

1/30/1981

OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS



State of Oregon
Department of
Environmental
Quality

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OREGON ENVIRONMENTAL QUALITY COMMISSION MEETING

January 30, 1981

Conference Room
Department of Fish and Wildlife
506 S. W. Mill Street
Portland, Oregon

AGENDA

(NOTE: BECAUSE OF THE LENGTH OF THE AGENDA, THE MEETING WILL BEGIN ONE HOUR EARLIER. THE COMMISSION WILL NOT MEET FOR BREAKFAST.)

8:00 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 December 19, 1980, EQC meeting, and December 31 special meeting.
- B. Monthly Activity Report for December, 1980.
- C. Tax Credit Applications.
- D. Field Burning - Request for authorization to conduct a public hearing on proposed open field burning regulations, OAR 340-26-005 through 26-030.
- E. Request for authorization to conduct a public hearing on modifications to the Air Contaminant Discharge Permit Fee Schedule, OAR 340-20-155 through 20-165 (Table A).
- F. (1) Request for authorization to conduct a public hearing on amendments to the State Implementation Plan regarding rules for new source review.
(2) Request for authorization to conduct a public hearing on amendments to the State Implementation Plan regarding rules for plant site emission limits.
- G. Request for authorization to conduct a public hearing on permanent modifications of the statewide open burning rule, OAR Chapter 340, Division 23.

PUBLIC FORUM

- 8:15 am H. Opportunity for any citizen to give a brief oral or written presentation on any environmental topic of concern. If appropriate, the Department will respond to issues in writing or at a subsequent meeting. The Commission reserves the right to discontinue this forum after a reasonable time if an unduly large number of speakers wish to appear.

ACTION ITEMS

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

- I. Request for approval of a variance from the Lane Regional Air Pollution Authority rules, Section 23-005 through 23-025, Restrictions on Emissions of Visible Air Contaminants, Veneer Dryers, for the operation of the veneer dryers at the Murphy Company, Natron, Lane County.
- J. Request for approval of a variance from the Lane Regional Air Pollution Authority Rules, Section 23-005 through 23-025, Restrictions on Emissions of Visible Air Contaminants, Veneer Dryers, for the operation of veneer dryers at the Treplex, Inc., plant in Eugene, Lane County.
- K. Consider adoption of a temporary rule to:
 - (1) Redefine the residential backyard burning ban boundary.
 - (2) Provide the Department authority to approve emergency municipal burning and individual hardship burning on a permit fee basis.

(MORE)

- L. Request for approval of proposed modifications to the State Implementation Plan of the emission limits for the Weyerhaeuser Company boiler in Bly.
- M. Request for a variance from the Veneer Dryer Emission Limits and Compliance deadline (OAR 340-25-315) by Southwest Forest Industries, for operation of the veneer dryers at their plants in Grants Pass and Albany.
- N. Proposed adoption of Modified Rules for Hogged Fuel Boilers Utilizing Salt-Laden Fuel, OAR 340-21-020(2).
- O. Request for variance from OAR 340-25-315, Veneer Dryer Emission Limits and Compliance Deadline for operation of the veneer dryers at the Willamette Industries, Inc., plant in Griggs, Linn County.
- P. Proposed adoption of the Eugene-Springfield Air Quality Maintenance Area State Implementation Plan (SIP) for Total Suspended Particulate.
- Q. Adoption of OAR Chapter 340, Division 52, Water Quality Rules - Review of Plans and Specifications.
- R. Request for approval of sewage disposal methods for the Alsea Dunal Aquifer area in accordance with the EQC Interim Groundwater Quality Protection Policy, adopted April, 1980 (Bayshore Sandpiper Subdivisions).
- S. 208 Plan Recertification.
- T. 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 71-025, and 340-72-005 to 72-030, 340-74-004 to 74-025, and 340-75-010 to 75-062.
- U. Adoption of rules governing on-site sewage disposal fees for Clackamas County, proposed OAR 340-71-140(2)(b).
- V. Proposed amendments to rules governing subsurface sewage disposal and nonwater-carried sewage disposal facilities schedule of civil penalties, OAR 340-12-060.
- W. Appeal from subsurface variance denial: Rodney Swanson, Tillamook County. REINSTATED
- X. ~~Appeal from hearing officer's decision: Mattory, Mattory, Inc., and Harrold-Mattory.~~ POSTPONED
- Y. Proposed amendments to the Administrative Rules for Solid Waste Management, OAR Chapter 340, Division 61.
- Z. Request for a variance from noise control regulations (OAR 340-35-035) for Buddy Mobile Homes, Marion County.
- AA. Request for a variance from noise control regulations (OAR 340-35-045) for Pendleton Municipal Airport.

INFORMATIONAL ITEMS

- BB. Summary of December 4, 1980, public hearing regarding issues affecting the allocation of federal sewerage works construction grants during FY 1982.
- CC. Accept yard debris alternative disposal methods and recovery report--Portland Metropolitan Area.

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 not meet for breakfast. The Commission will lunch in the 14th floor conference room at the DEQ headquarters, 522 S. W. Fifth Avenue, Portland.

THESE MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

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

January 30, 1981

On Friday, January 30, 1981, the one hundred twenty-ninth meeting of the Oregon Environmental Commission convened in the Commission Conference Room, Department of Fish and Wildlife, in Portland, Oregon.

Present were Commission members Mr. Albert H. Densmore, Vice-Chairman; Mr. Fred J. Burgess; Mrs. Mary V. Bishop; and Mr. Ronald M. Somers. Chairman Joe B. Richards 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 Densmore, Somers, Burgess, and Bishop were present for the formal meeting.

AGENDA ITEM A - MINUTES OF THE DECEMBER 19, 1980, MEETING AND THE DECEMBER 31, 1980, SPECIAL MEETING.

AGENDA ITEM B - MONTHLY ACTIVITY REPORT FOR DECEMBER 1980.

AGENDA ITEM C - TAX CREDIT APPLICATIONS.

AGENDA ITEM D - REQUEST FOR AUTHORIZATION TO CONDUCT A PUBLIC HEARING ON PROPOSED OPEN FIELD BURNING REGULATIONS , OAR CHAPTER 340, SECTION 26-005 THROUGH 26-030.

AGENDA ITEM E - REQUEST FOR AUTHORIZATION TO CONDUCT A PUBLIC HEARING ON MODIFICATIONS TO THE AIR CONTAMINANT DISCHARGE PERMIT FEE SCHEDULE OAR 340-20-155 TABLE 1.

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

Agenda Item A - Minutes approved with the following amendment:

On page 10, first line:

"It was MOVED by Commissioner [Burgess] Somers, seconded by Commissioner [Bishop] Burgess, and passed (Commissioners Richards and Densmore voted no) that..."

[Bracketed language is deleted; underlined language is added.]

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

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

T-1227	Griffin Farm
T-1242	Evans Products Co.
T-1293	Glacier Ranch
T-1297	Bickford Orchards, Inc.
T-1304	Walter Wells & Sons
T-1306	George M. Ackerman
T-1309	Oregon Portland Cement Co.
T-1312	Glenn W. Marsh
T-1321	Crown Zellerbach Corp.
T-1323	Crown Zellerbach Corp.

Agenda Item D - The request for authorization to conduct a public hearing was approved.

Agenda Item E - The request for authorization to conduct a public hearing was approved.

AGENDA ITEM F (1) AND (2) - REQUEST FOR AUTHORIZATION TO HOLD A PUBLIC HEARING ON AMENDMENTS TO THE STATE IMPLEMENTATION PLAN REGARDING RULES FOR NEW SOURCE REVIEW

REQUEST FOR AUTHORIZATION TO HOLD A PUBLIC HEARING ON AMENDMENTS TO THE STATE IMPLEMENTATION PLAN REGARDING RULES FOR PLANT SITE EMISSION LIMITS

It was MOVED by Commissioner Somers, second by Commissioner Bishop, and carried unanimously that this item be deferred to the next regular EQC meeting to be held on March 13, 1981, in Salem.

AGENDA ITEM G - REQUEST FOR AUTHORIZATION TO HOLD PUBLIC HEARING ON PROPOSED OPEN BURNING RULES, OAR 340-23-025 THROUGH 340-23-050

The Commission charged the Department with the task of making the open burning rules easier to understand. The process has become involved with several proposed substantive changes and the issue of the backyard burning ban for the Portland area and the Willamette Valley.

The Commission was asked to consider two proposals for temporary rules relating to open burning. These proposals for temporary rules coincide with similar provisions in the proposed permanent rule.

The Department is requesting authority to hold a series of public hearings in March to consider proposed permanent changes in the open burning rules. The revised rules are expected to be presented to the Commission for consideration and adoption in June.

Director's Recommendation

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

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

AGENDA ITEM I - REQUEST FOR APPROVAL OF A VARIANCE FROM THE LANE REGIONAL AIR POLLUTION AUTHORITY RULES SECTION 23-005 THROUGH 23-025, RESTRICTIONS ON EMISSION OF VISIBLE AIR CONTAMINANTS, VENEER DRYERS AT THE MURPHY COMPANY, NATRON

The Lane Regional Air Pollution Authority Board of Directors granted a variance to the Murphy Company for operation of their veneer dryers until January 19, 1981.

The company was unable to complete the installation of control equipment by the December 31, 1980, deadline. During the period of the variance, the company will comply with the emission limits by reducing production rate.

This variance was presented to the Commission for their approval.

Summation

1. On December 2, 1980, the Board of Directors of the Lane Regional Air Pollution Authority issued a variance to the Murphy Co. for operation of their veneer dryers without control equipment until January 19, 1981. Veneer dryer emissions must meet the opacity limits after December 31, 1980.
2. LRAPA has submitted this variance to the Commission within the required 15-day limit.
3. The Department supports the granting of this variance. Strict compliance would result in closure of the plant after December 31, 1980, until controls could be installed.
4. The Commission is authorized by ORS 468.345(3) to approve, deny or modify variance submitted by the Regional Authority.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission approve the variance as granted to the Murphy Co., Natron, by the Lane Regional Air Pollution Authority Board of Directors.

For action taken, see Item J, below.

AGENDA ITEM J - REQUEST FOR APPROVAL OF VARIANCE FROM THE LANE REGIONAL AIR POLLUTION AUTHORITY RULES SECTION 23-005 THROUGH 23-025 RESTRICTIONS ON EMISSION OF VISIBLE AIR CONTAMINANTS, VENEER DRYERS, AND THE OPERATION OF THE VENEER DRYERS AT THE TREPLEX, INC. PLANT IN EUGENE

The Board of Directors of the Lane Regional Air Pollution Authority granted a variance to Treplex, Inc., for operation of their veneer dryers beyond the deadline for installation of control equipment. The dryers will be in compliance with emission limits until controls are installed by operating at reduced production rates.

Controls will be installed by February 10, 1981. The Lane Regional Air Pollution Authority submitted this variance to the Commission for approval.

Summation

1. On December 2, 1980, the Board of Directors of the Lane Regional Air Pollution Authority issued a variance to Treplex, Inc., for operation of their veneer dryers without control equipment until February 10, 1981. Veneer dryer emissions must meet the opacity limits after December 31, 1980.
2. Lane Regional Air Pollution Authority has submitted this variance to the Commission within the required 15-day limit.
3. The Department supports the granting of this variance. Strict compliance would result in closure of the plant after December 31, 1980, until controls could be installed.
4. The Commission is authorized by ORS 468.345(3) to approve, deny, or modify variances submitted by the Regional Authority.

Director's Recommendation

Based on the findings in the Summation, it is recommended that the Commission approve the variance as granted to Treplex, Inc., Eugene, by the Lane Regional Air Pollution Authority Board of Directors.

It was MOVED by Commissioner Somers, seconded by Commissioner Bishop, and carried unanimously that the Director's recommendation in the above two agenda items, Items I and J, be approved.

AGENDA ITEM H - PUBLIC FORUM:

Mabel Johnson, P. O. Box 7, Boring, Oregon 97009, appeared to bring evidence of observed pollution of the North Fork of Deep Creek at Boring. She submitted a sample of water from the creek as well as written observations from the years of 1980 and 1981. The Commission instructed the staff to prepare a response in this matter for the Commission and to forward a copy of that report to Mrs. Johnson.

No one else chose to appear.

AGENDA ITEMS K (1) and (2) -

(K1) REQUEST FOR A TEMPORARY RULE TO REDEFINE THE RESIDENTIAL BACKYARD BURNING BAN BOUNDARY

Summation

1. At this time, residential backyard burning is prohibited in all areas of Multnomah, Clackamas, and Washington Counties which were previously restricted to twice-per-year burning.
2. A ban encompassing the current area presents a concern to the Department, fire districts and local jurisdictions because it is believed that a ban in the rural areas will lead to an increase in promiscuous dumping, creation of fire hazards and an unmanageable enforcement problem.
3. The Department has considered three possible boundaries: use of the current boundary, use of the Metro boundary, and a boundary developed by the fire districts and the Department.
4. The Department believes the DEQ/fire district boundary is one which will generally satisfy air quality requirements; excludes the majority of most rural areas; provides a manageable area for DEQ/fire service enforcement; and best approximates the area in which disposal alternatives are likely to be first implemented.

Director's Recommendation

Based upon the Summation, it is recommended that the Environmental Quality Commission find that failure to act promptly will result in the imposition of a ban on residential backyard burning in those areas which are proposed to be free of a ban in the proposed revised rules contained in Attachment No. 2 and continuance of such ban will result in serious prejudice to the public interest. Therefore, it is recommended that the Commission adopt, as a temporary rule of 180 days' duration beginning February 1, 1981, the proposed rules revision contained in Attachment No. 2.

K(2) REQUEST FOR A TEMPORARY RULE TO PROVIDE DEPARTMENT AUTHORITY TO APPROVE EMERGENCY MUNICIPAL BURNING AND INDIVIDUAL HARDSHIP BURNING ON A PERMIT FEE BASIS

Summation

1. Upon reaching the effective date of the backyard burning ban, the Department has received comment that a strict and complete prohibition will create a hardship for individuals with large, heavily vegetated and inaccessible lots and municipalities that have collected residential yard debris and do not have in place alternative means of disposal.
2. Based partially upon a review of the City of Seattle fire permit experience, the Department believes a fee-supported, special permit system could be implemented in the banned and restricted areas which is both manageable and acceptable from an air quality standpoint, and which will provide some flexibility to deal with extremely difficult situations, at least until alternative disposal methods are developed and operational.
3. Informal support for such a system was presented by fire service and government officials at a meeting on December 24, 1980.
4. The Department finds that failure to act promptly will result in increased promiscuous dumping, creation of fire hazards and violations of the law by some individuals with hardship disposal problems.
5. The Department developed a proposed new rule (Attachment 1) for Commission consideration.

Director's Recommendation

Based upon the Summation, it is recommended that the Environmental Quality Commission find that failure to act promptly will result in serious prejudice to the public interest. Therefore, it is recommended that the Commission adopt, as a temporary rule, of 180 days' duration, beginning February 1, 1981, the proposed rules revision contained in Attachment No. 1.

Tom Bispham, DEQ Northwest Regional Office, presented an overhead display of the existing and proposed boundaries and outlined the question of hardship burning permits.

The following corrections were also noted:

Last line in Director's Recommendation [K(1) and (2)]:

"... February 1, 1981, the proposed [revised rules] rules revision contained..."

Page 4, subsection (d) [K(1)]:

Add "Happy Valley" to listing.

Page 4, Attachment 2 to K(1):

Add Subsection "(ix) Happy Valley" to listing after "(viii)."

Page 8, Attachment 1, K(2):

Add to last line of Section (C):

"...be valid for the calendar year in which it is issued, or for such shorter period as may be stated in the permit."

[Underlined language is added.]

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

<u>NAME</u>	<u>ADDRESS OR AFFILIATION</u>
Matt Shields	Boring Fire District, P. O. Box 85, Boring
Earl S. Meier	Boring Rural Fire District
Owen P. Cramer	3327 S. W. Dosch Road, 97201
Larry Chambreau	City Council, City of Hillsboro
Eve Heidtmann	18052 S. W. Sandra Lane, Aloha
Chief Elmer Christensen	Estacada Rural Fire District, Box 608, Estacada 97023
Jay McRostie	Beavercreek RFPD #55
Laura Rodgers	2215 N. E. 39

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

Dockum Shaw	823 N. E. Baldwin Drive, Hillsboro 97123
Leonard Delano	P. O. Box 68033, Oak Grove, OR 97268
Helen R. Lusk	10435 S. W. Homestead Lane, Progress
Joe Provost	Clackamas Fire Department, District 71
Ann Kloka	Sierra Club
E. Buttocph	Clackamas County Fire Defenses, 18265 S. Redland Road, Oregon City
Louise Weidlich	Neighborhoods Protective Association

The following also spoke:

George A. Dwelle	Clackamas County Fire District #1
Marvin M. Allen	18265 S. Redland Road, Oregon City
Jeanne Roy	Air Quality Advisory Committee
John A. Charles	Oregon Environmental Council
O. J. Ziegler	Vernonia Fire Department

It was MOVED by Commissioner Somers and seconded by Commissioner Bishop that the Director's recommendations be approved and that the staff consider the question of population density in their formulation of the permanent rule. The motion passed unanimously.

AGENDA ITEM L - REQUEST FOR APPROVAL OF PROPOSED MODIFICATIONS TO THE STATE IMPLEMENTATION PLAN OF THE EMISSION LIMITS FOR THE WEYERHAEUSER CO. BOILER IN BLY

In August, 1979, the Commission granted a variance to Weyerhaeuser Co. for operation of their boiler in Bly, Oregon. The duration of the variance was for the lifetime of the boiler. In order for the emission limits in the variance to be enforceable by EPA, the State Implementation Plan must be modified to include those limits. The Department has held the necessary public hearing and requested Commission approval of the proposed SIP modifications.

Summation

1. On August 31, 1979, the Commission granted a variance from the grain loading limits for operation of the Weyerhaeuser boiler in Bly.
2. On November 21, 1980, the Commission authorized a public hearing to consider changing the State Implementation Plan to include the emission limit in the variance plus an annual mass emission limit.
3. The public hearing was held on December 15, 1980. Weyerhaeuser Co. supported the proposed SIP changes in the only testimony submitted.
4. The proposed changes will enable EPA to enforce the same emission limits as DEQ.
5. The Commission is authorized to grant variances by ORS 468.345. The Commission adopted the original SIP and therefore should approve any and all modifications of that SIP. If adopted by the Commission, the proposed changes will be submitted to EPA for approval.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission adopt the changes to the State Implementation Plan, Conditions 5 & 6 as listed in Attachment 1, for the boiler at the Weyerhaeuser Co. plant in Bly, Oregon.

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

AGENDA ITEM M - REQUEST FOR A VARIANCE FROM THE VENEER DRYER EMISSION LIMITS AND COMPLIANCE DEADLINE, OAR 340-25-315, BY SOUTHWEST FOREST INDUSTRIES FOR OPERATION OF THE VENEER DRYERS AT THEIR PLANTS IN GRANTS PASS AND ALBANY

Southwest Forest Industries requested a variance for operation of the veneer dryers at their Albany and Grants Pass plants beyond the December 31, 1980, deadline. The company has completed controls at their White City plants, the first control installations of this kind. The controls for the Albany and Grants Pass plants were delayed until the White City plant controls could be perfected and demonstrated compliance.

Summation

1. Southwest Forest Industries has requested a variance from the veneer dryer emission limits and compliance deadline until February 15, 1982, for their plants in Albany and Grants Pass.
2. Purchase orders for one unit have already been issued and purchase orders for the other three are expected to be issued in January of 1981.
3. The installation of controls at the Albany and Grants Pass facilities were delayed pending the results of the testing of similar units in White City. The White City units have now demonstrated an ability to comply with the opacity and mass emission limits.
4. The Department supports this variance request because strict compliance with the rule would result in closure of the facilities in Grants Pass and Albany.
5. The Commission is authorized by ORS 468.345 to grant a variance if it finds that strict compliance would result in substantial curtailment or closure of the facility.

Director's Recommendation

Based upon the findings in the summation, it is recommended that a variance (Attachment 1) from OAR 340-25-315 be granted to Southwest Forest Industries for operation of the veneer dryers at their plants in Grants Pass and Albany.

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

AGENDA ITEM N - PROPOSED ADOPTION OF MODIFIED RULES FOR HOGGED FUEL BOILERS UTILIZING SALT-LADEN FUEL, OAR 340-21-020(2)

The Department is proposing modifications to emission limits for boilers using salt-laden hogged fuel. A public hearing was held, and the testimony is discussed in the staff report. Proposed are changes in the visible limits and the source testing requirements.

Summation

1. On September 19, 1980, the Commission authorized the Department to hold a public hearing to consider changes in the requirements for boilers burning salt laden hogged fuel.
2. The hearing was held in Coos Bay on November 19, 1980. In testimony presented at the hearing, Weyerhaeuser Co. requested a change in proposed visible emission limit from Ringleman 2 to Ringleman 3 and the removal of the source testing requirement by January 1, 1981. Department observations indicate that the change to Ringleman 3 is not justifiable. The source testing requirement has been modified.
3. Based upon the testimony received at the hearing, the Department proposes modifications to the existing requirements for burning salt-laden hogged fuel as indicated in Attachment A (OAR 340-210-20(2)).
4. The Commission is authorized by ORS 468.295 to adopt rules to limit emissions from sources.
5. If adopted, the Department intends to submit the modified rule and the permit for Weyerhaeuser Co. (06-0007) to EPA as proposed modifications to the State Implementation Plan.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission adopt the changes to OAR 340-21-020(2) Fuel Burning Equipment Limitations as contained in Attachment A and approve the issuance of the modified Air Contaminant Discharge Permit (06-0007) to Weyerhaeuser Co., Attachment B, and the submission of Conditions 5, 4 and 6 in that permit and the rule change to EPA as modifications to the State Implementation Plan.

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

AGENDA ITEM 0 - REQUEST FOR VARIANCE FROM OAR 340-25-315(1)(b)(e) VENEER DRYER EMISSION LIMITS FOR WILLAMETTE INDUSTRIES, INC., GRIGGS DIVISION

Willamette Industries has requested a variance to operate two veneer dryers at its Griggs Division in violation of the Department's opacity limit until October 1, 1981. The company is unable to comply with the December 31, 1980, wood-fired compliance date because of delays in research and development of a wood-fired veneer dryer heating system which recycles dryer gases for control of hydrocarbons. The company has taken interim steps to reduce dryer opacity and plans to be in compliance by October 1, 1981.

Summation

1. Willamette Industries has requested a variance to operate two (2) veneer dryers in violation of the Department's opacity limits until October 1, 1981.
2. The company asked for and received Department approval to install a wood-fired veneer dryer heating system to control emissions from the existing natural gas-fired dryers.
3. The Department agrees with Willamette's contention that the wood-firing system would provide additional environmental benefits. Therefore, the company was allowed to apply the wood-fired dryer deadline of January 1, 1981, to the gas-fired dryers.
4. Due to delays in research and development of an identical wood-fired system installed at the company's Lebanon plant, the January 1, 1981, deadline could not be achieved at Griggs.
5. The company has agreed to a schedule for demonstrating compliance with the Department's opacity limits by not later than October 1, 1981. The wood-fired system has been purchased but has not yet been delivered.
6. The Department concurred that any control device installed prior to conversion to wood-firing would be physically incompatible with the conversion.
7. The company has taken steps to reduce dryer opacity in the interim by installing one new reverse-flow dryer and updating the remaining dryer.
8. The Commission is authorized by ORS 468.345 to grant variance from Department rules if it finds that strict compliance would be unreasonably burdensome or impractical.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that a variance from OAR 340-25-315(1)(b)(e), Veneer Dryer Emission Limits, be granted to Willamette Industries, Griggs Division, for operation of their two veneer dryers until October 1, 1981, subject to the following conditions:

1. By no later than February 1, 1981, begin foundation and other preparatory work.
2. By no later than March 1, 1981, begin installation of the fuel cell and related equipment.
3. By no later than August 1, 1981, complete construction of the fuel cell.

4. By October 1, 1981, demonstrate compliance with the emission limits (10% average and 20% maximum opacity and 1.50 pounds of particulate per 1,000 ft.² plywood produced).
5. If, contrary to expectations, the Department determines that the veneer dryer emissions cause significant adverse impact on nearby communities or the airshed, this variance may be revised or revoked.

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

AGENDA ITEM P - APPROVAL OF THE EUGENE-SPRINGFIELD AIR QUALITY MAINTENANCE AREA STATE IMPLEMENTATION PLAN FOR TOTAL SUSPENDED PARTICULATE

The Lane Regional Air Pollution Authority has been given the responsibility to complete the Eugene-Springfield State Implementation Plan Control Strategy for total suspended particulate.

Lane Regional has completed this work in close coordination with the Department, and the LRAPA Board adopted the necessary documentation on November 6, 1980.

It is necessary for the EQC to approve this documentation prior to official submittal to the Environmental Protection Agency.

Summation

1. The Eugene-Springfield AQMA is designated as non-attainment for the National Secondary Ambient Air Standard for total suspended particulate and a State Implementation Plan revision must be developed which maps out how attainment will be achieved.
2. The LRAPA, in conjunction with the Department, local entities and a broad citizens advisory committee, has developed a SIP revision which could bring the area into compliance by 1987.
3. The SIP revision consists of a three-phase approach consisting of immediate implementation of cost-effective strategies including paving certain unpaved roads, weatherization of homes, and control of certain industrial cyclones; a further data-based improvement phase to better identify the impact and control effectiveness for certain non-traditional sources including fugitive dust, wood heating and slash burning; and, finally, an additional strategy-selecting process which can result in complete attainment of standards.
4. Growth management will be handled through a rule similar to the Department's New Source Review rule which would require application of LAER, offsets, and allow limited banking and trading. Growth cushions would be utilized for small sources and external sources to the area would be required, for all practical purposes, to mitigate to a net zero (insignificant) impact in the non-attainment area.

5. All procedural SIP revision processes have been carried out satisfactorily by LRAPA, and all technical requirements for a SIP to be approvable by EPA appear to have been met other than adoption of a New Source Review rule, which is schedule to be adopted shortly following the adoption of a NSR rule by the EQC.

Director's Recommendation

The Director recommends the Commission approve the State Implementaion Plan for Total Suspended Particulate in the Eugene-Springfield AQMA and direct the Department to formally submit it to EPA.

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

AGENDA ITEM Q - PROPOSED ADOPTION OF ADDITION OF DIVISION 52 TO THE RULES GOVERNING APPROVAL OR REJECTION OF CONSTRUCTION PLANS

This item is a section of Water Quality rules proposed for adoption. These rules would govern the approval or rejection of construction plans for municipal and industrial wastewater facilities. Public hearings have been held and the hearings officer's report is attached. The proposed rules are Attachment B.

Summation

1. State law requires that plans and specifications for certain wastewater facilities be submitted to the Department for approval or rejection prior to construction. Department actions must be in conformance with rules adopted by the Commission.
2. Proposed rules have been drafted which establish submittal requirements, contain approval/rejection criteria, implement land-use compatibility requirements, grant certain exemptions, and are believed to be consistent with authority granted under the statutes.
3. At the May 16, 1980, Commission meeting, the Department was authorized to hold a hearing on the proposed rules.
4. Public notice was mailed to the rulemaking notice list on August 18, 1980. The notice was published in the Daily Journal of Commerce on August 21, 1980, and in the Secretary of State's Bulletin on September 1, 1980.
5. Testimony has been received on the proposed rules at public hearings held in Eugene, Bend and Portland during September 23, 24 and 25, respectively.
6. Several pieces of written testimony were received by the Department.
7. Testimony was mostly supportive and constructive. Testimony has been reviewed, evaluated, and considered in preparation of the final proposed rules.

Director's Recommendation

Based on the summation, it is recommended that the rules contained in Attachment B be adopted.

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

AGENDA ITEM R - REQUEST FOR APPROVAL OF SEWAGE DISPOSAL METHODS FOR THE ALSEA DUNAL AQUIFER AREA IN ACCORDANCE WITH THE EQC INTERIM GROUNDWATER QUALITY PROTECTION POLICY ADOPTED APRIL, 1980

The protection of the Alsea Dunal Aquifer located near Waldport has been of concern to the Department because of the projected high-density development with on-site sewage disposal systems. Standard septic tank-drainfield systems are not adequately treating the sewage before it enters the groundwater. Continued development with standard on-site sewage disposal systems will ultimately result in unacceptably high levels of nitrate-nitrogen in the Alsea Dunal Aquifer. The staff report is the Department's analysis of the situation with a request to authorize a public rulemaking hearing in Lincoln County to consider adoption of a geographical rule to allow continued use of on-site systems utilizing pressure seepage beds and/or bottomless sand filters. At ultimate development, it is estimated that such a policy will probably result in nitrate-nitrogen levels ranging from 4-6 mg/l.

Summation

1. The Bayshore-Sandpiper Subdivisions are platted for urban densities. Existing practices of subsurface sewage disposal are inadequately treating the sewage before it enters the groundwater.
2. The Alsea Dunal Aquifer is relatively small in volume and yield potential. The aquifer is not proposed to be used as a drinking water source through the year 2000. Surface streams are expected to be the principal drinking water sources through the foreseeable future.
3. The Commission could allow continued development of the remaining lots of record within Bayshore-Sandpiper Subdivisions utilizing pressurized on-site sewage disposal systems. This action could be expected to elevate the nitrate-nitrogen levels in the aquifer to the 4 mg/l to 6 mg/l range. These nitrate-nitrogen levels are below the U. S. EPA drinking water standard of 10 mg/l.
4. The Commission has the authority within the Interim Groundwater Protection Policy adopted April, 1980, to approve less stringent sewage treatment standards for areas where urban densities are present and where rapidly draining soils overlay local groundwater bodies. Collection, treatment and disposal of sewage is deemed to be the highest and best practicable treatment and control unless otherwise approved by the Commission.

The Interim Groundwater Protection Policy allows the Commission to permit less stringent controls for a specific area if technical studies show that lesser controls will adequately protect beneficial uses.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission authorize a public rulemaking hearing to be held in Waldport to take testimony on the question of whether to adopt a permanent geographic area rule for the lands overlaying the Alsea Dunal Aquifer area in Lincoln County, namely proposed rule OAR 340-71-400(3) as set forth in Appendix A.

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

AGENDA ITEM S - 208 PLAN RECERTIFICATION

Federal law requires that existing 208 plans are to be updated periodically, a process called recertification. A 208 plan is recertified if the EQC takes action to approve the plan, along with changes and, further, if the Governor indicates, in writing, that recertification is appropriate. Several 208 plans are included in this agenda item for recertification. These include plans prepared by areawide 208 agencies. In all cases, these are updates of EQC previously approved plans. The attachments show the requested plan modifications where appropriate. In virtually all cases, the requested changes are housekeeping in nature.

Summation

1. The Commission approved the initial 208 plans as Volumes V, VI, and VII of the Statewide Water Quality Management Plan in November 1978.
2. The Commission approved an update of the 208 plans as amendments to Volumes V and VI in October 1979.
3. The 208 plans prepared by 208 areawide agencies and by state and federal forestry agencies are proposed for recertification.
4. Attachment 1 summarizes the major 208 areawide agency plan elements along with proposed modifications.
5. Attachment 2 presents a review of forestry agency programs, along with staff recommendations for recertification.
6. The Commission must approve the recertification actions prior to transmittal to the Governor.
7. The 208 plan recertification must be transmitted by the Governor to EPA for approval.

Director's Recommendation

The Director recommends that the Commission:

1. Approve Attachments 1 and 2 as recertification of 208 areawide agency plans and state and federal forestry agency programs.
2. Authorize the Director to submit the recertification documents to the Governor for transmittal to EPA for approval.

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

AGENDA ITEM U - ADOPTION OF RULES GOVERNING ON-SITE SEWAGE DISPOSAL FEES FOR CLACKAMAS COUNTY, PROPOSED OAR 340-71-140(2)(b) OR EXISTING 340-71-030(2)

This item proposes the adoption of rules for fees to be charged by Clackamas County in their on-site sewage disposal program.

Summation

1. The Commission may by rule increase maximum subsurface fees established in ORS 454.745 at the request of the Director or any Contract County.
2. Clackamas County has requested that maximum fee levels established in ORS 454.745 be increased for that county.
3. The Commission authorized a public hearing at its December 19, 1980, meeting.
4. A public hearing was held in Oregon City on January 5, 1981.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission adopt rules governing on-site sewage disposal fees to be charged by Clackamas County to be integrated into proposed On-site Sewage Disposal Rules (340-71-100 to 71-600) as OAR 340-71-140(2)(b), if adopted this date. In the event the Commission fails to adopt the Rule Package 340-71-100 to 71-600, Clackamas County fees schedule would be adopted as 340-71-030(2) in existing Rules.

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

AGENDA ITEM V - PROPOSED AMENDMENTS TO RULES GOVERNING SUBSURFACE SEWAGE DISPOSAL AND NONWATER-CARRIED SEWAGE DISPOSAL FACILITIES SCHEDULE OF CIVIL PENALTIES, OAR 340-12-060

Summation

1. The Commission is required to adopt by rule a schedule of civil penalties for certain violations as outlined in ORS 468.140.

2. The current schedule of civil penalties governing subsurface and nonwater-carried sewage disposal facilities violations has not been amended since 1974. The current schedule does not realistically reflect today's economy nor does it assist the Department in its goal of protecting the public health by providing a more effective enforcement mechanism.

Director's Recommendation

Based upon the summation and results of the public hearing, it is recommended that the Commission adopt the amendments to OAR 340-12-060.

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

AGENDA ITEM W - MR RODNEY D. SWANSON-APPEAL OF SUBSURFACE VARIANCE DENIAL

Mr. Rodney Swanson, the property owner, appealed Variance Officer Mike Ebeling's decision to deny his request for variance from Administrative Rules pertaining to subsurface sewage disposal systems.

Summation

1. The pertinent legal authorities are summarized in Attachment "A."
2. On June 15, 1976, Mr. Brent Raasina evaluated Mr. Swanson's property to determine if a standard subsurface sewage disposal system could be installed. Mr. Raasina issued a Certificate of Favorable Site Evaluation subject to three (3) conditions.
3. The Environmental Quality Commission adopted a temporary rule on March 21, 1980, that voided all Certificates of Favorable Site Evaluation issued in Tillamook County from January 1, 1974, through December 31, 1979.
4. At Mr. Swanson's request, the property was reevaluated by Mr. John Smits on August 7, 1980. Mr. Smits determined that the property did not meet the Department's minimum standards to install an on-site system because of the presence of permanent water table at a depth of less than five (5) feet, and because there was not sufficient area available to install a replacement system. Mr. Swanson was notified of the reevaluation denial by letter dated August 26, 1980.
5. Mr. Swanson submitted a variance application to the Department, dated September 9, 1980.
6. On September 9, 1980, Mr. Ebeling examined the proposed drainfield site and found it to be located on a deflation plain. The soil consisted of forty (40) inches of unconsolidated blow sand above unconsolidated black sand. A permanent groundwater table observed at ten (10) feet below the ground surface was expected to rise to within thirty (30) inches.

7. A public information gathering hearing was conducted by Mr. Ebeling on September 9, 1980, so as to allow Mr. Swanson and others the opportunity to supply the facts and reasons to support the granting of the variance.
8. Mr. Ebeling reviewed the variance record and found the testimony did not support a favorable decision. Although Mr. Ebeling was unable to modify the proposal to overcome all of the site limitations, he made provision for reconsideration should data to be collected on water level observations at the site so warrant.
9. Mr. Ebeling notified Mr. Swanson by letter dated October 1, 1980, that the variance request was denied.
10. A letter from Mr. Swanson appealing the Variance Officer's decision was received by the Department on October 17, 1980.

Director's Recommendation

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

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

AGENDA ITEM Y - PROPOSED AMENDMENTS TO THE ADMINISTRATIVE RULES FOR SOLID WASTE MANAGEMENT (OAR CHAPTER 340, Division 61)

In October, staff requested permission to hold a public hearing for adoption of a State Solid Waste Management Plan. The plan has been reviewed by an advisory group and the public hearing process.

The staff report contains the hearings officer's report, a responsiveness summary and the Director's recommendation.

Summation

1. EPA, through RCRA and regulations, requires submission of an adopted State Solid Waste Plan prior to January 31, 1981, to allow for continued funding of the solid waste program.
2. ORS 459 gives the EQC authority to adopt "reasonable and necessary" rules covering solid waste management.
3. The public has been involved in development of the plan and an advisory committee has reviewed the draft plan.
4. Minor changes in plan content have been made as a result of testimony and EPA comments. These changes are not major.

Director's Recommendation

Based upon the summation, it is recommended that the Commission adopt the amendment to OAR 340, Division 61.

Staff noted two changes to be included in the Administrative Rules:

On page 21, add:

"D. Supply of Waste to Resource Recovery Facilities

The Division has researched existing state and local laws and found no prohibition of local government entering into long-term contracts for the supply of waste to resource recovery facilities."

On page 21, change "D." to "E."

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

The changes were incorporated into the record.

AGENDA ITEM AA - REQUEST FOR A VARIANCE FROM NOISE CONTROL REGULATIONS FOR AIRPORTS (OAR 340-35-045) FOR PENDLETON MUNICIPAL AIRPORT

The Commission adopted noise control rules for airports in November 1979. The rule requires Oregon's six air carrier airports to develop and submit a noise impact boundary within 12 months of rule adoption. This boundary is an estimate of the Ldn 55 decibel noise contour under current airport operations.

Several of the air carrier airports did not submit the noise boundary by the November date; however, by late December, four of the six carrier airports had complied and the fifth carrier boundary, Medford, was submitted on January 15.

The sixth air carrier proprietor, the City of Pendleton, owner of Pendleton Municipal Airport, has requested a variance from the impact boundary requirement. The City requests that the Commission accept an analysis conducted in 1977 as meeting the spirit and intent of the rule requirement. As an alternative, they request a time extension until November 1981 to comply with the rule requirement. The Department supports the request for a time extension.

Summation

The following facts and conclusions are offered:

1. The Commission's rules for airport noise required the submission of an airport noise impact boundary (Ldn 55 decibel contour) from all air carrier airports by November 1980.

2. The City of Pendleton, owner of Pendleton Municipal Airport, has requested a variance from the impact boundary requirement as they failed to meet the November 1980 due date.
3. The variance request included two alternatives for consideration:
 - a) Accept the noise exposure forecasts conducted in 1977-1978 as meeting the requirements of the rule; or
 - b) Provide a time extension, until November 1981, to submit the noise impact boundary.
4. Staff evaluation of the submitted noise exposure forecasts found them unacceptable as meeting the rule requirements.
5. Budgetary conditions exist at this time such that it is beyond the control of the applicant to submit the noise impact boundary prior to November 1981. Therefore, it appears reasonable to grant a variance to submit the noise impact boundary on or before November 30, 1981.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the City of Pendleton, as proprietor of Pendleton Municipal Airport, be granted a variance extending the time, until November 30, 1981, to submit the existing airport noise impact boundary as specified under OAR 340-35-045(3)(a).

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

AGENDA ITEM CC - ACCEPTANCE OF YARD DEBRIS ALTERNATIVE DISPOSAL METHODS AND/OR RECOVERY PROGRAM--PORTLAND METROPOLITAN AREA

In June 1979, the Commission established a backyard burning ban date of December 31, 1980. In conjunction with this deadline, the Commission instructed the staff to attempt to develop reasonable alternatives. Over the past 18 months, the Department, together with the City of Portland, the City of Lake Oswego, the City of Milwaukie, Metro, and other local communities, has explored various alternatives to the open burning of yard debris. These alternatives are displayed in the staff report.

An analysis of the air quality impact, other environmental/economic/energy benefits and/or impacts especially with regard to the effects on area landfills, and the public attitude toward a prohibition are also presented. It is intended that the information gathered will be useful to the local and regional governments as they determine the best way to handle yard debris for their particular jurisdiction.

Bob Gilbert, Northwest Regional Office, submitted some corrections to be made to this informational staff report. They are as follows:

<u>Page</u>	<u>Paragraph--Sentence</u>	<u>Correction</u>
15	Paragraph 3 - last two sentences that read "Woody waste materials currently going to the landfills represents approximately 17% of the total municipal waste generated. This material could potentially be diverted to energy production or other useful purposes."	Replace with "Waste acceptable for hog fuel, woody waste & some prunings, represents approximately 30-35% of the yard debris generated or approx. 202,800-236,600 cu.yd. This compares with the estimated 84,784 cu.yd. previously burned."
22	Paragraph 5 - 3rd sentence	Insert after "presented": "(Attachment 10)"
27	Paragraph 2 - 3rd sentence reads "twice-yearly"	Replace with "once-a-month"
29	Paragraph 1 - 2nd sentence reads "46,000"	Replace with "42,000"
29	Paragraph 2 reads "Burning of the region's yard debris in hog fuel boilers would reduce the mass of material to be landfilled by 98 percent."	Replace with "Burning of the region's yard debris in hog fuel boilers would reduce the volume to 2% ash."
29	Under "Assumptions Used in Calculating Environmental Impacts From Different Disposal Practices," 5th assumption reads "Fifty trucks are in operation per day."	Replace with "Thirty trucks are in operation per day."
34	Paragraph 1 - Summation g. Last two sentences that read "Woody waste materials currently going to the landfills represents approximately 17% of the total municipal waste generated. This material could potentially be diverted to energy production or other useful purposes."	Replace with "Waste acceptable for hog fuel, woody waste & some prunings, represents approximately 30-35% of the yard debris generated or approx. 202,800-236,600 cu.yd. This compares with the estimated 84,784 cu.yd. previously burned."

The staff report was accepted by the Commission, and the efforts of the staff in preparing this report were commended.

AGENDA ITEM T - 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 report proposed the adoption of Rules Governing On-Site Sewage Disposal to replace present Rules Governing Subsurface and Alternative Sewage Disposal. This rule package is the product of almost two years' work by a large number of staff, private consultants and others.

Hearing testimony is summarized in the hearing officer's report. An index of written testimony is part of that report also. The written testimony listed in the index is available for review.

Summation

1. The Commission is required to adopt rules it considers necessary for carrying out ORS 454.605 to 454.745.
2. Rules have been adopted and amended numerous times. Present rules are unwieldy, disorganized, and difficult to interpret and administer.
3. A new rule package has been developed to replace existing rules.
4. The Commission authorized public hearings on the new proposed rules at its October 17, 1980, meeting.
5. Notice of public hearings was given by publication in the 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 C) 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.

Jack Osborne, supervisor, Subsurface Sewage Section, noted several changes to be made in the proposed rule and handed out substitute pages with the corrections included.

The following person appeared and spoke generally in favor of the Director's recommendation:

<u>NAME</u>	<u>ADDRESS OR AFFILIATION</u>
Roy Burns	Lane County

The following people appeared and spoke generally in opposition of the Director's recommendation:

Burton Weast	Home Builders Association
Bob Baldwin	Multnomah County
Oliver Domreis	Multnomah County
Dick Cooley	Builder, Gresham

It was MOVED by Commissioner Somers, seconded by Commissioner Bishop, and carried unanimously to honor a letter request from Senator Fred Heard that this matter be deferred to the next regular meeting of the Commission, March 13, 1981. The matter was deferred, and no further action was taken.

AGENDA ITEM Z - REQUEST FOR A VARIANCE FROM NOISE CONTROL REGULATIONS (OAR 340-35-035) FOR BUDDY MOBILE HOMES, MARION COUNTY

Buddy Mobile Homes is a mobile home manufacturing plant located north of Mt. Angel. Noise caused by a cyclone system were measured in 1978 exceeding daytime limits by 10 decibels and nighttime limits by 15 decibels.

No reduction of this noise has been accomplished by the company, although an acoustical consulting engineer has recommended the construction of a noise barrier at a cost of approximately \$7,600. A second mitigation measure involving the relocation of the cyclone system was bid at a cost of approximately \$6,800.

The variance request contends that special circumstances render strict compliance impractical due to special physical conditions. Staff has evaluated the request and finds the submitted material does not support the grounds for a variance approval.

Summation

The following facts and conclusions are offered:

1. Violations of noise standards have existed at Buddy Mobile Homes, Mt. Angel, since 1978.
2. The major source of excessive noise emissions is their cyclone system.

3. A request for a Department granted exception from the rules was denied on October 21, 1980, because:
 - a) Feasible control alternatives are available,
 - b) The violation is substantial and a number of residences are impacted,
 - c) The residences are located inland zoned for high-density residential use, and
 - d) The cyclone system noise is continuous, unlike other neighborhood noise.

4. A request for a variance was received on December 11, 1980, based on the argument that "special circumstances render strict compliance with noise emission standards impractical due to special physical conditions." The "special circumstances" include:
 - a) The plant was operating prior to the development of the impacted residences,
 - b) There is no assurance that the estimated abatement, at a cost of \$7,000 to \$8,000, will remedy the situation,
 - c) The plant only operates during the day, and
 - d) Other noise is greater than the cyclone noise.

5. Although the plant cyclone may have been operating prior to the placement of adjacent residences, the area was zoned high density residential prior to construction and operation of the mobile home plant.

6. Reasonable control of the excessive noise is reasonably available. The petitioner's acoustical consultant proposed a noise barrier that they estimated would reduce the cyclone noise to 40-46 dBA. This provides a daytime margin of 10 to 15 dBA for assurance.

7. Although present plant operations are confined to daytime hours, the noise impacts during that time period are substantial.

8. Although other sources of noise exceed the noise level of the cyclone, these other sources are of such short duration that the statistical noise standards are not exceeded.

9. Buddy Mobile Homes should be ordered to comply with the Commission's noise control standards by May 30, 1981.

Director's Recommendation

Based on the findings of the Summation, it is recommended that Buddy Mobile Homes, Marion County, be denied a variance from the requirements of noise control rules for industry and commerce, OAR 340-35-035, and that Buddy Mobile Homes be ordered to install necessary controls to achieve compliance with these standards before May 30, 1981.

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

<u>NAME</u>	<u>ADDRESS OR AFFILIATION</u>
Lester W. Seaman Wayne Eng	8310 N. Main, Mt. Angel Bavarian Mobile Home Court, owner

Pamela Beery, attorney representing Buddy Mobile Homes, appeared and spoke in opposition to the Director's Recommendation.

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

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; SPECIFICALLY CERTAIN PROVISIONS OF OAR 340-53-005 THROUGH 035 CONCERNING RANKING OF PROJECT COMPONENTS, DISCONTINUANCE OF TRANSITION POLICY, AND POSSIBLE REDUCTION IN GRANT PARTICIPATION

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.

The Commission decided to accept no further testimony on this simple informational item. However, it was MOVED by Commissioner Somers, seconded by Commissioner Bishop, and carried unanimously that the record be allowed to remain open for an additional ten days from this date to receive any additional written testimony. The staff was directed to prepare a summary of any submitted testimony and forward it to the Commission members.

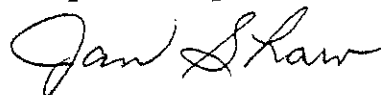
LUNCH MEETING

The following subjects were discussed with no action taken by the Commission:

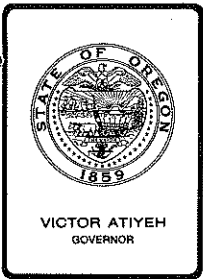
1. Legislative tracking report.
2. Rescheduling of meeting with Water Policy Review Board.
3. Description of new Air Pollution Index.
4. EQC meeting schedule.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Jan Shaw
Recording Secretary



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

TO: Environmental Quality Commission
FROM: Director
SUBJECT: Agenda Item B, January 30, 1981, EQC Meeting
December, 1980 Program Activity Report

Discussion

Attached is the December, 1980, Program Activity Report.

ORS 468.325 provides for Commission approval or disapproval of plans and specifications for construction of air contaminant sources.

Water Quality and Solid Waste facility plans and specifications approvals or disapprovals and issuance, denials, modifications and revocations of permits are prescribed by statutes to be functions of the Department, subject to appeal to the Commission.

The purposes of this report are:

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

Recommendation

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

WILLIAM H. YOUNG

M. Downs:ahc
229-6485
01-09-81



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DEPARTMENT OF ENVIRONMENTAL QUALITY

Monthly Activity Report

December, 1980

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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

AQ, WQ, SW Divisions
(Reporting Unit)

December, 1980
(Month and Year)

SUMMARY OF PLAN ACTIONS

	Plans Received		Plans Approved		Plans Disapproved		Plans Pending
	Month	Fis.Yr.	Month	Fis.Yr.	Month	Fis.Yr.	
<u>Air</u>							
Direct Sources	<u>12</u>	<u>40</u>	<u>1</u>	<u>55</u>	<u>0</u>	<u>0</u>	<u>62</u>
<u>Water</u>							
Municipal	<u>44</u>	<u>280</u>	<u>42</u>	<u>318</u>	<u>0</u>	<u>0</u>	<u>24</u>
Industrial	<u>2</u>	<u>37</u>	<u>5</u>	<u>32</u>	<u>0</u>	<u>0</u>	<u>14</u>
<u>Solid Waste</u>							
General Refuse	<u>1</u>	<u>10</u>	<u>2</u>	<u>11</u>	<u>0</u>	<u>0</u>	<u>7</u>
Demolition	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>
Industrial	<u>0</u>	<u>5</u>	<u>1</u>	<u>8</u>	<u>0</u>	<u>1</u>	<u>4</u>
Sludge	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Hazardous Wastes</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>GRAND TOTAL</u>	<u>62</u>	<u>375</u>	<u>54</u>	<u>395</u>	<u>0</u>	<u>1</u>	<u>112</u>

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
MONTHLY ACTIVITY REPORT

PLAN ACTIONS COMPLETED

DIRECT SOURCES

County	Number	Source	Process Description	Date of Action	Status
CLACKAMAS	677	EAGLE FOUNDRY COMPANY	SAND RECLAIM, RECLASS & BHSE	12/19/80	COMPLETED-APRVD
TOTAL NUMBER QUICK LOOK REPORT LINES			1		

+
2
+

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

PLAN ACTIONS COMPLETED

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

Municipal Waste Sources (42)

Deschutes	Unit II S.T.P. Project O.W.W. II San. Dist.	10/28/80	Comment Ltr. to Engr.
Marion	Clean - Repair Sludge Lag 1, 2, 3 Salem	11/3/80	Comment Ltr. to Region
Lane	S.T.P. Improve. Project Springfield	11/4/80	Comment Ltr. to Region
Marion	Shady Lane - Brooks Sts. Swrs. Salem	12/1/80	P.A.
Lane	Thurston Hills Est. Swrs. Springfield	12/4/80	P.A.
Multnomah	Fox Cliff Subdivision Swrs. Portland	12/4/80	P.A.
Deschutes	Remington Arms Lat "E" Redmond	12/9/80	P.A.
Deschutes	Remington Arms Lat "D" Redmond	12/9/80	P.A.
Deschutes	Remington Arms Lat "C" Redmond	12/9/80	P.A.
Jackson	Spring St. - Wexford Swr. Medford	12/10/80	P.A.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

PLAN ACTIONS COMPLETED

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

Municipal Waste Sources (continued)

Jackson	Jacksonville Ext. Project Documents B.C.V.S.A.	12/11/80	P.A.
Lincoln	Smith-Hanley Swrs. Yachats	12/11/80	P.A.
Lincoln	Hawkins Prop. Swrs. Yachats	12/11/80	P.A.
Hood River	S. Simpson Swrs. Odell S.D.	12/12/80	P.A.
Clackamas	Jennings Lodge Cntr. Swr. Exten. Oak Lodge S.D.	12/12/80	P.A.
Coos	Shelly Road Estates Ph. II Swrs. Coquille	12/12/80	P.A.
Clackamas	Durie Court Swr. Extend Oak Lodge S.D.	12/12/80	P.A.
Lane	Tom Laherty Swr. Ext. Veneta	12/18/80	Ltr to Engr.
Washington	Evergreen Estates Swrs. Hillsboro	12/19/80	P.A.
Marion	Relining Sewer--Mill Cr. to Ferry St. Salem	12/19/80	P.A.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

December, 1980
(Month and Year)

PLAN ACTIONS COMPLETED

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

Municipal Waste Sources (continued)

Deschutes	Quelah Condo's Ph II Swrs. Sunriver	12/19/80	P.A.
Washington	S.E. Bently Road Swr. Ext. U.S.A.	12/22/80	P.A.
Curry	Allsup Swr. Ext. Rev. Brookings	12/22/80	P.A.
Multnomah	A Grecian Villa Ph II Swrs. Gresham	12/23/80	P.A.
Benton	Garfield Trunk Swr. Corvallis	12/23/80	P.A.
Marion	Lancaster Drive Swr. Salem	12/23/80	P.A.
Marion	Alder Estates Swrs. Salem	12/23/80	P.A.
Marion	Mission St. Swr. Pump Ext. Salem	12/29/80	P.A.
Multnomah	Shattuck Park Swrs. Portland	12/29/80	P.A.
Clatsop	Fifth Ave. Swr. Exten. Hammond	12/29/80	P.A.
Multnomah	Blackberry Circle Swrs. Portland	12/29/80	P.A.
Multnomah	S.W. 41st Ave. Swrs. Portland	12/29/80	P.A.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

PLAN ACTIONS COMPLETED

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

Municipal Waste Sources (continued)

Marion	Belvue St. Swrs. Replace Salem	12/29/80	P.A.
Jackson	Table Rock Rd. Extension B.C.V.S.A.	12/30/80	P.A.
Klamath	Buena Vista Addition Swrs. Klamath Falls	12/30/80	P.A.
Washington	Autumn Harvest Subdiv. Swrs. U.S.A.	12/30/80	P.A.
Jackson	Hoyt Lane Sewer Extension B.C.V.S.A.	12/31/80	P.A.
Washington	Heather Park III Swrs. U.S.A.	12/31/80	P.A.
Washington	Heather Park II Swrs. U.S.A.	12/31/80	P.A.
Washington	Lantana Meadows Swrs. U.S.A.	12/31/80	P.A.
Washington	Burntwood P. II Swrs. U.S.A.	12/31/80	P.A.
Clackamas	Idlewild Subdiv. Swrs. C.C.S.D. No. 1	12/31/80	P.A.

P.A. = Preliminary Approval

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
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INDUSTRIAL WASTE SOURCES (5)

Marion	Mt. Jefferson Woolens Jefferson, Screening and Spray Irrigation System	7/3/80	Approved.	
Malheur	Eastway Dairy, Manure Holding Lagoon, Ontario	11/17/80	Approved.	
Benton	North Side Lumber Co. Log Unloading Yard Surface Water Runoff Facilities	11/19/80	Approved.	
Marion	J. C. Jones Oil Co. Oil/Water Separation Facility, Salem	12/3/80	Approved.	
Lane	International Paper Caustic Containment Building, Veneta	12/22/80	Approved.	
Linn	Willaval Dairy Halsey, Animal Waste Storage Lagoon	12/23/80	Withdrawn.	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division	December 1980
(Reporting Unit)	(Month and Year)

PLAN ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
*	*	*	*	*
Union	Union Co. Landfill Operational Plan and Construction Plan	12/1/80	Conditional Approval	
Klamath	J.N.S. Disposal Sludge Lagoon Construction/ Operational Plan	12/4/80	Approved	
Klamath	Shields Sludge Lagoon Construction/Operational Plan	12/18/80	Approved	
Klamath	Six-Bit Prairie Sludge Lagoon Construction/ Operational Plan	12/18/80	Approved	
Multnomah	Aid Disposal and Recycling, Inc. Transfer Station and Recycling Center Operational Plan	12/31/80	Approved	
Douglas	Roseburg Lumber - Dillard Existing Industrial Site Operational Plan	12/31/80	Conditional Approval	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

December, 1980
(Month and Year)

SUMMARY OF AIR PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions Pending	Sources Under Permits	Sources Reqr'g Permits
	<u>Month</u>	<u>FY</u>	<u>Month</u>	<u>FY</u>			
<u>Direct Sources</u>							
New	3	6	0	14	12		
Existing	1	10	0	6	18		
Renewals	11	65	0	70	121		
Modifications	1	2	1	18	6		
Total	16	104	1	109	157	1975	2005
<u>Indirect Sources</u>							
New	2	10	1	10	6		
Existing	0	0	0	0	0		
Renewals	0	0	0	0	0		
Modifications	0	3	0	3	1		
Total	2	13	1	21	7	181	0
<u>GRAND TOTALS</u>	18	117	2	130	164	2156	2005

Number of
Pending Permits

Comments

12	To be drafted by Northwest Region
12	To be drafted by Willamette Valley Region
8	To be drafted by Southwest Region
4	To be drafted by Central Region
13	To be drafted by Eastern Region
2	To be drafted Program Planning Division
17	To be drafted by Program Operations
56	Awaiting Public Notice
33	Awaiting the end of the 30-day period
<u>157</u>	<u>TOTAL</u>
	14 Technical Assistants 12 A-95's

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division	December, 1980
(Reporting Unit)	(Month and Year)

PERMIT ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action
Marion	Jafco 700 Spaces File No. 24-8028	12/29/80	Final Permit Issued

DEPARTMENT OF ENVIRONMENTAL QUALITY

PERMITS ISSUED

DIRECT STATIONARY SOURCES

COUNTY	SOURCE	PERMIT NUMBER	APPLIC. RECEIVED	STATUS	DATE ACHIEVED	TYPE OF APPLICATION
PORT.SOURCE	JOHN TALLEY CONST. CO.	37	0246 00/00/00	PERMIT ISSUED	11/28/80	MOD,
TOTAL NUMBER QUICK LOOK REPORT LINES				1		

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

December 1980
(Month and Year)

SUMMARY OF WATER PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions Pending	Sources Under Permits	Sources Reqr'g Permits
	Month	Fis.Yr.	Month	Fis.Yr.			
	* /**	* /**	* /**	* /**	* /**	* /**	* /**
<u>Municipal</u>							
New	1 /1	2 / 3	0 /0	1 /2	4 / 5		
Existing	0 /0	0 / 0	0 /0	0 /0	2 / 0		
Renewals	3 /4	11 /11	3 /0	19 /5	25 /13		
Modifications	0 /0	4 / 1	0 /0	2 /2	7 / 0		
Total	4 /5	17 /15	3 /0	22 /9	38 /18	261/91	267/96
<u>Industrial</u>							
New	2 /4	8 / 7	0 /0	6 / 7	8 /10*	Note 2	
Existing	1 /0	1 / 1	0 /0	1 / 0	2 / 2		
Renewals	12 /1	32 /19	2 /1	42 / 8	73 /27*	Note 1	
Modifications	0 /0	7 / 3	0 /0	3 / 1	6 / 2		
Total	15 /5	48 /30	2 /1	52 /16	89 /41	365/155	375/167
<u>Agricultural (Hatcheries, Dairies, etc.)</u>							
New	0 /0	0 /0	0 /0	1 /0	1 /0		
Existing	0 /0	0 /0	0 /0	0 /0	0 /0		
Renewals	0 /0	1 /0	0 /0	25 /0	9 /0		
Modifications	0 /0	0 /0	0 /0	0 /0	0 /0		
Total	0 /0	1 /0	0 /0	26 /0	10 /0	53 /20	54 /20
<u>GRAND TOTALS</u>	19 /10	66 /45	5 /1	100 /25	137 /59	679/266	696/283

* NPDES Permits
** State Permits

NOTE: *1 Changed PGE--Pebble Springs from NPDES to WPCF
*2 Dropped WPCF permit for Hillman Addition

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

December, 1980
(Month and Year)

PERMIT ACTIONS COMPLETED

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

MUNICIPAL AND INDUSTRIAL SOURCES STATE PERMITS (1)

Coos	Weyerhaeuser Company (N. Bend Log Handling)	12/12/80	Permit Renewed
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MUNICIPAL AND INDUSTRIAL SOURCES NPDES PERMITS (5)

Benton	U.S. Forest Service Camp Angel STP	12/12/80	Permit Renewed
Polk	City of Salem Wallace Road STP	12/12/80	Permit Renewed
Benton	City of Corvallis Taylor WTP	12/12/80	Permit Renewed
Benton	City of Corvallis Rock Creek WTP	12/12/80	Permit Renewed
Benton	Riverview Service Corp. STP N. Albany	12/12/80	Permit Renewed

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

December 1980
(Month and Year)

SUMMARY OF SOLID AND HAZARDOUS WASTE PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions Pending	Sites Under Permits	Sites Reqr'g Permits
	<u>Month</u>	<u>FY</u>	<u>Month</u>	<u>FY</u>			
<u>General Refuse</u>							
New	-	7	-	1	6		
Existing	-	-	-	2	-		
Renewals	-	29	2	19	24		
Modifications	1	4	2	10	2		
Total	1	40	4	32	32	166	166
<u>Demolition</u>							
New	1	3	-	3	1		
Existing	-	2	-	-	1		
Renewals	-	2	-	3	3		
Modifications	1	2	1	3	-		
Total	2	9	1	9	5	20	21
<u>Industrial</u>							
New	-	8	1	6	6		
Existing	-	2	-	-	1		
Renewals	1	14	2	12	21		
Modifications	-	-	-	1	-		
Total	1	24	3	19	28	101	101
<u>Sludge Disposal</u>							
New	-	4	-	3	1		
Existing	-	-	-	1	-		
Renewals	-	2	-	1	1		
Modifications	-	-	-	-	-		
Total	-	6	0	5	2	14	15
<u>Hazardous Waste</u>							
New	24	153	24	153	0		
Authorizations	-	-	-	-	-		
Renewals	-	-	-	-	-		
Modifications	-	-	-	-	-		
Total	24	153	24	153	0	1	1
<u>GRAND TOTALS</u>	28	232	32	218	67	302	304

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

PERMIT ACTIONS COMPLETED

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

Domestic Refuse Facilities (4)

Curry	Wridge Creek Transfer Station and Ash Disposal Site Existing Facility	12/5/80	Addendum Issued
Umatilla	Pilot Rock Existing Facility	12/29/80	Permit Issued
Umatilla	Umatilla Tribal Landfill Existing Facility	12/29/80	Permit Issued
Columbia	Santosh Landfill Existing Facility	12/29/80	Addendum Issued

Demolition Waste Facilities (1)

Washington	Lakeside Reclamation Existing Facility	12/29/80	Addendum Issued
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Industrial Waste Facilities (3)

Clackamas	Cascade Utilities New Facility	12/29/80	Permit Issued
Clackamas	Molalla Pit Existing Facility	12/29/80	Permit Issued
Linn	Western Kraft Existing Facility	12/29/80	Permit Issued

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

December 1980
(Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

WASTE DESCRIPTION

* Date *	Type	Source	Quantity	
* * *	* * *	* * *	Present	Future

DISPOSAL REQUESTS GRANTED (23)

OREGON (9)

11/28	PCB transformers	Electric utility	420 ft ³	175 ft ³
11/28	Pesticide wastes	Pesticide formulator	0	44,000 lb.
11/28	Xylene contaminated tank	Transformer manufacturer	106 ft ³	0
12/8	Heavy metals emission control dust	Steel mill	0	1,600 tons
12/22	Zinc sludge	Tool manufacturer	0	60,000 lb.
12/22	Dewatered chrome sludge	Building products	0	2,150 gal.
12/22	Solvent still bottoms	Solvent processor	0	1,750 drums
12/22	Ignitable sludge	Shopping center	19 drums	0
12/22	Chrome plating waste	Machine shop	3,000 gal.	0

WASHINGTON (9)

11/28	PCB capacitors/ contaminated solids & transformers	PUD	0	1,000 ft ³
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* * *	* Date *	* Type *	* Source *	* Present *	* Quantity Future *	* *
	12/2	Dewatered chrome sludge	Aluminum co.	0	2,000 tons	
	12/8	Dewatered heavy metals sludge	Plating	0	52 drums	
	12/10	Flexo-ink sludge	Paper co.	0	20,000 gal.	
	12/10	PCB wastes	Paper co.	10 drums	0	
	12/22	Neutralized acids/caustics solutions	Soap co.	10 drums	0	
	12/22	Slop pit with heavy metals	Industrial cleaning serv.	0	20,000 gal.	
	12/22	Spent methylene chloride/trichloroethane	Printed circuit board	800 gal.	5,000 gal.	
	12/22	PCB contaminated solids/transformers	Aerospace	60 ft ³	200 ft ³	
OTHER STATES (4)						
Montana						
	12/8	PCB contaminated soil/ruptured capacitor	Electric utility	80 drums	0	
	11/28	Spent cracking catalyst	Oil co.	4,000 ft ³	40,000 ft ³	
Idaho						
	12/22	PCB capacitors, contaminated solids, transformers	Electric utility	0	800,000 lb.	
British Columbia						
	12/22	Wood treating sludge	Chemical co.	12,000 gal.	16,800 gal.	
DISPOSAL REQUESTS DENIED (1)						
	12/4	Heavy metals sludges, wood treatment sludges, etc.	Industrial cleaning serv.	0	160 drums/mo.	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program
(Reporting Unit)

December 1980
(Month and Year)

SUMMARY OF NOISE CONTROL ACTIONS

<u>Source Category</u>	<u>New Actions Initiated</u>		<u>Final Actions Completed</u>		<u>Actions Pending</u>	
	Mo.	FY	Mo.	FY	Mo.	Last Mo.
Industrial/ Commercial	2	14	5	16	62	64
Airports	1					

MONTHLY ACTIVITY REPORT

Noise Control Program
(Reporting Unit)

December 1980
(Month and Year)

FINAL NOISE CONTROL ACTIONS COMPLETED

* County	* Name of Source and Location	* Date	* Action
*	*	*	*
Marion	Mallories Dairy Hopmere	12/80	In Compliance
Josephine	Morris Lumber Grants Pass	12/80	In Compliance
	Applegate Aggregates Grants Pass	12/80	In Compliance
	Bentley Exploration Cave Junction	12/80	In Compliance
Hood River	Union Pacific Railroad Cascade Locks	12/80	In Compliance

CIVIL PENALTY ASSESSMENTS

Department of Environmental Quality
1980

CIVIL PENALTIES ASSESSED DURING MONTH OF DECEMBER, 1980:

<u>Name and Location of Violation</u>	<u>Case No. & Type of Violation</u>	<u>Date Issued</u>	<u>Amount</u>
Douglas Fast Polk County	WQ-WVR-80-203 Discharged animal wastes to public waters.	12/11/80	\$ 500
Eldon Delashmutt Yamhill County	SS-WVR-80-209 Installed subsurface sewage system with- out a permit.	12/22/80	200
Lloyd Ginter Douglas County	SS-SWR-80-205 Repair a failing system without a permit.	12/22/80	100
R-D Mac, Inc. Union County	WQ-ER-80-204 Discharge of wastewater to public waters without a permit.	12/22/80	5,000
Frank Setera Clackamas County	AQ-NWR-80-199 Open burning of old carpets and furniture.	12/22/80	500

STATUS OF PAST CIVIL PENALTY ACTIONS TAKEN IN 1980:

<u>Name</u>	<u>Case No.</u>	<u>Date Issued</u>	<u>Amount</u>	<u>Status</u>
Scheler Corporation	AQ-WVR-80-15	1/22/80	\$ 500	Mitigated to \$100 on 5/16/80; Paid.
Lauren Karstens	AQ-WVR-80-03	1/22/80	1,500	Mitigated to \$250 on 6/20/80; Paid.
David Taylor	AQ-WVR-80-04	1/22/80	860	Mitigated to \$100 on 6/20/80; Paid.
Dennis Glaser dba/ Mid Valley Farms, Inc.	AQ-WVR-80-13	1/22/80	2,200	Contested 2/7/80 Hearing held 6/19/80. Decision due.
City of St. Helens	WQ-NWR-80-02	1/22/80	2,000	paid 2/12/80.

