

12/4/1981

OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS



State of Oregon
Department of
Environmental
Quality

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OREGON ENVIRONMENTAL QUALITY COMMISSION MEETING

December 4, 1981

14th Floor Conference Room
Department of Environmental Quality
522 S. W. Fifth Avenue
Portland, Oregon

AGENDA

9:00 am CONSENT ITEMS

Items on the consent agenda are considered routine and generally will be acted on without public discussion. If a particular item is of specific interest to a Commission member or sufficient public interest for public comment is indicated, the Chairman may hold any item over for discussion.

APPROVED

A. Minutes of the August 28, 1981, EQC meeting.

APPROVED

B. Monthly Activity Reports for September and October, 1981.

APPROVED*

C. Tax Credit applications. (*#1417 withdrawn; #1356 and 1390 held over)

9:05 am PUBLIC FORUM

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

ACTION ITEMS

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

APPROVED

E. Request by John Nickelson for a variance from OAR 340-61-055(4)(a) pertaining to operation of a sludge lagoon within 1/4 mile of a residence.

APPROVED

F. Proposed adoption of a temporary rule amending On-Site Sewage Disposal Rules, OAR 340-71-600.

APPROVED

G. Proposed adoption of amendments to Hazardous Waste Management Rules, OAR 340-63-011, 63-125, 63-130 and 63-135.

w/amendments

APPROVED

H. Request for concurrence: Purchase of City of Portland revenue bonds for construction of sewage waste treatment facilities.

w/amendment

ACCEPTED

I. Public meeting: Oregon's Hazardous Substances Response Plan.

WORK SESSION

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

PROPOSED POLICY

J. Proposed policy on acceptance of testimony before the Environmental Quality Commission.

ADOPTED

Upon completion of the above agenda items, the Environmental Quality Commission will hold an Executive Session to discuss personnel matters. The Executive Session is being held pursuant to ORS 192.660(1a).

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

The Commission will breakfast (7:30 am) at the Riverside West Motel (Columbia Room), 50 S. W. Morrison, Portland; and will lunch at DEQ Headquarters, 522 S. W. Fifth Avenue, Portland.

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- F. Proposed adoption of a temporary rule amending On-Site Sewage Disposal Rules, OAR 340-71-600.
- G. Proposed adoption of amendments to Hazardous Waste Management Rules, OAR 340-63-011, 63-125, 63-130 and 63-135.
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ENVIRONMENTAL QUALITY COMMISSION

December 4, 1981

BREAKFAST AGENDA

- | | |
|---|-----------|
| 1. Future EQC meeting schedule and locations | Shaw |
| 2. Tax credits | Young |
| 3. Hazardous waste - addendum to staff report | Reiter |
| 4. Audit reply - followup | O'Donnell |
| 5. Proposed budget cuts | Young |

1982

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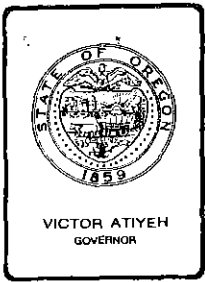
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IMPORTANT DATES

- JANUARY**
 1 New Year's Day
 15 Martin Luther King's Birthday
- FEBRUARY**
 12 Lincoln's Birthday
 14 Valentine's Day
 15 Washington's Birthday - Obsvd.
 22 Washington's Birthday
 24 Ash Wednesday
- MARCH**
 17 St. Patrick's Day
- APRIL**
 4 Palm Sunday
 8 Passover Begins
 9 Good Friday
 11 Easter Sunday
- MAY**
 9 Mother's Day
 15 Armed Forces Day
 24 Victoria Day (Canada)
 30 Memorial Day
 31 Memorial Day - Obsvd.
- JUNE**
 14 Flag Day
 20 Father's Day
- JULY**
 1 Dominion Day (Canada)
 4 Independence Day
- SEPTEMBER**
 6 Labor Day
 18 Rosh Hashanah
 27 Yom Kippur
- OCTOBER**
 11 Thanksgiving Day (Canada)
 11 Columbus Day - Obsvd.
 12 Columbus Day
 24 United Nations Day
 31 Halloween
- NOVEMBER**
 2 Election Day
 11 Veterans Day
 25 Thanksgiving Day
- DECEMBER**
 11 Hanukkah
 25 Christmas Day



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: Richard Reiter, Supervisor
Hazardous Waste Operations

Subject: Public Meeting; Oregon's Hazardous Substance Response Plan

As you may recall, Superfund as an Oregon issue was first brought up at your August 28, 1981 breakfast meeting (see Attachment I). At that time, we asked your concurrence on a compressed schedule to receive public input on Oregon's Hazardous Substance Response Plan. The need for a compressed schedule occurred as a result of EPA's delay in finalizing the National Contingency Plan and the Mitre Corporation's National Hazard Ranking Model. We proposed to bring this matter to your attention at your November 20, 1981 meeting (rescheduled to December 4, 1981) and to use that meeting as an opportunity for public comment. With your concurrence that is the schedule we have followed.

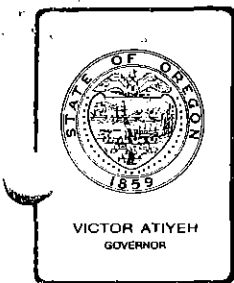
On Tuesday, November 24, 1981, we received a verbal request from Region X to suspend consideration of this matter until late spring of 1982 (confirmed by letter of December 1, 1981 - see Attachment II). Staff agreed to withdraw this matter pending concurrence from Bill Young. In discussion with Bill Young on December 1 and 2, 1981, it was concluded to proceed with this matter as at least an informational item, since public notice had already been mailed.

Advantages of considering this as an informational item now, and an action item in late spring, are:

1. Presumably, the National Contingency Plan will have been proposed in final form by then.
2. Presumably, the Mitre Corporation's National Hazard Ranking Model will have undergone its final changes by then.
3. Additional field investigations can be undertaken with more complete information being used to evaluate sites for the late spring meeting.

4. A more satisfactory program of public participation can be planned and implemented.

In summary, Bill Young will be recommending at the outset of Agenda Item I that its status be changed from one of an action item to one of an informational item. Further, Bill Young will recommend that public comment still be received on the substance of the plan since the original agenda implied this item was open for public comment.



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: Richard Reiter, Supervisor
Hazardous Waste Operations

Subject: Superfund - Briefing

Over the last two years, Region 10-EPA and DEQ have been trying to identify uncontrolled and/or abandoned hazardous waste sites in Oregon that may present an actual or potential hazard to public health or the environment.

As of March 31, 1981, 86 investigations had been started. In 56 cases we have concluded no actual or potential problem existed. Thirty investigations continue. In two of these cases, company-financed ground water monitoring programs have been installed, while in a third case a monitoring program is being proposed. Also, some 17 generators financed a voluntary cleanup of the former collection/treatment facility operated by Caron Chemical near Monmouth.

During the course of our on-going efforts, Congress passed the Comprehensive Environment Response Compensation and Liability Act on December 11, 1980 (commonly referred to as Superfund or CERCLA). CERCLA establishes a 1.6 billion dollar emergency response, removal and remedial action fund to clean up hazardous material/waste spills or threats to public health or the environment. CERCLA is not a grant program, however, in that EPA/Justice are to seek cost recovery from identified responsible parties.

CERCLA also contained a site notification requirement which to date has resulted in 42 submissions in Oregon. Investigations are being scheduled for the 31 sites that didn't duplicate ones previously investigated.

CERCLA intends that states play an active role in designating sites for cleanup; contracting with EPA for monitoring cleanup projects; assuring the availability of authorized disposal sites for cleanup debris; assuming the long-term maintenance of sites receiving remedial action and providing 10% cost share on any remedial cleanup projects.

The trigger on expending monies is EPA's publishing a revised National Contingency Plan (NCP) which will contain a prioritized listing of 400 sites in need of remedial action. If at all possible, the top 100 sites shall contain at least one site from each state. The list of 400 shall be revised annually.

By December 11, 1981, Oregon is to submit its list of potential sites, having ranked them according to a degree of hazard model developed by the Mitre Corporation under contract to EPA. The NCP will apparently require states to hold a "public meeting" for the purpose of receiving public comment on the list prior to submitting it to EPA.

Because of EPA's delay in publishing the NCP (was due in 180 days or June 11, 1981), our opportunities for public involvement are limited. Unless you direct otherwise, it would be our intent to bring this to the public's attention in the form of an action item at your November 20, 1981 meeting. Public notice on this item would follow standard procedures for EQC agenda items.

Under the time limitations, the only other option is to schedule a separate public hearing in advance of your November 20, 1981 meeting. In that case, the public would have two opportunities to comment, separated in time by 20-30 days.

RPR:o
ZO792 (1)

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X

1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101



REPLY TO
ATTN OF: M/S 530

DEC 1 1981

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

Dear Mr. *Young*:

This letter is to confirm a conversation John Vlastelicia had with members of your staff -- Rich Reiter and Ernie Schmidt regarding the submittal of potential Superfund sites in Oregon to EPA. As a result of their conversation, I understand you withdrew the agenda item which dealt with this issue for the Environmental Quality Commission meeting on December 4. The following is a summary of the new schedule for submittal of Superfund sites and associated EPA policy.

NEW SCHEDULE/POLICY

1. EPA realizes that a December 1981 deadline for States to submit their priority sites for Superfund action is not realistic. The new deadline is early January 1982.
2. In early January 1982, the States will be requested to identify sites and submit them to EPA. Mitre rankings of the sites will not be required at that time.
3. After the States identify sites, they will have approximately two months to identify additional information needs and get the information to run sites through the Mitre Model. Headquarters intends to make Ecology and Environment, Incorporated (FIT) available to assist the States to get additional site information.
4. By March 1982, the Mitre Model should be revised. Sites will then be ranked.
5. Once the sites are ranked, EPA Headquarters will initiate a quality assurance review of the sites similar to the one performed for the interim priority list of 115 sites.
6. At some point after the quality assurance review, it seems appropriate for DEQ to go before the EQC with a recommendation on whether to submit Oregon sites to EPA.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

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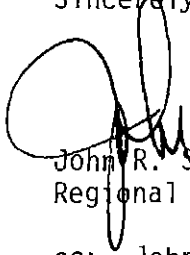
OFFICE OF THE DIRECTOR

7. EPA expects to publish by mid-summer 1982, a National list of 400 hazardous waste sites targeted for Superfund action. The National list of 400 sites will serve as the source for selecting and funding Superfund planned and remedial response actions.

Based on EPA policy associated with the interim list of 115, there may not be any opportunity to add sites requiring Superfund relief to the list of 400 once it is published. For example, if conditions at a site rapidly deteriorate requiring expeditious action and negotiations with responsible parties breakdown, the site will be eligible for Superfund relief only if it is on the National priority list.

If you have any questions regarding the above, please call. I will keep you informed of further developments in the Superfund Program.

Sincerely,



John R. Spencer
Regional Administrator

cc: John Vlastelicia, Director
Oregon Operations Office

THESE MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

MINUTES OF THE ONE HUNDRED THIRTY-SIXTH MEETING
OF THE
OREGON ENVIRONMENTAL QUALITY COMMISSION.

December 4, 1981

On Friday, December 4, 1981, the one hundred thirty-sixth meeting of the Oregon Environmental Quality Commission convened at the Department of Environmental Quality, Portland, Oregon. Present were Commission members Mr. Joe B. Richards, Chairman; Mr. Fred J. Burgess; Mr. Ronald M. Somers; and Mr. Wallace B. Brill. Present on behalf of the Department were its Director, William H. Young, and several members of the Department staff.

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

BREAKFAST MEETING

The breakfast meeting convened at 7:30 a.m. at the Riverside West Motel in Portland. Commissioners Richards, Somers, Brill and Burgess were present, as were several members of the Department staff.

The following items were discussed:

1. Future EQC meeting schedule and locations: The Commission decided to stay with the six-week schedule and to hold the next six meetings in Portland, except for the April 16 meeting which might be held in Medford.
2. Tax credits: The Director pointed out several requests for preliminary certification waiver that were on the formal agenda. The Commission discussed them when that item came before them at the meeting.
3. Hazardous waste - addendum to staff report: Richard Reiter, Hazardous Waste Manager, distributed an addendum to Agenda Item I on the formal agenda and described the new Director's Recommendation and the reasons that made the addendum necessary.

4. Audit reply - followup: Fergus O'Donnell, Business Manager, explained the Department's response to the audit comment on the review of the audit report and requested that the Commission agree with the interpretation of the rule. The Commission had no objections or comments.
5. Proposed budget cuts: The Director outlined the potential budget cuts the Department faces at the Special Session, in addition to the cuts in the subsurface program and the loss of federal funds. During the discussion relative to tax credits, the Commission reaffirmed the value of the program.

FORMAL MEETING

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

AGENDA ITEM A - MINUTES OF THE OCTOBER 9, 1981 MEETING.

AGENDA ITEM B - MONTHLY ACTIVITY REPORT FOR SEPTEMBER AND OCTOBER, 1981

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

AGENDA ITEM D - PUBLIC FORUM

Steve Shird, Oregonians for Clean Air, read a statement in opposition to the proposed Oregon City resource recovery facility.

Jim Johnson, Oregon City Commissioner and Oregonians for Clean Air, testified in opposition to the lowering of the air quality standards and to allowing the siting of the resource recovery facility in Oregon City.

No one else chose to appear.

AGENDA ITEM E - REQUEST BY JOHN NICKELSON FOR A VARIANCE FROM OAR-340-61-055(4) (a) PERTAINING TO OPERATION OF A SLUDGE LAGOON WITHIN 1/4 MILE OF A RESIDENCE

Mr. John Nickelson has applied for a variance from the Department's solid waste rules to use a lagoon for treatment and disposal of septic tank pumpings near Klamath Falls. The lagoon in question is located in an area approved by the Department. Construction had been completed before it

was determined that the lagoon was approximately 100 feet short of the 1/4-mile setback from a residence as required by our rules.

The Commission's approval of the variance was requested to allow the site to operate as planned; that is, a series of three interconnected lagoons. The location of an intervening ridge and the direction of the prevailing winds make it unlikely that there would be any increased environmental impact on the residence in question.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission grant John Nickelson a variance to OAR 340-61-055(4) (a) for the JNS Disposal Lagoon.

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

AGENDA ITEM F - PROPOSED ADOPTION OF TEMPORARY RULE AMENDING RULES FOR ON-SITE SEWAGE DISPOSAL, OAR 340-71-600

Chapter 148, Oregon Laws 1981, revised the statutes to allow applicants seeking a sewage disposal service license to deposit, in lieu of a surety bond, the equivalent value in cash or negotiable securities. Staff have proposed implementation through adoption of a temporary rule that amends the surety bond provisions and provides the methods by which claims may be resolved.

Director's Recommendation

Based upon the summation and the findings, it is recommended that the Commission adopt the proposed temporary rule amending OAR 340-71-600, as set forth in Attachment "B", and instruct staff to include such an amendment in the permanent rule procedures of public hearing, etc., contemplated in the January 1982 rule amendment package.

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

AGENDA ITEM G - PROPOSED ADOPTION OF AMENDMENTS TO HAZARDOUS WASTE MANAGEMENT RULES, OAR 340-63-011, 63-125, 63-130 and 63-135

At the October 9, 1981, Commission meeting, the staff presented a proposed amendment to the hazardous waste management rules. The current rules were adopted in May, 1979. A portion of those rules pertain to standards and best management practices for disposal of waste pesticides and their empty containers. The present rules are difficult to interpret, which leads to

inadequate compliance and guidance for acceptable management alternatives to disposal. Questions were raised concerning the Department's broad use of the word "airport" and how the Department planned to distribute the revised rules.

Regarding these issues, the Department's staff has added a new definition, "public-use airport," OAR 340-63-011(27). Addressing the second concern the Department will take several steps to ensure widespread distribution.

The Commission had moved to delay action on the recommendation until this meeting.

Director's Recommendation

Based on the summation, it is recommended that the Commission adopt the proposed amendments set forth in Attachment E to the Commission's Hazardous Waste Management Rules, OAR 340-63-011, 63-125, 63-130 and 63-135, and guidelines.

It was MOVED by Commissioner Burgess, seconded by Commissioner Somers, and passed unanimously that the Director's Recommendation be approved, along with the following addition to page 8 of the proposed rule:

".... Subsequent to March 1, 1982, waste pesticide...."

AND

"....by the Department, pursuant to performance standards adopted by the Commission."

[Underlined portions to be added.]

The Commission also instructed staff to incorporate the present guidelines to the rule and bring the whole rule package (after any public meetings) back before the Commission at the March meeting for the permanent rule adoption.

In unrelated business, the Commission members took this time to present a letter of gratitude to Ray Underwood, Assistant Attorney General, on the occasion of his retirement from the Department of Justice and his position as chief legal counsel to the DEQ.

In other unrelated business, there was discussion regarding the Department's review of the submittal of James F. Nims, P.E., "Proposed Interim Approval Policy for On-Site Sewage Disposal Systems." The Commission instructed the Department staff to make appropriate contact with Mr. Nims regarding his proposed subsurface rules to ensure that they are not mistaken as Department-approved.

AGENDA ITEM C - TAX CREDITS

Tax credit application #1417, Georgia-Pacific Corp., was withdrawn at the request of the company.

It was MOVED by Commissioner Somers, seconded by Commissioner Burgess, and passed unanimously that all tax credit applications be approved except for #1356 (Pioneer International, Inc.) and #1390 (Kaiser Cement Corp.). The Commission chose to defer denial until the next meeting, at which time they would consider those two applications again. The Department staff was instructed to invite those two companies to submit any additional factual information before that time which might support their applications.

AGENDA ITEM H - REQUEST FOR CONCURRENCE: PURCHASE OF CITY OF PORTLAND REVENUE BONDS FOR CONSTRUCTION OF SEWAGE WASTE TREATMENT FACILITIES

The City of Portland has requested the Department to purchase \$5 million of revenue bonds to help finance sludge treatment facilities.

The Department believes it has sufficient resources available in the Bond Fund to carry out legislative intent during the 1981-83 biennium.

This report has been given wide circulation to try to ensure that all interested parties are aware of the availability of funds. We have been requested by MWMC to include a further \$12.5 million in the forecast requirements, and a revised page 3 was made available, showing the effect of this.

This revenue issue appears to be adequately secured, and the Department can report that Moody's has rated it A-1.

The Department recommended approval.

Director's Recommendation

Based upon the summation, it is the Director's recommendation that the Commission concur in the purchase of the City of Portland revenue bonds in the amount of \$5 million on the terms and conditions set forth in the attached Bond Purchase Agreement.

It was MOVED by Commissioner Somers, seconded by Commissioner Brill, and passed unanimously that the following language be added on page 7, Section D.1. of the Agreement:

"....and obtain independent review of the audit information at the expense of the public agency...."

John Lang, Portland City Engineer, and Mark Gardiner, City Fiscal Office, appeared on behalf of Commissioner Mike Lindberg to discuss this sale with the Commission.

It was MOVED by Commissioner Burgess, seconded by Commissioner Somers, and passed unanimously that the following language be added on page 6, Item 13, subsection ii:

".... If the agency deems itself insecure or if the public agency fails to pay...."

[Underlined portion is to be added.]

It was MOVED by Commissioner Burgess, seconded by Commissioner Brill, and passed that the Director's Recommendation, with the above amendments, be approved.

Commissioner Somers voted no.

In connection with the above discussion, the Commission asked staff to provide for them an analysis of the lien priority discussion and the effects on future bond sales.

AGENDA ITEM I - PUBLIC MEETING: OREGON'S HAZARDOUS SUBSTANCES RESPONSE PLAN

To implement Superfund, EPA is directed to develop a National Hazardous Substance Response Plan including a list of the top 400 sites in need of immediate cleanup through either emergency response or remedial action. States are to play a key role in identifying sites by developing their own Hazardous Substance Response Plan and submitting a list of candidate sites to EPA. To ensure consistency between states, EPA contracted with the Mitre Corp. to develop a degree-of-hazard ranking model to be used by all states.

Over the last two years, DEQ and EPA Region X have investigated 82 sites and concluded in most cases that no existing or potential health hazards or environmental threat from past disposal practices exist. From those cases, 10 sites were ranked using the Mitre Model. These 10 sites represented those with the highest potential for some type of cleanup action.

In consideration of the overall relative rankings, that additional groundwork information is being collected in three cases through company financial programs under our supervision and especially that a responsible party is identified in all cases, the Department recommended that no candidate sites be submitted for this year.

The Department intends to continue to work with EPA on the uncontrolled site program and to continue to pursue implementation of all facets of Superfund as they may positively benefit Oregon's environment.

This meeting of the EQC was intended to satisfy an EPA requirement for a public meeting (not hearing) on the State's Hazardous Substance Response Plan.

Director's Recommendation

The Director recommended to the Commission that this matter be heard as an informational item instead of a public meeting. He further recommended that public comment still be received on the substance of the plan, since our notice implied that this matter was open for public comment.

Staff will bring this item before the Commission again for consideration in late spring of 1982.

Though testimony was solicited, there were no witnesses to testify. The Commission accepted the report.

In an unscheduled item, Mike Downs, Management Services Administrator, outlined for the Commission the proposed budget cuts and the schedule for submission to the Executive Department. The Director outlined for the group the proposed cuts in 5% increments.

The Commission asked the Director to point out to the Governor those program cuts which might affect any turnaround in the general economy of the state.

AGENDA ITEM J - TESTIMONY BEFORE THE EQC

Some confusion exists on the part of the staff and the public as to when and whether the Commission will receive testimony on any given agenda item. The issue to be addressed is: Can an equivalent degree of availability be maintained while making more clear to all concerned when the Commission might limit testimony?

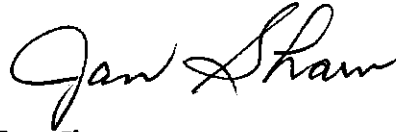
It was RESOLVED by Commissioner Somers, seconded by Commissioner Burgess, and passed unanimously that a policy decision be established as follows:

The staff will add new and different language to the next two agendas which might be effective as an aid to staff in advising the public on the Commission's policy for accepting testimony at their regular meetings.

The Commission withdrew into Executive Session to discuss personnel matters.
No action was required nor taken.

There being no further business, the meeting was adjourned.

Respectfully submitted,

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

Jan Shaw
Commission Assistant

JS:j (k)

THESE MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

MINUTES OF THE ONE HUNDRED THIRTY-FIFTH MEETING

OF THE

OREGON ENVIRONMENTAL QUALITY COMMISSION

October 9, 1981

On Friday, October 9, 1981, the one hundred thirty-fifth meeting of the Oregon Environmental Quality Commission convened at the Department of Environmental Quality, Portland, Oregon. Present were Commission members Mr. Joe B. Richards, Chairman; Ms. Fred J. Burgess; Mrs. Mary V. Bishop; Mr. Ronald M. Somers; and Mr. Wallace B. Brill. Present on behalf of the Department were its Director, William H. Young, and several members of the Department staff.

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

BREAKFAST MEETING

The breakfast meeting convened at 7:30 a.m. at the Portland Motor Hotel in Portland. Commissioners Richards, Bishop, Somers and Brill were present, as were several members of the Department staff. Commissioner Burgess was absent from the breakfast meeting.

The following items were discussed:

1. Length and contents of Minutes: The Commission discussed reducing the length of the Minutes by eliminating the Summary section usually included in the Minutes and taken from each item's staff report. The Commission asked staff to prepare the Minutes in the proposed abbreviated form for the next few meetings.
2. Meeting locating: The Commission learned from staff that it was not necessary to hold the next meeting in Medford as planned. It was decided to meet in Portland.
3. Testimony before the EQC: The Director distributed the recommendations of the staff regarding methods for accepting public testimony before the Commission at meetings and reviewed it briefly for the Commission members. The Commission asked that this item be included on the agenda for the next meeting.

4. Language in previous Minutes: RAY UNDERWOOD, Assistant Attorney General, noted for the Commission a change in language on page 21 of the August 28 Minutes. The Commission accepted the alteration and later approved the Minutes.
5. Tax credit program scope review: JACK WEATHERSBEE, Air Quality administrator, reviewed with the EQC members the motion of Commissioner Burgess at the previous meeting regarding a review of the scope of the tax credit program. The Commission members are not interested in a further analysis, and Mr. Weathersbee will confirm that with Commissioner Burgess, who was absent from breakfast.
6. Audit report: FERGUS O'DONNELL, Business Manager, reviewed for the Commission the Department's response to the Secretary of State's audit report. The Commission suggested that a letter could be sent from them to Norma Paulus regarding the audit costs if the staff considered it useful. Staff will review this and confirm with the Commission members.

FORMAL MEETING

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

AGENDA ITEM A - MINUTES OF THE AUGUST 28, 1981 MEETING.

AGENDA ITEM B - MONTHLY ACTIVITY REPORT FOR JULY AND AUGUST, 1981.

AGENDA ITEM C - TAX CREDIT APPLICATIONS.

AGENDA ITEM D - REQUEST FOR AUTHORIZATION TO CONDUCT PUBLIC HEARINGS ON THE ADOPTION OF A HAZARDOUS WASTE SCHEDULE OF CIVIL PENALTIES, OAR CHAPTER 340, DIVISION 12.

AGENDA ITEM E - REQUEST FOR AUTHORIZATION TO AMEND THE STATE OZONE AMBIENT AIR QUALITY STANDARD (OAR-340-31-030) AS A REVISION TO THE STATE IMPLEMENTATION PLAN.

AGENDA ITEM F - REQUEST FOR AUTHORIZATION TO HOLD A PUBLIC HEARING TO ADD AMENDMENTS TO SULFUR CONTENT OF FUELS, COAL, RULE, 330-22-020, TO LIMIT SULFUR & VOLATILE CONTENT OF COAL USED FOR RESIDENTIAL SPACE HEATING.

AGENDA ITEM G - REQUEST FOR AUTHORIZATION TO HOLD AN INFORMATIONAL HEARING
TO DETERMINE FEASIBILITY OF APPLYING STATE EMISSION
STANDARDS FOR NEW ALUMINUM PLANTS (OAR 340-25-265 (1))
TO EXISTING PLANTS.

It was MOVED by Commissioner Somers, seconded by Commissioner Bishop, and carried unanimously that the Director's recommendations for Items A, B, C, D, E, F and G be approved.

AGENDA ITEM U - INFORMATIONAL REPORT: MARION COUNTY SOLID WASTE PROGRAM.

At its April, 1978 meeting, the Commission authorized a 5-year Solid Waste Disposal Permit extension for the Brown's Island Sanitary Landfill in Marion County. The extension was granted to provide Marion County ample time to plan and implement a long-range solid waste management program, including an alternative to Brown's Island. The extension was conditioned upon Marion County submitting annual reports to the Department so progress could be monitored. Since the extension has just passed roughly the "halfway" point, staff feels the Commission should be formally updated on the County's actions and accomplishments.

Director's Recommendation

Staff is satisfied with the progress Marion County has made to date. The Director hereby recommends that the Commission:

1. Concur with staff's evaluation.
2. Approve the time schedule Marion County has submitted for siting a new regional landfill.
3. Go on record as being in support of Marion County's application to BPA for obtaining appropriate grants or loans to develop an alternative energy facility in Marion County.
4. Give no consideration to potential future filling options beyond July 1, 1983 at the Brown's Island Landfill until a new regional landfill has been sited in Marion County.

Marion County Commissioners HARRY CARSON, RANDY FRANKE, and GARY HEER were present to answer any questions from the Commission.

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

AGENDA ITEM I - MR. GARY T. HUBBARD—APPEAL OF SUBSURFACE VARIANCE DENIAL.

At the August 28 meeting, the Commission directed Mr. Hubbard's subsurface variance hearing be reopened to allow consideration of a new or revised proposal. The variance hearing was reopened on September 8, 1981, and Mr. Hubbard and his consultants presented new information into the record. After closing the hearing, the variance record was evaluated by the variance officer, resulting in his recommendation contained within the staff report.

The program staff examined the feasibility of approaching Mr. Hubbard's proposal as an experimental system. This is also presented in the staff report.

Director's Recommendation

Based upon the summation, it is recommended that:

1. The Commission uphold the earlier Variance Officer's decision to deny the variance for a standard on-site system and also deny a variance on the most recent revised proposal involving the Rid-Waste Environmental system.
2. The Commission:
 - (a) Find that strict compliance with the provisions of OAR 340-71-450 (4)(f) and (k), dealing with experimental systems, is inappropriate for cause or that special physical conditions render strict compliance unreasonable, and
 - (b) Grant a variance to these two provisions to allow installation of a system consisting of an aerobic treatment unit followed by a pressurized distribution disposal system, contingent upon compliance with the remaining applicable experimental system rules and approval of plans and specifications submitted by the applicant.

The following people appeared on behalf of Mr. Hubbard:

NICHOLAS BAILEY, attorney
GARY HUBBARD, appellant
JAMES NIMS, engineer consultant
THOMAS GRAHAM, President, Rid-Waste Systems

ROBERT CORTRIGHT, North Coast Field Representative, LCDC, appeared to request four more conditions be added to any variance granted to Mr. Hubbard.

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

AGENDA ITEM F - PUBLIC FORUM.

JAMES NIMS, Civil Engineer, told the Commission that he would be sending in some engineering standards for consideration by the staff of the Department.

AGENDA ITEM O - PROPOSED ADOPTION OF (1) POLICY ON SEWERAGE WORKS PLANNING AND CONSTRUCTION (OAR 330-41-034); and (2) SEWERAGE WORKS CONSTRUCTION GRANT PRIORITY LIST FOR FY 82.

This item concerns two proposals pertaining to the topic of financing for sewerage treatment works. The Department is proposing the adoption of a policy on sewerage works planning and construction which requires that local agencies provide reasonable assurance that adequate funds will be available to meet the needs for construction, expansion, operation and maintenance funds for their facilities. The Department is also proposing the adoption of a construction grant priority list to allocate federal fiscal year 1982 funds, when or if they are available. The few remaining FY 81 funds are proposed to be allocated according to the list used during FY 81.

Director's Recommendation

Based on the summation, it is recommended that the Commission take the following actions:

1. Adopt as a new administrative rule, OAR 340-41-034, the policy on sewerage works construction as contained in Attachment E.
2. Adopt a temporary rule as contained in Attachment F, to extend the FY 81 priority list until December 31, 1981, to permit additional time for obligation of carryover FY 81 and reallocated prior year funds.
3. Adopt the priority list as contained in Attachment G as the FY 82 priority list, such list to become effective January 1, 1982, and to be used for obligation of any FY 81 and prior year funds remaining unobligated after December 31, 1981, and FY 82 funds upon appropriation. It is understood that such list is subject to modification following appropriate procedures if necessary to remove any conflicts with future federal legislative acts.

HAROLD SAWYER, Water Quality administrator, was asked to provide the Commission those dates and locations of any hearing previously held on this matter. He listed those and also noted those dates until which written testimony was accepted. Those submittals were included in the staff report and Addendum.

It was MOVED by Commissioner Somers and seconded by Commissioner Bishop that the Director's Recommendations be approved.

Before a vote could be taken, GERRITT ROSENTHAL, Lane County Council of Governments, objected to the timeliness of the action before the Commission in this matter. The Commission ruled that it had acted appropriately on that point of order.

The motion was passed unanimously.

AGENDA ITEM P - REQUEST FOR CONCURRENCE: PURCHASE OF YAMHILL COUNTY
REVENUE BONDS FOR CONSTRUCTION OF SANITARY LANDFILL

During the July 18, 1980 EQC breakfast meeting, staff discussed requests for use of the bond fund with less security than General Obligation Bonds. After further discussion at the September 1980 breakfast meeting and during the November 21, 1980 EQC meeting, the Department contracted for preparation of a funding study. The study recommendations and a request from Yamhill County for the Department's purchase of revenue bonds have led the Department to request Commission concurrence in revenue bond purchase. The staff report discusses the alternatives and presents the Director's recommendation.

Director's Recommendation

Based upon the summation, it is the Director's recommendation that the Department negotiate the purchase of Yamhill County Revenue Bonds in the amount of \$475,000. It is further recommended that any future request for revenue bond purchases be presented to the EQC for concurrence until such time as guidelines or rules are adopted regarding such purchases.

EZRA KOCH, City Sanitary Service and River Bend landfill, attested on the part of the debtor to the financial integrity of the proposed debt security.

It was MOVED by Commissioner Burgess and seconded by Commissioner Brill that the Director's Recommendation be approved. It was a tie vote, with Commissioners Somers and Bishop voting no. [Note: Chairman Richards left the meeting at 11:00 a.m.]

It was MOVED by Commissioner Bishop, seconded by Commissioner Somers, and passed unanimously that the Director's Recommendation--with the following added language--be approved. The Recommendation would read, in part:

"...the Department negotiate, subject to Commission approval, the purchase of...."

[Underlined portion is to be added.]

AGENDA ITEM K - APPROVAL OF NEW AND AMENDED LANE REGIONAL AIR POLLUTION AUTHORITY (LRAPA) RULES FOR PERMIT FEES, FOR HAZARDOUS AIR CONTAMINANTS AND NEW SOURCE PERFORMANCE STANDARDS, AND SUBMITTAL OF NEW AND AMENDED LRAPA RULES TO EPA AS A REVISION OF THE OREGON STATE CLEAN AIR ACT IMPLEMENTATION PLAN.

LRAPA has adopted some new rules and submitted them to the Commission for approval. These rules are consistent, and at least as stringent as Department rules. They also seek delegation for administering two categories of federally originated rules in Lane County. The Department believes these rules are acceptable and can be forwarded on to the EPA as SIP revisions upon EQC concurrence.

Director's Recommendation

Based upon the summation, the Director recommends the Commission approve the above listed LRAPA rules, direct the Department to formally submit the rules to EPA as SIP revisions, and request EPA to delegate authority for administering the Hazardous Air Contaminant rules and Standards of Performance for New Stationary Sources for sources identified in Title 33 and 37 to LRAPA.

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

AGENDA ITEM L - REQUEST BY COOS COUNTY FOR A VARIANCE FROM REFUSE BURNING LIMITATIONS, OAR 330-21-025 (2) (b), AT THE BEAVER HILL DISPOSAL SITE.

The Coos County Solid Waste Department operates four incinerators at the Beaver Hill site between Coos Bay and Bandon for volume reduction purposes. Source test results show that these units do not comply with the 0.1 grain per standard cubic foot emission limit.

Coos County has requested a variance from the grain loading limit because the cost of air pollution control equipment on these high temperature (1500-1600° F) gases would be impractical considering the anticipated small emission reductions. Overall emissions from these facilities are relatively low and cause no adverse impact.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission grant a variance from the particulate emission limitations

of OAR 340-21-025(2)(b) to Coos County for the operation of the Beaver Hill refuse incinerators, conditioned upon continuing maintenance and operation so as to minimize air quality impacts, maintaining compliance with a 20% maximum plume opacity and operating the site in a nuisance-free manner.

SKIP SUMSTIEN, Superintendent, Coos County Solid Waste Department, appeared to answer any questions from the Commission.

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

AGENDA ITEM M - REQUEST FOR RELIEF FROM ON-SITE SEWAGE DISPOSAL REQUIREMENTS, (PETITION FOR RULEMAKING), IN CHRISTMAS VALLEY TOWNSITE, LAKE COUNTY.

This deals with a petition to amend the On-Site Sewage Disposal Rules by adopting a regional rule for Christmas Valley Townsite in Lake County. Shallow groundwater in Christmas Valley is saline and unusable for domestic, industrial or agricultural purposes; however, under present rules, many sites are being denied unnecessarily due to lack of separation between the bottom of the disposal trench and the saline water table.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission authorize a public hearing to take testimony on proposed alternatives for a regional rule, OAR 330-71-400(4), as set forth in Attachment E.

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

AGENDA ITEM N - PETITION TO AMEND OAR, CHAPTER 330, DIVISION 71, APPENDIX A(9), BEDROOM DEFINITION

This deals with a petition to amend the On-Site Sewage Disposal Rules definition of a bedroom. The senior sanitarian from Tillamook County is having problems administering the present bedroom definition and wishes to revert to the old pre-1978 definition.

Director's Recommendation

Based upon the summation, it is recommended that the Commission instruct staff to include Mr. Marshall's proposed definition in the January 1982 rule amendment package in order to elicit testimony.

DOUG MARSHALL, Tillamook County Senior Sanitarian, requested a regional rule to be used in Tillamook County until rules are amended in January, 1982. He is encountering difficulties in his county in interpretation of the existing rules and opposes the Director's Recommendation to delay amendments.

Commissioner Somers MOVED to deny the Director's Recommendation, but the motion died for lack of a second.

It was MOVED by Commissioner Bishop, seconded by Commissioner Brill, and passed that the Director's Recommendation be approved. Commissioner Somers voted no.

AGENDA ITEM O - REQUEST BY CLATSOP COUNTY FOR EXTENSION OF VARIANCES FROM RULES PROHIBITING OPEN BURNING DUMPS, OAR 330-61-040(3)

Solid Waste disposal sites at Cannon Beach, Elsie and Seaside in Clatsop County are scheduled to close as soon as a suitable alternative becomes available. The sites currently operate as open burning dumps under variances from the Department rules.

When Clatsop County last appeared before the Commission, in November, 1980, it was believed that a new regional landfill would be available for use by November 1, 1981. However, the county has had to abandon that site and is now in the process of securing an alternative landfill site. The county estimates this may result in a delay of up to two years and is requesting that the variances be extended accordingly.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission grant an extension of variances to OAR 330-61-040(3), until November 1, 1982, for the Cannon Beach, Elsie, and Seaside disposal sites.

ROGER BURKE, Clatsop County Commissioner, requested an extension of the project for two years instead of the one year recommended by the Department.

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

AGENDA ITEM R - PROPOSED ADOPTION OF AMENDMENTS TO HAZARDOUS WASTE MANAGEMENT RULES, OAR 330-63-011, 63-125, 63-130 and 63-135.

The Department is proposing adoption of amendments to its hazardous waste management rules. The current rules were adopted in May, 1979. A portion of those rules pertain to standards and best management practices for the disposal of waste pesticides and their empty containers. We have found in the last 2 1/2 years of implementation that these rules are difficult to interpret which lead to inadequate guidance for acceptable management alternatives to disposal at a hazardous waste disposal site.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission adopt the proposed amendments to the Department's hazardous waste management rules, OAR 340-63-011, 63-125, 63-130 and 63-135, and guidelines.

It was MOVED by Commissioner Somers, seconded by Commissioner Brill, and passed unanimously to hold this item over to the next regular EQC meeting.

AGENDA ITEM 5 - PROPOSED ADOPTION OF RULES FOR POLLUTION CONTROL FACILITY TAX CREDIT FEES, OAR 340-011-200

The 1981 Legislative Assembly passed House Bill 2288 which allows the Commission to charge fees for processing tax credit applications. At the same time, the Legislature removed the General Fund from the Department's 1981-83 budget which in the past had paid for administration of the program. Continued administration of the program, therefore, requires the establishment of a fee schedule.

After proper public notice, the Department held a public hearing on proposed rules to set fees. Some revisions to the proposed rules were made as a result of testimony received in the hearing process. The Department is now seeking adoption of the rule.

Director's Recommendation

Based upon the findings in the summation, it is recommended that the Commission adopt the proposed rule for tax credit fees, OAR 330-11-200.

TOM DONACA, AOI, requested a change in the language at line 6, as follows:

"...\$5,000, except that if the application processing fee is less than \$50, no application processing fee shall be charged"

[Underlined portion to be added.]

It was MOVED by Commissioner Somers, seconded by Commissioner Brill, and

passed unanimously that the Director's Recommendation, including Mr. Donaca's amendment, be approved.

AGENDA ITEM T - PROPOSED ADOPTION OF REVISIONS TO OREGON ADMINISTRATIVE RULES CHAPTER 340, STATE FINANCIAL ASSISTANCE TO PUBLIC AGENCIES FOR POLLUTION CONTROL FACILITIES.

Senate Bill 142 (Chapter 312, Oregon Laws 1981) increased the percentage of eligible project costs (from 70% to 100%) that can be financed by loans from the Pollution Control Bond Fund. It also authorized the Department to assess those entities to whom loans are made to recover expenses incurred in administering the Bond Fund program.

The Department's 1981-83 budget was amended to include \$116,000 to Bond Fund administrative expense recovery.

No one appeared to testify at the Public Hearing, and the Department therefore proposes to adopt the proposed revisions to the rules.

Director's Recommendation

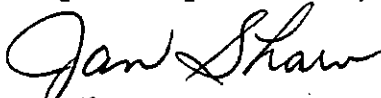
Based upon the summation, the Director recommends that the Commission adopt the proposed revisions to Oregon Administrative Rules Chapter 340, Divisions 81 and 82, necessary to make 100% loans and to make assessments to recover Bond Fund administrative expenses.

It was MOVED by Commissioner Bishop, seconded by Commissioner Brill, and passed that the Director's Recommendation be approved.

Commissioner Somers abstained.

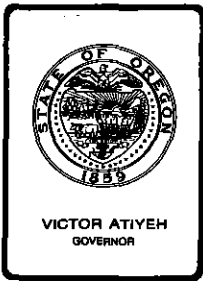
There being no further business, the meeting was adjourned by the Vice Chairman.

Respectfully submitted,



Jan Shaw
Commission Assistant

JS:k



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. B, December 4, 1981, EQC Meeting
September, October, 1981, Program Activity Reports

Discussion

Attached are the September and October, 1981, Program Activity Reports.

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

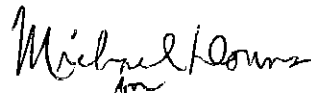
Water Quality and Solid Waste facility plans and specifications approvals or disapprovals and issuance, denials, modifications and revocations of air, water and solid waste permits are prescribed by statutes to be functions of the Department, subject to appeal to the Commission.

The purposes of this report are:

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

Recommendation

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


William H. Young
Director

M. Downs:k
229-6485
November 12, 1981
Attachments
MA98 (2)

DEPARTMENT OF ENVIRONMENTAL QUALITY

Monthly Activity Report

September, October, 1981

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SEPTEMBER, 1981 MONTHLY ACTIVITY REPORT

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

AQ, WQ, SW Divisions (Reporting Unit)	September, 1981 (Month and Year)
--	-------------------------------------

SUMMARY OF PLAN ACTIONS

	Plans Received		Plans Approved		Plans Disapproved		Plans Pending
	<u>Month</u>	<u>FY</u>	<u>Month</u>	<u>FY</u>	<u>Month</u>	<u>FY</u>	
<u>Air</u>							
Direct Sources	6	30	5	29	0	0	47
Small Gasoline Storage Tanks Vapor Controls	0	0	0	0	0	0	0
TOTAL	6	30	5	29	0	0	47
<u>Water</u>							
Municipal	40	127	53	112	0	0	9
Industrial	5	13	3	15	0	0	14
TOTAL	45	140	56	127	0	0	23
<u>Solid Waste</u>							
Gen. Refuse	3	26	0	19	0	0	17
Demolition	3	4	0	5	0	0	3
Industrial	0	7	0	10	0	0	3
Sludge	0	3	0	3	0	0	0
TOTAL	6	40	0	37	0	0	23
<u>Hazardous Wastes</u>							
	-	-	-	-	-	-	-
 GRAND TOTAL	 57	 210	 61	 193	 0	 0	 93

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
MONTHLY ACTIVITY REPORT

Direct Sources

PLAN ACTIONS COMPLETED

County	Number	Source	Process Description	Date of	
				Action	Action
DOUGLAS	758	HANNA WICKEL SMELTING	UPGRADE CALCINER ESP...	08/27/81	APPROVED
LINN	772	NORTH SANTIAM PLYWOOD CO	MULTICLONE & HI-EFF CYC	09/04/81	APPROVED
COLUMBIA	773	OWENS-CORNING FIBERGLAS	(2) DUCON SCRUBBERS	08/26/81	APPROVED
WASHINGTON	789	WILBANKS INTERNATIONAL	CERAMIC PLANT	09/17/81	APPROVED
MULTNOMAH	793	CARSON OIL CO	BULK PLANT VOC CONTROLS	09/11/81	APPROVED

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

September, 1981
(Month and Year)

SUMMARY OF AIR PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions Pending	Sources Under Permits	Sources Reqr'g Permits
	Month	FY	Month	FY			
<u>Direct Sources</u>							
New	5	7	1	4	18		
Existing	4	8	4	7	16		
Renewals	7	29	10	8	68		
Modifications	2	3	4	13	5		
Total	18	47	19	62	107	2009	2043
<u>Indirect Sources</u>							
New	1	6	3	3	6		
Existing	0	0	0	0	0		
Renewals	0	0	0	0	0		
Modifications	0	2	1	2	0		
Total	1	8	4	5	6	193	0
<u>GRAND TOTALS</u>	19	55	22	66	114	2202	2043

Number of
Pending Permits

Comments

16	To be drafted by Northwest Region
5	To be drafted by Willamette Valley Region
4	To be drafted by Southwest Region
3	To be drafted by Central Region
3	To be drafted by Eastern Region
3	To be drafted by Program Planning Division
6	To be drafted by Program Operations
20	Awaiting Public Notice
27	Awaiting the end of the 30-day period
<u>107</u>	TOTAL

MAR.5 (8/79) AA1435 (1)

DEPARTMENT OF ENVIRONMENTAL QUALITY
 AIR QUALITY DIVISION
 MONTHLY ACTIVITY REPORT
 PERMITS ISSUED

DIRECT STATIONARY SOURCES

COUNTY	SOURCE	PERMIT NUMBER	APPLIC. RECEIVED	STATUS	DATE ACHIEVED	TYPE OF APPLICATION
MULTNOMAH	ESCO CORPORATION PLANT 3	26	2867 08/26/81	PERMIT ISSUED	08/27/81	MOD
MULTNOMAH	ESCO CORPORATION PLANT 1	26	2088 08/26/81	PERMIT ISSUED	08/27/81	MOD
CLACKAMAS	PUBLISHERS PAPER CO	03	1850 07/23/81	PERMIT ISSUED	09/02/81	MOD
MULTNOMAH	MCCLOSKEY VARNISH CORP	26	1902 12/23/80	PERMIT ISSUED	09/14/81	EXT
LINN	PLYBOARD CORPORATION	22	1037 12/07/79	PERMIT ISSUED	09/16/81	NEW
BAKER	OREGON PORTLAND CEMENT	01	0010 11/10/80	PERMIT ISSUED	09/17/81	RNW
BENTON	MORSE BROS	02	2088 02/18/81	PERMIT ISSUED	09/17/81	RNW
DOUGLAS	JOHNSON ROCK PRODUCTS, IN	10	0123 00/00/00	PERMIT ISSUED	09/17/81	MOD
JOSEPHINE	COPELAND PAVING INC	17	0055 04/09/81	PERMIT ISSUED	09/17/81	RNW
MARION	RAWLINSONS LAUNDRY	24	5274 04/09/81	PERMIT ISSUED	09/17/81	RNW
MULTNOMAH	WESTERN PACIFIC CNST MTLs	26	1910 04/13/81	PERMIT ISSUED	09/17/81	RNW
UMATILLA	GENERAL FOODS CORP	30	0012 02/18/81	PERMIT ISSUED	09/17/81	RNW
WASHINGTON	BANKS ROCK PRODUCTS	34	2635 04/09/81	PERMIT ISSUED	09/17/81	RNW
PORT.SOURCE	PRODUCTION CRUSHERS	37	0135 01/09/81	PERMIT ISSUED	09/17/81	RNW
PORT.SOURCE	E & G CRUSHING CO.	37	0278 00/00/00	PERMIT ISSUED	09/17/81	EXT
GRANT	BLUE MT FOREST PRODUCTS	12	0022 06/12/80	PERMIT ISSUED	09/18/81	RNW
UMATILLA	PRECISION WOOD PRODUCTS	30	0094 10/09/79	PERMIT ISSUED	09/18/81	EXT
MULTNOMAH	WESTERN PACIFIC CNST MTLs	26	1895 04/13/81	PERMIT ISSUED	09/24/81	RNW
TILLAMOOK	JOHN MALCOM	29	0069 11/21/80	PERMIT ISSUED	09/24/81	EXT

TOTAL NUMBER QUICK LOOK REPORT LINES 19

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

September, 1981
(Month and Year)

PERMIT ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	* *
Indirect Sources				
Clackamas	4000 Kruse Way Place 531 Spaces File No. 03-8106	9/11/81	Final Permit Issued	*
Washington	TV Highway - Beaverton Apartment Project 643 Spaces File No. 39-8107	9/29/81	Final Permit Issued	*
Multnomah	39th Ave. - SE Glenwood to NE Glisan File No. 26-8108	9//30/81	Final Permit Issued	*
Benton	Hewlett-Packard Parking Lot Expansion 900 Spaces File No. 02-5059 (Modification)	9/11/81	Final Permit Issued	*

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality
(Reporting Unit)

September 1981
(Month and Year)

PLAN ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
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MUNICIPAL WASTE SOURCES 53

Josephine	Highway Missionary Soc. SSD System	9-2-81	P.A.	
Deschutes	Terrebonne Restaurant Terrebonne	9-3-81	Memo to Reg. Office - Bend	
Marion	Pershing St. Sewer Ext. Mt. Angel	9-4-81	P.A.	
Grant	West John Day Ind. Park John Day	9-4-81	P.A.	
Jackson	Fairlane Drive Sanitary Sewers BCVSA	9-4-81	P.A.	
Klamath	First Addition to Chia Park (revised) Klamath Falls	9-4-81	P.A.	
Lane	Contract C-3 Solids Processing, MWMC	9-10-81	P.A.	
Lane	Contract C-6 Final Treatment (minus outfall), MWMC	9-10-81	P.A.	
Lane	Contract C-8 Process instrumentation and control, MWMC	9-10-81	P.A.	
Lane	Contract C-15 Pretreatment (minus emergency overflow), MWMC	9-10-81	P.A.	
Lane	Contract E-9 No. 2 Water pumps, MWMC	9-10-81	P.A.	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit)	September 1981 (Month and Year)
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PLAN ACTIONS COMPLETED

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

MUNICIPAL WASTE SOURCES Cont'd.

Lane	Contract E-54 Sludge sprinkler and pumping system, MWMC	9-10-81	P.A.
Lane	Munsel Lake Rd. Pump Station (revised) Florence	9-15-81	Verbally reviewed with engineer by telephone
Klamath	Harbor Isles - Tract 1209 Sanitary Sewers Klamath Falls	9-16-81	P.A.
Clackamas	Mathias Addition Sanitary Sewers Molalla	9-16-81	P.A.
Tillamook	Uppertown - 1st Addition Sanitary Sewers NTCSA	9-16-81	P.A.
Lincoln	Whispering Pines Sanitary Sewers Newport	9-16-81	P.A.
Douglas	City of Roseburg Sanitary Sewers	9-17-81	P.A.
Lincoln	"Taylor 10 Unit Condo" Sanitary Sewers Lincoln City	9-17-81	P.A.
Clackamas	Morgan Terrace off SE Lindenbrook Dr. Sanitary Sewers Oak Lodge Sanitary Dist.	9-17-81	P.A.
Jackson	Jessica Lane P.U.D. Ashland	9-17-81	P.A.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

<u>Water Quality</u>	<u>September 1981</u>
(Reporting Unit)	(Month and Year)

PLAN ACTIONS COMPLETED

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

MUNICIPAL WASTE SOURCES Cont'd.

Clackamas	Galen Court Sanitary Sewers Lake Oswego	9-17-81	P.A.
Clackamas	Mather Road Sewer Extension CCSD #1	9-17-81	P.A.
Clackamas	Elare Estates Sewer Extension West Linn	9-17-81	P.A.
Tillamook	Bayview Addition Lots 11-16 Lateral C-3 Bay City	9-18-81	P.A.
Grant	Collection Sewer Ext. HUD Project Prairie City	9-18-81	P.A.
Lane	Reconstruction Project A Sanitary Sewers Lowell	9-18-81	P.A.
Lane	Reconstruction Project B Sanitary Sewers Lowell	9-18-81	P.A.
Lane	Schedule "B" River Road Interceptor Sewer - Phase II Cottage Grove	9-21-81	P.A.
Lane	Schedule "C" Sewer Repairs Cottage Grove	9-21-81	P.A.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality
(Reporting Unit)

September 1981
(Month and Year)

PLAN ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
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MUNICIPAL WASTE SOURCES Contn'd.

Lane	Schedule "D" Sewer Sealing Cottage Grove	9-21-81	P.A.	
Lane	Schedule "E" Storm Sewer Improvements Cottage Grove	9-21-81	P.A.	
Lane	Schedule "F" Sewer Sealing Cottage Grove	9-21-81	P.A.	
Harney	Pump Station Ochoco Nat. Forest Hqs. Hines	9-23-81	Verbal comments to Regional Office - Bend	
Lane	Contract E-10 Willakenzie Pump Station Pumps, MWMC	9-23-81	P.A.	
Lane	Contract C-12 Willakenzie Pump Station, MWMC	9-23-81	P.A.	
Lane	Contract C-14 Outfall and Emergency Overflow, MWMC	9-23-81	P.A.	
Lane	Contract C-18 River Crossing (OWOSSO Bridge), MWMC	9-23-81	P.A.	
Lane	Contract M-41 Force Main Pipe, MWMC	9-23-81	P.A.	
Lane	Contract E-41 Aerators, MWMC	9-23-81	P.A.	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality
(Reporting Unit)

September 1981
(Month and Year)

PLAN ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	* *
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MUNICIPAL WASTE SOURCES Cont'd.

Lane	Contract E-42 Irrigation System, MWMC	9-23-81	P.A.	
Lane	Contract C-72 EBI Extension and Relief Sewer, MWMC	9-23-81	P.A.	
Lane	Contract C-73 Eugene Sewer Collection System Rehabilitation, MWMC	9-28-81	P.A.	
Multnomah	NE 135th (south of Whitaker Way) Sanitary Sewers Multnomah County	9-28-81	P.A.	
Columbia	Cooley Moorage SSD System - Houseboats Columbia County	9-28-81	Reviewed with Region and Design Engineer	
Curry	Fairground Sewer Sanitary Sewers Gold Beach	9-28-81	P.A.	
Douglas	Mercy Medical Center North Roseburg San. Dist.	9-28-81	P.A.	
Clackamas	F. M. Garmire (minor partition)	9-28-81	P.A.	
Lincoln	Whispering Pines (revised) Sanitary Sewers Newport	9-29-81	P.A.	
Multnomah	Sandee Palisades Sanitary Sewers	9-29-81	P.A.	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

<u>Water Quality</u>	<u>September 1981</u>
(Reporting Unit)	(Month and Year)

PLAN ACTIONS COMPLETED

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

MUNICIPAL WASTE SOURCES Cont'd.

Multnomah	SW 66th Ave and SW Locust Streets Sanitary Sewers Portland	9-29-81	P.A.
Marion	South Sublimity Dev. Sublimity	9-30-81	P.A.
Clackamas	SE Llewellyn Street Sanitary Sewers Milwaukie	9-30-81	P.A.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division

(Reporting Unit)

September 1981

(Month and Year)

PLAN ACTIONS COMPLETED

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

INDUSTRIAL WASTE SOURCES 3

Lane	Agripac Plant No. 4 Eugene, Wash Water Clarifier & Screen	8/14/81	Approved
Marion	Northwest Organics, Aurora Additional Aeration to Treatment Pond	9/1/81	Approved
Multnomah	Carson Oil Inc. Fuel Spill Tank	9/14/81	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

September, 1981
(Month and Year)

SUMMARY OF WATER PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions Pending	Sources Under Permits	Sources Reqr'g Permits
	Month	Fis.Yr.	Month	Fis.Yr.			
	* /**	* /**	* /**	* /**	* /**	* /**	* /**
<u>Municipal</u>							
New	1 /2	1 /4	0 /3	0 /6	4 /4		
Existing	0 /0	0 /0	0 /0	0 /0	0 /0		
Renewals	5 /0	21 /5	12 /6	13 /11	27 /8		
Modifications	0 /0	0 /0	2 /0	3 /1	2 /0		
Total	6 /2	22 /9	14 /9	16 /18	33 /12	264 /98	268 /102
<u>Industrial</u>							
New	0 /0	2 /2	1 /1	1 /5	5 /19		
Existing	0 /0	0 /0	0 /0	0 /0	0 /1		
Renewals	7 /1	26 /11	6 /4	9 /10	48 /17		
Modifications	0 /0	3 /0	0 /0	5 /1	1 /1		
Total	7 /1	31 /13	7 /5	15 /16	54 /38	373/162	378/182
<u>Agricultural (Hatcheries, Dairies, etc.)</u>							
New	0 /0	0 /0	0 /0	0 /0	1 /0		
Existing	0 /0	0 /0	0 /0	0 /0	0 /0		
Renewals	0 /0	1 /0	1 /0	1 /0	0 /0		
Modifications	0 /0	0 /0	0 /0	0 /0	0 /0		
Total	0 /0	1 /0	1 /0	1 /0	1 /0	54 /20	55 /20
<u>GRAND TOTALS</u>	13 /3	54 /22	22 /14	32 /34	88 /50	691/280	701/304

* NPDES Permits
** State Permits

1. Six General Permits issued.
2. Coos Bay Timber operations, Kenstone, cancelled due to inactivity.
3. Boardman changed from NPDES to WPCF.
4. Permits Pending adjusted to count.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit)	September, 1981 (Month and Year)
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PERMIT ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
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MUNICIPAL AND INDUSTRIAL SOURCES NPDES PERMITS (20)

Wasco	The Dalles Cherry Growers	9/1/81	Permit Renewed
Lane	Eugene Water & Electric Bd. (Hilyard Steam Plant)	9/1/81	Permit Renewed
Tillamook	Neskowin Lodge STP	9/1/81	Permit Renewed
Clackamas	U.S. Dept. of Interior Eagle Creek Fish Hatchery	9/15/81	Permit Renewed
Tillamook	Netarts-Oceanside S.D. STP	9/15/81	Permit Renewed
Tillamook	Bay City, STP	9/15/81	Permit Renewed
Tillamook	Louisiana-Pacific Corp. Tillamook	9/15/81	Permit Renewed
Tillamook	Pacific City S.D. STP	9/15/81	Permit Renewed
Lincoln	Siletz Keys S.D. STP	9/15/81	Permit Renewed
Clatsop	City of Warrenton STP	9/15/81	Permit Renewed
Washington	USA, Rock Creek STP	9/15/81	Permit Renewed
Marion	City of Salem Willow Lake, STP	9/15/81	Permit Renewed
Lane	Weyerhaeuser Co. Kraft & Paper Springfield	9/21/81	Permit Renewed

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit)	September, 1981 (Month and Year)
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PERMIT ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action
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MUNICIPAL AND INDUSTRIAL SOURCES NPDES PERMITS (cont.d)

Polk	City of Salem Wallace Rd., STP	9/24/81	Permit Renewed
Baker	Brooks Minerals, Inc. Mining, Baker	9/24/81	Permit Issued
Jackson	City of Butte Falls STP	9/25/81	Permit Renewed
Multnomah	Portland-Willamette Co. Portland	9/25/81	Permit Renewed
Curry	Meredith Fish Co. Brookings	9/25/81	Permit Renewed
Linn	Greater Albany School District No. 8-J (Tangent Elementary) STP	9/25/81	Permit Renewed
Josephine	Redwood Sanitary Sewer Service District, STP	9/25/81	Permit Renewed

MUNICIPAL AND INDUSTRIAL SOURCES - STATE PERMITS (14)

Lake	Town of Lakeview STP	9/15/81	Permit Renewed
Klamath	TP Packing Co. Klamath Falls	9/15/81	Permit Renewed
Washington	Crown Rendering Co. Hillsboro	9/15/81	Permit Renewed

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit)	September, 1981 (Month and Year)
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PERMIT ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
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MUNICIPAL AND INDUSTRIAL SOURCES - STATE PERMITS (cont.d)

Clackamas	Tigard School Dist. 23-J (E. Tualatin Elementary) STP	9/15/81	Permit Issued	
Benton	Wildish Sand & Gravel Corvallis	9/24/81	Permit Issued	
Marion	Breiten Bush Hot Springs Upper Camp, STP	9/29/81	Permit Issued	
Deschutes	Brooks Resources, Inc. Black Butte Ranch, STP	9/29/81	Permit Renewed	
Malheur	Farewell Bend, Inc. Motor Inn, STP	9/29/81	Permit Renewed	
Curry	Ted L. Freeman Gravel Operation, Brookings	9/29/81	Permit Renewed	
Jackson	M. C. Lininger & Sons, Inc. Kirtland Road Central Point	9/29/81	Permit Renewed	
Jackson	Arthur Muchmore Rainey's Corner Market Sams Valley, STP	9/29/81	Permit Issued	
Marion	Ore. State Penitentiary Farm Annex, Salem, STP	9/29/81	Permit Renewed	
Lake	Weyerhaeuser Co. Camp 9, STP	9/29/81	Permit Renewed	
Klamath	Weyerhaeuser Co. Camp 14, STP	9/29/81	Permit Renewed	

MAR.6 (5/79) WG513 (1)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit)	September, 1981 (Month and Year)
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PERMIT ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action
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MUNICIPAL & INDUSTRIAL SOURCES - MODIFICATIONS (2)

Jackson	City of Gold Hill STP	9/1/81	Addendum #1
Clackamas	City of Wilsonville STP	9/1/81	Addendum #1

MUNICIPAL & INDUSTRIAL SOURCES GENERAL PERMITS (6)

Cooling Water - New Permit No. 0100-J, File 32539 (4)

Josephine	Fourply, Inc. Grants Pass 2409J/30810	9/10/81	Transferred to General Permit
Jackson	Modoc Orchard Co. Medford 3194J/57500	9/23/81	Transferred to General Permit
Multnomah	Beall Pipe Inc. Portland 2976J/6739	9/24/81	Transferred to General Permit
Klamath	City of Klamath Falls File 46750	9/29/81	General Permit Issued

Aquatic Animal Production - New Permit No. 0300-J, File 32542 (1)

Clatsop	Frederick Farner Astoria File 29036	9/24/81	General Permit Issued
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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

<u>Water Quality</u>	<u>September, 1981</u>
(Reporting Unit)	(Month and Year)

PERMIT ACTIONS COMPLETED

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

MUNICIPAL & INDUSTRIAL SOURCES GENERAL PERMITS cont.d) (6)

Portable Suction Dredges - New Permit No. 0700-J, File 34547 (1)

Benton	Nordhauser & Baker Corvallis (Use in Umpqua & Cow Creek) File 60800	9/10/81	General Permit Issued
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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

September 1981
(Month and Year)

SUMMARY OF SOLID AND HAZARDOUS WASTE PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions Pending	Sites Under Permits	Sites Reqr'g Permits
	Month	FY	Month	FY			
<u>General Refuse</u>							
New	2	9	-	5	3		
Existing	-	2	-	4	2		
Renewals	1	70	4	58	19		
Modifications	-	6	-	19	1		
Total	3	87	4	86	25	166	166
<u>Demolition</u>							
New	-	4	-	7	-		
Existing	-	2	-	-	1		
Renewals	1	4	1	5	1		
Modifications	-	2	-	4	-		
Total	1	12	1	16	2	21	21
<u>Industrial</u>							
New	-	14	-	15	2		
Existing	-	3	-	-	-		
Renewals	1	30	-	36	14		
Modifications	-	3	-	4	-		
Total	1	50	-	55	16	101	101
<u>Sludge Disposal</u>							
New	-	5	-	6	-		
Existing	-	-	-	1	-		
Renewals	-	3	-	2	1		
Modifications	-	-	-	1	-		
Total	-	8	-	10	1	15	15
<u>Hazardous Waste</u>							
New	35	460	35	460	-		
Authorizations	-	-	-	-	-		
Renewals	-	-	-	-	-		
Modifications	-	-	-	-	-		
Total	35	460	35	460	-	1	1
<u>GRAND TOTALS</u>	40	617	40	627	44	304	304

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

<u>Solid Waste Division</u>		<u>September 1981</u>			
<u>(Reporting Unit)</u>		<u>(Month and Year)</u>			
<u>PERMIT ACTIONS COMPLETED</u>					
<u>* County</u>	<u>* Name of Source/Project</u>	<u>* Date of</u>	<u>* Action</u>	<u>* Action</u>	<u>*</u>
<u>*</u>	<u>* /Site and Type of Same</u>	<u>* Action</u>	<u>*</u>	<u>*</u>	<u>*</u>
<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>

General Refuse Facilities

Union	Fox Hill Existing Site	9/1/81	Permit Issued
Polk	Boise Cascade - Valsetz Existing Site	9/23/81	Permit Issued
Marion	Woodburn Existing Site	9/30/81	Permit Issued
Marion	MacLeay Transfer Station Existing Site	9/30/81	Permit Issued

Demolition Waste Facilities

Deschutes	Bend Demolition Site Existing Facility	9/1/81	Permit Issued
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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

September 1981
(Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

WASTE DESCRIPTION

* Date *	Type	Source	Quantity Present	Quantity Future
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DISPOSAL REQUESTS GRANTED (34)

OREGON (11)

8/25	Heavy metals sludge	Electrn. co.	10,000 gal.	50,000 gal.
8/25	API separator sludge	Oil co.	127 drums	130 drums
8/25	Battery casing chips with residual lead	Battery co.	400 lb.	1,500 tons
8/25	Coal tar pitch with light end petroleum distillate, xylene, acetone, toluene, etc.	Aluminum co.	0	9 drums
8/31	Methylene chloride-contaminated polyurethane foam	Plastic injection molding	20 drums	36 drums
8/31	Wastewater heavy metals sludge	Electroplat.	1,000 gal.	5,000 gal.
9/3	PCB-contaminated articles	Ship salvage	28 drums	0
9/11	Caustic cleaning solutions with lead, cresol, orthodichlorobenzene, and chlorotoluene	Public transit system	6,000 gal.	8,100 gal.
9/11	PCB transformers and contaminated materials	Paper co.	800 ft ³	0

WASTE DESCRIPTION

* * Date *	* Type *	* Source *	* Quantity *		* *
			* Present	* Future	
9/11	PCB-contaminated materials	Industrial clean. serv.	24 drums	0	
9/17	Paint sludge	Waste oil processor	116 drums	0	
WASHINGTON (19)					
8/25	Caustic cleaning solutions	Chemical co.	3,000 gal.	0	
8/25	Trichloroethylene sludge	Metal degreasing	15 drums	40 drums	
8/25	PCB liquids	Utility	9 drums	1,000 gal.	
8/25	Leaded gasoline tank bottoms	Gas terminal	1,500 gal.	3,000 gal.	
8/25	Methyl ethyl ketone sludge	Electrical transformers	150 gal.	300 gal.	
8/25	Still bottoms consisting of n-butyl acetate, IPA, methanol and MEK	Solvent processor	39 drums	78 drums	
8/25	Petroleum tank bottoms	Waste oil processor	3 drums	3 drums	
8/25	2,2 dichlorovinyl dimethyl phosphate insecticide	Aerospace	40 gal.	0	
8/25	PCB spill cleanup debris	Chemical co.	7 drums	0	
8/27	Glycol-based ink sludge	Printing ink manuf.	0	36 drums	
8/27	Paint sludge	Paint manuf.	110 drums	12 drums	
8/27	Ink sludge	Printing ink manuf.	0	120 drums	
9/1	Pesticide-contaminated dirt	Spill cleanup	26½ yd ³	0	

WASTE DESCRIPTION

* * Date *	* Type *	* Source *	* Quantity *		* Future *
			* Present *	* Future *	
9/3	Paint sludge	Computer printer manuf.	5 drums	60 drums	
9/3	Isocyanate foam, polyurethane foam and epoxy/polyester resins	Manuf. of skis	10 drums	10 drums	
9/9	1,1,1 Trichloroethane, lacquer thinner, PCB-contaminated fluid	Aluminum co.	8 drums	14 drums	
9/11	Isocyanate, thinner, glue, contact cement and chlorinated hydrocarbon carburetor cleaner	Ski manuf.	0	12,000 gal.	
9/11	Fire debris containing benzoic acid, benzaldehyde, benzyl alcohol, etc.	Chemical co.	300 yd ³	0	
9/17	Paint sludge, Freon sludge, tri-aryl phosphate fluid	Ship building	45 drums	540 drums	
OTHER STATES (4)					
8/25	Heavy metals sludge (Idaho)	Sporting gds.	0	400 yd ³	
9/3	Caustic solutions, heavy waste oil with aluminum shavings (B.C.)	Metal fab.	45 drums	23 drums	
9/9	Leaded petroleum tank bottoms (Alaska)	Oil co.	20 drums	100 drums	
9/11	Pesticides (Alberta)	Chemical co.	128 drums	0	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program
(Reporting Unit)

September, 1981
(Month and Year)

SUMMARY OF NOISE CONTROL ACTIONS

Source Category	New Actions Initiated		Final Actions Completed		Actions Pending	
	Mo.	FY	Mo.	FY	Mo.	Last Mo.
Industrial/ Commercial	3	5	3	3	62	63
Airports			1	3		

MONTHLY ACTIVITY REPORT

Noise Control Program
(Reporting Unit)

September, 1981
(Month and Year)

FINAL NOISE CONTROL ACTIONS COMPLETED

* County	* Name of Source and Location	* Date	* Action
*	*	*	*
Tillamook	Tillamook County Hospital Heliport Tillamook	9/81	Exception Granted
Clackamas	Don Obrist Quarry Brightwood	9/81	Exception Granted
Marion	Buddy Mobile Homes Mt. Angel	9/81	In Compliance
Washington	McCormick Industrial Sandblasting Banks	9/81	In Compliance

CIVIL PENALTY ASSESSMENTS

DEPARTMENT OF ENVIRONMENTAL QUALITY
1981

CIVIL PENALTIES ASSESSED DURING MONTH OF SEPTEMBER, 1981:

<u>Name and Location of Violation</u>	<u>Case No. & Type of Violation</u>	<u>Date Issued</u>	<u>Amount</u>	<u>Status</u>
Kirk Century Farms, Inc. Marion County	AQ-FB-81-01 Field burning after cutoff time.	9/4/81	\$1,000	Mitigation request filed 9/28/81.
Louis Falk Linn County	AQ-FB-81-02 Field burning after cutoff time.	9/4/81	\$1,000	In default.
Doug Green dba/Green Farms Lane County	AQ-FB-81-03 Field burning after cutoff time.	9/4/81	\$1,000	Request for hearing and answer filed on 9/30/81.
Langdon and Sons, Inc. Linn County	AQ-FB-81-04 Field burning after cutoff time.	9/4/81	\$1,000	In default.
Victor Frank Marion County	AQ-FB-81-05 Field burning after cutoff time.	9/4/81	\$1,000	Request for hearing and answer filed on 9/28/81.
Publishers Paper Co. Yamhill County	WQ-WVR-81-84 Unauthorized discharge of process wastewater to public waters.	9/4/81	\$5,000	Paid 9/24/81.
M/V Jupiter c/o Fritz Maritime Multnomah County	AQ-NWR-81-86 Ship's boiler exceeded opacity standards.	9/4/81	\$500	Time to respond to notice extended to 11/15/81.
Clifford Gates, et al. Josephine County	SS-SWR-81-89 Civil penalty and Remedial Action Order for failure to complete repair of on-site SDS installation.	9/28/81	\$275	Request for hearing filed on 10/8/81.

<u>ACTIONS</u>	<u>LAST MONTH</u>	<u>PRESENT</u>
Preliminary Issues	1	6
Discovery	2	2
Settlement Action	4	4
Hearing to be scheduled	5	3
Hearing scheduled	0	0
HO's Decision Due	6	4
Briefing	0	0
Inactive	3	3
 SUBTOTAL of Active Files	 <u>21</u>	 <u>22</u>
HO's Decision Out/Option for EQC Appeal	2	2
Appealed to EQC	0	0
EQC Appeal Complete/Option for Court Review	1	1
Court Review Option Pending or Taken	1	1
Case Closed	3	3
 TOTAL Cases	 <u>28</u>	 <u>29</u>

15-AQ-NWR-76-178 15th Hearing Section case in 1976 involving Air Quality Division violation in Northwest Region jurisdiction in 1976; 178th enforcement action in Northwest Region in 1976.

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

September 1981

DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrl	DEQ Atty	Hrng Date	Resp Code	Case Type & No.	Case Status
FAYDREX, INC.	05/75	05/75	RLB	11/77	Resp.	03-SS-SWR-75-02 64 SSD Permits	Request for Court of Appeals review due 11/2/81.
MEAD and JOHNS, et al	05/75	05/75	RLH		All	04-SS-SWR-75-03 3 SSD Permits	Awaiting completion of Faydrex review
POWELL, Ronald	11/77	11/77	RLB	01/23/80	Hrgs	\$10,000 Fld Brn 12-AQ-MWR-77-241	Decision due
WAH CHANG	04/78	04/78	RLH		Prtys	16-P-WQ-WVR-78-2849-J NPDES Permit Modification	Current permit in force. Hearing deferred.
WAH CHANG	04/78	04/78	RLH		Prtys	08-P-WQ-WVR-78-2012-J NPDES Permit Modification	Current permit in force. Hearing deferred.
M/V TOYOTA MARU No. 10	12/10/79	12/12/79	RLH		Hrgs	17-WQ-NWR-79-127 Oil Spill Civil Penalty of \$5,000	Ruling due on requests for partial summary judgment.
LAND RECLAMATION, INC., et al	12/12/79	12/14/79	FWO	05/16/80		19-P-SW-329-NWR-79 Permit Denial	<u>Petition for Supreme Court review filed.</u>
FORRESTER, Gary	12/20/79	12/21/79	RLH	10/21/80	Resp	20-SS-NWR-79-146 Permit Revocation	Decision issued 8/20/81. No appeal. Case closed.
MEDFORD CORPORATION	02/25/80	02/29/80		05/16/80	Prtys	07-AQ-SWR-80 Request for Declaratory Ruling	Parties attempting to effect compromise
BROWN, Victor	11/05/80	11/12/80	LMS	03/27/81	Resp	29-AQ-WVR-80-163 Civil Penalty of \$1,800	<u>Decision issued 9/30/81.</u>
LOGSDON, Elton	11/12/80	11/14/80	CLR	02/26/81	Hrgs	30-AQ-WVR-80-164 Field Burning Civil Penalty of \$950	Decision due.
MORRIS, Robert	11/10/80	11/14/80	RLH		Resp	31-SS-CR-80 Permit revocation	<u>Summary Judgment ruling deferred at Respondent's request 10/6/81.</u>
HAYWORTH, John W. dba/HAYWORTH FARMS INC.	12/02/80	12/08/80	LMS	04/28/81	Hrgs	33-AQ-WVR-80-187 Field burning civil penalty of \$4,660	Record closed. Decision due.
ROGERS, Donald Jr	12/08/80	12/09/80	RLH		Dept	35-SS-NWR-80-196 Permit denial	Variance granted. Appeal from denial of standard system dismissed. Case closed.
HOPPER, Harold	12/09/80	12/09/80	RLH		Resp	36-SS-NWR-80-197 Permit revocation	<u>Dept's Motion for Summary Judgment filed 9/11/81</u>
JENSEN, Carl F. dba/JENSEN SEED & GRAIN, INC.	12/19/80	12/24/80	CLR	04/16/81	Resp	37-AQ-WVR-80-181 Field burning civil penalty of \$4,000	<u>Decision issued 9/30/81.</u>
GINTER, Lloyd Mr	01/02/81	01/05/81	CLR		Hrgs	02-SS-SWR-80-205 Subsurface sewage Civil penalty of \$100	Respondent personally served 9/4/81. No appeal to EQC. Case closed.
JAL CONSTRUCTION, INC.	02/06/81	02/09/81	LMS	06/12/81	Hrgs	06-AQOB-NWR-81-02 Open burning civil penalty of \$3000	Record closed 6/24/81. Decision due.
CURL, James H., et al	02/09/81	02/12/81			Prtys	07-SS-CR-81 Request for Declaratory Ruling	Attempting informal resolution
OREGON SHORES ASSOCIATES, LTD.	02/11/81	03/09/81	RLH		Prtys	09-WQ-NWR-81	<u>To be scheduled.</u>
MAIN ROCK PRODUCTS, INC	03/11/81	03/16/81	CLR		Prtys	10-WQ-SWR-81-16 Water Quality civil	Settlement effort continues.

September 1981

DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrl	DEQ Atty	Hrng Date	Resp Code	Case Type & No.	Case Status
MEAD, Mel	04/04/81	04/08/81	LMS		Hrgs	13-SS-SWR-81-25 14-SS-SWR-81-26 Subsurface sewage permit denial	To be scheduled
TURNER, Donald B.	06/22/81	06/22/81	CLR		Prtys	15-SS-NWR-81-49	Settlement action
PULLEN, Arthur W. dba Lakes Mobile Home Park	07/15/81	07/15/81	CLR		Hrgs	16-WQ-CR-81-60	To be scheduled for December hearing.
<u>WESTERN SURFACING, INC.</u>	<u>09/09/81</u>	<u>09/09/81</u>	<u>LMS</u>		<u>Prtys</u>	<u>18-AQ-NWR-81-79</u>	<u>Preliminary issues.</u>
<u>FRANK, Victor</u>	<u>09/23/81</u>	<u>09/23/81</u>	<u>CLR</u>		<u>Prtys</u>	<u>19-AQ-FB-81-05</u> <u>FB civil penalty</u> <u>of \$1,000.</u>	<u>Preliminary issues.</u>
<u>GREEN, Douglas</u>	<u>09/28/81</u>	<u>10/07/81</u>	<u>LMS</u>		<u>Prtys</u>	<u>20-AQ-FB-81-03</u> <u>FB civil penalty</u> <u>of \$1,000.</u>	<u>Preliminary issues.</u>
<u>GATES, Clifford</u>	<u>10/06/81</u>		<u>CLR</u>		<u>Prtys</u>	<u>21-SS-SWR-81-90</u>	<u>Answer due. Preliminary</u> <u>issues.</u>

OCTOBER, 1981 MONTHLY ACTIVITY REPORT

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

AQ, WQ, SW Divisions (Reporting Unit)	October, 1981 (Month and Year)
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SUMMARY OF PLAN ACTIONS

	<u>Plans Received</u>		<u>Plans Approved</u>		<u>Plans Disapproved</u>		<u>Plans Pending</u>
	<u>Month</u>	<u>FY</u>	<u>Month</u>	<u>FY</u>	<u>Month</u>	<u>FY</u>	
<u>Air</u>							
Direct Sources	2	32	6	35	0	0	43
Small Gasoline Storage Tanks Vapor Controls	0	0	0	0	0	0	0
TOTAL	2	32	6	35	0	0	43
<u>Water</u>							
Municipal	18	145	15	127	0	0	13
Industrial	3	16	4	19	0	0	13
TOTAL	21	161	19	146	0	0	26
<u>Solid Waste</u>							
Gen. Refuse	1	27	4	23	0	0	13
Demolition	2	6	0	5	0	0	3
Industrial	0	7	0	10	0	1	3
Sludge	0	3	0	3	0	0	0
TOTAL	3	43	4	41	0	1	19
<u>Hazardous Wastes</u>							
	-	-	-	-	-	-	-
 GRAND TOTAL	 26	 236	 29	 222	 0	 1	 88

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
MONTHLY ACTIVITY REPORT

Direct Sources

PLAN ACTIONS COMPLETED

County	Number	Source	Process Description	Date of	
				Action	Action
HOOD RIVER	692	ALLEN PAASCH	ONE ORCHARD FAN	10/08/81	APPROVED
HOOD RIVER	727	MERZ ORCHARDS INC	ELECT WIND MACHINE INSTAL	02/10/81	APPROVED
JACKSON	730	HILLCREST ORCHARDS	OVERTREE SPRINKLER SYSTEM	06/10/81	APPROVED
LANE	777	COAST MANUFACTURING	BAGHOUSE INSTAL	10/01/81	APPROVED
MULTNOMAH	781	OLUMPIC PIPE LINE COMPANY	VOC CONTROLS	08/07/81	APPROVED
LINN	784	CHAMPION BUILDING PRODUCT	NO. 7 DRYER HT REC FURN MOD	09/25/81	APPROVED
TOTAL NUMBER QUICK LOOK REPORT LINES			6		

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
MONTHLY ACTIVITY REPORT

CERTIFICATES ISSUED FOR GASOLINE DELIVERY TRUCKS
PRESSURE - VACUUM TESTED; NON-PERMITTED VOC SOURCES

COUNTY	I.D. NUMBER	OWNER/OPERATOR	TANK NO.	EXPIRATION DATE
MULTNOMAH	26 V510	ALBINA FUEL CO.	269	10/05/82
			99T	10/05/82
MULTNOMAH	26 V419	ARMOUR OIL CO.	149	09/24/82
			49A	09/24/82
MULTNOMAH	26 V057	ARROW TRANSPORTATION CO.	679	09/21/82
			808	09/21/82
			808	09/09/82
			619	09/25/82
			706	09/25/82
			718	10/12/82
			665	10/12/82
			768	10/09/82
			609	10/09/82
MULTNOMAH	26 V056	ASBURY TRANSPORTATION CO.	968	09/02/82
MARION	24 V043	CAPITAL CITY TRANSFER	331	10/14/82
MULTNOMAH	26 V532	FITZ ENTERPRISES	-24	09/10/82
MULTNOMAH	26 V507	LEATHER,S OIL CO.	2	09/04/82
			2A	09/04/82
MULTNOMAH	26 V512	LEE & EASTES TANK LINES	450	10/14/82
			169	10/01/82
MARION	24 V049	METCALFE OIL CO.	60	09/10/82
			60A	09/10/82
MULTNOMAH	26 V333	MOBIL OIL CORP.	5S	10/08/82
MARION	24 V051	PETROLEUM TRANSPORT, INC.	28R	09/15/82
			P32	10/09/82
			18R	09/22/82
			P16	09/22/82
MULTNOMAH	26 V414	PIE	288	10/14/82
			205	10/14/82
MULTNOMAH	26 V531	RAY MORRIS OILS	1	09/02/82
MULTNOMAH	26 V328	TEXACO INC.	472	10/12/82
MARION	24 V048	WILCO FARMERS	1	09/03/82

TOTAL NUMBER QUICK LOOK REPORT LINES

32

32

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

October, 1981
(Month and Year)

SUMMARY OF AIR PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions Pending	Sources Under Permits	Sources Reqr'g Permits
	Month	FY	Month	FY			
<u>Direct Sources</u>							
New	7	14	1	5	24		
Existing	3	11	1	8	18		
Renewals	14	43	10	18	74		
Modifications	1	4	3	16	4		
Total	25	72	15	47	120	2011	2053
<u>Indirect Sources</u>							
New	0	6	2	5	4		
Existing	0	0	0	0	0		
Renewals	0	0	0	0	0		
Modifications	1	3	0	2	1		
Total	1	9	2	7	5	195	199
<u>GRAND TOTALS</u>	26	81	17	54	125	2206	2252

Number of
Pending Permits

Comments

22	To be drafted by Northwest Region
11	To be drafted by Willamette Valley Region
2	To be drafted by Southwest Region
2	To be drafted by Central Region
4	To be drafted by Eastern Region
4	To be drafted by Program Planning Division
16	To be drafted by Program Operations
11	Awaiting Public Notice
48	Awaiting the end of the 30-day period
<u>120</u>	<u>TOTAL</u>

DEPARTMENT OF ENVIRONMENTAL QUALITY
 AIR QUALITY DIVISION
 MONTHLY ACTIVITY REPORT
 PERMITS ISSUED

DIRECT STATIONARY SOURCES

COUNTY	SOURCE	PERMIT NUMBER	APPLIC. RECEIVED	STATUS	DATE ACHIEVED	TYPE OF APPLICATION
BENTON	EVANS PRODUCTS CO.	02	2366 06/02/81	PERMIT ISSUED	09/28/81	EXT
BENTON	LEADING PLYWOOD CORP	02	2479 04/09/81	PERMIT ISSUED	09/28/81	RNW
BENTON	PUBLISHERS PAPER CO	02	7091 06/01/81	PERMIT ISSUED	09/28/81	RNW
CLACKAMAS	KAISER FOUNDATION REG LAB	03	2640 03/12/81	PERMIT ISSUED	09/28/81	RNW
JACKSON	SOUTHWEST FOREST INDUSTR.	15	0039 04/09/81	PERMIT ISSUED	09/28/81	RNW
TILLAMOOK	ERICKSON LUMBER COMPANY	29	0011 05/05/81	PERMIT ISSUED	09/28/81	RNW
COLUMBIA	MULTNOMAH PLYWOOD CORP	05	2076 01/16/81	PERMIT ISSUED	10/01/81	RNW
JACKSON	BOISE CASCADE CORP	15	0046 06/01/81	PERMIT ISSUED	10/01/81	RNW
KLAMATH	MAYWOOD INDUSTRIES	18	0063 06/01/81	PERMIT ISSUED	10/01/81	RNW
PORT.SOURCE	MID-OREGON CRUSHING CO	37	0174 11/27/79	PERMIT ISSUED	10/01/81	RNW
DOUGLAS	DR2 ENTERPRISES	10	0121 10/07/81	PERMIT ISSUED	10/15/81	MOD
MULTNOMAH	NORTHWEST MARINE IRON WKS	26	2592 02/18/81	PERMIT ISSUED	10/19/81	MOD
MULTNOMAH	PORT OF PORTLAND	26	3071 06/01/81	PERMIT ISSUED	10/19/81	NEW
LINN	WILLAMETTE INDUSTRIES	22	7128 08/15/80	PERMIT ISSUED	10/21/81	RNW
YAMHILL	CASCADE STEEL MILLS	36	5034 12/11/80	PERMIT ISSUED	10/23/81	MOD

TOTAL NUMBER QUICK LOOK REPORT LINES 15

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

October, 1981
(Month and Year)

<u>Indirect Source</u>		<u>PERMIT ACTIONS COMPLETED</u>			
* County	* Name of Source/Project	* Date of	* Action	* Action	* Action
*	*/Site and Type of Same	*	*	*	*
*	*	*	*	*	*
Multnomah	U.S. Veterans Admin. Replacement Med. Center 930 Spaces File No. 26-8109	10/13/81	Final Permit Issued		
Linn	Albany Mall 1,726 Spaces File No. 22-8110	10/13/81	Final Permit		

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

October 1981
(Month and Year)

PLAN ACTIONS COMPLETED - 19

* County	* Name of Source/Project	* Date of	* Action	* Action	* Action
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INDUSTRIAL WASTE SOURCES 4

Linn	Rem Metals, Pump and Level Control for Irrigation Systems	9/29/81	Approved		
Coos	Main Rock Products Rock Quarry Settling Pond	10/8/81	Approved		
Clackamas	Avison Lumber Co. PCP Division	10/15/81	Approved		
Washington	Tektronix, Beaverton Acetone Removal System	10/19/81	Approved		

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality
(Reporting Unit)

October 1981
(Month and Year)

PLAN ACTIONS COMPLETED - 19

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
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MUNICIPAL WASTE SOURCES 15

Multnomah	Halsey Station Sanitary Sewers City of Troutdale	9-29-81	P.A.	
Douglas	Terrace Drive Extension Sanitary Sewers City of Glide	10-12-81	P.A.	
Deschutes	Oregon Water Wonderland II Sewers & STP	10-16-81	P.A.	
Klamath	Second Addition Sewerage System City of Chiloquin	10-16-81	P.A.	
Wasco	Deschutes River Heights Sanitary Sewers City of Maupin	10-16-81	P.A.	
Lane	Freedom Pines Subdivision Sanitary Sewers City of Veneta	10-16-81	P.A.	
Douglas	Extension on 2nd St. Sanitary Sewers City of Sutherlin	10-16-81	P.A.	
Lincoln	Municipal Sewage Treatment Plant Facilities Expansion Toledo	10-26-81	P.A.	
Lincoln	Sewage Lift Station and Force Main Improvements Toledo	10-26-81		

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

PLAN ACTIONS COMPLETED

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

MUNICIPAL WASTE SOURCES Cont'd.

Jackson	Laurelwood Sanitary Sewers City of Jacksonville	10-26-81	P.A.
Grant	Industrial Park Sewage Pump Station John Day	10-27-81	P.A.
Douglas	Green Sanitary District Sewer Rehabilitation	10-30-81	P.A.
Tillamook	Lot M-5 Extension/ Classic Ridge Beach Subdivision NTCSA	10-30-81	P.A.
Jackson	Starlite Lane Arca Project 79-6 B.C.V.S.A.	10-30-81	P.A.
Jackson	East Gregory Extension Project 80-15 B.C.V.S.A.	10-30-81	P.A.

P.A. - Provisional Approval

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

October 1981
(Month and Year)

SUMMARY OF WATER PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions Pending	Sources Under Permits	Sources Reqr'g Permits
	Month	Fis.Yr.	Month	Fis.Yr.			
	* /**	* /**	* /**	* /**	* /**	* /**	* /**
<u>Municipal</u>							
New	0 /2	1 /6	0 /0	0 /6	4 /6		
Existing	0 /0	0 /0	0 /0	0 /0	0 /0		
Renewals	3 /2	24 /7	4 /3	17 /14	26 /7		
Modifications	1 /0	1 /0	0 /0	3 /1	3 /0		
Total	4 /4	26 /13	4 /3	20 /21	33 /13	252/95	256/101
<u>Industrial</u>							
New	0 /2	2 /4	1 /5	2 /10	4 /16		
Existing	0 /0	0 /0	0 /0	0 /0	0 /1		
Renewals	5 /2	31 /13	0 /1	9 /11	51 /18		
Modifications	1 /0	4 /0	1 /1	6 /2	1 /0		
Total	6 /4	37 /17	2 /7	17 /23	56 /35	372/171	376/188
<u>Agricultural (Hatcheries, Dairies, etc.)</u>							
New	0 /0	0 /0	0 /0	0 /0	1 /0		
Existing	0 /0	0 /0	0 /0	0 /0	0 /0		
Renewals	0 /0	1 /0	0 /0	1 /0	0 /0		
Modifications	0 /0	0 /0	0 /0	0 /0	0 /0		
Total	0 /0	1 /0	0 /0	1 /0	1 /0	51/19	53/19
<u>GRAND TOTALS</u> ***	10 /8	64 /30	6 /10	38 /44	90 /48	676 /285	685/308

*** Seven General Permits Issued
Schnitzer Steel Products Cancelled due to Inactivity
Permits pending and under permit adjusted to count.

* NPDES Permits
** State Permits

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit)	October 1981 (Month and Year)
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PERMIT ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
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MUNICIPAL AND INDUSTRIAL SOURCES - NPDES PERMITS

(5)

Union	City of Union STP	10/1/81	Permit Renewed	
Clackamas	City of Portland Tryon Creek STP	10/1/81	" "	
Baker	City of Huntington STP	10/1/81	" "	
Baker	City of Halfway STP	10/1/81	" "	
Multnomah	Port of Portland Terminal 5 (Bulk Storage)	10/20/81	Permit Issued	

MUNICIPAL AND INDUSTRIAL SOURCES - STATE PERMITS

(9)

Morrow	City of Boardman STP	10/8/81	Permit Renewed	
Klamath	Town of Bonanza STP	10/8/81	" "	
Umatilla	Union Pacific Railroad (Oil Sludge Disposal)	10/8/81	Permit Issued	
Lane	Lynnbrook, Inc. Lynnbrook Subdiv. STP	10/20/81	Permit Renewed	
Baker	U.S. National Bank Parkerville Placer Claim (Brandenthaler Estate)	10/26/81	" "	
Grant	Glen Nazer (Boulder Cr. Placer Mine)	10/26/81	" "	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit)	October 1981 (Month and Year)
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PERMIT ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	* *
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MUNICIPAL AND INDUSTRIAL SOURCES - STATE PERMITS Continued

Baker	3-Elks Mining Co. (LeRoy Valentine)	10/26/81	Permit Issued
Baker	C.G. Vickerman & Meissner (North Tom Placer Mine)	10/26/81	" "
Grant	Wilmax Enterprises Placer Mine	10/26/81	" "

MUNICIPAL AND INDUSTRIAL SOURCES - MODIFICATIONS (2)

Lane	The Murphy Co. Green Veneer, Florence	10/1/81	Addendum #3
Baker	Alan Mellott & Leonard Green Mining	10/1/81	Addendum #1

MUNICIPAL & INDUSTRIAL SOURCES GENERAL PERMITS (7)

Cooling Water - New Permit No. 0100-J, File 32539 (3)

Multnomah	Crown Zellerbach Corp. Ink Div., Portland	10/81	General Permit Issued
Multnomah	Kaiser Cement & Gypsum Corp. Portland 3044J/44571	10/81	Transferred to General Permit
Multnomah	NW Natural Gas Co. Portland 3343J/62231	10/81	Transferred to General Permit

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit)	October 1981 (Month and Year)
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PERMIT ACTIONS COMPLETED

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

MUNICIPAL & INDUSTRIAL SOURCES GENERAL PERMITS (Cont'd.)

Filter Backwash - New Permit No. 0200-J, File 32540 (1)

Yamhill	City of Sheridan WTP	10/81	General Permit Issued		
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Aquatic Animal Production - New Permit No. 0300-J, File 32542 (1)

Clackamas	Clear Lake Rainbow Ranch, Inc., Oregon City 2601J/17150	10/81	Transferred to General Permit		
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Log Ponds - New Permit No. 0400-J, File No. 32544 (1)

Curry	South Coast Lmbr. Co. Brookings 26716J/83215	10/81	Transferred to General Permit		
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Boiler Blowdown - New Permit No. 0500-J, File 34547 (1)

Douglas	Roseburg Lmbr. Co. Sawmill #2, Dillard	10/81	General Permit Issued		
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PERMIT ACTIONS PENDING

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

MUNICIPAL AND INDUSTRIAL SOURCES--NPDES PERMITS (86)

Lane	Dow Corning Corp. Silicon Smelting, Springfield	9/5/78	9/5/78	(N)	
Douglas	City of Sutherlin Nonpareil WTP	6/14/79	6/18/80	(R)	Draft
Washington	U.S.A.--Hillsboro Westside Sewage Disposal	7/30/79	9/29/81	(R)	Applicant Review
Linn	Eugene Water And Electric Board- Carmen Smith	10/19/79	10/19/79	(R)	
Lane	Willamette Industries Springfield Facility	10/30/79		(R)	
Baker	Idaho Power Oxbow	11/5/79	11/5/79	(R)	
Wallowa	Idaho Power Hells Canyon	11/5/79	11/5/79	(R)	
Multnomah	Zidel Exploration, Portland, Yard Runoff	11/20/79	11/20/79	(R)	
Coos	Georgia Pacific, Coquille Plywood	11/19/79	10/16/81	(R)	Applicant Review
Coos	Georgia Pacific, Bunker Hill, Log Dump	11/19/79	5/6/81	(R)	Application Complete
Benton	Brand S Corp. Veneer, Corvallis	11/23/79	11/23/79	(R)	

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*	* /Site and Type of Same	* Initial	* Completed	* of Action	*
*	*	* Action	* Action	* and Status	*
*	*	*	*	*	*

NPDES PERMITS Cont'd.

Umatilla	City of Umatilla Sewage Disposal	12/6/79	10/1/81	(R)	Public Notice
Curry	Clearwater Farms Fish Hatchery, Port Orford	1/7/80	1/18/80	(N)	Sent for Fees
Lane	Georgia Pacific Corp. Eugene	4/4/80	10/24/80	(R)	Application Complete
Malheur	American Fine Foods Incorporated, Nyssa	6/16/80	6/25/80	(R)	Application Complete
Umatilla	Rogers Walla Walla Inc., Milton-Freewater	6/16/80	6/25/80	(R)	" "
Coos	Georgia Pacific Corporation, Coos Bay	6/25/80	6/26/80	(R)	Application Complete
Jackson	City of Ashland, STP	7/17/80	7/17/80	(R)	Application Complete
Umatilla	Harris Pine Mills Pendleton	7/17/80	7/17/80	(R)	" "
Morrow	Oregon Dept. of Trans- portation Hwy. Div. (Boardman Rest Area) STP	7/21/80	7/22/81	(R)	Applicant Review
Hood River	Triple S Enterprises (Cascade Locks Lumber Co.) Cascade Locks, Boiler Water	7/21/80	4/10/81	(R)	Applicant Review

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PERMIT ACTIONS PENDING

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Initial * Action	* Date of * Completed * Action	* Type * of Action * and Status
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NPDES PERMITS Cont'd.

Lincoln	Makai Properties, STP, Seal Beach	8/25/80		(N)	
Coos	Georgia-Pacific Corp. Thermo-setting Resins, Coos Bay	9/25/80	8/21/81	(N)	Resubmitted Application
Linn	Oregon Metallurgical Corp. - Albany	10/28/80	2/4/81	(R)	Draft Complete
Benton	Evans Products Company Corvallis	10/31/80	11/24/80	(R)	Draft Received
Yamhill	City of Amity WTP	11/4/80	11/20/80	(R)	Application Complete
Clackamas	Hoodland Service Dist. Wemme STP	11/14/80	12/3/80	(N)	Applicant Review
Multnomah	Reynolds Metals Products Co.--Troutdale	12/2/80	12/10/80	(R)	Application Complete
Douglas	Winchester Bay Sanitary District--Domestic STP	12/15/80	12/18/80	(R)	Application Complete
Clackamas	Timberline Rim Recreation Club Domestic STP--Brightwood	12/17/80	12/18/80	(R)	Application Complete
Clatsop	Crown Zellerbach Corp. Wauna Division	1/5/81	2/13/81	(R)	Application Complete
Douglas	Hanna Nickel Smelting Riddle	1/6/81	1/14/81	(R)	Holding

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PERMIT ACTIONS PENDING

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

NPDES PERMITS Cont'd.

Coos	City of North Bend STP Plant	1/19/81	5/15/81	(R)	Public Notice
Lincoln	Georgia Pacific Toledo Paper Division	1/28/81	2/13/81	(R)	Application Complete
Linn	Teledyne Wah Chang Albany	2/5/81	2/5/81	(R)	Application Complete
Josephine	Manzanita Elementary & Fleming Middle School Josephine County School Dist. STP	2/6/81	10/23/81	(R)	Applicant Review
Clackamas	Happy Valley Homes Inc. Clackamas STP	2/11/81	3/31/81	(R)	Application Complete
Lane	Weyerhaeuser Co. Cottage Grove	2/19/81	3/17/81	(R)	No Fees Sent for Fees 3/17/81
Josephine	We Ask U Inn STP	5/22/81	10/9/81	(N)	Public Notice
Douglas	City of Oakland STP	6/4/81	10/16/81	(R)	Applicant Review
Marion	City of Hubbard STP	6/8/81		(R)	No fees
Coos	Coos Bay Timber Operators Inc. (Kenrock Quarry)	6/12/81		(R)	Application Complete
Coos	Coos Bay Timber Operators Inc. (Koostone Quarry)	6/12/81		(R)	" "

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PERMIT ACTIONS PENDING

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*	* /Site and Type of Same	* Initial	* Completed	* of Action
*	*	* Action	* Action	* and Status
*	*	*	*	*

NPDES PERMITS Cont'd.

