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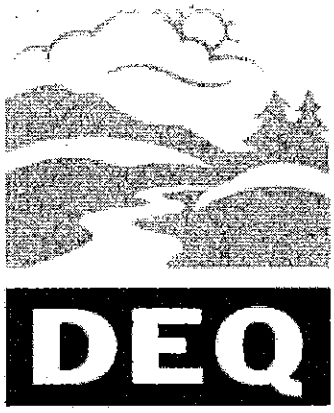
OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS



State of Oregon
Department of Environmental Quality

OREGON ENVIRONMENTAL QUALITY COMMISSION MEETING

March 13, 1981

Autzen Senate Chamber
George Putnam University Center
Willamette University
Salem, 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 January 30, 1981, Commission meeting.

B. Monthly Activity Report for January, 1981.

C. Tax Credit Applications.

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 1981-83 biennium.

E. Request for authorization to hold a public hearing to codify proposed Groundwater Quality Protection Policy into Oregon Administrative Rules.

PUBLIC FORUM

9:15 am 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.

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. 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.

H. Proposed adoption of amendment to rules governing on-site sewage disposal, OAR 340-71-460(6)(e), Appendix J, Clatsop Plains moratorium area.

~~I. Consideration of adopting proposed amendments and additions to Standards of Performance for New Stationary Sources, OAR Chapter 340, Sections 25-505 through 25-535.~~

(MORE)

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.

K. (1) Appeal of Mallory & Mallory, Inc., and Harrold M. Mallory from a civil penalty.

(2) Application of Curl, Hagan and Jackson for a declaratory ruling as to the applicability of OAR 340-71-030(5)(e) to their seasonal dwellings used for recreation.

L. Request for a variance from general emission standards for volatile organic compounds at bulk gasoline terminals (OAR 340-22-130 (1)) for Time Oil Company, Northwest and Bell terminal.

10:00 am M. Public hearing and consideration of adopting proposed revised Open Field Burning Regulations, OAR Chapter 340, Sections 26-005 through 26-030.

INFORMATIONAL ITEMS

N. Status report on proposed approval of the Portland Parking and Traffic Circulation Plan.

~~O. Informational report on status of Portland Metro Motor Vehicle Inspection Program.~~

P. Status report regarding the EQC-Lane Board of Commissioners Intergovernmental Agreement for the River Road/Santa Clara area.

Q. Review and request for concurrence with Tax Credit Program Guidance Handbook.

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 lunch in Dining Room #1, George Putnam University Center, Willamette University. The Commission will not meet for breakfast.

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 unwieldly, 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 of 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:

NAME	ADDRESS OR AFFILIATION
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	City of Oregon City
Dave Abraham	Clackamas County
Charles F. Anderson	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 hearings 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,

Jan Shaw

Jan Shaw
Recording Secretary

MG209 (1)

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item B, March 13, 1981, EQC Meeting

January, 1981 Program Activity Report

Discussion

Attached is the January, 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 listed on pages 2-14 of this report.

Bill

William H. Young

M.Downs:ahe
229-6485
02-18-81

DEPARTMENT OF ENVIRONMENTAL QUALITY

Monthly Activity Report

January, 1981

TABLE OF CONTENTS

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

AQ, WQ, SW Divisions (Reporting Unit) — January, 1981 (Month and Year)

SUMMARY OF PLAN ACTIONS

	Plans Received		Plans Approved		Plans Disapproved		Plans
	Month	Fis.Yr.	Month	Fis.Yr.	Month	Fis.Yr.	Pending
Air							
Direct Sources	15	55	20	75	0	0	40
Water							
Municipal	39	319	36	354	0	0	22
Industrial	6	43	2	34	0	0	18
Solid Waste							
General Refuse	1	11	3	13	0	0	8
Demolition	0	0	0	0	0	0	1
Industrial	1	6	0	8	0	1	5
Sludge	0	3	0	3	0	0	0
Hazardous Wastes	0	0	0	0	0	0	0
GRAND TOTAL	62	437	61	487	0	1	94

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division (Reporting Unit) — January, 1981 (Month and Year)

PLAN ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Lake	Oil-Dri Production Co.	12/26/80	Approved
Linn	Duraflake Co.	12/29/80	Approved
Lane	Treplex	12/30/80	Approved
Hood River	Joe C. Sheirbon	01/06/81	Approved
Lane	Bohemia Inc. Junction City	01/06/81	Approved
Coos	Weyerhaeuser Co.	01/12/81	Approved
Yamhill	Cascade Steel Mills	01/13/81	Approved
Clackamas	Oregon Portland Cement	01/19/81	Approved
Multnomah	Reynolds Aluminum	01/21/81	Approved
Multnomah	Oregon Steel Mills	01/21/81	Approved
Multnomah	Esco Corp. Plant 1	01/21/81	Approved
Multnomah	Marine Iron Works	01/21/81	Approved
Clackamas	Oregon Portland Cement	12/22/80	Approved
Clackamas	Oregon Portland Cement	12/22/80	Approved
Lane	Bohemia Wood Systems	12/28/80	Approved
Lane	Lane Plywood Inc.	12/17/80	Approved
Clackamas	Oregon Portland Cement	01/09/81	Approved
Lane	Bohemia Inc. Culp Creek	01/06/81	Approved
Klamath	Weyerhaeuser Co.	12/22/80	Approved
Lane	Weyeraeuser Co.	01/20/80	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division (Reporting Unit) — January, 1981 (Month and Year)

SUMMARY OF PLAN ACTIONS
FOR NON-PERMITTED VOC SOURCES

	Plans Approved Month	FY
Air		
Direct Sources	-	501

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
MONTHLY ACTIVITY REPORT

PLAN ACTIONS COMPLETED

FOR NON-PERMITTED VOC SOURCES

Direct Sources

County	Number	Source	Process Description	Date of Action	Status
CLACKAMAS		BURNS BROS INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		ROSEWOOD SHELL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		CROCKER'S CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		HATTAN & FISHER ARCO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		BAUER'S UNION SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		WILSONVILLE CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		THE BOMBER	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		MARLYN'S HILLTOP CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		WELLS' MOBIL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		A & B AUTOMOTIVE & TOWING	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		HENRY'S SHELL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		CARTER'S CHEVRON INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		LEWIS CLARK SHELL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		LAUNDLER'S CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		CLACKAMAS SHELL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		LAKE GROVE TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		LAKE OSWEGO ROCKET	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		WOODARD'S STANDARD SERV	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		WESTERN STATIONS CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		F LUKENS OAK GROVE ARCO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		WOODARD CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		WEST LINN MOBIL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		OK GAS & OIL CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		NICHOLS UNION SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		ASHLAND BROS	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		MIKE'S TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		COOPER'S WILSONVILE SHELL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		DICK'S LAKE GROVE SHELL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		HAROLD'S TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		MAINS' SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		ROY'S EXXON STATION	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		FLYING J OIL CO INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		SOUTH GATE RETAIL SERV	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		RUB-A-DUB CAR WASH INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		RUB-A-DUB CAR WASH INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		RUB-A-DUB CAR WASH INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		OREGON CITY MOBIL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		MERIT BOOM TOWN USA	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		FRANKO OIL CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		LAKE OSWEGO SHELL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		GLADSTONE SHELL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		PHIL'S AUTO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		HARRISON ST UNION	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		FASTWAY GAS & LUBRICATION	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		FRIENDLY CHEVROLET	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		LAYMON'S SHELL SERV	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR

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DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
MONTHLY ACTIVITY REPORT

PLAN ACTIONS COMPLETED

FOR NON-PERMITTED VOC SOURCES

Direct Sources

County	Number	Source	Process Description	Date of Action	Status
CLACKAMAS		JOHN DALE MOBIL SERV	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		RABBITT CHEVRON SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		MEL'S MOBIL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		HICKMAN'S UNION SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		DON'S ARCO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		STEWART'S TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		OAK GROVE CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		WESTWOOD CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		LORRY'S ARCO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
CLACKAMAS		CHANDLER'S LAKE RD SHELL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		LEE'S SHELL STATION	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		WESTERN OIL & BURNER CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		EASTSIDE UNION SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		MOLFF'S N MAIN CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		CRATER LAKE TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		NORTHROP'S GAS & SAVE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		J & J MARKET 502	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		MESSAL'S AUTO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		MERLE'S CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		CRATER LAKE ARCO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		JACK'S MOBIL SERVICE 501	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		WESTERN STATIONS CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		WESTERN STATIONS CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		WESTERN STATIONS CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		CHEVRON U.S.A. INC 26	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		CHEVRON U.S.A. INC 26	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		CHUCK'S CRATER SHELL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		J & D'S MARKET	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		ADAM'S TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		FLECK'S UNION 76	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		MEDFORD TRUCK TERMINAL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		CHUCK'S SHELL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		HAWK OIL CO.	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		KOCH'S CHEVRON SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		GRANGE COOPERATIVE SUPPLY	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		CENTRAL POINT FREWY EXXON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		WRIGHT'S CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		WHITE CITY SHELL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		TALENT SHELL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		HAUNES EQ & FUEL CO INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		BARNETT FREEWAY EXXON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		LOU'S FREEWAY TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		CANEIN'S UNION SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		KOHAL ARCO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		WESTERN OIL & BURNER CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		ART & LOIS TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		STAN'S SHELL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
MONTHLY ACTIVITY REPORT

PLAN ACTIONS COMPLETED

FOR NON-PERMITTED VOC SOURCES

Direct Sources

County	Number	Source	Process Description	Date of Action	Status
JACKSON		NORRIS TRUCK & AUTO INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		CRATER LAKE MOBIL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		FRANKO OIL CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		FRANKO OIL CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		KLEEN UP GAS & WASHES	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		BOB'S MOBIL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		ROGUE VALLEY STATIONS INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		ROGUE VALLEY STATIONS INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		ROGUE VALLEY STATIONS INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		DOUNDS EXXON SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		WESTERN OIL & BURNER CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		HAUK OIL CO.	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		NORTH MAIN UNION	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		DIDDLE ROAD UNION	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		DEAN'S SHOP CENTER TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		BOB JOHNS UNION	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		ROGUE VALLEY STATIONS INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		DON'S ARCO SERVICE 501	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		BUDGET TRUCK STOP INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		TINY'S TEXACO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		RAINEY'S CORNER MARKET	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		BENNETTS UNION SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		STENART AVE TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		PIONEER EXXON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		FAIRGROUND SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
JACKSON		BUDREAU'S ARCO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		BRANDT'S EXXON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		SOUTHGATE UNION SERVICE.	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		VESTAL'S TEXACO 302	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		REDING'S CHEVRON 24	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		RUSSELL'S GULL STA	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		PORTLAND ROAD CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		MASTER SERVICE CENTER INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		BEAN'S SHELL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		BONDEN'S TEXACO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		CAMERON ARCO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		CITY OF SALEM	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		AUBURN ARCO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		JAEGER'S SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		IVIE SHELL SERVICE #1	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		DENTAL'S AUTOMOTIVE CTR	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		CURT'S TEXACO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		WESTERN STATIONS CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		CHEVRON U.S.A. INC 26	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		CHUCK'S TEXACO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		JOE'S EXXON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		ERICKSON'S CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
MONTHLY ACTIVITY REPORT

PLAN ACTIONS COMPLETED

FOR NON-PERMITTED VOC SOURCES

Direct Sources

County	Number	Source	Process Description	Date of Action	Status
MARION		KEIZER CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		PETERSON'S CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		BATDORF'S HOME & AUTO SUP	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		PERRY'S MOBIL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		BAYLOR'S MOBIL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		MARKET STREET UNION	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		GERALD'S EXXON SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		SOUTH SALEM CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		BARRY'S TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		HAMPLER'S FREEWAY ARCO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		CHUCK'S GULL STATION	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		CHRIS TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		FRANKO OIL CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		FRANKO OIL CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		KEIZER TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		LANCASTER TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		POLK COUNTY FARMERS CO-OP	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		MERRITT TRUAX OIL CO INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		METCALFE OIL CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		FASTWAY LUBE CENTER	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		BAYLOR' MOBIL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		FRANKO OIL CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		JERRY'S UNION SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		MERVIN'S AUTOMOTIVE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		BOB'S EXXON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		G & S TEXACO INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		LUIS TEXACO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		MERRITT TRUAX OIL CO INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		FLORA & DON'S TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		HAMPLER'S ARCO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		BELLINGER BROS	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		DOWNTOWN UNION	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		KAR KLEEN INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		JIM'S FREEWAY SHELL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MARION		HARRIS ENTERPRISES INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		BURNS BROS INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		BURNS BROS INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		MCKENZIE'S ARCO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		FRESHNER'S SHELL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		PARKSIDE ARCO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		FERGUSON UNION 76	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		ANDERSON'S CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		ROCKET PORT SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		OLSON'S SYLVAN 76 INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		DON'S CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		DANIEL'S DOCK	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR

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FOR NON-PERMITTED VOC SOURCES

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County	Number	Source	Process Description	Date of Action	Status
MULTNOMAH		M S ARCO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		BURLINGAME CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		JACK'S SHELL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		SYLVAN CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		LAWRENCE'S CHEVRON STA'	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		MCCORD'S TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		MORROW'S TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		DON K'S ARCO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		SAM'S TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		WOOD VILLAGE ROCKET SERV	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		REECE AUTOMOTIVE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		CHUCK'S CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		SCOTT'S ARCO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		CHERRY'S ARCO TOO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		TINSLEY'S ARCO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		TREAT'S SHELL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		ROCKET RANCH	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		WES'S SHELL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		WINTERS' ARCO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		LLOYD CENTER UNION SERV	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		EXXON CO USA	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		BURLINGAME EXXON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		WARD'S CHEVRON SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		WOOD VILLAGE CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		WERNER'S SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		CAPITOL CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		GREEN HILL SHELL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		PLISKA'S SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		ROBISON'S MOBIL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		GATEWAY ROCKET SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		SHORES CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		LUCAS DIVISION ST UNION	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		INTERSTATE TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		WESTERN STATIONS CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		WESTERN STATIONS CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		WESTERN STATIONS CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		WESTERN STATIONS CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		WESTERN STATIONS CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		CHEVRON U.S.A. INC 26	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		CHEVRON U.S.A. INC 25	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		TIME OIL CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		BOWDISH CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		J & H ARCO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		MATHENY AUTO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		PARKER'S UNION SERV	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		PHELPS CHEVRON SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		BARBAR'S GAS STOP	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR

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MULTNOMAH		BETTS CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		HASKO'S EXXON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		WOOD VILLAGE FREEWAY SERV	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		GUSTIN'S MOTOR SUPPLY INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		ROBERSON'S SHELL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		SNIDER'S SHELL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		STINE'S CHEVRON SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		HANDY BROS SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		SANDY MOBIL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		JENTZEN'S UNION 76	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		CARTER'S GATEWAY CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		LANHEAD'S MOBIL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		ROCKET WAYS	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		TAYLOR'S UNION	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		COOPER'S AUTO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		LAEL'S BURNSIDE UNION	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		WOOD VILLAGE TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		KRESS MOBIL SERVICE STA	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		PAGE'S CHEVRON SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		JEFF'S CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		TRENTHAM'S UNION SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		DESSIENS ENTERPRISES INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		ROCKET EMPIRE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		ZAHARIAS ARCO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		MERIT BOOM TOWN USA	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		BUCK'S W FILD TEXACO INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		HOLGATE MOBIL SERVICE INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		D & R TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		JOHN STEWART SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		SIMMONS CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		PORTSMOUTH ARCO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		MURRAY'S MOBIL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		D & L MOBIL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		ROCKET CITY INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		SCHREINER'S SHELL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		MULTNOMAH BLVD EXXON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		TAKEUCHI'S GATEWAY SERV	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		LLOYD CENTER TEXACO SERV	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		STEENSON'S ARCO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		SYLVAN SHELL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		JERRY'S EXXON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		MULTNOMAH ROCKET	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		BUD'S AUTO SUPPLY	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		BRANNON'S MOBIL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		SANDY BLVD SHELL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		GILLESPIE'S ARCO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR

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MULTNOMAH		RALEIGH HILLS SHELL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		M R UNION 76 SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		BURLINGAME UNION SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		JAY'S SHELL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		ROY'S MOBIL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		POE'S SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		VILLAGE SQUARE MOBIL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		RUB-A-DUB CAR WASH INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		RUB-A-DUB CAR WASH INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		DAN'S SHELL SERVICE CTR	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		RUB-A-DUB CAR WASH INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		POLLAK'S GRESHAM TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		LAYMON'S SHELL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		GATEWAY ARCO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		BERTSCH MOBIL SERV INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		MOCZULSKI CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		SHO'S AUTO REPAIR & SERV	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		ROCKET CAPITOL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		R & L MOBIL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		JIM'S GRESHAM UNION INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		JERRY'S SKYLINE CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		RUB-A-DUB CAR WASH INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		RUB-A-DUB CAR WASH INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		RUB-A-DUB CAR WASH INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		RUB-A-DUB CAR WASH INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		RUB-A-DUB CAR WASH INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		WOODSTOCK TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		FRANK'S ARCO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		HOLLYWOOD ROCKET	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		AL'S CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		WEST HILLS UNION SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		ROCKET GLISAN	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		TROUTDALE CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		ROCKWOOD ROCKET	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		MARZ EXXON SERVICE CENTER	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		GRIFFITH-MURRELL PETROL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		ADAMS' UNION SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		FRANKO OIL CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		WARREN'S UNION 76 SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		VISTA #837	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		SERVE-U-WELL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		GRAHAM'S CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		FLYING J OIL CO INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		MERIT BOOM TOWN USA	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		CARDINAL PETROLEUM CO INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		BRAD'S ARCO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		HARRIS ENTERPRISES INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR

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MULTNOMAH		HARRIS ENTERPRISES INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		HARRIS ENTERPRISES INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		FRANKO OIL CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		FRANKO OIL CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		ARENDELL'S ARCO SERV CTR	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		JANTZEN BEACH SHELL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		SCHMIDT SHELL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		PETE'S UNION 76	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		BOB'S UNION SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		JUNG'S CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		NEIL'S AUTO REPAIR	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		JONES' GRESHAM CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		DAVE'S PHILLIPS UNION 76	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		LEE'S EXXON TIRE & AUTO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		VERMONT STREET MOBIL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		CASTEEL'S UNION 76	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		FASTWAY GAS	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		JUDY'S ROCKET SERVICE INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		ED'S ARCO SERVICE 232	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		RON'S I-205 TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		LACHNEY'S UNION 76	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		LEE'S SHELL SERVICE 253	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		HAYDEN ISLAND TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		FRANKO OIL CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		LACKMAN'S TOWING & REPAIR	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		BRUCE & BILL'S ARCO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		FILLMART ARCO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		GATEWAY UNION 76 SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		CHARLES' TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		TONY'S EXXON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		GRAHAM'S CHEVRON 202	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		D J'S UNION	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		COURTRIGHT SERV CTRS INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		JOHN GENT'S ARCO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		PERFORMANCE TIRE & WHEEL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		ALI'S UNION	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		PORTLAND GEN. ELECTRIC	VAPOR RECOVERY GAS STATION	00/00/00	APPROVE CONSTR
MULTNOMAH		DISCOUNT GAS & OIL CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		GRIFFITH-MURRELL PETROL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		GRIFFITH-MURRELL PETROL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		GRIFFITH-MURRELL PETROL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		HANDY ANDYS AUTO REPAIR	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		HILLSDALE ARCO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		WEST BURNSIDE STANDARD	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		LLOYD CENTER MOBIL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		CREER'S TEXACO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		LARRY'S ARCO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR

DEPARTMENT OF ENVIRONMENTAL QUALITY
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FOR NON-PERMITTED VOC SOURCES

Direct Sources

County	Number	Source	Process Description	Date of Action	Status
MULTNOMAH		JOHN'S EXXON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		BORCHER'S UNION	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		BOB'S TEXACO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		HAL'S MOBIL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		POWELL'S CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		CAIN'S CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		CHANEY'S SHELL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		JACK'S MOBIL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		HETTERVIG, PAUL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		ROSE CITY ARCO INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		GRAND GULL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		INTERSTATE SHELL SERV	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		QUIK-LUBE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		ED'S SHELL SERVICE 201	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		MARDEN SHELL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		MOUNTAIN VIEW SHELL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		MT HOOD COLLEGE TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		GULL OIL CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		HARRIS ENTERPRISES INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		HARRIS ENTERPRISES INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		HARRIS ENTERPRISES INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		HARRIS ENTERPRISES INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		HARRIS ENTERPRISES INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		KILLINGSWORTH ROCKET	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		BOB'S DIVISION ROCKET	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		FORD'S ARCO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		MONTAVILLA CHEVRON SERV	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		GIL'S FREEWAY SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		SHERRY'S ARCO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
MULTNOMAH		EAST BURNSIDE SHELL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
POLK		WEST GATE EXXON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
POLK		Y TEXACO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
POLK		BRUSH COLLEGE GROCERY	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
POLK		NEUFELDT BROS TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		GREENBURG MOBIL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		FOSTER'S UNION SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		KIRLIN'S W SLOPE TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		SVELA'S UNION CRE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		DOLL'S SHELL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		RASMUSSEN'S CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		HIGHLAND CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		NORTH PLAINS ARCO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		CEDAR MILL TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		HOLMAN'S CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		WESTERN STATIONS CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		WESTERN STATIONS CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		SHELL CAR WASHES	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR

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PLAN ACTIONS COMPLETED

FOR NON-PERMITTED VOC SOURCES

Direct Sources

County	Number	Source	Process Description	Date of Action	Status
WASHINGTON		SETNIKER'S ALOHA SHELL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		PROGRESS UNION 76	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		NINE-T-NINE SALES & SERV	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		BILL'S TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		KEN'S UNION SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		LOMBARD SHELL 005	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		SKIP'S ARCO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		WILLIAMS PROGRESS TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		BASELINE MOBIL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		BEAVERTON ARCO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		PROGRESS SHELL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		SHULT'S SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		SUPREGVER'S SHELL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		FULLER'S MOBIL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		TIGARD TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		BOB WOOD ARCO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		HILLSBORO SHELL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		MIKES ROCKET JUNCTION	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		FATHER & SON'S SHELL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		BOB'S ARCO 005	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		GASTON ROCKET	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		KING CITY ARCO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		OAK HILLS ARCO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		BALDWIN'S UNION 76 SERV	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		MANNING'S UNION	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		JOHN'S FREEWAY SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		COLONIAL TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		SVELA'S ROCKET	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		BILL'S UNION 76 SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		FRANKO OIL CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		RUB-A-DUB CAR WASH INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		HARRIS ENTERPRISES INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		M & M AUTOMOTIVE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		CORDER'S ARCO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		MERIT BOOM TOWN USA	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		MERIT BOOM TOWN USA	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		BOB'S UNION 76 SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		JERRY'S SHELL 34	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		T & R TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		FARMINGTON TEXACO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		FLYING J OIL CO INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		T-V HIGHWAY SHELL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		DOLL SERVICE CO #2	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		CHICK'S ROCKET LANDING	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		FARMINGTON MALL TEXACO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		HORST ARCO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		GASSER'S ARCO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR

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PLAN ACTIONS COMPLETED

FOR NON-PERMITTED VOC SOURCES

Direct Sources

County	Number	Source	Process Description	Date of Action	Status
WASHINGTON		CORNELL UNION 76	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		BEAVERTON MALL SHELL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		FAIRBANKS UNION	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		VALLEY SHELL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		GARY & BOB'S UNION	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		ART'S ARCO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		WINDROW SERVICE CENTER	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		10TH AVE EXXON SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		SIX CORNERS CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		FIEDLERS MOBIL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		WEST SLOPE MOBIL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		HANEGAN'S SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		HENSON'S MOBIL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		TEDD'S CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		NARV'S CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		SHELTON'S CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		HAMMERLY'S MOBIL	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		DAILEY TEXACO & TIRE CTR	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		FOREST GROVE CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		DRYSDALE'S CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		BOB'S WEST SLOPE CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		SUNSET CHEVRON SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		MIKE'S EXXON PRODUCTS	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		GREG'S CHEVRON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		WALLY'S CHEVRON ON CANYON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		BASELINE ARCO SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		PROGRESS EXXON	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		GULL OIL CO	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		HARRIS ENTERPRISES INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		HARRIS ENTERPRISES INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		HARRIS ENTERPRISES INC	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		JESSE'S FREEWAY SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		FRISON'S CHEVRON SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR
WASHINGTON		HOLMEN'S SHELL SERVICE	VAPOR RECOVERY GAS STATION	05/01/79	APPROVE CONSTR

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality	January 1981
(Reporting Unit)	(Month and Year)

PLAN ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
INDUSTRIAL WASTE SOURCES (2)			
Tillamook	E. John Dyk, Tillamook Animal Waste Holding Tank	1/13/81	Approved.
Clatsop	Crown Zellerbach Wauna, Piping and Electric Panels to Reuse Hypochlorite Washer Filtrate	1/21/81	Approved.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit) — January 1981 (Month and Year)

PLAN ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
MUNICIPAL WASTE SOURCES (36)			
Washington	STP Modification USA - Sommerset West	12/1/80	P.A.
Clackamas	Shadow Hawk Condo's Holding Tanks Clackamas County S.D. No. 1	12/5/80	Approval to N.W. Region
Lincoln	Quiet Water Project Sewers Pump Station, Yachats	1/2/81	Comment Ltr. to Engineer
Jackson	Cherry St. Sewers Bear Creek Valley Sanitary Authority	1/2/81	P.A.
Yamhill	Laurel St.-Dogwood Park Dundee	1/5/81	P.A.
Washington	Central Church Extension USA	1/5/81	P.A.
Marion	R.M. Tone Subdivision Specs. - Salem	1/6/81	P.A.
Multnomah	S.W. Comus & Pasadena Sts Sewers - Portland	1/7/81	P.A.
Klamath	Hwy. 39 - Hagerway Sewer So. Suburban S.D.	1/8/81	P.A.
Grant	Strawberry Addition Sewers Prairie City	1/8/81	P.A.

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Water Quality Division (Reporting Unit) — January 1981 (Month and Year)

PLAN ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
MUNICIPAL WASTE SOURCES CONTINUED			
Lincoln	Cherry Hill Park Sewers Lincoln County	1/9/81	P.A.
Washington	S.E. Cedar St.-Pearson Rd. Sewer - USA	1/12/81	P.A.
Multnomah	Northwyn Subdivision Sewers - Portland	1/12/81	P.A.
Lane	Tom Laherty Sewer Veneta	1/14/81	P.A.
Douglas	Meadows Subdivision Sewers - Sutherlin	1/16/81	P.A.
Tillamook	Castling Sewer Project North Tillamook County Sanitary Authority	1/16/81	P.A.
Tillamook	Waldon Klopfke Sewers North Tillamook County Sanitary Authority	1/16/81	P.A.
Coos	Cranberry #2 Subdivision Sewers, Bandon	1/19/81	P.A.
Multnomah	Creightonwood P.U.D. Sewers, Portland	1/20/81	P.A.
Multnomah	S.E. 145th-Duke Streets Sewers, Portland	1/20/81	P.A.
Washington	S.W. 92nd Sewer Improvement, USA	1/22/81	P.A.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit) — January 1981 (Month and Year)

PLAN ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
MUNICIPAL WASTE SOURCES CONTINUED			
Washington	Hartung Farms No. 4 Sewers - USA	1/22/81	P.A.
Deschutes	Terrebonne Estates Sewers, Terrebonne	1/22/81	Ltr. to Central Region
Multnomah	S.W. 45th Ave.-Pasadena St. Sewer, Portland	1/26/81	P.A.
Marion	Sayre Add. No. 2 Sewers, Sublimity	1/26/81	P.A.
Lane	Bessie Homes Sewers Eugene	1/27/81	P.A.
Josephine	S.W. Sec. 20, Sewer Project, Grants Pass	1/27/81	P.A.
Multnomah	Mittleman Addition Sewers, Portland	1/28/81	P.A.
Clackamas	Mountain Park Town Center Sewers, Lake Oswego	1/28/81	P.A.
Multnomah	S.E. 64th-Grant St. Sewers Portland	1/29/81	P.A.
Douglas	Meadowwood Subdivision Sewers, Douglas County	1/29/81	P.A.
Coos	Perham Park Addition Sewers, Coos Bay	1/29/81	P.A.
Marion	Village 1980 Ph. No. 2 Stayton	1/29/81	P.A.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit) — January 1981 (Month and Year)

PLAN ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
MUNICIPAL WASTE SOURCES CONTINUED			
Lincoln	Seagrove Subdivision Gleneden Beach S.D.	1/30/81	P.A.
Washington	Weeping Birch Estates USA	1/30/81	P.A.
Lincoln	Chlor. Contact Basin Newport	1/30/81	P.A.

P.A. = Preliminary Approval

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division (Reporting Unit) — January 1981 (Month and Year)

PLAN ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Tillamook	Manzanita Transfer Station Construction Plans	1/26/81	Approved
Tillamook	Pacific City Transfer Station Construction Plans	1/26/81	Approved
Douglas	Lemolo Landfill Existing Facility Operational Plan	1/21/81	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division (Reporting Unit) — January, 1981 (Month and Year)

SUMMARY OF AIR PERMIT ACTIONS

	Permit Actions Received Month	Permit Actions Received FY	Permit Actions Completed Month	Permit Actions Completed FY	Permit Actions Pending	Sources Under Permits	Sources Reqr'g Permits
Direct Sources							
New	3	9	0	14	14		
Existing	0	10	2	8	17		
Renewals	13	78	7	77	109		
Modifications	0	2	2	20	7		
Total	16	120	11	120	147	1977	2036
Indirect Sources							
New	0	10	1	19	5		
Existing	0	0	0	0	0		
Renewals	0	0	0	0	0		
Modifications	0	3	1	4	0		
Total	0	13	2	23	5	183	0
GRAND TOTALS	18	117	13	130	152	2160	2036

Number of Pending Permits	Comments
13	To be drafted by Northwest Region
15	To be drafted by Willamette Valley Region
7	To be drafted by Southwest Region
3	To be drafted by Central Region
18	To be drafted by Eastern Region
1	To be drafted by Program Planning Division
21	To be drafted by Program Operations
60	Awaiting Public Notice
9	Awaiting the end of the 30-day period
147	TOTAL

11 Technical Assists 12 A-95's

DEPARTMENT OF ENVIRONMENTAL QUALITY

PERMITS ISSUED

DIRECT STATIONARY SOURCES

COUNTY	SOURCE	PERMIT NUMBER	APPLIC. RECEIVED	STATUS	DATE ACHIEVED	TYPE OF APPLICATION
COLUMBIA	BOISE CASCADE CORP	05	1777	09/17/80 PERMIT ISSUED	12/25/80	RNW
CROOK	CLEAR PINE MOULDINGS INC	07	0001	08/15/80 PERMIT ISSUED	12/25/80	RNW
DESCHUTES	DIAMOND INTERNATIONAL	09	0018	06/11/80 PERMIT ISSUED	12/25/80	RNW
JACKSON	PARSONS PINE PRODUCTS	15	0035	09/04/80 PERMIT ISSUED	12/25/80	RNW
JOSEPHINE	HULL & HULL FUNERAL DIRCT	17	0062	09/09/80 PERMIT ISSUED	12/25/80	EXT
LINN	CHAMPION BUILDING PRODUCT	22	5195	07/09/80 PERMIT ISSUED	12/25/80	RNW
MALHEUR	TEAGUE MINERAL PRODUCTS	23	0023	10/17/79 PERMIT ISSUED	12/25/80	EXT
MULTNOMAH	NU-WAY OIL COMPANY	26	2464	00/00/00 PERMIT ISSUED	12/25/80	RNW
WASHINGTON	CONRAD VENEERS INC	34	2560	10/15/79 PERMIT ISSUED	12/25/80	RNW
JACKSON	WHITE CITY DRY KILN INC.	15	0053	10/23/80 PERMIT ISSUED	12/31/80	MOD
COOS	WEYERHAEUSER COMPANY	06	0007	00/00/00 PERMIT ISSUED	01/16/81	MOD

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division (Reporting Unit) — January, 1981 (Month and Year)

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Clackamas	Koll Business Center Milwaukie 1121 Spaces File No. 03-8010	1/2/81	Final Permit Issued
Washington	Beaverton Town Center 580 Spaces File No. 34-8029	1/31/81	Final Permit Issued

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit) — January 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.					
	*	/**	*	/**	*	/**	*	/**	*	/**	* /**	* /**
Municipal												
New	0	/1	2	/4	0	/0	1	/2	4	/6		
Existing	0	/0	0	/0	1	/0	1	/0	1	/0		
Renewals* Note 1	1	/4	12	/15	1	/0	20	/5	25	/17		
Modifications	1	/0	5	/1	4	/0	6	/2	4	/0		
Total	2	/5	19	/20	6	/0	28	/9	34	/23	262/91	267/97
Industrial												
New	0	/2	8	/9	0	/0	6	/7	8	/12		
Existing	0	/0	1	/1	1	/0	2	/0	1	/2		
Renewals	7	/2	39	/21	18	/6	60	/14	62	/23		
Modifications	1	/0	8	/3	3	/1	6	/2	4	/1		
Total	8	/4	56	/34	22	/7	74	/23	75	/38	366/155	375/169
Agricultural (Hatcheries, Dairies, etc.)												
New	1	/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	2	/0	27	/0	7	/0		
Modifications	0	/0	0	/0	0	/0	0	/0	0	/0		
Total	1	/0	2	/0	2	/0	28	/0	9	/0	53/20	55/20
GRAND TOTALS	11	/9	77	/54	30	/7	130	/32	118	/61	681/266	697/286

* NPDES Permits
** State Permits

Note 1. Camp Lane STP changed from NPDES to WPCF

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit) — January 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 (23)			
Douglas	Pacific Power and Light Slide Creek	1/12/81	Permit Renewed
Douglas	Pacific Power and Light Clearwater #1	1/12/81	Permit Renewed
Douglas	Pacific Power and Light Clearwater #2	1/12/81	Permit Renewed
Douglas	Mt. Mazama Plywod co. Sutherlin	1/12/81	Permit Renewed
Multnomah	Oregon Steel Mills Rivergate Plant--Portland	1/13/81	Permit Renewed
Douglas	Robert Dollar Company Glendale	1/13/81	Permit Renewed
Wasco	Stadelman Fruit, Inc. The Dalles	1/13/81	Permit Renewed
Klamath	D.G. Shelter Products Klamath Falls	1/13/81	Permit Renewed
Multnomah	Halton Tractor Co. Portland	1/13/81	Permit Renewed
Clackamas	Oregon Dept. of Fish & Wildlife-Sandy Fish Hatchery	1/22/81	Permit Renewed
Lane	Bohemia Inc. Dexter	1/22/81	Permit Renewed
Linn	Clear Lumber Company Sweet Home	1/22/81	Permit Issued

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit) — January 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 Continued			
Douglas	Woolley Enterprises Inc. Drain	1/27/81	Permit Renewed
Douglas	Woolley Enterprises Inc. Yoncalla	1/27/81	Permit Renewed
Lincoln	City of Depoe Bay STP Depoe Bay	1/27/81	Permit Renewed
Douglas	Nordic Plywood Inc. Veneer Peeling-Roseburg	1/27/81	Permit Renewed
Douglas	Clinton Faber M.D. Reedsport	1/30/81	Permit Renewed
Clatsop	Bioproducts Warrenton	1/30/81	Permit Renewed
Douglas	Oregon Dept. of Fish & Wildlife-Rock Creek Hatchery	1/30/81	Permit Renewed
Douglas	U.S. Forest Service Tiller Ranger Station	1/30/81	Permit Issued
Lane	Bohemia Inc. Culp Creek	1/30/81	Permit Renewed
Lane	Pape Brothers Inc. Steam Cleaning, Eugene	1/30/81	Permit Renewed
Lane	Davidson Industries Inc. Mapleton-Veneer Plant	1/30/81	Permit Renewed

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit) — January 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 (6)			
Wasco	Sand and Gravel Inc. Tygh Valley	1/13/81	Permit Renewed
Yamhill	Dayton Meat Company	1/13/81	Permit Renewed
Clackamas	Portable Equipment Corp. Clackamas	1/13/81	Permit Renewed
Clackamas	Joe Bernert Towing Company Wilsonville	1/27/81	Permit Renewed
Deschutes	Williamette Industries Korpine Division-Bend	1/27/81	Permit Renewed
Wasco	Muirhead Canning Company The Dalles	1/27/81	Permit Renewed
MUNICIPAL AND INDUSTRIAL SOURCES PERMIT MODIFICATION (8)			
Multnomah	City of Gresham STP	1/13/81	Permit Modification
Yamhill	City of Yamhill STP	1/13/81	Permit Modification
Yamhill	Publishers Paper Co., Newberg	1/13/81	Permit Modification
Yamhill	City of Newberg STP	1/13/81	Permit Modification
Washington	Tektronix Chemical Treatment-Beaverton	1/14/81	Permit Modification
Linn	Willamette Industries Lebanon (Sawmill)	1/22/81	Permit Modification

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit) — January 1981 (Month and Year)

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
MUNICIPAL AND INSUTRIAL SOURCES PERMIT MODIFICATION Continued			
Clackamas	Willamette Egg Farms Inc. Canby	1/22/81	Permit Modification
Marion	Gervais STP	1/30/81	Permit Modification

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division (Reporting Unit) — January 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			
General Refuse							
New	-	7	2	3	5		
Existing	-	-	-	2	-		
Renewals	6	35	1	20	30		
Modifications	-	4	1	11	-		
Total	6	46	4	36	35	166	166
Demolition							
New	-	3	-	3	1		
Existing	-	2	-	-	2		
Renewals	1	3	-	3	3		
Modifications	-	2	-	3	-		
Total	1	10	-	9	6	20	21
Industrial							
New	-	8	1	7	2		
Existing	-	2	-	-	-		
Renewals	3	17	2	14	21		
Modifications	-	-	-	1	-		
Total	3	27	3	22	23	101	101
Sludge Disposal							
New	-	4	1	4	-		
Existing	-	-	-	1	-		
Renewals	-	2	-	1	1		
Modifications	-	-	-	-	-		
Total	-	6	1	6	1	14	15
Hazardous Waste							
New	26	179	26	179	0		
Authorizations	-	-	-	-	-		
Renewals	-	-	-	-	-		
Modifications	-	-	-	-	-		
Total	26	179	26	179	0	1	1
GRAND TOTALS	36	268	34	252	65	302	304

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division (Reporting Unit) — January 1981 (Month and Year)

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Domestic Refuse Facilities (4)			
Klamath	Merrill Transfer Station New Facility	12/29/80	Permit Issued
Benton	Monroe Demolition & Transfer Station Existing Facility	1/5/81	Addendum Issued
Klamath	Bly Landfill Existing Facility	1/20/81	Permit Renewed
Multnomah	AID Disposal and Recycling New Facility	1/20/81	Permit Issued
Industrial Waste Facilities (3)			
Douglas	Roseburg Lumber--Dillard Existing Facility	1/20/81	Permit Renewed
Hood River	Diamond Fruit Existing Facility	1/20/81	Permit Renewed
Tillamook	Henry Cagle Proposed Woodwaste Site	1/27/81	Letter Authorization Denied
Sludge Disposal Facility (1)			
Klamath	J.N.S. Sludge Lagoon New Facility	1/5/81	Permit Issued

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division (Reporting Unit) — January '81 (Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

WASTE DESCRIPTION

Date	Type	Source	Quantity	
			Present	Future

Disposal Requests Granted (26)

OREGON (10)

12/30	Pentachlorophenol sludge	Wood Preserving Co.	2,500 gal.	0
12/30	Mixed solvents	Kitchen cabinet Manuf.	630 drums	200 drums
1/12	Paint sludge	Heavy Equip. Manuf.	18 drums	24 drums
1/12	Leaded lime sludge	Truck Radiator Manuf.	28 drums	24,000 lb.
1/12	Polymerized polyurethane	Vinyl Lamination	200 drums	0
1/12	Paint sludge	Electronic Calculators	0	1,250 gallons
1/12	Douglas Fir tars/ pitches	Veneer Plant	14 drums	3 drums
1/12	Heavy metals sludge	Hand Tools Manuf.	13 drums	72 drums
1/16	Paint sludge contaminated soil	Pre-Fab. Shelves	10 cu. yd.	0
1/19	Mixed chlorinated solvents, methanol and sulfuric acid	Relays Manuf.	14 drums	60 drums

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division (Reporting Unit) — January '81 (Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

WASTE DESCRIPTION

Date	Type	Source	Quantity Present	Quantity Future
WASHINGTON (9)				
12/30	Leaded gasoline tank bottoms	Oil Company	0	20 drums
12/30	PCB transformers and contaminated soil, rags, etc.	Aerospace	29,000 lb	80,000 lb
12/30	PCB contaminated solids, solvents, acids/bases	Electrical Repair Shop	0	568 drums
12/31	Mixed solvents, heavy metals sludges	Printed Circuits	15 drums	83 drums
1/5	Cyanide sludges, solvent still bottoms, plating sludges	Waste Treatment Plant	1,080,000 gallons	1,350,000 gallons
1/5	Gasoline Tank Bottoms	Fuel Supplier	0	30,000 lb.
1/12	Out-dated lab. chemicals	Federal Agency	0	104 drums
1/12	Caustic/calcium hypochlorite spill cleanup	Transportation Co.	2,000 gal.	0
1/14	Pesticides	City Gov't.	14 drums	0

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division (Reporting Unit) — January '81 (Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

WASTE DESCRIPTION

Date	Type	Source	Quantity Present	Quantity Future
OTHER STATES (7)				
12/30	Cornstarch with creosol (B.C.)	Mining Co.	8 tons	0
12/31	Zinc cyanide plating solution (Idaho)	Plating shop	7 drums	0
1/5	Caustic Sludge (Alaska)	Pulp Mill	0	3,480 tons
1/12	PCB transformers, contaminated soil	Specialty Metals	0	4,700 gallons
1/12	Petroleum coke, asbestos, spent catalyst (Montana)	Petroleum Refining	2,180 $ft.^3$	9,130 $ft.^3$
1/14	Pesticides (Saskatchewan)	Federal Gov't.	8 drums	0
1/14	Heavy metals salts (Alberta)	University	29 drums	0

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program (Reporting Unit) — January 1981 (Month and Year)

SUMMARY OF NOISE CONTROL ACTIONS

Source Category	New Actions Initiated		Final Actions Completed		Actions Pending	
	Mo.	FY	Mo.	FY	Mo.	Last Mo.
Industrial/ Commercial	1	15	1	17	63	62
Airports			1			

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program (Reporting Unit) — January 1981 (Month and Year)

SUMMARY OF NOISE CONTROL ACTIONS

Source Category	New Actions Initiated		Final Actions Completed		Actions Pending	
	Mo.	FY	Mo.	FY	Mo.	Last Mo.
Industrial/ Commercial	1	15	1	17	63	62
Airports			1			

CIVIL PENALTY ASSESSMENTS

Department of Environmental Quality
1981

CIVIL PENALTIES ASSESSED DURING MONTH OF JANUARY, 1981:

Name and Location of Violation	Case No. & Type of Violation	Date Issued	Amount	Status
JAL Construction, Inc. Clackamas County	AQOB-NWR-81-02 Open burned tires on two days.	1-21-81	$3,000	Contested 2/9/81.
International Paper Co. Douglas County	WQ-SWR-81-03 Violations of NPDES waste discharge permit.	1-26-81	$2,500	Payment due.

ACTIONS	LAST MONTH	PRESENT MONTH
Preliminary Issues	11	4
Discovery	0	1
Settlement Action	1	3
Hearing to be Scheduled	2	5
Hearing Scheduled	2	7
HO's Decision Due	3	3
Brief	4	2
Inactive	4	4
SUBTOTAL of Active Files	26	29
HO's Decision Out/Option for EQC Appeal	0	0
Appealed to EQC	1	2
EQC Appeal Complete/Option for Court Review	3	0
Court Review Option Pending or Taken	0	3
Case Closed	1	3
TOTAL Cases	31	37

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

January 1981
DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrrl	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	Hrngs	$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		Resps	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
FORRETTE, Gary	12/20/79	12/21/79	RLH	10/21/80	Dept	20-SS-NWR-79-146 Permit Revocation	Hearing continuation in Tillamook 03/04/81 at 1:30 p.m.
GLASER, Dennis F. dba MID-VALLEY FARMS, INC.	02/06/80	02/07/80	CLR	06/19/80	Hrngs	02-AQ-WVR-80-13 Open Field Burning Civil Penalty of $2,000	Decision due
MEDFORD CORPORATION	02/25/80	02/29/80		05/16/80	Dept	07-AQ-SWR-80 Request for Declaratory Ruling	Further briefing
J.R. SIMPLOT COMPANY	04/15/80	04/16/80	RLH		Prtys	12-WQ-ER-80-41 Civil Penalty of $20,000	Hearing deferred to 03/81 at Dept's request
~~JONES, Jeffery D.~~	~~06/03/80~~	~~06/06/80~~	~~CLR~~		Resp	~~17-SS-NWR-80-85 and 17-SS-NWR-80-86 SS-Permit-Revocations~~	~~Department withdrew Notice of Revocation in 17-SS-NWR-80-86, issued Default Order in 17-SS-NWR-80-85 12/02/80, Case closed~~
R.L.G. ENTERPRISES, INC., dba THE MOORAGE PLACE	08/06/80	08/08/80	CLR	11/10/80	Hrngs	20-WQ-NWR-80-114 Civil Penalty of $150	Decision due
~~KONDRASKY, Steven G.~~	~~08/04/80~~	~~08/06/80~~	~~CLR~~		Resp	~~22-AQ-NWR-80-120 Civil Penalty of $500~~	~~Case closed---Civil penalty mitigated to $350~~
COKE, Benoni	10/27/80	10/28/80	RLH	01/15/81	Prtys	24-SS-SWR-80-173 Permit revocation	Hearing postponed for additional site inspection
STOPPLEWORTH, Russell B.	10/27/80	11/03/80	CLR		Resp	25-SS-SWR-80-170 Civil Penalty of $400	Resp. appeals to Court of Appeals
MAIN ROCK PRODUCTS, INC.	11/08/80	11/10/80	JHR		Prtys	26-WQ-SWR-80-190 Civil Penalty of $1,600	Department issued Default Order 12/18/80
PULLEN, 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.
PULLEN, 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 scheduled in McMinnville at 10:30 a.m.

Pet/Resp Name	Hrng Rqst	Hrng Rfrrl	DEQ Atty	Hrng Date	Resp Code	Case Type & No.	Case Status
LOGSDON, Elton	11/12/80	11/14/80	CLR	02/26/81	Resp	30-AQ-WVR-80-164 Field Burning Civil Penalty of $950	Hearing scheduled in Corvallis at 9 a.m.
MORRIS, Robert	11/10/80	11/14/80			Hrngs	31-SS-CR-80 Permit revocation	To be scheduled
MURPHEY, Abijah	11/24/80	11/28/80	LMS		Dept.	32-SS-ER-80-178 Remedial action required	Resp. contesting validity of service
HAYWORTH, John W. dba/HAYWORTH FARMS INC.	12/02/80	12/08/80	LMS		Hrngs	33-AQ-WVR-80-187 Field burning civil penalty of $4,660	To be scheduled
LOWELL, James R.	12/05/80	12/08/80	LMS		Prtys	34-AQ-WVR-80-186 Field burning civil penalty of $1,800	Settlement Action
ROGERS, Donald E.	12/08/80	12/09/80			Hrngs	35-SS-NWR-80-196 Permit denial	To be scheduled
HOPPER, Harold	12/09/80	12/09/80			Hrngs	36-SS-NWR-80-197 Permit revocation	To be scheduled
JENSEN, Carl F. dba/JENSEN SEED & GRAIN, INC.	12/19/80	12/24/80	CLR	03/26/81	Resp	37-AQ-WVR-80-181 Field burning civil penalty of $4,000	Hearing scheduled in Salem at 9:30 a.m.
~~PAST, Douglas L.~~	~~12/23/80~~	~~12/26/80~~	~~VAK~~		~~Prtys~~	~~38-WQ-WVR-80-203 Water Quality civil penalty of $500~~	~~Case closed 01/30/81 civil penalty mitigated to $250~~
SETERA, Frank	12/27/80	01/05/81	CLR		Dept.	01-AQ-NWR-80-199 Open burning civil penalty of $500	Department to re-serve
GINTER, Lloyd M.	01/02/81	01/05/81	CLR		Hrngs	02-SS-SWR-80-205 Subsurface sewage Civil penalty of $100	To be scheduled
DeLASHMUTT, Eldon	01/06/81	01/08/81	CLR	03/24/81	Prtys	03-SS-WVR-80-209 Subsurface sewage civil penalty of $200	Hearing set in Portland at 9 a.m.
R-D MAC, INC.	01/06/81	01/08/81	LMS		Prtys	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			Prtys	05-SW316-SWR-80 Solid waste facility permit denial	Settlement action
JAL CONSTRUCTION, INC.	02/06/81	02/09/81			Dept	06-AQOB-NWR-81-02 Open burning civil penalty of $3,000	Request for hearing filed 02/09/81
CURL, James H., et al	02/09/81	02/12/81			EQC	07-SS-WQ-81 Request for Declaratory Ruling	Before EQC 03-13-81

VICTOR ATIYEH
GOVERNOR

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, March 13, 1981, EQC Meeting

TAX CREDIT APPLICATIONS

Director's Recommendation

It is recommended that the Commission issue Pollution Control Facility Certificates to:

Appl. No.	Applicant	Facility
T-1295	Far West Farmers' Cooperative, Inc.	Dust collectors and associated equipment
T-1299	Roseburg Lumber Co.	Scrubbers, end seals, and associated equipment
T-1301	Weyerhaeuser Co.	O_2 Analyzers
T-1303	Walter Wells & Sons	Two orchard wind machines
T-1326	The Continental Group, Inc.	Catalytic afterburner
T-1327	Chateau Benoit	Disposal system for winery wastes
T-1329	Tektronix, Inc.	Reverse osmosis filtration system
T-1330	David J. Bielenberg	Animal waste control system
T-1334	Sidney Van Dyke Dairy	Animal waste control system

Michael Downs
for William H. Young

CASplettstaszer
229-6484
2/18/81
Attachments

PROPOSED MARCH 1981 TOTALS

Air Quality	$641,322
Water Quality	127,050
Solid Waste	-0-
Noise	-0-
	$768,372

CALENDAR YEAR TOTALS TO DATE

Air Quality	$4,148,582
Water Quality	1,425,069
Solid Waste	-0-
Noise	-0-
	$5,574,651

Application No. T-1295

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Far West Farmer's Cooperative, Inc.
33790 Santiam Highway
Lebanon, Oregon 97355

The applicant owns and operates a rye grass seed plant at Lebanon, 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 three dust collectors with bag filters, one fan, one dust control cyclone and the related ductwork.

Request for Preliminary Certification for Tax Credit was made on 6/4/79, and approved on 1/17/80.

Construction was initiated on the claimed facility on 6/4/79, completed on 1/21/80, and the facility was placed into operation on 1/21/80.

Facility Cost: $41,135.64 (Accountant's Certification was provided).

3. Evaluation of Application

The applicant added a second line of seed cleaning machinery along side an existing line, essentially doubling capacity. A new dust control system was added at the same time.

The three dust collectors with bag filters serve new seed cleaner machines which incorporate fans to clean seed. Removal of the dust from the above three dust collectors plus collecting dust from the other machinery is accomplished by the remainder of the claimed facility.

Dust is collected from the other machinery through suction hoods installed at strategic locations. The dust is transferred to the dust storage bin through the dust control cyclone. This system handles dust only.

The Department required the applicant to install a dust control system when he applied to add the second line. There are residences

adjacent to the plant. The claimed facility effectively controls dust emissions from the seed cleaning plant.

The machines which incorporate fans to clean seed would have required a dust settling room if the claimed facility were not installed, however it would not have met Commission standards. The applicant estimated the cost of this room at $7,395, or 18% of the cost of the claimed facility. Since the cost of the dust settling room is less than 20% of the cost of the claimed facility, it is considered correct to allocate 80% or more of the cost of the claimed facility to air pollution control.

4. Summation

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

b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).

c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.

d. The facility 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 $41,135.64, with 80% or more allocated to pollution control, be issued for the facility claimed in tax credit application number T-1295.

FASkirvin
229-6414

Application No. T-1299

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Roseburg Lumber co.
Coquille Division
P.O. Box 1088
Roseburg, OR 97470

The applicant owns and operates two plywood plants at Coquille, Oregon.

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

2. Description of Claimed Facility

The facility described in the application consists of Burley Industries scrubbers, and seals and associated equipment.

Request for Preliminary Certification for Tax Credit was made on May 17, 1976, and approved on August 4, 1976.

Construction was initiated on the claimed facility in August 1979, completed in April, 1980, and the facility was placed into operation in April, 1980.

Facility Cost: $523,236.27 (Accountant's Certification was provided).

3. Evaluation of Application

Roseburg Lumber Company operates two plywood plants in Coquille. Each plant has two veneer dryers. A Burley Industries 5-stage scrubber was installed on each dryer. In addition, each dryer was converted to a single zone dryer to reduce air flows. End seals were installed to reduce fugitives. All of these items are necessary for effective control of the veneer dryers emissions. These dryers are now in compliance with the opacity limits.

The dryer end seals reduce the air leaking into as well as out of the dryers. These seals can reduce fuel consumption, however the savings in hogged fuel is minimal and the return on investment is less than 2%. These dryers operated effectively prior to the installation of the seals. The primary purpose of this equipment is air pollution control. There is no economic advantage 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 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 $523,236.27 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1299.

F.A. Skirvin:in
(503) 229-6414
AI709
February 23, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Weyerhaeuser Co.
Willamette Region
Tacoma, WA 98401

The applicant owns and operates a wood products facility and powerhouse 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 two Westinghouse O_2 analyzers.

Plans and specifications were reviewed and approved by Lane Regional Air Pollution Authority. Request for Preliminary Certification for Tax Credit was made on June 29, 1978, and approved on August 2, 1978.

Construction was initiated on the claimed facility on November 6, 1978, completed on January 17, 1979, and the facility was placed into operation on January 17, 1979.

Facility Cost: $12,590 (Accountant's Certification was provided).

3. Evaluation of Application

The oxygen analyzers were installed on two hogged fuel boilers. The analyzers continuously monitor the oxygen content of the gases from the boilers. The oxygen analyzer is a continuous monitor that can show a gradual decay in combustion efficiency. The air/fuel mixture can then be corrected to return to optimum operation without waiting for other slower feedback mechanisms (plume observation, declining steam production, etc.). By maintaining optimum operating conditions inside the boiler, opacity violations can be eliminated.

Operation of the oxygen analyzer may result in minimal fuel savings, however, there is no return on investment as operating costs are greater than the fuel savings.

Boilers can operate and maintain plant production without the use of oxygen analyzers. A substantial purpose of this unit is air pollution control and 80% or more of the cost is allocable to pollution control.

4. Summation

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

b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).

c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.

d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under the chapter.

e. The portion of the facility cost that is properly allocable to pollution control is 80 percent or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of $12,590 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1301.

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

Application No. T-1303

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Walter Wells & Sons
1802 Wells Drive
Hood River, OR 97031

The applicant owns and operates a fruit orchard at Hood River, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is two "Orchard Rite" wind machines for frost protection of fruit trees. The tower serial numbers are E 79406 and E 79407.

Request for Preliminary Certification for Tax Credit was made on October 12, 1979, and approved on October 25, 1979.

Construction was initiated on the claimed facility on October 15, 1979, completed on May 14, 1980, and the facility was placed into operation on May 14, 1980.

Facility Cost: $29,902.49 (Accountant's Certification was provided).

3. Evaluation of Application

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

The two orchard fans serve twenty acres and reduce the number of heaters required to provide frost protection from 900 heaters to 90 perimeter heaters.

The annual operating cost of a typical orchard fan is slightly greater than the savings in the cost of fuel oil to operate orchard heaters. The annual operating cost includes the power cost using the fan, depreciation over ten years and zero salvage value, plus the average interest at 9% on the undepreciated balance. Therefore, 80% or more of the cost is considered allocable to pollution control.

4. Summation

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

b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).

c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.

d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.

e. The portion of the facility cost that is properly allocable to pollution control is 80% or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of $29,902.49 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1303.

F. A. Skirvin: n
AN680
(503) 229-6414
January 2, 1981

Application No. T-1326

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

The Continental Group, Inc.
Continental Can Co., U.S.A.
10200 N. Lombard
Portland, OR 97203

The applicant owns and operates a can 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 consists of a company manufactured and installed catalytic afterburner for control of hydrocarbon emissions from the PC-3 sheet oven.

Request for Preliminary Certification for Tax Credit was made on April 3, 1978, and approved on August 29, 1978.

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

Facility Cost: $34,459.00 (Accountant's Certification was provided).

3. Evaluation of Application

Installation of a company designed catalytic afterburner replacing the Thorpe afterburner on the PC-3 sheet oven was required by the Department to eliminate an odor problem resulting in numerous complaints. Odor surveys and an inspection of the facility by Department personnel subsequent to installation of the catalytic afterburner show the facility to be in compliance with regulations. Additionally, since the installation of the catalytic afterburner there have been no further odor complaints. Since there is no return on the investment of the catalytic afterburner and the sole purpose of the installation was odor control, 80 percent or more of the cost is allocable to pollution control.

4. Summation

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

b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).

c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.

d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.

e. The portion of the facility cost that is properly allocable to pollution control is 80 percent or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of $34,459.00 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1326.

F.A.Skirvin:f
(503) 229-6414
January 2, 1981
AF713 (2)

Application No. T-1327

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Chateau Benoit
Fred L. & Mary L. Benoit
Rt. 1, Box 29 B-1
Carlton, OR 97111

The applicant owns and operates a winery near Carlton.

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

2. Description of Claimed Facility

The facility described in this application is a disposal system for winery wastes. The system consists of three 1000 gallon septic tanks with 1875 feet of drainfield. The disposal system utilizes just over one acre of land.

Request for Preliminary Certification for Tax Credit was made July 27, 1979, and approved December 6, 1979. Construction was initiated on the claimed facility May 1980, completed August 1980, and the facility was placed into operation September 1980.

Facility Cost: $14,676 (Accountant's Certification was provided).

3. Evaluation of Application

The septic tank and drainfield system has operated quite successfully for the disposal of winery wastes. Floor screens remove large solids from the waste streams prior to entering the septic system. Three 1000 gallon septic tanks operated in series remove settleable solids. Sanitary wastes from a tasting room flow into the third tank and were required to have 200 feet of drainfield. Facilities constructed for disposal of sanitary wastes are not eligible for tax credit. However, since the portion of the facility utilized for sanitary waste is only about 10 percent, more than 80 percent is still allocated for control of industrial pollutants. Therefore, the entire $14,676 is eligible for pollution control tax credit.

4. Summation

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

b. Facility was constructed on or after January 1, 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 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 $14,676 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1327.

LDP:l
(503) 229-5374
February 24, 1981

WL504 (1)

Application No. T1329

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Tektronix, Inc.
P.O. Box 500
Beaverton, OR 97077

The applicant owns and operates an electronic equipment manufacturing facility at Beaverton.

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

2. Description of Claimed Facility

The facility described in this application is a reverse osmosis filtration system for filtering copper rinses. Treated rinses are discharged to the Unified Sewerage Agency's sewerage system.

Request for Preliminary Certification for Tax Credit was made August 29, 1978, and approved February 9, 1979. Construction was initiated on the claimed facility April 30, 1979, completed August 23, 1979, and the facility was placed into operation August 23, 1979.

Facility Cost: $30,874.53 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to the installation of the reverse osmosis unit, waste waters containing copper were sent through a metal precipitation process. However, copper was often complexed with other wastes and could only be reduced to about 18 mg/L. The level was not acceptable for entry to the sewer. Since the installation of the new filtering unit, copper levels have dropped to less than 2 mg/L. Concentrated wastes from the unit are disposed of at Arlington.

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 $30,874.53 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1329.

CKA:l
(503) 229-5325
January 15, 1981

WL524 (1)

Application No. T-1330

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

David J. Bielenberg
16425 Herigstad Rd. N.E.
Silverton, Oregon 97381

The applicant owns and operates a hog raising facility at Silverton.

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

2. Description of Claimed Facility

The facility described in this application is an animal waste collection, recirculation and disposal facility consisting of the following components:

a. An earthen holding lagoon and surface aerator
b. A recirculation pump for reusing treated lagoon water as flush water
c. Sumps and associated piping

Request for Preliminary Certification for Tax Credit was made August 15, 1979, and approved August 29, 1979. Construction was initiated on the claimed facility September 1979, completed October 1979, and the facility was placed into operation October 1979.

Facility Cost:	$6,800	(Documented by Invoices and Receipts)
Less ASCS grant	3,500	
Net Cost:	$3,300	

3. Evaluation of Application

The hog facility removes manure from the hog house subfloor by flushing. Flushed wastes are pumped to the earthen lagoon where they are aerated and pumped back to the hog house as flushing water. The lagoon has sufficient capacity to hold the waste during the wet winter months and allow for irrigation only during dry weather. The total cost of the claimed facility to the owner is $3,300. That $3,300 is allocable to pollution control tax credit.

4. Summation

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

b. Facility was constructed on or after January 1, 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 net facility cost to the owner 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 $3,300 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1330.

CKA:l
(503) 229-5325
February 24, 1981

WL557 (1)

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Sidney Van Dyke Dairy
Sidney and Patricia Van Dyke
8105 Wallace Rd. N.W.
Salem, OR 97304

The applicant owns and operates a dairy farm near 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 an animal waste control system consisting of the following components:

a. Hydrosieve solids separator
b. Earthen lagoon
c. Piping and sprinkler facilities
d. Pumps and fittings.

Request for Preliminary Certification for Tax Credit was made April 26, 1979, and approved May 9, 1979. Construction was initiated on the claimed facility July 1979, completed May 1980, and the facility was placed into operation May 1980.

Facility Cost: $74,700 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to installation of the manure holding facility, inadequate manure storage allowed runoff to become contaminated and enter Spring Valley Creek. The new facility removes manure solids for immediate land disposal and diverts the liquids to a winter holding lagoon. The lagoon provides sufficient holding capacity such that liquid irrigation only takes place when the fields are dry. The discharge of contaminated runoff to Spring Valley Creek has been eliminated.

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 $74,700 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1334.

CKA:l
(503) 229-5325
February 3, 1981

WL554 (1)

VICTOR ATIYEH
GOVERNOR

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, March 13, 1981, EQC Meeting

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.

Background and Problem Statement

The Water Quality Permit Fees were originally adopted by the Commission April 30, 1976. A three-part fee was adopted, consisting of a fixed filing fee, minimal application processing fee, and annual compliance determination fee. The annual compliance determination fee varied from $50 per year for simple sources to $950 per year for complex industrial sources.

On August 31, 1979, the Commission adopted an increase in the permit processing fees. The annual compliance determination fees have not been increased since they were originally established in 1976.

In order to meet the projected fee revenues for the 1981-83 biennium, an increase in total permit fee revenues of about $54,000 is required.

It is impossible to accurately predict what the fee revenues will be from permit filing fees and processing fees since one cannot accurately predict the number of new sources being established during the biennium. It is especially difficult to predict with our current economic slowdown.

In addition, it is the Department's intent to reduce the number of individual permitee by about 160 permits by issuing general permits to certain minor categories of sources. A reduction in fee revenues will be associated with this reduction in individual permits.

The challenge facing us is to increase projected fee revenues by about 14%, while reducing the number of permittees by about 17%.

Evaluation and Alternatives

By taking a conservative view of new applications to be processed during the next biennium and by issuing general permits covering about 160 permittees, the estimated fee revenues will be about 25% short of what is needed to meet the expectations of the budget. We looked at two alternative ways of changing the fee schedule to meet the needed revenue.

Alternative 1 - An across-the-board increase of 25% in the filing fees, processing fees, and annual fees. This alternative would produce the required revenue but it would also generate a complicated fee schedule. In addition, the processing fees were increased in 1979 and should probably be left as is at this time. This alternative is not being recommended.

Alternative 2 - Increase only the annual compliance determination fee by a flat percentage rate and then round off to nearest $25. It would take an increase of 31% in compliance determination fees to raise the necessary revenue. However, by increasing the fees by 25% and then rounding up to the nearest $25, essentially the same goal can be reached. This alternative is the one we recommend. It seems to be the most equitable and yet still keeps the fee structure in easy-to-use even numbers.

We are prepared to take the proposed fee schedule to the permittees and other segments of the public for review. The purpose of this proposal being before the Commission at this time is to request authorization to hold a public hearing.

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.

Bill

William H. Young
Director

Attachment 1: Revised Fee Schedule for Annual Compliance Determination Fee.

Attachment 2: Draft Public Notice.

Attachment 3: Statement of Need.

Attachment 4: Fiscal Impact Statement.

C. Kent Ashbaker:o
229-5325
2-13-81
WO582 (1)

OREGON ADMINISTRATIVE RULES FOR
PROPOSED REVISED COMPLIANCE DETERMINATION FEES
CHAPTER 340, DIVISION 45

ATTACHMENT 1

TABLE 2

PERMIT FEE SCHEDULE

(1) Filing Fee. A filing fee of $25 shall accompany any application for issuance, renewal, modification, or transfer of an NPDES Waste Discharge Permit or Water Pollution Control Facilities Permit. This fee is non-refundable and is in addition to any application processing fee or annual compliance determination fee which might be imposed.

(2) Application Processing Fee. An application processing fee varying between $50 and $1,000 shall be submitted with each application. The amount of the fee shall depend on the type of facility and the required action as follows:

(a) New Applications

(A) Major industries[1] -- $1000
(B) Minor industries -- $500
(C) Major domestic[2]-- $500
(D) Minor domestic -- $250
(E) Agricultural -- $250
(F) Minor nondischarging -- $175

(b) Permit Renewals (including request for effluent limit modification:

(A) Major industries[1]-- $500
(B) Minor industries -- $250
(C) Major domestic[2] -- $250
(D) Minor Domestic -- $125
(E) Agricultural -- $125
(F) Minor nondischarging -- $100

(c) Permit Renewals (without request for effluent limit modification):

(A) Major industries[1] -- $250
(B) Minor industries -- $150
(C) Major domestic[2] -- $150
(D) Minor domestic -- $100
(E) Agricultural -- $100
(F) Minor nondischarging -- $100

(d) Permit Modifications (involving increase in effluent limitations):

(A) Major industries[1] -- $500
(B) Minor industries -- $250
(C) Major domestic[2] -- $250
(D) Minor domestic -- $125
(E) Agricultural -- $125
(F) Minor nondischarging -- $100

(e) Permit Modifications (not involving an increase in effluent limits): All categories -- $50

(f) Department Initiated: Modifications[3] -- $25

(3) Annual Compliance Determination Fee Schedule:

(a) Domestic Waste Sources (Select only one category per permit) (Category, Dry Weather Design Flow, and Initial and Annual Fee):

(A) Sewage Discharge -- 10 MGD or more -- [$750] $950
(B) Sewage Discharge -- At least 5 but less than 10 MGD -- [$600] $750
(C) Sewage Discharge -- At least 1 but less than 5 MGD -- [$300] $375
(D) Sewage Discharge -- Less than 1 MGD -- [$150] $200
(E) No scheduled discharge during at least 5 consecutive months of the low stream flow period -- 1/2 of above rate
(F) Land disposal -- no scheduled discharge to public waters -- [$50] 1/4 of above rate
(G) Chlorinated septic tank effluent from facilities serving more than 5 families and temporarily discharging to public waters -- [$50] $75
(H) Chlorinated septic tank effluent from facilities serving 5 families or less and temporarily discharging to public waters -- [$30] $50
(I) Chlorinated septic tank effluent from facilities serving more than 25 families or 100 people and temporarily discharging too waste disposal wells as defined in OAR 340-44-005(4) --[$30] $50

(b) Industrial, Commercial and Agricultural Sources (Source and Initial and Annual Fee[4]:

(For multiple sources on one application select only the one with highest fee)

(A) Major pulp, paper, paperboard, hardboard, and other fiber pulping industry discharging process waste water other than log pond overflow -- [$950] $1200

(B) Major sugar beet processing, potato and other vegetable processing, and fruit processing industry discharging process waste water -- [$950] $1200

(C) Fish Processing Industry:

(i) Bottom fish, crab, and/or oyster processing -- [$75] $100
(ii) Shrimp processing -- [$100] $125
(iii) Salmon and/or tuna canning -- [$150] $200

(D) Electroplating industry with discharge of process water (excludes facilities which do anodizing only):

(i) Rectifier output capacity of 15,000 Amps or more -- [$950] $1200
(ii) Rectifier output capacity of less than 15,000 Amps -- [$450] $575

(E) Primary Aluminum Smelting -- [$950] $1200

(F) Primary smelting and/or refining of non-ferrous metals utilizing sand chlorination separation facilities -- [$950] $1200

(G) Primary smelting and/or refining of ferrous and non-ferrous metals not elsewhere classified above -- [$450] $575

(H) Alkalies, chlorine, pesticide, or fertilizer manufacturing with discharge of process waste waters -- [$950] $1200

(I) Petroleum refineries with a capacity in excess of 15,000 barrels per day discharging process waste water -- [$950] $1200

(J) Cooling water discharges in excess of 20,000 BTU/sec. -- [$450] $575

(K) Milk products processing industry which processes in excess of 250,000 pounds of milk per day and discharges process waste water to public waters -- [$950] $1200

(L) Fish hatching and rearing facilities -- [$75] $100

(M) Small placer mining operations which process less than 50 cubic yards of material per year and which:

(i) Discharge directly to public waters -- [$50] $75
(ii) Do not discharge to public waters -- $None

(N) All facilities not elsewhere classified with discharge of process waste water to public waters -- [$150] $200

(O) All facilities not elsewhere classified which discharge from point sources to public waters (i.e. small cooling water discharges, boiler blowdown, filter backwash, etc.) -- [$75] $100

(P) All facilities not specifically classified above (1 — 12) which dispose of all waste by an approved land irrigation or seepage system -- [$50] $75

1 Major Industries Qualifying Factors:

-1- Discharges large BOD loads; or
-2- Is a large metals facility; or
-3- Has significant toxic discharges; or
-4- Has a treatment system which, if not operated properly, will have a significant adverse impact on the receiving stream; or
-5- Any other industry which the Department determines needs special regulatory control.

2 Major Domestic Qualifying Factors:

-1- Serving more than 10,000 people; or
-2- Serving industries which can have a significant impact on the treatment system.

3 Those Department initiated modifications requiring payment of fees are those requiring public notice such as:

-1- Addition of new limitations promulgated by EPA or the Department.
-2- Addition of conditions necessary to protect the environment.

Changes in format, correction of typographical errors, and other modifications not requiring public notice, require no fee.

4 For any of the categories itemized above (1-14) which have no discharge for at least five consecutive months of the low stream flow period, the fee shall be reduced to 1/2 of the scheduled fee or $50, whichever is greater.

For any specifically classified categories above (1-12) which dispose of all waste water by land irrigation, evaporation, and/or seepage, the fee shall be reduced to 1/4 of the scheduled fee or $50, whichever is greater.

SUMMARY OF INCREASE IN ANNUAL COMPLIANCE DETERMINATION FEES

Old Fee	New Fee	Percent Increase	Number affected
50	75	50%	240
75	100	33	130
100	125	25	23
150	200	33	249
300	375	25	35
450	575	28	8
600	750	25	7
750	950	27	8
950	1200	26	26

VICTOR ATIYEH
GOVERNOR

ATTACHMENT 2

Environmental Quality Commission

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

Prepared:
Hearing Date: 4-16-81

NOTICE OF PUBLIC HEARING

A CHANCE TO BE HEARD ABOUT:

Increase in Water Quality Permit Fees

The Department of Environmental Quality has scheduled a hearing for April 16, 1981, to receive testimony regarding a proposed increase in water quality permit fees. The hearing will be held at 10:00 a.m. in Room 1400 of the Yeon Building, 522 S.W. Fifth Avenue, Portland, Oregon

WHAT FEE CHANGES ARE PROPOSED?

Only the annual compliance determination fee will be changed. They have not been increased since they were established in 1976. The attached sheet gives a comparison between the existing fees and the proposed fees.

WHO IS AFFECTED BY THIS CHANGE IN FEES?

Every water quality permit holder who currently pays the annual compliance determination fee will be affected by the increase. The higher fees would be assessed to the permittees in the fee invoices to be mailed out in July.

DOES THIS PROPOSAL AFFECT LOCAL LAND USE PROGRAMS?

Since this rule change relates only to permit fees, there are no land use implications.

HOW TO PROVIDE YOUR INFORMATION:

Testimony, either written or oral, will be accepted during the April 16 hearing. Written testimony will be received at any time between now and the time the hearing record will close which will be 5:00 p.m., April 20, 1981. Written comments may be sent to Charles K. Ashbaker, Water Quality Division, Department of Environmental Quality, P. O. Box 1760, Portland, Oregon 97207.

WHERE TO OBTAIN ADDITIONAL INFORMATION:

You may obtain additional information from Mr. Ashbaker prior to the hearing. His phone number is 229-5325. Additional information will also be available for distribution at the hearing.

LEGAL REFERENCES FOR THIS PROPOSAL:

Permit Fees are authorized by Oregon Revised Statutes (ORS) 468.065. The current three part fee schedule is found in Table 2, Oregon Administrative Rules 340-45-070.

The DEQ maintains a mailing list for all notices and proposed actions. Such notices and newsletters are provided free of charge to anyone requesting to be placed on the mailing list. To be placed on one of the agency mailing lists, your request should specify your area of interest and be sent to the Department of Environmental Quality, P. O. Box 1760, Portland, OR 97207. The Public Affairs Office (229-6271) can provide additional information about the mailing lists.

CKA:g
WG592 (1)

ATTACHMENT 3

Agenda Item No. _____, March 13, 1981, EQC Meeting

STATEMENT OF NEED FOR RULEMAKING

Pursuant to ORS 183.335(7), this statement provides information on the Environmental Quality Commission intended action to adopt a rule.

(1) Legal Authority

ORS 468.065(2) authorizes the Commission to establish a schedule of permit fees.

(2) Need for the Rule

The Department of Environmental Quality budget calls for an increase in fee revenues of about 14% to account for inflation since the fee schedule was last changed in 1979.

(3) Principal Documents Relied Upon in This Rulemaking

a. OAR 340-45-070 Table 2 - Permit Fee Schedule
b. ORS 468.065(2)
c. Current printout of water quality permittees

CKA:g
WG591 (1)

ATTACHMENT 4

Agenda Item --- March 13, 1981, EQC Meeting

Fiscal Impact of Rulemaking

The present water permit fees consist of a three part fee schedule; filing fees, permit processing fees, and annual compliance determination fees. The original fees were established in 1976.

The Environmental Quality Commission intends to modify Table 2 of OAR 340-45-070 by increasing the Annual Compliance Determination Fees. These fees have not been increased since they were established in 1976.

The only increase in fees since they were established was an increase in the permit processing fees in 1979. The proposed increase in annual compliance determination fees is to meet an inflationary increase in program costs. There will be no program expansion. In fact there has been a program reduction as part of the reduced level budget.

This increase in fees will impact all permitted facilities which are required to pay an annual compliance determination fee. The increase ranges from 25% to 50%, with an average of about 31%. This amounts to $25 per year for some of the minor sources to a maximum of $250 per year for major industries. Since the fee increase for small industries and cities is only $25 it should not have much of a budget impact.

CKA:o
WO590 (1)

VICTOR ATIYEH
GOVERNOR

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, March 13, 1981, EQC Meeting

Request for Authorization for Public Hearing to Codify Proposed Groundwater Quality Protection Policy into Oregon Administrative Rules

Background and Problem Statement

Legal authority for the control of groundwater pollution exists in two legislative policy statements, ORS 468.710 (in the Pollution Control Chapter) and ORS 537.525 (in the Appropriation of Water Generally Chapter). However, neither standards nor other procedures have been developed sufficiently to provide the framework for protecting groundwater quality. Past groundwater pollution problems have been addressed by the Environmental Quality Commission on a case-by-case basis. As these types of problems increase, an apparent need exists for policy guidance from the Commission to guide the actions of the Department, other governmental agencies, and various publics to assure protection of groundwater quality.

On April 18, 1980, the Department's staff submitted a report to the Commission entitled, "Groundwater Quality Protection--Background Discussion and Proposed Policy." The Commission approved the proposed policy as an interim Statement of Policy and requested the staff to accomplish the following:

1. Print and distribute the report to local governments and interested citizens for review and input.

2. Schedule public meetings to discuss the report and invite input.

3. Summarize and evaluate the input from the various publics and submit to the Commission:

    a. A set of final recommended groundwater protection policy statements, and

    b. A request to seek authorization for the formal adoption (rule making) of the final recommended policy statements.

In December, 1980, the Department circulated 1,400 copies of the above report in preparation for nine public meetings scheduled in Portland, Eugene, Medford, Bend, Ontario, Pendleton, Astoria, Newport, and Coos Bay. These meetings were held from January 6 to 22, 1981, with eight of the meetings chaired by citizen members of the Department's Water Quality Policy Advisory Committee (PAC). A summary of questions and responses resulting from each of the nine meetings is appended (See Attachment A). The Department received 13 letters commenting on the report and proposed policy (See Attachment B).

At its monthly meeting held on February 9, 1981. the PAC unanimously passed the following motion: "It is the belief of the PAC that through a series of public hearings held throughout the State of Oregon, that ample opportunity to gain public debate and discussion of the proposed Groundwater Quality Policy was done, and that we would so suggest that the PAC itself, by its amending process, has heard a significant impact from the public discussion of this issue."

Evaluation

The proposed groundwater protection policy which was circulated for public review, primarily emphasized the prevention and control of point source waste activities from impacting groundwater quality. Both written and oral comments from various publics, however, urged the Department to include a policy statement covering nonpoint source activities having the potential for impacting groundwater quality. The Department responds to this request by:

1. Proposing a definition for nonpoint sources to be added to Oregon Administrative Rules (OAR) 340-41-006 under the heading of Definitions, and

2. Proposing an additional policy statement which addresses nonpoint sources having the potential for impacting groundwater quality.

Some concern was expressed by the public and jointly by the Director of the Water Resources Department and Chairman of the Water Policy Review Board that the proposed statements of Policy for protecting groundwater quality may overlap and conflict with the programs administered by the Water Resources Department. Staff from the Water Resources Department assisted DEQ in preparing and reviewing the report in March, 1980, and participated at each of the nine scheduled public meetings in January, 1981. However, in order to allay such concerns and to clarify the distinction between the intent of the proposed policies to protect groundwater quality from point and nonpoint sources of waste as compared to the programs administered by the Water Resources Department, the Department proposes some revised wording of existing policy statements and an additional policy to address this issue.

Of the comments submitted to the Department, only two recommended significant changes to the proposed policies--Lane Council of Governments (see Attachment C) and the Department's Water Quality Policy Advisory Committee (See Attachment D). The Department has incorporated the intent of these recommendations, consistent with generalized language appropriate for policy statements, into the proposed final policy for groundwater quality protection.

The proposed definition for nonpoint sources and for the finalized groundwater quality protection policy are shown in Attachment E.

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.

Bill

William H. Young

Attachments: 8
- A Summary of Questions and Responses from 9 Public Meetings
- B Letters Commenting on Proposed Policy
- C Lane COG Recommendations
- D Policy Advisory Recommendations
- E Proposed Rules
- F Draft Public notice
- G Statement of Need and Fiscal Impact
- H Land Use Consistency Statement

Edison L. Quan:l
WL604 (1)
(503)229-6978
February 18, 1981

OREGON GROUNDWATER PROTECTION POLICY
STATEWIDE PUBLIC INFORMATION MEETINGS, 1981

1.	Portland	January 6
2.	Eugene	January 7
3.	Medford	January 8
4.	Bend	January 12
5.	Ontario	January 13
6.	Pendleton	January 14
7.	Coos Bay	January 20
8.	Newport	January 21
9.	Astoria	January 22

OREGON GROUNDWATER PROTECTION POLICY

STATEWIDE PUBLIC INFORMATION MEETINGS, 1981

Portland, January 6, 1981

Participants

(Attendance list attached)

Russ Korvola
Clayton J. Gardner
A. J. Ford
Oliver J. Domries
Timothy Goon
John Russell
Scott Klag

"EDITOR'S NOTE"

Names are spelled as closely as the attendance list could be deciphered. All names were handwritten and some were difficult to read.

Staff

Harold L. Sawyer
Thomas J. Lucas
Edison L. Quan

Mark A. Fritzler

William Bartholomew, Water Resources Dept.

Agency Presentation and Background

Rod Briggs, PAC Chairman, chaired the meeting and opened with a discussion of the DEQ's Water Quality Policy Advisory Committee (PAC), its roles and responsibilities, purpose of the present meeting, and what will be done with the public comments received tonight.

Hal Sawyer, DEQ Water Quality Division Administrator, gave a brief history of water quality protection in Oregon, the formation of the DEQ, the emergence of groundwater pollution problems, and the Environmental Quality Commission's need for a perception of the consistent policy to guide DEQ staff in addressing and preventing groundwater pollution. Such a policy will also provide guidance in interagency efforts, such as with the Water Resources Department.

Bill Bartholomew, a hydrogeologist with the Water Resources Department, presented a background discussion and slide show describing groundwater resources in general and Oregon's in particular. He identified the areas of groundwater occurance in Oregon and some of the problems affecting this resource.

Hal Sawyerwrapped up the agency presentation section by reviewing the proposed policy point by point, explaining the rationale behind each policy statement and its intent.

Following Sawyer's presentation, the meeting was opened for public comment, testimony, or questions.

Oral and Written Testimony

No formal oral or written testimony was offered. A summary of the questions and answers between the public and the staff is presented in the next section.

In general, comments from the public, as expressed during the question and answer session, concerned the establishment of water quality standards for groundwater. The issue concerned whether or not they would be established, do they currently exist, what basis will be used, if established, etc. DEQ answered that there are no comprehensive current standards except the present EPA standards for drinking water. Aside from a variety of questions on standards, the other concern dealt with any possible legislation or new regulations that might grow out of this policy. DEQ response was that no new rules are proposed in this policy; it is designed to use existing rules, permit programs, preventive practices, and interjurisdictional agreements to deal with perceived problems of groundwater.

Question and Answer Summary

Q. What steps have been made to establish groundwater standards?

A. None at this time, but drinking water standards for nitrate-nitrogen levels are applied for domestic use of groundwater. For other beneficial uses, such as livestock watering and irrigation, lessor quality is acceptable.

Q. Standards and criteria will then be based on the primary beneficial use?

A. Sort of. For example, the EPA is proposing a national groundwater policy based on first identifying primary beneficial uses. The tendency in the EPA (and Congress) has been to minimize degradation as a basis for rules and emphasize beneficial uses.

Q. Will the policy start Oregon toward establishing groundwater standards?

A. It is a start, but it may take many years for any headway to be made by the EPA or Congress. Standards will also have to take into account the nature of the subsurface strata, geology, and water movement.

Q. Is it fair to assume that state surface water standards will set the stage for groundwater standards?

A. Not exactly. A general standard will probably be set, such as for drinking water, first. After that a basin-by-basin analysis of groundwater, quantity, quality, and beneficial uses will probably be necessary to develop useable standard statements.

Q. Do you think that the state has a good working knowledge of Oregon's groundwater?

A. No. The Water Resources Department has begun regional basin studies, starting in the Rogue River Valley, for that purpose but the work languishes a bit, due to the emergency cut back of funds by the Legislature. The U.S. Geological Survey has assisted but has had to cut back its involvement due to the reduction of state's share.

Q. Is there any monitoring system now for groundwater?

A. Not a widespread one. Currently about 800 sites or wells are being monitored for seasonal fluctuations in levels but not quality. It is pretty expensive to carry out a complete analysis of a water sample, about $175,00. The WRD work in the Rogue River basin is helping to set the basis for future such work.

