

7/17/1981

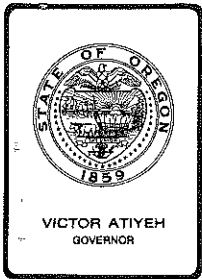
OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS



State of Oregon
Department of
Environmental
Quality

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Department of Environmental Quality

522 S.W. 5th AVENUE, BOX 1760, PORTLAND, OREGON 97207

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No.H-1, July 17, 1981, EQC Meeting

Request for Variance from the General Emissions Standards
for Small Gasoline Storage Tanks, OAR 340-22-107 and 110(3),
for Chevron USA, Inc. Portland

Background

Chevron USA operates gasoline storage tanks and stations at 620 SE Union Avenue in Portland and 6217 SE King Rd. in Milwaukie. The company has requested a variance for operation of these two facilities without vapor controls until October 1, 1981.

The Commission is authorized by ORS 468.345 to grant a variance from Department rules if it finds that strict compliance would be unreasonable or burdensome.

Alternatives and Evaluation

Chevron USA, Inc. has already installed vapor recovery equipment on over 80 gas stations in Oregon. However, the gasoline storage tanks at these two Chevron stations are going to be replaced by October 1, 1981. The company has requested a variance until then to operate the existing tanks without controls. This would eliminate the need to install controls on the existing tanks which would only be in use for two months.

On April 24, 1981, the Commission adopted a temporary extension of the VOC compliance date until July 31, 1981. Since this request is for an extension of only two months beyond that, the Department concurs with the company that it would be burdensome to install controls for that short period of time.

Summation

1. Chevron USA, Inc. operates gasoline stations at 620 SE Union Avenue in

Portland and 6217 SE King Rd. in Milwaukie. Because the tanks will be replaced by October 1, 1981, the company has requested a variance from the rules requiring installation of VOC controls by July 30, 1981.

2. The company has already installed controls on over 80 stations in Oregon.
3. The Department concurs with the company that the installation of controls on the old tanks for the two month period would be an unreasonable burden on the company.
4. The Commission is authorized by ORS 468.345 to grant variances from Department rules if it finds that strict compliance would be unreasonable or burdensome.

Director's Recommendation

Based on the findings in the Summation, it is recommended that the Commission grant a variance from OAR 340-22-110(3) and 107 to Chevron USA, Inc. for operation of the gas stations at 620 SE Union Avenue, Portland and 6217 SE King Rd., Milwaukie, without the required controls until October 1, 1981.



William H. Young

Attachments: Variance Request form Chevron USA, Inc.

F.A. Skirvin:ib
(503) 229-6414
AI1085
May 15, 1981

Attachment for items H-1

RPRP



Chevron U.S.A. Inc.
P. O. Box 220, Seattle, WA 98111

March 11, 1981

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
MAR 16 1981
AIR QUALITY DIVISION

State of Oregon
Department of Environmental Quality
Box 1760
Portland, OR 97207

Gentlemen:

We are currently studying the possibility of replacing our underground gasoline storage at two of our service stations in your air quality maintenance area. The stations are located at 620 Southeast Union Avenue in Portland, Oregon, and 6217 Southeast King Road in Milwaukie, Oregon.

Since it is our belief that these tanks will be replaced before October 1, 1981, we would like to ask for a six-month variance for these stations on your April 1, 1981, deadline for Stage 1 vapor recovery installation.

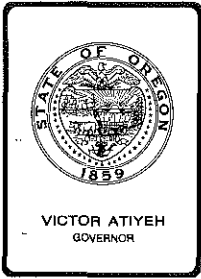
We have already completed installation of Stage 1 vapor recovery at over 80 stations in Oregon and are asking for this extension merely to avoid wasting money.

Very truly yours,

A. O. ROLSETH

By A. E. Reckie

AER/jan



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. H-2 , July 17, 1981, EQC Meeting

Request for a Variance from the General Emission Standards for Volatile Organic Compounds from Bulk Gasoline Plants and Small Gasoline Storage Tanks, OAR 340-22-107, 110(3), and 120(2), for Birk Oil Company, Medford.

Background

The Birk Oil Company operates a bulk gasoline plant at 1000 S. Central Street and storage tanks at ten gasoline service stations in Medford. The operator purchased the bulk plant and gasoline stations in January, 1981, and has requested a variance to allow operation without controls beyond the July 30, 1981 deadline for installation.

The Commission is authorized by ORS 468.345 to grant variances from Department rules if it finds that strict compliance would be burdensome or unreasonable.

Alternatives and Evaluation

The operator has estimated that VOC controls for this bulk gasoline plant, one gasoline delivery vehicle and 10 service stations would cost approximately \$30,000. Because the plant was purchased recently, the company has requested the variance to allow operation until October 1, 1981 without the required control equipment. This time period is necessary because of the significant start-up costs, the availability and workload of contractors to install the equipment, and the availability of the required control equipment in the Medford area.

The control equipment for the tank truck will be installed prior to July 30, 1981 so no variance will be necessary. The gas stations' tank controls are being installed as rapidly as possible but not all will be completed by July 30, 1981. A variance will be necessary for the gas stations as well as the bulk plant.



Contains
Recycled
Materials

Since this extension is for only two months beyond the July 30, 1981 deadline for control installation, the Department concurs that it would be burdensome for the company to attempt to install all of the necessary equipment by that date.

Summation

1. The Birk Oil Company, Inc., operates a bulk gasoline plant in Medford. The operator has requested a variance from the VOC rules for bulk gasoline plants until October 1, 1981.
2. The variance was requested to allow additional time for financing, delivery of equipment, and installation. The operator estimated the cost of controls at \$30,000.
3. The Commission is authorized by ORS 468.345 to grant variances from Department rules if it finds that strict compliance would be burdensome or unreasonable.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that a variance from OAR 340-22-107, 110(3), and 120(2) be granted to Birk Oil Company, Inc., for operation of the bulk gasoline plant at 1000 S. Central Street and ten gasoline stations in Medford without controls until October 1, 1981.



William H. Young
Director

Attachment: Variance Request from Birk Oil Company, Inc.

FASkirvin:ahe
06-03-81
229-6414

15-0145

BIRK OIL COMPANY, INC.
Jobber Shell Products
P. O. Box 966 - 1000 S. Central
Medford, Oregon 97501
Telephone: (503) 779-6345

[Handwritten signature]
~~RP~~ ~~RP~~
EGW

April 7, 1981

[Handwritten initials] 4/7/81
Mr. Peter B. Bosserman, P.E.
Senior Environmental Engineer
Air Quality Division - Special Projects
Department of Environmental Quality
P. O. Box 1760
Portland, Oregon 97207

Subject: Variance Request - Oregon Revised Statute 468.345

Dear Mr. Bosserman:

I am writing you to request that a variance be granted to me so that I may be allowed sufficient time to comply with the state requirements concerning a vapor recovery system.

As you may be aware, I purchased this jobbership approximately three months ago and am still in the process of properly organizing the business. As you, I am sure, realize, I am faced with numerous start-up costs which have placed a heavy financial burden on the firm. In addition the pure time factor of complying with the April date is impossible from a practical standpoint.

I have taken steps to make a complete survey of my service stations, bulk plant and truck and trailer to determine the probable dollar expenditure as well as time requirements.

The total capital expenditure will be somewhere between \$25,000 to \$30,000 which I frankly do not have available at the present time. The total cost includes installation of a coaxial vapor recovery system at ten service stations which Central Pump Company here in Medford has agreed to undertake. Their workload at the present time precludes immediate undertaking of the job. Secondly both Northwest Pump and Ace Tank Company have limited stock of the required equipment at the present time.

BIRK OIL COMPANY, INC.

April 7, 1981

Mr. Peter B. Bosserman, P.E.
Senior Environmental Engineer

The installation of the required vapor recovery equipment on my truck and trailer will take place at Clough Tank Company in Seattle. This installation will require that my truck and trailer be out of commission for one full week.

Lastly the bulk plant conversion will be undertaken as soon as local contractors can provide a schematic plan meeting the state requirements and are then able to provide a proper bid.

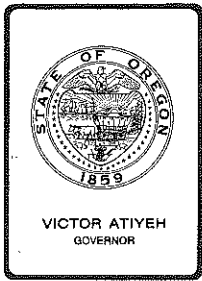
I have written this rather detailed letter to you so that you will know that I am making the proper efforts to comply with the law. I am asking, however, for the commission's approval to provide me a six month delay or a completion date of October 1, 1981.

Respectfully requested,



R. G. Birkinshaw
President

RGB:km



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No.H-3, July 17, 1981, EQC Meeting

Request for a Variance from the General Emission
Standards for Volatile Organic Compounds, OAR
340-22-107 & -110(3), for Civic Parking, Portland

Background

Civic Parking operates a parking lot and gas station at 50 SW Second Ave., Portland. The company has requested a variance from the VOC rules for small gasoline storage tanks.

The Commission is authorized by ORS 468.345 to grant variances from the Department rules if it finds that special circumstances render strict compliance unreasonable or burdensome.

Alternatives and Evaluation

The property where the gasoline storage tanks are located is expected to change ownership in June, 1981. Civic Parking has leased the property until June, 1982. At this time, the new owners have not indicated what their plans are for this property. Civic Parking has requested a variance until October 1, 1981, to allow time to determine whether or not they will continue to operate at that location.

The throughput of this tank is approximately 2500 gallons per month. Because it is an older tank, installation of VOC control equipment is estimated to cost \$6,000. During the two month period of the variance, total VOC emissions from this source are estimated to be 90 pounds.

The Department supports the applicant's contention that the expenditure for VOC controls for such a small emission rate would be unreasonable and burdensome. If this property would continue to be used as a parking lot and gas station, VOC controls would be installed.

Summation

- 1) Civic Parking operates a small gasoline storage tank at 50 SW Second Ave., Portland and has requested a variance from OAR 340-22-107 & 110(3) until October 1, 1981.
- 2) Civic Parking has leased this site until June, 1982. This site recently changed ownership. The variance was requested to allow time to determine the future use of this site. Controls would be installed if the use of the property is not changed.
- 3) Estimated cost of VOC controls is \$6,000. Potential emissions from this source during the variance period would be 90 pounds.
- 4) The Department supports the variance request because of the uncertain future use of the site and the minimal emissions which would result from the variance.
- 5) The Commission is authorized by ORS 468.345 to grant variances from Department rules if it finds that strict compliance special circumstances render unreasonable or burdensome.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that a variance from OAR 340-22-107 & 110(3), VOC Emissions Standards for Small Gasoline Storage Tanks, be granted to Civic Parking for operation of the gasoline storage tank at 50 SW Second Ave., Portland until October 1, 1981.

Bill

William H. Young

Attachment: Variance Request from Civic Parking

F.A. Skirvin:ib
(503) 229-6414
A11116
May 29, 1981



ROSS D. COHEN
MICHAEL A. FISHER

PARKING . PARKING OPERATORS AND CONSULTANTS

223-2135

50 S. W. SECOND AVENUE
PORTLAND, OREGON 97204

April 2, 1981

Mr. Ray Potts
Department of Environmental Quality
522 S.W. 5th. Avenue
P.O. Box 1760
Portland, Oregon 97207

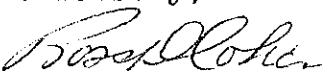
Dear Sir:

In compliance with our telephone conversation, I hereby am requesting a six month variance in the installation of a vapor collecting device for my gasoline installation. My request is based on a condition which is beyond my control. The property on which my gas tanks are located is expected to change ownership by June 1, 1981. It is also expected, that I may not be dispensing gasoline subsequent to that date.

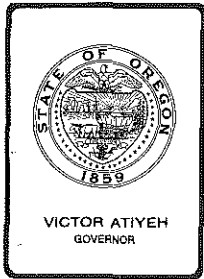
If this change of ownership does not materialize for what ever reason, I also do not believe I can economically afford the costs involved, as the total sales do not average over 2500 gallons a month. The cost of changing would run over \$6000.00 to correct the present condition. This means a portion of my business would have to be discontinued.

I would appreciate any favorable consideration you may be able to extend to me in this matter.

Sincerely,


Ross D. Cohen

cc: Fred Dolan
Mobil Oil Company



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item No. H-4, July 17, 1981 EQC Meeting

Request for a Variance from General Emission Standards for Volatile Organic Compounds at Bulk Gasoline Plants, OAR 340-22-107 & -120(2), for the Carson Oil Company, Portland

Background

The Carson Oil Company operates a bulk gasoline plant at SE 104TH and Division Street in Portland. The company has requested a variance from the July 30, 1981 deadline for installation of controls for volatile organic compounds during loading and unloading of gasoline at bulk plants (OAR 340-22-120(2)). The company is constructing a new facility in Northwest Portland and would like to operate the old facility without controls for an additional 2 months (until October 1, 1981).

The Commission is authorized by ORS 468.345 to grant a variance from Department rules if it finds that special circumstances render strict compliance unreasonable or burdensome.

Alternatives and Evaluation

Carson Oil Company had intended to install controls on their bulk plant at Southeast 104TH and Division to comply with Department rules on vapor recovery. However, the company has recently decided to build an entirely new facility in Northwest Portland and phase out the 104TH and Division plant.

The 104TH and Division plant will only be in use until the new plant is completed. Because it will only be used for approximately 2 months after the deadline (July 30, 1981), the company is requesting that controls not be attained for the old plant. It is estimated that approval of this variance would allow less than 2 tons of VOC's more than if compliance were required by July 30, 1981. The cost of installing controls on the existing plant is approximately \$18,000. The Department supports this variance request.

Summation

- 1) Carson Oil Company operates a bulk gasoline plant at SE 104TH and Division in Portland. The company is building a new plant and has requested a variance from the rules requiring VOC controls (OAR 340-22-120(2)) for the old plant until the new plant is completed or until October 1, 1981, whichever is sooner.
- 2) The estimated cost for controls is \$18,000. Excess emissions would be less than 2 tons during the variance period. The Department concurs that for control equipment for such a short period of time would be unreasonable.
- 3) The Commission is authorized by ORS 468.345 to grant variances from Department rules if it finds that special circumstances render strict compliance unreasonable or burdensome.

Recommendation

Based upon the findings in the Summation, it is recommended that the Commission grant a variance from OAR 340-22-120(2) until October 1, 1981 to Carson Oil Company for operation of the bulk gasoline plant at SE 104TH and Division Street, Portland.

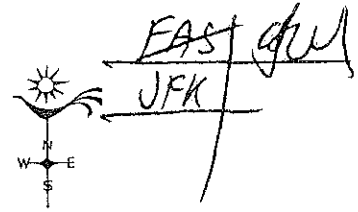
Bill

William H. Young

Variance request from Carson Oil Company

FA Skirvin:ib
FT9 (1)
229-6414
May 20, 1981

26-3018
NC 1715



CARSON OIL COMPANY

2191 N.W. SAVIER STREET PORTLAND, OREGON 97210 (503) 224-8500

February 20, 1981
State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
FEB 23 1981

AIR QUALITY CONTROL

P.D.A. 2/23/81

Mr. Peter B. Bosserman
Department of Environmental Quality
Post Office Box 1760
Portland, Oregon 97207

Dear Mr. Bosserman:

Re: ORS 468.345

In accord with our conversation of about last November, I am hereby requesting a variance for Carson Oil Company on our bulk loading plant at 104th Avenue and S. E. Division Street.

We had originally intended to make that plant qualify for vapor recovery as per your requirements and had submitted our cost proposal to do that. It would better serve the community and ourselves to have our bulk gasoline terminal located at our main plant on Northwest Savier. We have made arrangements with a sub-contractor to do that work; copy of this order will be mailed promptly upon making all the details final which we expect to be within the next week.

Because this is the extremely busy season for operation and because of other details which might be inherent in the construction of this entirely new bulk loading facility, request is made for six months variance for completion.

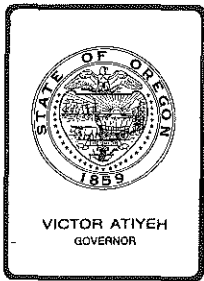
Your consideration of this matter will be sincerely appreciated.

Sincerely,

John A. Carson
John A. Carson

hr

Recommend granting.
P.D.A. 2/23/81



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No.H-5, July 17, 1981, EQC Meeting

Request for a Variance from the General Emission Standards for Volatile Organic Compounds from Small Gasoline Storage Tanks, OAR 340-22-107 & 110(3) by Harold Conley, Portland

Background

Mr. Harold Conley operates a gasoline service station at SE 62nd and Powell Blvd. in Portland. The City of Portland intends to widen Powell Blvd. which will require relocation of this gasoline station. Mr. Conley has requested a variance from the VOC rules until January 1, 1982.

The Commission is authorized by ORS 468.345 to grant variances from the Department rules if it finds that special circumstances render strict compliance unreasonable or burdensome.

Alternatives and Evaluation

The City's proposal to widen Powell Blvd. would eliminate Mr. Conley's gas station at its present location. Mr. Conley has requested a change in the Comprehensive Plan which would allow rebuilding of the station on the remainder of the property. This rebuilding would require installation of new gasoline storage tanks. Mr. Conley has requested a variance to allow operation of the existing tanks without VOC controls until January 1, 1982. This time period would allow rebuilding of the new station. The new storage tanks would be equipped with the required vapor control equipment. If installation of controls were required for the existing storage tanks, they would only be in use for a maximum of five months. Because the existing tanks are old, the equipment could not be transferred to the new storage tanks.

In March, 1981, when the initial request was made, Mr. Conley had requested a 6 month extension from the April 1, 1981, deadline. Based on more recent events, he has verbally requested an extension to January 1, 1982. The City has delayed purchase of the property which in turn, delays construction of the new station.

The Department supports this variance request as it would be unreasonable to install controls on tanks which would be in use only five months.

Summation

- 1) Mr. Harold Conley operates a gasoline station at SE 62nd and Powell Blvd. in Portland. Mr. Conley has requested a variance from the rules requiring vapor recovery by July 30, 1981. The variance was requested until January 1, 1982.
- 2) The City of Portland is planning to widen Powell Blvd. The existing station will be eliminated. Mr. Conley plans to rebuild the station on the remaining property and install new storage tanks with the required controls. The variance requested would allow operation of the existing tanks without controls until January 1, 1982, when the new tanks are installed.
- 3) The Department supports this variance request because it would be unreasonable to require controls on the existing tanks which will only be used for an additional five months.
- 4) The Commission is authorized by ORS 468.345 to grant variances from Department rules if it finds that special circumstances render strict compliance unreasonable or burdensome.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission grant a variance to Harold Conley for operation of the storage tanks at SE 62nd and Powell Blvd., Portland in violation of OAR 340-22-107 and 110(2) until January 1, 1982.



William H. Young

F.A. Skirvin:ib
(503) 229-6414
A11118
July 17, 1981

AA
NLS

Noise
Powell Blvd
Portland

Due to the highway been widened
real soon. We will need a six
month extension to rebuild
behind so we don't have to do this
twice -

Thank you
Harold R Conley
6136 SE Powell
Portland Oregon
774-0254



CITY OF
PORTLAND, OREGON
BUREAU OF PLANNING

Mildred A. Schwab, Commissioner
Terry D. Sandblast, Acting Director
621 S.W. Alder
Portland, Oregon 97205
(503) 248-4253

February 25, 1981

Mr. Harold Conley
7875 SW 66th Avenue
Portland, OR 97223

RE: Powell Boulevard, Phase II—SE 62nd Avenue and SE Powell Boulevard

Dear Mr. Conley:

The purpose of this letter is to advise you of the steps that are being taken by the City regarding your request for design change on the Powell Boulevard project.

The City has requested that a project design change be made by the State to allow redevelopment of your service station on your remaining property and the parcel to the south (see attached sketch). This would require elimination of the project berm for approximately 110 feet west of SE 62nd Avenue. As a result, you would be responsible for construction of a noise barrier between your property and the residential property to the south. The barrier would have to be a continuous, solid wall and would be required as a provision of the proposed Design Zone. As the design change would expose additional residential development to commercial activity and traffic noise, we will also require that a noise barrier be provided between your property and the residential property to the west.

The Planning Bureau will be recommending that Council initiate a Comprehensive Plan Map amendment and zone changes for the parcels in question to allow redevelopment of the service station on the site. If Council adopts the staff recommendation, a public hearing before the Planning Commission would be required.

If you have questions regarding the zoning issues, please call me at 248-4254.

Sincerely,

Rebecca Kohlstrand

Rebecca Kohlstrand
City Planner, Transportation Planning

RK/lb

cc: Dave Hill
Bob Sandoval

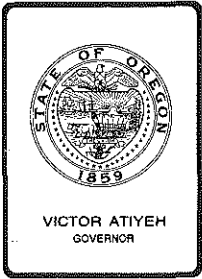
CODE
ADMINISTRATION
248-4250

LONG RANGE
PLANNING
248-4260

SPECIAL
PROJECTS
248-4509

TRANSPORTATION
PLANNING
248-4254

HOUSING AND
POPULATION
248-5525



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No.H-6, July 17, 1981, EQC Meeting

Request for a Variance from the General Emission
Standards for Volatile Organic Compounds, OAR 340
-22-107 & 110(3) by the City of Milwaukie

Background

The City of Milwaukie operates small gasoline storage tanks at SE 40th and Harvey. A variance from the VOC control installation deadline (July 30, 1981) has been requested until October 1, 1981.

The Commission is authorized by ORS 468.345 to grant variances from Department rules if it finds that special circumstances render strict compliance unreasonable or burdensome.

Alternatives and Evaluation

The City of Milwaukie is currently preparing a budget for the fiscal year beginning July 1, 1981. There are three alternatives being considered by the City: a) install VOC controls on existing tanks, b) install new tanks and controls at current site, c) purchase new facilities with VOC controls. Because of this uncertainty, the City has requested a variance until October 1, 1981.

This variance request would allow operation of the gasoline storage tanks at the existing facility without VOC controls until October 1, 1981. By that date, the alternative selected could be implemented and compliance attained. This variance would be an extension of the July 30, 1981 deadline by only two months.

The Department supports this variance request because attaining compliance by July 30, 1981 would be unreasonable in view of the alternatives still under consideration.

Summation

- 1) The City of Milwaukie operates gasoline storage tanks at SE 40th and Harvey. The City has requested a variance to allow operation of these tanks without controls until October 1, 1981.
- 2) As part of the budget preparation for the fiscal year beginning July 1, 1981, the City is considering three alternatives for attaining compliance with the VOC rules. Until the budget is finalized and the alternative selected, the City cannot begin to implement that alternative.
- 3) The Department supports the variance request because installation of controls on storage tanks that may be in use for only two additional months is unreasonable.
- 4) The Commission is authorized by ORS 468.345 to grant variances from Department rules if it finds that special circumstances render strict compliance unreasonable or burdensome.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission grant a variance from OAR 340-22-107 & 110(3) to the City of Milwaukie for operation of the gasoline storage tanks at SE 40th and Harvey without controls until October 1, 1981.



William H. Young

Attachments: Variance Request from the City of Milwaukie

F.A. Skirvin:ib
(530) 229-6414
A11125
June 1, 1981

CITY OF MILWAUKIE



PUBLIC WORKS DEPARTMENT
in the City Hall • phone 659-5171

March 27, 1981

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
APR 1 1981

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

AIR QUALITY CONTROL

Attn: F.A. Skirvin
Supervisor, Program Operations
Air Quality Division

Re: Volatile Organic Compounds
OAR 340-22-100
Request for extension of time/variance

Dear Mr. Skirvin:

The City of Milwaukie is requesting a time extension to the current DEQ requirements for a period of six months. On or before that period of six months, the City of Milwaukie will comply with the requirements for a vapor recovery system in our fuel pumping facilities. By the beginning of our new fiscal year, 1 July 1981, the alternative to be utilized will be known. These options are as follows:

1. Meet requirements of installing vapor return equipment on three or four inch fill pipes and/or install vapor return "T" off the existing vent pipe.
2. Install new pumping facilities at existing shop site (S.E. 40th and Harvey).
3. Acquire new shop facilities (in existence) which have proper fueling facilities.

The last two items are tied to the budget currently being considered by the City of Milwaukie. On or before the previously mentioned date of 1 July 1981 the option to be pursued will be known.

D.E.Q.

-2-


March 27, 1981

By this letter, and the request for a time extension/variance to the 1 April 1981 date, we are asking for an interim staff approval until such time as your commission can act upon this request.

It is assumed by this letter that no response from you will indicate D.E.Q. staff continuance of our current system until such time as your commission has a chance to respond to our variance request.

Thank you for your assistance.

Sincerely yours,



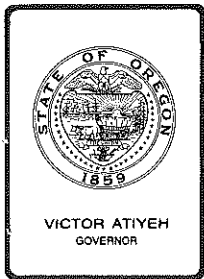
Steven M. Hall, P.E.
Public Works Director

cc: Kenneth S. Whorton
City Manager

Clifford Harshman
Public Works Superintendent

Colleen Hagerman
Purchasing Agent

SMH:js



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No.H-7, July 17, 1981, EQC Meeting

Request for a Variance from the General Emission
Volatile Organic Compounds, OAR 340-22-107 & 110(3),
by Oil Products Inc., Mt. Angel

Background

Oil Products Inc., operates a gasoline station at 9820 Wilsonville Road in Wilsonville. The company has requested a variance from the July 30, 1981 deadline for VOC control installation for five years.

The Commission is authorized by ORS 468.345 to grant variances from the Department rules if it finds that special circumstances render strict compliance unreasonable or burdensome.

Alternatives and Evaluation

The gas station operated by Oil Products Inc., in Wilsonville is located at the boundary of the Portland AQMA. Gasoline is delivered from a bulk plant because the gasoline tanks are too small to be serviced by a truck from a terminal. This bulk plant is located in Mt. Angel and is exempt from Department VOC rules. The three gasoline storage tanks are older tanks and it would cost approximately \$35,000 to upgrade the tanks and install vapor recovery equipment. Oil Products has requested a variance from the VOC rules for small gasoline storage tanks for a period of five years. This time period would allow purchase and installation of controls. Oil Products Inc., has leased this property for the five year period.

This station has a throughput of approximately 30,000 gallons per month. For the period of the variance, the estimated emissions from this station are 16 tons. Submerged filling of these tanks is already in use. Oil Products Inc., is planning a gradual conversion of the existing tanks to allow installation of vapor recovery equipment. At the end of the variance period all necessary equipment would be installed.

The Department concurs with the applicant's contention that immediate installation of controls on this station at the edge of the AQMA would

EQC Agenda Item No. H-7
July 17, 1981
Page 2

be unreasonable, especially when the low emission rate is considered.

Summation

- 1) Oil Products Inc., operates three gasoline storage tanks in Wilsonville at the boundary of the Portland AQMA. The company has requested a variance from the July 30, 1981 deadline for installation of VOC controls.
- 2) The estimated emissions from this source are 3.2 tons per year. Installation of vapor controls is estimated at \$35,000.
- 3) The Commission is authorized by ORS 468.345 to grant variances from the Department rules if it finds that special circumstances render strict compliance unreasonable or burdensome.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that a variance from OAR 340-22-107 & 110(3), VOC Emission Standards for Small Gasoline Storage Tanks, be granted to Oil Products Inc., for operation of the gasoline storage tanks at 9820 Wilsonville Rd., Wilsonville without controls until July 1, 1986.

Bill

William H. Young

Attachment: Variance Request from Oil Products Inc.

F.A. Skirvin:ib
(503) 229-6414
May 22, 1981
A11112

F.A. St. J.

OIL PRODUCTS, INC. State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
Distributors of MOBIL PRODUCTS
Tires—Batteries—Oil Filters & Spark Plugs
P. O. BOX 375, MT. ANGEL, OREGON 97362
PHONE 845-2261

RECEIVED
MAR 30 1981

March 25, 1981

AIR QUALITY CONTROL
State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
MAR 30 1981

AIR QUALITY CONTROL

Department of Environmental Quality
522 S.W. 5th Avenue
Box 1760
Portland, Oregon 97207

PD 2/20

Attention: Mr. Peter Bosserman, P.E.

RE: OIL PRODUCTS, INC., GAS STATION
9820 Wilsonville Road, Wilsonville, OR 97070
REQUEST FOR VARIANCE

Gentlemen:

Pursuant to ORS 468.345 and following, the undersigned makes request for variance, and bases this request upon the following facts and conditions:

1. That the above captioned gas station is located near the very south end of the Portland-Vancouver Air Quality Maintenance area.
2. That the station currently has three, 2,000 gallon tanks with 2" fills. There is no equipment available at this time to change the 2" fills over to 4" fills. Conversion to a 4" fill, excluding new tanks, would cost approximately \$35,000 to \$40,000.
3. This variance is requested for a five year period, and during this time, it is anticipated that the station will be brought into full compliance with the Clean Air Standards Act.
4. Further, and at this time, the undersigned intends to put in submersible fill pipes which will cut down vapors in the air.

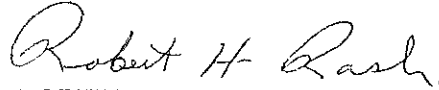
Oil Products is acting under a lease agreement with the owner of the property, that being a certain Larry Anderson, Beaverton, Oregon.

Your kind consideration to this matter would be appreciated.

Department of Environmental Quality
Re: Oil Products, Inc., Gas Station
March 25, 1981
Page Two

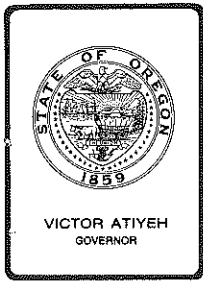
Thank you very much.

Very truly yours,

A handwritten signature in cursive script that reads "Robert H. Rash".

ROBERT H. RASH
President

RHR/cm



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No.H-8, July 17, 1981, EQC Meeting

Request for a Variance from General Emissions Standards for Volatile Compounds from Small Gasoline Storage Tanks, OAR 340-22-107(3) & 110(3), for the Van Bean Shell Service Station, Salem

Background

Mr. Van Bean operates a Shell service station at 2510 State Street in Salem. The City of Salem intends to widen both State and 25th Streets which border and are the access to this gas station. The operator has requested a time extension to allow operation without controls for four years. This request can only be accommodated by issuing a variance.

The Commission is authorized by ORS 468.345 to grant variances from Department rules if it finds that special circumstances render strict compliance unreasonable, burdensome or impractical due to special physical conditions.

Alternatives and Evaluation

The scheduled widening of State and 25th Streets in 1985 will necessitate either moving the station or going out of business.

The necessary equipment to control VOC emissions from the gasoline storage tanks would cost an estimated \$2,400. The operator has requested that he be allowed to operate without controls until 1985. The cost of the control equipment would be an economic hardship and would only be in use for four years before the tanks must be removed from the site.

This station has a throughput of approximately 12,000 gallons per month. VOC emissions from this station, without controls, would be approximately 1.3 tons per year. Installation of vapor recovery equipment would reduce emissions by about 90% or 4.7 tons in four years.

The Department supports the contention that the cost of the VOC controls would be unreasonable for the limited duration of use and the projected

emission reduction. A variance until July 1, 1985 would allow enough time for the City of Salem and the station operator to finalize plans for this site. Any variance should be dependent upon the City's continued pursuit of this project. In order to measure the progress of his project, the following interim conditions should be part of the variance:

- a. By no later than January 1, 1982, submit the final street project plans for this site,
- b. By no later than January 1, 1984, demonstrate that the City has purchased the station property,
- c. By no later than July 1, 1985, demonstrate that this station is in compliance with the VOC rules or is no longer operating at this site.
- d. If at any time the City of Salem revises its plans so that this station can continue operation at this site, the operator shall immediately proceed with VOC control installation.

Summation

- 1) Mr. Van Bean, operator of the Shell Service Station at 2510 State Street, Salem, has requested a four year variance from the VOC rules for gasoline storage tanks, OAR 340-22-107 and 110(3).
- 2) The City of Salem plans to widen State and 25th Streets which would necessitate moving the service station or going out of business.
- 3) This variance would result in an additional 4.7 tons of VOC emissions over the four years of the variance.
- 4) The Department supports the operator's contention that special circumstances render unreasonable the expenditure of an estimated \$2,400 for controls for a four year life.
- 5) The Commission is authorized by ORS 468.345 to grant variances from the Department rules if it finds that special circumstances render strict compliance to be unreasonable.

Director's Recommendation

Based upon the findings in the summation, it is recommended that a variance from OAR 340-22-107 and 110(3) be granted to Mr. Van Bean for the operation of his gasoline storage tanks at 2501 State Street, Salem, until July 1, 1985. This variance shall be subject to the following conditions:

- a) By no later than January 1, 1982, submit the final street project plans for this site,
- b) By no later than January 1, 1984, demonstrate that the City has purchased the station property,

EQC Agenda Item No. H-8

July 17, 1981

Page 3

- c) By no later than July 1, 1985, demonstrate that this station is in compliance with the VOC rules or is no longer operating at this site.
- d) If at any time the City of Salem revises its plans so that this station can continue operation at this site, the operator shall immediately proceed with VOC control installation.

Bill

William H. Young

Attachments: Variance Request from Mr. Van Bean

F.A. Skirvin:ib

(503) 229-6414

AI1136

June 3, 1981

March 21, 1981

Mr. Jon Gjertsen
Dept. of Environmental Quality
1095 25th St. S.E.
Salem, Oregon 97310

RECEIVED
APR 22 1981

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
SALEM, OFFICE

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
APR 24 1981

AIR QUALITY CONTROL

Dear Mr. Gjertsen

Shell Oil Co. has advised me that they will be in violation of the law if they deliver gasoline to my service station if it is not equipped with Stage I Vapor recovery equipment.

The City of Salem has advised me that they intend to widen both 25th Street and State Street by 1985. Both these streets are next to my station property, and their widening will either close my station or force it to be relocated.

I have also been advised that Stage I recovery equipment will cost my business about \$2400 to install.

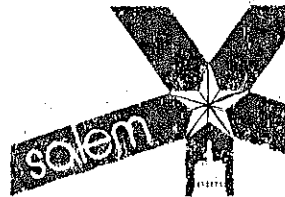
Since I pump only about 12,000 gallons per month, I can not justify, nor afford to spend that kind of money for, at the most, four more years of operation.

Is there any way that the installation of the required equipment can be delayed until the city decides what they are going to do? If an extension of time can be given to me, I would be most appreciative.

Sincerely,

Vanille Bean

Van Bean - owner
Van Bean Shell Service Station
2510 State Street
Salem, Oregon 97301



CITY
OF SALEM,
OREGON

City Hall - 555 Liberty St. S.E.
Zip Code 97301

April 7, 1981

Van Bean's Shell Service Station
2510 State Street
Salem, OR 97301

RE: State Street Widening 770350
23rd Street to Lancaster Drive
Right-of-Way -- Van Bean's Shell Station

Dear Mr. Bean:

This is in reply to your telephone request to Gary Wilson of my staff on April 2, 1981, regarding impacts of the State Street widening on your Shell Service Station.

The City is now preparing preliminary plans and writing an Environmental Assessment for the proposed widening of State Street between 23rd Street and Lancaster Drive.

The proposed project would widen State Street to include two traffic lanes in each direction plus a center left turn lane. Also included would be a widening on 25th Street just south of State Street, to eliminate the "bottleneck" around the existing Shell Service Station.

We are now in the very preliminary design phase, so we cannot give you very exact information. We have attached a sketch to this letter, showing the probable impact on your service station, as best we know now. This may change based on testimony reviewed at the Public Hearing, which is scheduled for Summer - Fall 1981.

Our overall schedule for this project is as follows:

1980 - 1981	Preliminary Design, Environmental Study, and Public Hearing
1982 - 1983	Right-of-Way Acquisition Subject to Funding Availability
1984 - 1985	Construction Subject to Funding Availability

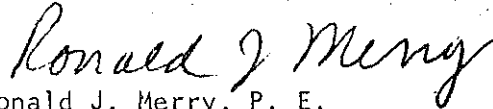
As we understand, you need this information to present to the Department of Environmental Quality, as part of a application for a variance, from

STATE STREET WIDENING
RONALD J. MERRY, P.E.
PAGE TWO

the installation of a \$2,400 vapor device.

Very truly yours,

DEPARTMENT OF PUBLIC WORKS

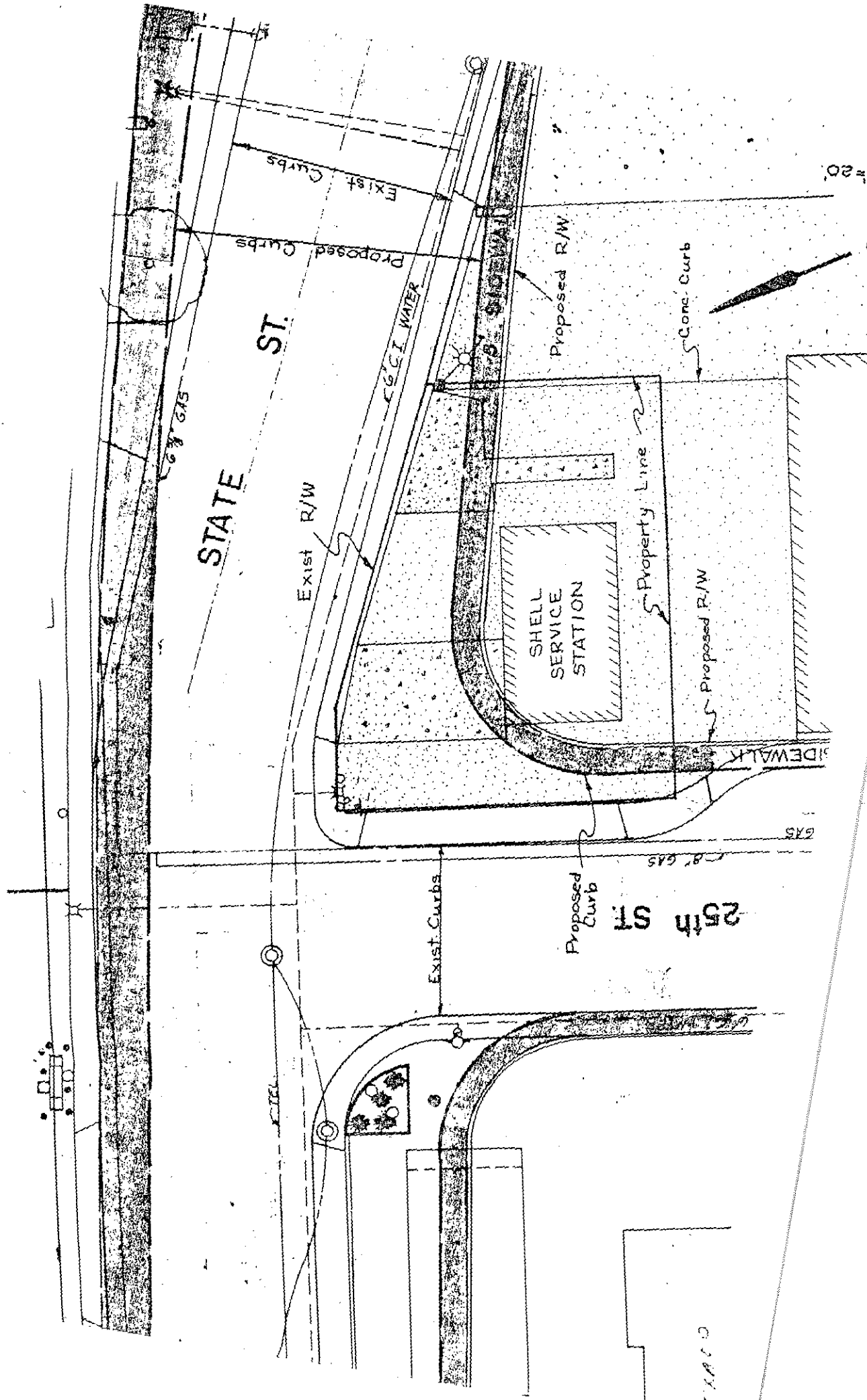


Ronald J. Merry, P. E.
Acting Director of Public Works

RJM/RWL:nrc.

Attachment

cc: Karl D. Goertzen, Acting Chief Design Engineer
Ralph W. Lambert, Project Engineer
Richard Santner, Principal Planner, M.W.V.C.O.G.
Larry Glassock, Real Estate Supervisor



STATE ST.

6" GAS

Proposed Curbs
Exist. Curbs

6" CI WATER

Exist R/W

Proposed R/W

Concrete Curb

SHELL SERVICE STATION

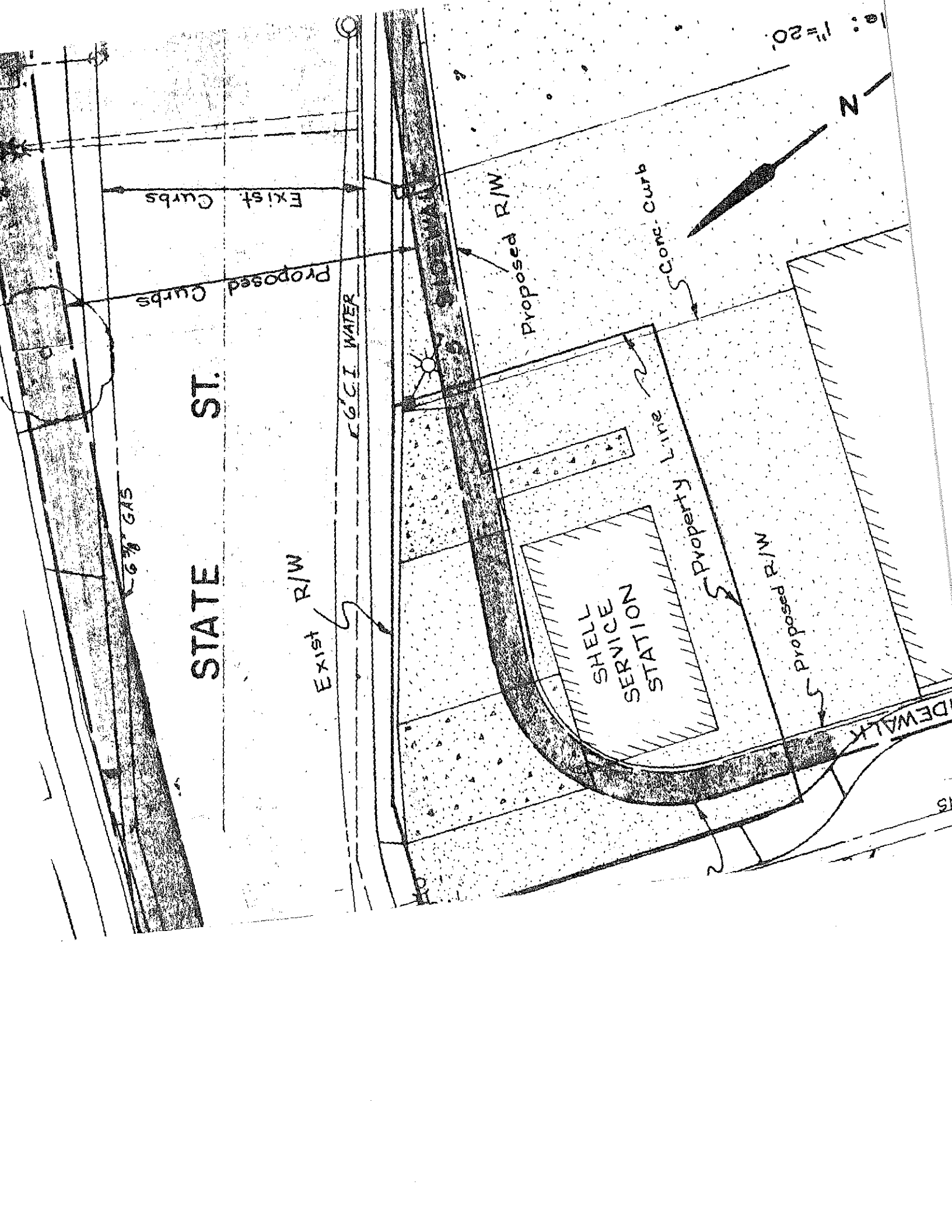
Property Line

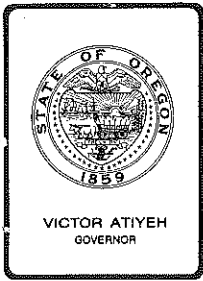
Proposed R/W

DEWALK

Scale: 1" = 20'

N





Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No.H-9, July 17, 1981, EQC Meeting

Request for Variance for the General Emission
Standards for Volatile Organic Compounds OAR 340
-22-107 & 110(3) by Portland Police Bureau, Portland

Background

The Portland Police Bureau operates two gasoline storage tanks at 222 SW Pine St., Portland. The Portland Police Bureau has requested a variance from the July 31, 1981 deadline for installation of vapor controls on the two storage tanks.

The Commission is authorized by ORS 468.345 to grant variances from Department rules if it finds that special circumstances render strict compliance unreasonable or burdensome.

Alternatives and Evaluation

The Portland Police Bureau operates two gasoline storage tanks with a total monthly throughput of 13,500 gallons. These tanks are located at 222 SW Pine St., Portland. The City of Portland is building a new Justice Service Building and the Police Bureau is expected to move into that building in December, 1983. A variance from the requirements for installation of vapor recovery equipment was requested until December, 1983.

The variance was requested because the controls required for the tanks at SW Pine would only be in use for 2 1/2 years. In addition, the tanks are located under the building. Installation of controls would require excavation of the tanks and would be extremely difficult and costly because of the location. Total VOC emissions from these tanks are estimated to be four tons per year.

The Department supports this variance request because of the high cost of installing the equipment and the short period of time it would be in use.

Summation

- 1) The Portland Police Bureau operates two gasoline storage tanks at 222 SW Pine. A variance from OAR 340-22-107 & 110 (3) until January 1, 1984.
- 2) Vapor controls on the tanks would only be in use until the Police Bureau moved into the new Justice Service Building in December, 1983.
- 3) Installation of controls on these tanks would be very difficult and costly because the tanks are located under the building.
- 4) The estimated VOC emission rate is four tons per year. The Department supports this variance request.
- 5) The Commission is authorized to grant variances from Department rules if it finds that special circumstances render strict compliance unreasonable or burdensome.

Director's Recommendation

Based on the findings in the Summation, it is recommended that the Commission grant a variance from OAR 340-22-107 and 110(3) until January 1, 1984 to the Portland Police Bureau for operation of the gasoline storage tanks at 222 SW Pine without controls.



William H. Young

Attachments Variance request from the Portland Police Bureau

F.A. Skirvin:ib
A11165
(503) 229-6414
June 19, 1981



CITY OF
PORTLAND, OREGON
BUREAU OF POLICE

Francis J. Ivancie, Mayor
Ronald R. Still, Chief of Police
222 S.W. Pine
Portland, Oregon 97204

June 9, 1981

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
JUN 12 1981

AIR QUALITY CONTROL

Department of Environmental Quality
Air Quality Division
P.O. Box 1760
Portland, OR 97207

Attn: Fritz Skirvin

Dear Sirs:

The Portland Police Bureau is requesting a variance to the Volatile Organic Compound rules OAR 340-22-100 for Central Precinct located at 222 SW Pine, Portland.

Current estimations by the City's Office of General Services places us moving into the Justice Services Building in December of 1983. Tanks of 1,000 and 4,000 gallon capacity are located at Central Precinct. Neither has a direct fill line into the tank. Currently the fills are located in the sidewalk approximately 7 - 8 feet away from the building. The tanks are located under the building and the large tank is located two floors below the sidewalk level. The buildings fire alarm sprinkler system is located above the large gasoline tank with various large pipes branching out.

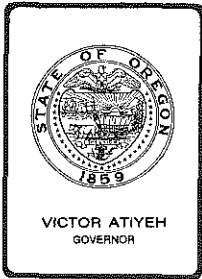
Compliance with the Volatile Organic Compound Rules would require pumping out gasoline and filling water into both gasoline tanks; drilling through an approximate foot of concrete sidewalk near the building, motor pool basement floor and, in the case of the large tank, another floor seven feet below the basement floor; installing new pipes; pumping out the water and re-filling both gasoline tanks. There is some question as to whether the fill line would need to come up through the building and the ability to work and install pipes between the various sprinkler system pipes. D&H Oil has quoted me an approximate one week time frame for completion of the modification. This would be extremely detrimental to the operations of Central Precinct.

In consideration of the above stated problems, the projected move and the small gasoline tank sizes, I respectfully request a variance to the Volatile Organic Compound Rules for Central Precinct in effect until operations begin in the new Justice Services Building.

Sincerely,

Ronald R. Still
Chief of Police

RRS:WW/jbh



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, July 17, 1981, EQC Meeting

Request for an Extension of a Variance from OAR
340-25-315 (1) (b) Veneer Dryer Emission Limits, Granted
to Mt. Mazama Plywood Company, Sutherlin, Oregon

Background and Problem Statement

Mt. Mazama Plywood Company operates a plywood plant, including three veneer dryers, in Sutherlin, Oregon. On March 21, 1980, the company was granted a variance to operate the three veneer dryers in violation of the emission limits until November 1, 1981. The variance was granted because of the poor financial status of the company.

Mt. Mazama Plywood Company has requested an extension of the variance until July 1, 1983 because of the continued slump in the market for plywood. The Commission is authorized by ORS 468.345 to grant variances from Department rules if it finds strict compliance would result in substantial curtailment or closing down of a plant.

Alternatives and Evaluation

One of the conditions of the variance granted on March 21, 1980, required that purchase orders for the veneer dryer control equipment be issued by April 1, 1981. However, the company has been unable to commit to the purchase of the control equipment because their financial situation has not significantly improved. The financial statement for the fiscal year July 1, 1980 through February 28, 1981, for Mazama Timber Products, Inc. (which includes Mt. Mazama Plywood, Mazama Timber Products in Creswell and the Emerald Valley Forest Inn and Golf Course) showed a net loss of \$131,500. Mt. Mazama Plywood showed a small profit (\$17,549) for this same period.

Mt. Mazama spent a substantial amount of time and money in an attempt to force the manufacturer of the wood firing system on dryer #3 to meet the

performance guarantees. That attempt has failed and dryer #3 will be included in the control strategy.

The company is proceeding with the investigation of various types of control equipment and getting bids from the manufacturers. One bid already received for control of dryers #1 and #2 only was \$475,000. Dryer #3 is a wood-fired dryer and that manufacturer would not bid on controls for this dryer. Bids from other manufacturers are being submitted.

Mt. Mazama Plywood has requested an extension of the previously granted variance to allow additional time for the financial recovery of the corporation and the selection of a control strategy which will result in control of all three veneer dryers.

The Department concurs with the Company's contention that the expenditures necessary to install equipment immediately would place an unreasonable burden on the corporation and could result in curtailment or closure of the plant. This variance extension could result in approximately 25 tons of emissions above the allowable emission rates. These emissions are not expected to cause any significant degradation of air quality in the area.

The company has proposed the following schedule for attaining compliance:

1. By October 1, 1981, submit a control strategy for all three veneer dryers.
2. By March 1, 1982, issue purchase orders for all the necessary equipment.
3. By November 1, 1982, begin construction of the veneer dryer control equipment.
4. By July 1, 1983, complete construction and demonstrate compliance.

In addition to these dates, the Department recommends that quarterly financial statements for the corporation be submitted. If the dryer emissions would cause an adverse impact on the community or airshed the variance could be revoked.

Summation

1. On March 21, 1980, the Commission granted a variance to Mt. Mazama Plywood to operate its veneer dryers in violation of the emission standards until November 1, 1981. This variance was granted because of economic hardship.
2. The company has failed to meet the increment of progress date of April 1, 1981, requiring issuance of purchase orders.
3. The company has requested an extension of the compliance date in current variance to July 1, 1983. Based on the information submitted by the company the financial status of the corporation has not improved enough to withstand the impact of immediate expenditures for control equipment.
4. The company is proceeding with the evaluation and pricing of various types of control systems.
5. The company is located in Sutherlin and the approximately 25 tons of emissions is not projected to have a significant impact on air quality.

6. The Commission is authorized by ORS 468.345 to grant a variance if it finds that strict compliance would result in substantial curtailment or closing down of a business, plant or operation.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that an extension of the variance from OAR 340-25-315(1)(b), Veneer Dryer Emission Limits, be granted to Mt. Mazama Plywood Company for the operation of their three veneer dryers until July 1, 1983. This variance is subject to the following conditions:

1. By October 1, 1981, submit a control strategy for all three veneer dryers.
2. By March 1, 1982, issue purchase orders for the necessary control equipment.
3. By November 1, 1982, begin construction of the veneer dryer controls.
4. By July 1, 1983, complete construction and demonstrate compliance.
5. Submit quarterly, corporate, financial reports until purchase orders have been issued.
6. If the Department determines that the veneer dryer emissions cause significant adverse impacts on the community or airshed, the variance may be revised or revoked.



William H. Young

Attachments: Variance Request form Mt. Mazama Plywood Co. and supporting documents

F.A. Skirvin:ib
(503) 229-6414
May 15, 1981
AI1084

WISWALL, SVOBODA, THORP & DENNETT, P.C.

William Wiswall
John L. Svoboda
Laurence E. Thorp
Douglas J. Dennett
Dwight G. Purdy
Jill E. Golden
Robert A. Miller
Scott M. Galenbeck

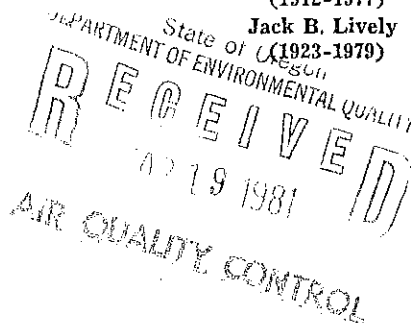
LAW OFFICES
644 North A Street
Springfield, Oregon 97477
(503) 747-3354

March 11, 1981

G. David Jewett
Robert A. Thrall
James M. O'Kief
Karen Hendricks
Jeffrey D. Herman

Marvin O. Sanders
(1912-1977)
Jack B. Lively
(1923-1979)

Department of Environmental Quality
Air Quality Control Division
522 Southwest Fifth Avenue
P. O. Box 1760
Portland, Oregon 97202



Attention: Mr. Ed Woods

Re: Mt. Mazama Plywood Company Air Contaminant
Discharge Permit and Variance Granted by the
Commission on March 21, 1980 as Variance from
OAR 340-25-315(1)(b) Veneer Dryer Emission Limits

Gentlemen:

On behalf of Mt. Mazama Plywood Company and pursuant to
ORS 468.345 the following should be considered as a request for
variance from air contamination rules and standards and
OAR 340-25-315(1)(b) veneer dryer emission limits.

Factual Background

A current and correct factual background statement is con-
tained in the Environmental Quality Commission memorandum which
is marked Exhibit A and attached hereto and made a part hereof as
if set forth in full.

The plywood market for the calendar year 1980 and 1981 to
date has remained severely depressed, both in terms of price of
product and volume of sales. Economically, northwest plywood
producers have operated on a day-to-day basis fed only by day-to-
day sales, with no long-range plans or commitments from buyers.
The same holds true for Mt. Mazama Plywood Company who was faced
with a three-month shutdown in the first part of 1980. They have
been able to operate almost continuously since then, but on a
very thin margin.

The company had previously installed the wood fired system as
an attempt for compliance with the opacity limits. In spite of

the company's attempt for compliance, the installation of the new system did not meet the opacity limits. In an attempt to bring the equipment into compliance as originally anticipated, legal efforts were made with the manufacturing and installing company which were pursued until the latter part of 1980. It became apparent to the company that to further pursue that matter with the manufacturer and installer would consume, including court litigation, time which would run them far past the November, 1981 compliance date. Pursuing that remedy would further leave them up in the air as to whether they should undertake any other independent steps concerning repair, reconstruction or replacement of the existing dryer system.

The company made the decision not to pursue further remedies against the original manufacturer and installer. They are currently receiving cost estimates for sealing the veneer dryers and installing, repairing and replacing scrubbers. There are three dryers which are in question. One cost estimate has been received to date concerning two of those units. Burley Industries, after reviewing the plant, has advised that at a minimum, Mt. Mazama would incur charges of \$345,000 for two scrubbers and attempted repair of all three dryers, assuming there is no panel replacement. Assuming further a 50% panel replacement, an additional cost of \$132,000 as a minimum is estimated, thus bringing the minimum total cost for repair of two dryers to \$477,000.

Burley Industries declined to submit a bid for their wet-type veneer dryer scrubber for use on the third dryer since it would not control the chloride emission created by the enterjex burner. Bids have not yet been received from someone willing to submit a bid on that unit. It is estimated that the cost for a scrubber on the third unit will exceed the cost of any one of the other two units, thus placing the total expense at a minimum in the area of \$700,000 to \$800,000.

Mt. Mazama is also soliciting competitive bids from Radar Pneumatics and Georgia-Pacific, as well as attempting to review installations in other plants.

Summary of Request for Variance

Mt. Mazama requests a variance from OAR 340-25-315(1)(b) veneer dryer emission limits on the following grounds:

1. Current market conditions make it economically unreasonable and burdensome to undertake the expenditure at this time to bring the dryers in full compliance with opacity limits. Such expenditures could result in a substantial curtailment or necessitate a closing of the plant.

2. That in an attempt to gain repair and replacement of the non-complying equipment by the manufacturer and installer through legal redress, thereby negating the necessity of additional cost to the company, much time was consumed and without success to date. Those efforts have therefore been abandoned. This attempt, however, did delay the company in pursuing other avenues which they are now undertaking, but are far behind prior commitments.

It is submitted that the variance as above requested be granted on the following time table.

1. By October 1, 1981, final control strategy for wood fired veneer dryers shall be submitted.

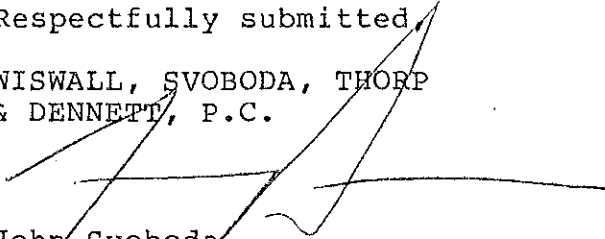
2. By March 1, 1982, purchase orders for all equipment necessary to control all three dryers shall be issued.

3. By November, 1982, the construction of controls of all three dryers shall have been started.

4. By July, 1983, controls for all three dryers shall be completed and compliance demonstrated.

Respectfully submitted,

WISWALL, SVOBODA, THORP
& DENNETT, P.C.


John Svoboda
Attorney for Mt. Mazama Plywood Co.

WISWALL, SVOBODA, THORP & DENNETT, P.C.

William Wiswall
John L. Svoboda
Laurence E. Thorp
Douglas J. Dennett
Dwight G. Purdy
Jill E. Golden
Robert A. Miller
Scott M. Galenbeck

LAW OFFICES
644 North A Street
Springfield, Oregon 97477
(503) 747-3354

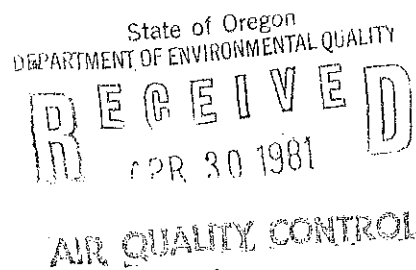
April 27, 1981

G. David Jewett
Robert A. Thrall
James M. O'Kief
Karen Hendricks
Jeffrey D. Herman

Marvin O. Sanders
(1912-1977)
Jack B. Lively
(1923-1979)

Mr. Edward Woods
Air Quality Division
Dept. of Environmental Quality
522 Southwest 5th Ave.
Portland, OR 97207

Re: Variance Request
File No. 10-0022



Dear Mr. Woods:

I am responding further to your letter of April 9, 1981, and at this point particularly to subsection a of that letter. I recognize that in compliance with our previous variance we were required to provide you with financial material for Mt. Mazama Plywood. It is my belief that that financial information, because of its incomplete nature, has been somewhat misleading to the department. Mazama Timber Products, Inc. is comprised, in fact, of the mill located in Creswell, Oregon, Mt. Mazama Plywood Co. located in Sutherlin, Oregon, and Emerald Valley Forrest Inn and Golf Course located in Creswell, Oregon. In viewing the economic ability, therefore, of any one subsidiary one must view all subsidiaries together.

I am enclosing the Individual and Combined Income Statement for month and year ending February 28, 1981. You will note that the net income after taxes for Mt. Mazama for the month of February, 1981, was only \$17,549.00 while the other two subsidiaries lost money. Of greater importance is the consolidation figure appearing on the right hand side of the page for year to date showing that combined Mazama Timber Products consolidated, including all subsidiaries, has generated an after tax income of only \$92,946.00.

The company has historically and traditionally by the very nature of its economic structuring been such that as needed cash flow from one subsidiary may go to another in periods of need. As you can see at this time, the subsidiary Mt. Mazama Plywood is providing a minimal cash flow to allow Mazama Timber Products and Emerald Valley Forrest Inn and Golf Course to operate. In the past the opposite has been true. But for this structuring, Mt. Mazama Plywood as a subsidiary would have had to borrow outside funds, which it most likely would still, at least in part, be obligated on thus increasing its interest

Mr. Edward Woods
Dept. of Environmental Quality
April 27, 1981
Page 2

expense and decreasing the profit it is showing during these times.

I have asked the company to continue to provide me, as generated, with the combined financial statements so that these may be made available to you to provide a more meaningful picture.

The company is still awaiting bids other than the one I made reference to in my letter of March 11, 1981. I am enclosing the bid we did receive from Burley Industries and will pass the others on as soon as they are received. Once that material has been received, evaluated and we are able to determine what is going to be the most efficient in terms of cost, effectiveness and speed of installation I will be able to respond to subsection c of your April 9 letter more informatively.

Sincerely yours,

WISWALL, SVOBODA, THORP &
DENNETT, P.C.


John Svoboda

JS:ek

Encls.

bc: Jim Kline

INDIVIDUAL AND COMBINED INCOME STATEMENT

February 28, 1981

	<u>Mazama Timber Products</u>	<u>Emerald Valley Golf Course</u>	<u>Mt. Mazama Plywood</u>	<u>Combined Total</u>	<u>Eliminations</u>	<u>Consolidated</u>	
						<u>Month</u>	<u>Year to Date</u>
Sales:							
Log	\$ 982,267.00			\$ 982,267.00		\$ 982,267.00	\$ 8,158,856.00
Net	<u>1,998,473.00</u>	<u>\$146,517.00</u>	<u>\$1,357,440.00</u>	<u>3,502,430.00</u>	<u>\$296,322.00</u>	<u>3,206,108.00</u>	<u>30,139,778.00</u>
	<u>2,980,740.00</u>	<u>146,517.00</u>	<u>1,357,440.00</u>	<u>4,484,697.00</u>	<u>296,322.00</u>	<u>4,188,375.00</u>	<u>38,298,634.00</u>
Cost of sales	<u>2,918,930.00</u>	<u>197,758.00</u>	<u>1,241,607.00</u>	<u>4,358,295.00</u>	<u>296,322.00</u>	<u>4,061,973.00</u>	<u>34,794,400.00</u>
Gross profit (loss)	61,810.00	(51,241.00)	115,833.00	126,402.00		126,402.00	3,504,234.00
General and administrative expenses	<u>37,877.00</u>	<u>24,029.00</u>	<u>35,211.00</u>	<u>97,127.00</u>		<u>97,127.00</u>	<u>1,319,230.00</u>
Operating profit (loss)	23,923.00	(75,270.00)	80,622.00	29,275.00		29,275.00	2,185,004.00
Depreciation expense	56,000.00	30,000.00	25,000.00	111,000.00		111,000.00	880,000.00
Interest expense	171,207.00	34,451.00	23,157.00	228,815.00		228,815.00	1,537,271.00
	<u>(203,284.00)</u>	<u>(139,721.00)</u>	<u>32,465.00</u>	<u>(310,540.00)</u>		<u>(310,540.00)</u>	<u>(232,267.00)</u>
Other income	<u>44,709.00</u>		<u>2,634.00</u>	<u>47,343.00</u>		<u>47,343.00</u>	<u>418,158.00</u>
Income (loss) before taxes	<u>\$(158,575.00)</u>	<u>\$(139,721.00)</u>	<u>\$35,099.00</u>	<u>\$(263,197.00)</u>		<u>(263,197.00)</u>	<u>185,891.00</u>
	<u>\$ (79,288.00)</u>	<u>\$ (69,860.00)</u>	<u>\$17,549.00</u>	<u>\$(131,599.00)</u>			
Provision for income taxes					<u>(131,599.00)</u>	<u>(131,599.00)</u>	<u>(92,945.00)</u>
Net income (loss)					<u>\$(131,599.00)</u>	<u>\$(131,599.00)</u>	<u>\$92,946.00</u>

BURLEY**INDUSTRIES**

680 F STREET, COOS BAY, OREGON 97420 • (503) 269-5149

February 26, 1981

RECEIVED

MAR 2 1981

MT. MAZAMA PLYWOOD CO.

Mt. Mazama Plywood
Sutherlin, Oregon 97479

Attention: Jim Dew

Dear Jim,

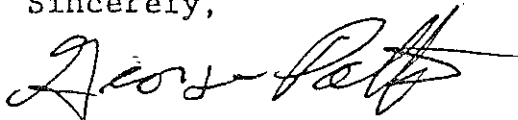
In response to your request for updated prices on veneer dryer sealing and scrubbers, the price for veneer dryer scrubbers would be increased to \$85,000 per dryer or \$170,000 for dryers #1 and #2. I would not be able to give you a firm price on the dryer sealing because it is not possible to make an accurate evaluation of dryer panel condition until the dryer is disassembled. Based on the cost of the last seven dryers repaired, you can expect to pay a minimum of \$65,000 per dryer to seal it if there is no panel replacement required.

You will need to add \$3300 per section of dryer for top panel replacement and \$2200 per section of dryer for side panel replacement. Also, dryer #2 and #3 have problems with air balance and will require positive air seals and automatic damper controls to properly control fugitive leakage. This will add another \$15,000 per dryer in cost.

We are not interested in offering our wet type veneer dryer scrubber for control on your #3 dryer since it is not able to control the chloride emission created by the enterjex burner.

Minimum cost for two scrubbers and three dryer repairs, assuming no panel replacement, would be \$345,000. Assuming a 50% panel replacement you could add another \$132,000 in cost. We will have information available soon on the fuel dryer and we will contact you when it is available.

Sincerely,



George Potter
President

WISWALL, SVOBODA, THORP & DENNETT, P.C.

LAW OFFICES
644 North A Street
Springfield, Oregon 97477
(503) 747-3354

William Wiswall
John L. Svoboda
Laurence E. Thorp
Douglas J. Dennett
Dwight G. Purdy
Jill E. Golden
Robert A. Miller
Scott M. Galenbeck

G. David Jewett
Robert A. Thrall
James M. O'Kief
Karen Hendricks
Jeffrey D. Herman

Marvin O. Sanders
(1912-1977)
Jack B. Lively
(1923-1979)

May 12, 1981

Mr. Edward Woods
Air Quality Division
Dept. of Environmental Quality
522 Southwest 5th Avenue
Portland, OR 97207

Stamp: State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
MAY 15 1981
AIR QUALITY DIVISION

Re: Variance Request
File No. 10-0022

Dear Mr. Woods:

Enclosed please find the just received proposal from Georgia-Pacific Corporation. I think the bid and price are self-explanatory with the proviso, however, that it would cost an approximate additional \$30,000.00 for the foundations for a total cost of approximately \$700,000.00.

In further evidence of the financial condition of the industry I can also tell you that an attempt was made by Mt. Mazama to obtain financing for some additional equipment which from a cost effective standpoint would have returned the investment within 13 to 18 months. Mt. Mazama was unable to obtain that financing for approximately \$1,000,000.00. I would submit that it is reasonable to expect that were they to attempt to finance the Georgia-Pacific proposal to the tune of approximately \$700,000.00 they would meet with even less enthusiasm in light of the lack of cost effectiveness of this particular expenditure.

Responding finally to paragraph c of your letter of April 9, it would appear that of the approaches now available to Mt. Mazama the Georgia-Pacific proposal is the best alternate solution. Much of the timing schedule set forth in my letter of March 11, 1981 is to allow for a market turnaround so that financing and funding will become available to move ahead with this project. I recognize that we are all guessing at the future but it certainly is not a guess to know what is happening at this moment.

Finally, just quickly it would be my observation that Mt.