<u>Name</u>	<u>Case No.</u>	<u>Date Issued</u>	<u>Amount</u>	<u>Status</u>
American-Strevell, Inc.	WQ-NWR-80-05	1/22/80	\$ 500	Remitted 4/18/80.
Mid-Oregon Crushing Co.	AQ-CR-80-16	2/11/80	600	Default judgment filed.
James Judd dba/ Jim Judd Backhoe Service	SS-SWR-80-18	2/11/80	100	Mitigated to \$50 on 5/16/80. Paid.
Robert W. Harper	AQ-WVR-80-14	2/11/80	500	Mitigated to \$100 on 8/15/80. Paid.
George Heidgenkin	WQ-WVR-80-21	2/19/80	1,000	Default judgment filed.
Westbrook Wood Products	AQ-SWR-80-25	2/20/80	3,125	Remitted on 7/18/80.
Hilton Fuel Supply Co.	AQ-SWR-80-30	2/25/80	200	Mitigated to \$100 on 6/20/80; Paid.
Permapost Products Co.	WQ-NWR-80-33	3/07/80	500	Paid 3/11/80.
Tom C. Alford et. al. dba/Athena Cattle Feeders	WQ-ER-80-35	3/20/80	500	Paid 5/8/80.
Gary Kronberger/dba Hindman's Septic Tank Service	SS-WVR-80-36	3/20/80	50	Paid 4/9/80.
Adrian Van Dyk,	SS-WVR-80-27	3/20/80	500	Remitted on 10/17/80
David B. Reynolds,	SS-SWR-80-11	3/20/80	500	Mitigated to \$400 on 12/19/80. Payment schedule.
J. R. Simplot Co.,	WQ-ER-79-27	3/24/80	20,000	Contested 4/15/80.
Burlington Northern,	AQ-CR-80-44	3/27/80	200	Paid 4/10/80.
Elton Disher dba Riverview Service Corp.	WQ-WVR-80-39	4/04/80	100	Paid 4/9/80.
International Paper Co.	WQ-SWR-80-47	4/04/80	1,200	Paid 5/5/80.
Russell Stoppleworth	SS-SWR-80-43	4/10/80	325	Default judgment filed.
C-3 Builders	AQ-NWR-80-57	4/23/80	50	Paid 5/22/80.
Marion-Linn Construction Co.	SS-WVR-80-70	5/02/80	50	Paid 6/14/80.

<u>Name</u>	<u>Case No.</u>	<u>Date Issued</u>	<u>Amount</u>	<u>Status</u>
City of Portland	AQ-NWR-80-76	5/06/80	\$7,500	Mitigated to \$450 on 7/18/80. Paid.
E. Lee Robinson Construction Co.	AQ-NWR-80-75	5/19/80	100	Paid 6/2/80.
Gate City Steel Corporation	AQ-NWR-80-77	5/20/80	50	Paid 6/4/80.
Ronald E. Borello	SS-ER-80-40	5/21/80	400	Mitigated to \$50 on 10/17/80. Paid.
Humphrey Construction	AQ-NWR-80-94	6/06/80	50	Paid 6/17/80.
Valley Landfills, Inc.	SW-WVR-80-96	6/09/80	100	Paid 6/19/80.
James Kenny dba Kenny Excavation	SS-CR-80-97	6/06/80	100	Paid 7/23/80.
Cascade Utilities, Inc.	AQ-SW-NWR-80-98	6/06/80	400	Paid 6/4/80
Albert M. Mauck dba Goodman Sanitation Service	SS-NWR-80-110	6/23/80	300	Paid 6/27/80
Teledyne Wah Chang	WQ-WVR-80-89	6/23/80	400	Paid 7/3/80
Farmers Union Central Exchange, Inc/dba Cenex	WQ/HW-NWR-80-115	7/03/80	1,000	Paid 7/23/80.
R.L.G. Enterprises, Inc.	WQ-NWR-80-114	7/03/80	150	Hearing held 11/10/80.
Harris Hansen	SS-NWR-80-99	7/03/80	165	Default judgment filed.
Russell Stoppleworth	SS-SWR-80-122	7/09/80	1,680	Default judgment filed. Appeal to Court of Appeals.
Ray Anderson	SS-NWR-80-126	7/18/80	280	Case withdrawn 8/21/80.
Steve Kondrasky	AQ-NWR-80-120	7/18/80	500	Contested 8/6/80. Settlement negotiations.
Donald Pierce	SS-NWR-80-124	7/29/80	460	Defaulted. Compliance achieved. mitigation requested.

<u>Name</u>	<u>Case No.</u>	<u>Date Issued</u>	<u>Amount</u>	<u>Status</u>
Margaret Johnson	SS-CR-80-132	8/27/80	\$ 250	Mitigated to \$50 on 11/21/80. Paid.
Cedarwood Timber Co.	AQ-NWR-80-164	9/04/80	350	Default judgment filed.
E. W. Williamson	SS-CR-80-156	9/30/80	400	Paid 10/21/80.
Elton Logsdon	AQ-WVR-80-164	10/14/80	950	Contested 11/14/80.
Clyde Montgomery	AQ-WVR-80-166	10/14/80	500	Settlement negotiations.
United Sewage Agency	WQ-NWR-80-159	10/14/80	500	Mitigated to \$50 on 12/19/80. Paid.
Oregon Portland Cement	AQ-NWR-80-169	10/14/80	1,000	Paid 10/24/80.
Synder Roofing	WQ-NWR-80-168	10/14/80	300	Paid 10/17/80.
Bravado Construction,	SS-WVR-80-151	10/14/80	500	Paid 11/18/80.
Russell Stoppleworth	SS-SWR-80-170	10/16/80	400	Default order and judgment issued.
Tom Daily	AQ-WVR-80-162	10/16/80	660	Defaulted.
Victor Brown	AQ-WVR-80-163	10/22/80	1,800	Contested 11/12/80.
James Basl	AQ-WVR-80-176	10/30/80	2,000	Paid 11/18/80.
Gary Eastwood	AQ-NWR-80-174	10/30/80	300	Mitigated to \$25 on 12/19/80. Paid.
Arthur Pullen dBA/ Foley Lakes M.H. Park	WQ-CR-80-189	10/30/80	1,600	Contested 11/10/80.
Main Rock Products	WQ-SWR-80-190	10/31/80	1,600	Default order and judgment issued 12/18/80.
Carl Jensen	AQ-WVR-80-181	11/05/80	4,000	Contested 12/23/80.
Glen Smith	AQ-NWR-80-191	11/10/80	50	Paid 11/19/80.
John Holmlund	AQ-NWR-80-192	11/17/80	300	Settlement in progress.

<u>Name</u>	<u>Case No.</u>	<u>Date Issued</u>	<u>Amount</u>	<u>Status</u>
Hayworth Farm Inc.,	AQ-WVR-80-187	11/17/80	\$4,660	Contested 12/5/80.
James Lowell	AQ-WVR-80-186	11/17/80	1,800	Contested 12/5/80.
Thomas Tate	AQ-WVR-80-183	11/17/80	1,000	Defaulted.
Erman Lafayette	AQ-WVR-80-184	11/17/80	750	Paid 12/8/80.
Abijah Murphey	SS-ER-80-177	11/17/80	500	Compliance negotiations.
Walla Welch Restaurant, Inc., and Lyle Grove	SS-NWR-80-194	11/17/80	290	Case withdrawn 12/11/80.
Lyle Grove	SS-NWR-80-193	11/17/80	500	Defaulted.
Theodore Brausen	AQ-NWR-80-198	11/24/80	150	paid 12/5/80.

<u>ACTIONS</u>	<u>LAST MONTH</u>	<u>PRESENT MONTH</u>
Preliminary Issues	11	11
Discovery	0	0
Settlement Action	0	1
Hearing to be Scheduled	1	2
Hearing Scheduled	1	2
HO's Decision Due	3	3
Brief	3	4
Inactive	<u>4</u>	<u>4</u>
SUBTOTAL of Active Files	23	26
HO's Decision Out/Option for EQC Appeal .	0	0
Appealed to EQC	2	1
EQC Appeal Complete/Option for Court Review	0	3
Court Review Option Pending or Taken . . .	0	0
Case Closed	<u>0</u>	<u>1</u>
TOTAL Cases	25	31

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

Hrngrs 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

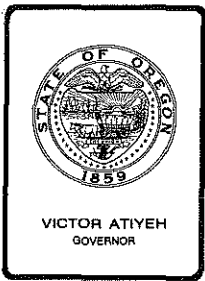
WQ Water Quality Division

December 1980
DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrl	DEQ Atty	Hrng Date	Resp Code	Case Type & No.	Case Status
FAYDREX, INC.	05/75	05/75	RLH	11/77	Resp	03-SS-SWR-75-02 64 SSD Permits	<u>Resp.'s Appeal brief due 02/07/81</u>
MEAD and JOHNS, et al	05/75	05/75	RLH		All	04-SS-SWR-75-03 3 SSD Permits	Awaiting completion of EQC Faydrex review
POWELL, Ronald	11/77	11/77	RLH	01/23/80	Hrngrs	\$10,000 Fld Brn 12-AQ-MWR-77-241	Decision due
WAH CHANG	04/78	04/78	RLH		Resp	16-P-WQ-WVR-78-2849-J NPDES Permit Modification	Hearing postponed pending further evaluation of permit conditions. <u>To be completed by 07/01/81.</u>
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. <u>To be completed by 07/01/81</u>
MALLORY & MALLORY INC.	11/79	11/79	JHR	01/10/80	Dept	14-AQ-CR-79-101 Open Burning Civil Penalty	<u>Reply brief due 01/08/81</u>
M/V TOYOTA MARU No. 10	12/10/79	12/12/79	RLH		Prtys	17-WQ-NWR-79-127 Oil Spill Civil Penalty of \$5,000	<u>Preliminary issues</u>
LAND RECLAMATION, INC., et al	12/12/79	12/14/79	FWO	05/16/80	Resp	19-P-SW-329-NWR-79 Permit Denial	EQC directed revision of Final Order 11/21/80
FORRETTE, Gary	12/20/79	12/21/79	RLH	10/21/80	Dept	20-SS-NWR-79-146 Permit Revocation	Post-hearing briefing
GLASER, Dennis F. dba MID-VALLEY FARMS, INC.	02/06/80	02/07/80	CLR	06/19/80	Hrngrs	02-AQ-WVR-80-13 Open Field Burning Civil Penalty of \$2,000	Decision due
MEDFORD CORPORATION	02/25/80	02/29/80		05/16/80	Dept	07-AQ-SWR-80 Request for Declaration Ruling	Further briefing
REYNOLDS, David B.	04/11/80	04/14/80	CLR	08/19/80	Prtys	11-SS-SWR-80-11 Civil Penalty of \$500	<u>Case closed. Stipulation signed 12/19/80 mitigating civil penalty to \$400</u>
J.R. SIMPLOT COMPANY	04/15/80	04/16/80	RLH		Prtys	12-WQ-ER-80-41 Civil Penalty of \$20,000	Preliminary issues
JONES, Jeffery D.,	06/03/80	06/06/80	CLR		Resp	17-SS-NWR-80-85 and 17-SS-NWR-80-86 SS Permit Revocations	<u>Department withdrew Notice of Revocation in 17-SS-NWR-80-86; issued Default Order in 17-SS-NWR-80-85 12/02/80</u>
R.L.G. ENTERPRISES, INC., dba THE MOORAGE PLACE	08/06/80	08/08/80	CLR	11/10/80	Hrngrs	20-WQ-NWR-80-114 Civil Penalty of \$150	Decision due
KONDRASKY, Steven C.	08/04/80	08/06/80	CLR		Resp	22-AQ-NWR-80-120 Civil Penalty of \$500	Preliminary issues
COKE, Benoni	10/27/80	10/28/80	RLH	01/15/81	Prtys	24-SS-SWR-80-173 Permit revocation	Hearing scheduled in North Bend at 9:00 a.m.
STOPPLEWORTH, Russell B.	10/27/80	11/03/80	CLR		Resp	25-SS-SWR-80-170 Civil Penalty of \$400	<u>Department issued Default Order 12/12/80</u>
MAIN ROCK PRODUCTS, INC.	11/08/80	11/10/80	JHR		Prtys	26-WQ-SWR-80-190 Civil Penalty of \$1,600	<u>Department issued Default Order 12/18/80</u>
PULLEN, Arthur W. dba/FOLEY LAKES MOBILE HOME PARK	11/07/80	11/10/80	CLR		Prtys	27-WQ-CR-80-188 Remedial action required	Preliminary issues
PULLEN, Arthur W. dba/FOLEY LAKES MOBILE HOME PARK	11/07/80	11/10/80	CLR		Prtys	28-WQ-CR-80-189 Remedial action required	Preliminary issues

December 1980
DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrl	DEQ Atty	Hrng Date	Resp Code	Case Type & No.	Case Status
BROWN, Victor	11/05/80	11/12/80	LMS	<u>02/19/81</u>	Prtys	29-AQ-WVR-80-163 Civil Penalty of \$1,800	<u>Hearing scheduled in McMinnville at 10:30 a.m.</u>
LOGSDON, Elton	11/12/80	11/14/80	JHR		Resp	30-AQ-WVR-80-164 Field Burning Civil Penalty of \$950	Preliminary issues
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		Prtys	32-SS-ER-80-178 Remedial action required	Preliminary issues
<u>HAYWORTH, John W. dba/HAYWORTH FARMS INC.</u>	<u>12/02/80</u>	<u>12/08/80</u>	<u>JHR</u>		<u>Prtys</u>	<u>33-AQ-WVR-80-187 Field burning civil penalty of \$4,660</u>	<u>Preliminary issues</u>
<u>LOWELL, James R.</u>	<u>12/05/80</u>	<u>12/08/80</u>	<u>JHR</u>		<u>Prtys</u>	<u>34-AQ-WVR-80-186 Field burning civil penalty of \$1,800</u>	<u>Preliminary issues</u>
<u>ROGERS, Donald E.</u>	<u>12/08/80</u>	<u>12/09/80</u>			<u>Hrngs</u>	<u>35-SS-NWR-80-196 Permit denial</u>	<u>To be scheduled</u>
<u>HOPPER, Harold</u>	<u>12/09/80</u>	<u>12/09/80</u>			<u>Prtys</u>	<u>36-SS-NWR-80-197 Permit revocation</u>	<u>Preliminary issues</u>
<u>JENSEN, Carl F. dba/JENSEN SEED & GRAIN, INC.</u>	<u>12/19/80</u>	<u>12/24/80</u>	<u>CLR</u>		<u>Resp</u>	<u>37-AQ-WVR-80-181 Field burning civil penalty of \$4,000</u>	<u>Answer due 01/20/81</u>
<u>FAST, Douglas L.</u>	<u>12/23/80</u>	<u>12/26/80</u>	<u>VAK</u>		<u>Prtys</u>	<u>38-WQ-WVR-80-203 Water Quality civil penalty of \$500</u>	<u>Settlement action</u>



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item C, January 30, 1981, EQC Meeting

TAX CREDIT APPLICATIONS

Director's Recommendation

It is recommended that the Commission take the following actions:

1. Issue Pollution Control Facility Certificates to:

Appl. No.	Applicant	Facility
T-1227	Griffin Farm	Two orchard fans
T-1242	Evans Products Co.	Scrubber system
T-1293	Glacier Ranch	One orchard fan
T-1297	Bickford Orchards, Inc.	Two orchard fans
T-1304	Walter Wells & Sons	One orchard fan
T-1306	George M. Ackerman	Two orchard fans
T-1309	Oregon Portland Cement Co.	Buildings and enclosures
T-1312	Glenn W. Marsh	One orchard fan
T-1321	Crown Zellerbach Corp.	Washer filtrate reuse system
T-1323	Crown Zellerbach Corp.	Primary clarifier

2. Revoke Pollution Control Facility Certificates 911 and 1066 issued to Woolley Enterprises, Inc. and reissue them to Bohemia, Inc., purchasers of the certified facilities.

WILLIAM H. YOUNG

CASplettstaszer
229-6484
1/9/81
Attachments



Contains
Recycled
Materials

PROPOSED JANUARY 1981 TOTALS:

Air Quality	\$4,148,582
Water Quality	1,425,469
Solid Waste	-0-
Noise	-0-
	<hr/>
	\$5,574,051

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Griffin Farm
691 Murphy Road
Medford, Or 97501

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

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

2. Description of Claimed Facility

The facility described in this application is two "Tropic Breeze" wind machines used for frost protection. The tower serial numbers are: AA 30958 and AA 30936.

Request for Preliminary Certification for Tax Credit was made on 8-13-79, and approved on 8-31-79.

Construction was initiated on the claimed facility on 3-6-80, completed on 3-6-80, and the facility was placed into operation on 3-12-80.

Facility Cost: \$34,748.00 (Accountant's Certification was provided).

3. Evaluation

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

The two orchard fans serve 20 acres and reduce the number of heaters required for frost protection from 875 heaters to 200 perimeter heaters.

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

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$34,748.00 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1227R.

F. A. Skirvin:dn
(503) 229-6414
AD655 (1)
December 23, 1980

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Evans Products Company
Forest-Fiber Products Group
1115 S.E. Crystal Lake Drive
Corvallis, OR 97330

The applicant owns and operates a facility to manufacture glass fibers for use in battery separators and filters at Corvallis, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is a scrubber system to collect glass fibers in exhaust gas. The scrubber system contains three Venturi scrubbers with cyclonic gas-water separators and one water recirculating system.

Request for Preliminary Certification for Tax Credit was made on September 11, 1978, and approved on September 27, 1978.

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

Facility Cost: \$113,406 (Accountant's Certification was provided).

3. Evaluation of Application

The fiber glass manufacturing facility is a follow on to a similar pilot plant operated by the applicant. Hot air is used to form the molten glass into fibers in the fiberizing chamber. The hot air carries the fibers onto a traveling screen for removal. The air passes through the screen and is cleaned of remaining fibers by the claimed facility.

The facility has been source tested and meets permit conditions.

The fibers removed from the scrubber water are land filled. The facility serves no other purpose than air pollution control. Therefore, 80% or more of the cost is allocable 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 \$113,406 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1242R.

F. A. Skirvin:e
(503) 229-6414
December 17, 1980

AE622 (1)

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Glacier Ranch
2400 Odell Hwy
Hood River, OR 97031

The applicant owns and operates an apple and pear orchard at Hood River, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is one "Tropic Breeze" wind machine for frost protection, Model Electric 100 HP, Serial No. 19097.

Request for Preliminary Certification for Tax Credit was made on 2-15-80, and approved on 2-22-80.

Construction was initiated on the claimed facility on 3-10-80, completed on 4-18-80, and the facility was placed into operation on 4-18-80.

Facility Cost: \$14,046.45 (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 orchard fan serves approximately twelve acres and reduces the number of heaters that are required to provide frost protection from 400 heaters to 70 perimeter heaters.

The operating cost of a typical orchard fan is slightly greater than the savings in the cost of fuel oil to operate orchard heaters. The operating cost consists of the power cost using the fan, depreciation over ten years, and no salvage value plus the average interest of 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 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 \$14,046.45 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1293.

F.A. Skirvin:r
AR597
(503) 229-6414
December 9, 1980

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

1. Applicant

Bickford Orchards, Inc.
1930 Highway 35
Hood River, Oregon 97031

The applicant owns and operates apple and pear orchards 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 "Tropic Breeze" wind machines for frost protection. One is gasoline powered serial number AA30074, and one is electric powered serial no. AA30887.

Request for Preliminary Certification for Tax Credit was made on November 21, 1979, and approved on December 12, 1979.

Construction was initiated on the claimed facility on March 3, 1980, completed on March 20, 1980, and the facility was placed into operation on March 20, 1980.

Facility cost: \$28,342.47 (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 20 acres and reduce the number of heaters that are required to provide frost protection from 460 heaters to 160 perimeter heaters.

The operation cost of a typical orchard fan is slightly greater than the savings in the cost of fuel oil to operate orchard heaters. The operating cost consists of the power cost using the fan, depreciation over ten years, and no salvage, plus the average interest of 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 \$28,342.47 with 80% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1297.

F. A. Skirvin:jn
AB598
(503) 229-6414
December 22, 1980

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Walter Wells & Sons
1802 Wells Drive
Hood River, Oregon 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 one "Orchard Rite" wind machine, tower serial No. E80093.

Request for Preliminary Certification for Tax Credit was made on March 28, 1980, and approved on August 18, 1980.

Construction was initiated on the claimed facility on April 1, 1980, completed on May 14, 1980, and the facility was placed into operation on May 14, 1980.

Facility Cost: \$15,854.14 (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 orchard fan serves approximately ten acres and reduces the number of heaters that are required to provide frost protection from 450 heaters to 45 perimeter heaters.

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

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$15,854.14 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1304.

F. A. Skirvin:n
AN679
(503) 229-6414
December 31, 1980

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

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

The applicant owns and operates An Apples and Pears Orchard at Hood River, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is two model 75 HP Electric "Tropic Breeze" wind machines serial numbers 19147 and 19148.

Request for Preliminary Certification for Tax Credit was made on 1-24-80, and approved on 2-20-80.

Construction was initiated on the claimed facility on 3-10-80, completed on 4-5-80, and the facility was placed into operation on 4-5-80.

Facility Cost: \$26,509.53 (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 eight acres each and reduce the number of heaters required to provide frost protection from 480 heaters to 140 perimeter heaters.

The operating cost of a typical orchard fan is slightly greater than the savings in the cost of fuel oil to operate orchard heaters. The operating cost consists of the power cost using the fan, depreciation over seven years, and no salvage value plus the average interest of 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 \$26,509.53 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1306.

F. A. Skirvin:g
(503) 229-6414
November 26, 1980

A588 (1)

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

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

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

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

2. Description of Claimed Facility

The facility described in this application is the buildings built to enclose certain operational areas and certain transfer points where excess dust is generated. The enclosures and cost are:

<u>FACILITY</u>	<u>COST</u>
(a) Secondary crusher building enclosure Siding and girts Roof structure and roof	\$77,065
(b) Building on top of raw material storage silos	57,775
(c) Coal/Gypsum Crusher building enclosure Siding and girts Roof structure and roof	22,803
(d) Coal/Gypsum rail car dump building	32,930
(e) Coal/Gypsum Transfer Tower Siding and roof	25,236
(f) Clinker storage silos (Four additional silos required in addition to coal and gypsum storage silos)	3,527,420
(g) Building on top of clinker storage silos	97,784
(h) Building between clinker storage silos and finish mill	<u>59,169</u>
TOTAL COST	\$3,900,182

Request for Preliminary Certification for Tax Credit was made on 3/11/77, and approved on 6/6/77.

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

Facility Cost: \$3,900,182 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed facility is part of a new construction cement mill, and as such it was required to meet lowest practicable emission levels by the Department of Environmental Quality and by the EPA. The facility operates in compliance with air permit conditions.

The building enclosures prevent any spilled or excess dust from being wind swept into the air. (All the enclosures except the coal/gypsum rail car dump building have associated baghouses which are on two separate tax credit applications. One of the separate applications also includes covers for the above ground conveyor belts.)

The applicant stated in the application that an open stock pile clinker storage system could have been erected for \$500,000. The cost of the clinker storage silos allocable to pollution control is \$3,527,420 less \$500,000 equals \$3,027,042.

Upon conferring with the applicant concerning the coal/gypsum rail car dumping building, it was determined that the building cost inadvertently included the support for the car shaker. The cost of \$32,930 originally submitted consists of everything above ground level. The cost was revised to \$20,791 which includes girts, roof rafters, siding and roofing only. The remaining cost of \$12,139 would have been incurred in any event to provide support for the car shaker. The cost of the coal/gypsum rail car dumping building allocable to pollution control is \$32,930 less \$12,139 equals \$20,791.

On the remaining buildings where the building also supports machinery and/or decks, only the cost of the siding and roofing have been claimed.

None of the facilities on this application provide income in excess of the annual operating expense. The total cost allocable to pollution control is \$3,900,182 less \$500,000 and \$12,139 equals \$3,387,943. Therefore, 80 percent or more of the cost of \$3,387,943 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).

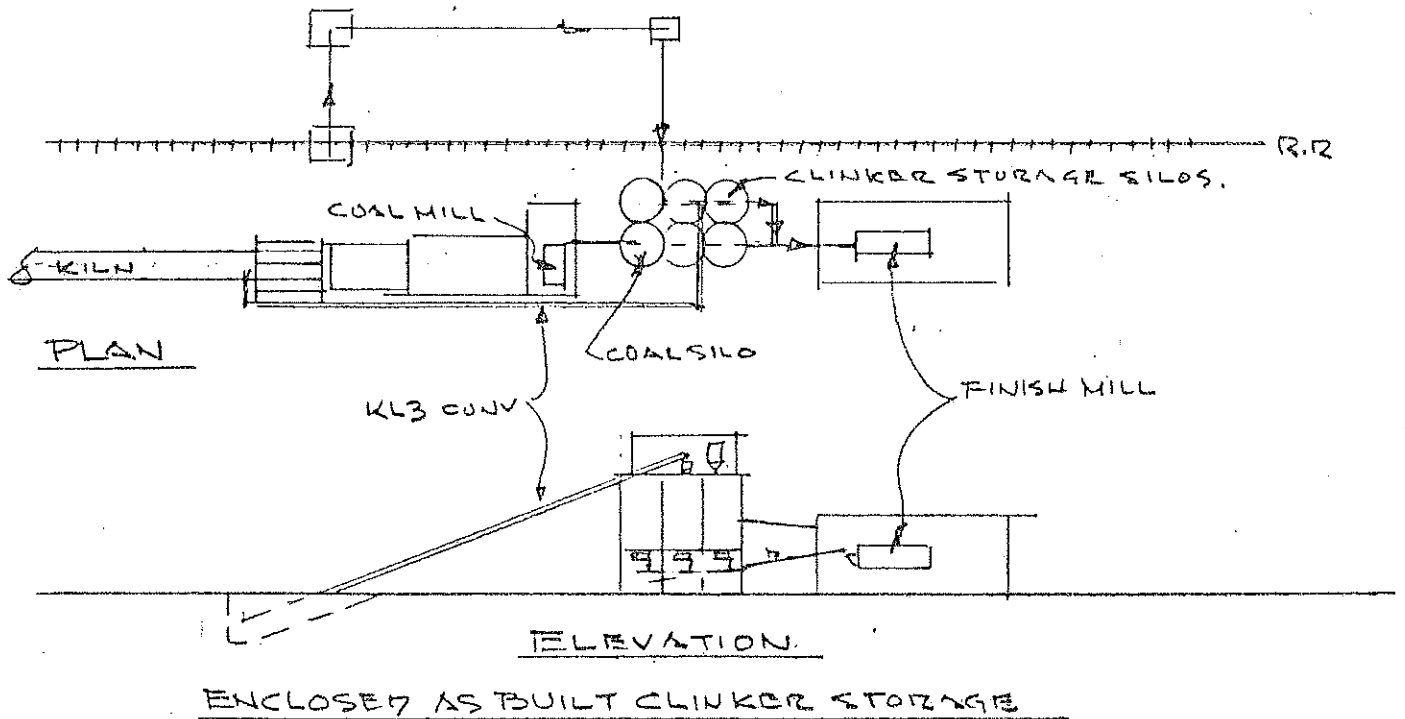
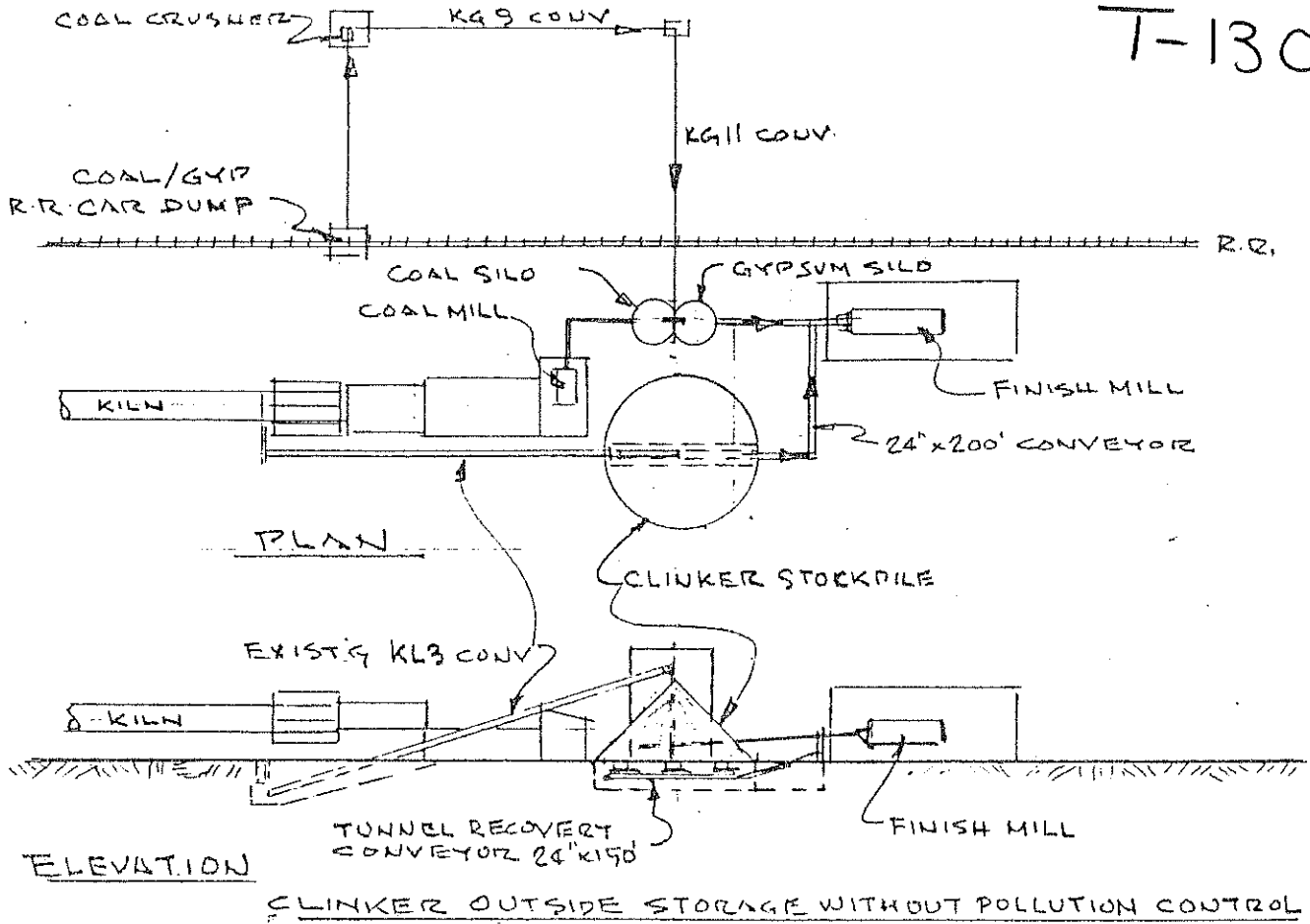
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. The portion of the facility 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 \$3,387,943 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1309R.

F.A.Skirvin:f
(503) 229-6414
December 9, 1980
AF691 (2)

T-1309



OREGON PORTLAND CEMENT CO.
 DURKEE, OREGON PLANT

CLINKER OUTSIDE STORAGE VS.
 ENCLOSE AS-BUILT STORAGE

Exhibit B (Facility A)

Appl T-1312
Date 11-16-80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Glenn W. Marsh
3605 Brookside 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 one "Tropic Breeze" wind machine for frost protection, serial number 19227.

Request for Preliminary Certification for Tax Credit was made on 5-23-80, and approved on 8-18-80.

Construction was initiated on the claimed facility on 10-13-80, completed on 10-13-80, and the facility was placed into operation on 10-17-80.

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

3. Evaluation of Application

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

The orchard fan serves ten acres and reduces the number of heaters that are required to provide frost protection from 250 heaters to 50 perimeter heaters.

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

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$15,495.00 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1312.

F. A. Skirvin:g
(503) 229-6414
11-26-80

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Crown Zellerbach Corporation
Wauna Division
Clatskanie, Oregon 97016

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

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

2. Description of Claimed Facility

The facility described in this application consists of a pump, motor, electrical controls, piping and valves to reuse chlorine washer stage filtrate as stock dilution water in the bleach plant.

Request for Preliminary Certification for Tax Credit was made May 14, 1979, and approved July 27, 1979. Construction was initiated on the claimed facility June 1979, completed December 1979, and the facility was placed into operation December 1979.

Facility Cost: \$36,969 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed facility successfully reuses chlorine stage washer filtrate for dilution water on stock entering the bleach plant. The washer filtrate used to be sewered to the mill's secondary treatment plant. The project has resulted in a reduction of flow to the treatment system of about 1.5 million gallons per day. Since this has also resulted in a reduction of fresh water consumption, less filter backwash is discharged from the water treatment plant.

Since the filtrate reuse contains some chlorine, the project has resulted in a small chlorine savings. Crown Zellerbach has estimated the annual chlorine savings to be about \$3,000. The 8.1 percent return on investment calculates to a 60 percent portion of the facility cost allocable for tax credit. This is based on the Department's 1976 guidelines for processing tax credit applications.

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing water pollution.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 60 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 \$36,969 with 60 percent or more but less than 80 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1321.

Charles K. Ashbaker:1
(503) 229-5325
December 11, 1980

WL468 (1)

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Crown Zellerbach Corporation
West Linn Division
West Linn, Oregon 97068

The applicant owns and operates a paper mill at West Linn.

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 primary clarifier which has replaced a series of batch (fill and draw) settling tanks. Included in the project is a mechanical clarifier, piping, wiring and electrical controls, sludge pumps, and a wash water piping system.

Request for Preliminary Certification for Tax Credit was made October 25, 1977, and approved April 14, 1978. Construction was initiated on the claimed facility April 1978, completed April 1979, and the facility was placed into operation April 1979.

Facility Cost: \$1,388,500 (Accountant's Certification was provided).

3. Evaluation of Application

The original settling basins were installed in 1966. They did remove some settleable solids, but allowed a significant amount to enter the secondary treatment pond. Once in the secondary pond, the solids would settle and eventually cause a solids build-up. The new clarifier removes over 93 percent of the suspended solids and essentially all of the settleable solids in the mill effluent. The clarifier has resulted in reduced bottom deposits in the secondary pond.

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 \$1,388,500 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1323.

Charles K. Ashbaker:l
(503) 229-5325
December 11, 1980

WL469 (1)

State of Oregon
Department of Environmental Quality

Reissuance of Pollution Control Facility Certificates

1. Certificates Issued to:

Woolley Enterprises, Inc.
P. O. Box 578
Drain, Oregon 97435

Certificates were issued for air pollution control facilities.

2. Summation

On July 27, 1979, the Environmental Quality Commission issued Pollution Control Facility Certificate number 991 to Woolley Enterprises, Inc. in the amount of \$433,654 for a hogged fuel boiler and scrubber at their plant in Drain, Oregon. On March 21, 1980, the Environmental Quality Commission issued Pollution Control Facility Certificate number 1066 to Woolley Enterprises, Inc. in the amount of \$100,548 for a scrubber and dryer end seals to control emissions from veneer dryer #1 at their plant in Drain, Oregon.

By joint letter of December 23, 1980 (attached), Woolley Enterprises, Inc. informed the Department that they sold the facilities certified in Pollution Control Facility Certificates 991 and 1066 to Bohemia, Inc., effective December 8, 1980. Subsequently, Bohemia, Inc. requested that the Certificates be transferred to them.

3. Director's Recommendation

Pursuant to ORS 317.072(10), it is recommended that Pollution Control Facility Certificates 991 and 1066 issued to Woolley Enterprises, Inc. be revoked and reissued to Bohemia, Inc., the reissued certificates to be valid only for the time remaining from the date of first issuance.

CASplettstaszer
229-6484
1/9/80
Attachments

Splettstager

BOHEMIA INC.



2280 OAKMONT WAY EUGENE, OREGON 97401
P.O. BOX 1819 EUGENE 97440
TELEPHONE (503) 342-6262 TELEX 364-442

December 23, 1980

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

Re: Tax Relief Application No. T-1072
Certificate No. 991
Tax Relief Application No. T-1171
Certificate No. 1066

The above referred to tax credits were issued to Woolley Enterprises Inc.

As of December 8, 1980, the facility in which these pollution control devices are installed was purchased by Bohemia Inc.

We are hereby requesting that the remaining tax credit on Certificate Numbers 991 and 1066 be transferred from Woolley Enterprises, Inc., to Bohemia Inc.

Should you need additional information, please contact us.

Sincerely,

WOOLLEY ENTERPRISES, INC.

Donna P. Woolley

Donna P. Woolley
President

BOHEMIA INC.

Frederick G. Gent

Frederick G. Gent
Senior Vice President-Finance

FGG:ah

Enclosures: Letter, Certificate
and Notice of Election
for applications noted above

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

JAN 5 1981

OFFICE OF THE DIRECTOR

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Certificate No. 991
Date of Issue 7/27/79
Application No. T-1072

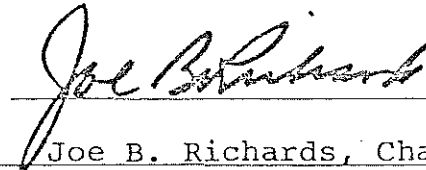
POLLUTION CONTROL FACILITY CERTIFICATE

Issued To: Woolley Enterprises, Inc. Drain Plywood Company P. O. Box 578 Drain, Oregon 97435	Location of Pollution Control Facility: Drain, Oregon
As: <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Owner XX	
Description of Pollution Control Facility: Hogged fuel boiler and scrubber.	
Type of Pollution Control Facility: <input checked="" type="checkbox"/> Air <input type="checkbox"/> Noise <input type="checkbox"/> Water <input type="checkbox"/> Solid Waste XX	
Date Pollution Control Facility was completed: <u>7/31/78</u> Placed into operation: <u>7/31/78</u>	
Actual Cost of Pollution Control Facility: \$ <u>433,654.00</u>	
Percent of actual cost properly allocable to pollution control: 80% or more	

In accordance with the provisions of ORS 468.155 et seq., it is hereby certified that the facility described herein and in the application referenced above is a "Pollution Control Facility" within the definition of ORS 468.155 and that the air or water facility was constructed on or after January 1, 1967, the solid waste facility was under construction on or after January 1, 1973, or the noise facility was constructed on or after January 1, 1977, and the facility is designed for, and is being operated or will operate to a substantial extent for the purpose of preventing, controlling or reducing air, water, noise or solid waste pollution, and that the facility is necessary to satisfy the intents and purposes of ORS Chapter 459, 467 or 468 and the regulations adopted thereunder.

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

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

Signed 
 Title Joe B. Richards, Chairman

Approved by the Environmental Quality Commission on
 the 27th day of July, 1979

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Certificate No. 1066

Date of Issue 3/21/80

Application No. T-1171

POLLUTION CONTROL FACILITY CERTIFICATE

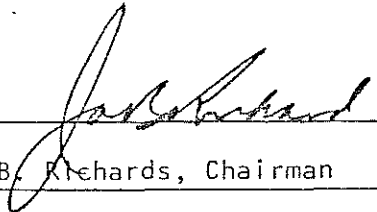
Issued To: Woolley Enterprises, Inc. Drain Plywood Company P. O. Box 578 Drain, Oregon 97435	Location of Pollution Control Facility: Applegate and Fir Streets Drain, Oregon
As: <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Owner	
Description of Pollution Control Facility: Burley Industries scrubber and dryer end seals to control emissions from veneer dryer #1.	
Type of Pollution Control Facility: <input checked="" type="checkbox"/> Air <input type="checkbox"/> Noise <input type="checkbox"/> Water <input type="checkbox"/> Solid Waste <input type="checkbox"/> Hazardous Waste <input type="checkbox"/> Used Oil	
Date Pollution Control Facility was completed: <u>11/26/79</u> Placed into operation: <u>11/26/79</u>	
Actual Cost of Pollution Control Facility: \$ <u>100,548.00</u>	
Percent of actual cost properly allocable to pollution control: <u>80% or more</u>	

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

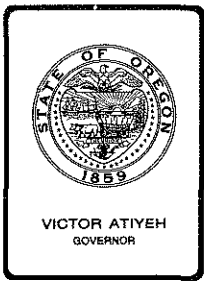
Therefore, this Pollution Control Facility Certificate is issued this date subject to compliance with the statutes of the State of Oregon, the regulations of the Department of Environmental Quality and the following special conditions:

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

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

Signed 
 Title Joe B. Richards, Chairman

Approved by the Environmental Quality Commission on
 the 21st day of March, 1980



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 D, January 30, 1981, EQC Meeting
Request for Authorization to Conduct a Public Hearing on Proposed
Open Field Burning Regulations, OAR Chapter 340, Section 26-005
through 26-030.

1. Background

1.1 Current Regulatory Perspective

Several significant revisions to open field burning regulations were adopted prior to the 1980 summer field burning season, primarily as a result of 1979 state legislative changes (Senate Bill 472) and subsequent federal State Implementation Plan (SIP) revision requirements. Perhaps foremost of these legislative changes was the establishment and increase of the maximum acreage allowed to be open burned each year to 250,000 acres; the Environmental Quality Commission's (EQC) specific authority for setting acreage limitations was removed. In addition, it was the expressed legislative intent that permits be issued and burning be allowed for that full amount unless meteorological or other conditions require that a maximum number of acres not be burned on a given day, or unless the Commission finds that other reasonable and economically feasible alternatives to burning exist. Furthermore, in submitting the required SIP revisions to the Environmental Protection Agency (EPA), the new law required that such revisions "be only of such sufficiency as to gain approval...", and not include rules adopted by the Commission which are not necessary for attainment of National Ambient Air Quality Standards (NAAQS).

On December 14, 1979, the Department presented for Commission review and public hearing several proposed open field burning rule revisions made necessary, in part, by passage of the new field burning law. On January 18, 1980, the Commission, at its regularly scheduled meeting, adopted and approved for EPA submittal the following rule revisions:

- a) Establish 250,000 acres as the maximum acreage limitation;
- b) Establish a "performance standard" for the Eugene-Springfield Air Quality Maintenance Area (AQMA) which would incrementally tighten the criteria for allowing burning as the cumulative hours of smoke intrusions into that area increase;



Contains
Recycled
Materials

- c) Prohibit burning under northerly winds if a violation of federal, secondary 24-hour Total Suspended Particulate (TSP) standards is predicted using continuous particle monitoring methods;
- d) Restrict daily burning in the south Valley to the 1978 daily maximum to ensure compliance with federal 24-hour Prevention of Significant Deterioration (PSD) increments; and,
- e) Clarify and reorganize certain portions of the rules including a refinement of limitations on burning hours and on amounts and distribution of emissions.

In general, those rule revisions reflected a change in emphasis toward daily control through smoke management rather than through annual acreage limitations. This allowed greater operational flexibility while still providing adequate air quality protection for Eugene-Springfield. In addition, it allowed the Department to assume a more traditional regulatory role with regard to field burning.

Commensurate with this new Department role, then, would be the increased involvement of the seed industry in conducting daily smoke management operations within the framework of the performance standard and other air quality regulations and guidelines. This approach was implemented during the 1980 burning season with some success and continues to have the support of both the Oregon Seed Council (OSC) and the City of Eugene.

The rules approved at the January 18, 1980, Commission meeting were subsequently submitted to EPA along with technical support documentation as part of the Department's SIP revision package. Upon close review, the EPA identified several major deficiencies in the SIP package which were to require further modification. After several subsequent discussions with EPA staff, the appropriate changes and additional technical justifications were prepared in a joint effort by Department, OSC, and City of Eugene officials and presented to the Commission on April 18, 1980. Upon EQC adoption, these revisions were resubmitted to the EPA and then formally approved prior to the start of the 1980 open field burning season.

1.2 1980 Smoke Management Operations

During the 1980 summer open field burning season, 211,656 acres were reported burned, the largest amount since 1974, prior to the Department's involvement in operating a daily smoke management program. The single longest day of burning was August 26, when 30,895 acres were reported burned. This increase in total acreage accomplished reflects, in part, favorable late season burning weather as well as increased efforts by smoke management personnel to accomplish the maximum amount of burning considered feasible on a given day, pursuant to the new legislative directive to do so. Overall, a moderate amount of burning was accomplished in the fringe or localized areas of the Valley using field-by-field releases under locally favorable wind regimes.

In general, however, 1980 weather patterns presented some unique constraints to successful burning. Unusually heavy precipitation during June and early July resulted in a predominance of green regrowth in the fields, especially perennial fields, from the very beginning of the burning season. The effect of green fields is to reduce plume rise and increase smoke emissions. In addition, poor ventilation or stagnant conditions appeared to be more predominant than in previous seasons, especially during the month of August which is traditionally the month of heaviest burning.

A detailed and complete impact analysis of the 1980 season is not yet available due to a malfunction in data processing equipment. Some preliminary observations can be made at the present time, though a more detailed discussion of impacts will be provided at a later date.

In the Eugene-Springfield area, 6 1/2 hours of official smoke intrusion, resulting from two separate events, were recorded against the new performance standard. According to the standard, restrictions in burning criteria do not go into effect until the cumulative hours of smoke intrusion exceed 14 hours. The first intrusion occurred on August 11 impacting, Springfield especially, and resulting in 2 1/2 hours of impact in the area. The second intrusion occurred on August 27 following a day of heavy burning under good dispersion conditions. An unpredicted change in wind direction combined with some problems of illegal late burning upwind of the area contributed to heavy concentrations of smoke in both Eugene and Springfield. Four official hours of intrusion were recorded as visibility in Springfield was reduced to less than 2 miles during the peak hour.

Impacts in Lebanon, Sweet Home, and the Mohawk Valley were again heavy on several occasions. Preliminary review of monitoring data from Lebanon indicate an intrusion pattern roughly similar to that of the previous two seasons. Extremely heavy concentrations of smoke were recorded in downtown Lebanon on August 11 for at least two hours and persisted in the other areas for a longer period. Though no monitoring was accomplished in Sweet Home, observations indicate similar or even heavier impacts.

On the day of August 11, rapid and heavy amounts of burning followed by a rapid shift and reduction in winds resulted in an accumulation of smoke against the east foothills of the south Valley which was very slow to disperse. Following the incident, a new method of releasing burning in the central south Valley was developed and implemented thereafter in an effort to more effectively distribute burning through time and thereby reduce the amount of smoke which might otherwise rapidly accumulate and be subject to sudden wind changes. On several occasions, the new release method proved to be successful in minimizing the intensity of smoke intrusions while allowing a maximum number of acres to be open burned.

Intrusion patterns in other populated areas appeared to be comparable to those of previous seasons, in many instances a result of problem burns near or adjacent to urban areas. A few areas experienced more frequent impacts than in previous seasons as a result of burning in the fringes of the Valley under locally favorable conditions.

During the 1980 season, 1183 field burning complaints were filed by the public, well in excess of the 520 and 450 recorded in 1978 and 1979, respectively. Thirteen field notices were issued totalling approximately \$18,000 in assessed civil penalties.

1.3 Illegal Burning Activity and Other Special Problems

In general, illegal burning activity can take the form of burning at improper times, in improper places, or in excessive amounts. Certain kinds of illegal burning are more troublesome, from an impact perspective, than others. For example, late burning (burning after cut-off time) or illegally burning in

priority areas can result in severe problems because they occur during periods of unfavorable or changing meteorological conditions. Burning without a permit or burning more acreage than is permitted may, if it occurs during authorized burning periods, only aggravate smoke concentrations that would already otherwise occur. In any case, failure to report or under-report burned acreage does represent a significant loss of revenue to the program which could be used to intensify management efforts.

The suggestion that a significant level of illegal burning activity does, in fact, take place is not a new one. In the summer of 1979, the Department cooperated in a research project funded by the Pacific Northwest Regional Commission and performed by the Oregon State University Environmental Remote Sensing Applications Laboratory (ERSAL), the objective of which was to independently quantify the agricultural acreage burned in the Willamette Valley. The estimate could then be compared to the Department's own figure of acreage reported burned.

The study involved an aerial sampling method using an aircraft-based observer. At various times throughout the summer, the observer would "sweep" the Valley following pre-established transect lines, noting at certain points along those transects areas which had or had not been burned. Assuming that the placement of the transects fairly represent the agricultural areas of the Valley, the result is an estimate of total acreage burned. Statistically speaking, this sampling methodology is a very basic one and is used in many other kinds of survey applications.

The 1979 aerial sampling study estimated total acreage burned to be approximately 38% more than the 153,000 acres reported to the Department. The range associated with this estimate, however, was sufficiently large that at high confidence it did barely include the reported amount.

It had been argued at the time that, with the increase in the maximum acreage limitation to 250,000 acres, there would no longer be as great an incentive to the grower to over burn. Recognizing the imprecision of the 1979 analysis as well as the obvious need for addressing the overburning problem should it be shown to persist after 1979, the Department funded a repeat aerial sampling study during the 1980 summer burning season. Again, ERSAL performed the analysis which, this time, focused on the south valley only in an effort to increase aerial coverage, reduce the estimate range and thus provide a more precise burned acreage estimate.

The results of that study, presented to the Department in a draft report on January 6, 1980, indicate that approximately 202,524 acres \pm 21,391 acres were actually burned in the south Valley, or about 35 percent over the amount reported to the Department. Though no estimate was developed for the North Valley, application of the 35 percent overburn rate to that area as well, would suggest that 285,000 acres were potentially burned in the entire Valley in 1980, exceeding the legal maximum acreage limitation. Such a rate of overburning would also have potential implication on compliance with the maximum single-day limitation in effect in the south valley. Several rule revisions are proposed to enhance the Department's enforcement capabilities.

There were several other problems encountered during 1980 which are in need of correction through rule revision. As mentioned previously, there has been a trend toward accomplishing controlled amounts of burning under locally favorable conditions. Given the ever present need for minimizing smoke intrusions and improving the overall success of the smoke management program, more intensive management practices have been required. Accordingly, this has required improved communication between the various levels of organization and has placed a greater burden on the permit issuing agents and the growers to assure strict compliance with the sometimes complex conditions or restrictions identified as part of a given burning release. For example, there is currently no standard or assured procedure for conveying information between grower, permit agent, and management team on the location of registered fields or their proximity to potentially sensitive receptors. On many occasions, confusion or miscommunication over the location of a released field burn has had negative results. The field registration procedure does not currently include a mapping component.

Other areas of field burning regulations in need of attention as evidenced by this last summer include the provision of special authority to the Department to modify the method of acreage release as was successfully demonstrated in 1980, designate an expiration period for permits when deemed necessary, and require mechanical fluffing treatment of residue when conditions warrant.

2. Alternatives and Evaluation

2.1 Availability of Alternatives

By Statute, the Commission may reduce the amount of open field burning once reasonable and economically feasible alternatives become available. Consequently, the Department is continuing to conduct research into alternatives to open burning. Currently, programs are underway in various areas including analysis of crew-cutting as an alternative sanitation method, less-than-annual burning, alternative crops, and alternative burning methods.

For the most part, information available from these projects is still preliminary in nature. With regard to the crew-cutter, a close-cropping device designed to remove residue from the field, both its effectiveness and operational cost estimates (\$40-50 per acre) have shown some improvement over earlier results, but does not appear to be a viable alternative at this time. The less-than-annual burning experimentation is still in the early stages of a planned five-year program.

Recent research attempts at developing alternative crops for the Willamette Valley have centered on Meadowfoam which grows well in the poorly drained soils. An oil-seed crop, Meadowfoam is again being cultivated this year in limited amounts to provide oil for analysis by potential users. No specific market exists for Meadowfoam oil though its physical properties suggest that it might be competitive with certain industrial-use oils. The cost of production of Meadowfoam was estimated recently at approximately \$185 per acre, significantly below the estimated cost of producing annual ryegrass with which Meadowfoam might compete as a substitute. *Crop.*

Based on these and other research activities, staff believes no reasonable and economically feasible alternatives to open field burning exist at this time.

2.2 Rule Revisions to Improve Enforceability of Field Burning Regulations and Acreage Restrictions

Effective enforcement is restricted by limitations in the availability of manpower to provide adequate coverage of the Willamette Valley during peak burning periods. Some improvements can be made operationally, for example, through greater use of aircraft-based surveillance. It is imperative, however, that the Department's enforcement posture be recognized by the grower community as a realistic disincentive to illegal burning. Toward this end, the potential penalties for various violations should be clearly outlined. Field enforcement staff should be free to respond quickly to suspect activity and be generally capable of making frequent contacts with growers during heavy burning periods, thus representing a reasonable enforcement presence. Current rules governing the procedure for citing violators and assessing civil penalties however, are vague, unnecessarily time consumptive in the gathering and preparation of case evidence, and often unduly restrict the Department.

The proposed rule revisions would:

- a) Establish a specific fine schedule for specific first-time and repeat offenses;
- b) Authorize the Department to consider suspension of burning privileges for up to 18 months for a repeat violation within two years of a previous violation for the same offense; and,
- c) Extend enforcement action to problem areas not traditionally emphasized.

The proposed fine schedule would clarify the Department's procedure for assessing penalties and would allow the Department to do so irrespective of the \$20 to \$40 per acre method of assessment currently specified in the rules. Acreage-based assessments are inappropriate for many types of violations and require an inordinate amount of the field inspector's time in development of accurate acreage information as evidence. An acreage mapping system is also proposed (see section 2.3) to be used, in part, for enforcement support especially with regard to problems of under-reported burned acreage.

The provision authorizing the Department to suspend burning privileges of repeat violators for a maximum of at least one complete burning season is believed to be a necessary enforcement tool and added disincentive to the grower to burn illegally. In many cases, the decision to burn illegally may be a calculated one, taking into consideration the benefits of burning versus the relatively low risk or low cost of being cited.

2.3 Rule Revisions to Enhance Information Transfer

At the present time, there is no standard acceptable procedure, at either the permit agent or Department level to identify registered acreage by specific location. The field registration procedure requires that growers list fields by size and crop type, with location identified only by Township, Range, and Section numbers. Frequently, the TRS information is completely omitted. When it is available, it is of little practical use, given the time constraints and often limited map resources available to the permitting agent when making field releases. Accurate and easily retrievable

field location information is important not only in assuring that field releases are made precisely according to direction, but that enforcement contacts and follow-up work can be accomplished effectively and efficiently. This becomes increasingly important as smoke management efforts are intensified and conditions for burning become more rigid in an attempt to take better advantage of available burning opportunities.

The proposed rule revisions would:

- a) Require that all registered acreage be graphically identified upon standard base maps provided by the Department and that such mapping become part of the Registration/Application as defined by rule;
- b) Require that a reference code be provided for each mapped field designating the appropriate registration and field size information; and,
- c) Require that potential "problem" fields having special constraints be so identified on the maps for consideration by permit agents.

As it is currently envisioned, permanent aerial base maps showing permit agency jurisdictions would be provided to each permit agency along with a changeable transparent overlay upon which the necessary field information is to be inscribed. The overlay would then be submitted to the Department at the time of registration, a copy made and retained for the Department's records, and then returned to the permit agency for use during the burning season. As the season progresses, fields could be "checked off" as they are completed. Each year a new overlay would be provided. New maps would be reviewed by the Department and compared with the previous year's map for inconsistencies related to, for example, the illegal re-registration of cereal fields. Adequate enforcement of the "cereal" rule is not feasible under the current system.

As with any modification to an already complex system, flaws or initial opposition can be expected. However, Department staff believe that the proposed mapping system will ultimately improve the effectiveness of the program as a whole by reducing the frequency of incidental mishaps in miscommunication, by streamlining the Department's enforcement activities, and by helping to streamline and standardize the permit agencies' tasks in effectively carrying out burning releases.

2.4 Rule Revisions Granting the Department Authority to Make Restrictions

As mentioned previously, the Department implemented in 1980 a modified method of releasing acreage which essentially limits the number of burns permitted at a given time by area (zone). This became necessary in response to the August 11 smoke episode in which extremely high and persistent concentrations of smoke occurred as a result of the rapid accomplishment of the full quota release. Such an immediate and complete response by growers to a release precludes any effective response or counter-control due to sudden meteorological changes. Current rules allow the Department flexibility in issuing more restrictive limitations in releasing acreage on a fire district-by-fire district basis, but do not explicitly authorize the Department to do so on an area basis, smaller or larger than a fire district.

In combination with the modified acreage release method, it became necessary to apply a specified expiration period for each permit since less-than-maximum utilization of those permits (delays in initiating the permitted burn) would unnecessarily inhibit burning progress under favorable conditions. Current rules do not explicitly authorize the Department to specify a permit expiration period.

Additional management problems are posed each year by poor field conditions resulting from seasonal or pre-season rains and the effects of these rains and repeated high humidities on the straw and stubble residue to be burned. The burn qualities of these residues degrade as they "age" and become compacted after harvest. This is especially true for residue of some perennial grasses which are structurally fine, high in moisture, and subject to rapid and extensive green regrowth.

The mechanical fluffing of straw residues has been shown to dramatically improve field burn characteristics by mixing and "airing" out the straw for enhanced drying. The Department required fluffing during 1980 on a few occasions on a field-by-field basis with some success. More widespread use of fluffing treatments would likely have improved plume-rise and reduced on a large scale smoke intrusions into some populated areas. Current rules do not authorize the Department to require fluffing treatments when general field conditions would warrant it.

The proposed rule revisions would:

- a) Allow the Department to issue more restrictive limitations on releasing acreage by area when deemed to be necessary;
- b) Allow the Department to designate a permit expiration period when in its judgement it is necessary to assure that authorized burning progresses smoothly;
- c) Allow the Department to require mechanical fluffing treatments to improve the condition of residue fuels when such treatments are judged to be necessary for assuring adequate plume rise; and,
- d) States as being the intention of the Commission that by January 1, 1983, fluffing be required on essentially all perennial grass seed fields.

This latter rule would, of course, be further refined as to the applicability and specific criteria for implementing a fluffing rule pending subsequent studies by the Department and evaluation of those in progress. The rule is intended to notify the grower community of the need for making preparations for purchasing or arranging access to fluffing equipment in the immediate future.

2.5 Rule Revision for Public Safety

Current rules address the potential public safety impacts of burning through the "priority area" designation. The courts have established that, despite the Department's restrictions on priority area burning, the individual conducting a burning operation is liable for any consequences of that operation. The threat to public safety is perhaps greatest when burning adjacent to the Interstate 5 freeway as evidenced by previous smoke-caused traffic accidents. Though no rule can eliminate the ever-present safety hazard, short of complete prohibition of burning adjacent to the freeway, the proposed rule revision would require that, at a minimum, all acreage to be open burned on the west side of and abutting the I-5 right-of-way maintain a plowed margin of at least 8 feet in width to reduce the chance of a fire-jump into the right-of-way area.

3. Summation

The Department proposes for Commission adoption, after public hearing, revisions to rules regulating open field burning in the Willamette Valley. The proposed rules would:

- a) Establish a specific civil penalty schedule for specific field burning rule violations, both for first-time and repeat offenses, and authorize the Department to consider suspension of burning privileges for up to 18 months when a repeat violation occurs within 2 years of a previous violation. Indirectly, the rule would allow the Department's enforcement staff to provide improved coverage of the Valley during active burning periods and thus present a greater enforcement threat;
- b) Require the mapping of all registered acreage on map materials provided by the Department as part of the Registration/Application. The rule would further require that the necessary field registration information be included on the map, problem fields be identified, and that the permit issuing agency return a copy of the map materials for use in releasing fields for burning during the season;
- c) Allow the Department to issue limitations on an area basis which are more restrictive than those contained in the regulations when it is judged to be necessary to attain and maintain air quality;
- d) Allow the Department to specify that open field burning permits be valid for a designated period of time following time of issuance;
- e) Allow the Department to require mechanical fluffing treatments of field residues on an area-selective, crop-selective, or Valley-wide basis when in its judgement, burning without such treatment would result in excessive low-level smoke;
- f) State as the Commission's intention that mechanical fluffing treatments be required on essentially all perennial grass seed fields after January 1, 1983; and,
- g) Require that all acreage to be open burned on the west side of and abutting U.S. Interstate 5 maintain a plowed margin, a minimum of 8 feet in width, between that acreage and the I-5 right-of-way.

(The Department shall detail more fully and present to the Environmental Quality Commission at a later date an informational report describing results of a thorough analysis of 1980 field burning impacts and plans for organizational and operational changes and improvements to the program for 1981.)

4. Director's Recommendation

Based on the summation above, it is recommended that the Environmental Quality Commission authorize the Department to schedule a public hearing on the attached proposed rules at its March 13, 1981 meeting before the Commission.



WILLIAM H. YOUNG

- Attachment I Statement of Need and Fiscal Impact Statement
 II Public Notice
 III Proposed Amendments and Additions to the Rules 340-
 26-005 to -030

SK0:h
686-7837
1/8/81

ATTACHMENT I

Agenda Item, January 30, 1981, EQC Meeting
Public Hearing to Consider Adoption of Proposed
Open Field Burning Regulations, OAR Chapter 340,
Sections 26-005 through 26-030

STATEMENT OF NEED FOR RULEMAKING

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

(1) Legal Authority

Oregon Revised Statutes 468.020, 468.130, 468.140, 468.450, and 468.460.

(2) Need for the Rule

Proposed amendment of open field burning regulations, OAR 340, 26-005 through 26-030 is needed to:

1. Incorporate changes enhancing the enforceability of open field burning regulations made necessary by recent evidence of significant levels of illegal burning activity;
2. Make operational rule changes requiring the mapping of all acreage registered for open burning; and,
3. Make operational rule changes granting the Department authority for restricting amounts and timing of burning, and requiring special residue drying treatments when judged by the Department to be necessary.

(3) Principle Documents Relied Upon

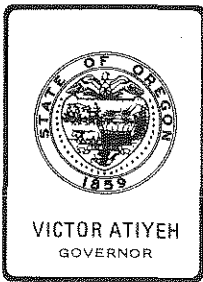
1. Staff reports, William H. Young, Director, Department of Environmental Quality, presented at the December 14, 1979 and January 18 and April 18, 1980, EQC meetings.
2. Record of the Environmental Quality Commission meetings. December 14, 1979, and January 18 and April 18, 1980.
3. Personal Communication, Timothy J. Sercombe, Johnson, Harrang, Swanson and Long, Eugene City Attorneys, October 22, 1980.
4. Personal Communication with Charles D. Craig, Director of Technical Services, Oregon Seed Council, October 28, November 24, November 26, December 16, December 23, 1980, and January 6, 1981.
5. Personal Communication with Terry Smith, Environmental Analyst, City of Eugene, December 11 and December 17, 1980, and January 6, 1981.

6. Personal Communication with David S. Nelson, Executive Secretary, Oregon Seed Council, December 24, 1980, and January 6, 1981.
7. Personal Communication with Barry Schrumpf, Environmental Remote Sensing Applications Laboratory, January 8, 1980.
8. Draft Final Report, Acreage Validation Project, by Barry Schrumpf, Oregon State University, Environmental Remote Sensing Applications Laboratory, January 6, 1981.

(4) Fiscal Impact Statement

The proposed adoption and implementation of field burning regulations by the State would impose some additional costs to growers for the acquisition and use of field treatment equipment. There would also be some additional program costs in acquiring registration map materials.

Proposed rules designed to improve enforcement could potentially increase general fund revenue contributions through collection of civil penalty assessments.



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

Prepared: 1/9/81
Hearing Date: 3/13/81

NOTICE OF PUBLIC HEARING

A CHANCE TO BE HEARD ABOUT:

The State of Oregon conducts a smoke management program to help alleviate air quality impacts from annual open field burning practices in the Willamette Valley. The Federal government has reviewed and approved current field burning regulations which provide specific limitations to the total maximum number of acres allowed to be burned during a given year and during any single day. Recent surveys suggest that significant levels of over-burning occur which are not reported, representing a loss of revenues to the program and potentially jeopardizing control efforts.

In addition, the State regularly reviews and refines the smoke management program's guidelines for operation in an effort to reduce public impact and in response to the development of new control techniques or to special problems as they arise. Specific organizational improvements and additional refinements in burning criteria and in the method for authorizing the timing and amounts of burning are needed as evidenced from 1980 burning activities.

WHAT IS THE DEQ PROPOSING?

Interested parties should request a copy of the proposed rule revisions. The Department is proposing rule changes designed to enhance rule enforcement, improve management effectiveness, and intensify safety precautions for burning along U.S. Interstate 5. Specifically, the Department proposes rules to:

1. Establish a specific civil penalty schedule for specific first-time and repeat violations of field burning regulations;
2. Authorize the Department to consider suspension of burning privileges for up to 18 months for individuals cited for a repeat violation within two years of an earlier one.
3. Require that all acreage registered for burning be identified on standard maps provided by the Department;
4. Allow the Department to issue strict limitations on burning by area and to designate a specific period of time for which burning permits are valid;
5. Allow the Department to require mechanical fluffing treatments of

field residue to be burned if, in its judgement, such treatments are necessary to prevent excessive low-level smoke;

6. State as the Commission's intention that mechanical fluffing treatments be required on essentially all perennial grass seed fields after January 1, 1983; and,
7. Require that all acreage to be open burned on the west side of an abutting the I-5 freeway maintain a plowed margin at least 8 feet in width between that acreage and the freeway right-of-way.

WHO IS AFFECTED BY THIS PROPOSAL?

Grass seed producers in the Willamette Valley and others associated with the grass seed industry, and the general public which is at a risk of exposure to field burning smoke.

HOW TO PROVIDE YOUR INFORMATION:

Written comments should be sent to the Department of Environmental Quality, Air Quality Division, Field Burning, 1244 Walnut Street, Eugene, Oregon 97403, and should be received by March 1, 1981.

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

<u>City</u>	<u>Time</u>	<u>Date</u>	<u>Location</u>
Salem	10:00 a.m.	March 13, 1981	

WHERE TO OBTAIN ADDITIONAL INFORMATION:

Copies of the proposed changes may be obtained from:

Sean K. O'Connell
DEQ Field Burning
1244 Walnut Street
Eugene, OR 97403
(503) 686-7601

LEGAL REFERENCES FOR THIS PROPOSAL:

This proposal amends OAR 340-26-005 to -030. It is proposed under authority of ORS 468.020, 468.130, 468.140, 468.450, and 468.460.

LAND USE PLANNING CONSISTENCY

The Department has concluded that the proposals do affect land use.

With regard to Goal 6 (air, water and land resources quality) the rules are designed to enhance and preserve air quality and are considered consistent with the goal.

With regard to Goal 3 (preservation and maintenance of agricultural lands) the rules will have the general effect of increasing restrictions on open field burning and thereby increase the costs of agricultural operations where open burning is considered a required agricultural practice.

Public comment on any land use issue is welcome and may be submitted in the same fashions as are indicated for testimony in this NOTICE OF PUBLIC HEARING.

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

The Department of Land Conservation and Development will mediate any apparent conflict brought to our attention by local, state or federal authorities.

FURTHER PROCEEDINGS:

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

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

DEPARTMENT OF ENVIRONMENTAL QUALITY
Chapter 340

Agricultural Operations
AGRICULTURAL BURNING

26-005 DEFINITIONS. As used in this general order, regulation and schedule, unless otherwise required by context:

- (1) Burning seasons:
 - (a) "Summer Burning Season" means the four month period from July 1 through October 31.
 - (b) "Winter Burning Season" means the eight month period from November 1 through June 30.
- (2) "Department" means the Department of Environmental Quality.
- (3) "Marginal Conditions" means conditions defined in ORS 468.450(1) under which permits for agricultural open burning may be issued in accordance with this regulation and schedule.
- (4) "Northerly Winds" means winds coming from directions in the north half of the compass, at the surface and aloft.
- (5) "Priority Areas" means the following areas of the Willamette Valley:
 - (a) Areas in or within 3 miles of the city limits of incorporated cities having populations of 10,000 or greater.
 - (b) Areas within 1 mile of airports servicing regularly scheduled airline flights.
 - (c) Areas in Lane County south of the line formed by U. S. Highway 126 and Oregon Highway 126.
 - (d) Areas in or within 3 miles of the city limits of the City of Lebanon.
 - (e) Areas on the west side of and within 1/4 mile of these highways; U. S. Interstate 5, 99, 99E, and 99W. Areas on the south side of and within 1/4 mile of U. S. Highway 20 between Albany and Lebanon, Oregon Highway 34 between Lebanon and Corvallis, Oregon Highway 228 from its junction south of Brownsville to its rail crossing at the community of Tulsa.
- (6) "Prohibition Conditions" means atmospheric conditions under which all agricultural open burning is prohibited (except where an auxiliary fuel is used such that combustion is nearly complete, or an approved sanitizer is used, or burning is specifically authorized by the Department for experimental or test purposes).
- (7) "Southerly Winds" means winds coming from directions in the south half of the compass, at the surface and aloft.
- (8) "Ventilation Index (VI)" means a calculated value used as a criterion of atmospheric ventilation capabilities. The Ventilation Index as used in these rules is defined by the following identity:
$$VI = \frac{\text{Effective mixing height ((feet))}}{1000} \times (\text{Average wind speed through the effective mixing height (knots)})$$

(9) "Willamette Valley" means the areas of Benton, Clackamas, Lane, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties lying between the crest of the Coast Range and the crest of the Cascade Mountains, and include the following:

(a) "South Valley," the areas of jurisdiction of all fire permit issuing agents or agencies in the Willamette Valley portion of the Counties of Benton, Lane or Linn.