Linn	Willamette Industries, Inc., Albany Paper Mill (Formerly Western Kraft)	6/18/81		(R)	Application Complete
Douglas	International Paper Co. Gardiner	6/23/81		(R)	Application Complete
Lane	Goshen Elementary School (Springfield Public Schools, STP)	6/26/81		(R)	" "
Klamath	Weyerhaeuser Co. Klamath Falls	6/29/81		(R)	Applicant Review
Lane	Delta Sand & Gravel Co. Eugene	6/30/81		(R)	Application Complete
Multnomah	Liquid Air Corp. of North America, Portland	6/30/81		(R)	Application Complete
Coos	Weyerhaeuser Co., North Bend Wood Products Mfg.	7/1/81	8/1/81	(R)	Public Notice
Jackson	Boise Cascade Corp. Medford	7/2/81		(R)	Application Complete
Lane	Georgia Pacific Corp. Irving Rd. Plant Eugene	7/6/81		(R)	Application Complete
Jackson	White Oak Mobile Home Park STP, Donald Francies, Shady Cove	7/6/81	10/1/81	(R)	Public Notice
Linn	Crown Zellerbach Corp. Lebanon	7/6/81		(R)	Application Complete

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*		*	/Site and Type of Same	*	Initial	*	Completed	*	of Action	*
*		*		*	Action	*	Action	*	and Status	*
*		*		*		*		*		*

NPDES PERMITS Cont'd.

Hood River	Champion International Corp., Dee Operation	7/16/81		(R)	" "
Douglas	D. M. Webb, STP Yoncalla	7/21/81	10/16/81	(R)	Applicant Review
Multnomah	Crown Zellerbach Corp. Portland Flexible Packaging Div.	7/28/81	10/1/81	(R)	Public Notice
Multnomah	Owens-Corning Fiber-glass, Trumbull Asphalt Div., Portland	8/3/81	10/9/81	(N)	Public Notice
Jackson	Callahan's Siskiyou Lodge STP Ashland Area	8/3/81	10/1/81	(R)	Public Notice
Benton	City of Adair Village STP	8/11/81	10/1/81	(R)	Public Notice
Benton	Boise Cascade - Camp Adair Village, STP	8/14/81	10/1/81	(R)	Public Notice
Wallowa	City of Enterprise STP	8/17/81		(R)	Application Complete
Linn	Halsey Pulp Company	8/19/81		(R)	" "
Coos	Georgia-Pacific Thermosetting Resins Coos Bay	8/21/81		(N)	
Coos	City of John Day STP	8/27/81		(R)	Application Complete

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NPDES PERMITS Cont'd.

Coos	City of Lakeside STP	8/27/81		(R) Application Complete
Coos	Menasha Corp. North Bend	8/28/81		(R) No Fees
Tillamook	City of Rockaway STP	8/28/81		(R) No Fees
Lane	Oregon Aqua Foods (formerly Weyerhaeuser Co.)	8/28/81		(R) Application Complete
Tillamook	Smith Pac. Shrimp Co. Garibaldi	8/31/81		(R) Requested Additional Fees
Lincoln	Bank of Newport dba Kernville Tavern Disposal Facilities	9/3/81		(N) Application Complete
Multnomah	Ash Grove Cement Co. Portland	9/4/81		(R) Application Complete
Lincoln	City of Toledo STP	9/10/81	10/16/81	(R) Applicant Review
Marion	Castle & Cooke Foods Mushroom Division dba West Foods, Inc.	9/10/81		(R) Application Complete
Multnomah	Texaco USA Portland Terminal	9/11/81		(R) Application Complete
Douglas	Bohemia, Inc. Drain Plywood	9/17/81		(R) Application Complete

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*		*	/Site and Type of Same	*	Initial	*	Completed	*	of Action	*
*		*		*	Action	*	Action	*	and Status	*
*		*		*		*		*		*

NPDES PERMITS Cont'd.

Lincoln	City of Siletz STP	9/21/81	10/16/81	(R)	Applicant Review
Columbia	Owens Corning Fiberglass Corp. St. Helens	9/25/81		(R)	
Umatilla	Union Pacific Railroad Co., Hinkle Yard	9/30/81		(R)	Application Complete
Tillamook	Port of Tillamook Bay STP	10/16/81		(R)	" "
Clackamas	Willow Associates (Willow Island Mobile Estates) Canby STP	10/9/81		(R)	" "
Lane	Anderson Forest Ind. (Formerly Westfir Land & Development) Westfir	10/15/81		(R)	" "
Lincoln	Bumble Bee Seafoods Div. of Castle & Cook, Inc. Newport	10/15/81		(R)	" "
Multnomah	Anodizing, Inc. Portland	10/23/81		(R)	" "
Lane	Leonard V. Ryan dba The Pier Point Inn	10/28/81		(R)	" "

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PERMIT ACTIONS PENDING

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<u>STATE PERMITS (48)</u>					
Lane	Tri Valley Meat Company Meat Processing, Eugene	12/5/78	1/17/79	(R)	
Deschutes	City of Bend New Facility, STP	6/22/79	5/28/81	(N)	Applicant Review
Columbia	Multnomah Plywood St. Helens	6/6/79	3/11/80	(R)	Renewal Drafted
Coos	Ferdinand Puumala Placer Mining, Winch Bay	10/30/79	10/30/79	(R)	Application Complete
Douglas	Joe Saulsberry, Days Creek, Coffee Creek Mining Corp.	10/30/79	10/30/79	(R)	Application Complete
Clackamas	S.P. Anodizing, Inc. Metal Finishing, South Portland	11/16/79	11/28/79	(R)	Application Complete
Grant	W. A. Bowes Cougar Mine, Granite	12/6/79	1/8/80	(R)	Application Complete
Baker	Flagstaff Mine (7 Mi. E. Baker)	1/14/80		(N)	Application Complete
Clackamas	Clackamas Co. D.E.S. Rock Crusher, Carver	3/5/80	4/28	(N)	Applicant Review (No fees Paid, 2nd Notice 3/18/81)
Washington	Energy Alternatives Earth Stoves, Tualatin	6/16/80	6/25/80	(E)	Application Complete

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*	* /Site and Type of Same	* Initial	* Completed	* of Action	*
*	*	* Action	* Action	* and Status	*
*	*	*	*	*	*

STATE PERMITS Cont'd.

Umatilla	Pendleton Ready-Mix Pendleton	6/19/80	6/25/80	(R)	Application Complete
Morrow	J. R. Simplot Boardman, Feedlot,	6/30/80	3/2/81	(N)	Applicant Review
Umatilla	Louisiana Pacific Corp. Pilot Rock	7/21/80	8/12/80	(R)	Application Completed
Gilliam	New Life USA, STP (Condon - East Hill Church)	7/29/80	7/29/80	(N)	" "
Grant	S & W Mining Development, Granite	7/29/80	8/8/80	(N)	Application Completed
Josephine	Oregon Dept. of Transportation, STP (Manzanita Rest Area)	8/21/80	9/29/80	(R)	
Deschutes	Round Lake Properties Bend, STP	8/21/80	1/9/81	(R)	Applicant Review
Clatsop	Oregon Shores Assoc. Ltd. Domestic STP, Seaside	9/18/80	11/10/80	(N)	Fees Requested
Grant	Ibex Mining Co. Baker & Grant Counties Exploration	9/19/80	11/10/80	(N)	Application Complete
Coos	W & S Mining Eagle Pit--Placer Mine North of Bandon	9/25/80	11/12/80	(N)	Application Complete
Clackamas	Western Rock Products Co.--Eagle Creek	12/3/80	3/11/81	(N)	Fees Received

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*		*	/Site and Type of Same	*	Initial	*	Completed	*	of Action	*
*		*		*	Action	*	Action	*	and Status	*
*		*		*		*		*		*

STATE PERMITS Cont'd.

Columbia	Niedermeyer-Martin Comp. Wood Treating Plant St. Helens	12/19/80	12/31/80	(N)	Fees Requested
Multnomah	Allied Plating Inc. Portland	1/26/81	1/29/81	(N)	Application Complete
Benton	OSU Veterinary Medical Animal Isolation Lab Corvallis	1/28/81	7/22/81	(R)	Applicant Review
Clackamas	Western Surfacing Brightwood	3/27/81		(N)	Application Complete
Umatilla	Columbia Sun, Inc. Hermiston	4/10/81		(N)	Application Complete
Baker	Neal Mishler Sicily Bar-Placer Claim	5/20/81		(N)	Application Complete
Lincoln	Oregon Dept. of Transportation Beverly Beach STP	6/5/81	10/16/81	(R)	Applicant Review
Marion	Shiny Rock Mining Corp.	6/11/81		(R)	Application Complete
Yamhill	Carlton Packing Co. Carlton	7/2/81		(R)	Application Complete
Umatilla	J.R. Simplot Food Div., Hermiston	7/6/81		(R)	Application Complete
Lane	Bohemia Inc. Junction City	7/6/81		(R)	" "

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STATE PERMITS Cont'd.

Umatilla	Hill Meat Company Pendleton	7/13/81		(N) " "
Yamhill	Knudson-Erath Winery Dundee	7/14/81		(R) " "
Lane	The Clorox Company The Kingford Company Springfield	7/28/81		(N) Applicant Review
Columbia	Steinfield Products Company	8/6/81		(R) Fees Requested
Grant	City of Seneca STP	8/24/81		(R) Application Complete
Lane	Springfield Packing Company	9/1/81		(R) Application Complete
Tillamook	Thousand Trails, Inc. Pacific City, Sewage Disposal	9/17/81		(N) Application Complete
Marion	City of St. Paul STP	9/22/81		(N) Requested Additional Fees
Douglas	USFS - Diamond Lake STP	8/21/81		(N) No Fees
Polk	Desert Seed Company Inc (Independence Farm)	9/29/81		(R) Application Complete
Union	Royal Western Mining Inc (Camp Carson Placer Mines)	10/6/81		(N) Application Complete

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*		*	/Site and Type of Same	*	Initial	*	Completed	*	of Action	*
*		*		*	Action	*	Action	*	and Status	*
*		*		*		*		*		*

STATE PERMITS Cont'd.

Josephine	Eddie Williams (Brass Nail Cy Placer Mine)	10/19/81		(N)	"	"
Umatilla	Barnhart Properties Inc Ranch Motel, Truck Stop & Restaurant, STP	10/8/81		(N)	"	"
Coos	Oregon Dept. of Transportation Bullard Brach State Park, STP	10/26/81		(R)	No Fees	
Umatilla	Echo, STP	10/26/81		(R)	Application Complete	
Columbia	Boise Cascade Corp. Paper Group, St. Helens	10/28/81		(R)	"	"

MODIFICATIONS (4)

Lincoln	Otter Crest Corp. Inn at Otter Crest, STP	8/25/81	9/2/81	(M)	Fee Requested Draft Received
Multnomah	Hayden Island Inc. STP	12/16/80	10/1/81	(M)	Public Notice
Washington	USA - Durham	10/23/81		(M)	Applicant Review
Columbia	PGE - Trojan	10/2/81	10/23/81	(M)	Applicant Review

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PLAN ACTIONS COMPLETED

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
Yamhill	Proposed Newberg General Purpose Landfill Feasibility Study	10-14-81	Preliminary Approval	*
Yamhill	Proposed River Bend General Purpose Landfill Design Plans	10-15-81	Approved	*
Marion	Proposed OW General Purpose Landfill Feasibility Report	10-19-81	Pending	*
Clatsop	Proposed Clatsop Station General Purpose Landfill Feasibility Study	10-22-81	Preliminary Approval	*

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SUMMARY OF SOLID AND HAZARDOUS WASTE PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions Pending	Sites Under Permits	Sites Reqr'g Permits
	Month	FY	Month	FY			
<u>General Refuse</u>							
New	1	10	-	5	5		
Existing	-	2	-	4	2		
Renewals	2	72	-	58	19		
Modifications	-	6	-	19	1		
Total	3	90	-	86	27	166	166
<u>Demolition</u>							
New	-	4	-	7	-		
Existing	-	2	-	-	1		
Renewals	-	4	-	5	2		
Modifications	-	2	-	4	1		
Total	-	12	-	16	4	21	21
<u>Industrial</u>							
New	-	14	-	15	2		
Existing	-	3	-	-	-		
Renewals	1	31	-	36	14		
Modifications	1	4	-	4	-		
Total	2	52	-	55	16	101	101
<u>Sludge Disposal</u>							
New	-	5	-	6	1		
Existing	-	-	-	1	-		
Renewals	-	3	-	2	1		
Modifications	-	-	-	1	-		
Total	-	8	-	10	2	15	15
<u>Hazardous Waste</u>							
New	53	513	53	513	-		
Authorizations	-	-	-	-	-		
Renewals	-	-	-	-	-		
Modifications	-	-	-	-	-		
Total	53	513	53	513	-	1	1
<u>GRAND TOTALS</u>	58	675	53	680	49	304	304

SC67.A
MAR.5S (4/79)

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PERMIT ACTIONS COMPLETED

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

None

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HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

WASTE DESCRIPTION

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

DISPOSAL REQUESTS GRANTED (53)

OREGON (19)

9/28	Chrome-sulfuric acid etching solution	Electronic	825 gal.	0	
9/28	Alkaline cleaning solution	Metal shop	5,233 gal.	0	
10/5	KOH/selenium batteries	Fed. agency	0		2,959 ft ³
10/6	PCB-contaminated materials	Electric utility	0		150 drums
10/6	PCB transformers and liquids	Electric utility	0		160 gal.
10/13	Cd-cyanide solution and cyanide-contaminated materials	Electronic	0		105 drums
10/13	Treated chromic acid	Electronic	2,000 gal.		5,000 gal.
10/13	Leaded gasoline tank sediment	Oil terminal	5,500 gal.		5,500 gal.
10/13	Heavy metals sludge	Electroplating	50 drums		300 drums
10/13	PCB-contaminated oil	Farmer	3 drums		0
10/13	Dyfonate-Trithion-Parathion-contaminated materials	Pesticide formulator	0		212 drums

SC44
MAR.15 (4/79)

* * Date *	* Type *	* Source *	* Present *	* Quantity * Future *	* *
10/13	Captam-Thiram-Methoxy-chlor mixer cleanout and contaminated materials	Pesticide formulator	0	100 drums	
10/13	Pesticide-contaminated ethyl acetate	Pesticide formulator	0	19 drums	
10/13	Eptam-RoNeet-Devrinol-contaminated materials	Pesticide formulator	0	140 drums	
10/13	Vapam lab samples	Pesticide formulator	0	2 drums	
10/13	Thiram lab samples, empty drums and chloroform	Pesticide formulator	0	10 drums	
10/13	Acid solution	Metal casting	0	40 drums	
10/13	Zinc hydroxide sludge	Ind. tools	0	192 tons	
10/13	Chrome sludge	Ind. tools	0	2 tons	

WASHINGTON (27)

9/28	Aromatic treating oil-contaminated water	Ind. cleaning service	4,100 gal.	0	
9/28	Ignitable sludge containing acetone, toluene, alcohol, resins, oil	Cabinet manuf.	50 drums	900 drums	
9/28	Zinc hydrosulfite	Paper co.	19 drums	0	
9/28	Mercury-contaminated materials, pesticides, paint sludges, and PCB-contaminated solids	Fed. agency	51 drums	60 drums	
9/28	PCB transformers	Brewing co.	7,400 lb.	400 gal.	
9/30	Methylene chloride-water with solid plastic foam	Electronic	6,600 gal.	0	
9/30	Lime sludge with heavy metals	Electronic	8 drums	100 drums	

SC44
MAR. 15 (4/79)

* * Date *	* Type *	* Source *	* Present *	* Quantity * Future *	* *
10/1	Pentachlorophenol-contaminated equipment	Chemical co.	964 ft ³	0	
10/1	Cutting oils contaminated with beryllium	Aerospace co.	0	10 drums	
10/1	Paint sludge-contaminated wastewater	Elect. equip. manuf.	0	450 gal.	
10/1	Waste oil tank bottoms	Chemical co.	1,000 gal.	0	
10/5	KOH/selenium batteries	Fed. agency	0	4,151 ft ³	
10/5	Pentachlorophenol-contaminated diesel oil	Wood treatmt.	120 drums	5,000 gal.	
10/6	Adhesive sludge containing MEK, acetone, toluene, etc.	Chemical co.	0	40 drums	
10/6	Surplus DDT	Fed. agency	20 drums	0	
10/6	Emulsified oil	Fed. agency	50 drums	0	
10/6	Caustic solution; trichloroethylene; paint sludge	Air conditng. manuf.	0	3,400 gal.	
10/6	Heat treating salts, KNO ₃ , NaNO ₃ , and NaNO ₂	Heat treatmt.	18,000 lb.	0	
10/8	PCB transformers	Paper mill	38 ft ³	1,000 gal.	
10/13	Scrap urethane polyols and mixed solvents	Plastic co.	45 drums	2,000 lb.	
10/13	Epoxy paint sludge	Ship repair	2,500 gal.	40,000 gal.	
10/13	Heat treat descaling solution with cyanide	Aerospace	0	200 lb.	
10/20	Caustic solutions; paint sludge-contaminated water; vinyl ester resin; PCB liquids	Waste treatment	20 drums	20 drums	
10/20	PCB liquids	Elect. util.	0	2,500 gal.	

SC44
MAR. 15 (4/79)

* * Date *	* Type *	* Source *	* Quantity *		* Present *	* Future *	* *
10/21	Tin/lead deoxidizer with 15% HCl	Electronic	0	5 drums			
10/21	Paint sludge; Cd-cyanide plating solution; acid paint stripping solutions	Electroplating	0	2,900 gal.			
10/22	HNO ₃ /HF acid etchant	Electronic	0	12,000 gal.			
OTHER STATES (7)							
9/28	Mercury-contaminated anodes and floor sweepings (B.C.)	Chemical co.	125 drums	0			
10/8	Mercury-contaminated soil (Alberta)	Oil co.	500 tons	0			
10/13	Petroleum-saturated fabric filters (Alaska)	Oil co.	1,400 ft ³	2,100 ft ³			
10/13	PCB-contaminated oil and soil (Alaska)	Oil co.	17 drums	0			
10/13	Trichloroethylene sludge and chrome sludge (B.C.)	Electroplating	0	24 drums			
10/20	PCB transformers, oils and PCB-contaminated soil (Alaska)	Elect. util.	105 yd ³	105 yd ³			
10/21	Dilute pesticide solution (Idaho)	Pesticide formulator	16,000 gal.	30,000 gal.			

SC44
MAR.15 (4/79)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program
(Reporting Unit)

October, 1981
(Month and Year)

SUMMARY OF NOISE CONTROL ACTIONS

Source Category	New Actions Initiated		Final Actions Completed		Actions Pending	
	Mo.	FY	Mo.	FY	Mo.	Last Mo.
Industrial/ Commercial	1	6	1	4	64	62
Airports			2	5		

MONTHLY ACTIVITY REPORT

Noise Control Program
(Reporting Unit)

October, 1981
(Month and Year)

FINAL NOISE CONTROL ACTIONS COMPLETED

* County	* Name of Source and Location	* Date	* Action
Marion	Perris Valley Campers	10/81	In Compliance
Multnomah	KATU Heliport	10/81	Boundary Approved
Grant	John Day Airport	10/81	Boundary Approved

CIVIL PENALTY ASSESSMENTS
DEPARTMENT OF ENVIRONMENTAL QUALITY
1981

CIVIL PENALTIES ASSESSED DURING MONTH OF OCTOBER, 1981:

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

GO508 (1)

<u>ACTIONS</u>	<u>LAST MONTH</u>	<u>PRESENT</u>
Preliminary Issues	6	8
Discovery	2	0
Settlement Action	4	2
Hearing to be scheduled	3	3
Hearing scheduled	0	0
HO's Decision Due	4	4
Briefing	0	0
Inactive	3	4
SUBTOTAL of Active Files	<u>22</u>	<u>21</u>
HO's Decision Out/Option for EQC Appeal	2	0
Appealed to EQC	0	1
EQC Appeal Complete/Option for Court Review	1	1
Court Review Option Pending or Taken	1	1
Case Closed	3	2
TOTAL Cases	<u>29</u>	<u>26</u>

15-AQ-NWR-761-178 15th Hearing Section case in 1976 involving Air Quality Division violation in Northwest Region jurisdiction in 1976; 178th enforcement action in Northwest Region in 1976.

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

October 1981

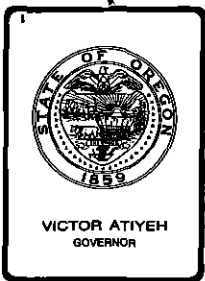
DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrl	DEQ Atty	Hrng Date	Resp Code	Case Type & No.	Case Status
FAYDREX, INC.	05/75	05/75	RLH	11/77	Resp	03-SS-SWR-75-02 64 SSD Permits	Request for Court of Appeals review due <u>11/9/81.</u>
MEAD and JOHNS, et al	05/75	05/75	RLH		All	04-SS-SWR-75-03 3 SSD Permits	Awaiting completion of Faydrex review.
POWELL, Ronald	11/77	11/77	RLH	01/23/80	Hrgs	\$10,000 Fld Brn 12-AQ-MWR-77-241	Decision due.
WAH CHANG	04/78	04/78	RLH		Prtys	16-P-WQ-WVR-78-2849-J NEDES Permit Modification	Current permit in force. Hearing deferred.
WAH CHANG	04/78	04/78	RLH		Prtys	08-P-WQ-WVR-78-2012-J NEDES Permit Modification	Current permit in force. Hearing deferred.
M/V TOYOTA MARU No. 10	12/10/79	12/12/79	RLH		Hrgs	17-WQ-NWR-79-127 Oil Spill Civil Penalty of \$5,000	Ruling due on requests for partial summary judgment.
LAND RECLAMATION, INC., et al	12/12/79	12/14/79	FWO	05/16/80		19-P-SW-329-NWR-79 Permit Denial	Petition for Supreme Court review filed.
MEDFORD CORPORATION	02/25/80	02/29/80		05/16/80	Prtys	07-AQ-SWR-80 Request for Declaratory Ruling	Parties attempting to effect compromise
BROWN, Victor	11/05/80	11/12/80	LMS	03/27/81	Hrgs	29-AQ-WVR-80-163 Civil Penalty of \$1,000	Case closed.
LOGSDON, Elton	11/12/80	11/14/80	CLR	02/26/81	Hrgs	30-AQ-WVR-80-164 Field Burning Civil Penalty of \$950	Decision due.
MORRIS, Robert	11/10/80	11/14/80	RLH		Resp	31-SS-CR-80 Permit revocation	Summary Judgment ruling deferred at Respondent's request 10/6/81.
HAYWORTH, John W. dba/HAYWORTH FARMS INC.	12/02/80	12/08/80	LMS	04/28/81	Hrgs	33-AQ-WVR-80-187 Field burning civil penalty of \$4,660	Record closed. Decision due.
HOPPER, Harold	12/09/80	12/09/80	RLH		Resp	36-SS-NWR-80-197 Permit revocation	Dept's Motion for Summary Judgment filed 9/11/81.
JENSEN, Carl F. dba/JENSEN SEED & GRAIN INC.	12/19/80	12/24/80	CLR	04/16/81	Hrgs	37-AQ-WVR-80-181 Field burning civil penalty of \$4,000	<u>Resp. appealed to EQC. Exceptions & brief due 12/16/81.</u>
JAL CONSTRUCTION, INC.	02/06/81	02/09/81	LMS	06/12/81	Hrgs	06-AQOB-NWR-81-02 Open burning civil penalty of \$3000	Record closed 6/24/81.
CURL, James H., et al	02/09/81	02/12/81			Prtys	07-SS-CR-81 Request for Declaratory Ruling	Attempting informal resolution.
OREGON SHORES ASSOCIATES, LTD.	02/11/81	03/09/81	RLH		Prtys	09-WQ-NWR-81	To be scheduled.
MAIN ROCK PRODUCTS, INC	03-11-81	03-16-81	CLR		Prtys	10-WQ-SWR-81-16 Water Quality civil penalty of \$6,000	Settlement effort continues.
MEAD, Mel	04-04-81	04-08-81	LMS		Hrgs	13-SS-SWR-81-25 14-SS-SWR-81-26 Subsurface sewage permit denial	To be scheduled
FERNER, Donald E.	06-22-81	06-22-81	CLR		Prtys	15-SS-NWR-81-49	Case closed 10/13/81
Pullen, Arthur W. dba/Lakes Mobile Home Park	07-15-81	07-15-81	CLR		Hrgs	16-WQ-CR-81-60	To be scheduled for December hearing.
WESTERN SURFACING, INC.	09-09-81	09-09-81	LMS		Prtys	18-AQ-NWR-81-79	Preliminary issues.

October 1981

DEQ/EQC Contested Case Log

<u>Pet/Resp Name</u>	<u>Hrng Rqst</u>	<u>Hrng Rfrl</u>	<u>DEQ Atty</u>	<u>Hrng Date</u>	<u>Resp Code</u>	<u>Case Type & No.</u>	<u>Case Status</u>
FRANK, Victor	09-23-81	09-23-81	CLR		Prtys	19-AQ-FB-81-05 FB civil penalty of \$1,000	Preliminary issues.
GATES, Clifford	10-06-81		CLR		Resp	21-SS-SWR-81-90	Answer due <u>11/23/81</u> . Preliminary issues.
<u>LANGDON, George</u>	<u>10-13-81</u>		<u>CLR</u>		<u>Resp</u>	<u>22-AQ-FB-81-04</u>	<u>Answer due 11/23/81</u> . <u>Preliminary issues.</u>



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director *Wing*

Subject: Addendum 1, Agenda Item C, December 4, 1981, EQC Meeting

TAX CREDIT APPLICATIONS

Director's Recommendation

It is recommended that the Commission take the following actions:

1. Issue Pollution Control Facility Certificates to:

<u>Appl. No.</u>	<u>Applicant</u>	<u>Facility</u>
T-1163	Trus Joist Corporation	Paving
T-1164	Trus Joist Corporation	Paving
T-1311	Oregon Portland Cement Co.	Paving and sweeper
T-1394	Teledyne Wah Chang	Baghouse
T-1416	Georgia-Pacific Corp.	Water reuse system
T-1445	Weyerhaeuser Co.	Steam pressure reduced and desuperheater
T-1446	Weyerhaeuser Co.	Connection of cyclone to baghouse
T-1447	Weyerhaeuser Co.	Pneumatic air filter, fan and associated duct
T-1448	The Amalgamated Sugar Co.	Wet scrubber installation
T-1456	Georgia-Pacific Corp.	Power supply line
T-1457	Rex Bounds	Gasoline vapor return system
T-1459	The Amalgamated Sugar Co.	Lining for stack
T-1460	Publishers Paper Co.	Upgrade os wastewater treatment system
T-1461	Publishers Paper Co.	Pentachlorophenate solution dip tank and control system
T-1462	Publishers Paper Co.	Modification of wastewater treatment system
T-1467	Joe C. Sheirbon	Wind machine
T-1471	Weyerhaeuser Co.	Micro computer
T-1478	Astoria Plywood Corp.	Duct system
T-1478	Publishers Paper Co.	Electrical generating system



Contains
Recycled
Materials

2. Waive Preliminary Certificate requirement and issue Pollution Control Facility Certificates to:

Appl. No.	Applicant	Facility
T-1350	Wacker Siltronic Corp.	Air filter, blower and associated ductwork

THE ABOVE REPORT IS A REVISION OF A REPORT SUBMITTED WITH THE MAIN STAFF REPORT.

T-1390	Kaiser Cement Corp.	Six baghouse filters.
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WILLIAM H. YOUNG

CASplettstaszer
229-6484
11/25/81
Attachments

PROPOSED DECEMBER 1981 TOTALS (REVISED)

Air Quality	\$53,459,251
Water Quality	5,561,260
Solid Waste	19,979,845
Noise	<u>-0-</u>
	\$79,000,056

CALENDAR YEAR TOTALS TO DATE

Air Quality	\$10,581,242
Water Quality	3,502,572
Solid Waste	4,994,711
Noise	<u>172,821</u>
	\$19,251,346

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Trus Joist Corporation
Micro-Lam Division
Box 60
Boise, Idaho 83707

The applicant owns and operates a laminated beam manufacturing plant at Eugene, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of approximately 20,682 square feet of asphalt paving.

PLANS AND SPECIFICATIONS WERE REVIEWED AND APPROVED BY LANE REGIONAL AIR POLLUTION AUTHORITY.

Request for Preliminary Certification for Tax Credit was made on July 16, 1979, and approved on October 24, 1979.

Construction was initiated on the claimed facility on July 30, 1979, completed on August 10, 1979, and the facility was placed into operation on August 20, 1979.

Facility Cost: \$11,082.00 (Accountant's Certification was provided).

3. Evaluation of Application

The applicant has paved approximately 20,682 square feet of the plant grounds at the wood products loading and storage areas. An inspection by Lane Regional Air Pollution Authority (LRAPA) revealed that the areas paved are those used exclusively by lumber moving equipment. The entire area is eligible for tax credit consideration in accordance with the paving project guidelines; the facility is located in a particulate AQMA which has a dust control element in the EQC approved attainment strategy and the area paved is heavily travelled.

Prior to paving, these areas were sources of fugitive dust emissions because of equipment operating in these areas. On May 20, 1979, the LRAPA solicited that the unpaved areas be paved to reduce the ambient impact of fugitive dust emissions from this and other plants. LRAPA has indicated that a substantial reduction of fugitive emissions has resulted from the project, eliminating complaints from adjacent tenants, and that they support some tax benefit for the applicant.

The company has requested 85.8% of the cost of this paving be allocated to pollution control. Economic benefits include reduced equipment maintenance and elimination of rocking and grading. Trus Joist estimated that rocking and grading cost \$200 annually. Trus Joist did not furnish an estimate of the economic benefits resulting from reduced maintenance. However, the Department estimates the saving from this factor at \$880.00 annually based on similar operations. The applicant estimates periodic maintenance of the paving will cost \$200.00 annually. The resulting return on investment, before taxes, excluding depreciation is 7.94%. Therefore, in accordance with the guidelines on cost allocation, 60% or more, but less than 80%, of the cost is allocable to pollution control.

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 60% or more, but less than 80%.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$11,082.00 with 60% or more, but less than 80%, allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1163.

F. A. Skirvin:h
(503) 229-6414
November 12, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Trus Joist Corporation
Micro-Lam Division
Box 60
Boise, Idaho 83707

The applicant owns and operates a laminated beam manufacturing plant at Eugene, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of 44,000 square feet of yard paving.

PLANS AND SPECIFICATIONS WERE REVIEWED AND APPROVED BY LANE REGIONAL AIR POLLUTION AUTHORITY.

Request for Preliminary Certification for Tax Credit was made on March 12, 1979, and approved on August 30, 1979.

Construction was initiated on the claimed facility on June 30, 1979, completed on July 9, 1979, and the facility was placed into operation on July 9, 1979.

Facility Cost: \$11,693.00 (Accountant's Certification was provided).

3. Evaluation of Application

The applicant has paved approximately 44,000 square feet on the plant yard area. An inspection by Lane Regional Air Pollution Authority (LRAPA) revealed that the area paved is used by trucks and fork-lifts to handle and load wooden I beams. The entire area is eligible for tax credit consideration in accordance with the paving project guidelines; the facility is located in a particulate AQMA which has a dust control element in the EQC approved attainment strategy and the area paved is heavily travelled. The applicant cleans the paved area twice a month.

Prior to paving, this area was a source of fugitive emissions because of the equipment operating in these areas. On March 20, 1979, LRAPA solicited that the unpaved areas be paved to reduce the ambient impact of fugitive dust emissions from this and other plants. LRAPA has indicated that a substantial reduction of fugitive emissions has resulted from the project and has eliminated complaints from adjacent tenants and that they support some tax credit benefit for the applicant.

The company has requested that 72.7% of the cost of this paving project be allocated to pollution control. Economic benefits include reduced equipment maintenance and elimination of rocking and grading. Trus Joist estimated that rocking and grading cost \$400 annually. Trus Joist did not furnish an estimate of the economic benefits resulting from reduced maintenance. However, the Department estimates the saving from this factor at \$1403.00. Periodic maintenance and cleaning of the paved area costs \$400 annually. The resulting return on investment, before taxes, exclusive of depreciation is 12.0%. Therefore, in accordance with the guidelines on cost allocation 60% or more, but less than 80%, is allocable to pollution control.

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 60% or more but less than 80%.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$11,693.00 with 60% or more but less than 80% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1164.

F. A. Skirvin:h
(503) 229-6414
November 13, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

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

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

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

2. Description of Claimed Facility

The facility described in this application consists of approximately 150,000 square feet of concrete paving and a sweeper.

Request for Preliminary Certification for Tax Credit was made on March 24, 1977, and approved on May 16, 1977.

Construction was initiated on the claimed facility on August 2, 1977, completed on June 30, 1980, and the facility was placed into operation on October 15, 1980.

Facility Cost: \$426,539.00 (Accountant's Certification was provided).

3. Evaluation of Application

The applicant has paved approximately 150,000 square feet of the plant grounds as required by the Department's plan review approval. An inspection by Department personnel revealed that the area paved include roadways and around equipment and conveyors where periodic housekeeping is required to minimize fugitive emissions. The entire area is eligible for tax credit consideration in accordance with the paving project guidelines; the plant is a new source requiring highest and best practical control including fugitive emissions; the facility is located alongside I-84 where blowing dust would be a nuisance; the plant is located in an area where high winds are common, and the Department required paving as a condition of approval when the plant was built. The applicant employs a sweeper, which is part of the claimed facility to clean the paved areas.

The Eastern Regional Office has indicated that fugitive emissions are well controlled and not a problem as a result of the paving and that they support tax credit based upon their eligibility as noted above and the elimination of a potential problem.

Oregon Portland Cement has requested that 100 percent of the cost of this facility be allocated to pollution control. They claim that the paving was required by the Department and was solely for air pollution control. The company claims no economic benefit with an annual expense of \$18,457.00. Therefore there is no net return on investment in the paving and sweeper and 80% or more of the cost is allocable to pollution control.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$426,539.00 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1311.

F. A. Skirvin:h
(503) 229-6414
November 13, 1981

T-1311



OREGON PORTLAND CEMENT COMPANY
INCORPORATED 1915

111 S.E. MADISON STREET
PORTLAND, OR 97214
(503) 232-3116

November 13, 1981

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
NOV 16 1981

AIR QUALITY CONTROL

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

RE: DURKEE CEMENT PLANT PAVING AND STREET SWEEPER - DEQ/TC-2

Gentlemen:

This letter is to provide additional information regarding subject application by our company dated November 10, 1980.

Please consider the following statement as an addendum to Section V, (4) of that application:

"Owner considered that the cost of grading, base rock and cushion course of crushed rock for the concrete was equal to, or greater than, the cost that would have been incurred in construction of a suitable gravel road. Therefore, the cost of the paving shown on our application (\$403,201) includes only the cost of concrete and placing of the concrete. The stated cost does not include any grading, base rock, or cushion course rock."

If further information is required in order for you to process our application, please contact the writer.

Very truly yours,

OREGON PORTLAND CEMENT COMPANY

Edmond L. Miller
Assistant Vice President - Production

ELM/pk

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Teledyne Industries, Inc.
Teledyne Wah Chang Albany
P.O. Box 460
Albany, Oregon 97321

The applicant owns and operates a zirconium, hafnium, tantalum, titanium and niobium production unit at 1600 Old Salem Road, Albany, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of a baghouse installation in the pure chlorination coke ball mill area.

Request for Preliminary Certification for Tax Credit was made on May 24, 1976, and approved on July 12, 1976.

Construction was initiated on the claimed facility in June 1976, completed in August 1976, and the facility was placed into operation on August 27, 1976.

Facility Cost: \$24,651 (Accountant's Certification was provided).

3. Evaluation of Application

The coke ball mill baghouse was required to control emissions from the ball mill operation and fugitive emissions occurring within the enclosed building. Prior to installation of the ball mill and the associated baghouse, prepared coke was purchased from an outside vendor. The claimed facility has been inspected by Department personnel and has been found to be operating in compliance with regulations and permit conditions.

Approximately 20 tons of coke dust is collected annually which is used in the sand chlorination process. The value of this material is \$110.00 per ton or \$2,200.00 annually. The annual cost of operation

before taxes, exclusive of depreciation, is \$7,805.00 which consists of the following expenditures:

Labor	\$6,205.00
Utilities	600.00
Maintenance	<u>1,000.00</u>
Total	\$7,805.00

Since the expenses exceed the value of the material recovered there is no net return on investment and 80 percent of the cost of the coke ball mill baghouse is allocable to pollution control.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$24,651.00 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1394.

FAS:h
AH134 (1)
(503) 229-6414
November 9, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Georgia Pacific Corporation
Toledo Paper Division
900 S.W. 5th Ave.
Portland, OR 97204

The applicant owns and operates a kraft pulp and paper manufacturing facility at Toledo.

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

2. Description of Claimed Facility

The facility described in this application is a water reuse system consisting of:

- a. A vacuum pump seal water recycle pump
- b. Two cartridge filtering systems
- c. A mechanical cooling tower
- d. A seal water collection tank and pump
- e. A white water recycle pump
- f. Instruments, controls, and piping

Request for Preliminary Certification for Tax Credit was made July 15, 1977, and approved July 19, 1977. Construction was initiated on the claimed facility September 1977, completed September, 1979, and the facility was placed into operation September 1979.

Facility Cost: \$141,699 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to installation of the claimed facility, heater water was used on the paper machine for various showers which drained to the sewer. Vacuum pump seal water was also discharged to the sewer. The new facility pump collects these waste streams and passes them through two filtering systems and a cooling tower. The filtered streams are then recycled as shower water and seal water. The facility has resulted in a reduction of waste water of approximately 900,000 gallons per day, which used to flow to the waste water treatment system. The only savings resulting from this installation is that from reduced filtering costs of the supply water. These savings are insignificant.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$141,699 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1416.

CKA:l
WL1258 (1)
(503) 229-5325
November 25, 1981

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

1. Applicant

Weyerhaeuser Company
Eastern Oregon Region
P.O. Box 9
Klamath Falls, OR 97601

The applicant owns and operates a wood products complex of lumber, plywood, particleboard and hardboard manufacturing at Klamath Falls.

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

2. Description of Claimed Facility

The facility described in this application is a steam pressure reducer and desuperheater used in connection with the boiler (4) cinder collector system.

Request for Preliminary Certification for Tax Credit was made on April 21, 1980, and approved on May 13, 1980.

Construction was initiated on the claimed facility in August 1980, completed in February 1981, and the facility was ready for operation in February 1981.

Facility Cost: \$31,617 (Accountant's Certification was provided).

3. Evaluation of Application

Weyerhaeuser Company has installed a steam supply modification facility which will allow continuous operation of the cinder collectors for four hogged fuel boilers.

Boiler gases are exhausted through particulate collectors by a turbine driven induced fan. The 140 psig turbine exhaust steam is normally discharged to a distribution header for operating several manufacturing processes.

During periods of temporary plant shutdown (holidays or curtailment) the process steam load diminishes. To continue operation of the collector fan drive turbine results in a supply of unneeded 140 psig steam. Wasting this steam had been one solution tried but found to

be unsatisfactory to the company. Bypassing the particulate collectors through the original boiler stack is unsatisfactory because of excessive air contaminant emissions.

To prepare the exhaust steam from the collector system drive turbine for use in a multi-pressure turbine generator unit, the company installed a pressure reducer and desuperheater. The operation of this steam modifying system will enable utilization of the collector at all times and eliminate the air pollution resulting from bypassing.

The primary purpose of the project was to assure continuous boiler air emission control. This control strategy was approved by the Department prior to construction. The company claims no economic advantage resulting from the facility. Therefore, 80% or more of the cost is allocable to pollution control.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$31,617 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1445.

F.A. Skirvin:a
AA1578 (1)
(503) 229-6414
November 13, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Weyerhaeuser Company
Eastern Oregon Region
P.O. Box 9
Klamath Falls, OR 97601

The applicant owns and operates a wood products manufacturing complex at Klamath Falls.

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

2. Description of Claimed Facility

The facility described in this application is the connection of the No.30 cyclone to an expanded existing baghouse.

Request for Preliminary Certification for Tax Credit was made on October 9, 1980, and approved on October 28, 1980.

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

Facility Cost: \$34,695 has been reduced to \$30,695 eligible cost as explained in evaluation below. (Accountant's Certification was provided).

3. Evaluation of Application

To control emissions from a cyclone located in the material transfer line between storage bins and the process feed, Weyerhaeuser Company connected cyclone No. 30 exhaust to a baghouse. The project involved mounting a new cyclone, installing pneumatic ducting and a pull-thru fan, and adding additional bags to an existing baghouse assembly.

Because of extensive modifications that would be necessary to adapt the cyclone to the collection system, a new cyclone was installed. The cost claimed in the application included the total cost of the cyclone. The cost to modify the original cyclone was estimated to be \$2,000. The new cyclone cost was \$6,000. The total amount claimed (\$34,695) has been reduced by the difference of these costs leaving an eligible amount of \$30,695.

The facility is operating in compliance with air emission standards. The primary purpose of the project was for pollution control. The value of the recovered wood material is offset by the operating and maintenance cost of the emission control system so there is no economic advantage to the company. Eighty percent or more of the adjusted cost is allocable to pollution control.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$30,695 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1446.

F.A. Skirvin:a
AA1593 (1)
(503) 229-6414
November 19, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Weyerhaeuser Company
Eastern Oregon Region
P.O. Box 9
Klamath Falls, OR 97601

The applicant owns and operates a complex of wood products manufacturing plants at Klamath Falls.

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

2. Description of Claimed Facility

The facility described in this application is a Clarkes pneumatic air filter, fan and associated duct to control emissions from a lumber sander cyclone located on a storage bin.

Request for Preliminary Certification for Tax Credit was made on February 8, 1979, and approved on May 27, 1979.

Construction was initiated on the claimed facility on April 1, 1979, completed on September 17, 1979, and the facility was placed into operation on September 20, 1979.

Facility Cost: \$24,705 (Accountant's Certification was provided).

3. Evaluation of Application

To control emissions from a cyclone receiving lumber sander residue, Weyerhaeuser, Klamath Falls, installed a Clarkes Pneu-Air filter. The integrated system is in compliance with emission standards. There is no significant material salvage benefit to the company and the primary purpose of the project was for pollution control, therefore, 80% or more of the cost is allocable to pollution control.

4. Summation

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

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$24,705 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1447.

F.A. Skirvin:a
AA1574 (1)
(503) 229-6414
November 12, 1981

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

1. Applicant

The Amalgamated Sugar Co.
Nyssa, Oregon Factory
First Security Bank Building
Ogden, UT 84414

The applicant owns and operates a sugar beet processing plant at Nyssa, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is a wet scrubber installation to control emissions from the B & W boilers.

Request for Preliminary Certification for Tax Credit was made on February 12, 1979, and approved on March 12, 1979.

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

Facility Cost: \$1,093,984 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed facility consisting of a wet scrubber, ponds, refractory lining for the stack, and associated equipment was necessary to control emissions from the B & W boilers. The claimed facility, which was required by the Department, has been inspected by Department personnel and has been found to be operating in compliance with regulations and permit conditions. Source tests before and after the installation of the claimed facility have shown that the emission rate has been reduced from an average of 0.81 gr/DSCF @ 12% CO₂ to an average of 0.051 gr/DSCF @ 12% CO₂. This results in a reduction of particulate emissions from 380 lb/hr to 32 lb/hr.

An economic benefit of \$26,000 annually is derived from the value of the heat recovered. The annual operating expense before taxes, exclusive of depreciation, is \$173,230 consisting of the following:

Labor	\$ 2,430
Utilities	168,800
Maintenance	<u>2,000</u>
Total	\$173,230

The annual expenses are in excess of the annual economic benefits. Therefore, there is no rate of return on the investment in the claimed facility and 80 percent or more of the cost of the claimed facility is allocable to pollution control.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$1,093,984 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1448.

F.A. Skirvin:a
AA1526 (1)
(503) 229-6414
November 5, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

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

The applicant owns and operates a kraft pulp and paper manufacturing facility at Toledo.

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

2. Description of Claimed Facility

The facility described in this application is a separate power supply line to operate the No. 2 effluent pumps. The system consists of electrical cable and conduit.

Request for Preliminary Certification for Tax Credit was made April 15, 1980, and approved April 18, 1980. Construction was initiated on the claimed facility June 1, 1980, completed December 1980, and the facility was placed into operation December 1980.

Facility Cost: \$55,148 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to installation of the claimed facility the electricity for the waste water treatment effluent pump station was brought in from the recovery area. At any time the power was down to the recovery area, the entire effluent pump station would also go down. Upon restarting the pump station, effluent often leaked from the vacuum breakers along the outfall line. After the Christmas shutdown of 1979, effluent spilled to several storm sewers in Newport.

The effluent pump station consists of three lift pumps followed by three booster pumps. New power lines were brought in from the lime kiln area to serve the No. 2 lift and booster pumps. At least one set of pumps is now in service at all times to maintain a flow through the ocean outfall line. Since the installation of this facility, there has not been any leakage from the vacuum breakers.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$55,148 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1456.

CKA:l
WL1249 (1)
(503) 229-5325
November 23, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Rex Bounds
2366 Hwy 66
Ashland, OR 97520

The applicant owns and operates an Exxon gasoline station at Ashland, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is the installation of gasoline vapor return system in underground storage tanks.

Request for Preliminary Certification for Tax Credit was made on 5-1-79, and approved on 12-26-79.

Construction was initiated on the claimed facility on 4-24-81, completed on 4-24-81, and the facility was placed into operation on 4-24-81.

Facility Cost: \$633.80 (Invoice was provided).

3. Evaluation of Application

Gasoline vapor return equipment was installed in three tanks as required by the Department's volatile organic compounds (VOC) rule. Since the tanks previously had submerged fill tubes, the vapor return equipment does not reduce the gasoline loss to the applicant.

The claimed facility provides no return on investment, therefore, the percent allocable to pollution control is 80% or more.

4. Summation

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

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$633.80 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1457.

F.A. Skirvin:a
AA1539 (1)
(503) 229-6414
November 6, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

The Amalgamated Sugar Co.
Nyssa Oregon Factory
First Security Bank Building
Ogden, Utah 84401

The applicant owns and operates a sugarbeet processing plant at Nyssa, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of light gauge stainless steel lining for the stack.

Request for Preliminary Certification for Tax Credit was made on May 23, 1980, and approved on June 16, 1980.

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

Facility Cost: \$76,746.00 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed facility was installed over a gunited refractory and consists of a stainless steel liner installed in the scrubber stack from the hopper to just above the mist eliminator. The remainder of the stack above the stainless steel was lined with a mastic. The claimed facility was necessary to seal the gunited refractory which was leaking and which would result in eventual failure of the stack and scrubber. The installation has been inspected by Department personnel and has been found to have achieved the desired result of stopping leakage and preventing corrosion of stack and scrubber.

There is no economic benefit to the Amalgamated Sugar Co. except to ensure long range functioning of the scrubber installation which is operating within regulations and permit conditions. Since there is no economic benefit other than air pollution control, 80 percent or more of the cost is allocable to pollution control.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$76,746.00 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1459.

FAS:h

AH135 (1)

(503) 229-6414

November 10, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Publishers Paper Co.
Newberg Division
419 Main St.
Oregon City, OR 97045

The applicant owns and operates a pulp and paper manufacturing facility at Newberg.

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

2. Description of Claimed Facility

The facility described in this application is an expansion upgrade of the existing waste water treatment system. The expansion consists of:

- a. An activated sludge basin formed by sheet piling
- b. Two rectangular clarivac secondary clarifiers
- c. An Arus-Andrite belt press for sludge dewatering
- d. 13 additional 75 HP aerators
- e. An electrical station
- f. Associated pumps, piping, and instrumentation

Request for Preliminary Certification for Tax Credit was made March 24, 1980, and approved May 29, 1980. Construction was initiated on the claimed facility April 14, 1980, completed November 26, 1980, and the facility was placed into operation November 26, 1980.

Facility Cost: \$3,283,960 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed facility was an expansion to an existing two-cell aerated stabilization basin. The facility was indirectly required by the Department since the applicant was informed that the mill production expansion (500 to 1000 tons/day) must be accommodated by increased treatment efficiency such that there would be no increase in allowable summer discharges to the Willamette River. Although the system has had some minor operational problems, it does provide the increased treatment efficiency necessary to maintain compliance with the discharge permit.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$3,293,960 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1460.

CKA:1
WL1250 (1)
(503) 229-5325
November 24, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Publishers Paper Co.
Toledo Division
419 Main St.
Oregon City, OR 97045

The applicant owns and operates a dimension lumber facility at Toledo.

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

2. Description of Claimed Facility

The facility described in this application is a pentachlorophenate solution dip tank and control system with a slop tank, a sloped concrete slab, and a metal roof.

Request for Preliminary Certification for Tax Credit was made May 27, 1981, and approved June 19, 1981. Construction was initiated on the claimed facility June 1981, completed October 23, 1981, and the facility was placed into operation October 23, 1981.

Facility Cost: \$68,711 (Accountant's Certification was provided).

The Accountant's Certification showed a facility cost of \$125,941. A discussion with the applicant revealed that \$55,369 of the cost was for process related equipment (dip tank and hydraulically operated dipping mechanism). The electrical cost of \$1,861 should also be subtracted from the certified facility cost.

3. Evaluation of Application

Lumber is dipped in the pentachlorophenate solution to prevent staining and degradation during shipment. Prior to installation of the claimed facility, lumber was dipped in a tank with no spill collection capabilities. There was also no area to store freshly dipped lumber to collect the drippings. The new facility provides complete spill collection and allows for storage of the dipped lumber on the concrete pad for collection of all drippings. The dipping area is roofed and bermed to completely separate it from the surrounding environment. Although the dipping procedure is process related, only the spill prevention and collection portions of the project have been included in the facility cost. They provide insignificant return on investment.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$68,711 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1461.

CKA:l

WL1257 (1)

(503) 229-5325

November 24, 1981

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

1. Applicant

Publishers Paper Co.
Oregon City Division
419 Main St.
Oregon City, OR 97045

The applicant owns and operates a pulp and paper manufacturing facility at Oregon City.

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

2. Description of Claimed Facility

The facility described in this application is a modification of the existing waste water treatment system consisting of:

- a. Two 100 HP aerators
- b. A plastic fabric directional baffle, and
- c. Associated electrical capacitors

Request for Preliminary Certification for Tax Credit was made February 3, 1981, and approved February 25, 1981. Construction was initiated on the claimed facility February 3, 1981, completed April 1, 1981, and the facility was placed into operation April 1, 1981.

Facility Cost: \$130,357 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to installation of the claimed facility, the aerated stabilization basin was split in half with a plastic fabric baffle, but short circuiting of partially treated effluent was occurring. Aeration was also a problem due to the high BOD to lagoon volume ratio. The modification relocated the baffle around the outfall structure to prevent short circuiting. In addition, two additional 100 HP aerators were added to the lagoon. Since the modification, the quantity of BOD discharged to the Willamette River has dropped significantly. There is no return on investment from this facility.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$130,357 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1462.

CKA:1
WL1251 (1)
(503) 229-5325
November 24, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Joe C. Sheirbon
4200 Summit
Hood River, OR 97031

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

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

2. Description of Claimed Facility

The facility described in this application is one tropic breeze wind machine for frost protection.

Request for Preliminary Certification for Tax Credit was made on September 26, 1980 and approved on January 27, 1981.

Construction was initiated on the claimed facility on January 15, 1981, completed on January 23, 1981, and the facility was placed into operation on April 20, 1981.

Facility Cost: \$11,678.00 (Invoice was provided).

3. Evaluation of Application

Orchard farmers in the Hood River area started using wind machines in 1972 for reasons that included the reduction in smoke and soot emissions from orchard heaters. The farmers wanted to reduce emissions in order to protect the continued operation of their farms in a populated area. There is no rule requiring a reduction in emissions from farm operations. The 10 acres of orchard protected from frost damage by the claimed orchard wind machine were previously protected by oil fired orchard heaters.

With the increase in the cost of fuel oil to \$0.95 per gallon in early 1981 (the applicant buys oil in large quantities), this application is calculated to have a rate of return of approximately 35 percent. The calculation is in accordance with the Department's Pollution Control Facilities Tax Credit Program Guidance Handbook and is attached. The portion of the facility cost that is properly allocable to pollution control is less than 20 percent.

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1) (a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is less than 20 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$11,678 with less than 20 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1467.

F. A. Skirvin
(503) 229-6414
November 12, 1981

AH133 (1)

Rate of Return Calculation

Cost to operate oil fired heaters

$$\frac{25 \text{ heaters}}{\text{acre}} \times \frac{.75 \text{ gal. oil}}{\text{heater hour}} \times \frac{0.95 \text{ dollars}}{\text{gallon}} = 17.81 \text{ dollars/acre hour}$$

$$\frac{17.81 \text{ dollars}}{\text{acre hour}} \times \frac{30 \text{ hour}}{\text{year}} \times \frac{10 \text{ acre}}{1} = \underline{5,343} \text{ dollars/year}$$

Cost to operate electric wind machine

$$\begin{aligned} \text{Utilities} &= 300.00 \\ \text{Maintenance} &= 600.00 \\ &\underline{900.00} \text{ dollars/year} \end{aligned}$$

(Perimeter heaters are not used nor on standby.)

Savings in operating cost

There is no tax on farm machinery and no other costs were considered.

$$\text{Savings} = 5,343 - 900 = 4,443 \text{ dollars/year}$$

Rate of Return

$$\text{Facility Cost} = \$11,678$$

$$\text{Factor of Internal Rate of Return} = \frac{11,678}{4,443} = 2.628$$

Rate of Return (10 years) \approx 35 percent

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Weyerhaeuser Company
Willamette Region - Paperboard Manufacturing
Tacoma, Washington 98477

The applicant owns and operates a paperboard mill utilizing the kraft process at 785 North 42nd St., Springfield, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of a micro computer used with the TRS emission monitoring system.

Request for Preliminary Certification for Tax Credit was made on June 20, 1977, and approved on July 29, 1977.

Construction was initiated on the claimed facility in June, 1977, completed on October 6, 1977, and the facility was placed into operation on October 6, 1977.

Facility Cost: \$8,085.00 (Accountant's Certification was provided).

3. Evaluation of Application

The micro computer is used to control the test cycles for the TRS monitoring, required by the Department, on recovery furnaces No. 3 and No. 4, and is not used to control any process equipment. The unit provides automatic sequencing of the TRS monitoring test cycles, troubleshooting of the TRS monitoring system, and transmission of data to a larger computer system for display and tabulation. The installation provides a display that is more readily interpreted resulting in a faster response by mill personnel thus improving operator control of TRS emissions. The time required for troubleshooting the TRS monitoring system, when a problem arises, has also been reduced providing more complete and better information.

The installation has been inspected by Department personnel and has been found to achieve the aforementioned benefits and to assist in maintaining recovery furnace No. 3 and No. 4 in compliance with regulations and permit conditions.

There is no economic benefit since the system is used solely for TRS emission monitoring, which was required by the Department. Therefore, 80 percent or more of the cost of the micro computer is allocable to pollution control.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$8,085.00 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1471.

FAS:k
(503) 229-6414
November 10, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Astoria Plywood Corporation
P.O. Box 117
Astoria, OR 97103

The applicant leases and operates a veneer and plywood plant at Astoria.

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

2. Description of Claimed Facility

The facility described in this application is a duct system to direct exhaust gases to an existing hogged fuel boiler for incineration emission control.

Request for Preliminary Certification for Tax Credit was made on May 24, 1979, and approved on June 13, 1979.

Construction was initiated on the claimed facility on 12/1/79, completed in April 1980, and the facility was placed into operation in April 1980.

Facility Cost: \$94,369.93. A notarized statement including the value of the claimed facility was provided from the lessor, First Interstate Bank.

3. Evaluation of Application

Astoria Plywood installed a third veneer dryer. A strategy to control emissions from this dryer was to incinerate the contaminated exhaust gases in an existing hogged fuel boiler. Upon completion, this system was certified in compliance with emission standards on June 30, 1980. A reduction was made to the actual facility cost of \$96,507.93 claimed by the applicant to the extent of \$2,138.00 which was for a pH controller and pump not directly attributable as pollution control for this project. The primary purpose of the project for which tax credit was claimed was pollution control. Therefore, 80% or more of the cost is allocable to pollution control.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$94,369.93 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1478,

F.A. Skirvin:a
AA1583 (1)
(503) 229-6414
November 17, 1981

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

1. Applicant

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

The applicant owns and operates a pulp/paper manufacturing plant on Wyooski Street in Newberg, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of an electrical generating system comprised of a steam turbine generator (designated Number 2), a condenser, a cooling tower, steam lines, structures and other ancillary components. The 30-megawatt capacity system is expected to average considerably less due to mill steam demands for paper production (generators Number 1 and Number 2 will produce less than 25 megawatts and were thus exempted from energy site review requirements).

Request for Preliminary Certification for Tax Credit was made on October '9, 1980, and approved on October 29, 1980.

Construction was initiated on the claimed facility on November 24, 1980, completed on September 29, 1981, and the facility was placed into operation on October 15, 1981 (as commercial operation).

Facility Cost: \$10,768,882 (Accountant's Certification was provided).

3. Evaluation of Application

The Number 10 boiler and the Number 2 turbine generator were considered as a combination, with the boiler sized larger than necessary to satisfy increased steam demand for the paper production expansion. This extra boiler capacity was included to allow an additional 16.6 megawatts of electrical energy to be produced from Number 2 turbine generator. Approximately 86,000 additional (oven-dry) tons of wood wastes per year are used in boiler Number 10 over that required for production steam for the paper mill expansion.

The Department would not recommend approval of this application under current policy (effective December 31, 1980). However, this facility was commenced before adoption of the present policy and is, therefore, eligible for certification.

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. As required by ORS 468.165, the facility was under construction on or after January 1, 1973, and
 - (1) The substantial purpose of the facility is to utilize material that would otherwise be solid waste, by utilization of steam to produce electrical energy;
 - (2) The end product of the utilization is a usable source of power or other item of real economic value;
 - (3) The end product of the utilization, other than a usable source of power, is competitive with an end product produced in another state; and
 - (4) The Oregon law regulating solid waste imposes standards at least substantially equivalent to the federal law.
- c. The facility is necessary to satisfy the intents and purposes of ORS Chapter 459, and the rules adopted under that chapter.
- d. The portion of the facility cost that is properly allocable to pollution control is 100 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$10,768,882.00 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1475.

R. L. Brown:c
SC94
(503) 229-5157
November 23, 1981

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

1. Applicant

Wacker Siltronic Corporation
Post Office Box 03180
Portland, OR 97203

The applicant owns and operates a silicon crystal growing, slicing, and polishing facility at 7200 N. W. Front Avenue in Portland, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is an air filter, blower, associated ductwork, electrical support and controls. The facility collects particulate silicon from the exhaust air of a process area.

Applicant believes the Preliminary Certification was made and that the full intent of the pollution tax credit law has been made.

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

Facility Cost: Total claimed cost, \$30,702 (Accountant's Certification was provided) of which \$29,577 is eligible.

3. Evaluation of Application

A blower (EF-22-6) included as a portion of the claimed facility is used to ventilate the area of the building where the air filter and other equipment is located. The EF-22-6 blower is not related to air pollution control. Its cost of \$1,125, as noted in the application, was deducted from the certified cost of \$30,702. Therefore, only \$29,577 of the claimed cost is eligible for consideration for certification of a pollution control facility.

Without operation of the remaining claimed facility, high levels of particulate would have been released into the atmosphere. With the air filter in operation, particulate emissions are reduced to less than 0.02 grains per standard cubic foot. The system has adequately controlled emissions. The primary purpose of this equipment, excluding the blower (EF 22-6), is air pollution control.

There is no economic benefit to the company; therefore, 80% or more of the cost would be allocable to pollution control.

In its letter of March 31, 1981 (Attachment A), the applicant requested that the Commission waive the filing of the Preliminary Certification application because special circumstances rendered the filing unreasonable. Supplemental information supporting the applicant's claim was presented in a letter dated

September 28, 1981 (Attachment B). A review of the files revealed the following:

- a. At the very outset, discussions with Wacker Siltronic dealt with DEQ environmental concerns, permit processes, and the available environmental economic incentives (both tax credit and pollution control bonds). A position paper (Attachment C) was given to Wacker in March 1977 covering these items.
- b. Several (six) meetings were held with Wacker and their consultant, CH₂M/Hill, in an effort to solidify the air, water and solid waste standards that the proposed plant would have to meet. A preliminary Summary of Environmental Considerations (Attachment D) was submitted to the Department on March 29, 1978.
- c. Continued consultation occurred with CH₂M/Hill and Wacker personnel until July 13, 1978, when the Air Contaminant Discharge Permit (ACDP) application was submitted. The NPDES permit application was submitted on July 28, 1978. General Permit Information and Specific Information for Air Quality (Attachment E), dated June 1978, was submitted with these applications. After a public hearing, both the ACDP and NPDES permits were issued on September 28, 1978.
- d. Bond counsel for the Port of Portland and attorney for Wacker Siltronic obtained a certificate (Attachment F) from the Department on an issue of pollution control bonds dated April 25, 1979.
- e. A Notice of Intent to Construct and Request for Preliminary Certification for Tax Credit was made May 7, 1979 and approved June 11, 1979 for the wastewater control facilities. Construction was initiated in July 1979, completed in April 1980, and the facility was placed into operation in April 1980. A Pollution Control Facility Certificate (Application No. T-1351) was approved to be issued at the June 5, 1981 EQC meeting.
- f. The company's letter of March 21, 1981 indicated that the form may not have been submitted. A subsequent search of the CH₂M/Hill project files indicate that the subject forms were hand delivered to the Department on June 13, 1978.
- g. The Department did not realize that the Notices of Intent to Construct and Request for Preliminary Certification for Tax Credit was not on record until receipt of this application. The Department had worked closely with CH₂M/Hill and Wacker on this facility and was of the opinion that the full intent of the law had been met.

4. Summation

- a. Wacker believes that the application for Preliminary Certification was submitted and that the full intent of the law was met. In spite of the fact that no file record exists of the subject application, the Department staff does believe that the facility has met the intent of the pollution control tax credit laws.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1) (a).

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission issue an order approving Tax Credit Application No. T-1350.

Attachment A - Letter from Wacker Siltronic Corporation, Thomas G. Boyle, Senior Tax Accountant, dated March 31, 1981.

Attachment B - Letter from Wacker Siltronic Corporation, Virginia Gilbert, Treasurer, dated September 28, 1981.

Attachment C - Position Paper, March 1977.

Attachment D - Preliminary Summary of Environmental Consideration, March 29, 1978.

Attachment E - General Permit Information, June 1978; Specific Information for Air Contaminant Discharge Permit dated April 25, 1979.

Attachment F - Certificate of Concurrence for Pollution Control Bonding, dated April 25, 1981, including Description of Air Pollution Control Facilities.

FASkirvin:ahe
(503) 229-6414
November 23, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Kaiser Cement Corporation
931 N. River Street
Portland, OR 97212

The applicant owns and operates a bulk cement distribution facility at Portland, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is six baghouse filters.

Request for Preliminary Certification was not made; applicant requests that Commission waive requirements for filing.

Construction was initiated on the claimed facility on 9-80, completed on 1-81, and the facility was placed into operation on 1-81.

Facility Cost: \$91,956.00 (Accountant's Certification was provided).

3. Evaluation of Application

The vents on six cement storage silos are controlled by the claimed facility. These vents exhaust air as the silos are filled with cement. The new baghouses replace old obsolete filters.

The silos are filled by pumping a mixture of cement and air into them. The silos act like expansion chambers where the cement drops out of the air. The cement dust remaining in the air is filtered out when the air is vented through the baghouse.

The baghouses are DCE Dalamatic Model DLM-V20F on cement silo numbers 2, 4, 6, 7, 9 and 11.

A sock or simple cotton bag filter is used on the vent when there is no need to prevent visible emissions. The difference in the amount of cement saved by the baghouse over a more porous sock is insignificant. The percent of the cost allocable to pollution control is 80% or more.

The applicant requests in the attached letter that the Commission waive the requirements for filing for Preliminary Certification before the start of construction. The supervisor of Property and Construction Accounting, who did the previous filing for Pollution Control Facilities tax credits, died unexpectedly in June, 1980. Construction on the project was started in September, 1980. The workload of his department fell upon one man for three months and the heavy workload would not allow him to fulfill this task. This is considered a special circumstance that made filing of an application for preliminary certification unreasonable. The project is otherwise considered eligible for tax credit. The Department recommends that filing for Preliminary Certification be waived because the man in charge died at the critical time to file which is after the decision to go ahead with the project and before the start of construction.

4. Summation

- a. Special circumstances exist which made the filing of an application for preliminary certification unreasonable, and the facility would otherwise be eligible for tax credit.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1) (a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 80% or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$91,956.00 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1390.

F.A. Skirvin:a
AA1541 (1)
(503) 229-6414
November 6, 1981

T-1390



KAISER CEMENT CORPORATION, KAISER BUILDING, 300 LAKESIDE DRIVE, OAKLAND, CALIFORNIA 94612

July 21, 1981

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

Subject: Notice of Intent to Construct and Request for Preliminary
Certification for Tax Credit

We are asking the Commission to waive the filing of the application for preliminary certification under ORS 468.175 due to an untimely death in our Property Dept. Our Mr. Paul R. Deleuran, Supervisor, Property and Construction Accounting, who did the previous filing for Pollution Control Facilities tax credits, died unexpectedly in June, 1980. The workload of his department fell upon one man for three months and the heavy workload would not allow him to fullfill this task.

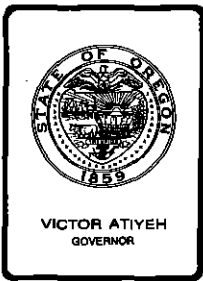
In September, 1980 our project for six dust collectors at our Portland Distribution Facility had begun. Our tax department representative, Mr. Raymond A. Schmidt, contacted Mr. Mike Downs of the Department of Environmental Quality and he stated that we should file after completion of the project and ask the commission for a waiver. We respectfully request your earnest consideration of our application for waiver.

Should you require further information, please do not hesitate to contact me.

KAISER CEMENT CORPORATION

W. Donald Shaw
Senior Property Acct, Property & Construction Accounting

WDS/gl



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item C, December 4, 1981, EQC Meeting

TAX CREDIT APPLICATIONS

Director's Recommendation

It is recommended that the Commission take the following actions:

- 1. Issue Pollution Control Facility Certificates to:

Appl. No.	Applicant	Facility
T-1117	Ellingson Lumber Company	Asphalt paving
T-1233	Tektronix, Inc.	Rinse tanks, conductivity controllers & level controls, etc.
T-1328	Johnson Rock Products, Inc.	Baghouse
T-1342	Kenneth Wade Tamura	Wind machine
T-1345	Reter Fruit Company	18 wind machines
T-1367	Weyerhaeuser Co.	Replacement of scrubbers and associated water recirculation system
T-1377	Tower Oil Co.	Vapor return equipment
T-1384	Roseburg Lumber Co.	Scrubber
T-1387	Diamond International Corp.	Fuel processing and storage system
T-1396	Teledyne Wah Chang	Smokehouse
T-1399	Teledyne Wah Chang	Wastewater dechlorination system
T-1400	Teledyne Wah Chang	Spill control system
T-1401	Teledyne Wah Chang	Tank vault scrubbing system
T-1404	Teledyne Wah Chang	Concrete pads and berms
T-1405	Teledyne Wah Chang	Hafnium oxide scrubber
T-1406	Teledyne Wah Chang	Venturi scrubber
T-1407	Teledyne Wah Chang	Chlorination vent system
T-1408	Teledyne Wah Chang	Pipe bridge
T-1409	Teledyne Wah Chang	Boiler stack
T-1410	Teledyne Wah Chang	Ammonium sulfate storage system
T-1413	Teledyne Wah Chang	Modification to spill treatment system
T-1415	Teledyne Wah Chang	Wastewater treatment system sludge dewatering facility



Contains Recycled Materials

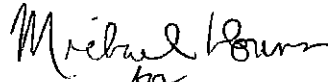
Appl No.	Applicant	Facility
T-1417	Georgia-Pacific Corp.	Heat cell
T-1418	Crater Lake Orchard	Overtree sprinkler system
T-1430	Champion International Corp.	Wastewater recirculation system
T-1431	Champion International Corp.	Veneer dryer end air seals
T-1432	Champion International Corp.	Veneer dryer end air seals
T-1433	Champion International Corp.	Ducting of veneer dryer exhaust gases
T-1434	Champion International Corp.	Veneer dryer wash water recirculation system
T-1435	D & E Wood Products	Conveyors processing equipment
T-1438	Willamette Industries, Inc.	Paved log handling facility
T-1439	International Paper Co.	SandAir filter
T-1440	Triplex, Inc.	Exhaust gas collection system
T-1442	Bickford Orchards, Inc.	Wind machine
T-1443	Nicolai Company	Hog fuel truck loading/unloading building & associated equipment
T-1450	No. 1 Boardman Station	Electrostatic precipitator and fly-ash storage system
T-1451	Willamette Industries, Inc.	Waste wood fuel storage bin
T-1454	North Santiam Veneer, Inc.	Waste wood boiler storage bins
T-1455	Georgia-Pacific Corp.	Sewer conductivity monitors
T-1464	West Coast Beet Seed Co.	Baghouse
T-1476	Richards Food Centers, Inc.	Vapor return system
T-1477	Concor, Inc.	Car wash water recycle system

2. Waive Preliminary Certificate requirement and issue Pollution Control Facility Certificates to:

Appl. No.	Applicant	Facility
T-1348	Wacker Siltronic Corp.	Carbon adsorption unit and associated equipment
T-1349	Wacker Siltronic Corp.	Spray tower gas stripping columns and associated equipment
T-1350	Wacker Siltronic Corp.	Air filter, blower, and associated equipment
T-1356	Pioneer International, Inc.	Conversion of gasoline delivery trailer

Agenda Item C
December 4, 1981, EQC Meeting
Page 3

3. Revise Pollution Control Facility Certificate 1279 to reflect a change in certified costs (see review report)


for
William H. Young

CASplettstaszer
229-6484
11/13/81
Attachments

PROPOSED DECEMBER 1981 TOTALS

Air Quality	\$51,492,366
Water Quality	1,871,385
Solid Waste	9,211,023
Noise	<u>-0-</u>
	\$62,574,774

CALENDAR YEAR TOTALS TO DATE

Air Quality	\$10,581,242
Water Quality	3,502,572
Solid Waste	4,994,711
Noise	<u>172,821</u>
	\$19,251,346

certified
copy 27

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

1. Applicant

Ellingson Lumber Company
Box 866
Baker, OR 97814

The applicant owns and operates a sawmill at Baker, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of 450,300 square feet of asphalt paving.

Request for Preliminary Certification for Tax Credit was made on October 30, 1978, and approved on December 7, 1978.

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

Facility Cost: \$347,141.68, of which \$251,471.50 is eligible. Accountant's Certification was provided.

3. Evaluation of Application

The applicant has paved 450,300 square feet of dirt access roads and lumber loading and storage areas. About 124,100 square feet is primarily storage area (low activity area) which does not qualify for tax credit in accordance with the paving project guidelines. The remaining 72.44% is eligible for consideration for tax credit. Previously, the company attempted to control dust by watering the area, but it was not as effective as the paving. The terrain of the plant site and surrounding area offer little protection from the wind. Paving greatly reduces the potential for fugitive emissions from these areas. Without an adequate control program the windblown dust would be carried into the surrounding residential area and did result in many complaints. The paving is maintained by periodic sweeping and patching.

Since only 72.44% of the paving qualifies for tax credit, the amount eligible for tax credit is \$251,471.50 ($\$347,141.68 \times .7244$). The economic benefits to the applicant consist of reduced equipment maintenance, reduced travel, better working conditions, and elimination of 9-man months/year which was used to water the area. The applicant estimates that periodic sweeping and maintenance of the paving will cost \$10,000 annually. Watering, the previous control method, cost \$21,000 annually. This represents a saving of \$11,000 annually. The applicant had no estimate of the economic benefits resulting from reduced maintenance and reduced travel. However, the Department estimates the savings from these two factors at \$8,000 annually based on similar

operations. This represents a net saving of \$19,000 annually or 7.6% of the eligible cost. Therefore, in accordance with the guidelines on cost allocation, 60% or more but less than 80% of the eligible facility cost is allocable to pollution control. This compares favorably with the applicant's request for 50% of total facility cost for pollution control.

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 60% or more but less than 80%.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$251,471.50 with 60% or more but less than 80% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1117.

FASKirvin:ahe
(503) 229-6414
November 12, 1981

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Certificate No. DRAFT
Date of Issue _____
Application No. _____

POLLUTION CONTROL FACILITY CERTIFICATE

Issued To: ELLINGSON LUMBER COMPANY BOX 866 BAKER, OR 97814	Location of Pollution Control Facility: 3100 BROADWAY BAKER, OREGON
As: <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Owner	
Description of Pollution Control Facility: <p style="text-align: center; font-size: 1.2em;">450,300 SQUARE FEET OF ASPHALT PAVING</p>	
Type of Pollution Control Facility: <input checked="" type="checkbox"/> Air <input type="checkbox"/> Noise <input type="checkbox"/> Water <input type="checkbox"/> Solid Waste	
Date Pollution Control Facility was completed: <u>JUNE 1979</u> Placed into operation: <u>JUNE 1979</u>	
Actual Cost of Pollution Control Facility: <u>\$ 251,471.50</u>	
Percent of actual cost properly allocable to pollution control: <p style="text-align: center; font-size: 1.2em;">60% OR MORE BUT LESS THAN 90%</p>	

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

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

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

Signed _____

Title _____

Approved by the Environmental Quality Commission on
the _____ day of _____, 19____

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

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

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

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

2. Description of Claimed Facility

The facility described in this application consists of rinse tanks, conductivity controllers and level controls, and associated equipment.

Request for Preliminary Certification for Tax Credit was made May 10, 1977, and approved September 14, 1977. Construction was initiated on the claimed facility September 15, 1977, completed March 2, 1978, and the facility was placed into operation March 2, 1978.

Facility Cost: \$31,408 (Accountant's Certification was provided).

The accountant's certification was for an overall facility cost of \$552,247. However, discussions with the applicant revealed that most of these costs were not for pollution control items. A pollution control facility cost of \$31,408 was agreed upon with the applicant.

3. Evaluation of Application

A process line was relocated in a new building where water conservation equipment could be installed. The old single rinse processes were replaced with double and triple rinse systems to reduce the volume of water discharged to the sewer. This not only reduces the hydraulic load on the industrial treatment system, but allows for reclamation of heavy metal pollutants. The annual water savings from this project is \$13,104, which computes to a return on investment of slightly over 40 percent. From Table I on page VI-3 of the Tax Credit Guidance Handbook, one arrives at a percent allocable for pollution control of less than 20 percent.

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1) (a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing water pollution.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is less than 20 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$31,408 with less than 20 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1233

Charles K. Ashbaker:1
WL1212 (1)
(503) 229-5325
November 10, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Johnson Rock Products, Inc.
P. O. Box 548
North Bend, Oregon 97459

The applicant owns and operates a ready-mix concrete batch plant at North Bend, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is a baghouse air filter system on a ready-mix concrete plant.

Request for Preliminary Certification for Tax Credit was made on March 12, 1980, and approved on May 9, 1980.

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

Facility Cost: \$22,595.74. (Accountant's Certification was provided.)

3. Evaluation of Application

The claimed facility replaced a smaller baghouse control system. Dust emissions while loading concrete mixer trucks were observed during an inspection by Departmental personnel. The Department's report also stated that the emissions were within permit limits. No new controls were required by the Department.

The new larger baghouse was observed in operation by the Department and its operation is recorded as very effective in capturing fugitive dust during loading. The new baghouse has reduced emissions. Yard dust at the plant site is also controlled effectively. Their nearest neighbor is a residence 1000 feet from the plant.

The previous baghouse was not claimed for tax credit. The collected material is not used; therefore, 80% or more of the cost is allocated to pollution control.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$22,595.74 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1328R.

FAS:h

(503) 229-6414

September 23, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Kenneth Wade Tamura
6881 Trout Creek Road
Parkdale, OR 97041

The applicant owns and operates a fruit orchard in Parkdale, Oregon.

2. Description of Claimed Facility

The facility described in this application is one orchard Rite Wind machine for frost damage control.

Request for Preliminary Certification for Tax Credit was made on August 23, 1979, and approved on October 9, 1979.

Construction was initiated on the claimed facility in November, 1979, completed in April, 1980, and the facility was placed into operation on April 15, 1980.

Facility cost: \$13,890.78 (Accountant's Certification was provided).

3. Evaluation of Application

The orchard farmers have installed orchard wind machines to provide frost protection in place of oil-fired heaters. The farmers want to reduce smoke and soot emissions during frost protection nights to assure continued operation of their farms since the farms are in populated areas. With the rise in fuel oil prices, the replacement of heaters by wind machines may be a good financial investment.

The applicant in the Parkdale area used 1,200 mixed open buckets and heaters to protect the 10 acres protected by the claimed facility. With the wind machine, 300 perimeter buckets and heaters will be retained.

An average season requires 2,000 gallons of fuel oil. The perimeter heaters will use 500 gallons per average season. Thus, there is a savings of 1,500 gallons per year which at a cost of \$0.90 per gallon for fuel oil is a savings of \$1,350. The rate of return on investment determined in accordance with the Department's Pollution Control Facilities Tax Credit Program Guideline Handbook is for a 10 year life less than 1%. The percent of actual cost allocable to pollution

control is 80% or more. For this investment to have a rate of return of greater than 25% would have required saving 4,325 gallons of oil per year.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$13,890.78 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1342R.

FASKirvin:ahe
AA1465 (1)
(503) 229-6414
October 7, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Reter Fruit Company
PO Box 1027
Medford, OR 97501

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

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

2. Description of Claimed Facility

The facility described in this application is 18 wind machines used for frost damage control. The wind machines are leased from the bank for seven years.

Request for Preliminary Certification for Tax Credit was made on 9-12-80, and approved on 9-19-80.

Construction was initiated on the claimed facility on 10-80, completed on 1-15-81, and the facility was placed into operation on 1-15-81.

Facility Cost: \$321,554.44 (A letter from U.S. Bancorp Financial explained the lease agreement and gave any tax credit to the lessee).

3. Evaluation of Application

The orchard farmers have installed orchard wind machines to provide frost protection in place of oil fired heaters. The farmers want to reduce smoke and soot emissions during frost protection nights to ensure continued operation of their farms since the farms are in populated areas. With the rise in fuel oil prices, the replacement of heaters by wind machines is becoming a good financial investment.

The claimed wind machines protect up to 270 acres that needed approximately 7,000 diesel oil burning heaters. The applicant estimated that an average heating season requires 420 gallons of oil per acre for protection or 113,000 gallons per average season.

The use of wind machines results in a reduction in the cost of diesel oil to protect against frost damage. At an oil cost of \$1 per gallon in the spring of 1981, the average cost for frost protection by heaters would be \$113,400. With wind machines there is still a need for some perimeter heaters. Assuming heaters are reduced from 26 heaters per acre to 7.6 perimeter heaters and these perimeter heaters

are used one third of the time during heavy frost, the average perimeter heaters used $7.6/26 \times 1/3$ equals 0.0966 of the oil used with oil heaters only protection or 10,951 gallons per average season. The net savings in oil is 113,400 - 10,951 equals 102,449 gallons or \$102,449. The other operating costs are considered to be equal and the net savings is considered to be \$102,449. The rate of return on investment determined in accordance with the Department's Pollution Control Facilities Tax Credit Program Guidance Handbook for 7 years is greater than 25 percent. The percent of actual cost allocable to pollution control is, therefore, less than 20 percent.

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1) (a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is less than 20%.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$321,554.44 with less than 20 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1345R.

AHD77 (1)
F.A. Skirvin:h
(503) 229-6414
October 9, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Weyerhaeuser Co.
Wood Products Manufacturing Division
P. O. Box 389
North Bend, Oregon 97459

The applicant owns and operates a plywood plant at North Bend.

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

2. Description of Claimed Facility

The facility described in this application consists of the replacement of veneer dryer exhaust stack wet scrubbers and associated water recirculation system with similar equipment constructed of the more durable stainless steel.

Request for preliminary Certification for Tax Credit was made on March 28, 1979, and approved on May 31, 1979.

Construction was initiated on the claimed facility on April 18, 1979, completed on June 1, 1979, and the facility was placed into operation on June 1, 1979.

Facility Cost: \$45,604 (Accountant's Certification was provided).

3. Evaluation of Application

Weyerhaeuser initially completed installation of Burley type wet scrubbers on the two veneer dryers at their North Bend plant on March 15, 1976. These units were certified in compliance with the Department's visible emission standards for veneer dryers. In ensuing months of operation, the characteristic acidic scrubber recirculation water caused deterioration of the air emission control scrubber system which was constructed primarily with mild steel. Because of serious leaks in the recirculation lines and bases of the scrubber units, the system was taken out of service in November, 1978.

On March 28, 1979, the Company submitted their intent to rebuild the scrubber system using stainless steel materials to insure continued reliable operation. The rebuilding project was completed in June 1979 and the Department certified the veneer dryer emissions in compliance with state standards.

The total project cost was \$97,979. The "in-kind" repair cost, including labor, would have been \$52,375. The additional cost to upgrade the system with stainless steel was \$45,604.

The primary purpose of the rebuilding project was to accommodate air emission control. There is no economic benefit to the Company derived from the project other than reduced repair frequency. Eighty percent (80%) or more of the system upgrade cost is allocable to pollution control.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$45,604 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1367.

FAS:h

(503) 229-6414

September 23, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Tower Oil Co.
635 E. Burnside St.
Portland, OR 97214

The applicant owns and operates a leasing and sub-leasing gasoline service stations business in the Portland area.

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

2. Description of Claimed Facility

The facility described in this application is the installation of gasoline vapor return equipment at 23 Rocket stations.

Request for Preliminary Certification for Tax Credit was made on 4-30-79, and approved on 2-13-80.

Construction was initiated on the claimed facility on 11-80, completed on 1-81, and the facility was placed into operation on 4-1-81.

Facility Cost: \$18,993.25 (Invoices were provided).

3. Evaluation of Application

The applicant installed a Department approved gasoline vapor return system at 23 Rocket stations which are listed on the attachment. Upon approval, a Pollution Control Facility Certificate will be issued for each station.

Some of these stations were splash filled before installation of vapor return. At these stations there is a 0.07% reduction in gasoline loss. However, there is no return on investment to the applicant because of how his business operates. The gasoline is metered at the terminal and is then delivered directly to an independent dealer who is charged according to the terminal meter reading. (The independent dealers have a 0.5% loss factor). The percent allocable to pollution control is 80% or more.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$18,993.25 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1377R

F.A. Skirvin:a
AA1473 (1)
(503) 229-6414
10-20-81

Attachment to Application No. T-1377R

No.	Station Location	No. of Tanks	Installation Cost
1)	1115 McVey Ave. Lake Oswego	3	\$ 706.80
2)	1033 NE 82nd Portland	3	888.65
3)	1935 N. Killingsworth Portland	2	1471.25
4)	11150 SE Division Portland	3	523.80
5)	4808 SE Stark Portland	3	963.99
6)	10738 SE Foster Rd. Portland	3	756.10
7)	9125 NE Halsey Portland	3	1169.40
8)	6935 NE Glisan Portland	3	564.45
9)	1510 NE 42nd Portland	2	634.50
10)	5506 N Lombard Portland	3	550.95
11)	6412 NE Portland Hwy. Portland	3	482.50
12)	17404 SE Stark Portland	3	765.50
13)	23720 NE Halsey Troutdale	3	565.80
14)	10000 SW Barbur Blvd. Portland	3	974.20
15)	3120 SW Cedar Hills Blvd. Beaverton	3	541.50

Attachment to Application No. T-1377R (Continued)

<u>No.</u>	<u>Station Location</u>	<u>No. of Tanks</u>	<u>Installation Cost</u>
16)	500 Front St. Gaston	3	881.60
17)	15900 SW Upper Boones Ferry Rd. Portland	3	567.60
18)	11 NE Killingsworth Portland	2	687.85
19)	Route 3 Box 119 Cornelius	5	1564.41
20)	3425 SW Multnomah Blvd. Portland	4	1298.15
21)	7134 NE Halsey Portland	3	689.60
22)	1940 SE Hawthorne Portland	3	941.05
23)	5909 NW St. Helens Rd.	3	<u>803.60</u>
		Total Cost	\$18,993.25

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Roseburg Lumber Co.
Green District - Plywood #3
P.O. Box 1088
Roseburg, OR 97470

The applicant owns and operates a plywood plant in the Green District near Roseburg.

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

2. Description of Claimed Facility

The facility described in this application consists of a Burley Industries five stage scrubber, dryer seals and associated equipment installed on dryer No. 3 at Roseburg Lumber Company's plant No. 3.

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

Construction was initiated on the claimed facility in February 1980, completed on December 5, 1980, and the facility was placed into operation on December 8, 1980.

Facility Cost: \$168,642 (Accountant's Certification was provided).

3. Evaluation of Application

Roseburg Lumber Company operates a plywood plant in the Green District near Roseburg. A Burley Industries 5-stage scrubber, and dryer seals were installed on Dryer #3. All of these items are necessary for effective control of the veneer dryer emissions. This dryer is now in compliance with the opacity limits. The primary purposes of the project was air emission control and there is no significant financial benefit. Therefore, 80% or more of the cost is allocable to pollution control.

4. Summation

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

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$168,642 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1384.

F.A. Skirvin:a
AA1561 (1)
(503) 229-6414
November 10, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Diamond International Corporation
Oregon Lumber Division
P.O. Box 1111
Bend, OR 97701

The applicant owns and operates a CDX sheathing plywood manufacturing plant at Redmond, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of a fuel processing and storage system for waste wood; a fluidized bed burner (Model FB-200 by Energy Products of Idaho); a combustion gas blending, cleaning, dryer distribution and recirculation system; a steam boiler system and a hot water log conditioning system.

Request for Preliminary Certification for Tax Credit was made on December 20, 1979, and approved on February 19, 1980.

Construction was initiated on the claimed facility on April 1, 1980, completed on December 10, 1980, and the facility was placed into operation on December 16, 1980.

Facility Cost: \$3,808,000 (Accountant's Certification was provided).

3. Evaluation of Application

All log deck debris, oversized lilly pads, bark, sawdust, stud trim ends, broken logs and green veneer wastes were previously burned in a wigwam wood waste burner or disposed of in a landfill. The facility now uses these wastes as a fuel to produce hot gas to dry green veneer in the plywood manufacturing process. One side benefit was to reduce plant use of 3.36 million therms of natural gas per year.

The wigwam burner has been eliminated and the amount of waste materials (burner ash) is about 64 cubic feet per day which is disposed of in a landfill.

Energy production is 100 million British thermal units (Btu) per hour from waste wood fuel.

The Department would not recommend approval of this application under current policy (effective December 31, 1980). However, this facility was commenced before adoption of the present policy and is, therefore, eligible for consideration.

21

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. As required by ORS 468.165, the facility was under construction on or after January 1, 1973 and
 - (1) The substantial purpose of the facility is to utilize material that would otherwise be solid waste by burning; through the production, processing, or use of materials for their heat content;
 - (2) The end product of the utilization is a usable source of power or other item of real economic value;
 - (3) The Oregon law regulating solid waste imposes standards at least substantially equivalent to the federal law.
- c. The facility is necessary to satisfy the intents and purposes of ORS Chapter 459, and the rules adopted under that chapter.
- d. The portion of the facility cost that is properly allocable to pollution control is 100 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$3,808,000 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1387.

Robert L. Brown:c
SC43
(503) 229-5157
October 26, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Teledyne Industries, Inc.
Teledyne Wah Chang, Albany
P. O. Box 460
Albany, OR 97321

The applicant owns and operates a zirconium, hafnium, tantalum, titanium, and niobium production plant at 1600 Old Salem Road, Albany, Oregon

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

2. Description of Claimed Facility

The facility described in this application consists of a 12'x18'x13' smokehouse for use at the feed make-up and sand chlorination area to wash off residual $ZrCl_4$ from equipment and control fugitive emissions.

Request for Preliminary Certification for Tax Credit was made on 5-24-76, and approved on 7-13-76.

Construction was initiated on the claimed facility on 7-30-76, completed on 10-11-76, and the facility was placed into operation on 10-11-76.

Facility Cost: \$14,767.00 (Accountant's Certification was provided).

3. Evaluation of Application

The smokehouse provides an enclosed area to collect hazardous fumes resulting from washing fluid bed condenser, cold fingers, transfer lines, reactor parts and chloride cans. These fumes are then neutralized through the caustic 12,000 cfm packed tower scrubber. Prior to installation of the smokehouse the washing operations were carried out in the open air with no control of the hazardous fumes. Liquid effluent is treated in the current waste treatment facility.

The installation has been inspected by Department personnel and has been found to be operating in compliance with regulations and permit conditions.

All treated effluent is discharged and no process material is salvaged. Therefore, there is no return on the investment in the smokehouse and 80% or more of the facility cost is allocable to pollution control.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$14,767.00 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1396.

F. A. Skirvin:g
(503) 229-6414
September 17, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Teledyne Industries, Inc.
Teledyne Wah Chang Albany
P. O. Box 460
Albany, OR 97321

The applicant owns and operates a zirconium, hafnium, tantalum, titanium, and niobium production plant at Albany.

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

2. Description of Claimed Facility

The facility described in this application is wastewater dechlorination system consisting of:

- a. A drainage collection system;
- b. two 12' diameter sulfite storage tanks and a supporting concrete pad;
- c. one 12' diameter sulfite makeup tank;
- d. one 12' diameter reactor tank and Lightnin mixer; and,
- e. a pH/oxidation reduction potential control system.

Request for Preliminary Certification for Tax Credit was made August 19, 1977, and approved February 16, 1978. Construction was initiated on the claimed facility November 1977, completed January 1978, and the facility was placed into operation June 1978.

Facility Cost: \$135,445 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to installation of the claimed facility, scrubber waters from the sand chlorination and pure chlorination plant, and from the zirconium oxide kiln discharged directly to the waste treatment system. The chlorination scrubber water contained hypochlorite which

formed toxic compounds in the wastewater treatment system. The new system collects and stores the zirconium oxide kiln scrubber waste which contains sodium sulfite. The chlorinations scrubber water is also collected and sent to a reaction tank where the sodium sulfite water is fed for dechlorination. This system combines two waste streams under controlled conditions to reduce the toxicity of the effluent. There is no return on investment.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$135,445 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1399.

CKA:g

(503) 229-5325

September 21, 1981

WG449 (1)

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Teledyne Industries, Inc.
Teledyne Wah Chang Albany
P.O. Box 460
Albany, OR 97321

The applicant owns and operates a rare metals production plant at Albany.

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

2. Description of Claimed Facility

The facility described in this application is a spill control system for the separations plant plus portions of a treatment system to handle the spillage. The spill control system consists of drains, piping, sumps, and pumps. The treatment system consists of four concrete tank support pads, the spill control treatment building and foundation, a fresh water supply line, an electrical service line, pumps, and a mixer.

Request for Preliminary Certification for Tax Credit was made March 14, 1977, and approved April 8, 1977. Construction was initiated on the claimed facility May 1977, completed January 15, 1978, and the facility was placed into operation February 28, 1978.

Facility Cost: \$84,507 (Accountant's Certification was provided).

The accountant's certification shows a facility cost of \$142,966. However, upon questioning the applicant, it was found that a portion of the treatment system did not work properly and was therefore dismantled. The applicant subsequently submitted a revised application showing a revised facility cost of \$84,507.

3. Evaluation of Application

Prior to installation of the claimed facility, spillage and leaks from the separations plant drained to a pond which leached to Truax Creek. The drainage contained ammonia and MIBK. The new control system contains this water and conveys it to the separations plant spill treatment system. The initial spill treatment system did not function as designed and has been modified. The applicant has applied for tax relief for the modifications under a separate application. Those portions of the original spill treatment system that have remained in service plus the spill collection system constitute the \$84,507 facility cost. There is no return on investment for this project.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$84,507 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1400.

Charles K. Ashbaker:1
WL1217 (1)
(503) 229-5325
November 12, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Teledyne Industries, Inc.
Teledyne Wah Chang, Albany
P. O. Box 460
Albany, OR 97321

The applicant owns and operates a zirconium, hafnium, tantalum, titanium, and niobium production plant at 1600 Old Salem Road, Albany

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

2. Description of Claimed Facility

The facility described in this application is a tank vault scrubbing system.

Request for Preliminary Certification for Tax Credit was made on September 16, 1977, and approved on November 14, 1977.

Construction was initiated on the claimed facility in November 1977, completed in May, 1978, and the facility was placed into operation in May 1978.

Facility Cost: \$114,091.00 (Accountant's Certification was provided).

3. Evaluation of Application

The tank vault scrubbing system is a series of two (2) sequenced scrubbers, the first an ejector-venturi and the second a packed tower, which uses recirculated caustic as a scrubbing liquid to control fugitive emissions of SiCl_4 , HCl , and Cl_2 . These fugitive emissions are created from the storage, processing and maintenance operations of the SiCl_4 distillation and refining process.

The installation has been inspected and has been found to be operating in compliance with regulations and permit conditions. The addition of this system has also reduced the opacity of the sand chlorination

scrubbing system which previously was used to control emissions from the storage tank area vents, and the maintenance operations of the SiCl_4 distillation and refining process.

The effluent is treated before discharge with no material from the process being salvaged. Therefore there is no return on the investment of the tank vault scrubbing system and 80% or more of the facility cost is allocable to pollution control.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$114,091 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1401.

F. A. Skirvin:g
(503) 229-6414
September 17, 1981

AG1377 (1)

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Teledyne Industries, Inc.
Teledyne Wah Chang Albany
P. O. Box 460
Albany, OR 97321

The applicant owns and operates a zirconium, hafnium, tantalum, titanium, and niobium production plant at Albany.

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

2. Description of Claimed Facility

The facility described in this application consists of concrete pads and berms for hafnium precipitation and calcining system spill control. Floor drains and underground piping are also included to collect spills.

Request for Preliminary Certification for Tax Credit was made August 22, 1977, and approved March 15, 1978. Construction was initiated on the claimed facility April 1978, completed September 1978, and the facility was placed into operation September 1978.

Facility Cost: \$14,636 (Accountant's Certification was provided).

3. Evaluation of Application

The spill control facility was included in a larger project which consisted of relocating the hafnium precipitation and calcining system. Spilled chemicals are contained within the concrete structures and are conveyed to the spill treatment system. Without this system ammonia and acid solutions could have spilled onto the ground with the potential of polluting the groundwater. There is no return on investment from this facility.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$14,636 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1404.

CKA:g
(503) 229-5325
September 22, 1981
WG460 (1)

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

1. Applicant

Teledyne Industries, Inc.
Teledyne Wah Chang Albany
P. O. Box 460
Albany, Oregon 97321

The applicant owns and operates a zirconium, hafnium, tantalum, titanium, and niobium production plant at 1600 Old Salem Road, Albany, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of a hafnium oxide scrubber.

Request for Preliminary Certification for Tax Credit was made on August 23, 1977, and approved on March 15, 1978.

Construction was initiated on the claimed facility in April 1978, completed on September 1, 1978, and the facility was placed into operation on September 1, 1978.

Facility Cost: \$65,893.00 (Accountant's Certification was provided).

3. Evaluation of Application

The hafnium oxide scrubber is a venturi scrubber operating in conjunction with an existing packed bed scrubber fed with sodium hypochlorite to control the hafnium kiln off-gas and fugitive emissions from the hafnium and precipitation area. Air contaminants treated are particulate, SO₂, NH₃ and odorous organic compounds.

This facility which was required by the Department has been inspected by Department personnel and has been found to be in compliance with regulations and permit conditions.

The control strategy prior to the installation of the hafnium scrubber was similar but undersized for adequate control. Particulate was removed by Brinks demisters instead of the venturi scrubber.

The facility was installed solely for air pollution control and there is no rate of return on the investment. Therefore, 80% or more of the facility cost is allocable to pollution control.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$65,893.00 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1405.

F. A. Skirvin:h
(503) 229-6414
September 24, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Teledyne Industries, Inc.
Teledyne Wah Chang Albany
P. O. Box 460
Albany, OR 97321

The applicant owns and operates a zirconium, hafnium, tantalum, titanium, and niobium production plant at 1600 Old Salem Road, Albany, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of a venturi scrubber, lime treatment system and settling tank.

Request for Preliminary Certification for Tax Credit was made on 8-9-77, and approved on 8-22-77.

Construction was initiated on the claimed facility in December 1977, completed in April 1978, and the facility was placed into operation in April 1978.

Facility Cost: \$25,747 (Accountant's Certification was provided).

3. Evaluation of Application

The venturi scrubber with lime treatment of the scrubber blowdown and a settling tank for removal of fluoride by precipitation of calcium fluoride were required to achieve control at the columbian oxide kiln. This facility replaced a previous scrubber without lime treatment for which no tax credit had been received. Coincident with the installation, the facility was relocated to facilitate installation of the hafnium oxide precipitation and calcining system which was on a compliance schedule.

The claimed facility, which was required by the Department, has been inspected by Department personnel and has been found to be in compliance with regulations and permit conditions.

All material collected is discharged to the wastewater treatment system. Therefore, there is no return on the investment in the facility and 80% or more of the facility cost is allocable to pollution control.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$25,747.00 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1406.

F. A. Skirvin:g
(503) 229-6414
September 17, 1981

AG1375 (1)

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

1. Applicant

Teledyne Industries, Inc.
Teledyne Wah Chang Albany
P. O. Box 460
Albany, Oregon 97321

The applicant owns and operates a zirconium, hafnium, tantalum, titanium, and niobium production plant at 1600 Old Salem Road, Albany, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of the pure chlorination vent system scrubber system spray towers.

Request for Preliminary Certification for Tax Credit was made on 12-22-77, and approved on 4-4-78.

Construction was initiated on the claimed facility in April 1978, completed in February 1980, and the facility was placed into operation in February, 1980.

Facility Cost: \$385,879 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed facility is a series of two (2) scrubbers utilizing a caustic solution to control emissions of hydrogen chloride (HCl) and chlorine gas (Cl₂) from the pure chlorination vent system. The first scrubber is a spray column and the second scrubber is a packed column. This system replaced a previous packed bed caustic scrubber for which no tax credit had been received. The ventilation capacity was also increased from 4500 cfm to 15,000 cfm to more adequately control fugitive emissions.

The claimed facility which was required by the Department has been inspected by Department personnel and has been found to be operating in compliance with regulations and permit conditions. Performance of the scrubber system has been verified by source test.

The installation was installed only to control air pollution and there are no materials from the process salvaged. Therefore, there is no return on the investment in the claimed facility and 80% or more of the facility cost is allocable to pollution control.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$385,879 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1407.

F.A. Skirvin:a
AA1401 (1)
(503) 229-6414
9-23-81

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Teledyne Industries, Inc.
Teledyne Wah Chang, Albany
P. O. Box 460
Albany, OR 97321

The applicant owns and operates a zirconium, hafnium, tantalum, titanium, and niobium production plant at Albany.

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

2. Description of Claimed Facility

The facility described in this application is a pipe bridge to span Truax Creek. The bridge consists of metal towers and pipe supports with concrete foundations.

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

Facility Cost: \$160,788 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to installation of the claimed facility, chemical processing lines were placed underground to transport chemicals to and from the separations plant and ammonia recovery plant. Pipe breaks often occurred which allowed chemicals to seep to Truax Creek. The pipe bridge now carries the chemical line above ground. This project has aided in the reduction of ammonia-nitrogen discharges to Truax Creek. The reduction of chemical losses is an insignificant savings to the plants. There is no measurable return on investment from this project.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$160,788 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1408

CKA:g

(503) 229-5325

September 21, 1981

WG448 (1)

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Teledyne Industries, Inc.
Teledyne Wah Chang Albany
Post Office Box 460
Albany, OR 97321

The applicant owns and operates a zirconium, hafnium, tantalum, titanium, and niobium production plant at 1600 Old Salem Road, Albany, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of 36-inch diameter boiler stack, 35 feet high.