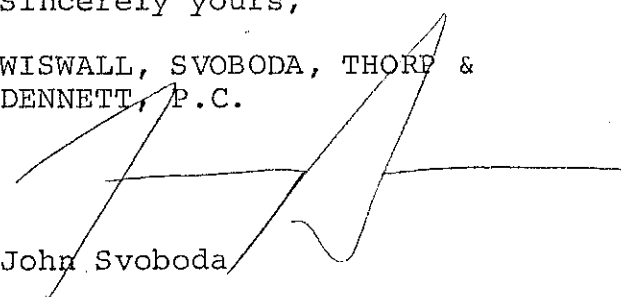
Mr. Edward Woods
May 12, 1981
Page 2

Mazama were the proposed schedule to be approved would not gain any financial advantage over any of its competition. It would appear that at this point in time all companies are suffering equally but even were it good times the modifications that we are talking about are not such that allow Mt. Mazama to produce at a lower cost or at a faster rate than any competitor.

If any other new, updated or additional information is requested please do not hesitate to let me know and I shall see to it that it is forwarded to you immediately.

Sincerely yours,

WISWALL, SVOBODA, THORP &
DENNETT, P.C.



John Svoboda

JS:am
Enc.

cc: Jim Kline



Machinery Construction

7920 Hunziker Road
Tigard, Oregon 97223
Telephone (503) 620-4280

No. S.C.#0843-0-M

TO MT. MAZAMA PLYWOOD COMPANY	DATE MAY 6, 1981	DELIVERY FROM RECEIPT OF ORDER WILL ADVISE
P.O. BOX 738	F.O.B. TIGARD, OREGON	TERMS 25-25-40-10%
SUTHERLIN, OREGON 97479	THIS PROPOSAL IS SUBJECT TO CONDITIONS STATED ON THE REVERSE SIDE	

SUBJECT
GEORGIA-PACIFIC EMISSION ELIMINATOR

ATTENTION: JIM DEW

GENTLEMEN, WE ARE PLEASED TO OFFER THE FOLLOWING PROPOSAL:

ITEM NO.	QUANTITY	DESCRIPTION	PRICE
1	ONE	GEORGIA-PACIFIC EMISSION ELIMINATOR SYSTEM COMPLETE AS FOLLOWS.	
		1.) 30 FOOT STAINLESS STEEL SPRAY SECTION WITH ACCESS CATWALK AND LADDER.	
		2.) TWELVE STAINLESS STEEL CYCLONES SIZED TO ACCOMODATE 60,000 CFM.	
		3.) CYCLONE STRUCTURAL SUPPORT TOWER.	
		4.) PITCH SEPARATION TANK WITH AUGER AND DRIVE.	
		5.) PACK TOWER (APPROX. 14 FOOT DIA.) WITH ALL INTERNAL SCRUBBING DEVICES (PALL RINGS, WATER SPRAY SYSTEM, HIGH EFFICIENCY MONSANTO FILTERS)	
		6.) WATER PUMPS, MOTORS, AND FILTERS.	
		7.) TWO FANS WITH MOTORS AND NECESSARY DRIVES.	
		8.) NECESSARY MCC AND CONTROL STATIONS.	

COPY TO

EXCEPTIONS OR DEVIATIONS
NO TAXES OF ANY KIND ARE INCLUDED IN PRICE ABOVE.

APPROVAL
TIM FISHER *Tim Fisher*

NON-RECURRING TOOL CHARGES
ADDITIONAL CHARGES

VERY TRULY YOURS
Georgia-Pacific Corporation
DEBBIE POWNALL - SALES COORDINATOR
BY *Debbie Pownall*



Machinery Construction

7920 Hunziker Road
Tigard, Oregon 97223
Telephone (503) 620-4280

No. S.C.#0843-0-N

TO MT. MAZAMA PLYWOOD COMPANY	DATE MAY 6, 1981	DELIVERY FROM RECEIPT OF ORDER WILL ADVISE
P.O. BOX 738	F.O.B. TIGARD, OREGON	TERMS 25-25-40-10%
SUTHERLIN, OREGON 97479	THIS PROPOSAL IS SUBJECT TO CONDITIONS STATED ON THE REVERSE SIDE	
SUBJECT GEORGIA-PACIFIC EMISSION ELIMINATOR		
ATTENTION: JIM DEW		

GENTLEMEN: WE ARE PLEASED TO OFFER THE FOLLOWING PROPOSAL:

ITEM NO.	QUANTITY		PRICE
		9.) AND A AUTOMATIC ALARM-SHUT DOWN SYSTEM IN CASE OF MALFUNCTION. CUSTOMER MUST SUPPLY ELECTRICAL POWER TO MCC AND APPROXIMATELY 10 GPM OF MAKE-UP WATER TO INSTALLATION SITE. GEORGIA-PACIFIC WILL PROVIDE COMPLETE INSTALLATION AND START-UP OF THE SYSTEM. ALSO INCLUDED ARE COMPLETE FOUNDATION PRINTS. CUSTOMER IS RESPONSIBLE FOR INSTALLATION OF FOUNDATIONS.	
		PRICE.....	\$671,000
		THE ABOVE PRICE IS FOR BUDGET PURPOSES ONLY AND ARE SUBJECT TO CHANGE UPON ACTUAL FLOW RATE TESTING.	

COPY TO

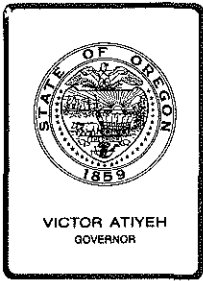
EXCEPTIONS OR DEVIATIONS
NO TAXES OF ANY KIND ARE INCLUDED IN PRICE ABOVE.

APPROVAL
TIM FISHER

NON-RECURRING TOOL CHARGES

ADDITIONAL CHARGES

VERY TRULY YOURS
Georgia-Pacific Corporation
DEBBIE POWNALL - SALES COORDINATOR
BY



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 J, July 17, 1981, EQC Meeting

Policy Guidance for Certifying Air Quality Tax Credits for Yard Paving Projects

Background

During the first 10 years of the Pollution Control Facility Tax Credit Program about 8 paving projects were certified for reducing air pollution. These projects which were approved prior to installation by the Department or a Regional Authority as a way to solve a specific air quality problem, were generally heavily traveled or intense activity areas of industrial sites.

In 1979-80, the Department experienced a substantial increase in the number of requests for preliminary certification for paving projects as well as a change in the types of such projects. Inquiries and requests were received relative to paving public/private streets and commercial business parking lots.

The Department has held up processing both preliminary and final certification actions for paving projects so that a policy could be developed for Commission approval. The policy which is presented herein will provide guidance to the staff in processing applications for paving projects.

Discussion

Paving is recognized as a satisfactory/desirable means of dust suppression in many instances. However, other benefits unrelated to air pollution control almost always occur. For example, it can help reduce equipment and plant maintenance, provide better working conditions, result in greater productivity, and help keep raw materials and/or products clean. Paving provides a smooth, solid surface which facilitates vehicular and pedestrian traffic, especially during wet weather, saves on costs of periodic grading and gravelling of an unpaved surface, has esthetic benefits, can increase customers at commercial facilities and sporting events, can aid in controlling runoff, and may aid in recovery of raw materials by preventing them from sinking into the ground or preventing them from being contaminated by soil.

Since paving most likely will never be done for a single purpose or benefit, it's quite probable that all such projects will have some form of economic benefit and a high percentage will have some air quality benefit. While identification of major air quality or economic benefits usually can be done with relative ease, quantifying them can be quite difficult. Therefore, the guidelines proposed herein may need to be modified as additional experience is gained.

Guidelines for Project Eligibility

State statutes provide that a facility may be eligible for air pollution control tax credit if a substantial purpose of said facility is the prevention, control or reduction of air pollution. Thus, to be eligible for tax credit, a paving project should result in a discernable air quality improvement.

In order to comply with the statutory requirements, with due consideration of the potential multi-benefits of paving projects, tax credit eligibility will be limited to those projects which:

1. Will be located within particulate AQMA's where dust control has been included as an element in a Commission approved attainment/maintenance strategy and will significantly contribute to the attainment/maintenance of air quality standards, or
2. The Department or LRAPA has concluded will effectively resolve a specific identified public nuisance or public impact, or
3. Are specifically required or requested by the Department or Lane Regional Air Pollution Authority.

Paving projects or portions thereof which do not contribute significantly to air pollution control will be considered ineligible for tax credit benefits. Such projects will be those which:

1. Are installed for esthetic or commercial reasons, or
2. Are required by statute, ordinance, or code.

Some examples of anticipated ineligible projects are streets, low activity areas, storage areas, public or private parking lots, and driveways.

Assessments of conditions prior to a paving project shall be an integral part of the preliminary tax credit certification process regarding any project for which tax credit will be sought subsequent to adoption of these guidelines.

Guidelines for Costs Allocable to Pollution Control

The percentage of the costs of eligible projects allocable to pollution

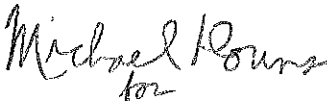
control should be established in accordance with ORS 468.190. Tax credit certification will be given for only that portion or areas of the project to which air pollution reductions can reasonably be assigned. Specifically, alternative solutions, cost savings, or increases and other substantial benefits that may accrue from the project shall be identified by the applicant and considered by the Department using the same methods applied to other facilities having economic benefits.

Cost Allocation Alternative

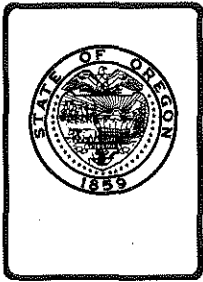
Although not proposed herein by the Department, the Commission, in recognition of the highly probable multiple benefits and in consideration of the expected difficulty in quantifying such benefits of paving projects, may wish to adopt a fixed percentage allocable to pollution control for the cost of eligible projects or portions thereof.

Director's Recommendation

It is recommended that the Commission concur in the use of the guidelines set forth above for determining eligibility and costs allocable to pollution control for air quality tax credit applications involving paving projects.


for
William H. Young

FASkirvin:ahe
22906414
07-02-81



Environmental Quality Commission

POST OFFICE BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5696

MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item K, July 17, 1981 EQC Meeting

Request for Extension of Date to Comply with Noise Control Rules by Buddy Mobile Homes, Marion County

Background and Problem Statement

Buddy Mobile Homes is a mobile home manufacturing plant located in Mt. Angel and owned by Skyline Corporation of Elkhart, Indiana. After complaints were received from adjacent residences, the Department found the Commission's noise control standards were being exceeded by the operation of the plant's cyclone system. After notification that standards were being exceeded, the company requested a variance from the rules be granted. At the January 30, 1981 EQC meeting, the Commission denied the variance request and ordered Buddy Mobile Homes to install necessary controls to achieve compliance with the standards before May 30, 1981.

On April 13, 1981, the Department received proposals to mitigate the cyclone noise from the company with a request for DEQ evaluation and comments. The Department responded on April 21 that the proposals would probably not provide significant noise reduction. Further evaluation by an acoustical consultant was therefore encouraged prior to installation of the proposed controls.

On May 21, 1981, a letter was received from the company requesting that an extension to the Commission's compliance order be granted so that the noise control proposals could be evaluated and recommendations made by their acoustical consultant (Attachment 1).

The company has requested a 30-day extension to permit their consultant to evaluate the control proposals and make recommendations. They would then submit any alternative proposals for DEQ comment and accomplish the installation of controls.

The Commission was advised by memorandum on June 5, 1981 that the Department would exercise prosecutorial discretion and not initiate enforcement action toward Buddy Mobile Homes until a proposed control plan was submitted and the Commission had considered an amended compliance order at its July 17, 1981 meeting.

Discussion

Buddy Mobile Homes has been reasonably responsive to the Commission's compliance order to install necessary controls by May 30, 1981. The Department, after reviewing



Contains
Recycled
Materials

control proposals, recommended further evaluation prior to installation due to lack of confidence in the proposals. Therefore, additional time is warranted for further proposal evaluation and controls development.

Negotiations through the company's attorney have resulted in a proposed revised compliance schedule (Attachment 2). The Department believes the proposed schedule can be met if the company expedites the necessary engineering and construction. If the proposed schedule is approved and implemented, the company would attain full compliance by September 15, 1981.

Summation

The following facts and conclusions are offered:

1. Buddy Mobile Homes was ordered by the Commission to comply with noise control standards by May 30, 1981.
2. The Department, in response to a company request, advised the Company that their control proposals would probably not provide significant noise reduction. The company, following the Department's recommendation, employed an acoustical consultant.
3. The company has requested additional time to permit their consultant to evaluate the proposals and to develop an acceptable control proposal and install such controls.
4. The Department has proposed the following schedule to the company, subject to approval by the Commission:

July 15, 1981	Submit detailed plans for Department technical assistance review.
August 15, 1981	Initiate onsite construction.
September 15, 1981	Complete onsite construction and demonstrate compliance.

Director's Recommendation

Based on the Summation, it is recommended that the order for Buddy Mobile Homes, Marion County, to comply with the requirements of noise control rules OAR 340-35-035, be amended from compliance achievement by May 30, 1981 to the following:

<u>Due Date</u>	<u>Action</u>
July 15, 1981	Submit detailed plans for Department technical assistance review.
August 15, 1981	Initiate onsite construction
September 15, 1981	Complete onsite construction and demonstrate compliance.



WILLIAM H. YOUNG

John Hector:pw
June 22, 1981
503-229-5989

Attachments:

1. Extension Request dated 5/20/81
2. Proposed compliance schedule dated 6/10/81

ACKER, UNDERWOOD, BEERS & SMITH
ATTORNEYS AT LAW
1200 ORBANCO BUILDING
1001 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

TELEPHONE
(503) 224-4000

G. MARTS ACKER
LAUREN M. UNDERWOOD
WM. M. BEERS
MILTON R. SMITH
MARK A. HIEFIELD
TIMOTHY N. BRITTLE
DAVID B. CUNNINGHAM
PAMELA J. BEERY

May 20, 1981

Mr. John Hector
Department of Environmental Quality
522 S.W. Fifth Ave.
P.O. Box 1760
Portland, Oregon 97207

RE: Noise Pollution Controls for Buddy Mobile
Homes, Mt. Angel, Marion County

Dear Mr. Hector:

This will confirm our telephone conversation of May 20, 1981 relating to the noise source at the Buddy Mobile Homes plant in Mt. Angel, Oregon. As I indicated to you, after receiving the letter from the Department of Environmental Quality dated April 21, 1981 concerning the proposals which had been submitted to Buddy Mobile Homes by Benz Air Engineering Co., Inc., we became concerned as to the Department's expressions of doubt that the proposed modifications would in fact solve the noise standards problems even though Benz had "guaranteed" this result. I know the Department had recommended that our acoustical consultant, Ed Daly at Daly Engineering Company, become involved to provide some additional assistance in evaluating the proposals and some delay occurred before that additional consultation while Skyline Corporation was making a determination as to the future of the Mt. Angel plants. As you may know, one of the two Skyline Mt. Angel plants is being closed and obviously the future of the other has been considered as well, a factor which obviously weighs heavily on any determination to spend additional money on the plant.

In any event, additional material has been sent to Daly Engineering Company for their assistance in evaluating the proposals, or in the alternative, in making recommendations as to proposals which hopefully would resolve the noise problems at the plant. Unfortunately, the various delays which have occurred at this point would preclude the modifications being made to the plant by May 30, 1981 as previously directed. As I indicated to you in our telephone discussion, I feel that if we would get another 30 day extension to permit Mr. Daly to do the evaluation and

RECEIVED
MAY 21 1981

Noise Pollution Control

Mr. John Hector
May 20, 1981
Page 2

make his recommendations, we could then submit alternative proposals and accomplish the changes as required. Accordingly, we are requesting an extension of the time permitted to make the modifications and look forward to the Department's prompt response to this request.

Thank you for your cooperation and assistance.

Very truly yours,

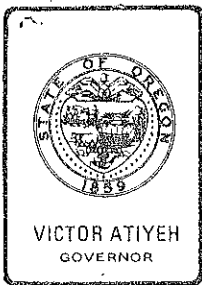
ACKER, UNDERWOOD, BEERS & SMITH



Milton R. Smith

MRS:dlp

cc. Mr. William Young
Mr. Jon E. Gjertsen
Skyline Corporation
Daly Engineering Company

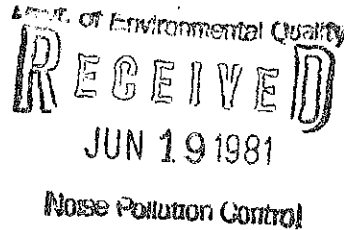


Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

June 18, 1981



Mr. Milton R. Smith
Acker, Underwood, Beers & Smith
Attorneys at Law
1200 Orbanco Building
1001 SW 5th Ave.
Portland, OR 97204

RE: NP-Buddy Mobile Homes
Mt. Angel, Marion County

Dear Mr. Smith:

This will confirm our June 17 discussion regarding a revised compliance schedule for Buddy Mobile Homes, Mt. Angel.

At their last meeting, the Environmental Quality Commission agreed with the Department's exercising of prosecutorial discretion and not initiating enforcement action until:

1. The additional study is completed and a control proposal is submitted;
2. A compliance schedule is developed; and
3. The Commission considers an amended compliance order at their July 17 meeting.

I understand Skyline Corporation, owner of Buddy Mobile Homes, has directed Benz Air Engineering Company to work directly with the local consultant. Hopefully, this direct contact will expedite the control proposal and final plans.

To avoid further delays, the Department proposes the following compliance schedule. The schedule will be subject to approval by the Commission in their consideration of the amended order.

July 15:	Submit detailed plans for Department technical assistance review
August 15:	Initiate onsite construction
September 15:	Complete onsite construction and demonstrate compliance

Mr. Milton R. Smith
Page 2
June 18, 1981

I appreciate your assistance in having relayed these deadlines to the Skyline Corporation. We will look forward to receiving the detailed plans.

If you have any questions or if we can be of any assistance, please call John Hector at 229-5989 in Portland, or me at 378-8240, Salem.

Sincerely,

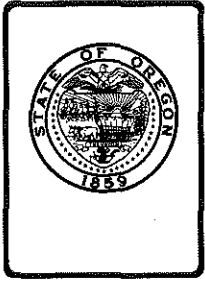
David St. Louis, P.E.
Assistant Regional Manager

DSL/wr

Attachment: Commission Report of June 5, 1981

cc: John Hector w/o att

COPY



Environmental Quality Commission

POST OFFICE BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. L , July 17, 1981, EQC Meeting

Request for Approval of 43 Plan Actions Not Heretofore Presented to the Commission

Background

This report was initiated by the Department to inform the Environmental Quality Commission of 43 Plan Actions approved by the Department over the past 14 months and to obtain concurrence from the Commission of the Department action. During the first quarter of 1980 the Department initiated computerized tracking of Plan Actions. After 12 months of operation, the system was audited to determine the effectiveness of the system and to correct all errors encountered. The audit disclosed that 43 Plan Actions had never been brought to the attention of the Commission for concurrence in the routine monthly reports.

The problems occurred as a result of coding errors and an inadequate quality assurance tracking mechanism.

It should be noted that none of the 43 Plan Action discrepancies resulted in any air pollution facility or construction being delayed or in any inconvenience to any company.

Corrective Action

Action has been taken to prevent any further occurrence. The action taken is as follows:

1. Computer point numbers (Plan Action identifying number) are being tracked in the master log.
2. Computer printouts are checked against the master log monthly and against previous reports.
3. "Completed Plan Actions" computer summaries are now tracked through EQC concurrence and not just through Department action.



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Agenda Item No. L , July 17 , 1981, EQC Meeting
Page 2

Director's Recommendation

It is recommended that the Commission approve the 43 Plan Actions shown on the attached list.



William H. Young

Attachments: Itemized List of Plan Actions

FASkirvin:ah
229-6414
June 22, 1981

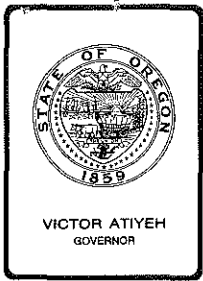
DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
MONTHLY ACTIVITY REPORT

PLAN ACTIONS COMPLETED

Direct Sources

County	Number	Source	Process Description	Date of Action	Action
MULTNOMAH	492	TEXACO INC	BOTTOM LOADING & VOC RECVRY	11/28/80	APPROVED
LANE	554	NATIONAL METALLURGICAL	ARC FURNACE & BAGHOUSE	04/08/80	APPROVED
LANE	558	GEORGIA PACIFIC CORP.	BOILER IMPROVEMENTS	04/02/80	APPROVED
HOOD RIVER	566	BEACHMAN ORCHARDS	ORCHARD FAN	04/10/80	APPROVED
DESCHUTES	568	WILLAMETTE INDUSTRIES	REPLACEMENT BAGHOUSE	03/14/80	APPROVED
JACKSON	579	HUSKY INDUSTRIES, INC.	OFF GAS SYSTEM CONTROLS	03/24/80	APPROVED
WASHINGTON	589	CHEVRON USA INC.	BULK PLANT VOC CONTROL	03/14/80	APPROVED
MARION	590	CHEVRON USA INC.	BULK PLANT VOC CONTROLS	07/16/80	APPROVED
JACKSON	594	MOBIL OIL CORP.	BULK PLANT VOC CONTROL	08/22/80	APPROVED
JACKSON	595	HAWK OIL COMPANY	BULK PLANT VOC CONTROL	05/16/80	APPROVED
YAMHILL	597	ROWELL & WICKERSHAM CONTR	ASPHALT PLT CONTROL SYS	04/07/80	APPROVED
YAMHILL	599	MARTIN & WRIGHT PAVING	STREET SWEEPER	03/31/80	APPROVED
MULTNOMAH	610	CASCADE CONSTRUCTION CO	INSTALL ECOWET SYS	07/14/80	APPROVED
LANE	611	ANDERSON PLYWOOD, INC.	INCINERATOR FOR VENEER DRY	09/29/80	APPROVED
KLAMATH	613	WEYERHAEUSER COMPANY	FUEL SIZING SCREEN	06/09/80	APPROVED
GRANT	616	PRAIRIE WOOD PRODUCTS	WELLON HOGGED BOILER	05/22/80	APPROVED
MULTNOMAH	619	NORTHWEST PATTERN	BAGHOUSE	05/28/80	APPROVED
CLACKAMAS	623	OREGON PORTLAND CEMENT	EXTEND KILN 4 STACK 50 FT.	12/30/80	APPROVED
BENTON	632	EVANS PRODUCTS CO	RELOCATE GLASS WOOL PLT-CRY	07/10/80	APPROVED
LANE	637	ROSBORO LUMBER COMPANY	SANDER DUST FILT, NC BY LRAP	11/10/80	APPROVED
MARION	638	GREEN VENEER INC	HOGGED FUEL BOILER	08/15/80	APPROVED
LAKE	651	OIL-DRI PRODUCTION CO.	EXISTING SCRUBBER MOD	12/26/80	APPROVED
CLACKAMAS	652	OREGON PORTLAND CEMENT	VACUUM SWEEPER FOR YARD AREA	11/18/80	APPROVED
WASHINGTON	653	PROGRESS QUARRIES INC	REPLACEMENT ROCK CRUSHER	10/14/80	APPROVED
BENTON	658	VENELL FARMS	BAGHOUSE	10/07/80	APPROVED
LINN	663	OREMET	BGHSE, CYC & SCRUBBER	09/26/80	APPROVED
LANE	665	WEYERHAEUSER CO.	LMBR SANDER W/CONTROL(LRAPA)	10/08/80	APPROVED
LANE	666	TREPLEX	DRYER EMISSION CONT (LRAPA)	12/30/80	APPROVED
CLACKAMAS	669	GLOBE UNION-CANBY	VENTILATION AIR FILTER SYS	11/24/80	APPROVED
DOUGLAS	670	ROSEBURG LUMBER CO.	BAGHOUSE	12/12/80	APPROVED
JACKSON	673	BOISE CASCADE CORP	SEAL VENEER DRYER NO.1	10/15/80	APPROVED
CURRY	675	CHAMPION BUILDING PRODUCT	USED VENEER DRYER INSTAL	10/16/80	APPROVED
KLAMATH	676	WEYERHAEUSER COMPANY	PNEU. CONVEY. SYS. MOD	10/28/80	APPROVED
LINN	689	DURAFLEAK CO	INSTAL OF WET VENTURI & FAN	11/14/80	APPROVED
MULTNOMAH	691	WAGNER MINING EQUIPMENT	DEGREASER CONTROL	11/17/80	APPROVED
MULTNOMAH	693	MOBIL OIL CORP	REPL EXIST BOILER SYS	12/02/80	APPROVED
JEFFERSON	694	NEW GROWTH CO	DUST CONTROL SYSTEM	12/22/80	APPROVED
LANE	698	BOHEMIA INC PARTICLEBOARD	EXPANDED SHAVINGS BLDG	12/19/80	APPROVED
LINN	699	WILLAMETTE INDUSTRIES	VENEER DRYER CONVERSION	01/29/81	APPROVED
LANE	704	THE MURPHY CO	VENEER DRYER SCRUBBER	01/08/81	APPROVED
LANE	719	WHITTIER WOOD PRODUCTS	BAHSE, SPRAY SYS & MOD	02/03/81	APPROVED
LINN	723	OREMET	BLAST CLEANER	02/27/81	APPROVED

TOTAL NUMBER QUICK LOOK REPORT LINES 43



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, July 17, 1981, EQC Meeting

Consideration of adopting proposed amendments to the motor vehicle emission control inspection test criteria, methods, and standards, OAR 340-24-300 through 24-350:

1. Inspection program standards (cutpoints) for light-and heavy-duty motor vehicles;
2. Test method modifications for 1981 and newer light-duty motor vehicles;
3. Upgrading of equipment specification for licensed fleet inspection operations.

Background and Problem Statement

At the Environmental Quality Commission Meeting of April 24, 1981, authorization was granted to conduct public hearings to gather testimony on proposed amendments to the vehicle inspection program rules. Rule modifications affecting test method, equipment specifications for licensed fleets, as well as updated inspection program standards had been proposed. These rule amendments are necessary to update the inspection program standards, for the 1981 model year motor vehicles and provide for other improvements in the test operations.

Two hearings were held June 15 and 17, 1981, with testimony being received from four individuals. A hearing officer's report is included as attachment 1. Three letters commenting on the proposed rule amendments were also received. The statement of need for rulemaking is included as attachment 2. The proposed rule amendments are included as attachment 3.

Alternatives and Evaluation

Rule Modifications had been proposed in the following areas: test method, (OAR 340-24-310 and 315), inspection program standards, (OAR 340-24-330 and 335) and exhaust gas analyzer criteria, (OAR 340-24-350). American Motors Corp.



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suggested several revisions in the formal test procedure, most of which the Department is currently doing as a matter of course for safety or uniformity. Because of these comments, OAR 340-24-310 (4) is additionally proposed to be amended to provide a more uniform and safe testing procedure.

The largest change proposed involves the standards. For the past several years, the format of the inspection program standards has been a vast array where all major makes of motor vehicles are listed. A part of the need for the complex array of standards was due to the wide diversity of emission control designs that were used by the auto manufactures. Those designs are now primarily on older vehicles. These older vehicles are now a much smaller segment of the overall vehicle population. It is understood that a portion of the older vehicle population will experience a higher pass rate if the alternative simplified format, as proposed, is adopted. This increase, estimated at 3%, should have a minimal impact on air quality.

Mid-technology vehicles still are categorized by vehicle make. Over the past five years, advancing technologies have found most makes in two general categories, i.e., catalyst and non-catalyst. These two major classes of 1975 and newer vehicles now account for about half of our car population. It is expected that this will continue for the next few years. The testimony received was supportive of the proposed change in standards format. Also, representatives of the local repair industry favored the concept of the enforcement tolerance within the newer format. Consequently, the alternative simplified format incorporating enforcement tolerances is now proposed for adoption.

Generally supportive testimony was received from General Motors Corp. regarding the proposed addition to the test procedure for 1981 and newer motor vehicles. This concept has been maintained.

The last area of proposed rule amendment concerned the fleet inspection program. Staff has proposed that effective January 2, 1982, all exhaust gas analyzers purchased after that date for licensed fleet operations, have the newer, BAR-80, California certification. This would provide an avenue to upgrade the equipment in the field but without making current equipment obsolete. No formal comments were received on this proposal, though staff did receive several inquiries from the Department's licensed fleets.

During the course of the public hearings, several issues were raised that were directed at program concepts rather than areas for rule revision. A. C. Kolb of the City of Gladstone raised the issue that publicly-owned vehicles are tested annually rather than every other year as is done with the cars owned by the general public. Mr. Kolb also figured the cost of general maintenance into his cost of testing figure, on the assumption that if there wasn't a program, his fleet would not be doing as thorough a job servicing their motor vehicles. The issue of cars running "right" and being adjusted and readjusted was raised. These questions have been raised and addressed many times before, most recently, in staff reports to the Commission of February 1981 and February 1979.

Summation

Public hearings on proposed rule revisions have been held and the testimony received has been evaluated. Based upon the testimony received, changes in the proposed rule revisions have been made. Proposed rule revision involve test procedure (OAR 340-24-310 and 315), standards (OAR 340-24-330 and 335) and fleet operations (OAR 340-24-350). Test procedure changes involve detailed procedural changes. The standards changes result in a two-stage idle test and a revised format for the program standards. The fleet operation changes provide for upgraded equipment if purchased after January 1, 1982. These changes provide for continued operation of the motor vehicle emission inspection program in an efficient manner.

Director's Recommendation

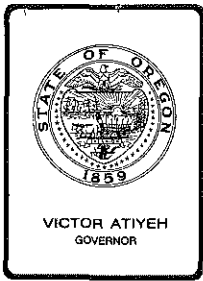
Based upon the summation, it is recommended that the proposed rule amendments as listed on attachment 3, be adopted.



William H. Young

- Attachment 1. Hearing officer's report
- Attachment 2. Statement of need for rulemaking
- Attachment 3. Proposed rule amendments

W. P. Jasper:jy
229-5081
June 25, 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: Hearing Officer

Subject: Hearing Report--Proposed Rules for Emission Inspection Program

Background and Summary of Testimony

Two public hearings had been authorized by the Environmental Quality Commission to be conducted June 15 and 17, 1981. On June 15 at 1:30 p.m. at the Conference Room of the DEQ offices in Portland, a hearing was held. There were seven people in attendance and two offered testimony.

Mr. Loren Shrope of Loren Shrope's Chevron Service, Inc., asked several questions about details in the rules. Mr. Shrope indicated that the proposed alternative format would be easier to use.

Mr. Marvin J. Waletich, commented on the differences in available fuels, declining gas tax revenues, and backyard burning. He indicated that he thought that there was a problem with cars passing and not running "right". No one else in attendance that day made any comments for the record.

On June 17, 1981 at 7:30 p.m. at the City of Beaverton Operations Center, a second public hearing was held. Seven people were in attendance. Mr. Charles Dubbels related his experiences with his 1972 Dodge Pickup truck at the inspection station in 1978, his conversations with Governor Atiyeh on controlling pollution from Intel, comments on his new 1980 Ford truck which is for sale, and comments on government regulation of petroleum.

Mrs. Charles Dubbels asked a question on who established the boundaries for the inspection program.

Mr. Marvin Waletich, who had testified at Monday's hearing, expressed disappointment with the attendance at both hearings. He suggested that to ease the burden on taxpayers, the inspection program should be dropped and backyard burning should be allowed. He indicated that an idle test probably was not an appropriate test since cars do not idle all the time. He also questioned why the press was not in attendance and at that point, the reporter from KYXI introduced himself. The hearing was adjourned at 8:05 p.m.



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Hearing's Officer Report
June 15th and 17th, 1981
Page 2

The hearing record was held open until June 19. Written testimony was received from General Motors Corp., American Motors Corp., and, the City of Gladstone. Copies of those letters are attached.

General Motors commented on the heavy-duty truck standards and supported the concept of the alternative standards format. American Motors made several comments on the test procedure and supported the concept of the alternative standards format. A.C. Kolb, of the City of Gladstone commented that publicly-owned vehicles are required to be tested annually while privately-owned vehicles need only be tested every other year and he felt that this was an inequity.

Recommendation

Your hearing officer makes no recommendation in this matter.

Respectfully submitted,

A handwritten signature in cursive script that reads "William P. Jasper".

William P. Jasper
Hearing Officer

W. P. Jasper
229-5081
June 19, 1981
Attachments

STATE OF OREGON
RECEIVED

JUN - 5 1981

Dept. of Environmental Quality
Vehicle Inspection Division

Environmental Activities Staff
General Motors Corporation
General Motors Technical Center
Warren, Michigan 48090



May 29, 1981

Mr. Ron Householder, Manager
Department of Environmental Quality
Vehicle Inspection Program
P.O. Box 1760
Portland, Oregon 97207

Dear Mr. Householder:

General Motors appreciates this opportunity to comment on the State of Oregon's proposed Motor Vehicle Emission Control Inspection Regulations. These proposed regulations update and include idle and 2500 rpm standards for light and heavy-duty gasoline powered in-use vehicles.

SECTION OAR 340-24-330: Light-Duty Motor Vehicle Emission Control Idle Emission Standards

As proposed in Appendix B, the idle Base Standards and Enforcement Tolerances for carbon monoxide and hydrocarbons remain unchanged and will be expanded to now include 1981 model year catalyst and non-catalyst vehicles. In addition, 2500 rpm standards of 1.0% carbon monoxide and 225 ppm hydrocarbons for 1981 model year and new light-duty vehicles have been proposed. Since these proposed 2500 rpm standards are identical to the 1975 through 1980 model year current standards and are being proposed to include 1981 and newer vehicles, we have no objections to this proposal.

SECTION 340-24-335: Heavy-Duty Gasoline Motor Vehicle Emission Control Emission Standards

We note the absence of a 1981 model year carbon monoxide idle emission standard for heavy-duty vehicles. The carbon monoxide nominal 2500 rpm emission Base Standard of 2% with an Enforcement Tolerance of 1.0%, however, is being updated to include 1970 through 1981 model year heavy-duty vehicles. We assume this is an oversight; consequently, we wish to reserve the right to comment on the heavy-duty idle standards for 1979 through 1981 model year heavy-duty vehicles when they are proposed.

We have also noted the newly proposed "(3) 1981 and newer vehicle 2500 rpm standards of 1.0% carbon monoxide and 225 ppm hydrocarbons" for heavy-duty vehicles is in conflict with those as they appear in "(2) carbon monoxide nominal 2500 rpm emission values not to be exceeded:," particularly the carbon monoxide standard for 1981 model year vehicles.

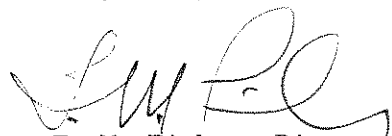
This conflict was brought to the attention of Mr. William P. Jasper of your staff and he informs us the entire proposed item (3) is to be deleted from the proposals for heavy-duty vehicles.

SECTION 340-24-331: Light Duty Motor Vehicle Emission Control
Cutpoints

This section contains the proposed new format in displaying vehicle emission standards. The purpose of this new format is to simplify the structure and consolidate the number of model year categories into a more composite form. During the review of this proposed format, we noted the absence of the heavy-duty (over 8500 GVWR) idle and 2500 rpm emission standards. This item was also brought to Mr. William P. Jasper's attention. We were advised by Mr. Jasper that the current idle HC and CO standards for heavy-duty vehicles would be summed (Base Standard plus the Enforcement Standard) and the resulting numbers would become the proposed standards, for each model year, to be contained in the proposed new format.

If there are any questions regarding our comments on your proposed regulations, please advise us.

Very truly yours,



T. M. Fisher, Director
Automotive Emission Control

2LLF/520

cc: W. P. Jasper



American Motors Corporation

14250 Plymouth Road
Detroit, Michigan 48232

STATE OF OREGON
R E C E I V E F

JUN 11 1981

Dept. of Environmental Quality
Vehicle Inspection Division

June 4, 1981

Department of Environmental Quality
Vehicle Inspection Program
P.O. Box 1760, Portland, OR 97207

Ref: Notice of Public Hearing June 15 & 17; Proposed
Modification to the Motor Vehicle Inspection
Control Program Inspection Test Criteria Methods
and Standards OAR Chapter 340, Section 24-300
through 24-350.

Gentlemen:

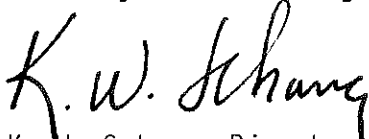
American Motors Corporation (AM) has reviewed the information supplied to us concerning your proposal to modify your current inspection (I/M) program from an idle test to a two-speed idle test and updating the I/M program standards. As a result of this review AM would like to recommend certain changes or additions to the proposed test procedures which we believe will result in an overall improvement in the accuracy of the program and result in fewer wrongfully failed vehicles.

These suggestions are as follows:

1. The test procedure should be amended to specify that all two-speed idle tests should be conducted in neutral; thus both manual and automatic transmissions would be tested on an equitable basis.
2. For safety reasons, the test procedure should be amended to specify that the hand brake or parking brake should be engaged during the two-speed idle test.
3. The test procedure should be amended to specify that concentrations of HC and CO for the both idle and raised RPM idle should be determined only after a stabilized reading is obtained and within 30 seconds of the engine reaching curb idle speed. This is necessary to preclude the possibility of the emission control system "shifting" to a catalyst protection mode which will not provide a representative test.
4. The test procedure should be amended to provide specific instructions directing that concentrations for both initial and final idle should be recorded and compliance determined by the lowest of the two concentrations.

AM also supports the alternative simplified format for the program standards. This format is much more simple to interpret and probably will result in far less confusion to the owner and service industry.

AM does not plan to attend the hearings scheduled in June. Therefore, if you have any questions regarding our recommendations please contact us.

A handwritten signature in black ink that reads "K. W. Schang". The signature is written in a cursive style with a large, looping initial "K".

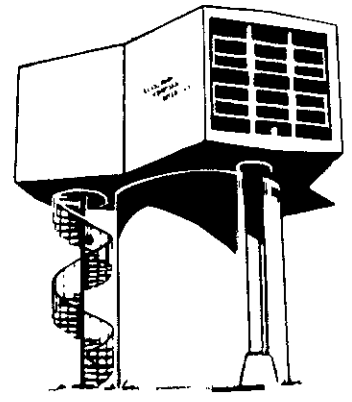
K. W. Schang, Director
Vehicle Emissions and
Fuel Economy

1711EP



City of Gladstone

GLADSTONE, OREGON



656-5223

STATE OF OREGON
RECEIVED
JUN 17 1981
Dept. of Environmental Quality
Vehicle Inspection Division
June 16, 1981

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

RE: Modifications to Motor Vehicle Inspection Control Program

Request that consideration be given to revising the requirements under OAR 340-24-306 (1) "Publicly Owned Vehicles Testing Requirements" in relation to certification annually pursuant to ORS 481.190.

Publicly owned vehicles are normally maintained for engine performance on a regularly scheduled basis, as opposed to privately owned vehicles. Publicly owned vehicles travel fewer actual comparative miles than privately owned vehicles.

The City of Gladstone owns twenty-five (25) vehicles which require testing on an annual basis. The average annual mileage is 4,500 miles with a total annual testing cost of \$31.00 per vehicle.

Privately owned vehicles are required to be certified pursuant to ORS 468.375 (2) once during the period for which registration or renewal of registration is issued, which is a two (2) year period.

On publicly owned vehicles, if required certification were on the same two (2) year basis as privately owned vehicles, there would be a considerable cost savings to local governments which have larger fleets of vehicles requiring compliance than the City of Gladstone.

Your consideration in resolving this inequity of test procedures and cost is appreciated.

CITY OF GLADSTONE
[Signature]
A. C. Kolb
Public Works Director

STATEMENT OF NEED

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

LEGAL AUTHORITY

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

NEED FOR RULE

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

PRINCIPLE DOCUMENTS RELIED UPON

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

FISCAL IMPACT STATEMENT

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

WPJ:ta
VTD26 (1) (o)

Attachment 3

Proposed Revision to Motor Vehicle
Inspection Program Rules

OAR 340-24-310

OAR 340-24-315

OAR 340-24-330

OAR 340-24-335

OAR 340-24-350

Light Duty Motor Vehicle Emission Control Test Method

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

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

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

(4) The vehicle is to be in neutral gear [if equipped with a manual transmission, or in "park" position if equipped with an automatic transmission] with the hand or parking brake engaged.

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

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

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

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

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

(10) The steady state levels of the gases measured at idle speed by the gas analytical system shall be recorded. Except

for diesel vehicles, the idle speed at which the gas measurements were made shall also be recorded.

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

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

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

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

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

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

Stat. Auth.: ORS Ch. 468

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

Heavy Duty Gasoline Motor Vehicle Emission Control Test Method

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Stat. Auth.: ORS Ch. 468
Hist: DEQ 136, f. 6-10-77, ef. 7-1-77

OAR 340-24-330 LIGHT DUTY MOTOR VEHICLE EMISSION CONTROL [IDLE
EMISSION STANDARDS] CUTPOINTS OR STANDARDS

(1) [Carbon monoxide idle emission values not to be exceeded:

	Enforcement Tolerance Through <u>% Oct, 1981</u>	
<u>ALFA ROMEO</u>		
1978 through 1980	0.5	0.5
1975 through 1977	1.5	1.0
1971 through 1974	3.0	1.0
1968 through 1970	4.0	1.5
pre-1968	6.0	0.5
<u>AMERICAN MOTORS CORPORATION</u>		
1975 through 1978 Noncatalyst	1.5	0.5
1975 through 1980 Catalyst Equipped	0.5	0.5
1972 through 1974	2.0	1.0
1970 through 1971	3.5	1.0
1968 through 1969	5.0	0.5
pre-1968	6.0	0.5
Above 6000 GVWR 1974 through 1978	2.0	1.0
<u>ARROW, Plymouth - see COLT, Dodge</u>		
<u>AUDI</u>		
1975 through 1980 Catalyst Equipped	0.5	0.5
1975 through 1979 Noncatalyst	1.5	0.5
1971 through 1974	2.5	1.0
1968 through 1970	4.0	1.0
pre-1968	6.0	0.5
<u>Diesel Vehicles All Years</u>	<u>1.0</u>	<u>0.5</u>
<u>AUSTIN - see BRITISH LEYLAND</u>		
<u>BMW</u>		
1979 through 1980 Catalyst Equipped	0.5	0.5
1975 through 1979	1.5	0.5
1974 6 cyl.	2.5	1.0
1974 4 cyl.	2.0	1.0
1971 through 1973	3.0	1.0
1968 through 1970	4.0	1.0
pre-1968	6.0	0.5

	Enforcement Tolerance Through % Oct, 1981	
<u>BRITISH LEYLAND</u>		
Austin, Austin Healey, Morris, America, and Marina		
1975	2.0	0.5
1973 through 1974	2.5	1.0
1971 through 1972	4.0	1.0
1968 through 1970	5.0	1.0
pre-1968	6.5	0.5
Jaguar		
1975 through 1980	0.5	0.5
1972 through 1974	3.0	1.0
1968 through 1971	4.0	1.0
pre-1968	6.0	0.5
MG		
1976 through 1980 MG	0.5	0.5
1975 MG, MG Midget and 1976 MG Midget	2.0	0.5
1973 through 1974 MGB, MGBGT, MGC	3.0	1.0
1971 through 1974 Midget	3.0	1.0
1972 MGB, MGC	4.0	1.0
1968 through 1971, except 1971 Midget	5.0	1.0
pre-1968	6.5	0.5
Rover		
1971 through 1974	4.0	1.0
1968 through 1970	5.0	0.5
pre-1968	6.0	0.5
Triumph		
1978 and 1980	0.5	0.5
1975 through 1977	2.0	0.5
1971 through 1974	3.5	1.0
1968 through 1970	4.0	1.0
pre-1968	6.5	0.5
<u>BUICK</u> - see GENERAL MOTORS		
<u>CADILLAC</u> - see GENERAL MOTORS		
<u>CAPRI</u> - see FORD MOTOR COMPANY		
<u>CHECKER</u>		
1975 through 1980 Catalyst Equipped	0.5	0.5
1973 through 1974	1.0	1.0
1970 through 1972	2.5	1.0
1968 through 1969	3.5	1.0
pre-1968	6.0	0.5

Enforcement
Tolerance
Through
% Oct, 1981

CHEVROLET - see GENERAL MOTORS

CHEVROLET L.U.V. - see L.U.V., Chevrolet

CHRYSLER -- see CHRYSLER CORPORATION

CHRYSLER CORPORATION (Plymouth, Dodge, Chrysler)

1975 through 1978 Noncatalyst	1.0	0.5
1975 through 1980 Catalyst Equipped	0.5	0.5
1973 through 1974	1.0	1.5
1970 through 1972	1.5	1.5
1968 through 1969	2.0	2.5
pre-1968	6.0	0.5
Diesel Engines (all years)	1.0	0.5
Above 6000 GVWR 1968 through 1971	4.0	1.0
Above 6000 GVWR 1972 through 1978	2.0	1.0

CITROEN

1971 through 1974	3.0	1.0
1968 through 1970	4.0	1.0
pre-1968	6.0	0.5

COLT, Dodge

1978 through 1980	0.5	0.5
1975 through 1977	3.0	0.5
1971 through 1974	5.0	1.0
pre-1971	6.0	0.5

COURIER, Ford

1975 through 1980 Catalyst Equipped	0.5	0.5
1975 through 1979 Noncatalyst	1.5	0.5
1973 through 1974	2.0	1.0
pre-1973	4.0	1.0

CRICKET, Plymouth

1973 through 1974 (twin carb. only)	3.0	1.0
1972 (twin carb. only)	4.5	1.0
pre-1972 (and 1972 through 1973 single carb. only)	7.5	0.5

	Enforcement Tolerance Through % Oct, 1981	
<u>DATSUN</u>		
1975 through 1980 Catalyst Equipped	0.5	0.5
1975 through 1980 Noncatalyst	2.0	0.5
1968 through 1974	2.5	1.0
pre-1968	6.0	0.5
<u>Diesel Vehicles All Years</u>	<u>1.0</u>	<u>0.5</u>
<u>DE TOMASO</u> - see FORD MOTOR COMPANY		
<u>DODGE</u> - see CHRYSLER CORPORATION		
<u>DODGE COLT</u> - see COLT, Dodge		
<u>FERRARI</u>		
1978 through 1980	0.5	0.5
1975 through 1977	2.0	0.5
1971 through 1974	2.5	1.5
1968 through 1970	4.0	1.5
pre-1968	6.0	0.5
<u>FIAT</u>		
1975 through 1980 Noncatalyst	1.5	0.5
1975 through 1980 Catalyst Equipped	0.5	0.5
1974	2.5	1.0
1972 through 1973 124 Spec. sedan and wgn.	4.0	1.0
1972 through 1973 124 sport coupe and spider	3.0	1.0
1972 through 1973 850	3.0	1.0
1971 850 sport coupe and spider	3.0	1.0
1971 850 sedan	6.0	0.5
1968 through 1970, except 850	5.0	0.5
1968 through 1970 850	6.0	0.5
pre-1968	6.0	0.5
<u>FIESTA</u> - see FORD MOTOR COMPANY		
<u>FORD</u> - see FORD MOTOR COMPANY		
<u>FORD MOTOR COMPANY</u> (Ford, Lincoln, Mercury, Capri, except Courier)		
1975 through 1978 Noncatalyst	1.0	0.5
1975 through 1980 Catalyst Equipped	0.5	0.5
1974 except 4 cyl.	1.0	1.0
1973 except 4 cyl.	1.0	1.5
1972 except 4 cyl.	1.0	2.0
1972 through 1974 4 cyl., except 1971-1973		
Capri	2.0	1.0
1971 through 1973 Capri only	2.5	1.0

	Enforcement Tolerance Through % Oct, 1981	
1970 through 1971	2.0	1.0
1968 through 1969	3.5	1.0
pre-1968	6.0	0.5
Diesel Engines (all years)	1.0	0.5
Above 6000 GVWR 1968 through 1971	4.0	1.0
Above 6000 GVWR 1972 through 1973	3.0	1.0
Above 6000 GVWR 1974 through 1978	2.0	1.0

GENERAL MOTORS (Buick, Cadillac, Chevrolet, GMC, Oldsmobile, Pontiac)

1975 through 1978 Noncatalyst	1.0	0.5
1975 through 1980 Catalyst Equipped	0.5	0.5
1973 through 1974	1.0	1.0
1971 through 1972, except 1971 4 cyl.	1.5	1.0
1970, except 4 cyl.	1.5	1.5
1970 through 1971 4 cyl.	2.5	1.0
1968 through 1969	3.5	1.0
pre-1968	6.0	0.5
Diesel Engines (all years)	1.0	0.5
Above 6000 GVWR 1968 through 1971	4.0	1.0
Above 6000 GVWR 1972 through 1973	3.0	1.0
Above 6000 GVWR 1974 through 1978	2.0	1.0

GMC - see GENERAL MOTORS

HONDA AUTOMOBILE

1980 Catalyst	0.5	0.5
1980 Noncatalyst	1.0	0.5
1975 through 1979 CVCC	1.0	0.5
1975 through 1979 except CVCC engine	1.5	0.5
1973 through 1974	3.0	1.0
pre-1973	5.0	1.0

INTERNATIONAL HARVESTER

1979 and 1980 below 8500 GVWR	0.5	0.5
1975 through 1978	2.5	0.5
1972 through 1974	3.0	1.0
1970 through 1971	4.0	1.0
1968 through 1969	5.0	1.0
pre-1968	6.0	0.5
Diesel Engines (all years)	1.0	0.5

Enforcement
Tolerance
Through
% Oct, 1981

JAGUAR - see BRITISH LEYLAND

JEEP - see AMERICAN MOTORS

JENSEN-HEALEY

1973 and 1974	4.5	1.0
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JENSEN INTERCEPTER & CONVERTIBLE - see CHRYSLER CORPORATION

LAND ROVER - see BRITISH LEYLAND, Rover

LINCOLN - see FORD MOTOR COMPANY

L.U.V., Chevrolet

1980	0.5	0.5
1974 through 1979	1.5	1.0
pre-1974	3.0	1.0

MAZDA

1978 through 1980 Catalyst Equipped	0.5	0.5
1975 through 1980 Noncatalyst	1.5	0.5
1968 through 1974 Piston Engines	4.0	1.0
1974 Rotary Engines	2.0	0.5
1970 through 1973 Rotary Engines	3.0	0.5

MERCURY - see FORD MOTOR COMPANY

MERCEDES-BENZ

1975 through 1977 Noncatalyst 4 cyl.	1.0	0.5
1975 through 1980 all other	0.5	0.5
1973 through 1974	2.0	1.0
1972	4.0	1.0
1968 through 1971	5.0	1.0
pre-1968	6.0	0.5
Diesel Engines (all years)	1.0	0.5

MG - see BRITISH LEYLAND

OLDSMOBILE - see GENERAL MOTORS

Enforcement
Tolerance
Through
% Oct, 1981

OPEL

1975 through 1979 Catalyst Equipped	0.5	0.5
1975 through 1979 Noncatalyst	1.5	0.5
1973 through 1974	2.5	1.0
1970 through 1972	3.0	1.0
1968 through 1969	3.0	1.0
pre-1968	6.0	0.5

PANTERA - see FORD MOTOR COMPANY

PEUGEOT

1978 through 1980	0.5	0.5
1975 through 1977	1.5	0.5
1971 through 1974	3.0	1.0
1968 through 1970	4.0	1.0
pre-1968	6.0	0.5
Diesel Engines (all years)	1.0	0.5

PLYMOUTH - see CHRYSLER CORPORATION

PLYMOUTH CRICKET - see CRICKET, Plymouth

PONTIAC - see GENERAL MOTORS

PORSCHE

1978 through 1980 Catalyst Equipped	0.5	0.5
1975 through 1980 Noncatalyst	2.5	0.5
1972 through 1974	3.0	1.0
1974 Fuel Injection 1.8 liter (914)	5.0	1.0
1968 through 1971	5.0	1.0
pre-1968	6.5	0.5

RENAULT

1977 through 1980 Catalyst Equipped	0.5	0.5
1977 through 1980 Noncatalyst	1.5	0.5
1976 Carbureted	1.5	0.5
1975 and 1976 Fuel Injection	1.5	0.5
1975 Carbureted	0.5	0.5
1971 through 1974	3.0	1.0
1968 through 1970	5.0	1.0
pre-1968	6.0	0.5

	Enforcement Tolerance Through % Oct, 1981	
<u>ROLLS-ROYCE and BENTLEY</u>		
1975 through 1980	0.5	0.5
1971 through 1974	3.0	1.0
1968 through 1970	4.0	1.0
pre-1968	6.0	0.5
<u>ROVER</u> - see BRITISH LEYLAND		
<u>SAAB</u>		
1978 through 1980 Catalyst	0.5	0.5
1975 through 1979 Noncatalyst	1.5	0.5
1968 through 1974, except 1972 99 1.85 liter	3.0	1.0
1972 99 1.85 liter	4.0	1.0
pre-1968 (two-stroke cycle)	3.0	3.5
<u>SAPPORO, Plymouth</u> - see COLT, Dodge		
<u>SUBARU</u>		
1975 through 1980	1.5	0.5
1972 through 1974	3.0	1.0
1968 through 1971, except 360's	4.0	1.0
pre-1968 and all 360's	6.0	0.5
<u>TOYOTA</u>		
1975 through 1980 Catalyst Equipped	0.5	0.5
1975 through 1979 4 cyl. Noncatalyst	2.0	0.5
1975 through 1978 6 cyl.	1.0	0.5
1968 through 1974 6 cyl.	3.0	1.0
1968 through 1974 4 cyl.	4.0	1.0
pre-1968	6.0	0.5
<u>TRIUMPH</u> - see BRITISH LEYLAND		
<u>VOLKSWAGEN</u>		
1975 through 1980 Catalyst Equipped	0.5	0.5
1977 through 1979 Rabbit and Scirocco and Dasher and 1980 Pickup Truck	2.0	0.5
1976 Rabbit and Scirocco	0.5	0.5
1976 through 1978 All Others	2.5	0.5
1975 Rabbit, Scirocco, and Dasher	0.5	0.5
1975 All Others	2.5	0.5

	Enforcement Tolerance Through % Oct, 1981	
1974 Type 4 Fuel Injection 1.8 liter	5.0	0.5
1972 through 1974, except Dasher	3.0	1.0
1972 through 1974 Dasher	2.5	1.0
1968 through 1971	3.5	1.0
pre-1968	6.0	0.5
Diesel Engines (all years)	1.0	0.5

VOLVO

1978 through 1980	0.5	0.5
1975 through 1977 6 cyl.	1.0	0.5
1975 through 1977 4 cyl.	2.0	0.5
1972 through 1974	3.0	1.0
1968 through 1971	4.0	1.0
pre-1968	6.5	0.5
Diesel Vehicles All Years		

NON-COMPLYING IMPORTED VEHICLES

All	6.5	0.5
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DIESEL POWERED VEHICLES

All	1.0	0.5
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ALL VEHICLES NOT LISTED and VEHICLES FOR WHICH NO VALUES ENTERED

1975 through 1980 Noncatalyst 4 cyl.	2.0	0.5
1975 through 1980 Noncatalyst all except 4 cyl.	1.0	0.5
1975 through [1980] Catalyst Equipped	0.5	0.5
1972 through 1974	3.0	1.0
1970 through 1971	4.0	1.0
1968 through 1969	5.0	1.0
pre-1968 and those engines less than 820 cc (50 cu. in.)	6.5	0.5

(2) Hydrocarbon idle emission values not to be exceeded:

<u>PPM</u>	<u>Enforcement Tolerance</u> <u>Through Oct, 1981</u>	
No HC Check	--	All two-stroke cycle engines & diesel ignition
1500	100	Pre-1968 4 or less cylinder engines, 4 or less cylindered noncomplying imports, and those engines less than 820 cc (50 cu. in.) displacement
1200	100	Pre-1968 with more than 4 cylinder engines, and noncomplying imports with more than 4 cylinder engines
800	100	1968 through 1969, 4 cylinder
600	100	All other 1968 through 1969
500	100	All 1970 through 1971
400	100	All 1972 through 1974, 4 cylinder
300	100	All other 1972 through 1974
200	100	1975 through 1980 without catalyst
125	100	1975 through 1980 with catalyst]

(1) Light Duty Diesel Motor Vehicle Emission Control Cut Points

All: 1.0% CO NO HC Check

(2) Light Duty Gasoline Motor Vehicle Emission Control Cut Points - two stroke cycle

All: 6.5% CO NO HC Check

(3) Light Duty Gasoline Motor Vehicle Emission Control Cut Points - four stroke cycle - passenger cars

Pre 1968 Model Year Motor Vehicles

4 or less cylinders

All: 6.5% CO 1550 ppm HC

More than 4 cylinders

All: 6.0% CO 1250 ppm HC

1968 - 1969 Model Year Motor Vehicles

4 or less cylinders

All: 5.5% 850 ppm HC

More than 4 cylinders

All: 5.0% 650 ppm HC

1970 - 1971 Model Year Motor Vehicles

All: 4.5 550 ppm HC

1972-1974 Model Year Motor Vehicles

	<u>% CO</u>	<u>ppm HC</u>
Alfa Romeo	3.5	450
American Motors	3.5	350
Audi	3.0	450
BMW	3.5	450
BL-Jaguar	3.5	350
BL-MG	4.5	450
BL-Triumph	4.0	450
Buick	3.5	350
Cadillac	2.5	350
Capri	3.0	450
Checker	2.5	350
Chevrolet	2.5	350
Chrysler	2.5	350
Colt, Dodge	5.5	450
Courier, Ford	2.5	450

1972-1974 Model Year Motor Vehicles

	<u>% CO</u>	<u>ppm HC</u>
Cricket, Plymouth	3.5	450
Datsun	3.0	450
Dodge	2.5	350
Ferrari	3.5	350
Fiat	4.5	450
Ford	2.5	350
Ford - 4 cylinder	2.5	450
GMC	2.5	350
Honda Automobile	3.5	450
International Harvester	3.5	350
Jenson-Healy	5.0	450
Lincoln	2.5	350
Mazda - Piston Engine	4.5	450
Mazda - Rotary Engine	3.0	450
Mercury	2.5	350
Oldsmobile	2.5	350
Opel	3.5	450
Peugeot	3.5	450
Plymouth	2.5	350
Pontiac	2.5	350
Porsche	3.5	350
Porsche 1974 914	5.5	450
Renault	3.5	350
Rolls Royce and Bentley	3.5	350
SAAB	3.5	350
Subaru	3.5	350
Toyota	3.5	350
Volkswagen - Type 4	4.5	450
- Dasher	3.0	450
- All Others	3.5	450
Volvo	3.5	450
All Vehcles Not Listed	3.5	450

1975 - 1980 Model Year Motor Vehicles

Catalyst Equipped Vehicle	0.5% CO	175 ppm HC
Non-Catalyst Equipped Vehicles	2.0% CO	250 ppm HC

1981 and Newer Model Year Motor Vehicles

At idle - All	0.5% CO	175 ppm HC
At 2500 rpm - All	0.5% CO	175 ppm HC

(4) Light duty gasoline Motor Vehicle Emission Control Cut Points -
Light Duty Trucks.

(a) 6000 GVWR or less Pre 1968 Model Year

<u>4 or less cylinders</u>		
<u>All:</u>	6.5% CO	1550 ppm HC
<u>More than 4 cylinders</u>		
<u>All:</u>	6.5% CO	1250 ppm HC

<u>1968 - 1969 Model Year</u>		
<u>4 or less cylinders</u>		
<u>All:</u>	5.5%	850 ppm HC
<u>More than 4 cylinders</u>		
<u>All:</u>	5.0%	650 ppm HC

<u>1970 - 1971 Model Year</u>		
<u>All:</u>	4.5%	550 ppm HC

<u>1972 - 1974 Model Year</u>		
<u>4 or less cylinders</u>		
<u>All:</u>	3.5%	450 ppm HC
<u>More than 4 cylinders</u>		
<u>All:</u>	2.5%	350 ppm HC

<u>1975 - 1980</u>		
<u>Catalyst Equipped</u>		
<u>All:</u>	0.5%	175 ppm HC
<u>Non-Catalyst Equipped</u>		
<u>All:</u>	2.0%	250 ppm HC

<u>1981 and Newer</u>		
<u>All: At idle</u>	0.5% CO	175 ppm HC
<u>At 2500 rpm</u>	0.5% CO	225 ppm HC

<u>(b) 6001 to 8500 GVWR</u>		
<u>Pre 1968 Model Year</u>	6.0% CO	1250 ppm HC
<u>1968 - 1969 Model Year</u>	5.0% CO	650 ppm HC
<u>1970 - 1971 Model Year</u>	4.5% CO	550 ppm HC
<u>1972 through 1974 Model Yr.</u>	2.5% CO	350 ppm HC

1975 through 1978	2.5% CO	250 ppm HC
<u>1979 through 1980</u>		
Catalyst Equipped	0.5%CO	175 ppm HC
Non-Catalyst Equipped	2.0% CO	250 ppm HC
<u>1981 and Newer</u>		
All: At idle	0.5% CO	175 ppm HC
At 2500 rpm	0.5% CO	175 ppm HC

- (5) An enforcement tolerance of 0.5% carbon monoxide and 50 ppm hydrocarbon will be added to the above cutpoints.
- (6) [3] There shall be no visible emission during the steady-state unloaded and raised rpm engine idle portion of the emission test from either the vehicle's exhaust system or the engine crankcase. In the case of diesel engines and two-stroke cycle engines, the allowable visible emission shall be no greater than 20% opacity.
- (7) [4] The Director may establish specific separate standards, differing from those listed in subsections (1), (2), [and] (3), for vehicle classes which are determined to present prohibitive inspection problems using the listed standards.

340-24-335 HEAVY-DUTY GASOLINE MOTOR VEHICLE EMISSION CONTROL
EMISSION STANDARDS

(1) Carbon Monoxide idle emission values not to be exceeded:

	<u>Base Standard</u> %	<u>Enforcement Tolerance</u> [Through Oct, 1981]
<u>ALL VEHICLES</u>		
Pre-1970	6.0	0.5
1970 through 1973	4.0	1.0
1974 through 1978	3.0	1.0
1979 [through 1980] <u>and later</u>	2.0	1.0

(2) Carbon monoxide nominal 2,500 RPM emission values not to be exceeded:

	<u>Base Standard</u> %	<u>Enforcement Tolerance</u> [Through Oct, 1981]
<u>ALL VEHICLES</u>		
Pre-1970	3.0	1.0
1970 [through 1980] <u>and later</u>	2.0	1.0
Fuel Injected	No Check	

(3) Hydrocarbon idle emission values not to be exceeded:

	<u>Base Standard</u> PPM	<u>Enforcement Tolerance</u> [Through Oct, 1981]
<u>ALL VEHICLES</u>		
Pre-1970	700	200
1970 through 1973	500	200
1974 through 1978	300	200
1979 [through 1980] <u>and later</u>	250	100

(4) There shall be no visible emission during the steady-state unloaded engine idle and raised rpm portion of the emission test from either the vehicle's exhaust system or the engine crankcase.

(5) The Director may establish specific separate standards, differing from those listed in subsections (1), (2), (3), and (4) for vehicle classes which are determined to present prohibitive inspection problems using the listed standard.

GAS ANALYTICAL SYSTEM LICENSING CRITERIA

340-24-350 (1) To be licensed, an exhaust gas analyzer must:

(a) Conform substantially with either:

(A) All specifications contained in the document "Specifications for Exhaust Gas Analyzer System Including Engine Tachometers" dated July 9, 1974, prepared by the Department and on file in the office of the Vehicle Inspection [Division] Program of the Department, [or]

(B) The technical specifications contained in the document "Performance Criteria, Design Guidelines, and Accreditation Procedures for Hydrocarbon (HC) and Carbon Monoxide (CO) Analyzers Required in California Official Motor Vehicle Pollution Control Stations," issued by the Bureau of California, and on file in the office of the Vehicle Inspection [Division] Program of the Department. Evidence that an instrument model is approved by the California Bureau of Automotive Repair will suffice to show conformance with this technical specification, or

(C) If a gas analytical system is purchased after January 1, 1982, the technical specifications contained in the document "The California Exhaust Gas Analyzer Specification - 1979" on file in the office of the Vehicle Inspection Program of the Department.

(D) Be owned by the licensed motor vehicle fleet operation or the Department.

(E) Be span gas calibrated a minimum of once a month (at least every 30 calendar days) by licensed inspector. The calibration and the inspector's initials are to be recorded on the back of the exhaust gas analyzer's license for verification by the Department.

(2) Application for a license must be completed on a form provided by the Department.

(3) Each license issued for an exhaust gas analyzer shall be valid through December 31 of each year, unless returned to the Department or revoked.

(4) A license for an exhaust gas analyzer system shall be renewed upon submission of a statement by the motor vehicle fleet operation that all conditions pertaining to the original license issuance are still valid and that the unit has been gas calibrated and its proper operation verified within the last 30 days by a vehicle emission inspector in their employment.

(5) Grounds for revocation of a license issued for an exhaust gas analyzer system include the following:

(a) The unit has been altered, damaged, or modified so as to no longer conform with the specifications of subsection (1)(a) of this rule.

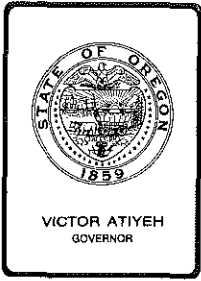
(b) The unit is no longer owned by the motor vehicle fleet operation to which the license was issued.

(c) The Department verifies that a Certification of Compliance has been issued to a vehicle which has been emission tested by an analyzer that has not met the requirements of subsection (1) (c) of this section.

(6) No license shall be transferable.

(7) No license shall be issued until all requirements of section (1) of this section are fulfilled and required fees paid.

VA151 (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. N, July 17, 1981, EQC Meeting

Public Hearing and Consideration of Adopting Proposed Vehicle Inspection Fee Structure which would Increase Inspection Certification Fee From \$5 to \$7.

Background and Problem Statement

At the June 5, 1981 EQC Meeting, the Commission authorized a public hearing on the establishment of a fee structure for the Vehicle Inspection Program. A copy of that staff report is attached as Attachment 1. Included in that report is the fiscal impact analysis of various fee structures for the inspection program. Also included are the proposed fee schedules and statement of need for rulemaking.

As this report is being prepared, HB 2289 is still before the Senate. House Bill 2289 would amend ORS 468.405 to read, in part, as:

"The fee for the issuance of certificates shall be established by the Commission in an amount based upon the costs of administering this program established in the current biennial budget. The fee for a certificate shall not exceed \$10."

An emergency clause is attached to the bill.

As shown in the fiscal impact analysis, the existing \$5 certification fee will not be sufficient to support program operational costs during the 1981-83 biennium.

Alternatives and Evaluations

Present statute limits the certification fee to \$5. The fiscal impact analysis indicates that the \$7 fee will be required to fully fund the program during the 1981-83 biennium. HB 2289, currently before the Senate, provides



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Materials

that the Commission shall establish the fee based upon program costs. This legislation, if enacted, would then require Commission action. Since the 1981-83 biennium starts July 1, 1981, exigent circumstances require that rules be promulgated to provide prompt implementation. These rules would not be enforced until enabling legislation is enacted.

The alternative to implementation of the proposed fee structure, would be to utilize general funds to support program costs or to drastically cut back the number of hours of operation of testing lanes with resultant increases in travel distances and in waiting lines.

Summation

1. Present statute limits the Certification fee at \$5.
2. HB 2289, currently before the Senate, provides that the Commission is to establish a fee based upon the costs of administering the program; and that the fiscal impact analysis indicates a \$7 fee will be required.
3. Exigent circumstances require that rules be in place should there be positive action by the legislature on HB 2289.
4. The rule would not be enforced until enabling legislation takes effect.

Director's Recommendation

Based upon the summation, and taking into consideration public testimony, the Director recommends that the Commission adopt the vehicle inspection rule as proposed, establishing a fee structure which includes a \$7 certification fee to become effective on the date the enabling legislation becomes effective.



WILLIAM H. YOUNG

Attachment 1: Agenda Item No. F, June 5, 1981, EQC Meeting

Ron Householder:jy
229-6200
6/19/81



Department of Environmental Quality

522 S.W. 5th AVENUE, BOX 1760, PORTLAND, OREGON 97207

MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item No. F, June 5, 1981, EQC Meeting

Vehicle Inspection Rules - Request for Authorization to Hold a Public Hearing to Amend Inspection Program Fee Structure.

Background and Problem Statement

Currently ORS 468.405 sets the maximum fee the department may charge to issue a Certificate of Compliance at \$5. This fee has been in effect since the vehicle inspection program first began issuing certificates in July, 1975. The EQC has not enacted any regulation establishing a fee structure for the vehicle inspection program.