If the Governor's request to the Legislature is approved and the Safe Drinking Water program is transfered from the Health Division to the DEQ, we could see the start of a monitoring system by using existing water wells.

Q. Is there any artificial recharging of groundwater going on in Oregon?

A. Yes, in the Springfield area. The quality of the surface waters being injected are monitored and set by permit.

Q. With the new legislature and the new U.S. Presidential Administration, is there likely to be any increased funding for groundwater programs?

A. Not very likely and not for the next 3-5 years, at least. It will come, however, in our estimation, as public awareness of the issues grows and emergencies occur.

Q. Will the DEQ adopt new standards for industrial wastewater discharges to protect groundwater, especially in the light of the new hazardous waste management programs to be undertaken by either the DEQ or the EPA or both?

A. Yes. The EPA and the DEQ will not be looking at industrial waste disposal practices. Oregon is lucky in one regard, no industrial waste disposal wells or deep injection waste wells have been permitted here. Although they are not actually illegal, the DEQ has just not considered the practice an acceptable waste disposal method that could receive a permit. It is not likely that these wells will ever be allowed in Oregon.

Q. Will local expertise and knowledge be taken into account if this policy is adopted or any new rules ever proposed based on the policy?

A. That is the intent of the language that specifies one of the methods for dealing with a problem could be cooperative working agreements between the DEQ and local jurisdictions.

Participant List
Portland, Oregon

Russ Korvola
21640 S.W. Regal Court
Aloha, OR 97006

Clayton J. Gardner
WRD
Washington County Courthouse
Hillsboro, OR 97123

A. J. Ford
City of Woodvillage
2055 N.E. 238th
Troutdale, OR 97060

Oliver J. Domries
Multnomah County Engineer
2115 S.E. Morrison
Portland, OR 97214

Timothy Goon
Mid-Willamette Valley COG
Salem, OR

John Russell
Mid Willamette Valley COG
Salem, OR

Scott Klag
2407 N.E. 18th
Portland, OR 97212

MS225 (1)1
2/17/81

OREGON GROUNDWATER PROTECTION POLICY

STATEWIDE PUBLIC INFORMATION MEETINGS, 1981

Eugene, January 7, 1981

Participants

(Attendance list attached)

G. Rosenthal
Becky Kreag
Dave Heland
Tom Paterson
Sue Corwin
Roy Burns
Mike Hopkins
Charles A. Hogan
Alwin Vann
Donald C. Dicky
George Keller
Alan Perouthen
Edward Donaldson
Michael Slattery
Tom Hartz
John C. Neely, Jr.
Jim Hale
Don Williams

"EDITOR'S NOTE"

Names are spelled as closely as the attendance list could be deciphered. All names were handwritten and some were difficult to read.

S. Herbert
C. Eggleston
E. F. Terry
Betty Donaldson
Phil Rose
Rudy Ness
Rudy Malnar
Bill Dillman
Marie Gray
Wanda Simmons
Melena Barnes

Staff

Daryl S. Johnson
Mark A. Fritzler
Edison L. Quan
William Bartholomew, Water Resources Dept.

Agency Presentation and Background

Ed Baker, PAC Member, chaired the meeting and opened with a discussion of the DEQ's Water Quality Policy Advisory Committee (PAC), its roles and responsibilities, purpose of the present meeting, and what will be done with the public comments received tonight.

Mark Fritzler, DEQ Public Information Officer, gave a brief history of water quality protection in Oregon, the formation of the DEQ, the emergence of groundwater pollution problems, and the Environmental Quality Commission's need for a perception of the consistent policy to guide DEQ staff in addressing and preventing groundwater pollution. Such a policy will also provide guidance in interagency efforts, such as with the Water Resources Department.

Bill Bartholomew, a hydrogeologist with the Water Resources Department, presented a background discussion and slide show describing groundwater resources in general and Oregon's in particular. He identified the areas of groundwater occurrence in Oregon and some of the problems affecting this resource.

Ed Quan, a DEQ biologist, wrapped up the agency presentation section by reviewing the proposed policy point by point, explaining the rationale behind each policy statement and its intent.

Following Quan's presentation, the meeting was opened for public comment, testimony, or questions.

Oral and Written Testimony

No formal written testimony specifically relating to the proposed Policy was submitted. Some oral testimony was offered any many questions were asked by the 50 to 60 members of the audience on a variety of groundwater related issues.

One participant submitted oral commentary regarding the hazards of pesticides and herbicides in the environment and requested that the Policy reflect this concern in protecting groundwater from such materials.

Lane County submitted oral testimony requesting that in Paragraph "H" of the proposed Policy, the word "should" be changed to "will". In addition, the Lane County speaker submitted a personal request that surface discharges from springs be identified as a groundwater beneficial use.

Another oral statement asked that the Policy specify that the DEQ will be reviewing all its current regulations and water quality programs as to their applicability in protecting groundwater.

One participant presented a written request regarding several aspects of the DEQ budget, particularly what the cost of implementing the Policy will be and how much the interim Policy has cost, to date. In addition, the request asked for a total DEQ and EQC budgets for 1978 through the proposed 1981-83 biennial budget, including new sources of funding and all other sources since 1978.

In response to the above written request, DEQ staff at the Eugene meeting explained that the Policy does not propose any new programs, rules, or additional costs above what has been and is already budgeted for the regular programs. No new programs are being proposed by the Policy, but rather, existing pollution control programs, permits, and preventive measures will be analyzed in future regarding their efficiency in protecting not only surface waters, but groundwater as well.

The requests for the budget data did not relate to the present purpose of the meeting and the discussion of the proposed groundwater Policy. The inquirer was referred to either the Management and Budget Section of the Executive Department in Salem or DEQ Headquarters in Portland where the budget documents may be viewed. The proposed 1981-83 biennial budget prepared for Legislative approval contains summaries of funding information as far back as 1978. The budget cannot be sent until an appropriate cost for copying, staff time to perform the task, and the mailing cost is ascertained. If the inquirer prefers to have the document sent, payment must be made prior to mailing, as the document is very large.

A large number of the participants were present to discuss a subject unrelated to the proposed Policy or the goals of the meeting. Their concerns did relate to groundwater, however, which gave many of their heightened awareness of the problems and intricate economic, political, administrative, and environmental issues that can occur when groundwater is threatened or becomes polluted by human activity.

These participants were residents-or representatives of residents-of the un-incorporated River Road/Santa Clara area of Lane County on the edge of the City of Eugene. They disputed the stipulated agreement reached between the DEQ and Lane County regarding protection of the groundwater aquifer in the area. Previously, a building moratorium had been imposed by the EQC while research on the quality of the groundwater was conducted. The research showed that the area had high nitrate-nitrogen levels and high bacteria counts, attributable, in large part, to subsurface sewage disposal methods in use. The River Road/Santa Clara residents present at the meeting feared that this agreement could pave the way for annexation, sewering, higher taxes, or new restrictions on the development of their property. Many hearings and ample open public meetings opportunities had been provided in the past prior to the adoption of the protection strategy reached by the county and the DEQ. This meeting, as much as the effort was made, would not be converted to another discussion of the River Road/Santa Clara groundwater protection program.

Another issue concerned the siting of the new Eugene/Springfield sewage treatment plant and the plan to dispose of the sludge through land application. Participants with these concerns were advised to direct their questions to the Lane County COG and the Metropolitan Wastewater Management Commission. The DEQ licenses these facilities and staff assured the participants that should the sewage treatment plant violate its permit conditions or should the sludge disposal plan not work as approved, the agency would take the necessary actions to deal with the violator to protect the public. Individuals harmed would have legal recourse

Summary of Relevant Questions and Answers

Q. If I own 100 acres near the river and fertilize with sludge what will happen and what restrictions would I have to follow?

A. Any pollution effects and application strategies would depend on the surface and subsurface geology, slope, soils, weather, quantities, etc. A specific inspection might be necessary to advise you of the best methods.

Q. Will land application of sludge as a disposal method be thoroughly investigated before use, particularly that of the sewage treatment plant and the Agripac cannery?

A. Lane County or MWMC officials can answer that better, but we believe so. The proposed Policy takes into account sludge applications and possible effects on groundwater.

Q. Will leaky sewer lines be repaired if they are shown to be polluting groundwater?

A. Correction of infiltration and exfiltration problems of sewer lines is identified as a preventive practice.

Q. Have rules on septic tanks been addressed concerning groundwater levels and septic tanks?

A. Yes, in the new subsurface rule re-write. New rules specified 48 inch separation between the bottom drainfield and the top of the underground water table.

Q. How much has the interim groundwater Policy cost to implement? How much will it cost, if adopted? What is the total budget of the DEQ and EQC from 1978?

A. The interim Policy has not created any new programs nor will the final adopted version. The Policy will use existing permits, programs, and monitoring tools to carry out groundwater protection through prevention. No new funds were expended above existing program budgets. The DEQ budget is available for examination at the Management and Budget Section of the Executive Department in Salem or at the DEQ headquarters in Portland. It cannot be sent without first determining the cost of reproducing and mailing it.

Q. Does this policy mean that sewers will be prescribed or required? Paragraph "B" seems to imply it.

A. "Collection and treatment" does mean sewers, usually, and in some cases, may be necessary to protect a badly threatened groundwater resource. This is not a foregone conclusion by any means, however.

Q. Does this policy establish standards for groundwater quality?

A. No, other than the EPA nitrate-nitrogen standard for drinking water of 10 parts per million.

(There were many more comments and questions offered by the audience, mostly related to the opposition by River Road/Santa Clara residents to the DEQ/Lane Co. agreement and their rejection of the research results that showed the severity of the existing groundwater pollution. Although lively, this line of public commentary and questioning was not fruitful and, in fact, did not actually relate to the policy under discussion.)

Participant List
Eugene, Oregon
January 7, 1981

G. Rosenthal
L-Cog
Eugene, OR

Becky Kreag
L-Cog
Eugene, OR

Dave Heland
Springfield Utility Board
Eugene, OR

Tom Paterson
Weyco
Eugene, OR

Sue Corwin
Oregon Farm Bureau
Eugene, OR

Roy Burns
Lane County
125 E. 8th
Eugene, OR 97401

Mike Hopkins
Springfield News
1887 Laura Street
Springfield, OR 97477

Charles A. Hogan
40870 McKenzie
Eugene, OR 97479

Alwin Vann
P. O. Box 25
37625 Row River Road
Dorena, OR 97434

Donald C. Dicky
Hope
555 E. Beacon Drive
Eugene, OR

George Keller
93100 River Road
Junction City, OR 97448

Allen Perouthen
MWMC
Eugene, OR

Edward Donaldson
River Road
Eugene, OR

Michael Slattery
Eugene Save Our ECO Systems
4231/2 W 12th
Eugene, OR 97401

Tom Hartz
SCRRAAP
1038 Jayna Drive
Eugene, OR 97404

John C. Neely, Jr.
SCRRAAP
1600 Horn Lane
Eugene, OR

Jim Hale
Santa Clara Community Organization
1220 Anderson Lane
Eugene, OR 97404

Don Williams
River Road Community Organization
107 Mayfair
Eugene, OR 97404

S. Herbert
208 AAC
2750 Onyx
Eugene, OR 97403

C. Eggleston
410 Irving Road
Eugene, OR

E. F. Terry
RR 888 Nadine Ave.
Eugene, OR 97404

Participant List (continued)

Betty Donaldson
SCRRAAP
398 Hawthorne
Eugene, OR 97404

Phil Rose, Chairman
SCRRAAP
4026 W 11th
Eugene, OR

Rudy Ness
468 Durham
Eugene, OR 97404

Rudy Malnar
792 Meriall Lane
Eugene, OR 97404

Bill Dillman, Treas.
SCRRAAP
798 Park Avenue
Eugene, OR

Marie Gray
SCRRAAP
353 Knoop Lane
Eugene, OR 97404

Wanda Simmons
SCRRAAP
1183 Skipper
Eugene, OR 97404

Marlena Barnes
SCRRAAP
2943 Arubrey Lane
Eugene, OR 97402

MS225.C (1)1
2/18/81

OREGON GROUNDWATER PROTECTION POLICY

STATEWIDE PUBLIC INFORMATION MEETINGS, 1981

Medford, January 8, 1981

Participants

(Attendance list attached)

Paul Hughes
Joe Coleman
Dee Campbell
Bernie Marcotte
Chuck Costan
Dick Jewett
Cliff Shawn
Edwin W. Gebhard
David C. Hendrix
Fred Phillips
Eric Dittmer
A. G. Oakes

"EDITOR'S NOTE"

Names are spelled as closely as the attendance list could be deciphered. All names were handwritten and some were difficult to read.

Staff

Mark A. Fritzler
Gary L. Grimes
David H. Couch
Edison L. Quan
William Bartholomew, Water Resources Department

Agency Presentation and Background

Mark Fritzler, DEQ Public Information Officer, chaired the meeting and opened with a discussion of the DEQ's Water Quality Policy Advisory Committee (PAC), its roles and responsibilities, purpose of the present meeting, and what will be done with the public comments received tonight.

Following the background statement, Fritzler, gave a brief history of water quality protection in Oregon, the formation of the DEQ, the emergence of groundwater pollution problems, and the Environmental Quality Commission's need for a perception of the consistent policy to guide DEQ staff in addressing and preventing groundwater pollution. Such a policy will also provide guidance in interagency efforts, such as with the Water Resources Department.

Bill Bartholomew, a hydrogeologist with the Water Resources Department, presented a background discussion and slide show describing groundwater resources in general and Oregon's in particular. He identified the areas of groundwater occurrence in Oregon and some of the problems affecting this resource.

Ed Quan, a DEQ biologist, wrapped up the agency presentation section by reviewing the proposed policy point by point, explaining the rationale behind each policy statement and its intent.

Following Quan's presentation, the meeting was opened for public comment, testimony, or questions.

Oral and Written Testimony

No formal written or oral testimony on the proposed groundwater policy was offered at this meeting.

The major comments dealt with standards for groundwater quality, prevention of conflicts of interest with the work of the Water Resources Department, new regulations, if any, and legislation.

It is the position of the DEQ and the Water Resources Department that no alterations of existing legislation, WRD rules, or well drilling rules will be made.

No new rules or legislation will be proposed by this Policy, as the purpose is to use rules, regulations, permit programs and prevention techniques already in effect for protecting surface waters to protect groundwater.

Another concern was voiced about the necessity of the Policy and the meetings themselves, if authorities already exist through current rules, as stated by DEQ staff. DEQ response is that the Policy will guide DEQ and other agency staff by focusing and emphasizing the need to prevent groundwater pollution, given past agency preoccupation with surface water protection. In the future, it is possible that rules or legislative requests might be made if it becomes clear that existing programs actually do not protect groundwater adequately. These public information meetings are being held in keeping with the commitment of the DEQ Director, the EQC, and the PAC to involve citizens early in the policy making process.

Summary of Relevant Questions and Answers

Q. What minerals, chemicals, etc. are to be included in groundwater standards?

A. Standards for groundwater quality are not being proposed at this time and will not likely be for a number of years. In the case of domestic drinking water supplies, however, the federal nitrate-nitrogen standard of 10 parts per million will apply. The strategy is to approach groundwater quality and protection from an evaluation of the primary beneficial use. For example, domestic drinking water will have different standards of purity than water pumped for irrigation only.

Q. What is the status of the Water Resources Department/U.S. Geological Survey Groundwater Basin Study in the Rogue River Basin?

A. With last summer's Legislative Emergency session cuts in WRD budget, the work has slowed down and the USGS participation has shrunk due to the reduction of the state's share.

Q. Why is this Policy needed when you say that the authorities already exist under present statutes for pollution control?

A. The purpose of the Policy is to guide DEQ and other agency staff in making sure that waste management activities do not inadvertently cause a groundwater problem.

Q. Will this Policy be proposed as legislation?

A. No. If in the future, it is clear that groundwater resources cannot be adequately protected under existing rules and programs, we wouldn't rule out the possibility of new directions being proposed. Ample public review and comment opportunities will be provided, of course.

Q. Why does the Policy, as written, read like rules, with all the "shalls", and " shoulds", etc?

A. It is consistent with existing policy language codified in Oregon Administrative Rules.

Q. Will local expertise and management be taken into account or will DEQ try to administer the Policy from Portland?

A. The Policy provides for developing agreements with local jurisdictions to address local groundwater problems. The DEQ will also be cooperating with other state agencies that have responsibilities in this field, such as WRD and Health Division.

Participant List
Medford, Oregon
January 8, 1981

Paul Hughes
Hughes & Associates, Inc.
Medford, OR 97501

Joe Coleman
Josephine Co. Water Resource Committee
Medford, OR 97501

Dee Campbell
714 NW "A" Street
Grants Pass, OR 97526

Bernie Marcotte
714 NW "A" Street
Grants Pass, OR 97526

Chuck Costan
Josephine Co. Environmental Health
Medford, OR 97501

Dick Jewett
Mail Tribune
Medford, OR 97501

Cliff Shawn
Marquess & Associates, Inc.
Medford, OR 97501

Edwin W. Gebhard
Board of Agriculture
Medford, OR 97501

David Hendrix
Watermaster, District No. 13

Fred Phillips
Private Engineer
881 Brookdale
Medford, OR 97501

Eric Dittmer
Rogue Valley COG
P. O. Box 3275
Central Point, OR 97501

A. G. Oakes
3180 Rogue River Highway
Gold Hill, OR 97525

MS225.B (1)1
2/18/81

GROUNDWATER PROTECTION POLICY

Bend Public Meeting--January 12, 1981

Chairman: Don Thompson

Participants:

Bruce P. McCannon	Deschutes NF 211 N.E. Revere	Bend
Doane Clark	64120 Hwy. 20	Bend
David J. Newton	42 S.W. McKinley	Bend
Ann Patterson	The Bulletin 1526 N.W. Hill	Bend
Bob Main	1507 N.E. First	Bend
Leslie Olson	P.O. Box 1174	Bend
Jim Castro	21075 Young Ave.	Bend

Staff:

Thomas J. Lucas
Neil J. Mullane
Donald L. Bramhall
Andrew L. Schaedel
William Bartholomew

Don Thompson opened the meeting with a discussion of the Policy Advisory Committee; its role and responsibilities, the reasons for holding these public hearings and what will be done with the public comments.

Tom Lucas followed, giving a brief history of the Department and the background information on the policy itself. He also discussed the present groundwater investigations being conducted by the Department and how this work has led to the development of the policy.

Bill Bartholomew followed with a talk and slide show explaining and describing groundwater resources in general and Oregon's groundwater resource specifically. He identified the areas of groundwater occurrence in Oregon and illustrated some of the particular problems facing this resource.

Neil Mullane was the final speaker on the agenda. He discussed the Proposed Groundwater Protection Policy point by point, describing the rationale behind the various policy statements and their specific intent. After this discussion, the floor was open for testimony and general questions and answers.

Oral and Written Testimony:

During the hearing there was no formal oral or written testimony offered. The staff has summarized the questions and answers which took up the remainder of the meeting. Below are some of the general comments:

Prevention of quality problems are paramount because we have a limited groundwater potential and we should protect what we have.

Land application of sewage should be studied very carefully to see that it is not getting into the groundwater.

Prohibit the burial of gas tanks in sensitive aquifers without bedding in bentonite clay or some other appropriate protective layer.

Question and Answer Summaries:

During the Q & A period which lasted some 90 minutes, the staff was asked several questions pertaining to the policy and the content of the state's environmental programs. Summarized below are the key questions and answers.

Q. Does the policy take into consideration the economics for protecting the aquifer?

A. Under policy statements B & G, the Environmental Quality Commission identifies economics and orderly financing as factors in implementing controls.

Q. Does the Department of Environmental Quality have control over and does this policy address the issues of drill holes for the disposal of urban runoff and their impact upon the groundwater?

A. The Department does not presently have a program to address drill hole disposal of urban runoff. We are now undertaking extensive urban runoff studies to quantify pollutants in urban runoff and if we find there are pollutants in urban runoff, then we can more forward to control drill hole disposal of urban runoff.

Q. Is it possible to identify depletion of an aquifer as a quality problem?

A. Yes, if the situation would cause an indraft of lower quality water.

NJM:l
TL218 (1)
1/30/81

GROUNDWATER PROTECTION POLICY

Ontario Public Meeting--January 13, 1981

Chairman: Dr. Rodney Briggs

Participants:

Helen P. Briggs	La Grande
Hugh Kennington	Ontario
Floyd Hawkins	Vale
Cris Rudd	Ontario
John Bishop	Vale
W. C. Hammack	Jamieson
G. L. Winship, Daily Argus Observer	Ontario

Staff:

Thomas J. Lucas
Neil J. Mullane
Andrew L. Schaedel
William Bartholomew, Water Resources Dept.

Dr. Briggs opened the meeting with a discussion of the Policy Advisory Committee; its role and responsibilities, the reasons for holding these public hearings and what will be done with the public comments.

Tom Lucas followed, giving a brief history of the Department and the background information on the policy itself. He also discussed the present groundwater investigation being conducted by the Department and how this work has led to the development of the policy.

Bill Bartholomew followed with a talk and slide show explaining and describing groundwater resources in general and Oregon's groundwater resource specifically. He identified the areas of groundwater occurrence in Oregon and illustrated some of the particular problems facing this resource.

Neil Mullane was the final speaker on the agenda. He discussed the Proposed Groundwater Protection Policy point by point, describing the rationale behind the various policy statements and their specific intent. After this discussion, the floor was open for testimony and general questions and answers.

Oral and Written Testimony:

The participants did not present any formal oral or written testimony. Below is a sumary of the pertinent questions asked during the meeting. This is not verbatum but a summary of both the questions and responses given.

Q. We have installed a pond on our place to take care of the runoff from our dairy; if we keep that pond, and other people follow suit in order to keep the waste out of the surface water, are we going to pollute the aquifer water to the point where we are doing more damage this way than letting it run off?

A. The impact of the pond on the groundwater depends on a number of factors; including the geology of the site, the soils present, whether the liquid is evaporating or percolating down to the aquifer or is its movement restricted by a natural impervious layer. In short, it is difficult to say whether this particular pond is or will have an impact on the groundwater without going out to the site and looking at some of these physical factors. And even if some pollutants are reaching the aquifer, they might still be within allowable limits which would not preclude its use.

Q. Are we doing more damage by ponding the waste than by letting it run off?

A. No, not necessarily. It again depends on the construction of the lagoon, the geology in the area, the soils, and other factors. The soil is a very effective treatment mechanism. This is what the subsurface sewage program is based upon. We have in the subsurface program and through the groundwater studies now underway, been able to get a pretty good handle of what types of loadings coming from surface activities and impacting the groundwater. We are using this information to help guide the controls placed on surface activities.

Q. A very small percentage of the groundwater in this area is used for irrigation. Most use is for domestic, cities, and livestock watering. The 208 plan in Malheur County is to protect surface water by implementing these protective measures to clean up the surface water, building waste holding ponds, we maybe are creating more of a problem for our supply of drinking water than we would if we didn't do such a good job of protecting surface water.

A. In the case of groundwater,bacterial pollution is often the least troublesome pollutant because it will die off or be screened out. Chemical pollutants, however, are of greater concern because they persist in the aquifer. The chemical leaching from these waste ponds would therefore be of a concern for potential chemical pollutants.

The present groundwater studies are now providing some of the information on how specific surface activities are impacting the groundwater.

Q. But are we not, however, implementing regulations and controls without knowing the total impact of those decisions?

A. We are using the best available knowledge. We have this level of information now and based on that, we will pursue certain controls. As new information comes along we might modify our approach on the controls.

Q. This density question is really interesting. In some places you can get by with a lot of houses in a small area and in other areas you cannot. This information has to get to the planning and zone people so they can make intelligent judgments as to whether or not a particular piece of ground can be used for what they are zoning it for.

A. You are precisely correct.

Q. Could the pond I have constructed on my farm to dispose of my animal waste be a source of groundwater pollution. Since we have a more limited amount of rainfall in this area than in the western portion of the state, if something got into the aquifer here it could be there for a long time.

A. Yes, it could very well. For example, on the coast the dunal aquifers are experiencing rainfalls of 80 to 90 inches. This sets up a cycling effect where the water moves down and out into the ocean in a relatively short period of timne.

In Eastern Oregon, where in some places you are only getting 9 to 10 inches, the aquifer might not be experiencing that type of water movement, therefore, if a potential pollutant enters the aquifer, it might be there for some time.

Q. When we have a water quality study like the Malheur 208 study, which is addressing surface water pollution from nonpoint sources, shouldn't we also be considering the impact of certain activities on the groundwater?

A. Yes, in hindsight it would have been a better product if we were able to do that.

Q. The type of controls contemplated under this policy have to be tailored to a specific area.

A. Yes, the field personnel are using the site specific information such as soils, rainfall, density and professional experience to make judgments on a site specific basis.

In summary, there was considerable interest in the policy and the need to protect the groundwater. There was also considerable interest and concern as to whether specific management practices, i.e., animal waste ponds, have a potential for impacting the groundwater and specifically whether they would pollute someone's domestic well.

NJM:l
TL229 (1)
2/3/81

Groundwater Protection Policy

Pendleton Public Meeting January 14, 1981

Chairman: F. K. Starrett

Participants:

Rick Estol, East Oregonian	211 S.E. Byers	Pendleton
L. Woods	Rt. 1, Box 310	Pendleton
K. Woods	Rt. 1, Box 88	Pendleton
James S. Miller	Rt. 1, Box 28	Pilot Rock
Edwin Horft	Rt. 2, Box 116AA	Pendleton
C. J. Gilbert	Rt. 1, Box 311	Pilot Rock
Jeanne Marie Gibert	" "	" "
Mibs L. Williams	Rt. 2, Box 117	Milton Freewater
Ralph Franklin	Rt. 2, Box 131	Milton Freewater
Eugene Key	Rt. 2, Box 132	Milton Freewater
Calvin J. Foster	2610 Indiana St.	Baker
Stanley G. Wallulis	3307 S.W. Jay	Pendleton
Ralph W. Smuckal	Rt. 2, Box 94	Milton Freewater
Ethel G. English	P.O. Box 204	Pendleton
Edna Hancy	2323 S.W. 44th	Pendleton
Steve Applegate	3328 S.W. La Dow	Pendleton
Tony Holcomb	P.O. Box 968	Pendleton
Carlos Van Elsberg	3227 S.W. Isaac	Pendleton
Larry Powers	615 N.W. 4th	Pendleton
Steve Randolph	Star Route Box 850	Pendleton
Jerry Odman	P.O. Box 190	Pendleton
Bob Johns	Rt. 1, Box 114	Adams
Ernest Timmermann	908 S.E. Byers	Pendleton
Howard Perry	P.O. Box 1107	La Grande
Jim Peterson	4311 S.W. Sheridan	Pendleton
Dean R. Mason	Rt. 1, Box 54 C	Boardman
Jerry Simpson	P.O. Box 341	Boardman

Staff:

Thomas J. Lucas
Steven F. Gardels
Andrew L. Schaedel
Allen L. Minton
Neil J. Mullane
William Bartholomew

Mr. Starrett opened the meeting with a discussion of the Policy Advisory Committee; its role and responsibilities, the reasons for holding these public hearings and what will be done with the public comments.

Tom Lucas followed, giving a brief history of the Department and the background information on the policy itself. He also discussed the present groundwater investigation being conducted by the Department and how this work has led to the development of the policy.

Bill Bartholomew followed with a talk and slide show explaining and describing groundwater resources in general and Oregon's groundwater resource specifically. He identified the areas of groundwater occurrence in Oregon and illustrated some of the particular problems facing this resource.

Neil Mullane was the final speaker on the agenda. He discussed the Proposed Groundwater Protection Policy point by point, describing the rationale behind the various policy statements and their specific intent. After this discussion, the floor was open for testimony and general questions and answers.

Oral and Written Testimony:

During the meeting several people offered direct comments but no written testimony on the policy. These comments are summarized below, along with summaries of questions asked and the answers given.

In general the meeting participants supported the policy but felt it should be flexible enough to reflect local conditions and strong enough to do something about a groundwater problem if one existed. But, if teeth were to be put into the policy this should be done locally. Some people felt the policy lacked meat to do anything. Prevention was repeatedly stressed with statements like "the problem with groundwater problems is once they occur they are very difficult to get rid of. Unless we have the ability to prevent things from happening we will not get very far, because once they happen it takes a long time to correct them," and "You need some enforcement to stop problems before they happen."

Some comments were directed towards the apparent vagueness in the policy's coverage and how it would relate to a specific identified problem. People asked whether it included nonpoint sources and whether it would call for the sewering of an area outside the urban growth boundary if groundwater problems were being caused by the existing septic systems. If sewers were required some people wanted to know where the money would come from to pay for them.

One commentator voiced the opinion that the policy should include a strong information and educational statement. His was based on the feeling that many people would voluntarily do what was necessary to protect the groundwater if they were aware of the potential impact of their actions and were aware of some possible alternative practices.

Question and Answer Summaries:

Q. Are not the viruses and bacteria contained within septic tank waste essentially eliminated within 18 to 24 inches of the drainfield bottom?

A. This depends on the soil you have. Some soils are a very effective treatment medium whereas others provide little or no treatment. Determining this on a case-by-case basis is how the state's subsurface program is run, to determine what systems are to be placed in what soils to provide adequate treatment of wastes. Septic tank problems are suspected to be the leading contributor to the groundwater problems in the four groundwater areas that we are now studying.

Q. Current literature suggests that nonpoint source problems are causing one-half of the pollution problems in the country.

A. The recent information discussing the magnitude of the nonpoint source problem nationally states that about 50 percent of the surface water problem is generated from nonpoint sources.

Q. Are cattle wastes a water quality problem?

A. The Department is presently engaged in an extensive study in Tillamook County to get a better handle on cattle waste. We have completed three extensive sampling runs during wet and dry weather periods and our data shows that the local streams and rivers are at times significantly impacted by animal wastes.

Q. Are nitrates showing up in the Dryland Wheat area 208 study?

A. The ambient sampling program is not showing high nitrate levels in this area to the best of my knowledge.

Q. Does the present proposed groundwater policy take nonpoint sources into consideration?

A. The policy is primarily directed towards point sources. If nonpoint sources prove to be a source of groundwater problems the policy might be expanded in the future to include them.

Q. Why shouldn't we use the groundwater even if it cannot be recharged? Why not use what there is just like you would any other resource?

A. It is against the law to mine groundwater. It would take a change in state law to do this.

Q. What if you have contaminated water being placed in the groundwater and you don't discover this source for fifteen years. Don't you have 15 years of backed up contaminated water which has to come on out?

A. You could have several generations written off. For example in the Central Willamette Valley during WW II aluminum oxides and chlorides were disposed of in an open gravel pit. Over time they migrated down gradient, and block by block domestic wells were contaminated. The plume although dissipating, has polluted the aquifer for 30 years and is still present.

Q. Nonpoint sources have been identified as polluting the surface water. Is there a groundwater pollution problem from nonpoint sources?

A. Yes there might be certain amount of pollution from nonpoint sources going into the groundwater. We are pushing for a level of NPS control by using the best management practices. A typical dairy farm might confine its animal waste and spread it out over a field or pasture where the pasture grasses utilize the nitrates and the bacteria are treated the wastes very much the same way as in a septic system. In short, at our present level of knowledge, we are looking for the implementation of BMPs.

Q. Would somebody clarify the organizational structure of the environmental agencies?

A. The U.S. Environmental Protection Agency is the federal agency responsible for administering the national environmental programs. These national programs are the result of laws like the Clean Air and the Clean Water Act, which were enacted by Congress.

In Oregon we have a state environmental program under state government. Some of the programs we implement originated in the federal system and others were generated solely under Oregon statutes. Organizationally, the Governor appoints the Environmental Quality Commission, which is a commission made up of five private citizens with specific statutory responsibilities for overseeing the work of the State Department of Environmental Quality. The Commission establishes policy and adopts rules. The Department of Environmental Quality is the regulatory agency for state environmental programs.

Q. Is the policy flexible enough for each watershed to be addressed individually and not be controlled by physical characteristics of the Willamette Valley?

A. We recognize the need to treat problems on a very site-specific basis and the controls contemplated in an area would be chosen for the local conditions.

Q. I was under the impression that we already had a 208 plan and that the State Soil and Water Conservation Commission was designated by the Governor to manage the program. Why are we coming back now with another nonpoint source program? There seems to be a lot of duplication and overlap with EPA, DEQ, and SWCC.

A. The U.S. Environmental Protection Agency does not carry out 208 planning in Oregon. The Department of Environmental Quality was designated by the Governor as the lead state agency responsible for 208 planning in Oregon. Under the 208 program

there are eight categories of nonpoint source pollution: Silviculture, Agriculture, Construction, Mining, Urban Runoff, Residual Wastes, Groundwater, and Salt Water Intrusion. When DEQ began the 208 program a few years ago, we did not feel that we had the time nor money to plan for each of these categories in total for the entire state. Therefore, we prioritized the categories and in the case of agriculture we prioritized specific problem areas within the agriculture category. In forestry, we review the state's forest practices act and the federal agency's programs and approved them. In agriculture we identified specific problem areas and developed individual plans for them; like the Dryland Wheat area. Now we are moving down the list of priority categories and working on groundwater and urban runoff.

The Soil and Water Conservation Commission was designated the management agency for agriculture nonpoint source problems on private agriculture lands in the state.

NJM:l
TL223 (1)
1/30/81

OREGON GROUNDWATER PROTECTION POLICY

STATEWIDE PUBLIC INFORMATION MEETINGS, 1981

Coos Bay, January 20, 1981

Participants

(Attendance list attached)

Beryl Taylor
Larry Schoolcrary
Wm. Rampelor
John P. Drolet
Bill Grile
Jack Sakin
Roger Adams
Clarence & Barbara Jocobson
Cliff E. & Irene E. Howard
Carlin Williams

"EDITOR'S NOTE"

Names are spelled as closely as the attendance list could be deciphered. All names were handwritten and some were difficult to read.

Staff

Mark A. Fritzler
Edison L. Quan
Ruben L. Kretzschmar
William Bartholomew, Water Resources Department

Agency Presentation and Background

Ken Messerle, PAC member, chaired the meeting and opened with a discussion of the DEQ's Water Quality Policy Advisory Committee (PAC), its roles and responsibilities, purpose of the present meeting, and what will be done with the public comments received tonight.

Mark Fritzler, DEQ Public Information Officer, gave a brief history of water quality protection in Oregon, the formation of the DEQ, the emergence of groundwater pollution problems, and the Environmental Quality Commission's need for a perception of the consistent policy to guide DEQ staff in addressing and preventing groundwater pollution. Such a policy will also provide guidance in interagency efforts, such as with the Water Resources Department.

Bill Bartholomew, a hydrogeologist with the Water Resources Department, presented a background discussion and slide show describing groundwater resources in general and Oregon's in particular. He identified the areas of groundwater occurrence in Oregon and some of the problems affecting this resource.

Ed Quan, a DEQ biologist, wrapped up the agency presentation section by reviewing the proposed policy point by point, explaining the rationale behind each policy statement and its intent.

Following Quan's presentation, the meeting was opened for public comment, testimony, or questions.

Oral and Written Testimony

No formal oral or written testimony was offered. Comments and questions generally reflected a concern about the need for the Policy in the first place, what standards will be established for groundwater, who will be in charge, will there be new rules or legislation, and will local jurisdictions be consulted or involved in any program efforts.

The DEQ's response was that the Policy is to provide guidance for DEQ (and other relevant agency) staff in pursuing water pollution control programs currently their responsibility. Agency attention has been focused largely on surface waters in the past, and the EQC would like to emphasize the need to protect groundwater resources, as well. In some cases, it is possible that the solution for a surface water pollution problem could cause a groundwater problem, such as landfill leachate. DEQ staff plan to exercise a greater awareness of groundwater pollution prevention in carrying out their other responsibilities.

No new rules or legislation are proposed, although it is prudent to say that if current programs and rules are found to be inadequate to protect groundwater, new efforts will need to be considered. At present, the DEQ, Water Resources Department, and the Health Division will continue to carry out their responsibilities in this area.

The Policy provides for close cooperation with local jurisdictions and their planning efforts in protecting groundwater.

Summary of Relevant Questions and Answers

Q. What is the mechanism that will be used to identify the need for "more stringent controls", as provided for in section C of the Policy?

A. The identification of an aquifer as a sole source of drinking water for a community is a situation requiring more stringent controls on development and other activities having the potential for polluting such an aquifer.

Q. Why is the Policy necessary? Why was it undertaken? How are staff or local jurisdictions to be involved?

A. The Policy is necessary and was undertaken because presently, neither standards nor other procedures have been developed sufficiently to provide the framework for protecting groundwater quality. Past groundwater pollution problems have been addressed by the EQC on a case-by-case basis in areas such as Clatsop Plains, LaPine, and River Road/Santa Clara. As awareness of these types of problems increase, an apparent need exists for policy guidance from the EQC to guide the actions of the Department, local governmental agencies, and others to assure protection of groundwater quality.

Participant List
Coos Bay, Oregon

Beryl Taylor
Charleston Sanitary District
Coos Bay, OR 97420

Larry Schoolcraft
Menasha, NB
P. O. Box 329
North Bend, OR 97459

Wm. Rampelor
Coos Concrete Products
North Bend, OR 97459

John P. Drolet
Watermaster Dist. XV
Courthouse
Coquille, OR 97423

Bill Grile
Coos Co. Planning Department
Coos Bay, OR 97420

Jack Sakin
CC COG
North Bend, OR 97459

Roger Adams
CC COG
North Bend, OR 97459

Clarence & Barbara Jocobson
Box 329
South Coos River
Coos Bay, OR 97420

Cliff and Irene E. Howard
Route 4, Box 459-IV
Coos Bay, OR 97420

Carlin Williams
Reedsport City Council
P. O. Box 61
Reedsport, OR 97467

MS225.A (1)1
2/18/81

OREGON GROUNDWATER PROTECTION POLICY

STATEWIDE PUBLIC INFORMATION MEETINGS, 1981

Newport, January 21, 1981

Participants

(Attendance list attached)

Lincoln Co. Health Dept.
Carlin Williams
Bill Zekan
Hal Schlicting
Don Butsch
Robert Schones
Ray Jordan
David Childs
Kim Swift
Doug Marshall
Gail Staton

"EDITOR'S NOTE"

Names are spelled as closely as the attendance list could be deciphered. All names were handwritten and some were difficult to read.

Staff

Mark A. Fritzler
Edison L. Quan
William Bartholomew, Water Resources Dept.

Agency Presentation and Background

Andy Zedwick, PAC member, chaired the meeting and opened with a discussion of the DEQ's Water Quality Policy Advisory Committee (PAC), its roles and responsibilities, purpose of the present meeting, and what will be done with the public comments received tonight.

Mark Fritzler, DEQ Public Information Officer, gave a brief history of water quality protection in Oregon, the formation of the DEQ, the emergence of groundwater pollution problems, and the Environmental Quality Commission's need for a perception of the consistent policy to guide DEQ staff in addressing and preventing groundwater pollution. Such a policy will also provide guidance in interagency efforts, such as with the Water Resources Department.

Bill Bartholomew, a hydrogeologist with the Water Resources Department, presented a background discussion and slide show describing groundwater resources in general and Oregon's in particular. He identified the areas of groundwater occurrence in Oregon and some of the problems affecting this resource.

Ed Quan, a DEQ biologist, wrapped up the agency presentation section by reviewing the proposed policy point by point, explaining the rationale behind each policy statement and its intent.

Oral and Written Testimony

No formal oral and written testimony that specifically addressed the proposed Policy was offered.

The chief interests related to local subsurface problem, particularly in the Neskowin area. In addition, members of the audience were interested in what was known about the groundwater resources of Lincoln County. Staff response was that not a great deal was known and groundwater did not yet play a great role in the water supply picture for that area, although it could very well become a resource for certain growing areas in the dunal regions near Waldport and north toward Cascade Head.

Discussion ranged widely over issues of subsurface sewage disposal and growth in the area, the need for small community sewage disposal systems, and basic resources knowledge.

Summary of Relevant Questions

The actual number of questions that related specifically to the proposed Policy were few.

Q. A number of us in the Neskowin area are interested in a sewer district but are having some trouble due to a letter written by a DEQ official out of Tillamook that says the problem is not severe enough and no difficulties have been noted. We know that there are problems, how can we proceed?

A. That letter, written over two years ago, implies that not too many subsurface systems have failed. It should not be justification to prevent sewering if the community desires it. One thing to bear in mind, however, is that the groundwater in the Neskowin area is not classified as a sole source aquifer for the community, as it is supplied by a system that obtains its water from the hill watershed east of the community. It may be difficult to gain the community support for sewering on that basis. That is not to say that there are not good and sufficient reasons to sewer or that there are no problems of subsurface sewage disposal in the area, however.

Q. Does DEQ or any other agency have surveys of the state or Lincoln County?

A. It's spotty. The Water Resource Department has begun a basin-by-basin survey of the state, starting with the Rogue River Valley, but work has slowed down due to the budget cutback from the summer's Legislative Emergency Session. WRD does have an older study done for Lincoln County, however. It was never published and exists as staff reports and maps but you are welcome to come to the WRD office in Salem and look it over.

Q. Do you have anything on the Jefferson area?

A. Yes. The WRD has that information in a report called The North Santiam Study and you can get it from the WRD.

Participant List
Newport, Oregon
January 21, 1981

Lincoln County Health Dept.
Newport, OR 97365

Carlin Williams
Reedsport City Council
866 Crestview Drive
Reedsport, OR 97467

Bill Zekan
Lincoln County Environmental Engineer
Newport, OR 97365

Hal Schlicting
Neskowin Reg. Sanitary Authority
Neskowin, OR 97149

Don Butsch
Water Policy Review Board
1217 NW Oceanview Drive
Newport, OR 97365

Robert Schones
213 Buford
Siletz, OR 97850

Ray Jordan
Public Work Supervisor
Jefferson, OR 97352

David Childs
Childs Ranch
Arlington, OR 97812

Kim Swift
Tillamook County Health Dept.
Tillamook, OR 97141

Doug Marshall
Tillamook County Health Dept.
Tillamook, OR 97141

Gail Staton

MS225.D (1)1
2/18/81

GROUNDWATER PROTECTION POLICY

Astoria Public Meeting January 22, 1981

Chairman - Ernie Josi

Participants:

Curt Schneider	Planning Dept.	Astoria
Roger Berg	Clatsop County Commissioner	Astoria
Emmet Piene	Daily Astorian	Astoria
Allan Gibbons	P.O. Box 161	Hammond

STAFF:
Thomas J. Lucas
John E. Jackson, Jr.
William Bartholomew

Mr. Josi opened the meeting with a discussion of the Policy Advisory Committee; its role and responsibilities, the reasons for holding these public hearings and what will be done with the public comments. Tom Lucas followed, giving a brief history of the Department and the background information on the policy itself. He also discussed the present groundwater investigation being conducted by the Department and how this work has led to the development of the policy.

Bill Bartholomew followed with a talk and slide show explaining and describing groundwater resources in general and Oregon's groundwater resource specifically. He identified the areas of groundwater occurrence in Oregon and illustrated some of the particular problems facing this resource.

Tom Lucas was the final speaker on the agenda. He discussed the Proposed Groundwater Protection Policy point by point, describing the rationale behind the various policy statements and their specific intent. After this discussion, the floor was open for testimony and general questions and answers.

The comments at the Clatsop County public meeting were somewhat different from the prior meetings in that specific comments and questions were asked concerning the Clatsop Plains groundwater study and the proposed policy, and further, written testimony was submitted which covered the four questions.

The four questions asked and staff answers are summarized below:

Q. Clatsop County questioned the 10 mg/L NO_3-N standard and believes a 20 mg/L NO_3-N standard would be more satisfactory and would still protect public health.

A. The 10 mg/L NO_3-N federal standard for drinking water is recognized by Oregon. Clatsop County is welcome to submit evidence that would support a 20 mg/L NO_3-N standard and DEQ will evaluate it.

Q. Clatsop County recommends a 7.5 mg/L planning target on the basis that it will provide a good margin of safety and that DEQ's 5 mg/L planning target is arbitrary and too conservative.

A. Based on past planning experience, DEQ believes that the 5 mg/L is prudent and provides an adequate margin for safety. DEQ further believes that the 7.5 mg/L target will not provide an adequate safety margin.

Q. Clatsop County would like to have the EQC "write off" an area and specifically allow for continued pollution. The County is also interested in knowing what the process is for eliminating a beneficial use of an aquifer.

A. DEQ staff believes that the Clatsop Plains aquifer is protectable and should not be "written off" in whole or in part. The process for eliminating a beneficial use is not well defined. Further legal analysis of this issue is required.

Q. Can groundwater that has a level of 1 to 9.99 mg/L of NO_3-N be used for a domestic drinking water source? What level of treatment would be needed?

A. Yes, it depends on the overall quality of the water. The available treatment processes do not remove nitrate from the raw water.

TJL:l
TL227 (1)
2/3/81

PUBLIC RESPONSES

1. R. C. Newcomb, Consulting Geologist, Portland.

2. Jack E. Sceva, Regional Geologist, U. S. Environmental Protection Agency, Region X, Seattle, Washington.

3. Karl Eysenbach, City Administrator, City of Mt. Angel.

4. Gary F. Krahmer, General Manager, Unified Sewerage Agency, Hillsboro.

5. John C. Neely, Jr., Eugene.

6. Bob Westerberg, Chairman-ON BEHALF OF THE CLATSOP COUNTY BOARD OF COMMISSIONERS, Clatsop County, Oregon.

7. Steve A. Tyler, President-HOME OWNERS PROTECTING ENVIRONMENTS (HOPE), Eugene.

8. Gerritt Rosenthal, 208 Program Manager, Lane Council of Governments, Eugene.

9. P. Y. Cree, General Manager-Environmental and Analytical Services, Portland General Electric Company, Portland.

10. David R. Corwin, President-Lane County Farm Bureau, Eugene.

11. Lynn Hamilton, City Manager, City of La Grande.

12. Lyn Hardy, Chairman, Board of Directors, Mid Willamette Valley Council of Governments, Salem.

Attachment B is too voluminous to reproduce. That attachment is available at DEQ headquarters, 522 S. W. Fifth Avenue, Portland, Oregon.

Lucas

PHONE 636-4062
AREA CODE 503

R. C. NEWCOMB
CONSULTING GEOLOGIST

01631 S.W. RADCLIFFE ROAD
PORTLAND, OREGON 97219

December 18, 1980

Oregon Department of Environmental Quality
522 SW 5th Avenue
P. O. Box 1760
Portland, Oregon 97207

Dear Sirs:

Enclosed is the copy of your "Proposed Groundwater Quality Protection Policy for Oregon" recehtly sent to me.

In response to your recent letter asking for comments from the public, I have marked on the copy many comments, corrections and questions designed to improve the statements incorporated in the report.

There are a large number of corrections needed in the manuscript before it is ready for incorporation in a policy statement.

Sincerely yours

R. C. Newcomb

R. C. Newcomb

Excellent editorial comments! I called Mr. Newcomb on 12/22/80, thanking him for taking the time and effort in reviewing this report. It is the most thorough review I have received EC Quan

Note: Mr. R. C. Newcomb recommended the addition of language as shown in the proposed Policies Statements B and E.3.

B. Consistent with general policies for protection of surface water, highest and best practicable treatment and control of sewage, industrial wastes, and landfill leachates, shall be required so as to minimize potential pollutant loading to groundwater. Among other factors, energy, economics, public health protection, potential value of the groundwater resource to present and future generations, and time required for recovery of quality after elimination of pollutant loadings may be considered in arriving at a case-by-case determination of highest and best practicable treatment and control. For areas where urban density development is planned or is occurring and where rapidly draining soils overlay local groundwater flow systems and their associated shallow aquifers, the collection, treatment and disposal of sewage, industrial wastes and leachates from landfills will be deemed highest and best practicable treatment and control unless otherwise approved by the EQC pursuant to C. or D. below.

E. 3. On-site Sewage Disposal System Construction permits shall be issued in accordance with adopted rules. It is recognized that existing rules may not be adequate in all cases or may be unnecessary to protect groundwater quality. Therefore, as deficiencies are documented, the Department shall propose rule amendments to correct the deficiencies.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: APR 14 1980

SUBJECT: Oregon's Proposed Interim Groundwater Quality Policy

FROM: Jack E. Sceva
Regional Geologist

TO: John Vlastelicia, Director
Oregon Operations Office

I am very pleased that the State of Oregon is considering the adoption of a policy relating to groundwater quality. The following are a few comments relating to the "Background Discussion" that accompanies the "Policy."

Page 7 and 9. -- This section over emphasizes the importance of the Cascade Mountains and the Coast Range in supplying groundwater to the Willamette Valley. Most of the rock formations beneath the Coast Range and those along the western flank of the Cascade Mountains have relatively low permeability and are not believed to be important sources of groundwater recharge for the Willamette Valley. Aquifers beneath the Willamette Valley are almost totally recharged from local precipitation.

Page 14. -- I think it would be desirable to identify the magnitude of each of the flow systems. The "Local Groundwater Flow Systems" are confined chiefly to Western Oregon and include most of the groundwater developed in the Willamette Valley and the Coastal sand dune areas.

Page 15. -- Most of the groundwater developed in Central and Eastern Oregon is derived from the "Intermediate Groundwater Flow System."

Page 15-18. -- The Regional Groundwater Flow System is not a major groundwater system being developed at this time. Deep wells in many of the groundwater basins in Eastern Oregon would probably develop groundwater from this system.

Page 19. -- Another groundwater system that is not mentioned is the "fossil water" in the basalt aquifers of North Central Oregon. There is little or no natural replenishment to some of these aquifers and groundwater withdrawals from these aquifers result in groundwater mining.

Page 21. -- Possibly it should be pointed out that boiling water contaminated with NO_3-N only increases the problem by concentrating the nitrates.

Page 25. -- In other parts of the country groundwater contamination from degreasing organic solvents is being detected with increasing frequency. The extent of this type of groundwater contamination in the local groundwater systems in Oregon is largely unknown.

Page 32. -- The statement in the 3rd paragraph about the source of recharge should be changed. The U.S.G.S. report "Groundwater in the East Portland Area Oregon" (WSP 1793) states on page 35 "Recharge in the East Portland area occurs mainly as infiltration from rainfall in the area."

Page 37. -- The River Road-Santa Clara area study showed widespread bacterial contamination of groundwater in the study area.

Page 45. -- The Keizer groundwater contamination problem merits mention as it shows how long the contamination of an alluvial aquifer can persist after the source of the contamination has been eliminated.

In regard to the "Proposed Groundwater Quality Protection Policy," I would recommend that the introductory statement be expanded to include the following: "This policy is also recommended as a guide to other state agencies and to federal agencies conducting operations in Oregon."

Copies of a paper on the Keizer contamination study and a recent U.S.G.S. publication on groundwater in Oregon are enclosed.

Enclosures

THE CITY OF MT. ANGEL

Incorporated April 3, 1893

Area Code 503
Telephone 845-6139

P.O. Box 960

MT. ANGEL, OREGON 97362

December 11, 1980

Department of Environmental Quality
522 S.W. 5th Avenue
Portland, Oregon 97207

SUBJECT: Proposed Groundwater Quality Protection Policies

Dear Sirs:

After reviewing Groundwater Quality Protection, I would like to congratulate the DEQ for the thoroughness and consideration they have given in preparing this report. Oftentimes, ordinary citizens and even public officials are unaware of the specific problems involved in groundwater management.

One of the things that I noticed in the policy statements is that "DEQ should seek the assistance and cooperation of the Water Resources Department to identify aquifers and design an ambient monitoring program adequate to determine long-term quality trends for significant groundwater flow systems."

I feel that this is a particularly important statement to communities such as Mt. Angel that are exclusively dependent on groundwater sources for their domestic supplies. I do feel however, that this policy statement needs amplification as to the specificity of interagency coordination needs. In my own experience, I have found that there has appeared to be little interagency coordination for cities in the past between the Water Resources Board and the DEQ. Oftentimes when a city is installing a new well, a considerable amount of paperwork needs to be done to document the requirements necessary for the Water Resources Board, but these requirements do not appear to directly relate to the specific concerns of the DEQ. This is not to say that Water Resources Board requirements are duplicative or in conflict with DEQ requirements. On the contrary, there does appear to be mutually complementary needs and requirements between the two agencies at present. However, a city's job would appear to be greatly simplified by dealing with a single rather than multiple state agency or liason when it is adding on to a municipal water supply.

Therefore, one of the minor policy adjustments I would propose would be in stressing interagency coordination at the state level up to and including the designation of single interagency liasons for state-city water resource development and monitoring. The establishment of a single representative capable of sustaining an ongoing relationship with cities for water development would make our response to state requirements easier and quicker. Extra time, money and paperwork could be eliminated, and such a program might be analogous to the single-permit information system that has proven itself, but with particular emphasis on DEQ and the Water Resources Board.

Other areas not mentioned in the report that I wish were mentioned as to their impacts on groundwater integrity are runoff, both from urban and agricultural areas. Each has a particular set of pollution problems for surface water. Cities obviously have more of a problem with heavy metal contaminations, while agricultural areas have phosphates or nitrates being introduced.

One of the things that could be of general benefit to the state would be if the DEQ(and other agencies, perhaps) could develop guidelines for surface runoff management. Our city engineer has informed me of several developments possible for cities that appear to be quite original and innovative in this area, and I feel that such guideline development could have beneficial impacts in the long run on both surface and groundwater viability.

I hope that these comments prove useful to you, and your series of hearings offers the promise of being extremely interesting. Once again, you appear to have done an excellent job.

Sincerely yours,

Karl Eysenbach
City Administrator

Sawyer
Quan

Unified Sewerage Agency of Washington County

150 N. First Avenue
Hillsboro, Oregon 97123
503 648-8621

January 12, 1981

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JAN 16 1981
WATER QUALITY CONTROL

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

Subject: "GROUNDWATER QUALITY PROTECTION, BACKGROUND DISCUSSION, AND PROPOSED POLICY"

Gentlemen:

Our Agency would like to thank you for the opportunity to review and comment on the subject document. We have several concerns which we feel need to be addressed by your Agency before we can fully analyse the influence of this document on that portion of the public we serve.

GROUNDWATER POLICY

1. How does this policy affect the current state policy of promoting the beneficial uses of treated wastewater and sludges by land application? (see X (F) pg. 61-62)

Example: Aquifer background is 1. mg/l no3-n. Land application of sludge and/or treated wastewater raises this to 3. mg/l. Will land application be restricted even though the level is still below the 5. mg/l upper limit?

2. Is the proposed WPCF permit separate from present NPDES permittees or will WPCF requirements be included in the NPDES permit?

3. What percentage of the initial quality determination program will local government be expected to assume? What is the estimated total cost of such a program?

4. Are federal/state grants available to local governments to help offset these costs and corrective action costs if found necessary?

5. Will local governments be allowed to participate in the formulation of a Comprensive Groundwater Protection Plan or will it be imposed by directive?

6. Does this policy take into account the "worst possible case" whereby all land disposal of treated wastewater/sludges must be terminated? What are the alternatives for disposal?

7. What is the target date for completion of aquifer identification and quality testing?

We would like to review your answers to these questions prior to adoption of policy statements if at all possible so we might then submit detailed testimony.

Very truly yours,

Gary F. Krahmer
General Manager

GFK:lv

January 9, 1981

Mr. Edison Quan
Portland Staff
Department of Environmental Quality
522 Southwest 5th. Ave.
P.O. Box 1760
Portland, Oregon 97207

Dear Mr. Quan:

Your Wednesday evening discussion concerning and the 64-pages on Groundwater Protection in Oregon are appreciated. Your and the booklet's information help to counter the impression received via the local DEQ persons in which all is known about groundwater protection for health.

Thanks for the offer for interested person input — before Feb. 23, '81. I should not here assumed the state group was well represented by the locals. I did qualify that part with "if" to the governor and to Larry Campbell, et al.

The groundwater condition must be the result of all which goes into it, and this must necessarily include the condition of the inlet water and the additives or chlorine for disinfection in the supply line and use-contributions of chlorine before that water goes to the aquifer.

The booklet's page 34, re: "East" Multinomah County, reads there being predominantly cesspools and the page 36 statement, "... permits new development on cesspools as a temporary measure." hardly reasons as the proper, even temporary, measure since the NO_3-N is presently so high. The installation of two-compartment septic tanks would seem to be a minimum requirement. Yet, Eugene reasons to have leaking sewer lines acting as cesspools.

This house was built about 49 years ago and Dad had a two-compartment septic tank made of concrete be installed. The septic tank is still doing good service. The only problem with it was in not knowing to have it pumped out occasionally. The drainfield filled and plugged. I had a new drainfield installed. The installer recommended installing an outlet trap and it was also installed.

Years later the tank plugged again and the rooter service told me I would need a new drainfield. That did not match the prior information, so I just had the tank cleaned out. I then dug down to the drainfield line and removed a tile. That line was clear and clean. Therefore, the drain trap was as good as the installer had informed that it would function. I cleaned the trap and reassembled and covered the system after filling the septic tank with water to establish the line as being clean and the trap open.

That septic tank and drainfield are still doing a satisfactory job. I doubt that many persons are informed or now required to install such a drainfield trap at the septic tank outlet.

I believe DEQ would be helping to protect the groundwater by requiring that all septic tanks have an outlet trap to the drainfield. Also, issue information to have septic tank users be aware of the need for having the biodegraded solids pumped out of that tank.

The timing for such pumping out should not be dictated as to so-many-years, for use- and misuse-variables, such as cleaning chemicals and colored toilet papers, are now so very selective, along with the numbers of persons using the system and their kinds of ingestions.

But, a cleanout trap at the septic tank outlet to the drainfield will protect both the groundwater and prevent the need and costs to install an expensive new drainfield. Yet, new septic tank drainfields must be so much less expensive than requiring an area such as "East" Multnomah County to be sewered, with 90 percent conversion by 1990. Even the costs including installing a two-compartment septic tank along with new drainfields should not be as high as would be the costs to sewer that same area. And, septic tanks and drainfields installation by the 100 percent, instead of 90 percent, of the residents could be accomplished much sooner than 1990 time — read on page 36 of the booklet.

The septic tank systems, including the drainfields, would not be as subject ive to leaking from ground movements as are the sewer lines. This perspective becomes more critical to the health in the areas where the earthquakes from presently dormant peaks become active volcanoes. Mount Hood is one peak which has recently been read to be projected as erupting as the deep-earth pressures shift and become active as Mt. St. Helens is the first peak to become so re activated.

I believe the 208 funds include requiring the expenditure of funds to include alternatives to municipal and collective sewering systems. Yet, this booklet reads for collective sewering systems to be the projected "solutions" to rid the aquifers of pollutants. Yet, page 35 does not read that the sewered areas of Gresham and Troutdale are rid of groundwater pollution, so it would be most unreasonable to expect properly functioning septic tank and drainfield systems, at much lower costs, be expected to rid pollution from the groundwater more effectively than more expensive regional sewering systems.

Neither the cesspool nor the leaking sewer line biodegrades as does the two compartment septic tank. And septic tanks appear to be not allowed to properly function with having the limited amount of oxygen in the water and what little "gulping" of oxygen in the air admitted via the systems' vent pipes at the time of flushing the toilet, draining of wash basins, etc., to the inlet compartment of the septic tanks.

The oxygen invested to the inlet compartment of a septic tank can be enough to start the biodegrading action, but biodegredation can be improved in the second compartment of the septic tank with admitting oxygen via venting that compartment.

The venting can be accomplished with having a pipe installed at one side/end of that compartment be short and have a screen in a 180° elbow, or an elbow and street-elbow of 90° make the 180°. This short vent should extend just above the ground cover over the septic tank. It will also serve as the indicator of the septic tank being full when the fluids emit from it. This will be the outlet from the tank when the outlet trap stops admitting effluent to the drainfield.

This indicator will advise the property owner of the need to have the septic tank pumped out and the vents cleaned. "Vents" is understood to require the other side/end of the second compartment also have a longer vent pipe extend well above the ground cover over the septic tank to provide the thermal and convection draft to carry the oxygen for more complete biodegrading in that compartment, before the effluent goes to the groundwater where the oxygen availability is so much more constricted as to practically guarantee exceeding the oxygen supply in the aquifer to complete the biodegrading necessary to rid the aquifer of such pollutants.

Another way to provide some oxygen to the second compartment would be to have the short pipe be extended down to the bottom of the second compartment. Within that second compartment, the pipe will have small holes for fresh water to mix and biodegrade. In this method, the one low pipe would be below ground to prevent freezing of the water from the resident/structure water supply system. This can have a small flow-meter and a regulating valve to limit the amount of fresh water admitted to a value which will assure more complete breakdown of the pollutants prior to going to the aquifer.

In this method, the vent pipe above ground would become the indicator of when the tank's outlet trap stopped the septic tank solids from going to the drainfield and require the septic tank be pumped out and that vent be cleaned. The two-vent system reasons as the more practicable, however, the water injection system could be the more efficient. This could be determined via mathematics and actual testing at existing and functioning installations and also with new, functioning installations via a test well close by the drainfield of the tested system(s).

The testing should be for all values ordinary in such testing, then compare those values with the values from the aquifer next to a leaking sewer line. This should provide the reasons to not require sewering a septic tanked area to stop the pollutants to the aquifer contributed by leaking sewer lines.

The booklet's page 54 reads, "To date the DEQ has collected and analyzed relatively few groundwater samples." DEQ could correct such a deficiency on the above suggested potential solutions for the upgrading of the health concerns in Oregon, which are concerned via the potability of the water in the aquifers.

Since the DEQ has been depending upon others doing the actual collecting and analyzing of groundwater samples, the potential for biased reporting by those others, or some of them, places substantial questioning of those reports as being the actual conditions in the aquifers and the causal factor origins of those reported conditions.

Governor Atiyeh's recent letter remarks the DEQ as having the largest number or highest percentage of Sanitary Engineers and related public health personnel of all of Oregon's state agencies. The response to that remark was that we in Oregon appear to be in more dire straits with upgrading the waters upply program that he seems to have considered possible.

His remark seems to not square with the impression received at the Wednesday evening meeting in which the DEQ is remembered to have remarked the newness to DEQ of the health aspects of the aquifers. This may be a very good reason for the objections being expressed to having DEQ be the unit upon which the citizens of Oregon will have to depend for their future health, as their present health has been, as it relates to aquifers.

Having studied the raw data and the computer readout and compared them, along with other persons, the discovering of inclusions, omissions and transpositions make the report and model incomplete, inaccurate and therefore inoperative.

The DEQ could serve its future prospects very well to investigate the potential biases of those having collected the information and made the reports for the model being used for its exercise of power. Presently, that power appears capable of being misdirected on the basis of such an inaccurate model. This is known to be so in the Eugene-R.Road-S.Clara area.

Biases are not local afflictions, so the DEQ could become interested in reevaluating the bias basis in all the areas mentioned in this booklet and any other areas so afflicted which may not be mentioned in this booklet.

Personally, the request to the Oregon Legislature will continue to be to have our health protected by a unit other than the DEQ, based in the known results of decisions presently made by DEQ. You seem to be the open-minded one in the group of the ones with whom I have had contact. Until the test wells are sleered or removed from the ground to help protect the aquifer from deeper polluting from those wells tapped above the legal limit, DEQ will not have any support in this area of those wells.

The study upon which DEQ and EQC have built their model is so very incomplete, inaccurate and misleading in this area that the ones having done the "work" should be offered the chance to refund the money paid for it and appologize for having accepted it. Otherwise, DEQ and EQC should compare the raw data, the computer read out and the final draft of recommendations, then insist upon refunding of the money. Such a demand could disclose whose ideas went into such biased misinformation and how it was accomplished.

It has been said that the county did the water testing in this area. that Mr. Sweet was only involved with producing the model based on the computer readout. If this is correct, then the raw data sheet for the 6/VII well remarking "disregard, per Randy Sweet" is not satisfactorily explained. And, the application of biased conjecture from here could only serve to confuse the correct resolving of the proper and accurate answer.

This wholefiasco must render the model's Figures IV-7 and IV-15 on NO_3-N and Plate C's NO_3+NO_2-N Isoconcentration maps also inaccurate. How many more of the models being used in Oregon may be similarly as inaccurate from biased input? Just removing a member or an after-the-fact review from compiling the information needed for such review may not be sufficient in any of the areas, for discovery of vested interests' involvement could be so extensive as to provide the possibility of a pact among them to prevent any accuracy to become evident.

Such a review may be the first order of business of a committee the Oregon Legislature may assign to our health concerns in Oregon.

The ones having studied the raw data for the River Road-Santa Clara have concluded that if the DEQ required Eugene to repair or replace its old, leaking sewer lines, there would be no loading in this aquifer which could possibly require sewering of the area.

Since Eugene has not accomplished such repair and DEQ has so far not required Eugene to do so, nor Springfield either, an aid to reducing the present NO_3-N, in the down-drain slope from Eugene area would be to have Eugene required to baffle its long inlet supply line for water from the McKenzie River as the alternative to a storage tank to mix chloramine to fully disinfect that inlet water prior to its first outlet used by animals. The chloramine attachs to the nitrogen instead of sodium. That is where the disinfectant is needed, or so it reasons from this perspective.

Chloramine also rids the system of the potential for multiplying the trihalomethanes and the forming of PCB. Proteins and chlorine form PCB, according to Dr. F.A. Baker. Could this change to chloramine also stabilize the nitrate so the reversal to nitrite cannot occur and cause methemoglobinemia? This potential is read in the booklet as being a hazard to infants.

Projecting Dr. Baker's statement as true, then removing chlorine from contact with proteins can avoid the formation of PCB, which can be the basic factor of harm in nitrate to nitrite reduction.

The U.S. EPA's information needs that the absence of chlorine will avoid the formation of trihalomethanes, or this is the opposite projection.

Then, since the whole effort is understood to be the concern for health via the groundwater contamination-reduction attention, the replacing of chlorine with a chloramine should be in a manner much more responsive that can be evident via a $200,000 cancer pathology criteria.

The EPA's limiting factor is the cost-effectiveness compared with the expense involved in building large holding tanks for the inlet waters to be stored long enough to have the slower acting chloramine provide the complete disinfection need to help protect the health of the animals ingesting those waters.

Since it is read that EPA is only concerned with surface water and the DEQ is only concerned with the ground water, neither unit of authority is fully informed/knowledgeable in the aims, concerns, methods, basic factors of the other. This ill-seeming no-mens-land between the authorities interests, concerns, efforts appears to be practically guaranteeing that the health of the people shall not improve within the parameter of a $200,000 cancer pathology as could be achieved with both agencies being fully knowledgeable in methods and efforts of the other agency involved, to remove this ill-seeming no-mens-land, toward pathologies prevention/minimization.

EPA needs large tanks for chloramine to be effective. DEQ, et al, know where those "tanks" are — the aquifers. Those aquifers are the holding tanks and they can be chloraminated in the same way as DDT, 2,4-D, 2,4,5-T, etc are placed in the aquifers.

With Eugene's inlet water pipe being miles long, the use of mixing-baffles in that piping could be used to thoroughly expose all inlet water pollutants to the action of chloramine for disinfection within the residence time of the water, prior to the first outlet from that long inlet water supply line which will be used for animal consumption/ingestion.

But, no, EPA's 1977 testing for trihalomethanes is only approximately one-quarter the maximum concentration, so chlorine will continue to be used. The trihalomethanes and PCB will continue to accumulate in the systems of animals using that chlorinated water, and the great majority of pathologies will continue to build toward more metabolically imbalanced pathologies, toward the $200,000 cancer pathologies. This hardly represents the needed concern by either agency. But this may be the extent of action by either agency.

The page 23 reference to producing large quantities of methemoglobin from metabolizing nitrate to produce small quantities of nitrite, and "It should be emphasized also that boiling water contaminated with NO_3-N only increases the problem by concentrating the nitrates (Scave, 1980)", shows an opposite action to that which will reduce both chlorine and trihalomethanes with boiling of water for 3 to 5 minutes, re: U.S. EPA 29 page pamphlet on trihalomethanes (Jan. 1980, Symons, Final Draft).

This appears to place accent upon the difference in the action of the oxidants methemoglobin and chlorine and one of its resultants metabolizing in otherwise harmless organic chemicals to produce trihalomethanes.

The methemoglobin being concentrated via boiling the water, in which it is contained, reasons that its boiling or breakdown temperature is higher than that of the boiling water. This brings to mind to compare the parts in PCB, polychlorinated biphenyl(s). Poly should mean that some of the polyvalences in chlorine are involved in the bonding with the biphenyl.

Yet, biphenyl is read to be produced/obtained by heating vapors of benzene to about 600°C and used with phenyl ester as an industrial heat-transfer agent, say, as recent news, has been used for many years in electrical transformers — as the heat-transfer agent. PCB is read to be very toxic. This is understood to be as an oxidizer in metabolizing/bio-electro-chemical functions.

And, chlorine is obtained usually by electrolysis of aqueous solutions of sodium chloride. Again, Dr. F.A. Baker is read to know the chlorine's action on proteins produces PCB. Evidently there is some benzene in proteins and the chlorine's energy yields obtained via electrolysis serves as the substitute for about 600°C in forming PCB.

This brings in the posit in which the chlorine's action over these many years has placed small, or larger, quantities of PCB in the nitrate and the action of the animal stomach's content of hydrogen chloride in bio-electro-chemical metabolizing does produce the OH hydroxyl, acting on nitrate and produces nitrite and in so doing also produces PCB as a biproduct in the action with proteins — which are in most all foods as amino acids which produce the animals' enzymes, to mix with minerals, vitamins, etc.

The immunizing factors are known to be anti-oxidants, of which there are several. But, obviously, the oxidants' trihalomethanes and PCB, also being carcinogenic, are exceeding the anti-oxidizing capabilities of the animal organisms complex with these oxidants to produce pathologies to adults and death to infants.

Yet, the U.S. EPA's booklet (Symons, 1980) and page 15545, Federal Register/Vol. 45, No. 49/Tuesday, March 11, 1980/Rules and Regulations read that a $200,000 cancer pathology is used as the criteria in establishing the replacement of chlorine with a chloramine. And chloramine should combine with the nitrogen, rather than does chlorine to the sodium, and possibly prevent the reversal of nitrate to nitrite, which should, as a posit, prevent the forming of methemoglobin.

On page 29 is the phrase "... identified pollutant loads...". Despite and because of the present model accepted for the R.R-S.C. area aquifer, the raw data review has dispelled any belief here that the area's aquifer pollutant overloads have been correctly identified as to source.

That is correct: "Such reduction or elimination of the source of pollutant (overload) will allow the water quality to improve by allowing the natural recharge process to dilute and disperse the residual pollutants (overloads)."

Many of the other areas mentioned, such as: A. Clatsop Plains, B. "East" Multnomah County - probably, D. La Pine, E. North Florence Dunes Aquifer, could benefit with having chloramine testing on the recharge areas to their aquifers, as substitutes for long inlet water supply lines.

Any one or two of these areas so tested - treated - tested may prove the health benefits within practicable limits that the aquifers are the very large holding - "tanks" required for chloramine to function as THE disinfectant needed to, as Governor Atiyeh is read in his December 26, 1980 letter, "... support concerns and desire to upgrade the water quality program in Oregon."

DEQ admitted in last Wednesday evening's meeting that DEQ is new to the needed upgrading for better health purposes. DEQ appears to have spoken for EPA at the same meeting, judging from the limits having been placed on the "corrective efforts" having been made by EPA.

If DEQ needs more scientific help than is presently available to it, Dr. Harold W. Manner may be phoned at Loyola University, Chicago Illinois 60626, (312) 274-3000 for metabolizing information. He has developed cancer and arthritis therapies being used successfully by sixty associate-clinics in the U.S. The therapies are both based in specific and general corrective supplementations and diets to attain metabolic rebalancing via anti oxidants and their supportive reactions within the metabolically imbalanced to extremes of the "host" animal bio-electro-chemical complexes.

The recommended diets are exactly alike. The blood profiles "norms" do indicate the cancer pathologies are the more acid-imbalance forms than are the forms of arthritis pathologies. Most of the other pathologies' forms are below the $200,000 criteria for chloramine replacing of chlorine and between or within the DEQ and EPA present-criteria's' no-mans-land. And, too many in orthodox medical practice will be of no value toward the goal of upgrading the health factor in Oregon.

Sincerely,

John C. Neely, Jr.
1600 Horn Lane
Eugene, Ore. 97404

P.S.:

Within the perspective of the above toward possibly reducing the concerns pertaining to the upgrading of the water quality program in Oregon for the health of its citizens, the compounding by the use of chlorine in the effluent of the Metropolitan Wastewater Management Commission's regional sewering facility for Eugene and Springfield, and use of chlorine in the lagoon(s) for the Agripac solids and fluids, this lagoon storage acting as a "large holding tank", such use of chlorine instead of chloramine in producing further amounts of trihalomethanes, poly chlorinated biphenyl and the probable ruining of the ground for continued use in producing agricultural products for animals consumption, may all be regarded as criminal disregard for the health of Oregon's citizens.

Further testing - use - testing with chloramine could prove it to be the practicable solution to health concerns and make the biodegraded sewage solids an asset for agricultural land — rather than a limiting factor. To stop the input of all toxic chemicals to the sewering systems and their further polluting the aquifers and the rest of the ecosystems should be paramount.

The air drying of MWMC's effluent will further degrade the already critically demonstrated quality of the atmosphere, which is being underscored at each temperature inversion in this south end of the Willamette Valley, and compound the respiratory pathologies in this region. Such results are obviously counter to the health concerns for and of Oregon's citizens in this air shed.

The government agencies' decisions to not help pay for repair of sewer lines presently leaking to aquifers, and installation of storm drains separate from those sewer lines, appear to be the major entrapping result in having the affected citizens - a few of them - deciding against the future-health of all, on the basis of one very limited concept regarding the practicable limits available to them, is regarded as counter productive to the concerns of any and all of them.

Requiring the cities to charge 100 percent of the costs to provide services to new constructions, and the finance charges also, plus the sickness and death costs and their loss of production to the whole area's economy, should provide the irrefutable fact that this area's ecosystems are super saturated with people-pollutants.

Government agencies' efforts do appear to be helping to stuff five or six quarts into a gallon container. This may be regarded as not reducing the health concerns in Oregon's presently built-up areas, rather, those efforts do appear to be helping to compound the problems. Against this present method, those government agencies will continue to receive considerable opposition. Efforts to salvage the total of ecosystems in aiding health maintainance are the only efforts which will obtain cooperation. A continued moratorium appears to be the best immediate interim solution, while more satisfactory solutions are tried, rejected or accepted on the basis of <u>health</u> concerns.

J.C.N.

Qvon

CLATSOP COUNTY

Courthouse . . . . Astoria, Oregon 97103
January 22, 1981

Mr. Jim Richards, Chairman
Environmental Quality Commission
P.O. Box 1760
Portland, Oregon 97207

Re: Proposed Groundwater Quality Protection for Oregon

Dear Mr. Richards:

Clatsop County has reviewed the proposed Groundwater Protection Policy. For the most part the policy statement is well written and readable. The County is concerned about several areas of the report and has the following questions and comments:

(1) Clatsop County has discussed the significance of the Nitrate Nitrogen (NO_3-N) standards with a hydrogeologist and other experts on the effects of NO_3-N to the health of babies (methemoglobinemia or blue babies). The drinking water standard of 10 mg/l NO_3-N appears to be too low. They indicate that in the studies they have reviewed babies that have died from NO_3-N concentrations in drinking water that are far, far in excess (over 1,000) of the 10 mg/l standard. Clatsop County feels that 20 mg/l would be a more satisfactory standard than the 10 mg/l and that EQC and DEQ should work to change the standard at the Federal level (in essence extend the proposal mentioned on page 23 to all persons).

(2) On page 24 the report says that "DEQ has historically used a 5 mg/l planning (modeling) target (e.g. Clatsop Plains". Clatsop County agress that a margin of safety is necessary. The County questions the use of a standard that is 50% of the drinking water standard. The 5 mg/l standard used as a planning tool for the Clatsop Plains was an arbitrary figure that the DEQ staff "imposed" when Clatsop County sought to have the moratorium lifted. No reason was given, other than it was one-half (50%) of the standard and that it provided a good margin of safety. We believe that a better figure to use as a planning limit would be a 7.5 mg/l. LCDC Goals require that uses proposed not exceed the

carrying capacity of the resource. Clatsop County, through well monitoring etc., has established its plan based on adequate information. None of the areas released from the moratorium has any wells above 5 mg/l (areas presently in the moratorium resulted from the lack of adequate information and LCDC Goals). Technical information for planning purposes is now precise enough to be able to utilize a smaller margin of error. DEQ also reviews jurisdictional plans to make sure that an aquifer would not be damaged by densities that exceed its carrying capacity.

(3) Page 60, Clatsop County would like D clarified. D appears to permit other than sewers for (as in B) aquifer areas provided the beneficial uses are protected. Would it also enable the EQC to "write-off" an area, especially if the public were protected through various techniques such as not being permitted to sink wells into the aquifer and restrictions on further development? If D does not permit this, Clatsop County feels that this should be clarified. The language should be changed to reflect what is meant -- whether the entire or a portion of the aquifer is to be protected for beneficial uses. Clatsop County feels that if a portion of the aquifer has already been polluted, lesser standards should be applied to that area only. Management policies that would protect the remainder of the aquifer should be required also.

(4) Can groundwater that has a level of 1 to 9.99 mg/l of NO_3-N be used for a domestic drinking water source? What level of treatment would be needed?

We thank you for providing this opportunity to testify and for holding the hearing here in Astoria.

Sincerely,

Bob Westerberg

Bob Westerberg, Chairman
ON BEHALF OF THE CLATSOP COUNTY
BOARD OF COMMISSIONERS

cc: Department of Planning and Development
Clatsop County Planning Commission
Clatsop County 208 Public Involvement Committee

CJS:ta

95 East Beacon Drive
Eugene, Oregon 97404
January 23, 1981

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

Attention: Ed Quan

Gentlemen:

I am writing this letter to you on behalf of a group of residents in the area lying northerly of Eugene, Oregon, beteen Santa Clara and Junction City. Because of our concern, we have formed a non-profit corporation by the name of Home Owners Protecting Environments (HOPE), and this letter is on behalf of that group.

One of the issues which is of considerable interest to our group is the proposal of the Eugene-Springfield-Lane County Metropolitan Wastewater Management Commission (MWMC) to, in part, solve its wastewater and sludge problems by locating their disposal facilities for both forms of waste in our area. One of our concerns which, from our perception in any event, has never been seriously considered, but instead summarily and airily dismissed is the possible, if not highly probable, pollution of the groundwater in the area. Groundwater is the source of domestic supply for almost all the homeowners, and it is difficult to see how homes will continue to be inhabitable if MWMC has guessed wrong.

Members of our group attended your hearing held in Eugene recently, held I believe on January 7, 1981. We request that the Environmental Quality Commission, in formulating its groundwater protection policy, give due consideration to such problems as no doubt exist elsewhere as well as in our area, and to, if possible, provide for the protection of our groundwater. We believe there are other ways of disposing of metropolitan waste than possibly pollute groundwater because polluting groundwater is cheaper in dollars to the municipalities.

Respectfully yours

Steve A. Tyler
President, HOPE

L-COG Lane Council of Governments
NORTH PLAZA LEVEL PSB / 125 EIGHTH AVENUE EAST / EUGENE, OREGON 97401 / TELEPHONE (503) 687-4283

January 23, 1981

Ed Quan
Groundwater Program
Oregon D.E.Q.
P.O. Box 1760
Portland, OR 97207

Dear Mr. Quan:

RE: Interim Groundwater Policy

In regards to the proposed State Groundwater Policy, we would like to bring the attached comments to your attention. The staff comment as well as the 208 Areawide Advisory Committee comments were presented to the L-COG Board on January 22, 1981. They were considered but action was postponed until the February 26, 1981 meeting because the Board wished to review them in more detail and also to see more directly how they would alter the current Interim Policy. The Board also had specific concerns with some staff recommendations and wanted to consider them in greater detail.

For these reasons, we would request the hearing record be kept open for comments from our Board until the 2nd of March. As you are aware, the question of groundwater policy is critical in Lane County and is not an issue the L-COG Board takes lightly.

We would appreciate any information you might be able to furnish us regarding proposed staff D.E.Q. changes to the policy that may be available before the February 18 mailout to our Board.

If you have any questions, please call me.

Sincerely,

Gerritt Rosenthal
208 Program Manager

GR:mjl/F-1
Attachments

LCOG Lane Council of Governments
NORTH PLAZA LEVEL PSB / 125 EIGHTH AVENUE EAST / EUGENE, OREGON 97401 / TELEPHONE (503) 687-4283

January 16, 1981 MEMORANDUM VI.B.1

TO: Board of Directors

FROM: Gerritt Rosenthal

SUBJECT: 208 WATER QUALITY ITEMS - Review of Interim State Groundwater Policy

BACKGROUND

The Environmental Quality Commission adopted an Interim Groundwater Policy in April of 1980. They intend to consider adoption of a Final Policy in April, 1981. On January 7, 1981 the DEQ held a public meeting in Eugene on this policy and are requesting formal comments before the end of February. L-COG's 208 Areawide Advisory Committee will also review the policy on January 14, 1981 and make recommendations to the Board. Those recommendations will be summarized at the Board Meeting.

POLICY SUMMARY

The interim policy declares that groundwater pollution impacting present or future uses (i.e. for water supply) shall be prevented or controlled. The policy defines beneficial uses of groundwater.

The policy calls for highest and best practicable treatment of sewage industrial wastes and landfill leachate. Where the groundwater is shallow and the soils are coarse, sewer systems would generally be required for urban density development. In other circumstances the treatment required would be determined case by case based on energy, economics, public health protection, uses of the groundwater and the length of time required to recover from contamination. Waste disposal into or onto the ground which can reach groundwater would be regulated by one of three existing permit systems. When a groundwater quality problem from waste disposal is detected, DEQ will negotiate improved treatment and as a last resort may institute civil penalties or abatement orders.

The DEQ may allow some continued degradation in a final implementation and financing plan but not if water supplies are significantly impaired or public health is risked.

DEQ should attempt to identify sensitive aquifers and promoted studies and planning actions needed to protect them. DEQ should also publicize the fact that well owners should not automatically assume groundwater to be safe but should have it tested frequently. Finally, the DEQ should cooperate with the Water Resources Department to develop a long-term statewide monitoring program.

STAFF COMMENT

Over 40 people attended the Eugene meeting. Some of the public concerns were:

- Improvement of leaky sewers should be considered as a "best practicable" treatment.

- No recourse was indicated for individuals whose water supply had been contaminated.

- The policy should specifically identify the need to protect against chemical sprays, toxic chemical storage, spills and agricultural and silvicultural application of chemicals.

- Recharge of surface waters (lakes and streams) should be recognized as a beneficial use.

- The mandate to develop a monitoring program should be stronger and should include citizen monitoring efforts.

- The term "Highest and Best Practicable Treatment" is a weak standard compared to "Best Available Technology" used for surface waters. Phrasing to provide a stronger standard should be considered.

- Groundwater quality and quantity are often closely linked and yet the policy refrains from mention of controls of quantity withdrawal. The policy should address this.

Additional staff concerns included:

- A stronger commitment is needed (using words like "shall" identify rather than "will attempt") to the identification and listing of "sensitive" aquifers. Criteria for identification of sensitive aquifers should be clearly established.

- The DEQ should be directed to review and revise (if necessary) its current rules, regulations and administrative practices for waste disposal (septic, sludge, landfills, etc.) to ensure consistency with the groundwater policy.

- A section should be added to recognize that in certain areas (generally ancient and regional and intermediate aquifers) the excessive withdrawal of water can itself concentrate natural pollutants and cause that aquifer to be unsuitable for domestic water supply. DEQ should delineate such areas, notify local governments and the Water Resources Department and recommend action such as restriction of ground water withdrawal to mitigate the problem. Such areas might include arsenic areas or areas of potential salt intrusion.

- The locally developed Overall Groundwater Protection Plans envisioned in Section G should be approved as elements of local comprehensive plans to insure regional consistency.