Request for Preliminary Certification for Tax Credit was made on 12-19-78, and approved on 01-10-79.

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

Facility Cost: \$13,068 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed facility was required by the Department to allow for proper dispersion of emissions from the new 1200 HP boiler which replaced three smaller boilers. The new boiler has the capability of burning either natural gas or residual fuel oil.

The boiler stack has been inspected by Department personnel and has been found to prevent plume downwash resulting in proper dispersion. Boiler emissions are within regulations and permit conditions.

There is no return on the investment in the boiler stack which was required by the Department; therefore, 80% or more of the cost of the claimed facility is allocable to pollution control.

4. Summation

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

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

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

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

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$13,068 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1409.

FASkirvin:ahe
(503) 229-6414
September 23, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Teledyne Industries, Inc.
Teledyne Wah Chang Albany
P. O. Box 460
Albany, OR 97321

The applicant owns and operates a rare metals production plant at Albany.

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

2. Description of Claimed Facility

The facility described in this application is an ammonium sulfate storage system consisting of:

- a. A 400,000 gallon storage tank;
- b. A 75' x 75' concrete pad with 3' sidewalls; and,
- c. A sump pump system.

Request for Preliminary Certification for Tax Credit was made February 2, 1978, and approved February 24, 1978. Construction was initiated on the claimed facility February 1978, completed May 30, 1978, and the facility was placed into operation May 30, 1978.

Facility Cost: \$200,525 (Accountant's Certification was provided).

3. Evaluation of Application

This facility is a replacement of two plasti-steel tanks which failed. The old tanks were never included in a pollution control tax relief application. The tank provides storage for filtrate from the separations plant spill treatment system plus storage for ammonium sulfate streams from the separations plant. Without the tank, these streams which contain high concentrations of ammonia would flow to Truax Creek. The ammonium sulfate in the storage tank is sent through a concentrator and is sold as fertilizer. Although approximately \$6,600 is generated annually through the sale of the fertilizer, the concentration system operates at a net annual loss of over \$48,000.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$200,525 with 80 or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1410.

CKA:g

(503) 229-5325

November 5, 1981

WG654 (1)

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Teledyne Industries, Inc.
Teledyne Wah Chang Albany
P. O. Box 460
Albany, OR 97321

The applicant owns and operates a rare metals production plant at Albany.

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

2. Description of Claimed Facility

The facility described in this application is a modification to the separations plant spill treatment system consisting of:

- a. An MIBK separator and thickener,
- b. neutralization tank,
- c. surge tank
- d. two solids centrifuges, and
- e. pumps and piping.

Request for Preliminary Certification for Tax Credit was made June 6, 1979, and approved July 12, 1979. Construction was initiated on the claimed facility July 1979, completed February 1980, and the facility was placed into operation February 1980.

Facility Cost: \$317,723 (Accountant's Certification was provided).

3. Evaluation of Application

The old separations plant spill treatment system did not operate as designed and often bypassed spills to a pond near Truax Creek. The pond seeped to Truax Creek causing the discharge of high concentrations of thiocyanate and ammonia. The new system has increased the process rate and surge capacity of the spill treatment system thus eliminating the bypass to the pond. Since completion of this project, ammonia discharges in Truax Creek have been reduced from 1000 lbs/day to about 200 lbs/day. The treatment system recovers approximately 4800 gallons of MIBK and produces about 3600 tons of ammonia fertilizer annually. This generates an annual income of about \$18,500. However, the operating expenses for the treatment system are in excess of \$160,000 so there is no return on investment for this project.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$317,723 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1413.

CKA:g

(503) 229-5325

November 6, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Teledyne Industries, Inc.
Teledyne Wah Chang, Albany
P. O. Box 460
Albany, OR 97321

The applicant owns and operates a zirconium, hafnium, tantalum, titanium, and niobium production plant at Albany.

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

2. Description of Claimed Facility

The facility described in this application is wastewater treatment system clarifier sludge dewatering facility consisting of:

- a. 4-2 1/2 acre clay lined storage ponds approximately 7 feet deep with overflow weirs,
- b. 6 inch pipe and pump station to convey clarifier sludge to the ponds, and
- c. a 6 inch return pipe.

Request for Preliminary Certification for Tax Credit was made February 27, 1979, and approved May 23, 1979. Construction was initiated on the claimed facility June 1979, completed December 1979, and the facility was placed into operation December 1979.

Facility Cost: \$697,719 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to installation of the claimed facility, waste treatment clarifier sludge was discharged to the sludge pond behind the plant where it blended with sludge which contained more than 5 pCi/gram Radium 226. Oregon Law now requires all sludge which contains greater than 5 pCi/gram Radium 226 to be disposed of at a site approved for radioactive waste. Since the radioactivity of the waste stream is now reduced within the plant, the clarifier sludge is no longer considered to be radioactive. New ponds were constructed for dewatering the clean sludge where it could possibly be used later as a soil supplement. All decant water is returned to the clarifier. As yet there is no market for the sludge and no income has been derived from the investment.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$697,719 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1415

CKA:g

(503) 229-5325

September 21, 1981

WG447 (1)

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Georgia-Pacific Corporation
Eugene/Springfield Division
P.O. Box 1618
Eugene, OR 97440

The applicant owns and operates a veneer manufacturing and drying plant at Irving Road in Eugene.

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

2. Description of Claimed Facility

The facility described in this application consists of a direct-fired Green Fuel Heat Cell to provide heat for three veneer dryers. Fuel cell produces 30 MM Btu/hour replacing natural gas.

Request for Preliminary Certification for Tax Credit was made on February 14, 1979, and approved on May 2, 1979.

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

Facility Cost: \$732,930 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to installation of this facility, approximately 10,000 units per year of wood waste was landfilled or diverted to off-site uses. The unit produces 30 MM Btu/hour of heat which was formerly produced with natural gas.

The Department would not recommend approval of this application under current policy (effective December 31, 1980). However, this facility was commenced before adoption of the present policy and is, therefore, eligible for consideration.

4. Summation

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

- b. As required by ORS 468.165, the facility was under construction on or after January 1, 1973, and
 - (1) The substantial purpose of the facility is to utilize material that would otherwise be solid waste, by burning for their heat content;
 - (2) The end product of the utilization is a usable source of power or other item of real economic value;
 - (3) The Oregon law regulating solid waste imposes standards at least substantially equivalent to the federal law.
- c. The facility is necessary to satisfy the intents and purposes of ORS Chapter 459, and the rules adopted under that chapter.
- d. The portion of the facility cost that is properly allocable to pollution control is 100 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$732,930 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1417.

R. L. Brown:c
SC68
(503) 229-5157
November 10, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Crater Lake Orchard
P.O. Box 129
Medford, OR 97501

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

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

2. Description of Claimed Facility

The facility described in this application is an overtree sprinkler system used for both irrigation and frost protection in the orchard. The costs are:

Fees and permits	\$ 185.00
Engineering	6,369.55
Land construction	22,311.70
Pumps, motors and wiring	19,654.38
Direct labor	4,462.53
Trenching	9,966.28
Pipe, fittings and other materials and costs	<u>47,189.30</u>
Total	<u>\$110,138.74</u>

Request for Preliminary Certification for Tax Credit was made on 4-04-80, and approved on 8-18-80.

Construction was initiated on the claimed facility on 4-04-80, completed on 6-09-80, and the facility was placed into operation on 6-15-80.

Facility Cost: \$110,138.74 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed overtree sprinkler system provides frost protection to approximately 70 acres of orchard, by replacing the need for approximately 2,100 oil fired orchard heaters. The sprinkler system

consists of a new east water storage pond, the use of an existing west water storage pond, 5 main water lines, 5 electric pumps and the necessary sprinkler heads on risers to provide overtree sprinkling. The sprinkler system also replaces an existing satisfactory under-the-tree irrigation system.

The orchard farmers desire a secure long range solution to frost control that reduces or eliminates the smoke and soot nuisance produced by orchard heaters. The Environmental Quality Commission has previously certified about six overtree sprinkler systems in the Medford area as pollution control facilities. Of these, at least four were for existing orchards with irrigation capabilities. These situations were essentially similar to that being considered herein.

In these previous applications the percent of the cost allocable to pollution control was based upon the percentage of total operating time that the overtree sprinkler system was used for frost protection compared to the total operating time for both frost protection and irrigation. The sprinkler systems are used approximately equal time for both frost protection and irrigation in the Medford area. Using this criterion the portion of the cost allocable to pollution control was 40% or more but less than 60%. This method of determining percent of cost allocable to pollution control is described in the Department's Pollution Control Facilities Tax Credit Program Guidance Handbook.

The applicant requests 80% or more allocation since he made the investment to eliminate the emissions from fuel oil fired orchard heaters. The applicant states: "The orchard was served by an adequate irrigation system. If the decision to spend \$110,139 or any part of it was used for the new system for irrigation only, we would not have considered it. Thus the entire investment must rise or fall on its ability to replace the burning of oil. This it does completely". The applicant has reaffirmed his stand to the Department by the attached letter and has submitted the two attached supporting opinions from Mr. Don Berry, Extension Agency for Jackson County and Mr. Robert R. Stafford, President AG and Water Services.

A significant increase in the cost of fuel oil has occurred since January 1979:

<u>Date</u>	<u>Cost Per Gallon</u>
1-79	\$0.45
7-79	0.71
1-80	0.86
7-81	0.93
1-81	0.97
5-81	1.05

With the cost of oil increasing faster than the cost of new equipment, there is now an economic benefit to discontinue using orchard heaters for frost protection.

The fuel cost to operate the orchard heaters is shown on the applicant's letter and is:

$$\frac{\$1,025}{\text{acre}} \times 70 \text{ acre} = \$71,750 = \frac{\$71,750}{\text{yr}}$$

The added pumping cost for overtree sprinklers is less than \$2,000 per year. Other differences in operating expenses are considered insignificant. The net income (savings) in operating cost is \$69,750 per year. The rate of return using the Department's Guidance Handbook method for a 10 year period is greater than 50%.

Considering the increase in the cost of fuel oil, the Department determined that a cost allocation based upon percent return on investment to be applicable.

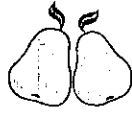
With the annual rate of return on investment greater than 25%, the portion of the facility cost that is properly allocable to pollution control is less than 20%.

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1) (a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is less than 20%.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$110,138.74 with less than 20% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1418.



T-1418

Crater Lake Orchards

Medford, Oregon

P.O. Box 129

PHONE 22949

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
September 16, 1981

RECEIVED
SEP 21 1981

AIR QUALITY CONTROL

Mr. Ray Potts
Department of Environmental Quality
P. O. Box 1760
Portland, OR 97207

Dear Mr. Potts:

In reference to your request for an estimate of the costs of heating an orchard by burning oil, we submit the following.

We understand our county agent has stated that the valley averages 50 hours of heating in a season, using 34 heaters per acre. Our experience is that the heaters burn 1 gallon per hour. The county agent also states 1/3 of the 50 hours are a heavy burn using all the 34 heaters and 2/3 using 1/2 of the heaters. The cost of oil in 1980 was 90.9¢. Thus an average oil cost of \$1,025.00 per acre.

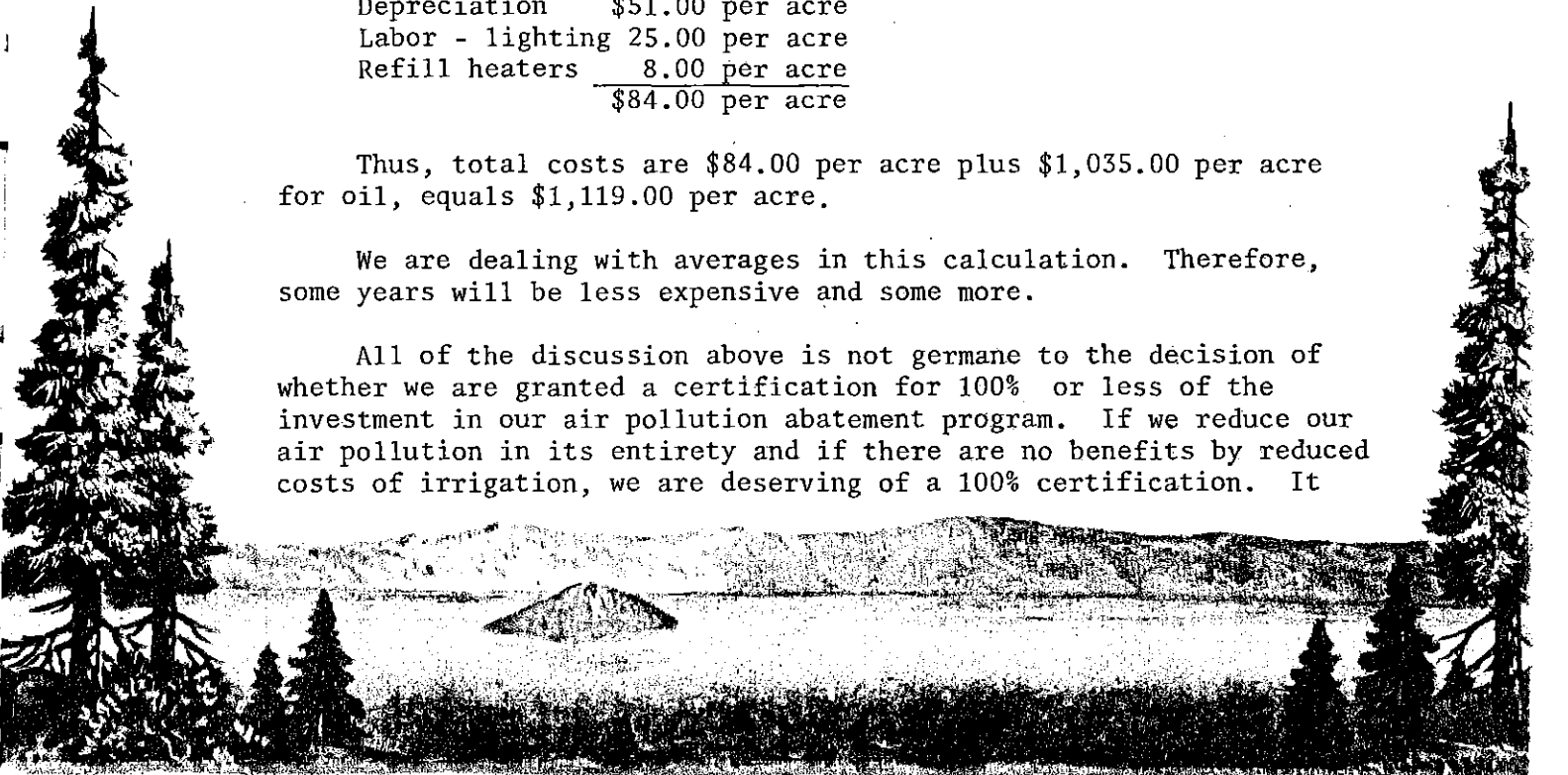
There are other costs to be considered.

Depreciation	\$51.00 per acre
Labor - lighting	25.00 per acre
Refill heaters	8.00 per acre
	<hr/>
	\$84.00 per acre

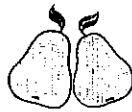
Thus, total costs are \$84.00 per acre plus \$1,035.00 per acre for oil, equals \$1,119.00 per acre.

We are dealing with averages in this calculation. Therefore, some years will be less expensive and some more.

All of the discussion above is not germane to the decision of whether we are granted a certification for 100% or less of the investment in our air pollution abatement program. If we reduce our air pollution in its entirety and if there are no benefits by reduced costs of irrigation, we are deserving of a 100% certification. It



T-1418



Crater Lake Orchards

Medford, Oregon

P.O. Box 129

PHONE 22949

Page - 2 -
Department of Environmental Quality
Mr. Ray Potts

is not a question of whether we have reduced our cost of heating the orchard. The questions are, to what extent have we reduced air pollution and are there other functions beyond heating that benefit. We believe we qualify for 100% certification.

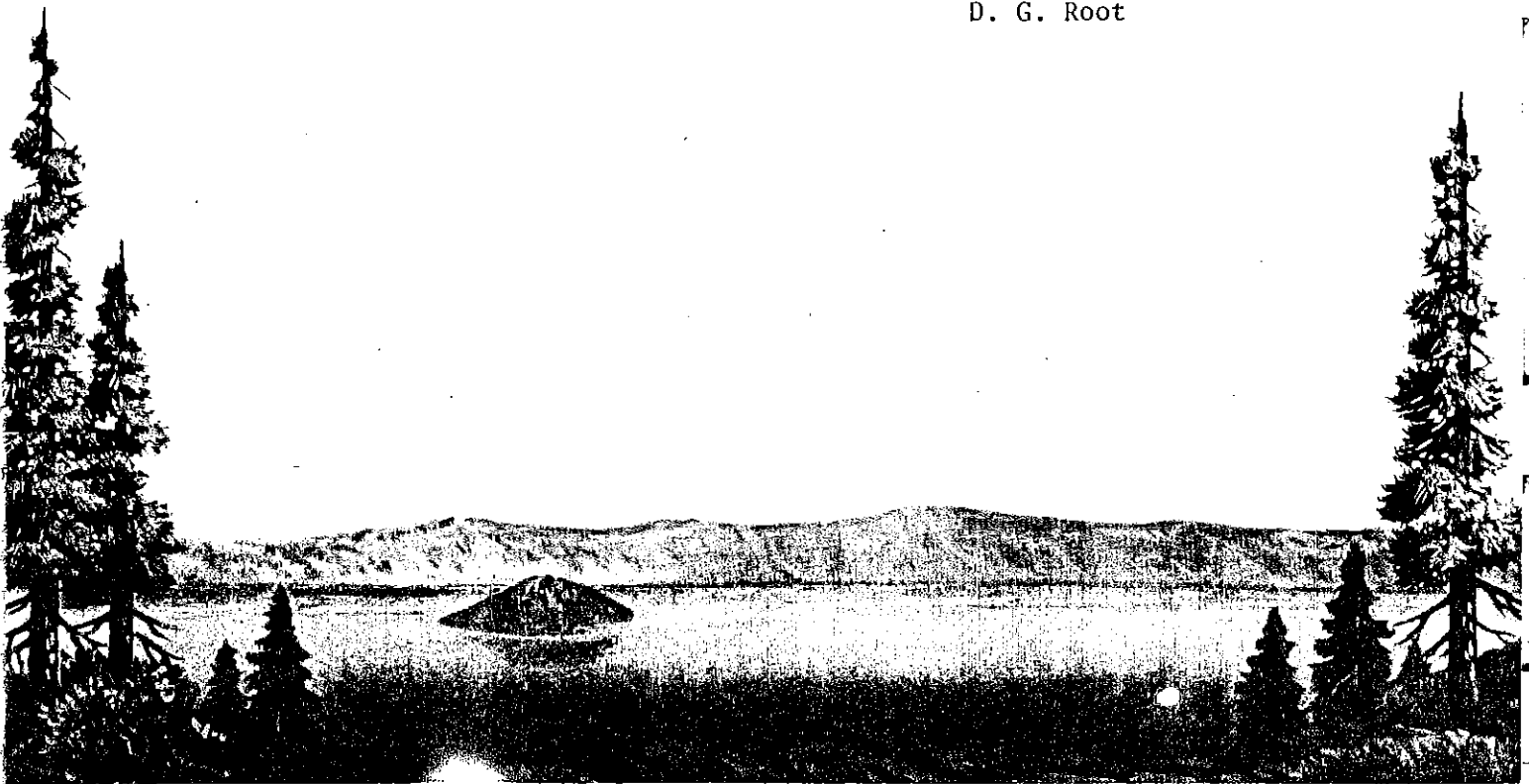
Therefore, we request you not quote any part of this letter out of context without quoting the above paragraph.

Thank you for your attention.

Sincerely yours,

CRATER LAKE ORCHARDS

By 
D. G. Root



AG AND WATER SERVICES

34597 Hwy. 58
Eugene, Oregon 97405
503/746-4654

T-1418

May 14, 1981

Don Root
Crater Lake Orchards
P.O. Box 129
Medford, Oregon 97501

Dear Don:

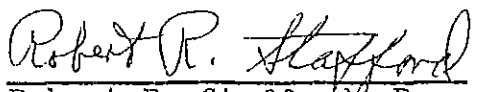
From our discussion last week, I understand that you have been irrigating by hand lines, using under-tree sprinklers and a 25 HP pump and for frost protection, you were using oil burning pots.

In order to eliminate the pollution caused by the oil burning pots you put in an over-tree sprinkling system. The over-tree irrigation system may have some drawbacks as to the efficiency of the irrigation water. You will now experience wind problems which were not prevalent with the under-tree method. Also, the over-tree may wash your trees when you don't want them to be wet.

Your connected horse power needs, because of frost control, has now gone from 25 HP to 390 HP.

In summary, it would seem that you have indeed sacrificed some of your irrigation application efficiency in order to get rid of the pollution causing oil pots.

Respectfully,


Robert R. Stafford, Pres.

RRS/hr
encl:

T-1418

EXTENSION SERVICE
Jackson County Office



Mailing address:
1301 Maple Grove Drive
Medford, Oregon 97501 (503) 776-7371

May 13, 1981

Don Root
Myron Root & Company
690 South Grape Street
Medford, OR 97501

I would concur that the primary purpose for the installation of overtree sprinklers in our orchards is for frost protection. Due to the high cost of installation for overhead sprinkling systems, the decision by our growers to install overheads was almost entirely due to the necessity of meeting an efficient pollution free and low cost method for protecting orchards against frost.

Under tree (hand moved line) sprinklers, as previously installed in your Indian Springs Orchards, would be perfectly adequate for orchard irrigation -- but would require a supplemental orchard heating system, ordinarily requiring the use of fossil fuels. The conversion from fossil fuels to overhead sprinklers has definitely reduced air pollution in that area.

As I understand the Oregon code pertaining to tax credit for pollution control, in my opinion you should certainly qualify for the maximum amount.

Sincerely,

Donald W. Berry
Don Berry
Extension Agent
Horticulture

DB:mv



Agriculture, Home Economics, 4-H Youth, Forestry, Community Development, and Marine Advisory Programs
Oregon State University, United States Department of Agriculture, and Jackson County cooperating

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Champion International Corporation
Building Products Division
P. O. Box 10228
Eugene, OR 97440

The applicant owns and operates a wood products facility at Lebanon.

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

2. Description of Claimed Facility

The facility described in this application is wastewater recirculation system consisting of:

- a. Liguatex separator with 1 1/2 Hp. motor and stainless steel screen;
- b. a 1,000 gallon tank and a 15 Hp. recirculation pump;
- c. recirculation piping;
- d. an 8'x8'x8' concrete sump and Brill Oil Skimmer; and
- e. a 5 Hp. chopper pump.

Request for Preliminary Certification for Tax Credit was made August 10, 1977, and approved August 18, 1977. Construction was initiated on the claimed facility December 1977, completed November 1979, and the facility was placed into operation November 1979.

Facility Cost: \$35,735.00 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to installation of the claimed facility, hardboard plant scrubber water and steam condensate, compressor cooling water, and storm runoff were discharged to a low land area behind the plant. This area filled with water during the wet months and overflowed to a drainage ditch. Now scrubber water flows through the Liquatex wood fiber separator and drains to the 1,000 gallon tank. The screened water is then pumped back to the scrubbers. The steam condensate, cooling water, and storm runoff now flow through a concrete sump where oils are skimmed. The effluent is pumped to a 1,000 gallon tank where it blends with the scrubber water. Although some overflow still goes to the low land area, the increased evaporation caused by the removal of the oils and wood fiber has prevented discharge to the drainage ditch. The collected oil and wood fiber is burned in the wood fired boiler. The added fuel contribution is insignificant. There is no return on investment from this project.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$35,735.00 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1430.

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Champion International Corporation
Building Products Division - Roseburg Plant
P.O. Box 10228
Eugene, OR 97440

The applicant owns and operates a plywood manufacturing plant at Roseburg.

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

2. Description of Claimed Facility

The facility described in this application is the installation of veneer dryer end air seals, balancing veneer dryer pressures and installing Burley Industry scrubbers on four veneer dryers located at the company's plant in Roseburg.

Requests for Preliminary Certification for Tax Credit were made on 12/20/77 and 9/20/78, and approved on 1/12/78 and 11/3/78 for NC 1058 and NC 1268 respectively.

Construction was initiated on the claimed facility in October 1978, completed in April 1980, and the facility was placed into operation in April 1980.

Facility Cost: \$495,627 (Accountant's Certification was provided).

3. Evaluation of Application

The modification of each of the four veneer dryers was successful to balance internal pressures and reduce air flows to accommodate the installation of air emission control wet scrubbers. The installation provided compliance with the emission limits required for veneer dryers.

The seals can reduce fuel consumption, however, the savings in fuel is minimal and the return on investment is believed to be less than 2%. These dryers operated effectively prior to the installation of the scrubbers. The primary purpose of this equipment is air pollution control. There is no significant economic advantage to the company. Therefore, 80% or more of the cost is allocable to pollution control.

4. Summation

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

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$495,627 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1431.

F.A. Skirvin:a
AA1563 (1)
(503) 229-6414
November 10, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Champion Building Products
Building Products Division
Gold Beach Plant
P.O. Box 10228
Eugene, OR 97440

The applicant owns and operates a plywood manufacturing plant at Gold Beach.

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

2. Description of Claimed Facility

The facility described in this application is the modification of four veneer dryers by providing dryer end seals and installing Burley Industry wet scrubbers on each dryer at the company's Gold Beach plant.

Request for Preliminary Certification for Tax Credit was made on 12/20/77 and 9/20/78 and was approved on 1/9/78 and 10/19/78 for NC 1059 and NC 1256 respectively.

Construction was initiated on the claimed facility on November 12, 1978, completed on April 25, 1980, and the facility was placed into operation on May 21, 1980.

Facility Cost: \$611,075 (Accountant's Certification was provided).

3. Evaluation of Application

Four veneer dryers were modified with air end seals and door seals and fitted with Burley Industry wet scrubbers. The dryers were certified in compliance with air emission standards on October 17, 1981.

The dryer seals reduce the air leaking into and/or out of the dryers. These seals can reduce fuel consumption, however, the savings in hogged fuel is minimal and the return on investment is believed to be less than 2%. These dryers operated effectively prior to the installation of the seals. The primary purpose of this equipment is air pollution control. There is no apparent significant economic

advantage to the company. Therefore, 80% or more of the cost is allocable to pollution control.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$611,075 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1432.

F.A. Skirvin:a
AA1564 (1)
(503) 229-6414
November 10, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Champion International Corporation
Building Products Division
Lebanon Plant
P.O. Box 10228
Eugene, OR 97440

The applicant owns and operates a veneer and plywood manufacturing plant at Lebanon.

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

2. Description of Claimed Facility

The facility described in this application is the ducting of veneer dryer exhaust gases from six dryers to a hogged fuel boiler for incineration.

Request for Preliminary Certification for Tax Credit was made on October 1, 1976, and approved on December 3, 1976.

Construction was initiated on the claimed facility on November 1, 1976, completed in May 1978, and the facility was placed into operation on September 1, 1978.

Facility Cost: \$484,699 (Accountant's Certification was provided).

3. Evaluation of Application

Champion International Corporation has provided emission control on five of their seven veneer dryers at their Lebanon plant by ducting the exhaust gases to an existing hogged fuel boiler. Five dryers were certified in compliance with emission standards on October 6, 1978. The sixth dryer has been controlled by a catalytic oxidation system but is expected to be connected to the boiler at a later date.

Sealing, installing baffles and dampers, and pressure and temperature controls was part of the project to accomplish the ducting for emission incineration. There are no significant net profit benefits from the installation. There may be some reduction in fuel consumption resulting in a estimated return on investment of less than 5%. The

primary purpose of the project was for air pollution control. Therefore, 80% or more of the cost is allocable to pollution control.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$484,699 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1433.

F.A. Skirvin:a
AA1562 (1)
(503) 229-6414
November 10, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Champion International Corporation
Building Products Division
P. O. Box 10228
Eugene, OR 97440

The applicant owns and operates a green veneer manufacturing facility at Mapleton.

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

2. Description of Claimed Facility

The facility described in this application is a veneer dryer wash water recirculation system consisting of concrete-metal troughs, 3 collection tanks, a Sweco vibrating screen, a 10 Hp chopper pump, a 20 Hp recirculation pump, associated plumbing, electrical controls, and tank supports.

Request for Preliminary Certification for Tax Credit was made January 12, 1978, and approved March 3, 1978. Construction was initiated on the claimed facility September 1978, completed December 31, 1979, and the facility was placed into operation December 31, 1979.

Facility Cost: \$76,437. An Accountant's Certification of a Facility Cost of \$77,880 was provided. It was agreed upon with the applicant to subtract \$1,443 from the facility cost since these costs were not directly related with this pollution control project.

3. Evaluation of Application

Prior to installation of the claimed facility, veneer dryer wash water discharged to a settling pond which drained to the Siuslaw River. Wash waters are now collected in concrete-metal troughs and conveyed to a 1,000 gallon tank. The collected water is then pumped across a Sweco screen and conveyed to an 8,000 gallon recycle tank. The collected water is either reused as wash water or it is pumped to the hot water log vats for make-up water. All discharges to the settling pond have been eliminated. There is no return on investment from this system.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$76,437 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1434.

CKA:g

(503) 229-5325

October 6, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

D & E Wood Products
P.O. Box 327
Prineville, OR 97754

The applicant owns and operates a plant to sort, grade and remanufacture wood waste at Prineville.

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

2. Description of Claimed Facility

The facility described in this application consists of conveyors processing equipment, including saws and vehicles to transport both waste material from area mills for remanufacture and finished products to market.

Request for Preliminary Certification for Tax Credit was made on April 24, 1979, and approved on June 19, 1979.

Construction was initiated on the claimed facility on July 1, 1979, completed on December 1, 1980, and the facility was placed into operation on December 1, 1980.

Facility Cost: \$75,085.98 (Accountant's Certification was provided).

3. Evaluation of Application

Before construction of this facility, most mills in the Prineville area disposed of their wood waste at the Crook County Landfill. Waste from Ochoco Lumber Company; Consolidated Pine, Inc.; Clear Pine Moulding, Inc.; and Pine Products Corp. are utilized. Yearly amounts processed are 943 tons planer trims, 649/M board feet short and broken lumber and 480 tons hog fuel.

4. Summation

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

- b. As required by ORS 468.165, the facility was under construction on or after January 1, 1973, and
 - (1) The substantial purpose of the facility is to utilize material that would otherwise be solid waste by burning and by mechanical process; through the production, processing, or use of materials for their heat content or other forms of energy or materials which have useful chemical or physical properties;
 - (2) The end product of the utilization is a usable source of power or other item of real economic value;
 - (3) The end product of the utilization, other than a usable source of power, is competitive with an end product produced in another state; and
 - (4) The Oregon law regulating solid waste imposes standards at least substantially equivalent to the federal law.
- c. The facility is necessary to satisfy the intents and purposes of ORS Chapter 459, and the rules adopted under that chapter.
- d. The portion of the facility cost that is properly allocable to pollution control is 100 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$75,085.98 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1435.

R. L. Brown:c
SC31
(503) 229-5157
October 26, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Willamette Industries, Inc.
Fairview Division (Bauman Plant)
3800 First Interstate Tower
Portland, OR 97201

The applicant owns and operates a lumber mill five miles east of Lebanon on Highway 20.

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

2. Description of Claimed Facility

The facility described in this application consists of a paved log handling and sorting yard and a whole log chipper, followed by a screening system to separate chips from waste wood materials.

Request for Preliminary Certification for Tax Credit was made on April 3, 1980, and approved on August 14, 1980. (Application signed by applicant on April 3, 1980, and received by the Department as complete on July 30, 1980, after several submissions and rejections by the Department for incompleteness.)

Construction was initiated on the claimed facility on May 5, 1980, completed on December 22, 1980, and the facility was placed into operation on December 26, 1980.

Facility Cost: \$2,883,395.86 (Accountant's Certification was provided).

3. Evaluation of Application

The paved log handling and sorting yard portion of the total project was included to allow recovery of loose bark and splinters for fuel. This eliminated the need to dispose of such material in landfills.

A whole log chipper was installed to produce pulp chips from cull logs and parts of logs that were previously left at the logging site to be burned as slash. This recovery of waste logs during timber harvest reduces solid wastes which were burned, creating air pollution. As a side result, the cut area can be replanted earlier, reducing soil erosion and water pollution.

At present, the facility recovers 255 units of chips per day (valued at \$18.00 per unit at the plant) and 480 units of hogged wood fuel per month (valued at \$7.00 per unit at the plant).

The Department would not recommend approval of this application under current policy (effective December 31, 1980). However, this facility was commenced before adoption of the present policy and is, therefore, eligible for consideration.

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. As required by ORS 468.165, the facility was under construction on or after January 1, 1973, and
 - (1) The substantial purpose of the facility is to utilize material that would otherwise be solid waste, by burning and by mechanical process;
 - (2) The end product of the utilization is a usable source of power or other item of real economic value;
 - (3) The end product of the utilization, other than a usable source of power, is competitive with an end product produced in another state; and
 - (4) The Oregon law regulating solid waste imposes standards at least substantially equivalent to the federal law.
- c. The facility is necessary to satisfy the intents and purposes of ORS Chapter 459, and the rules adopted under that chapter.
- d. The portion of the facility cost that is properly allocable to pollution control is 100 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$2,883,395.86 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1438.

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

1. Applicant

International Paper Company
Vaughn Plant
P. O. Box 308
Veneta, Oregon 97487

The applicant owns and operates a plywood manufacturing plant at Vaughn. Application was made for tax credit for an air pollution control facility.

2. Description of Claimed Facility

The facility described in this application is a Rader SandAir filter and associated equipment to reduce particulate air contaminant emissions from two veneer dryers at International Paper Company's Vaughn plant.

PLANS AND SPECIFICATIONS WERE REVIEWED AND APPROVED BY LANE REGIONAL AIR POLLUTION AUTHORITY.

Request for Preliminary Certification for Tax Credit was made on February 26, 1979 and approved on May 31, 1979.

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

Facility Cost: \$264,171.91 (Accountant's Certification was provided).

3. Evaluation of Application

The utilization of a wet sand filter for controlling particulate emissions from veneer dryers has been demonstrated as one of the most effective viable techniques available. The two veneer dryers at International Paper Company's Vaughn plant are in compliance with State and Lane Regional Air Pollution Authority emission standards.

The primary purpose of the project is to accomplish air pollution control and there is no significant economic advantage, therefore 80% or more of the cost is allocable to pollution control.

4. Summation

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

- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 80% or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$264,171.91 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1439.

F. A. Skirvin:h
(503) 229-6414
November 12, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Treplex, Inc.
P. O. Box 2663
Eugene, Oregon 97402

The applicant owns and operates a plywood manufacturing plant at Eugene.

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

2. Description of Claimed Facility

The facility described in this application is a system to collect exhaust gases from two veneer dryers for transport to an existing hogged fuel boiler to accomplish contaminated air incineration.

PLANS AND SPECIFICATIONS WERE REVIEWED AND APPROVED BY LANE REGIONAL AIR POLLUTION AUTHORITY.

Request for Preliminary Certification for Tax Credit was made on September 12, 1980 and approved on December 24, 1980.

Construction was initiated on the claimed facility on December 1, 1980, completed on January 27, 1981, and the facility was placed into operation on May 21, 1981.

Facility cost: \$170,598 (Accountant's Certification was provided).

3. Evaluation of Application

Treplex operates two veneer dryers at their plant located at 118 Highway 99N in Eugene. To achieve compliance with air emissions from the dryers they installed a dryer exhaust collection system to incinerate the contaminated gases in the existing hogged fuel boiler. The project included making modifications to the boiler and installing controls and instrumentation to accommodate the dryer exhaust as underfire and overfire air. The dryers are now in compliance with the air emission standards.

The primary purpose of the project was for air pollution control. Economic benefit to the company is believed to be minimal, therefore 80% or more of the cost is allocable as pollution control.

4. Summation

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

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$170,598 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1440.

F. A. Skirvin:h
(503) 229-6414
November 12, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Bickford Orchards, Inc.
1930 Hwy 35
Hood River, OR 97031

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

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

2. Description of Claimed Facility

The facility described in this application is one tropic breeze wind machine for frost damage control.

Request for Preliminary Certification for Tax Credit was made on 10-28-80, and approved on 3-13-81.

Construction was initiated on the claimed facility on 3-1-81, completed on 3-24-81, and the facility was placed into operation on 3-24-81.

Facility Cost: \$15,194.15 (Accountant's Certification was provided).

3. Evaluation of Application

Orchard farmers in the Hood River area started using wind machines in 1972 for reasons that include the reduction in smoke and soot emissions from orchard heaters. The farmers wanted to reduce emissions in order to protect the continued operation of their farms in a populated area. There is no rule requiring the reduction in emissions from farm operations. The approximately 10 acres of orchard protected from frost damage by the claimed orchard wind machine were previously protected by oil fired orchard heaters.

With the increase in the cost of fuel oil to \$1.09/gallon in May 1981, this application is calculated to have a rate of return of just over 25%. The calculation is in accordance with the Department's Pollution Control Facilities Tax Credit Program Guidance Handbook and is attached. The portion of the facility cost that is properly allocable to pollution control is less than 20%.

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165 (1) (a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is less than 20%.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$15,194.15 with less than 20% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1442.

F.A. Skirvin:a
AA1559 (1)
(503) 229-6414
November 9, 1981

RATE OF RETURN CALCULATION - T-1442

Cost to operate oil fired heaters only:

$$\frac{23 \text{ heaters}}{\text{acre}} \times \frac{.75 \text{ gal. oil}}{\text{heater hr}} \times \frac{1.09 \$}{\text{gal.}} = \frac{\$18.80}{\text{acre hr}}$$
$$\frac{18.8 \$}{\text{Acre hr}} \times \frac{30 \text{ hr}}{\text{yr}} \times 10 \text{ acre} = 5,640.75 \frac{\$}{\text{yr}}$$

Cost to operate orchard wind machine:

Cost wind machine	\$367	utilities
		115
		maintenance
Total	482	\$
		year

Cost perimeter heaters

$$\frac{10 \text{ heaters}}{\text{acre}} \times \frac{.75 \text{ gal. oil}}{\text{heater hr.}} \times \frac{1.09\$}{\text{gal.}} = \frac{8.175 \$}{\text{acre hr.}}$$
$$\frac{8.175\$}{\text{acre hr}} \times \frac{10 \text{ hr.}}{\text{yr}} \times 10 \text{ acre} = 817.50 \frac{\$}{\text{yr}}$$

Wind machine	= \$482
Perimeter heaters	= 817
Total cost	1,299 \$/yr

Savings in operating cost

There is no tax on farm machinery and no other costs were considered.

$$\text{Savings} = 5,640 - 1,299 = 4,341 \text{ \$/yr}$$

Rate of Return

Facility cost	= \$15,194.15
Factor of internal rate or return	= $\frac{15,194}{4,341} = 3.500$
Rate of return (10 Yrs)	= greater than 25%

$$(25\% = 3.571, 26\% = 3.465)$$

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Nicolai Company
Springfield Division
500 N.E. Multnomah
Portland, OR 97232

The applicant owns and operates a door manufacturing plant at Springfield, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of an enclosed hog fuel truck loading/unloading building and associated equipment, negative air transfer system and vent filter at the door manufacturing facility in Springfield.

Plans and specifications were reviewed and approved by Lane Regional Air Pollution Authority.

Request for Preliminary Certification for Tax Credit was made on January 28, 1981, and approved on March 11, 1981.

Construction was initiated on the claimed facility on March 1, 1981, completed on May 1, 1981, and the facility was placed into operation on May 1, 1981.

Facility Cost: \$80,347 (Accountant's Certification was provided).

3. Evaluation of Application

Nicolai Company operates a door manufacturing plant at Springfield, Oregon. An enclosed hog fuel tank loading/unloading building; associated equipment, negative air transfer system and vent filter were installed as required by the Lane Regional Air Pollution Authority. Airborne dust is effectively captured and this process is now in compliance with air pollution rules. The primary purpose of the project was air pollution control. The net return on investment

is calculated to be less than 1%. Therefore, 80% or more of the cost is allocable to pollution control.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$80,347 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1443.

F.A. Skirvin:a
AA1560 (1)
(503) 229-6414
November 9, 1981

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

1. Applicant

Number One Boardman Station consisting of Portland General Electric Co. 121 S.W. Salmon St. Portland, OR 97204	80%
Idaho Power Co. 1220 Idaho St. P.O. Box 70 Boise, ID 83707	10%
Pacific Northwest Generating Co. Suite 330 8383 N.E. Sandy Blvd. Portland, OR 97220	10%

The applicant owns and operates a single 500,000 KW coal-burning steam electric generator unit at Boardman, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of an electrostatic precipitator installation and a fly-ash storage and handling system.

Request for Preliminary Certification for Tax Credit (ash handling) was made on November 23, 1976 and approved March 2, 1979 and July 6, 1979 (main stack precipitator).

Construction was initiated on the claimed facility in September 1977, completed in June 1980, and the facility was placed into operation on August 3, 1980.

Facility Cost: \$47,353,848 (Accountant's Certification was provided).

3. Evaluation of Application

The facility, which was required by the Department, consists of two subsystems. The first is an electrostatic precipitator installation which removes more than 99.9% of particulate material generated by combustion of coal in the boiler. The second subsystem consists of a fly-ash handling and storage system. The fly-ash (particulate material) collected is sold for use as a substitute for portland cement.

The facility has been inspected by Department personnel and has been found to be operating in compliance with regulations and permit conditions. New source compliance tests conducted in August 1980 demonstrate that the average emission rate is 0.015 lb/BTU which is well within the State of Oregon requirements of 0.04 lb/BTU and the Federal requirement of 0.10 lb/BTU.

The sale of the fly-ash generates \$147,000 annually. The annual operating expense before taxes, exclusive of depreciation, is \$1,122,000 and consists of the following:

Labor	\$	90,000
Utilities		810,000
Maintenance		222,000
Total		<u>\$1,122,000</u>

The annual expenses are in excess of the income generated by the sale of the fly-ash. Therefore, there is no return on the investment in the electrostatic precipitator installation and the fly-ash handling and storage system and 80 percent or more of the cost of the facility is allocable to pollution control.

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$47,353,848 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1450.

F.A.Skirvin:a
AA1521 (1)
(503) 229-6414
November 4, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Willamette Industries, Inc.
Griggs Division
3800 First Interstate Tower
Portland, OR 97201

The applicant owns and operates a plywood manufacturing facility seven miles north of Lebanon on County Road #24.

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

2. Description of Claimed Facility

The facility described in this application consists of a waste wood fuel storage bin, conveyors, a Wellons fuel cell, exhaust gas blend chamber, gas ductwork to and from the dryers, automatic controls and associated auxiliary equipment.

Request for Preliminary Certification for Tax Credit was made on November 18, 1980, and approved on January 29, 1981.

Construction was initiated on the claimed facility on December 18, 1980, completed on July 11, 1981, and the facility was placed into operation on July 13, 1981.

Facility Cost: \$1,103,710.01 (Accountant's Certification was provided).

3. Evaluation of Application

The facility is using approximately one hundred and seventy units of waste wood as fuel per month. The source of the waste wood fuel is the log debarking portion of this plant. In the past, this material was shipped to Western Kraft at Albany, but Western Kraft was not a steady market. As a result, this material was then landfilled. Installation of the Wellons fuel cell provided a steady user of this waste wood fuel for the Willamette Industries, Inc., mill at Griggs. Western Kraft thus becomes a market for other facilities producing waste wood suitable for use as fuel.

The Department would not recommend approval of this application under current policy (effective December 31, 1980). However, this facility was commenced before adoption of the present policy and is, therefore, eligible for consideration.

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. As required by ORS 468.165, the facility was under construction on or after January 1, 1973, and
 - (1) The substantial purpose of the facility is to utilize material that would otherwise be solid waste, by burning for their heat content;
 - (2) The end product of the utilization is a usable source of power or other item of real economic value;
 - (3) The Oregon law regulating solid waste imposes standards at least substantially equivalent to the federal law.
- c. The facility is necessary to satisfy the intents and purposes of ORS Chapter 459, and the rules adopted under that chapter.
- d. The portion of the facility cost that is properly allocable to pollution control is 100 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$1,103,710.01, with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1451.

R. L. Brown:c
SC65
(503) 229-5157
November 9, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

North Santiam Veneer, Inc.
P.O. Box 377
Mill City, OR 97360

The applicant owns and operates a green veneer producing facility at Idanha, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of waste wood boiler storage bins, conveyors, a Vyncke package boiler system (produced by a Belgian company) producing 12,000 pounds of steam per hour, a multiclone air pollution control system and steam lines to the existing steam vats. The steam lines were included to tie into an existing steam supply manifold from the new boiler location. The new boiler was located away from the old boiler site due to space constraints.

Request for Preliminary Certification for Tax Credit was made on April 15, 1980 (revised June 20, 1980), and approved on August 15, 1980.

Construction was initiated on the claimed facility on September 1, 1980, completed on May 10, 1981, and the facility was placed into operation on June 2, 1981.

Facility Cost: \$607,903.70 (Accountant's Certification was provided).

3. Evaluation of Application

This facility utilizes 2,500 tons of waste wood as a fuel per year that was previously landfilled. In addition, 12,000 tons of waste wood fuel that previously was trucked to Albany to a boiler facility is also used in this facility. This forced the previous customer to develop an alternate supply of hogged fuel.

The Department would not recommend approval of this application under current policy (effective December 31, 1980). However, this facility was commenced before adoption of the present policy and is, therefore, eligible for consideration.

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. As required by ORS 468.165, the facility was under construction on or after January 1, 1973, and
 - (1) The substantial purpose of the facility is to utilize material that would otherwise be solid waste, by burning;
 - (2) The end product of the utilization is a usable source of power or other item of real economic value;
 - (3) The Oregon law regulating solid waste imposes standards at least substantially equivalent to the federal law.
- c. The facility is necessary to satisfy the intents and purposes of ORS Chapter 459, and the rules adopted under that chapter.
- d. The portion of the facility cost that is properly allocable to pollution control is 100 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$607,903.70 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1454.

R. L. Brown:c
SC75
(503) 229-5157
November 12, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Georgia Pacific
Toledo Paper Division
900 S.W. 5th Ave.
Portland, OR 97204

The applicant owns and operates a kraft linerboard and bagpaper manufacturing facility at Toledo.

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

2. Description of Claimed Facility

The facility described in this application consists of fifteen mill sewer conductivity monitors, a new instrumentation panel and the centralization of existing air pollution monitoring instrumentation.

Request for Preliminary Certification for Tax Credit was made October 29, 1975, and approved June 23, 1976. Construction was initiated on the claimed facility November 1975, completed September 1977, and the facility was placed into operation September 1977.

Facility Cost: \$106,250 (Accountant's Certification was provided).

3. Evaluation of Application

Fifteen conductivity monitors were installed at specific locations throughout the mill's industrial sewer system to allow rapid detection of liquid leaks or spills. The conductivity monitors read out to recorders in a new instrumentation panel. Audio-visual alarms are also connected to each conductivity monitor. The new instrumentation panel was purposely oversized to allow for centralization of existing air pollution monitors. Georgia-Pacific has estimated an annual savings from the claimed facility of \$116,000. This savings results from reduced chemical losses to the sewer. Subtracting an \$18,000 annual maintenance cost provides a net savings of \$98,000. The factor of internal rate of return is 1.084 $\frac{(106,250)}{(98,000)}$. Using a useful life of

15 years, one obtains a rate of return in excess of 50%. The percent of cost of this facility that is allocable to pollution control is less than 20 percent.

4. Summation

- a. Facility was constructed in accordance with the requirements of ORS 468.175, regarding preliminary certification.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1) (a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing water pollution.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is less than 20 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$106,250 with less than 20 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1455.

CKA:g
(503) 229-5325
November 12, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

West Coast Beet Seed Company
P.O. Box 711
Salem, OR 97308

The applicant owns and operates a sugar beet seed processing plant at Salem, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is one Carter Day baghouse.

Request for Preliminary Certification for Tax Credit was made on 6-1-81, and approved on 7-20-81.

Construction was initiated on the claimed facility on 6-1-81, completed on 6-30-81, and the facility was placed into operation on 9-10-81.

Facility Cost: \$63,126.00 (Accountant's Certification was provided).

3. Evaluation of Application

The applicant installed a new seed cleaning line with baghouse control. The dust and debris screenings are discharged into a cyclone above a holding bin. The claimed facility is a baghouse, Carter Day 232 Reverse Flow Style 12, on the exhaust of this cyclone. The sole purpose of the baghouse is air pollution control. The percent of the cost of the claimed facility allocable to pollution control is 80% or more.

4. Summation

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

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$63,126.00 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1464.

F.A. Skirvin:a
AA1566 (1)
(503) 229-6414
November 10, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Richards Food Centers, Inc.
213 Beacon St.
Grants Pass, OR 97526

The applicant owns and operates an Exxon service station at Medford, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is the installation of gasoline vapor return systems in four buried storage tanks.

Request for Preliminary Certification for Tax Credit was made on 4-27-79, and approved on 1-31-80.

Construction was initiated on the claimed facility on 5-6-81, completed on 5-6-81, and the facility was placed into operation on 5-6-81.

Facility Cost: \$1990.00 (Invoice was provided).

3. Evaluation of Application

The applicant installed an approved gasoline vapor return system in four storage tanks to meet Department rules. The tanks were previously filled by submerged fill which means that the installation of the vapor return system does not result in any new economic benefit to the applicant.

There is no return on investment; therefore, 80% or more of the cost is allocable to pollution control.

4. Summation

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

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$1990.00 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1476.

F.A. Skirvin:a
AA1567 (1)
(503) 229-6414
November 10, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Concor, Inc.
Sunshine Wash'N Wax
389 N.W. 21st Drive
Pendleton, OR 97801

The applicant owns and operates an automatic conveyORIZED car wash system at Pendleton.

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

2. Description of Claimed Facility

The facility described in this application is a car wash water recycle system consisting of a 6' x 6' x 28' concrete sump, a 10 hp recycle pump, a barrel screen, and a sand filter.

Request for Preliminary Certification for Tax Credit was made November 6, 1979, and approved November 6, 1979. Construction was initiated on the claimed facility November 8, 1979, completed January 15, 1980, and the facility was placed into operation February 18, 1980.

Facility Cost: \$10,212

3. Evaluation of Application

This car wash water recycle system was installed at a new automatic conveyORIZED wash facility in Pendleton. Used wash water and detergent flow into one end of the baffled concrete sump where solids and silt settle. The clarified wash water and detergent is then ready to pump through a screen and sand filter for recycle. About 75 percent of the wash water is recycled with the remaining 25 percent being discharged to Pendleton's sewerage system. Rinse water at the facility enters a separate compartment at the opposite end of the sump. Solids are settled from the rinse water and then it discharges to the sewer. A vacuum truck periodically removes the sludges from the sump. These materials would otherwise enter the sewerage system.

The facility saves about \$1,459 per year in reduced water and detergent costs. However, annual expenses to operate and maintain the recycle system are in excess of \$1,500. There is no return on investment from this system. (The wash facility utilizes cold water so there is no reclamation of hot water.)

4. Summation

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

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$10,212 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1477.

Charles K. Ashbaker:1
WL1216 (1)
(503) 229-5325
November 12, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Wacker Siltronic Corporation
P.O. Box 03180
Portland, OR 97203

The applicant owns and operates a silicon crystal growing, slicing and polishing facility at 7200 NW Front Avenue in Portland.

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

2. Description of Claimed Facility

The facility described in this application is a two-bed carbon adsorption unit, a blower and all associated ductwork, controls, electrical, compressed air and steam supplies. This unit absorbs volatile organic compounds (VOC) from the exhaust air of several process areas. The beds are periodically steam-desorbed to remove these material which are then sent to a waste storage tank for disposal.

Applicant believes the Preliminary Certification was made and that the full intent of the pollution tax credit law has been met.

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

Facility Cost: \$243,145 (Accountant's Certification was provided).

3. Evaluation of Application

Without operation of the carbon adsorption unit, the exhausted air from several pieces of process equipment would discharge to the atmosphere with volatile organic compounds approaching as high as several hundred parts per million. With the unit in operation, VOC's are reduced to between 0 and about 15 parts per million. The system has adequately controlled emissions. The primary purpose of this equipment is air pollution control. There is no economic benefit to the company, therefore, 80% or more of the cost would be allocable to pollution control.

In its letter of March 31, 1981, (Attachment A), the applicant requested that the Commission waive the filing of the Preliminary Certification application because special circumstances rendered the filing unreasonable. Supplemental information supporting the applicant's claim was presented in a letter dated September 28, 1981 (Attachment B). A review of the files revealed the following:

- a. At the very outset, discussions with Wacker Siltronic dealt with DEQ environmental concerns, permit processes, and the available environmental economic incentives (both tax credit and pollution control bonds). A position paper (Attachment C) was given to Wacker in March 1977 covering these items.
- b. Several (6) meetings were held with Wacker and their consultant, CH₂M/Hill, in an effort to solidify the air, water and solid waste standards that the proposed plant would have to meet. A Preliminary Summary of Environmental Considerations (Attachment D) was submitted to the Department on March 29, 1978.
- c. Continued consultation occurred with CH₂M/Hill and Wacker personnel until July 13, 1978, when the Air Contaminant Discharge Permit (ACDP) application was submitted. The NPDES permit application was submitted on July 28, 1978. General Permit Information and Specific Information for Air Quality (Attachment E) dated June 1978 was submitted with these applications. After a public hearing, both the ACDP and NPDES permits were issued on September 28, 1978.
- d. Bond council for the Port of Portland and attorney for Wacker Siltronic obtained a certificate (Attachment F) from the Department on an issue of pollution control revenue bonds dated April 25, 1979.
- e. A Notice of Intent to Construct and Request for Preliminary Certification for Tax Credit was made May 7, 1979, and approved June 11, 1979, for the wastewater control facilities. Construction was initiated in July 1979, completed in April 1980, and the facility was placed into operation in April 1980. A Pollution Control Facility Certificate (Application No. T-1351) was approved to be issued at the June 5, 1981 EQC meeting.
- f. The company's letter of March 21, 1981, indicated that the form may not have been submitted. A subsequent search of the CH₂M/Hill project files indicate that the subject forms were hand-delivered to the Department on June 13, 1978. (However, the Department does not have a record of any of the company's Notice of Intent to Construct and Request for Preliminary Certification for Tax Credit for any of the air pollution control facilities).
- g. The Department did not realize that the Notice of Intent to Construct and Request for Preliminary Certification for Tax

Credit was not on record until receipt of this application. The Department had worked closely with CH₂M/Hill and Wacker on this facility and was of the opinion that the full intent of the law had been met.

4. Summation

- a. Wacker believes that the application for preliminary certification was submitted and that the full intent of the law met. In spite of the fact that no file record exists of the subject application, the Department staff does believe that facility has met the intent of the pollution control tax credit laws.
- b. Facility was constructed on or after January 1, 1967, as required.
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 80% or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission issue an order approving Tax Credit Application No. T-1348.

Attachment A Letter from Wacker Siltronic Corp., Thomas G. Boyle, Sr. Tax Accountant, dated March 31, 1981

Attachment B Letter from Wacker Siltronic Corp., Virginia Gilberg, Treasurer, dated September 28, 1981

Attachment C Position Paper - dated March 1977

Attachment D Preliminary Summary of Environmental Consideration - March 29, 1978

Attachment E General Permit Information, June 1978
Specific Information for Air Contaminant Discharge

Attachment F Certificate of Concurrence for Pollution Control Bonding, dated April 25, 1979 including Description of Air Pollution Control Facilities.

Thomas R. Bispham:a
RC147.A (1)
(503) 229-5209
November 10, 1977

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Wacker Siltronic Corporation
P.O. Box 03180
Portland, OR 97203

The applicant owns and operates a silicon crystal growing, slicing and polishing facility at 7200 NW Front Avenue in Portland.

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

2. Description of Claimed Facility

The facility described in this application consists of two packed spray tower gas stripping columns with associated recirculation tanks and pumps, chemical mix tanks and chemical metering pumps, blower, control panels, electrical supply cabinets, support building and gaseous discharge monitoring system, plus all additional ducting and supports. This facility functions as a gas scrubber using a caustic and sulfide stripping solution.

Applicant believes the Preliminary Certification was made and that the full intent of the pollution tax credit law has been made.

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

Facility Cost: \$100,614 (Accountant's Certification was provided).

3. Evaluation of Application

Without operation of the gas stripping columns, etching vapors containing high levels of hydrofluoric acid gas, fluorosilicon compounds and nitrous oxide approaching as high as 5000 parts per million (ppm) would have been discharged to the atmosphere. With the columns in operation, hydrofluoric acid vapors and fluorosilicon compounds are effectively eliminated. Nitrous oxides are reduced to less than 100 ppm, typically less than 20 ppm. The system has adequately controlled emissions. The primary purpose of the equipment is air pollution control. There is no economic benefit to the

company; therefore, 80% or more of the cost would be allocable to pollution control.

In its letter of March 31, 1981 (Attachment A), the applicant requested that the Commission waive the filing of the Preliminary Certification application because special circumstances rendered the filing unreasonable. Supplemental information supporting the applicant's claim was presented in a letter dated September 28, 1981 (Attachment B). A review of the files revealed the following:

- a. At the very outset, discussions with Wacker Siltronic dealt with DEQ environmental concerns, permit processes, and the available environmental economic incentives (both tax credit and pollution control bonds). A position paper (Attachment C) was given to Wacker in March 1977 covering these items.
- b. Several (6) meetings were held with Wacker and their consultant, CH₂M/Hill, in an effort to solidify the air, water and solid waste standards that the proposed plant would have to meet. A preliminary Summary of Environmental Considerations (Attachment D) was submitted to the Department on March 29, 1978.
- c. Continued consultation occurred with CH₂M/Hill and Wacker personnel until July 13, 1978, when the Air Contaminant Discharge Permit (ACDP) application was submitted. The NPDES permit application was submitted on July 28, 1978. General Permit Information and Specific Information for Air Quality (Attachment E) dated June 1978 was submitted with these applications. After a public hearing, both the ACDP and NPDES permits were issued on September 28, 1978.
- d. Bond council for the Port of Portland and attorney for Wacker Siltronic obtained a certificate (Attachment F) from the Department on an issue of pollution control revenue bonds dated April 25, 1979.
- e. A Notice of Intent to Construct and Request for Preliminary Certification for Tax Credit was made May 7, 1979, and approved June 11, 1979, for the wastewater control facilities. Construction was initiated in July 1979, completed in April 1980, and the facility was placed into operation in April 1980. A Pollution Control Facility Certificate (Application No. T-1351) was approved to be issued at the June 5, 1981 EQC meeting.
- f. The company's letter of March 21, 1981, indicated that the form may not have been submitted. A subsequent search of the CH₂M/Hill project files indicate that the subject forms were hand-delivered to the Department on June 13, 1978.
- g. The Department did not realize that the Notices of Intent to Construct and Request for Preliminary Certification for Tax

Credit was not on record until receipt of this application. The Department had worked closely with CH₂M/Hill and Wacker on this facility and was of the opinion that the full intent of the law had been met.

4. Summation

- a. Wacker believes that the application for preliminary certification was submitted and that the full intent of the law met. In spite of the fact that no file record exists of the subject application, the Department staff does believe that facility has met the intent of the pollution control tax credit laws.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1) (a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 80% or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission issue an order approving Tax Credit Application No. T-1349.

Attachment A Letter from Wacker Siltronic Corp., Thomas G. Boyle, Sr. Tax Accountant, dated March 31, 1981

Attachment B Letter from Wacker Siltronic Corp., Virginia Gilbert, Treasurer, dated September 28, 1981

Attachment C Position Paper - March 1977

Attachment D Preliminary Summary of Environmental Consideration - March 29, 1978

Attachment E General Permit Information, June 1978
Specific Information for Air Contaminant Discharge Permit dated April 25, 1979

Attachment F Certificate of Concurrence For Pollution Control Bonding, dated April 25, 1979 including Description of Air Pollution Control Facilities.

Stephen C. Carter:a
RC147.B (1)
(503) 229-5297
November 10, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Wacker Siltronic Corporation
P.O. Box 03180
Portland, OR 97203

The applicant owns and operates a silicon crystal growing, slicing and polishing facility at 7200 NW Front Avenue in Portland.

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

2. Description of Claimed Facility

The facility described in this application is an air filter, blower, associated ductwork, electrical support and controls. The facility collects particulate silicon from the exhaust air of a process area.

Applicant believes the Preliminary Certification was made and that the full intent of the pollution tax credit law has been made.

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

Facility Cost: \$30,702 (Accountant's Certification was provided).

3. Evaluation of Application

Without operation of the air filter, high levels of particulate would have been released into the atmosphere. With the air filter in operation, particulate emissions are reduced to less than 0.02 grains per standard cubic foot. The system has adequately controlled emissions. The primary purpose of this equipment is air pollution control. There is no economic benefit to the company; therefore, 80% or more of the cost would be allocable to pollution control.

In its letter of March 31, 1981 (Attachment A), the applicant requested that the Commission waive the filing of the Preliminary Certification application because special circumstances rendered the filing unreasonable. Supplemental information supporting the

applicant's claim was presented in a letter dated September 28, 1981 (Attachment B). A review of the files revealed the following:

- a. At the very outset, discussions with Wacker Siltronic dealt with DEQ environmental concerns, permit processes, and the available environmental economic incentives (both tax credit and pollution control bonds). A position paper (Attachment C) was given to Wacker in March 1977 covering these items.
- b. Several (6) meetings were held with Wacker and their consultant, CH₂M/Hill, in an effort to solidify the air, water and solid waste standards that the proposed plant would have to meet. A preliminary Summary of Environmental Considerations (Attachment D) was submitted to the Department on March 29, 1978.
- c. Continued consultation occurred with CH₂M/Hill and Wacker personnel until July 13, 1978, when the Air Contaminant Discharge Permit (ACDP) application was submitted. The NPDES permit application was submitted on July 28, 1978. General Permit Information and Specific Information for Air Quality (Attachment E) dated June 1978 was submitted with these applications. After a public hearing, both the ACDP and NPDES permits were issued on September 28, 1978.
- d. Bond council for the Port of Portland and attorney for Wacker Siltronic obtained a certificate (Attachment F) from the Department on an issue of pollution control revenue bonds dated April 25, 1979.
- e. A Notice of Intent to Construct and Request for Preliminary Certification for Tax Credit was made May 7, 1979, and approved June 11, 1979, for the wastewater control facilities. Construction was initiated in July 1979, completed in April 1980, and the facility was placed into operation in April 1980. A Pollution Control Facility Certificate (Application No. T-1351) was approved to be issued at the June 5, 1981 EQC meeting.
- f. The company's letter of March 21, 1981, indicated that the form may not have been submitted. A subsequent search of the CH₂M/Hill project files indicate that the subject forms were hand-delivered to the Department on June 13, 1978.
- g. The Department did not realize that the Notices of Intent to Construct and Request for Preliminary Certification for Tax Credit was not on record until receipt of this application. The Department had worked closely with CH₂M/Hill and Wacker on this facility and was of the opinion that the full intent of the law had been met.

4. Summation

- a. Wacker believes that the application for preliminary certification was submitted and that the full intent of the law met. In spite of the fact that no file record exists of the subject application, the Department staff does believe that facility has met the intent of the pollution control tax credit laws.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1) (a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 80% or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission issue an order approving Tax Credit Application No. T-1350.

- Attachment A Letter from Wacker Siltronic Corp., Thomas G. Boyle, Sr. Tax Accountant, dated March 31, 1981
- Attachment B Letter from Wcker Siltronic Corp., Virginia Gilbert, Treasurer, dated September 28, 1981
- Attachment C Position Paper - March 1977
- Attachment D Preliminary Summary of Environmental Consideration - March 29, 1978
- Attachment E General Permit Information, June 1978
Specific Information for Air Contaminant Discharge Permit datead April 25, 1979
- Attachment F Certificate of Concurrence For Pollution Control Bonding, dated April 25, 1981 including Description of Air Pollution Control Facilities.

Stephen C. Carter:a
RC147.C (1)
(503) 229-5297
November 10, 1981

ATTACHMENTS

TAX CREDIT APPLICATIONS T-1348, T-1349, T-1350

WACKER SILTRONIC CORPORATION

WACKER**WACKER SILTRONIC CORPORATION**P.O. BOX 03180 • PORTLAND, OREGON 97203
7200 N.W. FRONT AVENUE • PORTLAND, OREGON 97229 (503) 243-2020

March 31, 1981

Department of Environmental Quality
Management Services Division
Post Office Box 1760
Portland, Oregon 97207

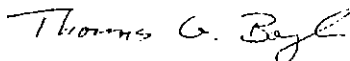
Gentlemen:

Wacker Siltronic Corporation is submitting applications for certification of 5 separate pollution control facilities located on premises of their hyperpure silicon manufacturing plant in Northwest Portland. At the time of preliminary certification, Wacker personnel responsible for filing applications were both understaffed and unaware of the extent to which their pollution control facilities could qualify for ad valorem tax relief. Consequently, preliminary tax certification appears to have been requested and approved only for our waste treatment plant. Wacker Siltronic therefore requests consideration of remaining applications pursuant to Senate Bill 139 amending ORS 468.175 (1), 468.170 (4), and 468.180 (1), which waives the preliminary filing requirement in special circumstances.

As indicated in the applications, these facilities are constructed and operated for the sole benefit of pollution control. We feel that these facilities fall within the scope and intent of the pollution control and tax relief statutes, and hope that our lack of preliminary certifications will not jeopardize our application for ad valorem tax relief.

Sincerely,

WACKER SILTRONIC CORPORATION

Thomas G. Boyle
Sr. Tax Accountant

TGB/pko

WACKER**WACKER SILTRONIC CORPORATION**

P.O. BOX 03180 • PORTLAND, OREGON 97203
7200 N.W. FRONT AVENUE • PORTLAND, OREGON 97229 (503) 243-2020

September 28, 1981

Mr. Tom Bispham
Northwest Region Manager
Department of Environmental Quality
P.O. Box 1760
Portland, Oregon 97207

Dear Mr. Bispham:

Wacker Siltronic Corporation is submitting this letter regarding certification applications for three separate pollution control facilities (Applications T-1348, T-1349, and T-1350) located at our hyperpure silicon manufacturing plant in northwest Portland. This letter is in response to Wacker's preliminary certification compliance and DEQ's subsequent evaluation of these applications. With the assistance of our consultant, CH2M HILL, we have reconstructed our contacts with DEQ on the matters of environmental permitting and environmental economic incentives.

Background

- From the beginning Wacker Siltronic and CH2M HILL had discussions with DEQ staff regarding possible environmental impacts, permitting processes, and available environmental economic incentives (both pollution control tax credits and pollution control bonds).
- In March 1977 DEQ summarized its preliminary evaluation of Wacker's proposed facility (position paper).
- DEQ staff, Wacker, and CH2M HILL held several meetings and phone conversations (including 8/2/77, 5/12/78, 5/17/78, 6/7/78, 7/19/78, 8/4/78) to establish acceptable air, water, and solid waste limits.

Dept. of Environmental Quality

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NORTHWEST REGION

WACKER

Department of Environmental Quality

Page 2

September 28, 1981

- On March 29, 1978, Wacker submitted an environmental assessment of the proposed project to the DEQ.
- Communications continued among DEQ staff, Wacker, and CH2M HILL in the preparation of general permit information for air quality. The general permit information was given to the DEQ on June 13, 1978. We believe that a Notice of Intent to Construct and Request for Preliminary Certification for Tax Credit for air pollution sources was included with this information. CH2M HILL's project files contain an internal memo dated June 9, 1978, indicating the need for separate forms for air, water, and solid waste tax credit applications. At the top of this memo there is a handwritten note stating "a copy given to Bob Gilbert, DEQ, on June 13, 1978." Also in the files is a copy of an unsigned Notice of Intent to Construct and Request for Preliminary Certification for Tax Credit--air pollution sources.
- On July 13, 1978, an air contaminant discharge permit with attachments was submitted to DEQ. On July 28, 1978, a NPDES permit application with attachments was submitted to DEQ.
- After a public hearing, both the ACDF and NPDES permits were issued on September 28, 1978.
- On April 25, 1979, Wacker's attorney and the Bond Council for the Port of Portland obtained a certificate from DEQ on an issue of pollution control revenue bonds.
- May 7, 1979, Wacker submitted a Notice of Intent to Construct and Request for Preliminary Certification for Tax Credit for wastewater control. On June 11, 1979, DEQ approval was issued.
- In July 1979 construction began, and in April 1980 the facility was completed and placed into operation.
- March 31, 1981, Wacker submitted applications to DEQ for four pollution control facilities (air--T-1348, T-1349, T-1350 and water--T-1351). Application No. T-1351 was approved to be issued at the June 5, 1981, EQC meeting.

WACKER

Department of Environmental Quality
Page 3
September 28, 1981

Conclusion

Wacker Siltronic believes it has met the intent of the State of Oregon, DEQ-administered pollution control tax credit laws. This is evidenced by Wacker's applications for air and water pollution control revenue bonds and preliminary certification for tax credit for wastewater control and the issuance of certificates by the DEQ approving these applications.

From the very outset Wacker's intentions were to make use of the available environmental economic incentives. With the assistance of CH2M HILL, Wacker worked very closely with DEQ staff to assess the potential environmental impact and obtain the appropriate air and water discharge permits and plan approvals.

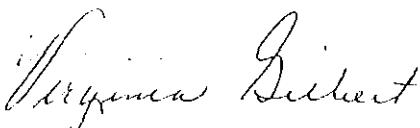
The pollution control facilities were required to comply with appropriate Federal, state, and local limits and standards. The facilities were designed and constructed, and have been operated to a substantial extent for the purpose of preventing, controlling, and reducing pollution. The facilities costs have been properly allocated to pollution control (80 percent or more).

Wacker Siltronic Corporation respectfully requests that DEQ consider this supplement to our March 31, 1981 submittal, and support the approval of applications T-1348, T-1349 and T-1350.

We appreciate your consideration of our request. If you have any questions, please do not hesitate to contact us. We will be glad to meet with you to discuss this matter in greater detail.

Sincerely yours,

WACKER SILTRONIC CORPORATION


Virginia Gilbert
Treasurer

VG/po

ENVIRONMENTAL CONCERNS - AIR QUALITY

Background: Air Quality Levels in Portland Area

National Ambient Air Quality Standards have been exceeded in the Portland Metropolitan area. Carbon monoxide standards have continuously been exceeded. The frequency of carbon monoxide violations has shown a marked decrease since 1970, indicating the effects of new motor vehicle emission controls and the Transportation Control Strategy.

The suspended particulate standards were exceeded during 1970, 1971, 1972, 1973 and 1974. Suspended particulate concentrations were below the standard in 1975. The attainment of these standards in 1975 is due to a combination of control of emission sources and favorable meteorological conditions. In 1976 very unfavorable meteorological conditions caused marginal violations of standards.

Violations of the oxidant standards have occurred in Portland and south of Portland in Milwaukie and Clackamas County. Concentrations of sulphur dioxide and other criteria pollutants have remained below standard levels throughout the airshed.

Specific Air Quality Maintenance Area (AQMA) studies have been initiated to delineate control measures which will be implemented to attain and maintain air quality standards at levels less than those of the standards. Completion of these studies is projected during 1977 and 1978.

In addition, for significant sources emission growth regulations are in effect. One of the regulations is a part of the Transportation Control Strategy and imposes limitations on parking spaces allowed in the downtown area of Portland. A ceiling has been placed on the total number of spaces allowed, and differentiation is made as to the short-term/long-term parking ratios. New or modified parking facilities located in the

Portland area are required to obtain an indirect source permit from the Department prior to construction or modification.

The other growth limiting regulation places a "lid" on increasing emissions of particulate and sulphur dioxide from stationary sources in the Portland area. A total of 430 tons/year of particulate and 1430 tons/year of sulphur dioxide emissions are permitted within the Oregon portion of the Portland AQMA. No single source is allowed more than 25% of the above emission limits. If a proposed new source will produce offsetting reductions in emissions within the region, those reductions will be taken into account in determining the total impact of the new source. The growth restrictions set forth in this rule will be re-evaluated following the completion of the ongoing AQMA studies.

Federal regulations may impose tighter restrictions. The Environmental Protection Agency's (EPA) Prevention of Significant Deterioration (PSD) rule would affect emission of particulate and SO₂. EPA's New Source Review rule would affect emission of particulate, CO and hydrocarbons in this area.

The above emission growth regulations would only affect significant sources emitting more than the following:

Particulate	10 tons/year
SO ₂	10 tons/year
Hydrocarbons	100 tons/year

Emissions of air contaminants have been reduced generally as required by the Implementation Plan. Increases in emissions of oxides of sulphur and oxides of nitrogen were foreseen at the time of the Plan and

have not resulted in violations of standards. While air quality measurements are showing a general downward trend for most measured air contaminants, additional control measures will be necessary to maintain those standards which have been attained.

Completion of the AQMA study project may result in adoption of more restrictive emission limitations or transportation control strategies in order to attain and maintain air quality standards.

Stationary Source Requirements

Based on the limited information available, it appears Wacker Chemical's emissions would primarily consist of chlorine release, HCl emissions, fluorides and possibly NO_x. None of these emissions are covered by the present Department of Environmental Quality (DEQ) growth policy and in general Wacker is not understood to be a source to be concerned about from an airshed impact standpoint.

The Department would be very interested in any measures that can be taken to minimize upsets and malfunctions of equipment so as to prevent escapement of chlorine and other gases and minimize potential odor impact.

The Company needs to apply for and obtain an Air Contaminant Discharge Permit which includes submission and documentation of emission data and go through Notice of Construction and approval of plans and specifications procedures.

Applicable regulations in addition to particulate and opacity include:

<u>Oregon Administrative Rule</u>	<u>Description</u>
20.033.02	Air Contaminant Discharge Permit
20-020 to 20-032	Notice of Construction

<u>Oregon Administrative Rule</u>	<u>Description</u>
20-001	Highest and Best Practicable Treatment and Control
21-060	Fugitive Emissions
22-005 to 22-025	Sulfur Content of Fuels
28-030	Concealment and Masking
28-040	Effective Capture of Air Contaminant Emissions
28-045	Odor Control Measures
28-090	Odors
32-005	Criteria for Approval of Air Contaminant Discharge Permit (if applicable)

Wacker would be required to meet the Highest and Best Practicable Treatment and Control requirement. The exact treatment requirements would be resolved by negotiation with the Company. It would be expected to include such control equipment for:

<u>Type of Emission</u>	<u>Highest and Best Practicable Treatment and Control Devices</u>
HCl Vapor	Packed bed scrubber (caustic) with demister
Pumps, equipment	Mechanical seals
NO _x	Catalytic reduction unit - adsorption or equivalent
Total building ventilation	Scrubber

The Department does recognize that start-up problems may be associated with new facilities and there are provisions in our rules for addressing this situation.

Indirect Source Permit Requirements

The plant site is in the city limits of Portland and therefore a parking facility of more than 150 spaces would be subject to the indirect source permit rule.

An indirect source means a facility, building or structure which indirectly causes or may cause mobile source activity that results in emissions of air contaminants for which there is a state standard.

The Department would expect the applicant, at the proposed location, might apply for 400-600 space parking facility. The proposed site is not associated with an area where motor vehicle related contaminant standards (i.e., carbon monoxide) are currently violated.

The applicant would be required to submit an application for an indirect source permit.

The specific information required would be that under Oregon Administrative Rules (OAR) Chapter 340, 20-129, and would be those items marked on pages 9 and 10.

Whether or not an "indirect source emission control program" would be required, would depend upon the size of the facility and analysis of impact on air quality ((a) (b) (c) on page 14).

ENVIRONMENTAL CONCERNS - WATER QUALITY

Background and Policy

Recently the Environmental Quality Commission (EQC) adopted a State-Wide Water Quality Management Plan. Under this plan the Department of Environmental Quality (DEQ) will continue to manage water quality by evaluating each discharge on a case-by-case basis, based on information currently available and within the limiting framework of minimum standards, treatment criteria and policies which are set forth in the plan.

The plan provides that a water quality permit be obtained and plans for treatment, control and disposal facilities must be submitted to DEQ for review and approval prior to construction.

Permit Requirements

A review of water quality data from the main stem Willamette River shows seasonal water quality depreciation in categories 1) turbidity; 2) coliform bacteria; 3) dissolved oxygen; and 4) temperature.

Water quality standards not to be exceeded pertinent to Wacker include:

1. Notwithstanding the water quality standards contained below, the highest and best practicable treatment and/or control of wastes, activities and flows shall in every case be provided so as to maintain dissolved oxygen and overall water quality at the highest possible levels and water temperatures, coliform bacteria concentrations, dissolved chemical substances, toxic materials, radioactivity, turbidities, color, odor and other deleterious factors at the lowest possible levels.
2. Multnomah Channel and the Main Stem Willamette River from Mouth to Newberg, River Mile 50: No measurable increases shall be

Item 2, Cont.

allowed when stream temperatures are 70° F. or greater; or more than 0.5° F. increase due to a single-source discharge when receiving water temperatures are 69.5° F. or less or more than 2° F. increase due to all sources combined when stream temperatures are 68° F. or less, except for specifically limited duration activities which may be specifically authorized by DEQ under such conditions as it may prescribe and which are necessary to accommodate legitimate uses or activities where temperatures in excess of this standard are unavoidable.

3. pH (Hydrogen Ion Concentration): pH values shall not fall outside the following ranges:
 - a. Columbia River: 7.0 to 8.5
 - b. All other basin waters: 6.5 to 8.5
4. The creation of tastes or odors or toxic or other conditions that are deleterious to fish or other aquatic life or affect the potability of drinking water or the palatability of fish or shellfish shall not be allowed.
5. Dissolved Chemical Substances: Guide concentrations listed below shall not be exceeded unless otherwise specifically authorized by DEQ.

Arsenic (As)	<u>mg/l</u> 0.01
Barium (Ba)	1.0
Boron (Bo)	0.5
Cadmium (Cd)	0.003

Item 5, Cont.

	<u>mg/l</u>
Chromium (Cr)	0.02
Copper (Cu)	0.005
Cyanide (Cn)	0.005
Fluoride (F)	1.0
Iron (Fe)	0.1
Lead (Pb)	0.05
Manganese (Mn)	0.05
Phenols (totals)	0.001
Zinc (Zn)	0.01
Total Dissolved Solids	
Columbia River	200.
Willamette River & Tributaries	100.

Minimum design criteria for treatment and control of wastes that appear pertinent to Wacker include:

1. Where industrial, commercial or agricultural effluents contain significant quantities of potentially toxic elements, treatment requirements shall be determined utilizing appropriate bioassays.
2. Industrial cooling waters containing significant heat loads shall be subjected to offstream cooling or heat recovery prior to discharge to public waters.
3. Positive protection shall be provided to prevent bypassing of raw or inadequately treated industrial wastes to any public waters.
4. Facilities shall be provided to prevent and contain spills

Item 4, Cont.

of potentially toxic or hazardous materials and a positive program for containment and cleanup of such spills should they occur shall be developed and maintained.

With our limited knowledge of Wacker's proposed discharge, it appears all the above standards and criteria can be met. The exact treatment requirements would be resolved by negotiation with the Company. It would be expected to include:

<u>Parameter</u>	<u>Highest and Best Practicable Treatment and Control Device</u>
pH	Neutralization with detention to provide positive protection against spills
Heat	Off-stream cooling with diffuser
F	Lime precipitation
Cl	Reduction by chemical addition

ENVIRONMENTAL ECONOMIC INCENTIVES AVAILABLE

Tax Credit

It is the policy of the state of Oregon to assist in the prevention, control and reduction of air and water pollution in this state by providing tax relief with respect to Oregon facilities constructed to accomplish such prevention, control and reduction. The Company may select to take the tax credit relief under ad valorem or corporate income taxes.

It is required under the Notice of Construction procedure that the applicant indicate that the review of the pollution control facilities plans and specifications is also for tax relief, so that the Department may issue a required preliminary certification of eligibility.

Pollution Control Bonds

A taxing authority such as the Port of Portland may issue pollution control bonds to cover the costs of the pollution control facilities. The Company would repay the monies to the Port of Portland, usually at a lower rate of interest available to most companies.



Dept. of Environmental Quality

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NORTHWEST REGION

Department of Environmental Quality
522 S.W. 5th Ave., Room 501
Portland, OR 97204

Attention: Bob Gilbert

Gentlemen:

Enclosed is an excerpt from our report for Wacker last year which described the air, water, and solid waste considerations identifiable during our cost evaluation for the plant. We are not yet aware of any changes which might be made, and how they would affect these parameters. If you have any questions, please call us.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Richard S. Reid', is written over a horizontal line.

Richard S. Reid
Project Manager

ss
Enclosures

PRELIMINARY

SUMMARY OF ENVIRONMENTAL CONSIDERATIONS
WACKER CHEMITRONIC PLANT
PORTLAND, OREGON

Air Quality

The only concern in the initial construction is the NO_x scrubber.

To develop a specification for an NO_x scrubber to handle 15,000 scfm with an efficiency of 90 percent on the concentrations present, many equipment manufacturers were contacted. Several have done some testing but none actually has an operating unit on a similar concentration, with the efficiency specified above. Most manufacturers suggested reducing the air volume, concentrating the NO_x, scrubbing the concentrated air stream, and then blending it with other building exhaust before discharge. Vertical-packed-bed, wet scrubbers with multiple stages and long retention times are anticipated. The cost estimate is an allowance based on the estimates of several manufacturers and the description of the system in Burghausen provided by Wacker.

A 30,000 pound per hour steam boiler plant is anticipated in later stages, which if fired on fuel oil, could have an SO₂ discharge. The quantity of SO₂ could be controlled by control of the sulfur content of the fuel.

Wastewater Treatment

Waste Loading. Waste loads from the various plant operations were developed from several sources including:

1. Information collected during the site visit at Burghausen.
2. Summary of the waste situation of the plant provided by Wacker.
3. The utility/water use summary sheets provided by Wacker.

Waste loads from the various processes are summarized by stage in Table 8.

Domestic (sanitary) waste loads are based on the following factors:

Flow:	35	gallons per person per day
BOD ₅ :	0.05	pounds per person per day
TSS:	0.08	pounds per person per day

The estimates of average domestic waste flows and loads are summarized on Table 9.

Table 8
PROCESS WASTELOAD SUMMARY

Stage	Flow		Loading	
	(gpm)	(m ³ /hr)	(lbs/day)	(kg/hr)
HCL (Average)				
1	25	5.7	4,150	78
2	33	7.5	5,560	105
3	50	11.4	8,380	159
4	81	18.4	16,640	315
5	98	22.3	19,360	366
6	127	28.9	25,740	487
7	127	28.9	25,740	487
HCL (Maximum)				
1	32	7.3	4,420	84
2	42	9.6	5,860	111
3	63	14.3	8,840	167
4	293	66.6	19,840	375
5	314	71.4	22,670	429
6	434	98.6	30,400	575
7	434	98.6	30,400	575
HNO ₃ (Average)				
1	57	13.0	189	3.58
2	57	13.0	248	4.69
3	62	14.1	373	7.06
4	62	14.1	373	7.06
5	66	15.0	494	9.34
6	73	16.6	621	11.8
7	73	16.6	621	11.8
Peak Loading from Etching Batch Dump - 1 hr. duration				
	138	31.4	1,840	34.8
HF (Average)				
1	Included with HNO ₃		40	0.76
2	Included with HNO ₃		57	1.08
3	Included with HNO ₃		87	1.65
4	Included with HNO ₃		124	2.35
5	Included with HNO ₃		152	2.88
6	Included with HNO ₃		202	3.82
7	Included with HNO ₃		202	3.82
Peak Loading from Etching Batch Dump - 1 hr. duration				
			374	7.07

Table 8 (Cont.)

Stage	Flow		Loading	
	(gpm)	(m ³ /hr)	(lbs/day)	(kg/hr)
Silicon Sludge* (Average)				
1	42	9.6	1,230	23.4
2	54	12.3	1,630	30.8
3	82	18.6	2,450	46.4
4	97	22.0	2,550	48.2
5	125	28.4	3,370	63.8
6	160	36.4	4,240	80.2
7	160	36.4	4,320	81.7
Process Organic Waste Dissolved Solids (Average)				
1	35	8.0	420	8.0
2	39	8.9	500	9.5
3	62	14.1	780	14.8
4	62	14.1	780	14.8
5	85	19.3	1,060	20.0
6	116	26.4	1,410	26.7
7	116	26.4	1,410	26.7
Process Organic Waste BOD ₅ (Average)**				
1			980	18.5
2			1,160	21.9
3			1,810	34.2
4			1,810	34.2
5			2,460	46.5
6			3,250	61.5
7			3,250	61.5

* From cutting, grinding, polishing and lapping

** BOD₅ estimated to be 70 percent of calculated COD

Table 9
DOMESTIC WASTE FLOWS AND LOADS

<u>Stage</u>	<u>Average Flow</u>		<u>BOD₅</u>		<u>TSS</u>	
	<u>(gpm)</u>	<u>(m³/hr)</u>	<u>(lbs/day)</u>	<u>(kg/hr)</u>	<u>(lbs/day)</u>	<u>(kg/hr)</u>
1	9.4	2.1	19.2	0.36	30.8	0.58
2	10.8	2.4	23.3	0.44	35.7	0.68
3	13.8	3.1	28.5	0.54	45.5	0.86
4	15.8	3.6	32.5	0.61	52.0	0.98
5	18.4	4.2	37.8	0.72	60.5	1.14
6	21.2	4.8	43.7	0.83	70.0	1.32
7	21.7	4.9	44.6	0.84	71.4	1.35

Regulatory Requirements. A meeting was held with the State of Oregon Department of Environmental Quality (DEQ) to determine waste treatment requirements and specific discharge limitations. The following guidelines for wastewater treatment and disposal resulted from this meeting:

1. Inorganic acid waste waters can be neutralized and discharged to the Willamette River.
2. The following limitations apply for discharge of specific constituents measured at the boundary of the dilution zone:
 - Fluoride - 1.0 mg/l
 - Nitrate - 10 mg/l
 - Total dissolved solids - 100 mg/l above background.
3. There are no specific discharge limitations for chloride or silicate, therefore, consideration can be given to solublizing the silicon oxyhydride foam from the sitri and poly scrubbers for disposal with the neutralized effluent.
4. A National Pollutant Discharge Elimination System (NPDES) permit is required for disposing of neutralized inorganic wastes in the Willamette River.
5. Organic wastes from process operations must be segregated and discharged together with domestic (sanitary) wastes to the Portland municipal treatment system.
6. Design criteria and engineering plans must be reviewed and approved by the DEQ.

Wastewater Treatment and Disposal Concept. Process waste waters from each section will be segregated into three separate collection systems:

1. Inorganic acids and bases - primarily from HCl scrubbing, etching operations, and demineralizer regeneration.

2. Silicon sludge - primarily from cutting, grinding, polishing, and lapping operations.
3. Organic compounds - primarily from cleaning operations. These compounds include organic acids, esters, alcohols, aldehydes, ketones, and organic tensites.

Organic wastes will be combined with domestic (sanitary) wastes and discharged to the Portland municipal treatment system. A meeting was held with the City of Portland Bureau of Sanitary Engineering to determine requirements for discharging wastes to the municipal treatment system. The following guidelines resulted from this meeting:

1. A Waste Analysis Report must be filed with the City of Portland Bureau of Sanitary Engineering and evaluated before the city can agree to accept and treat industrial wastes.
2. The wastes must not contain constituents, including chlorinated hydrocarbons, that would be toxic or otherwise adversely affect operation of the municipal collection or treatment system.
3. A flow meter, preferably of the magnetic type, must be provided to continuously measure the waste discharge. In addition, a sample tap must be provided from which the city can conduct a sampling program to determine sewer service charges. The city reserves the right to require Wacker to continuously sample and monitor the waste discharge, if the city believes it necessary, to protect the municipal collection and treatment system. The city must also have access to the sampling and flow measurement station.

Inorganic acids and bases from Sections 5, 6, and 7 will be collected in storage tanks having capacity to accept the largest batch dump and pumped at a controlled rate to the inorganic waste treatment system. The inorganic wastes will be treated by neutralization and sedimentation. Acid and

basic wastes will be neutralized by slaked lime to pH 6 to 8. Sources of these wastes include HCl and NO_x scrubbers; HCl, HF, HNO₃ and NaOH from etching; and H₂SO₄ and NaOH from demineralizer regeneration. If caustic treatment is used to solubilize the silicon oxyhydride foam from the sitri/poly HCl scrubber, this waste will also be put into the neutralization tank.

At a pH of 6 to 8 the calcium concentration resulting from neutralization with lime is sufficient to precipitate fluoride from the etching wastes and sulfate from demineralizer regeneration. The residual fluoride concentration after neutralization is calculated to be on the order of 1 mg/l.

Silicon sludge wastes from cutting, grinding, polishing and lapping will be combined with the neutralized wastes and settled out in a clarithickener. Provisions have been made to recycle a portion of the settled solids about the clari-thickener. The purpose of this is to raise the influent solids concentration to a level that will produce hindered settling in the clari-thickener, thus increasing solids removal efficiency. Provisions have also been made to add polymer as a coagulant aid if necessary. Bench scale tests should be conducted prior to design to confirm the need for recirculating solids and/or the addition of a coagulant aid.

The clarified effluent from the clari-thickener will be discharged by gravity to the Willamette River through the storm sewer outfall. Sludge from the clari-thickener will be pumped to two storage lagoons. Every other year one lagoon will be dewatered and the accumulated solids hauled by truck to a landfill site for disposal.

Quick lime (CaO) will be stored in a silo and slaked into a storage tank as a 10 percent concentration slurry. The lime slurry will be continuously pumped through one of two recirculating lines. A control valve will automatically feed lime slurry to the neutralization tank to maintain a pH of 6 to 8.

The following is a summary of the design developed for the inorganic wastewater treatment system at Stage 7. The treatment system will be built to full capacity in Stage 1, because of the considerable additional expense to build additional units in later stages.

<u>Flow</u>	<u>Average</u>		<u>Maximum</u>	
	<u>gpm</u>	<u>m³/hr</u>	<u>gpm</u>	<u>m³/hr</u>
Neutralized Wastes	262	59.6	600	136
Lime Slurry	18	4.1	20	5
Silicon Sludge	160	36.3	180	41
TOTAL	440	100.0	800	182

<u>Sludge Production</u>	<u>Average</u>	
	<u>lbs/day</u>	<u>kg/hr</u>
CaF ₂	400	7.6
CaSO ₄	1870	35.4
Silicon Sludge	4330	82.0
TOTAL	6600	125.0

<u>Neutralization Requirements</u>	<u>Average</u>		<u>Maximum</u>	
	<u>lbs/day</u>	<u>kg/hr</u>	<u>lbs/day</u>	<u>kg/hr</u>
CaO (90% Active)	22,200	420	26,900	509

Municipal Waste Treatment Costs. Industries discharging to the Portland municipal system are subject to four one-time charges:

1. Major facilities equalization charge based on single-family dwelling equivalents (SFDE). (1 SFDE = 1,000 ft³ per month). The 1977 charge is \$475 per SFDE.

2. Direct connection charge, also based on SFDE.
3. Tapping charge of \$40 per connection.
4. Permit fee of \$5 per connection.

These connection charges are significant, and have been included in the estimate.

Solid Waste

Silicon Dust. Silicon dust from the sitri facilities will be sluiced into two on-site storage lagoons similar to the operation at Burghausen. Because the dust reacts with water to release HCl, it was agreed in a meeting with the DEQ that this method of handling is preferable to direct landfill. Approximately 15 metric tons per month are anticipated in Stages 4 and 5 and 21 metric tons in Stages 6 and 7.

Each lagoon has a storage capacity of 39,100 cubic feet. Overflow from the lagoons will return by gravity to the inorganic wastewater treatment neutralization tank. Each lagoon will be dewatered on alternate summers and the stored silicon material hauled by truck for final disposal in a landfill..

Sitri/Poly Scrubber Foam. The silicon oxyhydride foam will either be solubilized by neutralization with caustic and

discarded to the inorganic waste neutralization system or hauled to whichever silicon dust storage lagoon is not in service. In the event it is stored on-site, the material will be hauled to a landfill site when the silicon dust storage lagoons are cleaned.

Scrap Silicon. Approximately 10,900 pounds per month (4.95 metric ton/month) of scrap silicon will be generated at Stage 7. It may be possible to sell this material to one of several aluminum manufacturers in Oregon or Washington as an alloy material. Otherwise, it will be disposed of by landfill.

Other Solid Waste. All other solid wastes, including quartz, graphite, scrap metal, and packing material will be picked up and disposed of by the Portland Municipal Refuse Disposal Company. Solid wastes of this type will amount to about 63 metric tons per month by Stage 7.

Cooling Water,

The requirement by Wacker to provide cooling water to the production equipment and condensers at a temperature not to exceed 70° F (21° C) has required an evaluation of several alternatives. The only source of water that does not exceed 70° F in the summer in Portland is the city water main, which reaches a maximum temperature of 60° F. The river water rises to a maximum temperature of 75° F during the summer months. The possible use of wells was previously discussed. Four alternatives were evaluated for cooling water supply:

1. River water once-through
2. Cooling towers
3. City water once-through
4. Mechanical refrigeration cooling

The water from the city water main is of such good quality that it meets the specifications for the softened water required in the cooling loops for the production equipment. Only a small amount of corrosion inhibitor must be added to protect the piping and equipment. Thus, in all alternatives considered, the water pumped to the process equipment is city water.

The cooling loads in each section were estimated from data provided by Wacker. Specific data was not available for some sections. The cooling water system sizing and evaluation of alternatives was based on water flows and cooling loads summarized in Table 10.

Each alternative was evaluated for its advantages and disadvantages. A very preliminary capital investment cost estimate was made for each alternative. The owning and operating costs were then evaluated on an annualized cost basis, including amortization of capital, which was calculated at 10 percent interest over a 10-year period. Operating and maintenance costs included insurance and taxes, power costs, chemical costs, and maintenance costs. A comparison of the capital investment and annualized cost estimates for each alternative at each construction stage is included in Table 11.

River Water Once-through. Alternative No. 1, use of river water in a once-through cooling system, involves the construction of an intake pump station on the river and an outfall diffuser in the river to minimize heat rise of river water. State water quality authorities are reluctant to approve this alternative because of its thermal effect on the river. The water must be strained, chemically treated for corrosion control, and then pumped to the condensers in Section 3 and to heat exchangers in the other sections where it then removes

Table 10

SUMMARY

ESTIMATED COOLING WATER FLOWS & HEAT LOADS

Section	Flow (gpm)							Heat Load (106 BTUH)						
	3	4	5	6	7	8	Total	3	4	5	6	7	8	Total
Stage														
1	-	-	214	110	97	110	531	-	-	2.02	.72	.44	.53	3.71
2	-	-	253	123	128	110	614	-	-	2.39	.84	.62	.53	4.38
3	-	-	319	159	185	154	817	-	-	3.02	1.08	.92	.89	5.91
4	2510	570	319	159	185	154	3897	20	22.8	3.02	1.08	.92	.89	48.7
5	2510	570	387	189	242	211	4109	20	22.8	3.66	1.32	1.24	1.24	50.3
6	2600	675	440	238	280	308	4547	30	28.2	4.16	1.68	1.55	1.78	67.4
7	2600	675	454	255	299	308	4591	30	28.2	4.30	1.80	1.55	1.78	67.6

the heat from the cooling water loops. Since the heat exchangers in Sections 4, 5 and 6 can at best be designed for a minimum of 10° F approach between the softened cooling water loop and the river water, and since a maximum of 70° F water is specified for the cooling loop, the maximum allowable temperature on the river water side of the exchanger is 60° F (15° C). The river water temperature exceeds 60° F for over five months of the year. It would be necessary to blend city water with the river water during this period. The city water would be purchased and then discharged to the river.

Cooling Towers. Alternative No. 2 uses cooling towers with recirculating cooling water loops. Make-up water is provided from the city water main. Since the city water can be used in the process loops, there is no need for heat exchangers between the cooling towers and the process equipment. The process water can be circulated directly through the cooling towers. To prevent dust from contaminating the process cooling water for Sections 4, 5, and 6, closed circuit evaporative cooling towers are specified. The process cooling water is piped through the tower in closed pipes. The water used for evaporation is sprayed on the outside of the tubes supplied from the city water main. In the sitri area, open-type towers are used. The cooling towers also have a limitation for providing 70° F water during the summer. The minimum temperature of the water produced by a cooling tower is directly proportional to the wet bulb temperature of the atmosphere. Most towers are sized to give a 10° F approach. Therefore, whenever the wet bulb temperature exceeds 60° F, city water must be blended with the water from the tower to satisfy the 70° F requirement. The wet bulb temperature only exceeds 60° F during a few hours each day during the summer, so that the amount of city water for blending is much less than required for Alternative No. 1.

Table 11
 COST COMPARISON
 COOLING WATER ALTERNATIVES

Alternative	Description	Stage						
		1	2	3	4	5	6	7
A <u>Capital Investment Cost, Dollars</u>								
1	River Water Once-Thru	190,000			55,000			
2	Cooling Towers	190,000			375,000		60,000	
3	City Water Once-Thru	65,000			90,000			
4	Mechanical Refrigeration	200,000			1,100,000		230,000	
B <u>Annualized Cost, Dollars/Year</u>								
1	River Water Once-Through	77,500	83,600	98,600	337,100	352,700	385,200	387,700
2	Cooling Towers	51,200	52,100	53,900	223,300	225,000	263,700	263,700
3	City Water Once-Through	49,200	55,500	69,900	379,100	394,600	466,100	469,100

Includes: Water Costs
 Corrosion Control Chemicals
 Power Costs
 Maintenance and Taxes
 Capital Amortization

City Water Once-through. Alternative No. 3 uses city water in a once-through cooling system and discharges the heated water to the river. Since the maximum temperature of the city water is 60°F, a recirculation system can be used to produce the 70°F water and to reduce the quantity of city water that would be purchased. Capital investment costs result from the need of a larger water connection to the city main and a small treatment system for corrosion control.

Mechanical Refrigeration. Alternative No. 4 requires the installation of mechanical chillers to handle the entire cooling load. The high capital investment cost of over 1.2 million dollars results in an annualized amortization cost that exceeds the total annual operating costs of any of the other alternatives. Therefore, no further evaluation of Alternative No. 4 has been made.

Selected Alternative. Alternative No. 2 was chosen for the purposes of this estimate. It appears to provide the lowest annual cost, including amortization of capital, even though the capital investment costs are higher than those for Alternative No. 3. It should be noted that during detailed design, when more accurate information can be developed on cooling requirements and acceptable water temperatures, an analysis of cooling water alternatives should again be made.

WACKER SILTRONICS
General Permit Information
June 1978

INTRODUCTION

Wacker Siltronic proposes to build a high-purity silicon manufacturing plant in Portland, Oregon. The following has been prepared to provide city/state/federal regulatory agencies with general background information to assist in their review of specific permit applications.

The major product, silicon, will be used mainly as a semiconductor material by the electronics industry. The plant will be constructed in phases approximately as follows:

Initiate Site Work	August 1978
Initial Production	March 1980
Further Expansion	1980 - 1985
Additional Major Construction	June 1985
Full Production	January 1987

The estimated cost of the project is 55 million dollars. Employment, upon completion of the first major phase, will be approximately 700. Total employment upon completion, as presently projected, will be approximately 1200 people.