On May 14, 1981, House Bill 2289 passed the Oregon House and was forwarded to the Senate for consideration. House Bill 2289 would amend ORS 468.405 to read, in part, as:

"The fee for the issuance of certificates shall be established by the commission in an amount based upon the costs of administering this program established in the current biennial budget. The fee for a certificate shall not exceed \$10."

An emergency clause is attached to the bill.

If this bill is enacted into statute, it will be necessary for the commission to hold a public hearing and set an inspection fee for the 1981-83 biennium. The existing \$5 certification fee will not be sufficient to support program operational cost during the 1981-83 biennium. The Governor's approved budget proposal provided for a \$6 fee. During House Committee considerations of the program budget, several additional cost factors were reviewed which would prudently require a \$7 certification fee if incorporated into the program budget.

The hearing proposed would be before the Commission. Copies of the proposed rule and the proposed Public Notice, Statement of Need and Fiscal Impact Statement are attached.

Evaluation and Alternatives

The following fiscal impact analysis has been prepared by the department.

FISCAL IMPACT ANALYSIS
MOTOR VEHICLE INSPECTION
1981-83 BUDGET

	<u>\$5 FEE</u>	<u>\$6 FEE</u>	<u>\$7 FEE</u>
Estimated Fund Balance 7-1-81	\$350,204	\$350,204	\$350,204
Certification Fee Revenue Forecast 81-83	\$2,685,950	\$3,223,140	\$3,760,330
Less: Exemption of 20-year-old cars	(104,165)	(125,000)	(145,831)
Indirect Cost Assessment 81-83	(431,921)	(431,921)	(431,921)
Indirect Cost Assessment Adjustment for 79-81 advance	(247,911)	(247,911)	(247,911)
Net Available Revenue	\$2,252,157	\$2,768,512	\$3,284,871
Operating Expenses	(\$2,649,146)	(\$2,649,146)	(\$2,649,146)
Motor Vehicle Division Reimbursement	(53,518)	(53,518)	(53,518)
Salary Increase Provision	(209,260)	(209,260)	(209,260)
Savings on exempt vehicles	<u>25,023</u>	<u>25,023</u>	<u>25,023</u>
Total Operating Expenses	(\$2,886,901)	(\$2,886,901)	(\$2,886,901)
End of Biennium Fund Balance/(Deficit)	(\$634,744)	(\$118,389)	\$397,970
Capital Construction/Beaverton Station	(\$212,900)	(\$212,900)	(\$212,900)
End of Biennium Fund Balance Carry Forward/(Deficit)	(\$847,644)	(\$331,289)	\$185,070

The forecasted certification fee revenue shown for the \$6 and \$7 fee structure is somewhat optimistic in that it is based upon any increase occurring at the start of the fiscal year. Approximately 15,000 certificates are projected to be issued each month during the July-September, 1981, time period. In anticipation of a fee increase, test volume may increase somewhat over these projections.

The bill to exempt 20-year-old vehicles from the testing requirements has passed both houses. Air quality impacts are very small due, in part, to the low annual mileage accumulated by such vehicles. The fiscal impact of the \$6 and \$7 fee structure is based upon any increase occurring at the start of the fiscal year.

The indirect cost assessment for FY 1981-83 is based upon the standard agency-wide rate. The FY 1979-81 assessment was based upon a lower rate. This funding advance for indirect cost assessments is shown as being repaid during FY 1981-83.

The reimbursement for the Motor Vehicle Division is for cost which they incur as a result of handling the certificates of compliance. This cost has not previously been assessed. The salary increase provision contains funds deemed prudent by the department's fiscal analyst to provide for salary increases during the biennium. The savings on exempt vehicles is that savings seen possible as a result of the 20-year-old vehicle exemption.

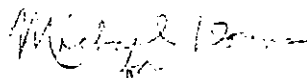
The inspection program service level in central Washington County is not acceptable and improvements need to be made. The City of Beaverton has provided a site for an acceptable facility. The construction cost for this facility is shown in the fiscal impact analysis.

Summation

1. House Bill 2289, if enacted, will require the Commission to establish the vehicle inspection program certification fee.
2. The existing \$5 certification fee is not sufficient to support program operational cost during the 1981-83 biennium.
3. There has been no certification fee change since 1975.
4. A \$7 certification fee provides sufficient funds to cover program operational cost and capital construction needs during the 1981-83 biennium.

Director's Recommendation

Based upon the summation, the Director recommends that the Commission authorize the Department to schedule a public hearing before the Commission at the July 17, 1981, meeting to amend the vehicle inspection program rules to establish a fee structure which includes a \$7 certification fee.


William H. Young

Attachment 1: Proposed motor vehicle inspection program fee schedule.

Attachment 2: Proposed Notice of Public Hearing.

Attachment 3: Statement of Need and Fiscal Impact Statement.

Ron Householder
229-6200
5/22/81



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

Prepared: 5/20/81
Hearing Date: 7/17/81

PROPOSED NOTICE OF PUBLIC HEARING

A CHANCE TO BE HEARD ABOUT:

Proposed Increase in Motor Vehicle Inspection Fees, OAR Chapter 340 Section 24-307 for the Inspection Program operating in the Portland Metropolitan Area.

WHAT IS THE DEQ PROPOSING?

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

- ** Increase Certificate of Compliance fee from \$5 to \$7, contingent upon enactment of HB2239 by the 1981 Legislative session.
- ** Listing of Motor Vehicle fleet operation Certificate of Compliance fees and licensing schedule

WHO IS AFFECTED BY THIS PROPOSAL:

Motor Vehicle owners

HOW TO PROVIDE YOUR INFORMATION:

Written comments should be sent to the Department of Environmental Quality, Vehicle Inspection, Box 1760, Portland, Oregon 97207, and should be received by 5:00 p.m. July 16, 1981.

Oral and written comments may be offered at the following public hearing before the Environmental Quality Commission.

<u>City</u>	<u>Time</u>	<u>Date</u>	<u>Location</u>
Portland	10:00 am	July 17, 1981	date & time to be announced <i>Fish & Wildlife Hearing Room</i>

Notice of Public Hearing
Page 2

WHERE TO OBTAIN ADDITIONAL INFORMATION:

Copies of the proposed rules may be obtained from:

DEQ Vehicle Inspection Program
Box 1760
Portland, Oregon 97207

LEGAL REFERENCES FOR THIS PROPOSAL:

This proposal adds OAR Chapter 340 Section 24-307, contingent upon enactment of HB2289 by the 1981 Legislative session. It is proposed under authority of ORS 468.370.

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

FURTHER PROCEEDINGS:

After public hearing the Commission may adopt rule amendments identical to the proposed amendments, adopt modified rule amendments on the same subject matter, or decline to act. The adopted regulations may be submitted to the Environmental Protection Agency as part of the State Clean Air Act Implementation Plan. The Commission's deliberation should come after the public hearing as part of the agenda of its regularly scheduled Commission meeting on July 17, 1981.

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

Legal Authority for this action is ORS 468.370, ORS 183.341 and HB 2239-1981 Legislative Session.

Need for the Rule

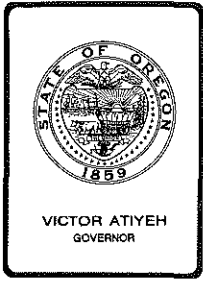
Legislation (HB 2239) if enacted requires the establishment of a fee schedule. The proposed rule is the fee schedule.

Principle Documents Relied Upon

HB 2239 - 1981 Oregon Legislative Session

Fiscal Impact Statement

Vehicle Owners in the Portland Metropolitan Area will experience a fee increase from \$5 to \$7.



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. O, July 17, 1981, EQC Meeting

Addendum Report Responding to Letters Received From:

1. Tom Donaca, Associated Oregon Industries
2. Roland Johnson, Portland General Electric
3. James L. Johnson, City of Oregon City

Background

The Commission has received several letters in the past week providing comments on the proposed Plant Site Emission Limit and New Source Review rules. The concerns raised in three of these letters are addressed in this addendum to the staff report.

Discussion

I. Response to Concerns Raised by Tom Donaca in a Letter Dated July 9, 1981.

1. Suggested Policy Amendment (340-20-300)

The assumption made by Mr. Donaca that the Plant Site Emission Limit (PSEL) is "essentially a management" tool is incorrect. The PSELs are proposed as a regulatory tool providing a legal baseline for administering several programs including control strategies, PSD increments, banking, bubbling, and offsets. Mr. Donaca has suggested that the Commission adopt a policy statement clarifying the intent of the rule. Mr. Donaca's suggested language could be modified as follows to reflect what the Department believes to be the intent of the rule (proposed deletions are bracketted and additions are underlined).

340-20-300 - Policy

The Commission recognizes the need to establish a more definitive method for [measurement of] regulating increases and decreases in air emissions of air quality permit holders as contained in OAR 340-20-301 through 340-20-320. However,

by the adoption of these rules, the Commission does not intend to (a) limit the use of existing production capacity of any air quality permittee; (b) cause any undue hardship or expense to any permittee due to the utilization of existing unused productive capacity; or [(3)] (c) create inequity within any class of permittees subject to specific industrial standards which are based on emissions related to production. [if, the conditions or the permit in effect on the date of adoption of these rules would have allowed the use of the productive capacity. Notwithstanding any other provision of OAR 340-20-301 to 340-20-320 the department is authorized to modify the conditions of these rules to accommodate the provisions of this section on a case-by-case basis, and any permittee unable to resolve any issue involved in this rule may appeal to the Commission for resolution.] PSELS can be established at levels higher than baseline provided a demonstrated need exists to emit at a higher level and PSD increments and air quality standards would not be violated and reasonable further progress in implementing control strategies would not be impeded.

Such language, however, would not appear to add or subtract in any substantial way to the existing proposed rule. Therefore, it would not seem necessary to adopt it. Clearly, the last sentence of Mr. Donaca's suggestion should be deleted as the EQC cannot abrogate its rule making power to the Department and appeals can be made to the EQC under current variance procedures as discussed at the recent workshop.

2. Suggested OAR 340-20-310(1) Deletion

A deletion bracket was inadvertently left out and Mr. Donaca's request to delete the second sentence is in accordance with the Department's intent. The entire second paragraph has also been deleted. It should be noted that the substance of this language is contained in the material that has been added (shown underlined). The Department believes that the option should be kept open to establish PSELS at a rate different than the baseline when they are initially established to minimize workloads and provide the best service to permit holders.

3. Request to Substitute EPA Definition of Major Modification

EPA's definition of "modification" exempts some types of emission increases from detailed PSD analysis but does not exempt such increases from being counted against the PSD increment. Our proposed definition of "modification" requires PSD review of any physical change in the source or any change in the method of operation which results in a significant emission rate increase. Fuel switching or increases in hours of operation would not require full PSD review under our proposed rules as long as the source had the physical capability of making such a change. The

fact that such increases consume increment, however, is reflected in EPA's definitions of "Baseline Concentration" and "Actual Emissions" (see paragraphs 1 and 2 of Attachment 1). Since fuel switches and increases in hours of operation do not require full PSD review but must be counted against the increment, the Department believes some review of these changes must be made at the State level to identify the magnitude of potential increment consumption and impacts on air quality standards. The Department's proposed Plant Site Emission rule requires a review of such increases of less magnitude than a full PSD review. Reviews of fuel switches and increases in hours of operation and other such emission increases are considered highly necessary in Oregon since many of our permits do not adequately address potential major increases in emissions from such changes as was discussed at the workshop. EPA's new PSD rule approach was dictated by the Alabama power court case and clearly recognizes the necessity of including operation changes like voluntary fuel switches and increased hours of operation in the increment as evidenced by EPA's PSD rule preamble (paragraphs 3 and 4 of Attachment 2).

EPA does allow in its definition of "actual emissions" (paragraph 2 of Attachment 1) the presumption that source specific allowable emissions in permits are equivalent to actual emissions but EPA clearly states that source specific emission limits represent actual emissions (paragraph 5 of Attachment 3). In cases when source specific emission limits are not representative of actual emissions as in some Oregon permits, EPA clearly directs the states to revise permits (or the SIP) to reflect actual emissions (paragraph 6 of Attachment 3). This is what DEQ is proposing to do in its PSEL rule.

In summary, EPA's definition of major modifications is inappropriate for Oregon since it would allow many potential major emission increases to occur (through fuel switching, increased operation, etc.) without providing an analysis of whether such changes would violate PSD increments, air quality standards, or reasonable future program requirements. This definition would also allow consumption of PSD increments in some areas without public notice or public participation.

4. OAR 340-20-225(23) Request to Raise Significant Impact Criteria

The Department believes an impact criteria lower than EPA's is justified on the basis of trying to prevent significant eroding or control strategy effectiveness. Many control strategies, out of necessity, are composed of elements which produce small improvements.³ If just a few sources were allowed to construct at a 1 ug/m³ TSP impact, for instance, the effectiveness of many severe

and expensive control strategies would be nullified and a search for new strategies would likely be even more severe and costly. For example, the effectiveness of a few prominent strategies is listed below.

	<u>TSP Strategy Effectiveness</u> (ug/m ³ annual average)
<u>Medford</u>	
Weatherization of 50% of homes	3.2
Upgrading Veneer dryer controls	1.4
Clean-up winter sanding	0.4
<u>Eugene</u>	
Pave 10 miles of unpaved roads	1.0
10% reduction in Vehicle Miles Traveled	1.6
Dry wood cyclone controls	0.08
<u>Portland</u>	
Construction site trackout control	0.7
Weatherization of 30% of homes	0.68
Street sweeping	2.56

5. Request to Liberalize Source Shutdown Requirement in Banking Provision

This issue has been addressed in the workshop and tentatively resolved with the EQC by providing a definition of permanent source shutdown or curtailment (see July 17 staff report).

6. Request to Lower the Minimum Banking Limit to 5 Tons

This matter has been discussed several times with the EQC and the Department did reluctantly modify its proposed 25 Ton limit to 10 Tons, but pointed out the inaccuracies and uncertainties introduced when lowering the limits. A further reduction would add further uncertainty to the Banking program.

7. OAR 340-25-265(3) Delete Section on Reserved Control Strategies

Mr. Donaca is correct that "or those that are reserved for control strategies pursuant to OAR 340-20-280" should be deleted from OAR 340-20-265(3).

II. Response to Concerns Raised by PGE Letter Dated July 7, 1981.

1. PGE Boardman Baseline Question

EPA ruled in 1975 that PGE Boardman Unit 1 was not subject to the preconstruction review provisions of PSD because construction had commenced prior to June 1, 1975. While Unit 1 was not subject to review, the emissions from Unit 1 consume increment because construction commenced after January 6, 1975, the date on which the

Clean Air Act requires that increment tracking begin for such sources (see EPA letter, Attachment 4). Thus, there does not appear to be an inconsistency in EPA's handling in this matter. Exemption from PSD review does not convey exemption from counting against the increment. This was true under regulations in effect in 1974 and under the Clean Air Act Amendments of 1977. EPA cannot grant an exemption from this requirement imposed by Congress.

Even though Unit 1 consumes increment, the amount of increment consumed is only 10% of the air quality standard (as required by the EFSC site certificate). Since new units must have sulfur dioxide removal systems under the present New Source Performance Standards to decrease emissions by 70%, any new units should consume even less increment. The Department estimates that approximately five additional 500 megawatt units could be installed at the Boardman site without causing exceedances of the sulfur dioxide increments and without retrofitting sulfur removal on Unit 1.

2. Combustion Turbine Question


The Department believes that the proposed Plant Site Emission Limit rule provides adequate flexibility to establish limits for the PGE turbines. PSD increment can be allocated for such facilities at the time the initial Plant Site Limit is established. The Department sees no need to establish a special category for combustion.

III. Response to Concern Raised by James L. Johnson, Jr. in Letter Received July 9, 1981

Exemption from Offsets for Resource Recovery Facilities

The proposed rules provide that Resource Recovery Units may be granted an exemption provided that all offsets that are reasonably available have been obtained. The advantage of this approach is that this provision may help to recover valuable material and energy resources. This exemption is allowed by EPA rules.

It should be noted that this exemption is not automatic and that all available offsets must be secured. In the case of the proposed Oregon City facility, the Department believes that substantial offsets are available from Publishers and from other sources and the Department has so indicated to the Metropolitan Services District. The Department's policy with respect to this exemption is to require offsets to the maximum extent reasonably available.


William H. Young
Director

Attachments:

- 1, 2, & 3 - Exerpts from EPA rules
- 4 - Letter from EPA

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07-16-81

design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

(13)(i) "Baseline concentration" means that ambient concentration level which exists in the baseline area at the time of the applicable baseline date. A baseline concentration is determined for each pollutant for which a baseline date is established and shall include:

(a) The actual emissions representative of sources in existence on the applicable baseline date, except as provided in paragraph (b)(13)(ii);

(b) The allowable emissions of major stationary sources which commenced construction before January 8, 1975, but were not in operation by the applicable baseline date.

(ii) The following will not be included in the baseline concentration and will affect the applicable maximum allowable increase(s):

(a) Actual emissions from any major stationary source on which construction commenced after January 8, 1975; and

(b) Actual emissions increases and decreases at any stationary source occurring after the baseline date.

(14)(i) "Baseline date" means the earliest date after August 7, 1977, on which the first complete application under 40 CFR 52.21 is submitted by a major stationary source or major modification subject to the requirements of 40 CFR 52.21.

(ii) The baseline date is established for each pollutant for which increments or other equivalent measures have been established if:

(a) The area in which the proposed source or modification would construct is designated as attainment or unclassifiable under section 107(d)(1) (D) or (E) of the Act for the pollutant on the date of its complete application under 40 CFR 52.21; and

(b) In the case of a major stationary source, the pollutant would be emitted in significant amounts, or, in the case of a major modification, there would be a significant net emissions increase of the pollutant.

(15)(i) "Baseline area" means any intrastate area (and every part thereof) designated as attainment or unclassifiable under section 107(d)(1) (D) or (E) of the Act in which the major source or major modification establishing the baseline date would construct or would have an air quality impact equal to or greater than $1 \mu\text{g}/\text{m}^3$ (annual average) of the pollutant for which the baseline date is established.

(ii) Area redesignations under section 107(d)(1) (D) or (E) of the Act cannot intersect or be smaller than the area of

impact of any major stationary source or major modification which:

(a) Establishes a baseline date; or

(b) Is subject to 40 CFR 52.21 and would be constructed in the same state as the state proposing the redesignation.

(16) "Allowable emissions" means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

(i) The applicable standards as set forth in 40 CFR Parts 60 and 61;

(ii) The applicable State Implementation Plan emissions limitation, including those with a future compliance date; or

(iii) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

(17) "Federally enforceable" means all limitations and conditions which are enforceable by the Administrator, including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within any applicable State Implementation Plan, and any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51.18 and 40 CFR 51.24.

(18) "Secondary emissions" means emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For the purpose of this section, secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:

(i) Emissions from ships or trains coming to or from the new or modified stationary source; and

(ii) Emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.

(19) "Innovative control technology" means any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or nonair quality environmental impacts.

(20) "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(21)(i) "Actual emissions" means the actual rate of emissions of a pollutant from an emissions unit, as determined in accordance with subparagraphs (ii)-(iv) below.

(ii) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. The Administrator shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(iii) The Administrator may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(iv) For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

(22) "Complete" means, in reference to an application for a permit, that the application contains all of the information necessary for processing the application.

(23)(i) "Significant" means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant and Emissions Rate

Carbon monoxide: 100 tons per year (tpy)
 Nitrogen oxides: 40 tpy
 Sulfur dioxide: 40 tpy
 Particulate matter: 25 tpy
 Ozone: 40 tpy of volatile organic compounds
 Lead: 0.6 tpy
 Asbestos: 0.007 tpy
 Beryllium: 0.0004 tpy
 Mercury: 0.1 tpy
 Vinyl chloride: 1 tpy
 Fluorides: 3 tpy
 Sulfuric acid mist: 7 tpy
 Hydrogen sulfide (H₂S): 10 tpy
 Total reduced sulfur (including H₂S): 10 tpy
 Reduced sulfur compounds (including H₂S): 10 tpy

(ii) "Significant" means, in reference to a net emissions increase or the potential of a source to emit a pollutant subject to regulation under the Act that paragraph (b)(23)(i) does not list, any emissions rate.

resources and since section 169(4) states that required monitoring should be used in establishing baseline concentrations, the court's decision supports EPA's requirement that baseline concentrations reflect actual air quality. In addition, the court implicitly affirmed EPA's approach in ruling that EPA correctly excluded from baseline concentrations emissions increases due to voluntary fuel switches after the baseline date. Since actual air quality on the baseline date would not reflect these increases, their exclusion from baseline concentrations is consistent with EPA's actual air quality approach to baseline concentrations. Finally, the court noted Congress' rejection of a House bill that would have allowed certain source emissions to be included in baseline concentrations, even though the emissions have not occurred by the baseline date. See 13 ERC 2028. The court concluded that Congress considered and rejected an approach that would depart from actual air quality in calculating baseline concentrations, except in the limited circumstances set forth in section 169(4).

In its September 5, 1979 response to the court's decision, EPA proposed to delete the uniform August 7, 1977 baseline date and to define baseline date as the date of the first complete application, after August 7, 1977, for a PSD permit to construct or modify a major stationary source in an area subject to PSD requirements. As part of that definition, EPA proposed to define baseline area as all parts of an Air Quality Control Region (AQCR) designated as attainment or unclassifiable under section 107(d) of the Act. Under that definition, an application of a major stationary source to construct in any part of an AQCR, designated as attainment or unclassifiable would trigger the baseline date for both SO₂ and PM in all portions of the AQCR.

EPA's proposed definition of baseline area was based in part on its consistency with the term "area" as used in section 107, which requires air quality designations for AQCRs or portions thereof. The definition was also intended to avoid implementation problems that might result from having different baseline areas and dates within the same AQCR. EPA proposed, however, to allow states some flexibility in defining baseline area. See discussion at 44 FR 51042.

EPA further proposed to retain its current definition of baseline concentration but asked for comment on a particular problem specific to the Gulf Coast areas (see 44 FR 57107, October 4,

1979 and discussion in Increment Consumption). EPA's September 5 proposal specifically asked for comment on two aspects of its proposal: (1) whether baseline area should be defined as clean portions of the AQCR in which a source applies for a permit, and (2) whether a permit application should trigger the baseline date only in the clean portions of the AQCR in which the source would locate or also in clean areas of any AQCR which would be impacted by the source.

After issuance of the court's full opinion in December, EPA proposed and asked for comment on three changes to its September 5 proposal (45 FR 6802, January 30, 1980). First, EPA stated it was considering defining baseline area as any area designated attainment or unclassifiable under section 107(d) in which a source subject to PSD requirements would locate or impact, rather than all clean portions of an AQCR in which a source would locate or impact. Second, EPA's solicited comment on whether states should be allowed to redefine the boundaries of areas designated as attainment or unclassifiable. EPA suggested, however, that states should be limited to redesignations no smaller than the source's area of impact. Third, EPA indicated it was considering adoption of a pollutant-specific baseline date and area. Under that approach, a source would trigger the baseline only for the pollutants it emitted. Thus, if the source would emit neither SO₂ nor PM, it would not trigger any baseline. EPA also requested comment on whether a source which would be major for SO₂ and minor for PM would trigger a baseline date only for SO₂, or for both pollutants.

EPA's final action and response to comments on each of the issues is discussed below. For simplification, the discussion focuses on the four basic issues of baseline concentration, baseline area, baseline date, and pollutant-specific baseline. Issues related to increment consumption are discussed in the next section.

A. Baseline Concentration

As proposed, EPA is continuing its current definition of baseline concentration as the ambient concentration levels at the time of the first permit application in an area subject to PSD requirements. Baseline concentration generally includes actual source emissions from existing sources but excludes emissions from major sources commencing construction after January 6, 1975. Actual source emissions are generally estimated from source records and any other information reflecting actual source operation over

the two-year time period preceding the baseline date. The baseline concentration also includes projected emissions from major sources commencing construction (including modification) before January 6, 1975, but not in operation by August 7, 1977.

Unlike the June 1978 policy, baseline concentration will no longer routinely include those emissions increases after the baseline date from sources contributing to the baseline concentration, which are due to increased hours of operation or capacity utilization. Existing policy permitted this grandfathering, provided such increases were allowed under the SIP and reasonably anticipated to occur as of the baseline date. Today's policy which normally excludes such increases is consistent with using actual source emissions to calculate baseline concentrations. An actual emissions policy, however, does allow air quality impacts due to production rate increases to sometimes be considered as part of the baseline concentration. If a source can demonstrate that its operation after the baseline date is more representative of normal source operation than its operation preceding the baseline date, the definition of actual emissions allows the reviewing authority to use the more representative period to calculate the source's actual emissions contribution to the baseline concentration. EPA thus believes that sufficient flexibility exists within the definition of actual emissions to allow any reasonably anticipated increases or decreases genuinely reflecting normal source operation to be included in the baseline concentration.

EPA is also promulgating a change in its current policy on SIP relaxations. Under that policy, emissions allowed under SIP relaxations pending on August 7, 1977 are included in the baseline concentration if the allowed source emissions were higher than actual source emissions. EPA adopted that policy in June 1978 in recognition of the fact that some states with SIP revisions pending on August 7, 1977 had allowed sources to increase emissions prior to final EPA approval of the relaxations, while other states with pending relaxations had required sources to comply with the lower emissions limitations in the existing SIP until final approval occurred. See 43 FR 20401 col. 3. To avoid penalizing sources in states that did not allow increases prior to approval, EPA provided that baseline concentrations include the allowable emissions under revised SIPs, if the relaxation was pending on August 7, 1977 and the allowed emissions exceeded the source's actual emissions.

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...ssed in the *Baseline* section, the *Alabama* decision supported EPA's *Alabama Power* decision and the statute which provide that actual air quality be used to determine baseline concentrations, but provide no guidance on increment consumption calculations. EPA has concluded that the most reasonable approach, consistent with the statute, is to use actual source emissions, to the extent possible, to calculate increment consumption or expansion.

EPA's decision is also based on concerns raised by the Gulf Coast problem, discussed below. In that area, and possibly others, source emissions allowed under permits and SIP provisions in many cases are higher than actual source emissions. Sources could therefore increase their emissions without being subject to PSD review or the SIP revision process. However, if increment calculations were based on allowable emissions, EPA believes increment violations would be inappropriately predicted and proposed source construction would be delayed or halted. In practice, EPA expects that now, if any, sources will increase their emissions to allowable levels.

EPA believes it is unwise to restrict source growth based only on emissions if a source is permitted to emit but which, in many instances, have not been and are not likely to ever be emitted. Increment calculations based on the best prediction of actual emissions links PSD permitting more closely to actual air quality deterioration than calculations based on allowable "paper" emissions. In addition, use of actual emissions for increment consumption is consistent with using an actual emissions baseline for defining a major modification and for calculating emissions offset baselines.

2. Calculation of Increment Consumption Using Actual Emissions. To determine how much increment remains available to a proposed major source or modification, the source owner or operator must analyze several types of emissions changes as of its application date. These changes generally include: (1) emissions changes that have occurred at baseline sources

and emissions from new minor and area sources since the baseline date; (2) emissions that have occurred or will occur at sources which have submitted complete PSD applications as of thirty days prior to the date that the proposed source files its application; and (3) emissions changes reflected in SIP relaxations submitted after August 7, 1977, and pending as of thirty days prior to the date the source files its application, or emissions changes reflected in SIP relaxations which have been approved since August 7, 1977, but which have not yet occurred. (See discussion below on calculation of increment consumption for SIP relaxations.) The thirty-day cutoffs are specified to stabilize the review process by preventing new applications and SIP relaxation proposals from invalidating otherwise adequate increment consumption analyses without warning.

Increment calculations will generally be based on actual emissions as reflected by normal source operation for a period of two years. EPA has selected two years based on its recent experience in reviewing state NSR programs for nonattainment areas. The state submittals use periods of between one and three years to evaluate source emissions. In EPA's judgment, two years represents a reasonable period for assessing actual source operation. Since the framework for nonattainment NSR programs will generally form the basis for a state's PSD plan, EPA believes it is appropriate to use the same time period for evaluating actual source emissions in the PSD program. Two years is also being used to calculate the emissions offset baseline for modifications in nonattainment areas.

The two-year period of concern should generally be the two years preceding the date as of which increment consumption is being calculated, provided that the two-year period is representative of normal source operation. The reviewing authority has discretion to use another two-year period, if the authority determines that some other period of time is more typical of normal source operation than the two years immediately preceding the date of concern. In general, actual emissions estimates will be derived from source records. Actual emissions may also be determined by source tests or other methods approved by the reviewing authority. Best engineering judgments may be used in the absence of acceptable test data.

EPA believes that, in calculating actual emissions, emissions allowed under federally enforceable source-

specific requirements should be presumed to represent actual emission levels. Source-specific requirements include permits that specify operating conditions for an individual source, such as PSD permits, state NSR permits issued in accordance with § 51.18(j) and other § 51.18 programs, including Appendix S (the Offset Ruling), and SIP emissions limitations established for individual sources. The presumption that federally enforceable source-specific requirements correctly reflect actual operating conditions should be rejected by EPA or a state, if reliable evidence is available which shows that actual emissions differ from the level established in the SIP or the permit.

EPA believes two factors support the presumption that source-specific requirements represent actual source emissions. First, since the requirements are tailored to the design and operation of the source which are agreed on by the source and the reviewing authority, EPA believes it is generally appropriate to presume the source will operate and emit at the allowed levels. Second, the presumption maintains the integrity of the PSD and NSR systems and the SIP process. When EPA or a state devotes the resources necessary to develop source-specific emissions limitations, EPA believes it is reasonable to presume those limitations closely reflect actual source operation. EPA, states, and sources should then be able to rely on those emissions limitations when modeling increment consumption. In addition, the reviewing authority must at least initially rely on the allowed levels contained in source-specific permits for new or modified units, since these units are not yet operational at a normal level of operation.

EPA, a state, or source remains free to rebut the presumption by demonstrating that the source-specific requirement is not representative of actual emissions. If this occurs, however, EPA would encourage states to revise the permits or the SIP to reflect actual source emissions. Such revisions will reduce uncertainty and complexity in the increment tracking system, since it will allow reviewing authorities and sources to rely on permits and SIP emissions limitations to model increment consumption.

Review of increment usage due to SIP relaxations will also be based initially on emissions allowed under the SIP as revised (provided this allowed level is higher than the source emissions contributing to the baseline concentration). Calculations will generally be made on the difference between the source emissions included in the baseline concentration and the

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U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X

1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101



REPLY TO
AITH GFE

M/S 521

JUL 14 1981

Mr. E. J. Weathersbee
Department of Environmental Quality
522 SW 5th Avenue
Box 1760
Portland, Oregon 97207

Dear Mr. Weathersbee:

We have considered your July 2, 1981 letter asking whether the Portland General Electric (PGE) Boardman plant falls into the baseline or consumes increment under EPA's Prevention of Significant Deterioration (PSD) regulations. Our May 1975 letter to the Company stated that since the Company had commenced construction before June 1, 1975 the source would not need a permit pursuant to the requirements of 40 CFR 52.21(d) in effect at that time. However under the December 5, 1974 regulations (39 FR 42510), the PGE plant was not considered part of the baseline since it did not receive its SIP pre-construction approval until after January 1, 1975 (see 40 CFR 52.21(d)(1)).

Since the May letter, Congress has changed the PSD program considerably. A major change that clarifies this situation is the addition of a statutory definition of "baseline concentration" in Section 169(4) of the Clean Air Act (CAA). The revised CAA states:

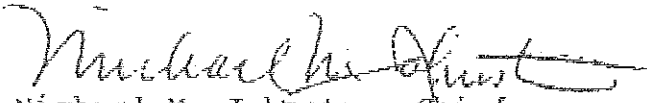
"any major emitting facility on which construction commenced after January 6, 1975, shall not be included in the baseline and shall be counted against the increment..." (emphasis added).

The CAA defines baseline in terms of ambient concentrations existing at the time of the first application for a PSD permit in the area. However, major stationary sources commencing construction after January 6, 1975, consume increment and cannot be considered as contributing to the baseline concentration. The contract referred to in the May 1975 letter went into effect in March of 1975. It is EPA's opinion that the statute provides no discretion to exempt PGE's emissions from increment consumption (see 45 FR 52721, August 7, 1980). PGE's emissions can not be grandfathered on the basis that the source was not subject to the 1974 PSD requirements.

The State of Oregon's approach to "baseline concentration" is equivalent to the CAA and EPA's PSD regulations and no changes appear to be needed in light of this clarification that PGE's emissions are not included in the baseline.

If you have any questions please feel free to contact Raymond Nye of my staff at (206) 442-7176.

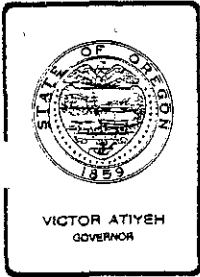
Sincerely,



Michael M. Johnston, Chief
New Source Permits Section

cc: Roland Johnson, PGE
John Kowalczyk, DEQ
Lloyd Kostow, DEQ

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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 O, July 17, 1981, EQC Meeting

Consideration of Adopting Proposed Plant Site Emission Limit and New Source Review Rules and Proposed Revocation of the following Existing Rules:

- a) Special Permit Requirement for Sources Locating In or Near Non-Attainment Areas, OAR 340-20-190 through 198.
- b) Criteria for Approval of New Sources in the Portland Special AQMA, OAR 340-30-005 through 025.
- c) Specific Air Pollution Control Rules for the Medford-Ashland AQMA, OAR 340-30-60 and 110.
- d. Prevention of Significant Deterioration, OAR 340-31-105, definitions 1 through 11, 13, 14, and 17 through 22; 340-31-125; 340-31-135 through 195.

Background

A public hearing concerning proposed revisions to the Plant Site Emission Limit and New Source Review Rules was held before the Commission April 24, 1981. The issues addressed in the public testimony and in the written comments that were received were discussed in a staff report for the Commission meeting of June 5, 1981 (see Attachment 1). Several revisions to the draft rules were proposed in that staff report along with a recommendation for rule adoption. The Commission delayed action on the proposed rules. Subsequently, a workshop was held before the Commission on June 30 and July 1, 1981, at which each issue in the June 5 staff report was reviewed in detail. As a result of the workshop and of comments received from EPA concerning the draft rules (see Attachment 2), several other revisions are proposed as discussed below. All changes proposed since the April 24 public hearing are shown in Attachment 1 (additions underlined and deletions bracketted). Those areas in which proposed changes occurred after the June 5 workshop are indicated by an asterisk (*).

Discussion

Response to comments from workshop

Comment 1

The criteria for establishing when a permanent shutdown or curtailment occurs (OAR 340-22-265(4)) should be based on a specific action by the applicant or the Department.

Response

It is proposed that the following language be added to OAR 340-20-265: A permanent source shutdown or curtailment shall be considered to have occurred when a permit is modified, revoked, or expires without renewal pursuant to the procedures and criteria established in OAR 340-14-005 through 050.

Comment 2

The moratorium on the use of banked emission reductions which may be invoked by the Commission pursuant to OAR 340-20-265(6) should have a limited duration and the moratorium period should not count against the ten-year banking period.

Response

It is proposed that OAR 340-20-265(6) be revised to read as follows: The Commission may declare a moratorium not to exceed two years in duration on the withdrawals of emission reduction credits from the bank if it is established that reasonable further progress toward attainment of air quality standards is not being achieved and no other control strategy is available. The time period involved in such a moratorium shall not count against the ten-year banking period specified in OAR 340-20-265(2).

Comment 3

Lane Regional Air Pollution Authority (LRAPA) should have the authority to establish minimum bankable emission credits which are lower than the ten ton per year level established in OAR 340-20-265(7).

Response

It is proposed that OAR 340-20-265(7) be reworded as follows: Emission reductions must be in the amount of ten tons per year or more to be creditable for banking except as follows:

- a) In the Medford-Ashland AQMA emission reductions must be at least in the amount specified in Table 2

- of OAR 340-20-225(22), and
b) In Lane County the Lane Regional Air Pollution Authority may adopt lower levels.

Comment 4

It should be clear that OAR 340-20-310(3) which allows separate permit limits to be set for process emissions, combustion emissions, and fugitive emissions does not preclude bubbling of those emissions within a plant site.

Response

It is proposed that the reference to "PSELS" be changed to "mass emission limits" such that OAR 340-20-310(3) would read as follows: Mass emission limits may be established separately within a particular source for process emissions, combustion emissions, and fugitive emissions.

Comment 5

The question of whether the PGE Boardman facility falls into the baseline or the increment has not been resolved to PGE's satisfaction. The draft rules would place this plant in the increment as EPA rules appear to require.

Response

PGE has relied on a 1975 letter from EPA in arguing that Boardman falls in the baseline rather than the increment. The EPA regulations have been changed and it now appears that Boardman falls into the increment. The Department has expressed concern about this change and has requested a ruling from EPA to clarify this point (see Attachment 3). It is recommended that the draft rule not be relaxed on this question unless EPA agrees to approve such a relaxation.

Comment 6

A question was raised as to the appropriateness of the growth increment for Volatile Organic Compounds (VOC) for the Medford-Ashland AQMA (OAR 340-20-240(7)), since a plan to achieve the State ozone standard has not yet been developed. Concern was also raised that EPA sanctions may apply if the State ozone standard is not met.

Response

Even though a plan to meet the State ozone standard has not been adopted, it is clear that EPA sanctions would not apply. Sanctions are authorized only for the Federal health standards.

The VOC growth cushion was adopted by the EQC as part of the Medford ozone SIP and appears in the New Source Review Rule for informational purposes. If the EQC wishes to reconsider this growth cushion, it would seem appropriate to do so at the same time the ultimate fate of the State ozone standard is decided (scheduled for the October, 1981, EQC meeting). This information was conveyed by letter to the Jackson County Board of Commissioners (Attachment 4).

Response to Comments from EPA

The Department proposes that the following revisions be made to satisfy the mandatory requirements of EPA from Enclosure 1 of their letter dated June 3, 1981 (Attachment 2).

EPA Comment 1

"An important requirement for emission trades within and between sources (bubbles and offsets), is that the traded emissions have the same or reduced impact on ambient air quality. The DEQ rules require such in 340-20-315(3) and 340-20-260 but fail to include provisions as to how it is to be demonstrated. The DEQ rules must require appropriate dispersion modeling for TSP and SO₂ trades with a sophistication which is dependent upon the type and location of the trades involved."

Response

The Department proposes that the wording underlined in OAR 340-20-260(1) and 340-20-315(3) be added to clarify that dispersion modeling may be required to show that emission trades for bubbles and offsets are appropriate.

EPA Comment 2

"Existing sources in non-attainment areas must employ, at a minimum, Reasonably Available Control Technology (RACT) for the non-attainment pollutants. To be approved, the state bubble rules (OAR 340-20-320) must require that the baseline emissions for bubbling in non-attainment areas be equivalent to RACT on a plant-wide basis."

Response

The staff believes that the Department rules require all existing sources in non-attainment areas to employ Reasonably Available Control Technology (RACT). No change is required to the bubble rules (OAR 340-20-320). However, a demonstration that RACT controls have been required will be submitted to EPA.

EPA Comment 3

"New and modified major stationary sources may construct only if they either employ Best Available Control Technology (BACT) or meet the Lowest Achievable Emission Rate (LAER), whichever is applicable. However, sources may avoid these requirements by accepting voluntary permit limitations on their hours of operation or production rates or both provided that they will be required to retro-fit BACT or LAER should they ever desire to relax the original limitations on hours of operation or production rates. The DEQ definition of "major modifications" in OAR 340-20-225(14) requires such retro-fit control. However, the DEQ has in OAR 340-20-250(3) inappropriately exempted these sources from BACT. The language in 340-20-250(3) must be changed so that it does not exempt from BACT requirements those sources which are proposing increases in hours of operation or production rates above levels which are used to avoid BACT requirements in the first place."

Response

The Department proposes that language be added to OAR 340-20-250(3) to specify that the exemption does not apply to sources that received permits after January 1, 1978. OAR 340-20-250(3) is now proposed to be worded as follows with the added wording underlined: Proposed increases in hours of operation or production rates which would cause emission increases above the levels allowed in an Air Contaminant Discharge Permit and would not involve a physical change in the source may be exempted from the requirement of OAR 340-20-245(1) (Best Available Control Technology) provided that the increases cause no exceedances of an increment or standard and that the net impact on a non-attainment area is less than the significant air quality impact levels. This exemption shall not be allowed for new sources or modifications that received permits to construct after January 1, 1978.

The Department feels that the remaining EPA comments can be adequately addressed at a later time without specific wording changes in the rule.

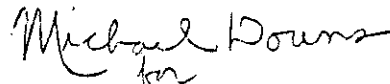
Summation

1. Several changes have been made in the proposed Plant Site Emission Limit and New Source Review Rules in response to comments raised in the Commission workshop as follows:
 - a. A definition of permanent shutdown or curtailment has been added.
 - b. The moratorium period on the use of banked emission credits has been limited to two years and the moratorium period no longer

- counts against the ten-year banking period.
- c. Authority is given to LRAPA to establish minimum bankable amounts less than 10 tons/year.
 - d. A clarification is added to the provision which allows separate permit limits for process, combustion, and fugitive emissions to insure that this provision does not preclude bubbling among those emissions.
 - e. The Department has sent a letter to EPA requesting a determination on whether PGE Boardman falls in the baseline or the increment.
 - f. The VOC growth increment for the Medford-Ashland AQMA should be reconsidered at the October EQC meeting.
2. Several changes have been proposed in response to comments from EPA as follows:
- a. Wording is added to clarify that dispersion modeling may be required for bubbling and offsets.
 - b. The Department will submit a demonstration of equivalency on EPA's requirement for a RACT baseline for bubbling.
 - c. Wording has been added to satisfy EPA's comment that a conflict existed in the draft rules regarding BACT for sources increasing operating levels.
3. Other changes to the proposed rules which were made subsequent to the April 24, 1981, hearing were discussed in the June 5, 1981, staff report (Attachment 1).

Director's Recommendation

Based on the above Summation and the Summation of the June 5, 1981, staff report, it is recommended that the Commission consider adopting the proposed rules (OAR 340-20-220 through 275 and OAR 340-20-300 through 320) and revoking the existing rules for Plant Site Emission Limits and New Source Review.


for
William H. Young

Attachments:

1. Staff report from June 5, 1981, meeting including proposed rules and revocations, Notice of Public Hearing, and Statement of Need for Rulemaking
2. Letter from EPA dated June 3, 1981
3. Letter to EPA regarding PGE Boardman
4. Letter to Jackson County Commissioners

L.Kostow:ahe
(503) 229-5186
July 8, 1981



Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission
 From: Director
 Subject: Agenda Item No. N, June 5, 1981, EQC Meeting

Consideration of Adopting Proposed Plant Site Emission Limit and New Source Review Rules and Proposed Revocation of the Following Existing Rules:

- a) Special Permit Requirements for Source Locating In or Near Nonattainment Areas, OAR 340-20-190 through 198.
- b) Criteria for Approval of New Sources in the Portland Special AQMA, OAR 340-32-005 through 025.
- c) Specific Air Pollution Control Rules for the Medford-Ashland AQMA, OAR 340-30-60 and 110.
- d) Prevention of Significant Deterioration, OAR 340-31-105, definitions 1 through 11, 13 and 14, and 17 through 22; 340-31-125; 340-31-135 through 195.

Background

On April 24, 1981, the Commission held a public hearing concerning proposed revisions to the Plant Site Emission Limit Rules and the New Source Review Rules. Fifteen people presented oral testimony at the hearing and many of these people also submitted written comments. A brief summary of the testimony outlining the major issues was provided to the Commission in a memorandum dated May 4, 1981. Subsequently members of the Commission requested that the staff address specific questions concerning points raised in the testimony.

Alternatives and Evaluation

The issues receiving the most comment and which involve policy questions are discussed below. Responses to questions raised by Commission members are specifically identified.

Issue 1

Plant Site Emission Limits should not be based on actual emissions as proposed but rather on plant design capacity. This comment was made by several commentators and a member of the Commission asked for a discussion of this point.

The proposed rules would require that Plant Site Emission Limits be based on actual emissions during the 1977-1978 baseline period or another period if it is more representative of normal source operation. Existing permit limits may be used for the Plant Site Limit if they are within 10 percent of the actual emissions. Plant Site Emission Limits could be established at higher levels to accommodate needed production increases up to capacity if it is shown that no air quality standard or Prevention of Significant Deterioration (PSD) increment would be exceeded in an attainment area or that a growth increment or offset is provided in a nonattainment area. The advantages of this approach are the following:

- A. In attainment areas the Plant Site Emission Limit, as proposed, would be consistent with the Prevention of Significant Deterioration baseline requirements of the Clean Air Act and EPA rules. Using plant capacity in attainment areas would render the Plant Site Emission Limit useless for administering a PSD increment tracking and allocation system because the Federal regulations clearly require a baseline of actual emissions in the baseline year.

A Plant Site Emission Limit based on plant capacity or some level significantly above actual emissions could also allow PSD increments or air quality standards to be exceeded when emissions increased without the Department, the affected community, or even the source knowing that such an event had occurred. This approach would clearly be illegal under the Clean Air Act and EPA rules.

- B. In nonattainment areas, the Plant Site Emission Limits, as proposed, would be consistent with the SIP control strategy data bases. Establishing Plant Site Emission Limits based on plant capacity would require that all of the SIPs be redone since they are based on actual emissions from point sources. If point sources are allowed emissions greater than the actual emissions, further control strategies would be required to compensate for the potential increase in emissions above the baseline. Such additional control strategies would likely be very costly and may not even be available in airsheds such as Medford which are already overloaded. An emission allowance higher than actual emissions could allow already unacceptable air quality conditions to worsen.
- C. The Plant Site Emission Limit Rule, as proposed, establishes a baseline of actual emissions for administering "offset", "banking", and "bubbling" programs which is compatible with EPA requirements. EPA requires that these programs be established on the same basis as the SIP control strategies. Establishing Plant Site Emission Limits on a plant capacity basis would render these limits useless for the

purpose of administering offset, banking, and bubbling programs.

- D. A Plant Site Emission Limit based on actual emissions clearly and specifically defines the allowable emissions for each permit holder which are within airshed capacity and facilitates tracking of progress toward attainment and maintenance of standards. This requirement is an essential step in developing an effective air management program, just as it was when waste discharge limits were set for Oregon river basins years ago. Establishing Plant Site Emission Limits on a plant design capacity basis can be subjective and may not be definable or verifiable, particularly in cases involving fuel switching or increased hours of operation.
- E. The proposed rule would not prevent a source from receiving an increase in the Plant Site Emission Limit at the time the limits are initially established or at a future time provided that airshed capacity is available.

Alternatives:

An alternative to Plant Site Emission Limits based on actual emissions or plant capacity would be to have no Plant Site Emission Limits. This approach would have the following disadvantages:

- A. Existing permitted emission levels would allow increases in emissions from the baseline levels which could cause exceedances of air quality standards or PSD increments. Such increases could nullify control strategies in nonattainment areas.
- B. No mechanism for administering offset, banking and bubble programs would be available.

Another alternative would be to follow the suggestion of one commentator that a 20 percent operating margin should be added on top of the actual emission baseline when establishing Plant Site Emission Limits. This approach has the following disadvantages:

This alternative has all of the disadvantages that setting Plant Site Emission Limits on a plant capacity basis would have. The SIPs would have to be redone on a higher baseline and in some cases air quality standards or PSD increments could be exceeded without the source or the Department knowing.

Discussion:

The proposed rules are intended to provide flexibility in establishing Plant Site Emission Limits. A baseline year prior to the baseline period can be used for establishing actual emission rates if it is more representative of normal source operation. Existing permit limits can be used if they are within 10 percent of actual emissions. If PSD increments, growth margins, or offsets are available, Plant Site Emission Limits can be set higher than the actual emissions. Net emission increases above the

actual emission baseline which are less than the significant emission rate levels would be allowed without air quality analysis or offsets. Redoing the SIP control strategies or providing for priority allocation of growth margins for sources operating below capacity in the baseline period does not seem practical or necessary. In order to further clarify the intent of the rules and to satisfy the comments of several of the commentators, the following changes are proposed.

OAR 340-20-305 Definitions

Definition 1 "Actual Emissions" section a: Delete the sentence ["The Department shall allow the use of a different period upon a determination that it is more representative of normal source operation".] and place in definition 3.

Definition 3 "Baseline Period": Replace the present definition with the following: "Baseline Period" means either calendar year 1977 or 1978. The Department shall allow the use of a prior time period upon a determination that it is more representative of normal source operation.

OAR 340-20-310 "Criteria for Establishing Plant Site Emission Limits" Section 1. For existing sources, PSELs shall be based on the baseline emission rate for a particular pollutant at a source and may be adjusted upward or downward pursuant to Department Rules.

If an applicant requests that the Plant Site Emission Limit be established at a rate higher than the baseline emission rate, the applicant shall demonstrate that:

- a. The requested increase is less than the significant emission rate increase defined in OAR 340-20-225(22) or,
- b. Provide an assessment of the air quality impact pursuant to procedures specified in OAR 340-20-240 to 245. A demonstration that no air quality standard or PSD increment will be violated in an attainment area or that a growth increment or offset is available in a nonattainment area shall be sufficient to allow an increase in the Plant Site Emission Limit to an amount not greater than the plant's demonstrated need to emit as long as no physical modification of an emissions unit is involved.
- c. Increases above baseline emission rates shall be subject to public notice and opportunity for public hearing pursuant to the Department's permit requirements.

OAR 340-20-320 "Temporary PSD Increment Allocation" Delete Section c. ["No observable or measurable impact on air quality is created."]

Issue 2

The major new source cutoff criteria for nonattainment areas should be higher than the "significant emission rate" level. Several commentators suggested higher levels and a Commission member asked if this suggestion had merit.

The proposed rule establishes the cutoff for both major new sources and major modifications in nonattainment areas and areas adjacent to nonattainment areas at the "significant emission rate" level (25 tons per year for particulate and 40 tons per year for VOC). EPA would allow 100 tons per year for new sources but would still require significant emission rate levels for modifications. The proposed rule establishes cutoffs for attainment areas at the same level as EPA.

The advantages of using significant emission rate levels in nonattainment areas are the following:

- A. The "significant emission rate" levels were developed by EPA based on modeling that demonstrated a significant impact caused by such emissions. It makes sense that any emission increase that has a significant impact, whether the increase results from a new source or a modification, should be subject to New Source Review in a nonattainment area. EPA was forced to use different cutoffs for new sources and modifications by court interpretations even though these different cutoffs make no technical sense.
- B. By providing the same cutoff criteria for new sources and modifications, equity would be provided for both new and existing sources.
- C. Sources locating adjacent to nonattainment areas that would potentially impact the nonattainment area are also proposed to be subject to the "significant emission rate" criteria, thereby providing equity for those sources locating inside and those adjacent sources having a significant air quality impact on nonattainment areas.
- D. It is estimated that, on the average, two additional new sources per year will be subject to the proposed criteria over the number that would be subject to the 100 ton/year EPA criteria. These two additional sources will not add significantly to the Department's workload.

Alternatives:

The cutoff criteria for new sources could be raised to 50 tons/year or 100 tons/year for new sources in nonattainment areas. The cutoff could not be raised for modifications without becoming less stringent than EPA requirements. The disadvantages of this approach are the following:

- A. Some sources which have a significant impact would escape review.
- B. The more stringent cutoffs for modifications could put existing sources at a disadvantage.

Discussion:

The Department believes that the proposed cutoff criteria provide equity and are necessary for the protection of Oregon airsheds.

Issue 3:

The Emission Reduction Credit Banking rules are too restrictive and should be liberalized by (a) allowing shutdowns and curtailments to be bankable, (b) eliminating the discounting provisions, and (c) eliminating the 10 year maximum banking period. Several commentators discussed these points and a Commission member asked for an evaluation of these issues.

The proposed banking rule does not allow long-term banking of shutdowns and curtailments. Shutdowns and curtailments can be used within one year for contemporaneous offsets, however. The proposed rule has provisions which require discounting of banked credits when new rules are adopted and also allows the Commission to discount banked credits if no other strategies for attainment are available. The maximum banking period is 10 years unless extended by the Commission.

The advantages of the proposed banking rule are the following:

- A. The proposed banking rule is a limited program which allows the Department to move cautiously into the banking area without establishing unlimited airshed "rights" that cannot be recovered if air quality worsens. Totally eliminating the discounting provisions would establish permanent air pollution "rights" for those sources that participate in the bank.
- B. Source shutdowns and curtailments are not bankable under the proposed rules. It was felt that the Department should not promote the permanent shutdown or curtailment of facilities unless those offsets are provided to another proposed project within one year. The premature closure of a facility may accrue a valuable banking credit to the owner without any investment in equipment to control emissions by the owner and without returning any economic benefit to the community.
- C. The proposed rules would encourage those industries that have growth plans to improve technology or move to more efficient processes in order to establish emission reductions for banking. Such industries would have a significant degree of certainty that those banked reductions could be used for future plant expansion.

Alternatives:

The banking rules could be made less restrictive by allowing shutdowns and curtailments to be bankable, eliminating the discounting provisions, and/or eliminating the 10 year maximum banking period. The disadvantages of this approach would be the following:

- A. The Department and Commission would lose control of the banking program such that permanent air pollution rights are established.
- B. Without the discounting provision those emission reductions needed to demonstrate progress toward attainment and maintenance of standards

could be banked and used to offset emission increases at any time.

- C. The 10 year limit on banking establishes a reasonable period of time for a source to utilize the banking credit after which time the credit would revert to a permanent improvement in air quality. The Commission could extend the 10 year period if a source had a reason for requesting an extension.
- D. If these provisions are relaxed the banking rule may be less stringent than EPA guidelines and could result in disapproval by EPA.

Discussion:

Many commentors disapproved of the provision in the banking rule (provision 6 of OAR 340-20-265) which would allow the Commission to discount banked emissions when no other strategies are available. The Department agrees that this provision may provide a needless disincentive and therefore to satisfy these comments it is proposed that this provision be replaced by a moratorium on withdrawals from the bank as follows.

OAR 340-20-265(6) The Commission may declare a moratorium on withdrawals of emission reduction credits from the bank if it is established that reasonable further progress toward attainment of air quality standards is not being achieved and no other control strategy is available.

Issue 4

Several commentors contended that the Alternative Emission Controls provision (bubble) should allow bubbling of BACT, LAER, NSPS, and NESHAPS requirements.

The Proposed rules would not allow relaxation of BACT, LAER, NSPS, or NESHAPS limitations which were established in a previously issued new source permit. The New Source Review rule does allow future modifications of existing sources to escape BACT or LAER where no significant increase in emissions occurs at the plant site. The advantages of this approach are the following:

- A. This provision is consistent with EPA guidance on bubbling. Relaxation of this requirement would risk EPA disapproval.
- B. Only the relatively few sources that were subject to BACT, LAER, NSPS, or NESHAPS would be affected by this provision.
- C. The technology forcing aspect of the BACT and LAER provisions would not be relaxed for those sources that received permits under those provisions in the past.
- D. The NSPS and NESHAPS requirements are specifically required by the Clean Air Act and cannot be relaxed. It would not be desirable to allow a new plant to be constructed without meeting these requirements or for an existing plant to bubble out of such requirements.

Issue 5

One commentor testified that exemption from offsets should not be allowed for resources recovery facilities.

The proposed rules provide that Resource Recovery Units may be granted an exemption provided that all offsets that are reasonably available have been obtained. The advantage of this approach is that this provision may help to recover valuable material and energy resources. This exemption is allowed by EPA rules.

Issue 6

One commentor testified that the required emission offset ratio should be 1:1.3 rather than 1:1.

The proposed rules require equivalent or greater emission offsets such that a net air quality benefit is provided. The advantage of this approach is that the requirement of net air quality benefit will in most cases result in a greater than 1:1 offset ratio which is appropriate for the particular pollutant and geographical area.

Issue 7

Several commentors testified that the requirement for fine particulate to be offset with fine particulate is not appropriate since we have a Total Suspended Particulate (TSP) standard.

It is widely agreed that the present TSP standard is not adequate to protect against adverse health effects. The proposed rule requires that respirable particulate emissions be offset with respirable particulate. The advantage of this approach is that large particulate could not be traded for respirable particulate, thereby preventing increases in the level of pollutant that actually causes adverse health effects.

Issue 8

Several commentors testified that the reserved control strategies to protect the Portland Ozone SIP are not needed.

The proposed rules reserve six control strategies to prevent them from being used as offsets until the time that Portland Ozone SIP is completed.

This provision may not be justifiable in light of recent calculations concerning the 0.12 ppm ozone standard attainment strategies. Also provision 5 of the banking rule (OAR 340-20-265) provides for discounting of banked emissions if new control strategies are adopted. If provision 5 is adopted as presently worded, then OAR 340-20-280 Reserved Control Strategies should be deleted.

Issue 9

One commentor testified that separate Plant Site Emission Limits should not

be established for combustion sources, process sources, and fugitive sources as allowed in OAR 340-20-310(3). A Commission member also questioned this provision.

This provision is designed to facilitate emission calculations for dissimilar emission units within a particular source and to speed up permit processing for such permit modifications as fuel switching. This provision would also make it easier for the Department to manage bubbling of dissimilar pollutant emissions. This provision does not limit bubbling or offsetting within the total plant site.

Issue 10

One commentator testified that the rules should provide flexibility so that other agencies such as LRAPA can develop growth management strategies which could be more stringent.

The proposed rules do not limit the authority of local jurisdictions to adopt additional, more stringent measures.

Issue 11

One commentator testified that PGE turbines had zero operation during the baseline period.

The proposed rule provides that PSD increments and the emission rates associated with their usage can be allocated at the time the Plant Site Emission Limit is negotiated. The Plant Site Emission Limits have already been established for these turbines taking into account PSD increment consumption. The proposed rules would require no changes to these existing limits.

Issue 12

One commentator testified that the baseline concentration is defined such that PGE-Boardman would fall into the increment rather than the baseline contrary to a 1975 letter received by PGE from EPA stating that the facility would fall into the baseline.

The proposed rules follow EPA's baseline criteria. The 1977 Clean Air Act Amendments and subsequent court rulings have altered the baseline criteria since the 1975 letter. It is the understanding of the Department from discussions with EPA that PGE's 1975 letter may no longer be valid. A relaxation of the proposed criteria would mean that the State rule would be less stringent than EPA requirements and therefore might be disapproved by EPA. PGE should contact EPA directly to resolve this matter.

Issue 13

Several commentators requested clarification of the fact that the Lowest Achievable Emission Rate (LAER) applies only to nonattainment pollutants. It is therefore proposed that the language "... for each nonattainment

pollutant" be added to the end of the first sentence of OAR 340-20-240 Section 1.

Issue 14

The Jackson County Commissioners commented that a VOC growth increment for Medford should not be adopted until the question of the 0.08 ppm State ozone standard is resolved.

The VOC growth increment was adopted by the Commission in 1979 as part of the Medford ozone SIP which is based on the 0.12 ppm Federal standard. Since the Department was directed by the Commission to develop SIPs based on the 0.12 ppm standard, it seems appropriate to let the present growth increment stand until such time as a new state strategy is developed to achieve the 0.08 ppm ozone standard.

Issue 15

Several commentors contended that the 30 kilometer buffer zone around ozone nonattainment areas is not appropriate and should be replaced by modeling to measure significant ozone impact.

Unfortunately, there are no acceptable procedures for modeling VOC emissions from point sources to predict ozone impacts. The Department therefore recommends that the 30 kilometer buffer ozone concept be retained unless an applicant can demonstrate through some other means that a proposed source would have no impact in the nonattainment area.

Issue 16

One commentor contended that the requirements for Additional Impact Analysis (OAR 340-20-245 section 6) is excessive and unworkable.

This provision is required by EPA and was taken verbatim from the EPA regulations.

Issue 17

One commentor contended that the requirement for short-term, seasonal, and yearly time periods for calculating offsets is overly stringent.

This provision is included in the Net Air Quality Benefit section (OAR 340-20-260 section 2) to insure that the offsets are appropriate to both the short-term and long-term air quality standards.

Issue 18

One commentor contended that the requirement for Statewide compliance of sources owned or operated by an applicant in a nonattainment area (OAR 340-20-240 section 2) is unnecessary.

This provision is specifically required by the Clean Air Act and is not optional for the State.

Issue 19

One commentor wrote that the definition of "Baseline Concentration" (OAR 340-20-225 definition 2) should be consistent with the definition of "Baseline Emissions".

The definition of baseline concentration must be specific and well defined to establish a baseline for performing air quality analysis. Baseline emissions is defined much more broadly to accommodate production variations. It is not necessary for baseline concentration and baseline emissions to be defined on precisely the same time frame. This approach is consistent with EPA definitions.

Issue 20

One commentor contended that the setting of significant emission rates for pollutants not listed in Table 1 of OAR 340-20-225 definition 22 should be subject to rulemaking and opportunity for public and technical review.

The cases where pollutants other than those listed in Table 1 are emitted will be associated with specific permit applications under review by the Department. The public notice and opportunity for hearing procedures of the permit regulations should provide adequate opportunity for review by interested parties. If a separate rulemaking process is required the permit application under consideration would be significantly and unnecessarily delayed.

Issue 21

One commentor contended that the 10 day period allowed for applicants to submit responses made by the public after the close of the public comment period is not adequate and should be changed to 10 "working" days (OAR 340-20-230(3)(F)).

It is proposed that the word working be inserted with the understanding that permit issuance will be delayed by that additional amount of time.

Issue 22

One commentor contended that emissions from the construction phase of a new source or modification should be exempt from all requirements including BACT and LAER.

The proposed rule would exempt emissions from the construction phase of a project from all requirements except BACT and LAER (OAR 340-20-250(2)). Generally, construction emissions should be small and temporary. However, in the case of major projects, construction emissions could involve extensive dust problems or the installation of temporary sources. Also, such projects could continue for a number of years. Such construction sources should be subject to BACT or LAER depending on whether the area is attainment or nonattainment.

Issue 23

One commentor contended that the period allowed for "contemporaneous" offsets should be increased from one year to five years (OAR 340-20-260(4)). Several other commentors stated that the meaning of the term "permanent" shutdown or curtailment is not clearly defined and that some plant modifications may be in the planning stages for more than one year. A Commission member asked for a justification for holding the contemporaneous period to one year.

The proposed rules allow one year for contemporaneous offsets and allow certain other emission reductions to be banked for ten years. It is not necessary to have a five year contemporaneous period in addition to the banking provision. The Department proposes to remedy the problem of planned expansions which extend over periods longer than one year by adding the following language at the end of OAR 340-20-265(4). The one year limitation for contemporaneous offsets shall not be applicable to those shutdowns or curtailments which are to be used as internal offsets within a plant as part of a specific plan. Such a plan for use of internal offsets shall be submitted to the Department and receive written approval within one year of the permanent shutdown or curtailment.

Issue 24

Several commentors testified that there are no defined limits for air conveying systems. A Commission member asked why there are no such limits.

The Plant Site Emission Limit Rule, as proposed, will allow the Department to establish specific limits for air conveying systems as part of the total plant site emission limit. It has been difficult in the past to write rules applying to air conveying systems because of the wide range of different uses and operating conditions. The Department is continuing to address this problem as part of the Medford SIP and intends to consider revisions to the present air conveying system rules.

Issue 25

One commentor stated that the word "demonstration" which is used in OAR 340-20-260 Net Air Quality Benefit was not defined. A Commission member asked if this term was defined elsewhere in the rules or by past practice.

The term "demonstration" is used in the rules in the context of a "demonstration that standards are not violated". The term is simply intended to have the dictionary definition of "proof". There are many ways of providing such demonstrations including modeling, engineering calculations, or other logical and reasonable arguments.

Summation

1. A revised New Source Review rule must be adopted in order for Oregon's State Implementation Plans to be fully approved by EPA.

2. A revised rule for Prevention of Significant Deterioration must be adopted in order for Oregon to receive delegation of that program from EPA.
3. A revised Plant Site Emission Limit rule must be adopted to adequately define the basis for setting permit limits and to provide for adequate management of airshed capacity in both attainment and nonattainment areas.
4. The Department has reviewed the testimony received during the public comment period and at the April 24, 1981, public hearing. Several key policy questions are at issue that have great bearing on the ability of the Department to effectively manage airshed capacity, implement desirable regulatory reforms, and keep the overall ownership and control of airshed rights within the public sector. The Department has reached the following conclusions and recommendations:
 - a. Plant Site Emission Limits must be based on an actual emissions baseline adjusted upward or downward in accordance with specific criteria in order to provide for adequate administration of nonattainment control strategies, PSD increment consumption and banking, bubbling, and offset programs.
 - b. Basing Plant Site Emission Limits on plant capacity could allow sources to unknowingly and illegally exceed PSD increments or air quality standards.
 - c. Basing Plant Site Emission Limits on plant capacity would require that the nonattainment SIPs be redone on a higher baseline and that more control strategies be added.
 - d. The proposed Plant Site Emission Limit rule allows considerable flexibility for sources to obtain higher emission limits at the time Plant Site Emission Limits are initially set if the airshed capacity is available or can be made available through offsets.
 - e. The cutoff criteria for major new sources and modifications locating in or adjacent to nonattainment areas should be the significant emission rate criteria. Any higher level would allow significant impact on the nonattainment areas.
 - f. The proposed banking rule, with the modifications included in response to comments, provides a means for sources to reserve offset credits for future growth without permanently giving away the public's airshed rights. Several rule changes were made in response to comments including adding a provision allowing for submittal of shutdown or curtailment plans extending beyond the one year period and changing the uniform discounting requirement to a moratorium.
 - g. Several other minor proposed revisions to the draft rules have been made in response to comments and are shown in the attachments for the Commission's consideration.

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June 5, 1981
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Director's Recommendation

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

Bill

William H. Young

- Attachments
1. Proposed Rules for Plant Site Emission Limits
 2. Proposed Rules for New Source Review
 3. Existing Rules Proposed for Revocation
 4. Notice of Public Hearing and Statement of Need for Rulemaking

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May 18, 1981
A11077

DRAFT PLANT SITE EMISSION LIMIT RULES

340-20-300 Requirement for Plant Site Emission Limits

Plant site emission limits (PSEL) shall be incorporated in all Air Contaminant Discharge Permits except minimal source permits and special letter permits as a means of managing airshed capacity. All sources subject to regular permit requirements shall be subject to PSELs for all Federal and State regulated pollutants. PSELs will be incorporated in permits when permits are renewed, modified, or newly issued.

The emissions limits established by PSELs shall provide the basis for:

1. Assuring reasonable further progress toward attaining compliance with ambient air standards.
2. Assuring that compliance with ambient air standards and Prevention of Significant Deterioration increments are being maintained.
3. Administering offset, banking and bubble programs.
4. Establishing the baseline for tracking consumption of Prevention of Significant Deterioration Increments.

340-20-305 Definitions

1. "Actual Emissions" means the mass rate of emissions of a pollutant from an emissions source.

a. In general, actual emission as of the baseline period shall equal the average rate at which the source actually emitted the pollutant during a baseline period and which is representative of normal source operation. [The Department shall allow the use of a different time period upon a determination that it is more representative of normal source operation.] Actual emissions shall be calculated using the source's actual operating hours, production rates and types of materials processed, stored, or combusted during the selected time period.

b. The Department may presume that existing source-specific permitted mass emissions for the source are equivalent to the actual emissions of the source if they are within 10% of the calculated actual emissions.

c. For any newly permitted emission source which had not yet begun normal operation in the baseline period, actual emissions shall equal the potential to emit of the source.

2. "Baseline Emission Rate" means the average actual emission rate during the baseline period. Baseline emission rate shall not include increases due to voluntary fuel switches or increased hours of operation that have occurred after the baseline period.
3. "Baseline Period" means either [the average of] calendar years 1977 or [and] 1978. The Department shall allow the use of a prior time period upon a determination that it is more representative of normal source operation.
4. "Normal Source Operation" means operations which do not include such conditions as forced fuel substitution, equipment malfunction, or highly abnormal market conditions.
5. "Plant Site Emission Limit (PSEL)" means the total mass emissions per unit time of an individual air pollutant specified in a permit for a source.

340-20-310 Criteria for Establishing Plant Site Emission Limits

1. For existing sources, PSELs shall be based on the baseline emission rate for a particular pollutant at a source and may be adjusted upward or downward pursuant to Department Rules. [Applications to increase PSELs above the baseline

emission rate, may be approved only if PSD increments, growth increments, or emission offsets are available.

When the requested emission increase is greater than the significant emission rate specified in OAR 340-20-225(22), the applicant shall provide an assessment of the air quality impact pursuant to procedures specified in OAR 340-20-240 to 245.