(b) "North Valley," the areas of jurisdiction of all other fire permit issuing agents or agencies in the Willamette Valley.

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

(11) "Local Fire Permit Issuing Agency" means the County Court or Board of County Commissioners or Fire Chief or a Rural Fire Protection District or other person authorized to issue fire permits pursuant to ORS 477.515, 477.530, 476.380, or 478.960.

(12) "Open Field Burning Permit" means a permit issued by the Department pursuant to ORS 468.458.

(13) "Fire Permit" means a permit issued by a local fire permit issuing agency pursuant to ORS 477.515, 477.530, 476.380 or 478.960.

(14) "Validation Number" means a unique three-part number issued by a local fire permit issuing agency which validates a specific open field burning permit for a specific acreage of a specific day. The first part of the validation number shall indicate the number of the month and the day of issuance, the second part the hour of authorized burning based on a 24 hour clock and the third part shall indicate the size of acreage to be burned (e.g., a validation number issued August 26 at 2:30 p.m. for a 70 acre burn would be 0826-1430-070).

(15) "Open Field Burning" means burning of any perennial grass seed field, annual grass seed field or cereal grain field in such manner that combustion air and combustion products are not effectively controlled.

(16) "Backfire Burning" means a method of burning fields in which the flame front does not advance with the existing surface winds. The method requires ignition of the field only on the downwind side.

(17) "Into-the-Wind Strip Burning" means a modification of backfire burning in which additional lines of fire are ignited by advancing directly into the existing surface wind after completing the initial backfires. The technique increases the length of the flame front and therefore reduces the time required to burn a field. As the initial burn nears approximately 85% completion, the remaining acreage may be burned using headfiring techniques in order to maximize plume rise.

(18) "Perimeter Burning" means a method of burning fields in which all sides of the field are ignited as rapidly as practicable in order to maximize plume rise. Little or no preparatory backfire burning shall be done.

(19) "Regular Headfire Burning" means a method of burning fields in which substantial preparatory backfiring is done prior to ignition of the upwind side of the field.

(20) "Approved Alternative Method(s)" means any method approved by the Department to be a satisfactory alternative method to open field burning.

(21) "Approved Interim Alternative Method" means any interim method approved by the Department as an effective method to reduce or otherwise minimize the impact of smoke from open field burning.

(22) "Approved Alternative Facilities" means any land, structure, building, installation, excavation, machinery, equipment or device approved by the Department for use in conjunction with an Approved Alternative Method or an Approved Interim Alternative Method for field sanitation.

(23) "Drying Day" means a 24-hour period during which the relative humidity reached a minimum less than 50% and no rainfall occurred.

(24) "Basic Quota" means an amount of acreage established for each permit jurisdiction, including fields located in priority areas, in a manner to provide, as reasonably as practicable, an equitable opportunity to burn.

(25) "Priority Area Quota" means an amount of acreage established for each permit jurisdiction, for fields in priority areas, in a manner to provide, as reasonably as practicable, an equitable opportunity to burn.

(26) "Effective Mixing Height" means either the actual plume rise as measured or the calculated mixing height, whichever is greater.

(27) "Cumulative Hours of Smoke Intrusion in the Eugene-Springfield Area" means the average of the total cumulative hours of nephelometer readings at the Eugene and Springfield sites which exceed the preexisting background readings by 1.8×10^{-4} b-scat units or more and which have been determined by the Department to have been significantly contributed to by field burning. For each hour of nephelometer readings which exceed the preexisting background readings by 5.0×10^{-4} b-scat or more, two hours shall be added to the total cumulative hours for that site. After September 15 of each year, for each hour of nephelometer readings which exceed the preexisting background readings by 4.0×10^{-4} b-scat or more, two hours shall be added to the total cumulative hours for that site.

26-010 GENERAL PROVISIONS. The following provisions apply during both summer and winter burning seasons in the Willamette Valley unless otherwise specifically noted.

(1) Priority for Burning. On any marginal day, priorities for agricultural open burning shall follow those set forth in ORS 468.450 which give perennial grass seed fields used for grass seed production first priority, annual grass seed fields used for grass seed production second priority, grain fields third priority and all other burning fourth priority.

(2) Permits required.

(a) No person shall conduct open field burning within the Willamette Valley without first obtaining a valid open field burning permit from the Department and a fire permit and validation number from the local fire permit issuing agency for any given field for the day that the field is to be burned.

(b) Applications for open field burning permits shall be filed on Registration Application forms provided by the Department[-], and shall include graphic delineation of all acreage so registered upon map materials provided by the Department and on file with the local permit issuing agency.

(c) Open field burning permits issued by the Department are not valid until acreage fees are paid pursuant to ORS 468.480(1)(b) and a validation number is obtained from the appropriate local fire permit issuing agency for each field on the day the field is to be burned. The Department may specify that open field burning permits shall be valid for a designated period of time following the time of issuance and shall expire thereafter if the permitted field burn is not initiated within that designated period.

(d) As provided in ORS 468.465(1), permits for open field burning of cereal grain crops shall be issued only if the person seeking the permits submits to the issuing authority a signed statement under oath or affirmation that the acreage to be burned will be planted to seed crops (other than cereal grains, hairy vetch, or field pea crops) which require flame sanitation for proper cultivation.

(e) Any person granted an open field burning permit under these rules shall maintain a copy of said permit at the burn site or be able to readily demonstrate authority to burn at all times during the burning operation and said permit shall be made available for at least one year after expiration for inspection upon request by appropriate authorities.

(f) At all times proper and accurate records of permit transactions and copies of all permits shall be maintained by each agency or person involved in the issuance of permits, for inspection by the appropriate authority.

(g) Open field burning permit issuing agencies shall submit to the Department on forms provided, weekly summaries of field burning activities in their permit jurisdiction during the period July 1 to October 15. Weekly summaries shall be mailed and postmarked no later than the first working day of the following week.

(3) Fuel conditions shall be limited as follows:

(a) All debris, cuttings and prunings shall be dry, cleanly stacked and free of dirt and green material prior to being burned, to insure as nearly complete combustion as possible.

(b) No substance or material which normally emits dense smoke or noxious odors may be used for auxiliary fuel in the igniting of debris, cuttings or prunings.

(4) In accordance with ORS 468.450 the Department shall establish a schedule which specifies the extent and type of burning to be allowed each day. During the time of active field burning, the Department shall broadcast this schedule over the Oregon Seed Council radio network operated for this purpose, on an as needed basis, depending on atmospheric and air quality conditions.

(a) Any person open burning or preparing to open burn under these rules shall conduct the burning operation in accordance with the Department's burning schedule.

(b) Any person open burning or preparing to open burn fields under these rules shall monitor the Department's field burning schedule broadcasts and shall conduct the burning operations in accordance with the announced schedule.

(5) Any person open field burning under these rules shall actively extinguish all flames and major smoke sources when prohibition conditions are imposed by the Department. Normal after smoulder excepted.

26-011 CERTIFIED ALTERNATIVE TO OPEN FIELD BURNING.

(1) The Department may certify approved alternative methods of field sanitation and straw utilization and disposal on a permanent or interim basis provided the applicant for such certification:

(a) Provides information adequate to determine compliance with such emissions standards as may be developed pursuant to subsection (2) of this section as well as other State air, water, solid waste, and noise laws and regulations; and

(b) Operates any associated equipment subject to subsection (3) of this section or other operational standards as may be established by the Department.

(2) Pursuant to ORS 468.472 the Commission shall establish emission standards for alternative methods to open field burning. Such standards shall be set to insure an overall improvement in air quality as a result of the use of the alternative as compared to the open field burning eliminated by such use.

(3) Mobile field sanitizers and other alternative methods of field sanitation specifically approved by the Department, and propane flamers are considered alternatives to open field burning for the purposes of fee refunds pursuant to ORS 468.480 and may be used subject to the following provisions:

(a) Open fires away from the machines shall be extinguished as rapidly as practicable.

(b) Adequate water supply shall be available to extinguish open fires resulting from the operation of field sanitizers.

(c) Propane flamers may be used as an approved alternative to open field burning provided that all of the following conditions are met:

- (a) Field sanitizers are not available or otherwise cannot accomplish the burning.
- (b) The field stubble will not sustain an open fire.
- (c) One of the following conditions exist:
 - (A) The field has been previously open burned and appropriate fees paid.
 - (B) The field has been flailchopped, mowed, or otherwise cut close to the ground and loose straw has been removed to reduce the straw fuel load as much as practicable.

26-012 REGISTRATION AND AUTHORIZATION OF ACREAGE TO BE OPEN BURNED.

- (1) On or before April 1 of each year, all acreages to be open burned under this rule shall be registered with the local fire permit issuing agency or its authorized representative on forms provided by the Department. A nonrefundable \$1.00 per acre registration fee shall be paid at the time of registration. At the time of registration, all registered acreage shall be delineated and specifically identified on map materials provided by the Department using a unique four-part reference code defined as follows: registration number-line number-crop type P (perennial), A (annual), C (cereal) - acreage. In addition, the symbol "X" shall be appended to this reference code for fields which, because of their location with respect to particularly sensitive smoke receptors or severe fire hazards, should not be burned under normally preferred windflow patterns.
- (2) Registration of acreage after April 1 of each year shall require:
 - (a) Approval of the Department.
 - (b) An additional late registration fee of \$1.00 per acre if the late registration is determined by the Department to be the fault of the late registrant.
- (3) Copies of all Registration/Application forms and registration map materials shall be forwarded to the Department promptly by the local fire permit issuing agency.
- (4) The local fire permitting agency shall maintain a record of all registered acreage by assigned field number, location, type of crop, number of acres to be burned and status of fee payment for each field [·], and in addition shall maintain a copy of the registration map materials prepared pursuant to subsection (1) above showing each registered field complete with field reference code.
- (5) Burn authorizations shall be issued by the local fire permit issuing agency up to daily quota limitations established by the Department and shall be based on registered fee-paid acres and shall be issued in accordance with the priorities established by subsection 26-010(1) of these rules, except that fourth priority burning shall not be permitted from July 15 to September 15 of any year unless specifically authorized by the Department.
- (6) No local fire permit issuing agency shall authorize open field burning of more acreage than may be sub-allocated annually to the District by the Department pursuant to section 26-013(5) of these rules.

26-013 LIMITATION AND ALLOCATION OF ACREAGE TO BE OPEN BURNED.

- (1) Except for acreage to be burned under 26-013(6) and (7), the maximum acreage to be open burned under these rules shall not exceed that amount authorized under applicable State and Federal law.
- (2) Any revisions to the maximum acreage to be burned, allocation procedures, permit issuing procedures or any other substantive changes to these rules affecting the open field burning program for any year shall be made prior to June 1 of that year. In making these rule changes the Commission shall consult with Oregon State University (OSU) and may consult with other interested agencies.

(3) Acres burned on any day by approved alternative methods shall not be applied to open field burning acreage allocations or quotas, and such operations may be conducted under either marginal or prohibition conditions.

(4) In the event that total registration is less than or equal to the acreage allowed to be open burned under section 26-013(1) all registrants shall be allocated 100 percent of their registered acres.

(5) In the event that total registration exceeds the acreage allowed to be open burned under 26-013(1) the Department may issue acreage allocations to growers totaling not more than 110 percent of the acreage allowed under section 26-013(1). The Department shall monitor burning and shall cease to issue burning quotas when the total acreage reported burned equals the maximum acreage allowed under section 26-013(1).

(a) Each year the Department shall sub-allocate 110 percent of the total acreage allocation established by the Commission, as specified in section 26-013(1) to the respective growers on a pro rata basis of the individual acreage registered as of April 1 to the total acreage registered as of April 1.

(b) The Department shall sub-allocate the total acre allocation established by the Commission, as specified in section 26-013(1) to the respective fire permit issuing agencies on a pro rata share basis of the acreage registered within each fire permit issuing agency's jurisdiction as of April 1 to the total acreage registered as of April 1.

(c) In an effort to insure that permits are available in areas of greatest need, to coordinate completion of burning, and to achieve the greatest possible permit utilization, the Department may adjust, in cooperation with the fire districts, allocations of the maximum acreage allowed in section 26-013(1).

(d) Transfer of allocations for farm management purposes may be made within and between fire districts on a one-in/one-out basis under the supervision of the Department. Transfer of allocations between growers are not permitted after the maximum acres specified in section 26-013(1) have been burned within the Valley.

(e) Except for additional acreage allowed to be burned by the Commission as provided for in (6) and (7) of this subsection no fire district shall allow acreage to be burned in excess of their allocations assigned pursuant to (b), (c) and (d) above.

(6) Notwithstanding the acreage limitations under 26-013(1), the Department may allow experimental open burning pursuant to ORS 468.490. Such experimental open burning shall be conducted only as may be specifically authorized by the Department and will be conducted for gathering of scientific data, or training of personnel or demonstrating specific practices. The Department shall maintain a record of each experimental burn and may require a report from any person conducting an experimental burn stating factors such as:

1. Date, time and acreage of burn.
2. Purpose of burn.
3. Results of burn compared to purpose.
4. Measurements used, if any.
5. Future application of results of principles featured.

(a) Experimental open burning, exclusive of that acreage burned by experimental open field sanitizers, shall not exceed 7500 acres annually.

(b) For experimental open burning the Department may assess an acreage fee equal to that charged for open burning of regular acres. Such fees shall be segregated from other funds and dedicated to the support of smoke management research to study variations of smoke impact resulting from differing and various burning practices and methods. The Department may contract with research organizations such as academic institutions to accomplish such smoke management research.

(7) Pursuant to ORS 468.475 the Commission may permit the emergency open burning under the following procedures:

(a) A grower must submit to the Department an application form for emergency field burning requesting emergency burning for one of the following reasons;

(A) Extreme hardship documented by:

An analysis and signed statement from a CPA, public accountant, or other recognized financial expert which establishes that failure to allow emergency open burning as requested will result in extreme financial hardship above and beyond mere loss of revenue that would ordinarily accrue due to inability to open burn the particular acreage for which emergency open burning is requested. The analysis shall include an itemized statement of the applicant's net worth and include a discussion of potential alternatives and probable related consequences of not burning.

(B) Disease outbreak, documented by:

An affidavit or signed statement from the County Agent, State Department of Agriculture or other public agricultural expert authority that, based on his personal investigation, a true emergency exists due to a disease outbreak that can only be dealt with effectively and practicably by open burning.

The statement must also include at least the following:

- i) time field investigation was made,
- ii) location and description of field,
- iii) crop,
- iv) infesting disease,
- v) extent of infestation (compared to normal),
- vi) necessity and urgency to control,
- vii) availability, efficacy and practicability of alternative control procedures,
- viii) probable damages or consequences of non-control.

(C) Insect infestation, documented by:

Affidavit or signed statement from the County Agent, State Department of Agriculture or other public agricultural expert authority that, based on his personal investigation, a true emergency exists due to an insect infestation that can only be dealt with effectively and practicably by open burning. The statement must also include at least the following:

- i) time field investigation was made,
- ii) location and description of field,
- iii) crop,
- iv) infesting insect,
- v) extent of infestation (compared to normal),
- vi) necessity and urgency to control,
- vii) availability, efficacy, and practicability of alternative control procedures,
- viii) probable damages or consequences of non-control.

(D) Irreparable damage to the land documented by:

An affidavit or signed statement from the County Agent, State Department of Agriculture, or other public agricultural expert authority that, based on his personal investigation, a true emergency exists which threatens irreparable damage to the land and which can only be dealt with effectively and practicably by open burning. The statement must also include at least the following:

- i) time of field investigation,
- ii) location and description of field,
- iii) crop,
- iv) type and characteristics of soil,
- v) slope and drainage characteristics of field,

- vi) necessity and urgency to control,
- vii) availability, efficacy and practicability of alternative control procedures,
- viii) probable damages or consequences of non-control.

(b) Upon receipt of a properly completed application form and supporting documentation the Commission shall within 10 days, return to the grower its decision.

(c) An open field burning permit, to be validated upon payment of the required fees, shall be promptly issued by the Department for that portion of the requested acreage which the Commission has approved.

(d) Application forms for emergency open field burning provided by the Department must be used and may be obtained from the Department either in person, by letter or by telephone request.

(8) The Department shall act, pursuant to this section, on any application for a permit to open burn under these rules within 60 days of registration and receipt of the fee provided in ORS 468.480.

(9) The Department may [~~on-a-fire-district~~] by fire district or other area basis, issue limitations more restrictive than those contained in these regulations when in their judgment it is necessary to attain and maintain air quality.

26-015 WILLAMETTE VALLEY SUMMER BURNING SEASON REGULATIONS

As part of the smoke management program provided for in ORS 468.470 the Department shall schedule the time, places, and amounts of open field burning according to the following provisions:

(1) As provided for in ORS 468.450 atmospheric conditions will be classified as marginal or prohibition conditions under the following criteria:

(a) Marginal Class N conditions: Forecast northerly winds and a ventilation index greater than 12.5.

(b) Marginal Class S conditions: Forecast southerly winds and a ventilation index greater than 12.5.

(c) Prohibition conditions: A ventilation index of 12.5 or less.

(2) Limitations on Burning Hours.

(a) Burning hours shall be limited to those specifically authorized by the Department each day.

(b) Unless otherwise specifically limited by the Department, burning hours may begin at 9:30 a.m. PDT, under marginal conditions but no open field burning may be started later than one-half hour before sunset or be allowed to continue later than one-half hour after sunset.

(c) The Department may alter burning hours according to atmospheric ventilation conditions when necessary to attain and maintain air quality.

(d) Burning hours may be reduced by the fire chief or his deputy when necessary to protect from danger by fire.

(3) Limitations on Locations and Amounts of Field Burning Emissions.

(a) Use of acreage quotas.

(A) In order to assure a timely and equitable distribution of burning, authorizations of acreages shall be issued in terms of single, multiple, or fractional basic quotas or priority area quotas as listed in Table 1, attached as Exhibit A and incorporated by reference into this regulation and schedule.

(B) Willamette Valley permit agencies or agents not specifically named in Table 1 shall have a basic quota and priority area quota of 50 acres only if they have registered acreage to be burned within their jurisdiction.

(C) The Department may designate additional areas as Priority Areas and may adjust the basic acreage quotas or priority area quotas of any permit jurisdiction where conditions in its judgment warrant such action.

(b) Distribution and limitation of burning under various classifications of atmospheric conditions.

(A) Prohibition. Under prohibition conditions, no fire permits or validation numbers for agricultural open burning shall be issued and no burning shall be conducted, except where an auxiliary liquid or gaseous fuel is used such that combustion is essentially completed, an approved field sanitizer is used, or where burning is specifically authorized by the Department for determining atmospheric dispersion conditions or for experimental burning pursuant to section 26-013(6) of this regulation.

(B) Marginal Class N Conditions. Unless specifically authorized by the Department, on days classified as Marginal Class N burning may be limited to the following:

(i) North Valley: one basic quota may be issued in accordance with Table 1 except that no acreage located within the permit jurisdictions of Aumsville, Drakes Crossing, Marion County District 1, Silverton, Stayton, Sublimity, and the Marion County portions of the Clackamas-Marion Forest Protection District shall be burned upwind of the Eugene-Springfield non-attainment area.

(ii) South Valley: one priority area quota for priority area burning may be issued in accordance with Table 1.

(C) Marginal Class S Conditions. Unless specifically authorized by the Department on days classified as Marginal Class S conditions, burning shall be limited to the following:

(i) North Valley: one basic quota may be issued in accordance with Table 1 in the following permit jurisdictions: Aumsville, Drakes Crossing, Marion County District 1, Silverton, Stayton, Sublimity, and the Marion County portion of the Clackamas-Marion Forest Protection District. One priority area quota may be issued in accordance with Table 1 for priority area burning in all other North Valley jurisdictions.

(ii) South Valley: one basic quota may be issued in accordance with Table 1.

(D) In no instance shall the total acreage of permits issued by any permit issuing agency or agent exceed that allowed by the Department for the marginal day except as provided for jurisdictions with 50 acres quotas or less as follows: when the Department has authorized one quota or less, a permit may be issued to include all the acreage in one field providing that field does not exceed 100 acres and provided further that no other permit is issued for that day. Permits shall not be so issued on two consecutive days.

(c) Restrictions on burning based upon air quality.

(A) The Department shall establish the minimum allowable effective mixing height required for burning based upon cumulative hours of smoke intrusions in the Eugene-Springfield area as follows:

(i) Except as provided in (ii) of this subsection, burning shall not be permitted on a marginal day whenever the effective mixing height is less than the minimum allowable height specified in Table 2, attached as Exhibit B and incorporated by reference into this regulation.

(ii) Notwithstanding the effective mixing height restrictions of (i) above, the Department may authorize up to 1000 acres total for the Willamette Valley, each marginal day on a field-by-field or area-by-area basis.

(B) During 1980, the total acreage burned in the south Valley under southerly winds shall not exceed the maximum acreage burned on a single day in the south Valley during 1978.

(C) The Department shall prohibit burning if, based upon real-time monitoring, a violation of federal or state air quality standards is projected to occur.

(d) Special restrictions on priority area burning.

(A) No priority acreage may be burned on the upwind side of any city, airport, or highway within the same priority areas.

(B) No south priority acreage shall be burned upwind of the Eugene-Springfield non-attainment area.

(C) All priority acreage to be burned on the west side of and abutting U.S. Interstate 5 shall maintain a plowed margin at least 8 feet in width between said acreage and the Interstate right-of-way to serve as a non-combustible fireguard for safety purposes.

(e) Restrictions on burning techniques.

(A) The Department shall require the use of into-the-wind strip-lighting on annual grass seed and cereal crop fields when fuel conditions or atmospheric conditions are such that use of into-the-wind strip-lighting would reduce smoke effects, and specifically the Department shall require such use when:

(i) Burning occurs shortly after restrictions on burning due to rainfall have been lifted or when the fields to be burned are wet; or

(ii) It is estimated that plume rise over 3500 feet will not occur.

(B) The Department shall require the use of perimeter burning on all dry fields where no severe fire hazard conditions exist and where strip-lighting is not required. "Severe fire hazards" for purposes of this subsection means where adjacent and vulnerable timber, brush, or buildings exist next to the field to be burned.

(C) The Department shall require regular headfire burning on all fields where a severe fire hazard exists.

(f) Restrictions on burning due to rainfall and relative humidity.

(A) Burning shall not be permitted in an area for one drying day for each 0.10 inch of rainfall received at the nearest measuring station up to a maximum of four drying days.

(B) The Department may on a field-by-field or area-by-area basis waive the restrictions of (A) above when dry fields are available through special preparation or unusual rainfall patterns and wind direction and dispersion conditions are appropriate for burning with minimum smoke impact.

(C) Burning shall not be permitted in an area when relative humidity at the nearest measuring station exceeds 50 percent under forecast northerly winds or 65 percent under forecast southerly winds.

(g) Restrictions on burning due to field condition.

~~[(B)]~~ (A) The Department may on a field-by-field or area-by-area basis prohibit the burning of fields containing high moisture content stubble or regrowth material which, when burned, would result in excessive low level smoke.

(B) The Department may on an area-selective, crop-selective, or Valley-wide basis require mechanical fluffing of straw residue on fields which in the judgement of the Department, contain a fuel load which is of such condition that open burning without such treatment would result in an unacceptably slow burn rate or in excessive low-level smoke. It is the intention of the Commission that by January 1, 1983, mechanical fluffing treatments for the purpose of improving residue burn characteristics be required on essentially all perennial grass seed fields to be open burned.

26-020 WINTER BURNING SEASON REGULATIONS.

(1) Classification of atmospheric conditions:

- (a) Atmospheric conditions resulting in computed air pollution index values in the high range, values of 90 or greater, shall constitute prohibition conditions.
- (b) Atmospheric conditions resulting in computed air pollution index values in the low and moderate ranges, values less than 90, shall constitute marginal conditions.
- (2) Extent and Type of Burning.
 - (a) Burning Hours. Burning hours for all types of burning shall be from 9:00 a.m. until 4:00 p.m., but may be reduced when deemed necessary by the fire chief or his deputy. Burning hours for stumps may be increased if found necessary to do so by the permit issuing agency. All materials for burning shall be prepared and the operation conducted, subject to local fire protection regulation to insure that it will be completed during the allotted time.
 - (b) Certain Burning Allowed Under Prohibition Conditions. Under prohibition conditions no permits for agricultural open burning may be issued and no burning may be conducted, except where an auxiliary liquid or gaseous fuel is used such that combustion is essentially complete, or an approved field sanitizer is used.
 - (c) Priority for Burning on Marginal Days. Permits for agricultural open burning may be issued on each marginal day in each permit jurisdiction in the Willamette Valley, following the priorities set forth in ORS 468.450 which gives perennial grass seed fields used for grass seed production first priority, annual grass seed fields used for grass seed production second priority, grain fields third priority and all other burning fourth priority.

26-025 CIVIL PENALTIES. In addition to any other penalty provided by law:

- (1) Any person who intentionally or negligently causes or permits open field burning contrary to the provisions of ORS 468.450, 468.455, 468.480, 476.380 and 478.960 shall be assessed by the Department a civil penalty of at least \$20, but not more than \$40 for each acre so burned.
- (2) In addition to or in lieu of any per-acre civil penalty assessed pursuant to Subsection (1) of this section, the Director may assess a specific civil penalty for any violation pertaining to agricultural burning operations by service of a written notice of assessment of civil penalty upon the respondent. The amount of such civil penalty shall be determined consistent with the following schedule:
 - (a) Not less than \$1500 nor more than \$10,000 upon any person who:
 - (A) Conducts open field burning on any acreage which has not been registered with the Department for such purposes.
 - (B) Conducts open field burning on any acreage without first obtaining and readily demonstrating a valid open field burning permit for all acreage so burned.
 - (b) Not less than \$1,000 nor more than \$10,000 upon any person who:
 - (A) Fails to report with reasonable accuracy all acreage burned in association with or as a direct result of a permitted open field burning operation.
 - (B) Fails to actively extinguish all flames and major smoke sources when prohibition conditions are imposed by the Department (normal after smoulder excepted).
 - (C) Conducts burning using an approved alternative burning method contrary to any specific conditions or provisions governing such operation.
 - (c) Not less than \$500 nor more than \$10,000 upon any person who:
 - (A) Initiates an open field burn after expiration of the designated permit period.
 - (B) Conducts an agricultural open burning operation which does not comply with any specific restrictions established by the Department related to required burning techniques, field and fuel conditions, or field and fuel treatments.
 - (d) Not less than \$300 nor more than \$10,000 upon any person who:

(A) Fails to readily demonstrate at the site of the burn operation the capability to monitor the Department's field burning schedule broadcasts.

(e) Not less than \$50 nor more than \$10,000 upon any person who commits any other violation pertaining to agricultural burning operations or the rules of this Division.

(f) The civil penalty for each repeat offense which occurs within five years of a previous violation shall be at a minimum, double the amount previously assessed but not more than \$10,000.

(g) A repeat offense which occurs within two years of an initial violation shall be grounds for considering suspension of all open field burning privileges for a period of not more than 18 months.

(3) [(2)] Any person planting contrary to the restrictions of subsection (1) of ORS 468.465 shall be assessed by the Department a civil penalty of \$25 for each acre planted contrary to the restrictions.

~~[(3) --Any person who violates any requirements of these rules shall be assessed a civil penalty pursuant to OAR Chapter 340, Division 1, Subdivision 2, CWT PENALTIES.]~~

26-030 TAX CREDITS FOR APPROVED ALTERNATIVE METHODS, APPROVED INTERIM ALTERNATIVE METHODS OR APPROVED ALTERNATIVE FACILITIES.

(1) As provided in ORS 468.150, approved alternative methods or approved alternative facilities are eligible for tax credit as pollution control facilities as described in ORS 468.155 through 468.190.

(2) Approved alternative facilities eligible for pollution control facilities tax credit shall include:

- (a) Mobile equipment including but not limited to:
 - (A) Straw gathering, densifying and handling equipment.
 - (B) Tractors and other sources of motive power.
 - (C) Trucks, trailers, and other transportation equipment.
 - (D) Mobile field sanitizers and associated fire control equipment.
 - (E) Equipment for handling all forms of processed straw.
 - (F) Special straw incorporation equipment.

(b) Stationary equipment and structures including but not limited to:

- (A) Straw loading and unloading facilities.
- (B) Straw storage structures.
- (C) Straw processing and in plant transport equipment.
- (D) Land associated with stationary straw processing facilities.
- (E) Drainage tile installations which will result in a reduction of acreage burned.

(3) Equipment and facilities included in an application for certification for tax credit under this rule will be considered at their current depreciated value and in proportion to their actual use to reduce open field burning as compared to their total farm or other use.

(4) Procedures for application and certification of approved alternative facilities for pollution control facility tax credit.

(a) A written application for preliminary certification shall be made to the Department prior to installation or use of approved alternative facilities in the first harvest season for which an application for tax credit certification is to be made. Such application shall be made on a form provided by the Department and shall include but not be limited to:

(i) Name, address and nature of business of the applicant.

(ii) Name of person authorized to receive Department requests for additional information.

(iii) Description of alternative method to be used.

(iv) A complete listing of mobile equipment and stationery facilities to be used in carrying out the alternative methods and for each item listed include:

(a) Date or estimated future date of purchase.

(b) Percentage of use allocated to approved alternative methods and approved interim alternative methods as compared to their total farm or other use.

(v) Such other information as the Department may require to determine compliance with state air, water, solid waste, and noise laws and regulations and to determine eligibility for tax credit.

(B) If, upon receipt of a properly completed application for preliminary certification for tax credit for approved alternative facilities the Department finds the proposed use of the approved alternative facilities are in accordance with the provisions of ORS 468.175, it shall, within 60 days, issue a preliminary certification of approval. If the proposed use of the approved alternative facilities are not in accordance with provisions of ORS 468.175, the Commission shall, within 60 days, issue an order denying certification.

(b) Certification for pollution control facility tax credit:

(A) A written application for certification shall be made to the Department on a form provided by the Department and shall include but not be limited to the following:

(i) Name, address and nature of business of the applicant.

(ii) Name of person authorized to receive Department requests for additional information.

(iii) Description of the alternative method to be used.

(iv) For each piece of mobile equipment and/or for each stationary facility, a complete description including the following information as applicable:

(a) Type and general description of each piece of mobile equipment.

(b) Complete description and copy of proposed plans or drawings of stationary facilities including buildings and contents used for straw storage, handling or processing of straw and straw products or used for storage of mobile field sanitizers and legal description of real property involved.

(c) Date of purchase or initial operation.

(d) Cost when purchased or constructed and current value.

(e) General use as applied to approved alternative methods and approved interim alternative methods.

(f) Percentage of use allocated to approved alternative methods and approved interim alternative methods as compared to their farm or other use.

(B) Upon receipt of a properly completed application for certification for tax credit for approved alternative facilities or any subsequently requested additions to the application, the Department shall return within 120 days the decision of the Commission and certification as necessary indicating the portion of the cost of each facility allocable to pollution control.

(5) Certification for tax credits of equipment or facilities not covered in OAR Chapter 340, Section 26-030(1) through 26-030(4) shall be processed pursuant to the provisions of ORS 468.165 through 468.185.

(6) Election of type of tax credit pursuant to ORS 468.170(5).

(a) As provided in ORS 468.170(5), a person receiving the certification provided for in OAR Chapter 340, Section 26-030(4)(b) shall make an irrevocable election to take the tax credit relief under ORS 316.097, 317.072, or the ad volorem tax relief under ORS 307.405 and shall inform the Department of his election within 60 days of receipt of certification documents on the form supplied by the Department with the certification documents.

(b) As provided in ORS 468.170(5) failure to notify the Department of the election of the type of tax credit relief within 60 days shall render the certification ineffective for any tax relief under ORS 307.405, 316.097 and 317.072.

TABLE I
FIELD BURNING ACREAGE QUOTAS
NORTH VALLEY AREAS

<u>County/Fire District</u>	<u>Quota</u>	
	<u>Basic</u>	<u>Priority</u>
<u>North Valley Counties</u>		
<u>Clackamas County</u>		
Canby RFPD	50	0
Clackamas County #54	50	0
Clackamas-Marion FPA	100	0
Estacada RFPD	75	0
Molalla RFPD	50	0
Monitor RFPD	50	0
Scotts Mills RFPD	50	0
	<hr/>	<hr/>
Total	425	0
<u>Marion County</u>		
Aumsville RFPD	100	0
Aurora-Donald RFPD	50	50
Drakes Crossing RFPD	100	0
Hubbard RFPD	50	0
Jefferson RFPD	225	50
Marion County #1	200	50
Marion County Unprotected	50	50
Mt. Angel RFPD	50	0

TABLE I
(continued)

<u>County/Fire District</u>	<u>Quota</u>	
	<u>Basic</u>	<u>Priority</u>
<u>North Valley Counties</u>		
<u>Marion County (continued)</u>		
St. Paul RFPD	125	0
Salem City	50	50
Silverton RFPD	600	0
Stayton RFPD	300	0
Sublimity RFPD	500	0
Turner RFPD	50	50
Woodburn RFPD	125	50
	<hr/>	<hr/>
Total	2575	350
 <u>Polk County</u>		
Spring Valley RFPD	50	0
Southeast Rural Polk	400	50
Southwest Rural Polk	125	50
	<hr/>	<hr/>
Total	575	100
 <u>Washington County</u>		
Cornelius RFPD	50	0
Forest Grove RFPD	50	0
Forest Grove, State Forestry	50	0

TABLE I
(continued)

<u>County/Fire District</u>	<u>Quota</u>	
	<u>Basic</u>	<u>Priority</u>
<u>North Valley Counties</u>		
<u>Washington County (continued)</u>		
Hillsboro	50	50
Washington County RFPD #1	50	50
Washington County	50	50
	<hr/>	<hr/>
Total	300	150
<u>Yamhill County</u>		
Amity #1 RFPD	125	50
Carlton RFPD	50	0
Dayton RFPD	50	50
Dundee RFPD	50	0
McMinnville RFPD	150	75
Newberg RFPD	50	50
Sheridan RFPD	75	50
Yamhill RFPD	50	50
	<hr/>	<hr/>
Total	600	325
<u>North Valley Total</u>	4475	925

TABLE I
(continued)
SOUTH VALLEY AREAS

<u>County/Fire District</u>	<u>Quota</u>	
	<u>Basic</u>	<u>Priority</u>
<u>South Valley Counties</u>		
<u>Benton County</u>		
County Non-District & Adair	350	175
Corvallis RFPD	175	125
Monroe RFPD	325	50
Philomath RFPD	125	100
Western Oregon FPD	100	50
	—	—
Total	1075	500
<u>Lane County</u>		
Coburg RFPD	175	50
Creswell RFPD	75	100
Eugene RFPD (Zumwalt RFPD)	50	50
Junction City RFPD	325	50
Lane County Non-District	100	50
Lane County RFPD #1	350	150
Santa Clara RFPD	50	50
Thurston-Walterville	50	50
West Lane FPD	50	0
	—	—
Total	1225	550

TABLE I
(continued)

<u>County/Fire District</u>	<u>Quota</u>	
	<u>Basic</u>	<u>Priority</u>
<u>Linn County</u>		
Albany RFPD (inc. N. Albany, Palestine, Co. Unprotected Areas)	625	125
Brownsville RFPD	750	100
Halsey-Shedd RFPD	2050	200
Harrisburg RFPD	1350	50
Lebanon RFPD	325	325
Lyons RFPD	50	0
Scio RFPD	175	50
Tangent RFPD	925	325
Total	6250	1225
<u>South Valley Total</u>	8550	2275

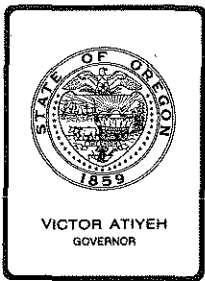
TABLE 2

MINIMUM ALLOWABLE EFFECTIVE MIXING HEIGHT
REQUIRED FOR BURNING BASED UPON THE CUMULATIVE HOURS
OF SMOKE INTRUSION IN THE EUGENE-SPRINGFIELD AREA

Cumulative Hours of Smoke Intrusion
in the Eugene-Springfield Area

Minimum Allowable Effective
Mixing Height (feet)

0 - 14	no minimum height
15 - 19	4,000
20 - 24	4,500
25 and greater	5,500



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. E, January 30, 1981, EQC Meeting

Request for Authorization to Conduct a Public Hearing on
Modifications to the Air Contaminant Discharge Permit Fee
Schedule OAR 340-20-155 Table 1

Background

The permit fee revenues are used to support a portion of the permit program. As required by ORS 468.065(2), the fees are set in accordance with the cost to the Department of filing and investigating the application, issuing or denying the permit and determining compliance or noncompliance with the permit. As part of the proposed budget for the 1981-83 biennium, the Department has proposed to increase permit revenues by 14% to keep pace with inflation. The budget has not yet been approved by the Legislature but it has been recommended by the Governor. A copy of the proposed fee schedule, Table 1, is attached. The "Statement of Need for Rulemaking" is also attached.

Alternatives and Evaluation

The Air Contaminant Discharge Permit fees are comprised of three parts: a non-refundable filing fee of \$50, submitted with all applications, an application processing fee submitted with applications for new or modified sources and a compliance determination fee submitted annually by holders of regular or standard permits or once every five years by holders of minimal source permits. The fees differ between source categories depending upon the time required to draft and issue permits and to determine compliance with the permit.

The Department anticipates revenues of \$600,000 from the current fee schedule during the 79-81 biennium. The majority of the revenue is generated by the compliance determination fees. The filing fees and processing fees may generate \$25,000 or less for the biennium. Revenues from filing fees and processing fees cannot be anticipated and are not included in any revenue projections.



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Recycled
Materials

In accordance with the proposed budget, revenues for the 81-83 biennium should be increased to \$684,000 to cover inflated operating costs. This amount will be generated by compliance determination fees. Compliance determination fees would be increased by an average of 14%. Fees for individual categories would be increased by more or less than 14% depending on the current or anticipated levels of inspection time required. Compliance determination fees range from \$100 to \$3000.

In addition to increases in the compliance determination fees, the Department is proposing increases of approximately 15% in the application processing fees. These fees have not been increased for over four years. The proposed processing fees range from \$50 to \$6,250. The filing fee was increased to \$50 two years ago. No change in the filing fee is proposed at this time.

Summation

- 1) The Department has proposed a budget which contains an increase in revenues of 14% from the Air Contaminant Discharge Permit fee program to keep pace with inflation.
- 2) The Department has proposed a fee schedule (Table 1) which would generate approximately \$684,000 by increasing individual permit compliance determination fees and application processing fees.
- 3) In order to modify OAR 340-20-155 Table 1, a public hearing is necessary.

Director's Recommendation

Based upon the summation, it is recommended that the Commission authorize a public hearing to take testimony on proposed changes to the fees in Table 1 of OAR 340-20-155.



William H. Young

- Attachments
- 1) Proposed Table 1
 - 2) Statement of Need for Rulemaking and Public Hearing Notice

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229-6414
December 29, 1980
AI639

TABLE 1
AIR CONTAMINANT SOURCES AND
ASSOCIATED FEE SCHEDULE

(340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58 or 59, or 60 in addition to fee for other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fee to be Submitted with Application to Modify Permit
1. Seed cleaning located in special control areas, commercial operations only (not elsewhere included)	0723	50	<u>100</u> [75]	<u>175</u> [100]	<u>325</u> [225]	<u>225</u> [150]	<u>150</u> [125]
2. Smoke houses with 5 or more employees	2013	50	<u>100</u> [75]	<u>125</u> [115]	<u>275</u> [240]	<u>175</u> [165]	<u>150</u> [125]
3. Flour and other grain mill products in special control areas	2041						
a) 10,000 or more t/y		50	<u>325</u> [250]	<u>350</u> [315]	<u>725</u> [615]	<u>400</u> [365]	<u>375</u> [300]
b) Less than 10,000 t/y		50	<u>250</u> [200]	<u>150</u> [125]	<u>450</u> [375]	<u>200</u> [175]	<u>300</u> [250]
4. Cereal preparations in special control areas	2043	50	<u>325</u> [250]	<u>250</u> [230]	<u>625</u> [530]	<u>300</u> [280]	<u>375</u> [300]
5. Blended and prepared flour in special control areas	2045						
a) 10,000 or more t/y		50	<u>325</u> [250]	<u>250</u> [230]	<u>625</u> [530]	<u>300</u> [280]	<u>375</u> [300]
b) Less than 10,000 t/y		50	<u>250</u> [200]	<u>125</u> [115]	<u>425</u> [365]	<u>175</u> [165]	<u>300</u> [250]
6. Prepared feeds for animals and fowl in special control areas	2048						
a) 10,000 or more t/y		50	<u>325</u> [250]	<u>350</u> [315]	<u>725</u> [615]	<u>400</u> [365]	<u>375</u> [300]
b) Less than 10,000 t/y		50	<u>200</u> [150]	<u>275</u> [125]	<u>525</u> [325]	<u>325</u> [175]	<u>250</u> [200]

TABLE 1 Continued (340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58 or 59, or 60 in addition to fees for other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fee to be Submitted with Application to Modify Permit
7. Beet sugar manufacturing	2063	50	<u>425</u> [300]	<u>1725</u> [1520]	<u>2200</u> [1820]	<u>1775</u> [1570]	<u>475</u> [350]
8. Rendering plants	2077						
a) 10,000 or more t/y		50	<u>250</u> [200]	<u>425</u> [375]	<u>725</u> [625]	<u>475</u> [425]	<u>300</u> [250]
b) Less than 10,000 t/y		50	<u>250</u> [200]	<u>250</u> [260]	<u>550</u> [510]	<u>300</u> [310]	<u>300</u> [250]
9. Coffee roasting	2095	50	<u>200</u> [150]	<u>225</u> [200]	<u>475</u> [400]	<u>275</u> [250]	<u>250</u> [200]
10. Sawmill and/or planing	2421						
a) 25,000 or more bd.ft./shift		50	<u>200</u> [150]	<u>350</u> [315]	<u>600</u> [515]	<u>400</u> [365]	<u>250</u> [200]
b) Less than 25,000 bd.ft./shift		50	<u>75</u> [50]	<u>250</u> [200]	<u>375</u> [300]	<u>300</u> [250]	<u>125</u> [100]
11. Hardwood mills	2426	50	<u>75</u> [50]	<u>225</u> [200]	<u>350</u> [300]	<u>275</u> [250]	<u>125</u> [100]
12. Shake and shingle mills	2429	50	<u>75</u> [50]	<u>275</u> [200]	<u>400</u> [300]	<u>325</u> [250]	<u>125</u> [100]
13. Mill work with 10 employees or more	2431	50	<u>150</u> [125]	<u>275</u> [260]	<u>475</u> [435]	<u>325</u> [310]	<u>200</u> [175]
14. Plywood manufacturing	2435 & 2436						
a) Greater than 25,000 sq.ft./hr, 3/8" basis		50	<u>625</u> [500]	<u>700</u> [630]	<u>1375</u> [1180]	<u>750</u> [680]	<u>675</u> [550]
b) Less than 25,000 sq.ft./hr, 3/8" basis		50	<u>450</u> [350]	<u>475</u> [375]	<u>975</u> [775]	<u>525</u> [425]	<u>500</u> [400]
15. Veneer manufacturing only (not elsewhere included)	2435 & 2436	50	<u>100</u> [75]	<u>250</u> [200]	<u>400</u> [325]	<u>300</u> [250]	<u>150</u> [125]
16. Wood preserving	2491	<u>50</u>	<u>150</u> [125]	<u>250</u> [200]	<u>450</u> [375]	<u>300</u> [250]	<u>200</u> [175]
17. Particleboard manufacturing	2492	<u>50</u>	<u>625</u> [500]	<u>825</u> [630]	<u>1500</u> [1180]	<u>875</u> [680]	<u>675</u> [550]

TABLE 1 Continued (340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58, 59 or 60 in addition to fees for other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fee to be Submitted with Application to Modify Permit
18. Hardboard manufacturing	2499	50	<u>625</u> [500]	<u>675</u> [630]	<u>1350</u> [1180]	<u>725</u> [680]	<u>675</u> [550]
19. Battery separator mfg.	2499	50	<u>100</u> [75]	<u>500</u> [115]	<u>650</u> [240]	<u>550</u> [165]	<u>150</u> [125]
20. Furniture and fixtures	2511						
a) 100 or more employees		50	<u>200</u> [150]	<u>350</u> [315]	<u>600</u> [515]	<u>400</u> [365]	<u>250</u> [200]
b) 10 employees or more but less than 100 employees		50	<u>125</u> [100]	<u>225</u> [200]	<u>400</u> [350]	<u>275</u> [250]	<u>175</u> [150]
21. Pulp mills, paper mills, and paperboard mills	2611 2621 2631	50	<u>1250</u> [1000]	<u>3000</u> [2520]	<u>4300</u> [3570]	<u>3050</u> [2570]	<u>1300</u> [1050]
22. Building paper and building-board mills	2661	50	<u>200</u> [150]	<u>225</u> [200]	<u>475</u> [400]	<u>275</u> [250]	<u>250</u> [200]
23. Alkalies and chlorine mfg.	2812	50	<u>350</u> [275]	<u>600</u> [515]	<u>1000</u> [840]	<u>650</u> [565]	<u>400</u> [325]
24. Calcium carbide manufacturing	2819	50	<u>375</u> [300]	<u>600</u> [630]	<u>1025</u> [980]	<u>650</u> [680]	<u>425</u> [350]
25. Nitric acid manufacturing	2819	50	<u>250</u> [200]	<u>300</u> [260]	<u>600</u> [510]	<u>350</u> [310]	<u>300</u> [250]
26. Ammonia manufacturing	2819	50	<u>250</u> [200]	<u>350</u> [315]	<u>650</u> [565]	<u>400</u> [365]	<u>300</u> [250]
27. Industrial inorganic and organic chemicals manufacturing (not elsewhere included)	2819	50	<u>325</u> [250]	<u>425</u> [400]	<u>800</u> [700]	<u>475</u> [450]	<u>375</u> [300]
28. Synthetic resin manufacturing	2819	50	<u>250</u> [200]	<u>350</u> [230]	<u>650</u> [480]	<u>400</u> [280]	<u>300</u> [250]
29. Charcoal manufacturing	2861	50	<u>350</u> [275]	<u>725</u> [630]	<u>1125</u> [955]	<u>775</u> [680]	<u>400</u> [325]
30. Herbicide manufacturing	2879	50	<u>625</u> [500]	<u>3000</u> [2520]	<u>3675</u> [3070]	<u>3050</u> [2570]	<u>675</u> [550]

TABLE 1 Continued (340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58, 59 or 60 in addition to fees for other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fee to be Submitted with Application to Modify Permit
31. Petroleum refining	2911	50	<u>1250</u> [1000]	<u>3000</u> [2520]	<u>4300</u> [3570]	<u>3050</u> [2570]	<u>1300</u> [1050]
32. Asphalt production by distillation	2951	50	<u>250</u> [200]	<u>350</u> [275]	<u>650</u> [525]	<u>400</u> [325]	<u>300</u> [250]
33. Asphalt blowing plants	2951	50	<u>250</u> [200]	<u>450</u> [400]	<u>750</u> [650]	<u>500</u> [450]	<u>300</u> [250]
34. Asphaltic concrete paving plants	2951						
a) Stationary		50	<u>250</u> [200]	<u>275</u> [260]	<u>575</u> [510]	<u>325</u> [310]	<u>300</u> [250]
b) Portable		50	<u>250</u> [200]	<u>350</u> [345]	<u>650</u> [595]	<u>400</u> [395]	<u>300</u> [250]
35. Asphalt felts and coating	2952	50	<u>250</u> [200]	<u>525</u> [515]	<u>825</u> [765]	<u>575</u> [565]	<u>300</u> [250]
36. Blending, compounding, or refining of lubricating oils and greases	2992	50	<u>225</u> [175]	<u>325</u> [260]	<u>600</u> [485]	<u>375</u> [310]	<u>275</u> [225]
37. Glass container manufacturing	3221	50	<u>250</u> [200]	<u>425</u> [400]	<u>725</u> [650]	<u>450</u> [450]	<u>300</u> [250]
38. Cement manufacturing	3241	50	<u>800</u> [625]	<u>2200</u> [1890]	<u>3050</u> [2565]	<u>2250</u> [1940]	<u>850</u> [675]
39. Redimix concrete	3273	50	<u>100</u> [75]	<u>150</u> [125]	<u>300</u> [250]	<u>200</u> [175]	<u>150</u> [125]
40. Lime manufacturing	3274	50	<u>375</u> [300]	<u>225</u> [200]	<u>650</u> [550]	<u>275</u> [250]	<u>425</u> [350]
41. Gypsum products	3275	50	<u>200</u> [150]	<u>250</u> [200]	<u>500</u> [400]	<u>300</u> [250]	<u>250</u> [200]
42. Rock crusher	3295						
a) Stationary		50	<u>225</u> [175]	<u>275</u> [260]	<u>550</u> [485]	<u>325</u> [310]	<u>275</u> [225]
b) Portable		50	<u>225</u> [175]	<u>350</u> [345]	<u>625</u> [570]	<u>400</u> [395]	<u>275</u> [225]

TABLE 1 Continued (340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58, 59 or 60 in addition to fees for other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fee to be Submitted with Application to Modify Permit
43. Steel works, rolling and finishing mills, electrometallurgical products	3312 & 3313	50	<u>625</u> [500]	<u>600</u> [460]	<u>1275</u> [1010]	<u>650</u> [510]	<u>675</u> [550]
44. Incinerators							
a) 1000 lbx/hr and greater capacity		50	<u>375</u> [300]	<u>225</u> [200]	<u>650</u> [550]	<u>275</u> [250]	<u>425</u> [350]
b) 40 lbs/hr to 1000 lbs/hr capacity		50	<u>125</u> [100]	<u>175</u> [100]	<u>350</u> [250]	<u>225</u> [150]	<u>175</u> [150]
45. Gray iron and steel foundries	3321						
Malleable iron foundries	3322						
Steel investment foundries	3324						
Steel foundries (not elsewhere classified)	3325						
a) 3,500 or more t/y production		50	<u>625</u> [500]	<u>525</u> [515]	<u>1200</u> [1065]	<u>575</u> [665]	<u>675</u> [550]
b) Less than 3,500 t/y production		50	<u>150</u> [125]	<u>275</u> [260]	<u>475</u> [435]	<u>325</u> [310]	<u>200</u> [175]
46. Primary aluminum production	3334	50	<u>1250</u> [1000]	<u>3000</u> [2520]	<u>4300</u> [3570]	<u>3050</u> [2570]	<u>1300</u> [1050]
47. Primary smelting of zirconium or hafnium	3339	50	<u>6250</u> [5000]	<u>3000</u> [2520]	<u>9300</u> [7570]	<u>3050</u> [2570]	<u>6300</u> [5050]
48. Primary smelting and refining of ferrous and nonferrous metals (not elsewhere classified)	3339						
a) 2,000 or more t/y production		50	<u>625</u> [500]	<u>1300</u> [1260]	<u>1975</u> [1810]	<u>1350</u> [1310]	<u>675</u> [550]
b) Less than 2,000 t/y production		50	<u>125</u> [100]	<u>500</u> [315]	<u>675</u> [465]	<u>550</u> [365]	<u>175</u> [150]
49. Secondary smelting and refining of nonferrous metals	3341	50	<u>300</u> [225]	<u>350</u> [315]	<u>700</u> [590]	<u>400</u> [365]	<u>350</u> [275]

TABLE 1 Continued (340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58, 59 or 60 in addition to fees for other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fee to be Submitted with Application to Modify Permit
50. Nonferrous metals foundries	3361 3362	50	<u>150</u> [125]	<u>300</u> [260]	<u>500</u> [435]	<u>350</u> [310]	<u>200</u> [175]
51. Electroplating, polishing, and anodizing with 5 or more employees	3471	50	<u>125</u> [100]	<u>225</u> [200]	<u>400</u> [350]	<u>275</u> [250]	<u>175</u> [150]
52. Galvanizing and pipe coating--exclude all other activities	3479	50	<u>125</u> [100]	<u>225</u> [200]	<u>400</u> [350]	<u>275</u> [250]	<u>175</u> [150]
53. Battery manufacturing	3691	50	<u>150</u> [125]	<u>300</u> [260]	<u>500</u> [435]	<u>350</u> [310]	<u>200</u> [175]
54. Grain elevators--intermediate storage only, located in special control areas	4221						
a) 20,000 or more t/y		50	<u>225</u> [175]	<u>475</u> [400]	<u>750</u> [625]	<u>525</u> [450]	<u>275</u> [225]
b) Less than 20,000 t/y		50	<u>125</u> [100]	<u>225</u> [200]	<u>400</u> [350]	<u>275</u> [250]	<u>175</u> [150]
55. Electric power generation	4911						
[a] Greater than 25MW		[50]	[1000]	[1260]	[2310]	[1310]	[1050]
[b] Less than 25MW		[50]	[350]	[630]	[1030]	[680]	[400]
A) <u>Wood or Coal Fired - Greater than 25MW</u>		<u>50</u>	<u>5000</u>	<u>3000</u>	<u>8050</u>	<u>3050</u>	<u>5050</u>
B) <u>Wood or Coal Fired - Less than 25 MW</u>		<u>50</u>	<u>3000</u>	<u>1500</u>	<u>4550</u>	<u>1550</u>	<u>3050</u>
C) <u>Oil Fired</u>		<u>50</u>	<u>450</u>	<u>725</u>	<u>1225</u>	<u>775</u>	<u>500</u>
56. Gas production and/or mfg.	4925	50	<u>475</u> [375]	<u>350</u> [315]	<u>875</u> [740]	<u>400</u> [365]	<u>525</u> [425]
57. Grain elevators--terminal elevators primarily engaged in buying and/or marketing grain--in special control areas	5153						
a) 20,000 or more t/y		50	<u>625</u> [500]	<u>600</u> [515]	<u>1275</u> [1065]	<u>650</u> [565]	<u>675</u> [550]
b) Less than 20,000 t/y		50	<u>175</u> [150]	<u>225</u> [200]	<u>450</u> [400]	<u>275</u> [250]	<u>225</u> [200]

TABLE I Continued (340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58, 59 or 60 in addition to fees for other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fee to be Submitted with Application to Modify Permit	
58. Fuel Burning equipment within the boundaries of the Portland, Eugene-Springfield and Medford-Ashland Air Quality Maintenance Areas and the Salem Urban Growth Area*** [Residual oil fired, wood fired or coal fired]	4961**	(Fees will be based on the total aggregate heat input of all boilers at the site)						
[a] 250 million or more btu/hr (heat input)]		50	<u>200</u> [150]	<u>225</u> [200]	<u>475</u> [400]	<u>275</u> [250]	<u>250</u> [200]	
[b] 5 million or more but less than 250 million btu/hr (heat input)]		50	<u>125</u> [100]	<u>125</u> [115]	<u>300</u> [265]	<u>175</u> [165]	<u>175</u> [150]	
[c] Less than 5 million btu/hr (heat input)]		50	<u>50</u> [25]	<u>100</u> [85]	<u>200</u> [160]	<u>150</u> [135]	<u>100</u> [75]	
<u>a) Residual or distillate oil fired, 250 million or more btu/hr (heat input)</u>								
<u>b) Residual or distillate oil fired, 5 or more but less than 250 million btu/hr (heat input)</u>								
<u>c) Residual oil fired, less than 5 million btu/hr (heat input)</u>								

59. Fuel burning equipment within the 4961 ** boundaries of the Portland, Eugene-Springfield and Medford-Ashland Air Quality Maintenance Areas and the Salem Urban Growth Area***
[Distillate Oil Fired]

* Excluding hydroelectric and nuclear generating projects, and limited to utilities.

** Including fuel burning equipment generating steam for process or for sale but excluding power generation (SIC 4911).

*** Maps of these areas are attached. Legal descriptions are on file in the Department.

TABLE 1 Continued (340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58, 59 or 60 in addition to fees for other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fee to be Submitted with Application to Modify Permit
[a] 250 million or more btu/hr (heat input)]		50	<u>200</u> [150]	<u>225</u> [200]	<u>475</u> [400]	<u>275</u> [250]	<u>250</u> [200]
[b] 5 million or more but less than 250 million btu/hr (heat input)]		50	<u>50</u> [25]	<u>125</u> [85]	<u>225</u> [160]	<u>175</u> [135]	<u>100</u> [75]
<u>a) Wood or coal fired, 35 million or more btu/hr (heat input)</u>							
<u>b) Wood or coal fired, less than 35 million btu/hr (heat input)</u>							
60. Fuel burning equipment outside 4961** the boundaries of the Portland, Eugene-Springfield and Medford-Ashland Air Quality Maintenance Areas and the Salem Urban Growth Area.				(Fees will be based on the total aggregate heat input of all boilers at the site.)			
All wood, coal and oil fired greater than 30×10^6 btu/hr (heat input)		50	<u>125</u> [100]	<u>125</u> [85]	<u>300</u> [235]	<u>175</u> [135]	<u>175</u> [150]
61. New sources not listed herein which would emit 10 or more tons per year of any air contaminants including but not limited to particulates, SO _x , or NO _x or hydrocarbons, if the source were to operate uncontrolled.		****	****	****	****	****	****
62. New sources not listed herein which would emit significant malodorous emissions, as determined by Departmental or Regional Authority review of sources which are known to similar air contaminant emissions.		****	****	****	****	****	****

TABLE 1 Continued (340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58, 59 or 60 in addition to fees for other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fee to be Submitted with Application to Modify Permit
63. Existing sources not listed herein for which an air quality problem is identified by the Department or Regional Authority.		****	****	****	****	****	****
64. Bulk Gasoline Plants	5100	50	55	150	255	200	105
65. Bulk Gasoline Terminals	5171	50	1000	500	1550	550	1050
66. Liquid Storage Tanks, 39,000 gallons or more capacity, not elsewhere included	4200	50	50/tank	100/tank			
67. Can Coating	3411	50	1500	900	2450	950	1550
68. Paper Coating	2641 or 3861	50	500	300	2450	350	550
69. Coating Flat Wood	2400	50	500	300	850	350	550
70. Surface Coating, Manufacturing	3300, 3400,						
a) 1-20 tons VOC/yr	3500, 3600,	50	25	85	160	135	75
b) 20-100 tons VOC/yr	3700, 3800,	50	100	200	350	250	150
c) over 100 tons VOC/yr	3900	50	500	400	950	450	550
71. Flexographic or Roto-graveure Printing over 60 tons VOC/yr per plant	2751, 2754	50	50/press	150/press			

TABLE 1 Continued (340-20-155)

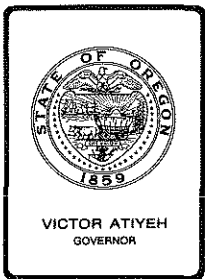
NOTE: Persons who operate boilers shall include fees as indicated in Items 58, 59 or 60 in addition to fees for other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fee to be Submitted with Application to Modify Permit
72. New sources of VOC not listed herein which have the capacity or are allowed to emit 10 or more tons per year VOC	-	50	****	****	****	****	****

**** Sources required to obtain a permit under items 61, 62, [and] 63 and 72 will be subject to the following fee schedule to be applied by the Department based upon the anticipated cost of processing and compliance determination.

Estimated Permit Cost	Application Processing Fee	Annual Compliance Determination Fee
Low cost	\$100.00 - \$250.00	\$100.00 - \$250.00
Medium cost	\$250.00 - \$1500.00	\$250.00 - \$1000.00
High cost	\$1500.00 - \$3000.00	\$1000.00 - \$3000.00

As nearly as possible, applicable fees shall be consistent with sources of of similar complexity as listed in Table A.



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

Prepared: 12/16/80

Hearing Date:

NOTICE OF PUBLIC HEARING

A CHANCE TO BE HEARD ABOUT:

Increases in fees for Air Contaminant Discharge Permits

The Department has proposed increases in the processing and annual fees to keep pace with inflation. Total revenue would be increased by approximately 14%, however fees for individual categories may be increased by more or less than 14%. This proposed fee schedule will generate approximately \$678,000 in revenues for the 1981-83 biennium.

WHAT IS THE DEQ PROPOSING?

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

** Increase in Annual permit fees by an average of 14%.

WHO IS AFFECTED BY THIS PROPOSAL:

All holders of Air Contaminant Discharge Permits.

HOW TO PROVIDE YOUR INFORMATION:

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

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

City _____ Time _____ Date _____ Location _____

Portland _____

WHERE TO OBTAIN ADDITIONAL INFORMATION:

Copies of the proposed rules may be obtained from:



Contains
Recycled
Materials

Ed Woods
DEQ Air Quality Division
Box 1760
Portland, Oregon 97207
229-6480

LEGAL REFERENCES FOR THIS PROPOSAL:

This proposal amends OAR 340-20-155 Table 1. It is proposed under authority of ORS 468.065(2).

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

FURTHER PROCEEDINGS:

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

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

AI640

STATEMENT OF NEED FOR RULEMAKING

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

Legal Authority

ORS 468.065(2) authorize the Environmental Quality Commission to establish a permit fee schedule.

Need for the Rule

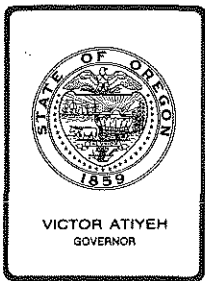
A change in the fee schedule is necessary to increase revenues from the permit fees.

Principle Documents Relied Upon

Proposed DEQ budget for 1981-83 biennium.

Fiscal Impact Statement

This rule change would increase fees for permit holders by an average of 14%.



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. F-1, January 30, 1981, EQC Meeting

Request for Authorization to Hold a Public Hearing on
Amendments to the State Implementation Plan Regarding Rules
for New Source Review

Background

On June 8, 1979, the Environmental Quality Commission (EQC) adopted new rules for Special Permit Requirements for Sources Located In or Near Nonattainment Areas (OAR 340-20-190 through 197). Also on that date, the EQC adopted new rules to Prevent Significant Deterioration of Air Quality (OAR 340-31-100 through 195). The rules for nonattainment areas (New Source Review) were submitted to the Environmental Protection Agency (EPA) as a revision to the Oregon State Implementation Plan.

On June 24, 1980, EPA conditionally approved the Oregon State Implementation Plan subject to correction of certain deficiencies. In the area of New Source Review two such deficiencies were identified as follows:

- a) "Emission Offsets OAR 340-20-192(1) contains an offset requirement but no offset program was adopted by DEQ. Such a program is needed if offsets are to be employed.
- b) Multiple Sources Under Single Ownership OAR 340-20-192(3) must be modified to satisfy the requirement of Section 173(3) of the act in that a permit to construct or operate a new source in a nonattainment area can be issued if the other sources owned by the same company in the state are in compliance with the act, not just "with applicable requirements of the adopted state plan."

Another development which requires changes in both the New Source Review and Prevention of Significant Deterioration rules is the ruling of the United States Court of Appeals for the District of Columbia Circuit in the case of Alabama Power Company, et al (No. 78-1006). In anticipation of this ruling, the Oregon Prevention of Significant Deterioration rules

were not submitted to EPA for approval and program delegation. The court ruled on December 14, 1979, requiring EPA to amend the Prevention of Significant Deterioration requirements. Some of these required changes also involved the New Source Review provisions for nonattainment areas. On August 7, 1980, EPA promulgated final revisions of the Prevention of Significant Deterioration Rules and the associated requirement for State Implementation Plans for attainment and nonattainment areas.

Statement of Need

The Statement of Need prepared pursuant to ORS 183.335(2) is presented in Attachment 4.

Discussion

The proposed New Source Review rule (Attachment 2) is intended to rectify the deficiencies identified by EPA and to revise those areas affected by the Alabama Power decision. This rule is designed to meet all of the requirements for State Implementation Plans for New Source Review and Prevention of Significant Deterioration in a much simpler rule than that adopted by EPA. Clearly the states are not required to adopt all of the complex regulatory language that EPA was forced to adopt in response to the Court ruling. Instead state rules can provide for the specific needs of a particular state as long as "equivalency" with the EPA requirements can be demonstrated.

The proposed rules will simplify the present Oregon rules by combining all new source requirements under one set of definitions and procedures. This rule would be known as "New Source Review" with the new source requirements of the Prevention of Significant Deterioration included in a section applying to attainment areas. The rules would be listed immediately following the rules for Air Contaminant Discharge Permits making it possible to find all of the permit requirements in one place, whereas the present rules are scattered in four different sections. It is proposed that the present rules be revoked when and if the proposed rule is adopted as summarized in Attachment 1. The rules proposed for revocation are enclosed in Attachment 3.

The replacement of existing rules with the proposed rule will represent a major simplification of the new source requirements. Overall, when combined with the redesignation of certain nonattainment areas to smaller areas, the proposed rule is more flexible and more equitable than the present rules. At the same time, adequate protection for the nonattainment areas is provided. The proposed requirements for attainment areas are equivalent in stringency to the EPA Prevention of Significant Deterioration Rules.

The provisions which have been added to the proposed rule to increase flexibility and provide equity are the following:

1. Definition of "Major Source" and "Major Modification"

The emission rate which determines the cutoff between major and minor sources and modifications was remanded to EPA in the Alabama Power decision on two counts. First, the definition of "potential to emit" was changed to mean potential after the application of controls as opposed to before controls under the original EPA definition. Secondly, for modifications any increase greater than a significant amount was deemed "major." EPA resolved the dilemma created by these rulings by defining a set of cutoff criteria for major sources and major modifications as follows:

	"Major" size cutoff
I. Nonattainment Areas	
Major Sources	100 tons/year
Major Modification	"Significant" increase
II. Attainment Areas	
Major Sources	100 tons/year for sources in 28 categories 250 tons/year for all others
Major Modification	"Significant" increase

This definition of "major" has proven to be needlessly complex and confusing to applicants. The proposed rule simplifies the definition of "major" by defining a "significant emission rate increase" for each pollutant after control as the cutoff for both major sources and major modifications. The same cutoff stringency would be applied to new sources and modifications in nonattainment areas.

2. Sources or Modifications Impacting Nonattainment Areas

Under the proposed rule, major sources and major modifications which locate outside of nonattainment areas but have an impact on the nonattainment area are required to mitigate that impact. This mitigation can be accomplished by installing controls better than otherwise required in an attainment area, by providing offsets, or by receiving an allocation of a growth increment. In conjunction with refined nonattainment boundaries, this provision releases some areas from the offset requirement while providing equity for sources inside and outside of nonattainment areas.

3. Exemptions

The proposed rule allows certain exemptions for temporary sources, portable sources, municipal refuse facilities, sources receiving federal orders to switch fuels, and sources in attainment areas that

would not impact a nonattainment area or a Class I area. These exemptions are allowed by the EPA requirements and are also appropriate for Oregon.

4. Growth Increments for Nonattainment Areas

Growth increments may be available in some of the nonattainment areas of the State depending on the degree of reductions obtained through the control strategies. Section OAR 340-20-240(7) has been added for major source growth increments for the Medford-Ashland ozone nonattainment area. As control strategies in other areas are developed growth increments can be adopted, thus releasing additional sources from the offset requirement. In the meantime, offsets are required for new sources or modifications in those nonattainment areas.

5. Banking

Banking of emission reductions would be allowed under the provisions of OAR 340-20-265. Under this proposal the DEQ would operate a statewide bank in which owners or operators of facilities could deposit emission reductions subject to the limitations specified in the rule. Counties or cities that wish to make emissions banking part of a growth management plan may also participate in the emissions bank. Most of the recommendations of the Portland Growth Management Study have been incorporated into this provision.

The proposed banking provision allows only limited banking at this time. It was felt that the air quality in nonattainment areas would be adversely affected by a banking system that allowed banking of "paper" reductions or did not allow for discounting of banked emissions in the event that air quality worsened. EPA is promoting an optional banking program for State Implementation Plans for which draft guidelines are available. The proposed banking provision is consistent with these guidelines.

6. Plant Site Emission Limits

The requirements for plant site emission limits are cross referenced to apply to new sources and modifications. The baseline for computing offset and banking credits will be the plant site emission limits.

7. Protection of Ozone Strategies

A provision has been proposed in these rules under OAR 340-20-280 to protect the options of the Commission in adopting strategies for attainment of the ozone standard in the Portland nonattainment area. The most likely strategies have been locked up so that they cannot be used for offsets or banking.