PROPOSED FACILITY DESCRIPTION

Brief descriptions of the plant site, manufacturing process and environmental aspects follow:

PLANT LOCATION

The plant location is shown in Figure 1. The site, located in the City of Portland, consists of approximately 84 acres on Northwest Front Avenue, bordering on the Willamette River. The property, which is presently vacant, was formerly low, wet land that has been filled over a number of years with river dredged fill (mostly sand) for future industrial development.

The proposed project is subject to provisions of the Urban Renewal Plan for the Northwest Front Avenue Industrial Renewal Project which was approved and adopted on 11 May 1978 by the City Council of the City of Portland by Resolution No. 32099. In adopting the urban renewal plan, the Council declared the redevelopment of this site and elimination of existing undesirable conditions to be in the public interest and of benefit to the public health, safety, and welfare.

An application for a Greenway Conditional Use Permit is necessary and has been submitted to the City of Portland, Planning Commission for their review and consideration.

PLANT LAYOUT

The overall plant layout showing building locations, roadways, rail line, parking area and other facilities is shown

in Figure 2. Facilities to be constructed in Phase 1 and 2 are identified separately.

It is expected there will be some minor relocation of some facilities as plans are finalized, however, the overall location of facilities and use of the site will remain essentially as shown.

PROCESS DESCRIPTION - PHASE I

In addition to the headquarters building, warehouse and other support facilities, the first phase of construction will include the monosilicon, slicing, and polishing operations necessary to produce the finished wafers. The process flow diagram is shown in Figure 3. The raw material to this process is polycrystalline silicon which will initially be produced at another Wacker facility in Germany. Other materials such as argon, nitrogen and oxygen will be delivered by bulk transport trucks and stored on site.

The polycrystalline silicon is first converted to a monocrystalline form resulting in short silicon rods approximately 3-5 inches in diameter.

As shown in the process block diagram the monocrystalline rods are then prepared and cut into thin wafers. The wafers are further processed to a highly polished surface, inspected and vacuum packed for shipment for ultimate use by the semi-conductor industry.

The overall process can generally be described as a labor intensive operation consisting of a series of steps performed in a laboratory, machine shop type atmosphere resulting in a very high quality product with rigorous specifications.

In general, production will be 24 hours per day, 7 days per week, and 52 weeks per year.

PROCESS DESCRIPTION--PHASE 2

Major plant expansion or Phase 2 construction will include expansion of operations described in Phase 1 and additional facilities to produce polycrystalline material from ferrosilicon feed stock. The additional facilities to be constructed will primarily replace the polycrystalline material previously shipped from Germany. Ground raw ferrosilicon alloy will be delivered to the plant site by truck and/or railcar. The feedstock will be stored in enclosed bins on site. HCl and H₂ used in the process will be piped to the plant from Pennwalt Corporation which is located adjacent to the plant site.

A process flow diagram for the production of the polycrystalline material is shown in Figure 4. These operations consist of reacting the raw silicon alloy feedstock with HCl at a high temperature to form silicon tetrachloride (SiCl₄) and trichlorosilane (SiHCl₃). The silicon tetrachloride and trichlorosilane are separated and purified by fractional distillation. Steam is provided to the distillation operation by a natural gas or distillate oil fired boiler. SiCl₄ is stored on site and sold for other uses. The purified SiHCl₃ is entrained in hydrogen gas and deposited into polycrystalline rods. The polycrystalline rods are stored and fed into the monosilicon facility constructed in Phase I. This process will also operate 24 hours per day, 7 days per week, 50 weeks per year.

PROPOSED FACILITY DESCRIPTION

Brief descriptions of the plant site, manufacturing process and environmental aspects follow:

PLANT LOCATION

The plant location is shown in Figure 1. The site, located in the City of Portland, consists of approximately 84 acres on Northwest Front Avenue, bordering on the Willamette River. The property, which is presently vacant, was formerly low, wet land that has been filled over a number of years with river dredged fill (mostly sand) for future industrial development.

The proposed project is subject to provisions of the Urban Renewal Plan for the Northwest Front Avenue Industrial Renewal Project which was approved and adopted on 11 May 1978 by the City Council of the City of Portland by Resolution No. 32099. In adopting the urban renewal plan, the Council declared the redevelopment of this site and elimination of existing undesirable conditions to be in the public interest and of benefit to the public health, safety, and welfare.

An application for a Greenway Conditional Use Permit is necessary and has been submitted to the City of Portland, Planning Commission for their review and consideration.

PLANT LAYOUT

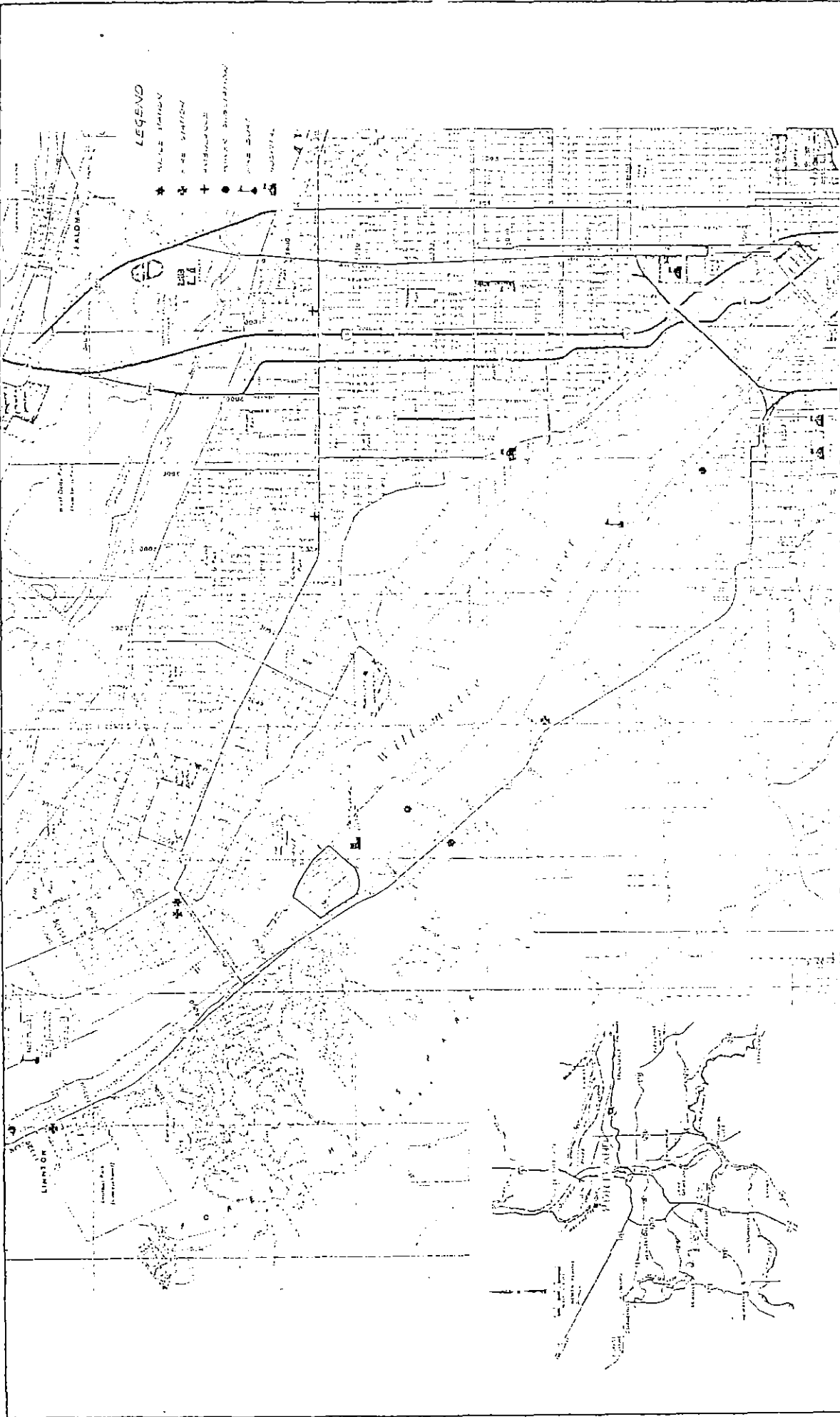
The overall plant layout showing building locations, roadways, rail line, parking area and other facilities is shown

AIR EMISSIONS

Air contaminants generated by the facility primarily come from the natural gas/distillate fired boiler and the nitric acid etching operation. The boiler emissions are controlled by use of low sulfur fuels and NO_x emissions are reduced by passing them through a chemical absorption scrubber. Particulate emissions from material transfer operations are limited and controlled by fabric filters.

NOISE

Any ambient noise generated at the plant is primarily associated with fans used for air movement. The plant location is such that any noise generated will not exceed adopted regulations.



<p>CLIENT </p>	<p>DATE 11/11/11</p>	<p>SCALE 1" = 100'</p>	<p>PROJECT PROJECT NAME</p>	<p>DATE 11/11/11</p>	<p>SCALE 1" = 100'</p>	<p>PROJECT PROJECT NAME</p>	<p>DATE 11/11/11</p>	<p>SCALE 1" = 100'</p>	<p>PROJECT PROJECT NAME</p>
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PRELIMINARY

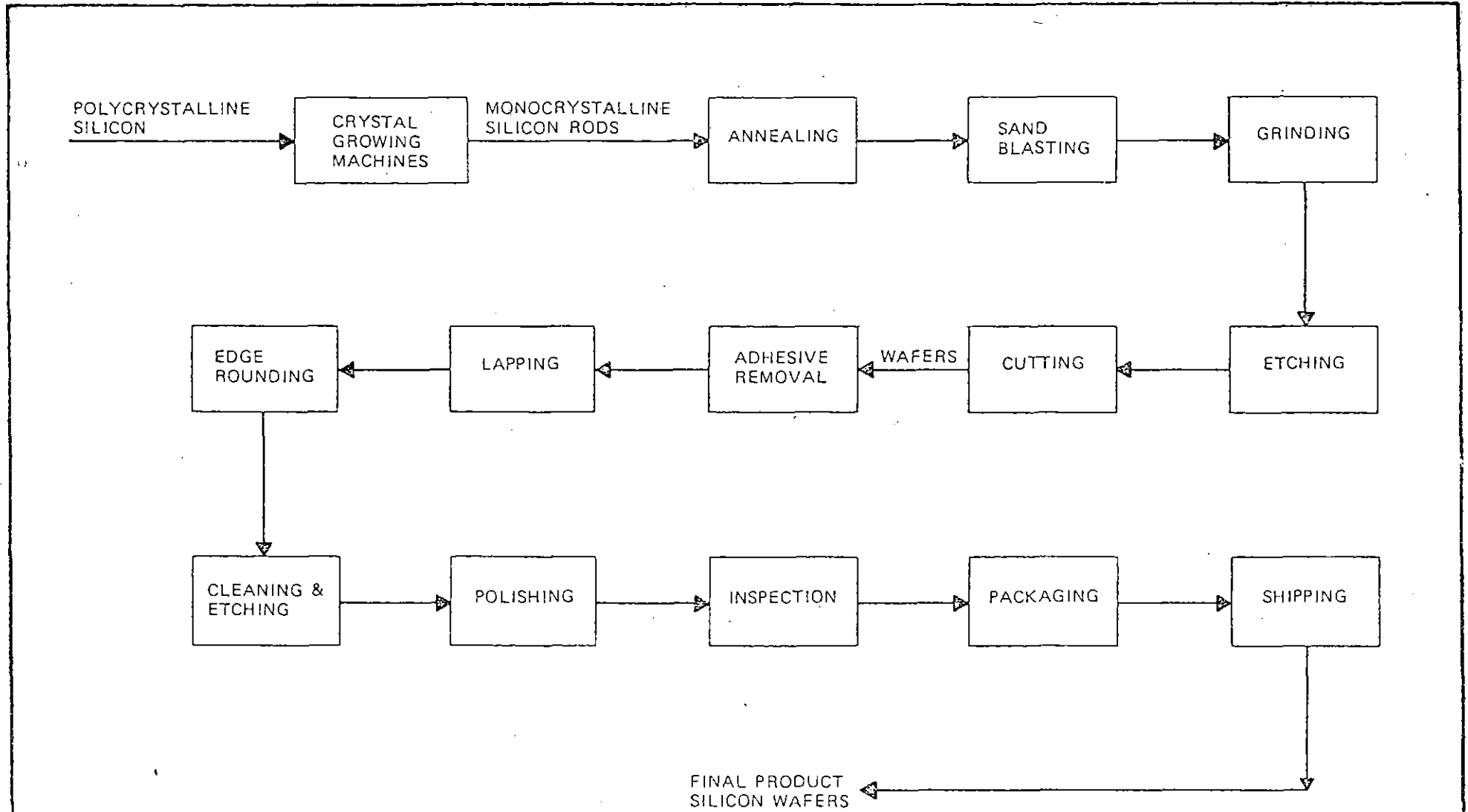


FIGURE 3 - MONOCRYSTALLINE SILICON PRODUCTION AND PROCESSING

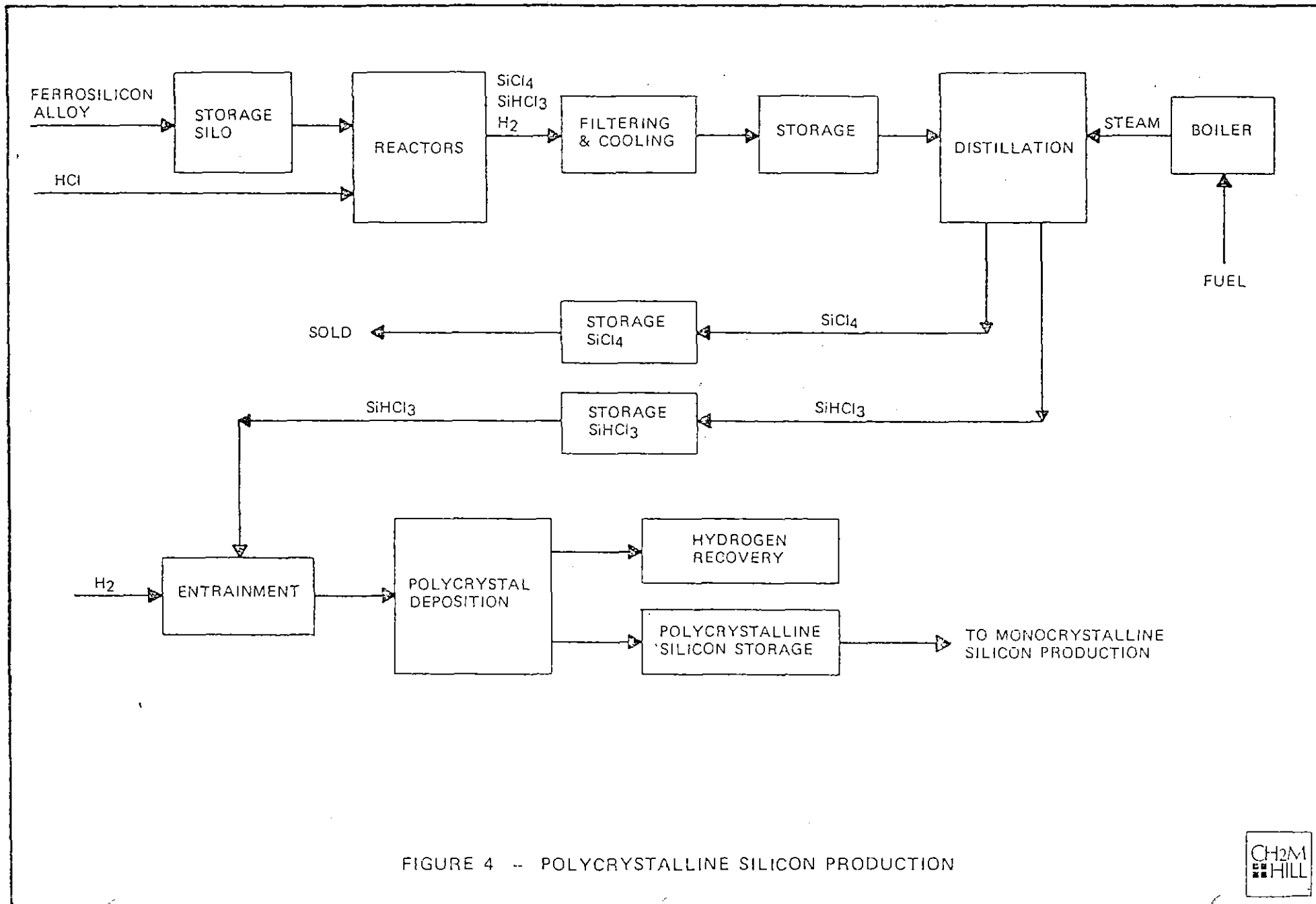


FIGURE 4 -- POLYCRYSTALLINE SILICON PRODUCTION

SPECIFIC INFORMATION
FOR APPLICATION
FOR AIR CONTAMINANT DISCHARGE PERMIT

In addition to the general process information provided in the General Permit Information, June 1978, the following relates specifically to Air Quality Considerations.

1) Operating Schedule

All production areas essentially operate 24 hours per day, 7 days per week, 52 weeks per year. Consequently, the normal and maximum hourly production rate are only controlled by product need and for purposes of air quality should be calculated on a year round operation.

2) Products

Sitri, Distillation and Polysilit

Actual production rates are considered confidential, however, for air quality purposes in relation to compliance of adopted standards, the following information is provided.

a) The Ferrosilicon Storage Silo

Railcar or truck unloading is expected to be in the range of 2-3 tons per hour. A calculated maximum particulate discharge from the bin vent filters is 0.02 grains per scfm resulting in a maximum hourly particulate loading of 0.17 pounds per hour. Unloading operations will be conducted less than 100 hours per month.

b) There are no other emission sources in the operation we are aware of for which the production rates are necessary for determining regulation compliance.

3) Raw Materials and Fuels Used

Ferrosilicon - shipped in by RR/Truck.

HC1 - from Pennwalt

H₂ - from Pennwalt

Natural gas/ No. 2 fuel oil

N₂

HNO₃

HF

NaOH

KOH

The major cleaning solvent used is trichlorethylene. Limited quantities of other chemicals used are primarily in drum quantity size.

4) Description of Air Contaminant Points

Point No. 2

Ferrosilicon is unloaded into five storage silos. The raw ferrosilicon alloy is stored under a nitrogen blanket to prevent deterioration. Each silo utilizes a fabric bin filter with the following specifications.

Volume - 200 cfm each

Micropol model 19 hp 2-1/2 BLTC

108 ft² - cloth - Polyacrylic Felt

Outlet grain loading 0.02 grain per scf

Total particulate emissions 1 ton per year

Emission Point 3

2 - 15,000 pounds per hour steam boilers
utilize No. 2 fuel oil or natural gas

	Emissions (Tons/Yr)				
	<u>Part</u>	<u>SO₂</u>	<u>CO</u>	<u>NC</u>	<u>NO_x</u>
Natural Gas	2.5	0.1	3	0.6	36
No. 2 Fuel Oil	2.5	34	6	1.2	26

The primary fuel will be No. 2 Fuel Oil.

Emission Point No. 4

Due to line plugging or equipment cleaning, it is necessary at times to clean various pieces of equipment in the Sitri, Distillation, Polyslit area. Such cleaning when done with steam or water will react with chlorides left in the line or equipment and can result in short term HCl emissions.

Although such emissions are periodic and short in duration, a separate cleaning building will be provided which will exhaust to a 10,000 cubic meter HCl scrubber resulting in a discharge emission of less than 5 ppm HCl. Flexible truck exhaust lines will be provided within the production building for emergency use or where equipment is of such a size it cannot be moved to the cleaning building for cleaning.

Emission Point No. 5

Sandblasting Operation - The sandblasting machine is a self contained, enclosed unit containing a small bagfilter for recovering the blast material for reuse.

Discharge to atmosphere is through the roof. Air volume is 700 scfm at ambient temperature. Particulate concentration (maximum) is calculated as follows:

$$\frac{700 \text{ scfm} \times 60 \text{ min/hr} \times 0.02 \text{ grs/scf}}{7000 \text{ grs/lb}} = 0.12 \text{ lbs/hr}$$

$$\begin{aligned} \text{Assuming operation } 100\% &= 24 \text{ hrs/day} \times 0.12 \text{ lbs/hr} = 2.88 \\ 2.88 \text{ lbs/day} \times 7 \text{ days} &= 20 \text{ lbs/week} \\ 20 \times 50 \text{ weeks/year} &= 1000 \text{ lbs/year or } 0.5 \text{ tons/yr} \end{aligned}$$

Emission Point No. 6

The NO_x caustic scrubber is used to treat collected NO_x and HF emissions from small etching baths used in the operation. The etching solutions use primarily concentrated HNO₃ and HF in varying ratios according to need.

A two-stage packed scrubber using a caustic scrubbing medium is presently used at a similar operation of Wacker's in Germany. The scrubber was designed and developed by Wacker after several years of pilot testing and experimentation with their particular emissions. The unit is designed to obtain a 90 percent collection efficiency.

Based on the experience of the operation in Germany and to assure 90 percent collection efficiency, a third stage will be added to the unit to be constructed in Portland.

Scrubber Data - Inlet

Inlet air volume	7,000 m ³ /h
Inlet NO _x concentration maximum	1,000 ppm
Inlet NO _x concentration average less than	500 ppm
Inlet HF concentration maximum	150 ppm

Scrubber Outlet Data

NO_x maximum concentration 100 ppm
HF maximum concentration 10 ppm

Emission Point No. 7 and No. 8

Two small natural gas or No. 2 fuel oil fired boilers (150 hp and 40 hp) are to be used for process steam and building heating.

Emissions are projected to be:

		Tons/Yr (Natural Gas Fuel)				
		<u>Part</u>	<u>SO_x</u>	<u>CO</u>	<u>HC</u>	<u>NO_x</u>
Process	150 hp	0.4	0.02	0.5	0.10	6.3
HVAC	40 hp	0.1	0.006	0.14	0.03	1.7

		Tons/Yr (No. 2 Fuel Oil)				
		<u>Part</u>	<u>SO_x</u>	<u>CO</u>	<u>HC</u>	<u>NO_x</u>
Process	150 hp	0.48	10.4	1.2	0.24	5.3
HVAC	40 hp	0.13	2.8	0.32	0.06	1.4

Emergency Equipment - A 350 kw natural gas or No. 2 fuel oil emergency generator is provided to maintain critical processes during power failures or interruptions. Hopefully this situation will not occur. Consequently, emission discharges have not been calculated.

Emission Point No. 9

Trichloroethylene is the primary solvent used as a cleaning agent in this process. Due to the high cost of the solvent and in recognition of the potential environmental concerns, Wacker proposes to control this product as follows:

Contaminated trichloroethylene will be collected and purified for reuse. There are no atmospheric emissions from the purification process. Trichloroethylene that vaporizes and could be released to the atmosphere will be collected and recovered for reuse. The collection and recovery unit will be self-contained with no atmospheric emissions. Overall recovery of the trichloroethylene captured is high. The small quantity of contaminated material from the recovery process that cannot be use is planned to be disposed of offsite in an acceptable manner.

EMISSIONS - TONS/YEAR

<u>Emission Point</u>	<u>Part.</u>	<u>SO_x</u>	<u>HC</u>	<u>NO_x</u>	<u>CO</u>	<u>Other Inorganics</u>
#1 - Ferrosilicon Storage Bin Vent	0.10	--	--	--	--	--
#2 - Ferrosilicon Storage Silo Vents	1.0	--	--	--	--	--
#3 - Two 15,000 lb/hr Steam Boilers Using:						
a) Natural Gas	2.5	0.1	0.6	36	3	--
or						
b) #2 Fuel Oil	2.5	34	1.2	26	6	--
#4 - HC1 Scrubber	--	--	--	--	--	Unknown amounts of HC
#5 - Sandblasing	0.5	--	--	--	--	--
#6 - NO _x Scrubber	--	--	--	6.4 (as NO ₂)	--	--
#7 - 300 hp Process Boiler Using:						
a) Natural Gas	0.8	0.04	0.20	12.6	1.0	--
or						
b) #2 Fuel Oil	0.96	20.8	0.48	10.6	2.4	--
#8 - 40 hp HVAC Boiler Using:						
a) Natural Gas	0.1	0.006	0.03	1.7	0.14	--
or						
b) #2 Fuel Oil	0.13	2.8	0.06	1.4	0.32	--
#9 - Solvent Loss	--	--	14	--	--	--

CERTIFICATE

The undersigned hereby certifies that:

1. The Oregon Department of Environmental Quality has jurisdiction over the pollution control facilities described in Annex A hereto (the "Project") being constructed at the plant complex located in Portland, Oregon to be operated by Wacker Siltronic Corporation.

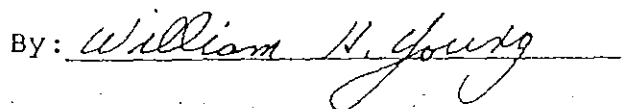
2. The facilities comprising the Project, as designed, are in furtherance of the purpose of abating or controlling atmospheric pollutants or contaminants or water pollution. This certificate is given solely pursuant to Treasury Regulations Section 1.103-8(g)(2)(i)(B) and Proposed Treasury Regulations Section 1.103-8(g)(2)(i) under Section 103(b)(4) of the Internal Revenue Code of 1954, as amended.

Executed this 25th day of April, 1979.


Notary Public for State of Oregon

My Commission Expires March 5, 1982

OREGON DEPARTMENT OF
ENVIRONMENTAL QUALITY

By: 

ANNEX A

DESCRIPTION OF THE FACILITIES

Nox Scrubber: The Nox Scrubber will remove from the air Nox contamination resulting from the etching of silicon crystals with various acids including nitric acid. Ducts will collect the contaminated air and send it to the scrubber where it will be washed with water and chemicals. The resulting purified air will then be sent to the atmosphere and the contaminated water will be sent to the Waste Water Treatment Plant.

Included in the property to be financed for this system is the cost of an IPS (Immediate Power Supply) System consisting of battery equipment, and a UPS (Uninterrupted Power Supply) System primarily consisting of a diesel generator. These two sources of alternate power supply are designed to remove and purify Nox contaminated air from etching areas which may remain subsequent to a general plant power failure. The battery equipment will operate during the short start-up period necessary for the diesel generator. Neither power sources will be used for any other equipment. Total estimated costs of this facility including installation, instrumentation, and foundation are \$374,000.

Trichloroethylene Control System: The Trichloroethylene Control System is designed to remove solvent contamination resulting from certain cleaning procedures, especially trichloroethylene, from air and water emanating from the plant.

This System collects contaminated vapors, including trichloroethylene and removes them from the air in special towers through the use of carbon and steam. The contaminated steam as well as other trichloroethylene contaminated plant water is then specially treated to remove the trichloroethylene from the water because this operation cannot be handled in the Waste Water Treatment Plant. The purified water is then sent to the Portland Sewer System. Total estimated costs of this facility including the costs of the equipment, instrumentation, and foundation are \$992,200.

Dust Separation System: This System filters sand particles from the air. The sand results from sand blasting in certain areas done for cleaning purposes. Total estimated costs of the facility are \$16,500.

Waste Water Treatment Plant: This facility is designed to remove various pollutants in the wastewater coming from the plant, including acids, alkalis, solvents and solids. Purification is achieved by such methods as neutralization, sedimentation of organics and solid separation, depending upon the particular contaminant involved. Total estimated costs for this facility including buildings, equipment, piping material, installation, electrical, instrumentation and collecting system are \$1,603,800.

Cooling Water Treatment System: Water will run through various equipment to keep equipment temperature down. To prevent thermal pollution which would otherwise result upon return of this water to the Willamette River, the water is cooled. If the water temperature after treatment is sufficiently low to be again used for

equipment. cooling purposes, it will be recycled through the equipment. Otherwise it will be returned to river. Total estimated costs of the facility including equipment, installation, foundation, piping, instrumentation and electrical are \$467,500.

Storage Tanks with Special Foundations: Storage tanks will hold waste chemicals (solvents and acids) prior to their disposal. As a precaution to prevent contamination of the ground water, special concrete foundations will be used underneath the storage tanks. Total estimated costs of this facility are \$139,000.

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Pioneer International, Inc.
2405 NE 45th
Portland, OR 97213

The applicant owns and operates a heating oil and diesel fuel and gasoline distributor business at 810 N. Fremont, Portland, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is the conversion of a gasoline delivery trailer from top loading to bottom loading in order to comply with the VOC regulations.

Request for Preliminary Certification was not made; applicant requests that Commission waive requirements for filing.

Construction was initiated on the claimed facility on 1-21-81, completed on 2-25-81, and the facility was placed into operation on 2-25-81.

Facility Cost: \$4,898.39. Based on a review of the billing statement provided in the application, the Department concludes that the cost figure represents actual expenses incurred by the applicant for this facility.

3. Evaluation of Application

In order to receive gasoline at a gasoline distributor terminal, the applicant had to have a delivery tank that was certified by the Department. He installed the necessary control lines himself. The tank repair shop converted the tank to bottom loading, tested it for pressure/vacuum tightness and had it certified by the Department. There is no economic benefit to the applicant; therefore, 80% or more of the cost is allocated to pollution control.

The applicant requests that the Commission waive the requirement to submit a request for preliminary certification for tax credit before the start of construction. The applicant learned about the

Department's VOC requirements through notification by his gasoline terminal that delivery would be stopped after a certain date unless the delivery tank was certified by the DEQ. The gasoline tank repair shop knew about the tax credit program, but, it did not inform the applicant.

Since the applicant learned about the requirement from his gasoline supplier, ordered the necessary work done three months before the scheduled cut-off date and did not know about filing before the start of construction, the Department recommends that the Commission waive the requirement for filing.

4. Summation

- a. Special circumstances exist which made the filing of an application for preliminary certification unreasonable, and the facility would otherwise be eligible for tax credit.
- b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1) (a).
- c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.
- d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.
- e. The portion of the facility cost that is properly allocable to pollution control is 80% or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$4,898.39 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1356.

F.A. Skirvin:a
AA1455 (1)
(503) 229-6414
10/14/81

pioneer oil
pioneer oil
pioneer oil

Management Services Div.
Dept. of Environmental Quality

RECEIVED
APR 1 1981

26V420

281-2828 ————— 2405 ne 45th avenue ————— portland, oregon 97213

March 30, 1981

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

Dear Sir:

We are writing you at this time regarding the filing of your form, "Notice of Intent to Construct and Request for Preliminary Certification for Tax Credit."

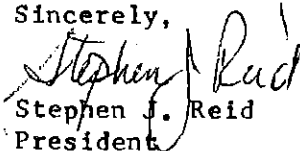
We would like to ask the commission to waive the filing of this form for the reasons stated below.

The company which worked on our tanker to install a bottom loader for vapor recovery was aware that we were going to do this work for us for quite a while. It was not until after the work was completed were we aware that forms needed to be filed. The company did send these forms when the work was done.

It is because of these special circumstances that we find the filing of this form unreasonable.

We appreciate your prompt consideration to this matter.

Sincerely,


Stephen J. Reid
President

State of Oregon
Department of Environmental Quality

Revision of Pollution Control Facility Certificate

1. Certificate Issued to:

Kenneth K. and Sharon E. McGrady
12285 Elkins Road
Monmouth, OR 97361

Certificate was issued for a water pollution control facility.

2. Discussion

On October 9, 1981, the Environmental Quality Commission issued Pollution Control Facility Certificate 1279 to Kenneth K. and Sharon E. McGrady in the amount of \$47,205.56 for a manure collection and disposal facility at their dairy in Monmouth, Oregon.

Subsequently, Mr. McGrady informed the Department that he received a \$3,500 cost share from the federal government. Therefore the facility cost should be reduced by \$3,500 (see attached memorandum from Larry Patterson).

3. Summation

Certificate 1279 should be revised to reflect the reduction in cost to \$43,705.56.

4. Director's Recommendation

Revise Pollution Control Facility Certificate 1279 to reflect the reduction in cost. The new certificate to be issued in the amount of \$43,705.56.

CASplettstaszer
229-6484
11/12/81
Attachments

STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

TO: Carol Splettstaszer

DATE: November 6, 1981

FROM: Larry Patterson, WQ

SUBJECT: Tax Relief for Kenneth McGrady T-1429

A pollution control tax credit for Kenneth K. and Sharon E. McGrady was recently approved by the EQC with a facility cost of \$47,205.56. The Department was recently informed by Mr. McGrady that he received a \$3,500 cost share from the federal government. Therefore, the facility cost should be reduced by \$3,500.

Please amend the Certificate to show a facility cost of \$43,705.56.

LDP:g
WG655 (1)

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Certificate No. 1279

Date of Issue 10/9/81

Application No. T-1429

POLLUTION CONTROL FACILITY CERTIFICATE

Issued To: Kenneth K. & Sharon E. McGrady 12285 Elkins Road Monmouth, Oregon 97361	Location of Pollution Control Facility: 12285 Elkins Road Monmouth, Oregon
As: <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Owner	
Description of Pollution Control Facility: The facility is a manure collection and disposal facility consisting of a 40 foot diameter concrete tank, pump, distribution lines, and a manure gun.	
Type of Pollution Control Facility: <input type="checkbox"/> Air <input type="checkbox"/> Noise <input checked="" type="checkbox"/> Water <input type="checkbox"/> Solid Waste <input type="checkbox"/> Hazardous Waste <input type="checkbox"/> Used Oil	
Date Pollution Control Facility was completed: <u>August 1980</u> Placed into operation: <u>September 1980</u>	
Actual Cost of Pollution Control Facility: <u>\$ 47,205.56</u>	
Percent of actual cost properly allocable to pollution control: <u>80% or more</u>	

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

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

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

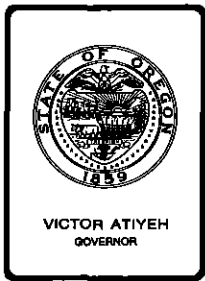
NOTE—The facility described herein is not eligible to receive tax credit certification as an Energy Conservation Facility under the provisions of Chapter 512, Oregon Law 1979, if the person issued the Certificate elects to take the tax credit relief under ORS 316.097 or 317.072.

Signed _____

Title Joe B. Richards, Chairman

Approved by the Environmental Quality Commission on

the 9th day of October, 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. E, December 4, 1981, EQC Meeting

Request by John Nickelson for a Variance from
OAR 340-61-055(4) (a) Pertaining to Operation of
a Sludge Lagoon Within 1/4 Mile of a Residence

Background

Where to dispose of septic tank pumpings in the Klamath Falls area has been a problem for the last couple of years. Originally the South Suburban Sanitary District accepted septic tank pumpings; however, for various reasons they decided to stop receiving this waste. For an emergency interim site, the Round Lake Estate lagoons were used, but problems with access and pump damage resulted in this site also refusing to accept the waste. The City of Klamath Falls was approached but lacked the costly facilities to receive the pumpings and meter them into their influent to avoid shock loads on their plant. During this entire time, the DEQ Klamath Falls staff worked closely with the Klamath County Health Department and the local pumpers to find a permanent solution. They evaluated a number of potential sites for septic tank sludge lagoons.

A site was proposed by one of the pumpers, John Nickelson, for a privately operated lagoon that would serve all of the area pumpers. During the evaluation of this remote site, the Department staff recommended that the proposed lagoon location be moved about 300' to an area that would be further from the drainage way and on a shallower slope. Mr. Nickelson complied with that request and continued through the county's conditional use process. During the conditional use hearings, considerable public opposition arose. After initially being denied by the hearings officer, the project was modified and resubmitted. Based on the recommendation of the hearings officer at a subsequent hearing, the County Commissioners issued a conditional use permit for the site.

The Department reviewed and approved the plans and Mr. Nickelson built the lagoon which was planned as the first of three lagoons at the site. The first two lagoons were designed to hold about one year's volume of pumpings each. The first lagoon was to be the primary lagoon where all waste would normally be dumped. The second lagoon was to be located

downhill from the first in order to receive its settled overflow. The second lagoon was scheduled to be built about one year after the first lagoon. The third lagoon, a shallower evaporation lagoon with a larger surface area, was to be constructed downhill from the second lagoon during the following year and receive the overflow from the second lagoon. It was to be sized to evaporate the estimated annual flow of pumpings. If unusually large volumes of pumpings or unusually heavy precipitation caused the influent to the third lagoon to exceed the evaporation rate, then the liquid in the third lagoon could be irrigated on the surrounding sage brush.

Meanwhile, several residents of the general area hired an attorney to appeal the conditional use permit to the Land Use Board of Appeals. During that appeal, they questioned whether the lagoon that had been constructed was a full 1/4 mile from the nearest residence as required by OAR 340-61-055(4) (a).

The residence in question is located on the other side of an abrupt ridge that extends up some 150-200 feet in elevation between it and the lagoon. To resolve the setback question, the Department required Mr. Nickelson to have a surveyor measure the distance. The result was that the first lagoon was 1,208 feet from the residence or 112 feet short of the 1/4-mile (1,320 foot) requirement. To avoid further delays, Mr. Nickelson constructed the second of the three planned lagoons over 1/4 mile from the residence. The Department issued a solid waste permit for use of the second lagoon only and the site was put into operation on January 5, 1981.

The conditions that caused the first lagoon to be sited in its present location were beyond the control of the applicant. The location was recommended by the Department assuming that it was 1/4 mile from any residence. The exact distance to the nearest residence was not questioned until after the lagoon was built. The second lagoon and the proposed third evaporation lagoon are greater than 1/4 mile from the residence.

Operation of the site since that time has been good with all requirements being met. Despite initial public sentiment about the sites, no complaints have been received since operation began. Use of the site was temporarily suspended when the Land Use Board of Appeals ruled that the county had failed to meet procedural requirements during the conditional use process and overturned the county's decision. The County promptly held a new hearing, developed adequate findings and reissued the conditional use permit. The site is back in operation with no appeals pending. With a record of proper operation, Mr. Nickelson is now asking to put the first lagoon into service as originally planned because the lagoon that is currently being used will be full by the first part of December.

Alternatives and Evaluation

The intent of the rule requiring the arbitrary 1/4-mile setback was to minimize potential adverse aesthetic effects on residential areas. Those effects may include visual impact, odors and noise. Clearly in this case, the high intervening north-south ridge will minimize those potential adverse effects on the residence in question.

The residence is located on the other side of a 150-200' ridge, southwest of the lagoon. The lagoon is not visible from the residence. The Climatological Summary by the U.S. Department of Commerce states that the prevailing winds in that area are from south-southeast during the winter, from the west in the spring and early summer, and from the north-northwest during the late summer and fall. At no time do the prevailing winds blow towards the residence. There will be no greater impact from the lagoon in question than from the lagoon in use 112 feet further away.

Alternatives are to (1) deny the variance request, or (2) approve the variance request.

Denying the site would probably force the applicant to install another lagoon to meet his plans for enough capacity. This would be burdensome on the applicant as far as cost when there is already an unused lagoon at the site that he paid for. It also would not make any difference in the environmental impact at the residence. If the applicant is unwilling or unable to install another lagoon, the life of the site would be severely shortened. At this time, the lagoon in use is virtually full and there is no alternate facility available.

Approval of the variance would mean immediate availability of the already completed lagoon. The location of the lagoon was not totally in the control of the applicant since that particular site was recommended to him and later inspected and approved by the Department. The approval would allow the applicant the capacity in the system that was planned for and would thereby lengthen the life of the site.

ORS 459.225(3) authorizes the Commission to grant a variance from OAR 340-61-055(4)(a), provided the following conditions exist:

1. The conditions in existence are beyond the control of the applicant.
2. Strict compliance would be unreasonable, burdensome, or impractical.
3. Strict compliance would result in closure of a site with no alternate facility available.

Summation

1. The first lagoon installed at the JNS (Septage) Disposal Lagoon is 1,208 feet from the nearest residence.
2. The operator is applying for a variance from that setback to operate the lagoon.
3. OAR 340-61-055(4)(a) requires that the septage lagoon shall be located a minimum of 1/4 mile (1,320 feet) from the nearest residence.
4. The lagoon is separated from the residence by a ridge. The two are not in view of each other. Prevailing winds are away from the residence.

5. The second lagoon that is already in use has a record of excellent performance.
6. Strict compliance would be burdensome because the applicant would probably be forced to install another lagoon and it is unreasonable in that use of the first lagoon would not make any difference in the environmental impact at the residence.
7. There is no alternate facility currently available. Strict compliance could result in decreased life expectancy of this site.
8. Granting a variance would allow use of the already installed lagoon. The lagoon meets all other solid waste regulations. Increased capacity at the site will be ensured.
9. The Commission may grant a variance in accordance with ORS 459.255(3).

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission grant John Nickelson a variance to OAR 340-61-055(4)(a) for the JNS Disposal Lagoon.

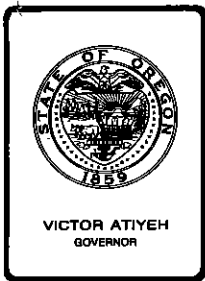
Michael Downs
for
William H. Young

Joseph F. Schultz:c

SC78

229-6237

November 16, 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. F, December 4, 1981, EQC Meeting

Proposed Adoption of Temporary Rule Amending Rules for
On-Site Sewage Disposal, OAR 340-71-600

Background and Problem Statement

Prior to June 1, 1981, each applicant for a sewage disposal service license has been required by ORS 454.695 and ORS 454.705 to obtain and provide a bond, executed in favor of the State of Oregon, when making application for license. On occasion an applicant has proposed to provide other forms of security in lieu of a surety bond, but because of the specific statutory language it has not been acceptable to the Department.

Chapter 148, Oregon Laws 1981, revised the statutes to allow the deposit of cash or other negotiable securities in lieu of the surety bond. The bill contained an emergency clause, causing it to take effect upon passage, June 1, 1981.

Administrative rules governing sewage disposal service licensing (OAR 340-71-600) need to be amended to implement the flexibility now allowed by statute.

Alternatives and Evaluation

1. Leave administrative rules as they are and implement the provisions of the statutes directly.
2. Adopt amendments to the rules, using permanent rulemaking procedures.
3. Adopt a temporary rule which would go into effect immediately. The proposed amendments to OAR 340-71-600 are contained within Attachment "B".

After an evaluation of alternatives, staff is of the opinion that the third is the best alternative. It has the advantage of being effective immediately, whereas the second alternative does not. It also allows the Department to spell out the criteria necessary for smooth implementation, including the methods by which claims may be resolved.

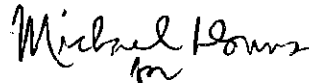
Summation and Findings

1. Chapter 148, Oregon Laws 1981, provides for the deposit of cash or other negotiable securities in lieu of a surety bond when application is made for a sewage disposal service license. The administrative rules have not been amended to implement this provision.
2. Adoption of a temporary rule to become effective immediately is the alternative of choice.
3. The Environmental Quality Commission of the State of Oregon finds that its failure to act promptly, by adopting a temporary rule, amending OAR 340-71-600, will result in serious prejudice to the public interest or the interest of the parties concerned, for the following reason:

Chapter 148, Oregon Laws 1981, provides for the deposits of cash or other negotiable securities in lieu of a surety bond when application is made for a sewage disposal service license. Implementation of this provision has not been incorporated into Administrative Rules.

Director's Recommendation

Based upon the summation and the findings, it is recommended that the Commission adopt the proposed temporary rule amending OAR 340-71-600, as set forth in Attachment "B", and instruct staff to include such an amendment in the permanent rule procedures of public hearing, etc. contemplated in the January 1982 rule amendment package.


William H. Young

Attachments 3

1. Attachment "A" Statement of Need for Rulemaking and Fiscal Impact Statement
2. Attachment "B" Proposed Temporary Rule Amending OAR 340-71-600

Sherman O. Olson, Jr.:g
229-6443
November 12, 1981

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

In the Matter of the Adoption of) Statutory Authority,
Temporary Rule Amending) Statement of Need,
OAR 340-71-600) 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 such rules as it considers necessary for the purpose of carrying out OAR 454.605 to 454.745.

2. Need for the Rule:

Chapter 148, Oregon Laws 1981 (effective June 1, 1981), allows a sewage disposal service license applicant to deposit, in lieu of a surety bond, the equivalent value in cash or negotiable securities. The administrative rules have not been amended to implement this provision.

3. Principal Documents Relied Upon:

Chapter 148, Oregon Laws 1981.

4. Fiscal and Economic Impacts:

Fiscal and economic impacts fall upon the Department and individual sewage disposal service license applicants. The license applicants will save the cost of securing a bond, and will accrue the interest earned by the deposit. The Department will incur expenses in the processing and safeguarding of these alternative securities.

William H. Young, Director
Department of Environmental Quality

Sherman O. Olson, Jr.:g
229-6443
December 4, 1981

XG669 (1)

Proposed Amendments to OAR 340-71-600

340-71-600 SEWAGE DISPOSAL SERVICE.

- (1) For the purpose of these rules "Sewage Disposal Service" means:
 - (a) The installation of on-site sewage disposal systems, or any part thereof; or
 - (b) The pumping out or cleaning of on-site sewage disposal systems, or any part thereof; or
 - (c) The disposal of material derived from the pumping out or cleaning of on-site sewage disposal systems; or
 - (d) Grading, excavating, and earth-moving work connected with the operations described in subsection (1) of this rule, except streets, highways, dams, airports or other heavy construction projects and except earth-moving work performed under the supervision of a builder or contractor in connection with and at the time of the construction of a building or structure; or
 - (e) The construction of drain and sewage lines from five (5) feet outside a building or structure to the service lateral at the curb or in the street or alley or other disposal terminal holding human or domestic sewage.
- (2) No person shall perform sewage disposal services or advertise or represent himself/herself as being in the business of performing such services without first obtaining a license from the Department. Licenses are not transferable.

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

- (3) Those persons making application for a sewage disposal service license shall:
- (a) Complete an application form supplied by the Department;
and
 - (b) [Execute a surety bond in the penal sum of two thousand five hundred (\$2500) dollars in favor of the State of Oregon, on forms supplied by the Department. Bonds shall be written to coincide with the licensing period; and]
File and maintain with the Department original evidence of surety bond, or other approved equivalent security, in the penal sum of two thousand five hundred dollars (\$2,500);
and
 - (c) Shall have pumping equipment inspected by the Agent annually if intending to pump out or clean systems and shall complete the "Sewage Pumping Equipment Description/Inspection" form supplied by the Department. An inspection performed after January 1st shall be accepted for licensing the following July 1st; and
 - (d) Provide evidence of registration of business name with State Department of Commerce.
 - (e) Submit the appropriate fee as set forth in Subsection 340-71-140(1)(k).

(4) The type of security to be furnished pursuant to OAR 340-71-600(3)(b) may be:

- (a) Surety bond executed in favor of the State of Oregon on a form approved by the Attorney General and provided by the Department. The bond shall be issued by a surety company

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

licensed by the Insurance Commissioner of Oregon. Any surety bond shall be so conditioned that it may be cancelled only after thirty (30) days notice to the Department, and to otherwise remain in effect for not less than two (2) years following termination of the sewage disposal service license, except as provided in subsection (e) of this section; or

(b) Insured savings account irrevocably assigned to the Department, with interest earned by such account made payable to the depositor; or

(c) Negotiable securities of a character approved by the State Treasurer, irrevocably assigned to the Department, with interest earned on deposited securities made payable to the depositor.

(d) Any deposit of cash or negotiable securities under ORS 454.705 shall remain in effect for not less than two (2) years following termination of the sewage disposal service license except as provided in subsection (e) of this section. A claim against such security deposits must be submitted in writing to the Department, together with an authenticated copy of:

(A) The court judgment or order requiring payment of the claim; or

(B) Written authority by the depositor for the Department to pay the claim.

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

(e) When proceedings under ORS 454.705 have been commenced while the security required is in effect, such security shall be held until final disposition of the proceedings is made. At that time claims will be referred for consideration of payment from the security so held.

(5) [(4)] Each licensee shall:

- (a) Be responsible for any violation of any statute, rule, or order of the Commission or Department pertaining to his licensed business.
- (b) Be responsible for any act or omission of any servant, agent, employee, or representative of such licensee in violation of any statute, rule, or order pertaining to his license privileges.
- (c) Deliver to each person for whom he performs services requiring such license, prior to completion of services, a written notice which contains:

[(A) Name and address of his bonding company; and]

(A) [(B)] A list of rights of the recipient of such services which are contained in ORS 454.705(2)[.] ; and

(B) Name and address of the surety company which has executed the bond required by ORS 454.705(1); or

(C) A statement that the licensee has deposited cash or negotiable securities for the benefit of the Department in compensating any person injured by failure of the licensee to comply with ORS 454.605 to 454.745 and with OAR Chapter 340, Divisions 71 and 73.

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

- (d) Keep the Department informed on company changes that affect the license, such as, name change, change from individual to partnership, change from partnership to corporation, etc.

(6) [(5)] Misuse of License.

- (a) No licensee shall permit anyone to operate under his license, except a person who is working under supervision of the licensee.
- (b) No person shall:
 - (A) Display or cause or permit to be displayed, or have in his possession any license, knowing it to be fictitious, revoked, suspended or fraudulently altered.
 - (B) Fail or refuse to surrender to the Department, upon demand, any license which has been suspended or revoked.
 - (C) Give false or fictitious information or knowingly conceal a material fact or otherwise commit a fraud in any license application.

(7) [(6)] Personnel Responsibilities.

- (a) Persons performing the service of pumping or cleaning of sewage disposal facilities shall avoid spilling of sewage while pumping or while in transport for disposal.
- (b) Any accidental spillage of sewage shall be immediately cleaned up by the operator and the spill area shall be disinfected.

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

(8) [(7)] License Suspension or Revocation.

- (a) The Department may suspend, revoke, or refuse to grant, or refuse to renew, any sewage disposal service license if it finds:
- (A) A material misrepresentation or false statement in connection with a license application; or
 - (B) Failure to comply with any provisions of ORS 454.605 through 454.785, the rules of this Division, or an order of the Commission or Department; or
 - (C) Failure to maintain in effect at all times the required bond in the full amount specified in ORS 454.705; or
 - (D) Nonpayment by drawee of any instrument tendered by applicant as payment of license fee.
- (b) Whenever a license is revoked or expires, the operator shall remove the license from display and remove all Department identifying labels from equipment.
- (c) A sewage disposal service may not be considered for re-licensure for a period of at least one (1) year after revocation of its license.

(9) [(8)] Equipment Minimum Specifications.

- (a) Tanks for pumping out of sewage disposal facilities shall comply with the following:

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

- (A) Have a liquid capacity of at least five hundred fifty (550) gallons.

Exception. Tanks for equipment used exclusively for pumping chemical toilets not exceeding fifty (50) gallons capacity, shall have a liquid capacity of at least one hundred fifty (150) gallons.

- (B) Be of watertight metal construction;
 - (C) Be fully enclosed;
 - (D) Have suitable covers to prevent spillage.
- (b) The vehicle shall be equipped with either a vacuum or other type pump which will not allow seepage from the diaphragm or other packing glands and which is self priming.
 - (c) The sewage hose on vehicles shall be drained, capped, and stored in a manner that will not create a public health hazard or nuisance.
 - (d) The discharge nozzle shall be:
 - (A) Provided with either a camlock quick coupling or threaded screw cap.
 - (B) Sealed by threaded cap or quick coupling when not in use.
 - (C) Located so that there is no flow or drip onto any portion of the vehicle.
 - (D) Protected from accidental damage or breakage.
 - (e) No pumping equipment shall have spreader gates.

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

- (f) Each vehicle shall at all times be supplied with a pressurized wash water tank, disinfectant, and implements for cleanup.
- (g) Pumping equipment shall be used for pumping sewage disposal facilities exclusively unless otherwise authorized in writing by the Agent.
- (h) Chemical toilet cleaning equipment shall not be used for any other purpose.

(10) [(9)] Equipment Operation and Maintenance.

- (a) When in use, pumping equipment shall be operated in a manner so as not to create public health hazards or nuisances.
- (b) Equipment shall be maintained in a reasonably clean condition at all times.

(11) [(10)] Vehicles shall be identified as follows:

- (a) Display the name or assumed business name on each vehicle cab and on each side of a tank trailer:
 - (A) In letters at least three (3) inches in height; and
 - (B) In a color contrasting with the background.
- (b) Tank capacity shall be printed on both sides of the tank:
 - (A) In letters at least three (3) inches in height; and
 - (B) In a color contrasting with the background.
- (c) Labels issued by the Department for each current license period shall be displayed at all times at the front, rear, and on each side of the "motor vehicle" as defined by United States Department of Transportation Regulations, Title 49 U.S.C.

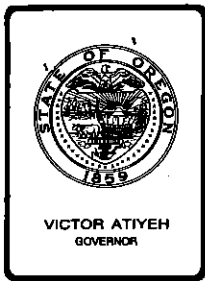
NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.

(12) [(11)] Disposal of Pumpings.

Each licensee shall:

- (a) Discharge no part of the pumpings upon the surface of the ground unless approved by the Department in writing.
- (b) Dispose of pumpings only in disposal facilities approved by the Department.
- (c) Possess at all times during pumping, transport or disposal of pumpings, origin-destination records for sewage disposal services rendered.
- (d) Maintain on file complete origin-destination records for sewage disposal services rendered. Origin-Destination records shall include:
 - (A) Source of pumpings on each occurrence, including name and address.
 - (B) Specific type of material pumped on each occurrence.
 - (C) Quantity of material pumped on each occurrence.
 - (D) Name and location of authorized disposal site, where pumpings were deposited on each occurrence.
 - (E) Quantity of material deposited on each occurrence.
- (e) Transport pumpings in a manner that will not create a public health hazard or nuisance.

NOTE: Underlined _____ material is new.
Bracketed [] material is deleted.



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. G, December 4, 1981, EQC Meeting

Proposed Adoption of Amendments to Hazardous Waste Management Rules, OAR 340-63-011, 63-125, 63-130 and 63-135

Background and Problem Statement

At the October 9, 1981 Commission meeting, the staff presented proposed amendments to that portion of the Commission's Hazardous Waste Management Rules dealing with pesticide waste management (see copy of staff report, Attachment A). Questions were raised concerning the Department's broad use of the word "airport" in OAR 340-63-125(1)(c) and how the Department planned to distribute the revised rules, to facilitate a high level of self-regulation. The Commission moved to delay action on the Director's Recommendation until its next meeting.

Authority to adopt these revised rules is ORS 459.440.

Alternatives and Evaluation

Relative to the first issue, the staff went back to the Department of Transportation, Division of Aeronautics' definition of "airport" and realized that management facilities would be required at every landing strip ever used for agricultural spraying, including farmers' grass strips. Considering that the water quality violations identified have been primarily at public-use airports, the staff have concluded that the use of the term airport was indeed too broad and have revised OAR 340-63-125(1)(c) accordingly. A new definition of "public-use airport" has been added to OAR 340-63-011(27). OAR 340-63-125(1)(d) still provides for the use of management facilities at personal-use airports if other permitted alternatives cannot be achieved.

Although the staff have previously kept the Division of Aeronautics and the Oregon Agricultural Aviation Association apprised of our proposed revisions, the staff have now also gone the extra step of notifying each public-use airport of this intended action since the proposed rules so specifically apply to their facilities.

Relative to the second issue, the Department will take several steps to ensure widespread distribution. First of all, the Department plans to distribute summaries of the rules at Oregon State University (OSU) Extension Service short courses in January, 1982 (estimate 1,000 copies).

In anticipation of adoption, a draft synopsis of the rules has been submitted to OSU Extension Service to be printed in their 1982 update of the Weed Control Handbook and the Pacific Northwest Insect Control Handbook (which in 1981 had a combined publication of 3,200 copies).

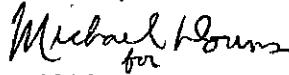
Copies of the rules will also be distributed to all members of Oregon Agricultural Chemical Association, Oregon Agricultural Aviation Association, Pest Control Operators of Oregon, based on mailing lists received from the Department of Agriculture. Lastly, the staff will use Department publications such as Beyond Waste and Ambience to try to spread the word.

Summation

1. Having considered the issues raised at the October 9, 1981 Commission meeting, the proposed OAR 340-63-125(1)(c) has been revised to limit its application to only public-use airports, and a new definition has been added to OAR 340-63-011(27).
2. Existing rules adopted in 1979 no longer adequately reflect current policy and best management practices for the disposal of waste pesticides and empty containers.
3. It is necessary to develop regulations that are clear, which identify best management practices for dealing with the complexity of the waste pesticide problem and yet address known environmental concerns.
4. The staff drafted amendments to the rules which are intended to overcome current deficiencies.
5. The Commission is authorized to adopt hazardous waste management rules by ORS 459.440.

Director's Recommendation

Based upon the summation, it is recommended that the Commission adopt the proposed amendments set forth in Attachment E to the Commission's Hazardous Waste Management Rules, OAR 340-63-011, 63-125, 63-130 and 63-135, and guidelines.


for
William H. Young

Attachments

- A Staff report, Agenda Item No. R, October 9, 1981, EQC meeting
- B Statement of Need for Rulemaking
- C Hearing Officer's Report
- D Department's Response to Public Comment
- E Proposed Rules OAR 340-63-011, 63-125, 63-130 and 63-135
- F Waste Pesticide Management Systems Guidelines and Basic Design Criteria



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, October 9, 1981, EQC Meeting

Proposed Adoption of Amendments to Hazardous Waste
Management Rules, OAR 340-63-011, 63-125, 63-130 and 63-135

Background

The Department's current hazardous waste management rules were adopted in May 1979 and amended in April 1980. A portion of those rules identified standards and best management practices for the disposal of waste pesticides and empty hazardous material containers.

It is reported that some 1,500 different pesticide compounds are formulated into 35,000 commercially salable pesticide products. These pesticide products are in turn diluted into spray solutions of various concentrations depending on application requirements.

Because of the differences in degree of dilution, variability in toxicity and large number of persons regulated, it is necessary that the rules be clear enough to foster a high level of self-regulation. We have found in the last 2½ years of implementation, however, that the pesticide portion of the rules is sometimes difficult to interpret, which is leading to inadequate compliance in some instances. Furthermore, inadequate guidance was provided on acceptable management alternatives to disposal at a hazardous waste disposal site. To improve opportunities for self-regulation and compliance on the one hand, and for enforceability on the other, we are proposing these modified rules.

Authority to adopt these revised rules is ORS 459.440.

Alternatives and Evaluations

The alternative to amending these rules is to leave the existing rules as is. This alternative was rejected, because the Department believes that an effective program requires rules that are clear, reflect best management practices, and yet address known environmental concerns.

Summation

1. Existing rules adopted in 1979 no longer adequately reflect current policy and best management practices for the disposal of waste pesticides and empty containers.
2. It is necessary to develop regulations that are clear, which identify best management practices for dealing with the complexity of the waste pesticide problem and yet address known environmental concerns.
3. The staff drafted amendments to the rules which are intended to overcome current deficiencies.
4. The Commission is authorized to adopt hazardous waste management rules by ORS 459.440.

Director's Recommendation

Based upon the summation, it is recommended that the Commission adopt the proposed amendments to the Department's hazardous waste management rules, OAR 340-63-011, 63-125, 63-130 and 63-135, and guidelines.

Bill
William H. Young

Attachments

- I Statement of Need for Rulemaking
- II Hearing Officer's Report
- III Department's Response to Public Comment
- IV Proposed Rules OAR 340-63-011, 63-125, 63-130 and 63-135
- V Waste Pesticide Management Systems Guidelines and Basic Design Criteria

Michael G. Ebeling:c
ZC673
229-5953
September 17, 1981

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF THE ADOPTION OF)	STATUTORY AUTHORITY, STATEMENT
AMENDMENTS TO HAZARDOUS WASTE)	OF NEED, PRINCIPAL DOCUMENTS
MANAGEMENT RULES, CHAPTER 340,)	RELIED UPON AND STATEMENT OF
SECTIONS 63-011, 63-125, 63-130 AND)	FISCAL IMPACT
63-135)	

1. Statutory Authority: ORS 459.440, which requires the Environmental Quality Commission to adopt rules pertaining to hazardous waste management rules.
2. Need for the Rule: The current rules, adopted in May 1979, no longer reflect Departmental policy, or address the complexity of the problems with waste pesticides that exist today. Nor do they clearly establish best management practices for the disposal of or reuse of waste pesticide and empty containers.
3. Principal Documents Relied Upon:
 - a. The existing hazardous waste management rules.
 - b. Pesticide survey reports:
 - i. "A Survey of Pesticide Use and Waste Disposal in Multnomah, Clackamas and Washington Counties," by Gary Hahn
 - ii. "Lane County Pesticide Report," by Gary Morse
 - iii. "Special Project (Container Survey)," by Cathy Cartmill
4. Fiscal Impact:

Positive impacts would result from the implementation of safer management practices which, if undertaken, would result in reduced risk to the environment and reduced cost in clean-up. Many of these practices have already been instituted into everyday operational procedures in the agricultural community. Even though the proposed revisions would provide a public benefit to all, they will result in increased costs to public and private operations which generate waste pesticides and empty containers. Some of the increased costs would be due to permits, plan reviews and annual inspection fees. The actual costs for development, design and construction can only be estimated. A recently approved installation cost \$22,000. Keep in mind that these systems are site-specific and may vary due to geographical

MEMORANDUM

To: Environmental Quality Commission

From: Gayla Reese, Hearings Officer

Subject: Public Hearing on Amendments to Hazardous Waste Rules
(Management of Waste Pesticides and Empty Hazardous Waste Containers)

On August 19 and 20, 1981, public hearings were held pursuant to a notice issued July 27, 1981. The meetings were held at 10:00 a.m. at the Wasco County Courthouse, Annex A, 400 E. 5th Street, The Dalles, and the Marion County Courthouse, Room 129, 148 High Street, Salem, respectively.

Seven persons were present at the meeting in The Dalles, and fifteen persons were present at the meeting in Salem. After explaining the purpose of the meeting and answering questions, six persons gave testimony at the hearings: Calvin Butler, Butler Farm Air Co.; Jim Ossman, Agri-Chem Wasco-Dufur; Donald Robinson, Stokley-Van Camp; Craig Eagleson, Oregon Agricultural Chemical Association; Bill Welter, Cascade Farm Service; and Erle Parker, Chem-Spray.

Others who attended the sessions were: John Zalawih, Farm Chemicals, Dufur; D. Hloolykill, Interior Elmor Co.; Dennis Illingworth, Wasco-Sherman Public Health Department; Bill Martin, Wasco Sherman Public Health Division; Ken Cowdrey, Wilbur Ellis Company; Fritz Heider, Farmers' Co-op Oil; Tom Barrows, Capital Building Landscape Maintenance; Phil Berthe; William Schlitt, Sanitary Service Co; Evan Lidity, Wilco Farmers; Ray Costello, Oregon Aeronautics Division; Ray Rozzina, Oregon Aeronautics Division; Craig Hall, Lincoln County Courthouse; Dale Rhodes, Oregon Workers' Comp.; Allen Willis, Boise Cascade Corporation; and Scott Burlingham, Woodburn Fertilizer and Grain, Inc.

Major points from the hearings were:

1. The amended pesticide rules are more understandable and readable.
2. Rules are too subjective when DEQ staff determines violation.
3. Small companies should not be expected to know all the rules and regulations; DEQ should make a special effort to contact everyone on the rules.
4. Farmers will not want to bury empty containers on their own land.

Department's Response to Public Comment

The following is a summary of comments received in response to proposed amendments to administrative rules for hazardous waste management (OAR 340-63-011, 63-125, 63-130 and 63-135) and the Department's responses to those comments:

Comment: Pesticide applicators feel there is no need to obtain authorization to spray waste pesticide onto the owner's property.

Response: The Department feels it is only reasonable to obtain permission from the owner or controller of the property before spraying the waste pesticide because of the potential for crop or environmental damage through misapplication.

Comment: The use of the word "airport" is too broad a term when restricting the open burning of 50 pounds or less of empty non-rigid containers. The term needs to be more specific since an "airport" can mean anywhere an airplane lands including an agricultural air strip.

Response: The Department agrees that the term "airport" was too encompassing. The language of the rule has been changed to be more specific in regards to the type of "airport" where the Department feels open burning should not be permitted.

Comment: Disposal of containers having "danger" or "poison" labels need to be addressed further.

Response: The Department feels that all containers, if properly decontaminated, may be recovered or taken to an authorized solid waste landfill.

Comment: It is not always feasible to carry rinsing apparatus or water to the application site for the rinsing of empty containers.

Response: Comments from the agricultural industry supported the Department's opinion that the container should be rinsed when it is emptied and the rinsate used as make up for the next application. Having missed the easiest opportunity to reuse the rinsate may mean the container will not be rinsed, the rinsate will be indiscriminately dumped or a waste management facility will need to be constructed.

Comment: The concern of a generator's liability for disposal of hazardous waste containers at a state-approved landfill.

Response: The Department has no objections to a landfill operation having a receipt or certification form for the disposal of decontaminated empty hazardous waste containers. It is our feeling that the verification process adequately addresses the Department concerns while allowing industry a method of self-policing.

Comment: The agricultural chemical industry has repeatedly urged the Department to change its dosage limits for oral toxicity from 500 mg/kg to 50 mg/kg.

Response: The question of toxic waste does not just relate to pesticides but other hazardous wastes. The Department will be looking at all the Hazardous Waste Rules in the next year in order that our state can achieve final authorization under the federal government's RCRA program. At that time we will be reviewing all the toxic waste toxicity tests.

Comment: The agricultural chemical industry objects to a definition of "Waste Pesticide" which includes container rinsate and application equipment wash water with spray mixture and dilute pesticide formulations.

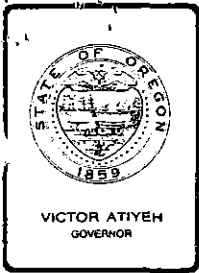
Response: Pesticides by their chemical makeup are toxic. Although we can agree that rinsate and equipment washwaters will normally be of low toxicity, until tested their toxicity is unknown. The rules therefore provide two alternatives: testing or management according to the proposed rules. If testing is conducted, it may in fact show a particular waste pesticide to be non-hazardous.

Comment: Small quantity management requires that the waste must be taken to a state permitted waste disposal site. We feel this rule conflicts with 63-125(1)(d).

Response: A small quantity generator may dispose of up to 10 pounds or one gallon of waste containing pesticide or pesticide manufacturing residue per month. All other quantities must either be managed as a waste pesticide or disposed of at Arlington hazardous waste disposal site. The two rules cited are expected to be used jointly.

Comment: Recommend the substitution of the word "substance" in place of "material/waste" or "material or residue."

Response: We purposely used "material/waste" to emphasize that we were concerned about containers holding either. Further, "hazardous material" and "hazardous waste" are defined in the regulations while "substance" is not. To substitute the word "substance" for "material or residue" in Definition No. 11 would require a change in ORS 459.400 which the Department feels is not justified at this time.



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, October 9, 1981, EQC Meeting

Proposed Adoption of Amendments to Hazardous Waste Management Rules, OAR 340-63-011, 63-125, 63-130 and 63-135

Background

The Department's current hazardous waste management rules were adopted in May 1979 and amended in April 1980. A portion of those rules identified standards and best management practices for the disposal of waste pesticides and empty hazardous material containers.

It is reported that some 1,500 different pesticide compounds are formulated into 35,000 commercially salable pesticide products. These pesticide products are in turn diluted into spray solutions of various concentrations depending on application requirements.

Because of the differences in degree of dilution, variability in toxicity and large number of persons regulated, it is necessary that the rules be clear enough to foster a high level of self-regulation. We have found in the last 2½ years of implementation, however, that the pesticide portion of the rules is sometimes difficult to interpret, which is leading to inadequate compliance in some instances. Furthermore, inadequate guidance was provided on acceptable management alternatives to disposal at a hazardous waste disposal site. To improve opportunities for self-regulation and compliance on the one hand, and for enforceability on the other, we are proposing these modified rules.

Authority to adopt these revised rules is ORS 459.440.

Alternatives and Evaluations

The alternative to amending these rules is to leave the existing rules as is. This alternative was rejected, because the Department believes that an effective program requires rules that are clear, reflect best management practices, and yet address known environmental concerns.

The failure to adopt amended rules may possibly cause some operations which generate waste pesticides and their empty containers to unintentionally be in violation of the Department's existing rules. The Department may also lose some rapport developed with the following agencies and organizations who have spent numerous hours reviewing, critiquing and commenting on our revisions: Department of Agriculture, Oregon Agricultural Chemical Association, Oregon State University Extension Service, Oregon Agricultural Aviation Association and the Committee on Synthetic Chemicals in the Environment (COSITE).

Following the July 17, 1981, Commission meeting, at which authorization to conduct public hearings was granted, 1,200 hearing notices were mailed to known interested parties, including news media. Some 50 copies of the proposed rules were mailed to individuals upon request. On August 19, 1981, in The Dalles, and August 20, 1981, in Salem, public hearings were conducted.

Written and oral comments were received from 7 individuals. The staff evaluated these comments and several changes have been made in the proposed rules. The attached "Hearings Officer's Report" and "Response to Public Comment" summarize the staff's response (see Attachments II and III).

The proposed rule amendments include the following major provisions:

1. The addition of a new definition for "waste pesticide" and the clarification of some of the existing definitions.
2. Waste pesticide generated at a permanent base of operation will need to be disposed of at a facility permitted by the Department. Those wastes generated away from a permanent base of operation may be discharged to a permitted facility or sprayed on the ground under certain specific conditions.
3. Expand and clarify the procedures involved in decontamination (which includes the destroying of the containers' structure by crushing or cutting off both ends), verification, recovery and disposal of rigid containers.
4. Clarifies the procedures involved in disposal of empty non-rigid containers.
5. Allow farmers to bury their empty non-rigid and decontaminated rigid containers on their own property under certain conditions.
6. Allows the disposal of small quantities of hazardous waste in state-permitted solid waste disposal sites.

In addition to the proposed rule modifications, the Department has also developed a set of criteria for design of pesticide waste management systems. We are proposing these as guidelines at this time because the state-of-the-art is not well developed at this time. After we've been able to monitor the operation of some facilities, we'll be in a better position to propose more specific performance standards.

Summation

1. Existing rules adopted in 1979 no longer adequately reflect current policy and best management practices for the disposal of waste pesticides and empty containers.
2. It is necessary to develop regulations that are clear, which identify best management practices for dealing with the complexity of the waste pesticide problem and yet address known environmental concerns.
3. The staff drafted amendments to the rules which are intended to overcome current deficiencies.
4. The Commission is authorized to adopt hazardous waste management rules by ORS 459.440.

Director's Recommendation

Based upon the summation, it is recommended that the Commission adopt the proposed amendments to the Department's hazardous waste management rules, OAR 340-63-011, 63-125, 63-130 and 63-135, and guidelines.

Bill
William H. Young

Attachments

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- II Hearing Officer's Report
- III Department's Response to Public Comment
- IV Proposed Rules OAR 340-63-011, 63-125, 63-130 and 63-135
- V Waste Pesticide Management Systems Guidelines and Basic Design Criteria

Michael G. Ebeling:c
ZC673
229-5953
September 17, 1981

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF THE ADOPTION OF) STATUTORY AUTHORITY, STATEMENT
AMENDMENTS TO HAZARDOUS WASTE) OF NEED, PRINCIPAL DOCUMENTS
MANAGEMENT RULES, CHAPTER 340,) RELIED UPON AND STATEMENT OF
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 - a. The existing hazardous waste management rules.
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 - ii. "Lane County Pesticide Report," by Gary Morse
 - iii. "Special Project (Container Survey)," by Cathy Cartmill
4. Fiscal Impact:

Positive impacts would result from the implementation of safer management practices which, if undertaken, would result in reduced risk to the environment and reduced cost in clean-up. Many of these practices have already been instituted into everyday operational procedures in the agricultural community. Even though the proposed revisions would provide a public benefit to all, they will result in increased costs to public and private operations which generate waste pesticides and empty containers. Some of the increased costs would be due to permits, plan reviews and annual inspection fees. The actual costs for development, design and construction can only be estimated. A recently approved installation cost \$22,000. Keep in mind that these systems are site-specific and may vary due to geographical

locations, quantity of waste pesticide generated and type of operation. There is a possibility that federal money may be available for some airport operations.

It should be noted that there are 2,120 commercial operators, governmental applicators and dealers licensed by the Oregon Department of Agriculture. However, this large number does not suggest that each licensed applicator will need to be permitted. The Oregon Aeronautics Division licenses 403 public and private airports, heliports and airstrips, some of which are used by commercial operators. Many of the commercial operators use several different airports, heliports and airstrips during their yearly operation. It can be estimated that only 10 to 15 percent of these operations will need to develop some kind of facility for the management of waste pesticide and empty containers.

EC673.A

MEMORANDUM

To: Environmental Quality Commission

From: Gayla Reese, Hearings Officer

Subject: Public Hearing on Amendments to Hazardous Waste Rules
(Management of Waste Pesticides and Empty Hazardous Waste Containers)

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Others who attended the sessions were: John Zalawih, Farm Chemicals, Dufur; D. Hloolykill, Interior Elmor Co.; Dennis Illingworth, Wasco-Sherman Public Health Department; Bill Martin, Wasco Sherman Public Health Division; Ken Cowdrey, Wilbur Ellis Company; Fritz Heider, Farmers' Co-op Oil; Tom Barrows, Capital Building Landscape Maintenance; Phil Berthe; William Schlitt, Sanitary Service Co; Evan Lidity, Wilco Farmers; Ray Costello, Oregon Aeronautics Division; Ray Rozzina, Oregon Aeronautics Division; Craig Hall, Lincoln County Courthouse; Dale Rhodes, Oregon Workers' Comp.; Allen Willis, Boise Cascade Corporation; and Scott Burlingham, Woodburn Fertilizer and Grain, Inc.

Major points from the hearings were:

1. The amended pesticide rules are more understandable and readable.
2. Rules are too subjective when DEQ staff determines violation.
3. Small companies should not be expected to know all the rules and regulations; DEQ should make a special effort to contact everyone on the rules.
4. Farmers will not want to bury empty containers on their own land.

Attachment II

Page 2

5. Farmers should not be allowed to bury empty containers on their property since lowlands are typically used for burial lands where water could be affected. All containers should be disposed of at landfills.
6. Disposal of containers having poisonous or toxic residues needs to be addressed further.
7. Liability of generator for containers in landfills 15 years after disposal is unfair.
8. Taking properly handled waste to a state-permitted waste disposal site should be an option, not a requirement.
9. Fines and penalties for not properly disposing of waste pesticide and empty containers need to be spelled out in rules.
10. The cost to dispose of empty containers at licensed disposal sites is prohibitive.
11. Rules need to differentiate between (a) containers and equipment and (b) rinsate from diluted spray or leftover pesticide.
12. Rules need to address treatment of different types of pesticides with a hierarchy of risks and corresponding compliance requirements.
13. A problem exists with requiring rinsing immediately after application. It is not always feasible to carry rinsing apparatus or rinse water for rinsing containers after application.
14. Rinsing of containers that have dinitro needs to be addressed in rules.
15. Pesticide applicators should not be required to obtain authorization to spray waste pesticide onto the owner's property.
16. "Airport" is too broad of a term. Need to be more specific since "airport" can mean anywhere an airplane lands, including the duster strips.
17. "Soon as possible" pertaining to open burning needs to be more specific.
18. Burning of toxic packaging should be prohibited.

The record was left open until 5:00 p.m., August 31, 1981. Additional written comments were received from two persons, Rodger Emmons and Craig Eagleson, which are included in the Department's Response to Public Comment.

GR:o

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Department's Response to Public Comment

The following is a summary of comments received in response to proposed amendments to administrative rules for hazardous waste management (OAR 340-63-011, 63-125, 63-130 and 63-135) and the Department's responses to those comments:

Comment: Pesticide applicators feel there is no need to obtain authorization to spray waste pesticide onto the owner's property.

Response: The Department feels it is only reasonable to obtain permission from the owner or controller of the property before spraying the waste pesticide because of the potential for crop or environmental damage through misapplication.

Comment: The use of the word "airport" is too broad a term when restricting the open burning of 50 pounds or less of empty non-rigid containers. The term needs to be more specific since an "airport" can mean anywhere an airplane lands including an agricultural air strip.

Response: The Department agrees that the term "airport" was too encompassing. The language of the rule has been changed to be more specific in regards to the type of "airport" where the Department feels open burning should not be permitted.

Comment: Disposal of containers having "danger" or "poison" labels need to be addressed further.

Response: The Department feels that all containers, if properly decontaminated, may be recovered or taken to an authorized solid waste landfill.

Comment: It is not always feasible to carry rinsing apparatus or water to the application site for the rinsing of empty containers.

Response: Comments from the agricultural industry supported the Department's opinion that the container should be rinsed when it is emptied and the rinsate used as make up for the next application. Having missed the easiest opportunity to reuse the rinsate may mean the container will not be rinsed, the rinsate will be indiscriminately dumped or a waste management facility will need to be constructed.

Comment: The concern of a generator's liability for disposal of hazardous waste containers at a state-approved landfill.

Response: The question of liability is one which ultimately will be determined by the courts. However, if all rules in effect at the time pertaining to decontamination and disposal of hazardous waste containers are followed, little liability is likely.

Comment: Farmers should not be allowed to bury empty containers on their own property. All containers should be disposed of at state-permitted landfills.

Response: There are several reasons for allowing farmers to bury their own empty decontaminated containers on their own property. From an enforcement standpoint, the Department does not have the resources or manpower to carry out such a task. Pollution of surface and ground water should be minimal if the containers are properly decontaminated and buried according to the proposed rules.

Comment: Fines and penalties for not properly disposing of waste pesticides or their empty containers should be addressed in the rules.

Response: Oregon Revised Statutes 459.992 and 459.995 address criminal and civil penalties, respectively. The criminal penalties and fines are not more than \$3,000 or by imprisonment in the county jail for not more than one year. Civil penalties incur fines not to exceed \$500 a day for each day of the violation. The passage of Senate Bill 146 will give the Department some additional civil and criminal penalty authority including raising the fine to \$10,000.

Comment: The cost of disposal of empty containers is prohibitive.

Response: Yes, the disposal of empty containers is costly. However, the rules do provide for recycling or reuse at scrap metal collection sites, metal remelting plants, drum reconditioning firms, and the return of the containers to chemical manufacturers, distributorship or other retail facilities who, in some cases, will pay you for the empty decontaminated containers.

Comment: On small quantity management, both the collector and landfill site should give permission.

Response: The Department has modified the proposed rules to reflect this comment.

Comment: The landfill operator should reserve the right to require written certification at the landfill for disposal of decontaminated empty hazardous waste containers.

Response: The Department has no objections to a landfill operation having a receipt or certification form for the disposal of decontaminated empty hazardous waste containers. It is our feeling that the verification process adequately addresses the Department concerns while allowing industry a method of self-policing.

Comment: The agricultural chemical industry has repeatedly urged the Department to change its dosage limits for oral toxicity from 500 mg/kg to 50 mg/kg.

Response: The question of toxic waste does not just relate to pesticides but other hazardous wastes. The Department will be looking at all the Hazardous Waste Rules in the next year in order that our state can achieve final authorization under the federal government's RCRA program. At that time we will be reviewing all the toxic waste toxicity tests.

Comment: The agricultural chemical industry objects to a definition of "Waste Pesticide" which includes container rinsate and application equipment wash water with spray mixture and dilute pesticide formulations.

Response: Pesticides by their chemical makeup are toxic. Although we can agree that rinsate and equipment washwaters will normally be of low toxicity, until tested their toxicity is unknown. The rules therefore provide two alternatives: testing or management according to the proposed rules. If testing is conducted, it may in fact show a particular waste pesticide to be non-hazardous.

Comment: Small quantity management requires that the waste must be taken to a state permitted waste disposal site. We feel this rule conflicts with 63-125(1)(d).

Response: A small quantity generator may dispose of up to 10 pounds or one gallon of waste containing pesticide or pesticide manufacturing residue per month. All other quantities must either be managed as a waste pesticide or disposed of at Arlington hazardous waste disposal site. The two rules cited are expected to be used jointly.

Comment: Recommend the substitution of the word "substance" in place of "material/waste" or "material or residue."

Response: We purposely used "material/waste" to emphasize that we were concerned about containers holding either. Further, "hazardous material" and "hazardous waste" are defined in the regulations while "substance" is not. To substitute the word "substance" for "material or residue" in Definition No. 11 would require a change in ORS 459.400 which the Department feels is not justified at this time.

PROPOSED REVISION TO OREGON ADMINISTRATIVE RULES
CHAPTER 340, DIVISION 63, RULES 011, 125, 130 AND 135

DEFINITIONS

340-63-011 As used in these rules unless otherwise
specified [required by context:]

(1) "Aeration" means a specific treatment for an empty
volatile material container consisting of removing the closure
and placing in an inverted position for at least 5 days.

(2) "Aquatic TLm" and [or] "aquatic median tolerance
limit" and "Aquatic LC50" and "median aquatic lethal
concentration" means that concentration of a substance which is
expected in a specified time to kill 50 percent of an aquatic
test population. [including, but not limited to, indigenous fish
or their food supply.] Aquatic TLm and aquatic LC50 are expressed
in milligrams of the substance per liter of water.

(3) "Authorized container disposal site" means a solid
waste disposal site that [is] the Department has authorized by
permit to accept all decontaminated hazardous material or waste
containers for disposal.

(4) "Container" means any package, can, bottle, bag,
barrel, drum, tank or any other enclosure which contains a
hazardous material or waste [substance]. If the container has a

detachable liner or several separate inner containers, only those liners and containers contaminated by the hazardous material or waste [substance] shall be considered for the purposes of these rules.

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

(6) "Dermal LD₅₀" and [or] "median dermal lethal dose" means a measure of dermal penetration toxicity of a substance for which a calculated dermal dose is expected in a specified time to kill 50 percent of a population of experimental laboratory animals. [including but not limited to mice, rats, or rabbits.] Dermal LD₅₀ is expressed in milligrams of the substance per kilogram of body weight.

(7) "Dispose" or "disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous waste into or on any land or water so that such hazardous waste or any hazardous constituent thereof may enter the environment or be emitted into the air or discharged into any waters of the State as defined in ORS 468.700. NOTE: The foregoing is not to be interpreted to authorize any violation of ORS Chapter 459 and these rules.

(8) "Domestic use" or "household use" means use in or around homes, backyards and offices; but excludes commercial pest control operations.

(9) "Empty container" means a container whose contents have been removed except for the residual material retained on the interior surfaces.

(10) "Generator" means the person who, by virtue of ownership, management or control, [is responsible for causing] causes or [allowing] allows to be caused the creation of a hazardous waste.

(11) "Hazardous waste" 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 and these rules. A "hazardous material" is a substance that meets this same definition except that it is not a waste.

(12) "Hazardous waste collection site" means the real property [geographical site] upon which hazardous wastes are stored in accordance with a license issued pursuant to ORS Chapter 459 and OAR Chapter 340, Divisions 62 and 63.

(13) "Hazardous waste disposal site" means the real property [a geographical site in which or] upon which hazardous wastes are disposed in accordance with a license issued pursuant to ORS Chapter 459 and OAR Chapter 340, Divisions 62 and 63.

(14) "Hazardous waste management facility" means a hazardous waste collection, treatment, or disposal site; or the solid waste landfill that the Department has authorized by permit [has been permitted] to dispose of a specified hazardous waste pursuant to ORS 459.510(3) and OAR Chapter 340, Divisions 62 and 63.

(15) "Hazardous waste treatment site" means a facility or operation, other than a hazardous waste disposal site, at which hazardous waste is treated in accordance with a license issued pursuant to ORS Chapter 459 and OAR Chapter 340, Divisions 62

and 63.

(16) "Hydrocarbon" means any compound composed solely of hydrogen and carbon.

(17) "Inhalation LC₅₀" and [or] "median inhalation lethal concentration" means [a measure of inhalation toxicity of a substance for which] a calculated inhalation concentration of a substance that is expected in a specified time to kill 50 percent of a population of experimental laboratory animals[, including but not limited to mice, rats, or rabbits]. Inhalation LC₅₀ is expressed in milligrams per liter of air for gas or vapor and in milligrams per cubic meter for a dust or mist.

(18) "Jet rinsing" means a specific treatment for an empty [pesticide] container using the following procedure:

(a) A nozzle is inserted into the container, or the empty container is inverted over a nozzle such that all interior surfaces of the container can be washed.

(b) The container is [flushed] rinsed using an appropriate diluent [for at least 30 seconds].

(19) "Manifest" means the document [form] used for identifying the quantity, composition, and the origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of storage, treatment, or disposal.

(20) ["Triple rinsing"] "Multiple rinsing" means a specific treatment for an empty container, repeating the following procedure a minimum of three times.[:]

(a) A volume of an appropriate diluent is placed in the

container in an amount equal to at least 10 percent of the container volume.

(b) The container [closure] is agitated [replaced and the container is upended] to rinse all interior surfaces.

(c) The container is opened and the rinse solution drained, allowing at least 30 seconds after drips start.

(21) "Oral LD50" and [or] "median oral lethal dose" means [a measure of oral toxicity of a substance for which] a calculated oral dose of a substance that is expected [in a specified time] to kill 50 percent of a population of experimental laboratory animals within a specified time. [including but not limited to mice, rats, or rabbits.] Oral LD50 is expressed in milligrams of the substance per kilogram of body weight.

(22) "Person" means the federal government [United States], the State or public or private corporation, local government unit, public agency, individual, partnership, association, firm, trust, estate, or any other legal entity.

(23) "Pesticide" means any substance or combination of substances intended for the purpose of defoliating plants or for the preventing, destroying, repelling, or mitigating of insects, fungi, weeds, rodents, or predatory animals; including but not limited to defoliant, desiccant, fungicide, herbicide, insecticide, and nematocides as defined by ORS 634.006.

(24) "Phenol" means any mono- or polyhydric derivative of an aromatic hydrocarbon.

(25) "Plant site" means the real property [geographical

area] where hazardous waste generation occurs. Two or more parcels [pieces] of real property which are geographically contiguous and are divided only by a right-of-way are considered a single site.

(26) "Polychlorinated biphenyl" or "PCB" means the class of chlorinated biphenyl, terphenyl, higher polyphenyl, or mixtures of these compounds, produced by replacing two or more hydrogen atoms on the biphenyl, terphenyl, or higher polyphenyl molecule with chlorine atoms. PCB does not include chlorinated biphenyls, terphenyls, higher polyphenyls, or mixtures of these compounds, that have functional groups other than chlorine unless that functional group is determined to make the compound dangerous to the public health.

(27) "Store" or "storage" means the containment of hazardous waste for a temporary specified period of time, in such a manner as not to constitute disposal of such hazardous waste.

(28) "Transporter" means any motor carrier engaged in the transportation of hazardous waste.

(29) "Treatment" means any method, technique, activity, or process, including but not limited to neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste or to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume.

(30) "Volatile" means having an absolute vapor pressure of greater than 78 mm Hg at 25° C. For the purpose of these

rules, all fumigants are considered to be volatile.

(31) "Waste pesticide" means discarded, useless or unwanted materials or residues including, but not limited to, spray mixtures, diluted pesticide formulations, container rinsings and pesticide equipment washings.

340-63-125 Toxic Waste.

(1) Pesticides and Pesticide Manufacturing Residues.

(a) Waste containing pesticide or pesticide manufacturing residue is toxic if it has any of the following properties:

(i) Oral toxicity: Material with a 14-day oral LD₅₀ equal to or less than 500 mg/kg.

(ii) Inhalation toxicity: Material with a one-hour inhalation LC₅₀ equal to or less than 2 mg/l as a gas or vapor or a one-hour inhalation LC₅₀ equal to or less than 200 mg/m³ as a dust or mist.

(iii) Dermal penetration toxicity: Material with a 14-day dermal LD₅₀ equal to or less than 200 mg/kg.

(iv) Aquatic toxicity: Material with 96-hour aquatic TLM or 96-hour aquatic LC₅₀ equal to or less than 250 mg/l.

(b) A generator may dispose of up to 10 pounds or one gallon of waste containing pesticide or pesticide manufacturing residue per month in accordance with Section 63-135 of this part.

(c) Waste pesticide generated at an airport, distributorship or other permanent base of operation, (excluding temporary heliport), shall be discharged to a permitted facility

or as otherwise approved by the Department.

(d) Waste pesticide generated at a site other than provided in OAR 340-63-125(1)(c) may be discharged to a permitted facility or sprayed on the ground, provided:

(A) It is sprayed through a nozzle under pressure and is moving at a sufficient rate so as not to saturate the ground;

(B) The generator owns or controls the management of the ground, or receives permission from the manager, owner, or controller of the ground;

(C) The spray site location will not endanger ground or surface waters, or pose a hazard to humans, wildlife (game and non-game animals) or domestic animals; and

(D) If applied to agriculture land, the pesticide deposit will not result in excessive residual amounts or prohibited types of residues in current or subsequent crops.

(2) Halogenated Hydrocarbons and Phenols (excluding polymeric solids).

(a) Waste containing halogenated hydrocarbons (excluding polychlorinated biphenyls) or halogenated phenols is toxic if it contains 1% or greater of such substances.

(b) A generator may dispose of up to 200 pounds of waste containing halogenated hydrocarbons or halogenated phenols per month (excluding polychlorinated biphenyls and pesticides) in accordance with Section 63-135 of this Part.

(c) Waste containing polychlorinated biphenyls is toxic and shall be managed in accordance with 40 CFR 761.

(3) Inorganics

(a) (i) Waste containing cyanide, arsenic, cadmium or mercury is toxic if it contains 100 ppm or greater of such substance or 200 ppm or greater of the sum of such substances.

(ii) Waste containing hexavalent chromium or lead is toxic if it contains 500 ppm or greater of such substance or 1000 ppm or greater of the sum of such substances.

(iii) The Department may exempt certain inert materials containing these substances (e.g.: leaded glass, foundry sands) on a case-by-case basis.

(b) A generator may dispose of up to 10 pounds of waste containing cyanide, arsenic, cadmium or mercury or up to 200 pounds of waste containing hexavalent chromium or lead per month in accordance with Section 63-135 of this Part.

(c) Mining wastes are exempt from the rules of this Division.

(4) Carcinogens.

(a) Waste containing carcinogens as identified by OSHA in 29 CFR 1910 is toxic. NOTE: See Appendix for specific compounds and concentrations.

(b) The identified carcinogenic wastes shall be managed as hazardous or as otherwise approved by the Department.

NOTE: Several of the above wastes have relatively low acute toxicity but are classified hazardous because of their persistence and propensity toward bioaccumulation in the environment.

340-63-130 EMPTY CONTAINERS

(1) Except as provided in Sections (2) and (3) discarded, useless or unwanted empty containers are hazardous if they were used in the transportation, storage, or use of a hazardous material or hazardous waste.

(2) Empty containers from hazardous materials or hazardous wastes that have been used [employed] for domestic purpose [use] may be disposed with other household refuse.

[(3) Empty hazardous waste and hazardous material containers need not be disposed at a hazardous waste disposal site if they are handled in accordance with the following procedures:]

[(a)] (3) Empty [Noncombustible] rigid containers, including but not limited to cans, pails, buckets or drums constructed of metal, plastic, [or] glass, or fiber need not be managed as hazardous if they are [shall be] decontaminated, [certified] verified, and [disposed] recovered or disposed as follows:

[(i)] (a) Decontamination consists of[:] OAR 340-63-130(3)(a)(i) and (ii):

[(A)] (i) Removal of residual material by:

[(I)] (A) Jet or [triple] multiple rinsing at the time of emptying.

[(II)] (B) Aeration of volatile materials from fumigant containers;

[(III)] (C) Chemical washing methods such as those used to recondition metal drums, or to remove ultra low volume (ULV)

residues;

[(IV)] (D) Other industry recommended procedures as may be approved by the Department. [If the rinsings cannot be used for the same purpose as the substance being rinsed, it shall be considered a hazardous waste unless exempted under Part B of these rules. In particular, pesticide rinsings shall be added to the spray or mix tank; ULV container rinsings shall be used to clean equipment or otherwise disposed as instructed on the container label. NOTE: It is recommended that the bottom of small containers (5 gal. and under) be punched to prevent their reuse for storage.]

[(B)] (ii) Altering the container structure before recovery or disposal by puncturing or removing both ends and crushing (multi-trip containers recovered for reconditioning or reuse are exempted from this part).

[(ii)] (b) [Certifying consists of providing a signed and dated statement to the disposal site or recycle facility operator that the containers have been decontaminated] Verification consists of no observable residue on the interior of the container, and no observable turbidity (less than 5 Nephelometric turbidity units) in a sample rinse when a diluent, which does not solubilize the residue, is placed in the container to fill 2 to 5 percent of its volume and is agitated for at least 30 seconds.

[(A)] [This statement may be made by means of the Pesticide Container Disposal Certificate, the Pesticide Container Disposal Record, or any similar written declaration.]

[(B) The Department may waive the certification requirement for a specific landfill if it determines that the characteristics of the landfill are such that there will be no threat to the public health or the environment and that the waiver is necessary for the operation of a local pesticide container management program.]

(c) Recovery consists of:

(A) Recycling or reuse at scrap metal collection, metal remelting, drum reconditioning, chemical manufacturing, distributing or retailing facility or as otherwise approved by the Department.

(d) Disposal consists of:

(A) Containers from DANGER or POISON label pesticides or other materials or wastes identified as POISON by 49 CFR 172.101, if not recovered, shall be taken to an authorized solid waste landfill. [These containers may not be recycled without specific permission from the Department. Such permission will be granted only if the proposed recycle does not endanger the public health or the environment.]

(B) Containers from WARNING or CAUTION label pesticides [or other [non-poison] hazardous material] may be taken to any [recycle facility or] solid waste landfill that has not been prohibited by the Department from accepting such waste.

[however, acceptance of such containers is at the discretion of the facility operator or landfill permittee]

[NOTE: In certain instances the Department may prohibit a specific disposal site or recycle recovery facility from

accepting hazardous containers if it determines that such action would endanger the public health or environment.]

[(C)] (4) [Combustible] Empty non-rigid containers, including paper, paper-laminated and paper-laminated foil bags, [and drums] need not be decontaminated [or certified but shall be disposed by:] provided they are disposed of in accordance with the following methods:

[(I)] (A) [Taking] Taken to an authorized solid waste landfill; or [however, acceptance of such containers is at the discretion of the landfill permittee]

[(II)] (B) [Burning] Burned in an incinerator or solid fuel fired furnace which has been certified by the Department; or [to comply with applicable air emission limits.]

[(III)] (C) Open burning in less than 50 pound lots (excepting organometallics) is permitted at the site on the same day of generation or as soon as feasible provided the site is not a "Public-use Airport" or "Limited Public-use" as defined by the Aeronautic Division, distributorship or permanent base of operation and the burning does not emit dense smoke, noxious odor or creates a public nuisance. [if conducted] This activity shall be in compliance with [open burning] rules in OAR Chapter 340, Division 23, [the requirements of the] local fire districts' requirements, and in such a manner as to protect the public health and the environment. The ash and foil liners must be buried after burning.

(D) [Persons engaged in agricultural operations] Farmers may bury [combustible] empty non-rigid or decontaminated [non-

combustible] rigid pesticide containers on [the] their own farm [to which the pesticide was applied] provided that:

(i) the containers were generated from their own use.

(ii) [that] the burial location [surface and groundwater are not endangered] is on flat ground, and not in a swale, and that the site is at least 500 feet from surface waters or any well.

[NOTE: This generally means not in a drainage way and above groundwater at least 500 feet from surface water or drinking water well.]

[(4)] (5) No person shall use or provide for use empty or decontaminated hazardous material/waste containers [shall not be used] to store food or fiber intended for human or animal [use.] consumption.

63-135 SMALL QUANTITY MANAGEMENT

Small quantities of hazardous material/wastes, as specified in Sections 63-110, -115, and -125, need not be transported to and disposed in [through] a hazardous waste management facility if they are handled in accordance with the following procedure:

(1) The waste shall be securely contained to minimize the possibility of waste release prior to burial.

(2) Persons disposing of hazardous waste from other than domestic or household use shall obtain permission from the waste collector or and from [landfill] permittee before depositing the waste in any container or landfill for subsequent collection or

in any landfill disposal. In the event that the waste collector or landfill permittee refuses acceptance, the person disposing of the waste shall contact the Department [shall be contacted] for alternative disposal instructions.

(3) The waste must be taken to a state-permitted waste disposal site.

OA6301.1

Waste Pesticide Management Systems

Scope

These guidelines suggest basic criteria for designing waste pesticide management systems. The Department of Environmental Quality considers these criteria to conform to current best methods for achieving the system design objectives. Alternative criteria will be reviewed by the Department if it is demonstrated that the criteria will effect the same design objectives.

System Design Objectives

All waste pesticide management systems must satisfy the following three objectives to the greatest extent possible:

1. Containment of the waste solution.
2. Detoxification of the waste solution.
3. Reduction of the volume of the waste solution.

System Design Criteria

Containment may be demonstrated through any one or combination of:

1. Physical means (natural or man-made liners).
2. Chemical means (adsorption-absorption layers).
3. Other equivalent means.

Detoxification may be demonstrated through any one or combination of:

1. Physical means (solar radiation).
2. Chemical means (hydrolysis).
3. Biological means (microbial degradation).
4. Other equivalent means.

Volume reduction may be demonstrated through any one or combination of:

1. Evaporation.
2. Evapo-transpiration.
3. Diversion of surface waters.
4. Use of dilute solution for product makeup water.
5. Other equivalent means.

Information Which May Be Required by the Department
for Waste Pesticide Management Systems

A complete set of engineering plans and specifications, or their equivalent, should include:

1. Location map showing ownership, zoning, use of adjacent lands, proposed facility location and its relation to residence and domestic water supplies.
2. Topographic map showing natural drainage patterns and proposed surface water diversion methods, if applicable.
3. Climatological data of proposed site describing normal annual and seasonal precipitation quantities and patterns, evaporation rates and prevailing wind direction.
4. Hydrogeological data of proposed site describing groundwater depth, gradient and geological formations.
5. Types and quantities of pesticides used on an annual basis.
6. Types and volumes of waste pesticides generated during the spraying season.
7. Detailed plans, specifications, procedures and methods for collection, distributing and containing the waste solution.
8. Detailed explanation of expected waste solution containment, volume reduction, and detoxification mechanisms.
9. Detailed explanation of the method for removing accumulated sludges from the containment system and the proposed method of disposal.
10. Detailed explanation of the method for detecting subsurface pesticide movement.
11. Construction of a waste pesticide management system shall be compatible with the local comprehensive plan and zoning requirements or Land Conservation and Development Commission's (LCDC) goals.
12. All waste pesticide management systems require a water pollution control facility (WPCF) permit.
13. Any additional information which the Department deems necessary for review of the application.

Written acknowledgement of the receipt of an application and its completeness shall be made by the Department within 14 days to an applicant. Written notice of approval or disapproval will be issued by the Department to the applicant within 45 days of receipt of completed plans and specifications.