If an applicant requests that the Plant Site Emission Limit be established at a rate higher than the baseline emission rate, the applicant shall demonstrate that:

- a. The requested increase is less than the significant emission rate increase defined in OAR 340-20-225(22)
or,
- b. Provide an assessment of the air quality impact pursuant to procedures specified in OAR 340-20-240 to 245. A demonstration that no air quality standard or PSD increment will be violated in an attainment area or that a growth increment or offset is available in a nonattainment area shall be sufficient to allow an increase in the Plant Site Emission Limit to an amount not greater than the plant's demonstrated need to emit as long as no physical modification of an emissions unit is involved.
- c. Increases above baseline emission rates shall be subject

to public notice and opportunity for public hearing pursuant to the Department's permit requirements.

2. PSELS shall be established on at least an annual emission basis and a short term period emission basis that is compatible with source operation and air quality standards.
3. Mass emission limits* [PSELS] may be established separately within a particular source for process emissions, combustion emissions, and fugitive emissions.
4. Documentation of PSEL calculations shall be available to the permittee.
5. For new sources, PSELS shall be based on application of applicable control equipment requirements and projected operating conditions.
6. PSELS shall not allow emissions in excess of those allowed by any applicable Federal or State regulation or by any specific permit condition unless specific provisions of 340-20-315 are met.
7. PSELS may be changed pursuant to Department rules when:
 - a. Errors are found or better data is available for calculating PSELS,

- b. More stringent control is required by a rule adopted by the Environmental Quality Commission,
- c. An application is made for a permit modification pursuant to the Air Contaminant Discharge Permit requirements and the New Source Review requirements and approval can be granted based on growth increments, offsets, or available Prevention of Significant Deterioration increments.
- d. The Department finds it necessary to initiate modifications of a permit pursuant to OAR 340-14-040.

340-20-315 Alternative Emission Controls (Bubble)

Alternative emission controls may be approved for use within a plant site such that specific mass emission limit rules are exceeded provided that:

- 1. Such alternatives are not specifically prohibited by a permit condition.
- 2. Net emissions for each pollutant are not increased above the Plant Site Emission Limit.
- 3. The net air quality impact is not increased as demonstrated by procedures required by OAR 340-20-260 (Requirements for Net Air Quality Benefit).*

4. No other pollutants including malodorous, toxic or hazardous pollutants are substituted.
5. Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER) where required by a previously issued permit and New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP where required, are not relaxed.
6. Specific mass emission limits are established for each emission unit involved such that compliance with the PSEL can be readily determined.
7. Application is made for a permit modification and such modification is approved by the Department.

340-20-320 Temporary PSD Increment Allocation

PSELS may include a temporary or time-limited allocation against an otherwise unused PSD increment in order to accommodate voluntary fuel switching or other cost or energy saving proposals provided it is demonstrated to the Department that:

- a. No ambient air quality standard is exceeded.

b. No applicable PSD increment is exceeded.

[c. No observable or measurable detrimental impact on air quality is created.]

c. [d.] No nuisance condition is created.

d. [e.] The applicant's proposed and approved objective continues to be realized.

Such temporary allocation of a PSD increment must be set forth in a specific permit condition issued pursuant to the Department's Notice and Permit Issuance or Modification Procedures.

Such temporary allocations must be specifically time limited and may be recalled under specified notice conditions.

Draft New Source Review
Regulation

Air Quality Division
Department of Environmental Quality

May 15, 1981

Introduction-

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

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340-20-220 Applicability

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

2. Owners or operators of proposed non-major sources or non-major modifications are not subject to these New Source Review rules. Such owners or operators are subject to other Department rules including Highest and Best Practicable Treatment and Control Required (OAR 340-20-001), Notice of Construction and Approval of Plans (OAR 340-20-020 to 032), Air Contaminant Discharge Permits (OAR 340-20-140 to 185), Emission Standards for Hazardous Air Contaminants (OAR 340-25-450 to 480), and Standards of Performance for New Stationary Sources (OAR 340-25-505 to 545).

340-20-225 Definitions

1. "Actual emissions" means the mass rate of emissions of a pollutant from an emissions source.

- a. In general, actual emissions as of the baseline period shall equal the average rate at which the source actually emitted the pollutant during the baseline period and which is representative of normal source operation. [The Department shall allow the use of a different time period upon a determination that it is more representative of normal source operation.] Actual emissions shall be calculated using the source's actual operating hours, production rates and types of materials processed, stored, or combusted during the selected time period.
 - b. The Department may presume that existing source-specific permitted mass emissions for the source are equivalent to the actual emissions of the source if they are within 10% of the calculated actual emissions.
 - c. For any newly permitted emission source which had not yet begun normal operation in the baseline period, actual emissions shall equal the potential to emit of the source.
2. "Baseline Concentration" means that ambient concentration level for a particular pollutant which existed in an area during the calendar year 1978. If no ambient air quality data is available in an area, the baseline concentration may be estimated using modeling based on actual emissions for 1978.

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

- a. Actual emission increases or decreases occurring before January 1, 1978, and
 - b. Actual emission increases from any major source or major modification on which construction commenced before January 6, 1975.
3. "Baseline Period" means either [the average of] calendar years 1977 or [and] 1978. The Department shall allow the use of a prior time period upon a determination that it is more representative of normal source operation.
4. "Best Available Control Technology (BACT)" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction of each air contaminant subject to regulation under the Clean Air Act which would be emitted from any proposed major source or major modification which, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques

for control of such air contaminant. In no event, shall the application of BACT result in emissions of any air contaminant which would exceed the emissions allowed by any applicable new source performance standard or any standard for hazardous air pollutants. If an emission limitation is not feasible, a design, equipment, work practice, or operational standard, or combination thereof, may be required. Such standard shall, to the degree possible, set forth the emission reduction achievable and shall provide for compliance by prescribing appropriate permit conditions.

5. "Commence" means that the owner or operator has obtained all necessary preconstruction approvals required by the Clean Air Act and either has:
 - a. Begun, or caused to begin, a continuous program of actual on-site construction of the source to be completed in a reasonable time, or
 - b. Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed in a reasonable time.

6. "Construction" means any physical change (including fabrication, erection, installation, demolition, or modification of an emissions unit) or change in the method of operation of a source which would result in a change in actual emissions.

7. "Dispersion Technique" means any air contaminant control procedure which depends upon varying emissions with atmospheric conditions including but not limited to supplementary or intermittent control systems and excessive use of enhanced plume rise.

8. "Emission Reduction Credit Banking" means to presently reserve, subject to requirements of these provisions, emission reductions for use by the reserver or assignee for future compliance with air pollution reduction requirements.

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

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

11. "Good Engineering Practice Stack Height" means that stack height necessary to insure that emissions from the stack do not result in excessive concentrations of any air contaminant in the immediate vicinity of the source as a result of atmospheric downwash, eddies, and wakes which may be created by the source structure, nearby structures, or nearby terrain obstacles and shall not exceed the following:
 - a. 30 meters, for plumes not influenced by structures or terrain;
 - b. $H_G = H + 1.5 L$, for plumes influenced by structures;
Where H_G = good engineering practice stack height,
H = height of structure or nearby structure,
L = lesser dimension (height or width) of the structure or nearby structure,
 - c. Such height as an owner or operator demonstrates, after notice and opportunity for public hearing, is necessary to avoid plume downwash.

12. "Growth Increment" means an allocation of some part of an airshed's capacity to accommodate future new major sources and major modifications of sources.

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

14. "Major Modification" means any physical change or change of operation of a source that would result in a net significant emission rate increase (as defined in definition 22) for any pollutant subject to regulation under the Clean Air Act. This criteria also applies to any pollutants not previously emitted by the source. Calculations of net emission increases must take into account all accumulated increases and decreases in actual emissions occurring at the source since January 1, 1978, or since the time of the last construction approval issued for the source pursuant to the New Source Review Regulations for that pollutant, whichever time is more recent. If accumulation of emission increases results in a net significant emission rate increase,

the modifications causing such increases become subject to the New Source Review requirements including the retrofit of required controls.

15. "Major source" means a stationary source which emits, or has the potential to emit, any pollutant regulated under the Clean Air Act at a Significant Emission Rate (as defined in definition 22).
16. "Nonattainment Area" means a geographical area of the State which exceeds any State or Federal primary or secondary ambient air quality standard as designated by the Environmental Quality Commission.
17. "Offset" means an equivalent or greater emission reduction which is required prior to allowing an emission increase from a new major source or major modification of a source.
18. "Plant Site Emission Limit" means the total mass emissions per unit time of an individual air pollutant specified in a permit for a source.
19. "Potential to Emit" means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control

equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the potential to emit of a source.

20. "Resource Recovery Facility" means any facility at which municipal solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing municipal solid waste for reuse. Energy conversion facilities must utilize municipal solid waste to provide 50% or more of the heat input to be considered a resource recovery facility.
21. "Secondary Emissions" means emissions from new or existing sources which occur as a result of the construction and/or operation of a source or modification, but do not come from the source itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source associated with the secondary emissions. Secondary emissions may include, but are not limited to:
 - a. Emissions from ships and trains coming to or from a facility,
 - b. Emissions from off-site support facilities which would be constructed or would otherwise increase emissions as a result of the construction of a source or modification.

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

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

<u>Pollutant</u>	<u>Significant Emission Rate</u>
Carbon Monoxide	100 tons/year
Nitrogen Oxides	40 tons/year
Particulate Matter*	25 tons/year
Sulfur Dioxide	40 tons/year
Volatile Organic Compounds*	40 tons/year
Lead	0.6 ton/year
Mercury	0.1 ton/year
Beryllium	0.0004 ton/year
Asbestos	0.007 ton/year
Vinyl Chloride	1 ton/year
Fluorides	3 tons/year
Sulfuric Acid Mist	7 tons/year
Hydrogen Sulfide	10 tons/year
Total reduced sulfur (including hydrogen sulfide)	10 tons/year
Reduced sulfur compounds (including hydrogen sulfide)	10 tons/year

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

For pollutants not listed above, the Department shall determine the rate that constitutes a significant emission rate.

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

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

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

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

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

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

24. "Source" means any building, structure, facility, installation or combination thereof which emits or is capable of emitting air contaminants to the atmosphere and is located on one or more contiguous or adjacent properties and is owned or operated by the same person or by persons under common control.

340-20-230 Procedural Requirements

1. Information Required

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

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

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

2. Other Obligations

Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted pursuant to these Rules or with the terms of any approval to construct, or any owner or operator of a source or modification subject to this section who commences construction after the

effective date of these regulations without applying for and receiving an Air Contaminant Discharge Permit, shall be subject to appropriate enforcement action.

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

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

3. Public Participation

- a. Within 30 days after receipt of an application to construct, or any addition to such application, the Department shall advise the applicant of any deficiency in the application

or in the information submitted. The date of the receipt of a complete application shall be, for the purpose of this section, the date on which the Department received all required information.

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

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

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

C. Notify the public, by advertisement in a newspaper of general circulation in the area in which the proposed source or modification would be constructed, of the application, the preliminary determination,

the extent of increment consumption that is expected from the source or modification, and the opportunity for a public hearing and for written public comment.

- D. Send a copy of the notice of opportunity for public comment to the applicant and to officials and agencies having cognizance over the location where the proposed construction would occur as follows: The chief executives of the city and county where the source or modification would be located, any comprehensive regional land use planning agency, any State, Federal Land Manager, or Indian Governing Body whose lands may be affected by emissions from the source or modification, and the Environmental Protection Agency.

- E. Upon determination that significant interest exists, provide opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality impact of the source or modification, alternatives to the source or modification, the control technology required, and other appropriate considerations. For energy facilities, the hearing may be consolidated with the hearing requirements for site certification contained in OAR 345, Division 15.

- F. Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing(s) in making a final decision on the approvability of the application. No later than 10 working days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Department shall consider the applicant's response in making a final decision. The Department shall make all comments available for public inspection in the same locations where the Department made available preconstruction information relating to the proposed source or modification.
- G. Make a final determination whether construction should be approved, approved with conditions, or disapproved pursuant to this section.
- H. Notify the applicant in writing of the final determination and make such notification available for public inspection at the same location where the Department made available preconstruction information and public comments relating to the source or modification.

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

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

340-20-240 Requirements for Sources in Nonattainment Areas

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

1. Lowest Achievable Emission Rate

The owner or operator of the proposed major source or major modification must demonstrate that the source or modification will comply with the lowest achievable emission rate (LAER)[.] for each nonattainment pollutant. In the case of a major modification, the requirement for LAER shall apply only to each new or modified emission unit which increases emissions. For

phased construction projects, the determination of LAER shall be reviewed at the latest reasonable time prior to commencement of construction of each independent phase.

2. Source Compliance

The owner or operator of the proposed major source or major modification must demonstrate that all major sources owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in the State are in compliance or on a schedule for compliance, with all applicable emission limitations and standards under the Clean Air Act.

3. Growth Increment or Offsets

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

4. Net Air Quality Benefit

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

5. Alternative Analysis

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

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

6. Special Exemption for the Salem Ozone Nonattainment Area

Proposed major sources and major modifications of sources of volatile organic compounds which are located in the Salem Ozone

nonattainment area shall comply with the requirements of Sections 1 and 2 of OAR 340-20-240 but are exempt from all other sections of this rule.

7. Growth Increments

a. Medford-Ashland Ozone Nonattainment Area

The ozone control strategy for the Medford-Ashland nonattainment area establishes a growth increment for new major sources or major modifications which will emit volatile organic compounds. The cumulative volatile organic compound growth increment may be allocated as follows:

<u>year</u>	<u>cumulative 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 22). In the case of a major modification, the requirement for BACT shall apply only to each new or modified emission unit which increases emissions. For phased construction projects, the determination of BACT shall be reviewed at the latest reasonable time prior to commencement of construction of each independent phase.

2. Air Quality Analysis

The owner or operator of the proposed major source or major modification shall demonstrate that the potential to emit any pollutant at a significant emission rate (OAR 340-20-225 definition 22), in conjunction with all other applicable emissions increases and decreases, (including secondary emissions), would not cause or contribute to air quality levels in excess of:

- a. Any State or National ambient air quality standard, or
- b. Any applicable increment established by the Prevention of Significant Deterioration requirements (OAR 340-31-110),
or
- c. An impact on a designated nonattainment area greater than the significant air quality impact levels (OAR 340-20-225 definition 23).

Sources or modifications with the potential to emit at rates greater than the significant emission rate but less than 100 tons/year, and are greater than 50 kilometers from a nonattainment area are not required to assess their impact on the nonattainment area.

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

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

A proposed major source is exempt from OAR 340-20-220 to 275 if:

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

Major modifications are not exempted under this section.

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

Table 3: Source Categories

1. Fossil fuel-fired steam electric plants of more than 250 million BTU/hour heat input
2. Coal cleaning plants (with thermal dryers)
3. Kraft pulp mills
4. Portland cement plants
5. Primary Zinc Smelters
6. Iron and Steel Mill Plants
7. Primary aluminum ore reduction plants

8. Primary copper smelters
9. Municipal Incinerators capable of charging more than 250 tons of refuse per day
10. Hydrofluoric 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. Taconite ore processing plants
27. Glass fiber processing plants
28. Charcoal production plants

4. Air Quality Models

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

5. Air Quality Monitoring

a. The owner or operator of a proposed major source or major modification shall submit with the application, subject to approval of the Department, an analysis of ambient air quality in the area of the proposed project. This analysis shall be conducted for each pollutant potentially emitted at a significant emission rate by the proposed source or

modification. As necessary to establish ambient air quality levels, the analysis shall include continuous air quality monitoring data for any pollutant potentially emitted by the source or modification except for nonmethane hydrocarbons. Such data shall relate to, and shall have been gathered over the year preceding receipt of the complete application, unless the owner or operator demonstrates that such data gathered over a portion or portions of that year or another representative year would be adequate to determine that the source or modification would not cause or contribute to a violation of an ambient air quality standard or any applicable increment.

Air quality monitoring which is conducted pursuant to this requirement shall be conducted in accordance with 40 CFR 58 Appendix B, "Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring" and with other methods on file with the Department.

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

pollutant in the area that the source or modification would impact are less than these amounts.

Carbon monoxide - 575 ug/m³, 8 hour average

Nitrogen dioxide - 14 ug/m³, annual average

Total suspended particulate - 10 ug/m³, 24 hour average

Sulfur dioxide - 13 ug/m³, 24 hour average

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

Lead - 0.1 ug/m³, 24 hour average

Mercury - 0.25 ug/m³, 24 hour average

Beryllium - 0.0005 ug/m³, 24 hour average

Fluorides - 0.25 ug/m³, 24 hour average

Vinyl chloride - 15 ug/m³, 24 hour average

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

Hydrogen sulfide - 0.04 ug/m³, 1 hour average

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

- b. The owner or operator of a proposed major source or major modification shall, after construction has been completed, conduct such ambient air quality monitoring as the Department may require as a permit condition to establish

the effect which emissions of a pollutant (other than nonmethane hydrocarbons) may have, or is having, on air quality in any area which such emissions would affect.

6. Additional Impact Analysis

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

7. Sources Impacting Class I Areas

Where a proposed major source or major modification impacts or may impact a Class I area, the Department shall provide notice to the Environmental Protection Agency and to the appropriate

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

340-20-250 Exemptions

1. Resource recovery facilities burning municipal refuse and sources subject to federally mandated fuel switches may be exempted by the Department from requirements OAR 340-20-240 Sections 3 and 4 provided that:
 - a. No growth increment is available for allocation to such source or modification, and

- b. The owner or operator of such source or modification demonstrates that every effort was made to obtain sufficient offsets and that every available offset was secured.

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

2. Temporary emission sources, which would be in operation at a site for less than two years, such as pilot plants and portable facilities, and emissions resulting from the construction phase of a new source or modification must comply with OAR 340-20-240(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 and would not involve a physical change in the source may be exempted from the requirement of OAR 340-20-245(1) (Best Available Control Technology) provided that the increases cause no exceedances of an increment or standard and that the net impact on a nonattainment area is less than the significant air quality

impact levels. This exemption shall not be allowed for new sources or modifications that received permits to construct after January 1, 1978. *

4. Also refer to OAR 340-20-245(3) for exemptions pertaining to sources smaller than the Federal Size-cutoff Criteria.

340-20-255 Baseline for Determining Credit for Offsets

The baseline for determining credit for emission offsets shall be the Plant Site Emission Limit established pursuant to OAR 340-20-300 to 320 or, in the absence of a Plant Site Emission Limit, the actual emission rate for the source providing the offsets. Sources in violation of air quality emission limitations may not supply offsets from those emissions which are or were in excess of permitted emission rates. Offsets, including offsets from mobile and area source categories, must be quantifiable and enforceable before the Air Contaminant Discharge Permit is issued and must be demonstrated to remain in effect throughout the life of the proposed source or modification.

Offsets may not be provided from the amount of emission reduction required by an air quality regulation or air quality attainment strategy that has been reserved by the Environmental Quality Commission (OAR 340-20-280).

340-20-260 Requirements for Net Air Quality Benefit

Demonstrations of net air quality benefit must include the following.

1. A demonstration must be provided showing that the proposed offsets will improve air quality in the same geographical area affected by the new source or modification. This demonstration may require that air quality modeling be conducted according to the procedures specified in the "Guideline on Air Quality Models". Offsets for volatile organic compounds or nitrogen oxides shall be within the same general air basin as the proposed source. Offsets for total suspended particulate, sulfur dioxide, carbon monoxide and other pollutants shall be within the area of significant air quality impact.
2. For new sources or modifications locating within a designated nonattainment area, the emission offsets must provide reductions which are equivalent or greater than the proposed increases. The offsets must be appropriate in terms of short term, seasonal, and yearly time periods to mitigate the impacts of the proposed emissions. For new sources or modifications locating outside of a designated nonattainment area which have a significant air quality impact (OAR 340-20-225 definition 23) on the nonattainment area, the emission offsets must be sufficient to

reduce impacts to levels below the significant air quality impact level within the nonattainment area. Proposed major sources or major modifications which emit volatile organic compounds and are located in or within 30 kilometers of an ozone nonattainment area shall provide reductions which are equivalent or greater than the proposed emission increases unless the applicant demonstrates that the proposed emissions will not impact the nonattainment area.

3. The emission reductions must be of the same type of pollutant as the emissions from the new source or modification. Sources of respirable particulate (less than three microns) must be offset with particulate in the same size range. In areas where atmospheric reactions contribute to pollutant levels, offsets may be provided from precursor pollutants if a net air quality benefit can be shown.

4. The emission reductions must be contemporaneous, that is, the reductions must take effect prior to the time of startup but not more than one year prior to the submittal of a complete permit application for the new source or modification. This time limitation may be extended as provided for in OAR 340-20-265 (Emission Reduction Credit Banking). In the case of replacement facilities, the Department may allow simultaneous operation of the old and new facilities during the startup period of the new

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facility provided that net emissions are not increased during that time period.

340-20-265 Emission Reduction Credit Banking

The owner or operator of a source of air pollution who wishes to reduce emissions by implementing more stringent controls than required by a permit or by an applicable regulation may bank such emission reductions. Cities, counties or other local jurisdictions may participate in the emissions bank in the same manner as a private firm. Emission reduction credit banking shall be subject to the following conditions:

of facilities
Prohibited for which credit bank
Ex. of such emission reduction shall not be applicable to top credit
needed
after Jan, 1981
shall not be banked or add.

1. To be eligible for banking, emission reduction credits must be in terms of actual emission decreases resulting from permanent continuous control of existing sources. The baseline for determining emission reduction credits shall be the actual emissions of the source or the Plant Site Emission Limit established pursuant to OAR 340-20-300 to 320.
2. Emission reductions may be banked for a specified period not to exceed ten years unless extended by the Commission, after which time such reductions will revert to the Department for use in attainment and maintenance of air quality standards or to be

allocated as a growth margin.

3. Emission reductions which are required pursuant to an adopted rule or those that are reserved for control strategies pursuant to OAR 340-20-280 shall not be banked.

4. Permanent source shutdowns or curtailments other than those used within one year for contemporaneous offsets as provided in OAR 340-20-260(4) are not eligible for banking by the owner or operator but will be banked by the Department for use in attaining and maintaining standards. The Department may allocate these emission reductions as a growth increment. The one year limitation for contemporaneous offsets shall not be applicable to those shutdowns or curtailments which are to be used as internal offsets within a plant as part of a specific plan. Such a plan for use of internal offsets shall be submitted to the Department and receive written approval within one year of the permanent shutdown or curtailment. A permanent source shutdown or curtailment shall be considered to have occurred when a permit is modified, revoked or expires without renewal pursuant to the criteria established in OAR 340-14-005 through 050. *

5. The amount of banked emission reduction credits shall be discounted without compensation to the holder for a particular source category when new regulations requiring emission reductions

are adopted by the Commission. The amount of discounting of banked emission reduction credits shall be calculated on the same basis as the reductions required for existing sources which are subject to the new regulation. Banked emission reduction credits shall be subject to the same rules, procedures, and limitations as permitted emissions.

6. The Commission may declare a moratorium not to exceed two years* on withdrawals of emission reduction credits from the bank [The amount of banked emission reduction credits may be uniformly discounted by action of the Commission] if it is established that reasonable further progress toward attainment of air quality standards is not being achieved and no other control strategy is available. The time period involved in such a moratorium shall not count against the ten year banking period specified in OAR 340-20265(2). *
7. Emission reductions must be in the amount of ten tons per year or more to be creditable for banking except as follows: a) In the Medford-Ashland AQMA emission reductions must be at least in the amount specified in Table 2 of OAR 340-20-225(22), b) In Lane County, the Lane Regional Air Pollution Authority may adopt lower levels. *
8. Requests for emission reduction credit banking must be submitted

to the Department and must contain the following documentation:

- a. A detailed description of the processes controlled,
 - b. Emission calculations showing the types and amounts of actual emissions reduced,
 - c. The date or dates of such reductions,
 - d. Identification of the probable uses to which the banked reductions are to be applied,
 - e. Procedure by which such emission reductions can be rendered permanent and enforceable.
9. Requests for emission reduction credit banking shall be submitted to the Department prior to or within the year following the actual emissions reduction. The Department shall approve or deny requests for emission reduction credit banking and, in the case of approvals, shall issue a letter to the owner or operator defining the terms of such banking. The Department shall take steps to insure the permanence and enforceability of the banked emission reductions by including appropriate conditions in Air Contaminant Discharge Permits and by appropriate revision of the State Implementation Plan.

10. The Department shall provide for the allocation of the banked emission reduction credits in accordance with the uses specified by the holder of the emission reduction credits. When emission reduction credits are transferred, the Department must be notified in writing. Any use of emission reduction credits must be compatible with local comprehensive plans, Statewide planning goals, and State laws and rules.

340-20-270 Fugitive and Secondary Emissions

Fugitive emissions shall be included in the calculation of emission rates of all air contaminants. Fugitive emissions are subject to the same control requirements and analyses required for emissions from identifiable stacks or vents. Secondary emissions shall not be included in calculations of potential emissions which are made to determine if a proposed source or modification is major. Once a source or modification is identified as being major, secondary emissions must be added to the primary emissions and become subject to these rules.

340-20-275 Stack Heights

The degree of emission limitation required for any air contaminant

regulated under these rules shall not be affected in any manner by so much of the stack height as exceeds good engineering practice or by any other dispersion technique. This section shall not apply with respect to stack heights in existence before December 31, 1970, or to dispersion techniques implemented before that date.

[340-20-280 Reserved Control Strategies

The following categories of volatile organic compound sources are hereby reserved in the Portland ozone nonattainment area for possible use in standards attainment plans and shall not be used for offsets or emission reduction credit banking until such time as the ozone SIP is adopted.

- 1 - Annual Automobile Inspection Maintenance Program
- 2 - Architectural Coatings
- 3 - Gasoline Service Stations, Stage II
- 4 - Barge and Vessel loading of gasoline and other light petroleum products
- 5 - Paper coating in manufacturing
- 6 - Petroleum Base (Stoddard) Dry Cleaners]

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X

1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101REPLY TO
ATTN OF: M/S 625

JUN 8 1981

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

Dear Bill:

We greatly appreciate the opportunity to have worked with your staff in the development of your new source review, bubble and banking programs. We feel that the DEQ has prepared an exceptional and innovative approach to managing air quality. With the correction of only three problems which are discussed in Enclosure 1, the May 15, 1981 draft regulations can be approved by EPA as revisions to the Oregon SIP. There are also several areas of your program which we feel are approvable but for which we will need to develop a demonstration of equivalency with the help of your staff. These are discussed in Enclosure 2. Finally, many aspects of the DEQ program have been designed to satisfy EPA requirements which have been or soon will be proposed for revision. Although final approval of the DEQ program may have to await final EPA action on these revisions, we intend to expeditiously approve your program, acting concurrently with the national changes and if necessary (and possible) proposing the national policy change as part of the Oregon approval action.

It is our understanding that the DEQ wishes EPA to approve the New Source Review Regulation (including Emission Reduction Credit Banking); the Plant Site Emission Limit Rules (including Alternative Emission Control) and the Air Contaminant Discharge Permit Rules so that nearly all State actions taken under those programs are recognized as federally enforceable upon issuance, thereby eliminating the current requirement for case-by-case SIP revisions. The only situations under these programs which would continue to require separate SIP submittals would be true SIP relaxations (including variances) and Alternative Emission Controls (bubbles) for sources with Plant Site Emission Limitations greater than 100 tons per year for TSP and SO₂. All other situations (netting or voluntary controls for new source review, offsets for nonattainment permits, banking emission reductions and most bubbles) will no longer need EPA approval as SIP revisions.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
R E C E I V E D
JUN 9 1981

OFFICE OF THE DIRECTOR

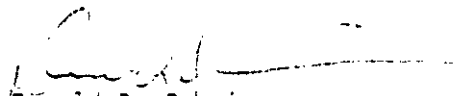
Our approval action will therefore be premised on the following:

1. Since EPA will no longer be individually approving each of these State actions which revise the SIP, we will need to receive information copies of each action in order to have available to EPA and the public the current SIP requirements for each source. We understand that the DEQ will promptly provide us with all Air Contaminant Discharge Permits which are issued or revised pursuant to the final EPA approved regulations.
2. Since EPA will no longer be providing a public comment period through the Federal Register on these actions, the state must provide the opportunity for comment. Although the Air Contaminant Discharge Permit rules do not contain such a requirement, we understand that the DEQ will continue to follow its Notice Policy (OAR 340-20-150) and provide an opportunity for comment on each permit.
3. The DEQ program must require as a condition of the PSD permit, compliance with all applicable SIP, NSPS and NESHAPS requirements. However, the DEQ regulation (OAR 340-20-235) only requires compliance with DEQ regulations and NSPS and NESHAPS programs for which the state has requested and received delegation. We understand that the DEQ will retain up-to-date delegation of all NSPS and NESHAPS and that if proposing to relax the federally approved SIP (i.e. new DEQ requirements would be less stringent than the current SIP) would continue to require compliance with the current SIP until such time that the relaxation is approved by EPA.

Again, I wish to compliment you and your staff for combining several complicated Clean Air Act programs into a unified and workable program. The resolution of those problem areas identified in Enclosure 1 will allow us to approve the regulations. Some additional comments on changes which we feel may strengthen the regulations, but are not necessary for our approval, are contained in Enclosure 3.

If you have any questions or desire any assistance in resolving our few remaining concerns, please do not hesitate to call me.

Sincerely,


Donald P. Dubois
Regional Administrator

ENCLOSURE 1

The following concerns must be adequately resolved in order for the regulations to be approved:

1. An important requirement for emission trades within and between sources (bubbles and offsets), is that the traded emissions have the same or reduced impact on ambient air quality. The DEQ rules require such in 340-20-315(3) and 340-20-260 but fail to include provisions as to how it is to be demonstrated. The DEQ rules must require appropriate dispersion modeling for TSP and SO₂ trades with a sophistication which is dependent upon the type and location of the trades involved.
2. Existing sources in nonattainment areas must employ, at a minimum, Reasonably Available Control Technology (RACT) for the nonattainment pollutants. To be approved, the state bubble rules (OAR 340-20-320) must require that the baseline emissions for bubbling in nonattainment areas be equivalent to RACT on a plant-wide basis.
3. New and modified major stationary sources may construct only if they either employ Best Available Control Technology (BACT) or meet the Lowest Achievable Emission Rate (LAER) whichever is applicable. However, sources may avoid these requirements by accepting voluntary permit limitations on their hours of operation or production rates or both provided that they will be required to retrofit BACT or LAER should they ever desire to relax the original limitations on hours of operation or production rates. The DEQ definition of "major modification" in OAR 340-20-225(14) requires such retrofit control. However, the DEQ has in OAR 340-20-250(3) inappropriately exempted these sources from BACT. The language in 340-20-250(3) must be changed so that it does not exempt from BACT requirements those sources which are proposing increases in hours of operation or production rates above levels which were used to avoid BACT requirements in the first place.

ENCLOSURE 2

Certain aspects of the DEQ program appear to be approvable. However, because the approaches differ substantially from the CAA and EPA programs, the equivalency of the DEQ program must be demonstrated or if so desired, the regulations could be revised.

1. The DEQ has chosen to adopt a substantially different approach to "baseline date," "baseline area" and "baseline concentration" for the PSD program. While EPA is amenable to different, but equivalent, approaches it is not clear that certain of the CAA requirements are adequately covered by the DEQ program. Specifically:

- a. The CAA defines baseline area as each area designated as attainment or unclassifiable under Section 107(d)(1)(D) and (E) and baseline date as the time of the first PSD application after August 7, 1977. The DEQ defines the "baseline area" as the entire state and the "baseline date" as January 1, 1978. Having a fixed date for the entire state rather than a different date for different areas can result in different effects on available growth increments. Whereas area and minor source growth after January 1, 1978 will consume increment under the DEQ program, it would be considered part of the baseline until a permit application is received under the CAA program. Conversely, any improvements in air quality after January 1, 1978 will make more growth increment available under the DEQ program while such improvements would lower the baseline under the EPA program. The DEQ must show that their program is equivalent or more stringent on an overall state basis.
- b. The CAA in Section 169(4) and EPA regulations in 40 CFR 51.24(b)(13) provide specific provisions for major stationary sources and major modifications which commenced construction before and after January 6, 1975, respectively. The allowable emissions from sources constructed before January 6, 1975 are to be included in the baseline if they were not in operation as of the baseline date. The actual emissions of sources constructed after January 6, 1975 are to be counted against the available increment. It appears that in OAR 340-20-225(2)(a) the DEQ may be inappropriately including in the baseline concentration, actual emissions from major sources or modifications which commenced construction after January 6, 1975 and which were in operation by January 1, 1978. Also, in 340-20-225(2)(b), the time period for "actual emission increases" is not specified: does it refer to only the units for which construction commenced before January 6, 1975 or all future units added to the

plant? Does it refer to the actual emissions as of initial start-up or does it include future increases in hours of operation or production rates? The DEQ must show that their regulation adequately covers such sources and modifications with respect to their impact on baseline concentrations and available increments.

2. EPA regulations in 40 CFR 51.18(j)(1)(vii) and 51.24(b)(3) define the term "net emissions increase," including how such netting is done and what emission decreases and increases are to be considered. The DEQ definition of "major modification" (OAR 240-20-225(14)) includes the same concept but does not include any specific provisions regarding the baseline for determining credit for emission decreases. The DEQ must show that procedures similar to those in OAR 340-20-255 "Baseline for Determining Credit for Offsets" and 340-20-260(4) will be used in evaluating "net significant emission rate increases" for major modifications.
3. EPA has defined a "major stationary source" as all pollutant emitting activities which belong to the same "Major Group" (i.e. same two-digit SIC code), are located on one or more contiguous properties, and are under the control of the same person. The DEQ has chosen not to include the SIC "Major Group" limitation. The effect of this is to include more emission points within the source, thereby possibly subjecting more new and modified sources to review. By providing a broader base for offsets, it may also exempt some modifications from review which would have been covered by EPA regulations. The DEQ must show that their overall program will be equivalent or more stringent with regard to the existing and potential source configurations in Oregon.
4. EPA regulations in 40 CFR 51.24(i)(4)(iii) and Appendix S, Section IV.B., provide certain exemptions for portable facilities which are major stationary sources subject to PSD and nonattainment area permit requirements. The exemptions in OAR 340-20-250(2) for the DEQ new source review regulations are broader than allowed by EPA requirements. The DEQ must show that the remaining new source review requirements, combined with applicable requirements of their Air Contaminant Discharge Permit Rules, are equivalent to EPA's requirements.
5. EPA regulations in 40 CFR 51.18(j)(1)(vii)(f) and 51.24(b)(3)(vii) allow a reasonable shakedown period, not to exceed 180 days, when both an original unit and replacement unit can operate simultaneously. The DEQ rule in OAR 340-20-260(4) provides no time limit on the shakedown period. The DEQ must show that their restriction on no net emissions increase during the shakedown period is equivalent or more stringent than the EPA requirement.

ENCLOSURE 3

The following additional comments and suggestions are provided for your information and consideration.

1. The definitions of "significant emission rate" (OAR 340-20-225(22)) and "significant air quality impact" (OAR 340-20-225(23)) should indicate that the regulated pollutant is ozone but that "volatile organic compound" emissions are used as a measurement of significance.
2. The public participation requirements (OAR 340-20-230(3)(b)(8)) should be revised to indicate that the information will be available in the region where the source would be constructed or at least at the nearest DEQ office.
3. The first paragraph of the PSD program (OAR 340-20-245) should be expanded to better clarify pollutant applicability. For example, PSD applies to a major stationary source or major modification for each pollutant emitted in significant amounts for which the area is designated attainment or unclassifiable. Also, it is not clear whether both PSD and Part D permit requirements apply for the nonattainment pollutant in a nonattainment area if the source is subject to PSD for another pollutant.
4. The provision which allows the DEQ to accept less than one year of pre-application ambient monitoring (OAR 340-20-245(5)(a)) should be revised to specify that it shall be for no less than four (4) months.
5. The provisions for sources impacting Class I areas (OAR 340-20-245(7)) should be revised to indicate that the DEQ will forward to EPA a copy of the permit application and subsequent notice of each action taken with regard to such application.
6. The provision allowing precursor offsets (340-20-260(3)) should be expanded and clarified as to which pollutants are covered and what will be required for the technical demonstration of net air quality benefit in the area impacted by the proposed new source or modification.
7. The DEQ has two different definitions of the term "source": in OAR 340-20-225(24) for the purposes of the New Source Review Regulation and in Table A, OAR 340-20-155 for the purposes of the Air Contaminant Discharge Permit (ACDP) program. It is not clear which definition of the term source is to be used in the Plant Site Emission Limit (PSEL) Rules. It appears that the DEQ intends to use the broader definition in OAR 340-20-225(24) even though the PSEL is incorporated into the ACDP.
8. All banked emission credits must be treated as though they are still being emitted when conducting the air quality reviews for

new or modified sources. The DEQ regulations should include such a provision.

9. The banking rule requires that sources notify the DEQ when emission reduction credits are transferred but does not require prior DEQ approval of each transfer (OAR 340-20-265(10)). The regulation should be clarified to indicate that the use of emission reduction credits involving netting, bubbles or offset will require specific DEQ approval.
10. The banking rule does not include any discussion with regard to the use of banked emission reduction credits. It should be clear that transactions for bubbles or offsets will be evaluated in terms of their ambient impact, not just on a ton-for-ton basis. In effect, an emission reduction credit is not only a quantity of tons, but includes the ambient impact characteristics of those emissions as well.
11. The DEQ should keep a formal registry of banking transactions. EPA feels that this is the only way to keep a good handle on the use of banked credits as well as providing information to sources in search of offsets.
12. The Oregon ambient air quality standard for lead (OAR 340-31-055) is not as stringent as the NAAQS and should be revised.
13. The "Restrictions on Area Classification" (OAR 340-31-120(3)(a)) are not consistent with the CAA with regard to Class I or II designation of certain federal lands. All national monuments, primitive areas, preserves, recreational areas, wild and scenic rivers, wildlife refuges and lakeshores or seashores which exceed 10,000 acres in size may only be redesignated Class I or II regardless of whether they were created before or after August 7, 1977. Although EPA can approve the DEQ provision at this time since we are unaware of any areas which could be adversely affected, the provision should be revised before it would inappropriately allow Class III designation for lands which the CAA restricts to Class I or II.
14. The Air Contaminant Discharge Permit Rules (OAR 340-20-140 to 185) do not include any criteria which must be met to receive a permit (e.g. compliance with applicable emission limitations, not cause or contribute to NAAQS violations, etc.) nor does it include any administrative procedures for issuing permits. The DEQ should submit the "duly adopted procedures" referenced in OAR 340-20-170 for inclusion in the SIP.
15. EPA has not yet promulgated regulations to implement Section 123 of the CAA. As such, the terms "good engineering practice stack height" and "dispersion technique" have not been defined for the purposes of SIP requirements. EPA, therefore, will not be acting (neither approval or disapproval) on the DEQ's definitions of those terms in OAR 340-20-225.

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shall be exempted from registration as required by ORS 340-20 and OAR 340-20-005, 340-20-010, and 340-20-015.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 47, f. 3-31-72, ef. 9-15-72; DEQ 63, f. 12-30-73, ef. 1-11-74; DEQ 107, f. & ef. 1-5-76; Renumbered from 340-20-033, 13; DEQ 20-1979, f. & ef. 6-29-79

Permit Program For Regional Air Pollution Authority

340-20-185 Subject to the provisions of this rule, the Commission authorizes the Regional Authority to issue, modify, renew, suspend, and revoke air contaminant discharge permits for air contamination sources within its jurisdiction.

(1) Each permit proposed to be issued or modified by the Regional Authority shall be submitted to the Department at least thirty (30) days prior to the proposed issuance date.

(2) A copy of each permit issued, modified, or revoked by the Regional Authority shall be promptly submitted to the Department.

Stat. Auth.: ORS Ch.

Hist: DEQ 47, f. 3-31-72, ef. 9-15-72; DEQ 63, f. 12-30-73, ef. 1-11-74; DEQ 107, f. & ef. 1-5-76; Renumbered from 340-20-033, 20

Special Permit Requirements
For Sources Locating in or
Near Nonattainment Areas

Applicability in Nonattainment Areas

~~340-20-190 Rules 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 nonattainment areas.~~

Stat. Auth.: ORS Ch. 468

Hist: DEQ 16-1979, f. & ef. 6-22-79

Definitions: Rules 340-20-190 to 340-20-192

340-20-191 As used in rules 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)(a) "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.

(b) 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 central area, as shown in Figures 5 through 11, 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.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 16-1979, f. & ef. 6-22-79

Requirements — Nonattainment Areas

340-20-192 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 indentifying specific offset requirements.

(2) The proposed source is required to comply with the LAER. Only the increments of change above the 100 tons/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.

Stat. Auth.: ORS Ch. 468

Hist: DEQ 16-1979, f. & ef. 6-22-79

Applicability in Attainment Areas

340-20-193 Rules 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 nonattainment area. (It should be noted that for sources emitting less than 50 tons/year of an air pollutant that rule 340-20-001 still requires application of highest and best practicable treatment and control and rule 340-31-010 provides for denial of construction should such a source prevent or interfere with attainment or maintenance of ambient air quality standards.)

Stat. Auth.: ORS Ch. 468

Hist: DEQ 16-1979, f. & ef. 6-22-79

Definitions — Rules 340-20-193 to 340-20-195

340-20-194 As used in rules 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 increase the emissions of any criteria air

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~~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 rule 340-20-191.

Stat. Auth.: ORS Ch. 468
Hist.: DEQ 16-1979, f. & ef. 6-22-79

Requirements

340-20-195 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 nonattainment areas equal to or less than the significance levels listed in Table 2 of this division; and or

(2) The requirements of rule 340-20-193 are met if the emissions from the proposed source are modeled to have an impact on the nonattainment area greater than the significance levels of Table 2 of this division.

Stat. Auth.: ORS Ch. 468
Hist.: DEQ 16-1979, f. & ef. 6-22-79

Emission Limitations on a Plant Site Basis

340-20-196 The purpose of rules 340-20-196 to 340-20-198 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.

Stat. Auth.: ORS Ch. 468
Hist.: DEQ 16-1979, f. & ef. 6-22-79

Definitions — Rules 340-20-196 to 340-20-198

340-20-197 As used in rules 340-20-196 to 340-20-198, 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.

Stat. Auth.: ORS Ch. 468
Hist.: DEQ 16-1979, f. & ef. 6-22-79

Limitation by Permit

340-20-198 For the purposes set forth in rule 340-20-196, the Department may limit by permit condition the amount of air contaminants emitted from a source. This emission limitation shall take 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.

Stat. Auth.: ORS Ch. 468
Hist.: DEQ 16-1979, f. & ef. 6-22-79

Conflicts of Interest

Purpose

340-20-200 The purpose of rules 340-20-200 to 340-20-215 is to comply with the requirements of Section 128 of the federal Clean Air Act as amended August, 1977 (Public Law 95-95) (hereinafter called "Clean Air Act"), regarding public interest representation by a majority of the members of the Commission and by the Director and disclosure by them of potential

conflicts of interest.

Stat. Auth.: ORS Ch. 468
Hist.: DEQ 15-1978, f. & ef. 10-13-78

Definitions

340-20-205 As used in rules 340-20-200 to 340-20-215, unless otherwise required by context:

(1) "Disclose" means explain in detail in a signed written statement prepared at least annually and available for public inspection at the Office of the Director or the Oregon Ethics Commission.

(2) "Commission" means the Oregon Environmental Quality Commission.

(3) "Director" means the Director of the Oregon Department of Environmental Quality.

(4) "Persons subject in Oregon to permits or enforcement orders under the Clean Air Act" includes any individual, corporation, partnership, or association who holds, is an applicant for, or is subject to any permit, or who is or may become subject to any enforcement order under the Clean Air Act, except that it does not include:

(a) An individual who is or may become subject to an enforcement order solely by reason of his or her ownership or operation of a motor vehicle; or

(b) Any department or agency of a state, local, or regional government.

(5) "Potential conflict of interest" includes:

(a) Any significant portion of income from persons subject in Oregon to permits or enforcement orders under the Clean Air Act; and

(b) Any interest or relationship that would preclude the individual having the interest or relationship from being considered one who represents the public interest.

(6) "Represent the public interest" means that, other than an insignificant portion of income, the individual has no special interest or relationship that would preclude objective and fair consideration and action by that individual in the best interest of the general public.

(7) "Significant portion of income" means 10 percent or more of gross personal income for a calendar year, including retirement benefits, consultant fees, and stock dividends, except that it shall mean 50 percent or more of gross personal income for a calendar year if the recipient is over 60 years of age and is receiving such portion pursuant to retirement, pension, or similar arrangement. For purposes of this section, income derived from mutual-fund payments, or from other diversified investments as to which the recipient does not know the identity of the primary sources of income, shall be considered part of the recipient's gross personal income but shall not be treated as income derived from persons subject to permits or enforcement orders under the Clean Air Act.

Stat. Auth.: ORS Ch. 468
Hist.: DEQ 15-1978, f. & ef. 10-13-78

Public Interest Representation

340-20-210 At least a majority of the members of the Commission and the Director shall represent the public interest and shall not derive any significant portion of their respective incomes directly from persons subject in Oregon to permits or enforcement orders under the Clean Air Act.

Stat. Auth.: ORS Ch. 468
Hist.: DEQ 15-1978, f. & ef. 10-13-78

Disclosure of Potential Conflicts of Interest

340-20-215 Each member of the Commission and the Director shall disclose any potential conflict of interest.

Stat. Auth.: ORS Ch. 468
Hist.: DEQ 15-1978, f. & ef. 10-13-78

OREGON ADMINISTRATIVE RULES
CHAPTER 340, DIVISION 32 — DEPARTMENT OF ENVIRONMENTAL QUALITY

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 areas 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 exempted from this rule.

Stat. Auth.: ORS Ch.

Hist: DEQ 84, f. 1-30-75, ef. 2-25-75

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and 340-21-040 which concern particulate emission concentrations and process weight.

Stat. Auth.: ORS Ch. 468
Hist: DEQ 4-1978, f. & ef. 4-7-78

Compliance Schedules

340-30-045 (1) The person responsible for an existing emission source subject to 340-30-015 through 340-30-040 shall proceed promptly with a program to comply as soon as practicable with these rules. A proposed program and implementation plan shall be submitted no later than June 1, 1978, for each emission source to the Department for review and written approval. The Department shall within 45 days of receipt of a complete proposed program and implementation plan, notify the person concerned as to whether or not it is acceptable.

(2) The Department shall establish a schedule of compliance, including increments of progress, for each affected emission source. Each schedule shall include the dates, as soon as practicable, by which compliance shall be achieved, but in no case shall full compliance be later than the following dates:

(a) Wood Waste Boilers shall comply with rule 340-30-015 as soon as practicable, in accordance with approved compliance schedules, but by no later than January 1, 1980.

(b) Veneer Dryers shall comply with rule 340-30-020 as soon as practicable, in accordance with approved compliance schedules, but by no later than January 1, 1980.

(c) Air Conveying Systems shall comply with rule 340-30-025 as soon as practicable, in accordance with approved compliance schedules, but by no later than January 1, 1981.

(d) Wood Particle Dryers at Hardboard and Particleboard Plants shall comply with rule 340-30-030 as soon as practicable, in accordance with approved compliance schedules, but by no later than January 1, 1981.

(e) Wigwam Waste Boilers shall comply with rule 340-30-035 as soon as practicable, in accordance with approved compliance schedules, but by no later than January 1, 1980.

(f) Charcoal Producing Plants shall comply with rule 340-30-040 as soon as practicable, in accordance with approved compliance schedules, but by no later than January 1, 1982.

(3) Compliance schedule for Charcoal Producing Plants and Wood Particle Dryers at Hardboard and Particleboard Plants shall contain reasonable expectations interim dates and pilot testing programs for control to meet the emission limits in 340-30-040(1) and 340-30-030, respectively. If pilot testing and cost analysis indicates that meeting the emission limits of these rules may be impractical, a public hearing shall be held no later than July 1, 1980, for Charcoal Producing Plants and January 1, 1980, for Wood Particle Dryers at Hardboard and Particleboard Plants to consider amendments to this limit.

Stat. Auth.: ORS Ch. 468
Hist: DEQ 4-1978, f. & ef. 4-7-78

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

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Emission Offsets

~~340-30-110 The intent of this rule is to implement and in some cases be more stringent than the Federal Interpretative Ruling promulgated in the January 16, 1979 Federal Register on pages 3252 through 3255 (40 CFR, Part 51) hereby incorporated by reference (see Exhibit 1). To the extent any provision thereof is in conflict with a more stringent rule of the Environmental Quality Commission, the Environmental Quality Commission rule shall prevail.~~

~~(1) Any new or modified source which emits at a rate equal to or greater than in Table 1 and is proposed to be constructed or operated in the area of the Medford-Ashland AQMA where a state or federal ambient air quality standard is:~~

~~(a) Being violated, shall comply with offset conditions, subsections (a) through (d) of section (2);~~

~~(b) Not being violated, but by modeling is projected to exceed the incremental air quality values of Table 1 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 sources 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 O.A.R. 340-30-035 shall be exempt from subsections (1) and (2) of O.A.R. 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 (V)(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 considered banking.

Stat. Auth.: ORS Ch.

Hist: DEQ 9-1979, 1, & 4; 3-3-79

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Ozone

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 3-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 49, Part 50.9 (page 8120) Federal Register 44 No. 23, February 3, 1979.

(Publications: The publications referred to or incorporated by reference in this rule are available from the office of the Department of Environmental Quality.)

Stat. Auth.: ORS Ch. 468
Hist: DEQ 37, 2-15-72, ef. 3-1-72; DEQ 13-1979, 2, & ef. 3-12-79; DEQ 7-1980, 2, & ef. 3-3-80

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, 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, 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) 3.3 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, 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, 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 300 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 35, 2-1-75, 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 13-1979, 2, & ef. 3-12-79

Definitions

340-31-105 For the purposes of these rules:

~~(1) "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 occurring at the source since August 7, 1977, or since the time

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occurring at the source since August 7, 1977, or since the date 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 a 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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(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 procedure 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. 463

Hist: DEQ 18-1979, f. & ef. 6-22-79

Stack Heights

~~340-31-126 (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. 463

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 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

OREGON ADMINISTRATIVE RULES
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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 13-1979, f. & cf. 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 13-1979, f. & cf. 6-22-79

Monitoring

340-31-165 (1) The owner or operator of a proposed source or modification shall, after construction of the source or modification, conduct such ambient air quality monitoring as the Department determines may be necessary to establish the effect which emissions from the source or modification of a pollutant for which a state or national ambient air quality standard exists (other than non-methane hydrocarbons) may have, or is having, on air quality in any area which such emissions would affect.

(2) As necessary to determine whether emissions for the proposed source or modification would cause or contribute to a violation of a state or national ambient air quality standard, any permit application submitted after August 7, 1978, shall include an analysis of continuous air quality monitoring data for any pollutant emitted by the source or modification for which a state or national ambient air quality standard exists, except non-methane hydrocarbons. Such data shall relate to, and shall have been gathered over, the year preceding receipt of the complete application, unless the owner or operator demonstrates to the Department's satisfaction that such data gathered over a portion or portions of that year or another representative year would be adequate to determine that the source or modification would not cause or contribute to a violation of a state or national ambient air quality standard.

Stat. Auth.: ORS Ch. 468
Hist.: DEQ 13-1979, f. & cf. 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 13-1979, f. & cf. 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 13-1979, f. & cf. 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 variances 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, I. & et. 6-21-79

Public Participation

340-31-125 (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. 6-21-79

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. 6-21-79

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) $H_c = H + 1.5L$

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. 6-21-79



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

Prepared: March 2, 1981

Hearing Date: April 24, 1981

NOTICE OF PUBLIC HEARING

A CHANCE TO BE HEARD ABOUT:

Proposed Revision of New Source Review and Plant Sites Emission Limit Rules

The Department of Environmental Quality (DEQ) is considering revisions to the existing rules regulating the construction of new sources and the modification of existing sources of air pollution. The revisions to the New Source Review rules are necessary to bring the Oregon State Implementation Plan into accord with the Clean Air Act Amendments of 1977. Revisions are also being proposed for the Plant Site Emission Limit rule to provide more specific criteria for establishing emission limits.

A hearing on this matter was originally scheduled for February 18, 1981, but was cancelled to allow additional time for review of the proposed rules. Some changes were made in the originally proposed Emission Reduction Banking and Plant Site Emission Limit rules. The hearing has been rescheduled and will be held before the Environmental Quality Commission at its April 24, 1981, meeting.

WHAT IS THE DEQ PROPOSING?

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

- ** New Source Review and Prevention of Significant Deterioration requirements are combined into one rule.
- ** Requirements for new source offsets, Prevention of Significant Deterioration analysis, and banking of emission reductions are established.
- ** The Plant Site Emission Limit Rule is revised to provide more specific procedures for establishing emission limits.

WHO IS AFFECTED BY THIS PROPOSAL:

Major new sources and major modifications of sources of air pollution and existing sources of air pollution.

HOW TO PROVIDE YOUR INFORMATION:

Written comments should be sent to the Department of Environmental Quality, Air Quality Division, Box 1760, Portland, Oregon 97207, and should be received prior to April 23, 1981.

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

<u>City</u>	<u>Time</u>	<u>Date</u>	<u>Location</u>
Portland	10:00 a.m.	April 24, 1981	Oregon Department of Fish and Wildlife Conference Room 506 SW Mill

The Commission may also consider adoption of the rules at the same meeting.

WHERE TO OBTAIN ADDITIONAL INFORMATION:

Copies of the proposed rules may be obtained from:

Lloyd Kostow
DEQ Air Quality Division
Box 1760
Portland, Oregon 97207
229-5186
toll-free 1-800-452-7813

LEGAL REFERENCES FOR THIS PROPOSAL:

This proposal amends OAR 340-20-190 to 198, OAR 340-30-110, OAR 340-32-005 to 025 and OAR 340-31-105 to 195. It is proposed under authority of ORS Chapter 468, including sections 020 and 295.

LAND USE PLANNING CONSISTENCY:

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

With regard to Goal 6 (air, water, and land resources quality) and Goal 9 (to diversify and improve the economy of the state), the rules are designed to enhance and preserve air quality in the affected area while allowing economic growth, and are considered consistent with the goals.

Goal 11 (public facilities and services) is deemed unaffected by the proposals.

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

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

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

FURTHER PROCEEDINGS:

After public hearing the Environmental Quality Commission may adopt rule amendments identical to the proposed amendments, adopt modified rule amendments on the same subject matter, or decline to act. The adopted regulations will be considered for submittal to the U.S. Environmental Protection Agency as part of the State Clean Air Act Implementation Plan. The Commission's action could come at the same April 24, 1981, meeting, or be deferred to the June 5 meeting.

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

AQ0042(n) (1)

STATEMENT OF NEED FOR RULEMAKING

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

Legal Authority

Oregon Revised Statutes Chapter 468, including Sections 020 and 295.

Need for Rule

These revisions to the New Source Review and Plant Site Emission Limit Rules are required to correct deficiencies identified by the U.S. Environmental Protection Agency (EPA) and to bring the rules into compliance with Clean Air Act Requirements.

Principal Documents Relied Upon

1. Federal Clean Air Act P.L. 95-95, Amendments of August 7, 1977, Part C Sections 160 through 169 and Part D Sections 171 through 173.
2. Final Rulemaking on approval of Oregon State Implementation Plan, 40 CFR 52, published on June 24, 1980 (45 FR 42265).
3. Prevention of Air Quality Deterioration, 40 CFR 51.24 published on June 19, 1978, and revised on August 7, 1980 (45 FR 52676).
4. Alabama Power Company, et al, Petitioners vs. Environmental Protection Agency, et al, Respondents, Sierra Club, et al, Intervenor; (No. 78-1006) U.S. Court of Appeals for the District of Columbia, Decided December 14, 1979.
5. Emission Offset Interpretative Rule, 40 CFR 51 Appendix S, published on January 16, 1979 (44 FR 3282).

Fiscal Impact Statement

The fiscal impact of these proposed rule revisions on major sources of air pollution is expected to be minimal. Some additional resource impacts may be expected on DEQ to administer the offset/banking provisions and to assume the Prevention of Significant Deterioration program from EPA.

AQ0042.A (n) (1)



Department of Environmental Quality

522 S.W. 5th AVENUE, BOX 1760, PORTLAND, OREGON 97207
July 2, 1981

M/S 521

Michael Johnston, Chief
Air Permits Section
U. S. Environmental Protection Agency
Region X
1200 Sixth Avenue
Seattle, WA 98101

Dear Mr. Johnston:

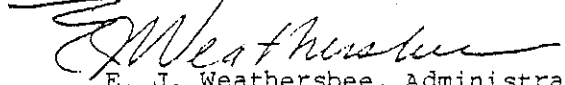
Portland General Electric (PGE) Company is seeking to establish whether Unit 1 of their coal plant located at Boardman, Oregon, falls into the baseline or the increment for the purposes of tracking increments under the Prevention of Significant Deterioration (PSD) program.

PGE has relied on the attached letter from EPA in asserting that the plant falls into the baseline. This ruling, made by EPA in 1975, is in conflict with the proposed rules for PSD which are now being considered by the Oregon Environmental Quality Commission (EQC). The Oregon rules follow the August 7, 1980 EPA requirements for developing State Implementation Plans (SIP) for PSD. The problem which PGE is raising seems to be the result of changes in the EPA rules and it therefore seems appropriate to seek a resolution of this question from EPA.

We request that EPA investigate the question of whether the PGE plant should be included in the baseline or the increment. Clearly, the Boardman plant was considered to be in the baseline at one time and it seems unfair to change that determination now to include it in the increment. We therefore request that consideration be given to the fact that PGE has relied on the EPA letter. If EPA rules that the Boardman plant should be placed in the baseline, the EQC may wish to amend the Oregon PSD rules to accommodate such a ruling.

Since this issue will be discussed by the Environmental Quality Commission on July 17, 1981, a response before that date would be most helpful. Let us know if we can provide further information in resolving this question.

Sincerely,


E. J. Weathersbee, Administrator
Air Quality Division

LK: ahe
Enclosure

cc: Roland Johnson, PGE

RECEIVED

U.S. ENVIRONMENTAL PROTECTION AGENCY

MAY 16 1975

REGION X

H. H. PHIL 3

1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101REPLY TO
ATTN OF: M/S 613

Mr. H. H. Phillips
Vice President and Corporate Counsel
Portland General Electric Company
621 S.W. Alder Street
Portland, Oregon 97205

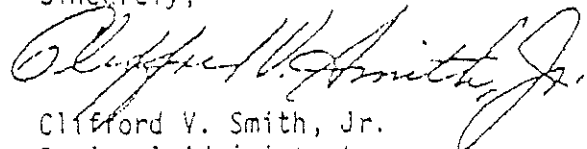
Dear Mr. Phillips:

The Environmental Protection Agency (EPA) has reviewed Portland General Electric Company's (PGE) May 1, 1975 request for a determination as to the applicability of 40 CFR 52.21(d) to the coal plant to be constructed by PGE near Boardman, Oregon. Based on the information available to us at this time, EPA finds that PGE is not subject to the requirements of 40 CFR 52.21(d).

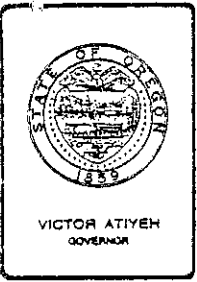
Specifically, EPA's attention has been directed to the agreement between PGE and Westinghouse Electric Corporation relating to the purchase of a turbine generator for the Boardman plant. Based upon our review of the documents pertaining to the Westinghouse contract which you supplied us on May 1, 1975 and your letters of May 6 and 7, 1975, we conclude that PGE has "commenced" construction within the meaning of 40 CFR 52.21(b)(7) in that PGE has "entered into a binding agreement or contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification." Accordingly, PGE is not subject to 40 CFR 52.21(d) which only applies to a new or modified source which has not commenced construction or expansion prior to June 1, 1975.

If you have any further questions on this matter, please contact Carol S. Doherty, Assistant Regional Counsel, at (206) 442-1152.

Sincerely,


Clifford V. Smith, Jr.
Regional Administrator

cc: Department of Environmental Quality



Department of Environmental Quality

522 S.W. 5th AVENUE, BOX 1760, PORTLAND, OREGON 97207

July 7, 1981

Jackson County Board of Commissioners
Jackson County Courthouse
10 S. Oakdale
Medford, OR 97501

Dear Commissioners:

The Environmental Quality Commission (EQC) considered your concerns about the impact of proposed New Source Review Rules on the Medford area ozone strategy at a workshop meeting on June 30 and July 1, 1981. They asked that I convey the following information to you.

First, the Medford area would not be subject to Federal sanctions for failure to have an adopted strategy to meet the State ozone standard. The State standard schedule for compliance is not a part of the Federally enforceable State Implementation Plan (SIP) at this time and, in any case, the sanctions apply only to the Federal health standards.

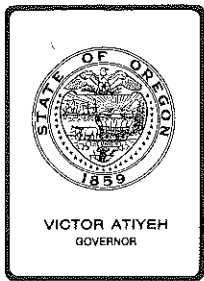
Second, the volatile organic compound (VOC) growth cushion is already a part of the adopted ozone strategy for the Medford area. This growth cushion should be re-evaluated at the time the EQC takes final action on the State ozone standard. Meanwhile, it seems appropriate to keep the growth cushion in the New Source Review Rules as an informational item until its ultimate fate is determined by the EQC. This is scheduled for October, 1981.

If you have any further comments, I am sure the EQC would be happy to consider them. The EQC will be considering final action on the proposed rules at the July 17, 1981, meeting.

Sincerely,

William H. Young
Director

LK: ahe



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. P, July 17, 1981, EQC Meeting

Adoption of Proposed Amendments to Rules Governing
On-Site Sewage Disposal, OAR 340-71-100 to 340-71-600.

Background and Problem Statement

At its March 13, 1981 meeting, the Commission adopted rules for On-Site Sewage Disposal to replace rules governing subsurface and alternative sewage disposal. Since the adoption of on-site rules the Department and Multnomah County find it necessary to increase fees in order to continue to provide an adequate level of service. Multnomah County has submitted a proposed fee schedule with supporting documentation (Attachment "D"). In addition, several technical amendments are needed to provide smoother administration of the new rules.

At its June 5, 1981 meeting, the Commission authorized public hearings on the proposed amendments. On June 16, 1981, after publication of notice in the Secretary of State's Bulletin, mailing to the On-Site mailing list, and news releases, nine public hearings were held at various locations around the state. (Portland, Grants Pass, St. Helens, Pendleton, Bend, Coos Bay, Albany, Klamath Falls, Tillamook.) Hearing officers' reports are Attachment "A". Upon completion of the hearings, staff reviewed the Hearing Officers' reports and revised several of the proposed rule amendments.

Alternatives and Evaluation

Due to inflation, an increase in fees is necessary in order for the Department and Multnomah County to maintain the on-site sewage program at an effective level. Extra construction inspections required on some of the new alternatives, such as the sand filter, cannot be carried out effectively under the present fee schedule. These extra inspections are necessary to assure proper construction. In addition, the Department's budget is predicated on a fee increase.

In addition to adjustments in the general fee schedule, the amendments propose a surcharge on all new site evaluations and new construction permits issued by contract counties as well as DEQ. This surcharge will be in addition to the regular fee. This surcharge is intended to fund portions of

the Department's On-Site Sewage Disposal Program administration that have been supported by general fund monies in the past. This concept has been presented to and accepted by the Legislature's Ways and Means Subcommittee. Since rule amendments are necessary to adjust fees, it is felt that the Department should take this opportunity to make some technical rule modifications.

The proposed technical rule amendments are as follows:

OAR 340-71-290(3) (a). This rule sets forth site conditions where the conventional sand filter may be approved. As the rule is written, it is difficult to interpret and understand. The proposed amendments are intended to clarify the rule without changing the standards.

OAR 340-71-305(3). This rule presently requires sand filters, other than the conventional sand filter, to be under control of a municipality, for operation and maintenance. Since aerobic systems are now exempt from this requirement, this is the only on-site system that is required to be under such control. These systems are no more complex than aerobic systems, therefore, this requirement is not equitable. The proposed amendment would remove the requirement that sand filters be under operational control of a municipality. The rule also requires that an annual system evaluation fee be assessed, but allows the evaluation to be discretionary. The proposed amendment would allow the Agent to waive the annual system evaluation fee when the evaluation is not performed.

OAR 340-71-325. This rule deals with gray water waste disposal sumps. It is felt that the rule, as written, is inadequate to achieve its intent. The rule deals with "running water piped into" structures, rather than with discharge of sewage from structures. The proposed amendment would change the criteria for approval of gray water waste disposal sumps.

OAR 340-71-160(9) is a new rule that sets an effective period of one year for construction permits. This rule was part of the old subsurface rules, but was inadvertently omitted from the present rules.

Tables 4 and 5. These tables establish minimum length of disposal trenches according to soil type and depth and depth to temporary groundwater. As adopted, these tables are inconsistent with other criteria developed during the original hearing process.

340-71-275(5) (a) (A) (ii). The Hazen-Williams coefficient of smoothness should be 150 rather than 120 for the type of pipe now being used.

340-71-290(3) (c). This rule, for conventional sand filters, as written, is deficient in language to deal with permanent water tables at depths greater than 6 feet from the surface, and is inconsistent with rules for pressure distribution. The proposed amendment remedies the depth to water deficiency in the rule and makes it consistent with rules for pressure distribution systems.

Alternatives appear to be as follows:

1. Adopt the proposed amendments, including the general fee schedule, county fee schedule and the technical amendments.
2. Adopt the fee schedules only or the technical amendments only.
3. Do not adopt the proposed amendments.

Summation

1. ORS 454.625 provides that the Commission, after hearing, may adopt rules for on-site sewage disposal, including adoption of fee schedules.
2. ORS 454.745(4) provides that the Commission may by rule increase maximum fees contained in ORS 454.745(1), provided the fees do not exceed actual costs for efficiently conducted minimum services.
3. Multnomah County has requested the Commission to establish by rule a new fee schedule that exceeds, in some categories, those set forth in ORS 454.745(1).
4. The Department's budget is predicated on a fee increase.
5. A number of technical rule amendments are necessary to provide for smoother rule administration.
6. On June 5, 1981, the Commission authorized public hearings on the proposed amendments.
7. After proper notice, on June 16, 1981, nine public hearings were held at various locations around the state.

Director's Recommendation

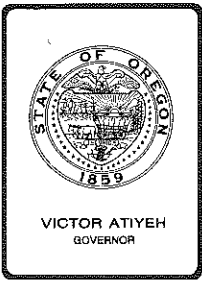
Based upon the summation, it is recommended that the Commission adopt the proposed amendments to OAR 340-71-100 to 340-71-600 as set forth in Attachment "C".


William H. Young

Attachments: 4

- "A" Hearing Officers' Reports
- "B" Statement of Need and Fiscal Impact
- "C" Proposed Rule Amendments
- "D" Supporting Documentation - Multnomah County

SOO:l
229-6443
June 22, 1981
XL384 (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: Larry M. Schurr, Hearings Officer

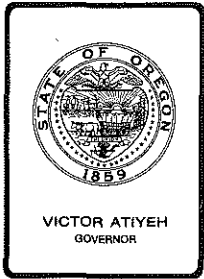
SUBJECT: Report on Public Hearing held June 16, 1981, in Portland, Oregon
on "Proposed Amendments to On-Site Sewage Disposal Rules"

Pursuant to public notice, a public hearing was convened at 10:10 a.m. in Room 1400 of the Yeon Building, 522 S.W. Fifth Avenue, Portland, Oregon, on June 16, 1981. The purpose of the meeting was to receive public testimony regarding proposed amendments to the rules for on-site sewage disposal. Richard L. Polson, Chief Soil Scientist with Clackamas County, and Bill Whitfield of Multnomah County Environmental Services, attended to act as technical advisors and answer questions from the public.

No members of the general public appeared, and no written or verbal testimony was offered. The general proceedings were tape recorded to fulfill any legal requirements.

The hearing was adjourned at 10:15 a.m.