- The following terms should be more specifically defined:

  shallow groundwater
  local aquifer
  discharge area
  urban density
  beneficial uses of groundwater
  sensitive aquifer

Action Requested: It is requested that the Board consider authorization of staff to prepare and submit a letter to the EQC identifying the above listed concerns and requested changes as well as any additional recommendations from the 208 AAC for the Final Policy.

GR:db

LCOG Lane Council of Governments

NORTH PLAZA LEVEL PSB / 125 EIGHTH AVENUE EAST / EUGENE, OREGON 97401 / TELEPHONE (503) 687-4283

MEMORANDUM

January 21, 1981

TO: L-COG Board of Directors

FROM: L-COG 208 Areawide Advisory Committee

SUBJECT: State Groundwater Policy recommended comments

BACKGROUND

The L-COG 208 Areawide Advisory Committee unanimously voted to recommend the following comments to Environmental Quality Commission (EQC) on needed revisions to the draft groundwater policy:

1. The policy should be broadened from its present scope of traditional pollutant sources (urban, industrial and solid waste sites), to include toxic chemicals, pesticides and wastes (spills and application) and agriculture, forestry and construction practices.

2. Groundwater quantity and the rate of withdrawal can have a direct affect on natural groundwater quality in some aquifers. Although the responsibility of governing groundwater withdrawal lies with the Water Policy Review Board. EQC should add a section to their policy directing the Department of Environmental Quality (DEQ) to inform the Water Resources Department (WRD) and local governments of the location of aquifers where withdrawl itself can cause contamination by increasing concentration of, for example, salts, minerals or arsenic and should recommend land use regulations or withdrawal restrictions to reduce problems. Preservation of groundwater recharge areas should also be recognized as a means of protecting such aquifers.

3. Section B states that highest and best practicable treatment will be determined case by case, except where urban density exists or is planned for an area with coarse soils and a shallow aquifer. In those areas sewers and sewage treatment and disposal would be presumed to be highest and best practicable treatment. Section C and D imply that in special cases DEQ can require stricter controls and individuals can petition for approval of a lesser degree of treatment. The 208 AAC generally agrees with the intent of the three sections but feels they should be written more clearly and in section C the term "best available technology" should be used in place of "more stringent controls" because that wording has become an accepted usage in water pollution control, which also reflects the protection needed for highly used, sensitive aquifers.

4. Section G addresses development of overall protection plans which could allow short term degradation of groundwater. The section should be revised to clarify when such plans would be required and what the roles and responsibilities are. Does it result from Section F where DEQ envisions entering into stipulated agreements with local governments to abate groundwater quality degradation? The policy emphasizes treatment not prevention but the groundwater protection plan requirement should be applied to all sensitive aquifers in an effort to prevent costly degradation. The groundwater protection plan should be approved as part of the local comprehensive plan to assure consistency.

5. Sections H, I and J say DEQ should identify sensitive aquifers; should inform the public of potential well water contamination and the need for quality testing; and should cooperate with the Water Resources Department to set up a statewide monitoring system. Those elements are all essential for groundwater protection and public health. The policy should require their accomplishment by use of the word "shall". The policy should also require DEQ to review and revise, if necessary, its current rules, regulations and administrative practices for consistency with the new policy.

6. Definitions are critical to implementation of a new policy, at a minimum the following terms should be defined and, if appropriate, differentiated. In some cases the definition in the policy background could be uses.

   - sensitive aquifer (also develop specific criteria for their designation)
   - shallow groundwater
   - local aquifer
   - discharge area
   - sole source aquifer
   - highest and best practicable treatment
   - best available treatment
   - urban density
   - beneficial uses of groundwater (surface water recharge should be added to the list in the background information)

REQUESTED ACTION

208 Staff should prepare recommended specific wording changes to reflect the comments above and send them with this report to EQC as the recommendation of the 208 AAC and L-COG Board.

BK:jt/C

Portland General Electric Company

January 27, 1981

Groundwater Policy
OEAS-051-81L
GOV REL

Mr. William H. Young, Director
Oregon Dept. of Environmental Quality
P. O. Box 1760
Portland, OR 97207

Attention: Edison Quan

Dear Mr. Young:

Environmental and Analytical Services, Portland General Electric Company, have reviewed the proposed Groundwater Quality Protection Policy approved by the Environmental Quality Commission. The following comments were developed from this review by management and staff:

1. The background information included for the proposed policy was clearly written and informative.

2. PGE appreciates the opportunity to comment on this policy within a time limit which allows for thoughtful review.

3. Nitrate-nitrogen in groundwater is a sewage/fertilizer problem. The DEQ regulates septic tanks and sewage facilities but has not been given the authority to regulate agricultural or forestry fertilizer applications nor wastes from grazing animals on pasture and rangeland - important sources of nitrate-nitrogen in non-urban areas.

4. The DEQ supports land application of sewage sludges from urban areas onto rural lands. Inorganic nitrogen compounds in sewage sludges often limit amounts that can be spread on crops, however, the daily production of sewage is relatively constant. Is it possible to foresee increases in inorganic nitrogen concentrations to shallower groundwater aquifers quickly enough to respond to the socio-economic and logistical problems associated with substituting other sewage disposal methods for land application?

5. Since some groundwaters near Boardman have measured nitrate-nitrogen levels above the 10 mg NO_3 -N/L standard, putting sewage sludge on lands near Boardman appears inconsistent with DEQ objectives to reduce or eliminate pollutant sources in "problem or critical areas".

121 S.W. Salmon Street, Portland, Oregon 97204

6. The feedlot for 30,000 cattle near Boardman will contribute inorganic nitrogen to the groundwater since animal wastes are to be spread as fertilizers through irrigation.

7. Does the DEQ or the WRD have geochemists able to identify aquifers or design ambient monitoring programs to determine long-term quality trends for significant flow systems?

8. Does DEQ have the funds to identify sensitive aquifers and design ambient monitoring programs, or will industries be required to do the basic research as well as monitoring internally for DEQ to accept/reject permits?

9. Definitions are needed for: 1) Long-term quality trends; 2) Significant groundwater flows; and 3) Problem areas.

10. The use of a different value for planning and mathematical models for nitrate-nitrogen other than the drinking water standard is reasonable, but confusing. It appears that the DEQ is proposing a new standard of 5 mg/L NO_3-N.

If you have questions or need additional information, please contact Dr. Lolita Carter at 226-5616.

Sincerely,

P. Y. Cree

P. Y. Cree
General Manager
Environmental and Analytical Services

PYC:sln

Lane County Farm Bureau
2441 Oakmont Way
Eugene, Oregon 97401

January 28, 1981

Dept. of Environmental
Quality
P. O. Box 1760
Portland, Oregon 97207

Sirs:

In reviewing the proposed groundwater quality protection policy, we make the following observations:

We agree that an adequate supply of quality groundwater is vitally important to all of Oregon. We also recognize the many differences in every Oregon community. Because of these observations, we are pleased with the general tone of the proposed policy. Only local communities have the ability to understand their problems and needs and to develop a specific local plan.

Sincerely yours,

David R. Corwin
President

DRC/fcl

City of La Grande

COUNCIL-MANAGER FORM OF GOVERNMENT SINCE 1913

IN THE GRANDE RONDE VALLEY - THE BLUE MOUNTAINS - NORTHEASTERN OREGON

(503) 963-7161 P. O. BOX 670

La Grande, Oregon
97850

February 2, 1981

Dept. of Environmental Quality
Box 1760
Portland, OR 97207

After reviewing your Proposed Groundwater Quality Protection Policy for Oregon the following comments are offered:

1. Rick Craiger, City Planner - My objection to these proposed rules is the following terminology, "pollution and wasteful practices in connection with groundwater be preverted or controlled within practicable limits." Practicable limits is an unnecessary term leading to abuse. Very definite quantifiable limits of chemical ppm should be established and enforced. There is a mechanism for adopting specifics, but the policy should start out with standards.

2. Wm. A. Hamilton, City Engineer - Our municipal supply wells do communicate with the shallow sub-surface water. This is a potential problem if our area continues to place pollutants into the ground such as: City storm water from dry wells or from C.B.'s into storm drain pipe systems; septic tanks; landfill leachates; wood wasteproducts; oil and gasoline spills; sanitary sewer exfiltration.

   The protection of groundwater is no less important than the protection of surface water. The safe drinking water act requires high wuality water. By protecting surface and groundwater supplies, we might significantly reduce treatment and supply facility costs. Quantitative data is lacking to estimate the impact of other pollution sources.

We appreciate your consideration of these comments prior to revision of the Policy Statements.

Sincerely,

Lynn Hamilton

Lynn Hamilton
City Manager.

mc

MID WILLAMETTE VALLEY
COUNCIL OF GOVERNMENTS

400 SENATOR BUILDING ★ 220 HIGH ST. N.E., SALEM, OREGON 97301
TELEPHONE (503) 588-6177

ALAN H. HERSHEY, *Director*

February 10, 1981

Mr. William Young
Department of Environmental Quality
Water Quality Division
P.O. Box 1760
Portland, OR 97207

SUBJECT: COMMENTS ON PROPOSED GROUNDWATER QUALITY PROTECTION POLICY

Dear Mr. Young:

After reviewing and discussing DEQ's proposed groundwater quality protection policy, the MWVCOG Board of Directors would like to submit the following comments concerning the proposed policy:

1) Accompanying the proposed policy was a background discussion of Oregon's groundwater resource picture. Significant groundwater quality problems identified by the DEQ were presented in the background text. Recently, the DEQ identified a nitrate problem present in domestic wells northwest of Salem near the Willow Lake area. Since the nitrate levels were significant enough to cause concern for public health (being the highest levels currently identified in the State) and the tentative source of the problem was linked to agricultural activities and not waste disposal (as so many groundwater problems are), the MWVCOG feels this should be recognized by the Environmental Quality Commission.

2) Land use activities which pose a potential or current threat to groundwater quality or quantity should be recognized through the Land Conservation and Development Commission's (LCDC) Statewide Goals and Guidelines process for land use planning. Recognizing the need to consider the impacts upon groundwater quality of land use activities in comprehensive plans, would assist in complying with the proposed policy's intent to prevent or control impairment of the natural quality of groundwater by pollution from human activities. DEQ should provide necessary information to local governments responsible for comprehensive plan development which should include stating the current quality and sensitivity of the aquifers in question. All local governments cannot be expected to individually assess local groundwater resources.

3) Under statement E.3 of the proposed policy regarding the DEQ proposing rule amendments to correct deficiencies, consideration should be given to the funding limitations of local governments to implement rule changes.

4) Policy statement G states, "the EQC may approve an overall protection plan which allows limited short-term further degradation" provided that certain conditions exist. Our concern is in regards to adequately meeting conditions I, II, and III listed as follows:

I) Beneficial use impairment will not be significantly increased.

II) Public health risk is not significantly increased.

III) Irreparable damage to the groundwater resource does not occur.

The background discussion accompanying the proposed policy leads one to believe that in many cases adequate information is lacking on groundwater conditions. If adequate information is not available, permitting degradation even for a short period may lead to long term consequences. Short term degradation should be approved only after criteria is developed. Criteria should be supported by information gained in an on-going comprehensive groundwater quality monitoring program.

Sincerely,

Lyn Hardy
Chairman, Board of Directors

GOON/clw

ATTACHMENT C

LCOG Lane Council of Governments

NORTH PLAZA LEVEL PSB / 125 EIGHTH AVENUE EAST / EUGENE, OREGON 97401 / TELEPHONE (503) 687-4283

January 28, 1981

TO: 208 AAC

FROM: 208 Staff

SUBJECT: L-COG Response to State Groundwater Policy Recommendations

The L-COG Board took a strong interest in the groundwater policy comments from the 208 AAC but did not want to endorse comments to EQC unless they were fully reviewed by their own staff. Therefore, we have prepared specific recommended changes to the policy text (see attachment). The committee may also wish to review and endorse or amend the recommended changes.

BK:db/W3

MEMORANDUM LCOG M4-R77

LANE COUNCIL OF GOVERNMENTS

North Plaza Level PSB, 125-8th Avenue East, Eugene, Oregon 97401

DATE: 2-4-81

TO: Ed Quan

FR: Gerritt Rosenthal
Becky Kreasy

- ✓ Information
- __ Please Handle
- __ Call Me
- __ See Me
- __ Comment
- __ Send Written reply
- __ Sign & Return
- __ File

cc _____

The attached suggested wording changes to the State Groundwater Policy draft are based on the public, advisory committee and local staff comments which you have already received. We expect both the Areawide Advisory Committee and the LCOG Board to take action on these recommendations in February.

~~IX.~~ CONCLUSIONS *(Restructure Conclusions as Findings)*

~~The following conclusions are summarized from the information presented in this report:~~

The EQC finds:

A. Groundwater is a valuable natural resource which can be polluted so as to impair benefical use.

B. The EQC and DEQ are directed by legislative policy to take such actions as are necessary to prevent and abate pollution of groundwater (as well as surface water) so as to protect beneficial uses of such waters.

C. *The following definitions for critical groundwater terminologies shall be used:* *urban density*, *discharge area*, *best available technology*, *recharge area* *definitions to be added by DEQ*

C.D ~~Three~~ *Four* general types of groundwater flow systems exist with characteristics as follows:

1. Local Groundwater Flow Systems--These are recharged in close proximity to discharge ares, are generally shallow in their circulation, generally possess the highest natural quality and lowest temperatures, and are subject to the highest risk of pollution from man's traditional activities. As a result,

water supplies developed from shallow aquifers associated with local groundwater flow systems in particular should not be assumed safe for domestic use without treatment unless periodic sampling and analysis demonstrates the water to be of acceptable quality.

2. Intermediate Groundwater Flow Systems--These systems lie below the local flow systems, are recharged at higher elevations than local flow systems, may be separated from local flow systems by a restrictive flow layer, possess a quality which is good but is generally lower or less desirable than local flow systems (higher temperature and dissolved mineral content).

3. Regional Groundwater Flow Systems--These systems lie below the intermediate flow systems and extend to greatest depth, are recharged at the highest ~~part-of-the-basis-where-man's-abilities~~ *elevations of the basin where development activities* are limited, discharged at the lowest part of the basin, *generally* have the poorest natural water quality (high dissolved solids and higher temperatures), and may not be suitable for some beneficial uses. *Excessive withdrawals from regional aquifers can sometimes decrease natural water quality through concentration of contaminants.*

4. Ancient Groundwater--Some identified areas in North Central Oregon have deep basalt aquifers that do not exhibit the classic groundwater circulation pattern from areas of recharge

through an aquifer system to areas of natural discharge. Carbon-14 dating indicate that the deeper water zones have a composite age of about 27,000 years. *Withdrawals from such aquifers is the mining of a fixed quantity of water and can cause concentration of natural water contaminants.*

B.E Dominant beneficial uses of groundwater include domestic use (drinking water), livestock watering, irrigation, and industrial process water (including cooling), *and recharge of surface waters.* The highest quality requirement is generally associated with domestic use.

E.F Major pollutants of concern with groudwater include bacteria, turbidity, nitrate nitrogen, arsenic, and a wide variety of less frequently occurring pollutants such as petroleum products, toxic or hazardous substances and color, taste, or odor producing substances. Aquifers naturally may contain higher concentrations of iron, manganese, *salt* and total dissolved solids than that desirable for domestic water supplies.

F.G Groundwater quality protection measures are being used or are available for use to prevent and abate quality degradation. ~~These~~ *Examples* include; land use planning to limit pollutant entry to groundwater *and to protect the permeability of significant intermediate and regional recharge areas;* collection, treatment and disposal of domestic and industrial wastes to preclude pollutant entry into groundwater; proper construction of wells to prevent transfer of contaminated surface or groundwaters to uncontaminated

deeper groundwaters; ~~and~~ actual removal of accumulated pollutants from the soil column and groundwater; *and possible injection of clean water into the groundwater aquifer.*

G.*H* Potential and existing groundwater problems have been identified in a number of areas including Clatsop Plains, East Multnomah County, River Road-Santa Clara, LaPine, North Florence, Milton-Freewater, La Grande, Turner, and Lane, Linn, and Malheur counties. In each case, threat to or impariment of domestic use has been the concern. Prevention and abatement actions have been instituted in some areas. More detailed studies are underway or planned in other areas. Where the water quality problem is of natural origin ~~no other action is anticipated~~ (i.e., arsenic, etc.)~~.~~ , *land use regulation and regulation of withdrawal may be required, but treatment is not anticipated.*

H.*I* No statewide systematic program of groundwater monitoring presently exists. Problem areas have been identified as a result of complaints or special studies growing out of waste disposal concerns. Better information on location or various groundwater flow systems is needed to permit design of an effective, efficient monitoring program for long-term quality trends.

~~X. PROPOSED GROUNDWATER QUALITY PROTECTION POLICY (Approved as an Interim Statement of Policy by the Environmental Quality Commission on April 18, 1980).~~

The EQC therefore adopts ~~T~~the following statements of policy *which* shall guide cities, counties, industries, citizens, ~~and~~ the Department of Environmental Quality staff *and other State agencies* in their efforts to protect the quality of groundwaters:

A. It is the policy of the EQC that impairment of the natural quality of groundwater by pollution from man's activities be prevented or controlled within practicable limits to protect presently recognized beneficial uses and assure protection of the resource for beneficial use by future generations.

B. Consistent with general policies for protection of surface water, highest and best practicable treatment ~~and~~ *or* control of sewage industrial wastes, ~~and~~ *toxic chemical spills, storm runoff,* landfill leachates *and agricultural and silvicultural chemicals* shall be required so as to minimize potential pollutant loading to groundwater. ~~Among other factors, energy, economic, public health protection, potential value of the groundwater resource to present and future generations, and time required for recovery of quality after elimination of pollutant loadings may be considered in arriving at a case by case determination of highest and best practicable treatment and control.~~ For areas where urban density development is planned or is occurring and where rapidly draining soils overlay local groundwater flow systems and their associated shallow aquifers, collection, treatment and disposal of sewage, industrial wastes and leachates from landfills will be deemed highest and best practicable treatment and control unless otherwise approved by the EQC pursuant

to C. or D. below. *In other areas highest and best practicable treatment and control shall be determined on a case by case basis considering at a minimum the factors of energy, economic, public health protection, potential value of the beneficial uses of the groundwater to present and future generations, and the time required for natural recovery of groundwater quality after elimination of pollutant loading.*

C. ~~Controls more stringent than those identified in paragraph B, above.~~ *The EQC* may be required *"Best Available Technology" if DEQ demonstrates more stringent controls are* ~~if~~ necessary to assure protection of beneficial uses. Designation of a sole source aquifer pursuant to the federal Safe Drinking Water Act will be recognized as one possible ~~mechanism for~~ *situation necessitating* establishment of more stringent controls.

D. Less stringent controls than those identified in paragraph B, above may be approved by the EQC for a specific area if *a request, including* technical studies showing that lesser controls will adequately protect beneficial uses. *is made by representatives of the area.*

E. Disposal of wastes onto or into the ground in a manner which allows potential movement to groundwater shall be authorized and regulated by either a Water Pollution Contorl Facility (WPCF) Permit, a Solid Waste Disposal Facility Permit, or an On-site (Subsurface) Sewage Disposal System Construction Permit, whichever is appropriate.

1. WPCF permits shall specify appropriate groundwater protection requirements and monitoring and reporting requirements. Such permits shall be used in all cases other than for those covered by Solid Waste Disposal Facility Permit or On-site (subsurface) sewage disposal permits.

2. Solid Waste Disposal Facility Permits shall be used for landfills and sludge disposal not covered by NPDES or WPCF permits. Such permits shall specify appropriate groundwater protection requirements and monitoring and reporting requirements.

3. On-site Sewage Disposal System Construction permits shall be issued in accordance with adopted rules. It is recognized that existing rules may not be adequate in all cases to protect groundwater quality. Therefore, as deficiencies are documented, the Department shall propose rule amendments to correct the deficiencies.

F. Where groundwater quality is being degraded by waste disposal practices *or being threatened by hazardous material handling practices*, the Department will require individual sources to improve or modify waste treatment and disposal, *spill prevention or handling* practices as necessary to reduce the pollutant loading to groundwater. Such requirements will be implemented by permit condition or repair order as appropriate. For areas where an areawide approach is essential (rather than an individual approach), the Department will seek cooperation of the responsible local

governmnt to abate the problem *through an "Overall Groundwater Protection Plan."* A stipulated *or other joint* agreement should be used in such cases to delineate the planned correction program and timetable. The Department will resort to more formal pollution abatement actions such as abatement orders, civil penalties, etc., only if voluntary compliance efforts *within a specified time frame* are not successful.

H.G The Department ~~should attempt to~~ *shall* identify sensitive aquifers ~~(areas where shallow aquifers underlay industrial sites, urbanizable areas, developing or planned rural residential concentrations, etc.),~~ and assure that appropriate studies and *state and local overall groundwater protection* planning actions are undertaken to protect groundwater quality. *DEQ shall define specific criteria for designating sensitive aquifers including areas where shallow aquifers underlay industrial sites, urbanizable areas, developing or planned rural residential concentrations, etc. Areas where groundwater quantity and quality are naturally limited and may be further degraded by excessive withdrawal shall also be designated. The DEQ should also assist local planning efforts in identifying appropriate treatment methods and land use regulation alternatives for protecting individual sensitive aquifers and aquifer recharge areas.*

G.H The EQC recognizes that orderly financing and implementation of a long-range groundwater improvement and protection plan may necessitate some increased quality degradation for a short period of time. The EQC may approve an overall protection plan which allows limited short-term further degradation provided:

1. Beneficial use impairment will not be significantly increased,

2. Public health risk is not significantly increased,

3. Irreparable damage to the groundwater resource does not occur,

4. The ~~comprehensive~~ *"Overall* gGroundwater pProtection pPlan" has been duly adopted *as part of the comprehensive plan* by the responsible local government,

5. A financing plan has been developed and adopted to assure implementation, and

6. The responsible local government has committed to implement the program in accordance with a timetable which is included in an ~~stipulated~~ agreement with the EQC.

I. In order to assure maximum reasonable protection of public health, the public ~~should~~ *shall* be ~~made-aware~~ *informed* that groundwater--and most particularly local flow systems or shallow groundwater--should not be assumed to be safe for domestic use unless quality testing demonstrates a safe supply. *The public shall also be informed that* Ddomestic water drawn from shallow aquifers should be tested frequently to assure its continued safety for use.

J. The Department ~~should~~ *shall* seek the assistance and cooperation of the Water Resources Department to identify aquifers and design an ambient monitoring program adequate to determine long-term quality

trends for significant groundwater flow systems, *and especially to identify areas where groundwater quantity and withdrawal rates directly affect water quality.*

K. *The Department shall review and revise, if necessary, its current rules, regulations and administrative practices for consistency with this policy.*

ATTACHMENT D

POLICY ADVISORY COMMITTEE RECOMMENDATIONS
on
"Proposed Groundwater Quality Protection Policy"

At the February 9, 1981 meeting, the Policy Advisory Committee (PAC) carefully reviewed public input and DEQ staff comments pertaining to nine public meetings held during January 1981. These meetings, held in various locations in the state, were for the purpose of receiving public comment and testimony on the DEQ's "Proposed Groundwater Quality Protection Policy."

Following the review, a motion was entered for the PAC to endorse the proposed policy and for the PAC to recommend that the Environmental Quality Commission (EQC) adopt the policy.

During the subsequent discussion period, five amendments to the original motion were proposed, as follows.

1. The sequencing or order of information should be revised as follows:

A	remains	A
H	becomes	B
I	becomes	C
J	becomes	D
G	becomes	E
B	becomes	F
C	becomes	G
D	becomes	H
E	becomes	I
F	becomes	J

2. The policy should be separated into two major subheadings.

I. Planning Policies

A
B
C
D
E

II. Program Policies

E
F
G
H
I
J

3. Words in the first sentence of policy statement E (new I) would be eliminated and new words inserted.

   eliminate -- by either
   replace with -- by the existing rules and regulations of the Department's

4. Policy Statement C (new G) would be rewritten as follows:

   Controls more stringent than those identified in Paragraph F above may be required if necessary to assure protection of beneficial uses, but shall not be more stringent than those needed to protect those designated beneficial uses. In any event, if more stringent controls are desired the burden of proof is on the Department of Environmental to show the need.

5. A sentence would be added to policy statement J (new D).

   The Department will also seek the advise, assistance and cooperation of local, state, and federal agencies to identify and solve groundwater quality problems.

All five amendments passed unanimously along with the original motion.

The Chairman accepted a motion "It is the belief of the PAC that through a series of public hearings held throughout the State of Oregon, that ample opportunity to gain public debate and discussion of the proposed Groundwater Quality Protection Policy was done and that we would so suggest that the PAC itself by its amending process has heard a significant impact from the public discussion of this issue". Motion passed unanimously.

The proposed policy as recommended for change is attached. New language proposed by the PAC is underscored.

PROPOSED GROUNDWATER QUALITY PROTECTION POLICY
(Approved as an Interim Statement of Policy by the Environmental Quality Commission on April 18, 1980).

The following statements of policy shall guide cities, counties, industries, citizens, and the Department of Environmental Quality staff in their efforts to protect the quality of groundwater:

I. Planning Policies

A. It is the policy of the EQc that impairment of the natural quality of groundwater by pollution from man's activities be prevented or controlled within practicable limits to protect presently recognized beneficial uses and assure protection of the resource for beneficial use by future generations.

B. The Department should attempt to identify sensitive aquifers (areas where shallow aquifers underlay industrial sites, urbanizable areas, developing or plannned rural residential concentration, etc.), and assure that appropriate studies and planning actions are undertaken to protect groundwater quality.

C. In order to assure maximum reasonable protection of public health, the public should be made aware that groundwater--and most particularly local flow systems or shallow groundwaters--should not be assumed to be safe for domestic use unless quality testing demonstrates a safe supply. Domestic water drawn from shallow aquifers should be tested frequently to assure its continued safety for use.

D. The Department shall seek the assistance and cooperation of the Water Resources Department to identify aquifers and design an ambient monitoring program adequate to determine long-term quality trends for significant groundwater flow systems. The Department will also seek the advice, assistance and cooperation of local, state and federal agencies to identify and solve groundwater quality problems.

E. The EQC recognizes that orderly financing and implementation of a long-range groundwater improvement and protection plan may necessitate some increased quality degradation for a short period of time. The EQC may approve an overall protection plan which allows limited short-term further degradation provided:

1. Beneficial use impairment will not be significantly increased,
2. Public health risk is not significantly increased,
3. Irreparable damage to the groundwater resources does not occur,
4. The comprehensive groundwater protection plan has been duly adopted by the responsible local government,
5. A financing plan has been developed and adopted to assure implementation, and
6. The responsible local government has committed to implement the program in accordance with a timetable which is included in a stipulated agreement with the EQC.

II. PROGRAM POLICIES

F. Consistent with general policies for protection of surface water, highest and best practicable treatment and control of sewage, industrial wastes, and landfill leachates, shall be required so as to minimize potential pollutant loading to groundwater. Among other factors, energy, economics, public health protection, potential value of the groundwater resource to present and future generations, and time required for recovery of quality after elimination of pollutant loadings may be considered in arriving

at a case-by-case determination of highest and best practicable treatment and control. For areas where urban density development is planned or is occurring and where rapidly draining soils overlay local groundwater flow systems and their associated shallow aquifers, collection, treatment and disposal of sewage, industrial wastes and leachates from landfills will be deemed highest and best practicable treatment and control unless otherwise approved by the EQC pursuant to C. or D. below.

G. Controls more stringent than those identified in paragraph F above may be required if necessary to assure protection of beneficial uses , but shall not be more stringent than those needed to protect those designated beneficial uses. In any event, if more stringent controls are desired the burden of proof is on the Department of Environmental Quality to show the need.

H. Less stringent controls than those identified in paragraph B. above may be approved by the EQc for a specific area if technical studies show that lesser controls will adequately protect beneficial uses.

I. Disposal of wastes onto or into the ground in a manner which allows potential movement to groundwater shall be authorized and regulated by the existing rules and regulations of the Department's Water Pollution Control Facility (WPCF) Permit, a Solid Waste Disposal Facility Permit, or an On-Site (Subsurface) Sewage Disposal System Construction Permit, whichever is appropriate.

1. WPCF permits shall specify appropriate groundwater protection requirements and monitoring and reporting requirements. Such permits shall be used in all cases other than those covered by Solid Waste Disposal Facility Permit or On-site (subsurface) sewage disposal permits.

2. Solid Waste Disposal Facility Permits shall be used for landfills and sludge disposal not covered by NPDES or WPCF permits. Such permits shall specify appropriate groundwater protection requirements and monitoring and reporting requirements.

3. On-site Sewage Disposal System Construction permits shall be issued in accordance with adopted rules. It is recognized that existing rules may not be adequate in all cases to protect groundwater quality. Therefore, as deficiencies are documented, the Department shall propose rule amendments to correct the deficiencies.

J. Where groundwater quality is being degraded by waste disposal practices, the Department will require individual sources to improve or modify waste treatment and disposal practices as necessary to reduce the pollutant loading to groundwater. Such requirements will be implemented by permit condition or repair order as appropriate.

For areas where an areawide approach is essential (rather than an individual approach), the Department will seek cooperation of the responsible local government to abate the problem. A stipulated agreement should be used in such cases to delineate the planned correction program and time-table. The Department will resort to more formal pollution abatement actions such as abatement orders, civil penalties, etc., only if voluntary compliance efforts are not successful.

PA172 (1)

ATTACHMENT E.

PROPOSED ADDITIONS TO OAR CHAPTER 340
DIVISION 41
STATEWIDE WATER QUALITY MANAGEMENT PLAN

I. Amend OAR 340-41-006 to add a new definition as follows:

Definitions

340-41-006 Definitions applicable to all basins unless context requires otherwise:

.
.
.

(17) "Nonpoint Sources" means discharges into the waters of the state from diffuse waste sources that do not have discrete, confinable, and discernible conveyances. These sources are often associated with rainfall events and various land and product management activities.

II. Add a new Section of Policy as follows: (All language is new. For convenience, underscored and bracketed words indicate changes from the April, 1980 Interim Policy Statement.)

340-41-029

[PROPOSED] GENERAL GROUNDWATER QUALITY PROTECTION POLICY [(Approved as an Interim Statement of Policy by the Environmental Quality Commission on April 18 1980).]

The following statements of policy shall guide federal agencies and state agencies, cities, counties, industries, citizens, and the Department of Environmental Quality staff in their efforts to protect the quality of groundwater:

PLANNING POLICIES

(1) [A.] It is the policy of the EQC that impairment of the natural quality of groundwater by pollution from man's activities be prevented or controlled within practicable limits to protect presently recognized beneficial uses and assure protection of the resource for beneficial use by future generations.

(2) [H.] The Department should attempt to identify sensitive aquifers (areas where shallow aquifers underlay industrial sites, urbanizable areas, developing or planned rural residential concentrations, etc.), and assure that appropriate studies and planning actions are undertaken to protect groundwater quality.

(3) [I.] In order to assure maximum reasonable protection of public health, the public should be [made aware] informed that groundwater-- and most particularly local flow systems or shallow groundwaters-- should not be assumed to be safe for domestic use unless quality testing demonstrates a safe supply. Domestic water drawn from shallow aquifers should be tested frequently to assure its continued safety for use.

(4) [J.] The Department [should seek the] will assist[ance] and [cooperation of] cooperate with the Water Resources Department to identify and characterize aquifers . [and] The Department will seek the assistance and cooperation of the Water Resources Department to design an ambient monitoring program adequate to determine long-term quality trends for significant groundwater flow systems. The Department will also seek the advice, assistance, and cooperation of local, state, and federal agencies to identify and resolve groundwater quality problems.

(5) [G.] The EQC recognizes that orderly financing and implementation of a long-range groundwater improvement and protection plan may necessitate some increased quality degradation for a short period of time. The EQC may approve [an overall] a groundwater protection plan which allows limited short-term further degradation provided:

(a) [1.] Beneficial use impairment will not be significantly increased

(b) [2.] Public health risk is not significantly increased,

(c) [3.] Irreparable damage to the groundwater resource does not occur

(d) [4.] The [comprehensive] groundwater protection plan has been duly adopted as part of the comprehensive plan by the responsible local government,

(e) [5.] A financing plan has been developed and adopted to assure implementation, and

(f) [6.] The responsible local government has committed to implement the program in accordance with a timetable which is included in a stipulated or other joint agreement with the EQC.

PROGRAM POLICIES

(6) [B.] Consistent with general policies for protection of surface water, highest and best practicable treatment and control of sewage, industrial wastes, and landfill leachates, shall be required so as to minimize potential pollutant loading to groundwater. Among other factors, energy, economics, public health protection, potential value of the groundwater resource to present and future generations, and time required for recovery of quality after elimination of pollutant loadings may be considered in arriving at a case-by-case determination of highest and best practicable treatment and control. For areas where urban density development is planned or is occurring and where rapidly draining soils overlay local groundwater flow systems and their associated shallow aquifers, the collection, treatment and disposal of sewage, industrial wastes and leachates from landfills will be deemed highest and best practicable treatment and control unless otherwise approved by the EQC pursuant to [C.] (7) or [D.] (8) below.

(7) [C.] Controls more stringent than those identified in paragraph [B.] 6. above may be required [if] to the extent demonstrated necessary by DEQ to assure protection of beneficial uses. Designation of a sole source aquifer pursuant to the [f] Federal Safe Drinking Water Act will be recognized as one possible situation necessitating [mechanism for] establishment of more stringent controls.

(8) [D.] Less stringent controls than those identified in paragraph [B.] 6. above may be approved by the EQC for a specific area if a request, including technical studies [show] showing that lesser controls will adequately protect beneficial uses[.] is made by representatives of the area and if the request is consistent with other state laws and regulations.

(9) [E.] Disposal of wastes onto or into the ground in a manner which allows potential movement to groundwater shall be authorized and regulated by [either a] the existing rules of the Department's Water Pollution Control Facility (WPCF) Permit, [a] Solid Waste Disposal Facility Permit, or [an] On-site (Subsurface) Sewage Disposal System Construction Permit, whichever is appropriate.

(a) [1.] WPCF permits shall specify appropriate groundwater protection requirements and monitoring and reporting requirements. Such permits shall be used in all cases other than for those covered by Solid Waste Disposal Facility Permit or On-site (subsurface) sewage disposal permits.

(b) [2.] Solid Waste Disposal Facility Permits shall be used for landfills and sludge disposal not covered by NPDES or WPCF permits. Such permits shall specify appropriate groundwater protection requirements and monitoring and reporting requirements.

(c) [3.] On-site Sewage Disposal System Construction permits shall be issued in accordance with adopted rules. It is recognized that existing rules may not be adequate in all cases to protect groundwater quality. Therefore, as deficiencies are documented, the Department shall propose rule amendments to correct the deficiencies.

(10) [F.] Where groundwater quality is being degraded by waste disposal practices, the Department will require individual sources to improve or modify waste treatment and disposal practices as necessary to reduce the pollutant loading to groundwater. Such requirements will be implemented by permit condition or repair order as appropriate. For areas where an areawide approach is essential (rather than an individual approach), the Department will seek cooperation of the responsible local government to develop and implement a groundwater protection plan to abate

the problem. A stipulated or other joint agreement should be used in such cases to delineate the planned correction program and timetable. The Department will resort to more formal pollution abatement actions such as abatement orders, civil penalties, etc., only if voluntary compliance efforts within a specified time frame are not successful.

(11) In order to minimize groundwater quality degradation potentially resulting from nonpoint sources, it is the policy of the EQC that activities associated with land and animal management, chemical application and handling, and spills be conducted using the appropriate state of the art management practices ("Best Management Practices").

(12) The EQC recognizes and supports the authority and responsibilities of the Water Resources Department and Water Policy Review Board in the management of groundwater and protection of groundwater quality. In particular, existing programs to regulate well construction and to control the withdrawal of groundwater provide important quality protective opportunities. These policies are intended to complement and not duplicate the programs of the Water Resources Department.

ELQ:1
WL609 (1)
2/18/81

Before the Environmental Quality Commission

of the State of Oregon

In the matter of the amendment of the existing definitions in rule OAR 340-41-006 and adoption of a new rule OAR 340-41-029 establishing Groundwater Quality Protection Policy.	))))))	Notice of Proposed Adoption of Rules

1. On April 28, 1981, at 10 a.m. a public hearing will be held in room 1400 of the Yeon Building, 522 S. W. Fifth Ave., Portland, Oregon, to consider the adoption by the Environmental Quality Commission of proposed rule 340-41-029 establishing a general Groundwater Quality Control Policy for the State of Oregon and amendment of rule 340-41-006 to establish a new definition for the term "nonpoint source."

2. The proposed rule establishes general policy guidance to citizens, other government units and Department of Environmental Quality staff in matters relating to the prevention and abatement of groundwater pollution. Copies of the specific proposed rule may be obtained from the Department of Environmental Quality, Water Quality Division, 522 S. W. Fifth Ave., Portland, Oregon. (P. O. Box 1760, Portland 97207) Attention: Ed Quan, Phone: 229-6978.

3. Interested persons may present their views on the proposed policy either orally or in writing at the hearing. The hearing record will remain open until May 8, 1981 for submittal of additional written comments. Final action will be taken by the EQC at a regularly scheduled meeting following the hearing.

4. Citation of statutory authority, statement of need, principal documents relied upon and statement of fiscal impact are filed with the Secretary of State.

5. A Department staff member or EQC hearings officer will preside over and conduct the hearing.

Dated March 13, 1981

Before the Environmental Quality Commission

of the State of Oregon

In the matter of the amendment of existing definitions in rule OAR 340-41-006 and adoption of a new rule OAR 340-41-029 establishing Groundwater Quality Protection Policy.	)))))	Statutory Authority, Statement of Need, Principal Documents Relied Upon and Statement of Fiscal Impact

1. Citation of Statutory Authority:

ORS 468.020 authorizes the Environmental Quality Commission to adopt rules necessary to carry out its responsibilities. ORS 468.710 sets forth State policy for control and prevention of pollution of waters of the State. ORS 468.700(8) defines waters of the State to include groundwater.

2. Need for the Rule:

The Commission and Department are increasingly becoming involved in case-by-case correction of groundwater pollution problems. Historically, efforts have concentrated on pollution control in surface waters. General policy guidance is needed to assure general uniformity in the approaches used to prevent and abate groundwater pollution.

3. Documents Relied Upon:

Report entitled "Groundwater Quality Protection, Background Discussion and Proposed Policy," prepared by the Oregon Department of Environmental Quality, April 1980 (revised August 1980).

4. Fiscal Impact:

The proposed policy seeks to initiate conscious efforts to prevent groundwater pollution and protect beneficial uses such as drinking water. Such pollution is extremely costly to correct. Thus, the long-range fiscal impact to the public and State and local governments should be to reduce regulatory and abatement costs. Groundwater pollution preventive efforts can necessitate modification of plans for development or use of land and thus impose some cost burden on the owner of the land.

If the policy is not adopted, increased costs to abate groundwater pollution are expected.

Dated March 13, 1981

Before the Environmental Quality Commission

of the State of Oregon

In the matter of the amendment of existing definitions in rule OAR 340-41-006 and adoption of a new rule OAR 340-41-029 establishing Groundwater Quality Protection Policy.	))))))	Land Use Consistency Statement

The proposed policy set forth in the above-cited rule appears to be consistent with statewide planning goals.

The proposed policy relates primarily to goals 5, 6, 10, and 11.

With regard to goal 5 (Natural Resources) the purpose of the proposed policy is to establish general guidance for the protection of the quality of the groundwater resource by preventing and controlling pollution from waste disposal activities.

With respect to goal 6 (Air, Water and Land Resources Quality), the proposed policy will provide general guidance in the planning process to assure protection of groundwater quality.

With respect to goal 10 (Housing), the proposed policy can lead to limitations in some areas of the State on the density of housing development using on-site sewage disposal so as to control pollutant loading to groundwater.

With respect to goal 11 (Public Facilities), the proposed policy may necessitate construction of sewers to accommodate planned densities and protect groundwater.

Public comment on these proposals is invited.

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

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

Dated March 13, 1981

VICTOR ATIYEH
GOVERNOR

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, March 13, 1981, EQC Meeting

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.

Background and Problem Statement

ORS 454.625 requires the Commission to adopt such rules as it considers necessary for the purpose of carrying out ORS 454.605 to 454.745, Subsurface and Alternative Sewage Disposal.

At its August 1975 meeting, the Commission adopted a comprehensive set of rules, which were the product of eighteen months work by a sixteen member citizens task force. That rule package became effective in September 1975. Since that date, these rules have been amended extensively due to program changes brought on by new legislation or program direction. Due to numerous amendments, the rules have become unwieldly, disorganized, and difficult to interpret and administer.

At its meeting on January 30, 1981, the Commission, considered Agenda Item T. Staff offered a number of rule changes for the commission to consider. In addition the Commission accepted public testimony. After public testimony, at the request of Senate President, Fred Heard, the Commission postponed action on the proposal to adopt rules for On-Site Sewage Disposal to replace rules for Subsurface and Alternative Sewage Disposal. Senator Heard requested postponement to allow opportunity for additional public review of the proposed rules prior to adoption. A summary of the January 30th public testimony is attached (Attachment B).

Alternatives and Evaluation

The Department considered and rejected the alternative of continuing present rules. This would necessitate continued amendments which would have contributed to the problem rather than reduce it.

The alternative selected early in 1979 was a complete rewrite and restructuring of the rules. The rewrite commenced in May 1979, and has been ongoing to date.

First, an outline for the new rules was developed. This was followed by a process of rearranging the present rules to conform to the new outline, to determine where overlaps and gaps existed. It then became necessary to eliminate overlaps and to fill gaps.

An editing process was then undertaken. The intent was to clarify the rules, make them more readable and understandable as well as easier to administer, while making as few changes in basic standards as possible.

During this process it became clear that some changes in standards as well as procedures were necessary.

Several draft rule packages were developed and reviewed by special committees, appointed for that purpose. These committees were made up of state and county employes and private consultants.

The draft rule package was discussed in September 1980, for two and one-half days, at a meeting of subsurface sewage program personnel from throughout the state. After notice of publication in the Secretary of State's Bulletin and mailing to the Department's subsurface and land use mailing lists, public hearings were held in Oregon City, Eugene, Medford, Bend, and Pendleton, during the week of November 17, 1980. The package of proposed rules (Attachment D) is the revised rule package developed after the November hearings. A hearings officer's report is attached (Attachment A).

During the first week of January 1981, the Director along with staff, attended public meetings in La Pine and Astoria, to discuss the proposed rules, and the rapid draining soils rule in particular. Residents from these areas voiced concerns as to how the proposed rules would affect their areas.

In addition to being easier to interpret and administer, the proposed rule package contains several significant new rules that should increase the approval rate for on-site sewage system applications.

The rules are laid out in the sequence in which an individual might logically be expected to progress from one action or application to the next in the process of gaining a construction permit. Following certain administrative procedural rules, the rules progress as follows:

1. Fees - General
2. Site Evaluation Procedures
3. Permit Application Procedures - General
4. Standard Subsurface Systems - Requirements
5. Alternative Systems
6. Variances
7. Experimental Systems

A detailed analysis of some of the major components of the proposed rules is presented here to supplement those contained in the January 30, 1981 Agenda Item T staff report.

1. Jurisdiction and Responsibility (340-71-120) Page 4

The intent of this rule is to give greater program responsibility to contract counties. This should result in better service to the public since a number of activities previously performed by the Department will now be performed at the county level. This is particularly true in the area of alternative systems.

This rule also requires on-site systems with a projected daily sewage flow of greater than 5000 gallons to be permitted on a Water Pollution Control Facilities (WPCF) permit, in order to provide for better operation and maintenance control.

2. Fees - General (340-71-140) Page 6.

The fees in this rule are those provided for in ORS 454.745. These are the maximum fees listed in that statute. In addition, some new fees for services not listed in the statute are provided. The intent is to make the program as self-supporting as possible. In the past many program services were provided without fee. With the reduction in general fund support it is no longer possible to provide free services.

It is expected that these fees will be increased by approximately 14 percent after July 1, 1981, to account for inflation.

This rule also contains fee schedules for contract counties which are higher than the maximum set forth in the statute. This is allowed by statute as long as the fees do not exceed actual costs for providing program services.

3. Site Evaluation Procedures (340-71-150) Page 9.

This rule establishes procedures for site evaluations, requires a site evaluation report and requires the report to contain certain minimum information. An approved evaluation report assures the property owner of an on-site sewage system a construction permit provided all procedures and conditions for permit issuance found in OAR 340-71-160 are met.

This rule also provides for a Department review of a denied site evaluation based upon an application and payment of a fee. This review is one of the services that has been performed free of charge in the past.

4. Permit Denial Review (340-71-165) Page 13

This rule provides for a Department review of a denied permit based upon an application and payment of a fee, similar to the review of the denied site evaluation. It also provides a contested case hearing for permits on parcels of 10 acres or larger, as required by statute.

5. Standard Subsurface Systems (340-71-220) Page 22.

This rule establishes standards for approval of the standard septic tank and drainfield system. There have been some terminology changes otherwise these standards remain virtually the same as the old rules with the following exceptions:

a. Page 23 "Soil with rapid or very rapid permeability" replaces "coarse grained materials" in the old rules.

Increased concern for groundwater protection has caused a reevaluation of the adequacy of subsurface system standards. Pollution potential of septic tank effluent is minimized by the treatment received during slow movement through unsaturated soil.

The prior "coarse grained material" standard attempted to protect groundwater by requiring some "soil" between the bottom of the trench and the coarse grained material. However, the definition of coarse grained material did not encompass sands (including pumice) and loamy sands where effluent movement is too rapid to allow adequate treatment. As a result, the "coarse grained material" definition has been deleted and a new definition for "soils with rapid or very rapid permeability" has been substituted.

In addition, the method of determining soil with rapid or very rapid permeability utilizes the volume of coarse fragments in a sample rather than the weight of coarse fragments previously used in determining coarse grained material.

These changes have two effects: The first is to place pumice in the category of soil with rapid or very rapid permeability. In the old rule pumice was not identified as coarse grain material because of the weight method of determining such soils. The second is to identify sand and loamy sand as soil with rapid or very rapid permeability. In the old rules sand and loamy sand were not considered coarse grain material.

The proposed standard system installation criteria for soil with rapid or very rapid permeability is the same as the old coarse grained material rule. The proposed rule becomes more restrictive by the inclusion of pumice, sand and loamy sand. To offset these greater restrictions a number of exceptions dealing with natural subsurface conditions and with density are provided on page 23.

The density of one dwelling unit per acre for soils with rapid or very rapid permeability is based upon the work done in connection with the Clatsop Plains moratorium. In that work it was felt that a density of one dwelling unit per acre would provide adequate protection for groundwater. Section 340-71-275(3) on Page 34 allows one dwelling unit per one-half acre where pressurized distribution is used. This density is based upon nitrate sampling from sand filters. In sand filters nitrates are reduced by approximately 50 percent. Pressure distribution treatment in soils with rapid or very rapid permeability approximates sand filter treatment, thus to further offset these greater restrictions, lots or parcels of 1/2 acre to 1 acre in size where soils with rapid or very rapid permeability occur, may be developed using pressure distribution systems which distributes effluent uniformly over a larger area so as to achieve better treatment.

Staff are of the opinion that this proposed rule will be more adequately protective of groundwater than the old rule.

b. Page 24. The maximum slope upon which a standard subsurface system may be installed is relaxed from 25 percent to 30 percent. This should allow a number of additional systems to be approved.

6. Alternative Systems

a. New Alternatives: The proposed rules provide for 2 new alternative systems--the tile dewatering system and the steep slope system.

b. Sand Filters: The proposed rules for sand filters are less restrictive than the prior rules. Conventional sand filters may be installed in conditions where they are not allowed in the old rules, for example, in saprolite or fractured bed rock.

c. Cesspools and Seepage Pits: Cesspools place raw sewage in the ground below the active treatment zone. As a result, the groundwater pollution contribution of this type of system is the greatest of all presently allowed on-site systems.

The seepage pit system (cesspool type structure with a septic tank ahead of it) places septic tank effluent (rather than raw sewage) in the ground below the active treatment zone.

The proposed rule would:

(1) Effective October 1, 1981, prohibit new site development on cesspools.

(2) Until January 1987, allow new site development on seepage pit systems in areas where sewers are planned.

(3) Effective May 1, 1981, require use of other approved on-site systems in all areas not specifically planned to be served by central sewerage systems.

d. Aerobic Systems:

The aerobic systems rules have been relaxed as follows:

National Sanitation Foundation (NSF) Class II systems as well as Class I systems could be used in Oregon. The old rules allowed only Class I systems.

The requirement that an aerobic system serving a single family dwelling be under control of a public entity has been dropped from the proposed rules.

The amount of drainfield serving a Class I aerobic system may be reduced by 20 percent over that required for a standard subsurface system. (Aerobic systems utilizing a method of effluent disposal other than subsurface are allowed upon issuance of a WPCF or NPDES permit pursuant to ORS 468.740 and OAR 340-14-005 to 14-050 and OAR 340-45-005 to 45-070.)

e. Pressure Distribution:

The rule for pressure distribution (page 36) allows the use of a "seepage bed" to replace standard drainfield trenches in certain soils with rapid or very rapid permeability, such as sand or loamy sand. Seepage bed sizing is set forth in Table 9. This option makes construction in sand much easier as well as requiring less area for disposal.

7. Community Systems (340-71-500) Page 68

This rule establishes additional requirements for community systems (systems which serve more than one lot on parcel, i.e., multiple ownerships). Institutional arrangements to assure operation and maintenance responsibility are better defined.

8. Large Systems (340-71-520) Page 69

This rule establishes special requirements for design of large systems which are not contained in the old rules.

9. Standard System Sizing:

Tables 4 and 5 are revised and simplified by condensing them from 48 options each in the old rules to 9 and 6 options respectively in the new proposed rules. This should make it simpler to determine drainfield sizes for certain soil groups.

It is proposed that all present rules pertaining to subsurface sewage disposal be rescinded and the new rule package be adopted as a replacement. It is proposed that the new rules become effective upon filing with the Secretary of State. As soon as possible after filing, rules will be printed and distributed to all contract county and Department personnel as well as licensed installers. Regional meetings will be held to familiarize Department and contract county personnel with the rules.

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 unwieldly, 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.

Bill

William H. Young

Attachments: 4
- A. Hearings Officer's Report
- B. Summary of January 30, 1981 Public Testimony
- C. Draft Statement of Need
- D. Draft of Proposed Rules

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VICTOR ATIYEH
GOVERNOR

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: Rhea W. Kessler, Hearings Officer

SUBJECT: Report on Public Hearings,
Held November 17, 18, 19 & 20, 1980, on
Proposed On-Site Sewage Disposal Rules

Summary of Procedure

Pursuant to Public Notice, Public Hearings were convened in Oregon City, Department of Environmental Services, on November 17, 1980, at 10 a.m., in Eugene, Lane County Courthouse, on November 18, 1980, at 10 a.m., in Medford, City Hall, on November 19, 1980, at 10:15 a.m., in Pendleton, State Office Building, on November 20, 1980, at 10:00 a.m., and in Bend, Deschutes County Courthouse, on November 20, 1980 at 10:00 a.m. The purpose of these meetings was to receive testimony regarding proposed rules for on-site sewage disposal.

Summary of Testimony

A. Oregon City

William Doak, Soil Consultant and Sanitarian, had a number of specific recommendations for changes in the rule package, but generally favors the adaptation of the proposed rules. His recommendations are as follows:

1. OAR 340-71-140(1)(a). Reduce fee for new site evaluation for large systems so that mobile homes, schools and restaurants would not be unduly burdened. He recommends one basic fee plus an additional fee of $20 to $25 per specified numbers of gallons of projected daily sewage flow. The fee for the evaluation denial review should be deleted. If not, the fee should be refundable if the reviewing decision reverses the denial.

A general question and answer period followed. Although participants declined to present formal testimony, a number of specific recommendations were made. The undersigned offered to incorporate these informal comments into the record, as it was apparent that a number of those in attendance had not had the opportunity to study the rule package in depth.

1. Appendix B, Page 1, B. Two unidentified people, representing septic tank manufacturers, spoke against the proposed liquid depth requirements of 42 inches for all compartments.

2. Appendix B, Page 1, A. One speaker criticized the 75-pound limit on manhole covers.

3. Appendix B, Pages 2-3, E. The proposed rules on fittings and openings was criticized. The speaker expressed the opinion that the system would be structurally weakened by the number of fittings and openings required.

4. Appendix B, Page 3, E8. Two people questioned the requirements for eight-inch access cover. If the access cover is for cleaning purposes only, most home owners would call a professional rather than do the job themselves. The use of a "snake" obviates the need for an 8-inch access cover.

C. Medford

Kenneth D. Cote, Sanitarian, Jackson County, submitted written comments for the record. He made a number of specific recommendations, questioning soil criteria requirements for standard disposal systems, ETA systems, and emphasized possible inconsistencies and inaccuracies in definitions, diagrams and basic standards. A copy is attached to this report.

Brad Prior, Supervising Sanitarian, Jackson County, made a statement concerning the relationship between DEQ and its contract counties. He perceives a trend away from DEQ coordination and administration, which is reflected in both the current rule package and current budget decisions. This trend is not a positive one, says Mr. Prior, because there is a corresponding lack of consistency as the role of DEQ is minimized. He stated that direction, supervision and technical support from the DEQ are all necessary if the quality of the program is to remain high.

Dean Yates, Dean Yates Septic Tanks, Medford, stated that the change from 38 inches to 42 inches for liquid depth of septic tank compartments is unnecessary. In addition, the change would put him out of business as his stock, valued at $10,000, meets the present 38-inch liquid depth standard. Mr. Yates later submitted a written statement, which is attached.

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to Attachments--Proposed On-Site Sewage Disposal Rules

The foregoing written testimony is on file at the Department of Environmental Quality headquarters, 522 S. W. Fifth Avenue, Portland, Oregon.

SUMMARY OF PUBLIC TESTIMONY ON AGENDA ITEM T

OF JANUARY 30, 1981, EQC MEETING, TAKEN FROM TAPES

Burton Weist Homebuilders Association of Metropolitan Portland.

Mr. Weist addressed the proposed rules for cesspools and seepage pits. The homebuilders want public sewers, they are not in favor of using cesspools. The proposed rule would impose a moratoriumor ban on cesspools. A moratorium would not solve the problem of cesspools. A moratorium would shut down construction in East Multnomah County while persons living there would continue to use existing cesspools. The affected area is substantially developed and the people living there are not interested in paying for sewers. The homebuilders want to be part of the solution but they are not willing to pay for sewering all of East Multnomah County.

Recommend:

1. Implementation of Multnomah County groundwater protection plan.
2. Identify possible funding sources for sewer construction.
3. Identify other positive steps, such as requiring dry sewers, that may be taken.

The homebuilders are not opposed to system development charges (fair amount).

If the problem is significant, the Environmental Quality Commission should consider declaring the area a health hazard.

Roy Burns, Lane County

Mr. Burns stated that the rules have been in development for nearly two years. They are about the best that staff can develop. Supports their adoption.

Oliver Domries Multnomah County

The County is concerned about raw sewage going into the ground in East Multnomah County. To help alleviate that problem the County has taken a number of steps toward elimination of cesspools. Some of these steps are:

1. Built a sewage treatment plant to serve much of the affected area.
2. With DEQ, has developed a groundwater protection plan.
3. Methods of financing implementation of the groundwater protection plan are being developed.
4. Attempting to get new legislation that would allow County to build sewers.

It appears that the attitude of the people in the area is changing with regard to sewers. Elections scheduled for this spring (sewer funding) will give a firmer indication of public's attitude.

Bob Baldwin Multnomah County

County has an adopted comprehensive plan which is in compliance with statewide goals. Plan calls for considerable increase in housing density, both in increasing multiple family housing units and reducing lot sizes for single family dwellings.

There are approximately 61,000 dwelling units in the affected area, many on large parcels. There is a need to in-fill housing on these large lots.

Any rule which reduced the available land for housing or which affects the efficient use of land is of concern to the County. The County is requiring lot sizes of 5000 to 7000 square feet for single family dwellings. This allows efficient use of land. Any rule that would require a lesser density than this would be of concern to the County.

Housing costs to consumer should be as low as possible and any rule that increases costs is of concern.

Mr. Domries, in further response, stated that Multnomah County is in favor of delaying a prohibition on cesspools as proposed in the rules.

Dick Cooley a Builder

Understands that nitrate levels are increasing in the East Multnomah County area. Homebuilders are concerned about this increase.

The City of Gresham was paid federal money to be a regional sewer system. The solution is to insist that Gresham become a regional system.

In addition, the DEQ should be promoting "selective sewering."

The proposed rule for cesspools will not promote sewers nor cause the people to agree to pay for sewers. The people are happy with cesspools and don't want new growth.

The rule would stop new growth. Stopping new growth would cripple the economics of the County and reduce its ability to provide new sewers. Will deprive the public of housing which is an absolutely essential issue.

The builder does not make money on cesspools. They pay as much for a cesspool as for a sewer connection.

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ATTACHMENT C

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

In the Matter of the	)	Statutory Authority,
Adoption of Rule	)	Statement of Need,
340-71-100 to 71-600	)	Principal Documents Relied Upon,
On-Site Sewage Disposal	)	and Statement of Fiscal Impact

1. Citation of Statutory Authority: ORS 454.625, which requires the Environmental Quality Commission to adopt rules pertaining to subsurface and alternative sewage disposal.

2. Need for Rule: Present rules, adopted in August 1975, have been amended extensively and are now unwieldly, disorganized, and difficult to interpret and administer. The rules, if amended further, will only become more cumbersome.

3. Documents relied upon in proposal of the rule: None.

4. Fiscal and Economic Impact: Fiscal impact should be positive for several reasons. The rules should be more clear and easier to interpret, thus, less legal counsel time for interpretation should result. Local interpretation should be easier with less time required by Headquarters staff. Additional land can be developed with the new alternative systems proposed, providing a positive public fiscal impact. No additional staff will be needed as a result of the new rules.

Date: March 13, 1981

William H. Young, Director
Department of Environmental Quality

XL205.A (1)
2/12/81

Attachment D

ON-SITE SEWAGE DISPOSAL RULES

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY

PROPOSED

OREGON ADMINISTRATIVE RULES
CHAPTER 340 - DIVISION 71

TABLE OF CONTENTS
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TABLE OF CONTENTS
BY SUBJECT

OREGON ADMINISTRATIVE RULES FOR ON-SITE SEWAGE DISPOSAL CHAPTER 340, DIVISION 71

Repeal of Prior Rules

Rules pertaining to Subsurface Sewage and Alternative Disposal contained in OAR 340-71-005 thru 71-045, OAR 340-72-005 thru 72-030, OAR 340-74-004 thru 74-025 and OAR 340-75-010 thru 75-060 are repealed effective upon filing with the Secretary of State of the rules which follow (OAR 71-100 thru 71-600).

Tables, Diagrams and Appendices

All tables, diagrams and appendices referred to in the text of Division 71 may be found in numerical or alphabetical order following the text of these rules.

INDIVIDUAL ON-SITE SYSTEMS

340-71-100 Definitions.

As used in these rules, unless otherwise specified:

(1) "Agent" means the Director or his authorized representative.

(2) "Alteration" means expansion and/or change in location of an existing system, or any part thereof.

(3) "Authorized Representative" means the staff of the Department of Environmental Quality or staff of the local governmental unit performing duties for and under agreement with the Department of Environmental Quality.

(4) "Commercial Facility" means any structure or building, or any portion thereof, other than a single-family dwelling.

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

(6) "Community System" means an on-site system which will serve more than one (1) lot or parcel or more than one (1) condominium unit or more than one (1) unit of a planned unit development.

(7) "Construction" means installation of a new system.

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

(9) "Director" means the Director of the Department of Environmental Quality.

(10) "Dwelling" means any structure or building, or any portion thereof which is used, intended, or designed to be occupied for human living purposes including, but not limited to, houses, houseboats, boathouses, mobile homes, travel trailers, hotels, motels, and apartments.

(11) "Existing On-Site Sewage Disposal System" (existing system) means any installed on-site sewage disposal system constructed in conformance with the rules, laws and local ordinances in effect at the time of construction, or which would have conformed substantially with system design provided for in Commission, State Board of Health or State Health Division rules.

(12) "Failing System" means any system which discharges untreated or incompletely treated sewage or septic tank effluent directly or indirectly onto the ground surface or into public waters.

(13) "Governmental unit" means the state or any county, municipality, or political subdivision, or any agency thereof.

(14) "Individual System" means a system that is not a community system.

(15) "Large System" means any on-site system with a projected daily sewage flow greater than two thousand five hundred (2,500) gallons.

(16) "Occupant" means any person living or sleeping in a dwelling.

(17) "On-Site Sewage Disposal System (System)" means any installed or proposed sewage disposal facility including, but not limited to a standard subsurface, alternative, experimental or non-water carried sewage disposal system, installed or proposed to be installed on land of the owner of the system or on other land as to which the owner of the system has the legal right to install the system.

(18) "Owner" means any person who:

(a) Has legal title to any single lot, dwelling, dwelling unit, or commercial facility; or

(b) Has care, charge, or control of any real property as agent, executor, executrix, administrator, administratrix, trustee, commercial lessee, or guardian of the estate of the holder of legal title; or

(c) Is the contract purchaser of real property.

Each such person as described in (b) and (c) above, thus representing the legal title holder, is bound to comply with the provisions of these rules as if he were the legal title holder.

(19) "Permit" means the written document issued and signed by the Agent which authorizes the permittee to install a system or any part thereof, which may also require operation and maintenance of the system.

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

(21) "Public Health Hazard" means a condition whereby there are sufficient types and amounts of biological, chemical or physical, including radiological, agents relating to water or sewage which are likely to cause human illness, disorders or disability. These include, but are not limited to, pathogenic viruses, bacteria, parasites, toxic chemicals, and radioactive isotopes.

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

(23) "Repair" means installation of all portions of a system necessary to eliminate a public health hazard or pollution of public waters created by a failing system.

(24) "Sewage" means water-carried human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments, or other places, together with such groundwater infiltration, surface waters, or industrial waste as may be present.

(25) "System" - see "on-site sewage disposal system."

340-71-110 Purpose.

These rules, adopted pursuant to ORS 454.625, prescribe the requirements for the construction, alteration, repair, operation, and maintenance of on-site sewage disposal systems. Their purpose is to restore and maintain the quality of public waters and to protect the public health and general welfare of the people of the State of Oregon.

340-71-120 Jurisdiction and Policy.

(1) Prior to July 1, 1981, unless otherwise required within these rules, county agreements with the Department under ORS 454.725 shall be renegotiated to provide for county responsibility for receiving and processing applications, issuing permits and performing required inspections for all on-site systems. The Department shall assume those responsibilities in nonagreement counties. The division of responsibilities, by projected daily sewage flow, is set forth as follows:

(a) Systems of twenty five hundred (2500) gallons or less shall have site evaluations, plan review, permits and inspections conducted or processed by the Agent. Plan review may be done by the Department at Agent's request.

(b) Systems of twenty five hundred and one (2501) gallons to five thousand (5000) gallons shall have site evaluations, plan review, permits and inspections conducted or processed by the Department. Site evaluations, permit issuance and inspections may be delegated to the Agent.

(c) Systems of five thousand and one (5001) gallons or larger shall have site evaluations, plan review, permits and inspection conducted or processed by the Department. The permit shall be a Water Pollution Control Facilities (WPCF) permit. For systems of this size, periodic inspections may be delegated to the Agent.

(2) Each and every owner of real property is jointly and severally responsible for:

(a) Disposing of sewage on that property in conformance with the rules of this Division; and

(b) Connecting all plumbing fixtures on that property, from which sewage is or may be discharged, to a sewerage or on-site sewage disposal system approved by the Department; and

(c) Maintaining, repairing, and/or replacing the system as necessary to assure proper operation of the system.

(3) Agreement counties may, by ordinance, adopt requirements for operation and maintenance of systems within that county. Such requirements must be approved by the Director.

(4) The Commission may, by rule impose operation and maintenance requirements on specified types and/or sizes of systems.

340-71-130 General Standards, Prohibitions and Requirements.

(1) Public Waters or Public Health Hazards. If, in the judgment of the Agent, proposed operation of a system would cause pollution of public waters or create a public health hazard, system installation or use shall not be authorized.

(2) Approved Disposal Required. All sewage shall be treated and disposed of in a manner approved by the Department.

(3) Discharge of Sewage Prohibited. Discharge of untreated or partially treated sewage or septic tank effluent directly or indirectly onto the ground surface or into public waters constitutes a public health hazard and is prohibited.

(4) Discharges Prohibited. No cooling water, air conditioning water, water softener brine, ground water, oil, or roof drainage shall be discharged into any system.

(5) Increased Flows Prohibited. Except where specifically allowed within this Division, no person shall connect a dwelling or commercial facility to a system if the total projected sewage flow would be greater than that allowed under the original system construction permit.

(6) System Capacity. Each system shall have adequate capacity to properly treat and dispose of the maximum projected daily sewage flow. The quantity of sewage shall be determined from Table 2 or other information the Agent determines to be valid that may show different flows.

(7) Material Standards. All materials used in on-site systems shall comply with standards set forth in these rules.

(8) Encumbrances. A permit to install a new system can be issued only if each site has received an approved site evaluation (OAR 340-71-150) and is free of encumbrances (i.e., easements, deed restrictions, etc.) which could prevent the installation or operation of the system from being in conformance with the rules of this Division.

(9) Future Connection to Sewerage System. In areas where a district has been formed to provide sewerage facilities placement of house plumbing to facilitate connection to the sewerage system shall be encouraged.

(10) Plumbing Fixtures Shall be Connected. All plumbing fixtures in dwellings and commercial facilities from which sewage is or may be discharged, shall be connected to, and shall discharge into an approved areawide sewerage system, or an approved on-site system which is not failing.

(11) Property Line Crossed. A recorded utility easement is required whenever a system crosses a property line separating properties under different ownership. The easement must accommodate that part of the system, including setbacks, which lies beyond the property line, and must allow entry to install, maintain and repair the system.

(12) Replacement Area. Except as provided in specific rules, system replacement area shall be kept vacant, free of vehicular traffic and soil modification.

(13) Operation and Maintenance. All systems shall be operated and maintained so as not to create a public health hazard or cause water pollution.

(14) Operating Permit Requirements. Systems with a projected daily sewage flow greater than five thousand (5,000) gallons shall be constructed and operated under a Water Pollution Control Facilities (WPCF) Permit.

(15) No person shall dispose of sewage or septage (septic tank pumpings) in any location not authorized by the Department under applicable laws and rules for such disposal.

340-71-140 Fees-General.

(1) Except as provided in Section (3) of this rule, the following nonrefundable fees are required to accompany applications for site evaluations, permits, licenses and services:

ON-SITE SEWAGE DISPOSAL SYSTEMS	MAXIMUM FEE

(a) New Site Evaluation:

First Lot 120

Each Additional Lot Evaluated while On-site 100

Commercial Facility System, for Each 1200 Gallons

Projected Daily Sewage Flow or Part Thereof.....120

Evaluation Denial Review 25

(A) Fees for site evaluation applications made to an agreement county shall be in accordance with that county's fee schedule.

(B) Each fee paid entitles the applicant to as many site inspections on a single parcel or lot as are necessary to determine site suitability for a single system. The applicant may request additional site inspections within 90 days of the initial site evaluation, at no extra cost.

(C) Separate fees shall be required if site inspections are to determine site suitability for more than one system on a single parcel of land.

(b) Construction Installation Permit

Standard On-Site System 40

Commercial Facility System, Plan Review, for Each 1200

Gallons Daily Sewage Flow, or Part Thereof 40

Commercial Facility System, Permit, for Each 1200

Gallons Daily Sewage Flow, or Part Thereof 40

Alternative Systems

Sand Filter 40
Capping Fill 40
Holding tank 40
Other 40

Permit Denial Review 25

Construction-Installation Permit Renewal

If Field Visit Required 25
No Field Visit Required 10

(c) Alteration Permit 40

(d) Repair Permit 25

(e) Authorization Notice

If Field Visit Required 40
No Field Visit Required 10

(f) Annual Evaluation of Alternative System (Where Required) 40

(g) Annual Evaluation of Large System (250] to 5000 GPD)... 40

(h) Annual Evaluation of Temporary Mobile Home 25

(i) Variance to On-Site System Rules 225

An applicant for a variance is not required to pay the application fee, if at the time of filing, the owner:

(A) Is 65 years of age or older; and

(B) Is a resident of the State of Oregon; and

(C) Has an annual household income, as defined in ORS 310.030, of $15,000 or less.

(j) Rural Area Variance to Standard Subsurface Rules

Site Evaluation 120

Permit 40

In the event there is on file a site evaluation application for that parcel that is less than ninety (90) days old, the above site evaluation fee shall be waived.

(k) Sewage Disposal Service

Business License 100

Pumper Truck Inspection, Each Vehicle 25

(l) Experimental Systems

Permit 100

(2) Contract County Fee Schedules.

Pursuant to ORS 454.745(4), fee schedules which exceed maximum fees in ORS 454.745(1), are established for Contract Counties as follows:

(a) Lane County (set forth in Appendix K).

(b) Clackamas County (set forth in Appendix L).

(3) The Agent may refund a fee accompanying an application for a construction-installation permit, site evaluation report, or variance, if the applicant withdraws the application before the agent has done any field work or other substantial review of the application.

340-71-150 Site Evaluation Procedures.

(1) A site evaluation is the first step in the process of obtaining a construction permit for an on-site System. Any person who wishes to install a new on-site sewage system shall first obtain a site evaluation report.

(2) Applications for site evaluations shall be made to the Agent, on forms approved by the Department. Each application must be completed in full, signed by the owner or his legally authorized representative, and be accompanied by all required exhibits and appropriate fee. Incomplete applications shall be returned to the applicant to be completed. Unless other procedures approved by the Department are provided within a contract county, applicants shall provide at least two (2) test pits with dimensions of at least two (2) feet wide by four (4) feet long by five (5) feet deep, and located approximately seventy-five (75) feet apart and within the area of the proposed system.

(3) Site Evaluation Report.

(a) The Agent shall evaluate the site of the proposed system, shall consider all system options, and shall provide a report of such evaluation.

(b) The site evaluation report shall be on a form approved by the Department.

(c) The report shall contain, at a minimum, a site diagram and observations of the following site characteristics, if present:

(A) Parcel size

(B) Slope--in disposal field and replacement areas (percent and direction)

(C) Surface streams--springs--other bodies of water

(D) Existing and proposed wells

(E) Escarpments

(F) Cuts and fills

(G) Unstable landforms

(H) Soil profiles--determined from test pits provided by applicant

(I) Water table levels (as indicated by conditions associated with saturation)

(J) Useable area for initial and replacement disposal areas

(K) Encumbrances (Applicant list on application)

(L) Sewerage availability

(M) Other observations as appropriate

(d) Site evaluation reports for subdivisions or other land divisions shall be based upon an evaluation of each lot.

(e) Specific conditions or limitations imposed on an approved site shall be listed on the evaluation report.

(f) An approved site evaluation report assures that the property owner will receive a permit to construct a system on that property provided procedures and conditions for permit issuance found in Rule 340-71-160 are met.

(4) Approval or Denial.

(a) In order to obtain an approved site evaluation report the following conditions shall be met:

(A) All criteria for approval as outlined in Rules 340-71-220 and/or 340-71-260 shall be met.

(B) Each lot or parcel must contain sufficient useable area to accommodate an initial and replacement system. Sites may be approved where the initial and replacement systems would be of different types, e.g., a standard subsurface system as the initial system and an alternative system as the replacement system. The site evaluation report shall indicate the type of the initial and type of replacement system for which the site is approved.

Exception. A replacement area is not required in areas under control of a legal entity such as a city, county, or sanitary district, provided the legal entity gives a written commitment that sewerage service will be provided within five (5) years.

(b) A site evaluation shall be denied where the above conditions are not met.

(c) Technical rule changes shall not invalidate a favorable site evaluation.

(5) Site Evaluation Denial Review. A site evaluation denied by the Agent shall be reviewed at the request of the applicant. The application for review shall be submitted to the Department in writing, and be accompanied by the denial review fee. The review shall be conducted by the Department.

340-71-160 Permit Application Procedures-General Requirements.

(1) No person shall cause or allow construction, alteration, or repair of a system, or any part thereof, without first applying for and obtaining a permit.

Exception: Emergency repairs as set forth in Rule 340-71-215.

(2) Applications for permits shall be made on forms provided by the Agent and approved by the Department.

(3) An application is complete only when the form, on its face, is completed in full, is signed by the owner or the owner's legally authorized representative, is accompanied by all required exhibits (including a site evaluation report) and fee, and includes, from the appropriate jurisdiction, a statement of compatibility with the acknowledged local comprehensive plan and zoning requirements or Land Conservation and Development Commission's goals.

(4) The application form shall be received by the Agent only when the form is complete, as detailed in section 340-71-160(3).

(5) Upon receipt of a completed application the Agent shall deny the permit if:

(a) The application contains false information;

(b) The application was wrongfully received by the Agent;

(c) The proposed system would not comply with these rules;

(d) The proposed system, if constructed, would violate a Commission moratorium as described in rule 340-71-460.

(e) The proposed system location is encumbered as described in section 340-71-130(8).

(f) A sewerage system which can serve the proposed sewage flow is both legally and physically available, as described below:

(A) Physical Availability. A sewerage system shall be deemed physically available if its nearest connection point from the property to be served is:

(i) For a single family dwelling, or other establishment with a maximum projected daily sewage flow of not more than four hundred fifty (450) gallons, within three hundred (300) feet;

(ii) For a proposed subdivision or group of two (2) to five (5) single family dwellings, or equivalent projected daily sewage flow, not further than two hundred (200) feet multiplied by the number of dwellings or dwelling equivalents.

(iii) For proposed subdivisions or other developments with more than five (5) single family dwellings, or equivalents, the Agent shall make a case-by-case determination of sewerage availability.

Exception: A sewerage system shall not be considered available if topographic or man-made features make connection physically impractical.

(B) Legal Availability. A sewerage system shall be deemed legally available if the system is not under a Department connection permit moratorium, and the sewerage system owner is willing or obligated to provide sewer service.

(6) A permit shall be issued only to a person licensed under ORS 454.695, or to the owner or easement holder of the land on which the system is to be installed.

(7) No person shall construct, alter or repair a system, or any part thereof, unless he is licensed under ORS 454.695, or he is the permittee.

(8) The Agent shall either issue or deny the permit within twenty (20) days after receipt of the completed application.

Exception: If weather conditions or distance and unavailability of transportation prevent the Agent from acting to either issue or deny the permit within twenty (20) days, the applicant shall be notified in writing. The notification shall state the reason for delay. The Agent shall either issue or deny the permit within sixty (60) days after the mailing date of such notification.

340-71-165 Permit Denial Review.

(1) A permit denied by the Agent shall be reviewed at the request of the applicant. The application for review shall be submitted to the Department in writing, and be accompanied by the denial review fee. The denial review shall be conducted and a report prepared by the Department.

(2) Permit denials for systems proposed to serve a commercial facility, intended to be used in a commercial activity, trade, occupation or profession, may be appealed through the contested case hearing procedure set forth in ORS 183 and OAR Chapter 340, Division 11.

(3) If the Agent intends to deny a permit for a parcel of ten (10) acres or larger in size, the Agent shall:

(a) Provide the applicant with a Notice of Intent to Deny;

(b) Specify reasons for the intended denial; and

(c) Offer a contested case hearing in accordance with ORS 183 and OAR Chapter 340, Division 11.

340-71-170 Pre-cover Inspections.

(1) When construction, alteration or repair of a system for which a permit has been issued is complete, except for backfill (cover), or as required by permit, the property owner or system installer shall notify the Agent. The Agent shall inspect the installation to determine if it complies with the rules of the Commission, unless the inspection is waived by the Agent in accordance with section 340-71-170(2).

(2) The Agent may, at his own election, waive the pre-cover inspection provided:

(a) The installation is a standard subsurface system installed by a sewage disposal service licensed pursuant to ORS 454.695; and

(b) The inspecting jurisdiction and the Department have developed an impartial method of identifying those installers who have a history of proper installations without excessive numbers of corrections; and

(c) Inspections waived are for installations made by installers identified as having a good history of proper installation; and

(d) A list of installers whose inspections may be waived is available to the public and the Department; and

(e) A representative number of each installer's systems has been inspected, regardless of installation history; and

(f) After system completion the installer certifies in writing that the system complies with the rules of the Commission, and provides the Agent with a detailed as-built plan (drawn to scale) of the installation.

(3) Precover inspection details shall be recorded on a form approved by the Department.

340-71-175 Certificate of Satisfactory Completion.

(1) The Agent shall issue a Certificate of Satisfactory Completion, if, upon inspection of installation, the system complies with the rules of the Commission and the conditions of the permit.

(2) If inspected installation does not comply with the rules of the Commission and the conditions of the permit, the permittee shall be notified in writing or a Correction Notice shall be posted on the site. System deficiencies shall be explained and satisfactory completion required. Follow-up inspections may be waived by the Agent. After satisfactory completion a Certificate shall be issued.

(3) If the inspection is not made within seven (7) days after notification of completion, or the inspection is waived, a Certificate of Satisfactory Completion shall be deemed to have been issued by operation of law. In such cases, a modified Certificate shall be issued to the owner.

(4) A system, once installed, shall be backfilled (covered) only when:

(a) The permittee is notified by the Agent that inspection has been waived; or

(b) The inspection has been conducted by the Agent and a Certificate of Satisfactory Completion has been issued; or

(c) A Certificate of Satisfactory Completion has been issued by operation of law where the inspection has not been conducted within seven (7) days of notification of completed installation.

(5) Failure to meet requirements for satisfactory completion within thirty (30) days after written notification or posting of a Correction Notice on the site, constitutes a violation of ORS 454.605 to 454.745 and these rules.

(6) No person shall connect to or use any system, completed on or after January 1, 1974, unless a Certificate of Satisfactory Completion has been issued for the installation, or deemed issued by operation of law as provided in ORS 454.665(2).

(7) Unless otherwise required by the Agent the system installer shall backfill (cover) a system within ten (10) days after issuance of a Certificate of Satisfactory Completion for that system.

(8) A Certificate of Satisfactory Completion shall be valid for a period of one (1) year, for connection of the system to the facility for which it was constructed. After the one (1) year period, rules for Authorization Notices or Alteration Permits apply, as outlined in rules 340-71-205 and 340-71-210.

(9) Denial of a Certificate of Satisfactory Completion may be appealed in accordance with ORS 183.310 and OAR 340, Division 11.

340-71-185 Abandonment of Systems.

(1) The owner shall abandon a system when:

(a) A sewerage system becomes available and the building sewer has been connected thereto; or

(b) The source of sewage has been permanently eliminated; or

(c) The system is failing and cannot be repaired; or

(d) The system has been constructed without a permit and cannot be brought into compliance with these rules; or

(e) The system has been used without a required Certificate of Satisfactory Completion, or Authorization Notice, and cannot be brought into conformance with these rules.

(2) Procedures for Abandonment.

(a) The septic tank, cesspool or seepage pit shall be pumped by a licensed sewage disposal service to remove all sludge;

(b) The septic tank, cesspool or seepage pit shall be filled with reject sand, bar run gravel, or other material approved by the Agent;

(c) The system building sewer shall be permanently capped.

340-71-195 Upgrading Disposal Systems.

When upgrading systems which approximate a pit privy and gray water discharge to the surface or to a pit, system repair rules (340-71-215) shall apply, provided:

(1) The system serves an occupied dwelling; and

(2) The system and dwelling were constructed prior to January 1, 1974.

340-71-200 Prior Construction Permits or Approvals.

(1) All construction permits and written approvals issued prior to January 1, 1974, expired by rule of the Commission on July 1, 1976, unless they met all requirements of OAR 340-71-015(8) and were converted to Department construction permits prior to that date.

(2) Converted permits required system construction prior to July 1, 1980. Any prior approvals or prior permits failing to meet the two (2) deadline dates above are void.

(3) All sites now proposed for on-site systems must meet appropriate requirements of these rules.

340-71-205 Authorization to Use Existing Systems.

(1) For the purpose of these rules, "Authorization Notice" means a written document issued by the Agent which establishes that an on-site sewage disposal system appears adequate to serve the purpose for which a particular application is made.

(2) Authorization Notice Required. No Person shall place into service, change the use of, or increase the projected daily sewage flow into an existing on-site sewage disposal system without obtaining an Authorization Notice or Alteration Permit as appropriate.

Exceptions:

(a) An Authorization Notice is not required when there is a change in use (replacement of mobile homes or recreational vehicles with similar units) in mobile home parks or recreational vehicle facilities operated by a public entity or under a license or Certificate of Sanitation issued by the Oregon State Health Division or Oregon State Department of Commerce.

(b) An Authorization Notice is not required for use of a previously unused system for which a Certificate of Satisfactory Completion has been issued within one (1) year of the date such system is placed into service, providing the projected daily sewage flow does not exceed the design flow.

(3) For changes in the use of an existing on-site sewage disposal system where no increase in sewage flow is projected, or where the design flow is not exceeded; an Authorization Notice shall be issued if:

(a) The existing system is not failing; and

(b) All set-backs from the existing system can be maintained; and

(c) In the opinion of the Agent the proposed use would not create a public health hazard.

(d) If condition (a) or (b) of OAR 340-71-205(3) cannot be met, an Authorization Notice shall be withheld until such time as the necessary alterations and/or repairs to the system are made.

(4) For changes in the use of a system where projected daily sewage flow would be increased by not more than three hundred (300) gallons beyond the design capacity or by not more than fifty (50) percent of the design capacity for the system, whichever is less; an Authorization Notice shall be issued if:

(a) The existing system is shown not to be failing; and

(b) All set-backs from the existing system can be maintained; and

(c) Sufficient area exists so that a complete replacement area meeting all requirements of these rules (except those portions relating to soil conditions and groundwater) is available; and

(d) In the opinion of the Agent the proposed increase would not create a public health hazard or water pollution.

(e) Only one (1) Authorization Notice for an increase up to three hundred (300) gallons per system will be allowed.

(5) For changes in the use of a system where projected daily sewage flows would be increased by more than three hundred (300) gallons beyond the design capacity, or increased by more than fifty (50) percent of the design capacity of the system, whichever is less, an Alteration Permit shall be obtained. Such permit may be issued only if the proposed installation will be in full compliance with these rules.

(6) Personal Hardship.

(a) The Agent may allow a mobile home to use an existing system serving another dwelling, in order to provide housing for a family member suffering hardship, by issuing an Authorization Notice, if:

(A) The Agent receives satisfactory evidence which indicates that the family member is suffering physical or mental impairment, infirmity, or is otherwise disabled (a hardship approval issued under local planning ordinances shall be accepted as satisfactory evidence); and

(B) The system is not failing; and

(C) The application is for a mobile home; and

(D) Evidence is provided that a hardship mobile home placement is allowed on the subject property by the governmental agency that regulates zoning, land use planning, and/or building.

(b) The Authorization Notice shall remain in effect for a specified period, not to exceed cessation of the hardship. The Authorization Notice is renewable on an annual or biennial basis. The Agent shall impose conditions in the Authorization Notice which are necessary to assure protection of public health.

(7) Temporary Placement.

(a) The Agent may allow a mobile home to use an existing system serving another dwelling in order to provide temporary housing for a family member in need, and may issue an Authorization Notice provided:

(A) The Agent receives evidence that the family member is in need of temporary housing; and

(B) The system is not failing; and

(C) A full system replacement area is available; and

(D) Evidence is provided that a temporary mobile home placement is allowed on the subject property by the governmental agency that regulates zoning, land use planning, and/or building.

(b) The Authorization Notice shall authorize use for no more that two (2) years and is not renewable. The Agent shall impose conditions in the Authorization Notice necessary to assure protection of public health. If the system fails during the temporary placement and additional replacement area is no longer available, the mobile home shall be removed from the property.

340-71-210 Alteration of Existing On-Site Sewage Disposal Systems.

