650</u> [510] | <u>675</u> [550] |
| 44. Incinerators | | | | | | | |
| a)]000 lbx/hr and greater capacity | | 50 | <u>375</u> [300] | <u>225</u> [200] | <u>650</u> [550] | <u>275</u> [250] | <u>425</u> [350] |
| b) 40 lbs/hr to]000 lbs/hr capacity | | 50 | <u>125</u> [100] | <u>175</u> [100] | <u>350</u> [250] | <u>225</u> [150] | <u>175</u> [150] |
| 45. Gray iron and steel foundries | 3321 | | | | | | |
| Malleable iron foundries | 3322 | | | | | | |
| Steel investment foundries | 3324 | | | | | | |
| Steel foundries (not elsewhere classified) | 3325 | | | | | | |
| a) 3,500 or more t/y production | | 50 | <u>625</u> [500] | <u>525</u> [515] | <u>1200</u> [1065] | <u>575</u> [565] | <u>675</u> [550] |
| b) Less than 3,500 t/y production | | 50 | <u>150</u> [125] | <u>275</u> [260] | <u>475</u> [435] | <u>325</u> [310] | <u>200</u> [175] |
| 46. Primary aluminum production | 3334 | 50 | <u>1250</u> [1000] | <u>3000</u> [2520] | <u>4300</u> [3570] | <u>3050</u> [2570] | <u>1300</u> [1050] |
| 47. Primary smelting of zirconium or hafnium | 3339 | 50 | <u>6250</u> [5000] | <u>3000</u> [2520] | <u>9300</u> [7570] | <u>3050</u> [2570] | <u>6300</u> [5050] |
| 48. Primary smelting and refining of ferrous and nonferrous metals (not elsewhere classified) | 3339 | | | | | | |
| a) 2,000 or more t/y production | | 50 | <u>625</u> [500] | <u>1300</u> [1260] | <u>1975</u> [1810] | <u>1350</u> [1310] | <u>675</u> [550] |
| b) Less than 2,000 t/y production | | 50 | <u>125</u> [100] | <u>500</u> [315] | <u>675</u> [465] | <u>550</u> [365] | <u>175</u> [150] |
| 49. Secondary smelting and refining of nonferrous metals | 3341 | 50 | <u>300</u> [225] | <u>350</u> [315] | <u>700</u> [590] | <u>400</u> [365] | <u>350</u> [275] |

TABLE 1 Continued (340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58, 59 or 60 in addition to fees for other applicable category.

| Air Contaminant Source | Standard Industrial Classification Number | Filing Fee | Application Processing Fee | Annual Compliance Determination Fee | Fees to be Submitted with New Application | Fees to be Submitted with Renewal Application | Fee to be Submitted with Application to Modify Permit |
|--|---|------------|----------------------------|-------------------------------------|---|---|---|
| 50. Nonferrous metals foundries | 3361 3362 | 50 | <u>150</u> [125] | <u>300</u> [260] | <u>500</u> [435] | <u>350</u> [310] | <u>200</u> [175] |
| 51. Electroplating, polishing, and anodizing with 5 or more employees | 3471 | 50 | <u>125</u> [100] | <u>225</u> [200] | <u>400</u> [350] | <u>275</u> [250] | <u>175</u> [150] |
| 52. Galvanizing and pipe coating--exclude all other activities | 3479 | 50 | <u>125</u> [100] | <u>225</u> [200] | <u>400</u> [350] | <u>275</u> [250] | <u>175</u> [150] |
| 53. Battery manufacturing | 3691 | 50 | <u>150</u> [125] | <u>300</u> [260] | <u>500</u> [435] | <u>350</u> [310] | <u>200</u> [175] |
| 54. Grain elevators--intermediate storage only, located in special control areas | 4221 | | | | | | |
| a) 20,000 or more t/y | | 50 | <u>225</u> [175] | <u>475</u> [400] | <u>750</u> [625] | <u>525</u> [450] | <u>275</u> [225] |
| b) Less than 20,000 t/y | | 50 | <u>125</u> [100] | <u>225</u> [200] | <u>400</u> [350] | <u>275</u> [250] | <u>175</u> [150] |
| 55. Electric power generation | 4911 | | | | | | |
| [a) Greater than 25MW] | | [50] | [1000] | [1260] | [2310] | [1310] | [1050] |
| [b) Less than 25MW] | | [50] | [350] | [630] | [1030] | [680] | [400] |
| A) <u>Wood or Coal Fired - Greater than 25MW</u> | | <u>50</u> | <u>5000</u> | <u>3000</u> | <u>8050</u> | <u>3050</u> | <u>5050</u> |
| B) <u>Wood or Coal Fired - Less than 25 MW</u> | | <u>50</u> | <u>3000</u> | <u>1500</u> | <u>4550</u> | <u>1550</u> | <u>3050</u> |
| C) <u>Oil Fired</u> | | <u>50</u> | <u>450</u> | <u>725</u> | <u>1225</u> | <u>775</u> | <u>500</u> |
| 56. Gas production and/or mfg. | 4925 | 50 | <u>475</u> [375] | <u>350</u> [315] | <u>875</u> [740] | <u>400</u> [365] | <u>525</u> [425] |
| 57. Grain elevators--terminal elevators primarily engaged in buying and/or marketing grain--in special control areas | 5153 | | | | | | |
| a) 20,000 or more t/y | | 50 | <u>625</u> [500] | <u>600</u> [515] | <u>1275</u> [1065] | <u>650</u> [565] | <u>675</u> [550] |
| b) Less than 20,000 t/y | | 50 | <u>175</u> [150] | <u>225</u> [200] | <u>450</u> [400] | <u>275</u> [250] | <u>225</u> [200] |

TABLE 1 Continued (340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58, 59 or 60 in addition to fees for other applicable category.

| Air Contaminant Source | Standard Industrial Classification Number | Filing Fee | Application Processing Fee | Annual Compliance Determination Fee | Fees to be Submitted with New Application | Fees to be Submitted with Renewal Application | Fee to be Submitted with Application to Modify Permit | |
|---|---|---|----------------------------|-------------------------------------|---|---|---|--|
| 58. Fuel Burning equipment within the boundaries of the Portland, Eugene-Springfield and Medford-Ashland Air Quality Maintenance Areas and the Salem Urban Growth Area*** [Residual oil fired, wood fired or coal fired] | 4961** | (Fees will be based on the total aggregate heat input of all boilers at the site) | | | | | | |
| [a] 250 million or more btu/hr (heat input) | | 50 | 200 [150] | 225 [200] | 475 [400] | 275 [250] | 250 [200] | |
| [b] 5 million or more but less than 250 million btu/hr (heat input) | | 50 | 125 [100] | 125 [115] | 300 [265] | 175 [165] | 175 [150] | |
| [c] Less than 5 million btu/hr (heat input) | | 50 | 50 [25] | 100 [85] | 200 [160] | 150 [135] | 100 [75] | |
| a) Residual or distillate oil fired, 250 million or more btu/hr (heat input) | | | | | | | | |
| b) Residual or distillate oil fired, 5 or more but less than 250 million btu/hr (heat input) | | | | | | | | |
| c) Residual oil fired, less than 5 million btu/hr (heat input) | | | | | | | | |

59. Fuel burning equipment within the 4961 ** boundaries of the Portland, Eugene-Springfield and Medford-Ashland Air Quality Maintenance Areas and the Salem Urban Growth Area***
[Distillate Oil Fired]

* Excluding hydroelectric and nuclear generating projects, and limited to utilities.

** Including fuel burning equipment generating steam for process or for sale but excluding power generation (SIC 4911).

*** Maps of these areas are attached. Legal descriptions are on file in the Department.

TABLE 1 Continued (340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58, 59 or 60 in addition to fees for other applicable category.

| Air Contaminant Source | Standard Industrial Classification Number | Filing Fee | Application Processing Fee | Annual Compliance Determination Fee | Fees to be Submitted with New Application | Fees to be Submitted with Renewal Application | Fee to be Submitted with Application to Modify Permit |
|--|---|------------|----------------------------|--|---|---|---|
| [a] 250 million or more btu/hr (heat input) | | 50 | <u>200</u> [150] | <u>225</u> [200] | <u>475</u> [400] | <u>275</u> [250] | <u>250</u> [200] |
| [b] 5 million or more but less than 250 million btu/hr (heat input) | | 50 | <u>50</u> [25] | <u>125</u> [85] | <u>225</u> [160] | <u>175</u> [135] | <u>100</u> [75] |
| a) <u>Wood or coal fired, 35 million or more btu/hr (heat input)</u> | | | | | | | |
| b) <u>Wood or coal fired, less than 35 million btu/hr (heat input)</u> | | | | | | | |
| 60. Fuel burning equipment outside the boundaries of the Portland, Eugene-Springfield and Medford-Ashland Air Quality Maintenance Areas and the Salem Urban Growth Area. | | | | | | | |
| | | | | (Fees will be based on the total aggregate heat input of all boilers at the site.) | | | |
| All wood, coal and oil fired greater than 30×10^6 btu/hr (heat input) | | 50 | <u>125</u> [100] | <u>125</u> [85] | <u>300</u> [235] | <u>175</u> [135] | <u>175</u> [150] |
| 61. New sources not listed herein which would emit 10 or more tons per year of any air contaminants including but not limited to particulates, SO _x , or NO _x or hydrocarbons, if the source were to operate uncontrolled. | | **** | **** | **** | **** | **** | **** |
| 62. New sources not listed herein which would emit significant malodorous emissions, as determined by Departmental or Regional Authority review of sources which are known to similar air contaminant emissions. | | **** | **** | **** | **** | **** | **** |

TABLE 1 Continued (340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58, 59 or 60 in addition to fees for other applicable category.

| Air Contaminant Source | Standard Industrial Classification Number | Filing Fee | Application Processing Fee | Annual Compliance Determination Fee | Fees to be Submitted with New Application | Fees to be Submitted with Renewal Application | Fee to be Submitted with Application to Modify Permit |
|--|---|------------|----------------------------|-------------------------------------|---|---|---|
| 63. Existing sources not listed herein for which an air quality problem is identified by the Department or Regional Authority. | | **** | **** | **** | **** | **** | **** |
| 64. Bulk Gasoline Plants | 5100 | 50 | 55 | 150 | 255 | 200 | 105 |
| 65. Bulk Gasoline Terminals | 5171 | 50 | 1000 | 500 | 1550 | 550 | 1050 |
| 66. Liquid Storage Tanks, 39,000 gallons or more capacity, not elsewhere included | 4200 | 50 | 50/tank | 100/tank | | | |
| 67. Can Coating | 3411 | 50 | 1500 | 900 | 2450 | 950 | 1550 |
| 68. Paper Coating | 2641 or 3861 | 50 | 500 | 300 | 850 | 350 | 550 |
| 69. Coating Flat Wood | 2400 | 50 | 500 | 300 | 850 | 350 | 550 |
| 70. Surface Coating, Manufacturing | 3300, 3400 | | | | | | |
| a) 1-20 tons VOC/yr | 3500, 3600 | 50 | 25 | 85 | 160 | 135 | 75 |
| b) 20-100 tons VOC/yr | 3700, 3800 | 50 | 100 | 200 | 350 | 250 | 150 |
| c) over 100 tons VOC/yr | 3900, 2500 | 50 | 500 | 400 | 950 | 450 | 550 |
| 71. Flexographic or Roto-gravure Printing over 60 tons VOC/yr per plant | 2751, 2754 | 50 | 50/press | 150/press | | | |

TABLE 1 Continued (340-20-155)

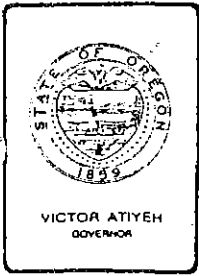
NOTE: Persons who operate boilers shall include fees as indicated in Items 58, 59 or 60 in addition to fees for other applicable category.

| Air Contaminant Source | Standard Industrial Classification Number | Filing Fee | Application Processing Fee | Annual Compliance Determination Fee | Fees to be Submitted with New Application | Fees to be Submitted with Renewal Application | Fee to be Submitted with Application to Modify Permit |
|--|---|------------|----------------------------|-------------------------------------|---|---|---|
| 72. New sources of VOC not listed herein which have the capacity or are allowed to emit 10 or more tons per year VOC | - | 50 | **** | **** | **** | **** | **** |

**** Sources required to obtain a permit under items 61, 62, [and] 63 and 72 will be subject to the following fee schedule to be applied by the Department based upon the anticipated cost of processing and compliance determination.

| Estimated Permit Cost | Application Processing Fee | Annual Compliance Determination Fee |
|-----------------------|----------------------------|-------------------------------------|
| Low cost | \$100.00 - \$250.00 | \$100.00 - \$250.00 |
| Medium cost | \$250.00 - \$1500.00 | \$250.00 - \$1000.00 |
| High cost | \$1500.00 - \$3000.00 | \$1000.00 - \$3000.00 |

As nearly as possible, applicable fees shall be consistent with sources of of similar complexity as listed in Table A.



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. E, January 30, 1981, EQC Meeting

Request for Authorization to Conduct a Public Hearing on Modifications to the Air Contaminant Discharge Permit Fee Schedule OAR 340-20-155 Table 1

Background

The permit fee revenues are used to support a portion of the permit program. As required by ORS 468.065(2), the fees are set in accordance with the cost to the Department of filing and investigating the application, issuing or denying the permit and determining compliance or noncompliance with the permit. As part of the proposed budget for the 1981-83 biennium, the Department has proposed to increase permit revenues by 14% to keep pace with inflation. The budget has not yet been approved by the Legislature but it has been recommended by the Governor. A copy of the proposed fee schedule, Table 1, is attached. The "Statement of Need for Rulemaking" is also attached.

Alternatives and Evaluation

The Air Contaminant Discharge Permit fees are comprised of three parts: a non-refundable filing fee of \$50, submitted with all applications, an application processing fee submitted with applications for new or modified sources and a compliance determination fee submitted annually by holders of regular or standard permits or once every five years by holders of minimal source permits. The fees differ between source categories depending upon the time required to draft and issue permits and to determine compliance with the permit.

The Department anticipates revenues of \$600,000 from the current fee schedule during the 79-81 biennium. The majority of the revenue is generated by the compliance determination fees. The filing fees and processing fees may generate \$25,000 or less for the biennium. Revenues from filing fees and processing fees cannot be anticipated and are not included in any revenue projections.



Contains
Recycled
Materials

In accordance with the proposed budget, revenues for the 81-83 biennium should be increased to \$684,000 to cover inflated operating costs. This amount will be generated by compliance determination fees. Compliance determination fees would be increased by an average of 14%. Fees for individual categories would be increased by more or less than 14% depending on the current or anticipated levels of inspection time required. Compliance determination fees range from \$100 to \$3000.

In addition to increases in the compliance determination fees, the Department is proposing increases of approximately 15% in the application processing fees. These fees have not been increased for over four years. The proposed processing fees range from \$50 to \$6,250. The filing fee was increased to \$50 two years ago. No change in the filing fee is proposed at this time.

Summation

- 1) The Department has proposed a budget which contains an increase in revenues of 14% from the Air Contaminant Discharge Permit fee program to keep pace with inflation.
- 2) The Department has proposed a fee schedule (Table 1) which would generate approximately \$684,000 by increasing individual permit compliance determination fees and application processing fees.
- 3) In order to modify OAR 340-20-155 Table 1, a public hearing is necessary.

Director's Recommendation

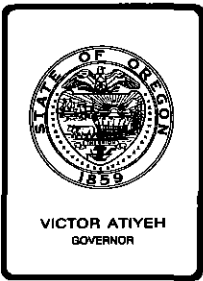
Based upon the summation, it is recommended that the Commission authorize a public hearing to take testimony on proposed changes to the fees in Table 1 of OAR 340-20-155.

Bill

William H. Young

- Attachments 1) Proposed Table 1
2) Statement of Need for Rulemaking and Public Hearing Notice

FAS:in
229-6414
December 29, 1980
AI639



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: Report on March 9, 1981 Public Hearing on Proposed Changes to the Fee Schedule for Air Contaminant Discharge Permits

Summary of Procedure

Pursuant to Public Notice, a public hearing was convened in Room 1400, 522 SW Fifth, Portland at 1 p.m., on March 9, 1981. The purpose was to receive testimony on proposed changes to Table 1, OAR 340-20-155, Air Contaminant Sources and Associated Fee Schedule.

Summary of Testimony

No oral or written testimony was presented at the hearing. Only one letter commenting on the proposed rule change was received.

Mr. T. F. Williscroft of Menasha Corp. indicated that pulp mill fees increased more than the average of 14%. He also felt that the Department should make an effort to cut costs rather than indexing the fees schedule to the rate of inflation.

Edward Woods

Edward Woods:in
 (503) 229-6480
 March 13, 1981
 AI925.A(o)

STATEMENT OF NEED FOR RULEMAKING

Pursuant to ORS 183.335(2), this statement provides information on the intended action to amend a rule.

Legal Authority

ORS 468.065(2) authorize the Environmental Quality Commission to establish a permit fee schedule.

Need for the Rule

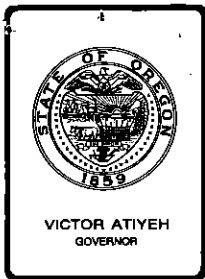
A change in the fee schedule is necessary to increase revenues from the permit fees.

Principal Documents Relied Upon

Proposed DEQ budget for 1981-83 biennium.

Fiscal Impact Statement

This rule change would increase fees for permit holders by an average of 14%.



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, April 24, 1981, EQC Meeting

Adoption of Changes to Standards of Performance for New Stationary Sources, OAR 340-25-505 to -535

Background

The Federal government promulgated standards of performance for new stationary sources beginning in December, 1971. Oregon, with the federal government's approval, has taken over jurisdiction for administering twelve such standards, after the Commission adopted them in September, 1975. The standards generally cover only very large pollution sources, so they have been applicable only to one cement plant and a number of asphalt batch plants.

Since 1975, the federal Environmental Protection Agency (EPA) has adopted 17 more standards and amended all of the other existing standards. In order to apply for and receive delegation of authority over these categories, the Department proposes to adopt 8 of the 17 new standards; write a negative declaration for 8 others; postpone action on one standard since it is tied up in litigation; and to make our administration of the present 12 existing performance standards compatible with EPA requirements, by adopting EPA's amendments to these rules.

Statement of Need

Pursuant to ORS 183.335(2), the following statement provides information on the intended action to amend a rule.

Legal Authority

ORS 468.295(3)

Need for the Rule

The federal government delegates authority for administering its standards of performance for new sources if the state government adopts those

standards. Since the state adopted the Federal new source performance standards in September 1975, there have been amendments and additions. It is necessary for the state to adopt amendments and additions to OAR 340-25-505 to -535 if the state desires to maintain its exclusive regulatory jurisdiction over new stationary sources.

Principal Documents Relied Upon

1. Code of Federal Regulations, Title 40, Protection of Environment, Part 60 - Standards of Performance for New Stationary Sources, Revised as of July 1, 1979 and amended by subsequent issues of the Federal Register.
2. "Standards of Performance for New Stationary Sources," EPA 340/1-80-001a, July 1, 1980.
3. "Summary of January 19, 1981 Hearing Testimony Regarding Changes and Additions to Standards of Performance for New Stationary Sources; OAR 340-25-505 through -535."

Fiscal Impact Statement

The proposed adoption and administration of mandatory federal rules by the state would impose no additional costs on the firms being regulated. There would be some cost savings in paper work, as only state or local approval need be secured, and not federal approval also.

Evaluation The new standards are:

1. Primary Copper Smelters, 40CFR60.160, Subpart P (negative declaration)
2. Primary Zinc Smelters, 40CFR60.170, Subpart O (negative declaration)
3. Primary Lead Smelters, 40CFR60.180, Subpart R (negative declaration)
4. Primary Aluminum Smelters, 40CFR60.190, Subpart S
5. thru 9. Phosphate Fertilizer Plants (5 types), 40CFR60.200, Subparts T to X (negative declaration)
10. Coal Preparation Plants, 40CFR60.250, Subpart Y
11. Ferroalloy Plant electric arc furnaces and dust handling equipment, 40CFR60.260, Subpart Z
12. Steel Plant electric arc furnaces and dust handling equipment, 40CFR60.270, Subpart AA
13. Kraft Pulp Mills, 40CFR60.280, Subpart BB
14. Glass Manufacturing Plants, 40CFR60.290, Subpart CC
15. Grain Elevators, 40CFR60.300, Subpart DD
16. Gas Turbines, 40CFR60.330, Subpart GG
17. Lime Plants, 40CFR60.340, Subpart HH (postpone action because of court decision)

The standards proposed to be amended are:

1. Fossil Fuel-Fired Steam Generators, to add more stringent standards for Electric Utility Units built after 9/18/78 (see 340-25-525(13)), and provide for combination fuels including wood,
2. Incinerators, where test methods in the reference 40 CFR 60.54 were altered.
3. Portland Cement Plants, where minor wording changes in the reference 40 CFR 60.60 to 60.64 are incorporated.
4. Nitric Acid Plants, where steam masking of opacity is deleted in 340-25-535(4) (b)
5. Sulfuric Acid Plants, where steam masking of opacity is deleted in 340-25-535(5) (b) (B)
6. Asphalt Concrete Plants, where steam masking of opacity is deleted in 340-25-535(6) (b)
7. Petroleum Refineries, to add section (d) on Claus sulfur recovery plant
8. Storage Vessels for Petroleum Liquids, to add section (c) for double seals on tanks constructed after May 18, 1978.
9. Secondary Lead Smelters, where steam masking of opacity is deleted in 340-25-535(9) (d)
10. Secondary Brass Plants, where steam masking of opacity is deleted in 340-25-535(10) (d)
11. Iron & Steel Plants, where an opacity standard was added
12. Sewage Treatment Plants, where steam masking of opacity is deleted in 340-25-535(12) (b).

Differences and Alterations

1. It needs to be clarified that steam masking of opacity is being deleted in six existing standards because that situation is covered in the general rules 40CFR60.11(b), adopted by reference.
2. Since Oregon has no commercial deposits of phosphate rock, the standards concerning phosphate fertilizer plants and rock plants are not proposed for adoption.
3. Since Oregon rules 340-25-265(1) and (4), which were adopted in 1973, are more stringent than 40 CFR 60.190 to 193, there is no need to adopt this Subpart S, federal rule concerning Primary Aluminum Reduction Plants.
4. Although Oregon has some deposits of copper, lead, and zinc ore, the staff and the Oregon Department of Geology and Mineral Industries do not see any real likelihood of primary smelters for those ores being built in Oregon. Smelters in neighboring states have excess capacity. Therefore, federal rules for primary copper, zinc, and lead smelters are not being adopted.

Recommendation from Public Comments

The Department received comments, and testimony at the January 19, 1981 public hearing, authorized by the Commission (Agenda Item E, November 21, 1980). See the attached Hearing Officer's report.

Request for Exact Federal Rule, No Summary in the OAR

Mr. Oberhelman and Mr. Sprague requested the exact federal rule. The staff accomplishes this in 340-25-530 and in the opening paragraph of 340-25-535, by adopting the federal rule by reference. The summary of those rules that follows, OAR 340-25-535(1) through (20), allows readers and those affected to do screening for:

- a. the effective date
- b. the actual standards
- c. The plants (or equipment) affected, and those exempted.

A clarifying, explanatory clause is being added, just prior to OAR 340-25-535(1).

Request for ESCO to be excluded from OAR 340-25-535(11) and (16)

Mr. Oberhelman said that his Portland plant is a steel foundry, not a steel plant, and therefore his plant is exempt from OAR 340-25-535(11), an existing rule, and (16), a proposed rule. The staff agrees.

Kraft Mill Rule Changes

The changes requested by Dr. Walther, R. Jerry Bollen, Andre L. Caron, and Alan M. Mick were agreed to by the Department. For details of these minor changes, see the Hearings Officer's report, attached.

Oregon Making Changes in the Federal Rule

Dr. Walther, speaking for his pulp mill association, and Mr. Lopic, commenting from EPA, expressed concern over the adopting by reference, yet repeating the rules in the form of the OAR. To meet this objection, the exact federal rule is being adopted by reference, and the 20 descriptive summaries of those rules are included for a non-expert's use in screening their proposed projects, and to provide a concise summary of the federal rules.

The restoration of exempting small sewage sludge incinerators solves further criticism by Mr. Lopic of a lack of notice and public participation. No one commented on this exemption issue, and the staff made no unusual effort to contact persons concerned.

Delay of Lime Plant Rule 340-25-535(21)

The first draft of the added rules included the federal rules for lime plants, 40 CFR 60.340 to 344. Mr. Sprague and Mr. Kistler brought to the staff's attention that that rule, after 5 years of litigation, had been remanded back to EPA. Therefore, with EPA's knowledge, the Department recommends delay on adopting that federal rule until the case is settled.

Request to Delay the Glass Plant Rule 340-25-535(18)

Mr. Sprague said that the Glass Packaging Institute was challenging the federal glass plant rule in court, asserting that glass plants are not a significant source. The hearing's officer recommends the retention of this rule, in disagreement with Mr. Sprague because:

- a. such litigation was hearsay, and not actually presented at the hearing, or before (as was the Lime Plant's court decision),
- b. glass plants are not an insignificant source in Portland. The hearing's officer specifically studied that source, along with other major particulate sources, before reporting to the Portland Advisory Committee as to whether more stringent standards should be written for any Portland Air Quality Maintenance Area point source, or whether the secondary ambient air standard should be attained by action on area sources alone.
- c. The hearing's officer's prior experience in Seattle was that the glass plant in that city had a thick file from all the regulatory action taken to reduce its visible particulate emissions. It was, and is, a significant source of air pollution.
- d. The description of the standard in 340-25-535(18) is a simple cross reference to 40CFR60.292; the standard was too complicated to summarize or shorten; therefore no changes are needed (except to change the date at the beginning of the overall rule) when the litigation ceases.

Mistake in Ferroalloy Plant Rule 340-25-535(15)

The mistake uncovered by Mr. Meyer was corrected by deleting former OAR 340-25-535(15) (a) (D).

Need for Commission Action

Adoption of these standards and amendments will allow Oregon to administer federal new source performance standards in Oregon; failure to adopt and to apply for jurisdiction would allow dual jurisdiction over air quality emission standards and cause any new plants in these categories to have to go through dual review. Also, in its annual agreement with EPA, Oregon agreed to adopt the added NSPS standards before July 1, 1981.

The specific new plant federal standards proposed for adoption are more stringent than present, general Oregon standards.

Summation

1. Seventeen new federal standards of Performance for New Stationary Sources and amendments to older standards have been adopted by EPA since the Commission adopted the original twelve such federal standards in 1975.
2. In order for the Department to administer these standards, the Commission must either adopt or declare inapplicable the new federal standards as State Standards and amend the existing ones. In the Department's annual agreement with EPA, we have agreed to do this before July 1, 1981.
3. If the Commission does not proceed toward adoption, dual regulatory responsibilities will develop, with certain new projects being subjected to both State and Federal plan review, emission limits, and enforcement.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission adopt the attached amendments and additions to OAR 340-25-505 through -535, and direct the Department to seek renewed delegation for administering federal rules 40 CFR 60 in Oregon from EPA.



William H. Young

- Attachments 1. Proposed amendments and additions to the Rules 340-25-505 to -535.
2. Hearing Officer's Report

PBB:s
229-6278
March 25, 1981
AQ502(1)

DRAFT OF PROPOSED CHANGES AND ADDITIONS TO
OREGON ADMINISTRATION RULES
CHAPTER 340, DIVISION 25

Standards of Performance for
New Stationary Sources

[Additions are underlined, deleted material enclosed in brackets.]

Applicability

340-25-525 This rule shall be applicable to [new] stationary sources identified in rule 340-25-535 for which construction or modification has been commenced, as defined in Title 40, Code of Federal Regulations (40 CFR) 60.2, after the effective dates of these rules. [New stationary sources which are subject to federal enforcement of standards of performance for new stationary sources prior to the effective date of these rules shall be subject to this rule only after the U.S. EPA has certified to the Department that compliance with the Federal Regulation has been achieved.]

General Provisions

340-25-530 Title 40, CFR, Part 60, Subpart A, as promulgated prior to [June 1, 1975] October 8, 1980, is by this reference adopted and incorporated herein. [with the exception of Section 60.4 (address), 60.5 (determination of construction or modification), and 60.6 (review of plans):

(1) Section 60.4 of Title 40, CFR, Part 60 requiring submission of pertinent material to EPA, Washington D.C., is not incorporated herein because all applications, requests, submissions, and reports shall be submitted to the Department or applicable regional authority.

(2) Section 60.5 and 60.6 of Title 40, CFR, Part 60, are not incorporated herein because they provide for pre-construction review of new stationary sources only on request. By virtue of rules 340-20-020 through 340-20-030 and 340-20-140 through 340-20-185 such review by the Department is mandatory and a notice of approval and permit is required before the construction, installation, or establishment of a new stationary source may commence.] Subpart A includes paragraphs 60.1 to 60.16 which address, among other things, definitions, performance tests, monitoring requirements, and modification.

Performance Standards

340-25-535 Title 40, CFR, Parts 60.40 through 60.154, and 60.250 through 60.335, [except Subpart A which is adopted by reference in rule 340-25-530,] as established as final rules [promulgated] prior to [June 1, 1975] October 8, 1980, is by this reference adopted and incorporated herein. As of [June 1, 1975] October 8, 1980, the Federal Regulations adopted by reference [hereby] set[s] the following emission standards for the following new stationary source categories (these are summarized here for easy screening, but testing conditions, the

actual standards, and other details will be found in the Code of Federal Regulations):

(1) **Standards of Performance for Fossil Fuel-Fired Steam Generators.** The pertinent Federal rules are 40 CFR 60.40 to 60.46, also known as Subpart D. The following emission standards, summarizing the Federal standards set forth in Subpart D, apply to each fossil fuel-fired and to each combination wood-residue fossil-fuel fired steam generating unit of more than [63 million Kilogram - calories per hour] 73 megawatts (250 million Btu/hr) heat input.

(a) **Standards for Particulate Matter.** No owner or operator subject to the provision of this rule shall cause to be discharged into the atmosphere from any affected facility any gases which:

(A) Contain particulate matter in excess of [0.18 g per million cal.] 43 nanograms per joule heat input (0.10 lb per million Btu) derived from fossil fuel or fossil fuel and wood residue.

(B) Exhibit greater than 20 percent opacity except [that a maximum of 40 percent opacity shall be permissible for not more than 2.0 minutes in any hour. Where the presence of uncombined water is the only reason for failure to meet the requirements of this paragraph, such failure will not be a violation of this section.] for one six-minute period per hour of not more than 27 percent opacity.

(b) Standards for Sulfur Dioxide. No owner or operator subject to the provisions of this rule shall cause to be discharged into the atmosphere from any affected facility any gases which contain sulfur dioxide in excess of:

(A) [1.4 g per million cal.] 340 nanograms per joule heat input (0.80 lb. per million Btu) derived from liquid fossil fuel or liquid fossil fuel and wood residue.

(B) [2.2 g per million cal.] 520 nanograms per joule heat input (1.2 lb. per million Btu) derived from solid fossil fuel or solid fossil fuel and wood residue.

(C) When different fossil fuels are burned simultaneously in any combination, the applicable standard shall be determined by proration using the following formula:

$$\left[\frac{y (1.4) + z (2.2)}{y + z} \right]$$
$$\text{SO}_2 = \frac{y (340) + z (520)}{y + z}$$

where:

(i) y is the percentage of total heat input derived from liquid fossil fuel; and

(ii) z is the percentage of total heat input derived from solid fossil fuel[.] and

(iii) SO₂ is the prorated standard for sulfur dioxide when burning different fuels simultaneously, in nanograms per joule heat input derived from all fossil fuels and wood residue fired.

(D) Compliance shall be based on the total heat input from all fossil burned, including gaseous fuels.

(c) Standards for Nitrogen Oxides. No owner or operator subject to the provisions of this rule shall cause to be discharged into the atmosphere from any affected facility any gases which contain nitrogen oxides, expressed as [NO₂2] NO₂ in excess of:

(A) [0.36 g per million cal.] 86 nanograms per joule heat input (0.20 lb. per million Btu) derived from gaseous fossil fuel or gaseous fossil fuel and wood residue.

(B) [0.54 g per million cal.] 130 nanograms per joule heat input (0.30 lb. per million Btu) derived from liquid fossil fuel or liquid fossil fuel and wood residue.

(C) [1.26 g per million cal.] 300 nanograms per joule heat input (0.70 lb. per million Btu) derived from solid fossil fuel or solid fossil fuel and wood residue (except lignite or a solid fossil fuel containing 25 percent, by weight, or more of coal refuse).

(D) When different fossil fuels are burned simultaneously in any combination the applicable standard shall be determined by proration using the following formula:

$$\frac{x(0.36) + y(0.54) + z(1.26)}{x + y + z}$$

where:

(i) x is the percentage of total heat input derived from gaseous fossil fuel, y is the percentage of total heat input derived from liquid fossil fuel; and

(ii) z is the percentage of total heat input derived from solid fossil fuel (except lignite or a solid fuel containing 25 percent, by weight, or more of coal refuse).

When lignite or a solid fossil fuel containing 25 percent, by weight, or more of coal refuse is burned in combination with gaseous, liquid, or other solid fossil fuel, the standard for nitrogen oxides does not apply.]

$$\text{PNO}_x = \frac{w(260) + x(86) + y(130) + z(300)}{w + x + y + z}$$

Where

(i) PNO_x is the prorated standard for nitrogen oxides when burning different fuels simultaneously, in nanograms per joule heat input derived from all fossil fuels and wood residue fired; and

(ii) w is the percentage of total heat input derived from lignite; and

(iii) x is the percentage of total heat input derived from gaseous fossil fuel; and

(iv) y is the percentage of total heat input derived from liquid fossil fuel; and

(v) z is the percentage of total heat input derived from solid fossil fuel (except lignite)

(E) When a fossil fuel containing at least 25 percent, by weight, of coal refuse is burned in combination with gaseous, liquid, or other solid fossil fuel or wood residue, 340-25-535(1)(c) does not apply.

(F) Rule 340-25-535(1) does not apply to Electric Utility Steam Generating Units for which Construction is commenced after September 18, 1978. These units must comply with more stringent 340-25-535(13).

(2) **Standards of Performance for Incinerators.** The pertinent Federal rules are 40CFR60.50 to 60.54, also known as Subpart E. The following emission standards, summarizing the Federal standards set forth in Subpart E, apply to each incinerator whose charging rate is more than 45.36 metric tons (50 tons) per day: Standards for Particulate Matter. No owner or operator subject to the provisions of this rule shall cause to be discharged into the atmosphere any gases which contain particulate matter in excess of 0.18 g/dscm (0.080 gr/dscf) corrected to 12 percent CO₂.

(3) **Standards of Performance for Portland Cement Plants.** The pertinent Federal rules are 40CFR60.60 to 60.64, also known as Subpart F. The following emission standards, summarizing the Federal standards set forth in Subpart F, shall apply to each Portland cement plant:

(a) Standards for Particulate Matter from Kiln. No owner or operator subject to the provisions of this rule shall cause to be discharged into the atmosphere from any kiln any gases which:

(A) Contain particulate matter in excess of 0.15 Kg. per metric ton (0.30 lb. per ton) of feed (dry basis) to the kiln.

(B) Exhibit greater than 20 percent opacity[, except that where the presence of uncombined water is the only reason for failure to meet the requirements for this standard, such failure shall not be a violation of this standard].

(b) Standards for Particulate Matter from Clinker Cooler. No owner or operator subject to the provisions of this rule shall cause to be discharged into the atmosphere from any clinker cooler any gases which:

(A) Contain particulate matter in excess of 0.050 Kg. per metric ton (0.10 lb. per ton) of feed (dry basis) to the kiln.

(B) Exhibit 10 percent opacity or greater.

(c) Standards for Particulate Matter for Other Facilities. No owner or operator subject to the provisions of this rule shall cause to be discharged in to the atmosphere from any affected facility other than the kiln and clinker cooler any gases which exhibit 10 percent opacity or greater.

(4) Standards for Performance for Nitric Acid Plants. The pertinent Federal rules are 40CFR60.70 to 60.74, also known as Subpart G. The following emission standards summarizing the Federal standards set forth in Subpart G, apply to each nitric acid plant which produces "weak nitric acid", which is 30 to 70 percent in strength by either the pressure or atmospheric pressure process: Standards for Nitrogen Oxides. No owner or operator subject to the provisions of this rule shall cause to be discharged into the atmosphere from any affected facility any gases which:

(a) Contain nitrogen oxides, expressed as NO₂ in excess of 1.5 Kg. per metric ton of acid produced (3.0 lb. per ton), the production being expressed as 100 percent nitric acid.

(b) Exhibit 10 percent opacity or greater. [Where the presence of uncombined water is the only reason for failure to meet the requirements of this paragraph, such failure will not be a violation of this section.]

(5) Standards of Performance for Sulfuric Acid Plants. The pertinent Federal rules are 40CFR60.80 to 60.85, also known as Subpart H. The following emission standards, summarizing the Federal standards set forth in Subpart H, apply to each sulfuric acid production unit but does not include facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds:

(a) Standards for Sulfur Dioxide. No owner or operator subject to the provisions of this rule shall cause to be discharged into the atmosphere from any affected facility any gases which contain sulfur dioxide in excess of 2.0 Kg. per metric ton of acid produced (4.0 lb. per ton), the production being expressed as 100 percent H_2SO_4 .

(b) Standards for Acid Mist. No owner or operator subject to the provisions of this rule shall cause to be discharged into the atmosphere from any affected facility any gases which:

(A) Contain acid mist, expressed as H_2SO_4 , in excess of 0.075 Kg. per metric ton acid produced (0.15 lb. per ton) the production being expressed as 100 percent H_2SO_4 .

(B) Exhibit 10 percent opacity or greater. [Where the presence of uncombined water is the only reason for failure to meet the requirements of this paragraph, such failure will not be a violation of this section.]

(6) Standards of Performance for Asphalt Concrete Plants.

The pertinent Federal rules are 40CFR60.90 to 60.93, also known as Subpart I. The following emission standards, summarizing the federal standards set forth in Subpart I, apply to each asphalt concrete plant: Standards for Particulate Matter. No owner or operator subject to the provisions of this rule shall discharge or cause the discharge into the atmosphere from any affected facility any gases which:

(a) Contain particulate matter in excess of 90 mg/dscm (0.040 gr/dscf).

(b) Exhibit 20 percent opacity or greater. [Where the presence of uncombined water is the only reason for failure to meet the requirements of this paragraph, such failure shall not be a violation of this section.]

(7) Standards of Performance for Petroleum Refineries. The pertinent Federal rules are 40CFR60.100 to 60.106, also known as Subpart J. The following emission standards, summarizing the federal standards set forth in Subpart D, apply to the following affected facilities in petroleum refineries: Fluid

catalytic cracking unit catalyst regenerators, [fluid catalytic cracking unit incinerator - waste heat boilers] Claus sulfur recovery plants exceeding 20 long tons per day, and fuel gas combustion devices.

(a) Standards for Particulate Matter. No owner or operator subject to the provisions of this rule shall discharge or cause the discharge into the atmosphere from any fluid catalytic cracking unit catalyst regenerator [or from any fluid catalytic cracking unit incinerator - waste heat boiler]:

(A) Particulate matter in excess of 1.0 Kg/1000 Kg. (1.0 lb./1000 lb.) of coke burn-off in the catalyst regenerator.

(B) Gases exhibiting 30 percent opacity or greater except for [3.0] 6.0 minutes in any one hour. [Where the presence of uncombined water is the only reason for failure to meet the requirements of this paragraph, such failure shall not be a violation of this section.]

(C) In those instances in which auxiliary liquid or solid fossil fuels are burned in the fluid catalytic cracking unit incinerator-waste boiler, particulate matter in excess of that permitted by paragraph (7)(a)(A) of this rule may be emitted to the atmosphere, except that the incremental rate of particulate emissions shall not exceed [0.18 g/million cal.] 43.0 g/MJ (0.10 lb./million BTU) of heat input attributable to such liquid or solid fuel.

(b) Standards for Carbon Monoxide. No owner or operator subject to the provisions of this rule shall discharge or cause the discharge into the atmosphere from the fluid catalytic cracking unit catalyst regenerator any gases which contain carbon monoxide in excess of 0.050 percent by volume.

(c) Standards for Sulfur Dioxide. No owner or operator subject to the provisions of this rule shall burn in any fuel gas combustion device any fuel gas which contains H₂S in excess of 230 mg/dscm (0.10 gr/dscf), except as provided in this section. The combustion of process upset gas in a flare, or combustion in a flare of process gas or fuel gas which is released to the flare as a result of relief valve leakage, is exempt from this paragraph. The owner or operator may elect to treat the gases resulting from the combustion of fuel gas in a manner which limits the release of SO₂ to the atmosphere if it is shown to the satisfaction of the [Administrator] Department that this prevents SO emissions as effectively as compliance with the requirements of this section.

(d) No owner or operator subject to the provisions of this rule shall discharge or cause the discharge of any gases into the atmosphere from any Claus sulfur recovery plant containing in excess of:

(A) 0.025 percent by volume of sulfur dioxide at zero percent oxygen on a dry basis if emissions are controlled by an oxidation control system, or a reduction control system followed by incineration, or

(B) 0.030 percent by volume of reduced sulfur compounds and 0.0010 percent by volume of hydrogen sulfide calculated as sulfur dioxide at zero percent oxygen on a dry basis if emissions are controlled by a reduction control system not followed by incineration.

(8) Standards of Performance for Storage Vessels for Petroleum Liquids. The pertinent Federal rules are 40CFR60.110 to 60.115a, also known as Subparts K and Ka. The following requirements, summarizing the Federal requirements set forth in Subparts K and Ka, apply to each storage vessel for petroleum liquids which has a storage capacity greater than 151,412 liters (40,000 gallons). These requirements do not apply to storage vessels for petroleum or condensate stored, processed and/or treated at a drilling and production facility prior to custody transfer. "Petroleum liquids" means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery but does not mean Number 2 through Number 6 fuel oils as specified in ASTM-D-396-69, gas turbine fuel oils Numbers 2-GT through 4-GT as specified in ASTM-D 2880-71, or diesel fuel oils Numbers 2-D and 4-D as specified in ASTM-D-975-68. Standard for Hydrocarbons. The owner or operator of any storage vessel to which this section applies shall store petroleum liquids as follows:

(a) If the true vapor pressure of the petroleum liquid as stored is equal to or greater than 78 mm Hg (1.5 psia), the storage vessel shall be equipped with a floating roof, a vapor

recovery system, or an equivalent.

(b) If the true vapor pressure of the petroleum liquid as stored is greater than 570 mm Hg (11.1 psia), the storage vessel shall be equipped with a vapor recovery system or its equivalent.

(c) If construction is commenced after May 18, 1978, vessels in category 340-25-535(8) (a) above shall have double seals if external floating roof vessels, and comply with 40 CFR 60.110a to 115a.

(d) If construction is commenced after May 18, 1978, vapor recovery systems allowed by (a) and (c) above, and required by (b) above shall be designed so as to reduce Volatile Organic Compounds emissions to the atmosphere by at least 95 percent by weight.

(9) Standards of Performance for Secondary Lead Smelters. The pertinent Federal rules are 40CFR60.120 to 60.123, also known as Subpart L. The following emission standards, summarizing the Federal standards set forth in Subpart L, apply to the following facilities subject to this rule in secondary lead smelters: Pot furnaces of more than 250 Kg. (550 lbs.) charging capacity, blast (cupola) furnaces, and reverberatory furnaces. Standards for Particulate Matter. No owner or operator subject to the provisions of this rule shall discharge or cause the discharge into the atmosphere from a blast (cupola) or reverberatory furnace any gases which:

(a) Contain particulate matter in excess of 50 mg/dscm (0.022 gr/dscf).

(b) Exhibit 20 percent opacity or greater.

(c) No owner or operator subject to the provisions of this rule shall discharge or cause the discharge into the atmosphere from any pot furnace any gases which exhibit 10 percent opacity or greater.

[(d) Where the presence of uncombined water is the only reason for failure to meet the requirements of this section, such failure shall not be a violation of this section.]

(10) **Standards of Performance for Secondary Brass and Bronze Ingot Production Plants.** The pertinent Federal rules are 40CFR60.130 to 60.133, also known as Subpart M. The following emission standards, summarizing the Federal standards set forth in Subpart M, apply to the following affected facilities in secondary brass or bronze ingot production plants subject to this rule: Reverberatory and electric furnaces of 1000 Kg. (2205 lb.) or greater production capacity and blast (cupola) furnaces of 250 Kg/hr. (550 lb/hr.) or greater production capacity. **Standards for Particulate Matter.** No owner or operator subject to the provisions of this rule shall discharge or cause the discharge into the atmosphere from a reverberatory furnace any gases which:

(a) Contain particulate matter in excess of 50 mg/dscm (0.022 gr/dscf).

(b) Exhibit 20 percent opacity or greater.

(c) No owner or operator subject to the provisions of this rule shall discharge or cause the discharge into the atmosphere from any blast (cupola) or electric furnace any gases which exhibit 10 percent opacity or greater.

[(d) Where the presence of uncombined water is the only reason for failure to meet the requirements of this section, such failure shall not be a violation of this section.]

(11) **Standards of Performance for Iron and Steel Plants.**
The pertinent Federal rules are 40CFR60.140 to 60.144, also known as Subpart N. The following emission standards, summarizing the Federal Standards set forth in Subpart N, apply to each basic oxygen process furnace in iron and steel plants subject to this rule: Standards for Particulate Matter. No owner or operator subject to the provisions of this rule shall discharge or cause the discharge into the atmosphere from any affected facility any gases which:

(a) Contain particulate matter in excess of 50 [Mg] mg /dscm (0.022 gr/dscf), and

(b) Exit from a control device and exhibit 10 percent opacity or greater, except that an opacity of greater than 10 percent but less than 20 percent may occur once per steel production cycle.

(12) **Standards of Performance for Sewage Treatment Plants.**
The pertinent Federal rules are 40CFR60.150 to 60.154, also

known as Subpart O. The following emission standards, summarizing the Federal standards set forth in Subpart O, apply to each incinerator which burns the sludge produced by municipal sewage treatment facilities: Standards for Particulate Matter. No owner or operator of any sewage sludge incinerator subject to the provisions of this rule shall discharge or cause the discharge into the atmosphere of:

(a) Particulate matter at a rate in excess of 0.65 g/Kg. (1.30 lb./ton) dry sludge input.

(b) Any gases which exhibit 20 percent opacity or greater. [Where the presence of uncombined water is the only reason for failure to meet the requirements of this section, such failure shall not be a violation of this section.]

(13) Standards of Performance for Electric Utility Steam Generating Units. The pertinent Federal rules are 40CFR60.40a to 60.49a, also known as Subpart Da. The following emission standards, summarizing the Federal standards set forth in Subpart Da, apply to each electric utility steam generating unit that is capable of combusting more than 73 megawatts (250 million Btu/hour) heat input of fossil fuel (either alone or in combination with any other fuel) and for which construction commenced after September 18, 1978.

(a) Standards for Particulate Matter. No owner or operator subject to the provision of this rule shall cause to be discharged into the atmosphere from any affected facility any gases which contain particulate matter in excess of:

(A) 13 ng/J (0.030 lb/million Btu) heat input derived from the combustion of solid, liquid, or gaseous fuel,

(B) 1.00 percent of the potential combustion concentration when combusting solid fuel, and

(C) 30 percent of the potential combustion concentration when combusting liquid fuel;

(D) an opacity of 20 percent, except for one 6-minute period per hour of not more than 27 percent opacity.

(b) Standards for Sulfur Dioxide. No owner or operator subject to the provisions of this rule shall cause to be discharged into the atmosphere from any affected facility any gases which contain sulfur dioxide in excess of:

(A) 520 ng/J (1.20 lb. per million Btu) heat input for solid fuel or solid-derived fuel and 10 percent of the potential combustion concentration (90 percent reduction), or

(B) 30 percent of the potential combustion concentration (70 percent reduction), when emissions are less than 260 ng/J (0.60 lb. per million Btu) heat input for solid fuel or solid-derived fuel.

(C) 340 ng/J (0.80 lb. per million Btu) heat input from liquid or gaseous fuels and 10 percent of the potential combustion concentration (90 percent reduction), or

(D) when emissions are less than 80 ng/J (0.20 lb. per million Btu) heat input from liquid or gaseous fuels, 100 percent of the potential combustion concentration (zero percent reduction).

(E) 520 ng/J (1.20 lb. per million Btu) heat input from any affected facility which combusts 100 percent anthracite or is classified as a resource recovery facility.

(c) Standards for Nitrogen Oxides. No owner or operator subject to the provisions of this rule shall cause to be discharged into the atmosphere from any affected facility any gases which contain nitrogen oxides in excess of:

(A) 86 ng/J heat input for gaseous fuels except for coal-derived gaseous fuels,

(B) 130 ng/J heat input for liquid fuels except for coal-derived or shale oil,

(C) 210 ng/J heat input for coal-derived gaseous, liquid, and solid fuels; for shale oil; or for subbituminous coal,

(D) 260 ng/J heat input from bituminous and anthracite coal; from lignite except as noted in (E) below; from all other solid fossil fuels not specified elsewhere in this rule,

(F) 340 ng/J heat input from any solid fuel containing more than 25% by weight of lignite mined in the Dakotas or Montana, and is combusted in a slag tap furnace,

(G) no limit for any solid fuel containing more than 25% by weight of coal refuse.

(14) Standards of Performance for Coal Preparation Plants. The pertinent Federal rules are 40CFR60.250 to 60.254, also known as Subpart Y. These standards, summarizing the Federal standards set forth in Subpart Y, for Particulate Matter and for Visible

Emissions apply only to coal preparation plants which process more than 200 tons of coal per day. An owner or operator shall not cause to be discharged into the atmosphere from

(a) any thermal dryer gases which:

(A) contain particulate matter in excess of 0.070 g/dscm (0.031 gr/dscf);

(B) exhibit 20 percent opacity or greater;

(b) any pneumatic coal cleaning equipment, gases which

(A) contain particulate matter in excess of 0.040 g/dscm (0.018 gr/dscf),

(B) exhibit 10 percent opacity or greater.

(15) Standards of Performance for Ferroalloy Production Facilities. The pertinent Federal rules are 40CFR60.260 to 60.266, also known as Subpart Z. These standards, summarizing the Federal standards set forth in Subpart Z, for Ferroalloy plants are applicable only to electric submerged arc furnaces and to dust handling equipment, built or modified after October 21, 1974.

(a) Standard for Particulate Matter and Visible Emissions from Electric Arc Furnaces. No owner or operator shall cause to be discharged into the atmosphere from any electric submerged arc furnace any gases which:

(A) exit from a control device and contain particulate matter in excess of 0.45 Kg/MW-hr (0.99 lb/MW-hr) while silicon metal, ferrosilicon, calcium silicon, or silicomanganese zirconium is being produced;

(B) exit from a control device and contain particulate matter in excess of 0.23 Kg/MW-hr (0.51 lb/MW-hr) while high-carbon ferrochrome, charge chrome, standard ferromanganese, silicomanganese, calcium carbide, ferrochrome silicon, ferromanganese silicon, or silvery iron is being produced;

(C) exit from a control device and exhibit 15 percent opacity or greater;

(D) escape the capture system at the tapping station and are visible for more than 40 percent of each tapping period, except a blowing tap is exempted.

(b) Standard for Visible Emissions from Dust Handling Equipment. No owner or operator shall cause to be discharged into the atmosphere from any dust-handling equipment any gases which exhibit 10 percent opacity or greater.

(c) Standard for Carbon Monoxide. No owner or operator shall cause to be discharged into the atmosphere from any electric submerged arc furnace any gases which contain, on a dry basis, 20 or greater volume percent of carbon monoxide.

(16) Standards of Performance for Steel Plants: Electric Arc Furnaces. The pertinent Federal rules are 40CFR60.270 to 60.275, also known as Subpart AA. These standards, summarizing the Federal standards set forth in Subpart AA, for Steel Plants are applicable only to electric arc furnaces and dust-handling equipment, built or modified after October 21, 1974.

(a) No owner or operator shall cause to be discharged into the atmosphere from an electric arc furnace any gases which:

(A) exit from a control device and contain particulate matter in excess of 12 mg/dscm (0.0052 gr/dscf);

(B) exit from a control device and exhibit 3.0 percent opacity or greater;

(C) exit from a shop and, due solely to operations of any electric arc furnaces, exhibit greater than zero percent shop opacity, except that shop opacity must be only less than 20 percent during charging periods and only less than 40 percent during tapping periods.

(b) No owner or operator shall cause to be discharged into the atmosphere from dust-handling equipment any gases which exhibit 10 percent opacity or greater.

(17) Standards of Performance for Kraft Pulp Mills. The pertinent Federal rules are 40CFR60.280 to 60.285, also known as Subpart BB. The standards for kraft pulp mills' facilities, summarizing the Federal standards set forth in Subpart BB, are applicable only to a recovery furnace, smelt dissolving tank, lime kiln, digester system, brown stock washer system, multiple-effect evaporator system, black liquor oxidation system, and condensate stripper system built or modified after September 24, 1976.

(a) No owner or operator shall cause to be discharged into the atmosphere particulate matter:

(A) from any recovery furnace:

- (i) in excess of 0.10 g/dscm (0.044 gr/dscf) corrected to 8 percent oxygen or
- (ii) exhibit 35 percent opacity or greater;
- (B) from any smelt dissolving tank in excess of 0.10 g/Kg black liquor solids, dry weight, (0.20 lb/ton);
- (C) from any lime kiln:
- (i) in excess of 0.15 g/dscm (0.067 gr/dscf) corrected to 10 percent oxygen, when gaseous fossil fuel is burned;
- (ii) in excess of 0.30 g/dscm (0.13 gr/dscf) corrected to 10 percent oxygen, when liquid fossil fuel is burned.
- (b) No owner or operator shall cause to be discharged in the atmosphere Total Reduced Sulfur compounds, (TRS), which are hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide:
- A. from any digester system, brown stock washer system, multiple-effect evaporator system, black liquor oxidation system, or condensate stripper system in excess of 5.0 ppm by volume on a dry basis, corrected to the actual oxygen content of the untreated gas stream.
- B. from any straight kraft recovery furnace in excess of 5.0 ppm by volume on a dry basis corrected to 8 percent oxygen,
- C. from any cross recovery furnace in excess of 25 ppm by volume on a dry basis, corrected to 8.0 percent oxygen,
- D. from any smelt dissolving tank in excess of 0.0084 g/Kg black liquor solids, dry weight, (0.0168 lb/ton),
- E. from any lime kiln in excess of 8.0 ppm by volume on a dry basis, corrected to 10 percent oxygen.

(18) Standards of Performance for Glass Manufacturing Plants. The pertinent Federal rules are 40CFR60.290 to 60.296, also known as Subpart CC. The following particulate matter standard, summarizing the Federal standards set forth in Subpart CC, applies to each glass melting furnace which commenced construction or modification after June 15, 1979, at glass manufacturing plants but does not apply to hand glass melting furnaces, furnaces with a design capacity of less than 4,550 kilograms of glass per day, or to all-electric melters. Standard for Particulate Matter:

No owner or operator of a glass melting furnace subject to this rule shall cause to be discharged into the atmosphere from a glass melting furnace particulate matter exceeding the rates specified in 40CFR60.292.

(19) Standards of Performance for Grain Elevators. The pertinent Federal rules are 40CFR60.300 to 60.304, also known as Subpart DD. The following emission standards, summarizing the Federal standards set forth in Subpart DD, apply to any grain terminal elevator (over 2.5 million bushel storage capacity) or any grain storage elevator (over 1 million bushel storage capacity) which commenced construction, modification, or reconstruction after August 3, 1978. Standards for Particulate Matter:

(a) On and after the 60th day of achieving the maximum production rate, but no later than 180 days after initial startup, no owner or operator shall cause to be discharged into

the atmosphere any gases or fugitive dusts which exhibit opacity greater than:

(A) zero percent opacity from any column dryer with column plate perforation exceeding 2.4 mm (0.094 inch) diameter,

(B) zero percent opacity from any rack dryer in which exhaust gases pass through a screen filter coarser than 50 mesh,

(C) 5.0 percent opacity from any individual truck unloading station, railcar unloading station, or railcar loading station,

(D) zero percent opacity from any grain handling operation,

(E) 10.0 percent opacity from any truck loading station.

(F) Any barge or ship loading station which exhibits greater than 20 percent opacity.

(b) After initial startup, no owner or operator shall cause to be discharged into the atmosphere from any affected facility, except a grain dryer, any process emission which:

(A) contains particulate matter in excess of 0.023 g/dscm (0.010 gr/dscf),

(B) exhibits greater than zero percent opacity.

(c) The owner or operator of any barge or ship unloading station shall operate as follows:

(A) The unloading leg shall be enclosed from the top (including the receiving hopper) to the center line of the bottom pulley and ventilation to a control device shall be maintained on both sides of the leg and the grain receiving hopper.

(B) The total rate of air ventilated shall be at least 32.1 actual cubic meters per cubic meter of grain handling capacity (ca. 40 ft³/bu).

(C) Rather than meet the requirements of subparagraphs (A) and (B) of this paragraph the owner or operator may use other methods of emission control if it is demonstrated to the Department's satisfaction that they would reduce emissions of particulate matter to the same level or less.

(20) Standards of Performance for Gas Turbines. The pertinent Federal rules are 40CFR60.330 to 60.335, also known as Subpart GG. The following emission standards, summarizing the Federal standards set forth in Subpart GG, apply to any stationary gas turbine with a heat input at peak load equal to or greater than 10.7 gigajoules per hour (1,000 HP) for which construction was commenced after October 3, 1977, except as noted in (a) (C) below.

(a) Standard for Nitrogen Oxides. No owner or operator subject to the provisions of this rule shall cause to be discharged into the atmosphere from any stationary gas turbine, nitrogen oxides in excess of:

(A) 75 ppm for units greater than or equal to 107.2 gigajoules/hour, which is located in a Metropolitan Statistical Area and is in gas and oil transportation or production, or used for other purposes;

(B) 150 ppm for units greater than or equal to 107.2 gigajoules/hour, which is located outside a Metropolitan Statistical Area and is in gas and oil transportation or production;

(C) 150 ppm for units between 10.7 and 107.2 gigajoules/hour that commence construction, modification, or reconstruction after October 3, 1982.

(D) Exempt from the Nitrogen Oxide standards are units used for emergency standby, firefighting, military (except for garrison facility), military training, and research and development turbines.

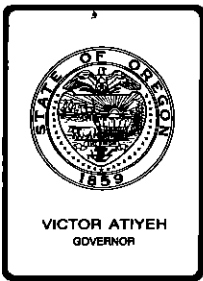
(b) Standard for Sulfur Dioxide. Owners or operators shall:

(A) not cause to be discharged into the atmosphere from any gas turbine any gases which contain sulfur dioxide in excess of 150 ppm by volume at 15 percent oxygen, on a dry basis; or

(B) not burn in any gas turbine any fuel which contains sulfur in excess of 0.80 percent by weight.

4/1/81

AQ512.2



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Peter ^{P.B.}B. Bosserman, Hearings Officer

Subject: Summary of January 19, 1981, Hearing Testimony Regarding Changes and Additions to Standards of Performance for New Stationary Sources, OAR 340-25-505 through -535

At 1 p.m. in Room 4A at the Department's offices at 522 SW Fifth, Portland, Peter Bosserman opened the hearing. After introductory remarks, the following testimony was taken from two persons:

1. Henry Oberhelman, ESCO Corp., manager of plant engineering.

Mr. Oberhelman first stated a preference for the Commission adopting an exact duplicate of the rule, rather than the abbreviated form proposed. Secondly, he wanted to clarify that OAR 340-25-535(11) and (16) applied to steel plants, whereas ESCO was a steel foundry. Therefore he stated that this rule was not applicable to ESCO's Portland plant. He also said that EPA was preparing a more stringent rule for steel foundries, which would be applicable to ESCO's Portland plant.

2. Dr. J. E. Walther, Crown-Zellerbach, supervisor of Air Programs, speaking on behalf of the Northwest Pulp and Paper Association. Dr. Walther requested specific citation of 40 CFR 60.280 through 60.300 (the EPA Kraft mill rule) in the opening paragraph of OAR 340-25-535. In OAR 340-25-535(17)(b)(A) he wanted the phrase "corrected to 10 percent oxygen" changed to "corrected to the actual oxygen content of the untreated gas stream." Finally he said that his Association wanted Oregon to adopt the federal regulation without changes unless there is adequate justification for a change. He presented written testimony confirming his verbal testimony.

Since no one else desired to give oral testimony, the hearing was closed at 1:30 p.m., and the record officially closed. Further testimony would have to be accepted by exception by the Commission. Persons attending the hearing, but not offering official testimony, were Joel Stevens (Cascade Steel, McMinnville) and F. A. Skirvin and K. Mullane of the Department's Air Quality staff.

3. Ronald E. Sprague, Owens - Illinois, plant manager.

Mr. Sprague presented two pages of written testimony at the hearing. He stated that Oregon should not adopt EPA's Lime Plant rule, 40 CFR 60.340, as it had been remanded back to EPA by an appeals court. He stated that Oregon should not adopt EPA's Glass Plant rule, 40 CFR 60.290, as it is being litigated also, and the Glass Packaging Institute (GPI) asserts that glass plants are not a significant source.

4. Kenneth A. Lepic, EPA, Region X, review engineer.

Mr. Lepic phoned January 19, 1981, in reply to the Department's letters of December 17, and 23, 1980. He commented that the Oregon rule had been recodified since its adoption in 1975; he asked that we bring this to EPA's attention when we mail them the modified rule, and request delegation. Lepic was concerned that Oregon may be going more stringent than EPA in some cases, without sufficient public notice and enough technical reason. He said EPA would not accept Oregon's 1973 Kraft mill rule in lieu of our adopting 40 CFR 60.280 through 60.300 (the EPA Kraft mill rule), as EPA's newer rule was more stringent in some particulars. Mr. Lepic expressed understanding for Oregon not adopting a federal rule (specifically the lime plant rule) where an appeal's court had remanded the rule back to EPA.

5. R. Jerry Bollen, Weyerhaeuser, Oregon public affairs manager
Allan H. Mick, Boise Cascade, environmental engineer
Andre L. Caron, National Council Air and Stream Improvement, regional manager

Mr. Mick (who also appeared at the hearing), Mr. Bollen, and Mr. Caron, met with H. M. Patterson, C. R. Clinton, F. A. Skirvin, and P. Bosserman of the Department's staff on January 13 and went over the same ground as listed above in Dr. Walther's testimony.

6. William A. Kistler, Ashgrove Lime, plant superintendent.

Mr. Kistler in January gave Mr. Bosserman an extracted report on National Lime Association's five year legal tangle with EPA. He also donated a copy of Circuit Judge Wald's May 19, 1980, decision, No. 78-1385, 78 pages, United States Court of Appeals for the District of Columbia Circuit.

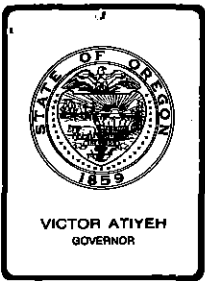
7. Daniel F. Meyer, Dow Corning Corp., manager, environmental control.

Mr. Meyer phoned January 6 and sent a confirming letter, received January 13, that proposed OAR 340-25-535(15)(a)(D) was not a true summary of 40 CFR 60.262(a)(4). The OAR lacked the second sentence of the federal rule. The second sentence changes the rule from a steady-state standard (which ferroalloy plants cannot meet) to a pre-test condition (which they can meet).

Recommendation

The Hearing Officer's recommendations have been reviewed by the Department's supervisory staff, and are reported in a memorandum to the Commission for its April 24, 1981, meeting.

PPB:f
AF791



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. J, April 24, 1981, EQC Meeting

Consideration of Temporary Rule Adoption to Extend Compliance Dates for Vapor Control at Gasoline Storage, Transport and Dispensing Facilities. OAR 340-22-107(3), -110(3), -120(2), -130(1), -137(1) and -137(2).

Background

On December 15, 1978, the Commission adopted rules requiring vapor controls by April 1, 1981 at gasoline storage, transport and dispensing facilities operating within the Portland and Medford AQMA's and the Salem Area Transportation Study (SATS) area. These rules are part of the ozone attainment strategy for the areas cited.

During March, 1981, the Department received several variance requests and numerous phone calls from operators of gasoline terminals, bulk plants, delivery vessels (truck & trailers) and service stations who would not be in compliance by April 1, 1981. A great majority of these contacts indicated they were trying to comply but were having difficulty in obtaining necessary equipment due to shipping delays or suppliers being out of stock. The majority of these situations would be resolved between April 15 and July 31, 1981. A substantially fewer number indicated that compliance was not attainable by April 1 or July 31 due to special circumstances. Also, a few stated they just learned of the program and needed time to meet the requirements.

Also during March, some suppliers notified their customers that it was illegal for the suppliers to fill noncomplying tanks unless the customer had a variance from DEQ. Without a variance, some customers were told they would not receive gasoline.

In order to provide additional time for a substantial number of sources to attain compliance, reduce the number of potential variance candidates to a manageable quantity and prevent gasoline supply interruptions, the Department is hereby asking the Commission to consider extending the compliance date from April 1, 1981 to July 31, 1981 for these sources by temporary rule adoption.

Alternatives and Evaluation

In evaluating this matter, the Department has recognized the following:

1. Approximately 1600 facilities are subject to the April 1, 1981 compliance date,
2. As many as 500 facilities won't be able to comply by April 1, 1981,
3. An estimated 50 facilities may not be able to comply after July 31, 1981,
4. The industry's attitude and efforts are pro-compliance with procurement the most common problem,
5. No violations of the Federal ozone standard occurred in Portland, Salem and Medford during April 1 through July 31, 1979-80, and
6. Some suppliers are prepared to terminate deliveries to noncomplying facilities. This would cause an adverse effect on the public.

Two legal remedies are available, i.e., extending the dates by rule revision or issuing variances where warranted. Both options require Commission action.

The Department prefers extending the dates to July 31, 1981, so as to allow time for significant additional compliance to occur, then issue variances as warranted on an individual basis. Since a hearing was not held and only an abbreviated public notice has been issued, a rule revision must be done pursuant to temporary rule procedures.

Should the Commission opt not to change the rules, the variance requests received to date (Attachment No. 3) should be considered for granting as authorized by ORS 468.345.