LMS:a
GAD146 (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 June 16, 1981

FROM: Mark P. Ronayne

SUBJECT: REPORT ON PUBLIC HEARING HELD JUNE 16, 1981 at PENDLETON, OREGON, ON PROPOSED ON-SITE SEWAGE DISPOSAL RULES

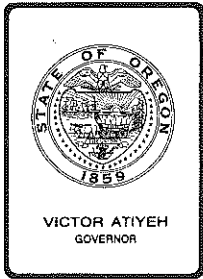
June 16, 1981 at 10:12 a.m., pursuant to Public Notice, a Public Hearing convened at the Oregon State Office Building, Room 360, 700 Emigrant St., Pendleton. The purpose of the hearing was to gather testimony regarding Proposed On-Site Sewage Disposal Rules.

No individuals testified. The hearing was adjourned at 10:18 am.

Respectfully submitted,

Mark P. Ronayne

MPR:ak
June 18, 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: John H. Rowan, Hearing Officer

Subject: Report on Public Hearing Held
June 16, 1981, concerning proposed
amendments to OAR 340-71-100
through 340-71-600

Summary of Procedure

Pursuant to Public Notice, a public hearing was convened in the city of Grants Pass on June 16, 1981, at 10:00 a.m. The purpose of the hearing was to receive testimony concerning several amendments to the rules governing on-site sewage disposal and including an increase in the general fee schedule.

Summary of Oral Testimony

Howard J. Buysman of Grants Pass made general comments with regard to the efficiency of state and local governments. Feels that surcharge on top of increased fees is a bit excessive.

Charles D. Costanzo, Josephine County Environmental Health Services, feels that the surcharge is too high as proposed. Indicated that if the county performed as much work during a year when the surcharge is in effect as they did during 1980, the Department of Environmental Quality would receive \$10,223 from Josephine County alone.

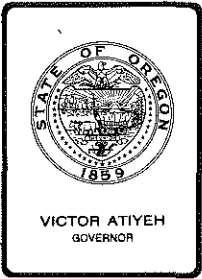
Summary of Written Testimony

No written testimony was received.

Respectfully submitted,

John H. Rowan
Hearing Officer
June 22, 1981

RC148



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

June 23, 1981

To: Environmental Quality Commission

From: Christopher L. Reive, Hearings Officer

Subject: Proposed Amendments to Rules Governing On-Site Sewage Disposal, OAR 340-71-100 to OAR 340-71-600.

Summary of Procedure

Pursuant to Public Notice, a public hearing was held at 10:00 a.m. on June 16, 1981, at the Neighborhood Facility Building, Conference Room 2, 250 Hull Street in Coos Bay, Oregon. The purpose of the hearing was to receive testimony on the above-mentioned proposed rule changes to the on-site sewage disposal rules. The record for receipt of written testimony was left open through June 23, 1981.

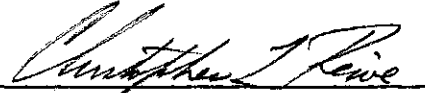
Summary of Testimony

Speaker: Tyrone L. Welty, R.S., Supervising Sanitarian, Curry County Environmental Sanitation Department, P. O. Box 1277, Gold Beach, OR 97444.

- (1) Does not oppose the new fee schedule or surcharge provisions as long as the amounts used reflect actual costs of running the program.
- (2) Would prefer that the surcharge be accounted for and forwarded to the Department quarterly rather than monthly.
- (3) Suggested the addition of "...if the agent so requires" to OAR 340-71-305(3). Intended to collect an evaluation fee only if the annual evaluation is actually conducted.
- (4) Suggested elimination of the requirement for an alarm and light on dosing tanks. He thought it sufficient to have one or the other, not both. Compared the alarm system requirement to a smoke detector.
- (5) Questioned the rationale of reducing the minimum length of disposal trench for Soil Group A of depths of 48" or more from 75 feet to 50 feet.

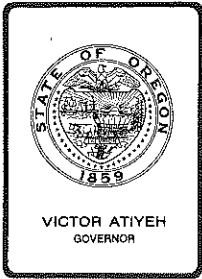
There was no written testimony submitted.

CLR:hk


Christopher L. Reive



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Recycled
Materials



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

TO: Environmental Quality Commission DATE: June 24, 1981

FROM: Charles H. Gray, Hearings Officer *CHG*

SUBJECT: Report on Public Hearing Held June 16, 1981
on Proposed Amendments to On-Site Sewage Disposal Rules

SUMMARY OF PROCEDURE

Pursuant to Public Notice, a public hearing was convened in St. Helens, Old Columbia County Courthouse on June 16, 1981 at 10:00 a.m. The purpose of these meetings was to receive testimony regarding proposed rules for On-Site Sewage Disposal.

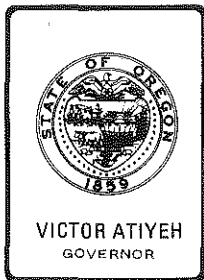
SUMMARY OF ORAL TESTIMONY

Robert M. Hunt, Chairman of Columbia County Commissioners, stated that he was against increasing any fees and felt that the State should stay within their budget. Columbia County's present fee structure is less than DEQ's fees. The public is opposed to additional taxes and it is just a passing on of the tax burden. It all adds up to a lot of extra cost for the public and other agencies are continually asking for more fees. He suggested that the Department reevaluate their program priorities.

Marion Sahagian, Columbia County Commissioner, felt that it was wrong for the State to makeup for the lost income tax dollars by raising fees. She said that the County Commissioner's had met earlier and discussed the subject about the surcharge and that they all opposed it.

Roy E. Eastwood, Columbia County Sanitarian, was opposed to the surcharge section only. He also brought up the problem of requiring monthly payment of the surcharge fees whereas the present contracts of agreement require quarterly reporting of fees. He recommended that it be changed to quarterly payments, and he also felt that a small bookkeeping fee should be kept at the County level for their administrative costs.

CHG:t
RTD180 (1)



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

MEMORANDUM

To: Environmental Quality Commission

From: T. Jack Osborne

Subject: Report on Public Hearing Held June 16, 1981, in Tillamook, on Proposed On-Site Sewage Disposal Rule Amendments

Summary of Procedure

Pursuant to public notice, a public hearing was convened in Tillamook, on June 16, 1981, at 10 a.m. The purpose of the hearing was to receive testimony regarding proposed amendments to rules for on-site sewage disposal.

Summary of Testimony

1. Bill Zekan, Environmental Manager, Lincoln County. Mr. Zekan and the Lincoln County Board of County Commissioners are concerned that the proposed surcharge would "greatly irritate" the public due to the current economic situation. How the DEQ treats the public now, (in this time of economic hardship), will affect its future legislatively. Mr. Zekan questioned whether the surcharge will be worth its future effect on the program. In the short term the surcharge will help, but in the long term it may be detrimental to the program.
2. Doug Marshall, Supervising Sanitarian, Tillamook County Health Department. Mr. Marshall and the Tillamook County Board of County Commissioners are concerned about the County collecting, accounting for and forwarding the surcharge to DEQ without compensation for those activities. If mandated, the County will cooperate in the surcharge collection but would like request a percentage of the surcharge to cover their administrative costs.

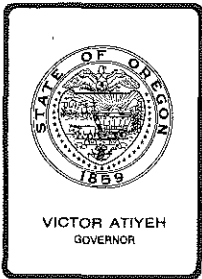
The County (Tillamook) is currently drafting a a new fee schedule for on-site sewage disposal activities; a schedule that will more nearly reflect their program costs.

The hearing was adjourned at 12 noon.

Respectfully submitted,

T. Jack Osborne, Hearing Officer

TJO:l
XL396 (1)
June 24, 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 Date: June 24, 1981

From: Van A. Kollias, Hearing Officer

Subject: Report on Proposed On-Site Sewage Disposal Rule Amendment
Public Hearing Held in Bend, Oregon.

Summary of Hearing

On June 16, 1981 at 10:05 a.m., a public hearing was called to order in the State Office Building Conference Room in Bend, Oregon. The purpose of the hearing was to receive testimony about the proposed on-site sewage disposal rule amendments. Twenty-five persons attended the hearing. Six persons gave oral testimony. All the persons giving testimony were against any increase in fees.

Summary of Testimony

Jack M. Edwards of Bend, Oregon was opposed to a fee increase. He said both the county and state are raising fees and people cannot afford to have a septic system and home. Mr. Edwards believes we are forcing people to have vacation homes out in the remote areas with no sanitation facilities.

Jack L. Broadley, Vice-President of L & J Contractors, Inc., Bend, Oregon installs septic systems. His customers think the subsurface sewage fees are exorbitant. Mr. Broadley said the fees are high enough, should not be increased further and that the counties, through fees, are subsidizing DEQ. He feels government is pricing people out of their homes.

Richard Pennington, L & J Contractors, Inc., Bend, Oregon expressed his support of Mr. Broadley's testimony.

Mike Kment, representing the Central Oregon Builders Association said the proposed fee increase will have a great impact in Deschutes County. He said the proposed fee and surcharge amounts to a 31% increase in the typical septic installation. The county increased its fee structure last year. That increase plus the proposed increase would amount to a 121% increase which Mr. Kment felt is inflationary and unjustified. Mr. Kment

June 24, 1981

Page 2

also said that counties charge the maximum fees by using "creative accounting" to justify fees collected for program expenses.

He understands the need for a surcharge because fewer general fund monies are available. But Mr. Kment would like to see the surcharges matched with DEQ service in the county. He does not feel surcharges from Deschutes, County, a county that does high volume work, should be subsidizing DEQ in other counties that do very little subsurface sewage work.

Mr. Kment also expressed concern for the high fees for alternative systems. He felt people would not be able to afford an alternative system.

Lastly, Mr. Kment did support decreasing the amount of disposal trench from 75 linear feet to 50 feet. He questioned why a reduction in the 100 ft requirement was not also made and asked the Commission consider doing so.

Wallace Walker of Wally Walker Excavation objected to the fee increase. He stated it was difficult to live by DEQ's new rules and regulations, especially those not proven as needed.

Bob Mayfield of Redmond, Oregon agreed with the previous speakers. He said it is discouraging to the people who keep coming to testify at DEQ and LCDC hearings. The rules are passed anyway and their testimony seems to be ignored. The public is telling the Legislature to either streamline or reduce government. Housing starts have fallen dramatically but the subsurface sewage program has not been reduced that much. The builder must pass on the costs of government to the home owner.

Ron C. Rice of Korish & Co Real Estate submitted a hand written note stating "I consider proposal very inflationary and unnecessary".

Written Testimony. Lloyd Hearing, Mr. and Mrs. Paul Kinnaird, Kit J. Korish, and Patrick M. Gisler submitted written statements in opposition to any surcharge and/or fee increase. These written statements are attached and made part of the official record.

Respectfully submitted,

Van A. Kollias

Van A. Kollias
Hearing Officer

VAK:g
RG277 (1)

June 16, 1981

Bend, Oregon

REGIONAL OPERATIONS DIVISION
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
JUN 22 1981

Mr. Van A. Kollias
DEQ

Portland, Oregon 97207

Dear Mr. Kollias,

I attended your meeting in Bend, Oregon, on 6-16-81 and the following are my opinions on the subject of increasing fees.

I own 640 acres in

Deschutes County. I purchased the land in 1977 when I was told 'buy the County that I could do anything I wanted as long as I paid the fees. Which to date has cost me over 15,000 in lawyers alone, to get what the County promised me, with no legal fees.

I am sure that by this letter you can tell I am not too happy with state & Gov. controls. Why would you want to even consider raising the fees with the financial condition that Deschutes is in. If something ~~doesn't~~ doesn't happen soon there won't be any body here to pay taxes & fees. I have 114 lots, almost ready to start developing. What you are telling me is that to have one of your people check these holes which shouldn't take over 1 1/2 days you want me to pay you in excess of 15,000 to me this highway robbery. I was told that in as much as we did not pass the County Budget they would get the money some other way such as fees &

increased Property Taxes. How
Can. People Pay Taxes, & Fees. When
They Can't Even. Find. a Job.

Do you. Have Any Idea What
a. Lot would. Sell. For. Over,
Here? Even. if you. could. Find
Someone. With. The Money, IF.
You. HATE TO Raise The Fees
Wait UNTILL The Economy gets
better, That Seems. a. Small.
Consideration. TO ASK.

AS. The Attorneys Say.
We. Pray. You. Will. Find
IN. Favor OF The People This.
Time

Lloyd Herring
64689 Boones Borough Dr
Bend, OR 97701

June 17, 1981

Van A. Kollias
DEQ
P.O. Box 1760
Portland, Or. 97207

Dear Mr. Kollias:

My husband and I attended the hearing held in Deschutes County on June 16, 1981, regarding proposed changes in septic fees.

We are both realtors in Deschutes County; and we oppose the proposed surcharge. It is becoming more and more expensive for people to prepare a homesite. This is just another unnecessary expense, adding yet more to the cost of living space today.

One of the people who testified at the hearing put it very succinctly when he stated that the people keep voting budgets down, trying to tell the government to streamline and cut back on their operations. Yet, the DEQ is trying now to take the money not voted for by other means.

There is no point in the people of Deschutes County subsidizing the DEQ by paying this surcharge. Also, by raising the limits of what the county can charge (which they most certainly will implement) the total increase would be quite prohibitive.

Deschutes County has raised all fees to the maximum as a form of blackmail, because their budgets have also been voted down. We feel that the state should not resort to the same tactics.

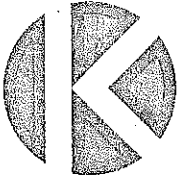
If the opinions of the people really do count, please put us down as opposed to this phase of your proposed changes.

Sincerely,

Mr. & Mrs. Paul Kinnaird

Mr. & Mrs. Paul Kinnaird

REGIONAL OPERATIONS DIVISION
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JUN 22 1981



KORISH & CO., INC.
REAL ESTATE

63030 NORTH HIGHWAY 97 • BEND, OREGON 97701 • TELEPHONE 503/389-0125

June 16, 1981

Van A. Kollias
Department of Environmental
Quality
PO Box 1760
Portland Or 97207

Re: Proposal to Increase Fees

Dear Mr. Kollias:

After attending your hearing here in Bend this morning, I would like to express my opposition to your proposed fee increases for site evaluations, permits, licenses and services.

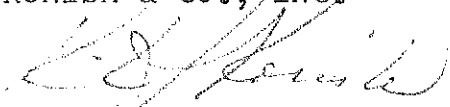
The Oregon public is presently being taxed beyond its means, and increased charges by agencies such as the DEQ only serve to increase the burden.

In addition, it is my feeling that the services provided by the DEQ are not worth the asking price. We have already seen a 120% increase in fees, and the idea of additional increases is absurd. No private enterprise could operate on this philosophy, and I don't believe the DEQ should be allowed to, either.

Thank you for your consideration.

Sincerely,

KORISH & CO., INC.


Kit J. Korish
Broker

cg
cc: Governor Victor Atiyeh
Representative Tom Throop

REGIONAL OPERATIONS DIVISION
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
JUN 22 1981



20 N.W. GREENWOOD AVE. BEND, OREGON 97701 (503) 389-5800

June 15, 1981

Department of Environmental Quality
Attention: Jack Osborne
P.O. Box 1760
Portland, OR 97207

Subject: Proposed DEQ fee increases.

Dear Mr. Osborne:

Please make this letter a part of the public record on the referenced matter. I will be unable to attend the scheduled hearings.

The proposed fee increases and tax surcharges on fees relating to subsurface sewage installations should not be approved. A review of fee schedules for the past seven years since DEQ assumed the administration of subsurface sewage is a reprehensible example of the government power to tax run amok. Using padded budgets and creative accounting, the subsurface sewage program has been used to fund a fat and featherbedded bureaucracy with few services and scant benefits to the public. The fees for services rendered and services not rendered have far outstripped the incredible inflation of the past eight years. The current fees are grossly excessive and have never been justified to the people who have to pay them. The proposed fee increases are incomprehensible. The 10% tax surcharge is truly incredible.

The number of salaries you have been able to pay and the amount of expense you have been able to create while administrating this program has no bearing whatsoever on the amount that is reasonable as a fee for the service rendered. Remember that while the fee is being paid presumably for a service to be rendered to an individual, it is the public of this State which must benefit in order for your administration to be a legal exercise of the police power. Accordingly the maximum amount that any fee can be must be that cost for which the service can be rendered in a reasonable and competent manner. The current fees, the proposed fee increases, and the tax surcharge fee all fail this test.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
R E C E I V E D
JUN 22 1981
WATER QUALITY CONTROL

I'd like to direct particular attention to the inspection fee on pressure systems. This tax paid annually is particularly odious since the DEQ has made the pressure system a requirement over and above normal drain field requirements even where a previous feasibility approval has existed. Not only does the consumer pay an excessive fee to get his system installed, he must pay an annual tax for an inspection he may never get. The sky is the limit on this tax, and if recent history is any indicator, the annual tax on the system will soon equal or exceed the cost of the installation of the system. Since this inspection supposedly to protect the public health, the cost of such inspections should be born by the public in general through general fund revenues.

A reasonable approach to calculating a fee is to arrive at a reasonable amount of time for the services to be performed multiplied by the average wage of the person providing the service, adjusted for administration and clerical backup, then doubling that amount for government inefficiency, then doubling that amount again for dual or overlapping levels of government and you have got a reasonable fee. When you take a typical sanitarian II spending an hour for feasibility and an hour for construction inspection, it is very hard to justify a total fee greater than \$40. Only by quadrupling that amount to allow for government inefficiency and dual authority can you get to allow the current level of fees. If inspections take longer than that, those inspections should be regarded as being in the public interest and therefore a public expense.

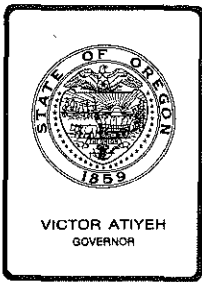
In summary your fee schedule should be revised downward not upward. There should be no fee for annual inspections of existing systems of any kind.

Sincerely,
Patrick M. Gisler

PMG/bb

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JUN 22 1981

WATER QUALITY CONTROL



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

TO: Environmental Quality Commission June 23, 1981

FROM: Gary W. Messer

SUBJECT: REPORT ON PUBLIC HEARING HELD JUNE 16, 1981, 10 a.m., AT THE LINN COUNTY COURTHOUSE, ALBANY, CONCERNING PROPOSED AMENDMENTS TO THE ON-SITE SEWAGE DISPOSAL RULES, OAR 340-71-100 TO OAR 340-71-600.

Summary of Procedure

Pursuant to public notice, a public hearing was convened in the Linn County Courthouse in Albany on June 16, 1981, at 10 a.m. The purpose of this meeting was to receive testimony regarding proposed amendments to adjust the General Fee Schedule, establish a surcharge, and add housekeeping changes to further clarify certain language of intent in the existing on-site sewage disposal rules.

Summary of Testimony

Roy Burns, Administrator, Lane County Building and Environmental Health Department, provided written testimony and summary. Mr. Burns generally favors adoption of the proposed rules and had several recommendations for modifications of the proposed rules, plus recommendations for additional rule amendments. See Attachment 1 for specific recommendations. Mr. Burns also noted that OAR 340-71-415 has two (2) Subsection (3's).

Ron Smith, Sanitarian, Benton County Health Department, expressed a desire to know what program activities would be maintained with the surcharge. He requested that some of these funds be used to provide surveillance and monitoring activities on new alternative systems to ensure groundwater degradation was not occurring. Mr. Smith also requested that the counties be allowed to specify maintenance agreements for large flow on-site sewage systems rather than just DEQ.

Bob Wilson, Sanitarian, Linn County Department of Environmental Health, expressed his county's support of the proposed new fee schedules and the new amendments which clarified the sand filter criteria, OAR-71-290(3) (A)(B) and (C). Mr. Wilson requested DEQ to provide the contract counties with a copy of the Hazen Williams Coefficient of Smoothness 150. He also requested that DEQ formally notify all owners of experimental systems and/or permits that will no longer be monitored of their their status. Basically, Linn County wants a final sign-off on these systems from DEQ so they can close their files.

GWM:ts,ak

Attachments: Witness Registration List
Written Statement from Roy Burns, Lane County
Tape Recording of Hearing

WITNESS REGISTRATION LIST

PUBLIC HEARING IN THE MATTER OF THE AMENDMENT TO
RULE OAR 340-71-100 TO 71-606, ON SITE
SEWAGE DISPOSAL.

NAME	ADDRESS	TIME REQUESTED
Roy Burns	Linn Co 125 E 8TH Eugene OR 97401	5:00 min.
Ken Smith	Benton Co. 530 N.W. 27 th Corvallis	5:00 min
Bob Wilson	Linn Co. P.O. Box 100 Albany	5 min.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JUN 18 1981
WATER QUALITY CONTROL

MEMORANDUM

lane county



TO Environmental Quality Commission
FROM Roy Burns, Lane County
SUBJECT Proposed On-Site Rule Amendments

DATE June 15, 1981

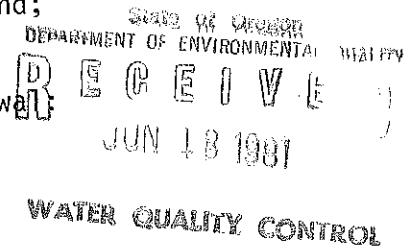
Lane County staff reviewed the proposed amendments and generally concur with DEQ recommendations.

In our short period of analysis and use of the on-site rules subsequent to adoption a number of minor problems associated with administering the rules has occurred. Prior to proposing additional amendments to Chapter 340 we have some suggested changes to the amendments suggested by DEQ staff.

- 1) OAR 340-71-140 Fees General. There are two areas that require further amendments:
 - (A) A definition and conditions for renewal of permits and;
 - (B) Surcharge

We suggest consideration of the following concerning permit renewal:

- Construction-Installation Permit Renewal
- If field visit required - \$50.00
- No field visit required - \$10.00



NOTE: Renewal of a permit will be granted if an application is filed prior to the twelve (12) month original permit expiration, work on the on-site system has been initiated, and the renewal applicant is the original permit grantee.

We recommend amending item (4) on surcharges to permit quarterly as well as monthly submission of revenue to the Dept. of Env. Quality.

We suggest the following amendment: "for separately and forwarded to the Department (on a montly basis.)" as agreed within contracts.

We believe the amendments to OAR 340-71-305(e) Other Sand Filters are reasonable and provide consistency with other alternatives for operation and maintenance. We suggest agents be extended the authority to approve operation and maintenance methods in addition to the Department. The following is suggested:
...Meeting the approval of the Director or agent have been made...

Areas of consideration not addressed within the proposed rule amendments that we are submitting are as follows:

- (1) OAR 340-71-160 Permit Application Procedures - General Requirements:

Amendment: (5) (G) The permit would violate any building, ordinance or regulation enacted or promulgated by a constitutionally Local government agency having jurisdiction over the subject real property.

Discussion: The issue of land use acceptance is appropriately and adequately addressed at the application stage in OAR 340-71-160 (3). No other provisions of potential conflict to local jurisdictions are stated as a condition for

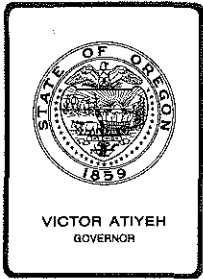
denial. In many cases water supply adequacy or related concerns need to be recognized where such regulation has been promulgated by a County or City.

(2) OAR 340-71-205 Authorization to Use Existing Systems.

Amendment: (1)...purpose for which a particular application is made. Applications for Authorization Notices shall conform to requirements of OAR 340-71-160 (2) (3) and (4).

Discussion: The procedure required for applying for authorization notices is vague in the current rules. The proposed amendment would clarify administrative procedures and provide consistency for applications through standardization of applications under section 160.

RB/bs



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 June 18, 1981

FROM: Sherman O. Olson, Jr., Hearings Officer

SUBJECT: REPORT ON PUBLIC HEARING HELD JUNE 16, 1981, AT THE STATE OFFICE BUILDING, 403 PINE STREET, KLAMATH FALLS, CONCERNING PROPOSED AMENDMENTS TO THE ON-SITE SEWAGE DISPOSAL RULES, OAR 340-71-100 TO OAR 340-71-600.

Summary of Procedure

Pursuant to Public Notice, a Public Hearing was convened in the Klamath Falls State Office Building conference room at 10 a.m. on June 16, 1981. The purpose of the hearing was to receive testimony regarding proposed amendments to the On-Site Sewage Disposal Rules.

Summary of Testimony

Mr. Tom Scurlock, owner of High Desert Construction, Christmas Valley, offered his support to the proposed changes to Tables 4 and 5. He did not support any increase in fees.

Mr. E. L. Buck, B-Z Construction, Crescent Lake, was in favor of the proposed amendment of Tables 4 and 5. Mr. Buck also suggested the Department look into a mechanism by which recreational vehicles (trailers, motor homes, etc.) could be placed temporarily on property and connected to Department approved on-site systems without the need of additional permits.

Mr. Dennis L. Fitzgerald, Denny's Backhoe, Christmas Valley, expressed favor for the reduction in disposal trench length, as proposed in Tables 4 and 5. Mr. Fitzgerald does not agree that fees should be raised.

SOO:ak
June 18, 1981

Summary of Written Testimony

Mr. Daniel M. Bush, Soil Scientist, Clackamas County Department of Environmental Services, recommends four (4) items to be amended or added to the on-site rules. Mr. Bush's letter is attached.

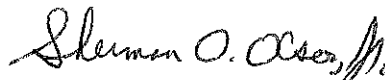
Mr. Richard L. Polson, Chief Soils Scientist, Clackamas County Department of Environmental Services, questions the proposed fee schedule as it applies to systems serving commercial facilities. He feels the site evaluation report fee is too high. Mr. Polson recommends that the plan review fee for systems serving commercial facilities be applicable only when the projected daily sewage flow exceeds a set amount, such as 1000 gallons per day. He also suggests the proposed surcharge be limited to five (5) percent. Mr. Polson's letter is attached.

Mr. Didrik A. Voss, District Sales Manager, Phillips Fibers Corporation, recommends that filter fabric be used to prevent soil migration into drainfield gravel. He provided a general filter fabric specification for consideration. Mr. Voss's letter and suggested specification are attached.

Mr. John K. Glover, Supervising Sanitarian, Deschutes County Health Department, suggests that this may not be the time to raise the fees and add a surcharge. Mr. Glover's letter is attached.

Mr. Richard H. Swenson, Director, Linn County Environmental Health Division, supports a strong State program, but feels the surcharge is exorbitant. He also suggests that forwarding the monies collected on a monthly basis would be burdensome and costly to the county. He favors the surcharge be based on a percentage rather than a fixed fee. Mr. Swenson's letter is attached.

Respectfully submitted,



Sherman O. Olson, Jr.
Hearings Officer

SOO:ak
June 25, 1981

DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
MAY 26 1981



May 20, 1981

WATER QUALITY CONTROL

Jack Osborne
Department of Environmental Quality
Box 1760
Portland, OR 97207

902 ABERNETHY ROAD WINSTON W. KURTH
OREGON CITY, OREGON 97045 Assistant Director
(503) 655-8521 DON D. BROADSWORD
Operations Director
DAVID J. ABRAHAM
Utilities Director
DAVID R. SEIGNEUR
Planning Director
JOHN C. McINTYRE
Director RICHARD L. DOPP
Development
Services
Administrator

SUBJ: Proposed Adoption of Amendment to OAR 340-71-100
Through 71-600 On-Site Sewage Disposal

The following are some housekeeping rule amendments for your consideration.

A. Minimum trench depth requirement for low pressure distribution.

As per rule 340-71-220 (8-a) on Page 71-28, the minimum trench depth required for low pressure distribution is 24". However, Diagram #12 shows a minimum 6" backfill required above the drainfield rock. Additionally, Rule 340-71-275 (4-b-C) on Page 71-36, allows a minimum 18" trench depth for seepage beds utilizing low pressure distribution.

Clarification as to the minimum trench depth required appears necessary.

B. Filter Fabric.

It is recommended to establish a minimum performance standard for filter fabric to be utilized in subsurface sewage disposal system construction. As per Rule 340-71-275 (4-c-D) on Page 71-35, the current requirement of

"permeable to fluids that will not allow passage of soil particles"

is found to be too open and vague for administration. Both the public and industry have expressed a concern as to the need to establish a minimum acceptable standard for this component.

v C. Friction Co-Efficient.

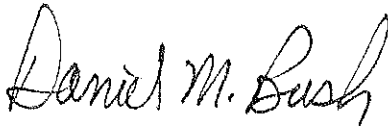
Rule 340-71-275 (5-a-A-ii) on Page 71-37, establishes a hydraulic design criteria for friction of C=120. This office has experienced great difficulty in trying to obtain a table for small diameter piping which gives the friction loss values. We would recommend that such a chart be included in the rules. Additionally, we would suggest for consideration a less conservative value more in line with the type of pipe materials being used in system construction.



D. Seepage Trenches.

It is suggested to establish a maximum trench depth requirement for seepage trench systems. Currently, it is our understanding that Rule 340-71-220 (8-a) applies limiting seepage trenches to a maximum depth of 36". On the other hand, it would be our understanding that the trench depth would be dependent upon the factors of separation from the ground water table, soils with rapid or very rapid permeability, etc. Clarification within the rules on this matter would be helpful. One criteria which we would ask consideration for is the allowance of trenches deeper than 36 inches where the soil conditions are deep and well drained. Specifically, we anticipated being able to use seepage trenches to eliminate the need for leeching drywells in some parts of the County. Unfortunately, it appears this will not be feasible with the 36" maximum trench depth limit.

If at all possible, we would ask that these four matters be considered in your proposed amendments to the rules on On-Site Sewage Disposal. If further information is needed, please feel free to contact this office.



DANIEL M. BUSH - Soil Scientist
Development Services Division

mb

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

MAY 26 1981

WATER QUALITY CONTROL

RECEIVED

MAY 28 1981

Water Quality Division
Dept. of Environmental Quality



May 22, 1981

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
JOHN C. McINTYRE
Director
RICHARD L. DOPP
Development
Services
Administrator

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

ATTN: Jack Osbuorne

SUBJ: Proposed Amendments to Oregon Administrative Rules
340-71-100 to 71-600, as Per Memo Dated June 1, 1981

I have just completed reviewing your proposed rule amendments, as per the above memo. I have some serious concerns concerning some portions of your proposed changes, and would like to have these comments placed in the record at your hearings on June 16, 1981.

Under General Fees, I have the following comments:

1. The new rules allow the D.E.Q. to charge \$135 for a site evaluation for a residential development. However, commercial facility lots would be evaluated at a cost of \$135 for the first projected 1000 gallons of daily sewage flow and \$40 for each 500 gallons beyond the 1000 gallons. This fee schedule, it appears to me, puts an extremely high price for even moderately sized commercial developments. For example, if a development was expected to generate a maximum daily sewage flow of approximately 4000 gallons, the total fee for site evaluations alone would be \$375. Even with the largest possible drainfield, 4000 gallons of sewage could be disposed of in approximately 2 to 2½ acres of reasonably open, level terrain. In my opinion, charging \$375 to evaluate the 5 to 8 test holes necessary to examine 2 acres is excessive. I would much prefer to see the \$40 incremental charge placed upon steps of 2000 gallons of daily sewage flow, instead of as currently proposed.
2. You propose to charge a \$50 fee for plan reviews on any commercial facility system, regardless of its size. Since commercial is defined in the current regulations as any structure other than a single family residence, it is apparent that a \$50 fee could be charged to review the sewage disposal layout for a small office building where sewage flows would only be about 150 gallons per day. In my opinion, detailed facility plans for commercial structures should only be




necessary in the case where sewage flows exceed some figure in the neighborhood of 1000 gallons per day. To charge for plan reviews for systems much smaller than that does not appear to be equitable.

3. Your proposals indicate that you wish to charge a surcharge for site evaluation reports and new construction permits. This surcharge is quite likely to raise a significant amount of public hostility as well as objections from the construction industry. This office has gone on record in the past of supporting a surcharge similar to that used by the Department of Commerce in work with the Uniform Building Code. At the Department of Commerce, a 4% surcharge is charged on all building permits. This money is used to finance the Department's educational program and aid in overall improvement of the knowledge and understanding of the building code. The surcharge you propose is, in my opinion, extremely high. Using the data for the fiscal year from July, 1979, to June, 1980, the amount of revenue generated by such a fee schedule would be in the range of \$310,000. Unless the public could see a significant benefit from the expenditures of such funds, I would not favor approval of the surcharge. If the rule could be rewritten to earmark funds for an educational program or publication and dissemination of information for the general public, then this office could enthusiastically support such a proposal. However, the fees you propose to charge seem to be well in excess of any thing necessary to accomplish such a program. I would strongly recommend returning to a 4 or 5% sort of surcharge program, with specific uses designated for the use of such funds.

Dan Bush from our office has forwarded comments relative to the current regulations, but not necessarily relevant to your proposed changes. It is my hope that his comments can be reviewed, and answers to the questions raised be presented either through the public hearing process or through memos from your office.

I appreciate the opportunity to present my views on this matter to you and to the Department. If you have any questions with regard to the above, do not hesitate to contact me.



RICHARD L. POLSON - Chief Soils Scientist
Development Services Division

/mb



PHILLIPS FIBERS CORPORATION

A SUBSIDIARY OF PHILLIPS PETROLEUM COMPANY

ENGINEERED PRODUCTS MARKETING
1200 WESTLAKE AVENUE NORTH #414
SEATTLE, WASHINGTON 98109
(206) 282-7148

June 8, 1981

Department of Environmental Quality
Attn: Jack Osborne
P.O. Box 1760
Portland, OR 97207

Re: Amendments to Rule OAR 340-71-100 to 71-600

Dear Mr. Osborne:

In your review of the above Rule, we would like to recommend the use of filter fabrics to protect the drain field from plugging due to soil particles migrating into the open aggregate.

Phillips Fibers Corporation manufactures a filter fabric called Supac which is used by the construction industry to protect drainage structures along highways and around buildings. The use of Supac in completely enclosing the drain rock assures a longer life to the structure. This same technology can be applied to drain fields, saving the homeowner the necessity of digging up the field every few years to clean it. The fabric is an inert material called polypropylene which is not effected by normal waste products.

Enclosed is some literature on Supac including a design guide for its use in drains. Also enclosed is a general specification that would be appropriate for inclusion in your Rule.

If you have any further questions, please feel free to contact me.

Very truly yours,

A handwritten signature in dark ink, appearing to read "D. Voss".

Didrik A. Voss, PE
District Sales Manager

DV:mt
Encl.

cc: Ed Fatz
Pacific Corrugated Pipe Co.

SPECIFICATION

Filter Fabric for Drain Fields

The filter fabric shall be a pervious sheet of polymeric fibers secured by needle-punching, spun-bonding or melt-bonding such that the fibers are stable and free from defects, rips, holes and flaws.

The polymeric fabric supplied shall meet the physical and mechanical properties listed below:

<u>Property</u>	<u>Value</u>
Tensile Strength, lbs., minimum ASTM D-1682	90
Elongation, %, ASTM D-1682	50-90
Mullen Burst, psi, minimum ASTM D-751	200
Puncture, lbs., minimum COE CW02215	50
Equivalent Opening Size COE CW02215	70-140
Coefficient of Permeability, CM/SEC, minimum	0.10

Deschutes County Health Department

ENVIRONMENTAL HEALTH SECTION
COURTHOUSE ANNEX BEND, OREGON 97701

May 26, 1981

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

Re: Proposed Amendment to OAR 340-71-100 to 71-600, On Site Sewage Disposal Rules

Dear Jack:

I will be unable to attend the hearing due to the distance and a shortage of funds in our travel budget. My comments are limited to the proposed fees and surcharges.

An increase in fees for some new alternative systems is reasonable considering the additional inspection time required. However, I was distressed to read of a proposed increase of \$53.00 for a feasibility and permit to serve a single family residence. This amounts to approximately 33% and at a time when the voters refuse to pass a county budget in excess of 6%. I realize that a portion of this increase is the surcharge to cover your administrative costs. To the public it boils down to the cost of a permit. In Deschutes County alone, the surcharge for the first five months of this year would have amounted to \$9,800.00. If the economic conditions improve, the annual surcharge would be considerable. I doubt if this would be acceptable to the public as proposed. Perhaps any surcharges should be deducted from the permit costs instead of being an additional cost.

Thank you for the opportunity to comment.

Sincerely,


John K. Glover, R.S.
Supervising Sanitarian

JKG:mr

RECEIVED
MAY 28 1981

Water Quality Division
Dept. of Environmental Quality

LINN COUNTY DEPARTMENT OF HEALTH SERVICES
COURTHOUSE ANNEX
P. O. Box 100, Albany, Oregon 97321

Michael McCracken, M.S.
Administrator

Benjamin Bonniander, M.D., M.P.H.
Health Officer

Dennis D. Dahlen, M.S.W.
Mental Health Director

JoAline Olson, R.N.
Public Health Director

Richard Swenson, R.S.
Environmental Health Director



Public Health 967-3888
Mental Health 967-3866
Environmental Health 967-3821
Administration 967-3905

May 26, 1981

Mr. Jack Osborne
Manager
On-Site Waste Disposal
Department of Environmental Quality
P.O. Box 1760
Portland, OR 97207

RECEIVED
MAY 27 1981

Re: Proposed Surcharge

Water Quality Division
Dept. of Environmental Quality

Dear Jack:

I have received a copy of the proposed DEQ rule amendments that recommend a state surcharge of \$14 per site evaluation and \$5 per standard construction permit. Counties would be required to forward the monies to the Department on a monthly basis. I believe in a strong state program with up-to-date rules and good technical assistance. Understandably, this costs money. However, I believe the proposed surcharge is exorbitant. I offer the following comments.

During the last three quarters, Linn County has done 302 site evaluations and issued 116 permits. Therefore, the total due over the last nine months would be \$4,808 or an average of \$534.22 per month.

With the adoption of the new rules on March 13, 1981, counties have more responsibilities and DEQ has less. On the average, we request a field visit from the DEQ sanitarian once a month. This means we would be paying approximately \$450 per month for administrative activities. I find this very high as I just reduced my budget and had to lay off one sanitarian.

Total on-site program receipts for the last nine months for Linn County was \$34,910; 3% of this is \$1,047.30--a figure that I think is fair and still allows for a strong state program.

Forwarding this amount on a monthly basis would be too burdensome and costly for the county. I would prefer that the accounting be performed quarterly as is your statistical report.

Mr. Jack Osborne
May 26, 1981
Page 2

I prefer a percentage surcharge rather than a flat rate for easier bookkeeping purposes, but I understand your intent to have the surcharge clearly separate from the county fee.

Therefore, I recommend that the DEQ surcharge be \$5 for site evaluations. This represents about a 4% surcharge across the board. No surcharge should be required for permits.

Since counties are negotiating contracts, this would be an excellent opportunity for the Department to clarify exactly what services would be provided for this surcharge income.

I understand this surcharge must be approved by the Joint Committee on Ways and Means as well as the Environmental Quality Commission to be effective.

Thank you.

Sincerely,



Richard H. Swenson, R.S., Director
Environmental Health Division

RHS/klb

cc: Mike McCracken
John Borden
Roger Heyden
Roy Burns
Gene Clemens
Chuck Costanzo
Dyke Mace
Bob Foster
Gordon Fultz

RECEIVED
MAY 27 1981

Water Quality Division
Dept. of Environmental Quality

ATTACHMENT "B"

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

In the Matter of Amendment) Statutory Authority,
to Rule OAR 340-71-100 to 71-600) Statement of Need,
On-Site Sewage Disposal) Principal Documents Relied Upon
) and Statement of Fiscal Impact

1. Citation of Statutory Authority: ORS 454.625, which requires the Environmental Quality Commission to adopt rules pertaining to On-Site Sewage Disposal.
2. Need for Rule: The Department of Environmental Quality as well as Multnomah County require an increase in fees for permits and services in the on-site sewage disposal program in order to carry on an efficient level of service. In addition, some technical rule amendments are necessary to provide smoother administration of the On-Site Sewage Disposal rules.
3. Documents Relied Upon in Proposal of the Rule Amendments:

Letter from Multnomah County with attached documentation on fees, dated April 10, 1981.

This document may be viewed at Department of Environmental Quality, 522 S.W. Fifth, Portland, Oregon, or at the Multnomah County Department of Environmental Services, 2115 S.E. Morrison Street, Portland, Oregon.
4. Fiscal and Economic Impacts: Fiscal and economic impacts would affect persons applying for a permit or service under the statewide rules for on-site sewage disposal. Generally such applicants would pay an increased fee for a permit or service. In addition, the new fee schedules will result in additional revenue for the Department and Contract Counties to use for program operation.

Date: July 17, 1981

William H. Young, Director
Department of Environmental Quality

XL384.B (1)

PROPOSED ON-SITE RULE AMENDMENTS

Amend OAR 340-71-140 as follows:

340-71-140 Fees-General.

- (1) Except as provided in Section [3] (5) of this rule, the following nonrefundable fees are required to accompany applications for site evaluations, permits, licenses and services[:] provided by the Department.

<u>ON-SITE</u>	<u>MAXIMUM</u>
<u>SEWAGE DISPOSAL SYSTEMS</u>	<u>FEE</u>
(a) New Site Evaluation:	
<u>(A) Single Family Dwelling:</u>	
<u>(i) First Lot.....</u>	[120] <u>\$135</u>
<u>(ii) Each Additional Lot Evaluated During Initial</u>	
<u>Visit [While On-site].....</u>	[100] <u>\$110</u>
<u>(B) Commercial Facility System[,]; [for Each 1200</u>	
Gallons Projected Daily Sewage Flow or	
Part Thereof.....	[120]
<u>(i) For First 1000 Gallons Projected Daily</u>	
<u>Sewage Flow</u>	<u>\$135</u>
<u>(ii) Plus For Each 500 Gallons or Part Thereof</u>	
<u>Above 1000 Gallons</u>	<u>\$40</u>
<u>(C) Evaluation Denial Review</u>	[25] <u>\$50</u>

(D) [(A)] Fees for site evaluation applications made to an agreement county shall be in accordance with that county's fee schedule.

(E) [(B)] Each fee paid entitles the applicant to as many site inspections on a single parcel or lot as are necessary to determine site suitability for a single system. The applicant may request additional site inspections within 90 days of the initial site evaluation, at no extra cost.

(F) [(C)] Separate fees shall be required if site inspections are to determine site suitability for more than one system on a single parcel of land.

(b) Construction Installation Permit :

(A) For First 1000 Gallons Projected Daily Sewage Flow:

<u>(i)</u>	Standard On-Site System	[40]	<u>\$50</u>
<u>(ii)</u>	Alternative System[s] :		
	<u>Aerobic System</u>		<u>\$90</u>
	<u>Capping Fill</u>	[40]	<u>\$90</u>
	<u>Cesspool</u>		<u>\$50</u>
	<u>Evapotranspiration-Absorption</u>		<u>\$90</u>
	<u>Gray Water Waste Disposal Sump</u>		<u>\$50</u>
	<u>Holding Tank</u>	[40]	<u>\$90</u>
	<u>Pressure Distribution</u>		<u>\$90</u>
	<u>Redundant</u>		<u>\$90</u>
	<u>Sand Filter</u>	[40]	<u>\$130</u>
	<u>Seepage Pit</u>		<u>\$50</u>

<u>Seepage Trench</u>	\$50
<u>Steep Slope</u>	\$50
<u>Tile Dewatering</u>	\$90
[Other]	[40]

(B) For systems with projected daily sewage flows greater than 1000 gallons, the construction installation permit fee shall be equal to the fee required in OAR 340-71-140 (1) (b) (A) plus \$10 for each 500 gallons or part thereof above 1000 gallons.

Note: Fees for construction permits for systems with projected daily sewage flows greater than 5,000 gallons shall be in accordance with the fee schedule for WPCF permits.

(C) Commercial Facility System, Plan Review [,] :

[for each 1200 gallons daily sewage flow, or part thereof..... 40]

(i) for first 1000 gallons projected daily sewage flow \$50

(ii) plus for each 500 gallons or part thereof above 1000 gallons \$10

[Commercial Facility System, Permit, for each 1200 Gallons Daily Sewage Flow, or Part Thereof.. 40]

(D) Permit Denial Review..... [25] \$50

(E) Construction-Installation Permit Renewal :

(i) If Field Visit Required..... [25] \$50

(ii) No Field Visit Required..... \$ 10

- (c) Alteration Permit [40] \$ 50
- (d) Repair Permit:
 - (A) Single Family Dwelling \$ 25
 - (B) Commercial Facility ... The appropriate fee identified In OAR 340-71-140(1) (b) (A) and (B) applies.
- (e) Authorization Notice:
 - If Field Visit Required [40] \$ 50
 - No Field Visit Required \$ 10
- (f) Annual Evaluation of Alternative System
 - (Where Required) [40] \$ 50
- (g) Annual Evaluation of Large System (2501 to 5000 GPD) [40] \$ 50
- (h) Annual Evaluation of Temporary Mobile Home..... [25] \$ 50
- (i) Variance to On-Site System Rules \$ 225

An applicant for a variance is not required to pay the application fee, if at the time of filing, the owner:

- (A) Is 65 years of age or older; and
- (B) Is a resident of the State of Oregon; and
- (C) Has an annual household income, as defined in ORS 310.630, of \$15,000 or less.

- (j) Rural Area Variance to Standard Subsurface Rules
 - (A) Site Evaluation..... [120] \$ 135
 - [Permit 40]

Note: In the event there is on file a site evaluation report [application] for that parcel that is less than ninety days old, the [above] site evaluation fee shall be waived.

(B) Construction Installation Permit....The appropriate fee identified in OAR 340-71-140(1)(b) applies.

(k) Sewage Disposal Service:

Business License	\$ 100
Pumper Truck Inspection, Each Vehicle	\$ 25

(l) Experimental Systems:

Permit	\$ 100
--------------	--------

(2) Contract County Fee Schedules.

Pursuant to ORS 454.745(4), fee schedules which exceed maximum fees in ORS 454.745(1), and Section (1) of this rule, are established for Contract Counties as follows:

- (a) Lane County (set forth in Appendix K).
- (b) Clackamas County (set forth in Appendix L).
- (c) Multnomah County (set forth in Appendix M).

(3) Contract County Fee Schedules, General.

(a) Each county having an agreement with the Department under ORS 454.725 shall adopt a fee schedule for services rendered and permits and licenses to be issued.

(b) A copy of the fee schedule and any subsequent amendments to the schedule shall be forwarded to the Department.

(c) Fees shall not:

(A) Exceed actual costs for efficiently conducted services; or

(B) Exceed the maximum established in Section (1) of this rule, unless approved by the Commission pursuant to ORS 454.745(4).

(4) Surcharge. In order to offset a portion of the administrative costs of the statewide on-site sewage disposal program, a surcharge for each activity, as set forth in the following schedule, shall be levied by the Department and by each Agreement County. Proceeds from surcharges collected by the Department and Agreement Counties shall be accounted for separately. Each Agreement County shall forward the proceeds to the Department as negotiated in the memorandum of agreement (contract) between the county and the Department.

<u>Activity</u>	<u>Surcharge</u>
(a) <u>Site evaluation: per lot; or</u> <u>for each 1,000 gallons projected</u> <u>daily sewage flow or part thereof</u> <u>up to 5,000 gallons</u>	<u>\$15</u>
(b) <u>New Construction Installation Permit</u>	<u>\$ 5</u>

[3] (5) The Agent may refund a fee accompanying an application [for a construction-installation permit, site evaluation report, or variance,] if the applicant withdraws the application before the Agent has done any field work or other substantial review of the application.

Amend OAR 340-71-290(3) as follows:

(3) Sites Approved for Sand Filter Systems. Sand filters may be permitted on any site meeting requirements for standard subsurface sewage disposal systems contained under OAR 340-71-220, or where disposal trenches (including shallow subsurface irrigation trenches) would be used, and all the following minimum site conditions can be met:

(a) The highest level attained by temporary water would be
[eighteen (18) inches or more below ground surface; or twelve
(12) inches or more below the natural ground surface where slopes
are twelve (12) percent or less, and either a pressurized
distribution system or a capping fill constructed pursuant to
Section 340-71-265(3) and 340-71-265(4) (a) through (c) is used.
Temporary groundwater levels shall be determined pursuant to
methods contained in Subsection 340-71-220(2) (b).]

(A) Twelve (12) inches or more below ground surface where
gravity equal distribution trenches are used. Pressurized
distribution trenches may be used to achieve equal
distribution on slopes up to twelve (12) percent; or

(B) Twelve (12) inches or more below ground surface on sites
requiring serial distribution where distribution trenches
are covered by a capping fill, provided: trenches are
excavated twelve (12) inches into the original soil profile,
slopes are twelve (12) percent or less, and the capping
fill is constructed according to provisions under OAR
340-71-265(3) and 340-71-265(4) (a) through (c). A
construction-installation permit shall not be issued until
the fill is in place and approved by the Agent; or

(C) Eighteen (18) inches or more below ground surface on sites
requiring serial distribution where standard serial
distribution trenches are used.

(b) The highest level attained by a permanent water table would be
equal to or more than distances specified below:

Amend OAR 340-71-305(3) as follows:

- (3) No permit shall be issued for the installation of any other sand filter which in the judgment of the Department would require operation and maintenance significantly greater than the conventional sand filter unless [responsibility] arrangements for system operation and maintenance [is vested in a municipality as defined in ORS 454.010(3) which the Department determines to have adequate resources to carry out such responsibility, unless other arrangements] meeting the approval of the Director have been made which will ensure adequate operation and maintenance of the system. Each permitted installation may be inspected by the Agent [or responsible public entity] at least every twelve (12) months and checked for necessary corrective maintenance. [An annual system evaluation fee shall be assessed.] The Agent may waive the annual system evaluation fee during years when the field evaluation work is not performed.

Amend OAR 340-71-325(1) and (2) as follows:

340-71-325 Gray Water Waste Disposal Sumps. (Diagrams 14 and 15)

- (1) For the purpose of these rules "gray water waste disposal sump" means a series of receptacles designed to receive hand-carried gray water for [absorption] disposal into the soil.

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

(2) Criteria for Approval.

- (a) Hand-carried [G]gray water may be disposed of in gray water waste disposal sumps which serve facilities such as recreation parks, camp sites, seasonal dwellings, or construction sites [which do not have running water piped into the units.] where the projected daily gray water flow does not exceed ten (10) gallons per unit. Gray water or other sewage shall not be piped to the gray water waste disposal sump. Where projected daily sewage flow exceeds ten (10) gallons per unit, gray water shall be disposed of in facilities meeting requirements of OAR 340-71-320 (2) (b).

Amend OAR 340-71-160 by adding a new section (9) as follows:

- (9) A permit issued pursuant to these rules shall be effective for one (1) year from the date of issuance and is not transferrable.

Amend OAR 340-71-275 (5) (a) (A) (ii) as follows:

- (ii) Pipe friction shall be based upon a Hazen Williams coefficient of smoothness of [120] 150 . All pressure lateral piping and fittings shall have a minimum diameter of two (2) inches unless submitted plans and specifications show a smaller diameter pipe is adequate. The head loss across a lateral with multiple evenly spaced orifices may be considered equal to one-third (1/3) of the head loss that would result if the entrance flow were to pass through the length of the lateral.

Amend OAR 340-71-290 (3) (c) as follows:

- (c) Permanent water table levels shall be determined in accordance with methods contained in subsection 340-71-220(1) (d). Sand filters installed in soils as defined in Appendix A, 107, in areas with permanent water tables shall not discharge more than four hundred fifty (450) gallons of effluent per one-half (1/2) acre per day except where:

Add OAR 340-71-140 (2) (c), Appendix M, as follows

340-71-140 (2) (c)

APPENDIX M

MULTNOMAH COUNTY FEE SCHEDULE

(A) Septic Tank and Disposal Field's

<u>(i) New site evaluation, 1st lot</u>	<u>\$120.00</u>
<u>(ii) Each additional lot evaluation while on site</u>	<u>120.00</u>

(B) Seepage Pits, Cesspools or Holding Tanks

(New Site Evaluation)

<u>(i) Commercial site</u>	<u>120.00</u>
<u>(ii) Industrial site</u>	<u>120.00</u>
<u>(iii) Multiple residential site, 1st system</u>	<u>70.00</u>
<u>Each additional system</u>	<u>50.00</u>
<u>(iv) Single family residential site</u>	<u>70.00</u>

(C) Construction Installation Permit

<u>(i) Standard septic tank/drainfield, with daily flow of 450 gallons per day maximum</u>	<u>65.00</u>
<u>(ii) Septic tank capping fill on disposal areas</u>	<u>75.00</u>
<u>(iii) Sand filter system</u>	<u>100.00</u>
<u>(iv) Septic tank/drainfield system in excess of 450 gallons per day</u>	<u>65.00</u>

	<u>Plus \$20.00 for each increment of 450 gal/day</u>	
(v)	<u>All alternative systems other than capping fill and sand filter systems</u>	<u>100.00</u>
(vi)	<u>Cesspool</u>	<u>65.00</u>
(vii)	<u>Cesspool excess of 20' of rings</u>	<u>100.00</u>
(viii)	<u>Septic tank (maximum capacity 2500 gallons) and one 15' or 20' seepage pit</u>	<u>65.00</u>
(ix)	<u>Septic tank (maximum capacity 2500 gallons) and two 15' x 20' seepage pits</u>	<u>100.00</u>
(x)	<u>System with septic tank larger than 3000 gallons shall be prorated at increments of \$50.00/1000 gal. capacity. \$50.00 for each increment of 1000 gallons of capacity</u>	<u>100.00</u>
(xi)	<u>Holding tank permits</u>	<u>100.00</u>
(D)	<u>Alteration of septic tank and drainfield</u>	<u>40.00</u>
(E)	<u>Extension of septic tank and drainfield</u>	<u>40.00</u>
(F)	<u>Repair of septic tank and drainfield</u>	<u>40.00</u>
(G)	<u>Inspection of sewage disposal pump truck</u>	<u>25.00</u>
	<u>Each additional licensed truck on premises</u>	<u>10.00</u>
(H)	<u>Evaluation of existing system adequacy</u>	<u>30.00</u>
(I)	<u>Annual evaluation of alternative system (When required including holding tank)</u>	<u>40.00</u>
(J)	<u>Annual evaluation of temporary mobile homes</u>	<u>25.00</u>
(K)	<u>Abandonment of subsurface system</u>	<u>35.00</u>

Amend OAR 340-71-220(3) (a) (B) (Table 4) as follows:

TABLE 4

Minimum length of disposal trench (linear feet) required per one hundred fifty (150) gallons projected daily sewage flow determined from soil texture versus effective soil depth.

<u>EFFECTIVE</u> <u>SOIL</u> <u>DEPTH</u>	<u>SOIL GROUP *</u>		
	A	B	C
18" to Less than 24"	125	150	175
24" to Less than 36"	100	125	150
36" to less than 48"	75	100	125
48" or more	[75] <u>50</u>	75	125

- * Soil Group A Sand, Loamy Sand, Sandy Loam
- Soil Group B Sandy Clay Loam, Loam, Silt Loam, Silt, Clay Loam
- Soil Group C Silty Clay Loam, Sandy Clay, Silty Clay, Clay

Tables - 4

Amend OAR 340-71-220 (3) (a) (C) (Table 5) as follows:

TABLE 5

Minimum length of disposal trench (linear feet) required per one hundred fifty (150) gallons projected daily sewage flow determined from soil texture versus depth to temporary groundwater.

<u>DEPTH</u>	24"			
	To Less	100	125	150
<u>TO</u>	Than 48"			
<u>TEMPORARY</u>				
	48"			
<u>GROUNDWATER</u>	or	[75] <u>50</u>	[100] <u>75</u>	125
	More			
		A	B	C
		<u>SOIL GROUP</u> *		

- * Soil Group A Sand, Loamy Sand, Sandy Loam
- Soil Group B Sandy Clay Loam, Loam, Silt Loam, Silt, Clay Loam
- Soil Group C Silty Clay Loam, Sandy Clay, Silty Clay, Clay

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

Tables - 5

*by Young
Osborne*



MULTNOMAH COUNTY OREGON

OFFICE OF THE COUNTY EXECUTIVE
ROOM 136, COUNTY COURTHOUSE
PORTLAND, OREGON 97204
(503) 248-3308

DONALD E. CLARK
COUNTY EXECUTIVE

April 10, 1981

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

Dear Mr. Young:

Multnomah County, a contract county with the Department of Environmental Quality, in accordance with O.R.S. 454.745 (4), requests an amendment to current approved fees.

Multnomah County is performing minimum services efficiently and effectively, but has been unable to support service costs with existing fees. The extent of our inability to support service costs, since current fees were established, is evidenced in our quarterly reports.

Enclosed you will find the requested fee revisions along with statistical data and an explanatory narrative.

We will appreciate your forwarding this request to the Environmental Quality Commission for appropriate action.

Please advise Bill Whitfield, 248-3047, if any additional data is requested.

Sincerely,

Donald E. Clark
Donald E. Clark
County Executive

ljw

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
APR 14 1981

OFFICE OF THE DIRECTOR

MULTNOMAH COUNTY
DEPT. OF ENVIRONMENTAL SERVICES
PERMIT SECTION

SUBSURFACE SEWAGE PROGRAM
PERMIT FEE STATISTICAL DATA

APRIL 1981

NARRATIVE

- Page 1 & 2 Provide a comparison between the existing and proposed subsurface permit fees. The requested fee increases reflect increases in installation and repair permits. This, we feel, is the area contributing most significantly to the program deficit.
- Page 3 Provides the actual fees received from the existing fee schedule and fees anticipated from the proposed schedule. The period March 1980 to March 1981 was used because the existing fee schedule was put into effect in March of 1980.
- Page 4 Sets forth the fiscal year program cost beginning July 1981. The program wage reflects a conservative break down of the percentage of total gross wage applicable to the subsurface program. Wages and direct services are derived from our 1981-82 budget. The direct materials and services comprise office supplies, communications, minor equipment, fuel, maintenance, etc. The indirect materials and service is established by the Office of County Management as a percentage of all direct budgeted items in the Department of Environmental Services. For this purpose we are using I.M.S. as a percentage of personnel costs only. The 19.6% I.M.S. covers the cost of space rental, automobile purchase, county counsel, payroll, insurance, etc.
- Page 5 Indicates the subsurface activity volume for the last two years. Activity figures are obtained from in-house monthly reports, which contain information in more detail than required on quarterly reports. These figures should, however coincide with those activities shown on the D.E.Q. quarterly report form.

SUBSURFACE SEWAGE DISPOSAL
PERMIT FEE AMENDMENTS

<u>FEE SCHEDULE</u>	<u>PRESENT</u>	<u>PROPOSED</u>
A. Septic Tank and Disposal Field's		
1. New site evaluation, 1st lot	\$120.00	\$120.00
2. Each additional lot evaluation while on site	120.00	120.00
B. Seepage Pits, Cesspools or Holding Tanks (New Site Evaluation)		
1. Commercial site	120.00	120.00
2. Industrial site	120.00	120.00
3. Multiple residential site, 1st system	70.00	70.00
Each additional system	50.00	50.00
4. Single family residential site	70.00	70.00
C. Construction Installation Permit		
1. Standard septic tank/drain field, with daily flow of 450 gallons per day maximum	40.00	65.00
2. Septic tank capping fill on disposal areas	40.00	75.00
3. Sand filter system	40.00	100.00
4. Septic tank/drain field system in excess of 450 gallons per day Plus \$20.00 for each increment of 450 gal/day	40.00	65.00
5. All alternative systems other than capping fill and sand filter systems	40.00	100.00
6. Cesspool	40.00	65.00
7. Cesspool excess of 20' of rings	40.00	100.00
8. Septic tank (maximum capacity 2500 gallons) and one 15' or 20' seepage pit	40.00	65.00
9. Septic tank (maximum capacity 2500 gallons) and two 15' X 20' seepage pits	40.00	100.00
10. System with septic tank larger than 3,000 gallons shall be pro-rated at increments of \$50.00/1000 gal. capacity. \$50.00 for each increment of 1,000 gallons of capacity.	40.00	100.00
11. Holding tank permits	40.00	100.00
D. Alteration of septic tank and drainfield	25.00	40.00
E. Extension of septic tank and drainfield	25.00	40.00
F. Repair of septic tank and drainfield	25.00	40.00
G. Inspection of sewage disposal pump truck	25.00	25.00
Each additional licensed truck on premises	10.00	10.00

H. Evaluation of existing system adequacy	30.00	30.00
I. Annual evaluation of alternative system (When required including holding tank)	40.00	40.00
J. Annual evaluation of temporary mobile homes	25.00	25.00
K. Abandonment of subsurface system	35.00	35.00

SUBSURFACE SEWAGE PERMIT REVENUE

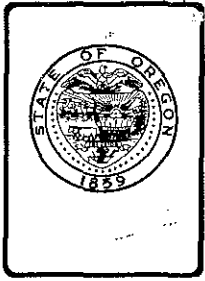
Activity	EXISTING FEE ACTUAL INCOME MAR. 80 to Mar. 81	PROPOSED FEE PROJECTED INCOME F.Y. 1981-82
Site evaluation	\$36,505	\$36,505
Construction permit (new)	38,175	62,034
Construction permit (Repl.)	1,300	2,080
F.H.A. - V.A.	10,770	10,770
Abandonment	15,380	15,380
Alternative systems	400	1,000
Holding tanks	0	(est.) 1,000
Pumper Truck inspection	400	400
Total	<u>\$102,930</u>	<u>\$129,169</u>

1981-82 F.Y. SUBSURFACE PROGRAM
FINANCIAL ANALYSIS

NAME	PERCENT OF TIME	GROSS ANNUAL WAGE	PROGRAM WAGE
Chinn	100	\$35,202.00	\$35,202.00
Stupey	100	29,024.88	29,024.88
Crawford	100	25,284.46	25,284.46
McVeigh	50	18,881.66	9,440.83
Baker	5	22,091.40	1,104.57
Schumacher	10	22,404.36	2,240.44
Whitfield	10	42,108.88	4,210.89
Total Gross Wages Paid			\$106,508.07
Direct Materials and Service 10% G.W.			10,650.81
Indirect Materials and Service 19.6% G.W.			20,875.56
Total Subsurface Program Operating Cost			\$138,034.44

SUBSURFACE PERMITS
TWO YEAR ACTIVITY RECORD

ACTIVITY	APR-JUN '79	JUL-SEP '79	OCT-DEC '79	JAN-MAR '80	APR-JUN '80	JUL-SEP '80	OCT-DEC '80	JAN-MAR '80
PERMITS ISSUED		Start Aug. 190	223	228	246	227	223	238
OFFICE CONSULT	2,437	2,245	2,083	2,203	2,136	1,418	2,118	2,430
S.T.& D.F. INSP	36	54	45	18	38	39	27	30
C.& S.P. INSP	282	288	180	201	232	127	242	279
RECHECK ON SYST	75	48	56	39	53	37	48	46
EVAL EXIST SYST	190	134	107	107	107	73	90	66
COMPLAINTS INVEST	109	74	44	54	70	62	47	54
SYST PLAN REVIEW	809	525	651	497	391	330	404	526
FEASIBILITY STUDY	62	68	39	55	35	39	36	56
ABANDONMENT INSP				Start Mar. 45	132	101	95	91
SUPPORT SERV MEET	241	208	110	139	182	87	144	142



Environmental Quality Commission

522 S.W. 5th AVENUE, P.O. BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item Q, July 17, 1981, EQC Meeting

Request for a Variance from OAR 340-21-015(2)(b) and
OAR 340-21-030 for the Mid-Oregon Crushing Company
Asphaltic Concrete Plant

Background and Problem Statement

Mid-Oregon Crushing Company operates an asphaltic concrete paving plant at Lower Bridge, seven miles northwest of Redmond, Oregon. The plant is portable, but has been at Lower Bridge for four years. The location is a special control area and particulate emission limits of OAR 340-21-015(2)(b) and 340-21-030 apply. The company has requested a variance from these limits until March 1, 1982. Attachment A contains the variance request.

The Department has been working with Mid-Oregon Crushing Company since 1978 to reduce emissions so that its plant could operate in continuous compliance. However, the plant has never been observed in compliance and has not passed an emissions test as required by its permit. There has been an extensive enforcement history since 1978, which is outlined in Attachment B.

On March 2, 1981, the Director issued a legal notice notifying the company that its permit application would not be renewed. The company appealed this notice. Action on the appeal by the Hearings Section has been postponed awaiting consideration of the variance request.

Since 1978, the company has regularly attempted to improve its pollution control system on the asphaltic concrete plant. These adjustments have cut emissions, although the emissions still remain significantly above the permit limits. The asphaltic concrete plant operated infrequently during both 1979 and 1980. From the plant's production data, Department staff estimates actual operating time of 220 hours in 1979 and 140 hours in 1980.

The company's variance request contains a financial statement which shows a poor financial condition. The request also contains statements by five local paving companies who rely on the asphaltic concrete plant for material. It



Contains
Recycled
Materials

is claimed that Mid-Oregon Crushing Company is the only asphalt producer in Central Oregon who will sell material to these pavers. Finally, the variance request discusses the majority stockholder's medical condition and the subsequent problems of managing the company and making improvements. Based upon these circumstances, the company requested a variance from opacity limits and an emission test requirement until March 1, 1982.

The Commission is authorized by ORS 468.345 to grant variances from Department rules if it finds that strict compliance is inappropriate because, among other options, "strict compliance would result in a substantial curtailment or closing down of a business, plant or operation."

Alternatives and Evaluation

The following is a discussion of alternatives when considering the excessive emissions from the asphaltic concrete plant.

1. Mid-Oregon Crushing could purchase a new pollution control system for the plant. The company applied for construction approval and preliminary tax credit certification for installation of a baghouse in 1979. The installation never occurred. Because of the apparent poor economic condition of the company, purchase of pollution control equipment may not be feasible.
2. The company could upgrade its existing wet scrubber system to meet emission limits. This has been attempted over the past three years without success. It is the Department's opinion that a comprehensive analysis by a competent consultant might result in the plant's emissions meeting standards. However, it is doubtful if a consultant could be retained at this time because of the company's financial problems.
3. The company has the option of selling the plant. This might eliminate financial burdens caused by the plant not operating and might make the company's other operations profitable. However, potential buyers may not be interested in a plant that is not meeting emission standards. The present economy probably lessens the chance of selling the plant.
4. The company could choose to not operate the plant until the overall economy and the company's economic situation improve. This option was not explored in the variance request. It is likely that the shutdown of the plant would hurt--not help--the company's economic condition. The five paving companies which reportedly rely on the asphalt plant may have to curtail or end their operations under this alternative.

After reviewing these alternatives, the Department feels that a variance request is worthy of consideration.

Since 1978, the Department has worked with the company to obtain voluntary compliance with its permit. Toward this goal, the Department has allowed several extensions of compliance dates and has allowed emissions over permit limits during interim periods. It could be argued that the company has had more than enough time to meet the emission limits of its permit. Asphaltic concrete production is quite competitive in Central Oregon and consistent application of rules and regulations is important.

The Department has proposed to deny renewal of the company's permit. It took this action as a last resort; compliance schedules, extensions of compliance dates and enforcement actions have not resulted in compliance. The company continues to occasionally operate, although it realizes that such operation could result in maximum civil penalties.

Mid-Oregon Crushing's asphaltic concrete plant cannot meet two permit conditions. The company has not passed an emissions test showing compliance with the 0.1 gr/SCF standard. Also, the plant emissions have never met the 20% opacity limit. The plant is in an open rural area with only a couple residences within three or four miles. The emissions are easily visible from Highway 97 eight miles to the east. During the past three years, the staff has made several observations of emissions. The plant seems capable of operating at 25% to 35% opacity, although much higher emissions have been observed. The plant has never been observed causing a nuisance condition and does not impact any urban air sheds.

The Department's principal concern with supporting the variance request is the lack of evidence indicating the company can achieve compliance by March 1, 1982. The company believes that the problems associated with the medical condition of the majority shareholder will be resolved by then. However, that alone does not assure that Mid-Oregon Crushing will become financially sound. If a variance is allowed, it should contain a time schedule to adequately monitor progress toward compliance.

The statute allows the Commission to grant variances if compliance would result in substantial curtailment or closing down of a business, plant or operation. The Department suggests that, from the evidence presented, strict compliance at this time would force the closing down of Mid-Oregon Crushing's asphaltic concrete plant and possibly impact the businesses of five paving companies. Strict compliance could result in the closing down of Mid-Oregon Crushing's entire business.

Finally, the variance request contains a proposed compliance date of March 1, 1982. The Department does not believe that date is realistic. The Department believes October 1, 1982 would be a more realistic compliance date with the understanding that if compliance is not achieved, maximum civil penalties and denial of the permit will be pursued.