(1) Permit Required.

(a) No person shall alter an existing on-site sewage disposal system without first obtaining an Alteration Permit. See Rule 340-71-160.

(b) No person shall increase the projected daily sewage flow into an existing on-site sewage disposal system by more than three hundred (300) gallons beyond the design capacity or increase by more than fifty (50) percent of the design capacity of the system, whichever is less, until an Alteration Permit is obtained. Such permit may be issued only if the proposed installation will be in full compliance with these rules.

(2) Certificate of Satisfactory Completion Required. Upon completion of installation of that part of a system for which an Alteration Permit has been issued, the permittee shall obtain a Certificate of Satisfactory Completion from the Agent pursuant to Rule 340-71-175.

(3) Criteria for Permit Issuance. Except as provided in subsection 340-71-210(1)(b) the Agent may issue an Alteration Permit if:

(a) The existing system is not failing; and

(b) In the opinion of the Agent use of the on-site system would not create a public health hazard or water pollution.

340-71-215 Repair of Existing Systems.

(1) For the purpose of these rules, "Emergency Repair" means the repair of a system where sewage is backing up into a dwelling or commercial facility, or there is a broken pressure sewer pipe and immediate action is necessary to correct the situation.

(2) A failing system shall be immediately repaired.

(3) No person shall repair a failing system without first obtaining a Repair Permit. See OAR 340-71-160.

Exception. Emergency repairs may be made without first obtaining a permit provided that a permit is obtained within three (3) days after the emergency repairs are begun.

(4) Certificate of Satisfactory Completion. Upon completion of installation of that part of a system for which a repair permit has been issued, the permittee shall obtain a Certificate of Satisfactory Completion from the Agent pursuant to Rule 340-71-175.

(5) Criteria for Permit Issuance.

(a) If the site characteristics and standards described in Rule 340-71-220 can be met, then the repair installation shall conform with them.

(b) If the site characteristics or standards described in Rule 340-71-220 cannot be met, the Agent may allow a reasonable repair installation in order to eliminate a public health hazard. Reasonable repairs may require the installation of an alternative system in order to eliminate a public health hazard.

(6) Failing systems which cannot be repaired shall be abandoned in accordance with Rule 340-71-185.

340-71-220 Standard Subsurface Systems.

(1) For the purpose of these rules:

(a) "Standard subsurface system" means an on-site sewage disposal system consisting of a septic tank, distribution unit and gravity-fed absorption facility constructed in accordance with OAR 340-71-220(2), using six (6) inches of filter material below the distribution pipe, and maintaining not less than eight (8) feet of undisturbed earth between disposal trenches.

(b) "Effective Soil Depth" means the depth of soil material above a layer that impedes movement of water, air, or growth of plant roots. Layers that differ from overlying soil material enough to limit effective soil depths are hardpans, claypans, fragipans, compacted soil, bedrock, saprolite and clayey soil.

(c) "Large System" means any on-site system with a daily sewage flow greater than two thousand five hundred (2,500) gallons.

(d) "Conditions Associated with Saturation" means:

(A) Reddish brown or brown soil horizons with gray (chromas of two or less) and red or yellowish red mottles; or

(B) Gray soil horizons with red, yellowish red or brown mottles; or

(C) Dark colored highly organic soil horizons; or

(D) Soil profiles with concentrations of soluable salts at or near the ground surface.

(2) Criteria For Standard Subsurface System Approval. In order to be approved for a standard subsurface system each site must meet all of the following conditions:

(a) Effective soil depth shall extend thirty (30) inches or more from the ground surface as shown in Table 3. A minimum six (6) inch separation shall be maintained between the layer that limits effective soil depth and the bottom of the disposal trench.

(b) Water table levels shall be predicted using "conditions associated with saturation." If conditions associated with saturation do not occur in soil with rapid or very rapid permeability, predictions of the highest level of the water table shall be based on past recorded observations of the

Agent. If such observations have not been made, or are inconclusive, the application shall be denied until observations can be made. Groundwater level determinations shall be made during the period of the year in which high groundwater normally occurs in that area.

(A) A permanent water table shall be four (4) feet or more from the bottom of the disposal trench.

Exception: In defined geographic areas where the Department has determined through a groundwater study that degradation of groundwater would not be caused nor public health hazards created. In the event this exception is allowed, the rule pertaining to a temporary water table shall apply.

(B) A temporary water table shall be twenty-four (24) inches or more below the ground surface. A disposal trench shall not be installed deeper than the level of the temporary water table.

(i) Curtain Drains. (Diagram 13) A curtain drain may be used to intercept and/or drain temporary water from a disposal area, however, it may be required to demonstrate that the site can be de-watered prior to issuing a construction installation permit. Curtain drains may be used only on sites with adequate slope to permit proper drainage. Where required, curtain drains are an integral part of the disposal system.

(c) Soil with rapid or very rapid permeability shall be thirty six (36) inches or more below the ground surface. A minimum eighteen (18) inch separation shall be maintained between soil with rapid or very rapid permeability and the bottom of disposal trenches.

Exception: Sites may be approved with no separation between the bottom of disposal trenches and soil as defined in Appendix A, 107(a) and (b), with rapid or very rapid permeability, and disposal trenches may be placed into soil as defined in Appendix A, 107(a) and (b), with rapid or very rapid permeability if any of the following conditions occur:

(A) A confining layer occurs between the bottom of disposal trenches and the ground water table. A minimum six (6) inch separation shall be maintained between the bottom of disposal trenches and the top of the confining layer; or

(B) A layer of soil with sandy loam texture or finer at least eighteen (18) inches thick occurs between the bottom of the disposal trenches and the ground water table; or

(C) The projected daily sewage flow does not exceed a loading rate of four hundred fifty (450) gallons per acre per day.

(d) Slopes shall not exceed thirty (30) percent and the slope/depth relationship set forth in Table 3.

(e) The site has not been filled or the soil has not been modified in a way that would, in the opinion of the Agent, adversely affect functioning of the system.

(f) The site shall not be on an unstable land form, where operation of the system may be adversely affected.

(g) The site of the initial and replacement drainfield shall not be covered by asphalt or concrete, or subject to vehicular traffic, livestock, or other activity which would adversely affect the soil.

(h) The site of the initial and replacement drainfield will not be subjected to excessive saturation due to, but not limited to, artificial drainage of ground surfaces, driveways, roads, and roof drains.

(i) Setbacks in Table 1 can be met.

(3) Criteria For System Sizing.

(a) Disposal Fields. Disposal fields shall be designed and sized on the basis of information contained in:

(A) Table 2-Quantities of Sewage Flows; or other information determined by the Agent to be reliable.

Exceptions: Systems shall be sized on the basis of three hundred (300) gallons sewage flow per day, plus seventy five (75) gallons per day for the third bedroom when:

(i) Systems to serve single family dwellings on lots of record prior to March 1, 1978, which are inadequate in size to accommodate a system sized for a daily sewage flow of four hundred fifty (450) gallons.

(ii) Systems for specifically planned developments, with living units of three (3) or fewer bedrooms, where deed restrictions prohibit an increase in the number of bedrooms.

(B) Table 4 Minimum Length of Disposal Trench Required, Soil Texture Versus Effective Soil Depth

(C) Table 5-Minimum Length of Disposal Trench Required, Soil Texture Versus Depth to Temporary Water

(4) Septic Tanks.

(a) For the purpose of these rules, "Septic Tank" means a watertight receptacle which receives sewage from a sanitary drainage system, is designed to separate solids from liquids, digest organic matter during a period of detention, and allow the liquids to discharge to a second treatment unit or to a soil disposal system.

(b) Liquid Capacity. The minimum liquid capacity of any septic tank installed after July 1, 1981, shall be one thousand (1,000) gallons.

(A) For projected daily sewage flows up to fifteen hundred (1,500) gallons the septic tank shall have a liquid capacity equal to at least one and one-half (1-1/2) days sewage flow, or one thousand (1,000) gallons, whichever is greater.

(B) For projected daily sewage flows greater than fifteen hundred (1,500) gallons, the septic tank shall have a liquid capacity equal to eleven hundred twenty-five (1,125) gallons plus seventy-five (75) percent of the projected daily sewage flow.

(C) Additional volume may be required by the Agent for industrial or other special wastes.

(D) The quantity of daily sewage flow shall be estimated from Table 2. For structures not listed in Table 2, the Agent shall determine the projected daily sewage flow.

(E) Single Family Dwelling. Septic tanks to serve single family dwellings shall be sized on the number of bedrooms in the dwelling, as follows:

1 to 4 bedrooms.....1,000 gallons
5 bedrooms.....1,250 gallons
More than 5 bedrooms.....1,500 gallons

(c) Installation Requirements.

(A) Septic tanks shall be installed on a level, stable base that will not settle.

(B) Septic tanks located in high groundwater areas shall be weighted or provided with an antibuoyancy device to prevent flotation.

(C) All septic tanks installed with the manhole access deeper than eighteen (18) inches or as part of a sand filter system shall be provided with a watertight riser extending to the ground surface or above. The riser shall have a minimum inside dimension equal to or greater than that of the tank manhole. The cover shall be securely fastened or weighted to prevent easy removal.

(D) Septic tanks shall be installed in a location that provides access for servicing and pumping.

(E) Where practicable, the sewage flow from any establishment shall be consolidated into one septic tank.

(d) Construction. Septic tank construction shall comply with minimum standards set forth in Appendix B.

(5) Distribution Techniques. Disposal trenches shall be constructed according to one of the following methods:

(a) Gravity Fed Equal Distribution (including Loop) System. (Diagrams 3, 4 and 5)

The equal distribution system shall be used on generally level ground. All trenches, and piping shall be level within a tolerance of plus or minus one (1) inch. All lateral piping shall be at the same elevation.

(b) Serial Distribution System. (Diagrams 1 and 2)

The serial distribution system is generally used on sloping ground. Each trench shall be level within a tolerance of plus or minus one (1) inch.

(c) Pressurized Distribution Systems. See Rule 340-71-275, for pressurized distribution requirements.

(6) Distribution Boxes and Drop Boxes.

(a) Construction. Construction of distribution boxes and drop boxes shall comply with minimum standards in Appendix C.

(b) Foundation. All distribution boxes and drop boxes shall be bedded on a stable, level base.

(7) Dosing Tanks.

(a) Construction of dosing tanks shall comply with the minimum standards in Appendix D.

(b) Each dosing tank shall be installed on a stable level base.

(c) Each dosing tank shall be provided with a watertight riser extending to the ground surface or above, with a minimum inside horizontal measurement equal to or greater than the tank access manhole. Provision shall be made for securely fastening the manhole cover.

(d) Dosing tanks located in high groundwater areas shall be weighted or provided with an antibuoyancy device to prevent flotation.

(8) Disposal Trenches. (Diagram 1, 2, 3, 4, 5, 11, 12)

(a) Disposal trenches shall be constructed in accordance with the standards contained in the following table, unless otherwise allowed or required within a specific rule of this division:

Maximum length of trench	125 feet
Minimum bottom width of trench	24 inches
Minimum depth of trench, using:	
Equal or loop distribution	18 inches
Serial distribution	24 inches
Pressure Distribution	24 inches
Maximum depth of trench	36 inches
Minimum distance of undisturbed earth between disposal trenches	8 feet

(b) The bottom of the disposal trench shall be level within a tolerance of plus or minus one (1) inch.

(c) When the sidewall within the disposal trench has been smeared or compacted, sidewalls shall be raked to insure permeability.

(d) Trenches shall not be constructed in a manner that would allow septic tank effluent to flow backwards from the distribution pipe to undermine the distribution box, the septic tank, or any portion of the distribution unit.

(e) Filter material shall extend the full width and length of the disposal trench to a depth of not less than twelve (12) inches. There shall be at least six (6) inches of filter material under the distribution pipe and at least two (2) inches over the distribution pipe.

(f) Prior to backfilling the trench, the filter material shall be covered with filter fabric, untreated building paper, or other material approved by the Agent.

(g) Where trenches are installed in sandy loam or coarser soils, the filter material shall be covered with filter fabric or other non-degradable material approved by the Agent.

(9) Trench Backfill.

(a) The installer shall assume responsibility for backfilling the system. Backfill shall be carefully placed to prevent damage to the system.

(b) A minimum of six (6) inches of backfill is required, except in serial and pressure systems where twelve (12) inches is required.

(c) Backfill shall be free of large stones, frozen clumps of earth, masonry, stumps, or waste construction materials, or other materials that could damage the system.

(10) Header Pipe. (Appendix F) Header pipe shall be watertight, have a minimum diameter of four (4) inches, and be bedded on undisturbed earth. Where distribution boxes or drop boxes are used, header pipe shall be at least four (4) feet in length.

(11) Distribution pipe. (Appendix F)

(a) Distribution pipes shall have a minimum diameter of four (4) inches.

(b) Each disposal trench shall have distribution piping that is centered in the trench and laid level within a tolerance of plus or minus one (1) inch.

(c) Distribution piping, which complies with standards in Appendix F, may consist of perforated bituminized fiber, perforated plastic, clay tile or concrete tile.

(d) All perforated pipe shall be installed with centerline markings up.

(e) Concrete tile and clay tile shall be laid with grade boards and with one-quarter (1/4) inch open joints. The top one-half (1/2) of the joints shall be covered with strips of treated building paper, tar paper, tile connectors, spacers, collars or clips, or other materials approved by the Agent.

(12) Effluent Sewer. The effluent sewer shall extend at least five (5) feet beyond the septic tank before connecting to the distribution unit. See Appendix F.

(13) Minimum Separation Distances.

(a) On-site systems or parts thereof shall not be installed closer than the indicated distances from the items in Table 1.

(b) Stream Setbacks. (Table 1) Setback from streams shall be measured from bank drop-off or mean yearly high water mark, whichever provides the greatest separation distance.

(c) Lots Created Prior to May 1, 1973. For lots or parcels legally created prior to May 1, 1973, the Agent may approve installation of a standard or alternative system with a setback from surface public waters of less than one hundred (100) feet but not less than fifty (50) feet, provided all other provisions of these rules can be met.

(d) Water Lines and Sewer Lines Cross. Where water lines and building or effluent sewer lines cross, separation distances shall be as required in the State Plumbing Code.

(e) Septic Tank Setbacks. (Table 1) The Agent shall encourage the placement of septic tanks and other treatment units as close as feasible to the minimum separation from the building foundation in order to minimize clogging of the building sewer.

(14) Large Systems. Systems with a projected daily sewage flow greater than two thousand five hundred (2,500) gallons shall be designed in accordance with requirements set forth in Rule 340-71-520.

340-71-260 Alternative Systems, General.

(1) For the purpose of these rules "Alternative system" means any Commission approved on-site sewage disposal system used in lieu of, including modifications of, the standard subsurface system.

(2) "Sewage Stabilization Ponds" and "Land Irrigation of Sewage" are alternative systems available through the Water Pollution Control Facilities (WPCF) permit program.

(3) Unless otherwise noted, all rules pertaining to the siting, construction, and maintenance of standard subsurface systems shall apply to alternative systems.

(4) General Requirements.

(a) Periodic Inspection of Installed Systems. Where required by rule of the Commission, periodic inspections of installed alternative systems shall be performed by the Agent. An inspection fee may be charged.

(b) A report of each inspection shall be prepared by the Agent. The report shall list system deficiencies and correction requirements and timetables for correction. A copy of the report shall be provided promptly to the system owner. Necessary follow-up inspections shall be scheduled.

340-71-265 Capping Fills. (Diagram 10)

(1) For the purposes of this rule, "Capping Fill" means a system where the disposal trench effective sidewall is installed a minimum of twelve (12) inches into natural soil below a soil cap of specified depth and texture.

(2) Criteria for Approval. In order to be approved for a capping fill system, each site must meet all the following conditions:

(a) Slope does not exceed twelve (12) percent.

(b) Temporary water table is not closer than eighteen (18) inches to the ground surface at anytime during the year. A six (6) inch minimum separation must be maintained between the bottom of the disposal trench and the temporary water table.

(c) Where a permanent water table is present, a minimum four (4) feet separation shall be maintained between the bottom of the disposal trench and the water table.

(d) Where material with rapid or very rapid permeability is present, a minimum eighteen (18) inches separation shall be maintained between the bottom of the disposal trench and soil with rapid or very rapid permeability.

(e) Effective soil depth is eighteen (18) inches or more below the natural soil surface.

(f) Soil texture from the ground surface to the layer that limits effective soil depth is no finer than silty clay loam.

(g) A minimum six (6) inch separation shall be maintained between the bottom of the disposal trench and the layer that limits effective soil depth.

(h) The system can be sized according effective soil depth in Table 4.

(3) Installation Requirements. The cap shall be constructed pursuant to permit requirements. Unless otherwise required by the Agent, construction sequence shall be as follows:

(a) The soil shall be examined and approved by the Agent prior to placement. The texture of the soil used for the cap shall be of the same textural class, or of one textural class finer, as the natural topsoil.

(b) Construction of capping fills shall occur between June 1 and October 1 unless otherwise allowed by the Agent. The upper eighteen (18) inches of natural soil must not be saturated or at a moisture content which causes loss of soil structure and porosity when worked.

(c) The drainfield site and the borrow site shall be scarified to destroy the vegetative mat.

(d) Drainfield shall be installed as specified in the construction permit. There shall be a minimum ten (10) feet of separation between the edge of the fill and the nearest trench sidewall.

(e) Fill shall be applied to the fill site and worked in so that the two (2) contact layers (native soil and fill) are mixed. Fill material shall be evenly graded to a final depth of sixteen (16) inches over the gravel. Both initial cap and repair cap may be constructed at the same time.

(f) The site shall be landscaped according to permit conditions and be protected from livestock, automotive traffic or other activity that could damage the system.

(4) Required Inspections. The following minimum inspections shall be performed for each capping fill installed:

(a) Both the drainfield site and borrow material must be inspected for scarification, soil texture, and moisture content, prior to cap construction.

(b) Pre-cover inspection of the installed drainfield.

(c) After cap is placed, to determine that there is good contact between fill material and native soil (no obvious contact zone visible), adequate depth of material, and uniform distribution of fill material.

(d) Final inspection, after landscaping. A Certificate of Satisfactory Completion may be issued at this point.

340-71-270 Evapotranspiration-Absorption (ETA) Systems. (Diagram 6 and 7)

(1) For the purpose of these rules "Evapotranspiration-Absorption System" means an alternative system consisting of a septic tank or other treatment facility, effluent sewer and a disposal bed or disposal trenches, designed to distribute effluent for evaporation, transpiration by plants, and by absorption into the underlying soil.

(2) Criteria for Approval. Installation permits may be issued for evapotranspiration-absorption (ETA) systems on sites that meet all of the following conditions:

(a) Mean annual precipitation does not exceed twenty-five (25) inches.

(b) There exists a minimum of thirty (30) inches of moderately-well to well drained soil. The subsoil at a depth of twelve (12) inches and below shall be fine textured.

(c) Slope does not exceed fifteen (15) percent. Exposure may be taken into consideration.

(3) Criteria for System Design. ETA beds shall be designed under the following criteria:

(a) Beds shall be sized using a minimum eight hundred fifty (850) square feet of bottom surface area per one hundred fifty (150) gallons of projected daily sewage flow in areas where annual precipitation is fifteen (15) to twenty-five (25) inches, or six hundred (600) square feet of bottom surface area per one hundred fifty (150) gallons of projected daily sewage flow in areas where annual precipitation is less than fifteen (15) inches.

(b) Beds shall be installed not less than twelve (12) inches nor deeper than twenty-four (24) inches into natural fine textured soil on the downhill side and not more than thirty-six (36) inches deep on the uphill side.

(c) A minimum of one (1) distribution pipe shall be placed in each bed.

(d) The surface shall to be seeded according to permit conditions.

(e) Other bed construction standards contained in Diagrams 6 and 7 shall apply.

340-71-275 Pressurized Distribution Systems.

(1) Pressurized distribution systems may be permitted on any site meeting requirements for installation of standard subsurface sewage disposal systems, or other sites where this method of effluent distribution is desired.

(2) Except as provided in OAR 340-71-220(2)(c), pressurized distribution systems shall be used where depth to soil as defined in Appendix A, 107(a) and (b) is less than thirty (36) inches and the minimum separation distance between the bottom of the disposal trench and soil as defined in Appendix A, 107(a) and (b) is less than eighteen (18) inches.

(3) Pressurized distribution systems installed in soil as defined in Appendix A, 107(a) and (b) in areas with permanent water tables shall not discharge more than four hundred fifty (450) gallons of effluent per one-half (1/2) acre per day except where:

(a) A gray water system is proposed for lots of record existing prior to January 1, 1974, which have sufficient area to accomodate a gray water pressurized distribution system, or

(b) Groundwater is degraded and designated as a nondevelopable resource by the State Department of Water Resources, or

(c) A detailed hydrogeological study discloses loading rates exceeding four hundred fifty (450) gallons per one-half (1/2) acre per day would not increase the nitrate-nitrogen concentration in the groundwater beneath the site, or at any down gradient location, above five (5) milligrams per liter.

(4) Materials and Construction.

(a) General.

(A) All materials used in pressurized systems shall be structurally sound, durable, and capable of withstanding normal stresses incidental to installation and operation.

(B) Nothing in these rules shall be construed to set aside applicable building, electrical, or other codes. An electrical permit and inspection from the Department of Commerce or the municipality with jurisdiction [as defined in ORS 456.750(5)] is required for pump wiring installation.

(b) Pressurized Drainfield Piping. Piping, valves and fittings for pressurized systems shall meet the following minimum requirements:

(A) All pressure transport, manifold, lateral piping, and fittings shall meet or exceed the requirements for Class 160 PVC 1120 pressure pipe as identified in ASTM Specification D2241.

(B) Pressure transport piping shall be uniformly supported along the trench bottom, and at the discretion of the Agent, it shall be bedded in sand or other material approved by the Agent.

(C) Orifices shall be located on top of the pipe, except in areas of extended frozen soil conditions in which case the Agent may specify orifice orientation.

(D) The ends of lateral piping shall be provided with threaded plugs or caps.

(E) All joints in the manifold, lateral piping, and fittings shall be solvent welded, using the appropriate joint compound for the pipe material. Pressure transport piping may be solvent welded or rubber ring jointed.

(F) A gate valve shall be placed on the pressure transport pipe, in or near the dosing tank, when appropriate.

(G) A check valve shall be placed between the pump and the gate valve, when appropriate.

(c) Trench Construction.

(A) Minimum trench length required shall be not less than that specified in Tables 4 and 5.

(B) Drainfield trenches shall be constructed using the specifications for the standard drainfield trench unless otherwise allowed by the Department on a case-by-case basis.

(C) Pressure lateral piping shall have not less than eight (8) inches of filter material below, nor less than two (2) inches of filter material above the piping.

(D) The sides of the trench and top of the filter material shall be lined or covered with filter fabric, or other nondegradable material permeable to fluids that will not allow passage of soil particles. In soils finer textured than loamy sand, lining the sidewall may not be required.

(d) Seepage Bed Construction.

(A) Seepage beds may be used in soil as defined in Appendix A, 107(a) and (b) as an alternative to the use of disposal trenches.

(B) The effective seepage area shall be based on the bottom area of the seepage bed. The minimum area shall be not less than that specified in Table 9.

(C) Beds shall be installed not less than eighteen (18) inches [twelve (12) inches with a capping fill] nor deeper than thirty six (36) inches into the natural soil. The seepage bed bottom shall be level.

(D) The top of the filter material shall be lined or covered with filter fabric, or other nondegradable material that is permeable to fluids but will not allow passage of soil particles.

(E) Pressurized distribution piping shall have not less than eight (8) inches of filter material below, nor less than two (2) inches of filter material above the piping.

(F) Pressurized distribution piping shall be horizontally spaced not more than four (4) feet apart, and not more than two (2) feet away from the seepage bed sidewall. At least two (2) parallel pressurized distribution pipes shall be placed in the seepage bed.

(G) A minimum of ten (10) feet of undisturbed earth shall be maintained between seepage beds.

(e) Notwithstanding other requirements of this rule, when the projected daily sewage flow is greater than two thousand five hundred (2500) gallons the Department may approve other design criteria and standards it deems appropriate.

(5) Hydraulic Design Criteria.

(a) Pressurized distribution systems shall be designed for appropriate head and capacity.

(A) Head calculations shall include maximum static lift, pipe friction and orifice head requirements.

(i) Static lift where pumps are used shall be measured from the minimum dosing tank level to the level of the perforated distribution piping.

(ii) Pipe friction shall be based upon a Hazen Williams coefficient of smoothness of 120. All pressure lateral piping and fittings shall have a minimum diameter of two (2) inches unless submitted plans and specifications show a smaller diameter pipe is adequate. The head loss across a lateral with multiple evenly spaced orifices may be considered equal to one-third (1/3) of the head loss that would result if the entrance flow were to pass through the length of the lateral.

(iii) There shall be a minimum head of five (5) feet at the remotest orifice and no more than a fifteen (15) percent head variation between nearest and remotest orifice in an individual unit.

(B) The capacity of a pressurized distribution system refers to the rate of flow given in gallons per minute (gpm).

(i) Lateral piping shall have discharge orifices drilled a minimum diameter of one-eighth (1/8) inch, and evenly spaced at a distance not greater than twenty four (24) inches in coarse textured soils or greater than four (4) feet in finer textured soils.

(ii) The system shall be dosed at a rate not to exceed twenty (20) percent of the projected daily sewage flow.

(iii) The affect of back drainage of the total volume of effluent within the pressure distribution system shall be evaluated for its impact upon the dosing tank and system operation.

340-71-280 Seepage Trench System.

(1) For the purpose of these rules "Seepage Trench System" means a system with disposal trenches with more than six (6) inches of filter material below the distribution pipe.

(2) Criteria for Approval. Construction permits may be issued by the Agent for seepage trench systems on lots created prior to January 1, 1974, for sites that meet all the following conditions:

(a) Groundwater degradation would not result.

(b) Lot or parcel is inadequate in size to accommodate standard subsurface system disposal trenches.

(c) All other requirements for standard subsurface systems can be met.

(3) Design Criteria. Seepage trench system dimensions shall be determined by the following formula:

Length of seepage trench = (4) (length of disposal trench)/ (3 + 2D) where D = depth of filter material below distribution pipe in feet. Maximum depth of filter material (D) shall be two (2) feet.

340-71-285 Redundant Systems. (Diagram 11)

(1) For the purpose of these rules "Redundant Disposal Field System" means a system in which two (2) complete disposal systems are installed, the disposal trenches of each system alternate with each other and only one system operates at any given time.

(2) Criteria for Approval. Construction installation permits may be issued by the Agent for redundant disposal field systems to serve single family dwellings on sites that meet all the following conditions:

(a) The lot or parcel was created prior to January 1, 1974, and

(b) There is insufficient area to accommodate a standard system.

(3) Design Criteria.

(a) Each redundant disposal system shall contain two (2) complete disposal fields.

(b) Each disposal field shall be adequate in size to accommodate the projected daily sewage flow from the dwelling.

(c) A minimum separation of ten (10) feet [twelve (12) feet on centers] shall be maintained between disposal trenches designed to operate simultaneously, and a minimum separation of four (4) feet [six (6) feet on centers] shall be maintained between adjacent disposal trenches.

340-71-290 Sand Filter Systems.

(1) For the purpose of these rules:

(a) "Conventional sand filter" means a filter with two (2) feet of medium sand designed to filter and biologically treat septic tank or other treatment unit effluent from a pressure distribution system at an application rate not to exceed one and twenty-three hundredths (1.23) gallons per square foot sand surface area per day, applied at a dose not to exceed twenty (20) percent of the projected daily sewage flow.

(b) "Medium sand" means a mixture of sand with 100 percent passing the 3/8 inch sieve, 90 percent to 100 percent passing the No. 4 sieve, 62 percent to 100 percent passing the No. 10 sieve, 45 percent to 82 percent passing the No. 16 sieve, 25 percent to 55 percent passing the No. 30 sieve, 5 percent to 20 percent passing the No. 50 sieve, 10 percent or less passing the No. 60 sieve, and 4 percent or less passing the No. 100 sieve.

(c) "Sand filter system" means the combination of septic tank or other treatment unit, a dosing system with effluent pump(s) and controls or dosing siphon, piping and fittings, sand filter, absorption facility or effluent reuse method used to treat sewage.

(2) Inspection Requirements. Each sand filter system installed under this rule, and those filters installed under OAR 340-71-038, may be inspected annually. The Department may waive the annual evaluation fee during years when sand filter field evaluation work is not performed.

(3) Sites Approved for Sand Filter Systems. Sand filters may be permitted on any site meeting requirements for standard subsurface sewage disposal systems contained under OAR 340-71-220, or where disposal trenches (including shallow subsurface irrigation trenches) would be used, and all the following minimum site conditions can be met:

(a) The highest level attained by temporary water would be eighteen (18) inches or more below ground surface; or twelve (12) inches or more below the natural ground surface where slopes are twelve (12) percent or less, and either a pressurized distribution system or a capping fill constructed pursuant to Section 340-71-265(3) and Subsections 340-71-265(4)(a) through (c) is used. Temporary groundwater levels shall be determined pursuant to methods contained in Subsection 340-71-220(2)(b).

(b) The highest level attained by a permanent water table would be equal to or more than distances specified below:

Soil Groups	*Minimum Separation Distance from Bottom Effective Seepage Area
Gravel, sand, loamy sand, sandy loam	24 inches
Loam, silt loam, sandy clay loam, clay loam	18 inches
Silty clay loam, silty clay, clay, sandy clay	12 inches

(c) Permanent water table levels shall be determined in accordance with methods contained in subsection 340-71-220(])(d). Sand filters in areas with permanent water tables shall not discharge more than four hundred-fifty (450) gallons of effluent per one-half (1/2) acre per day except where:

(A) A gray water system is proposed for lots of record existing prior to January 1, 1974, which have sufficient area to accommodate a gray water sand filter system, or

(B) Groundwater is degraded and designated as a non-developable resource by the State Department of Water Resources, or

*FOOTNOTE:
Shallow disposal trenches (placed not less than twelve (12) inches into the original soil profile) may be used with a capping fill to achieve separation distances from permanent groundwater. The fill shall be placed in accordance to the provisions of OAR 340-71-265(3) and 340-71-265(4)(a) through (c). A construction-installation permit shall not be issued until the fill is in place and approved by the Agent.

(C) A detailed hydrogeological study discloses loading rates exceeding four hundred fifty (450) gallons per one-half (1/2) acre per day would not increase nitrate-nitrogen concentration in the groundwater beneath the site, or any down gradient location, above five (5) milligrams per liter.

(d) Soils, fractured bedrock or saprolite diggable with a backhoe occur such that a standard twenty-four (24) inch deep trench can be installed.

(e) Where slope is thirty (30) percent or less.

(4) Minimum Length Disposal Trench Required. The recommended and minimum seepage area required for sand filter absorption facilities is indicated in the following table:

Soil Groups	Minimum Length (Linear Feet) Disposal Trench Per One Hundred Fifty (150) Gallons Projected Daily Sewage Flow
	Minimum
Gravel, sand, loamy sand, sandy loam	35
Loam, silt loam, sandy clay loam, clay loam	45
Silty clay loam, silty clay, sandy clay, clay	50
Saprolite or fractured bedrock	50
High shrink-swell clays (Vertisols)	75

FOOTNOTES:

(1) Sites with gravel or soil textures of sand, loamy sand, or sandy loam to the ground surface, that meet all other requirements of sections 340-71-290(3) and (4) and have the water table twenty-four (24) inches or more below ground surface, may utilize a sand filter without a bottom that discharges treated effluent directly into these materials. A minimum twenty-four (24) inch separation must be maintained between the water table and the bottom of the sand filter.

(2) Sites with saprolite or fractured bedrock where groundwater is six (6) feet or greater below ground surface may utilize a sand filter consisting of a trench four (4) feet deep with two (2) feet of medium sand to filter and biologically treat septic tank effluent from a pressure distribution system at an application rate not to exceed one and twenty-three hundredths (1.23) gallons per square foot sand surface area per day applied at a dose not to exceed twenty (20) percent of the projected daily sewage flow. A two (2) foot separation shall be maintained between the bottom of the sand filter and the upper surface of ground water. Slope shall not exceed thirty (30) percent.

(5) Materials and Construction.

(a) All materials used in sand filter system construction shall be structurally sound, durable and capable of withstanding normal installation and operation stresses. Component parts subject to malfunction or excessive wear shall be readily accessible for repair and replacement.

(b) All filter containers shall be placed over a stable level base.

(c) In areas of temporary groundwater at least twelve (12) inches of unsaturated soil shall be maintained between the bottom of the sand filter and top of the disposal trench.

(d) Piping and fittings for the sand filter distribution system shall be as required under pressure distribution systems, OAR 340-71-275.

340-71-295 Conventional Sand Filter Design.

(1) Flows.

(a) Conventional sand filter systems shall be designed to serve sewage flows of six hundred (600) gallons or less per day unless otherwise authorized by the Department.

(b) Flows of four hundred fifty (450) gallons per day shall be used in determining the minimum sand surface area required for a single-family dwelling.

(c) Flows of two hundred (200) gallons per day shall be used in determining minimum sand surface area required for individual residential gray-water filters.

(2) Minimum Filter Area. Sand filters shall be sized based on an application rate of no more than one and twenty-three hundredths (1.23) gallons septic tank effluent per square foot medium sand surface per day.

(3) General Details.

(a) Sand filter container, piping, medium sand, gravel, gravel cover, and soil crown material for a sand filter system discharging to disposal trenches shall meet minimum specifications indicated in Diagrams 8 and 9 unless otherwise authorized by the Department.

(b) Filter containers shall be constructed of reinforced concrete, a thirty (30) mil liner or other membrance liners acceptable to the Department which will effectively exclude groundwater and will contain the sand, gravel, septic tank effluent and soil crown cover for at least a twenty (20) year service life.

340-71-300 Other Sand Filter Designs.

(1) Other sand filters which vary in design from the conventional sand filter may be authorized by the Department if they can be demonstrated to produce comparable effluent quality.

(2) Pre-Application Submittal. Prior to applying for a construction permit for a variation to the conventional sand filter the Department must approve the design. To receive approval the applicant shall submit the following required information to the Department:

(a) Effluent quality data. Filter effluent quality samples shall be collected and analyzed by a testing agency acceptable to the Department using procedures identified in the latest edition of "Standard Methods for the Examination of Wastewater," published by the American Public Health Association, Inc. The duration of filter effluent testing shall be sufficient to ensure results are reliable and applicable to anticipated field operating conditions. The length of the evaluation period and number of data points shall be specified in the test report. The following parameters shall be addressed:

(A) BOD_5

(B) Suspended solids

(C) Fecal coliform

(b) A description of unique technical features and process advantages.

(c) Design criteria, loading rates, etc.

(d) Filter media characteristics.

(e) A description of operation and maintenance details and requirements.

(f) Any additional information specifically requested by the Department.

(3) Construction Procedure. Following pre-application approval, a permit application shall be submitted in the usual manner. Applications shall include applicable drawings, details and written specifications to fully describe proposed construction and allow system construction by contractors. Included must be the specific site details peculiar to that application, including soils data, groundwater type and depth, slope, setbacks, existing structures, wells, roads, streams, etc. Applications shall include a manual for homeowner operation and maintenance of the system.

340-71-305 Sand Filter System Operation and Maintenance.

(1) Sand filter operation and maintenance tasks and requirements shall be as specified on the Certificate of Satisfactory Completion. Where a conventional sand filter system or other sand filter system with comparable operation and maintenance requirements is used, the system owner shall be responsible for the continuous operation and maintenance of the system.

(2) The owner of any sand filter system shall provide the Agent written verification that the system's septic tank has been pumped at least once each forty-eight (48) months by a licensed sewage disposal service business. Service start date shall be assumed to be the date of issuance of the Certificate of Satisfactory Completion. The owner shall provide the Agent certification of tank pumping within two (2) months of the date required for pumping.

(3) No permit shall be issued for the installation of any other sand filter which in the judgment of the Department would require operation and maintenance significantly greater than the conventional sand filter unless responsibility for system operation and maintenance is vested in a municipality as defined in ORS 454.010(3) which the Department determines to have adequate resources to carry out such responsibility, unless other arrangements meeting the approval of the Director have been made which will ensure adequate operation and maintenance of the system. Each permitted installation may be inspected by the Agent or responsible public entity at least every twelve (12) months and checked for necessary corrective maintenance. An annual system evaluation fee shall be assessed.

340-71-310 Steep Slope Systems

(1) General conditions for approval. On-site system construction permits may be issued by the Agent for steep slope systems on slopes in excess of thirty (30) percent provided all the following requirements can be met:

(a) Slope does not exceed forty-five (45) percent.

(b) The soil is well drained with no evidence of saturation.

(c) The soil has a minimum effective soil depth of sixty (60) inches.

(2) Construction requirements.

(a) Seepage trenches shall be installed at a minimum depth of thirty (30) inches and at a maximum depth of thirty-six (36) inches below the natural soil surface on the downhill side of the trench, and contain a minimum of eighteen (18) inches of filter material and twelve (12) inches of native soil backfill.

(b) The system shall be sized at a minimum of one hundred (100) linear feet per one hundred fifty (150) gallons projected daily sewage flow.

340-71-315 Tile Dewatering System.

(1) General conditions for approval. On-site system construction permits may be issued by the Agent for tile dewatering systems provided the following requirements can be met:

(a) The site has a natural outlet that will allow a field tile [installed on a proper grade around the proposed drainfield area at a depth of not less than sixty-six (66) inches] to daylight above annual high water.

(b) Soils must be silty clay loam or coarser textured and be drainable, with a minimum effective soil depth of at least sixty-six (66) inches.

(c) Slope does not exceed three (3) percent.

(d) All other requirements for standard on-site systems, except depth to groundwater, can be met.

(2) Construction Requirements.

(a) Field collection drainage tile shall be installed a minimum of sixty-six (66) inches deep on a uniform grade of two-tenths to four-tenths (0.2-0.4) feet of fall per one hundred (100) feet.

(b) Maximum drainage tile spacing shall be seventy (70) feet center to center.

(c) Minimum horizontal separation distance of drainage tile from disposal trenches shall be twenty (20) feet center to center.

(d) Field collection drainage tile shall be rigid smooth wall perforated pipe with a minimum diameter of four (4) inches.

(e) Field collection drainage tile shall be enveloped in clean filter material to within thirty (30) inches of the soil surface. Filter material shall be covered with filter fabric, treated building paper or other nondegradable material approved by the Agent.

(f) Outlet tile shall be rigid smooth wall solid PVC pipe with a minimum diameter of four (4) inches. The outlet end shall be protected by a short section of Schedule 80 PVC or ABS or metal pipe, and a flap gate.

(g) A silt trap with a thirty (30) inch minimum diameter shall be installed between the field collection drainage tile and the outlet pipe. The bottom of the silt trap shall be a minimum twelve (12) inches below the invert of the drainage line outlet.

(h) The discharge pipe and dewatering system is an integral part of the system.

(i) The Agent has the discretion of requiring demonstration that a proposed tile dewatering site can be drained prior to issuing a construction installation permit.

340-71-320 Split Waste Systems.

(1) For the purpose of these rules:

(a) "Split waste system" means a system where "black waste" sewage and "gray water" sewage from the same dwelling or building are disposed of by separate methods.

(b) "Black waste" means human body wastes including feces, urine, other extraneous substances of body origin and toilet paper.

(c) "Gray water" means household sewage other than "black wastes", such as bath water, kitchen waste water and laundry wastes.

(2) Criteria for Approval. In split waste systems wastes may be disposed of as follows:

(a) Black wastes may be disposed of by the use of state Department of Commerce approved nonwater-carried plumbing units such as recirculating oil flush toilets or compost toilets.

(b) Gray water may be disposed of by discharge to:

(A) An existing on-site system which is not failing; or

(B) A new on-site system with a soil absorption system two-thirds (2/3) normal size. A full size initial drainfield area and replacement area of equal size are required; or

(C) A public sewerage system.

340-71-325 Gray Water Waste Disposal Sumps. (Diagrams 14 and 15)

(1) For the purpose of these rules "gray water waste disposal sump" means a series of receptacles designed to receive gray water for absorption into the soil.

(2) Criteria for Approval.

(a) Gray water may be disposed of in gray water waste disposal sumps which serve facilities such as recreation parks, camp sites, seasonal dwellings, or construction sites which do not have running water piped into the units.

(b) Gray water sumps may be used only where soil conditions are approved for such use by the Agent.

(3) In campgrounds or other public use areas, gray water waste disposal sumps shall be identified as "sink waste disposal" by placard or sign in letters not less than three (3) inches in height and in a color contrasting with the background.

340-71-330 Nonwater-Carried Systems.

(1) For the purpose of these rules:

(a) "Nonwater-carried waste disposal facility" means any toilet facility which has no direct water connection, including pit privies, vault privies and self-contained construction type chemical toilets.

(b) "Privy" means a structure used for disposal of human waste without the aid of water. It consists of a shelter built above a pit or vault in the ground into which human waste falls.

(2) Criteria for Approval.

(a) Nonwater-carried waste disposal facilities shall not be installed or used without prior written approval of the Agent.

Exception: Temporary use pit privies used on farms for farm labor shall be exempt from approval requirements.

(b) Nonwater-carried waste disposal facilities may be approved for temporary or limited use areas, such as recreation parks, camp sites, seasonal dwellings, farm labor camps or construction sites, provided all liquid wastes can be handled in a manner to prevent a public health hazard and to protect public waters, provided further that the separation distances in Table 8 can be met.

(3) Pit Privy.

(a) Unsealed earth pit type privies may be approved where the highest level attained by groundwater shall not be closer than four (4) feet to the bottom of the privy pit.

(b) The privy shall be constructed to prevent surface water from running into the pit.

(c) When the pit becomes filled to within sixteen (16) inches of the ground surface, a new pit shall be excavated and the old pit shall be backfilled with at least two (2) feet of earth.

(4) Construction. Nonwater-carried waste disposal facilities shall be constructed in accordance with requirements contained in Appendix G.

(5) Maintenance. Nonwater-carried waste disposal facilities shall be maintained to prevent health hazards and pollution of public waters.

(6) General. No water-carried sewage shall be placed in nonwater-carried waste disposal facilities. Contents of nonwater-carried waste disposal facilities shall not be discharged into storm sewers, on the surface of the ground or into public waters.

340-71-335 Cesspools and Seepage Pits. (Diagrams 16 and 17)

(1) For the purpose of these rules:

(a) "Cesspool" means a lined pit which receives raw sewage, allows separation of solids and liquids, retains the solids and allows liquids to seep into the surrounding soil through perforations in the lining.

(b) "Seepage Pit" means a "cesspool" which has a pretreatment facility such as a septic tank ahead of it.

(2) Prohibitions. Cesspools and seepage pits shall not be used except in areas specifically authorized in writing by the Director. After May 1, 1981, the agent may not grant approvals or permits for cesspools or seepage pits to serve new structures without first receiving written authorization from the Director.

(a) Effective October 1, 1981:

(A) Installation of new cesspools is prohibited. Cesspools may be used only to replace existing failing cesspools.

(B) Seepage pits may be used only on lots created prior to adoption of these rules, which are inadequate in size to accommodate a standard subsurface system, unless the land use plan for the area anticipates division of existing lots to provide for more dense development and a program and timetable for providing sewerage service to the area has been approved by the Department.

(b) Effective January 1, 1987:

(A) Installation of cesspools is prohibited.

(B) Installation of new seepage pits is prohibited.

(C) Seepage pits may be used only to replace existing failing cesspools or seepage pits on lots that are inadequate in size to accommodate a standard subsurface system.

(3) Criteria for Approval. Except as provided for in Section 340-71-335(2) seepage pits and cesspools may be used for sewage disposal on sites that meet the following site criteria:

(a) The permanent water table is sixteen (16) feet or greater from the surface.

(b) Gravelly sand, gravelly loamy sand, or other equally porous material occurs in a continuous five (5) foot deep stratum within twelve (12) feet of the ground surface.

(c) A layer that limits effective soil depth does not overlay the gravel stratum.

(d) A community water supply is available.

(4) Construction Requirements.

(a) Each cesspool and seepage pit shall be installed in a location to facilitate future connection to a sewerage system when such facilities become available.

(b) Maximum depth of cesspools and seepage pits shall be thirty-five (35) feet below ground surface.

(c) The cesspool or seepage pit depth shall terminate at least four (4) feet above the water table.

(d) Construction of cesspools and seepage pits in limestone areas is prohibited.

(e) Other standards for cesspool and seepage pit construction are contained in Appendix H.

340-71-340 Holding Tanks.

(1) For the purpose of these rules "Holding tank" means a watertight receptacle designed to receive and store sewage to facilitate disposal at another location.

(2) Criteria for Approval. Installation permits may be issued by the Agent for holding tanks on sites that meet all the following conditions:

(a) Permanent Use.

(A) The site is not approvable for installation of a standard subsurface system; and

(B) No community or area-wide sewerage system is available or expected to be available within five (5) years; and

(C) The tank is intended to serve a small industrial or commercial building, or an occasional use facility such as a county fair or a rodeo; and

(D) Unless otherwise allowed by the Department, the projected daily sewage flow is not more than two hundred (200) gallons; and

(E) Setbacks as required for septic tanks can be met.

(b) Temporary Use.

(A) In an area under the control of a city or other legal entity authorized to construct, operate, and maintain a community or area-wide sewerage system, a holding tank may be installed provided the application for permit includes a copy of a legal commitment from the legal entity that within five (5) years from the date of the application the legal entity will extend to the property covered by the application a community or area-wide sewerage system meeting the requirements of the Commission, and provided further that the proposed holding tank will otherwise comply with the requirements of these rules.

(B) Installation of an approved on-site system has been delayed by weather conditions; or

(C) The tank is to serve a temporary construction site.

(3) General.

(a) No building may be served by more than one (1) holding tank.

(b) A single tax lot may be served by no more than one (1) holding tank unless the holding tank is under control of a municipality as defined in ORS 454.010(3).

(4) Design and Construction Requirements.

(a) Plans and specifications for each holding tank proposed to be installed shall be submitted to the Agent for review and approval.

(b) Each tank shall have a minimum liquid capacity of fifteen hundred (1,500) gallons.

(c) Each tank shall:

(A) Comply with standards for septic tanks contained in Appendix B.

(B) Be located and designed to facilitate removal of contents by pumping.

(C) Be equipped with both an audible and visual alarm, placed in a location acceptable to the Agent, to indicate when the tank is seventy-five (75) percent of full. The audible alarm only may be user cancelable.

(D) Have no overflow vent at an elevation lower than the overflow level of the lowest fixture served.

(E) Be designed for antibuoyancy if test hole examination or other observations inidicate seasonally high groundwater may float the tank when empty.

(5) Special Requirements. The application for an installation permit shall contain:

(a) A copy of a contract with a licensed sewage disposal service company which shows the tank will be pumped periodically, at regular intervals or as needed, and the contents disposed of in a manner and at a facility approved by the Department.

(b) Evidence that the owner or operator of the proposed disposal facility will accept the pumpings for treatment and disposal.

(c) A record of pumping dates and amounts pumped shall be maintained by both the treatment facility owner and the sewage disposal service, and upon request, made available to the Agent.

(6) Inspection Requirements. Each holding tank installed under this rule, and those tanks installed under OAR 340-71-037(3), shall be inspected annually. An alternative system evaluation fee shall be charged for each annual inspection.

340-71-345 Aerobic Systems.

(1) For the purpose of these rules:

(a) "Aerobic Sewage Treatment Facility" means a sewage treatment plant which incorporates a means of introducing air (oxygen) into the sewage so as to provide aerobic biochemical stabilization during a detention period.

(b) "Mechanical Oxidation Sewage Treatment Facility" means an aerobic sewage treatment facility.

(2) Criteria For Approval. Aerobic sewage treatment facilities may be approved for a construction installation permit provided all the following criteria are met:

(a) The daily sewage flow to be treated is less than five thousand (5000) gallons.

(b) The aerobic sewage treatment facility (plant) is part of an approved on-site sewage disposal system.

(c) The plant conforms to Class I or Class II and other requirements of the current version of Standard No. 40, relating to Individual Aerobic Wastewater Treatment Plants, adopted by the National Sanitation Foundation (NSF). In lieu of NSF Class I or Class II certification, the Department may accept testing by another agency which it considers to be equivalent.

(d) The property owner records a Department approved affidavit which notifies prospective property purchasers of the existence of an aerobic sewage treatment facility.

(e) The owner acknowledges that proper operation and maintenance of the plant is essential to prevent failure of the entire sewage disposal system and agrees, in writing, to hold the State of Oregon, its officers, employees, and agents harmless of any and all loss and damage caused by defective installation or operation of the system.

(f) The rules for Community System contained in OAR 340-71-500 shall apply where applicable.

(3) The plant shall:

(a) Have a visual and audible alarm, placed at a location acceptable to the Agent, which are activated upon an electrical or mechanical malfunction.

(b) Have a minimum rated hydraulic capacity equal to the daily sewage flow or five hundred (500) gallons per day, whichever is greater.

(c) Have aeration and settling compartments constructed of durable material not subject to excessive corrosion or decay.

(d) Have raw sewage screening or its equivalent.

(e) Have provisions to prevent surging of flow through the aeration and settling compartments.

(f) Have access to each compartment for inspection and maintenance.

(g) Have provisions for convenient removal of solids.

(h) Be designed to prevent:

(A) Short circuiting of flow.

(B) Deposition of sludge in the aeration compartment.

(C) Excessive accumulation of scum in the settling compartment.

(4) Drainfield Sizing. Drainfields serving systems employing aerobic sewage treatment facilities shall be sized according to Tables 4 and 5 of these rules. Where a NSF Class I plant is installed, the linear footage of drainfield installed may be reduced by twenty (20) percent, provided a full sized standard system replacement area is available.

(5) Operation and Maintenance.

(a) The supply of parts must by locally available for the expected life of the unit.

(b) The supplier of the plant shall be responsible for providing operation training to the owner.

(c) The supplier of the plant shall provide the owner with an operation and maintenance (O & M) manual for the specific plant installed.

(d) The owner shall remove excess solids from the plant at least once per year, or more frequently if recommended by the O & M manual.

(6) Inspection Requirements. Each aerobic sewage treatment facility installed under this rule shall be inspected by the Agent at least once per year (See OAR 340-71-260(4)(a).

340-71-350 Low-Flush Toilets.

Permits issued for installation of an on-site system shall allow a reduction of twenty-five (25) percent in the seepage area provided:

(1) The single family dwelling or commercial facility utilizes two (2) quarts or less low volume flush toilets approved by the State Department of Commerce; and

(2) A full sized initial and replacement drainfield area is available.

340-71-400 Geographic Area Special Considerations.

(1) River Road-Santa Clara Area, Lane County.

(a) Within the areas set forth in subsection 340-71-400(1)(b) the Agent may issue either construction permits for new subsurface sewage disposal systems or favorable reports of evaluation of site suitability to construct systems under the following circumstances:

(A) The system complies with all rules in effect at the time the permit is issued; and

(B) The system will not in itself contribute, or in combination with other new sources after April 18, 1980, contribute more than sixteen and seven tenths (16.7) pounds nitrate-nitrogen per acre per year to the local groundwater. The applicant shall assure compliance with this condition by showing his ownership or control of adequate land through easements or equivalent.

(b) Subsection 340-71-400(1)(a) shall apply to all of the following area generally known as River Road/Santa Clara, and defined by the boundary submitted by the Board of County Commissioners for Lane County, which is bounded on the south by the city of Eugene, on the west by the Southern Pacific Railroad, on the north by Beacon Drive, and on the east by the Willamette River, and containing all or portions of T-16S, R-4W, Sections 33, 34, 35, 36; T-17S, R-4W, Sections 1, 2, 3, 4, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25; and T-17S, R-1E, Sections 6, 7, 18, Willamette Meridian.

(c) This rule is subject to modification or repeal by the Commission on an area-by-area basis upon petition by the appropriate local agency or agencies. Such petition either shall provide reasonable evidence that development using subsurface sewage disposal systems will not cause unacceptable degradation of groundwater quality or surface water quality or shall provide equally adequate evidence that degradation of groundwater or surface water quality will not occur as a result of such modification or repeal.

(d) Subsections 340-71-400(1)(a) and 340-71-400(1)(b) shall not apply to any construction permit application based on a favorable report of evaluation of site suitability issued by the Agent pursuant to ORS 454.755(1)(b), where such report was issued prior to the effective date of this rule.

(2) North Florence Dunal Aquifer Area, Lane County.

(a) Within the areas set forth in Subsection (b) below the Agent may issue a construction permit for a new on-site sewage disposal system or a favorable report of evaluation of site suitability to construct a single system on lots that were lots of record prior to October 1, 1980; or on lots in partitions or subdivisions that have received preliminary planning, zoning, and septic tank approval after January 1, 1974 and prior to October 1, 1980 under the following circumstances:

(A) The lot shall comply with all rules in effect at the time the permit or favorable report of site suitability is issued.

(B) Pressure distribution shall be used in system construction.

(C) Sewage flows shall be limited to six hundred (600) gallons per day (GPD) per lot unless a higher flow was specifically approved by the Lane County Department of Environmental Management prior to October 1, 1980.

(b) Subsection (a) above shall apply to all of the following area generally known as the Lands Overlaying and/or Providing Immediate Recharge to the North Florence Dunal Aquifer and is defined by the boundary submitted by the Environmental Management Department for Lane County which is the area bounded on the west by the Pacific Ocean; on the southwest and south by the Siuslaw River; on the east by the North Fork of the Siuslaw River and the ridge line at the approximate elevation of four hundred (400) feet above mean sea level directly east of Munsel Lake, Clear Lake and Collard Lake; and on the north by Mercer Lake, Mercer Creek, Sutton Lake and Sutton Creek; and containing all or portions of T17S, R12W, Sections 27, 28, 33, 34, 35, 36, and T18S, R12W, Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, 26, 27; W.M., Lane County.

(c) Within the areas set forth in Subsection (d) below, which are hereby referred to as Priority 1 Control Areas, the Agent may not issue either construction permits or favorable reports of evaluation of site suitablity for new partitions or subdivision proposals that would depend on on-site sewage disposal systems to accommodate sanitary waste disposal needs. For these areas, only qualified municipal collection, treatment, and disposal facilities shall be approved.

(d) Subsection (c) above shall apply to Priority 1 Control Areas. Priority 1 Control Areas are defined by the boundaries submitted by the Environmental Management Department for Lane County which are:

(A) The areas east of Highway 101 starting at the intersection of Highway 101 and Mercer Lake Road; thence easterly along Mercer Lake Road to the intersection of Collard Lake Road; thence easterly and southerly along Collard Lake Road to the ridge line at the approximate elevation of four hundred (400) feet above mean sea level; thence easterly along the ridge crest to its intersection with the ridge crest that runs generally north-south on the east side of the Collard-Clear-Munsel Lake systems; thence southerly along the aforementioned ridge line until its closest approach to Munsel Lake; thence westerly to the county boat landing on Munsel Lake Road; thence westerly along Munsel Lake Road to its intersection with Highway 101; thence northerly along Highway 101 to the point of beginning; and containing all or portions of T17S, R12W, Sections 35 and 36; and T18S, R12W, Sections 1, 2, 11, 12, 13, and 14; W.M., Lane County.

(B) The areas west of Highway 101 which are held in public ownership that are north of Heceta Beach Road; west of Highway 101; south of Sutton Creek; and east of the mean higher high water mark of the Pacific Ocean; and containing all or portions of T17S, R12W, Sections 27, 28, 33, 34 and 35; and T18S, R12W, Sections 2 and 3; W.M., Lane County.

(e) Within the areas set forth in Subsection (f) below, which are hereby referred to as Priority II Control Areas, the Agent may issue either construction permits or favorable reports of evaluation of site suitability for new partitions or subdivision proposals that would depend on on-site sewage disposal systems under the following circumstances:

(A) Sewage loading rates shall be limited to one (1) dwelling unit equivalent (d.u.) per acre.

(B) Each proposed lot shall comply with all rules in effect at the time the permit or favorable report of site suitability is issued.

(C) Pressure distribution shall be used in on-site sewage disposal system construction.

(f) Subsection (e) above shall apply to Priority II Control Areas. Priority II Control Areas are defined by the boundaries submitted by the Environmental Management Department for Lane County which is the area beginning at the western terminus of Sutton Creek Road; thence easterly along Sutton Creek Road to Highway 101; thence southerly along Highway 101 to its intersection with Munsel Lake Road; thence easterly and southerly along Munsel Lake Road to North Fork Road; thence southerly along North Fork Road to its intersection with Highway 36; thence westerly along Highway 36 to the City Limits of Florence; thence northerly and westerly along the City Limits of Florence to a point one thousand (1000) feet east of Rhododendron Drive; thence northerly along a line one thousand (1000) feet east of Rhododendron Drive and 4th Street in Heceta Beach to the southerly line of T17S, R12W, thence westerly along the southerly line of T17S, R12W, to the mean higher high water mark of the Pacific Ocean; thence northerly along the mean higher high water mark of the Pacific Ocean to the mouth of Sutton Creek; thence westerly along Sutton Creek to the point of beginning at the westerly terminus of Sutton Creek Road; and containing all or portions of T17S, R12W, Sections 27, 28, 33, 34, and 35; and T18S, R12W, Sections 2, 3, 4, 10, 11, 14, 15, 23, 24, and 26; W.M., Lane County.

(g) Within the areas set forth in Subsection (h) below, which are hereby referred to as Priority III Control Areas, the Agent may issue either construction permits or favorable reports of evaluation of site suitability for new partitions or subdivision proposals that would depend on on-site sewage disposal systems under the following circumstances:

(A) Sewage loading rates shall be limited to one (1) dwelling unit equivalent (d.u.) per one-half (1/2) acre.

(B) Each proposed lot shall comply with all rules in effect at the time the permit or favorable report of site suitability is issued.

(C) Pressure distribution will be used in on-site sewage disposal system construction.

(h) Subsection (g) above shall apply to Priority III Control Areas. Priority III Control Areas are defined by the boundary submitted by the Environmental Management Department for Lane County which consists of those remaining areas inside the boundary defined in Subsection (b) above and which are not located within Priority I Control Areas defined in Subsection (d) above or within Priority II Control Areas defined in Subsection (f) above; and contain portions of T17S, R12W, Sections 27, 34, 35 and 36; and T18S, R12W, Sections 4, 9, 10, 13, 14, 15, 16, 22, 23, 24 and 25; W.M., Lane County.

(i) For each lot that was a lot of record prior to October 1, 1980, which is contained in more than one priority control area, the Agent may determine which priority control area designation shall apply.

(j) The completed 208 North Florence Dunal Aquifer Study shall be the technical basis for ultimate sewage loading rates and protective control strategies over the various geographic areas of the North Florence Dunal Aquifer.

340-71-410 Rural Area Variances.

(1) Variances from any standard contained in Subsections 340-71-220(2)(a) through 340-71-220(2)(h) may be granted by the Agent in certain rural zones provided:

(a) The County designates and the Department accepts specific rural zoning classifications for purposes of this rule.

(b) The minimum parcel size considered under this rule is designated by the County, but in no event shall it be less than ten (10) acres.

(c) The parcel is an existing parcel that does not have an accessible area approvable for a standard on-site system.

(d) The permit is for an on-site system designed to serve a single family dwelling, or for a commercial facility with an equivalent or less sewage flow permitted by the zone.

(e) The on-site sewage disposal system will function in a satisfactory manner so as not to create a public health hazard, or cause pollution of public waters.

(f) Requiring strict compliance with the standards contained in subsections 340-71-220(2)(a) through 340-71-220(2)(h), would in the judgment of the Agent, be unreasonable, burdensome, or impractical due to special physical conditions or cause.

(2) The conditions for rural area variances shall be set forth in an addendum to the memorandum of agreement (contract) between the County and the Department.

340-71-415 Formal Variances.

(1) Variances from any rule or standard for on-site sewage systems, contained in these rules, may be granted to applicants for permits by the Commission after a hearing before a special variance officer. The variance officer shall make a recommendation to the Commission for or against the variance.

(2) Variances from any standard contained in Rules 340-71-220 and 340-71-260 through 340-71-315 may be granted to applicants for permits by special variance officers appointed by the Director.

(3) No variance may be granted unless the special variance officer finds, or in the case of an appeal to the Commission, the Commission finds that:

(a) Strict compliance with the rule or standard is inappropriate for cause; or

(b) Special physical conditions render strict compliance unreasonable, burdensome, or impractical.

(3) Applications.

(a) Applications shall be made to the Department or Agreement County as appropriate. A separate application must be filed for each site considered for a variance.

(b) Each application shall by accompanied by:

(A) A site evaluation denial, if the parcel has been denied, (unless waived by the variance officer); and

(B) Plans and specifications for the proposed system; and

(C) The appropriate fee; and

(D) Other information necessary for rendering a proper decision; and

(E) The application shall be signed by the property owner.

(4) An applicant for a variance under this rule is not required to pay the application fee, if at the time of filing, the applicant:

(a) Is sixty-five (65) years of age or older; and

(b) Is a resident of the State of Oregon; and

(c) Has an annual household income, as defined in ORS 310.030, of $15,000 or less.

340-71-420 Hardship Variances.

(1) The Commission may grant variances from rules or standards pertaining to on-site sewage disposal systems in cases of extreme and unusual hardship.

(2) The Commission may consider the following factors in reviewing an application for a variance based on hardship:

(a) Advanced age or bad health of applicant.

(b) Need of applicant to care for aged, incapacitated or disabled relatives.

(c) Relative insignificance of the environmental impact of granting a variance.

(3) Hardship variances granted by the Commission may contain conditions such as:

(a) Permits for the life of the applicant.

(b) Limiting the number of permanent residents using the system.

(c) Use of experimental systems for specified periods of time.

(4) Before an application is considered for a hardship variance it must be denied for a standard variance on the basis of technical rule considerations. At the time of application, the applicant must designate on the application whether it is to be considered for a hardship variance.

(5) Documentation of hardship must be provided before the application is referred to the Commission for action.

(6) Department personnel shall strive to aid and accommodate the needs of applicants for variances due to hardship.

340-71-425 Variance Officers.

(1) To qualify for appointment as a special variance officer after the effective date of these rules an individual must:

(a) Have three (3) years full time experience in subsurface sewage disposal methods since January 1, 1974; one (1) year of which shall have been in Oregon; and

(b) Have attended one (1) or more seminars, workshops, or short courses pertaining soils and their relationship to subsurface sewage disposal.

(2) Agreement (contract) counties may request that a county staff member, meeting the above qualifications, be appointed special variance officer. That staff member, if appointed, would perform the Department's variance duties within that county.

340-71-430 Variance Hearings.

(1) The variance officer shall hold a public information type hearing on each variance application.

(2) The hearing shall be held in the county where the property described in the application is located.

(3) Each variance shall be heard within thirty (30) days after receipt of a completed application.

(4) A decision to grant or deny the variance shall be made in writing within thirty (30) days after completion of the hearing. If the variance is granted, the variance officer shall set forth in writing the specifications, conditions and location of the system.

(5) The burden of presenting the supportive facts shall be the responsibility of the applicant.

(6) The variance officer shall visit the site of the proposed system prior to conducting the hearing.

(7) Except for hardship variances, granted variances shall run with the land.

340-71-435 Variance Permit Issuance, Inspections, Certificate of Satisfactory Completion.

(1) After a variance is granted the appropriate Agent shall be notified in writing.

(2) In nonagreement counties the Department shall issue system construction installation permits, perform necessary inspections and issue Certificates of Satisfactory Completion.

(3) In agreement counties, the county shall issue system construction installation permits, perform necessary inspections and issue Certificates of Satisfactory Completion.

(4) The Department shall disburse forty (40) dollars of the variance fee per granted variance to the agreement county, in which the property is located, to defray costs of permit and certificate issuance and inspections.

340-71-440 Variance Appeals. Decisions of variance officers to grant or deny a variance may be appealed to the Commission.

340-71-445 Variance Administrative Review. The Department may review all records and files of variance officers to determine compliance or noncompliance with these rules.

340-71-450 Experimental Systems.

(1) Policy. Alternative technologies to standard on-site sewage systems are needed in areas planned for rural or low density development. It is the policy of the Commission to allow the Department to pursue a program of experimentation for the purpose of obtaining sufficient data for the development of alternative sewage disposal systems, which may benefit significant numbers of people within Oregon.

(2) Permit Required. Without first obtaining a permit from the Department, no person shall construct an experimental on-site sewage treatment and disposal system.

(3) Application Procedures.

(a) Application for experimental systems shall be made on Department forms.

(b) The application shall be complete, signed by the owner and be accompanied by the required fee.

(c) The application shall include detailed system design specifications and plans and any additional information the Department considers necessary.

(d) The owner shall agree, in writing, to hold the State of Oregon, its officers, employes, and agents harmless of any and all loss and damage caused by defective installation or operation of the proposed system.

(4) Criteria For Approval. Sites may be considered for experimental system permits where:

(a) Soils, climate, groundwater, or topographical conditions are common enough to benefit large numbers of people.

(b) A specific acceptable backup alternative is available in the event of system failure.

(c) For absorption systems, soils in both original and system replacement areas are similar.

(d) Installation of a particular system is necessary to provide a sufficient data sampling base.

(e) Zoning, planning, and building requirements allow system installation.

(f) A single family dwelling will be served.

(g) The system will be used on a continuous basis during the life of the test project.

(h) Resources for monitoring, sample collection, and laboratory testing are available.

(i) Legal and physical access by easement for construction inspections and monitoring are available.

(j) The property owner records a Department approved affidavit which notifies prospective property purchasers of the existence of an experimental system.

(k) The parcel size is at least one (1) acre.

(5) Permit Conditions. The system installation permit shall:

(a) Specify method and manner of system installation, operation, and maintenance.

(b) Specify method, manner, and duration of system testing and monitoring.

(c) Identify when and where system is to be inspected.

(d) Require that permit not be transferable.

(e) Require system construction and use within one (1) year of permit issuance.

(6) Denial Appeal. The decision of staff to either issue or deny a permit may be reviewed by the Director. The Director may affirm or reverse the decision.

(7) Inspection of Installed System.

(a) Upon completing construction for each inspection phase required under the permit, the permit holder shall notify the Department.

(b) The Department shall inspect construction to determine whether it complies with permit conditions and requirements.

(c) After system installation is complete and complies with permit conditions, a Certificate of Satisfactory Completion shall be issued.

(8) Repair or Replacement of System. If the Department finds the operation of the system is unsatisfactory, the owner upon written notification, shall promptly repair or modify the system, replace it with another acceptable system, or as a last resort, abandon the system.

(9) System Monitoring. The system shall be monitored by the Department in accordance with a schedule contained in the permit.

340-71-460 Moratorium Areas.

(1) Whenever the Commission finds that construction of subsurface or alternative sewage disposal systems should be limited or prohibited in an area, it shall issue an order limiting or prohibiting such construction.

(2) The order shall be issued only after public hearing for which more than thirty (30) days notice is given.

(3) The order shall be a rule of this division which contains a general description of the moratorium area. A more detailed description of the area, if needed, shall be an appendix to these rules.

(4) No permit or site evaluation report shall be issued for construction of a new or expanded system which would violate any order of the Commission issued pursuant to ORS 454.685.

(5) Criteria For Establishing Moratoriums. In issuing an order under this section the Commission shall consider the factors contained in ORS 454.685(2).

(6) Specific Moratorium Areas. Pursuant to ORS 454.685, the Agent shall not issue sewage system construction installation permits or approved site evaluation reports within the boundaries of the following areas of the state:

(a) Benton County--Kingston Heights Subdividion

(b) Benton County—Kingston Heights Subdivision, First Addition

(c) Benton County--Princeton Heights Subdivision

(d) Benton County--Princeton Heights Subdivision, First Addition

(e) Clatsop County--Clatsop Plains, as set forth in Appendix J.

(f) Lane County--Community of Dexter, as follows:

The area generally know as Dexter, and defined by the Boundary submitted by the Board of County Commissioners for Lane, which is bounded on the Northeast by Willamette Highway No. 58, and contains those properties Southwesterly of Highway No. 58 in the following tax assessment maps of Lane County. T. 19 S., R. 1 W., Sec-16.2, T. 19 S., R. 1 W., Sec-16.32, T. 19 S., R. 1 W., Sec-16.31, T. 19 S., R. 1 W., Sec-16.42, and T. 19 S., R. 1 W., Sec-16 and index located totally within Lane County.

340-71-500 Community Systems.

(1) For the purpose of these rules:

(a) "Community System" means an on-site system which will serve more than one (1) lot or parcel; or more than one (1) condominium unit; or more that one (1) unit of a planned unit development.

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

(2) Without first applying for and obtaining a construction installation permit, no person shall install a community on-site system.

(3) Proposed community systems with projected sewage flows greater than two thousand five hundred (2,500) gallons per day shall have plans reviewed and approved by the Department prior to construction permit issuance.

(4) Plans for all community systems shall include operation and maintenance details including details for financing system operation and maintenance.

(5) The site criteria for approval of community systems shall be the same as required for standard subsurface systems contained in section 340-71-220(2), or in the case of community alternative systems, the specific site conditions for that system contained in rules 340-71-260 through 340-71-345.

(6) Operation Responsibility.

(a) Responsibility for operation and maintenance of community systems shall be vested in a municipality as defined in ORS 454.010(3), or an Association of Unit Owners as defined in ORS 91.500 and ORS 91.527.

(b) Unless otherwise required by permit, community systems shall be inspected at least annually by the responsible entity

(7) Denial of construction installation permits for community systems may be appealed through the contested case procedure set forth in ORS 183.

340-71-520 Large Systems.

(1) For the purpose of these rules "large system" means any system with a projected daily sewage flow greater than two thousand five hundred (2,500) gallons.

(2) Special Design Requirements. Unless otherwise authorized by the Department, large systems shall comply with the following requirements:

(a) Large system drainfields shall be designed with pressure distribution.

(b) Drainfields shall be divided into units with a maximum of six hundred (600) linear feet of drainfield per unit.

(c) Drainfield replacement (repair) area shall be divided into units with a replacement area unit located adjacent to an initial drainfield area unit.

(d) Effluent distribution shall alternate between the drainfield units.

(e) Each distribution system shall have at least two (2) pumps or siphons.

(f) The applicant shall provide a written assessment of the impact of the proposed system upon the quality of public waters and public health.

(3) Plans and specifications for large systems shall be prepared by any competent professional with education or experience in the specific technical field involved. The professional may accept an assignment requiring education or experience outside of his/her own field of competence provided he/she retains competent and legally qualified services to perform that part of the assignment outside his/her own field of competence, his/her client or employer approves this procedure, and he/she retains responsibility to his/her client or employer for the competent performance of the whole assignment.

(4) Construction Requirements.

(a) Construction shall be in substantial conformance with approved plans and specifications and any terms of the permit issued by the Agent.

(b) After completion of the system the professional shall certify that the system was installed in accordance with approved plans and specifications.

340-71-600 Sewage Disposal Service.

(1) For the purpose of these rules "Sewage Disposal Service" means:

(a) The installation of on-site sewage disposal systems, or any part thereof; or

(b) The pumping out or cleaning of on-site sewage disposal systems, or any part thereof; or

(c) The disposal of material derived from the pumping out or cleaning of on-site sewage disposal systems; or

(d) Grading, excavating, and earth-moving work connected with the operations described in paragraph (a) of this subsection, except streets, highways, dams, airports or other heavy construction projects and except earth-moving work performed under the supervision of a builder or contractor in connection with and at the time of the construction of a building or structure; or

(e) The construction of drain and sewage lines from five (5) feet outside a building or structure to the service lateral at the curb or in the street or alley or other disposal terminal holding human or domestic sewage.

(2) No person shall perform sewage disposal services or advertise or represent himself/herself as being in the business of performing such services without first obtaining a license from the Department. Licenses are not transferable.

(3) Those persons making application for a sewage disposal service license shall:

(a) Complete an application form supplied by the Department; and

(b) Execute a surety bond in the penal sum of two thousand five hundred ($2500) dollars in favor of the State of Oregon, on forms supplied by the Department. Bonds shall be written to coincide with the licensing period; and

(c) Shall have pumping equipment inspected by the Agent annually if intending to pump out or clean systems and shall complete the "Sewage Pumping Equipment Description/Inspection" form supplied by the Department. An inspection performed after January 1st shall be accepted for licensing the following July 1st; and

(d) Provide evidence of registration of business name with State Department of Commerce.

(e) Submit the appropriate fee as set forth in Subsection 340-71-140(1)(k).

(4) Each licensee shall:

(a) Be responsible for any violation of any statute, rule, or order of the Commission or Department pertaining to his licensed business.

(b) Be responsible for any act or omission of any servant, agent, employee, or representative of such licensee in violation of any statute, rule, or order pertaining to his license privileges.

(c) Deliver to each person for whom he performs services requiring such license, prior to completion of services, a written notice which contains:

(A) Name and address of his bonding company; and

(B) A list of rights of the recipient of such services which are contained in ORS 454.705(2).

(d) Keep the Department informed on company changes that affect the license, such as, name change, change from individual to partnership, change from partnership to corporation, etc.

(5) Misuse of License.

(a) No licensee shall permit anyone to operate under his license, except a person who is working under supervision of the licensee.

(b) No person shall:

(A) Display or cause or permit to be displayed, or have in his possession any license, knowing it to be fictitious, revoked, suspended or fraudulently altered.

(B) Fail or refuse to surrender to the Department, upon demand, any license which has been suspended or revoked.

(C) Give false or fictitious information or knowingly conceal a material fact or otherwise commit a fraud in any license application.

(6) Personnel Reponsibilities.

(a) Persons performing the service of pumping or cleaning of sewage disposal facilities shall avoid spilling of sewage while pumping or while in transport for disposal.

(b) Any accidental spillage of sewage shall be immediately cleaned up by the operator and the spill area shall be disinfected.

(7) License Suspension or Revocation.

(a) The Department may suspend, revoke, or refuse to grant, or refuse to renew, any sewage disposal service license if it finds:

(A) A material misrepresentation or false statement in connection with a license application; or

(B) Failure to comply with any provisions of ORS 454.605 through 454.785, the rules of this Division, or an order of the Commission or Department; or

(C) Failure to maintain in effect at all times the required bond in the full amount specified in ORS 454.705; or

(D) Nonpayment by drawee of any instrument tendered by applicant as payment of license fee.

(b) Whenever a license is revoked or expires, the operator shall remove the license from display and remove all Department identifying labels from equipment.

(c) A sewage disposal service may not be considered for re-licensure for a period of at least one (1) year after revocation of its license.

(8) Equipment Minimum Specifications.

(a) Tanks for pumping out of sewage disposal facilities shall comply with the following:

(A) Have a liquid capacity of at least five hundred fifty (550) gallons.

Exception. Tanks for equipment used exclusively for pumping chemical toilets not exceeding fifty (50) gallons capacity, shall have a liquid capacity of at least one hundred fifty (150) gallons.

(B) Be of watertight metal construction;

(C) Be fully enclosed;

(D) Have suitable covers to prevent spillage.

(b) The vehicle shall be equipped with either a vacuum or other type pump which will not allow seepage from the diaphragm or other packing glands and which is self priming.

(c) The sewage hose on vehicles shall be drained, capped, and stored in a manner that will not create a public health hazard or nuisance.

(d) The discharge nozzle shall be:

(A) Provided with either a camlock quick coupling or threaded screw cap.

(B) Sealed by threaded cap or quick coupling when not in use.

(C) Located so that there is no flow or drip onto any portion of the vehicle.

(D) Protected from accidental damage or breakage.

(e) No pumping equipment shall have spreader gates.

(f) Each vehicle shall at all times be supplied with a pressurized wash water tank, disinfectant, and implements for cleanup.

(g) Pumping equipment shall be used for pumping sewage disposal facilities exclusively unless otherwise authorized in writing by the Agent.

(h) Chemical toilet cleaning equipment shall not be used for any other purpose.

(9) Equipment Operation and Maintenance.

(a) When in use, pumping equipment shall be operated in a manner so as not to create public health hazards or nuisances.

(b) Equipment shall be maintained in a reasonably clean condition at all times.

(10) Vehicles shall be identified as follows:

(a) Display the name or assumed business name on each vehicle cab and on each side of a tank trailer:

(A) In letters at least three (3) inches in height; and

(B) In a color contrasting with the background.

(b) Tank capacity shall be printed on both sides of the tank:

(A) In letters at least three (3) inches in height; and

(B) In a color contrasting with the background.

(c) Labels issued by the Department for each current license period shall be displayed at all times at the front, rear, and on each side of the "motor vehicle" as defined by United States Department of Transportation Regulations, Title 49 U.S.C.

(11) Disposal of Pumpings.

(a) Each licensee shall:

(A) Discharge no part of the pumpings upon the surface of the ground unless approved by the Department in writing.

(B) Dispose of pumpings only in disposal facilities approved by the Department.

(C) Possess at all times during pumping, transport or disposal of pumpings, origin-destination records for sewage disposal services rendered.

(D) Maintain on file complete origin-destination records for sewage disposal services rendered. Origin-Destination records shall include:

(i) Source of pumpings on each occurrence, including name and address.

(ii) Specific type of material pumped on each occurrence.

(iii) Quantity of material pumped on each occurrence.

(iv) Name and location of authorized disposal site, where pumpings were deposited on each occurrence.

(v) Quantity of material deposited on each occurrence.

(E) Transport pumpings in a manner that will not create a public health hazard or nuisance.

Table 1

Items Requiring Setback	From Sewage Disposal Area Including Replacement Area	From Septic Tank And Other Treatment Units, Effluent Sewer and Distribution Units
1. Groundwater Supplies	100'	50'
2. Temporarily Abandoned Wells	100'	50'
3. Springs:		
--Upslope from Effective Sidewall	50'	50'
--Downslope from Effective Sidewall	100'	50'
*4. Surface Public Waters	100'	50'
5. Intermittent Streams	50'	50'
6. Groundwater Interceptors, Agricultural Draintile, Ditches (Except in the Dewatering Systems)	50'	50'
7. Curtain Drains:		
--Upslope from Effective Sidewall	10'	5'
--Downslope from Effective Sidewall	50'	25'
8. Irrigation Canals:		
--Upslope from Effective Sidewall	25'	25'
--Downslope from Effective Sidewall	50'	50'
9. Cuts Manmade in Excess of 30 Inches (Top of Downslope Cut):		
--Which Intersect Layers that Limit Effective Soil Depth Within 48 Inches of Surface	50'	25'
--Which Do Not Intersect Layers that Limit Effective Soil Depth	25'	10'
10. Escarpments:		
--Which Intersect Layers That Limit Effective Soil Depth	50'	10'
--Which Do Not Intersect Layers That Limit Effective Soil Depth	25'	10'
11. Property Lines	10'	10'
12. Water Lines	10'	10'
13. Foundation Lines of Any Building, Including Garages and Out Buildings	10'	5'

*This does not prevent stream crossings of pressure effluent sewers.

TABLE 2

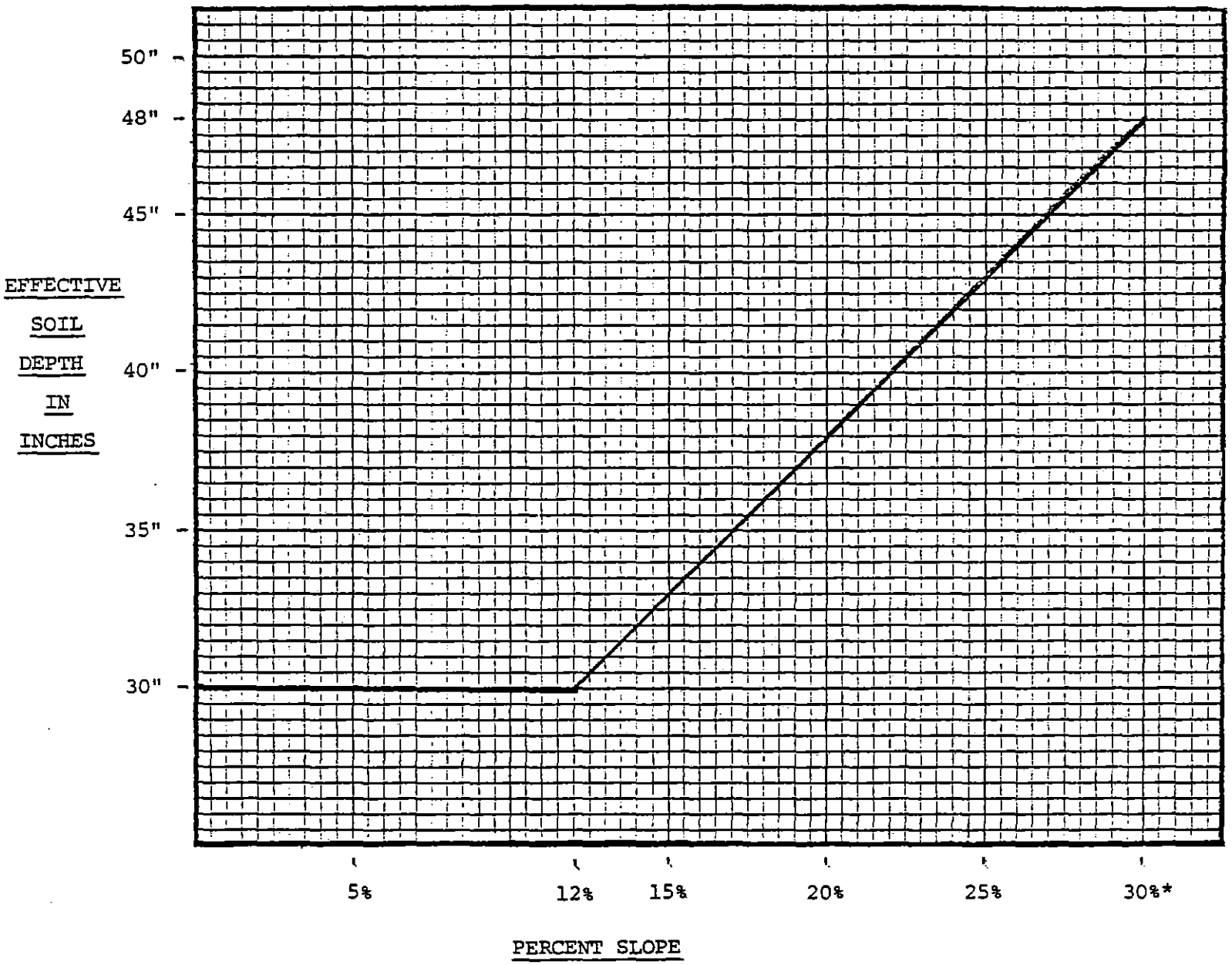
Quantities of Sewage Flows

Type of Establishment	Column 1 Gallons Per Day	Column 2 Minimum Gallons Per Establishment Per Day
Airports	5 (per passenger)	150
Bathhouses and swimming pools	10 (per person)	300
Camps: (4 persons per campsite, where applicable)		
Campground with central comfort stations	35 (per person)	700
With flush toilets, no showers	25 (per person)	500
Construction camps (semi-permanent)	50 (per person)	1000
Day camps (no meals served)	15 (per person)	300
Resort camps (night and day) with limited plumbing	50 (per person)	1000
Luxury camps	100 (per person)	2000
Churches	5 (per seat)	150
Country clubs	100 (per resident member)	2000
Country clubs	25 (per non-resident member present)	—
Dwellings:		
Boarding houses	150 (per bedroom)	600
Additional for non-residental boarders	10 (per person)	—
Rooming houses	80 (per person)	500
Condominiums, Multiple family dwellings (Including apartments)	300 (per unit)	900
Single family dwellings	300 (not exceeding 2 bedrooms)	450*
With more than 2 bedrooms	75 (for third & each succeeding bedroom)	450
Factories (exclusive of industrial wastes, with shower facilities)	35 (per person per shift)	300
Factories (exclusive of industrial wastes, without shower facilities	15 (per person per shift)	150
Hospitals	250 (per bed space)	2500
Hotels with private baths	120 (per room)	600
Hotels without private baths	100 (per room)	500
Institutions other than hospitals	125 (per bed space)	1250
Laundries, self-service	500 (per machine)	2500
Mobile home parks	250 (per space)	750
Motels (with bath, toilet, and kitchen wastes)	100 (per bedroom)	500
Motels (without kitchens)	80 (per bedroom)	400
Picnic Parks (toilet wastes only)	5 (per picnicker)	150
Picnic Parks (with bathhouses, showers and flush toilets)	10 (per picnicker)	300
Restaurants	40 (per seat)	800
Restaurants (single-service)	2 (per customer)	300
Restaurants (with bars and/or lounges)	50 (per seat)	1000
Schools:		
Boarding	100 (per person)	3000
Day, without gyms, cafeterias or showers	15 (per person)	450
Day, with gyms, cafeterias and showers	25 (per person)	750
Day, with cafeteria, but without gyms or showers	20 (per person)	600
Service Stations	10 (per vehicle served)	500
Swimming pools and bathhouses	10 (per person)	300
Theaters:		
Movie	5 (per seat)	300
Drive-In	20 (per car space)	1000
Travel trailer parks (without individual water and sewer hookups)	50 (per space)	300
Travel trailer parks (with individual water and sewer hookups)	100 (per space)	500
Workers:		
Construction (as semi-permanemt camps)	50 (per person)	1000
Day, at schools and offices	15 (per shift)	150

* Except as otherwise provided in these rules.