Authority

Oregon Revised Statute (ORS) 183.335 Notice requirements for rule adoption; temporary rule adoption, amendment or suspension;
(5) states:

- (5) Notwithstanding subsections (1) and (4) of this section, an agency may adopt, amend or suspend a rule without prior notice of hearing or upon any abbreviated notice and hearing that it finds practicable, if the agency prepares:
 - (a) A statement of its findings that its failure to act promptly will result in serious prejudice to the public interest of the interest of the parties concerned and the specific reasons for its findings of prejudice;
 - (b) A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;

- (c) A statement of the need for the rule and a statement of how the rule is intended to meet the need; and
- (d) A list of the principal documents, reports or studies, if any prepared by or relied upon by the agency in considering the need for and in preparing the rule, and a statement of the location at which those documents are available for public inspection.

Summation

1. Gasoline storage, transport and dispensing facilities operating within the Portland and Medford AQMA's and the Salem SATS area are required to install vapor controls by April 1, 1981.
2. A substantial number of facilities are trying to comply but are experiencing procurement problems and will comply by July 31, 1981.
3. Total compliance will not occur by July 31, 1981 and a manageable number of approvable variance requests are expected.
4. Extending the compliance dates will not cause violations of the ozone ambient air standard in the impacted air sheds.
5. Some suppliers will terminate deliveries to noncomplying facilities which will adversely affect the public.
6. The Commission is being asked to consider extending the compliance dates by temporary rule adoption procedures.

Director's Recommendation

Based upon the summation, it is recommended that the Environmental Quality Commission find that failure to act promptly will result in interruptions in the gasoline supply in Portland, Salem and Medford which will result in a serious prejudice to the public interest.

Also, it is recommended that the Commission adopt as a temporary rule the proposed revised rules contained in Attachment No. 1.


William H. Young

Attachments: No. 1 - Proposed Revised Rules
No. 2 - Statement of Need for Rulemaking
No. 3 - Gasoline Facility Variance Requests

FAS:o
229-6414
4/6/81
AO977 (2)

Attachment No. 1 Proposed Revised Rules
 (only those sections proposed for revision are shown herein.)

340-22-107

(3) The following compliance schedule increments of progress shall be completed:

| 340-22 Rule Section | Submit Plans to Dept. | Purchase Orders | Begin Construction | Complete Construction | Demonstrate Compliance |
|---|-----------------------|-----------------|--------------------|-------------------------------|-------------------------------|
| -110 Gasoline dispensing (a) | 10/01/79 | 12/31/80 | 03/15/81 | [04/01/81] <u>07/31/81</u> | [04/01/81] <u>07/31/81</u> |
| -120 Bulk Plants (a) | 10/01/79 | 07/01/80 | 12/31/80 | [04/01/81] <u>07/31/81</u> | [04/01/81] <u>07/31/81</u> |
| -130 Gasoline terminals | 05/01/79 | 04/01/80 | 12/01/80 | [04/01/81] <u>07/31/81</u> | [04/01/81] <u>07/31/81</u> |
| a-110, -120 vapor balance newly req'd. Sept. 19, 1980 | 10/01/82 | 12/31/82 | 03/15/83 | 04/01/83 | 04/01/83 |
| -137 Delivery vessel | 11/01/80 | 11/20/80 | 02/15/81 | [03/01/81] <u>07/31/81</u> | [04/01/81] <u>07/31/81</u> |

340-22-110

(3) The owner, operator, or builder of any stationary storage container subject to 340-22-110 shall comply by July 31 [April 1], 1981, except where added equipment is required by rule changes adopted in 1980, compliance is delayed to April 1, 1983.

340-22-120

(2) The owner(s) or operator(s) of bulk gasoline plants and delivery vessels subject to 340-22-120 shall comply with provisions of this rule by July 31 [April 1], 1981, except where added equipment is required by rule changes adopted in 1980, compliance is delayed to April 1, 1983.

340-22-130 (1)

After July 31 [April 1], 1981, no terminal owner or operator, shall allow volatile organic compounds (VOC) to be emitted into the atmosphere in excess of 80 milligrams of VOC per liter of gasoline loaded from the operation of loading truck tanks, and truck trailers at bulk gasoline

terminals with daily throughputs of greater than 76,000 liters (20,000 gallons) per day of gasoline. The daily throughputs are the annual throughput divided by 365 days.

- (a) The owner or operator of a gasoline loading terminal shall only allow the transfer of gasoline between the facility and a truck tank or a truck trailer when a current leak test certification for the delivery vessel is on file with the terminal or a valid inspection sticker is displayed on the delivery vessel.
- (b) The owner or operator of a truck tank or a truck trailer shall not make any connection to the terminal's gasoline loading rack unless the gasoline delivery vessel has been tested in accordance with OAR 340-22-137(1).

340-22-137

- (1) After July 31 [April 1], 1981 no person shall allow a vapor-laden delivery vessel subject to 340-22-120(4) to be filled or emptied unless the delivery vessel:
 - (a) Is tested annually according to the test method 32 on file with the Department.
 - (b) Sustains a pressure change of no more than 750 pascals (3 in. of H₂O) in 5 min. when pressurized to a gauge pressure of 4,500 pascals (18 in. of H₂O) or evacuated to a gauge pressure of 1500 pascals (6 in. of H₂O) during the testing required in subsection (1) (a) of this rule; and
 - (c) Displays a sticker near the Department of Transportation Certification plate required by 49 CFR 178.340-10b, which:
 - (A) Shows the year and month that the gasoline tank truck last passed the test required in sections (1) (a) and (b) of this rule;
 - (B) Shows the identification of the sticker; and,
 - (C) Expires not more than one year from the date of the leak-test test.
- (2) After July 31 [April 1], 1981, the owner or operator of a vapor collection system subject to this regulation shall design and operate the vapor collection system and the gasoline loading equipment in a manner that prevents:
 - (a) Gauge pressure from exceeding 4,500 pascals (18 in of H₂O) and vacuum from exceeding 1,500 pascals (6 in. of H₂O) in the gasoline tank truck being loaded;
 - (b) A reading equal to or greater than 100 percent of the lower explosive limit (LEL, measured as propane) at 2.5 centimeters

from all points on the perimeter of a potential leak source when measured by the method 31 and 33 on file with the Department, or unloading operations at gasoline dispensing facilities, bulk plants and bulk terminals; and

- (c) Visible liquid leaks during loading or unloading operations at gasoline dispensing facilities, bulk plants and bulk terminals.

FAS:o
AO977.1 (2)

STATEMENT OF NEED FOR RULEMAKING

Pursuant to ORS 183.355(5), this statement provides information on the Environmental Quality Commission's intended action to adopt a rule.

Legal Authority

ORS Chapters 183 and 468.

Need for the Rule

Adoption of this rule will allow time for a substantial number of gasoline facilities operating in Portland, Salem and Medford to complete installation of vapor control equipment. Failure to adopt it will cause interruptions in the gasoline supplies in these areas, inconvenience the public, and require the Department to process an unmanageable number of variance requests for short term non-compliance situations.

Fiscal Impact

The short term fiscal impact is indemonstrable. Affected facilities will operate in a normal manner and make a profit. The public will be able to purchase gasoline without adjusting its sources.

Since ultimate compliance requirements are not being altered, the long term fiscal impact is zero.

Land Use Compatibility Statement

This rule will not impact land use.

Principal Documents Relied Upon in the Rulemaking

1. Department of Environmental Quality ambient air quality data file.
2. Twenty letters from gasoline facility operators (Attachment No. 3 to Environmental Quality Commission April 24, 1981, Agenda Item No. J).

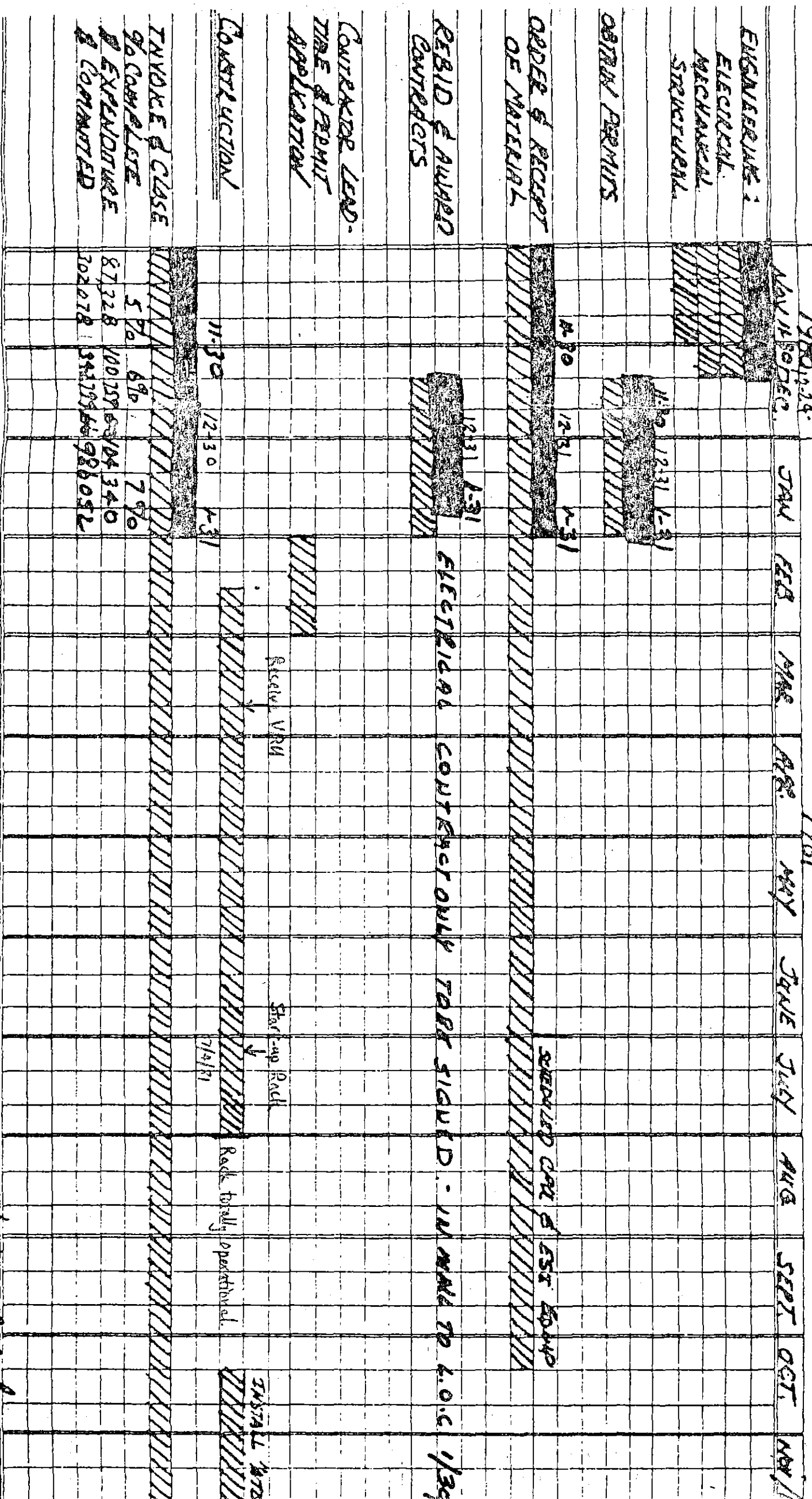
These items are available for public inspection at the Department offices located at 522 S. W. Fifth Avenue, Portland, Oregon.

Attachment 3 is too voluminous to copy. It is available for review at the DEQ headquarters, 522 S. W. Fifth Avenue, Portland, Oregon.

PORTLAND BORON LOAN BACK / JAN / YR

EST: 1577-A @ 245,000 AND
EST: 100-4 @ 155,000 AND

REVISED 1/13/81
GCS



1/20/81 QJL

AGENDA ITEM J

ATTACHMENT NO. 3

GASOLINE FACILITY VARIANCE REQUESTS

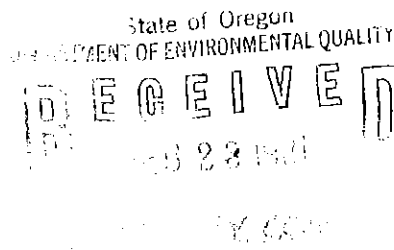


Chevron U.S.A. Inc.
P. O. Box 220, Seattle, WA 98111

February 18, 1981

Request for Variance on Completion of
Construction, Vapor Recovery Facilities,
Chevron's Willbridge Distribution Terminal
5531 N.W. Doane Avenue - Portland, Oregon

State of Oregon
Department of Environmental Quality
Attn: Mr. Ray Potts
P.O. Box 1760
Portland, OR 97207



Gentlemen:

On April 26, 1979, we filed a "notice of intent to construct" a Vapor Recovery Facility at our Willbridge Distribution Terminal. At that time, we indicated that the completion date for this construction would be February 1, 1981.

With the realization that the S.I.P. calls for final compliance by April 1, 1981, we respectfully request a variance until July 31, 1981, on our final completion of this construction.

The construction was started in September 1980 and is currently well under way. All materials and equipment were ordered in September 1980. Many of the critical equipment items, most notably the Vapor Recovery Unit, are experiencing long delays in shipment to our terminal. This is considered a condition beyond our control.

Your consideration of the request will be much appreciated.

Yours very truly,

CHEVRON U.S.A. INC.

K. E. Godwin
K. E. Godwin (Engineer)

KEG/jan

cc: J. D. Hartup
D. E. Severson



Chevron U.S.A. Inc.
P. O. Box 220, Seattle, WA 98111

March 18, 1981

Request for Variance
On Completion of Vapor
Recovery Construction
On Tank Trucks

State of Oregon
Department of Environmental Quality
Attention Mr. Ray Potts
P.O. Box 1760
Portland, OR 97207

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
MAR 23 1981
AIR QUALITY DIVISION

Gentlemen:

We are respectfully requesting a variance on vapor recovery construction on tank trucks until June 31, 1981.

Many of our critical equipment items are experiencing long delay in shipment. This has caused a heavy build-up in tank shops doing our vapor recovery construction.

We have four truck and trailers in the Portland area to complete and we will be scheduling them one every three weeks until completion.

Your consideration of the request for this variance will be much appreciated.

Yours very truly,

CHEVRON U.S.A. INC.

By N. L. Abney

HLA:cr

Union Oil Company of California

AQ

Union Oil Center, Box 7600, Los Angeles, California 90051
Telephone (213) 486-7944

977-7944



State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
MAR 12 1981

Walter W. Crim
Assistant Counsel

March 9, 1981

OFFICE OF THE DIRECTOR

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
MAR 11 1981

State of Oregon
Department of Environmental Quality
Att: Mr. William H. Young
Director
P.O. Box 1760
Portland, Oregon 97207

OFFICE OF THE DIRECTOR

Re: Request for Variance on Completion of Construction, Vapor Recovery Facilities, Union's Portland Distribution Terminal, 5528 N.W. Doane Avenue, Portland, Oregon

Gentlemen:

On April 12, 1979, Union Oil Company filed a "notice of intent to construct" bottom loading facilities and vapor recovery equipment at Union's Portland Distribution Terminal. At that time, it was estimated that the completion date for this construction would be February, 1981.

Union has completed the construction and installation of the above mentioned equipment. However, Union in determining its vapor recovery requirements, had negotiated with Chevron U.S.A., Inc., an arrangement whereby Union's vapors from truck loading rack and delivery operations would be piped to Chevron's Will-bridge Distribution Terminal and processed at their unit. Union was advised by Chevron on February 23, 1981, that they would be unable to have their vapor recover unit operative until mid July, 1981. The reason given by Chevron being long delays in shipment to Chevron of critical equipment is beyond the reasonable control of Union Oil, we respectfully request a variance from the final compliance date of April 1, 1981, contained in the S.I.P. We request that the variance be granted until July 31, 1981.

Further, because Union will have no method to treat recovered vapors until the completion of Chevron's vapor recovery unit, Union Oil requests that the variance cover all delivery points served from the Portland Terminal. This is necessary in order to eliminate the necessity of bringing all the vapors back to the terminal and releasing them there. The variance as applicable

to the delivery points would allow the releasing of recovered vapors at the point of recovery.

Your consideration of the request is appreciated.

Very truly yours,

Walter W. Crim

Walter W. Crim
Assistant Counsel

WWC:ais

SEATTLE
TACOMA
PORTLAND
STOCKTON
RENO
RICHMOND
SAN PEDRO
LOS ANGELES



cc: AQ

3 HMD
79 sec

TIME OIL COMPANY

PHONE 285-2400
CABLE ADDRESS: TIMOIL

2737 W. COMMODORE WAY, P.O. BOX 24447, TERMINAL ANNEX, SEATTLE, WA 98124

March 17, 1981

Dept. of Environmental Quality

RECEIVED
MAR 19 1981

NORTHWEST REGION

Mr. Harry M. Demaray
Environmental Analyst
Department of Environmental Quality
Box 1760
Portland, Oregon 97207

RE: Time Oil Terminal - 9400 N.W. St. Helens Rd., Portland, OR

Dear Mr. Demaray:

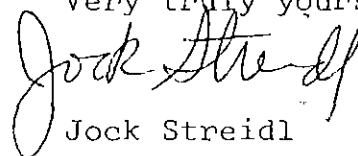
We have been attempting to comply with OAR 340-22-130 which establishes a date of April 1, 1981 by which our subject terminal should limit the emission of volatile organic compounds to 80 milligrams or less of VOC per liter of gasoline loaded into trucks and trailers.

All our equipment, including a McGill vapor recovery unit, has been received and installed. The VRU has not been put into operation, however, because the City of Portland Electrical Department will not accept it until certain modifications are made.

We are presently working with the Electrical Department, the manufacturer, a local electrician and a local electrical shop. We are making every effort to get the VRU accepted and operating. It appears that we will be able to satisfy the City's requirements but start up of the unit will be delayed for some time.

Because of the situation in which we find ourselves, we request that we be allowed to operate our terminal until we are able to get our VRU operational.

Very truly yours,


Jock Streidl

JS/mf

cc: Robert Abendroth
Newt Lesh
Neil Wallis

GATX

HMD
SC

GATX TANK STORAGE
TERMINALS CORPORATION

11400 N.W. ST. HELENS ROAD
PORTLAND, OR 97231
503-286-1691

Dept. of Environmental Quality

RECEIVED
MAR 20 1981

MAIL ADDRESS:
P.O. BOX 03469
Portland 97203

NORTHWEST REGION

March 19, 1981

Department of Environmental Quality
Northwest Region
P. O. Box 1760
Portland, Oregon 97207

Attn: Mr. H. M. Demaray

Dear Sir:

This letter is in regard to the April 1, 1981 compliance date for control of Volatile organic vapors at our truck loading facilities.

We are planning to control our vapor emissions with a carbon adsorption/absorption gasoline vapor recovery system manufactured by the John Zink Company of Tulsa, Oklahoma. The tentative delivery date of this unit was mid-February, 1981. Due to a design change, and the need to replace many electrical components to get approval by the City of Portland Electrical Inspectors Office, the date of shipment has been delayed until the latter part of May.

It will take approximately two (2) weeks for the unit to be shipped here from Tulsa. It will take another two (2) to four (4) weeks of installation and testing before the unit can be on-line reclaiming hydrocarbon vapors. This timetable will put us into the month of July, 1981 before we can be in compliance of the volatile organic vapor emissions standards.

I am now asking for a variance from the April 1, 1981 compliance date. Please consider our situation and keep us advised of our status with the Department of Environmental Quality and the VOC compliance date.

Very truly yours,

GATX TANK STORAGE TERMINALS CORPORATION

A handwritten signature in cursive script that reads "Rich Duval".

R. C. DUVAL
Terminal Engineer

RCD:ref

cc: R. W. Luhr - Carson
P. A. Foster - Richmond

IEB
SCC
HMD

Shell Oil Company



P.O. Box 250
2401 Crow Canyon Road
San Ramon, California 94583

MARCH 6, 1981

Department of Environmental Quality
P.O. Box 1760
Portland, Oregon 97207

Dept. of Environmental Quality
RECEIVED
MAR 9 1981

Attention: Mr. T. Bispham
Assistant Regional Manager
Northwest Region

NORTHWEST REGION

Gentlemen:

We are in the process of installing the required volatile organic compound control equipment at our Willbridge Plant, 5880 N.W. St. Helens Road, Portland, Oregon and now find we will not be wholly in compliance by April 1, 1981.

Our primary cause for the delay was the extended time (107 days) required to obtain our Building Permit from the City of Portland - Building Department. Application was made on August 18, 1980 and the permit obtained on December 3, 1980 with construction beginning on December 8, 1980.

To date we have installed the vapor recovery process equipment, associated connective vapor lines to storage tanks and loading rack and are 85% complete on our bottom loading motor gasoline rack. By early April we expect to be partially operational providing VOC controls for our motor gasoline loading/unloading facility - approximately 98% of total Plant throughput. The remainder of construction then following involves complete removal of the present over-the-top motor gasoline loading and installing in its place a facility for aviation gasoline and gasoline additive bottom loading - the remaining 2% of our loading throughput.

Due to conditions beyond our control, we respectfully request a variance pursuant to your Administrative Rule 468.345 extending our completion date to July 1, 1981 thereby providing sufficient time to complete and thoroughly test the entire new facility.

Sincerely,

H. J. Schultz
Environmental Manager - West

HJS:eoc



PETROLEUM PRODUCTS

CC AQD - FAS
302

TEXACO
U.S.A.

A DIVISION OF TEXACO INC.
3350 WILSHIRE BLVD.
P. O. BOX 3756
LOS ANGELES, CA. 90051

March 16, 1981

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
MAR 25 1981
RECEIVED
MAR 20 1981

Mr. Stephen C. Carter
Dept. of Environmental Quality
P.O. Box 1760
Portland, OR 97201

AIR QUALITY CONTROL

NORTHWEST REGION

FILE RE.: AQ - TEXACO
FILE NO.: 26-2478-MULTNOMAH COUNTY
NC # 1492; NWR - 227A

Dear Mr. Carter:

This letter is in reference to the new bottom loading rack and vapor recovery unit which we are installing in our Portland Terminal.

The last time I spoke with you, in November, 1980, I asked what your "variance" procedures were, since it did not appear that we would be able to get our VRU installed and operating by the April 1, 1981, deadline. As you may recall, you stated that there were no formal variance procedures, and requested that I send you a letter explaining the circumstances and estimating the date by which we will be operable. This letter is for that purpose.

The critical path item in this project is the new loading rack. Although we expect to receive shipment of the VRU itself by March 23, 1981, and should be able to install and get the VRU operating by the end of April, there is no real way to pipe vapors from the existing rack over to the VRU. Thus, we will not be able to comply with the terminal vapor recovery requirements until the new rack has been completed. We expect to start up the new rack and VRU by July 4, 1981. However, since it may take a short period of time to work all the bugs out of the system, we would like to request a "variance" until July 31, 1981.

Also, the last time I saw you I was able to give you drawings of the VRU, but not drawings of the new load rack. Thus, for your information I have attached a plot plan plus piping drawings off the new rack. Also, attached is some technical information concerning the bottom loading arms and couplers we will be using.

Mr. Stephen C. Carter -2-

March 16, 1981

If you have any questions or comments, please do not hesitate to call me at (213) 385-0515, Ext., 2614.

Yours very truly,



JOEL G. PLAISANCE
ENVIRONMENTAL PROTECTION COORDINATOR

JGP
ph:1/2A
Attachments
bcc: GES

FORM 3 1011-100
REVISED 11/77
GFS

EST. 7577-A 8/24/80
EST. 105-C 10/3/80 A/D

RETURN BATTERY LOAD BACK / A/D / YRU

| | 1980 | DEC | JAN | FEB | MAR | APR | MAY | JUNE | JULY | AUG | SEPT | OCT | NOV | DEC |
|---|------|-----|-----|-----|-----|-----|-----|------|------|-----|------|-----|-----|-----|
| ENGINEERING: | | | | | | | | | | | | | | |
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| MECHANICAL | | | | | | | | | | | | | | |
| STRUCTURAL | | | | | | | | | | | | | | |
| OBTAIN PERMITS | | | | | | | | | | | | | | |
| ORDER & RECEIPT OF MATERIAL | | | | | | | | | | | | | | |
| REBID & AWARD CONTRACTS | | | | | | | | | | | | | | |
| CONTRACTOR LEAD-TIME & PERMIT APPLICATION | | | | | | | | | | | | | | |
| CONSTRUCTION | | | | | | | | | | | | | | |
| INVOICE & CLOSE UP COMPLETE | | | | | | | | | | | | | | |
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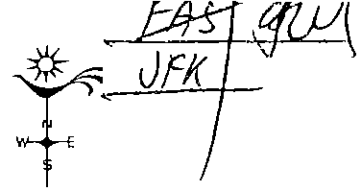
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26-3018
NC 1715



CARSON OIL COMPANY

2191 N.W. SAVIER STREET PORTLAND, OREGON 97210 (503) 224-8500

February 20, 1981
State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
FEB 22 1981

AIR QUALITY CONTROL

P.D.A. 2/23/81

Mr. Peter B. Bosserman
Department of Environmental Quality
Post Office Box 1760
Portland, Oregon 97207

Dear Mr. Bosserman:

Re: ORS 468.345

In accord with our conversation of about last November, I am hereby requesting a variance for Carson Oil Company on our bulk loading plant at 104th Avenue and S. E. Division Street.

We had originally intended to make that plant qualify for vapor recovery as per your requirements and had submitted our cost proposal to do that. It would better serve the community and ourselves to have our bulk gasoline terminal located at our main plant on Northwest Savier. We have made arrangements with a sub-contractor to do that work; copy of this order will be mailed promptly upon making all the details final which we expect to be within the next week.

Because this is the extremely busy season for operation and because of other details which might be inherent in the construction of this entirely new bulk loading facility, request is made for six months variance for completion.

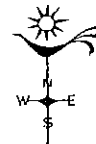
Your consideration of this matter will be sincerely appreciated.

Sincerely,

John A. Carson
John A. Carson

hr

Recommend granting.
P.D.A. 2/23/81



CARSON
OIL COMPANY

2191 N.W. SAVIER STREET PORTLAND, OREGON 97210 (503) 224-8500

February 26, 1981

John A. Carson
Mr. Peter Bosserman
Department of Environmental Quality
1220 S. W. Morrison Street
Portland, Oregon 97205

Dear Mr. Bosserman:

Enclosed is a copy of our acceptance of the installation order for the gasoline tanks as was discussed in our recent letter requesting variance.

Sincerely,

John A. Carson
John A. Carson

hr

Enclosure

PETROLEUM EQUIPMENT MAINTENANCE CO.

Attn: Phil Hogan

2310 N. Kerby
 PORTLAND, OREGON 97227
 Area Code 503-288-7541

Name Carson Oil Co. Date 2/18/81
 Street P.O. Box 10948 City Portland State Oregon 97210
 Location of Job _____

Terms: _____
 WE ARE PLEASED TO SUBMIT OUR QUOTATION FOR THE FOLLOWING INSTALLATION: PRICES SHOWN SUBJECT TO CHANGE WITHOUT NOTICE

Vapor Recovery to be equivalent to Arco Spec's.

Bid for installation of three 20,000 gallon U.L. tanks with Vapor Recovery equipment installed and piped up for bottom loading.

1. Excavate and set three 20,000 gallon tanks.
2. Pipe up 4" fill - 3" Vapor Recovery two point system - 3" product line and 2" vent.
3. Install three Red Jacket submersible pumps, rated at 200-250 G.P.M., #P500-2K.
4. Back fill with clean sand, as per code.
5. Saw cut existing retaining wall and construct new ramp to yard area. Ramp to be 20' wide - 20' long.
6. Form and pour concrete slab over tanks 34' X 34' X 6". All concrete to be reinforced.
7. Build concrete platform 4' X 8' X 6" with pipe guards to protect meters and registers.
8. Mount Tokheim meters on pad and wire system electrically to code. Electric includes emergency shut off hook up to trucks.
9. Remove and extend fencing, as required.
10. Hang hose system to meters. Equipment to be Emco Wheaton A.P.I. Dry Break w/10' 3" hose per pump.

Bid for equipment and installation \$65,541.00

Note: Barricades to be put where required.
 Permits by Pemco.
 Job to be left clean.

*accepted
 2/24/81
 John A. Carson*

Signed: Paul Braval

(V) ROCK & WATER CLAUSE: IF ROCK, WATER, TRASH, CONCRETE, SEWER OR WATER LINES, ETC., ARE PRESENT WHICH INTERFERE WITH NORMAL EXCAVATION, AN EXTRA CHARGE OF TIME & MATERIAL WILL BE MADE.

Rogue Valley Oil Co.

Distributor of

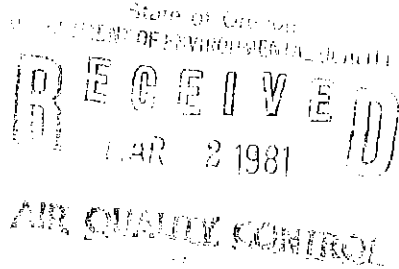
1024 S. Riverside
P.O. Box 1328
Medford, Oregon 97501



Telephone
(503) 772-6181

February 27, 1981

Peter B. Bosserman, P.E.
Senior Environmental Engineer
Department of Environmental Quality
P.O. Box 1760
Portland, Or. 97207



Gentlemen:

For your information, I am a Texaco Wholesaler (Jobber) in Medford, Oregon. My Bulk Plant is owned by Texaco Inc. I lease the Bulk Plant from Texaco on a month to month basis. My incoming Refined Products are received via Truck & Trailer, from Terminals, mainly from Eugene.

To date, Texaco Inc. has not replied to my questions regarding their intentions to either install or not install a Vapor Recovery System in the Medford Bulk Plant.

If Texaco does not install the Vapor Recovery System, it will be necessary that I relocate my business. Relocating this type of business is not the easiest thing to do. I will have to locate property, zoned properly, obtain the necessary permits, build Tank Farm, Warehouse, Office Space, etc. For your information, I am and have been looking for a new location.

If Texaco Inc. does not install a Vapor Recovery System by April 1, 1981, I will automatically be forced out of business. Texaco Inc. will not make deliveries after April 1, 1981, into this Bulk Plant if the Vapor Recovery System is not installed or a Variance is not in force. This will automatically force me to close my business, and indoubtably lose everything I have worked for these many years. I do not know what Texaco's decision will be, however, I am of the opinion that it will be a negative one.

Due to the fact that Texaco has not made known their intentions regarding Vapor Recovery in this Bulk Plant and the time necessary to relocate and build, I am presented with a serious problem. I am asking for your help.

I am respectfully requesting a six month variance for the installation of a Vapor Recovery System in this Bulk Plant. This will alleviate my problem and allow time for me to relocate if necessary.

Your consideration and approval of my request will be appreciated. If I can be of any assistance, please advise.

Yours truly,

A handwritten signature in cursive script, appearing to read "Robert D. George".

Robert D. George

Rogue Valley Oil Co.

Distributor of

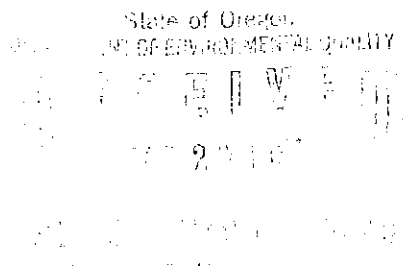


1024 S. Riverside
P.O. Box 1328
Medford, Oregon 97501

Telephone
(503) 772-6181

March 17, 1981

F.A. Skirvin
Supervisor, Program Operations
Air Quality Division



Dear Mr. Skirvin:

We have received your letter asking for additional information concerning our request for variance.

At this time we are finalizing our search for a piece of property in White City. Upon purchase or lease of this land, we will build a bulk plant, starting construction approximately May 1, 1981, with a completion date on or before September 30, 1981. At the time of completion, our plant will be in full compliance of all D.E.Q. requirements. We are obtaining bids now for this construction, and we can furnish you these upon request.

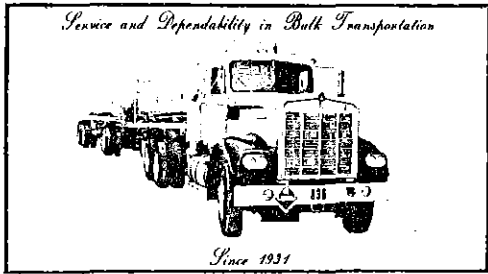
To bring you up to date with our current problem, Texaco has decided not to install a Vapor Recovery System. They will deliver product into the plant only if a variance is granted. If our variance request is approved, we will be able to stay in business, and at the same time satisfy the compliance of the D.E.Q. with the construction and completion of our new bulk plant.

Please contact me if you have any questions. Your help in this request is appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Jeremy P. Guilliano".

Jeremy P. Guilliano
Office Manager
For Robert O. George, Owner.



AN EQUAL OPPORTUNITY EMPLOYER
ARROW TRANSPORTATION COMPANY

BOX 10106 — 3125 N.W. 35th AVENUE
PORTLAND, OR 97210
503 - 222-1875

offices at:

Boise, Idaho • Coos Bay, Eugene, Oregon • Pasco, Seattle, Spokane, Washington

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
APR 18 1981

AIR QUALITY CONTROL

March 17, 1981

State of Oregon
Dept. of Environmental Quality
P.O. Box 1760
Portland, OR 97207

Attn: Ray Potts

Dear Mr. Potts:

Arrow Transportation Company would like to request a variance from two areas of the Air Quality Regulations relating to recovery of gasoline vapors. These regulations are scheduled to take effect on April 1, 1981.

Firstly, we request a 30 day variance from recovering vapors in those locations equipped with the two point vapor recovery system. This system requires the use of an OPW vapor fitting, #1711-VT. We placed an order for 24 of these fittings in early February with Mascot Equipment Co. here in Portland. They indicated on March 14, 1981 that we can expect delivery just prior to the end of March. A 30 day variance will allow for late delivery and give us time to ship fittings to our Eugene and Coos Bay terminals.

Second, we request a 90 day variance from testing our cargo tanks as set forth in your "Source Sampling Manual", Volume II, D.E.Q. Method 32. In mid February we placed an order with Beall-Transliner in Portland for two Pressure/Vacuum test units. They expect to deliver these units by April 1, 1981. Further, in order for our tanks to comply with the published test standards, we must replace the dome lids on nearly 90% of our tanks. Also in mid February we ordered 175 new dome lid assemblies from Beall-Transliner. We expect delivery of the first 50 by April 1, 1981 and delivery of the rest within 30-60 days.

Continued--

State of Oregon
March 17, 1981
Page 2

We offer the following schedule for compliance with the Vapor Recovery requirements.

April 1, 1981 - Begin recovery of vapors at all required locations, except when impossible due to shortage of fittings. Also on this date begin testing tanks, provided testing equipment has been delivered.

May 1, 1981 - All units to be equipped with necessary fittings to accomplish vapor recovery unloading at all required locations. Further we will have tested and applied for vapor recovery certification for at least 50% of units hauling gasoline in Oregon.

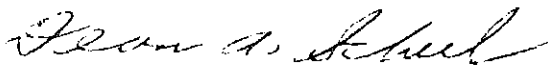
June 1, 1981 - Tested at least 75% of units.

July 1, 1981 - All units operating in Oregon to be in compliance with vapor recovery standards.

We request this variance because the supply problems are beyond our control and our only other alternative would be to curtail our present operations. We feel curtailment of gasoline deliveries would be an unnecessary burden on our customers and a serious financial burden on Arrow Transportation Co.

Yours very truly,

ARROW TRANSPORTATION CO.



Dean A. Scheel
Assistant Operations Manager

DAS/kw

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
MAR 19 1981

820 - N. E. 3rd Ave.
Hillsboro - Oregon 97123
March 18, 1981 -

Department of Environmental Quality
P.O. Box 1760
Portland, Oregon 97207.

Attention :- Mr. Ray Potts -

I am the owner of a Mail Service Station - Baseline Mail - 971 N. E. Baseline Dr. Hillsboro - Oregon 97123 and had made all plans to have the Co-axial vapor recovery drop take and adapter installed by now - but due to ^{his} illness ~~the~~ the past few weeks my contractor Emil Klein has so far been unable to do the job. Have also asked for a bid from Stat Construction - 808 S. W. Nimbus + Beaverton - Oregon. My plans are to have these installed by April 1st but due to Mr. Klein's illness and if he is not able to work for a week or more I would like to ask for a 30 day variance. Would you consider this and mail it to me - at my address below - I will take it to the station.

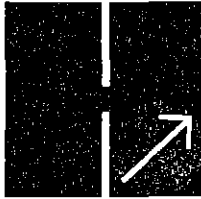
I understand I must have this variance at the station proper so the supplier will be able to deliver gasoline on April 1st and thereafter.

Thank you for considering this and your earliest reply -

Anna M. Jones
820 - N. E. 3rd Ave
Hillsboro - Oregon 97123.

RTRP
Lidw
HTRP
Jed

PREMIUM OIL CO.
HARRIS DISTRIBUTING CO.
HARRIS OIL CO.



HARRIS ENTERPRISES, INC. 1717 S.W. MADISON ST. / PORTLAND, OR 97205

Telephone 222-4201

Area Code 503

March 11, 1981

State of Oregon
DEPT. OF ENVIRONMENTAL QUALITY

RECEIVED

[Handwritten signature]
Mr. F. A. Skirvin
Department of Environmental Quality
P. O. Box 1760
Portland, OR 97207

Dear Mr. Skirvin:

I recently talked on the telephone with Pete Bosserman and advised him that we will have some difficulty meeting the April 1, 1981, deadline on vapor recovery requirements. I believe that the vapor recovery work for our bulk plants will be completed on schedule. It is in the service station area that we will be a little bit late.

We have all of our equipment on order and the latest shipping information indicated that it is on OPW's dock and ready to ship. Our installation contractor is SME Corporation in Tacoma, Washington. They advise me that with normal shipping times the parts should be received by the end of March. They further state that installation should be completed at our 35 service station units not later than April 25, 1981.

Do we need to apply for a variance or an extension? If so, please let me know. Should you need to contact SME Corporation on this matter, call Jerry Farmer at (206) 767-5032.

Thank you for your consideration.

Very truly yours,

[Handwritten signature: David L. Harris]

David L. Harris
Retail Manager

3/12/81

sb

[Handwritten note:] Advised Harris office by phone that as long as no significant slippage of 4/25/81 they please, a variance would not be necessary. H

Dear Sir;

3-2481

We are writing in response to your letter last week informing us that we must comply with D.E.Q. on the Vapor Recovery system.

As per our last correspondence with the D.E.Q., they told us due to our small tank capacity (100 gal.) that we would be exempt from the ruling of the D.E.Q. Due to the short notice of the changing of the ruling, this has put us in a distressing financial situation. This is what we are doing. We are planning on installing larger gas tanks. Pemco will be doing the installation. Our problem at this moment is where, ~~the~~ on the property, the tanks will be installed because in the future there will be a new building on the site along with the gas installation. We are in the process of dealing with an

engineering firm for site plans.
Our first meeting will be
3-25-81 at American Strevell in
Milwaukee. Our original plan for
the gas tanks was to install
them later this year, but
due to the D.E. & change we will
install them now. However
we will need ~~an~~ a extension
or variance for 60 or 90 days.
Pemco says that they can do
the gas installation in 30 days
after the tanks arrive in Portland.

The extra time would allow
us to arrange financing and
to get a set of site plans for
the gas installation and the
future new building. We can
do the tank installation before the
site plans are totally finished as long
as we know exactly where the
new building will be located.

That is our situation at this
moment, so if we can get the 90

days, I'm sure we can comply
completely with the DEQ, plus
have the tanks installed.

Thank You
Very Much

Robert W White

South End Grocery

IPd**the volvo specialists**

2762 N.E. Broadway
Portland, Oregon 97232 U.S.A.

TELEX: 360867
(503) 287-1179

Fiberglass Manufacturers
Designers and Developers
Manufacturers Reps
Importers / Exporters
Warehouse Distributors

Mr. F. Skirvin
Department of Environment Quality
Air Quality Divison
P O Box 1760
Portland, Or 97207

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
MAR 25 1981

AIR QUALITY CONTROL
Mar 23 1981

RE: DEQ Vapor Recovery System

Dear Mr. Skirvin,

Please accept this letter as a request of waiver regarding the "Vapor recovery System" requirement after April 1 1981.

We have a small company utilizing a gas station for our research and development facilities. We have developed varous items, such as a turbocharger kit that has not only reduced emissions, but has also increased efficiency of the Volvo cars. We also are under a development stage of our new American made down draft carb kit for a Volvo model that has been a real problem with the DEQ auto emission people.

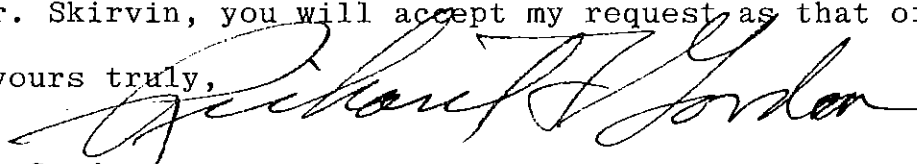
We use the pumps for gas stock for these project cars as well as our company fleet cars. However, we received gas shipments only two(2) times a year, usually in the spring and then in the winter. And our purchase of gas is relatively small (usually less than 3000 gallons).

Under the circumstances; small purchase amount; only twice yearly deliveries, I feel the "vapor emissions" would be miniscule, and thus my rationale of requesting a "waiver" for this costly (\$200 per tank, we have three) modification required by DEQ.

I am, like any concerned citizen, an advocate of clean air. However, real-life fact indicates that the dollars spent in up-dating our tanks would be "non-cost effective", as Mr. David Stockman, Director of the Office of Management and Budget, has been advocating we due to prevent excess dollars spent with little or no benefits.

I hope, Mr. Skirvin, you will accept my request as that of lodgic.

I remain yours truly,



Richard F. Gordon, pres

CC: Atiyeh, Ivancie

SAVAGE ENTERPRISES
19489 S. Meyers Rd.
Oregon City, Oreg. 97045

Ph. 656-7695

February 14, 1981

Mr. Bosserman
Dept. Of Enviromental Quality
P.O. Box 1760
Portland, Oregon 97207

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
FEB 17 1981

Dear Mr. Bosserman;

I spoke to Mr. and Mrs. Larson this morning and we went over some of the conversation that Mrs. Larson had with you a few days ago by phone in regards to Air Contimination Rules And Standards.

Last spring we spoke with the Larsons (Kenney Larson Oil Co. Ore. City) about a new station at 1346 Leland Rd. Oregon City, Or. ,but as you are well aware of by the time we were ready to move in that direction the economy had pratically collapsed and interest rates soared beyond reason. At this stage of our Nations Economy it very hard to judge when we will be able to do any type of construction, but would move very rapidly in that direction no later than five years.

I make request with deep concern for a Variance From Air Contamination Rules And Standards and given time to make all necessary changes at such time when we start construction of the new gas station at the same address.

We are Bill & Betty Savage the owners of the gas station and property. We will Be out of town until March 2 nd if there is any further information that is needed of us please contact me after that date Thank You.

Very truly yours,

Bill Savage



~~WA~~
NLS

Noise
Powell Blvd
Portland

Due to the highway been widened
real soon. We will need a six
month extension to rebuild
behind so we don't have to do this
twice -

Thank you
Harold R Conley
6136 SE Powell
Portland Oregon
774-0254

DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
MAR 16 1981
Noise Pollution Control

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
MAR 16 1981
OFFICE OF THE DIRECTOR



CITY OF
PORTLAND, OREGON
BUREAU OF PLANNING

Mildred A. Schwab, Commissioner
Terry D. Sandblast, Acting Director
621 S.W. Alder
Portland, Oregon 97205
(503) 248-4253

February 25, 1981

Mr. Harold Conley
7875 SW 66th Avenue
Portland, OR 97223

RE: Powell Boulevard, Phase II—SE 62nd Avenue and SE Powell Boulevard

Dear Mr. Conley:

The purpose of this letter is to advise you of the steps that are being taken by the City regarding your request for design change on the Powell Boulevard project.

The City has requested that a project design change be made by the State to allow redevelopment of your service station on your remaining property and the parcel to the south (see attached sketch). This would require elimination of the project berm for approximately 110 feet west of SE 62nd Avenue. As a result, you would be responsible for construction of a noise barrier between your property and the residential property to the south. The barrier would have to be a continuous, solid wall and would be required as a provision of the proposed Design Zone. As the design change would expose additional residential development to commercial activity and traffic noise, we will also require that a noise barrier be provided between your property and the residential property to the west.

The Planning Bureau will be recommending that Council initiate a Comprehensive Plan Map amendment and zone changes for the parcels in question to allow redevelopment of the service station on the site. If Council adopts the staff recommendation, a public hearing before the Planning Commission would be required.

If you have questions regarding the zoning issues, please call me at 248-4254.

Sincerely,

Rebecca Kohlstrand

Rebecca Kohlstrand
City Planner, Transportation Planning

RK/lb

cc: Dave Hill
Bob Sandoval

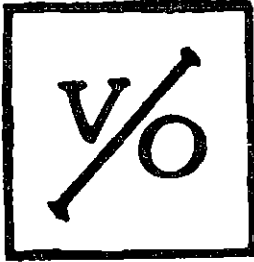
CODE
ADMINISTRATION
248-4250

LONG RANGE
PLANNING
248-4260

SPECIAL
PROJECTS
248-4509

TRANSPORTATION
PLANNING
248-4254

HOUSING AND
POPULATION
248-5525



VALLEY OIL COMPANY

1790 16TH STREET S.E. • P.O. BOX 12249 • SALEM, OREGON 97309

PHONE (503) 362-3633

⊕ 2A E 496

⊗⊗ 2AE 56A

ROBERT W. DELK
PRESIDENT

MICHAEL W. DELK
VICE-PRESIDENT

O.R. KENNEN, JR.
SECY-TREASURER

•
ASPHALT
PAVING

•
HEATING
SYSTEMS

•
AIR
CONDITIONING

•
HEATING
OILS

March 25, 1981

Fritz Skirvin
DEQ
Portland, Oregon

Dear Fritz:

We have two stations in Salem. The Arco station
⊕ at 13th and Hines, zip 97303 and Johnnys Arco
⊗⊗ at 4592 Portland Rd, NE, zip 97303, which are
not completed for vapor recovery. I have tubes
ordered from Northwest Pump in Portland (236-4195)
which were ordered approximately March 17, 1981.
Arco will not deliver unless they have confir-
mation from you in writing by April 1, 1981.

Hope you can help me.

Thanks,

Loyd Bagley
Loyd Bagley
Fleet Manager

LB/rsm

3/26/81

Installations will be completed
by 6/1/81. (via phone). *YLS*

F.A. Jones

OIL PRODUCTS, INC.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Distributors of MOBIL PRODUCTS
Tires—Batteries—Oil Filters & Spark Plugs
P. O. BOX 375, MT. ANGEL, OREGON 97362
PHONE 845-2261

RECEIVED
MAR 30 1981

March 25, 1981

AIR QUALITY CONTROL
State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

AIR QUALITY CONTROL

Department of Environmental Quality
522 S.W. 5th Avenue
Box 1760
Portland, Oregon 97207

P.D. 2/20

Attention: Mr. Peter Bosserman, P.E.

RE: OIL PRODUCTS, INC., GAS STATION
9820 Wilsonville Road, Wilsonville, OR 97070
REQUEST FOR VARIANCE

Gentlemen:

Pursuant to ORS 468.345 and following, the undersigned makes request for variance, and bases this request upon the following facts and conditions:

1. That the above captioned gas station is located near the very south end of the Portland-Vancouver Air Quality Maintenance area.
2. That the station currently has three, 2,000 gallon tanks with 2" fills. There is no equipment available at this time to change the 2" fills over to 4" fills. Conversion to a 4" fill, excluding new tanks, would cost approximately \$35,000 to \$40,000.
3. This variance is requested for a five year period, and during this time, it is anticipated that the station will be brought into full compliance with the Clean Air Standards Act.
4. Further, and at this time, the undersigned intends to put in submersible fill pipes which will cut down vapors in the air.

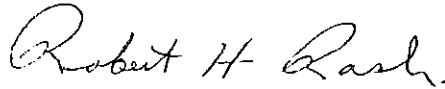
Oil Products is acting under a lease agreement with the owner of the property, that being a certain Larry Anderson, Beaverton, Oregon.

Your kind consideration to this matter would be appreciated.

Department of Environmental Quality
Re: Oil Products, Inc., Gas Station
March 25, 1981
Page Two

Thank you very much.

Very truly yours,

A handwritten signature in cursive script that reads "Robert H. Rash".

ROBERT H. RASH
President

RHR/cm

ADDENDUM TO AGENDA ITEM NO. J, APRIL 24, 1981, EQC MEETING

Tabulation of Requests
Attachment No. 4 for
Variances from April 1, 1981
Compliance Date in VOC Rules for Gasoline Storage, Transport and Dispensing Facilities

OAR 340-22-107(3), 110(3), 120(2), 130(1), 137(1) and 137(2).

| Name and Location of Facility Requesting Variance | Type of Facility | Applicable VOC Regulation | Proposed Compliance Date | Basis for EQC Consideration of Request | Evaluation |
|--|---------------------------|---|--------------------------|--|--|
| 1) Chevron U.S.A. Inc. Willbridge Distribution Terminal 5531 NW Doane Ave. Portland | Bulk Gasoline Terminal | 22-107 & 22-130(1) Compliance Deadline | 07/31/81 | 1 & 2 | The company had scheduled completion of the vapor recovery system for 2/1/81. Construction was started in 9/80. However, delays in shipping of some of the equipment will prevent compliance until 7/31/81. |
| 2) Chevron U.S.A. Portland | Gasoline Delivery Vessels | 22-107 & 22-120(2) | 06/30/81 | 1 & 2 | Installation of vapor recovery systems on 4 tank trucks has not been completed because of delays in delivery of the equipment. The trucks will be modified at the rate of 1 every 3 weeks until completed. |
| 3) Union Oil Co. of California Portland Distribution Terminal 5528 NW Doane Ave. Portland | Bulk Gasoline Terminal | 22-107 & 22-130(1) Compliance Deadline | 07/31/81 | 1 & 2 | The company has completed construction of the bottom loading and vapor collecting systems at this plant. Union Oil has contracted with Chevron U.S.A. to process the collected vapors in Chevron's vapor recovery unit. As indicated in 1 above, this vapor recovery unit will not be operational until 7/31/81. |

| Name and Location of Facility Requesting Variance | Type of Facility | Applicable VOC Regulation | Proposed Compliance Date | Basis for EQC Consideration of Request | Evaluation |
|---|------------------------|---|--------------------------|--|---|
| 4) Time Oil Co. 9400 NW St. Helen's Rd. Portland | Bulk Gasoline Terminal | 22-107 & 22-130(1) Compliance Deadline | 04/15/81 | 1 & 2 | The vapor recovery system is installed. However, modifications to the electrical box were required by the building inspector. The modifications are in progress and a variance has been requested until 4/15/81 to allow reinstallation of the electrical box and startup of the system. |
| 5) GATX Tank Storage Terminals Corp 11400 NW St. Helen's Rd. Portland | Bulk Gasoline Storage | 22-107 & 22-130(1) Compliance Deadline | 07/15/81 | 1 & 2 | The company's scheduled completion date for the vapor recovery system was 2/1/81. Design changes have delayed construction and shipment of the components. Equipment delivery is expected in early June. Installation and testing will take until mid-July. The unit will be in operation by 7/15/81. |
| 6) Shell Oil Co. Willbridge Plant 5880 NW St. Helen's Rd. Portland | Bulk Gasoline Terminal | 22-107 & 22-130(1) Compliance Deadline | 07/1/81 | 1 & 2 | The company has completed the vapor recovery system for motor gasoline loading which constitutes about 98% of the terminal throughput. Delays in the issuance of a city building permit has delayed completion of the recovery system for loading aviation gasoline until 7/1/81. |
| 7) Texaco U.S.A Portland Terminal 3640 NW St. Helen's Rd. Portland | Bulk Gasoline Terminal | 22-107 & 22-130(1) Compliance Deadline | 07/31/81 | 1 & 2 | The vapor recovery unit will be installed by the end of April but the new loading rack will not be completed until early July. The company has requested until 7/31/81 to complete installation and work the bugs out of the system. |

| Name and Location of Facility Requesting Variance | Type of Facility | Applicable VOC Regulation | Proposed Compliance Date | Basis for EQC Consideration of Request | Evaluation |
|---|---|-----------------------------------|---|--|---|
| 8) Carson Oil Co. 104th & SE Division Portland | Bulk Gasoline Plant | 22-107 & 22-120(2) | 10/1/81 | 2 | Carson Oil Co. curently operates a bulk gasoline plant in SE Portland. The company is building a new plant in NW Portland. A variance was requested to allow operation of the SE Portland plant without control until 10/1/81 or until the new plant is completed. The new plant would be in compliance upon startup. |
| 9) Rogue Valley Oil Co. 1024 S. Riverside Medford | Bulk Gasoline Plant | 22-107 & 22-120(2) | 10/1/81 | 2 | Rogue Valley Oil leases on a monthly basis, a bulk plant from Texaco. Texaco has not added VOC controls to the plant. Rogue Valley Oil has requested a variance to allow operation of the plant untl 10/1/81. This time period will allow construction of a new plant. |
| 10) Arrow Transportation Co. Portland | Gasoline Delivery Tanks | 22-107 & 22-120(2) & 22-137 | 07/01/81 | 1 & 2 | Delivery of equipment to seal tank trucks has been ordered. However, delivery of all equipment cannot be made until 6/1/81. Some trucks have already been converted. The company has requested a variance until 7/1/81 to complete the conversion of the remaining trucks. |
| 11) Anna M. Jones Baseline Mobil 971 SE Baseline Rd. Hillsboro | Gasoline Storage Tanks | 22-110(3) | 05/01/81 | 1 & 2 | The VOC control equipment has been purchased. Installation by a contractor cannot be completed until 5/1/81. |
| 12) Harris Enterprises Inc. 1717 SW Madison Portland | Bulk Gasoline Plant & Gasoline Storage Tanks | 22-107 22-120(2) 22-110(3) | Installation Completed in Compliance | --- | Variance no longer required. |

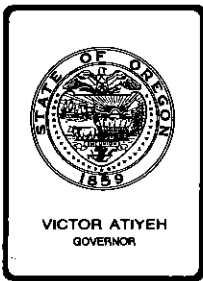
| Name and Location of Facility Requesting Variance | Type of Facility | Applicable VOC Regulation | Proposed Compliance Date | Basis for EQC Consideration of Request | Evaluation |
|---|------------------------|---------------------------|---|--|---|
| 13) South End Grocery 1033 South End Rd. Oregon City | Gasoline Storage Tanks | 22-110(3) | Installation completed, in compliance | --- | Variance no longer required. |
| 14) Import Parts Distributing Co. 2762 NE Broadway Portland | Gasoline Storage Tanks | 22-110(3) | Still being evaluated by the Department | --- | The company has 3 small gas tanks. The annual throughput is approximately 3000 gallons. The estimated cost of controls is \$600. A permanent variance has been requested. |
| 15) Kenney Larson Oil Co. 1346 Leland Rd. Oregon City | Gasoline Storage Tanks | 22-110(3) | Still being evaluated by the Department | --- | Additional information has been requested. |
| 16) Harold Conley 6136 SE Powell Portland | Gasoline Storage Tanks | 22-110(3) | Still being evaluated by the Department | --- | The State is purchasing a portion of the property to widen the street. As soon as payment is received, a new gas station will be built on the remaining property. A variance has been requested until 10/1/81. |
| 17) Valley Oil Co. 13th & Hines and 4592 Portland Rd. NE Salem | Gasoline Storage Tanks | 22-110(3) | 06/01/81 | 2 | The control equipment for the 2 gas stations was ordered on 3/17/81. Installation will be completed by 6/1/81. |
| 18) Oil Products, Inc. 9820 Wilsonville Rd. Wilsonville | Gasoline Storage Tanks | 22-110(3) | Still being evaluated by the Department | --- | This gas station is located at the boundary of the Portland AQMA and receives gas from a plant outside the AQMA. Estimated cost of installing required couplings is \$35,000. Submerged fill will be installed however. |

| Name and Location of Facility Requesting Variance | Type of Facility | Applicable VOC Regulation | Proposed Compliance Date | Basis for EQC Consideration of Request | Evaluation |
|---|---|---------------------------|---|--|---|
| 19) Birk Oil Co. Inc. 1000 S. Central Medford | Bulk Gasoline Plant & Gasoline Delivery Vessels Gasoline Storage | 22-107 & 22-120(2) | 10/1/81 | 1 & 2 | Birk Oil Co. recently purchased this bulk plant and delivery trucks. A variance was requested until 10/1/81 to allow purchase of equipment and installation at 10 service stations, bulk plant and tank truck. Contractors have backlogs and cannot begin installation immediately, and additional equipment must be ordered to complete all installations. |
| 20) City of Milwaukie SE 40th & Harvey | Gasoline Storage Tanks | 22-110 | 10/1/81 | 2 | The City of Milwaukie is currently considering a budget which would provide funds for a new gasoline storage facility. Other options include retrofitting their current facility or purchasing another existing facility. The decision on which option to pursue will be made by July 1, 1981. Compliance will be attained by 10/1/81. |
| 21) Civic Parking 50 SW 2nd Ave. Portland | Gasoline Storage Tanks | 22-110(3) | Still being evaluated by the Department | --- | The parking lot with gasoline tank is for sale. The operation is leasing the lot on a monthly basis. The station sells only 2500 gallons per month. Civic Parking has requested a 6 month variance to allow time for a sale to become finalized and determine whether they can continue operation at this site. |
| 22) Desbiens Enterprises Inc. 6007 NE Glisan Portland 97213 | Gasoline Storage Tanks | 22-110(3) | 04/15/81 | 1 & 2 | Equipment for VOC controls has been ordered and a contractor hired to complete the installation. A variance was requested until 4/15/81. |

- 1) Conditions exist that are beyond control of company
- 2) Strict compliance would result in curtailment or closure of the plant
- 3) Special circumstances render strict compliance, unreasonable or burdensome due to special physical conditions

NOTE: Should the Commission decide to extend the compliance dates as requested, item nos. 1, 2, 3, 4, 5, 6, 7, 10, 11, 17 and 22 are expected to achieve compliance within the time extension.

The Department has concluded that item nos. 9, 19 and 20 will need variances for periods beyond July 31, 1981. As indicated, item nos. 14, 15, 16, 18 and 21 are still being evaluated. The Department will present these matters to the Commission at future meetings.



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, April 24, 1981, EQC Meeting

Amendments to OAR 340-30-010 to 340-30-045
Wood Particle Dryer Rules for Medford Area

Background

The Environmental Quality Commission adopted OAR 340-30-010 to 340-30-045 in April, 1978, limiting particulate emissions from all dryers at hardboard and particle board plants in the Medford area to 0.35 pounds per 1000 sq. ft. of board produced based on a 3/4" board thickness. This rule was considered technology forcing and time was allowed for pilot plant testing before final compliance was due on January 1, 1981. The rule was projected to reduce particulate emissions from these three plants from 1085 tons/year to 80 tons/year. The reduction was considered at the time a key element in the first particulate control strategy for the Medford airshed.

In November, 1980 the EQC received a petition from Medco, Timber Products and Down River, the three plants affected by the rule. Medco's petition pointed out that their process was quite different than the other two plant's, that they had controlled other sources at the plant site more stringently than required by Department rules and proposed that they be allowed to comply with a 0.25#/1000 sq.ft. (1/8" board thickness) plant site rule which would require the same overall stringent control on a plant site basis as the existing Department rule. Timber Products and Down River indicated that pilot tests of a wet electrostatic precipitator had not proven that the Department rule could be met. This testing of a pilot plant indicated that a wet electrostatic precipitator could achieve 0.27 lbs./1000 sq. ft. 3/4" basis but it was pointed out the unit would cost over 1.5 million dollars and it had some technically difficult water treatment problems to solve. A manufacturer of a wet scrubber/mist eliminator would only guarantee meeting .40. Based on these facts Timber Products and Down River asked for consideration of a rule change to .50 and .45 respectively.

On December 19, 1980, the EQC granted a variance to the three companies and authorized a hearing to receive further testimony on the matter.

On Feb. 19, 1981, a hearing was held before the Department's hearings officer in Medford. A copy of the hearings officer report is attached (Attachment 2).

Testimony was received from the petitioners, the public, certain interest groups and subsequently the Jackson County Board of Commissioners and City of Medford Council.

Medco supported its earlier request for a rule change to an equivalently stringent, plant-site hard board rule. No one testifying opposed this request.

Most testimony, including subsequently received unanimous resolutions by the Jackson County Board of Commissioners and City of Medford Council, supported maintaining the 0.35 standard for the other two particle board plants.

Down River testified that they had contacted several equipment manufacturers and none of them said they could produce equipment to meet the .35 standard. No written documentation or guarantees from suppliers was provided. Down River indicated they would prefer an approach of totally modernizing their operation by installation of a new energy-efficient dryer system which could reduce the air flow needing treatment by 60% and save substantial energy. They felt relatively confident that they could meet a 0.45 standard with this approach at a cost of about \$1,100,000. They indicated they would like until June 30, 1983 to complete the project.

Timber Products testified that they still believe the .35 rule is unachievable and that they would propose changing the rule to .50. They indicated they were reviewing proposals from two other equipment manufacturers but they did not offer a final compliance date for their proposed rule change. Subsequently, Timber Products has informally indicated they are seriously considering the approach of complete dryer modernization.

Evaluation

The Medco rule change request generally appears acceptable to all parties concerned. The process and product is substantially different from the other two plants and therefore appears to warrant a different rule. It would not allow any more particulate emissions on a plant site basis than allowed by the existing Department rules and permit limits. The requested rule change would have no effect on the old particulate strategy nor the new strategy now being developed. Medco is currently meeting the limits of the proposed rule. It therefore appears to be reasonable and prudent to make this rule change.

Down River, and now presumably Timber Products, desire to modernize their dryer systems. This is a laudable approach to possibly not only make it cheaper and easier to control emissions but also to save substantial energy and possibly improve production capability.

The Department's views on control equipment capability for the two plants have been enlightened, primarily from contacts with equipment manufacturers directly and review of existing information. Clearly a two stage ESP has demonstrated that a .35 emission level can be achieved. The solution to water treatment problems associated with a full scale system are not clear but with a possible 60% reduction in air flow through the modernized dryers, the amount of waste water could be substantially reduced making this problem somewhat less difficult or at least less expensive to deal with.

In reviewing technical data on a scrubber/mist-eliminator system guaranteed at .40 for Timber Products, it was found that the guarantee was based on not only controlling dryer emissions but also incinerator emissions which would contribute 33% of the total system air flow. Estimation of equipment performance without the incinerator emissions included with the dryer emissions has been projected by the Department to be less than the .35 standard.

Two other control systems are also being considered for particle board dryer control by the companies. These systems, a sand filter and an ionizing wet scrubber, have both reached high efficiencies when applied to veneer dryers; and if designed to have a higher collection efficiency, appear to be likely candidates for achieving the .35 rule. In addition, dryer modernizations being considered are likely to reduce the emission potential of the dryer thereby making control equipment possibly function even more efficiently than previously thought.

Alternatives

The alternatives identified for the two particle board plants include:

1. Changing the rule to either .45 or .50 as requested by the companies, and allowing until June 30, 1983 for compliance;
2. Changing the rule to .40;
3. Keeping the rule at .35;
4. Requiring compliance with 2 or 3 by Nov. 1, 1981, or Nov. 1, 1982 or June 30, 1983.

Alternative 1 or 2 would place an additional burden on local sources to clean up the airshed. The difference between .5 and .35 would be about 18 tons/year and equate to the weatherization of about 300 homes with wood heating or 2.8% of the area's wood heated homes.

Alternative 2 would be the most defensible since a guarantee to meet this level has been submitted by a control manufacturer.

Alternative 3 appears achievable based on pilot testing and projections of existing control equipment performance. Meeting this limit is much less likely to place an overwhelming economic burden on the companies as a result of the dryer modernizations being considered by the companies. Should efforts fall slightly short of meeting the .35 standard, the Department's proposed new plant site emission limit rule (340-20-315) would allow bubbling at the plant site, thereby offering some opportunity to offset the shortfall by reducing emissions elsewhere in the plant.

In consideration of the serious particulate air quality problems in the Medford airshed, and the fact that particle dryers are the most significant industrial source still needing control, the Department believes that this control should be accomplished as expeditiously as possible. It is believed that controls could be installed no later than Nov. 1, 1982 which would give some relief to the airshed before the peak winter pollution problem period and still allow the dryer modifications to be incorporated. Compliance by Nov. 1, 1981, may be possible but it probably would preclude the very worthy dryer modernization approach.

Summation

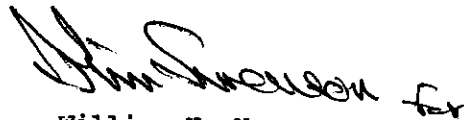
1. Three particle board plants in the Medford area have not met the January 1, 1981, compliance date for the .35 pounds/1000 sq.ft. rule adopted by the EQC in April, 1978.
2. A hearing was held on Feb. 19, 1981, in Medford to consider changes to the Department's particle board dryer rules.
3. Medco claims their process is different than the other two particle board plants and requests a rule change to 0.25 lb./1000 sq.ft. 1/8" basis, for the overall plant-site. This limit has been verified to maintain the same stringent level of control on a plant site basis as required by the .35 dryer rule and Department permit conditions.
4. Medco is presently meeting the limits of their proposed rule and no testimony was received at the public hearing against making the requested rule change.
5. Down River and Timber Products have requested that the dryer rule be changed to .45 and .50 respectively based on their belief that the present rule is not achievable. Down River requested until June 30, 1983 to comply while Timber Products has not requested a specific compliance date.
6. Department information indicates that 1) a pilot wet electrostatic precipitator has met the present .35 limit, 2) a scrubber/mist-eliminator system was guaranteed to meet .4 while controlling incinerator and dryer emission and it appears it can meet the .35 limit while controlling the dryers only, 3) highly efficient and successful sand filters and ionizing wet scrubber have performed very well on veneer dryers, and their efficiency can be increased through design modifications which make them appear capable of meeting the .35 limit for particle dryers.

7. Dryer modernizations contemplated by Down River and Timber Products could reduce air flow needing control by 60% thereby substantially reducing the water treatment problems and control equipment costs associated with the most promising control devices.
8. Most testimony, including unanimous resolutions by the Jackson County Board of Commissioners and Medford City Council favored the Medco rule change and favor keeping the .35 rule for Down River and Timber Products.
9. Should the company's efforts fall short of the .35 standard a proposed Department Bubble rule might give them flexibility to substitute more stringent control on other sources at the plant site.
10. A reasonable time to require compliance would be November 1, 1982. This would allow some time to consider and design dryer modifications but still obtain control before the 1982 winter high pollution period.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission adopt the following rule changes as presented in Attachment 1) and summarized as follows:

- a) Change the 340-30-030 rule to apply only to Particleboard Plants, but retain the 0.35 lb. per 1000 sq.ft. standard.
- b) Adopt a new rule 340-30-031 for hard board manufacturing plants.
- c) Change the 340-30-045 rule, to adjust the dates, so that particleboard dryers must meet a .35 standard by November 1, 1982.
- d) Direct the Department to submit these rule changes to the Environmental Protection Agency as amendments to Oregon's State Implementation Plan.