The Department proposes a variance from OAR-340-21-015(2) (b) and OAR 340-21-030 until October 1, 1982, with the following conditions:

1. Visible emissions from the plant shall not equal or exceed 40% opacity for more than three minutes in any one hour.
2. The variance applies only to operation of the plant at the present Lower Bridge site.
3. If the Department determines that emissions cause a nuisance condition to persons or property, this variance may be revoked.
4. The Company must meet the compliance schedule contained in the Director's Recommendation.

Summation

1. Mid-Oregon Crushing Company has requested a variance from OAR 340-21-015(2)(b) and OAR 340-21-030 for operation of its asphaltic concrete paving plant at Lower Bridge until March 1, 1982.
2. The Commission has the authority, under ORS 468.345, to grant a variance from a rule when strict compliance would result in substantial curtailment or closing down of a business plant or operation.
3. Mid-Oregon Crushing Company has presented a financial statement which shows a poor financial condition. Strict compliance would probably end the plant's operation. Other information presented in the variance request shows that five local companies may be impacted as a result of the closing down the asphaltic concrete plant's operation.
4. From the Department's evaluation, it is concluded that a variance to October 1, 1982, is necessary.
5. The plant lies in a rural area and does not presently cause a nuisance condition or significantly impact an urban air shed.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission grant a variance from OAR 340-21-015(2)(b) and OAR 340-21-030 for the Mid-Oregon Crushing Company Asphaltic Concrete Plant (Permit No. 37-0174), subject to the following conditions:

1. Visible emissions from the plant shall not exceed 40% opacity for more than three minutes in any one hour.
2. The variance applies only to the operation of the plant at the present Lower Bridge site.
3. If the Department determines that the emissions from the plant are causing a nuisance condition, this variance may be revoked.

4. The variance granted to the plant is until October 1, 1982, and is contingent upon meeting the following compliance schedule. The variance may be revoked by the Director upon failure to comply with the increments of progress in the schedule.

Compliance Schedule

<u>Increment</u>	<u>Date</u>
Progress Report including detailed financial status of Company	January 1, 1982
Preliminary Plan for meeting Permit Limits	March 1, 1982
Submit Notice of Construction and Detailed Plans and Specifications	June 1, 1982
Order Equipment	July 1, 1982
Install Equipment, Conduct Source Test, and achieve compliance	October 1, 1982

Bill

WILLIAM H. YOUNG

Attachments: (2)
(A) Variance Request
(B) Enforcement History

RJN:dmc
388-6146
June 25, 1981

TELEPHONE
(503) 389-6613

LAW OFFICES OF
DAVID F. P. GUYETT
155 N. W. IRVING
BEND, OREGON 97701

P. O. Box 83

June 12, 1981

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

Re: DEQ vs. Mid Oregon Crushing Co., Inc.
Case No. 11-AQ-CR-81-19 (Deschutes County)

Gentlemen:

This letter shall constitute Mid Oregon Crushing's formal request for a variance pursuant to the authority of ORS 468.345 concerning the environmental standards imposed to operate a hot plant which provides paving materials. Mid Oregon Crushing is requesting that a variance be issued to allow them to operate their existing hot plant until March 1, 1982 on the grounds that strict compliance with the DEQ standards would result in a substantial curtailment, if not an outright closing, of their hot plant and paving business. In addition, it would result in the probable substantial curtailment or outright closure of five local companies strictly dependent on them for hot plant materials. Those five companies are: (1) American Paving Company, Bend, Oregon of which Cliff Price is the owner. A letter from Mr. Price is attached hereto as Exhibit "A" and by this reference incorporated herein. (2) Spike Durfee Construction, Crooked River Ranch, Oregon of which Spike Durfee is the owner. Exhibit "B" is attached hereto indicating his company's dependence on Mid Oregon Crushing to supply him AC material for his paving business. (3) Ponderosa Paving, Bend, Oregon of which Lynn McMurray is the owner. It has also indicated its dependency on Mid Oregon Crushing in Exhibit "C" attached hereto. Attached hereto as Exhibit "D" and Exhibit "E" are affidavits from (4) Robert L. Brown, owner of R. L. Brown Contractors, Inc. and (5) Steve Marquardt, owner of Marquardt Paving, respectively, both of which indicated their dependency on Mid Oregon Crushing for paving materials.

In summary, if a variance is not granted, it is most probable that these five pavers, as well as Mid Oregon Crushing will suffer a substantial curtailment in their business enterprises

June 12, 1981

with the accompanying result of substantial loss of employment for a substantial number of people, all in Central Oregon.

The closure of the hot plant as threatened by the pending action in the Notice of Denial of Air Contaminant Discharge Permit Renewal Application would result in a substantial loss of business for Mid Oregon Crushing because it is not in a financial position currently to bring said hot plant into compliance based on today's cost of technology. Enclosed as Exhibit "F" is a financial statement of Mid Oregon Crushing which clearly indicates the severity of this matter and one will easily conclude after reviewing said financial statement, the closure of this hot plant would probably cause the company to close permanently.

At the present time Mid Oregon Ready Mix, a subsidiary of Mid Oregon Crushing, averages approximately 25-35 employees, most of which would lose their jobs if the hot plant is closed.

The state of the economy is also a factor in bringing financial hardship to Mid Oregon Crushing and it has been fortunate to have survived as well as it has in view of the state of the economy but the cost of compliance with the DEQ's standards is financially prohibitive at least in the short term. The company believes that by March 1, 1982 there will be sufficient funds to bring the hot plant into compliance.


Another special factor constituting the basis for this request for a variance is the fact that the primary shareholder of Mid Oregon Crushing is Phil Dahl. Mr. Dahl owns approximately 70% of the common stock of the company and has been in very poor health over the past several years. He suffers from alcoholism and at the present time his financial affairs are being handled by several conservators appointed by the court. As a result of Mr. Dahl's medical condition, the other shareholders and officers of the company have not been in a controlling position to make the decisions required to improve the company's financial status including acquiring the necessary funding for compliance of the hot plant with DEQ regulations. Presently, Robert Johnnie and his brother-in-law, Dick Reiten, are in the process of negotiating a complete acquisition of Phil Dahl's 70% ownership of common stock in Mid Oregon Crushing. Mid Oregon Crushing is the sole shareholder of Redmond Ready Mix. The details of this acquisition should be achieved over the next six to nine months. One of the conditions is requiring an outside lender to infuse the company with more funds to permit continued operation as well as

bringing the hot plant into compliance with DEQ's regulations. No funds are presently available to establish compliance.

It is clear from Exhibits "A" through "E" attached hereto there is no question in the minds of the five companies therein that their competitors in Central Oregon are attempting to drive them out of business. It is submitted that this factor alone is sufficient to justify a variance from the existing regulations. When all the factors presented above are taken into account, it is Mid Oregon Crushing's position that the only practical solution to this problem is a granting of a variance through March 1, 1982 to allow them sufficient time to obtain funding to bring its hot plant into compliance. The reason they were unable to in the past was because of the diversity of views of the shareholders owning the company and the medical condition of Mr. Dahl, all of which prevented Robert Johnnie and Dick Reiten from acting by themselves as minority shareholders as well as the deteriorating economy.

Mid Oregon Crushing also respectfully requests permission to operate its hot plant on a limited basis until such time as the request for a variance herein is acted upon. It is in the best interest of Mid Oregon Crushing and the five companies totally dependent on Mid Oregon Crushing as well as the public in Central Oregon to allow as much competition as possible in the aggregate and paving business until such time as the variance request is acted upon.

Very truly yours,



David F. P. Guyett

DG/mw
Enclosures

JUN 4 1981

6/3/81

Dear Sirs

I am the owner of American Paving Company in Bend, Oregon. I have 13 years experience in owning and operating an Independent Paving Company in Oregon.

Three years ago I moved to Bend and had decided to set up business here.

I have to buy all my materials, rock, cinders, fill dirt, and asphalt to do paving from those companies who make and supply such items. I have been blackballed from the town of Bend to buy materials because of quote "I'm sorry, but I cannot sell to you because you are my competitor." I have established credit to buy materials from Mid Oregon Crushing in Redmond. They have gone out of their way to make sure that their materials are readily available to their customers.

EXHIBIT "A"

A

They have helped my Company considerably.
IF it was not for the ^{good} attitude
of Business that they maintain, my
Business would not survive in this
Damn "click" town. I very
much appreciate the consideration that
Mid Oregon has given my Company
and they also have made it possible
for other small businesses to operate
and provide important jobs for the
Central Oregon area. Mid Oregon
Crushing Company provides not
only Quantity to their customers
but Quality.

Thank you very much for
your time.

Sincerely
Cliff Spier
owner
American Paving Company

TO: Whom ever it May concern
to include Dept. of Environmental Quality

FROM: Spike Dunfee Construction
P.O. Box 527
Crooked River Ranch One 97760

SUBJECT: ASPHALT BUSINESS AND SUPPLY OF MATERIALS

I, Spike Dunfee, owner of Spike Dunfee
Construction am total dependent on supply
of AC material from Mid Oregon Redmix
AT Lower Bridge.

~~I have been~~

I have been rejected supply of AC
material by Robert Coats Co. of Bend
by Bwd Aggregate of ~~Forest~~ Tualatin. Bwd
Aggregate will sell Rock products to my
company, ~~but~~ AC material can be purchased
if it is for utility ditch patching &
ordered by utility contractors.

I feel the above conditions ARE
AGAINST Anti-trust laws but I am financial
unable to pursue equity in the legal system.

I started business in 1978 and did considerable
work in Redmond, Bend and Sunriver. Gross sales
were about \$28,000⁰⁰ employees 6 people on payroll
and sub contractor considerable trucking. EXHIBIT "B"

IN 1979 Our company Grossed \$383,000⁰⁰
with a payroll of \$103,000 and employment
of 12-15 employees during the peak paving
Season. IN 1979 ~~Mr~~ Taylor w/ Bibler Brothers
had a plant west of Band and we were
able to purchase some AC Mix with various
difficulties.

In 1980 COE employed 3-6 people
with a gross sales of about \$100,000.⁰⁰
In 1981 we estimate a repeat of 1980.

Spike Dunfee Construction ~~INC~~

Acknowledges the trying economic times
of late and is more dependent than ever
of the continued availability of AC material
from Mid-Coe Redmix at Lower Bridge. If
that source of material should dry up our
company would be out of business. That
event would adversely affect our creditors
and our personal lives. We would seek
recourse in any way possible to avoid such
economic hardship on our company and the
Area consumers.

Spike Dunfee

AFFIDAVIT FROM LYNN McMURRAY

My company is Ponderosa Paving, address 16751 Peterson Ridge Road, Bend, Oregon 97701. My phone number is 382-5807. I am the owner and general manager. I have been in the asphalt paving business as a general contractor for about five years, three of which have been in the Central Oregon area.

The company employs five people seasonally, plus myself. ~~I have been asked by Mid-Oregon Ready Mix to give this affidavit.~~

Mid-Oregon Ready Mix is my asphalt supplier. There are no other asphalt producers in this area except Mid-Oregon Ready Mix that will sell ^{me} ~~any~~ mix. The people at Bend Aggregate have told me that they will not sell me mix because they want no competition in any form. The people at Deschutes Ready-Mix will not sell hot mixed asphalt to me. They will not even talk to me about selling mix. I have been able to buy base rock from Bend Aggregate, however, they charge me 45-60% more for the rock than they do other non-paving contractors. It looks to me like they are trying to subdue any small paver in the area. If I am unable to buy mix from Mid-Oregon Ready Mix, I'll ~~probably~~ be out of the paving business. I do have a large captial investment in my company and it would ~~probably~~ be lost. I am a home owner in this area and if I am forced out of business, I will probably have to leave the area and sell my house, if I can.

Lynn McMurray

EXHIBIT "C"

AFFIDAVIT

1. I, Robert L. Brown, am the owner of R. L. Brown Contractors, Inc. and have been in such position since 1980.

2. Presently our only supplier of ready mix materials is Mid Oregon Crushing and Redmond Ready Mix.

3. All other suppliers of these aggregate paving materials have refused to deal with us because they do not wish for us to compete with them.

4. In the event Mid Oregon Crushing and Redmond Ready Mix are shut down, i.e., their hotplant is closed, we will be forced out of business because no one else will supply us with the materials we require. This will cause us to shut down permanently and will also create a hardship to our customers in the form of reduced competition for aggregate and paving materials and application.

5. It is in our best interest as well as Central Oregon's to allow Mid Oregon Crushing and Redmond Ready Mix to continue to operate their hotplant.

6. Our company employs approximately 6 people in the Central Oregon area and in the event our company goes out of business, a substantial portion, if not all of these employees, will be laid off.

DATED this 4th day of June, 1981.

Robert L. Brown

SUBSCRIBED AND SWORN to before me this 4th day of June, 1981.

Maria A. Jett

Notary Public for Oregon

My commission expires: 8-23-83

EXHIBIT "D"

AFFIDAVIT

1. I, Steve Marquardt, am the owner of Marquardt Paving and have been in such position since 1977.
2. Presently our only supplier of ready mix materials is Mid Oregon Crushing and Redmond Ready Mix.
3. All other suppliers of these aggregate paving materials have refused to deal with us because they do not wish for us to compete with them.
4. In the event Mid Oregon Crushing and Redmond Ready Mix are shut down, i.e., their hotplant is closed, we will be forced out of business because no one else will supply us with the materials we require. This will cause us to shut down permanently and will also create a hardship to our customers in the form of reduced competition for aggregate and paving materials and application.
5. It is in our best interest as well as Central Oregon's to allow Mid Oregon Crushing and Redmond Ready Mix to continue to operate their hotplant.
6. Our company employs approximately 6 people in the Central Oregon area and in the event our company goes out of business, a substantial portion, if not all of these employees, will be laid off.

DATED this 4th day of June, 1981.

Steve Marquardt

SUBSCRIBED AND SWORN to before me this 4th day of June, 1981.

Maria A. Jettus

EXHIBIT E

Notary Public for Oregon
My commission expires: 8-23-83

Mid-Oregon Crushing Co., Inc. and Subsidiary
Consolidated Financial Statements
Year ended January 31, 1981
(Unaudited - See Accountants' Review Report)

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Horsfield & Crawford
Certified Public Accountants

Gregory H. Horsfield, CPA
Calvin W. Crawford, CPA

March 31, 1981

Accountants' Review Report

Board of Directors
Mid-Oregon Crushing Co.,
Inc. and Subsidiary
Redmond, OR 97756

We have reviewed the accompanying consolidated balance sheet of Mid-Oregon Crushing Co., Inc. and its wholly owned subsidiary, Mid-Oregon Ready Mix, Inc. (both are Oregon Corporations) as of January 31, 1981, and the related statements of operations, changes in financial position for the year then ended and supplemental information, in accordance with standards established by the American Institute of Certified Public Accountants. All information included in these financial statements is the representation of the management and stockholders of Mid-Oregon Crushing Co., Inc. and its subsidiary.

A review consists principally of inquiries of company personnel and analytical procedures applied to financial data. It is substantially less in scope than an examination in accordance with generally accepted auditing standards, the objective of which is the expression of an opinion regarding the financial statements taken as a whole. Accordingly, we do not express such an opinion.

The Company and its wholly owned subsidiary are in technical default on a majority of their loans and have suffered significant operating losses for several years. Serious doubt exists as to the ability of the companies to survive unless its lenders are willing to formally alter the terms of their loans and/or infuse capital into the Company or its subsidiary. The majority of the company's loans are due and payable to the majority stockholder C. Philip Dahl.

Based on our review, which was performed on a going concern basis, and subject to the items mentioned in the preceding paragraph, we are not aware of any material modifications that should be made to the accompanying financial statements in order for them to be in conformity with generally accepted accounting principles.

Horsfield & Crawford

HORSFIELD & CRAWFORD
Certified Public Accountants

Mid-Oregon Crushing Co., Inc. and Subsidiary
Consolidated Balance Sheet
January 31, 1981
(Unaudited - See Accountants' Review Report)

Assets

Current Assets

Cash	\$	276
Accounts Receivable		199,208
Inventories		134,300
Prepays and Deposits		24,674

Total Current Assets 358,458

Notes Receivable		35,439
Land		398,214
Buildings		6,233
Machinery and Equipment		623,830

Total Assets \$ 1,422,174

Liabilities and Stockholders' Equity

Current Liabilities

Bank Over-draft	\$	2,553
Accounts Payable		192,520
Accrued Liabilities		686,154
Current Portion Long-term Debt		2,187,311
Contingent Liabilities (Note 3)		--

Total Current Liabilities 3,068,538

Long-term Debt 7,066

Total Liabilities 3,075,604

Common Stock, no par value, 5,000 shares authorized, issued and outstanding		50,000
Retained Earnings		(1,703,430)

Total Stockholders' Equity (1,653,430)

Total Liabilities and Stockholders' Equity \$ 1,422,174

The accompanying notes are an integral part of these review
basis financial statements.

Mid-Oregon Crushing Co., Inc. and Subsidiary
Consolidated Statement of Operations
Year Ended January 31, 1981
(Unaudited - See Accountants' Review Report)

Net Sales	\$ 2,669,232
Cost of Sales	<u>(2,810,938)</u>
Gross Loss	(141,706)
General & Administrative Expenses	<u>614,851</u>
Loss from Operations	(756,557)
Other Income and Extraordinary items	<u>428,623</u>
Income before Taxes	(327,934)
Provision for State of Oregon Excise Tax	<u>20</u>
Net Income	<u>(327,954)</u>
Retained Earnings - January 31, 1980	<u>(1,375,476)</u>
Retained Earnings - January 31, 1981	<u>\$ (1,703,430)</u>

The accompanying notes are an integral part of these review basis
financial statements.

Mid-Oregon Crushing Co., Inc. and Subsidiary
Consolidated Statement of Changes in Financial Position
Year Ended January 31, 1981
(Unaudited - See Accountants' Review Report)

Funds Were Provided By:

Net Loss	\$ (327,954)
Add back those items not requiring the use of working capital:	
Depreciation	<u>105,879</u>
Funds From Operations	(222,075)
Loans From Related Party	248,804
Equipment Loans	212,560
Short-term Loans reclassified as Long-term	<u>36,205</u>
Total Funds Provided	<u>275,494</u>

Funds Were Used For:

Equipment Purchases	256,061
Principal Payments on Debts	416,577
Increase in Current Portion Long-term Debt	<u>1,863,276</u>
Total Funds Used	<u>\$ 2,535,914</u>
Decrease in Working Capital	<u><u>2,260,420</u></u>

**Analysis of Changes in Working Capital
Increase(Decrease)**

	1-31-80	1-31-81	
Current Assets	1,105,149	358,458	(746,691)
Current Liabilities	1,554,809	3,068,538	<u>(1,513,729)</u>
Decrease in Working Capital			<u><u>\$ (2,260,420)</u></u>

The accompanying notes are an integral part of these review basis
financial statements.

Mid-Oregon Crushing Co., Inc. and Subsidiary
Notes to Financial Statements
January 31, 1981
(Unaudited - See Accountants' Review Report)

1. Significant Accounting Policies

In prior years the Company and its subsidiary had made no provisions for bad debts of accounts receivable, employee advances and notes receivable. At January 31, 1981 a provision totaling \$82,414 was made in accordance with generally accepted accounting principles for bad debts.

In prior years inventories were stated at cost, however, no provision was made for materials that were either slow moving or unrealizable. At January 31, 1981 a provision of \$25,807 was made to reduce inventory to its lower of cost or estimated net realizable value. Inventories are currently stated at the lower of cost or net realizable value using the first-in, first-out method.

Revenue and expenses are recognized using the completed contract method of accounting for both financial statements and tax purposes.

Depreciation is currently being computed using the straight-line and declining balance methods and estimated useful lives of (3) three to (15) fifteen years.

The Corporations have net operating loss carryovers of \$1,105,697 and investment tax credit carryovers of \$ 54,000. These net operating carryovers and tax credit carryovers will expire in 1983 to 1988 and 1982 to 1988 respectively. At January 31, 1981 the Companies have refundable fuel tax credit receivables of \$600. from the Federal Government and minimum State of Oregon corporate excise taxes payable of \$20. Federal tax investment tax credits are applied as a reduction of income taxes on the flow-through method. Consolidated tax returns are filed with the Corporations wholly owned subsidiary, Mid-Oregon Ready Mix, Inc.

The parent company's investment in its wholly owned subsidiary has been recorded using the equity method of accounting. Since 1979 this investment has been carried at the nominal value of one (1) dollar.

The Company and its subsidiary are in technical default in a majority of its debt obligations as a result of failure to make specified payments when due (solvency), avoid liens being filed which could impair the lenders claim to the security and other provisions of its loan agreements. Consequently, the majority of its debt has been recorded as due on demand. The Company is endeavoring to reach formal agreements with its lenders to obtain forbearance from the default provisions of its loans. No assurance can be given at this time that it will obtain the lenders' formal cooperation in these matters.

Mid-Oregon Crushing Co., Inc. and Subsidiary
Notes to Financial Statements
January 31, 1981
(Unaudited - See Accountants' Review Report)

2. Contingent Liabilities Arising From Legal Matters

The Company and its subsidiary are involved in several legal actions. In the opinion of management an adverse result of these actions would be minimal on the financial status of the Company and its subsidiary.

The Company and its subsidiary have several judgements against it for among other things, Federal Payroll Taxes. These liabilities have been fully accrued in the financial statements.

During 1980 the Board of Directors and a majority of its stockholders formally voted to liquidate the Company and its subsidiary by filing a petition under the Federal Bankruptcy Act. No such filing has been made to date, however, the boards' action has not been rescinded and still is a formal adoption of a contemplated action by the Board of Directors.

3. Related Party Transactions

During 1980 the Company discontinued its crushing operations. The subsidiary rents certain equipment and has paid some expenses on behalf of the Parent Company. These charges and credits are reflected in the intercompany account along with purchase of rock from the Parent Company. All of these items have been recorded at cost.

Mid-Oregon Crushing Co., Inc. and Subsidiary
Notes to Financial Statements
January 31, 1981
(Unaudited - See Accountants' Review Report)

4. Short-term and Long-term debt:

	<u>Interest Rate</u>	<u>Balance</u>	<u>Amount Due within one year</u>
C. Philip Dahl, due on demand, partially secured by titled equipment	4-12%	\$ 1,596,722	\$ 1,596,722
Philip A. Dahl, due on demand, secured by land & titled equipment	7%	122,207	122,207
Northwest Acceptance Corporation \$5,150 per month, skips in January-March of 1981-1985, secured by equipment	17%	149,924	149,924
Northwest Acceptance Corporation, \$7,034 per month, secured by equipment	13%	92,136	92,136
Malcon Aggregate Equipment, Inc., \$3,988 per month, secured by equipment	18%	34,226	34,226
Ferrous Financial Services, \$1,592 per month, secured by equipment	15%	26,910	26,910
William & Bernice Durfee \$12,390 annually, secured by Tetherow Butte land	12%	73,782	73,782
Durfee Enterprises, Inc., \$14,950, secured by Tetherow Butte property	7%	46,439	46,439
R.L. Riemenschneider \$2,000 per month plus interest, secured by equipment	15%	26,000	26,000
Tom Stearns \$400 per month	14%	22,871	15,805
Master Builders, \$1,600 per month	0%	3,160	3,160
Totals		<u>\$2,194,377</u>	<u>\$2,187,311</u>

Supplemental Information

Mid-Oregon Crushing Co., Inc. and Subsidiary
Schedule of Aged Accounts Receivable
January 31, 1981
(Unaudited - See Accountants' Review Report)

<u>Aging in days</u>	<u>\$ Amount</u>
0-30	61,357
31-60	9,889
61-90	14,248
Over 90	189,743
Allowance for Bad Debts	<u>(76,029)</u>
	<u><u>\$199,208</u></u>

The accompanying notes are an integral part of these schedules.

Mid-Oregon Crushing Co., Inc. and Subsidiary
Schedule of Aged Accounts Payable
January 31, 1981
(Unaudited - See Accountants' Review Report)

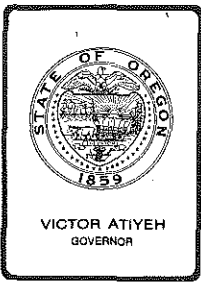
<u>Aging in Days</u>	<u>\$ Amount</u>
0-30	24,535
31-60	36,018
61-90	15,714
Over 90 days	<u>116,254</u>
	<u>\$192,521</u>

The accompanying notes are an integral part of these schedules.

Mid-Oregon Crushing Co., Inc. and Subsidiary
Schedule of Accrued Liabilities
January 31, 1981
(Unaudited - See Accountants' Review Report)

Accrued Payroll Taxes	\$ 126,059
Accrued Interest Payable	486,138
Accrued Road Taxes	299
Accrued Property Taxes	28,025
Accrued Equipment Rent	25,788
Accrued Payroll	10,604
Accrued Royalties	9,220
Accrued Oregon Excise Taxes	<u>20</u>
	<u><u>\$ 686,153</u></u>

The accompanying notes are an integral part of these schedules.



Department of Environmental Quality
CENTRAL REGION

2150 N.E. STUDIO ROAD, BEND, OREGON 97701 PHONE (503) 382-6446

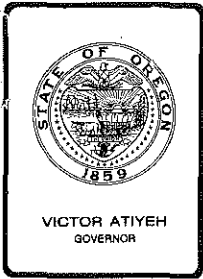
June 24, 1981

Enforcement History
Mid-Oregon Crushing Company
Asphaltic Concrete Plant at Lower Bridge
37-0174

<u>Date</u>	<u>Action</u>
3-8-78	Notice of Violation (excessive emissions, failure to test emissions)
3-28-78	5-Day Warning Notice (excessive emissions, failure to test emissions)
8-7-78	\$200 Civil Penalty (excessive emissions, failure to test emissions)
12-8-78	Notice of Violation (failure to meet compliance schedule)
3-9-79	Director's discretionary authority not to assess penalties pending baghouse installation (failure to meet compliance schedule)
11-5-79	Director stays civil penalty assessment (excessive emissions, failure to test emissions)
2-11-80	\$600 Civil Penalty
4-2-80	Civil penalty not paid; judgment filed
10-27-80	Notice of Violation (failure to test emissions)
1-10-81	2-11-80 - Civil penalty paid
3-2-81	Notice of Denial of permit application



Contains
Recycled
Materials



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. R, July 17, 1981, EQC Meeting.

Request For Approval Of Stipulation And Final Consent Order
No. WQ-WVR-81-59, Between The Department And The City Of Salem.

Background

The City of Salem operates two sewage treatment plants (STP's), each with its own collection and transport system:

1. The Willow Lake STP is the City's principal facility, with a design flow of 35 million gallons per day (MGD). Built originally in 1964 as a trickling filter plant, it was expanded in 1976 by adding a pure oxygen (UNOX) activated sludge plant in parallel. The expanded treatment process was specifically selected to handle the community's extensive fruit and vegetable processing industry wasteloads. The 1976 expansion was based on a capability of treating an organic (BOD-5) loading of 840,000 population equivalents, with a projected design life of 1985.

This discharge represents the second largest oxygen demanding point discharge to the Willamette River. As such, it has a significant impact on the Willamette River's water quality, and warrants thoughtful consideration. Although river water quality standards have not been violated in recent years, discharges from the Salem area do have measurable impacts, especially at the Department's primary Willamette River monitoring station at Wheatland Ferry. Two mixing zone surveys for the Willow Lake STP conducted during the summers of 1977 and 1980 both substantiated the assumption that the Willamette can assimilate only a finite amount of wastewater.

2. The Wallace Road STP was constructed in 1969 and serves that portion of West Salem, which is primarily residential in character, with very limited commercial development and no industrial connections. The principal industrial wasteload (e.g., Agripac) is connected to the Willow Lake STP via a force main across the river. The 0.4 MGD



Contains
Recycled
Materials

activated sludge plant presently serves a population of about 5,000 and is essentially at, and frequently above, design capacity.

Both collection and transport systems have severe infiltration and inflow (I/I) conditions, although the Willow Lake system has much more massive problems:

1. Although hydraulically rated at 105 MGD, the Willow Lake STP cannot handle all of the winter flows due to an inability to transport the I/I laden wastewater through town. The Willow Lake system has identified seventy-three (73) points of bypass. Although these do not all operate concurrently, they do allow raw wastewater to enter the Willamette River, area creeks and drainageways. As yet, no summer bypass problems have been encountered.
2. The Wallace Road STP has experienced flows as high as 2.0 MGD during the winter months, with concurrent bypassing of raw sewage occurring at the plant's headworks on a regular basis. To date, bypassing within the collection system has not occurred, nor has summer bypassing at the headworks. Higher influent flows, however, have persisted into the summer months.

An infiltration/inflow analysis conducted as part of the 1976 STP expansion determined the I/I to be "non-excessive". The City and the Department accepted this conclusion, and the City has pursued a comprehensive I/I correction program to reduce the bypass problems. However, based upon documented incidents of bypass and citizen complaints, it appears they are at best keeping even, with little, if any, ground being gained.

In addition to its I/I problems, the City has attempted to address many of its other pressing sewerage issues. These include planning for growth, identifying alternatives for the food processing industry, identifying industrial pretreatment options and implementing sludge disposal alternatives, to name a few.

Since early 1979, Department staff have been active participants in many of those deliberations, and several "position papers" were developed jointly with Salem for City staff's information and use. An example of such a paper is attached (Appendix A).

The NPDES Permits governing the Willow Lake and Wallace Road STP's expired on September 30, 1979 and July 31, 1979, respectively. The impending permit expirations prompted a series of discussions and negotiations between Department and City staff in mid-1979, which have continued up through the

present. An issue list was mutually developed, with the major problems being:

1. Raw wastewater is being bypassed within both sewage collection and transport systems as discussed above. Data collected as part of an ongoing 208 Urban Runoff Study indicates water quality bacteriological standards are being violated in area creeks and Willamette tributaries.
2. Due to raw wastewater characteristics and inherently low natural alkalinity, the Willow Lake STP has suffered effluent pH violations.
3. Due to plant configuration problems and overload conditions, the Wallace Road STP has not met its discharge limitations for biochemical oxygen demand (BOD) and total suspended solids.

The City has attempted to address all of their sewerage issues under an EPA 201 Facilities Planning Study. Their initial grant application was first submitted in January, 1979. However, a shortage of grant funds has persistently prevented a grant award.

In light of past experience and considering the likelihood for future EPA funds, the City recently elected to pursue a "mini" facility plan with its own revenues. Thus, compliance schedules were negotiated around such a study without grant funds, and draft NPDES Permits were forwarded for City review on September 30, 1980.

During the early negotiation process, it became obvious to Department staff that for reasons discussed above, the City could not consistently meet secondary treatment standards, and water quality and public health could be jeopardized. Thus, the necessity for a Stipulation and Final Order became apparent. The initial draft order was circulated within the Department in July 1980; with the City's first formal review draft following in December, 1980. Extensive negotiations and subsequent drafts culminated in City Council approval of the proposed Final Order (Appendix B) on June 15, 1981, and acceptance of the final draft NPDES Permits (Appendices C and D).

Alternatives and Evaluation

On an administrative basis, the Department has two alternatives:

1. Issue renewal NPDES Permits for both treatment plants alone.
2. Issue renewal NPDES Permits in conjunction with a Stipulation and Final Order.

The Department believes the second alternative to be most viable, since the City is unable to consistently meet secondary treatment standards. An evaluation of this alternative requires the following considerations:

1. It is a cooperative voluntary process--a mutual approach to solve the sewerage problems in a planning and priority setting framework rather than an adversary enforcement setting.
2. The Order embodies all sewerage issues in one document. This is not otherwise possible in NPDES Permit format.
3. It provides the Department with more options and a broader range of discretionary judgement.
4. The Order does require extra compliance tracking effort by the Department.
5. It provides the City time to solve problems by allowing interim effluent limits not possible in NPDES Permits.
6. The Order may increase the City's eligibility for other grant/loan funding sources.
7. It may require an earlier commitment by the City than it might otherwise have had to make for certain problems.

Summation

1. The City of Salem has major sewerage problems which pose a serious concern to public health and water quality.
2. Until major sewerage upgrading is completed, the City cannot consistently provide secondary treatment.
3. The proposed interim effluent limits and bypass restrictions are based on realistic sewerage system performance, and their respective potential impacts on the receiving streams.
4. The proposed Order and associated time schedules will operate independently of EPA Construction Grant funding.
5. Compliance with the proposed Order and NPDES Permits will result in a significant reduction in (and possible eventual elimination of) untreated wastewater bypassing, and provide compliance with the Department's secondary treatment standards.

Director's Recommendation

Based on the Summation, it is recommended that:

1. The Commission approve the Stipulation and Final Order (Appendix B) No. WQ-WVR-81-59.
2. The Commission direct the City of Salem to present a status report to the Commission by no later than July, 1983, regarding progress being achieved under the Final Order.

Bill

William H. Young

- Appendix A: DEQ Sewerage "Position Paper" for the City of Salem, November, 1979.
Appendix B: Stipulation and Final Order No. WQ-WVR-81-59.
Appendix C: Draft NPDES Permit for Salem's Willow Lake STP (OR-102640-9).
Appendix D: Draft NPDES Permit for Salem's Wallace Road STP (OR-102659-0).

Stephen C. Downs:wr
378-8240
June 24, 1981

DEQ SEWERAGE POSITION PAPER FOR THE
CITY OF SALEM
NOVEMBER 1979

Willow Lake System: DEQ Goals-Objectives practicably achievable will probably be less, in some cases, than the ideal stated here.

DEQ Objectives

1. A sewage treatment plant that is always in compliance with water quality effluent limits.
2. Eliminate any existing summer sewage bypassing within the system (manholes, storm sewers, lift stations, at sewage treatment plant, etc.). Prevent its recurrence.
3. Reduce winter bypasses within the sewerage system to well below measurable impacts on receiving streams. This will require no bypassing to tributary streams or intermittent drainageways.
4. Provide adequate sewage collection and transport capacity within each drainage basin to handle not only existing flows, but those associated with projected growth as well.
5. Protect groundwater by reducing exfiltration.
6. Have the smallest possible mixing zone.
7. Provide for year-round sludge management aimed at beneficial use.
8. Provide for adequate handling of toxics in accordance with the industrial user pretreatment requirements of the Environmental Protection Agency (EPA).
9. Maintain discharges within the overall Salem service area's mass allocations (BOD, TSS and NH_3). Growth must be accommodated without increasing the area's allocations.

Problems and Concerns

1. Effluent Limits:
 - a. Nearly always excellent, without documented problems.
 - b. STP is at or over theoretical suspended solids design capacity during the canning season.
 - c. Design capacities for flow and BOD are projected to be reached by 1985.
 - d. Influent character is creating treatment problems (rags, pH, low alkalinity).

2. No known summer bypasses exist. However, current growth rates without substantial infiltration/inflow removal will prolong the bypass period (later spring/earlier fall). Heavy summer rains will more likely result in bypassing under low streamflow conditions.
3. The existing seventy-three bypasses to public waters within the service area constitute serious concerns with respect to public health and water quality degradation.
4. Little documentation of exfiltration and groundwater degradation exists. However, past exfiltration problems (e.g., Patterson Street) raise a concern for public health and groundwater protection.
5. No documented mixing zone problems, but measurable biological impacts are suspected.
6. Sludge management:
 - a. Disposal options are limited during wet conditions and crop harvesting. Options are highly dependent on crop selection and rotation practices.
 - b. Solids concentrations are lower than the design basis, overtaxing the sludge handling, treatment and disposal facilities.
 - c. STP influent solids loading is at or above design levels during the canning season.
7. No toxic problems are known, but a pretreatment program must be implemented in conformance with EPA regulations.
8. Area waste discharge allocations are generally met, except for excursions at Wallace Road STP and unmeasured bypassing within the collection and transport system. Current growth rates (domestic and industrial/commercial) will increasingly stress these allocations.

Wallace Road System: DEQ Goals-Objectives practicably achievable will probably be less, in some cases, than the ideal stated here.

DEQ Objectives

1. A sewage treatment plant that is always in compliance with water quality effluent limits.
2. Eliminate any existing summer sewage bypassing within the system (manholes, storm sewers, lift stations, at STP, etc.). Prevent its recurrence.
3. Reduce winter bypasses within the sewerage system to well below measurable impacts on receiving streams. This will require no bypassing to tributary streams or intermittent drainageways.
4. Provide adequate sewage collection and transport capacity within each drainage basin to handle not only existing flows, but those associated with projected growth as well.
5. Protect groundwater by reducing exfiltration.
6. Have the smallest possible mixing zone.
7. Provide for year-round sludge management aimed at beneficial use.
8. Provide for adequate handling of toxics in accordance with the industrial user pretreatment requirements of the Environmental Protection Agency (EPA).
9. Maintain discharges within the overall Salem service area's mass allocations (BOD, TSS and NH_3). Growth must be accommodated without increasing the area's allocations.

Problems and Concerns

1. Monthly monitoring reports show violations of effluent suspended solids and BOD monthly averages and daily maximums, as well as pH. STP design capacity is being exceeded (hydraulically and solids limited, with organic capacity being marginal).
2. No known summer bypasses exist. However, current growth rates without substantial infiltration/inflow removal will prolong the bypass period (later spring/earlier fall). Heavy summer rains will more likely result in bypassing under low streamflow conditions.

3. Winter bypassing has reportedly not occurred in the past. However, modified STP operation to meet effluent limits, coupled with current growth and service area's infiltration/inflow, will result in headworks bypassing.
4. Past discussions have revealed probable exfiltration problems, raising a concern for public health and groundwater degradation.
5. No documented mixing zone problems.
6. Sludge management:
 - a. Disposal options are limited during wet conditions and crop harvesting. Options are highly dependent on crop selection and rotation practices.
 - b. STP influent solids loading is at or above design levels during the winter.
7. No toxic problems are known, but a pretreatment program must be implemented in conformance with EPA regulations. This is particularly important if West Salem's industrial users are rerouted to Wallace Road STP.
8. Area waste discharge allocations are generally met, except for excursions at Wallace Road STP and unmeasured bypassing within the Willow Lake collection and transport system. Current growth rates (domestic and industrial/commercial) will increasingly stress those allocations.

Salem Area Food Processors
(If not on the municipal sewerage system)

DEQ Objectives

1. Fully utilize the beneficial use of wastewater in an environmentally acceptable manner.
2. Accommodate new summer discharges to the Willamette River only with accompanying wasteload allocation reductions elsewhere.
3. Dispose of waste solids in an environmentally acceptable manner.

Problems and Concerns

1. Willow Lake STP is at or over theoretical suspended solids design capacity during the canning season. STP design capacities for flow and BOD are projected to be reached by 1985.
2. Alternatives to STP expansion will likely include cannery wasteload reductions, or the use of alternative treatment and disposal systems.
3. Water quality and nuisance problems have resulted from past land disposal of food processing wastewater and waste solids.
4. Food processing wastewater discharges will be subject to EPA Best Conventional Treatment (BCT) effluent guidelines when promulgated.

DEQ SEWERAGE ASSESSMENT OF THE CITY OF SALEM

Problems and Concerns for the Willow Lake Sewage Treatment Plant and Sewage Collection System.

1. Treatment plant effluent limits for wastes discharged to Willamette River:
 - a. Nearly always excellent, without documented problems.
 - b. But treatment plant is at or over theoretical suspended solids design capacity during the canning season.
 - c. Design capacities for flow and Biochemical Oxygen Demand (BOD) are projected to be reached by 1985.
 - d. Influent character is creating treatment problems (rags, pH, low alkalinity).
2. No known summer sewage bypasses exist. However, current growth rates without substantial infiltration/inflow removal will prolong the bypass period (later spring/earlier fall). Heavy summer rains will result in bypassing under low streamflow conditions. Low streamflows are the most vulnerable conditions.
3. The existing seventy three(73) known winter sewage bypasses to the Willamette River and creeks within the service area constitute serious concerns with respect to public health and water quality degradation.
4. Little documentation of exfiltration and groundwater degradation exists. However, past exfiltration problems (e.g., Patterson Street) raise a concern for public health and groundwater protection.
5. There are no documented mixing zone problems, but measurable biological impacts are suspected in the River below the sewage treatment plant outfall pipe. Stream data at Wheatland Ferry shows a noticeable impact.
6. Year-round sludge management and beneficial use:
 - a. Sludge disposal options are limited during wet weather conditions and when crops are harvested. Options are highly dependent on crop selection and rotation practices.

- b. Sludge solids concentrations are lower than the treatment plant design basis, thus greatly overtaxing the sludge handling, treatment and disposal facilities.
 - c. Treatment plant raw sewage influent solids loading is at or above design levels during the canning season (July through October).
7. No toxic substance contamination problems are known, but an industrial waste pretreatment program (before such wastes enter city sewers) must be implemented in conformance with Environmental Protection Agency (EPA) regulations.
 8. Salem area waste discharge allocations for the Willamette River are generally met except for excursions at Wallace Road sewage treatment plant and unmeasured bypassing within the collection and transport system. Current growth rates (domestic and industrial/commercial) will increasingly stress these allocations. As mentioned, the River is already noticeably impacted as measured at the Wheatland Ferry.

Problems and Concerns for the Wallace Road Sewage Treatment Plant and Sewage Collection System.

1. City provided monthly monitoring reports show violations of sewage treatment plant effluent suspended solids and BOD monthly averages and daily maximums, as well as pH. Treatment plant design capacity is being exceeded (hydraulically and solids limited, with organic capacity being marginal).
2. No known summer sewage bypasses exist. However, current growth rates without substantial infiltration/inflow removal will prolong the bypass period (later spring/earlier fall). Heavy summer rains will more likely result in bypassing under low streamflow conditions. Low streamflows are the most vulnerable conditions.
3. Winter bypassing to the Willamette River has reportedly not occurred in the past. However, modified treatment plant operation to meet sewage effluent limits, coupled with current growth and service area's infiltration/inflow, will result in bypassing at the treatment plant headworks.

4. Past discussions have revealed probable exfiltration problems to local groundwater, raising a potential concern for public health and groundwater degradation.
5. There are no documented mixing zone problems in the Willamette River, and little impact is anticipated.
6. Year-round sludge management and beneficial use:
 - a. Sludge disposal options are limited during wet weather conditions and when crops are harvested. Options are highly dependent on crop selection and rotation practices.
 - b. Treatment plant raw sewage influent solids loading is at or above design levels during the winter.
7. No toxic substance contamination problems are known, but an industrial waste pretreatment program (before such wastes enter city sewers) must be implemented in conformance with Environmental Protection Agency (EPA) regulations. This is particularly important if West Salem's industrial users are rerouted to Wallace Road sewage treatment plant.
8. Salem area waste discharge allocations for the Willamette River are generally met, except for excursions at Wallace Road sewage treatment plant and unmeasured bypassing within the collection and transport system. Current growth rates (domestic and industrial/commercial) will increasingly stress those allocations. As mentioned, the River is already noticeably impacted as measured at Wheatland Ferry.

Problems and Concerns for Salem Area Food Processors (If not on the municipal sewerage system).

1. Willow Lake sewage treatment plant is at or over theoretical suspended solids design capacity during the canning season (July through October). Treatment plant design capacities for flow and BOD are projected to be reached by 1985.
2. Alternatives to treatment plant expansion might include cannery wasteload reductions to the city sewers, or possible use of alternative treatment and disposal systems.

3. River and stream water quality and nuisance problems have resulted from past land disposal of food processing wastewater and waste solids.
4. Food processing wastewater discharges will be subject to Environmental Protection Agency (EPA) Best Conventional Treatment (BCT) effluent guidelines when promulgated.

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY)
OF THE STATE OF OREGON,)
Department,)
) STIPULATION AND FINAL CONSENT ORDER
) No. WQ-WVR-81-59
) MARION COUNTY AND POLK COUNTY
)
CITY OF SALEM,)
)
Respondent.)

WHEREAS:

1. The Department of Environmental Quality (Department) issued National Pollutant Discharge Elimination System Waste Discharge Permit Numbers _____ and _____ (hereinafter referred to as "Permit") to the City of Salem (Respondent) pursuant to Oregon Revised Statutes (ORS) 468.740 and the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500) and 1977 (P.L. 95-217). The Permits authorize the Respondent to construct, install, modify or operate wastewater treatment control and disposal facilities at the Wallace Road and Willow Lake sewage treatment plants (STP) and discharge adequately treated wastewaters therefrom into waters of the State in conformance with the requirements, limitations and conditions set forth in the Permits. Both Permits expire on December 31, 1985. Respondent's Permits are in effect at all material times cited herein.
2. Both Permits have certain effluent limitations and prohibitions, including as follows:
 - a. Condition 1 of Schedule A of each Permit prohibits Respondent from exceeding certain waste discharge limitations after the Permit issuance date. Those limitations are incorporated herein by reference.
 - b. General Condition G4c of each Permit generally prohibits the bypassing of untreated waste, without the prior written permission of the Department, except where unavoidable to prevent loss of life or severe property damage.
 - c. Condition 2 of Schedule A of each Permit prohibits violations of Water Quality Standards, as adopted in OAR 340-41-445, except in specifically defined mixing zones for each of the City's two sewage treatment plant outfalls.

3. Respondent proposes to comply with all the effluent limitations and prohibitions set forth in its Permits by constructing and operating new and/or modified wastewater collection, transportation and treatment facilities. Respondent has not completed construction and has not commenced operation thereof.
4. Respondent presently is capable of collecting, transporting and treating its effluent so as to meet the waste discharge limitations and prohibitions specified in its Permits a great majority of the time. However, because of severe infiltration and inflow (I/I) problems within the sewage collection and transportation system (which generally occur when Willamette River stream flows, measured at Salem, exceed 15,000 cfs), coupled with unique raw sewage characteristics, Respondent has suffered, and the parties anticipate that Respondent will continue to suffer, the following problems and violations, until the construction referred to in Paragraph 3 above is completed:
 - a. Untreated sewage has been bypassed during the winter months at the Wallace Road STP headworks, and discharged to the Willamette River at river mile 80.
 - b. Although rated at a peak design flow of 105 million gallons per day (MGD), the Willow Lake STP has provided secondary treatment for only 60 MGD during the winter; and 35 MGD during the summer. Winter flows in excess of 60 MGD have received primary treatment (sedimentation) and disinfection only before being discharged to the Willamette River at river mile 78.2.
 - c. Because of low influent pH and low natural buffering alkalinity in the wastewater, neither treatment plant has always met the permitted pH range of 6.0 to 9.0. Effluent data collected since January, 1978 show the lowest effluent pH was 5.69 at Willow Lake STP. Wallace Road STP effluent pH was as low as 4.81. In 1981, pH control facilities became operational at Willow Lake STP.
 - d. The Willow Lake STP collection and transport system has seventy-three (73) integral points of bypass, as identified by the City's Infiltration/Inflow Analysis dated November, 1978. Some of the bypasses are manually controlled. Although not all of these bypass points have operated concurrently, they have allowed raw, untreated sewage to enter area creeks and the Willamette River during periods of heavy infiltration and inflow. Manhole surcharging and overflowing onto streets and into drainageways has also occurred.

- e. Because of severe infiltration/inflow and some plant configuration problems, the Wallace Road STP has not always met the effluent concentration and mass limitations specified by Condition 1, Schedule A of the Permit. Moderate growth anticipated until new and/or modified treatment facilities are completed will compound this deficiency.
 - f. Respondent has committed violations of its previous NPDES Permits Nos. 1715-J (Wallace Road STP) and 1988-J (Willow Lake STP), and related statutes and regulations. Those violations are outlined in Paragraphs 4a through e above and have been disclosed in Respondent's waste discharge monitoring reports to the Department covering the period from January 19, 1977 through the date which the order below is issued by the Environmental Quality Commission.
 - g. To the best of Respondent's and Department's knowledge, paragraphs 4a through 4f above recite all past violations of Oregon's environmental statutes and rules, and Respondent's Permits and special authorizations.
5. Respondent is capable of meeting the following waste discharge limitations and prohibitions at all times:
- a. Wallace Road STP effluent pH shall be within the range of 5.5 to 9.0.
 - b. In recognition of current STP deficiencies and to accommodate a reasonable amount of growth within the sewerage system until new and/or modified treatment facilities are completed, the Wallace Road STP interim effluent limits shall be:

Wallace Road STP

<u>Parameter</u>	<u>Average Effluent Concentrations</u>		<u>Monthly Average</u>		<u>Weekly Average</u>		<u>Daily Maximum</u>	
	<u>Monthly</u>	<u>Weekly</u>	<u>kg/day</u>	<u>(lb/day)</u>	<u>kg/day</u>	<u>(lb/day)</u>	<u>kg</u>	<u>(lb/day)</u>
BOD	45 mg/l	52 mg/l	136	(300)	159	(350)	182	(400)
TSS	45 mg/l	52 mg/l	136	(300)	159	(350)	182	(400)
FC per 100 ml	200	400						

- c. Bypassing:
- (i) Between June 1 and October 31, all bypassing is prohibited.
 - (ii) Bypassing (if it must involuntarily occur due to severe infiltration and inflow) is allowed between November 1 and May 31, provided Willamette River stream flows are greater than 15,000 cubic feet per second, as measured at the USGS Salem Gauge Station.
6. The Department and Respondent recognize that the Environmental Quality Commission has the power to impose a civil penalty and to issue an abatement order for any of the above violations. Therefore, pursuant to ORS 183.415(5), the Department and Respondent wish to resolve those violations in advance by stipulated final order requiring certain action, and waiving certain legal rights to notices, answers, hearings and judicial review on these matters.
7. The Department and Respondent intend to limit the violations which this stipulated final order will settle to:
- a. All those Willow Lake STP effluent pH violations specified in Paragraph 4c above, occurring through June 19, 1981;
 - b. All those Wallace Road I/I induced sewage bypasses at the STP headworks and all pH, BOD and TSS concentration and mass discharge violations detailed in paragraphs 4a, 4c and 4e above; occurring through but not beyond December 31, 1985 or beyond any dates agreed to pursuant to Permit Condition C-1, whichever dates come first.
 - c. All those Willow Lake STP sewerage system I/I induced bypass violations as detailed in paragraph 4d above occurring through December 31, 1985 or such dates agreed to pursuant to Permit Condition C-3.

However, this stipulated final order is not intended to settle any future violations (i.e., after June 19, 1981) of the final order waste discharge limitations set forth in Paragraph 5 above. Furthermore, this stipulated final order is not intended to limit, in any way, the Department's right to proceed against Respondent in any forum for any past or future violation not expressly settled herein.

8. The Department and Respondent acknowledge that the Willamette River's capacity to assimilate pollutants is especially limited during the summer and that, therefore, Respondent has been given BOD and TSS waste discharge allocations. These allocations are made up of the sum of the respective June 1 - October 31 effluent

limitations specified in Condition 1 of Schedule A of the City's two Permits as summarized below:

<u>Parameter</u>	<u>Monthly Average (lbs/day)</u>	<u>Weekly Average (lbs/day)</u>	<u>Daily Maximum (lbs)</u>
BOD-5	11,067	13,150	15,133
TSS	11,067	13,150	15,133
NH ₃ -N*	3,000		3,500

*Wallace Road STP Permit does not contain an NH₃-N effluent limit because such NH₃-N discharge is negligible compared to Willow Lake STP which is environmentally significant.

The construction and operation of all existing and future wastewater collection, transportation and treatment facilities shall be within the constraints of those waste discharge allocations. For any given Permit duration, allowed effluent limits shall be equal to those respective allocations, or less than those allocations based on applicable Environmental Protection Agency (EPA) effluent guidelines, the Statewide Water Quality Management Plan, other applicable statutes, rules, regulations and orders, and other relevant factors.

9. The Department contends that the past and present untreated waste bypass conditions pose a serious concern to public health and water quality. Major sewerage upgrading efforts are necessary to keep sewage flows within the collection system. Our mutual short-term goal is that as soon as practicable wastewater bypasses be into a receiving stream providing adequate dilution (i.e., the Willamette River) during periods of non-recreational use (November 1 - May 31). Our mutual long-term goal is to eliminate all bypasses.
10. The Department and Respondent acknowledge that every reasonable effort must be made to minimize the volume of untreated or inadequately treated waste water bypassed to the Willamette River, area creeks, drainageways, and streets.

NOW THEREFORE, it is stipulated and agreed that:

A. The Environmental Quality Commission shall issue a final order:

- (1) Requiring Respondent to expand the annual infiltration/inflow reduction program, such that bypasses will be eliminated as soon as practicable in accordance with the approved financing plan and timetables required by Conditions 1 and 3, Schedule C, of NPDES Permit Number _____ (Wallace Road STP) and by Conditions 3, 5 and 6, Schedule C, of NPDES Permit Number _____ (Willow Lake STP).

- (2) Requiring Respondent to meet the pH effluent limitations at Wallace Road STP set forth in Paragraph 5 above, through but not beyond December 31, 1985, or as agreed pursuant to Condition C-1, of NPDES Permit No. _____, whichever is earlier.
 - (3) Requiring Respondent to meet the Wallace Road STP interim effluent limitations set forth in Paragraph 5 above, through but not beyond December 31, 1985, or as agreed pursuant to Condition C-1 of NPDES Permit No. _____, whichever is earlier.
 - (4) Requiring Respondent to meet the bypass limitations and prohibitions contained in Paragraph 5c above at Wallace Road STP, through but not beyond December 31, 1985, or as agreed pursuant to Conditions C-1 and C-3 of NPDES Permit No. _____, whichever is earlier.
 - (5) Requiring Respondent to meet the bypass limitations and prohibitions contained in Paragraph 5c above within the Willow Lake STP sewerage system, through December 31, 1985, or as agreed pursuant to Conditions C-3, C-5 and C-6 of NPDES Permit No. _____.
 - (6) Unless otherwise approved by the Department on a case-by-case basis, requiring Respondent to clearly and conspicuously post all areas within the Salem sewer service limits where and when bypasses occur. The posted signs shall warn the public that the waterway is contaminated with untreated sewage.
- B. The Department and Respondent hereby agree that sewer extensions and connections thereto may be prohibited if:
- (1) Existing and interim bypass conditions cause or contribute to a serious water pollution problem or public health hazard.
 - (2) The effluent limitations set forth in Paragraphs 2 and 5 above are not met in accordance with the schedules specified by Paragraphs A(2) through A(5) above.
 - (3) Respondent does not make satisfactory progress for complying with Paragraph A(1) above.
- C. Regarding the violations set forth in Paragraph 4 above which are expressly settled herein (see Paragraph 7), the parties hereby waive any and all of their rights to any and all notices, hearings, judicial review, and to service of a copy of the final order herein.

D. Respondent acknowledges that it has actual notice of the contents of and requirements of this stipulation and final consent order and that failure to fulfill any of the requirements hereof would constitute a violation of this stipulated final order. Therefore, should Respondent commit any violations as outlined by Paragraph 4 above of this stipulated order, Respondent hereby waives any rights it might have to any and all ORS 468.125(1) advance notices prior to the assessment of civil penalties for any and all such violations. Respondent does not waive its rights to any and all ORS 468.125(1) advance notices for any violations not covered by Paragraph 4 above. Moreover, Respondent does not waive its rights to any and all ORS 468.135(1) notices of assessment of civil penalty for any and all violations of this stipulated final order.

DEPARTMENT OF ENVIRONMENTAL QUALITY

 AUG 3 1981
Date

By William H. Young
WILLIAM H. YOUNG
Director

RESPONDENT

 6-19-81
Date

By Kent Aldrich
(Name Kent Aldrich)
(Title Mayor)

FINAL ORDER

IT IS SO ORDERED:

ENVIRONMENTAL QUALITY COMMISSION

 AUG 3 1981
Date

By William H. Young
WILLIAM H. YOUNG, Director
Department of Environmental Quality
Pursuant to OAR 340-11-136(1)

Permit Number:
 Expiration Date: 12/31/85
 File Number: 78140
 Page 1 of 9 Pages

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

WASTE DISCHARGE PERMIT

Department of Environmental Quality
 522 Southwest Fifth Avenue, Portland, OR
 Mailing Address: Box 1760, Portland, OR 97207
 Telephone: (503) 229-5696

Issued pursuant to ORS 468.740 and The Federal Clean Water Act

ISSUED TO:

City of Salem
 555 Liberty SE
 Salem, OR 97301

SOURCES COVERED BY THIS PERMIT:

<u>Type of Waste</u>	<u>Outfall Number</u>	<u>Outfall Location</u>
Domestic Sewage	001	R.M. 78.2

PLANT TYPE AND LOCATION:

Willow Lake
 Sewage Treatment Plant
 Windsor Island Road N.

RECEIVING SYSTEM INFORMATION:

Major Basin: Willamette
 Minor Basin: -
 Receiving Stream: Willamette River
 County: Marion
 Applicable Standards: OAR 340-41-445

Issued in response to Application Number OR 102640-9 received 10-25-79.

William H. Young, Director

Date

PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to construct, install, modify, or operate a waste water collection, treatment, control and disposal system and discharge to public waters adequately treated waste waters only from the authorized discharge point or points established in Schedule A and only in conformance with all the requirements, limitations, and conditions set forth in the attached schedules as follows:

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Schedule A - Waste Disposal Limitations not to be Exceeded.....	2
Schedule B - Minimum Monitoring and Reporting Requirements.....	3
Schedule C - Compliance Conditions and Schedules.....	4-5
Schedule D - Special Conditions.....	-
General Conditions.....	6-9

Each other direct and indirect discharge to public waters is prohibited.

This permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgment, or decree.

SCHEDULE A

1. Waste Discharge Limitations not to be Exceeded After Permit Issuance.

Outfall Number 001

Parameter	Average Effluent Concentrations		Monthly Average	Weekly Average	Daily Maximum
	Monthly	Weekly	kg/day (lb/day)	kg/day (lb/day)	kg (lbs)

July 1 - October 31 (Normal Cannery Season)

BOD	37mg/l	45mg/l	4994 (11000)	5902 (13000)	6810 (15000)
TSS	37mg/l	45mg/l	4994 (11000)	5902 (13000)	6810 (15000)
FC per 100 ml	200	400			
Ammonia as N			1364 (3000)		1589 (3500)

November 1 - June 30:

BOD	30mg/l	45mg/l	3976 (8757)	5964 (13136)	7951 (17514)
TSS	30mg/l	45mg/l	3976 (8757)	5964 (13136)	7951 (17514)
FC per 100 ml	200	400			

Other Parameters (Year-Round)

Limitations

pH	Shall be within the range 6.0 - 9.0
Average dry weather flow to the treatment facility	132,475m ³ /d (35 MGD)

2. Notwithstanding the effluent limitations established by this permit, no wastes shall be discharged and no activities shall be conducted which will cause or contribute to violations of Water Quality standards as adopted in OAR 340-41-445, except in the following defined mixing zone:

The allowable mixing zone shall not extend beyond a radius of 50 meters from the point of discharge.

Permit Number:
Expiration Date: 12/31/85
File Number: 78140
Page 3 of 9 Pages

SCHEDULE B

Minimum Monitoring and Reporting Requirements
(unless otherwise approved in writing by the Department)

Outfall Number 001 (sewage treatment plant outfall)

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD)	Daily	Continuous-Meter
Quantity Chlorine Used	Daily	Weight
Effluent Chlorine Residual	Daily	Grab
BOD-5 (influent)	2/week	Composite
BOD-5 (effluent)	2/week	Composite
TSS (influent)	2/week	Composite
TSS (effluent)	2/week	Composite
pH (influent and effluent)	3/week	Grab
Fecal Coliform (effluent)	weekly	Grab
Average Percent Removed (BOD & TSS)	monthly	Calculation
Ammonia as N (effluent)	2/week (July-Oct)	Grab
Digested Sludge Analyses*	2/year	30-day composite
Flow Meter Calibration	2/year	-

Monitoring reports shall include a record of the location and method of disposal of all sludge and a record of all applicable equipment breakdowns and bypassing.

Reporting Procedures

Monitoring results shall be reported on approved forms. The reporting period is the calendar month. Reports must be submitted to the Department by the 15th day of the following month.

* Digested sludge analyses shall include: percent total solids, $\text{NH}_3\text{-N}$, TKN, Cu, Cd, Cr, Pb, Ni, Zn, K, and P.

SCHEDULE C

Compliance Conditions and Schedules

1. The permittee shall develop and submit for approval an industrial waste pretreatment program in accordance with the following time schedule:
 - a. By July 1, 1981, complete a detailed industrial inventory and submit it to the Department;
 - b. By January 1, 1982, acquire the necessary legal authority to apply and enforce a pretreatment program as required by the federal Clean Water Act (40 CFR Part 403);
 - c. By January 1, 1982, develop the necessary funding to implement an approvable program;
 - d. By July 1, 1982, develop procedures for implementing the pretreatment program; and
 - e. By January 1, 1983, submit an approvable program to the Department.
2. Prior to January 1, 1982, the City shall submit a detailed engineering report which outlines the effectiveness of its present sludge treatment, storage and disposal program (BIOGRO). That report shall consider the requirements of 40 CFR Part 257, and the Department's Sludge Disposal Guidelines, as well as any other independently imposed limitations; and propose a time schedule and implementation plan for any necessary modifications or expansions.
3. The permittee shall insure continued compliance with the effluent limits specified in Condition 1 of Schedule A in accordance with the following:
 - a. Prior to January 1, 1983, submit a comprehensive engineering report which analyzes the present sewage collection, transport and treatment facilities' capacities and operational difficulties, with a proposed implementation program and time schedule for either facilities improvements or expansion and/or alternative collection, transport, treatment and disposal facilities. Any proposed treatment plant expansion (or other alternative employing a discharge to public waters) shall be within the constraints of the existing Salem area waste discharge allocations (as contained in Condition A1 of both City of Salem NPDES Permits). A Progress report shall be submitted to the Department by April 1, 1982.
 - b. Following Department approval of the program submitted in 3a above, proper and complete final plans and specifications for the new facilities shall be submitted to the Department for approval prior to construction. It is the permittee's responsibility to insure sufficient lead time such that the expanded and/or alternative facilities are provided before the existing facilities become overloaded (or cause effluent violations).

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4. The permittee shall maintain a continuing annual program for reducing infiltration and inflow (I/I) in the sewage collection and transport system. Annual progress reports shall be submitted by October 1, summarizing activities of the past 12 months and indicating those reduction activities scheduled for the next 12 months.
5. Prior to July 1, 1982, the permittee shall submit proposed infiltration/inflow (I/I) workload indicators to the Department for approval. As a minimum, those indicators shall include: detailed line item budgeted amounts vs. actual expenditures, length of sewer sealed, lined and/or replaced, manhole defects repaired, private I/I sources identified and/or corrected, and flow data from key sub-basin monitoring stations, correlated to rainfall and groundwater conditions. Once approved, these workload indicators shall be the basis upon which the annual reports required by Condition C4 above are evaluated as "satisfactory" or "deficient". A progress report shall be incorporated into the October 1, 1981 annual report required by Condition 4 above.
6. As soon as possible, but not later than July 1, 1981, the permittee shall initiate negotiations with Marion County to insure that an aggressive on-going program of sewerage maintenance and infiltration/inflow control is provided in the East Salem, Keizer and Labish Village Sewer Districts. Progress reports shall be incorporated into the Annual I/I report required by Condition 4 above.
7. The permittee is expected to meet the compliance dates which have been established in this schedule. Either prior to or no later than 14 days following any lapsed compliance date, the permittee shall submit to the Department a notice of compliance or noncompliance with the established schedule. The Director may revise a schedule of compliance if he determines good and valid cause resulting from events over which the permittee has little or no control.
8. Construction of sewer extensions and connections thereto is permitted as long as the added waste load will not cause any of the limitations of this permit to be exceeded, and provided that plans and specifications are submitted to and approved by the Department of Environmental Quality prior to construction, as required by ORS 454.415.
9. In the event the permittee's connected industrial user contribution is significantly reduced, this permit shall, in accordance with procedures in OAR 340-45-055, be modified to insure effluent limits comply with 40 CFR 133.103(b). This means a proportional reduction in the permittee's effluent limitations contained in Condition A(1). If pollutants introduced by the sum of all industrial categories fall below ten (10) percent of the design flow or loading of the publicly owned treatment works (POTW), then the POTW effluent limits shall be based on a design flow of 35 MGD and secondary treatment criteria as defined by 40 CFR 133.102 (30/45/60 mg/l of BOD-5 and TSS each). For the purposes of this condition, the base industrial contribution shall be as outlined by Figure 3-6, of Brown and Caldwell's February 1980 Engineering Report for the NWFPA Salem Member Raw Pack Records and Projections.

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GENERAL CONDITIONS

- G1. All discharges and activities authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant more frequently than or at a level in excess of that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.
- G2. Monitoring records:
- a. All records of monitoring activities and results, including all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records, shall be retained by the permittee for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the Director.
 - b. The permittee shall record for each measurement or sample taken pursuant to the requirements of this permit the following information: (1) the date, exact place, and time of sampling; (2) the dates the analyses were performed; (3) who performed the analyses; (4) the analytical techniques or methods used; and (5) the results of all required analyses.
 - c. Samples and measurements taken to meet the requirements of this condition shall be representative of the volume and nature of the monitored discharge.
 - d. All sampling and analytical methods used to meet the monitoring requirements specified in this permit shall, unless approved otherwise in writing by the Department, conform to the latest edition of the following reference:

American Public Health Association, Standard Methods for the Examination of Water and Wastewaters.
- G3. The permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance and testing functions required to insure compliance with the conditions of this permit.
- G4. All waste collection, control, treatment and disposal facilities shall be inspected at least daily when in operation and be operated in a manner consistent with the following:
- a. At all times all facilities shall be operated as efficiently as possible and in a manner which will prevent discharges, health hazards, and nuisance conditions.
 - b. All screenings, grit, and sludge shall be disposed of in a manner approved by the Department of Environmental Quality such that it does not reach any of the waters of the state or create a health hazard or nuisance condition.
 - c. Bypassing of untreated waste is generally prohibited. No bypassing shall occur without prior written permission from the Department except where unavoidable to prevent loss of life or severe property damage.
- G5. Whenever a facility expansion, production increase, or process modification is anticipated which will result in a change in the

character of pollutants to be discharged or which will result in a new or increased discharge that will exceed the conditions of this permit, a new application must be submitted together with the necessary reports, plans, and specifications for the proposed changes. No change shall be made until plans have been approved and a new permit or permit modification has been issued.

- G6. The permittee shall require the following of all industrial users of the municipal sewerage and sewage treatment system:
- a. Each industrial user shall pay its fair share of construction costs and operation, maintenance and replacement costs in accordance with guidelines promulgated pursuant to Section 204(b)(2) of the Federal Act.
 - b. Each industrial user shall provide applicable pretreatment of waste in accordance with guidelines promulgated pursuant to Section 307(b)(1) of the Federal Act. Any industrial user subject to these requirements shall be required to submit to the permittee periodic notice (over intervals not to exceed 9 months) of progress toward full compliance with the requirements of the pretreatment guidelines. Copies of these notices shall be forwarded to the Department.
 - c. The effluent from each industrial user shall be adequately monitored either by the permittee or by the industry for the permittee pursuant to Section 308 of the Federal Act. These monitoring records shall be retained by the permittee and made available to the Department upon request.
- G7. The permittee shall notify the Department in writing each time an industrial user which will discharge more than 10,000 gallons per day is connected to the sewerage system, unless the industrial user is discharging only domestic sewage at volumes not expected to have a noticeable impact on the sewage treatment works. Such notice shall include information on (a) the quality and quantity of pollutants to be introduced to the treatment plant and (b) any anticipated impact of such change in the quality or quantity of effluent to be discharged from the treatment works.
- A similar notice is also required each time there is a substantial change in volume or character of waste being discharged to the treatment works from industrial users already connected to the sewerage system.
- G8. After notice and opportunity for a hearing this permit may be modified, suspended, or revoked in whole or in part during its term for cause including but not limited to the following:
- a. Violation of any terms or conditions of this permit or any applicable rule, standard, or order of the Commission;
 - b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
 - c. A change in the condition of the receiving waters or any other condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- G9. The permittee shall, at all reasonable times, allow authorized representatives of the Department of Environmental Quality:

- a. To enter upon the permittee's premises where an effluent source or disposal system is located or in which any records are required to be kept under the terms and conditions of this permit;
 - b. To have access to and copy any records required to be kept under the terms and conditions of this permit;
 - c. To inspect any monitoring equipment or monitoring method required by this permit; or
 - d. To sample any discharge of pollutants.
- G10. 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.
- G11. The Department of Environmental Quality, its officers, agents, or employees shall not sustain any liability on account of the issuance of this permit or on account of the construction or maintenance of facilities because of this permit.
- G12. In the event the permittee is unable to comply with all the conditions of this permit because of a breakdown of equipment or facilities, an accident caused by human error or negligence, or any other cause such as an act of nature, the permittee shall:
- a. Immediately take action to stop, contain, and clean up the unauthorized discharges and correct the problem.
 - b. Immediately notify the Department of Environmental Quality so that an investigation can be made to evaluate the impact and the corrective actions taken and determine additional action that must be taken.
 - c. Submit a detailed written report describing the breakdown, the actual quantity and quality of resulting waste discharges, corrective action taken, steps taken to prevent a recurrence, and any other pertinent information.
- Compliance with these requirements does not relieve the permittee from responsibility to maintain continuous compliance with the conditions of this permit or the resulting liability for failure to comply.
- G13. If a toxic effluent standard or prohibition (including any schedule or compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Federal Act for a toxic pollutant which is present in the discharge authorized herein and such standard or prohibition is more stringent than any limitation upon such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee shall be so notified.
- G14. Definitions of terms and abbreviations used in this permit:
- a. BOD means five-day biochemical oxygen demand.
 - b. TSS means total suspended solids.