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF THE ADOPTION OF)	STATUTORY AUTHORITY, STATEMENT
AMENDMENTS TO HAZARDOUS WASTE)	OF NEED, PRINCIPAL DOCUMENTS
MANAGEMENT RULES, CHAPTER 340,)	RELIED UPON AND STATEMENT OF
SECTIONS 63-011, 63-125, 63-130 AND)	FISCAL IMPACT
63-135)	

1. Statutory Authority: ORS 459.440, which requires the Environmental Quality Commission to adopt rules pertaining to hazardous waste management rules.
2. Need for the Rule: The current rules, adopted in May 1979, no longer reflect Departmental policy, or address the complexity of the problems with waste pesticides that exist today. Nor do they clearly establish best management practices for the disposal of or reuse of waste pesticide and empty containers.
3. Principal Documents Relied Upon:
 - a. The existing hazardous waste management rules.
 - b. Pesticide survey reports:
 - i. "A Survey of Pesticide Use and Waste Disposal in Multnomah, Clackamas and Washington Counties," by Gary Hahn
 - ii. "Lane County Pesticide Report," by Gary Morse
 - iii. "Special Project (Container Survey)," by Cathy Cartmill
4. Fiscal Impact:

Positive impacts would result from the implementation of safer management practices which, if undertaken, would result in reduced risk to the environment and reduced cost in clean-up. Many of these practices have already been instituted into everyday operational procedures in the agricultural community. Even though the proposed revisions would provide a public benefit to all, they will result in increased costs to public and private operations which generate waste pesticides and empty containers. Some of the increased costs would be due to permits, plan reviews and annual inspection fees. The actual costs for development, design and construction can only be estimated. A recently approved installation cost \$22,000. Keep in mind that these systems are site-specific and may vary due to geographical

locations, quantity of waste pesticide generated and type of operation. There is a possibility that federal money may be available for some airport operations.

It should be noted that there are 2,120 commercial operators, governmental applicators and dealers licensed by the Oregon Department of Agriculture. However, this large number does not suggest that each licensed applicator will need to be permitted. The Oregon Aeronautics Division licenses 403 public and private airports, heliports and airstrips, some of which are used by commercial operators. Many of the commercial operators use several different airports, heliports and airstrips during their yearly operation. It can be estimated that only 10 to 15 percent of these operations will need to develop some kind of facility for the management of waste pesticide and empty containers.

TC673.A

MEMORANDUM

To: Environmental Quality Commission

From: Gayla Reese, Hearings Officer

Subject: Public Hearing on Amendments to Hazardous Waste Rules
(Management of Waste Pesticides and Empty Hazardous Waste Containers)

On August 19 and 20, 1981, public hearings were held pursuant to a notice issued July 27, 1981. The meetings were held at 10:00 a.m. at the Wasco County Courthouse, Annex A, 400 E. 5th Street, The Dalles, and the Marion County Courthouse, Room 129, 148 High Street, Salem, respectively.

Seven persons were present at the meeting in The Dalles, and fifteen persons were present at the meeting in Salem. After explaining the purpose of the meeting and answering questions, six persons gave testimony at the hearings: Calvin Butler, Butler Farm Air Co.; Jim Ossman, Agri-Chem Wasco-Dufur; Donald Robinson, Stokley-Van Camp; Craig Eagleson, Oregon Agricultural Chemical Association; Bill Welter, Cascade Farm Service; and Erle Parker, Chem-Spray.

Others who attended the sessions were: John Zalawih, Farm Chemicals, Dufur; D. Hlolykill, Interior Elmor Co.; Dennis Illingworth, Wasco-Sherman Public Health Department; Bill Martin, Wasco Sherman Public Health Division; Ken Cowdrey, Wilbur Ellis Company; Fritz Heider, Farmers' Co-op Oil; Tom Barrows, Capital Building Landscape Maintenance; Phil Berthe; William Schlitt, Sanitary Service Co; Evan Lidity, Wilco Farmers; Ray Costello, Oregon Aeronautics Division; Ray Rozzina, Oregon Aeronautics Division; Craig Hall, Lincoln County Courthouse; Dale Rhodes, Oregon Workers' Comp.; Allen Willis, Boise Cascade Corporation; and Scott Burlingham, Woodburn Fertilizer and Grain, Inc.

Major points from the hearings were:

1. The amended pesticide rules are more understandable and readable.
2. Rules are too subjective when DEQ staff determines violation.
3. Small companies should not be expected to know all the rules and regulations; DEQ should make a special effort to contact everyone on the rules.
4. Farmers will not want to bury empty containers on their own land.

5. Farmers should not be allowed to bury empty containers on their property since lowlands are typically used for burial lands where water could be affected. All containers should be disposed of at landfills.
6. Disposal of containers having poisonous or toxic residues needs to be addressed further.
7. Liability of generator for containers in landfills 15 years after disposal is unfair.
8. Taking properly handled waste to a state-permitted waste disposal site should be an option, not a requirement.
9. Fines and penalties for not properly disposing of waste pesticide and empty containers need to be spelled out in rules.
10. The cost to dispose of empty containers at licensed disposal sites is prohibitive.
11. Rules need to differentiate between (a) containers and equipment and (b) rinsate from diluted spray or leftover pesticide.
12. Rules need to address treatment of different types of pesticides with a hierarchy of risks and corresponding compliance requirements.
13. A problem exists with requiring rinsing immediately after application. It is not always feasible to carry rinsing apparatus or rinse water for rinsing containers after application.
14. Rinsing of containers that have denitro needs to be addressed in rules.
15. Pesticide applicators should not be required to obtain authorization to spray waste pesticide onto the owner's property.
16. "Airport" is too broad of a term. Need to be more specific since "airport" can mean anywhere an airplane lands, including the duster strips.
17. "Soon as possible" pertaining to open burning needs to be more specific.
18. Burning of toxic packaging should be prohibited.

The record was left open until 5:00 p.m., August 31, 1981. Additional written comments were received from two persons, Rodger Emmons and Craig Eagleson, which are included in the Department's Response to Public Comment.

GR:o

Z0368 (1)

Department's Response to Public Comment

The following is a summary of comments received in response to proposed amendments to administrative rules for hazardous waste management (OAR 340-63-011, 63-125, 63-130 and 63-135) and the Department's responses to those comments:

Comment: Pesticide applicators feel there is no need to obtain authorization to spray waste pesticide onto the owner's property.

Response: The Department feels it is only reasonable to obtain permission from the owner or controller of the property before spraying the waste pesticide because of the potential for crop or environmental damage through misapplication.

Comment: The use of the word "airport" is too broad a term when restricting the open burning of 50 pounds or less of empty non-rigid containers. The term needs to be more specific since an "airport" can mean anywhere an airplane lands including an agricultural air strip.

Response: The Department agrees that the term "airport" was too encompassing. The language of the rule has been changed to be more specific in regards to the type of "airport" where the Department feels open burning should not be permitted.

Comment: Disposal of containers having "danger" or "poison" labels need to be addressed further.

Response: The Department feels that all containers, if properly decontaminated, may be recovered or taken to an authorized solid waste landfill.

Comment: It is not always feasible to carry rinsing apparatus or water to the application site for the rinsing of empty containers.

Response: Comments from the agricultural industry supported the Department's opinion that the container should be rinsed when it is emptied and the rinsate used as make up for the next application. Having missed the easiest opportunity to reuse the rinsate may mean the container will not be rinsed, the rinsate will be indiscriminately dumped or a waste management facility will need to be constructed.

Comment: The concern of a generator's liability for disposal of hazardous waste containers at a state-approved landfill.

Response: The question of liability is one which ultimately will be determined by the courts. However, if all rules in effect at the time pertaining to decontamination and disposal of hazardous waste containers are followed, little liability is likely.

Comment: Farmers should not be allowed to bury empty containers on their own property. All containers should be disposed of at state-permitted landfills.

Response: There are several reasons for allowing farmers to bury their own empty decontaminated containers on their own property. From an enforcement standpoint, the Department does not have the resources or manpower to carry out such a task. Pollution of surface and ground water should be minimal if the containers are properly decontaminated and buried according to the proposed rules.

Comment: Fines and penalties for not properly disposing of waste pesticides or their empty containers should be addressed in the rules.

Response: Oregon Revised Statutes 459.992 and 459.995 address criminal and civil penalties, respectively. The criminal penalties and fines are not more than \$3,000 or by imprisonment in the county jail for not more than one year. Civil penalties incur fines not to exceed \$500 a day for each day of the violation. The passage of Senate Bill 146 will give the Department some additional civil and criminal penalty authority including raising the fine to \$10,000.

Comment: The cost of disposal of empty containers is prohibitive.

Response: Yes, the disposal of empty containers is costly. However, the rules do provide for recycling or reuse at scrap metal collection sites, metal remelting plants, drum reconditioning firms, and the return of the containers to chemical manufacturers, distributorship or other retail facilities who, in some cases, will pay you for the empty decontaminated containers.

Comment: On small quantity management, both the collector and landfill site should give permission.

Response: The Department has modified the proposed rules to reflect this comment.

Comment: The landfill operator should reserve the right to require written certification at the landfill for disposal of decontaminated empty hazardous waste containers.

Response: The Department has no objections to a landfill operation having a receipt or certification form for the disposal of decontaminated empty hazardous waste containers. It is our feeling that the verification process adequately addresses the Department concerns while allowing industry a method of self-policing.

Comment: The agricultural chemical industry has repeatedly urged the Department to change its dosage limits for oral toxicity from 500 mg/kg to 50 mg/kg.

Response: The question of toxic waste does not just relate to pesticides but other hazardous wastes. The Department will be looking at all the Hazardous Waste Rules in the next year in order that our state can achieve final authorization under the federal government's RCRA program. At that time we will be reviewing all the toxic waste toxicity tests.

Comment: The agricultural chemical industry objects to a definition of "Waste Pesticide" which includes container rinsate and application equipment wash water with spray mixture and dilute pesticide formulations.

Response: Pesticides by their chemical makeup are toxic. Although we can agree that rinsate and equipment washwaters will normally be of low toxicity, until tested their toxicity is unknown. The rules therefore provide two alternatives: testing or management according to the proposed rules. If testing is conducted, it may in fact show a particular waste pesticide to be non-hazardous.

Comment: Small quantity management requires that the waste must be taken to a state permitted waste disposal site. We feel this rule conflicts with 63-125(1)(d).

Response: A small quantity generator may dispose of up to 10 pounds or one gallon of waste containing pesticide or pesticide manufacturing residue per month. All other quantities must either be managed as a waste pesticide or disposed of at Arlington hazardous waste disposal site. The two rules cited are expected to be used jointly.

Comment: Recommend the substitution of the word "substance" in place of "material/waste" or "material or residue."

Response: We purposely used "material/waste" to emphasize that we were concerned about containers holding either. Further, "hazardous material" and "hazardous waste" are defined in the regulations while "substance" is not. To substitute the word "substance" for "material or residue" in Definition No. 11 would require a change in ORS 459.400 which the Department feels is not justified at this time.

PROPOSED REVISION TO OREGON ADMINISTRATIVE RULES
CHAPTER 340, DIVISION 63, RULES 011, 125, 130 AND 135

DEFINITIONS

340-63-011 As used in these rules unless otherwise
specified [required by context:]

(1) "Aeration" means a specific treatment for an empty
volatile material container consisting of removing the closure
and placing in an inverted position for at least 5 days.

(2) "Aquatic TLM" and [or] "aquatic median tolerance
limit" and "Aquatic LC50" and "median aquatic lethal
concentration" means that concentration of a substance which is
expected in a specified time to kill 50 percent of an aquatic
test population. [including, but not limited to, indigenous fish
or their food supply.] Aquatic TLM and aquatic LC50 are expressed
in milligrams of the substance per liter of water.

(3) "Authorized container disposal site" means a solid
waste disposal site that [is] the Department has authorized by
permit to accept all decontaminated hazardous material or waste
containers for disposal.

(4) "Container" means any package, can, bottle, bag,
barrel, drum, tank or any other enclosure which contains a
hazardous material or waste [substance]. If the container has a

detachable liner or several separate inner containers, only those liners and containers contaminated by the hazardous material/waste [substance] shall be considered for the purposes of these rules.

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

(6) "Dermal LD₅₀" and [or] "median dermal lethal dose" means a measure of dermal penetration toxicity of a substance for which a calculated dermal dose is expected in a specified time to kill 50 percent of a population of experimental laboratory animals. [including but not limited to mice, rats, or rabbits.] Dermal LD₅₀ is expressed in milligrams of the substance per kilogram of body weight.

(7) "Dispose" or "disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous waste into or on any land or water so that such hazardous waste or any hazardous constituent thereof may enter the environment or be emitted into the air or discharged into any waters of the State as defined in ORS 468.700. NOTE: The foregoing is not to be interpreted to authorize any violation of ORS Chapter 459 and these rules.

(8) "Domestic use" or "household use" means use in or around homes, backyards and offices; but excludes commercial pest control operations.

(9) "Empty container" means a container whose contents have been removed except for the residual material retained on the interior surfaces.

(10) "Generator" means the person who, by virtue of ownership, management or control, [is responsible for causing] causes or [allowing] allows to be caused the creation of a hazardous waste.

(11) "Hazardous waste" 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 and these rules. A "hazardous material" is a substance that meets this same definition except that it is not a waste.

(12) "Hazardous waste collection site" means the real property [geographical site] upon which hazardous wastes are stored in accordance with a license issued pursuant to ORS Chapter 459 and OAR Chapter 340, Divisions 62 and 63.

(13) "Hazardous waste disposal site" means the real property [a geographical site in which or] upon which hazardous wastes are disposed in accordance with a license issued pursuant to ORS Chapter 459 and OAR Chapter 340, Divisions 62 and 63.

(14) "Hazardous waste management facility" means a hazardous waste collection, treatment, or disposal site; or the solid waste landfill that the Department has authorized by permit [has been permitted] to dispose of a specified hazardous waste pursuant to ORS 459.510(3) and OAR Chapter 340, Divisions 62 and 63.

(15) "Hazardous waste treatment site" means a facility or operation, other than a hazardous waste disposal site, at which hazardous waste is treated in accordance with a license issued pursuant to ORS Chapter 459 and OAR Chapter 340, Divisions 62

and 63.

(16) "Hydrocarbon" means any compound composed solely of hydrogen and carbon.

(17) "Inhalation LC₅₀" and [or] "median inhalation lethal concentration" means [a measure of inhalation toxicity of a substance for which] a calculated inhalation concentration of a substance that is expected in a specified time to kill 50 percent of a population of experimental laboratory animals[, including but not limited to mice, rats, or rabbits]. Inhalation LC₅₀ is expressed in milligrams per liter of air for gas or vapor and in milligrams per cubic meter for a dust or mist.

(18) "Jet rinsing" means a specific treatment for an empty [pesticide] container using the following procedure:

(a) A nozzle is inserted into the container, or the empty container is inverted over a nozzle such that all interior surfaces of the container can be washed.

(b) The container is [flushed] rinsed using an appropriate diluent [for at least 30 seconds].

(19) "Manifest" means the document [form] used for identifying the quantity, composition, and the origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of storage, treatment, or disposal.

(20) ["Triple rinsing"] "Multiple rinsing" means a specific treatment for an empty container, repeating the following procedure a minimum of three times.[:]

(a) A volume of an appropriate diluent is placed in the

container in an amount equal to at least 10 percent of the container volume.

(b) The container [closure] is agitated [replaced and the container is upended] to rinse all interior surfaces.

(c) The container is opened and the rinse solution drained, allowing at least 30 seconds after drips start.

(21) "Oral LD₅₀" and [or] "median oral lethal dose" means [a measure of oral toxicity of a substance for which] a calculated oral dose of a substance that is expected [in a specified time] to kill 50 percent of a population of experimental laboratory animals within a specified time. [including but not limited to mice, rats, or rabbits.] Oral LD₅₀ is expressed in milligrams of the substance per kilogram of body weight.

(22) "Person" means the federal government [United States], the State or public or private corporation, local government unit, public agency, individual, partnership, association, firm, trust, estate, or any other legal entity.

(23) "Pesticide" means any substance or combination of substances intended for the purpose of defoliating plants or for the preventing, destroying, repelling, or mitigating of insects, fungi, weeds, rodents, or predatory animals; including but not limited to defoliant, desiccant, fungicide, herbicide, insecticide, and nematocide as defined by ORS 634.006.

(24) "Phenol" means any mono- or polyhydric derivative of an aromatic hydrocarbon.

(25) "Plant site" means the real property [geographical

area] where hazardous waste generation occurs. Two or more parcels [pieces] of real property which are geographically contiguous and are divided only by a right-of-way are considered a single site.

(26) "Polychlorinated biphenyl" or "PCB" means the class of chlorinated biphenyl, terphenyl, higher polyphenyl, or mixtures of these compounds, produced by replacing two or more hydrogen atoms on the biphenyl, terphenyl, or higher polyphenyl molecule with chlorine atoms. PCB does not include chlorinated biphenyls, terphenyls, higher polyphenyls, or mixtures of these compounds, that have functional groups other than chlorine unless that functional group is determined to make the compound dangerous to the public health.

(27) "Public-use airport" means an airport open to the flying public considering performance and weight of the aircraft being used, which may or may not be attended or have service available.

[(27)](28) "Store" or "storage" means the containment of hazardous waste for a temporary specified period of time, in such a manner as not to constitute disposal of such hazardous waste.

[(28)](29) "Transporter" means any motor carrier engaged in the transportation of hazardous waste.

[(29)](30) "Treatment" means any method, technique, activity, or process, including but not limited to neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste or to render such waste nonhazardous,

safer for transport, amenable for recovery, amenable for storage, or reduced in volume.

[(30)](31) "Volatile" means having an absolute vapor pressure of greater than 78 mm Hg at 25 C°. For the purpose of these rules, all fumigants are considered to be volatile.

(32) "Waste pesticide" means discarded, useless or unwanted materials or residues including, but not limited to, spray mixtures, diluted pesticide formulations, container rinsings and pesticide equipment washings.

340-63-125 Toxic Waste.

(1) Pesticides and Pesticide Manufacturing Residues.

(a) Waste containing pesticide or pesticide manufacturing residue is toxic if it has any of the following properties:

(i) Oral toxicity: Material with a 14-day oral LD₅₀ equal to or less than 500 mg/kg.

(ii) Inhalation toxicity: Material with a one-hour inhalation LC₅₀ equal to or less than 2 mg/l as a gas or vapor or a one-hour inhalation LC₅₀ equal to or less than 200 mg/m³ as a dust or mist.

(iii) Dermal penetration toxicity: Material with a 14-day dermal LD₅₀ equal to or less than 200 mg/kg.

(iv) Aquatic toxicity: Material with 96-hour aquatic TLM or 96-hour aquatic LC₅₀ equal to or less than 250 mg/l.

(b) A generator may dispose of up to 10 pounds or one gallon of waste containing pesticide or pesticide manufacturing residue per month in accordance with Section 63-135 of this part.

(c) Waste pesticide generated at a "Public-use Airport," distributorship or other permanent base of operation, (excluding temporary heliport), shall be discharged to a permitted facility or as otherwise approved by the Department.

(d) Waste pesticide generated at a site other than provided in OAR 340-63-125(1)(c) may be discharged to a permitted facility or sprayed on the ground, provided:

(A) It is sprayed through a nozzle under pressure and is moving at a sufficient rate so as not to saturate the ground;

(B) The generator owns or controls the management of the ground, or receives permission from the manager, owner, or controller of the ground;

(C) The spray site location will not endanger ground or surface waters, or pose a hazard to humans, wildlife (game and non-game animals) or domestic animals; and

(D) If applied to agriculture land, the pesticide deposit will not result in excessive residual amounts or prohibited types of residues in current or subsequent crops.

(2) Halogenated Hydrocarbons and Phenols (excluding polymeric solids).

(a) Waste containing halogenated hydrocarbons (excluding polychlorinated biphenyls) or halogenated phenols is toxic if it contains 1% or greater of such substances.

(b) A generator may dispose of up to 200 pounds of waste containing halogenated hydrocarbons or halogenated phenols per month (excluding polychlorinated biphenyls and pesticides) in accordance with Section 63-135 of this Part.

(c) Waste containing polychlorinated biphenyls is toxic and shall be managed in accordance with 40 CFR 761.

(3) Inorganics

(a) (i) Waste containing cyanide, arsenic, cadmium or mercury is toxic if it contains 100 ppm or greater of such substance or 200 ppm or greater of the sum of such substances.

(ii) Waste containing hexavalent chromium or lead is toxic if it contains 500 ppm or greater of such substance or 1000 ppm or greater of the sum of such substances.

(iii) The Department may exempt certain inert materials containing these substances (e.g.: leaded glass, foundry sands) on a case-by-case basis.

(b) A generator may dispose of up to 10 pounds of waste containing cyanide, arsenic, cadmium or mercury or up to 200 pounds of waste containing hexavalent chromium or lead per month in accordance with Section 63-135 of this Part.

(c) Mining wastes are exempt from the rules of this Division.

(4) Carcinogens.

(a) Waste containing carcinogens as identified by OSHA in 29 CFR 1910 is toxic. NOTE: See Appendix for specific compounds and concentrations.

(b) The identified carcinogenic wastes shall be managed as hazardous or as otherwise approved by the Department.

NOTE: Several of the above wastes have relatively low acute toxicity but are classified hazardous because of their persistence and propensity toward bioaccumulation in the

environment.

340-63-130 EMPTY CONTAINERS

(1) Except as provided in Sections (2) and (3) discarded, useless or unwanted empty containers are hazardous if they were used in the transportation, storage, or use of a hazardous material or hazardous waste.

(2) Empty containers from hazardous materials or hazardous wastes that have been used [employed] for domestic purpose [use] may be disposed with other household refuse.

[(3) Empty hazardous waste and hazardous material containers need not be disposed at a hazardous waste disposal site if they are handled in accordance with the following procedures:]

[(a)] (3) Empty [Noncombustible] rigid containers, including but not limited to cans, pails, buckets or drums constructed of metal, plastic, [or] glass, or fiber need not be managed as hazardous if they are [shall be] decontaminated, [certified] verified, and [disposed] recovered or disposed as follows:

[(i)] (a) Decontamination consists of[:] OAR 340-63-130(3)(a)(i) and (ii):

[(A)] (i) Removal of residual material by:

[(I)] (A) Jet or [triple] multiple rinsing at the time of emptying.

[(II)] (B) Aeration of volatile materials from fumigant containers;

[(III)] (C) Chemical washing methods such as those used to

recondition metal drums, or to remove ultra low volume (ULV) residues;

[(IV)] (D) Other industry recommended procedures as may be approved by the Department. [If the rinsings cannot be used for the same purpose as the substance being rinsed, it shall be considered a hazardous waste unless exempted under Part B of these rules. In particular, pesticide rinsings shall be added to the spray or mix tank; ULV container rinsings shall be used to clean equipment or otherwise disposed as instructed on the container label. NOTE: It is recommended that the bottom of small containers (5 gal. and under) be punched to prevent their reuse for storage.]

[(B)] (ii) Altering the container structure before recovery or disposal by puncturing or removing both ends and crushing (multi-trip containers recovered for reconditioning or reuse are exempted from this part).

[(ii)] (b) [Certifying consists of providing a signed and dated statement to the disposal site or recycle facility operator that the containers have been decontaminated] Verification consists of no observable residue on the interior of the container, and no observable turbidity (less than 5 Nephelometric turbidity units) in a sample rinse when a diluent, which does not solubilize the residue, is placed in the container to fill 2 to 5 percent of its volume and is agitated for at least 30 seconds.

[(A)] [This statement may be made by means of the Pesticide Container Disposal Certificate, the Pesticide Container Disposal

Record, or any similar written declaration.]

[(B) The Department may waive the certification requirement for a specific landfill if it determines that the characteristics of the landfill are such that there will be no threat to the public health or the environment and that the waiver is necessary for the operation of a local pesticide container management program.]

(c) Recovery consists of:

(A) Recycling or reuse at scrap metal collection, metal remelting, drum reconditioning, chemical manufacturing, distributing or retailing facility or as otherwise approved by the Department.

(d) Disposal consists of:

(A) Containers from DANGER or POISON label pesticides or other materials or wastes identified as POISON by 49 CFR 172.101, if not recovered, shall be taken to an authorized solid waste landfill. [These containers may not be recycled without specific permission from the Department. Such permission will be granted only if the proposed recycle does not endanger the public health or the environment.]

(B) Containers from WARNING or CAUTION label pesticides [or other [non-poison] hazardous material] may be taken to any [recycle facility or] solid waste landfill that has not been prohibited by the Department from accepting such waste.

[however, acceptance of such containers is at the discretion of the facility operator or landfill permittee]

[NOTE: In certain instances the Department may prohibit a

specific disposal site or recycle recovery facility from accepting hazardous containers if it determines that such action would endanger the public health or environment.]

[(C)] (4) [Combustible] Empty non-rigid containers, including paper, paper-laminated and paper-laminated foil bags, [and drums] need not be decontaminated [or certified but shall be disposed by:] provided they are disposed of in accordance with the following methods:

[(I)] (A) [Taking] Taken to an authorized solid waste landfill; or [however, acceptance of such containers is at the discretion of the landfill permittee]

[(II)] (B) [Burning] Burned in an incinerator or solid fuel fired furnace which has been certified by the Department; or [to comply with applicable air emission limits.]

[(III)] (C) Open burning in less than 50 pound lots (excepting organometallics) is permitted at the site on the same day of generation or as soon as feasible provided the site is not a "Public-use Airport," distributorship or permanent base of operation and the burning does not emit dense smoke, noxious odor or creates a public nuisance. [if conducted] This activity shall be in compliance with [open burning] rules in OAR Chapter 340, Division 23, [the requirements of the] local fire districts' requirements, and in such a manner as to protect the public health and the environment. The ash and foil liners must be buried after burning.

(D) [Persons engaged in agricultural operations] Farmers may bury [combustible] empty non-rigid or decontaminated [non-

combustible] rigid pesticide containers on [the] their own farm [to which the pesticide was applied] provided that:

(i) the containers were generated from their own use.

(ii) [that] the burial location [surface and groundwater are not endangered] is on flat ground, and not in a swale, and that the site is at least 500 feet from surface waters or any well.

[NOTE: This generally means not in a drainage way and above groundwater at least 500 feet from surface water or drinking water well.]

[(4)] (5) No person shall use or provide for use empty or decontaminated hazardous material/waste containers [shall not be used] to store food or fiber intended for human or animal [use.] consumption.

340-63-135 SMALL QUANTITY MANAGEMENT

Small quantities of hazardous material or wastes, as specified in Rules 340-63-110, 340-63-115, and 340-63-125, need not be transported to and disposed in [through] a hazardous waste management facility if they are handled in accordance with the following procedure:

(1) The waste shall be securely contained to minimize the possibility of waste release prior to burial.

(2) Persons disposing of hazardous waste from other than domestic or household use shall obtain permission from the waste collector [or] and from [landfill] permittee before depositing the waste in any container or landfill for subsequent collection or in any landfill disposal. In the event that the waste collector

or landfill permittee refuses acceptance, the person disposing of the waste shall contact the Department [shall be contacted] for alternative disposal instructions.

(3) The waste must be taken to a state-permitted waste disposal site.

OA6301.1

Waste Pesticide Management Systems

Scope

These guidelines suggest basic criteria for designing waste pesticide management systems. The Department of Environmental Quality considers these criteria to conform to current best methods for achieving the system design objectives. Alternative criteria will be reviewed by the Department if it is demonstrated that the criteria will effect the same design objectives.

System Design Objectives

All waste pesticide management systems must satisfy the following three objectives to the greatest extent possible:

1. Containment of the waste solution.
2. Detoxification of the waste solution.
3. Reduction of the volume of the waste solution.

System Design Criteria

Containment may be demonstrated through any one or combination of:

1. Physical means (natural or man-made liners).
2. Chemical means (adsorption-absorption layers).
3. Other equivalent means.

Detoxification may be demonstrated through any one or combination of:

1. Physical means (solar radiation).
2. Chemical means (hydrolysis).
3. Biological means (microbial degradation).
4. Other equivalent means.

Volume reduction may be demonstrated through any one or combination of:

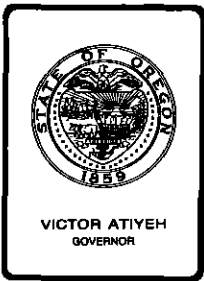
1. Evaporation.
2. Evapo-transpiration.
3. Diversion of surface waters.
4. Use of dilute solution for product makeup water.
5. Other equivalent means.

Information Which May Be Required by the Department
for Waste Pesticide Management Systems

A complete set of engineering plans and specifications, or their equivalent, should include:

1. Location map showing ownership, zoning, use of adjacent lands, proposed facility location and its relation to residence and domestic water supplies.
2. Topographic map showing natural drainage patterns and proposed surface water diversion methods, if applicable.
3. Climatological data of proposed site describing normal annual and seasonal precipitation quantities and patterns, evaporation rates and prevailing wind direction.
4. Hydrogeological data of proposed site describing groundwater depth, gradient and geological formations.
5. Types and quantities of pesticides used on an annual basis.
6. Types and volumes of waste pesticides generated during the spraying season.
7. Detailed plans, specifications, procedures and methods for collection, distributing and containing the waste solution.
8. Detailed explanation of expected waste solution containment, volume reduction, and detoxification mechanisms.
9. Detailed explanation of the method for removing accumulated sludges from the containment system and the proposed method of disposal.
10. Detailed explanation of the method for detecting subsurface pesticide movement.
11. Construction of a waste pesticide management system shall be compatible with the local comprehensive plan and zoning requirements or Land Conservation and Development Commission's (LCDC) goals.
12. All waste pesticide management systems require a water pollution control facility (WPCF) permit.
13. Any additional information which the Department deems necessary for review of the application.

Written acknowledgement of the receipt of an application and its completeness shall be made by the Department within 14 days to an applicant. Written notice of approval or disapproval will be issued by the Department to the applicant within 45 days of receipt of completed plans and specifications.



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. H, December 4, 1981, EQC Meeting

Request for Concurrence: Purchase of City of Portland Revenue Bonds for Construction of Sewage Waste Treatment Facilities

Background and Problem Statement

The City of Portland has made application in accordance with OAR 340 Division 81 for State Financial Assistance for Pollution Control Facilities. The project involves construction of sewage sludge dewatering and drying facilities. The assistance would take the form of a purchase by the Department of the City's revenue bonds. There are two issues for the EQC to consider:

- (1) The question of access to the Pollution Control Bond Fund. The main thrust of the March 1981 Report by the Bonded Debt Advisory Panel was to recommend that limits be placed on the issue of State general obligation bonds. Subsequently, enactment of HB 3146 (Chapter 659 Oregon Laws 1981) imposed specific limits on general obligation bond issues by bonding agencies for the 1981-83 biennium, including a limit of \$50 million for DEQ. At the same time, it was recognized that reduction in Federal and State grants for Pollution Control Facilities correspondingly increased the potential use for loans, and SB142 (Chapter 312 Oregon Laws 1981) increased the amount of Pollution Control Bonds permitted to be outstanding from \$160 to \$260 million.

Discussion during the Department's Budget Hearings of these matters resulted in the following Budget Note:

"The Subcommittee also adopted the general policy that the Pollution Control Bond Fund be managed in such a way that jurisdictions that have no other alternatives are assured of funding from the Pollution Control Bond Fund."

The DEQ is now working on revisions to its Administrative Rules to take account of these directions and in the meantime interprets them as follows:

The Department should plan to be in a position to reasonably provide sufficient funds to those jurisdictions which would either be unable to sell their bonds in the open market or would in the process incur interest costs so significantly higher than average as to constitute a real hardship. In so doing, however, the Department should continue to exercise normal prudence and avoid undue risk in the making of loans.

On the other hand, if the Department considers it can provide the funds necessary to take care of such financially pressed communities, it should not refuse loans to other jurisdictions which are relatively affluent and enjoy good bond ratings.

Pending detailed rule revision the Department considers it prudent to limit new loans to a maximum of \$5 million per project to avoid preemption of currently low cost bond fund money (<7.6%) by a few large projects.

- (2) It is the policy of the Commission to review revenue bond purchases on a case-by-case basis.

Evaluation and Alternatives

- (1) While it is always difficult to forecast the timing and amount of bond fund loans because of wide variations in local planning processes and capabilities, the need in most cases for bond elections and the uncertainties regarding Federal Construction Grants, the Department believes that resources available to it for the balance of the biennium will amply cover requirements as illustrated below:

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Pollution Control Bond Fund

<u>Resources</u>	<u>\$ Million</u>
Cash balance 10/31/81	\$ 36.1 (a)
Less encumbrances	<u>3.9</u>
Net currently available	32.2
Possible sale(s) 1982/83	<u>50.0</u>
Total Resources 1/82 - 6/83	<u>\$ 82.2</u>

(a) Balance from \$39.4 million net proceeds of sale 9/1/80.

Forecast New Loans (\$ millions)

<u>Sewerage</u>	<u>1/82-6/82</u>	<u>7/82-6/83</u>	<u>TOTAL</u> <u>1/82-6/83</u>
Portland (Revenue)	\$ 5.0	\$ -	\$ 5.0
Unified Sewerage Agency (Washington County)	5.0	-	5.0
Wauna Westport (Bancroft)	0.2	-	0.2
Tri-Cities (Clackamas County)	3.0	7.0	10.0
Silverton	2.5	-	2.5
Milton Freewater		1.0	1.0
Corvallis (Bancroft)		1.0	1.0
Wasco County L.I.D. (Bancroft)	0.2	-	0.2
Albany	0.9	-	0.9
Medford	0.5	-	0.5
Metropolitan Wastewater S.D. (Lane County)	2.0	10.5	12.5
Klamath Falls	0.7	-	0.7
TOTAL Sewerage	<u>\$ 20.0</u>	<u>\$ 19.5</u>	<u>\$ 39.5</u>

Solid Waste

Yamhill County (Revenue)	\$ 0.5	\$ -	\$ 0.5
Clatsop County (Revenue)		1.0	1.0
Metro (Loan)	3.1	10.0	13.1 (b)
Planning, etc. Loans	0.3	0.2	0.5
TOTAL Solid Waste	<u>\$ 3.9</u>	<u>\$ 11.2</u>	<u>\$ 15.1</u>
TOTAL Identified Loans	23.9	30.7	54.6
Balance available	<u>8.3</u>	<u>19.3</u>	<u>27.6</u>
TOTAL Resources	<u>\$ 32.2</u>	<u>\$ 50.0</u>	<u>\$ 82.2</u>

(b) In addition to the \$ 6.4 million authorized in May, 1981.

Based on the above forecast, the Department considers that it has sufficient resources available to it to carry out legislative intent in the management of the Pollution Control Bond Fund during the 1981-83 biennium and sees no reason to deny or delay the City of Portland application or, indeed, the processing of any of the other applications shown.

- (2) With regard to the advisability of purchasing \$5 million of revenue bonds from the City of Portland, the Department favors the purchase for the following reasons:
- (a) The funds will help finance new sewage sludge dewatering and drying facilities resulting in significant reduction in both volume and weight of sludge now sent to the regional landfill. Annual operating savings estimated at \$614,000 would more than cover debt service on the bond issue.
 - (b) The bonds will be secured by a pledge of the net operating revenues of the City's Sewage Disposal Fund to which all revenues, fees and charges in connection with use of its Sewerage Facilities are credited.
 - (c) The City has provided excellent documentation on the operations of its Sewage Disposal Fund including audited financial statements and future projections based on latest user rate studies.
 - (d) The City has retained a financial consultant for the preparation of a comprehensive preliminary official statement. A rating by Moody's Investor Services will be obtained prior to the EQC meeting.
 - (e) The City Council is authorized by the City Charter to set sewerage user rates and charges as necessary.
 - (f) The Sewerage Facilities are well managed and the City plans its future capital projects and the finances to support them.
 - (g) The attached Bond Purchase Agreement and the corresponding draft Ordinance provide adequate assurances and covenants to protect the State's interests. Included are provisions for the establishment of a Debt Service Reserve Account equal to the maximum required in any one year and net operating revenue coverage of annual debt service on a 1.3 times basis.
 - (h) The only other debt outstanding in the Sewage Disposal Fund is the remainder of the 1972 revenue bond series also purchased by the Department. The final principal payment is due April 1, 1982. Future Parity Bonds may be issued provided the debt service covenants referred to in (g) are maintained.

- (i) Purchase of revenue bond issues is a major recommendation of the Pacific Economica report to the Department on developing alternative financing approaches for local governments.

Other alternatives available to the Commission are:

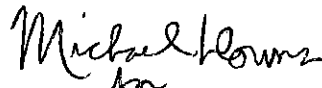
1. To deny the request.
2. To defer a decision until such time as detailed rule revisions are prepared on criteria for prioritized access to the Pollution Control bond Fund and the purchase of revenue bonds.

Summation

1. The City of Portland has requested the Department to purchase \$5 million of revenue bonds to help finance sludge treatment facilities.
2. The Department considers that sufficient resources are available to it to carry out legislative intent in the management of the Pollution Control Bond Fund during the 1981-83 biennium.
3. It is the policy of the Commission to review revenue bond purchases on a case-by-case basis. This bond issue appears to be adequately secured.

Director's Recommendation

Based upon the summation, it is the Director's recommendation that the Commission concur in the purchase of the City of Portland revenue bonds in the amount of \$5 million on the terms and conditions set forth in the attached Bond Purchase Agreement.


for
William H. Young
Director

Attachments (3)

1. Bond Purchase Agreement
2. Ordinance (draft)
3. Preliminary official statement

F.W.O'D: (k)
229-6270
November 12, 1981

STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFER AND ACCEPTANCE - BOND PURCHASE AGREEMENT

PART A - SECTION I - OFFER

1. Location of Project (State, County, City) Project Number
- Oregon # C410557
Multnomah
Portland
2. Legal Name and Address of Public Agency (Applicant)
- City of Portland
1220 SW 5th Avenue
Portland, OR 97204
3. Project Financing under Terms of this Offer
- | | |
|--|----------------|
| Total Estimated Project Cost | \$6,886,000 |
| Debt Reserve Account Requirement | <u>582,050</u> |
| Total Eligible Cost | \$7,468,050 |
| Estimated Bond Principal (Revenue Bonds) | \$5,000,000 |
4. Description of Project
- Sewage sludge dewatering and drying facilities

The City of Portland, hereinafter referred to as the "public agency," has applied to the State of Oregon, acting by and through the Department of Environmental Quality, hereinafter referred to as the "Department," for funds for the purpose of construction of sewage sludge dewatering and drying facilities, hereinafter referred to as the "project," for the treatment of wastes and to serve an area lawfully within its jurisdiction to serve.

Whereas, it is necessary for the public agency to raise a portion of the cost of such undertaking by issuance of its bonds, and the Department intends to assist the public agency in such undertaking by purchasing the bonds lawfully issued by it, as authorized by Article XI-H of the constitution of Oregon and its implementing acts;

Now therefore, in consideration of the foregoing and of the mutual covenants and undertaking hereinafter set forth, the Department offers:

To purchase from the public agency, Revenue Bonds lawfully issued by it for the aforesaid purposes, in an amount not exceeding the lesser of \$5,000,000.00 or 100 percent of the eligible project costs as determined by the Department. Such series of bonds are hereinafter referred to as "Revenue Bonds".

This offer is subject to the assurances, undertaking and covenants included in this document as Section II, and subject to the completion of Parts A, B and C of this offer and acceptance and the following conditions:

The public agency will segregate \$582,050 of the proceeds received from the bond sale in a special debt service reserve account to be known as the Dept Redemption Fund Reserve Account.

The initial deposit of monies to this account is determined to be an amount, sufficient to pay the maximum amount of principal and interest which shall become due on the bonds in any year, and the amount of monies to be maintained in the reserve may, after payment of the maximum annual debt service, be reduced to an amount equal to the maximum amount of principal and interest which shall become due on the bonds in any succeeding year.

Monies deposited to this account may be invested as allowed and restricted by law. Proceeds thereof may be deposited to accounts or funds as determined by the Public Agency.

The monies on deposit in this account shall be used and applied solely to the payment of principal and interest on the bonds and shall not be used for any other purpose whatsoever, and shall be so applied to such payments when and if other sources are insufficient to meet such payments.

When and if any money is paid out of this account, monthly credits shall immediately be commenced, increased, or resumed, as the case may be, from the sewage disposal fund or other sources available therefor, and continued until the amount is replaced or the amount of the deficiency satisfied; provided, further, that the monthly payments will be amounts calculated to replace or replenish the account in full according to the above requirements prior to the next bond principal maturity date.

Any surplus remaining in the Reserve Account after all bonds have been paid shall be deposited in the Sewage Disposal Fund.

This offer must be accepted, if at all, on or before January 31, 1981.

FOR THE STATE OF OREGON, DEPARTMENT OF ENVIRONMENTAL QUALITY

Director

Date

PART A - SECTION II - ASSURANCES AND COVENANTS

Now therefore, in consideration of the premises and of the mutual covenants and undertakings of the public agency hereinafter set forth in II:

- I. The Department agrees to purchase from the public agency, by placing a bid at the advertised sale held by the public agency, the bonds lawfully issued by said public agency in an amount determined by the Department.
- II. The public agency agrees to the following covenants and provisions:
 - A. Financing Provisions
 1. The Revenue Bonds shall be special obligations of the public agency payable from and secured by an irrevocable first lien on and pledge of the revenues of the Sewage Disposal Fund, established under Section 5.04.160 of the public agency's City Code, after deduction of the expenses of operation, maintenance and administration of the related sewerage facilities.
 2. The public agency shall establish and fix such user rates and other fees in connection with the facilities and services pertaining to its Sewage Disposal Fund as will provide Net Operating Revenues equal in any Fiscal Year to at least 1.3 times the amount required in any such fiscal year to pay the principal of and interest on all outstanding bonds payable directly or indirectly out of the Sewage Disposal Fund including Parity Revenue Bonds outstanding, if any. For the purposes of this section, Net Operating Revenues are defined as Operating Revenues from service charges, fees and assessments less Operating Expenses including salaries, wages, operating supplies, repairs and maintenance, utilities, insurance and administrative expenses.
 3. The public agency hereafter and until the Revenue Bonds are fully paid, shall only issue Parity Revenue Bonds if the following conditions have been met, as acknowledged in writing by the Department:
 - (a) The public agency is not in default as to any covenant, condition or obligation contained in the Revenue Bonds or herein; and

(b) The public agency certifies in writing to the Department that the Net Operating Revenues as defined in II A 2 above in each fiscal year thereafter are estimated to be at least equal to 1.3 times the average annual principal and interest requirements of all Revenue Bonds and Parity Revenue Bonds to be outstanding after delivery of the then proposed Parity Revenue Bonds. "Parity Revenue Bonds" means additional revenue bonds payable equally and ratably on a parity with the Revenue Bonds.

4. To provide all necessary legal opinions required to insure marketability of its bonds from competent bond counsel at its own expense; and to comply with all instructions pertaining to bond preparation and issuance as may be required by bond counsel or the Department.
5. To obtain a rating for the issue by Moody's Investor Services, Inc.
6. To have prepared on its behalf and to adopt ordinances or resolutions deemed necessary by the Department providing for the issuance of its bonds, or entering into of contracts, and containing such terms and in such form as are required by state statutes or regulations of the Department.
7. To provide for a public sale after due advertisement of such bonds in a manner consistent with applicable state statutes and acceptable to the Department.
8. To place the net proceeds of the Revenue Bonds in the Sewage Construction Fund which provides for payment of construction costs of the project; and to establish funds necessary to provide for payment of debt service on the Revenue Bonds.

This section shall not be deemed to prevent the public agency from investing the proceeds of the bonds in securities authorized by the public agency if the income resulting from such investments is earmarked for the payment of bonded indebtedness upon the bonds purchased by the Department and for the payment of construction, operating and maintenance costs of the facility; and provided further that such investment shall not violate Section 103 of the Federal Internal Revenue Code and regulations adopted thereunder.

9. To use the proceeds of sale of the Revenue Bonds less any amounts required to be segregated in the Debt Redemption Fund Reserve Account and any expenses of sale of the bonds only for the purposes of financing the project as detailed in Part B -- Supplemental Project Information -- of this agreement. In the event that not all the net proceeds are expended on the project, the public agency will send a written report to the Department setting out the physical and financial status of the project and expenditures and advise the Department of its intention to use the remaining funds to either (a) prepay outstanding Revenue Bonds or (b) construct other specified sewerage facilities. The public agency will not proceed to use such remaining funds without the prior written approval of the Department.
10. That in the event that the public agency receives Federal Grant funds applicable to all or any portion of the project, such Federal funds will be applied to prepay outstanding Revenue Bonds.
11. To repay and retire all bonded indebtedness to the Department as rapidly as the State of Oregon is required to repay and retire its bonded indebtedness for pollution control bonds sold at public sale. Such payments shall be made, upon a repayment schedule prepared by the Department, at least 30 days prior to the dates required for state installment payments upon its bonded indebtedness. The public agency may accelerate its repayments to the Department without penalty. The required schedule of principal and interest payments on the Revenue Bonds is contained in Part C of this agreement.
12. To prepare and offer its bonds for sale to the Department at par to an even multiple of \$5,000 in an amount not to exceed the total eligible project cost as determined by the Department.

The public agency agrees to issue a single bond in lieu of serial bonds at the option of the Department if otherwise authorized by law.

13. The Department shall have the following remedies upon default:
 - (i) upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant, assurance or agreement contained in the Revenue Bonds, or this Bond Purchase Agreement, or in the instruments incidental thereto, the Department at its option may (a) for the account of the public agency incur and pay reasonable expenses for repair, maintenance and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default; (b) take possession of the

facility, repair, maintain and operate or rent it; (c) utilize any available, equitable or special remedies pursuant to law; (d) a combination of (a), (b) or (c); default under the provisions of the Revenue Bonds, the Bond Purchase Agreement or any instrument incidental thereto may be construed by the Department to constitute default under any other instrument held by the Department and executed or assumed by the public agency and default under any such instrument may be construed by the Department to constitute a default under the Bond Purchase Agreement.

- (ii) If the public agency fails to pay principal or interest on any Revenue Bonds when due, the Department may specify legally permissible actions to be taken by the public agency to remedy such default and prevent future defaults. If the public agency fails to commence implementation of such actions within 60 days after the public agency receives written notice from the Department specifying the actions to be taken, the Department may declare the principal of all outstanding Revenue Bonds immediately due and payable.

B. Construction Contract Provisions

1. The proposed facility will not be advertised or placed on the market for bidding until final plans and specifications have been approved by the Department and the public agency has been so notified; the actual construction work will be performed by the lump sum (fixed price) or unit price method; and that adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract, and the award of the contract will be made to the lowest responsive responsible bidder.
2. That construction contracts will require contractors to furnish a performance and payment bond, in an amount equal to the contract amount, and to maintain during the life of the contract adequate fire and extended coverage, workmen's compensation, public liability and property damage insurance.
3. To comply with the provisions of ORS Chapters 279 and 187 relating to bidding, required statements, preference of materials, contributions, liens, payments, labor and working conditions, contract termination and all other conditions and terms necessary to be inserted into public contracts.
4. To demonstrate to the Department that the public agency has a fee simple or other estate or interest in the site of the project, including necessary easements and rights-of-way that is sufficient to assure undisturbed use and possession for the purposes of construction and operation for the life of the proposed loan.

C. Construction Provisions

1. That any change or changes in the contract which make any major alteration in the work required by the plans and specifications or which raise the cost of the project above the latest estimate approved by the Department will be submitted to the Department for prior approval.
2. That competent engineering supervision and inspection at the facility will be provided and maintained to insure that the construction conforms with the approved plans and specifications.

D. Operational Provisions

1. It will maintain complete books and records relating to the operation of the facility, the Sewage Disposal Fund and its financial affairs and will cause such books and records to be audited annually at the end of each fiscal year and an audit report prepared, and will furnish the Department with a copy of each annual audit report. At all times, the Department shall have the right to inspect the facility and the records, accounts and data of the public agency relating thereto.
2. It will maintain such insurance coverage, which may include a program for self insurance, performance or fidelity bonds in such amounts and in such form as may reasonably be required by the Department for the term of this agreement.

E. Continuing Provisions

1. To indemnify and reimburse the Department for any payments made or losses suffered by the Department on behalf of the public agency as a result of its negligence, omissions or breach of any covenant or condition of this agreement.
2. To not cause or permit any voluntary dissolution of itself, merge or consolidate with another public agency, dispose of or transfer its title to the project, or any part thereof, other than for normal replacement purposes, including lands and interest in lands by sale, mortgage, lease or other encumbrance without obtaining the prior written consent of the Department.

This section shall not be deemed to prevent mergers or consolidations initiated or commenced as the result of proceedings authorized by the Legislative Assembly of Oregon.

3. It will comply with applicable state laws and the rules and regulations of the Department and continually operate and maintain the facility in good condition upon completion of construction.

4. The Department shall have at all times the right to inspect any contracts or other documents executed by the public agency in connection with the operation, maintenance, extension or improvement of the project or its other sewage facilities.
5. It will not modify or cause to be modified or amended its Charter or Ordinances relating in any manner to its sewerage facilities or their operation which would materially and adversely affect the integrity of the Sewage Disposal Fund, or which would materially and adversely affect the ability of the public agency to charge fees sufficient to pay principal and interest on the Revenue Bonds as and when they become payable, without obtaining the prior written consent of the Department.

This section shall not be deemed as a restriction upon the public agency to fulfill its legislative authority and responsibility to its electorate and citizens in governing its local affairs. The purpose of this section is to insure that the public agency continues to maintain sufficient income rates and tolls for the payment of bonded indebtedness and operating and maintenance costs as set forth in its application and supporting documents.

6. To submit copies of or references to all charters, ordinances or resolutions regarding the public agency's authority to contract, issue bonds and perform all functions and duties necessary and incidental to this advancement of funds that may be required by the Department.
7. The provisions herein may be provided for in more specific detail in any resolutions or ordinances necessary to implement this agreement, or in any supporting documents necessary to establish or to provide for the public agency's eligibility to receive an advancement of funds.

PART A - SECTION III - ACCEPTANCE

On behalf of _____ I, the undersigned, being duly authorized to take such action as evidenced by the attached certified copy of authorization by the public agency's governing body do hereby accept this offer and make the assurances and covenants contained herein.

Signature of Representative

Date

Name and Title of Representative

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY

PART B SUPPLEMENTAL PROJECT INFORMATION

for

City of Portland Sludge Dewatering and Drying Facilities

1. Project Location:

The project is located within the City of Portland, Multnomah County, and the State of Oregon.

2. Legal Name and Address of City:

City of Portland
1220 SW 5th Avenue
Portland, Oregon 97204

3. Project Changes Since Offer Acceptance:

None; no previous offer.

4. Status of Project Plans and Specifications:

Plans and Specifications for the project are not yet completed. Upon completion, the plans and specifications will be submitted to the DEQ. Construction will not commence until receipt of DEQ approval of the plans and specifications.

5. Site Data:

See attachment No. 1.

6. Project Cost Estimate Summary:

A. Construction ⁽¹⁾

1. Contract A	\$ 904,000
2. Contract B	990,000
3. Contract C	1,500,000
4. Contract D	<u>2,000,000</u>

Subtotal

\$5,394,000

(1) See descriptions of Contracts A through D on Attachment No. 2.

B. Engineering Contract	\$ 758,000
C. Legal and Fiscal	15,000
D. Administrative	180,000
E. Estimating Contingency	539,000
Total Capital Cost	<u>\$ 6,886,000</u>
F. Bond Reserve Account	582,050
Total Financial Requirement	<u>\$ 7,468,050</u>

7. Additional Cost Summary Information:
(See Attachment No. 2)

8. Funds Available for Construction of Total Projects:	
A. Cash	\$ 2,468,050
B. General Obligation Bonds	0
C. Revenue Bonds (to State of Oregon)	5,000,000
D. State Grant	0
E. Federal Grant	0
TOTAL AVAILABLE	<u>\$ 7,468,050</u>

9. Estimated Annual Revenues and Expenses:

SEWAGE DISPOSAL FUND ANNUAL OPERATING REVENUE AND EXPENSE

(\$ x 1000)

FY	79/80	80/81	81/82	82/83	83/84	84/85
Operating Revenue ¹	16,713	17,094	17,601	20,137	21,025	24,126
Operating Expense ²	<u>10,869</u>	<u>12,702</u>	<u>15,358</u>	<u>16,662</u>	<u>17,437</u>	<u>18,907</u>
Net Operating Revenue	5,844	4,392	2,242	3,474	3,588	5,219
Debt Service						
Old Issue	847	972	656			
This Issue ³				370	418	415
Future Issue ⁴					<u>1,386</u>	<u>1,386</u>
Total Debt Service	847	972	656	370	1,804	1,801
Debt Service Ratio ⁵	6.90	4.52	3.42	9.40	1.99	2.90

Footnotes:

1. Operating Revenue - All income from service charges, fees and assessments. Includes user charges for sewer service, connection charges, rents, reimbursements, permit fees and other miscellaneous operating revenue. Operating revenue does not include interest income from investments.
2. Operating Expense - All expenses incurred in the operation of the sewage disposal system. Includes salaries, wages, operating supplies, repairs and maintenance, utilities, insurance and administrative expenses, excluding depreciation expense.
3. Base on proposed retirement schedule (Part C).
4. 11,800,000 revenue bond sale in Fy 82/83 (20 years, at 10%).
5. Net operating revenue \div Total Debt Service that year.

The undersigned representative of the public agency certifies that the information contained above and in any attached statements and materials in support thereof is true and correct to his best knowledge.

Signature of Representative

(Date)

Name and Title of Representative

NOTES TO
PROJECT COST ESTIMATE SUMMARY

A. Construction

Contract A.

Sludge dewatering equipment fabrication. Lump sum contract for fabrication of sludge belt presses.

Total estimated cost: \$ 904,000

Contract B.

Sludge dewatering equipment installation and construction of related improvements. Unit price contract consisting of the following major elements:

1. Sludge building modification and dewatering equipment installation including the removal of existing equipment: \$ 591,000
2. Construction of pumping facilities at the existing sludge lagoon enabling delivery of high solids sludge to the dewatering facility: 41,000
3. Construction of pipeline crossing of the Columbia Slough for lagoon pump pressure line, electrical conduit and potable water supply: 147,000
4. Conversion of an existing sludge tank to a blending tank: 123,000
5. Solid polymer handling equipment installation: 88,000

Total estimated cost: 990,000

Contract C.

Sludge drying equipment fabrication. Lump sum contract for fabrication of sonic dehydration equipment.

Total estimated cost: 1,500,000

Contract D.

Sludge drying equipment installation and construction of related improvements. Unit price contract consisting of the following major elements:

- | | | |
|---|----------------|-------------|
| 1. Construction of dryer building and installation of dryer equipment and environmental controls: | \$1,420,000 | |
| 2. Construction of sludge feed and dry product handling facilities: | <u>580,000</u> | |
| Total estimated cost: | | \$2,000,000 |

B. Engineering Contract

Design Engineering.

Currently the City is under contract with CH2M-Hill for project design services. Design service cost under this contract will approach:

	658,000	
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Construction Engineering.

Engineering services during construction including preparation of an O&M Manual and start up services:

	<u>100,000</u>	
--	----------------	--

Total estimated cost:		758,000
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C. Legal and Fiscal.

Legal and fiscal costs associated with the acquisition of capital funding for the project and project administration include:

- | | | |
|--|--------------|--|
| 1. Financial consulting services in relation to the sale of revenue bonds: | 3,500 | |
| 2. Bond counsel services in relation to the sale of revenue bonds: | <u>3,800</u> | |
| 3. Investment rating services in relation to the sale of revenue bonds: | 4,000 | |

4. Miscellaneous fiscal and legal services provided internally in relation to the administration of construction and design contracts:	\$ <u>3,700</u>	
Total estimated cost:		\$ 15,000

D. Administrative.

Project administrative services include City engineering and contract administration associated with all phases of the project.

Design:

Estimated City engineering and contract administration:	30,000
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Construction:

Estimated City engineering and contract administration:	<u>150,000</u>
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Total estimated administrative cost:		180,000
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E. Estimating Contingency.

As final project designs have not been prepared, project construction contingency amounts have not been determined. In lieu of establishing a contingency at this time an estimated contingency of 12% on all construction contracts except for Contract A, dewatering equipment fabrication has been made. An estimated contingency on Contract A is felt to not be necessary based on the common use and fabrication of belt press equipment. Total estimated contingency for Contracts B, C, and D:

539,000

TOTAL CAPITAL COST:		<u>\$6,886,000</u>
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F. Bond Reserve Account

Funds reserved in a special account sufficient to pay the maximum amount of principal and interest which shall become due on the bonds in any year. (Required in Part A, Section I-4 of this Bond Purchase Agreement.

582,050

TOTAL FINANCIAL REQUIREMENT:		<u>\$7,468,050</u>
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CITY OF
PORTLAND, OREGON

OFFICE OF CITY ATTORNEY

Christopher P. Thomas, City Attorney
1220 S.W. 5th Avenue
Portland, Oregon 97204
(503) 248-4047

October 27, 1981

State of Oregon
Department of Environmental Quality
522 SW 5th Avenue
Portland, Oregon 97204

ATTN: Mr. Bill Young, Director

Re: C-410557, Sludge Dewatering & Drying Project

Gentlemen:

In connection with the proposed Revenue Bond Purchase agreement, Part B, supplemental project information, between the State of Oregon, Department of Environmental Quality and the City of Portland for the purchase by the State of Oregon of \$5,000,000 sewer revenue bonds from the City of Portland, please be advised that I have examined the title to the parcel described on the attached Exhibit A, and it is my opinion that the City of Portland is presently vested with fee simple title to that property. I find no mortgages, deeds of trust, liens or other encumbrances which would affect the value or utility of the site for the purposes intended.

I further find that all documents required to be recorded in order to protect the title of the owner and the interests of the applicant have been duly recorded wherever necessary.

Very truly yours,

Robert C. Ireland
Sr. Deputy City Attorney

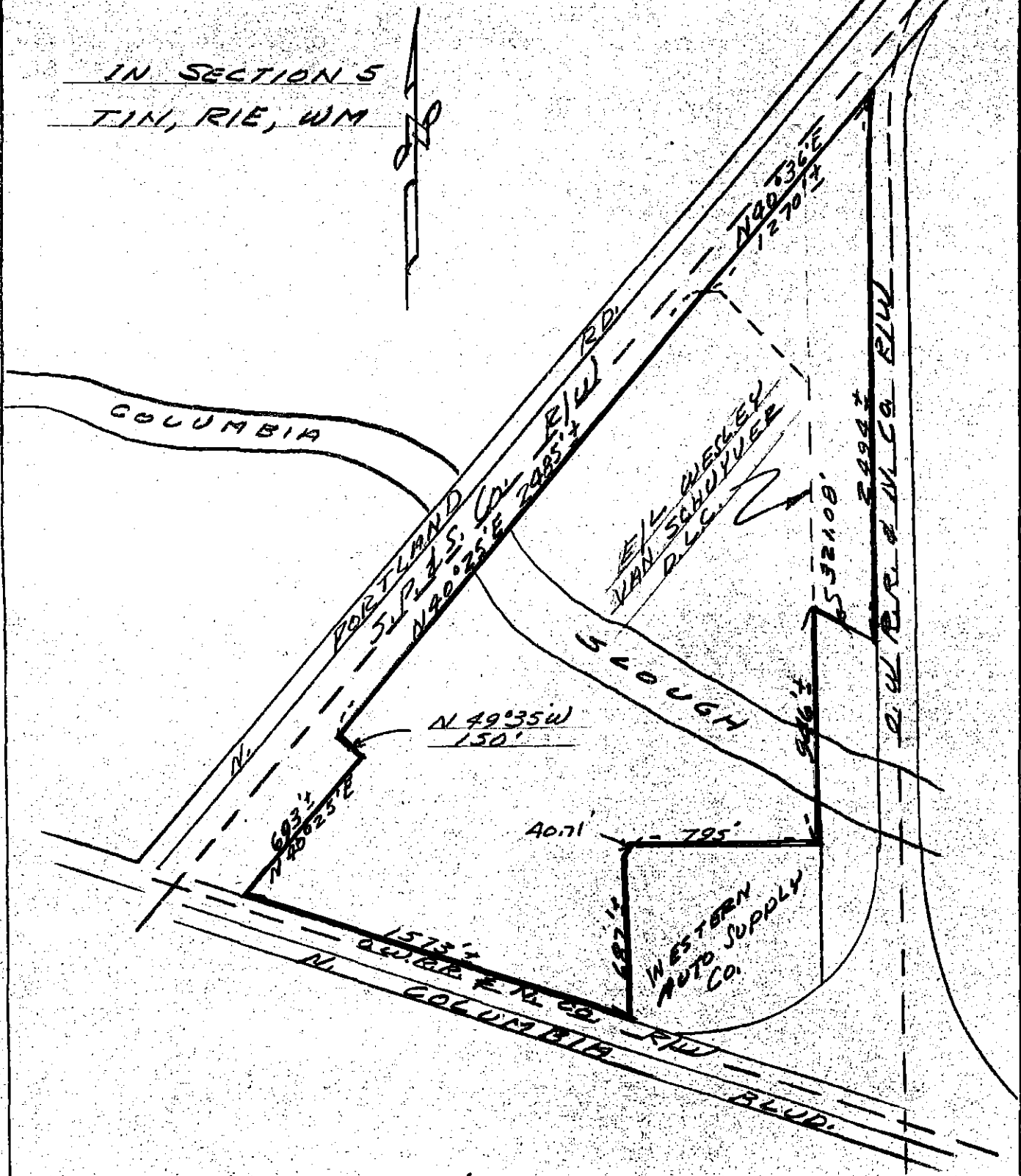
RCI:djb
Enclosure

BOUNDARY DESCRIPTION OF THE NORTH COLUMBIA BOULEVARD
SEWAGE DISPOSAL TREATMENT PLANT PROPERTY.

Beginning at the point of intersection of the north right-of-way line of the O.W.R.R. & N. Co. and the southeasterly right of way line of the S.P. & S. Railway Co.; thence N. 40° 25' E. along the southeasterly right of way line of the S.P. & S. Railway Co. 693 feet, more or less to a point where said line makes a right angle; thence N. 49° 35' W. 150 feet; thence N. 40° 25' E. along said right of way 2,485 feet, more or less, to the southwest edge of a pond or lake which forms a part of the northwest boundary of the Wesley Van Schuyver D.L.C. in Section 5 T.1N., R.1E., W.M.; thence N. 40° 36" E., continuing along said southeasterly line of said S.P. & S. Railway Co. right of way a distance of 1270 feet more or less, to the west line of that 150 foot right of way conveyed by H.C. Laycock and G.B. Laycock to the O.W. R. & N. Co. by deed recorded January 29, 1908 in Book 426 at Page 367, Deed Records; thence southerly along the west line of said 150 foot right of way along a curve to the left, whose initial tangent bears S. 14° 43' W. a distance of 382.4 feet; thence along a transition curve decreasing in curvature 0° 15' every 30.38 feet, a distance of 334.2 feet; thence S. 0° 28' W. along the west line of said right of way 1778.5 feet to the south bank of Mud Slough; thence along said south slough bank N. 64° 38' W. 321.8 feet, more or less, to a point in the east line of the Wesley Van Schuyver D.L.C. being also the west line of Alexander Brown D.L.C. which point bears N. 0° 28' E. 328.02 feet from the southwest corner of said Brown D.L.C.; thence southerly along the east line of the Wesley Van Schuyver D.L.C. a distance of 946.21 feet, more or less, to the northeast corner of that certain tract which was conveyed by Union Pacific Railroad Company to Western Auto Supply Company by deed dated March 28, 1964, and recorded in Book 10 at Page 414, Multnomah County Film Records; thence S. 89° 48' W. along the northerly line

of said Western Auto Supply Company tract a distance of 795.0 feet to a corner; thence S. $38^{\circ} 17'$ W. continuing along the northerly line of said Western Auto Supply Company tract a distance of 40.71 feet to an angle point in the westerly line of that certain tract conveyed by Natale Lasagna and Louisa Lasagna to Portland Terminal Investment Company by deed dated March 6, 1941; thence S. $0^{\circ} 15'$ E. a distance of 687.0 feet, more or less, to an iron pipe in the northerly line of the O.W. R.R. & N. Co. right of way; thence northwesterly along said northerly right of way line a distance of 1573.66 feet, more or less, to the point of beginning, all in Section 5, T1N, R1E, W.M., in the City of Portland, Multnomah County, Oregon, subject to the rights of the State of Oregon in and to that portion lying within the Columbia Slough.

IN SECTION 5
T1N, R1E, W1M



MAP SHOWING
 COLUMBIA BLVD.
 SEWAGE TREATMENT
 PLANT PROPERTY
 PORTLAND, ORE.
 SCALE - 1" = 600'

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY

Part C - Bond Maturity Schedule

AGENCY NAME:		City of Portland		PRINCIPAL AMOUNT: \$5,000,000.00		
		Revenue Bonds				
YEAR	DUE					TOTAL
ENDING	INTEREST	Feb 1	Due August 1		TOTAL	ANNUAL
Aug 1	RATE	INTEREST	INTEREST	PRINCIPAL	TOTAL	REQUIREMENT
1982	5.9	-0-	184,825.00	-0-	184,825.00	184,825.00
1983	6.4	184,825.00	184,825.00	50,000	234,825.00	419,650.00
1984	6.6	183,225.00	183,225.00	50,000	233,225.00	416,450.00
1985	6.5	181,575.00	181,575.00	100,000	281,575.00	463,150.00
1986	6.8	178,325.00	178,325.00	150,000	328,325.00	506,650.00
1987	7.2	173,225.00	173,225.00	200,000	373,225.00	546,450.00
1988	7.4	166,025.00	166,025.00	250,000	416,025.00	582,050.00
1989	7.2	156,775.00	156,775.00	250,000	406,775.00	563,550.00
1990	6.6	147,775.00	147,775.00	250,000	397,775.00	545,550.00
1991	6.6	139,525.00	139,525.00	250,000	389,525.00	529,050.00
1992	6.8	131,275.00	131,275.00	300,000	431,275.00	562,550.00
1993	7.2	121,075.00	121,075.00	300,000	421,075.00	542,150.00
1994	7.3	110,275.00	110,275.00	300,000	410,275.00	520,550.00
1995	7.5	99,325.00	99,325.00	350,000	449,325.00	548,650.00
1996	7.7	86,200.00	86,200.00	350,000	436,200.00	522,400.00
1997	7.7	72,725.00	72,725.00	350,000	422,725.00	495,450.00
1998	7.9	59,250.00	59,250.00	350,000	409,250.00	468,500.00
1999	7.9	45,425.00	45,425.00	350,000	395,425.00	440,850.00
2000	7.9	31,600.00	31,600.00	400,000	431,600.00	463,200.00
2001	7.9	15,800.00	15,800.00	400,000	415,800.00	431,600.00
2002	5.2					
		<u>2,284,225.00</u>	<u>2,469,050.00</u>	<u>5,000,000</u>	<u>7,469,050.00</u>	<u>9,753,275.00</u>

On behalf of the City of Portland, I, the undersigned, being duly authorized to take such action as evidenced by documents submitted to the Department of Environmental Quality do hereby agree to have the City of Portland pay the foregoing amounts upon the dates and times and in the manner established.

Signature of Representative

Date

Name and Title of Representative

ORDINANCE NO. _____

An Ordinance providing for the issuance and sale of the City of Portland, Oregon, Sewerage Facilities Revenue Bonds, Series 1982 in the principal amount of \$5,000,000, and related matters.

The City of Portland ordains:

Section 1. The Council finds:

1. That the City has applied to the State of Oregon, acting by and through the Department of Environmental Quality, for funds for the purpose of construction of facilities for the treatment of waste water to serve an area lawfully within its jurisdiction to serve, that the City intends to raise a portion of the cost of such undertaking by issuance of its bonds, and that the Department of Environmental Quality intends to assist the City in such undertaking by purchasing the bonds lawfully issued by the City.

NOW, THEREFORE, the Council directs:

- a. Definitions. As used in this Ordinance, the following words shall have the following meanings:
 1. "Bond Purchase Agreement" means the "Offer and Acceptance - Bond Purchase Agreement" which is attached as Exhibit "A," wherein the Department of Environmental Quality offers to purchase the Bonds.
 2. "Bonds" means the Series 1982 Bonds and any Parity Bonds issued pursuant to this Ordinance.
 3. "City" means the City of Portland, Oregon, a municipal corporation of the State of Oregon.
 4. "Charter" means the charter of the City, as amended.
 5. "Construction Fund" means the Sewage Construction Fund maintained by the City; Series 1982 Bond net proceeds will be deposited in the Construction Fund.

6. "Council" means the council of the City.
7. "Gross Revenues" means all revenues, fees and charges imposed and collected by the City in connection with the operation of the Sewerage Facilities; gross revenues does not include revenues received by the City from assessments imposed against real property for the construction of local improvements.
8. "Net Operating Revenues" means the Gross Revenues less the Operating Expenses.
9. "Operating Expenses" means all payments for salaries, wages, operating supplies, repairs, maintenance, utility charges, insurance and administrative expenses made in connection with the Sewerage Facilities. Operating Expenses does not include depreciation.
10. "Parity Bonds" means any revenue bonds of the City which comply with the provisions of this Ordinance for the issuance of Parity Bonds and have a lien on the Net Operating Revenues equal in rank to the lien of the Series 1982 Bonds. Parity Bond also includes the City's outstanding Sewerage Facilities Revenue Bonds Series 1972, which are scheduled to be retired in April of 1982.
11. "Project" means the sludge dewatering and drying facilities which will be constructed at the Columbia Boulevard Waste Water Treatment Plant, as more fully described in Part B of the Bond Purchase Agreement.
12. "Redemption Fund" means the Sewage Disposal Debt Redemption Fund maintained by the City to hold funds to be used to pay Bond principal and interest.
13. "Reserve Account" means a separate account in the Redemption Fund in which the City agrees to maintain an amount equal to the maximum annual debt service on all outstanding Bonds.

14. "Series 1982 Bonds" means the City's Sewerage Facilities Revenue Bonds, Series 1982, which are in the principal amount of \$5,000,000 and are issued pursuant to this Ordinance.
15. "Sewage Disposal Fund" means the Sewage Disposal Fund maintained by the City into which the Gross Revenues are deposited.
16. "Sewerage Facilities" means all real and personal property now or hereafter owned, operated, used, or maintained by the City for sewage disposal or sewage purification within or without the corporate limits of the City, including but not limited to, all storm drainage sewers, intercepting sewers, diversion sewers, relieving or interconnection sewers, sewers to separate storm and sanitary sewage, pump or ejector stations and equipment, and plants for treatment and disposal of sewage.

b. The Bonds. Pursuant to the authority of Chapter XII, Article 2, Section 12-201 of the Charter, the Council hereby authorizes and directs the issuance of the City of Portland, Oregon Sewerage Facilities Revenue Bonds, Series 1982 in the aggregate principal amount of \$5,000,000. Unless sold to the Department of Environmental Quality as provided in paragraph j. below, the Bonds shall be dated February 1, 1982, shall be in denominations of \$5,000 each, shall be numbered consecutively from 1 to 1000, shall be in coupon bearer form, and shall mature on the first day of August in the following years and amounts:

<u>Year</u>	<u>Amount</u>
1983	\$ 50,000
1984	50,000
1985	100,000
1986	150,000
1987	200,000
1988	250,000
1989	250,000
1990	250,000
1991	250,000
1992	300,000

1993	300,000
1994	300,000
1995	350,000
1996	350,000
1997	350,000
1998	350,000
1999	350,000
2000	400,000
2001	400,000

Principal and interest on the Series 1982 Bonds shall be payable in lawful money of the United States of America at the office of the City Treasurer of the City of Portland, Oregon. The Bonds shall be special obligations of the City of Portland, Oregon, and are payable solely from the Net Operating Revenues, as provided by this Ordinance.

- c. Redemption. The Series 1982 Bonds are subject to redemption at the option of the City on any date at a price of par plus accrued interest to the date fixed for redemption.

If Bonds are in bearer form, notice of redemption shall be given in the manner provided by the laws in effect on the date notice of redemption is given; however, such notice shall include at least one publication in a business and financial newspaper published in the City of Portland, Oregon, not less than thirty days prior to the date fixed for redemption. If all Bonds to be redeemed are in registered form, notice of redemption may be given by Certified Mail to the registered holder not less than thirty days prior to the intended redemption date, and no published notice need be given.

- d. Form of Bonds. Coupon bearer bonds shall be in substantially the following form:

No. _____

\$5,000

STATE OF OREGON
MULTNOMAH, CLACKAMAS AND WASHINGTON COUNTIES
CITY OF PORTLAND, OREGON
SEWERAGE FACILITIES REVENUE BOND, SERIES 1982

THE CITY OF PORTLAND, in the Counties of Multnomah, Clackamas and Washington, State of Oregon, for value received acknowledges itself to owe and hereby promises to pay to the bearer, but solely from the sources named below, the sum of

FIVE THOUSAND DOLLARS

in lawful money of the United States of America on the ____ day of August, 19__, without grace, with interest thereon at the rate of _____ percent (___%) per annum payable semiannually on the first day of February and the first day of August in each year, in lawful money of the United States of America, upon the presentation and surrender of this Bond and the annexed coupons as they severally become due. Principal and interest are payable at the office of the City Treasurer of the City of Portland, Oregon.

This Bond is subject to redemption by the City on any interest payment date at a price of par plus interest accrued to the date fixed for redemption.

This Bond is one of a series of bonds designated as Sewerage Facilities Revenue Bonds, Series 1982, of the City of Portland, Oregon, and is issued by the City of Portland, Oregon, for the purpose of providing funds for the construction of its sludge dewatering and drying facilities and is in full and strict accordance and compliance with all of the provisions of the Charter of the City of Portland, Oregon, and the Constitution and the Statutes of the State of Oregon.

This Revenue Bond is not a general obligation or liability of the City of Portland, Oregon, and is payable solely from the Net Operating Revenues of the Sewerage Facilities as provided in Ordinance

No. ____ of the City adopted December __, 1981. The City of Portland, Oregon, covenants and agrees with the holder of this Bond that it will keep and perform all of the covenants of this Bond and of Ordinance No. _____. The City of Portland, Oregon has pledged the Net Operating Revenues of the Sewerage Facilities to the payment of principal and interest on this Bond.

IN TESTIMONY WHEREOF, the Council of the City of Portland, Oregon, by Ordinance duly adopted, has caused this Bond to be signed by the Mayor by facsimile signature, and countersigned by the Auditor of the City of Portland, Oregon, and has caused the City corporate seal to be affixed hereto, and the attached coupons to bear the facsimile signatures of the Mayor and the Auditor of the City, all as of the first day of February, 1982.

Mayor, City of Portland, Oregon

Countersigned:

Auditor, City of Portland, Oregon

(INTEREST COUPON)

No. _____ \$ _____

On the first day of _____, the City of Portland, Oregon, will pay to the bearer, but solely from the Net Operating Revenues of the Sewerage Facilities as provided in Ordinance No. _____, the sum of

_____ DOLLARS

in lawful money of the United States of America at the office of the City Treasurer of the City of Portland, Oregon, being interest then due on the City of Portland, Oregon, Sewerage Facilities

Revenue Bond, Series 1982, No. _____, unless
sooner redeemed as therein provided.

(facsimile signature)

Mayor, City of Portland, Oregon

(facsimile signature)

Auditor, City of Portland, Oregon

Registered Installment Bonds shall be in substantially the following form:

No. _____ \$5,000,000

STATE OF OREGON
MULTNOMAH, CLACKAMAS AND WASHINGTON COUNTIES
CITY OF PORTLAND, OREGON
SEWERAGE FACILITIES REVENUE BOND, SERIES 1982

THE CITY OF PORTLAND, in the Counties of Multnomah, Clackamas and Washington, State of Oregon, for value received acknowledges itself to owe and hereby promises to pay to the order of the Department of Environmental Quality, but solely from the sources provided in Ordinance No. _____ of the City, the following principal installments on August first of the following years, together with interest on those installments at the following rates:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
1983	\$ 50,000	6.4	1993	\$300,000	7.2
1984	50,000	6.6	1994	300,000	7.3
1985	100,000	6.5	1995	350,000	7.5
1986	150,000	6.8	1996	350,000	7.7
1987	200,000	7.2	1997	350,000	7.7
1988	250,000	7.4	1998	350,000	7.9
1989	250,000	7.2	1999	350,000	7.9
1990	250,000	6.6	2000	400,000	7.9
1991	250,000	6.6	2001	400,000	7.9
1992	300,000	6.8			

Principal installments and interest payments shall be made in lawful money of the United States of America on the dates due, without grace, with interest payable semiannually on the first day of February and the first day of August in each year. Principal and interest are payable through the office of the City Treasurer of the City of Portland, Oregon, by check or direct transfer of funds to the account of the registered holder.

This Bond is subject to redemption by the City on any interest payment date at a price of par plus interest accrued to the date fixed for redemption.

This Bond is designated as Sewerage Facilities Revenue Bond, Series 1982, of the City of Portland, Oregon, and is issued by the City of Portland, Oregon, for the purpose of providing funds for the construction of its sludge dewatering and drying facilities and is in full and strict accordance and compliance with all of the provisions of the Charter of the City of Portland, Oregon, and the Constitution and the Statutes of the State of Oregon.

This Revenue Bond is not a general obligation or liability of the City of Portland, Oregon, and is payable solely from the Net Operating Revenues of the Sewerage Facilities as provided in Ordinance No. ____ of the City enacted December __, 198_. The City of Portland, Oregon, covenants and agrees with the holder of this Bond that it will keep and perform all of the covenants of this Bond and of Ordinance No. _____. The City of Portland, Oregon has pledged the Net Operating Revenues of the Sewerage Facilities to the payment of principal and interest on this Bond.

THE DEPARTMENT OF ENVIRONMENTAL QUALITY, as holder of this Bond, has certain additional rights and is the beneficiary of certain additional covenants, which rights and covenants are more fully set forth in Ordinance No. ____ of the City, and the Bond Purchase Agreement approved by Ordinance No. _____.

IN TESTIMONY WHEREOF, the Council of the City of Portland, Oregon, by Ordinance duly adopted, has caused this Bond to be signed by the Mayor by facsimile signature, and countersigned by the Auditor of the City of Portland, Oregon, and has caused the City corporate seal to be affixed hereto, all as of the ____ day of _____, 1982.

Mayor, City of Portland, Oregon

Countersigned:

Auditor, City of Portland, Oregon

- e. Disposition of Bond Proceeds. Interest accrued from the date of the Bonds until the date of closing shall be placed in the Redemption Fund and shall be used to pay interest on the Series 1982 Bonds. An amount equal to the maximum annual debt service on the Series 1982 Bonds shall be placed in the Reserve Account. The balance of the Bond proceeds shall be placed in the Construction Fund and shall be disbursed only to finance the Project and costs incurred in connection with the issuance of the Series 1982 Bonds.

Moneys in the Construction Fund may be invested in such investments as are authorized by law for the City. Earnings from investment of the funds in the Construction Fund shall be maintained in the Construction Fund, and shall be treated and disbursed as Bond proceeds. Any proceeds of the Series 1982 Bonds remaining after payment of all Project and issuance costs shall be transferred to the Sewage Disposal Fund and shall be disposed of as provided in paragraph i(6) and used for capital projects.

- f. Pledge and Disposition of Net Operating Revenues. The City hereby pledges the Net Operating Revenues to the payment of principal and interest on all Bonds.

The City hereby covenants with the holders of the Bonds that it will, so long as any Bonds remain outstanding, make the following deposits from the Net Operating Revenues into the Redemption Fund:

- (1) Commencing in January, 1982, and monthly thereafter the City will deposit into the Redemption Fund an amount equal to one-sixth (1/6th) of the amount necessary to pay Bond interest which will become due during the six

months following the deposit. Prepayment of monthly deposits will fulfill the above requirements. Notwithstanding the foregoing, the City shall deposit into the Redemption Fund from the Net Operating Revenues an amount sufficient to permit all interest due on the Bonds to be paid on the date it is due.

(2) Commencing in January, 1982, and monthly thereafter, the City will deposit into the Redemption Fund an amount equal to one-twelfth (1/12th) of the amount necessary to pay Bond principal which will become due during the twelve months following the deposit. Prepayment of monthly deposits will fulfill the above requirements. Notwithstanding the foregoing, the City will deposit into the Redemption Fund from the Net Operating Revenues an amount sufficient to permit all principal due on the Bonds to be paid on the date it is due.

(3) If at any time the amount in the Reserve Account falls below the maximum annual debt service on all outstanding Bonds, the City shall immediately commence making equal monthly payments into the Reserve Account sufficient to restore the balance in the Reserve Account to the maximum annual debt service on all outstanding Bonds by the next Bond principal payment date, or within six months, whichever period is greater.

g. Debt Redemption Fund Reserve Account. The City shall maintain a balance in the Reserve Account at least equal to the maximum annual debt service on all outstanding Bonds. If the balance in the Reserve Account falls below the maximum annual debt service on all outstanding Bonds, the balance will be replenished as provided in paragraph f(3), above.

Moneys in the Reserve Account will be used only to pay principal and interest on the Bonds, and only in the event that the Net Operating Revenues and monies in the Redemption Fund are insufficient to pay Bond principal and interest when due.

If earnings on the Redemption Fund and the Reserve Account are not retained in that fund, the earnings shall be deposited in the Sewage Disposal Fund. Any surplus remaining in the Reserve Account after all Bonds have been paid shall be deposited in the Sewage Disposal Fund.

- h. General Covenants. The City hereby covenants and agrees with the holders and owners of all outstanding Bonds as follows:
- (1) That it will charge fees in connection with the operation of the Sewerage Facilities which are projected to generate Net Operating Revenues at least equal to 1.30 times the amount required in any fiscal year to pay all Bond principal and interest maturing in that fiscal year. If the Net Operating Revenues fail to meet this level, the City shall promptly increase its fees to a level so that Net Operating Revenues are projected to meet the required level.
 - (2) That it will, to the extent the Net Operating Revenues are sufficient, promptly cause the principal and interest on the Bonds to be paid as they become due.
 - (3) That it will maintain complete books and records relating to the operation of the Sewerage Facilities, the Sewage Disposal Fund, the Construction Fund, the Redemption Fund and the Reserve Account, and the City's financial affairs, and will cause such books and records to be audited annually at the end of each fiscal year, and an audit report prepared and made available for the inspection of Bondholders.
 - (4) That it has not, and will not, issue Bonds or other obligations having a claim superior to the claim of the Bonds upon the Net Operating Revenues.
- i. Sale of Bonds to the Department of Environmental Quality. The Public Works Administrator is authorized to execute the Bond Purchase Agreement on behalf of the City. Upon execution the Bond

Purchase Agreement shall constitute a contract between the City and the Department of Environmental Quality. The City shall abide by all of the conditions, and shall perform all of its obligations contained in the Bond Purchase Agreement. In the event that the Department of Environmental Quality submits the most favorable bid for the purchase of the Series 1982 Bonds:

- (1) The City may sell the Series 1982 Bonds to the Department of Environmental Quality in accordance with the provisions of this Ordinance and the Bond Purchase Agreement.
- (2) The Series 1982 Bonds may be registered as a single bond, may be in installment form, may be dated with the date of delivery and may be typewritten.
- (3) At the request of the Department of Environmental Quality, and at the expense of the City, the Series 1982 Bonds shall be converted to printed coupon bearer Bonds, in denominations of not less than \$5,000.
- (4) The City shall promptly provide the Department with a copy of the audit report referred to in paragraph h(3), above, each year.
- (5) The Department of Environmental Quality is granted a security interest in the Net Operating Revenues and the Sewage Disposal Fund. The Auditor is authorized to execute appropriate Uniform Commercial Code financing statements on behalf of the City, and is instructed to notify the Department of Environmental Quality prior to the time continuation statements must be filed as required by law.
- (6) If all Series 1982 Bond proceeds are not expended for Project and Bond issuance costs, the City will not expend the remaining proceeds without the consent of the Department of Environmental Quality.
- (7) If the City receives Federal grant funds applicable to the Project, the City will

promptly apply such funds to the prepayment of the Series 1982 Bonds.

- (8) The Department of Environmental Quality shall have the following remedies upon default:
- (i) upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant, assurance or agreement contained in the Bonds, this Ordinance or the Bond Purchase Agreement, or in the instruments incidental thereto, the Department of Environmental Quality at its option may (a) for the account of the City incur and pay reasonable expenses for repair, maintenance and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default; (b) take possession of the facility, repair, maintain and operate or rent it; (c) utilize any available, equitable or special remedies pursuant to law; (d) a combination of (a), (b) or (c); default under the provisions of the Bonds, this Ordinance, the Bond Purchase Agreement or any instrument incidental thereto may be construed by the Department of Environmental Quality to constitute default under any other instrument held by the Department of Environmental Quality and executed or assumed by the City and default under any such instrument may be construed by the Department of Environmental Quality to constitute a default under this Ordinance and the Bond Purchase Agreement.
 - (ii) If the City fails to pay principal or interest on any Series 1982 Bonds when due, the Department of Environmental Quality may specify legally permissible actions to be taken by the City to remedy such default and prevent future default. If the City fails to commence implementation of such actions within 60 days after the City receives written

notice from the Department of Environmental Quality specifying the actions to be taken, the Department of Environmental Quality may declare the principal of all outstanding Series 1982 Bonds immediately due and payable.

- j. Parity Bonds. The City may issue Parity Bonds to provide funds to finance the construction of new Sewerage Facilities, the repair and improvement of existing Sewerage Facilities, or the refunding of outstanding Bonds, upon the following conditions:
- (1) That at the time of the issuance of the Parity Bonds there is no deficiency in the Redemption Fund or the Reserve Account;
 - (2) The Ordinance authorizing the issuance of the Parity Bonds requires that a deposit be made at closing sufficient to bring the balance in the Reserve Account equal to the maximum annual debt service on all outstanding Bonds, including the proposed Parity Bonds.
 - (3) The Ordinance authorizing the issuance of the Parity Bonds contains a covenant of the City requiring the City to charge fees projected to generate Net Operating Revenues at least equal to 1.30 times the amount required in any fiscal year to pay all Bond principal and interest maturing in that fiscal year.
 - (4) Prior to the issuance of Parity Bond the City shall file in the auditor's office and with the Department of Environmental Quality, if it holds any Bonds, a city auditor's certificate that the Net Operating Revenues in each fiscal year in which the proposed Parity Bonds will be outstanding, are estimated to be at least 1.30 times the average annual debt service on all Bonds, including the proposed Parity Bonds.
- k. Amendment of Ordinance. This Ordinance may be amended without the consent of any Bondholders for any one or more of the following purposes:

- (1) To add to the covenants and agreements of the City in this Ordinance any other covenants and agreements thereafter to be observed by the City, or to surrender any right or power herein reserved to or conferred upon the City;
- (2) To cure any ambiguity or formal defect contained in this Ordinance or the attached Bond Purchase Agreement, if that cure does not, in the judgment of the Council, adversely affect the interests of the bondholders.
- (3) This Ordinance may be amended for any other purpose upon consent of not less than 65% in aggregate principal amount of the Bonds outstanding; provided, however, that no amendment shall be valid which:
 - (a) Extends the maturity of any Bond, reduces the rate of interest upon any Bond, extends the time of payment of interest on any Bond, reduces the amount of principal payable on any Bond, or reduces any premium payable on any Bond, without the consent of the affected bondholder; or
 - (b) Reduces the percent of bondholders required to approve amendatory ordinances.

Section 2. Sale of Series 1982 Bonds. The Series 1982 Bonds shall be sold at the time and upon the terms described in this Ordinance, and the notice of bond sale which is attached as Exhibit "B". The notice of bond sale shall be published in the Daily Bond Buyer in New York City at least twenty days prior to the sale date, and shall be published in the Daily Journal of Commerce in Portland, Oregon, two times, with the first publication being not more than twenty-five nor less than fifteen days prior to the sale, and the second publication being not more than fourteen nor less than eight days prior to the sale.

ORDINANCE No.

The City Council may award the sale of the Bonds to the successful bidder by resolution, and it may authorize in that resolution any acts necessary to permit the issuance, sale and delivery of the Series 1982 Bonds in accordance with this Ordinance.

Passed by the Council,

Mayor of the City of Portland

Attest:

Auditor of the City of Portland

Page No.

CHARTER
CITY OF PORTLAND, OREGON

ARTICLE 2. FINANCING OF REVENUE PRODUCING FACILITIES

Section 12-201. Revenue Bonds. For financing the acquisition of any public utility operating or to be operated within city jurisdiction, or of utility plant or property used or useful in connection with operation within the city, or for the construction, establishment or betterment of a facility inside or outside the city owned or to be owned by the city, and producing or intended to produce revenue, the city may issue and sell interest bearing revenue bonds. Revenue bonds shall not be a general liability of the city and shall be paid solely from the revenues derived from the facility and other pledged facilities or from the rental, lease or sale thereof. The council may secure these bonds by mortgage or similar encumbrance upon the plant and property, may pledge the revenues thereof and revenues from similar facilities, and may agree in the bond that the rates and charges shall be fixed at specific, general or minimum amounts. Issuance of the bonds shall be pursuant to ordinance which shall be subject to referendum. The bonds shall be issued and sold the same as other bonds may be used for the cost of advertising, bond issuance and sale, legal fees and costs, planning, engineering, inspection, administrative costs, the acquisition by any lawful means of plant and property, real or personal, and interests in land and structures, construction, reconstruction, remodeling, equipment betterment, additions to and supply of the particular facility, and related matters. (New sec. Nov. 8, 1966).

Section 11-302. Service Charges. For all purposes relating to design, construction, acquisition, operation, maintenance and contract requirements of sewage treatment or purification facilities and related facilities, the city may fix fees and charges for connection or use or both of sewers and sewage purification or disposal systems to be paid by property which is served or is capable of being served for use of the sewage disposal system. Sewer user service charges may be collected by the water bureau which shall be compensated for such service as determined by the council. The city may establish procedures for collection and may provide for penalties, interest and costs. The city may establish requirements and impose regulations as it find appropriate. Sewer user service charges shall be paid for all premises connected with city sewers, directly or indirectly, notwithstanding that such premises may have been assessed under local improvement assessment procedures or may have otherwise paid for sewers.

The city may enter into contracts relating to sewage disposal, treatment or purification or all such functions. The city may impose charges for sewage transportation, disposal treatment or purification or any or all such functions, on property outside the

city served through city facilities, at rates no less than those imposed for similar service inside the city to similar classifications.

Proceeds of such charges shall be placed in the Sewage Disposal Fund, and may be expended for any matter connected with the sewer or sewage disposal or treatment system of the city, and bonded debt and debt service related thereto. (Added Nov. 8, 1938 sec. 347; recod. 1942 9-604; new sec. 9-606 Nov. 8, 1960; rev. Nov. 8, 1966 as sec. 11-302; am. May 26, 1970).

Section 11-303. Use of Sewers. The council may require any property located within 100 feet of a right of way in which there is a city sewer to connect to that sewer.

The council may prohibit discharge of sewage or harmful matter or impurities into any stream or river within the city. This prohibition may extend to any source whatever, including ships, houseboats and water craft of all kinds. These sources may be required to connect to the city's sewer system when physically possible, or otherwise to construct and use a prescribed sewage or waste disposal system.

To facilitate sewage treatment and protect the city's sewage facilities, the city may limit the classes or kinds of sewage that may be discharged or may continue to be discharged into public sewers, may prohibit discharge of wastes other than domestic sanitary sewage into public sewers or facilities, and may require private pretreatment before discharge, upon terms fixed by the city engineer. (new sec. Nov. 8, 1966).

RATE ORDINANCE 151606 - EFFECTIVE JULY 1, 1981

An Ordinance amending Chapters 17.36 and 17.32 of the Code of the City to implement sewage rate increases recommended in the 1981 Sewage Disposal Fund Rate Study, authorizing an extra-strength class charge method, making housekeeping changes in the language of the Code, and setting an effective date.

The City of Portland ordains:

Section 1. The Council finds:

1. The Public Works Administrator has submitted the biennial Sewage Disposal Fund Rate Study for 1981, which reports the increased sewer user rates and charges needed to operate and maintain the sewage disposal system for fiscal years 1981/82 and 1982/83.
2. The recommended rates are consistent with the philosophy developed and used in the 1977 Rate Study, and also meet the requirements of the Federal Environmental Protection Agency to charge all users in proportion to their use of the system.
3. The extra-strength class charge method recommended is necessary to allow charging certain groups of commercial or industrial users their share of costs where individual sampling would be impractical.

NOW, THEREFORE, the Council directs:

- a. That the Code of the City, Chapter 17.36, Section 17.36.010, Subsection (3) Table 1, be amended to read as follows:

(3) Table 1. Sewer user service charges and rates:

	Effective <u>7-1-81</u>	Effective <u>7-1-82</u>
DWELLINGS	Flat Rate Monthly Charge	
Single Family Homes	<u>\$4.90</u>	<u>\$5.75</u>
Multiple Dwellings, per unit	<u>3.40</u>	<u>3.75</u>
Senior Citizen Dwellings, per unit	<u>3.10</u>	<u>3.35</u>

Table 1, continued.

	Effective 7-1-81	Effective 7-1-82
COMMERCIAL & INDUSTRIAL		
Base Charge, per bill		
Monthly Accounts	<u>\$3.00</u>	<u>\$3.10</u>
Quarterly Accounts	<u>4.40</u>	<u>4.60</u>
	Rate per 100 cubic feet of Water Consumption	
Volume Rate*	<u>\$0.426</u>	<u>\$0.527</u>
Cooling Water Rates		
Clean water discharged directly or indirectly to a combined sewer	<u>0.256</u>	<u>0.315</u>
Clean water discharged to a storm sewer not connected to a combined sewer	0.020	0.020
<u>Special Meter Charge</u> <u>per bill</u>	<u>\$9.00</u>	<u>\$9.30</u>
Stormwater Impervious Area Rate	<u>\$0.748</u>	<u>\$0.906</u>

COMMERCIAL/INDUSTRIAL
MINIMUM CHARGES

METER SIZE	MONTHLY MINIMUM CHARGE
3/4" or less	\$ 3.50
1"	6.00
1½"	10.50
2"	16.50
3" <u>or over</u>	32.00

Unmetered water lines shall be assumed to have a meter sized to correspond most nearly with the I.D. of the supply.

*See Section 17.36.040 for possible credits to metered water consumption.

- b. That Section 17.36.010, Subsection (2), paragraph B, be amended by modifying the table therein to read as follows:

Impervious Area in Square Feet	<u>Area Charged in Square Feet</u>
Less than 500	<u>None</u>
500 to 1,500	<u>1,500</u>
1,501 to 3,000	<u>3,000</u>
3,001 to 5,000	<u>5,000</u>
5,001 to 7,500	<u>7,500</u>
7,501 to 10,000	<u>10,000</u>

- c. That Section 17.36.010, Subsection (4), be amended by changing the table therein to read as follows:

	<u>Effective 7/1/81</u>	<u>Effective 7/1/82</u>
Single family homes	<u>\$7.35</u>	<u>\$8.62</u>
Multiple dwellings, per unit	<u>5.10</u>	<u>5.62</u>
Senior citizen dwellings, per unit	<u>4.65</u>	<u>5.02</u>

- D. That Section 17.36.010, Subsection (1), Paragraph C be amended to read as follows:

C. Combined dwelling units and other: Where both dwelling units and other occupancies are combined on the same water supply, the charges for sanitary sewage shall be at the dwelling unit rate required in paragraph A with additional charges based on water consumption as required in B, but the amount of water consumption used as the basis of the volume charge under B shall be reduced by an allowance of 500 cubic feet per month per dwelling unit. The lowest charge shall be equal to the number of dwelling units charged at the dwelling unit rate or it shall be the minimum charge based on the meter size, whichever is the larger.

- e. That Section 17.36.020, Subsection (1), be amended by changing Table 2 to read as follows:

TABLE 2

Occupancy	Number Per Equivalent Dwelling Unit
Single Family Home	1
Multiple Family Dwellings	1.25 units
Motels and Transient Hotels	2 Rental Spaces
Trailer and Mobile Home Parks	1 Rental Space
High Schools	10 Students
Elementary Schools	15 Students
Restaurants	6 Seating Spaces
Hospitals and Institutions	2 Beds
Commercial and Industrial buildings (without industrial wastes)	9 Employees
Buildings with industrial and other wastes	1000 Cubic Ft. Per Month

- f. That Section 17.36.020, Subsection (2), Paragraphs A and B, be amended to read as follows:

(2) Direct connection and intermediate service charges.

A. An owner desiring sewer connection and service by a private line or house branch directly to an existing public sewer of any size under city control, when the cost of such public sewer was not contributed to on behalf of applicant's property by assessment for direct service or its equivalent, shall pay a direct connection charge as given in the Table below.

Lots up to 50 feet of frontage shall be charged as 50 ft. lots. Lots over 50 feet charged as 50 ft. plus 10 percent for each whole 5 feet additional frontage up to a maximum of 100 feet per equivalent dwelling unit. Front footage shall be considered equal to one percent of the lot area within 100 feet of the street or easement line of the sewer. Such street or easement line shall be considered as continuing 100 feet beyond the end of the sewer or beyond where the sewer turns away from the property.

B. An owner desiring sewer connection and service directly or indirectly through a public sewer under city control which was paid for by assessment or its equivalent and was not contributed to on behalf of applicant's property, if such sewer in any part of its length exceeds eight inches in diameter, shall pay a charge for such intermediate service as given in the Table below.

Lots over 5,000 square feet shall be charged as 5,000 plus 10 percent for each whole 500 square feet additional area up to a maximum of 10,000 square feet per equivalent dwelling unit.

TABLE

<u>DIRECT CONNECTION CHARGE</u>	<u>PER 50 FT FRONTAGE</u>
<u>Inside City</u>	<u>\$1000</u>
<u>Outside City</u>	<u>1500</u>
<u>INTERMEDIATE SERVICE CHARGE</u>	<u>PER 5,000 SQ. FT. LOT</u>
<u>Inside City</u>	<u>\$ 150</u>
<u>Outside City</u>	<u>225</u>

- g. That Section 17.36.020, Subsection (3) Paragraph A shall be amended to read as follows:

(3) A. Major facilities equalization charge. The major facilities equalization charge is a fee or charge for connection and use, or increased usage, of sewers and sewage purification systems to be used in connection with the design, construction, acquisition, operation, maintenance, and discharge of contract requirements of the city of Portland for sewage treatment, disposal and purification. An owner desiring to connect a building to a sewer, or to increase the sewer usage by alteration, expansion, improvement, or conversion of a building already connected to the sewer causing an increase in equivalent dwelling units, as defined above, shall pay the charge as follows:

TABLE

	<u>Effective</u> <u>7/1/81</u>	<u>Effective</u> <u>7/1/82</u>
<u>Inside City, per equivalent dwelling unit</u>	<u>\$ 575</u>	<u>\$ 620</u>
<u>Outside City, per equivalent dwelling unit</u>	<u>\$1150</u>	<u>\$1240</u>

Except as noted in the Table above, or when modified by the Council, the major facilities equalization charge shall be increased \$25 per equivalent dwelling unit per fiscal year for connection or increased usage inside the city of Portland and \$50 per equivalent dwelling unit per fiscal year for connection or increased usage outside the city of Portland.

- h. That Section 17.36.020, Subsection (3), Paragraph C be amended to read as follows:

"C. Credit for prior sewer user charge payments. When a property owner, where sanitary sewer user charges have been paid for his building for several years, desires to connect the building to a sanitary sewer, he shall have a credit of \$10.00 per equivalent dwelling unit for each year of such prior user charge payments since 1949 to apply toward the major facilities equalization charge. For buildings that would have been eligible for credit as specified above, but that have been wrecked or otherwise removed within the time limits given in Table 4 without having been connected to a sewer, the credit for each equivalent dwelling unit, as calculated above, shall be reduced by the difference in the rate for the major facilities equalization charge from the date such unit was removed to the date of replacement."

- i. That Section 17.36.020 be amended to add Subsection (7) to read as follows:

(7) When the owner of property is subject to an extra-strength class charge, he may request the city to install a sampling manhole on the house branch, providing he agrees to pay the cost of the manhole plus 15% for engineering and administration.