William H. Young

- Attachments
- 1) Proposed Rule 340-30 Changes
 - 2) Hearing Officer's Report
 - 3) Statement of Need

J.F. Kowalczyk:in
229-6459
April 2, 1981
AI944

PROPOSED CHANGES TO THE SPECIAL RULES FOR
THE MEDFORD-ASHLAND AQMA AS A RESULT OF PETITIONS FOR CHANGES

DEFINITIONS

340-30-010

26 "Hardboard" means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhesive properties under pressure.

27 "Particleboard" means matformed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binders.

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 particleboard plant site to exceed 0.35 pounds per 1,000 square feet of board produced by the plant on a 3/4" basis of finished product equivalent as an annual average.

Hardboard Manufacturing Plants

340-30-031

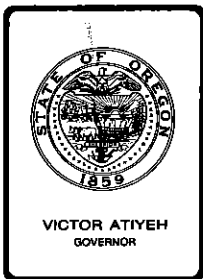
No person shall cause or permit the total emissions of particulate matter from all facilities at a hardboard plant to exceed 0.25 pounds per 1,000 square feet of hardboard produced on a 1/8" basis of finished product equivalent as an annual average.

340-30-045

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

| <u>Rule</u> <u>340-30</u> <u>Section</u> | <u>Submit</u> <u>Plans to</u> <u>the Dept.</u> | <u>Place</u> <u>Purchase</u> <u>Orders</u> | <u>Begin</u> <u>Construction</u> | <u>Complete</u> <u>Construction</u> | <u>Demonstrate</u> <u>Compliance</u> |
|--|--|--|-------------------------------------|--|---|
| -015 Woodwaste boilers | 1/1/79 | 3/1/79 | 6/1/79 | 11/1/79 | 1/1/80 |
| -020 Veneer Dryers | 1/1/79 | 3/1/79 | 6/1/79 | 11/1/79 | 1/1/80 |
| -025 Air Conveying Systems | 3/15/80 | 5/15/80 | 9/1/80 | 12/1/80 | 1/1/81 |
| -030 Particle Dryers | <u>7/1/81</u> [1/1/80] | <u>8/1/81</u> [2/1/80] | <u>12/15/81</u> [9/1/80] | <u>7/1/82</u> [12/1/80] | <u>11/1/82</u> [1/1/81] |
| -035 Wigwam Burners | 1/1/79 | 3/1/79 | 6/1/79 | 11/1/79 | 1/1/80 |
| -040 (1) Charcoal Producing Plants | 1/1/80 | 3/1/80 | 9/1/80 | 7/1/81 | 1/1/82 |

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



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Linda K. Zucker ^{KZ} Hearings Officer

Subject: Public Testimony on Proposed Amendment to Wood Particle Dryer Rules for the Medford-White City Area — OAR 340-30-030 and 340-30-045.

Procedures

Pursuant to public notice, a hearing was convened at Medford City Hall at 9:00 a.m. on February 19, 1981. Testimony was taken and the hearing record was left open for further written testimony until March 23, 1981.

Summary of Testimony

The Applicants, Down River Forest Products Inc. and Timber Products Co., provided extensive oral and written testimony in support of the requested rule amendments. The testimony included background material concerning product and process development, history of previous efforts and expenditures to meet environmental standards, comparison between the "state of the art" in emission controls and the regulatory standard, and economic impact of strict enforcement of the Commission's present rules.

Medford Corporation's testimony was geared to distinguishing between the process involved in the manufacture of hardboard and particleboard and the difference between the type of particulate emitted by each process. These differences, it believes, warrant separate control strategies.

Testimony was provided by many affected individuals and groups.

Tim J. Horn, a retired millright, expressed concern about lung damage to people living and working downwind of the particleboard plants because the plants' particulate emissions are especially difficult to extrude from lungs and nasal passages. He recommended use of scrubbers and electrostatic precipitators as methods of eliminating particulate from the atmosphere. Written testimony available.

Bob Harkness, a member of the Rogue Group Sierra Club, favors retention of the present control standards because health concerns outweigh economic considerations. He would allow an extension on compliance with current emissions limits until June 1, 1981, provided that plant operation would be halted when health conditions dictated a shut-down.

Michael Hicks, President of Local 3-6 of the International Wood Workers of America, urges the Commission to balance expected improvements to air quality against the costs of controls, noting the \$926,683 environmental control expenditures previously made at the Timber Products facility. He is concerned that the cost of future control not force a termination of plant operation. He is concerned, too, about achieving a sensible balance between individual and industry pollution control efforts. Written testimony available.

Ray Driskel, supports easing of the control standard until safe, more effective control technology becomes available. Written testimony available.

Stephen C. Bates, opposes any reduction in allowable emission levels. He believes his personal health to have been affected by the deleterious local environment.

Albert Teitelbaum, who served as chairman of a local air quality advisory committee, opposes reduction of the air quality rules for wood particles dryers. He believes that economic considerations pale by comparison with the health problems caused by 2,170,000 pounds of pollutants he contends were released by the applicants in 1980. Written testimony available.

Patricia P. Kuhn, a member of the Medford-Ashland Air Quality Advisory Committee, opposes any relaxation of emission standards. She reminds the Commission that the advisory board was one of the groups encouraged to participate in development of the present rule. It was a balanced group which deliberated extensively before providing the recommendations which were considered in adopting the present rule. She stated:

"Jackson County air quality continues to deteriorate and the borderline industries crying 'economic hardship' continue to pollute. The residents of this inversion plagued valley continue also to experience economic hardships due to deteriorating health and excessive illness due to system overload by pollutants."

Written testimony available.

Helen Thomas, a retired health sciences teacher, recognizes the complex nature of the local air quality problems and acknowledges that retention of the present standard would cause some economic hardship. Nonetheless, she opposes any increase in particulate emission by Down River or Timber Products because of the severe threat to human health, but would extend the compliance deadline to no later than December 31, 1981.

Miss Thomas deems it reasonable to adopt a separate rule for fiberboard plants such as Medco's, but believes that increased control of large particle fallout is appropriate. Written testimony available.

John Smith, testified for the Southern Oregon Timber Industries Association. The Association supports Medco's petition as more accurately reflecting the regulatory goal. The particleboard issue is seen as more

complex, but the Commission is asked to note that no manufacturer of pollution abatement equipment is willing to provide assurances that the present standard can be met. This suggests that the rule is "technology forcing." Further extensive economic outlay may not be warranted in light of this risk. Written testimony available.

Nancy Mauger of Ashland supports the current standard.

Diane Lieberman supports the present standards because she believes that economic considerations are outweighed by the risks to human health.

Vera Morrell, Vice President of the Rogue Valley League of Women Voters, advises that the League has long held a strong position in support of rigorous air quality standards. The League believes it is difficult to ask individuals to reduce woodstove use, limit automobile use, and accept vehicle emission testing when industry is not functioning under best available technology.

Agriculture and tourism also contribute to the Rogue Valley economy. The area is expanding as a health and retirement center. Any relaxation of the air quality standards might exhaust the valley's growth potential. Written testimony available.

Debra K. McFadden served as Vice Chairman of the Medford-Ashland Air Quality Advisory Committee. After considerable discussion by the participants, including a knowledgeable and vocal representative from the timber industry who provided insight into the industry's unique problems, the present emission standard was recommended. Recent high particulate levels and concomitant increase of respiratory illness in children, argue against relaxation of the present standard. Written testimony available.

Nancy Clark, an area resident, points out that the quality of life has improved over the last 20 years. Her family is quite healthy. She does not believe that the timber industry should be singled out for rigorous air pollution control. An alternative is to reduce downtown automobile traffic.

A.E. Graham, a long-time area resident, lives across the street from the Timber Products facility. He opposes any increase in emission levels. While he believes that smoke and sawdust emissions have improved over time, he believes that emission of fine sanderdust and wood particulate has increased.

Diane Newell Meyer, an air quality advisory committee member, is concerned about the health effects of the emissions and opposes any action tending to degrade air quality.

William H. Yocum supports all attempts to improve the livability of the Rogue Valley by improving air quality.

Mark Kounz, writing for himself and 32 other "blue collar" employees of Timber Products Co., cites the company's previous investment of almost a million dollars for air pollution control equipment.

When many local mills were shut down during the 1980 Christmas holidays, Medford still experienced air pollution alerts. There are other substantial causes of air pollution. He believes that responsible evaluation of the petitions will consider the financial integrity of the mill workers families. Written testimony available.

David E. Erion opposes extension of compliance deadlines without a firm plan to meet the present standards. It is unfair to ask area residents, including the elderly and infirm, to curtail burning wood for home heat, while reducing the emission levels by which industry must abide. Written testimony available.

Shirley and Frank Duarte oppose any increase in emission levels for Timber Products because the facility is located two blocks from an elementary school and the fallout on neighboring property is presently intolerable.

P. Ashton writes:

"...[T]his valley has just gone through the worst month of carbon monoxide and particulant concentration we have ever had. As a result schools were closed, the airport was shut down and businesses were affected because people could not move about because of the fog caused by the emissions. I respectfully request that no further variances be granted.

The cost to people suffering from respiratory difficulties, heart conditions, as well as the costs to schools and businesses, must be considered.

The arguments presented by the mills is a very small argument compared to the hardships imposed on all the people of the valley."

The Jackson County Board of Commissioners believe that the severity of the air pollution problem requires an aggressive pollution control program and asks that: 1) the existing emission level for particle dryers be maintained; 2) the compliance deadline be extended to January 1, 1982, and 3) a specific rule for medium density fiberboard plants be adopted.

"Adoption of the proposals of Timber Products and Down River will make it necessary to secure additional emission reductions from other sources with emissions similar to those from particle dryers. Examples of sources with similar emissions are hogged fuel boilers, veneer dryers, open burning, and wood stoves. Since industry and individuals will shortly be asked to endorse and implement additional particulate control rules, the request by Timber Products and Down River to relax their rule is inappropriate. In addition, it is generally more cost-effective to regulate large single sources of particulate pollution, such as particle dryers, rather than regulating thousands of smaller sources such as wood stoves.

The costs being cited by industry in their petitions for compliance with the existing rule are in the same range as those considered by our Air Quality Advisory Committee and by DEQ when the rule was adopted in 1978. Additionally, the rule was adopted partially as a means of stimulating the development of technology as well as reducing particulate emissions. To say that the rule should be relaxed because the technology does not exist, would appear to be a reversal of policy. We feel that additional time to allow the industries to continue their efforts toward compliance would be a wiser choice."

Written testimony available.

Members of the Medford City Council are concerned about the apparent relationship between periods of heavy fog, air stagnation and high particulate levels, and increases in respiratory illness in children and others.

The Council stated:

"Our first concern is health related. Although not founded on hard local medical data, there appears to be a strong relationship between periods of heavy fog, air stagnation and high particulate levels, such as experienced during December, 1980, and increases in respiratory illness in children, and perhaps other citizens in the area.

Our second concern is the possible EPA actions that would seriously affect the economic viability of the entire AQMA if the primary ambient air standards for TSP are not attained by December 31, 1982.

Thirdly, it is not feasible to change the existing rules at this time because of the upcoming TSP abatement strategy review required by the Department to be completed by July 1, 1981."

Written testimony available.

The Oregon Lung Association supports any measures which will accomplish substantial reductions in particulate emissions in order to protect the public health. Particulate emissions in the air in excess of the health standard create a hazard both by contributing to the creation of unhealthful conditions such as fog and smog and by causing adverse health effects in and of themselves. These cause irritation to the respiratory system and undesirable immediate and longterm health problems. Written testimony available.

The foregoing written testimony is too voluminous to copy. It is available for review at the DEQ headquarters office, 522 S. W. Fifth Avenue, Portland, Oregon.

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.

Principal 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
Testimony from February 19, 1981, Hearing in Medford

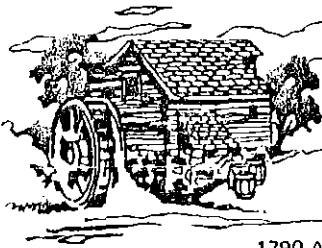
Fiscal Impact Statement

This rule could have significant fiscal impact on the particleboard industry in Medford.

PBB:n
AD46.B

Testimony Attached to Copies for EQC Members

1. Down River
2. Timber Products
3. Medco
4. City of Medford Council, 2/17/81
5. Board of Jackson County commissioners, 2/26/81
6. Oregon Lung Association, 2/19/81
7. Mr. and Mrs. Duarte, 2/18/81
8. David Erion, 2/18/81
9. 33 workers at Timber Products, 2/20/81
10. Vera Morrell, 2/19/81
11. Tim J. Horn, 2/19/81
12. SOTIA, 2/19/81
13. Ray Driskell, 2/26/81
14. Woodworkers Union, 2/19/81
15. Dedra McFadden, 2/19/81
16. Helen Thomas
17. William Yocum, 1/25/81
18. Al Teitelbaum



Down River
FOREST PRODUCTS INC.

1790 AVENUE G • WHITE CITY, OREGON 97501 • 503/826-7770

Copy to [unclear] 7/23/80 [unclear]

March 31, 1981

Mr. Gary Grimes
Regional Manager
Department of Environmental Quality
Southwest Region
201 West Main, Suite 2-D
Medford, Oregon 97501

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
APR 3 1981

AIR QUALITY CONTROL

RE: Revision Request of OAR 340-30-030
ACDP No. 15-0027

Dear Mr. Grimes:

Thank you for your letter of March 17, advising us of the probable staff report concerning our request for a revision of particulate dryer emission standards.

In our letter of February 23 to Linda Zucker, we submitted additional information related to proposed equipment and our expected attainable minimum result level of 0.45. At the present time there is no known equipment or scheduled improvements in equipment which will accomplish the 0.35 standard at the Down River White City Plant.

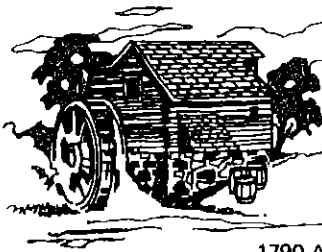
The Wet Electrostatic Precipitator if applied to our existing dryers will not obtain the presently required standard of 0.35 and would create additional water pollution problems with regard to the clarification and disposal of the water used to trap the particulates. Recognizing that attainment of the present rule is "technology forcing", we feel that any proposed compliance schedule is inconceivable due to the time structures needed for further testing and searching for equipment, if any, that could meet the 0.35 standard. However, if the rule is modified to 0.45 we then could proceed with plans for complete revamping of our dryer systems as previously proposed. Due to the magnitude of this type of project, we must have the extended time schedule we requested in our letter to Linda Zucker on February 23, 1981.

Again, we appreciate the opportunity to present additional information to you and the Air Quality Division staff.

Sincerely,

Oliver Gee
Vice President & General Mgr.

00711



Down River
FOREST PRODUCTS INC.

1790 AVENUE G • WHITE CITY, OREGON 97501 • 503/826-7770

February 23, 1981

Department of Environmental Quality
522 S.W. 5th Avenue, P.O. Box 1760
Portland- OR 97207

TO: Hearings Officer, Linda K. Zucker
FROM: Oliver Gee, V.P., General Manager, Down River Forest Products
SUBJECT: Proposed Dryer Rule Change 340-30-030

Dear Ms. Zucker:

This will follow up our recent testimony at the public hearing on the proposed rule change 340-30-030 and supplement the written report we submitted to you at that time.

We addressed the extensive test we joined with Timber Products to evaluate a Mikropul wet ESP. The test did prove to be unsatisfactory in meeting the 0.35 standard, which precludes it from being a practical solution to the problem. However, in addition, it might be well to point out that the Mikropul system creates another problem which was not ever addressed. This is, the fact that wet electrostatic precipitators, especially one the size needed for our dryer systems, require a high volume of water that must be clarified before re-use or disposal. After research in this area, we feel that a clarification system to accommodate the wet ESP would be questionable economically, as well as, performance wise.

It's important to assess the real effect of a rule change from 0.35 to 0.45 which we are requesting. If the 0.35 rule is maintained, Down River emission from the dryer stacks would be reduced by 88.2%. If the rule is changed to 0.45, we would still reduce our emissions by 84.8% - obviously still a very significant reduction, and not that much different from the 0.35 standard.

Putting this same point in another perspective, it has been stated that implementations of the 0.35 standard would reduce 33% of the total particulate emissions in the AQMA by about 91%. (Noted in DEQ summary submitted to Hearing Officer 2/19/81.) A change of 0.45 of the standard would still reduce 33% of the emissions in the AQMA by 89.2%, which again is still a very significant reduction from the current point.

At the hearing we defined the system we proposed to implement. For further clarifications, refer to attached exhibits of the specific type of equipment proposed. We feel this equipment will enable us to meet a 0.45 standard.

Finally, we shall address the time frame necessary to implement the system we propose. This is obviously most difficult to determine without having the final plans and specifications developed by our engineers, but these plans and specifications cannot be detailed and finalized until we know the rule. That is to say, if the rule is not changed, we would continue testing and searching for solutions and equipment to meet the 0.35 standard, but there is no assurance that this search would be successful, and our present information is that this standard cannot be attained.

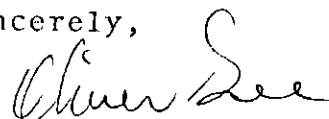
Necessarily, then, it follows that we must know what standard we will be required to achieve before we can establish a time frame for compliance.

Assuming that the rule is modified to require the attainable standard of 0.45, and recognizing that without plans and specifications setting forth a practical application of the equipment installed in the production line of our particular plant, it is not possible to establish an absolutely firm final compliance schedule, we believe the following time frame would be reasonably possible to achieve, and we shall make a good faith effort to do so:

| <u>Event</u> | <u>Date</u> |
|---|-------------------|
| Rule Change to 0.45 Effective | June 1, 1981 |
| Completion of Plans & Specifications for Equipment | Dec. 31, 1981 |
| Submission of Plan & Approval by DEQ | March 1, 1982 |
| Submission of Plans & Specifications to Prospective Suppliers & Issuance of Purchase Orders | May 31, 1982 |
| Initiate Construction on Site | December 31, 1982 |
| Complete Construction | April 30, 1983 |
| Source Tests & Compliance | June 30, 1983 |

We appreciate your consideration of our request on the proposed rule change, and will be available to answer any questions you may have.

Sincerely,



Oliver Gee
V.P. & General Manager

Enc.
OG/1n

PROPOSED EQUIPMENT

- Exhibit 1. Thompson Dryer
- Exhibit 2. Coen Sanderdust Burner
- Exhibit 3. Electrocone Test Site
- Exhibits 4 & 5 Electrocone
- Exhibit 6. Sand Air Filter

Thompson Dryer

Low velocity design, efficient cyclone separation and exhaust gas recycling result in clean operation.

Controls for constant gas flow velocity provide consistent performance.

Exhaust gas recycling reduces O₂ content in dryer, prevents fires. Recycling provides constant gas flow velocity through the drum for uniform drying.

Waste heat from boiler stack.*
*Systems available for either waste-heat or direct-fired applications.

Rader high-efficiency cyclones with proven Rader rotary airlock on material discharge. Only fine particles are conveyed, increasing wear life of piping, elbows, cyclones and airlock.

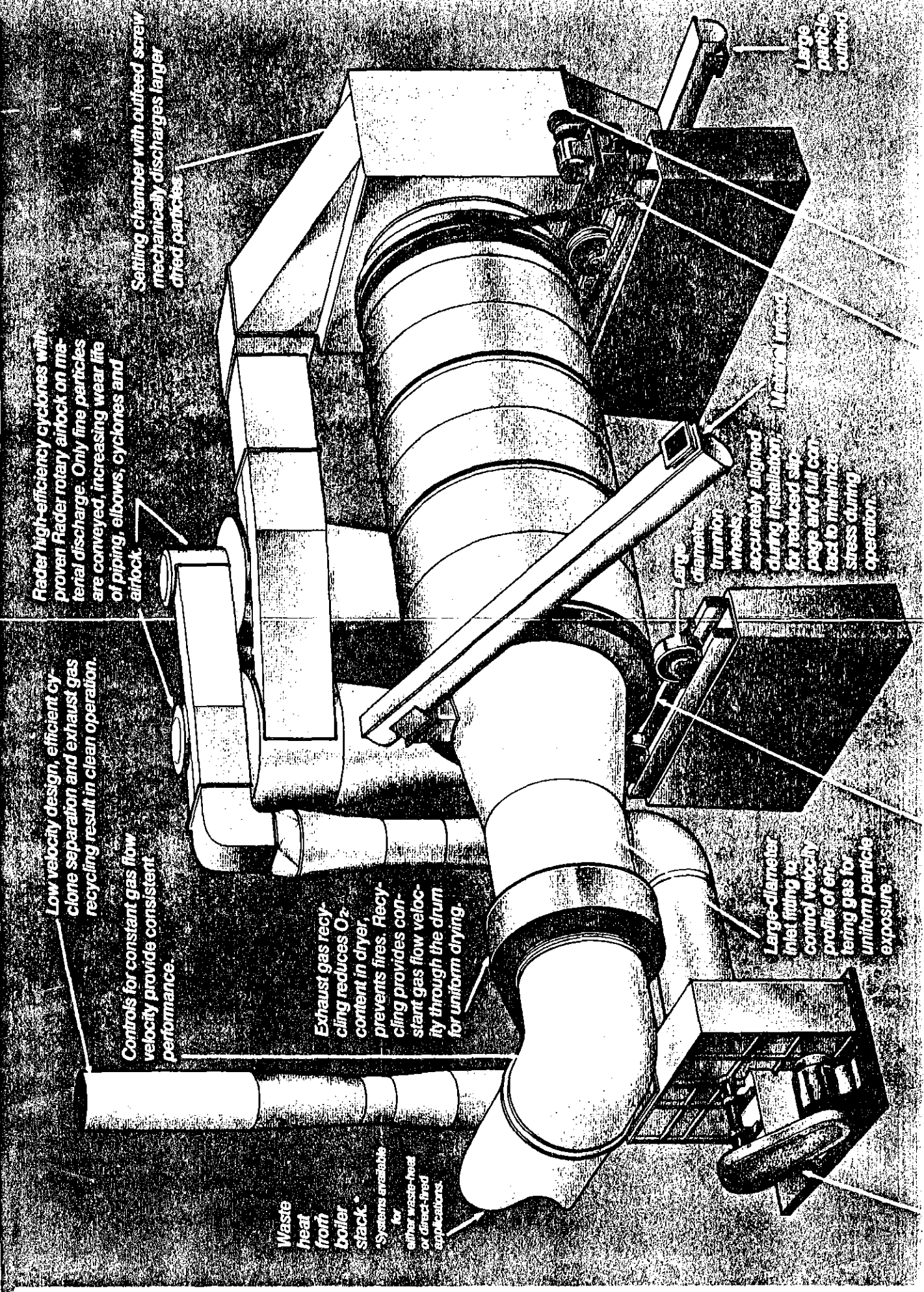
Settling chamber with outfeed screw mechanically discharges larger dried particles.

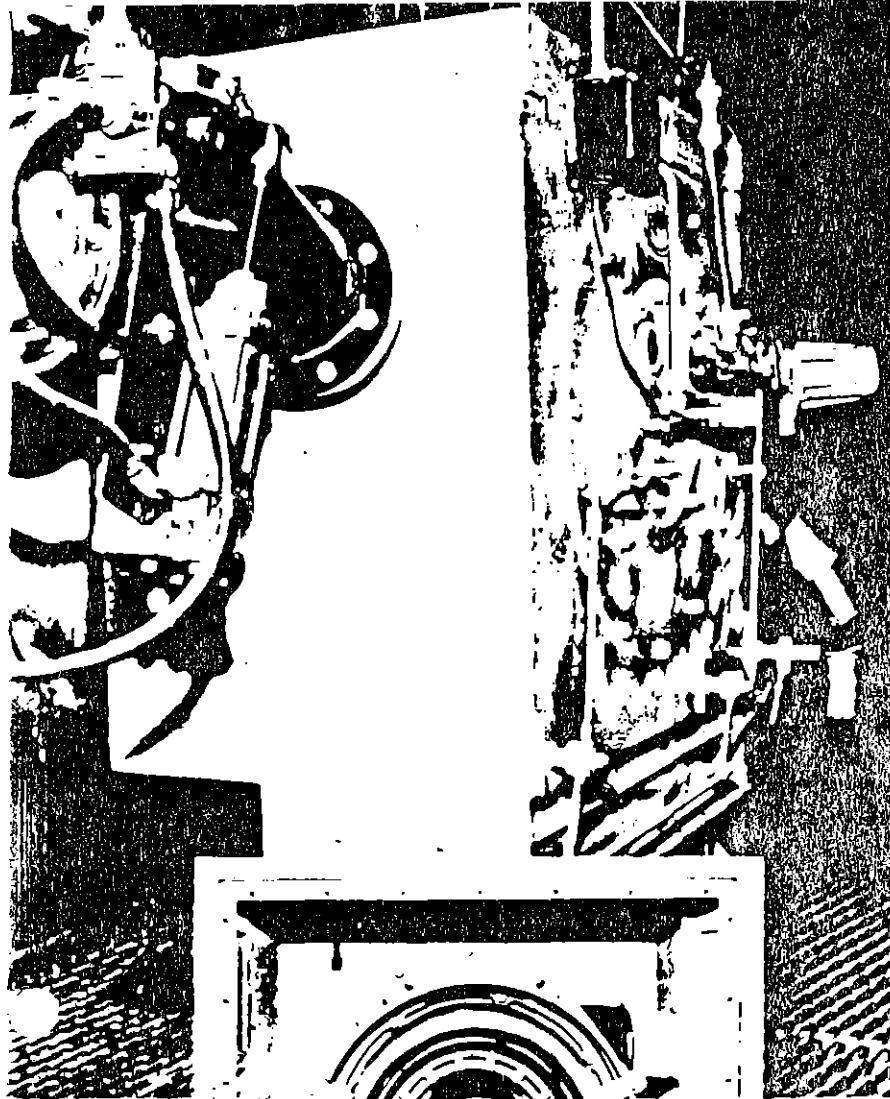
Large diameter trunnion wheels accurately aligned during installation for reduced slippage and full contact to minimize stress during operation.

Large-diameter inlet fitting to control velocity profile of entering gas for uniform particle exposure.

Manual feed

Large particle outfeed





COEN DAZ

SCROLL FEED BURNER



Firing with air conveyed solid fines or with low BTU gases always presents combustion difficulties, and these problems are greatly accentuated when the materials are to be burned in a water wall packaged boiler in which there is little or no hot refractory to sustain combustion. Coen has solved this problem with the introduction of the exclusive DAZ Scroll Feed Burner.

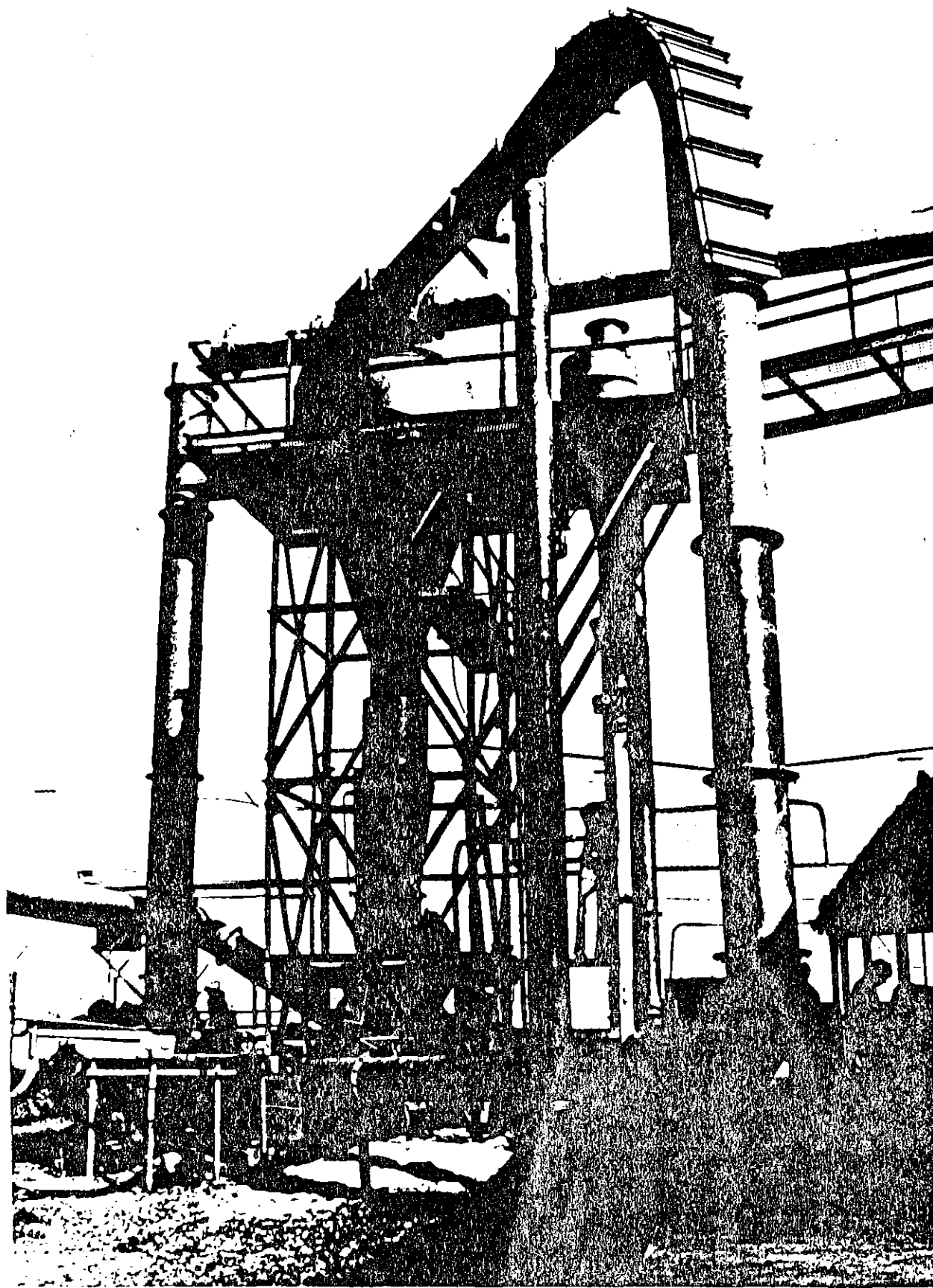
The well known Coen DAZ register burner, modified by the addition of an interzone scroll feed, has proved in operation to be a remarkably effective method of burning these problem fuels.

The DAZ, which stands for "Dual Air Zone", is actually two registers in one, with concentric louvers which in effect divide the air stream into two counter-rotating concentric streams. As these air streams scrub against each other, they provide turbulent mixing action without the net rotative effect found in single louver registers. The result is a compact flame pattern which is very advantageous in many boiler applications.

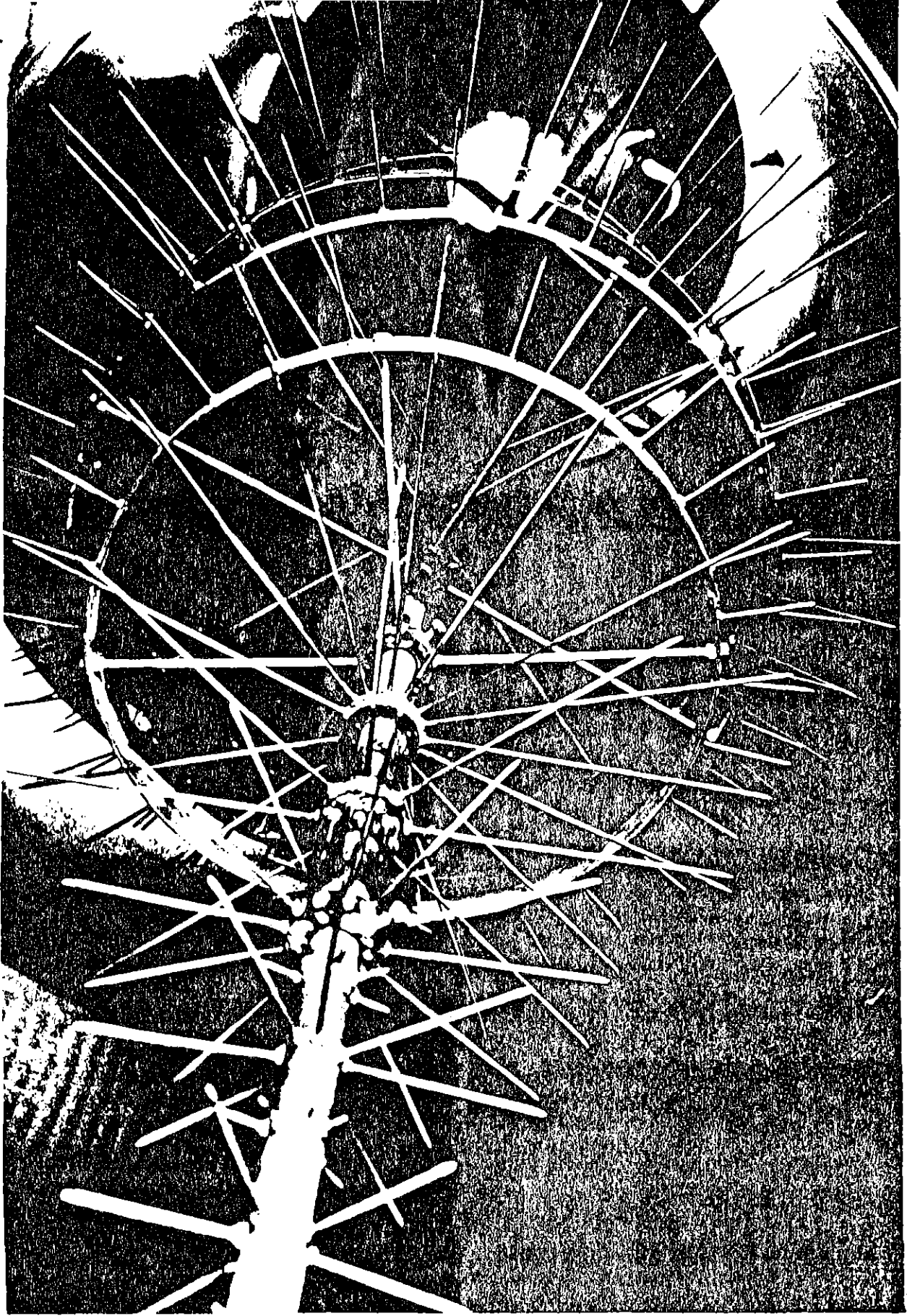
However, it is the unique method of introduction of the air conveyed fuel that is primarily responsible for the highly successful operation of the Coen DAZ

Scroll Feed Burner. Realizing that the area of maximum turbulence and mixing is the interface between the two air streams, Coen engineers have developed a method of introducing the solid fines or low BTU gases directly into this area. The feed scroll on the burner is located and designed so as to feed the fuel uniformly into an annulus between the two air streams. The fuel, entering at low velocity, is scrubbed and thoroughly mixed with air in this zone. Combustion originates well back in the throat of the burner, thus maintaining a hot refractory throat, which in turn radiates back into the flame body and provides additional flame stabilization.

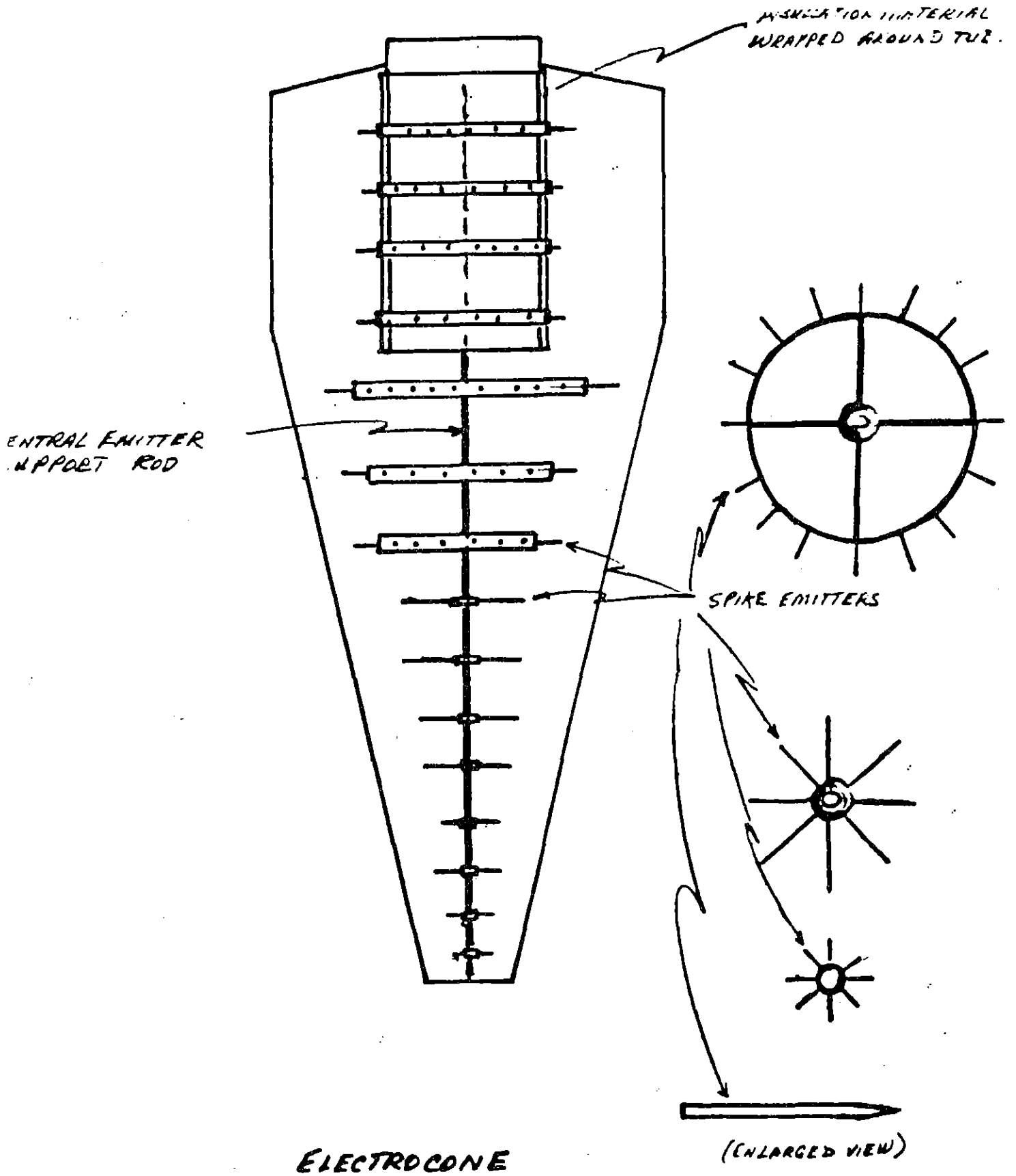
With the combination of the exclusive DAZ Register and the unique annular feed, stable, complete combustion is maintained with these difficult fuels and air conveyed solids are actually burned in suspension. This flame stability and completeness of combustion is even possible when the Scroll Feed Burner is used on a full water wall packaged boiler. No other burner is capable of matching this performance.



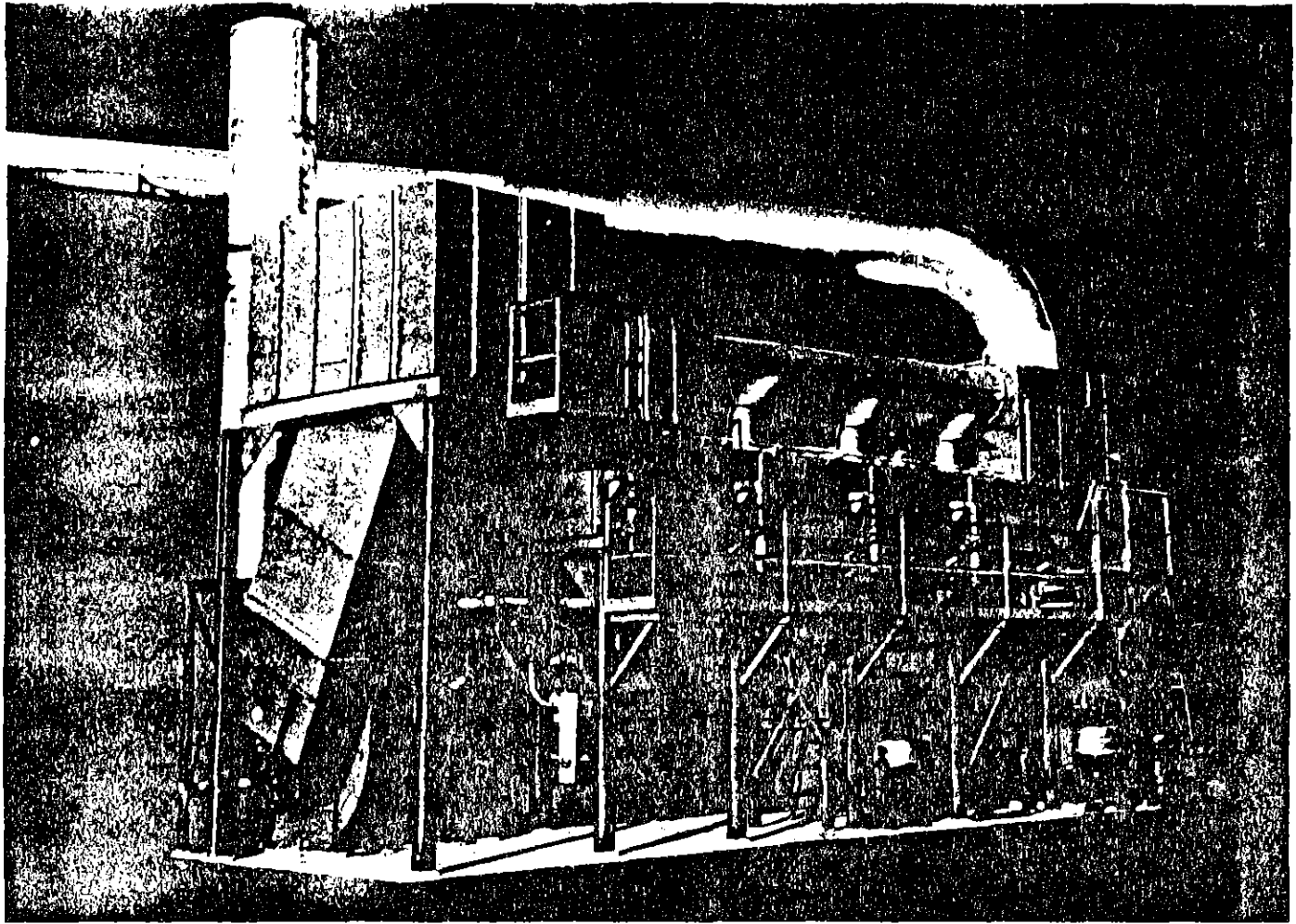
*Electrocution Test Site
Portland, Or.*



Inside View ElectroCove



Rader



An economical and proven air filtering system for blue haze, odor and other condensible hydrocarbons.

- Meets air quality standards: EPA, regional and local.
- Simple principle—no moving parts.
- Continuous operation—no process shutdown.
- Low operating cost—low maintenance.
- Little attention required.
- Opacity attained: 0-5%
- Flexible: Can be tuned to meet higher future requirements.
- Minimum water make-up.
- Easy disposal of solids concentrate.

The new patented Rader SandAir Filter was designed to meet all E.P.A. emission requirements on condensible hydrocarbons and agglomerates found in veneer dryer blue haze and other difficult exhaust streams. In operation it performs as designed. It is basically a simple system that is dependable and economical to operate and maintain.

PUBLIC HEARING
FOR
PROPOSED RULE CHANGE
340-30-030
February 19, 1981

Down River Forest Products, Inc.
1790 Avenue G
White City, Oregon 97503

In February, 1977, Down River Forest Products purchased the White City particleboard plant from Permaneer Corporation. The plant had been closed for a couple of years with the company in receivership until Down River salvaged it and ultimately put 130 people back to work. This amounts to an annual payroll of \$2 million in the valley. In the process the plant was expanded to include a very modern and efficient laminating line. We feel that we contribute to the valley and its economy and are happy to be in a position to do so.

All of the basic raw materials we use to produce particleboard are purchased within a 150 mile radius of the plant site, thus supporting the surrounding economy. In addition, since 86% of our raw material is wood in the form of shavings and sawdust, we produce a market for what otherwise would be a waste product, very difficult to dispose of.

EMISSION CONTROLS AND COSTS

Since Down River purchased the White City plant 4 years ago, we have demonstrated a consistent attempt to reduce air pollution, working cooperatively with the D.E.Q. to achieve these results. In the past four years we have accomplished the following control measures:

| | | |
|---------|---|--------------|
| 5/12/77 | - Baghouse for control of dry milling cyclones (sources #7 & #8) | \$ 47,038.00 |
| 2/28/78 | - Baghouse and air relay to control sander dust (source #14) | 203,586.00 |
| 2/28/78 | - Baghouse for plant clean-up to control sawdust (source #13) | 55,000.00 |
| 12/1/78 | - Baghouse for dryer feed cyclone (source #3) | 42,000.00 |
| 3/1/79 | - Eliminate supplement dryer feed (source #4) | 2,200.00 |

| | |
|--|-------------------|
| 8/1/79 - Repair drag chain cyclones (sources #1 and #2) | 7,000.00 |
| 8/15/79 - Installation of emission control cyclone (source #17) | 786.00 |
| 8/19/80 - Baghouse control for forming station systems (#9 & #11) | <u>108,000.00</u> |
| 3 Year Total: | \$465,610.00 |

We have made significant investments in the plant and in the community and are continuing to do so in a very difficult economy. Even in this period, we have not laid off any employees permanently. The corporation has made the policy decision to remain here. This assumes that it is possible to meet the requirements of the state since it is critical that we be in a position to compete in the national market place.

THE PROBLEM

Down River Forest Products was issued an Air Contaminant Discharge Permit (Number 15-0027) to operate the White City plant under certain set provisions. All of the performance standards and emission limits were met as scheduled up until January 1, 1981. On this date Down River Forest Products was to have controlled particulate emission from all wood particle dryers to an annual average of 0.35 pounds per 1,000 sq/ft of board produced on a 3/4" basis.

In a rigorous effort to meet this last requirement, Down River Forest Products combined research forces with Timber Products on a \$20,000 pilot test through Mikropul Company. During the week of October 29 through November 2, 1979, a series of particulate tests were performed on a Mikropul Wet Electostatic Precipitator pilot unit installed to treat a portion of the exhaust from a tube-type wood fiber dryer at Timber Products. Heat for the dryer system was provided by a sanderdust burning combustion unit. A total of ten pair of tests were obtained by simultaneously sampling both inlet and exhaust stacks from the pilot scrubber unit. All samples were processed for quantitation of combustion particulate and for organic components. Mass emissions from inlet and exhaust stacks were calculated and collection efficiency values computed. Inlet flow rates from 870 to 3860 acfm were tested. Five pairs of tests were performed with both precipitator sections energized and five pairs with only the first precipitator section energized. The results of the Pilot test indicated that the standard of 0.35 pounds per 1,000 board feet could not be met.

Therefore, other means of emission control were looked into.

Several different companies had a type of sand filter or wet scrubber, and it was felt at this point that these two alternatives would offer the best chance to meet the 0.35 standard. As such, we contacted six different companies who manufacture one of these types of emission control devices. These companies were Fuller, Neptune-Airfal, Taylor, T.D.C., Rader, and Ceilcote. In each case they assured us that they could not produce equipment that could control emissions to the present 0.35 standard.

SOLUTION & CONCLUSION

In the process of this review, several companies 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.

In this system we intend to replace the two existing Butner dryers with one Thompson Rotary single pass dryer. This dryer would have the capability to increase our present drying capacity while eliminating the need for two dryers. Also, due to drying effects achieved at reduced temperatures, low air velocity and settling chamber, we can expect an improved emission rate up to one-third less than our present level. To compliment this dryer a sander dust burner would direct fire with efficiency rates two times better than accomplished with the present Peabody furnace, thereby, reducing the Natural amount of the valley energy. The dust burner would utilize the loop method in which 50% of the exhaust gases and warm air are pulled back into the heat chamber and recycled. This air is low in oxygen and wet, thus, it is a safety feature against dryer fires. In the area of emission control the most important factor in this system is the amount of air required to operate the dryer. At present we are venting 104,969 A.C.F.M. into the atmosphere which must be controlled. In the above system we will only vent 40,000 A.C.F.M. at maximum. Now that we have 40,000 A.C.F.M., we have approached minimum particulate emission levels as related to machinery capabilities and production

requirements. Control devices are next, in which we add a new concept called an electrocone. In any air system a cyclone is used to separate the material being moved from the air, at which time small particulates are trapped in the vortex, or air flow, and are blown into the atmosphere. We plan to pass this 40,000 A.C.F.M. air mass through a cyclone that is equipped with a high voltage, low current power supply, and a device that is installed in the center of the separation unit. What occurs, is an electrostatic force that pulls the finer particulates to the outer perimeter of the cyclone walls resulting in better separation and cleaner air emissions. Finally, we would add a control device such as a sand-air filter to further reduce emissions.

With this approach, and the application of control equipment designed for this system, Down River and its equipment suppliers are reasonably certain that our emission levels can be reduced to 0.45 pounds per 1,000 sq/ft at an approximate cost of \$1,100,000.

As a result, Down River Forest Products request that OAR340-30-030 be changed to state:

No person shall cause or permit the total emission of particulate matter from all wood particle dryers at a particleboard plant site to exceed 0.45 pounds per 1,000 sq/ft of board produced by the plant on a 3/4" basis of finished product equivalent as an annual average.



TIMBER PRODUCTS CO.

POST OFFICE BOX 1669
MEDFORD, OREGON 97501
PHONE 503 773-6681

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

March 25, 1981

RECEIVED
MAR 27 1981

Department of Environmental Quality
201 W. Main, Suite 2-D
Medford, Oregon 97501

SOUTHWEST REGION OFFICE

Attn: Mr. Gary Grimes, Regional Manager
Ref: Additional Comments - request for rule change
340-30-030

Gentlemen:

The control of particulate emissions from a particleboard manufacturing plant is extremely difficult because of the minute size of the particles. Wet electrostatic precipitators are capable of reducing the level of particulate emissions, but large volumes of water are required to wash the material from the charged plates, creating in turn, a problem of water clarification and disposal. At the present time there is no known water clarification process capable of producing economically acceptable results on a commercial basis. The installation of a wet electrostatic precipitator could very well create a major water pollution problem while improving air quality. Timber Products Co. has not, however, completely ruled out the installation of such a precipitator. In fact, one of the major manufacturers of emission control equipment, Ceil-Cote, will have a portable unit in place for a two week test during the first two weeks in May.

Another problem is that a large quantity of sander dust is developed during the finishing process of particleboard manufacture. Timber Products Co. uses this sander dust as fuel in lieu of natural gas in the drying of raw material. This not only provides energy conservation but it also eliminates a serious waste disposal problem. In addition the hot press is undergoing overhaul and modification. When this work is completed we fully expect the particleboard to be manufactured to closer tolerances, thereby reducing the quantity of sander dust developed in the final finishing process.

Timber Products Co. has eliminated salt from the face material, which in turn has significantly reduced our 'blue haze' emissions.

The company is researching the possibility of replacing the existing dryers as an alternative to installing massive emission controls on the existing dryers. Discussions are underway with MAC and Heil, both of whom manufacture equipment for the particleboard industry and with Rader, which manufactures drying equipment for other facets of the wood industry. Replacement of existing dryers with more efficient equipment should reduce the quantity of emissions to be controlled.

We will have completed an engineering study on the particleboard emission problem immediately following the receipt of the Ceil-Cote tests and will then be in position to submit a timetable for the installation of equipment to reduce particulate emissions.

Timber Products Co. is greatly concerned because it has received little assurance from equipment suppliers that it will be able to meet the current requirements of 340-30-030. We know of no economically feasible emission control equipment that has demonstrated its ability to remove the sub-micron particles emitted during the particleboard manufacturing process. The emission controls currently installed on the particle dryers reduced the emission level from 2.63 pounds per 1000 square feet of particleboard manufactured on a 3/4 inch basis to .87 pounds per 1000 square feet - a 67% reduction in emissions. A modest improvement below this level is possible by installing expensive and massive emission control equipment at costs estimated between \$800,000 and \$1,800,000. The recently released Medford Aerosol Characterization Study (MACS) show that only 10% of the particulate emissions in Medford-Ashland AQMA originate from particleboard dryers and hogged fuel boilers in the wood industry. The small percentage of reduction available from the two particleboard plants will certainly have little impact on reducing the total particulates in the Medford-Ashland AQMA.

Timber Products Co. is prepared to install the equipment necessary to reduce the level of emissions from its particle drying process, but in turn would like some assurance from the commission that failure to achieve the target goals will not place the company in jeopardy of plant closure and/or other civil or financial penalties.

For these reasons we feel that modification of 340-30-030 to read .50 instead of .35 pounds per 1000 square feet is a reasonable request and generally in the public interest.

Yours truly,



Alex J. Austin
Resident Manager

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
MAR 30 1981
AIR QUALITY CONTROL
ts

TIMBER PRODUCTS CO.
Proposed rule change
340-30-030

REMARKS BY JOSEPH GONYEA

General Manager

Timber Products Co.

REMARKS BY JOSEPH GONYEA

I am Joe Gonyea. I became the general manager of Timber Products Co. in 1976.

Timber Products Co. currently has 319 employees in the Medford area with a payroll totaling in excess of seven million dollars per year. In addition we support the local economy through extensive purchases from local distributors and dealers.

As a former resident of Medford I am well aware of the air pollution problem in the area and am sympathetic with efforts toward achieving a clean environment. As evidence of our intentions I would have you note the number of emission controls installed at Timber Products Co. mill in Medford since 1976.

Timber Products Co. will continue to work toward achieving the air quality standards for the Medford-Ashland airshed, provided that two conditions can be met. First we must have a full guarantee that the equipment we install will meet the design criteria. Secondly it must be economically feasible to purchase and operate. Our industry is extremely competitive and the emission levels in the Medford valley are far more restrictive than elsewhere in the state. Pollution control equipment does not improve production, so these stricter controls are a handicap to our company's competitive posture.

The design and manufacture of emission control equipment is a relatively new industry still going through a period of extensive research and development. There is no manufacturer who at this time will fully guarantee that his equipment will meet the Medford standards. Cost estimates for the control equipment currently on the market range from three quarters of a million dollars ^{to 1.2 million dollars} installed. If we spend that kind of money we want to be sure that it works.

In our presentation we will request a change in the OAR 340-30-030.

Emission control equipment is on the market which we presently believe can bring us into compliance with our requested emission levels.

The director of the Department of Environmental Quality has stated that OAR 340-30-030 is technology forcing. Besides violating the ORS 468.295 we feel this creates an emission level which currently is impossible to attain and therefore unacceptable. We therefore request a rule change to the level of 0.50.

I would like now to identify for you the people in Timber Products Co. who are directly concerned with this problem.

| | |
|-------------------|--|
| Alex Austin | Resident Manager |
| Bill Coffindaffer | Head of our engineering department and responsible for evaluating pollution control equipment. |
| Daniel Thorndike | Legal counsel from the Medford Law firm of |
| Greg Hornecker | Blackhurst - Hornecker - Hassen - Brian |
| Henry Rust | Director - environmental affairs |

TIMBER PRODUCTS CO.
Proposed rule change
340-30-030

HISTORICAL BACKGROUND

In 1923 John R. Tomlin established the Tomlin Box Company to manufacture boxes for the fruit industry in Jackson County.

The plant was destroyed by fire in 1933. It was rebuilt and back in business in 1934.

A green end (veneer plant) was added in 1942. A lay-up plant to manufacture plywood using the cold press method was placed in operation in 1948.

Cyprus Mines purchased the company in 1955. (Tomlin, during the period between 1923 and 1955 took in several partners and eventually incorporated.)

A particle board plant was built and placed in operation in 1966.

The Gonyea-Pritzker group purchased the Medford manufacturing facilities and associated timber lands from Cyprus Mines in 1967. The decision was made to concentrate efforts on the production of plywood and particle board. The sawmill and planing mill were shut down and dismantled. A program to modernize the plywood manufacturing facilities was established. Today the plant operates two lathes - one eight foot and one four foot. It produces a variety of plywood products, including various species of hardwood, all manufactured using the hot press method.

Chippers, including a whole log chipper, have been installed to utilize logs and wood waste not suitable for plywood production.

The particle board plant is located on the same property on McAndrews Street. It utilizes the caul plate method in the manufacture of particle board. The plant has a capacity of 96 million feet on a 3/4 inch basis. 65% of the current production is 28 pound door core and the remaining 35% is 40 to 45 pound underlayment and industrial board. The plant supplies approximately 60% of the national industry requirement

for door core which is used in the production of solid core doors.

The underlayment and industrial board is sold primarily to furniture and cabinet manufacturers who apply a vinyl overlay and utilize the product for table tops and shelving.

ENVIRONMENTAL CONTROLS

The management of Timber Products Co. recognizes that the location of its primary manufacturing facilities requires special and continuous efforts to control emission levels at or below the standards established by DEQ. The company has taken the following steps toward achieving that goal:

| | | |
|------|---|-------------------|
| 1969 | Raw material storage area (particle board plant) enclosed with a wall and roofing over the storage bins | 148,088.65 |
| 1969 | The wigwam burner was dismantled - one of the first removed in Jackson County for environmental reasons | 25,000.00 |
| 1970 | Pneumatic conveyor installed to transfer sander dust to the boilers for fuel | 57,999.60 |
| 1974 | Fully enclosed the chip truck dumping | 38,719.26 |
| 1975 | A wet scrubber (American Air-Filter multi-clone) installed on the particle board sander system | 26,198.57 |
| 1975 | Three wet scrubbers (American Air-Filter multi-clone) installed on particle board milling and drying, one on each dryer and one on fine and coarse cyclones | 59,015.94 |
| 1977 | American Sheet Metal Ero-Vac bag house installed on the fine and coarse metering bin cyclone | 49,701.72 |
| 1979 | Burley scrubbers installed on two veneer dryers | 219,823.08 |
| 1980 | Replaced the wet scrubber on the particle board sander with a Carter bag house system | 56,218.56 |
| 1980 | Installed a Carothers bag house on the plywood sander system | 52,362.00 |
| 1980 | Installed a Burley scrubber on the boiler stack | 193,556.29 |
| | Total Expenditures on Emission Controls | <u>926,683.67</u> |

99% of the raw material used in the manufacture of particle board is purchased from outside sources while one percent is developed on site. The material is delivered in chip hauling trucks and trailers and dumped into the chip storage area. Front end loaders then transfer the material into appropriate bins.

From here the material is carried by conveyor to the milling and drying area. The chips are milled to desired size, screened and the larger wood particles are then dried. These particles make up the core of the board. The vertical drying method is unique - a form of flash drying requiring only $2\frac{1}{2}$ seconds. Fine materials used for the faces of the board do not go through the drying process.

The material then goes to a mixing chamber where glue and other chemicals are added. The board is then laid up in mat form on a caul board and placed in a hot press to complete the process. After removal from the press the board is ready for machining and sanding.

This sander dust is extremely fine and presents a very difficult emission control problem. In 1968 Timber Products developed a method of injecting this sander dust into the firebox of the dryer system as fuel. This eliminated the problem of sander dust disposal, and it also reduced the energy requirements for the dryer system. Sander dust now provides 85% of the fuel for the dryers, reducing the annual requirements for natural gas by approximately 960,000 therms. With the high cost of energy today it would not be economically feasible to return to natural gas as a fuel for these dryers.

According to the Oregon Department of Energy the average home requires 700 therms per year of energy. We have reduced our annual consumption by 960,000 therms, releasing enough energy to supply 1,371 homes.

During ^{temporary} a shut down of our incinerator burners several years ago we

developed 18 dump boxes of sander dust per day. This material was taken to a landfill area for disposal. Landfill areas, in the Medford area, will not accept sander dust in this quantity on a long term basis.

Solving the problem of sander dust disposal by using it as fuel has increased the amount of 'blue haze' emission. Starting in December 1980 the chemical content of the face material has been changed eliminating salt as one of the solids added with the glue. During combustions salt is a major contributor to the 'blue haze' problem.

On the other hand combustion of the salt results in the formation of a glaze on the fire brick extending the life of the brick by one to two years. So while the deletion of the salt reduces the level of emissions it increases the maintenance costs on the fire box. It also requires some changes in the manufacturing process.

THE PROBLEM

340-30-030 states that in the Medford-Ashland Air Quality Maintenance Area the emission of particulate matter from particle board dryers shall not exceed 0.35 pounds per 1000 square feet of board on a 3/4" basis as an annual average.

Timber Products Co. has made a concerted effort to control the emissions from its particle board plant. First by installing:

- a wet scrubber on the particle board sanding system in 1970
- three wet scrubbers on the milling and drying process in 1975
- a bag house on the metering bin cyclone in 1977
- a bag house on the particle board sander in 1980

The equipment purchased and installed was effective in reducing the particulate emissions, but not to the level required for the Medford-Ashland airshed. The design and manufacture of environmental control equipment is a ^{comparatively} new industry, and equipment installed and placed in operation does not always meet the designed specifications.

The state of the art in emission controls is progressing, and new ideas and new equipment are appearing on the market. Timber Products Co. is ready and willing to install additional emission control equipment provided that it will successfully achieve the standards set for this area. None of the equipment Timber Products Co. has reviewed carries a warranty that guarantees control of emission levels. Failure to meet the emission standards can cost Timber Products Co. the ^{price} cost of the equipment and its installation and still be in violation of DEQ standards and therefore subject to penalties.

One of the latest ideas for the control of particulate emission is the use of wet electrostatic precipitators in conjunction with a water clarification system.

Wet electrostatic precipitators require great quantities of water, some

systems requiring as much as 50 gallons per minute. Recycling systems require water clarification, in some cases reducing water requirements to approximately 10 gallons per minute. Total water requirements range from five million to 25 million gallons per year presenting a problem of waste water disposal.

Timber Products Co. made a pilot test of a wet electrostatic precipitator built by Mikropul. The results of the pilot test indicated that a single stage unit could not meet the standard of 0.35 pounds per thousand ^{sq. ft.} surface feet. Mikropul would not supply the water clarification system. However the Mikropul company did set specifications for the clarified water to be recycled through the precipitator.

Timber Products Co. entered into an agreement with Enviro-Clear to run a pilot test to determine if they could supply a clarification unit that could meet the specifications set forth by Mikropul. The test results indicated that the Enviro-Clear equipment could not produce acceptable results on a commercial scale with respect to either performance or economics.

Timber Products Co. is currently reviewing proposals presented by Ceil-Cote and by Georgia-Pacific for the installation of emission control systems.

Any system installed will require a minimum of two 100 horsepower motors driving air circulating fans plus additional motors to drive pumps in the water system. Power requirements to operate any of these systems will approximate two million kilowatts per year.

A very high percentage of particulate matter emitted from the stacks of the particle board plant are very minute, on the order of 0.4 microns. Engineers designing emission control equipment have not, to our knowledge, come up with an economically feasible solution to this problem. Existing

emission controls are capable of removing the larger particulate matter. Equipment on the market is more efficient and if installed should appreciable reduce emission levels. Testing records indicate current emission levels from the existing scrubbers to be on the order of 0.3176 from scrubber one and 0.5209 from scrubber two for a total of 0.8385.

CONCLUSION

Timber Products Co. has reviewed specifications of applicable emission control equipment currently available and has tested wet electrostatic precipitators. There is no equipment available whose manufacturers can guarantee a reduction in the emissions to the level established in OAR 340-30-030. The DEQ, in a letter to Medford Corp. dated January 13, 1978, stated that the emission levels are 'technology forcing', in effect recognizing that equipment is not available that has the proven ability to control wood particle emission to the level required by OAR 340-30-030.

With the installation of the most efficient emission control equipment (based on test results) Timber Products Co. is confident that total particulate emissions from the particle board dryers can be reduced to a level of 0.50 pounds per 1000 square feet of board on a 3/4" basis. Preliminary cost estimates indicate that the installation of available emission control equipment capable of meeting this level on the particle board dryers will run between \$750,000 and \$1,400,000.

The 0.35 emission level for wood particle dryers in the Medford area is a requirement that no other particle board plant, ^{elsewhere} in Oregon - no other particle board plant, ^{elsewhere} in the United States must meet.

Timber Products Co. therefore requests that OAR 340-30-030 be changed to read as follows:

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 0.50 pounds per 1,000 square feet of board produced by the plant on a 3/4" basis as an annual average.

This is a 40% reduction in the emission levels from the wood particle dryers.

Madam Chairman -

The engineering department of Timber Products Co. has been working with two manufacturers of particulate emission control equipment (Ceil-Cote and Georgia Pacific Corporation) in the hope of developing equipment capable of meeting the Medford-Ashland AQMA standards.

To date neither of these two companies have responded with a proposal. Both have indicated, however, that they are in the process of preparing specifications and prices on specialized particulate emission control equipment.

We anticipate receiving this information in the immediate future. We therefor request that this hearing be held open for 30 days to permit the submission of this and/or other pertinent data as an addendum to our request for a rule change.

ECONOMIC IMPACT

TIMBER PRODUCTS CO.
Jackson County Operations
1980

| <u>Personnel</u> | | <u>Payroll</u> |
|------------------|-------------------|---------------------|
| 70 | White City | 1,360,438.00 |
| 40 | Trucking Division | 1,043,653.00 |
| 239 | Medford | 4,706,633.00 |
| <u>349</u> | | <u>7,110,724.00</u> |

Normal Operating Levels

| <u>Personnel</u> | | <u>Payroll</u> |
|------------------|-------------------|---------------------|
| 90 | White City | 1,749,134.00 |
| 45 | Trucking Division | 1,174,109.00 |
| 325 | Medford | 6,400,233.00 |
| <u>460</u> | | <u>9,323,476.00</u> |

Copy - DEQ MEMORANDUM

See Paragraph 4



ROBERT W. STRAUB
GOVERNOR

Environmental Quality Commission

1234 S.W. MORRISON STREET, PORTLAND, OREGON 97205 · PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. F, December 16, 1977 EQC Meeting

Public Hearing to Consider Amendments to Oregon Clean Air Act
Implementation Plan Involving Particulate Control Strategy
Rules for the Medford-Ashland AQMA

Background

The Medford-Ashland Air Quality Maintenance Area (AQMA) consists of about 228 square miles in the Bear Creek Valley of Southwestern Oregon. The cities of Medford and Ashland are the main population centers in the AQMA. A map of the AQMA is shown in Figure 1. The majority of Jackson County's industry, which is mainly wood products oriented, is also located in this area. Mountains ranging in elevation from 3000 to 9500 feet (MSL) surround the valley floor which varies from 1300 to 2000 feet in elevation. The combination of the geographical formation and the local weather patterns cause frequent occasions of temperature inversions in the valley which tend to prevent the escape of air pollutants. National Weather Service data indicates that Southwestern Oregon is one of the two areas in the continental United States most susceptible to poor ventilation.