Summation

1. Adoption of the proposed New Source Review rules will insure approval of the Oregon State Implementation Plan for nonattainment areas.
2. The revised Prevention of Significant Deterioration rules will allow DEQ to assume that program from EPA.

Director's Recommendation

I recommend that the Commission authorize a public hearing for the attached New Source review rule modifications and consider the rules for adoption at the March 13 Commission meeting.



William H. Young

- Attachments:
1. Summary of Proposed Rule Adoptions and Revocations
 2. Proposed New Source Review Rules
 3. Rules Proposed for Revocation
 4. Notice of Public Hearing and Statement of Need for Rulemaking

LK:s
AQ0042.1
229-5186
January 16, 1981

Summary of Proposed Rule Adoptions and Revocations

Proposed Adoptions

1. New Source Review--OAR 340-20-220 to 280

Proposed Revocations

1. Special Permit Requirements for Sources Locating In or Near Nonattainment areas--OAR 340-20-190 to 195.
2. Criteria for Approval of New Air Contaminant Sources in the Portland Special Air Quality Maintenance Area--OAR 340-32-005 to 025
3. Specific Air Pollution Control Rules for the Medford-Ashland Air Quality Maintenance Area--OAR 340-30-110 Emission Offsets
4. Prevention of Significant Deterioration--OAR 340-31-105, Definitions 1 to 12, 13 to 14, and 17 to 22 (Definitions 12, 15, and 16 are retained); OAR 340-31-125; and OAR 340-31-135 to 195

AQ0042.1A

Draft New Source Review
Regulation

Program Planning and Development Section
Air Quality Division
Department of Environmental Quality

January 12, 1981

Introduction-

The purpose of this proposed regulation is to update the New Source Review provisions of the State Implementation Plan. In addition, the new source requirements of the Prevention of Significant Deterioration provisions have been incorporated into this regulation.

Index

OAR 340-20-220	Applicability
OAR 340-20-225	Definitions
OAR 340-20-230	Procedural Requirements
	1. Required Information
	2. Other Obligations
	3. Public Participation
OAR 340-20-235	Review of New Sources and Modifications for Compliance with Regulations
OAR 340-20-240	Requirements for Sources in Nonattainment Areas
	1. Lowest Achievable Emission Rate
	2. Source Compliance
	3. Growth Increment or Offsets
	4. Net Air Quality Benefit
	5. Alternative Analysis
	6. Special Exemption for the Salem Ozone Nonattainment Area
	7. Growth Increments
OAR 340-20-245	Requirements for Sources in Attainment or Unclassifiable Areas (Prevention of Significant Deterioration)
	1. Best Available Control Technology
	2. Air Quality Analysis
	3. Exemption for Sources Not Significantly Impacting Nonattainment Areas
	4. Air Quality Models
	5. Air Quality Monitoring
	6. Additional Impact Analysis
	7. Sources Impacting Class I Areas
OAR 340-20-250	Exemptions
OAR 340-20-255	Baseline for Determining Credit for Offsets
OAR 340-20-260	Requirements for Net Air Quality Benefit
OAR 340-20-265	Emission Reduction Credit Banking
OAR 340-20-270	Fugitive and Secondary Emissions
OAR 340-20-275	Stack Heights
OAR 340-20-280	Reserved Control Strategies

340-20-220 Applicability

1. No owner or operator shall begin construction of a major source or a major modification of an air contaminant source without having received an Air Contaminant Discharge Permit from the Department of Environmental Quality and having satisfied OAR 340-20-230 through 280 of these Rules.

2. Owners or operators of proposed non-major sources or non-major modifications are not subject to these New Source Review rules. Such owners or operators should refer to the rules for Notice of Construction and Approval of Plans (OAR 340-20-020 to 032) and Air Contaminant Discharge Permits (OAR 340-20-140 to 185) for applicable requirements.

340-20-225 Definitions

1. "Actual emissions" means the rate of emissions of a pollutant which is representative of actual operation of a source. Actual emissions shall be directly measured or shall be calculated using emission factors and the source's actual control equipment, operating hours, production rates, and types of materials processed, stored, or combusted. The Department may require specific source tests to determine appropriate emission factors.

2. "Allowable emissions" means the rate of emissions of a pollutant specifically established and quantified in an Air Contaminant Discharge Permit. If the allowable emissions have not been specifically established and quantified in an Air Contaminant Discharge Permit, the allowable emissions shall be the actual emissions of the source during the calendar year 1978. If the calendar year 1978 was not typical of plant operation, the calendar year 1977 may be used. In no case shall the allowable emissions exceed limits specified in a Department regulation or the emission limits specified in an applicable new source performance standard or standard for hazardous air pollutants.

3. "Baseline Concentration" means that ambient concentration level for a particular pollutant which existed in an area during the calendar year 1978. If no ambient air quality data is available in an area, the baseline concentration may be estimated using modeling based on actual emissions for 1978.

The following emission increases or decreases will be included in the baseline concentration:

- (a) Actual emission increases or decreases occurring before January 1, 1978, and

(b) Actual emission increases from any major source or major modification on which construction commenced before January 6, 1975.

4. "Best Available Control Technology (BACT)" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction of each air contaminant subject to regulation under the Clean Air Act which would be emitted from any proposed major source or major modification which, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air contaminant. In no event, shall the application of BACT result in emissions of any air contaminant which would exceed the emissions allowed by any applicable new source performance standard or any standard for hazardous air pollutants. If an emission limitation is not feasible, a design, equipment, work practice, or operational standard, or combination thereof, may be required. Such standard shall, to the degree possible, set forth the emission reduction achievable and shall provide for compliance by prescribing appropriate permit conditions.

5. "Commence" means that the owner or operator has obtained all necessary preconstruction approvals required by the Clean Air Act and either has:
 - a. Begun, or caused to begin, a continuous program of actual on-site construction of the source to be completed in a reasonable time, or
 - b. Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed in a reasonable time.
6. "Construction" means any physical change (including fabrication, erection, installation, demolition, or modification of an emissions unit) or change in the method of operation of a source which would result in a change in actual emissions.
7. "Dispersion Technique" means any air contaminant control procedure which depends upon varying emissions with atmospheric conditions including but not limited to supplementary or intermittent control systems and excessive use of enhanced plume rise.
8. "Emission Reduction Credit Banking" means to presently reserve, subject to requirements of these provisions, emission reductions

for use by the reserver or assignee for future compliance with air pollution reduction requirements.

9. "Emissions Unit" means any part of a stationary source (including specific process equipment) which emits or would have the potential to emit any pollutant subject to regulation under the Clean Air Act.

10. "Fugitive emissions" means emissions of any air contaminant which escape to the atmosphere from any point or area that is not identifiable as a stack, vent, duct, or equivalent opening.

11. "Good Engineering Practice Stack Height" means that stack height necessary to insure that emissions from the stack do not result in excessive concentrations of any air contaminant in the immediate vicinity of the source as a result of atmospheric downwash, eddies, and wakes which may be created by the source structure, nearby structures, or nearby terrain obstacles and shall not exceed the following:
 - a. 30 meters, for plumes not influenced by structures or terrain;

 - b. $H_G = H + 1.5 L$, for plumes influenced by structures;

Where H_G = good engineering practice stack height,
H = height of structure or nearby structure,
L = lesser dimension (height or width) of the
structure or nearby structure,

c. Such height as an owner or operator demonstrates, after notice and opportunity for public hearing, is necessary to avoid plume downwash.

12. "Lowest Achievable Emission Rate (LAER)" means that rate of emissions which reflects a) the most stringent emission limitation which is contained in the implementation plan of any State for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or b) the most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent. In no event, shall the application of this term permit a proposed new or modified source to emit any air contaminant in excess of the amount allowable under applicable new source performance standards or standards for hazardous air pollutants.

13. "Major Modification" means any physical change or change of operation of a major source that would result in a net significant emission rate increase (as defined in definition 19) for any pollutant subject to regulation under the Clean Air Act. This criteria also applies to any pollutants not

previously emitted by the source. Calculations of net emission increases must take into account all accumulated increases and decreases in actual emissions occurring at the source since January 1, 1978, or since the time of the last construction approval issued for the source pursuant to the New Source Review Regulations, whichever time is more recent. If accumulation of emission increases results in a net significant emission rate increase, the modifications causing such increases become subject to the New Source Review requirements.

14. "Major source" means a stationary source which emits, or has the potential to emit, any pollutant regulated under the Clean Air Act at a Significant Emission Rate (as defined in definition 19).

15. "Potential to Emit" means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type of amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the potential to emit of a source.

16. "Reconstruction" of a source or emission unit occurs when the fixed capital cost of the new components exceed 50 percent of the fixed capital cost of a comparable entirely new source or emission unit.

17. "Resource Recovery Facility" means any facility at which municipal solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing municipal solid waste for reuse. Energy conversion facilities must utilize municipal solid waste to provide 50% or more of the heat input to be considered a resource recovery facility.

18. "Secondary Emissions" means emissions from new or existing sources which occur as a result of the construction and/or operation of a source or modification, but do not come from the source itself. Secondary emissions must impact the same general area as the source associated with the secondary emissions. Secondary emissions may include, but are not limited to:
 - a. Emissions from ships and trains coming to or from a facility,

 - b. Emissions from off-site support facilities which would be constructed or would otherwise increase emissions as a result of the construction of a source or modification.

19. "Significant emission rate" means emission rates equal to or greater than the following for air pollutants regulated under the Clean Air Act.

Table 1: Significant Emission Rates for Pollutants Regulated under the Clean Air Act

<u>Pollutant</u>	<u>Significant Emission Rate</u>
Carbon Monoxide	100 tons/year
Nitrogen Oxides	40 tons/year
Particulate Matter*	25 tons/year
Sulfur Dioxide	40 tons/year
Volatile Organic Compounds*	40 tons/year
Lead	0.6 ton/year
Mercury	0.1 ton/year
Beryllium	0.0004 ton/year
Asbestos	0.007 ton/year
Fluorides	3 tons/year
Sulfuric Acid Mist	7 tons/year
Hydrogen Sulfide	10 tons/year
Total reduced sulfur (including hydrogen sulfide)	10 tons/year
Reduced sulfur compounds (including hydrogen sulfide)	10 tons/year

Any emissions increase less than these rates associated with a new source or modification which would construct within 10 kilometers of a Class I area, and would have an impact on such area equal to or greater than 1 ug/m^3 (24 hour average) shall be deemed to be emitting at a significant emission rate.

* For the nonattainment portions of the Medford-Ashland Air Quality Maintenance Area, the Significant Emission Rates for particulate matter and volatile organic compounds are defined in Table 2.

Table 2: Significant Emission rates for the Nonattainment Portions of the Medford-Ashland Air Quality Maintenance Area.

<u>Air Contaminant</u>	<u>Emission Rate</u>					
	<u>Annual</u>		<u>Day</u>		<u>Hour</u>	
	<u>Kilograms</u>	<u>(tons)</u>	<u>Kilograms</u>	<u>(lbs)</u>	<u>Kilograms</u>	<u>(lbs)</u>
Particulate Matter (TSP)	4,500	(5.0)	23	(50.0)	4.6	(10.0)
Volatile Organic Compound (VOC)	18,100	(20.0)	91	(200)	--	--

20. "Significant Air Quality Impact" means an ambient air quality impact which is equal to or greater than:

<u>Pollutant</u>	<u>Annual</u>	<u>Pollutant Averaging Time</u>			
		<u>24-hour</u>	<u>8-hour</u>	<u>3-hour</u>	<u>1-hour</u>
SO ₂	1.0 ug/m ³	5 ug/m ³		25 ug/m ³	
TSP	0.2 ug/m ³	1.0 ug/m ³			
NO ₂	1.0 ug/m ³				
CO			0.5 mg/m ³		2 mg/m ³

For sources of volatile organic compounds (VOC), a major source or major modification will be deemed to have a significant impact if it is located within 30 kilometers of an ozone nonattainment area.

21. "Source" means any building, structure, facility, installation or combination thereof which emits or is capable

of emitting air contaminants to the atmosphere and is located on one or more contiguous or adjacent properties and is owned or operated by the same person or by persons under common control.

340-20-230 Procedural Requirements

1. Information Required

The owner or operator of a proposed major source or major modification shall submit all information necessary to perform any analysis or make any determination required under these Rules. Such information shall include, but not be limited to:

- a. A description of the nature, location, design capacity, and typical operating schedule of the source or modification, including specifications and drawings showing its design and plant layout;
- b. An estimate of the amount and type of each air contaminant emitted by the source in terms of hourly, daily, seasonal, and yearly rates, showing the calculation procedure;
- c. A detailed schedule for construction of the source or modification;

- d. A detailed description of the system of continuous emission reduction which is planned for the source or modification, and any other information necessary to determine that best available control technology or lowest achievable emission rate technology, whichever is applicable, would be applied;
- e. To the extent required by these rules, an analysis of the air quality impact of the source or modification, including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts; and
- f. To the extent required by these rules, an analysis of the air quality impacts, and the nature and extent of all commercial, residential, industrial, and other growth which has occurred since January 1, 1978, in the area the source or modification would affect.

2. Other Obligations

Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted pursuant to these Rules or with the terms of any approval to construct, or any owner or operator of a source or modification subject to this section who commences construction after the effective date of these regulations without applying for and receiving an Air Contaminant Discharge Permit, shall be subject to appropriate enforcement action.

Approval to construct shall become invalid if construction is not commenced within 18 months after receipt of such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within 18 months of the scheduled time. The Department may extend the 18-month period upon satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date.

Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the State Implementation Plan and any other requirements under local, State, or Federal law.

3. Public Participation

- a. Within 30 days after receipt of an application to construct, or any addition to such application, the Department shall advise the applicant of any deficiency in the application or in the information submitted. The date of the receipt of a complete application shall be, for the purpose of this section, the date on which the Department received all required information.

b. Notwithstanding the requirements of OAR 340-14-020, but as expeditiously as possible and at least within six months after receipt of a complete application, the Department shall make a final determination on the application. This involves performing the following actions in a timely manner.

A. Make a preliminary determination whether construction should be approved, approved with conditions, or disapproved.

B. Make available for a 30 day period in at least one location a copy of the permit application, a copy of the preliminary determination, and a copy or summary of other materials, if any, considered in making the preliminary determination.

C. Notify the public, by advertisement in a newspaper of general circulation in the area in which the proposed source or modification would be constructed, of the application, the preliminary determination, the extent of increment consumption that is expected from the source or modification, and the opportunity for a public hearing and for written public comment.

- D. Send a copy of the notice of opportunity for public comment to the applicant and to officials and agencies having cognizance over the location where the proposed construction would occur as follows: The chief executives of the city and county where the source or modification would be located, any comprehensive regional land use planning agency, any State, Federal Land Manager, or Indian Governing Body whose lands may be affected by emissions from the source or modification, and the Environmental Protection Agency.
- E. Upon determination that significant interest exists, provide opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality impact of the source or modification, alternatives to the source or modification, the control technology required, and other appropriate considerations.
- F. Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing(s) in making a final decision on the approvability of the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the

public. The Department shall consider the applicant's response in making a final decision. The Department shall make all comments available for public inspection in the same locations where the Department made available preconstruction information relating to the proposed source or modification.

G. Make a final determination whether construction should be approved, approved with conditions, or disapproved pursuant to this section.

H. Notify the applicant in writing of the final determination and make such notification available for public inspection at the same location where the Department made available preconstruction information and public comments relating to the source or modification.

340-20-235 Review of New Sources and Modifications for Compliance With
Regulations

The owner or operator of a proposed major source or major modification must demonstrate the ability of the proposed source or modification to comply with all applicable requirements of the Department of Environmental Quality, including New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants, and shall obtain an Air Contaminant Discharge Permit.

340-20-240 Requirements for Sources in Nonattainment Areas

New major sources and major modifications which are located in designated nonattainment areas shall meet the requirements listed below.

Any proposed emissions unit which would in and of itself constitute a major source and any modification of a source or emissions unit (including reconstructions) which would in and of itself constitute a major modification shall be subject to these requirements regardless of emission reductions occurring elsewhere within the source.

1. Lowest Achievable Emission Rate

The owner or operator of the proposed major source or major modification must demonstrate that the source or modification will comply with the lowest achievable emission rate (LAER). In the case of a major modification, the requirement for LAER shall apply only to each new or modified emission unit. For phased construction projects, the determination of LAER shall be reviewed at the latest reasonable time prior to commencement of construction of each independent phase.

2. Source Compliance

The owner or operator of the proposed major source or major modification must demonstrate that all major sources owned or operated by such person (or by an entity controlling, controlled

by, or under common control with such person) in the State are in compliance or on a schedule for compliance, with all applicable emission limitations and standards under the Clean Air Act.

3. Growth Increment or Offsets

The owner or operator of the proposed major source or major modification must demonstrate that the source or modification will comply with any established emissions growth increment for the particular area in which the source is located or must provide emission reductions ("offsets") as specified by these rules. A combination of growth increment allocation and emission reductions may be used to demonstrate compliance with this section. Those emission increases for which offsets are available shall not be eligible for a growth increment allocation.

4. Net Air Quality Benefit

For cases in which emission reductions or offsets are required, the applicant must demonstrate that a net air quality benefit will be achieved in the affected area as described in OAR 340-20-260 (Requirements for Net Air Quality Benefit) and that the reductions are consistent with reasonable further progress toward attainment of the air quality standards.

5. Alternative Analysis

An alternative analysis must be conducted for new major sources or major modifications of sources emitting volatile organic compounds or carbon monoxide located in nonattainment areas.

This analysis must include an evaluation of alternative sites, sizes, production processes, and environmental control techniques for such proposed source or modification which demonstrates that benefits of the proposed source or modification significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification.

6. Special Exemption for the Salem Ozone Nonattainment Area

Proposed major sources and major modifications of sources of volatile organic compounds which are located in the Salem Ozone nonattainment area shall comply with the requirements of Sections 1 and 2 of OAR 340-20-240 but are exempt from all other sections of this rule.

7. Growth Increments

a. Medford-Ashland Ozone Nonattainment Area

The ozone control strategy for the Medford-Ashland nonattainment area establishes a growth increment for new major sources or major modifications which will emit volatile

organic compounds. The cumulative volatile organic compound growth increment may be allocated as follows:

<u>year</u>	<u>cummulative volatile organic compound growth increment</u>
1980 to 1982	185 tons of VOC
1983	388
1984	591
1985	794
1986	997
1987	1200

No single owner or operator shall receive an allocation of more than 50% of any remaining growth increment in any one year. The growth increment shall be allocated on a first come-first served basis depending on the date of submittal of a complete permit application.

340-20-245 Requirements for Sources in Attainment or Unclassified Areas
(Prevention of Significant Deterioration)

New Major Sources or Major Modifications locating in areas designated attainment or unclassifiable shall meet the following requirements:

1. Best Available Control Technology

The owner or operator of the proposed major source or major modification shall apply best available control technology (BACT) for each pollutant which is emitted at a significant emission rate (OAR 340-20-225 definition 19). In the case of a major

modification, the requirement for BACT shall apply only to each new or modified emission unit which increases emissions. For phased construction projects, the determination of BACT shall be reviewed at the latest reasonable time prior to commencement of construction of each independent phase.

2. Air Quality Analysis

The owner or operator of the proposed major source or major modification shall demonstrate that the potential to emit any pollutant at a significant emission rate (OAR 340-20-225 definition 19), in conjunction with all other applicable emissions increases and decreases, would not cause or contribute to air quality levels in excess of:

- a. Any State or National ambient air quality standard, or
- b. Any applicable increment established by the Prevention of Significant Deterioration requirements (OAR 340-31-110),
or
- c. An impact on a designated nonattainment area greater than the significant air quality impact levels (OAR 340-20-225 definition 21).

Sources or modifications with the potential to emit at rates greater than the significant emission rate but less than 100 tons/year, and are greater than 50 kilometers from a

nonattainment area are not required to assess their impact on the nonattainment area.

If the owner or operator of a proposed major source or major modification wishes to provide emission offsets such that a net air quality benefit as defined in OAR 340-20-260 is provided, the Department may exempt such source or modification from the requirements of OAR 340-20-245 section 2.

3. Exemption for Sources Not Significantly Impacting Designated Nonattainment Areas.

A proposed major source is exempt from OAR 340-20-220 to 280 if:

- a. The proposed source does not have a significant air quality impact on a designated nonattainment area, and
- b. The potential emissions of the source are less than 100 tons/year for sources in the categories listed in Table 3 or less than 250 tons/year for sources not in the categories listed in Table 3.

Major modifications are not exempted under this section.

Owners or operators of proposed sources which are exempted by this provision should refer to OAR 340-20-020 to 032 and OAR 340-20-140 to 185 for possible applicable requirements.

Table 3: Sources Categories

1. Fossil fuel-fired steam electric plants of more than 250 million BTU/hour heat input
2. Coal cleaning plants (with thermal dryers)
3. Kraft pulp mills
4. Portland cement plants
5. Primary Zinc Smelters
6. Iron and Steel Mill Plants
7. Primary aluminum ore reduction plants
8. Primary copper smelters
9. Municipal Incinerators capable of charging more than 250 tons of refuse per day
10. Hydrofloric, sulfuric and nitric acid plants
11. Sulfuric acid plants
12. Nitric acid plants
13. Petroleum Refineries
14. Lime plants
15. Phosphate rock processing plants
16. Coke oven batteries
17. Sulfur recovery plants
18. Carbon black plants (furnace process)
19. Primary lead smelters
20. Fuel conversion plants
21. Sintering plants

22. Secondary metal production plants
23. Chemical process plants
24. Fossil fuel fired boilers (or combinations thereof) totaling more than 250 million BTU per hour heat input
25. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels
26. Talconite ore processing plants
27. Glass fiber processing plants
28. Charcoal production plants

4. Air Quality Models

All estimates of ambient concentrations required under these Rules shall be based on the applicable air quality models, data bases, and other requirements specified in the "Guideline on Air Quality Models" (OAQPS 1.2-080, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, April 1978). Where an air quality impact model specified in the "Guideline on Air Quality Models" is inappropriate, the model may be modified or another model substituted. Such a change must be subject to notice and opportunity for public comment and must receive approval of the Commission and the Environmental Protection Agency. Methods like those outlined in the "Workbook for the Comparison of Air Quality Models" (U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park,

N.C. 27711, May, 1978) should be used to determine the comparability of air quality models.

5. Air Quality Monitoring

- a. The owner or operator of a proposed major source or major modification shall submit with the application, subject to approval of the Department, an analysis of ambient air quality in the area of the proposed project. This analysis shall be conducted for each pollutant potentially emitted at a significant emission rate by the proposed source or modification. As necessary to establish ambient air quality levels, the analysis shall include continuous air quality monitoring data for any pollutant potentially emitted by the source or modification except for nonmethane hydrocarbons. Such data shall relate to, and shall have been gathered over the year preceding receipt of the complete application, unless the owner or operator demonstrates that such data gathered over a portion or portions of that year or another representative year would be adequate to determine that the source or modification would not cause or contribute to a violation of an ambient air quality standard.

Air quality monitoring which is conducted pursuant to this requirement shall be conducted in accordance with 40 CFR

58 Appendix B, "Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring" and with other methods on file with the Department.

The Department may exempt a proposed major source or major modification from monitoring for a specific pollutant if the owner or operator demonstrates that the air quality impact from the emissions increase would be less than the amounts listed below or that the concentrations of the pollutant in the area that the source or modification would impact are less than these amounts.

Carbon monoxide - 575 ug/m^3 , 8 hour average

Nitrogen dioxide - 14 ug/m^3 , annual average

Total suspended particulate - 10 ug/m^3 , 24 hour average

Sulfur dioxide - 13 ug/m^3 , 24 hour average

Ozone - Any net increase of 100 tons/year or more of volatile organic compounds from a source or modification subject to PSD is required to perform an ambient impact analysis, including the gathering of ambient air quality data.

Lead - 0.1 ug/m^3 , 24 hour average

Mercury - 0.25 ug/m^3 , 24 hour average

Beryllium - 0.0005 ug/m^3 , 24 hour average

New Source Review Regulation

Fluorides - 0.25 ug/m , 24 hour average

Vinyl chloride - 15 ug/m³, 24 hour average

Total reduced sulfur - 10 ug/m³, 1 hour average

Hydrogen sulfide - 0.04 ug/m³, 1 hour average

Reduced sulfur compounds - 10 ug/m³, 1 hour average

- b. The owner or operator of a proposed major source or major modification shall, after construction has been completed, conduct such ambient air quality monitoring as the Department may require as a permit condition to establish the effect which emissions of a pollutant (other than nonmethane hydrocarbons) may have, or is having, on air quality in any area which such emissions would affect.

6. Additional Impact Analysis

- a. The owner or operator of a proposed major source or major modification shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the source or modification and general commercial, residential, industrial and other growth associated with the source or modification. The owner or operator may be exempted from providing an analysis of the impact on vegetation having no significant commercial or recreational value.

b. The owner or operator shall provide an analysis of the air quality concentration projected for the area as a result of general commercial, residential, industrial and other growth associated with the major source or modification.

7. Sources Impacting Class I Areas

Where a proposed major source or major modification impacts or may impact a Class I area, the Department shall provide notice to the Environmental Protection Agency and to the appropriate Federal Land Manager of the receipt of such permit application and of any preliminary and final actions taken with regard to such application. The Federal Land Manager shall be provided an opportunity in accordance with OAR 340-20-230 Section 3 to present a demonstration that the emissions from the proposed source or modification would have an adverse impact on the air quality related values (including visibility) of any Federal mandatory Class I lands, notwithstanding that the change in air quality resulting from emissions from such source or modification would not cause or contribute to concentrations which would exceed the maximum allowable increment for a Class I area.

340-20-250 Exemptions

1. Resource recovery facilities burning municipal refuse and sources subject to federally mandated fuel switches may be exempted by

the Department from requirements OAR 340-20-240 Sections 3 and 4 provided that:

- a. No growth increment is available for allocation to such source or modification, and
- b. The owner or operator of such source or modification demonstrates that every effort was made to obtain sufficient offsets and that every available offset was secured.

(Such an exemption may result in a need to revise the State Implementation Plan to require additional control of existing sources.)

2. Temporary emission sources, such as pilot plants, portable facilities, and emissions resulting from the construction phase of a new source or modification must comply with OAR 340-20-240(1) and (2) or OAR 340-20-245(1), whichever is applicable, but are exempt from the remaining requirements of OAR 340-20-240 and OAR 340-20-245 provided that the source or modification would impact no Class I area or no area where an applicable increment is known to be violated.
3. Proposed increases in hours of operation or production rates which would cause emission increases above the levels allowed in an Air Contaminant Discharge Permit may be exempted from the

requirement of OAR 340-20-245(1) (Best Available Control Technology) provided that the increases cause no exceedances of an increment or standard and that the net impact on a nonattainment area is less than the significant air quality impact levels.

4. Also refer to OAR 340-20-245(3) for exemptions pertaining to sources smaller than the Federal Size-cutoff Criteria.

340-20-255 Baseline for Determining Credit for Offsets

The baseline for determining credit for emission offsets shall be the Plant Site Emission Limit established pursuant to OAR 340-20-186 to 188 or, in the absence of a Plant Site Emission Limit, the allowable emission rate for the source providing the offsets. Sources in violation of air quality emission limitations may not supply offsets from those emissions which are or were in excess of allowable emission rates. Offsets, including offsets from mobile and area source categories, must be quantifiable and enforceable before the Air Contaminant Discharge Permit is issued and must be demonstrated to remain in effect throughout the life of the proposed source or modification.

Offsets may not be provided from the amount of emission reduction required by an air quality regulation or air quality attainment

strategy that has been reserved by the Environmental Quality Commission (OAR 340-20-280).

340-20-260 Requirements for Net Air Quality Benefit

Demonstrations of net air quality benefit must include the following.

1. A demonstration must be provided showing that the proposed offsets will improve air quality in the same geographical area affected by the new source or modification. Offsets for volatile organic compounds or nitrogen oxides shall be within the same general air basin as the proposed source. Offsets for total suspended particulate, sulfur dioxide, carbon monoxide and other pollutants shall be within the area of significant air quality impact.

2. For new sources or modifications locating within a designated nonattainment area, the emission offsets must provide reductions which are equivalent or greater than the proposed increases. The offsets must be appropriate in terms of short term, seasonal, and yearly time periods to mitigate the impacts of the proposed emissions. For new sources or modifications locating outside of a designated nonattainment area which have a significant air quality impact (OAR 340-20-225 definition 21) on the nonattainment area, the emission offsets must be sufficient to reduce impacts to levels below the significant air quality impact

level within the nonattainment area. Proposed major sources or major modifications which emit volatile organic compounds and are located in or within 30 kilometers of an ozone nonattainment area shall provide reductions which are equivalent or greater than the proposed emission increases.

3. The emission reductions must be of the same type of pollutant as the emissions from the new source or modification. Sources of fine particulate must be offset with particulate in a similar size range. In areas where atmospheric reactions contribute to pollutant levels, offsets may be provided from precursor pollutants if a net air quality benefit can be shown.

4. The emission reductions must be contemporaneous, that is, the reductions must take effect prior to the time of startup but not more than one year prior to the submittal of a complete permit application for the new source or modification. The Department may increase this time limitation as provided for in OAR 340-20-265 (Emission Reduction Credit Banking). In the case of replacement facilities, the Department may allow simultaneous operation of the old and new facilities during the startup period of the new facility provided that net emissions are not increased during that time period.

340-20-265 Emission Reduction Banking

The owner or operator of a source of air pollution who wishes to reduce emissions by implementing more stringent controls than required by a permit or by an applicable regulation may bank such emission reductions. Cities, counties or other local jurisdictions may participate in the emissions bank in the same manner as a private firm. Emission reduction credit banking shall be subject to the following conditions:

1. To be eligible for banking, emission reductions credits must be in terms of actual emission decreases resulting from permanent continuous control of existing sources. The baseline for determining emission reduction credits shall be the allowable emissions of the source or the Plant Site Emission Limit established pursuant to OAR 340-20-186 to 188.
2. Emission reductions may be banked for a specified period not to exceed five years unless extended by the Commission, after which time such reductions will revert to the Department for use in attainment and maintenance of air quality standards or to be allocated as a growth margin.
3. Emission reductions which are required pursuant to an adopted rule or those that are reserved for control strategies pursuant to OAR 340-20-280 shall not be banked.

4. Source shutdowns or curtailments other than those used within one year for contemporaneous offsets as provided in OAR 340-20-260(4) are not eligible for banking by the owner or operator but will be banked by the Department for use in attaining and maintaining standards. The Department may allocate these emission reductions as a growth increment.

5. The amount of banked emission reduction credits shall be discounted without compensation to the holder for a particular source category when new regulations requiring emission reductions are adopted by the Commission. The amount of discounting of banked emission reduction credits shall be calculated on the same basis as the reductions required for existing sources which are subject to the new regulation. Banked emission reduction credits shall be subject to the same rules, procedures, and limitations as permitted emissions. In addition, the amount of other banked emissions may be uniformly discounted by action of the Commission if it is established that reasonable further progress toward attainment of air quality standards is not being achieved and other less costly measures are not available.

6. Emission reductions must be in the amount of 25 tons per year or more to be creditable for banking. In the Medford-Ashland AQMA emission reductions must be at least in the amount specified in Table 2 of OAR 340-20-225(19).

7. Requests for emission reduction credit banking must be submitted to the Department and must contain the following documentation:
 - a. A detailed description of the processes controlled,
 - b. Emission calculations showing the types and amounts of actual emissions reduced,
 - c. The date or dates of such reductions,
 - d. Identification of the probable uses to which the banked reductions are to be applied,
 - e. Procedure by which such emission reductions can be rendered permanent and enforceable.

8. Requests for emission reduction credit banking shall be submitted to the Department prior to or within the year following the actual emissions reduction. The Department shall approve or deny requests for emission reduction credit banking and, in the case of approvals, shall issue a letter to the owner or operator defining the terms of such banking. The Department shall take steps to insure the permanence and enforceability of the banked emission reductions by including appropriate conditions in Air Contaminant Discharge Permits and by appropriate revision of the State Implementation Plan.

9. The Department shall provide for the allocation of the banked emission reduction credits in accordance with the uses specified by the holder of the emission reduction credits. When emission reduction credits are transferred, the Department must be notified in writing. Any use of emission reduction credits must be compatible with local comprehensive plans, Statewide planning goals, and State laws and rules.

340-20-270 Fugitive and Secondary Emissions

Fugitive emissions shall be included in the calculation of emission rates of all air contaminants. Fugitive emissions are subject to the same control requirements and analyses required for emissions from identifiable stacks or vents. Secondary emissions shall not be included in calculations of potential emissions which are made to determine if a proposed source or modification is major. Once a source or modification is identified as being major, secondary emissions must be added to the primary emissions for purposes of these rules.

340-20-275 Stack Heights

The degree of emission limitation required for any air contaminant regulated under these rules shall not be affected in any manner by so much of the stack height as exceeds good engineering practice or by any other dispersion technique. This section shall

not apply with respect to stack heights in existence before December 31, 1970, or to dispersion techniques implemented before that date.

340-20-280 Reserved Control Strategies

The following categories of volatile organic compound sources are hereby reserved in the Portland ozone nonattainment area for possible use in standards attainment plans and shall not be used for offsets or emission reduction credit banking.

- 1 - Annual Automobile Inspection Maintenance Program
- 2 - Architectural Coatings
- 3 - Gasoline Service Stations, Stage II
- 4 - Barge and Vessel loading of gasoline and other light petroleum products
- 5 - Paper coating in manufacturing
- 6 - Petroleum Base (Stoddard) Dry Cleaners

Special Permit Requirements for Sources
Locating in or Near Nonattainment Areas

340-20-190

Applicability in Nonattainment Areas

OAR 340-20-190 to 340-20-192 shall apply to proposed major new or modified carbon monoxide (CO) or Volatile Organic Compounds (VOC) sources in non-attainment areas.

340-20-191

Definitions

As used in OAR 340-20-190 to 340-20-192, unless otherwise required by context:

- 1) "Alternative Analysis" means an analysis conducted by the proposed source which considers alternative sites, sizes, production processes and environmental control techniques and which demonstrates that benefits of the proposed source significantly outweigh the environmental and social cost imposed as a result of the project.

2) "LAER" means the rate of emissions which reflects

(A) the most stringent emission limitation which is contained in the implementation plan of any State for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or not maintainable for the proposed source or

(B) the most stringent emission limitation which is achieved and maintained in practice by such class or category of source, whichever is more stringent.

In no event shall the application of LAER allow a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance (OAR 340-25-535).

3) "Major New or Modified Source" means any stationary source which emits or has the potential to emit one hundred tons per year or more of CO or VOC and is proposed for construction after July 1, 1979. The term "modified" means any single or cumulative physical change or change in the method of operation which increases the potential to emit emissions of any criteria air pollutant one hundred tons per year or more over previously permitted limits.

4) "Nonattainment Area" means, for any air pollutant the actual area, as shown in Figures 1 through 7, in which such pollutant exceeds any national ambient air quality standard.

- 5) "Potential to emit" means the maximum capacity to emit a pollutant absent air pollution control equipment which is not intrinsically vital to the production or operation of the source.
- 6) "Reasonable Further Progress" means annual incremental reductions in emission of the applicable air pollutant identified in the SIP which are sufficient to provide for attainment of the applicable national ambient air quality standard by the date required in the SIP.
- 7) "SIP" means the Oregon State Implementation Plan submitted to and approved most recently by the EPA pursuant to the Clean Air Act.
- 8) "Proposed for Construction" means that the owner or operator of a major stationary source or major modification has applied for a permit from the Department after July 1, 1979.

340-20-192

Requirements

A construction and operating permit may be issued to a major new or modified source proposing to locate in a nonattainment area only if the following requirements are met:

- 1) There is a sufficient emission growth increment available which is identified in the adopted state plan or an emission offset is provided such that the reasonable further progress commitment in the SIP is still met. The EPA Offset Ruling of January 16, 1979, (40 CFR Part 51 Appendix S) will be used as a guide in identifying specific offset requirements.
- 2) The proposed source is required to comply with the LAER. Only the increments of change above the 100 ton/year potential increase of the modified source are required to comply with LAER.
- 3) The owner or operator has demonstrated that all major stationary sources owned or operated by such person in the State of Oregon are in compliance or on a compliance schedule with applicable requirements of the adopted state plan.
- 4) An alternative analysis is made for major new or modified sources of carbon monoxide or volatile organic compounds.

340-20-193

Applicability in Attainment Areas

OAR 340-20-193 to 340-20-195 shall apply as noted to proposed major new or modified sources located in attainment areas that would have allowable emissions greater than 50 tons/year of CO or VOC which may impact a non-attainment area. (It should be noted that for sources emitting less than

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50 tons/year of an air pollutant that OAR 340-20-001 still requires application of highest and best practicable treatment and control and OAR 340-31-010 provides for denial of construction should such a source prevent or interfere with attainment or maintenance of ambient air quality standards.)

340-20-194

Definitions

As used in OAR 340-20-193 to 340-20-195, unless otherwise required by context:

1. "Major New or Modified Source" means any stationary source which has allowable emission greater than fifty tons per year of CO or VOC and is proposed for construction after July 1, 1979. The term "modified" means any single or cumulative physical change or change in the method of operation which increases the emissions of any criteria air pollutant more than fifty tons per year over previously permitted limits.

- 2) "Alternative Analysis," "LAER," "Nonattainment Area," "Reasonable Further Progress," and "SIP" have the same meanings as provided in OAR 340-20-191.

Requirements

A construction and operating permit may be issued to a major new or modified source proposing to locate in an attainment area only if one of the following requirements are met:

- 1) The emissions from the proposed source are modeled to have an impact on all non-attainment areas equal to or less than the significance levels listed in the table in 340-20-195(3), and or
- 2) The requirements of 340-20-192 are met if the emissions from the proposed source are modeled to have an impact on the non-attainment area greater than the significance levels of the table in 340-20-195(3).

340-20-195(3) Table of Significance Levels

<u>Pollutant</u>	<u>Averaging Time</u>				
	<u>Annual</u>	<u>24-hour</u>	<u>8-hour</u>	<u>3-hour</u>	<u>1-hour</u>
CO	-	-	0.50 mg/m ³	-	2.0 mg/m ³
Ozone	-	-	-	-	8.0 ug/m ³

DIVISION 32

CRITERIA FOR APPROVAL OF NEW
AIR CONTAMINANT SOURCES IN THE
PORTLAND METROPOLITAN SPECIAL
AIR QUALITY MAINTENANCE AREA

Purpose

340-32-005 The purpose of this division is to provide criteria for the Department to follow in reviewing and approving air contaminant discharge permit applications for new or expanded air contaminant sources, including their proposed site locations and general designs, in the Portland Metropolitan Special Air Quality Maintenance Area; to assure that air quality standards can be achieved and maintained without major disruption to the orderly growth and development of the area.

Stat. Auth.: ORS Ch.

Hist: DEQ 84, f. 1-30-75, ef. 2-25-75

Definitions

340-32-010 (1) "Air contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon, acid, or particulate matter or any combination thereof.

(2) "Implementation plan" means the State of Oregon Clean Air Act Implementation Plan described in rule 340-20-047, together with amendments thereto.

(3) "New or expanded air contaminant source" means an air contamination source, as defined in ORS 468.275, whose construction, installation, establishment, development, modification, or enlargement is authorized by the Department after October 25, 1974.

(4) "Portland Metropolitan Special Air Quality Maintenance Area" means that portion of the State of Oregon within the boundaries designated by the Columbia Region Association of Governments as the 1970 Transportation Study Area, as shown on Figure 1 attached (generally, the area bounded by the Columbia River to the north; communities of Troutdale, Pleasant Valley, and Gladstone to the east; Oregon City to the south; and Hillsboro to the west). Legal definition of the maintenance area is on file with the Department.

(5) "Yearly projected average controllable growth" means 215 tons/year of particulate emissions and 715 tons/year of sulfur dioxide from new or expanded air contaminant point sources as follows:

- (a) Commercial and industrial fuel combustion sources,
- (b) Process loss sources,
- (c) Solid waste incinerators,
- (d) Wigwam waste burners, and
- (e) Power plants.

Stat. Auth.: ORS Ch.

Hist: DEQ 84, f. 1-30-75, ef. 2-25-75

Special Air Quality Maintenance Area

340-32-015 The Portland Metropolitan Special Air Quality Maintenance Area is hereby established as a special air quality maintenance area to which the rules provided in this division shall apply.

Stat. Auth.: ORS Ch.

Hist: DEQ 84, f. 1-30-75, ef. 2-25-75

Criteria

340-32-020 (1) In reviewing applications for air contaminant discharge permits for new or expanded air contaminant sources in the Portland Metropolitan Special Air Quality Maintenance Area, the Department shall consider the potential effect upon air quality of increases in particulate and sulfur dioxide emissions from such new or expanded air contaminant sources and shall approve such permit applications only to the extent that:

(a) Ambient air quality standards will not be exceeded at air sampling stations and adjacent areas between sampling stations for particulates and sulfur dioxide projected by the Department's March, 1974, report on Designation of Air Quality Maintenance Areas to be in compliance with such standards. A copy of the Department's March, 1974, report on Designation of Air Quality Maintenance Areas is on file in the Department's Portland office.

(b) Increases in particulate and sulfur dioxide emissions will not exceed two years of projected average controllable growth (equivalent to 430 tons/year of particulate and 1430 tons/year of sulfur dioxide).

(c) No single new or expanded air contaminant source shall emit particulates or sulfur dioxide in excess of 25 percent of the total allowable emissions (noted in subsections (a) and (b) above). The exact proportion may be determined by the Commission.

(2) The particulate and sulfur dioxide emissions allowable under subsections (a), (b), and (c) above shall be based on net emission increases after taking into account any offsetting emission reductions which may occur within the Portland Metropolitan Special Air Quality Maintenance Area, or portion thereof, which can be:

- (a) Assured of implementation, and
- (b) Are attributable to the source seeking the permit.

Stat. Auth.: ORS Ch.

Hist: DEQ 84, f. 1-30-75, ef. 2-25-75

Exceptions

340-32-025 New or expanded air contaminant sources projected to emit less than ten (10) tons per year of particulate or sulfur dioxide shall be excepted from this rule.

Stat. Auth.: ORS Ch.

Hist: DEQ 84, f. 1-30-75, ef. 2-25-75

OREGON ADMINISTRATIVE RULES
CHAPTER 340, DIVISION 30 — DEPARTMENT OF ENVIRONMENTAL QUALITY

Continuous Monitoring

340-30-050 The Department may require the installation and operation of instruments and recorders for measuring emissions and/or the parameters which affect the emission of air contaminants from sources covered by these rules to ensure that the sources and the air pollution control equipment are operated at all times at their full efficiency and effectiveness so that the emission of air contaminants is kept at the lowest practicable level. The instruments and recorders shall be periodically calibrated. The method and frequency of calibration shall be approved in writing by the Department. The recorded information shall be kept for a period of at least one year and shall be made available to the Department upon request.

Stat. Auth.: ORS Ch. 468
Hist: DEQ 4-1978, f. & ef. 4-7-78

Source Testing

340-30-055 (1) The person responsible for the following sources of particulate emissions shall make or have made tests to determine the type, quantity, quality, and duration of emissions, and/or process parameters affecting emissions, in conformance with test methods on file with the Department at the following frequencies: Source Test Frequencies

- (a) Wood Waste Boilers — Once every year*
- (b) Veneer Dryers — Once every year until January 1, 1983, and once every 3 years thereafter.
- (c) Wood Particle Dryers at Hardboard and Particleboard Plants — Once every year
- (d) Charcoal Producing Plants — Once every year*

*NOTE: If this test exceeds the annual emission limitation then three (3) additional tests shall be required at three (3) month intervals with all four (4) tests being averaged to determine compliance with the annual standard. No single test shall be greater than twice the annual average emission limitation for that source.

(2) Source testing shall begin at these frequencies within 90 days of the date by which compliance is to be achieved for each individual emission source.

(3) These source testing requirements shall remain in effect unless waived in writing by the Department because of adequate demonstration that the source is consistently operating at lowest practicable levels.

(4) Source tests on wood waste boilers shall not be performed during periods of soot blowing, grate cleaning, or other operating conditions which may result in temporary excursions from normal.

(5) Source tests shall be performed within 90 days of the startup of air pollution control systems.

Stat. Auth.: ORS Ch. 468
Hist: DEQ 4-1978, f. & ef. 4-7-78

Total Plant Site Emissions

340-30-060 The Department shall have the authority to limit the total amount of particulate matter emitted from a plant site, consistent with requirements in these rules. Such limitation will be applied, where necessary, to ensure that ambient air quality standards are not caused to be exceeded by the plant site emissions and that plant site emissions are kept to lowest practicable levels.

Stat. Auth.: ORS Ch. 468
Hist: DEQ 4-1978, f. & ef. 4-7-78

New Sources

340-30-065 New sources shall be required to comply with rules 340-30-015 through 340-30-040 immediately upon

initiation of operation.

Stat. Auth.: ORS Ch. 468
Hist: DEQ 4-1978, f. & ef. 4-7-78

Open Burning

340-30-070 No open burning of domestic waste shall be initiated on any day or at any time when the Department advises fire permit issuing agencies that open burning is not allowed because of adverse meteorological or air quality conditions.

Stat. Auth.: ORS Ch. 468
Hist: DEQ 4-1978, f. & ef. 4-7-78

Emission Offsets

340-30-110 The intent of this rule is to supplement and in some cases be more stringent than the Federal Interpretative Ruling promulgated in the January 16, 1979 Federal Register on pages 3282 through 3285 (40 CFR, Part 51) hereby incorporated by reference (see Exhibit 1). To the extent any provision thereof is in conflict with a more stringent rule of the Environmental Quality Commission, the Environmental Quality Commission rule shall prevail.

(1) Any new or modified source which emits at a rate equal to or greater than in Table 1 and is proposed to be constructed or operated in the area of the Medford-Ashland AQMA where a state of federal ambient air quality standard is:

(a) Being violated, shall comply with offset conditions, subsections (a) through (d) of section (2);

(b) Not being violated, but by modeling is projected to exceed the incremental air quality values of Table 2 in the area where the state or federal ambient air standard is being violated, shall comply with offset conditions, subsections (a) through (d) of section (2).

(2) Offset Conditions:

(a) The new or modified source shall meet an emission limitation which specifies the lowest achievable emission rate for such a source.

(b) The applicant provides certification that all existing sources in Oregon owned or controlled by the owner or operator of the proposed source are in compliance with all applicable rules or are in compliance with an approved schedule and timetable for compliance under state or regional rules.

(c) Emission offset from existing source(s) in the Medford-Ashland AQMA, whether or not under the same ownership, are obtained by the applicant on a greater than one-for-one basis.

(d) The emission offset provides a positive net air quality benefit in the affected area.

(3) A new source installed and operated for the sole purpose of compliance with OAR 340-30-035 shall be exempt from subsections (1) and (2) of OAR 340-30-110 providing all of the following are met:

(a) The new emission source complies with the applicable emission limitations in effect at the time the notice of construction is received by the Department; and

(b) Annual emissions from the new or modified source do not exceed one-fourth of the annual emission attributed to the wigwam burner in calendar year 1976.

(4) Banking as described in 44 FR 3282 subsection IV(C)(5) (see Exhibit 1) shall not be allowed. However, this restriction shall in no way modify any existing practice of the Department which may be construed as banking.

Stat. Auth.: ORS Ch.
Hist: DEQ 9-1978, f. & ef. 5-3-79

**AIR POLLUTION CONTROL STANDARDS
FOR AIR PURITY AND QUALITY**

DIVISION 31

AMBIENT AIR QUALITY STANDARDS

[ED. NOTE: Administrative order DEQ 37 repealed previous rules 340-31-005 through 340-31-020 (DEQ 5 and 6).]

Definitions

340-31-005 As used in these rules, unless otherwise required by context:

(1) "Ambient air" means the air that surrounds the earth excluding the general volume of gases contained within any building or structure.

(2) "Equivalent method" means any method of sampling and analyzing for an air contaminant deemed by the Department of Environmental Quality to be equivalent in sensitivity, accuracy, reproducibility, and selectivity to a method approved by and on file with the Department of Environmental Quality. Such method shall be equivalent to the method or methods approved by the federal Environmental Protection Agency.

(3) "Primary air mass station" means a station designed to measure contamination in an air mass and represent a relatively broad area. The sampling site shall be representative of the general area concerned. The sampler shall be a minimum of 15 feet and a maximum of 150 feet above ground level. Actual elevations should vary to prevent adverse exposure conditions caused by surrounding buildings and terrain. The probe inlet for sampling gaseous contaminants shall be placed approximately 20 feet above the roof top, or not less than 2 feet from any wall. Suspended particulate filters shall be mounted on the sampler and placed not less than 3 feet, and particle fallout jar openings not less than 5 feet, above the roof top.

(4) "Primary ground level monitoring station" means a station designed to provide information on contaminant concentrations near the ground. The sampling site shall be representative of the immediate area. The sample shall be taken from a minimum of 10 feet and a maximum of 15 feet above ground level, with a desired optimum height of 12 feet. The probe inlet for sampling gaseous contaminants shall be placed not less than 2 feet from any building or wall. Suspended particulate filters shall be mounted on the sampler and placed not less than 3 feet, or particle fallout jar openings not less than 5 feet, above the supporting roof top.

(5) "Special station" means any station other than a primary air mass station or primary ground level monitoring station.

Stat. Auth.: ORS Ch.

Hist: DEQ 37, f. 2-15-72, ef. 3-1-72

Purpose and Scope of Ambient Air Quality Standards

340-31-010 (1) An ambient air quality standard is an established concentration, exposure time, and frequency of occurrence of an air contaminant or multiple contaminants in the ambient air which shall not be exceeded. The ambient air quality standards set forth in this division are designed to protect both public health and public welfare.

(2) Ambient air quality standards are not generally intended as a means of determining the acceptability or unacceptability of emissions from specific sources of air contamination. More commonly, measured ambient air quality

in comparison with ambient air quality standards is used as a criteria for determining the adequacy or effectiveness of emission standards for the aggregate of sources in a general area. However, in the case of a source or sources which are deemed to be singularly responsible for ambient air quality standards being exceeded in a particular locality, the violation of said standards shall be due cause for imposing emission standards more stringent than those generally applied to the class of sources involved. Similarly, proposed construction of new sources or expansions of existing sources, which may prevent or interfere with the attainment and maintenance of ambient air quality standards, shall be due cause for issuance of an order prohibiting such proposed construction, pursuant to ORS 449.712 and rule 340-20-030.

(3) In adopting the ambient air quality standards in this division, the Environmental Quality Commission recognizes that one or more of the standards are currently being exceeded in certain parts of the state. It is hereby declared to be the policy of the Environmental Quality Commission to achieve, by application of a timely but orderly program of pollution abatement, full compliance with ambient air quality standards throughout the state at the earliest possible date, but in no case later than July 1, 1975.

Stat. Auth.: ORS Ch.

Hist: DEQ 37, f. 2-15-72, ef. 3-1-72

Suspended Particulate Matter

340-31-015 Concentrations of suspended particulate matter at a primary air mass station, as measured by a method approved by and on file with the Department of Environmental Quality, or by an equivalent method, shall not exceed:

(1) 60 micrograms per cubic meter of air, as an annual geometric mean for any calendar year.

(2) 100 micrograms per cubic meter of air, 24 hour concentration for more than 15 percent of the samples collected in any calendar month.

(3) 150 micrograms per cubic meter of air, 24 hour concentration, more than once per year.

Stat. Auth.: ORS Ch.

Hist: DEQ 37, f. 2-15-72, ef. 3-1-72

Sulfur Dioxide

340-31-020 Concentrations of sulfur dioxide at a primary air mass station, primary ground level station, or special station, as measured by a method approved by and on file with the Department of Environmental Quality, or by an equivalent method, shall not exceed:

(1) 60 micrograms per cubic meter of air (0.02 ppm), annual arithmetic mean.

(2) 260 micrograms per cubic meter of air (0.10 ppm), maximum 24-hour average more than once per year.

(3) 1300 micrograms per cubic meter of air (0.50 ppm) maximum 3-hour average, more than once per year.

Stat. Auth.: ORS Ch.

Hist: DEA 37, f. 2-15-72, ef. 3-1-72

Carbon Monoxide

340-31-025 Concentrations of carbon monoxide at a primary air mass station or primary ground level stations, as measured by a method approved by and on file with the Department of Environmental Quality or by an equivalent method, shall not exceed:

(1) 10 milligrams per cubic meter of air (8.7 ppm), maximum 8-hour average, more than once a year.

(2) 40 milligrams per cubic meter of air (35 ppm), maximum 1-hour average, more than once per year.

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Stat. Auth.: ORS Ch.
Hist: DEQ 37, f. 2-15-72, ef. 3-1-72

Photochemical Oxidants

340-31-030 Concentrations of ozone at a primary air mass station, as measured by a method approved by and on file with the Department of Environmental Quality, or by an equivalent method, shall not exceed 160 micrograms per cubic meter (0.08 ppm), maximum 1-hour average. This standard is attained when the expected number of days per calendar year with maximum hourly concentrations greater than 160 micrograms per cubic meter is equal to or less than one as determined by Appendix H, CFR 40, Part 50.9 (page 8220) FR 44 No. 28, February 8, 1979.

Stat. Auth.: ORS Ch. 468
Hist: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 15-1979, f. & ef. 6-22-79

Hydrocarbons

340-31-035 Concentrations of hydrocarbons at a primary air mass station, as measured and corrected for methane by a method approved by and on file with the Department of Environmental Quality, or by an equivalent method, shall not exceed 160 micrograms per cubic meter of air (0.24 ppm), maximum 3-hour concentration measured from 0600 to 0900, not to be exceeded more than once per year.

Stat. Auth.: ORS Ch. 468
Hist: DEQ 37, f. 2-15-72, ef. 3-1-72

Nitrogen Dioxide

340-31-040 Concentrations of nitrogen dioxide at a primary air mass station, as measured by a method approved and on file with the Department of Environmental Quality, or by an equivalent method, shall not exceed 100 micrograms per cubic meter of air (0.05 ppm), annual arithmetic mean.

Stat. Auth.: ORS Ch. 468
Hist: DEQ 37, f. 2-15-72, ef. 3-1-72

Particle Fallout

340-31-045 The particle fallout rate at a primary air mass station, primary ground level station, or special station, as measured by a method approved by and on file with the Department of Environmental Quality, or by an equivalent method, shall not exceed:

- (1) 10 grams per square meter per month in an industrial area; or
- (2) 5.0 grams per square meter per month in an industrial area if visual observations show a presence of wood waste or soot and the volatile fraction of the sample exceeds seventy percent (70%); or
- (3) 5.0 grams per square meter per month in residential and commercial areas; or
- (4) 3.5 grams per square meter per month in residential and commercial areas if visual observations show the presence of wood waste or soot and the volatile fraction of the sample exceeds seventy percent (70%).

Stat. Auth.: ORS Ch. 468
Hist: DEQ 37, f. 2-15-72, ef. 3-1-72

Calcium Oxide (Lime Dust)

340-31-050 (1) Concentrations of calcium oxide present as suspended particulate at a primary air mass station, as measured by a method approved by and on file with the Department of Environmental Quality, or by an equivalent method, shall not exceed 20 micrograms per cubic meter in residential and commercial areas at any time.

(2) Concentrations of calcium oxide present as particle fallout at a primary air mass station, primary ground level station, or special station, as measured by a method approved by and on file with the Department of Environmental Quality, or by an equivalent method, shall not exceed 0.35 grams per square meter per month in residential and commercial areas.

Stat. Auth.: ORS Ch. 468
Hist: DEQ 37, f. 2-15-72, ef. 3-1-72

Ambient Air Quality Standard for Lead

340-31-055 The lead concentration measured at any individual sampling station, using sampling and analytical methods on file with the Department, shall not exceed 3.0 ug/m³ as an arithmetic average concentration of all samples collected at that station during any one calendar month period.

Stat. Auth.: ORS Ch. 468
Hist: DEQ 85, f. 1-29-75, ef. 2-25-75

Prevention of Significant Deterioration

General

340-31-100 (1) The purpose of these rules is to implement a program to prevent significant deterioration of air quality in the State of Oregon as required by the Federal Clean Air Act Amendments of 1977.

(2) The Department will review the adequacy of the State Implementation Plan on a periodic basis and within 60 days of such time as information becomes available that an applicable increment is being violated. Any Plan revision resulting from the reviews will be subject to the opportunity for public hearing in accordance with procedures established in the Plan.

Stat. Auth.: ORS Ch. 468
Hist: DEQ 18-1979, f. & ef. 6-22-79

Definitions

340-31-105 For the purposes of these rules:

(1) "Major stationary source" means:

(a) Any of the following stationary sources of air pollutants which emit, or have the potential to emit, 100 tons per year or more of any air pollutant. Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), kraft pulp mills, Portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than 250 tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants, fossil fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding 300 thousand barrels, taconite ore processing plants, glass fiber processing plants, and charcoal production plants; and

(b) Notwithstanding the source sizes specified in subsection (1)(a) of this rule, any source which emits, or has the potential to emit, 250 tons per year or more of any pollutant.

(2) "Major modification" means any physical change in, change in the method of operation of, or addition to a stationary source which increases the potential emission rate of any air pollutant (including any not previously emitted and taking into account all accumulated increases in potential emissions

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occurring at the source since August 7, 1977, or since the time of the last construction approval issued for the source pursuant to this section, whichever time is more recent, regardless of any emission reductions achieved elsewhere in the source) by either 100 tons per year or more for any source category identified in subsection (1)(a) of this rule, or by 250 tons per year or more for any stationary source.

(a) A physical change shall not include routine maintenance, repair and replacement.

(b) A change in the method of operation, unless previously limited by enforceable permit conditions, shall not include:

(A) An increase in the production rate, if such increase does not exceed the operating design capacity of the source;

(B) An increase in the hours of operation;

(C) Use of an alternative fuel or raw material by reason of an order in effect under Sections 2 (a) and (b) of the federal Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation), or by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act;

(D) Use of an alternative fuel or raw material, if prior to January 6, 1975, the source was capable of accommodating such fuel or material;

(E) Use of an alternative fuel by reason of a federal order or rule under Section 125 of the federal Clean Air Act; or

(F) Change in ownership of the source.

(3) "Potential to emit" means the capability at maximum capacity to emit a pollutant in the absence of air pollution control equipment. "Air pollution control equipment" includes control equipment which is not, aside from air pollution control laws and regulations, vital to production of the normal product of the source or to its normal operation. Annual potential shall be based on the maximum annual rated capacity of the source, unless the source is subject to enforceable permit conditions which limit the annual hours of operation. Enforceable permit conditions on the type or amount of materials combusted or processed may be used in determining the potential emission rate of a source.

(4) "Source" means any structure, building, facility, equipment, installation, or operation (or combination thereof) which is located on one or more contiguous or adjacent properties and which is owned or operated by the same person (or by persons under common control).

(5) "Facility" means an identifiable piece of process equipment. A source is composed of one or more pollutant-emitting facilities.

(6) "Fugitive dust" means particulate matter composed of soil which is uncontaminated by pollutants resulting from industrial activity. Fugitive dust may include emissions from haul roads, wind erosion of exposed soil surfaces and soil storage piles and other activities in which soil is either removed, stored, transported, or redistributed.

(7) "Construction" means fabrication, erection, installation, or modification of a source.

(8) "Commence" as applied to construction of a major stationary source or major modification means that the owner or operator has all necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of physical on-site construction of the source, to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed within a reasonable time.

(9) "Necessary preconstruction approvals or permits" means those permits or approvals required under Federal air quality control laws and regulations and those air quality

control laws and regulations which are part of the State Implementation Plan.

(10) "Best available control technology" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant which would be emitted from any proposed major stationary source or major modification which the Department, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR part 60 and part 61.

If the Department determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, a design, equipment, work practice or operational standard, or combination thereof, may be prescribed instead to require the application of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

(11) "Baseline concentration" means that ambient concentration level reflecting actual air quality as of August 7, 1977, minus any contribution from major stationary sources and major modifications on which construction commenced on or after January 6, 1975. The baseline concentration shall include contributions from:

(a) The actual emissions of other sources in existence on August 7, 1977, except that contributions from facilities within such existing sources for which a Plan revision proposing less restrictive requirements was submitted on or before August 7, 1977, and was pending action by the EPA Administrator on that date shall be determined from the allowable emissions of such facilities under the Plan as revised; and

(b) The allowable emissions of major stationary sources and major modifications which commenced construction before January 6, 1975, but were not in operation by August 7, 1977.

(12) "Federal Land Manager" means, with respect to any lands in the United States, the Secretary of the federal department with authority over such lands.

(13) "High terrain" means any area having an elevation 900 feet or more above the base of the stack of a facility.

(14) "Low terrain" means any area other than high terrain.

(15) "Indian reservation" means any Federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(16) "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(17) "Reconstruction" will be presumed to have taken place where the fixed capital cost of the new components exceed 50 percent of the fixed capital cost of a comparable entirely new facility or source. However, any final decision as to whether reconstruction has occurred shall be based on:

(a) The fixed capital cost of the replacements in comparison to the fixed capital cost that would be required to construct a comparable entirely new facility.

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(b) The estimated life of the facility after the replacements compared to the life of a comparable entirely new facility.

(c) The extent to which the components being replaced cause or contribute to the emissions from the facility.

A reconstructed source will be treated as a new source for purposes of this section, except that use of an alternative fuel or raw material by reason of an order in effect under sections 2 (a) and (b) of the federal Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation), by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act, or by reason of an order or rule under section 125 of the federal Clean Air Act, shall not be considered reconstruction. In determining best available control technology for a reconstructed source, the following provision shall be taken into account in assessing whether a standard of performance under 40 CFR part 60 is applicable to such source:

Any economic or technical limitations on compliance with applicable standards of performance which are inherent in the proposed replacements.

(18) "Fixed capital cost" means the capital needed to provide all of the depreciable components.

(19) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is subject to enforceable permit conditions which limit the operating rate, or hours of operation, or both) and the most stringent of the following:

(a) Applicable standards as set forth in 40 CFR part 60 and part 61;

(b) The State Implementation Plan emission limitation; or

(c) The emission rate specified as a permit condition.

(20) "State Implementation Plan" or "Plan" means the Clean Air Act Implementation Plan for Oregon as approved by the Environmental Quality Commission.

(21) "40 CFR" means Title 40 of the Code of Federal Regulations.

(22) "Air pollutant" means an air contaminant under Oregon statutes for which a state or national ambient air quality standard exists.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 18-1979, f. & ef. 6-22-79

Ambient Air Increments

340-31-110 (1) This rule defines significant deterioration. In areas designated as class I, II or III, emissions from new or modified sources shall be limited such that increases in pollutant concentration over the baseline concentration shall be limited to those set out in Table 1.

(2) For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one such period per year at any one location.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 18-1979, f. & ef. 6-22-79

Ambient Air Ceilings

340-31-115 No concentration of a pollutant shall exceed:

(1) The concentration permitted under the national secondary ambient air quality standard; or

(2) The concentration permitted under the national primary ambient air quality standard; or

(3) The concentration permitted under the state ambient air quality standard, whichever concentration is lowest for the pollutant for a period of exposure.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 18-1979, f. & ef. 6-22-79

Restrictions on Area Classifications

340-31-120 (1) All of the following areas which were in existence on August 7, 1977, shall be Class I areas and may not be redesignated:

(a) Mt. Hood Wilderness;

(b) Eagle Cap Wilderness;

(c) Hells Canyon Wilderness;

(d) Mt. Jefferson Wilderness;

(e) Mt. Washington Wilderness;

(f) Three Sisters Wilderness;

(g) Strawberry Mountain Wilderness;

(h) Diamond Peak Wilderness;

(i) Crater Lake National Park;

(j) Kalmiopsis Wilderness;

(k) Mountain Lake Wilderness;

(l) Gearhart Mountain Wilderness.

(2) All other areas, in Oregon are initially designated Class II, but may be redesignated as provided in this section.

(3) The following areas may be redesignated only as Class I or II:

(a) An area which as of August 7, 1977, exceeded 10,000 acres in size and was a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore; and

(b) A national park or national wilderness area established after August 7, 1977, which exceeds 10,000 acres in size.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 18-1979, f. & ef. 6-22-79

Exclusions for Increment Consumption

340-31-125 (1) After notice and opportunity for at least one public hearing held in accordance with procedures established in the Plan, the Department may exclude the following concentrations in determining compliance with a maximum allowable increase:

(a) Concentrations attributable to the increase in emissions from sources which have converted from the use of petroleum products, natural gas, or both by reason of an order in effect under Sections 2 (a) and (b) of the federal Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) over the emissions from such sources before the effective date of such order;

(b) Concentrations attributable to the increase in emissions from sources which have converted from using natural gas by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act over the emissions from such sources before the effective date of such plan;

(c) Concentrations of particulate matter attributable to the increase in emissions from construction or other temporary activities; and

(d) The increase in concentrations attributable to new sources outside the United States over the concentrations attributable to existing sources which are included in the baseline concentration.

(2) No exclusion under subsections (1)(a) or (b) of this rule shall apply more than five years after the effective date of the order to which subsection (1)(a) refers or the plan to which subsection (1)(b) refers, whichever is applicable. If both such order and plan are applicable, no such exclusion shall apply more than five years after the later of such effective dates.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 18-1979, f. & ef. 6-22-79

Redesignation

340-31-130 (1)(a) All areas in Oregon (except as otherwise provided under rule 340-31-120) are designated Class II as of

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December 5, 1974.

(b) Redesignation (except as otherwise precluded by rule 340-31-120) may be proposed by the Department or Indian Governing Bodies, as provided below, subject to approval by the EPA Administrator as a revision to the State Implementation Plan.

(2) The Department may submit to the EPA Administrator a proposal to redesignate areas of the State Class I or Class II provided that:

(a) At least one public hearing has been held in accordance with procedures established in the Plan;

(b) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation were notified at least 30 days prior to the public hearing;

(c) A discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic, social and energy effects of the proposed redesignation, was prepared and made available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contained appropriate notification of the availability of such discussion;

(d) Prior to the issuance of notice respecting the redesignation of an area that includes any Federal lands, the Department has provided written notice to the appropriate Federal Land Manager and afforded adequate opportunity (not in excess of 60 days) to confer with the Department respecting the redesignation and to submit written comments and recommendations. In redesignating any area with respect to which any Federal Land Manager had submitted written comments and recommendations, the Department shall have published a list of any inconsistency between such redesignation and such comments and recommendations (together with the reasons for making such redesignation against the recommendation of the Federal Land Manager); and

(e) The Department has proposed the redesignation after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

(3) Any area other than an area to which rule 340-31-120 refers may be redesignated as Class III if:

(a) The redesignation would meet the requirements of section (2) of rule 340-31-130;

(b) The redesignation, except any established by an Indian Governing Body, has been specifically approved by the Governor, after consultation with the appropriate committees of the legislature, if it is in session, or with the leadership of the legislature, if it is not in session (unless State law provides that the redesignation must be specifically approved by State legislation) and if general purpose units of local government representing a majority of the residents of the area to be redesignated enact legislation or pass resolutions concurring in the redesignation;

(c) The redesignation would not cause, or contribute to, a concentration of any air pollutant which would exceed any maximum allowable increase permitted under the classification of any other area or any national ambient air quality standard; and

(d) Any permit application for any major stationary source or major modification, subject to review under section (1) of this rule, which could receive a permit under this section only if the area in question were redesignated as Class III, and any material submitted as part of that application, were available insofar as was practicable for public inspection prior to any public hearing on redesignation of the area as Class III.

(4) Lands within the exterior boundaries of Indian Reservations may be redesignated only by the appropriate Indian Governing Body. The appropriate Indian Governing

Body may submit to the EPA Administrator a proposal to redesignate areas Class I, Class II, or Class III: Provided, that

(a) The Indian Governing Body has followed procedures equivalent to those required of the Department under section (2) and subsections (3)(c) and (d) of this rule; and

(b) Such redesignation is proposed after consultation with the state(s) in which the Indian Reservation is located and which border the Indian Reservation.

(5) The EPA Administrator shall disapprove, within 90 days of submission, a proposed redesignation of any area only if he finds, after notice and opportunity for public hearing, that such redesignation does not meet the procedural requirements of this paragraph or is inconsistent with rule 340-31-120. If any such disapproval occurs, the classification of the area shall be that which was in effect prior to the redesignation which was disapproved.