- j. Section 17.36.025, Subsections (1) and (2) shall be amended to read as follows:

17.36.025 Stormwater impervious area development charge. The stormwater impervious area development charge is a fee or charge for new construction or expansion of the impervious area of a property within the city, and shall be collected upon application for a building permit at the rates shown in the following Table:

TABLE

<u>Single Family Homes</u>	<u>\$35.00</u>
<u>Commercial and Multiple Family properties, per 1000 sq. ft.</u>	<u>22.00</u>

However, when the new building takes the place of a structure or impervious area that has existed in the last five years, or does not add more than 500 square feet, or is in an area exempted by this chapter from the stormwater impervious area charge, no development charge shall apply.

k. That Section 17.36.040, Subsection (4) be amended to read as follows:

(4) Prior to installation of any meter, for the purpose of obtaining reduced sewer charges, the owner shall submit for approval by the city engineer a mechanical plan showing the proposed meter location, access route to the meter, the water supply or source, the cooling or other water using equipment, and the discharge point. No reduced sewer user rate or charge shall be given until the city engineer has approved the plans and the installation. When the cooling water or product water comes from a supply used for other purposes and a meter or other method of determining the volume so used is installed as above, the administrative or special meter charge for each such meter shall be as given in Table 1, Section 17.36.010. All meters used to obtain a reduced sewer user charge shall conform to the provisions of section 17.36.050.

ORDINANCE No.

1. That Section 17.32.140, Subsection (d) Table 1 be amended to read as follows:

(d) Table 1: Extra-Strength Rate Schedule:

	<u>Effective</u> <u>7/1/81</u>	<u>Effective</u> <u>7/1/82</u>
	<u>Composite Rates</u>	
BOD, per pound	\$0.089	\$0.105
Suspended Solids, per pound	<u>0.054</u>	<u>0.066</u>
	<u>Peak Rates</u>	
BOD, per pound	0.020	0.020
Suspended Solids, per pound	0.013	0.013

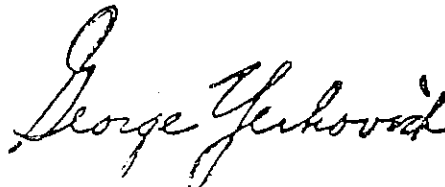
Section 2. The effective date for this ordinance shall be July 1, 1981.

Passed by the Council,

MAY 21 1981

Commissioner Mike Lindberg
April 17, 1981
R.L. Houston:ms

Attest:



Auditor of the City of Portland

PRELIMINARY OFFICIAL STATEMENT

Dated: November 10, 1981

NEW ISSUE

In the opinion of the Bond Counsel, interest on the Bonds is exempt from Federal income tax under current Federal law, and additionally is exempt from Oregon personal income taxation under current state laws.

\$5,000,000
CITY OF PORTLAND, OREGON
Multnomah County
SEWER REVENUE BONDS
SERIES 1982

Dated: February 1, 1982

Due: As shown below

The Bonds are not general obligations of the City of Portland. They are valid and binding obligations of the City, payable pursuant to authority of City Charter Section 12-201 and provisions of the bond sale ordinance solely from revenues of the Sewage Disposal Fund.

The Bonds are issued as serial coupon bonds in denominations of \$5,000. Principal and semi-annual interest (commencing August 1, 1982 and each February 1 and August 1 thereafter) will be payable at the office of the City Treasurer, Portland, Oregon.

MATURITY SCHEDULE

<u>Maturity Dates</u>	<u>Principal Amount</u>	<u>Coupon Interest Rate</u>	<u>Yield or Price</u>	<u>Maturity Dates</u>	<u>Principal Amount</u>	<u>Coupon Interest Rate</u>	<u>Yield or Price</u>
August 1, 1983	\$ 50,000			August 1, 1993	\$300,000		
August 1, 1984	50,000			August 1, 1994	300,000		
August 1, 1985	100,000			August 1, 1995	350,000		
August 1, 1986	150,000			August 1, 1996	350,000		
August 1, 1987	200,000			August 1, 1997	350,000		
August 1, 1988	250,000			August 1, 1998	350,000		
August 1, 1989	250,000			August 1, 1999	350,000		
August 1, 1990	250,000			August 1, 2000	400,000		
August 1, 1991	250,000			August 1, 2001	400,000		
August 1, 1992	300,000						

The bonds will be awarded pursuant to competitive bidding to be held on January 20, 1982, as set forth in the Official Notice of Sale dated December 28, 1981. The Bonds are offered when, as and if issued and received by the purchasers, subject to the approval as to their legality by Rankin, McMurry, VavRosky & Doherty, Portland, Oregon, Bond Counsel. It is anticipated that the Bonds, in definitive form, will be available for delivery on or about February 1, 1982 in the city of Portland, Oregon.

Sealed bids for the Bonds will be received by the City in the Offices of the Auditor, City of Portland, Room 202, City Hall, Portland, Oregon, until 11:00 a.m. Pacific Time on January 20, 1982, pursuant to the Official Notice of Sale dated December 28, 1981.

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NOTICE OF BOND SALE
\$5,000,000
CITY OF PORTLAND, OREGON
SEWERAGE FACILITIES REVENUE BONDS
SERIES 1982

TIME AND PLACE OF SALE

Sealed bids will be received for the purchase of this bond issue at the office of the City Auditor, 1220 S.W. Fifth Avenue, Portland, Oregon 97204 until 11:00 a.m., Pacific Standard Time on January 20, 1982. Immediately thereafter the bids will be publicly opened and announced, and within four hours thereafter the City Council will meet to act upon the bids.

DESCRIPTION OF BONDS

The bonds will be negotiable coupon bonds of the city in the principal amount of \$5,000,000, dated February 1, 1982, in denominations of \$5,000 each, numbered 1 to 1000, and will mature serially in numerical order on the 1st day of August of each year as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
1983	\$ 50,000	1993	\$300,000
1984	50,000	1994	300,000
1985	100,000	1995	350,000
1986	150,000	1996	350,000
1987	200,000	1997	350,000
1988	250,000	1998	350,000
1989	250,000	1999	350,000
1990	250,000	2000	400,000
1991	250,000	2001	400,000
1992	300,000		

REDEMPTION

Bonds will be redeemable at the option of the city on any date, at par plus interest accrued to the date fixed for redemption.

INTEREST RATE

The bonds will bear interest payable semiannually on February 1 and August 1 at such rate or rates, in multiples of one-eighth (1/8) or one-twentieth (1/20) of one percent (1%), as specified by the successful bidder, but not exceeding a net effective rate of 8.0 percent per annum. The bonds shall have but one coupon for the interest due on any interest payment date, no bond shall bear more than one rate of interest, and supplemental coupons will not be permitted.

DEPARTMENT OF ENVIRONMENTAL QUALITY

The Department of Environmental Quality is expected to submit a bid to purchase the Bonds at a net effective interest rate of not more than 8.0 percent per annum. If the Bonds are sold to the Department of Environmental Quality they may be in registered, installment form.

AWARD OF BONDS

Bonds will not be sold for less than par value and the full amount of accrued interest. The city reserves the right to reject any or all bids. Unless all bids are rejected, the bonds will be awarded to the responsible bidder complying with the terms of this notice of bond sale and submitting the bid which, if none of the bonds are called for redemption prior to final maturity date, provides the lowest net effective interest rate and the lowest net interest cost to the city. Each bidder shall include in its bid a statement of the net interest cost and the net effective interest rate if its bid is accepted, but this statement shall not be deemed to be a part of the bid.

GOOD FAITH DEPOSIT; FORM OF BID

Each bid must be unconditional, and must be for the purchase of all bonds herein described. Each bid must be accompanied by a certified check or cashier's check in favor of the city, of or upon a bank doing business in the State of Oregon, in the sum of \$100,000, and should be enclosed in a sealed envelope marked "Proposal for Bonds." No interest will be allowed on the deposit with the bid, and the check of the successful bidder will be retained as part payment for the bonds or to secure the city against any loss resulting from failure of the bidder to comply with the terms of its bid.

LEGAL OPINION

The successful bidder will be furnished, without cost, with the approving opinion of the law firm of Rankin, McMurry, Vavrosky & Doherty of Portland, Oregon, to the effect that the bonds are valid and legally binding special obligations of the city, that are payable solely from the Net Operating Revenues of the City's Sewerage Facilities, as provided in Ordinance No. _____, and that the interest on the bonds is exempt from all present federal income taxes and present State of Oregon personal income taxes. The legal opinion will be reproduced on each bond.

DELIVERY OF BONDS; NO LITIGATION

The bonds will be delivered complete without undue delay at the expense of the city in Portland, Oregon, or in such other place as designated by the successful bidder and at the expense of the bidder. Settlement must be in funds immediately available to the city at the time and place of closing.

The successful bidder will be provided with the usual closing documents, including a nonlitigation certificate.

PAYMENT

Both the principal of and the interest on the bonds will be paid at the office of the City Treasurer in Portland, Oregon.

CUSIP NUMBERS

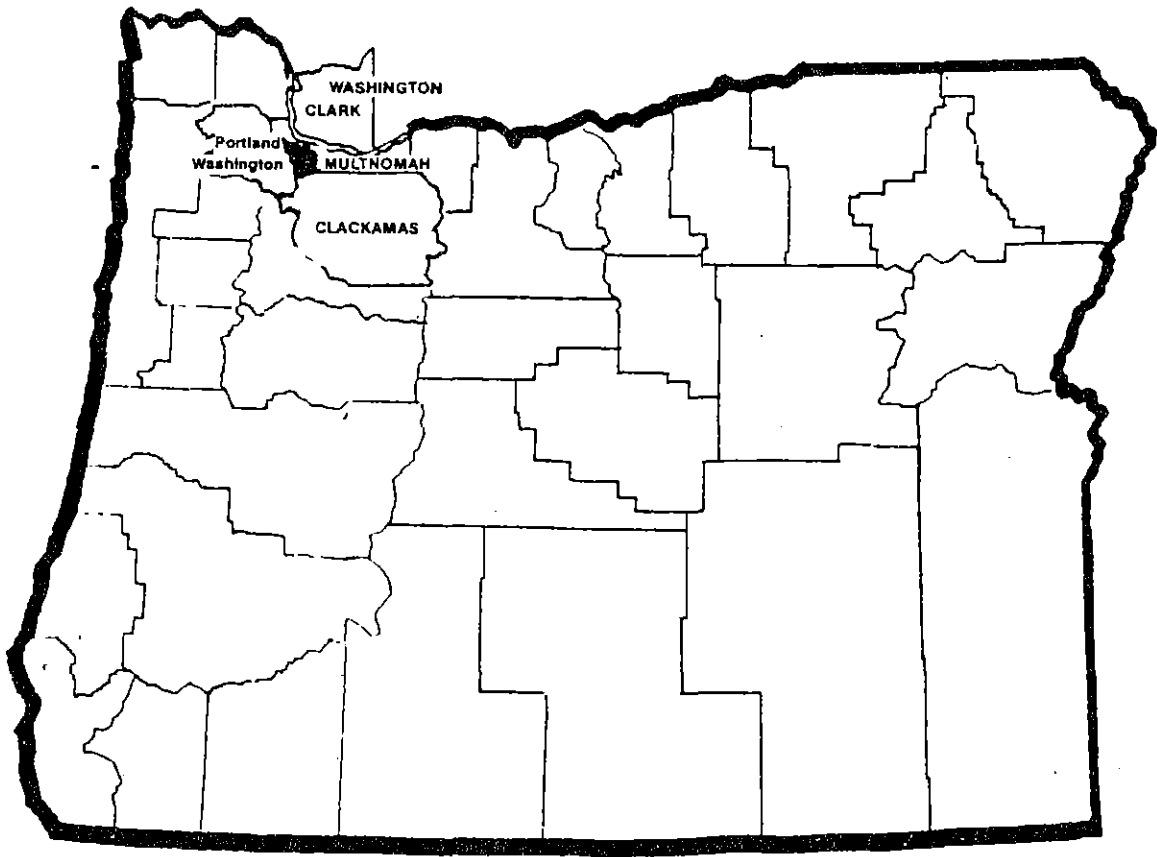
It is anticipated that CUSIP numbers will be printed on the bonds, but neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser to accept delivery and pay for the bonds. The expense of CUSIP registration and printing will be paid by the city.

ADDITIONAL INFORMATION

Copies of the preliminary official statement for this bond issue may be obtained upon request from Moore, Breithaupt and Associates, 1565 Kathy Street South, Salem, Oregon 97302, telephone (503) 364-9326.

GEORGE YERKOVICH
CITY AUDITOR
CITY OF PORTLAND

STATE OF OREGON



LOCATOR MAP:
PORTLAND, OREGON

THE BONDS

Description

City of Portland, Multnomah County, Oregon, Sewer Revenue Bonds, Series D.

Amount of Offering

\$5,000,000

Purpose

Bond proceeds will be used to pay part of the costs for sewage sludge drying and dewatering facilities being added to the City's sewage treatment plant.

Date of Issue

February 1, 1982

Denominations

\$5,000

Interest Payments

Interest will be paid on August 1, 1982, and semi-annually thereafter each February 1 and August 1.

Maturities

MATURITY SCHEDULE

<u>Maturity Date</u>	<u>Principal</u>	<u>Maturity Date</u>	<u>Principal</u>
August 1, 1983	\$ 50,000	August 1, 1993	\$300,000
August 1, 1984	50,000	August 1, 1994	300,000
August 1, 1985	100,000	August 1, 1995	350,000
August 1, 1986	150,000	August 1, 1996	350,000
August 1, 1987	200,000	August 1, 1997	350,000
August 1, 1988	250,000	August 1, 1998	350,000
August 1, 1989	250,000	August 1, 1999	350,000
August 1, 1990	250,000	August 1, 2000	400,000
August 1, 1991	250,000	August 1, 2001	400,000
August 1, 1992	300,000		

Average Life

12.1 Years

Bond Form

The Bonds are issued in bearer form with coupons attached.

Paying Agent

The Bonds and interest are payable at the Office of the Treasurer, City of Portland, Oregon.

Redemption

Bonds may be redeemed at the option of the City on any date at par plus accrued interest to the date of redemption.

Security

These Bonds constitute, in the opinion of Bond Counsel, valid and binding obligations of the City of Portland's payable pursuant to provisions of Section 12-201 of the City Charter, which authorizes the pledging of revenues from the sewer utility for payment of principal and interest on revenue bonds. The City, through passage of the bond sale ordinance, has pledged such revenues from the Sewage Disposal Fund. Five-year projections of revenues and expenditures indicate that annual net operating revenue within the Sewage Disposal Fund will be considerably more than the required minimum ratio of 1.3 times the highest annual debt service of these bonds and of any subsequent issues of parity bonds planned for sale within the next five years. In addition to maintaining a coverage ratio of net operating revenue at least 1.3 times annual debt service requirements, the City has also agreed to carry within a Reserve Account in a debt service fund (Sewage Disposal Debt Redemption Fund) a sum equal to the highest annual debt service on these and any subsequent parity bonds. It has also agreed to make monthly payments from operating income to the debt service fund to permit payment of all debt service requirements from such operating income.

The Council may adjust sewer fees, rates and charges to meet operating, capital and debt service costs of the sewer utility. For full discussion of the financing of the sewer utility and tables relating to projections of net operating income available for debt service, see narrative and tables beginning on page 5.

The Bonds are not general obligations of the City, but are payable solely from sewer revenues.

Application of Bond Proceeds

The purpose of this bond issue is to bring about construction of a sewage sludge dewatering and drying facility to be added to the City's existing sewage disposal treatment plant on North Columbia Boulevard. Construction of these new sludge facilities will replace existing less-efficient dewatering equipment as well as add new drying processes. When complete, these facilities will produce a dried, disinfected, sludge product containing 25% moisture as compared to the current production of a wet 84% moisture content sludge cake.

Several important improvements will be realized through the construction of these facilities.

1. Short and mid-term operational cost savings will be realized through a significant reduction in both volume and weight of sludge now disposed of in the regional landfill. Based on landfill rates currently in effect, annual operating cost savings will approach \$614,000.
2. Desirable handling characteristics of dried sludge will enhance the City's efforts to establish a long-term market for the use of sludge as a soil conditioner and fertilizer. Alternately, dried sludge may possibly be used as a low-grade fuel within a regional industrial process.

From the gross bond sale proceeds of \$5 million, the amount of \$582,050 is to be transferred to the Reserve Account within the Sewage Disposal Debt Redemption Fund to meet the anticipated highest annual debt service requirement of like amount in 1988. The remainder, net proceeds of \$4,417,950, will be supplemented by \$2,468,050 from cash reserves within the Sewage Disposal Fund to meet the total project cost of \$7,468,050.

Table 1
Summary of Estimated Project Costs
Portland Sludge Dewatering Facilities

Construction contracts	\$5,394,000
Engineering design & inspection	758,000
Legal & fiscal services	15,000
Project administration	180,000
Bond reserve account	582,050
Contingencies	539,000
Total	\$7,468,050

Additional and Parity Bonds

The last maturity of an existing sewer revenue parity bond issue, amounting to \$630,000 in principal, will be retired as of April 1, 1982.

Additional bonds payable from revenues of the sewer utility may be issued on a parity basis with these Series 1982 Bonds provided that: (1) at the time of issuance there is no deficiency in the Sewage Disposal Debt Redemption Fund or its Reserve Account; (2) a deposit or transfer of funds is made sufficient to bring the balance in the Reserve Account equal to the maximum annual debt service on all outstanding bonds, including the proposed parity bonds; (3) the City agrees to continue sewer rates and fees at a level sufficient to permit net operating income to be at least 1.3 times the highest annual debt service on all bonds; and (4) the City Auditor certifies the validity of net operating revenues meeting the 1.30 ratio.

There is no provision for issuance of bonds either senior to or junior to the lien of these Series D Bonds and the outstanding Series B and C.

Tax Exemption

In the opinion of bond counsel, interest on the bonds is exempt from present federal income taxes and from present State of Oregon personal income taxes.

Legal Opinion

The approving opinion of Rankin, McMurry, Vavrosky & Doherty, Attorneys at Law, of Portland, Oregon, will be provided at no cost to the purchaser and will be printed on the bonds at the expense of the City.

The statements of law and legal conclusions set forth in this Official Statement under the heading "The Bonds" have been reviewed by bond counsel. Bond counsel's employment is limited to a review of the legal procedures required for issuance of the bonds and to the rendering of an opinion as to the validity of the bonds and the exemption of interest on the bonds from income taxation.

Closing Documents

At the time of payment for and delivery of the bonds, and in addition to customary closing documents, the City will furnish the following documents to the successful bidder:

- Non-Litigation Certificate: A certificate that there is no litigation pending affecting the validity of the bonds.
- Certificate Concerning Official Statement: A certificate, signed by the City Auditor, to the effect that to the best of his knowledge and belief, and after reasonable investigation, (a) neither the Official Statement nor any amendment or supplement thereto contains any untrue statement of a material fact or omits to state any material fact necessary to make the statements therein, in light of the circumstances in which they were made, not misleading; (b) since the date of the Official Statement no event has occurred which should have been so set forth in an amendment or supplement which has not been so set forth; and (c) there has been no material adverse change in the operations or financial affairs of the City since the date of this Official Statement.
- Certificate Concerning Limits on Issuance: A certificate by the City Auditor attesting to the fact that the stipulations as to adequate Sinking Fund balance and sufficiency of the latest current tax levy permit sale of the Bonds..

CITY ORGANIZATION AND FINANCIAL INFORMATION

City of Portland Government

The City of Portland was incorporated in 1851 and has operated under a modified commission form of government since 1913.

The non-partisan City Council is composed of the Mayor and four Commissioners elected to four-year overlapping terms. Each performs legislative and administrative functions and heads one of the five operating departments of the City — Department of Finance and Administration, Department of Public Affairs, Department of Public Safety, Department of Public Utilities and Department of Public Works.

Two semi-autonomous commissions also administer certain City functions.

The Portland Development Commission administers the Department of Development and Civic Promotion. The Department's primary responsibility and activity is the urban renewal and redevelopment function of the City. The Commission is composed of five non-salaried members appointed by the Mayor with approval by the City Council.

The Exposition-Recreation Commission administers the Department of Exposition and Recreation, which is responsible for developing, operating and maintaining facilities for expositions, recreation events and conventions. The Commission is composed of five non-salaried members also appointed by the Mayor with approval by the City Council.

A third semi-autonomous unit is a Board of Trustees which administers the Fire and Police Disability and Retirement Fund. The Board is composed of six members elected from and by covered employees and five members who are City officials. The Board has the authority to determine the amount of taxes to be levied to finance the City's portion of pension and disability payment requirements for firemen and police officers.

The position of the City Auditor, the accounting and clerical officer of the City, is elective. The City Attorney is appointed by the City Council.

The City employs approximately 4,000 permanent fulltime employees and up to an additional 3,725 seasonal, part-time and temporary personnel. Approximately 85 per cent of the permanent employees are represented by labor unions including the Teamsters Union and various units of the AFL-CIO. All union contracts includes a no-strike clause, and there has never been a strike by City of Portland employees.

SEWER UTILITY FINANCIAL DATA

Sewer System Funds

Financial operation and accounting for programs and facilities within the area of responsibility of the Bureau of Sanitary Engineering are through four separate funds. A brief description of these funds and their relationships follows:

Sewage Disposal Fund

This is the principal fund of the Bureau of Sanitary Engineering. It receives all revenues collected for operation of the sanitary sewerage collection and disposal system including user service charges and fees, licenses and permits, rents, reimbursements, investment interest and other miscellaneous receipts.

Expenditures are for operation, maintenance and capital outlays of the entire system, including such things as engineering and design costs, operating and maintenance costs, construction and administration. Authority for this fund and its operation are in City Code Section 5.04.160.

Sewage Construction Fund

The fund is a capital construction fund which receives money from proceeds of bond issues and any interest earned from investments on the bond proceeds. Money within the fund is used for capital facilities of the sewerage system and for creation of necessary debt service reserves, if required. Authority was established through Budget Ordinance No. 151799.

Sewer Disposal Debt Redemption Fund

Monies set aside from revenues received into the Sewage Disposal Fund are budgeted and transferred to this debt service fund for paying interest and principal on sewer revenue bonds. Monies, as necessary, may also be set aside from initial proceeds of a revenue bond sale to meet requirements for a specific size of balance or reserve within this fund. When such a reserve is required by specific covenant, it enters a specific segregated account within this fund known as the "Reserve Account." Authority for the fund is Ordinance No. 134237 dated March 22, 1972, and Section 7-203 of the City Charter.

Sewage Utilities Development Construction Fund

This fund is a capital construction fund into which proceeds of special assessment, General Obligation (Bancroft) improvement bonds are deposited. Such bonds are issued for construction of new or expanded sewage facilities which are of special benefit to properties served by the sewer system and against which special assessments and systems development charges are levied. Bond proceeds are spent directly from this fund or transferred as reimbursements to the Sewage Disposal Fund if construction is accomplished from that fund. Authority for this fund is in City Code Section 5.04.250 as added by Ordinance No. 147530 in April 1971.

Sewage Disposal Fund - Major Revenue Sources

Overview

An amendment to Section 11-302, Portland City Charter (see Appendix) approved by the voters in 1970 authorized the City Council to set rates and charges as necessary and to spend the money collected for all activities related to sewage disposal. In response, the Council established Portland's sewage disposal system as a self-supporting utility charged with planning, design, construction and operation of all sewage disposal facilities.

The primary source of revenue for the Sewage Disposal Fund is the sewer user service charge. All other charges are designed to equalize the costs between past users who built the system and new users who have not paid their share of the costs. A second major source of revenue for the past few years has been federal grants received to assist in financing construction of major sewage facilities such as treatment plants and interceptor sewers.

Revenues from all major sources for fiscal years 1980-81, 1981-82 and 1982-83 are listed in the following table.

Table 2
Major Sources of Revenue

Source	FY 80/81	Projection Revised 11/6/81	
	(Preliminary Audit Statement)	FY 81/82 (Latest Projection)	FY 82/83 (Latest Projection)
Sewer user charge	\$14,598,406	\$15,017,603	\$18,027,883
Major facilities equalization charge	1,208,565	1,625,684	1,072,083
Other connection charges	79,466	78,416	70,591
Contracts w/other cities	447,758	446,100	495,156
Engineering fees	328,505	401,400	876,000
Miscellaneous revenue	206,074	487,676	465,190
Federal grants	7,713,397	2,177,233	1,726,485
Net bond proceeds	0	4,505,803	10,413,976
Interest	1,410,790	1,196,012	1,357,067
Total	\$25,992,961	\$25,935,927	\$34,510,431

The relative shares of the projected sources of revenue in FY 1981-82 are shown in the following table. This table excludes the proceeds of this proposed bond issue.

Table 3
Relative Share Revenue Sources, FY 1981-82
(excluding bond proceeds)

Source	%
Sewer User Charge	70.07
Federal Grants	10.16
MFEC	7.59
Interest	5.58
Miscellaneous	2.28
Contracts with Cities	2.06
Engineering Fees	1.87
Other Connections Charges	.39
	<u>100.00%</u>

Description of Major Revenue Sources

Sewer User Service Charges

The sewer user service charge is the primary source of revenue for the Sewage Disposal Fund. In 1981-82, it is expected to generate about 15.0 million, or over 58% of the total resources for the fund--over 85% of operating income. With the expected decrease in federal grant funds available for the next few years, this source of revenue will represent an even greater portion of the total revenue received annually.

The sewer user service charges was first collected in 1940 to provide funds for a study of the needs of the sewer system. The rate first collected was only one-seventh of the water charge, or about 10 cents a month for a single-family home. After construction of the interceptor and sewage treatment system was begun in 1947, the rate was increased to one-third of the water charge. By 1961, the need for additional funds for construction and operation of the treatment plant and pump stations forced an increase of the rate to two-thirds of the water bill.

In 1970, in response to the nationwide concern about protecting the environment, the people of the City of Portland approved an amendment to the city charter to allow the Council to set sewer rates and charges as needed to provide funds to continue and complete the task of cleaning up the rivers and Columbia Slough. On the recommendation of the Department of Public Works, the Council changed the structure of the sewer user service charge and divorced the sewer rates from dependence on water rates. The new rates, effective in 1971, included a flat charge of \$3.00 a month for all dwelling units and a separate volume charge for commercial and industrial properties. Prior to July 1st of that year, the Council allowed a discount of one-half the residential charge to low income senior citizens.

By 1976, budget projections showed that revenues were not keeping up with expenses. In addition, the federal Environmental Protection Agency was beginning to question the rate structure of

the sewer user charge as not meeting EPA guidelines for fair and equitable rates. Therefore, the Bureau of Sanitary Engineering initiated an in-house sewer rate study to develop and recommend rates that would satisfy EPA and still meet the needs of the people of Portland. One of the results of that study was a philosophy or set of principles which would be used to guide that and future rate studies. This philosophy was used in the 1979 and 1981 rate studies.

The present rate philosophy assigns two major objectives for the sewer user service charge. First, it must equitably collect sufficient revenue from all sewer users to cover the costs of operation and maintenance of the sewage disposal system. Second, it must provide net capital funding through direct acquisition or debt retirement for those capital requirements not otherwise funded through grants or other fees and charges.

Major Facilities Equalitization Charge

The major facilities equalization charge (MFEC) was adopted in 1970. The rate is currently \$575 per equivalent dwelling unit and the revenue expected for 1981-82 is about \$1,625,000.

Although this charge was adopted as a revenue measure, the theory supporting the charge was, as suggested by the name, one of equalization. Prior to this time, the primary source of revenue used to construct the major facilities of the sewage system had been the sewer user charge. This charge was initiated to equalize the cost between the past users who had built the system (with their user charge payments) and the new user wishing to join the system. The method of calculating the rate for the MFEC reflects the theory behind the charge. As refined in 1979, the rate is based on three factors: (1) the depreciated replacement value of all major facilities; (2) the foregone interest earnings (on investment) of past sewer users; and (3) the total treatment capacity of the system in terms of equivalent dwelling units.

The rate is calculated as the sum of the depreciated replacement value plus foregone earnings, divided by the total equivalent dwelling units. By using replacement costs, the new user is paying approximately the same real dollar terms as was paid by past users. Using depreciated costs calculated on the estimated useful life of each facility ensures that the new user does not pay for that portion of a facility that has been worn out. Foregone interest earnings is included in the calculation on the assumption that there is a value associated with the potential earnings that the existing users have lost through their investment in major facilities larger than would have been needed at that time.

Based on this method of calculation, the rate for FY 1981-82 is \$575 per unit and the rate for FY 1982-83 will be \$620.00 per unit. Since 1971, the revenue from this charge has been used to partially offset the cost of facility construction through debt retirement, thereby reducing rate increases that might otherwise have been required.

Other Connection Charges

Direct connection charges for new users of the system who have not been assessed for a collector sewer are currently charged at the rate of \$1000 for a single-family home with 50 feet of frontage. Intermediate service charges are levied against newly annexed property for use of trunk sewers. Money is used to alleviate overloads of sewage caused by added flows into existing trunk sewers. The charge for a single-family home is \$150 for 1981-82 and 1982-83. Stormwater development charges are levied against new construction to help offset costs created by the accelerated stormwater run-off they create. The charge for the next two fiscal years is \$35 for a single home; for multiple dwellings and commercial property, the fee is \$110 for each 5,000 square feet of impervious surface.

Contracts With Other Municipalities

The City has several contracts with other cities, sewer agencies and county service districts for sewer service. Due to changes in boundaries because of annexations, or because of topography, it becomes logical and economical for specific areas outside the city to contract sewerage and drainage collection and treatment to the City.

Currently, Portland provides sewer service by contract with five municipalities. The largest three and their estimated payments for 1981-82 are:

City of Lake Oswego	\$270,000
Clackamas County Service District #1	\$143,000
Dunthorp-Riverdale Area	\$ 31,000

These three contracts account for \$444,000 of the 1981-82 anticipated revenue from this source.

Engineering Fees

These are fees charged to local improvement districts and private developers for the engineering, design and construction inspection on sewer projects performed by the Bureau of Sanitary Engineering.

Federal Grants

A major source of capital contribution has been the state and federal governments. Since the late 1960's, federal water pollution control funds have been available for construction of facilities which aid in the clean-up of the nation's polluted waterways. Portland has been successful in acquiring more than \$48.8 million in state and federal funds for sewage treatment works, interceptor sewers and pump stations. Since 1972, the Environmental Protection Agency (EPA) has distributed these federal grants. Other federal sources of funds for capital construction have been available in the recent past and include:

- Housing and Community Development (HCD) fund for storm and sanitary sewer collection systems in economically-depressed areas of the City.
- Economic Development Administration (EDA) funds for sewage facilities to serve industrial development aimed at improving the local economy and employment opportunities.
- Urban Development Action Grants (UDAG) for sewage collection systems complementing the construction of improved housing in the economically-depressed areas of the City.

The future of federal contributions to Portland's sewage construction programs appears uncertain. Federal fiscal policy suggests that federally-aided programs will be significantly reduced.

Capital Contributions

Significant portions of the sewer system, especially collectors, are contributed through local improvement districts (LID's) and by private developers building with a City-issued sewer construction permit. With the local improvement district, a specified area benefitting from construction of a sewer or storm drain is formed and costs of construction assessed, in proportion to benefit received, among the various properties. In some cases, the construction is performed directly by the private properties (usually where one property owner or one developer is involved) under City permit.

In FY 1979-80, a total of \$2,634,000 of storm and sanitary sewers were built within the City using both the above methods. Future demand for sewers and storm drainage facilities, financed through LID's and permit construction, are anticipated to add appreciably to the City's sewer system assets and responsibilities for maintenance over the next several years.

SEWAGE DISPOSAL FUND - HISTORY AND PROJECTIONS

The following two tables show five years of history for the Sewage Disposal Fund Balance Sheets and Revenues and Expenditures Statements. The third table gives a five-year projection of revenues and expenditures and also shows the ratio of net operating revenues to anticipated debt service requirements for the period. Future debt service is projected based upon sale of the 1982 series bonds plus an \$11.8 million sale in 1983 and a \$5 million revenue bond sale in 1985.

Table 4

CITY OF PORTLAND, OREGON - SEWAGE DISPOSAL FUND
BALANCE SHEET FOR FISCAL YEARS 1977 THRU 1981

ASSETS	FISCAL YEAR ENDED JUNE 30				
	1977	1978	1979	1980	1981
Current Assets:					
Cash and equity in pooled investment	\$ 12,530,794	\$ 10,640,456	\$ 10,329,761	\$ 8,113,383	\$ 6,456,105
Investments, at cost	190,080	190,080	190,080	190,080	190,080
Receivables, not of allowance for uncollectibles:					
Accounts	754,391	1,042,348	935,996	873,849	1,993,457
Contracts and mortgages	33,187	75,063	51,063	179,356	121,092
Penalty and advances	169,662	455,605	390,155	1,003,470	1,774,815
Internal loans				1,119,772	
Inventories	133,221	163,832	158,251	178,913	228,292
Due from other funds	1,491,862	1,203,655	458,081	1,932,596	2,563,304
Restricted Assets:					
Cash and equity in pooled investment	5,051,619	3,649,102	3,802,537	3,985,311	3,227,942
Accrued interest receivable	25,787				
Due from other funds	252,225				
Fixed Assets:					
Land	559,288	561,013	561,151	561,751	563,454
Building and improvements	98,028,836	107,358,895	113,136,620	118,222,452	132,371,133
Machinery and equipment	974,735	988,107	1,039,946	1,037,822	1,053,934
Construction in progress	1,009,391	6,763,255	9,542,911	22,528,989	21,898,616
Accumulated depreciation	(6,632,966)	(7,594,782)	(8,688,248)	(9,875,300)	(11,339,274)
	<u>\$114,572,112</u>	<u>\$125,496,629</u>	<u>\$131,912,304</u>	<u>\$150,052,444</u>	<u>\$161,102,950</u>
LIABILITY AND FUND EQUITY					
Current Liabilities (payable from unrestricted assets)					
Warrants and accounts payable	970,404	739,139	288,441	1,045,718	1,142,267
Salaries, withholding & taxes payable	243,055	248,766	270,411	314,894	343,553
Current Liabilities (payable from rest. assets)					
Matured interest payable	52,299	37,131	23,108	15,558	6,458
Matured bond payable	755,000	755,000	755,000	910,000	630,000
Revenue bonds payable after one year	5,150,000	2,295,000 a/	1,540,000	630,000	-0-
Fund Equity					
Contributed capital	59,289,687	71,207,710	74,817,907	87,067,671	98,527,078
Retained earnings (deficit):					
Reserved for bond debt serv. retirement	1,068,385	972,230	972,230	972,230	972,230
Reserved for construction	4,022,324	2,449,023		697,340	571,981
Unreserved	43,020,958	46,792,630	53,245,207	58,399,033	58,909,383
	<u>\$114,572,112</u>	<u>\$125,496,629</u>	<u>\$131,912,304</u>	<u>\$150,052,444</u>	<u>\$161,102,950</u>

a/ Bonds worth \$2,100,000 were called and redeemed.

CITY OF PORTLAND, OREGON - SEWAGE DISPOSAL FUND
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN RETAINED EARNINGS
FOR FISCAL YEARS 1977 THRU 1981

	FISCAL YEAR ENDED JUNE 30				
	1977	1978	1979	1980	1981
Operating Revenues:					
Service charges and fees	\$10,199,903	\$11,883,297	\$12,755,195	\$15,563,190	\$16,868,774
Licenses and permits	5,065	5,515	6,240	8,051	103,944
Rents and reimbursements	75,855	55,887	16,255	16,255	22,523
Miscellaneous	32,155	23,683	48,016	78,318	98,617
Total Operating Revenues	<u>10,312,978</u>	<u>11,968,382</u>	<u>12,825,706</u>	<u>15,665,814</u>	<u>17,093,858</u>
Operating Expenses:					
Salaries and wages	3,723,184	3,867,438	3,962,230	4,463,662	5,087,522
Operating supplies	294,881	330,184	337,464	446,331	568,656
Professional services	53,968	70,798	159,354	58,634	141,412
Internal services	3,468,474	3,209,161	2,996,743	4,054,340	4,632,411
Repairs and maintenance	42,391	31,308	41,230	46,287	113,393
Utilities	500,452	609,312	755,259	1,136,458	1,460,338
Other services	277,714	349,172	331,835	442,224	461,581
Insurance	52,301	11,146	129,941	148,795	134,926
Travel expense	7,410	6,250	3,366	12,330	8,011
Depreciation	868,375	1,045,207	1,163,239	1,211,942	1,472,118
Miscellaneous	15,815	207,783	121,063	59,453	93,431
Total Operating Expenses	<u>9,304,965</u>	<u>9,737,759</u>	<u>10,001,724</u>	<u>12,080,456</u>	<u>14,173,799</u>
Operating Income (Loss)	1,008,013	2,230,623	2,823,982	3,585,358	2,920,059
Non-Operating Revenues (Expenses):					
Interest on investments	1,192,286	693,930	1,297,718	1,301,940	1,410,790
Gain on disposal of fixed assets			1,786	1,418	
Interest expenses	(332,025)	(235,305)	(119,932)	(84,880)	(53,130)
Income before operating transfers	1,869,274	2,689,248	4,003,554	4,803,836	4,277,719
Operating transfers in (out)	(58,473)			1,047,330 a/	
Net Income	1,810,801	2,689,248	4,003,554	5,851,166	4,277,719
Other changes in retained earnings:					
Decrease (increase) in appropriations for:					
Prior year adjustments	4,068,716 b/	(587,032) c/			(3,892,728) d/
Revenue bond debt service		96,155 e/			
Construction	(676,663) f/	1,573,301 g/	2,449,023 h/	(697,340) i/	125,359 j/
Retained Earnings, July 1	<u>37,818,104</u>	<u>43,020,958</u>	<u>46,792,630</u>	<u>53,245,207</u>	<u>58,399,033</u>
Retained Earnings, June 30	<u>\$43,020,958</u>	<u>\$46,792,630</u>	<u>\$53,245,207</u>	<u>\$58,399,033</u>	<u>\$58,909,383</u>

Footnotes on following page.

Footnotes to Revised Table on Expenditures

- a/ Proceeds from the sale of special assessment improvement bonds for the Sewage Disposal Utility Construction Fund.
- b/ The balance of the Sewage Disposal Fund retained earnings at June 30, 1976 has been restated from amounts previously reported to reflect a retroactive increase of \$4,068,716 for the costs of self-constructed assets previously recorded as expenditures, which should have been capitalized. The costs of these self-constructed assets, accumulating since 1950, were made known and recorded after June 30, 1976.
- c/ Adjustment for prior year overstatement of interest on pooled investment.
- d/ Prior year adjustment for Construction in Progress due to capitalization error in fiscal year 1979-80.
- e/ Reduction of the legal reserve requirement due to the early redemption of \$2,100,000 of bonds. Amount was transferred from Reserved to Unreserved.
- f/ Increase in fund balance of Secondary Treatment Construction Fund.
- g/ Decrease in fund balance of Secondary Treatment Construction Fund.
- h/ Secondary Treatment Construction Fund's fund balance was closed to the Sewage Bond Redemption Fund.
- i/ Initial operating capital in the Sewage Disposal Utility Fund; was part of proceeds from sale of bonds.
- j/ Funds transferred to Sewage Disposal Operating Fund from Sewage Disposal Utility Fund.

Table 6
City of Portland
Revenue and Expense Projection
Sewage Disposal Fund

	FY 1981/82	FY 1982/83	FY 1983/84	FY 1984/85	FY 1985/86	FY 1986/87
Operating Revenues:						
Service charges and fees ^{a/}	\$17,515,419	\$20,477,780	\$20,932,047	\$24,028,910	\$24,846,221	\$26,655,633
Other charges and fees	85,640	89,123	92,875	96,919	101,285	106,001
Total Operating Revenues	\$17,601,059	\$20,136,903	\$21,024,922	\$24,125,829	\$24,947,506	\$26,761,634
Operating Expenses:						
Salaries and wages ^{b/}	\$ 5,255,347	\$ 5,582,709	\$ 6,152,303	\$ 6,583,335	\$ 7,094,678	\$ 7,641,943
Internal services	3,710,212	4,040,499	4,373,882	4,728,818	5,112,206	5,530,471
Other materials and services	6,392,802	7,039,292	6,911,520	7,581,947	8,222,589	9,029,683
Total Operating Expenses	\$15,358,361	\$16,662,500	\$17,437,705	\$18,894,100	\$20,429,473	\$22,202,097
Operating Income (Loss)	\$ 2,242,698	\$ 3,474,403	\$ 3,587,217	\$ 5,231,729	\$ 4,518,033	\$ 4,559,537
Non-operating Revenues (Expenses)						
Interest on investments	\$ 1,196,012	\$ 1,357,067	\$ 1,105,672	\$ 964,908	\$ 723,598	\$ 326,222
Gain on disposal of fixed assets	0	0	0	0	0	0
Interest expenses ^{c/}	(25,830)	(369,650)	(1,548,050)	(1,524,197)	(1,971,635)	(1,929,579)
Depreciation	0	0	0	0	0	0
Net bond proceeds	4,505,803	10,413,976	0	4,432,616	0	0
Net Income	\$ 7,918,683	\$14,875,796	\$ 3,144,839	\$ 9,105,056	\$ 3,269,996	\$ 2,956,180
Future Debt Service Analysis						
Operating revenues	\$17,601,059	\$20,136,903	\$21,024,922	\$24,125,829	\$24,947,506	\$26,761,634
Less operating expenses	15,358,361	16,662,500	17,437,705	18,894,100	20,429,473	22,202,097
Net Operating Revenue	\$ 2,242,698	\$ 3,474,403	\$ 3,587,217	\$ 5,231,729	\$ 4,518,033	\$ 4,559,537
Total Debt Service ^{d/}	\$ 656,000	\$ 369,650	\$ 1,804,073	\$ 1,800,823	\$ 2,413,306	\$ 2,454,956
Actual Bond Coverage	3.42	8.68	1.99	2.91	1.87	1.86
Required Bond Coverage	1.30	1.30	1.30	1.30	1.30	1.30

a/ Assumes future rate adjustments in 1984.

b/ Inflation rates for personal services at 8.6% in 1982-83, 8.0% in 1983-84 and 7.5% each year thereafter

c/ Cash invested 6-30-81 equalled approximately \$8.2 million. Future earning rates for 1982-83 & 1983-84 at 9%; 8% thereafter.

d/ Actual payment for 1981-82; 7.6% (DEQ bid) for this issue; 10% and 9.5% on next two bond issues.

Source: Bureau of Sanitary Engineering, City of Portland.

Rate Comparison with Other Cities

Single-family monthly charges and commercial/industrial volume rates and comparable rates for other cities and agencies in effect on, or proposed for, July 1, 1981, are shown in Table 7. Unlike Portland, some agencies have used tax-supported bonds to finance some sewer projects. Their monthly sewer rates for single-family dwellings have been adjusted for comparability as noted.

Table 7
Comparison with Other Cities/Urban Areas

City/Agency	Single Family (\$/Month)	Commercial (\$/100 ccf)
Washington Co. (OR)	\$ 8.54 <u>a/</u>	\$ 0.40
San Francisco	7.21 <u>b/</u>	1.449
Boise	6.81 <u>b/</u>	0.352
Tacoma	6.21 <u>b/</u>	0.388
Seattle	6.09	0.760
Spokane	6.00	0.340
Vancouver (WA)	5.50	0.660
Eugene (OR)	5.44 <u>a/</u>	0.527
PORTLAND (1981-82)	4.90	0.426
The Dalles (OR)	4.05	0.210
Bend (OR)	3.50	0.120

a/ Includes tax on \$65,000 home for debt service payments where general obligation bonds have been issued to finance certain sewer capital improvements.

b/ Water usage assumed same as in Portland - 685 cf per month.

Indebtedness

The City currently has \$630,000 of sewer revenue bonds outstanding. These bonds, held by the Oregon Department of Environmental Quality, will be retired on April 1, 1982. The bonds are the last of an original issue of \$15,140,000 which was sold in 1972 for sewage treatment plant improvements. Subsequent federal grants received on the project enabled the City to repurchase (redeem) all bonds maturing after 1982. On October 1, 1975, \$7,200,000 of bonds were redeemed with grant funds and on April 1, 1978, another \$2,100,000 of bonds were redeemed, including \$280,000 of the April 1, 1982 maturity, leaving only the \$630,000 now outstanding.

Overall debt of the City of Portland as of August 31, 1981 is shown in the three following tables.

TABLE 8

CITY OF PORTLAND

Bonded Debt
(as of August 31, 1981)

Gross Bonded Debt ^a	\$ 93,578,290
Net Direct Debt	0
Authorized But Not Incurred Debt ^b	28,500,000
Outstanding Debt	
Bancroft Bonds	\$ 8,651,372
Water Bonds (self-supporting G.O.)	84,926,918
Revenue Bonds	69,355,000
Urban Renewal	36,795,000
Total	<u>\$199,728,290</u>

^a Does not include Revenue or Urban Renewal Bonds.

^b Voters recently approved two bond issues: \$9,500,000 to improve Civic Stadium, and \$19,000,000 for a Performing Arts Center.

Source: City of Portland; Municipal Debt Division Oregon Treasury Department.

TABLE 9
CITY OF PORTLAND
Overlapping Debt
(as of August 31, 1981)

Overlapping District	1980-81 Assessed Valuation	% w/in City Limits	Overlapping	
			Gross ^a	Net ^b
Port of Portland	\$26,136,440,578	36.33	\$38,382,645	\$38,382,645
Port Bond #2	13,924,531,661	67.92	6,880,296	6,880,296
Multnomah County	13,924,531,661	67.92	1,685,010	0
Mt. Hood Community College	4,309,546,763	3.41	469,898	469,898
Wash. Co. S.D. 48	3,095,134,984	.49	164,963	164,963
Multnomah Co. S.D. 28	460,214,968	2.01	125,324	125,324
Misc. Districts ^c	Various		284,092	284,092
Total Overlapping Debt			\$47,992,228	\$46,298,634

^a Gross Bonded Debt includes all General Obligations and Bancroft Bonds.

^b Net Direct Debt includes G.O. Bonds less and fully self-supporting bonds.

^c Includes a total of 27 districts of which 16 have not debt. Of the 11 with debt, the highest is Multnomah County S.D. 3 with \$85,860 Gross and Net Overlapping debt.

Source: Municipal Bond Division, Oregon Treasury Department.

TABLE 10
CITY OF PORTLAND
Debt Ratios
(as of August 31, 1981)

City True Cash Value 1980-81	\$9,495,017,547
Net Direct Debt	0
Net Overlapping Debt	46,298,634
Total Net Direct and Overlapping Debt	\$ 46,298,634
Ratio Net Direct Debt to Valuation	—
Ratio Net Direct and Overlapping Debt to Valuation	0.49%
Populations (as of April 1, 1980)	366,383
Per Capita True Cash Value	\$ 25,916
Per Capita Net Direct Debt	0
Per Capita Net Direct and Overlapping Debt	\$ 126.37

Source: Municipal Debt Division, Oregon Treasury Department; Office of City Auditor, Portland, Oregon.

Pension Plans

Substantially all employees, after six months of employment, other than fire and police personnel, are participants in the State of Oregon Public Employees Retirement System (PERS), a defined benefit pension plan to which employees and employer both contribute. The Department of Development and Civic Promotion is contributing the employees' 6% share. The rate of employee contribution is established by law. The rate of employer contributions is set periodically by PERS based on actuarial valuations. The City's contribution rate was 9.71% and 8.92% of employee compensation for fiscal years 1980 and 1979, respectively. Total pension plan contributions charged to expense for fiscal years 1980 and 1979 were approximately \$4,700,000 and \$4,200,000, respectively.

The most recent actuarial valuation of PERS, made during fiscal year 1980, determined that PERS had substantial unfunded amounts for vested benefits and prior service of its participants as of December 31, 1979. The actuarially computed value of vested benefits due City plan participants exceeded their share of the pension fund by \$12,500,000 as of December 31, 1979, and the total unfunded supplemental present value (prior service cost liability) applicable to City employees at that date was \$32,900,000.

PERS determined in 1980 that an adjustment of employer contribution rates is necessary in order to liquidate the total unfunded liability over a 30-year period and adequately fund present benefits provided by the plan. Accordingly, the City's contribution rate was established at 10.49% through December 31, 1980 and 9.96% thereafter. Definitive information is not available concerning the amount by which City pension plan contributions for fiscal years 1980 and 1979 were less than those which would have resulted from consistent use of an acceptable actuarial cost method.

Substantially all fire and police personnel are covered under the City of Portland Fire and Police Disability and Retirement Fund. The Fund is financed primarily from member's contributions and a special property tax levy not to exceed \$2.80 per \$1000 of taxable valuation of property in the City. The 1981-82 levy of \$16,340,000 for pension purposes is estimated to require a tax rate of about \$1.60. In an actuarial report dated July 1, 1979, the unfunded supplemental present value of the Fund was estimated at \$452,200,000. Supplemental present value is defined as the excess of the present value of all future retirement benefits over the present value of all normal retirement costs for participants of the plan. However, the City Charter provides that pensions and benefits are to be paid on a pro rata basis if there is a funding deficiency. Information regarding the excess of the actuarially computed value of vested benefits over the total of the pension fund is not available.

The City also contributes to two supplemental retirement programs covering a limited number of employees of the fire and police bureaus. No actuarial determination of the City's liability related to these pensions has been made.

PROPERTY TAX AND VALUATION INFORMATION

Assessment and Valuation

Real property in Oregon is assessed under state law and administered through county assessors who must meet professional qualifications under the law. Assessments must be maintained to within 5% of 100% of market, or true cash value. Each property must be physically reappraised at least once each six years and in the interim is kept close to the required full value by application of an index derived from current market transactions. Public utility valuations are set directly by the Oregon Department of Revenue.

For purposes of determining the assessed value of properties, the county assessor applies a percentage factor to the true cash value of eligible "owner-occupied" homestead properties and to "all other" properties in the taxing jurisdiction. The State Department of Revenue recalculates the percentage factors for these two classes of property each year. The same percentage factors are used by all county assessors to calculate the assessed value from the true cash value.

The percentage factors are actually the ratios between the past year's statewide growth in true cash value for each of the two classes of property and a 5% increase in those values. By applying these ratios to true cash value in all jurisdictions, the statewide growth in assessed value is limited to no more than 5% per year. However, the assessed value growth in any particular taxing jurisdiction may be more or less than 5%. The percentage factors which have been applied since the law became effective in 1980 are:

Year	"Owner-occupied" Class	"All Other" Class
1980-81	84.2% of TCV	87.6% of TCV
1981-82	81.6	84.4

The application of these procedures is not a limitation on tax rates. It is a limitation on valuation and a method to influence the relative tax burden between homes and commercial properties. Table 11 shows a seven-year history of taxable valuation for the City of Portland, Multnomah County and the growth in incremental valuation in the City's two urban renewal areas — the Downtown Water Front (since 1975-76) and the Northwest Front Avenue Project (first increment in 1979-80).

TABLE 11

Assessed Valuations

Tax Year	City of Portland			Multnomah County	Additional Urban Renewal Tax Incremental Value
	Within Mult. Co.	Outside Mult. Co.	Total		
1980-81 ^a	\$9,467,357,159	\$36,808,841	\$9,504,166,000	\$13,924,531,661	\$189,489,487 ^b
1979-80	8,679,833,756	33,513,904	8,713,347,660	12,869,355,684	183,400,407
1978-79	7,106,068,082	27,869,728	7,133,937,810	10,377,947,149	135,723,845
1977-78	6,156,624,351	24,869,503	6,181,493,854	8,926,199,366	83,666,992
1976-77	5,433,735,761	18,841,101	5,452,576,862	7,849,742,110	46,930,840
1975-76	4,980,241,528	15,688,436	4,995,929,964	7,158,868,040	28,337,306
1974-75	4,623,941,051	14,578,204	4,638,519,255	6,601,803,446	7,694,168

^a For the first time in f.y. 1980-81, assessed valuation differs from market or true cash value. All of the 1980-81 figures have had ratios of 84.2% applied to true cash values or owner-occupied principal residence properties and 87.6% applied to all other properties.

^b Latest figure includes \$181,711,454 of incremental value in the Downtown-Waterfront Urban Renewal Area and \$7,778,033 in the Northwest-Front Avenue Industrial area.

Source: Multnomah County Department of Assessment and Taxation.

Collections and Levies

Collection of taxes is the responsibility of the county. The dollar amount of the City tax levy is set by the Council through adoption of the Annual Budget. The City's (and other districts') tax rates are then derived from dividing the assessed valuation by the budgeted levy. Individual property owners are billed and payments returned to the county. Payments may be made in installments on or before November 15, February 15, and May 15.

As each year's taxes are received, they are placed in an unsegregated pool and distributed to the levying districts in proportion to each district's portion of the total of the levies. Thus, the effectiveness of tax collection is uniform for all taxing districts (including urban renewal tax increment areas) in the county. Collections in Multnomah County have consistently approached 100% when collection of prior year's taxes and legal discounts are considered.

Table 17 displays a seven-year history of property tax levies and collections for the total of all levies within Multnomah County. It also shows the percentage of that total represented by tax increment levies of the Portland Development Commission.

**TABLE 12
TAX COLLECTION ON RECORD
SEVEN-YEAR HISTORY
(as of June 30, 1981)**

Tax Year	Tax Levy	Amount Collected Year of Levy	Amount Collected Current & Delinquent	%	Urban Renewal Share of Levy
1980-81	\$292,191,357	\$277,744,540	277,744,540	95.06	1.24938%
1979-80	269,231,238	242,237,818	263,965,344	98.05	1.34147
1978-79	256,307,166	247,925,921	253,738,968	99.00	1.22327
1977-78	242,818,000	234,732,160	241,743,045	99.56	0.92892
1976-77	227,043,981	219,165,555	226,903,668	99.94	0.59569
1975-76	205,712,760	198,224,815	205,560,944	99.93	0.41503
1974-75	183,693,120	176,253,549	183,596,845	99.95	0.11639

^a Amount collected in year of levy is to August 15 through 1978-79; as of June 30 for 1979-80 and 1980-81.

Source: Multnomah County Department of Assessment and Taxation.

Table 13 below lists the largest taxpayers for Multnomah County. Under the Oregon method of distributing tax collection proceeds among all taxing districts within the county in proportion to each one's percentage of the total levies in the county, these are the significant taxpayers for Portland and the urban renewal area.

TABLE 13

**Largest Taxpayers in Multnomah County
1980-81**

Taxpayer	Assessed Valuation
Pacific Northwest Bell Telephone	\$ 332,180,366
Portland General Electric	145,427,382
Northwest Natural Gas	46,977,976
Pacific Power & Light	45,211,136
Gilmore Steel Corp.	45,201,200
First Interstate Bank of Oregon	38,658,460
Reynolds Metal (aluminum)	38,151,230
Union Pacific Railroad	35,445,741
United Airlines	31,681,416
Wacker Siltronic Corp. (silicon wafers)	31,130,250

GENERAL INFORMATION

Background

Portland is Oregon's largest city and its center for commerce, industry and finance. The city's 90 square miles extend into three counties: Multnomah, Washington and Clackamas. Portland, incorporated in 1851, is the Multnomah County seat.

Portland and the surrounding area enjoy a moderate climate. Extreme temperatures are rare and usually of short duration. Rainfall occurs sporadically during all seasons. The principal rainy period extends generally from mid-November through March, with rainfall averaging 38 inches per year.

Portland is the leading warehousing and distribution center for the Pacific Northwest. The City serves a market area of approximately 7 million people. The Columbia River provides access to the Pacific Ocean 110 miles downstream and provides the only water route through the Cascade Mountains to the agricultural area of eastern Oregon and Washington and northern Idaho. Portland is a regular port of call for more than 80 major steamship lines serving all major world trade routes.

The water and sewer systems serving the City are operated by the City of Portland. Telephone service is provided by Pacific Northwest Bell Telephone Company and, in some areas, General Telephone Company of the Northwest. Electric service is provided by Portland General Electric and Pacific Power & Light Company. Natural gas is distributed by Northwest Natural Gas Company. Two daily newspapers, the *Oregonian* and the *Oregon Journal*, are published in Portland. The City is the base for several radio and television stations.

Population

The Portland SMSA consists of three Oregon counties, Multnomah, Washington, Clackamas and Clark County in Washington State. The four-county SMSA had a combined population of 1,242,187 as of April 1, 1980. The five largest cities in the SMSA as of April 1, 1980 were:

City	County	Population
Portland	Multnomah	366,383
Vancouver	Clark	42,834
Gresham	Multnomah	33,005
Beaverton	Washington	30,582
Hillsboro	Washington	27,664

According to the 1980 U.S. Census, the City of Portland population was 366,383, which is a decline of 3.6% from the 1970 population. However, the Census showed that during the 1970s, the number of housing units increased by 11.1%.

TABLE 19
Population Change 1950 to 1980

	1950	1960	1970	1980	% Change 1970-1980
Portland	373,628	372,676	379,967	366,383	- 3.6%
Multnomah County	471,537	522,813	554,668	562,641	+ 1.4%
Portland SMSA	704,829	821,897	1,009,129	1,242,594	+ 23.1%

Source: U.S. Bureau of Census; Oregon State Data Center.

The Clackamas, Multnomah, Washington County metropolitan area (excluding Clark County in Washington State) accounts for 40% of Oregon's population. The tri-county area increased in population by 19.5% from 1970 to 1980. The entire SMSA increased by 23.1%.

EMPLOYMENT

Table 20 shows the history of employment in the Portland SMSA for the past five years. Over the period, manufacturing employment increased 21.6% and non-manufacturing increased 20.1%. The Table shows considerable diversity among the various categories of manufacturing. Greatest employment growth was in Trade, which increased by 24,900 jobs.

TABLE 20
Portland Metropolitan Area
Non-Agricultural Wage and Salary Employment
(By place of work)

	CY 1976	CY 1977	CY 1978	CY 1979	CY 1980	% Change 1976-1980
Manufacturing						
Lumber & Wood	10,300	10,600	10,900	10,400	9,000	- 12.6%
Primary Metals	7,000	7,200	7,700	8,300	8,300	+ 18.6
Fabricated Metals	8,200	9,200	10,500	10,900	10,300	+ 25.6
Machinery	8,900	9,800	11,000	12,300	12,700	+ 42.7
Electrical Equip.	2,500	3,100	4,300	6,600	7,300	+ 192.0
Instruments	12,300	13,700	16,700	18,300	19,600	+ 59.3
Transportation Equipment	8,100	8,200	10,000	10,500	9,100	+ 12.3
Food & Kindred Products	8,700	8,600	8,300	8,500	8,600	- 1.1
Textiles & Apparel	5,700	5,500	5,500	5,500	5,000	- 12.3
Paper & Allied Products	7,600	7,700	6,300	6,900	7,500	- 1.3
Other	14,600	15,300	16,500	17,500	16,800	+ 15.1
Sub-total	93,900	98,900	107,700	115,200	114,200	+ 21.6%
Non-Manufacturing						
Contract Const.	20,100	22,700	26,100	28,000	24,600	+ 22.4%
Trans., Comm., Utilities	30,700	32,100	34,000	35,800	36,300	+ 18.2
Wholesale/Retail Trade	117,100	124,100	135,100	142,000	142,000	+ 21.3
F.I.R.E.	33,500	37,200	40,900	44,500	45,700	+ 36.4
Service & Misc.	90,700	96,200	102,400	107,300	111,000	+ 22.4
Government	75,200	76,600	80,400	81,200	81,400	8.2
Sub-total	367,300	388,900	418,900	438,800	441,000	20.1%
Total Wage & Salary Employment	461,200	487,800	526,600	554,000	555,200	20.4

Source: Annual Planning Information — Portland SMSA Calendar Year 1981 and 1982,
 Oregon State Employment Division.

Twenty large manufacturing firms in the area and their approximate employment are listed below:

Firm	Product	Employees
Tektronix, Inc.	Display and signal equipment	15,000
Crown Zellerbach	Pulp, paper, wood and chemicals	5,850
Freightliner Corporation	Heavy duty trucks	4,700
Intel Corporation	Integrated circuits	2,400
White Stag Mfg. Co.	Ski and sportswear	1,750
FMC Corporation	Railroad cars, marine construction	1,650
Jantzen, Inc.	Sports and swim wear	1,600
Precision Castparts	Aerospace castparts	1,575
Boeing of Portland	Aircraft components	1,550
Pendleton Woolen Mills	Apparel	1,500
Esco Corporation	Steel castings	1,466
Omark Industries	Saw chains & power tools	1,340
Aluminum Company of America	Aluminum products	1,300
Publishers Paper Company	Newsprint, paper products	1,200
Hyster Company	Lift trucks	1,158
Reidel International, Inc.	Construction (asphalt & steel)	1,100
Oregonian Publishing Co.	Newspaper	1,050
Gilmore Steel	Steel products	1,033
Northwest Marine Ironworks	Barges, ship conversion	1,000
Reynolds Metal Co.	Aluminum ingots	1,000

The City is corporate headquarters for a number of corporations with nationally recognized names. Among these firms are Jantzen, White Stag and Pendleton Woolen Mills in clothing; and Louisiana-Pacific Corp. in lumber.

Unemployment in the Portland SMSA for the past five years is shown in Table 21. The same table also shows that the labor force grew almost 21% while employment increased about 24% during the five year period. The Portland SMSA typically has lower unemployment than the state as a whole. The City's rate of unemployment is usually somewhat higher than the SMSA. These relationships are shown in Table 22.

TABLE 21

Portland SMSA Resident Labor Force
Unemployment and Employment
1976-1980
(in thousands)

	1976	1977	1978	1979	1980	% Change 1976-80
CIVILIAN LABOR FORCE ^{a/}	517.3	541.1	576.1	589.9	624.9	+ 20.8%
TOTAL EMPLOYMENT ^{b/}	472.1	504.4	545.9	558.1	586.1	+ 24.1
Unemployed	45.2	36.7	30.2	31.8	38.8	- 14.2
% of Labor Force	8.7	6.8	5.2	5.4	6.2	—

^{a/} Includes employed and unemployed individuals 16 years and older by place of residence. Data adjusted for multiple job holding and commuting.

^{b/} Includes non-agriculture wage and salary, self-employed, unpaid family workers, domestics, agriculture and labor disputants.

Source: State of Oregon Employment Division

TABLE 22

**Comparative Unemployment Rates
Portland, SMSA, Oregon, United States**

	City of Portland	Portland SMSA	Oregon	U.S.
1976	—	8.7	9.6	7.7
1977	—	6.8	7.3	7.0
1978	5.6	5.2	6.0	6.0
1979	5.7	5.4	6.8	5.8
1980	7.1	6.2	8.2	7.1

Source: *Economic Indicators*, Federal Reserve Bank of San Francisco; State of Oregon Employment Division

Retail Sales

Estimates by Sales Marketing Management magazine of total 1980 retail sales for the state, region and city are as follows:

Oregon State	\$13,186,279,000	100% of state
Portland SMSA	\$ 6,292,697,000	48%
City of Portland	\$ 2,066,976,000	16%

Growth in retail sales for the city is shown in Table 25.

TABLE 25

**Growth in Retail Sales
City of Portland**

Year	Retail Sales	% Change from Previous Year
1976	\$ 1,670,628,000	7.4
1977	1,686,326,000	0.9
1978	1,867,522,000	10.74
1979	1,900,230,000	1.75
1980	2,066,976,000	8.78

Income

Sales Marketing Management magazine's *Survey of Buying Power* for 1980 reports a Total Effective Buying Income (EBI) for the Portland SMSA of \$11,058,725,000 in 1980. The City of Portland comprises 29% of the regional total with \$3,169,946,000. Fully 35% of the state's total EBI of \$20,619,988,000 is found in the Portland SMSA.

The City's 1980 median household EBI is estimated to be \$16,534, compared to \$21,391 for the region and \$17,953 for Oregon, according to the *Survey of Buying Power*.

Multnomah County ranked first among all Oregon counties in Per Capita Income for 1979. Washington County ranked third, and Clackamas ranked fifth. Comparative Per Capita Income data are presented in Table 23.

TABLE 23

**Per Capita Personal Income in the Portland SMSA
and Other Selected Areas**

Year	United States	Oregon	Portland SMSA	Clackamas	County Rank	Multnomah	County Rank	Washington	County Rank	Clark
1969	\$3,667	\$3,477	\$3,950	\$3,811	5	\$4,091	2	\$3,961	4	\$3,486
1970	3,893	3,677	4,167	3,870	5	4,393	3	4,066	4	3,711
1971	4,132	3,944	4,463	4,183	5	4,743	3	4,241	4	3,947
1972	4,493	4,338	4,860	4,605	4	5,204	3	4,449	7	4,354
1973	4,981	4,815	5,353	5,021	5	5,712	1	5,098	3	4,763
1974	5,428	5,311	5,946	5,528	9	6,396	4	5,640	7	5,248
1975	5,861	5,764	6,457	5,963	7	6,917	4	6,284	5	5,692
1976	6,401	6,419	7,169	6,650	5	7,627	2	7,098	3	6,365
1977	7,035	7,176	8,056	7,340	4	8,680	1	7,974	3	7,106
1978	7,846	8,078	9,093	8,189	6	9,913	2	9,041	3	7,874
1979 ^{1/}	8,757	8,877	10,067	9,063	5	10,962	1	10,108	3	8,703

1/ Preliminary — Subject to Revision.

Source: Bureau of Economic Analysis, U.S. Department of Commerce.

Median family income in the region is the highest in the state. The three Oregon metropolitan counties rank first, second and third among Oregon's thirty-six counties.

TABLE 24

**Selected Median Family Incomes
as of January 1, 1981**

Washington County	\$26,529
Clackamas County	\$24,104
Multnomah County	\$23,438
State Average	\$21,066

Source: State of Oregon Housing Division

Transportation

Portland is well served by major land, water and air connections. Interstate 5 provides the major North-South highway linkage and the East-West link is provided by Interstate 84. The Columbia River connects Portland to the Pacific and to the extensive inland areas of the Columbia Basin. The Willamette is the other major waterway serving the City. These features, combined with the facilities of the Port of Portland's airport system, have helped make Portland the largest distribution center in the Northwest.

Public transportation is provided through the regional transit agency, Tri-Met. In addition to extensive bus service a new light rail system is currently under development. The light rail project will link downtown with the suburban communities as far East as Gresham. When completed the 15-mile light rail system will be capable of carrying 60,000 passengers per day. This development is expected to enhance the development potential of major areas of the Downtown Waterfront Urban Renewal Project which will be directly served by the system.

Education

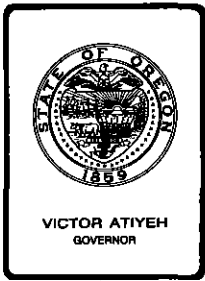
Portland School District No. 1 provides primary and secondary education in the City of Portland and some immediately surrounding areas. The District provides education for approximately 57,500 students through the operation of 14 high schools, 89 elementary schools, 29 special schools and five alternative schools.

Portland State University, with a 16,000 enrollment, is one of the three large universities in the Oregon State System of Higher Education. Located on a campus encompassing an area of 26 blocks adjacent to the downtown business and commercial district of Portland, the University offers baccalaureate degrees in 34 areas of the liberal and professional arts and sciences, masters degrees in 29 fields, and three interdisciplinary doctoral programs involving 11 departments.

The University of Oregon Health Sciences Center is also located in Portland. It represents a combining of the University's Medical School, Dental School and School of Nursing. Combined enrollment is approximately 2,000. Associated hospital, clinical and research facilities add considerably to the community benefit from the location of the Health Services Center in Portland.

Independent colleges in Portland include Lewis & Clark College and the University of Portland, each with approximately 2,300 students; Reed College, 1,100 students; the Marylhurst Education Center which serves approximately 2,000 students in classes and programs for all ages; and two small church-affiliated schools, Warner Pacific College and Columbia Christian College. The Western States Chiropractic College also is located in Portland.

Community colleges serving the Portland area include Portland Community College, which operates educational centers serving some 55,000 people a year in several locations in Portland as well as in neighboring Washington and, to the north, Columbia Counties; Mt. Hood Community College serving about 12,000 students per term at its campus near Gresham east of Portland, and Clackamas Community College serving about 7,000 students per term at Oregon City in Clackamas County.



Environmental Quality Commission

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. I, December 4, 1981, EQC Meeting

Public Meeting: Oregon's Hazardous Substances Response Plan

Background

The purposes of this agenda item are three: (1) bring the Commission up to date on DEQ's and EPA's ongoing effort to investigate and resolve, if necessary, any problems with uncontrolled (abandoned) hazardous waste disposal sites in Oregon, (2) to decide on the appropriate level of involvement by Oregon in EPA's National Hazardous Substance Response Planning Program as mandated by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (commonly known as Superfund or CERCLA), and (3) to receive public comment on Oregon's Hazardous Substance Response Plan.

Since July 1979, DEQ and EPA-Region X have been conducting an "Uncontrolled Hazardous Waste Survey." The results of those efforts through November 1981 are more fully described in Attachment I. The survey's main objective is to identify any site with large quantities of uncontrolled hazardous waste that may pose an existing or potential threat to public health or the environment.

During the course of these surveys, Congress passed Superfund on December 3, 1980 (see Attachment II). Should an imminent hazard or environmental problem be identified as a result of ongoing investigations, Superfund may provide federal monies for pursuing emergency removal or planned remedial action where a responsible party capable of and willing to effect the cleanup cannot be identified. It is important to note that Superfund is not a grant program; rather, it is intended to be a cost recovery program. Even where Superfund monies are spent, EPA and the Department of Justice are to seek, through the courts if necessary, recovery of monies expended from somebody (i.e., recalcitrant responsible parties, landowners, generators, transporters, former operators, etc.).

To implement Superfund, EPA was required to modify (by June 11, 1981) the National Contingency Plan (NCP) to include a section to be known as the National Hazardous Substance Response Plan (now scheduled for early 1982).

The NCP currently deals with EPA and state responses to oil spills. The updated NCP shall include, among other provisions, criteria for determining priorities among releases or threatened releases of hazardous substances throughout the United States for the purpose of taking remedial action and, to the extent practicable, taking into account the potential urgency of such action, for the purpose of taking emergency removal action. Using the criteria established in the NCP, states are to submit by December 11, 1981, and annually thereafter, candidate sites for emergency response or remedial action. From these candidate sites, EPA is to publish a list of the top 400 priority sites, with the top 100 containing at least one site from each state, if practicable.

Unlike the Act itself, which requires only that states shall submit a list of priority sites to the President, a draft version of the NCP requires states preparing a "plan" to list "the most serious releases located in the state in order of priority." Furthermore, for each site listed, the plan will also indicate:

- responsible party
- state's intent to take enforcement action
- the next response phase
- cost estimate for the next phase
- cost estimate for total project
- letter of intent on
 - + state cost share
 - + future maintenance
 - + availability of authorized disposal site
- highest ranked release requiring federal funding

One final requirement is for states to hold a public meeting on its Hazardous Substance Response Plan, including the state's Priority List, prior to submitting any candidate sites to EPA. Because of the time constraints imposed by Superfund, EPA's delay in publishing the NCP, and the lack of significant uncontrolled hazardous waste sites in Oregon, it was concluded that this public meeting of the EQC would provide adequate opportunity for public comment on this issue.

Evaluation

To provide consistency and to facilitate ranking between states, EPA contracted with the Mitre Corp. to develop a degree-of-hazard ranking model. This national ranking model measures the relative risk or danger to public health and welfare or the environment. The model takes into account the population at risk, the toxicity of the hazardous substances at such facilities, the potential for contamination of drinking water supplies, the potential for direct human contact, the potential for destruction of sensitive ecosystems and other appropriate factors.

In its simplest terms, the Mitre Model is a mathematical model which scores five different routes of potential contamination: groundwater, surface water, air, fire and explosion, and direct contact (see Attachment III for examples of the worksheets used). The model is constructed using a structured value analysis approach for each potential route of contamination, that is, the potential hazard is rated in terms of four

2

general areas: actual or potential for release, waste characteristics, hazardous waste quantity, and targets (who or what stands to be affected).

Since, within a specific route of contamination, both multiplication and addition of values occur, a final score of 0 - 97.2 can be realized. For purposes of comparison between sites for remedial action, only the combined scores for groundwater, surface water and air contamination routes are used. The score for potential fire or explosion and direct contact are used to determine if immediate emergency removal is necessary at a site.

Although neither the Mitre Model nor the National Contingency Plan has been finalized to date, EPA has asked states to submit their initial priority list by December 11, 1981, as required by Superfund. Since we have developed a reasonably good data base through the Uncontrolled Hazardous Waste Disposal Site Survey, and since any future Mitre Models will likely be based on the general concept of relative degree of hazard, we evaluated the ten sites presumed to present the greatest risk. Their selection occurred within the draft guidance for listing priorities as provided by EPA and with input from Region X. The ten sites and their relative ranking scores are presented in Table I.

Conclusions

On December 3, 1980, Congress created the opportunity for using federal funds to clean up abandoned hazardous waste disposal sites that pose an immediate or potential threat to public health and welfare or the environment. Unlike previous grant programs, Superfund is to be used only in those cases where a responsible party can't be identified and/or required to finance the cleanup.

A major responsibility has been placed on states to identify candidate sites in need of federal funding to effect cleanup. Using data from an ongoing uncontrolled hazardous waste survey, 10 Oregon sites have been evaluated using a relative degree-of-hazard mathematical model developed by an EPA contractor. On a relative ranking basis for remedial action, the maximum score any site received is 36.5 and the minimum score is 0. In the case of three of the top four evaluated sites, company-financed groundwater monitoring programs are ongoing or proposed. In the case of the fourth site, further information is anticipated from an EPA contractor.

The relative ranking scores for "Fire & Explosion" and "Direct Contact" are used to gauge only emergency conditions at a site and usually define situations generally addressed by immediate removal actions rather than longer-term remedial action. However, nine of the sites have yet to be identified for removal action. Gould is currently working with the Department to identify the extent of the problem and propose specific action to abate the potential hazard from direct contact of lead dust either in the air or on the ground near the plant. St. Johns Landfill scores under direct contact for its potential contact from access via the slough, i.e., people in a canoe or light boat landing on the landfill site. However, the Department feels this is a remote possibility as also reflected in the low ranking score. The five remaining sites that also received a score under direct contact can abate this concern by fencing their facilities to prohibit access. The facilities ranked under "Direct

Table 1

Site	Identified Responsible Party	Principal Business Activity	Groundwater, Surface Water & Air Relative Ranking Score	Fire & Explosion Relative Ranking Score	Direct Contact Relative Ranking Score	Current Status
1. Gould, Inc. Portland	Gould, Inc.	Battery reprocessing plant. (lead)	36.5	0	85	WQ monitoring program proposed and AQ monitoring program implemented
2. United Medical Lab Portland	ICN Corporation	Defunct medical lab (Cn & Azides)	20.5	5.3	81	EPA contractor evaluating the site, report due
3. Rhone-Poulenc Portland	Rhone-Poulenc	Herbicide manufacturing	20	0	50	G.W. monitoring program in place and samples being collected for analysis
4. Stauffer Chem. Co. Portland	Stauffer	Pesticide manufacturer	18.3	0	50	G.W. monitoring program in place and samples being collected for analysis
5. Nu Way Oil Portland	Nu Way	Used oil refining operation (lead)	16.8	0	87.5	Samples being collected for analysis
6. St. Johns Landfill Portland	Metro	Municipal landfill (herbicides)	16.2	0	20.8	Currently permitted S.W. site, ongoing monitoring program by Metro
7. Allied Plating Portland	Allied	Metal Plating Co. (Cn, Cu, Ni, & Cr)	13.9	0	58.33	Site has been monitored and application for WPCF permit has been submitted
8. Alkali Lake Lakeview	Oregon DEQ	Closed pesticide manufacturing waste site	4.8	0	0	Ongoing DEQ monitoring program
9. Old Albany Landfill Albany	City of Albany	Municipal landfill (Zr)	0	0	0	Closed site; waste adequately covered
10. Umatilla Army Depot Umatilla	U.S. Army	Storage of munitions pesticides, solvents, and nerve gas.	Pending	0	0	Additional information being developed by the Army.

Contact" are located in industrial areas and are usually not subject to public trespass.

In no case do we have a situation where a responsible party isn't known and, in fact, on seven of the sites are active business or government operations. Furthermore, we have no indication that any of the 10 responsible parties would resist financing cleanup if cleanup was judged necessary.

We have concluded, therefore, that for the first Priority List, Oregon has no candidate sites to forward to EPA. Oregon's decision for the first Priority List does not restrict us from forwarding candidate sites during future annual updates mandated by Superfund.

As alluded to under "Future Action" contained within the "Uncontrolled Hazardous Waste Site Survey Progress Report" (Attachment I), the Department will work toward a final determination on those 21 sites identified as undergoing continuing evaluation, investigate any new information on potential sites brought to our attention and, as a result of the "Superfund Notification Process," make a determination as to the potential hazard of these additional sites. Based on any new information from these activities, decisions will be made relative to the annual update of sites for Oregon's Hazardous Substance Response Plan.


For purposes of notifying EPA on Oregon's initial Hazardous Substance Response Plan, the Department has three alternatives:

1. Send a letter to EPA stating that we are not submitting any site(s) for the first National Priority List.
2. Send a letter to EPA stating that efforts to date haven't identified a need for Superfund funding. Further, indicate we will continue to work on the Uncontrolled Hazardous Waste Site Survey and investigate those sites identified by the "Superfund Notification Process" to resolve any environmental problems. Lastly, we are prepared to annually update Oregon's Hazardous Substances Response Plan according to current guidance from the Superfund program.
3. Send a list of one or more sites to EPA as candidates for the National Priority List. It is important to note that if one or more sites were submitted, one must assume the highest-ranked site would be listed in the top 100 sites irrespective of its relative score. Congress intended that at least one site from each state, if practicable, would receive Superfund funding. One must also assume that, because of the overall low relative ranking scores, only the highest-ranked site would be listed in the National Priority List of +400.

EQC Agenda Item No.
December 4, 1981
Page 5

Director's Recommendation

Based upon the Evaluation and Conclusions, it is recommended that the Commission concur with the Director's decision to submit a letter as outlined in option 2 of the Conclusions.


William H. Young

Attachments: I - Uncontrolled Hazardous Waste Survey Progress Report
II - Comprehensive Environmental Response, Compensation and
Liability Act of 1980
III - Mitre Model Ranking Data Sheets

Mark W. Hope:c
SC48
229-5060
November 12, 1981

Uncontrolled (Abandoned) Hazardous Waste
Disposal Site Survey

-- Progress Report #3 --
-- November 1, 1981 --

-- Oregon Department of Environmental Quality --

Preamble:

On February 15, 1980, and March 1, 1981, the Department issued progress reports describing its ongoing efforts, in concert with Region X of the Environmental Protection Agency (EPA), to identify, inspect and evaluate uncontrolled (abandoned) hazardous waste disposal sites in Oregon. Since our work will continue until all investigations are closed, future progress reports are planned. Some background information from the earlier reports is included here to lend continuity to our ongoing efforts. (NOTE: Since this is an ongoing study, occasionally summaries will be quoted in other reports that will be different than reported herein. While we regret the potential confusion, the dynamic nature of these investigations will continue to create this type of problem.)

Background:

Over the last several years, a number of incidents have been reported across the U.S.A. of sites containing large quantities of uncontrolled hazardous wastes (in drums, barrels, pits, ponds, lagoons, or landfills) posing threats to human health or the environment (Love Canal in New York, Valley of the Drums in Kentucky, Chemical Control Corporation in New Jersey, etc.). With the exception of Oregon's experience with the abandonment of pesticide manufacturing wastes at Alkali Lake (60 miles north of Lakeview) in the early 1970's, it has been assumed that no such sites exist in Oregon. This assumption is in large part due to Oregon's low level of industrialization; particularly in the petroleum and chemical industries. One also needs to recognize that prior to the late 1960's much industrial waste was discharged to Oregon's public waters, rather than handled in some other manner such as land disposal or treatment for reuse.

The March progress report noted that a hazardous waste treatment facility near Suver, operated by Caron Chemical Company, had gone out of business, leaving some 2,000 55-gallon drums of waste at the site. Since March, the company, DEQ, EPA and the companies supplying the waste for treatment entered into a voluntary cleanup agreement that resulted in the removal of the wastes to the Arlington Hazardous Waste Disposal Site.

Study Outline:

During discussions with EPA Region X staff during July 1979, it was concluded that some effort should be devoted toward verifying the assumption that Oregon doesn't have sites containing large quantities of hazardous waste. Having to rely primarily on existing manpower to conduct such a study, the following efforts have been initiated:

1. Internal staff discussions designed to identify:
 - a. defunct or existing industries likely to have generated, or which currently generate, hazardous wastes; and
 - b. closed or existing disposal sites likely to contain hazardous wastes.
2. Selection and evaluation of candidate companies within specific industrial categories based on raw materials used, manufacturing processes employed and likely wastes produced. (During these initial discussions, two major industrial categories were eliminated from further consideration--(1) sawmill and plywood plants and (2) pulp and paper plants--because of the Department's continuing program of routine air, water and/or solid waste compliance inspections.)
3. Mailing a questionnaire to each of Oregon's 36 county health departments soliciting information from their staff and/or files on uncontrolled (abandoned) hazardous waste disposal sites. Of the seven responses received, no new uncontrolled sites were brought to our attention.
4. Automatic followup on any information brought to our attention by the public. One inspection (Parrott Mountain Disposal Site) was conducted as a result of information from the public.
5. Followup on most of the "process waste" disposal practices identified in a report published by the House Subcommittee on Oversight and Investigations chaired by Representative Bob Eckhardt (commonly referred to as the Eckhardt Report). (Refer to March 1, 1981 Progress Report, page 5, for added detail.)
6. Followup on most of the sites identified in a Battelle report entitled "Identification of Hazardous Waste Disposal Site and Management Practices in Region 10: 1940-1975." (Refer to March 1, 1981 Progress Report, page 5, for added detail.)
7. Followup on three of seventeen industrial waste impoundments (pits, ponds or lagoons) identified in a report published by the House Committee on Government Operations chaired by Representative Jack Brooks (Interim Report on Groundwater Contamination: EPA Oversight--commonly referred to as the Moffett Report). (Refer to March 1, 1981 Progress Report, page 5, for added detail.)
8. Followup on notification responses as a result of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 PL 96-510 (commonly known as Superfund). The Act mandates in Section 103(c) that certain persons notify EPA by June 9, 1981, of the existence of sites where hazardous wastes from industries, businesses, governments, hospitals, and other sources are stored, treated, or disposed of (referred to as the "Superfund Notification Process").

One final note of importance, this study concerned itself primarily with chemical waste disposal sites. Recent legislation, SB 108 (Chapter 587), requires the Oregon State Health Division and Oregon Department of Energy to adopt regulations for the proper management and disposal of certain low-level radioactive waste material disposed of prior to June 1981.

Results:

To date, 82 reports/sites have been investigated. Appendix 1 contains updated information on these investigations including a description of the type of investigation conducted (i.e., file search, sites visit, sample collection). Please note when reviewing these appendices that information on quantities were included only when we could document said information.

As stated earlier, the purpose of this survey was to locate any large quantities of uncontrolled hazardous wastes that may pose a threat to public health or to the environment. To date, the survey has not uncovered any large quantities of uncontrolled hazardous wastes that present an immediate threat to public health or the environment. What the survey is providing us with, however, is an opportunity to review some existing and historical practices in light of today's knowledge of hazardous materials/wastes. As the survey and evaluations continue, the practical effect will be to improve current management/disposal practices to avoid any long term threat to public health or the environment that may otherwise have been allowed to occur.

In evaluating each of the 82 sites, EPA Region X and the Department considered things such as types and quantities of wastes; degree of hazard; degree of persistence; type of disposal method (i.e., disposal well, evaporative lagoons, disposal trench, landfill, etc.); soils and geology; surface and groundwater conditions; proximity to people and surrounding land uses (existing or potential). Based on the above criteria, the following conclusions have been reached (the apparent random listing of investigations resulted from the manner in which sites were identified and how quickly an investigation could be completed):

-- Appendix 1 Investigations --

Sixty-one (61) investigations have been closed. No imminent health hazard or environmental problem identified.

Dant and Russell, North Plains
Chevron Asphalt, Portland
Pacific Carbide and Alloy Co., Portland
Hercules, Inc., Portland
J. H. Baxter and Co., Eugene
L. D. MacFarland, Eugene
John C. Taylor Lumber Sales, Sheridan
J. H. Baxter and Co., The Dalles
Union Pacific Railroad, Hermiston
Koppers, Wauna (defunct plant)
McCormick and Baxter, Portland
American Timber and Trading Company, Portland (defunct plant)
Alkali Lake Disposal Site, Lakeview (closed site)
Liquid Air, Inc., Medford

Johnson Creek Blvd. and Crosswhite Street Landfill, Portland
(closed site)
Lavelle (King Road) Landfill, Milwaukie (closed site)
A. B. Plating, Portland
Noslers Bullets, Bend
Parrott Mountain Landfill, Sherwood
Van Waters and Rogers, Portland
Miller Products Company, Portland (defunct plant)
Tektronix, Inc., Beaverton
Charles H. Lilly Co., Portland
Nurnberg Scientific Company, Portland (defunct warehouse)
Teledyne Wah Chang, Albany
Martin Marietta, The Dalles
Chempro of Oregon, Portland
Permapost Products Company, Hillsboro
Allied Plating, Portland
Chevron Chemical Company, Milwaukie
Associated Chemists, Inc., Portland
Bethel-Danebo Landfill, Eugene (closed site)
Chem-Security Chemical Waste Landfill, Arlington
Borden Chemical Company, Springfield
Coffin Butte Landfill, Corvallis-Albany
Griffen Brothers, Inc., Portland
United Foam Corporation, Portland
Short Mountain Landfill, Eugene
Krishell Laboratories, Portland (defunct plant)
Monsanto, Eugene
Norris Paint and Varnish Company, Salem
OECO Corporation, Portland
Winter Products Company, Portland
Richhold Chemicals, Inc., St. Helens
Farmcraft, Inc., Tigard
Uranium Mill, Lakeview (defunct plant)
Wilbur-Ellis Company, Portland
Alexander Paper Stock, Portland
Oregon Technical Products, Grants Pass
Drum Recovery, Portland
Spe-de-way Paint Stain Company, Portland
Crosby and Overton, Portland
Nuway Oil, Portland
Widing Transportation, Portland
St. Johns Landfill, Portland
South Willamette Street Landfill, Eugene
Zehrunge Corporation, Portland
Caron Chemical Corp., Monmouth
Anodizing, Inc., Portland
Rossman's Landfill, Oregon City
Brown's Island Landfill, Eugene

Fourteen (14) investigations are continuing. Insufficient information, including lack of existing monitoring data, preclude a final judgment being made.

Globe Union, Canby
Airport Glue Waste Disposal Site, Grants Pass
Stauffer Chemical, Portland
United Chrome Products, Inc., Corvallis
Ace Galvanizing, Portland
Milwaukie Dumping Area, Milwaukie
Scappoose Dumping Area, Scappoose
Frontier Leather, Sherwood
Northwest Printed Circuits, Medford
Reynolds Metal Company, Troutdale
ICN/United Medical Lab, Portland
Bloomberg Road Landfill, Eugene (closed site)
Day Island Landfill, Eugene (closed site)
Umatilla Army Depot, Hermiston

Seven (7) investigations are continuing as part of the Doane Lake Area Study.

Rhone-Poulenc, Portland
Pennwalt, Portland
Gould, Inc., Portland, formerly N L Industries
Koppers Company, Portland
Industrial Air Products, Portland
Gilmore Steel, Portland
Northwest Natural Gas, Portland

Superfund:

On December 3, 1980, Congress (House and Senate) passed the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (commonly called Superfund). Should, as a result of any completed or new investigations by DEQ and EPA Region X, an imminent hazard or environmental problem be identified, a mechanism now exists for pursuing timely remedial action through use of the Hazardous Substance Response Fund. Use of the fund presupposes that a responsible party capable of and willing to effect the cleanup cannot be identified.

Further, although the basic statutory legislation is now in place, the EPA is required to promulgate certain administrative rules in order to activate the Fund. One key rulemaking is modification of the National Contingency Plan (NCP) to include a section to be known as the national hazardous substance response plan. (Refer to the March report for the minimum points the plan must address.) EPA anticipates promulgating the NCP in early 1982.

Future Action:

As described, it can be seen that a good deal of effort has been put into surveying/studying Oregon industries and landfills over the past two years. Additional efforts either ongoing or being discussed by DEQ/EPA Region X are:

1. Complete final determination on twenty-one (21) sites identified as undergoing continuing evaluation as soon as possible.

2. Investigate any new information on potential sites brought to our attention by the public, public interest groups, industry or other governmental agency.
3. As a result of the "Superfund Notification Process," 42 notifications were received, 31 of which are new sites. A quick review of the sites show no problems but a final determination will be withheld pending a detailed investigation. The investigations are planned for sometime during 1982.

For further information regarding any aspects of this report, please contact Richard Reiter or Mark Hope at 229-5913 (or 1-800-452-7813 toll-free). If anyone has information on a site or site they believe the Department should be investigating, please contact Richard Reiter or Mark Hope at the numbers above or the Department of Environmental Quality, P.O. Box 1760, Portland, Oregon, 97207.

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Appendix I

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UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Dant & Russell, Inc. 7755 W. Hillcrest North Plains, OR	on-site	sludge lagoon	pentachloro- phenol; creosote	organic toxic materials	1. No accumula- tion of un- controlled chemicals identified. 2. Sludge cur- rently being hailed to Arlington	no imminent health hazard or environ- mental problems identified. Un- controlled site investigation closed	File search; telephone contact
Wood Processing	off-site (St. Johns Land- fill)	Municipal land- fill	Industrial sludge (10 truckloads)				
	off-site (Arlington Disposal Site)	chemical waste landfill	Industrial sludge (periodic shipments as needed)				
Chevron Asphalt Co. Standard Oil of California 5501 NW Front Portland, OR	off-site (St. Johns landfill)	municipal landfill	process sludge contaminated with oil	industrial sludge con- taminated with oil	1. No accumu- lation of un- controlled chemicals on- site 2. Process sludge disposed of at St. Johns landfill	No imminent health hazard of environ- mental problems identified. Un- controlled site Investigation closed	file search; telephone conversation
asphalt manufacturer							

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Pacific Carbide & Alloys Co. 9901 N. Hurst Av. Portland, OR ----- Manufacturer of quicklime and calcium carbide	on-site	settling pond	calcium hydrate; calcium carbon- ate; carbon (10,000 cubic yards per year)	corrosive	1. No accumu- lation of un- controlled chemicals on- site. 2. Waste lime sludges are marketed as agricultural soil condi- tioners.	no imminent health hazard or environ- mental problems identified. Uncontrolled site investi- gation closed	file search; site visit; sample collection
Hercules, Inc. 3366 NW Yeon Ave. Portland, OR ----- Manufacturer of coating agents for paper industry	off-site	contract with Crosby & Overton	settleable solids con- taining resins, fatty acids, wax, emulsifiers and starch	industrial sludge	1. No accumu- lation of un- controlled chemicals on-site. 2. Industrial sludge disposed of off-site via contract with Crosby & Overton	1. No imminent health hazard or environmental problem identi- fied on-site. 2. Uncontrolled site investi- gation closed. 3. Evaluation of Crosby and Overton facilities scheduled.	file search; telephone conversation

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
J.H. Baxter & Co. 85 Baxter Street Eugene, OR ----- wood preserving	off-site Bethel-Danebo landfill ----- off-site Arlington dis- posal site ----- off-site	municipal landfill ----- chemical waste landfill ----- contract with Roto-Rooter or other pumper	pentachloro- phenol; creosote (up to 25,000 gallons per year)	organic toxic materials	1. No accumu- lations of un- controlled chemical on-site 2. Wastes cur- rently disposed of at Arlington Disposal Site	1. No imminent health hazard or environ- mental problems identified on- site. 2. Uncontrolled site investi- gation closed. 3. Followup on Bethel-Danebo landfill and Roto-Rooter con- tract scheduled.	personal interview
L.D. McFarland Company Highway 99N Eugene, OR ----- wood preserving	on-site	land spreading for dust control	pentachloro- phenol contam- inated sludge (3000 gallons per year)	organic toxic material	1. No accumu- lation of un- controlled chemicals on- site. 2. Negligible levels of penta- chlorophenol in soil and surface runoff water	1. No imminent hazard or en- vironmental problems identified. 2. Uncontrolled site investi- gation closed.	personal interview; site visit; sample collection

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
John C. Taylor Lumber Sales, Inc. (dba Sheridan Pressure Treated Lumber) Rock Creek Rd. off of Business Hwy 18 Sheridan, OR ----- wood preserving	on-site	storage in drums	pentachloro- phenol; creosote; arsenic, copper and ammonium salts (15-55 gallon drums per year)	organic and inorganic toxic materi- als	1. No accumu- lation of un- controlled chemicals on- site. 2. Drummed waste shipped to Arlington dis- posal site or firm in Kelso, Washington.	1. No imminent health hazard or environmental problems identi- fied on-site. 2. Uncontrolled site investi- gation closed. 3. Reference to Kelso, Washingto site referred to EPA.	file search; telephone conversation
	off-site Arlington dis- posal site	chemical waste landfill	same as above				
	off-site Kelso, Washington	unknown at this time	same as above				
J.H. Baxter & Co. East of City The Dalles, OR ----- wood preserving	on-site	accidental spillage	pentachloro- phenol; creosote	organic toxic materials	no accumulation of uncontrolled chemical on-site	No imminent health hazard or environmental problems identified. Uncontrolled site investi- gation closed.	file search; telephone conversation

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Union Pacific Railroad Hinkle Rail Yards Hermiston, OR ----- railroad switch- ing and mainten- ance yard	on-site	land spreading	waste oil (80,000 gallons per year)	industrial sludge	1. No accumu- lation of un- controlled chemicals on- site. 2. Land spread- ing of waste oil discontinued in 1976.	No imminent health hazard or environmental problems identi- fied. Uncontrol- led site investi- gation closed	file search; site visit
Koppers, Wauna Wauna, OR ----- wood preserving	on-site	liquid waste recycled	pentachloro- phenol; creosote; copper, chrome, and arsenic salts	organic and inorganic toxic materials	1. Plant perma- nently closed in 1962. 2. Former site now part of Crown Zeller- bach paper mill site.	1. No imminent health hazard or environmental problems identified. Uncontrolled site investi- gation closed.	telephone conversation

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
McCormick and Baxter 6900 N. Edgewater Street Portland, OR ----- wood preserving	off-site Arlington disposal site	chemical waste landfill	pentachloro- phenol; creosote; copper, chrome and salts; boric acid; isopropyl ether liquid butane	organic and inorganic toxic materials	1. No accumulations of uncontrolled chemicals on-site. 2. Wastes currently hauled to Arlington disposal site.	No health hazard or environmental problem identified. Uncontrolled site investigation closed	file search; telephone conversation
American Timber & Trading Co. (Now Columbia Woodworking Co.) 6432 NE Columbia Blvd. Portland, OR ----- wood preserving	on-site	disposal wells	pentachloro- phenol; creosote; copper, chrome and arsenic salts	organic and inorganic toxic materials	1. Plant operated from 1962-1970. 2. Plant disposed of liquid wastes into disposal wells. 3. Former plant site now under warehouse with an address of 6510 Columbia Blvd.	1. No imminent health hazard or environmental problems identified. Uncontrolled site investigation closed	telephone conversation; site visit; sample collection

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Alkali Lake 60 miles north of Lakeview, OR ----- chemical waste landfill	on-site	shallow disposal trenches	residue from the manufacture of pesticides, primarily 2,4,D (23,500-55 gallon drums)	organic toxic materials	1. All drums were buried under state supervision in Nov-Dec. 1976. 2. Twice a year monitoring on and off-site is continuing by DEQ. 3. Site current- ly owned by State of Oregon. 4. This was a one time cor- rective disposal program.	1. Twice a year monitoring on and off-site con- tinuing. 2. No imminen health hazard or environmental problem identi- fied at this time. Un- controlled site investigation closed.	file search
Liquid Air, Inc. 320 N. Pacific Hwy. Medford, OR ----- acetylene manufacturer	on-site	surface impoundment	slaked lime (4 to 5 tons per month)	corrosive material	1. No accumula- tion of uncon- trolled chem- icals on-site. 2. Slaked lime has an agricul- tural use, how- ever, Medford Valley's soils are already alkaline.	1. No imminent health hazard or environmental problem identi- fied. 2. Uncontrolled site Investigation closed.	site visit

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Johnson Creek Blvd. and Crosswhite Street Landfill Johnson Creek Blvd. and Crosswhite Street Portland, OR ----- Demolition Landfill	on-site	building demolition waste land clearing debris; and industrial wastes from Precision Castparts.	Sodium hydroxide, potassium hydroxide, kolene and alcohol wastes.	flammable and corrosive wastes	1. No accumulation of uncontrolled chemicals on-site. 2. Landfill is filled to capacity and warehouse has been built on-site. 3. Relative to building demolition waste and land clearing debris, the waste from Precision Castparts was incidental in terms of volume.	1. No imminent health hazard or environmental problem identified. 2. Uncontrolled site investigation closed.	site visit
Lavelle Landfill King Road Milwaukie, Oregon ----- Demolition Landfill	on-site	building demolition waste; land clearing debris; and industrial waste from Precision Castparts	sodium hydroxide; potassium hydroxide; kolene and alcohol wastes	flammable and corrosive wastes	1. No accumulation of uncontrolled chemicals on-site. 2. Landfill is filled to capacity and was covered with two (2) feet of dirt. 3. Relative to building demolition waste and land clearing debris, the waste from Precision Castparts was incidental in terms of volume.	1. No imminent health hazard or environmental problem identified. 2. Uncontrolled site investigation closed.	site visit

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
A B Plating 6724 N.E. 46th Ave. Portland, OR ----- Metal plating	on-site	Cesspool	sodium hydroxide; sodium hydroxide sludge; chromic acid and muriatic acid.	corrosive and toxic metal wastes	1. No accumula- tion of uncon- trolled chemicals identified. 2. Small quanti- ties of drippings and splashes are disposed of in cesspool. 3. No recorded wells within one mile of site. Groundwater es- timated at 40 to 50 feet.	1. No imminent health hazard or environmental problems identified. 2. Current and future waste disposed prac- tices will be evaluated under hazardous waste disposal re- quirements. 3. Uncontrolled site Investigation closed.	site visit
Noslars Bullets, Inc. 61396 Parrell Road Bend, Oregon ----- Manufacturers of ammunition	on-site	shallow hand-dug disposal pits	formerly $\text{Na}_2\text{Cr}_2\text{O}_7$ (80 gallons per year); currently H_2SO_4 (200 gallons per year)	toxic and corrosive liquid wastes	1. No accumula- tion of uncon- trolled chemicals on-site. 2. Small amount of spent acid disposed of in shallow pits (20 inches deep) 3. No visual evidence of env- ironmental prob- lem as a result of these prac- tices.	1. No imminent health hazard or environmental problem iden- tified. 2. Uncontrolled site Investiga- tion closed.	site visit

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Parrott Mountain Landfill Parrott Mountain Road 2 miles southwest of Sherwood, OR ----- septic tank waste; Industrial waste.	on-site	evaporation/ seepage surface impoundment lagoons	septic tank sludge; chemical toilet sludge; pesticide manu- facturing residue.	organic and toxic organic sludges	1. No accumula- tion of uncon- trolled chemicals identified on-site. 2. Pesticide manufacturing residues removed from site by court order. 3. Septic tank and chemical toilet sludge has dried up and is covered over.	1. No imminent health hazard or environmental problem identi- fied. 2. Uncontrolled site Investigation closed.	file search; telephone contacts; site visit
Van Waters and Rogers 3950 N.W. Yeon Portland, OR ----- distributor of commercial and industrial chem- icals and recycler of chlorinated solvents.	off-site (Arlington Disposal site)	chemical waste landfill	spilled products; spill contamin- ated soil; and still bottoms (sludges) from chlorinated solvent recovery process.	organic and inorganic toxic material	1. No accumula- tion of uncon- trolled chemicals identified. 2. Spill clean- up and chlorin- ated solvent st- ill bottom sludges shipped to Arlington.	1. No imminent health hazard or environmental problem identified. 2. Site to be licensed by state of Oregon as haz- ardous waste treatment facil- ity. 3. Uncontrolled site Investigation closed.	file search; site visit

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Miller Products Company Foot of S.W. Caruthers Portland, OR Defunct manufacturer of lime-sulfur and formulator of pesticides	on-site	settling pond	lime-sulfur sludge	corrosive industrial sludge	1. No accumula- tion of uncon- trolled chem- icals on-site. 2. Plant closed in 1960 at this location. 3. Land where plant was located is now part of freeway system.	1. No imminent health hazard or environmental problem identified. 2. Uncontrolled site Investiga- tion closed.	file search; site visit
Tektronix, Inc. N.W. Miliken Way Beaverton, OR electronics manufacturing	on-site off-site (Grabhorn Mountain Landfill) off-site (Arlington Disposal Site)	evaporation pond/ landfill demolition landfill chemical waste landfill	zinc; cadmium; nickel; copper; chrome; (56,000 gallons of sludge per year)	inorganic toxic materials	1. No accumula- tion of uncon- trolled chemicals on-site. 2. Three sites have been used for landfilling of industrial sludge containing heavy metals. 3. Sludge is pretreated prior to landfilling to reduce heavy metals to environ- mentally safe level.	1. No imminent health hazard or environmental problem identified. 2. Uncontrolled site Investigation closed.	file search; site visit; sample collection.