Total Suspended Particulate (TSP) has long been recognized as a problem within the AQMA. High volume samplers, the Federal reference method for TSP, were run at the Jackson County Courthouse in Medford as long ago as 1961. TSP concentrations measured at that site have dropped considerably over the years. The average yearly geometric mean during the 1960's was 105 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). The corresponding average for the last 7 years was 80.4, including the 1976 value of 103.2 which occurred during the worst meteorological year we have had for some time (possibly 100 years). The Oregon State ambient air standard for TSP is $60 \mu\text{g}/\text{m}^3$ as a yearly geometric mean. This is also the Federal secondary standard for TSP. This level was exceeded every year, during which measurements were taken, from 1961 through 1976.

A high volume sampler site has been operated continuously at the Ashland City Hall since 1970. Concentrations recorded at that site have never exceeded the $60 \mu\text{g}/\text{m}^3$, yearly geometric mean.

The scrubber and mist eliminator control system has been well demonstrated, but only by one company. There have been doubts expressed by industry as to how well a mist eliminator would perform on a scrubber other than the one with which it has been used. The Department believes that there is basically no reason why a mist eliminator would not be adaptable to almost any scrubber, although this has not been demonstrated.

Equipment installed to meet the 45% control regulation will be required to have the capability of being upgraded to 85% control. This stipulation is in conformance with the committee's policy statement.

- 4) Wood Particle Dryers at Hardboard and Particleboard Plants - The committee recommended that 80% additional control of particulate emissions from this source be required. Wet electrostatic precipitators would most likely be the type of control equipment used to meet this regulation. There were no other alternatives considered other than not changing the present regulations.

This would be a technology forcing type regulation as wet electrostatic precipitators have not actually been applied to this particular type of source. However, they have been successfully applied to sources with somewhat similar particulate characteristics. The annualized cost per unit TSP reduction and the capital cost are the highest of any of the control measures recommended. The Department believes that 85% control of veneer dryer emissions would be a more practicable and cost effective strategy to adopt than this strategy. However, industry is opposed to the more restrictive veneer dryer control at this time.

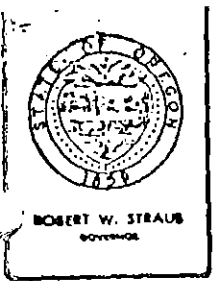
- 5) Wigwam Waste Burners - The committee recommended that wigwam burners be eliminated. This would affect the only two remaining wigwam burners in the AQMA. There were no other alternatives considered other than not changing the present regulations. The Department believes that the wood waste presently being incinerated can either be utilized in a plant to produce board from the wood fiber or disposed of in a landfill.
- 6) Open Burning - The Committee recommended that air quality be included in the criteria used to determine if a fire permit should be issued. A total ban on open burning was also considered.
- 7) Compliance Schedules - The proposed regulations include dates by which each source category shall attain compliance with its specific regulation. However, if it is practicable for a source to attain compliance sooner than the deadline, then it will be required to do so. All strategies are proposed to be completed no later than January 1, 1982.

Charcoal producing plants are proposed to have the longest compliance date because it appears that a two-step process including installation of expensive heat recovery systems will be needed. It is anticipated that under the proposed Rule the Georgia Pacific charcoal plant at White City will reduce its particulate emissions from 1058 tons/yr to 340 tons/yr by July 1, 1979 and then to 170 tons/yr by January 1, 1982.

Since no controls of the type needed to meet limits proposed for charcoal plants and particleboard dryers have been demonstrated, a public hearing review date is proposed to determine the progress and feasibility of meeting the proposed limits. If emission limits are determined to be impracticable, other alternative source control strategies will have to be implemented to achieve the needed reduction of airshed particulate emissions.

Copy - LETTER FROM DEQ TO MEDFORD CORP.

See Paragraph 3



Department of Environmental Quality

P. O. Box 1760

PORTLAND, OREGON 97207 Telephone (503) 229- 6446

January 13, 1978

Mr. Lynn W. Newbry
Director of Government Affairs
Medford Corporation
P. O. Box 550
Medford, Oregon 97501

Dear Mr. Newbry:

This letter attempts to clarify some of the misunderstanding you cite in your letter of December 22, 1977 to Mr. Joe B. Richards.

The particular section of the proposed rules for the Medford-Ashland AQMA which is the subject of confusion, 340-30-030, is intended to limit the total particulate emissions from all wood particle dryers at each plant to 0.35 pounds per 1000 square feet of board produced by the plant on a 3/4 inch basis. The proposed rules will be changed to make this point clear.

We realize the proposed rule is technology forcing as equipment approaching this high level of control has not been applied full scale to wood particle dryers. Section 340-30-045 of the proposed rules provides a relief from this rule by requiring a pilot testing program, and a public hearing by no later than January, 1980 if the pilot testing and cost analysis show the rule to be impractical. (If such impracticality were to be adequately demonstrated, then the rule (340-30-030) would be modified or eliminated and the reduction in particulate emissions which had been planned for but would not be achieved from this source would have to be made up for by an equivalent alternative strategy such as maximum control on veneer dryers (85% collection efficiency))

The study now being undertaken in the Medford area by Pacific Environmental Services should provide data on wood particle dryer emission characteristics and the feasibility of applying various types of control equipment to this source. This information should be valuable in the development of a pilot testing program.

I hope this information eliminates any confusion regarding this issue.

Sincerely,

Original Signed By
William H. Young

DMB:lb

JAN 16 1978

WILLIAM H. YOUNG
Director

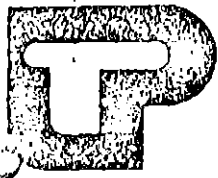
cc: Timber Products
Down River
Environmental Quality Commission
Southwest Region Office
Medford Branch Office
F. A. Skirvin



contains
recycled
materials

PRODUCTION FIGURES

1979



TIMBER PRODUCTS CO.

POST OFFICE BOX 1669
MEDFORD, OREGON 97501
PHONE 503 773-6681

July 30, 1980

Dept. of Environmental Quality
Air Quality Division
P.O. Box 1760
Portland, Oregon 97207

Attention: Mr. Ed Woods

RE: Production 1979

Dear Mr. Woods,

This plant has been operating in Jackson County under a combination permit covering our plywood plant and particleboard plant which are both on the same site. The permit numbers are 15-0025 and 15-0032.

Production for this plant for the year 1979 is as follows:

Particleboard plant

299 total working days
897 total working 8 hour shifts
78,976,000 total production 3/4 basis
88,573 total production 3/4 basis 8 hr. shift
11,072 total production 3/4 basis per hr.

Plywood Plant

212 total working days
561 total working 8 hour shifts
48,691,000 total plywood production 3/8 basis
54,085,000 total veneer production 3/8 basis
10,811 total production 3/8 basis per hr.

If there is any further information required please notify me at once and I will forward the same.

Sincerely,

Wm. Coffindaffer
Plant Engineer

WC/ts

EMISSION LEVELS

EMISSION LEVELS PARTICLE BOARD DRYERS

| | | |
|-------------|-----------------------------|-------|
| Scrubber #1 | 5.28 to 6.66 # p/hr average | 5.97 |
| Scrubber #2 | 3.64 | 3.64 |
| | | <hr/> |
| | | 9.61 |

| | | |
|------------------------|-------------|-----------------------------|
| Work week - 6 2/3 days | | 160 hours |
| 48 weeks | | x 48 ^{weeks} hours |
| | Total Hours | <hr/> |
| | | 7,680 hours |

Particle board production - average - 88,000,000 feet per year

Design production of plant 96,000,000 feet per year

88,000,000 p/yr = 11,460 feet per hour

96,000,000 p/yr = 12,500 feet per hour

Emission level at production rate = 0.839

Material size - into burner 0.5 to 40 microns - median 1.4 microns

Material size - out 0.4 microns

ENERGY SAVINGS

ENERGY SAVINGS

Conversion from 100% natural gas to 15% natural gas and 85% sander dust

| | |
|---|--------------------------------|
| Natural gas consumption prior to conversion | 110,000 therms per month |
| Natural gas consumption after conversion | <u>30,000 therms per month</u> |
| Saving | 80,000 therms per month |

At current rates the saving is over \$9,000 per month in energy costs.

$80,000 \text{ therms per month} \times 12 = 960,000 \text{ therms per year}$

The average home in Oregon requires 700 therms of energy per year.

The results of Timber Products energy conservation as a result of the conversion to sander dust as a fuel has released sufficient energy to supply 1,371 homes per year.

MIKROPUL

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 |
|---------------------|-----------|

| | |
|-------|----------------------|
| TOTAL | <u>\$ 922,500.00</u> |
|-------|----------------------|

| | |
|--|------------|
| Wet Electrostatic Precipitator (two stage) | 776,000.00 |
|--|------------|

| | |
|--------------|------------|
| Installation | 400,000.00 |
|--------------|------------|

| | |
|---|------------|
| Water Clarification Unit - Enviro-Clear | 100,000.00 |
| Installation | 40,000.00 |

| | |
|---------------------|------------|
| Water Cooling Tower | 125,000.00 |
|---------------------|------------|

| | |
|-------|-----------------------|
| TOTAL | <u>\$1,441,000.00</u> |
|-------|-----------------------|

Georgia Pacific Emission Eliminator

| | |
|----------------------|---------------|
| Complete Turnkey Job | \$ 558,943.00 |
|----------------------|---------------|

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 "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 |
| TOTAL | <u>\$ 922,500.00</u> |

| | |
|--|-----------------------|
| Wet Electrostatic Precipitator (two stage) | 776,000.00 |
| Installation | 400,000.00 |
| Water Clarification Unit - Enviro-Clear | 100,000.00 |
| Installation | 40,000.00 |
| Water Cooling Tower | 125,000.00 |
| TOTAL | <u>\$1,441,000.00</u> |

Georgia Pacific Emission Eliminator

| | |
|----------------------|----------------------|
| Complete Turnkey Job | \$ <u>558,943.00</u> |
|----------------------|----------------------|

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.

EXHIBIT "C"

MIKROPUL PILOT TEST RESULTS

TEST TAKEN BY BWR ASSOCIATES
ROUTE 5 BOX 145
KLAMATH FALLS ORE.

SERIES OF TEN TEST RUNS
WEEK OF OCT 29, 1979 THRU NOV 2, 1979

THE AVERAGE EMISSION RATE USING SINGLE STAGE UNIT

| ACFM | TEMP | SCFM | g/DSCF | lb/HR | lb/MSq ^{3/4} |
|--------|------|--------|--------|--------|-----------------------|
| 60,000 | 175° | 50,000 | 0.0104 | 4.4564 | 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 ABOUT .378 PER THOUSAND
Sq Ft.

EXHIBIT "B"

MIKROPUL SINGLE STAGE ELECTROSTATIC PRECIPITATOR

| | |
|--------------------------------|-----------------------|
| WET ELECTROSTATIC PRECIPITATOR | 388,000 ⁰⁰ |
| INSTALLATION SUPERVISION | 26,500 ⁰⁰ |

INSTALLATION

| | |
|---|-----------------------|
| INCLUDES. FOUNDATION, DUCT WORK PUMPS, STACK, SUPPORT PLATFORM PIPING AND LABOR | 300,000 ⁰⁰ |
|---|-----------------------|

| | |
|--|----------------------|
| WATER CLARIFICATION UNIT - ENVIRO-CLEAR | 93,000 ⁰⁰ |
| INSTALLATION INCLUDING PIPING AND FOUNDATION | 25,000 ⁰⁰ |

| | |
|---------------------|-----------------------|
| WATER COOLING TOWER | 90,000 ⁰⁰ |
| | <hr/> |
| | 922,500 ⁰⁰ |

GEORGIA PACIFIC EMISSION ELIMINATOR

| | |
|----------------------|-----------------------|
| COMPLETE TURNKEY JOB | 558,943 ⁰⁰ |
|----------------------|-----------------------|

NOTE /

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

GEORGIA PACIFIC GUARANTEE THE OPERATION OF THE COMPLETE UNIT INCLUDING WATER CLARIFICATION

UTILITIES LIST

MikroPul WEP Pilot Program
Timber Products

I. WATER

20 GPM - TAP QUALITY

II. ELECTRICAL

A. Prime Movers

| | | | | |
|--------------|------|-------|--------|---------|
| Fan | 460V | 13A | 10 HP | 3 phase |
| Pump #1 | 460V | 10.5A | 7.5 HP | 3 phase |
| Pump #2 | 460V | 7A | 5.0 HP | 3 phase |
| Pump #3* | 460V | 2.1A | 1.5 HP | 3 phase |
| Pump #4* | 115V | 9.0A | 0.5 HP | 1 phase |
| Pump (Spare) | 460V | 7A | 5.0 HP | 3 phase |

B. High Voltage Supply

| | | | |
|-------------------|------|-----|---------|
| T-R Control Panel | 115V | 10A | 1 phase |
| | 230V | 15A | 1 phase |

C. Miscellaneous

| | | | | |
|--------------------------|------|-------|---------|---------|
| Clarifier Rake Drive* | 460V | 1.0A | .33 HP | 1 phase |
| Insulator Heaters | 230V | 25.0A | 1 phase | |

* Not Applicable

ENVIRO-CLEAR TEST RESULTS

Enviro-Clear

A DIVISION OF

Amstar
CORPORATION



Henry R...

20 COUNTY LINE ROAD, SOMERVILLE, NJ 08876 • (201) 526-5454 • CABLE: ENCCLEAR, NEW JERSEY

January 9, 1981

Mr. Bill Coffindaffer
Timber Products
P.O. Box 1699
Medford, OR . 97501

Dear Mr. Coffindaffer:

Enclosed please find our test results for the clarification of scrubber water with the Enviro-Clear 3½" diameter clarifier. The results show that 500 ppm of flocculant will be necessary to achieve less than 150 ppm solids in the clarifier overflow.

We look forward to your review of this report.

Regards,

Steven M. Weiss
Sales Manager

SMW:ms

enc.

Enviro-Clear

A DIVISION OF

Amstar
CORPORATION



20 COUNTY LINE ROAD, SOMERVILLE, NJ 08876 • (201) 528-5454 • CABLE: ENCLEAR, NEW JERSEY

CLARIFICATION OF SCRUBBER WATER
FROM PARTICLE BOARD DRYER
AT TIMBER PRODUCTS
MEDFORD, OREGON

Report By: Kevin Gilman
Date: 12-30-80

TWX 710-480-9233

Enviro-Clear a Division of Amstar Corporation

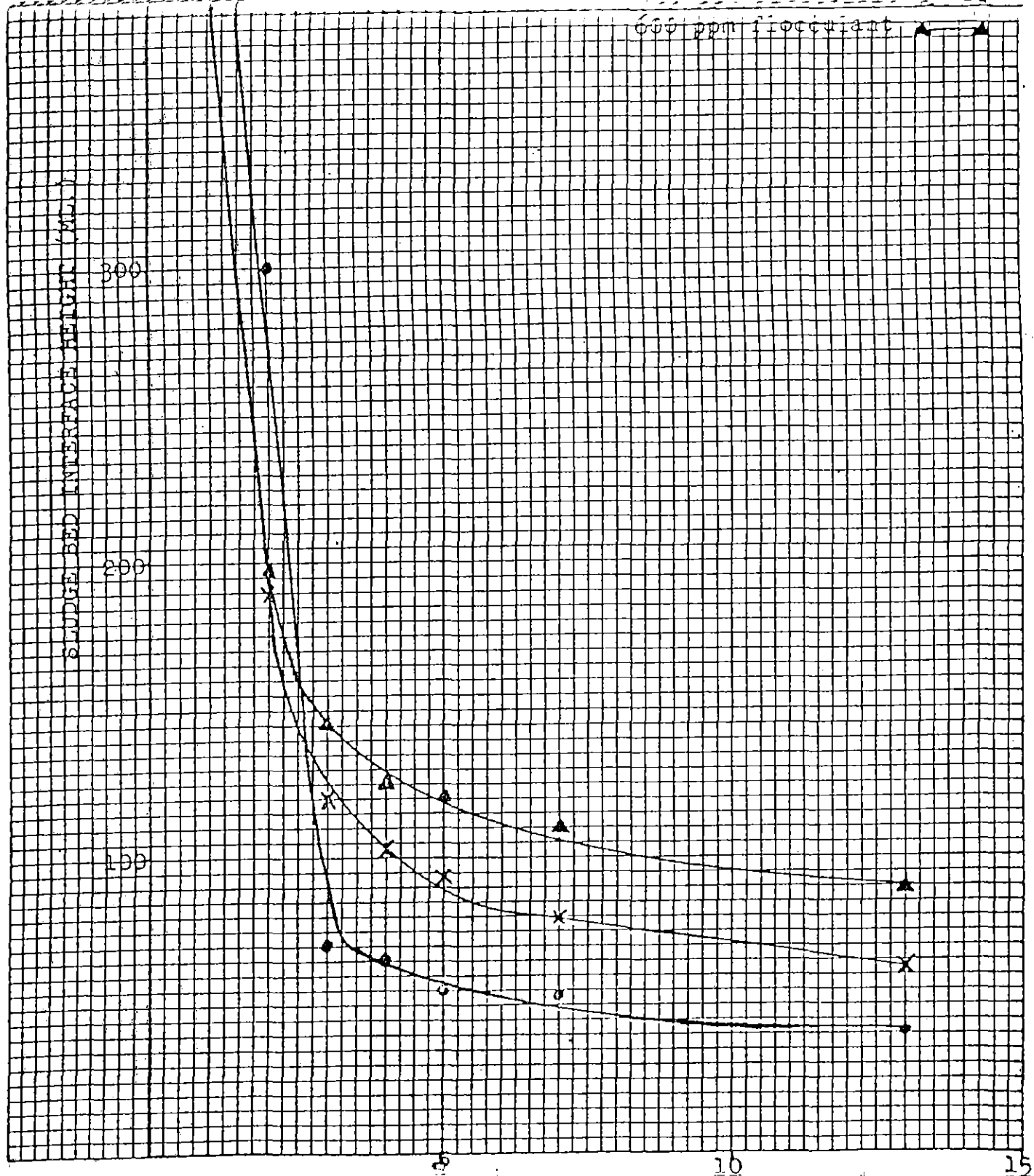
DISCUSSION

Test results indicated that an overflow containing less than 100 ppm suspended solids could not be obtained with flocculant addition levels as high as 500 ppm and feed rates as low as $1/2$ gpm/ft². It was also indicated that polymer and/or metal coagulant costs would be extremely high. Based on these two observations, it appears that clarification with an Enviro-Clear Clarifier would not produce acceptable results on a commercial scale with respect to either performance or economics.

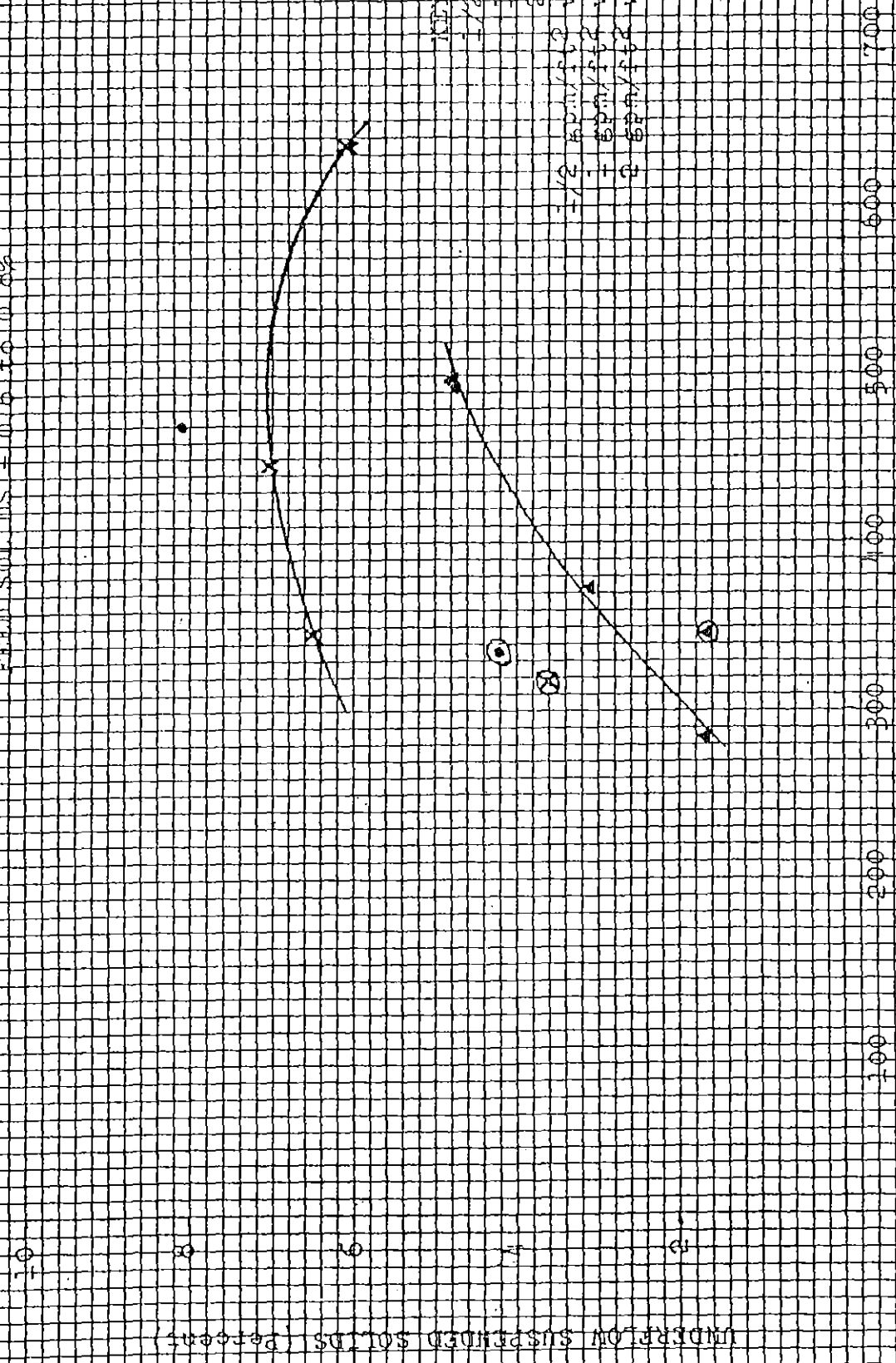
500

TIMBER PRODUCTS
SCRUBBER WATER FROM PARTICLE BOARD DRYER
SETTLING TIME versus INTERFACE HEIGHT

Feed Solids - 0.6%
Flocculant - Superfloc 310
Temperature - 100° Fahrenheit



TIMBER PRODUCTS
 SCRUBBER WATER FROM PARTICLE BOARD DRYER
 FLOCCULANT ADDITION LEVELS VERSUS UNDERFLOW SUSPENDED SOLIDS
 FEED SOLIDS = 0.6 to 0.8%



UNDERFLOW SUSPENDED SOLIDS (Percent)

FLOCCULANT ADDITION LEVEL (ppm)

100%

1/2 80%/10%

1 80%/10%

2 80%/10%

1/2 80%/10% w/WT recycle

1 80%/10% w/WT recycle

2 80%/10% w/WT recycle

STATEMENT OF MEDFORD CORPORATION
IN SUPPORT OF ITS
PETITION FOR RULE CHANGES
IN
CHAPTER 340, DIVISION 30, OREGON ADMINISTRATIVE RULES
BEFORE
ENVIRONMENTAL QUALITY COMMISSION
HEARINGS OFFICER
MEDFORD, OREGON
FEBRUARY 19, 1981

MR. HEARINGS OFFICER:

MY NAME IS LYNN NEWBRY, P. O. BOX 550, MEDFORD, OREGON. I AM A VICE PRESIDENT OF MEDFORD CORPORATION WITH RESPONSIBILITY FOR ENVIRONMENTAL MATTERS AND AM PRESENTING THIS STATEMENT TODAY IN SUPPORT OF OUR COMPANY'S PETITION FOR RULE CHANGE.

THIS PETITION FOR RULE CHANGE BY MEDFORD CORPORATION IS NOT A REQUEST FOR SPECIAL CONSIDERATION OR SPECIAL PRIVILEGE NOR DOES THE COMPANY WISH TO DIMINISH IN ANY WAY THE EFFECTIVENESS OF THE CONTROL STRATEGIES DEVELOPED FOR THE MEDFORD-ASHLAND A.Q.M.A. IF ADOPTED, THE RULES PROPOSED IN THIS PETITION WILL HAVE NO ADVERSE EFFECT ON THE AIRSHED INsofar AS PARTICULATES ARE CONCERNED.

THIS PETITION WOULD CHANGE THE CURRENT RULES TO REFLECT THE FUNDAMENTAL DIFFERENCES BETWEEN THE PROCESSES INVOLVED IN THE MANUFACTURE OF MEDIUM DENSITY FIBERBOARD (HARDBOARD) AND PARTICLEBOARD. IT WOULD THEN ESTABLISH AN EMISSION LIMIT FOR THE TOTAL PLANT RATHER THAN FOR THE FIBER DRYERS AS A SINGLE EMISSION POINT.

A SEPARATE RULE DEALING WITH HARDBOARD PLANTS IS NECESSARY BECAUSE OF THE MAJOR DIFFERENCES IN THE MANUFACTURING PROCESS ITSELF AND THE DIFFERENCE IN THE TYPE OF PARTICULATE EMISSIONS. THIS DIFFERENCE IS RECOGNIZED IN THE STATEWIDE PARTICULATE RULES IN DIVISION 25 OF CHAPTER 340, OREGON ADMINISTRATIVE RULES, SO THE PRECEDENCE FOR THIS REQUEST IS WELL FOUNDED.

WHILE THE RAW MATERIAL FOR BOTH PRODUCTS IS SIMILAR, THE SIMILARITY ENDS THERE. 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 A 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. THIS 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.

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 MUCH HIGHER TEMPERATURES (800° F) FOR SEVERAL 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. THE RELATIVELY LARGE, BUT LOW DENSITY, PARTICLES TYPICAL OF FIBERBOARD PRODUCTION CAN ONLY BE CONTROLLED WITH A WET SCRUBBER. PARTICLEBOARD PRODUCTION PRODUCES MUCH SMALLER PARTICLES WHICH REQUIRE ENTIRELY DIFFERENT CONTROL EQUIPMENT. 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. BECAUSE OF THIS DIFFERENCE IN PARTICLE SIZE AND CHARACTERISTICS, THE BLANKET RULE FOR ALL WOOD PARTICLE DRYERS SIMPLY DOES NOT FIT. CONTROL DEVICES THAT PERFORM WELL ON SMALL PARTICLES (5 MICRONS OR LESS) DO NOT HAVE THE

SAME EFFICIENCIES OR EFFECTIVENESS ON LARGER SIZED PARTICLES. THE WET ELECTROSTATIC PRECIPITATOR EQUIPMENT THAT WAS EXPECTED TO ACHIEVE THE EFFECTIVENESS REQUIRED IN THE PRESENT RULES IS DESIGNED PRIMARILY FOR SMALL PARTICLES. THE EMISSIONS FROM THE FIBERBOARD DRYERS HAVE A MEAN PARTICLE SIZE OF 84 MICRONS WITH A RANGE FROM 1 TO GREATER THAN 1,000 MICRONS IN SIZE (SEE ATTACHMENT #1). WITHOUT EXCEPTION, ENGINEERS FROM THE THREE VENDORS OF THE WET ELECTROSTATIC PRECIPITATORS WHO VISITED THE FIBERBOARD PLANT DID NOT RECOMMEND A WET ESP FOR THIS APPLICATION. AS A MATTER OF FACT, THE REPRESENTATIVE OF ONE VENDOR RECOMMENDED A VENTURI SCRUBBER VERY SIMILAR TO WHAT IS NOW INSTALLED (ATTACHMENT #2).

WITH THIS KNOWLEDGE, MEDFORD CORPORATION APPROACHED THE DEPARTMENT WITH AN ALTERNATE CONTROL STRATEGY IN SEPTEMBER, 1978. THE COMPANY PROPOSED TO CONTROL BOTH FIBER DRYERS WITH WET SCRUBBERS WHICH WOULD OPERATE AT BETTER THAN 90% EFFICIENCY, BUT WHICH COULD NOT MEET THE EXISTING RULE. IT FURTHER PROPOSED ADDING ADDITIONAL PARTICULATE CONTROL EQUIPMENT ON OTHER EMISSION POINTS IN THE PLANT TO BRING THE TOTAL PLANT WITHIN THE ALLOWED EMISSIONS UNDER THE EXISTING A.Q.M.A. RULES.

THE DEPARTMENT GAVE TENTATIVE APPROVAL TO THIS PLAN WITH THE FIRM UNDERSTANDING THAT THE TOTAL PARTICULATE EMISSIONS WOULD NOT EXCEED 65 TONS PER YEAR. THIS 65 TONS WAS CALCULATED BY THE DEPARTMENT AS BEING THE ALLOWABLE EMISSIONS FROM THIS

PLANT. WITH THIS UNDERSTANDING, MEDFORD CORPORATION BEGAN IMMEDIATELY TO INSTALL THE REQUIRED CONTROL EQUIPMENT. THIS WAS ACCOMPLISHED DURING THE YEAR 1979, ONE YEAR AHEAD OF THE REQUIRED COMPLIANCE DATE.

TESTING, TO PROVE THE VALIDITY AND COMPLIANCE WITH THIS STRATEGY, WAS DELAYED BECAUSE OF WATER CLEANUP PROBLEMS ASSOCIATED WITH THE WET SCRUBBERS. THE TESTING WAS COMPLETED IN SEPTEMBER 1980 AND THE RESULTS SUBMITTED TO THE DEPARTMENT. THESE RESULTS DEMONSTRATED THAT THE PLANT AS A SINGLE SOURCE MET THE 65 TONS PER YEAR CRITERIA.

THE PROPOSED RULE LIMITING FIBERBOARD PLANTS TO ONE-FOURTH POUND PER 1,000 SQUARE FEET OF BOARD PRODUCED ON A 1/8" BASIS AT THE MEDFORD CORPORATION FIBERBOARD PLANT RESULTS IN 64 TONS PER YEAR TOTAL EMISSIONS. WHAT IS ACTUALLY ACCOMPLISHED IN THIS PROPOSAL IS THE ESTABLISHMENT OF A "BUBBLE" FOR THIS PLANT. THROUGH THIS "BUBBLE CONCEPT," THE OBJECTIVES OF THE A.Q.M.A. CONTROL STRATEGY ARE BEING ACHIEVED AND THE COMPANY IS GIVEN FLEXIBILITY IN CONTROLLING ITS EMISSIONS TO MEET THESE STRINGENT STANDARDS.

WE BELIEVE THE DEPARTMENT AND THE COMPANY HAVE ACTED RESPONSIBLY IN DEVELOPING THIS CONTROL STRATEGY FOR FIBERBOARD PLANTS AND RESPECTFULLY REQUEST FAVORABLE CONSIDERATION OF THIS PETITION TO LEGITIMIZE WHAT HAS ALREADY BEEN ACCOMPLISHED.

BEFORE CLOSING, I WOULD LIKE TO CALL A TECHNICAL MATTER TO YOUR ATTENTION RELATIVE TO THE WORDING OF PROPOSED RULE 340-30-031. IN THE SECOND LINE OF THE RULE, THE WORD "SOURCE" IS USED. SOURCE IS DEFINED IN DIVISION 30 AS MEANING THE TOTAL PLANTSITE. A BETTER WORD WOULD BE "FACILITIES," WHICH IS ALSO DEFINED IN DIVISION 30 AS BEING "AN IDENTIFIABLE PIECE OF PROCESS EQUIPMENT. A STATIONARY SOURCE MAY BE COMPRISED OF ONE OR MORE POLLUTANT-EMITTING FACILITIES." THE INTENT IS CLEAR, BUT IN VIEW OF THE DEFINITIONS IN THIS DIVISION, THIS SUBSTITUTION OF WORDS SHOULD BE MADE.

IF THERE ARE ANY QUESTIONS, I WOULD BE HAPPY TO RESPOND.

LWN/dl

PETITION FOR RULE CHANGE - ATTACHMENT 3

Environmental Consultants

SOURCE TESTING
AND ANALYSISRoute 3 Box 1405
Klamath Falls, Oregon 97601
503/884-7538LABORATORY REPORT

DATE: May 12, 1978

SOURCE OF SAMPLE: Medford Corporation
Scrubber Inlet Duct
#3 Dryer Exhaust Duct

NATURE OF SAMPLE: Wood Fiber collected of a High Volume Filter

TESTS REQUIRED: Particle Size Analysis

RESULTS:

Both samples were essentially similar. No appreciable difference in size range were demonstrable.

Mean Size By Weight: 84 microns
Size Range: 1 - >1000 microns

Comment: Size distribution in terms of potential control device applications should be considered carefully due to the low density and large surface area of the particulate.

E. A. Wellman

Arthur Forsyth Company



2035 Southwest 58th
Portland, Oregon 97221
(503) 297-3121

LETTER OF TRANSMITTAL

TO: Medford Corp.
P. O. Box 550
Medford, Oregon 97501
ATTN: Lynn Newbry

DATE 9/18/78
JOB _____
LOCATION _____
YOUR P.O. No. _____

WE ARE SENDING YOU HEREWITH, _____ SEPARATELY:

- Shop Drawings
- Certified Drawings
- Submitting For Approval
- Brochure
- Parts List
- Catalog
- Price List
- Installation Instructions
- Operating Instructions
- See Remarks
- Quotation
- Misc.

| COPIES | DRAWING NO. | DESCRIPTION |
|--------|-------------|------------------------------|
| 1 | | Ceilcote Tech. Bulletin 12-7 |
| 1 | | Ceilcote Bulletin 12-1 |
| | | |
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| | | |

REMARKS: Dear Mr. Newbry:

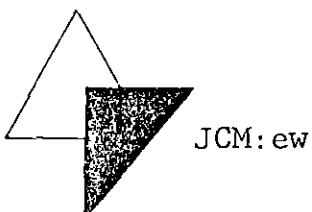
As per our meeting on 9/12 and phone conversation on 9/18, I am enclosing information regarding the Ceilcote Company and Venturi type scrubbers.

Based on information you discussed with us about particle size ranges (83 micron-mean) from your hardboard dryer, we feel a Venturi scrubber of fiberglass construction would be very appropriate.

Please look over enclosed information and contact me if you would like pricing and/or additional information.

Please return _____ copies to this office.

Very Truly Yours,
 ARTHUR FORSYTH COMPANY
James C. Miller
 James C. Miller





MEDFORD CORPORATION

P. O. BOX 330, MEDFORD, OREGON 97501 * TELEPHONE 503 - 770-2491

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



EDFORD CORPORATION

P. O. BOX 333, MEDFORD, OREGON 97501 * TELEPHONE 503 - 770-7491

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



CITY COUNCIL

CITY OF MEDFORD
MEDFORD, OREGON 97501

February 17, 1981

To Members of the Environmental Quality Commission:

The following statement represents a consensus of the Medford City Council:

The City of Medford wishes to express its concerns pertaining to the requested rule change to allow higher emission levels from particle dryers at Timber Products and Down River Forest Products plants.

Our first concern is health related. Although not founded on hard local medical data, there appears to be a strong relationship between periods of heavy fog, air stagnation and high particulate levels, such as experienced during December, 1980, and increases in respiratory illness in children¹, and perhaps other citizens in the area.

Our second concern is the possible EPA actions that would seriously affect the economic viability of the entire AQMA if the primary ambient air standards for TSP are not attained by December 31, 1982.²

Thirdly, it is not feasible to change the existing rules at this time because of the upcoming TSP abatement strategy review required by the Department to be completed by July 1, 1981.³

The City has no objections to the requested extensions in the Compliance Schedules or for the new rule requested by the Medford Corporation.

Members of the Medford City Council

¹Medford Mail Tribune, January 16, 1981, p. 1, Pollution, Disease Link Studied, and State of Oregon, Interoffice Memo, Environmental Quality Laboratories and Applied Research, subject: Air Monitoring Data, December, 1980, January 12, 1981.

²The Clean Air Act Amendments of 1977, and the Director's Memorandum to the EQC, subject: Agenda Item #1, December 19, 1980, EQC Meeting.

³Medford Mail Tribune, February 8, 1981, p. 1, DEQ Pollution Report Due February 23.



Jackson County Oregon

COUNTY COURTHOUSE / MEDFORD, OREGON 97501

BOARD OF
COUNTY COMMISSIONERS
Commissioners Office 776-7231

February 26, 1981

*c/o Ms Linda Zucker
Hearings Officer*

Mr. Joe Richards, Chairman
Environmental Quality Commission
Department of Environmental Quality
P.O. Box 1760
Portland, Oregon 97207

Dear Mr. Richards:

The Jackson County Board of Commissioners would like to offer this written testimony regarding proposed changes to OAR 340-30-030, concerning emission limits for particle dryers, to be entered into the record of the Department of Environmental Quality hearing on the matter held in Medford on February 19, 1981.

We recommend the following:

- 1) Retain the existing emission limit for particle dryers.
- 2) Extend the compliance deadline to January 1, 1982.
- 3) Adopt a specific rule for medium density fiberboard plants.

We make these recommendations because we feel the severity of our problem necessitates an aggressive pollution control program.

Adoption of the proposals of Timber Products and Down River will make it necessary to secure additional emission reductions from other sources with emissions similar to those from particle dryers. Examples of sources with similar emissions are hogged fuel boilers, veneer dryers, open burning, and wood stoves. Emission reductions from these sources may be necessary in any event. Since industry and individuals will shortly be asked to endorse and implement additional particulate control rules, the request by Timber Products and Down River to relax their rule is inappropriate. In addition, it is generally more cost-effective to regulate large single sources of particulate pollution, such as particle dryers, rather than regulating thousands of smaller sources such as wood stoves.

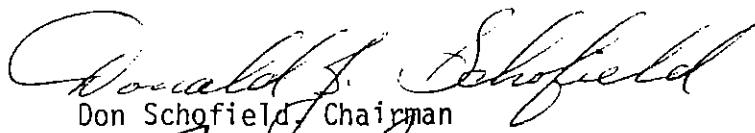
The costs being cited by industry in their petitions for compliance with the existing rule are in the same range as those considered by our Air Quality Advisory Committee and by DEQ when the rule was adopted in 1978. Additionally, the rule was adopted partially as a means of stimulating the development of technology as well as reducing particulate emissions. To say that the rule should be relaxed because the technology does not exist, would appear to be a reversal of policy. We feel that additional time to allow the industries to continue their efforts toward compliance would be a wiser choice.

Medford Corporation thinks its plant should be treated differently from the particleboard plants of Timber Products and Down River because there are major differences between them, such as the type of material, method of refining, and particle size. Information supplied to us indicates that the development of a specific rule for medium density fiberboard plants would not increase the total plant site emissions of their facility beyond present allowable maximums.

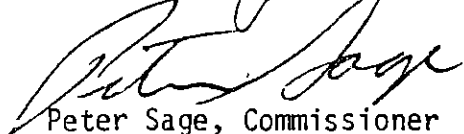
We concur in these recommendations to your commission and thank you for the opportunity to comment.

Sincerely,

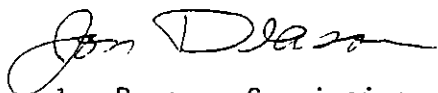
JACKSON COUNTY BOARD OF COMMISSIONERS



Don Schofield, Chairman



Peter Sage, Commissioner



Jon Deason, Commissioner

OREGON LUNG ASSOCIATION, SOUTHERN REGION

Serving Curry, Jackson, Josephine, & Klamath Counties

1019 N. Riverside, Medford, Oregon 97501 (503) 772-4466

February 19, 1981

Department of Environmental Quality
Air Quality Division
Box 1760
Portland, OR 97207

Dear Sirs:

Regarding Emission Limits and Compliance Schedules for Particle Dryers in the Medford-Ashland Air Quality Maintenance Area, the Oregon Lung Association, Southern Region, takes the following position:

1. Adequate Emission Limits are necessary so that this area can have air which is clean enough to protect the public health. Particulate emissions in the air in excess of the health standard create a hazard both by contributing to the creation of unhealthful conditions such as fog and smog, and by causing adverse health effects in and of themselves. They cause irritation to the respiratory system, which leads to infections, and they exacerbate existing allergies, chronic bronchitis and emphysema. These effects are not only immediate, but also long range. Small children, who are among the most susceptible to increased respiratory irritation and infection, if they are subjected to repeated illnesses will grow into adults with chronic respiratory problems. We cannot afford, either in human or in economic terms, to allow a health hazard to continue.
2. Realistically, if we are to achieve the necessary standard of air quality, it is crucial that everyone do their part. Some industries in this area have already gone through great expense and effort in order to achieve their required limits. Sooner or later all of us - industry, business, and individuals - will have to bear our part of the burden. That is the only way in which progress can be made.
3. Time is running out. Each year that passes increases the toll of illness, and produces more children who will be affected for life by the illnesses to which they are subjected now. Because we can't turn back time, we have no choice but to extend the compliance deadline. Likewise, we can only expect what is humanly possible. Therefore, as long as the industries involved are acting expeditiously and in good faith to do their part toward cleaning up our air, the Oregon Lung Association supports making whatever adjustments are necessary in schedules.

In principle, the Oregon Lung Association supports the concept of doing as much as possible to clean up the air, as soon as possible. We are not technical experts in the matter of limits and implementations. We cannot define the means by which improvement should be accomplished, but we support any measures which will accomplish substantial reductions in particle emissions.

Genevieve Pisarski Sage, Regional Director

2/18/81 FAS

To whom It may Concern,

We are writing to oppose Trunk Products request for increasing their emission limits.

Reasons: They are located about 2 blocks from an elementary school.

We also live nearby and the fall out is intolerable now.

Thank you
Frank & Shirley Duarte

RECEIVED
FEB 19 1981
2 1981

Frank Duarte
804 Summit
Medford, Oregon 97501



DEQ Air Quality Division

P. O. Box 1260

Portland, Oregon

97201

FAS

28 Valley View Drive
Medford, OR 97501
February 16, 1981

DEQ Air Quality Division
P.O. Box 1760
Portland, 97207

Dear Sir:

For several years now, the citizens of Medford have had to endure an increasing amount of smog, carbon monoxide and air particulate pollution. Many days during the past year we were asked to stop burning wood for home heat; especially during the foggy days of December and January ---- the coldest months of the year. I have delivered and chopped wood free of charge to the elderly and handicapped people for the Northwest Seasonal Workers organization. I don't believe it's right or fair to penalize these people, while the companies of this valley emit most of the particulates into the air.

Every month it seems there is an article in the paper that states that industry is requesting one extension or, in some cases, extensions. When will the DEQ finally tell industry to "fish or cut bait?" I do not want an air quality off-set system which only maintains the status quo effect. We need improvement. It seems industry is only interested in delaying, ^{as} long as possible, while the rest of the citizens pay higher heating cost.

I urge you to not extend the deadlines to these companies (Timber Products and Downriver Inc.) unless they can show where real progress will be made (a plan) to positively meet the required standards by the extended deadline. Also, please deny Timber Products their request to raise the emission limit to .75 pounds per 1000 sq. ft.

Sincerely

David E. Erion

David E. Erion

Mr. Mark Kounz, et al.
1028 Chestnut Avenue
Medford, Oregon 97501

DEQ Air Quality Division
P.O. Box 1790
Portland, Oregon 97207

FASU

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

FEB 24 1981

February 20, 1981
AIR QUALITY CONTROL

To Whom It May Concern:

This written testimony is in regards to the total plant site emission limit for Timber Products Co., Medford, Oregon.

We, the undersigned, are all employed by Timber Products Co., in a variety of "blue collar" positions. It is our belief that environmental quality and industry can exist together. To maintain harmony, realistic limits on emissions have to be maintained. Timber Products Co., in the interest of quality air standards, has invested almost a million dollars in the past decade on pollution control equipment.

We concur that our area's enormous increase in population, together with the resulted heavy auto and home wood burning use, coupled with the temperature inversions, have lead to Medford's current air quality situation. It should be exemplified that when Timber Products Co., as well as many other mills in the local area were shut down over the Christmas 1980 holidays, Medford still experienced air pollution alerts.

Our families' financial integrity as well as sound air quality can only both be maintained if the plant site emissions limit for Timber Products Co. is relaxed. We are confident that the Department of Environmental Quality and the state Environmental Quality Commission will make a responsible decision.

Sincerely yours,

| | | |
|--------------------------|-------------------------|------------------------|
| <u>Mark Kounz</u> | <u>Ray Johnson</u> | <u>Clyde Tieding</u> |
| <u>George Williams</u> | <u>Keith Dalba</u> | <u>Albin Kay</u> |
| <u>Al Evans</u> | <u>Wesley Childreth</u> | <u>R. Southern</u> |
| <u>Jim Smart</u> | <u>Gene Regell</u> | <u>Mike Olson</u> |
| <u>Myron Katsenfeld</u> | <u>Ken McKine</u> | <u>Paul Garber</u> |
| <u>George Cobby</u> | <u>Vic Brooks</u> | <u>Robert M. Gahan</u> |
| <u>Edward Standridge</u> | <u>Dave Ford</u> | <u>Albin</u> |

Mark Kounz, et al.
1028 Chestnut Avenue
Medford, Oregon 97501

20 February 1981

Re: Relaxing the standards for particulate emissions for Timber Products
Co., Medford, Oregon

Bruce Robertson

Michael R. Wines

Perry Rayburn

Thomas A. Dean

Len Clouse

Donna Williams

W. E. Kilburn

Richard Zimmerman

James K. Wood

Dale Simpson

Dennis L. Lawson

Vern E. Scholore

Name Verz Morrell
Vice President Rogue Valley League of Women
Voters

League has long had a strong position in
support of strong Air Quality Regulations
Federal, State, Local &

Lately Individuals have been asked to
reduce use of Woodstoves, make fewer
trips and pay Individual cost for
Mandatory Vehicle Emission programs
Industry has carried a large share rightly so

We cannot justify asking individuals to
make personal sacrifices if Industry
will not comply with existing regulations

We have been advised that the technology is
available within economic bounds

We cannot justify 2 Industries taking up
the growth & potential of our Valley

We ask for renewed effort on all parts to
clean up the air shed

Rogue Valley economy is based also on Agriculture,
Tourism and a growing Health & Retirement
Center.

We know we all pay - as taxpayers or consumers
We pay either before or after

We ask justify more stringent criteria. We know it

Horn

Particle Board Emissions

To whom it may concern:

I am here to present some reasons why I don't believe it is in the best interest of the breathing public for the particle board plants in the Medford and White City area to be allowed to emit anymore pollution in to the region's atmosphere than is allowed by the strictest interpretation of the present rules pertaining to particulate emissions. You may wonder how I feel that I am qualified to have such definite opinions on the subject.

I would like to submit the following: In 1966 when Timber Products Inc. built their particle board facility on Mc Andrews road just north of the Medford City limits. (It was a subsidiary of Cyprus Mines Inc. at that time) I was employed as a lead construction millwright. I started just as the buildings were completed and

are fed into this machine where they are rubbed between the two sets of plates, where the rubbing process separates the wood fibers in the chips into bundles of fibers of various length and size. Varying in size from barely visible to the naked eye, to the size of a frayed out wooden match.

I will go no farther with the process of particle board manufacture, because it is not germane to the problem at issue here.

Those barely visible fibers and particles are the culprits we are concerned with. Once loose in the atmosphere there will be the winds will.

They are a nuisance every where.

There are two dangerous situations relative to and caused by these microscopic fibers. When in the proper proportion to the air in an area (especially an enclosed area) when a flame

ready for the machinery to be put in place and fabricated into production lines. If I did not directly work on every machine I made than likely I fabricated some part of it.

Being of a curious nature I read everything I could find on the subject of Particle Board plants, their machinery and what exact role each component played in the process of making various grades of particle board.

The process of greatest interest to me was the way the raw chips are converted into the particles which give the board its strength and resistance to flexing and separation.

The raw chips (it has to be chips, sawdust will not make particle board) are run through a machine called a Pallman Pulverizer.

This machine has two sets of plates, one revolving and one stationary. The chips

or spark intrudes). The result is an explosion of considerable power. In fact the energy released is comparable to a gasoline explosion.

These explosions were so frequent and violent, that the Company named their product "Thunderboard". Several employees (me among them) were severely injured by these explosions and resulting fires.

The main damage as a whole is to the lungs of people down wind from the plant. Pollution as a result of round (or nearly so) particles such as contained in wood smoke can be eliminated by being flushed out by the mucus in the lung passages.

The trouble with the particles emitted by particle board plants is that they are in fiber form little spears and are much more difficult to eliminate from the nasal passages and lungs.

There are remedies for the

situation. The trouble is that there is some expense connected with them. Nothing will be done to correct the situation until the plants are forced to eliminate the discharge of these very real and very damaging particles into the air which we all have to breathe.

There are several remedies which are not too expensive. One is a scrubbing process another is the electronic static accumulator. Either one or both in sequence would do the job.

This problem is not new it didn't happen overnight. The particle board plants have been sitting on the dead butts for fifteen years or at very best dragging their feet. As long as the profit is there to feed with the public and the workers.

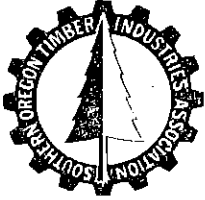
Give them some time to comply, adequate but not excessive. Then make sure it is met.

6.

No way relax the limits!
this is no time to allow
more pollution. A fifteen year
free ride at the expense of
our lungs should be adequate

Sincerely

Thom J. Horn
Retired Totally
Disabled Millwright
1418 - Lakeside
Medford Or
97501
1-503-773-497E



SOUTHERN OREGON TIMBER INDUSTRIES ASSOCIATION

2680 N. PACIFIC HWY.

MEDFORD, OREGON 97501

TELEPHONE 773-5329

TESTIMONY PRESENTED BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY, FEBRUARY
19, 1981, IN MEDFORD, OREGON CONCERNING EMISSION LIMITS AND COMPLIANCE
SCHEDULES FOR PARTICLE DRYERS IN THE MEDFORD-ASHLAND AQMA.

Mr. Chairman,

I am John L. Smith, Secretary-Manager of Southern Oregon Timber Industries Association, headquartered in Medford. We are a two county organization, serving timber industry firms in the Jackson and Josephine County areas. We have been involved in the air quality debate since its inception. Our posture has always been one of cooperation with the Department, in pursuit of reasonable and workable regulation.

The three petitioning firms involved in this hearing are members of our organization. I am here to speak independently of them, but in support of their petitions.

Concerning the two Medford Corporation petitions, there should be little question. Medco has worked with the Department over an extended period to arrive at this position. They have made the effort to meet prescribed standards using the bubble concept. This is a case where the end objective is being met, while the individual requirement is not. Medco's argument concerning the differences between fiberboard and particleboard processes is valid. You are dealing with two entirely different components, with significantly different properties. Trying to lump them for regulatory purposes is inappropriate.

The particleboard question is more complex. I urge the Department's consideration and empathy in this deliberation. It is far more complex

than first meets the eye.

First, it is necessary to get the proper perspective on the issue. The timber industry has borne the cost for air quality cleanup to date, primarily in the particulate area. We have made significant investments and have achieved laudable results. We have cooperated, and we have expended alot of money. Take a look around. There are no more wigwam burners smoking up the valley. The charcoal plant stacks no longer illuminate the night sky in White City. These are tangible results. Unfortunately a large portion of the citizenry still feels we are the culprits in the air quality problems of this valley.

The soon to be released Medford Aerosol Characterization Study may help bring this issue into focus. That document points out that the primary contributors to suspended particulate pollution are now vegetative burning, which includes home space heating with wood, and road and soil dust. Industry has dropped back significantly as a result of two main factors. First, we have cleaned up our act and made the necessary investments. Second, other sources have significantly increased their contribution. Specifically, home space heating and automobile traffic are contributing much more to the vegetative burning and road and soil dust categories. Interestingly enough, during a three day period of the Christmas holidays in 1979, when industry was curtailed, home heating contributed enough particulate material to constitute a violation on each of the three nights.

The point is that industry is no longer the culprit. We are still a contributor, but we have made a significant improvement, only to have it negated to some extent by other sources increasing their contribution. We are getting down to the final sources which are subject to the first round of industrial controls.

Consider for a moment why these two sources have not been controlled to date. The easiest to control, and the least expensive to control were dealt with first. As time passed the more difficult were brought under control with improved technology and more available funding. Today, you are considering the last increment. It is costly, and there is a real question if the technology to do the job is available. I feel there is ample evidence of a good faith effort on the parts of both firms to try and find something they can afford, and which will meet the requirements.

Now consider the costs. The Medford AQMA as the most stringent standards for particleboard plants in the state and nation. No manufacturer of pollution abatement equipment has indicated a willingness to stand behind his product in meeting those standards. That is a good indication that perhaps the state of the art is being forced, and that technology is not really available to do the job. For the two firms involved, it is a very high risk proposition.

What will happen if no modification of the emission limits is granted? Either or both of the firms could elect to take the risk to install equipment which may or may not achieve the desired end result. We are talking about investments in excess of one million dollars each. Suppose the equipment does not accomplish the desired results? Where are we then? Perhaps the problem lies with the limits. Are they unnecessarily stringent? Is that stringency based on meeting a strategy which is being daily undermined by automobiles and woodstoves?

Another scenario would see the shutdown of one or both facilities because the cost was too high and the risk too great to justify the investment in uncertain technology. This poses another problem which must be addressed. What will happen to all of the residual material which these

plants use to produce their product. It has little value for anything else, except possibly firing hog fuel burners. There is already enough hog fuel available to meet the local needs. We don't need any more. Without one or both of these plants we are going to have a solid waste disposal problem of unfathomable dimensions. There is a definite tradeoff and it must be recognized in your deliberations.

There is an irony in this whole issue. The public is demanding increased utilization of our forest resources. Our Congressional people are demanding increased utilization of our forest resources. And given the reductions in the commercial forest land base resulting from administrative and Congressional withdrawals for a number of purposes, it is essential that we have increased utilization if we are to meet the national demand for wood products. Yet, we have trapped ourselves between a rock and a hard spot on this one. An overly stringent emission limit is going to preclude us from meeting that objective of greater utilization.

There is no question that this is a complex problem. We urge you deliberate it carefully, in full recognition of the tradeoffs involved. The variance from the compliance schedule appears appropriate. The modification of the emission limit also appears justified. From a total industry standpoint, the loss of either of these plants, and their market for residual material will impact many other firms and will create problems in areas other than air quality.

D.E.Q HEARING OFFICER

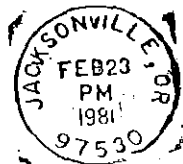
LINDA ZUCKER

I WOULD LIKE TO THANK YOU FOR LETTING ME STATE MY FEELINGS ON THE PROBLEM, WITH THE AIR HERE IN THE ROUGE VALLEY, I KNOW THE REST OF THE STATE DOES NOT HAVE THE SAME AIR PROBLEM AS THE VALLEY DOES, BUT I DO NOT THINK THAT SHUTTING DOWN THE MILL'S IS GOING TO HELP THE PEOPLE IN THE VALLEY WHO WORK HERE AND LIVE HERE, OR THE PEOPLE WHO NEED THE PRODUCTS WE MAKE, IF TECHNOLOGY WAS AVAILABLE AND SAFE. THAT WOULD BE DIFFERENT.

THANK YOU

Ray L. Driskell

RAY L. DRISKELL
P.O. BOX 352
J-VILLE OR.
97530



NATION
LA
GOLDDI

clear

DEQ AIR QUALITY DIVISION

International Woodworkers of America

AFL-CIO • CLC
LOCAL 3-6

PHONE 779-3480 ~~XXXXXXXXXXXXXXXXXXXX~~ 305 East Jackson St.
MEDFORD, OREGON 97501



IWA 3-6 represents the hourly workers at Timber Products. We are concerned about D.E.Q. regulations as they apply to Timber Products Company. We feel that regulations and enforcement of regulations should be reasonable and attainable. We also feel that air quality improvement should have a relationship to the cost of control necessary to make the improvement.

During the Christmas and New Year Holidays when Timber Products was shut down for two (2) weeks the city was still having air pollution alerts, so it does not make sense to require industry to spend huge sums and thereby endanger the employment of our members when other sources of emission go uncontrolled. Industry cannot be expected to offset the pollution caused by the increases of wood burning stoves, automobiles and general public activities.

We are aware of the huge sums spent by Timber Products Company in the past for air quality improvement and hope that the cost of future controls does not force them out of business and us out of jobs.



Michael W. Hicks
President Local 3-6
International Woodworkers
of America

ENVIRONMENTAL CONTROLS

The management of Timber Products Co. recognizes that the location of its primary manufacturing facilities requires special and continuous efforts to control emission levels at or below the standards established by DEQ. The company has taken the following steps toward achieving that goal:

| | | |
|------|---|-------------------|
| 1969 | Raw material storage area (particle board plant) enclosed with a wall and roofing over the storage bins | 148,088.65 |
| 1969 | The wigwam burner was dismantled - one of the first removed in Jackson County for environmental reasons | 25,000.00 |
| 1970 | Pneumatic conveyor installed to transfer sander dust to the boilers for fuel | 57,999.60 |
| 1974 | Fully enclosed the chip truck dumping | 38,719.26 |
| 1975 | A wet scrubber (American Air-Filter multi-clone) installed on the particle board sander system | 26,198.57 |
| 1975 | Three wet scrubbers (American Air-Filter multi-clone) installed on particle board milling and drying, one on each dryer and one on fine and coarse cyclones | 59,015.94 |
| 1977 | American Sheet Metal Ero-Vac bag house installed on the fine and coarse metering bin cyclone | 49,701.72 |
| 1979 | Burley scrubbers installed on two veneer dryers | 219,823.08 |
| 1980 | Replaced the wet scrubber on the particle board sander with a Carter bag house system | 56,218.56 |
| 1980 | Installed a Carothers bag house on the plywood sander system | 52,362.00 |
| 1980 | Installed a Burley scrubber on the boiler stack | 193,556.29 |
| | Total expenditures on emission controls | <u>926,683.67</u> |

Feb. 19, 1981

Dept. of Environmental Quality

Re: Concerning the requested change in OAR 340-30-030

My name is Debra McFadden. I served as Vice Chairman of the Medford Ashland Air Quality Advisory Committee. During the very active and productive life of the committee; a great deal of time and study was spent on what levels of particulates were within the healthful range for the community. The Timber Industry had a very knowledgeable and vocal representative on the committee who provided a lot of insight into the unique problems of the Industry. The standards that were adopted were considered the most appropriate ones for our community. At that time we had not reached the high levels of particulate violations that occurred this winter and there was some speculation about the violations being an atypical occurrence at that time. Since then we have seen continual violations. For the companies to seek a relaxation of the OAR 340-30-030 at this time seems inappropriate. The request for an extension seems feasible considering the deadline passed several weeks ago. However, the need for the necessary compliance should occur within that time period.

When considering what action to take on this request please look at testimony presented to the Jackson County Board of Commissioners by Dr. John Farquhar concerning the increased Respiratory illnesses in children during those times of high particulate violation. At some point, our health and the health of our children has to have priority.

I work with the local Health Planning Council, which has recognized the air quality problem in Jackson County as a priority item for the council to address. The problem has grown since the Medford Ashland Air Quality Advisory Committee worked on the problem. I hope that no relaxation in the standard is considered as the best solution to the problem facing us.

Sincerely,

A handwritten signature in cursive script that reads "Debra K. McFadden". The signature is written in dark ink and is positioned to the right of the typed name.

Debra K. McFadden

TO: DEQ, EQC

FROM: Mrs. Helen Thomas, 4386 Pioneer Rd., Medford, OR.

SUBJECT: DEQ HEARING on the emission limits and compliance schedules for particle dryers in the Medford-Ashland AQMA

I have been a resident of the Rogue Valley for over 30 years. Twenty of those years have been at a hilltop residence overlooking the Medford, White City & Phoenix area, where I have been able to visually monitor the increasing air pollution in the valley. Through study with local air quality and land use groups and the League of Women Voters, I have been made aware of the complex nature of our air quality problems, including multiple sources of generation, concomitant health, welfare and economic implications.

Although there is no doubt it would cause economic hardship for Timber Products and Down River to comply with the present particulate emission level of 0.35 pounds per 1000 sq. ft. of board I strongly recommend retaining this rule because of the severe conditions we experience during prolonged periods of stagnant air, with health-threatening conditions which can result.

We recognize that wood product industries are important to the economic health of the Rogue Valley, but if they cannot operate without causing equally disastrous economic effects on the health of residents of the Rogue Valley, then nothing is really gained. We also have many other industries and services and an important tourist business which should not be negatively impacted by a particular type of industry.

This emission rule, which was adopted in March 1978, was to have been complied with by Jan. 1981, but as pilot testing took longer than expected and this date has already passed, I recommend extending the compliance date to no longer than Dec. 31, 1981.

It seems reasonable to adopt a separate specific rule for medium density fiberboard plants such as Medco. But as they are located in such close proximity to residences & businesses who have suffered the effects of particle fall-out for so long, in addition to health effects, the secondary welfare standard should be given more consideration than it has in the past.

Many of us are by no means singling out timber industries as the only target of air quality problems and are working equally as hard to clean up other aspects of the problem through mandatory Inspection-Maintenance programs for autos and controls on open burning in the county.

Helen Thomas

WILLIAM H. YOCUM
1575 CARTER LANE
ASHLAND, OREGON 97520

1/25/81

DEPT. OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
Box 1760
PORTLAND, OR 97207

DEPT. OF ENVIRONMENTAL QUALITY
Medford Office cc 1/28/81
Hearing Room
PBB
EAS
PBB

TO WHOM IT MAY CONCERN:

IT IS MY ASSUMPTION THAT THE INDIVIDUALS WHO LIVE AND WORK IN THE MEDFORD AREA ARE THREATENED WITH A POTENTIAL HEALTH PROBLEM WITH POLLUTENTS AIRBORNE WITHIN EXISTING INVERSIONS IN THE VALLEY.

WITH BEING AWARE THAT A PROBLEM DOES EXIST AND THE MEDFORD PARTICLEBOARD & FIBERBOARD INDUSTRIES ARE INVOLVED WITH THE PROBLEM BY THEIR EMISSIONS INTO OUR ATMOSPHERE I SUPPORT ALL ATTEMPTS WHICH WILL IMPROVE THE LIVABILITY OF THIS VALLEY BY IMPROVING THE QUALITY OF THE ATMOSPHERE.

IT IS OBUIOUS THAT MEDFORD PARTICLEBOARD AND FIBERBOARD INDUSTRIES HAVE FAILED TO MEET THEIR

COMPLIANCE DEADLINE OF JAN. 1, 1981 - MY QUESTION
IS WHAT HAVE THEY DONE TO REDUCE THEIR
EMISSION THUS IMPROVING THE LOCAL LIUABILITY?
HOPEFULLY THE SITUATION IS IMPROVING AT A CONSTANT
RATE.

Sincerely
Bill You

DEQ holds particle hearing

At the request of representatives of the Medford particleboard and fiberboard industries, the state Department of Environmental Quality will hold a hearing Feb. 19 to consider changes in the emission limits and compliance schedules for particle and fiberboard dryers.

According to an announcement released by the DEQ, the department is considering proposals to extend the compliance deadline from Jan. 1, 1981 to Jan. 1, 1982; retain the current emission limits unless new data is presented to demonstrate that these limits are impossible to attain; and a separation of standards for fiberboard dryers from particleboard dryers.

The department is seeking public comments on the proposals. Comments may be sent to the Department of Environmental Quality, Air Quality Division, Box 1760, Portland, Oregon 97207, and should be received by Feb. 18.



file
2/19
Mendford King

ALBERT TEITELBAUM

Investments

2300 MORADA LANE, ASHLAND, OREGON 97520

Telephone (503) 482-2357

February 23, 1981

Department of Environment Quality
522 S.W.5th Avenue
Portland, Oregon 97207

Att: Hearings Officer, Linda K.Zucker

This letter is to again urge your department not to allow any relaxation of the air quality rules in regards to Wood Particle Dryer Rules.

The three plants who asked that the rules be relaxed in the hearings on February 19th emitted 1,085 tons of particulate in the 1980 year alone. I believe that if the general public was aware that these three plants alone polluted our air in 1980 with 2,170,000 pounds of extremely health hazards pollutions that there would be such an outcry from our Rogue Valley Citizens that you would be forced to stop this pollution.

From your statements at the hearing I know that economic considerations are important but they pale by comparison with health considerations. Also what is the economic impact on the Rogue Valley from industries and businesses that go elsewhere and tourists that avoid our valley because we have one of the worst air quality problems in the entire nation.

If any foreign nation poisoned our air we would declare war yet we allow this to happen here and do nothing to stop it.

Do we have to wait, as London did, for several thousand people to die in a weekend before we act. I pray not.

Please help our air to become fit to breath.

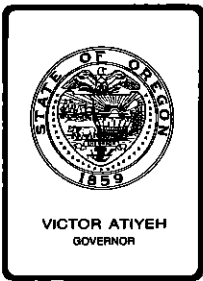
Thank you.

Sincerely yours,

Albert Teitelbaum

EGG
Hearing Section

FEB 23 1981



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, April 24, 1981, EQC Meeting

10:00 A.M. PUBLIC HEARING and consideration of adopting proposed new Plant Site Emission Limit (PSEL) and New Source Review (NSR) Rules for both nonattainment and attainment (PSD) areas and proposed revocation of the following existing rules:

- a) Special Permit Requirements for Source Locating In or Near Nonattainment Areas, OAR 340-20-190 through 198.
- b) Criteria for Approval of New Sources in the Portland Special AQMA, OAR 340-32-005 through 025.
- c) Specific Air Pollution Control Rules for the Medford-Ashland AQMA, OAR 340-30-110.
- d) Prevention of Significant Deterioration, OAR 340-31-105, definitions 1 through 11, 13 and 14, and 17 through 22; 340-31-125 and 340-31-135 through 195.