(6) If the EPA Administrator disapproves any proposed redesignation, the Department or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the EPA Administrator.

Stat. Auth.: ORS Ch. 468

Hist.: DEQ 18-1979, f. & ef. 6-22-79

Stack Heights

340-31-135 (1) The degree of emission limitation required for control of any air pollutant under this rule shall not be affected in any manner by:

(a) So much of the stack height of any source as exceeds good engineering practice (see rule 340-31-195), or

(b) Any other dispersion technique.

(2) Paragraph (h)(1) of this section shall not apply with respect to stack heights in existence before December 31, 1970, or to dispersion techniques implemented before then.

Stat. Auth.: ORS Ch. 468

Hist.: DEQ 18-1979, f. & ef. 6-22-79

Review of Major Stationary Sources and Major Modifications-Source Applicability and General Exemptions

340-31-140 (1) No major stationary source or major modification shall be constructed unless the requirements of rules 340-31-145 through 340-31-185, as applicable, have been met. The requirements of rules 340-31-145 through 340-31-185 shall apply to a proposed source or modification only with respect to those pollutants for which it would be a major stationary source or major modification.

(2) The requirements of rules 340-31-145 through 340-31-185 shall not apply to a major stationary source or major modification that was subject to the review requirements of 40 CFR 52.21(d)(1) for the prevention of significant deterioration as in effect before March 1, 1978, if the owner or operator:

(a) Obtained under 40 CFR 52.21 a final approval effective before March 1, 1978;

(b) Commenced construction before March 19, 1979; and

(c) Did not discontinue construction for a period of 18 months or more and completed construction within a reasonable time.

(3) The requirements of rules 340-31-145 through 340-31-185 shall not apply to a major stationary source or major modification that was not subject to 40 CFR 52.21 as in effect before March 1, 1978, if the owner or operator:

(a) Obtained all final Federal, State and local preconstruction permits necessary under the State Implementation Plan before March 1, 1978;

(b) Commenced construction before March 19, 1979; and

(c) Did not discontinue construction for a period of 18 months or more and completed construction within a reasonable time.

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(4) The requirements of rules 340-31-145 through 340-31-185 shall not apply to a major stationary source or major modification that was subject to 40 CFR 52.21 as in effect before March 1, 1978, if review of an application for approval for the source of modification under 40 CFR 52.21 would have been completed by March 1, 1978, but for an extension of the public comment period pursuant to a request for such an extension. In such a case, the application shall continue to be processed, and granted or denied, under 40 CFR 52.21 as in effect prior to March 1, 1978.

(5) The requirements of rules 340-31-145, 340-31-155, 340-31-165, and 340-31-175 shall not apply to a major stationary source or major modification with respect to a particular pollutant if the owner or operator demonstrates that:

(a) As to that pollutant, the source or modification is subject to the federal emission offset ruling (41 FR 55524), as it may be amended, or to regulations approved or promulgated pursuant to Section 173 of the Act; and

(b) The source or modification would impact no area attaining the national ambient air quality standards (either internal or external to areas designated as nonattainment under Section 107 of the Act).

(6) The requirements of rules 340-31-145 through 340-31-185 shall not apply, upon written request to EPA by the Governor to a nonprofit health or education institution to be located in Oregon.

(7) A portable facility which has previously received construction approval under the requirements of this section as applicable may relocate without again being subject to those requirements if:

(a) Emissions from the facility would not exceed allowable emissions;

(b) Emissions from the facility would impact no Class I area and no area where an applicable increment is known to be violated; and

(c) Notice is given to the Department at least 30 days prior to such relocation identifying the proposed new location and the probable duration of operation at such location.

Stat. Auth.: ORS Ch. 468
Hist: DEQ 18-1979, f. & ef. 6-22-79

Control Technology Review

340-31-145 (1) A major stationary source or major modification shall meet all applicable emissions limitations under the State Implementation Plan and all applicable emission standards and standards of performance under 40 CFR Part 60 and Part 61.

(2) A major stationary source or major modification shall apply best available control technology for each applicable pollutant, unless the increase in allowable emissions of that pollutant from the source or modification would be less than 50 tons per year, 1,000 pounds per day, or 100 pounds per hour, whichever is most restrictive.

(a) The preceding hourly and daily rates shall apply only with respect to a pollutant for which an increment, or state or national ambient air quality standard, for a period less than 24 hours or for a 24-hour period, as appropriate, has been established.

(b) In determining whether and to what extent a modification would increase allowable emissions, there shall be taken into account no emission reductions achieved elsewhere at the source at which the modification would occur.

(3) In the case of a modification, the requirement for best available control technology shall apply only to each new or modified facility which would increase the allowable emissions of an applicable pollutant.

(4) Where a facility within a source would be modified but not reconstructed, the requirements for best available control

technology notwithstanding section (2) of this rule, shall not apply to such facility if no net increase in emissions of an applicable pollutant would occur at the source, taking into account all emission increases and decreases at the source which would accompany the modification, and no adverse air quality impact would occur.

(5) For phased construction projects the determination of best available control technology shall be reviewed, and modified as appropriate, at the latest reasonable time prior to commencement of construction of each independent phase of the proposed source or modification.

(6) In the case of a major stationary source or major modification which the owner or operator proposes to construct in a Class III area, emissions from which would cause or contribute to air quality exceeding the maximum allowable increase that would be applicable if the area were a Class II area and where no standard under 40 CFR Part 60 has been promulgated for the source category, the Department shall determine the best available control technology.

Stat. Auth.: ORS Ch. 468
Hist: DEQ 18-1979, f. & ef. 6-22-79

Exemptions from Impact Analyses

340-31-150 (1) The requirements of rules 340-31-155, 340-31-165, and 340-31-175 shall not apply to a major stationary source or major modification with respect to a particular pollutant, if:

(a) The increase in allowable emissions of that pollutant from the source or modification would impact no Class I area and no area where an applicable increment is known to be violated; and

(b) The increase in allowable emissions of that pollutant from the source or modification would be less than 50 tons per year, 1,000 pounds per day, or 100 pounds per hour, whichever is more restrictive; or

(c) The emissions of the pollutant are of a temporary nature including but not limited to those from a pilot plant, a portable facility, construction, or exploration; or

(d) A source is modified, but no increase in the net amount emissions for any pollutant subject to a national ambient air quality standard and no adverse air quality impact would occur.

(2) The hourly and daily rates set in subsection (1)(b) of this rule shall apply only with respect to a pollutant for which an increment, or state or national ambient air quality standard, for a period of less than 24 hours or for a 24-hour period, as appropriate, has been established.

(3) In determining for the purpose of subsection (1)(b) of this rule whether and to what extent the modification would increase allowable emissions, there shall be taken into account no emission reduction achieved elsewhere at the source at which the modification would occur.

(4) In determining for the purpose of subsection (1)(d) of this rule whether and to what extent there would be an increase in the net amount of emissions for any pollutant subject to a state or national ambient air quality standard from the source which is modified, there shall be taken into account all emission increases and decreases occurring at the source since August 7, 1977.

(5) The requirements of rules 340-31-155, 340-31-165, and 340-31-175 shall not apply to a major stationary source or to a major modification with respect to emissions from it which the owner or operator has shown to be fugitive dust.

Stat. Auth.: ORS Ch. 468
Hist: DEQ 18-1979, f. & ef. 6-22-79

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Air Quality Review

340-31-155 The owner or operator of the proposed source or modification shall demonstrate that allowable emission increases from the proposed source or modification, in conjunction with all other applicable emissions increases or reductions, would not cause or contribute to air pollution in violation of:

(1) Any state or national ambient air quality standard in any air quality control region; or

(2) Any applicable maximum allowable increase over the baseline concentration in any area.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 18-1979, f. & ef. 6-22-79

Air Quality Models

340-31-160 (1) All estimates of ambient concentrations required under paragraph (1) shall be based on the applicable air quality models, data bases, and other requirements specified in the "Guideline on Air Quality Models" (OAQPS 1.2-080, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711, April 1978).

(2) Where an air quality impact model specified in the "Guideline on Air Quality Models" is inappropriate, the model may be modified or another model substituted. Such a change must be subject to notice and opportunity for public comment under rule 340-31-185. Written approval of the EPA Administrator must be obtained for any modification or substitution. Methods like those outlined in the "Workbook for the Comparison of Air Quality Models" (U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711, May 1978) should be used to determine the comparability of air quality models.

(3) The documents referenced in this paragraph are available for public inspection at the Department of Environmental Quality's Air Quality Control Division headquarters office.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 18-1979, f. & ef. 6-22-79

Monitoring

340-31-165 (1) The owner or operator of a proposed source or modification shall, after construction of the source or modification, conduct such ambient air quality monitoring as the Department determines may be necessary to establish the effect which emissions from the source or modification of a pollutant for which a state or national ambient air quality standard exists (other than non-methane hydrocarbons) may have, or is having, on air quality in any area which such emissions would affect.

(2) As necessary to determine whether emissions from the proposed source or modification would cause or contribute to a violation of a state or national ambient air quality standard, any permit application submitted after August 7, 1978, shall include an analysis of continuous air quality monitoring data for any pollutant emitted by the source or modification for which a state or national ambient air quality standard exists, except non-methane hydrocarbons. Such data shall relate to, and shall have been gathered over, the year preceding receipt of the complete application, unless the owner or operator demonstrates to the Department's satisfaction that such data gathered over a portion or portions of that year or another representative year would be adequate to determine that the source or modification would not cause or contribute to a violation of a state or national ambient air quality standard.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 18-1979, f. & ef. 6-22-79

Source Information

340-31-170 The owner or operator of a proposed source or modification shall submit all information necessary to perform any analysis or make any determination required under this rule:

(1) With respect to a source or modification to which rules 340-31-145, 340-31-155, 340-31-165, and 340-31-175 apply, such information shall include:

(a) A description of the nature, location, design capacity, and typical operating schedule of the source or modification, including specifications and drawings showing its design and plant layout;

(b) A detailed schedule for construction of the source or modification;

(c) A detailed description as to what system of continuous emission reduction is planned for the source or modification, emission estimates, and any other information necessary to determine that best available control technology would be applied.

(2) Upon request of the Department, the owner or operator shall also provide information on:

(a) The air quality impact of the source or modification, including meteorological and topographical data necessary to estimate such impact; and

(b) The air quality impacts, and the nature and extent of any or all general commercial, residential, industrial, and other growth which has occurred since August 7, 1977, in the area the source or modification would affect.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 18-1979, f. & ef. 6-22-79

Additional Impact Analyses

340-31-175 (1) The owner or operator shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the source or modification and general commercial, residential, industrial and other growth associated with the source or modification. The owner or operator need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.

(2) The owner or operator shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial and other growth associated with the source or modification.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 18-1979, f. & ef. 6-22-79

Sources Impacting Federal Class I Areas — Additional Requirements:

340-31-180 (1) Notice to EPA. The Department shall transmit to the EPA Administrator a copy of each permit application relating to a major stationary source or major modification and provide notice to the Administrator of every action related to the consideration of such permit.

(2) Federal Land Manager. The Federal Land Manager and the Federal official charged with direct responsibility for management of Class I lands have an affirmative responsibility to protect the air quality-related values (including visibility) of such lands and to consider, in consultation with the EPA Administrator, whether a proposed source or modification will have an adverse impact on such values.

(3) Denial — impact on air quality-related values. The Federal Land Manager of any Class I lands may present a demonstration to the Department that the emissions from a proposed source or modification would have an adverse impact on the air quality-related values (including visibility) of those lands, notwithstanding that the change in air quality resulting

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from emissions from such source or modification would not cause or contribute to concentrations which would exceed the maximum allowable increases for a Class I area. If the Department concurs with such demonstration, then it shall not issue the permit.

(4) Class I variances. The owner or operator of a proposed source or modification may demonstrate to the Federal Land Manager that the emissions from such source or modification would have no adverse impact on the air quality-related values of the Class I lands (including visibility), notwithstanding that the change in air quality resulting from emissions from such source or modification would cause or contribute to concentrations which would exceed the maximum allowable increases for a Class I area. If the Federal Land Manager concurs with such demonstration and he so certifies, the Department may, provided that the applicable requirements of this section are otherwise met, issue the permit with such emission limitations as may be necessary to assure that emissions of sulfur dioxide and particulate matter would not exceed the following maximum allowable increases over baseline concentration for such pollutants. (See Table 2)

(5) Sulfur dioxide variance by Governor with Federal Land Manager's concurrence. The owner or operator of a proposed source or modification which cannot be approved under section (4) of this rule may demonstrate to the Governor that the source or modification cannot be constructed by reason of any maximum allowable increase for sulfur dioxide for a period of twenty-four hours or less applicable to any Class I area and, in the case of Federal mandatory Class I areas, that a variance under this clause would not adversely affect the air quality related values of the area (including visibility). The Governor, after consideration of the Federal Land Manager's recommendation (if any) and subject to his concurrence, may, after notice and public hearing, grant a variance from such maximum allowable increase. If such variance is granted, the Department may issue a permit to such source or modification pursuant to the requirements of section (7) of this rule; provided, that the applicable requirements of this section are otherwise met.

(6) Variance by the Governor with the President's concurrence. In any case where the Governor recommends a variance in which the Federal Land Manager does not concur, the recommendations of the Governor and the Federal Land Manager shall be transmitted to the President. The President may approve the Governor's recommendation if he finds that the variance is in the national interest. If the variance is approved, the Department may issue a permit pursuant to the requirements of section (7) of this rule; provided, that the applicable requirements of this section are otherwise met.

(7) Emission limitations for Presidential or gubernatorial variance. In the case of a permit issued pursuant to sections (5) or (6) of this rule the source or modification shall comply with such emission limitations as may be necessary to assure that emissions of sulfur dioxide from the source or modification would not (during any day on which the otherwise applicable maximum allowable increases are exceeded) cause or contribute to concentrations which would exceed the following maximum allowable increases over the baseline concentration and to assure that such emissions would not cause or contribute to concentrations which exceed the otherwise applicable maximum allowable increases for periods of exposure of 24 hours or less for more than 18 days, not necessarily consecutive, during any annual period. (See Table 3)

Stat. Auth.: ORS Ch. 468

Hist: DEQ 18-1979, f. & cf. 6-22-79

Public Participation

340-31-185 (1) Within 30 days after receipt of an application to construct, or any addition to such application, the Department shall advise the applicant of any deficiency in the application or in the information submitted. In the event of such a deficiency, the date of receipt of the application shall be, for the purpose of this section, the date on which the Department received all required information.

(2) Within one (1) year after receipt of a complete application, the Department shall make a final determination on the application. This involves performing the following actions in a timely manner.

(a) Make a preliminary determination whether construction should be approved, approved with conditions, or disapproved.

(b) Make available in at least one location in each region in which the proposed source or modification would be constructed a copy of all materials the applicant submitted, a copy of the preliminary determination and a copy or summary of other materials, if any, considered in making the preliminary determination.

(c) Notify the public, by advertisement in a newspaper of general circulation in each region in which the proposed source or modification would be constructed, of the application, the preliminary determination, the degree of increment consumption that is expected from the source or modification, and the opportunity for comment at a public hearing as well as written public comment.

(d) Send a copy of the notice of public comment to the applicant and to officials and agencies having cognizance over the location where the proposed construction would occur as follows: local air pollution control agencies, the chief executives of the city and county where the source or modification would be located, any comprehensive regional land use planning agency and any State, Federal Land Manager, or Indian Governing Body whose lands may be affected by emissions from the source or modification.

(e) Provide opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality impact of the source or modification, alternatives to the source or modification, the control technology required, and other appropriate considerations.

(f) Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing(s) in making a final decision on the approvability of the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Department shall consider the applicant's response in making a final decision. The Department shall make all comments available for public inspection in the same locations where the Department made available preconstruction information relating to the proposed source or modification.

(g) Make a final determination whether construction should be approved, approved with conditions, or disapproved pursuant to this section.

(h) Notify the applicant in writing of the final determination and make such notification available for public inspection at the same location where the Department made available preconstruction information and public comments relating to the source or modification.

(3) The requirements of this rule shall not apply to any major stationary source or major modification which rule 340-31-150 would exempt from the requirements of rules 340-31-155, 340-31-165, and 340-31-175, but only to the extent that, with respect to each of the criteria for construction approval under the State Implementation Plan and for exemption under rule 340-31-150, requirements providing the public

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with at least as much participation in each material determination as those of this rule have been met in the granting of such construction approval.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 18-1979, f. & ef. 6-22-79

Source Obligation

340-31-190 (1) Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted pursuant to this section or with the terms of any approval to construct, or any owner or operator of a source or modification subject to this section who commences construction after the effective date of these regulations without applying for and receiving approval hereunder, shall be subject to appropriate enforcement action.

(2) Approval to construct shall become invalid if construction is not commenced within 18 months after receipt of such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed with a reasonable time. The Department may extend the 18-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date.

(3) Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the State Implementation Plan and any other requirements under local, state or federal law.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 18-1979, f. & ef. 6-22-79

Stack Heights — Modeling Limits

340-31-195 (1)(a) The degree of emission limitation required for any air pollutant or air contaminant shall not be

affected in any manner by:

(A) The use of a stack height that exceeds good engineering practice, or

(B) The use of any other dispersion technique.

(b) The preceding sentence shall not apply with respect to stack heights in existence before December 31, 1970, or dispersion techniques implemented before that date.

(2) The Department shall give public notice about stack heights that exceed good engineering practice prior to issuing an air contaminant discharge permit.

(3) Definitions. As used in OAR 340-31-110 to 340-31-112, unless otherwise required by context:

(a) "Dispersion technique" means any control of air pollutants varying with atmospheric conditions including but not limited to supplementary or intermittent control systems and excessive use of enhanced plume rise.

(b) "Good engineering practice stack height" means that stack height necessary to ensure that emissions from the stack do not result in excessive concentrations of any air pollutant in the immediate vicinity of the source as a result of atmospheric downwash, eddies, and wakes which may be created by the source itself, nearby structures or nearby terrain obstacles and shall not exceed any of the following as appropriate:

(A) 30 meters, for stacks influenced by structures or terrain;

(B) $H_C = H + 1.5 L$

where H_C = good engineering practice stack height;

H = height of structure or nearby structure;

L = lesser dimension (height or width) of the structure or nearby structure; for stacks influenced by structures;

(C) Such height as an owner or operator of a source demonstrates is necessary through the use of field studies or fluid models after notice and opportunity for public hearing.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 14-1979, f. & ef. 6-22-79

TABLE 1
(340-31-110)

MAXIMUM ALLOWABLE INCREASE

Micrograms per cubic meter

CLASS I

POLLUTANT

Particulate matter:

Annual geometric mean----- 5

24-hour maximum-----10

Sulfur dioxide:

Annual arithmetic mean----- 2

24-hour maximum----- 5

3-hour maximum-----25

CLASS II

Particulate matter:

Annual geometric mean-----19

24-hour maximum-----37

Sulfur dioxide:

Annual arithmetic mean-----20

24-hour maximum-----91

3-hour maximum-----512

CLASS III

Particulate matter:

Annual geometric mean-----37

24-hour maximum-----75

Sulfur dioxide:

Annual arithmetic mean-----40

24-hour maximum-----182

3-hour maximum-----700

TABLE 2
 (340-31-180)

MAXIMUM ALLOWABLE INCREASE

Micrograms per cubic meter

CLASS I VARIANCES

Particulate matter:	
Annual geometric mean-----	19
24-hour maximum-----	37
Sulfur dioxide:	
Annual arithmetic mean-----	20
24-hour maximum-----	91
3-hour maximum-----	325

TABLE 3
 (340-31-180)

MAXIMUM ALLOWABLE INCREASE

Micrograms per cubic meter

PRESIDENTIAL OR GUBERNATORIAL VARIANCE

	<u>Terrain areas</u>	
	<u>Low</u>	<u>High</u>
24-hour maximum-----	36	62
3-hour maximum-----	130	221



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

Prepared: December 31, 1980
Hearing Date: February 18, 1981

NOTICE OF PUBLIC HEARING

A CHANCE TO BE HEARD ABOUT:

Revision of New Source Review and
Plant Site Emission Limit Rules

The Department of Environmental Quality is considering revisions to the rules regulating the construction of new sources and the modification of sources of air pollution. These revisions are necessary to bring the Oregon State Implementation Plan into accord with the Clean Air Act Amendments of 1977. Revisions are also being proposed for the Plant Site Emission Limit rule. A hearing on this matter will be held in Portland after which the Commission will consider the revisions at the March 13, 1981, meeting.

WHAT IS THE DEQ PROPOSING?

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

- ** The New Source Review and Prevention of Significant Deterioration requirements are combined into one rule.
- ** Requirements for new source offsets, Prevention of Significant Deterioration analysis, and banking of emission reductions are established.
- ** The Plant Site Emission Limit Rule is revised to provide more specific procedures for establishing emission limits.

WHO IS AFFECTED BY THIS PROPOSAL:

Major new sources and major modifications of sources of air pollution and existing sources of air pollution.

HOW TO PROVIDE YOUR INFORMATION:

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

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

<u>City</u>	<u>Time</u>	<u>Date</u>	<u>Location</u>
Portland	9:00 a.m.	Feb. 18, 1981	DEQ Offices 522 SW Fifth Room 1400, Yeon Bldg.

WHERE TO OBTAIN ADDITIONAL INFORMATION:

Copies of the proposed rules may be obtained from:

Lloyd Kostow
DEQ Air Quality Division
Box 1760
Portland, Oregon 97207
229-5186

LEGAL REFERENCES FOR THIS PROPOSAL:

This proposal amends OAR 340-20-190 to 198, OAR 340-30-110, OAR 340-32-005 to 025 and OAR 340-31-105 and 195. It is proposed under authority of ORS 468.020 and 468.295.

LAND USE PLANNING CONSISTENCY:

The Department has concluded that the proposals do affect land use.

With regard to Goal 6 (air, water and land resources quality) the rules are designed to enhance and preserve air quality in the affected area and are considered consistent with the goal.

Goal 11 (public facilities and services) is deemed unaffected by the proposals.

Public comment on any land use issue involved is welcome and may be submitted in the same fashions as are indicated for testimony in this NOTICE OF PUBLIC HEARING.

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

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

FURTHER PROCEEDINGS:

After public hearing the Commission may adopt rule amendments identical to the proposed amendments, adopt modified rule amendments on the same subject matter, or decline to act. The adopted regulations will be submitted to the Environmental Protection Agency as part of the State Clean Air Act Implementation Plan.

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

AQ0042(f) (2)

STATEMENT OF NEED FOR RULEMAKING

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

Legal Authority

ORS 468.020 and 468.295

Need for the Rule

These revisions to the New Source Review and Plant Site Emission Limit Rules are required to correct deficiencies identified by EPA and to bring the rules into compliance with Clean Air Act Requirements.

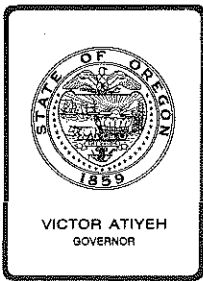
Principle Documents Relied Upon

1. Federal Clean Air Act P.L. 95-95, Amendments of August 7, 1977, Part C Sections 160 through 169 Part D Sections 171 through 173.
2. Proposed Rulemaking on Approval of Oregon State Implementation Plan, 40 CFR 52, published on January 21, 1980.
3. Prevention of Air Quality Deterioration, 40 CFR 51.24 published on June 19, 1978, and revised on August 7, 1980.
4. Alabama Power Company, et al, Petitioners vs. Environmental Protection Agency, et al, Respondents, Sierra Club, et al, Intervenors; (No., 78-1006) U.S. Court of Appeals for the District of Columbia, Decided December 14, 1979.
5. Emission Offset Interpretative Ruling, 49 CFR Appendix S, published on January 16, 1979.

Fiscal Impact Statement

The fiscal impact of these revisions on major sources of air pollution is expected to be minimal. Some additional resource impacts may be expected on DEQ to administer the offset/banking provisions and to assume the Prevention of Significant Deterioration program from EPA.

AQ0042.A(f) (2)



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. F-2, January 30, 1981, EQC Meeting

Request for Authorization to Hold a Public Hearing on
Amendments to the State Implementation Plan Regarding Rules
for Plant Site Emission Limits

Background

On June 8, 1979, the Commission adopted OAR 340-20-196 to 197 "Emission Limits on a Plant Site Basis" (Attachment 1). This rule was intended to legally and accurately regulate air shed carrying capacity and to provide a means for insuring progress toward attainment of standards. In attainment areas these rules provide a method of allocating Prevention of Significant Deterioration increment.

On April 10, 1980, Medford Corporation filed a petition with the Commission questioning the applicability of Emission Limits on a Plant Site Basis to air conveying systems and veneer dryers. The Commission heard this petition at the May 16, 1980, meeting and subsequently referred the matter to the Department for further consideration.

The Department has evaluated Medford Corporation's petition and has concluded that a revision to the Plant Site Emission Limit Rule is necessary to more fully define the basis upon which Plant Site Emission Limits are to be established.

Discussion

The Federal Clean Air Act requires states to develop and adopt strategies for attainment of Air Quality Standards in nonattainment areas. The Act also requires states to demonstrate reasonable further progress (RFP) toward attainment of standards and to track consumption of and not exceed, Prevention of Significant Deterioration (PSD) increments in all attainment areas of the state.

In order to track progress toward attainment of standards and consumption of PSD increments, accurate baseline emission data must be established and increases and decreases from the baseline must be tracked.

Ambient air quality is primarily a product of meteorological conditions and emissions into an airshed. Total airshed loading is a summation of all of the individual source emissions at any given time.

PSELS are needed to establish an accurate and agreed baseline emission rate from individual sources and to accurately track increases or decreases from that baseline.

The draft Plant Site Emission Limit Rule (Attachment 2) establishes criteria for calculating Plant Site Emission Limits as follows:

New Sources or Modifications - Plant Site Emission limits will be based on the appropriate control technology requirement of the New Source Review Rules or the Air Contaminant Discharge Permit Rules (BACT, LAER, or HBPT).

Existing Sources in Nonattainment Areas - Plant Site Emission Limits will be based on the mass emission rate allowed by a specific source category mass emission limit in the State Implementation Plan and the actual operating level of the plant. If no specific mass emission limit exists in the State Implementation Plan, the Plant Site Emission limit would be based on actual emissions during 1977 or 1978 whichever is more typical of plant operation. Within practical limitations, the Department will endeavor to establish specific mass emission limits for all significant source categories where they do not now exist.

Existing Sources in Attainment or Unclassifiable Areas - The Plant Site Emission limits are proposed to be based on actual emission levels during 1978 as required by the Prevention of Significant Deterioration baseline. Increases or decreases from the baseline could be allowed pursuant to applicable rules.

Recommendation

I recommend that a public hearing be authorized to consider replacing the existing rules, OAR 340-20-196 to 197 "Emission Limits on a Plant Site Basis" with the proposed rules.



William H. Young

- Attachments
- 1) OAR 340-20-196 to 197
"Emission Limits on a Plant Site Basis"
 - 2) Draft Plant Site Emission Limit Rules
 - 3) Notice of Public Hearing and Statement of
Need for Rulemaking

Lloyd Kostow:fn
229-5186
January 14, 1981
AF759 (2)

340-20-196

Emission Limitations on a Plant Site Basis

The purpose of OAR 340-20-196 to 340-20-197 is to insure that emissions from sources located anywhere in the state are limited to levels consistent with State Implementation Plan data bases, control strategies, overall airshed carrying capacity, and programs to prevent significant deterioration.

DEFINITIONS

As used in OAR 340-20-196 to 340-20-197, unless otherwise required by context:

- 1) "Facility" means an identifiable piece of process equipment. A source may be comprised of one or more pollutant-emitting facilities.
- 2) "Source" means any structure, building, facility, equipment, installation or operation, or combination thereof, which is located on one or more contiguous or adjacent properties and which is owned or operated by the same person, or by persons under common control.

340-20-197

For the purposes set forth in OAR 340-20-196, the Department may limit by permit condition the amount of air contaminants emitted from a source. This emission limitation shall take the form of limiting emissions on a

mass per unit time basis including an annual kilograms per year limit and
may also include a monthly and daily limit.

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16-Div 20

DRAFT PLANT SITE EMISSION LIMIT RULES340-20-186 Requirement for Plant Site Emission Limits

Plant site emission limits (PSEL) shall be incorporated in all Air Contaminant Discharge Permits except minimal source permits and special letter permits as a means of allocating and managing airshed capacity. All sources subject to regular permit requirements shall be subject to PSELS for at least all Federal criteria pollutants. PSELS will be incorporated in permits when permits are renewed, modified, or newly issued.

The emissions limits established by PSELS shall provide the basis for:

1. Assuring that reasonable further progress is being achieved toward attaining compliance with ambient air standards.
2. Assuring that compliance with ambient air standards and Prevention of Significant Deterioration increments are being maintained.
3. Administering offset, banking and bubble programs.
4. Establishing the baseline for tracking consumption of Prevention of Significant Deterioration Increments.

340-20-187 Definitions

1. "Actual Emissions" means the rate of emissions of a pollutant which is representative of actual operation of a source. Actual emissions shall be calculated using emission factors and the source's actual control equipment, operating hours, production rates, and types of materials processed, stored or combusted. The Department may require specific source tests to determine appropriate emission factors.
2. "Baseline Emissions for Nonattainment Areas" means the mass emission rate allowed by specific source category mass emission limits in the State Implementation Plan and based on actual operating levels for the calendar year 1978 or if the calendar year 1978 was not typical of plant operation, the calendar year 1977 may be used. For sources where the State Implementation Plan does not specify a specific mass emission limit, the allowed emission rate shall be based on the actual mass emissions for the baseline year. For areas designated nonattainment in the future, baseline emissions shall mean the same as for existing nonattainment areas except that the baseline year shall be the year in which the area is designated nonattainment.
3. "Baseline Emissions for Attainment or Unclassified Areas" means actual emissions during the calendar year 1978 for a source located in an attainment or unclassified area.

Sources for which 1978 was not typical of plant operation may be allocated part of a Prevention of Significant Deterioration (PSD) increment to allow for typical operation.

4. "Plant Site Emission Limit (PSEL)" means the total allowed emissions of an individual air pollutant specified in a permit for a contiguous plant site which is under one ownership.

340-20-188 Criteria for Establishing Plant Site Emission Limits

1. PSELS shall be based on the sum of actual emissions for a particular pollutant at a plant site. PSELS shall be established on at least an annual emission basis and a short term period emission basis that is comparable with air quality standards. PSELS shall be derived from the best emission factors, source tests, and other information available.
2. PSELS may be established separately within a particular source for process emissions, combustion emissions, and fugitive emissions.
3. Documentation of PSEL calculations shall be available to the permittee.
4. For new sources PSELS shall be based on application of applicable control equipment requirements and projected operating conditions.

5. PSELS shall not allow emissions in excess of those allowed by any applicable Federal or State regulation or by any specific permit condition.
6. For existing sources PSELS shall be based on baseline emissions for the nonattainment, attainment, or unclassified area whichever is applicable.
7. PSEL may be changed when:
 - a. Errors are found or better data is available for calculating PSELS,
 - b. More stringent control is required by a rule adopted by the Environmental Quality Commission,
 - c. An application is made for a permit modification pursuant to the New Source Review requirements and approval can be granted based on a growth margin, offsets, or an available Prevention of Significant Deterioration increment.

1/12/81

-4-

AQ344



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

Prepared: December 31, 1980

Hearing Date: February 18, 1981

NOTICE OF PUBLIC HEARING

A CHANCE TO BE HEARD ABOUT:

Revision of New Source Review and Plant Site Emission Limit Rules

The Department of Environmental Quality is considering revisions to the rules regulating the construction of new sources and the modification of sources of air pollution. These revisions are necessary to bring the Oregon State Implementation Plan into accord with the Clean Air Act Amendments of 1977. Revisions are also being proposed for the Plant Site Emission Limit rule. A hearing on this matter will be held in Portland after which the Commission will consider the revisions at the March 13, 1981, meeting.

WHAT IS THE DEQ PROPOSING?

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

- ** The New Source Review and Prevention of Significant Deterioration requirements are combined into one rule.
- ** Requirements for new source offsets, Prevention of Significant Deterioration analysis, and banking of emission reductions are established.
- ** The Plant Site Emission Limit Rule is revised to provide more specific procedures for establishing emission limits.

WHO IS AFFECTED BY THIS PROPOSAL:

Major new sources and major modifications of sources of air pollution and existing sources of air pollution.

HOW TO PROVIDE YOUR INFORMATION:

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

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

<u>City</u>	<u>Time</u>	<u>Date</u>	<u>Location</u>
Portland	9:00 a.m.	Feb. 18, 1981	DEQ Offices 522 SW Fifth Room 1400, Yeon Bldg.

WHERE TO OBTAIN ADDITIONAL INFORMATION:

Copies of the proposed rules may be obtained from:

Lloyd Kostow
DEQ Air Quality Division
Box 1760
Portland, Oregon 97207
229-5186

LEGAL REFERENCES FOR THIS PROPOSAL:

This proposal amends OAR 340-20-190 to 198, OAR 340-30-110, OAR 340-32-005 to 025 and OAR 340-31-105 and 195. It is proposed under authority of ORS 468.020 and 468.295.

LAND USE PLANNING CONSISTENCY:

The Department has concluded that the proposals do affect land use.

With regard to Goal 6 (air, water and land resources quality) the rules are designed to enhance and preserve air quality in the affected area and are considered consistent with the goal.

Goal 11 (public facilities and services) is deemed unaffected by the proposals.

Public comment on any land use issue involved is welcome and may be submitted in the same fashions as are indicated for testimony in this NOTICE OF PUBLIC HEARING.

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

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

FURTHER PROCEEDINGS:

After public hearing the Commission may adopt rule amendments identical to the proposed amendments, adopt modified rule amendments on the same subject matter, or decline to act. The adopted regulations will be submitted to the Environmental Protection Agency as part of the State Clean Air Act Implementation Plan.

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

AQ0042(f) (2)

STATEMENT OF NEED FOR RULEMAKING

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

Legal Authority

ORS 468.020 and 468.295

Need for the Rule

These revisions to the New Source Review and Plant Site Emission Limit Rules are required to correct deficiencies identified by EPA and to bring the rules into compliance with Clean Air Act Requirements.

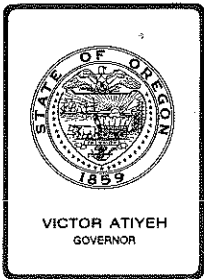
Principle Documents Relied Upon

1. Federal Clean Air Act P.L. 95-95, Amendments of August 7, 1977, Part C Sections 150 through 169 Part D Sections 171 through 173.
2. Proposed Rulemaking on Approval of Oregon State Implementation Plan, 40 CFR 52, published on January 21, 1980.
3. Prevention of Air Quality Deterioration, 40 CFR 51.24 published on June 19, 1978, and revised on August 7, 1980.
4. Alabama Power Company, et al, Petitioners vs. Environmental Protection Agency, et al, Respondents, Sierra Club, et al, Intervenors; (No., 78-1006) U.S. Court of Appeals for the District of Columbia, Decided December 14, 1979.
5. Emission Offset Interpretative Ruling, 49 CFR Appendix S, published on January 16, 1979.

Fiscal Impact Statement

The fiscal impact of these revisions on major sources of air pollution is expected to be minimal. Some additional resource impacts may be expected on DEQ to administer the offset/banking provisions and to assume the Prevention of Significant Deterioration program from EPA.

AQ0042.A(f) (2)



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. G, January 30, 1981, EQC Meeting

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

- a. Define an area in and around Portland for permanently prohibiting domestic (backyard) burning,
- b. Establish a schedule pursuant to ORS 468.450 for regulation of open burning, including agricultural open burning, outside of the Willamette Valley and
- c. Add "yard debris" to the types of materials which can be burned with a letter permit in Clackamas, Columbia, Multnomah, and Washington Counties and emergency burning by local governments and hardship burning by individuals.
- d. Establish a fee schedule for letter permits.
- e. Make extensive structural and language changes to make rules easier to understand and use.

Background

On June 29, 1979, the Commission requested the Department to redraft the Open Burning Rules so they would be easier to interpret and understand. This mandate was reaffirmed by the Commission on October 17, 1980, December 19 and 31, 1980.

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

confusing set of rules which prohibit some classes of burning and allow other types of burning differently in various locations in the state.

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

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

Briefly summarized, the more important of these changes are:

1. Defining an area around Portland where domestic open burning is to be prohibited. This area needs to be much smaller than the four county area currently in the open burning rules, to reflect more closely the actual problem area.
2. Provide rules to implement a degree of management control over open burning, including agricultural open burning, in areas outside the Willamette Valley. The Department has received increasing comments (complaints) about agricultural open burning in places like Medford, Madras and Umatilla. State Law requires that even the most modest control in these areas be done on the basis of a "schedule" pursuant to ORS 468.450.
3. Provide a means whereby individuals living on large or inaccessible lots in an area where domestic open burning is prohibited, may obtain authorization to burn yard debris. To accomplish this it is proposed to add appropriate language to the section on letter permits. A fee schedule is proposed in connection with all types of letter permits to partially cover administrative costs. In addition it is proposed that letter permits be made available to local governments who collect yard debris in their area but find it impossible to dispose of the material by other appropriate methods.
4. A more minor point is that prohibition of Demolition and Construction open burning on most of the coast is, to a degree, "over control" because of a) the predominant good ventilation on the coast, b) the relatively small and disperse population centers and c) lack of land fill space in much of the coastal area. It is proposed to delete the provision prohibiting Construction and Demolition open burning in coastal areas with the exceptions of Astoria and Coos Bay.

Analysis of the Proposed Rules Contained in Attachment D.

1. Organization of Rules

It is proposed to completely reorganize the open burning rules. The general structure of the rules has been maintained but the rules have been more clearly organized. A new rule, OAR 340-23-022, has been added at the beginning of Division 23 to point out the important parts of the rules to a person seeking to know whether or not a particular

type of material can be burned in a particular location. This rule is titled "How To Use These Rules."

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

The complete list of rules is:

<u>OAR</u>	<u>Rule</u>	<u>Attachment D Page</u>
340-23-022	How To Use These Open Burning Rules	1
340-23-025	Policy	4
340-23-030	Definitions	4
340-23-035	Exemptions - Statewide	14
340-23-040	General Requirements Statewide	15
340-23-042	General Prohibitions Statewide	20
340-23-043	Open Burning Schedule (Criteria for declaring a prohibition)	22
340-23-045	County Listing of Specific Open Burning Rules	24
340-23-050 through 340-23-064	Specific Open Burning Rules For Each County (see proposed rule pages 24 and 25 for specifics)	29 through 49
340-23-070	Letter Permits	49
340-23-072	Forced Air Pit Incineration	54
340-23-075	Records and Reports	55
340-23-080	Open Burning Control Areas	55

2. Area for Prohibition of Domestic Burning

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

The boundary proposed for a permanent open burning ban is the staff's best judgement of the compromise which must be made between the issues involved.

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

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

A draft report on the "Metro Yard Debris Recovery Program" has been developed by a Metropolitan Service District (METRO) contractor. The report is an in-depth discussion of alternatives to open burning and is divided into four program areas: Collection, Storage, Processing and Marketing. The details of this report are included in agenda item CC, January 30, 1981.

3. Agricultural Open Burning

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

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

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

Since there has been an agricultural exemption statement in the open burning rule, there are some who have questioned the authority to regulate agricultural burning outside of Willamette Valley field burning. A careful reading of the relevant statutes, ORS 468.290 and 468.450 does not support that view. The Attorney General has been requested to render a formal opinion (Attachment A) to resolve the issue. A preliminary draft of the expected opinion has been forwarded to the Department. It indicates that the Commission has the necessary authority to regulate agricultural burning as proposed. A final formal opinion on this matter will be obtained prior to a final recommendation to adopt.

In requesting these hearings the Department has included provisions in the proposed rules which will allow designation of "prohibited days" on a daily basis based on a "schedule of air quality and meteorological conditions." If authority is confirmed and this section is adopted the intent would be to use this authority to restrict or prohibit agricultural burning outside the Willamette Valley only a few times a year during extremely adverse meteorological conditions in the area.

4. Construction and Demolition Open Burning on the Coast

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

5. Letter Permits (OAR 340-23-070)

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

The applicability of letter permits has been enlarged to include the open burning of yard debris by individuals to accommodate "hardship" circumstances associated with large lots and small acreages in areas where domestic open burning is generally prohibited.

Finally a fee schedule is recommended for the issuance of letter permits to help defray the costs of administration of the letter permit program.

6. Other Provisions

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

A. Burning Hours (OAR 340-23-052 through 055, and OAR 340-23-057)

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

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

B. Barbecue Exemption (OAR 340-23-035(2))

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

Hearings

It is proposed to hold public hearings in:

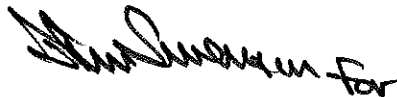
Gresham
Hillsboro
Portland
Eugene
Medford
Pendleton
Bend
Coos Bay

Hearings will be held in other locations if requested by the public.

The Hearing Notice is Attachment C.

Director's Recommendation

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



William H. Young
Director

- Attachments:
- A. Letter from the Department to the Attorney General requesting formal opinion.
 - B. Statement of Need
 - C. Public Hearing Notice
 - D. Proposed Rules for Open Burning
OAR 340-23-022 through 340-23-080

ATTACHMENT A

LETTER FROM THE DEPARTMENT TO THE
ATTORNEY GENERAL REQUESTING FORMAL OPINION



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

September 30, 1980

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

Dear Mr. Brown:

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

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

Background

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

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

James Brown, Attorney General

September 30, 1980

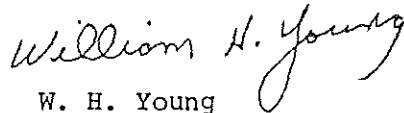
Page 2

Conclusion

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

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

Sincerely,

A handwritten signature in cursive script that reads "William H. Young".

W. H. Young
Director

LDB:sam

cc: Ray Underwood

ATTACHMENT B

STATEMENT OF NEED

STATEMENT OF NEED FOR RULEMAKING

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

Legal Authority

ORS Chapter 468 including:

ORS 468.020, 468.045, 468.065, 468.290, 468.295, 468.310, 468.450, and 477.515.

Need for the Rule

1. The current open burning rules impose a Domestic open burning prohibition in Clackamas, Columbia, Multnomah and Washington counties which include areas where practicable disposal alternatives are not available. The proposed rules revise the boundaries for the area in which the ban will be in effect to reflect the availability of disposal alternatives. The proposed boundaries enclose an area consisting primarily of the urban portion of the Portland metropolitan area.
2. Since alternatives to domestic open burning are not fully developed within the area where burning is prohibited, hardships are created both for individuals and municipalities who are trying to cope with a large volume of yard debris. The proposed rules would provide for emergency or hardship burning permits to be available for individuals and local governments in areas where the burning of such material is prohibited.
3. Current rules will impose a Domestic open burning prohibition in Benton, Lane, Linn, Marion, Polk and Yamhill counties after July 1, 1982. Since these areas are even less equipped to cope with a permanent ban on backyard burning than the outlying areas around the Portland area, problems can be expected if a burning ban should be placed into effect. The proposed rule does not have a date for permanent prohibition of domestic open burning in the Willamette Valley.
4. The Environmental Quality Commission has determined that the rules are not easily comprehended by the public and that they need to be rewritten. The organization and language of the proposed rules are revised to make the rules easier to read and understand.
5. Open burning, including agricultural open burning is beginning to create public concern in various areas of the state including Medford, Bend and Pendleton. The Environmental Quality Commission has never implemented specific authority to regulate open burning outside of the Willamette Valley. In addition, the open burning rules have exempted agricultural open burning even though exemption is not a requirement of the law. The agricultural exemption has been removed

from the proposed rules and provisions have been added to control open burning, including agricultural open burning, outside the Willamette Valley under a schedule of adverse meteorological conditions based upon meteorological and air quality factors. This proposal will allow minimal control of agricultural open burning in areas of the state where agricultural open burning is becoming an increasing problem.

6. The prohibition of construction, demolition and land clearing open burning in open burning control areas on the coast is not necessary except for the Coos Bay area and causes undue hardship in the small developing areas. Changes are proposed to allow this type of burning on the coast.

Fiscal Impact Statement

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

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

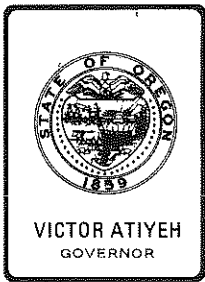
The fiscal impact on the local fire district will vary depending on the degree of enforcement of the rules and the ban.

Principle Documents Relied Upon

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

ATTACHMENT C

PUBLIC HEARING NOTICE



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

Prepared: January 14, 1981
Hearing Date: March 9-27, 1981

DRAFT

NOTICE OF PUBLIC HEARING

A CHANCE TO BE HEARD ABOUT:

PROPOSED REVISION OF OPEN BURNING RULES

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

WHAT IS THE DEQ PROPOSING?

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

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

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

WHO IS AFFECTED BY THIS PROPOSAL?

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

HOW TO PROVIDE YOUR INFORMATION

Written comments should be sent to the Department of Environmental Quality, Air Quality Division, Box 1760, Portland, Oregon 97207, and should be received by March 31, 1981.

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

<u>City</u>	<u>Time</u>	<u>Date</u>	<u>Location</u>
Gresham	7:00 p.m.	March 9, 1981 (Monday)	Gresham City Hall 1333 NW Eastman
Medford	7:00 p.m.	March 10, 1981 (Tuesday)	Jackson County Courthouse Auditorium 10 South Oakdale
Eugene	7:00 p.m.	March 12, 1981 (Thursday)	Lane County Courthouse Commissioners Room 125 East Eighth St.
Bend	7:00 p.m.	March 16, 1981 (Monday)	Bend City Hall Commission Chambers 720 Wall St.
Portland	7:00 p.m.	March 18, 1981 (Wednesday)	Multnomah County Courthouse 1021 SW Fourth
Hillsboro	Time to be announced		Washington County Courthouse
Coos Bay	Time to be announced		
Pendleton	Time to be announced		

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

WHERE TO OBTAIN ADDITIONAL INFORMATION

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

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

LEGAL REFERENCES FOR THIS PROPOSAL:

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

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

FURTHER PROCEEDINGS

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

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

AI768 (2)

ATTACHMENT D

PROPOSED RULES FOR OPEN BURNING

OAR 340-23-022 through 340-23-080

DEPARTMENT OF ENVIRONMENTAL QUALITY

CHAPTER 340

DIVISION 23

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

How to use these Open Burning Rules

340-23-022

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

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

(2) Organization of rules

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

- (j) OAR 340-23-072 establishes criteria for use of forced-air-pit incineration.
- (k) OAR 340-23-075 requires fire permit issuing agencies to keep records and reports.
- (l) OAR 340-23-080 contains the legal description of Open Burning Control areas and maps which generally depict these areas.
- (3) Use of these rules will be made easier by using the following procedure:
- (a) Read OAR 340-23-040 and OAR 340-23-042 to understand general requirements and prohibitions which apply to all burning which is governed by these rules.
- (b) In OAR 340-23-030 read the definitions of Agricultural, Commercial, Construction, Demolition, Domestic and Industrial open burning plus the definitions of land clearing and yard debris to determine the type of burning you are concerned with. Also read OAR 340-23-035 to determine if your type of burning is exempted from these rules.
- (c) Locate the rule (OAR 340-23-050 through OAR 340-23-064) which governs the county in which you wish to burn. OAR 340-23-045 is an index of the county rules.
- (d) Read the sections of the county rules which apply to the type of burning you wish to do.
- (e) If not prohibited by these rules, obtain a fire permit from the fire district, county court or county commissioners before conducting any burning.

(f) If the type of burning you wish to do is prohibited by these rules, refer to OAR 340-23-070 (Letter Permits) or OAR 340-23-072 (Forced Air Pit Incinerators) for a possible alternative.

Policy

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

Definitions

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

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

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

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

(d) Domestic waste, and

(e) Industrial waste.

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

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

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

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

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

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

(12) "Demolition waste" means any material resulting or produced

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

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

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

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

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

(17) [~~48~~] "Fire Hazard" means the presence or accumulation of combustible material of such nature and in sufficient quantity that its continued existence constitutes an imminent and substantial danger to life, property, public welfare, or to adjacent lands.

- (18) [~~9~~] "Forced-air Pit Incineration" means any method or device by which burning [~~waste~~] is done:
- (a) (A) In a subsurface pit or
 - (B) Above ground enclosure and with
 - (b) Combustion air supplied under positive draft [~~or~~] by an air curtain, and
 - (c) Combustion air controlled in such a manner as to optimize combustion efficiency and minimize the emission of air contaminants.
- (19) "Industrial open burning" means the open burning of any industrial waste.
- (20) [~~10~~] "Industrial Waste" means [~~combustible-waste~~] any material, including process waste, produced as the direct result of any manufacturing or industrial process.
- (21) "Land clearing" means the removal of trees, brush, logs, stumps, debris or man made structures for the purpose of site clean-up or site preparation. All material generated by land clearing is demolition waste except those materials which are included in the definitions of agricultural wastes and yard debris, (domestic waste).
- (22) "Local jurisdiction" means
- (a) the local fire permit issuing authority and
 - (b) local governmental entity with authority to regulate by law or ordinance.
- (23) [~~11~~] "Open Burning" [~~means-conducted-in-such-a-manner-that combustion-air-and-combustion-products-may-not-be-effectively~~]

~~controlled-including,-but-not-limited-to,-burning-conducted-in]~~

includes burning in

(a) Open outdoor fires,

(b) Burn barrels, [~~and-backyard~~]

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

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

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

The open burning control areas in the state are:

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

(b) The Coos Bay open burning control area as described in OAR 340-23-080(2) and generally shown in Figure 3 thereof.
~~[generally-depicted-on-Figure-1,-and-as-defined-as~~

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

- (c) The Rogue Basin open burning control area as described
in OAR 340-23-080(3) and generally shown in Figure 4
thereof [generally-depicted-on-Figure-2, and-as-defined
as-follows:--Beginning-at-a-point-approximately-4-1/2-miles
NE-of-the-City-of-Shady-Cove, Jackson-County-at-the-NE-corner
of-T34S, R1W, Willamette-Meridian, thence-south-along-the
Willamette-Meridian-to-the-SW-corner-of-T37S, R1W, thence
East-to-the-NE-corner-of-T38S, R1E, thence-South-to-the-SE
corner-of-T38S, R1E, thence-East-to-the-NE-corner-of-T39S,
R2E, thence-South-to-the-SE-corner-of-T39S, R2E, thence-West
to-the-SW-corner-of-T39S, R1E, thence-NW-along-a-line-to
the-NW-corner-of-T39S, R1W, thence-West-to-the-SW-corner
of-T38S, R2W, thence-North-to-the-SW-corner-of-T36S, R2W,
thence-West-to-the-SW-corner-of-T36S, R4W, thence-South-to
the-SE-corner-of-T37S, R5W, thence-West-to-the-SW-corner
of-T37S, R6W, thence-North-to-the-NW-corner-of-T36S, R6W,

thence East to the SW corner of T35S7-R1W7, thence North to the NW corner of T34S7-R1W7, thence East to the point of beginning.]

- (d) The Umpqua Basin open burning control area as described in OAR 340-23-080(4) and generally shown in Figure 5 thereof. [generally depicted on Figure 3, and is defined as follows: Beginning at a point approximately 4 miles WNW of the City of Oakland, Douglas County, at the NE corner of T25S7-R5W7, Willamette Meridian, thence South to the SE corner of T25S7-R5W7, thence East to the NE corner of T26S7-R4W7, thence South to the SE corner of T27S7-R4W7, thence West to the SE corner of T27S7-R5W7, thence South to the SE corner of T30S7-R5W7, thence West to the SW corner of T30S7-R6W7, thence north to the NW corner of T29S7-R6W7, thence West to the SW corner of T28S7-R7W, thence North to the NW corner of T27S7-R7W, thence East to the NE corner of T27S7-R7W, thence North to the NW corner of T26S7-R6W7, thence East to the NE corner of T26S7-R6W7, thence North to the NW corner of T25S7-R5W7, thence East to the point of beginning.]

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

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

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

~~{15}-"Regional-Authority"-means-the-Lane-Regional-Air-Pollution Authority.]~~

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

~~{16}-"Special-Control-Area"-means-an-area-within-the-Willamette Valley-Open-Burning-Control-Area-which-includes:~~

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

~~{b}-Any-area-in-or-within-six-{6}-miles-of-the-boundary of-any-city-of-45,000-or-more-population.~~

~~{c}-Any-area-between-areas-established-by-this-rule-where the-boundaries-are-separated-by-three-{3}-miles-or-less.~~

~~{d}-Whenever-two-or-more-cities-have-a-common-boundary, the-total-population-of-these-cities-will-determine-the~~

~~control-area-classification-and-the-municipal-boundaries
of-each-of-the-cities-shall-be-used-to-determine-the-limit
of-the-control-area.]~~

- (28) "Ventilation index" means a number calculated by the Department relating to the ability of the atmosphere to disperse pollutants. The ventilation index is the product of the measured or estimated meteorological mixing depth in hundreds of feet and the measured or estimated average wind speed through the mixed layer in knots.
- (29) [~~17~~] "Waste" means any useless or discarded materials. Each waste is categorized in these rules as one but not more of the following types:
- (a) Agricultural,
 - (b) Commercial,
 - (c) Construction,
 - (d) Demolition,
 - (e) Domestic, or
 - (f) Industrial.
- (30) "Yard debris" means wood, needle or leaf materials from trees, shrubs or plants from the real property appurtenant to a dwelling of not more than four (4) family living units so long as such debris remains on the property of origin. Once yard debris is removed from the property of origin it becomes commercial waste. Yard debris is included in the definition of domestic waste.

Exemptions, [Exceptions] Statewide

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

- (1) Fires set for traditional recreational purposes and traditional ceremonial occasions for which a fire is appropriate provided that no [~~waste~~] materials which may emit dense smoke or noxious odors as prohibited in section [~~340-23-040(7)~~] 340-23-042(2) are burned. [~~included as any part of the fuel used for such fires.~~]
- (2) Any barbecue equipment [~~not used for commercial or fund raising purposes, nor to any barbecue equipment used for commercial or fund raising purposes for no more than two periods in any calendar year, each such period not to exceed two consecutive weeks, in any single area.~~]
- (3) Fires set or [~~allowed~~] permitted by any public agency when such fire is set or [~~allowed to be set~~] permitted in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, or a hazard to public health or safety or instruction of employees in the methods of fire fighting, [~~or for prevention or elimination of a fire hazard, and~~] which [~~are necessary~~] in the opinion of the [~~public~~] agency is necessary. [~~responsible for such fires~~].
- [~~(4) Open burning as a part of agricultural operations which is regulated in part of OAR Chapter 340, Division 26, Agricultural Operations.~~]

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

General Requirements [~~and Prohibitions~~] Statewide

340-23-040

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

- ~~{1}-No person shall cause or allow to be initiated or maintained any open burning which is prohibited by any rule of the Commission.~~
- ~~{2}-Open burning in violation of any rule of the Commission shall be promptly extinguished by the person in attendance or person responsible when notified to extinguish the fire by either the Department, or by any other appropriate public official.~~
- ~~{3}-Any person who owns or controls, including the tenant of, property on which open burning occurs or who has caused or allowed such open burning to be initiated or maintained shall be considered the person responsible for the open burning.~~
- ~~{4}-Open fires allowed by these rules shall be constantly attended by a responsible person until extinguished.~~
- ~~{5}-{a}-All combustible material to be open burned shall be dried to the extent practicable to prevent emissions of excessive~~

smoke.

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

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

~~(A)--a-private-nuisance,-~~

~~(B)--a-public-nuisance,-~~

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

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

~~(c)-This-section-applies-equally-to-otherwise-authorized-and unauthorised-open-burning.~~

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

- ~~(8) - If the Department determines that open burning allowed by these rules may cause or is causing a public nuisance, the Department may require that the burning be terminated or that auxiliary combustion equipment or combustion promoting materials to be used to insure complete combustion and elimination of the nuisance. -- Auxiliary combustion equipment required under this subsection may include, but is not limited to, fans or air curtain incinerators. -- Combustion promoting materials may include, but are not limited to, propane, diesel oil, or jellied diesel.~~
- ~~(9) - No open burning shall be initiated in any part of the state on any day or at any time when the Department advises fire permit issuing agencies that open burning is not allowed in that part of the state because of adverse meteorological or air quality conditions.~~
- ~~(10) - No open burning shall be initiated in any area of the state in which an air pollution alert, warning, or emergency has been declared pursuant to OAR Chapter 340, Sections 340-27-010 and 340-27-025(2), and is then in effect. -- Any open burning in progress at the time of such declaration shall be promptly extinguished by the person in attendance or person responsible when notified of the declaration by either the Department or any other appropriate public official.~~
- ~~(11) - Open burning authorized by these rules does not exempt or excuse any person from liability for, consequences, damages, or injuries resulting from such burning, nor does it exempt any~~

~~person from complying with applicable laws, ordinances, or regulations of other governmental agencies having jurisdiction.~~
~~(12) Forced air pit incineration may be approved as an~~

~~alternative to open burning prohibited by these rules, provided that the following conditions shall be met:~~

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

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

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

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

- (2) Each person who is in ownership, control or custody of the real property on which open burning occurs, including any tenant thereof, or who is in ownership, control or custody of the material which is burned, shall be considered a responsible person for the open burning. Any person who causes or allows open burning to be initiated or or maintained shall also be considered a responsible person.
- (3) It shall be the duty of each responsible person to promptly extinguish any open burning which is in violation of any rule of the Commission or of any permit issued by the Department unless the Department has given written approval to such responsible person to use auxiliary combustion equipment or combustion promoting materials to minimize smoke production and the responsible person complies with the requirements in the written approval. However, nothing in this section shall be construed to authorize any violation of OAR 340-23-042(1) or (2).
- (4) To promote efficient burning and prevent excessive emissions of smoke, each responsible person shall:
- (a) Assure that all combustible material is dried to the extent practicable. This action shall include covering the combustible material during rainy weather when practicable. However, nothing in this section shall be construed to authorize any violation of OAR 340-23-042(1) or (2).
- (b) Loosely stack or windrow the combustible material in such a manner as to eliminate dirt, rocks and other non-combustible material and promote an adequate air supply to

the burning pile, and provide the necessary tools and equipment for the purpose.

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

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

General Prohibitions Statewide

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

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

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

(a) A private nuisance;

(b) A public nuisance;

(c) A hazard to public safety.

(2) No person shall cause or allow to be initiated or maintained any open burning of any wet garbage, plastic, wire insulation,

automobile part, asphalt, petroleum product, petroleum treated material, rubber product, animal remains, or animal or vegetable matter resulting from the handling, preparation, cooking, or service of food or of any other material which normally emits dense smoke or noxious odors.

- (3) No person shall cause or allow to be initiated or maintained any open burning of any material in any part of the state on any day or at any time when the Department has notified the State Fire Marshal that open burning is prohibited because of meteorological or air quality conditions pursuant to OAR 340-23-043.
- (4) No fire permit issuing agency shall issue any fire permit which purports to authorize any open burning of any material at any location on any day or at any time when the Department has notified the State Fire Marshal that open burning is prohibited because of meteorological or air quality conditions. However, the failure of any fire permit issuing agency to comply shall not excuse any person from complying with this section.
- (5) No person shall cause or allow to be initiated or maintained any open burning authorized by the rules in this Division 23 during hours other than specified by the Department.
- (6) No person shall cause or allow to be initiated or maintained any open burning at any solid waste disposal site unless authorized by a Solid Waste Permit issued pursuant to OAR 340-61-005 through 340-61-085.

Open Burning Schedule

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

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

(1) Mandatory Prohibition Based on Adverse Air Quality

Conditions.

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

(A) A particulate or sulfur dioxide alert pursuant to

OAR 340-27-010(2)(a), (b) or (c);

(B) A particulate or sulfur dioxide warning pursuant to

OAR 340-27-010(3)(a), (b), or (c); or

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

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

(2) Discretionary Prohibition or Limitation Based on

Meteorological Conditions.

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

- (A) An Air Stagnation Advisory issued by the National Weather Service;
 - (B) The daily maximum ventilation index calculated by the Department for the Willamette Valley Open Burning Control Area is less than 250;
 - (C) The daily maximum ventilation index calculated by the Department for the Rogue Basin or Umpqua Basin open burning control area is less than 200.
 - (D) The daily maximum ventilation index calculated by the Department for any area outside the Willamette Valley, Rogue Basin and Umpqua Basin open burning control areas is less than 150; or
 - (E) Any other relevant factor.
- (b) All open burning so prohibited or limited shall be prohibited or limited until the Department notifies the State Fire Marshal that the prohibition or limitation has been terminated.
- (c) In making the determination of whether or not to prohibit or limit open burning pursuant to this section the Department shall consider:
- (A) The policy of the state set forth in ORS 468.280
 - (B) The relevant criteria set forth in ORS 468.295(2).
 - (C) The extent and types of materials available to be open burned.
 - (D) Any other relevant factor.
- (d) On making the determination of whether or not to prohibit

or limit any open burning pursuant to this section the Department shall give first priority to the burning of perennial grass seed crop used for grass seed production, second priority for annual grass seed crop used for grass seed production, third priority to grain crop burning, and fourth priority to all other burning.

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

County Listing of Specific Open Burning Rules

[Requirements-and-Prohibitions-by-Area]

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

<u>County</u>	<u>OAR Rule Number</u>	<u>County</u>	<u>OAR Rule Number</u>
<u>Baker</u>	<u>340-23-050</u>	<u>Deschutes</u>	<u>340-23-050</u>
<u>Benton</u>	<u>340-23-052</u>	<u>Douglas</u>	<u>340-23-062</u>
<u>Clackamas</u>	<u>340-23-053</u>	<u>Gilliam</u>	<u>340-23-050</u>
<u>Clatsop</u>	<u>340-23-050</u>	<u>Grant</u>	<u>340-23-050</u>
<u>Columbia</u>	<u>340-23-056</u>	<u>Harney</u>	<u>340-23-050</u>
<u>Coos</u>	<u>340-23-060</u>	<u>Hood River</u>	<u>340-23-050</u>
<u>Crook</u>	<u>340-23-050</u>	<u>Jackson</u>	<u>340-23-064</u>
<u>Curry</u>	<u>340-23-050</u>	<u>Jefferson</u>	<u>340-23-050</u>

<u>County</u>	<u>OAR Rule Number</u>	<u>County</u>	<u>OAR Rule Number</u>
<u>Josephine</u>	<u>340-23-064</u>	<u>Polk</u>	<u>340-23-052</u>
<u>Klamath</u>	<u>340-23-050</u>	<u>Sherman</u>	<u>340-23-050</u>
<u>Lake</u>	<u>340-23-050</u>	<u>Tillamook</u>	<u>340-23-050</u>
<u>Lane</u>	<u>340-23-057</u>	<u>Umatilla</u>	<u>340-23-050</u>
<u>Lincoln</u>	<u>340-23-050</u>	<u>Union</u>	<u>340-23-050</u>
<u>Linn</u>	<u>340-23-052</u>	<u>Wallowa</u>	<u>340-23-050</u>
<u>Malheur</u>	<u>340-23-050</u>	<u>Wasco</u>	<u>340-23-050</u>
<u>Marion</u>	<u>340-23-052</u>	<u>Washington</u>	<u>340-23-055</u>
<u>Morrow</u>	<u>340-23-050</u>	<u>Wheeler</u>	<u>340-23-050</u>
<u>Multnomah</u>	<u>340-23-054</u>	<u>Yamhill</u>	<u>340-23-052</u>

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

~~(2)-Solid-Waste-Disposal:-Open-burning-at-solid-waste-disposal sites-is-prohibited-statewide-except-as-authorized-by-a-Solid Waste-Permit-issued-as-provided-in-OAR-Chapter-340, rules 340-61-005-through-340-61-085.~~

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

~~(4)-Industrial-Waste:-Open-burning-of-industrial-waste-is prohibited-statewide-except-as-may-be-provided-in-section-(7) of-this-section.~~

~~(5)-Construction-and-Demolition-Waste:-Except-as-may-be-provided in-this-section-and-in-section-(7)-of-this-rule, open-burning of-construction-and-demolition-waste, including-non-agricultural~~

~~land-clearing-debris, is prohibited within all Open-Burning Control Areas except that such burning is permitted:~~

~~(a) In Multnomah County east of the Sandy River;~~

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

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

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

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

~~(A) In Columbia County~~

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

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

~~(i) --- Clarkes Rural Fire Protection District;~~

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

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

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

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

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

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

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

~~(ix) --- All portions of the Clackamas-Marion Fire~~

~~Protection-District-within-Claackamas-County.~~

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

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

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

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

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

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

~~(7)-Open-Burning-Allowed-by-Letter-Permit:--Burning-of~~

commercial, industrial and construction and demolition waste on a singly-occurring or infrequent basis may be allowed by a letter permit issued by the Department, provided that the following conditions are met:

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

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

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

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

shall contain conditions so as to insure that the burning is accomplished in the most efficient manner and over the shortest time period attainable.

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

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

[Records and Reports]

340-23-050

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

Open burning prohibitions for the counties of Baker, Clatsop, Crook,

Curry, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler.

- (1) Industrial open burning is prohibited except as provided in OAR 340-23-070.
- (2) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal and OAR 340-23-042(3).
- (3) Commercial open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042, except that all commercial open burning is prohibited in or within three (3) miles of the corporate city limits of the following cities unless authorized pursuant to OAR 340-23-070:
 - (a) In Baker County, the city of:
 - (A) Baker
 - (b) In Clatsop County, the cities of:
 - (A) Astoria
 - (B) Seaside
 - (c) In Crook County, the city of:
 - (A) Prineville
 - (d) In Deschutes County, the cities of:
 - (A) Bend
 - (B) Redmond
 - (e) In Hood River County, the city of:
 - (A) Hood River

(f) In Klamath County, the city of:

(A) Klamath Falls

(g) In Lincoln County, the cities of:

(A) Lincoln City

(B) Newport

(h) In Malheur County, the city of:

(A) Ontario

(i) In Umatilla County, the cities of:

(A) Hermiston

(B) Milton Freewater

(C) Pendleton

(j) In Union County, the city of:

(A) La Grande

(k) In Wasco County, the city of:

(A) The Dalles

(4) Construction and Demolition open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042, except that Construction and Demolition open burning is prohibited in or within three (3) miles of the corporate city limits of the following cities unless authorized pursuant to OAR 340-23-070:

(a) In Baker County, the city of:

(A) Baker

(b) In Clatsop County, the cities of:

(A) Astoria

(c) In Crook County, the city of:

(A) Prineville

(d) In Deschutes County, the cities of:

(A) Bend

(B) Redmond

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

(A) Hood River

(f) In Klamath County, the city of:

(A) Klamath Falls

(g) In Malheur County, the city of:

(A) Ontario

(h) In Umatilla County, the cities of:

(A) Hermiston

(B) Milton Freewater

(C) Pendleton

(i) In Union County, the city of:

(A) La Grande

(j) In Wasco County, the city of:

(A) The Dalles

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

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

(1) Industrial open burning is prohibited except as provided in OAR

340-23-070.

- (2) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal and OAR 340-26-005 through 340-26-030 (Agricultural Operations).
- (3) Commercial open burning is prohibited except as provided in OAR 340-23-070.
- (4) Construction and Demolition open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042, except that unless authorized pursuant to 340-23-070, Construction and Demolition open burning is prohibited within special control areas including the following:
- (a) Areas in or within six (6) miles of the corporate city limit of Salem in Marion and Polk Counties.
- (b) Areas in or within three (3) miles of the corporate city limit of:
- (A) In Benton County, the cities of:
- (i) Corvallis
- (ii) Philomath
- (B) In Linn County, the cities of:
- (i) Albany
- (ii) Brownsville
- (iii) Harrisburg
- (iv) Lebanon
- (v) Mill City
- (vi) Sweet Home

(C) In Marion County, the cities of:

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

(D) In Polk County, the cities of:

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

(E) In Yamhill County, the cities of:

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

(5) Domestic open burning

- (a) Domestic open burning, unless authorized pursuant to OAR

340-23-070, is prohibited in the special control areas named in Section (4) of this Rule except that open burning of yard debris is allowed beginning March first and ending June fifteenth inclusive, and beginning October first and ending December fifteenth, inclusive, subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

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

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

(d) This section notwithstanding, domestic open burning may be authorize pursuant to OAR 340-23-070.