TABLE 3

SLOPE, EFFECTIVE SOIL DEPTH RELATIONSHIP



* When slope exceeds 30 percent, rules on steep slope systems apply. (Refer to OAR 340-71-310)

TABLE 4

Minimum length of disposal trench (linear feet) required per one hundred fifty (150) gallons projected daily sewage flow determined from soil texture versus effective soil depth.

EFFECTIVE SOIL DEPTH	A	B	C
18" To Less Than 24"	125	150	175
24" To Less Than 54"	100	125	150
54" or More	75	100	125
	SOIL GROUP *		

* Soil Group A — Sand, Loamy Sand, Sandy Loam

Soil Group B — Sandy Clay Loam, Loam, Silt Loam, Silt, Clay Loam

Soil Group C — Silty Clay Loam, Sandy Clay, Silty Clay, Clay

TABLE 5

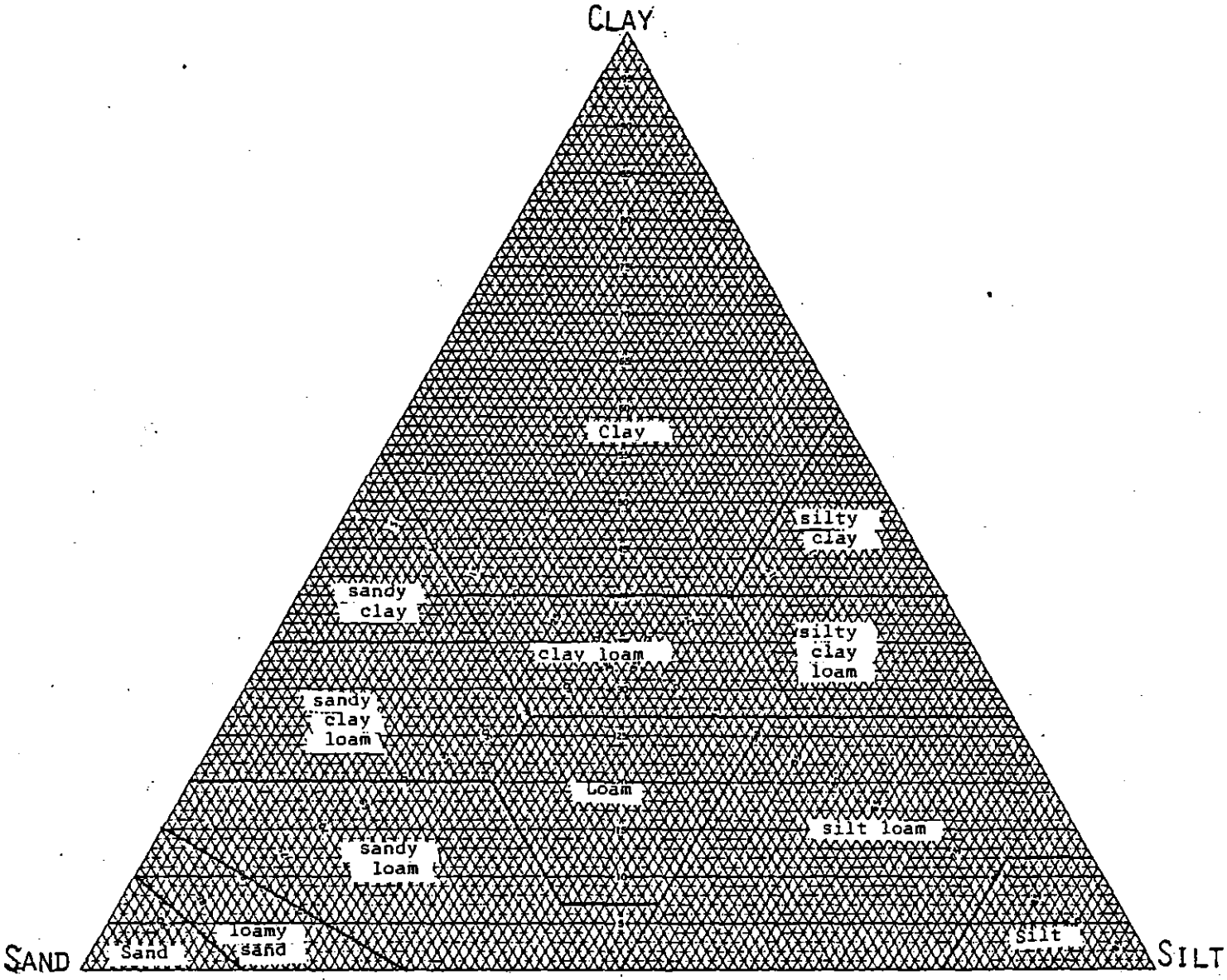
Minimum length of disposal trench (linear feet) required per one hundred fifty (150) gallons projected daily sewage flow determined from soil texture versus depth to temporary groundwater.

DEPTH TO TEMPORARY GROUNDWATER	SOIL GROUP *		
	A	B	C
24" To Less Than 48"	100	125	150
48" or More	75	100	125

* Soil Group A — Sand, Loamy Sand, Sandy Loam

Soil Group B — Sandy Clay Loam, Loam, Silt Loam, Silt, Clay Loam

Soil Group C — Silty Clay Loam, Sandy Clay, Silty Clay, Clay



SOIL TEXTURAL CLASSIFICATION CHART

TABLE 7

	Sieve Sizes	Millimeters
Clay		
		.002
Silt		
	270	.050
Very fine sand		
	200	.075
	140	.1
Fine sand		
	60	.25
Medium sand		
	35	.5
Coarse sand		
	18	1.0
Very coarse sand	10	2.0
Fine gravel	4	4.75
	3/8"	9.5
	1/2	12.5
Coarse gravel		
	3"	76.2
Cobbles		

USDA SOIL CLASSIFICATION SIZES OF SOIL SEPARATES

TABLE 8

MINIMUM SEPARATION DISTANCES

FOR

NONWATER-CARRIED WASTE DISPOSAL FACILITIES

	Self-Contained Nonwater-Carried Waste Disposal Facility	Unsealed Earth Type Privies, Gray Water Waste Disposal Sump and Seepage Chambers
Groundwater supplies including springs and cisterns	50'	100'
Surface public waters, excluding intermittent streams	50'	100'
Intermittent streams	50'	50'
Property line	25'	25'

TABLE 9

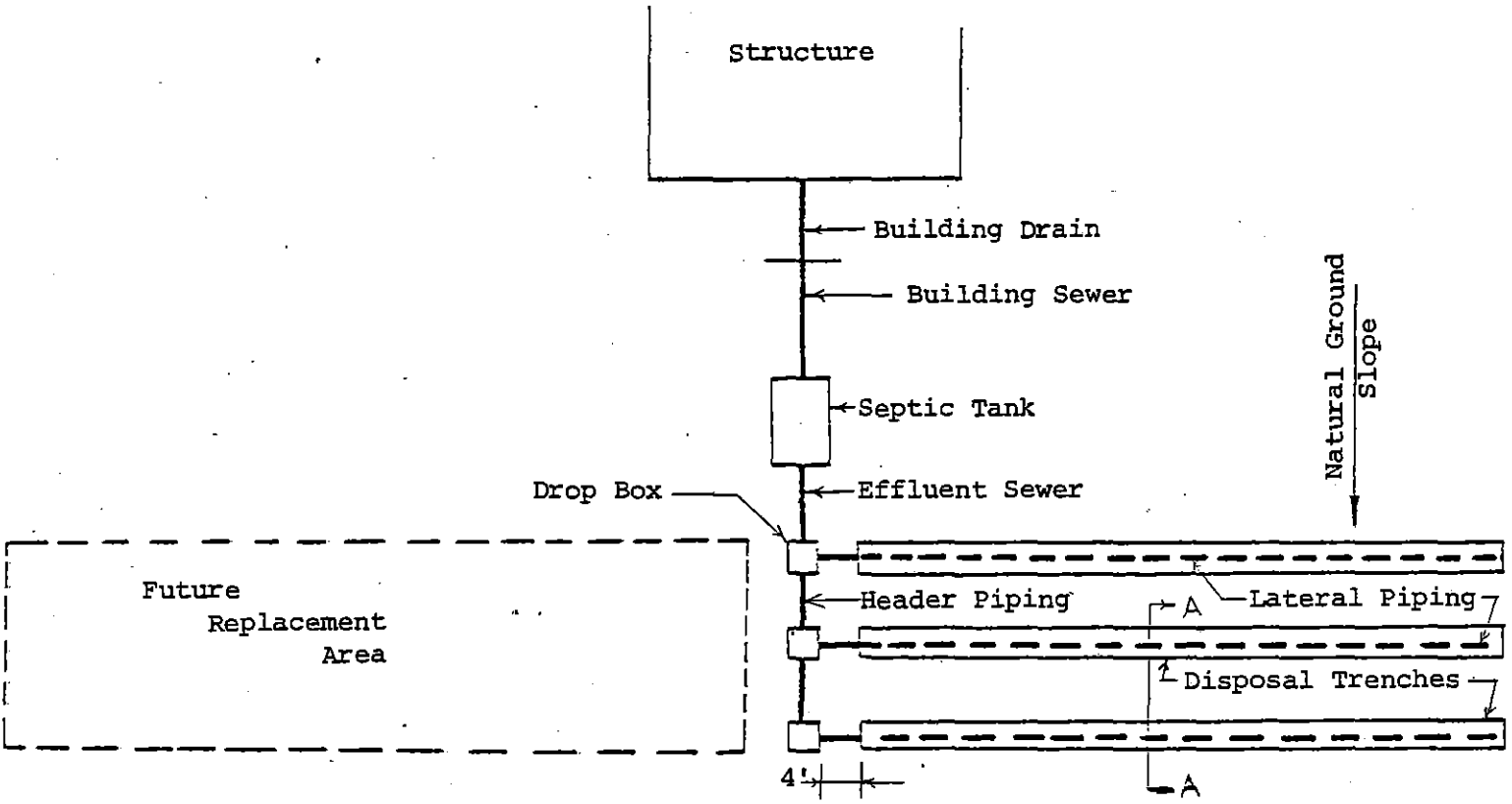
Minimum effective seepage area required for seepage beds per one hundred fifty (150) gallons projected daily sewage flow.

EFFECTIVE SOIL DEPTH	SEEPAGE AREA REQUIRED
30" to 54"	300 square feet
More than 54"	200 square feet

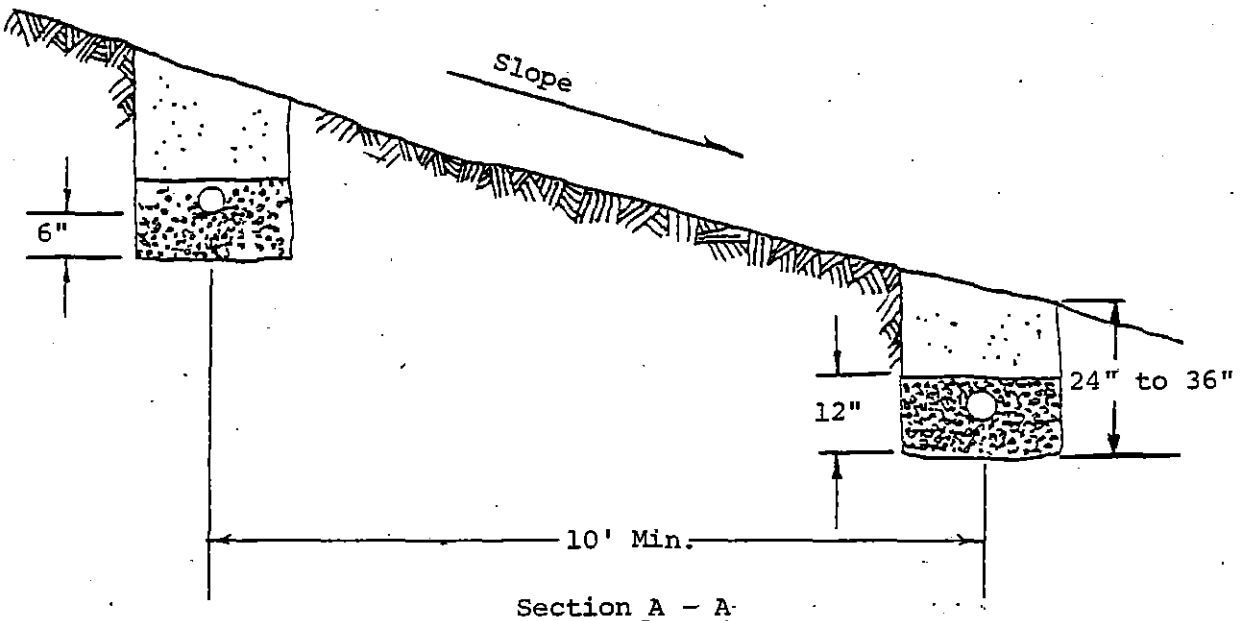
DEPTH TO TEMPORARY GROUNDWATER	SEEPAGE AREA REQUIRED
24" to 48"	300 square feet
More than 48"	200 square feet

DIAGRAM 1

TYPICAL SERIAL DISTRIBUTION SYSTEM
(With Drop Boxes)



Plan View



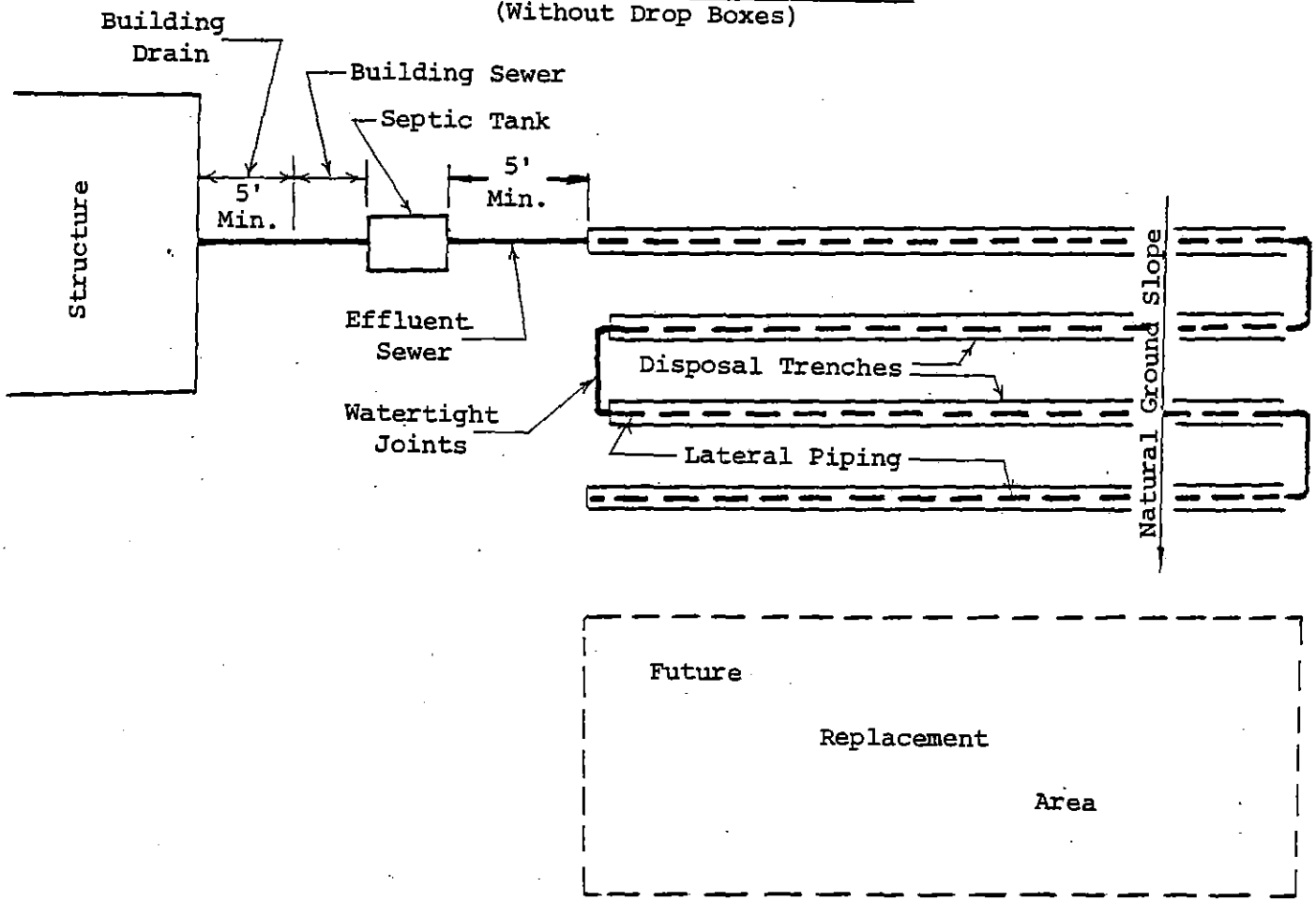
Section A - A

DIAGRAMS-1

NTS = not to scale

DIAGRAM 2

TYPICAL SERIAL DISTRIBUTION SYSTEM
(Without Drop Boxes)



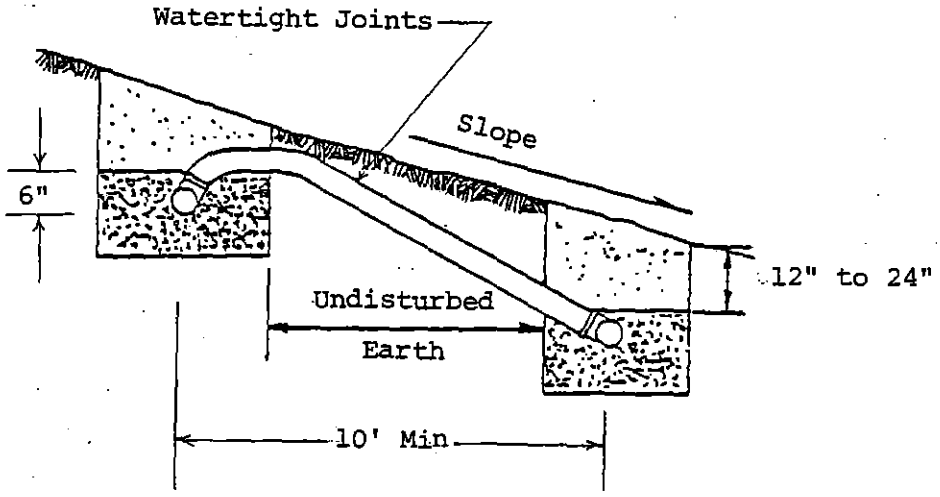
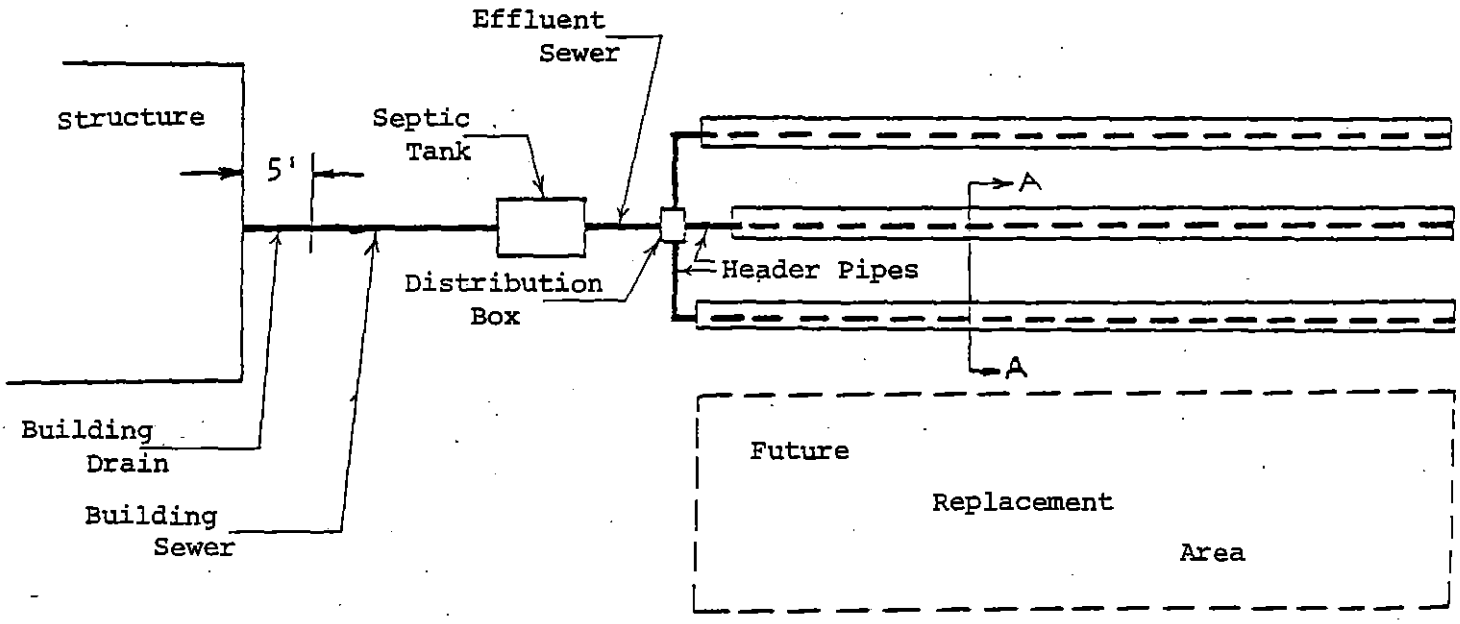
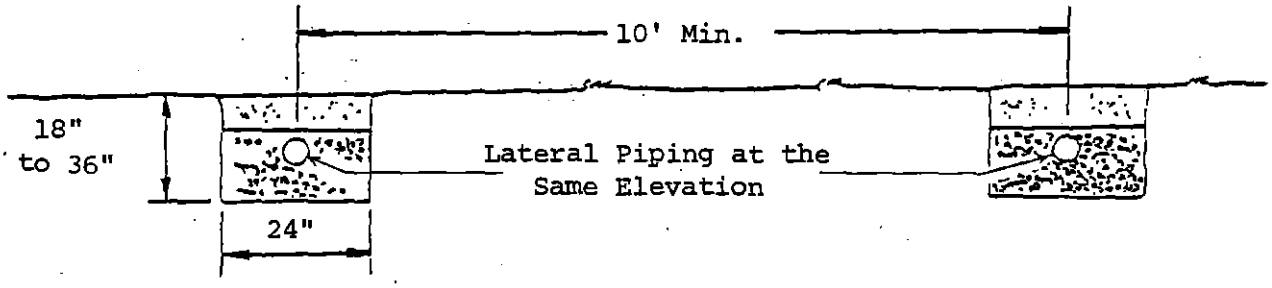


DIAGRAM 3

TYPICAL EQUAL DISTRIBUTION SYSTEM
(With Distribution Box)

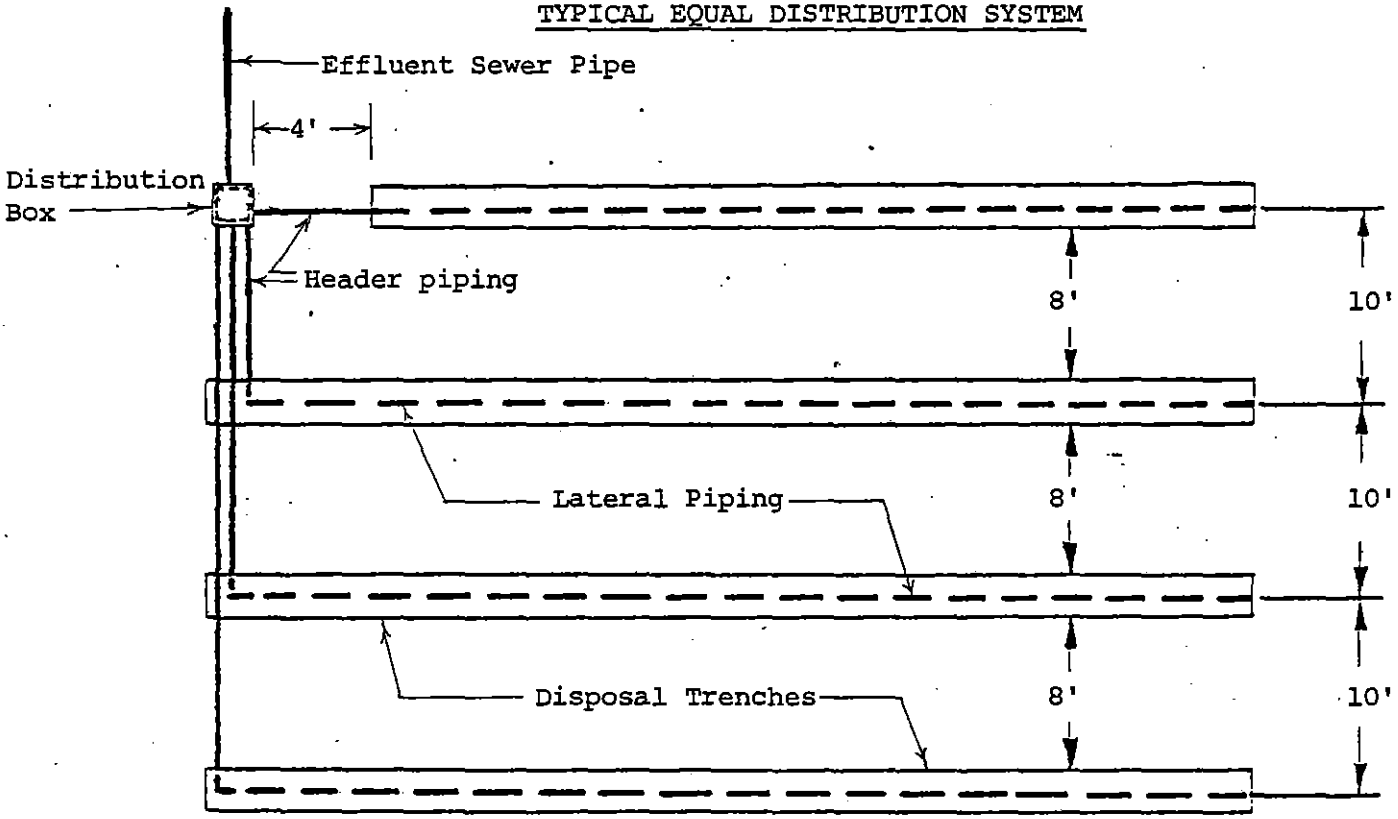




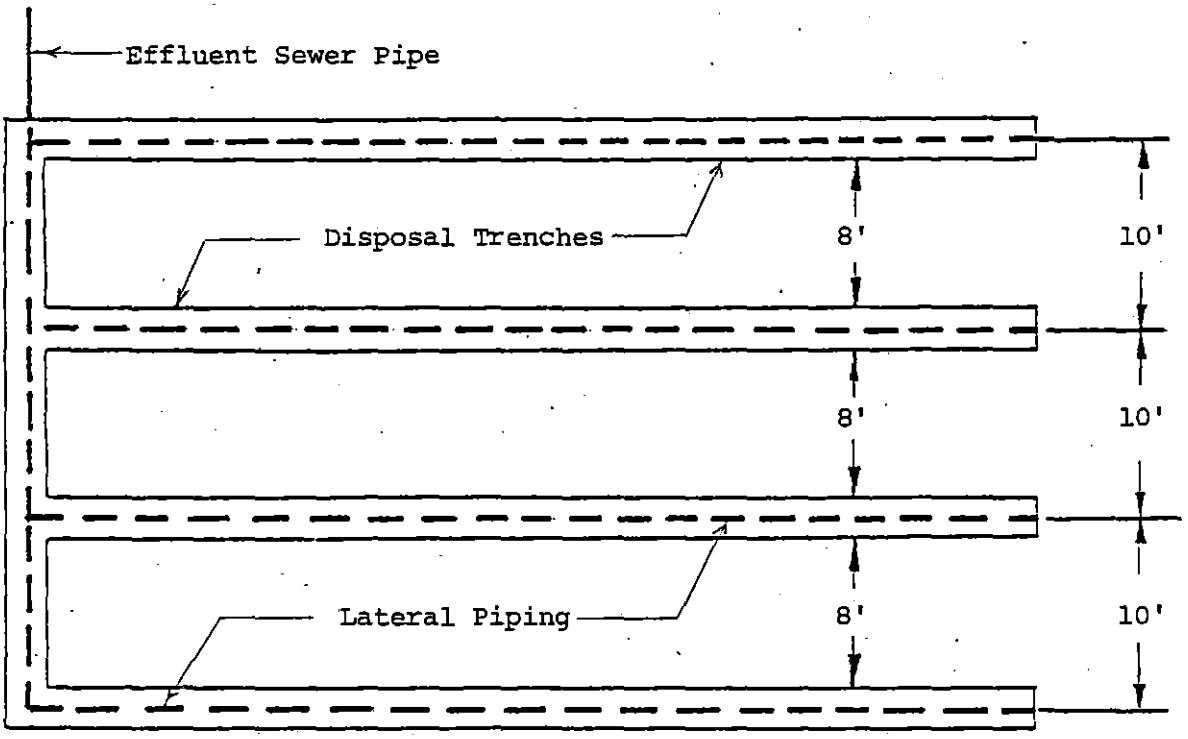
Section A - A

DIAGRAM 4

TYPICAL EQUAL DISTRIBUTION SYSTEM



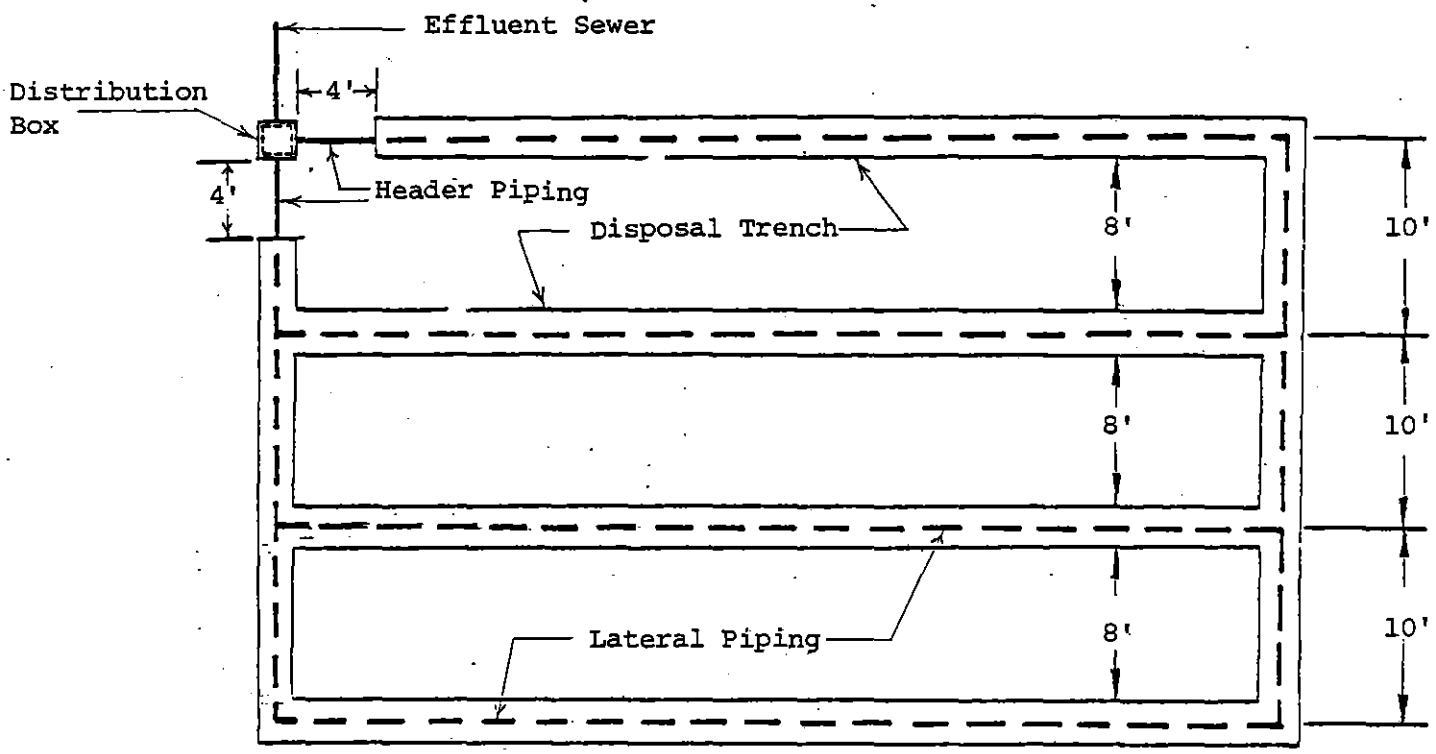
With Distribution Box



Without Distribution Box

DIAGRAM 5

TYPICAL LOOP EQUAL DISTRIBUTION SYSTEMS



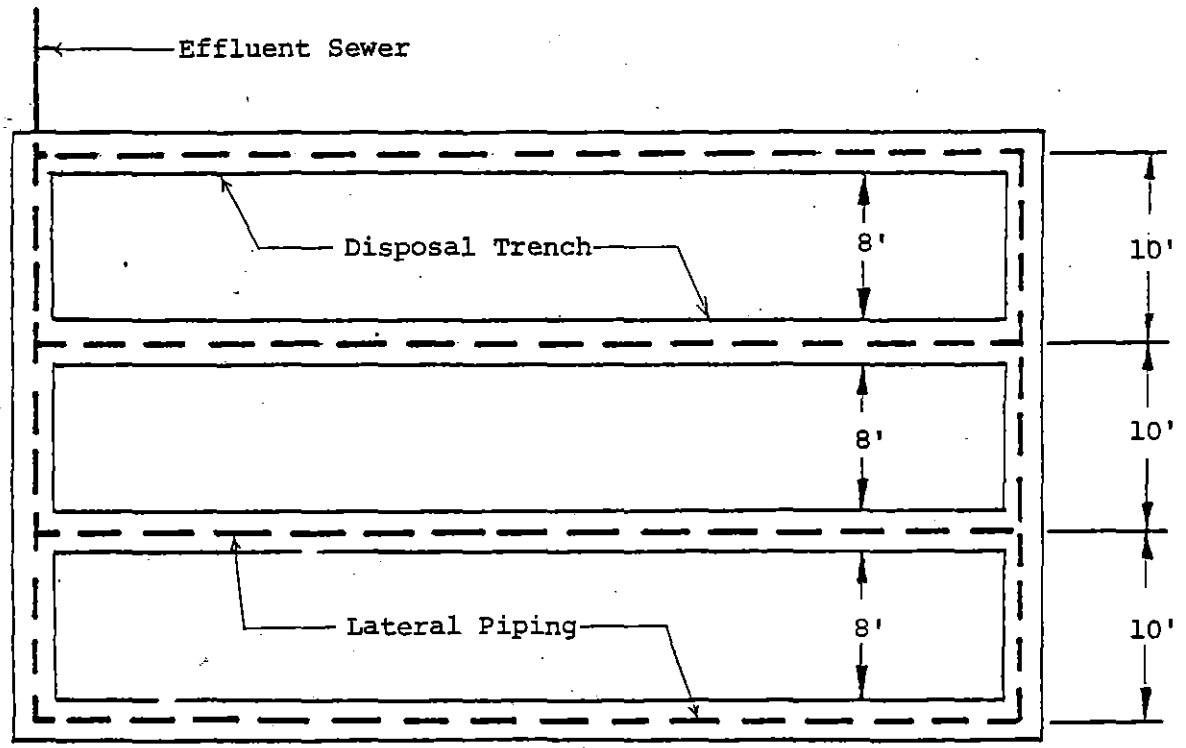
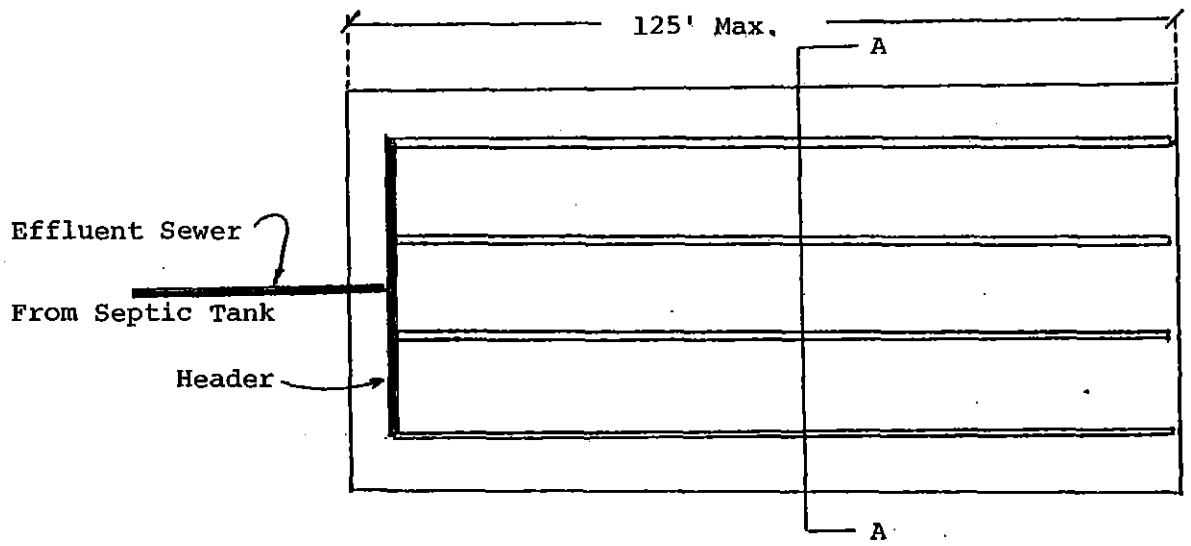
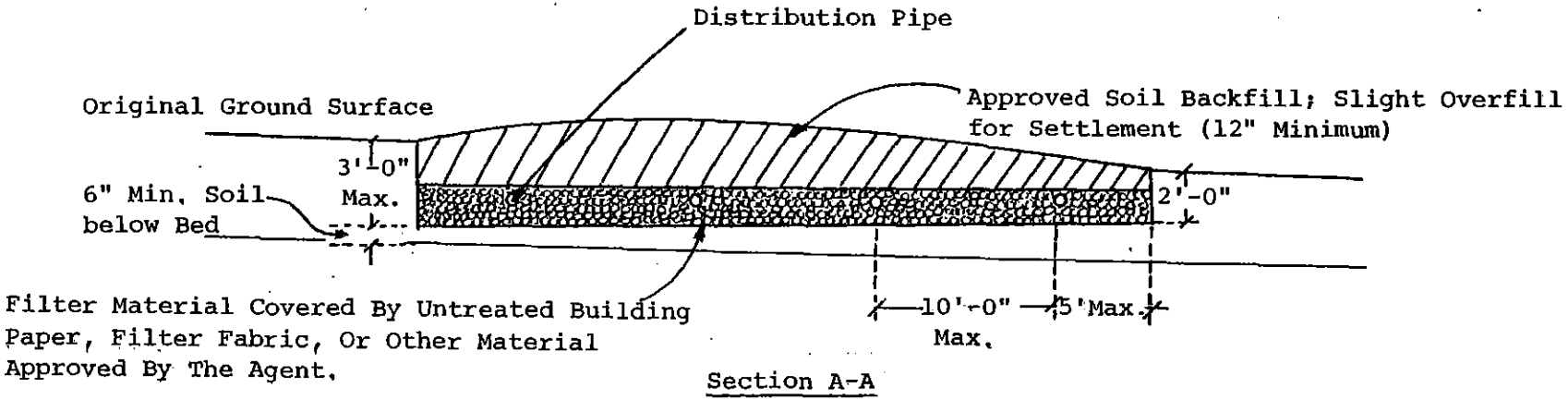


Diagram 6

ETA BED ON GENTLY SLOPING SITE



Plan View

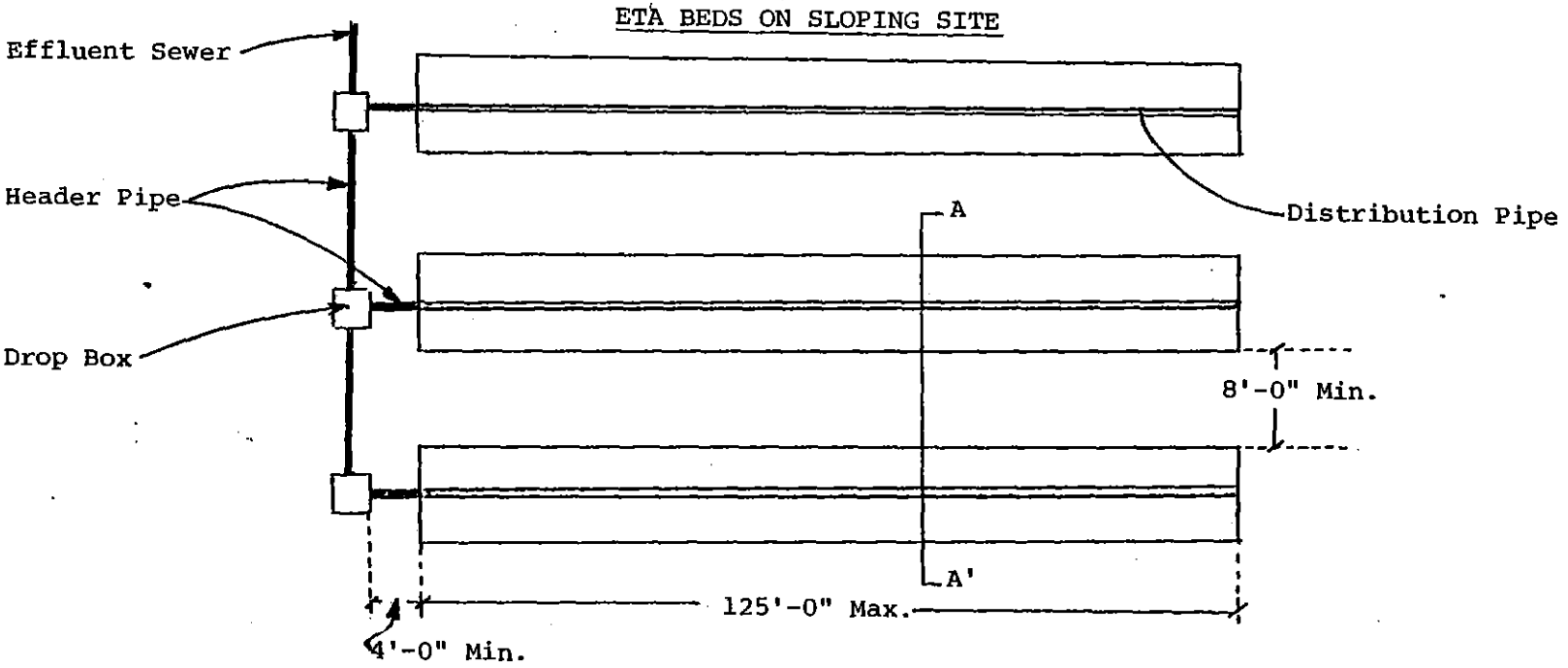


Section A-A

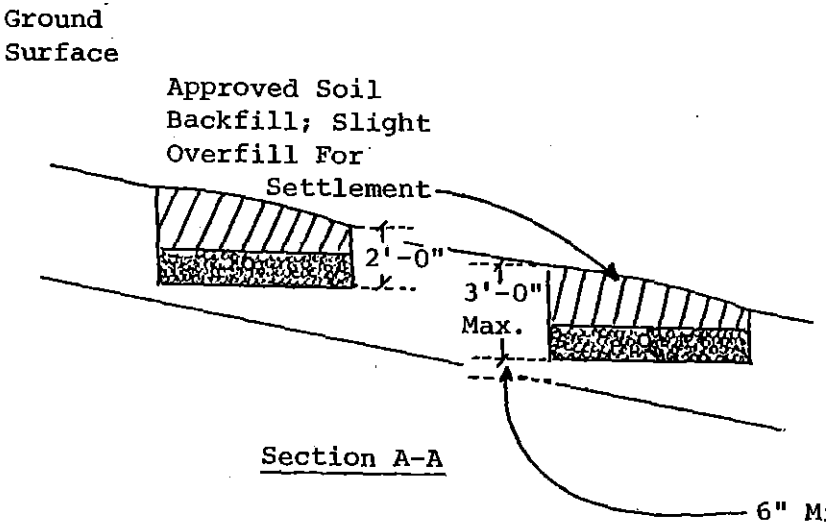
Note: The Bed Shall Be Placed Over At Least 6" Fine Textured Soil. The Bottom Of The Bed Shall Be Level Within A Tolerance Of ± 2".

Diagram 7

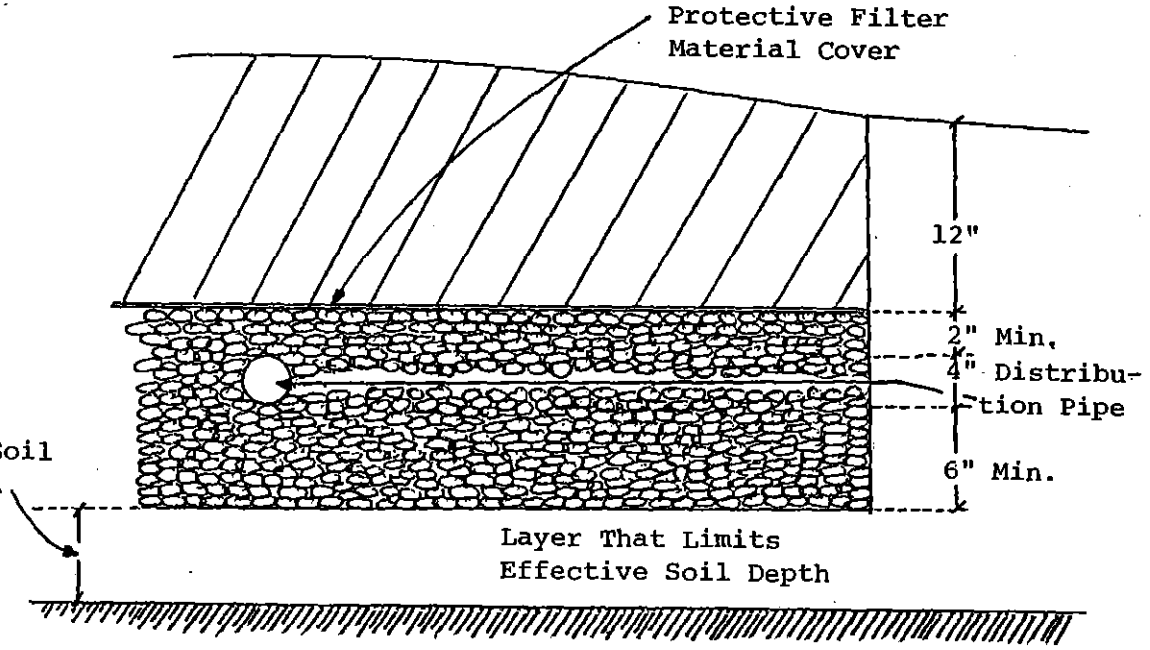
ETA BEDS ON SLOPING SITE



Plan View

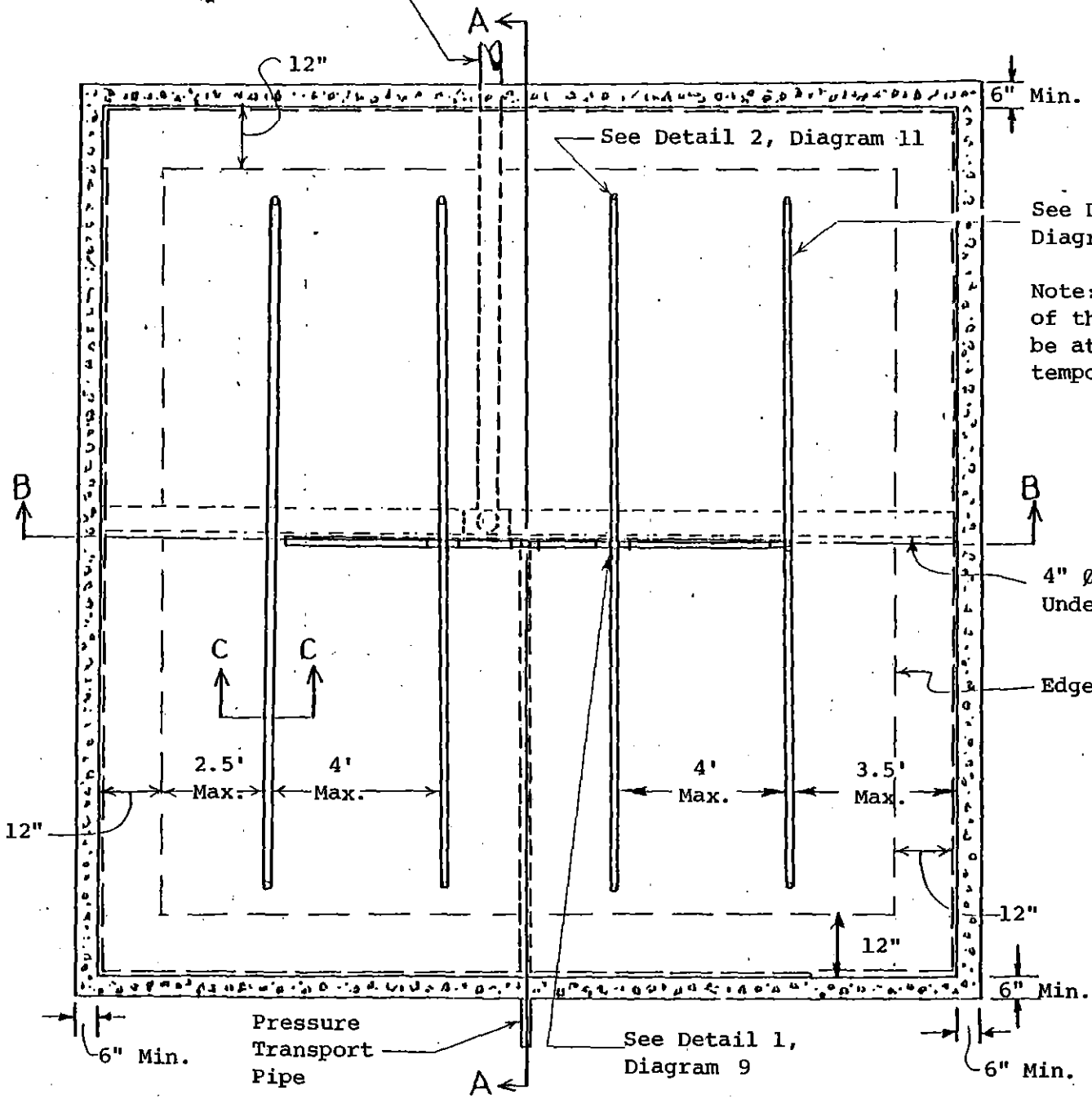


Section A-A



Note: Beds Shall Be Placed Over At Least 6" Fine Textured Soil. The Bottom Of The Beds Shall Be Level Within A Tolerance of ± 2".

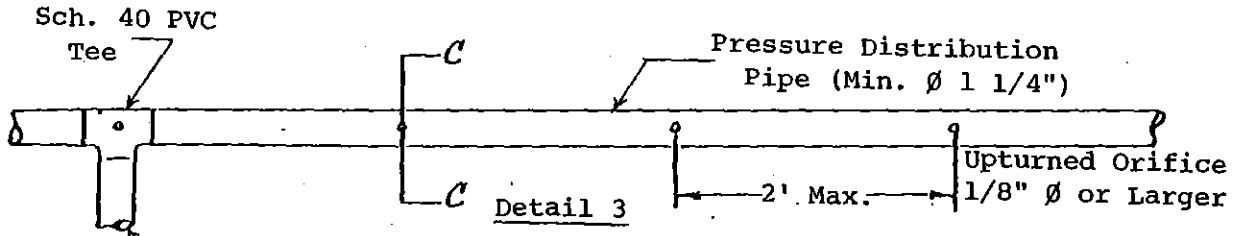
DIAGRAM 8
SAND FILTERS



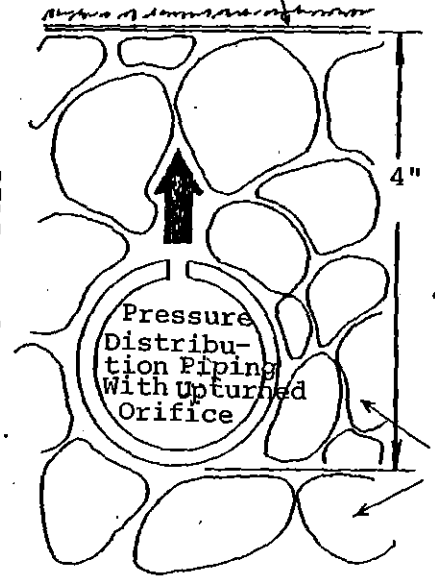
Note: A thirty (30) mil. (min.) sheet membrane liner, a reinforced concrete container, or other approved material shall be used where infiltration into the filter is likely.

DIAGRAM 9

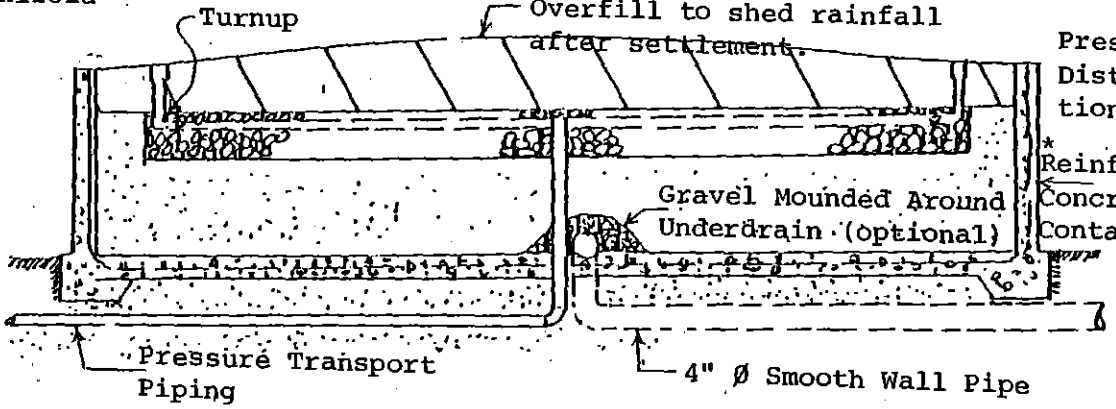
SAND FILTERS



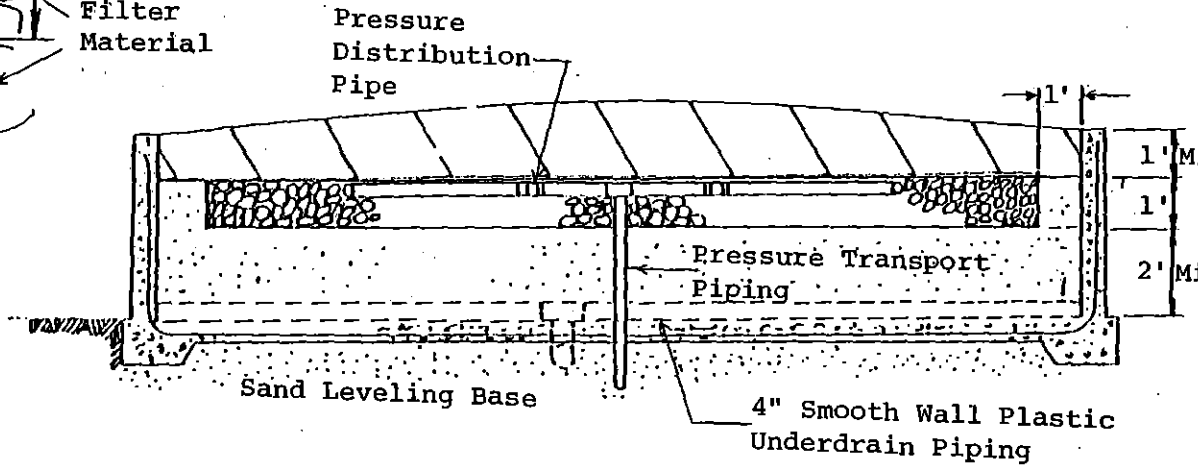
Detail 3



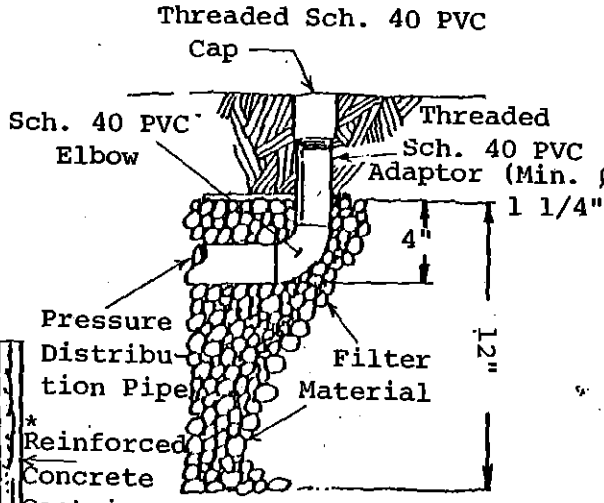
Section C-C



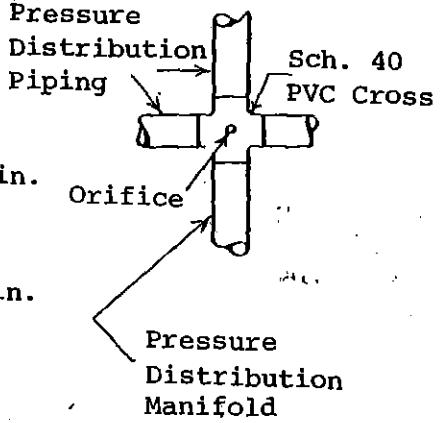
Section A-A



Section B-B



Detail 2

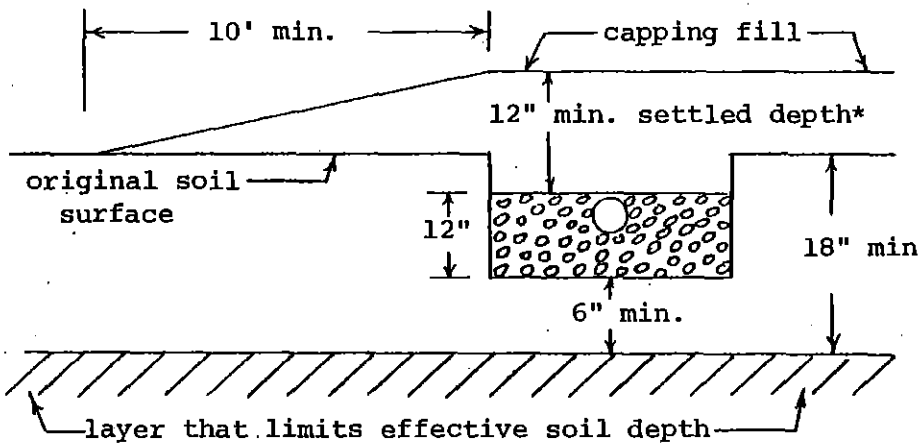


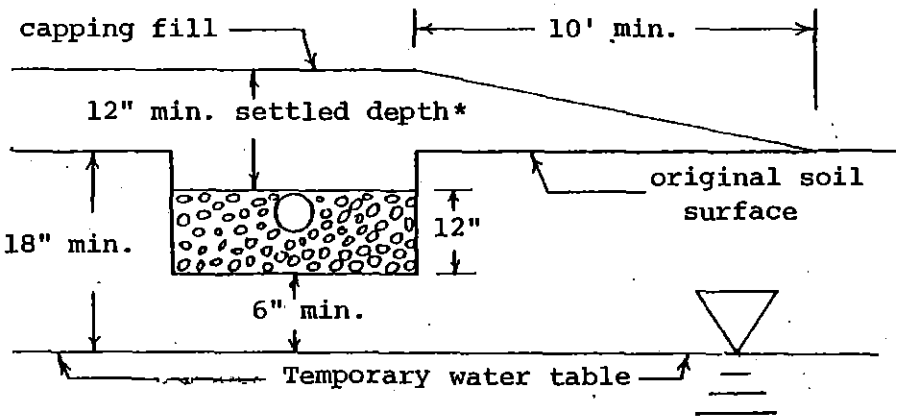
Detail 1

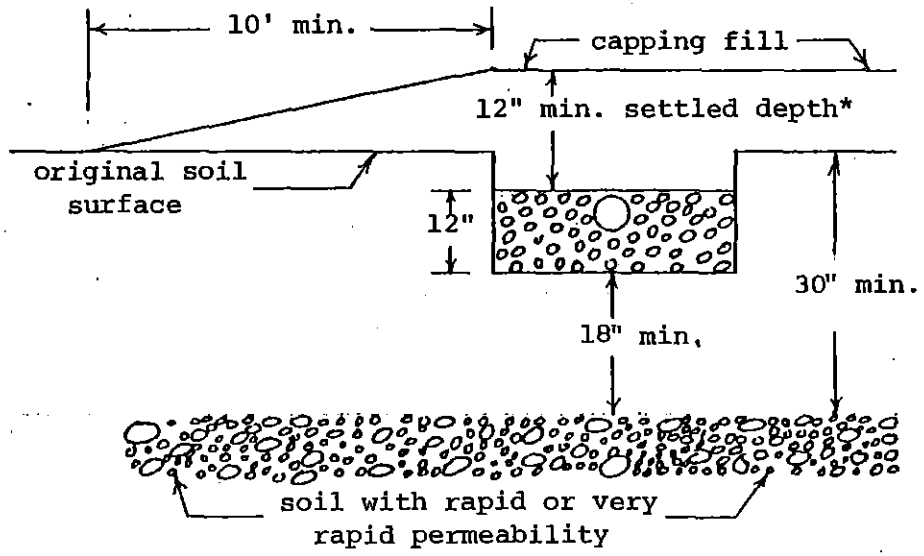
Note: Not in scale

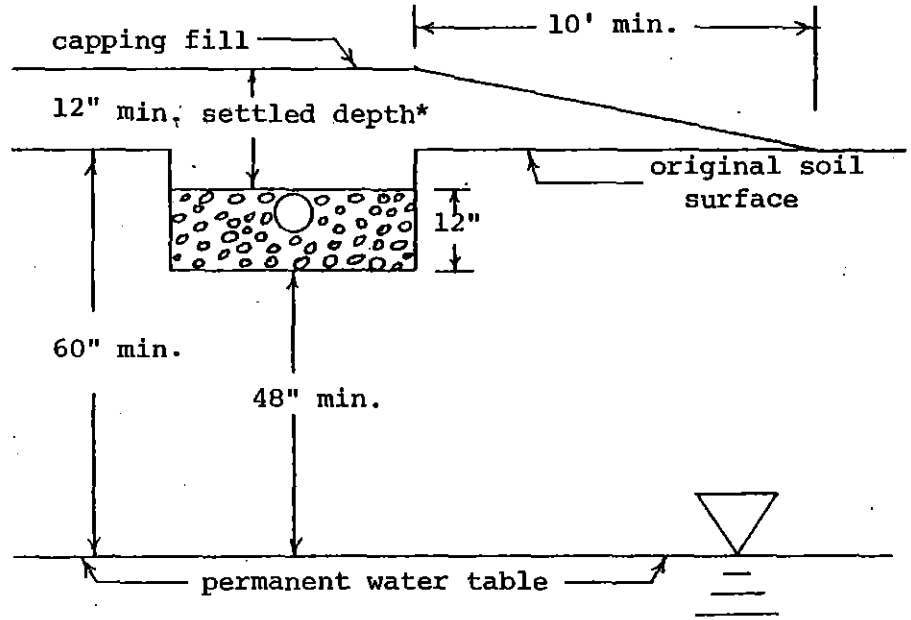
DIAGRAM 10

CAPPING FILL









* 16" Depth before Settling

DIAGRAM 11

REDUNDANT SYSTEM

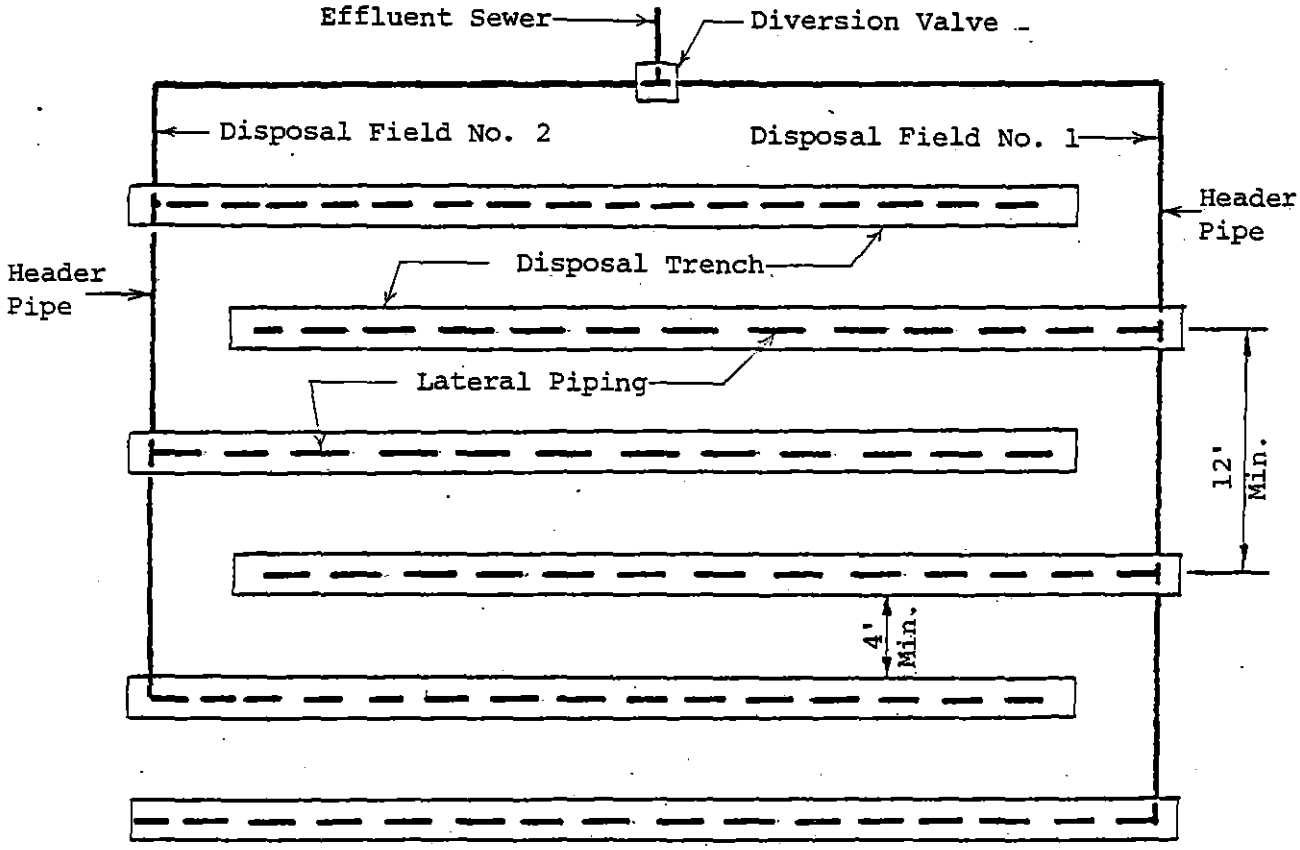
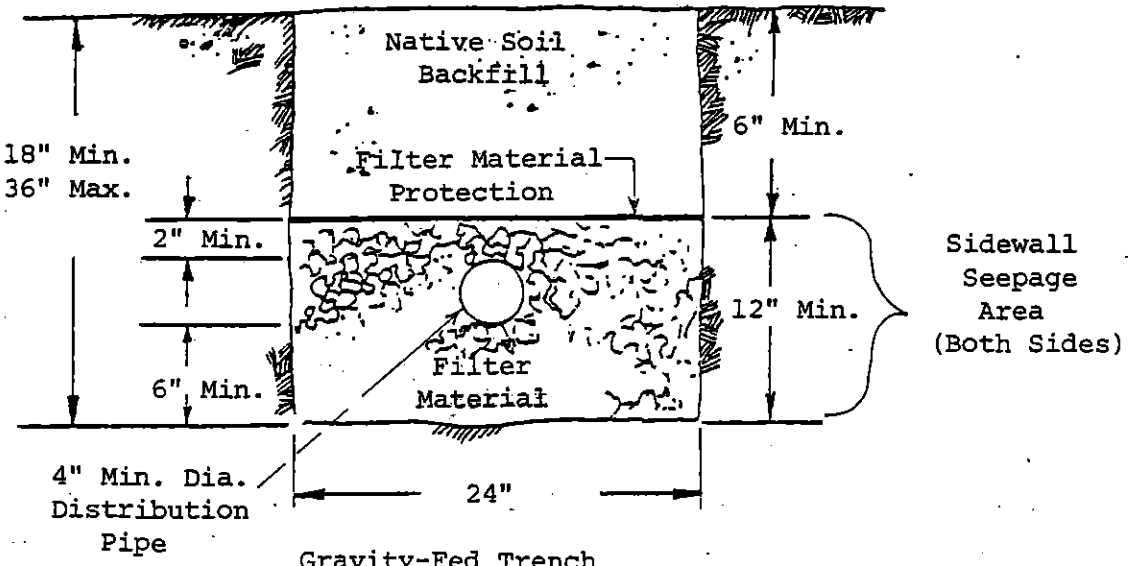
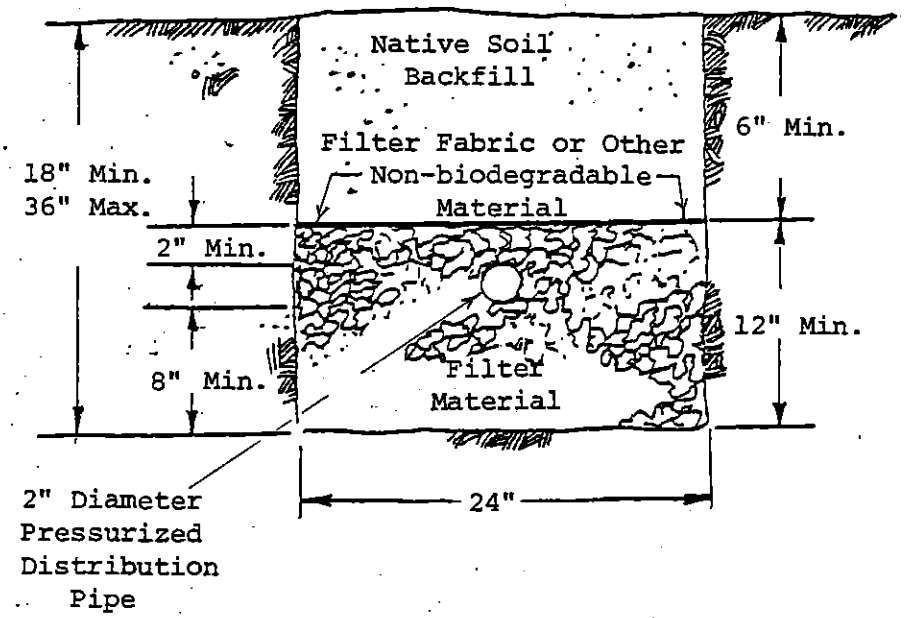


DIAGRAM 12

DISPOSAL TRENCH CROSS SECTION



Gravity-Fed Trench



Pressurized Distribution

DIAGRAM 13

TYPICAL CURTAIN DRAIN

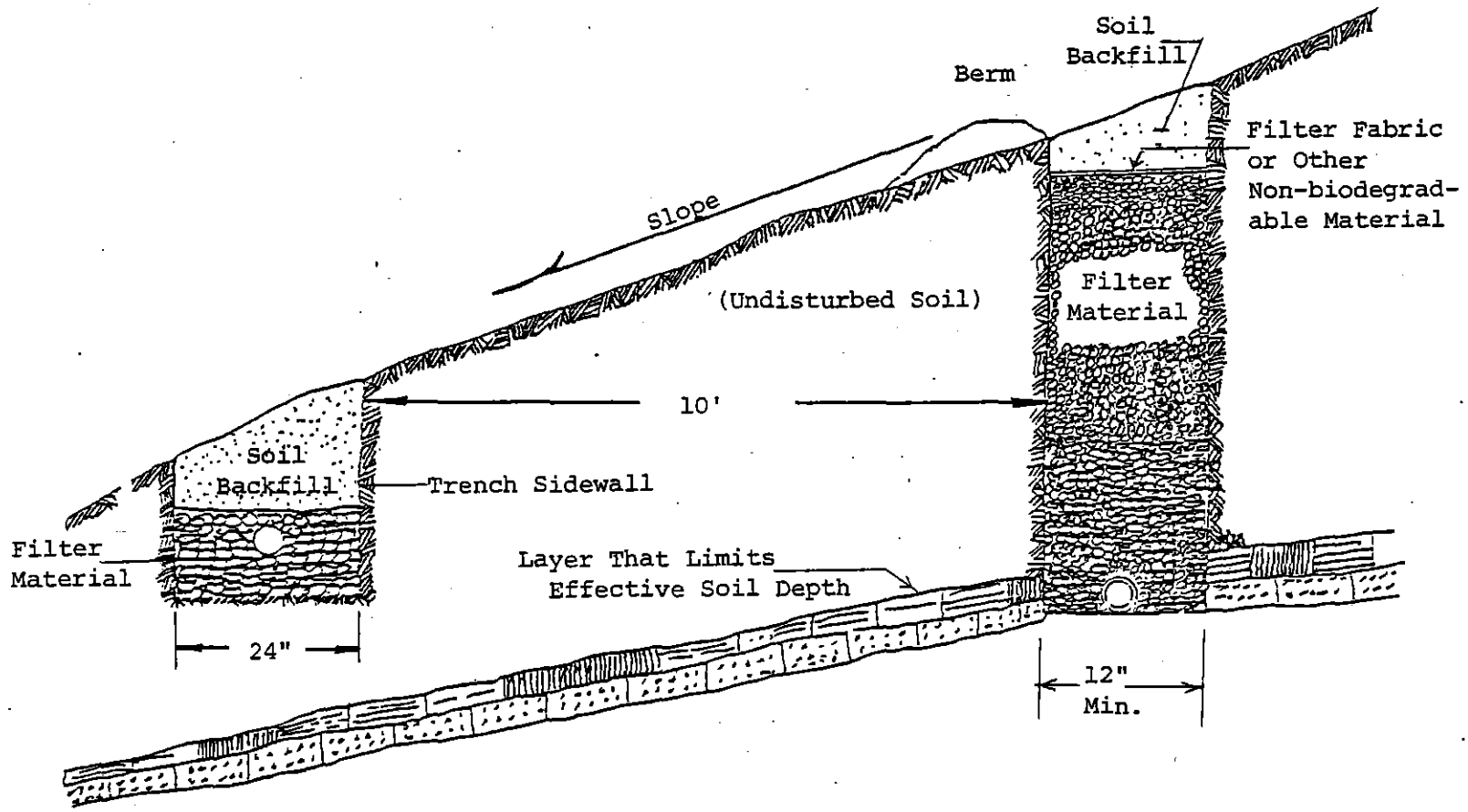


DIAGRAM 14

TYPICAL GRAY WATER WASTE DISPOSAL SUMP
(Using Seepage Chamber)

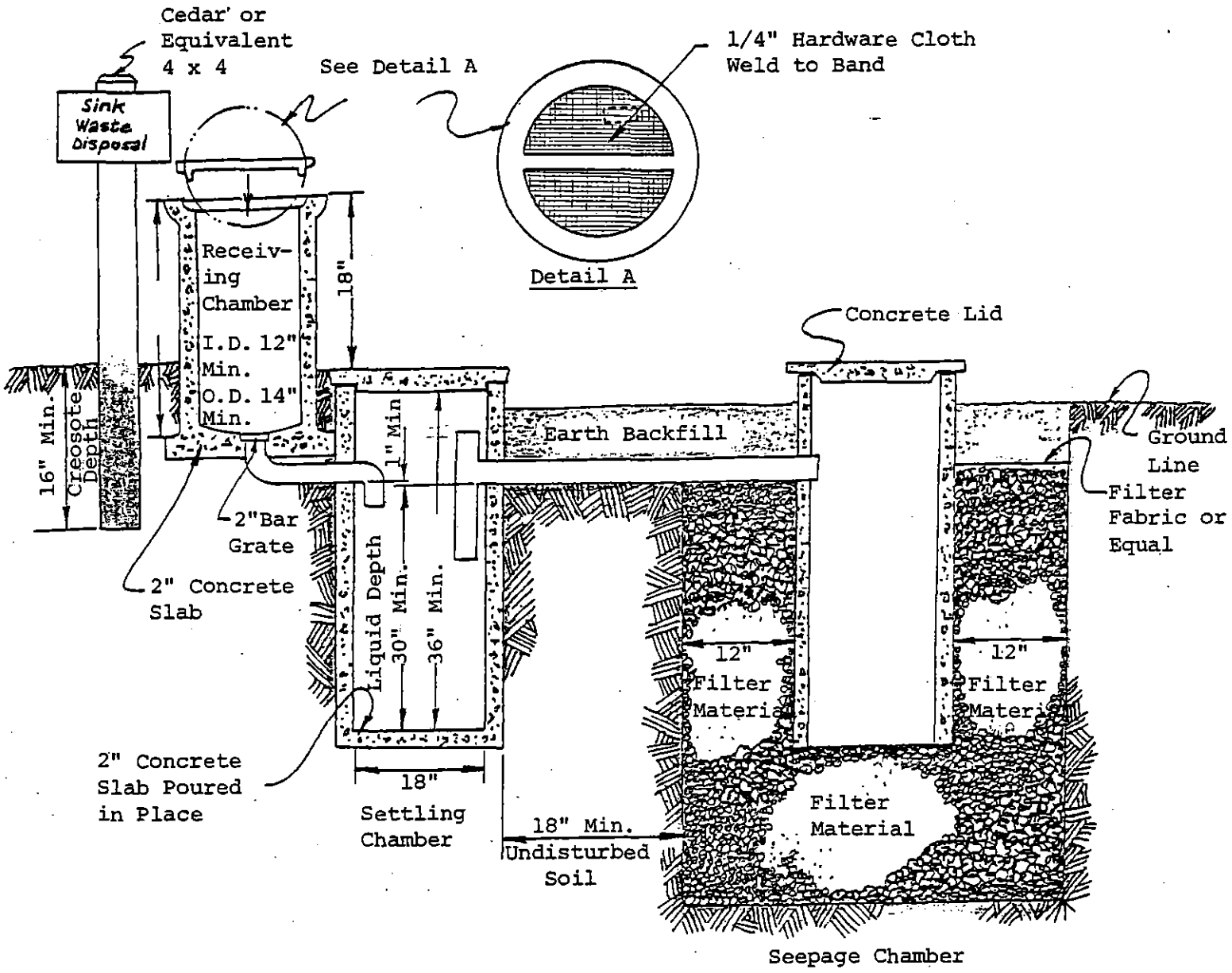
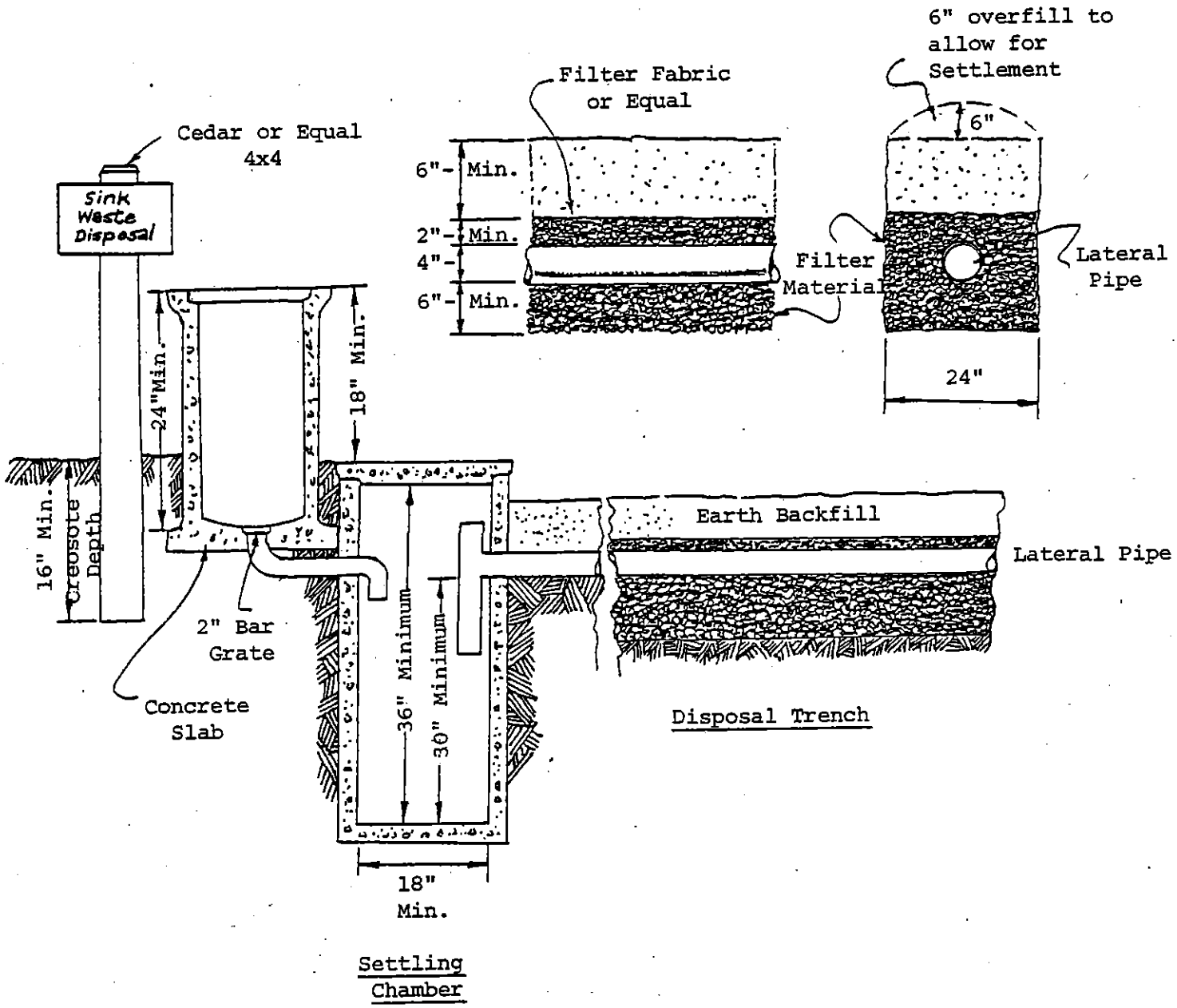
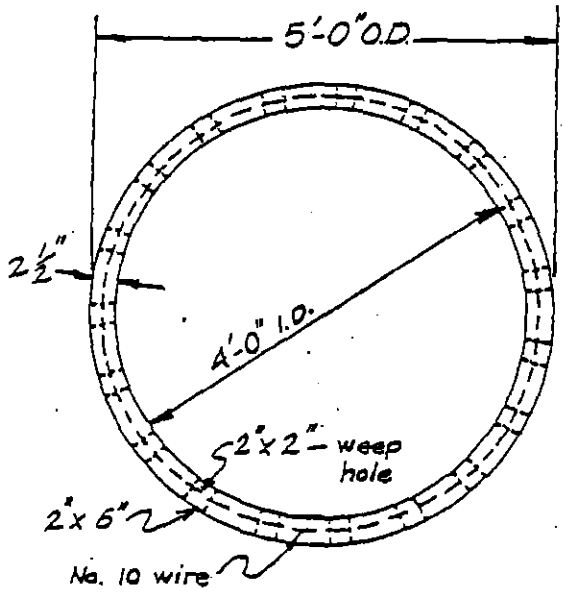