Background

On June 8, 1979, the Commission adopted OAR 340-20-196 to 197 "Emission Limits on a Plant Site Basis." On April 10, 1980, Medford Corporation filed a petition with the Commission questioning the applicability of Emission Limits on a Plant Site Basis to air conveying systems and veneer dryers. The Commission heard this petition at the May 16, 1980, meeting and subsequently referred the matter to the Department for further consideration.

The Department has evaluated Medford Corporation's petition and has concluded that a revision to the Plant Site Emission Limit Rule is necessary to more fully define the basis upon which Plant Site Emission Limits are to be established.

Also on June 8, 1979, the Environmental Quality Commission (EQC) adopted new rules for Special Permit Requirements for Sources Located In or Near Nonattainment Areas (OAR 340-20-190 through 197) and new rules to Prevent Significant Deterioration of Air Quality (OAR 340-31-100 through 195). The rules for nonattainment areas (New Source Review) were submitted to the Environmental Protection Agency (EPA) as a revision to the Oregon State Implementation Plan.

On June 24, 1980, EPA conditionally approved the Oregon State Implementation Plan subject to correction of certain deficiencies. In the area of New Source Review two such deficiencies were identified as follows:

- a) Emission Offsets OAR 340-20-192(1) contains an offset requirement but no offset program was adopted by DEQ. Such a program is needed if offsets are to be employed.
- b) Multiple Sources Under Single Ownership OAR 340-20-192(3) must be modified to satisfy the requirement of Section 173(3) of the act in that a permit to construct or operate a new source in a nonattainment area can be issued if the other sources owned by the same company in the state are in compliance with the act, not just "with applicable requirements of the adopted state plan."

Another development which requires changes in both the New Source Review and Prevention of Significant Deterioration rules is the ruling of the United States Court of Appeals for the District of Columbia Circuit in the case of Alabama Power Company, et al (No. 78-1006). In anticipation of this ruling, the Oregon Prevention of Significant Deterioration rules were not submitted to EPA for approval and program delegation. The court ruled on December 14, 1979, requiring EPA to amend the Prevention of Significant Deterioration requirements. Some of these required changes also involved the New Source Review provisions for nonattainment areas. On August 7, 1980, EPA promulgated final revisions of the Prevention of Significant Deterioration Rules and the associated requirement for State Implementation Plans for attainment and nonattainment areas.

The Department requested authorization to hold a public hearing on these proposed rules at the January 30, 1981 meeting. The Commission deferred action on this item until the March 13, 1981 meeting because of a letter from Associated Oregon Industries requesting more time to review the proposed rules.

The Department conducted meetings with the Medford Chamber of Commerce on February 6, 1981, and with Associated Oregon Industries on February 10, 18, and 27, 1981. During these meetings the Department staff

explained the rules and received comments. The Commission subsequently granted authorization at the March 13 meeting to hold the public hearing at the April 24 meeting before the Commission.

Statement of Need

The Statement of Need prepared pursuant to ORS 183.335(2) is presented in Attachment 4.

Discussion

Plant Site Emission Limits -

The Federal Clean Air Act requires states to develop and adopt strategies for attainment of Air Quality Standards in nonattainment areas. The Act also requires states to demonstrate reasonable further progress (RFP) toward attainment of standards and to track consumption of and not exceed, Prevention of Significant Deterioration (PSD) increments in all attainment areas of the state.

In order to track progress toward attainment of standards and consumption of PSD increments, accurate baseline emission data must be established and increases and decreases from the baseline must be tracked.

Plant Site Emission Limits are needed to establish an accurate and agreed baseline emission rate from individual sources and to accurately track increases or decreases from the baseline.

The proposed Plant Site Emission Limit Rule (Attachment 1) establishes specific criteria for calculating Plant Site Emission Limits as follows:

1. New Sources or Modifications

Plant Site Emission limits for new sources will be based on the appropriate control technology requirements of the New Source Review Rules or the Air Contaminant Discharge Permit Rules (BACT, LAER, or HBPT).

2. Existing Sources in Nonattainment Areas

Plant Site Emission Limits for existing sources in nonattainment areas will be based on the mass emission rate allowed by a specific source category mass emission limit in the State Implementation Plan and the actual operating level of the plant during the 1977/1978 baseline period. If no specific mass emission limit exists in the State Implementation Plan, the Plant Site Emission limit would be based on actual emissions during the baseline period. Within practical limitations, the Department will endeavor to establish specific mass emission limits for all significant source categories where they do not now exist.

3. Existing Sources in Attainment or Unclassifiable Areas

Plant Site Emission Limits for existing sources in attainment or unclassifiable areas are proposed to be based on actual emission levels during the 1977/1978 baseline period as required by the Prevention of Significant Deterioration rules. Increases or decreases from the baseline could be allowed pursuant to applicable rules.

4. Alternative Emission Controls (bubble)

The proposed rule establishes criteria for sources that wish to use alternative emission control systems. Under this rule, owners and operators have the option of controlling the less expensive emission units within a plant site rather than the emission units specifically regulated by the Department rules as long as the Plant Site Emission Limit is not exceeded.

5. Temporary PSD Increment Allocation

The proposed rule provides for temporary increment allocations for those sources that can accomplish cost or energy savings through temporary changes in plant operation (such as fuel switching). Such temporary allocations would be time limited and could be recalled under specific conditions to accommodate other types of growth in an area.

The proposed New Source Review rule (Attachment 2) is intended to rectify the deficiencies identified by EPA and to revise those areas affected by the Alabama Power decision. This rule is designed to meet all of the requirements for State Implementation Plans for New Source Review and Prevention of Significant Deterioration in a much simpler rule than that adopted by EPA. Clearly the states are not required to adopt all of the complex regulatory language that EPA was forced to adopt in response to the Court ruling. Instead state rules can provide for the specific needs of a particular state as long as "equivalency" with the EPA requirements can be demonstrated.

The proposed rules will simplify the present Oregon rules by combining all new source requirements under one set of definitions and procedures. This rule would be known as "New Source Review" with the new source requirements of the Prevention of Significant Deterioration included in a section applying to attainment areas. The rules would be listed immediately following the rules for Air Contaminant Discharge Permits making it possible to find all of the permit requirements in one place, whereas the present rules are scattered in four different sections.

The replacement of existing rules with the proposed rule will represent a major simplification of the new source requirements. Overall, when combined with the redesignation of certain nonattainment areas to smaller areas, the proposed rule is more flexible and more equitable than the present rules. At the same time, adequate protection for the nonattainment

areas is provided. The proposed requirements for attainment areas are equivalent in stringency to the EPA Prevention of Significant Deterioration Rules.

The provisions which have been added to the proposed rule to increase flexibility and provide equity are the following:

1. Definition of "Major Source" and "Major Modification"

The emission rate which determines the cutoff between major and minor sources and modifications was remanded to EPA in the Alabama Power decision on two counts. First, the definition of "potential to emit" was changed to mean potential after the application of controls as opposed to before controls under the original EPA definition. Secondly, for modifications any increase greater than a significant amount was deemed "major." EPA resolved the dilemma created by these rulings by defining a set of cutoff criteria for major sources and major modifications as follows:

| | "Major" size cutoff |
|------------------------|---|
| I. Nonattainment Areas | |
| Major Sources | 100 tons/year |
| Major Modification | "Significant" increase |
| II. Attainment Areas | |
| Major Sources | 100 tons/year for sources in 28 categories 250 tons/year for all others |
| Major Modification | "Significant" increase |

This definition of "major" has proven to be needlessly complex and confusing to applicants. The proposed rules simplify the definition of "major" by defining a "significant emission rate increase" for each pollutant after control as the cutoff for both major sources and major modifications. The same cutoff stringency would be applied to new sources and modifications in nonattainment areas.

2. Sources or Modifications Impacting Nonattainment Areas

Under the proposed rule, major sources and major modifications which locate outside of nonattainment areas but have an impact on the nonattainment area are required to mitigate that impact. This mitigation can be accomplished by installing controls better than otherwise required in an attainment area, by providing offsets, or by receiving an allocation of growth increment. In conjunction with refined nonattainment boundaries, this provision releases some areas from the offset requirement while providing equity for sources inside and outside of nonattainment areas.

3. "Bubble" for Modifications of Sources

The proposed rules would allow modifications of sources in both attainment and nonattainment areas to avoid review under this rule if no significant increase in emissions occurs. This rule is therefore in accord with the recent announcements by Vice-President Bush concerning regulatory reform. Such modifications are still subject to other Department rules including Highest and Best Practicable Treatment and New Source Performance Standards.

4. Exemptions

The proposed rule allows certain exemptions for temporary sources, portable sources, municipal refuse facilities, sources receiving federal orders to switch fuels, and sources in attainment areas that would not impact a nonattainment area or a Class I area. These exemptions are allowed by the EPA requirements and are also appropriate for Oregon.

5. Growth Increments for Nonattainment Areas

Growth increments may be available in some of the nonattainment areas of the State depending on the degree of reductions obtained through the control strategies. Section OAR 340-20-240(7) has been added for major source growth increments for the Medford-Ashland ozone nonattainment area. As control strategies in other areas are developed growth increments can be adopted, thus releasing additional sources from the offset requirement. In the meantime, offsets are required for new sources or modifications in those nonattainment areas.

6. Banking

Banking of emission reductions would be allowed under the provisions of OAR 340-20-265. Under this proposal the DEQ would operate a statewide bank in which owners or operators of facilities could deposit emission reductions subject to the limitations specified in the rule. Counties or cities that wish to make emissions banking part of a growth management plan may also participate in the emissions bank. Most of the recommendations of the Portland Growth Management Study have been incorporated into this provision.

The proposed banking provision allows only limited banking at this time. It was felt that the air quality in nonattainment areas would be adversely affected by a banking system that allowed banking of "paper" reductions or did not allow for discounting of banked emissions in the event that air quality worsened. EPA is promoting an optional banking program for State Implementation Plans for which draft guidelines are available. The proposed banking provision is consistent with these guidelines.

7. The requirements for plant site emission limits are cross-referenced to apply to new sources and modifications. The baseline for computing offset, banking and bubbling credits will be the plant site emission limits.
8. Protection of Ozone Strategies

A provision has been proposed in these rules under OAR 340-20-280 to protect the options of the Commission in adopting strategies for attainment of the ozone standard in the Portland nonattainment area. The most likely strategies have been locked up so that they cannot be used for offsets or banking.

Summation

The proposed revisions of the Plant Site Emission Limit and New Source Review rules represent a major simplification of procedures for regulating new source construction. It is proposed that the present rules in these areas be revoked (attachment 3) when and if the new rules are adopted. By revoking the existing 29 rules and adopting the proposed 18 rules a net reduction of 11 rules would occur.

The adoption of the proposed rules and revocation of the existing rules will resolve deficiencies concerning the approval of the Oregon State Implementation Plan for nonattainment areas and will allow the Department to receive delegation of the Prevention of Significant Deterioration program from EPA.

The adoption of the proposed Plant Site Emission Limit Rule and the revocation of the present rule will resolve the petition submitted by Medford Corporation concerning the applicability of the present rule.

Director's Recommendation

I recommend that the Commission consider the public comments received prior to and during the hearing and consider adopting the proposed rules and revoking the existing rules for Plant Site Emission Limits and New Source Review.

Bill

William H. Young

- Attachments
1. Proposed Rules for Plant Site Emission Limits
 2. Proposed Rule for New Source Review
 3. Existing Rules Proposed for Revocation
 4. Notice of Public Hearing and Statement of Need for Rulemaking

DRAFT PLANT SITE EMISSION LIMIT RULES340-20-300 Requirement for Plant Site Emission Limits

Plant site emission limits (PSEL) shall be incorporated in all Air Contaminant Discharge Permits except minimal source permits and special letter permits as a means of managing airshed capacity. All sources subject to regular permit requirements shall be subject to PSELs for all Federal and State regulated pollutants. PSELs will be incorporated in permits when permits are renewed, modified, or newly issued.

The emissions limits established by PSELs shall provide the basis for:

1. Assuring reasonable further progress toward attaining compliance with ambient air standards.
2. Assuring that compliance with ambient air standards and Prevention of Significant Deterioration increments are being maintained.
3. Administering offset, banking and bubble programs.
4. Establishing the baseline for tracking consumption of Prevention of Significant Deterioration Increments.

340-20-305 Definitions

1. "Actual Emissions" means the mass rate of emissions of a pollutant from an emissions source.
 - a. In general, actual emission as of the baseline period shall equal the average rate at which the source actually emitted the pollutant during a baseline period and which is representative of normal source operation. The Department shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the source's actual operating hours, production rates and types of materials processed, stored, or combusted during the selected time period.
 - b. The Department may presume that existing source-specific permitted mass emissions for the source are equivalent to the actual emissions of the source if they are within 10% of the calculated actual emissions.
 - c. For any newly permitted emission source which had not yet begun normal operation in the baseline period, actual emissions shall equal the potential to emit of the source.

2. "Baseline Emission Rate" means the average actual emission rate during the baseline period. Baseline emission rate shall not include increases due to voluntary fuel switches or increased hours of operation that have occurred after the baseline period.
3. "Baseline Period" means the average of calendar years 1977 and 1978.
4. "Normal Source Operation" means operations which do not include such conditions as forced fuel substitution, equipment malfunction, or highly abnormal market conditions.
5. "Plant Site Emission Limit (PSEL)" means the total allowable mass emissions per unit time of an individual air pollutant in a permit for a source.

340-20-310 Criteria for Establishing Plant Site Emission Limits

1. For existing sources, PSELs shall be based on the baseline emission rate for a particular pollutant at a source and may be adjusted upward or downward pursuant to Department Rules. Applications to increase PSELs above the baseline emission rate, may be approved only if PSD increments, growth increments, or emission offsets are available.

When the requested emission increase is greater than the significant emission rate specified in OAR 340-20-225(22), the applicant shall provide an assessment of the air quality impact pursuant to procedures specified in OAR 340-20-220 to 280.

2. PSELS shall be established on at least an annual emission basis and a short term period emission basis that is compatible with source operation and air quality standards.
3. PSELS may be established separately within a particular source for process emissions, combustion emissions, and fugitive emissions.
4. Documentation of PSEL calculations shall be available to the permittee.
5. For new sources, PSELS shall be based on application of applicable control equipment requirements and projected operating conditions.
6. PSELS shall not allow emissions in excess of those allowed by any applicable Federal or State regulation or by any specific permit condition unless specific provisions of 340-20-315 are met.

7. PSELS may be changed pursuant to Department rules when:
 - a. Errors are found or better data is available for calculating PSELS,
 - b. More stringent control is required by a rule adopted by the Environmental Quality Commission,
 - c. An application is made for a permit modification pursuant to the Air Contaminant Discharge Permit requirements and the New Source Review requirements and approval can be granted based on growth increments, offsets, or available Prevention of Significant Deterioration increments.
 - d. The Department finds it necessary to initiate modifications of a permit pursuant to OAR 340-14-040.

340-20-315 Alternative Emission Controls (Bubble)

Alternative emission controls may be approved for use within a plant site such that specific mass emission limit rules are exceeded provided that:

1. Such substitutions are not specifically prohibited by a permit condition.

2. Net emissions for each pollutant are not increased above the Plant Site Emission Limit.
3. The net air quality impact is not increased.
4. No other pollutants including malodorous, toxic or hazardous pollutants are substituted.
5. Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER) where required by a previously issued permit and New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) where required, are not relaxed.
6. Specific mass emission limits are established for each emission unit involved such that compliance with the PSEL can be readily determined.
7. Application is made for a permit modification and such modification is approved by the Department.

340-20-320 Temporary PSD Increment Allocation

PSELS may include a temporary or time-limited allocation against an otherwise unused PSD increment in order to accommodate voluntary fuel switching or other cost or energy saving proposals provided it is demonstrated to the Department that:

- b. No applicable PSD increment is exceeded.
- c. No observable or measurable detrimental impact on air quality is created.
- d. No nuisance condition is created.
- e. The applicant's proposed and approved objective continues to be realized.

Such temporary allocation a PSD increment must be set forth in a specific permit condition issued pursuant to the Department's Notice and Permit Issuance or Modification Procedures.

Such temporary allocations must be specifically time limited and may be recalled under specified notice conditions.

Draft New Source Review
Regulation

Air Quality Division
Department of Environmental Quality

March 31, 1981

Introduction-

The purpose of this proposed regulation is to update the New Source Review provisions of the State Implementation Plan. In addition, the new source requirements of the Prevention of Significant Deterioration provisions have been incorporated into this regulation.

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340-20-220 Applicability

1. No owner or operator shall begin construction of a major source or a major modification of an air contaminant source without having received an Air Contaminant Discharge Permit from the Department of Environmental Quality and having satisfied OAR 340-20-230 through 280 of these Rules.

2. Owners or operators of proposed non-major sources or non-major modifications are not subject to these New Source Review rules. Such owners or operators are subject to other Department rules including Highest and Best Practicable Treatment and Control Required (3AR 340-20-001), Notice of Construction and Approval of Plans (OAR 340-20-020 to 032), Air Contaminant Discharge Permits (OAR 340-20-140 to 185), Emission Standards for Hazardous Air Contaminants (OAR 340-25-450 to 480), and Standards of Performance for New Stationary Sources (OAR 340-25-505 to 545).

340-20-225 Definitions

1. "Actual emissions" means the mass rate of emissions of a pollutant from an emissions source.

- a. In general, actual emissions as of the baseline period shall equal the average rate at which the source actually emitted the pollutant during the baseline period and which is representative of normal source operation. The Department shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the source's actual operating hours, production rates and types of materials processed, stored, or combusted during the selected time period.
 - b. The Department may presume that existing source-specific permitted mass emissions for the source are equivalent to the actual emissions of the source if they are within 10% of the calculated actual emissions.
 - c. For any newly permitted emission source which had not yet begun normal operation in the baseline period, actual emissions shall equal the potential to emit of the source.
2. "Baseline Concentration" means that ambient concentration level for a particular pollutant which existed in an area during the

calendar year 1978. If no ambient air quality data is available in an area, the baseline concentration may be estimated using modeling based on actual emissions for 1978.

The following emission increases or decreases will be included in the baseline concentration:

- (a) Actual emission increases or decreases occurring before January 1, 1978, and
 - (b) Actual emission increases from any major source or major modification on which construction commenced before January 6, 1975.
3. "Baseline Period" means the average of calendar years 1977 and 1978.
 4. "Best Available Control Technology (BACT)" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction of each air contaminant subject to regulation under the Clean Air Act which would be emitted from any proposed major source or major modification which, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel

cleaning or treatment or innovative fuel combustion techniques for control of such air contaminant. In no event, shall the application of BACT result in emissions of any air contaminant which would exceed the emissions allowed by any applicable new source performance standard or any standard for hazardous air pollutants. If an emission limitation is not feasible, a design, equipment, work practice, or operational standard, or combination thereof, may be required. Such standard shall, to the degree possible, set forth the emission reduction achievable and shall provide for compliance by prescribing appropriate permit conditions.

5. "Commence" means that the owner or operator has obtained all necessary preconstruction approvals required by the Clean Air Act and either has:
 - a. Begun, or caused to begin, a continuous program of actual on-site construction of the source to be completed in a reasonable time, or
 - b. Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed in a reasonable time.

6. "Construction" means any physical change (including fabrication, erection, installation, demolition, or modification of an emissions unit) or change in the method of operation of a source which would result in a change in actual emissions.
7. "Dispersion Technique" means any air contaminant control procedure which depends upon varying emissions with atmospheric conditions including but not limited to supplementary or intermittent control systems and excessive use of enhanced plume rise.
8. "Emission Reduction Credit Banking" means to presently reserve, subject to requirements of these provisions, emission reductions for use by the reserver or assignee for future compliance with air pollution reduction requirements.
9. "Emissions Unit" means any part of a stationary source (including specific process equipment) which emits or would have the potential to emit any pollutant subject to regulation under the Clean Air Act.
10. "Fugitive emissions" means emissions of any air contaminant which escape to the atmosphere from any point or area that is not identifiable as a stack, vent, duct, or equivalent opening.

11. "Good Engineering Practice Stack Height" means that stack height necessary to insure that emissions from the stack do not result in excessive concentrations of any air contaminant in the immediate vicinity of the source as a result of atmospheric downwash, eddies, and wakes which may be created by the source structure, nearby structures, or nearby terrain obstacles and shall not exceed the following:

a. 30 meters, for plumes not influenced by structures or terrain;

b. $H_G = H + 1.5 L$, for plumes influenced by structures;

Where H_G = good engineering practice stack height,

H = height of structure or nearby structure,

L = lesser dimension (height or width) of the structure or nearby structure,

c. Such height as an owner or operator demonstrates, after notice and opportunity for public hearing, is necessary to avoid plume downwash.

12. "Growth Increment" means an allocation of some part of an airshed's capacity to accommodate future new major sources and major modifications of sources.

13. "Lowest Achievable Emission Rate (LAER)" means that rate of emissions which reflects a) the most stringent emission limitation which is contained in the implementation plan of any State for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or b) the most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent. In no event, shall the application of this term permit a proposed new or modified source to emit any air contaminant in excess of the amount allowable under applicable new source performance standards or standards for hazardous air pollutants.

14. "Major Modification" means any physical change or change of operation of a major source that would result in a net significant emission rate increase (as defined in definition 22) for any pollutant subject to regulation under the Clean Air Act. This criteria also applies to any pollutants not previously emitted by the source. Calculations of net emission increases must take into account all accumulated increases and decreases in actual emissions occurring at the source since January 1, 1978, or since the time of the last construction approval issued for the source pursuant to the New Source Review Regulations, whichever time is more recent. If accumulation

of emission increases results in a net significant emission rate increase, the modifications causing such increases become subject to the New Source Review requirements including the retrofit of required controls.

15. "Major source" means a stationary source which emits, or has the potential to emit, any pollutant regulated under the Clean Air Act at a Significant Emission Rate (as defined in definition 22).
16. "Nonattainment Area" means a geographical area of the State which exceeds any State or Federal primary or secondary ambient air quality standard as designated by the Environmental Quality Commission.
17. "Offset" means an equivalent or greater emission reduction which is required prior to allowing an emission increase from a new major source or major modification of a source.
18. "Plant Site Emission Limit" means the total allowable mass emissions per unit time of an individual air pollutant specified in a permit for a source.
19. "Potential to Emit" means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the

source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the potential to emit of a source.

20. "Resource Recovery Facility" means any facility at which municipal solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing municipal solid waste for reuse. Energy conversion facilities must utilize municipal solid waste to provide 50% or more of the heat input to be considered a resource recovery facility.

21. "Secondary Emissions" means emissions from new or existing sources which occur as a result of the construction and/or operation of a source or modification, but do not come from the source itself. Secondary emissions must be specified, well defined, quantifiable, and impact the same general area as the source associated with the secondary emissions. Secondary emissions may include, but are not limited to:

a. Emissions from ships and trains coming to or from a facility,

b. Emissions from off-site support facilities which would be constructed or would otherwise increase emissions as a result

of the construction of a source or modification.

22. "Significant emission rate" means emission rates equal to or greater than the following for air pollutants regulated under the Clean Air Act.

Table 1: Significant Emission Rates for Pollutants Regulated under the Clean Air Act

| <u>Pollutant</u> | <u>Significant Emission Rate</u> |
|---|----------------------------------|
| Carbon Monoxide | 100 tons/year |
| Nitrogen Oxides | 40 tons/year |
| Particulate Matter* | 25 tons/year |
| Sulfur Dioxide | 40 tons/year |
| Volatile Organic Compounds* | 40 tons/year |
| Lead | 0.6 ton/year |
| Mercury | 0.1 ton/year |
| Beryllium | 0.0004 ton/year |
| Asbestos | 0.007 ton/year |
| Fluorides | 3 tons/year |
| Sulfuric Acid Mist | 7 tons/year |
| Hydrogen Sulfide | 10 tons/year |
| Total reduced sulfur (including hydrogen sulfide) | 10 tons/year |
| Reduced sulfur compounds (including hydrogen sulfide) | 10 tons/year |

* For the nonattainment portions of the Medford-Ashland Air Quality Maintenance Area, the Significant Emission Rates for particulate matter and volatile organic compounds are defined in Table 2.

For pollutants not listed above, the Department shall determine the rate that constitutes a significant emission rate.

Any emissions increase less than these rates associated with a new source or modification which would construct within 10 kilometers of a Class I area, and would have an impact on such area equal to or greater than 1 ug/m^3 (24 hour average) shall be deemed to be emitting at a significant emission rate.

Table 2: Significant Emission rates for the Nonattainment Portions of the Medford-Ashland Air Quality Maintenance Area.

| <u>Air Contaminant</u> | <u>Emission Rate</u> | | | | | |
|------------------------------------|----------------------|---------------|------------------|--------------|------------------|--------------|
| | <u>Annual</u> | | <u>Day</u> | | <u>Hour</u> | |
| | <u>Kilograms</u> | <u>(tons)</u> | <u>Kilograms</u> | <u>(lbs)</u> | <u>Kilograms</u> | <u>(lbs)</u> |
| Particulate Matter (TSP) | 4,500 | (5.0) | 23 | (50.0) | 4.6 | (10.0) |
| Volatile Organic Compound (VOC) | 18,100 | (20.0) | 91 | (200) | -- | -- |

23. "Significant Air Quality Impact" means an ambient air quality impact which is equal to or greater than:

| <u>Pollutant</u> | <u>Annual</u> | <u>Pollutant Averaging Time</u> | | | |
|------------------|----------------------|---------------------------------|----------------------|---------------------|--------------------|
| | | <u>24-hour</u> | <u>8-hour</u> | <u>3-hour</u> | <u>1-hour</u> |
| SO ₂ | 1.0 ug/m^3 | 5 ug/m^3 | | 25 ug/m^3 | |
| TSP | 0.2 ug/m^3 | 1.0 ug/m^3 | | | |
| NO ₂ | 1.0 ug/m^3 | | | | |
| CO | | | 0.5 mg/m^3 | | 2 mg/m^3 |

For sources of volatile organic compounds (VOC), a major source or major modification will be deemed to have a significant impact if it is located within 30 kilometers of an ozone nonattainment area and is capable of impacting the nonattainment area.

24. "Source" means any building, structure, facility, installation or combination thereof which emits or is capable of emitting air contaminants to the atmosphere and is located on one or more contiguous or adjacent properties and is owned or operated by the same person or by persons under common control.

340-20-230 Procedural Requirements

1. Information Required

The owner or operator of a proposed major source or major modification shall submit all information necessary to perform any analysis or make any determination required under these Rules. Such information shall include, but not be limited to:

- a. A description of the nature, location, design capacity, and typical operating schedule of the source or modification, including specifications and drawings showing its design and plant layout;

- b. An estimate of the amount and type of each air contaminant emitted by the source in terms of hourly, daily, seasonal, and yearly rates, showing the calculation procedure;
- c. A detailed schedule for construction of the source or modification;
- d. A detailed description of the system of continuous emission reduction which is planned for the source or modification, and any other information necessary to determine that best available control technology or lowest achievable emission rate technology, whichever is applicable, would be applied;
- e. To the extent required by these rules, an analysis of the air quality impact of the source or modification, including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts; and
- f. To the extent required by these rules, an analysis of the air quality impacts, and the nature and extent of all commercial, residential, industrial, and other growth which has occurred since January 1, 1978, in the area the source or modification would affect.

2. Other Obligations

Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted pursuant to these Rules or with the terms of any approval to construct, or any owner or operator of a source or modification subject to this section who commences construction after the effective date of these regulations without applying for and receiving an Air Contaminant Discharge Permit, shall be subject to appropriate enforcement action.

Approval to construct shall become invalid if construction is not commenced within 18 months after receipt of such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within 18 months of the scheduled time. The Department may extend the 18-month period upon satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date.

Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the State Implementation Plan and any other requirements under local, State, or Federal law.

3. Public Participation

a. Within 30 days after receipt of an application to construct, or any addition to such application, the Department shall advise the applicant of any deficiency in the application or in the information submitted. The date of the receipt of a complete application shall be, for the purpose of this section, the date on which the Department received all required information.

b. Notwithstanding the requirements of OAR 340-14-020, but as expeditiously as possible and at least within six months after receipt of a complete application, the Department shall make a final determination on the application. This involves performing the following actions in a timely manner.

A. Make a preliminary determination whether construction should be approved, approved with conditions, or disapproved.

B. Make available for a 30 day period in at least one location a copy of the permit application, a copy of the preliminary determination, and a copy or summary of other materials, if any, considered in making the preliminary determination.

- C. Notify the public, by advertisement in a newspaper of general circulation in the area in which the proposed source or modification would be constructed, of the application, the preliminary determination, the extent of increment consumption that is expected from the source or modification, and the opportunity for a public hearing and for written public comment.

- D. Send a copy of the notice of opportunity for public comment to the applicant and to officials and agencies having cognizance over the location where the proposed construction would occur as follows: The chief executives of the city and county where the source or modification would be located, any comprehensive regional land use planning agency, any State, Federal Land Manager, or Indian Governing Body whose lands may be affected by emissions from the source or modification, and the Environmental Protection Agency.

- E. Upon determination that significant interest exists, provide opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality impact of the source or modification, alternatives to the source or modification, the control technology required, and

other appropriate considerations. For energy facilities, the hearing may be consolidated with the hearing requirements for site certification contained in OAR 345, Division 15.

- F. Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing(s) in making a final decision on the approvability of the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Department shall consider the applicant's response in making a final decision. The Department shall make all comments available for public inspection in the same locations where the Department made available preconstruction information relating to the proposed source or modification.
- G. Make a final determination whether construction should be approved, approved with conditions, or disapproved pursuant to this section.
- H. Notify the applicant in writing of the final determination and make such notification available for public inspection at the same location where the

Department made available preconstruction information and public comments relating to the source or modification.

340-20-235 Review of New Sources and Modifications for Compliance With Regulations

The owner or operator of a proposed major source or major modification must demonstrate the ability of the proposed source or modification to comply with all applicable requirements of the Department of Environmental Quality, including New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants, and shall obtain an Air Contaminant Discharge Permit.

340-20-240 Requirements for Sources in Nonattainment Areas

New major sources and major modifications which are located in designated nonattainment areas shall meet the requirements listed below.

1. Lowest Achievable Emission Rate

The owner or operator of the proposed major source or major modification must demonstrate that the source or modification

will comply with the lowest achievable emission rate (LAER). In the case of a major modification, the requirement for LAER shall apply only to each new or modified emission unit which increases emissions. For phased construction projects, the determination of LAER shall be reviewed at the latest reasonable time prior to commencement of construction of each independent phase.

2. Source Compliance

The owner or operator of the proposed major source or major modification must demonstrate that all major sources owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in the State are in compliance or on a schedule for compliance, with all applicable emission limitations and standards under the Clean Air Act.

3. Growth Increment or Offsets

The owner or operator of the proposed major source or major modification must demonstrate that the source or modification will comply with any established emissions growth increment for the particular area in which the source is located or must provide emission reductions ("offsets") as specified by these rules. A combination of growth increment allocation and emission reductions may be used to demonstrate compliance with this section. Those emission increases for which offsets can be found

through the best efforts of the applicant shall not be eligible for a growth increment allocation.

4. Net Air Quality Benefit

For cases in which emission reductions or offsets are required, the applicant must demonstrate that a net air quality benefit will be achieved in the affected area as described in OAR 340-20-260 (Requirements for Net Air Quality Benefit) and that the reductions are consistent with reasonable further progress toward attainment of the air quality standards.

5. Alternative Analysis

An alternative analysis must be conducted for new major sources or major modifications of sources emitting volatile organic compounds or carbon monoxide locating in nonattainment areas.

This analysis must include an evaluation of alternative sites, sizes, production processes, and environmental control techniques for such proposed source or modification which demonstrates that benefits of the proposed source or modification significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification.

6. Special Exemption for the Salem Ozone Nonattainment Area

Proposed major sources and major modifications of sources of volatile organic compounds which are located in the Salem Ozone

nonattainment area shall comply with the requirements of Sections 1 and 2 of OAR 340-20-240 but are exempt from all other sections of this rule.

7. Growth Increments

a. Medford-Ashland Ozone Nonattainment Area

The ozone control strategy for the Medford-Ashland nonattainment area establishes a growth increment for new major sources or major modifications which will emit volatile organic compounds. The cumulative volatile organic compound growth increment may be allocated as follows:

| <u>year</u> | <u>cummulative volatile organic compound growth increment</u> |
|--------------|---|
| 1980 to 1982 | 185 tons of VOC |
| 1983 | 388 |
| 1984 | 591 |
| 1985 | 794 |
| 1986 | 997 |
| 1987 | 1200 |

No single owner or operator shall receive an allocation of more than 50% of any remaining growth increment in any one year. The growth increment shall be allocated on a first come-first served basis depending on the date of submittal of a complete permit application.

340-20-245 Requirements for Sources in Attainment or Unclassified
Areas (Prevention of Significant Deterioration)

New Major Sources or Major Modifications locating in areas designated attainment or unclassifiable shall meet the following requirements:

1. Best Available Control Technology

The owner or operator of the proposed major source or major modification shall apply best available control technology (BACT) for each pollutant which is emitted at a significant emission rate (OAR 340-20-225 definition 19). In the case of a major modification, the requirement for BACT shall apply only to each new or modified emission unit which increases emissions. For phased construction projects, the determination of BACT shall be reviewed at the latest reasonable time prior to commencement of construction of each independent phase.

2. Air Quality Analysis

The owner or operator of the proposed major source or major modification shall demonstrate that the potential to emit any pollutant at a significant emission rate (OAR 340-20-225 definition 22), in conjunction with all other applicable emissions increases and decreases, (including secondary emissions), would not cause or contribute to air quality levels in excess of:

- a. Any State or National ambient air quality standard, or
- b. Any applicable increment established by the Prevention of Significant Deterioration requirements (OAR 340-31-110),
or
- c. An impact on a designated nonattainment area greater than the significant air quality impact levels (OAR 340-20-225 definition 23).

Sources or modifications with the potential to emit at rates greater than the significant emission rate but less than 100 tons/year, and are greater than 50 kilometers from a nonattainment area are not required to assess their impact on the nonattainment area.

If the owner or operator of a proposed major source or major modification wishes to provide emission offsets such that a net air quality benefit as defined in OAR 340-20-260 is provided, the Department may consider the requirements of OAR 340-20-245(2) to have been met.

3. Exemption for Sources Not Significantly Impacting Designated Nonattainment Areas.

A proposed major source is exempt from OAR 340-20-220 to 280 if:

- a. The proposed source does not have a significant air quality

impact on a designated nonattainment area, and

- b. The potential emissions of the source are less than 100 tons/year for sources in the categories listed in Table 3 or less than 250 tons/year for sources not in the categories listed in Table 3.

Major modifications are not exempted under this section.

Owners or operators of proposed sources which are exempted by this provision should refer to OAR 340-20-020 to 032 and OAR 340-20-140 to 185 for possible applicable requirements.

Table 3: Source Categories

1. Fossil fuel-fired steam electric plants of more than 250 million BTU/hour heat input
2. Coal cleaning plants (with thermal dryers)
3. Kraft pulp mills
4. Portland cement plants
5. Primary Zinc Smelters
6. Iron and Steel Mill Plants
7. Primary aluminum ore reduction plants
8. Primary copper smelters
9. Municipal Incinerators capable of charging more than 250 tons of refuse per day
10. Hydrofloric, sulfuric and nitric acid plants
11. Sulfuric acid plants
12. Nitric acid plants

13. Petroleum Refineries
14. Lime plants
15. Phosphate rock processing plants
16. Coke oven batteries
17. Sulfur recovery plants
18. Carbon black plants (furnace process)
19. Primary lead smelters
20. Fuel conversion plants
21. Sintering plants
22. Secondary metal production plants
23. Chemical process plants
24. Fossil fuel fired boilers (or combinations thereof) totaling more than 250 million BTU per hour heat input
25. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels
26. Talconite ore processing plants
27. Glass fiber processing plants
28. Charcoal production plants

4. Air Quality Models

All estimates of ambient concentrations required under these Rules shall be based on the applicable air quality models, data bases, and other requirements specified in the "Guideline on Air Quality Models" (OAQPS 1.2-080, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, April 1978). Where an air quality

impact model specified in the "Guideline on Air Quality Models" is inappropriate, the model may be modified or another model substituted. Such a change must be subject to notice and opportunity for public comment and must receive approval of the Commission and the Environmental Protection Agency. Methods like those outlined in the "Workbook for the Comparison of Air Quality Models" (U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, May, 1978) should be used to determine the comparability of air quality models.

5. Air Quality Monitoring

- a. The owner or operator of a proposed major source or major modification shall submit with the application, subject to approval of the Department, an analysis of ambient air quality in the area of the proposed project. This analysis shall be conducted for each pollutant potentially emitted at a significant emission rate by the proposed source or modification. As necessary to establish ambient air quality levels, the analysis shall include continuous air quality monitoring data for any pollutant potentially emitted by the source or modification except for nonmethane hydrocarbons. Such data shall relate to, and shall have been gathered over the year preceding receipt of the complete application, unless the owner or operator

demonstrates that such data gathered over a portion or portions of that year or another representative year would be adequate to determine that the source or modification would not cause or contribute to a violation of an ambient air quality standard or any applicable increment.

Air quality monitoring which is conducted pursuant to this requirement shall be conducted in accordance with 40 CFR 58 Appendix B, "Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring" and with other methods on file with the Department.

The Department may exempt a proposed major source or major modification from monitoring for a specific pollutant if the owner or operator demonstrates that the air quality impact from the emissions increase would be less than the amounts listed below or that the concentrations of the pollutant in the area that the source or modification would impact are less than these amounts.

Carbon monoxide - 575 ug/m^3 , 8 hour average

Nitrogen dioxide - 14 ug/m^3 , annual average

Total suspended particulate - 10 ug/m^3 , 24 hour average

Sulfur dioxide - 13 ug/m^3 , 24 hour average

Ozone - Any net increase of 100 tons/year or more of volatile organic compounds from a source or modification subject to PSD is required to perform an ambient impact analysis, including the gathering of ambient air quality data.

Lead - 0.1 ug/m³, 24 hour average

Mercury - 0.25 ug/m³, 24 hour average

Beryllium - 0.0005 ug/m³, 24 hour average

Fluorides - 0.25 ug/m³, 24 hour average

Vinyl chloride - 15 ug/m³, 24 hour average

Total reduced sulfur - 10 ug/m³, 1 hour average

Hydrogen sulfide - 0.04 ug/m³, 1 hour average

Reduced sulfur compounds - 10 ug/m³, 1 hour average

- b. The owner or operator of a proposed major source or major modification shall, after construction has been completed, conduct such ambient air quality monitoring as the Department may require as a permit condition to establish the effect which emissions of a pollutant (other than nonmethane hydrocarbons) may have, or is having, on air quality in any area which such emissions would affect.

6. Additional Impact Analysis

- a. The owner or operator of a proposed major source or major modification shall provide an analysis of the impairment

to visibility, soils and vegetation that would occur as a result of the source or modification and general commercial, residential, industrial and other growth associated with the source or modification. The owner or operator may be exempted from providing an analysis of the impact on vegetation having no significant commercial or recreational value.

- b. The owner or operator shall provide an analysis of the air quality concentration projected for the area as a result of general commercial, residential, industrial and other growth associated with the major source or modification.

7. Sources Impacting Class I Areas

Where a proposed major source or major modification impacts or may impact a Class I area, the Department shall provide notice to the Environmental Protection Agency and to the appropriate Federal Land Manager of the receipt of such permit application and of any preliminary and final actions taken with regard to such application. The Federal Land Manager shall be provided an opportunity in accordance with OAR 340-20-230 Section 3 to present a demonstration that the emissions from the proposed source or modification would have an adverse impact on the air quality related values (including visibility) of any Federal mandatory Class I lands, notwithstanding that the change in air quality resulting from emissions from such source or modification

would not cause or contribute to concentrations which would exceed the maximum allowable increment for a Class I area. If the Department concurs with such demonstration the permit shall not be issued.

340-20-250 Exemptions

1. Resource recovery facilities burning municipal refuse and sources subject to federally mandated fuel switches may be exempted by the Department from requirements OAR 340-20-240 Sections 3 and 4 provided that:

- a. No growth increment is available for allocation to such source or modification, and
- b. The owner or operator of such source or modification demonstrates that every effort was made to obtain sufficient offsets and that every available offset was secured.

(Such an exemption may result in a need to revise the State Implementation Plan to require additional control of existing sources.)

2. Temporary emission sources, which would be in operation at a site for less than two years, such as pilot plants and portable

facilities, and emissions resulting from the construction phase of a new source or modification must comply with OAR 340-20240(1) and (2) or OAR 340-20-245(1), whichever is applicable, but are exempt from the remaining requirements of OAR 340-20-240 and OAR 340-20-245 provided that the source or modification would impact no Class I area or no area where an applicable increment is known to be violated.

3. Proposed increases in hours of operation or production rates which would cause emission increases above the levels allowed in an Air Contaminant Discharge Permit and would not involve a physical change in the source may be exempted from the requirement of OAR 340-20-245(1) (Best Available Control Technology) provided that the increases cause no exceedances of an increment or standard and that the net impact on a nonattainment area is less than the significant air quality impact levels.
4. Also refer to OAR 340-20-245(3) for exemptions pertaining to sources smaller than the Federal Size-cutoff Criteria.

340-20-255 Baseline for Determining Credit for Offsets

The baseline for determining credit for emission offsets shall be the Plant Site Emission Limit established pursuant to OAR 340-20-300 to 320 or, in the absence of a Plant Site Emission Limit, the

actual emission rate for the source providing the offsets. Sources in violation of air quality emission limitations may not supply offsets from those emissions which are or were in excess of permitted emission rates. Offsets, including offsets from mobile and area source categories, must be quantifiable and enforceable before the Air Contaminant Discharge Permit is issued and must be demonstrated to remain in effect throughout the life of the proposed source or modification.

Offsets may not be provided from the amount of emission reduction required by an air quality regulation or air quality attainment strategy that has been reserved by the Environmental Quality Commission (OAR 340-20-280).

340-20-260 Requirements for Net Air Quality Benefit

Demonstrations of net air quality benefit must include the following.

1. A demonstration must be provided showing that the proposed offsets will improve air quality in the same geographical area affected by the new source or modification. Offsets for volatile organic compounds or nitrogen oxides shall be within the same general air basin as the proposed source. Offsets for total suspended particulate, sulfur dioxide, carbon monoxide and other

pollutants shall be within the area of significant air quality impact.

2. For new sources or modifications locating within a designated nonattainment area, the emission offsets must provide reductions which are equivalent or greater than the proposed increases. The offsets must be appropriate in terms of short term, seasonal, and yearly time periods to mitigate the impacts of the proposed emissions. For new sources or modifications locating outside of a designated nonattainment area which have a significant air quality impact (OAR 340-20-225 definition 23) on the nonattainment area, the emission offsets must be sufficient to reduce impacts to levels below the significant air quality impact level within the nonattainment area. Proposed major sources or major modifications which emit volatile organic compounds and are located in or within 30 kilometers of an ozone nonattainment area shall provide reductions which are equivalent or greater than the proposed emission increases unless the applicant demonstrates that the proposed emissions will not impact the nonattainment area.

3. The emission reductions must be of the same type of pollutant as the emissions from the new source or modification. Sources of respirable particulate (less than three microns) must be offset with particulate in the same size range. In areas where atmospheric reactions contribute to pollutant levels, offsets

may be provided from precursor pollutants if a net air quality benefit can be shown.

4. The emission reductions must be contemporaneous, that is, the reductions must take effect prior to the time of startup but not more than one year prior to the submittal of a complete permit application for the new source or modification. This time limitation may be extended as provided for in OAR 340-20-265 (Emission Reduction Credit Banking). In the case of replacement facilities, the Department may allow simultaneous operation of the old and new facilities during the startup period of the new facility provided that net emissions are not increased during that time period.

340-20-265 Emission Reduction Credit Banking

The owner or operator of a source of air pollution who wishes to reduce emissions by implementing more stringent controls than required by a permit or by an applicable regulation may bank such emission reductions. Cities, counties or other local jurisdictions may participate in the emissions bank in the same manner as a private firm. Emission reduction credit banking shall be subject to the following conditions:

1. To be eligible for banking, emission reduction credits must be in terms of actual emission decreases resulting from permanent continuous control of existing sources. The baseline for determining emission reduction credits shall be the actual emissions of the source or the Plant Site Emission Limit established pursuant to OAR 340-20-300 to 320.
2. Emission reductions may be banked for a specified period not to exceed ten years unless extended by the Commission, after which time such reductions will revert to the Department for use in attainment and maintenance of air quality standards or to be allocated as a growth margin.
3. Emission reductions which are required pursuant to an adopted rule or those that are reserved for control strategies pursuant to OAR 340-20-280 shall not be banked.
4. Permanent source shutdowns or curtailments other than those used within one year for contemporaneous offsets as provided in OAR 340-20-260(4) are not eligible for banking by the owner or operator but will be banked by the Department for use in attaining and maintaining standards. The Department may allocate these emission reductions as a growth increment.
5. The amount of banked emission reduction credits shall be discounted without compensation to the holder for a particular

source category when new regulations requiring emission reductions are adopted by the Commission. The amount of discounting of banked emission reduction credits shall be calculated on the same basis as the reductions required for existing sources which are subject to the new regulation. Banked emission reduction credits shall be subject to the same rules, procedures, and limitations as permitted emissions.

6. The amount of banked emission reduction credits may be uniformly discounted by action of the Commission if it is established that reasonable further progress toward attainment of air quality standards is not being achieved and no other control strategy is available.
7. Emission reductions must be in the amount of ten tons per year or more to be creditable for banking. In the Medford-Ashland AQMA emission reductions must be at least in the amount specified in Table 2 of OAR 340-20-225(22).
8. Requests for emission reduction credit banking must be submitted to the Department and must contain the following documentation:
 - a. A detailed description of the processes controlled,
 - b. Emission calculations showing the types and amounts of actual emissions reduced,

- c. The date or dates of such reductions,
 - d. Identification of the probable uses to which the banked reductions are to be applied,
 - e. Procedure by which such emission reductions can be rendered permanent and enforceable.
9. Requests for emission reduction credit banking shall be submitted to the Department prior to or within the year following the actual emissions reduction. The Department shall approve or deny requests for emission reduction credit banking and, in the case of approvals, shall issue a letter to the owner or operator defining the terms of such banking. The Department shall take steps to insure the permanence and enforceability of the banked emission reductions by including appropriate conditions in Air Contaminant Discharge Permits and by appropriate revision of the State Implementation Plan.
10. The Department shall provide for the allocation of the banked emission reduction credits in accordance with the uses specified by the holder of the emission reduction credits. When emission reduction credits are transferred, the Department must be notified in writing. Any use of emission reduction credits must

be compatible with local comprehensive plans, Statewide planning goals, and State laws and rules.

340-20-270 Fugitive and Secondary Emissions

Fugitive emissions shall be included in the calculation of emission rates of all air contaminants. Fugitive emissions are subject to the same control requirements and analyses required for emissions from identifiable stacks or vents. Secondary emissions shall not be included in calculations of potential emissions which are made to determine if a proposed source or modification is major. Once a source or modification is identified as being major, secondary emissions must be added to the primary emissions and become subject to these rules.

340-20-275 Stack Heights

The degree of emission limitation required for any air contaminant regulated under these rules shall not be affected in any manner by so much of the stack height as exceeds good engineering practice or by any other dispersion technique. This section shall not apply with respect to stack heights in existence before December 31, 1970, or to dispersion techniques implemented before that date.

340-20-280 Reserved Control Strategies

The following categories of volatile organic compound sources are hereby reserved in the Portland ozone nonattainment area for possible use in standards attainment plans and shall not be used for offsets or emission reduction credit banking until such time as the ozone SIP is adopted.

- 1 - Annual Automobile Inspection Maintenance Program
- 2 - Architectural Coatings
- 3 - Gasoline Service Stations, Stage II
- 4 - Barge and Vessel loading of gasoline and other light petroleum products
- 5 - Paper coating in manufacturing
- 6 - Petroleum Base (Stoddard) Dry Cleaners

Special Permit Requirements for Sources
Locating in or Near Nonattainment Areas

340-20-190

Applicability in Nonattainment Areas

OAR 340-20-190 to 340-20-192 shall apply to proposed major new or modified carbon monoxide (CO) or Volatile Organic Compounds (VOC) sources in non-attainment areas.

340-20-191

Definitions

As used in OAR 340-20-190 to 340-20-192, unless otherwise required by context:

- 1) "Alternative Analysis" means an analysis conducted by the proposed source which considers alternative sites, sizes, production processes and environmental control techniques and which demonstrates that benefits of the proposed source significantly outweigh the environmental and social cost imposed as a result of the project.

2) "LAER" means the rate of emissions which reflects

(A) the most stringent emission limitation which is contained in the implementation plan of any State for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or not maintainable for the proposed source or

(B) the most stringent emission limitation which is achieved and maintained in practice by such class or category of source, whichever is more stringent.

In no event shall the application of LAER allow a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance (OAR 340-25-535).

3) "Major New or Modified Source" means any stationary source which emits or has the potential to emit one hundred tons per year or more of CO or VOC and is proposed for construction after July 1, 1979. The term "modified" means any single or cumulative physical change or change in the method of operation which increases the potential to emit emissions of any criteria air pollutant one hundred tons per year or more over previously permitted limits.

4) "Nonattainment Area" means, for any air pollutant the actual area, as shown in Figures 1 through 7, in which such pollutant exceeds any national ambient air quality standard.

- 5) "Potential to emit" means the maximum capacity to emit a pollutant absent air pollution control equipment which is not intrinsically vital to the production or operation of the source.
- 6) "Reasonable Further Progress" means annual incremental reductions in emission of the applicable air pollutant identified in the SIP which are sufficient to provide for attainment of the applicable national ambient air quality standard by the date required in the SIP.
- 7) "SIP" means the Oregon State Implementation Plan submitted to and approved most recently by the EPA pursuant to the Clean Air Act.
- 8) "Proposed for Construction" means that the owner or operator of a major stationary source or major modification has applied for a permit from the Department after July 1, 1979.

340-20-192

Requirements

A construction and operating permit may be issued to a major new or modified source proposing to locate in a nonattainment area only if the following requirements are met:

- 5) "Potential to emit" means the maximum capacity to emit a pollutant absent air pollution control equipment which is not intrinsically vital to the production or operation of the source.
- 6) "Reasonable Further Progress" means annual incremental reductions in emission of the applicable air pollutant identified in the SIP which are sufficient to provide for attainment of the applicable national ambient air quality standard by the date required in the SIP.
- 7) "SIP" means the Oregon State Implementation Plan submitted to and approved most recently by the EPA pursuant to the Clean Air Act.
- 8) "Proposed for Construction" means that the owner or operator of a major stationary source or major modification has applied for a permit from the Department after July 1, 1979.

340-20-192

Requirements

A construction and operating permit may be issued to a major new or modified source proposing to locate in a nonattainment area only if the following requirements are met:

- 1) There is a sufficient emission growth increment available which is identified in the adopted state plan or an emission offset is provided such that the reasonable further progress commitment in the SIP is still met. The EPA Offset Ruling of January 16, 1979, (40 CFR Part 51 Appendix S) will be used as a guide in identifying specific offset requirements.
- 2) The proposed source is required to comply with the LAER. Only the increments of change above the 100 ton/year potential increase of the modified source are required to comply with LAER.
- 3) The owner or operator has demonstrated that all major stationary sources owned or operated by such person in the State of Oregon are in compliance or on a compliance schedule with applicable requirements of the adopted state plan.
- 4) An alternative analysis is made for major new or modified sources of carbon monoxide or volatile organic compounds.

340-20-193

Applicability in Attainment Areas

OAR 340-20-193 to 340-20-195 shall apply as noted to proposed major new or modified sources located in attainment areas that would have allowable emissions greater than 50 tons/year of CO or VOC which may impact a non-attainment area. (It should be noted that for sources emitting less than

50 tons/year of an air pollutant that OAR 340-20-001 still requires application of highest and best practicable treatment and control and OAR 340-31-010 provides for denial of construction should such a source prevent or interfere with attainment or maintenance of ambient air quality standards.)

340-20-194

Definitions

As used in OAR 340-20-193 to 340-20-195, unless otherwise required by context:

1. "Major New or Modified Source" means any stationary source which has allowable emission greater than fifty tons per year of CO or VOC and is proposed for construction after July 1, 1979. The term "modified" means any single or cumulative physical change or change in the method of operation which increases the emissions of any criteria air pollutant more than fifty tons per year over previously permitted limits.
- 2) "Alternative Analysis," "LAER," "Nonattainment Area," "Reasonable Further Progress," and "SIP" have the same meanings as provided in OAR 340-20-191.

50 tons/year of an air pollutant that OAR 340-20-001 still requires application of highest and best practicable treatment and control and OAR 340-31-010 provides for denial of construction should such a source prevent or interfere with attainment or maintenance of ambient air quality standards.)

340-20-194

Definitions

As used in OAR 340-20-193 to 340-20-195, unless otherwise required by context:

1. "Major New or Modified Source" means any stationary source which has allowable emission greater than fifty tons per year of CO or VOC and is proposed for construction after July 1, 1979. The term "modified" means any single or cumulative physical change or change in the method of operation which increases the emissions of any criteria air pollutant more than fifty tons per year over previously permitted limits.

- 2) "Alternative Analysis," "LAER," "Nonattainment Area," "Reasonable Further Progress," and "SIP" have the same meanings as provided in OAR 340-20-191.

Requirements

A construction and operating permit may be issued to a major new or modified source proposing to locate in an attainment area only if one of the following requirements are met:

- 1) The emissions from the proposed source are modeled to have an impact on all non-attainment areas equal to or less than the significance levels listed in the table in 340-20-195(3), and or
- 2) The requirements of 340-20-192 are met if the emissions from the proposed source are modeled to have an impact on the non-attainment area greater than the significance levels of the table in 340-20-195(3).

340-20-195(3) Table of Significance Levels

| <u>Pollutant</u> | <u>Averaging Time</u> | | | | |
|------------------|-----------------------|----------------|------------------------|---------------|-----------------------|
| | <u>Annual</u> | <u>24-hour</u> | <u>8-hour</u> | <u>3-hour</u> | <u>1-hour</u> |
| CO | - | - | 0.50 mg/m ³ | - | 2.0 mg/m ³ |
| Ozone | - | - | - | - | 8.0 ug/m ³ |

Emission Limitations on a Plant Site Basis

The purpose of OAR 340-20-196 to 340-20-197 is to insure that emissions from sources located anywhere in the state are limited to levels consistent with State Implementation Plan data bases, control strategies, overall airshed carrying capacity, and programs to prevent significant deterioration.

DEFINITIONS

As used in OAR 340-20-196 to 340-20-197, unless otherwise required by context:

- 1) "Facility" means an identifiable piece of process equipment. A source may be comprised of one or more pollutant-emitting facilities.

- 2) "Source" means any structure, building, facility, equipment, installation or operation, or combination thereof, which is located on one or more contiguous or adjacent properties and which is owned or operated by the same person, or by persons under common control.

340-20-197

For the purposes set forth in OAR 340-20-196, the Department may limit by permit condition the amount of air contaminants emitted from a source. This emission limitation shall take the form of limiting emissions on a

mass per unit time basis including an annual kilograms per year limit and
may also include a monthly and daily limit.

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mass per unit time basis including an annual kilograms per year limit and
may also include a monthly and daily limit.

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DIVISION 32

CRITERIA FOR APPROVAL OF NEW
AIR CONTAMINANT SOURCES IN THE
PORTLAND METROPOLITAN SPECIAL
AIR QUALITY MAINTENANCE AREA

Purpose

340-32-005 The purpose of this division is to provide criteria for the Department to follow in reviewing and approving air contaminant discharge permit applications for new or expanded air contaminant sources, including their proposed site locations and general designs, in the Portland Metropolitan Special Air Quality Maintenance Area; to assure that air quality standards can be achieved and maintained without major disruption to the orderly growth and development of the area.

Stat. Auth.: ORS Ch.

Hist: DEQ 84, f. 1-30-75, ef. 2-25-75

Definitions

340-32-010 (1) "Air contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon, acid, or particulate matter or any combination thereof.

(2) "Implementation plan" means the State of Oregon Clean Air Act Implementation Plan described in rule 340-20-047, together with amendments thereto.

(3) "New or expanded air contaminant source" means an air contamination source, as defined in ORS 468.275, whose construction, installation, establishment, development, modification, or enlargement is authorized by the Department after October 25, 1974.

(4) "Portland Metropolitan Special Air Quality Maintenance Area" means that portion of the State of Oregon within the boundaries designated by the Columbia Region Association of Governments as the 1970 Transportation Study Area, as shown on Figure 1 attached (generally, the area bounded by the Columbia River to the north; communities of Troutdale, Pleasant Valley, and Gladstone to the east; Oregon City to the south; and Hillsboro to the west). Legal definition of the maintenance area is on file with the Department.

(5) "Yearly projected average controllable growth" means 215 tons/year of particulate emissions and 715 tons/year of sulfur dioxide from new or expanded air contaminant point sources as follows:

- (a) Commercial and industrial fuel combustion sources,
- (b) Process loss sources,
- (c) Solid waste incinerators,
- (d) Wigwam waste burners, and
- (e) Power plants.

Stat. Auth.: ORS Ch.

Hist: DEQ 84, f. 1-30-75, ef. 2-25-75

Special Air Quality Maintenance Area

340-32-015 The Portland Metropolitan Special Air Quality Maintenance Area is hereby established as a special air quality maintenance area to which the rules provided in this division shall apply.

Stat. Auth.: ORS Ch.

Hist: DEQ 84, f. 1-30-75, ef. 2-25-75

Criteria

340-32-020 (1) In reviewing applications for air contaminant discharge permits for new or expanded air contaminant sources in the Portland Metropolitan Special Air Quality Maintenance Area, the Department shall consider the potential effect upon air quality of increases in particulate and sulfur dioxide emissions from such new or expanded air contaminant sources and shall approve such permit applications only to the extent that:

(a) Ambient air quality standards will not be exceeded at air sampling stations and adjacent areas between sampling stations for particulates and sulfur dioxide projected by the Department's March, 1974, report on Designation of Air Quality Maintenance Areas to be in compliance with such standards. A copy of the Department's March, 1974, report on Designation of Air Quality Maintenance Areas is on file in the Department's Portland office.

(b) Increases in particulate and sulfur dioxide emissions will not exceed two years of projected average controllable growth (equivalent to 430 tons/year of particulate and 1430 tons/year of sulfur dioxide).

(c) No single new or expanded air contaminant source shall emit particulates or sulfur dioxide in excess of 25 percent of the total allowable emissions (noted in subsections (a) and (b) above). The exact proportion may be determined by the Commission.

(2) The particulate and sulfur dioxide emissions allowed under subsections (a), (b), and (c) above shall be based on net emission increases after taking into account any offsetting emission reductions which may occur within the Portland Metropolitan Special Air Quality Maintenance Area, or portion thereof, which can be:

- (a) Assured of implementation, and
- (b) Are attributable to the source seeking the permit.

Stat. Auth.: ORS Ch.

Hist: DEQ 84, f. 1-30-75, ef. 2-25-75

Exceptions

340-32-025 New or expanded air contaminant sources projected to emit less than ten (10) tons per year of particulate or sulfur dioxide shall be excepted from this rule.

Stat. Auth.: ORS Ch.

Hist: DEQ 84, f. 1-30-75, ef. 2-25-75

Emission Offsets

340-30-110 The intent of this rule is to supplement and in some cases be more stringent than the Federal Interpretative Ruling promulgated in the January 16, 1979 Federal Register on pages 3282 through 3285 (40 CFR, Part 51) hereby incorporated by reference (see Exhibit 1). To the extent any provision thereof is in conflict with a more stringent rule of the Environmental Quality Commission, the Environmental Quality Commission rule shall prevail.

(1) Any new or modified source which emits at a rate equal to or greater than in Table 1 and is proposed to be constructed or operated in the area of the Medford-Ashland AQMA where a state or federal ambient air quality standard is:

(a) Being violated, shall comply with offset conditions, subsections (a) through (d) of section (2);

(b) Not being violated, but by modeling is projected to exceed the incremental air quality values of Table 2 in the area where the state or federal ambient air standard is being violated, shall comply with offset conditions, subsections (a) through (d) of section (2).

(2) Offset Conditions:

(a) The new or modified source shall meet an emission limitation which specifies the lowest achievable emission rate for such a source.

(b) The applicant provides certification that all existing sources in Oregon owned or controlled by the owner or operator of the proposed source are in compliance with all applicable rules or are in compliance with an approved schedule and timetable for compliance under state or regional rules.

(c) Emission offset from existing source(s) in the Medford-Ashland AQMA, whether or not under the same ownership, are obtained by the applicant on a greater than one-for-one basis.

(d) The emission offset provides a positive net air quality benefit in the affected area.

(3) A new source installed and operated for the sole purpose of compliance with OAR 340-30-035 shall be exempt from subsections (1) and (2) of OAR 340-30-110 providing all of the following are met:

(a) The new emission source complies with the applicable emission limitations in effect at the time the notice of construction is received by the Department; and

(b) Annual emissions from the new or modified source do not exceed one-fourth of the annual emission attributed to the wigwam burner in calendar year 1976.

(4) Banking as described in 44 FR 3282 subsection IV(C)(5) (see Exhibit 1) shall not be allowed. However, this restriction shall in no way modify any existing practice of the Department which may be construed as banking.

Stat. Auth.: ORS Ch.

Hist: DEQ 9-1978, l. & ed. 5-3-79

Definitions

340-31-105 For the purposes of these rules:

(1) "Major stationary source" means:

(a) Any of the following stationary sources of air pollutants which emit, or have the potential to emit, 100 tons per year or more of any air pollutant. Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), kraft pulp mills, Portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than 250 tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants, fossil fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding 300 thousand barrels, taconite ore processing plants, glass fiber processing plants, and charcoal production plants; and

(b) Notwithstanding the source sizes specified in subsection (1)(a) of this rule, any source which emits, or has the potential to emit, 250 tons per year or more of any pollutant.

(2) "Major modification" means any physical change in, change in the method of operation of, or addition to a stationary source which increases the potential emission rate of any air pollutant (including any not previously emitted and taking into account all accumulated increases in potential emissions

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occurring at the source since August 7, 1977, or since the time of the last construction approval issued for the source pursuant to this section, whichever time is more recent, regardless of any emission reductions achieved elsewhere in the source) by either 100 tons per year or more for any source category identified in subsection (1)(a) of this rule, or by 250 tons per year or more for any stationary source.

(a) A physical change shall not include routine maintenance, repair and replacement.

(b) A change in the method of operation, unless previously limited by enforceable permit conditions, shall not include:

(A) An increase in the production rate, if such increase does not exceed the operating design capacity of the source;

(B) An increase in the hours of operation;

(C) Use of an alternative fuel or raw material by reason of an order in effect under Sections 2 (a) and (b) of the federal Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation), or by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act;

(D) Use of an alternative fuel or raw material, if prior to January 6, 1975, the source was capable of accommodating such fuel or material;

(E) Use of an alternative fuel by reason of a federal order or rule under Section 125 of the federal Clean Air Act; or

(F) Change in ownership of the source.

(3) "Potential to emit" means the capability at maximum capacity to emit a pollutant in the absence of air pollution control equipment. "Air pollution control equipment" includes control equipment which is not, aside from air pollution control laws and regulations, vital to production of the normal product of the source or to its normal operation. Annual potential shall be based on the maximum annual rated capacity of the source, unless the source is subject to enforceable permit conditions which limit the annual hours of operation. Enforceable permit conditions on the type or amount of materials combusted or processed may be used in determining the potential emission rate of a source.

(4) "Source" means any structure, building, facility, equipment, installation, or operation (or combination thereof) which is located on one or more contiguous or adjacent properties and which is owned or operated by the same person (or by persons under common control).

(5) "Facility" means an identifiable piece of process equipment. A source is composed of one or more pollutant-emitting facilities.

(6) "Fugitive dust" means particulate matter composed of soil which is uncontaminated by pollutants resulting from industrial activity. Fugitive dust may include emissions from haul roads, wind erosion of exposed soil surfaces and soil storage piles and other activities in which soil is either removed, stored, transported, or redistributed.

(7) "Construction" means fabrication, erection, installation, or modification of a source.

(8) "Commence" as applied to construction of a major stationary source or major modification means that the owner or operator has all necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of physical on-site construction of the source, to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed within a reasonable time.

(9) "Necessary preconstruction approvals or permits" means those permits or approvals required under Federal air quality control laws and regulations and those air quality

control laws and regulations which are part of the State Implementation Plan.

(10) "Best available control technology" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant which would be emitted from any proposed major stationary source or major modification which the Department, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR part 60 and part 61.

If the Department determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, a design, equipment, work practice or operational standard, or combination thereof, may be prescribed instead to require the application of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

(11) "Baseline concentration" means that ambient concentration level reflecting actual air quality as of August 7, 1977, minus any contribution from major stationary sources and major modifications on which construction commenced on or after January 6, 1975. The baseline concentration shall include contributions from:

(a) The actual emissions of other sources in existence on August 7, 1977, except that contributions from facilities within such existing sources for which a Plan revision proposing less restrictive requirements was submitted on or before August 7, 1977, and was pending action by the EPA Administrator on that date shall be determined from the allowable emissions of such facilities under the Plan as revised; and

(b) The allowable emissions of major stationary sources and major modifications which commenced construction before January 6, 1975, but were not in operation by August 7, 1977.

~~(12) "Federal Land Manager" means, with respect to any lands in the United States, the Secretary of the federal department with authority over such lands.~~

(13) "High terrain" means any area having an elevation 900 feet or more above the base of the stack of a facility.

(14) "Low terrain" means any area other than high terrain.

~~(15) "Indian reservation" means any Federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.~~

~~(16) "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.~~

(17) "Reconstruction" will be presumed to have taken place where the fixed capital cost of the new components exceed 50 percent of the fixed capital cost of a comparable entirely new facility or source. However, any final decision as to whether reconstruction has occurred shall be based on:

(a) The fixed capital cost of the replacements in comparison to the fixed capital cost that would be required to construct a comparable entirely new facility.

definitions retained

(b) The estimated life of the facility after the replacements compared to the life of a comparable entirely new facility.

(c) The extent to which the components being replaced cause or contribute to the emissions from the facility.