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

(1) Industrial open burning is prohibited except as provided in OAR 340-23-070.

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

(3) Commercial open burning is prohibited except as provided in OAR 340-23-070.

(4) Construction and Demolition open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042, except that unless authorized pursuant to OAR 340-23-070, Construction and Demolition open burning is prohibited within special control areas including the following:

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

limits of:

(A) Gladstone,

(B) Happy Valley,

(C) Lake Oswego,

(D) Milwaukie,

(E) Oregon City,

(F) Portland,

(G) Rivergrove,

(H) West Linn.

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

limits of

(A) Canby,

(B) Estacada,

(C) Gresham,

(D) Molalla,

(E) Sandy,

(F) Wilsonville.

(5) Domestic open burning

(a) As generally depicted in Figure 1 of OAR 340-23-080 domestic open burning is always prohibited within the following fire districts unless authorized pursuant to OAR 340-23-070:

(A) Clackamas Co. RFPD #1

(B) That portion of Clackamas RFPD #71 which lies west of the Southern Pacific Railroad mainline.

(C) Glenmorrie RFPD #66

(D) Gladstone

(E) Lakegrove RFPD #57

(F) Lake Oswego

(G) Milwaukie

(H) Oregon City

(I) Oak Lodge

(J) Portland

(K) Riverdale RFPD #60

(L) Rosemont RFPD #67

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

(N) West Linn

(b) Domestic open burning, unless authorized pursuant to OAR 340-23-070, is prohibited in the following fire districts except that open burning of yard debris is allowed between March first and June fifteenth inclusive and between October first and December fifteenth inclusive, subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

- (A) Beaver Creek RFPD #55
- (B) Boring RFPD #59
- (C) Canby
- (D) Canby RFPD #62
- (E) Clackamas Co. RFPD #54
- (F) That portion of Clackamas RFPD #71 which
lies east of the Southern Pacific Railroad mainline.
- (G) Sandy RFPD #72
- (H) That portion of Tualatin RFPD #64 which lies south of
I-205.

- (c) Domestic open burning is allowed in the areas not covered
in subsections (a) and (b) of this section subject to the
requirements and prohibitions of local jurisdictions, the
State Fire Marshal, ORS 340-23-040 and 340-23-042.
- (d) No person shall cause or allow to be initiated or maintained
any domestic open burning other than during daylight hours
between 7:30 a.m. and two hours before sunset unless otherwise
specified by Department pursuant to OAR 340-23-043.

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

- (1) Industrial open burning is prohibited except as provided in OAR
340-23-070.
- (2) Agricultural open burning is allowed subject to the
requirements and prohibitions of local jurisdictions, the State
Fire Marshal, OAR 340-23-042(3) and 340-26-005 through 340-26-
030, (Agricultural Operations).

- (3) Commercial open burning is prohibited except as provided in OAR 340-23-070.
- (4) Construction and Demolition open burning, unless authorized pursuant to OAR 340-23-070, is prohibited west of the Sandy River but is allowed east of the Sandy River subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.
- (5) Domestic open burning.
- (a) As generally depicted in Figure 1 of OAR 340-23-080, domestic open burning is prohibited west of the Sandy River unless authorized pursuant to OAR 340-23-070, except, that open burning of yard debris is allowed in the following areas from March first to June fifteenth inclusive and from October first to December fifteenth inclusive, subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal OAR 340-23-040 and 340-23-042:
- (A) Skyline RFPD #20
- (B) Sauvie Island
- (C) Burlington Water District
- (D) All unincorporated areas located in Northwestern Multnomah County and not within a Fire Protection District.
- (b) Domestic open burning is allowed east of the Sandy River subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.
- (c) No person shall cause or allow to be initiated or maintained

any domestic open burning other than during daylight hours between 7:30 a.m. and two hours before sunset unless otherwise specified by Department pursuant to OAR 340-23-043.

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

- (1) Industrial open burning is prohibited except as provided in OAR 340-23-070.
- (2) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-042(3) and 340-26-030, (Agricultural Operations).
- (3) Commercial open burning is prohibited except as provided OAR 340-23-070.
- (4) Construction and Demolition open burning, unless authorized pursuant to OAR 340-23-070, is prohibited in all incorporated areas and areas within rural fire protection districts. Construction and demolition open burning is allowed in all other areas subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.
- (5) Domestic open burning
 - (a) As generally depicted in Figure 1 of OAR 340-23-080 domestic open burning is prohibited in the following areas unless authorized pursuant to OAR 340-23-070:
 - (A) Beaverton Fire District
 - (B) River Grove Rural Fire Protection District #57
 - (C) Portland Fire District

(D) That portion of Tualatin RFPD including the cities of Tualatin, Durham, Tigard and King City, which is north of a line starting at the point where I-205 crosses the Washington-Clackamas County line, westward along I-205 to the Tualatin city limit at I-5, thence along the southerly and westerly city limit of Tualatin to the Tualatin River, thence westward along the Tualatin River to highway 99W, thence northward along highway 99W to Fisher Road, thence westward along Fisher Road to 131st Avenue, thence northward along 131st Avenue to Beef Bend Road, thence west and north on Beef Bend Road to its intersection with the boundary of the Tualatin Rural Fire Protection District.

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

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

(b) Except as provided in OAR 340-23-070, domestic open burning is prohibited in the following areas except that open burning

of yard debris is allowed on a day between March first and June fifteenth inclusive and between October first and December fifteenth inclusive subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal OAR 340-23-040 and 340-23-042:

(A) Within the corporate city limit of Cornelius.

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

(C) Within the corporate city limit of Hillsboro.

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

(E) Within Cornelius RFPD

(F) Within Gaston RFPD

(G) Within Forest Grove RFPD

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

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

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

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

340-23-056 Open burning prohibitions for Columbia County

- (1) Industrial open burning is prohibited unless authorized pursuant to OAR 340-23-070.
- (2) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal and OAR 340-23-042(3) and 340-23-042(5).
- (3) Commercial open burning is prohibited except as provided in OAR 340-23-070.
- (4) Construction and demolition open burning
 - (a) Unless authorized pursuant to OAR 340-23-070, Construction and Demolition open burning is prohibited in and within three (3) miles of the city limits of:
 - (A) Clatskanie,
 - (B) Rainier,
 - (C) St. Helens,
 - (D) Scappoose,
 - (E) Vernonia.
 - (b) Construction and Demolition open burning is allowed in all other parts of Columbia County subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.
- (5) Domestic open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

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

- (1) The rules and regulations of the Lane Regional Air Pollution Authority shall apply to all open burning in Lane County provided such rules are no less stringent than the provisions of these rules and further provided that the Lane Regional Air Pollution Authority may not regulate open burning as a part of agricultural operations.
- (2) Industrial open burning is prohibited unless authorized pursuant to OAR 340-23-070.
- (3) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-042(3) and 340-26-005 through 340-26-030, (Agricultural Operations).
- (4) Commercial open burning, unless authorized pursuant to OAR 340-23-070, is prohibited in Lane County east of Range 7 West Willamette Meridian and in or within three (3) miles of the city limit of Florence on the coast. Commercial open burning is allowed in the remaining areas of Lane County subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.
- (5) Construction and Demolition open burning, unless authorized pursuant to OAR 340-23-070, is prohibited within all special control areas but is allowed elsewhere in Lane County subject

to the requirements and prohibitions of local jurisdictions, the State Fire Marshall, OAR 340-23-040 and 340-23-042. Special control areas in Lane County are those areas defined in OAR 340-23-080(5) and include:

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

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

(A) Cottage Grove,

(B) Creswell,

(C) Junction City,

(D) Oakridge,

(E) Veneta.

(6) Domestic open burning.

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

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

(A) Unless authorized pursuant to OAR 340-23-070, domestic open burning is prohibited within all special control areas listed in Section (5) of this Rule except that open burning of yard debris is allowed between March first and June fifteenth inclusive and between October first and December fifteenth inclusive subject to the

requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

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

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

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

(1) The Coos Bay open burning control area as generally described in OAR 340-23-080 and depicted in Figure 3 is located in Coos County.

(2) Industrial open burning is prohibited except as provided in OAR 340-23-070.

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

(4) Commercial open burning, unless authorized pursuant to OAR 340-23-070, is prohibited within the Coos Bay open burning control area and in or within three (3) miles of the corporate city limits of Coquille. Commercial open burning is allowed in

all other areas of Coos County subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

(5) Construction and Demolition open burning, unless authorized pursuant to OAR 340-23-070, is prohibited within the Coos Bay open burning control area. Construction and Demolition open burning is allowed in other areas subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

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

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

(1) The Umpqua Basin open burning control area as generally described in of OAR 340-23-080, and depicted in Figure 5, is located in Douglas county.

(2) Industrial open burning is prohibited except as provided in OAR 340-23-070.

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

(4) Commercial open burning, unless authorized pursuant to OAR 340-23-070, is prohibited within the Umpqua Basin open burning control area and in or within three (3) miles of the corporate city limit of Reedsport. Commercial open burning is allowed in

all other areas subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

(5) Construction and Demolition open burning, unless authorized pursuant to OAR 340-23-070, is prohibited within the Umpqua Basin open burning control area. Construction and Demolition open burning is allowed in all other areas subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

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

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

(1) The Rogue Basin open burning control area as generally described in OAR 340-23-080 and depicted in Figure 4, is located in Jackson and Josephine Counties.

(2) Industrial open burning is prohibited except as provides in OAR 340-23-070.

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

(4) Commercial open burning, unless authorized pursuant to OAR 340-23-070, is prohibited within the Rogue Basin open burning control area. Commercial open burning is allowed in all other areas

subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

(5) Construction and Demolition open burning, unless authorized pursuant to OAR 340-23-070, is prohibited within the Rogue Valley open burning control area. Construction and demolition open burning is allowed in all other areas subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042.

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

340-23-070 Letter Permits

(1) Open Burning of commercial, industrial, construction or demolition waste on a singly occurring or infrequent basis or the open burning of yard debris which is otherwise prohibited, may be permitted by a letter permit issued by the Department in accordance with this rule and subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-23-040 and 340-23-042. OAR 340-14-025 and 340-20-140 through 340-20-185 shall not apply.

(2) A letter permit may only be issued on the basis of a written application for disposal of material by burning which has been approved by the Department. Each application for a letter permit shall contain the following items:

(a) The quantity and type of material proposed to be burned,

- (b) A listing of all efforts which have been made to dispose of the material by means other than open burning.
 - (c) The expected amount of time which will be required to complete the burning (not required for yard debris).
 - (d) The methods proposed to be used to insure complete and efficient combustion of the material
 - (e) The location of the proposed burning site
 - (f) A diagram showing the proposed burning site and the structures and facilities inhabited or used in the vicinity including distances thereto,
 - (g) The expected frequency of the need to dispose of similar materials by burning in the future.
 - (h) Any other information which the Department may require.
 - (i) Payment of a permit fee in accordance with the schedule listed in section (11) of this Rule.
- (3) Upon receipt of a written application the Department may approve the application if it is satisfied that:
- (a) The applicant has demonstrated that all reasonable alternatives have been explored and no practicable alternative method for disposal of the material exists; and
 - (b) The proposed burning will not cause or contribute to significant degradation of air quality in the airshed.
- (4) The Department may deny an application for a letter permit or revoke or suspend an issued letter permit on any of the following grounds:
- (a) Any material misstatement or omission in the application;

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

(5) In making its determination under section (3) above, the Department may consider:

(a) The conditions of the airshed of the proposed burning

(b) The other air pollution sources in the vicinity of the proposed burning,

(c) The availability of other methods of disposal, and special circumstances or conditions which may impose a hardship on the applicant

(d) The frequency of the need to dispose of similar materials in the past and expected in the future.

(e) The applicant's prior violations, if any; and

(f) Any other relevant factor.

(6) Each letter permit issued by the Department pursuant to section (2) of this Rule shall contain at least the following elements:

(a) The location at which the burning is permitted to take place.

(b) The number of actual calendar days on which burning is permitted to take place, not to exceed seven (7), except that a letter permit for yard debris shall not contain such a limitation.

(c) The period during which the permit is valid, not to exceed a period of thirty (30) consecutive days, except a permit for yard debris. The actual period in the permit shall be specific to the needs of the applicant. A letter permit

for yard debris shall be valid for the calendar year in which it is issued.

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

(e) The limitations, if any, based on meteorological conditions required before burning may occur. Permits for yard debris shall be specifically limited by the times prescribed in OAR 340-23-042(3) and open burning under permits for yard debris shall be limited to the hours between 0730 and two hours before sunset.

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

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

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

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

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

permit.

- (9) For locations within Clackamas, Columbia, Multnomah and Washington Counties, letter permits may be issued only for the purpose of disposal of:
- (a) Material resulting from emergency occurrences including, but not limited to floods, storms or oil spills.
 - (b) Material originating as yard debris which has been collected and stored by governmental jurisdictions provided that no other reasonable means of disposal are available.
 - (c) Yard debris on the property of a private residence qualifying under the definition of yard debris in OAR 340-23-030(30) where the inability to burn creates a hardship due to volume of material, inaccessibility of the area or the lack of reasonable alternatives.
- (10) Failure to conduct open burning according to the conditions, limitations, or terms of a letter permit, or any open burning in excess of that permitted by the letter permit shall be violation of the permit and shall be cause for assessment of civil penalties for each violation as provided in OAR 340-12-030, 340-12-035, 340-12-040(3)(b), 340-12-045, and 340-12-050(3), or for other enforcement action by the Department.
- (11) All applications for a letter permit shall be accompanied by a permit fee as prescribed in this section. All fees shall be payable to the Department and become non-refundable upon issuance of the permit.

<u>Type of Application</u>	<u>Fee</u>
<u>(1) Commercial, industrial, construction or demolition waste:</u>	<u>\$50</u>
<u>(2) Yard debris.</u>	<u>\$30</u>

Forced Air Pit Incinerators

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

- (1) The person requesting approval of forced air pit incineration shall demonstrate to the satisfaction of the Department that no feasible or practicable alternative to forced-air pit incineration exists.
- (2) The forced-air pit incineration facility shall be designed, installed, and operated in such a manner that visible emissions do not exceed forty percent (40%) opacity for more than three (3) minutes out of any one (1) hour of operation following the initial thirty (30) minute startup period.
- (3) The person requesting approval of a forced-air pit incineration facility shall be granted an approval of the facility only after a Notice of Construction and Application for Approval is submitted pursuant to OAR 340-20-020 through 340-20-030.
- (4) A forced-air pit permit for operation of a forced air pit incineration facility shall be required and shall be based on

the same conditions and requirements stipulated for letter permits in OAR 340-23-070, which is included here by reference, except that the term of the permit shall not be limited to thirty (30) days and the operation of the facility shall not be limited to seven (7) days, but both the term of the permit and the operation limit of the facility shall be specified in the permit and shall be appropriate to the purpose of the facility.

Records and Reports

340-23-075

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

Open Burning Control Areas

340-23-080

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

this rule. The area where general domestic open burning is permanently prohibited is generally depicted in Figure 1. The Open Burning Control Areas of the state are defined as follows:

- (1) All areas in or within three miles of the incorporated city limit of all cities with a population of 4,000 or more.
- (2) The Coos Bay Open Burning Control Area is located in Coos County with boundaries as generally depicted in Figure 3 of this rule. The area is enclosed by a line beginning at a point approximately 4-1/2 miles WNW of the City of North Bend, at the intersection of the north boundary of T25S, R13E, and the coast line of the Pacific Ocean; thence east to the NE corner of T26S, R12E; thence south to the SE corner of T26S, R12E; thence west to the intersection of the south boundary of T26S, R14W and the coastline of the Pacific Ocean; thence northerly and easterly along the coastline of the Pacific Ocean to its intersection with the north boundary of T25S, R13E, the point of beginning.
- (3) The Rogue Basin Open Burning Control Area is located in Jackson and Josephine Counties with boundaries as generally depicted in Figure 4 of this rule. The area is enclosed by a line beginning at a point approximately 4-1/2 miles NE of the City of Shady Cove at the NE corner of T34S, R1W, Willamette Meridian; thence South along the Willamette Meridian to the SW corner of T37S, R1W; thence East to the NE corner of T38S, R1E; thence South to the SE corner of T38S, R1E; thence East to the NE corner of T39S, R2E; thence South to the SE corner of T39S, R2E; thence West to the SW corner of T39S, R1E; thence NW along

a line to the NW corner of T39S, R1W; thence West to the SW corner of T38S, R2W; thence North to the SW corner of T36S, R2W; thence West to the SW corner of T36S, R4W; thence South to the SE corner of T37S, R5W; thence West to the SW corner of T37S, R6W; thence North to the NW corner of T36S, R6W; thence East to the SW corner of T35S, R1W; thence North to the NW corner of T34S, R1W; thence East to the point of beginning.

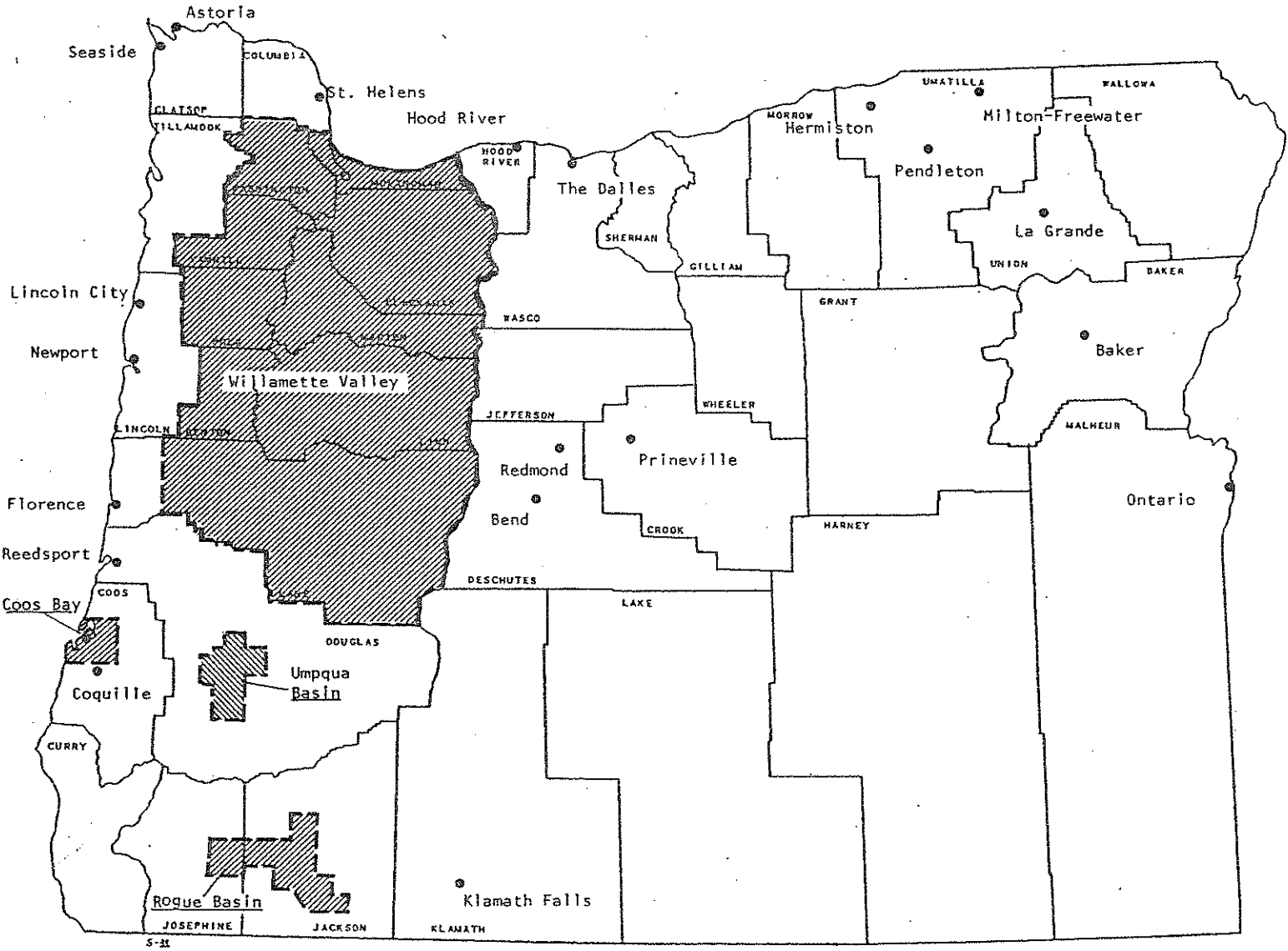
(4) The Umpqua Basin Open Burning Control Area is located in Douglas County with boundaries as generally depicted in Figure 5 of this rule. The area is enclosed by a line beginning at a point approximately 4 miles WNW of the City of Oakland, Douglas County, at the NE corner of T25S, R5W, Willamette Meridian; thence South to the SE corner of T25S, R5W; thence East to the NE corner of T26S, R4W; thence South to the SE corner of T27S, R4W; thence West to the SE corner of T27S, R5W; thence South to the SE corner of T30S, R5W; thence West to the SW corner of T30S, R6W; thence north to the NW corner of T29S, R6W; thence West to the SW corner of T28S, R7W thence North to the NW corner of T27S, R7W; thence East to the NE corner of T27S, R7W; thence North to the NW corner of T26S, R6W; thence East to the NE corner of T26S, R6W; thence North to the NW corner of T25S, R5W; thence East to the point of beginning.

(5) The boundaries of the Willamette Valley Open Burning Control Area are generally depicted in Figure 2 of this rule. The area includes all of Benton, Clackamas, Linn, Marion, Multnomah, Polk, Washington and Yamhill counties and that portion of Lane County

east of Range 7 West.

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

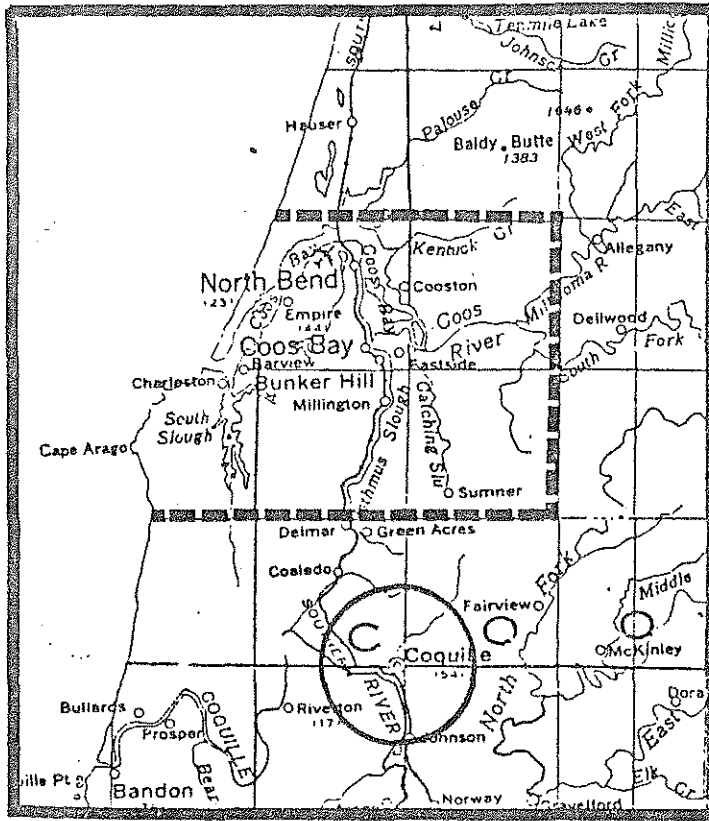
OPEN BURNING CONTROL AREAS



▨ OPEN BURNING CONTROL AREAS

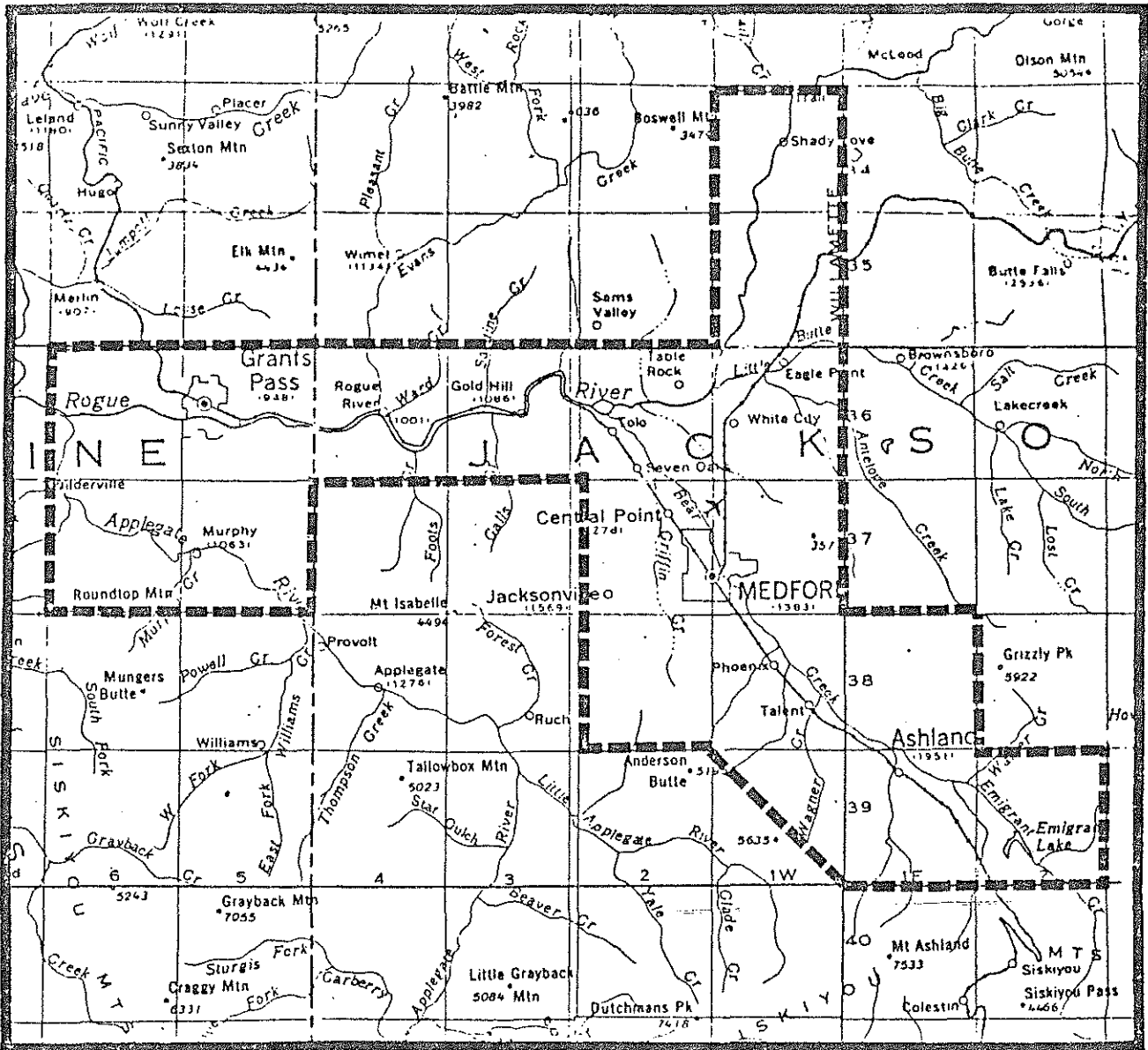
● CITIES EXCEEDING POPULATION OF 4,000

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



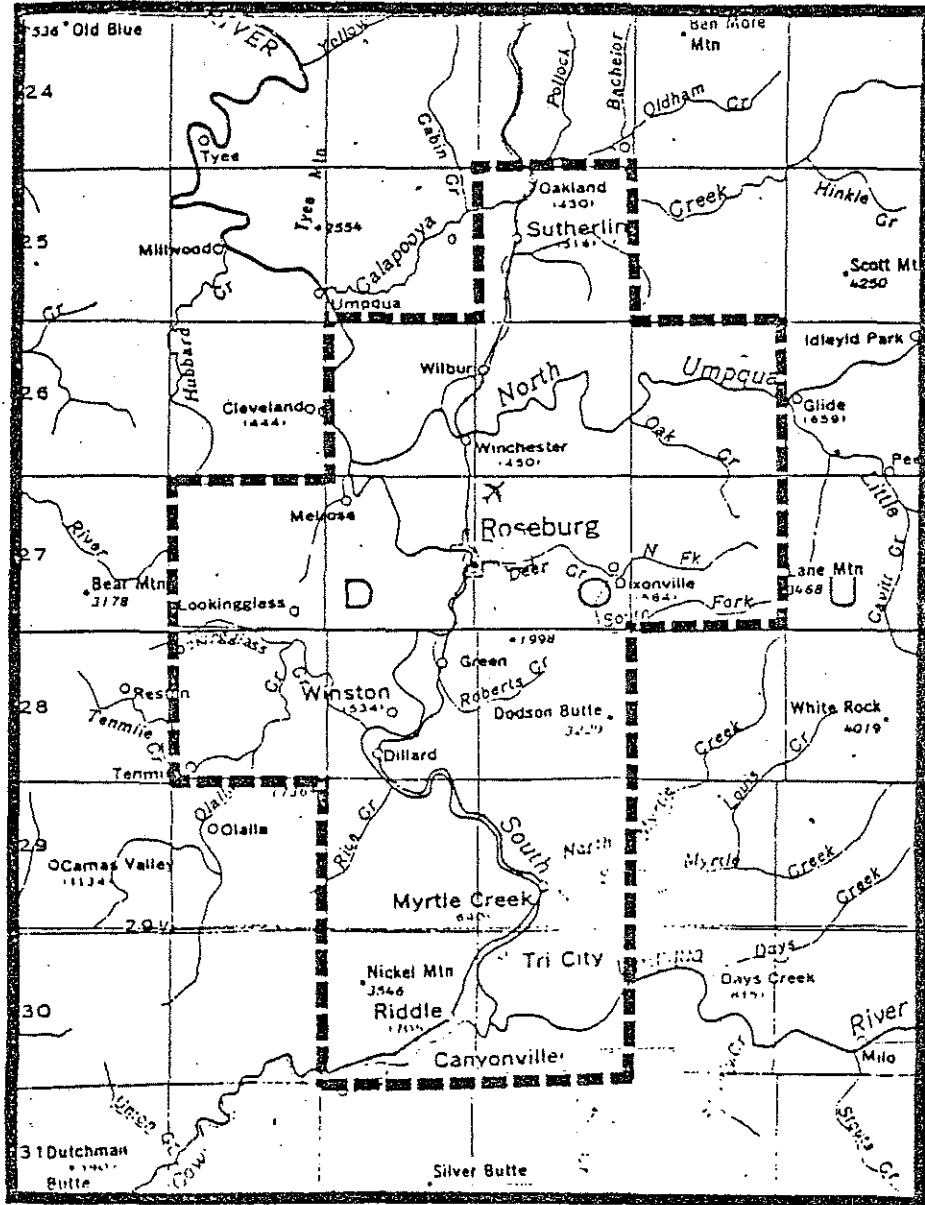
340-23-080
FIGURE 3

ROGUE BASIN OPEN BURNING CONTROL AREA

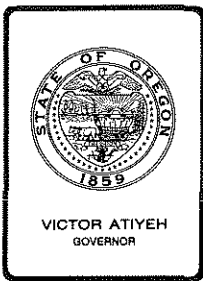


340-23-080
FIGURE 4

UMPQUA BASIN OPEN BURNING CONTROL AREA



340-23-080
FIGURE 5



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. I, January 30, 1981, EQC Meeting

Request for Approval of a Variance from the Lane Regional Air Pollution Authority Rules Section 23-005 through 23-025, Restrictions on Emission of Visible Air Contaminants, Veneer Dryers at the Murphy Company, Natron.

Background

On December 2, 1980, the Lane Regional Air Pollution Authority Board of Directors granted a variance to the Murphy Co. for operation of their veneer dryers in violation of the requirement for installation of control equipment by December 31, 1980. Circumstances beyond the control of the Murphy Co. made it impossible to comply with this deadline. A copy of the variance is attached (Attachment 1).

The Regional Authority is required by ORS 468.345(3) to submit all variances to the Commission within 15 days for Commission approval, denial or modification within 60 days of receipt.

Alternatives and Evaluation

The Murphy Co. has been negotiating the purchase of this plant for nearly a year. The company had agreed to a schedule for installation of veneer dryer controls by December 31, 1980. However, significant financial commitments could not be made until the sale was finalized.

A variance was granted to allow operation of the dryers without controls until January 19, 1981. After December 31, 1980 the dryers will comply with the visible emission limits by reducing dryer production rates and limiting dryer temperatures. The control strategy has already been approved by LRAPA.



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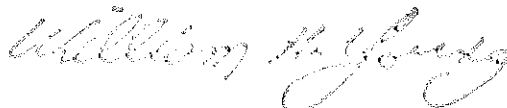
The Department supports the granting of this variance. Compliance will be maintained after December 31, 1980. The additional emissions, if any, resulting from the delay in control installation are not expected to have a measurable impact on the air quality in the area. Strict compliance with the requirement for installation of controls would result in closure of the plant after December 31, 1980 until controls could be installed.

Summation

- 1) On December 2, 1980, the Board of Directors of the Lane Regional Air Pollution Authority issued a variance to the Murphy Co. for operation of their veneer dryers without control equipment until January 19, 1981. Veneer dryer emissions must meet the oapcity limits after December 31, 1980.
- 2) LRAPA has submitted this variance to the Commission within the required 15 day limit.
- 3) The Department supports the granting of this variance. Strict compliance would result in closure of the plant after December 31, 1980 until controls could be installed.
- 4) The Commission is authorized by ORS468.345(3) to approve, deny or modify variance submitted by the Regional Authority.

Directors Recommendation

Based upon the findings in the Summation, it is recommended that the Commission approve the variance as granted to the Murphy Co., Natron, by the Lane Regional Air Pollution Authority Board of Directors.



William H. Young

- Attachments 1) Variance Granted by LRAPA
2) LRAPA Staff Report

F.A. Skirvin:in
229-6414
December 31, 1980
AI715

LANE REGIONAL AIR POLLUTION AUTHORITY

ORDER GRANTING VARIANCE REQUEST

1 In the Matter of Request for)
 Variance by The Murphy Company,)
 2 Natron Division, from Section) 1980-6
 32-010, 3.c. of the Lane Regional)
 3 Air Pollution Authority, Rules and)
 Regulations)
 4 _____

5 This request for variance was submitted pursuant to
 6 ORS 468.345 and Section 23-005 through 23-025, inclusive, of
 7 the Lane Regional Air Pollution Authority Rules and Regulations.
 8 A public hearing was held by the Board of Directors of the Lane
 9 Regional Air Pollution Authority. Upon hearing the testimony
 10 of Mr. John Murphy, representing The Murphy Company, and Donald
 11 Arkell, Director of Lane Regional Air Pollution Authority, and
 12 based on evidence presented, the Board finds:

- 13 1. During the year 1980, The Murphy Company has requested
 14 and received extensions of dates in its approved
 15 compliance schedule: 1) a two-month extension from
 16 March to May; and 2) a further extension from May to
 17 July 15.
- 18 2. Murphy has been negotiating to purchase the plant from
 19 the present owner and has had to delay substantial
 20 financial commitment until the sale is completed.
- 21 3. The resultant delay has caused the projected date of
 22 installation to extend to January 19, 1981, which is
 23 past the December 31, 1980 deadline prescribed in the
 24 rule.
- 25 4. Murphy is exercising good faith efforts to comply with
 26 the rule and has submitted a plan for compliance to Lane

LANE REGIONAL AIR POLLUTION AUTHORITY
ORDER GRANTING VARIANCE REQUEST
THE MURPHY COMPANY, NATRON DIVISION
(cont.)

1 Regional Air Pollution Authority.

2 5. Strict compliance with the requirement to install
3 control equipment before December 31, 1980 is
4 inappropriate in this instance, because under the
5 rule, the Natron plant would have to cease operation
6 immediately until the required control equipment is
7 installed and operational.

8 6. The plant can operate in compliance with the emission
9 standards until the control equipment is installed,
10 by reduction in the rate of production and the
11 addition of extra employee work shifts.

12 7. Adjustment in the manner of operation of the veneer
13 dryers at the Natron plant is necessary so that unfair
14 economic advantage over other similar operators does
15 not result from an affirmative Board action on this
16 request.

17 Based on the evidence presented and the foregoing findings,
18 the Board hereby approves the request for variance to Section
19 32-010 3.c., with the following conditions:

20 I. The scrubber system approved by the Lane Regional Air
21 Pollution Authority be installed and operational on
22 or before January 19, 1981.

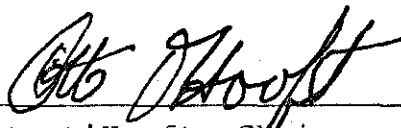
23 II. After December 31, 1980, the visible emissions from
24 the veneer dryers meet emission limits prescribed in
25 Section 32-010,3.c. of the Rules.

26 III. Permit conditions for the Murphy Natron operation be

LANE REGIONAL AIR POLLUTION AUTHORITY
ORDER GRANTING VARIANCE REQUEST
THE MURPHY COMPANY, NATRON DIVISION
(cont.)

1 amended to reflect the conditions of the extended
2 installation date, and the extended date itself.
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4

5 SIGNED:

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7

8 _____
9 Otto t'Hooft, Chairman
10 Board of Directors
11 Lane Regional Air Pollution Authority
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Agenda Item No. 5
LRAPA Board of Directors Meeting
December 2, 1980

TO: Board of Directors
FROM: Donald R. Arke11
SUBJ: The Murphy Company, Variance Request

Background

The Murphy Company has requested variance to Section 32-010(3) of the LRAPA Rules and Regulations. The Murphy Company operates three veneer dryers at its Natron Division plant at Natron. The visible emissions from these dryers exceed the limits of Section 32-010(3)(b) of the LRAPA Rules and Regulations. This operation is subject to the requirement that, after December 31, 1980, operations shall be within emission standards, and that maintaining non-complying operations up until that time is contingent upon an approved schedule.

The compliance schedule approved by the Board for this plant was originally negotiated with Brand S, Inc. and was renegotiated with Murphy in January of 1980, after Murphy assumed the operation of the Natron plant.

The physical plant at Natron is leased by Murphy Co., and the lease expires in December of 1980. Murphy has expressed concern that the capital expenditures for control equipment to bring the leased facility into compliance was not justified in his judgement, unless a long-term lease or sale of the plant could be negotiated.

Throughout the year 1980, Murphy has requested and received several revisions to the approved schedule. Date extension requests which were approved for Murphy were: 1) a two-month extension from March to May; and 2) a further extension from May to July 15. The latter extension accompanied a notice of violation for failure to meet the interim date for submitting a final plan.

Murphy has been in the process of negotiating with the owner for sale of the plant. The negotiations have been slow, and they started late because the owner was out of the Country until mid-August. Sale was to have been concluded at the end of October, whereupon installation of controls would begin.

Murphy's request for variance was made subsequent to a meeting with LRAPA staff on November 24th, at which time Murphy presented his final scrubber proposal and schedule, indicating that there has been agreement upon terms of the sale. The proposed date of start-up for this system, however, is January 19th, which is beyond the December 31 date prescribed in the Rules. According to the plan, the engineering has just begun and actual construction is scheduled on the week of December 8th (see Attachment 1).

During our meeting on November 24, Murphy indicated that the schedule anticipated that the plant would be closed during the Christmas/New Year Holidays, during which time bids would be negotiated with fabricators. The scheduled sequence is based upon use of in-plant personnel for construction. Mr. Murphy indicated that the plant's planned vacation shutdown might be scheduled for January, rather than late December, and that the schedule might be compressed by performing several tasks concurrently with outside help.

Analysis

Staff has examined the information provided thus far by Murphy Co., including the correspondence between staff and company officials. Throughout the period between March 1980 and present, there have been numerous verbal and written communications between the Murphy Co. and staff regarding extensions of time, difficulties in negotiating with the plant's owner, as well as different dryer control proposals.

It is understandable that, prior to making this kind of investment, a company would wish to, first, have assurances of a secure facility (achieved by a favorable long-term lease or outright purchase, with acceptable

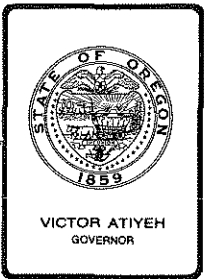
terms) and, secondly, acquire a control system at the least capital cost. It is, however, in our view, also the company's responsibility to assure that its operation is conducted lawfully, within the same constraints of rules which apply to other similar operations.

In order to preserve the even-handed application of the veneer dryer rules, LRAPA has had to take some difficult positions. The agency's exercise of flexibility to work with an individual company is severely limited in this instance, where economic disadvantage therefrom is likely to be felt by other similar operators who compete in the same market.

Staff must take the position, therefore, that if the Board grants this extension of time to install the scrubber, a condition be established that after December 31, 1980 emissions from the dryers at the Natron plant be reduced to levels within standards prescribed in the Regulations, until such time as construction is completed, on or before January 19. It would appear that, if meeting the standards means ceasing dryer operations, a revised vacation shutdown schedule during the first part of January, along with an accelerated construction schedule, would minimize employment disruption.

Director's Recommendation

It is recommended that: 1) the request for extension until January 19, 1981 be approved, provided that, after December 31, 1980, the dryer emissions meet emission limits prescribed in Section 32-010(3)(b) of the Rules; and 2) permit conditions for the Murphy Nation operation be amended to reflect the conditions of the extended installation date, and the extended date itself.



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, January 30, 1981, EQC Meeting

Request for approval of Variance from the Lane Regional Air Pollution Authority Rules Section 23-005 thru 23-025, Restrictions on Emission of Visible Air Contaminants, Veneer Dryers, for the Operation of the Veneer Dryers at the Treplex, Inc. Plant in Eugene

Background

On December 2, 1980, the Lane Regional Air Pollution Authority Board of Directors granted a variance to Treplex, Inc., for operation of their veneer dryers in violation of the requirement for installation of control equipment by December 31, 1980. Circumstances beyond the control of Treplex, Inc., made it impossible to comply with this deadline. A copy of the variance is attached (Attachment 1).

The Lane Regional Air Pollution Authority is required by ORS 468.345(3) to submit all variances to the Commission within fifteen (15) days for Commission approval, denial, or modification within sixty (60) days of receipt.

Alternatives and Evaluation

Treplex, Inc., had agreed to a schedule for installation of veneer dryer controls by December 31, 1980. However, delivery of controls has been delayed by the supplier until January 26, 1981 at the earliest.

The variance was granted to allow operation of the dryers without control until February 10, 1981. After December 31, 1980, the dryers will comply with the visible emission limits by reducing dryer production rates and limiting dryer temperatures. This control strategy, as well as the proposed system, has been approved by the Lane Regional Air Pollution Authority.



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The Department supports the granting of this variance. Compliance will be maintained after December 31, 1980. The additional emissions, if any, resulting from the delay in control installation, are not expected to have a measureable impact on the air quality in the area. Strict compliance with the requirement for installation of controls would result in closure of the plant after December 31, 1980, until controls could be installed.

Summation

1. On December 2, 1980, the Board of Directors of the Lane Regional Air Pollution Authority issued a variance to Treplex, Inc., for operation of their veneer dryers without control equipment until February 10, 1981. Veneer dryer emissions must meet the opacity limits after December 31, 1980.
2. Lane Regional Air Pollution Authority has submitted this variance to the Commission within the required 15 day limit.
3. The Department supports the granting of this variance. Strict compliance would result in closure of the plant after December 31, 1980, until controls could be installed.
4. The Commission is authorized by ORS 468.345(3) to approve, deny, or modify variances submitted by the Regional Authority.

Director's Recommendation

Based on the findings in the Summation, it is recommended that the Commission approve the variance as granted to Treplex, Inc., Eugene, by the Lane Regional Air Pollution Authority Board of Directors.


William H. Young

- Attachments: 1. Variance granted by LRAPA
2. LRAPA staff report

F. A. Skirvin:w
229-6414
December 30, 1980

AWD71 (1)

LANE REGIONAL AIR POLLUTION AUTHORITY

ORDER GRANTING VARIANCE REQUEST

1 In the Matter of Request for)
 2 Variance by Treplex, Inc. Fifth)
 3 Street Division, from Section) 1980-7
 4 32-010, 3.b. of the Lane)
 Regional Air Pollution)
 Authority Rules and Regulations)

5 This request for variance was submitted pursuant to
 6 ORS 468.345 and Section 23-005 through 23-025, inclusive, of
 7 the Lane Regional Air Pollution Authority Rules and Regulations.
 8 A public hearing was held by the Board of Directors of the Lane
 9 Regional Air Pollution Authority. Upon hearing the testimony
 10 of Mr. Bob Marker, representing Treplex, Inc., and Donald Arkell,
 11 Director of Lane Regional Air Pollution Authority, and based on
 12 evidence presented, the Board finds:

- 13 1. During the year 1980, Treplex has requested and
 14 received two revisions to their approved compliance
 15 schedule, due to financial conditions which delayed
 16 final engineering and because the bid for the specified
 17 system was much higher than expected.
- 18 2. Treplex has contracted to install a control system,
 19 which has been demonstrated successfully, at the plant.
- 20 3. The delivery date for controls needed to automate the
 21 flow of dryer gases into the boiler has caused the
 22 company to request delay of compliance until January
 23 26, 1981, at the earliest.
- 24 4. Treplex is exercising good faith efforts at this time
 25 to comply with the rule and has authorization to
 26 proceed.

LANE REGIONAL AIR POLLUTION AUTHORITY
ORDER GRANTING VARIANCE REQUEST
TREPLEX, INC., FIFTH STREET DIVISION
(cont.)

1 5. Strict compliance with the requirement to install
2 control equipment before December 31, 1980 is
3 inappropriate in this instance because, under the
4 rule, Treplex would have to cease operations
5 immediately until the equipment is installed and
6 operational, and it is possible for Treplex to
7 operate at a reduced level and be in compliance
8 with emission standards.

9 6. There should be an adjustment in the manner of
10 operation of the dryers, so that an unfair
11 economic advantage over other similar operators
12 does not result from an affirmative Board action
13 on this request.

14 Based on the evidence presented and the foregoing findings,
15 the Board hereby approves the request for variance to Section
16 32-010 3.c, extending the date for installation of equipment
17 to February 10, 1981, with the following conditions:

18 I. A report on efforts to expedite the schedule is made
19 to the Director on or before December 31, 1980;

20 II. An evaluation is performed before December 31, 1980
21 to establish temporary operating conditions to reduce
22 emissions to meet limits prescribed in the Rules, and
23 those conditions be maintained throughout the
24 remainder of the schedule;

25 III. After December 31, 1980, the dryer emissions meet
26 emission limits prescribed in Section 32-010,3.b.

LANE REGIONAL AIR POLLUTION AUTHORITY
ORDER GRANTING VARIANCE REQUEST
TREPLEX, INC., FIFTH STREET DIVISION
(cont.)

1 of the Rules;

2 IV. Permit conditions for the Treplex operation be
3 amended to reflect the above conditions of the
4 extended installation date, and the extended date,
5 itself.

6
7
8 SIGNED:

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11 _____
12 Otto t'Hooft, Chairman
13 Board of Directors
14 Lane Regional Air Pollution Authority
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Agenda Item No. 6

LRAPA Board of Directors Meeting

December 2, 1980

TO: Board of Directors
FROM: Donald R. Arke11
SUBJECT: Treplex, Inc., Variance Request

Background

Treplex, Inc. has requested variance to Section 32-010(3) of the LRAPA Rules and Regulations. The Treplex Company operates two veneer dryers at its 5th Street plant in Eugene. The visible emissions from these dryers exceed the limits of Section 32-010(3)(b) of the LRAPA Rules and Regulations. This operation is subject to the requirement that, after December 31, 1980, operations shall be within emission standards, and that maintaining non-complying operations up until that time is contingent upon an approved schedule.

The compliance schedule approved by the Board for this plant was negotiated with Treplex, Inc. in 1979, along with similar schedules for other veneer dryers in Lane County. Throughout the year 1980, Treplex has requested and received two revisions to the approved schedule. These were based on financial conditions which delayed final engineering; and because the bid for the specified system was much higher than expected Treplex explored other control systems.

Treplex has now contracted to have a control system installed. The control system selected has been demonstrated successfully and the engineering report was sufficient to issue the notice to proceed. The company has stated that the bulk of the capital investment will have been expended prior to December 31.

However, the schedule as presented carries a compliance date of March 31, 1981, which is beyond the December 31 date prescribed in the Rules. One reason cited for this delay is the lengthy delivery time of controls needed to automate the flow of dryer gases into the boiler. During a meeting with staff on November 24, Treplex indicated that the schedule could be shortened if delivery time could be speeded, and that efforts were underway to do that. Treplex has indicated that it will do everything it can to expedite the schedule, and should be prepared to report specific progress on these efforts very soon. The prospects of temporarily mitigating emissions "after January 1, 1981 through process slowdown, manual control of dryer emissions into the boiler, were to be evaluated also.

The company had asked that the variance request be considered in January so that additional specific information could be employed.

Analysis

Staff believes that the matter should be decided prior to the compliance date so that we are not automatically forced into a formal enforcement situation. It is recognized that more detailed information from Treplex will be available later. It is believed that Treplex, Inc. is exercising good faith efforts at this time.

As expressed in several other instances, there is concern regarding equal application of a rule which affects a class of sources in a close competitive market. We are reminded that this rule has been in effect in Lane County since May 1979. Most companies are fully meeting its

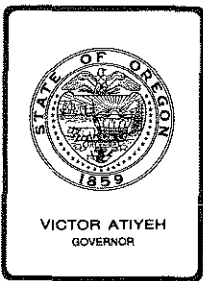
terms even though each company has a unique set of circumstances which may set it apart from others.

Staff believes that its position in this case should be consistent - that, if the Board grants an extension of time to install the control system, it be conditioned upon the continued efforts to expedite the schedule, and that after December 31, 1980 emissions from the dryers at the 5th Street plant be in compliance of standards prescribed in the Regulations, until such time as construction is completed, on or before _____.

Director's Recommendation

It is recommended that:

- 1) The request for extension until _____ 1981 be approved, provided that,
 - a) a report on efforts to expedite the schedule is made to the Director on or before December 31, 1980,
 - b) an evaluation be performed before December 31, 1980 of temporary operating conditions to reduce emissions below limits prescribed in the Rules, and those conditions be maintained throughout the remainder of the schedule,
 - c) after December 31, 1980, the dryer emissions meet emission limits prescribed in Section 32-010(3)(b) of the Rules; and
- 2) Permit conditions for the Treplex operation be amended to reflect the above conditions of the extended installation date, and the extended date itself.



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. K(1), January 30, 1981, EQC Meeting

Request for a Temporary Rule to Redefine the Residential
Backyard Burning Ban Boundary

Background

At its December 19, 1980, meeting, the Environmental Quality Commission reaffirmed its June 29, 1979, action of imposing a ban on residential backyard burning in Multnomah, Clackamas, Washington, and Columbia Counties effective December 31, 1980.

It had been the Department's intent to provide the EQC with a comprehensive report on reasonable alternatives and an appropriate boundary by November, 1980. Due to the complexities associated with the problem, the Department was unable to submit a recommended boundary by December 31, 1980. Therefore, the reaffirming action taken by the Commission resulted in a ban throughout the four subject counties. Subsequent meetings with fire districts and local jurisdictions confirmed that those outlying areas which were not previously restricted to twice per year burning would be severely impacted due to limited or no garbage service. It is believed that there would be an increase in promiscuous dumping, violation of the burning laws and creation of fire hazards. The EQC heard this matter via telephone conference on December 31, 1980, and adopted a temporary rule to permit burning in those areas not previously restricted to twice per year burning. At the conclusion of the hearing the Director advised the EQC that at the January 30, 1981, EQC meeting, the Department would request adoption of another temporary rule which more appropriately defines the boundary from an air quality and administrative standpoint. Fire districts have expressed a strong concern that promiscuous dumping will increase, fire hazards will result and an unmanageable enforcement problem will occur if an appropriate boundary is not established prior to a spring burn season. In developing a boundary recommendation, the staff has considered the following alternatives:



Contains
Recycled
Materials

(1) Ban Burning in Areas Previously Restricted to Twice Per Year Burning

This alternative reaffirms the boundary temporarily established by the EQC on December 31, 1980. Burning would be permitted in the following areas:

- Multnomah County - East of the Sandy River
- Clackamas County - Clarkes RFPD
Estacada RFPD
Colton-Springwater RFPD
Molalla RFPD
Hoodland RFPD
Monitor RFPD
Scotts Mills RFPD
Aurora RFPD
All portions of the Clackamas-Marion Fire Protection District within Clackamas County
- Washington County - In the Timber and Tri-Cities RFPD and in all other areas, outside a rural or municipal fire protection district
- Columbia County - Entire county

Although delineating boundaries in this manner is easily accomplished, the rural nature of many of the fire districts encompassed in the ban areas would result in promiscuous dumping, creation of fire hazards and enforcement problems. Burning in these rural areas is not believed to be an air quality problem and it is unlikely that any short-term alternatives will be available to many of the areas in question.

Attachment No. 1 identifies this boundary.

(2) Ban within the Metro Boundary

This alternative was recommended by the Portland Air Quality Advisory Committee. The Committee believes that the Metro boundary encompasses the greatest concentration of population and area impacted by backyard burning. This is an existing and known boundary and an individual could determine if burning was allowed on the basis of whether he or she is required to pass the DEQ motor vehicle inspection test. The majority of fire districts affected by this boundary are opposed to this recommendation for the following reasons:

- (a) Use of the Metro boundary splits fire districts. For those that are rural in nature, an inequity is created among constituents and neighbors. As the major administrator of the burning rules, this creates a community relations and enforcement problem for the fire districts.

- (b) Some of the more rural districts also have limited disposal service. Therefore, a ban in these areas could also increase promiscuous dumping, fire hazards, and rule violations.
- (c) Backyard burning in the rural areas is not considered an air pollution problem.

This alternative would restrict burning as follows:

- (a) No burning within the Metro boundaries.
- (b) Those fire districts which are partially or wholly outside the Metro boundary and that were previously restricted to twice per year burning would be permitted to reinstate the practice in those outside areas.
- (c) Those fire districts not previously restricted would remain so.
- (d) Columbia County would not be included in the ban or twice per year area.

Attachment No. 1 identifies this boundary.

(3) Ban Within Recommended Fire District Boundaries

This alternative is one which has been developed between the fire districts and the Department. The area encompassed is smaller than the Metro boundary. It excludes the outlying rural areas from the ban or twice per year burning restriction. Those areas between the densely populated urban and outlying rural areas would be allowed to burn on a twice per year basis. Reinstatement of a twice per year burn area is believed necessary for areas which are not likely to be provided an alternative in the near future.

Most notable in this alternative is the fact that Hillsboro and Forest Grove are not included within the ban boundary but are included in the twice per year burn area. The Department and fire districts agree to not include these areas in the ban because they are surrounded by major agricultural operations and twice-per-year burning here would not contribute significantly to air quality problems.

Although many of the fire districts are opposed to a ban until alternatives are in place, it is believed that this boundary will largely satisfy air quality and administrative problems faced by both the Department and the fire districts. This boundary would restrict burning as follows:

Attachment No. 1 identifies this boundary.

Multnomah County

- (a) Burning to be prohibited west of the Sandy River with the exception of Skyline RFPD #20, Sauvies Island, Burlington Water District and all unincorporated areas located in northwestern Multnomah County and not within a fire protection district. These excepted areas will be limited to twice per year burning.
- (b) Year round burning to be permitted east of the Sandy River.

Clackamas County

- (c) Burning to be prohibited in the following areas:

Clackamas County RFPD #1

The portion of Clackamas RFPD #71 which lies west of the Southern Pacific Railroad mainline

Glenmorrie RFPD #66

Gladstone

Lake Grove RFPD #57

Lake Oswego

Milwaukie

Oregon City

Oak Lodge

Portland

Riverdale RFPD #60

Rosemont RFPD #67

That part of Tualatin RFPD #64 which lies north of I-205

West Linn

- (d) Twice per year burning to be permitted in the following areas:

Beavercreek RFPD #55

Boring RFPD #59

Canby

Canby RFPD #62

Clackamas County RFPD #54

That portion of Clackamas RFPD #71 which lies east of the Southern Pacific Railroad mainline

Sandy RFPD #72

That portion of Tualatin RFPD #64 which lies south of I-205

- (e) Burning would be permitted year round in the following areas:

Clarkes RFPD

Estacada RFPD

Colton-Springwater RFPD

Molalla RFPD

Hoodland RFPD

Monitor RFPD

Scotts Mills RFPD

Aurora RFPD

All portions of the Clackamas-Marion Fire Protection District
within Clackamas County

Washington County

- (c) Burning to be prohibited in the following areas:

Beaverton Fire District

River Grove Rural Fire Protection District #57

Portland Fire District

That portion of Tualatin RFPD including the cities of Tualatin, Durham, Tigard, and King City, which is north of a line starting at the point where I-205 crosses the Washington-Clackamas County line, westward along I-205 to the Tualatin city limit at I-5, thence along the southerly and westerly city limit of Tualatin to the Tualatin River, thence westward along the Tualatin River to Highway 99W, thence along highway 99 W to Fisher Road, thence along Fisher Road to 131st Avenue, thence northward along 131st to Beef Bend Road, west and north on Beef Bend Road to its intersection with the boundary of the Tualatin Rural Fire Protection District.

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

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

- (d) Twice per year burning would be allowed in the following areas:

Within the corporate city limit of Cornelius
Within the corporate city limit of Forest Grove
Within the corporate city limit of Hillsboro
That portion of Tualatin RFPD not included above
Within Cornelius RFPD
Within Gaston RFPD
Within that part of Washington County RFPD number 1 outside
of the Metropolitan Service District
Within Washington County RFPD number 2 except for the
portion included above

- (e) Burning year round would be permitted in the Timber and Tri-City RFPD and all other areas outside of rural or municipal fire protection districts.

Columbia County - Burning would be permitted year round.

Authority

Oregon Revised Statute (ORS) 183.335 Notice requirements for rule adoption; temporary rule adoption, amendment or suspension;.....(5) states:

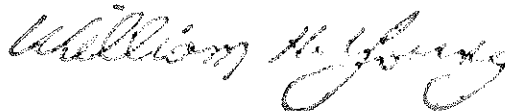
- (5) Notwithstanding subsections (1) and (4) of this section, an agency may adopt, amend or suspend a rule without prior notice of hearing or upon any abbreviated notice and hearing that it finds practicable, if the agency prepares:
- (a) A statement of its findings that its failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned and the specific reasons for its findings of prejudice;
 - (b) A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;
 - (c) A statement of the need for the rule and a statement of how the rule is intended to meet the need; and
 - (d) A list of the principal documents, reports or studies, if any prepared by or relied upon by the agency in considering the need for and in preparing the rule, and a statement of the location at which those documents are available for public inspection.

Summation

1. At this time residential backyard burning is prohibited in all areas of Multnomah, Clackamas, and Washington Counties which were previously restricted to twice per year burning.
2. A ban encompassing the current area presents a concern to the Department, fire districts and local jurisdictions because it is believed that a ban in the rural areas will lead to an increase in promiscuous dumping, creation of fire hazards and an unmanageable enforcement problem.
3. The Department has considered three possible boundaries. Use of the current boundary, use of the Metro boundary, and a boundary developed by the fire districts and the Department.
4. The Department believes the DEQ/Fire District boundary is one which will generally satisfy air quality requirements; excludes the majority of most rural areas, provides a manageable area for DEQ/Fire Service enforcement; and best approximates the area in which disposal alternatives are likely to be first implemented.

Directors Recommendation

Based upon the Summation, it is recommended that the Environmental Quality Commission find that failure to act promptly will result in the imposition of a ban on residential backyard burning in those areas which are proposed to be free of a ban in the proposed revised rules contained in Attachment No. 2 and continuance of such ban will result in serious prejudice to the public interest. Therefore, it is recommended that the Commission adopt, as a temporary rule of 180 days duration beginning February 1, 1981, the proposed revised rules contained in Attachment No. 2.



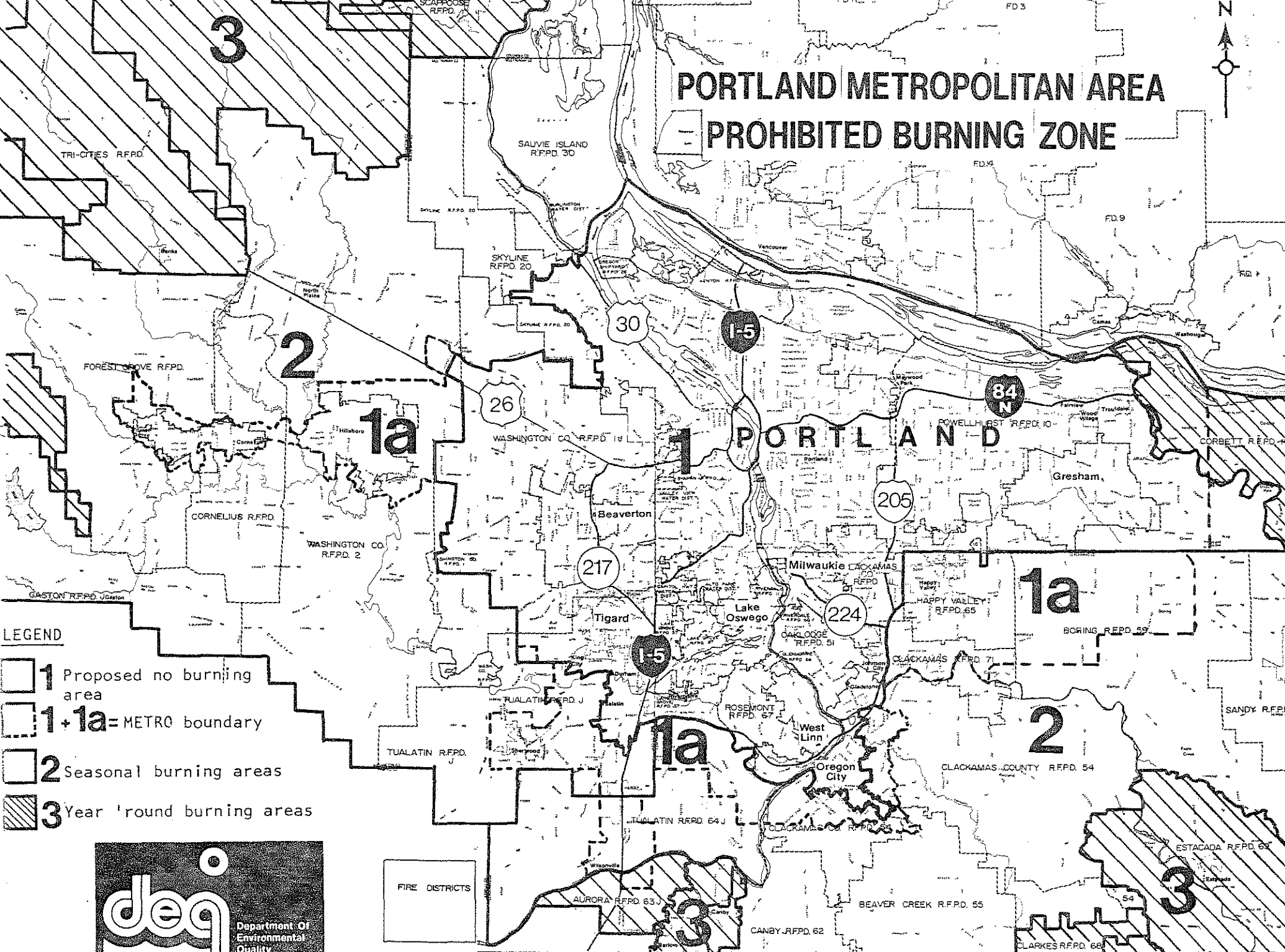
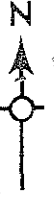
William H. Young





Attachments:

- No. 1 - Map of Boundaries
- No. 2 - Proposed Rule
- No. 3 - Statement of Need for Rulemaking

T. R. Bispham
(503) 229-5342
January 9, 1981

PORTLAND METROPOLITAN AREA PROHIBITED BURNING ZONE



- LEGEND**
-  **1** Proposed no burning area
 -  **1+1a** METRO boundary
 -  **2** Seasonal burning areas
 -  **3** Year 'round burning areas

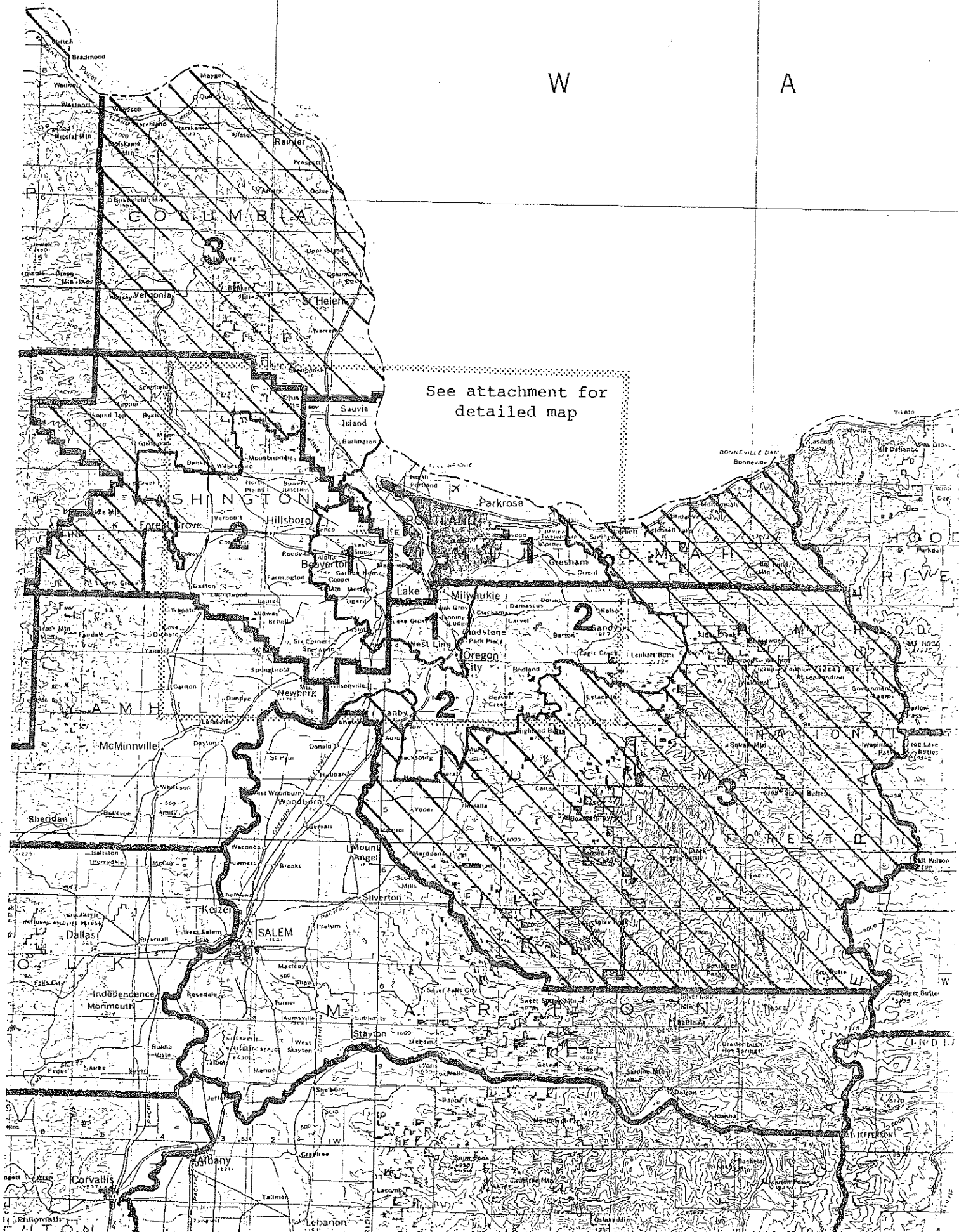


ATTACHMENT 1

W

A

See attachment for detailed map



Requirements and Prohibitions by Area

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

(2) Solid Waste Disposal: Open burning at solid waste disposal sites is prohibited statewide except as authorized by a Solid Waste Permit issued as provided in OAR Chapter 340, Rules 340-61-005 through 340-61-085.