- c. mg/l means milligrams per liter.
- d. kg means kilograms.
- e. m^3/d means cubic meters per day.
- f. MGD means million gallons per day.
- g. Averages for BOD, TSS, and Chemical parameters based on arithmetic mean of samples tak
- h. Average Coliform or Fecal Coliform is based on geometric mean of samples taken.
- i. Composite sample means a combination of samples collected, generally at equal intervals over a 24-hour period, and apportioned according to the volume of flow at the time of sampling.
- j. FC means fecal coliform bacteria.

Permit Number: -
 Expiration Date: 12/31/85
 File Number: 78049
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NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

WASTE DISCHARGE PERMIT

Department of Environmental Quality
 522 Southwest Fifth Avenue, Portland, OR
 Mailing Address: Box 1760, Portland, OR 97207
 Telephone: (503) 229-5696

Issued pursuant to ORS 468.740 and The Federal Clean Water Act

ISSUED TO:

City of Salem
 555 Liberty St. SE
 Salem, OR 97301

SOURCES COVERED BY THIS PERMIT:

<u>Type of Waste</u>	<u>Outfall Number</u>	<u>Outfall Location</u>
Domestic Sewage	001	RM 80

PLANT TYPE AND LOCATION:

Wallace Road N.W.
 Sewage Treatment Plant

RECEIVING SYSTEM INFORMATION:

Major Basin: Willamette
 Minor Basin: -
 Receiving Stream: Willamette River
 County: Polk
 Applicable Standards: OAR-340-41-445

Issued in response to Application Number OR-102659-0 received 5/1/79.

William H. Young, Director

Date

PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to construct, install, modify, or operate a waste water collection, treatment, control and disposal system and discharge to public waters adequately treated waste waters only from the authorized discharge point or points established in Schedule A and only in conformance with all the requirements, limitations, and conditions set forth in the attached schedules as follows:

	<u>Page</u>
Schedule A - Waste Disposal Limitations not to be Exceeded.....	2
Schedule B - Minimum Monitoring and Reporting Requirements.....	3
Schedule C - Compliance Conditions and Schedules.....	4
Schedule D - Special Conditions.....	-
General Conditions.....	5-8

Each other direct and indirect discharge to public waters is prohibited.

This permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgment, or decree.

SCHEDULE A

1. Waste Discharge Limitations not to be Exceeded After Permit Issuance.
 Outfall Number 001

Parameter	Average Effluent Concentrations		Monthly Average kg/day (lb/day)	Weekly Average kg/day (lb/day)	Daily Maximum kg (lbs)
	Monthly	Weekly			
June 1- October 31:					
BOD	20 mg/l	30 mg/l	30 (67)	45 (100)	60 (133)
TSS	20 mg/l	30 mg/l	30 (67)	45 (100)	60 (133)
FC per 100 ml	200	400			

November 1 - May 31:

BOD	30 mg/l	45 mg/l	45 (100)	68 (150)	90 (200)
TSS	30 mg/l	45 mg/l	45 (100)	68 (150)	90 (200)
FC per 100 ml	200	400			

Other Parameters (Year-Round)

Limitations

pH
 Average dry weather flow
 to the treatment facility

Shall be within the range 6.0 - 9.0
 1,514 m³ /d (0.4 MGD)

2. Notwithstanding the effluent limitations established by this permit, no wastes shall be discharged and no activities shall be conducted which will violate Water Quality Standards as adopted in OAR 340-41-445 except in the following defined mixing zone:

The allowable mixing zone shall not exceed that portion of the Willamette River within a radius of 30 meters from the point of discharge.

SCHEDULE B

Minimum Monitoring and Reporting Requirements
(unless otherwise approved in writing by the Department)

Outfall Number 001 (sewage treatment plant outfall)

Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD)	Daily	Meter
Quantity Chlorine Used	Daily	Weight
Effluent Chlorine Residual	Daily	Grab
BOD-5 (influent)	2/week	24 hr. composite
BOD-5 (effluent)	2/week	24 hr. composite
TSS (influent)	2/week	24 hr. composite
TSS (effluent)	2/week	24 hr. composite
pH (influent and effluent)	3/week	Grab
Fecal Coliform (effluent)	1/week	Grab
Average Percent Removed (BOD & TSS)	Monthly	Calculation
Flow meter calibration	2/year	-
Digested Sludge Analyses (1)	Annually	One month's composite

Monitoring reports shall include a record of the location and method of disposal of all sludge and a record of all applicable equipment breakdowns and bypassing.

Reporting Procedures

Monitoring results shall be reported on approved forms. The reporting period is the calendar month. Reports must be submitted to the Department by the 15th day of the following month.

(1) Digested sludge analyses shall include: Percent (%) solids, NH₃-N, TKN, Cd, Cr, Cu, Pb, Ni, Zn, K and P.

SCHEDULE C

Compliance Conditions and Schedules

1. The permittee shall insure continued compliance with the effluent limitations specified in Condition 1 of Schedule A in accordance with the following:
 - a. Prior to July 1, 1981, the permittee shall submit a comprehensive engineering report for the Department's approval which analyzes the present plant's capacities and operational difficulties, with a proposed program and time schedule for either plant expansion or alternative treatment and disposal schemes. This latter program shall incorporate the growth related needs identified by the Urban Growth Management Program and West Salem Sector Plan; and will further identify a target date beyond which no new connections will be allowed due to a lack of present treatment plant capacity. Any proposed treatment plant expansion shall be within the existing Salem area waste discharge allocations (as contained in Condition A1 of both City of Salem NPDES Permits).
 - b. Following approval of the submitted program, proper and complete final plans and specifications for the new facilities shall be submitted to the Department for approval prior to construction. It is the permittee's responsibility to insure sufficient lead time such that the expanded and/or alternative facilities are provided before the existing facilities become overloaded (or cause effluent violations).
2. The permittee shall maintain a continuing annual program for reducing infiltration and inflow in the sewage collection system. Annual progress reports shall be submitted by October 1st, summarizing activities of the past 12 months and indicating those reduction activities scheduled for the next 12 months.
3. Prior to July 1, 1982 the permittee shall submit proposed infiltration/inflow (I/I) workload indicators to the Department for approval. As a minimum, those indicators shall include: detailed line item budgeted amounts versus actual expenditures, length of sewer sealed, lined and/or replaced, manhole defects repaired, private I/I sources identified and/or corrected, and flow data from key sub-basin monitoring stations, correlated to rainfall and groundwater conditions. Once approved, these workload indicators shall be the basis upon which the annual reports required by Condition C2 above are evaluated as "satisfactory" or "deficient". A progress report shall be incorporated into the October 1, 1981, annual report required by Condition 2, Schedule C of this permit.
4. The permittee is expected to meet the compliance dates which have been established in this schedule. Either prior to or no later than 14 days following any lapsed compliance date, the permittee shall submit to the Department a notice of compliance or noncompliance with the established schedule. The Director may revise a schedule of compliance if he determines good and valid cause resulting from events over which the permittee has little or no control.
5. Construction of sewer extensions and connections thereto is permitted as long as the added wasteload will not cause any of the limitations of this permit to be exceeded, and provided that plans and specifications are submitted to and approved by the Department of Environmental Quality as required by ORS 454.415.

GENERAL CONDITIONS

- G1. All discharges and activities authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant more frequently than or at a level in excess of that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.
- G2. Monitoring records:
- a. All records of monitoring activities and results, including all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records, shall be retained by the permittee for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the Director.
 - b. The permittee shall record for each measurement or sample taken pursuant to the requirements of this permit the following information: (1) the date, exact place, and time of sampling; (2) the dates the analyses were performed; (3) who performed the analyses; (4) the analytical techniques or methods used; and (5) the results of all required analyses.
 - c. Samples and measurements taken to meet the requirements of this condition shall be representative of the volume and nature of the monitored discharge.
 - d. All sampling and analytical methods used to meet the monitoring requirements specified in this permit shall, unless approved otherwise in writing by the Department, conform to the latest edition of the following reference:

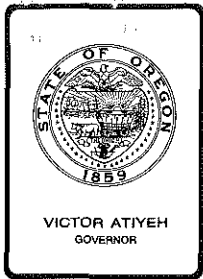
American Public Health Association, Standard Methods for the Examination of Water and Wastewaters.
- G3. The permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance and testing functions required to insure compliance with the conditions of this permit.
- G4. All waste collection, control, treatment and disposal facilities shall be inspected at least daily when in operation and be operated in a manner consistent with the following:
- a. At all times all facilities shall be operated as efficiently as possible and in a manner which will prevent discharges, health hazards, and nuisance conditions.
 - b. All screenings, grit, and sludge shall be disposed of in a manner approved by the Department of Environmental Quality such that it does not reach any of the waters of the state or create a health hazard or nuisance condition.
 - c. Bypassing of untreated waste is generally prohibited. No bypassing shall occur without prior written permission from the Department except where unavoidable to prevent loss of life or severe property damage.

- G5. Whenever a facility expansion, production increase, or process modification is anticipated which will result in a change in the character of pollutants to be discharged or which will result in a new or increased discharge that will exceed the conditions of this permit, a new application must be submitted together with the necessary reports, plans, and specifications for the proposed changes. No change shall be made until plans have been approved and a new permit or permit modification has been issued.
- G6. The permittee shall require the following of all industrial users of the municipal sewerage and sewage treatment system:
- a. Each industrial user shall pay its fair share of construction costs and operation, maintenance and replacement costs in accordance with guidelines promulgated pursuant to Section 204(b)(2) of the Federal Act.
 - b. Each industrial user shall provide applicable pretreatment of waste in accordance with guidelines promulgated pursuant to Section 307(b)(1) of the Federal Act. Any industrial user subject to these requirements shall be required to submit to the permittee periodic notice (over intervals not to exceed 9 months) of progress toward full compliance with the requirements of the pretreatment guidelines. Copies of these notices shall be forwarded to the Department.
 - c. The effluent from each industrial user shall be adequately monitored either by the permittee or by the industry for the permittee pursuant to Section 308 of the Federal Act. These monitoring records shall be retained by the permittee and made available to the Department upon request.
- G7. The permittee shall notify the Department in writing each time an industrial user which will discharge more than 10,000 gallons per day is connected to the sewerage system, unless the industrial user is discharging only domestic sewage at volumes not expected to have a noticeable impact on the sewage treatment works. Such notice shall include information on (a) the quality and quantity of pollutants to be introduced to the treatment plant and (b) any anticipated impact of such change in the quality or quantity of effluent to be discharged from the treatment works.
- A similar notice is also required each time there is a substantial change in volume or character of waste being discharged to the treatment works from industrial users already connected to the sewerage system.
- G8. After notice and opportunity for a hearing this permit may be modified, suspended, or revoked in whole or in part during its term for cause including but not limited to the following:
- a. Violation of any terms or conditions of this permit or any applicable rule, standard, or order of the Commission;
 - b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
 - c. A change in the condition of the receiving waters or any other condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

- G9. The permittee shall, at all reasonable times, allow authorized representatives of the Department of Environmental Quality:
- a. To enter upon the permittee's premises where an effluent source or disposal system is located or in which any records are required to be kept under the terms and conditions of this permit;
 - b. To have access to and copy any records required to be kept under the terms and conditions of this permit;
 - c. To inspect any monitoring equipment or monitoring method required by this permit; or
 - d. To sample any discharge of pollutants.
- G10. 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.
- G11. The Department of Environmental Quality, its officers, agents, or employees shall not sustain any liability on account of the issuance of this permit or on account of the construction or maintenance of facilities because of this permit.
- G12. In the event the permittee is unable to comply with all the conditions of this permit because of a breakdown of equipment or facilities, an accident caused by human error or negligence, or any other cause such as an act of nature, the permittee shall:
- a. Immediately take action to stop, contain, and clean up the unauthorized discharges and correct the problem.
 - b. Immediately notify the Department of Environmental Quality so that an investigation can be made to evaluate the impact and the corrective actions taken and determine additional action that must be taken.
 - c. Submit a detailed written report describing the breakdown, the actual quantity and quality of resulting waste discharges, corrective action taken, steps taken to prevent a recurrence, and any other pertinent information.
- Compliance with these requirements does not relieve the permittee from responsibility to maintain continuous compliance with the conditions of this permit or the resulting liability for failure to comply.
- G13. If a toxic effluent standard or prohibition (including any schedule or compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Federal Act for a toxic pollutant which is present in the discharge authorized herein and such standard or prohibition is more stringent than any limitation upon such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee shall be so notified.

G14. Definitions of terms and abbreviations used in this permit:

- a. BOD means five-day biochemical oxygen demand.
- b. TSS means total suspended solids.
- c. mg/l means milligrams per liter.
- d. kg means kilograms.
- e. m³/d means cubic meters per day.
- f. MGD means million gallons per day.
- g. Averages for BOD, TSS, and Chemical parameters based on arithmetic mean of samples taken.
- h. Average Coliform or Fecal Coliform is based on geometric mean of samples taken.
- i. Composite sample means a combination of samples collected, generally at equal intervals over a 24-hour period, and apportioned according to the volume of flow at the time of sampling.
- j. FC means fecal coliform bacteria.



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 S, July 17, 1981, EQC Meeting

Request By The Lane Board of Commissioners To Postpone
Progress Under Certain Conditions Of The River Road/Santa
Clara Intergovernmental Agreement.

Background and Problem Statement

1. On September 18, 1980, the Lane County Board of Commissioners and the Environmental Quality Commission signed an Intergovernmental Agreement to effect long-term groundwater quality improvements in the River Road/Santa Clara area.
2. Some progress has been made pursuant to the Conditions of the Agreement. A more complete recounting of history and specific progress is described in Attachment 1.
3. In a June 3, 1981 letter to Bill Young (Attachment 2), the Lane Board of Commissioners requested postponement of further progress until approximately January, 1982. The principal reasons cited for the delay were:
 - a. County fiscal constraints.
 - b. Continued "progress" as described in the Agreement may interfere with real progress in light of certain recent events. Such recent events include a potential LCDC compliance order for Lane County, and resolution of House Bill 2521 relating to incorporation of cities.

Alternatives and Evaluation

1. The alternatives include do nothing; prepare a staff response of approval or denial; refer to the Environmental Quality Commission.



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2. Since the Intergovernmental Agreement is signed by the Environmental Quality Commission, a Commission response is appropriate. The Director advised the Lane Board of this recommendation in his June 23 letter (Attachment 3).
3. Examples of current events likely to affect the Agreement include excerpts from the LCDC staff report Acknowledgement of Compliance Eugene/Springfield Metropolitan Area, Recommendation Section under Goal 11, Public Facilities and Services:
 - a. "2. Lane County must amend its version of the Metro Area Plan consistent with the Eugene-Springfield version with respect to Policy 7 . . . Policy 12 . . . and Geographic Phasing . . . Lane County must delete Policy 17, which permits development on "alternative forms" of sewage disposal systems."
 - b. "3. Eugene, Springfield and Lane County must amend the Metro Area Plan to include a long-term master sewerage plan for River Road/Santa Clara, consistent with requirement "2" above. This plan must include the layout and location of any required pump stations, interceptors and trunk lines, and a strategy and schedule for implementation . . ."
 - c. "6. Eugene, Springfield and Lane County must amend the Metro Area Plan to require that development on private sewage disposal systems in the unincorporated area within the UGB be permitted only under the following conditions:
 - a) lot divisions shall not result in new lot sizes of less than ten acres; and
 - b) the siting of residences shall be reviewed to ensure that development to full planned densities can be achieved when sanitary sewer service is available.Lane County must amend its zoning and land division codes to carry out this requirement."

In light of the above and other current events, the Lane Board of Commissioners' request appears reasonable.

4. Condition VII of the Intergovernmental Agreement states that the "EQC shall conduct a public hearing by no later than January 1, 1982 to evaluate progress." It is probable that certain issues will be more certain by then, and progress under the Agreement could resume.

Summation

1. On June 3, 1981, the Lane Board of Commissioners requested a postponement of progress under the River Road/Santa Clara Intergovernmental Agreement.
2. This request seems reasonable in light of recent events, most particularly a potential compliance order from LCDC which would affect the subject area.
3. Condition VII of the Intergovernmental Agreement states that the EQC will conduct a public hearing to review progress by no later than January 1, 1982. This is consistent with the Board's request, and should be an appropriate time to evaluate whether the Agreement needs to be modified.

Director's Recommendation

Based upon the Summation:

1. It is recommended that the Commission grant an extension of Conditions II, III and VI of the Intergovernmental Agreement until January, 1982, and consider authorization of a public hearing or informational meeting at that time if the issues are sufficiently clear by then.
2. It is further recommended that the Commission instruct Lane Board of Commissioners to prepare an analysis by no later than December 1, 1981, of the then current situation which includes recommendations as to what Lane County activities can commence or resume to accomplish the original objectives of the Intergovernmental Agreement.

Bill

William H. Young

Attachments: (3)

1. Agenda Item P, March 13, 1981, EQC Meeting.
2. June 3, 1981 letter from Lane Board of Commissioners' Chairman, Harold Rutherford.
3. June 23, 1981 letter from Department of Environmental Quality Director, William H. Young.

JEB:wjr
378-8240
June 23, 1981

(3)



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item No. P, March 13, 1981 Environmental Quality Commission Meeting.

Status Report Regarding The EQC-Lane Board Of Commissioners Intergovernmental Agreement For The River Road/Santa Clara Area.

Background and Problem Statement

1. On April 18, 1980, the Environmental Quality Commission found that:
 - a. The River Road/Santa Clara shallow aquifer is generally contaminated with fecal coliform organisms in excess of drinking water and body contact standards.
 - b. Existing nitrate-nitrogen concentrations within the study area exceed the 5 mg/l planning target on the average. The 10 mg/l EPA maximum drinking water standard is currently exceeded in several locations. Said 10 mg/l standard contains no safety factor.
 - c. About 73% of the nitrate-nitrogen pollutants (and by analogy a similar share of the fecal coliform contamination) results from septic tank effluent. Septic tank pollutants can migrate rapidly to the groundwater from drainfields via macropore travel.
 - d. A public health hazard exists based on fecal coliform data for persons using the aquifer for domestic (drinking) or irrigation purposes. A health hazard similarly exists in several subareas based on nitrate-nitrogen levels.
2. The Commission further concluded that even if the septic tank moratorium then in effect were continued, groundwater pollution would increase before stabilizing at some worse condition. The Commission stopped short of declaring a health hazard or even continuing a full scale septic tank moratorium because:



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materials

- a. The Lane Board of Commissioners, who had originally requested the septic tank moratorium, submitted a subsequent request to lift that moratorium on February 21, 1980, and
 - b. The Commission felt there were better ways to solve the documented area-wide pollution problems in the long term utilizing the local planning process.
3. Accordingly, on April 18, 1980, the Commission:
- a. Repealed the septic tank moratorium.
 - b. Adopted a temporary regional rule which allows some new development on septic tanks. The Commission recognized that such action would add to the pollutant load to local groundwater, but hoped such approval would support the Lane Board in their efforts to develop a long term remedy for all of River Road/Santa Clara. Thus the total groundwater problem would be solved in some reasonable time as facilitated by permitting the problem to temporarily worsen.

The EQC made the temporary regional rule permanent on October 17, 1980.

- c. Authorized DEQ staff to approve a groundwater protection and remedial action plan for the River Road/Santa Clara area when Lane County submitted one. It was further allowed that such plan could accommodate even further temporary groundwater degradation if necessary to accomplish a long term remedy. For example, temporary high density on septic tanks might be necessary to provide the financial base for ultimate remedies.
 - d. Directed DEQ staff to secure within 120 days a voluntary stipulated agreement with the Lane Board to prepare a groundwater protection and remedial action plan for the River Road/Santa Clara area.
4. On September 17, 1980, the Lane Board of Commissioners adopted a voluntary stipulated agreement by a four to one vote (Appendix A). The EQC signed said agreement on September 19, 1980. Its important provisions include:
- a. A recognition that the River Road/Santa Clara area will eventually be served by urban sewer facilities.
 - b. Sewers are the effective overall method to reduce pollutants to groundwater.

- c. Sewers will ultimately be routed to a central sewage treatment facility, namely the MWMC plant currently under construction.
 - d. Lane County agrees to adopt or amend the existing "Eugene-Springfield Metropolitan Area Treatment Alternatives 208 Plan" of April, 1977 in a reasonably short time frame.
 - e. Lane County will maintain the current subdivision moratorium in River Road/Santa Clara at least until they adopt a long term urban master sewerage plan, and indicate how they will commit to its eventual implementation.
 - f. A commitment toward resolution of the jurisdictional question. A tri-party agreement among Lane County, Eugene and the Environmental Quality Commission is recommended to "hasten improvement in groundwater quality and thereby enable further development" in the subject area.
5. The Environmental Quality Commission, Department staff, the Lane Board of Commissioners, and Lane County staff have several specific obligations spelled out under conditions of the voluntary stipulated agreement. The River Road/Santa Clara Intergovernmental Agreement is contained in Appendix A.

The conditions most relevant to this staff report are:

- a. Condition II: Lane County agrees to adopt a long term urban master sewerage plan by December 19, 1981.
 - b. Condition VI: Lane County agrees to provide semi-annual reports to the EQC beginning January 1, 1981, to indicate progress under the agreement and status regarding jurisdictional questions.
 - c. Condition IX: Lane County, City of Eugene and the EQC should enter into a tri-party agreement by December 1, 1980. That agreement would define a process to distribute information on jurisdictional alternatives to River Road and Santa Clara area residents.
 - d. Condition XII: The EQC agrees to adopt a final groundwater quality policy on or before March, 1981.
6. On January 22, 1981, the Department received the Lane Board of Commissioners' semi-annual progress report (Appendix B), submitted pursuant to Condition VI of the agreement. This staff report is an analysis of the semi-annual progress report.

7. The Department evaluated the progress report and the Director sent that analysis to the Lane Board of Commissioners on February 18, 1981 (Appendix C).

Evaluation

1. Condition VI of the Intergovernmental Agreement requires semi-annual progress reports by Lane County.
2. The first progress report was received on January 22, 1981, which detailed the following:
 - a. The Lane County Department of Environmental Management has been assigned responsibility for implementing and monitoring the Agreement.
 - b. A work plan, with time schedule, was enclosed with the progress report. This work plan, if adhered to, will allow for completion of Conditions II, III, and IV of the Intergovernmental Agreement.
3. Condition IX of the agreement suggests that Lane County, the City of Eugene, and the Environmental Quality Commission enter into a tri-party agreement by December 1, 1980. Said agreement would define a joint process to distribute information regarding jurisdictional alternatives to area residents.
4. No tri-party agreement has been drafted or negotiated.
5. Lane County feels that the distribution of the "River Road Tabloid" by the City of Eugene has fulfilled Condition IX.
6. Department staff feels that the "Tabloid" partially fulfills Condition IX:
 - a. The "Tabloid" addresses only annexation of the River Road area to the City of Eugene.
 - b. The County, in its January 13 letter to the Director, does not provide alternatives to the jurisdictional question.
 - c. The Director's February 18 letter requests that Lane County provide information about urban services and jurisdiction to Santa Clara residents in a time frame compatible with Lane County's own work plan.

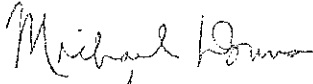
Summation

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

Director's Recommendation

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

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


for
WILLIAM H. YOUNG

Appendix A: EQC-LBOC Intergovernmental Agreement.

Appendix B: January 13, 1981 LBOC Progress Report.

Appendix C: February 18, 1981 letter from Bill Young to Harold Rutherford.

Laurence H. Lowenkron:wr
686-7601
February 13, 1981

INTERGOVERNMENTAL AGREEMENT

WHEREAS, the Lane County Board of Commissioners and the Environmental Quality Commission recognize that public health must be protected and that a high-quality environment be maintained in the area generally known as River Road/Santa Clara, and

WHEREAS, Lane County recognizes that the River Road/Santa Clara area will eventually receive urban services including but not limited to sanitary sewers, and

WHEREAS, recent studies indicate that portions of the shallow groundwater in the area are affected with bacteria and nitrate-nitrogen, and

WHEREAS, studies indicate that significant pollutants may result from septic tank discharges from current developments, and

WHEREAS, Lane County and the Environmental Quality Commission agree that sanitary sewers are effective long-term means to reduce the level of contaminants in the River Road/Santa Clara area and,

WHEREAS, Lane County recognizes that the sewage treatment needs of the area should be provided by the Metropolitan Wastewater Management Commission's Sewage Treatment Facility, and

WHEREAS, Lane County and the City of Eugene have not jointly determined the most appropriate jurisdiction to provide sanitary sewage collection facilities to the area, and

WHEREAS, both jurisdictions recognize the planning and installation of long-term sanitary facilities in the area requires resolution of the question of jurisdictional responsibility, and

WHEREAS, Lane County and the EQC agree that concerted governmental effort to enhance the public health should be initiated prior to resolution of the jurisdictional question,

THEREFORE BE IT HEREBY RESOLVED:

- I. Lane County hereby agrees to remove its current subdivision moratorium which was originally implemented on June 9, 1971 after the following have been accomplished:
 - A. Lane County adopts a long-term urban master sewerage plan as described in Paragraph II.
 - B. Lane County develops and adopts an interim sewage collection, treatment and disposal ordinance as described in Paragraph III.
 - C. Lane County considers a plat control program as described in Paragraph IV.

Sept 19, 1980 + 15 mo = Dec. 19, 1981

- II. Lane County agrees to adopt a long-term urban master sewerage plan for the River Road/Santa Clara area no later than 15 months after approval of this agreement. Such plan shall utilize or amend the existing "Eugene-Springfield Metropolitan Area Treatment Alternatives 208 Plan" of April 1977. This master sewerage plan shall specify the method of management, collection, treatment and disposal of sewage.
- III. Lane County agrees to develop and adopt an "Interim sewage collection, treatment and disposal ordinance" for the River Road/Santa Clara area no later than six months after adoption of the master sewerage plan described in Paragraph II above. Interim facilities are defined as temporary, and are to be replaced by permanent regional facilities when available.

Interim facilities shall include, but are not limited to, standard subsurface sewage disposal systems, mechanical oxidation facilities, sewage stabilization ponds, sand filters or others as described in Oregon Administrative Rules 340-71-005 through 71-045.

The ordinance shall at a minimum specify:

- A. Minimum criteria for facilities siting and construction.
- B. Who will own and operate the facilities.
- C. Under what circumstances and time schedules the facilities shall be salvaged or abandoned.

- IV. Lane County agrees to consider a new "Plat control program" no later than July 1, 1981, to facilitate reasonable development in the area.

The purpose of a plat control program is to maintain desired ultimate development density potential in areas where development may occur at lower densities prior to provision of full urban services. Developing areas outside of cities rely upon on-site sewage disposal. The large parcel sizes necessary to accommodate on-site sewage disposal can diminish ultimate density potentials and preclude the economical provision of urban services if plat control is not implemented.

- V. Lane County agrees to continue a public education program originally implemented on February 21, 1980.
- VI. Lane County agrees to provide semi-annual progress reports to the EQC to indicate the status of these programs and the interagency jurisdiction question. The first report is due January 1, 1981 Jan, July, Jan
- VII. The EQC will review the semi-annual progress reports mentioned in paragraph VI., above. The EQC shall conduct a public hearing by no later than January 1, 1982 to evaluate progress. Upon review of said progress reports, at the public hearing, or at any other time the EQC may comment, assist, or take action outside the intergovernmental agreement including but not limited to that described in Oregon Revised Statutes (ORS) 222.850 through 222.915, ORS 454.235(2), and/or ORS 454.685.

- VIII. Lane County agrees to work with the public, and affected public agencies during the planning and implementation of the public education, plant control, and alternative interim sewage programs.
- IX. Lane County and the Environmental Quality Commission agree that resolution of the jurisdictional question will hasten improvement in groundwater quality and thereby enable further development of the area. A separate tri-party agreement among Lane County, the Environmental Quality Commission, and the City of Eugene is needed to define a joint process to distribute information regarding jurisdictional alternatives to area residents. In particular the City is encouraged to develop positions on, and disseminate information pertaining to a) annexation procedures, b) available city services, c) costs of identified services, and d) optional strategies to deliver services including but not limited to phased delivery of city services and phased financial mechanisms. A tri-party agreement including provisions identified above should be completed no later than December 1, 1980.
- X. Upon a delineation of the appropriate jurisdiction to provide long-term sanitary services, Lane County agrees to develop or to work closely with appropriate public agencies to develop a plan to provide sanitary facilities.
- XI. The EQC agrees to offer Lane County technical staff assistance on call as expeditiously as possible. To enhance local program capabilities, this assistance from the EQC will not be less than one-fourth FTE position.
- XII. The EQC agrees to adopt a final groundwater quality policy, as discussed on 18 April, 1980, on or before March 1981.
- XIII. Lane County and the Environmental Quality Commission agree that timely implementation of this agreement may be impacted by federal and state regulations, litigation, and financial conditions. Therefore, Lane County reserves the right to request from the EQC alterations to initially established time schedules.

Board of County Commissioners
of Lane County, Oregon

Environmental Quality Commission
of Oregon

By: *Otto t'Hooff*
Otto t'Hooff, Chairman

By: *Joe B. Richards*
Joe B. Richards, Chairman

Harold Rutherford
Harold Rutherford, Vice
Chairman

Albert H. Densmore, Vice
Chairman

Vance L. Freeman
Vance Freeman

Ronald H. Somers

Gerald Rust
Gerald Rust
NO NO NO NO
WHERE ARE THE CITIZENS
CONSTITUTIONAL RIGHTS?
Archie Weinstein

Eric J. Burgess
Eric J. Burgess

Mary V. Bishop
Mary V. Bishop

Date

09-19-80
Date

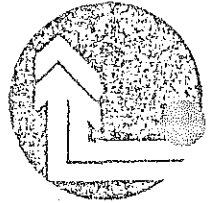
Terese Wilson 9-11-80
Approved as to Form

Approved as to Form

lane county.

APPENDIX B

RECEIVED
JAN 22 1981



State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JAN 20 1981

DEPARTMENT OF ENVIRONMENTAL QUALITY
January 13, 1981
M. O. OFFICE

BOARD OF COMMISSIONERS

Vernon Freeman
Scott Lindholm
Gerald Rust, Jr.
Otto 'Hoof'
Harold Rutherford

OFFICE OF THE DIRECTOR

Bill Young
Director, Department of Environmental Quality
522 S.W. 5th
Portland, OR 97204

Dear Bill:

Last September, after several months of joint discussions, Lane County and the State Department of Environmental Quality approved an Intergovernmental Agreement regarding the area generally known as River Road/Santa Clara. The agreement formalized joint commitments to allocate staff resources to address several significant issues. The agreement also defined a process, including specific deadlines, to guide staff efforts. Our current attention is directed to paragraph VI of the agreement in which Lane County committed to deliver semi-annual progress reports to the EQC. This letter is intended to offer a brief summary of local progress since September.

Three activities completed during the fall deserve particular attention. First, primary responsibility for implementating and monitoring the Intergovernmental Agreement has been assigned to the Department of Environmental Management. As you know, several County departments contributed to the initial negotiations. However, to encourage greater continuity and clarity we believe that primary responsibility and accountability should be vested in one department. The General Administrator's Office will continue to monitor the overall performance of Lane County's obligations, though departmental staff will perform most functions. Secondly, during October and November a fifteen month implementation work plan was prepared by the Department of Environmental Management and submitted to the Board of County Commissioners. This plan identifies and schedules major tasks necessary to perform each County obligation. By organizing a long-term schedule at this time, we will ensure an efficient use of County resources to achieve development of a plat control program, interim facilities ordinance, and other objectives. A copy of our initial work plan is attached for your reference. Lastly, paragraph IX of the agreement suggested a separate "tri-party" agreement to insure the timely distribution of information regarding jurisdictional alternatives by the City of Eugene to residents of River Road/Santa Clara. Since September; the City has mailed several thousand tabloids to households in the area. Therefore, we believe the intent of paragraph IX has been achieved and that a separate agreement is unnecessary. A tabloid is attached for your review.


To summarize, activities completed during the past quarter have initiated a fifteen month process to accomplish obligations contained within the agreement. To date, Lane County's progress has not

BOARD OF COUNTY COMMISSIONERS

Page 2
Bill Young, Director
Department of Environmental Quality

required the assistance to D.E.Q. staff. Yet, as we approach the more difficult components of our work plan, your staff may be called upon to lend their expertise to our efforts. In the meantime we shall proceed according to the work plan and prepare our second status report during July. If you or your staff wish to discuss our progress at any time, do not hesitate to contact our office.

Sincerely,

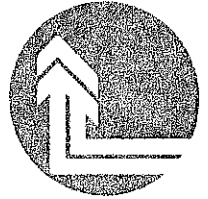

Harold Rutherford, Chairman
Lane County Board of Commissioners

Attachments

cc: Board of Commissioners
George E. Morgan, General Administrator
Rich Owings, Environmental Management

WORK PLAN

<u>Date</u>	<u>Agreement Item</u>	<u>Activity/Task</u>
Completed	II	Board confirms regional concept commitment
Dec. 19, 1980	II	Complete review 1970 River Road/Santa Clara Sewerage Collection System Study
Jan. 30, 1981*	II	Complete preliminary draft of Master Plan alternatives segments of technical, financial and management components and implementation schedule
Feb. 2-20, 1981	II	Staff and agencies review preliminary draft of Master Plan
Mar. 1, 1981	II	Preliminary draft of Master Plan to Lane County and City of Eugene for review and comment
Mar. 13, 1981*	III	Complete preliminary draft interim facilities ordinance alternatives
Mar. 16-30, 1981	III	Staff and agencies review preliminary interim ordinance draft
Apr. 3, 1981*	IV	Complete preliminary draft plat control program alternatives
Apr. 6-May 1, 1981	IV	Staff reviews preliminary plat control draft
May 4-29, 1981	II III IV	Planning commission and agency review preliminary draft of plat control and interim ordinance of Master Plan
May 22, 1981*	II	Lane County and City of Eugene action on Master Plan
June 1-Aug. 20, 1981	II III	Community organization review
June 1-30, 1981	IV	Info meeting (specific places yet to be determined)
Aug. 3-7, 1981*	II III IV	Community organizations sponsor public meetings in River Road and Santa Clara
Aug. 21, 1981	II III	Community organizations finalize input and recommendations
Aug. 26, 1981*	IV	Public hearing on proposed plat control ordinance
Sep. 4, 1981*	II	Revised draft indicating recommended alternatives to BCC, Legal and agencies
Sep. 9, 1981*	IV	Board adopts plat control program ordinance
Oct. 7, 1981*	II	Public hearing on recommended master sewerage plan alternatives
Oct. 30, 1981*	II	Final draft master sewerage plan to BCC and agencies
Nov. 4, 1981	III	Draft interim facilities ordinance based upon recommended alternatives to BCC, Legal and agencies
Dec. 9, 1981*	II	Board adopts master sewerage plan recommended alternatives
Dec. 16, 1981*	III	Public hearing on proposed interim facilities ordinance
Jan. 6, 1982	III	Board adopts interim facilities ordinance



BOARD OF COMMISSIONERS

Vance Freeman
Scott Lieuallen
Gerald Rust, Jr.
Otto t'Hooft
Harold Rutherford

June 3, 1981

Mr. William Young, Director
Department of Environmental Quality
522 SW 5th
Portland, Or 97204

Re: River Road/ Santa Clara Sewerage Planning

Dear Bill:

Pursuant to paragraph XIII of the River Road/Santa Clara stipulated agreement dated January 13, 1981, Lane County requests an alteration to the initially established time schedules.

Fiscal constraints have resulted in significant, County-wide staff reductions. Personnel currently committed to the stipulated agreement must be temporarily reassigned to other higher priority projects. Further, it is the consensus of the Lane County Board that an interruption of the stipulated agreement work schedule is in the public interest. Specifically, the agreement work should be interrupted until the Eugene/Springfield Metropolitan Plan is resubmitted to LCDC. As you know, the sewerage of the RR/SC area is one of many inter-related urbanizing issues that will be addressed in acknowledgement of the Metro Plan. Clearly, a comprehensive approach is desirable rather than initiating a "single" issue public involvement process which would result from continuation of the current agreement work plan. In addition, this interruption will permit resolution of legislation regarding incorporation currently before the State Legislature. Both of the above items could significantly influence the jurisdictional and financial segments of the Sewerage Plan.

We concur with the conclusion in your May 13, 1981 letter that the collection system (i.e. pipes) should not be substantially altered from the current staff's draft. Thus, prior to the end of this month the technical portion of the draft Sewerage Plan will be reviewed by the Board.

We anticipate this review to be beneficial in our preparation for resolution of remaining issues in the Metro Plan. The Board and County staff appreciates the efforts of your staff and cooperation of all the agencies who commented on our draft Sewerage Plan.

Based upon these considerations and County fiscal constraints, it is the desire of the Board that progress on the stipulated agreement be postponed until approximately January 1982 by which time the Metro Plan should have been resubmitted. Subsequent to the Metro resubmittal a revised work schedule will be forwarded to you for your review.

Your consideration of this request and the conditions which have prompted it is appreciated.

Sincerely,



HAROLD H. RUTHERFORD, Chairman
Lane County Board of Commissioners

HR/ta

cc: Lane County Commissioners
George Morgan, General Administrator
Rich Owings, Environmental Management
✓ John Bordin, DEQ
John Porter, City of Eugene
Bill Pye, MWMC
Diane Nechak, Boundary Commission
Garrett Rosenthal, L-Cog



Department of Environmental Quality

522 S.W. 5th AVENUE, BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-

June 23, 1981

Mr. Harold H. Rutherford, Chairman
Lane County Board of Commissioners
Public Service Building
125 East 8th Avenue
Eugene, Oregon 97401

RE: WQ-River Road/Santa Clara
Lane County
Request For Agreement Extension

Dear Harold:

Regarding your request that progress on the River Road/Santa Clara Intergovernmental Agreement be postponed until approximately January, 1982, I must defer that judgement to the Environmental Quality Commission.

In the way of review, dates contained in the Agreement and their respective status are as follows:

1. Condition II; Adopt long-term master sewerage plan by December 19, 1981.

Status: Lane County circulated a draft River Road/Santa Clara Master Sewerage Plan Alternatives to Lane County staff and agencies for review on March 16, 1981, thus beginning this process.

2. Condition III; Develop and adopt an "Interim sewage collection, treatment and disposal ordinance" six months later.

Status: Dependent on Condition II; yet to be accomplished.

3. Condition IV; Consider a "Flat control program" by July 1, 1981.

Status: County staff is currently having discussions with area planners. Draft is not yet prepared and may be significantly impacted by potential LCDC compliance order on or after June 26, 1981.

4. Condition VI; Submit semi-annual progress reports beginning January 1, 1981.

Status: The January, 1981 status report was received and reviewed by the Environmental Quality Commission on March 13, 1981 (Agenda Item P). The July, 1981 status report will be waived subject to the discussion below.

5. Condition VII; Environmental Quality Commission conduct a public hearing to review progress by January 1, 1982.

Status: Not yet due.

6. Condition IX; Attempt to secure a tri-party agreement by December 1, 1980.

Status: Circulation of informational "River Road Tabloid" by the City of Eugene in November, 1980 partially fulfills this condition.

7. Condition XII; Environmental Quality Commission adopt final groundwater quality protection policy by March, 1981.

Status: Public hearings commenced in March, 1981. Another hearing will be held June 30. Target adoption by Environmental Quality Commission is July 17, 1981.

I gather from discussions between your staff and mine that progress will continue under some of the Conditions above, e.g., Condition IV and VI, even if the postponement is granted. Therefore, your postponement request is limited to Condition II and related Condition III.

In any event, considering your recent descriptive letters and postponement request, I see no need for a July 1, 1981 progress report (Condition VII).

Mr. Harold H. Rutherford
June 23, 1981
Page 3

I have instructed my staff to prepare a report along these lines for presentation at the July 17 Environmental Quality Commission meeting. The meeting will be in Portland at the Oregon Department of Fish and Wildlife hearing room.

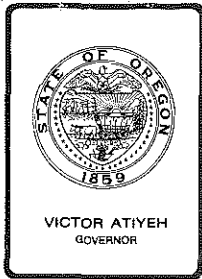
Sincerely,

William H. Young
Director

JEB:ts

Attachment: June 3, 1981 letter from Harold Rutherford

cc: Joe Richards, Chairman, EQC, w/att
Craig Greenleaf, Department of Land Conservation and Development, w/att
Lane County Board of Commissioners
George Morgan, Lane County General Administrator
Bill Pye, MPMC
Diane Nechak, Lane Boundary Commission
Garrett Rosenthal, Lane Council of Governments
Willamette Valley Region, Eugene, DEQ
Water Quality Division, DEQ



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. T, July 17, 1981, EQC Meeting

Proposed Adoption of Amendments to Solid Waste Management Rules, OAR 340-61-005, 61-010, 61-020 and 61-025 through 61-040

Background and Problem Statement

The Department's current solid waste management rules were adopted in March 1972. These rules no longer accurately reflect the Department's philosophies and policies, nor current state-of-the-art in proper solid waste management. In addition, certain sections of the rules have been found to be somewhat vague and confusing, while other sections have been found to be unworkable and have not been strictly enforced.

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

Alternatives and Evaluation

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

In addition, failure to adopt rules consistent with the federal criteria might cause some landfill owners and operators to be subjected to two different sets of standards which may be conflicting. Further, failure to implement the recently adopted State Solid Waste Management Plan would make some landfill operators and the Department vulnerable to citizen suit under the provisions of RCRA.

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

Following the April 24, 1981 Commission meeting, at which authorization to conduct a hearing was granted, copies of the proposed amendments were mailed to 82 individuals on the division's advisory group and to 24 DEQ staff members around the state. A hearing notice was mailed to an additional 144 permittees, including industry and local government, and to the news media. On May 19, 1981, a public hearing was conducted in Portland.

Written and/or oral comments were received from 23 individuals. The staff evaluated these comments and a number of changes have been made in the proposed rules. The attached "Hearings Officer's Report" and "Response to Public Comment" summarize the comments received and the staff's response.

The proposed rule amendments include the following major provisions:

1. An expanded list of definitions for the purpose of clarity.
2. A more detailed explanation of the roles and responsibilities of the Department and applicants in the permitting process.
3. An expanded description of the information to be included in a permit application.
4. A provision that the Department may waive the requirements for detailed plans and specifications, a feasibility study report and construction certification for low-volume, low-risk disposal sites. Current rules include no such provision.
5. A provision that applications for new or expanded disposal sites include evidence of need. Current rules include no such provision.
6. A provision that the Department may require major or critical construction projects at landfills be certified as properly completed by the permittee's engineer. Currently, the Department has responsibility for checking construction.
7. The establishment of groundwater contamination limits for landfills consistent with the Department's proposed Groundwater Protection Policy (essentially a federal standard). Currently, there are no state groundwater standards.
8. A clarification of the Department's authority to require permittees to collect and analyze samples of groundwater, surface water and landfill gases where deemed necessary and practicable. Current rules give general authority to require reporting, but do not specifically address groundwater, surface water or gas monitoring.


9. A provision that the Department may require the weighing of incoming loads of refuse at a disposal site, to facilitate planning decisions related to resource recovery, transfer and landfill siting. Current rules include no such provision.
10. A restriction on the types of waste which may be open burned at a landfill, to allow burning of only tree stumps and limbs, brush, timbers, lumber and other wood waste (federal standard). Current rules also allow open burning of cardboard and other bulky combustibles.
11. The establishment of standards for landfill operators pertaining to protection of endangered species, control of landfill decomposition gases and the prevention of bird hazards to aircraft (federal standards). Currently, there are no state standards in these areas.

Summation

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

Director's Recommendation

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


William H. Young

Attachments

- (1) Statement of Need for Rulemaking
- (2) Hearing Officer's Report
- (3) Department's Response to Public Comment
- (4) Proposed Rules, OAR 340-61-005, 61-010, 61-020 and 61-025 through 61-040

W.H. Dana:c
SC239
229-6266
June 19, 1981

Before the Environmental Quality Commission
of the State of Oregon

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

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

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

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

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

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

Date: April 1, 1981

SC242

STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

TO: Environmental Quality Commission DATE: June 24, 1981

FROM: Gayla Reese, Hearings Officer

SUBJECT: Public Hearing on Amendments to Solid Waste Management Rules

On May 19, 1981, a public hearing was held pursuant to a notice issued May 1, 1981. The hearing was held in Portland at 1:00 p.m. in Room 1400 of the Department's offices at 522 SW 5th.

Ten persons were present. Following an explanation of the purpose of the meeting, five persons gave testimony: Ezra Koch, River Bend Landfill Co.; Bill Webber, Valley Landfills, Inc.; Roger Emmons, Oregon Sanitary Service Institute; Angus MacPhee, Newberg Landfill; and Tom Donaca, Associated Oregon Industries. Others who attended were John Graham, Douglas County Environmental Health; Chuck Kemper, R.A. Wright Engineering; Craig Starr, Lane County; Noel Groshong, Douglas County Environmental Health; and Steve Sander, DEQ Solid Waste Division.

The record was left open until 8:00 a.m., May 26. Additional written and oral comments were received from 19 people: Kent Ashbaker, DEQ Water Quality Division; Ed Quan, DEQ Water Quality Division; Gary Messer, DEQ Willamette Valley Region; Dave St. Louis, DEQ Willamette Valley Region; Frank Ostrander, Counsel for Department of Energy; Howard Mellors, Crown Zellerbach Corp.; L.M. Steffensen, Georgia-Pacific Corporation; Jerry Re, Eugene, Oregon; Ron Baker, DEQ Southwest Region; Randall Hledik, Associated General Contractors; Eugene Gjertsen, consulting engineer; George Morton, APA Environmental Committee; Kenneth Erikson, Douglas County Department of Public Works; Noel Groshong and John Graham, Douglas County Environmental Health; G.A. Kennar, Monsanto Plastics & Resins Co.; T.R. Aspitarte, Crown Zellerbach; Roger Emmons, Oregon Sanitary Service Institute; and Craig Starr, Lane County Solid Waste Management.

Major points from all comments included:

1. General concern with overregulation in the rules, i.e., regulations are too detailed, restrictive, and expensive, especially for rural areas and small private operators. Also, the rules cover business management instead of just environmental protection.
2. Strong opposition to weighing. Landfill operators say it is not important to them.

Public Hearing - Solid Waste Rules Amendments

June 24, 1981

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3. Dislike of self-monitoring of groundwater. Landfill operators feel that the public would distrust the results; DEQ should monitor the groundwater.
4. Criticism varied on the groundwater standards with comments such as the standards need to be eased and the standards are too lenient.
5. Concern about landfill closure requirements. Suggested closing each area of a landfill as full capacity is reached and periodically reporting the status of closures to DEQ. At time of closure, require additional cover (e.g., four to six feet of soil or clay cap) and land-use plans.
6. Question about the legality and propriety of DEQ requiring a statement of need before a proposed landfill is approved.
7. General opposition to requirement for local approval of a landfill site if DEQ approves it.
8. Desire for separate standards for industrial waste and demolition waste disposal sites.
9. Disapproval of construction certification and feasibility report requirements because they are too expensive and complex.
10. Concern that letter authorizations are too easy to obtain and too permissive. Suggestion was made to place a six-month limit on letter of authorization and require Environmental Quality Commission's approval.
11. Opposition to the definition of "solid waste boundary" included agreement with the need to measure groundwater contamination inside the property boundary, but at some point away from the landfill.
12. Criticism about household composting ranged from those who felt the rule was too lenient to those who felt it was too restrictive.
13. Concern about the standard for odor control; it is too subjective.

Department's Response to Public Comment

The following is a summary of comments received in response to proposed amendments to administrative rules for solid waste management (OAR 340-61-005, 61-010, 61-020 and 61-025 through 61-040) and the Department's responses to those comments:

Comment: Proposed rules are too detailed, restrictive and expensive to comply with, especially for rural areas and small private operators.

Response: The proposed amendments are intentionally more detailed than the current rules. The current rules had been criticized as being somewhat vague and unclear and the intent was to correct this deficiency. The proposed amendments are also admittedly more restrictive and expensive to comply with than the current rules. The current rules were adopted in March 1972 and the state of the art has changed substantially since then. From our review of other states' rules, however, we are convinced that these proposed amendments are not excessively detailed or restrictive. For example, the rules in no way exceed EPA's regulations and the rules are not as stringent as those of several other states in respect to such things as cover frequency, groundwater protection and open burning, among others.

In order to ease the impact of these rules on small operators, the proposed amendments include section 340-61-025(4), which allows the Department to exempt operators of low-volume, low-risk disposal sites from several of the more costly requirements (i.e., detailed engineering plans, engineering construction certification and feasibility study reports). In addition, requirements such as cover frequency, self-monitoring, weighing and others are applied on a case-by-case basis. Nevertheless, in response to the above comments, the Department has further reduced some of the detail from the sections on permit applications, feasibility study reports and special rules pertaining to landfills.

Comment: Weighing is a needless expense. It is not important to landfill operators.

Response: The Department strongly believes that weighing is essential in planning for resource recovery facilities, transfer stations and regional landfill sites. One simply cannot make an intelligent financial analysis of such a proposed facility without accurate data, collected over a period of at least one year to allow for seasonal fluctuations.

Several landfill operators commented that volume estimates were adequate for their needs. Our experience, however, is that volume estimates are highly inaccurate. We suspect that some of the industry's concerns may be based on the fact that weighing will result in higher disposal fees and road taxes for collection vehicles which are carrying more than their rated capacity. In any event, the Department intends to require weighing only at selected landfills where it clearly seems to be in the public's best interest to do so.

Comment: Self-monitoring by permittees is not a good idea. DEQ should do it.

Response: If the Department had unlimited resources, we would agree to do all the monitoring. However, in the face of decreasing staff and resources, the Department feels that it must request some help from those who can reasonably provide it. To help emphasize our intent, this section of the rules has been changed by the addition of the term "where practicable" (e.g., where a permittee has his own lab). Also, to assure quality control, a requirement has been added that allows the Department to periodically split samples with permittees who do self-monitoring.

Comment: Groundwater standards are too lenient/too tough.

Response: The proposed groundwater standards, taken verbatim from the RCRA criteria, met with mixed response. In the final analysis, the Department decided that it could not in good faith accept EPA's position that virtually all groundwater be treated as drinking water. Accordingly, the proposed rule has been amended to conform to the Department's proposed General Groundwater Protection Policy, which is based on the concept of preserving an aquifer's recognized beneficial uses.

It is important to note that this change is not necessarily a weakening of the standard. Where an aquifer is or is likely to be used as a drinking water source, drinking water standards will still apply. Only where an aquifer is unlikely to be used for drinking water will other standards apply.

Comment: Landfills should be closed in phases, as areas reach capacity. Four to six feet of cover, including a clay cap, should be required.

Response: The proposed rule was written with the intent that landfills be required to close each portion when final grade was reached. Apparently the rule was unclear in this regard so it has been redrafted.

With respect to final cover, the Department agrees that additional earth and a clay cap are desirable in some areas of the state, but we do not agree that it is needed at all sites.

The proposed rule has been modified to require that final cover be of a type approved by the Department and suitable for the planned future use (i.e., farm use may require more soil than range land).

Comment: Is a statement of need an appropriate requirement?

Response: The Department obtained an informal legal opinion from the Department of Justice which indicates that such a requirement is reasonable and appropriate under ORS Chapter 459.

Comment: Local approval for a landfill permit is unnecessary red tape.

Response: Recommendations by the local government unit or units having jurisdiction is a statutory requirement (ORS 459.235). In addition, ORS 197.180 and DEQ's Coordination Program with LCDC also require local approval before any new landfill may be established.

Comment: There should be separate rules for industrial waste and demolition waste disposal sites.

Response: The Department agrees that some industrial waste disposal sites and some demolition waste disposal sites pose little threat to the environment. Such facilities may qualify for a special letter authorization or otherwise be exempt from many of the more costly requirements as noted above. We do not agree, however, with the premise that wood waste and demolition wastes are inherently so much less threatening than domestic refuse that separate rules are needed. For example, the most serious landfill-related groundwater contamination problem that we are aware of was associated with a wood waste landfill. Also, the most serious methane gas problem we have encountered was associated with a demolition waste landfill. Our proposed rules, therefore, allow exemptions based on a consideration of several factors, including volume of waste received, site location, geophysical characteristics of the site, climate, etc., and not just waste types.

Comment: Construction certification and feasibility report requirements are too costly and complex.

Response: General comments about overregulation have been addressed above. Construction inspections are something that the staff would like to be able to do. However, in view of shrinking resources, we must shift some of this burden to permittees. The proposed rule has been modified slightly to make it clear that certification will be required only for major or critical construction (e.g., a liner installation).

The feasibility study report section is a good example of why the 1972 rules need to be amended. The current rule is both somewhat vague and incomplete. The proposed new rule is intentionally more detailed and demanding, as it reflects

current philosophy and state-of-the-art. Again, the feasibility report is one of the requirements that the Department may waive for low-volume, low-risk disposal sites.

Comment: Letter authorizations are too easy to obtain and too permissive. They should be issued by the Commission.

Response: Letter authorizations are issued for short-term, low-volume, low-risk disposal operations. The intent is to minimize red tape and delay for the applicant in cases where the Department has little concern regarding potential environmental impact. We believe that EQC approval would cause needless delay and would be a burden to both the staff and the Commission.

We agree that in some cases letter authorizations have been issued too permissively. The proposed rule amendments are therefore considerably more restrictive than the current rules. In response to comments received, the Department is proposing to further restrict letter authorizations by limiting them to six months in duration, rather than one year as originally proposed.

Comment: The definition of "solid waste boundary" should be changed from the edge of the fill material to 50 to 100 feet inside the property line.

Response: The solid waste boundary is the point at which groundwater contamination is monitored, unless the Department specifies some other monitoring point in accordance with certain procedures. Several individuals stated that groundwater should not be evaluated right at the edge of the fill, but at some point inside the property line. We basically agree with this premise. However, landfills are variable and many sites do not have a 50- or 100-foot buffer zone inside the property line.

The proposed definition is the one that appears in the RCRA criteria. We believe that our rules should parallel EPA's to the extent practicable. As noted, the rules provide flexibility in that the Department may specify some sampling point other than the solid waste boundary at those sites where it is appropriate to do so.

Comment: The permit exemption for household composting is too lenient/too restrictive.

Response: Current rules prohibit all household composting unless a permit or a letter authorization is obtained from the Department. This was not an intentional restriction, but is the result of the definition of "disposal site." We believe this is an unreasonable restriction and are proposing to change it.

The rules, as proposed, would have exempted compost piles receiving less than 5 cubic yards of household waste per year. This figure was based on a yard debris survey the Department

conducted in the Portland area. Reviewers criticized this number as being too large and too small. The Department is now proposing to limit composting to single family residences with no specific volume limit. We do not want to completely exempt composting facilities, since a large pile of rotting organic waste can be a severe nuisance.

Comment: Odor control requirement is too subjective.

Response: Landfills can be a source of malodors and at least one site in the Portland area has received numerous complaints in this regard. Odors can be controlled by frequent application of earth cover, positive gas venting and other techniques. Therefore, we believe that a rule pertaining to odor control is appropriate.

This rule, as originally proposed, required that landfill odors not cause a public or private nuisance. We agree that private nuisances are too subjective and have deleted this term from the proposed rule.

SC367

STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY

PROPOSED AMENDMENTS

OREGON ADMINISTRATIVE RULES

CHAPTER 340 - DIVISION 61

"SOLID WASTE MANAGEMENT"

11

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[(6)] (12) "Disposal site" means land and facilities used for the disposal, [or] handling or transfer of or resource recovery from [of] solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, transfer stations, resource recovery facilities, [salvage sites,] incinerators for solid waste delivered by the public or by a solid waste collection service and composting plants; ~~and~~ but the term does not include a facility subject to the permit requirements of ORS [449.083] 468.740; [or] a landfill site which is used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar nondecomposable material, unless the site is used by the public either directly or through a solid waste collection service; or a site licensed pursuant to ORS 481.345.

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

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

(15) "Groundwater" means water that occurs beneath the land surface in the zone(s) of saturation.

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

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

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

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

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

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

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

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

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

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

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

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

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

[(17)] (25) "Public Waters" or "Waters of the State" include

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

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

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

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

(28) "Resource Recovery" means the process of obtaining useful material or energy from solid waste and includes:

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

(b) "Material recovery," which means any process of obtaining from

solid waste, by presegregation or otherwise, materials which still have useful physical or chemical properties after serving a specific purpose and can, therefore, be reused or recycled for the same or other purpose.

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

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

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

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

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

[(22)] (32) "Solid Waste" means all putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, waste paper and cardboard; sewage sludge, septic tank and cesspool pumpings or

other sludge; commercial, industrial, demolition and construction wastes; discarded or abandoned vehicles or parts thereof; discarded home and industrial appliances; manure; vegetable or animal solid and semi-solid wastes, dead animals and other wastes; but the term does not include:

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

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

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

[(23)] (34) "Transfer Station" means a fixed or mobile facility, normally used as an adjunct of a solid waste collection and disposal system or resource recovery system, between a collection route and a disposal site, including but not limited to a large hopper, railroad gondola or barge.

(35) "Underground drinking water source" means an aquifer supplying or likely to supply drinking water for human consumption.

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

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

(38) "Zone of saturation" means a three (3) dimensional section of the soil or rock in which all open spaces are filled with groundwater. The thickness and extent of a saturated zone may vary seasonally or

periodically in response to changes in the rate or amount of groundwater recharge, discharge or withdrawal.

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

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

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

(a) Disposal sites, facilities or disposal operations [covered under] operated pursuant to a permit issued under ORS [449.083 or under Chapter 699, Oregon Laws 1971 (HB 1931).] 459.505, 459.510 or 468.740.

(b) A landfill site [which is] used [only] exclusively [by the owner or person in control of the premises to dispose] for the disposal

of soil, rock, concrete, brick, building block, tile or [other similar non-decomposable materials.] asphalt paving. (Note: Such a landfill may require a permit from the Oregon Division of State Lands.)

(c) Composting operations used only by the owner or person in control of a single family residence to dispose of food scraps, garden wastes, weeds, lawn cuttings, leaves, and prunings generated at that residence and operated in a manner approved by the Department.

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

[(5)] (4) If it is determined by the Department that a proposed or existing disposal site [or solid waste handling operation used only by the owner or person in control of the premises,] is not likely to create a public nuisance, health hazard, air or water pollution or other environmental problem, the Department may waive any or all requirements of rules 340-61-025, 340-61-030, [and rule] 340-61-035 and 340-61-036 and section 340-61-040(1) [of these rules] and issue a [properly conditioned written authorization, which may be in the form of a letter. Application for such authorization shall be in the form of a letter which fully describes the need and justification therefor, the materials to be disposed and the conditions under which the operation is to be carried out and shall include an agreement by the applicant to terminate the operation immediately upon request by the Department.] special letter authorization in accordance with rule 340-61-027.

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

a permit shall:

(a) Make prompt application to the Department therefor;

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

(c) Comply with these rules;

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

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

340-61-025 APPLICATIONS FOR PERMITS. (1) Applications for permits shall be [filed and permits shall be issued, denied, modified or revoked] processed in accordance with the Procedures for Issuance, Denial, Modification and Revocation of Permits as set forth in OAR Chapter 340, Division 14.

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

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

(a) [Be] are submitted in [triplicate] duplicate on forms provided

by the Department, [and be] accompanied by [a like number of copies of] all required exhibits, and the forms are completed in full and are signed by the property owner or person in control of the premises.

(b) Include written recommendations of the local [or state health agency] government unit or units having jurisdiction.

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

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

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

(e) Include such other information as the Department may deem necessary to determine whether the proposed disposal site [and solid waste

disposal facilities] and the operation thereof will comply with all applicable [requirements] rules of the Department.

(4) If in the judgment of the Department, a proposed new, modified or expanded disposal site or a proposed change in the method or type of disposal is not likely to have significant adverse effects on public health or the environment, the Department may waive the requirements of subsections 340-61-025(2)(c) and 340-61-025(2)(d), rule 340-61-036 and section 340-61-040(1).

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

(5) If the requirements of subsections 340-61-025(2)(c) and 340-61-025(2)(d), rule 340-61-036 and section 340-61-040(1) are waived, the applicant must submit plan drawings and pertinent information including:

(a) A site location map indicating section, township, range and site boundaries.

(b) A site layout drawing that illustrates the approximate size and location of all pertinent man-made and natural features of the site (roads, ditches, streams, berms, buildings, etc.) and the sequence of developing fill areas at the site.

(c) A minimum of two perpendicular cross section drawings to show the design of the landfill cells and any pertinent landfill structures. Each cross section shall illustrate approximate existing grade, excavation grade and proposed final grade.

(d) An operational plan which describes the proposed method of operation and progressive development of the trenches and/or landfill lifts or cells. The plan shall also include a description of the types and

average total daily quantity of waste materials that will be received;
types of cover material to be used and proposed frequency of application;
and measures to be used for the control of leachate, surface drainage, fire,
litter and other potential hazards or nuisances as pertinent.

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

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

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

(a) The application contains false information;

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

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

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

(e) There is no clearly demonstrated need for the proposed new,

modified or expanded disposal site or for the proposed change in the methods or type of disposal.

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

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

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

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

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

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

(e) The location of the proposed disposal site.

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

(g) Written verification from the local planning department that the proposal is compatible with the acknowledged local comprehensive plan and zoning requirements or the Land Conservation and Development Commission's Statewide Planning Goals.

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

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

(a) The applicant has demonstrated sufficient need and justification

for the proposal.

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

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

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

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

(4) The Department may issue letter authorizations for periods not to exceed six (6) months. Any requests to conduct additional disposal shall require a new application and a new authorization.

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

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

An Existing Conditions Map of the area showing land use and zoning within 1/4 mile of the disposal site. Also, any airport runway within 10,000 feet of the site or within 5,000 feet if used only by propeller-driven aircraft. (Note: Runways may be shown on a scaled insert). The map shall show all, structures, natural features of the land and the precise geographical location and boundaries of the disposal site. An on-site bench mark shall be indicated and a north arrow drawn. Unless otherwise approved by the Department, the scale of the map shall be no

greater than one inch equals 200 feet, and, for landfills, topography of the site and area within 1/4 mile shall be shown with contour intervals not to exceed five feet.

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

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

[(4)] (2) A description of the proposed method or methods to be used in processing and disposing of solid wastes, including anticipated types and quantities of solid wastes, justification of alternative disposal method selected, general design criteria, [ultimate] planned future use of [land] the disposal site after closure, type of equipment to be used, and projected life of the site[, and proposed administration of the program].

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

information shall be presented.]

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

Soil borings shall be to a minimum depth of twenty feet below the deepest proposed excavation and lowest elevation of the site or to the permanent groundwater table if encountered within twenty feet. A minimum of one boring per representative landform at the site and an overall minimum of one boring per each ten acres shall be provided. Soil boring data shall include the location, depth, surface elevation and water level measurements of all borings, the textural classification (Unified Soil Classification System), permeability and cation exchange capacity of the subsurface materials and a preliminary soil balance.

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

Background groundwater quality shall be determined by laboratory analysis and shall include at least each of the constituents specified by the Department.

[(6)] (4) A proposal for protection and conservation of the air, water and land environment surrounding the disposal site, including control

and/or treatment of leachate, methane gas, litter and vectors, [prevention of traffic congestion] and control of other discharges, emissions [or] and activities which may result in a public health hazard, a public nuisance or environmental degradation.

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

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

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

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

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

(5) If the Department denies preliminary approval, it shall clearly state the reasons for denial. Failure to receive preliminary approval shall not prevent an applicant from completing a permit application. Any

application completed after denial of preliminary approval shall specifically address those concerns listed in the Department's letter of denial.

340-61-035 DETAILED PLANS AND SPECIFICATIONS REQUIRED. Except as provided in Section 340-61-025(4):

(1) [Before a new disposal site or fixed transfer station used by the public is established, constructed, maintained or operated and before an existing disposal site or fixed transfer station is substantially altered, expanded or modified, an applicant must submit to the Department final detailed plans and specifications for construction and operation of the proposed disposal site or transfer station and all related facilities and obtain written approval of such final plans and specifications from the Department.] Any person applying for a Solid Waste Disposal Permit shall submit plans and specifications to the Department sufficiently detailed and complete so that the Department may evaluate all relevant criteria before issuing a permit.

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

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

[(4) Plans and specifications submitted to the Department shall be sufficiently detailed and complete to ensure that the proposed disposal site and related facilities will be constructed and operated as intended and in compliance with all pertinent state and local

air, water and solid waste statutes and regulations.]

(3) If in the course of facility construction any person desires to deviate significantly from the approved plans, the permittee shall submit a detailed description of the proposed change to the Department for review and approval prior to implementation.

340-61-036 CONSTRUCTION CERTIFICATION. Except as provided in Section 340-61-025(4):

(1) The Department may require, upon completion of major or critical construction at a disposal site, that the permittee submit to the Department a final project report signed by the project engineer or manager as appropriate. The report shall certify that construction has been completed in accordance with the approved plans including any approved amendments thereto.

(2) If any major or critical construction has been scheduled in the plans for phase development subsequent to the initial operation, the Department may require that the permittee submit additional certification for each phase when construction of that phase is completed.

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

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

340-61-040 SPECIAL RULES PERTAINING TO LANDFILLS. (1) Plan Design Requirements. Unless an exemption has been granted under section 340-61-025(4), in addition to the requirements of rule 340-61-025, detailed plans and specifications for landfills shall include but not be limited to:

(a) Topographic maps which show natural features of the site;

the location and design of all pertinent existing and proposed structures [physical features of the site], such as berms, dikes, surface drainage control devices, access and on-site roads, water and waste water facilities, gas control devices, [trenches, landfill lifts and cells,] monitoring wells, fences, utilities, [truck washing] maintenance facilities, shelter and buildings; legal boundaries and property lines, [land use,] and existing contours and projected finish grades [at not to exceed five (5) foot contour intervals]. Unless otherwise approved by the Department[.], the scale of the plan drawings shall be no greater than one inch equals 200 feet, with contour intervals not to exceed five feet. Horizontal and vertical controls shall be established and tied to an established bench mark located on or near the site. Where practicable, the bench mark shall be referenced to the Oregon State Plane Co-ordinate System, Lambert Projection.

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

(c) A display of the design calculations used to forecast flows and to determine the sizing of pumps, pipes, ditches, culverts and other hydraulic equipment used for the collection, treatment and disposal of leachate and for the control of surface drainage.

[(b)] (d) A detailed operational plan and timetable [including] which describes the proposed method of operation and progressive

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

[(2) Authorized Landfill Methods:]

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

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

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

[Open burning of non-putrescible combustible wastes at a disposal site at distances greater than five hundred (500) feet from the active landfill

area may be permitted in accordance with plans approved and permits issued by the Department provided that such burning is permitted by rules and regulations of the air pollution control authority having jurisdiction.]

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

[(3) Landfill Design and Construction:]

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

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

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

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

(a) Each landfill permittee shall ensure that:

(A) The introduction of any substance from the landfill into an

underground drinking water source does not result in a violation of any applicable federal or state drinking water rules or regulations beyond the solid waste boundary of the landfill or an alternative boundary specified by the Department.

(B) The introduction of any substance from the landfill into an aquifer does not impair the aquifer's recognized beneficial uses, beyond the solid waste boundary of the landfill or an alternative boundary specified by the Department, consistent with the Commission's adopted Groundwater Quality Protection Policy and any applicable federal or state rules or regulations.

(b) The Department may specify an alternative boundary based on a consideration of all of the following factors:

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

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

(C) The quantity and directions of flow of groundwater;

(D) The proximity and withdrawal rates of groundwater users;

(E) The availability of alternative drinking water supplies.