A reconstructed source will be treated as a new source for purposes of this section, except that use of an alternative fuel or raw material by reason of an order in effect under sections 2 (a) and (b) of the federal Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation), by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act, or by reason of an order or rule under section 125 of the federal Clean Air Act, shall not be considered reconstruction. In determining best available control technology for a reconstructed source, the following provision shall be taken into account in assessing whether a standard of performance under 40 CFR part 60 is applicable to such source:

Any economic or technical limitations on compliance with applicable standards of performance which are inherent in the proposed replacements.

(18) "Fixed capital cost" means the capital needed to provide all of the depreciable components.

(19) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is subject to enforceable permit conditions which limit the operating rate, or hours of operation, or both) and the most stringent of the following:

(a) Applicable standards as set forth in 40 CFR part 60 and part 61;

(b) The State Implementation Plan emission limitation; or

(c) The emission rate specified as a permit condition.

(20) "State Implementation Plan" or "Plan" means the Clean Air Act Implementation Plan for Oregon as approved by the Environmental Quality Commission.

(21) "40 CFR" means Title 40 of the Code of Federal Regulations.

(22) "Air pollutant" means an air contaminant under Oregon statutes for which a state or national ambient air quality standard exists.

Stat. Auth.: ORS Ch. 468

Hist.: DFQ 18-1979, I. & ef. 6-22-79

Exclusions for Increment Consumption

340-31-125 (1) After notice and opportunity for at least one public hearing held in accordance with procedures established in the Plan, the Department may exclude the following concentrations in determining compliance with a maximum allowable increase:

(a) Concentrations attributable to the increase in emissions from sources which have converted from the use of petroleum products, natural gas, or both by reason of an order in effect under Sections 2 (a) and (b) of the federal Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) over the emissions from such sources before the effective date of such order;

(b) Concentrations attributable to the increase in emissions from sources which have converted from using natural gas by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act over the emissions from such sources before the effective date of such plan;

(c) Concentrations of particulate matter attributable to the increase in emissions from construction or other temporary activities; and

(d) The increase in concentrations attributable to new sources outside the United States over the concentrations attributable to existing sources which are included in the baseline concentration.

(2) No exclusion under subsections (1)(a) or (b) of this rule shall apply more than five years after the effective date of the order to which subsection (1)(a) refers or the plan to which subsection (1)(b) refers, whichever is applicable. If both such order and plan are applicable, no such exclusion shall apply more than five years after the later of such effective dates.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 18-1979, f. & cf. 6-22-79

Stack Heights

340-31-135 (1) The degree of emission limitation required for control of any air pollutant under this rule shall not be affected in any manner by:

(a) So much of the stack height of any source as exceeds good engineering practice (see rule 340-31-195), or
(b) Any other dispersion technique.

(2) Paragraph (b)(1) of this section shall not apply with respect to stack heights in existence before December 31, 1970, or to dispersion techniques implemented before then.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 18-1979, f. & ef. 6-22-79

Review of Major Stationary Sources and Major Modifications- Source Applicability and General Exemptions

340-31-140 (1) No major stationary source or major modification shall be constructed unless the requirements of rules 340-31-145 through 340-31-185, as applicable, have been met. The requirements of rules 340-31-145 through 340-31-185 shall apply to a proposed source or modification only with respect to those pollutants for which it would be a major stationary source or major modification.

(2) The requirements of rules 340-31-145 through 340-31-185 shall not apply to a major stationary source or major modification that was subject to the review requirements of 40 CFR 52.21(d)(1) for the prevention of significant deterioration as in effect before March 1, 1978, if the owner or operator:

(a) Obtained under 40 CFR 52.21 a final approval effective before March 1, 1978;

(b) Commenced construction before March 19, 1979; and

(c) Did not discontinue construction for a period of 18 months or more and completed construction within a reasonable time.

(3) The requirements of rules 340-31-145 through 340-31-185 shall not apply to a major stationary source or major modification that was not subject to 40 CFR 52.21 as in effect before March 1, 1978, if the owner or operator:

(a) Obtained all final Federal, State and local preconstruction permits necessary under the State Implementation Plan before March 1, 1978;

(b) Commenced construction before March 19, 1979; and

(c) Did not discontinue construction for a period of 18 months or more and completed construction within a reasonable time.

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(4) The requirements of rules 340-31-145 through 340-31-185 shall not apply to a major stationary source or major modification that was subject to 40 CFR 52.21 as in effect before March 1, 1978, if review of an application for approval for the source of modification under 40 CFR 52.21 would have been completed by March 1, 1978, but for an extension of the public comment period pursuant to a request for such an extension. In such a case, the application shall continue to be processed, and granted or denied, under 40 CFR 52.21 as in effect prior to March 1, 1978.

(5) The requirements of rules 340-31-145, 340-31-155, 340-31-165, and 340-31-175 shall not apply to a major stationary source or major modification with respect to a particular pollutant if the owner or operator demonstrates that:

(a) As to that pollutant, the source or modification is subject to the federal emission offset ruling (41 FR 55524), as it may be amended, or to regulations approved or promulgated pursuant to Section 173 of the Act; and

(b) The source or modification would impact no area attaining the national ambient air quality standards (either internal or external to areas designated as nonattainment under Section 107 of the Act).

(6) The requirements of rules 340-31-145 through 340-31-185 shall not apply, upon written request to EPA by the Governor to a nonprofit health or education institution to be located in Oregon.

(7) A portable facility which has previously received construction approval under the requirements of this section as applicable may relocate without again being subject to those requirements if:

(a) Emissions from the facility would not exceed allowable emissions;

(b) Emissions from the facility would impact no Class I area and no area where an applicable increment is known to be violated; and

(c) Notice is given to the Department at least 30 days prior to such relocation identifying the proposed new location and the probable duration of operation at such location.

Stat. Auth.: ORS Ch. 468

Hist.: DEQ 18-1979, f. & ef. 6-22-79

Control Technology Review

340-31-145 (1) A major stationary source or major modification shall meet all applicable emissions limitations under the State Implementation Plan and all applicable emission standards and standards of performance under 40 CFR Part 60 and Part 61.

(2) A major stationary source or major modification shall apply best available control technology for each applicable pollutant, unless the increase in allowable emissions of that pollutant from the source or modification would be less than 50 tons per year, 1,000 pounds per day, or 100 pounds per hour, whichever is most restrictive.

(a) The preceding hourly and daily rates shall apply only with respect to a pollutant for which an increment, or state or national ambient air quality standard, for a period less than 24 hours or for a 24-hour period, as appropriate, has been established.

(b) In determining whether and to what extent a modification would increase allowable emissions, there shall be taken into account no emission reductions achieved elsewhere at the source at which the modification would occur.

(3) In the case of a modification, the requirement for best available control technology shall apply only to each new or modified facility which would increase the allowable emissions of an applicable pollutant.

(4) Where a facility within a source would be modified but not reconstructed, the requirements for best available control

technology notwithstanding section (2) of this rule, shall not apply to such facility if no net increase in emissions of an applicable pollutant would occur at the source, taking into account all emission increases and decreases at the source which would accompany the modification, and no adverse air quality impact would occur.

(5) For phased construction projects the determination of best available control technology shall be reviewed, and modified as appropriate, at the latest reasonable time prior to commencement of construction of each independent phase of the proposed source or modification.

(6) In the case of a major stationary source or major modification which the owner or operator proposes to construct in a Class III area, emissions from which would cause or contribute to air quality exceeding the maximum allowable increase that would be applicable if the area were a Class II area and where no standard under 40 CFR Part 60 has been promulgated for the source category, the Department shall determine the best available control technology.

Stat. Auth.: ORS Ch. 468

Hist.: DEQ 18-1979, f. & ef. 6-22-79

Exemptions from Impact Analyses

340-31-150 (1) The requirements of rules 340-31-155, 340-31-165, and 340-31-175 shall not apply to a major stationary source or major modification with respect to a particular pollutant, if:

(a) The increase in allowable emissions of that pollutant from the source or modification would impact no Class I area and no area where an applicable increment is known to be violated; and

(b) The increase in allowable emissions of that pollutant from the source or modification would be less than 50 tons per year, 1,000 pounds per day, or 100 pounds per hour, whichever is more restrictive; or

(c) The emissions of the pollutant are of a temporary nature including but not limited to those from a pilot plant, a portable facility, construction, or exploration; or

(d) A source is modified, but no increase in the net amount emissions for any pollutant subject to a national ambient air quality standard and no adverse air quality impact would occur.

(2) The hourly and daily rates set in subsection (1)(b) of this rule shall apply only with respect to a pollutant for which an increment, or state or national ambient air quality standard, for a period of less than 24 hours or for a 24-hour period, as appropriate, has been established.

(3) In determining for the purpose of subsection (1)(b) of this rule whether and to what extent the modification would increase allowable emissions, there shall be taken into account no emission reduction achieved elsewhere at the source at which the modification would occur.

(4) In determining for the purpose of subsection (1)(d) of this rule whether and to what extent there would be an increase in the net amount of emissions for any pollutant subject to a state or national ambient air quality standard from the source which is modified, there shall be taken into account all emission increases and decreases occurring at the source since August 7, 1977.

(5) The requirements of rules 340-31-155, 340-31-165, and 340-31-175 shall not apply to a major stationary source or to a major modification with respect to emissions from it which the owner or operator has shown to be fugitive dust.

Stat. Auth.: ORS Ch. 468

Hist.: DEQ 18-1979, f. & ef. 6-22-79

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Air Quality Review

340-31-155 The owner or operator of the proposed source or modification shall demonstrate that allowable emission increases from the proposed source or modification, in conjunction with all other applicable emissions increases or reductions, would not cause or contribute to air pollution in violation of:

(1) Any state or national ambient air quality standard in any air quality control region; or

(2) Any applicable maximum allowable increase over the baseline concentration in any area.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 18-1979, f. & ef. 6-22-79

Air Quality Models

340-31-160 (1) All estimates of ambient concentrations required under paragraph (1) shall be based on the applicable air quality models, data bases, and other requirements specified in the "Guideline on Air Quality Models" (OAQPS 1.2-080, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711, April 1978).

(2) Where an air quality impact model specified in the "Guideline on Air Quality Models" is inappropriate, the model may be modified or another model substituted. Such a change must be subject to notice and opportunity for public comment under rule 340-31-185. Written approval of the EPA Administrator must be obtained for any modification or substitution. Methods like those outlined in the "Workbook for the Comparison of Air Quality Models" (U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711, May 1978) should be used to determine the comparability of air quality models.

(3) The documents referenced in this paragraph are available for public inspection at the Department of Environmental Quality's Air Quality Control Division headquarters office.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 18-1979, f. & ef. 6-22-79

Monitoring

340-31-165 (1) The owner or operator of a proposed source or modification shall, after construction of the source or modification, conduct such ambient air quality monitoring as the Department determines may be necessary to establish the effect which emissions from the source or modification of a pollutant for which a state or national ambient air quality standard exists (other than non-methane hydrocarbons) may have, or is having, on air quality in any area which such emissions would affect.

(2) As necessary to determine whether emissions for the proposed source or modification would cause or contribute to a violation of a state or national ambient air quality standard, any permit application submitted after August 7, 1978, shall include an analysis of continuous air quality monitoring data for any pollutant emitted by the source or modification for which a state or national ambient air quality standard exists, except non-methane hydrocarbons. Such data shall relate to, and shall have been gathered over, the year preceding receipt of the complete application, unless the owner or operator demonstrates to the Department's satisfaction that such data gathered over a portion or portions of that year or another representative year would be adequate to determine that the source or modification would not cause or contribute to a violation of a state or national ambient air quality standard.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 18-1979, f. & ef. 6-22-79

Source Information

340-31-170 The owner or operator of a proposed source or modification shall submit all information necessary to perform any analysis or make any determination required under this rule:

(1) With respect to a source or modification to which rules 340-31-145, 340-31-155, 340-31-165, and 340-31-175 apply, such information shall include:

(a) A description of the nature, location, design capacity, and typical operating schedule of the source or modification, including specifications and drawings showing its design and plant layout;

(b) A detailed schedule for construction of the source or modification;

(c) A detailed description as to what system of continuous emission reduction is planned for the source or modification, emission estimates, and any other information necessary to determine that best available control technology would be applied.

(2) Upon request of the Department, the owner or operator shall also provide information on:

(a) The air quality impact of the source or modification, including meteorological and topographical data necessary to estimate such impact; and

(b) The air quality impacts, and the nature and extent of any or all general commercial, residential, industrial, and other growth which has occurred since August 7, 1977, in the area the source or modification would affect.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 18-1979, f. & ef. 6-22-79

Additional Impact Analyses

340-31-175 (1) The owner or operator shall provide analysis of the impairment to visibility, soils and vegetation that would occur as a result of the source or modification and general commercial, residential, industrial and other growth associated with the source or modification. The owner or operator need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.

(2) The owner or operator shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial and other growth associated with the source or modification.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 18-1979, f. & ef. 6-22-79

Sources Impacting Federal Class I Areas — Additional Requirements:

340-31-180 (1) Notice to EPA. The Department shall transmit to the EPA Administrator a copy of each permit application relating to a major stationary source or major modification and provide notice to the Administrator of every action related to the consideration of such permit.

(2) Federal Land Manager. The Federal Land Manager and the Federal official charged with direct responsibility for management of Class I lands have an affirmative responsibility to protect the air quality-related values (including visibility) of such lands and to consider, in consultation with the EPA Administrator, whether a proposed source or modification will have an adverse impact on such values.

(3) Denial — impact on air quality-related values. The Federal Land Manager of any Class I lands may present a demonstration to the Department that the emissions from a proposed source or modification would have an adverse impact on the air quality-related values (including visibility) of the lands, notwithstanding that the change in air quality resulting

Air Quality Review

340-31-155 The owner or operator of the proposed source or modification shall demonstrate that allowable emission increases from the proposed source or modification, in conjunction with all other applicable emissions increases or reductions, would not cause or contribute to air pollution in violation of:

- (1) Any state or national ambient air quality standard in any air quality control region; or
- (2) Any applicable maximum allowable increase over the baseline concentration in any area.

Stat. Auth.: ORS Ch. 468

Hist.: DEQ 18-1979, f. & ef. 6-22-79

Air Quality Models

340-31-160 (1) All estimates of ambient concentrations required under paragraph (1) shall be based on the applicable air quality models, data bases, and other requirements specified in the "Guideline on Air Quality Models" (OAQPS 1.2-080, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711, April 1978).

(2) Where an air quality impact model specified in the "Guideline on Air Quality Models" is inappropriate, the model may be modified or another model substituted. Such a change must be subject to notice and opportunity for public comment under rule 340-31-185. Written approval of the EPA Administrator must be obtained for any modification or substitution. Methods like those outlined in the "Workbook for the Comparison of Air Quality Models" (U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711, May 1978) should be used to determine the comparability of air quality models.

(3) The documents referenced in this paragraph are available for public inspection at the Department of Environmental Quality's Air Quality Control Division headquarters office.

Stat. Auth.: ORS Ch. 468

Hist.: DEQ 18-1979, f. & ef. 6-22-79

Monitoring

340-31-165 (1) The owner or operator of a proposed source or modification shall, after construction of the source or modification, conduct such ambient air quality monitoring as the Department determines may be necessary to establish the effect which emissions from the source or modification of a pollutant for which a state or national ambient air quality standard exists (other than non-methane hydrocarbons) may have, or is having, on air quality in any area which such emissions would affect.

(2) As necessary to determine whether emissions for the proposed source or modification would cause or contribute to a violation of a state or national ambient air quality standard, any permit application submitted after August 7, 1978, shall include an analysis of continuous air quality monitoring data for any pollutant emitted by the source or modification for which a state or national ambient air quality standard exists, except non-methane hydrocarbons. Such data shall relate to, and shall have been gathered over, the year preceding receipt of the complete application, unless the owner or operator demonstrates to the Department's satisfaction that such data gathered over a portion or portions of that year or another representative year would be adequate to determine that the source or modification would not cause or contribute to a violation of a state or national ambient air quality standard.

Stat. Auth.: ORS Ch. 468

Hist.: DEQ 18-1979, f. & ef. 6-22-79

Source Information

340-31-170 The owner or operator of a proposed source or modification shall submit all information necessary to perform any analysis or make any determination required under this rule:

(1) With respect to a source or modification to which rules 340-31-145, 340-31-155, 340-31-165, and 340-31-175 apply, such information shall include:

(a) A description of the nature, location, design capacity, and typical operating schedule of the source or modification, including specifications and drawings showing its design and plant layout;

(b) A detailed schedule for construction of the source or modification;

(c) A detailed description as to what system of continuous emission reduction is planned for the source or modification, emission estimates, and any other information necessary to determine that best available control technology would be applied.

(2) Upon request of the Department, the owner or operator shall also provide information on:

(a) The air quality impact of the source or modification, including meteorological and topographical data necessary to estimate such impact; and

(b) The air quality impacts, and the nature and extent of any or all general commercial, residential, industrial, and other growth which has occurred since August 7, 1977, in the area the source or modification would affect.

Stat. Auth.: ORS Ch. 468

Hist.: DEQ 18-1979, f. & ef. 6-22-79

Additional Impact Analyses

340-31-175 (1) The owner or operator shall provide analysis of the impairment to visibility, soils and vegetation that would occur as a result of the source or modification and general commercial, residential, industrial and other growth associated with the source or modification. The owner or operator need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.

(2) The owner or operator shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial and other growth associated with the source or modification.

Stat. Auth.: ORS Ch. 468

Hist.: DEQ 18-1979, f. & ef. 6-22-79

Sources Impacting Federal Class I Areas — Additional Requirements

340-31-180 (1) Notice to EPA. The Department shall transmit to the EPA Administrator a copy of each permit application relating to a major stationary source or major modification and provide notice to the Administrator of every action related to the consideration of such permit.

(2) Federal Land Manager. The Federal Land Manager and the Federal official charged with direct responsibility for management of Class I lands have an affirmative responsibility to protect the air quality-related values (including visibility) of such lands and to consider, in consultation with the EPA Administrator, whether a proposed source or modification will have an adverse impact on such values.

(3) Denial — impact on air quality-related values. The Federal Land Manager of any Class I lands may present a demonstration to the Department that the emissions from a proposed source or modification would have an adverse impact on the air quality-related values (including visibility) of the lands, notwithstanding that the change in air quality resulting

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from emissions from such source or modification would not cause or contribute to concentrations which would exceed the maximum allowable increases for a Class I area. If the Department concurs with such demonstration, then it shall not issue the permit.

(4) Class I variances. The owner or operator of a proposed source or modification may demonstrate to the Federal Land Manager that the emissions from such source or modification would have no adverse impact on the air quality-related values of the Class I lands (including visibility), notwithstanding that the change in air quality resulting from emissions from such source or modification would cause or contribute to concentrations which would exceed the maximum allowable increases for a Class I area. If the Federal Land Manager concurs with such demonstration and he so certifies, the Department may, provided that the applicable requirements of this section are otherwise met, issue the permit with such emission limitations as may be necessary to assure that emissions of sulfur dioxide and particulate matter would not exceed the following maximum allowable increases over baseline concentration for such pollutants. (See Table 2)

(5) Sulfur dioxide variance by Governor with Federal Land Manager's concurrence. The owner or operator of a proposed source or modification which cannot be approved under section (4) of this rule may demonstrate to the Governor that the source or modification cannot be constructed by reason of any maximum allowable increase for sulfur dioxide for a period of twenty-four hours or less applicable to any Class I area and, in the case of Federal mandatory Class I areas, that a variance under this clause would not adversely affect the air quality related values of the area (including visibility). The Governor, after consideration of the Federal Land Manager's recommendation (if any) and subject to his concurrence, may, after notice and public hearing, grant a variance from such maximum allowable increase. If such variance is granted, the Department may issue a permit to such source or modification pursuant to the requirements of section (7) of this rule; provided, that the applicable requirements of this section are otherwise met.

(6) Variance by the Governor with the President's concurrence. In any case where the Governor recommends a variance in which the Federal Land Manager does not concur, the recommendations of the Governor and the Federal Land Manager shall be transmitted to the President. The President may approve the Governor's recommendation if he finds that the variance is in the national interest. If the variance is approved, the Department may issue a permit pursuant to the requirements of section (7) of this rule; provided, that the applicable requirements of this section are otherwise met.

(7) Emission limitations for Presidential or gubernatorial variance. In the case of a permit issued pursuant to sections (5) or (6) of this rule the source or modification shall comply with such emission limitations as may be necessary to assure that emissions of sulfur dioxide from the source or modification would not (during any day on which the otherwise applicable maximum allowable increases are exceeded) cause or contribute to concentrations which would exceed the following maximum allowable increases over the baseline concentration and to assure that such emissions would not cause or contribute to concentrations which exceed the otherwise applicable maximum allowable increases for periods of exposure of 24 hours or less for more than 18 days, not necessarily consecutive, during any annual period. (See Table 3)

Stat. Auth.: ORS Ch. 468
Hist: DEQ 18-1979, f. & ef. 6-22-79

Public Participation

340-31-185 (1) Within 30 days after receipt of an application to construct, or any addition to such application, the Department shall advise the applicant of any deficiency in the application or in the information submitted. In the event of such a deficiency, the date of receipt of the application shall be, for the purpose of this section, the date on which the Department received all required information.

(2) Within one (1) year after receipt of a complete application, the Department shall make a final determination on the application. This involves performing the following actions in a timely manner.

(a) Make a preliminary determination whether construction should be approved, approved with conditions, or disapproved.

(b) Make available in at least one location in each region in which the proposed source or modification would be constructed a copy of all materials the applicant submitted, a copy of the preliminary determination and a copy or summary of other materials, if any, considered in making the preliminary determination.

(c) Notify the public, by advertisement in a newspaper of general circulation in each region in which the proposed source or modification would be constructed, of the application, the preliminary determination, the degree of increment consumption that is expected from the source or modification, and the opportunity for comment at a public hearing as well as written public comment.

(d) Send a copy of the notice of public comment to the applicant and to officials and agencies having cognizance over the location where the proposed construction would occur as follows: local air pollution control agencies, the chief executives of the city and county where the source or modification would be located, any comprehensive regional land use planning agency and any State, Federal Land Manager, or Indian Governing Body whose lands may be affected by emissions from the source or modification.

(e) Provide opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality impact of the source or modification, alternatives to the source or modification, the control technology required, and other appropriate considerations.

(f) Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing(s) in making a final decision on the approvability of the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Department shall consider the applicant's response in making a final decision. The Department shall make all comments available for public inspection in the same locations where the Department made available preconstruction information relating to the proposed source or modification.

(g) Make a final determination whether construction should be approved, approved with conditions, or disapproved pursuant to this section.

(h) Notify the applicant in writing of the final determination and make such notification available for public inspection at the same location where the Department made available preconstruction information and public comments relating to the source or modification.

(3) The requirements of this rule shall not apply to any major stationary source or major modification which rule 340-31-150 would exempt from the requirements of rules 340-31-155, 340-31-165, and 340-31-175, but only to the extent that, with respect to each of the criteria for construction approval under the State Implementation Plan and for exemption under rule 340-31-150, requirements providing the public

with at least as much participation in each material determination as those of this rule have been met in the granting of such construction approval.

Stat. Auth.: ORS Ch. 468

Hist.: DEQ 18-1979, f. & ef. 6-22-79

Source Obligation

340-31-190 (1) Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted pursuant to this section or with the terms of any approval to construct, or any owner or operator of a source or modification subject to this section who commences construction after the effective date of these regulations without applying for and receiving approval hereunder, shall be subject to appropriate enforcement action.

(2) Approval to construct shall become invalid if construction is not commenced within 18 months after receipt of such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed with a reasonable time. The Department may extend the 18-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date.

(3) Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the State Implementation Plan and any other requirements under local, state or federal law.

Stat. Auth.: ORS Ch. 468

Hist.: DEQ 18-1979, f. & ef. 6-22-79

Stack Heights — Modeling Limits

340-31-195 (1)(a) The degree of emission limitation required for any air pollutant or air contaminant shall not be

affected in any manner by:

(A) The use of a stack height that exceeds good engineering practice, or

(B) The use of any other dispersion technique.

(b) The preceding sentence shall not apply with respect to stack heights in existence before December 31, 1970, or dispersion techniques implemented before that date.

(2) The Department shall give public notice about stack heights that exceed good engineering practice prior to issuing an air contaminant discharge permit.

(3) Definitions. As used in OAR 340-31-110 to 340-31-112, unless otherwise required by context:

(a) "Dispersion technique" means any control of air pollutants varying with atmospheric conditions including but not limited to supplementary or intermittent control systems and excessive use of enhanced plume rise.

(b) "Good engineering practice stack height" means that stack height necessary to ensure that emissions from the stack do not result in excessive concentrations of any air pollutant in the immediate vicinity of the source as a result of atmospheric downwash, eddies, and wakes which may be created by the source itself, nearby structures or nearby terrain obstacles and shall not exceed any of the following as appropriate:

(A) 30 meters, for stacks influenced by structures or terrain;

(B) $H_G = H + 1.5 L$

where H_G = good engineering practice stack height;

H = height of structure or nearby structure;

L = lesser dimension (height or width) of the structure or nearby structure; for stacks influenced by structures;

(C) Such height as an owner or operator of a source demonstrates is necessary through the use of field studies or fluid models after notice and opportunity for public hearing.

Stat. Auth.: ORS Ch. 468

Hist.: DEQ 14-1979, f. & ef. 6-22-79

with at least as much participation in each material determination as those of this rule have been met in the granting of such construction approval.

Stat. Auth.: ORS Ch. 468

Hlst: DEQ 18-1979, f. & ef. 6-22-79

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where H_C = good engineering practice stack height;

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Stat. Auth.: ORS Ch. 468

Hlst: DEQ 14-1979, f. & ef. 6-22-79



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

Prepared: March 2, 1981
Hearing Date: April 24, 1981

NOTICE OF PUBLIC HEARING

A CHANCE TO BE HEARD ABOUT:

Proposed Revision of New Source Review and Plant Sites Emission Limit Rules

The Department of Environmental Quality (DEQ) is considering revisions to the existing rules regulating the construction of new sources and the modification of existing sources of air pollution. The revisions to the New Source Review rules are necessary to bring the Oregon State Implementation Plan into accord with the Clean Air Act Amendments of 1977. Revisions are also being proposed for the Plant Site Emission Limit rule to provide more specific criteria for establishing emission limits.

A hearing on this matter was originally scheduled for February 18, 1981, but was cancelled to allow additional time for review of the proposed rules. Some changes were made in the originally proposed Emission Reduction Banking and Plant Site Emission Limit rules. The hearing has been rescheduled and will be held before the Environmental Quality Commission at its April 24, 1981, meeting.

WHAT IS THE DEQ PROPOSING?

Interested parties should request a copy of the complete proposed rule package. Some highlights are:

- ** New Source Review and Prevention of Significant Deterioration requirements are combined into one rule.
- ** Requirements for new source offsets, Prevention of Significant Deterioration analysis, and banking of emission reductions are established.
- ** The Plant Site Emission Limit Rule is revised to provide more specific procedures for establishing emission limits.

WHO IS AFFECTED BY THIS PROPOSAL:

Major new sources and major modifications of sources of air pollution and existing sources of air pollution.

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 prior to April 23, 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> |
|-------------|-------------|----------------|---|
| Portland | 10:00 a.m. | April 24, 1981 | Oregon Department of Fish and Wildlife Conference Room 506 SW Mill |

The Commission may also consider adoption of the rules at the same meeting.

WHERE TO OBTAIN ADDITIONAL INFORMATION:

Copies of the proposed rules may be obtained from:

Lloyd Kostow
DEQ Air Quality Division
Box 1760
Portland, Oregon 97207
229-5186
toll-free 1-800-452-7813

LEGAL REFERENCES FOR THIS PROPOSAL:

This proposal amends OAR 340-20-190 to 198, OAR 340-30-110, OAR 340-32-005 to 025 and OAR 340-31-105 to 195. It is proposed under authority of ORS Chapter 468, including sections 020 and 295.

LAND USE PLANNING CONSISTENCY:

The Department has concluded that the proposals do affect land use.

With regard to Goal 6 (air, water, and land resources quality) and Goal 9 (to diversify and improve the economy of the state), the rules are designed to enhance and preserve air quality in the affected area while allowing economic growth, and are considered consistent with the goals.

Goal 11 (public facilities and services) is deemed unaffected by the proposals.

Public comment on any land use issue involved is welcome and may be submitted in the same fashions as are indicated for testimony in this NOTICE OF PUBLIC HEARING.

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

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

FURTHER PROCEEDINGS:

After public hearing the Environmental Quality 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 considered for submittal to the U.S. Environmental Protection Agency as part of the State Clean Air Act Implementation Plan. The Commission's action could come at the same April 24, 1981, meeting, or be deferred to the June 5 meeting.

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

AQ0042(n) (1)

STATEMENT OF NEED FOR RULEMAKING

Pursuant to ORS 183.335(2), this statement provides information on the intended action to amend a rule.

Legal Authority

Oregon Revised Statutes Chapter 468, including Sections 020 and 295.

Need for Rule

These revisions to the New Source Review and Plant Site Emission Limit Rules are required to correct deficiencies identified by the U.S. Environmental Protection Agency (EPA) and to bring the rules into compliance with Clean Air Act Requirements.

Principal Documents Relied Upon

1. Federal Clean Air Act P.L. 95-95, Amendments of August 7, 1977, Part C Sections 160 through 169 and Part D Sections 171 through 173.
2. Final Rulemaking on approval of Oregon State Implementation Plan, 40 CFR 52, published on June 24, 1980 (45 FR 42265).
3. Prevention of Air Quality Deterioration, 40 CFR 51.24 published on June 19, 1978, and revised on August 7, 1980 (45 FR 52676).
4. Alabama Power Company, et al, Petitioners vs. Environmental Protection Agency, et al, Respondents, Sierra Club, et al, Intervenors; (No. 78-1006) U.S. Court of Appeals for the District of Columbia, Decided December 14, 1979.
5. Emission Offset Interpretative Rule, 40 CFR 51 Appendix S, published on January 16, 1979 (44 FR 3282).

Fiscal Impact Statement

The fiscal impact of these proposed rule revisions on major sources of air pollution is expected to be minimal. Some additional resource impacts may be expected on DEQ to administer the offset/banking provisions and to assume the Prevention of Significant Deterioration program from EPA.

AQ0042.A (n) (1)

A DISCUSSION OF
ALTERNATIVES TO THE
PROPOSED NSR AND PSEL RULES

1. Don't do anything -- keep the status quo.
 - a. This would leave us with incomplete and inadequate NSR rules for non-attainment areas and outdated PSD rules for attainment areas (none of which are approvable by EPA) and a non-specific Plant Site Emission Limit Rule.
 - b. Our conditionally approved SIPs for the Portland, Salem, Eugene and Medford non-attainment areas would become disapproved with resultant "no-growth" sanctions and possibly other (funding) sanctions in these areas.
 - c. The Federal PSD program and rules would continue to be administered by EPA for sources in Oregon.

2. Substitute the Federal PSD rule essentially verbatim for those sections of the proposed NSR rule that apply to attainment (PSD) areas
 - a. The Federal PSD rule is considered deficient because it does not address new major source impacts on non-attainment areas.
 - b. The proposed rule would require PSD sources located adjacent to non-attainment areas (NAAs) to mitigate any significant impact they may have on the NAAs and deals with all other PSD sources in the same manner as we interpret the Federal rule.
 - c. Some Sections of the Federal rule are subject to multiple interpretations and the proposed rule attempts to clarify how these sections are proposed to apply in Oregon.

3. Include or not include "offsets."
 - a. The Clean Air Act and EPA rules require that State NAA SIPs must include a mechanism to allow future growth. The choices specified are:
 - 1) Growth Cushions, or
 - 2) offsets.
 - b. Since "growth cushions" have not been identified, and are not likely to be identified in the near future, except for VOC's in Medford and perhaps in Portland, provisions by rule for applying offsets appear to be required.

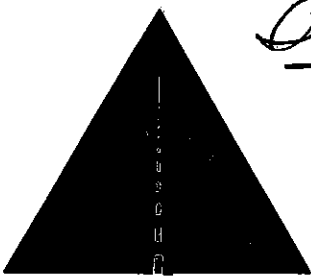
DISCUSSION OF ALTERNATIVES TO PROPOSED NSR & PSEL RULES

Page 2

4. Include or not include "Banking."
 - a. Banking of emission reduction credits is optional with states.
 - b. If a State opts for "banking," procedures must be set forth in the rules which must be approved by EPA (i.e., meet EPA guidelines).
 - c. Banking is highly touted by EPA, recommended by the Portland Growth Management Study Group and, in general, favored by industry as a means of making "offsets" more readily available.
 - d. The proposed rules would allow limited banking of emission reduction credits (ERCs) in a manner that would not significantly inhibit attainment/maintenance of Standards and would not create a new class of "special" ownership rights in an airshed.
 - e. A sub-option would be to adopt a less cautious approach to Banking, but this is not recommended by the staff.
5. Include or not include the "bubble."
 - a. "Bubbling" is optional to the States, although EPA is giving it the "big sell" nationwide.
 - b. The proposed PSEL rule would allow a plant to "bubble" on a plant-wide basis and to choose any mix of alternative controls desired as long as PSELS for the significant pollutants are not exceeded.
 - c. We believe the proposed bubble rule could save money and energy and not inhibit attainment/maintenance of Standards and, in general, is desirable and, as far as we know, without opposition.
6. Include or not include the proposed PSEL rule.
 - a. We already have a non-specific PSEL rule.
 - b. The proposed rule establishes specific, uniform and equitable procedures for establishing PSELS which are needed to establish baselines for attainment strategy development, tracking reasonable further progress (RFP) and PSD increment consumption, and managing offsets, banking and bubbling.
 - c. Failure to have a specific PSEL rule has resulted, in the past, in individual case-by-case negotiations of emission limits (permit conditions) by a variety of players under grossly different

conditions with very uneven and possibly inequitable and in some instances inadequate emission limits (as judged by today's Clean Air Act requirements).

7. Adopt rules substantially as proposed. This would:
 - a. Enable us to get our SIPs approved and allow growth in NAAs.
 - b. Enable the Department to assume administration of Federal PSD Program in Oregon.
 - c. Treat sources inside NAAs and adjacent to NAAs adequately and equitably.
 - d. Set forth specifically approved uniform procedures for setting PSELS and establish a baseline and procedures for managing off-sets, a banking and bubbles.



Item L

① Young ② EQC ③ Weathershel
why

MIKE HUDDLESTON
Executive Director
JON MORSE
President
ALAN HAY
Vice President
GALE SCHWIESOW
Secretary/Treasurer

ASPHALT PAVEMENT
ASSOCIATION OF OREGON

3747 Market Street, N.E. — Salem, Oregon 97301
(503) 363-3858

April 20, 1981

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

Re: Agenda Item L
April 24, 1981
EQC Meeting

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
R E C E I V E D
APR 21 1981

OFFICE OF THE DIRECTOR

Gentlemen:

On April 15, 1981, Mr. George Morton and I discussed the New Plant Site Emission Limit and New Source Review Rules with Mr. Fred Skirvin and Mr. Lloyd Kostow of your staff.

We wish to express our appreciation to these two men, as they have an excellent knowledge of the regulations and did a good job of reviewing the new rules with us. We also wish to express our concerns with some parts of the proposed new regulations.

Item #1- Time Factor - We know Oregon loves to be first in these matters but unless you have specific deadlines to meet, we recommend you delay the implementation of these rules until next year. Our reasons for this are twofold:

- A. The economic climate is such that no additional cost factors should be applied to new sources until the recession period is over.
- B. The present administration has on many occasions indicated they will reduce some of the environmental standards now imposed on industry. Therefore, imposing new rules at this time appears to come at a time when maybe 6 months down the road the rules would be superfluous.

Item #2 - Plant Site Emission Limits

Plant Site Emission Limits may be practical to a stationary source that runs at a constant production, say 10 hours a day, 52 weeks each year. However, in our industry, production is dependent upon the weather, the competitive bid process, and the availability of contract work. For example, the tonnage in 1980 was 24%

PAVING THE WAY WITH SMOOTH, SAFE DURABLE SURFACE

BOARD OF DIRECTORS: Don Carson, Tom Cowgill, Francis Lulay, George Morton, Richard Wright, Gary Wildish - Ex-Officio

below the 1979 tonnage. Our major pollutant is particulates and this will vary with your annual production which is subject to the items listed above.

Another point in determining the Plant Site Emission Limit is the adding of fugitive emissions to the stack emissions. Anyone who thinks they can measure fugitive emissions accurately at an asphalt plant is talking through their hat. Fugitives for example from a rock crusher or a stockpile is dependent upon the direction and force of the wind, height of the facilities, location on the site, type and size of rock in the pile, weather conditions, etc. Now who can accurately predict these conditions on a short term or annual basis? The answer is he lives in Heaven and is not on the DEQ payroll.

New Source Review Regulations

LAER - Lowest Achievable Emission Rate

We find no fault with the application of LAER to New Sources but certainly we find fault with the method of determining LAER. In our industry, the efficiency of air pollution equipment is dependent upon its ability to remove the free 200 minus material. The amount of free 200 minus material is dependent upon the following:

1. Percent of 200 in the mix - This is an agency decision - it is beyond the asphalt plant owners' privilege to change it. It can vary from 2% to 12% according to the type of mix produced and the requirements of the individual agency.
2. Micron size of 200 minus material - This varies from aggregate source to aggregate source and has a wide variety throughout the USA as basalt, river rock, cinders, trap rock, slag, and limestone do not produce the same micron size 200 minus material.

Therefore, LAER should be a local or statewide experience in achieving an Emission Rate and not a nationwide decision as was recently applied to an Oregon plant because 0.03 grains was accomplished in Colorado or Maryland.

Source Compliance

Article 2 under OAR 340-20-240 is absolutely unnecessary. You are proposing that if a company has one or more existing sources that no permit will be issued for a new source unless the existing sources are in compliance or on schedule. Those existing sources have permits which are revocable, violators are subject to fines. Why is it necessary to apply another regulation that is nothing more than industrial blackmail?

Page Three
April 20, 1981
Environmental Quality Commission

In conclusion, we want to thank you for the opportunity to be heard in this matter. We hope our input will be helpful to you and you in turn will support our position when dealing with EPA. Remember, our industry is a pollution fighter. The number one source of pollutants in many areas is road dust and the number one way to cure it is with asphalt.

Sincerely yours,

A handwritten signature in cursive script that reads "Mike Huddleston". The signature is written in black ink and is positioned above the typed name and title.

Mike Huddleston, P.E.
Executive Director
Member AGC Land Use/Environmental Committee

MH/jh

cc: George Morton
Randall S. Hledick



Port of Portland

Box 3529 Portland, Oregon 97208
503/231-5000
TWX: 910-464-6151

April 24, 1981

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

COMMENTS ON PROPOSED NEW SOURCE REVIEW RULE

The Port of Portland plays a major role in economic development in the Portland area. The Department of Environmental Quality's (DEQ) proposed New Source Review Rule will impact the Port's ability to promote economic development in the Portland area. We believe certain provisions should be modified. For the past two years, the Port has met with and provided comments to the DEQ staff as the rule was prepared. The Port has consistently expressed concern with certain requirements in the rule which are significantly more stringent than those of the Environmental Protection Agency (EPA). These requirements include the major source cutoff point for total suspended particulates (TSP) and volatile organic compounds (VOC) and emission offset requirements.

Major Source - Significant Emission Rates

The rule, as proposed, sets the cutoff points for total suspended particulates (tsp) at 25 tons per year and volatile organic compounds (voc) at 40 tons per year for both new and modified sources in the Portland area. EPA specifies a cutoff point of 100 tons per year for new sources. The City of Portland's Growth Management Study recommended 50 tons per year as the cutoff for both TSP and VOC. This figure was determined after extensive evaluation of the expected cost of offsets per ton, the size of industries able to afford those offsets, and the amount of additional pollution "captured" by other cutoff figures. We do not believe this cutoff figure is supportable for the region. The DEQ staff has not justified the benefits to the airshed associated with a cutoff figure lower than what is required by EPA or recommended in the Growth Management Study. In addition there has not been an evaluation of the impact the lower cutoff will have on the region's ability to attract new industry. Therefore we recommend that that cutoff point for both TSP and VOC be changed to 50 tons per year.

Emission Reduction Credit Banking

The Port is not opposed to the concept of emissions banking. It is important that you recognize, however, that the banking system will establish a "market" in the region which does not currently exist. Buyers, sellers and holders of emissions will soon be attempting to negotiate transactions in the new market created by this rule. For this market to work effectively, legal and administrative rules which govern the transactions should be firmly established. Also, the parties need to be able to establish, with as much certainty as possible, what the future value of the banked credit will be.

Though the proposed rule outlines guidelines regarding the banking, it does not provide sufficient detail on how the rule will be administered by DEQ. We recommend that the administrative procedures be outlined in the rule. We believe these procedures could be drafted before your next meeting.

In addition, we oppose the proposed uniform discounting system for banked emissions. The rule calls for a uniform discounting of banked emission reduction credits if reasonable further progress toward attainment of air quality standards is not being achieved and no other control strategy is available. The rule also allows a discounting of banked credits without compensation to the holder for a particular source category when new regulations requiring emission reductions are adopted by the EQC. We believe such a system of discounting would create too much uncertainty to enable the emission banking market to function effectively. In order to provide a marketable banking system for both new and existing industries, we feel a moratorium banking system with an extension provision would be more effective. This type of banking system would permit the DEQ to place a moratorium on all banked offsets should reasonable further progress not be met. It would also allow for extensions of banking lifetime for the moratorium period.

Finally, while the requirements for emission reductions specify that sources of fine particulates must be offset with particulates in a similar size range, no definition for "fine" particulates is included in the rule. We recommend that a size definition for fine particulates should be established as part of the rule to avoid confusion over this requirement.

Conclusion

The New Source Review Rule will impact industrial growth in the Portland area. It is important that the rule addresses the measures needed to meet and maintain air quality standards. It must also, however, consider the economic impacts on new and existing industry

Environmental Quality Commission
Page 3
April 24, 1981

affected by this rule. Provisions which are more stringent than those of the EPA, such as the major source cutoff point, should not be included in the rule until the DEQ has evaluated the economic impact on industrial growth. In order to maintain flexibility for future industrial growth in the region, we urge the EQC to incorporate the modifications discussed in this letter.

A handwritten signature in black ink, appearing to read 'Lloyd Anderson', with a long horizontal flourish extending to the right.

Lloyd Anderson
Executive Director

03D547

Portland Air Quality Advisory Committee

P.O. Box 1760
Portland, Oregon 97207
(503) 229-6092

April 20, 1981

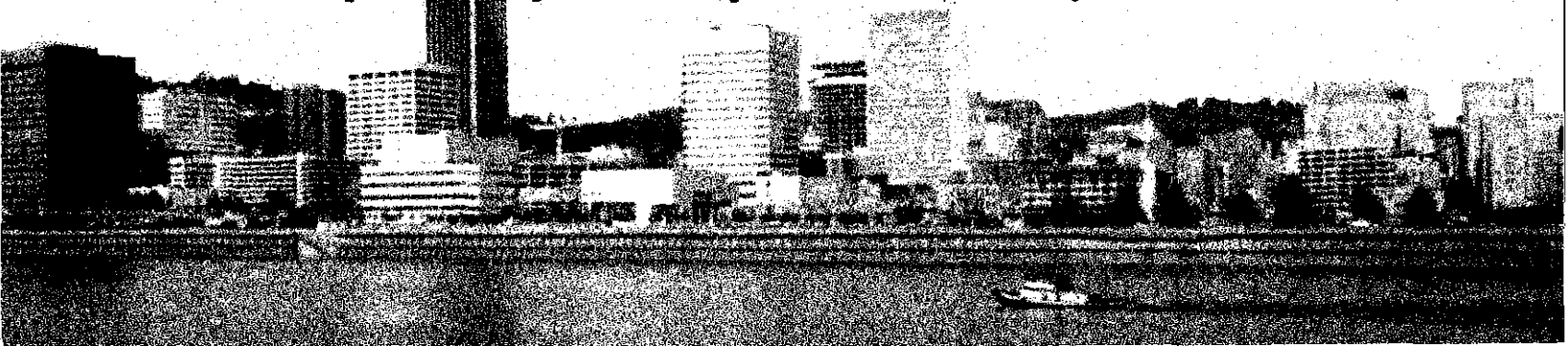
Joe B. Richards, Chairman
5004 Blanton Road
Eugene, Oregon 97401
686-8060

Dear Mr. Richards:

The Portland Air Quality Advisory Committee welcomes the opportunity to lunch with the Environmental Quality Commission on April 24, 1981. We view this informal occasion as an opportunity to discuss air quality issues, to reconfirm our role as advisors to the Department and the Commission, and to explore possible ways to enhance this role in the future.

Several events in the last few months have raised concerns among the Committee about continuing progress on air quality in the Portland area. The Committee was very disappointed in the retraction of the ban on open burning and in the process by which this occurred. After many hours of meetings and much hard work on this issue, the Committee continues to believe that this control strategy for particulates is one of the most feasible and economic. It is our opinion that the open burning ban could have been implemented in the first season after the Commission's decision on December 19, 1980. The activities and efforts of DEQ and METRO were of sufficient magnitude and scope to have gotten us through a "no burning" season with a tolerable amount of inconvenience. Unfortunately, the Committee was not given the opportunity to express this view prior to the decision to rescind the ban on March 13, 1981.

The postponement of the ban on open burning is one of a series of seemingly unrelated events which could be construed as a trend towards relaxed air quality requirements. Contributing to this overall impression is the recent action in Washington State to eliminate the planned vehicle inspection/maintenance program in Clark County. If this program is eliminated, the question of equity within the airshed will surely be raised and the Oregon Inspection/Maintenance Program could be jeopardized. Several bills in the Oregon State Legislature are also aimed at eliminating or severely restricting current or planned control strategies.



Portland Air Quality Advisory Committee

P.O. Box 1760
Portland, Oregon 97207
(503) 229-6092

Joe B. Richards, Chairman
Environmental Quality Commission
April 20, 1981
Page 2

Given that the control of particulate emissions from residential wood burning is soon to become a major issue, and the trend towards a relaxed attitude about improving air quality, an open burning ban seems important both in terms of how the public views their role in improving air quality and because we cannot afford to give away a portion of the region's pollution dispersion capabilities to a relatively less critical activity. Therefore, it is essential that the ban on open burning be reinstated as soon as possible.

The Committee has recently formed two new subcommittees to address the emergence of some of these new issues: the Residential Wood Combustion or Woodstove Subcommittee and the Legislative Subcommittee. These committees may be helpful in demonstrating that some citizens still hold improving air quality as an important goal, despite energy needs and fiscal restraints.

We look forward to productive discussions on April 24th. If you feel it is appropriate, we could establish an informal agenda for this meeting. I can be reached at 223-5770 (days) or 777-2363 (evenings).

Sincerely,

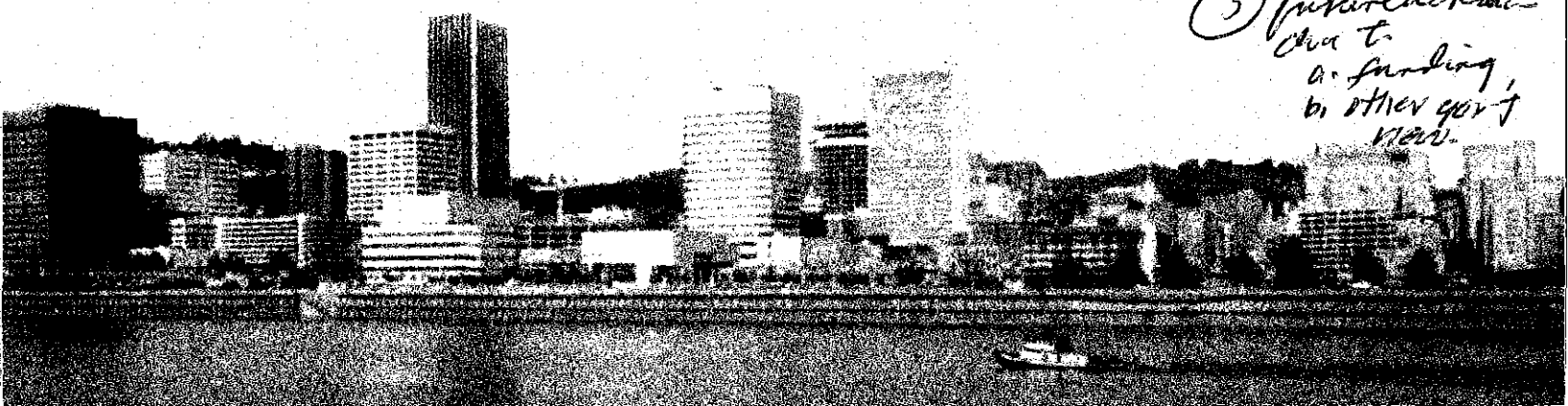
T. Dan Bracken
Chairman

WTG:a
AA996.3 (1)

① open burning →
(a) general Ray Underwood can say what limits to observe
(b) wood stoves

② way to keep public informed

③ future direction
a. funding
b. other gov't views





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

January 16, 1981

OFFICE OF
PLANNING AND MANAGEMENT

Mr. Joseph B. Richards
Chairperson
Environmental Quality Commission
522 South West Fifth Avenue
Portland, Oregon 97207

Dear Mr. Richards,

Environmental regulation demonstrably works: the air is a little cleaner, not a lot dirtier than it was in 1970. The more science reveals, the more urgent environmental regulation becomes. Over the last decade 60 percent of the public have consistently wanted to spend more to clean the air and water, and another 30 percent have thought we're spending the right amount.

Nevertheless you, like most other environmental regulators, are no doubt facing increasingly sharp, doubting questions. There are, I believe, two key reasons for this questioning.

- o As the volume of pollution our forever fixed quantity of air must absorb compounds each year, the economic cost (and hassle) of maintaining any given level of air quality increases proportionately.
- o Many people are frustrated by a regulatory process they perceive as wasteful and unresponsive.

The controlled trading reforms (offsets, the bubble, banking, etc.) we have been developing over the last several years are designed to deal with both problems. Controlled trading gives business a strong positive incentive (being able to cut particularly expensive off-setting costs) to find new, innovative pollution control techniques. Thus increasing the flow of cost-reducing control technology innovations is the only way I can imagine of counterbalancing the otherwise inexorable and destructive effects

of the steady compounding of pollution. Second, controlled trading gives business room to do what it can do best--find the most efficient way of getting the cleanup job done--as long as it satisfies our control agencies that it really is doing the job. This increased freedom should reduce friction as well as waste.

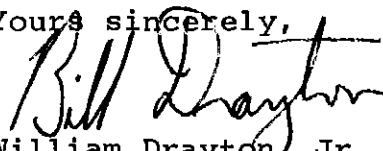
However simple and sensible this idea, I know that its early implementation has not always been effortless. We've had several start-up troubles with one component of this new approach, the "bubble," during its first year. We have consequently modified the policy in a number of ways over the last three months (and are doing so in several new ways this week) in order to make it easier to use.

You and your colleagues in the air pollution control front lines will have to work hard to bring this new way of doing business up to its full potential. It's worth the effort. What other strategy do we have that offers any serious hope of escape from the consequences of the compounding of pollution?

We want to help you get the job done in any way we can. Just call our regional office or our specialized headquarters staff at 202-287-0740.

The enclosed booklet provides a succinct review of this new approach and then briefly summarizes several of the most important policy changes that have made this reform much easier to use since September.

Yours sincerely,



William Drayton Jr.
Assistant Administrator
for Planning and Management

Enclosure

Western Oil and Gas Association

United Airlines Building, 2033 Sixth Avenue, Suite 255, Seattle, Washington 98121
(206) 682-9255

April 16, 1981

Mr. William B. Young
Director
Department of Environmental Quality
P.O. Box 1760
Portland, Oregon 97207

Dear Mr. Young:

The Western Oil and Gas Association, a trade association whose members conduct much of the producing, refining, transportation and marketing of petroleum and petroleum products in the western United States, wishes to comment on the proposed amendments to Oregon's New Source Review and Plant Site Emission Limit Rules listed as Agenda Item No. L, at the April 24, 1981, Environmental Quality Commission Hearing.

Very truly yours,



D. L. Fogdquist
Northwest Regional Manager

DJF:vs

Attachment

ENVIRONMENTAL QUALITY COMMISSION HEARING
AGENDA ITEM NO. L - APRIL 24, 1981
PORTLAND, OREGON

The Western Oil and Gas Association has serious concerns about the amendments proposed for the Oregon New Source Review Rules, OAR 340-20-220 through 280 (March 4, 1981 draft) and the Plant Site Emission Limit Rules, OAR 340-20-300 through 320 (March 2, 1981 draft). WOGA believe the deficiencies in the proposals are serious enough to undermine the workability of the whole permitting program. The following sections outline WOGA's concerns and offer suggestions to improve the amendments.

Reserved Control Strategies

Proposed Section OAR 340-20-280 precludes the use of certain "reserved control strategies" for offsets. Reserved control strategies are measures that might possibly be adopted by EQC as amendments. Reserved control strategies are not reasonably available control measures that have been adopted by EQC. Reserved control strategies are, for the most part, DEQ staff's ideas of measures which might be proposed to EQC and which EQC might adopt. Putting such measures on a reserved control strategy list really constitutes the first step in advancing the measures to candidacy for SIP revision. This step is taken without benefit of input from the affected industries on the feasibility of the measures, without DEQ justification of the need for the rules, without an analysis of the cost effectiveness of rules relative to other alternate measures, and without the benefit of testimony at a public hearing. In short, Section OAR-340-20-280 would put DEQ's "wishful thinking" measures in a hands-off status for offsets without any formal assessment of whether the measures will be adopted. This approach is considerably more stringent than that specified

by federal requirements which only preclude the use of reductions which result from measures actually adopted as part of the SIP (40 CFR 51.18 (j) (3) (i)).

Emission Reduction Credit Banking

Proposed Section OAR 340-20-265 sets the regulations for banking of emission reduction credits. As proposed the banking provisions are totally inadequate. In WOGA's opinion, the purpose of the bank should be to encourage industry to implement programs to voluntarily reduce emissions now by providing a "safe place" to bank the voluntary reduction should it be needed to offset a future project. Before undertaking a voluntary reduction, a potential "depositor" must have reasonable assurance that the banked reductions will be available to him when they are needed. The proposed rule gives no assurances of any kind and, in fact, specifically provides that should the strategy for attainment fail, i.e., "reasonable further progress toward attainment of air quality standards is not being achieved," banked emission reduction credits would be seized to make up the deficiency. In short there would be an emissions bank "crash". Such a situation is hardly encouraging to someone who might be considering a voluntary reduction for banking. In fact the opposite would probably be true. Emission reductions which might otherwise be undertaken would probably be postponed until such time as a specific new project could be identified and the reductions directly assigned as offsets.

The proposed provision disallowing shutdowns as bankable reductions also would tend to be counter-productive in the reduction of emissions. Unless continued operation of a source that might otherwise be shutdown created a prohibitive economic penalty, some operators would likely opt to keep the source running until a specific offset need was identified. Here again the proposed regulations are more stringent

than required by EPA. The federal requirements do not preclude the use of shutdown reductions (40 CFR 51.18 (j) (3) (ii) (c)).

Conclusions and Recommendations

In WOGA's opinion the proposed New Source Review (NSR) Rule when taken in context with the Plant Site Emission Limit (PSEL) Rule will have a serious adverse impact on industry's ability to build new facilities and modernize/upgrade existing facilities. While the overall intent of an NSR program is to provide for orderly development from an air quality standpoint, the DEQ proposed regulations go much beyond that goal and are considerably more stringent than the Federal PSD and off-set regulations.

The PSEL Rule and the "Reserved Control Strategy" approach of the NSR Rule combine to "dry up" many potential offsets and emission reductions for banking. In fact the PSEL Rule would even require offsets for operation of existing equipment within its designed operating range if that operating range exceeds the range during the "baseline" period. The net result is that an operator cannot take offset credit for the difference between emission levels at maximum design operation and at the baseline period operation yet emission levels in excess of baseline level must be offset.

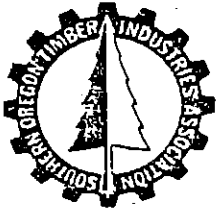
If an operator is fortunate enough to find an emission reduction credit that hasn't been dried up or "reserved" he has the opportunity to place it in the emissions bank with the high risk that it may be appropriated by the State, hardly an attractive option. The combined effect of the PSEL Rule and the NSR Rule as proposed is to paint industry into a corner on future development and to jeopardize industry's ability to meet the future needs of the State of Oregon.

WOGA offers the following recommendations which would, in WOGA's opinion, greatly improve the workability of the proposed regulations and which are consistent with the Federal PSD and offset regulations.

- * Delete proposed OAR 340-20-280 "Reserved Control Strategies" and all references to reserved control strategies in the other sections, including the references in OAR 340-20-255 and OAR 340-20-265.
- * Delete proposed OAR 340-20-265 Section (4) which precludes banking of emission reductions resulting from shutdowns.
- * Delete proposed OAR 340-20-265 Section (6) which provides for retroactive discounting of banked reductions if "reasonable further progress" is not maintained.
- * Change the language in OAR 340-20-310 on PSEL to permit upward adjustment of the PSEL without offsets unless offsets would be required under the NSR Rule.

WOGA appreciates the opportunity to express concerns with the proposed changes to the NSR and PSEL Rules.

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SOUTHERN OREGON

TIMBER INDUSTRIES ASSOCIATION

2680 N. PACIFIC HWY.

MEDFORD, OREGON 97501

TELEPHONE 773-5329

April 15, 1981

Mr. Lou Hannum, Chairman
Jackson County Air Quality Committee
32 W. Sixth St.
Medford, OR 97501

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
APR 23 1981

AIR QUALITY CONTROL

Dear Lou,

Bruce Shaw approached Bill Carlson and requested that SOTIA make known to the committee our position on the proposed Plant Site Emission Limit (PSEL) and New Source Review rules, which will be considered by the Environmental Quality Commission April 24.

Members of our Air Quality Committee have studied several drafts provided by the Department of Environmental Quality. We will be submitting testimony to the EQC on April 24. The following is a summary of the points in that testimony. We urge the committee's consideration and would appreciate their support in this issue.

Plant Site Emission Limits

1. Plant site emission limits should be based on the potential to emit, as defined in the proposal. Currently, the Department is proposing an average of two baseline years, and does not recognize full capacity.
2. The establishment of separate PSEL's for combustion, process and fugitive emissions is unacceptable if the bubble concept is to function properly. We recommend deletion of this item.
3. The preclusion of trading emissions to avoid BACT or LAER also appears to contradict the bubble concept. We recommend Section 340-20-230-5 be studied to see if this is the case.
4. There are a couple of basic questions about the administration of the rules, as proposed, in conjunction with existing AQMA regulations on air conveyance devices and veneer dryers. Neither of these sources are dealt with in terms of emission standards which are compatible with the proposal. Air conveyance devices must be bag housed, while veneer dryers have emissions measured in terms of opacity. Neither have a weight per unit of output standard to attain.

New Source Review Regulations

1. The definition of whether or not a source, or modification to a source, of volatile organic compounds is considered to have a significant impact on a non-attainment area is defined in terms

of a fixed radius. We oppose this concept and recommend that such impact be assessed by modelling, and not use a fixed radius.

2. The requirement for an additional impact analysis in Section 340-20-245-6 is excessive and unworkable. We suggest that it would simply become an obstruction to the permit consideration. Therefore, we recommend deletion of this requirement.

3. The requirement of meeting short term, seasonal and yearly time periods in 340-20-260-2 is overly stringent. Some flexibility is necessary.

4. Section 340-20-260-3 makes a distinction between fine and larger particulates. Currently there is no such distinction in any state or federal regulation. Until such time as this distinction is made this section is inappropriate. Compliance with federal standards is defined in terms of weight, without regard to size.

5. The concept of contemporaneous use of emission reductions in Section 340-20-260-4 is a major disincentive to the offset program. We recommend that this approach be deleted in favor of a banking incentive approach.

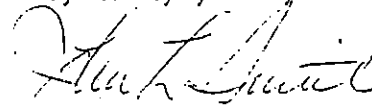
6. The banking concept, as proposed, will never be utilized because of the uncertainty of future availability of offsets. We recommend the ten year limit be dropped, permanent source shutdowns and curtailments be made bankable, and the discounting provisions be deleted.

The DEQ has no statutory or regulatory need for information on intended uses of banked offsets and this requirement is therefore inappropriate. We recommend its deletion.

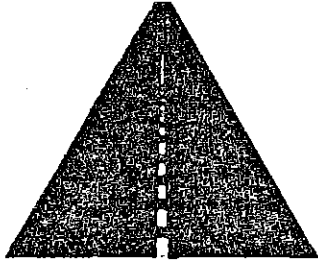
The banking provisions should provide that any permanent emissions reductions below standards, whether by equipment installation, shutdown or curtailment, may be banked without restriction. Those banking offsets should also be given certain assurances of a positive nature about the future availability of their investments. These features are essential to the success of any banking program.

The committee's consideration and support in this matter will be appreciated.

Very truly yours,



John L. Smith
Secretary-manager



Young EQC

MIKE HUDDLESTON
Executive Director
JON MORSE
President
ALAN HAY
Vice President
GALE SCHWIESOW
Secretary/Treasurer

ASPHALT PAVEMENT
ASSOCIATION OF OREGON

3747 Market Street, N.E. - Salem, Oregon 97301
(503) 363-3858

April 20, 1981

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

Re: Agenda Item L
April 24, 1981
EQC Meeting

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
APR 21 1981

OFFICE OF THE DIRECTOR

Gentlemen:

On April 15, 1981, Mr. George Morton and I discussed the New Plant Site Emission Limit and New Source Review Rules with Mr. Fred Skirvin and Mr. Lloyd Kostow of your staff.

We wish to express our appreciation to these two men, as they have an excellent knowledge of the regulations and did a good job of reviewing the new rules with us. We also wish to express our concerns with some parts of the proposed new regulations.

Item #1- Time Factor - We know Oregon loves to be first in these matters but unless you have specific deadlines to meet, we recommend you delay the implementation of these rules until next year. Our reasons for this are twofold:

- A. The economic climate is such that no additional cost factors should be applied to new sources until the recession period is over.
- B. The present administration has on many occasions indicated they will reduce some of the environmental standards now imposed on industry. Therefore, imposing new rules at this time appears to come at a time when maybe 6 months down the road the rules would be superfluous.

Item #2 - Plant Site Emission Limits

Plant Site Emission Limits may be practical to a stationary source that runs at a constant production, say 10 hours a day, 52 weeks each year. However, in our industry, production is dependent upon the weather, the competitive bid process, and the availability of contract work. For example, the tonnage in 1980 was 24%

PAVING THE WAY WITH SMOOTH, SAFE DURABLE SURFACE

BOARD OF DIRECTORS: Don Carson, Tom Cowgill, Francis Lulay, George Morton, Richard Wright, Gary Wildish - Ex-Officio

below the 1979 tonnage. Our major pollutant is particulates and this will vary with your annual production which is subject to the items listed above.

Another point in determining the Plant Site Emission Limit is the adding of fugitive emissions to the stack emissions. Anyone who thinks they can measure fugitive emissions accurately at an asphalt plant is talking through their hat. Fugitives for example from a rock crusher or a stockpile is dependent upon the direction and force of the wind, height of the facilities, location on the site, type and size of rock in the pile, weather conditions, etc. Now who can accurately predict these conditions on a short term or annual basis? The answer is he lives in Heaven and is not on the DEQ payroll.

New Source Review Regulations

LAER - Lowest Achievable Emission Rate

We find no fault with the application of LAER to New Sources but certainly we find fault with the method of determining LAER. In our industry, the efficiency of air pollution equipment is dependent upon its ability to remove the free 200 minus material. The amount of free 200 minus material is dependent upon the following:

1. Percent of 200 in the mix - This is an agency decision - it is beyond the asphalt plant owners' privilege to change it. It can vary from 2% to 12% according to the type of mix produced and the requirements of the individual agency.
2. Micron size of 200 minus material - This varies from aggregate source to aggregate source and has a wide variety throughout the USA as basalt, river rock, cinders, trap rock, slag, and limestone do not produce the same micron size 200 minus material.

Therefore, LAER should be a local or statewide experience in achieving an Emission Rate and not a nationwide decision as was recently applied to an Oregon plant because 0.03 grains was accomplished in Colorado or Maryland.

Source Compliance

Article 2 under OAR 340-20-240 is absolutely unnecessary. You are proposing that if a company has one or more existing sources that no permit will be issued for a new source unless the existing sources are in compliance or on schedule. Those existing sources have permits which are revocable, violators are subject to fines. Why is it necessary to apply another regulation that is nothing more than industrial blackmail?

Page Three
April 20, 1981
Environmental Quality Commission

In conclusion, we want to thank you for the opportunity to be heard in this matter. We hope our input will be helpful to you and you in turn will support our position when dealing with EPA. Remember, our industry is a pollution fighter. The number one source of pollutants in many areas is road dust and the number one way to cure it is with asphalt.

Sincerely yours,

A handwritten signature in cursive script that reads "Mike Huddleston". The signature is written in dark ink and is positioned above the typed name and title.

Mike Huddleston, P.E.
Executive Director
Member AGC Land Use/Environmental Committee

MH/jh

cc: George Morton
Randall S. Hledick



CrownZellerbach
Environmental Services

Lloyd Kostow

April 22, 1981

Mr. William H. Young
Department of Environmental Quality
P. O. Box 1760
Portland, Oregon 97207

Dear Mr. Young:

Members of the Northwest Pulp and Paper Association are very appreciative for the extension in time to allow for the review of the Department's proposed Plant Site Emission Limit (PSEL) Rule and the proposed New Source Review Regulation. Meetings with the Department have been very productive in resolving many, but not all, of the Association's technical concerns regarding the proposed regulations.

Please find attached a summary of problem areas which the Association believes still exist in the proposed regulations. We have rewritten the applicable sections to reflect our concerns. The Association plans to present testimony to this effect at the April 24, 1981 Commission meeting.

Very truly yours,

J. E. WALTHER/jd

J. E. Walther
Supervisor,
Air & Noise Programs

cc:
Dr. H. R. Amberg - ESD

Attachment

DRAFT

NORTHWEST PULP AND PAPER ASSOCIATION
COMMENTS REGARDING THE PROPOSED
PLANT SITE EMISSION LIMIT REGULATION
AND THE PROPOSED
NEW SOURCE REVIEW REGULATION
BEFORE
THE ENVIRONMENTAL QUALITY COMMISSION
APRIL 24, 1981

I. INTRODUCTION

The Northwest Pulp and Paper Association represents a majority of the pulp and paper producers in the states of Oregon, Washington and Alaska. The Oregon members of the Association have been active over the last six months reviewing and providing comments to the DEQ on the various review drafts for both the proposed Plant Site Emission Limit (PSEL) Regulation and the proposed New Source Review Regulation. The members of the Association are most appreciative of the additional time granted by the EQC at the January 30, 1981 meeting for further review and meetings with the DEQ which took place in February. Our review efforts continued in March and April as the DEQ produced subsequent drafts of its regulations. The additional time allowed for review has been productive in that many, although not all, of our technical concerns were addressed. A list of the technical concerns which we have identified in the most recent draft are attached in written form in order to avoid consuming the Commission's time in the review of numerous complex details which are best handled as a staff matter by the DEQ.