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Charles H. Lilly Co. (Miller Products Co.) 7737 N.E. Killings- worth Portland, OR ----- formulator of commercial fertilizer and pesticide products	on-site	concrete pit with approxi- mate dimensions of 150' by 6' by 5' deep	DDT powder (2000 lbs) DDT liquid (200 gallons) miscellaneous quantities of chlordane, lindane, kelthane, etc. as they may have been mixed with DDT product	organic toxic materials	1. One time disposal as a result of the ban on DDT. 2. Department of Agriculture and Department of Environ- mental Quality had reviewed burial site in 1977. 3. Current pesticide con- taminated wastes are hailed to Arlington dis- posal site.	1. Permanent record of one time disposal needs to be created. 2. No imminent health hazard or environmental problems identi- fied. 3. Uncontrolled site investi- gation closed.	file search; telephone conversation
	off-site Arlington dis- posal site	chemical waste landfill	miscellaneous discontinued pesticide products (50,000 pounds)				
Nurnberg Scien- tific Company 3237 N. Williams Portland, OR ----- Defunct distributor of laboratory chemicals	on-site	filled in basement	fire damaged laboratory chemicals (unknown quantity of chemicals not salvageable)	miscellaneous acids; bases; oxidizers; flammables; cyanide	following major fire (1967) at- tempts were made to salvage as many chemicals as possible. Remainder of chemicals were buried in base- ment along with charred remains of building. Debris leveled & covered with dirt.	1. Permanent record of this information needs to be created. 2. No imminent health hazard or environmental problems identi- fied. Un- controlled site investigation closed.	file search; telephone conversation; site visit

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Teledyne Wah Chang Teledyne Industries, Inc. 1600 Old Salem, Road Albany, OR ----- manufacturer of non-ferrous metals	off-site Coffin Butte landfill	municipal landfill	stainless steel liners and furnace shield with adhering masses of zir- conium and magnesium; zirconium fines; metal chlorides, chlorinator residues, filter residues and used carbo- column materials; flammable liquids	pyrophoric materials;	1. No accumula- tion of uncon- trolled chemi- cals on-site. 2. Pyrophoric, reactive and flammable material dis- posed of in several area landfills. 3. Excavation of previously dis- posed of materia could result in spontaneous combustion or explosion.	1. Permanent record of off- site disposal information needs to be created. 2. No imminent health hazard or environmental problems identi- fied. Un- controlled site investigation closed. 3. Oregon State Health Division studying radio- active waste disposal sites.	file search
	off-site Roche Road landfill	demolition landfill		reactive materials;			
	off-site Albany landfill	municipal land- fill (now closed)		flammable materials;			
	off-site Arlington dis- posal site	chemical waste landfill		low level radioactive wastes			
Martin Marletta Aluminum Co. 3313 West 2nd The Dalles, OR ----- manufacturer of aluminum	on-site	Industrial landfill	potliners; carbon blocks; sludge from air scrubbers	Industrial sludge	no accumulation of uncontrolled chemicals on- site	1. No health hazard or en- vironmental problem identi- fied on-site. 2. Uncontrolled site investi- gation closed. 3. The aluminum industry as an Industrial category may receive a further evaluation by EPA	file search; telephone conversation

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Chempro 11535 N. Force St Portland, OR	on-site	sludge lagoon	process sludge contaminated with oil	industrial sludge con- taminated with oil	1. No accumu- lation of un- controlled chemicals on-site 2. Oily sludge currently being hailed to Arlington dis- posal site	1. No imminent health hazard or environmental problems identified. 2. Reference to Pasco, Washing- ton site referred to EPA for followup. 3. Uncontrolled site Investi- gation closed. 4. The chemical reprocessing industry as an industrial category may receive further EPA review.	file search; telephone conversation -sample collection
Reprocessor of waste oil	off-site (Pasco, Washing- ton)	chemical waste landfill	oily sludge		3. Samples were taken 4/2/81 from run-off pond and under- neath tanks. Results show no contamination.		
	off-site (Arlington disposal site)	chemical waste landfill	oily sludge				
Permapost Products Company 25600 SW Tualatin Valley Hwy Hillsboro, OR	on-site	short-term holding/recircu- lation lagoon and long-term storage/ evaporation lagoon	pentachloro- phenol; creo- sote; copper, chrome and arsenic salts	organic and inorganic toxic materials	1. No accumu- lation of un- controlled chem- icals identified 2. Violations of state water pol- lution control facilities permit occurring.	1. No imminent health hazard or environmental problems identi- fied. Uncontrol- led site investi- gation closed. 2. Enforcement action being initiated to correct permit violations. 3. Reference to Vancouver, WA container recycling firm referred to for followup	file search; telephone conversation; site visit; sample collection
wood preserving	off-site (Vancouver, Washington)	metal container recycling firm	metal containers that contained copper, chrome and arsenic salts				ing EPA

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Allied Plating 8135 NE Union Portland, OR metal plating	on-site	evaporative/ seepage lagoon	cyanide; copper nickel; chrome; (up to 150 gallons per minute)	inorganic toxic materials	1. No accumu- lation of un- controlled chemicals on- site. 2. Because of expanding pro- duction capacity lagoon becoming inadequate. 3. State Water Pollution Control Facility Permit applied for. 4. Wastewater analysis indi- cates concentra- tion of Cu, Ni, Cr, Cy, and pH below levels for HW classifica- tion.	1. No imminent health hazard or environmental problems identi- fied. Uncon- trolled site investigation closed. 2. State WPCF permit being drafted. Ground- water monitoring program will be required.	-file search; telephone conversation; site visit -wastewater sample taken

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Chevron Chemical Company 2300 S.E. Harvester Drive Milwaukie, Oregon ----- Blend and pack- age dry (powder) pesticide mixtures.	off-site (landfill near Yakima, Wash- ington.)	industrial landfill.	spilled pesti- cide product; damaged con- tainers.	organic and inorganic toxic materials.	1. No accum- ulation of un- controlled chemicals iden- tified. 2. Plant clean- up wastes ship- ped to landfill near Yakima, Washington.	1. No imminent health hazard or environmental problem iden- tified. 2. Uncontrolled site Investigation closed. 3. Reference to Yakima, Washington landfill refer- red to EPA for followup.	telephone conversation; site visit.
Associated Chemists, Inc. 4401 S.E. Johnson Creek Blvd. Portland, OR ----- Formulating and packaging cleaning compounds, paints, solvents and fungicides.	off-site (Arlington disposal site)	chemical waste landfill	paint sludge (2-3, 55 gallon drums per month)	industrial sludge	1. No accumul- ation of uncon- trolled chemicals identified. 2. Sludge cur- rently being hailed to Arlington.	1. No imminent health hazard or environmental problems iden- tified. 2. Uncontrolled site Investigation closed.	site visit

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Bethel-Danebo Landfill West 11th and Beltline Road Eugene, Oregon ----- former municipal/ industrial landfill.	on-site	Municipal/indus- trial disposal site that is filled to capacity.	Domestic gar- bage; building demolition waste; land clearing debris; wood waste; miscellaneous industrial/ commercial waste	organic and inorganic mixed wastes.	1. Former gravel pit filled with municipal and industrial wastes. 2. Potential exists for local groundwater contamination due to degrad- ation of municipal/ industrial wastes. 3. No evidence of hazardous wastes having been disposed of. 4. No accumulation of uncontrolled chemicals identified.	1. No imminent health hazard or environ- mental problems identified. 2. Uncontrol- led site investigation closed.	file search; site visit.

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Chem- Security Systems Inc. Star Route Arlington, Oregon ----- chemical waste landfill known as Arlington Disposal Site	on-site	Disposal trenches for sludges and solids; evaporation ponds for liquids; land treatment facility for oily wastes and covered storage for liquid PCBs.	Ignitable, corrosive, reactive and toxic waste according to Oregon's hazardous waste definitions. (approximately 1,000,000 cubic feet per year)	organic and inorganic toxic wastes.	1. No accumulation of uncontrolled chemical on site. 2. Site approved and licensed by state of Oregon. 3. Site in compliance with license conditions.	1. No imminent health hazards or environmental problem identified. 2. Uncontrolled site investigation closed.	file search; site visit.
Borden Chemical Co. 470 South Second St. Springfield, Oregon ----- Manufacturer of urea and phenol formaldehyde resins for wood products industry.	off-site (prior to 1976 Lane County landfills) ----- (since 1976 Arlington Disposal Site)	Municipal Landfill ----- chemical waste landfill	industrial sludge from pretreatment holding ponds.	industrial organic sludge.	1. No accumulation of uncontrolled chemicals identified. 2. Industrial sludge from pretreatment holding basins formerly hauled to local municipal landfills. 3. Industrial sludge now hauled to Arlington Disposal site.	1. No imminent health hazards or environmental problem identified. 2. Uncontrolled site investigation closed.	site visit

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Coffin Butte landfill Albany, Oregon	on-site	municipal/ industrial disposal site	domestic garbage; land clearing debris, miscellaneous industrial/commercial wastes	organic and inorganic mixed wastes; previously pyrophoric wastes; previously low level radioactive wastes	<p>1. No accumulations of uncontrolled chemicals on-site.</p> <p>2. Potential exists for local groundwater contamination due to degradation of municipal/industrial wastes.</p> <p>3. Pyrophoric wastes from Teledyne Wah Chang, Albany are no longer accepted (Wah Chang now manages these wastes on-site).</p> <p>4. Low level radioactive wastes are no longer accepted. These wastes are hauled by Wah Chang to the Hanford Disposal Site in Washington.</p>	<p>1. Site licensed by state of Oregon. Periodic inspections conducted.</p> <p>2. No imminent health hazard or environmental problems identified.</p> <p>3. Uncontrolled site investigation closed.</p> <p>4. Permanent record (i.e., deed restriction restrictive covenant, etc.) regarding disposal of pyrophoric and low level radioactive materials needed.</p>	file search; site visit

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Griffin Brothers, Inc. 1806 S.E. Holgate Portland, Oregon ----- Formulator of sanitary main- tenance products including: liquid detergents, bacteriacides, floor waxes, floor finishes and janitorial supplies.	off-site (St. Johns Landfill)	municipal waste landfill	General office and business refuse (no industrial or hazardous wastes.)	none	1. No accumu- lation of uncon- trolled chemicals identified.	1. No imminent health hazard or environmental problem iden- tified. 2. Uncontrolled site Investigation closed.	site visit
United Foam Corp. 3900 N.E. 158th Portland, Oregon ----- manufacturer of polyurethane foam	off-site (Arlington Disposal Site)	chemical waste landfill	Methylene chloride; glycol toluene disocyanate	toxic organic materials	1. No accum- ulation of un- controlled chemicals identified. 2. Manufacturing wastes placed in 55 gallon metal drums prior to shipment to Arlington.	1. No imminent health hazard or environmental problem iden- tified. 2. Uncontrolled site Investigation closed.	site visit

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Short Mountain Landfill Goshen, Oregon (operated by Lane County) ----- Municipal/ industrial landfill	on-site	Municipal/ industrial landfill	domestic garbage; building demo- lition wastes; land clearing debris; commercial and general bus- iness refuse	organic and inorganic mixed wastes	1. No accumula- tion of uncon- trolled chemicals identified. 2. Active site operating under permit from state of Oregon. 3. Leachate control system installed to prevent contam- ination of local ground and sur- face waters.	1. No imminent health hazard or environmental problem identi- fied. 2. Uncontrolled site Investigation closed.	file search; site visit
Krishell Labora- tories 1735 S.E. Powell Portland, Oregon ----- Defunct pesticide formulator	off-site (St. John's Landfill)	Municipal/ Industrial disposal site	general office and commercial manufacturing refuse (No known disposal of hazardous waste)	None	1. No accumula- tion of uncon- trolled chemicals identified on site of former plant. 2. Plant was demolished and new commercial warehouse constructed.	1. No imminent health hazard or environmental problems identified. 2. Uncontrolled site Investigation closed.	file search; telephone contact; site visit

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Monsanto 855 South Seneca Eugene, Oregon 97402 ----- Manufacturer of urea and phenol formaldehyde glue resins for wood products industry.	on-site off-site (Lane County landfills, such as Day Island, Bethel Danebo and Short Mountain)	pretreatment lagoons to remove solids prior to dis- charge to Eugene Sanitary Sewer Municipal disposal site.	industrial sludge dewatered sludge from pretreat- ment lagoons	organic indus- trial sludge	1. No accum- ulation of un- controlled chem- icals identified 2. Industrial sludge being disposed of at state permitted municipal land- fills.	1. No imminent health hazard or environmental problem iden- tified. 2. Uncontrolled site Investigation closed.	site visit
Norris Paint and Varnish Co. 1675 Commercial Street, N.E. Salem, Oregon ----- formulator of paints and var- nishes.	off-site (Brown's Island Disposal Site)	Municipal Disposal site.	Industrial sludge containing resid- ual amounts of organic solvent (500 lbs. per month); Indus- trial sludge con- taining latex paint solids (5000 gallons per year); paint pig- ment bags (100- 300 per day).	Industrial sludge or waste paper bags.	1. No accumu- lation of uncon- trolled chemicals identified. 2. Industrial sludges and general waste hailed to Brown's Island Landfill.	1. No imminent health hazard or environ- mental problem identified. 2. Uncontrolled site Investigation closed.	site visit

'UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY'

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
OECD Corporation 712 S.E. Hawthorne Portland, Oregon ----- Manufactures transformers and power supplies for missiles and aircraft	on-site ----- off-site (St. Johns Landfill)	Recovery and reuse ----- Municipal waste landfill	cleaning solvents ----- epoxy resins, non-solvent liquid waste solutions	Non-hazardous general manu- facturing refuse	1. No accumula- tions of uncon- trolled chem- icals identified. ----- 2. Cleaning solvents are recovered for reuse. ----- 3. General manufacturing refuse hauled to St. Johns Landfill.	1. No imminent health hazard or environmental problems identified. ----- 2. Uncontrolled site Investiga- tions closed.	site visit
Winter Products Company ----- 3604 S.W. Macadam Avenue ----- Portland, Oregon ----- Manufacture furniture hardware	off-site (St. Johns Landfill) ----- off-site (Arlington Disposal Site)	Municipal/ industrial disposal site ----- chemical waste landfill	Contaminated acid cleaner and plating rinse- water sludge (2000 gallons per year); brass plating bath solution sludge (4000 gallons per year).	Inorganic toxic materials	1. No accumula- tion of uncon- trolled chemicals identified. ----- 2. Prior to 1978 contaminated sludges were disposed of at St. Johns land- fill. ----- 3. Currently, contaminated sludges are hauled to Arlington.	1. No imminent health hazard or environmental problem identified. ----- 2. Uncontrolled site Investiga- tion closed.	telephone conversation; site visit

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Reichhold Chemi- cals, Inc. North Columbia River Highway Box 810 St. Helens, Oregon ----- Manufacturer of anhydrous amon- ia, prilled urea, and liquid fer- tilizers.	on-site	above ground storage	spent catalysts, spent silica gel and activated carbon	None- inert materials	1. No accum- ulation of un- controlled chemicals iden- tified.	1. No imminent health hazard or environmental problems iden- tified.	site visit
	off-site (Arlington Disposal Site)	chemical waste landfill	sludges accum- ulated during manufacturing process (1500 gallons per year)	toxic organic sludge	2. Inert mater- ials stored on- site are not considered pot- ential problem.	2. Uncontrolled site Investigation closed.	
	off-site (Chem-Pro)	Recovery of useable oil	Waste oils	organic waste	3. Organic sludges are haul- ed to Arlington. 4. Waste oils are sent to Chem-Pro for recovery and reuse.		
Farmcraft, Inc. 8900 S.W. Commercial Street Tigard, Oregon ----- formulator of agricultural fertilizers and pesticides.	none	Decontaminated empty containers are reused/ recycled.	Not applicable.	Not applicable	1. No accumula- tion of uncon- trolled chemical identified. 2. Empty con- tainers are reused/ recycled.	1. No imminent health hazard or environmental problem identi- fied. 2. Uncontrolled site Investigation closed.	Site visit.

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Uranium Mill Lakeview, Oregon ----- former uranium smelter	on-site	piles and sur- face lagoons	tailings left over from uranium recov- ery process	low level radioactivity; fine dust	1. No accumu- lation of uncon- trolled chemicals identified. 2. The tailings and some lagoons were stabilized with earth cover. 3. Some lagoons are still un- covered and occasionally cause localized dust problems. 4. Oregon Health Division contin- ues to monitor site and wells by sampling ground- water.	1. No imminent health hazard or environmental problem identi- fied. 2. Uncontrolled site Investigation closed.	file search

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
<p>Wilbur-Ellis Company</p> <p>1220 N.W. Marshall</p> <p>Portland, OR</p> <p>Warehouse and distribution center for farm chemical and fertilizer products.</p>	<p>off-site (St. Johns Landfill)</p> <hr/> <p>off-site (Arlington Disposal Site)</p>	<p>Municipal/ industrial disposal site</p> <hr/> <p>chemical waste landfill</p>	In-plant spills	Organic and inorganic toxic materials	<p>1. No accumula- tion of uncon- trolled chemicals identified.</p> <p>2. Prior to 1976 spilled materials were disposed of with general plant refuse at St. Johns Landfill.</p> <p>3. Currently spilled mater- ials are picked up, packed in drums and sent to Arlington.</p>	<p>1. No imminent health hazard or environmental problems identified.</p> <p>2. Uncontrolled site investiga- tion closed.</p>	site visit

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Alexander Paper Stock (formerly Resource Recovery By- products) 701 North Hunt Portland, Oregon ----- Recycling paper products	off-site (St. Johns landfill)	municipal disposal site	miscellaneous contaminants coming in with waste paper	none	1. No accum- ulation of uncontrolled chemicals identified. 2. Facility de- signed to recov- er materials such as wood or paper for their reuse or energy value.	1. No imminent health hazard or environmental problems iden- tified. 2. Uncontrolled site investiga- tion closed.	file search; site visit.
Oregon Technical Products 1636 N.W. Washing- ton Blvd. Grants Pass, Oregon ----- Assembly of airborne electronic radar parts.	off-site (Grants Pass Fire Department) ----- off-site (Grants Pass Highway Depart- ment) ----- off-site (Airport Glue Waste Disposal Site)	used for training fire fighters ----- used for equipment cleaning purposes ----- industrial sludge lagoon	solvents (14 gallons per month) ----- solvents (14 gallons per month) ----- paint sludge from spray booth (350 gallons per month)	organic flammable materials ----- organic flammable materials ----- industrial sludge	1. No accumula- tion of uncontrol- led chemicals id- entified. 2. flammable solvents reused by Grants Pass Fire or Highway Departments. 3. Paint sludges disposed of at Josephine County Airport glue waste lagoon.	1. No imminent health hazard or environmental problem identified. 2. EPA conduc- ting separate investigation of Josephine County Airport glue waste lagoon 3. Uncontrolled site investigation closed.	site visit

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Drum Recovery 112th & Holman Portland, OR ----- 1. Transporter of hazardous wastes (registered with Oregon PUC and EPA) 2. Proposed operator of hazardous waste collection site. 3. Proposed operator of hazardous waste treatment facility.	off-site (Arlington disposal site) (Wes-Con disposal site)	chemical waste landfill chemical waste landfill	miscellaneous inorganic/ organic liquids and solids	ignitable; corrosive; and toxic industrial inorganic and organic chemicals.	1. New company leasing office facilities from ICN/UML at 112th & Holman. 2. Primary business at this time is regis- tered transpor- ter of hazardous waste. 3. Proposed operator of hazardous waste collection site at 112th & Holman. 4. Proposed operator of hazardous waste treatment facil- ities at 112th & Holman.	1. No imminent health hazard or environmental problems identi- fied. 2. Transportation business and proposed facili- ties currently regulated by state and federal hazar- dous waste management regulations. 3. Uncontrolled site investiga- tion closed.	Site visit

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Spe-de-way Paint Stain Co. & Sol-Pro 8000 NE 14th Pl. Portland, OR ----- Spe-de-way manufactures paints and lacquers. Sol-Pro is a reprocessor of chlorinated and non-chlorinated waste solvents.	off-site (Arlington disposal site) (Wes-Con disposal site)	chemical waste landfill chemical waste landfill	miscellaneous organic liquids and solids	ignitable and toxic organic chemicals	1. No accumula- tion of uncon- trolled chemicals on site. 2. Company receives waste solvents from other businesses for treatment. Following treat- ment, chemicals are returned to businesses for reuse. 3. Wastes removed during treatment are drummed and shipped to Arlington or Wes-Con disposal sites.	1. No imminent health hazard or environmental problems identi- fied. 2. Treatment facilities are regulated by both federal and state hazardous waste management regulations. 3. Uncontrolled site Investigation closed.	file search; site visit

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Crosby and Overton 5420 N. Lagoon Av. Portland, OR industrial tank cleaning and servicing	on-site	temporary storage in steel tanks	ship bilge water (oil-water mixture)	organic and inorganic toxic materials; liquids and sludges contam- inated with oil; industrial sludges	1. No accumula- tion of uncon- trolled chemicals on site. 2. Temporary storage of oil- water mixtures at Time Oil is practiced. 3. Direct hauling to recycle facilities or authorized dis- posal sites is practiced for most customer- derived wastes.	1. No imminent health hazard or environmental problems identified. 2. Uncontrolled site Investigation closed.	site visit
	off-site recycle plants	recycling	varies by customer				
	off-site Arlington disposal site	chemical waste landfill	varies by customer				
	off-site St. Johns Landfill	municipal landfill	varies by customer				

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Nuway Oil 7039 NE 46th Portland, OR ----- rerefiner of used motor oil	on-site	settling lagoon	1. Clay sludge contaminated with oil (up to 70 tons per year) 2. acid sludge contaminated with oil (up to 90,000 gallons per year)	1. Industrial sludge con- taminated with oil. 2. Corrosive material	1. No accumula- tion of uncon- trolled chemi- cals on-site. 2. Clay sludge being disposed of on-site. 3. Acid sludge used for road base in Eastern Oregon and Washington. 4. Clay & acid sludges disposed of at St. Johns landfill. 5. Lead is material of concern and leach tests show <3 mg/l.	1. Waste con- fined to disposal site. 2. Uncontrolled site investiga- tion closed.	file search; telephone conversation; site visit; sample collection
	off-site (St. Johns landfill)	municipal landfill	clay and acid sludges				
	off-site (miscellaneous holes-North Portland)	filling in of depressions in North Portland	clay sludge				
	off-site (Eastern Oregon and Washington)	Used for road base material	acid sludge				

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Widing Trans- portation Co., Inc 10145 N. Portland Road Portland, OR ----- transporter of commodities in- cluding hazardous materials and hazardous wastes	on-site	6-cell aeration/ gravity settling basin and 4-acre settling pond	liquids and sludges from cleaning inside of bulk carrier transport trucks (50,000 gallons of water con- taminated with urea and phenol formaldehyde glue resins, surfactants, oil black liquor, & defoamer)	1. Organic and inorganic toxic materials 2. Sludges contaminated with oil. 3. Corrosive.	1. No accumula- tion of uncon- trolled chemicals on- site. 2. Following pretreatment some contamin- ated sludge stored on-site. 3. Following pretreatment some contamin- ated sludges hailed to Arlington dis- posal site.	1. Evaluation of water and sediments in 4-acre settling pond continuing to determine chemical con- taminants. 2. The facility is now under a State license to operate. Ability to evaluate and regulate the site has been estab- lished. 3. Uncontrolled site investigation closed.	file search; telephone conversation; site visit; sample collection
	off-site (Arlington dis- posal site)	chemical waste landfill	liquids and sludges as de- scribed above (periodic ship- ments as needed)				

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Stauffer Chemical Corporation 4429 N. Suttle Rd Portland, OR	on-site	settling pond	alum sludge (900 tons per year)	corrosive; organic toxic materials	1. No ground water contamination detected in on-site monitoring wells adjacent to oxidation lagoon.	1. Evaluation of on-site chemical waste landfill continuing.	file search; sample collections; site visit
manufacturer of aluminum sulfate and formulator of commercial pesticide products	on-site	oxidation lagoon	pesticide contaminated wash water (2300 lbs per year)		2. Pesticide contaminated wastes currently hauled to Wes-Con disposal site.	2. DEQ has requested EPA to followup due to lack of DEQ resources.	
	on-site	chemical waste landfill	pesticide contaminated liquids and solids (100-200 tons)		3. Alum sludge currently hauled to St. Johns landfill.	3. Additional groundwater monitoring wells constructed by Stauffer in November 1980.	
	off-site St. Johns landfill	municipal landfill	alum sludge		4. No good records exist relative to on-site chemical waste landfill.	4. Additional groundwater samples currently being collected and analyzed by Stauffer and EPA.	
	off-site Wes-Con disposal site	chemical waste landfill	pesticide contaminated waste (20-30 tons per year)			5. Uncontrolled site investigation continuing.	

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
United Chrome Products, Inc. Corvallis Airport Industrial Park	on-site	dry well	sludge contain- ing chrome (1000 gallons per year)	inorganic toxic material	1. No accumula- tion of uncon- trolled chem- icals on-site. 2. Negligible amounts of chrome in surface run- off waters.	1. No imminent health hazard or environmental problems iden- tified on or off site. 2. Soils and groundwater information in the area of dry well needed for evaluation.	file search; telephone conversation.
Corvallis, OR ----- metal plating	off-site Coffin Butte Landfill	municipal landfill	same as above		3. Sludge now hailed to Coffin Butte landfill. 4. Unknown quantity of process waste- water and sludge disposed of down dry well.	3. Geologist report will be furnished by EPA. 4. Uncontrolled site investigation continuing.	

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
St. Johns Landfill 9393 N. Columbia Blvd. Portland, Oregon	on-site	municipal/ industrial landfill	5000 55-gallon drums of pesti- cide manufactur- ing residue	organic and inorganic toxic materials	1. No accumula- tion of uncon- trolled chemi- cals on-site. 2. Besides household and commercial refuse, site has received miscellaneous industrial solid waste and industrial sludges over the years. 3. First set of monitoring re- sults from wells near pesticide disposal area showed no pesti- cide contamina- tion. 4. Second set of monitoring results from perimeter wells showed no pesticide contamination.	1. Evaluation of historical and recent monitor- ing data being undertaken. 2. No imminent health hazard or environmental problem sus- pected at this time. 3. Uncontrolled site investiga- tions closed.	Industrial file searches; telephone contact; site visit; sample collection
Municipal/ industrial disposal site			Miscellaneous industrial solid waste, industrial sludges, and oily waste				

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Ace Galvanizing 805 NW 14th Portland, OR	on-site	disposal well	liquid waste high in zinc & iron. Sludge containing zinc	inorganic toxic material	1. No accumula- tion of uncon- trolled chemicals on-site 2. Disposal well may have been used for dis- posal of waste water. 3. Land in Wash- ington may have been used for land spreading of sludge con- taining zinc.	Evaluation of disposal well and identifica- tion of lands in Washington con- tinuing. Un- controlled site investigation continuing.	file search; site visit
metal plating	off-site farm land in Washington	land spreading					
Globe Union, Inc. 300 N.W. Third Canby, OR 97013 ----- Manufacturer of batteries	on-site	evaporation/ seepage surface impoundment	in-plant spills containing lead sulfate and lead hydroxide (5000 gallons per spill maximum)	inorganic toxic material	1. No accumula- tion of uncon- trolled chemicals identified. 2. Unlined evaporation/ seepage pond used to contain in-plant spills. Potential impact on local ground- water unknown.	1. No imminent health hazard or environmental problem identi- fied. 2. Impact of seepage on local groundwater table being evaluated. 3. Uncontrolled site investiga- tion continuing.	site visit samples taken

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Milwaukie Dumping area	Insufficient information at this time	Insufficient information at this time	Industrial waste from McCormick and Baxter	Sludge and general manufac- turing refuse	1. Contact with alleged genera- tor (McCormick and Baxter) and transporter (The Schultz Company) did not pinpoint this site. 2. Records re- lated to septic tank sludge show they were hailed to Columbia Blvd. sewage treatment plant. 3. Records related to general solid waste show they were hauled to either the St. Johns or Ross- man's municipal landfill.	1. No imminent health hazard or environmental problem identi- fied. 2. Further evaluation of records to pinpoint all possible dis- posal sites needed. 3. Uncontrolled site investiga- tion continuing.	telephone contacts EPA field investga- tion team will visit the site.

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Scappoose dumping area	Insufficient information at this time	Insufficient information at this time	Industrial waste from McCormick and Baxter	Sludge and general manufac- turing refuse	1. Contact with alleged genera- tor (McCormick and Baxter, Portland) and transporter (The Schultz Company) did not pinpoint this site. 2. Records related to septic tank sludge show they were hauled to Columbia Blvd. sewage treatment plant. 3. Records related to general solid waste show they were hauled to either the St. Johns or Ross- man's municipal landfills.	1. No imminent health hazard or environmental problem identi- fied. 2. Further evaluation of records to pin- point all possible disposa sites needed. 3. Uncontrolled site investigation continuing	telephone contacts EPA field investi- gation team will visit the site.

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Airport Glue Waste Disposal Site Josephine County Airport Merlin, Oregon ----- Industrial Disposal Lagoon	on-site	four shallow evaporation/ seepage ponds.	phenolic glue waste solids; septic tank pumpings; chemical toilet pumpings; paint and ink sludges and oils.	industrial and domestic sewage sludges.	1. Unsealed ponds, potential exists for sur- face and ground- water contamin- ation. 2. All waste sludge delivered to site in bulk. (i.e. no drum disposal.) 3. Visual evi- dence exists of previous surface overflows into roadside ditches 4. Initial sampling of drinking water wells in the area showed no contamination.	1. No imminent health hazard or environmental problem identi- fied. 2. Samples of ad- jacent deep, drinking water wells showed no contamination. 3. Identified companies and their waste. 4. The site is permanently closed and covered. Waste material has been land farmed for disposal. 5. Uncontrolled site investiga- tion continuing	file search; site visit; sample collec- tion and analysis. -domestic wells to be sampled for cyanide

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Frontier Leather 1210 East Pacific Sherwood, Oregon ----- Leather tanner	on-site	Landspreading, burial in shallow trenches or above ground storage in piles.	beamhouse clari- fier sludge con- taining sodium sulfide, lime and sodium sulfhy- drate (800 lbs. per day); primary clari- fier sludge con- taining trivalent chrome (1200 lbs. per day); leather splits and flushings and trimmings solvents?	organic and inorganic industrial sludges	1. No accumula- tion of uncon- trolled chemi- cals identified. 2. Beamhouse sludge disposed of on-site by landspreading. 3. Primary clarifier sludge disposed of at Rossman's landfill. 4. Leather splits are being stored on-site. 5. Flushings and trimmings are being picked up by a rendering plant.	1. No imminent health hazard or environmental problems identified. 2. Further analysis of contaminants in beamhouse and primary clari- fier sludge planned. 3. Additional research as to whether chlorin- ated solvents had been used and if so how were they disposed. 4. Uncontrolled site investiga- tion continuing.	file search; site visit
	off-site (Newberg land- fill, Newberg; Rossman's landfill, Oregon City)	Municipal disposal site ----- Municipal disposal site					

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
South Willamette Street Landfill 52nd and Willamette Street Eugene, Oregon ----- Former municipal/ industrial disposal site	on-site	Municipal/ industrial landfill	domestic garbage; building demolition waste; land clearing debris; commercial and general business refuse	organic and inorganic mixed waste	1. Former landfill where open burning was normal operating practice. 2. Landfill only being used for land clearing debris at this time. 3. Some drums containing unknown materials on-site.	1. No imminent health hazard or environmental problems identified. 2. Samples collected and contents of drums determined. Lane County ensures proper disposal. 3. Uncontrolled site Investigation closed.	site visit samples taken

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Zehrun Corporation 2201 N.W. 20th Portland, Oregon	on-site	underground storage tanks	paint mix tank wash water and solvent alcohol.	industrial sludge and flammable organic material	1. No accumula- tion of uncon- trolled chemicals on-site.	1. No imminent health hazard or environmental problem identified.	site visit
Formulator of shellacs, solvent alcohols, primers and wood preservatives.	off-site (St. Johns Landfill)	Incidental Insecticide dust accumulation beneath warehouse floor	Insecticide dusts (rotenone B and 2,4,D	organic toxic material	2. Unknown (but presumed small) quantity of insecticide dust has accumulated beneath warehouse floor during packaging operations.	2. Uncontrolled site investiga- tion closed.	
		municipal/ industrial disposal site	pentachlorophen- ol and/or shellac spill cleanup	organic toxic material	3. Spill clean- up debris hailed to St. Johns Landfill. 4. Outlet to wastewater sump determined to be city sewer.		

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Northwest Printed Circuits 2655 SE Pacific Highway Medford, OR	off-site (Arlington disposal site)	chemical waste landfill	nitric acid (24 drums/yr) sodium per- sulfate (12 drums/yr)	corrosive sludge contain- ing copper	1. No accumula- tion of uncont- rolled chemicals on site. 2. Some drummed corrosive wastes currently being shipped to Arlington disposal site.	1. No imminent health hazard or environmental problems identified. 2. Uncontrolled site Investigation continuing.	site visit
manufacturer of printed circuit boards for electronic industry	off-site (various suppliers such as Van Waters & Rogers, Great Western Chemical Island Chemical, etc.)	Return to vendor for reuse, recycling or resale for secondary use	Various solvents such as tri- chloroethylene, methylene chloride and ethylene glycol (700 drums/yr)	flammable or toxic organic solvents	3. Organic solvents being returned to vendors for reuse, recycling or subsequent resale.		
	off-site (Medford sewage treatment plant)	municipal wastewater treatment plant	Various etchant liquid industrial wastes (alkaline etchant, elect- roless copper and sodium persulfate)	corrosive industrial wastewater	4. Certain treated indus- trial waste- waters dis- charged to Medford sewage treatment plant.		

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Reynolds Metals Company Sundial Road Troutdale, Oregon	off-site (Reynolds Metal, Longview)	recovery of cryolite, land disposal of residual product	potliner (430 tons/month)	low level of cyanide may be present in potliner	1. No accumula- tion of uncon- trolled chemicals on site.	1. No imminent health hazard or environmental problem identified.	site investigation samples taken
primary aluminum reduction plant	off-site (Arlington)	chemical waste landfill	sludge contain- ing coal for pitch from wet electrostatic precipitator (20 drums/day)	organic industrial sludge	2. Potliner used to be stored on-site. Accumulation of potliner trans- ported to Longview when cryolite recov- ery process installed. 3. Organic sludges from air control systems put in drums and hauled to Arlington disposal site.	2. Ground water samples in vicinity of Sundial Road plant to be checked for cyanide levels. Uncontrolled site Investigations continuing	

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Caron Chemical Corp. 8600 Suver Road Monmouth, Oregon	off-site (Arlington disposal site)	chemical waste landfill	still bottoms from reprocessing of waste solvents	ignitable	1. Treatment and collection facilities are both inactive at this time.	1. No imminent health hazard or environmental problems identified.	file search; site visit
1. Reprocessor of chlorinated/ nonchlorinated solvents (indef- initely closed at this time). 2. Hazardous waste collection site (license temporarily sus- pended for non- compliance at this time).			miscellaneous chemicals, including PCB solids, received through collec- tion site.	ignitable, corrosive or toxic inorganic and organic chemicals.	2. Approximately 2000 drums of mixed inorganic/ organic chemicals were on-site. 3. sufficient funds did not exist in the business to re- move all chemi- cals to a secure disposal site. 4. Company working with original genera- tors did secure their assistance in removing existing accu- mulation of chemical wastes.	2. sold reprocessing equipment 3. Efforts completed to secure genera- tor assistance in removing accumulated wastes. 4. Accumulated waste removed and disposed of properly. 5. Uncontrolled site investiga- tion closed.	

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
ICN/United Medical Lab 222 N. Vincent Covina, California (Plant site: 11104 NE Holman Portland, Oregon) ----- defunct clinical lab	historical disposal prac- tices not identified at this time.	historical dis- posal practices not identified at this time.	Laboratory chemicals including low level radioactive wastes.	Ignitable; corrosive; toxic; radioactive	1. Facility purchased in 1978 by ICN and closed shortly thereafter. 2. State Health Division investigating disposal of low- level radio- active materials subsequent to closure. 3. 50 drums of unknown chemicals currently stored behind one of the clinical lab buildings.	1. No imminent health hazard or environmental problems identified. 2. Identifica- tion and proper disposal of 50 drums of chemicals needs to be arranged. 3. EPA contractor finishing investigation of the site. 4. Uncontrolled site investigation continuing.	site visit

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Anodizing, Inc. 2005 NE Columbia Blvd. Portland, Oregon ----- aluminum anodizing	on-site	surface impoundment	industrial wastewater treatment system sludge	Industrial sludge (primarily aluminum sulfate)	1. No accumula- tion of uncontrolled chemicals on site. 2. Industrial wastewater treatment system closed down in early 1980 - wastewater discharged to Portland sewer system. 3. Surface impoundments no longer in use - accumulated sludge from treatment still remains in impoundment.	1. No imminent health hazard or environmental problems identified. 2. Samples of accumulated sludge taken for analysis and show no high levels of contamination. 3. Uncontrolled site investigation closed.	file search; site visit; sample collection

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Rossman Landfill Holcomb & Washington Sts. Oregon City, OR ----- municipal waste landfill	on-site	municipal waste landfill	residential, commercial, business and industrial garbage and refuse.	potential groundwater contamination; potential odor problems; potential off- site methane gas escapeage.	<p>1. No accumula- tion of uncon- trolled chemicals on site.</p> <p>2. Leachate collection and treatment system being installed to minimize water pollution.</p> <p>3. Methane gas collection and treatment sys- tem being installed to minimize odors and potential explosions.</p> <p>4. Effort made to operate site as sanitary landfill including daily cover, weather permitting.</p>	<p>1. No imminent health hazard or environmental problem identified.</p> <p>2. Site currently operates under state solid waste permit.</p> <p>3. Thorough review has been made of existing monitoring data and inspections scheduled on leachate and methane gas collection and treatment systems.</p> <p>4. Uncontrolled site. Investigation closed.</p>	file search; site visit

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Bloomberg Road Landfill Bloomberg Road Lane County, Oregon ----- former municipal/ industrial landfill.	on-site	municipal/ industrial disposal site that is filled to capacity.	Domestic garbage; land clearing debris; miscellaneous industrial/ commercial waste	organic and inorganic mixed wastes.	1. Potential exists for local ground- water contamin- ation due to degradation of municipal/ industrial wastes 2. No evidence of hazardous wastes having been disposed of 3. No accum- ulation of un- controlled chemicals identified.	1. No imminent health hazard or environmental problems identified. 2. Groundwater samples from local wells may be collected. 3. Uncontrolled site Investigation continuing	file search; site visit.

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Day Island Landfill Day Island Road Eugene, Oregon ----- former municipal/ industrial landfill	on-site	municipal/ industrial disposal site that is filled to capacity.	Domestic garbage; building demo- lition waste; land clearing debris; wood waste; miscel- laneous indus- trial/commercial waste.	organic and inorganic mixed wastes.	1. Potential exists for local groundwater contamination due to degrad- ation of muni- cipal/industrial wastes. 2. No evidence of hazardous wastes having been disposed of. 3. No accumula- tion of uncon- trolled chem- icals identified.	1. No imminent health hazard or environmental problems identified. 2. Evaluation of historical and recent monitor- ing data needed. 3. Uncontrolled site Investigation continuing.	file search; site visit.

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Brown's Island Sanitary Landfill Marion County Salem, Oregon municipal/ industrial disposal site	On-site	Municipal/ industrial disposal site	Domestic garbage; building demo- lition waste; land clearing debris; miscel- laneous commer- cial and indus- trial waste.	Organic and inorganic waste materials.	1. No accumula- tion of uncontrol- led chemicals identified. 2. Potential for pollution of local ground- water due to biodegradation of organic materials. 3. Monitoring wells have been installed and monitoring of shallow ground- water table is occurring.	1. Permitted site by State of Oregon. Periodic inspec- tions are conducted. 2. No imminent health hazard or environ- mental problems identified. 3. Evaluation of historical and recent monitoring data completed. 4. Uncontrolled site Investigation closed.	File search; site visit.

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Rhone-Poulenc (formerly Rhoddia or Chipman Chem- ical) 6200 NW St. Helens Road Portland, OR manufacturer and formulator of pesticides	on-site	Doane Lake	liquid wastes	organic toxic materials	1. No accumula- tion of uncon- trolled chemi- cals on site. 2. One municipal landfill and three chemical waste landfill, have been dis- posal of manu- facturing residues.	1. Evaluation continuing as part of Doane Lake area study. 2. Evaluation of St. Johns land- fill scheduled. 3. Pasco, Wash- ington reference referred to EPA for followup. 4. Twice a year monitoring of Alkali Lake con- tinuing by DEQ	file search; personal interview; site visit; sample collection.
	off-site St. Johns landfill	municipal landfill	manufacturing residues (5000-55 gallon drums)				
	off-site Alkali Lake landfill	chemical waste landfill	manufacturing residues (23,500-55 gallon drums)				
	off-site Pasco, Washington	chemical waste landfill	manufacturing residues				
	off-site Arlington dis- posal	chemical waste landfill	manufacturing residues (200 tons per year)				

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Pennwalt Chemical 6400 NW Front Av. Portland, OR	on-site	lagoons/landfill	brine purifica- tion sludge (1310 pounds per day)	inorganic toxic materials	1. No accumula- tion of un- controlled chemical on-site 2. Some indus- trial sludge disposed of on- site. 3. Some indus- trial chemicals disposed of at Arlington dis- posal site.	Evaluation con- tinuing as part of Doane Lake area study	file search; site visit; sample collection
----- manufacturer of industrial chemicals - principally chlorine	off-site Arlington disposal site	chemical waste landfill	sodium arsenite; miscellaneous cleaning chemicals				
NL Industries 5909 NW 61st Av. Portland, OR	on-site	landfill	lead; zinc	inorganic toxic material	No accumulation of uncontrolled chemicals on-site	Evaluation con- tinuing as part of Doane Lake area study	file search; site visit; sample collection
----- Secondary re- refining of lead and zinc							

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Koppers Company 7540 NW St. Helens Road Portland, OR ----- manufacturer of pitch and electroblinding products	on-site	landfill	creosote re- siduals; pitch; phenols; oil and grease	industrial solid waste and sludge	1. No accumula- tion of un- controlled chemicals on- site	Evaluation con- tinuing as part of Doane Lake study area	file search; telephone conversation
Industrial Air Products (Division of Liquid Air Inc.) 6501 NW Front Av. Portland, OR ----- manufacturer of acetylene	on-site	landfill	10% lime slurry	corrosive	1. No accumula- tion of un- controlled chemicals on- site. 2. Lime slurry currently held in temporary holding pond and reused.	Evaluation con- tinuing as part of Doane Lake area study	file search; site visit; sample collection

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Gilmore Steel 6161 NW 61st Av. Portland, OR ----- steel fabrication coating and en- graving	on-site	landfill	rolling mill scale; melt furnace slag (7500 tons per year)	industrial solid waste	no accumula- tion of un- controlled chemicals on- site	evaluation con- tinuing as part of Doane Lake area study	file search; site visit; sample collection
Northwest Natural Gas St. Helens Road Portland, OR ----- manufacturer of oil and gas from petroleum	on-site	landfill	tar bottoms; naphthalenes	industrial sludges	1. Gasification plant ceased operation in early 1950's 2. No accumula- tion of un- controlled chemicals on- site	Evaluation con- tinuing as part of Doane Lake area study	personal interview; site visit; sample collection

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Oregon City Gravel Pit (Believed to be Rossman's Landfill, Oregon City)	Not applicable	Not applicable	Not applicable	Not applicable	1. Galvanizers disposed of 12,000 gallons of iron and zinc hydrox- ide sludge in 1976. 2. Crosby and Overton hauled sludge to Ros- sman's landfill in Oregon City. 3. DEQ approved disposal in Ros- sman's landfill.	1. No imminent health hazard or environmental problems iden- tified. 2. Uncontrolled site Investigation closed.	telephone contacts

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Lakeview, Oregon dumpsite (determined to be Alkali Lake disposal site)	---	---	---	---	<p>1. Jantzen, Inc. disposed of dry cleaning solvents thru Chem-Waste, Inc.</p> <p>2. Chem-Waste, Inc. developed and operated Alkali Lake disposal site.</p>	<p>1. See discussion under Alkali Lake disposal site.</p> <p>2. Uncontrolled site investigation closed.</p>	File search; telephone contacts.

UNCONTROLLED (ABANDONED) HAZARDOUS WASTE DISPOSAL SITE SURVEY

Name/ Business Type	Disposal Site Location	Type of Disposal	Waste Type/ Waste Quantity	Type of Hazard(s)	Finding(s)	Current Status	Type of Investigation
Umatilla Army Depot Hermiston, Oregon ----- Army munitions and nerve gas repository	on-site	Long-term storage of pesticides and solvents; washwater from decontaminating munitions plant was piped to 2-cell unlined lagoon, plant inactive for over 10 years.	Total estimate 9,000 lbs.-- pesticides, solvents, NaCN and NaCl, caustic brine.	Explosives and toxic organic waste contamination.	1. Outdated or nonusable muni- tions are detonated in an incinerator or open air depending on size. 2. Pesticides and solvents in storage.	1. No imminent health hazard or environmental problem identified to date. 2. Uncontrolled site investiga- tion will con- tinue pending groundwater investigation and further info. to be provided by the Army con- cerning wash- water disposal from decontamina- ting munitions plant.	File search

Public Law 96-510
96th Congress

An Act

To provide for liability, compensation, cleanup, and emergency response for hazardous substances released into the environment and the cleanup of inactive hazardous waste disposal sites.

Dec. 11, 1980
[H. R. 7020]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980".

Comprehensive
Environmental
Response,
Compensation,
and Liability Act
of 1980
42 USC: 9601
note.

TITLE I—HAZARDOUS SUBSTANCES RELEASES, LIABILITY,
COMPENSATION

DEFINITIONS

Sec. 101. For purpose of this title, the term—

42 USC 9601.

(1) "act of God" means an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight;

(2) "Administrator" means the Administrator of the United States Environmental Protection Agency;

(3) "barrel" means forty-two United States gallons at sixty degrees Fahrenheit;

(4) "claim" means a demand in writing for a sum certain;

(5) "claimant" means any person who presents a claim for compensation under this Act;

(6) "damages" means damages for injury or loss of natural resources as set forth in section 107(a) or 111(b) of this Act;

(7) "drinking water supply" means any raw or finished water source that is or may be used by a public water system (as defined in the Safe Drinking Water Act) or as drinking water by one or more individuals;

42 USC 201 note.

(8) "environment" means (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Fishery Conservation and Management Act of 1976, and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States;

16 USC 1801
note.

(9) "facility" means (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel;

(10) "federally permitted release" means (A) discharges in compliance with a permit under section 402 of the Federal Water Pollution Control Act, (B) discharges resulting from circumstances identified and reviewed and made part of the public record with respect to a permit issued or modified under section 402 of the Federal Water Pollution Control Act and subject to a condition of such permit, (C) continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of the Federal Water Pollution Control Act, which are caused by events occurring within the scope of relevant operating or treatment systems, (D) discharges in compliance with a legally enforceable permit under section 404 of the Federal Water Pollution Control Act, (E) releases in compliance with a legally enforceable final permit issued pursuant to section 3005 (a) through (d) of the Solid Waste Disposal Act from a hazardous waste treatment, storage, or disposal facility when such permit specifically identifies the hazardous substances and makes such substances subject to a standard of practice, control procedure or bioassay limitation or condition, or other control on the hazardous substances in such releases, (F) any release in compliance with a legally enforceable permit issued under section 102 of section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, (G) any injection of fluids authorized under Federal underground injection control programs or State programs submitted for Federal approval (and not disapproved by the Administrator of the Environmental Protection Agency) pursuant to part C of the Safe Drinking Water Act, (H) any emission into the air subject to a permit or control regulation under section 111, section 112, title I part C, title I part D, or State implementation plans submitted in accordance with section 110 of the Clean Air Act (and not disapproved by the Administrator of the Environmental Protection Agency), including any schedule or waiver granted, promulgated, or approved under these sections, (I) any injection of fluids or other materials authorized under applicable State law (i) for the purpose of stimulating or treating wells for the production of crude oil, natural gas, or water, (ii) for the purpose of secondary, tertiary, or other enhanced recovery of crude oil or natural gas, or (iii) which are brought to the surface in conjunction with the production of crude oil or natural gas and which are reinjected, (J) the introduction of any pollutant into a publicly owned treatment works when such pollutant is specified in and in compliance with applicable pretreatment standards of section 307 (b) or (c) of the Clean Water Act and enforceable requirements in a pretreatment program submitted by a State or municipality for Federal approval under section 402 of such Act, and (K) any release of source, special nuclear, or byproduct material, as those terms are defined in the Atomic Energy Act of 1954, in compliance with a legally enforceable license, permit, regulation, or order issued pursuant to the Atomic Energy Act of 1954;

(11) "Fund" or "Trust Fund" means the Hazardous Substance Response Fund established by section 221 of this Act or, in the case of a hazardous waste disposal facility for which liability has been transferred under section 107(k) of this Act, the Post-closure Liability Fund established by section 232 of this Act;

(12) "ground water" means water in a saturated zone or stratum beneath the surface of land or water;

33 USC 1342.

33 USC 1344.

42 USC 6925.

33 USC 1412,
1413.

42 USC 300.

42 USC 7411,
7412, 7470, 7501,
42 USC 7410.

33 USC 1317.

33 USC 1342.

42 USC 2014.

Post. p. 2801.

Post. p. 2804.

(13) "guarantor" means any person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator under this Act;

(14) "hazardous substance" means (A) any substance designated pursuant to section 311(b)(2)(A) of the Federal Water Pollution Control Act, (B) any element, compound, mixture, solution, or substance designated pursuant to section 102 of this Act, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress), (D) any toxic pollutant listed under section 307(a) of the Federal Water Pollution Control Act, (E) any hazardous air pollutant listed under section 112 of the Clean Air Act, and (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas);

(15) "navigable waters" or "navigable waters of the United States" means the waters of the United States, including the territorial seas;

(16) "natural resources" means land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the fishery conservation zone established by the Fishery Conservation and Management Act of 1976), any State or local government, or any foreign government;

(17) "offshore facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States, and any facility of any kind which is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel;

(18) "onshore facility" means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land or nonnavigable waters within the United States;

(19) "otherwise subject to the jurisdiction of the United States" means subject to the jurisdiction of the United States by virtue of United States citizenship, United States vessel documentation or numbering, or as provided by international agreement to which the United States is a party;

(20)(A) "owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, (ii) in the case of an onshore facility or an offshore facility, any person owning or operating such facility, and (iii) in the case of any abandoned facility, any person who owned, operated, or otherwise controlled activities at such facility immediately prior to such abandonment. Such term does not include a person, who, without participating in the management of a vessel or facility, holds indicia of ownership primarily to protect his security interest in the vessel or facility;

33 USC 1321.

42 USC 6921.

42 USC 7412.

15 USC 2606.

16 USC 1801
note.

(B) in the case of a hazardous substance which has been accepted for transportation by a common or contract carrier and except as provided in section 107(a) (3) or (4) of this Act, (i) the term "owner or operator" shall mean such common carrier or other bona fide for hire carrier acting as an independent contractor during such transportation, (ii) the shipper of such hazardous substance shall not be considered to have caused or contributed to any release during such transportation which resulted solely from circumstances or conditions beyond his control;

(C) in the case of a hazardous substance which has been delivered by a common or contract carrier to a disposal or treatment facility and except as provided in section 107(a) (3) or (4) (i) the term "owner or operator" shall not include such common or contract carrier, and (ii) such common or contract carrier shall not be considered to have caused or contributed to any release at such disposal or treatment facility resulting from circumstances or conditions beyond its control;

(21) "person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body;

(22) "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes (A) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (B) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (C) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act, or, for the purposes of section 104 of this title or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under section 102(a)(1) or 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978, and (D) the normal application of fertilizer;

(23) "remove" or "removal" means the cleanup or removal of released hazardous substances from the environment, such actions as may be necessary taken in the event of the threat of release of hazardous substances into the environment, such actions as may be necessary to monitor, assess, and evaluate the release or threat of release of hazardous substances, the disposal of removed material, or the taking of such other actions as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare or to the environment, which may otherwise result from a release or threat of release. The term includes, in addition, without being limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals not otherwise provided for, action taken under section 104(b) of this Act, and any emergency assistance which may be provided under the Disaster Relief Act of 1974;

(24) "remedy" or "remedial action" means those actions consistent with permanent remedy taken instead of or in addition to removal actions in the event of a release or threatened release of

42 USC 2011
note.

42 USC 2210.

42 USC 7912,
7942.

42 USC 5121
note.

a hazardous substance into the environment, to prevent or minimize the release of hazardous substances so that they do not migrate to cause substantial danger to present or future public health or welfare or the environment. The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous substances or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, provision of alternative water supplies, and any monitoring reasonably required to assure that such actions protect the public health and welfare and the environment. The term includes the costs of permanent relocation of residents and businesses and community facilities where the President determines that, alone or in combination with other measures, such relocation is more cost-effective than and environmentally preferable to the transportation, storage, treatment, destruction, or secure disposition offsite of hazardous substances, or may otherwise be necessary to protect the public health or welfare. The term does not include offsite transport of hazardous substances, or the storage, treatment, destruction, or secure disposition offsite of such hazardous substances or contaminated materials unless the President determines that such actions (A) are more cost-effective than other remedial actions, (B) will create new capacity to manage, in compliance with subtitle C of the Solid Waste Disposal Act, hazardous substances in addition to those located at the affected facility, or (C) are necessary to protect public health or welfare or the environment from a present or potential risk which may be created by further exposure to the continued presence of such substances or materials;

(25) "respond" or "response" means remove, removal, remedy, and remedial action;

(26) "transport" or "transportation" means the movement of a hazardous substance by any mode, including pipeline (as defined in the Pipeline Safety Act), and in the case of a hazardous substance which has been accepted for transportation by a common or contract carrier, the term "transport" or "transportation" shall include any stoppage in transit which is temporary, incidental to the transportation movement, and at the ordinary operating convenience of a common or contract carrier, and any such stoppage shall be considered as a continuity of movement and not as the storage of a hazardous substance;

(27) "United States" and "State" include the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession over which the United States has jurisdiction;

(28) "vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water;

(29) "disposal", "hazardous waste", and "treatment" shall have the meaning provided in section 1004 of the Solid Waste Disposal Act;

49 USC 1671
note.

42 USC 6901.

(30) "territorial sea" and "contiguous zone" shall have the meaning provided in section 502 of the Federal Water Pollution Control Act.

33 USC 1362.

(31) "national contingency plan" means the national contingency plan published under section 311(c) of the Federal Water Pollution Control Act or revised pursuant to section 105 of this Act; and

33 USC 1321.

(32) "liable" or "liability" under this title shall be construed to be the standard of liability which obtains under section 311 of the Federal Water Pollution Control Act.

REPORTABLE QUANTITIES AND ADDITIONAL DESIGNATIONS

Regulations.
42 USC 9602.

SEC. 102. (a) The Administrator shall promulgate and revise as may be appropriate, regulations designating as hazardous substances, in addition to those referred to in section 101(14) of this title, such elements, compounds, mixtures, solutions, and substances which, when released into the environment may present substantial danger to the public health or welfare or the environment, and shall promulgate regulations establishing that quantity of any hazardous substance the release of which shall be reported pursuant to section 103 of this title. The Administrator may determine that one single quantity shall be the reportable quantity for any hazardous substance, regardless of the medium into which the hazardous substance is released.

(b) Unless and until superseded by regulations establishing a reportable quantity under subsection (a) of this section for any hazardous substance as defined in section 101(14) of this title, (1) a quantity of one pound, or (2) for those hazardous substances for which reportable quantities have been established pursuant to section 311(b)(4) of the Federal Water Pollution Control Act, such reportable quantity, shall be deemed that quantity, the release of which requires notification pursuant to section 103 (a) or (b) of this title.

33 USC 1321.

NOTICES, PENALTIES

42 USC 9603.

SEC. 103. (a) Any person in charge of a vessel or an offshore or an onshore facility shall, as soon as he has knowledge of any release (other than a federally permitted release) of a hazardous substance from such vessel or facility in quantities equal to or greater than those determined pursuant to section 102 of this title, immediately notify the National Response Center established under the Clean Water Act of such release. The National Response Center shall convey the notification expeditiously to all appropriate Government agencies, including the Governor of any affected State.

31 USC 1251
note.

(b) Any person—

(1) in charge of a vessel from which a hazardous substance is released, other than a federally permitted release, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, or

(2) in charge of a vessel from which a hazardous substance is released, other than a federally permitted release, which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Fishery Conservation and Management Act of 1976), and who is otherwise subject to the jurisdiction of the United States at the time of the release, or

16 USC 1801
note.

(3) in charge of a facility from which a hazardous substance is released, other than a federally permitted release, in a quantity equal to or greater than that determined pursuant to section 102 of this title who fails to notify immediately the appropriate agency of the United States Government as soon as he has knowledge of such release shall, upon conviction, be fined not more than \$10,000 or imprisoned for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

(c) Within one hundred and eighty days after the enactment of this Act, any person who owns or operates or who at the time of disposal owned or operated, or who accepted hazardous substances for transport and selected, a facility at which hazardous substances (as defined in section 101(14)(C) of this title) are or have been stored, treated, or disposed of shall, unless such facility has a permit issued under, or has been accorded interim status under, subtitle C of the Solid Waste Disposal Act, notify the Administrator of the Environmental Protection Agency of the existence of such facility, specifying the amount and type of any hazardous substance to be found there, and any known, suspected, or likely releases of such substances from such facility. The Administrator may prescribe in greater detail the manner and form of the notice and the information included. The Administrator shall notify the affected State agency, or any department designated by the Governor to receive such notice, of the existence of such facility. Any person who knowingly fails to notify the Administrator of the existence of any such facility shall, upon conviction, be fined not more than \$10,000, or imprisoned for not more than one year, or both. In addition, any such person who knowingly fails to provide the notice required by this subsection shall not be entitled to any limitation of liability or to any defenses to liability set out in section 107 of this Act: *Provided, however,* That notification under this subsection is not required for any facility which would be reportable hereunder solely as a result of any stoppage in transit which is temporary, incidental to the transportation movement, or at the ordinary operating convenience of a common or contract carrier, and such stoppage shall be considered as a continuity of movement and not as the storage of a hazardous substance. Notification received pursuant to this subsection or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

42 USC 6921.

(d)(1) The Administrator of the Environmental Protection Agency is authorized to promulgate rules and regulations specifying, with respect to—

Rules and regulations.

(A) the location, title, or condition of a facility, and
 (B) the identity, characteristics, quantity, origin, or condition (including containerization and previous treatment) of any hazardous substances contained or deposited in a facility;
 the records which shall be retained by any person required to provide the notification of a facility set out in subsection (c) of this section. Such specification shall be in accordance with the provisions of this subsection.

(2) Beginning with the date of enactment of this Act, for fifty years thereafter or for fifty years after the date of establishment of a record (whichever is later), or at any such earlier time as a waiver is obtained under paragraph (3) of this subsection, it shall be unlawful for any

such person knowingly to destroy, mutilate, erase, dispose of, conceal, or otherwise render unavailable or unreadable or falsify any records identified in paragraph (1) of this subsection. Any person who violates this paragraph shall, upon conviction, be fined not more than \$20,000, or imprisoned for not more than one year, or both.

(3) At any time prior to the date which occurs fifty years after the date of enactment of this Act, any person identified under paragraph (1) of this subsection may apply to the Administrator of the Environmental Protection Agency for a waiver of the provisions of the first sentence of paragraph (2) of this subsection. The Administrator is authorized to grant such waiver if, in his discretion, such waiver would not unreasonably interfere with the attainment of the purposes and provisions of this Act. The Administrator shall promulgate rules and regulations regarding such a waiver so as to inform parties of the proper application procedure and conditions for approval of such a waiver.

Rules and
regulations.

(4) Notwithstanding the provisions of this subsection, the Administrator of the Environmental Protection Agency may in his discretion require any such person to retain any record identified pursuant to paragraph (1) of this subsection for such a time period in excess of the period specified in paragraph (2) of this subsection as the Administrator determines to be necessary to protect the public health or welfare.

(e) This section shall not apply to the application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act or to the handling and storage of such a pesticide product by an agricultural producer.

7 USC 136 note.

(f) No notification shall be required under subsection (a) or (b) of this section for any release of a hazardous substance—

(1) which is required to be reported (or specifically exempted from a requirement for reporting) under subtitle C of the Solid Waste Disposal Act or regulations thereunder and which has been reported to the National Response Center, or

(2) which is a continuous release, stable in quantity and rate, and is—

(A) from a facility for which notification has been given under subsection (c) of this section, or

(B) a release of which notification has been given under subsections (a) and (b) of this section for a period sufficient to establish the continuity, quantity, and regularity of such release.

Provided, That notification in accordance with subsections (a) and (b) of this paragraph shall be given for releases subject to this paragraph annually, or at such time as there is any statistically significant increase in the quantity of any hazardous substance or constituent thereof released, above that previously reported or occurring.

RESPONSE AUTHORITIES

42 USC 9604.

Sec. 104. (a)(1) Whenever (A) any hazardous substance is released or there is a substantial threat of such a release into the environment, or (B) there is a release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare, the President is authorized to act, consistent with the national contingency plan, to remove or arrange for the removal of, and provide for remedial action relating to such hazardous substance, pollutant, or contaminant at any time (including its removal from any contami-

nated natural resource), or take any other response measure consistent with the national contingency plan which the President deems necessary to protect the public health or welfare or the environment, unless the President determines that such removal and remedial action will be done properly by the owner or operator of the vessel or facility from which the release or threat of release emanates, or by any other responsible party.

(2) For the purposes of this section, "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring. The term does not include petroleum, including crude oil and any fraction thereof which is not otherwise specifically listed or designated as hazardous substances under section 101(14) (A) through (F) of this title, nor does it include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

"Pollutant or
contaminant."

(b) Whenever the President is authorized to act pursuant to subsection (a) of this section, or whenever the President has reason to believe that a release has occurred or is about to occur, or that illness, disease, or complaints thereof may be attributable to exposure to a hazardous substance, pollutant, or contaminant and that a release may have occurred or be occurring, he may undertake such investigations, monitoring, surveys, testing, and other information gathering as he may deem necessary or appropriate to identify the existence and extent of the release or threat thereof, the source and nature of the hazardous substances, pollutants or contaminants involved, and the extent of danger to the public health or welfare or to the environment. In addition, the President may undertake such planning, legal, fiscal, economic, engineering, architectural, and other studies or investigations as he may deem necessary or appropriate to plan and direct response actions, to recover the costs thereof, and to enforce the provisions of this Act.

(c)(1) Unless (A) the President finds that (i) continued response actions are immediately required to prevent, limit, or mitigate an emergency, (ii) there is an immediate risk to public health or welfare or the environment, and (iii) such assistance will not otherwise be provided on a timely basis, or (B) the President has determined the appropriate remedial actions pursuant to paragraph (2) of this subsection and the State or States in which the source of the release is located have complied with the requirements of paragraph (3) of this subsection, obligations from the Fund, other than those authorized by subsection (b) of this section, shall not continue after \$1,000,000 has been obligated for response actions or six months has elapsed from the date of initial response to a release or threatened release of hazardous substances.

(2) The President shall consult with the affected State or States before determining any appropriate remedial action to be taken pursuant to the authority granted under subsection (a) of this section.

(3) The President shall not provide any remedial actions pursuant to this section unless the State in which the release occurs first enters into a contract or cooperative agreement with the President providing assurances deemed adequate by the President that (A) the State

42 USC 6921.

will assure all future maintenance of the removal and remedial actions provided for the expected life of such actions as determined by the President; (B) the State will assure the availability of a hazardous waste disposal facility acceptable to the President and in compliance with the requirements of subtitle C of the Solid Waste Disposal Act for any necessary offsite storage, destruction, treatment, or secure disposition of the hazardous substances; and (C) the State will pay or assure payment of (i) 10 per centum of the costs of the remedial action, including all future maintenance, or (ii) at least 50 per centum or such greater amount as the President may determine appropriate, taking into account the degree of responsibility of the State or political subdivision, of any sums expended in response to a release at a facility that was owned at the time of any disposal of hazardous substances therein by the State or a political subdivision thereof. The President shall grant the State a credit against the share of the costs for which it is responsible under this paragraph for any documented direct out-of-pocket non-Federal funds expended or obligated by the State or a political subdivision thereof after January 1, 1978, and before the date of enactment of this Act for cost-eligible response actions and claims for damages compensable under section 111 of this title relating to the specific release in question: *Provided, however*, That in no event shall the amount of the credit granted exceed the total response costs relating to the release.

Post, p. 2796.

(4) The President shall select appropriate remedial actions determined to be necessary to carry out this section which are to the extent practicable in accordance with the national contingency plan and which provide for that cost-effective response which provides a balance between the need for protection of public health and welfare and the environment at the facility under consideration, and the availability of amounts from the Fund established under title II of this Act to respond to other sites which present or may present a threat to public health or welfare or the environment, taking into consideration the need for immediate action.

(d)(1) Where the President determines that a State or political subdivision thereof has the capability to carry out any or all of the actions authorized in this section, the President may, in his discretion, enter into a contract or cooperative agreement with such State or political subdivision to take such actions in accordance with criteria and priorities established pursuant to section 105(8) of this title and to be reimbursed for the reasonable response costs thereof from the Fund. Any contract made hereunder shall be subject to the cost-sharing provisions of subsection (c) of this section.

(2) If the President enters into a cost-sharing agreement pursuant to subsection (c) of this section or a contract or cooperative agreement pursuant to this subsection, and the State or political subdivision thereof fails to comply with any requirements of the contract, the President may, after providing sixty days notice, seek in the appropriate Federal district court to enforce the contract or to recover any funds advanced or any costs incurred because of the breach of the contract by the State or political subdivision.

(3) Where a State or a political subdivision thereof is acting in behalf of the President, the President is authorized to provide technical and legal assistance in the administration and enforcement of any contract or subcontract in connection with response actions assisted under this title, and to intervene in any civil action involving the enforcement of such contract or subcontract.

(4) Where two or more noncontiguous facilities are reasonably related on the basis of geography, or on the basis of the threat, or

potential threat to the public health or welfare or the environment, the President may, in his discretion, treat these related facilities as one for purposes of this section.

(e)(1) For purposes of assisting in determining the need for response to a release under this title or enforcing the provisions of this title, any person who stores, treats, or disposes of, or, where necessary to ascertain facts not available at the facility where such hazardous substances are located, who generates, transports, or otherwise handles or has handled, hazardous substances shall, upon request of any officer, employee, or representative of the President, duly designated by the President, or upon request of any duly designated officer, employee, or representative of a State, where appropriate, furnish information relating to such substances and permit such person at all reasonable times to have access to, and to copy all records relating to such substances. For the purposes specified in the preceding sentence, such officers, employees, or representatives are authorized—

(A) to enter at reasonable times any establishment or other place where such hazardous substances are or have been generated, stored, treated, or disposed of, or transported from;

(B) to inspect and obtain samples from any person of any such substance and samples of any containers or labeling for such substances. Each such inspection shall be commenced and completed with reasonable promptness. If the officer, employee, or representative obtains any samples, prior to leaving the premises, he shall give to the owner, operator, or person in charge a receipt describing the sample obtained and if requested a portion of each such sample equal in volume or weight to the portion retained. If any analysis is made of such samples, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or person in charge.

(2)(A) Any records, reports, or information obtained from any person under this section (including records, reports, or information obtained by representatives of the President) shall be available to the public, except that upon a showing satisfactory to the President (or the State, as the case may be) by any person that records, reports, or information, or particular part thereof (other than health or safety effects data), to which the President (or the State, as the case may be) or any officer, employee, or representative has access under this section if made public would divulge information entitled to protection under section 1905 of title 18 of the United States Code, such information or particular portion thereof shall be considered confidential in accordance with the purposes of that section, except that such record, report, document or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act, or when relevant in any proceeding under this Act.

(B) Any person not subject to the provisions of section 1905 of title 18 of the United States Code who knowingly and willfully divulges or discloses any information entitled to protection under this subsection shall, upon conviction, be subject to a fine of not more than \$5,000 or to imprisonment not to exceed one year, or both.

(C) In submitting data under this Act, a person required to provide such data may (i) designate the data which such person believes is entitled to protection under this subsection and (ii) submit such designated data separately from other data submitted under this Act. A designation under this paragraph shall be made in writing and in such manner as the President may prescribe by regulation.

(D) Notwithstanding any limitation contained in this section or any other provision of law, all information reported to or otherwise obtained by the President (or any representative of the President) under this Act shall be made available, upon written request of any duly authorized committee of the Congress, to such committee.

Publ. p. 2805.

(f) In awarding contracts to any person engaged in response actions, the President or the State, in any case where it is awarding contracts pursuant to a contract entered into under subsection (d) of this section, shall require compliance with Federal health and safety standards established under section 301(f) of this Act by contractors and subcontractors as a condition of such contracts.

40 USC 276a
note.

(g)(1) All laborers and mechanics employed by contractors or subcontractors in the performance of construction, repair, or alteration work funded in whole or in part under this section shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. The President shall not approve any such funding without first obtaining adequate assurance that required labor standards will be maintained upon the construction work.

5 USC app.

(2) The Secretary of Labor shall have, with respect to the labor standards specified in paragraph (1), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 276c of title 40 of the United States Code.

(h) Notwithstanding any other provision of law, subject to the provisions of section 111 of this Act, the President may authorize the use of such emergency procurement powers as he deems necessary to effect the purpose of this Act. Upon determination that such procedures are necessary, the President shall promulgate regulations prescribing the circumstances under which such authority shall be used and the procedures governing the use of such authority.

Agency for Toxic
Substances and
Disease Registry
Establishment.

(i) There is hereby established within the Public Health Service an agency, to be known as the Agency for Toxic Substances and Disease Registry, which shall report directly to the Surgeon General of the United States. The Administrator of said Agency shall, with the cooperation of the Administrator of the Environmental Protection Agency, the Commissioner of the Food and Drug Administration, the Directors of the National Institute of Medicine, National Institute of Environmental Health Sciences, National Institute of Occupational Safety and Health, Centers for Disease Control, the Administrator of the Occupational Safety and Health Administration, and the Administrator of the Social Security Administration, effectuate and implement the health related authorities of this Act. In addition, said Administrator shall—

(1) in cooperation with the States, establish and maintain a national registry of serious diseases and illnesses and a national registry of persons exposed to toxic substances;

(2) establish and maintain inventory of literature, research, and studies on the health effects of toxic substances;

(3) in cooperation with the States, and other agencies of the Federal Government, establish and maintain a complete listing of areas closed to the public or otherwise restricted in use because of toxic substance contamination;

(4) in cases of public health emergencies caused or believed to be caused by exposure to toxic substances, provide medical care and testing to exposed individuals, including but not limited to tissue sampling, chromosomal testing, epidemiological studies,

or any other assistance appropriate under the circumstances; and

(5) either independently or as part of other health status survey, conduct periodic survey and screening programs to determine relationships between exposure to toxic substances and illness. In cases of public health emergencies, exposed persons shall be eligible for admission to hospitals and other facilities and services operated or provided by the Public Health Service.

NATIONAL CONTINGENCY PLAN

SEC. 105. Within one hundred and eighty days after the enactment of this Act, the President shall, after notice and opportunity for public comments, revise and republish the national contingency plan for the removal of oil and hazardous substances, originally prepared and published pursuant to section 311 of the Federal Water Pollution Control Act, to reflect and effectuate the responsibilities and powers created by this Act, in addition to those matters specified in section 311(c)(2). Such revision shall include a section of the plan to be known as the national hazardous substance response plan which shall establish procedures and standards for responding to releases of hazardous substances, pollutants, and contaminants, which shall include at a minimum:

42 USC 9605.

33 USC 1321.

(1) methods for discovering and investigating facilities at which hazardous substances have been disposed of or otherwise come to be located;

(2) methods for evaluating, including analyses of relative cost, and remedying any releases or threats of releases from facilities which pose substantial danger to the public health or the environment;

(3) methods and criteria for determining the appropriate extent of removal, remedy, and other measures authorized by this Act;

(4) appropriate roles and responsibilities for the Federal, State, and local governments and for interstate and nongovernmental entities in effectuating the plan;

(5) provision for identification, procurement, maintenance, and storage of response equipment and supplies;

(6) a method for and assignment of responsibility for reporting the existence of such facilities which may be located on federally owned or controlled properties and any releases of hazardous substances from such facilities;

(7) means of assuring that remedial action measures are cost-effective over the period of potential exposure to the hazardous substances or contaminated materials;

(8)(A) criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable taking into account the potential urgency of such action, for the purpose of taking removal action. Criteria and priorities under this paragraph shall be based upon relative risk or danger to public health or welfare or the environment, in the judgment of the President, taking into account to the extent possible the population at risk, the hazard potential of the hazardous substances at such facilities, the potential for contamination of drinking water supplies, the potential for direct human contact, the potential for destruction of sensitive ecosystems, State pre-

paredness to assume State costs and responsibilities, and other appropriate factors;

(B) based upon the criteria set forth in subparagraph (A) of this paragraph, the President shall list as part of the plan national priorities among the known releases or threatened releases throughout the United States and shall revise the list no less often than annually. Within one year after the date of enactment of this Act, and annually thereafter, each State shall establish and submit for consideration by the President priorities for remedial action among known releases and potential releases in that State based upon the criteria set forth in subparagraph (A) of this paragraph. In assembling or revising the national list, the President shall consider any priorities established by the States. To the extent practicable, at least four hundred of the highest priority facilities shall be designated individually and shall be referred to as the "top priority among known response targets", and, to the extent practicable, shall include among the one hundred highest priority facilities at least one such facility from each State which shall be the facility designated by the State as presenting the greatest danger to public health or welfare or the environment among the known facilities in such State. Other priority facilities or incidents may be listed singly or grouped for response priority purposes; and

(9) specified roles for private organizations and entities in preparation for response and in responding to releases of hazardous substances, including identification of appropriate qualifications and capacity therefor.

33 USC 1321.

Revision and
Republication.

The plan shall specify procedures, techniques, materials, equipment, and methods to be employed in identifying, removing, or remedying releases of hazardous substances comparable to those required under section 311(c)(2) (F) and (G) and (j)(1) of the Federal Water Pollution Control Act. Following publication of the revised national contingency plan, the response to and actions to minimize damage from hazardous substances releases shall, to the greatest extent possible, be in accordance with the provisions of the plan. The President may, from time to time, revise and republish the national contingency plan.

ABATEMENT ACTION

42 USC 9606.

Notice.

Sec. 106. (a) In addition to any other action taken by a State or local government, when the President determines that there may be an imminent and substantial endangerment to the public health or welfare or the environment because of an actual or threatened release of a hazardous substance from a facility, he may require the Attorney General of the United States to secure such relief as may be necessary to abate such danger or threat, and the district court of the United States in the district in which the threat occurs shall have jurisdiction to grant such relief as the public interest and the equities of the case may require. The President may also, after notice to the affected State, take other action under this section including, but not limited to, issuing such orders as may be necessary to protect public health and welfare and the environment.

(b) Any person who willfully violates, or fails or refuses to comply with, any order of the President under subsection (a) may, in an action brought in the appropriate United States district court to enforce such order, be fined not more than \$5,000 for each day in which such violation occurs or such failure to comply continues.

(c) Within one hundred and eighty days after enactment of this Act, the Administrator of the Environmental Protection Agency shall, after consultation with the Attorney General, establish and publish guidelines for using the imminent hazard, enforcement, and emergency response authorities of this section and other existing statutes administered by the Administrator of the Environmental Protection Agency to effectuate the responsibilities and powers created by this Act. Such guidelines shall to the extent practicable be consistent with the national hazardous substance response plan, and shall include, at a minimum, the assignment of responsibility for coordinating response actions with the issuance of administrative orders, enforcement of standards and permits, the gathering of information, and other imminent hazard and emergency powers authorized by (1) sections 311(c)(2), 308, 309, and 504(a) of the Federal Water Pollution Control Act, (2) sections 3007, 3008, 3013, and 7003 of the Solid Waste Disposal Act, (3) sections 1445 and 1431 of the Safe Drinking Water Act, (4) sections 113, 114, and 303 of the Clean Air Act, and (5) section 7 of the Toxic Substances Control Act.

Guidelines.

33 USC 1321,
1318, 1319, 1364.
42 USC 6927.
6928; *Ante*, p.
2344; 42 USC
6973.
42 USC 100j-4,
300.
42 USC 7413,
7414, 7603.
15 USC 2606.
42 USC 9607.

LIABILITY

Sec. 107. (a) Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (b) of this section—

(1) the owner and operator of a vessel (otherwise subject to the jurisdiction of the United States) or a facility,

(2) any person who at the time of disposal of any hazardous substance owned or operated any facility at which such hazardous substances were disposed of,

(3) any person who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances owned or possessed by such person, by any other party or entity, at any facility owned or operated by another party or entity and containing such hazardous substances, and

(4) any person who accepts or accepted any hazardous substances for transport to disposal or treatment facilities or sites selected by such person, from which there is a release, or a threatened release which causes the incurrence of response costs, of a hazardous substance, shall be liable for—

(A) all costs of removal or remedial action incurred by the United States Government or a State not inconsistent with the national contingency plan;

(B) any other necessary costs of response incurred by any other person consistent with the national contingency plan; and

(C) damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss resulting from such a release.

(b) There shall be no liability under subsection (a) of this section for a person otherwise liable who can establish by a preponderance of the evidence that the release or threat of release of a hazardous substance and the damages resulting therefrom were caused solely by—

(1) an act of God;

(2) an act of war;

(3) an act or omission of a third party other than an employee or agent of the defendant, or than one whose act or omission occurs in connection with a contractual relationship, existing

directly or indirectly, with the defendant (except where the sole contractual arrangement arises from a published tariff and acceptance for carriage by a common carrier by rail), if the defendant establishes by a preponderance of the evidence that (a) he exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of such hazardous substance, in light of all relevant facts and circumstances, and (b) he took precautions against foreseeable acts or omissions of any such third party and the consequences that could foreseeably result from such acts or omissions; or

(4) any combination of the foregoing paragraphs.

(c)(1) Except as provided in paragraph (2) of this subsection, the liability under this section of an owner or operator or other responsible person for each release of a hazardous substance or incident involving release of a hazardous substance shall not exceed—

(A) for any vessel which carries any hazardous substance as cargo or residue, \$300 per gross ton, or \$5,000,000, whichever is greater;

(B) for any other vessel, \$300 per gross ton, or \$500,000, whichever is greater;

(C) for any motor vehicle, aircraft, pipeline (as defined in the Hazardous Liquid Pipeline Safety Act of 1979), or rolling stock, \$50,000,000 or such lesser amount as the President shall establish by regulation, but in no event less than \$5,000,000 (or, for releases of hazardous substances as defined in section 101(14)(A) of this title into the navigable waters, \$8,000,000). Such regulations shall take into account the size, type, location, storage, and handling capacity and other matters relating to the likelihood of release in each such class and to the economic impact of such limits on each such class; or

(D) for any facility other than those specified in subparagraph (C) of this paragraph, the total of all costs of response plus \$50,000,000 for any damages under this title.

(2) Notwithstanding the limitations in paragraph (1) of this subsection, the liability of an owner or operator or other responsible person under this section shall be the full and total costs of response and damages, if (A)(i) the release or threat of release of a hazardous substance was the result of willful misconduct or willful negligence within the privity or knowledge of such person, or (ii) the primary cause of the release was a violation (within the privity or knowledge of such person) of applicable safety, construction, or operating standards or regulations; or (B) such person fails or refuses to provide all reasonable cooperation and assistance requested by a responsible public official in connection with response activities under the national contingency plan with respect to regulated carriers subject to the provisions of title 49 of the United States Code or vessels subject to the provisions of title 33 or 46 of the United States Code, subparagraph (A)(ii) of this paragraph shall be deemed to refer to Federal standards or regulations.

(3) If any person who is liable for a release or threat of release of a hazardous substance fails without sufficient cause to properly provide removal or remedial action upon order of the President pursuant to section 104 or 106 of this Act, such person may be liable to the United States for punitive damages in an amount at least equal to, and not more than three times, the amount of any costs incurred by the Fund as a result of such failure to take proper action. The President is authorized to commence a civil action against any such person to recover the punitive damages, which shall be in addition to

any costs recovered from such person pursuant to section 112(c) of this Act. Any moneys received by the United States pursuant to this subsection shall be deposited in the Fund.

(d) No person shall be liable under this title for damages as a result of actions taken or omitted in the course of rendering care, assistance, or advice in accordance with the national contingency plan or at the direction of an onscene coordinator appointed under such plan, with respect to an incident creating a danger to public health or welfare or the environment as a result of any release of a hazardous substance or the threat thereof. This subsection shall not preclude liability for damages as the result of gross negligence or intentional misconduct on the part of such person. For the purposes of the preceding sentence, reckless, willful, or wanton misconduct shall constitute gross negligence.

(e)(1) No indemnification, hold harmless, or similar agreement or conveyance shall be effective to transfer from the owner or operator of any vessel or facility or from any person who may be liable for a release or threat of release under this section, to any other person the liability imposed under this section. Nothing in this subsection shall bar any agreement to insure, hold harmless, or indemnify a party to such agreement for any liability under this section.

(2) Nothing in this title, including the provisions of paragraph (1) of this subsection, shall bar a cause of action that an owner or operator or any other person subject to liability under this section, or a guarantor, has or would have, by reason of subrogation or otherwise against any person.

(f) In the case of an injury to, destruction of, or loss of natural resources under subparagraph (C) of subsection (a) liability shall be to the United States Government and to any State for natural resources within the State or belonging to, managed by, controlled by, or appertaining to such State: *Provided, however,* That no liability to the United States or State shall be imposed under subparagraph (C) of subsection (a), where the party sought to be charged has demonstrated that the damages to natural resources complained of were specifically identified as an irreversible and irretrievable commitment of natural resources in an environmental impact statement, or other comparable environment analysis, and the decision to grant a permit or license authorizes such commitment of natural resources, and the facility or project was otherwise operating within the terms of its permit or license. The President, or the authorized representative of any State, shall act on behalf of the public as trustee of such natural resources to recover for such damages. Sums recovered shall be available for use to restore, rehabilitate, or acquire the equivalent of such natural resources by the appropriate agencies of the Federal Government or the State government, but the measure of such damages shall not be limited by the sums which can be used to restore or replace such resources. There shall be no recovery under the authority of subparagraph (C) of subsection (a) where such damages and the release of a hazardous substance from which such damages resulted have occurred wholly before the enactment of this Act.

(g) Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government shall be subject to, and comply with, this Act in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity, including liability under this section.

(h) The owner or operator of a vessel shall be liable in accordance with this section and as provided under section 114 of this Act

notwithstanding any provision of the Act of March 3, 1851 (46 U.S.C. 183f).

7 USC 136 note.

(i) No person (including the United States or any State) may recover under the authority of this section for any response costs or damages resulting from the application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act. Nothing in this paragraph shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or remedial action or the costs of removal or remedial action of such hazardous substance.

33 USC 1319.

(j) Recovery by any person (including the United States or any State) for response costs or damages resulting from a federally permitted release shall be pursuant to existing law in lieu of this section. Nothing in this paragraph shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or remedial action or the costs of removal or remedial action of such hazardous substance. In addition, costs of response incurred by the Federal Government in connection with a discharge specified in section 101(10) (B) or (C) shall be recoverable in an action brought under section 309(b) of the Clean Water Act.

Post, p. 2804.

(k)(1) The liability established by this section or any other law for the owner or operator of a hazardous waste disposal facility which has received a permit under subtitle C of the Solid Waste Disposal Act, shall be transferred to and assumed by the Post-closure Liability Fund established by section 232 of this Act when—

(A) such facility and the owner and operator thereof has complied with the requirements of subtitle C of the Solid Waste Disposal Act and regulations issued thereunder, which may affect the performance of such facility after closure; and

(B) such facility has been closed in accordance with such regulations and the conditions of such permit, and such facility and the surrounding area have been monitored as required by such regulations and permit conditions for a period not to exceed five years after closure to demonstrate that there is no substantial likelihood that any migration offsite or release from confinement of any hazardous substance or other risk to public health or welfare will occur.

42 USC 6925.

(2) Such transfer of liability shall be effective ninety days after the owner or operator of such facility notifies the Administrator of the Environmental Protection Agency (and the State where it has an authorized program under section 3006(b) of the Solid Waste Disposal Act) that the conditions imposed by this subsection have been satisfied. If within such ninety-day period the Administrator of the Environmental Protection Agency or such State determines that any such facility has not complied with all the conditions imposed by this subsection or that insufficient information has been provided to demonstrate such compliance, the Administrator or such State shall so notify the owner and operator of such facility and the administrator of the Fund established by section 232 of this Act, and the owner and operator of such facility shall continue to be liable with respect to such facility under this section and other law until such time as the Administrator and such State determines that such facility has complied with all conditions imposed by this subsection. A determination by the Administrator or such State that a facility has not

complied with all conditions imposed by this subsection or that insufficient information has been supplied to demonstrate compliance, shall be a final administrative action for purposes of judicial review. A request for additional information shall state in specific terms the data required.

(3) In addition to the assumption of liability of owners and operators under paragraph (1) of this subsection, the Post-closure Liability Fund established by section 232 of this Act may be used to pay costs of monitoring and care and maintenance of a site incurred by other persons after the period of monitoring required by regulations under subtitle C of the Solid Waste Disposal Act for hazardous waste disposal facilities meeting the conditions of paragraph (1) of this subsection.

42 USC 6921.

(4)(A) Not later than one year after the date of enactment of this Act, the Secretary of the Treasury shall conduct a study and shall submit a report thereon to the Congress on the feasibility of establishing or qualifying an optional system of private insurance for postclosure financial responsibility for hazardous waste disposal facilities to which this subsection applies. Such study shall include a specification of adequate and realistic minimum standards to assure that any such privately placed insurance will carry out the purposes of this subsection in a reliable, enforceable, and practical manner. Such a study shall include an examination of the public and private incentives, programs, and actions necessary to make privately placed insurance a practical and effective option to the financing system for the Post-closure Liability Fund provided in title II of this Act.

(B) Not later than eighteen months after the date of enactment of this Act and after a public hearing, the President shall by rule determine whether or not it is feasible to establish or qualify an optional system of private insurance for postclosure financial responsibility for hazardous waste disposal facilities to which this subsection applies. If the President determines the establishment or qualification of such a system would be infeasible, he shall promptly publish an explanation of the reasons for such a determination. If the President determines the establishment or qualification of such a system would be feasible, he shall promptly publish notice of such determination. Not later than six months after an affirmative determination under the preceding sentence and after a public hearing, the President shall by rule promulgate adequate and realistic minimum standards which must be met by any such privately placed insurance, taking into account the purposes of this Act and this subsection. Such rules shall also specify reasonably expeditious procedures by which privately placed insurance plans can qualify as meeting such minimum standards.

(C) In the event any privately placed insurance plan qualifies under subparagraph (B), any person enrolled in, and complying with the terms of, such plan shall be excluded from the provisions of paragraphs (1), (2), and (3) of this subsection and exempt from the requirements to pay any tax or fee to the Post-closure Liability Fund under title II of this Act.

(D) The President may issue such rules and take such other actions as are necessary to effectuate the purposes of this paragraph.

Rules.

FINANCIAL RESPONSIBILITY

Sec. 108. (a)(1) The owner or operator of each vessel (except a non-self-propelled barge that does not carry hazardous substances as cargo) over three hundred gross tons that uses any port or place in the

42 USC 9608.

United States or the navigable waters or any offshore facility, shall establish and maintain, in accordance with regulations promulgated by the President, evidence of financial responsibility of \$300 per gross ton (or for a vessel carrying hazardous substances as cargo, or \$5,000,000, whichever is greater). Financial responsibility may be established by any one, or any combination, of the following: insurance, guarantee, surety bond, or qualification as a self-insurer. Any bond filed shall be issued by a bonding company authorized to do business in the United States. In cases where an owner or operator owns, operates, or charters more than one vessel subject to this subsection, evidence of financial responsibility need be established only to meet the maximum liability applicable to the largest of such vessels.

16 USC 51. (2) The Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States of any vessel subject to this subsection that does not have certification furnished by the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

(3) The Secretary of Transportation, in accordance with regulations issued by him, shall (A) deny entry to any port or place in the United States or navigable waters to, and (B) detain at the port or place in the United States from which it is about to depart for any other port or place in the United States, any vessel subject to this subsection that, upon request, does not produce certification furnished by the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

42 USC 6921. (b)(1) Beginning not earlier than five years after the date of enactment of this Act, the President shall promulgate requirements (for facilities in addition to those under subtitle C of the Solid Waste Disposal Act and other Federal law) that classes of facilities establish and maintain evidence of financial responsibility consistent with the degree and duration of risk associated with the production, transportation, treatment, storage, or disposal of hazardous substances. Not later than three years after the date of enactment of the Act, the President shall identify those classes for which requirements will be first developed and publish notice of such identification in the Federal Register. Priority in the development of such requirements shall be accorded to those classes of facilities, owners, and operators which the President determines present the highest level of risk of injury.

Publication in
Federal Register

(2) The level of financial responsibility shall be initially established, and, when necessary, adjusted to protect against the level of risk which the President in his discretion believes is appropriate based on the payment experience of the Fund, commercial insurers, courts settlements and judgments, and voluntary claims satisfaction. To the maximum extent practicable, the President shall cooperate with and seek the advice of the commercial insurance industry in developing financial responsibility requirements.

(3) Regulations promulgated under this subsection shall incrementally impose financial responsibility requirements over a period of not less than three and no more than six years after the date of promulgation. Where possible, the level of financial responsibility which the President believes appropriate as a final requirement shall be achieved through incremental, annual increases in the requirements.

(4) Where a facility is owned or operated by more than one person, evidence of financial responsibility covering the facility may be

established and maintained by one of the owners or operators, or, in consolidated form, by or on behalf of two or more owners or operators. When evidence of financial responsibility is established in a consolidated form, the proportional share of each participant shall be shown. The evidence shall be accompanied by a statement authorizing the applicant to act for and in behalf of each participant in submitting and maintaining the evidence of financial responsibility.

(6) The requirements for evidence of financial responsibility for motor carriers covered by this Act shall be determined under section 30 of the Motor Carrier Act of 1980, Public Law 96-296.

Ante, p. 229.

(c) Any claim authorized by section 107 or 111 may be asserted directly against any guarantor providing evidence of financial responsibility as required under this section. In defending such a claim, the guarantor may invoke all rights and defenses which would be available to the owner or operator under this title. The guarantor may also invoke the defense that the incident was caused by the willful misconduct of the owner or operator, but such guarantor may not invoke any other defense that such guarantor might have been entitled to invoke in a proceeding brought by the owner or operator against him.

(d) Any guarantor acting in good faith against which claims under this Act are asserted as a guarantor shall be liable under section 107 or section 112(c) of this title only up to the monetary limits of the policy of insurance or indemnity contract such guarantor has undertaken or of the guaranty of other evidence of financial responsibility furnished under section 108 of this Act, and only to the extent that liability is not excluded by restrictive endorsement: *Provided*, That this subsection shall not alter the liability of any person under section 107 of this Act.

PENALTY

Sec. 109. Any person who, after notice and an opportunity for a hearing, is found to have failed to comply with the requirements of section 108, the regulations issued thereunder, or with any denial or detention order shall be liable to the United States for a civil penalty, not to exceed \$10,000 for each day of violation.

42 USC 9609.

EMPLOYEE PROTECTION

Sec. 110. (a) No person shall fire or in any other way discriminate against, or cause to be fired or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has provided information to a State or to the Federal Government, filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

42 USC 9610.

(b) Any employee or a representative of employees who believes that he has been fired or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, apply to the Secretary of Labor for a review of such firing or alleged discrimination. A copy of the application shall be sent to such person, who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to

present information relating to such alleged violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5, United States Code. Upon receiving the report of such investigation, the Secretary of Labor shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein and his findings, requiring the party committing such violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no such violation, he shall issue an order denying the application. Such order issued by the Secretary of Labor under this subparagraph shall be subject to judicial review in the same manner as orders and decisions are subject to judicial review under this Act.

(c) Whenever an order is issued under this section to abate such violation, at the request of the applicant a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) determined by the Secretary of Labor to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

(d) This section shall have no application to any employee who acting without discretion from his employer (or his agent) deliberately violates any requirement of this Act.

(e) The President shall conduct continuing evaluations of potential loss of shifts of employment which may result from the administration or enforcement of the provisions of this Act, including, where appropriate, investigating threatened plant closures or reductions in employment allegedly resulting from such administration or enforcement. Any employee who is discharged, or laid off, threatened with discharge or layoff, or otherwise discriminated against by any person because of the alleged results of such administration or enforcement, or any representative of such employee, may request the President to conduct a full investigation of the matter and, at the request of any party, shall hold public hearings, require the parties, including the employer involved, to present information relating to the actual or potential effect of such administration or enforcement on employment and any alleged discharge, layoff, or other discrimination, and the detailed reasons or justification therefore. Any such hearing shall be of record and shall be subject to section 554 of title 5, United States Code. Upon receiving the report of such investigation, the President shall make findings of fact as to the effect of such administration or enforcement on employment and on the alleged discharge, layoff, or discrimination and shall make such recommendations as he deems appropriate. Such report, findings, and recommendations shall be available to the public. Nothing in this subsection shall be construed to require or authorize the President or any State to modify or withdraw any action, standard, limitation, or any other requirement of this Act.

USES OF FUND

42 USC 3611.

SEC. 111. (a) The President shall use the money in the Fund for the following purposes:

(1) payment of governmental response costs incurred pursuant to section 104 of this title, including costs incurred pursuant to the Intervention on the High Seas Act;

33 USC 1471
note.

(2) payment of any claim for necessary response costs incurred by any other person as a result of carrying out the national contingency plan established under section 311(c) of the Clean Water Act and amended by section 105 of this title: *Provided, however*, That such costs must be approved under said plan and certified by the responsible Federal official;

33 USC 1321

(3) payment of any claim authorized by subsection (b) of this section and finally decided pursuant to section 112 of this title, including those costs set out in subsection 112(c)(3) of this title; and

(4) payment of costs specified under subsection (c) of this section.

The President shall not pay for any administrative costs or expenses out of the Fund unless such costs and expenses are reasonably necessary for and incidental to the implementation of this title.

(b) Claims asserted and compensable but unsatisfied under provisions of section 311 of the Clean Water Act, which are modified by section 304 of this Act may be asserted against the Fund under this title; and other claims resulting from a release or threat of release of a hazardous substance from a vessel or a facility may be asserted against the Fund under this title for injury to, or destruction or loss of, natural resources, including cost for damage assessment: *Provided, however*, That any such claim may be asserted only by the President, as trustee, for natural resources over which the United States has sovereign rights, or natural resources within the territory or the fishery conservation zone of the United States to the extent they are managed or protected by the United States, or by any State for natural resources within the boundary of that State belonging to, managed by, controlled by, or appertaining to the State.

Post. p. 2809.

(c) Uses of the Fund under subsection (a) of this section include—

(1) the costs of assessing both short-term and long-term injury to, destruction of, or loss of any natural resources resulting from a release of a hazardous substance;

(2) the costs of Federal or State efforts in the restoration, rehabilitation, or replacement or acquiring the equivalent of any natural resources injured, destroyed, or lost as a result of a release of a hazardous substance;

(3) subject to such amounts as are provided in appropriation Acts, the costs of a program to identify, investigate, and take enforcement and abatement action against releases of hazardous substances;

(4) the costs of epidemiologic studies, development and maintenance of a registry of persons exposed to hazardous substances to allow long-term health effect studies, and diagnostic services not otherwise available to determine whether persons in populations exposed to hazardous substances in connection with a release or a suspected release are suffering from long-latency diseases;

(5) subject to such amounts as are provided in appropriation Acts, the costs of providing equipment and similar overhead, related to the purposes of this Act and section 311 of the Clean Water Act, and needed to supplement equipment and services available through contractors or other non-Federal entities, and of establishing and maintaining damage assessment capability, for any Federal agency involved in strike forces, emergency task

forces, or other response teams under the national contingency plan; and

(6) subject to such amounts as are provided in appropriation Acts, the costs of a program to protect the health and safety of employees involved in response to hazardous substance releases. Such program shall be developed jointly by the Environmental Protection Agency, the Occupational Safety and Health Administration, and the National Institute for Occupational Safety and Health and shall include, but not be limited to, measures for identifying and assessing hazards to which persons engaged in removal, remedy, or other response to hazardous substances may be exposed, methods to protect workers from such hazards, and necessary regulatory and enforcement measures to assure adequate protection of such employees.

(d)(1) No money in the Fund may be used under subsection (c) (1) and (2) of this section, nor for the payment of any claim under subsection (b) of this section, where the injury, destruction, or loss of natural resources and the release of a hazardous substance from which such damages resulted have occurred wholly before the enactment of this Act.

(2) No money in the Fund may be used for the payment of any claim under subsection (b) of this section where such expenses are associated with injury or loss resulting from long-term exposure to ambient concentrations of air pollutants from multiple or diffuse sources.

(e)(1) Claims against or presented to the Fund shall not be valid or paid in excess of the total money in the Fund at any one time. Such claims become valid only when additional money is collected, appropriated, or otherwise added to the Fund. Should the total claims outstanding at any time exceed the current balance of the Fund, the President shall pay such claims, to the extent authorized under this section, in full in the order in which they were finally determined.