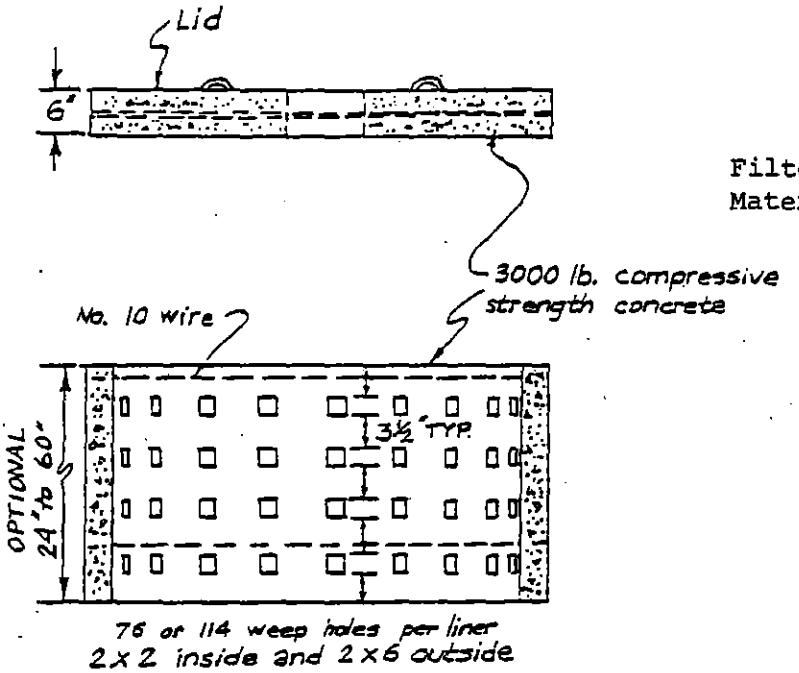
DIAGRAM 15

TYPICAL GREY WATER WASTE DISPOSAL SUMP
(Using Disposal Trench)

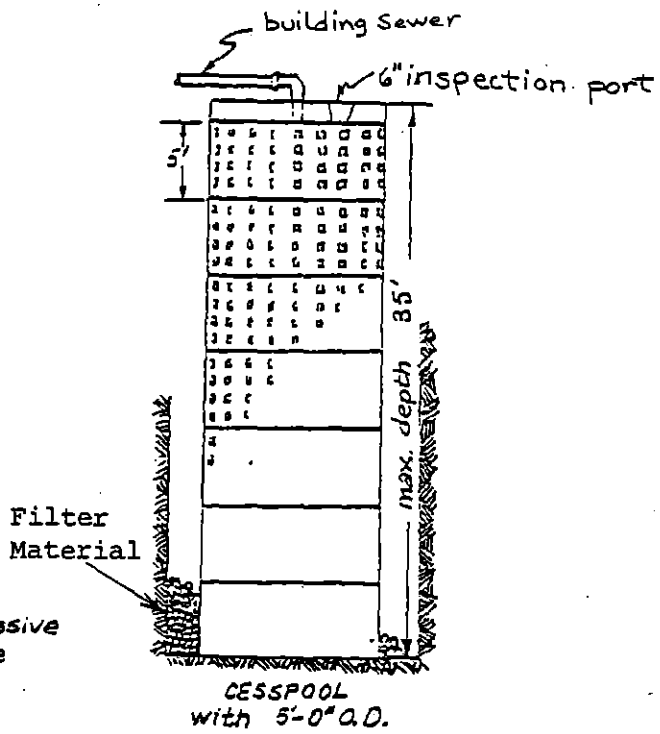




TOPVIEW

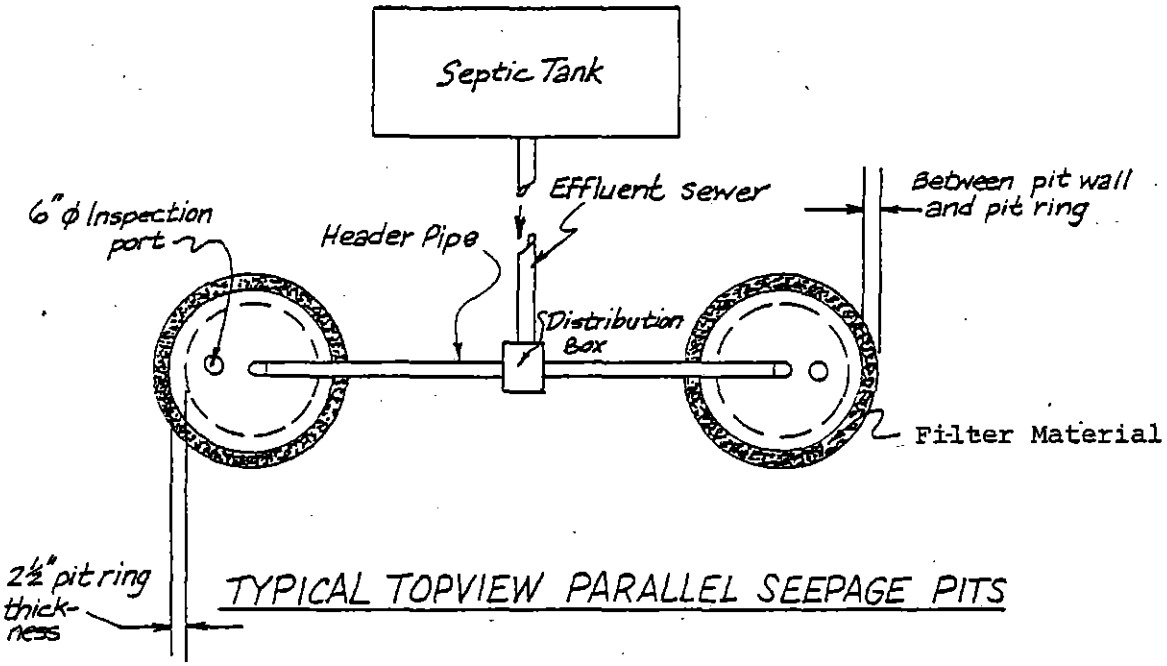


CROSS SECTION

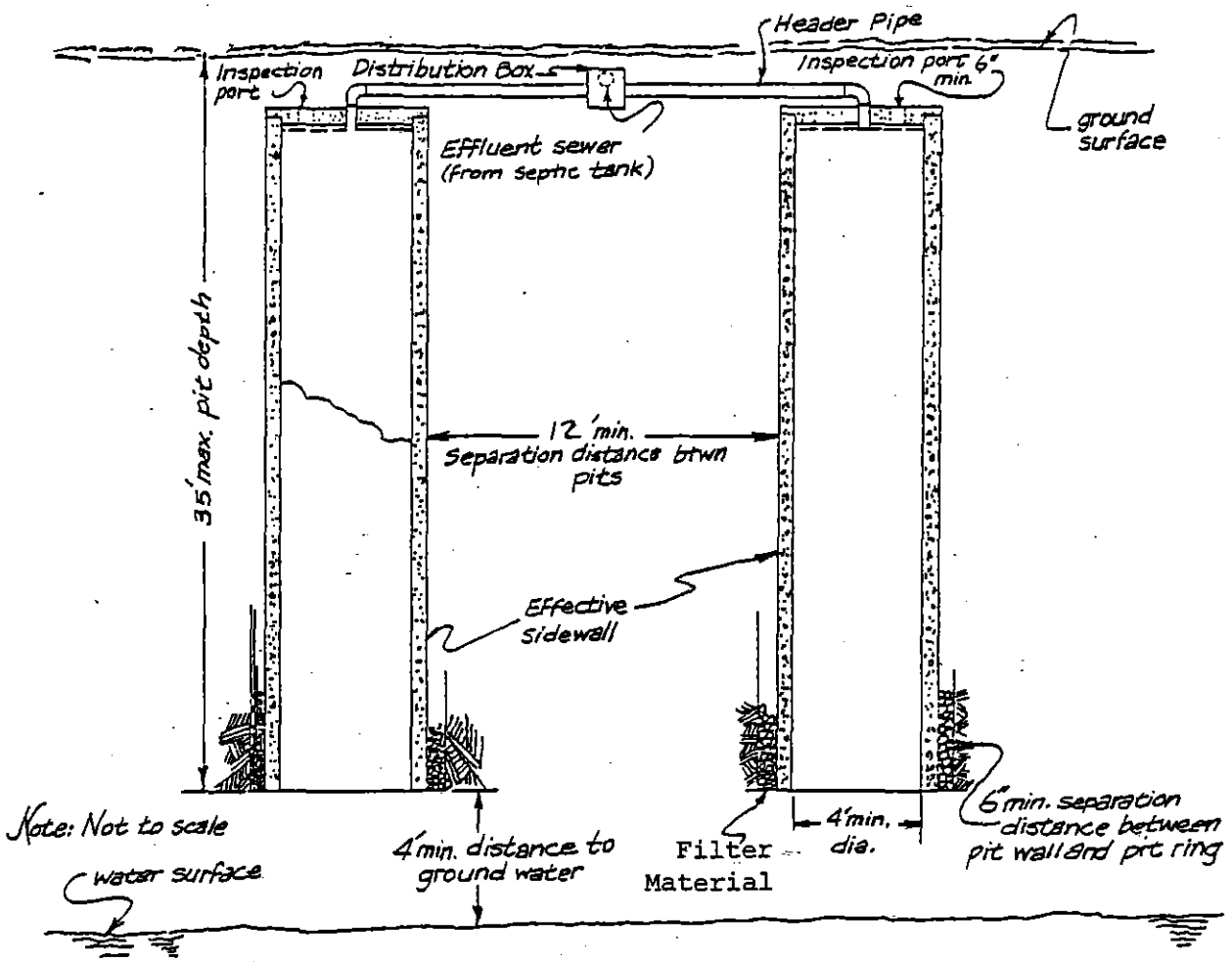


Note: Not to Scale

PRE-CAST CONCRETE LINER DETAILS



TYPICAL TOPVIEW PARALLEL SEEPAGE PITS



TYPICAL CROSS SECTION PARALLEL PITS

DIAGRAM 18

IDEALIZED CROSS SECTION OF ESCARPMENT OR MAN-MADE CUT
(Without a Layer That Limits Effective Soil Depth)

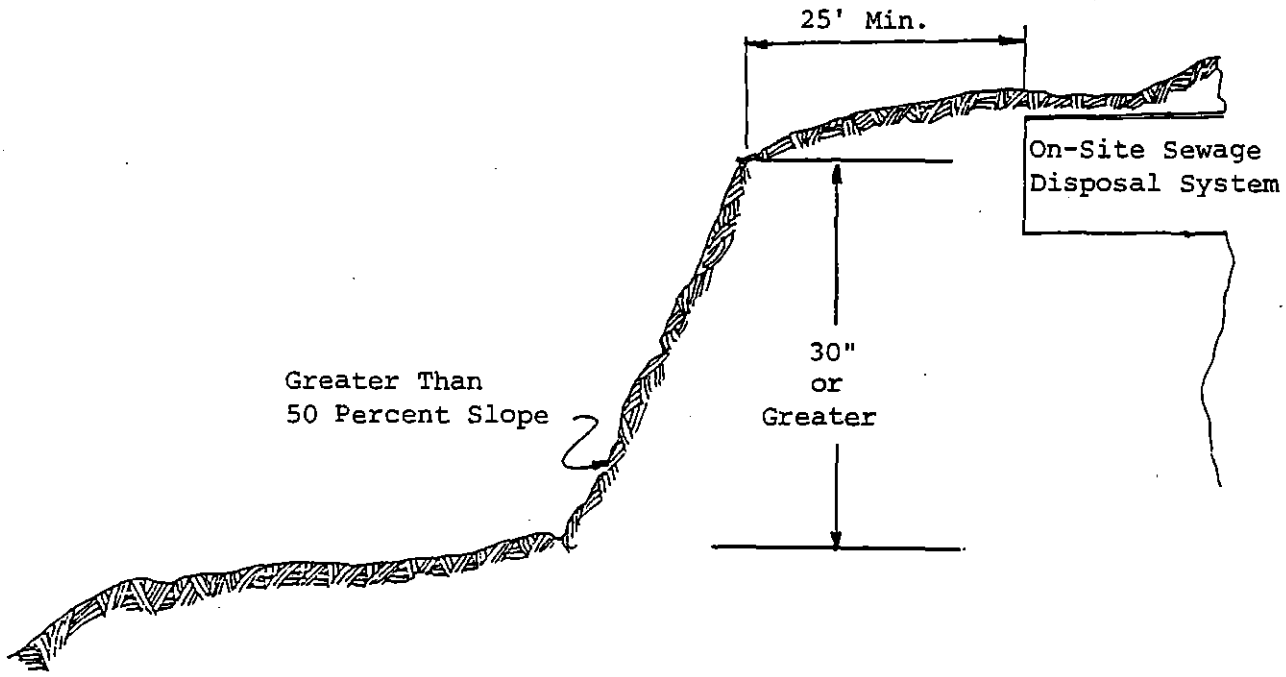


DIAGRAM 19

IDEALIZED CROSS SECTION OF ESCARPMENT OR MAN-MADE CUT
(With a Layer That Limits Effective Soil Depth)

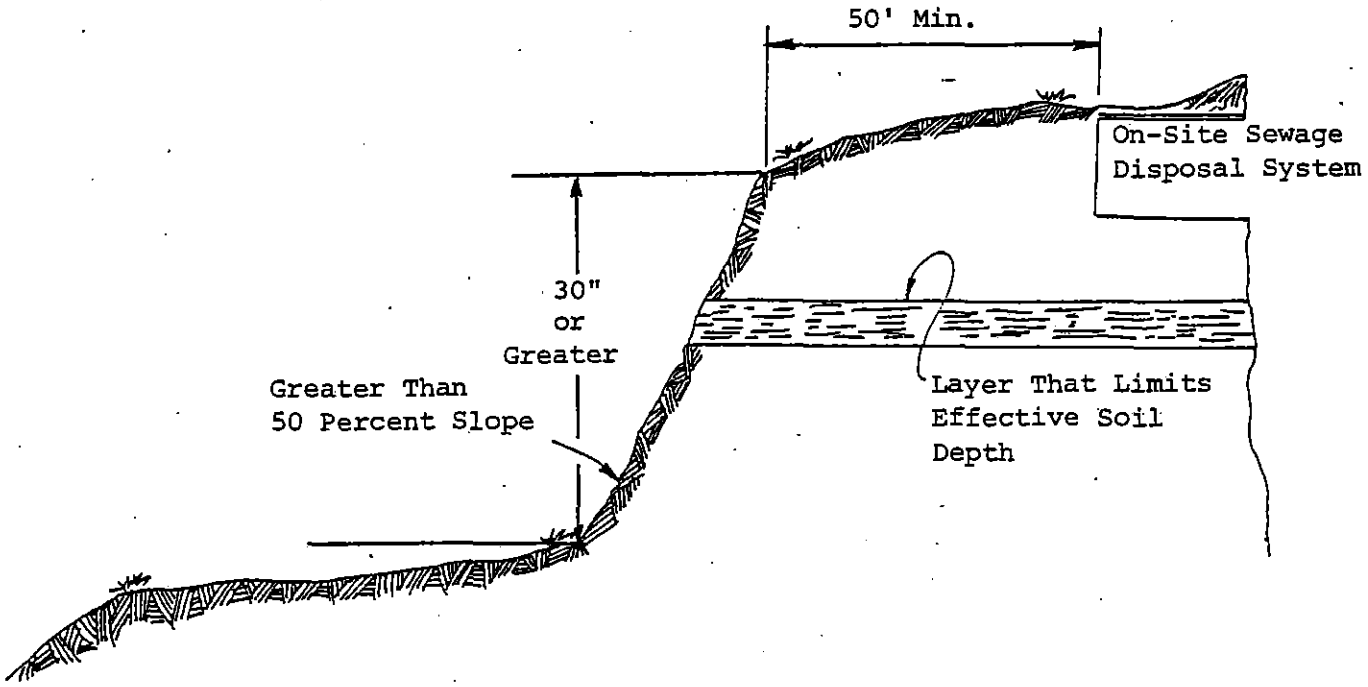


DIAGRAM 20

IDEALIZED CROSS SECTION OF A SOIL COLUMN

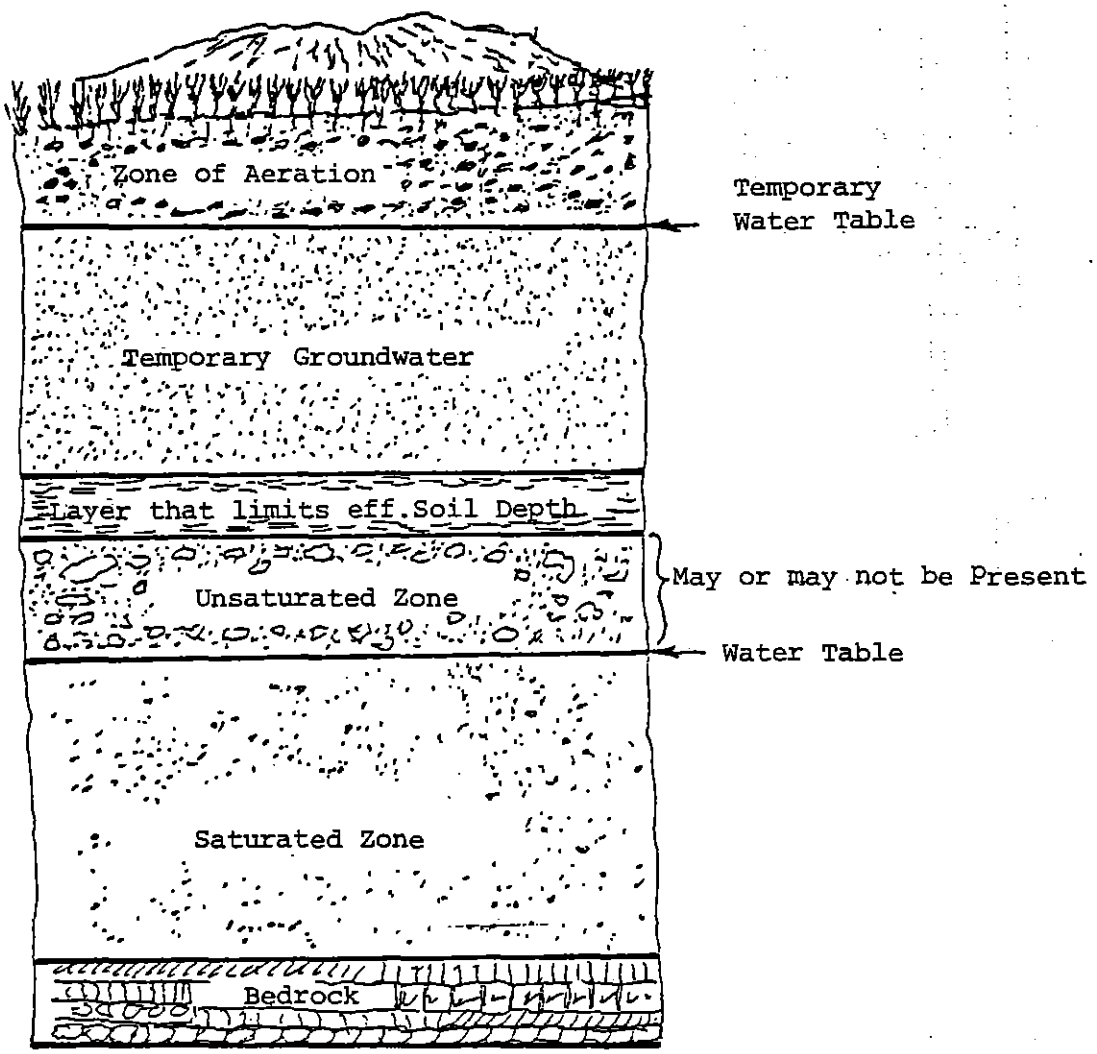


DIAGRAM 21

IDEALIZED ILLUSTRATION OF UNSTABLE LANDFORMS

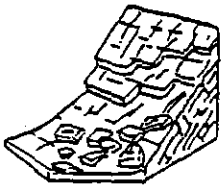
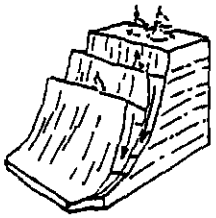
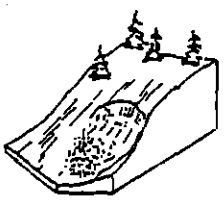
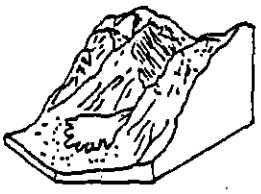
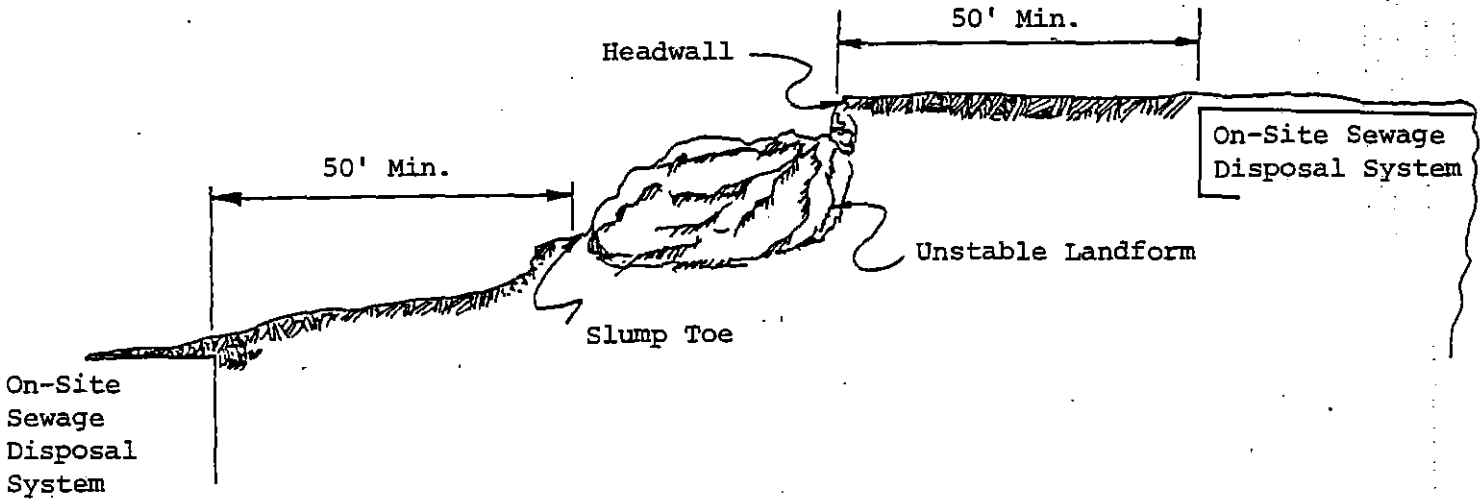
Process	Definition and Characteristics	Illustration
Rockfall and debris fall	The rapid descent of a rock mass, vertically from a cliff or by leaps down a slope. The chief means by which taluses are maintained.	
Rockslide and debris slide	The rapid, sliding descent of a rock mass down a slope. Commonly forms heaps and confused, irregular masses of rubble.	
Slump	The downward slipping of a coherent body of rock or regolith along a curved surface of the slumped mass, and any flat-lying planes in it, become rotated as they slide downward. The movement creates a sharp facing downslope.	
Debris Flow	The rapid downslope plastic flow of a mass of debris. Commonly forms an apron-like or tongue-like area, with a very irregular surface. In some cases, begins with slump at head, and concentric ridges and transverse furrows in surface of the tongue-like part.	
Variety: Mudflow	A debris flow in which the consistency of the substance is that of mud; generally contains a large proportion of fine particles, and a large amount of water.	

DIAGRAM 22

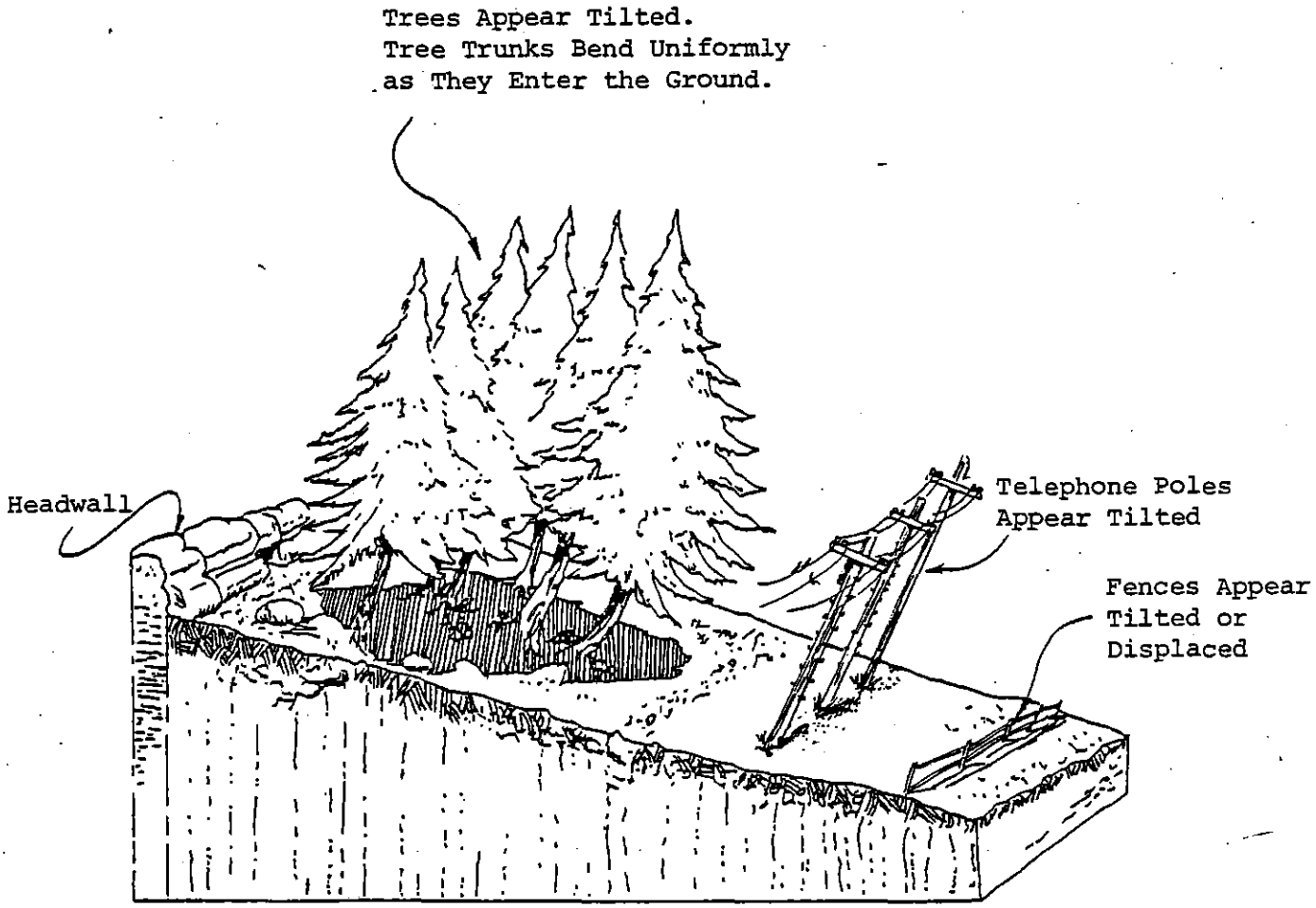
IDEALIZED CROSS SECTION OF UNSTABLE LANDFORM



Note: Not to scale

DIAGRAM 23

IDEALIZED CROSS SECTION OF UNSTABLE LANDFORM



(1) "Absorption facility" means a system of open-jointed or perforated piping, alternative distribution units, or other seepage systems for receiving the flow from septic tanks or other treatment facilities and designed to distribute effluent for oxidation and absorption by the soil within the zone of aeration. (See Diagrams 1 through 7 and 14 through 17)

(2) "Aerobic sewage treatment facility" means a sewage treatment plant which incorporates a means of introducing air and oxygen into the sewage so as to provide aerobic biochemical stabilization during a detention period.

(3) "Agent" means the Director or his authorized representative.

(4) "Alteration" means expansion and/or change in location of an existing system, or any part thereof.

(5) "Alternative system" means any Commission approved on-site sewage disposal system used in lieu of, including modifications of, the standard subsurface system.

(6) "Authorization Notice" means a written document issued by the Agent which establishes that an on-site sewage disposal system appears adequate to serve the purpose for which a particular application is made.

(7) "Authorized representative" means the staff of the Department of Environmental Quality or the staff of the local unit of government performing duties for and under agreement with the Department of Environmental Quality.

(8) "Automatic siphon" means a hydraulic device designed to rapidly discharge the contents of a dosing tank between predetermined water or sewage levels.

(9) "Bedroom" means any room within a dwelling which is accepted as such by the State of Oregon Department of Commerce building codes representative or the local authorized building official having jurisdiction.

(10) "Black waste" means human body wastes including feces, urine, other extraneous substances of body origin and toilet paper.

(11) "Building sewer" means that part of the system of drainage piping which conveys sewage into a septic tank, cesspool or other treatment facility that begins five feet (5) outside the building or structure within which the sewage originates. (See Diagrams 1, 2, 3, and 16)

(12) "Cesspool" means a lined pit which receives raw sewage, allows separation of solids and liquids, retains the solids and allows liquids to seep into the surrounding soil through perforations in the lining. (See Diagram 16)

(13) "Chemical recirculating toilet facility" means a toilet facility wherein black wastes are deposited and carried from the bowl by a combination of liquid waste and water which has been chemically treated and filtered.

(14) "Chemical toilet facility" means a non-flushing non-recirculating toilet facility wherein black wastes are deposited directly into a chamber containing a solution of water and chemical.

(15) "Clayey Soil" means mineral soil that is over forty (40) percent clay that shrinks and develops wide cracks when dry and swells and shears when rewet forming slickensides and wedge-shaped structure. Clayey soil is very hard or extremely hard when dry, very firm when moist, and very sticky and very plastic when wet.

(16) "Claypan" means a dense, compact clay layer in the subsoil. It has a much higher clay content than the overlying soil horizon from which it is separated by an abrupt boundary. Claypans are hard when dry and very sticky and very plastic when wet. They impede movement of water and air and growth of plant roots.

(17) "Combustion or incineration toilet facility" means a toilet facility wherein black wastes are deposited directly into a combustion chamber for incineration.

(18) "Commercial Facility" means any structure or building, or any portion thereof, other than a single family dwelling.

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

(20) "Community System" means an on-site system which will serve more than one (1) lot or parcel, or more than one (1) condominium unit; or more than one (1) unit of a planned unit development.

(21) "Completed Application" means one in which the application form is completed in full, is signed by the owner, is accompanied by all required exhibits and required fee, and is correct.

(22) "Conditions associated with saturation" means:

(a) Reddish brown or brown soil horizons with gray (chrom as of 2 or less) and red or yellowish red mottles; or

(b) Gray soil horizons with red, yellowish red, or brown mottles; or

(c) Dark colored highly organic soil horizons; or

(d) Soil profiles with concentrations of soluble salt at or near the ground surface.

(23) "Confining Layer" means a layer associated with an aquifer that because of its low permeability does not allow water to move through it perceptibly under head differences occuring in the groundwater system.

(24) "Construction" means installation of a new system.

(25) "Conventional sand filter" means a filter with two(2) feet of medium sand designed to filter and biologically treat septic tank or other treatment unit effluent from a pressure distribution system at an application rate not to exceed one and twenty-three hundredths (1.23) gallons per square foot sand surface area per day applied at a dose not to exceed twenty (20) percent of the projected daily sewage flow per cycle.

(26) "Curtain drain" [in excess of thirty (30) inches] means a groundwater interceptor introduced upslope from a disposal field to intercept and divert ground water or surface water from the absorption facility, which may be required to be installed as a condition for approval of a system.

(27) "Cut-manmade" [in excess of thirty (30) inches] means a land surface resulting from mechanical land shaping operations where one (1) or more layer that limit effective soil depth intersect the cut surface and where the modified slope is greater than fifty (50) percent, or any other man formed slopes in excess of fifty (50) percent which do not intersect one or more layers that limit effective soil depth. (See Diagrams 18 and 19).

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

(29) "Director" means the Director of the Department of Environmental Quality.

(30) "Disposal area" means the entire area used for underground dispersion of the liquid portion of sewage. It may consist of a seepage pit or of a disposal field or of a combination of the two. It may also consist of a cesspool or evapotranspiration system.

(31) "Disposal field" means a system of disposal trenches or a seepage trench or system of seepage trenches.

(32) "Disposal trench" means a ditch or trench with vertical sides and substantially flat bottom with a minimum of twelve (12) inches of clean, coarse filter material into which a single distribution line has been laid, the trench then being backfilled with a minimum of six (6) inches of soil. (See Diagram 12)

(33) "Distribution box" means a watertight structure which receives septic tank or other treatment facility effluent and distributes it concurrently into two (2) or more header pipes leading to the disposal area. (See Appendix C)

(34) "Distribution pipe or lateral pipe" means an open-jointed or perforated pipe used in the dispersion of septic tank or other treatment facility effluent into disposal trenches, seepage trenches, or seepage beds. (See Diagrams 1 through 7 and 11)

(35) "Distribution unit" means a distribution box, dosing tank, diversion valve or box, header pipe, or other means of transmitting septic tank or other treatment unit effluent from the effluent sewer to the distribution pipes. (See Diagrams 1 through 7 and 11)

(36) "Diversion valve" means a watertight structure which receives septic tank or other treatment facility effluent through one (1) inlet, distributes it to two (2) outlets, only one (1) of which is utilized at a given time (See Diagram 11 and Appendix C) (37) "Dosing tank" means a watertight receptacle placed after a septic tank or other treatment facility equipped with an automatic siphon or pump designed to discharge treated effluent at a rate not to exceed twenty (20) percent of the projected daily sewage flow.

(38) "Dosing Septic Tank" means as unitized device performing functions of both a septic tank and a dosing tank.

(39) "Dwelling" means any structure or building, or any portion thereof which is used, intended, or designed to be occupied for human living purposes including, but not limited to, houses, houseboats, boathouses, float houses, mobile homes, hotels, motels, and apartments.

(40) "Effective seepage area" means the sidewall area within a disposal trench or a seepage trench from the bottom of the trench to a level two (2) inches above the distribution pipes, or the sidewall area of any cesspool, seepage pit, unsealed earth pit privy, or gray water waste disposal sump seepage chamber; or the bottom area of a seepage bed. (See Diagrams 12, 14, 15, 16, and 17)

(41) "Effective soil depth" means the depth of soil material above a layer that impedes movement of water, air, and growth of plant roots. Layers that differ from overlying soil material enough to limit effective soil depth are hardpans, claypans, fragipans, compacted soil, bedrock, saprolite, and clayey soil.

(42) "Effluent lift pump" means a pump used to lift septic tank or other treatment facility effluent to a higher elevation. (See Appendix E)

(43) "Effluent sewer" means that part of the system of drainage piping that conveys treated sewage from a septic tank or other treatment facility into a distribution unit or an absorption facility. (See Diagrams 1 through 7, 11, and 17, and Appendix F)

(44) "Emergency repairs" means repair of a failing system where immediate action is necessary to relieve a situation in which sewage is backing up into a dwelling or building, or repair of a broken pressure sewer line.

(45) "Escarpment" means any naturally occurring slope greater than fifty (50) percent which extends vertically six (6) feet or more as measured from toe to top, and which is characterized by a long cliff or steep slope which separates two (2) or more comparatively level or gently sloping surfaces, and may intercept one (1) or more layers that limit effective soil depth. (See Diagrams 18 and 19)

(46) "Evapotranspiration-Absorption (ETA) system" means an alternative system consisting of a septic tank or other treatment facility, effluent sewer and a disposal bed or disposal trenches, designed to distribute effluent for evaporation, transpiration by plants, and by absorption into the underlying soil. (See Diagrams 6 and 7)

(47) "Existing on-site sewage disposal system" (existing system) means any installed on-site sewage disposal systems constructed in conformance with the rules, laws and local ordinances in effect at the time of construction, or which would have conformed substantially with system design provided for in Commission, State Health Division, or State Board of Health Rules.

(48) "Failing System" means any system which discharges untreated or incompletely treated sewage or septic tank effluent directly or indirectly onto the ground surface or into public waters.

(49) "Filter material" means clean, washed gravel ranging from three quarters (3/4) to two and one-half (2 1/2) inches in size, or clean crushed rock ranging in size from one and one-half (1-1/2) to two and one-half (2-1/2) inches. (See Diagrams 6, 7, 9, 12, 14, 15, 16, and 17)

(50) "Five-day biochemical oxygen demand" (5 day BOD) means the quantity of oxygen used in the biochemical oxidation of organic matter in five days at twenty (20) degrees centigrade under specified conditions and reported as milligrams per liter (mg/l).

(51) "Fragipan" means a loamy subsurface horizon with high bulk density relative to the horizon above, seemingly cemented when dry, and weakly to moderately brittle when moist. Fragipans are mottled and low in organic matter. They impede movement of water, air, and growth or plant roots.

(52) "Governmental unit" means the state or any county, municipality, or political subdivision, or any agency thereof.

(53) "Grade" means the rate of fall or drop in inches per foot or percentage of fall of a pipe.

(54) "Gray water" means household sewage other than "black wastes", such as bath water, kitchen waste water and laundry wastes.

(55) "Groundwater interceptor" means any natural or artificial groundwater drainage system including agricultural drain tile, cut banks, and ditches. (See Diagram 13)

(56) "Hardpan" means a hardened layer in soil caused by cementation of soil particles with either silica, calcium carbonate, magnesium carbonate, or iron and/or organic matter. The hardness does not change appreciably with changes in moisture content. Hardpans impede movement of water and air and growth of plant roots. (57) "Header pipe" means a tight jointed part of the sewage drainage conduit which receives septic tank effluent from the distribution box, or drop box, or effluent sewer and conveys it to the disposal area. (See Diagrams 1 through 5, 7, 11, and 17)

(57) "Header Pipe" means a tight jointed part of the sewage drainage conduit which receives septic tank effluent from the distribution box, or drop box, or effluent sewer and conveys it to the disposal area. (See Diagrams 1 through 5, 7, 11, and 17)

(58) "Headwall" means a steep slope at the head or upper end of a land slump block or unstable landform. (See Diagrams 22 and 23)

(59) "Holding tank" means a watertight receptacle designed to receive and store sewage to facilitate disposal at another location.

(60) "Individual system" means system that is not a community system.

(61) "Individual water supply" means a source of water and a distribution system which serves a single residence or user for the purpose of supplying water for drinking, culinary, or household uses and which is not a public water supply system.

(62) "Industrial waste" means any liquid, gaseous, radioactive, or solid waste substance or a combination thereof resulting from any process of industry, manufacturing, trade, or business, or from the development or recovery of any natural resources.

(63) "Intermittent stream" means any surface public water or groundwater interceptor that continuously flows water for a period of greater than two months in any one year, but not continuously for that year.

(64) "Invert" is the lowest portion of the internal cross section of a pipe or fitting. (See Diagram 12)

(65) "Large system" means any on-site system with a daily sewage flow greater than two thousand five hundred (2,500) gallons.

(66) "Mechanical oxidation sewage treatment facility" means an aerobic sewage treatment facility.

(67) "Medium sand" means a mixture of sand with 100 percent passing the 3/8 inch sieve, 90 percent to 100 percent passing the No. 4 sieve, 62 percent to 100 percent passing the No. 10 sieve, 45 percent to 82 percent passing the No. 16 sieve, 25 percent to 55 percent passing the No. 30 sieve, 5 percent to 20 percent passing the No. 50 sieve, 10 percent or less passing the No. 60 sieve, and 4 percent or less passing the No. 100 sieve.

(68) "Nonwater-carried waste disposal facility" means any toilet facility which has no direct water connection, including pit privies, vault privies and self-contained construction type chemical toilets.

(69) "Occupant" means any person living or sleeping in a dwelling.

(70) "On-site sewage disposal system (system) "means any installed or proposed sewage disposal facility including, but not limited to a standard subsurface, alternative, experimental or non-water carried sewage disposal system, installed or proposed to be installed on land of the owner of the system or on other land as to which the owner of the system has the legal right to install the system.

(71) "Owner" means any person who alone, or jointly, or severally with others:

(a) Has legal title to any lot, dwelling, or dwelling unit; or

(b) Has care, charge, or control of any real property as agent, executor, executrix, administrator, administratrix, trustee, leasee, or guardian of the estate of the holder of legal title; or

(c) Is the contract purchaser of real property.

(72) "Permanent ground water table" means the upper surface of a saturated zone that exists year-round. The thickness of the saturated zone, and, as a result, the evaluation of the permanent ground water table may fluctuate as much as twenty (20) feet or more annually; but the saturated zone and associated permanent ground water table will be present at some depth beneath land surface throughout the year.

(73) "Permit" means the written permit issued by the Agent bearing the signature of the Agent which by its conditions authorizes the permittee to construct, install, alter, repair, or extend a subsurface or alternative sewage disposal system.

(74) "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.

(75) "Pollution" or "water pollution" means such alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, silt or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state, which will or tends to, either by itself or in connection with any other substance, create a public nuisance or which will or tends to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses or to livestock, wildlife, fish or other aquatic life or the habitat thereof.

(76) "Portable toilet shelter" means any readily relocatable structure built to house a toilet facility.

(77) "Pressure distribution lateral" means piping and fittings in pressure distribution systems which distribute septic tank or other treatment unit effluent to filter material through small diameter orifices. (See Diagrams 8, 9, and 12)

(78) "Pressure distribution manifold" means piping and fittings in a pressure distribution system which supply effluent from pressure transport piping to pressure distribution laterals. (See Diagrams 8 and 9)

(79) "Pressure distribution system" means any system designed to uniformly distribute septic tank or other treatment unit effluent under pressure in an absorption facility or sand filter. (See Diagrams 8 and 9)

(80) "Pressure transport piping" means piping which conveys septic tank or other treatment unit effluent to a pressure distribution manifold by means of a pump. (See Diagrams 8 and 9)

(81) "Prior approval" means a written approval for on-site sewage disposal, for a specific lot, issued prior to January 1, 1974.
(82) "Prior construction permit" means a subsurface sewage disposal system construction permit issued prior to January 1, 1974, by a county that had an ordinance requiring construction permits for subsurface sewage disposal systems.

(82) "Prior construction permit" means a subsurface sewage disposal system construction permit issued prior to January 1, 1974, by a county that had an ordinance requiring construction permits for subsurface sewage disposal systems.

(83) "Privy" means a structure used for disposal of human waste without the aid of water. It consists of a shelter built above a pit or vault in the ground into which human waste falls. (84) "Public health hazard" means a condition whereby there are sufficient types and amounts of biological, chemical, or physical, including radiological, agents relating to water or sewage which are likely to cause human illness, disorders, or disabilaity. These include, but are not limited to, pathogenic viruses, bacteria, parasites, toxic chemicals, and radioactive isotopes.

(84) "Public health hazard" means a condition whereby there are sufficient types and amounts of biological, chemical, or physical, including radiological, agents relating to water or sewage which are likely to cause human illness, disorders, or disability. These include, but are not limited to, pathogenic viruses, bacteria, parasites, toxic chemicals, and radioactive isotopes.

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

(86) "Repair" means installation of all portions of a system necessary to eliminate a public health hazard or pollution of public waters created by a failing system.

(87) "Redundant disposal field system" means a system in which two complete disposal systems are installed, the disposal trenches of each system alternate with each other and only one system operates at a given time. (See Diagram 11)

(88) "Sand filter system" means the combination of septic tank or other treatment unit, dosing system with effluent pump(s) and controls, or dosing siphons piping and fittings, sand filter, absorption facility or effluent reuse method used to treat sewage. (See Diagrams 8 and 9)

(89) "Sanitary drainage system" means that part of the system of drainage piping that conveys untreated sewage from a building or structure to a septic tank or other treatment facility, service lateral at the curb or in the street or alley, or other disposal terminal holding human or domestic sewage. The sanitary drainage system consists of a building drain or building drain and building sewer. (See Diagrams 1, 2, 3, and 16)

(90) "Saprolite" means weathered material underlying the soil that grades from soft thoroughly decomposed rock to rock that has been weathered sufficiently so that it can be broken in the hands or cut with a knife. It does not include hard bedrock or hard fractured bedrock. It has rock structure instead of soil structure.

(91) "Saturated zone" means a three (3) dimensional layer, lens, or other section of the subsurface in which all open spaces including joints, fractures, interstitial voids, pores, etc. are filled with ground water. The thickness and extent of a saturated zone may vary seasonally or periodically in response to changes in the rate or amount of ground water recharge or discharge. (See Diagram 20)

(92) "Scum" means a mass of sewage solids floating at the surface of sewage which is buoyed up by entrained gas, grease, or other substances.

(93) "Seepage area" see effective seepage area.

(94) "Seepage bed" means an absorption system having disposal trenches wider than three (3) feet.

(95) "Seepage pit" means a "cesspool" which has a treatment facility such as a septic tank ahead of it. (See Diagram 17)

(96) "Seepage trench system" means a system with disposal trenches with more than six (6) inches of filter material below the distribution pipe.

(97) "Self-contained nonwater-carried waste disposal facility" includes, but is not limited to, vault privies, chemical toilets, combustion toilets, recirculating toilets, and portable toilets, in which all waste is contained in a watertight receptacle.

(98) "Septic tank" means a watertight receptacle which receives sewage from a sanitary drainage system, is designed to separate solids from liquids, digest organic matter during a period of detention, and allow the liquids to discharge to a second treatment unit or to a soil disposal system. (See Appendix B)

(99) "Septic tank effluent" means partially treated sewage which is discharged from a septic tank.

(100) "Sewage" means water-carried human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments, or other places, together with such groundwater infiltration, surface waters, or industrial waste as may be present.

(101) "Sewage disposal service" means:

(a) The installation of on-site sewage disposal systems, or any part thereof; or

(b) The pumping out or cleaning of on-site sewage disposal systems, or any part thereof; or

(c) The disposal of material derived from the pumping out or cleaning of on-site sewage disposal systems; or

(d) Grading, excavating, and earth-moving work connected with the operations described in paragraph (a) of this subsection, except streets, highways, dams, airports or other heavy construction projects and except earth-moving work performed under the supervision of a builder or contractor in connection with and at the time of the construction of a building or structure; or

(e) The construction of drain and sewage lines from five (5) feet outside a building or structure to the service lateral at the curb or in the street or alley or other disposal terminal holding human or domestic sewage.

(102) "Sewage stabilization pond" means a pond designed to receive the raw sewage flow from a dwelling or other building and retain that flow for treatment without discharge.

(103) "Slope" means the rate of fall or drop in feet per one hundred (100) feet of the ground surface. It is expressed as percent of grade.

(104) "Soil permeability rating" refers to that quality of the soil that enables it to transmit water or air, as outlined in the United States Department of Agriculture Handbook, Number 18, entitled Soil Survey Manual.

(105) "Soil separate" means the size of soil particles according to Table 7.

(106) "Soil texture" means the amount of each soil separate in a soil mixture. Field methods for judging the texture of a soil consist of forming a cast of soil, both dry and moist, in the hand and pressing a ball of moist soil between thumb and finger. The major textural classifications are defined as follows: (See Table 6.)

(a) Sand: Individual grains can be seen and felt readily. Squeezed in the hand when dry, this soil will fall apart when the pressure is released. Squeezed when moist, it will form a cast that will hold its shape when the pressure is released, but will crumble when touched.

(b) Sandy loam: Consists largely of sand, but has enough silt and clay present to give it a small amount of stability. Individual sand grains can be readily seen and felt. Squeezed in the hand when dry, this soil will readily fall apart when the pressure is released. Squeezed when moist, it forms a cast that will not only hold its shape when the pressure is released, but will withstand careful handling without breaking. The stability of the moist cast differentiates this soil from sand.

(c) Loam: Consists of an even mixture of sand and of silt and a small amount of clay. It is easily crumbled when dry and has a slightly gritty yet fairly smooth feel. It is slightly plastic. Squeezed when moist, it forms a cast that will not only hold its shape when the pressure is released, but will withstand careful handling without breaking. The stability of the moist cast differentiates this soil from sand.

(d) Silt loam: Consists of a moderate amount of fine grades of sand, a small amount of clay, and a large quantity of silt particles. Lumps in a dry, undisturbed state appear quite cloddy, but they can be pulverized readily; the soil then feels soft and floury. When wet, silt loam runs together in puddles. Either dry or moist, casts can be handled freely without breaking. When a ball of moist soil is pressed between thumb and finger, it will not press out into a smooth, unbroken ribbon, but will have a broken appearance.

(e) Clay loam: Consists of an even mixture of sand, silt, and clay, which breaks into clods or lumps when dry. When a ball of moist soil is pressed between the thumb and finger, it will form a thin ribbon that will readily break, barely sustaining its own weight. The moist soil is plastic and will form a cast that will withstand considerable handling.

(f) Silty clay loam: Consists of a moderate amount of clay, a large amount of silt, and a small amount of sand. It breaks into moderately hard clods or lumps when dry. When moist, a thin ribbon or one-eighth (1/8) inch wire can be formed between thumb and finger that will sustain its weight and will withstand gentle movement.

(g) Silty clay: Consists of even amounts of silt and clay and very small amounts of sand. It breaks into hard clods or lumps when dry. When moist, a thin ribbon or one-eighth (1/8) inch or less sized wire formed between thumb and finger will withstand considerable movement and deformation.

(h) Clay: Consists of large amounts of clay and moderate to small amounts of sand. It breaks into very hard clods or lumps when dry. When moist, a thin, long ribbon or one-sixteenth (1/16) inch wire can be molded with ease. Fingerprints will show on the soil, and a dull to bright polish is made on the soil by a shovel.

These and other soil textural characteristics are also defined as shown in the United States Department of Agriculture Textural Classification Chart which is hereby adopted as part of these rules. This textural classification chart is based on the Standard Pipette Analysis as defined in the United States Department of Agriculture, Soil Conservation Service Soil Survey Investigations Report No. 1. (See Table 6)

(107) "Soil with rapid or very rapid permeability" means:

(a) Soil which contains thirty-five (35) percent or more of coarse fragments two (2) millimeters in diameter or larger by volume with intersticial soil of sandy loam texture or coarser as defined in Appendix A, (106)(b) and as classified in Soil Textural Classification Chart Table 6, or

(b) Coarse textured soil [loamy sand or sand as defined in Appendix A (106) and as classified in Soil Textural Classification Chart, Table 6], or

(c) Stones, cobbles, gravel, and rock fragments with too little soil material to fill interstices larger than one (1) millimeter in diameter.

(108) "Standard subsurface system" means an on-site sewage disposal system consisting of a septic tank, distribution unit and gravity-fed absorption facility constructed in accordance with OAR 340-71-220(2), using six (6) inches of filter material below the distribution pipe, and maintaining not less than eight (8) feet of undisturbed earth between disposal trenches.

(109) "Subsurface sewage disposal" means the physical, chemical or bacteriological breakdown and aerobic treatment of sewage in the unsaturated zone of the soil above any temporarily perched groundwater body.

(110) "Subsurface disposal system" means a cesspool or the combination of a septic tank or other treatment unit and effluent sewer and absorption facility. (See Diagrams 1, through 6, 11, 16, and 17)

(111) "Suspended solids" means solids in sewage that can be removed readily by standard filtering procedures in a laboratory and reported as milligrams per liter (mg/l).

(112) "System" see "On-site Sewage Disposal System"

(113) "Temporary ground water table" means the upper surface of a saturated zone that exists only on a seasonal or periodic basis. Like a permanent ground water table, the elevation of a temporary ground water table may fluctuate. However, a temporary ground water table and associated saturated zone will dissipate (dry up) for a period of at least three (3) months each year.

(114) "Test pit" means an open pit dug to sufficient size and depth to permit thorough examination of the soil to evaluate its suitability for subsurface sewage disposal.

(115) "Toilet facility" means a fixture housed within a toilet room or shelter for the purpose of receiving black waste.

(116) "Unstable landforms" means areas showing evidence of mass downslope movement such as debris flow, landslides, rockfalls, and hummocky hillslopes with undrained depressions upslope. Unstable landforms may exhibit slip surfaces roughly parallel to the hillside; landslide scars and curving debris ridges; fences, trees, and telephone poles which appear tilted; or tree trunks which bend uniformly as they enter the ground. Active sand dunes are unstable landforms. (See Diagrams 21, 22, and 23) ¶ (117) "Zone of aeration" means the unsaturated zone that occurs below the ground surface and above the point at which the upper limit of the water table exists. (See Diagram 20)

APPENDIX B

STANDARDS FOR SEPTIC TANK AND DOSING SEPTIC TANK CONSTRUCTION

I. The following requirements shall apply to all septic tanks manufactured for use in Oregon unless specifically exempted by other portions of these rules:

A. Compartments: Septic tanks shall have single or mulitple compartments. Multiple compartment tanks shall comply with the following:

1. The first compartment shall have a minimum liquid capacity of at least two-thirds (2/3) of the total required liquid capacity, as measured from the invert of the outlet fitting.

2. The second and succeeding compartments shall each have a minimum liquid capacity equal to or greater than one-half (1/2) of the liquid capacity of the first compartment.

3. Each compartment shall have access provided by a manhole having not less than eighteen (18) inches across its shortest dimension unless otherwise approved by the Department. The manhole cover shall not weigh more than seventy-five (75) pounds.

4. No compartment shall have an inside horizontal dimension of less than twenty-four (24) inches.

B. Liquid Depth: The liquid depth of any compartment shall be at least thirty (30) inches. Liquid depths greater than seventy-two (72) inches shall not be considered in

determining the working liquid capacity.

C. Septic tanks shall be water tight.

D. Septic tanks shall be capable of supporting an earth load of at least three hundred (300) pounds per square foot when the maximum coverage does not exceed three (3) feet. Tanks installed with more than three (3) feet of cover shall be reinforced to support the additional load.

E. The inlet and outlet fittings shall be of cast iron, Schedule 40 P.V.C. plastic, Schedule 40 ABS plastic, or other materials approved by the Department, with a minimum diameter of four (4) inches.

1. The distance between the inlet and outlet fittings shall be equal to, or greater than, the liquid depth of the tank.

2. The inlet and outlet fittings shall be located at opposite ends of the tank. They shall be attached in a water tight manner approved by the Department.

3. The inlet fitting shall be a "sanitary tee" extending at least six (6) inches above and below the liquid level.

4. The outlet fitting shall be a "tee" extending below liquid level a distance equal to not less than thirty-five (35) percent nor greater than fifty (50) percent of the liquid depth, and at least six (6) inches above the liquid depth in order to provide scum storage. When the tank is used as a holding tank, the outlet fitting shall be provided with a water tight plug.

5. Ventilation shall be provided through the fittings by means of a two (2) inch minimum space between the underside of the top of the tank and the top of the "tee" fitting.

6. The invert of the inlet fitting shall be not less than one (1) inch and preferably three (3) inches above the invert of the outlet fitting.

7. The septic tank manufacturer shall provide with each fitting a rubber or neoprene rubber gasket meeting ASTM Specification C-564, or an appropriate coupler which the Department determines will provide a water tight connection between the fittings and the building and effluent sewer pipes.

8. An access cover of not less than eight (8) inches across shall be provided above each fitting.

F. At least ten (10) percent of the inside volume of the tank shall be above liquid level to provide scum storage.

G. In tanks with more than one (1) compartment, a four (4) inch diameter (minimum) "tee" fitting shall be placed in each common compartment wall, using the same specifications as required for the outlet fitting. The invert of this "tee" fitting shall be at the same elevation as the outlet "tee."

H. Septic tanks shall be constructed of concrete, not less than twelve (12) gauge or thicker steel, or other materials approved by the Department.

1. Steel tanks shall be coated inside and out with asphalt or other protective coatings, meeting the most current

U.S. Department of Commerce Commercial Standard CS 177, Sections 5.3.1 through 5.3.4.4, or other coatings of equal performance approved by the Department.

2. Precast concrete tanks shall have a minimum wall, compartment, and bottom thickness of two and one-half (2 1/2) inches, and shall be adequately reinforced. The top shall be at least four (4) inches thick.

3. Where concrete block tanks are permitted by the Agent, the tanks shall be constructed of heavyweight concrete block, eight (8) inch minimum thickness, laid on a six (6) inch (minimum) poured foundation slab. The mortared joints shall be well filled. All block holes or cells shall be filled with mortar or concrete. "k" webbing shall be installed at every third row of block. Number three (3) re-bar shall be installed vertically in every block. Tank interiors shall be surfaced with at least two (2) one-eighth (1/8) inch thick coats of corrosion resistant water-proof sealant. The first row of blocks shall be keyed or doweled to the concrete foundation.

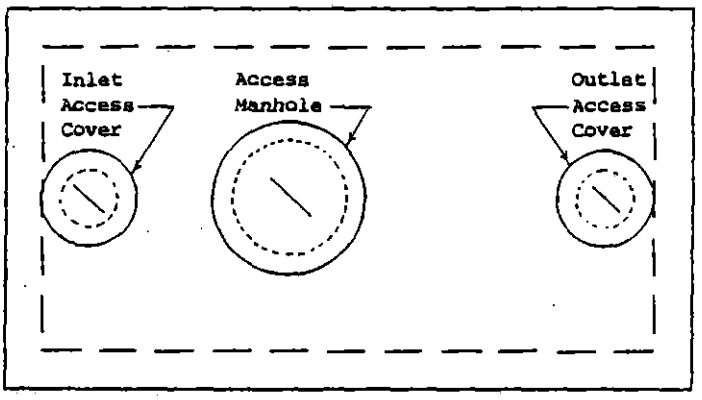
4. Cast-in-place concrete tanks shall be constructed using the minimum sidewall thickness, bottom thickness, top thickness, and reinforcing shown in the following diagram and table. All other requirements contained herein shall also be met. A structural permit is required from the Department of Commerce or the municipality with jurisdiction as defined in [ORS 456.750(5)1.

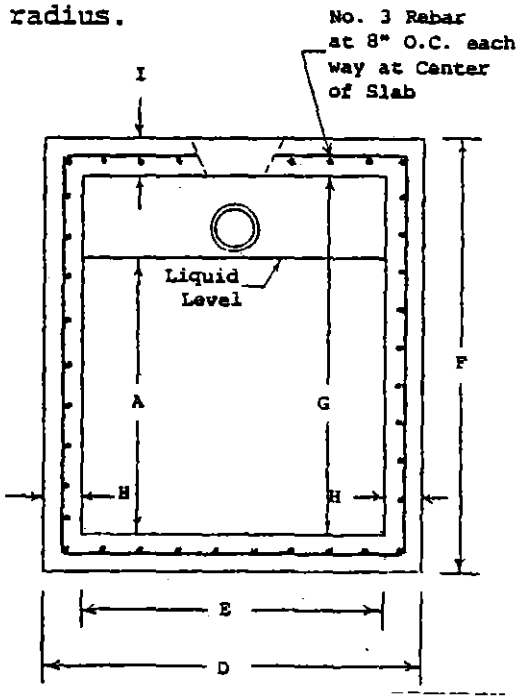
TYPICAL CAST-IN-PLACE CONCRETE SEPTIC TANK SPECIFICATIONS

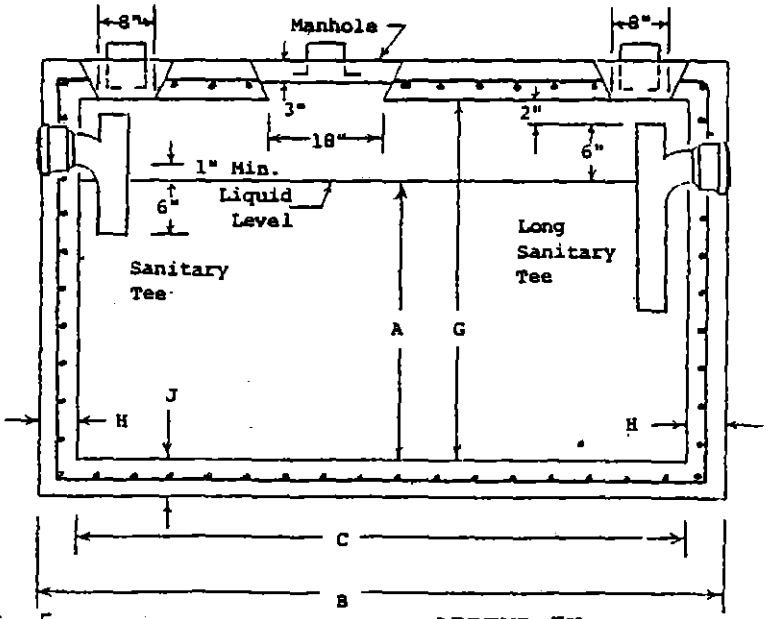
Working Capacity (gallons)		Working Capacity (cubic feet)	Liquid Depth	Tank Length		Tank Width		Tank Depth		Concrete Thickness		
Min. Required	Calculated			Outside	Inside	Outside	Inside	Outside	Inside	Side	Top	Bottom
			A	B	C	D	E	F	G	H	I	J
1000	1017	136	4'-3"	9'	8'	5'	4'	5'-11"	4'-11"	6"	6"	6"
1250	1256	168	4'-8"	9'	8'	5'-6"	4'-6"	6'-4"	5'-4"	6"	6"	6"
1500	1503	201	5'-7"	9'	8'	5'-6"	4'-6"	7'-3"	6'-3"	8"	6"	6"

Note:

1. Mix shall be at least 5 1/2 sacks cement per cubic yard.
2. Mix shall be vibrated or tamped to fill all voids.
3. Work shall be continuously wet cured for seven days after placement.
4. All reinforcing steel mats shall be centered in respective slabs and walls.
5. Reinforcing steel shall be lapped 12 inches minimum at all corners and splices.
6. Bar shall be cold-bent with not less than a 2 1/4 inch radius.







5. For cast-in-place septic tanks with dimensions different from those shown in the table, or when the septic tank is to be located under a road or driveway, two (2) copies of detailed plans and specifications, prepared by a registered professional engineer licensed to practice in Oregon shall be provided to the Agent for review and approval.

I. All prefabricated septic tanks shall be marked on the uppermost tank surface with the liquid capacity of the tank and either the manufacturers full business name or the number assigned by the Department.

J. Each commercial manufacturer of prefabricated septic tanks shall provide two (2) complete sets of plans and specifications, prepared by a registered professional engineer licensed to practice in Oregon, to the Department for review and approval.

K. Each commercial manufacturer of prefabricated septic tanks shall provide the Department with written certification that septic tanks for use in on-site sewage disposal systems in the State of Oregon will comply with all requirements of this section.

II. STANDARDS FOR DOSING SEPTIC TANK ASSEMBLIES

A. Introduction:

A dosing septic tank combines the functions of a septic tank and dosing tank into one unitized assembly by withdrawing septic tank effluent with a pump or dosing siphon from the clear zone at the outlet end of the tank. These may be considered by the Department for equipment approval for installations where the design flow does not exceed 450 gallons per day.

B. Structural:

Dosing septic tanks shall comply with applicable standards for septic tanks and for dosing tanks. Each tank shall be water tested by filling to the soffit for period of one hour. During the test there shall be no measurable drop in water level, and no visible leakage. Each tank shall be certified watertight.

C. Configuration:

1. A typical design is shown in Figure 1.
2. The minimum total volume of the tank shall be 1,100 gallons.
3. The minimum submerged volume at the lowest operating liquid level shall be 900 gallons.
4. Unless otherwise authorized by the Department, liquid levels shall be controlled so that twenty (20) percent of the projected daily sewage flow is discharged each cycle.
5. The invert of the inlet tee shall be not less than one inch above the high operating liquid level.

6. Ports, or holes provided in a vault or outlet device shall be located to withdraw effluent horizontally at an elevation measured from the inside bottom of the tank of 65 to 75 percent of the lowest operating liquid depth. The net area of the ports shall be not less than 20 square inches.

7. A convenient means of monitoring sludge and scum accumulation shall be provided, with access extending to ground level.

D. Features:

1. Design and equipment shall emphasize ease of maintenance and longevity and reliability of components, and shall be proven suitable by operational experience, test, or analysis suitable to the Department.

2. An easy means of electrical and plumbing disconnect shall be provided, preventing the need for a repairman to be more than briefly exposed to the sewerage atmosphere.

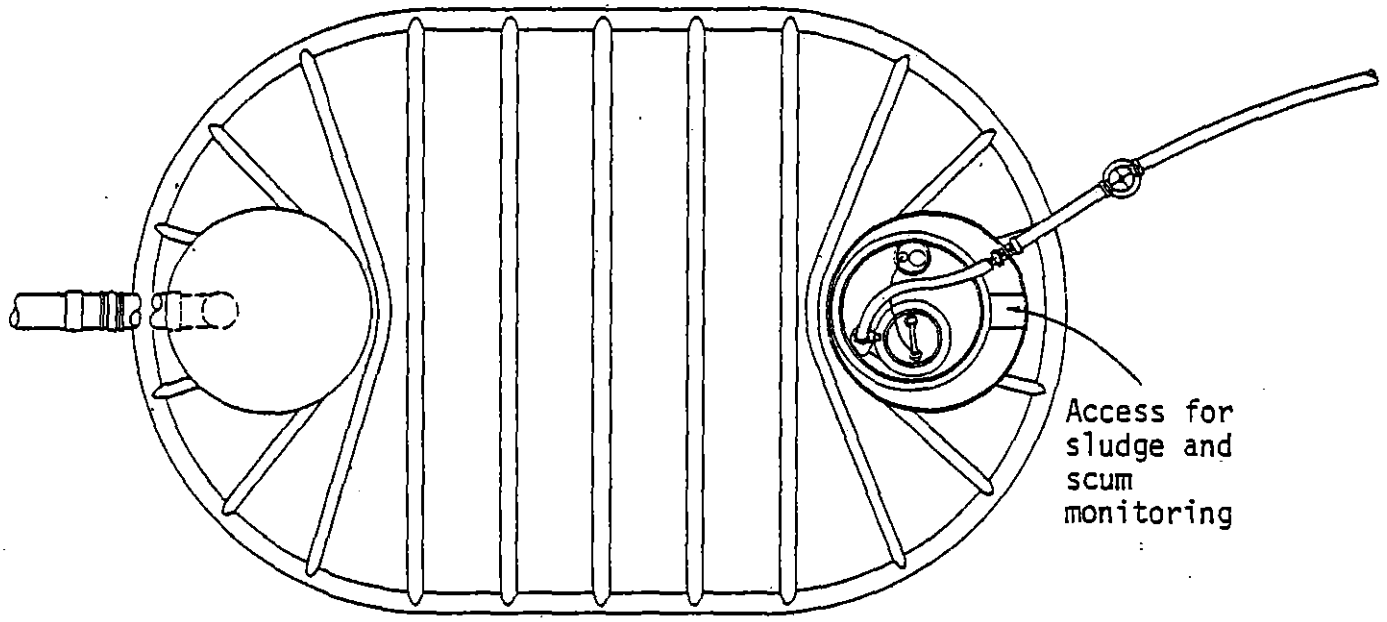
3. Component materials shall be durable and corrision resistant such as Type 316 stainless steel, suitable plastics, or 85-5-5-5 bronze.

E. Approvals:

Each commercial manufacturer of prefabricated dosing septic tanks shall provide two (2) complete sets of plans and specifications, prepared by a registered professional engineer licensed to practice in Oregon, to the Department for review and approval. Each manufacturer must also provide written

certification to the Department that such assemblies distributed for use in on-site sewage disposal systems in Oregon will comply with all requirements of this section.

TYPICAL DOSING TANK
Figure 1



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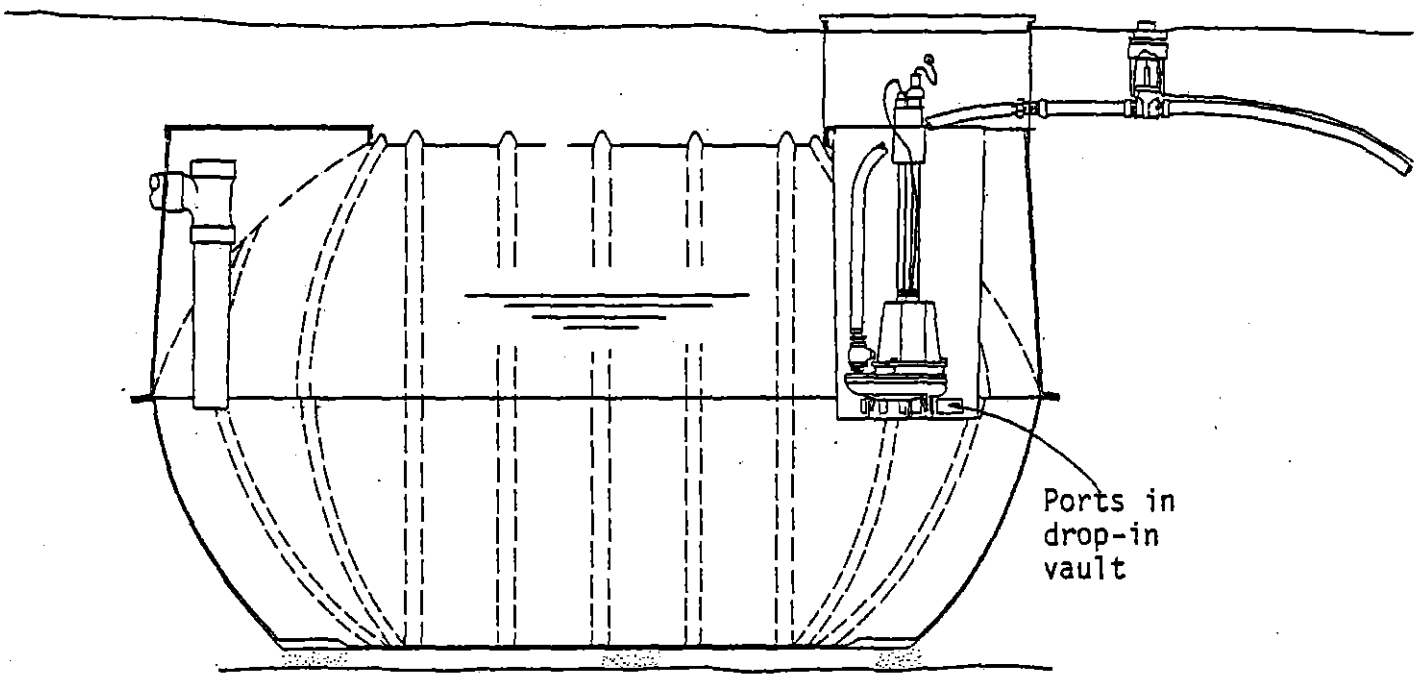


SECTION

APPENDIX C

STANDARDS FOR DISTRIBUTION BOXES, DROP BOXES, AND DIVERSION VALVES

I. DISTRIBUTION BOXES:

A. Distribution Boxes shall be constructed of concrete, fiberglass, or other materials acceptable to the Department.

B. Distribution boxes shall be watertight, and designed to accomodate the necessary distribution laterals. The top, walls, and bottom of concrete distribution boxes shall be at least one and one-half (1 1/2) inches thick.

C. The invert elevation of all outlets shall be the same, and shall be at least two (2) inches below the inlet invert.

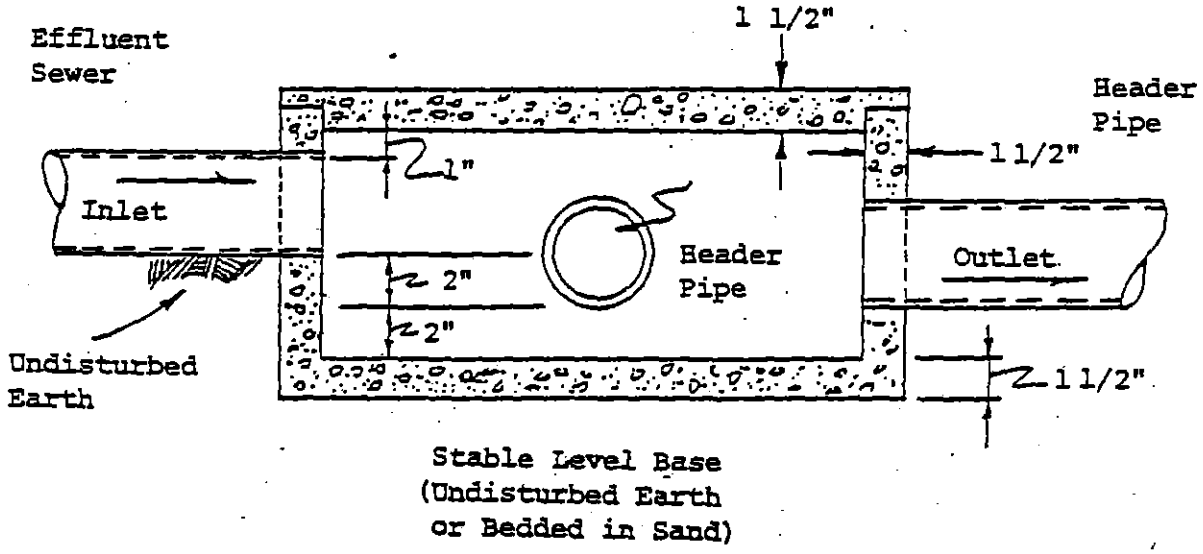
D. Each distribution box shall be provided with a sump extending two (2) inches below the invert of the outlet.

E. The minimum inside horizontal dimension measured at the bottom shall be eight (8) inches, with a minimum bottom inside surface area of one hundred sixty (160) square inches. The bottom outside surface area shall be equal to or greater than the top outside surface area.

F. Distribution box covers shall be marked with the manufacturer's full business name, or number assigned by the Department.

G. Each manufacturer shall provide the Department with complete, detailed plans and specifications of the distribution box, and shall certify, in writing, that distribution boxes manufactured for use in on-site sewage systems in Oregon will comply with all requirements of this section.

PRE-CAST CONCRETE DISTRIBUTION BOX DETAIL



II. DROP BOXES:

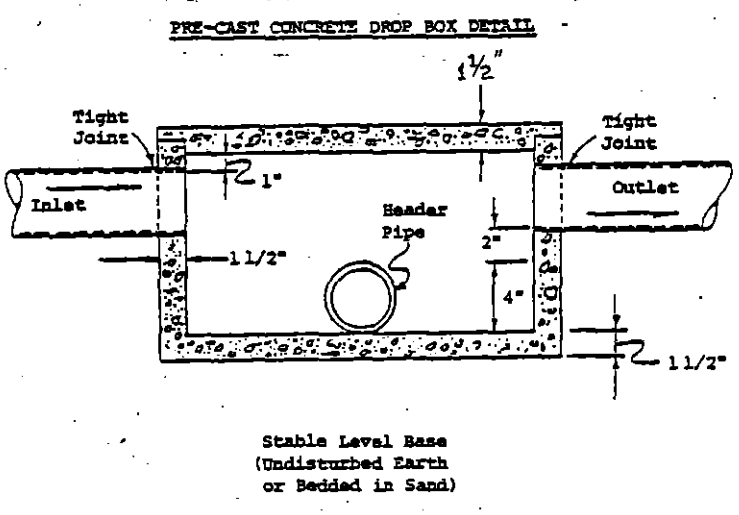
A. Drop boxes shall be constructed of concrete, fiberglass, or other materials acceptable to the Department.

B. Drop boxes shall be watertight, and designed to accommodate the necessary piping. The top, walls, and bottom of concrete drop boxes shall be at least one and one-half (1 1/2) inches thick.

C. The inverts of the inlet and overflow port shall be at the same elevation. The invert of the header pipe port(s) leading to the disposal trench(es) shall be six (6) inches below the inlet invert.

D. Drop box covers shall be marked with the manufacturer's full business name, or number assigned by the Department.

E. Each manufacturer shall provide the Department with complete, detailed plans and specifications of the drop box, and shall certify, in writing, that drop boxes manufactured for use in on-site sewage disposal systems in Oregon will comply will all requirements of this section.



III. DIVERSION VALVES:

A. Diversion valves shall be constructed of durable material and be of a design approved by the Department. They shall be corrosion-resistant, watertight, and designed to accomodate the inlet and outlet pipes.

B. The manufacturer's name or number assigned by the Department shall be marked on the cover.

C. Each manufacturer shall provide the Department with complete, detailed plans and specifications of the diversion valve, and shall certify, in writing, that diversion valves manufacuted for use in on-site sewage disposal systems in Oregon will comply with all requirements of this section.

STANDARDS FOR DOSING TANK CONSTRUCTION

A. Dosing tanks used in on-site sewage disposal systems in Oregon shall be watertight. They may be constructed of concrete, fiberglass, or other noncorrosive materials approved by the Department.

1. Fiberglass dosing tanks shall be a minimum three sixteens (3/16) inch thick and constructed with a glass fiber content of 40 percent and a resin content of 60 percent, with no exposed non-resin-covered glass fibers.

2. Precast concrete dosing tanks shall have a minimum wall and bottom thickness of two and one-half (2 1/2) inches. The top shall be not less than four (4) inches thick. There shall be no seams in the walls or bottom.

3. Cast-in-place concrete dosing tanks shall have a minimum wall, top, and bottom thickness of six (6) inches when the liquid capacity is twelve hundred (1200) gallons or less. A structural permit from the Department of Commerce or the municipality with jurisdiction [as defined in ORS 456.750(5)] is required when cast-in-place concrete dosing tanks are used. Cast-in-place concrete dosing tanks with a liquid capacity greater than twelve hundred (1200) gallons shall require submittal of detailed plans and specifications, prepared by a registered professional engineer licensed to practice in Oregon.

B. Each dosing tank shall be constructed and reinforced to withstand the loads imposed upon the walls and bottom.

C. Each dosing tank, except those employing siphons shall have a minimum liquid capacity equal to the projected daily sewage flow or four hundred fifty (450) gallons, whichever is greater, for projected flows up to twelve hundred (1200) gallons per day. The Department may use its discretion in sizing dosing tanks when the projected daily sewage flow is greater than twelve hundred (1200) gallons per day. The liquid capacity shall be as measured from the invert elevation of the inlet fitting.

D. The inlet fitting shall be of hubbed cast iron soil pipe or other materials approved by the Department, with a minimum diameter of four (4) inches. The dosing tank manufacturer shall supply a rubber or neoprene rubber compression gasket meeting the minimum requirements of ASTM Specification C-564 with each fitting, or an appropriate coupler which the Department determines will provide for a water-tight connection.

E. Each dosing tank shall be provided with an access manhole with a minimum inside horizontal measurement of eighteen (18) inches where entry is necessary for operation and maintenance.

F. Each prefabricated dosing tank shall be marked on the uppermost surface with the liquid capacity and the manufacturer's full business name, or number assigned by the Department.

G. Each commerical manufacturer of prefabricated dosing tanks shall provide two (2) complete sets of plans and specifications, prepared by a registered professional engineer, licensed to practice in Oregon, to the Department for review and approval. Each manufacturer must also provide written certification to the Department that such tanks distributed for use in on-site sewage disposal systems in Oregon will comply with all requirements of this section.

H. Dosing tanks with siphons shall be designed and sized for each specific project and shall allow sufficient clearance above the siphon dome to allow removal of the dome.

APPENDIX E

STANDARDS FOR EFFLUENT PUMPS, CONTROLS & ALARMS, AND DOSING SIPHONS

I. Pumps, Controls, and Alarms: Electrical components used in on-site sewage disposal systems shall comply with State of Oregon Electrical Code, and the following provisions:

A. Motors shall be continuous-duty, single-phase with built-in automatic reset-overload protection on a separate starting winding.

B. Pumps shall have durable impellers of bronze, cast iron, or other materials approved by the Department.

C. Submersible pumps shall be provided with an easy, readily accessible means of electrical and plumbing disconnect, and a noncorrosive lifting device as a means of removal for servicing.

D. Pumps shall be capable of passing a three-quarter (3/4) inch solid sphere, and have a minimum one and one-quarter (1 1/4) inch discharge.

E. Pumps shall be placed a minimum of six (6) inches above the dosing tank bottom.

F. Pumps shall be automatically controlled by sealed mercury float switches with a minimum mercury tube rating of twelve (12) amps at one hundred fifteen (115) volts A.C. The switches shall be installed so that twenty (20) percent of the projected daily sewage flow is discharged each cycle.

G. An audible, high water level alarm with manual silence switch shall be located near the building served by the pump. Alarm and pump controls shall be on separate circuits. If the alarm is located inside the building it shall be an audio-visual type with silence switch. The mercury float switch controlling the high water level alarm shall be located so that at time of activation the dosing tank has at least one-third (1/3) of its capacity remaining for effluent storage.

H. An electrical permit is required for all electrical connections and components.

I. When the projected sewage flow for the system exceeds twelve hundred (1200) gallons per day, or when the static lift is greater than one hundred (100) feet, the Department may exercise reasonable judgment in varying from the minimum pump requirements identified in this section.

II. Dosing Siphons. Dosing siphons used in on-site sewage disposal systems shall comply with all of the following minimum requirements:

A. Shall be constructed of corrosion-resistant materials.

B. Shall be installed in accordance with the manufacturer's recommendations.

APPENDIX F

STANDARDS FOR PIPE MATERIALS AND CONSTRUCTION

I. EFFLUENT SEWER PIPE:

The effluent sewer shall be constructed with materials in conformance to building sewer standards, as identified in the Oregon State Plumbing Laws and Administrative Rules. The effluent sewer pipe shall have a minimum diameter of three (3) inches and extend not less than five (5) feet beyond the septic tank. It shall be installed with a minimum fall of four (4) inches per one hundred (100) feet (slope equals 0.0050), but in no instance shall there be less than two (2) inches of fall from one end of the pipe to the other.

II. DISTRIBUTION AND HEADER PIPE AND FITTINGS:

A. Plastic Pipe and Fittings

1. Styrene-rubber plastic distribution and header pipe and fittings shall meet the most current ASTM (American Society for Testing and Materials) Specification D 2852 and Sections 5.5 and 7.8 of Commercial Standard 228, published by the U.S. Department of Commerce. Pipe and fittings shall also pass a deflection test withstanding three hundred-fifty (350) pounds/foot without cracking by using the method found in ASTM 2412. In addition to the markings required by ASTM 2852, each manufacturer of styrene-rubber plastic pipe shall certify, in writing to the Department, that

the pipe to be distributed for use in absorption facilities within the State of Oregon will comply with all requirements of this section.