(3) Commercial Waste: Open burning of commercial waste is prohibited within open burning control areas except as may be provided in section (7) of this Rule.

(4) Industrial Waste: Open burning of industrial waste is prohibited statewide except as may be provided in section (7) of this Rule.

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

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

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

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

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

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

~~{A} -- In Columbia County,~~

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

~~{C} -- In the following rural fire protection districts of Clackamas County:~~

~~{i} ----- Clarkes Rural Fire Protection District,~~

~~{ii} ----- Estacada Rural Fire Protection District No. 69,~~

~~{iii} --- Colton-Springwater Rural Fire Protection District,~~

~~{iv} ----- Molalla Rural Fire Protection District,~~

~~{v} ----- Hoodland Rural Fire Protection District,~~

~~{vi} ----- Monitor Rural Fire Protection District,~~

~~{vii} --- Seotts Mills Rural Fire Protection District,~~

~~{viii} -- Aurora Rural Fire Protection District,~~

~~{ix} ----- All portions of the Clackamas-Marion Fire Protection District within Clackamas County,~~

~~{D} -- In Multnomah County east of the Sandy River,~~

~~{E} -- In all other parts of Multnomah, Washington, and~~

~~Clackamas counties, for the burning of wood, needle or leaf materials from trees, shrubs or plants from yard clean-up on the property at which one resides, during the period commencing on the first day in March and terminating at sunset on the fifteenth of June and commencing on the first day in October and terminating at sunset on the fifteenth of December.]~~

(a) In Columbia County such burning is permitted.

(b) In Clackamas County

(A) Burning is prohibited in the following areas:

(i) Clackamas Co. RFPD #1

(ii) That portion of Clackamas RFPD #71 which lies west of the Southern Pacific Railroad mainline.

(iii) Glenmorrie RFPD #66

(iv) Gladstone

(v) Lakegrove RFPD #57

(vi) Lake Oswego

(vii) Milwaukie

(viii) Oregon City

(ix) Oak Lodge

(x) Portland

(xi) Riverdale RFPD #60

(xii) Rosemont RFPD #67

(xiii) That part of Tualatin RFPD #64 which lies north of I-205.

(xiv) West Linn

(B) Open burning of yard debris is allowed in the following fire districts between March first and June fifteenth inclusive, subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal and OAR 340-23-040.

(i) Beaver Creek RFPD #55

(ii) Boring RFPD #59

(iii) Canby

(iv) Canby RFPD #62

(v) Clackamas Co. RFPD #54

(vi) That portion of Clackamas RFPD #71 which lies east of the Southern Pacific Railroad mainline.

(vii) Sandy RFPD #72

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

(C) Domestic open burning is allowed in the areas not covered in paragraphs (A) and (B) of this subsection subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal and ORS 340-23-040.

(c) In Multnomah County

(A) Burning is prohibited west of the Sandy River except, that open burning of yard debris is allowed in the following areas from March first to June fifteenth inclusive subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal and OAR 340-23-040.

(i) Skyline RFPD #20

(ii) Sauvie Island

(iii) Burlington Water District

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

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

(d) In Washington County

(A) Such burning is prohibited in the following areas:

(i) Beaverton Fire District

(ii) River Grove Rural Fire Protection District #57

(iii) Portland Fire District

(iv) That portion of Tualatin RFPD including the cities of Tualatin, Durham, Tigard and King City, which is north of a line starting at the point where I-205 crosses the Washington-Clackamas County line, westward along I-205 to the Tualatin city limit at I-5, thence along the southerly and westerly city limit of Tualatin to the Tualatin River, thence westward along the Tualatin River to highway 99W, thence northward along highway 99W to Fisher Road, thence westward along Fisher Road to 131st Avenue, thence northward along 131st Avenue to Beef Bend Road, thence west and north on Beef Bend Road to its intersection with the boundary of the Tualatin Rural Fire Protection District.

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

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

(B) Such open burning of yard debris is allowed on a day between March first and June fifteenth inclusive subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal and OAR 340-23-040:

(i) Within the corporate city limit of Cornelius.

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

(iii) Within the corporate city limit of Hillsboro.

(iv) That portion of Tualatin RFPD not included in paragraph (A) (iv) of this subsection.

(v) Within Cornelius RFPD

(vi) Within Gaston RFPD

(vii) Within Forest Grove RFPD

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

(ix) Within Washington County RFPD number 2 except for the portion included in paragraph (A) (vi) of this subsection.

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

(e) [~~(b)~~] Such burning is permitted until July 1, 1982:

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

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

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

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

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

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

(c) The Department shall evaluate all such requests for open burning taking into account reasonable efforts to use alternative means

of disposal, the condition of the particular airshed where the burning will occur, other emission sources in the vicinity of the requested open burning, remoteness of the site and methods to be used to insure complete and efficient combustion of the waste material.

(d) If the Department is satisfied that reasonable alternative disposal methods are not available, and that significant degradation of air quality will not occur as the result of allowing the open burning to be accomplished, the Department may issue a letter permit to allow the burning to take place. The duration and date of effectiveness of the letter permit shall be specific to the individual request for authorization of open burning, and the letter permit shall contain conditions so as to insure that the burning is accomplished in the most efficient manner and over the shortest time period attainable.

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

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

Subject: Agenda Item No. K(1) January 30, 1981, EQC Meeting
Request for a Temporary Rule to Redefine the
Residential Backyard Burning Ban Boundary.

STATEMENT OF NEED FOR RULEMAKING

Pursuant to ORS 183.335(5), this statement provides information on the Environmental Quality Commission's intended action to adopt a rule.

(1) Legal Authority

ORS Chapters 183 and 468 including 468.020, 468.045, 468.290 and 468.295.

(2) Need for the Rule

The proposed temporary rule would redefine the residential burning ban boundary adopted by the EQC on December 31, 1980.

It is believed that the current boundary encompasses too broad an area. Burning in this area would not be considered an air quality problem and it is believed there would be an increase in promiscuous dumping, creation of fire hazards and a difficult enforcement problem in the more rural areas.

(3) Fiscal Impact

This rule would reduce the financial burden imposed upon many rural residences that would otherwise be required to increase garbage services or self-haul their debris to distant landfills.

This rule should also reduce the potential for promiscuous dumping, creation of fire hazards and enforcement and their related cleanup and administration.

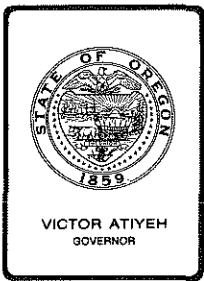
(4) Land Use Consistency Statement

This is not relevant.

(5) Principal Documents Relied Upon in the Rulemaking

None.

TRB:mb
229-5342
January 8, 1981



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. K(2), January 30, 1981, EQC Meeting

Request for a Temporary Rule to Provide Department Authority to Approve Emergency Municipal Burning and Individual Hardship Burning on a Permit Fee Basis

Background

Since 1970 when residential backyard burning was initially regulated, individuals have periodically requested special burning permits from the Department. The basis for these requests have varied from not being able to burn during the required season; inability to complete burning; financial and physical hardship; and volume/accessibility problems.

To date the rules pertaining to special burning permits in Multnomah, Clackamas, Washington and Columbia Counties have only provided for commercial, industrial and governmental burning of debris created by natural disasters. Providing a special permit alternative to the individual was believed to be a deterrent to the development of other alternatives and was also considered to be an unmanageable system.

Upon reaching the effective date of the burning ban, a number of individuals with dense vegetation on large parcels have expressed concern that they will be unable to adequately handle and dispose of this material due to volume and inaccessibility problems.

In addition, local governments have expressed a need to expand the special permit section to include permits to allow municipal burning of residential yard debris collected or accepted by the municipality and for which no alternative disposal method is available or yet implemented.

The Department's consideration of the matter has resulted in a review of the system currently used in the City of Seattle. Neither the City or the local air pollution authority have prohibited backyard burning.

However, the local fire department employs a permit and fee system which has essentially eliminated backyard burning, the exceptions being those cases where it is not practical to get rid of the material any other way.



Contains
Recycled
Materials

It is our understanding that approximately one hundred permits are currently issued on an annual basis. This has been accomplished by imposing a fee, issuance of a comprehensive permit and an inspection of the site and material to be burned to ensure that material that must be burned is done so cleanly and as pollution/nuisance-free as possible.

On December 24, 1980, the Department submitted this information to a group of fire service and governmental officials. The consensus of opinion was that such a system was needed and acceptable. This group also supported a provision which would allow municipalities to conduct specialized burns of residential yard debris for which an alternative disposal means was not yet available.

The Department believes that adoption of a temporary rule to cover individual hardship and emergency municipal burning is necessary at this time to preclude the generation of fire hazards (individual and municipal) and an increase in enforcement activity. The Department believes that with a fee requirement, well-conditioned permits and site inspection that a manageable system can be implemented which will result in few if any air quality problems. This type of rule will also be proposed under final rule adoption.

The Department has developed a proposed temporary rule to cover the subject burning situations.

Authority

Oregon Revised Statute (ORS) 183.335 Notice requirements for rule adoption; temporary rule adoption, amendment or suspension; (5) states:

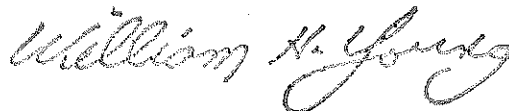
- (5) Notwithstanding subsections (1) and (4) of this section, an agency may adopt, amend or suspend a rule without prior notice of hearing or upon any abbreviated notice and hearing that it finds practicable, if the agency prepares:
 - (a) A statement of its findings that its failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned and the specific reasons for its findings of prejudice;
 - (b) A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;
 - (c) A statement of the need for the rule and a statement of how the rule is intended to meet the need; and
 - (d) A list of the principal documents, reports or studies, if any prepared by or relied upon by the agency in considering the need for and in preparing the rule, and a statement of the location at which these documents are available for public inspection.

Summation

1. Upon reaching the effective date of the backyard burning ban, the Department has received comment that a strict and complete prohibition will create a hardship for individuals with large, heavily vegetated and inaccessible lots and municipalities that have collected residential yard debris and do not have in place, alternative means of disposal.
2. Based partially upon a review of the City of Seattle fire permit experience, the Department believes a fee supported, special permit system could be implemented in the banned and restricted areas which is both manageable and acceptable from an air quality standpoint, and which will provide some flexibility to deal with extremely difficult situations, at least until alternative disposal methods are developed and operational.
3. Informal support for such a system was presented by fire service and government officials at a meeting on December 24, 1980.
4. The Department finds that failure to act promptly will result in increased promiscuous dumping, creation of fire hazards and violations of the law by some individuals with hardship disposal problems.
5. The Department developed a proposed new rule (Attachment 1) for Commission consideration.

Directors Recommendation

Based upon the Summation, it is recommended that the Environmental Quality Commission find that failure to act promptly will result in serious prejudice to the public interest. Therefore, it is recommended that the Commission adopt, as a temporary rule, of 180 days duration, beginning February 1, 1981, the proposed revised rules contained in Attachment No. 1.



William H. Young

- Attachments
1. Proposed Revised Rule
 2. Statement of Need for Rulemaking

T. R. Bispham:g
229-5342
January 8, 1981

RG71.B (1)

Requirements and Prohibitions by Area

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

(2) Solid Waste Disposal: Open burning at solid waste disposal sites is prohibited statewide except as authorized by a Solid Waste Permit issued as provided in OAR Chapter 340, Rules 340-61-005 through 340-61-085.

(3) Commercial Waste: Open burning of commercial waste is prohibited within open burning control areas except as may be provided in section (7) of this Rule.

(4) Industrial Waste: Open burning of industrial waste is prohibited statewide except as may be provided in section (7) of this Rule.

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

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

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

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

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

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

(A) In Columbia County.

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

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

(i) Clarkes Rural Fire Protection District.

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

(iii) Colton-Springwater Rural Fire Protection District.

(iv) Molalla Rural Fire Protection District.

(v) Hoodland Rural Fire Protection District.

(vi) Monitor Rural Fire Protection District.

(vii) Scotts Mills Rural Fire Protection District.

(viii) Aurora Rural Fire Protection District.

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

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

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

(b) Such burning is permitted until July 1, 1982:

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

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

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

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

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

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

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

~~(d) -- If the Department is satisfied that reasonable alternative disposal methods are not available, and that significant degradation of air quality will not occur as the result of allowing the open burning to be accomplished, the Department may issue a letter permit to allow the burning to take place. -- The duration and date of effectiveness of the letter permit shall be specific to the individual request for authorization of open burning, and the letter permit shall contain conditions so as to insure that the burning is accomplished in the most efficient manner and over the shortest time period attainable.~~

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

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

(a) Open Burning of commercial, industrial, construction or demolition waste on a singly occurring or infrequent basis or the open burning of yard debris which is otherwise prohibited, may be permitted by a letter permit issued by the Department in accordance with this rule and subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal and OAR 340-23-040. OAR 340-14-025 and 340-20-140 through 340-20-185 shall not apply.

(b) A letter permit may only be issued on the basis of a written application for disposal of material by burning which has been approved by the Department. Each application for a letter permit shall contain the following items:

(A) The quantity and type of material proposed to be burned,

(B) A listing of all efforts which have been made to dispose of the material by means other than open burning.

(C) The expected amount of time which will be required to complete the burning (not required for yard debris).

(D) The methods proposed to be used to insure complete and efficient combustion of the material

(E) The location of the proposed burning site

(F) A diagram showing the proposed burning site and the structures and facilities inhabited or used in the vicinity including distances thereto,

(G) The expected frequency of the need to dispose of similar materials by burning in the future.

(H) Any other information which the Department may require.

(I) Payment of a permit fee in accordance with the schedule listed in subsection (k) of this section.

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

(A) The applicant has demonstrated that all reasonable alternatives have been explored and no practicable alternative method for disposal of the material exists; and

(B) The proposed burning will not cause or contribute to significant degradation of air quality in the airshed.

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

(A) Any material misstatement or omission in the application;

(B) Any violation of any statute, rule, regulation, order, permit, ordinance, judgement or decree;

(e) In making its determination under subsection (c) above, the Department may consider:

(A) The conditions of the airshed of the proposed burning

(B) The other air pollution sources in the vicinity of the proposed burning,

(C) The availability of other methods of disposal, and special circumstances or conditions which may impose a hardship on the applicant

(D) The frequency of the need to dispose of similar materials in the past and expected in the future.

(E) The applicant's prior violations, if any; and

(F) Any other relevant factor.

(f) Each letter permit issued by the Department pursuant to subsection (b) of this section shall contain at least the following elements:

(A) The location at which the burning is permitted to take place.

(B) The number of actual calendar days on which burning is permitted to take place, not to exceed seven (7), except that a letter permit for yard debris shall not contain such a limitation.

(C) The period during which the permit is valid, not to exceed a period of thirty (30) consecutive days, except a permit for yard debris. The actual period in the permit shall be specific to the needs of the applicant. A letter permit for yard debris shall be valid for the calendar year in which it is issued.

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

(E) The limitations, if any, based on meteorological conditions required before burning may occur. Open burning under permits for yard debris shall be limited to the hours between 0730 and two hours before sunset.

(F) Reporting requirements for both starting the fire each day and completion of the requested burning (optional for permits for yard debris).

(G) A statement that OAR 340-23-040 is fully applicable to all burning under the permit.

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

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

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

(i) For locations within Clackamas, Columbia, Multnomah and Washington Counties, letter permits may be issued only for the purpose of disposal of:

(A) Material resulting from emergency occurrences including, but not limited to floods, storms or oil spills.

(B) Material originating as yard debris which has been collected and stored by governmental jurisdictions provided that no other reasonable means of disposal are available.

(C) Yard debris on the property of a private residence where the inability to burn creates a hardship due to volume of material, inaccessibility of the area or the lack of reasonable alternatives.

(j) Failure to conduct open burning according to the conditions, limitations, or terms of a letter permit, or any open burning in excess of that permitted by the letter permit shall be violation of the permit and shall be cause for assessment of civil penalties for

each violation as provided in OAR 340-12-030, 340-12-035, 340-12-040(3) (b), 340-12-045, and 340-12-050(3), or for other enforcement action by the Department.

(k) All applications for a letter permit shall be accompanied by a permit fee as prescribed in this section. All fees shall be payable to the Department and become non-refundable upon issuance of the permit.

<u>Type of Application</u>	<u>Fee</u>
<u>(1) Commercial, industrial, construction</u> <u>or demolition waste:</u>	<u>\$50</u>
<u>(2) Yard debris.</u>	<u>\$30</u>

ATTACHMENT 2

Agenda Item K(2), January 30, 1981, EQC Meeting

STATEMENT OF NEED FOR RULEMAKING

Pursuant to ORS 183.335(5), this statement provides information on the Environmental Quality Commission's intended action to adopt a rule.

(1) Legal Authority

ORS Chapter 183 and 468.020, 468.045, 468.290, 468.295, 468.310 and 468.065.

(2) Need for the Rule

The proposed temporary rule would allow the Department to issue special fee supported burn permits. These permits could be issued to municipalities that have collected residential yard debris and have no other reasonable disposal alternative available. The rule would also apply to individuals confronted with disposal of large volumes of yard debris with difficult access and lack of a reasonable alternative.

A fee of thirty (30) dollars is recommended to cover the cost of issuance and site inspection.

This rule is necessary to assist municipalities and individuals faced with hardships in disposing of residential yard debris. It is anticipated that such a rule will reduce promiscuous dumping and creation of fire hazards.

(3) Fiscal Impact

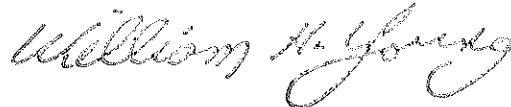
This rule would reduce the financial burden on municipalities that have collected residential yard debris and would have to employ an economically impractical method of disposal. It would also reduce or eliminate unreasonable disposal costs to individuals faced with disposal of large volumes of yard debris with difficult access.

(4) Land Use Consistency Statement

This is not relevant.

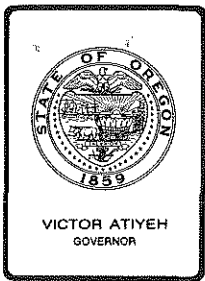
(5) Principal Documents Relied Upon

None



William H. Young

T. R. Bispham:g
229-5342
January 8, 1980



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director *Bill*

Subject: Written Comments Received on Backyard Burning Ban
(K-1, K-2)

Date: January 29, 1981

The Department and the Governor's office has received 33 letters regarding the Commission's action to ban backyard burning. Eight of those letters were from Columbia County, including both the Clatskanie Rural Fire Protection District and the Clatskanie Volunteer Fire Department, urging the Commission to continue to exclude Columbia County from the burn ban boundaries.

The other letters were from areas likely to be effected by the burning ban. Portland Mayor Ivancie argued that the air quality impact from backyard burning was minimal compared to the costs of other disposal alternatives and landfill space demands. Clackamas County wrote in support of staff recommendations on both agenda items K-1 (boundaries) and K-2 (hardship burn permit system). The City of Milwaukie was disturbed at the Commission's action to set the ban in place, and asked that the Commission reverse its decision on implementing the ban until more clear answers are found for questions regarding disposal alternatives. Clackamas Fire District #71 argued that the ban should not be instituted, and was concerned about the additional expense and dumping of bush and debris.

The remaining letters from private citizens were mixed. Most did not believe that backyard burning contributed significantly to the air pollution problem. Many were concerned about the additional expense involved in having debris hauled away or chipping the material. Several letters expressed concern that the Commission was creating a solid waste problem by banning debris burning, and would be filling the region's landfills at a faster pace than normal. Some people detailed their properties that were not able to be cleared without some burning, and asked for special relief for some burning. One letter urged a strong stand against backyard burning. One person was concerned about the infestation of debris piles with rodents.

JG:n
MN62



CITY OF
PORTLAND, OREGON
OFFICE OF MAYOR

RECEIVED
JAN 12 1981

Office of
Francis J. Ivancie, Mayor
1220 S.W. 5th
Portland, Oregon
(503) 248-4120

Office

January 7, 1981

Honorable Victor Atiyeh
Governor of Oregon
State Capitol
Salem, Oregon 97210

Dear Governor Atiyeh:

The decision to ban backyard burning should be rescinded. According to available statistics, backyard burning accounts for only 1.4% of the Portland region's particulate problem. Going after 1.4% of a problem is "to strain at a gnat and swallow a camel."

Not only is the impact of backyard burning minimal, its impact can be controlled. Limiting the burning season to twice a year, and then only when airshed conditions permit, has been a practical, inexpensive, and efficient solution to the two problems of disposing of backyard debris and maintaining air quality.

None of the alternatives to burning has the same advantages. All are costly. Even the least expensive will result in financial hardships for those homeowners and local governments whose budgets are already stretched to the limit.

It is not in the public interest to impose costly regulations on the people without assurances that the benefits to them will exceed the costs. In the case of the ban, there are no such assurances.

The citizens of Portland, and throughout the metropolitan area, have a right to know what they are likely to get in improved air quality for the millions the ban is likely to cost them. They also have a right to know what the consequences and their costs may be. One such consequence, for example, is running the risk of precipitating a regional solid waste crisis. (See attached City of Portland testimony before the EQC on December 19, 1980.)

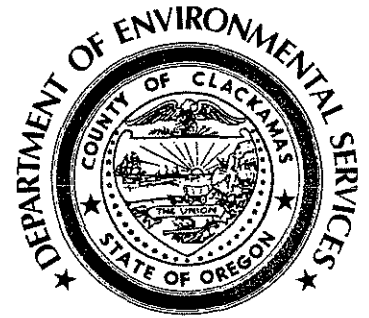
No analysis has been made which addresses these issues. This should be done. Until then - until all the facts are in - the ban should be abolished and controlled backyard burning reinstated.

Sincerely,



MAYOR

FJI/dg
Attachment



January 23, 1981

Environmental Quality Commission
Box 1760
Portland, OR 97207

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

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

JOHN C. McINTYRE
Director

Members of the Commission:

Clackamas County wishes to express its support for the Director's recommendation of January 30, 1981, on agenda items K(1) and K(2).

The Director's recommendation on item K(1) would generally satisfy air quality requirements, reduce incentives for illegal dumping and burning, and provide an equitable and enforceable system.

The Director's recommendation on item K(2) would increase flexibility for local governments, reduce individual hardship, and reduce incentives for illegal dumping and burning.

The County supports adoption of these temporary rules.

DAVID G. PHILLIPS - Code Compliance Representative
Development Services Division

/mb

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JAN 27 1981

OFFICE OF THE DIRECTOR



CLACKAMAS FIRE DISTRICT NO. 71

656-5262 • 15711 S.E. 90th • P.O. BOX 83 • CLACKAMAS, OREGON 97015

JOE W. PROVOST
FIRE CHIEF

CONRAD R. KRISTENSEN
TRAINING OFFICER

JACK W. WISEMAN
FIRE MARSHAL

January 27, 1981

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JAN 28 1981

Environmental Quality Commission
Box 1760
522 SW 5th Avenue
Portland, Oregon 97207

OFFICE OF THE DIRECTOR

Commissioners:

Clackamas Fire District #71 contains about 9 square miles of land.

The west boundry has a slight elevation and borders Oak Lodge Fire District. The south boundry is the Clackamas River. Northern boundry is Happy Valley, and it consists of Mather Hill and a wooded area which belongs to the State of Oregon and is a part of Camp Withycombe. The east stops at Tong Road bordering the Boring Fire District.

The western portion is developed with single frame houses that are on 10,000 sq. ft. lots. These lots have large fir trees, fruit trees, hazel brush, and blackberries left over from old farms.

Most of the new houses have trees planted with some 10 ft. to 25 ft. high, and growing at a rate of 18 inches per year.

There is much to burn! Upon taking a tour of the western portion, one can observe a great deal of debris that is waiting for the right condition to burn; accidentally, from children playing with matches, or on a productive burning day.

We protect the City of Johnson City by contract, and in touching base with the Mayor and Manager, they stated they also need debris burn time. That City is west of I-205 and north of the City of Gladstone.

SUMMARY

1. Creating boundries imposes a dollar burden on local tax payers, who support fire departments, because of additional enforcement requirements.
2. The burning ban had extremely bad timing, the dump and local garbage service increased their rates at the same time.

EVERY DAY IS FIRE PREVENTION DAY

3. The burning ban is creating a dumping situation on almost every vacant piece of property in our District. The Fire District has two acres of undeveloped property on SE 130th which "has become a dump". The dumping of brush and other burnable debris on vacant property is going to become a major problem, and will create fire hazards of an explosive nature.
4. The residents in District 71 have indicated the need for debris burning.
5. At any time staff or members of the Commission are close to Clackamas Fire District #71 headquarters, I invite you to take a drive with me around the District and inspect, for yourselves, why we still need controlled burn time.

Respectfully submitted,

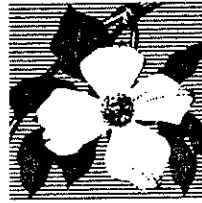


Joe W. Provost
Fire Chief

/dp

cc: Johnson City

CITY OF MILWAUKIE



OFFICE OF THE CITY MANAGER
in the City Hall • phone 659-5171

January 26, 1981

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

Dear Mr. Young:

The Milwaukie City Council at their regular meeting on January 20, 1981 discussed at great length the ban on backyard burning imposed by the Environmental Quality Commission on December 19, 1980.

It was disturbing to the council members to hear of this precipitative action by the Commission. Milwaukie, like most other governmental agencies in the metropolitan area, was proceeding on the assumption that the Commission was going to cooperate with other governmental units in striving to resolve some of the more serious problems prior to imposing a total ban. Although Metro, Lake Oswego and other agencies are actively researching some of these problems, it appears from the news media accounts of your December 19th meeting that only minimal consideration was given to these questions. I think everyone recognizes the necessity for such a ban but there are some overriding considerations that must be resolved in conjunction with such a ban if it is to be effective.

These considerations involve such items as people on fixed incomes being able to pay refuse collectors to haul material away; inability of refuse collectors to separate this material from normal refuse, so landfills are filled up much faster; and the disposal of such vast quantities of material that has a high potential of being used for gardens or as fuel for boilers.

In view of the fact that these and other equally serious questions have not been resolved, the City Council of Milwaukie disagrees with the hasty action taken by the Commission and respectfully request that the Commission reverse its action of December 19, 1980 until some firm answers can be developed.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JAN 28 1981

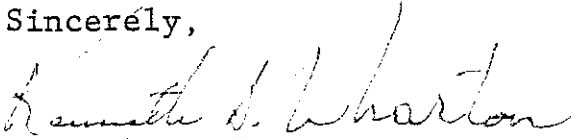
OFFICE OF THE DIRECTOR

Mr. William H. Young, Director

January 26, 1981 Page 2

Please have this letter made a part of the hearing record for your meeting of January 30, 1981. If you have questions, please give me a call at 659-5171.

Sincerely,

A handwritten signature in cursive script that reads "Kenneth S. Whorton". The signature is written in dark ink and is positioned above the typed name.

Kenneth S. Whorton,
City Manager

KSW/vk

LAMAR TOOZE
801 STANDARD PLAZA
PORTLAND, OREGON 97204

January 6, 1981

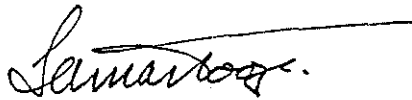
Oregon Department of
Environmental Quality
522 S. W. Fifth Ave.
Portland, OR 97204

Gentlemen:

I need the following information:

1. Is the present moratorium on "backyard trash burning" in the Portland area intended to be permanent, or will it be permitted in 1981 and later years?
2. What is the geographical extent of the ban on "backyard trash burning"?
3. What is the Willamette Valley acreage allowance for grass-seed field burning in 1981?

Thank you for an early reply.



LT:rr

DEQ

1-14

December 31, 1980

254 State Capital
Salem, Or 97410

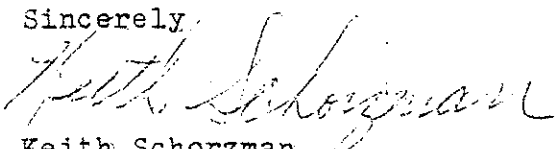
Dear Governor Victor Atiyeth

RE: BACK YARD BURNING

I am writing you because I am angry that the Environmental Protection Agency has put a ban on back yard burning. I am angry because the land on which my house sets (2025 W. Powell, Gresham) has many leaves and branches in the yard every spring. As of today I still have two large piles of branches, twigs, and dried up blackberry stocks from summer clean up. Since I do not have a car and because I am a full time student at P. S. U., my having some one haul away this trash and all future trash would be very expensive.

I want you to restore back yard burning and to get the Enviromental Protection Agency out of business of saying on which days I can burn when the burning season is open.

Sincerely,



Keith Schorzman

c: Environmental Quality Commission

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JAN 7 1981
OFFICE OF THE DIRECTOR

Gillaspie

January 16, 1981

Dept. of Environmental Quality
522 S. W. Fifth
Portland, Oregon

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

JAN 22 1981

Attn: Director

OFFICE OF THE DIRECTOR

Dear Sir:

With reference to the possible permanent ban on backyard burning, we hope that you will give some consideration to the hardship on a minority of people who own heavily wooded acreage even within the boundaries of the City of Portland. We live just off 122nd and Foster and own a little less than four heavily wooded rugged acres in the Johnson Creek canyon in this area.

We utilize composting, recreational burning and give away what we can for others to use but we are still left with many tons of debris each year. We bought the largest home chipper that Sears sold several years ago only to learn its limitations quickly. If we were to run it eight hours a day every day of the year, it just might chip the smaller debris but still leaves us with much that it cannot handle. Adding to the difficulty of disposal is that most of the land is out of reach of motorized vehicles, even if we could afford several days truck rental (at approximately \$100 per day).

Adding to the above problems is that our land is part of a larger wooded residential area with many homes and land difficult for fire equipment to reach. The fire hazard here is unusually high. To leave the debris would pose a major fire hazard. Leaving it would also make much of the land unusable for our family.

We realize there are not many city residents with this extreme a problem, We feel that those of us willing to maintain larger acreages with a large amount of vegetation are a unique asset to our community, both to the air quality and visual quality of our city. We feel that, with the cooperation of the fire districts' careful monitoring, some arrangement for once a year disposal, in the spring, could be made for these exceptions. Fire District 10, at least, has been less hard hit by cutbacks and loss of revenue than most agencies depending on tax revenues. If the community ever purchases large commercial chippers for use on such property such as ours, this would be the best answer, as we would give a great deal to be able to utilize such material.

Please notify me of the dates of the public hearings to be held this spring.

Sincerely,

David Francisco

Mrs. David Francisco
11727 S. E. Brookside Dr.

January 7, 1981

8101 S. W. Cedarcrest St.,
Portland, Oregon 97223

R E C E I V E D

JAN 8 1981

E. Q. C. % DEQ,
P. O. Box 1760
Portland, Oregon 97207

Attn: Mark Fritzler

PUBLIC AFFAIRS

Dear Mr. Fritzler:

I will appreciate your forwarding this letter to the Department or persons gathering citizen input data relative to the recently imposed total burning ban in the Portland suburban growth area. I understand there may be some re-determinations or hearings on this subject later this month.

I am requesting that an exception be provided in the "total burning ban" regulation to allow burning of fruit tree, grape vine, and cane berry prunings, evergreen hedge clippings, fir tree limbs and other similar materials. This burning would be limited perhaps to a permit basis and only on days of favorable atmospheric conditions when the smoke would have minimal negative impact on the surrounding air shed.

In the past, I believe a lot of backyard burning involved leaves and grass, both of which compost easily and are returnable to the soil on an annual cycle. I agree a burning ban on such materials would cause no really serious disposal problem. However, the heavier material does not compost readily and is another matter entirely. The alternatives for riddance are few: A suitable chipper is a machine involving a rather major investment, consumes gasoline and is a dangerous machine to operate. Hauling the refuse away is a problem due to its inherent bulk, requires a truck, requires gasoline, and then the problem arises as to where it can be hauled. I see no "perfect solution", but in trade-off on the available alternatives, selective burning for this type of material appears to be the most desirable, economical and available means of disposal.

Specifically, I am concerned with my upcoming problem of disposing of prunings, etc. generated on my small 6 acre farm on which my family has lived for 4 generations. Granted, there aren't many places like this in the suburban growth area, so it would seem a provision for relief for my and other similar situations would not interfere with the basic objective to minimize smoke air pollution.

Please give favorable consideration to my plea and provide relief for burning "farm generated" refuse.

Sincerely,
Warren Forsyth

P.S. I must confess I do have one other and quite unique "disposal method" for some of my fruit tree trimmings. We have a beaver dam in our creek and a family of beaver who are most appreciative when I ration out my fruit tree trimmings to them. Unfortunately, they eat only the bark and small twigs and sprouts, leaving the remaining for me to dispose of. (They are not quite equivalent to a mechanical "chipper".

W.F.

Dear Governor Atiyah,

1-20-81

I want to let you know how concerned I am as a property owner who tries to keep a large yard under control - having lived here for 19 yrs. with an acre of land - by pruning and caring as well as possible myself for my home and yard. If we are not allowed to burn our vines & limbs this place will overwhelm me. To haul it all off seems a waste all the way round & I couldn't handle it anyway. Controlled burning has not caused problems, especially here in East Multnomah County. Please do something to let us burn again. Sincerely,

Mrs. James Lindsey

My Young
Gillaspie

2080 SW Canyon Drive
Portland, Ore 97225

Jan 19, 1981

Dear Bill -

There is one point concerning
the burning ban that I have not
see mentioned. That is the fact
that large piles of debris attract rats!
There are many rats in the area
between Canyon Road and Canyon
Drive. I have seen them running
across Canyon Drive and my
neighbor has caught a few.

Bill, you know our area is a
wooded area. I have 35 trees on my
property. I would much rather
be able to burn a small pile of
dry debris many times a year than
a massive conflagration of wet
leaves and wood.

I agree with the fire departments

that feel that eliminating the ban
would lessen fire danger.

I agree that control by the fire departments
as to monitoring the ban when
atmospheric conditions are right is a
good idea but I would like to see
the possibility extended throughout
the year.

I was disappointed in the last
decision of your group and I suggest
that you reconsider the issue.

Best wishes,

Cliff Stebbins

DEG

00752

2239 S E Belmont St
Portland, Oregon 97214
January 21, 1981

Please return a response
in the space provided for the Director's signature
2-5

Governor Victor Atiyeh
State Capitol Building
Salem Oregon

Dear Governor Atiyeh:

I learned about the last hearing regarding back yard burning in Portland, and called to make an appointment to appear. I was informed that the ban was cast in concrete, and was irreversible, and that my attendance was redundant.

Would you please use the influence of your office and present the wishes of the people of Oregon who believe back-yard burning to properly handle woody perennials, etc., is a necessity, an encouragement, and an economical and integral function towards maintaining an orderly and attractive city and state, and that it should be continued.

I wish to challenge the arbitrary action of a handful of people, who, when an office is created for them, justify their existence by further frustrating an already over pressured populace with limiting, regulating, herding, charging, and inspecting.

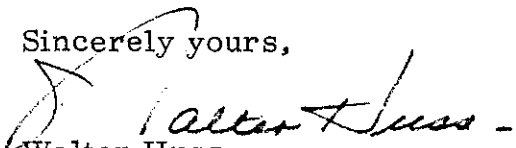
Have they done a 'cost versus benefit' analysis of this "lately discovered problem"? Would you please forward me a copy of their proof that what they are doing is right and beneficial on all fronts?

As a life-long backyard "burner" in Portland, I think it is time we deregulate the "burners" and make a sensible comparison between the advantages of a little backyard burning smoke with the disadvantages and untold loss of health, life, and property, perpetrated by the burning of a brown weed advertised so profusely in the media in our state.

There certainly must be propitious areas like this where their "burning" efforts could be justified and where increased costs and frustrations would be spared the people.

It is amazing how government can be so selective and let highway crews and forestry burners and others, function, but seems terrified of freedom for the people. Let's open up the doors of freedom in Oregon, Vic.

Sincerely yours,


Walter Huss

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

JAN 29 1981

OFFICE OF THE DIRECTOR

RECEIVED

JAN 24 1981

Governor's Office

DEQ RECEIVED
JAN - 2 1981

00423

7330 SW Dogwood Place
Portland, Oregon 97225
December 31st, 1980

1-13

Governor Victor Atiyeh
State Capitol
Salem, Oregon 97310

Dear Governor Atiyeh;

For some time, I have been concerned with the back yard burning ban that we have had to put up with in Washington County. Before the advent of the DEQ, we were able to collect clippings, branches and leaves in small piles as they accumulated and when dry-burn the material with very little pollution. Since the DEQ has limited this burning to two periods in the year, we have had to accumulate this material into sizeable piles and await word from the DEQ as to when we could burn it. The burning days always seem to be in wet periods and it follows that the pollution is maximized. It seems to me that the burning days that were allowed during the last burning period were deliberately selected so that the smoke and steam would be most noticeable. Even then, the identifiable pollution from back yard burning was only two percent of the total according to DEQ figures.

The DEQ scheduled a hearing on Dec. 19th, to take testimony on whether or not they should allow a spring burning period- since no suitable alternative method has been developed to dispose of the large amounts of material that will be involved. The City of Portland, Multnomah County, the fire departments and the CPO's are all in favor of allowing more back yard burning. But in spite of the expense and the problems of disposing of the material by means other than burning, the DEQ Commission stated that they were determined to terminate back yard burning-no matter what!

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

JAN 7 1981

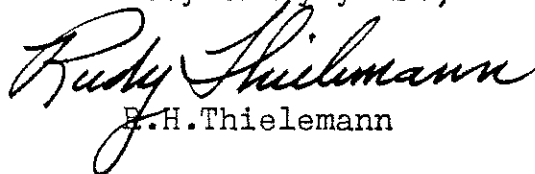
OFFICE OF THE DIRECTOR

In my opinion, regulated back yard burning is the only logical way to dispose of burnable material generated from trees, shrubs and bushes. The burning should be controlled by the local fire districts and not by the DEQ. By having more frequent burning periods, hot clean burning fires with greatly reduced pollution will be realized.

I am of the opinion that in Washington County, at least 80% of the home owners would be in favor of continuing back yard burning if the burning periods are controlled by the local fire districts.

If you are still trying to cut expenses so as to balance the State Budget, the DEQ, in my opinion, should, for many reasons, be a prime candidate for early termination.

Very truly yours,


Rudy Thielemann
E.H. Thielemann

cc: Washington County Fire District No. 1.

DEA

0066C

January 20, 1981

2-2

Hon. Victor Atiyeh
Governor
State of Oregon
Salem, Oregon

Dear Sir:

I have read an article in The Sunday Oregonian, January 18, 1981, telling of Mayor Ivancie's request for a lifting by you of the burning ban. I wish to express my wholehearted support for his action.

In the face of the well-organized groups who have been so successful in promoting the ban, I have felt a hopeless sense of frustration and I know there are many more who feel as I do. My hope is that they will be moved to express their support also.

I am a 71-year old Eagle Scout who is sincerely concerned about our environment but I am also concerned about the people who live in the environment and must keep it livable. I won't belabor you with all the reasons that I am in favor of backyard burning. Perhaps we need a new group which could be called "1000 Friends of Oregonians".

Yours very truly,



Ed Hale
17650 S. W. Meridian Road
Lake Oswego, Oregon 97034

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

JAN 23 1981

OFFICE OF THE DIRECTOR

2-2
Thank you.

Charles W. Rhodes
Rt. 1 Box 1108
Beaverton, Or. 97007

DEF

20 January, 1981

Governor Victor Atiyeh,
State of Oregon,
Salem, Oregon

00658

Dear Mr. Governor:

I am writing to express how I feel about the recent ban on trash burning.

My property is 5 Ac. of AF-5 zoned land atop Cooper Mtn. to the south of Beaverton-Aloha. This partially wooded land was in terribly overrun condition when I bought it from a very fine, senior citizen who could no longer keep it up physically.

With my tractor, I log off the timber which is principally of firewood value. This substantially contributes to the heating of the house, reduced by half, our furnace oil bill and gives me both exercise and the pleasure of seeing my place cleaned up. It also reduces the possibility of fire.

It is financially impossible for me to truck the brush to the dump at \$ 4/ load dump fee (Hillsboro) The only possible way to dispose of this debris is to burn it, which is now illegal. I have considered buying a "chipper" one of the most dangerous machines ever devised, I think, but At \$ 800 this cost is beyond reason.

I am forced to conclude that it may be cheaper for me to deliberately break the law and burn this debris than to honor the law. It strikes me that I'm not alone. You can't arrest everyone in this state who has this problem. Sooner or later, the piling up of debris is going to cause so much anguish that normally law abiding citizens will flout the law.

I urge you to reconsider this draconian law which despite the good intentions which spawned it, is not good law.

Respectfully,

Charles W. Rhodes
Charles W. Rhodes
Chief Engineer, Tektronix Inc.

a Republican with a problem

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JAN 23 1981

OFFICE OF THE DIRECTOR

January 18, 1980

00571

Handwritten initials/signature

2-2

J e a n M c G r e g o r
21900 S. E. Alder Dr., #225
Gresham, OR 97030

Victor Atiyeh
Governor
State Capitol
Salem, Oregon 97310

Dear Governor Atiyeh:

This morning I heard a radio program (news report) that Mayor Frank Ivancie was directing you to lift the burning ban on Multnomah County.

I certainly hope you do no such thing. The burning of trash and the use of wood burning in heating homes has made extensive health problems for many of us allergic to these particles that are airborne from burning. My grandchildren are entitled to clean air. To tell a sick child that cannot breath because of this burning of wood that his illness is not going to get better because of the thoughtlessness of people is very hard to do. And, why should the future health of children be the price of lack of foresight.

A program to utilize tree trimmings and leaves as a useable fuel should be initiated, and stop the waste of burning and polluting. It is a known fact that airborne particles can cause permanent lung damage, as the dust storms of the 30's did in many of us that were unfortunate enough to live in them.

I think it is unfortunate that the mayor is not only trying to govern the state but is also afflicted with myopia, as his request seems to indicate.

Heres for keeping the burning bane on for better health now as well as in the future.

Sincerely,

Handwritten signature of Jean McGregor
Jean McGregor

cc: Mayor Frank Ivancie

10031 SW Quail Post Road
Portland, Oregon 97219

January 20, 1981

2-2
Honorable Victor Atiyeh
Governor
State of Oregon
Salem, Oregon

Dear Governor Atiyeh:

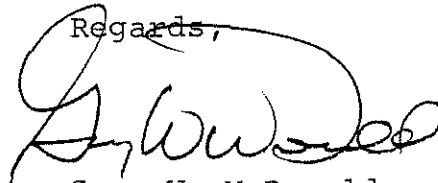
I would like to support Mayor Frank Ivancie in his appeal to you to intercede with the Environmental Quality Commission in the matter of "backyard burning" in Portland.

The ban imposed by the EQC seems to me to have been ill-advised, and on many recent days when we have had so much wind in the area, it seems downright foolish. Last fall, when we were supposed to have been allowed burning days, most of them were disallowed; many of us were left with piles of limbs, leaves and other debris that we expected to dispose of before the ban came into effect. A great deal of this was material left over from cleaning up after the ice storms of the previous two winters.

Obviously, on days when there is no breeze or other conditions are not right, the authorities should have the option of disallowing burning. However, in a city like Portland where we so often have wind and dampness, there is no reason to impose a total ban on this method of cleanup. It is an unnecessary imposition on the freedom of the citizenry -- and expensive, too.

Thank you for your consideration, and I hope you can help.

Regards,



Gary W. McDonald

PROPERTY SECURITY SERVICE

DEQ

Please print name and address
for the return of this envelope
by _____
Thank you.

7830 S. W. OLÉSON ROAD
PORTLAND, OREGON 97223
PHONE 244-2810

22 January, 1981

00693

Governor Victor Atiyeh
State Capitol
Salem, Oregon

Dear Vic:

I have never asked a favor from you before - this is the first, on behalf of the people of the area affected by this burning ban nonsense.

I am convinced that the only people pleased by this ban are the Daisy sniffers and the Garbage collectors.

Can the Governor do anything to remedy this unnecessary burden on the home-owner?

Respectfully yours,

Donald W. Prairie

Donald W. Prairie
7830 S.W. Olason Rd.,
Portland, Oregon 97223

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

JAN 27 1981

OFFICE OF THE DIRECTOR

00694 DEH

BINGHAM-WILLAMETTE COMPANY

A DIVISION OF GUY F. ATKINSON COMPANY

PORTLAND, OREGON 97210

W. J. MULLER
VICE PRESIDENT
PUMP SALES & MARKETING

Please print response
for the enclosed signature
by 2-2
Thank you.

January 22, 1981

The Honorable Vic Atiyeh
Governor of Oregon
State Capitol
Salem, Oregon 97310

Dear Governor Atiyeh:

I am particularly moved to write to you relative to recent rulings by the State Environmental Quality Commission concerning burning bans for the city of Portland and surrounding areas.

The logic of this Commission escapes me. I am tempted to say that their decisions border on stupidity. Can we afford financially the cost in equipment, truck air pollution, additional taxes, etc., to dispose to vanishing landfill areas debris that can be easily burned and disposed of? Where is their sensitivity to the true facts of the problem which, if properly stated in Mayor Frank Ivancie's request to you, are that this so-called burning ban would only reduce air-borne particulates in our metropolitan area by 1.4%? This problem would only occur at those select periods of time that this great Commission would permit us to burn. Are we losing touch with reality?

Sympathy can probably be extended to the metropolitan section of Portland where we have a heavy population concentration; but then, on the other hand, the need to burn backyard debris is extremely limited in view of the small lots and the lack of this type of material. Living in Lake Oswego on a piece of property approximately one acre, with lovely trees and other outdoor growth, it is impossible to maintain an attractive-looking piece of real estate without getting rid of extensive quantities of so-called backyard debris. My neighbors are all highly incensed by this developing problem. We are concerned about keeping our places

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

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JAN 27 1981

OFFICE OF THE DIRECTOR

BINGHAM-WILLAMETTE COMPANY

A DIVISION OF GUY F. ATKINSON COMPANY

PORTLAND, OREGON 97210

W. J. MULLER
VICE PRESIDENT
PUMP SALES & MARKETING

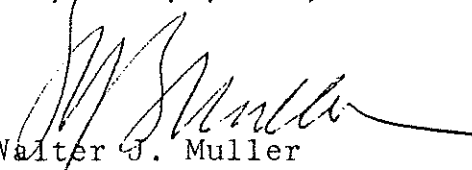
The Honorable Vic Atiyeh
January 22, 1981
Page Two

looking nice; we are concerned about the fire problem that this brilliant Commission will be responsible for; and we are further concerned about the added tax load and cost which seems senseless and ridiculous.

What has been wrong with the system that was in use? Admittedly, there were times when property owners would have liked to burn but couldn't, but co-operation enabled all of us to accomplish the end. Complete banning is asinine. I believe it's time that we citizens react positively to an arrogant, high-handed bureaucracy. Among some of the solutions would be to find out who they are, how they obtained their job, and dissolve the operation in its entirety. Another possibility is for neighborhoods to get together and burn when the opportunity and the need arise. Neither solution is considered a prime one. The proper solution would be for you, Mr. Governor, to lift this ban and get some control on this group so we start seeing some intelligent decisions and a little less of their arrogance.

Thank you for your attention to my rather strong comments.

Very truly yours,



Walter J. Muller

3145 Westview Circle
Lake Oswego, OR 97034

LEON F. RAY, M. D.
J. CLIFFTON MASSAR, M. D.
DERMATOLOGY
SUITE 628, MEDICAL DENTAL BLDG.
PORTLAND, OREGON 97205

DEA

Enclosed is a response
for the use of signature
by J. Massar
Thank you.

00726

January 22, 1981

Govenor Victor Atiyeh
State Capitol Building
Salem, Oregon 97310

Dear Vic:

I hope you see fit to help all of us poor home
owners who have yard trimmings to burn.. I see
no reasonable alternative and hate to disobey
the laws unless forced to do so.

I am afraid the principle involved is about
as foolish as the DEQs method of testing auto-
mobile emissions. No wonder this facet of the
bureaucracy now has twenty two separate phone
listings in the Portland directory.

Sincerely,



J. Clifton Massar, M. D.

JCM jm

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JAN 27 1981
OFFICE OF THE DIRECTOR

R. A. MORRISON & SON

408 S. W. 2nd ROOM 218 / PORTLAND, OREGON 97204 / (503) 227-4984 / MANUFACTURERS REPRESENTATIVES SINCE 1912

Please prepare a response
for the Governor's signature
by _____
Thank you

January 21, 1981

00710

DELO

The Honorable Victor Atiyeh
Governor, State of Oregon
Salem, Oregon

RECEIVED

Dear Governor Atiyeh:

Governor's Office

Mayor Ivancies' request to permit backyard burning on climatologically optimum days makes good common sense.

The pile of pruning that my neighbors and I annually harvest from our average city lots is a disposal headache, even this year, with little storm damage.

Cutting to fireplace size and bundling takes forever, and defeats the purpose. Chippers are expensive and a nuisance to store 95% of the year. Hauling requires a truck or trailer be rented, with fuel, time, and a lot of effort required. Then the big one - where is there a land fill large enough to hold even a small part of the lush overgrowth of Portland's beautiful landscape?

Burning on "clean" days would not cause anyone discomfort, particularly if done year around to space out the number of fires on a given day.

Further, an educational campaign to promote correct burning would help too, in reducing the smoke problem. Thorough drying, particularly of evergreens, by covering the top of a pile with plastic, reduces the smoke drastically.

The brush problem is a very big, expensive nuisance that intelligent, controlled, back yard burning solves easily, without annoying even the most sensitive lungs or vision. We urge you to do all possible to restore common sense to the burning impasse.

Very truly yours,



R. A. Morrison

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

JAN 27 1981

RAM/jw

cc: Mayor Ivancie
The Oregon Journal

OFFICE OF THE DIRECTOR

J. KARL POPPE, M.D.
CHEST PHYSICIAN AND SURGEON
1601 S. W. MITCHELL LANE
PORTLAND, OREGON 97201
PHONE 246-3631

RECEIVED
1/21/81
JAN 26 1981

Department of Environmental Quality
7225 W 5th Ave Box 1760
Portland, Oregon - 97207.

PUBLIC AFFAIRS

Re: Backyard
Burning Permits
for 1/30/81 Meeting

Gentlemen:

I highly recommend the adaptation of the suggested Permit System to allow backyard burning under special circumstances.

I believe that our situation and that of several of our immediate neighbors make non burning disposal of backyard debris an extreme hardship.

My reasons for this belief are as follows:

Our property is located on a relatively steep bank with the only street approach at the top near which the house is located. A dense growth of brush covers the lowest portion which requires annual clearing. Tall firs are also present in this inaccessible area

2
which drop large branches after storms.

The bank is too steep to permit construction of a road for tractors, trucks or chippers. A wide band of ornamental shrubbery across the middle of the lot prevent the use of a cable "drag line" to haul the debris up to the street level.

Switch back wheelbarrow paths have been constructed but the laborers we have hired during the past 30 years have been unwilling or unable to haul even small loads of cut debris up the bank for more than a couple of hours a day.

For these reasons we believe that occasional periods of Permit Burning will be almost mandatory to prevent large accumulations of dry brush from becoming fire hazards. One such episode has occurred already.

These special Burning Permits could be used periodically as required. Perhaps once every couple of years, particularly after

2. severe storm when sufficient trash
had accumulated to become dangerous.

We hope this request will receive
favorable consideration even though
the lots are within Portland City Limits.

Sincerely yours,

J. Karl Nappé, M.D.
Eleanor W. Poppe

Copies to:

Mayor Frank Ivancic
Governor Victor Atiyeh

R E C E I V E D

JAN 26 1981

PUBLIC AFFAIRS

Frank P. Battaglia
1626 S.W. Mitchell St. 97201
P.O. Box 19211
Portland, Oregon 97219

January 23, 1981

Environmental Quality Dept, of Oregon
522 S.W. 5th Ave.

Portland, Oregon 97207

Re: Backyard Burning Issue Hearing
January 30, 1981

Gentlemen:

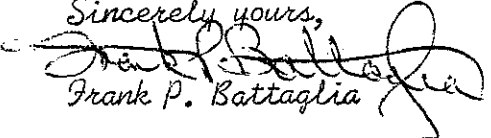
I wish to go on record as a protestant on the backyard burning ban along with several of my neighbors in our area. We feel the ban will create a real problem to us regarding the disposing of our tree, shrubbery, and weed clippings.

I would like to explain to the board why this creates a problem to us. We in the west hills of Hessler Hills Addition cannot get our cuttings up to the roadside without considerable and excessive manpower and equipment. We do not have access roads below our properties where mulching machines would be accessible to dispose of the material.

In the past years we have been able to burn this material in different spots around the lower parts of the acres without causing any pollution or problems to anyone. I would very much like to have the continued right to dispose of the waste material in the same manner I have been able to do in the past years, even if it would require somewhat more supervision or control by means of permits etc.

Thanking you in advance for your anticipated consideration in coming to a fair and equitable conclusion in this matter. I remain.

Copy to Mayor Frank Ivancie

Sincerely yours,

Frank P. Battaglia

00750
Please prepare a response
to the Governor's signature
by 2-5
Thank you.

DED

RECEIVED
JAN 27 1981
Governor's Office
1-26-81

State Capital
Governor's Office.

Dear Victor Atiyeh;
R.E. to Reg. - no burning
ban - We own .47 acre of land in
the Garden Home Area, with fig-
nut trees, apples, (all very large trees)
also a large cherry tree, two large
(huge) ornamental trees in the front
yard. I suppose, as you know, the
fruit trees have to be trimmed &
sprayed yearly. As we are senior
citizens on a fixed income, the
fruit trees help to supplement our
income. We cannot afford to hire
a chopper, so the trees will be left
to become diseased and overgrown
if we cannot burn the limbs.

We would appreciate some
provision made to save family

orchards. We do not believe
in burning green leaves, that
smolder into black smoke, but
trimmings from fruit trees burn
clean and hot.

I hope you give this
your utmost consideration.

Sincerely,
Fred Land,
7720 SW 82nd Ave
Portland 97223

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JAN 29 1981

OFFICE OF THE DIRECTOR

Clatskanie Rural Fire Protection District

P. O. BOX 807

CLATSKANIE, OREGON 97016

1-20-81

Mr. William Young, Director
Department of Environmental Quality
P.O. Box 1760
Portland, Ore. 97207

Dear Sir:

On behalf of the people living in this area I would like to express our appreciation to you and the Commission for extending the regulated burn period for another 180 days. Myself and several other persons involved in the meeting with your agency on the day before Christmas were a little bit disturbed at the timing schedule for this meeting. However perhaps our opposition to some of the rule changes had some bearing on the Commission's decision to postpone a total burning ban on all of Columbia County, and some other Rural areas.

I have been the Fire Chief of this District for many years and I am convinced by my discussions with citizens in my District since that meeting on Dec. 23rd. that a majority of them are against a total ban on burning for our area. You closed our land fill site many years ago, requiring that the garbage and waste be hauled some 45 miles to the Scappoose area. You have not as yet approved any alternate site for waste disposal any closer. As an alternate you have allowed backyard burning and land clearing burning on approved "Burn" days. This has worked very well for our department. The majority of the people have been very understanding and cooperative. I can see no reason to change this procedure, until you can come up with a workable alternative.

Many people do not have a vehicle to haul their trimmings, and small amounts of household wastes a great distance, and if they did they cannot afford the expense for gasoline (which we are asked to conserve) And many cannot afford to pay others to haul their waste, particularly the Senior Citizens on a fixed income. So they have no alternative then to burn a little at a time under a controlled situation, which I am certain do not affect the quality of the air over the metropolitan area of Portland. If that situation is becoming so critical then I believe it is time that the process of tearing down buildings with the capacity of holding several hundred people, and replacing them with structures that hold thousands of people on the same square foot land area should be stopped. Instead of mandating controls on people living 50 or 60 miles away to improve the Portland area air quality.

We have other concerns, if you take away the right to burn we will have waste material dumped all around our country roads which will harm the nice environment that you are supposed to protect, in addition it created a fire hazard problem in the areas that we are supposed to protect. Besides this We are supposed to police and enforce the regulations you make. To do this I as budget officer am supposed to ask for tax funds from our tax-payers for what many of them will consider harassment. I am totally apposed to this situation, if you want to regulate my local tax-payers then (YOUR AGENCY) should provide enforcement.

Over

Clatskanie Rural Fire Protection District

P. O. BOX 807

CLATSKANIE, OREGON 97016

page two

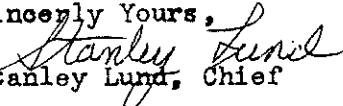
If you cannot afford it at the State level then you should not expect us to do it at the local level. We cannot afford to provide the manpower and extra equipment and fuel to go around putting out trash fires and issuing citations. We operate with about 95% volunteer personnel we cannot expect them to do this type of work. Nor can we afford to leave ourselves open to litigation for not promptly responding to working structural fires when we have our apparatus and manpower out doing your enforcement.

You should also have a published telephone number where citizens can call your agency directly for any complaints they may have. We in a small Community have to depend on good public relations to get our tax levies approved. If we have to bear the brunt of complaints by tax-payers for regulations over which we have no control we will lose the good will of our people, and the life safety and property protection provided by us for Fire protection and Ambulance service will deteriorate. To me and my fellow firemen this is unacceptable.

In addition to this there will be the problem of disposing of land clearing material, the economy of this state is already suffering from a depressed building market, land costs are very high already the additional costs of hauling away debris (TO WHERE ?) is just another additional burden for the younger generation who would like to own their home. You state there are alternatives, what are they. chipping also costs money and you cannot chip stumps etc.

Put your people to work on figuring out a good reasonable method of disposal that the people can afford. Then schedule a meeting here in the local area, well advertized in our local paper so the people can come and discuss the problem with you. It is much more energy saving for you to bring down one carload of people to our own area then for many to go to Portland to meet with you. A great many people concerned do not have transportation, or cannot afford the gasoline to travel. If good common sense is used in regulating problems and a viable alternative to open burning is provided I believe everyone will cooperate. Poor judgement and overregulation will not benefit any community.

Sincerely Yours,


Stanley Lund, Chief

c.c. Office of the Governor
Clatskanie Chief

RECEIVED

JAN 14 1981

OFFICE OF THE DIRECTOR

1-9-81

Dear Mr Young,

I intended to write this letter last week after reading our newspaper "The Clatskanie Chief" about the burning restrictions in our area.

I feel our burn day system is more than adequate in controlling any air pollution caused by excessive smoke due from backyard burning.

If there is no more burning it would be quite a step backwards in pollution control in this area. We live really and since the closure of our dumpsite the trash piles along the roadsides have drastically increased if there is no burning I hate to think of the mess we'd have then.

Just a few days ago my family were driving on old Highway 30 to see the big water fall and I was disgusted to see that someone or ones have used the steep decline for a dumpsite. Such a beautiful site messed up by garbage.

I believe in trying to utilize all our resources and in using a compost pile for trimmings and rakeings. But recently we purchased 32 acres of land mostly brush. We intend to use it to farm & it will have to be cleared. Almost every experience I have had with berry bushes I come to one conclusion - berry branches propagate more berry bushes therefore undesirable for my compost pile. So now I have six or seven piles of berry branches all over my yard when summer comes they will be a fire danger.

I feel in the larger cities there may be a pollution problem due to excessive smoke but I cannot see how stopping all burning outdoors is going to control it especially when there are much larger causes of the excessive smoke problem.

Therefore I feel this area should be excluded from the burn ban and be able to continue on our own burning program.

Respectfully Yours,

Mrs Lynn M Holm
Rt 1 Box 1425
Clatskanie, Ore,
97014

Clatskanie Volunteer Fire Department

CLATSKANIE, OREGON 97016

January 26, 1981

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

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
R E C E I V E D
JAN 28 1981

OFFICE OF THE DIRECTOR

Dear Sir:

We all share in a common concern of environmental quality in our living areas regardless whether it is a city or small town such as ours here in Clatskanie. Disposal of all types of waste products in our day and age has become a problem for us all. The individual is beginning to have as many rules and regulations as a major manufacturing plant and the same end result: no place to dispose of waste.

As you know, many residents of Columbia County wish to be treated as a separate area rather than a part of the Portland area air shed. We feel the people of Columbia County have a just cause for their reaction. Most of our areas seem to be classified as agricultural and forest areas. People wishing to clear and improve acreage for whatever use usually resort to burning of debris. The homeowner who wishes to maintain his property or improve it is faced with no means of waste disposal, so then we end up with part of our property looking like a dump. Improvement in land and home properties means higher valuation, which means sorely needed tax revenue. It seems that the opposite will result in the long run with a total ban on burning. The extra expense to enforce this ban would probably be felt by local fire departments. The possibility of an emergency happening when fire department equipment and

Clatskanie Volunteer Fire Department

CLATSKANIE, OREGON 97016

personnel are being used to enforce the "backyard burn ban" frightens us. The property owners may become discouraged and not improve their property or let it become run down, causing a valuation standstill or decrease and result in lower tax revenue. Extra cost to both the county and state would no doubt raise as people started to dump wastes along highways and county back roads. We have seen this start to happen since the landfill dump was closed here in Clatskanie.

Concerning the fire department as the enforcer of this ban: Who do you think would report someone burning trash to the department? In a 95% volunteer fire department, much time could be wasted for such minor fires. IF the situation arose where we were needed for a structure fire of a home or business and we were out on a "backyard burn" call, someone, somewhere, would have a lot of problems. Of course, we could ask the taxpayers for a mini-pumper, or perhaps the D.E.Q. would provide our fire district with one to enforce the ban on burning.

As you know, we have been using a system of burn days depending on weather conditions. It has worked well, plus we at the fire station know where a burn is taking place in case someone reports it as an uncontrolled fire. We agree some form of regulation on burning is needed, such as the approved burn day system we are now using.

We feel that a complete ban on burning waste material will have a greater effect in the long run for the worse. Will the effects of the cure be worse than the original sickness?

We appreciate the quality of state and local living conditions. We share your concerns for the future of our land, air, and water quality

Clatskanie Volunteer Fire Department

CLATSKANIE, OREGON 97016

and the livability of our area. It's easy to sit back and complain and do nothing, but we are a part of the situation and must work together and voice our opinions if agreeable solutions are to be found. Thank you for your time!

Sincerely yours,

Volunteer members of the
Clatskanie Rural Fire Protection
District, including the follow-
ing individual firefighters:

Clatskanie Rural Fire Protection District

P. O. BOX 807

CLATSKANIE, OREGON 97016

David J. Scott, Lieutenant

William Kent Phillips

Paul W. Kallunki, President of Volunteers

James L. Morgan, Secretary-Treasurer of Volunteers

Steve E. Sharek, Lieutenant

Roland Olson

Bill Mellinger, Deputy Chief

Oliner Mellinger

E. Leon Tweet, Public Relations Officer of Volunteers

Albert J. Thompson

Richard J. Smith, Captain

Richard C. Long

Joseph N. Kirkland

Joseph E. Holmes

Johnnie A. Palm, Assistant Chief

Ray J. Nelson, Historian of Volunteers

Roy E. Tuomi

Bruce D. Olson

Dan Holm

Bennett Lea

1/22/81, Gillaspie

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

1/26/81

We are in opposition to the proposed burning ban in Columbia County. We believe that burning in the county is vital, due to lack of landfills, and wish for the county, or parts thereof, to be excluded from any burning ban. This far reaching area of the county particularly, should be of no detriment to Portland's air shed.

Thank you.

Sincerely yours,
Eleanor Herma

Route 1, Box 1139
Clatskanie, Oregon 97016

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

JAN 23 1981

OFFICE OF THE DIRECTOR

Gillaspie ✓

Dear Mr. Young,

I am writing this letter to protest against the law you people have come up with trying to keep people from burning their burnable garbage and brush.

I think this law is ridiculous. What are people suppose to do with their extra trash anyway? Dump it on your doorstep!

If you want to protect the environment this certainly isn't the way to do it. People will probably just dump excess trash along the roads or anyplace they feel like it.

Who wants to have to burn gas to run their trash all the way to Scappose. Then if the garbage man has to pick

up more burnable garbage he
will just be charging everyone
more money to do it. Everything
costs so much now adays anyway.

I just hope a lot of
people protest against this law.
Maybe you people will wake up
and use your ~~to~~ brain for a
change.

Sincerely

Mr. & Mrs. Don Miller

Rt. 1

Rainier, Oregon

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

JAN 7 1991

OFFICE OF THE DIRECTOR

Gillaspie

1-3-81

Rainier Ore
Rt 1 Box 349
97048

Dear Mr Young;

I am writing to you to protest the total ban on all burning. We have bought seven acres (which was brush) and have paid to have our land cleared. We have brush piled ready to burn when spring comes. Now I'm wondering what the D.E.Q. can advise us to do with our piles of brush, so we can put livestock on fir trees on our place.

Sincerely
Mrs Gilbert Ross ✓

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JAN 7 1981

OFFICE OF THE DIRECTOR

R#2 Box 2457

Clatskanie, Or. 97016

Jan. 3, 1981

Dear Mr. Young -

In regards to the ban on backyard burning, we think its time to get rid of the D.E.Q.

The D.E.Q. is going too far when we in the rural areas of Columbia County can't burn a little trash.

We don't burn more than once a week and only on burning days which has worked fine here in the Clatskanie area.

There's certainly not an energy saving either if we have to haul everything clear to Seaside. It hurts us Senior citizens too, moneywise, when we can't burn part of our garbage.

Sincerely,
Lawrence & Esther Johnson

gillespie ✓
Rt. 1, Box 1172
Clatskanie, OR 97016
Jan. 2, 1981

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JAN 5 1981

D E L.

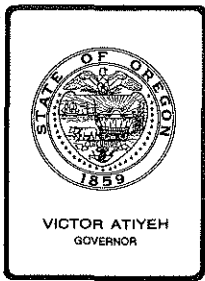
Portland, OR

OFFICE OF THE DIRECTOR

We protest the total ban on all burning in Columbia Co. and hope to see this new regulation changed back as it was, allowing burn days.

We own timber land on both sides of a portion of the Mayger-Quincy Road. Recently we have noticed burnable trash dumped along this stretch of road. A total burning ban will only increase this eye-sore pollution. We are planting trees on our property and trying to make it as natural looking as we can. It literally "burns" us up to be taken advantage of by having material, dumped on our property that we couldn't even burn.

Wayne Oyala
Dellis E. Oyala



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. L, January 30, 1981, EQC Meeting

Request for Approval of Proposed Modifications
to the State Implementation Plan of the Emission
Limits for the Weyerhaeuser Co. Boiler in Bly

Background

On November 21, 1980 the Commission authorized a public hearing to receive testimony on proposed changes to the emission limits in the State Implementation Plan (SIP) for the Weyerhaeuser Co. boiler in Bly. The hearing was held on December 15, 1980. The Department is requesting Commission approval of the proposed change (Attachment 1).

The Commission is authorized to grant variances from the rules by ORS 468.345. The Commission adopted the original SIP and therefore should approve all modifications of that SIP.

Alternatives and Evaluation

The public hearing was held on December 15, 1980. No one attended the hearing, however written testimony in support of the proposed SIP changes was submitted by Weyerhaeuser Co. The company has recently announced plans to close the mill and offer it for sale. However they have requested that the SIP be modified so potential operators will be sure that the facility can operate in compliance.

The proposed changes to the SIP are a grain loading limit of 0.13 gr/SCFM instead of 0.10 gr/SCFM and an annual limit of 86 tons per year. The modified grain loading limit for the life of the boiler was approved by the Commission in a variance on August 31, 1979. Ambient sampling and modeling submitted with the variance request indicated that the higher boiler emission rate had no measurable impact on air quality in the area. Control costs were considered excessive compared to the environmental benefits and the Department supports the proposed changes to the SIP. These changes will enable the Environmental Protection Agency to enforce the same limits as the DEQ. Conditions 5 & 6 the Air Contaminant Discharge



Contains
Recycled
Materials

Permit (Attachment 1) would be submitted to EPA as a supplement to the existing rules, for Fuel Burning Equipment, Wood Waste contained in Section 2.1.1 Table 2.1 of the SIP.