Even more critical than our technical concerns are our concerns with some of the broad philosophical and policy issues entailed by the proposed regulations. Concerns of this nature are not resolveable in meetings with the DEQ for the simple reason that we hold fundamentally different viewpoints. We urge that the Commission defer any action on the proposed regulations until its next meeting so that these philosophical and policy issues can be more fully considered.

II. PROPOSED PLANT SITE EMISSION LIMIT REGULATION

1. The proposed PSEL regulations would result in potential restrictions to existing industrial capacity.

The most serious problem entailed by the proposed PSEL regulation is that it would result in potential requirements to restrict existing industrial production through the permitting process in spite of the fact there is no demonstrated air quality problem which compels this result. The potential to restrict existing industrial production is a major policy issue which warrants consideration by the Commission in terms of the economic viability of the State of Oregon and in terms of equity to those industries which have located in Oregon and have made good faith capital investments in facilities now in operation.

In essence the proposed PSEL regulation would establish emission limits for existing facilities by limiting such facilities to the level of emissions which occurred during a baseline period. The baseline period would be the years 1977-78 or a different time period which the DEQ determines is more representative of normal source operation. The emissions which occurred during the baseline period would become the DEQ's definition of "actual emissions" and would become the plant site emission limit for that source. Thereafter, the source could not exceed the plant site emission limit unless it undergoes some additional permitting processes and review.

The problem arises from the fact that existing industrial facilities were granted authority to construct and operate at full design capacity if source specific mass emission limits are met. In reality, an industrial facility is not operated at full design capacity all of the time; however, the ability to operate at full design capacity some of the time is necessary to accommodate normal activities. For example, some mills routinely emit as little as half of the emissions which would be allowed at full design capacity; but on occasion emit at rates which approximate full design capacity.

The reasons a pulp mill may emit at levels far below the source specific standard are several: First, the mill may have been originally designed with a margin of safety so that as equipment deteriorates due to normal wear and tear the source specific standard would still be met. Secondly, the mill's power boilers may have been designed to burn hog fuel, oil, natural gas or all three. The emissions characteristic of each of these fuels is very different. Depending on market conditions or the availability of fuel the pulp mills practice fuel switching. Thirdly, emissions may vary simply because production levels fluctuate due to market demands, labor strikes, or the availability of raw materials. The mills are not in the position of being able to guarantee that any particular fuel will be utilized for a specific time period or that a given production level will be maintained. In sum, many mills do not have any one period which is representative of normal operations and which could be used as a baseline. Variations in emission rates are the norm. Very simply, the mills were designed to accommodate the abnormal on a routine basis without exceeding source specific limits.

2. The proposed PSEL Regulation is not an EPA requirement.

The potential result of the proposed PSEL regulations is not adequately or accurately represented in the DEQ memorandum to the Commission. The memorandum suggests in numerous places that the proposed PSEL regulation is required by EPA and that the specific elements of the DEQ's regulation are designed in conformance with EPA requirements. In fact, nowhere does EPA require PSEL regulations. Furthermore, no other state in the union is contemplating a regulation which could be used to reduce existing industrial production.

EPA requires only that states be able to show that "further reasonable progress" towards air quality objectives is being achieved in non-attainment areas. There is no comparable requirement in attainment (PSD) areas.

The DEQ has stated that the proposed PSEL regulation is necessary to provide a means to establish baseline emission data and to keep track of actual emissions to the airsheds of the State. We recognize that some type of tracking mechanism is necessary in order to correlate emissions and air quality objectives. However, we feel that the tracking device should not be used as a restriction in and of itself unless there is a demonstrated air quality problem.

At the present time there is no evidence that non-attainment areas are worsening or that PSD increments are being exceeded anywhere in the state due to fluctuations in operations in existing mills. To the contrary it appears that Oregon will meet its Federally mandated air quality objectives as a result of current programs.

3. The proposed PSEL regulation penalizes past good performance and is biased towards new facilities.

The proposed PSEL regulations can be compared with a hypothetical speed limit law which would allow automobiles to be driven at 55 mph; except if the actual average speed of the automobile were less than 55 mph, then the driver would be required not to exceed the past average for that automobile unless special permission were obtained in writing. Those drivers who are within 10% below of the 55 mph speed limit would be allowed the 55 mph limit all the time. For new automobiles with no past performance history, the limit would automatically be set at 55 mph.

In regard to an existing industrial facility, with widely varying emissions, the inequity in being limited to some type of past average performance is clear. If a mill has routinely operated below full design capacity but is suddenly faced with the need to operate at full capacity, the PSEL regulation could be used to deny full use of the existing equipment. On the other hand a new facility will automatically be granted the right to emit at full design capacity.

The memorandum accompanying the regulation states that the existing facility could be allowed permission to emit at full design capacity on a temporary basis but that this permission could be recalled "to accommodate other types of growth in an area." In other words, an existing mill could be restricted in order to allow future new facilities to locate in an area. The policy ramifications of such a regulation should be fully considered.

4. Recommendations

The proposed PSEL regulation could be made acceptable to the members of the Northwest Pulp and Paper Association if the regulation could be structured to allow the mills certainty that historical production rates can be maintained until such time as an air quality problem is demonstrated. Throughout our meetings with the DEQ, a verbal intent has been expressed that historical production rates will not be reduced and that applicants will be expedited through the PSEL process. We would like to offer the following recommendations so that this assurance would be apparent within the terms of the regulation:

- (a) Greater certainty is needed to allow existing facilities to operate at historical levels

Existing mills need the ability to operate at full design capacity without going through lengthy PSD reviews. The regulation could be changed to allow existing industrial facilities the right to operate at full design capacity if: (1) the source can demonstrate through modeling that no PSD increment or ambient air quality standard will be violated; and (2) that the source specific limits will not be exceeded.

- (b) The regulation needs to be revised so that there is not total discretion to deny PSEL modifications.

As currently worded, modifications to the plant site emission limits for a facility could be denied if there is any observable or measureable detrimental impact on air quality (OAR 340-20-320(c) Temporary PSD Increment Allocation). This provision would allow the department discretion to deny modifications under this section for any change in air quality. Clearly this undermines and negates the purpose of this section and should be deleted.

- (c) The regulation should contain greater procedural protections and a time limit for decision making regarding changes to the PSEL limits.

The proposed PSEL regulation would allow variations in the plant site emission limits on a temporary basis (Temporary PSD Increment Allocation) if a change is requested in the permit. We feel that a time limit should be provided for DEQ approvals. Upon receipt of a complete application, the DEQ should make a determination within 30 days or the request shall be deemed approved.

Also, the draft regulation states that temporary allocations may be recalled under specified notice conditions. The regulation needs to be amended to incorporate greater procedural protections to existing sources by providing that such allocations will be revoked only pursuant to normal notice and permit modification procedures under OAR 340-14.

III. PROPOSED NEW SOURCE REVIEW (NSR) REGULATIONS

1. Most of the proposed NSR Regulations are "Too Much Too Soon" and are not required by EPA

The proposed NSR regulations are a comprehensive rewrite of a number of rules now on the books. While the motivation to consolidate, coordinate and update these regulations is commendable, we feel that the need for such an undertaking is questionable at this time. Many of the NSR regulations pertain to requirements for new or modified sources in clean air areas which must undergo "PSD" review (compliance with "prevention of significant deterioration" requirements in order to avoid further degradation of clean air areas). Our concern stems from the fact that the PSD requirements are extremely volatile and are one of the most hotly contested portions of the Federal Clean Air Act. The Federal Clean Air Act is due for reauthorization and will be the subject of intensive review by Congress this year. Already many groups have organized for the purpose of providing recommendations to Congress for changes to the Act. The reports of these groups are voluminous; the report of just one of these group, the National Commission on Air Quality, is over 800 pages in length. There is much debate and speculation at this time as to the nature, scope and extent of changes which will be made by Congress. Much of the attention will be focused on the problematical PSD requirements. To paraphrase one succinct commentator -- As a result of years of litigation, the final decision in Alabama Power and the subsequent regulatory changes by EPA, we may finally have a legal PSD program, but it is simply unworkable. Only one thing is certain. There will be changes at the Federal level to the PSD requirements.

Part of the dilemma facing us now arises from the fact that Oregon had promulgated PSD regulations prior to the Alabama Power decision and these

regulations must now be updated or rescinded. The states have the option of seeking approval from EPA to implement programs for the review of sources in non-attainment areas while leaving the administration of the PSD requirements to EPA. However, the NWPPA supports the DEQ in its effort to produce a workable up-to-date PSD regulation which will ultimately result in final approval by EPA. We feel that substantial benefits will result in terms of administrative efficiency if all air programs for stationary sources are administered by one agency and that this should be the DEQ.

In order to resolve the dilemma posed by the need to address the mandate of Alabama Power while at the same time facing the pending PSD requirements, we would like to recommend that a "Sunset Clause" be added to the proposed regulation. The regulations should be reviewed in one year or as soon thereafter as the directions at the Federal level are discernable.

2. The proposed NSR Regulations do not result in greater simplification

The memorandum accompanying the proposed regulations suggests that the NSR regulations represent a major simplification because 29 rules would be revoked and replaced with 18 rules. While the effort to improve the organization of the regulations and to reduce the total volume of regulations is commendable; the effort cannot be truly described as a simplification if the end result is to subject a far greater number of sources to the regulatory process.

The DEQ has proposed to simplify the existing rules by defining "major sources" in terms of whether the source has "the potential to emit, any pollutant regulated under the Clean Air Act at a significant emission rate." We feel that the correct approach is to adopt the EPA regulation which requires a two-phased determination: first, the source must have the potential to emit 100 tons per year if it is a listed industry or 250 tons per year for all

*TO BE ADDRESSED
By OTHERS.*

non-listed industries; secondly, a determination is made as to whether the emissions are significant. In effect, the DEQ has combined the Federal definitions for "major sources" with the Federal definition for "major modification" and has removed the 100 and 250 ton thresholds. It should be noted that Congress originally adopted the tonnage thresholds in order to provide administrative simplicity for the purpose of determining which sources are major.

The result under the DEQ regulation is that far more sources would qualify as "major sources" and many others could conceivably be required to undergo testing to determine if emissions are "significant." For example, in Multnomah County, 30-40 additional sources would be regulated as major sources under the DEQ proposed definition. Many of these additional sources are small and medium sized commercial and industrial establishments which probably do not have the resources to undertake complex reviews of the type entailed by Oregon's proposed NSR regulations.

The result proposed by the DEQ should be reviewed by the Commission in light of the following: (1) the regulation is far more stringent than required by EPA and there has been no demonstrated need for such stringency; (2) it is a questionable use of state resources to review these numerous additional sources; and (3) the fiscal impact on the additional sources is not "minimal" as suggested in the fiscal note attached to the proposed regulations.

ATTACHMENTS

1. Listing of technical concerns.
2. Proposed mark-ups to draft PSEL regulation.

TO BE ADDRESSED BY OTHERS

Comments and Suggested Changes to the
Proposed
Plant Site Emission Limit (PSEL) Rules

Note: In suggested changes, additions are underlined, and deletions are in brackets.

340-20-305 Definitions, 2. "Baseline Emission Rate", page 3.

Comment: In order to remain explicitly consistent with the definition of "actual emissions", this definition should include the same "normal operating conditions" clause as does actual emissions.

Change:

2. "Baseline Emission Rate" means the average actual emission rate during the baseline period[.] ,or other period representative of normal source operation. Baseline emission rate shall not include increases due to voluntary fuel switches or increased hours of operation that have occurred after the baseline period.

340-20-310 Criteria for Establishing Plant Site Emission Limits, 1, page 3.

Comment: In order to achieve equity between new and existing sources (new sources may have a PSEL reflecting their potential to emit, while existing sources will have a PSEL reflecting their actual emissions during the baseline period) and to accommodate usual operating and market fluctuations (the wood products industry is highly sensitive to economic conditions and is subject to wide variations in production rates), the criteria for establishing PSEL's should include a means of allowing variability in production and emission levels without requiring permit modifications.

Change:

1. [For existing sources, PSEL's shall be based on the baseline emission rate for a particular pollutant at a source and may be adjusted upward or downward pursuant to Department Rules.] For existing sources, the Department shall set the PSEL at a level 20% above the actual baseline emissions provided such a PSEL does not exceed the specific source mass emission limit. PSEL's may be adjusted upward or downward pursuant to Department Rules. Applications to increase PSEL's above the adjusted baseline emission rate, may be approved only if PSD increments, growth increments, or emission offsets are available.

Comment: In order to allow existing sources to operate up to their presently permitted design capacity (which is allowed under these rules for new sources) with a reasonable assessment of potential changes to the air environment, a second sentence regarding impact assessment should be added to 7, c.

Change:

- c. An application is made for a permit modification pursuant to the Air Contaminant Discharge Permit requirements and the New Source Review requirements and approval can be granted based on growth increments, offsets, or available Prevention of Significant Deterioration increments. For existing sources a demonstration through modeling that there is expected to be no violation of an Ambient Air Quality Standard or no exceedence of a PSD increment shall be sufficient to allow the existing source to increase its PSEL to an amount not greater than its potential to emit as long as no physical modification of an emissions unit is involved.

340-20-320 Temporary PSD Increment Allocation, c, page 7.

Comment: All the conditions specified in sub paragraphs a, b, d and e are sufficient to protect human health and welfare. Subparagraph c has the potential to negate the entire mechanism for temporary PSD allocation; therefore, it should be deleted.

Change:

- [c. No observable or measurable detrimental impact on air quality is created.]

340-20-320 Temporary PSD Increment Allocation, page 7.

Comment: The last qualifying statements in this section do not reflect the speed at which fuel switching economizing decisions must be made nor do they contain proper procedural protection for the holder of a temporary allocation.

Change:

Such a temporary allocation of a PSD increment must be set forth in a specific permit condition issued pursuant to the Department's Notice and Permit Issuance or Modification Procedures. Upon receipt of a complete application the Department shall make a determination of temporary allocation within 60 days or the application shall be deemed approved.

Such temporary allocations must be specifically time limited and may be recalled [under specified notice conditions.] pursuant to Department's Notice and Permit Issuance or Modification Procedures.

Comments and Suggested Changes to the
Proposed
New Source Review Regulation

Note: In suggested changes, additions are underlined, and deletions are in brackets.

340-20-225 Definitions, 2 "Baseline Concentration", page 4

Comment: There appears to be a minor inconsistency between baseline concentration as of 1978 and baseline period, the average of calendar years 1977 and 1978. This can be rectified by allowing baseline concentration to equal the average concentration of the baseline period.

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 - (a) Actual emission increases or decreases occurring before [January 1, 1978, and] the baseline period and
 - (b) Actual emission increases from any major source or major modification on which construction commenced before January 6, 1975.

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For pollutants not listed above, the Department shall determine the rate that constitutes a significant emission rate[.] pursuant to the Department's regulations governing public notice and rulemaking procedures.

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Since VOC is linked to ozone formation as is NO_x (or NO₂), it is proposed that the significant annual impact for VOC be the same as that for NO₂, 1 μg/m³. Making the same extension to 24 hour averages as is done in the Federal regulations for TSP and SO₂, the significant impact should be 5 μg/m³ on a 24 hour average.

Change:

23. "Significant Air Quality Impact" means an ambient air quality impact which is equal to or greater than:

| Pollutant | Annual | Pollutant Average Time | | | |
|-----------------|-----------------------|------------------------|-----------------------|----------------------|---------------------|
| | | 24-hour | 8-hour | 3-hour | 1-hour |
| SO ₂ | 1.0 μg/m ³ | 5 μg/m ³ | | 25 μg/m ³ | |
| TSP | 0.2 μg/m ³ | 1.0 μg/m ³ | | | |
| CO | | | 0.5 mg/m ³ | | 2 mg/m ³ |
| VOC | 1.0 μg/m ³ | 5 μg/m ³ | | | |

[For sources of volatile organic compounds (VOC), a major source or major modification will be deemed to have a significant impact if it is located within 30 kilometers of an ozone nonattainment area and is capable of impacting the nonattainment area.]

Comment: The 10 day comment period should be 10 working days. There are occasions when holidays can effectively reduce 10 days to 4 working days which may not be adequate time to respond to public comment regarding a politically "visible" construction or modification project.

Change:

- F. Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing(s) in making a final decision on the approvability of the application. No later than 10 working days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Department shall consider the applicant's response in making a final decision. The Department shall make all comments available for public inspection in the same locations where the Department made available preconstruction information relating to the proposed source or modification.

340-20-240 Requirements for Sources in Non-Attainment Areas, 1, LAER, page 20.

Comment: As written, this section could be interpreted to mean that LAER would be applied to all pollutants being emitted by a source. In order to restrict the application of LAER controls to the pollutant for which the area is in non-attainment, the first sentence should be changed.

Change:

- 1. Lowest Achievable Emission Rate

The owner or operator of the proposed major source or major modification must demonstrate that the source or modification will comply with the lowest achievable emission rate (LAER) [.] for the pollutant(s) of which the area is in non-attainment. In the case of a major modification, the requirement for LAER shall apply only to each new or modified emission unit which increases emissions. For phased construction projects, the determination of LAER shall be reviewed at the latest reasonable time prior to commencement of construction of each independent phase.

340-20-250 Exemptions, 2, Temporary Emission Sources, page 32.

Comment: The Federal PSD regulations specifically exempt temporary sources from regulation and increment consumption; however, it would appear that the Department still would like to subject all temporary sources to LAER or BACT, which ever is applicable. This requirement for certain types of temporary sources such as general construction projects may be difficult, if not impossible, to administer and enforce. It would seem appropriate to separate out more clearly those sources which can be readily brought to LAER and BACT controls and those which generally are very temporary in nature and usually uncontrollable.

Change:

2. Temporary emission sources, which would be in operation at a site for less than two years, such as pilot plants and portable facilities [and emissions resulting from the construction phase of a new source or modification] must comply with OAR 340-[20240(1)] 20-240(1) and (2) or OAR 340-20-245(1), whichever is applicable, but are exempt from the remaining requirements of OAR 340-20-240 and OAR 340-20-245 provided that the source or modification would impact no Class I area or no area where an applicable increment is known to be [violated.] exceeded. Emissions resulting from the construction phase of a new source or modification such as site preparation, civil engineering and facilities construction are exempt from all requirements under OAR 340-20-240 and OAR 340-20-245.

340-20-260 Requirements for Net Air Quality Benefit, 2, page 35.

Comment: In remaining consistent with the proposed changes to significant air quality impact (OAR 340-20-225, 23), the section regarding VOC impact is unnecessary and should be deleted.

Change:

2. For new sources or modifications locating within a designated nonattainment area, the emission offsets must provide reductions which are equivalent or greater than the proposed increases. The offsets must be appropriate in terms of short term, seasonal, and yearly time periods to mitigate the impacts of the proposed emissions. For new sources or modifications locating outside of a designated nonattainment area which have a significant air quality impact (OAR 340-20-225 definition 23) on the nonattainment area, the emission offsets must be sufficient to reduce impacts to levels below the significant air quality impact level within the nonattainment area. [Proposed major sources or major modifications which emit volatile organic compounds and are located in or within 30 kilometers of an ozone nonattainment area shall provide reductions which are equivalent or greater than the proposed emission increases unless the applicant demonstrates that the proposed emissions will not impact the nonattainment area.]

340-20-260 Requirements for Net Air Quality Benefit, 4, page 36.

Comment: The time limit for contemporaneous reductions should be changed from 1 year to 5 years to be consistent with the Federal definition. Such a time frame will encourage industry to shut down older less controlled equipment within the usual 5 year corporate planning strategies and make the emission offsets available for modernization projects. Otherwise, the incentive will be to continue operating older higher polluting equipment until a facility needs the internal offsets for modification or expansion.

Change:

4. The emission reductions must be contemporaneous, that is, the reductions must take effect prior to the time of startup but no more than [one] five years prior to the submittal of a complete permit application for the new source or modification. This time limitation may be extended as provided for in OAR 340-20-265 (Emission Reduction Credit Banking). In the case of replacement facilities, the Department may allow simultaneous operation of the old and new facilities during the startup period of the new facility provided that net emissions are not increased during that time period.

340-20-265 Emission Reduction Credit Banking, 4, page 37.

Comment: For the same reasons made in the comment contemporaneous reductions, the time limit for shut downs and curtailments should be five years.

Change:

4. Permanent source shutdowns or curtailments other than those used within [one] five years for contemporaneous offsets as provided in OAR 340-20-260(4) are not eligible for banking by the owner or operator but will be banked by the Department for use in attaining and maintaining standards. The Department may allocate these emission reductions as a growth increment.

Comments and Suggested Changes to the
Proposed
Plant Site Emission Limit (PSEL) Rules

Note: In suggested changes, additions are underlined, and deletions are in brackets.

340-20-305 Definitions, 2. "Baseline Emission Rate", page 3.

Comment: In order to remain explicitly consistent with the definition of "actual emissions", this definition should include the same "normal operating conditions" clause as does actual emissions.

Change:

2. "Baseline Emission Rate" means the average actual emission rate during the baseline period[.] , or other period representative of normal source operation. Baseline emission rate shall not include increases due to voluntary fuel switches or increased hours of operation that have occurred after the baseline period.

340-20-310 Criteria for Establishing Plant Site Emission Limits, 1, page 3.

Comment: In order to achieve equity between new and existing sources (new sources may have a PSEL reflecting their potential to emit, while existing sources will have a PSEL reflecting their actual emissions during the baseline period) and to accommodate usual operating and market fluctuations (the wood products industry is highly sensitive to economic conditions and is subject to wide variations in production rates), the criteria for establishing PSEL's should include a means of allowing variability in production and emission levels without requiring permit modifications.

Change:

1. [For existing sources, PSEL's shall be based on the baseline emission rate for a particular pollutant at a source and may be adjusted upward or downward pursuant to Department Rules.] For existing sources, the Department shall set the PSEL at a level 20% above the actual baseline emissions provided such a PSEL does not exceed the specific source mass emission limit. PSEL's may be adjusted upward or downward pursuant to Department Rules. Applications to increase PSEL's above the adjusted baseline emission rate, may be approved only if PSD increments, growth increments, or emission offsets are available.

Comment: In order to allow existing sources to operate up to their presently permitted design capacity (which is allowed under these rules for new sources) with a reasonable assessment of potential changes to the air environment, a second sentence regarding impact assessment should be added to 7, c.

Change:

- c. An application is made for a permit modification pursuant to the Air Contaminant Discharge Permit requirements and the New Source Review requirements and approval can be granted based on growth increments, offsets, or available Prevention of Significant Deterioration increments. For existing sources a demonstration through modeling that there is expected to be no violation of an Ambient Air Quality Standard or no exceedence of a PSD increment shall be sufficient to allow the existing source to increase its PSEL to an amount not greater than its potential to emit as long as no physical modification of an emissions unit is involved.

340-20-320 Temporary PSD Increment Allocation, c, page 7.

Comment: All the conditions specified in sub paragraphs a, b, d and e are sufficient to protect human health and welfare. Subparagraph c has the potential to negate the entire mechanism for temporary PSD allocation; therefore, it should be deleted.

Change:

- [c. No observable or measurable detrimental impact on air quality is created.]

340-20-320 Temporary PSD Increment Allocation, page 7.

Comment: The last qualifying statements in this section do not reflect the speed at which fuel switching economizing decisions must be made nor do they contain proper procedural protection for the holder of a temporary allocation.

Change:

Such a temporary allocation of a PSD increment must be set forth in a specific permit condition issued pursuant to the Department's Notice and Permit Issuance or Modification Procedures. Upon receipt of a complete application the Department shall make a determination of temporary allocation within 60 days or the application shall be deemed approved.

Such temporary allocations must be specifically time limited and may be recalled [under specified notice conditions.] pursuant to Department's Notice and Permit Issuance or Modification Procedures.

Comments and Suggested Changes to the
Proposed
New Source Review Regulation

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: APR 17 1981

SUBJECT: Proposed Oregon New Source and Operating Permit Program

FROM: Donald P. Dubois
Regional Administrator

TO: Walter C. Barber
Acting Administrator

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
APR 23 1981

The Oregon Department of Environmental Quality (DEQ) has prepared a unified permit program for new, modified, and existing sources. I've attached a copy for your information. The program combines PSD, Part D, pre-construction review, operating permits, permit fees, bubble, and banking programs with an innovative approach for PSD increment and RFP management (a plant-site emission limitation). It is implemented through a single permit, the Air Contaminant Discharge Permit, which requires a showing that the source will satisfy applicable requirements. I am asking that you give this program serious consideration as a model regulatory reform. I feel this can and should be approved so as to eliminate the need for Oregon to submit State-issued operating, bubble, banking and trading permits as individual SIP revisions.

We feel that this is an exceptional program. Both Regional and Headquarters staff believe the State regulations (with a few minor corrections) are approvable if the Air Contaminant Discharge Permits are federally enforceable. The DEQ estimates that the program will involve approximately 2000 individual permits of which approximately 150 will be renewed, with changes, annually. The logistics of the SIP revision process, at both the state and federal levels, makes the implementation of their program infeasible if each permit must receive EPA approval in order to be considered federally enforceable. The benefits from successful implementation of this program are such that EPA should make every effort to approve it in a manner similar to the New Jersey VOC bubble rule so that each permit would be federally enforceable without the need for case-by-case SIP revisions.

We believe that there is a sound basis for such an approach. State-issued new source permits are already considered federally enforceable. Our approval of the New Jersey VOC bubble rule established a mechanism to make state-issued operating permits federally enforceable. Since EPA will be relying on the State's technical ability and judgement to ensure that NAAQS, PSD increments and RFP are attained and maintained through new source permitting programs, we can also rely on the State to operate acceptable bubble, banking, and trading programs. Finally, our approval of the

RESOLUTION

WHERE-AS Metropolitan Services District (METRO) in cooperation with the city of Oregon City, and Publishers Paper Company has proposed the construction of a Resource Recovery (Waste Incineration) Facility in the Oregon City area. And

WHERE-AS the residents of this area are opposed to the incineration of solid waste in the area with the resultant release of pollutants in the community Air Shed. And

WHERE-AS the full effect of those pollutants to the health of our residents and damage to our property has not been determined to our satisfaction. And

WHERE-AS this site is located in an area of Non-Attainment for Air Quality. And

WHERE-AS many elderly persons in the area may experience respiratory and other health problems as a result of this proposed facility. And

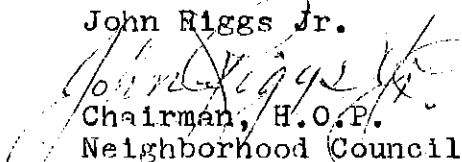
WHERE-AS the installation of a facility of this type will have an adverse effect on the value of Real Property in the surrounding area. And

WHERE-AS the question of placing a Resource Recovery (Waste Incineration) Facility in this location was not placed before the voters of this area. And

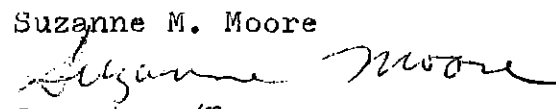
WHERE-AS the Holcolm-Outlook-Park Place Neighborhood Council is the representative body recognized by the county for the citizens living within this neighborhood.

THEREFORE BE IT RESOLVED that the Holcolm-Outlook-Park Place Neighborhood Council at a membership meeting on 4-21-81 opposed the construction of the proposed Resource Recovery (Waste Incineration) Facility at the proposed site which borders on the neighborhood of Holcolm Outlook and Park Place.

John Riggs Jr.


Chairman, H.O.P.
Neighborhood Council

Suzanne M. Moore


Secretary/Treasurer

15-0145

BIRK OIL COMPANY, INC.
Jobber Shell Products
P. O. Box 966 - 1000 S. Central
Medford, Oregon 97501
Telephone: (503) 779-6345

[Handwritten signature]
~~RP~~ ~~RP~~
EGW

April 7, 1981

[Handwritten initials] 4/7/81

Mr. Peter B. Bosserman, P.E.
Senior Environmental Engineer
Air Quality Division - Special Projects
Department of Environmental Quality
P. O. Box 1760
Portland, Oregon 97207

Subject: Variance Request - Oregon Revised Statute 468.345

Dear Mr. Bosserman:

I am writing you to request that a variance be granted to me so that I may be allowed sufficient time to comply with the state requirements concerning a vapor recovery system.

As you may be aware, I purchased this jobbership approximately three months ago and am still in the process of properly organizing the business. As you, I am sure, realize, I am faced with numerous start-up costs which have placed a heavy financial burden on the firm. In addition the pure time factor of complying with the April date is impossible from a practical standpoint.

I have taken steps to make a complete survey of my service stations, bulk plant and truck and trailer to determine the probable dollar expenditure as well as time requirements.

The total capital expenditure will be somewhere between \$25,000 to \$30,000 which I frankly do not have available at the present time. The total cost includes installation of a coaxial vapor recovery system at ten service stations which Central Pump Company here in Medford has agreed to undertake. Their workload at the present time precludes immediate undertaking of the job. Secondly both Northwest Pump and Ace Tank Company have limited stock of the required equipment at the present time.

BIRK OIL COMPANY, INC.

April 7, 1981

Mr. Peter B. Bosserman, P.E.
Senior Environmental Engineer

The installation of the required vapor recovery equipment on my truck and trailer will take place at Clough Tank Company in Seattle. This installation will require that my truck and trailer be out of commission for one full week.

Lastly the bulk plant conversion will be undertaken as soon as local contractors can provide a schematic plan meeting the state requirements and are then able to provide a proper bid.

I have written this rather detailed letter to you so that you will know that I am making the proper efforts to comply with the law. I am asking, however, for the commission's approval to provide me a six month delay or a completion date of October 1, 1981.

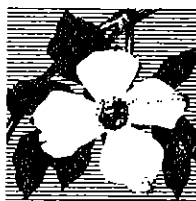
Respectfully requested,



R. G. Birkinshaw
President

RGB:km

CITY OF MILWAUKIE



PUBLIC WORKS DEPARTMENT
in the City Hall • phone 659-5171

March 27, 1981

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
MAR 1 1981

Department of Environmental Quality
522 S.W. 5th Avenue
P.O. Box 1760
Portland, Oregon 97207

AIR QUALITY DIVISION

Attn: F.A. Skirvin
Supervisor, Program Operations
Air Quality Division

Re: Volatile Organic Compounds
OAR 340-22-100
Request for extension of time/variance

Dear Mr. Skirvin:

The City of Milwaukie is requesting a time extension to the current DEQ requirements for a period of six months. On or before that period of six months, the City of Milwaukie will comply with the requirements for a vapor recovery system in our fuel pumping facilities. By the beginning of our new fiscal year, 1 July 1981, the alternative to be utilized will be known. These options are as follows:

1. Meet requirements of installing vapor return equipment on three or four inch fill pipes and/or install vapor return "T" off the existing vent pipe.
2. Install new pumping facilities at existing shop site (S.E. 40th and Harvey).
3. Acquire new shop facilities (in existence) which have proper fueling facilities.

The last two items are tied to the budget currently being considered by the City of Milwaukie. On or before the previously mentioned date of 1 July 1981 the option to be pursued will be known.

D.E.Q.

-2-

March 27, 1981

By this letter, and the request for a time extension/variance to the 1 April 1981 date, we are asking for an interim staff approval until such time as your commission can act upon this request.

It is assumed by this letter that no response from you will indicate D.E.Q. staff continuance of our current system until such time as your commission has a chance to respond to our variance request.

Thank you for your assistance.

Sincerely yours,



Steven M. Hall, P.E.
Public Works Director

cc: Kenneth S. Whorton
City Manager

Clifford Harshman
Public Works Superintendent

Colleen Hagerman
Purchasing Agent

SMH:js



ROSS D. COHEN
MICHAEL A. FISHER

PARKING OPERATORS AND CONSULTANTS

223-2135

50 S. W. SECOND AVENUE
PORTLAND, OREGON 97204

April 2, 1981

Mr. Ray Potts
Department of Environmental Quality
522 S.W. 5th. Avenue
P.O. Box 1760
Portland, Oregon 97207

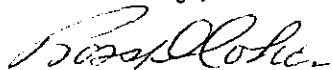
Dear Sir:

In compliance with our telephone conversation, I hereby am requesting a six month variance in the installation of a vapor collecting device for my gasoline installation. My request is based on a condition which is beyond my control. The property on which my gas tanks are located is expected to change ownership by June 1, 1981. It is also expected, that I may not be dispensing gasoline subsequent to that date.

If this change of ownership does not materialize for what ever reason, I also do not believe I can economically afford the costs involved, as the total sales do not average over 2500 gallons a month. The cost of changing would run over \$6000.00 to correct the present condition. This means a portion of my business would have to be discontinued.

I would appreciate any favorable consideration you may be able to extend to me in this matter.

Sincerely,


Ross D. Cohen

cc: Fred Dolan
Mobil Oil Company

DESBIENS ENTERPRISES, INC.
9146 NE BENJAMIN
PORTLAND, OREGON 97220
Telephone: (503) 254-4022

Fiscal Office
Dept. of Environmental Quality

RECEIVED
MAR 30 1981

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
MEMO RECEIVED
LETTER 30 1981

- Reg. Vapor Recovery
- P.O. Box 1760
- Portland, Ore 97207

DATE 3/26/81
SUBJECT Barry Deshens
6007 NE Elisan
Portland, Ore 97213
Station # 19-825

MESSAGE: Do to unavailable equipment, we are requesting an extention until April 15th 1981.

We have ordered the merchandine from North West Pump. A Mr Bill Wood (233-6913) has been hired to do the work, ~~but~~ he has informed us he can have it completed by April 15th 1981 or sooner.

Will you please notify a Mr Don Miller with Mohl Oil Co. at P.O. Box 81146, Seattle Wash. 98108 stating our request. Station # 19-825 under name of Barry Deshens, 6007, N.E. Elisan, Portland Ore 97213

Thank you
BY Jls A. Deshens Sec'd

COMMENTS OF THE
NORTHWEST PULP AND PAPER ASSOCIATION
REGARDING THE PROPOSED
NEW SOURCE REVIEW REGULATIONS
BEFORE THE
ENVIRONMENTAL QUALITY COMMISSION

April 24, 1981

INTRODUCTION

The Northwest Pulp and Paper Association represents a majority of the pulp and paper producers in Oregon, Washington and Alaska. The members of the Association have been active during the last six months providing comments to the DEQ as the proposed New Source Review Regulations progressed through various draft stages. Initially the concerns we raised were lengthy, complex and pertained to very fundamental issues affecting the viability of major portions of the regulations. By virtue of the additional time allowed by the Commission for review and meetings with the DEQ, many of our concerns were addressed and we feel the process has been productive. We do have some remaining concerns and recommendations which would improve the workability and utility of the regulations.

GENERAL CONCERNS

1. A "Sunset" clause should be incorporated into the proposed PSD rules.

The proposed NSR regulations are a comprehensive rewrite of a number of rules now on the books. While the motivation to consolidate, coordinate and update these regulations is commendable, we feel that the need for such an undertaking is questionable at this time. Many of the NSR regulations

pertain to requirements for new or modified sources in clean air areas which must undergo "PSD" review (compliance with "prevention of significant deterioration" requirements in order to avoid further degradation of clean air areas). Our concern stems from the fact that the PSD requirements are extremely volatile and are one of the most hotly contested portions of the Federal Clean Air Act. The Federal Clean Air Act is due for reauthorization and will be the subject of intensive review by Congress this year. Already many groups have organized for the purpose of providing recommendations to Congress for changes to the Act. The reports of these groups are voluminous; the report of just one of these group, the National Commission on Air Quality, is over 800 pages in length. There is much debate and speculation at this time as to the nature, scope and extent of changes which will be made by Congress. Much of the attention will be focused on the problematical PSD requirements. To paraphrase one succinct commentator -- As a result of years of litigation, the final decision in Alabama Power and the subsequent regulatory changes by EPA, we may finally have a legal PSD program, but it is simply unworkable. Only one thing is certain. There will be changes at the Federal level to the PSD requirements.

Part of the dilemma facing us now arises from the fact that Oregon had promulgated PSD regulations prior to the Alabama Power decision and these regulations must now be updated or rescinded. The states have the option of seeking approval from EPA to implement programs for the review of sources in non-attainment areas while leaving the administration of the PSD requirements to EPA. However, the NWPPA supports the DEQ in its effort to produce

a workable up-to-date PSD regulation which will ultimately result in final approval by EPA. We feel that substantial benefits will result in terms of administrative efficiency if all air programs for stationary sources are administered by one agency and that this should be the DEQ.

In order to resolve the dilemma posed by the need to address the mandate of Alabama Power while at the same time facing the pending PSD requirements, we would like to recommend that a "Sunset Clause" be added to the proposed regulation. The regulations should be reviewed in one year or as soon thereafter as the directions at the Federal level are discernable.

2. The definition of "Major Sources" encompasses too many small sources.

The memorandum accompanying the proposed regulations suggests that the NSR regulations represent a major simplification because 29 rules would be revoked and replaced with 18 rules. While the effort to improve the organization of the regulations and to reduce the total volume of regulations is commendable; the effort cannot be truly described as a simplification if the end result is to subject a far greater number of sources to the regulatory process.

The DEQ has proposed to simplify the existing rules by defining "major sources" in terms of whether the source has "the potential to emit, any pollutant regulated under the Clean Air Act at a significant emission rate." We feel that the correct approach is to adopt the EPA regulation which requires a two-phased determination: first, the source must have the potential to emit 100 tons per year if it is a listed industry or 250 tons per year for all

non-listed industries; secondly, a determination is made as to whether the emissions are significant. In effect, the DEQ has combined the Federal definitions for "major sources" with the Federal definition for "major modification" and has removed the 100 and 250 ton thresholds. It should be noted that Congress originally adopted the tonnage thresholds in order to provide administrative simplicity for the purpose of determining which sources are major.

The result under the DEQ regulation is that far more sources would qualify as "major sources" and many others could conceivably be required to undergo testing to determine if emissions are "significant." For example, in Multnomah County, 30-40 additional sources would be regulated as major sources under the DEQ proposed definition. Many of these additional sources are small and medium sized commercial and industrial establishments which probably do not have the resources to undertake complex reviews of the type entailed by Oregon's proposed NSR regulations.

The result proposed by the DEQ should be reviewed by the Commission in light of the following: (1) the regulation is far more stringent than required by EPA and there has been no demonstrated need for such stringency; (2) it is a questionable use of state resources to review these numerous additional sources; and (3) the fiscal impact on the additional sources is not "minimal" as suggested in the fiscal note attached to the proposed regulations.

SPECIFIC RECOMMENDATIONS

340-20-225 Definitions, 2 "Baseline Concentration"

Comment: There appears to be a minor inconsistency between baseline concentration as of 1978 and baseline period, the average of calendar years 1977 and 1978. This can be rectified by allowing baseline concentration to equal the average concentration of baseline period.

Change:

2. "Baseline Concentration" means that ambient concentration level for a particular pollutant which existed in an area during the [calendar year 1978.] baseline period. If no ambient air quality data is available in an area, the baseline concentration may be estimated using modeling based on actual emissions for [1978.] the baseline period. The following emission increases or decreases will be included in the baseline concentration:
 - (a) Actual emission increases or decreases occurring before [January 1, 1978, and] the baseline period and
 - (b) Actual emission increases from any major source or major modification on which construction commenced before January 6, 1975.

340-20-225 Definitions, 22, Significant Emission Rate

Comment: The setting of significant emission rates by the Department should be subject to public and technical review.

Change:

For pollutants not listed above, the Department shall determine the rate that constitutes a significant emission rate[.] pursuant to the Department's regulations governing public notice and rulemaking procedures.

Note: In suggested changes, additions are underlined, and deletions are in brackets.

340-20-225 Definitions, 23, Significant Air Quality Impact

Comment: We appreciate the regulatory relief attempted by the VOC 30 km buffer zone; however, the clause referring to a VOC source having no impact on a nonattainment area is unworkable unless "no impact" is adequately defined. Also the 30 km buffer zone is truly an incentive for industrial sprawl which is in opposition to all present day land use, energy and socio-economic planning. Rather than "guiding" sources of VOC to locate over 30 km from a non-attainment area for ozone, a level of significant impact should be defined.

Since VOC is linked to ozone formation as is NO_x (or NO_2), it is proposed that the significant annual impact for VOC be the same as that for NO_2 , $1 \mu\text{g}/\text{m}^3$. Making the same extension to 24 hour averages as is done in the Federal regulations for TSP and SO_2 , the significant impact should be $5 \mu\text{g}/\text{m}^3$ on a 24 hour average.

Change:

23. "Significant Air Quality Impact" means an ambient air quality impact which is equal to or greater than:

| Pollutant | Annual | Pollutant Average Time | | | |
|---------------|------------------------------|------------------------------|---------------------------|-----------------------------|---------------------------|
| | | 24-hour | 8-hour | 3-hour | 1-hour |
| SO_2 | $1.0 \mu\text{g}/\text{m}^3$ | $5 \mu\text{g}/\text{m}^3$ | | $25 \mu\text{g}/\text{m}^3$ | |
| TSP | $0.2 \mu\text{g}/\text{m}^3$ | $1.0 \mu\text{g}/\text{m}^3$ | | | |
| CO | | | $0.5 \text{ mg}/\text{m}$ | | $2 \text{ mg}/\text{m}^3$ |
| VOC | $1.0 \mu\text{g}/\text{m}^3$ | $5 \mu\text{g}/\text{m}^3$ | | | |

[For sources of volatile organic compounds (VOC), a major source or major modification will be deemed to have a significant impact if it is located within 30 kilometers of an ozone nonattainment area and is capable of impacting the nonattainment area.]

340-20-230 Procedural Requirements, 3, b, F, Public Participation

Comment: The 10 day comment period should be 10 working days.

There are occasions when holidays can effectively reduce 10 days to 4 working days which may not be adequate time to respond to public comment regarding a politically "visible" construction or modification project.

Change:

- F. Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing(s) in making a final decision on the approvability of the application. No later than 10 working days after the close of the public comment period, the applicant may submit a written reponse to any comments submitted by the public. The Department shall consider the applicant's response in making a final decision. The Department shall make all comments available for public inspection in the same locations where the Department made available preconstruction information relating to the proposed source or modification.

340-20-240 Requirements for Sources in Nonattainment Areas, 1, LAER.

Comment: As written, this section could be interpreted to mean that LAER would be applied to all pollutants being emitted by a source. In order to restrict the application of LAER controls to the pollutant for which the area is in nonattainment, the first sentence should be changed.

Change:

1. **Lowest Achievable Emission Rate**

The owner or operator of the proposed major source or major modification must demonstrate that the source or modification will comply with the lowest achievable emission rate (LAER)[.] for the pollutant(s) of which the area is in nonattainment. In the case of a major modification, the requirement for LAER shall apply only to each new or modified emission unit which increases emissions. For phased construction projects, the determination of LAER shall be reviewed at the latest reasonable time prior to commencement of construction of each independent phase.

340-20-250 Exemptions, 2, Temporary Emission Sources

Comment: The Federal PSD regulations specifically exempt temporary sources from regulation and increment consumption; however, it would appear that the Department still would like to subject all temporary sources to LAER or BACT, whichever is applicable. This requirement for certain types of temporary sources such as general construction projects may be difficult, if not impossible, to administer and enforce. It would seem appropriate to separate out more clearly those sources which can be readily brought to LAER and BACT controls and those which generally are very temporary in nature and usually uncontrollable.

Change:

2. Temporary emission sources, which would be in operation at a site for less than two years, such as pilot plants and portable facilities [and emissions resulting from the construction phase of a new source or modification] must comply with OAR 340-[20240(1)] 20-240(1) and (2) or OAR 340-20-245(1), whichever is applicable, but are exempt from the remaining requirements of OAR 340-20-240 and OAR 340-20-245 provided that the source or modification would impact no Class I area or no area where an applicable increment is known to be [violated.] exceeded. Emissions resulting from the construction phase of a new source or modification such as site preparation, civil engineering and facilities construction are exempt from all requirements under OAR 340-20-240 and OAR 340-20-245.

340-20-260 Requirements for Net Air Quality Benefit, 2.

Comment: In remaining consistent with the proposed changes to significant air quality impact (OAR 340-20-225, 23), the section regarding VOC impact is unnecessary and should be deleted.

Change:

2. For new sources or modifications locating within a designated nonattainment area, the emission offsets must provide reductions which are equivalent or greater than the proposed increases. The offsets must be appropriate in terms of short term, seasonal, and yearly time periods to mitigate the impacts of the proposed emissions. For new sources or modifications locating outside of a designated nonattainment area which have a significant air quality impact (OAR 340-20-225 definition 23) on the nonattainment area, the emission offsets must be sufficient to reduce impacts to levels below the significant air quality impact level within the nonattainment area. [Proposed major sources or major modifications which emit volatile organic compounds and are located in or within 30 kilometers of an ozone nonattainment area shall provide reductions which are equivalent or greater than the proposed emission increases unless the applicant demonstrates that the proposed emissions will not impact the nonattainment area.]

340-20-260 Requirements for Net Air Quality Benefit, 4.

Comment: The time limit for contemporaneous reductions should be changed from 1 year to 5 years to be consistent with the Federal definition. Such a time frame will encourage industry to shut down older less controlled equipment within the usual 5 year corporate planning strategies and make the emission offsets available for modernization projects. Otherwise, the incentive will be to continue operating older higher polluting equipment until a facility needs the internal offsets for modification or expansion.

Change:

4. The emission reductions must be contemporaneous, that is, the reductions must take effect prior to the time of startup but no more than [one] five years prior to the submittal of a complete permit application for the new source or modification. This time limitation may be extended as provided for in OAR 340-20-265 (Emission Reduction Credit Banking). In the case of replacement facilities, the Department may allow simultaneous operation of the old and new facilities during the startup period of the new facility provided that net emissions are not increased during that time period.

340-20-265 Emission Reduction Credit Banking, 4

Comment: For the same reasons made in the comment contemporaneous reductions, the time limit for shutdowns and curtailments should be five years.

Change:

4. Permanent source shutdowns or curtailments other than those used within [one] five years for contemporaneous offsets as provided in OAR 340-20-260(4) are not eligible for banking by the owner or operator but will be banked by the Department for use in attaining and maintaining standards. The Department may allocate these emission reductions as a growth increment.

* * *

PLEASE REFER QUESTIONS TO:

Llewellyn Matthews
Executive Director
Northwest Pulp and Paper Association
555 116th Avenue NE, Suite 266
Bellevue, WA 98004
(206) 455-1323

Jim Walthers, Chairman
NWPPA Air Technical Subcommittee
Crown Zellerbach Corporation
904 NW Drake Street
Camas, WA 98607
(206) 834-4444

NORTHWEST PULP AND PAPER ASSOCIATION
COMMENTS REGARDING THE PROPOSED
PLANT SITE EMISSION LIMIT REGULATION
BEFORE
THE ENVIRONMENTAL QUALITY COMMISSION

April 24, 1981

I. INTRODUCTION

The Northwest Pulp and Paper Association represents a majority of the pulp and paper producers in the states of Oregon, Washington and Alaska. The Oregon members of the Association have been active over the last six months reviewing and providing comments to the DEQ on the various review drafts for the proposed Plant Site Emission Limit (PSEL) Regulation. The members of the Association are most appreciative of the additional time granted by the EQC at the January 30, 1981 meeting for further review and meetings with the DEQ, which took place in February. Our review efforts continued in March and April as the DEQ produced subsequent drafts of its regulation. The additional time allowed for review has been productive in that many, although not all, of our technical concerns were addressed.

Even more critical than our technical concerns are our concerns with some of the broad philosophical and policy issues entailed by the proposed regulation. Concerns of this nature are not resolvable in meetings with the DEQ for the simple reason that we hold fundamentally different viewpoints. We have developed some short and simple recommendations for changes to the draft PSEL regulation which would address these philosophical concerns while at the same time allow the regulation to be used to satisfy its primary purpose; namely, the tracking of air emissions. I would like to review our philosophical concerns and then review how our specific recommendations would address these concerns.

II. PROPOSED PLANT SITE EMISSION LIMIT REGULATION

1. The proposed PSEL Regulation would result in potential restrictions to existing industrial capacity.

The most serious problem entailed by the proposed PSEL regulation is that it would result in potential requirements to restrict existing industrial production through the permitting process in spite of the fact there is no demonstrated air quality problem which compels this result. The potential to restrict existing industrial production is a major policy issue which warrants consideration by the Commission in terms of the economic viability of the State of Oregon and in terms of equity to those industries which have located in Oregon and have made good faith capital investments in facilities now in operation.

In essence the proposed PSEL regulation would establish emission limits for existing facilities by limiting such facilities to the level of emissions which occurred during a baseline period. The baseline period would be the years 1977-78 or a different time period which the DEQ determines is more representative of normal source operation. The emissions which occurred during the baseline period would become the DEQ's definition of "actual emissions" and would become the plant site emission limit for that source. Thereafter, the source could not exceed the plant site emission limit unless it undergoes some additional permitting processes and review.

The problem arises from the fact that existing industrial facilities were granted authority to construct and operate at full design capacity if source specific mass emission limits are met. In reality, an industrial facility is not operated at full design capacity all of the time; however, the ability to operate at full design capacity some of the time is necessary to accommodate normal activities. For example, some mills routinely emit as little as half of the emissions which would be allowed at full design capacity; but on occasion emit at rates which approximate full design capacity.

The reasons a pulp mill may emit at levels far below the source specific standard are several: First, the mill may have been originally designed with a margin of safety so that as equipment deteriorates due to normal wear and tear the source specific standard would still be met. Secondly, the mill's power boilers may have been designed to burn hog fuel, oil, natural gas or all three. The emissions characteristic of each of these fuels is very different. Depending on market conditions or the availability of fuel, the pulp mills practice fuel switching. Thirdly, emissions may vary simply because production levels fluctuate due to market demands, labor strikes, or the availability of raw materials. The mills are not in the position of being able to guarantee that any particular fuel will be utilized for a specific time period or that a given production level will be maintained. In sum, many mills do not have any one period which is representative of normal operations and which could be used as a baseline. Variations in emission rates are the norm. Very simply, the mills were designed to accommodate the abnormal on a routine basis without exceeding source specific limits.

2. The proposed PSEL Regulation is not an EPA requirement.

The potential result of the proposed PSEL regulations is not adequately or accurately represented in the DEQ memorandum to the Commission. The memorandum suggests in numerous places that the proposed PSEL regulation is required by EPA and that the specific elements of the DEQ's regulation are designed in conformance with EPA requirements. In fact, nowhere does EPA require PSEL regulations. Furthermore, no other state in the union is contemplating a regulation which could be used to reduce existing industrial production.

EPA requires only that states be able to show that "further reasonable progress" towards air quality objectives is being achieved in non-attainment areas. There is no comparable requirement in attainment (PSD) areas.

The DEQ has stated that the proposed PSEL regulation is necessary to provide a means to establish baseline emission data and to keep track of actual emissions to the airsheds of the State. We recognize that some type of tracking mechanism is necessary in order to correlate emissions and air quality objectives.

EPA has provided discretionary guidance to the states in the preamble to the regulations published on August 7, 1980, which represents EPA's most recent statement on this issue. Interestingly, EPA states that for the purpose of tracking emissions to establish a baseline, actual emissions should be presumed to be the federally enforceable source specific requirements.* The method of calculating actual emissions proposed by the DEQ would be significantly less than the federally enforceable source specific requirements.

Although there is a need for a means to track air quality emissions, we feel that the tracking device should not be used as a restriction per se unless there is a demonstrated air quality problem. At the present time there is no evidence that nonattainment areas are worsening or that PSD increments are being exceeded anywhere in the State due to fluctuations in operations in existing mills. To the contrary, it appears that Oregon will meet its Federally mandated air quality objectives as a result of current programs.

3. The proposed PSEL regulation penalizes past good performance and is biased towards new facilities.

The proposed PSEL regulations can be compared with a hypothetical speed limit law which would allow automobiles to be driven at 55 mph; except if the actual average speed of the automobile were less than 55 mph, then

45 F.R. 52676 at 52718, August 7, 1980

the driver would be required not to exceed the past average for that automobile unless special permission were obtained in writing. For new automobiles with no past performance history, the limit would automatically be set at 55 mph.

In regard to an existing industrial facility, with widely varying emissions, the inequity in being limited to some type of past average performance is clear. If a mill has routinely operated below full design capacity but is suddenly faced with the need to operate at full capacity, the PSEL regulation could be used to deny full use of the existing equipment. On the other hand a new facility will automatically be granted the right to emit at full design capacity.

The memorandum accompanying the regulation states that the existing facility could be allowed permission to emit at full design capacity on a temporary basis but that this permission could be recalled "to accommodate other types of growth in an area." In other words, an existing mill could be restricted in order to allow future new facilities to locate in an area. The policy ramifications of such a regulation should be fully considered.

4. Recommendations

The proposed PSEL regulation could be made acceptable to the members of the Northwest Pulp and Paper Association if the regulation could be structured to allow the mills certainty that historical production rates can be maintained until such time as an air quality problem is demonstrated. Throughout our meetings with the DEQ, a verbal intent has been expressed that historical production rates will not be reduced and that the applicants will be expedited through the PSEL process. We acknowledge this commitment with a great deal of appreciation and feel it was a major milestone in our meetings. We would like to offer the following recommendations so that this assurance will be apparent in the language of the regulation.

- (A) Existing facilities need to be able to operate at historical production rates without going through lengthy and costly PSD reviews to maintain this ability.

340-20-305 Definitions, 2. "Baseline Emission Rate"

Comment: In order to remain explicitly consistent with the definition of "actual emissions," this definition should include the same "normal operating conditions" clause as does actual emissions.

Change:

2. "Baseline Emission Rate: means the average actual emission rate during the baseline period[.] , or other period representative of normal source operation. Baseline emission rate shall not include increases due to voluntary fuel switches or increased hours of operation that have occurred after the baseline period.

340-20-310 Criteria for Establishing Plant Site Emission Limits, 1.

Comment: In order to achieve equity between new and existing sources (new sources may have a PSEL reflecting their potential to emit, while existing sources will have a PSEL reflecting their actual emissions during the baseline period) and to accommodate usual operating and market fluctuations (the wood products industry is highly sensitive to economic conditions and is subject to wide variations in production rates), the criteria for establishing PSEL's should include a means of allowing variability in production and emission levels without requiring permit modifications.

Note: In suggested changes, additions are underlined, and deletions are in brackets.

Change :

1. [For existing sources, PSEL's shall be based on the baseline emission rate for a particular pollutant at a source and may be adjusted upward or downward pursuant to Department Rules.] For existing sources, the Department shall set the PSEL at a level 20% above the actual baseline emissions provided such a PSEL does not exceed the specific source mass emission limit. PSEL's may be adjusted upward or downward pursuant to Department Rules. Applications to increase PSEL's above the adjusted baseline emission rate, may be approved only if PSD increments, growth increments, or emission offsets are available.

340-20-310 Criteria for Establishing Plant Site Emission Limits, 7, c.

Comment: In order to allow existing sources to operate up to their presently permitted design capacity (which is allowed under these rules for new sources) with a reasonable assessment of potential changes to the air environment, a second sentence regarding impact assessment should be added to 7, c.

Change :

- c. An application is made for a permit modification pursuant to the Air Contaminant Discharge Permit requirements and the New Source Review requirements and approval can be granted based on growth increments, offsets, or available Prevention of Significant Deterioration increments. For existing sources a demonstration through modeling that there is expected to be no violation of an Ambient Air Quality Standard or no exceedence of a PSD increment shall be sufficient to allow the existing source to increase its PSEL to an amount not greater than its potential to emit as long as no physical modification of an emissions unit is involved.

(B) The regulation needs to be revised so that there is not total discretion to deny PSEL modifications.

340-20-320 Temporary PSD Increment Allocation, c.

Comment: As currently worded, modifications to the plant site emission limits for a facility could be denied if there is any observable or measurable detrimental impact on air quality (OAR 340-20-320(c))

Temporary PSD Increment Allocation). This provision has the potential to negate the entire mechanism for temporary PSD increment allocations and therefore should be deleted. The remaining conditions specified in subparagraphs a, b, d and e are sufficient to protect human health and welfare.

Change:

[c. No observable or measurable detrimental impact on air quality is created.]

- (C) The regulation should contain greater procedural protections and a time limit for decision making regarding changes to the PSEL limits.

340-20-320 Temporary PSD Increment Allocation

Comment: The last qualifying statements in this section do not reflect the speed at which fuel switching economizing decisions must be made nor do they contain proper procedural protection for the holder of a temporary allocation.

Change:

Such a temporary allocation of a PSD increment must be set forth in a specific permit condition issued pursuant to the Department's Notice and Permit Issuance or Modification Procedures. Upon receipt of a complete application the Department shall make a determination of temporary allocation within 60 days or the application shall be deemed approved.

Such temporary allocations must be specifically time limited and may be recalled [under specified notice conditions.] pursuant to Department's Notice and Permit Issuance or Modification Procedures.

By making these recommendations, the members of the Association wish to make it clear that no one is asking for the right to make unlimited future expansions at the expense of air quality. We are simply asking that our existing capacity, represented by equipment now in place and legally

installed pursuant to valid permits be recognized in the proposed PSEL regulation and that the ability to continue to operate this equipment be assured in terms of express language in the regulation.

Thank you very much for your consideration of these issues and recommendations.

* * *

PLEASE REFER QUESTIONS TO:

Llewellyn Matthews
Executive Director
Northwest Pulp and Paper Association
555 116th Avenue NE, Suite 266
Bellevue, WA 98004
(206) 455-1323

Jim Walthers, Chairman
NWPPA Air Technical Subcommittee
Crown Zellerbach Corporation
904 NW Drake Street
Camas, WA 98607
(206) 834-4444



CrownZellerbach
Environmental Services

Young
EQC
Weathershelle

April 22, 1981

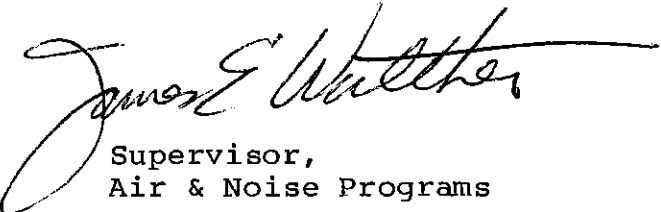
Mr. William H. Young
Department of Environmental Quality
P. O. Box 1760
Portland, Oregon 97207

Dear Mr. Young:

Members of the Northwest Pulp and Paper Association are very appreciative for the extension in time to allow for the review of the Department's proposed Plant Site Emission Limit (PSEL) Rule and the proposed New Source Review Regulation. Meetings with the Department have been very productive in resolving many, but not all, of the Association's technical concerns regarding the proposed regulations.

Please find attached a summary of problem areas which the Association believes still exist in the proposed regulations. We have rewritten the applicable sections to reflect our concerns. The Association plans to present testimony to this effect at the April 24, 1981 Commission meeting.

Very truly yours,


Supervisor,
Air & Noise Programs

J. E. WALTHER/jd

cc:
Dr. H. R. Amberg - ESD

Attachment

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

APR 22 1981

OFFICE OF THE DIRECTOR

DRAFT

NORTHWEST PULP AND PAPER ASSOCIATION
COMMENTS REGARDING THE PROPOSED
PLANT SITE EMISSION LIMIT REGULATION
AND THE PROPOSED
NEW SOURCE REVIEW REGULATION
BEFORE
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Even more critical than our technical concerns are our concerns with some of the broad philosophical and policy issues entailed by the proposed regulations. Concerns of this nature are not resolveable in meetings with the DEQ for the simple reason that we hold fundamentally different viewpoints. We urge that the Commission defer any action on the proposed regulations until its next meeting so that these philosophical and policy issues can be more fully considered.

II. PROPOSED PLANT SITE EMISSION LIMIT REGULATION

- 1. The proposed PSEL regulations would result in potential restrictions to existing industrial capacity.**

The most serious problem entailed by the proposed PSEL regulation is that it would result in potential requirements to restrict existing industrial production through the permitting process in spite of the fact there is no demonstrated air quality problem which compels this result. The potential to restrict existing industrial production is a major policy issue which warrants consideration by the Commission in terms of the economic viability of the State of Oregon and in terms of equity to those industries which have located in Oregon and have made good faith capital investments in facilities now in operation.

In essence the proposed PSEL regulation would establish emission limits for existing facilities by limiting such facilities to the level of emissions which occurred during a baseline period. The baseline period would be the years 1977-78 or a different time period which the DEQ determines is more representative of normal source operation. The emissions which occurred during the baseline period would become the DEQ's definition of "actual emissions" and would become the plant site emission limit for that source. Thereafter, the source could not exceed the plant site emission limit unless it undergoes some additional permitting processes and review.

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The reasons a pulp mill may emit at levels far below the source specific standard are several: First, the mill may have been originally designed with a margin of safety so that as equipment deteriorates due to normal wear and tear the source specific standard would still be met. Secondly, the mill's power boilers may have been designed to burn hog fuel, oil, natural gas or all three. The emissions characteristic of each of these fuels is very different. Depending on market conditions or the availability of fuel the pulp mills practice fuel switching. Thirdly, emissions may vary simply because production levels fluctuate due to market demands, labor strikes, or the availability of raw materials. The mills are not in the position of being able to guarantee that any particular fuel will be utilized for a specific time period or that a given production level will be maintained. In sum, many mills do not have any one period which is representative of normal operations and which could be used as a baseline. Variations in emission rates are the norm. Very simply, the mills were designed to accommodate the abnormal on a routine basis without exceeding source specific limits.

2. The proposed PSEL Regulation is not an EPA requirement.

The potential result of the proposed PSEL regulations is not adequately or accurately represented in the DEQ memorandum to the Commission. The memorandum suggests in numerous places that the proposed PSEL regulation is required by EPA and that the specific elements of the DEQ's regulation are designed in conformance with EPA requirements. In fact, nowhere does EPA require PSEL regulations. Furthermore, no other state in the union is contemplating a regulation which could be used to reduce existing industrial production.

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The DEQ has stated that the proposed PSEL regulation is necessary to provide a means to establish baseline emission data and to keep track of actual emissions to the airsheds of the State. We recognize that some type of tracking mechanism is necessary in order to correlate emissions and air quality objectives. However, we feel that the tracking device should not be used as a restriction in and of itself unless there is a demonstrated air quality problem.

At the present time there is no evidence that non-attainment areas are worsening or that PSD increments are being exceeded anywhere in the state due to fluctuations in operations in existing mills. To the contrary it appears that Oregon will meet its Federally mandated air quality objectives as a result of current programs.

3. The proposed PSEL regulation penalizes past good performance and is biased towards new facilities.

The proposed PSEL regulations can be compared with a hypothetical speed limit law which would allow automobiles to be driven at 55 mph; except if the actual average speed of the automobile were less than 55 mph, then the driver would be required not to exceed the past average for that automobile unless special permission were obtained in writing. Those drivers who are within 10% below of the 55 mph speed limit would be allowed the 55 mph limit all the time. For new automobiles with no past performance history, the limit would automatically be set at 55 mph.

In regard to an existing industrial facility, with widely varying emissions, the inequity in being limited to some type of past average performance is clear. If a mill has routinely operated below full design capacity but is suddenly faced with the need to operate at full capacity, the PSEL regulation could be used to deny full use of the existing equipment. On the other hand a new facility will automatically be granted the right to emit at full design capacity.

- (b) The regulation needs to be revised so that there is not total discretion to deny PSEL modifications.

As currently worded, modifications to the plant site emission limits for a facility could be denied if there is any observable or measureable detrimental impact on air quality (OAR 340-20-320(c) Temporary PSD Increment Allocation). This provision would allow the department discretion to deny modifications under this section for any change in air quality. Clearly this undermines and negates the purpose of this section and should be deleted.

- (c) The regulation should contain greater procedural protections and a time limit for decision making regarding changes to the PSEL limits.

The proposed PSEL regulation would allow variations in the plant site emission limits on a temporary basis (Temporary PSD Increment Allocation) if a change is requested in the permit. We feel that a time limit should be provided for DEQ approvals. Upon receipt of a complete application, the DEQ should make a determination within 30 days or the request shall be deemed approved.

Also, the draft regulation states that temporary allocations may be recalled under specified notice conditions. The regulation needs to be amended to incorporate greater procedural protections to existing sources by providing that such allocations will be revoked only pursuant to normal notice and permit modification procedures under OAR 340-14.

The memorandum accompanying the regulation states that the existing facility could be allowed permission to emit at full design capacity on a temporary basis but that this permission could be recalled "to accommodate other types of growth in an area." In other words, an existing mill could be restricted in order to allow future new facilities to locate in an area. The policy ramifications of such a regulation should be fully considered.

4. Recommendations

The proposed PSEL regulation could be made acceptable to the members of the Northwest Pulp and Paper Association if the regulation could be structured to allow the mills certainty that historical production rates can be maintained until such time as an air quality problem is demonstrated. Throughout our meetings with the DEQ, a verbal intent has been expressed that historical production rates will not be reduced and that applicants will be expedited through the PSEL process. We would like to offer the following recommendations so that this assurance would be apparent within the terms of the regulation:

(a) **Greater certainty is needed to allow existing facilities to operate at historical levels**

Existing mills need the ability to operate at full design capacity without going through lengthy PSD reviews. The regulation could be changed to allow existing industrial facilities the right to operate at full design capacity if: (1) the source can demonstrate through modeling that no PSD increment or ambient air quality standard will be violated; and (2) that the source specific limits will not be exceeded.

III. PROPOSED NEW SOURCE REVIEW (NSR) REGULATIONS

1. Most of the proposed NSR Regulations are "Too Much Too Soon" and are not required by EPA

The proposed NSR regulations are a comprehensive rewrite of a number of rules now on the books. While the motivation to consolidate, coordinate and update these regulations is commendable, we feel that the need for such an undertaking is questionable at this time. Many of the NSR regulations pertain to requirements for new or modified sources in clean air areas which must undergo "PSD" review (compliance with "prevention of significant deterioration" requirements in order to avoid further degradation of clean air areas). Our concern stems from the fact that the PSD requirements are extremely volatile and are one of the most hotly contested portions of the Federal Clean Air Act. The Federal Clean Air Act is due for reauthorization and will be the subject of intensive review by Congress this year. Already many groups have organized for the purpose of providing recommendations to Congress for changes to the Act. The reports of these groups are voluminous; the report of just one of these group, the National Commission on Air Quality, is over 800 pages in length. There is much debate and speculation at this time as to the nature, scope and extent of changes which will be made by Congress. Much of the attention will be focused on the problematical PSD requirements. To paraphrase one succinct commentator -- As a result of years of litigation, the final decision in Alabama Power and the subsequent regulatory changes by EPA, we may finally have a legal PSD program, but it is simply unworkable. Only one thing is certain. There will be changes at the Federal level to the PSD requirements.