2. Polyethylene distribution pipe in ten (10) foot lengths and header pipe in lengths of ten (10) feet or greater of which pipe and fitting shall meet the current ASTM Specification F405. Pipe and fittings shall also pass a deflection test withstanding three hundred-fifty (350) pounds per foot without cracking or collapsing by using the method found in ASTM 2412. Pipe used in absorption facilities shall be heavy duty. In addition to the markings required by ASTM F405, each manufacturer of polyethylene pipe shall certify, in writing to the Department that the pipe to be distributed for use in absorption facilities within the State of Oregon will comply with all requirements of this section.

3. Polyvinyl chloride (PVC) distribution and header pipe and fittings shall meet the most current ASTM Specification D-2729. Pipe and fittings shall pass a deflection test withstanding three hundred-fifty (350) pounds per foot without cracking or collapsing by using the method found in ASTM 2412. Markings shall meet requirements established in ASTM Specification D-2729, subsections 9.1.1., 9.1.2 and 9.1.4. Each manufacturer of polyvinyl chloride pipe shall

certify, in writing to the Department, that pipe and fittings to be distributed for use in absorption facilities within the State of Oregon will comply with all requirements of this section.

4. High density polyethylene smooth wall distribution and header pipe [ten (10) foot lengths] and fittings shall meet the specifications designated as Appendix I. Each manufacturer of high density polyethylene smooth wall pipe shall certify, in writing to the Department that the pipe to be distributed for use in absorption facilities within the State of Oregon will comply with all requirements of this section.

5. The four types of plastic pipe described above shall have two (2) rows of holes spaced one hundred-twenty (120) degrees apart and sixty (60) degrees on either side of a center line. For distribution pipe, a line of contrasting color shall be provided on the outside of the pipe along the line furthest away and parallel to the two (2) rows of perforations. Markings, consisting of durable ink, shall cover at least fifty (50) percent of the pipe. Markings may consist of a solid line, letters, or a combination of the two. Intervals between markings shall not exceed twelve (12) inches. The holes of each row shall be not more than five (5) inches on center and

shall have a minimum diameter of one-half (1/2) inch.

B. Concrete tile in twelve (12) inch lengths shall meet the current ASTM Specification C 412. Each manufacturer of concrete tile shall certify, in writing to the Department, that the pipe to be distributed for use in absorption facilities within the State of Oregon will comply with all of the requirements of this section.

C. Clay drain tile in twelve (12) inch lengths shall meet the current ASTM Specification C 4. Tile used as part of an absorption facility shall bear the ASTM number above and some identification as to which quality standard it meets (Standard, Extra-Quality, Heavy-Duty). In addition to the markings required above, each manufacturer of clay tile shall certify, in writing to the Department, that the pipe to be distributed for use in absorption facilities within the State of Oregon shall comply with all of the requirements of this section.

D. Bituminized fiber solid pipe and fittings shall meet the current ASTM Specification D 1861. Perforated bituminized fiber pipe shall meet the current ASTM Specification D 2312. Each length of pipe and each fitting shall be marked with the nominal size, the manufacturer's name or trademark, or other symbol which clearly identifies the manufacturer and the appropriate ASTM specification number above. Markings on pipe

shall be spaced at intervals not greater than two (2) feet. In addition to the markings required above, each manufacturer of bituminized pipe shall certify, in writing to the Department, that the pipe to be distributed for use in absorption facilities within the State of Oregon shall comply with all requirements of this section. In addition, all bituminized pipe that is to be installed as part of an absorption facility shall comply with the following requirements. The pipe shall have two rows of holes spaced one hundred-twenty (120) degrees apart and sixty (60) degrees on either side of a center line. For distribution pipe, a line of contrasting color shall be provided on the outside of the pipe along the line furthest away and parallel to the two (2) rows of perforations. Markings, consisting of durable ink, shall cover at least fifty (50) percent of the pipe. Markings may consist of a solid line, letters, or a combination of the two. Intervals between markings shall not exceed twelve (12) inches. The holes of each row shall not be more than five (5) inches in center and shall have a minimum diameter of one-half (1/2) inch.

E. Polyvinyl chloride (PVC) pressure transport pipe, pressure manifolds, and pressure lateral pipe and fittings shall meet the current requirements for Class 160 PVC 1120 pressure pipe as identified in ASTM Specification D-2241. The pipe and fittings shall marked be as required by ASTM Specification D-2241.

APPENDIX G

STANDARDS FOR NONWATER-CARRIED WASTE DISPOSAL FACILITIES, MATERIALS, AND CONSTRUCTION

I. PRIVIES AND PORTABLE TOILET SHELTERS:

A. Privies and portable toilet shelters shall comply with the following general requirements:

1. Structures shall be free of hostile surface features, such as exposed nail points, sharp edges, and rough or broken boards, and shall provide privacy and protection from the elements.

2. Building ventilation shall be equally divided between the bottom and top halves of the room. All vents shall be screened with sixteen (16) mesh screen of durable material.

3. Buildings shall be of fly-tight construction and shall have self-closing doors with an inside latch.

4. Pits, tanks or vaults shall be vented to the outside atmosphere by a flue or vent stack having a minimum inside diameter of four (4) inches. Vents shall extend not less than twelve (12) inches above the roof.

5. Interior floors, walls, ceilings, partitions, and doors shall be finished with readily cleanable impervious materials resistant to wastes, cleansers and chemicals. Floors and risers shall

be constructed of impervious material and in a manner which will prevent entry of vermin.

6. Seat tops shall be not less than twelve (12) inches nor more than sixteen (16) inches above the floor. The seat openings shall be covered with attached, open-front toilet seats with lids, both of which can be raised to allow use as a urinal.

7. The distance between the front of the riser and the building wall shall be not less than twenty-one (21) inches.

B. Privies: In addition to complying with the requirements specified in Section I-A of this Appendix, privies shall be provided with:

1. Vents equal in area to not less than one-fifth (1/5) the floor area or a minimum of three (3) square feet, whichever is greater.

2. A minimum clear space of twenty-four (24) inches between seats in multiple-unit installations and a clear space of twelve (12) inches from the seat opening to the building wall in both single and multiple units.

C. Portable Toilet Shelters: Portable toilet shelters may be prefabricated, skid mounted, or mobile. In addition to complying with the requirements specified in Section I-A of this Appendix, portable toilet shelters shall:

1. Provide screened ventilation to the outside atmosphere having a minimum area of one (1) square foot per seat.
2. Provide a minimum floor space outside of the riser of nine (9) square feet per seat.
3. Be furnished with a toilet tissue holder for each seat.
4. Be located in areas readily accessible to users and to pumping/cleaning services.
5. Provide separate compartments with doors and partitions or walls of sufficient height to insure privacy in multiple-unit shelters except that separate compartments are not required for urinals.

II. UNSEALED EARTH PITS FOR PRIVIES:

A. The pit shall be constructed of such material and in such a manner as to prevent rapid deterioration, provide adequate capacity, and facilitate maintenance in a satisfactory manner under ordinary conditions of usage.

B. The pit shall provide a capacity of fifty (50) cubic feet for each seat installed in the privy and shall be at least five (5) feet deep. The area within sixteen (16) inches of the surface grade shall not be counted as part of the fifty (50) cubic-foot capacity.

C. Pit cribbing shall fit firmly and be in uniform contact with the earth walls on all sides, and shall rise at least six (6) inches above the original ground line and descend to the full depth of the pit. However, pit cribbing below the soil line may be omitted in rock formations.

III. SELF-CONTAINED NONWATER-CARRIED TOILET FACILITIES:

A. General Standards. All self-contained nonwater-carried toilet facilities shall comply with the following requirements:

1. They shall have water-tight chambers constructed of reinforced concrete, plastic, fiberglass, metal, or of other material of acceptable durability and corrosion resistance, approved by the Department, and designed to facilitate the removal of the wastes.
2. Black wastes shall be stored in an appropriate chamber until removal for final disposal elsewhere. Wastes shall be removed from the chamber whenever necessary to prevent overflow.
3. Chemicals containing heavy metals, including but not limited to copper, cadmium and zinc, shall not be used in self-contained toilet facilities.
4. All surfaces subject to soiling shall be impervious, easily cleanable, and readily accessible.

B. Vault Toilet Facilities:

1. The minimum capacity of vaults shall be three hundred-fifty (350) gallons or, in places of employment, one hundred (100) gallons per seat.
2. Caustic shall be added routinely to vault chambers to control odors.

C. Chemical Toilet Facilities:

1. Toilet bowls shall be constructed of stainless steel, plastic, fiberglass, ceramic or of other material approved by the Department.
2. Waste passages shall have smooth surfaces and be free of obstructions, recesses or cross braces which would restrict or interfere with flow of black wastes.
3. Biocides and oxidants shall be added to waste detention chambers at rates and intervals recommended by the chemical manufacturer and approved by the Department.
4. Chambers and receptacles shall provide a minimum storage capacity of fifty (50) gallons per seat.
5. Portable shelters housing chemical toilets shall display the business name of the licensed sewage disposal service that owns and is responsible for servicing them.

STANDARDS FOR CONSTRUCTION OF SEEPAGE PITS, CESSPOOLS, AND GRAY WATER WASTE DISPOSAL SUMPS

I. SEEPAGE PITS OR CESSPOOLS:

A. The liquid capacity of a seepage pit or cesspool shall be at least equal to the calculated volume of the required septic tank capacity for the dwelling or establishment served.

B. The minimum inside diameter of the lining shall be four (4) feet.

C. Two or more seepage pits shall be separated from each other by a distance equal to twelve (12) feet of undisturbed earth, minimum. Whenever a pit with inside diameter greater than four (4) feet is used, pits shall be separated by a distance equal to three (3) times the diameter of the largest pit. For pits over twenty (20) feet in depth, the minimum space between pits shall be twenty (20) feet.

D. Maximum depth of seepage pits and cesspools shall be thirty-five (35) feet below the ground surface.

E. The seepage pit or cesspool shall be lined with stone, fired clay brick, building tile, adequately reinforced perforated precast concrete rings at least two and one-half (2 1/2) inches thick, or other materials approved by the Department. A six (6) inch space shall be required between the lining of the pit and the soil,

and it shall be backfilled with clean, coarse filter material.

F. The inlet pipe of the seepage pit or cesspool shall be an elbow constructed of cast-iron or other material approved by the Department.

G. Pits shall be covered with reinforced concrete tops equivalent in strength to septic tank covers required under Appendix B.

H. An inspection port, not less than six (6) inches across its shortest dimension shall provide access at the top of the seepage pit over the inlet. (See Diagrams 14 and 15).

I. Connecting building and/or effluent sewer lines shall be laid on a firm bed of undisturbed earth throughout their length.

J. When multiple pits are used, or in the event new pits are added to an existing system, they should be connected in parallel.

II. GRAY WATER WASTE DISPOSAL SUMPS:

A. A gray water waste disposal sump shall consist of a receiving chamber, settling chamber, and either a seepage chamber or disposal trench. Gray water waste disposal sumps shall be constructed of materials approved by the Department. (See Diagrams 13 and 14).

SPECIFICATIONS FOR:
FOUR INCH HIGH DENSITY POLYETHYLENE SMOOTH WALL TUBING
October 5, 1977

Note: All specifications are assumed to be for tubing cured at 72° ± 2°F.

1. Outside diameter 4.215" ± 0.009".

2. Permissible deviation 0.050" from roundness.

3. Die center, a maximum of no more than 0.007" between readings for all measurable points.

4. Pipe and fittings shall pass a deflection test withstanding three hundred fifty (350) pounds per foot without cracking or collapsing by using the method found in ASTM 2412.

5. Flattening, no splitting or cracking at 20 percent deflection.

6. Smooth Wall High Density Polyethylene Tubing shall have two rows of holes spaced one hundred twenty (120) degrees apart and sixty (60) degrees on either side of a center line. For distribution pipe, a line of contrasting color shall be provided on the outside of the pipe along the line farthest away and parallel to the two rows of perforations. Markings, consisting of durable ink, shall cover at least fifty (50) percent of the pipe. Markings may consist of a solid line, letters, or a combination of the two. Intervals between markings shall not exceed twelve (12) inches. The holes of each row shall be not more than five (5) inches on center and shall have a minimum diameter of one-half (1/2) inch.

7. The pipe shall have a belled end, and have a length of 10 feet 3 inches ± 1/4 inch.

8. The pipe shall be white in color with a UV stabilizer.

9. The following coding sequence shall be used:

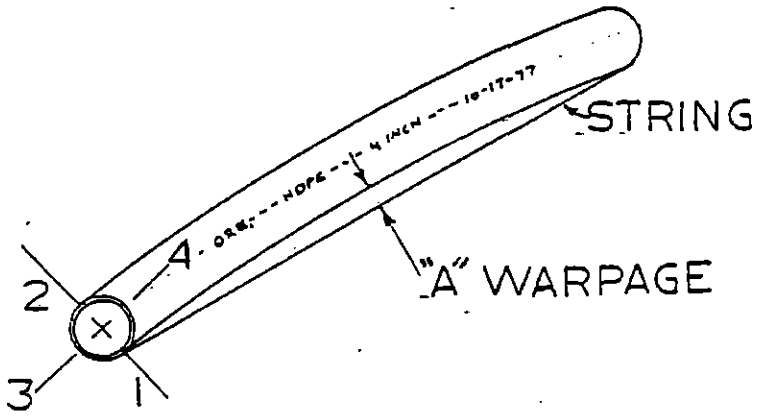
   (Manufacturer's Name) - - - HDPE - - - Leachfield - - -

   4 INCH - - - (proper date and plant coding).

10. Appearance, pipe must have smooth I.D. and O.D. with a minimum amount of streaks, lines and pits on O.D., and must be free of any splits or blow holes. (Any questionable product must be approved through Quality Control.)

11. Belling depth (after 30 minute cure) 4.215 plug gauge depth one and three-quarters (1-3/4) inches minimum.

12. The maximum allowable warpage is one-quarter (1/4) inch (Dimension A). To measure warpage, place pipe on a flat floor with markings up (position No. 4, see sketch). Check warpage first at positions 1 and 2 by stretching a string the full length of the pipe and measuring warpage (Dimension A, see sketch), then rotate pipe 90° and repeat procedure for positions 3 and 4.



13. The minimum wall thickness 0.110 inches.

$$\text{SDR Number} = \frac{4.215}{0.110} = 38.3$$

14. The polyethylene plastic pipe compounds shall be found to conform to the following cell classification limits by the appropriate ASTM test method listed:

Property	Test Method	Cell Classification Limits
Density (g/cm^3)	D 1505	greater than 0.941
Melt Index	D 1238	less than 0.4
Flexural Modulus (PSI)	D 790	greater than 160,000
Tensile Strength at Yield (PSI)	D 638	greater than 4,000
Environmental Stress Crack Resistance	D 1693	no cracking

15. Each manufacturer of high density polyethylene smooth wall tubing shall certify, in writing to the Department, that the pipe to be distributed for use in absorption facilities within the State of Oregon will comply with all requirements of this section.

CLATSOP PLAINS MORATORIUM AREA

[340-71-460(6)(e)]

Pursuant to ORS 454.685, neither the Director nor his authorized representative shall issue either construction permits for new subsurface sewage disposal systems or favorable reports of evaluation of site suitability within the boundaries of the following geographic areas of Clatsop County:

(A) That area bounded on the South by the North line at that certain right-of-way reserved by Frank L. Huriburt, et al, in a deed to Charles V. Brown as recorded in Book 65, Page 527, Clatsop County Record of Deeds; Bounded on the West by the high tide line of the Pacific Ocean; Bounded on the North and East by a line extending from the Pacific Ocean Easterly to the Southwest corner of that certain tract conveyed to the State of Oregon as recorded in Book 230, Page 485, Clatsop County Record of Deeds; thence Easterly and Southerly along the South line of said tract to the Southeast corner thereof; thence running Easterly to the Westerly right-of-way line of the Fort Stevens — Camp Clatsop Highway, commonly referred to as "Ridge Road," said point being the Easterly terminus of the North boundary of tract herein described; thence Southerly along the Westerly right-of-way line of said Ridge Road to its intersection with the South line of the Hobson D.L.C.; thence West along the South line of said Hobson D.L.C. to the Northwest corner of that certain tract conveyed to Stanley I. and Elvira M. Guild as recorded in Book 260, Page 161, Clatsop County Record of Deeds; thence Southerly along the West boundary line of the said Guild tract and the extension thereof to the South rightof-way line of County Road #34, commonly known as DeLaura Beach Road; thence East along the Southerly right-of-way line of said County Road a distance of 2275' more or less to the Easterly right-of-way line of Clark Boulevard as platted in DeLaura Subdivision as platted in Section 29, Township 8 North, Range 10 West, Willamette Meridian; thence Southeasterly along the Easterly right-of-way line of said Clark Boulevard to its intersection with the East bank of the West branch of Neacoxie Creek; thence Southerly along the East bank of the said West branch of Neacoxie Creek to an intersection with the South line of Neacoxie Subdivision as platted in Section 33, Township 8 North, Range 10 West, Willamette Meridian; thence East along the South line of said Neacoxie Subdivision to the Westerly right-of-way line of aforesaid Ridge Road; thence South and East along the Westerly right-of-way line of said Ridge Road to its intersection with the West bank of the East branch of Neacoxie Creek; thence Southerly along the West bank of the East branch of said Neacoxie Creek to the Northeast corner of that certain tract conveyed to Ben D. and Muriel Hayes by deed recorded

in Book 213, Page 446, Clatsop County Record of Deeds; thence West along the North line of said Hayes property to the Northwest corner thereof; thence South-easterly along the Westerly line of the said Hayes property to the Southwest corner thereof, said point being the Northwest corner of property conveyed to Donald R. and Helen A. Falleur by deed recorded in Book 364, Page 282-83, Clatsop County Record of Deeds; thence continuing Southeasterly along the Westerly line of said Falleur property to the North Boundary line of the Platted Ivyloo Subdivision in Section 9, Township 7 North, Range 10 West, Willamette Meridian; thence West along the North line of said Ivyloo Subdivision to the Northwest corner thereof; thence South 13° 32' East along the Westerly line of said Ivyloo Subdivision and the extension thereof to the North line of that certain right-of-way reserved by Frank L. Hurlburt as aforesaid.

(B) The Del Rey Beach Subdivision located in Section 33, Township 7 North, Range 10 West, Willamette Meridian, as shown on Plate 7-10-33A, Clatsop County, Oregon.

(C) That area beginning at the intersection of Clark Boulevard with County Road #34 in DeLaura Beach Subdivision as platted in Section 29, Township 8 North, Range 10 West, Willamette Meridian, Clatsop County, State of Oregon; thence Southerly along the center line of Clark Boulevard to the South right-of-way line of College Avenue; thence West along the South right-of-way line of said College Avenue to the East bank of the West branch of Neacoxie Creek; thence Southerly along the East bank of said creek to the South line of Neacoxie Subdivision as platted in Section 33, Township 8 North, Range 10 West, Willamette Meridian; thence East along the South line of said Neacoxie Subdivision and the extension thereof to the West line of Ridge Road; thence Southerly along the West line of said Ridge Road and East along the Southerly right-ofway line of Columbia Beach Road to its intersection with the East right-of-way line of Oregon Coast Highway 101; thence South along the East right-of-way of said Hwy 101 to its intersection with the North rightof-way line of Perkins Road; thence East along the North right-of-way line of said Perkins Road to its intersection with the West right-of-way line of Rodney Acres Road; thence Northerly along the West line of Rodney Acres Road to the center line of Skipanon Creek; thence Northwesterly along the needle of Skipanon Creek to the South line of Warrenton City limits; thence following the Warrenton City limits boundary in a Northwesterly direction to the point of beginning.

(D) That area beginning at a point where the North line of that certain tract conveyed to Michael Palmer by deed recorded in Book 400, Page 576-587, Clatsop County Record of Deeds, intersects the East right-of-way line of the Burlington Northern Railroad in Section 9, Township 7 North, Range 10 West, Willamette Meridian, Clatsop County, State of Oregon; thence East along the North line of the said Palmer tract to the Northeast corner thereof; thence South along the East boundary of said tract to the Southeast corner thereof; thence West along the south boundary of said tract to its intersection with the East line of the Burington Northern Railroad right-of-way as aforesaid; thence North along the East line of said right-of-way to the point of beginning. Said parcel being located in Sections 9 and 10, Township 7 North, Range 10 West, Willamette Meridian.

(E) That area beginning at the Southwest corner of Ivyloo Acres Subdivision as platted in Section 9, Township 7 North, Range 10 West, Willamette Meridian, Clatsop County, State of Oregon; thence South 13° 32' East a distance of 370' more or less to the North line of that certain right-of-way reserved by Frank L. Hurlburt in his conveyance to Charles V. Brown as recorded in Book 65, Page 527, said point being the true point of beginning of parcel herein described; thence continuing South 13° 32' East a distance of more or less to its intersection with the South line of the John Hobson D.L.C.; thence West along the South line of said Hobson D.L.C. to the East bank of Neacoxie Creek; thence Southerly along the East bank of said Neacoxie Creek to the South right-of-way line of Sunset Beach Road; thence East along the Southerly right-of-way line of said Sunset Beach Road to the Northeast corner of Sunset Terrace Subdivision as platted in Section 9, Township 7 North, Range 10 West, Willamette Meridian; thence Southeasterly along the Easterly line of said Sunset Terrace and its extension thereof to the North line of Loch Haven Highlands Subdivision as platted in Section 16, Township 7 North, Range 10 West, Willamette Meridian; thence East along the North line of said Loch Haven Highlands Subdivision to the Northeast corner thereof; thence Southeastly to the Southeast corner thereof; thence following the Loch Haven Highlands Subdivision boundaries as platted Westerly, Southerly, Southwesterly, and Westerly to where the South line of Loch Haven Highlands Subdivision intersects the East bank of Neacoxie Lake; thence Southerly along the East bank of said Neacoxie Lake to a point East of the Southeast corner of that tract conveyed to Anthony M. and Alberta M. Stramiello by deed recorded in Book 333, Page 523; thence West to the Southeast corner of said Stramiello tract; thence West along the South line of said tract and the extension thereof a distance of 718.8' to a point; thence South 389.7' to a point; thence West 400' to a point; thence North 00° 02' West to the Northwest corner of D.L.C. #42, said point being in the South line of the Sunset Beach Subdivision, as platted in Section 9, Township 7 North, thence West along the South line of said subdivision to the Westerly right-of-way line of Columbia Boulevard in said subdivision; thence Northerly along the Westerly right-of-way line of said Columbia Boulevard to the North line of said Sunset Beach Subdivision; thence West along the North line of said subdivision to the Pacific Ocean; thence North along the Pacific Ocean to its intersection with the North line of that certain right-of-way reserved by Frank L. Hurlburt as aforesaid; thence East along the North line of said right-of-way to the point of beginning. Excepting therefrom, however, the following described parcel. Beginning at the Southwest corner of Ivyloo Subdivision as platted in Section 9, Township 7 North, Range 10 West, Willamette Meridian; thence South 19° 32' East a distance of 375' more or less to the Northerly line of that certain 60' strip reserved as a right-of-way by Frank L. Hurlburt in his conveyance to Charles V. Brown and recorded in Book 65, Page 527, Clatsop County Record of Deeds; said point being the true point of beginning of tract herein described; thence West along the North line of said right-of-way to the Pacific Ocean; thence Southerly along the high tide line of the Pacific Ocean to an intersection with the South boundary line of the John Hobson D.L.C. extended; thence East along the South boundary line of the said Hobson D.L.C. to a point 339.1' East of the East bank of Neacoxie Lake; thence North 19° 32' West a distance of 1290' more or less to the point of beginning.

(F) That area bounded on the North by the North line of the Gearhart Donation Land Claim; bounded on the East by Burlington Northern Railroad; bounded on the South by the North boundary of the Gearhart City limits; bounded on the West by the Pacific Ocean. Excepting therefrom, however, the following described parcel. Beginning at the intersection of the North line of the Gearhart City limits with the Westerly right-of-way line of Marion Avenue; thence North and East along the said Westerly right-of-way to its intersection with the East Boundary of the platted Gearhart Green Subdivision; thence North along the East line of said subdivision and the extension thereof to the North boundary of the Gearhart Donation Land Claim; thence East along the North line of said Donation Land Claim to the center line of Neacoxie Creek; thence Southerly along the needle of said creek to the North line of the Gearhart City limits; thence West along the North

line of said city limits to the point of beginning. All above described property being in Sections 3 and 4, Township 6 North, Range 10 West, Willamette Meridian, Clatsop County, State of Oregon.

(G) That area bounded on the West and North by the South boundary of the Gearhart City limits; on the East by Burlington Northern Railroad and on the South by Seaside City limits.

(H) The Cities of Gearhart, Hammond, and Warrenton except as described in subsection (g).

(I) Fort Stevens State Park.

(b) Purusant to ORS 454.685, within the areas set forth in subsection (c) below, neither the Director nor his authorized representative shall issue either construction permits for new subsurface sewage disposal systems or favorable reports of evaluation of site suitability, except to construct systems to be used under the following circumstances:

(A) The system complies with all rules in effect at the time the permit is issued; and

(B) The system is not to be installed within any of the areas subject to the prohibition set forth in subsection (a) above; and

(C) The system is to be installed on an undivided parcel of one acre or more in size upon which the dwellings or buildings to be served by the system are located and which is owned fully or fully subject to a contract of purchase by the same person or persons who own or are contract purchasers of the dwellings or buildings to be served by the system; except that, in a single planned unit development or single subdivision tract having enclosed boundaries and with open space land owned in common by all land owners, permits may be issued where the lot area upon which a dwelling is to be constructed is less than one acre but where each owner holds an undivided interest, in common with all other owners, in open space land of sufficient acreage within the boundaries of the development so that the density of the entire parcel shall not exceed one dwelling per acre when considered as a whole and where the requirements of subdivisions (A), (B), and (C) of this subsection are met; and

(D) The dwellings or buildings to be constructed or existing on the land parcel when fully occupied or used allow for no more than the equivalent of sewage flow for one single family per acre of the land parcel; and

No construction permit shall be issued under this subsection for any parcel of land where the parcel is created out of an existing parcel or parcels and where the creation of the new parcel results in a reduction of size of the original parcel or parcels to less than one acre and where the original parcel or parcels so reduced serve or are occupied by a dwelling unit or by dwelling units or by any other subsurface sewage generating facility or thing.

(c) The minimum parcel size requirement of subsection (b) above shall apply to all of the following areas (which are not subject to the complete prohibition set forth in subsection (a) above) of Clatsop County where there are unconsolidated loamy sands:

(A) All areas located south of the Columbia River, west of the Skipanon River (or Skipanon Waterway), and north of the southernmost part of Cullaby Lake;

(B) All areas within the Shoreline Estates Sanitary District; and

(C) All areas south of the southernmost part of Cullaby Lake and north of the northernmost part of Neawanna Creek at its confluence with the Necanicum River, save and except those lands more than one-half mile due East of U.S. Highway 101.

(d) The restrictions set forth in this rule are subject to modification or repeal on an area-by-area basis upon petition by the appropriate local agency or agencies. Such petition either shall provide reasonable evidence that development using subsurface sewage disposal systems in accordance with single family unit equivalent densities specified in the local land use plan for the area will not cause unacceptable degradation of groundwater quality or surface water quality or shall provide equally adequate evidence that degradation of groundwater or surface water quality will not occur as a result of such modification or repeal.

(e) The restrictions set forth in paragraphs (B) through (D) of subsection (b) and in subsection (c) above shall not apply to prohibit permits for systems to serve one single family dwelling per parcel of land of less than one acre if such parcel's legal description was on file in the deed records of Clatsop County prior to October 28, 1977, either as a result of conveyance or as part of a platted subdivision.

(f) The restrictions set forth in subsections (a), (b), and (c) above shall not apply to any construction permit application based on a favorable report of evaluation of site suitability issued by the Director or his authorized representative pursuant to ORS 454.755 (1)(b) where such report was issued prior to the effective date of this section (7).

(g) Pursuant to ORS 454.695, the Director and his authorized representative shall issue construction permits for new subsurface sewage disposal systems or favorable reports of evaluation of site suitability, in accordance with Oregon Administrative Rules, Chapter 340, Division 7 under the following conditions: In the City of Gearhard a maximum of 57 single family equivalent units shall be permitted on subsurface sewage disposal systems. The subsurface sewage disposal permits or reports shall be issued in accordance with procedures developed by the City of Gearhart and the Department of Environmental Quality.

LANE COUNTY FEE SCHEDULE

(A) New Site Evaluation.

(i) Residential.

-1st Lot $120.00

-Each Additional Lot Evaluated While On Site 90.00

-Shared System

Fee shall be based on single family equivalency load by number of units times

$90.00 + $20.00 filing.

(ii) Commercial/Industrial.

-Fees for Commercial/Industrial evaluations shall be based upon the following formula:

$$\frac{\text{Daily Sewage Load}}{450} \times \$25.00 + \$90.00$$

(B) Construction Installation Permits.

(With Favorable Evaluation Report)

-New Subsurface-Residential 65.00

-Commercial/Industrial

Fees for Commercial/Industrial permits shall be based upon the following formula:

$$\frac{\text{Daily Sewage Load}}{450} \times \$15.00 + \$65.00$$

(C) New Alternative Systems.

Plans review only 35.00

	-Holding Tank	100.00
	-Sand Filters	125.00
	Other Fees for Commercial/Industrial Alternative Systems permits shall be based on the following formula:	
	Daily Sewage Load 450 X $20.00 + $90.00	
	-Capping Fill - No Plan Review Required	90.00
(D)	Alteration/Extension of Existing System Permits.	75.00
(E)	Repair Permits. Standard	25.00
	Special*	1.00
(F)	Evaluation of Existing System Adequacy.	50.00
(G)	Annual Evaluations.	
	-Office Only	20.00
	-Alternative System	25.00
	-Temporary Mobile Home - Biannual	10.00
	-Pumper Trucks **	25.00
(H)	Septic Tank Abandonment Compliance Inspection.	35.00
(I)	Renewal Expired Permits.	37.00
	-Office Action Only	22.00

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*Special repair permits shall be issued upon application therefor to the owner (or contract purchaser) to repair the system serving the owner (or contract purchaser) occupied housing unit located within the boundaries of any area which has been formally declared by the Lane County Board of Commissioners ("Board") or the Oregon State Health Division to be a health hazard area, or applicants receiving assistance through the

Farmers Home Administration Section 502 or 504 loan and grant programs or within an area defined in sewer plan adopted by the Board recommending correction of individual systems: provided that a repair permit application and fee is filed not later than 30 days after the date of written notification that the applicant's system has failed.

** Pumper trucks inspected during the same field visit shall be charged at a rate of $5 per additional truck.

(3) The Agent may refund a fee accompanying an application for a construction-installation permit, site evaluation report, or variance, if the applicant withdraws the application before the agent has done any field work or other substantial review of the application.

CLACKAMAS COUNTY FEE SCHEDULE

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

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

(G) SOIL INVESTIGATIONS VARIABLE

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

Each acre beyond 60 acres - Add $4.00 per acre

VICTOR ATIYEH
GOVERNOR

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, March 13, 1981, EQC Meeting

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

Background and Problem Statement

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

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

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

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

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

Alternatives and Evaluation

1. Deny the petition to amend the rule and let the rule stand as it is presently written.

2. Adopt the proposed rule amendment as proposed in the petition.

3. Adopt a modified version of the proposed rule amendment contained in the petition.

At its December 19, 1980 meeting, the Commission authorized a public hearing on that petition. The public hearing was held in Astoria, January 16, 1981. A hearing officer's report is attached. (Attachment B)

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

The Clatsop Plains "208" public involvement committee has recommended that no action be taken to lift the moratorium until the Clatsop Plains Groundwater Plan is complete. The committee states that "areas set aside for development of the Clatsop Plains aquifer as a drinking water source may be an important aspect of this plan - - -"

It is the opinion of staff that the most appropriate alternative is to modify the proposed rule amendment, as contained in the petition, by deleting the phrase "as hereinabove amended," as recommended by legal counsel, and then adopting the remainder of the proposed amendment.

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.

Bill

William H. Young

Attachments: 4

"A" Petition for Amendment to OAR 340-71-020(7)(a)(B)
"B" Hearing Officer's Report
"C" Statement of Need and Fiscal Impact
"D" Proposed Rule Amendment

T. Jack Osborne:l
229-6218
February 23, 1981
XL247 (1)

BEFORE THE ENVIRONMENTAL QUALITY CONTROL COMMISSION

OF THE STATE OF OREGON

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

I.

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

II.

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

> "(7)(a) Pursuant to ORS 454.685, neither the director nor his authorized representative shall issue either construction permits for a new subsurface sewage disposal system or favorable reports of revaluation of site suitability within the boundaries of the following geographical areas of Clatsop County:
>
> * * *
>
> (B) The Del Rey Beach Subdivision, south of the north right-of-way line of County Road No. 340 (Del Rey Beach Road), located in Section 33, Township 7 North, Range 10 West, Willamette Meridian, as shown on Plat 7-10-33A, as hereinabove amended, Clatsop County, Oregon."

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

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

III.

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

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

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

IV.

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

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

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

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

V.

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

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

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

VI.

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

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

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

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

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

Respectfully submitted,

CLATSOP COUNTY BOARD OF COUNTY COMMISSIONERS

BY _____

BY _____

BY _____

Respectfully submitted,

_____

W. Louis Larson, Attorney for James B. Lucas

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

VICTOR ATIYEH
GOVERNOR

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: T. Jack Osborne, Hearings Officer

Subject: Report on Public Hearing Held January 16, 1981, on Proposed Amendment to Rule OAR 340-71-020(7)(a)(B), Clatsop Plains Moratorium Area.

Summary of Procedure

Pursuant to public notice, a public hearing was convened at Clatsop County Courthouse, Astoria, on January 16, 1981, at 10 a.m. The purpose of the hearing was to receive testimony regarding a petition to amend OAR 340-71-020(7)(a)(B), Clatsop Plains Moratorium Area.

Summary of Testimony

W. Louis Larson Attorney Representing petitioner James B. Lucas. Mr. Larson reiterated that the petitioner's position is set forth fully in the petition. Mr. Larson emphasized that in the event the petition is acted upon favorably by the Commission, there would be no definable effect upon the groundwater and that there would still be land in the moratorium area in excess of that needed to protect groundwater, as recommended in the "Sweet Report", (Carrying Capacity of the Clatsop Plains Sand-Dune Aquifer, August 20, 1977, by H. Randy Sweet).

Curt Schneider Clatsop County Planning Director. Mr. Schneider stated that the proposal contained in the petition would not be in conflict with the County's comprehensive plan, nor would it conflict with the 208 groundwater study now underway in the Clatsop Plains area.

Mr. Larson and Mr. Schneider answered questions by the hearings officer, on the proposed use of the property. (Those proposed uses are set forth in the petition.)

Ms. Jeri Cohen Clatsop County Counsel. Ms. Cohen stated that Clatsop County is in agreement with the petition as presented by Mr. Larson.

In addition to the above witnesses, three members of the County Board of Commissioners were present as was Pam Munson, Secretary in the Department's office in Astoria.

The hearing was closed at 10:20 a.m.

Written Testimony

The Clatsop Plains "208" Public Involvement Committee submitted written testimony in opposition to the proposal. Their reasons for opposing the proposal are stated in the attached letters.

Respectfully submitted

T. Jack Osborne
Hearings Officer

Attachment

T. Jack Osborne:l
XL270 (1)
January 28, 1981

Clatsop Plains "208" Public Involvement Committee
Bill Berg, Chairman
P.O. Box 54
Gearhart OR 97138

21 January 1981

Jack Osborne
Subsurface Sewage Section
Department of Environmental Quality
P.O. Box 1760
Portland, Oregon 97207

RE: Petition to amend OAR 340-71-020(7), Clatsop Plains Moratorium area

Dear Mr. Osborne:

The Public Involvement Committee for the Clatsop Plains "208" Groundwater Protection Plan wishes to submit the attached copy of our letter to the Clatsop County Commissioners as testimony in opposition to the petition, submitted to your agency by Jim Lucas and Clatsop County, for removal of 14 acres of land in the Del Ray Beach area from the Clatsop Plains Moratorium.

The Committee voted to take this action upon receiving notification of the petition at its meeting of January 20, 1981.

Sincerely,

Bill Berg

Bill Berg, Chairman

Clatsop Plains "208" Public Involvement Committee
Bill Berg, Chairman
P.O. Box 54
Gearhart OR 97138

21 January 1981

Clatsop County Board of Commissioners
Clatsop County Court House
Astoria, Oregon 97103

RE: Jim Lucas / Clatsop County, disposal of 14 acres at Del Ray Beach and removal from Clatsop Plains Moratorium

Gentlemen:

The members of the Public Involvement Committee for the Clatsop Plains "208" Groundwater Protection Plan were advised at their meeting on January 20, 1981, that a parcel of County-owned property adjacent to the County land zoned "Open Space" and classified for "conservation use" in the Del Ray Beach area is being considered for disposal.

Preliminary findings from the consultant preparing the Groundwater Protection Plan indicate that areas set aside for development of the Clatsop Plains aquifer as a drinking water source may be an important aspect of this plan if the Clatsop Plains community is to continue to rely substantially upon on-site wastewater disposal systems.

The members of the Public Involvement Committee are concerned about the possible uses that the area in question may be subjected to and the possible impacts on the Open Space land. It is the recommendation of the Public Involvement Committee that no action be taken on the lifting of the moratorium in this area or the disposal of the County property until the Groundwater Protection Plan is complete.

Sincerely,

Bill Berg

Bill Berg, Chairman

Cc.: Jack Osborne, DEQ
Cecil Ouelette, EPA

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

In the Matter of Amendment to Rule OAR 340-71-020(7)(a)(B) Clatsop Plains Moratorium	) Statutory Authority,) Statement of Need,) Principal Documents Relied Upon) and Statement of Fiscal Impact

1. Citation of Statutory Authority: ORS 454.625, which requires the Environmental Quality Commission to adopt rules pertaining to subsurface and alternative sewage disposal.

2. Need for Rule: The rule unnecessarily restricts more property than is needed for the purpose of the restriction, groundwater aquifer protection. The intent of the rule amendment is to release 14.96 acres from the moratorium area and make it available for development.

3. Documents relied upon in proposal of the rule:

   a. Petition to the Environmental Quality Commission, by cover letter dated October 31, 1980.

   b. Carrying capacity of the Clatsop Plains Sand Dune Aquifer, by H. Randy Sweet.

4. Fiscal and Economic Impacts: Fiscal impact would primarily affect Clatsop County and Mr. Jones B. Lucas. The County intends to trade its property for other property in the County, thereby allowing the area to be developed into a golf course. Mr. Lucas intends to utilize his portion of the affected property, 1.7 acres, for low density residential use.

Date: March 13, 1981

William H. Young, Director
Department of Environmental Quality

XL247.A (1)

ATTACHMENT D

PROPOSED AMENDMENT

Amend OAR 340-71-460(6)(e), Appendix J as follows:

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

(A) - - -

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

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 the existing rules as follows:

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

(A) - - -

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

XL247.B (1)
February 24, 1981

VICTOR ATIYEH
GOVERNOR

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, March 13, 1981, EQC Meeting

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

Background

In preparation for the development of the FY 81 priority list for the allocation of federal sewerage works construction grants, the draft priority list and the administrative rules containing priority criteria and management policies were the subject of a public hearing on August 5, 1980. As a result of testimony received, the Department modified the rules and submitted them for EQC action on September 19, 1980. The significant modifications consisted of (1) the elimination of the transition status for all projects after FY 81 and (2) a statement of EQC authority to reduce grant participation to 50 percent of eligible costs in FY 82 and beyond if allowed by federal law or regulation.

At the September 1981 meeting, a representative of the Metropolitan Wastewater Management Commission (MWMC) requested that additional public hearings be held before EQC action. However, because of the consequences of delaying the FY 81 grants program and the fact that the controverted provisions primarily affected the FY 82 program, the EQC approved the FY 81 criteria and list. The EQC further instructed the staff to receive additional input on policy issues and their financial aspects at an additional hearing, to report the results back to the Commission and to recommend changes to the adopted rules, if appropriate, based on new input. On December 4, 1980, a hearing was held to further discuss three rules adopted by the EQC. A summary of the hearing was submitted for the EQC's information on January 30, 1981. Based on the evaluation of testimony, the Department proposed no changes to the administrative rules (see Attachment 1).

At the January 30, 1981, EQC meeting, a representative of the MWMC expressed his opinion that the Commission should take formal action on "proposed changes." The EQC directed the staff to reopen the public hearing record for 10 days to consider additional testimony prior to acceptance of the staff report (see Attachments 2, 3, and 4).

The three management policies reviewed during the public participation process are integral to the development of FY 82 priority list. Meeting EPA's deadlines for submittal of a draft list by May 15, and a final list by August 15, 1981, is contingent upon resolution of the management policies as quickly as possible. Federal regulations distinguish between the scope of public participation activities which must occur when priority criteria or criteria revisions (as in two of the management policies) are planned and when a priority list is developed based on approved criteria.

Evaluation and Discussion

1. Testimony Added to the Public Hearing Record (January 30 - February 9, 1981).

   Testimony was received from two cities, a county, and a service agency (see Attachments 2 and 3).

   Three respondents supported the separate ranking of treatment works components, the elimination of the transition policy and the lack of feasibility in implementing a 50 percent grant participation program during FY 81. Each of these respondents are included in the same grant project area.

   One respondent opposed the acceptance of the staff report as an informational item and supported a formal reconsideration of the rules which were the subject of the hearing. He noted that (1) federal regulations require a public hearing before action is taken on the criteria or significant changes thereto and (2) the need to ensure the consideration of public comments in decision-making. He viewed the EQC's September 1980 approval of the three rules establishing the management policies as tentative and subject to a subsequent public hearing. He also noted EPA's failure to approve the three rules until adequate public participation is provided prior to employing those criteria or developing the FY 82 list.

The Department agrees that a public hearing must precede significant changes to the priority criteria and that public comments must be carefully weighed in the decision-making process. Two modifications were made to the FY 81 priority system as a result of the August 1980 public hearing. However, public comment opportunities subsequently occurred at the September 19, 1980, EQC meeting and the December 4, 1980, public hearing. Additional public hearings on these issues are not expected to produce new information for consideration.

The informational agenda item was utilized at the January 30 EQC meeting because (1) the EQC directed that additional public comment be obtained and (2) based on the staff's evaluation of public testimony, no modifications to the adopted rules were proposed. However, in the interest of facilitating the development of the FY 82 priority list, this staff report is submitted for appropriate action.

2. Schedule for Development of the FY 82 Priority List.

Federal regulations require that public participation be accomplished in the development of the annual priority list; each year a list must be submitted for EPA approval. However, public participation is not required regarding priority ranking criteria unless new or revised criteria are proposed. Therefore, the resolution of the policy issues discussed above and achievement of EPA's concurrence will affect the scope of work needed to implement the FY 82 grant program.

Initiation of FY 82 priority list development is contingent on EQC action regarding the December 4, 1980, public hearing and the acceptance of the attached schedule and outline of public involvement activities, including authorization for public hearing.

3. Effects of Potential Federal Budget Recommendations and/or Federal Construction Grant Policy Changes on FY 82.

Current information from the Association of State and Interstate Water Pollution Control Administrators indicate that Presidential budget actions will affect the availability and/or timing of the construction grants during FY 82. In general, budgetary actions are not expected to affect the schedule for developing the FY 82 priority list. However, major reforms of the construction grants programs also are expected to be considered, may conflict with adopted administrative rules. These potential reforms include changes in eligibility of projects, a reduction to 50 percent or some other lower grant level, and an increased emphasis on gaining significant water quality improvements from projects funded. Should federal policies be adopted which are inconsistent with the state's program, the scope of scheduled public participation activities will be adjusted to incorporate necessary changes.

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.

Bill

William H. Young

Attachments: 5

1. Agenda Item No. BB, January 30, 1981, EQC Meeting
   Summary of December 4, 1980, Public Hearing
   - Attachment A Public Hearing Report
     Bibliography and Summary of Oral and Written Testimony
   - Attachment B Written Testimony
   - Attachment C Evaluation and Response to Written Testimony (Responsiveness Summary)
2. Addendum to the Public Hearing Report
   Bibliography and Summary of Oral and Written Testimony
3. Addendum to the Written Testimony
4. Addendum to the Evaluation and Response to Public Testimony (Responsiveness Summary)
5. Schedule for Development of FY 82 Priority List for Construction Grants

B. J. Smith:l
229-5415
February 19, 1981
WL611 (1)

ATTACHMENT 1

VICTOR ATIYEH
GOVERNOR

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. BB, January 30, 1981, EQC Meeting

Summary of December 4, 1980 Public Hearing Regarding Issues Affecting the Allocation of Federal Sewerage Works Construction Grants During Fiscal Year 1982; Specifically Certain Provisions of OAR 340-53-005 through 035 Concerning Ranking of Project Components, Discontinuance of Transition Policy, and Possible Reductions in Grant Participation

Background

On July 2, 1980, a proposal to establish the Department's priority criteria for allocating construction grants, administrative rules and the draft fiscal year 1981 priority list were distributed for public comment. On August 5, 1980, a public hearing was held concerning the adoption of the criteria and the list for use during FY 81. As a result of the hearing, the Department modified the proposed criteria and list. The criteria, the FY 81 priority list, a summary of the hearing and a discussion of the changes resulting therefrom were submitted for action at the September 19, 1980 meeting of the EQC. At that meeting, several agencies offered testimony on the Department's proposed modifications and expressed concern regarding the limited time for preparation of public comments on the Department's proposed modifications.

After considering the consequences of delaying certification of FY 81 grants for at least three months and because the controverted portions of the criteria primarily affect grants management in FY 82 and beyond, the EQC approved the modified criteria and FY 81 list. However, the EQC further instructed the Department to provide additional opportunity for public comment regarding the following three issues:

1. The determination of the segments or components to be included in a "project." OAR 340-53-015(5), as adopted, specified that the Department will consider (a) the specific components or segments that will be ready to proceed during a funding year and (b) the operational dependancy of other components or segments on the component or segment

being considered and (c) the cost of the components or segment relative to allowable project grant;

2. The termination of the transition policy after September 30, 1981. OAR 340-53-015(8), as adopted, specified that all projects, regardless of the date of Step 2 certification will be ranked and scheduled according to priority criteria in FY 82 and subsequent years; and

3. The Commission's authority to establish federal grant participation at 50 percent of eligible project costs after September 30, 1981. OAR 340-53-020(4) specified that after FY 81, EQC may reduce the grant participation to 50 percent if allowed by federal law or regulation.

A Notice of Public Hearing on the above rules and issues was distributed to interested parties on the construction grants mailing list on October 17, 1980. Related informational materials were distributed to these parties on October 30, 1981. The notice requested further public testimony on the issues cited above. Although the Department did not propose amendments to the language or intent specified in the administrative rules adopted by the EQC on September 19, 1980, the public was informed that amendments may be adopted by the EQC as a result of the public comments.

As a result of the public hearing held December 4, 1980 on these issues, forty-eight respondents, including citizens, municipalities, service districts, professional consulting firms, business and private interest organizations, and a federal agency, provided comments. A summary of testimony is appended as Attachment A.

Evaluation and Discussion

1. Ranking of Treatment Works Components

The FY 1981 priority criteria assigned each treatment works component or segment a separate priority ranking. However, the criteria also required that the the Department consider the operational dependency of other components or segments on the components or segments being considered for ranking. Therefore inter-dependent components of a single sewerage system could receive the same priority ranking and could occur together on the list with the component or segment having the higher priority score. This provision of the priority criteria lowers the ranking of project components which provide less water quality benefits while maintaining the higher ranking of the more beneficial components.

The public testimony generally supported the EQC policy adopted in OAR 340-53-015(5). Where stated, the reasons noted in favor of the separate ranking of components included the closer relationship of funding to water quality benefits and the attempt to effectively spread funding to the higher priority components of other projects.

Several respondents opposed the EQC policy; they cited that separate rankings (1) denied the interrelationships between the components of a community's total improvement program; (2) resulted in the partial completion of local projects or facilities which would not function properly or would be under-utilized; and (3) would produce facilities that are more expensive to plan, design and construct.

The Department believes there is sufficient flexibility in the adopted rule to permit the grouping of essentially related components of a community's system on the priority list. The rule assumes that priority decisions can be made among the sewerage improvement needs a community may require. These priority decisions are substantially based on facts regarding proper function and operation.

The Department also recognizes that individual component rankings may, depending upon the amount and timing of subsequent federal or other local funds, result in deferring completion of a community's total improvement program. The total negotiated cost for professional services for this type of approach may increase for some communities; however, on a statewide basis, professional services financed by federal funds will be more closely directed to high priority water quality or health hazard projects.

2. Transition Policy

The FY 81 priority criteria, adopted in September 1980, provided that all projects would be ranked according to priority criteria after October 1, 1981. Prior to FY 80, projects for which a Step 2 grant had been awarded were assured of a continued high position on the priority list because they were placed in the same relative position at the top of the following year's list. These projects were not ranked according to the approved criteria but were afforded a "transition" status. For FY 80, this policy was modified so that only those projects classed as transition in FY 79 would continue with the same rank in FY 80. Of seventeen projects transitioned in FY 80 , only five remain on the FY 81 list. Limited federal funds during FY 81 will fail to complete the first of these transitioned projects.

The public testimony generally supported the EQC policy adopted in OAR 340-53-015(8). The reasons in favor of the elimination of the transition policy included the need to seek maximum water quality benefits from limited dollars. One respondent noted that the continuation of the transition policy would benefit only five agencies through FY 85, thus deferring funds for projects rated highly according to priority criteria. Several respondents believed that a reasonable adjustment period (from September 1979 to October 1980) was afforded the transition projects.

Major objections to the elimination of the transition policy were stated by the respondents who would be affected by the rescheduling of a multi-year project which is currently transitioned. The objections emphasized the consequences of delays, including increased costs, planning and design revisions, and the breach of good faith between the citizens who supported the project and authorized local bonds and the state.

The Department concurs that the elimination of the transition policy will disadvantage projects directly affected. The top two of the five transition projects listed in FY 81 are expected to receive some funding during FY 82 but three others will face several years' delay. However, the impact of continuing the transition policy on statewide construction grant projects during this period of reduced federal funding is to effectively defer for several years the allocation of all construction funds according to the priority criteria.

3. Reduced Grant Participation

A FY 81 priority criterion permits the EQC to reduce the federal participation to 50 percent after FY 81 if allowed by federal law or regulation. The rule establishes the EQC's authority to reduce grant participation; it does not direct such a reduction. The impact of this provision, should this authority be utilized, would be to (1) increase the scheduled scope of work or number of projects undertaken during FY 82 and thereafter, and (2) double the necessary nonfederal matching share of all projects after October 1, 1981.

The public testimony generally opposed action by the EQC to reduce the federal grant level to 50 percent, as authorized under OAR 340-53-020(4). Several significant issues were raised, including:

a. The potential cumulative affects of reduced grant levels and more restrictive definitions of the scope of eligible project work;

b. The timeliness of a state decision while federal guidelines governing the EPA's approval of a state's reduced level grant proposal are not yet available; and

c. The legal impacts on the validity of bond elections held prior to the adoption of the administrative rule.

Several respondents who supported a 50 percent grant program noted they also supported variations to the Department's proposal, such as assistance from a state grant program, lowering of state water quality standards, or a phased-in reduced participation that ensures that projects currently under design receive 75 percent grants.

One respondent, engaged as bond counsel to local governments, stated his opinion that bond elections held prior to the administrative rule might be subject to judicial challenge if specific reference was made to receipt of 75 percent federal grant in the ballot explanation or publication of bond election measures.

The Department concurs that the major concerns expressed are legitimate. However, based on an assessment of critical project needs, the reduced grant level would result in more offers of grant assistance to communities. Many of the public concerns expressed could be accommodated if a 50 percent grant program was implemented in FY 83. However, pending federal guidelines and actions prevent the development of recommendations for any feasible program change during FY 82.

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.

Director's Recommendation

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

1. Accept this additional public comment on certain provisions of the priority criteria contained in OAR 340-53-005 through 035.

2. Instruct staff to evaluate federal policies under development regarding reduced grant participation and return at a later date with further information and, if appropriate, recommendations for action.

William H. Young

Attachments: 3
- Attachment A Public Hearing Report--Bibliography and Summary of Oral and Written Testimony
- Attachment B Written Testimony
- Attachment C Evaluation and Response to Public Testimony

B. J. Smith:l
229-5415
January 9, 1981
WL513 (1)

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

ATTACHMENT A

MEMORANDUM

To: Environmental Quality Commission

From: Hearings Officer

Subject: Bibliography and Summary of Oral and Written Testimony on the Three Provisions of OAR 340-53-005 through 035 (1) the Ranking of Project Components, (2) Discontinuance of Transition Policy, and (3) Possible Reductions in Grant Participation which Affect the Allocation of Federal Sewerage Works Construction Grant Funds in Oregon After September 30, 1981

1. City of Cottage Grove

Bill Guenzler, City Engineer. Oral and Written Testimony, 12/4/80.

The many opportunities to respond to the issues at this and prior hearings are appreciated but due to the considerable effort needed to give testimony, the hearings process favors larger cities with staff ability to participate.

The City favors separate priority rankings for project components according to water quality criteria; elimination of the transition policy complements the separate component ranking and is also supported. October 1, 1981, provides an adequate phase-out of the transition rule.

The city historically favored 50 percent but even uner 75 pe participation, other eligibility decisions and commitments to make certain improvements without grant assistance would result in approximately 64 percent grant participation. If stringent requirements on grant eligibility for certain work is continued, grants should be at a 75 percent level.

2. Metropolitan Wastewater Management Commission (Lane County Service District, Eugene and Springfield)

William Pye, Manager, introduced the following testimony:

a. Arl Altman, Project manager for BCS, a joint venture between Brown and Caldwell and SPCM, Inc. Oral and Written Testimony, 12/4/80.

Requests that DEQ change the project classification and project priority rating for Regulatory Emphasis for various segments of the MWMC project listed on the Fiscal Year 1981 Priority List. Supporting data and a discussion of the interrelationships among components and construction schedules were submitted.

The impact of elimination of the transition status for the MWMC project after FY 1981 will delay completion; increase construction cost estimates from $128.4 million to $139.8 million due to inflation; require revisions to plans and design, estimated to cost an additional $3 million; and possibly delay immediately scheduled work in order to verify their cost effectiveness in light of the new criteria.

A 50 percent grant level would require another bond sale of approximately $12.7 million. Because Congress and EPA are considering the potential elimination of certain components from grant eligibility, it is prudent to defer fund reduction decisions until federal policies are clear.

b. Don Gilman, Assistant Director of Public Works, City of Eugene. Written Testimony addended to Arl Altman's testimony. 12/4/80.

Supplied data evidencing discharges of raw sewerage onto streets resulting from inadequate capacity at the West Irwin Pump Station.

c. G. David Jewett, Attorney for MWMC. Oral and Written Testimony 12/4/80.

MWMC should receive equal treatment as given other high priority projects with separately identified components; only MWMC in the top 7 projects of this type received separate priority rankings. The facts presented by MWMC justify the combined ranking of all MWMC components with the treatment plant component based on the operational dependency criterion in the adopted administrative rule. Potential health hazards may raise the project priority.

The transition policy should be continued because Federal Regulations 40CFR 35.915(a)(1)(IV)(2) state that a project shall generally retain its rating until funded. Minimal disruption of projects should occur in construction stage where they have relied upon pre-existing procedures to establish bond authority and/or financing arrangements.

A reduction of grant participation is opposed because it (1) historically has not solved water pollution problems; (2) will jeopardize the progress of small communities where bonding capacity is insufficient; and (3) is inconsistent with representations made to local citizens who have relied on 75 percent funding as decisions were made.

In addition, the state administrative rule is untimely and ill-drafted in view of the October 1, 1980 change to the Clean Water Act, which continues 75 percent funding unless modified to a lower percentage rate uniform throughout the state by the Governor with the concurrence of the EPA Administrator and further directs the EPA Administer to issue guidance for his concurrence which must consider (1) the unobligated balance of the state's allocation, (2) the need for assistance and (3) the availability of state grant assistance to replace the federal share reduced by such modification. EPA's guidelines are due February 1, 1981.

d. Betty Smith, Vice President, MWMC. Written Testimony 12/2/80 read into the record on 12/4/80.

In May 1978, residents of Eugene and Springfield passed a bond authorization for the local share of the MWMC facility based on information that 75 percent of the eligible project would be grant funded. The three administrative rules break faith with the voters.

Opposes the elimination of the transition policy and the separate rating of project components because they lead to inflationary costs and delay. Opposes 50 percent grant level. Starting new projects while others wait to become operational does not meet water quality needs.

e. R. A. "Gus" Keller, Mayor, City of Eugene. Written Testimony 12/2/80, read into the record on 12/4/80.

The failure of Congress to appropriate promised funds breaks faith with the people. When the MWMC was formed and the local share bonds authorized, an unwritten contract between the state and local taxpayers was made. The administrative rules violate this agreement.

Opposes the loss of transition status for MWMC. A reduced grant level of 50 percent will create public mistrust toward the state.

f. Vern Meyer, Mayor,City of Springfield. Written Testimony 12/2/80, read into the record on 12/4/80.

Funding delays, a Presidential freeze on funds, and now these administrative rules will delay further and increase costs for the MWMC project and possibly jeopardize its orderly completion. With 75 percent funding, the project components ranked together and the transition status retained, inflation would be the only major problem.

g. Otto T'Hooft, Chairman, Lane County Metropolitan Service District. Written Testimony, 12/2/80, read into the record on 12/4/80.

Favors all components of a project ranked at the same priority, a transition policy which retains scheduling continuity and 75 percent grant participation.

Lane County and DEQ have entered into an agreement for improving the River Road/Santa Clara area; the administrative rules will delay and add to the expense of solving these problems.

h. Linda Christensen, resident of Springfield. Written Testimony 12/2/80, read into the record on 12/4/80.

A decrease in grant participation to 50 percent will create tremendous financial burdens for local residents, a longer delay (beyond presently scheduled 1986) in the completion of the MWMC project, and apathy and distrust of government. The passage of future budgets or grant issues will be threatened because of questions on the credibility of city councils, county commissioners, and MWMC and its staff.

DEQ has a moral obligation to retain 75 percent grant participation.

i. Randall S. Hledik, Citizen Member, Metropolitan Wastewater Management Commission--Industrial Advisory Committee. Written Testimony 12/3/80, read into the record on 12/4/80.

Reducing the level of grant participation to less than 75 percent is a complete breach of faith by government and would tremendously decrease public confidence in DEQ's authority and judgment. Delays and inflation have already increased the estimated project costs by nearly 50 percent, necessitating voter approval of another bond issue in addition to the 1978 authorization of $29.5 million.

The public needs the MWMC project to implement its comprehensive plan, accommodate growth, and retain a major industrial employer.

Favors combination of components at one priority ranking, continuation of the transition policy and 75 percent funding.

j. Joe Clouse, President, Springfield Board of Realtors. Written Testimony 11/5/80, read into the record 12/4/80.

Opposes 50 percent grant participation; believes damage to the credibility of the state and MWMC would prevent voter approval of additional funds.

k. Dan Leahy, President, and the Board of Directors, Eugene Board of Realtors. Written Testimony 12/2/80, read into the record 12/4/80.

Favors 75 percent grant participation; favors the transition policy for projects under construction; favors combination of all components of a project at one priority ranking.

Opposes the administrative rules because bonds have been issued, delays will cause inflationary expense, needlessly postpone water quality improvements, and risk a building moratorium.

l. C. Robert Smith, Executive Vice-President, Springfield Area Chamber of Commerce. Written Testimony 12/2/80, read into the record 12/4/80.

Favors 75 percent grant participation because this was fundamental to the agreement to build a regional facility. Any reduced level would result in a loss of faith among local voters who passed a $29.5 bond issue.

Favors retaining the transition policy for projects under design prior to 1979.

Favors combined ranking of all components of a project at the highest priority.

m. Sandra Rennie, Councilor and Member, Springfield City Councilor, and MWMC Industrial Advisory Committee. Written Testimony 12/3/80, read into the record 12/4/80.

Favors continuation of the transition policy.

Favors 75 percent grant participation; cites likely inability to complete the MWMC project if grants are reduced. Future budget elections and bond sales would be affected by a loss in credibility of the state and the involved cities.

n. Tim Rhay, Chairman, MWMC Sludge Advisory Committee. Written Testimony 12/1/80, read into the record 12/4/80.

Separate ranking of project components ignores the relationship of components to a water quality benefit and would result in partially completed projects.

Discontinuance of the transition policy would significantly delay several necessary components of the MWMC project, i.e., sludge disposal, pump stations, sewer rehabilitation.

Favors 75 percent funding. It makes little sense to start new projects when there are insufficient funds to complete those already started.

o. The Eugene Register-Guard. Editorial on 11/29/80 and news article on 12/3/80, read into the record on 12/4/80.

Favors continuation of transition policy, combination of components at one priority ranking and 75 percent funding.

3. Tri-City Service District, Clackamas County

David Abraham, Utilities Director. Oral and Written Testimony, 12/4/80.

The grants program needs a stable, predictable policy of administration and allocation in order to avoid planning and replanning of projects without ever reaching the implementation stage. Favors the FY 81 priority criteria to correct most critical pollution problems.

Favors the elimination of the transition policy. The phase-out began in FY 79 and has included a reasonable readjustment period for affected agencies. Continuation of the policy would benefit only 5 agencies through FY 85 while others are postponed 2-5 years.

Favors the individual ranking of project components.

Opposes reduction of grant participation to levels below 75 percent resulting from either a grant percentage change or more eligibility criteria that exclude certain components. At the 75 percent grant level, the District's total local share for a total project of $58 million will be about 43 percent; at 50 percent grant level, the total local share would be about 62 percent. Without state grant funds, the grant level reduction is a step back to pre-1972 when less federal grant particiption failed to clean up pollution.

4. City of Oregon City

Alfred Simonson, General Manager. Oral Testimony 12/4/80.

Oregon City supports the statements made by David Abraham of Clackamas County.

5. City of Oregon City

Bill Parrish, City Engineer. Oral Testimony 12/4/80.

Favors separate ranking of project components and the elimination of the transition policy.

Opposes any reduction in 75 percent grant participation. This would effectively kill the Tri-City S.D. project.

6. City of Gladstone

Charles Anderson, Member, City Council. Oral Testimony 12/4/80.

The City supports the views expressed by David Abraham of Clackamas County.

Any reduction in 75 percent grant participation now, after a bond issue has passed for the Tri-City S.D., would be disastrous to the project.

7. City of Gladstone

Leonard Strobel, City Administrator. Oral Testimony 12/4/80.

Supports the views of David Abraham of Clackamas County.

Reduction of federal participation from 75 percent would reduce the credibility of local officials involved for the last 10 years in the Tri-City S.D. project.

8. Compass Engineering Corp. (Milwaukie, Oregon)

Tom Tye, Oral and Written Testimony, 12/4/80.

On behalf of the Tri-City S.D., favored the discontinuance of the transition policy and the ranking of project components.

Since the S.D. bonds were authorized based on an expected 75 percent grant, any reduction in the grant level would result in delays until additional funds were procured and possibly cause a moratorium.

9. Marv Dack, Resident of Gladstone, Oral Testimony 12/4/80.

Supports the statements made by David Abraham of Clackamas County. Noted that the Tri-City area has attempted to rid itself of a moratorium by getting a District formed and passing a bond issue; these efforts should be supported.

10. City of Astoria

Ray Ala, Public Works Director. Oral and Written Testimony, 12/4/80.

The City of Astoria objects strenuously to the reduction of grant participation to 50 percent. Any change in grant level should be made after projects on the present list and ready to proceed are completed.

11. City of Roseburg

George Stubbert, City Manager. Oral Testimony, 12/4/80.

Favors the separate ranking of project components so that funds not immediately needed could be released for other projects.

Favors the discontinuance of the transition policy; adequate time for program adjustments has been given.

If grant levels are reduced to 50 percent, the state should consider lowering water quality standards which exceed federal minimum standards. Depressed areas should be given special consideration in financing improvements.

12. Agripac, Inc.

Alton McCully. Oral Testimony 12/4/80. Presented Written Testimony from Edward Brennan, President, 12/4/80.

Agripac supports the testimony of the MWMC staff. The most cost-effective improvement and which gives the most load reduction per dollar for Springfield and Eugene is the segregation of Agripac's waste water. Seventy-five percent grant funding is essential to Agripac's continuance in Eugene.

13. Oregon Rural Communities Assistance Program

Norman Jenson. Oral and Written Testimony, 12/4/80.

Project components should be ranked separately. Small communities presently wait for funds while low priority components of higher projects are funded.

Favors the elimination of the transition policy.

The reduction of grant participation should be further evaluated but the financial needs of a community must be considered if funding is reduced. Specific criteria for the grant amount should be based on financial need and ability to pay.

14. Oregon Tri-City Chamber of Commerce (serving Oregon City, West Linn, Gladstone)

Pat Blue, Executive Director. Oral Testimony, 12/4/80.

The Tri-City S.D. project must be financed as presented to the voters who supported a bond authorization predicated on receipt of a 75 percent grant.

15. Tri-City Sewer Committee and City of West Linn Planning Commission

Joe Steinkamp, Chairman. Oral Testimony 12/4/80.

Favors elimination of transition policy and separate priority rankings for project components.

Opposes reduction in grant participation. If less than a 75 percent grant is offered, the Tri-City S.D. project is dead and the credibility of local officials and DEQ will suffer.

16. The League of Women Voters of Central Lane County

Mary Sherriffs, President. Written Testimony, 12/7/80.

Requests that the EQC reconsider the adoption of the rule changes that will reduce funding and delay the completion of the MWMC plant. EQC and DEQ have an obligation to consider the good faith citizens have placed in government.

17. BECON Engineering Consultants (A Joint Venture: Century West Engineering, John Corollo Engineers and CH2M Hill)

J. Ned Dempsey, Principal-in-Charge. Written Testimony, 12/8/80.

Favors the combination of project component according to the highest ranking component so that engineering and construction services are most economically acquired by communities. This avoids construction of facilities which are not sufficiently utilized or do not function properly.

Favors the transition policy. Projects that have been awarded design (Step 2) grants should be continued in a high position on the priority list. These communities have incurred obligations such as procurement of local funds or increased manpower.

Favors 75 percent grant participation unless alternative funds are available. A 25 percent increase in local project costs would jeopardize many projects, especially those in poorer communities. The administrative costs for DEQ to administer a 50 percent grant program would increase.

18. Ragan, Roberts, O'Scannlain, Robertson & Neill, Attorneys-at-Law

Richard Roberts. Written Testimony, 12/9/80.

As bond counsel for numerous municipalities and other local governments, he is concerned that reducing grant participation from 75 percent to 50 percent for certain projects could cast doubt upon the validity of bond elections held prior to the administrative rule change. It is his opinion that the results of such elections may be subject to judicial challenge in cases where specific reference to 75 percent grant participation was made in the ballot explanation or in the publicity of the bond election measure.

19. Metro Service District

Rick Gustafson, Executive Officer. Written Testimony, 11/24/80.

In September 1980, Metro submitted testimony to the EQC which supported state discretion to reduce participation to levels below 75 percent.

Since Congress appears to have approved such reduction only if it is uniform within a state, there is insufficient flexibility for handling projects (such as Tri-City S.D.) which had been planned for 75 percent paticipation. Metro's prior position is clarified to state that it supports the reduced level of grant provided that consideration is given to projects which have passed bond issues prior to September 30, 1981, and are committed to a 75 percent grant program. Action could be delayed on the reduced level administrative rule or the difference between 75 percent and the reduced level grant could be made up through the State Pollution Control Bond Fund in order to accomplish the desired result.

Favors discontinuance of the transition policy and separate rankings for project components.

20. Lee Engineering, Inc., Representing the City of Troutdale

F. Duane Lee. Written Testimony 12/4/80.

The City endorses the combination of the components of a project where needed to provide an operable facility.

Supports the termination of the transition policy in FY 82. This is consistent with the state's responsibility to maximize water quality benefits.

Supports the adoption of reduced grant participation at 50 percent, effective now, in order to give more time for projects to plan ahead.

21. City of Mt. Angel

Karl Eysenbach, City Administrator. Written Testimony, 10/23/80.

Supports separate ranking of project components.

EQC should maximize the number of cities receiving benefits from the EPA program.

Favors 50 percent grant participation if it is in the best interests of the most people in the state.

Citizens are willing to pay their fair share of city and local taxes for sewer services; EPA/DEQ should allocate scarce resources in terms of the overall demand for construction funds.

22. City of Cannon Beach

John Williams, Mayor. Written Testimony 11/10/80.

Opposes 50 percent grants because they will increase local taxes. Other sources of revenue, such as prepaid connection fees, contradict the City's Comprehensive Plan.

Opposes any change in the practice of transitioning projects that are now underway.

Opposes the separation and ranking of a project into components.

23. CH2M-Hill

Dale Cannon. Written Testimony, 11/12/80.

Supports the ranking of separate components of a project.

Opposes the discontinuance of the transition policy. Long lengths of time from project initiation to completion tend to result in public distrust of consultants, regulatory agencies, and the municipal agencies involved.

24. City of Eagle Point

Del McNerny, City Planner. Written Testimony, 11/18/80.

Favors ranking of projects by separate components.

Favors discontinuance of transition policy.

Opposes reduction of grant to 50 percent.

25. City of Enterprise

W. H. Barrett, Mayor. Written Testimony, 11/14/80.

Opposes any grant reduction.

26. Rogue Valley Council of Governments

Eric Dittmer, 208 Water Quality Planning. Written Testimony, 11/26/80.

Supports separate ranking of project components discontinuance of transition policy, and 75 percent grant level.

27. City of Scio

Edwin J. Gill, Mayor. Written Testimony, 11/28/80.

Favors separate ranking of project components, discontinuance of the transition policy, and reduction of grant level to 50 percent.

28. Bear Creek Valley Sanitary Authority

Richard O. Miller, General Manager. Written Testimony, 12/1/80.

Favors separate ranking of project components, and discontinuance of the transition policy.

Supports 75 percent grant level; however, if federal funding decreases again in the future, the issue should be reviewed again.

29. The City of Silverton, and Kraus and Dalke Consulting Engineers

Douglas Robinson, City Manager and Howard Kraus. Written Testimony, 12/3/80.

Favors separate ranking of project components and discontinuance of transition policy.

Prefers a phased-in approach to grant reduction. Projects for which a Step 2 grant is scheduled after October 1, 1981, should receive 50 percent grants; projects where Step 2 is ongoing should receive 75 percent grants.

ATTACHMENT B

COPIES OF WRITTEN TESTIMONY

Attached are copies of written testimony submitted by citizens, municipalities, service districts, professional consulting firms, business and public interest organizations and a Federal agency.

LIST OF PUBLIC HEARING ATTENDEES
December 4, 1980

Bill Guenzler	City of Cottage Grove	400 Main 97424
Roger L. Semler	City of Cottage Grove	400 Main 97424
Bill Parrish	City of Oregon City	P.O. Box 631 97045
Alfred Simonson	City of Oregon City	P.O. Box 631 97045
Arl A. Altman	BCS	132 E. Broadway Eugene
William V. Pye	MWMC	899 Pearl St. Eugene
G. David Jewett	MWMC	899 Pearl St. Eugene
Sarah Bacchuber	MWMC	899 Pearl St. Eugene
Tom Davis	JMM	St.215 7000 SW Hampton 97223
Ken Ferguson	JMM	St.215 7000 SW Hampton 97223
Alton McCully	Agripac	1638 Orchard St. Eugene 97403
Margaret Pritchard	Consultant	2510 SE Concord Portland 97222
Bob Sanders	City of Newberg	414 E 1st Newberg
Dave Fish	City of Oregon City	400 Main 97424
Norman Jenson	ORCAP	351 Columbia Blvd. St. Helens 97031
Pat Blue	Oregon Tri-City Chamber	Oregon City
Billie Blue	Oregon City citizen	Oregon City
Charles Anderson	Gladstone	305 E. Clarendon
David Abraham	Clackamas County	Oregon City
Marv Dack	Gladstone citizen	725 Portland Ave.
Leonard Strobel	Gladstone Administrator	525 Portland Ave. 97207
Tom Tye	Compass Engr.	6564 SE Lake Rd., Milwaukie
Rich Borstad	City of Silverton	306 S Water St., Silverton 97381
John Ewing	Kraus & Dalke	Box 725 Albany 97321
J. Michael Hoehn	City of Roseburg	900 SE Douglas Roseburg
Howard Kraus	Kraus & Dalke	Box 725 Albany 97321

Doug Robinson	City of Silverton	306 S Water Silverton 97381
Ray Ala	City of Astoria	1095 Duane St. Astoria
Sarah Bachhuber	MWMC	Box 1463 Eugene 97401
Joe Steinkamp	Tri City Sewer Committee Chrmn	1594 Bland St. West Linn
Stanton Le Sieur	USA	150 N. 1st St. Hillsboro
Gary Krahmer	USA	150 N. 1st St. Hillsboro
Donald Schut	USA	150 N. 1st St. Hillsboro
Gordon Merseth	CH2M Hill	200 SW Market Portland

The written testimony is too voluminous to copy.

It is available for review at DEQ headquarters,

522 S. W. Fifth Avenue, Portland, Oregon.

Attachment C

Evaluation and Response to Public Testimony
(Responsiveness Summary)

On December 4, 1980, the Department requested comments at a public hearing regarding three issues affecting the allocation of construction grant funds after September 30, 1981:

1. The determination of the segments or components to be included in a "project" and providing for separate priority ratings thereof;

2. The termination of the transition policy after September 30, 1981; and

3. The authority of the Environmental Quality Commission (EQC) to establish federal grant participation at 50% of eligible project costs after September 30, 1981, if allowed by federal law or regulation.

The staff concludes that public hearing participants generally supported the EQC's present policies for items 1 and 2 above, and generally opposed the implementation of a reduced grant level during FY 82. Testimony was received for and against each issue. The major concerns presented are summarized below:

Separate Component/Segment Ranking

Separate component ranking was supported for reasons such as: (1) attaining a better relationship between funding and water quality benefits targeted according to the priority criteria and (2) spreading limited funds to the higher priority components of projects by deferring lower priority work. Several respondents were concerned that the separate rankings: (1) denied the interrelationships between components of a total project; (2) resulted in partial completion of local projects or facilities which would not function properly or be underutilized; and (3) produced facilities that are more expensive to plan, design and construct. Several respondents questioned the adequacy of the separate rankings for one large project on the FY 81 priority list and submitted documentation regarding the operational dependency of many components.

The present rule requires that the Department consider operational dependency when deciding whether an individual ranking or a ranking combined with other components is appropriate. Each project is reviewed with information supplied by the grantee during development of the annual priority list. The appropriateness of separate rankings and the accuracy of priority point ratings for individual components will be reviewed during development of the FY 82 priority list; pertinent information from this hearing will be analyzed. Individual component rankings may, depending upon the amount and timing of subsequent funds, result in delaying completion of a total project; the total negotiated cost for professional services for these incremental programs may increase. However, advance planning and selection of high priority components will ensure that essential needs are met first at least cost.

Transition Policy

The elimination of the transition policy after FY 82 is provided for according to OAR 340-53-015 (8). The reasons supporting the EQC's position included: (1) the closer relationship between funding and high priorities according to water quality-based funding criteria, and (2) benefits to more local agencies that have projects rated highly on the priority list because only five agencies would receive all the construction funds for conventional projects through FY 85. Several respondents noted that the phase out of transition project status which was adopted by the EQC in September, 1980, was announced sufficiently in advance of the effective date October 1, 1981, that reasonable adjustments would be made by local agencies.

Objections to the elimination of the policy cited that: (1) new projects should not be started where those already begun cannot be completed; (2) projects which are underway have incurred special obligations when they procured local funds or increased their manpower; and (3) the policy trims the long length of time from project initiation to completion. One comment referred to a federal regulation stating that a project shall generally retain its priority rating on the project priority list until an award is made. Several respondents outlined the affects of elimination of the policy on the Metropolitan Wastewater Management Commission's project, i.e. $11.4 million in projected inflation costs, $3 million for replanning and redesign, delay, and the breach of good faith between local citizens who authorized bonds and the State. Two respondents favored the elimination of the policy only if projects that had started design before FY 79 were completely funded first.

With federal allocations to the State diminishing year to year, the Department's choice is: (1) to risk the continued total deferral of new projects, which rate comparatively higher in priority according to state water quality and public health criteria than the projects classed as transition on the FY 81 priority list; or (2) to defer the segments or components of the transition projects that do not rate comparatively high in priority according to State water quality and public health criteria. Although it recognizes that many of the objections expressed are legitimate, the Department supports the elimination of the transition policy in order to closer relate funding and the high priority projects on the State's priority list. The economic situation faced in the grants program has changed considerably in the past years so that the transition policy would no longer effectively cut down project time length for four of the five projects classed as transition during FY 81. FY 81 available funds cannot even meet the entire project cost of the top project. For FY 82, the elimination of the transition policy will greatly disadvantage the scheduling of this project; however, segments or components of this project which rate highly according to priority criteria are expected to receive funds in FY 82.

The time allowed to phase out the transition status was thought to be sufficient by some respondents and insufficient by others. Prior to FY 80, projects for which a Step 2 grant had been awarded were transitioned to the top of the following year's priority list. During FY 80, the priority criteria was changed so that only projects classed as transition during FY 79 were continued at the top of the list. Many of these transition projects were completed during FY 80 and dropped off the priority list. When the priority criteria for FY 81 was proposed in July, 1980, transition projects remaining from the FY 80 priority list were continued at the top of the list but it was proposed that the unfinished projects would be ranked according to water quality related priority criteria on the FY 82 priority list. The EQC adopted this proposal at its September, 1980 meeting. The Department views the adjustment period as a reasonable one, considering that little time is accorded the State to adjust its funding priorities to annual Congressional appropriations. However, the high priority ranking given transition projects in the past was an administrative policy developed by the State to move projects into completion. Until recent years the transition policy did not result in the defferal of construction on projects rated more highly on the priority list.

The elimination of the transition policy is believed to be consistent with the federal regulations. No project priority rating, calculated in accordance with the water quality based priority criteria, will be affected. Priority ranking will change.

The Department recognizes the disadvantages of eliminating the transition policy, but recommends that economic circumstances and the selection of projects on a water quality criteria basis justifies the elimination.

Reduced Grant Participation

A minority of respondents supported a 50% grant program. Only three respondents unconditionally supported the reduced level; several others suggested reduced levels should be in concert with reduced water quality standards, special financing for depressed areas, variable grant levels based on need and ability to pay, or use of the State Pollution Control Bond Fund to make up the difference. Two respondents favored 50% grants if they were phased-in so that projects which had bond issues passed prior to FY 82 or had a Step 2 grant awarded before FY 82 were not affected.

In opposition to a grant level reduction several issues were raised:

a. The potential affect of reduced participation and more Federal limitations on work considered eligible would effectively reduce assistance levels to far less than half the cost of some projects;

b. Any decision by the State at this time would predate the development of federal guidelines expected on this issue;

c. The validity of bond elections may be legally challenged where they refer to receipt of a 75% federal grant in the ballot explanation or publication of bond election measures;

d. A changed grant level would violate the good faith and reliance of local citizens who have passed bond issues for a 25% local share; and

e. Fifty percent local financing is beyond the financing ability of small communities.

The Department agrees that many of the issues raised prevent any reduction in grant participation during FY 82. Issues (a) and (b) above will be more easily evaluated during the next fiscal year. Because issues (c) and (d) currently affect a few projects where bonds have been authorized, the direct impacts of a grant level change should be carefully evaluated and steps proposed to mitigate potential adverse affects before a reduced level is adopted. Each of the variations suggested by those supporting a reduced level program depend on other significant program changes which may depend, in part, on federal guidelines. Therefore, reduction of grant participation during FY 82 is not recommended.

Other Issues

Several respondents representing the Metropolitan Wastewater Management Commission requested that adjustments be made to the project classification (letter code), the point rating for Regulatory Emphasis, and the combination of segments or components of the facilities.

The Department will consider these requests and the documentation submitted during the development of the FY 82 priority list.

Summary of Public Participation Activities

The public hearing process successfully solicited comments from a broad range of participants, including citizens, small and large communities, service districts, professional consulting firms, business and public interest organizations, and a federal agency. Testimony was provided by forty-eight respondents.

Although one respondent commented that the public hearing process employed by the Department favored large cities who have the staff available to participate in the proceedings, it appeared that this activity included several small community perspectives. Many small and mid-size communities

who are less directly affected also presented testimony, especially in written form. Several of these smaller communities do not often participate in the opportunities for comment on the construction grants program. The Oregon Rural Assistance Program, specializing in aid to small communities, also presented testimony.

Much of the volume of testimony was received from two project areas directly affected by the policies discussed. The diversity in project areas represented as well as the number of comments received were considered in the Department's evaluation of public testimony.

Chronology

September 19, 1980	The EQC approved the FY 81 priority list and the administrative rules containing priority criteria and management policies. The EQC also directed the Department to provide additional opportunity for public comment on three identified issues (and rules).
October 16, 1980	The Department published a notice of public hearing and sent individual copies to the construction grants mailing list.
October 30, 1980	Background information was mailed to addressees on the construction grants mailing list.
December 4, 1980	A public hearing was held at 10:30 a.m., Dept. of Fish and Wildlife Bldg., Portland.
December 10, 1980	The hearing record was closed. The complete record of testimony and list of attendees is maintained by DEQ Water Quality Division.
January 20, 1981	Copies of Agenda Item BB scheduled for EQC review on January 30, 1981, were mailed to the construction grants mailing list. The item included an Evaluation of Public Testimony.

WB553

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

ATTACHMENT 2

MEMORANDUM

To: Environmental Quality Commission

From: Hearings Officer

Subject: Addendum to the Bibliography and Summary of Oral and Written Testimony on the Three Provisions of OAR 340-53-005 through 035: (1) the Ranking of Project Components, (2) Discontinuance of Transition Policy, and (3) Possible Reductions in Grant Participation Which Affect the Allocation of Federal Sewerage Works Construction Grants in Oregon After September 30, 1981.

On January 30, 1981, the EQC directed that the record of public hearing be extended for ten days (January 30 through February 9, 1981). Additional testimony was received by the following participants.

32. City of West Linn
Alan Brickley, Mayor. Written testimony, 1/30/81.

The City supports the DEQ staff position and the EQC policy on the separate ranking of treatment works components.

The City supports the EQC in the elimination of the transition policy because that policy is equivalent to eliminating the use of adopted priority criteria for projects in the balance of the state.

The City supports the DEQ staff recommendation that a 50 percent grant participation level is not feasible at this time. If the DEQ does recommend reductions, they should apply only to new grant applications, not projects who have proceeded into the grant process or has authorized the sale of bonds based on expected 75 percent participation.

33. Clackamas County
David Abraham, Utilities Director. Written testimony, February 5, 1981.

It is evident that testimony prior to and after the September 1980 EQC meeting strongly supports the actions of the Commission in adopting OAR 340-53-015(5) Ranking of Treatment Works Components and OAR 340-53-025(8) Termination of Transition Policy. The County supports the EQC position.

The testimony offered through the December 4, 1980, hearing process supports the Director's recommendation that a reduction in grant participation (OAR 340-53-020(4)) is not feasible at this time. The consideration of this issue should be approached cautiously because of potential impacts; it is doubtful that sufficient time remains to do an adequate evaluation prior to development of the FY 82 priority list.

The adopted priority ranking criteria should stand for the next several years in order to assure program stability and predictability.

34. Metropolitan Wastewater Management Commission
represented by Wiswall, Svoboda, Thorp and Dennett, P.D., G. David Jewett, Atty. Written testimony, February 5, 1981.

There is a need for the EQC to formally reconsider and take affirmative action with respect to the three administrative rules which were the subject of the December 4, 1980, public hearing because of (1) appropriate public participation procedures and (2) the degree of public interest expressed at the December hearing.

Changes were made to the proposed FY 81 criteria and priority list after the August 5, 1980, public hearing. The first notice that changes were made was about five days before the EQC was scheduled to act on the FY 81 criteria and list at its September 1980 meeting. The changes were the rules on separate ranking of components, termination of the transition policy and the adoption of the 50 percent funding option. At the September 1980 EQC meeting, objections were heard regarding failure to provide an opportunity for public comment. The EQC tentatively accepted the priority criteria and list as modified but directed the DEQ to hold a public hearing on the modifications.