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

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

(6) Surface Water:

(a) No person shall cause a discharge of pollutants from a landfill into public waters, including wetlands, in violation of any applicable state or federal water quality rules or regulations.

(b) Each landfill permittee shall ensure that surface runoff and

leachate seeps are controlled so as to minimize discharges of pollutants into public waters.

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

(a) Where the Department finds that a landfill's location and geophysical conditions indicate that there is a reasonable probability of potential adverse effects on public health or the environment, the Department may require a permittee to provide monitoring wells [may be required where deemed necessary] to determine the effects of [a] the landfill on [usable ground water resources in accordance with plans approved in writing by the Department] groundwater and/or on the concentration of methane gas in the soil.

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

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

(c) Where the Department determines that self-monitoring is practicable, the Department may require that the permittee collect and analyze samples of surface water, groundwater and/or gas, at intervals specified and in a manner approved by the Department, and submit the results within a time frame specified by the Department.

(d) The Department may require permittees who do self-monitoring to periodically split samples with the Department for the purpose of quality control.

(8) Endangered Species. No person shall establish, operate, expand

or modify a landfill in a manner that will cause or contribute to the actual or attempted:

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

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

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

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

(b) Malodorous decomposition gases become a public nuisance.

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

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

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

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

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

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

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

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

[(h)] (14) Access Roads. Each permittee shall insure that roads from [a public highway to a] the [disposal site] landfill property line to the active operational area and roads within [a disposal site] the operational area are [shall be designed] constructed and maintained so as to [prevent] minimize [traffic congestion,] traffic hazards, [and] dust and [noise pollution] mud and to provide reasonable all-weather access for vehicles using the site.

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

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

[(j)] (16) Site Screening. [Site screening shall be provided as required to effectively screen, insofar as is practicable, the active landfill area from residences and public view.] To the extent practicable, each permittee shall screen the active landfill area from public view by trees, shrubbery, fence, stockpiled cover material, earthen berm, or other appropriate means.

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

[(l)] (17) Fire Protection. [Fire protection shall be provided in accordance with design and operational plans approved by the Department and in accordance with pertinent state and local fire regulations.]

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

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

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

fire control agency.

(b) In case of accidental fires at the site, the operator shall be responsible for initiating and continuing appropriate fire-fighting methods until all smoldering, smoking and burning ceases.

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

[(m)] (18) Special Handling. Large dead animals, sewage sludges, septic tank pumpings, hospital wastes and other materials which may be hazardous or difficult to manage, shall not be deposited at a disposal site unless special provisions for such disposal are included in the operational plan or otherwise approved by the Department [or local health department having jurisdiction].

[(n)] (19) Signs. [Clearly stating dumping area rules shall be posted and adequate to obtain compliance with the approved operational plans.]

Each permittee of a landfill open to the public shall post a clearly visible and legible sign or signs [shall be erected] at the entrance to the disposal site [which shall contain at least the following:

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

(e) Penalty for unlawful dumping.]

specifying the name of the facility, the hours and days the site is open

to the public, an emergency phone number and listing the general types of materials which either will be accepted or will not be accepted.

[(o)] (20) Truck Washing Facilities. Each permittee shall insure that any truck washing areas at a landfill [shall be] are hard surfaced and that any on-site disposal of [all] wash waters [shall be] is accomplished in a manner [conveyed to a catch basin drainage and disposal system] approved by the Department [or state or local health agency having jurisdiction].

[(p)] (21) Sewage Disposal. Each landfill permittee shall insure that any on-site [Sanitary waste] disposal of sewage is [shall be] accomplished in a manner approved by the Department [or state or local health agency having jurisdiction].

[(4) Landfill Operation:

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

[(b) Final Cover and Grading. A layer of not less than two (2) feet of compacted earth, in addition to intermediate cover material, shall be placed over the completed fill following the final placement of solid waste. The final cover shall be graded, seeded with appropriate ground cover and maintained to prevent cracking, erosion and the ponding of water.]

[(c) Exposed Solid Waste. Unloading of solid waste on the site shall

be confined to the smallest practical area and the area of exposed waste material on the active landfill face shall be kept to a minimum.]

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

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

[Hot or burning materials, or any materials likely to cause fire shall be deposited temporarily at a safe distance from the fill area and shall not be included in the landfill operation until the fire hazard is eliminated.]

[(f)] (22) Salvage.

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

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

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

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

(23) Litter. (a) Each permittee shall ensure that effective measures such as compaction, the periodic application of cover material or the use of portable fencing or other devices are taken to minimize the blowing of litter from the active working area of the landfill.

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

(24) Vector and Bird Control:

(a) Each permittee shall ensure that effective means such as the periodic application of earth cover material or other techniques as appropriate are taken at the landfill to control or prevent the propagation, harborage, or attraction of flies, rodents, or other vectors and to minimize bird attraction.

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

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

[Dust, malodors and noise shall be controlled to prevent air pollution

or excessive noise as defined by ORS Chapter 449 and Chapter 452, Oregon Laws 1971, and rules and regulations adopted pursuant thereto.]

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

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

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

[(i)] (26) Records. The Department may require [such] records and reports [as] it considers [are] reasonably necessary to ensure compliance with conditions of a permit [of] or these rules.

[(j)] (27) Closure of Landfills[.]:

[(a) Before a landfill may be closed or abandoned to further use, all solid wastes at the disposal site shall be compacted and covered and the site finally graded and restored in a manner approved in writing by the Department.]

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

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

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

(B) Final cover material shall be applied to each portion of a landfill within sixty (60) days after said portion reaches approved maximum fill elevation. In the event of inclement weather, final cover may be applied as soon as practicable.

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

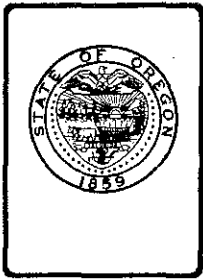
(3) The finished surface of the filled areas shall consist of soils of a type or types consistent with the planned future use and approved by the Department. Where appropriate, the finished surface shall be promptly seeded with native grasses or other suitable vegetation.

(28) Completed Landfills:

(a) Upon completion or closure of a landfill, a detailed description of the site including a plat should be filed with the appropriate county land recording authority by the permittee. The description should include the general types and location of wastes deposited, depth of fill and other information of probable interest to future land owners.

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

SP0605



Environmental Quality Commission

POST OFFICE BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. U, July 17, 1981, EQC Meeting

Request by Hood River County for Reconsideration of the
August 5, 1981 Closure Date at Hood River County Landfill

Background

At the June 5, 1981 EQC Meeting, the Department presented an informational report on the status of Hood River County Landfill. (The report is attached as Attachment A.) The report stated that a solid waste disposal permit had been issued which required the landfill to be closed on July 1, 1981. After hearing testimony from Hood River County, the Commission extended the closure date to August 5, 1981. A modified permit with the August 5, 1981 closure date was issued by the Director on June 10, 1981.

Hood River County has requested to appear at the July 17, 1981 Commission meeting to ask for reconsideration of the required closure date. At the time this report was prepared, the basis of their request had not been received.

The staff has reviewed the county's plans for adding an additional lift of garbage at the landfill. The Department does not believe there will be any environmental benefit with an additional lift. Such a lift will not significantly improve surface runoff. (Good control of surface runoff prevents intrusion of this water into the landfill and reduces the amount of leachate produced.) Additional garbage in an additional lift will add to the amount of waste causing leachate in the landfill. Further, keeping the site operating through the winter will increase the amount of precipitation that will enter into the landfill. Closing the site before winter will reduce this.

If the landfill is closed on August 5, 1981 or at any time before a permanent transfer station is constructed, Hood River County will have to develop an interim transfer facility. Apparently, the county is concerned that the cost of providing an interim facility will divert monies away from the permanent transfer station. This might require a bond election in the county to finance the permanent system. Success of an election is questionable.



Contains
Recycled
Materials

Probably the biggest concern of the staff is the county's permanent solid waste facility. At this time there has been no commitment to do anything specific. There may be some consensus by the Hood River County Commission to install a transfer facility near the Hood River sewage treatment plant. However, no agreement has been reached with the City of Hood River who owns the land. The staff believes that closure of the landfill may be the only way to require the county to proceed with a permanent alternative.

Summation

1. Based upon a Commission decision at its June 5, 1981 meeting, the Hood River Landfill must be closed on August 5, 1981.
2. Hood River County has requested reconsideration of the August 5, 1981 closure date.
3. In the staff's opinion, there will be no environmental benefit in continuing the landfill past August 5, 1981. Continued operation will increase the amount of leachate that ultimately discharges from the landfill.
4. A permanent transfer facility will not be available on August 5, 1981. Consequently, the county will have to provide a temporary transfer facility until the permanent facility is constructed. Costs to individual county residents will be relatively high.
5. In order to implement a temporary transfer facility, the county may have to use funds that have been set aside for the permanent facility. This may require the county to go to the voters for a bond issue to build the permanent system.
6. At the time this report was drafted, the county had not made any commitments toward a permanent solid waste facility. The staff believes that closure of the landfill is the only way to require the county to implement a permanent alternative.

Director's Recommendation

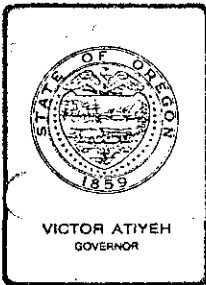
It is recommended that the Commission deny any extension of the August 5, 1981 closure date for the Hood River County Landfill.



WILLIAM H. YOUNG

Attachments: (1)
(A) Informational Report

RJN:dmc
388-6146
June 24, 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. J, June 5, 1981, EQC Meeting

Informational Report: Status of Hood River County Landfill

Background

This matter is presented to the Environmental Quality Commission on the staff's initiative. The Department has issued a solid waste disposal permit that calls for closure of the Hood River County Landfill on July 1, 1981.

The staff desires to inform the Commission of the situation at the Hood River disposal site and requests Commission concurrence with the Department's approach regarding Hood River County.

The Department has been working with Hood River County for several years to close the landfill. The site is located in a natural drainage way and is discharging leachate to public waters below the site. While the county has attempted to collect and treat the leachate, the results have not been effective. Due to the geologic and groundwater situation at the site, it is not possible to intercept all of the leachate leaving the landfill. The Department believes the solution is to restrict leachate production by stopping the disposal of garbage in the landfill.

Hood River County has not opposed closure of the site and has, in fact, cooperated with staff in several lengthy studies to evaluate alternatives to the landfill. The recommended alternative is to construct a transfer facility and to haul solid waste out of the county, most likely to the landfill at The Dalles. The county is also considering the future option of an incineration/energy recovery facility.

While the county has evaluated alternatives and possible site locations, no firm decision has yet been made on which direction to proceed. In the meantime, the existing site has reached design capacity.

The county could begin an additional lift on the top of the present site, which could extend the landfill life up to two more years. The Department opposes this plan because it will only add to the existing leachate problems, it would require expensive importation of cover material, and it does not commit the county to any definite time schedule for implementing a long-term alternative. While we believe that the county is cooperating in attempting to find a solution to the problem, there is no assurance that the county will move any closer to a decision if a two-year extension is allowed.

The Commission should also note that Hood River County presently has the opportunity to enter into a contractual agreement with the operator of the Northern Wasco Landfill at The Dalles for disposal of solid waste transferred from Hood River. With the passage of time this situation could change, leaving Hood River County with greatly limited alternatives.

Staff believes that the county could install and arrange for the operation (contractually or otherwise) of a temporary transfer facility by July 1, 1981. While this option may prove somewhat expensive, so would expansion of the existing site. Initiation of a transfer operation would move the county out of the existing landfill and toward an ultimate solution.

Summary

The Hood River County Landfill is almost full unless the Department allows the county to add one more lift. The Department has been trying to close the site for several years because of leachate problems. The county has been trying to find an alternative to the landfill, but progress has been slow. No specific alternative has been chosen nor is there a schedule for developing an alternative. The Department has issued a solid waste disposal permit that will close the site on July 1, 1981. The county will then have to use a temporary transfer site until a permanent solution is implemented.

Director's Recommendation

It is recommended that the Commission concur with the Department's issuance of a permit to close the Hood River Sanitary Landfill on July 1, 1981.

Bill

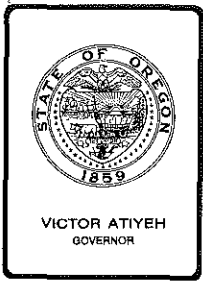
William H. Young

Richard J. Nichols:c

SC336

382-6446

May 21, 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. V, July 17, 1981, EQC Meeting
Informational Report: Update of Field Burning
Smoke Management and Research and Development Programs.

Background

This report is presented to the Environmental Quality Commission (EQC) for the purpose of informing the Commission and the general public on the status of preparations for the summer field burning season and planned FY82 research and development program activities.

Smoke Management

Pre-season Preparations and Registration:

Revisions to the field burning rules adopted by the Commission at its regular meeting on March 13, 1981, have been forwarded to the Environmental Protection Agency (EPA) for approval as a State Implementation Plan (SIP) revision. Though as of this writing no formal approval has been received, discussions with EPA have indicated that approval would be forthcoming. The Smoke Management Program Operational Guidelines document prepared in 1980 at the request of EPA has been updated in accordance with the new rules and a copy forwarded to EPA for the record.

Preparations for the 1981 field burning season began in March with meetings with fire district permit agents and growers to advise them of the new rule revisions and other planned operational changes. Specific instructions were given on the procedures for completing registration forms, mapping fields, and collecting and forwarding fees. Procedural manuals and other instructional materials were prepared and distributed to each permit agent for reference during the burning season and written instructions were made available to growers as well.



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Despite the new and more complex requirements for registration, the process went smoothly and without any major problems. As of this writing, a total of 307,557 acres have been registered for burning in 1981, the highest amount in the ten years since the recording of registered acreage began. This figure, which can be expected to increase slightly with the addition of late registrations, represents a 3.5 percent increase over last year's total of 297,169 and a corresponding decrease in fire district allocation (percentage sub-allocated to each district for a pro-rata share of the legal maximum acreage limit of 250,000 acres) from 84 percent in 1980 to 81 percent this year. The cause of this increase is unclear, but may in part be attributed to more complete and accurate reporting of field size by growers, reflecting the more rigid requirements for field mapping and their potential use as an enforcement tool.

Summer Burning Operations:

With a few exceptions, smoke management operations in 1981 will not differ dramatically from those of last year. Staff hopes to continue the trend toward reducing smoke impacts in populated areas through improved monitoring and increased enforcement surveillance. In addition, the transfer of additional administrative and technical responsibilities to the industry, which was initiated last year and proved to be effective, will be continued in 1981. The Department's 1981-83 contract with the Oregon Seed Council for provision of staff and technical, communication, and coordinating services has been increased accordingly at a total cost of \$337,000. It is expected that funding at this level will accommodate increases in operational costs over the next two years and provide for stability and continuity in maintaining trained personnel from one year to the next.

Correspondingly, the Department's field burning program has also undergone some adjustments in personnel and positions reflecting this shift toward increased industry involvement. The Coordinator and clerical support positions remain essentially unchanged. A new position (heretofore vacant) has been filled and will serve in an assisting capacity and, specifically, as lead enforcement officer for the program in coordinating aerial and ground-based enforcement activities. The Meteorologist position will be reduced in duration to 6 months (July through December) and will primarily oversee and evaluate available meteorological information and forecasts and assist in post-season analyses. A crew of field inspectors (4) and an informational officer will be hired during the summer months to assist in enforcement and public affairs, respectively. A Contracts Coordinator position, which is currently vacant, will not be filled due to reductions in available funding for research and development projects. Research administrative duties will be accomplished by existing staff.

The need for increased field burning enforcement has been the subject of prior staff reports and administrative rule revisions. Current rules allow the Department to assess civil penalties for field burning violations based upon a specified penalty schedule in lieu of the usual per-acre method of assessment. This should lessen the need for field inspectors to gather extensive field size information at the site of the burn and allow them to make more contacts with growers during critical burning periods.

In addition, as mentioned earlier, the Department will expand the use of aerial surveillance to include a second airplane-based observer solely for enforcement purposes. Flights will be made during and following heavy burning periods. Upon viewing a suspected illegal burn, the observer will, through radio communications, notify and direct ground-based field inspectors to the site, or may photograph or otherwise document the time and location of the burn in question for subsequent use in follow-up investigations.

The registration maps, while not of direct use for enforcement by themselves, will greatly enhance enforcement capabilities when used in combination with information gathered from ground or aerial observations. Also their potential benefit to fire district permit agents as a management tool cannot be overemphasized.

In an effort to improve our understanding of the over-burning problem, and to evaluate the effectiveness of these new enforcement strategies which are intended to address that problem, the Department will again support an independent aerial sampling analysis of total acreage burned during the course of the 1981 burning season. The 1980 study suggested a 25 percent rate of over-burning in the areas sampled. In response to questions of the validity of those findings, the analytical approach in 1981 will be refined and sampling will be intensified for an improved burned acreage estimate. Depending on the findings from this summer, staff would not expect to continue this project as a routine annual expenditure.

With regard to the collection of burning fees, the Department has instituted some changes which should improve the timely collection and accountability of fee revenues to the program. First, growers have been instructed to make all checks payable to the Department, and to submit payment immediately after accomplishing the permitted burn. Fire district permit agents will forward the fees to the Department's Business Office at the end of each week. Finally, a new system of numbered receipts will be used this year to more readily allow auditing of payments and of fire district accounts.

Air quality monitoring has become a key component of the smoke management program both in making burn advisory determinations and in analyzing impacts. A network of surface monitoring stations was established several years ago for the purpose of gathering continuous meteorological and smoke impact data. Beginning in 1980, information collected by that network was telemetered to smoke management staff on a real-time basis and served as one of the most important sources of information available to the program.

The network has been modified in 1981 to provide more effective monitoring, with sampling stations better fitted to the particular informational need. Specifically, air pollution monitoring equipment (nephelometers) will be situated in Portland, Carus, Salem (new), Lebanon, Sweet Home (new), Coburg, Eugene, and Springfield. Smoke intrusion information for Salem and Sweet Home have been particularly lacking. Meteorological monitoring equipment (wind speed and direction) will be situated in Portland, Carus, Blodgett (new), Corvallis (relocated), Coburg, and Springfield (new). The station at Blodgett and the relocated site near Corvallis should be especially useful in the advance forecasting of wind changes in the South Valley.

The Seed Council also operates several other surface meteorological stations which can be accessed by telephone. In addition, the Department of Forestry and U.S. Forest Service operate meteorological stations at various locations in the Coast

Range and Cascades and this information from these sites will be available to smoke management personnel on a limited basis.

Coordination With Department of Forestry Slash Burning:

Efforts will continue to be made to improve communications with Department of Forestry smoke management personnel and to better coordinate analysis of impacts and resolution of their sources. Forestry will continue to limit slash burning on days when significant field burning is likely to occur. Any observations or measurements of smoke intrusions in the Valley suspected to be a result of slash burning will be relayed to Forestry staff on a timely basis for their further investigation.

The Department will, as in past years, monitor and report to the public on both field and slash burning impacts in the Willamette Valley. Forestry officials have, on an experimental basis, agreed to a set of uniform criteria for characterizing slash smoke intrusions into populated areas. These are based on the same light-scattering measurements (nephelometer readings) currently used by the Department to characterize field burning smoke impacts. Though such impact classifications for slash burning will result in no regulatory restrictions as in the case of the Eugene/Springfield "Performance Standard" for field burning, their use should improve the timeliness and quality of information disseminated to the public and media.

Research and Development

As mentioned earlier, funding for research and development of alternatives to field burning will be somewhat reduced in the 1981-83 biennium. This is primarily a result of a general recognition by staff and the Departments' Advisory Committee on Field Burning that many traditionally promising avenues of study have been exhausted. In their place, more applied and less costly research will be emphasized. There will be a corresponding increase in resource emphasis on smoke management operations, however, which, through past experience, has resulted in a direct and measurable improvements in smoke management effectiveness.

During the last several months, Department staff, the Advisory Committee and its various Subcommittees have met to review and evaluate current areas of study and research projects proposed for 1981-82 funding. In those deliberations, priority was given to projects which 1) fill critical information gaps, 2) address or develop alternatives which would potentially result in a direct and significant reduction in acreage burned annually, or 3) apply or demonstrate a promising concept or method.

As a result of this review, the following study areas were approved for funding:

1. Crew-cutting/Less-Than-Annual Burning (\$76,000): This project, funded through OSU Department of Crop Science, would be a fourth-year continuation of a scheduled five-year study of the agronomic effects (changes in seed yield, seed quality, etc.) of crew-cutting and other alternative residue treatments compared to the effects of burning. The effects of these alternatives when used in combination with burning on a less-than-annual basis are also under examination. Preliminary findings are somewhat encouraging though cost estimates for crew-cutting are high.

2. Meadowfoam Yield Research (\$24,300): This project, also to be funded through OSU Crop Science, encompasses two individual studies directed to improve seed yields from meadowfoam, a new and potentially promising oil-seed crop. Work on developing markets for meadowfoam oil is progressing and several firms have expressed interest in the oil for industrial use.
3. Wind Forecasting Improvement (\$30,000): Past plume studies have identified "rapid-ignition" burning techniques as a useful smoke management tool. More recently the benefits of evening burning were examined and shown to be of limited value. This project, to be funded through the OSU Department of Atmospheric Sciences, would compile and analyze in a comprehensive manner extensive meteorological data available this summer in order to evaluate or develop any special techniques of forecasting wind changes in the Willamette Valley. During the course of a typical summer burning season, the occurrence of abrupt wind shifts present considerable problems to smoke managers and often result in significant impacts. The causes of these wind changes are poorly understood. Findings from this project will be used to evaluate optimal strategies for meteorological monitoring and would refine the interpretive techniques currently in use.
4. Straw Bale Combustion (\$4,347 to \$40,000): This project, funded through the OSU Department of Mechanical Engineering, will be a phased approach to evaluating the economic and technical constraints to development, construction and use of straw bale furnaces for heat production. On-farm applications will be emphasized.
5. Preliminary Health Effects Survey (\$9,217): This project, funded through the OSU Survey Research Center, will involve a formal health survey of a selected group of individuals from around the valley with chronic respiratory ailments. Comparisons will be made between reported health responses and measured smoke levels. Previous statistical analyses of local hospital admissions records have not identified any significant direct correlation of hospitalization rates with field burning smoke levels.

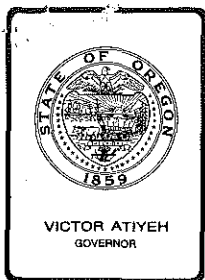
Director's Recommendation

It is recommended that the Commission concur in the proposed courses of action outlined in this report.



WILLIAM H. YOUNG

SK0:pd
6/22/81
686-7837



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 W, July 17, 1981, EQC Meeting

INFORMATIONAL REPORT: REVIEW OF FY82 STATE/EPA AGREEMENT AND OPPORTUNITY FOR PUBLIC COMMENT

Background

Each year the Department and the Environmental Protection Agency (EPA) negotiate an agreement whereby EPA provides basic program grant support to the air, water and solid waste programs in return for commitments from the Department to perform planned work on environmental priorities of the state and federal government.

The draft State/EPA Agreement (SEA) not only encompasses the traditional strategies and work plans for the air, water and solid waste programs, but also a series of three proposed "integrated" projects that address environmental issues that require the participation of two or more programs to provide an adequate response. It will also contain a summary of major public comments received on the Agreement and specific DEQ/EPA response to those comments at the end of the public review period.

Commission review of the annual grant application materials is intended to achieve two purposes:

1. Commission comment on the strategic and policy implications of the program descriptions and integrated projects contained in the draft State/EPA Agreement; and
2. Opportunity for public comment on the draft Agreement.

Further public comment is being provided under federal A-95 clearinghouse procedures where the Department's Regional Managers are briefing local governments on the Agreement, at their request.

One other item of note is that EPA's strategy and work plan for implementing the Safe Drinking Water Act in Oregon is included in the draft Agreement. Oregon has not accepted delegation of the program and thus the work plan is included in the Agreement to show EPA's commitments to implement the



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program in Oregon. Its inclusion does not commit Oregon to assume primacy, nor does it preclude it at some point in the future.

The draft Agreement summary is attached to this report. A complete copy of the draft Agreement will be forwarded to the Commission as soon as it becomes available. After July 10, 1981, the draft Agreement may be reviewed by interested persons at the DEQ headquarters office in Portland, or at the DEQ regional offices.

Director's Recommendation

It is recommended that the Commission:

1. Provide opportunity for public comment at today's meeting on the draft State/EPA Agreement; and
2. Provide staff its comments on the policy implications of the draft agreement.



William H. Young

MJDowns:cs
229-6485
2/29/81

Attachment: State/EPA Agreement Summary

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY

SUMMARIES OF ENVIRONMENTAL PROBLEMS AND SOLUTIONS TO BE ADDRESSED IN
FISCAL YEAR 1982 STATE/EPA AGREEMENT

JUNE 26, 1981

AIR QUALITY PROGRAM

INTRODUCTION

The Air Quality Division of the Department of Environmental Quality operates an air pollution control program for the benefit of the health and welfare of the people of Oregon.

Federal and state air quality standards are divided into two classes, primary and secondary. Primary standards are designed to protect public health with a built-in margin of safety. Secondary standards are somewhat stricter and are designed to protect the public welfare from effects such as visibility reduction, soiling, material damage, and nuisance.

The following overview of Oregon's Air Quality problems, issues, and the approach for dealing with each problem or issue, is based upon current perceptions and is subject to modification as new information and/or problem resolution evolves. Solution strategies can be found in the body of the Agreement.

AIR QUALITY PRIORITY PROBLEMS AND ISSUES

Overall air quality in Oregon is generally very good. There are, however, areas of concern which require priority attention.

Non-Attainment Areas

The Portland, Eugene/Springfield, Salem, and Medford areas are officially designated as non-attainment areas for national ambient air quality standards as follows:

Portland-Vancouver: carbon monoxide (CO), ozone (O₃), and total suspended particulates (TSP - secondary standard only.)

Eugene/Springfield: CO and Secondary TSP (secondary standard only)

Jackson County, Medford/Ashland: CO, O₃, Primary TSP (primary and secondary standards)

Salem: CO and O₃

There has been only one exceedance of the Federal ozone standard in Portland and in Salem since 1979 and no exceedance in Medford. If the total accumulated exceedances do not exceed three in any of these areas through 1981, those areas will be eligible for re-designation as attainment for Ozone, without proposing additional strategy elements.

Air quality in these non-attainment areas adversely impacts public health and/or welfare. Therefore, priority efforts are being directed toward planning and implementation of air quality control strategies.

Industrial Point Sources

Recent studies have shown that air pollution caused by industrial sources has been greatly reduced, particularly in Oregon's major urban areas. However, impacts could increase unless surveillance and enforcement activities are maintained at high levels and new sources are evaluated and controlled with the best available technology.

Area Sources

Wood heating has been identified as one of the major sources of air pollution in Oregon's urban areas. Other area sources such as road dust and vehicular emissions are also prominent. New and socially acceptable ways of controlling these sources must be sought through studies and demonstration projects.

Growth Management

It will take several years to bring non-attainment areas into compliance with federal air quality standards. Managing growth in the interim and beyond will require development of new and cost effective measures, including emission offset and banking programs, parking and circulation plans and airshed allocation processes.

Field Burning

Recent improvements to the smoke management plan have enabled field burning impacts in the Eugene-Springfield area to be held to minimal levels. Currently, field burning impacts in less populated and pristine areas is of significant concern and will necessitate continued efforts to improve the program.

Slash Burning

Slash burning is one of the largest remaining unregulated air pollution sources in the state. New efforts will be needed to (1) identify actual air quality impacts; (2) improve smoke management practices; and (3) develop control techniques, especially increased utilization of forest slash.

Alternative Fuels

Massive conversion to residential wood heating has caused many new air quality problems in urban areas. Also, the potential conversion to coal by both industry and private residences necessitates new efforts to accurately quantify existing and potential impacts and to identify control measures.

GOALS - AIR QUALITY PROGRAM GOALS AND OBJECTIVES

The primary mission, or goal, of the Air Quality Program is to attain and

Maintain Air Quality Standards Statewide and Prevent Significant Deterioration of Air Quality in Present Clean Air Areas. The following Objectives, or ways of obtaining this goal, were developed with inter-agency/public participation. They are similar to past year's objectives except for Objective #4 which signifies a shift of emphasis from point source to area source controls.

1. PLAN AND MANAGE AN EFFECTIVE AIR QUALITY PROGRAM
2. ATTAIN AND MAINTAIN ADEQUATE DATA BASES STATEWIDE
3. MAINTAIN CONTROL OF POINT SOURCE EMISSIONS
4. DEVELOP CONTROL STRATEGIES FOR SIGNIFICANT AREA SOURCES
5. REDUCE IMPACTS OF FIELD AND SLASH SMOKE ON AIR QUALITY
6. CONSIDER THE IMPACTS OF AIR QUALITY STRATEGIES ON LAND USE PLANNING, ENERGY, THE ECONOMY, AND OTHER-THAN-AIR RESOURCES
7. BETTER INFORM, AND THEREBY INCREASE, PUBLIC AND POLITICAL UNDERSTANDING AND SUPPORT OF AIR QUALITY GOALS AND PROGRAMS

SOLUTIONS

The highest priority Air Quality problems in Oregon identified previously will be addressed in FY'82 through the following activities:

1. Complete and implement strategies to attain/maintain standards in non-attainment areas:
 - submit finalized TSP control strategies for the Medford-Ashland area in the 1st quarter of FY'82.
 - Submit finalized CO control strategy for the Medford area in the 2nd or 3rd quarter of FY'82.
 - Submit finalized CO control strategy for the Portland area in the 1st quarter of FY'82.
 - Submit finalized O₃ control strategy for the Portland area by the 3rd quarter of FY'82 (unless application is made to re-designate this area as attainment for O₃ based on evaluation of the 1981 summer O₃ data).
2. Prevent significant deterioration of air quality in present clean air areas:
 - Adopt a revised State new source review rule, with specific growth management provisions, seek delegation of authority to operate the PSD permit program in the 1st quarter of FY'82 and accept such delegation upon EPA approval.
 - Demonstrate and adopt effective and practical strategies to minimize air quality impacts of non-traditional sources.

3. Conduct studies and demonstration projects leading to implementation of effective and practicable area-source strategies, including:
 - wood stove emission control
 - road dust control
 - reduction of motor vehicle miles traveled.
4. Operate a statewide monitoring network with the ability to meet Federal/State requirements in the most cost effective manner.
5. Review and revise annually the air monitoring program to meet prioritized needs which are consistent with available resources.
6. Continue to operate a fully effective National Air Monitoring System (NAMS) network, meeting all EPA regulatory requirements on instrumentation, monitor siting and quality assurance.
7. Inspect industrial point sources in order to maintain a high level of compliance with emission standards and permit conditions as follows:
 - Major industrial point sources annually
 - Sources emitting hazardous air pollutants (NESHAPS) annually.
 - Sources covered by new source performance standards (NSPS) annually.
 - Other permitted sources as needed, consistent with available resources.
8. Study, in conjunction with EPA and the State of Washington, the impacts of slash burning on regional Air Quality and coordinate with EPA and other Federal and State agencies to develop programs to mitigate these impacts to the extent necessary and practicable.

Other significant activities the Department proposes to do, to the extent resources will allow:

Continue analysis and interpretation of special fine and coarse particulate samples in Portland, Willamette Valley, Medford and Bend.

Continue to improve the field burning smoke management program, i.e., work toward development of a simulation model to quantitatively predict field burning impacts, and continue to seek viable alternatives to open field burning.

Conduct a study to determine potential and probable patterns of alternative fuels use and resultant impacts on air quality.

9. Submit a State Plan for monitoring and protecting visibility in Class I PSD areas (Crater Lake National Park and eleven Wilderness areas) by the 1st quarter of FY'82. Proceed to implement this

plan subject to availability of resources.

OVERALL AIR QUALITY PROGRAM COMMITMENTS

The FY '82 period will emphasize completion and implementation of Part D State Implementation Plan (SIP) revisions. Medford area TSP and Transportation strategies for Portland, Eugene, and Medford will be officially submitted, and scheduled non-traditional source control demonstration projects on road dust and wood heating will be completed. The PSD - Major New Source Review Program will be assumed from EPA dependent upon passage of a comprehensive State - New Source Review Rule which will include detailed growth management (offset and banking) provisions. Compliance assurance activities for VOC and particulate sources will continue. Air monitoring and quality assurance procedures will fully meet EPA requirements for NAMS and SLAMS sites. Air source compliance and enforcement activities will be carried out under current rules including the current air contaminant discharge permit fee program. The compliance assurance agreement with EPA will be reviewed and revised as is appropriate.

WORK PLAN

A Work Plan is included in the body of this Agreement which details the Air Quality Program strategy. The Work Plan identifies goals, objectives, and tasks for addressing the priority problems and issues as well as the routine on-going work to maintain air quality in Oregon. A schedule is presented which indicates output during FY '82 and for FY '83. Resource estimates are presented for each fiscal year.

Note: Accomplishments are subject to availability of indicated sources.

NOISE CONTROL PROGRAM

INTRODUCTION

Excessive noise is claimed to be the most pervasive environmental problem in modern society. Recent attitudinal surveys show that noise is a major factor in neighborhood quality. A recent survey in the Portland metropolitan area found that noise from motor vehicles (cars, trucks, buses and motorcycles) is a serious problem. In ranking community problems, motor vehicle noise ranked fourth after "property taxes", "quality of schools and education" and "crime". Other environmental problems were of less concern as "air pollution" ranked sixth and "water quality or sewer problems" ranked tenth.

To develop a strategy to control excessive noise, program goals and objectives were drafted in 1977. In early 1980 the goals and objectives were revised and appropriate time schedules developed. Again in early 1981 program goals and objectives were amended to reflect budget shortfalls and necessary redirection. This document is attached as a reference to overall noise control problems, solution and time schedules.

Statewide rules and standards have been adopted as an effort to reduce excessive motor vehicle noise. New vehicles sold in the State must meet noise emission limits. Operational standards have been adopted for road and off-road vehicles. However, this noise source continues to have major impacts due to the number of sources, and complexity of the problem. Many enforcement jurisdictions do little or no motor vehicle noise enforcement. DEQ is limited in its enforcement capability of this source. Thus, programs to utilize other resources are being explored.

As DEQ resources are limited and some noise sources are best controlled at the local level, the Department, with assistance from EPA, is providing direct assistance to Oregon cities and counties interested in developing local noise ordinances. Assistance

to community programs will depend upon need. Services include help with attitudinal and physical surveys, drafting and adoption of ordinances, enforcement training and equipment loans.

Although excessive noise is recognized as a major problem by much of the public, few are aware of its environmental impact on health and welfare. It is also believed that the public does not demand better noise control because they think noise is a by-product of progress and control is not achievable nor desirable. Therefore, public awareness and understanding of the noise problem is a necessary and desirable aspect of DEQ's noise program.

It is likely that future availability of EPA resources to DEQ's noise control effort will continue to be limited or perhaps discontinued. Although EPA has only had the authority to provide grants to DEQ since 1979, this source of funding may stop due to the new federal Administration's desire to phase out the EPA noise control program and return all responsibility to State and local government to control this form of pollutant.

PRIORITY PROBLEMS AND ISSUES

Complaint Investigation. Limited resources require that existing noise sources are investigated and controlled only after staff is aware of the problem, normally because of a citizen complaint. Present staff resources do not allow for a timely response to such problems, nor can staff respond to motor vehicle noise problems.

Consistent Control. Present rule implementation is based upon citizen complaint that a noise problem exists. Such a procedure does not provide consistent rule implementation throughout the state, nor is there any assurance that worst offenders are corrected first.

New and Modified Source Control. Without permit authority, new and modified noise sources are often constructed without noise impact analysis and are subsequently found to exceed standards.

Noise Compatible Land Use Development. Many noise problems are caused by the development of noise sources that are non-compatible with sensitive uses. These conflicts can be prevented with adequate land use planning and development controls.

Unregulated Major Sources. Although existing rules speak to most major source categories, several major sources remain without standards, e.g., public roads and heat pumps.

Motor Vehicle Noise Information. The public and motor vehicle service industry need information and assistance to comply with vehicle noise standards. DEQ presently operates air quality inspection stations throughout the Portland metropolitan area for motor vehicle air emission control. Noise emissions are being checked at these stations on a voluntary basis, however, mandatory tests could be implemented.

Local Jurisdiction Motor Vehicle Enforcement. Although motor vehicle noise standards are contained in DEQ rules and statewide motor vehicle statutes, little enforcement is being accomplished by local jurisdictions. DEQ assistance to local police must be continued to increase the number of jurisdictions measuring and enforcing vehicle noise emission limits.

Public Awareness. A need exists for better public awareness and understanding of excessive noise. Without public awareness, the success of noise control programs will be limited.

SOLUTIONS

The priority Noise Control problems in Oregon will be addressed in FY 82 through the following activities:

- Respond to citizen complaints of excessive noise from regulated source categories. DEQ staff will continue to be equipped and trained to implement Department rules as necessary within limited availability of resources.
- Track complaints as a tool to determine major source subcategories. If additional resources are obtained, a consistent control strategy will be developed and implemented that will shift emphasis from complaint response to monitoring of all sources in each major subcategory.
- Screen sources requiring air quality, water quality and solid waste plan reviews for potential noise impacts. Industrial, commercial and governmental sources will be encouraged to submit plans for a voluntary noise impact review.
- Provide comments on local comprehensive land use plans for adequacy of noise elements that identify major noise sources and encourage noise compatible land use planning.
- Develop a schedule for rule promulgation to prioritize unregulated source categories.
- Develop and distribute public information materials to inform and encourage compliance with motor vehicle noise rules and standards. In addition,

workshops for muffler shops and other vehicle service interests will be held to encourage rule compliance.

- Develop new procedures to improve noise testing in Air Program's Inspection and Maintenance (I & M) program. A strategy may be developed to include mandatory noise inspection of vehicles registered in the area or it may continue a referral procedure which allows police to refer violators to the inspection station for compliance testing.
- Continue to hold workshops to teach and encourage police enforcement of motor vehicle standards.
- Contact Oregon cities and counties to determine interest in noise control. Provide communities with direct assistance for their development of noise control capabilities. Assistance will be provided for approximately twelve months, then new communities will be added to the program. This effort will be supported under a cooperative EPA agreement if federal funds are available.

NOISE CONTROL PROGRAM GOALS AND OBJECTIVES

The planning mission, or goal, of the Noise Program is to reduce excessive noise in the State of Oregon. The following program objectives have been selected to help achieve that goal:

1. DEVELOP, IMPLEMENT AND MAINTAIN A STATEWIDE PROGRAM TO CONTROL MAJOR SOURCES OF NOISE.
2. TRAIN, ASSIST AND ENCOURAGE PUBLIC AGENCIES TO DEVELOP LOCAL NOISE CONTROL PROGRAMS.

3. INCREASE PUBLIC, LEGISLATIVE AND DEPARTMENTAL AWARENESS AND UNDERSTANDING OF THE NOISE PROGRAM.

4. TO REDUCE EXCESSIVE MOTOR VEHICLE NOISE.

WORK PLAN

A work plan is available outlining the Noise Control Program Strategy. The work plan identifies goals, objectives and tasks for addressing the priority problems and issues as well as the routine on-going work of the Noise Program in Oregon. A schedule is presented which indicates output during the remainder of FY 1981 and for FY 1982. The schedule also identifies a very general timetable for outputs through FY 1984. Resource estimates are presented for each fiscal year. Note: accomplishments are subject to availability of these resources.

WATER QUALITY PROGRAM

INTRODUCTION

The primary mission of the Water Quality Program is to attain and maintain water quality throughout Oregon sufficient to meet in-stream water quality standards and to protect recognized beneficial uses. This is consistent with the federal goal of fishable/swimmable water where attainable. Pollutants that reach Oregon streams have two general origins: "point source" pollution, such as wastewater from industries, sewage treatment plants, and the like, that enters streams at an easily identified location; and less easily identified "non-point source" pollution, such as runoff from agricultural lands, forest lands, and urban areas.

Cities and industries that discharge waste effluent to streams must have a permit to do so. Since non-point sources cannot be so easily treated, "best management practices" are required. For example, agricultural best management practices might include waste storage areas to keep organic wastes from reaching nearby streams, or contour plowing to prevent erosion of soil into rivers.

The tools, or subprograms, employed to carry out the Water Quality mission include ambient monitoring, planning and analysis, source control (permits, grants, technical assistance), subsurface sewage disposal, and program administration.

Oregon's water quality is very good. This is a result of a high level of environmental awareness on the part of its citizens and diligent effort by cities and industries to control their waste discharges. However, because of rapid population and economic growth, the potential for creating new water quality problems is great. In addition, there remain some known water quality problems and many suspected problems.

PRIORITY PROBLEMS AND ISSUES

Priority problems and issues are discussed at some length in the Water Quality Program Strategy contained in the body of this Agreement. Significant water quality problem areas are briefly listed below:

1. Growth Accommodation. Oregon experienced rapid population and economic growth during the 1970's and this trend is expected to continue to at least year 2000. This increased growth will dramatically increase raw waste loads. Substantial efforts and monies to fund construction of pollution control facilities will be required simply to maintain current water quality.
2. Financial Needs. The need for a larger treatment facilities to accommodate growth; the need for increased treatment efficiencies to maintain water quality; declining federal grants for facility construction; and inflation has created serious financial difficulties. Efforts aimed at identifying alternative financing mechanisms are of extremely high priority to the Department.

3. Groundwater Deterioration. Known areas of groundwater deterioration are being studied and control strategies are being developed using federal Water Quality Management (208) funds.
4. Coos and Yaquina Estuaries. Shellfish production is impacted by high bacteria levels. A study similar to the Tillamook Bay Bacteria Study is being initiated in Coos Bay.
5. Tillamook Bay Bacteria. A program and strategy to better identify source problems and protect the shellfish resource has been developed and is now being implemented.
6. Vessel Wastes. Federal regulations require modification of vessels to provide holding or treatment and discharge of sewage wastes. Federal 208 funding are being used to develop a plan to assure availability of pumpout facilities and to designate areas where discharges will not be allowed.
8. Toxics. There is intense public concern over potential environmental degradation caused by toxics. Current data is through improved analytical capability and monitoring is needed to determine whether a problem exists. Such improvements can only be initiated if additional resources are made available.
9. Urban Runoff Urban runoff has been identified as a potential pollution problem in the Portland, Salem, and Eugene areas. Control strategies are now being developed by local planning agencies.
10. Geographic Area Problems (Projects Underway). Several areas impacted by nonpoint sources of waste have been identified. Projects have been completed or are ongoing in four geographic areas: Malheur/Owyhee drainages subject to irrigation impacts; the area around Bear Creek in Jackson County, impacted by irrigation and urbanization; Northeastern Oregon dryland wheat areas subject to severe erosion, and the Silverton Hills area in the Willamette Valley where the erosion potential is high if land is converted from grass seed production to annual cropping.
11. Geographic Area Concerns (future projects). Recent analysis of data has identified the need for studies to address the following water quality concerns: Deschutes Basin, based on dissolved oxygen and a downward trend in general water quality; and the South Umpqua based on bacteria, dissolved oxygen and suspended solids.

SOLUTIONS

The Water Quality Program Strategy is presented by major subprograms. Within each subprogram, pertinent problems are identified along with long-range strategies to deal with the problems. In summary, these include:

Ambient Monitoring. Problems or issues include: (1) lack of long-term adequate geographic coverage of ambient data collection, and (2) present inability to store, retrieve, analyze and display pertinent water quality data. The monitoring network has been evaluated and redesigned to yield data for future trend analysis. In-house capability to process data is being developed as resources permit.

Planning and Analysis. Major issues or problems include the lack of capability for data storage and retrieval, and the need to evaluate identified area concerns and develop control strategies so as to prevent water quality problems from developing. In-house capability is being developed to store, retrieve, analyze, and display all data. Studies and strategy development will be undertaken as resources permit.

Source Control. Major issues and problems include the accommodation of new federal standards for discharges covered by the NPDES permit program. A new management program must be developed to deal with the problems of rising costs and reduction in available federal grant funds. Program efforts are being undertaken to require pretreatment of industrial wastes discharged to municipal systems. The overall strategy for permit issuance is to even out the workload over a five-year permit cycle. To the extent possible, new federal requirements will be incorporated at the time of permit renewal.

Subsurface Sewage Disposal. The major issue to be addressed are staff training and evaluation of field office performance.

WATER QUALITY PROGRAM GOALS AND OBJECTIVES

As stated earlier, the mission, or primary goal, of the water quality program is to attain and maintain water quality throughout Oregon. In order to do this, the following objectives must be met:

1. IDENTIFY BASELINE QUALITY OF OREGON'S PUBLIC WATERS BY COLLECTING, ANALYZING, DISPLAYING AND REPORTING AMBIENT WATER QUALITY DATA.
2. ASSESS WATER QUALITY STATUS AND IDENTIFY CURRENT WATER QUALITY NEEDS ON A CONTINUING BASIS.
3. DEVELOP CONTROL STRATEGIES FOR HIGH PRIORITY PROBLEMS IDENTIFIED IN THE STATUS REPORT AND ASSURE PROTECTION OF BENEFICIAL USES BY FURTHER DEFINING THE PROBLEMS THROUGH SPECIAL STUDIES, DEVELOPING ALTERNATIVES FOR CONTROL, AND IDENTIFYING IMPLEMENTATION METHODS.

4. MAINTAIN A CURRENT WATER QUALITY MANAGEMENT PLAN FOR THE STATE OF OREGON AND EVALUATE THE EFFECTIVENESS OF ITS IMPLEMENTATION.
5. CONDUCT AN EFFECTIVE SOURCE CONTROL PROGRAM TO:
 - Protect public health.
 - Provide for recognized beneficial uses.
 - Accommodate growth within existing waste loads.
 - Meet established waste treatment requirements.
 - Minimize adverse impacts on overall environmental quality and social and economic well being. (Implement the Water Quality Management Plans.)
6. PROVIDE THE PEOPLE OF THE STATE WITH METHODS OF ON-SITE SEWAGE DISPOSAL THAT WILL NOT CREATE HEALTH HAZARDS OR WATER POLLUTION.
7. GAIN IMPROVED PUBLIC UNDERSTANDING OF THE STATE'S ON-SITE SEWAGE DISPOSAL CONTROL PROGRAM.
8. PLAN AND MANAGE THE WATER QUALITY PROGRAM OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

WORK PLAN

A work plan is available outlining the Water Quality Program Strategy. The work plan identifies goals, objectives and tasks for addressing the priority problems and issues as well as the routine ongoing work to maintain water quality in Oregon. A schedule is presented which indicates outputs for FY 1982. The schedule also identifies a very general timetable for outputs through FY 1986. Resource estimates are presented for each fiscal year. Note: accomplishments are subject to availability of these resources.

SOLID WASTE MANAGEMENT PROGRAM

INTRODUCTION

The DEQ Solid Waste Program is an outgrowth of disposal site inventorying and evaluation work done by the State Health Division (State Board of Health) during the period 1967-1970. Comprehensive state-level solid waste management authority was centralized in DEQ by the 1971 Legislature. Local government is assigned the responsibility of implementing facilities and systems, while DEQ is to assure effective programs and give assistance.

A statewide planning effort commenced in 1972 with the guidance of a state-level Citizens' Advisory Committee and similar committees for each of the local planning units. Out of this, 24 regional plans evolved with short- and long-range goals and time schedules for closing open dumps and implementing transfer stations, resource recovery facilities and sanitary landfills. Major program activities continue, moving toward completion of the implementation of those plans.

A strong interest is growing for source separation recycling in the state. The DEQ has encouraged and assisted this effort, but more technical assistance is being demanded. It is the Solid Waste Program's intent to see recycling woven into the regional waste management plans as they are updated. The 1979 Legislature provided additional opportunities for establishing local waste reduction plans as a provision of the "super-siting" bill, which gives the DEQ the authority to site landfills for local governments. This legislation required that any local government requesting landfill siting assistance under this act, or wishing financial assistance from the DEQ, must prepare a waste reduction program as a condition of such assistance. Any local government wishing to locate a landfill in a dedicated farm zone is also required to prepare a waste reduction program.

During the winter of 1979-80, the Agency updated goals and objectives with the assistance of citizen advisors. These goals and objectives were prioritized subsequent to anticipated budget cuts by the Legislature.

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PRIORITY PROBLEMS AND ISSUES

Coastal counties. Continued open burning practices and maintenance of open dump facilities remain problems. Closure or improvement of site operation is a primary concern.

Small Eastern Oregon cities. Closure of inadequate dump sites will continue to be addressed.

Portland metro area. Location of a satisfactory and adequate landfill site is a pressing problem.

Marion and Lane counties. Technical assistance is needed in the planning, developing and/or operation of resource recovery facilities.

Landfills with leachate problems. Cottage Grove, Hood River, Creswell and Reedsport will continue to need attention until leachate resolved.

Loss of resource to landfills. Need to divert to resource recovery activities. Technical assistance will be required.

SOLUTIONS

Since, unlike many states, Oregon has a well-developed, ongoing solid waste management program, it has been DEQ's objective, with EPA's concurrence, to "plug in" to the RCRA framework with a minimum of backtracking. EPA's highest priority for FY 80 Subtitle D funding was the inventory of "open dumps" and programs for upgrading and closure under Section 4005. The first phase of this inventory, which included 126 municipal solid waste disposal sites, was substantially completed by October 1980. In FY 81, DEQ substantially completed the second phase of the inventory, which includes 185 industrial disposal sites. DEQ will continue to concentrate on the dump closing and upgrading aspects of this task. This includes a host of planning, financing, technical assistance and enforcement activities.

EPA's second priority under Subtitle D for 1980 and 1981 was the State "Solid Waste Management Plan" under Section 4003. The plan was adopted, by rule, by the EQC on January 30, 1981, and submitted to EPA.

All activities and commitments for FY 82 under RCRA are to be carried out within the context of a public participation program including an advisory group and task force consultation process and a solid waste education program for development and dissemination of information. Details of the public involvement program are contained in the body of the SEA document.

Solutions to major environmental problems, as well as ongoing maintenance of the solid waste/hazardous waste programs, are detailed in the program strategy (attached) and in the goals and objectives.

SOLID WASTE PROGRAM GOALS AND OBJECTIVES

The primary mission, or goal, of the Solid Waste Program is to promote the protection of health and the environment and to conserve valuable material and energy resources. Major program objectives for achieving this goal include:

1. TO REDUCE/MINIMIZE GENERATION OF SOLID WASTE AND HAZARDOUS WASTE.
2. TO INCREASE/MAXIMIZE RECOVERY OF USABLE RESOURCES FROM SOLID WASTE AND HAZARDOUS WASTE.
3. TO ENSURE ENVIRONMENTALLY ACCEPTABLE MANAGEMENT OF SOLID WASTE AND HAZARDOUS WASTE RESIDUE.
4. TO PLAN AND MANAGE THE SOLID WASTE PROGRAM FOR THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

WORK PLAN

A work plan is available in the body of this Agreement which outlines the Hazardous Program Strategy. The work plan identifies goals, objectives and tasks for addressing the priority problems and issues as well as the routine ongoing work to maintain a Solid Waste Management Program in Oregon. A schedule is presented which indicates output during the remainder of FY 80 and for FY 81. The schedule also identifies a very general timetable for outputs through FY 84. Resource estimates are presented for each fiscal year. Since funding under Subtitle D is not available, a specific work plan is not included. However, many Subtitle D activities are included in the goals and objectives work tasks and will be completed subject to General Fund availability.

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HAZARDOUS WASTE

INTRODUCTION

Oregon was one of the first (1971) few states to recognize the need for special program emphasis on hazardous wastes. An initial inventory and evaluation of the "program" was completed in 1973 and expanded and updated in 1980. Establishment of a hazardous waste disposal site near Arlington in 1976 made it possible to begin implementation of a comprehensive regulatory state program. Each legislature since 1971 has reviewed and improved the statutes, and the Environmental Quality Commission and Public Utility Commissioner have adopted administrative rules which establish complete regulatory control of the generation, storage, transportation, treatment and disposal of hazardous wastes.

Key features of the state program are: identification of waste by list and criteria; generator notification and registration; transporter notification and registration; licensing of off-site storage, off-site treatment and disposal facilities; use of a manifest by generators, transporters and operators of management facilities; submission of reports by generators and operators of management facilities; environmental monitoring at management facilities; and posting of closure and post-closure performance bonds by operators of disposal facilities.

The passage of the Resource Conservation and Recovery Act (RCRA) in late 1976 also gave regulatory authority for hazardous wastes to the federal government (EPA). A provision of RCRA allows "equivalent and consistent" state programs to operate in lieu of the federal program. Extended delays in promulgation of the EPA regulations have allowed DEQ to gain valuable operational experience in management of a hazardous waste regulatory control program.

Phase I of the federal program was adopted on May 19, 1980. Since May, numerous amendments have been adopted, as well as Phase II--Components A & B (which deal with permitting of storage, treatment and incineration facilities). Believing our program to be substantially equivalent, DEQ has applied for, and expects to be operating under, Phase I--Interim Authorization during FY 82. During FY 82, we will also be preparing an application for Phase II or Final Authorization. In the meantime, Phase II requirements will be implemented jointly under the auspices of a cooperative arrangement between DEQ and EPA--Region X.

PRIORITY PROBLEMS AND ISSUES

Highest priority during FY 82 will be to implement the state-authorized program for Phase I activities and RCRA program for Phase II activities. Second highest priority will be for DEQ to make additional progress toward Phase II or Final Authorization by adopting expanded administrative rules and preparing necessary applications. Third priority will be for DEQ to identify its role in the implementation of the new federal program entitled the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (commonly referred to as Superfund). Our previous work in emergency spill response and uncontrolled hazardous waste disposal sites will need to be meshed with the implementation of CERCLA.

SOLUTIONS

Strategies and solutions are detailed in the accompanying Work Plan and body of document.

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SAFE DRINKING WATER PROGRAM

INTRODUCTION

In 1974, Congress enacted the Safe Drinking Water Act which established a program to ensure safe drinking water throughout the nation. The Safe Drinking Water Act applies to systems defined in the Act as "public water systems." These are systems serving 15 or more connections or 25 or more people. Community water systems are those serving year-round residents; non-community water systems are all other public water systems such as trailer parks, company sites, restaurants, and roadside motels with their own water supply. Regulations established under the Safe Drinking Water Act set specific water quality requirements for all public water systems. EPA has the responsibility for implementing the national program in Oregon, since Oregon is one of several states which chose not to assume this responsibility.

Minimum self-monitoring and reporting requirements are established in the regulations to assure that the water served consistently meets the established standards. All monitoring results must be reported to EPA.

A unique feature of the Safe Drinking Water Act is its public notification requirement. The Safe Drinking Water Act Regulations require public notification when a water system fails to monitor or report water quality or when a maximum contaminant level has been exceeded.

The Act also provides for regulating the underground injection of waste fluids to prevent contamination of underground sources of drinking water. The underground injection control (UIC) program is a part of a coordinated groundwater protection policy and strategy which encompasses all activities mandated by the Safe Drinking Water Act as well as the Resource Conservation and Recovery Act and the Clean Water Act. Oregon was identified in June, 1979, by EPA as needing a UIC program. Like the drinking water program, it is intended that individual states will have the primary enforcement responsibility for regulations. However, in cases where a state has an inadequate program for injection control, the EPA will establish and/or enforce the program.

Despite many good features of the Act--establishment of minimal national health standards, renewed efforts in research, and financial assistance for states--there are some weaknesses which greatly restrict the ability of this Act, when implemented alone (as is currently occurring in Oregon) to assure continuous supplies of safe drinking water.

A large number of public water systems in Oregon are physically deficient and incapable of serving consistently safe water. For example, roughly 25 percent of the surface water systems have no treatment of any kind (including disinfection) and only about 30 percent have full treatment facilities. As a result, Oregon has three times as many confirmed waterborne disease outbreaks as the national average. This problem is compounded by the fact that due to severe resource constraints, not all reported outbreaks can be followed up. Additionally, an absence of a good reporting mechanism in Oregon results in a number of outbreaks not being reported. Consequently, the true number of waterborne outbreaks is suspected to be higher than reported or confirmed.

By statute, the thrust of the EPA program is oriented toward responding to violations of the standards rather than toward prevention of health problems through improving water system construction, operation, and maintenance. This problem of statutory limitations is compounded by agency resource limitations. Because of these resource constraints, EPA is unable to respond to all violations of the standards; it is quite possible that a problem may go unnoticed until an outbreak occurs.

PROPOSED SOLUTIONS

The federal drinking water program places primary emphasis on:

- Responding to emergency situations involving public water systems;
- Developing inventory of water systems and determining the quality of public drinking water statewide through both self-monitoring by each system and EPA field checks;
- Public awareness of violations and the need for compliance through public notice;
- Voluntary compliance by systems, with selected federal enforcement against systems with high priority violations; and
- Working to improve the State program to supplement EPA's limited authority and resources.

WORK PLAN

Specifics of EPA's Goals and Objectives and resource commitments are contained in the body of the SEA document.

PRIORITY PROBLEMS AND ISSUES

National regulations are, by statute, oriented toward periodic monitoring of finished water quality--after it is delivered to the public--and public notification when violations occur. Monitoring alone, however, will not assure safe water. It merely documents that all other aspects of system design, construction and operation have been carried out properly. While the number of systems failing to monitor is relatively large, the percentage of population served by those "non-reporting" systems is very small. Furthermore, most of the systems failing to monitor are the smaller water systems. Data indicate that most problems occur with small systems. Therefore, a major effort is needed in providing technical assistance and training for operators of these systems.

Another problem area is the proliferation of small, inadequate systems which provide less effective, less efficient, and more costly service to consumers and increase the cost of surveillance to all levels of government. This issue requires state and local involvement to assure efficient planning coordination for public water system facilities and maximum utilization of the state's water resources.

To date, 155 out of 184 surface water systems have satisfied their chemical contaminant monitoring requirements, and 525 out of 706 groundwater systems have satisfied those requirements.

Radiological monitoring was to begin in June, 1979, with the first set of samples to be completed by June, 1980; however, private laboratories in the Pacific Northwest presently do not have the capacity to promptly complete the required analyses for all the water systems in the region. In consideration of this laboratory constraint, EPA will establish a schedule so that the monitoring will be phased in over a period of successive years. Individual water systems will be notified by EPA at a later date as to when monitoring should commence.

Non-community systems are required to monitor for a less extensive list of contaminants than community systems. Both community and non-community systems are required to meet the same standards for contaminants that have detrimental health effects based on short-term exposure. Also, both types of systems must notify users if the quality of the water served does not meet the standards.

The available data show that during the past 24 months, 59 community systems serving approximately 92,000 people have failed to meet the microbiological standards during one or more months, and 66 systems serving approximately 190,000 people have failed, periodically, to meet the turbidity standards. To date, there have been only a few reported minor violations of the chemical standards.

SUMMARY

INTEGRATED PROJECT WORK PLAN--PORTLAND METRO RECOVERY PROJECT

Problem Description

The Metropolitan Service District is in the final stages of planning before the construction of a \$140 million resource recovery plant. Delays in making permit decisions could slow the project, placing extra pressure on already near-capacity landfills.

Purpose of Project

Because of the critical nature of the airshed, and the need to expedite the project, progress on permits and the project must be monitored to minimize red tape and ensure that critical decisions regarding emission limits and trade-offs are made in a timely manner.

INTEGRATED SLUDGE MANAGEMENT PROJECT

Problem Description

The first phase of the Integrated Sludge Management Project involved the review of state laws, regulations and procedures to determine DEQ authority to regulate sludge utilization and disposal, and to identify additional needs to implement or refine the sludge management program.

The second phase of the project included introduction of a bill in the Legislature to clarify the Department's authority to regulate sludge used in agriculture; revision of the Department's sludge guidelines; participation in numerous workshops and training sessions attended by sludge generators, users, regulators and the public; and discussion with EPA on changing EPA criteria requiring liming of soils with less than 6.5 pH or inclusion of a variance provision.

Purpose of Project

During the FY 82 phase of this project, the Department will (1) develop more uniform regulation of sludge utilization and disposal, (2) continue training for staff, treatment plant operators, consultants, others involved with sludge utilization and the public, (3) continue pursuing changes in EPA criteria regarding liming of soils where pH is less than 6.5 or advocate that a variance provision be included, and (4) assess the outcome of the legislative session on the Department's authority to regulate sludge utilization and amend the administrative rules and procedures as needed.

SEASUM

INTEGRATED PROJECT WORK PLAN

June 18, 1981

PROJECT NAME: Hazardous/Toxic/Dangerous Materials Impacts

PROJECT LEADER: Richard P. Reiter

PROJECT PARTICIPANTS:

1. Task Force for advice and implementation with representatives from:
 - a. Hazardous Wastes
 - b. Solid Wastes
 - c. Air Quality
 - d. Water Quality
 - e. Laboratories & Applied Research
 - f. Regional Operations
 - g. EPA

2. Agency Management Group

3. Outside groups and agencies impacted by Hazardous/Toxic/Dangerous Materials.

PROBLEM DESCRIPTION: Hazardous, toxic and dangerous materials management and control are problems throughout the United States. Federal, and State laws and regulations have been promulgated to deal with many of the problems. Public concern is high. Sound governmental management must be assured. No single media can handle all the associated situations.

The State of Oregon has fewer chances for hazardous materials to enter the environment than many other areas, but has had spills and problems of significant size. The Department of Environmental Quality must attempt to keep abreast of problems and minimize exposure to the public and the environment. In an era of tight budget, this can only be done by close cooperative effort.

PURPOSE OF PROJECT: The purpose of this project is to develop and implement within limited resources and time a coordinated approach to control hazardous materials, that affect the public and the environment. Several concurrent approaches are needed.

1. Continual identification of problems, impacts and assessment of needs among the media or air, water and solid wastes.
2. Management of existing local, state and Federal portions of control toward an integrated plan action.
3. Development and implementation of additional controls as problem identification, regulations and standards are determined.

4. Attainment of compliance with applicable standards and criteria by generators or dischargers.
5. Establishment of adequate laboratory and field capability for identification of toxics.

RESOURCES REQUIRED:

Portions of budgeted positions amounting to about eight full-time equivalents along with minimal services and supplies are assigned to this coordination effort. Supplementary help is obtained through Federal agencies, other state agencies, committees, local government and private industry. As budget cuts become apparent this will decrease. The appended Laboratory capabilities section will add another 1.84 FTE to the current total and is urgently needed to perform adequately. The Oregon Legislature is being asked to approve the Decision Package for this capability. It appears that they will approve the package, but no funding.

PROJECT SCHEDULE:

Under the current instability of funding and resource capability the existing schedule will be kept in the project. However, heavy emphasis for the remainder of calendar year 1981 and to October 1982 will be to carry out a mandate of the Task Force that procedures and training for coping with spills and accidents be accomplished in all regions of the State of Oregon.

OREGON ENVIRONMENTAL QUALITY COMMISSION

July 17, 1981

BREAKFAST AGENDA

- | | |
|---|----------|
| 1. Reminder: Selection of new Vice-Chairman | Downs |
| 2. Budget status | Downs |
| 3. Legislation status | Swenson |
| 4. Powertrain demonstration unit | Downs |
| 5. SEA questionnaire interim results | Fritzler |

INTERIM REPORT

Citizen Survey on Oregon's Environment

As part of the FY 82 State/EPA Agreement public participation process, a survey was designed to poll perceptions by Oregon citizens and interest groups on the health of the State's environment. The form asked questions relating to the DEQ's major divisions--air, water, etc.--as well the manner in which the agencies and jurisdictions with environmental responsibilities are carrying out their duties. The results will be used by DEQ and EPA staff in preparing the final S/EA document. The results will also be used by the DEQ and its divisions during the biennial goals and objectives planning retreats during the fall.

The questionnaire and a fact sheet on the S/EA were sent to approximately 1,000 names derived from the DEQ's notice lists for each division. In addition, copies were sent to news media statewide. It should be noted, therefore, that the sample is not strictly random. The survey was also reprinted as an insert in Ambience, the DEQ's newsletter, in the June-July issue, published July 16 and mailed to 2,000 subscribers. There will be some overlap in names between the two lists.

Returns from the first mailing (not yet including response from the Ambience section) totaled nearly 20% by July 15, which is already good, by polling standards. Control cards and plans for encoding the responses for computer analysis have begun. When complete, it will be possible to break down results by county, zip code, profession, division, etc. or in almost any other manner desired.

A sample of the responses were hand tabulated for early review. Twenty key questions were tabulated from 100 of the returned survey forms. The questions and the raw results are reported below.

Questions

Total r = 100

- # 1. "Do you feel that Oregon's environment has decreased in quality in the past 5-10 years? r = 98

Yes - 47
No - 51

- # 2. "In your community, which do you believe are the greatest environmental problems? Please number them, starting with 1 as the most serious." (Ed. Note: The following shows distribution only for those items ranked # 1) r = 98

Air quality	- 44	Noise	- 9
Garbage disposal	- 21	Hazardous waste	- 5
Water quality	- 9	Drinking water	- 2
Other	- 9		

The "other" category included: sewage sludge disposal, groundwater, septic tanks and cesspools, and land development problems.

- # 5. "Do you feel that water pollution is a problem where you live?"
r = 100
Yes - 49
No - 51
- # 6. "If yes, what is the cause?" (Ed. Note: The following shows distribution only for items ranked #1) r = 53
- | | | | |
|--|------|--------------------|-----|
| Sewage | - 27 | Runoff from street | - 3 |
| Land practices
(forestry, ag.,
const.) | - 20 | Landfills | - 1 |
| Industrial waste | - 3 | Pesticides/herbs | - 1 |
- # 10. "Do you believe the air quality in your community is generally healthful?" r = 97
Yes - 65
No - 32
- # 11. "Please rank the causes of air pollution in your area, starting with 1 as the most serious." (Ed. Note: The following shows distribution only for those items ranked #1.) r = 93
- | | | | |
|-----------------------|------|------------------|------|
| Cars and trucks | - 42 | Field burning | - 13 |
| Woodstoves/fireplaces | - 18 | Slash burning | - 5 |
| Industry | - 13 | Backyard burning | - 0 |
| | | Other | - 2 |
- # 14. "Do you use a woodstove or fireplace?" r = 95
Yes - 72
No - 23
- # 16. "Would you voluntarily NOT use your woodstove or fireplace during an air pollution alert?" r = 91
Yes - 79
No - 12
- # 19. "Is solid waste (garbage) disposal a problem in your community?"
r = 95
Yes - 52
No - 43

23. "Do you feel that reducing waste at the source, recovering resources in waste, and recycling should have a higher priority in state and local planning?" r = 94

Yes - 84
No - 10

24. "Are there areas in your community that you know or suspect may contain hazardous wastes improperly stored or disposed of?"
r = 89

Yes - 26
No - 63

Of those responding "Yes", areas named included:
U. of O. Health Sciences Center (no waste identified)
Nickel mining and refining plant at Riddle, Oregon
St. John's landfill - waste from Wacker Siltronic
Esco waste on Sauvie Island
Malheur Co. dump (no waste identified)
Coffin Butte landfill (no waste identified) Weyerhaeuser plant in Springfield (no waste identified)

25. "Do you feel that Oregon should have more than one licensed hazardous waste disposal site?" r = 88

Yes - 43
No - 45

26. "Should Oregon set up its own low-level radioactive waste dump?"
r = 90

Yes - 53
No - 37

28. "Do you feel excessive noise is a problem in your community?"
r = 98

Yes - 49
No - 49

29. "What is the major cause of the noise? Number, starting with 1 as the most serious." (Ed. Note: The following shows distribution only for items ranked # 1.) r = 73

Trucks	- 27	Airplanes	- 3
Cars	- 19	Ag/Forestry	- 2
Motorcycles	- 16	Other	- 6

34. "Do you believe that environmental regulations, such as air or water quality standards, should be relaxed?" r = 97

Yes - 21
No - 76

39. "For public involvement to be effective in environmental decision making, rank the following in importance." (Ed. Note: The following shows distribution only for items ranked # 1.)

r = 94

Information and facts easily available - 63

Greater opportunity for citizen participation in government decision making. - 5

Increased government responsiveness to public participation. - 24

Other - 2

40 "Does the DEQ provide enough opportunities for you to participate?" r = 93

Yes - 70

No - 23

42. "Do you feel that state government is doing enough to protect the environment where you live?" r = 96

Yes - 53

No - 43

42. (a) "Local government?" r = 81

Yes - 37

No - 44