Summation

- 1) On August 31, 1979 the Commission granted a variance from the grain loading limits for operation of the Weyerhaeuser boiler in Bly.
- 2) On November 21, 1980 the Commission authorized a public hearing to consider changing the State Implementation Plan to include the emission limit in the variance plus an annual mass emission limit.
- 3) The public hearing was held on December 15, 1980. Weyerhaeuser Co. supported the proposed SIP changes in the only testimony submitted.
- 4) The proposed changes will enable EPA to enforce the same emission limits as DEQ.
- 5) The Commission is authorized to grant variances by ORS 468.345. The Commission adopted the original SIP and therefore should approve any and all modifications of that SIP. If adopted by the Commission, the proposed changes will be submitted to EPA for approval.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission adopt the changes to the State Implementation Plan, Conditions 5 & 6 as listed in Attachment 1, for the boiler at the Weyerhaeuser Co. plant in Bly, Oregon.



William H. Young

- Attachments 1) Draft Permit Containing Proposed SIP Modifications
2) Hearing Officer Report
3) Public Hearing Notice and Statement of Need for Rulemaking

F.A. Skirvin:in
229-6414
December 17, 1980
AI638

PROPOSED

Permit Number: 18-0037
Expiration Date: 5/1/86
Page 1 of 4 Pages

AIR CONTAMINANT DISCHARGE PERMIT

Department of Environmental Quality
522 Southwest Fifth Avenue, Portland, OR 97204
Mailing Address: Box 1760, Portland, OR 97207
Telephone: (503) 229-5696

Issued in accordance with the provisions of ORS 468.310

ISSUED TO:

Weyerhaeuser Company
P O Box 325
Bly, OR 97622

PLANT SITE:

Highway 140
Bly, Oregon

ISSUED BY DEPARTMENT OF ENVIRONMENTAL QUALITY

WILLIAM H. YOUNG, Director

Dated

Source(s) Permitted to Discharge Air Contaminants:

<u>Name of Air Contaminant Source</u>	<u>Standard Industry Code as Listed</u>
Sawmill and Planing Mill - greater than 25,000 board feet per shift.	2421
Fuel Burning Equipment - outside AQMA greater than 30 million BTU/hr.	4961

Permitted Activities

Until such time as this permit expires or is modified or revoked, the permittee is herewith allowed to discharge exhaust gases containing air contaminants including emissions from those processes and activities directly related or associated thereto in accordance with the requirements, limitations and conditions of this permit from the air contaminant source(s) listed above.

The specific listing of requirements, limitations and conditions contained herein does not relieve the permittee from complying with all other rules and standards of the Department.

PROPOSED

Performance Standards and Emission Limits

1. The permittee shall at all times maintain and operate all air contaminant generating processes and all contaminant control equipment at full efficiency and effectiveness, such that the emission of air contaminants are kept at the lowest practicable levels.
2. Particulate emissions from any single air contaminant source except the Sterling boiler shall not exceed any of the following:
 - a. 0.2 grains per standard cubic foot for sources existing prior to June 1, 1970;
 - b. 0.1 grains per standard cubic foot for sources installed, constructed, or modified after June 1, 1970; and
 - c. An opacity equal to or greater than twenty percent (20%) for a period aggregating more than three (3) minutes in any one (1) hour.
3. The permittee shall operate and control the steam generating boiler(s) in accordance with the following list of boiler operating parameters and emission limitations:

Boiler Identification	Fuel Used	Maximum Emission Limits	
		Opacity (1)	Maximum Capacity (2)
Sterling	hogged fuel	20	40,000

(1) Maximum opacity that shall not be equalled or exceeded for a period or periods aggregating more than three minutes in any one hour, excluding uncombined water vapor.

(2) Maximum hourly average steam production (pounds per hour).

4. The permittee shall not operate the boiler with other fuels or at greater steam generating rates than those established during the Department approved particulate emissions source test.
5. Particulate emissions from the Sterling boiler shall not exceed 78 metric tons per year (86 short tons per year).
6. Particulate emissions from the Sterling boiler shall not exceed 0.13 grains per standard cubic foot corrected to 12 percent carbon dioxide.

Monitoring and Reporting

7. The permittee shall report to the Department of Environmental Quality by January 15 of each year this permit is in effect at least the following information for the preceding calendar year:
 - a. Total sawmill operating time (hours/year)
 - b. Sawmill production (board feet/year)
 - c. Type and amount (tons/year) of wood waste burned in each boiler
 - d. Total boiler operating time (hours/year)

Fee Schedule

8. The Annual Compliance Determination Fee for this permit is due April 1st of each year this permit is in effect. An invoice indicating the amount, as determined by Department regulations, will be mailed prior to the above date.

General Conditions and Disclaimers

- G1. The permittee shall allow Department of Environmental Quality representatives access to the plant site and pertinent records at all reasonable times for the purposes of making inspections, surveys, collecting samples, obtaining data, reviewing and copying air contaminant emission discharge records and otherwise conducting all necessary functions related to this permit.
- G2. The permittee is prohibited from conducting open burning except as may be allowed by OAR Chapter 340, Sections 23-025 through 23-050.
- G3. The permittee shall:
- a. Notify the Department in writing using a Departmental "Notice of Construction" form, and
 - b. Obtain written approval.
- before:
- a. Constructing or installing any new source of air contaminant emissions, including air pollution control equipment, or
 - b. Modifying or altering an existing source that may significantly affect the emission of air contaminants.
- G4. The permittee shall notify the Department at least 24 hours in advance of any planned shutdown of air pollution control equipment for scheduled maintenance that may cause a violation of applicable standards.
- G5. The permittee shall notify the Department by telephone or in person within one (1) hour of any malfunction of air pollution control equipment or other upset condition that may cause a violation of the applicable standards. Such notice shall include the nature and quantity of the increased emissions that have occurred and the expected duration of the breakdown.
- G6. The permittee shall at all times conduct dust suppression measures to meet the requirements set forth in "Fugitive Emissions" and "Nuisance Conditions" in OAR Chapter 340, Sections 21-050 through 21-060.
- G7. Application for a modification of this permit must be submitted not less than 60 days prior to the source modification. A Filing Fee and an Application Processing Fee must be submitted with an application for the permit modification.

- G8. Application for renewal of this permit must be submitted not less than 60 days prior to the permit expiration date. A Filing Fee and an Annual Compliance Determination Fee must be submitted with the application for the permit renewal.
- G9. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
- G10. This permit is subject to revocation for cause as provided by law.
- G11. Notice provision: Section 113(d)(1)(E) of the Federal Clean Air Act, as amended in 1977, requires that a major stationary source, as defined in that act, be notified herein that "it will be required to pay a noncompliance penalty under Section 120 (of that act) or by such later date as is set forth in the order (i.e., in this permit) in accordance with Section 120 in the event that such source fails to achieve final compliance by July 1, 1979."

Department of Environmental Quality
Air Quality Control Division

AIR CONTAMINANT DISCHARGE PERMIT APPLICATION REVIEW REPORT

Weyerhaeuser Company
Bly, Oregon

Background

1. Air contaminant source activities.

<u>SIC</u>	<u>SIC No.</u>	<u>EI No.</u>
Sawmill and Planing Mill greater than 25,000 BF/shift	2421	18-0037
Boiler - greater than 30 million BTU/hr.	4961	18-0037

2. The normal mill operating schedule is: 16 hours/day x 5 days/week x 52 weeks/year.
3. The normal boiler operating schedule is: 24 hours/day x 7 days/week x 52 weeks/year.
4. Estimated plant production is:
- a. Lumber.....87 million board feet/year
 - b. Hogged fuel.....21,600 tons/year
5. The proposed permit is a modification of an existing Air Contaminant Discharge Permit.

Conditions are being added to include provisions of the variance granted by the EQC on 8/31/79 and to limit boiler emissions to historical levels. These conditions will be submitted to EPA as SIP revisions.

Evaluation

6. Existing visible and particulate emission sources at the plant site consist of the following:
- a. 1 Boiler - in compliance
 - b. 5 Cyclones - in compliance
7. Boiler identification:

<u>ID</u>	<u>Date</u>	<u>Rated</u>
<u>No.</u>	<u>Installed</u>	<u>Capacity</u>
Sterling	1976	40,000 #/hr

8. Source Test Information:

Permit Number: 18-0037
Application No.:
Date: 10-20-80
Page 2 of 2

<u>Source</u>	<u>Test Date</u>	<u>Results</u>
Sterling Boiler	1/10-11/79	0.13gr/SCF at 40,000 #/hr

9. Visible Emission Observations:

<u>Source</u>	<u>Test Date</u>	<u>Results</u>
Boiler & Cyclones	5/30/79	In compliance

10. The mass emission limit is based upon the 1/79 source test results assuming full time operation.

EW:a
P18003.7R

MEMORANDUM

To: Environmental Quality Commission

From: Hearing Officer

Subject: Report on December 15, 1980 Hearing - Proposed SIP
Modifications for the Boiler at Bly, Oregon

Summary Procedure

Pursuant to Public Notice, a public hearing was convened in the DEQ offices, Room 4A, 522 SW 5th Ave., Portland at 2:00 p.m. on December 15, 1980. The purpose was to receive testimony regarding proposed changes in the State Implementation Plan to include new emission limits for the boiler operated by the Weyerhaeuser Co. in Bly, Oregon.

Summary of Testimony

No oral testimony was presented. The only written testimony is attached.

Attachment

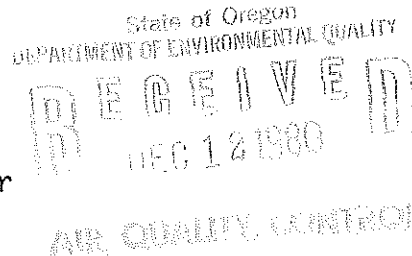
Edward Woods:in
229-6480
12/16/80
AI638.A



Weyerhaeuser Company

270 Cottage Street, N.E.
Salem, Oregon 97301
(503) 588-0311

December 11, 1980



Edward G. Woods, Senior Environmental Engineer
Department of Environmental Quality
P. O. Box 1760
Portland, Oregon 97207

Subject: Proposed Revisions to the Emission Limits in the State Implementation Plan for the Boiler at the Weyerhaeuser Company Plant in Bly, Oregon.

Dear Mr. Woods:

This letter is submitted in support of the proposed revisions to the State Implementation Plan concerning Weyerhaeuser Company's hog fuel boiler at Bly, Oregon. These revisions would permit a maximum grain loading of 0.13 gr/SCF and would establish an annual permit emission limit.

We support these proposed revisions for the following reasons:

1. The Environmental Quality Commission on August 31, 1979 granted a variance for operation of the Bly boiler at 0.13 gr/SCF instead of the 0.1 gr/SCF which is required for new sources. The SIP revisions currently proposed are totally consistent with the previous Commission action.
2. The ambient air study submitted to your Agency on February 15, 1980 clearly demonstrated that an emission level of 0.13 gr/SCF had no measurable effect on the ambient air quality. This study, as well, conclusively showed that the air quality within the Bly airshed was substantially below the standards that had been established by both DEQ and EPA.
3. The installation of control equipment necessary to attain an emission limit of 0.1 gr/SCF would require a capital expenditure in excess of \$1 million. This major investment, however, would accomplish no measurable improvement in the ambient air quality.

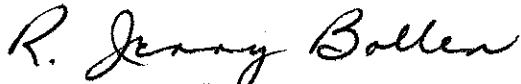
Edward G. Woods
December 11, 1980

Page 2

You are aware that Weyerhaeuser Company recently made the decision to close the Bly operation. We are, however, actively seeking parties who might be interested in purchasing the manufacturing facility. It is essential in this regard that the facility is capable of operating in compliance with all environmental requirements. Because of this and for the reasons expressed above, we request favorable action on the SIP revisions that are proposed.

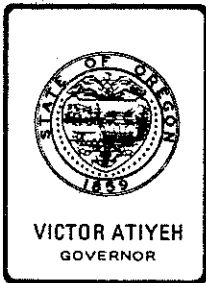
Thank you for this opportunity to comment on the proposed revisions. Please contact us if you need any additional information concerning this matter.

Yours very truly,



R. Jerry Bollen
Oregon Public Affairs Manager

cc: B. Z. Agrons



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

Prepared: 10/21/80
Hearing Date: 12/15/80

NOTICE OF PUBLIC HEARING

A CHANCE TO BE HEARD ABOUT:

Modifying the State Implementation Plan to Include Special Emission Limits for the Boiler at the Weyerhaeuser Company Sawmill in Bly.

On August 31, 1979, the Environmental Quality Commission granted a variance for the operation of this boiler above the regulatory limit. In order to make the federally enforceable State Implementation Plan (SIP) consistent with the State enforced emission limits, the Department is holding a public hearing to take testimony on the proposed modification to the SIP. If the SIP is not modified to include the State emission limits, this source may be subject to non-compliance penalties.

WHAT IS THE DEQ PROPOSING?

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

- ** A grain loading limit of 0.13 grains per standard cubic foot.
- ** A mass emission limit of 86 tons per year.

WHO IS AFFECTED BY THIS PROPOSAL:

The Weyerhaeuser Company Sawmill in Bly.

HOW TO PROVIDE YOUR INFORMATION:

Written comments should be sent to the Department of Environmental Quality, Air Quality Division, Box 1760, Portland, Oregon 97207, and should be received by December 14, 1980.

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

<u>City</u>	<u>Time</u>	<u>Date</u>	<u>Location</u>
Portland	2:00pm	12/15/80	Department of Environmental Quality Fourth Floor 522 SW Fifth Ave. Portland, Oregon 97204

WHERE TO OBTAIN ADDITIONAL INFORMATION:

Copies of the proposed rules may be obtained from:

Edward Woods
DEQ Air Quality Division
Box 1760
Portland, Oregon 97207
503-229-6480

LEGAL REFERENCES FOR THIS PROPOSAL:

This proposal amends the State Implementation Plan for this source only. It is proposed under authority of ORS 468.345.

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

FURTHER PROCEEDINGS:

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

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

EW:kmm
AA526.PN (1)

STATEMENT OF NEED FOR RULEMAKING

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

Legal Authority

The Commission is authorized to grant variances from State rules by ORS 468.345.

Need for the Rule

It is necessary to modify the State Implementation Plan so that EPA and DEQ will be enforcing the same emission limits.

Principle Documents Relied Upon

Clean Air Act Amendments of 1977

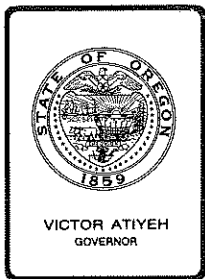
January 1979 source test of the boiler emissions.

Fiscal Impact Statement

There will be a minimal fiscal impact on the Weyerhaeuser Company

EW:kmm

AA526.SN (1)



Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. M, January 30, 1981 EQC Meeting

Request for a Variance from the Veneer Dryer Emission Limits and Compliance Deadline, OAR 340-25-315, by Southwest Forest Industries for Operation of the Veneer Dryers at their plants in Grants Pass and Albany.

Background and Problem Statement

Southwest Forest Industries operates two plywood plants in Grants Pass and two plants in Albany. The company has requested a variance from the veneer dryer emission limits and compliance deadline for operation of the veneer dryers at these plants. The company has proposed a final compliance date of February 15, 1982 for the completion of controls at all four plants.

The Commission is authorized by ORS 468.345 to grant variances from these rules if it finds that strict compliance with the rule would result in substantial curtailment or closure of that operation.

Alternatives and Evaluation

Southwest Forest Industries had agreed to compliance schedules for all four of these plants which would have resulted in compliance by January 1, 1981. This compliance schedule was agreed to because it would allow the company to complete the installation of similar control facilities at their White City plants. It was expected that the experience gained from the installation and operation of those facilities in White City would enable the company to make complete installations in Albany and Grants Pass and would result in continuous compliance of these facilities. However, due to market conditions the completion of the control equipment in White City was delayed. Both facilities in White City were shut down for several months. Final compliance was not demonstrated until December of 1980.



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Because the installation at White City was the first application of this type of control technology to veneer dryers, the Department agreed to the testing of the White City plant before proceeding with installation of similar units at Grants Pass and Albany. After the installation at White City, several refinements were made to ensure continuous operation in compliance with the emission limits. These refinements will be incorporated into the units installed in Albany and Grants Pass. If the Albany and Grants Pass facilities were required to comply with the January 1, 1981 deadline for compliance, these facilities would be forced to cease operation.

The ceilcote ionizing wet scrubbers installed at the White City plants were source tested in December of 1980 and test results were submitted to the Department. Based on these test results, these veneer dryers have demonstrated a capability to comply with the opacity limits and the mass emission limit on a continuous basis.

The company has proposed a construction schedule which would result in compliance of all four plants by February 15, 1982. Purchase orders for one unit have already been issued and the purchase orders for the other three units would be issued in January of 1981. The first unit in Albany would demonstrate compliance by September 15, 1981 and the second unit by November 15, 1981. The first unit in Grants Pass would demonstrate compliance by December 15, 1981 and the second unit by February 15, 1982. Because this is a novel application of this control technology, off the shelf units are not available from the manufacturer. This is the major delay in the completion of these control systems.

The variance would not relieve the plants in Albany from the non-compliance penalty section of the Clean Air Act Amendments of 1977.

Summation

1. Southwest Forest Industries has requested a variance from the veneer dryer emission limits and compliance deadline until February 15, 1982 for their plants in Albany and Grants Pass.
2. Purchase orders for one unit have already been issued and purchase orders for the other three are expected to be issued in January of 1981.
3. The installation of controls at the Albany and Grants Pass facilities were delayed pending the results of the testing of similar units in White City. The White City units have now demonstrated an ability to comply with the opacity and mass emission limits.
4. The Department supports this variance request because strict compliance with the rule would result in closure of the facilities in Grants Pass and Albany.
5. The Commission is authorized by ORS 468.345 to grant a variance if it finds that strict compliance would result in substantial curtailment or closure of the facility.

Director's Recommendation

Based upon the findings in the summation, it is recommended that a variance (Attachment 1) from OAR 340-25-315 be granted to Southwest Forest Industries for operation of the veneer dryers at their plants in Grants Pass and Albany.



William H. Young

- Attachments 1. Proposed Variance
 2. Variance Request by Southwest Forest Industries

F. A. Skirvin
229-6414
January 7, 1980

EGW:sw
AS207 (2)

ATTACHMENT 1

PROPOSED VARIANCE CONDITIONS

Southwest Forest Industries is hereby granted a variance from OAR 340-25-315, Veneer Dryer Emission Limits and Compliance Deadlines for operation of the veneer dryers at their plants in Albany and Grants Pass, subject to the following conditions:

1. By no later than February 1, 1981, purchase orders shall be issued for the necessary control equipment.
2. By no later than May 1, 1981, begin construction of controls at both Albany plants.
3. By no later than July 1, 1981, begin construction of controls at both plants in Grants Pass.
4. By no later than October 1, 1981, complete construction of controls at both plants in Albany.
5. By no later than January 1, 1982, complete construction of controls at both plants in Grants Pass.
6. By no later than November 15, 1981, demonstrate compliance at both plants in Albany.
7. By no later than February 15, 1982, demonstrate compliance at both plants in Grants Pass.

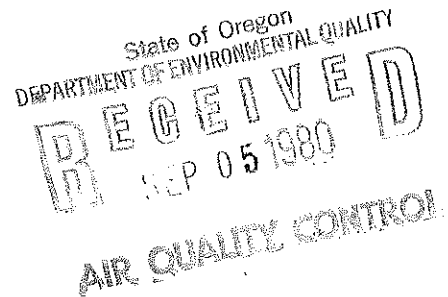


Southwest Forest Industries
PACIFIC NORTHWEST DIVISION

P. O. Box 820
Medford, Oregon 97501
Telephone (503) 776-5750

September 3, 1980

Program Operations
Air Quality Division
Department of Environmental Quality
P. O. Box 1760
Portland, OR 97207



Attention: Edward Woods

Re: Veneer Dryer Controls
Files #17-0007, 17-0030 and 22-0513

Gentlemen:

Southwest Forest Industries, Inc., requests a variance in the veneer dryer emission regulations as they are applied to our plants at Albany and Grants Pass under the provisions of ORS 468.345(a) "Conditions exist that are beyond the control of the persons granted such variance."

Specifically, economic conditions have forced the closure of much of the plywood manufacturing and in particular our Plants #5 and #6 have been shut down from November 1979 until very recently when Plant #6 was started up. It has always been the intention of Southwest to prove the ionic scrubber system at these plants before committing to its installation at the other three plants. We believe that the Department concurred with this plan. It is unfortunate that the disastrous conditions in the housing industry have set the schedule back by what appears to be about half a year.

As mentioned above, Plant #6 was recently started up and the scrubber system is currently being evaluated and fine tuned. We believe that we will be in a position for compliance testing in the near future. We will commit to placing purchase orders for scrubbers for Plants #1, #3 and #4 within thirty days of successful compliance testing at Plant #6.

Your help and consideration in this matter is greatly appreciated.

Very truly yours,

D. A. Graves
Vice President

DAG/pgm



Southwest Forest Industries
PACIFIC NORTHWEST DIVISION

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
NOV 2 1980
AIR QUALITY DIVISION

P. O. Box 820
Medford, Oregon 97501
Telephone (503) 776-5750

December 29, 1980

Program Operations
Air Quality Division
Department of Environmental Quality
P.O. Box 1760
Portland, OR 97207

Attention: Edward Woods

Re: Veneer Dryer Control
17,0007, 17,0030, 22-0513

Gentlemen:

In reference to Southwest Forest Industries veneer dryer controls variance request (9-3-80) the following compliance schedule is offered as necessary information for the Commission:

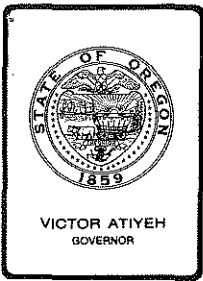
<u>Location</u>	<u>Order Schedule</u>	<u>Projected Shipment Date</u>	<u>Projected Operational Date</u>	<u>Projected Compliance Date</u>
Albany #1	12-22-80	3-15-81	7-31-81	9-15-81
Albany #1 (2nd Unit)	1-81	4-15-81	9-30-81	11-15-81
Grants Pass #3	1-81	5-15-81	10-30-81	12-15-81
Grants Pass #4	1-81	6-15-81	12-30-81	2-15-82

Should you need additional information, please contact me at 776-5789.

Sincerely,

Don Graves
Vice-President

DAG/msc



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. N , January 30, 1981 EQC Meeting

Proposed Adoption of Modified Rules for Hogged Fuel
Boilers Utilizing Salt Laden Fuel, OAR 340-21-020(2)

Background and Problem Statement

The current rule exempts boilers burning salt laden hogged fuel from including salt as a particulate in determining compliance with grainloading and opacity limits. This rule also requires these boilers to install an opacity monitor and to establish alternative opacity limits. Data presented to the Department indicated that an alternative opacity limit was not feasible.

On September 19, 1980, the Commission authorized a public hearing to gather testimony on proposed changes to this rule. The hearing was held in Coos Bay on November 19, 1980. After considering the testimony from the hearing, the Department is proposing rule modifications for adoption and an Air Contaminant Discharge Permit for approval by the Commission.

Since the hearing was authorized, the boilers operated by Georgia Pacific in Coos Bay have been shut down permanently. Menasha Corp. in North Bend stated for the hearing that salt laden fuel is burned in their boilers. However, they are in compliance with the emission limit including the salt and are not subject to the exemption. Weyerhaeuser Co. in North Bend now has the only boilers located within the Department's jurisdiction which are impacted by this rule change.

ORS 468.295 authorizes the Commission to establish rules to limit emissions from sources by categories. A Statement of Need for Rulemaking is attached.

Alternatives and Evaluations

The existing rule as adopted on May 25, 1979, required submittal of the results of a study to correlate in-stack opacity with grain loading. If such a correlation could be made, opacity limits could be set and checked



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by an in-stack opacity monitor. Weyerhaeuser Co. submitted the results of their study. The study consisted of numerous source tests and continuous opacity monitoring. This study concluded that the non-salt grain loading had an insignificant impact on the opacity of the plume. Even if the non-salt grain loading exceeded the limit (0.2 gr/scf) there would be no perceptible change in the opacity.

Since this regulation was adopted, Weyerhaeuser Co. has made modifications to the boilers to reduce non-salt emissions. The grain loading has been reduced by one half, however no significant reduction in opacity was evident. Because of the study and observations of the plume, the Department has concluded that meaningful interim opacity limits as required by the existing rule, cannot be set. Therefore, the Department is proposing changes to the rule.

As an alternative to an opacity limit, which is a measure of the amount of light passing through a plume, the Department proposes a limit on the color of the plume. Under normal conditions the salt makes the plume white. Grate cleaning, allowed for 3 minutes per hour, can cause a dark plume. Improper operating conditions which cause incomplete combustion and excessive non-salt emissions, cause the plume to be darker in color. Therefore, the Department proposed a Ringleman 2 limit as a measure of the darkness of a plume. This limit should be adequate to monitor boiler operation and emissions on a day to day basis.

Weyerhaeuser submitted testimony at the hearing which requested that the Ringleman 2 limit be raised to Ringleman 3. They suggested that the accuracy of the proposed Ringleman evaluation was lower than standard opacity readings because it is seldom used and the color of the salt emissions would bias the reading on the high side. In order to evaluate the need for the suggested change, the Department made arrangements to observe the plume during grate cleaning. This activity is assumed to be a worst case as far as visible emissions during normal operations are concerned. During the observations, the opacity did not exceed a Ringleman 2. Therefore, the Department does not support the change from Ringleman 2 to Ringleman 3 proposed by Weyerhaeuser.

Also in the proposed rule change is a requirement for source tests due on January 1, 1981 and January 1, 1982. In its testimony, Weyerhaeuser requested a change in the source testing deadline. The January 1, 1981 deadline would expire prior to the adoption of the regulation and the company would be unable to comply with it. In addition, adverse weather conditions make testing in winter unsafe. Since Weyerhaeuser Co. has already submitted results of one test and Georgia Pacific is not operating, the Department supports removing the January 1, 1981 test date from the rule and the proposed modification of the Air Contaminant Discharge Permit.

The salt exemption contained in the proposed rules would be limited to those sources burning salt laden hogged fuel on July 1, 1980. New boilers or conversions to salt laden hogged fuel would not be granted this exemption. Since the closure of Georgia Pacific, Weyerhaeuser in North Bend is the only known DEQ source eligible for this exemption.

The Department plans to submit this rule to EPA as a modification of the State Implementation Plan. Also, Conditions 4, 5 and 6 in the attached permit for the Weyerhaeuser Co. plant will be submitted as SIP components. The current rule has been rejected by EPA because the sources affected were not defined, annual emissions were not limited, visible limits were not in the rule and the source test method was not defined. The number of sources impacted by this rule have been reduced to one. The annual emissions are limited to historical levels by a permit condition. A visible limit, Ringleman 2, has been included in the proposed rule. The proposed rule does not contain a source test method, however the proposed permit does specify test procedures approved in advance by the Department. Those test procedures are the ones used by Weyerhaeuser in its first test which was approved by the Department.

In the September 19, 1980 report to the Commission requesting authorization for the public hearing, the Department had also proposed changes to the permit for Georgia Pacific in Coos Bay. Since that time, the boilers at that facility have been shut down permanently so the Department proposes to modify that permit within the current regulatory procedures.

Summation

1. On September 19, 1980, the Commission authorized the Department to hold a public hearing to consider changes in the requirements for boilers burning salt laden hogged fuel.
2. The hearing was held in Coos Bay on November 19, 1980. In testimony presented at the hearing, Weyerhaeuser Co. requested a change in proposed visible emission limit from Ringleman 2 to Ringleman 3 and the removal of the source testing requirement by January 1, 1981. Department observations indicate that the change to Ringleman 3 is not justifiable. The source testing requirement has been modified.
3. Based upon the testimony received at the hearing, the Department proposes modifications to the existing requirements for burning salt laden hogged fuel as indicated in Attachment A (OAR 340-21-020(2)).
4. The Commission is authorized by ORS 468.295 to adopt rules to limit emissions from sources.
5. If adopted, the Department intends to submit the modified rule and the permit for Weyerhaeuser Co. (06-0007) to EPA as proposed modifications to the State Implementation Plan.

Directors Recommendation

Based upon the Summation, it is recommended that the Commission adopt the changes to OAR 340-21-020(2) Fuel Burning Equipment Limitations as contained in Attachment A and approve the issuance of the modified Air

Contaminant Discharge Permit (06-0007) to Weyerhaeuser Co., Attachment B, and the submission of Conditions 5, 4 and 6 in that permit and the rule change to EPA as modifications to the State Implementation Plan.



William H. Young

- Attachments:
- A) Proposed rule change
 - B) Draft Permit 06-0007
 - C) Hearing Officer's Report
 - D) Public Hearing Notice and Statement of Need for Rulemaking

F. A. Skirvin:g
229-6414
December 17, 1980

AQ324 (1)

Fuel Burning Equipment Limitations

340-21-020 (1) No person shall cause, suffer, allow, or permit the emission of particulate matter, from any fuel burning equipment in excess of:

(a) 0.2 grains per standard cubic foot for existing sources.

(b) 0.1 grains per standard cubic foot for new sources.

(2) For sources burning salt laden wood waste on July 1, 1980, where salt in the fuel is the only reason for failure to comply with the above limits and when the salt in the fuel results from storage or transportation of logs in salt water, the resulting salt portion of the emissions shall be exempted from subsection (1) (a) or (b) of this rule and rule 340-21-015 until January 1, 1984. Sources which utilize this exemption, to demonstrate compliance otherwise with subsection (1) (a) or (b) of this rule, shall:

(a) [Install a continuous opacity monitor with recorder on each boiler exhaust stack.] Not exceed a darkness of Ringleman 2 from the boiler stacks for more than 3 minutes in any one hour.

(b) [Submit the results of a study to correlate opacity and grain loading. These results will be used to set interim opacity limits.] By no later than January 1, 1982 submit the results of a particulate emissions source test of the boiler stacks.

(c) By no later than January 1, 1982 submit a report on the cost and feasibility of possible control strategies to meet subsection (1)(a) of this rule and the environmental impact of the salt emissions on the airshed.

If this exemption is utilized by any boiler operator, by no later than July 1, 1982 the Department shall hold a public hearing to evaluate the impact of the expiration of this exemption.

EGW:g

AQ324.A (1)

AIR CONTAMINANT DISCHARGE PERMIT

Department of Environmental Quality
522 Southwest Fifth Avenue, Portland, OR 97204
Mailing Address: Box 1760, Portland, OR 97207
Telephone: (503) 229-5696

Issued in accordance with the provisions of ORS 468.310

ISSUED TO:

Weyerhaeuser Company
Southwest Oregon Region
P O Box 389
North Bend, OR 97459

INFORMATION RELIED UPON:

Application No. 0083
Date Received: 5/3/73

PLANT SITE:

North Bend, Oregon

ISSUED BY DEPARTMENT OF ENVIRONMENTAL QUALITY

WILLIAM H. YOUNG, Director

Dated

Source(s) Permitted to Discharge Air Contaminants:

<u>Name of Air Contaminant Source</u>	<u>Standard Industry Code as Listed</u>
Sawmill and Planing Mill (greater than 25,000 board feet/shift)	2421
Plywood Manufacturing (greater than 25,000 square feet/hour)	2436
Fuel Burning Equipment (greater than 30 million BTU/hour)	

Permitted Activities

Until such time as this permit expires or is modified or revoked, the permittee is herewith allowed to discharge exhaust gases containing air contaminants including emissions from those processes and activities directly related or associated thereto in accordance with the requirements, limitations and conditions of this permit from the air contaminant source(s) listed above.

The specific listing of requirements, limitations and conditions contained herein does not relieve the permittee from complying with all other rules and standards of the Department.

Performance Standards and Emission Limits

1. The permittee shall at all times maintain and operate all air contaminant generating processes and all contaminant control equipment at full efficiency and effectiveness, such that the emission of air contaminants are kept at the lowest practicable levels.
2. Particulate emissions from any single air contaminant source except for the boilers and veneer dryers, shall not exceed any of the following:
 - a. 0.2 grains per standard cubic foot for sources existing prior to June 1, 1970;
 - b. 0.1 grains per standard cubic foot for sources installed, constructed, or modified after June 1, 1970; and
 - c. An opacity equal to or greater than twenty percent (20%) for a period aggregating more than three (3) minutes in any one (1) hour.
3. Particulate emissions from all sources at the plywood plant, other than from the veneer dryers, shall not exceed 40 pounds per hour.
4. The permittee shall operate and control the steam generating boilers in accordance with the following list of boiler operating parameters and emission limitations:

Boiler Identification	Fuel Used	Maximum Emission Limits		
		Ringleman Particulates (1)	Particulates (2)	Maximum Capacity (3)
1,2 & 3	Hogged Fuel	2	0.2	156,000
	Diesel	2	0.1	

- (1) Maximum ringleman darkness number that shall not be equalled or exceeded for a period or periods aggregating more than three minutes in any one hour, excluding uncombined water vapor and excluding salt particulates in accordance with OAR 340-21-020(2).
- (2) Particulate emission limitation is stated in grains per standard cubic foot, corrected to 12 percent carbon dioxide and excluding salt particulates in accordance with OAR 340-21-020(2).
- (3) Maximum hourly average steam production (pounds per hour).
5. Non-salt particulate emissions from the boilers shall not exceed 420 tons per year and 100 pounds per hour.
6. Salt particulate emissions from the boilers shall not exceed 750 tons per year and 180 pounds per hour.
7. The permittee shall not use any distillate fuel oil containing more than:
 - a. 0.3 percent sulfur by weight for ASTM Grade 1.
 - b. 0.5 percent sulfur by weight for ASTM Grade 2.

8. The permittee shall not operate the boiler(s) with other fuels or at greater steam generating rates than those established during the Department approved particulate emissions source test.
9. The permittee shall control and operate all veneer dryers so that the emissions, exclusive of uncombined water, do not exceed an average operating opacity of ten percent (10%) and a maximum opacity of twenty percent (20%) from any single stack or emission point.

Compliance Demonstration Schedule

10. By no later than January 1, 1982, the permittee shall submit a report on (1) the cost and feasibility of possible control strategies in meeting the limits of OAR 340-21-020(1) and OAR 340-21-015 and (2) the environmental impact of the salt emissions on the airshed as determined by a Department approved ambient air monitoring program.
11. The permittee shall demonstrate that the boilers are capable of operating at maximum capacity in continuous compliance with Condition 4, 5 and 6 by submitting the results of a source test by no later than January 1, 1982. All tests shall be conducted in accordance with testing procedures on file at the Department or in conformance with applicable standard methods approved in advance by the Department. The Department shall be notified in advance so that an observer may be present during testing.
12. By no later than January 1, 1981, the permittee shall submit detailed plans and specifications and a time schedule for control of the plywood plant cyclones in order to comply with Conditions 2 and 3.

Monitoring and Reporting

13. The permittee shall report to the Department of Environmental Quality by January 15 of each year this permit is in effect at least the following information for the preceding calendar year:
 - a. Total sawmill operating time (hours/year)
 - b. Sawmill production (board feet/year)
 - c. Total plywood mill operating time (hours/year)
 - d. Plywood production (square feet/year 3/8" basis)
 - e. Type and amount (tons/year) of wood waste processed through each cyclone
 - f. Type and amount (tons/year) of wood waste burned in each boiler

Fee Schedule

14. The Annual Compliance Determination Fee for this permit is due May 1st of each year this permit is in effect. An invoice indicating the amount, as determined by Department regulations, will be mailed prior to the above date.

General Conditions and Disclaimers

- G1. The permittee shall allow Department of Environmental Quality representatives access to the plant site and pertinent records at all reasonable times for the purposes of making inspections, surveys, collecting samples, obtaining data, reviewing and copying air contaminant emission discharge records and otherwise conducting all necessary functions related to this permit.
- G2. The permittee is prohibited from conducting open burning except as may be allowed by OAR Chapter 340, Sections 23-025 through 23-050.
- G3. The permittee shall:
- a. Notify the Department in writing using a Departmental "Notice of Construction" form, and
 - b. Obtain written approval.
- before:
- a. Constructing or installing any new source of air contaminant emissions, including air pollution control equipment, or
 - b. Modifying or altering an existing source that may significantly affect the emission of air contaminants.
- G4. The permittee shall notify the Department at least 24 hours in advance of any planned shutdown of air pollution control equipment for scheduled maintenance that may cause a violation of applicable standards.
- G5. The permittee shall notify the Department by telephone or in person within one (1) hour of any malfunction of air pollution control equipment or other upset condition that may cause a violation of the applicable standards. Such notice shall include the nature and quantity of the increased emissions that have occurred and the expected duration of the breakdown.
- G6. The permittee shall at all times conduct dust suppression measures to meet the requirements set forth in "Fugitive Emissions" and "Nuisance Conditions" in OAR Chapter 340, Sections 21-050 through 21-060.
- G7. Application for a modification of this permit must be submitted not less than 60 days prior to the source modification. A Filing Fee and an Application Processing Fee must be submitted with an application for the permit modification.
- G8. Application for renewal of this permit must be submitted not less than 60 days prior to the permit expiration date. A Filing Fee and an Annual Compliance Determination Fee must be submitted with the application for the permit renewal.
- G9. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

- G10. This permit is subject to revocation for cause as provided by law.
- G11. Notice provision: Section 113(d)(1)(E) of the Federal Clean Air Act, as amended in 1977, requires that a major stationary source, as defined in that act, be notified herein that "it will be required to pay a noncompliance penalty under Section 120 (of that act) or by such later date as is set forth in the order (i.e., in this permit) in accordance with Section 120 in the event that such source fails to achieve final compliance by July 1, 1979."

P06000.7 (a)

Department of Environmental Quality
Air Quality Control Division

AIR CONTAMINANT DISCHARGE PERMIT APPLICATION REVIEW REPORT

Weyerhaeuser Company
P O Box 389
North Bend, OR 97459

Background

1. Air contaminant source activities.

<u>SIC</u>	<u>SIC No.</u>	<u>EI No.</u>
Sawmill and Planing Mill	2421	06-0049
Plywood Manufacturing	2436	06-0007

2. The normal mill operating schedule is: 24 hours/day x 7 days/week x 52 weeks/year.
3. The normal boiler operating schedule is: Boilers Nos. 1, 2 and 3: 24 hours/day x 7 days/week x 52 weeks/year.
4. Estimated plant production is:
- a. Lumber.....182,323,000 board feet/year
 - b. Planer shavings.....1,900 tons/year
 - c. Chips.....8,025 tons/year
 - d. Amount of hogged fuel burned in each boiler
 - 1) boiler no.1 44,900 tons/year
 - 2) boiler no.2 42,050 tons/year
 - 3) boiler no.3 56,550 tons/year
 - e. Plywood (3/8").....145,273,000 square feet/year
5. This permit is a modification of the permit issued on October 13, 1978. The permit is being modified by the Department to incorporate compliance demonstration schedules, Ringleman limitations and mass emission limitations for the hogged fuel steam generating boilers. Previously issued addendums Nos. 1, 2 and 3 will also be incorporated.

Evaluation

6. Existing visible and particulate emission sources at the plant site consist of the following:
- a. 3 Boilers - In compliance
 - b. 2 Veneer Dryers - In compliance
 - c. 5 Cyclones (powerhouse)

- d. 9 Cyclones (plywood mill) - Not in compliance with mass emission limits
- e. 9 Cyclones (sawmill)
- f. 3 Cyclones (planing mill)

7. Boiler identification:

ID No.	Manufacturer	Type	Date Installed	Rated Capacity
1	Combustion Engineering	Spreader-Stoker Water-Tube	1951 Rebuilt 1970	70,000lb/hr at 340 psig
2.	Combustion Engineering	Spreader-Stoker Water-Tube	1951 Rebuilt 1970	70,000 lb/hr at 340 psig
3.	Erie City	Spreader-Stoker Water-Tube	1964	100,000 lb/hr at 340 psig

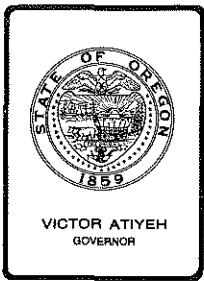
8. Source Test Information:

Source	Test Date	Results
(3) Hogged fuel boilers	7/17/79	0.13 gr/scf non-salt 0.35 gr/scf salt

9. Visible Emission Observations:

Source	Test Date	Results
Cyclones	5/21/79	Compliance
Hogged fuel boilers	5/21/79	Compliance
Veneer dryers	1/16/80	Compliance

- 10. Total particulate emissions from the plywood plant, other than emissions from the veneer dryers, are limited to 40 lbs/hr based on a maximum production capacity of 40,000 square feet per hour of 3/8" plywood or veneer on a finished product equivalent.
- 11. The boiler mass emission limits may be modified to reflect actual emission rates if future test data so indicates.



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Hearing Officer

Subject: Report on November 19, 1980, Public Hearing - Proposed Modifications to the Rules for Boilers Burning Salt Laden Hogged Fuel

Summary of Procedure

Pursuant to Public Notice, a public hearing was convened in the Neighborhood Facility Building, 250 Hull St., Coos Bay at 7:00 p.m. on November 19, 1980. The purpose was to receive testimony regarding the proposed modifications to the rules for boilers using salt laden hogged fuel.

Summary of Testimony

Attached is the testimony received from Weyerhaeuser Company and Menasha Corp. No other written or oral testimony was presented.

Attachment

Edward G. Woods :in
229-6480
November 21, 1980



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WEYERHAEUSER COMPANY

TESTIMONY ON PROPOSED REVISIONS TO THE:

1. HOG FUEL BOILER EMISSION REGULATIONS
2. WEYERHAEUSER COMPANY AIR CONTAMINANT DISCHARGE PERMIT
- NORTH BEND, OREGON

OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY

NOVEMBER 19, 1980

I AM DALE WILLIAMS WITH WEYERHAEUSER COMPANY IN NORTH BEND, OREGON. ON BEHALF OF THE COMPANY, I APPRECIATE THIS OPPORTUNITY TO COMMENT ON THE PROPOSED REVISIONS TO THE EMISSION REQUIREMENTS PERTAINING TO WOOD FIRED BOILERS THAT BURN SALT LADEN FUEL.

OUR COMMENTS, WHICH FOLLOW, APPLY TO THE REVISIONS THAT ARE UNDER CONSIDERATION FOR BOTH THE HOG FUEL BOILER REGULATIONS AND THE AIR CONTAMINANT DISCHARGE PERMIT FOR WEYERHAEUSER COMPANY'S NORTH BEND FACILITY.

1. THE ESTABLISHMENT OF A MAXIMUM DARKNESS OF RINGELMANN 2 WHICH IS NOT TO BE EXCEEDED FOR MORE THAN THREE MINUTES IN ANY ONE HOUR IS PROPOSED. WE REQUEST THAT THIS LIMIT BE CHANGED FROM 2 TO 3.

TO OUR KNOWLEDGE, THIS WILL BE THE FIRST TIME THAT A MODIFIED RINGELMANN TECHNIQUE WILL BE USED TO MONITOR COMPLIANCE. WE EXPECT THAT IT WILL BE DIFFICULT, BUT POSSIBLE, TO MONITOR THE SOURCE FOR RINGELMANN LEVELS. PART OF THIS DIFFICULTY RESULTS FROM THE EXCLUSION OF THE GRAYISH WHITE SALT PARTICULATE PLUME FROM THE RINGELMANN READING. WITHOUT EXPERIENCE AND TRAINING, SOME OBSERVERS WILL HAVE A DIFFICULT TIME ACCURATELY EXCLUDING THE SALT CONTRIBUTION FROM THE RINGELMANN READING. EVEN WITH EXPERIENCE AND TRAINING, THE READINGS IN OUR OPINION WILL BE BIASED ON THE HIGH SIDE BECAUSE OF THE POSITIVE SALT INTERFERENCE. THESE DIFFICULTIES TRANSLATE INTO:

- (1) A LOWER ACCURACY FOR RINGELMANN THAN FOR THE TRADITIONAL OPACITY READING TECHNIQUE AND
- (2) A HIGHER APPARENT RINGELMANN READING.

RAISING THE RINGELMANN NUMBER FROM 2 TO 3 WILL COMPENSATE FOR THE POSITIVE SALT BIAS AND ACCURACY ISSUES AND WILL PRODUCE A LIMIT MORE CONSISTENT WITH THE 40% OPACITY LIMITATION REQUIRED FOR EXISTING SOURCES.

2. IN ORDER TO DEMONSTRATE EMISSION COMPLIANCE, ANNUAL STACK TESTS MUST BE CONDUCTED AND THE RESULTS REPORTED TO DEQ BY JANUARY 1. IT IS NOT POSSIBLE TO MEET THE JANUARY 1, 1981 DEADLINE. FIRST, THE ENVIRONMENTAL QUALITY COMMISSION WILL NOT FORMALLY ACT ON THE REVISED REGULATIONS UNTIL THEIR DECEMBER OR JANUARY MEETING. SECONDLY, WEATHER IN THE NORTH BEND AREA IS EXTREMELY UNPREDICTABLE DURING THIS PERIOD OF THE YEAR. BECAUSE OF THE SAFETY CONSIDERATIONS, OUR TESTING CREW CANNOT WORK ON THE STACK TESTING PLATFORM DURING ADVERSE WEATHER CONDITIONS.

WE WOULD, THEREFORE, ASK THAT THE SUBMISSION DEADLINE OF JANUARY 1, 1981 BE REMOVED FROM BOTH THE PROPOSED REGULATIONS AND OUR AIR CONTAMINANT DISCHARGE PERMIT.

AGAIN, WE APPRECIATE THIS OPPORTUNITY TO COMMENT AND ASK YOUR FAVORABLE CONSIDERATION TO THE CHANGES THAT WE HAVE REQUESTED.



MENASHA CORPORATION

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
NOV 10 1980
PORTLAND, OREGON

November 7, 1980

Edward Woods
D.E.Q. Air Quality Division
Box 1760
Portland, Oregon 97207

Dear Mr. Woods:

In reference to our phone conversations and the notice of public hearing on salt laden hog fuel boiler emissions, find attached an analysis of salt in our particulate emissions. This report by CH₂H-Hill shows our particulate to consist of 48% or 71% salt, depending on whether a basis of sodium or chloride is used for the determination.

Prior to 1980 Menasha, North Bend, has received salt laden hog fuel from the following sources;

Al Pierce Company, Coos Bay
Weyerhaeuser, North Bend
Coos Head, Coos Bay
Cape Arago, Coos Bay.

Sincerely,

T. F. Williscroft
General Manager
North Bend Paperboard Mill

Enclosure

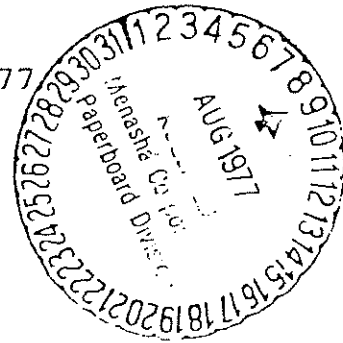
TFW:bj



engineers
planners
economists
scientists

8 August 1977

OTC 25114



Mr. Jim Baxter
Menasha Corporation
Box 329
North Bend, Oregon 97459

Dear Jim:

We have completed the analysis of the flyash sample and scrubber drain water. Included are copies of lab analysis sheets.

The particle size analysis indicates the mass mean diameter to be 24.8 microns in size.

Analysis of the particulate collection, reported to be 219.3 milligrams total weight, indicates this sample to be 47.9 percent NaCl calculated from the sodium results. Conversely, the NaCl content based on chloride results is 71.4 percent. Therefore, excess chloride (greater than the mole to mole relationship of sodium and chloride) is present possibly as another inorganic salt not accounted for by this analysis.

We appreciate this opportunity to be of service. If you have any questions regarding these results or if we can be of further service, please don't hesitate to call.

Sincerely,

Mark Boedigheimer

kf

Enclosure



engineers
planners
economists
scientists

Date: 5 August 1977

Project: C161.75

Subject: Analysis of flyash samples from Menasha Corporation, North Bend, Oregon. Sample received 2 August 1977 and assigned lab reference No. 3356.

<u>Parameter</u>	<u>Flyash Sample Sample No. 3356</u>
Chloride, Cl mg/gm	433.2
Sodium, Na mg/gm	189.2

Calculation of NaCl content:

Based on the report particulate catch of 219.3 mg (2193 gms), the above determined Na⁺ and Cl⁻ results and Na⁺ content of 34.34% - Cl⁻ content of 60.66% in NaCl:

From Na⁺ analysis:

$$189.2 \text{ mg/gm Na} \times 2193 \text{ gm} = 41.5 \text{ mg Na}^+$$

$$41.5 \text{ mg Na} / .3934 = 105 \text{ mg NaCl equiv.}$$

$$\text{or } \frac{105 \text{ mg NaCl} \times 100}{219.3 \text{ mg}} = 47.9\% \text{ NaCl}$$

From Cl⁻ analysis:

$$433.2 \text{ mg/gm Cl}^- \times 2193 \text{ gm} = 95.0 \text{ mg Cl}^-$$

$$95.0 \text{ mg Cl}^- / .6066 = 156.6 \text{ mg NaCl equiv.}$$

$$\text{or } \frac{156.6 \text{ mg NaCl}}{219.3 \text{ mg}} = 71.4\% \text{ NaCl}$$

The information shown on this sheet is test data only and no analysis or interpretation is intended or implied.

Samples will be retained 30 days unless otherwise requested.

Reported:

Mark Boedigheimer
Mark Boedigheimer

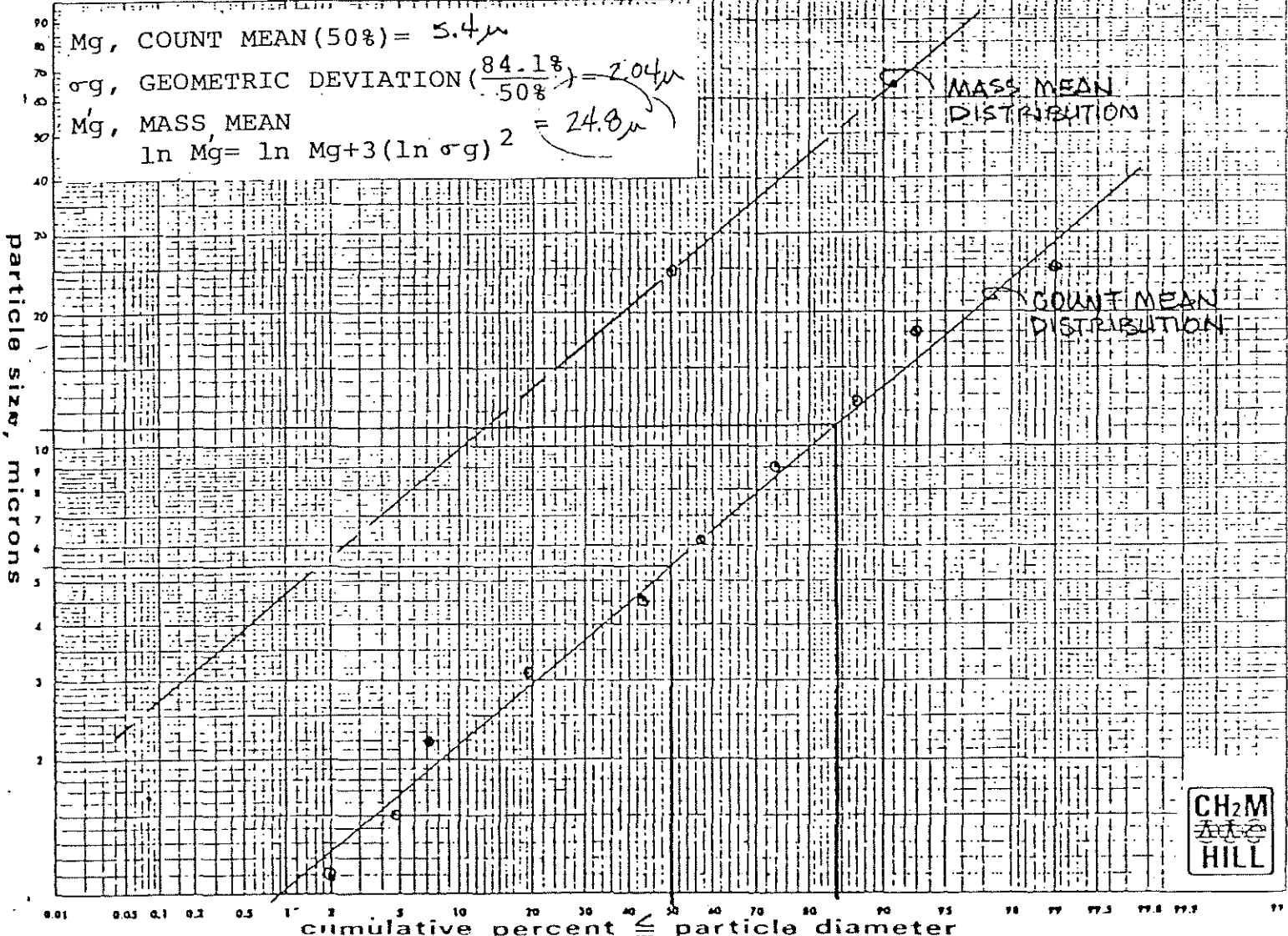
rjr

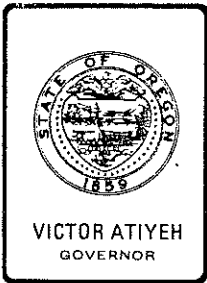
PARTICLE SIZING

PROJECT MENASHA CORP
 PROJECT NO. C16175
 MAGNIFICATION 450 X

SAMPLE IDENTITY _____
 STICKY PAPER OTHER BURLEY SCRAPER
 BY APW H₂O

portion no.	count															cumulative		size microns
	5	10	15	20	25	30	35	40	45	50	55	60	65	total	count	percent		
1														1	1	2.0	1.1	
2														9	10	4.9	1.5	
3														25	35	17.2	2.2	
4														25	60	29.4	3.1	
5														28	88	43.1	4.5	
6														28	116	56.9	6.2	
7														35	151	74.0	9.0	
8														27	178	87.2	12.5	
9														13	191	93.6	18.0	
10														11	202	99.0	25	
11														1	203	99.5	36	
12														1	204	100	50	
13																		





Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

Prepared: 11/02/80

Hearing Date: 11/19/80

NOTICE OF PUBLIC HEARING

A CHANCE TO BE HEARD ABOUT:

LIMITATIONS ON SALT EMISSIONS FROM HOGGED FUEL BOILERS

WHAT IS THE DEQ PROPOSING?

The Department is proposing to modify the rules and permits for facilities which burn salt laden hogged fuel. Currently this affects only two facilities, Georgia Pacific and Weyerhaeuser in Coos Bay.

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

- ** The method of visually evaluating the plume would be changed from opacity to Ringleman, a measure of the color of the plume.
- ** Annual tests would be required to demonstrate compliance with the rules.
- ** The exemption granted by this rule would be limited to those sources burning salt laden hogged fuel at the time of this rule modification.

WHO IS AFFECTED BY THIS PROPOSAL:

Companies using salt laden hogged fuel. The companies in Coos Bay are the only known sources.

HOW TO PROVIDE YOUR INFORMATION:

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

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

<u>City</u>	<u>Time</u>	<u>Date</u>	<u>Location</u>
Coos Bay	7:00 pm	11/19/80	Neighborhood Facility Building 250 Hull Street Coos Bay, Oregon

WHERE TO OBTAIN ADDITIONAL INFORMATION:

Copies of the proposed rules may be obtained from:

Edward Woods
DEQ Air Quality Division
Box 1760
Portland, Oregon 97207
503 229-6480

LEGAL REFERENCES FOR THIS PROPOSAL:

This proposal amends OAR 340-21-020(2). It is proposed under authority of ORS 468.295.

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

FURTHER PROCEEDINGS:

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

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

WHERE TO OBTAIN ADDITIONAL INFORMATION:

Copies of the proposed rules may be obtained from:

Edward Woods
DEQ Air Quality Division
Box 1760
Portland, Oregon 97207
503 229-6480

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

STATEMENT OF NEED FOR RULEMAKING

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

Legal Authority

The Environmental Quality Commission is authorized by ORS 468.295 to limit emissions from sources by categories.

Need for the Rule

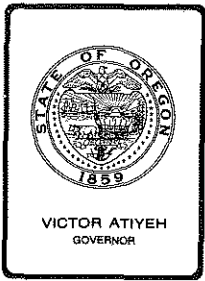
The existing rule contains requirements which recent studies have shown to be impractical. The proposed modifications would provide feasible alternatives.

Principle Documents Relied Upon

Coos Bay Hogged Fuel Boiler Opacity Study - Weyerhaeuser Co. Statistical Analysis of North Bend Emission Data - Weyerhaeuser Co., May 19, 1980
letter from D. P. Dubois, EPA to W. H. Young, DEQ.

Fiscal Impact Statement

The fiscal impact of the rule modification will not be significant to the public or the companies affected.



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. 0 , January 30, 1981, EQC Meeting

Request for Variance from OAR 340-25-315(1)(b)(e) Veneer Dryer Emission Limits, for Willamette Industries, Inc., Griggs Division.

Background and Problem Statement

Willamette Industries, Inc. operates a plywood manufacturing plant at Griggs, Oregon (Griggs Division), an area in compliance with all ambient standards. The Company has requested a variance to operate their two (2) veneer dryers in violation of the veneer dryer emissions limit until October 1, 1981. Presently both dryers are heated by natural gas.

The Company has proposed to install a wood fired heating system to serve both dryers and would replace natural gas usage. The wood fired system would incorporate recycling of veneer dryer emissions to the burner to control emission of condensable hydrocarbons. The Department has approved this proposal and feels it would meet the current veneer dryer standards applicable to this area.

The Commission is authorized by ORS 468.345 to grant variances from Department rules if it finds strict compliance is inappropriate for one of the reasons specified in the statute, including special circumstances which would render strict compliance unreasonable, burdensome or impractical due to special physical conditions.

Alternatives and Evaluation

Department guidelines established April 1, 1980 as the final compliance date for steam or gas heated veneer dryers. This corresponds to the three year limit for compliance with new rules set under the Clean Air Act Amendments of 1977. In considering what course of action they might pursue to comply with the Department's compliance deadline, Willamette Industries compared the overall environmental benefits of the two most promising veneer dryer control systems available (sand bed filters and wood firing with dryer emission recycle).



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The sand filter (Willamette Industries pioneered this system and currently utilizes it at three of their plywood plants) was less expensive and could have been installed prior to the final deadline. However, the wood fired dryer heating system (more specifically, the Wellons Company fuel cell) with dryer emission recycle offered additional environmental improvements over and above controlling condensable hydrocarbons.

The wood fired fuel cell utilizes waste wood as fuel, reducing the amount of material which must be landfilled for disposal. This would reduce both solid waste and groundwater problems commonly associated with wood waste. However, there is also considerable economic benefit to the company resulting from switching from natural gas to wood firing.

The Company chose to pursue the wood firing system. They asked for and received Department approval to proceed with purchase and installation of the system at both their Lebanon plywood mill and the Griggs Division mill.

Willamette Industries decided to install the first unit at the Lebanon mill because of the ease of adaptability and conversion and the availability of fuel. This allowed experimentation with fuel quality, wood species, dryer temperatures and emission recycle air balances. This experience was then used to design the Griggs system.

In September, 1978, a purchase order was issued for the fuel cell to be installed at Lebanon. Installation was completed one year later. Another year was spent in fine tuning the system and gathering data. Source tests were conducted in September and October, 1980, which indicated the unit met all Department emission limits.

In November, 1980, a purchase order was issued for the Griggs fuel cell. A down payment of \$325,000 accompanied the order. Delivery is set for March 1, 1981 and final compliance is to be demonstrated by October 1, 1981.

During the time when the Lebanon fuel cell's performance was being evaluated, Willamette replaced one of the old dryers at Griggs with a reverse flow unit and the second dryer was upgraded to minimize generation of hydrocarbon emissions.

The Department has extended the final compliance date for the Griggs mill two times. This was necessary because of equipment delays, the need to gather data, and problems with fine tuning the fuel cell concept. The final date in these extensions assumed that the company must comply with the wood fired dryer deadline even though the existing dryers were non-wood fired. The Department felt the proposal to install a wood fired system with dryer emission recycle would provide substantial environmental benefits. Therefore, the company was allowed to apply the wood-fired deadline of January 1, 1981 to the gas-fired dryers.

It is now apparent that even though the fuel cell has been ordered it cannot be installed and achieve compliance by January 1, 1981. Willamette Industries has requested a variance and has submitted a time schedule for attaining compliance.

The Company has stated that it could not achieve compliance because of the time required to gain necessary design and operational data from the original fuel cell at Lebanon. Emission controls to reduce opacity at Griggs were not installed in the interim because of the capital costs (\$400,000+) involved with purchase of scrubbers. These scrubbers would had to have been designed for natural gas fired dryers, and would not have been compatible with the wood fired system after conversion. Willamette has no other facilities which could use the interim control equipment, so they would have to be sold or discarded at a considerable financial loss. To achieve compliance by installing scrubbers or other controls in the interim period was considered to be unreasonably burdensome and impractical.

The Griggs mill currently meets the Department's limits for particulates, but violates opacity levels. While opacity levels change from day to day, dependent on species of wood veneer being dried, the Griggs mill consistently exceeds the 10% average and 20% maximum opacity rule. Installation of the proposed fuel cell with emission recycle should bring these emissions within these limits.

The Department agrees with Willamette's contention that complying with the deadline was impractical because of special physical conditions and supports a conditional variance in response to the company's request because the company has continued to progress toward attaining compliance. The proposed system will provide other environmental benefits in addition to controlling condensable hydrocarbons. Violations of ambient standards are not expected during the 7 month extension period.

Operation of the natural gas fired veneer dryers by Willamette Industries, Inc., in excess of the Department's emission limits after April 1, 1980 may subject them to the noncompliance penalty section of the Federal Clean Air Act Amendments of 1977. Any variance issued by the Department cannot exempt the Company from any enforcement action taken by the Environmental Protection Agency under that Section.

Summation

1. Willamette Industries has requested a variance to operate two (2) veneer dryers in violation of the Department's opacity limits until October 1, 1981.
2. The company asked for and received Department approval to install a wood-fired veneer dryer heating system to control emissions from the existing natural gas-fired dryers.

3. The Department agrees with Willamette's contention that the wood-firing system would provide additional environmental benefits. Therefore, the company was allowed to apply the wood-fired dryer deadline of January 1, 1981 to the gas-fired dryers.
4. Due to delays in research and development of an identical wood-fired system installed at the company's Lebanon plant, the January 1, 1981 deadline could not be achieved at Griggs.
5. The company has agreed to a schedule for demonstrating compliance with the Department's opacity limits by not later than October 1, 1981. The wood-fired system has been purchased, but has not yet been delivered.
6. The Department concurred that any control device installed prior to conversion to wood-firing would be physically incompatible with the conversion.
7. The company has taken steps to reduce dryer opacity in the interim by installing one new reverse flow dryer and updating the remaining dryer.
8. The Commission is authorized by ORS 468.345 to grant variance from Department rules if it finds that strict compliance would be unreasonably burdensome or impractical.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that a variance from OAR 340-25-315(1)(b)(e), Veneer Dryer Emission Limits, be granted to Willamette Industries, Griggs Division, for operation of their two veneer dryers until October 1, 1981, subject to the following conditions:

1. By no later than February 1, 1981, begin foundation and other preparatory work.
2. By no later than March 1, 1981, begin installation of the fuel cell and related equipment.
3. By no later than August 1, 1981, complete construction of the fuel cell.
4. By October 1, 1981, demonstrate compliance with the emission limits (10% average and 20% maximum opacity and 1.50 pounds of particulate per 1000 ft.² plywood produced).

Agenda Item No. 0
January 30, 1980
Page 5

5. If, contrary to expectations, the Department determines that the veneer dryer emissions cause significant adverse impact on nearby communities or the airshed, this variance may be revised or revoked.



William H. Young

Attachments 1) Variance Request by Willamette Industries, Inc.

D. St. Louis
378-8240
January 7, 1981

EW:gn
AG726 (1)

Willamette Industries, Inc.

Building Materials Group
Sales and Operations Office



P.O. Box 907
Albany, Oregon 97321
503/926-7771

December 22, 1980



Mr. Dale Wulffenstein
Department of Environmental Quality
1095 25th S.E.
Salem, Oregon 97310

Dear Mr. Wulffenstein:

The following is a complete history of our fuel cell involvement and an explanation of the current scheduling problem for our veneer dryers at Willamette Industries, Griggs.

This letter should clarify our past actions and demonstrate our pursuit of the dryer emissions at Griggs.

On August 7, 1978, we visited a Wellons Company fuel cell installation in Kalispel, Montana that was firing a veneer dryer with wood and bark waste. The dryer stack emissions were greatly reduced due to recirculating the hot used gases back to a blend chamber where they were mixed with high temperature heat from the cell. It was apparent that the fuel cell was a complete environmental program that not only reduces stack emissions but utilizes wood and bark waste which would minimize our future needs for solid waste dump sites.

After evaluating the fuel cell process and comparing its potential gains to a sand filter, which Willamette pioneered for dryer stack emissions, we decided to invest a larger sum of monies into an experimental fuel cell system.

On September 7, 1978 a purchase order was issued to Wellons Company for a cell at our Lebanon plant. The cell and related equipment was a year being completed. Another year was needed to work out the expected problems associated with our bark handling, fuel cell revisions, and old dryer related concerns.

During the evaluation period at Lebanon, Willamette staff had many discussions to determine what course of actions there were for our dryers at Griggs. A decision was made not to install a sand filter scrubber since the Lebanon cell looked so encouraging and would serve as a more complete environmental system rather than only solving the dryer stack emission problem. With written approval from D.E.Q. we proceeded at Griggs by ordering a new reverse flow dryer to replace one and update the remaining one as

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State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
SALEM, OFFICE

Mr. Dale Wulffenstein
December 22, 1980
Page 2

best we could. Our experience at Lebanon demonstrated the need for updating our dryer to handle a fuel cell. By January, 1980, the new dryer was running but revisions and engineering problems with the experimental cell at Lebanon led to what we felt were justifiable delays on purchasing a cell for Griggs.

On September 4, 5, and October 9, 1980, being pleased with the cell's performance, we hired B.W.R. and Associates to perform a source test in accordance with E.P.A. test methods on November 12, 1980. The results were received and it was apparent a fuel cell was the proper choice for Griggs.

On November 19, 1980, a purchase order was issued to Wellons Company for a 25 million B.T.U. cell and related infeed equipment. The installation will start in January and the cell is due on or about March 1, 1981. Our tentative start-up date is August 1, 1981.

I think it is worth mentioning that a fuel cell system is a very costly and complex system in which Willamette has invested. The less expensive sand filter scrubber would have solved the immediate emissions problems at Lebanon and Griggs but Willamette is very much interested in trying to solve long range environmental concerns. We believe our past actions and careful planning have demonstrated our ongoing pursuit of environmental problems and by seeking out the most advanced techniques available at the time we hope not to just satisfy today's standards but hopefully tomorrow's as well.

Therefore, with your knowledge of our special situation we respectfully ask for a variance to our compliance schedule that will conform with our construction dates at Willamette Industries, Griggs.

Sincerely,

WILLAMETTE INDUSTRIES, INC.



Bill Thompson
Chief Design Engineer

BT:kv

cc: Lyle Dragoo
Al Trom
Chuck Russell
Jack Crocker
A. J. Steinmeyer



Willamette Industries, Inc.

Building Materials Group
Sales and Operations Office

P.O. Box 907
Albany, Oregon 97321
503/926-7771

December 31, 1980

Mr. Dale Wulffenstein
Department of Environmental Quality
1095 25th S.E.
Salem, Oregon 97310

Dear Mr. Wulffenstein:

This addendum to my December 22, 1980, letter will clarify the statements concerning the use of a Becker Sand Filter.

The Becker Filter was not installed at Griggs because of the decision to install a fuel cell. If the sand filter had been installed during an interim period it would have been impractical due to physical incompatibility after converting to wood-firing. Since Willamette's Griggs is the only plant left not in compliance, the scrubber would, therefore, have no value to us and would be sold or discarded at a substantial loss.

Sincerely,

WILLAMETTE INDUSTRIES, INC.

Bill Thompson
Chief Design Engineer

BT/jt

cc: Lyle Drago
Al Trom
Chuck Russell
Jack Crocker
A. J. Steinmeyer

RECEIVED
JAN 02 1981

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
SALEM, OFFICE