Federal regulations require a public hearing before action is taken with respect to the priority criteria and priority list or any significant change thereto. This is because the hearing should provide the agency with public comment in time to aid in making decisions. Public comment taken after decisions are made may receive less careful and considered review.

The EQC decision of September 19, 1980, to approve the FY 81 criteria and list subject to a subsequent public hearing is best viewed as a tentative approval. The EPA's letter of acceptance on the FY 81 priority criteria and list questioned the adequacy of the public participation process and noted that the priority criteria other than those addressing the three issues were accepted.

Development of the FY 82 criteria and list would not be unreasonably delayed if EQC action was taken by mid-March.

35. City of Gladstone
H. Wade Byers, Jr., Mayor. Written testimony, February 9, 1981.

The City reconfirms its support of the EQC's rules regarding individual ranking of treatment works components and the termination of the transition policy.

The City agreed with the Director's recommendation to await the development of federal policies before considering a reduced grant level.

Respectfully submitted,

B. J. Smith
Hearings Officer

BJS:l
WL612(1)
2/19/81

ATTACHMENT 3

COPIES OF WRITTEN TESTIMONY

(Record Extended January 30 - February 9, 1981)

LIST OF RESPONDENTS
December 4, 1980, Hearing

(Record Extended January 30 - February 9, 1981)

Alan K. Brickley	City of West Linn	4900 Portland Avenue West Linn 97068
H. Wade Byers	City of Gladstone	Gladstone, Oregon 97207
David Abraham	Clackamas County	Dept. of Environmental Services 902 Abernathy Road Oregon City 97045
G. David Jewett	MWMC	644 North A Street Springfield 97477

City of West Linn

4900 Portland Avenue • West Linn, Oregon 97068 • Phone: 656-4261

January 30, 1981

Environmental Quality Commission
522 Southwest 5th Avenue
Portland, Oregon 97204

Re: Public Hearing - January 30, 1981, on issues affecting Allocation of Federal Sewage Works Construction Grants.

Gentlemen,

The City of West Linn would like to present these comments in support of the Tri-Cities Sewer District in regards to issues affecting the allocation of Federal Sewage Works Construction Grants during the fiscal year 1982. Specifically certain provisions of O.A.R. 340-53-005 through 035, concerning ranking of project components, discontinuance of transition policy and possible reductions in grant participation.

The City supports the items addressed below as adopted in Bend, Oregon in the order listed:

Item I - Banking of Treatment Works Components. The City of West Linn will support the staff position and the EQC policy adopted in OAR 340-53-015(5) The City feels the separate priority ranking of components will allow more projects to be completed therefore resulting in a higher water quality. We also agree with the statement of grouping of essentially related components on each project.

Item II - Transition Policy - The City of West Linn supports the EQC recommendation that all projects will be ranked according to priority criteria after October 1, 1981. We believe prolonging the transition policy is the equivalent of eliminating the priority criteria for the balance of the State, which has been developed after many public meetings and input by many staff members.

Item III - Reduced Grant Participation. The City of West Linn supports the staff recommendation that any reduction in the grant participation from 75% to 50% is not feasible at this time. The City opposes the grant reduction for any agency such as the Tri-Cities Sewer District, who has proceeded into the grant process and has held an election and plans on selling bonds based on receiving 75% funding. If the department recommends reductions in grant levels in the future, these should only apply to new grant applications so the grantee is aware of the grant participation at the start of the project.

We thank you for allowing us the opportunity to present these comments....

ALAN K. BRICKLEY
Mayor

AKB:dn

February 5, 1981

DEPARTMENT OF ENVIRONMENTAL SERVICES
COUNTY OF CLACKAMAS STATE OF OREGON

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

JOHN C. McINTYRE
Director

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

B. J. Smith, Hearings Officer
Dept. of Environmental Quality
522 S.W. Fifth Avenue
Portland, Oregon 97204

DEQ December 4, 1980 Public Hearing on FY '81-82 Construction Grants Priority Ranking Criteria, Extended Hearing

We wish to supplement our prior testimony relating to the December 4, 1980 Public Hearing subject matter. This opportunity is made possible by the Environmental Quality Commission's action of January 31, 1981, allowing a 10-day extension for receiving additional written testimony.

It is clearly evident that the testimony presented prior to and after the Commission's meeting of September 19, 1980 in Bend strongly supports the action of the Commission in adopting OAR 340-53-015(5) Ranking of Treatment Works Components and OAR 340-53-015(8) Termination of Transition Policy in the Priority Criteria for allocating construction grants. We continue to support the Commission's action in this regard and reaffirm our prior testimony as the basis. If these rules remain unchanged in the criteria for FY '82 and future years, the Commission's action would have reestablished stability in the funding program. DEQ will again be able to address the issue of water pollution abatement as the objective of the grant program.

With regards to OAR 340-53-020(4), Reduction in Grant Participation, the additional testimony supports the Director's recommendation to await the development of federal policies related to this option and consider this question at a later date. We previously stated that if taken, this step could have profound effects on a state-wide basis is borne out by the varied testimony offered through the December 4, 1980 public hearing process. If, in fact, the issue is to be seriously considered in the

future, it should be approached with great caution and a keen awareness of the depths to which it could impact water pollution abatement objectives of the Commission.

It is doubtful that sufficient time remains to do an adequate evaluation of a reduced funding impact prior to adoption of the FY '82 Priority List. Any such hastily formulated effort should be discouraged.

It is our final opinion that the standing adopted priority ranking criteria should prevail without significant modification for the next several years. Predicability is essential if stability is to return to the State's Water Pollution Abatement Program.

DAVID J. ABRAHAM, Utilities Director

/ro

WISWALL, SVOBODA, THORP & DENNETT, P.C.
LAW OFFICES
644 North A Street
Springfield, Oregon 97477
(503) 747-3354

William Wiswall
John L. Svoboda
Laurence E. Thorp
Douglas J. Dennett
Dwight G. Purdy
Jill E. Golden
Robert A. Miller
Scott M. Galenbeck

G. David Jewett
Robert A. Thrall
James M. O'Kief
Karen Hendricks
Jeffrey D. Herman

Marvin O. Sanders
(1912-1977)
Jack B. Lively
(1923-1979)

February 5, 1981

Mr. Joe B. Richards
Chairman, Environmental
Quality Commission
777 High Street
Eugene, Oregon 97401

Mr. William H. Young
Director, Department of
Environmental Quality
Construction Grants Unit
P. O. Box 1760
Portland, Oregon 97207

Re: EQC Meeting of January 30, 1981; Agenda Item BB; Summary of December 4, 1980 Public Hearing Regarding Issues Affecting the Allocation of Federal Sewerage Works Construction Grants During Fiscal Year 1982

Dear Mr. Richards and Mr. Young:

As you know, this firm represents the Metropolitan Wastewater Management Commission (MWMC). On Friday, January 30, 1981, the Environmental Quality Commission (EQC) had its first meeting of 1981 and the agenda included the above-referenced summary report. The resolution of the issues on which public testimony was taken will dramatically affect the course of the wastewater treatment works construction grants program in Oregon. Nevertheless, the item was included on the agenda as informational only and the Commission did not take any further public comment and did not formally take any further action on the subject.

In view of the tremendous impact of these issues, the procedural posture in which the December 4, 1980 hearing was held, and the tremendous degree of public interest expressed at the hearing, there is a definite need for the EQC to formally reconsider and take affirmative action with respect to the three administrative rules which were the subject of the hearing. For these and the reasons expressed below on behalf of the MWMC, I request

that the Commission set the three administrative rules for action at its next regularly scheduled meeting.

The procedural posture in which the December public hearing took place makes further action by the EQC necessary to comply with the letter and spirit of the federal regulations governing the public participation aspects of the development of the priority criteria and priority list. The first hearing on the FY81 priority criteria and priority list was held on August 5, 1980. Thereafter, the DEQ changed the proposed criteria and list with respect to separate ranking of components, termination of the transition policy and adoption of the 50% funding option. Prior to the August 5 hearing, no notice had been given that such changes would be considered and accordingly there was no opportunity for considered public response at that hearing. The first notice of the proposed changes was distributed to interested parties about five days before the EQC was scheduled to take action on them at the September 19, 1980 meeting.

Prior to and at the September EQC meeting, objections were raised to adoption of the priority criteria and list due to the failure to provide an opportunity for public comment on the significant changes proposed. The applicable federal regulations were specifically pointed out. Objections were also made known to EPA at that time. After considering the possible delay to the funding cycle, the EQC tentatively accepted the priority criteria and priority list as modified, but directed the DEQ to hold a public hearing on the modifications, which hearing was held December 4, 1980.

The applicable federal regulations are found at 40 CFR, Parts 35.915, 35.1500, et seq., and 25.5. They were discussed in my letter of September 17, 1980 to Mr. Richards as chairman of the EQC. Suffice it to say here that the regulations require a public hearing before action is taken with respect to the priority criteria and priority list or any significant change thereto. The rationale for such a rule is quite clear. There is little reason to have public hearing solely for the sake of appearances. Their value is in that they provide the administrative agency with public comment in time to be of some impact on the decision-making process. This can hardly be accomplished by holding a hearing after the action has been taken. Once a decision has been made, it tends to become set and inertia deters

change. Public comment taken after the fact may well receive less careful and considered review by the decision-making body. This would lead to the frustration of the very purpose of requiring public input into the decision-making process.

Applying these principles to the present situation focuses attention on the need for further EQC action. The dramatic impact of the three rule changes is evident. Their very nature touches the heart of the allocation scheme for the State for several years. The significance of the changes was readily acknowledged by Mr. Young at the September EQC meeting. Moreover, the public and interested parties have also perceived the significance of the impact. As noted by DEQ in its summary of the December public hearing to the Commission:

> "As a result of the public hearing held December 4, 1980 on these issues, 48 respondents, including citizens, municipalities, service districts, professional consulting firms, business and private-interest organizations, and a federal agency, provided comments."

The written testimony alone ran to more than 80 pages.

The EQC decision of September 19, 1980 to approve the priority criteria and list subject to a subsequent public hearing is best viewed as a tentative approval due solely to the time constraints inherent in providing a public hearing and out of a desire not to delay the release of FY81 funds. The EPA response to that action was equally clear. In his letter of October 31, 1980 to Mr. Young, the EPA Regional Administrator noted the three changes to the priority criteria, questioned the adequacy of the public participation, and accepted the priority list and priority criteria "other than those addressing the three issues above." Emphasis added. A copy of this letter is enclosed. Quite clearly the EPA felt the changes were so significant that it could not and did not accept them without prior public participation.

In light of the impact of the changes, the governing regulations and the prior actions of both the EQC and EPA, it is my belief that the EQC must take formal action on the proposed changes now that the public hearing has been held. I believe

this can be done without unduly disrupting further scheduling. Action could be taken at the next regularly scheduled EQC meeting. Even if one or more of the proposed rules were rejected or modified, development of the FY82 priority criteria and priority list should not be unreasonably delayed. The DEQ staff would have EQC's direction by mid March. If the public hearing were held in August, as it was last year, that would leave approximately three months to complete staff work before any information had to be circulated in preparation for an August public hearing.

Needless to say, those of us who submitted testimony on behalf of MWMC at the December public hearing continue to believe for the reasons we articulated then that the three modifications to the priority criteria should not be adopted. However, whatever the result, I believe that the EQC has an obligation to the public and all interested parties who worked many hours preparing and submitting testimony, to schedule these three modifications for and take further action on them.

Very truly yours,

WISWALL, SVOBODA, THORP
& DENNETT, P.C.

G. David Jewett

GDJ:mm
Enclosure
cc: Mr. William V. Pye
Mr. Ray Underwood
Mr. Brian L. Hansen

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X

1200 SIXTH AVENUE

SEATTLE, WASHINGTON 98101

REPLY TO ATTN OF: M/S 429

OCT 31 1980

RECEIVED
OCT 31 1980
OFFICE OF REGIONAL COUNSEL
EPA - REGION X

William H. Young, Director
Department of Environmental Quality
P. O. Box 1760
Portland, Oregon 97207

Dear Mr. Young:

The review is completed of Oregon's final Construction Grants Project Priority Criteria and the Project Priority List. A public hearing was announced and a hearing was held on the Draft Priority List and the Proposed Priority Criteria entitled, "Development and Management of the Statewide Sewerage Works Construction Grants Priority List," on August 5, 1980, in Portland, Oregon.

Three changes made to the proposed priority criteria since the public hearing are questioned as to adequate public participation exposure. The changes are: (1) decrease in EPA grants participation from 75% to 50% if allowed, (2) discontinuance of the "Transition Policy" and (3) individual ranking of project components or segments. Since these changes do not affect the FY 81 Priority List, the Project Priority List has been accepted, as have the Project Priority Criteria other than those addressing the three issues above. It is my understanding that you will provide for adequate public participation including a public hearing on the above issues prior to employing these three criteria or developing the FY 82 and future Project Priority Lists.

Construction grant awards can be made for the two projects located above the funding line of the accepted list. The location of the funding line and the status of funds below are based on the unobligated funds remaining as of October 1, 1980. After the State of Oregon receives its FY 81 allocations or the Region receives an Advice of Allowance to obligate FY 81 funds, the funding line will be lowered and reserve balances adjusted accordingly.

The status of your construction grant funds is as follows:

Total unobligated funds	$16,748,002
Reserves for SMA	870,000
Reserves for grant increases	9,359,183
Reserves for unidentified Step 1 & 2	4,112,367
Reserves for innovative increases	217,502
Reserves for alternative increases	62,307
Reserves for alternative systems for small communities	1,726,893
Amount on Priority List	1,416,775
Available for State Designation	-0-

The total estimated amount on the priority list also includes the rural set aside which is the estimated cost of alternative projects for small communities. The EPA total, however, does not include estimated costs for I/A increases. The amount of $1,416,775 also includes $1,017,025 to be obligated from the above reserves to Lane County for the alternative system for the City of Dexter.

We are concerned that no more than one small innovative project is identified on the priority list. This does not involve or encourage innovative technology for future projects. Because the program is moving slowly, another seminar on "Emerging Technology" is being planned in Seattle. The seminar scheduled on December 17 and 18 is for grantees, consulting engineers and regulatory agencies' personnel to encourage more innovative and alternative projects. A seminar is helpful in generating interest, but is there more that can be done such as training sessions, workshops or presentations and making available audio-visual slides and movies and literature? The innovative program is to encourage grantees and their consultants to assume risk to break away from the conventional practices and design more efficient and less costly technology and processes. Please let us hear of any ideas you may have on this matter.

We have enclosed an official copy of your FY 81 Priority List designated as CR-80-01 with the acceptance date and a printout of your planning list for future considerations. If you have any questions, or if we can assist you, please give me or Carl Nadler a call. Carl's phone number is (206) 442-1266.

Sincerely,

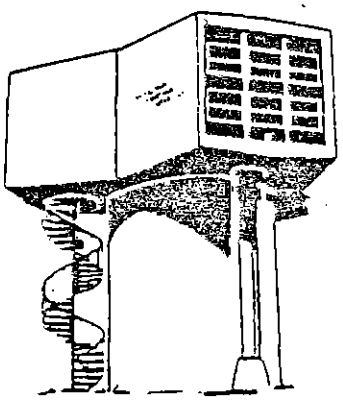
Donald P. Dubois
Regional Administrator

Enclosure

cc: Oregon Operations Office

City of Gladstone

GLADSTONE, OREGON 97027



656-5223

February 9, 1981

B. J. Smith, Hearings Officer
Department of Environmental Quality
522 S. W. 5th Avenue
Portland, Oregon 97204

RE: FY 81-82 Construction Grant Priority Ranking Criteria, Extended Hearing

The purpose of this letter is to reconfirm the City of Gladstone's support of the commission's action in adopting OAR 340-53-015 (5) Ranking of Treatment Works Components and OAR 340-53-015 (8) Termination of Transition Policy in the Priority Criteria for allocating construction grants, as expressed in our prior testimony at the public hearing December 4, 1980.

The City of Gladstone agrees with the Director's recommendation to await the development of federal policies regarding OAR 340-53-024 (4). It should be noted that reduced federal assistance may have a significant adverse impact on the water pollution abatement objectives of the commission.

In our opinion, it is essential that the existing priority ranking criteria remain unchanged to maintain stability in the state's water pollution abatement program.

CITY OF GLADSTONE

H. Wade Byers, Jr.

H. Wade Byers, Jr.
Mayor

ATTACHMENT 4

Addendum to the Evaluation and Response to Public Testimony
(Responsiveness Summary)

At the January 30, 1981, EQC meeting, a respondent expressed his opinion that the Commission should take formal, affirmative action to endorse the administrative rules. The EQC directed the staff to reopen the public hearing record for ten days (January 30 - February 9, 1981) to receive additional testimony. The Agenda Item BB was submitted as an informational item.

The staff concludes that additional testimony received during the extended period of record also generally supported the EQC's present policies regarding (1) the determination of the segments or components to be included in a project and (2) the termination of the transition policy after September 30, 1981.

Separate Component/Segment Ranking and Transition Policy

Three respondents supported the staff evaluation and present EQC policy.

Reduced Grant Participation

Three respondents supported the staff evaluation that implementing a 50 percent grant program was not feasible during FY 82. One respondent felt that reduced grant levels should be considered only for new grantees.

Other Issues

One respondent supported a formal affirmative action by the EQC in considering the rules which were the subject of the hearing. He noted that (1) federal regulations require a public hearing before action is taken on criteria or significant changes thereto; and (2) the need to ensure the consideration of public comments in decision making. He viewed the EQC's September 1980 approval of the three rules as "tentative" and subject to a subsequent public hearing. He also noted EPA's failure to approve the three rules until adequate public participation is provided prior to employing these criteria or developing the FY 82 list.

The Department agrees that a public hearing must precede significant changes to the priority criteria and that public comments must be carefully weighed in the decision-making process. Two modifications were made to the FY 81 priority system as a result of the August 1980 public hearing. Public comment opportunities subsequently occurred at the September 19, 1980, EQC meeting and the December 4, 1980, public hearing. The informational agenda item was utilized at the January 30, 1981, EQC meeting because (1) the EQC directed that additional public comment be obtained and (2) based on the staff's evaluation of public testimony, no modifications to the adopted rules were proposed. However, in the interest of facilitating development of the FY 82 priority list, this staff report regarding the public hearing and a proposed schedule for developing the list are combined and submitted for appropriate action.

Summary of Public Participation Activities

Testimony during the extended hearing record was submitted by four respondents, representing two project areas.

Chronology

January 30, 1981	EQC reopened the public hearing record for 10 days.

BJS:l
WL613 (1)
2/19/81

ATTACHMENT 5

SCHEDULE FOR DEVELOPMENT OF FY 82 PRIORITY LIST
FOR CONSTRUCTION GRANTS

Activity	Month	Week
DEQ staff completes preliminary analysis of project information	April	2nd
Public Hearing Notice	April	3rd
Informational Materials (Draft FY 82 Priority List)	April	4th
Public Hearing on Draft List	May	4th
Hearing Record Closes	June	2nd
EQC Agenda Item distribution (includes first part of Responsiveness Summary)	June	4th
EQC Action on FY 82 Priority List	July	3rd
Completion of Responsiveness Summary and Submittal to EPA	August	1st

Times given are estimates; actual dates will be established as soon as practicable.

BJS:l
WL613 (1)
2/19/81

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

TO: Environmental Quality Commission

FROM: Linda K. Zucker, Hearings Supervisor

SUBJECT: Agenda Item K1, March 13, 1981, EQC Meeting

Request for Commission Review: DEQ v. MALLORY & MALLORY, INC.
Case No. 14-AQ-CR-79-101

Commission review of the hearings officer's decision in this case is scheduled for the March 13, 1981, meeting.

Enclosed are the following documents:

1. Hearings Officer's Order
2. Respondent's Appeal Brief
3. Department's Brief and Cross-Appeal

Linda K. Zucker
Hearings Supervisor

LKZucker:ahe
229-5383
02-20-81

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

OF THE STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY of the STATE OF OREGON, Department, v. MALLORY & MALLORY, INC., an Oregon Corporation, and HARROLD M. MALLORY, Respondents.	NO. 14-AQ-CR-79-101 HEARINGS OFFICER'S FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

FINDINGS OF FACT

On August 21, 1979, and all times material hereto, Respondent Mallory & Mallory, Inc. was owner of real property within Klamath County and located within an area in which open burning is regulated by the Department. Respondent Harrold Mallory, President of Mallory & Mallory, Inc., applied for a permit to burn demolition waste on the subject property but the application was denied. He applied for the permit as an individual; the corporate name did not appear anywhere on the letter application.

On August 21, 1979, the demolition waste on the subject property was ignited and continued to burn through the afternoon of August 22, 1979. The parties agree that neither Respondents nor Respondents' agents set the fire. However, Harrold Mallory knew that a permit was required and that the fire was unauthorized. He also had friends who knew that his application had been denied. Some of these friends volunteered to set the fire, but Harrold Mallory claims that he discouraged them from doing so.

Harrold Mallory was on the premises and knew that the debris was

burning both on August 21 and 22, 1979. He neither attempted to extinguish the fire himself nor called upon others to do so. It would have been very difficult, if not impossible, for him to have extinguished the blaze unaided. He was 81 years of age at the time and there was no readily available source of water close to the site. However, he could have obtained aid easily if he had requested it.

On August 21, 1979, a Department staff member investigated reports of an unauthorized burn on the subject property. The next day, he visited the site with the assistant chief of the local fire department. The Department representative informed Respondent Harrold Mallory that the burn was a violation of Department rules and that a civil penalty would be imposed. Harrold Mallory informed the Department representative that he intended to let the fire burn, as he wished to dispose of the materials. In addition, he told the fire department official that he had not been informed of what action, if any, the Department had taken on his permit application. This statement was made some three months after Harrold Mallory was informed that his application had been denied.

At no time did the Department representative ask Respondent Mallory to extinguish the blaze. On August 22, 1979, the local fire department extinguished the fire upon its own initiative, as the subject property is located in a primarily residential neighborhood and the fire was producing a considerable amount of smoke.

Open burning of construction and demolition waste normally does not produce smoke for five days. However, the contents of this burn pile included roofing materials, plastic, bricks and soil, as well as tree limbs and stumps. Therefore, this burn, if not extinguished, would most likely

have continued to smolder and produce smoke for five days or more.

On October 24, 1980, Respondents were served with a Notice of Assessment of Civil Penalty for conducting an open burn of construction and demolition waste in an open burn control area. No prior notice had been served upon Respondents.

CONCLUSIONS OF LAW

1. The Department has jurisdiction to impose a civil penalty.

2. Open burning is a pollution source normally not in existence for five days.

3. An open burn of construction and demolition waste occurred on the subject property in violation of OAR 340-23-045(5).

4. Harrold Mallory asserted his control of the property by application for a permit in his individual capacity. This assertion, coupled with his presence on the property, established his control.

5. Pursuant to OAR 340-23-040(3) and ORS 468.300, Respondent Harrold Mallory, as the individual in control of the subject property at the time of the open burn, is responsible for the burn. Harrold Mallory was negligent and subject to civil penalty. There was no evidence presented that Mallory and Mallory, Inc., was negligent or engaged in wilful misconduct and Mallory and Mallory, Inc., is not subject to civil penalty.

6. OAR 340-23-040(3) is constitutional when read in conjunction with ORS 468.300.

OPINION

The parties had stipulated that an open burn occurred on Respondents' property, but that neither Respondents nor Respondents' agents set the fire. Respondents argued that they could not be held liable for an

unauthorized burn which they did not set, and further, that holding a land owner strictly liable for unlawful burning on his property is unconstitutional. OAR 340-23-040(3) reads as follows:

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

On its face, this rule appears to ascribe strict liability to an owner or controller of land upon which open burning occurs. However, the rule must be read in conjunction with the relevant statute, ORS 468.300:

> The several liabilities which may be imposed pursuant to . . .this chapter upon persons violating the provisions of any rule, standard, or order of the Commission pertaining to air pollution shall not be so construed as to include any violation which was caused by an act of God, war, strife, riot, or other condition as to which any negligence or wilful misconduct on the part of such person was not a proximate cause.

Here a clear limitation upon the rule is stated. A finding of negligence or willful misconduct is a condition precedent to imposition of liability. As stated in DEQ v. Avery, Slip Opinion, p. 5, (EQC Hearings Section, October 20, 1978), "The rule [OAR 340-23-040(3)] can be read compatibly with the provisions of ORS 468.300."

The Oregon Court of Appeals has stated that administrative rules, like statutes, should be interpreted so that their constitutionality is sustained if possible. See State v. Fry Roofing Co. 9 Or App 189, 495 P 2d 751(1972).

There is evidence on the record to sustain a finding that Respondent Harrold Mallory was negligent and that such negligence was a proximate cause of the open burn of two days duration. Respondent Mallory knew that

application for a permit to burn had been denied by the Department. new that his friends were willing, even eager, to set the debris afire. also knew that any burning, in his own words, would "get me into ouble." And yet, with full knowledge that an unauthorized burn was ccurring on the subject property, he chose to stand by and do nothing, as he was anxious to dispose of the debris. As the individual in control of the subject property, he had a duty to do more than simply watch the unauthorized burn take place.

The fact that another individual may have set the fire and be at fault as well is not material. Respondent Harrold Mallory is not relieved of liability under common law principles of negligence because of another's negligence. See Rice v. Hyster, 273 Or 191,540 P 2d 989(1975); Fireman's Fund v. Pacific Power & Light, 269 Or 421, 525 P 2d 157(1974).

Although Mallory & Mallory, Inc. is the owner of the subject property, there is no evidence on the record to sustain a finding that the negligence of Respondent Harrold Mallory can be ascribed to the corporation. There is no evidence indicating that he was acting in his corporate capacity during the days in question, nor that the corporation subsequently ratified his negligent behavior at the site. Therefore, Respondent Mallory & Mallory, Inc. is absolved of liability in this case.

Procedures for giving notice of violation to a person who has allegedly violated a Department rule are governed by ORS 468.125 and OAR 340-12-040. Normally, five days notice is required before a penalty may be imposed. However, under certain circumstances, the five day notice is waived. The relevant portions of ORS 468.125(2) are as follows:

///

> No advance notice shall be required, however, where the violation is intentional or . . . where the water pollution, air pollution, or air contamination source would normally not be in existence for five days, including but not limited to open burning . . .

OAR 340-12-040(3)(b)(D) states:

> No advance notice, written or actual, shall be required where...(t)he water pollution, air pollution, or air contamination source would normally not be in existence for five days.

The statutory phrase "included but not limited to open burning" was dropped from the rule, but aides in interpreting the rule. The evidence supports a finding that the materials which composed the particular burn pile on Respondents' property would, if not extinguished, have burned for five days or more. However, uncontroverted testimony indicated that the typical open burn of demolition and construction waste would create a burn of less than five days duration. Whether advance notice is required prior to assessment of civil penalty is therefore governed by the interpretation of the word "source" in both the statute and rule as quoted above. Does "source" of air pollution refer to the specific components of each pile of refuse burned or to the general phenomenon of open burning?

Upon reflection, it is apparent that it is the latter which was intended by the legislature. Surely, the legislature did not intend that a Department agent be required to know the contents of each unauthorized burn pile and then to determine how long each would likely burn if left unextinguished. Such a requirement would be unduly burdensome, and effective enforcement close to impossible. The legislative history of ORS 468.125 and its predecessor, ORS 449.967, confirm the alternative interpretation. See Hearings, House Committee on Environment and Energy,

June 2, 1977. The statute was written to cover violations which are one-time acts, as opposed to continuing activities, such as ongoing particulate emissions from a factory. Therefore, under OAR 340-23-040(3) "source" refers to the phenomenon of open burning, which generally does not continue for as long as five days.

One additional point merits attention. Respondents emphasized the fact that Department's representative never instructed Harrold Mallory to extinguish the blaze. OAR 340-23-040(2) states:

> Open burning in violation of any Rule of the Commission shall be promptly extinguished by the person in attendance or person responsible when notified to extinguish the fire by either the Department or by any other appropriate public official.

Although the argument is not clear, Respondents appear to take the position that a duty to extinguish never arose, since neither the Department representative nor any other "appropriate public official" told Harrold Mallory to extinguish the blaze. However, notice and failure to extinguish are not conditions precedent to liability, but rather, another independent basis for liability. That is, if Department's representative had told Harrold Mallory to extinguish the fire and if he had then refused to do so, he could have been cited for an additional violation of Department rules. Such behavior might then be considered an aggravating factor leading to a larger civil penalty pursuant to OAR 340-12-045.

It is clear from the record that Department's representative not only failed to give instructions to extinguish the fire; he did not even know that the relevant rule existed. Nevertheless, Harrold Mallory is not relieved of liability in the instant case. To hold otherwise would mean that an individual who conducts a prohibited burn may do so with impunity

as long as no official requests that he extinguish the fire.

OAR 340-23-040(2) is found in the General Requirements and Prohibitions Section and applies to all burning regulated by the Department. During field burning, the actual burn can be accomplished within a very brief period of time. An entire field can be burned and all flames extinguished within a period of a few hours. Very often, the Department does not learn of an unauthorized burn until after the fact, by discovering burnt stubble in a zone not previously approved for burning. Enforcement would be almost impossible if notification and subsequent refusal to extinguish were conditions precedent to assessment of penalties.

IT IS ORDERED that Respondent Harrold Mallory is liable for a civil penalty of $300 and that the State of Oregon have judgment therefore.

DATED this 15th day of September, 1980.

Respectfully submitted,

Wayne Cordes

Wayne Cordes
Hearings Officer

NOTICE: Appeal of this Order is to the Environmental Quality Commission within 30 days of service of the Order. Thereafter, you are entitled to judicial review, which may be obtained by filing a petition for review within 60 days of service of this Order. Judicial review is pursuant to the provisions of ORS 183.482.

CERTIFICATE OF SERVICE

(Mail)

STATE OF OREGON)
)
County of Multnomah) ss.

I, Alice H. Everest, being a competent person over the age of eighteen (18), do hereby certify that I served Mallory & Mallory, Inc. and Harrold M. Mallory by mailing by Certified Mail No. 349061 to Blair M. Henderson, a true and valid copy of Hearings Officer's Findings of Fact, Conclusions of Law and Final Order in DEQ v. MALLORY & MALLORY, INC., Case No. 14-AQ-CR-79-101.

I hereby further certify that said document was placed in a sealed envelope addressed to said person at 426 Main Street, Klamath Falls, OR 97601, his last known address, and deposited in the Post Office at Portland, Oregon, on the 17th day of September, 1980, and that the postage thereon was prepaid.

Alice H. Everest

Alice H. Everest
Administrative Assistant
Hearings Section

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

OF THE STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY OF THE STATE OF OREGON, Department, v. MALLORY & MALLORY, INC., an Oregon corporation, and HARROLD M. MALLORY, Respondents.	No. 14-AQ-CR-79-101 BRIEF ON APPEAL

EXCEPTIONS TO CONCLUSIONS OF LAW

The Respondents, Harrold M. Mallory and Mallory & Mallory Inc. hereby take exception to Conclusion of Law No. 4 and 5, page 3 of the Hearing Officer's Findings of Fact, Conclusions of Law and Final Order on the grounds and for the reasons that there was no evidence whatsoever to support a finding that Harrold M. Mallory had control of the subject property in a personal or individual capacity.

ARGUMENT

The uncontradicted evidence is that the subject property was owned by Mallory & Mallory, Inc.; that Harrold M. Mallory was the President of the corporation, Mallory & Mallory, Inc. That Harrold M. Mallory is a minority stockholder. That Harrold M. Mallory as an individual had absolutely no interest, legal or otherwise, in the subject property. His only relationship with the property was through his office of President of the corporation The Hearing Officer maintains that since Harrold M. Mallory, some three months earlier had applied for a burning permit in his individual name that this supported a finding of control. Any resident

HENDERSON & MOLATORE
ATTORNEYS AT LAW
426 MAIN STREET
KLAMATH FALLS, OREGON 97601
TELEPHONES
(503) 884-7731
884-2030

of the State of Oregon could have filed an application for a permit for burning of that same debris without having any control or proprietary interest in the property. The filing of an application is meaningless in relation to the issue of control of the property. The Hearing Officer was correct in finding that Mallory & Mallory, Inc. was not negligent or engaged in any wilful misconduct, but was incorrect in finding that Harrold Mallory had control as there was no evidence whatsoever of any rental, lease or other arrangements wherein Harrold Mallory would have control as an individual of the property. The Respondent submits the attached proposed Conclusions of Law, Findings of Fact and Order:

FINDINGS OF FACT

On August 21, 1979, and all times material hereto, Respondent Mallory & Mallory, Inc. was owner of real property within Klamath County and located within an area in which open burning is regulated by the Department. Respondent Harrold Mallory, President of Mallory & Mallory, Inc., applied for a permit to burn demolition waste on the subject property but the application was denied. He applied for the permit as an individual; the corporate name did not appear anywhere on the letter application.

On August 21, 1979, the demolition waste on the subject property was ignited and continued to burn through the afternoon of August 22, 1979. The parties agree that neither Respondents, nor Respondents' agents set the fire. However, Harrold Mallory knew that a permit was required and that the fire was unauthorized. He also had friends who knew that his application had been denied. Some of these friends volunteered to set the fire, but Harrold Mallory claims that he discouraged them from doing so.

HENDERSON & MOLATORE
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426 MAIN STREET
KLAMATH FALLS, OREGON 97601
TELEPHONES
(503) 884-7731
884-2030

Harrold Mallory was on the premises and knew that the debris was burning both on August 21 and 22, 1979. He neither attempted to extinguish the fire himself nor called upon others to do so. It would have been very difficult, if not impossible, for him to have extinguished the blaze unaided. He was 81 years of age at the time and there was no readily available source of water close to the site. However, he could have obtained aid easily if he had requested it.

On August 21, 1979, a Department staff member investigated reports of an unauthorized burn on the subject property. The next day, he visited the site with the assistant chief of the local fire department. The Department representative informed Respondent Harrold Mallory that the burn was a violation of Department rules and that a civil penalty would be imposed. Harrold Mallory informed the Department representative that he intended to let the fire burn, as he wished to dispose of the materials. In addition, he told the fire department official that he had not been informed of what action, if any, the Department had taken on his permit application. This statement was made some three months after Harrold Mallory was informed that his application had been denied.

At no time did the Department representative ask Respondent Mallory to extinguish the blaze. On August 22, 1979, the local fire department extinguished the fire upon its own initiative as the subject property is located in a primarily residential neighborhood and the fire was producing a considerable amount of smoke.

Open burning of construction and demolition waste normally

HENDERSON & MOLATORE
ATTORNEYS AT LAW
426 MAIN STREET
KLAMATH FALLS, OREGON 97601
TELEPHONES
(503) 884-7731
884-2030

does not produce smoke for five days. However, the contents of this burn pile included roofing materials, plastic, bricks and soil as well as tree limbs and stumps. Therefore, this burn, if not extinguished, would most likely have continued to smolder and produce smoke for five days or more.

On October 24, 1980, Respondents were served with a Notice of Assessment of Civil Penalty for conducting an open burn of construction and demolition waste in an open burn control area. No prior notice had been served upon Respondents.

CONCLUSIONS OF LAW

1. The Department has jurisdiction to impose a civil penalty.

2. Open burning is a pollution source normally not in existence for five days.

3. An open burn of construction and demolition waste occurred on the subject property.

4. Harrold Mallory had no control of the property.

5. There was no evidence presented that Mallory & Mallory, Inc. was negligent or engaged in wilful misconduct and Mallory & Mallory, Inc. is not subject to civil penalty, nor is Harrold Mallory.

PROPOSED ORDER.

It is ordered that this proceeding be dismissed.

DATED this 17 day of November, 1980.

BLAIR M. HENDERSON

HENDERSON & MOLATORE
ATTORNEYS AT LAW
426 MAIN STREET
KLAMATH FALLS, OREGON 97601
TELEPHONES
(503) 884-7731
884-2030

CERTIFICATE OF SERVICE

STATE OF OREGON)
) ss.
County of Klamath)

I, Blair M. Henderson, do hereby certify that I served the Enforcement Section of the Dept. of Environmental Quality by mailing by certified mail to John H. Rowan, Enforcement Section, Dept. of Environmental Quality at 522 S.W. Fifth Avenue, Portland, OR 97204 a true and valid copy of Respondents' Brief on Appeal.

I further certify that said document was addressed to John H. Rowan at the above address, his last known address, and deposited in the Post Office at Klamath Falls, OR, on the 24th day of November, 1980, and that the postage thereon was prepaid.

BLAIR M. HENDERSON

HENDERSON
& MOLATORE
ATTORNEYS AT LAW
426 MAIN STREET
KLAMATH FALLS,
OREGON 97601
TELEPHONES
(503) 884-7731
884-2030

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY OF THE STATE OF OREGON, Department, v. MALLORY AND MALLORY, INC., an Oregon corporation, and HARROLD M. MALLORY, Respondents.	)	No. 14-AQ-CR-79-101
	)	ANSWERING BRIEF AND BRIEF ON CROSS APPEAL

I. BACKGROUND

This case is on appeal to the Environmental Quality Commission from a hearing officer's final ruling in a civil penalty contested case at the request of the Department of Environmental Quality ("DEQ" or "Department") and both respondents.

This case was commenced by the Department by the filing and serving of a Notice of Assessment of Civil Penalty on respondents on October 24, 1979, assessing a $300.00 civil penalty for an open burning violation which occurred in August 1979. Respondents filed an answer in which they denied the Department's substantive allegations and raised an affirmative defense contending that respondents did not start the fire and did not discover the fire "until such time as it was impossible for respondents to stop said burning."

A hearing was held before Environmental Quality Commission ("EQC" or "Commission") hearing officer Wayne Cordes in Klamath

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500 PACIFIC BUILDING
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TELEPHONE 229-5725

Falls on January 10, 1980. At the hearing the Department was represented by John Rowan of the DEQ Enforcement Section; respondents were represented by Blair Henderson, of respondent's attorneys Henderson and Molatore, Klamath Falls.

On September 15, 1980, the hearing officer entered his Hearings Officer's Findings of Fact, Conclusions of Law and Final Order ("hearing officer's ruling") proposing to affirm the civil penalty against respondent Harrold Mallory ("respondent individual") but to dismiss it regarding respondent Mallory and Mallory, Inc. ("respondent corporation"). That ruling was served on September 17,1980.

On October 16, 1980 respondents filed a timely notice of appeal to the Commission. On November 13, 1980 respondents filed their Brief on Appeal in which they contested only conclusions of law 4 and 5 of the hearing officer's ruling.

Herewith the Department is filing with the Commission a Notice of Cross Appeal and Exceptions in which it requests the Commission to adopt certain additional findings of fact and substitutions for conclusions of law numbered 5, 6 and the order.

II. FACTS

This is a very simple case. The parties do not dispute the facts. They only dispute the legal conclusions to be drawn from them. Respondents in their Brief on Appeal propose that the Commission adopt in total the hearing officer's findings of fact, which I will not repeat here.

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The Department also accepts all the hearing officer's findings of facts, but proposes that the Commission adopt some additional findings of fact, which I will not repeat here, and which are largely taken from the hearing officer's opinion.

There is no dispute with the findings and conclusions of the hearing officer that open burning of materials prohibited by the Commission's rule occurred on August 21 and 22, 1979 on property owned by the respondent corporation located in a primarily residential neighborhood. It is not disputed that at that time the respondent individual was the president and a shareholder of the respondent corporation and personally observed the fire on both days. Neither is it contested that at that time the respondent individual knew that the fire was unlawful and that some of his friends had previously volunteered to set the fire for him. The respondent individual had been denied a DEQ permit to burn the debris prior to the fire. Neither is there any dispute that the respondent individual failed to take <u>any</u> action to put the fire out even though "he could have obtained aid easily if he had requested it . . . [because] he intended to let the fire burn, as he wished to dispose of the materials." Respondents' Brief on Appeal 3. It would have cost $200.00 to have the debris hauled off and disposed of in a licensed solid waste disposal site. Ex.1. Furthermore, there is nothing in the record to indicate that the respondent

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individual took any precautionary measure to prevent ignition of the debris before the fire started.

III. ISSUE.

The issue now before the Commission is whether the respondent individual or respondent corporation, or both, are legally responsible for the civil penalty for the open burning which was in violation of the Commission's rule.

IV. ARGUMENT:

THE RESPONDENT INDIVIDUAL AND THE RESPONDENT CORPORATION ARE EACH RESPONSIBLE FOR THE UNLAWFUL OPEN BURNING.

A. The Respondent Individual Allowed the Fire to be Maintained.

Based on the above facts respondents claim that neither one of them should be held responsible for a civil penalty for the violation, apparently arguing that because they did not directly start it they had no responsibility at all; that is, it was just one of those minor aggravations that the public has to endure. The Department strongly disagrees, based upon a reasonable interpretation of the statutes and the Commission's rules.

The hearing officer ruled that the respondent individual was responsible for the civil penalty but that the respondent corporation was not, based on a misinterpretation of law. Regarding the responsibility of the respondent individual, you have provided in your rule OAR 340-23-040(3) (emphasis added) as follows: "Any person . . . who has caused or allowed such open burning to be initiated or

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maintained shall be considered the person responsible for the open burning." Based on the above stated undisputed facts, clearly, the respondent individual intentionally allowed the open burning to be maintained by failing to seek reasonably available assistance from the local fire department and therefore is responsible for the civil penalty under your rule.

B. The Respondent Corporation Allowed the Fire to be Maintained.

Furthermore, at the time of the fire, the respondent individual was the president and a shareholder of the respondent corporation which was the owner of the real property upon which the fire burned. The respondent individual's knowledge, acts and failures to act on August 21 and 22, 1979 are attributable to the respondent corporation. The respondent individual as president of the corporation was its chief executive officer and as such, a representative and agent of the corporation. Although the corporation could limit the authority of its officers to act for the corporation it could not, like two of the three monkeys, cover its officers' eyes and ears when they were exposed to information important to the corporation. In other words, for example, president Mallory did not need to call a special meeting of the respondent corporation's board of directors to issue a resolution allowing him to see and

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hear that his application for an open burning permit was denied and that open burning without a permit would be unlawful. As soon as he gained that information, it was attributable to the corporation. Similarly, when president Mallory observed that the debris was burning on the corporation's real property he did not need a resolution from the board of directors in order to authorize him to call the local fire department to put out the fire. His failure to act was attributable to the corporation. Therefore the respondent corporation was also responsible for the civil penalty under your rule OAR 340-23-040(3) because its president allowed the fire to be maintained by his failing to act when the corporation had a duty to act.

C. The Respondent Corporation is Responsible for the Fire on Its Property.

The respondent corporation is also responsible for the civil penalty for another reason. Your rule OAR 340-23-040(3) also provides in pertinent part as follows: "Any person who owns . . . property on which open burning occurs . . . shall be considered the person responsible for the open burning." Clearly, the respondent corporation fits the bill.

D. Respondents Failed to Plead and Prove their Statutory Defense.

Although not raised very well, if at all, in its answer, respondents contended at the hearing that the above quoted portion of your rule is "unconstitutional" because it would

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impose strict liability without respect to any fault of the land owner. (Tr 10, 110). To the contrary, your rule is a valid exercise of your power. It establishes a strict standard requiring landowners and controllers to prevent all prohibited open burning from occurring on their property. This standard is substantially similar to the federal prohibition of oil spills, 33 USCA § 1321(6)(b), and resulting civil penalty liability for owners for violation without regard for fault which was upheld in US v. Atlantic Richfield, _____ F Supp____, 9 ERC 1993, 2000 - 2002 (ED Pa 1977). Your rule establishes a non-delegable duty for landowners to prevent prohibited open burning from occurring on their property. Hevel v. Stangier, 238 Or 44, 50, 393 P2d 201 (1964).

However, the duty is not absolute, it is subject to an affirmative defense. See e. g. Loe v. Lenhard, 227 Or 242, 362 P2d 312 (1961). ORS 468.300 provides that OAR 340-23-040:

> ". . . shall not be so construed as to include any violation which was caused by an act of God, war, strife, riot or other condition as to which any negligence or wilful misconduct on the part of such person was not the proximate cause."

The Department concedes that if the respondent corporation succeeded in showing by a preponderance of the evidence that (1) the prohibited open burning was caused by a fire on their land which was an "act of God, war, strife, riot or other condition", ORS 468.300, and (2) as to which

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they were not negligent, or wilful, id, then they would not have been liable for a violation of your rule. Respondent corporate landowner failed to discharge its burden under 468.300.

Although a strong argument could be stated supporting the constitutionality of the rule even if it did impose absolute liability upon landowners for prohibited open burning, it is not necessary to do so because respondent has availed itself of the opportunity to meet the requirements of ORS 468.300 when it alleged and attempted to show that: "the burning was not started or set by your respondents . . . ." Resp. Ans. 1. Respondent recognized the availabililty of the affirmative defense. Having undertaken the burden of showing the cause of the fire and respondent's own reasonableness under the circumstances, respondent bears the burden of a party asserting a defense, Given v. Crawford, 164 Or 215, 100 P2d 1012, (1940); and further bears the burden carried by a party who has greater access to facts within its own knowledge. Weber v. Rothchild, 15 Or 385, 15 P 650 (1887). It is, of course, the longstanding judicial presumption that a landowner will know of conditions on his land. Hevel v. Stangier, supra. The record shows respondent failed to discharge this burden.

In the present situation, the ownership of the land is undisputed. The owner offers no evidence as to the cause of the fire. The mere denial of liability does not meet the

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Requirements of ORS 468.300 which demands proof of the condition which caused the fire by the civil standard of a preponderance of the evidence. Secondly, respondent failed to establish that its agents were not negligent or wilful as to the existing condition regardless of its cause. Respondent failed not only to show that the corporation made any attempt to prevent the actual cause of the fire, but further, took no steps to control the prohibited burning once its president knew of the condition upon the corporation's land which violated the Commission's open burning regulations. Under these facts it is not possible for respondents to establish that they were not negligent or wilful as to the cause of the fire. Accordingly, the liability also attaches to the respondent corporation based on its ownership of land upon which the prohibited burning took place on August 21 and 22, 1979. OAR 340-23-040(3).

E. The Hearing Officer Erroneously Overlooked his Prior Decision.

Hearing officer Cordes found your rule to be constitutional but in doing so misinterpreted ORS 468.300, inadvertently overlooking his prior ruling in a case which was almost identical to this case.

In his decision in the Mallory case hearing officer Cordes proposes a ruling that ORS 468.300 required the Department to prove that respondents were negligent or wilfully misconducted before respondents could be held liable.

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Hearings Officer's Findings at p.4. However, in doing so hearing officer Cordes overlooked his prior decision in the case of DEQ v. Trussell, (EQC Hearings Section, October 31, 1978) There hearing officer Cordes stated at Slip Opinion pp. 15-16 (emphasis added) that:

> "[ORS 468.300] places the burden of pleading and proving non-liability on respondents, rather than on the Department. It might be here noted that the word 'wilful' has been interpreted to mean 'intentional, Sabin v Willamette Corp., 276 Or 1083.
>
> "Contrary to respondents' position, Department is not required to negate possible defenses in its Notice, nor to prove negligence or wilful misconduct on behalf of respondent(s). The burden of pleading and proving nonliability is on respondents. The Commission's rules (OAR 340-11-107) specifically provides that affirmative defenses shall be alleged and that failure to raise a claim or defense shall be presumed to be a waiver."

The Department has relied on the Trussel case in preparing its enforcement cases and would be prejudiced by a reversal of the Trussel doctrine. For the reasons stated above at part IV. D. the Trussel decision is correct and should continue to be followed.

The Trussel doctrine is a sound interpretation of the statute and your rules. It places a reasonable duty on landowners to take reasonable care of their property and allows them reasonable relief from liabililty if they can establish that the fire was caused by a condition regarding which they had no culpability. If such were the case, the information should be more readily available to the landowners than to the Department.

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TELEPHONE 229-5725

On the other side of the coin, to require the Department to prove wilful misconduct or negligence in every case, as the Mallory proposal would require, would be an intolerable burden on the Department's enforcement program and is not required by any reasonable interpretation of the statute. The Trussel doctrine, (that is strict liability subject to reasonable defenses) will tend to encourage a higher standard of care on behalf of property owners, and thereby better protect the public health, than would the Mallory proposal to require the Department to prove wilful misconduct or negligence in each case.

Cases of suspicious open burning incidents which "just happen to" benefit the landowner should be resolved in favor of the public unless the landowner can prove the cause and his lack of culpability with respect thereto. Under the Mallory proposal, suspicious open burning which "just happens to" benefit the landowner would not be subject to prosecution in most cases unless a confession were obtained. The Department does not have the enforcement resources to catch many of the ignitors with flaming torches in hand. An owner is better able to protect from that. If he does not he should be liable. To the extent that he reasonably tries but fails , he should be protected. The Department's proposal should be adopted by the Commission.

V. CONCLUSION

For all the above reasons the Commission should adopt

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TELEPHONE 229-5725

the hearing officer's proposed findings of fact, the Department's proposed additional findings of fact, the hearing officer's proposed conclusions of law 1 through 4, the Department's proposed conclusions of law 5 and 6, the Department's proposed order, the hearings officer's opinion (except as modified by this brief), and the substance of this brief as the Commission's opinion.

Respectfully submitted,

JAMES M. BROWN
Attorney General

December 19, 1980

Robert L. Haskins
Assistant Attorney General
of Attorneys for the Department
of Environmental Quality

DEPARTMENT OF JUSTICE
500 PACIFIC BUILDING
PORTLAND, OREGON 97204
TELEPHONE 229-5725

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

TO: Environmental Quality Commission

FROM: Linda K. Zucker, Hearings Supervisor

SUBJECT: Agenda Item K2, March 13, 1981, EQC Meeting

Request for Declaratory Ruling - DEQ v. CURL, James H., et al
Case No. 07-SS-WQ-81

Request for Declaratory Ruling of OAR 340-71-030(5)(e) is scheduled for the March 13, 1981, meeting.

Enclosed are the following:

1. Respondent's Petition for Declaratory Ruling
2. OAR 340-71-030(5)(e)

Linda K. Zucker
Hearings Supervisor

LKZucker:ahe
229-5383
02-20-81

Enclosures

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

of the

STATE OF OREGON

EQC Hearing Section

FEB 12 1981

IN THE MATTER OF THE APPLICATION of JAMES H. CURL, BERT W. HAGAN and STEVE JACKSON, for a DECLARATORY RULING as to the APPLICABILITY OF OAR CHAPTER 340, SECTION 71-030 (5) (e) to their SEASONAL DWELLINGS USED FOR RECREATION.	PETITION FOR DECLARATORY RULING

1. PETITIONERS:

JAMES H. CURL
~~Route 2, Box 395~~ 63135 Cole Rd. AG
~~Cole Road~~
Bend, Oregon 97701;

BERT W. HAGAN
1128 Northeast 9th Street
Bend, Oregon 97701; and

STEVE JACKSON
Red Oaks Square
P.O. Box 310
Bend, Oregon 97701

are private individuals with addresses as listed above.

2. Petitioners all maintain recreational cabins, which are used on a seasonal basis, and which cabins are located on the Metolius Arm of Lake Billy Chinook, in Section 19, Township 11 South, Range 11 East of the Willamette Meridian, Jefferson County, Oregon.

3. The Rule as to which Petitioners request a Declaratory Ruling is OAR Chapter 340, Section 71-030 (5) (e). Said Section, so far as pertinent states:

> "Gray water waste disposal sumps . . . may be utilized for gray water waste disposal in limited use areas such

RODRIGUEZ, GLENN, WILKINSON & SITES
ATTORNEYS AT LAW
406 5th Street Madras, OR. 97741 Ph. (503) 475-2272

as . . . seasonal dwellings . . . which do not have running water piped into the units."

4. All Petitioners have plumbing fixtures in their cabins, which are essentially recreational vehicle-type fixtures. These fixtures consist of basically:

a. Reservoir tanks for storage of water varying in size from 25 gallons capacity to approximately 300 gallons capacity;

b. Plumbing fixtures such as sinks, showers, and small propane water heaters; and

c. A holding tank of various capacity.

5. Prior to some of the cabins being built, gray water waste disposal sumps were constructed in accordance with the DEQ requirements. Subsequent to the construction of the cabins, some of the cabins were connected directly to the gray water waste disposal sump, thereby by-passing the holding tank in the cabin.

6. As a consequence of that, the Health Department of Jefferson County through Don Rice, R. S., issued a letter indicating that the subject rule was applicable and that the cabins were considered to have running water piped into the units.

7. Subsequent thereto, the District Attorney for Jefferson County has indicated that the plumbing systems would have to be removed from the cabins, or that the Petitioners would be required to show that they had complied with the subject rule.

8. The Petitioners will be affected by the requested Declaratory Ruling in that if the Commission determines that

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ATTORNEYS AT LAW
406 5th Street Madras, OR. 97741 Ph. (503) 475-2272

their cabins have running water into the units, then they will be required to remove their plumbing. If the Commission determines that the cabins do not have running water piped into the units, then the Petitioners will be able to continue use of their plumbing with no corrections necessary.

9. The questions presented for decision by the Commission are as follows:

a. Is a seasonal dwelling with plumbing fixtures consisting of:

(1) a reservoir tank,

(2) various plumbing fixtures, and

(3) a holding tank

with no connection whatsoever to either a supply of water to the reservoir tank or a connection from the holding tank to the gray waste water disposal sump considered to have running water piped into the unit.

b. The same facts as given in sub-paragraph (a) above, except the reservoir tank has a direct connection to a continuous source of supply.

c. The same question as above except that both the reservoir tank and the holding tank have connections between them and a continuous supply of water and a gray water disposal sump.

d. The same question as above except that the holding tank has a connection to a gray water waste disposal

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ATTORNEYS AT LAW
406 5th Street Madras, OR. 97741 Ph. (503) 475-2272

sump.

e. Assuming that under the facts set out in sub-paragraph (a) above, the units are considered to not have running water piped into them, does this change with respect to the size of either tank, and if so, what is the maximum size of the tank which would be allowed and still have the units considered to not have running water piped into them.

10. Petitioners contend that at the least, plumbing of a recreational vehicle-type nature with no outside connections must be considered to not have running water piped into the units and that in fact, as long as there is no connnection to a continuous source of water, the units are considered to not have running water piped into them irrespective of their being connection to a gray water waste disposal sump.

11. Petitioners further contend that their recreational cabin has no difference between it and an appropriate camp trailer with plumbing fixtures installed. In short, the only difference between the camp trailer and the cabins is the mobility of the camp trailer. Petitioners black-water waste is disposed of through vault toilets which are not part of this request for a Declaratory Ruling.

12. The specific relief requested by the Petitioners is that the Commission hold that seasonal dwellings without a direct connection to a continuous source of water are considered to not have running water piped into them, and consequently disposal

RODRIGUEZ, GLENN, WILKINSON & SITES
ATTORNEYS AT LAW
406 5th Street Madras, OR. 97741 Ph. (503) 475-2272

by gray water waste disposal sumps is authorized.

13. The name and addresses of individuals known by Petitioners to have a special interest in the requested Declaratory Ruling are as follows:

CRAIG CHILDRESS
Deputy District Attorney
Jefferson County Courthouse
Madras, Oregon 97741

CHARLES WARREN
Building Official
Jefferson County Courthouse
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DON RICE
County Sanitarian
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BOB MARTIN
Jefferson County Planner
Jefferson County Courthouse
Madras, Oregon 97741

ROBERT SMITH
Department of Commerce
2150 Northeast Studio Road
Bend, Oregon 97701

Donald L. Bramhall
Department of Environmental Quality
2150 Northeast Studio Road
Bend, Oregon 97701

Dated this 10th day of February, 1981.

RODRIGUEZ, GLENN, WILKINSON & SITES

BY _____
DOUGLAS R. WILKINSON
Attorney for Petitioners

RODRIGUEZ, GLENN, WILKINSON & SITES
ATTORNEYS AT LAW
406 5th Street Madras, OR. 97741 Ph. (503) 475-2272

(A) Minimum lines per field using equal distribution system — two (2)

(B) Maximum length per trench -- one hundred twenty-five (125) feet

(C) Minimum diameter of distribution pipe — four (4) inches, except in pressurized systems.

(D) Maximum grade of distribution lines — shall be installed level within a tolerance of plus or minus one (1) inch.

(E) Minimum bottom width of trench — twenty-four (24) inches

(F) Minimum depth of trench — eighteen (18) inches, except in serial trenches, the minimum depth shall be twenty-four (24) inches

(G) Maximum depth of trench — thirty-six (36) inches

(H) Minimum depth of backfill over filter material — six (6) inches except that in serial trenches the minimum depth of backfill shall be twelve (12) inches.

(I) Minimum distance of undisturbed earth between disposal trenches — eight (8) feet*

*NOTE: In redundant disposal systems, this dimension applies to disposal trenches designed to operate simultaneously.

(J) Minimum depth of filter material under distribution pipe — six (6) inches

(K) Minimum total depth of filter material — twelve (12) inches

(L) Depth of filter material over distribution pipe — two (2) inches

(M) The bottom of each disposal trench shall be level within a tolerance of plus or minus two (2) inches.

(5) Seepage pits, cesspools, and gray water waste disposal sumps and systems:

(a) Seepage pits, cesspools, and gray water waste disposal sumps shall not be used for the subsurface disposal of sewage except where specifically approved by the Department. Each seepage pit and cesspool shall be installed in a location which will facilitate future connection to a community or area-wide sewerage system if and when such facilities become available.

Seepage pits and cesspools shall not be used:

(A) Where the permanently perched water table or permanent water table (saturated zone) is closer than sixteen (16) feet to the surface of the ground during any season of the year.

(B) Where a community water supply is not available.

(C) Where clean, coarse gravel or other equally porous material does not occur in a continuous five (5)-foot-deep stratum within twelve (12) feet of the surface of the ground.

(D) In limestone areas.

(E) Where an impervious layer overlays the gravel stratum.

(F) In areas where, in the judgment of the Department, deep disposal of septic tank effluent may jeopardize the quality of any domestic water supply or any other waters of the state.

(b) Maximum depth of seepage pits shall be thirty-five (35) feet below ground surface.

(c) Depth of cesspool or seepage pits shall terminate at least four (4) feet above the perched water table or seasonal high water table (saturated zone).

(d) Standards required to be met for seepage pit, cesspool, and gray water waste disposal sump construction are found in Appendix D.

(e) Gray water waste disposal sumps (see Appendix D and Diagrams 15A and 15B) may be utilized for gray water waste disposal in limited use areas such as recreation parks, isolated individual camp sites, seasonal dwellings, or construction sites which do not have running water piped into the units. Such facilities may be used only where soil conditions are approved for such use by the Department. Gray water from dwellings and other structures which have piped in running water shall be disposed of in subsurface sewage disposal systems consisting of septic tanks and disposal trenches or in other facilities approved by the Department.

(f) In campgrounds or other public use areas, gray water waste disposal sumps shall be identified as "sink waste disposal" by placard or sign in letters not less than three (3) inches in height and in a color contrasting with the background.

(g) For dwellings and other structures with piped in running water and for which nonwater-carried black waste disposal facilities are permitted under rule 340-71-040, gray water waste disposal systems consisting of a pretreatment facility such as, but not limited to, septic tank and followed by a disposal field may be utilized for disposal of gray water under the following conditions:

(A) There shall be adequate area available for a full size initial and replacement disposal field.

(B) The capacity of the septic tank shall be not less than that required under rule 340-71-025 for a septic tank handling both black waste and gray water.

(C) The effective sidewall area of the disposal field shall be not less than two thirds (2/3) of that required under rule 340-71-030 for a disposal field receiving both black waste and gray water septic tank effluent.

(6) Seepage Trenches:

(a) Seepage trenches may be used in areas where the unsaturated zone is sufficiently deep and where degradation of the quality of any public waters would not result. Any permit for a seepage trench proposed to be issued by any authorized representative other than the Department's staff shall receive the prior written concurrence of the Department. Seepage trenches shall not be used in an area where disposal trenches can be utilized.

Areas considered for seepage trench construction shall meet all conditions required by section (1) of this rule.

(b) Seepage trench dimensions shall be determined by the following formula:

Length of seepage trench = (4) (Length of disposal trench)/(3 + 2D) Where D = depth of filter material below distribution pipe in feet.

(7) Repair of Disposal Areas:

(a) In repairing a failing disposal system, consideration may be given to the installation of a disposal trench or seepage trench where the soil profile depth is less than thirty-six (36) inches to an impervious layer, where the soil profile depth is less than thirty (30) inches to a restrictive layer, where permanently perched groundwater or the permanent water table would come within four (4) feet of the absorption facility's effective sidewall, where temporarily perched water is within twenty-four (24) inches of ground surface or is in contact with the effective sidewall, where the topographical slope is greater than twenty-five percent (25), where coarse grain materials are less than thirty-six (36) inches of the natural ground surface, where the proposed disposal area has been filled, and where the minimum separation distance cannot be maintained, if requiring strict compliance with the foregoing measurement or modification limitation would, in the judgment of the Director or his authorized representative, result in unreasonable closure for use or occupancy of any buildings.

(b) If the repair of a failing subsurface disposal trench system requires the installation of additional sidewall seepage area, then the total effective sidewall seepage area, where feasible, shall comply with these rules. Where feasible, a repair shall consist of the addition of disposal trench equivalent to at least fifty percent (50) of the effective sidewall area in the original installation.

(c) In constructing a disposal trench repair, where practicable, a serial distribution technique shall be used with an overflow pipe or dropbox used to divert the effluent to the

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. K-2, March 13, 1981, EQC Meeting

Request for Declaratory Ruling--DEQ v. Curl, James H., et al, Case No. 07-SS-WQ-81

Background

A petition to the Commission for a Declaratory Ruling on OAR 340-71-030(5)(e), on behalf of three property owners in Jefferson County, has been received from Attorney Douglas R. Wilkinson. The petition requests response to several questions pertaining to plumbing and water piped into seasonal dwellings. The petition, (Attachment A), states that the seasonal dwellings of the petitioners have plumbing fixtures and gray water waste disposal sumps, constructed per Department rules. The waste disposal sumps were constructed before the seasonal dwellings were built. Some of the dwelling owners have subsequently connected plumbing to the gray water waste disposal sumps.

OAR 340-71-030(5)(e) reads as follows:

> "(e) Gray water waste disposal sumps (see Appendix D and Diagrams 15A and 15B) may be utilized for gray water waste disposal in limited use areas such as recreation parks, isolated individual camp sites, seasonal dwellings, or construction sites which do not have running water piped into the units. Such facilities may be used only where soil conditions are approved for such use by the Department. Gray water from dwellings and other structures which have piped in running water shall be disposed of in subsurface sewage disposal systems consisting of septic tanks and disposal trenches or in other facilities approved by the Department."

Section 8 of the petition reads as follows:

> "The petitioners will be affected by the requested declaratory ruling in that if the Commission determines that their cabins have running water into the units, then they will be required to remove their plumbing. If the Commission determines that the cabins do not have running water piped into the units, then the petitioners will be able to continue use of their plumbing with no corrections necessary."

Analysis

Statutes and rules which have a significant bearing on the petition include:

1. ORS 447.140(1), Attachment B
2. ORS 468.770(1), Attachment C
3. OAR 340-71-011(2), Attachment D

These statutes and rules basically require plumbing within a structure to be connected to an approved sewage disposal system without regard to whether or not the structure has piped in water. OAR 340-71-030(5)(e) (f) and (g), (Attachment E), authorizes gray water waste disposal sumps. These rules, (including diagrams cited in the rules) do not allow connection of plumbing to the disposal sump.

If after hearing, the Commission were to issue a declaratory ruling fully favorable to the specific requests of petitioners, based on facts asserted in the petition, no relief would be granted because petitioners would still be in violation of the above cited statutes and rule. Thus expenditure of resources on a declaratory ruling hearing in this matter would appear to be a fruitless act.

Director's Recommendation

Based upon facts asserted in the petition and the above analysis, it is recommended that the Commission not issue a ruling.

Bill

William H. Young

Attachments: 5
- A. Petition for Declaratory Ruling
- B. ORS 447.140
- C. ORS 468.770
- D. OAR 340-71-011
- E. OAR 340-71-030(5) including Diagrams 15A and 15B.

T. Jack Osborne:l
XL307 (1)
229-6218
March 3, 1981

ATTACHMENT A

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

of the

STATE OF OREGON

Hearing Section

FEB 12 1981

IN THE MATTER OF THE APPLICATION of JAMES H. CURL, BERT W. HAGAN and STEVE JACKSON, for a DECLARATORY RULING as to the APPLICABILITY OF OAR CHAPTER 340, SECTION 71-030 (5) (e) to their SEASONAL DWELLINGS USED FOR RECREATION.	PETITION FOR DECLARATORY RULING

1. PETITIONERS:

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~~Route 2, Box 395~~ 63135 Cole Rd.
~~Cole Road~~
Bend, Oregon 97701;

BERT W. HAGAN
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are private individuals with addresses as listed above.

2. Petitioners all maintain recreational cabins, which are used on a seasonal basis, and which cabins are located on the Metolius Arm of Lake Billy Chinook, in Section 19, Township 11 South, Range 11 East of the Willamette Meridian, Jefferson County, Oregon.

3. The Rule as to which Petitioners request a Declaratory Ruling is OAR Chapter 340, Section 71-030 (5) (e). Said Section, so far as pertinent states:

> "Gray water waste disposal sumps . . . may be utilized for gray water waste disposal in limited use areas such

RODRIGUEZ, GLENN, WILKINSON & SITES
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as . . . seasonal dwellings . . . which do not have running water piped into the units."

4. All Petitioners have plumbing fixtures in their cabins, which are essentially recreational vehicle-type fixtures. These fixtures consist of basically:

a. Reservoir tanks for storage of water varying in size from 25 gallons capacity to approximately 300 gallons capacity;

b. Plumbing fixtures such as sinks, showers, and small propane water heaters; and

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5. Prior to some of the cabins being built, gray water waste disposal sumps were constructed in accordance with the DEQ requirements. Subsequent to the construction of the cabins, some of the cabins were connected directly to the gray water waste disposal sump, thereby by-passing the holding tank in the cabin.

6. As a consequence of that, the Health Department of Jefferson County through Don Rice, R. S., issued a letter indicating that the subject rule was applicable and that the cabins were considered to have running water piped into the units.

7. Subsequent thereto, the District Attorney for Jefferson County has indicated that the plumbing systems would have to be removed from the cabins, or that the Petitioners would be required to show that they had complied with the subject rule.

//

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RODRIGUEZ, GLENN, WILKINSON & SITES
ATTORNEYS AT LAW
406 5th Street Madras, OR. 97741 Ph. (503) 475-2272

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(1) a reservoir tank,

(2) various plumbing fixtures, and

(3) a holding tank

with no connection whatsoever to either a supply of water to the reservoir tank or a connection from the holding tank to the gray waste water disposal sump considered to have running water piped into the unit.

b. The same facts as given in sub-paragraph (a) above, except the reservoir tank has a direct connection to a continuous source of supply.

c. The same question as above except that both the reservoir tank and the holding tank have connections between them and a continuous supply of water and a gray water disposal sump.

d. The same question as above except that the holding tank has a connection to a gray water waste disposal

RODRIGUEZ, GLENN, WILKINSON & SITES
ATTORNEYS AT LAW
406 5th Street Madras, OR. 97741 Ph. (503) 475-2272

sump.

e. Assuming that under the facts set out in sub-paragraph (a) above, the units are considered to not have running water piped into them, does this change with respect to the size of either tank, and if so, what is the maximum size of the tank which would be allowed and still have the units considered to not have running water piped into them.

10. Petitioners contend that at the least, plumbing of a recreational vehicle-type nature with no outside connections must be considered to not have running water piped into the units and that in fact, as long as there is no connnection to a continuous source of water, the units are considered to not have running water piped into them irrespective of their being connection to a gray water waste disposal sump.

11. Petitioners further contend that their recreational cabin has no difference between it and an appropriate camp trailer with plumbing fixtures installed. In short, the only difference between the camp trailer and the cabins is the mobility of the camp trailer. Petitioners black-water waste is disposed of through vault toilets which are not part of this request for a Declaratory Ruling.

12. The specific relief requested by the Petitioners is that the Commission hold that seasonal dwellings without a direct connection to a continuous source of water are considered to not have running water piped into them, and consequently disposal

RODRIGUEZ, GLENN, WILKINSON & SITES
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406 5th Street Madras, OR. 97741 Ph. (503) 475-2272

by gray water waste disposal sumps is authorized.

13. The name and addresses of individuals known by Petitioners to have a special interest in the requested Declaratory Ruling are as follows:

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Deputy District Attorney
Jefferson County Courthouse
Madras, Oregon 97741

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Building Official
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Jefferson County Courthouse
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Jefferson County Courthouse
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ROBERT SMITH
Department of Commerce
2150 Northeast Studio Road
Bend, Oregon 97701

Donald L. Bramhall
Department of Environmental Quality
2150 Northeast Studio Road
Bend, Oregon 97701

Dated this 10th day of February, 1981.

RODRIGUEZ, GLENN, WILKINSON & SITES

BY _____
DOUGLAS R. WILKINSON
Attorney for Petitioners

RODRIGUEZ, GLENN, WILKINSON & SITES
ATTORNEYS AT LAW
406 5th Street Madras, OR. 97741 Ph. (503) 475-2272

ORS 447.140

447.140 Waste and sewage; requirements; prohibitions. (1) All waste water and sewage from plumbing fixtures shall be discharged into a sewer system, septic tank disposal system or sewage cesspool.

(2) No plumbing fixture, device or equipment shall be installed, maintained or offered for sale which will provide a cross-connection between the distributing system of water for drinking and domestic purposes and any other water supply, or a drainage system, soil or waste pipe so as to permit or make possible the backflow of contaminated water, sewage or waste into the water supply system.

(3) No flush valve, vacuum breaker or syphon preventer shall be offered for sale or installed that has not been approved by the department.

(4) The use or installation of water-operated sump pumps or sewage ejectors, if connected to the potable water supply, is prohibited.

(5) No pan, plunger, offset washout, washout, long hopper, frost proof or other water closets having invisible seals or unventilated spaces, or walls not thoroughly washed at each flushing, shall be installed or sold for use in any building.

(6) No plumbing fixture, appurtenance or device, the installation of which would be in violation of this code and the regulations of the department shall be sold, offered for sale or installed. [Amended by 1955 c.548 §10; 1961 c.545 §1; 1973 c.835 §231]

447.150 [1969 c.452 §1; repealed by 1979 c.57 §3]

ORS 468.770

468.770 Prohibitions relating to garbage or sewage dumping into waters of state. (1) No garbage or sewage shall be discharged into or in any other manner be allowed to enter the waters of the state from any building or structure unless such garbage or sewage has been treated or otherwise disposed of in a manner approved by the department. All plumbing fixtures in buildings or structures, including prior existing plumbing fixtures from which waste water or sewage is or may be discharged, shall be connected to and all waste water or sewage from such fixtures in buildings or structures shall be discharged into a sewerage system, septic tank system or other disposal system approved by the department pursuant to ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, (1973 Replacement Part), 454.405, 454.425, 454.505 to 454.535, 454.605 to 454.745 and this chapter.

(2) The department may extend the time of compliance for any person, class of persons, municipalities or businesses upon such conditions as it may deem necessary to protect the public health and welfare if it is found that strict compliance would be unreasonable, unduly burdensome or impractical due to special physical conditions or cause or because no other alternative facility or method of handling is yet available. [Formerly 449.150]

OAR 340-71-011

Sewage Disposal Systems Approved by the Department

340-71-011 (1) Except as provided in rule 340-71-040, no garbage or sewage shall be discharged from any building or structure unless such garbage or sewage has been treated or otherwise disposed of in conformance with section (2).

(2) Pursuant to ORS 468.770(1), all plumbing fixtures in buildings or structures, including prior existing plumbing fixtures from which waste water or sewage is or may be discharged, shall be connected to, and all waste water or sewage from such fixtures in buildings or structures shall be discharged into:

(a) A sewerage system operating under a permit issued by the Department pursuant to ORS 468.740; or

(b) A subsurface or alternative sewage disposal system which was completely constructed prior to January 1, 1974, and which has not violated rule 340-71-012; or

(c) A subsurface or alternative sewage disposal system any part of which was constructed after January 1, 1974, under the authority of a permit issued pursuant to ORS 454.655, which thereafter has been used under the authority of a certificate of satisfactory completion issued pursuant to ORS 454.665, and which has not violated rule 340-71-012 since issuance of the certificate.

(3) The approval of a system under subsection (2)(b) or (2)(c) of this rule is limited to approval of its use to serve only the maximum size of establishment which the system was orginally designed to serve in conformity with the rules in existence at the time of construction, or if there were no such rules, then the actual establishment in existence on January 1, 1974. Changes in the establishment shall comply with section 340-71-013(4).

Stat. Auth.: ORS Ch. 454 & 468
Hist: DEQ 98, f. 9-2-75, ef. 9-25-75

OAR 340-71-030 (5) Seepage pits, cesspools, and gray water waste disposal sumps and systems:

(a) Seepage pits, cesspools, and gray water waste disposal sumps shall not be used for the subsurface disposal of sewage except where specifically approved by the Department. Each seepage pit and cesspool shall be installed in a location which will facilitate future connection to a community or area-wide sewerage system if and when such facilities become available.

Seepage pits and cesspools shall not be used:

(A) Where the permanently perched water table or permanent water table (saturated zone) is closer than sixteen (16) feet to the surface of the ground during any season of the year.

(B) Where a community water supply is not available.

(C) Where clean, coarse gravel or other equally porous material does not occur in a continuous five (5)-foot-deep stratum within twelve (12) feet of the surface of the ground.

(D) In limestone areas.

(E) Where an impervious layer overlays the gravel stratum.

(F) In areas where, in the judgment of the Department, deep disposal of septic tank effluent may jeopardize the quality of any domestic water supply or any other waters of the state.

(b) Maximum depth of seepage pits shall be thirty-five (35) feet below ground surface.

(c) Depth of cesspool or seepage pits shall terminate at least four (4) feet above the perched water table or seasonal high water table (saturated zone).

(d) Standards required to be met for seepage pit, cesspool, and gray water waste disposal sump construction are found in Appendix D.

(e) Gray water waste disposal sumps (see Appendix D and Diagrams 15A and 15B) may be utilized for gray water waste disposal in limited use areas such as recreation parks, isolated individual camp sites, seasonal dwellings, or construction sites which do not have running water piped into the units. Such facilities may be used only where soil conditions are approved for such use by the Department. Gray water from dwellings and other structures which have piped in running water shall be disposed of in subsurface sewage disposal systems consisting of septic tanks and disposal trenches or in other facilities approved by the Department.

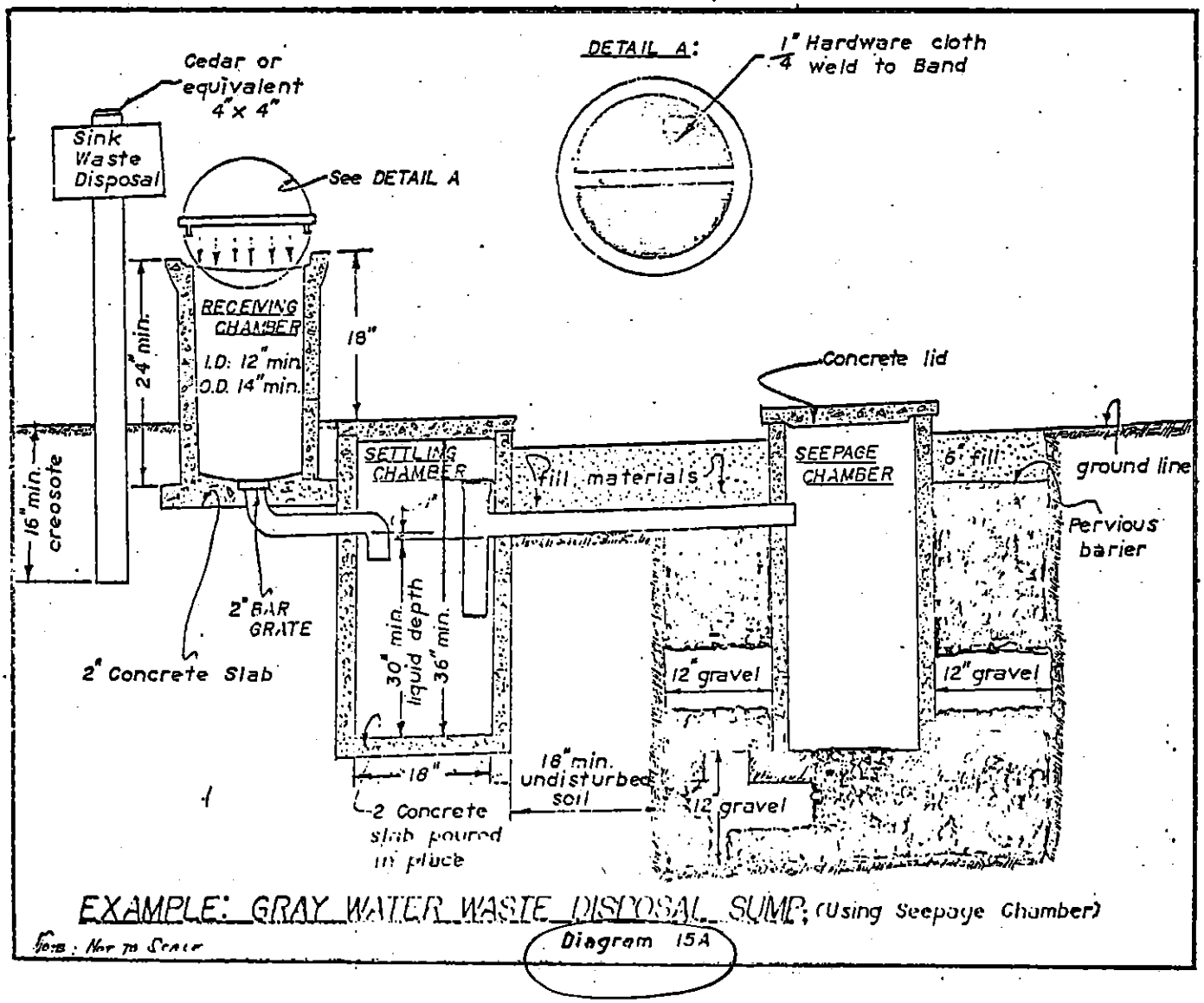
(f) In campgrounds or other public use areas, gray water waste disposal sumps shall be identified as "sink waste disposal" by placard or sign in letters not less than three (3) inches in height and in a color contrasting with the background.

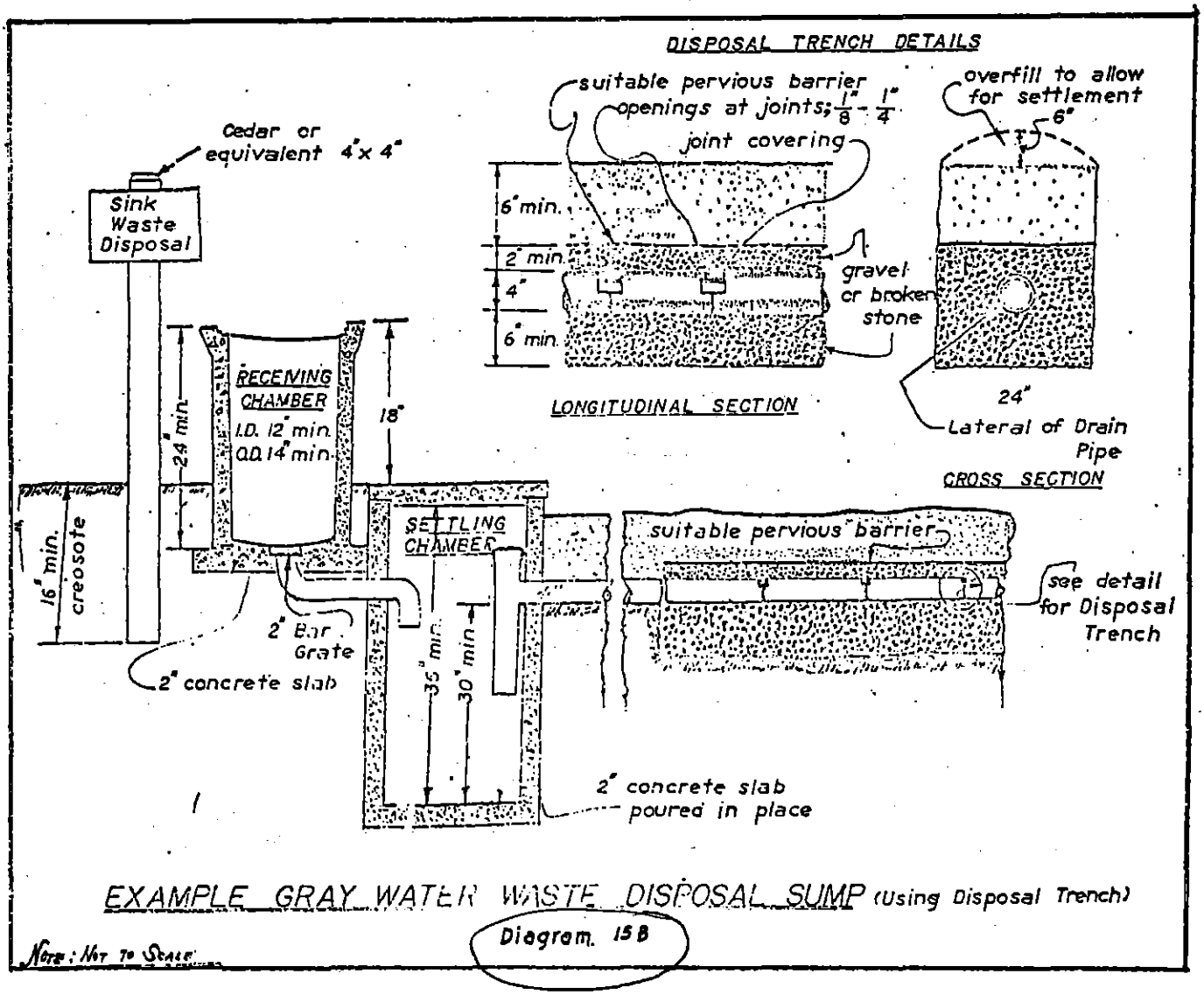
(g) For dwellings and other structures with piped in running water and for which nonwater-carried black waste disposal facilities are permitted under rule 340-71-040, gray water waste disposal systems consisting of a pretreatment facility such as, but not limited to, septic tank and followed by a disposal field may be utilized for disposal of gray water under the following conditions:

(A) There shall be adequate area available for a full size initial and replacement disposal field.

(B) The capacity of the septic tank shall be not less than that required under rule 340-71-025 for a septic tank handling both black waste and gray water.

(C) The effective sidewall area of the disposal field shall be not less than two thirds (2/3) of that required under rule 340-71-030 for a disposal field receiving both black waste and gray water septic tank effluent.


DETAIL A:
1" Hardware cloth
1/4 weld to Band
Cedar or equivalent 4"x 4"
Sink Waste Disposal
See DETAIL A
RECEIVING CHAMBER
I.D. 12" min.
O.D. 14" min.
24" min.
18"
Concrete lid
16" min. creosote
SETTLING CHAMBER
fill materials
SEEPAGE CHAMBER
6" fill
ground line
Pervious barier
2" BAR GRATE
2" Concrete Slab
30" min. liquid depth
36" min.
12" gravel
12" gravel
18"
18" min. undisturbed soil
2 Concrete slab poured in place
12" gravel
EXAMPLE: GRAY WATER WASTE DISPOSAL SUMP; (Using Seepage Chamber)
Not to Scale
Diagram 15A



EXAMPLE GRAY WATER WASTE DISPOSAL SUMP (Using Disposal Trench)

Diagram. 15B

NOTE: NOT TO SCALE