Part of the dilemma facing us now arises from the fact that Oregon had promulgated PSD regulations prior to the Alabama Power decision and these

regulations must now be updated or rescinded. The states have the option of seeking approval from EPA to implement programs for the review of sources in non-attainment areas while leaving the administration of the PSD requirements to EPA. However, the NWPPA supports the DEQ in its effort to produce a workable up-to-date PSD regulation which will ultimately result in final approval by EPA. We feel that substantial benefits will result in terms of administrative efficiency if all air programs for stationary sources are administered by one agency and that this should be the DEQ.

In order to resolve the dilemma posed by the need to address the mandate of Alabama Power while at the same time facing the pending PSD requirements, we would like to recommend that a "Sunset Clause" be added to the proposed regulation. The regulations should be reviewed in one year or as soon thereafter as the directions at the Federal level are discernable.

2. The proposed NSR Regulations do not result in greater simplification

The memorandum accompanying the proposed regulations suggests that the NSR regulations represent a major simplification because 29 rules would be revoked and replaced with 18 rules. While the effort to improve the organization of the regulations and to reduce the total volume of regulations is commendable; the effort cannot be truly described as a simplification if the end result is to subject a far greater number of sources to the regulatory process.

The DEQ has proposed to simplify the existing rules by defining "major sources" in terms of whether the source has "the potential to emit, any pollutant regulated under the Clean Air Act at a significant emission rate." We feel that the correct approach is to adopt the EPA regulation which requires a two-phased determination: first, the source must have the potential to emit 100 tons per year if it is a listed industry or 250 tons per year for all

*TO BE ADDRESSED
By OTHERS.*

TO BE ADDRESSED BY OTHERS

non-listed industries; secondly, a determination is made as to whether the emissions are significant. In effect, the DEQ has combined the Federal definitions for "major sources" with the Federal definition for "major modification" and has removed the 100 and 250 ton thresholds. It should be noted that Congress originally adopted the tonnage thresholds in order to provide administrative simplicity for the purpose of determining which sources are major.

The result under the DEQ regulation is that far more sources would qualify as "major sources" and many others could conceivably be required to undergo testing to determine if emissions are "significant." For example, in Multnomah County, 30-40 additional sources would be regulated as major sources under the DEQ proposed definition. Many of these additional sources are small and medium sized commercial and industrial establishments which probably do not have the resources to undertake complex reviews of the type entailed by Oregon's proposed NSR regulations.

The result proposed by the DEQ should be reviewed by the Commission in light of the following: (1) the regulation is far more stringent than required by EPA and there has been no demonstrated need for such stringency; (2) it is a questionable use of state resources to review these numerous additional sources; and (3) the fiscal impact on the additional sources is not "minimal" as suggested in the fiscal note attached to the proposed regulations.

ATTACHMENTS

1. Listing of technical concerns.
2. Proposed mark-ups to draft PSEL regulation.

Comments and Suggested Changes to the
Proposed
Plant Site Emission Limit (PSEL) Rules

Note: In suggested changes, additions are underlined, and deletions are in brackets.

340-20-305 Definitions, 2. "Baseline Emission Rate", page 3.

Comment: In order to remain explicitly consistent with the definition of "actual emissions", this definition should include the same "normal operating conditions" clause as does actual emissions.

Change:

2. "Baseline Emission Rate" means the average actual emission rate during the baseline period[.] ,or other period representative of normal source operation. Baseline emission rate shall not include increases due to voluntary fuel switches or increased hours of operation that have occurred after the baseline period.

340-20-310 Criteria for Establishing Plant Site Emission Limits, 1, page 3.

Comment: In order to achieve equity between new and existing sources (new sources may have a PSEL reflecting their potential to emit, while existing sources will have a PSEL reflecting their actual emissions during the baseline period) and to accommodate usual operating and market fluctuations (the wood products industry is highly sensitive to economic conditions and is subject to wide variations in production rates), the criteria for establishing PSEL's should include a means of allowing variability in production and emission levels without requiring permit modifications.

Change:

1. [For existing sources, PSEL's shall be based on the baseline emission rate for a particular pollutant at a source and may be adjusted upward or downward pursuant to Department Rules.] For existing sources, the Department shall set the PSEL at a level 20% above the actual baseline emissions provided such a PSEL does not exceed the specific source mass emission limit. PSEL's may be adjusted upward or downward pursuant to Department Rules. Applications to increase PSEL's above the adjusted baseline emission rate, may be approved only if PSD increments, growth increments, or emission offsets are available.

340-20-310 Criteria for Establishing Plant Site Emission Limits, 7, c, page 5.

Comment: In order to allow existing sources to operate up to their presently permitted design capacity (which is allowed under these rules for new sources) with a reasonable assessment of potential changes to the air environment, a second sentence regarding impact assessment should be added to 7, c.

Change:

- c. An application is made for a permit modification pursuant to the Air Contaminant Discharge Permit requirements and the New Source Review requirements and approval can be granted based on growth increments, offsets, or available Prevention of Significant Deterioration increments. For existing sources a demonstration through modeling that there is expected to be no violation of an Ambient Air Quality Standard or no exceedence of a PSD increment shall be sufficient to allow the existing source to increase its PSEL to an amount not greater than its potential to emit as long as no physical modification of an emissions unit is involved.

340-20-320 Temporary PSD Increment Allocation, c, page 7.

Comment: All the conditions specified in sub paragraphs a, b, d and e are sufficient to protect human health and welfare. Subparagraph c has the potential to negate the entire mechanism for temporary PSD allocation; therefore, it should be deleted.

Change:

- [c. No observable or measurable detrimental impact on air quality is created.]

340-20-320 Temporary PSD Increment Allocation, page 7.

Comment: The last qualifying statements in this section do not reflect the speed at which fuel switching economizing decisions must be made nor do they contain proper procedural protection for the holder of a temporary allocation.

Change:

Such a temporary allocation of a PSD increment must be set forth in a specific permit condition issued pursuant to the Department's Notice and Permit Issuance or Modification Procedures. Upon receipt of a complete application the Department shall make a determination of temporary allocation within 60 days or the application shall be deemed approved.

Such temporary allocations must be specifically time limited and may be recalled [under specified notice conditions.] pursuant to Department's Notice and Permit Issuance or Modification Procedures.

Comments and Suggested Changes to the
Proposed
New Source Review Regulation

Note: In suggested changes, additions are underlined, and deletions are in brackets.

340-20-225 Definitions, 2 "Baseline Concentration", page 4

Comment: There appears to be a minor inconsistency between baseline concentration as of 1978 and baseline period, the average of calendar years 1977 and 1978. This can be rectified by allowing baseline concentration to equal the average concentration of the baseline period.

Change:

2. "Baseline Concentration" means that ambient concentration level for a particular pollutant which existed in an area during the [calendar year 1978.] baseline period. If no ambient air quality data is available in an area, the baseline concentration may be estimated using modeling based on actual emissions for [1978.] the baseline period. The following emission increases or decreases will be included in the baseline concentration:
 - (a) Actual emission increases or decreases occurring before [January 1, 1978, and] the baseline period and
 - (b) Actual emission increases from any major source or major modification on which construction commenced before January 6, 1975.

340-20-225 Definitions, 22, Significant Emission Rate, page 13.

Comment: The setting of significant emission rates by the Department should be subject to public and technical review.

Change:

For pollutants not listed above, the Department shall determine the rate that constitutes a significant emission rate[.] pursuant to the Department's regulations governing public notice and rulemaking procedures.

340-20-225 Definitions, 23, Significant Air Quality Impact, page 13.

Comment: We appreciate the regulatory relief attempted by the VOC 30 km buffer zone; however, the clause referring to a VOC source having no impact on a non-attainment area is unworkable unless "no impact" is adequately defined. Also the 30 km buffer zone is truly an incentive for industrial sprawl which is in opposition to all present day land use, energy and socio-economic planning. Rather than "guiding" sources of VOC to locate over 30 km from a non-attainment area for ozone, a level of significant impact should be defined

Since VOC is linked to ozone formation as is NO_x (or NO_2), it is proposed that the significant annual impact for VOC be the same as that for NO_2 , $1 \mu\text{g}/\text{m}^3$. Making the same extension to 24 hour averages as is done in the Federal regulations for TSP and SO_2 , the significant impact should be $5 \mu\text{g}/\text{m}^3$ on a 24 hour average.

Change:

23. "Significant Air Quality Impact" means an ambient air quality impact which is equal to or greater than:

| <u>Pollutant</u> | <u>Annual</u> | <u>Pollutant Average Time</u> | | | |
|------------------|--|--|-----------------------------|-----------------------------|---------------------------|
| | | <u>24-hour</u> | <u>8-hour</u> | <u>3-hour</u> | <u>1-hour</u> |
| SO_2 | $1.0 \mu\text{g}/\text{m}^3$ | $5 \mu\text{g}/\text{m}^3$ | | $25 \mu\text{g}/\text{m}^3$ | |
| TSP | $0.2 \mu\text{g}/\text{m}^3$ | $1.0 \mu\text{g}/\text{m}^3$ | | | |
| CO | | | $0.5 \text{ mg}/\text{m}^3$ | | $2 \text{ mg}/\text{m}^3$ |
| <u>VOC</u> | <u>$1.0 \mu\text{g}/\text{m}^3$</u> | <u>$5 \mu\text{g}/\text{m}^3$</u> | | | |

[For sources of volatile organic compounds (VOC), a major source or major modification will be deemed to have a significant impact if it is located within 30 kilometers of an ozone nonattainment area and is capable of impacting the nonattainment area.]

340-20-230 Procedural Requirements, 3, b, F, Public Participation, page 19.

Comment: The 10 day comment period should be 10 working days. There are occasions when holidays can effectively reduce 10 days to 4 working days which may not be adequate time to respond to public comment regarding a politically "visible" construction or modification project.

Change:

- F. Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing(s) in making a final decision on the approvability of the application. No later than 10 working days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Department shall consider the applicant's response in making a final decision. The Department shall make all comments available for public inspection in the same locations where the Department made available preconstruction information relating to the proposed source or modification.

340-20-240 Requirements for Sources in Non-Attainment Areas, 1, LAER, page 20.

Comment: As written, this section could be interpreted to mean that LAER would be applied to all pollutants being emitted by a source. In order to restrict the application of LAER controls to the pollutant for which the area is in non-attainment, the first sentence should be changed.

Change:

1. Lowest Achievable Emission Rate

The owner or operator of the proposed major source or major modification must demonstrate that the source or modification will comply with the lowest achievable emission rate (LAER) [.] for the pollutant(s) of which the area is in non-attainment. In the case of a major modification, the requirement for LAER shall apply only to each new or modified emission unit which increases emissions. For phased construction projects, the determination of LAER shall be reviewed at the latest reasonable time prior to commencement of construction of each independent phase.

340-20-250 Exemptions, 2, Temporary Emission Sources, page 32.

Comment: The Federal PSD regulations specifically exempt temporary sources from regulation and increment consumption; however, it would appear that the Department still would like to subject all temporary sources to LAER or BACT, which ever is applicable. This requirement for certain types of temporary sources such as general construction projects may be difficult, if not impossible, to administer and enforce. It would seem appropriate to separate out more clearly those sources which can be readily brought to LAER and BACT controls and those which generally are very temporary in nature and usually uncontrollable.

Change:

2. Temporary emission sources, which would be in operation at a site for less than two years, such as pilot plants and portable facilities [and emissions resulting from the construction phase of a new source or modification] must comply with OAR 340-[20240(1)] 20-240(1) and (2) or OAR 340-20-245(1), whichever is applicable, but are exempt from the remaining requirements of OAR 340-20-240 and OAR 340-20-245 provided that the source or modification would impact no Class I area or no area where an applicable increment is known to be [violated.] exceeded. Emissions resulting from the construction phase of a new source or modification such as site preparation, civil engineering and facilities construction are exempt from all requirements under OAR 340-20-240 and OAR 340-20-245.

340-20-260 Requirements for Net Air Quality Benefit, 2, page 35.

Comment: In remaining consistent with the proposed changes to significant air quality impact (OAR 340-20-225, 23), the section regarding VOC impact is unnecessary and should be deleted.

Change:

2. For new sources or modifications locating within a designated nonattainment area, the emission offsets must provide reductions which are equivalent or greater than the proposed increases. The offsets must be appropriate in terms of short term, seasonal, and yearly time periods to mitigate the impacts of the proposed emissions. For new sources or modifications locating outside of a designated nonattainment area which have a significant air quality impact (OAR 340-20-225 definition 23) on the nonattainment area, the emission offsets must be sufficient to reduce impacts to levels below the significant air quality impact level within the nonattainment area. [Proposed major sources or major modifications which emit volatile organic compounds and are located in or within 30 kilometers of an ozone nonattainment area shall provide reductions which are equivalent or greater than the proposed emission increases unless the applicant demonstrates that the proposed emissions will not impact the nonattainment area.]

340-20-260 Requirements for Net Air Quality Benefit, 4, page 36.

Comment: The time limit for contemporaneous reductions should be changed from 1 year to 5 years to be consistent with the Federal definition. Such a time frame will encourage industry to shut down older less controlled equipment within the usual 5 year corporate planning strategies and make the emission offsets available for modernization projects. Otherwise, the incentive will be to continue operating older higher polluting equipment until a facility needs the internal offsets for modification or expansion.

Change:

4. The emission reductions must be contemporaneous, that is, the reductions must take effect prior to the time of startup but no more than [one] five years prior to the submittal of a complete permit application for the new source or modification. This time limitation may be extended as provided for in OAR 340-20-265 (Emission Reduction Credit Banking). In the case of replacement facilities, the Department may allow simultaneous operation of the old and new facilities during the startup period of the new facility provided that net emissions are not increased during that time period.

340-20-265 Emission Reduction Credit Banking, 4, page 37.

Comment: For the same reasons made in the comment contemporaneous reductions, the time limit for shut downs and curtailments should be five years.

Change:

4. Permanent source shutdowns or curtailments other than those used within [one] five years for contemporaneous offsets as provided in OAR 340-20-260(4) are not eligible for banking by the owner or operator but will be banked by the Department for use in attaining and maintaining standards. The Department may allocate these emission reductions as a growth increment.

TESTIMONY FOR PRESENTATION TO THE ENVIRONMENTAL QUALITY COMMISSION
APRIL 24, 1981

A MAJOR PROBLEM IN PLANNING HOW TO MEET AIR QUALITY STANDARDS IS HOW TO ACCOMMODATE GROWTH IN POLLUTING INDUSTRY WHILE AN AREA VIOLATES AIR QUALITY STANDARDS. THE CLEAN AIR ACT PROVIDES A GREAT DEAL OF LATITUDE TO THE STATES IN DECIDING HOW TO MANAGE INDUSTRIAL GROWTH. THE ONLY REQUIREMENTS ARE THAT NEW INDUSTRIES COMPLY WITH STRICT EMISSION LIMITATIONS AND THAT "REASONABLE FURTHER PROGRESS" TOWARDS THE ATTAINMENT OF STANDARDS NOT BE THREATENED. AS THE COMMISSION KNOWS, THE CITY OF PORTLAND AND OTHER LOCAL JURISDICTIONS AND ORGANIZATIONS BECAME INTERESTED IN THIS QUESTION ABOUT TWO YEARS AGO AND BEGAN RESEARCHING VARIOUS ALTERNATIVES. OUR WORK FOCUSED ON ACCOMMODATING GROWTH IN TWO TYPES OF EMISSIONS: TOTAL SUSPENDED PARTICULATES (TSP) AND VOLATILE ORGANIC COMPOUNDS (VOC). IT ALSO FOCUSED MUCH MORE ON THE PROBLEMS IN NON-ATTAINMENT AREAS THAN THE PSD REQUIREMENTS.

ALTHOUGH ALL OF THE RULES BEFORE THE COMMISSION TODAY WILL AFFECT FUTURE GROWTH IN THE CITY OF PORTLAND, WE HAVE DECIDED TO RESTRICT OUR COMMENTS TO THE SECTIONS ON NON-ATTAINMENT AREAS AND BANKING SINCE THEY WERE THE PRIMARY EMPHASIS OF OUR STUDY.

NON-ATTAINMENT AREA REQUIREMENTS

1. DEFINITION NUMBER 22 (340-20-225) SETS "SIGNIFICANT EMISSION RATES" WHICH ARE LATER USED TO DEFINE MAJOR SOURCE. OUR STUDY SPENT A GREAT DEAL OF TIME WRESTLING WITH THE QUESTION OF APPROPRIATELY DEFINING WHAT IS A MAJOR SOURCE. AFTER EVALUATING AND

BALANCING THE COST OF OFFSETS PER TON, THE SIZE OF INDUSTRIAL SOURCES WITH SUFFICIENT ASSETS TO AFFORD THE COST OF THESE OFFSETS AND THE AMOUNT OF ADDITIONAL POLLUTION "CAPTURED" BY BOTH HIGHER AND LOWER EMISSION RATES, WE RECOMMENDED RATES OF 50 TONS PER YEAR FOR BOTH PARTICULATE AND VOLATILE ORGANIC COMPOUNDS.

THE PROPOSED RULE RECOMMENDS AN EMISSION RATE OF 25 TONS PER YEAR TO DEFINE MAJOR PARTICULATE SOURCES AND AN EMISSION RATE OF 40 TONS TO DEFINE MAJOR VOLATILE ORGANIC COMPOUND SOURCES. WE BELIEVE THAT THESE DEFINITIONS ARE UNNECESSARILY LOW FOR THE FOLLOWING REASONS:

- A. SOME GROWTH IN INDUSTRIAL SOURCE CATEGORIES HAS ALREADY BEEN BUILT INTO THE EMISSION INVENTORY. THAT IS TO SAY THAT SOME GROWTH WAS ANTICIPATED WHEN THE 1987 EMISSION PROJECTIONS WERE MADE AND THE ATTAINMENT PLANS BEING DEVELOPED INCLUDE THESE ADDITIONAL EMISSIONS. IT IS THE LARGER SOURCES WHICH THE PLAN DOES NOT ACCOUNT FOR AND THAT COULD BE DETRIMENTAL TO OUR AIR-SHED. A 50 TON PER YEAR CUT-OFF GUARANTEES THAT THESE LARGER SOURCES WILL HAVE TO CONTRIBUTE TOWARDS KEEPING PORTLAND CLEAN.
- B. THE ADDITIONAL SOURCES THAT WOULD BE CAPTURED IN THE 20 - 50 AND 40 - 50 TON CATEGORIES WILL ADMINISTRATIVELY OVER BURDEN THE DEPARTMENT PERMIT REVIEW CAPABILITIES WITH LITTLE RETURN IN TERMS OF CLEAN AIR.
- C. IN ADDITION, THE COST OF OBTAINING OFFSETS MAY MAKE IT IMPOSSIBLE FOR SMALLER FIRMS TO EXPAND AND GROW IN THE PORTLAND

AREA. WE ESTIMATED THAT PARTICULATE OFFSETS WOULD AVERAGE \$10,000 PER TON PER YEAR AND VOLATILE ORGANIC COMPOUND OFFSETS WOULD AVERAGE \$1,000 PER TON PER YEAR. IF OUR ESTIMATES ARE CORRECT, THESE REGULATIONS COULD ADD AS MUCH AS \$250,000 PER YEAR ON TO THE COST OF OPERATING A 25 TON SOURCE OF PARTICULATE. THIS MAKES IT BY FAR ONE OF THE LEAST COST-EFFECTIVE CONTROLS.

2. THE FIRST REQUIREMENT IN THE SECTION FOR SOURCES IN NON-ATTAINMENT AREAS (340-20-240) SAYS THAT LOWEST ACHIEVABLE EMISSION RATES OR LAER MUST BE APPLIED TO EACH MODIFIED UNIT WHICH INCREASES EMISSIONS WITHIN A NON-ATTAINMENT AREA. LAER SHOULD ONLY BE REQUIRED FOR MODIFIED EMISSION UNITS WHICH INCREASE EMISSIONS FOR POLLUTANTS FOR WHICH THE AREA IS IN NON-ATTAINMENT.

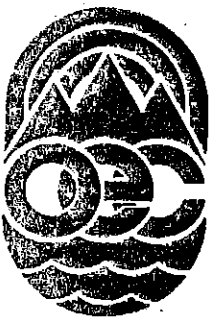
EMISSION REDUCTION CREDIT BANKING

THE CITY STRONGLY SUPPORTS THE DECISION OF THE DEPARTMENT TO INCLUDE A SECTION ON BANKING OF EMISSION REDUCTIONS IN THE PROPOSED NEW SOURCE REVIEW RULE. EXCESSIVE COSTS OF REGULATORY PROCESSES ARE RECEIVING A GREAT DEAL OF ATTENTION. IN MANY CASES THESE COMPLAINTS ARE NOT TOTALLY UNFOUNDED. WHENEVER AN OPPORTUNITY EXISTS TO REVERSE THIS TREND AND INTRODUCE FLEXIBILITY INTO THE REGULATORY SYSTEM, WE SUPPORT ITS ADOPTION. BANKING CAN SAVE FIRMS MONEY, ENCOURAGE INNOVATE CONTROL RESEARCH, ALLOW FIRMS TO APPLY CONTROL EQUIPMENT WHEN IT IS MOST COST EFFECTIVE TO DO SO AND MAKE IT EASIER TO PREPARE EXPANSION PLANS KNOWING THAT THERE WILL BE SUFFICIENT "ROOM" IN THE AIRSHED AT A LATER TIME. BUT ALL OF THIS IS ACCOMPLISHED WITHIN SPECIFIC PARAMETERS AND NEVER AT THE PRICE OF INCREASED EMISSIONS.

WE REALIZE THAT BANKING IS A VERY NEW APPROACH TO POLLUTION CONTROL FOR THE STATE OF OREGON AND THAT THE DEPARTMENT WANTS TO PROCEED CAUTIOUSLY BUT IN ORDER TO GIVE THE SYSTEM A FAIR CHANCE IT NEEDS TO BE AS OPEN AND SIMPLE AS POSSIBLE. FOR THIS REASON, WE RECOMMEND TWO CHANGES IN THE EMISSION REDUCTION CREDIT BANKING SECTION (340-20-265):

1. REQUIREMENT NUMBER 4 OF THE BANKING SECTION LIMITS THE USE OF BANKING IN THE CASE OF PLANT SHUTDOWNS AND CURTAILMENTS. WE AGREE THAT THERE ARE SOME CONDITIONS THAT MAKE IT UNDESIRABLE TO ALLOW FIRMS TO BANK EMISSION REDUCTION CREDITS CREATED FROM COMPLETELY SHUTTING DOWN A FIRM'S OPERATIONS. HOWEVER, WE DO NOT BELIEVE THAT THESE SAME CONDITIONS EXIST WITH A PLANT CURTAILMENT AND RECOMMEND THAT THE COMMISSION ALLOW EMISSION REDUCTIONS FROM CURTAILMENTS TO BE BANKED.
2. BEFORE ANYONE WILL BECOME INVOLVED IN A BANKING PROGRAM THERE NEEDS TO BE A GUARANTEE THAT EMISSION REDUCTIONS CREDITS WILL NOT BE CONFISCATED. WITHOUT THIS ELEMENT OF CERTAINTY, ALL INCENTIVES TO BE INVOLVED MAY BE DESTROYED. NUMBER 5 OF THE BANKING SECTION SAYS THAT A BANKED CREDIT MAY BE CONFISCATED IF A NEW REGULATION IS ADOPTED THAT WOULD REQUIRE THE FIRM TO CONTROL WHAT HAD PREVIOUSLY BEEN BANKABLE REDUCTIONS. SINCE THE DEPARTMENT HAS ALREADY RESERVED 6 MAJOR CATEGORIES OF SOURCES FOR CONTROL MEASURE DEVELOPMENT AND SINCE THE DEPARTMENT HAS A CHANCE TO REVIEW EACH REQUEST TO BANK ON A CASE-BY-CASE BASIS AND CAN FLAG ANY REQUEST THAT IS BEING CONSIDERED FOR REGULATION, WE THINK THAT THIS RESTRICTION IS UNNECESSARY.

OREGON IS NOW IN THE POSITION OF HAVING ONLY A CONDITIONALLY APPROVED STATE IMPLEMENTATION PLAN. FINAL APPROVAL IS CONTINGENT ON THE ADOPTION OF NEW SOURCE REVIEW RULES. WITH THE MODIFICATIONS SUGGESTED IN THIS TESTIMONY, WE SUPPORT THE ADOPTION OF THE NON-ATTAINMENT AND BANKING SECTIONS. HOWEVER, THESE RULES ARE IN RESPONSE TO THE REQUIREMENTS OF THE CLEAN AIR ACT AS IT EXISTS TODAY. IF THE REAUTHORIZATION OF THE ACT INCLUDES ANY CHANGES IN THE SECTION DEALING WITH INDUSTRIAL GROWTH, WE REQUEST THAT THE COMMISSION REVIEW ALL OF THE STATE REQUIREMENTS ON GROWTH AS WELL.



OREGON ENVIRONMENTAL COUNCIL

2637 S.W. WATER AVENUE, PORTLAND, OREGON 97201 / PHONE: 503/222-1963

TESTIMONY BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

REGARDING PROPOSED NEW SOURCE REVIEW RULES. APRIL 24, 1981

The Oregon Environmental Council generally supports the proposed New Source Review Rules, with two very important exceptions.

First, we support:

---OAR 340-20-265 (5) and (6) which allow discounting of banked emission credits when new, stricter emission regulations are adopted, or when needed to achieve reasonable further progress. These provisions are necessary to make the banking system responsive to change and to prevent it from obstructing progress toward clean air.

---The portion of OAR 340-20-260 (2) that requires significant new sources outside non-attainment areas to obtain emission offsets to reduce their impacts on the non-attainment area to insignificant levels. We also support the portion of this rule that requires new VOC sources within 30 kilometers of a non-attainment area to obtain offsets.

---OAR 340-20-265 (4) prohibits banking of permanent source shutdowns or curtailments. This avoids the banking of sham offsets.

However, we oppose the portion of OAR 340-20-260 entitled "Net Air Quality Benefit" that allows banking of an emission reduction "equivalent or greater than the proposed increases."

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, Nehalem 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 FURTKAKERS
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 Many Rivers 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.
Collage Grove
TRAILS CLUB OF OREGON
UMPOUA WILDERNESS DEFENDERS
WESTERN RIVER GUIDES ASSOCIATION, INC.

How can a mere equivalent emission reduction be a net air quality benefit?

This seems contrary both to common sense and the basic concept of emission

offsets. In the Growth Management Strategy put together by the City of

Portland, emission offsets are defined as "...reduction of emissions to

more than offset the projected new pollution." (page 1). The EPA's

"Emission Offset Interpretive Ruling" (40 CFR Part 51, Appendix S) speaks

in terms of offsets providing "positive net air quality benefits."

It says "As long as the emission offset is greater than one-for-one,

and the other criteria set forth above are met, EPA does not intend to

question a reviewing authority's judgment as to what constitutes reasonable

further progress..." (page 664).

We urge that a 1.3 to 1 ratio be adopted instead. Emission offsets

could not be banked unless they showed a 30% net air quality benefit. Such

an offset ratio was adopted in the Puget Sound area last year. A better than

one-to-one ratio is the only way to ensure reasonable further progress, and

genuine net benefits to the airshed.

Also, we oppose OAR 340-20-265 (7) that sets a minimum limit of

10 tons for emission banking. We support the 25 ton figure that appeared

in earlier drafts of this proposed rule. The 10 ton minimum would only

increase the administrative burden for DEQ and allow industry to obtain

credits for insignificant emission reductions.

PGE

ERC

EXHIBIT 1

RECEIVED (11

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION X
1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101

MAY 16 1975

H. H. PHILLIPS



REPLY TO
ATTN OF: M/S 613

Mr. H. H. Phillips
Vice President and Corporate Counsel
Portland General Electric Company
621 S.W. Alder Street
Portland, Oregon 97205

Dear Mr. Phillips:

The Environmental Protection Agency (EPA) has reviewed Portland General Electric Company's (PGE) May 1, 1975 request for a determination as to the applicability of 40 CFR 52.21(d) to the coal plant to be constructed by PGE near Boardman, Oregon. Based on the information available to us at this time, EPA finds that PGE is not subject to the requirements of 40 CFR 52.21(d).

Specifically, EPA's attention has been directed to the agreement between PGE and Westinghouse Electric Corporation relating to the purchase of a turbine generator for the Boardman plant. Based upon our review of the documents pertaining to the Westinghouse contract which you supplied us on May 1, 1975 and your letters of May 6 and 7, 1975, we conclude that PGE has "commenced" construction within the meaning of 40 CFR 52.21(b)(7) in that PGE has "entered into a binding agreement or contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification." Accordingly, PGE is not subject to 40 CFR 52.21(d) which only applies to a new or modified source which has not commenced construction or expansion prior to June 1, 1975.

If you have any further questions on this matter, please contact Carol S. Doherty, Assistant Regional Counsel, at (206) 442-1152.

Sincerely,

Clifford V. Smith, Jr.
Clifford V. Smith, Jr.
Regional Administrator

cc: Department of Environmental Quality

EXHIBIT 2

NEW SOURCE REVIEW REGULATION

340-20-225 Definitions

2. "Baseline Concentration" means that ambient concentration level for a particular pollutant which existed in an area during the calendar year 1978. If no ambient air quality data is available in an area, the baseline concentration may be estimated using modeling based on actual emissions for 1978.

The following emission increases or decreases will be included in the baseline concentration:

- (a) Actual emission increases or decreases occurring before January 1, 1978, and
- (b) Actual emission increases from any major source or modification on which construction commenced before ~~January 6, 1975~~ June 1, 1975 or August 7, 1977.

EXHIBIT 3

PLANT SITE EMISSION LIMIT RULES

340-20-305 Definitions

1. "Actual Emissions" means the mass rate of emissions of a pollutant from an emissions source.

a. In general, actual emission as of the baseline period shall equal the average rate at which the source actually emitted the pollutant during a baseline period and which is representative of normal source operation. The Department shall allow the use of a different time period upon a determination that it is more representative of normal source operation, or in the case of emergency electrical generators, operation allowed by permit or reasonably projected worst case operation. Actual emissions shall be calculated using the source's actual operating hours, production rates and types of materials processed, stored, or combusted during the selected time period.

or

c. For any newly permitted emission source which had not yet begun normal operation in the baseline period, or for any source whose permit was issued upon a showing of potential emissions, or for any emergency electric generating facility, actual emissions shall equal the potential to emit of the source.



SOUTHERN OREGON TIMBER INDUSTRIES ASSOCIATION

2680 N. PACIFIC HWY.

MEDFORD, OREGON 97501

TELEPHONE 773-5329

TESTIMONY PRESENTED BEFORE THE ENVIRONMENTAL
QUALITY COMMISSION, MR. JOE RICHARDS, CHAIRMAN, CONCERNING
PROPOSED PLANT SITE EMISSION LIMITS AND NEW SOURCE REVIEW RULES
ON APRIL 24 IN PORTLAND, OREGON

Mr. Chairman:

I am Bill Carlson, Husky Industries, Medford, OR. I am speaking today on behalf of Southern Oregon Timber Industries Association. I am the Air & Water Quality Committee Chairman, and the following statement represents SOTIA's position on proposed Plant Site Emission Limits and New Source Review Rules.

Southern Oregon Timber Industries Association is a two county organization serving some 175 member firms in Jackson and Josephine Counties engaged in growing, harvesting, transporting and milling forest products, and providing support services. We have had a long standing interest and concern in the air quality situation of southern Oregon. Over the past several years we have actively participated in strategy and regulatory development in areas which affect our installations.

In recent months we have worked extensively on several department drafts in an effort to finalize rules acceptable to both the Commission and our membership. The final drafts you are considering are a major improvement, but still contain several items on which we request your consideration.

PLANT SITE EMISSION LIMITS

The Department is creating an unworkable regulatory maze in its proposed Plant Site Emission Limit Rules by the use of actual emissions from some base line period (340-20-310, Item 1). The rules, as written, are so confusing as to make it impossible to properly and fairly interpret and apply them.

As a simplified alternative, we propose that plant site emission limits be based on the "potential to emit" of the sources within the plant. This bases the PSEL on actual source capacity permitted limits, and not on some baseline emission period that may to may not have been representative. It puts new and existing sources on the same footing. One specific concern is the disadvantage the baseline approach would create for a newer facility which may not, as of yet, have been able to come up to full capacity.

We are opposed to the setting of separate PSEL's for combustion, process and fugitive emissions (340-20-310, Item 3). If a bubble policy is to be properly and usefully applied, industry must have the flexibility to trade emissions among these various segments, and not be restricted by separate PSEL's. We recommend deletion of this item.

We are concerned that item 5 of the bubble policy (340-20-315) may render it useless by not allowing industry to trade emissions to avoid BACT or LAER on specific emission sources. We request further explanation of how this section is intended to function.

The items in section 340-20-320, Temporary PSD Increment Allocation, contain a redundancy which is confusing and unnecessary. We suggest item (c) concerning observable and measurable detrimental impacts be deleted. This concern is adequately addressed in items (a) and (b), and there are problems with lack of definition of the terms observable and detrimental.

We also have a basic problem with AQMA regulations which measure veneer dryer emissions in terms of opacity, and air conveance system requirements which are met by baghouses with no defined emission limits. Neither case would appear to fit into the proposed PSEL philosophy. The DEQ has not dealt with this issue despite many requests.

NEW SOURCE REVIEW REGULATIONS

The New Source Review draft dated March 4, 1981 contains certain sections and provisions which also deserve consideration for modification or revision.

The definition of actual emissions in Section 340-20-225 is unnecessarily redundant with the PSEL definition section. Items a and b could be deleted and covered by a reference to 340-20-305. Section c concerning new sources is appropriate and should be retained.

The definition of "significant air quality impact" in Section 340-20-225, item 23 defines a major source or major modification emitting volatile organic compounds as having a significant impact if within 30 km of an ozone non-attainment area. We disagree with the 30 km provision as arbitrary. We recommend that the definition be based on modeling rather than a fixed radius factor. Adequate protection for non-attainment areas is provided by PSD requirements in 340-20-245-2 (c). This arbitrary radius appears to define the Grants Pass plywood plants as having a significant impact on Medford ozone problems. This is at this time an unsupported conclusion and should be tested through accepted modeling procedures.

The offset provisions in Section 340-20-260 also contain certain objectionable provisions. In item 1 "demonstration" of air quality improvement is not adequately defined. Some guidelines must be established by DEQ to define whether "demonstration" is by calculations, modeling, educated guess, etc.

In item 2 the requirement for appropriateness of offsets in terms of short term, seasonal and yearly time periods is overly stringent and subject to various interpretations. Some flexibility is necessary if offsets are to function. Sentence four of item 2 is redundant to sentence 3 and should be deleted.

In item 3 distinction between fine and larger particulates is made. There is no regulatory foundation for such a distinction at this time. Until such foundation is made in federal standards such distinction is inappropriate. We recommend deletion of this item.

The concept of contemporaneous use of emission reductions in item 4 is a significant disincentive to the use of offsets. We recommend dropping the concept of contemporaneous use in favor of a strengthened and simplified banking incentive program with no time requirement for use.

The requirements established by 340-20-265, the Emission Reduction Credit Banking provisions, create so much uncertainty regarding banked emissions that no firm will be willing to spend funds to create credits for banking. The practical result of this will be that no additional air quality improvements will be made, and the industrial base of a non-attainment area will eventually be destroyed by loss of an available emission inventory. This is an especially critical concern in the Medford-Ashland area, where industrial emissions will soon constitute only a small fraction of total particulate emissions. Reasonable progress towards meeting standards in such cases will depend on public reductions outside the current control of DEQ.

Specifically, we propose the following modifications to 340-20-265:

- a. Para 2 - There is no need to limit banked emissions to a ten year period. As long as the area is not in attainment, it will be necessary to maintain an emissions bank. Rever-

sion of credits to DEQ is the same as loss of banked emissions when the area is not in attainment.

- b. Para 4 - Permanent source shutdowns and curtailments must be bankable by industry. Again, if these credits revert to the DEQ, they will simply be lost. DEQ cannot regrant them as long as non-attainment persists. The result is a gradual erosion of the community's industrial base.
- c. Para 5 & 6 - Discounting of banked emissions will, quite simply, kill any remaining incentive to bank emissions. These paragraphs must be removed if the program is to have any chance of success.
- d. Para 8c - The DEQ has no statutory or regulatory requirement for information on the probable future uses of banked emissions. Therefore, this provision is inappropriate and should be deleted.

The banking program should simply provide that any permanent emission reductions below standards, whether by equipment installation, shutdown or curtailment, be bankable without restrictions. This is essential to protect the economic health of the non-attainment area. Improvement in air quality will still result from the requirements for net air quality benefit in 340-20-260 and from future DEQ regulations.

In conclusion, SOTIA opposes the adoption of the proposed Plant Site Emission Limits and New Source Review Rules without major revision. The Department, while expressing interest, has remained resolute on the wording of several items of concern to the industry. We recommend the commission return the proposal to the Department and task them with addressing the impacts and effects of the various industry proposals and requests. To date the Department has made several revisions. If they

intend to remain resolute on the other areas of concern I believe we deserve an explanation of why they have the best alternative.

Thank you for the opportunity to comment on these proposals.

TESTIMONY ON NEW SOURCE REVIEW RULES

April 24, 1981

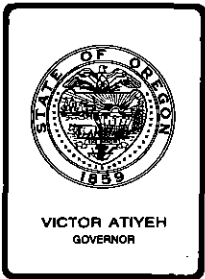
I served as the Air Quality Advisory Committee's representative on Portland's Growth Management Steering Committee. Coming with the goal of improving air quality, I had to oppose the offset program and support instead a growth cushion. The proposed offset program will do nothing to improve air quality and may result in a degradation of air quality because transportation sources are not being dealt with. If we had some control strategies which would allow us to achieve a growth cushion within a couple years, I wouldn't be so concerned about an offset program, but we don't. We have no assurance, at this point, that emissions from transportation and burning sources will be reduced.

Transportation sources should be held accountable for their contribution to pollution as industrial point sources are today. As a part of the Growth Management Study, interviews were undertaken with representatives of key public agencies, business and industrial organizations and public interest groups. The interviewees commented that the use of the automobile for work trips increases auto related emissions on roads and parking lots. The study said, "We found nearly unanimous agreement among the interviewees that the area's growth management policy should consider ways to mitigate these sources of pollution." To address this issue I think you either need to expand these rules so that they include indirect sources or else have the indirect source rule rewritten.

If you approve these rules today I urge you to do two things: (1) on page 11 amend 340-20-225, 21.a. by inserting "cars, trucks" after "Emissions from" (This was in an earlier DEQ draft.) and (2) direct the DEQ to rewrite the Indirect Source Rule so that it requires offsets for new particulate sources.

I want to point out two requirements in these rules which are essential: 340-20-260, 3 on page 35 that emission reductions be of the same type of pollutant as emissions from the new source. (This would prevent harmful fine particulates from being offset by larger particulates such as road dust.) and 340-20-260, 5 & 6, page 37^A that banked offsets may be reduced by the Commission when new rules are adopted and if reasonable further progress is not being achieved.

Jeanne Roy
Air Quality Advisory Committee



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, April 24, 1981, EQC Meeting

Request for a Variance from Rules Prohibiting Open Burning Dumps, OAR 340-61-040(2)(c), for the City of Mitchell

Background and Problem Statement

Wheeler County operates a solid waste disposal site in the City of Mitchell. Mitchell residents regularly open burn putrescible garbage at the site in violation of OAR 340-61-040(2)(c), which prohibits open-burning of such material.

Wheeler County's 1974 Solid Waste Management Plan for operating Mitchell's landfill stipulates weekly soil covering of the accumulated garbage, using roadside spoils collected during the State Highway Division's roadside maintenance activities. This arrangement provides some cover material, and sporadic covering of the garbage does occur.

On February 24, 1981, and March 11, 1981, Department staff discussed the issue of open-burning putrescible garbage with the Wheeler County Judge, the Honorable Andrew Leckie. As a result, the county requests that a variance from the open-burning rules, OAR 340-61-040(2)(c), be granted for an indefinite period. The county contends that strict compliance with the rules is infeasible because of the lack of cover material at the site and the absence of reasonable and practical disposal alternatives (Attachment 1).

ORS 459.225(3) authorizes the Commission to grant a variance from OAR 340-61-040(2)(c), provided the following conditions exist:

1. The conditions in existence are beyond the control of the applicant.
2. Strict compliance would be unreasonable, burdensome or impractical.
3. Strict compliance would result in closure of a site with no alternate facility available.

Alternatives and Evaluations

Alternatives are to (1) deny the variance request; (2) approve the variance request until July 1, 1982, and require the county to prepare and submit to the Commission a more detailed justification for the continuation of open-burning; (3) approve the variance request for an indefinite period; or (4) approve the variance request until July 1, 1986, with conditions.

Strict compliance with the rules would likely require the presence of an attendant at the site and a regular schedule for opening and closing it to Mitchell's 180 residents. The economic burden placed on the county and the city could be unreasonable. Compliance assurance would also entail frequent covering of the garbage to abate nuisance conditions. Field investigations show that cover material in the area is rare, and the amount of material recovered from roadside ditch maintenance is inadequate to cover the garbage weekly. Accordingly, denying the county's variance request could result in the closure of the site. The nearest alternate disposal site is 40 miles away in Spray.

Approving the county's variance request until July 1, 1982, and requiring the county to prepare and submit to the Department a more detailed justification for the continuation of open-burning, could result in the county's submitting such an explanation. However, in staff's opinion, the remoteness of the site justifies the rudimentary explanation the county has already submitted.

Approving the county's variance request for an indefinite period ensures the continued use of the landfill, but would establish a precedent that other small, rural eastern Oregon communities could elect to follow. Traditionally, the Department and Commission have viewed open-burning as a temporary method to dispose of solid waste, allowing the burning to continue on a short-term basis, subject to conditions.

The fourth option, which in staff's opinion is most desirable, would be to approve a variance until July 1, 1986, with conditions. The conditions would require (1) the county and city to open-burn the garbage in a controlled manner, following a prescribed burning method and frequency to be negotiated between the Department, Wheeler County and the City of Mitchell; and (2) the submission to the Department by July 1, 1983, of a report describing the progress toward upgrading the site. The conditions would be included in the county's new Solid Waste Disposal Permit for the Mitchell solid waste disposal site.

In any case, a variance will result in placing the Mitchell site on the federal open dump list (RCRA inventory) with a maximum of 5 years to upgrade or close.

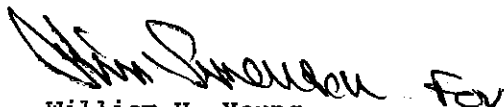
Summation

1. Mitchell residents regularly open-burn garbage at the Mitchell landfill.
2. OAR 340-61-040(2)(c) prohibits open-burning of garbage.
3. Wheeler County requests an indefinite variance to OAR 340-61-040(2)(c) citing limited cover material at the site and no reasonable and practical disposal alternatives.
4. Strict compliance could result in closure of the site, and there is no alternate disposal facility within a reasonable distance.
5. Granting a variance to open-burn indefinitely would keep the site open but could result in inciting other rural eastern Oregon communities to start open-burning. Also, allowing open-burning on a long-term basis and without conditions deviates from the Department's and Commission's traditional view that open-burning garbage is only a conditional and temporary means of disposal.
6. Granting a variance with conditions would keep the site open and would be consistent with the Department's and Commission's open-burning policy.
7. Any variance would result in placing the site on the RCRA open dump inventory requiring upgrading or closing within 5 years.
8. The Commission may grant a variance in accordance with ORS 459.225(3).

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Environmental Quality Commission grant Wheeler County a 5-year conditional variance to OAR 340-61-040(2)(c) for the City of Mitchell, until July 1, 1986.

The conditions would be that open-burning be allowed on a controlled basis with the exact burning procedure and frequency to be negotiated between the Department, Wheeler County and the City of Mitchell, and that a report describing the progress being made toward upgrading the site be submitted to the Department by July 1, 1983.


William H. Young

SC251

Attachment:

1. Letter from Wheeler County requesting the variance.

Gary Calaba:c
229-6534
April 3, 1981

WHEELER COUNTY
FOSSIL, OREGON 97830

Attachment I

March 11, 1981

Mr. Gary Calaba
Oregon Department of Environmental Quality
P. O. Box 1760
Portland, Oregon 97207

Attn: Solid Waste Division

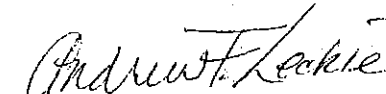
Dear Mr. Calaba;

I understand from the recent telephone conversation that the permit for the solid waste facility at Mitchell, Oregon has expired and that it is time to seek new variance allowing open burning at that facility. Mitchell has used this same facility for many years. It has the approval of the DEQ through the Wheeler County solid waste disposal plan. It is necessary that open burning be permitted at this site, due to the fact that there is very very limited topsoil in the area and absolutely no chance that normal compliance with existing rules could become a reality. There is also no other site available within a reasonable distance and there is just simply no other alternatives.

The people of Mitchell have used this site for a long time themselves and they keep it clean and it is wind fenced and the burning is held to the minimum amount necessary. The cost of alternative methods were examined when the original Wheeler County solid waste plan was formed and it was decided that the only practical means available to this community of 180 people situated 40 miles from any other community was the disposal system they are presently using.

We of the Wheeler County Court sincerely hope the commission views our application for a variance in this instance favorably.

Very truly yours,



Andrew F. Leckie
Wheeler County Judge

AFL/jm

ENVIRONMENTAL QUALITY COMMISSION

April 24, 1981

Breakfast Agenda

- | | |
|---|-------------|
| 1. Legislation update | Swenson |
| 2. Budget update | O'Donnell |
| 3. Open burning update | Gilbert |
| 4. Location and dates for future Commission meetings | Young |
| 5. Joint meeting with Water Policy Review Board, May 8 | Young |
| 6. Ozone standards | Weathersbee |



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

522 SOUTHWEST 5th AVENUE, PORTLAND, OR 97204 PHONE (503) 224-5696

To HAMP #1017
JFK
FAS
your info
JW

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. 3, April 24, 1981, EQC Breakfast Meeting
Open Burning Update

Background

I. Metro "Clean-Up" Week

The following article will appear in the next Ambience:

"May 16 through 24 will be the first of possibly three "Clean-Up Weeks" sponsored by the Metropolitan Service District (METRO) for the collection and non-burning disposal of area homeowner's woody yard debris. METRO began organizing the Clean-Up Weeks during Portland's short-lived ban on backyard burning this spring. When the Environmental Quality Commission (EQC) lifted its ban on March 13th, METRO continued its planning, as the EQC is still studying non-burning alternatives and a possible ban in the future.

Three sites have been designated for collection and chipping of woody waste; St. John's Landfill in Portland, Rossman's Landfill in Oregon City, and the Obrist Pit in Troutdale. As an incentive to bring only woody waste--twigs, branches, and limbs, and not including grass and leaves--to the several collection sites, the normal fees charged by landfills will be reduced. Fees will be ~~\$1.00~~ per carload and ~~\$2.00~~ per pickup load. In addition, an education program has been launched by METRO to instruct the public in non-burning methods of disposing of leaves and grass, such as composting.

METRO's areawide alternative disposal program is being financed by a \$265,000 federal grant. A part of the grant will pay for chipping woody waste into a marketable product, such as boiler fuel or garden and landscaping barkdust. A portion of the grant will be used to assist communities in developing collection programs.

Subsequent Clean-Up Weeks may be planned, based on the experiences of this first project. The hope is that a permanent, non-burning alternative for yard debris disposal will become available to Portland citizens through these efforts, whether or not a ban ever goes into effect.

For further information, call METRO's Recycling Switchboard, 224-5555."

II. Spring Burning Season

Since the backyard burning season began on March 14, 1981, the Department has received a total of 24 phone calls all of which were against the continuation of backyard burning. Five (5) complaints were received for burning on no-burn days.

Notice of Violations were sent to each of these offenders. The Department also received 8 complaints from neighbors of backyard burners complaining about smoky conditions. Since March 14, 1981, there have been no violations of any of the ambient air quality standards.

III. Open Burning Hearings Summary:

The Department held three (3) public hearings on the proposed open burning rules in the Portland metropolitan area during March. These hearings were held:

| | | |
|-----------------------------|----|----------|
| Gresham City Hall | -- | March 9 |
| Multnomah County Courthouse | -- | March 18 |
| Hillsboro City Hall | -- | March 19 |

Approximately 130 citizens attended these hearings, 56 spoke in opposition to the burning ban, four (4) individuals spoke in favor of the ban.

IV. Legislative Action:

Senate Bill 327 as amended (attached) received a do pass recommendation from the Senate Environment and Land Use Committee. The amended bill states:

"After June 30, 1982 the Commission may prohibit residential open burning in areas of the state if the Commission finds:

- (a) Such prohibition is necessary in the area affected to meet air quality standards; and
- (b) Alternate disposal methods are reasonably available to a substantial majority of the population in the affected area."

V. Departmental Actions:

The Department will continue to focus on assisting Metro and local governments in the Metro Demonstration Project. It is our hope that a permanent, non-burning alternative for yard debris disposal will become available to Portland metropolitan area citizens through this effort, whether or not a ban goes into effect.

EQC Agenda Item No.

April 24, 1981

Page 3

In addition, the Department will be coming back to the EQC this summer with a revised open burning rule package. At this time, it is expected that the backyard burning portions of its rules would incorporate the dates included in the legislative bill which is presently June 30, 1982.

William H. Young

Attachments:

REG:o
229-5292
4/23/81
RO127.A



Senate Bill 327^{AS} AMENDED BY SELU

4/22/81

Sponsored by Senators GROENER, HARTUNG, SIMMONS, Representatives FORD, LINDQUIST, SMITH, WHALLON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

- Defines "domestic open burning."
- Allows Environmental Quality Commission to regulate domestic open burning. Prohibits commission from banning "backyard" burning without regard to atmospheric conditions.
- Declares emergency, effective on passage.

Dept of Environmental Quality
RECEIVED
APR 23 1981

A BILL FOR AN ACT

- 1
- 2 Relating to domestic open burning; and declaring an emergency.
- 3 Be It Enacted by the People of the State of Oregon:
- 4 SECTION 1. Section 2 of this Act is added to and made a part of ORS chapter 468.

NORTHWEST REGION

"SECTION 2. (1) The Environmental Quality Commission shall establish by rule periods during which open burning of vegetative debris from residential yard clean-up shall be allowed or disallowed based on daily air quality and meteorological conditions as determined by the department.

"(2) After June 30, 1982, the commission may prohibit residential open burning in areas of the state if the commission finds:

"(a) Such prohibition is necessary in the area affected to meet air quality standards; and

"(b) Alternate disposal methods are reasonably available to a substantial majority of the population in the affected area.

"(3) (a) Nothing in this section prevents a local government from taking any of the following actions if that governmental entity otherwise has the power to do so:

"(A) Prohibiting residential open burning;

"(B) Allowing residential open burning on fewer days than the number of days on which residential open burning is authorized by the commission; or

"(C) Taking other action that is more restrictive of residential open burning than a rule adopted by the commission under this section.

"(b) Nothing in this section affects any local government ordinance, rule, regulation or provision that:

"(A) Is more restrictive of residential open burning than a rule adopted by the commission under this section; and

"(B) Is in effect on the effective date of this 1981 Act.

"(c) As used in this subsection, 'local government' means a city, county, other local governmental subdivision or a regional air quality control authority established under ORS 468.505."

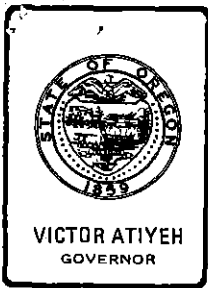
SECTION 3. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act takes effect on its passage.

ENVIRONMENTAL QUALITY COMMISSION
PORTLAND AIR QUALITY ADVISORY COMMITTEE

Lunch Meeting
April 24, 1981

A G E N D A

- I. Backyard Burning
- II. Woodstoves
- III. Public Information Efforts in Air Quality
- IV. Future Direction
 - A. Funding
 - B. Program Direction



Department of Environmental

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

To: Senate Environment Committee

Subject: Alternatives to Backyard Burning

SB 327

The Solid Waste Division is working with local governments and industry to develop alternatives for utilizing yard debris and there are several promising projects in the works. Metro has received a \$265,000 grant to establish yard debris processing and collection sites and to educate the public regarding disposal alternatives. In addition, a private contractor, Regional Clearing, Inc., is developing a process to create a marketable product from yard debris. Regional Clearing, Inc., was under contract by the City of Portland to dispose of the 1980 Portland ice storm debris collected at Kelly Butte.

To quote Portland Public Works Department's evaluation of the applicability of Regional Clearing's process to a regionwide program:

"The feasibility of converting large volumes of landscaping wastes into marketable products has been shown. More specific data on profitability is being developed. Currently burned yard wastes from the entire service district could be handled and marketed by private contractors."

Some local governments, such as Lake Oswego, have begun talking to their private garbage collectors about providing routine collection of yard debris. Gladstone already has an agreement with their collector to provide routine collection of the material. Many collectors throughout the Portland metro area will collect yard debris upon request if certain size standards are maintained by the homeowner.

The DEQ is supportive of efforts by Metro and other local governments in their development of alternatives to landfilling and burning. Cost to local governments is projected to be low since the most logical collection system is already in place, PRIVATE COLLECTORS NOW SERVING THE HOMEOWNER. Costs for processing would most likely fall as strong markets are developed. What is needed at this point is a commitment to follow through with development of collection agreements and the creation of a supportive atmosphere for markets to develop.

We believe that development of many of these good alternatives would not have progressed to the point they are today without the impetus of a burning ban.

The DEQ surveyed a random sample of 5,000 single family dwellings in the Portland metro area. We had a 34% return rate. This survey provided some

insight into people's yard debris disposal habits, their desire to participate in a collection and disposal program and the volume of material available for processing. The survey shows that 46% (307,965 cu.yd.) of the debris was landfilled, 12% (84,874 cu.yd.) was previously burned, 28% (186,023 cu.yd.) was composted by the homeowner and 14% (97,294 cu.yd.) was disposed of in other ways. The survey also showed that 65% of the respondents don't burn, 35% do and, of those that did burn or self-haul their material, 68% would be willing to join a collection system that would cost the same as or less than self-hauling. Overall, 64% of the respondents supported the burning ban if collection and disposal are available. All of the test areas supported the ban except for Hillsboro and Forest Grove, which are excluded from the ban boundaries.

Those with smaller lots were more likely not to burn at all and support the ban than those with larger lots. The turning point as to where more burn and didn't support the ban was the 100' x 200' lot size.

The Department realizes that a burning ban may increase the solid waste disposal bill of some landowners. This may be especially true for large property owners, yet such an increase is consistent with other high costs of large property ownership. Community efforts will keep collection and disposal costs to a minimum for everyone, while placing on each person the responsibility to dispose of the waste he produces.

If a true hardship exists, based on financial, geographic location and other considerations, a special burn permit would be available to an individual. The permit costs \$30 and the fee is to offset the cost of administering the program.

Taking a quick glance at what has been done nationally, as well as locally,

- * First, Portland is one of the few big cities that has allowed open burning to go on for so long, especially with such lax restrictions...

This is best exemplified by Metro's and DEQ's survey of over 31 communities nationwide.

- * Second, collection systems have developed in response to burning bans. Three examples are: Sacramento, CA

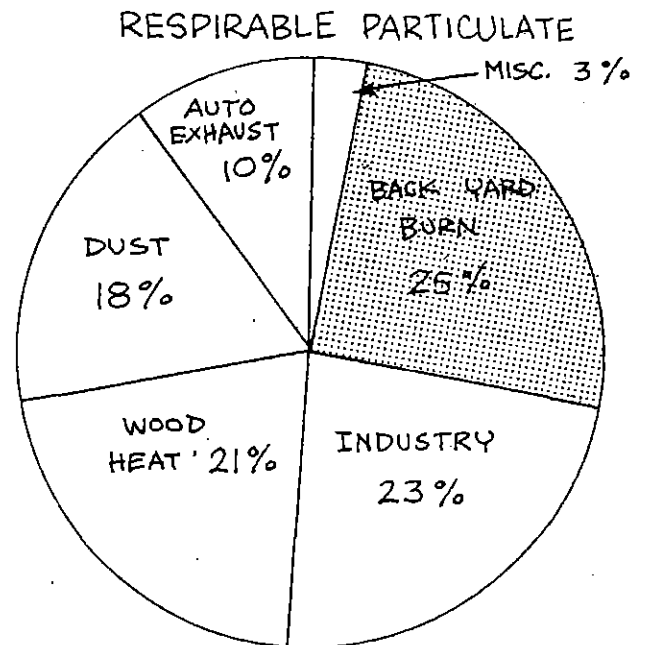
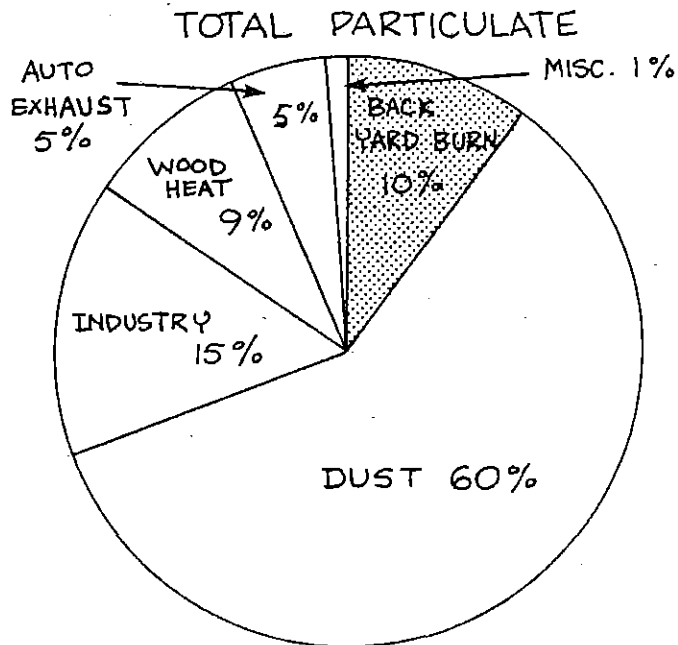
Minneapolis, MN (municipal and private)
Davis, CA

- * Third, in Oregon, the City of Eugene has implemented a local burning ban. Collection is provided by the local collector. Individuals haul debris to transfer stations and the city provides a fall leaf recovery program. People do not burn and still dispose of their material.

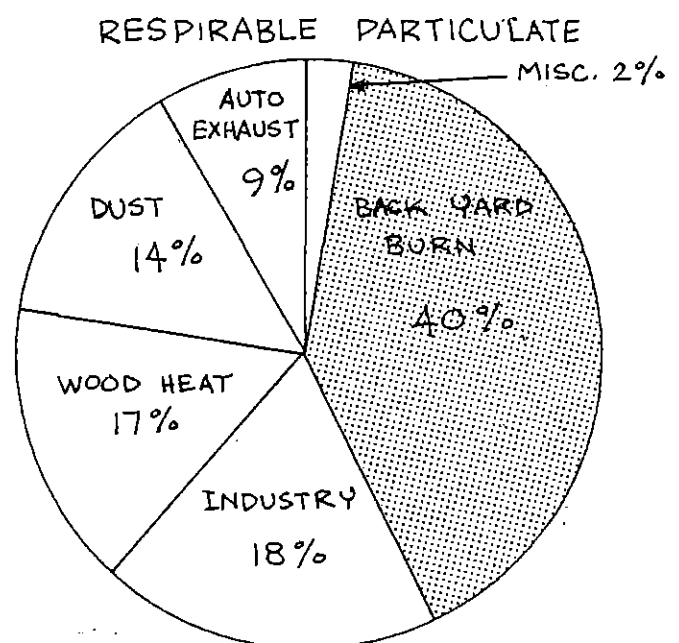
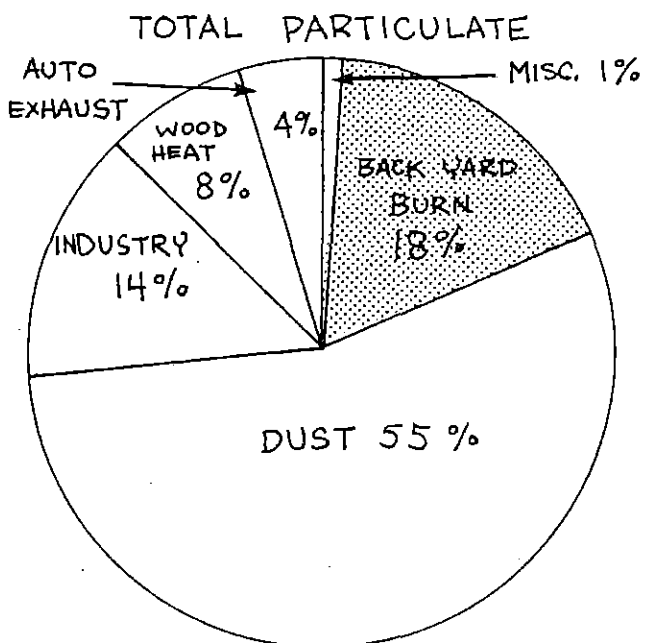
Metro, DEQ and numerous other organizations have researched and defined the alternatives for yard debris disposal. All we need now is the commitment to develop them. That commitment is best demonstrated by the Environmental Quality Commission's decision to implement the ban.

DAILY PARTICULATE EMISSIONS - PORTLAND - AQMA

AVERAGE BURN DAY



MAXIMUM BURN DAY



PARTICULATE CONTROL STRATEGY ALTERNATIVES

RESIDENTIAL AREA IN SOUTHEAST PORTLAND

AIR QUALITY IMPROVEMENT NEEDED - 23%

Daily
Air Quality
Improvement
Achievable

DUST:

- Reduce vehicle miles travelled by 15% 7.3%
- Construction site trackout control 1.4%*
- Street Sweeping 2.5%*
- Paving of unpaved areas 5.4%

INDUSTRY:

- Require switching from residual oil to natural gas 1.4%
- Supplemental control equipment on boilers .03%

RESIDENTIAL:

WOOD HEATING

- Weatherize 30% of region's homes 7.9%*
- Reduce wood moisture content 7.1%
- Apply 75% effective control device on 50% of stoves installed during 1985-87 2.5%
- Apply air supply regulation device on 50% of stoves installed during 1984-87 1.3%

OPEN BURNING

- Prohibit open burning 3.5%*

* Strategies considered most likely to be implementable.

STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

TO: James L. Swenson

DATE: February 10, 1981

FROM: Janet A. Gillaspie

SUBJECT: Industrial Particulate Sources in Portland AQMA
(All expressed in tons particulate per year)

SOURCES OVER 500 TONS/YEAR:

Reynolds Aluminum 879 T/Y

SOURCES BETWEEN 200-300 Tons/Year:

Crown Z - Clackamas County 204 T/Y
Publishers Paper - Oregon City 229 T/Y
Oregon Portland Cement 212 T/Y

SOURCES BETWEEN 100-200 Tons/Year:

Oregon Steel Mill 127 T/Y

SOURCES BETWEEN 50-100 Tons/Year:

Stimson Lumber 77 T/Y
Pacific Carbide 59 T/Y
Linnton Plywood 52 T/Y
Gilmore Steel 80 T/Y
Owens-Illinois (~~80~~) 98 T/Y

SOURCES UNDER 50 Tons/Year:

Rhodia 04 T/Y
Pennwalt 20 T/Y
Terminal Flour Mills 06 T/Y
Union Carbide 41 T/Y
Ash Grove Lime 31 T/Y
Ross Island Sand & Gravel 18 T/Y
Esco Plant #1 23 T/Y
Centennial Mills 05 T/Y

* * * * *

Item J

Why Young
EQC
Weatherbee



Chevron U.S.A. Inc.
P.O. Box 4168, Portland, OR 97208

J. D. Hartup
Manager
Willbridge Distribution Center

April 14, 1981

SUBJECT: AGENDA ITEM NO. J
CONSIDERATION OF TEMPORARY RULE
ADOPTION TO EXTEND COMPLIANCE
DATES FOR VAPOR CONTROL

Environmental Quality Commission
Box 1760
Portland, Oregon 97207

Attention: Mr. William H. Young

Gentlemen:

Chevron supports the DEQ staff recommendation to extend the compliance date for Vapor Recovery from April 1, 1981 to July 31, 1981. We urge the Environmental Quality Commission to adopt this extension.

Chevron started construction in November, 1980 to install Vapor Recovery equipment; however, due to the slow delivery of key equipment items, it has been impossible to meet the deadline date of April 1st. We anticipate no problem having the Chevron Terminal in Portland in full compliance by July 31, 1981.

Very truly yours,

JDH:ms

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
APR 17 1981
OFFICE OF THE DIRECTOR

Item K



EQC
Young
Weatherbee

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
APR 14 1981

ALBERT TEITELBAUM

Investments

OFFICE OF THE DIRECTOR 2300 MORADA LANE, ASHLAND, OREGON 97520

Telephone (503) 482-2357

April 11, 1981

Environmental Quality Commission
Box 1760
Portland, Oregon 97207

For Agenda Item No.K, April 24, 1981, EQC Meeting
Amendments to OAR 340-30-010 to 340-30-045
Wood Particle Dryer Rules for Medford Area

Gentlemen:

Medco, Timber Products and Down River have already had three years to comply with the rules to reduce particulate emissions and your recommendation that they be given additional time to November 1, 1982 is doing an injustice to those of us who live in Rogue Valley.

If a food manufacturer was manufacturing poisoning products would he have the right to continue poisoning the public for another period of almost two years because it would be costly to stop poisoning people and it would put their employees out of work. I see no difference and most people in Rogue Valley agree.

You are not being fair to those of us who live here.

Close those plants until they are able to meet the standards set three years ago. A criminal who doesn't meet his parole obligations goes back to jail and these firms are doing more damage than any group of criminals.

Please force them to obey your own rules. We are trying here to force auto emission checks but your giving these people more time makes it impossible to have our citizens do it.

Sincerely yours,
Al Teitelbaum
Al Teitelbaum

Chairman, City of Ashland Citizens Planning Commission