(2) In any fiscal year, 85 percent of the money credited to the Fund under title II of this Act shall be available only for the purposes specified in paragraphs (1), (2), and (4) of subsection (a) of this section.

(3) No money in the Fund shall be available for remedial action, other than actions specified in subsection (c) of this section, with respect to federally owned facilities.

(4) Paragraphs (1) and (4) of subsection (a) of this section shall in the aggregate be subject to such amounts as are provided in appropriation Acts.

Regulations.

(f) The President is authorized to promulgate regulations designating one or more Federal officials who may obligate money in the Fund in accordance with this section or portions thereof. The President is also authorized to delegate authority to obligate money in the Fund or to settle claims to officials of a State operating under a contract or cooperative agreement with the Federal Government pursuant to section 10(d) of this title.

(g) The President shall provide for the promulgation of rules and regulations with respect to the notice to be provided to potential injured parties by an owner and operator of any vessel, or facility from which a hazardous substance has been released. Such rules and regulations shall consider the scope and form of the notice which would be appropriate to carry out the purposes of this title. Upon promulgation of such rules and regulations, the owner and operator of any vessel or facility from which a hazardous substance has been released shall provide notice in accordance with such rules and regulations. With respect to releases from public vessels, the President shall provide such notification as is appropriate to potential

injured parties. Until the promulgation of such rules and regulations, the owner and operator of any vessel or facility from which a hazardous substance has been released shall provide reasonable notice to potential injured parties by publication in local newspapers serving the affected area.

(h)(1) In accordance with regulations promulgated under section 301(c) of this Act, damages for injury to, destruction of, or loss of natural resources resulting from a release of a hazardous substance, for the purposes of this Act and section 311(f) (4) and (5) of the Federal Water Pollution Control Act, shall be assessed by Federal officials designated by the President under the national contingency plan published under section 105 of the Act, and such officials shall act for the President as trustee under this section and section 311(f)(5) of the Federal Water Pollution Control Act.

33 USC 1321.

(2) Any determination or assessment of damages for injury to, destruction of, or loss of natural resources for the purposes of this Act and section 311(f) (4) and (5) of the Federal Water Pollution Control Act shall have the force and effect of a rebuttable presumption on behalf of any claimant (including a trustee under section 107 of this Act or a Federal agency) in any judicial or adjudicatory administrative proceeding under this Act or section 311 of the Federal Water Pollution Control Act.

(i) Except in a situation requiring action to avoid an irreversible loss of natural resources or to prevent or reduce any continuing danger to natural resources or similar need for emergency action, funds may not be used under this Act for the restoration, rehabilitation, or replacement or acquisition of the equivalent of any natural resources until a plan for the use of such funds for such purposes has been developed and adopted by affected Federal agencies and the Governor or Governors of any State having sustained damage to natural resources within its borders, belonging to, managed by or appertaining to such State, after adequate public notice and opportunity for hearing and consideration of all public comment.

(j) The President shall use the money in the Post-closure Liability Fund for any of the purposes specified in subsection (a) of this section with respect to a hazardous waste disposal facility for which liability has transferred to such fund under section 107(k) of this Act, and, in addition, for payment of any claim or appropriate request for costs of response, damages, or other compensation for injury or loss under section 107 of this Act or any other State or Federal law, resulting from a release of a hazardous substance from such a facility.

(k) The Inspector General of each department or agency to which responsibility to obligate money in the Fund is delegated shall provide an audit review team to audit all payments, obligations, reimbursements, or other uses of the Fund, to assure that the Fund is being properly administered and that claims are being appropriately and expeditiously considered. Each such Inspector General shall submit to the Congress an interim report one year after the establishment of the Fund and a final report two years after the establishment of the Fund. Each such Inspector General shall thereafter provide such auditing of the Fund as is appropriate. Each Federal agency shall cooperate with the Inspector General in carrying out this subsection.

Report to Congress.

(l) To the extent that the provisions of this Act permit, a foreign claimant may assert a claim to the same extent that a United States claimant may assert a claim if—

(1) the release of a hazardous substance occurred (A) in the navigable waters or (B) in or on the territorial sea or adjacent shoreline of a foreign country of which the claimant is a resident;

(2) the claimant is not otherwise compensated for his loss;

(3) the hazardous substance was released from a facility or from a vessel located adjacent to or within the navigable waters or was discharged in connection with activities conducted under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 et seq.) or the Deepwater Port Act of 1974, as amended (33 U.S.C. 1501 et seq.); and

(4) recovery is authorized by a treaty or an executive agreement between the United States and foreign country involved, or if the Secretary of State, in consultation with the Attorney General and other appropriate officials, certifies that such country provides a comparable remedy for United States claimants.

CLAIMS PROCEDURE

42 USC 9612.

Sec. 112. (a) All claims which may be asserted against the Fund pursuant to section 111 of this title shall be presented in the first instance to the owner, operator, or guarantor of the vessel or facility from which a hazardous substance has been released, if known to the claimant, and to any other person known to the claimant who may be liable under section 107 of this title. In any case where the claim has not been satisfied within sixty days of presentation in accordance with this subsection, the claimant may elect to commence an action in court against such owner, operator, guarantor, or other person or to present the claim to the Fund for payment.

(1) The President shall prescribe appropriate forms and procedures for claims filed hereunder, which shall include a provision requiring the claimant to make a sworn verification of the claim to the best of his knowledge. Any person who knowingly gives or causes to be given any false information as a part of any such claim shall, upon conviction, be fined up to \$5,000 or imprisoned for not more than one year, or both.

(2)(A) Upon receipt of any claim, the President shall as soon as practicable inform any known affected parties of the claim and shall attempt to promote and arrange a settlement between the claimant and any person who may be liable. If the claimant and alleged liable party or parties can agree upon a settlement, it shall be final and binding upon the parties thereto, who will be deemed to have waived all recourse against the Fund.

(B) Where a liable party is unknown or cannot be determined, the claimant and the President shall attempt to arrange settlement of any claim against the Fund. The President is authorized to award and make payment of such a settlement, subject to such proof and procedures as he may promulgate by regulation.

(C) Except as provided in subparagraph (D) of this paragraph, the President shall use the facilities and services of private insurance and claims adjusting organizations or State agencies in implementing this subsection and may contract to pay compensation for those facilities and services. Any contract made under the provisions of this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), upon a showing by the President that advertising is not reasonably practicable. When the services of a State agency are used hereunder, no payment may be made on a claim asserted on behalf of that State or

any of its agencies or subdivisions unless the payment has been approved by the President.

(D) To the extent necessitated by extraordinary circumstances, where the services of such private organizations or State agencies are inadequate, the President may use Federal personnel to implement this subsection.

(3) If no settlement is reached within forty-five days of filing of a claim through negotiation pursuant to this section, the President may, if he is satisfied that the information developed during the processing of the claim warrants it, make and pay an award of the claim. If the claimant is dissatisfied with the award, he may appeal it in the manner provided for in subparagraph (G) of paragraph (4) of this subsection. If the President declines to make an award, he shall submit the claim for decision to a member of the Board of Arbitrators established pursuant to paragraph (4).

(4)(A) Within ninety days of the enactment of this Act, the President shall establish a Board of Arbitrators to implement this subsection. The Board shall consist of as many members as the President may determine will be necessary to implement this subsection expeditiously, and he may increase or decrease the size of the Board at any time in his discretion in order to enable it to respond to the demands of such implementation. Each member of the Board shall be selected through utilization of the procedures of the American Arbitration Association: *Provided, however,* That no regular employee of the President or any of the Federal departments, administrations, or agencies to whom he delegated responsibilities under this Act shall act as a member of the Board.

(B) Hearings conducted hereunder shall be public and shall be held in such place as may be agreed upon by the parties thereto, or, in the absence of such agreement, in such place as the President determines, in his discretion, will be most convenient for the parties thereto.

(C) Hearings before a member of the Board shall be informal, and the rules of evidence prevailing in judicial proceedings need not be required. Each member of the Board shall have the power to administer oaths and to subpoena the attendance and testimony of witnesses and the production of books, records, and other evidence relative or pertinent to the issues presented to him for decision. Testimony may be taken by interrogatory or deposition. Each person appearing before a member of the Board shall have the right to counsel. Subpenas shall be issued and enforced in accordance with procedures in subsection (d) of section 555 of title 5, United States Code, and rules promulgated by the President. If a person fails or refuses to obey a subpoena, the President may invoke the aid of the district court of the United States where the person is found, resides, or transacts business in requiring the attendance and testimony of the person and the production by him of books, papers, documents, or any tangible things.

(D) In any proceeding before a member of the Board, the claimant shall bear the burden of proving his claim. Should a member of the Board determine that further investigations, monitoring, surveys, testing, or other information gathering would be useful and necessary in deciding the claim, he may request the President in writing to undertake such activities pursuant to section 104(b) of this title. The President shall dispose of such a request in his sole discretion, taking into account various competing demands and the availability of the technical and financial capacity to conduct such studies, monitoring, and investigations. Should the President decide to undertake the

requested actions, all time requirements for the processing and deciding of claims hereunder shall be suspended until the President reports the results thereof to the member of the Board.

(E) All costs and expenses approved by the President attributable to the employment of any member of the Board shall be payable from the Fund, including fees and mileage expenses for witnesses summoned by such members on the same basis and to the same extent as if such witnesses were summoned before a district court of the United States.

(F) All decisions rendered by members of the Board shall be in writing, with notification to all appropriate parties, and shall be rendered within ninety days of submission of a claim to a member, unless all the parties to the claim agree in writing to an extension or unless the President extends the time limit pursuant to subparagraph (I) of this subsection.

(G) All decisions rendered by members of the Board shall be final, and any party to the proceeding may appeal such a decision within thirty days of notification of the award or decision. Any such appeal shall be made to the Federal district court for the district where the arbitral hearing took place. In any such appeal, the award or decision of the member of the Board shall be considered binding and conclusive, and shall not be overturned except for arbitrary or capricious abuse of the member's discretion: *Provided, however,* That no such award or decision shall be admissible as evidence of any issue of fact or law in any proceeding brought under any other provision of this Act or under any other provision of law. Nor shall any prearbitral settlement reached pursuant to subsection (b)(2)(A) of this section be admissible as evidence in any such proceeding.

(H) Within twenty days of the expiration of the appeal period for any arbitral award or decision, or within twenty days of the final judicial determination of any appeal taken pursuant to this subsection, the President shall pay any such award from the Fund. The President shall determine the method, terms, and time of payment.

(I) If at any time the President determines that, because of a large number of claims arising from any incident or set of incidents, it is in the best interests of the parties concerned, he may extend the time for prearbitral negotiation or for rendering an arbitral decision pursuant to this subsection by a period not to exceed sixty days. He may also group such claims for submission to a member of the Board of Arbitrators.

(c)(1) Payment of any claim by the Fund under this section shall be subject to the United States Government acquiring by subrogation the rights of the claimant to recover those costs of removal or damages for which it has compensated the claimant from the person responsible or liable for such release.

(2) Any person, including the Fund, who pays compensation pursuant to this Act to any claimant for damages or costs resulting from a release of a hazardous substance shall be subrogated to all rights, claims, and causes of action for such damages and costs of removal that the claimant has under this Act or any other law.

(3) Upon request of the President, the Attorney General shall commence an action on behalf of the Fund to recover any compensation paid by the Fund to any claimant pursuant to this title, and, without regard to any limitation of liability, all interest, administrative and adjudicative costs, and attorney's fees incurred by the Fund by reason of the claim. Such an action may be commenced against any owner, operator, or guarantor, or against any other person who is

liable, pursuant to any law, to the compensated claimant or to the Fund, for the damages or costs for which compensation was paid.

(d) No claim may be presented, nor may an action be commenced for damages under this title, unless that claim is presented or action commenced within three years from the date of the discovery of the loss or the date of enactment of this Act, whichever is later: *Provided, however,* That the time limitations contained herein shall not begin to run against a minor until he reaches eighteen years of age or a legal representative is duly appointed for him, nor against an incompetent person until his incompetency ends or a legal representative is duly appointed for him.

(e) Regardless of any State statutory or common law to the contrary, no person who asserts a claim against the Fund pursuant to this title shall be deemed or held to have waived any other claim not covered or assertable against the Fund under this title arising from the same incident, transaction, or set of circumstances, nor to have split a cause of action. Further, no person asserting a claim against the Fund pursuant to this title shall as a result of any determination of a question of fact or law made in connection with that claim be deemed or held to be collaterally estopped from raising such question in connection with any other claim not covered or assertable against the Fund under this title arising from the same incident, transaction, or set of circumstances.

LITIGATION, JURISDICTION AND VENUE

SEC. 113. (a) Review of any regulation promulgated under this Act may be had upon application by any interested person only in the Circuit Court of Appeals of the United States for the District of Columbia. Any such application shall be made within ninety days from the date of promulgation of such regulations. Any matter with respect to which review could have been obtained under this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement or to obtain damages or recovery of response costs. 42 USC 9613.

(b) Except as provided in subsection (a) of this section, the United States district courts shall have exclusive original jurisdiction over all controversies arising under this Act, without regard to the citizenship of the parties or the amount in controversy. Venue shall lie in any district in which the release or damages occurred, or in which the defendant resides, may be found, or has his principal office. For the purposes of this section, the Fund shall reside in the District of Columbia.

(c) The provisions of subsections (a) and (b) of this section shall not apply to any controversy or other matter resulting from the assessment of collection of any tax, as provided by title II of this Act, or to the review of any regulation promulgated under the Internal Revenue Code of 1954. 26 USC 1 et seq.

(d) No provision of this Act shall be deemed or held to moot any litigation concerning any release of any hazardous substance, or any damages associated therewith, commenced prior to enactment of this Act.

RELATIONSHIP TO OTHER LAW

SEC. 114. (a) Nothing in this Act shall be construed or interpreted as preempting any State from imposing any additional liability or 42 USC 9614.

requirements with respect to the release of hazardous substances within such State.

(b) Any person who receives compensation for removal costs or damages or claims pursuant to this Act shall be precluded from recovering compensation for the same removal costs or damages or claims pursuant to any other State or Federal law. Any person who receives compensation for removal costs or damages or claims pursuant to any other Federal or State law shall be precluded from receiving compensation for the same removal costs or damages or claims as provided in this Act.

(c) Except as provided in this Act, no person may be required to contribute to any fund, the purpose of which is to pay compensation for claims for any costs of response or damages or claims which may be compensated under this title. Nothing in this section shall preclude any State from using general revenues for such a fund, or from imposing a tax or fee upon any person or upon any substance in order to finance the purchase or repositioning of hazardous substance response equipment or other preparations for the response to a release of hazardous substances which affects such State.

(d) Except as provided in this title, no owner or operator of a vessel or facility who establishes and maintains evidence of financial responsibility in accordance with this title shall be required under any State or local law, rule, or regulation to establish or maintain any other evidence of financial responsibility in connection with liability for the release of a hazardous substance from such vessel or facility. Evidence of compliance with the financial responsibility requirements of this title shall be accepted by a State in lieu of any other requirement of financial responsibility imposed by such State in connection with liability for the release of a hazardous substance from such vessel or facility.

AUTHORITY TO DELEGATE, ISSUE REGULATIONS

42 USC 9615.

SEC. 115. The President is authorized to delegate and assign any duties or powers imposed upon or assigned to him and to promulgate any regulations necessary to carry out the provisions of this title.

Hazardous
Substance
Response
Revenue Act of
1980.

26 USC 1 note.

TITLE II—HAZARDOUS SUBSTANCE RESPONSE REVENUE ACT OF 1980

SEC. 201. SHORT TITLE; AMENDMENT OF 1954 CODE.

(a) **SHORT TITLE.**—This title may be cited as the "Hazardous Substance Response Revenue Act of 1980".

26 USC 1 et seq.

(b) **AMENDMENT OF 1954 CODE.**—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

Subtitle A—Imposition of Taxes on Petroleum and Certain Chemicals

SEC. 211. IMPOSITION OF TAXES.

(a) **GENERAL RULE.**—Subtitle D (relating to miscellaneous excise taxes) is amended by inserting after chapter 37 the following new chapter:

“CHAPTER 38—ENVIRONMENTAL TAXES

“SUBCHAPTER A. Tax on petroleum.
“SUBCHAPTER B. Tax on certain chemicals.

“Subchapter A—Tax on Petroleum

“Sec. 4611. Imposition of tax.
“Sec. 4612. Definitions and special rules.

“SEC. 4611. IMPOSITION OF TAX.

28 USC 4611.

“(a) **GENERAL RULE.**—There is hereby imposed a tax of 0.79 cent a barrel on—

“(1) crude oil received at a United States refinery, and
“(2) petroleum products entered into the United States for consumption, use, or warehousing.

“(b) **TAX ON CERTAIN USES AND EXPORTATION.**—

“(1) **IN GENERAL.**—If—

“(A) any domestic crude oil is used in or exported from the United States, and

“(B) before such use or exportation, no tax was imposed on such crude oil under subsection (a),

then a tax of 0.79 cent a barrel is hereby imposed on such crude oil.

“(2) **EXCEPTION FOR USE ON PREMISES WHERE PRODUCED.**—Paragraph (1) shall not apply to any use of crude oil for extracting oil or natural gas on the premises where such crude oil was produced.

“(c) **PERSONS LIABLE FOR TAX.**—

“(1) **CRUDE OIL RECEIVED AT REFINERY.**—The tax imposed by subsection (a)(1) shall be paid by the operator of the United States refinery.

“(2) **IMPORTED PETROLEUM PRODUCT.**—The tax imposed by subsection (a)(2) shall be paid by the person entering the product for consumption, use, or warehousing.

“(3) **TAX ON CERTAIN USES OR EXPORTS.**—The tax imposed by subsection (b) shall be paid by the person using or exporting the crude oil, as the case may be.

“(d) **TERMINATION.**—The taxes imposed by this section shall not apply after September 30, 1985, except that if on September 30, 1983, or September 30, 1984—

“(1) the unobligated balance in the Hazardous Substance Response Trust Fund as of such date exceeds \$900,000,000, and

“(2) the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines that such unobligated balance will exceed \$500,000,000 on September 30 of the following year if no tax is imposed under section 4611 or 4661 during the calendar year following the date referred to above,

Publ. p. 2798.

then no tax shall be imposed by this section during the first calendar year beginning after the date referred to in paragraph (1).

26 USC 4612.

"SEC. 4612. DEFINITIONS AND SPECIAL RULES.

"(a) DEFINITIONS.—For purposes of this subchapter—

"(1) CRUDE OIL.—The term 'crude oil' includes crude oil condensates and natural gasoline.

"(2) DOMESTIC CRUDE OIL.—The term 'domestic crude oil' means any crude oil produced from a well located in the United States.

"(3) PETROLEUM PRODUCT.—The term 'petroleum product' includes crude oil.

"(4) UNITED STATES.—

"(A) IN GENERAL.—The term 'United States' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, any possession of the United States, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

26 USC 638.

"(B) UNITED STATES INCLUDES CONTINENTAL SHELF AREAS.—The principles of section 638 shall apply for purposes of the term 'United States'.

"(C) UNITED STATES INCLUDES FOREIGN TRADE ZONES.—The term 'United States' includes any foreign trade zone of the United States.

"(5) UNITED STATES REFINERY.—The term 'United States refinery' means any facility in the United States at which crude oil is refined.

"(6) REFINERIES WHICH PRODUCE NATURAL GASOLINE.—In the case of any United States refinery which produces natural gasoline from natural gas, the gasoline so produced shall be treated as received at such refinery at the time so produced.

"(7) PREMISES.—The term 'premises' has the same meaning as when used for purposes of determining gross income from the property under section 613.

"(8) BARREL.—The term 'barrel' means 42 United States gallons.

"(9) FRACTIONAL PART OF BARREL.—In the case of a fraction of a barrel, the tax imposed by section 4611 shall be the same fraction of the amount of such tax imposed on a whole barrel.

Anti. p. 2707.

"(b) ONLY 1 TAX IMPOSED WITH RESPECT TO ANY PRODUCT.—No tax shall be imposed by section 4611 with respect to any petroleum product if the person who would be liable for such tax establishes that a prior tax imposed by such section has been imposed with respect to such product.

"(c) DISPOSITION OF REVENUES FROM PUERTO RICO AND THE VIRGIN ISLANDS.—The provisions of subsections (a)(3) and (b)(3) of section 7652 shall not apply to any tax imposed by section 4611.

"Subchapter B—Tax on Certain Chemicals

"Sec. 4661. Imposition of tax.

"Sec. 4662. Definitions and special rules.

26 USC 4661.

"SEC. 4661. IMPOSITION OF TAX.

"(a) GENERAL RULE.—There is hereby imposed a tax on any taxable chemical sold by the manufacturer, producer, or importer thereof.

"(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) shall be determined in accordance with the following table:

"In the case of"	The tax is the following amount per ton
Acetylene.....	\$4.87
Benzene.....	4.87
Butane.....	4.87
Butylene.....	4.87
Butadiene.....	4.97
Ethylene.....	4.87
Methane.....	3.44
Naphthalene.....	4.87
Propylene.....	4.87
Toluene.....	4.87
Xylene.....	4.87
Ammonia.....	2.64
Antimony.....	4.45
Antimony trioxide.....	3.75
Arsenic.....	4.45
Arsenic trioxide.....	3.41
Barium sulfide.....	2.80
Bromine.....	4.45
Cadmium.....	4.45
Chlorine.....	2.70
Chromium.....	4.45
Chromite.....	1.52
Potassium dichromate.....	1.69
Sodium dichromate.....	1.87
Cobalt.....	4.45
Cupric sulfate.....	1.87
Cupric oxide.....	3.59
Cuprous oxide.....	3.97
Hydrochloric acid.....	0.23
Hydrogen fluoride.....	4.23
Lead oxide.....	4.14
Mercury.....	4.45
Nickel.....	4.45
Phosphorus.....	4.45
Stannous chloride.....	2.86
Stannic chloride.....	2.12
Zinc chloride.....	2.22
Zinc sulfate.....	1.90
Potassium hydroxide.....	0.22
Sodium hydroxide.....	0.23
Sulfuric acid.....	0.23
Nitric acid.....	0.24

"(c) TERMINATION.—No tax shall be imposed under this section during any period during which no tax is imposed under section 4611(a).

"SEC. 4662. DEFINITIONS AND SPECIAL RULES.

26 USC 4662.

"(a) DEFINITIONS.—For purposes of this subchapter—

"(1) TAXABLE CHEMICAL.—Except as provided in subsection (b), the term 'taxable chemical' means any substance—

"(A) which is listed in the table under section 4661(b), and

Ante, p. 2798.

"(B) which is manufactured or produced in the United States or entered into the United States for consumption, use, or warehousing.

"(2) UNITED STATES.—The term 'United States' has the meaning given such term by section 4612(a)(4).

Ante, p. 2798.

"(3) IMPORTER.—The term 'importer' means the person entering the taxable chemical for consumption, use, or warehousing.

"(4) TON.—The term 'ton' means 2,000 pounds. In the case of any taxable chemical which is a gas, the term 'ton' means the amount of such gas in cubic feet which is the equivalent of 2,000 pounds on a molecular weight basis.

Am. p. 270R

"(6) FRACTIONAL PART OF TON.—In the case of a fraction of a ton, the tax imposed by section 4661 shall be the same fraction of the amount of such tax imposed on a whole ton.

"(b) EXCEPTIONS; OTHER SPECIAL RULES.—For purposes of this subchapter—

"(1) METHANE OR BUTANE USED AS A FUEL.—Under regulations prescribed by the Secretary, methane or butane shall be treated as a taxable chemical only if it is used otherwise than as a fuel and, for purposes of section 4661(a), the person so using it shall be treated as the manufacturer thereof.

"(2) SUBSTANCES USED IN THE PRODUCTION OF FERTILIZER.—

"(A) IN GENERAL.—In the case of nitric acid, sulfuric acid, ammonia, or methane used to produce ammonia which is a qualified substance, no tax shall be imposed under section 4661(a).

"(B) QUALIFIED SUBSTANCE.—For purposes of this section, the term 'qualified substance' means any substance—

"(i) used in a qualified use by the manufacturer, producer, or importer,

"(ii) sold for use by the purchaser in a qualified use, or

"(iii) sold for resale by the purchaser to a second purchaser for use by such second purchaser in a qualified use.

"(C) QUALIFIED USE.—For purposes of this subsection, the term 'qualified use' means any use in the manufacture or production of a fertilizer.

"(3) SULFURIC ACID PRODUCED AS A BYPRODUCT OF AIR POLLUTION CONTROL.—In the case of sulfuric acid produced solely as a byproduct of and on the same site as air pollution control equipment, no tax shall be imposed under section 4661.

"(4) SUBSTANCES DERIVED FROM COAL.—For purposes of this subchapter, the term 'taxable chemical' shall not include any substance to the extent derived from coal.

"(c) USE BY MANUFACTURER, ETC., CONSIDERED SALE.—If any person manufactures, produces, or imports a taxable chemical and uses such chemical, then such person shall be liable for tax under section 4661 in the same manner as if such chemical were sold by such person.

"(d) REFUND OR CREDIT FOR CERTAIN USES.—

"(1) IN GENERAL.—Under regulations prescribed by the Secretary, if—

"(A) a tax under section 4661 was paid with respect to any taxable chemical, and

"(B) such chemical was used by any person in the manufacture or production of any other substance the sale of which by such person would be taxable under such section, then an amount equal to the tax so paid shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by such section. In any case to which this paragraph applies, the amount of any such credit or refund shall not exceed the amount of tax imposed by such section on the other substance manufactured or produced.

"(2) USE AS FERTILIZER.—Under regulations prescribed by the Secretary, if—

"(A) a tax under section 4661 was paid with respect to nitric acid, sulfuric acid, ammonia, or methane used to make ammonia without regard to subsection (b)(2), and

"(B) any person uses such substance, or sells such substance for use, as a qualified substance, then an amount equal to the excess of the tax so paid over the tax determined with regard to subsection (b)(2) shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by this section.

"(e) DISPOSITION OF REVENUES FROM PUERTO RICO AND THE VIRGIN ISLANDS.—The provisions of subsections (a)(3) and (b)(3) of section 7652 shall not apply to any tax imposed by section 4661."

26 USC 7652.
Ante, p. 2798

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle D is amended by inserting after the item relating to chapter 37 the following new item:

"CHAPTER 38. Environmental taxes."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 1981.

26 USC 4611
note

Subtitle B—Establishment of Hazardous Substance Response Trust Fund

SEC. 221. ESTABLISHMENT OF HAZARDOUS SUBSTANCE RESPONSE TRUST FUND.

42 USC 9631.

(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the "Hazardous Substance Response Trust Fund" (hereinafter in this subtitle referred to as the "Response Trust Fund"), consisting of such amounts as may be appropriated or transferred to such Trust Fund as provided in this section.

(b) TRANSFERS TO RESPONSE TRUST FUND.—

(1) AMOUNTS EQUIVALENT TO CERTAIN TAXES, ETC.—There are hereby appropriated, out of any money in the Treasury not otherwise appropriated, to the Response Trust Fund amounts determined by the Secretary of the Treasury (hereinafter in this subtitle referred to as the "Secretary") to be equivalent to—

(A) the amounts received in the Treasury under section 4611 or 4661 of the Internal Revenue Code of 1954,

Ante, pp. 2707,
2798

(B) the amounts recovered on behalf of the Response Trust Fund under this Act,

(C) all moneys recovered or collected under section 311(b)(6)(B) of the Clean Water Act,

33 USC 1321.

(D) penalties assessed under title I of this Act, and

(E) punitive damages under section 107(c)(8) of this Act.

(2) AUTHORIZATION FOR APPROPRIATIONS.—There is authorized to be appropriated to the Emergency Response Trust Fund for fiscal year—

(A) 1981, \$44,000,000,

(B) 1982, \$44,000,000,

(C) 1983, \$44,000,000,

(D) 1984, \$44,000,000, and

(E) 1985, \$44,000,000, plus an amount equal to so much of the aggregate amount authorized to be appropriated under subparagraphs (A), (B), (C), and (D) as has not been appropriated before October 1, 1984.

(3) TRANSFER OF FUNDS.—There shall be transferred to the Response Trust Fund—

33 USC 1321

(A) one-half of the unobligated balance remaining before the date of the enactment of this Act under the Fund in section 311 of the Clean Water Act, and

(B) the amounts appropriated under section 504(b) of the Clean Water Act during any fiscal year.

(c) EXPENDITURES FROM RESPONSE TRUST FUND.—

(1) **IN GENERAL.**—Amounts in the Response Trust Fund shall be available in connection with releases or threats of releases of hazardous substances into the environment only for purposes of making expenditures which are described in section 111 (other than subsection (j) thereof) of this Act, as in effect on the date of the enactment of this Act, including—

(A) response costs,

(B) claims asserted and compensable but unsatisfied under section 311 of the Clean Water Act,

(C) claims for injury to, or destruction or loss of, natural resources, and

(D) related costs described in section 111(c) of this Act.

(2) **LIMITATIONS ON EXPENDITURES.**—At least 85 percent of the amounts appropriated to the Response Trust Fund under subsection (b) (1)(A) and (2) shall be reserved—

(A) for the purposes specified in paragraphs (1), (2), and (4) of section 111(a) of this Act, and

(B) for the repayment of advances made under section 223(c), other than advances subject to the limitation of section 223(c)(2)(C).

42 USC 9632.

SEC. 222. LIABILITY OF UNITED STATES LIMITED TO AMOUNT IN TRUST FUND.

(a) **GENERAL RULE.**—Any claim filed against the Response Trust Fund may be paid only out of such Trust Fund. Nothing in this Act (or in any amendment made by this Act) shall authorize the payment by the United States Government of any additional amount with respect to any such claim out of any source other than the Response Trust Fund.

(b) **ORDER IN WHICH UNPAID CLAIMS ARE TO BE PAID.**—If at any time the Response Trust Fund is unable (by reason of subsection (a) or the limitation of section 221(c)(2)) to pay all of the claims payable out of such Trust Fund at such time, such claims shall, to the extent permitted under subsection (a), be paid in full in the order in which they were finally determined.

42 USC 9633.

SEC. 223. ADMINISTRATIVE PROVISIONS.

(a) **METHOD OF TRANSFER.**—The amounts appropriated by section 221(b)(1) shall be transferred at least monthly from the general fund of the Treasury to the Response Trust Fund on the basis of estimates made by the Secretary of the amounts referred to in such section. Proper adjustments shall be made in the amount subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(b) MANAGEMENT OF TRUST FUND.—

(1) **REPORT.**—The Secretary shall be the trustee of the Response Trust Fund, and shall report to the Congress for each fiscal year ending on or after September 30, 1981, on the financial condition and the results of the operations of such Trust Fund during such fiscal year and on its expected condition and operations during the next 5 fiscal years. Such report shall be printed as a House

document of the session of the Congress to which the report is made.

(2) **INVESTMENT.**—It shall be the duty of the Secretary to invest such portion of such Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments shall be in public debt securities with maturities suitable for the needs of such Trust Fund and bearing interest at rates determined by the Secretary, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of such Trust Fund.

(c) AUTHORITY TO BORROW.—

(1) **IN GENERAL.**—There are authorized to be appropriated to the Response Trust Fund, as repayable advances, such sums as may be necessary to carry out the purposes of such Trust Fund.

Appropriation
authorization.

(2) **LIMITATIONS ON ADVANCES TO RESPONSE TRUST FUND.**—

(A) **AGGREGATE ADVANCES.**—The maximum aggregate amount of repayable advances to the Response Trust Fund which is outstanding at any one time shall not exceed an amount which the Secretary estimates will be equal to the sum of the amounts which will be appropriated or transferred to such Trust Fund under paragraph (1)(A) of section 221(b) of this Act for the following 12 months, and

(B) **ADVANCES FOR PAYMENT OF RESPONSE COSTS.**—No amount may be advanced after March 31, 1983, to the Response Trust Fund for the purpose of paying response costs described in section 111(a) (1), (2), or (4), unless such costs are incurred incident to any spill the effects of which the Secretary determines to be catastrophic.

(C) **ADVANCES FOR OTHER COSTS.**—The maximum aggregate amount advanced to the Response Trust Fund which is outstanding at any one time for the purpose of paying costs other than costs described in section 111(a) (1), (2), or (4) shall not exceed one-third of the amount of the estimate made under subparagraph (A).

(D) **FINAL REPAYMENT.**—No advance shall be made to the Response Trust Fund after September 30, 1985, and all advances to such Fund shall be repaid on or before such date.

(3) **REPAYMENT OF ADVANCES.**—Advances made pursuant to this subsection shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the Trust Fund to which the advance was made. Such interest shall be at rates computed in the same manner as provided in subsection (b) and shall be compounded annually.

Subtitle C—Post-Closure Tax and Trust Fund

SEC. 231. IMPOSITION OF TAX.

(a) **IN GENERAL.**—Chapter 38, as added by section 211, is amended by adding at the end thereof the following new subchapter:

“Subchapter C—Tax on Hazardous Wastes

“Sec. 4881. Imposition of tax.

“Sec. 4882. Definitions and special rules.

- 26 USC 4681. "SEC. 4681. IMPOSITION OF TAX.
- "(a) GENERAL RULE.—There is hereby imposed a tax on the receipt of hazardous waste at a qualified hazardous waste disposal facility.
- "(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) shall be equal to \$2.13 per dry weight ton of hazardous waste.
- 26 USC 4682. "SEC. 4682. DEFINITIONS AND SPECIAL RULES.
- "(a) DEFINITIONS.—For purposes of this subchapter—
- "(1) HAZARDOUS WASTE.—The term 'hazardous waste' means any waste—
- "(A) having the characteristics identified under section 3001 of the Solid Waste Disposal Act, as in effect on the date of the enactment of this Act (other than waste the regulation of which under such Act has been suspended by Act of Congress on that date), or
- "(B) subject to the reporting or recordkeeping requirements of sections 3002 and 3004 of such Act, as so in effect.
- "(2) QUALIFIED HAZARDOUS WASTE DISPOSAL FACILITY.—The term 'qualified hazardous waste disposal facility' means any facility which has received a permit or is accorded interim status under section 3005 of the Solid Waste Disposal Act.
- 42 USC 6921. "42 USC 6921. "SEC. 4681 shall be imposed on the owner or operator of the qualified hazardous waste disposal facility.
- 42 USC 6922. "42 USC 6922. "SEC. 4681 shall not apply to any hazardous waste which will not remain at the qualified hazardous waste disposal facility after the facility is closed.
- 42 USC 6925. "42 USC 6925. "SEC. 4681 shall apply to the receipt of hazardous waste after September 30, 1983, except that if, as of September 30 of any subsequent calendar year, the unobligated balance of the Post-closure Liability Trust Fund exceeds \$200,000,000, no tax shall be imposed under such section during the following calendar year."
- "(b) CONFORMING AMENDMENT.—The table of subchapters for chapter 38 is amended by adding at the end thereof the following new item:
- "SUBCHAPTER C—Tax on Hazardous Wastes."
- 42 USC 9641. SEC. 232. POST-CLOSURE LIABILITY TRUST FUND.
- (a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the "Post-closure Liability Trust Fund", consisting of such amounts as may be appropriated, credited, or transferred to such Trust Fund.
- (b) EXPENDITURES FROM POST-CLOSURE LIABILITY TRUST FUND.—Amounts in the Post-closure Liability Trust Fund shall be available only for the purposes described in sections 107(k) and 111(j) of this Act (as in effect on the date of the enactment of this Act).
- (c) ADMINISTRATIVE PROVISIONS.—The provisions of sections 222 and 223 of this Act shall apply with respect to the Trust Fund established under this section, except that the amount of any repayable advances outstanding at any one time shall not exceed \$200,000,000.

TITLE III—MISCELLANEOUS PROVISIONS

REPORTS AND STUDIES

SEC. 301. (a)(1) The President shall submit to the Congress, within four years after enactment of this Act, a comprehensive report on experience with the implementation of this Act, including, but not limited to—

(A) the extent to which the Act and Fund are effective in enabling Government to respond to and mitigate the effects of releases of hazardous substances;

(B) a summary of past receipts and disbursements from the Fund;

(C) a projection of any future funding needs remaining after the expiration of authority to collect taxes, and of the threat to public health, welfare, and the environment posed by the projected releases which create any such needs;

(D) the record and experience of the Fund in recovering Fund disbursements from liable parties;

(E) the record of State participation in the system of response, liability, and compensation established by this Act;

(F) the impact of the taxes imposed by title II of this Act on the Nation's balance of trade with other countries;

(G) an assessment of the feasibility and desirability of a schedule of taxes which would take into account one or more of the following: the likelihood of a release of a hazardous substance, the degree of hazard and risk of harm to public health, welfare, and the environment resulting from any such release, incentives to proper handling, recycling, incineration, and neutralization of hazardous wastes, and disincentives to improper or illegal handling or disposal of hazardous materials, administrative and reporting burdens on Government and industry, and the extent to which the tax burden falls on the substances and parties which create the problems addressed by this Act. In preparing the report, the President shall consult with appropriate Federal, State, and local agencies, affected industries and claimants, and such other interested parties as he may find useful. Based upon the analyses and consultation required by this subsection, the President shall also include in the report any recommendations for legislative changes he may deem necessary for the better effectuation of the purposes of this Act, including but not limited to recommendations concerning authorization levels, taxes, State participation, liability and liability limits, and financial responsibility provisions for the Response Trust Fund and the Post-closure Liability Trust Fund;

(H) an exemption from or an increase in the substances or the amount of taxes imposed by section 4601 of the Internal Revenue Code of 1954 for copper, lead, and zinc oxide, and for feedstocks when used in the manufacture and production of fertilizers, based upon the expenditure experience of the Response Trust Fund;

(I) the economic impact of taxing coal-derived substances and recycled metals.

(2) The Administrator of the Environmental Protection Agency (in consultation with the Secretary of the Treasury) shall submit to the Congress (i) within four years after enactment of this Act, a report identifying additional wastes designated by rule as hazardous after the effective date of this Act and pursuant to section 3001 of the Solid

42 USC 9651.

Ante. p. 2798.

42 USC 6921.

Waste Disposal Act and recommendations on appropriate tax rates for such wastes for the Post-closure Liability Trust Fund. The report shall, in addition, recommend a tax rate, considering the quantity and potential danger to human health and the environment posed by the disposal of any wastes which the Administrator, pursuant to subsection 3001(b)(2)(B) and subsection 3001(b)(3)(A) of the Solid Waste Disposal Act of 1980, has determined should be subject to regulation under subtitle C of such Act, (ii) within three years after enactment of this Act, a report on the necessity for and the adequacy of the revenue raised, in relation to estimated future requirements, of the Post-closure Liability Trust Fund.

Ante. p. 2836.*Ante.* p. 2781.

(b) The President shall conduct a study to determine (1) whether adequate private insurance protection is available on reasonable terms and conditions to the owners and operators of vessels and facilities subject to liability under section 107 of this Act, and (2) whether the market for such insurance is sufficiently competitive to assure purchasers of features such as a reasonable range of deductibles, coinsurance provisions, and exclusions. The President shall submit the results of his study, together with his recommendations, within two years of the date of enactment of this Act, and shall submit an interim report on his study within one year of the date of enactment of this Act.

Regulations.

Ante. p. 2779.

(c)(1) The President, acting through Federal officials designated by the National Contingency Plan published under section 105 of this Act, shall study and, not later than two years after the enactment of this Act, shall promulgate regulations for the assessment of damages for injury to, destruction of, or loss of natural resources resulting from a release of oil or a hazardous substance for the purposes of this Act and section 311(D) (4) and (5) of the Federal Water Pollution Control Act.

33 USC 1321.

(2) Such regulations shall specify (A) standard procedures for simplified assessments requiring minimal field observation, including establishing measures of damages based on units of discharge or release or units of affected area, and (B) alternative protocols for conducting assessments in individual cases to determine the type and extent of short- and long-term injury, destruction, or loss. Such regulations shall identify the best available procedures to determine such damages, including both direct and indirect injury, destruction, or loss and shall take into consideration factors including, but not limited to, replacement value, use value, and ability of the ecosystem or resource to recover.

Review and revision.

(3) Such regulations shall be reviewed and revised as appropriate every two years.

(d) The Administrator of the Environmental Protection Agency shall, in consultation with other Federal agencies and appropriate representatives of State and local governments and nongovernmental agencies, conduct a study and report to the Congress within two years of the date of enactment of this Act on the issues, alternatives, and policy considerations involved in the selection of locations for hazardous waste treatment, storage, and disposal facilities. This study shall include—

(A) an assessment of current and projected treatment, storage, and disposal capacity needs and shortfalls for hazardous waste by management category on a State-by-State basis;

(B) an evaluation of the appropriateness of a regional approach to siting and designing hazardous waste management facilities and the identification of hazardous waste management regions.

interstate or intrastate, or both, with similar hazardous waste management needs;

(C) solicitation and analysis of proposals for the construction and operation of hazardous waste management facilities by nongovernmental entities, except that no proposal solicited under terms of this subsection shall be analyzed if it involves cost to the United States Government or fails to comply with the requirements of subtitle C of the Solid Waste Disposal Act and other applicable provisions of law; 42 USC 6921.

(D) recommendations on the appropriate balance between public and private sector involvement in the siting, design, and operation of new hazardous waste management facilities;

(E) documentation of the major reasons for public opposition to new hazardous waste management facilities; and

(F) an evaluation of the various options for overcoming obstacles to siting new facilities, including needed legislation for implementing the most suitable option or options.

(e)(1) In order to determine the adequacy of existing common law and statutory remedies in providing legal redress for harm to man and the environment caused by the release of hazardous substances into the environment, there shall be submitted to the Congress a study within twelve months of enactment of this Act.

(2) This study shall be conducted with the assistance of the American Bar Association, the American Law Institute, the Association of American Trial Lawyers, and the National Association of State Attorneys General with the President of each entity selecting three members from each organization to conduct the study. The study chairman and one reporter shall be elected from among the twelve members of the study group.

(3) As part of their review of the adequacy of existing common law and statutory remedies, the study group shall evaluate the following:

(A) the nature, adequacy, and availability of existing remedies under present law in compensating for harm to man from the release of hazardous substances;

(B) the nature of barriers to recovery (particularly with respect to burdens of going forward and of proof and relevancy) and the role such barriers play in the legal system;

(C) the scope of the evidentiary burdens placed on the plaintiff in proving harm from the release of hazardous substances, particularly in light of the scientific uncertainty over causation with respect to—

(i) carcinogens, mutagens, and teratogens, and

(ii) the human health effects of exposures to low doses of hazardous substances over long periods of time;

(D) the nature and adequacy of existing remedies under present law in providing compensation for damages to natural resources from the release of hazardous substances;

(E) the scope of liability under existing law and the consequences, particularly with respect to obtaining insurance, of any changes in such liability;

(F) barriers to recovery posed by existing statutes of limitations.

(4) The report shall be submitted to the Congress with appropriate recommendations. Such recommendations shall explicitly address—

(A) the need for revisions in existing statutory or common law, and

(B) whether such revisions should take the form of Federal statutes or the development of a model code which is recommended for adoption by the States.

(6) The Fund shall pay administrative expenses incurred for the study. No expenses shall be available to pay compensation, except expenses on a per diem basis for the one reporter, but in no case shall the total expenses of the study exceed \$300,000.

(f) The President, acting through the Administrator of the Environmental Protection Agency, the Secretary of Transportation, the Administrator of the Occupational Safety and Health Administration, and the Director of the National Institute for Occupational Safety and Health shall study and, not later than two years after the enactment of this Act, shall modify the national contingency plan to provide for the protection of the health and safety of employees involved in response actions.

EFFECTIVE DATES, SAVINGS PROVISION

42 USC 9652

Sec. 302. (a) Unless otherwise provided, all provisions of this Act shall be effective on the date of enactment of this Act.

33 USC 1321

(b) Any regulation issued pursuant to any provisions of section 311 of the Clean Water Act which is repealed or superseded by this Act and which is in effect on the date immediately preceding the effective date of this Act shall be deemed to be a regulation issued pursuant to the authority of this Act and shall remain in full force and effect unless or until superseded by new regulations issued thereunder.

(c) Any regulation—

(1) respecting financial responsibility,

(2) issued pursuant to any provision of law repealed or superseded by this Act, and

(3) in effect on the date immediately preceding the effective date of this Act shall be deemed to be a regulation issued pursuant to the authority of this Act and shall remain in full force and effect unless or until superseded by new regulations issued thereunder.

(d) Nothing in this Act shall affect or modify in any way the obligations or liabilities of any person under other Federal or State law, including common law, with respect to releases of hazardous substances or other pollutants or contaminants. The provisions of this Act shall not be considered, interpreted, or construed in any way as reflecting a determination, in part or whole, of policy regarding the inapplicability of strict liability, or strict liability doctrines, to activities relating to hazardous substances, pollutants, or contaminants or other such activities.

EXPIRATION, SUNSET PROVISION

42 USC 9653.

Sec. 303. Unless reauthorized by the Congress, the authority to collect taxes conferred by this Act shall terminate on September 30, 1985, or when the sum of the amounts received in the Treasury under section 4611 and under 4661 of the Internal Revenue Code of 1954 total \$1,380,000,000, whichever occurs first. The Secretary of the Treasury shall estimate when this level of \$1,380,000,000 will be reached and shall by regulation, provide procedures for the termination of the tax authorized by this Act and imposed under sections 4611 and 4661 of the Internal Revenue Code of 1954.

Ante. pp. 2797,
2799.

CONFORMING AMENDMENTS

Sec. 304. (a) Subsection (b) of section 504 of the Federal Water Pollution Control Act is hereby repealed.

33 USC 1364.

(b) One-half of the unobligated balance remaining before the date of the enactment of this Act under subsection (k) of section 311 of the Federal Water Pollution Control Act and all sums appropriated under section 504(b) of the Federal Water Pollution Control Act shall be transferred to the Fund established under title II of this Act.

42 USC 9654.

33 USC 1321.

(c) In any case in which any provision of section 311 of the Federal Water Pollution Control Act is determined to be in conflict with any provisions of this Act, the provisions of this Act shall apply.

LEGISLATIVE VETO

Sec. 305. (a) Notwithstanding any other provision of law, simultaneously with promulgation or repromulgation of any rule or regulation under authority of title I of this Act, the head of the department, agency, or instrumentality promulgating such rule or regulation shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Except as provided in subsection (b) of this section, the rule or regulation shall not become effective, if—

42 USC 9655.

(1) within ninety calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: "That Congress disapproves the rule or regulation promulgated by the _____ dealing with the matter of _____, which rule or regulation was transmitted to Congress on _____", the blank spaces therein being appropriately filled; or

(2) within sixty calendar days of continuous session of Congress after the date of promulgation, one House of Congress adopts such a concurrent resolution and transmits such resolution to the other House, and such resolution is not disapproved by such other House within thirty calendar days of continuous session of Congress after such transmittal.

(b) If, at the end of sixty calendar days of continuous session of Congress after the date of promulgation of a rule or regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the rule or regulation and neither House has adopted such a resolution, the rule or regulation may go into effect immediately. If, within such sixty calendar days, such a committee has reported or been discharged from further consideration of such a resolution, or either House has adopted such a resolution, the rule or regulation may go into effect not sooner than ninety calendar days of continuous session of Congress after such rule is prescribed unless disapproved as provided in subsection (a) of this section.

(c) For purposes of subsections (a) and (b) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of thirty, sixty, and ninety calendar days of continuous session of Congress.

(d) Congressional inaction on, or rejection of, a resolution of disapproval shall not be deemed an expression of approval of such rule or regulation.

TRANSPORTATION

42 USC 9666,
Ante. p. 2767.

Sec. 306. (a) Each hazardous substance which is listed or designated as provided in section 101(14) of this Act shall, within ninety days after the date of enactment of this Act or at the time of such listing or designation, whichever is later, be listed as a hazardous material under the Hazardous Materials Transportation Act.

49 USC 1801
note.
Ante. p. 2781.

(b) A common or contract carrier shall be liable under other law in lieu of section 107 of this Act for damages or remedial action resulting from the release of a hazardous substance during the course of transportation which commenced prior to the effective date of the listing of such substance as a hazardous material under the Hazardous Materials Transportation Act, or for substances listed pursuant to subsection (a) of this section, prior to the effective date of such listing: *Provided, however,* That this subsection shall not apply where such a carrier can demonstrate that he did not have actual knowledge of the identity or nature of the substance released.

(c) Section 11901 of title 49, United States Code, is amended by—

(1) redesignating subsection (h) as subsection (i);

(2) by inserting "and subsection (h)" after "subsection (g)" in subsection (i)(2) as so redesignated by paragraph (1) of this subsection; and

(3) by inserting the following new subsection (h):

49 USC 10541.

"(h) A person subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title, or an officer, agent, or employee of that person, and who is required to comply with section 10021 of this title but does not so comply with respect to the transportation of hazardous wastes as defined by the Environmental Protection Agency pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Congress) shall, in any action brought by the Commission, be liable to the United States for a civil penalty not to exceed \$20,000 for each violation."

ASSISTANT ADMINISTRATOR FOR SOLID WASTE

42 USC 6911.

Sec. 307. (a) Section 2001 of the Solid Waste Disposal Act is amended by striking out "a Deputy Assistant" and inserting in lieu thereof "an Assistant".

42 USC 6911a.

(b) The Assistant Administrator of the Environmental Protection Agency appointed to head the Office of Solid Waste shall be in addition to the five Assistant Administrators of the Environmental Protection Agency provided for in section 1(d) of Reorganization Plan Numbered 3 of 1970 and the additional Assistant Administrator provided by the Toxic Substances Control Act, shall be appointed by the President by and with the advice and consent of the Senate, and shall be compensated at the rate provided for Level IV of the Executive Schedule pay rates under section 5315 of title 5, United States Code.

5 USC app. 42
USC 4321 note.
15 USC 2601
note. Effective
date.

42 USC 6911
note.

(c) The amendment made by subsection (a) shall become effective ninety days after the date of the enactment of this Act.

PUBLIC LAW 96-510—DEC. 11, 1980

94 STAT. 2811

SEPARABILITY

Sec. 308. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances and the remainder of this Act shall not be affected thereby. 42 USC 9657.

Approved December 11, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-1016, pt. I (Comm. on Interstate and Foreign Commerce) and No. 96-1016, Pt. II (Comm. on Ways and Means).

SENATE REPORT No. 96-848 accompanying S. 1480 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 126 (1980):

Sept. 18, 19, 23, considered and passed House.

Nov. 24, considered and passed Senate, amended, in lieu of S. 1480.

Dec. 3, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 60:

Dec. 11, Presidential statement.

○

APPENDIX E
MODEL WORKSHEETS

Site Name: _____

Location: _____

EPA Region: _____

Person(s) in Charge of the Site: _____

Name of Reviewer: _____

Site Overall Score: _____

General Description of the Site:

(For example: landfill, surface impoundment, pile, container; types of wastes; location of the site; contamination route of major concern; types of information needed for rating, agency action, etc.)

ROUTE - GROUND WATER

Rating Factor	Basis of Information	Site Rating (Circle One)					Multiplicor	Site Score	Maximum Possible Score
1 OBSERVED RELEASE (ref GW 1)									
Measured Level or Evidence of Release		0	1	2	3	4	5	1	45
If the site score is zero, go to step 2 otherwise, go to step 5									
2 ROUTE CHARACTERISTICS¹ (ref GW 2)									
Depth to Aquifer of Concern		0	1	2	3	4	5	2	8
Net Precipitation		0	1	2	3	4	5	1	3
Permeability of Unsaturated Zone		0	1	2	3	4	5	2	6
Subtotal									15
3 CONTAINMENT^{1,2} (ref GW 3)									
Containment		0	1	2	3	4	5	1	3
4 POTENTIAL FOR RELEASE									
Multiply site score from 2 by site score from 3. The product is site rating for this route.								1	45
5 RELEASE									
Enter site score from 1 or 4									45
6 WASTE CHARACTERISTICS^{1,3} (ref GW 4)									
Physical State		0	1	2	3	4	5	1	3
Persistence		0	1	2	3	4	5	2	6
Toxicity/Infectiousness		0	1	2	3	4	5	2	6
Subtotal									15
7 HAZARDOUS WASTE QUANTITY¹ (ref GW 5)									
Total Waste Quantity		0	1	2	3	4	5	1	5
(by Superfund definition) excluding waste that is totally contained									
8 TARGETS¹ (ref GW 6)									
Ground Water Use		0	1	2	3	4	5	3	9
Distance to Nearest Well Downgradient		0	1	2	3	4	5	3	9
Population Served by Ground Water Within 3 Mile Radius		0	1	2	3	4	5	6	30
Subtotal									48
9 GROUND WATER ROUTE SUBTOTAL									
A. Multiply 5 x 6 x 7 x 8									162,000
B. Multiply [A.] by Normalization Factor of 0.6 and Divide by 1,000							0.6	[B.] Route Subtotal	97.2

¹A rating of zero should be entered when data is unavailable to rate an additive factor. A rating of 1 should be entered when data is unavailable to rate a multiplicative category such as the waste quantity or containment. A total of 5% missing data for the entire site is allowed when rating a site.

²If the site has more than one type of containment (e.g., surface impoundment, landfill, containers), consider all cases separately and enter the score from the worst case.

³Rate the five most hazardous wastes. Select the one with the highest subtotal score and enter that score.

ROUTE - SURFACE WATER

Rating Factor	Basis of Information	Site Rating (Circle One)					Multiplier	Site Score	Maximum Possible Score
1 OBSERVED RELEASE (ref SW 1)									
Measured level or avoidance of release		0	45			1		45	
If the site score is zero, go to step 2 otherwise, go to step 5									
2 ROUTE CHARACTERISTICS ¹ (ref SW 2)									
Site Slope and Terrain		0	1	2	3	1		3	
1 Year 24 Hour Rainfall		0	1	2	3	1		3	
Distance to Surface Water		0	1	2	3	1		3	
Flood Potential		0	1	2	3	2		6	
Subtotal									15
3 CONTAINMENT ^{1,2} (ref SW 3)									
Containment		0	1	2	3	1		3	
4 POTENTIAL FOR RELEASE									
Multiply site score from 2 by site score from 3. The product is site rating for this route.						1		45	
5 RELEASE									
Enter site score from 1 or 4								45	
6 WASTE CHARACTERISTICS ^{1,2} (ref SW 4)									
Physical State		0	1	2	3	1		3	
Toxicity/ Infectiousness		0	1	2	3	2		6	
Persistence		0	1	2	3	2		6	
Subtotal									15
7 HAZARDOUS WASTE QUANTITY ¹ (ref SW 5)									
Total Waste Quantity		0	1	2	3	4	5	1	5
(by Superfund definitions excluding waste that is totally contained)									
8 TARGETS ¹ (ref SW 6)									
Surface Water Use		0	1	2	3	3		9	
Critical Habitats		0	1	2	3	2		6	
Population Served by Surface Water With Water Intake Within 3 Miles Downstream From Site		0	1	2	3	4	5	6	30
Subtotal									45
9 SURFACE WATER ROUTE SUBTOTAL									
A. Multiply 5 x 6 x 7 x 8									151,875
B. Multiply [A.] by normalization factor of 0.64 and divide by 1,000						0.64	(B.) Route Subtotal	97.2	

ROUTE - AIR

Rating Factor	Basis of Information	Site Rating (Circle One)				Multiplier	Site Score	Maximum Possible Score	
1 OBSERVED RELEASE¹ (ref A 1)									
Evidence of Release		0	45		1		45		
If the site score is zero, the route subtotal score is zero, otherwise, go to Step 2									
2 RELEASE									
Enter site score from 1							45		
3 WASTE CHARACTERISTICS^{1,2} (ref A 2)									
Physical State/Volatility		0	1	2	3	1	3		
Reactivity		0	1	2	3	1	3		
Incompatibility		0	1	2	3	1	3		
Toxicity/Infectiousness		0	1	2	3	2	6		
Subtotal							15		
4 HAZARDOUS WASTE QUANTITY¹ (ref A 3)									
Total Waste Quantity		0	1	2	3	4	5	1	5
by Superfund definition excluding waste that is totally contained									
5 TARGETS¹ (ref A 4)									
Distance to Nearest Population		0	1	2	3	2		5	
Population Within 1 Mile Radius		0	1	2	3	4	5	5	25
Critical Environments		0	1	2	3	2		6	
Land Use		0	1	2	3	1		3	
Subtotal							40		
6 AIR ROUTE SUBTOTAL									
A. Multiply 2 x 3 x 4 x 5							135,000		
B. Multiply {A.} by normalization factor of 0.72 and divide by 1,000						0.72	{B.} Route Subtotal 97.2		

¹ Only air monitoring data will be considered as evidence of release.

ROUTE - FIRE AND EXPLOSION

Rating Factor	Basis of Information	Site Rating (Circle One)	Multiplier	Site Score	Maximum Possible Score
1 ROUTE CHARACTERISTICS¹ (ref FE 1)					
Ignition Source		0 1 5	1		15
2 CONTAINMENT^{1,2} (ref FE 2)					
Containment		0 3	1		3
3 POTENTIAL FOR RELEASE					
Multiply site score from 1 by site score from 2. The product is site rating for this route.				1	45
4 RELEASE					
Enter site score from 3					45
5 WASTE CHARACTERISTICS^{1,3} (ref FE 3)					
Ignitability		0 1 2 3	1		3
Reactivity		0 1 2 3	1		3
Incompatibility		0 1 2 3	1		3
Subtotal					3
6 HAZARDOUS WASTE QUANTITY¹ (ref FE 4)					
Total Waste Quantity		0 1 2 3 4 5	1		5
by Superfund definitions excluding waste that is totally contained.					
7 TARGETS^{1,2} (ref FE 5)					
Distance to Nearest Population		0 1 2 3 4 5	1		5
Distance to Nearest Off-Site Building		0 1 2 3	1		3
Distance to Environmentally Sensitive Area		0 1 2 3	1		3
Land Use		0 1 2 3	1		3
Population Within 1 Mile Radius		0 1 2 3 4 5	1		5
Number of Buildings Within 2 Mile Radius		0 1 2 3 4 5	1		5
Subtotal					24
8 FIRE AND EXPLOSION ROUTE SUBTOTAL					
A. Multiply 4 x 5 x 6 x 7					48,600
B. Multiply [A.] by normalization factor of 2.0 and divide by 1,000				2.0	(B.) Route Subtotal 97.2

¹The fire and explosion route will be considered only if a state or local fire marshal has certified that the site represents a significant fire and explosion threat to the public and to sensitive environment. However, any demonstrated fire and explosion threat based on field observation (e.g., explosivity meter readings) will also be considered as sufficient evidence.

ROUTE - DIRECT CONTACT

Rating Factor	Basis of Information	Site Rating (Circle One)	Multiplier	Site Score	Maximum Possible Score
1 OBSERVED RELEASE* (ref DC 1)					
Evidence of Contact		0 45	1		45
If the site score is zero, go to step 2. Otherwise, go to step 5					
2 ROUTE CHARACTERISTICS (ref DC 2)					
Accessibility of Waste		0 15	1		15
3 CONTAINMENT ^{1,2} (ref DC 3)					
Containment		0 1 2 3	1		3
4 POTENTIAL FOR RELEASE					
Multiply site score from 2 by site score from 3. The product is site rating for this route.			1		45
5 RELEASE					
Enter site score from 1 or 4					45
6 WASTE CHARACTERISTICS ^{1,3} (ref DC 4)					
Toxicity/Infectiousness		0 1 2 3	5		15
7 TARGETS ¹ (ref DC 5)					
Population Within 2 Mile Radius		0 1 2 3 4 5	4		30
Critical Habitat		0 1 2 3	2		6
Land Use		0 1 2 3	2		6
Subtotal					32
8 DIRECT CONTACT ROUTE SUBTOTAL					
A. Multiply 5 x 6 x 7					21,600
B. Multiply [A.] by normalization Factor of 4.5 and divide by 1,000			4.5	[B.] Route Subtotal	97.2

*Health report certified by a physician will be considered as sufficient evidence.

10 AGGREGATE SITE RATING			
Route	Route Subtotal from 6 or 9	Route Subtotal Squared	Maximum Possible Score
Ground Water			$(97.2)^2 = 9447.84$
Surface Water			$(97.2)^2 = 9447.84$
Air			$(97.2)^2 = 9447.84$
Sum			28,343.52
Square Root of Sum			168.36
Overall Score* =	$\frac{\text{sum} \times 100}{168.36}$		100

FIRE AND EXPLOSION	
Route Subtotal from 8	Maximum Possible Score
	97.2
Adjusted Score =	$\frac{\text{Route Subtotal} \times 100}{97.2}$

DIRECT CONTACT	
Route Subtotal from 8	Maximum Possible Score
	97.2
Adjusted Score =	$\frac{\text{Route Subtotal} \times 100}{97.2}$

*The overall and adjusted scores will be between 0 and 100. The maximum overall score for a site with only one exposure route is 57.7.



STATE OF OREGON

AGENDA ITEM J
December 4, 1981, EQC Meeting
INTEROFFICE MEMO

TO: EQC

DATE: October 7, 1981

FROM: Bill Young, Director *Bill*

SUBJECT: Testimony before the EQC

At the August meeting of the EQC, some confusion on the part of the staff and the public was evident as to when and whether the Commission would receive testimony on agenda items. Staff indicated that they would make some preliminary analysis of the existing process.

It should be noted that the EQC has been available to the public and has seldom chosen to limit testimony offered directly to them. As a general policy, this appears to be appropriate and worthy of continuation. The issue to be addressed is: Can an equivalent degree of availability be maintained while making more clear to all concerned when the Commission will limit testimony?

Problems with present structure:

1. There is confusion on the part of the public as to when and if they may testify. This can prompt either of the following: people who attend the meeting and do not get to testify; or people who do not attend a meeting and later discover that testimony was received on a particular agenda item.
2. Staff is unable to confidently advise the public. Press releases and individual contacts with citizens, as currently done by staff, leave open the question of whether testimony will or will not be received to avoid giving wrong information.
3. The image projected by the Commission is less positive than it could be. Those members of the public who "guess wrong" feel disadvantaged.
4. Questions about the weight and timeliness of testimony given directly to the Commission and the ability of the staff and public to respond have been raised. An example is the following, from a local government representative:

"I would like to express my concern over a process which seems to provide the possibility of the EQC adopting a quickly considered special interest request for modifications to proposed rules which have been developed through public involvement. It somehow seems improper that proposed rules developed through an extensive public involvement process can be undone or significantly modified by one person's or a few individuals' testimony at an EQC meeting. In view of all the previous opportunities provided by Department staff for

public input into the rules development process, submitting new testimony at the EQC meeting seems unfair to the EQC, Department staff and the public in that a considered evaluation cannot reasonably be given to the requests. Some means needs to be found to solicit all testimony on such routine matters as rule changes well in advance of EQC consideration of the matter to permit a more considered and public evaluation of specific requests. Then, the EQC could avoid the confusion of the routine nitpicking common to rules development and could instead concentrate on policy issues and settling differences between the staff position and public testimony."

5. The effectiveness of staff-held hearings is lessened. If the public believes that the Commission will hear testimony, in addition to those hearings authorized by the Commission and held by staff, some will testify repetitiously and some will withhold testimony until the Commission meeting. This prevents the preparation of a complete hearing report.

6. The Commission is presented with a substantial amount of written material at the start of the meeting. Three problems occur: (1) the Commission is deluged with material without adequate time for review; (2) there is little opportunity for staff analysis; and (3) that material is not made a part of the record in any clear and distinct manner.

Alternatives:

There are a large number of questions available, all of them having both positive and negative impacts. The following list is not exhaustive but representative of the more likely choices:

1. Conclude that the current system should be unchanged, based on the fact that any potential problems which exist have been troublesome only on an infrequent basis.

Benefit: Provides maximum flexibility to Commission to receive or not receive testimony on an agenda item as the individual circumstance dictates.

Liability: The problems recited above, even if infrequent in occurrence, may still happen, and the uncertainty on the part of staff and the public still exists.

2. Make clear that the Commission will accept testimony on all items, limiting the time for each person who wishes to testify when the level of interest requires it.

Benefit: Maximizes public access and provides a level of certainty for staff and public--insures that the Commission has access to information from the public directly.

Liability: Would demand more time on the part of the Commission, either longer or more frequent meetings, and may further erode the usefulness of staff-held hearings.

3. Decide and announce in advance the type of agenda items where testimony will not be received or will be limited.

Benefit: Provides a clearer sense of direction to all concerned as to when testimony will be received or not received.

Liability: Depending on how this is done, the Commission may limit its flexibility by having committed to receiving or refusing testimony according to a general policy.

Recommendations:

Staff would support the alternative of adopting a general policy for receiving testimony. Such a policy would embody the following:

1. The Commission will receive testimony on any agenda item that has not been the subject of a previous Department or Commission hearing process, or on which final action is to be taken. By way of illustration, on the October 9 agenda Items A, B, C, K, L, M, N, P, and Q fall into this category.

2. The Commission would receive testimony on appealed items, such as subsurface variance approvals or denials, since the notice and hearing process in subsurface variances is a limited one. An example is Item I on the current agenda.

3. The Commission would accept testimony on items requesting authorization for hearing but would limit testimony to the single issue of the propriety of going to hearing. Items D, E, F, and G are examples. The agenda should contain an explanatory note clearly indicating the limited nature of testimony.

4. The Commission would not accept testimony on items that had been authorized for hearing by the EQC and on which a hearing record had been prepared. Items O, R, S, and T are examples. The agenda should make clear that testimony will not be received.

5. The Commission would receive testimony on informational items, such as Item U on your agenda.

EQC

October 7, 1981

Page 4

6. The Commission would continue to receive written testimony after the close of a hearing record, but it would not be summarized or responded to by staff. The letters would be forwarded to the EQC for their review, and the Chairman or Director would note the letters formally for the record so members of the public would be aware of the submission.

WHY:jas

Attachment

OREGON ENVIRONMENTAL QUALITY COMMISSION MEETING

October 9, 1981

14th Floor Conference Room
Department of Environmental Quality
522 S. W. Fifth Avenue
Portland, Oregon

AGENDA

9:00 am CONSENT ITEMS

Items on the consent agenda are considered routine and generally will be acted on without public discussion. If a particular item is of specific interest to a Commission member or sufficient public interest for public comment is indicated, the Chairman may hold any item over for discussion.

- A. Minutes of the August 28, 1981, EQC meeting.
- B. Monthly Activity Reports for July and August, 1981.
- C. Tax Credit Applications.
- D. Hazardous Waste: Request for authorization to conduct a public hearing on the adoption of a hazardous waste schedule of civil penalties, OAR Chapter 340, Division 12.
- E. Air Quality: Request for authorization to conduct a public hearing regarding the proposed changes in the ambient air quality standards for ozone (OAR 340-31-030) and ozone alert level (OAR 340-27-010).
- F. Air Quality: Request for authorization to conduct a public hearing regarding amendments to coal rules pertaining to residential space heating use (OAR 340-72-020).
- G. Air Quality: Request for authorization to hold an informational hearing to determine feasibility of applying state emission standards ORS 340-25-265(1) for new aluminum plants to existing plants.

9:15 am PUBLIC FORUM

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

ACTION ITEMS

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

- I. Appeal of subsurface variance denial: Mr. Gary T. Hubbard,
Tillamook County.

~~5. Appeal of subsurface variance approval granted to Mr. Marvin Peters,
Mr. and Mrs. Ronald C. Walters, Lincoln County.~~

POSTPONED

(MORE)

- K. LRAPA rules: Approval of new amended Lane Regional Air Pollution Authority (LRAPA) Rules for permit fees, hazardous air contaminants and new source performance standards and submittal of new and amended LRAPA Rules to EPA as a revision of the Oregon State Clean Air Act Implementation Plan.
- L. Coos County request for variance from refuse burning equipment rule, OAR 340-21-025(2)(b), for Beaver Hill site.
- M. Request for relief from on-site sewage disposal requirements (petition for rulemaking) in Christmas Valley Townsite, Lake County.
- N. Petition to amend OAR Chapter 340, Division 71, Appendix A(9) bedroom definition.
- O. Proposed adoption of (1) administrative rule establishing policy on sewage works planning and construction; and
(2) sewage works construction grant priority list for FY 82.
- P. Request for concurrence: Purchase of Yamhill County revenue bonds for construction of sanitary landfill.
- Q. Request by Clatsop County for extension of variances from rules prohibiting open burning dumps, OAR 340-61-040(3).
- R. Proposed adoption of amendments to hazardous waste management rules, OAR 340-63-011, 63-125, and 63-130 and 135.
- S. Proposed adoption of rules for pollution control facility tax credit fees, OAR 340-11-200.
- T. Proposed adoption of revisions to Oregon Administrative Rules Chapter 340, State Financial Assistance to Public Agencies for Pollution Control Facilities.
- U. Informational Report: Marion County Solid Waste Program.

WORK SESSION

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

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

The Commission will breakfast (7:30 am) at the Portland Motor Hotel, 1414 S. W. Sixth Avenue, Portland; and will lunch at DEQ Headquarters, 522 S. W. Fifth Avenue, Portland.



DEPARTMENT OF JUSTICE

100 State Office Building
Salem, Oregon 97310
Telephone: (503) 378-4400

November 20, 1981

William H. Young
Director
Department of Environmental Quality
522 S.W. 5th
Portland, Oregon 97204

Dear Bill:

In an April letter to me, you stated that the advice and counsel of Assistant Attorneys General Ray Underwood and Robb Haskins has been "top rate" and that you would hope that there would be no changes in the assignment of counsel to the Department of Environmental Quality.

I reflect back to that very kind remark so that I may inform you officially of Ray Underwood's retirement from the Department of Justice on December 31, 1981. Ray, to be sure, will be missed by all of us who have been associated with him professionally and personally.

Due to our mutual high regard for Robb Haskins, effective December 15, he will be the designated counsel to DEQ and the Environmental Quality Commission. I trust that this assignment meets with your approval and that the Department of Justice continues to provide you and your staff with quality legal services.

Yours very truly,

A handwritten signature in cursive script that reads "Dave".

DAVE FROHNMAYER
Attorney General

DF/js

cc: Ray Underwood
Robb Haskins

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
NOV 25 1981

OFFICE OF THE DIRECTOR

EQC
Downs
Underwood

- do a letter -

STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

TO: William H. Young, Director

DATE: November 24, 1981

FROM: ^{TJO} Jack Osborne, Supervisor, On-Site Sewage Systems Section

SUBJECT: Review of "Proposed Interim Approval Policy for On-Site Sewage Disposal Systems," submitted by James F. Nims, P.E.

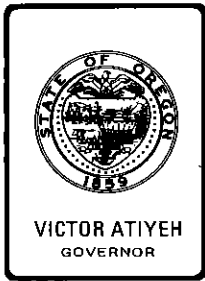
I have reviewed subject document and offer the following comments:

This document appears to attempt to establish procedures for processing applications and establishing certain standards for alternative systems. It appears to be based on the assumption that no procedure exists in Oregon to authorize anything except standard subsurface systems. It further appears to assume that each county is free to set up its own system for alternative system approval. The document does not recognize Oregon's laws and rules which establish a state program and procedures for authorizing alternative systems under On-Site Rules, WPCF permit rules, or NPDES permit rules. The procedures and standards presented in the document are not consistent or compatible with Oregon State Law or Administrative Rules. The terminology is foreign to our program and therefore confusing. Present DEQ laws and rules address the concerns raised in the document, and provide additional options.

This basic document, with agency name changes, has been distributed to at least two of our contract counties; Washington and Clackamas. It identifies state and county organization unit names and functions that do not exist to our knowledge. We are concerned that this document could be confused for a document originating in this agency and cause people to act in violation of state law and department rules.

It is recommended that the Commission or Department advise Mr. Nims to discontinue distribution of this confusing document within Oregon. If Mr. Nims wishes to propose changes in Department rules, he should follow the established process of submitting his proposals as part of a petition for rulemaking.

XO530 (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: Director

Subject: Pollution Control Bond Fund - Audit Reports

During the breakfast meeting on December 4, 1981, staff proposed clarification of the Department's practice in reviewing annual audit reports of borrowers from the Pollution Control Bond Fund. Since time did not allow for completion of the discussion, we summarize the matter below.

Administrative Rules (OAR 340-81-035) contain the following statement: "The agency (i.e. the borrower) will be required to furnish an annual audit report to the Department to show that adequate and acceptable revenues continue to be available for loan retirement."

The Department will normally limit its review of such audit reports in the case of General Obligation bonds to the period covering physical completion of the project. In the case of revenue bonds and unsecured loans, however, annual audit reports will continue to be scrutinized until final repayment is made.

Please advise us if you have any problem with the practice as now clarified.

Michael Young
for

William H. Young
Director

FO'D:k
229-6270
January 19, 1982

BK535 (2)

PROGNOSTICATION 1981

Warren C. Westgarth, PhD, PE, Pseudo Scientist

PREAMBLE

When, in the course of history, a definite change of events creates the elements of a disease, the tendency is to form a prognosis of the potential for the patient to overcome the disease. First, however, it is essential to look back at causes and accumulated effects. The Environmental Quality of the State of Oregon has undergone several stages of disease and improved health. I will attempt to show some of these stages and the roles played by various actors. To put my views in the proper perspective, I want to state at the outset that I believe that DEQ and EQC are good and viable assets in the roles they play. My comments should, therefore, be construed as constructive, though foreboding in nature.

HISTORY

One needs only to look at the pollution control pamphlets of the 1930's in Oregon and the history of epidemic outbreaks of typhoid and other water-borne diseases throughout the country to realize that in our recent past we were in a "chunk" stage mode of pollution. People could see, smell and touch the polluting materials (if they could get close enough). It was no longer feasible to use the aborigine approach of leaving your nest and building a new one far enough away to avoid the problem. So people in 1938 by referendum set up the Oregon State Sanitary Authority (OSSA) to institute water pollution controls. After several false starts due to war and other problems, OSSA took off running and did a more than credible job on water quality. By the 1960's there was clean up to "small chunk" stage. Air Quality was an added function and water supply was integrally linked. Programs functioned among air, water, solid waste, vector control and other health sections. Clean up was steady, organized, well thought out and effective.

Then the legislative bombshell of DEQ descended on the group, splitting off air and water to become a "super department." Publicity, notoriety and some progress occurred through the 1970's with new Directors, reorganizations and added programs.

NOW

Currently, DEQ is alternately the most-hated or the least-liked of all agencies because DEQ has inherited the problems of solid wastes, hazardous wastes, sub-surface disposal, noise control, motor vehicle inspection, field burning and backyard burning. These affect the pocketbooks and personal feelings of the people DEQ serves. This situation creates rebellion. Despite this rebellion and the adverse publicity the accomplishments of Oregon's environmental programs is commendable. Even with heavy population growths and obvious clustering of people, the air and water quality are in fair shape. In fact, we have gone to the "small particle" control stage. In Solid and Hazardous Wastes, we still remain in the "chunk" mode. Noise is with us, but largely ignored as a problem. Cut-back budgets are forcing cut-back management of limited resources.

DEQ is caught in the throes of a socio-economic-political upheaval which does not allow technology or even common sense control to emerge.

DISEASE ANALYSIS

1. We are seeing the goals changing from "public outraged" to "livable environment" to "public semi-support" to "public apathy" because pocket-books are slim.
2. We are observing subtle increases in water pollution in surface and ground-water even with our inadequate measuring program.
3. We can all see and smell the blue/brown/black/hazel/gray smoke-fumes-fog that shroud the valley pockets of Oregon. And we wonder if we have gained.
4. We hear more noises emanating from controllable sources because there are too few people to do enforcement and make the noises tenable.
5. We still see vast garbage heaps called land fills that provide odorous and flammable gases and heavily laden leachates.
6. We observe increased tire and debris dumping in odd areas and attribute it to lack of reuse/recycling ease for these materials.
7. We read of chemicals being spilled or otherwise spread in areas where they do not belong.
8. We see, observe, read and hear but do not really measure and interpret. We are still in the "chunk" mode where we used to be able to tell by our senses. Those days are gone. We are now faced with an emerging mode of unseen pollution that may be imminently more damaging to people and environment. It is also most difficult to measure.
9. We are drinking water from many sources that have little or no controls because the State of Oregon reneged on its duty several years ago.
10. We have seen so little research and development in environmental work that our data in most areas are abysmally thin.

PROGNOSTICATION

- A. The State of Oregon during the next ten years will experience an era with little environmental growth potential. Socio-economic-political pressures will cause decisions to be made without sufficient data base. Crisis measurements will be made to try to justify the intuitive decisions.
- B. The Willamette and other rivers will go downhill in quality.
- C. Air Quality will decrease particularly in current non-compliance areas.
- D. Landfilling will continue unabated because reuse and recovery will be uneconomical and lands can be found.
- E. Hazardous waste problems will be held in check, but will not improve.
- F. Noise levels will progress to intolerable levels before people rebel.

CONCLUSION

In about 5 years (1987 - 1989) people will again rebel as they see that their priorities have been misplaced. They will again want a livable environment and will pay for it. Meanwhile, there is a bleak road for the next few years. The disease will reach epidemic proportions before it breaks and the cure will be slow. Budgets will be small, but productivity must stay high to cure the problems.

RECOMMENDATIONS

DEQ set its goals as high as feasible and fight as hard as possible to minimize losses in quality control.

EQC stay as reasonable and tough as they can to keep policies and goals high.

All remember that the people of the State are our support or our downfall and we must remember that they are our bosses.

WCW:sd
11/6/81

PROGNOSIS - TODAY - HISTORY

HAVE WE CHANGED?
WILL WE EVER CHANGE?

Warren C. Westgarth

November 1981

PROLOGUE:

In this selected conglomeration of writings it is my hope that you will find some degree of stimulus to thinking how we have done our work; where we are now; and where we have been. The job of environmental control is a complex, hard, frustrating one at best. People's moods and livability status determine where and how we can work. Presently we are in a deep trough, but will have to climb out or our very livability will be decimated. I think people will respond. We will recover.

1981

Once again the ball has switched to the other court
With conservative and liberal very much athwart.
Promises made with tongue in cheek are being kept--
So tightly as to upset politicians, the real adept.

Only time will tell whether these changes really pay.
Perhaps only future-history can in all truth say.
Cuts in budgets, taxes, services or something more
May be just a salve to ease a festering sore.

What is the root cause of the nation-wide infection?
Will it be solved by promises and recent election?
People, growth, avarice and greed are the major reason
That all conservative groups have declared open season.

Inflation, poor economy, over-regulation symbolize the times
And the desire to upset socio-political climbs.
Bureaucracy as usual gets all the main attack
Resulting merely in necessary services set aback.

Science and technology, our early base, is left adangle.
Education and true welfare of people is a lost angle.
The talk is to get control back to the local scene
But little thought is given to what that will mean.

Years ago Federal programs set a regime of giving
Causing locals to phase that into their living.
Now pull the giveaway and remember local tax revolt
And tell locals where support can be grabbed ahold.

It is agreed that this is a period of growing pains
And drastic measures are needed to make some gains.
But don't pull the rug and upset all the things
When a well-thought-out solution lies in the wings.

May 1, 1981

* * * * *

YOU CAN'T WIN

Goals & Objectives, 1981

Off to Menucha we go once again.
An attempt at G & O that will surely pin
The tasks and activities into budget mode
To distribute the work and even the load.

Administration, Program, Region, Lab and various others
Gather, argue, discuss and present their druthers.
The ending, of course, is complete consensus
For leaving Menucha with a document to fence us.

(cont.)

The people's edict for this period of time
Coincides with the legislator's budgetary crime.
We know we're in trouble for the next few years
And pessimism must equal our very worst fears.

* * * * *

Socio-political-Economic-Technical

Once in the days of affluent population
The gears were meshing for a cleaner nation.
But the trends of economy changed so quick
The oil for the gears got awfully thick.

People of today don't remember the epidemic times
When people were ingesting filth and slimes.
Clean up days were tough and hard and long
And those of weak heart did not belong.

Days and years were spent in thankless task
People producing far more than one could ask.
Now the reward is hitting those who worked.
They're being let go as though they'd shirked.

October 1981

* * * * *

TODAY

TODAY is an interlude in life's short span.
It is but a spot in the long-range plan.
TODAY God gave us a most beautiful day.
It was for us to use in the most proper way.

TODAY, yesterday and tomorrow are ours to use.
It is pitiful to see them with so much abuse.
TODAY free people hold the bounties of the earth
And don't realize even a part of their value or worth.

TODAY we should thank God on bended knee
For all the good things we hear, touch, and see.
TODAY we need to put our effort to help of man
To make tomorrow fulfilled as best we can.

TODAY we can use God's word of yesteryear
To help live our tomorrows low in doubt and fear.
TODAY is to live, to work, to play as tho it be the last
Knowing that beautiful tomorrows arrive as always in the past.

June 27, 1981

THE PUBLIC and THE BUREAUCRAT

Where did we stray so far, far away
From the answers people want today?
Our goals are formed to meet the public need
And activities are geared for us to succeed.

What went wrong in this bureaucratic maze
To cause our public to have tempers ablaze?
Our objectives are to handle environmental things
So that livability is the result that it brings.

When do we think that we've done so wrong
That the people have rung the do-nothing gong?
The newspapers are full of our wanton disregard
For welfare of people when we push too hard.

How do we please those so super critical of us
Without changing standards and raising a fuss?
The other side of the coin is the purist shove
By those whose orders appear to come from above.

Why don't we just say "it ain't worth it all"
And just do the minimum in carrying the ball?
We know for a fact people are worth the trouble
Even though the problems they give us are double.

Who should we turn to to make the job better
When we can't reach people by law, rule or letter?
It's us and it's them must reach common ground
Through efforts from both to exchange pound for pound.

January 22, 1979

* * * * *

A DIAGNOSIS OF THE SCIENTIST EMERGING FROM
THE POLITICIAN'S DEN

INTRODUCTION

The thesis of my argument is that the scientist-engineer-operator environmental group has not been able to bridge the socio-economic-political gap placed before them and has been trapped into the politician's snare. Perhaps none of you need this sermon, but you may help to carry the message to others. We know we are talking to ourselves; however, we need to know whether the trap is tightening or we are extricating ourselves.

On Thursday morning at 9:00 a.m. in 1970 in this hotel, I presented a paper on skills of waste treatment plant operation in which I stated: "The operator of today who sits on his hands will not be the operator of tomorrow." We are now seeing this trend. The same is true of the scientist in the politician's den. He must get out and get the facts so badly needed for decision making.

(cont.)

I reviewed the general apathetic feelings of people regarding waste treatment in limerick form:

Through the woods and brush-swampy and mired
Lies the Sewage Plant built about as required.
Its flaking paint and grease-coated parts
Reflect the feeling people have in their hearts.

Out of sight - out of mind is their motto
No worry if it functions as it oughto.
Pull the rope - its down the drain.
Who cares about the rest of the chain?

ROLES IN THE PROCESS

This public apathy abruptly changed in the early 70's to public mania for everything clean so long as it does not cost me a dime. Conservation, reuse, recycling became household words and everyone wanted to cooperate provided they did not have to change life styles in any way or pay the cost of conservation.

Politicians noting the socio-economic-ecological ramifications of the public push picked up the ball and turned out reams of new laws, regulations and decisions based on whim, economic pressure, and socio-economic status.

Science and basic data were largely ignored in the process. The question then arises, "Are we as scientists or pseudo scientists standing up and giving - yes, even promoting - facts that support sound regulatory action?"

I do not believe that we are!

I think that we are and have been doing research and investigation piecemeal without long range plans and have gotten into a scientific mill of many well-done small outputs that cannot be pieced together. Particularly in the emerging field of toxics we are in the stage of "nanogram minds working on pound problems."

The art and science of our field may be stated:

Heaven help us in our state of art
In which each of us claims a part
We've looked at history - at present and future
But like the wound that slipped a suture,
We're bleeding for a common knowledge tie
That will bind the problem for you and I.

If this is the true case, we must ask the question: "What has caused this to happen?"

I could not find the answer--only more questions, but I went back for help to my best scientific teacher who always asked: Why, Daddy, Why?
.

Excerpt from PNPFA, Victoria, B.C., October 19, 1978

THOUGHT FOR THE MONTH

Big Job - Small Effort

What we know is - Oh so very small
For a job with ideals that are very, very tall.
The world's our oyster, or so they say
But how long can we keep it that way?

We don't even know how big our world may be
We know not how far beyond what we can see
The Universe is tied together in some fuzzy way
That we can only try to guess about today.

Does the environment have limits that are finite?
Are we handling conditions to keep them right?
We know only what we touch, hear, smell and see
And still can't measure how big these may be.

Yes, what we know is very, very small
But its much better than none at all.
We need to add some sense along the way
By adding to our lore and expertise each day.

If all who have even a small piece of action
Put in their oars and pulled some fraction,
We can hope to keep the ball arolling along
So we make a future rather than swan song.

April 1975

The Air - July 26, 1973

Up through the valley we wended our way
Inching through the smoke that obscured the day.
Eyes were burning and the tears were aflow
As we watched the sun set with an eerie red glow.

The mills were all puffing on their little old pipes
And the car resounded with our vehement gripes.
Smoke and odor assailed us from each little source
Causing comments that are unprintable of course.

It was the worst that we've seen in a while
Because it was socked in for mile after mile.
What solution we have is anyone's guess
To the problems created in this worldly mess.

However, the future still holds a bright hope
Because the problem areas have had enough rope.
Controls are tightening and the noose is around
All the source for which a technology is found.

* * * * *

THOUGHT FOR THE MONTH

People, Time and Money

How oft is heard the true but trite refrain
That people, time and money are the train
On which we ride to our faraway goal.
Time and money are the train and people the coal.

People in all endeavors are the vital key,
But they only do things they're told or see.
We have the thinkers, readers, undoers and doers,
Coupled with the planners, implementers and stewers.

It comes down to three kinds of people in the pot,
The wills, the won'ts and the can'ts are all we've got.
The can'ts fail in everything they try to do.
The won'ts oppose everything that's old or new.

The wills, however, accomplish most of the working
Because their nature doesn't allow for shirking.
But time is something wills must carefully choose,
Else the faraway goal they'll most assuredly lose.

Money has little value in all but its value to people
Whether it be for buying food, shelter or steeple.
It is the hardest part to tie into the ride to the goal,
Because there's so little tinder to fire off the coal.

March 1973

THOUGHT FOR THE MONTH

- 1 Cold-Frost-Fog
- 2 Cold-Frost
- 3 Cloudy Saturday
- 4 Nice Sunday
- 5 Clouds-Rain-Sunshine Holiday
- 6 Clear-Pretty-Wind
- 7 Nice-Wind
- 8 Rare Sunrise-Cloudy-Wind
- 9 Cloudy
- 10 Cloudy-Rainy Saturday
- 11 Cloudy-Sunshine Sunday
- 12 Clouds-Clear-Nice
- 13 Frost-Clear-Beautiful
- 14 Clouds-Some Rain
- 15 Snow-rain
- 16 Clear
- 17 Rainy-Clear-Cloudy Saturday
- 18 Clear-Nice Sunday
- 19 Clear-Cloudy Holiday
- 20 Clear-Frost
- 21 Clear-Beautiful
- 22 Beautiful Sunrise-Clear
- 23 Clear-Nice Day
- 24 Clear-Rainy-Clear Saturday
- 25 Clear-Hard Rainy Sunday
- 26 Rain-Clearing-Rain
- 27 Mt. Hood in Sunrise Pink
- 28 Cloudy-Some Rain

Is it spring or maybe even fall?
Day by day I can't tell at all.
One minute it's fixin out to rain
Then suddenly ol' Sol bursts out again.

The groundhog was out so they say
And saw his shadow on his day.
Back he went into his hole
And missed February complete and whole.

What a month that groundhog missed
Most all of it was sunshine kissed.
Oh, a little rain was seen to fall
But really we minded it not at all.

Oregon showed us her February glory
As she prepared for a summer story.
Little snow and water - a real drought
Indicate what nature's all about.

Low-flow, no water seems to be
The summer order we're bound to see.
That'll keep dilution not a solution
To the needed control of water pollution.

Just as nature's work is never done,
The pollution wars are never won.
This summer we'll have to try a bit more
If we hope to keep up a positive score.

February 1973

THOUGHT FOR THE MONTH

POLLUTION PROBLEMS PLAGUING PEOPLES PROGRAMMING

People are the problem; people can be the solution.
Their numbers and their wherabouts are the pollution.
Their pollution is found in air, water and solid wastes.
Even their noise is now increasing beyond their tastes.

"What can we do to control?" is the oft-heard cry.
Well, each according to his station can but try.
The need includes fewer people and they are the solution
To the over-production of their kind to add to pollution.

But this is only one of the many things we see
That can be helped just a little by you or me.
A first, many days late, is planning for land use
To prevent undue congestion, destruction and other abuse.

Whatever we do we must figure it necessary to pay.
If not now, we certainly must in a future day.
Best effort for the money is your pollution control group.
Join it, support it, push it as a hard-working troop.

Air, water and land combined with energy from the sun,
Provide a heritage. Priceless. It is our only one.
Protect it at all costs by careful, learned control of use.
And work to correct, fix up and prevent its every abuse.

October 1972

* * * * *

THOUGHT FOR THE MONTH

Have you ever attended a Federal meeting? This is what it may convey. The language of achronyms and initials is endless.

OJT In Brief

EPA, HUD, EDA, DOL collaborate in MDTA through OWP, DHEW, MAPC et al to develop CAMPS. ES, OEDP, NMCC are also involved. In addition, low on GNP and has HRD, MDTA, EOA, JOBS, NCP, WIN, CEP, DEP and others to build their share of GNP. Even SBA is in the act to aid with HUD. MDT is tied with SCS and the branches of NMCC related to CAMPS. EEE is the code to develop a study of joint XYZ groups coordinating a plan. Even GED has entered the MDTA plans which have been infiltrated by the ABC of WPCF and AWWA. And so goes the language of a federal conference. The END est FINIS.

WCW 2100 6-28-72
SW, USA

THOUGHT FOR THE MONTH

In the early spring of nineteen-thirty eight
Pollution legislation pried open the control gate.
That was the year the State Sanitary Authority was born.
In its efforts to crawl it was lonely and forlorn.

But it quickly learned to walk in a great stride
Until the war intervened to quelch and stem the tide.
In the lonely years of war not much could be done
Because nothing could be spared till the war was won.

Then came the end and work since nineteen-forty five
Showed the State Sanitary Authority much alive.
As they wheedled, cajoled, and pushed with all their might,
Our people, towns, cities and industries felt their bite.

A small and dedicated group with lots of heart
Spent countless hours performing their vital part.
Slowly and surely good results began to show.
The public and its chosen constituents began to know.

Public feelings changed from apathy to being aware.
They even acted as though they'd begun to care.
A Department of Environmental Quality was formed anew
With laws, rules and powers that blossomed and grew.

In the early spring of nineteen-seventy one
Legislation for sweeping change again was done.
That was the year we'll all come to know
As the next moving scene of a top-notch show.

* * * * *

AN A-ONE ATTEMPT AT AMPHIGORY

American Apathy approaches alarming abandon
and attitudes allege attention and accord.
Assembly, acclamation, annoyance are ample
appeals as arguments anent awareness.
Ardent aspirants augment anemic activism
and attempt analyzing abatement attainment.
Amateur alchemists amass absurd answers
about animals, aerobes, anaerobes, aromas and
any amazing alternates against authorized agents.
Air aquatic atmosphere, acid, alkali, assays, audio
are all among areas assumed abdicated.
Any assertion about auspices abiding among
adept advisors arouses anti-apathists.
All-togetherness, although admirable, aborts as
apathetic-awareness abolishes ambitious action.
And ad infinitum adieu

US

Words that flow like water down a hill
Shape people's thoughts and sway their will.
But by themselves, alone, words are not enough.
Alongside must be action, swift and tough.

Action that pushes against the public desire
Upsets the people and lights up their fire.
So by itself, alone, action is not sufficient
Alongside must be words, clear and proficient.

This paradox is bigger than all of us.
A lack of balance creates a monstrous fuss.
Words and action together in a clear cut manner
Combine their efforts under a common banner.

* * * * *

THOUGHTS FOR THE MONTH

Eulogy

When I watched the old year groan out in 1971 and watched the
infant new year of 1972 gaily flit in to fill the void, I had
to think what that old year should have taught me. It was a good
year. Every year that we manage to get through is a good year.
Looking back, I remember that we had a whole year of days and
nights. Mother Nature didn't desert us. We had sunshine, light,
dark, sun, moon, stars, rain, snow, hail, wind and all the various
intricacies nature provides. What then was different with this
old year? People are the difference. Their selfishness greed and
lack of care compete with nature's scheme and make Father Time
slip out more old and bowed than need be. Perhaps our lesson
ought to be, "Do unto the world this year as you want the world
to do unto you."

* * * * *

The Question Session

The wise old owl starts with whoo!
And so should those with work to do.
Who, what, where, when, how and why
Are questions to be answered on each try.

Who can do, will do or has done the work
Are questions that no one dares to shirk.
What needs doing must be sorted out
To see for sure what it's all about.

Time and place are set by when and where
To place the situation exactly there.
How it's done is pretty important too
So everyone else will get the view.

(cont.)

The answer to the question why?
Tells one whether it is worth a try.
If there is who, what, where, how or why to ask
Then we've probably not completed our task.

* * * * *

GIVE AND TAKE

This tangled, topsy-turvy world in which we live
Is pointing a finger at its people and saying "Give."
It has seen the centuries of man on the take
And feels it is past the time to put on the brake.

People want a world that is truly a livable space,
But they are not willing to give to the place.
Look around at the work in which you live.
Have you done a lot of taking but failed to give?

To make a livable world we hold a heritage in our hand
Composed of energy, air, water and the land.
From this precious heritage we have pulled and taken
Until its very foundation is loose and shaken.

The shaken foundation can only be firmed if we give.
Only if people give as they have taken can the world live.
The word is out that people have turned a new leaf.
And that now give without take is their new belief.

Belief without action is the most common creed
As people continue to take and pamper their greed.
Look at the symptoms you see more every day.
A careless flick, a deliberate purge because its in the way.

August 1971

* * * * *

CHEMICALS IN EVERYDAY LIFE

To indicate some individual involvement in chemical use, let's look at the simple job of a man getting started to work in the morning: (A woman's chemical life is too complicated and besides, I'm not supposed to know about that.)

"The metal and plastic alarm clock jingles him awake and he laboriously entangles himself from the mass of plastic, cloth, metal and other debris which we call bedding. He slides into his synthetic bathrobe and carefully avoids the apparition reflected in the silvered mirrors as he stumbles across the synthetic rugs and tiles to flick on the mercury-actuated switch in the bathroom. A pull of the valve flushes the filtered remains of last nights alcohol and coffee along with seven gallons of water to disposal. Now he must start on the mess he sees in the mirror. A quick spray or a little dab of performed dandruff-removing, hair-smoothing chemical is carefully combed through the unruly maze. Next, the whiskers are soaked in scented soaps and are scraped off with a chrome and platinum-plated, disposable blade. Astringents, styptic or other repair lotions stop the burning from the shave. In the shower, scented soap with bactericidal additives to last

(cont.)

a day prepares the body for social acceptance. Bactericidal deodorants, scented colognes and other accessories are lined up for choice on the dresser before the rejuvenated he-man dons his cloth, plastic, leather and metal clothing to become part of the establishment. Next are the vitamins, pills and chemically-preserved foods that prepare man to face his day. Of course, the teeth must be cleaned with abrasives and chemicals on a plastic toothbrush followed by a brisk rinsing with "phenol coefficient 170." As our chemically treated man climbs into his metal, plastic, cloth and chemically-propelled machine, he is ready to go to his metal, plastic and mineral office to spend a fruitful day worrying about his environment."

1971

* * * * *

ODE OF THE MONTH

Down in the valley lying low
The smoke hangs as no winds blow.
Cold, snow and fog enshroud the smoke
That is put out as though t'were a joke.

Rules are made to stop undue burning
But it seems that folks have a yearning
To smell the smoke from leaves and stuff
Though it puts officials in an awful huff.

Rules apparently are made to be broken
Though agreement has already been spoken.
Watch the smoke stacks at night or Sunday
Note they're much blacker than on Monday.

Do we really want the cleaner air?
Or do we really not even care?
People, cities, industry, agriculture and all,
Must get together and on the ball.

December 20, 1970

* * * * *

ODE OF THE MONTH

We Can - We Will - We Must

Look at the world as it stands today.
Think about things that make it this way.
Some say it's good, others say it's pretty bad.
Some don't know because its all they've had.

Look back at the heritage given to man.
It is air, water and land according to plan.
People have used these to prosper and grow.
Paying little attention to devastation they sow.

Look at the abuses to which the heritage was put--
Land overused, water polluted and air filled with soot.
But people are both the cause and ultimate solution
To solve the crises that are labeled pollution.

(cont.)

ANY YEAR

For the New Year of 1969
 These are resolutions of mine.
 I vow to be as I ought to be.
 I vow to see as I ought to see.
 The good and troubled times of 1968
 Will be thought about as really great.
 I plan to return each evil deed or thought
 Will good ones like my folks have taught.
 I plan to live my life each night and day
 As though it were the last act I play.
 Rose colored glasses perhaps I wear to see
 The good, the better and the best to be.
 I think this world holds promise to us all,
 And our country stands out proud and tall.
 God, give us strength to do mostly good
 So our world grows and prospers as it should.

December 1968

* * * * *

POLLUTION UNCONTROLLED

Imagine for a moment a sparkling spring bubbling out from the rocks of the forested hillside with its patches of dirt-cruste d snow still resisting the warming effect of the bright summer sun filtering down through the dense blanket formed by the lush green of the virgin forest. A heavy carpet of leaves, needles and accumulated forest debris lying as they fell along the forest floor, except for an occasional animal trail, attest to the inaccessibility of the forest primeval.

Picture further the accumulation of a dozen such scenes into a crystal clear mountain brook gurgling and rippling its torturous path down the mountainside, pausing in an azure mountain lake perched like a jewel among the surrounding hills, and then rushing down the canyon to join the many other streams and rivers as they find their way through the hills and valleys to the ocean.

Now let us inject into this pristine picture the side effects occasioned by the advent of man. Because his needs include the use of water and air, man settles where the water is clean and the air is pure and clear. He builds his house, puts up his barns and fences, stocks the farm with assorted animals, clears and burns his land, plants his crops and settles down to raise his family in the peaceful area surrounded by the mountains, forests and streams. Plentiful fish and game supplement the crops to make life easy, simple and enjoyable. He has no worries about the air or water because he has plenty, and no one else is close enough to complain about anything he has gotten rid of in either the air or the water.

However, this pleasurable existence is too good to be enjoyed by one family. Neighboring homes soon dot the region, making use of all the natural resources that the area can supply. Services are needed to augment the

(cont.)

needs of the people, and towns spring up along the water courses to provide these services. The forests are needed for lumber, river gravel is needed for roads, foods need to be processed for distribution to those who are no longer self-sufficient. The over-all result is the chaos we commonly refer to as civilization.

Chaos is a good word for the sporadic growth characteristics of the rising civilization which is overrunning the territory. Private homes, private industries, small villages, incorporated towns, and cities have sprung up, each internally governed, each only remotely responsible to the others. State and county laws cannot coordinate the activities of the locally autonomous entities. They grow rapidly without too much regard for their effect on anyone else. They use the air, the waterways and the surrounding areas for disposal of the materials they no longer want until, like the jungle villagers of primitive areas, they must clean up or move to a new site.

Once again imagine the spring, the rippling brook, the rushing stream, the lakes and lower rivers. Picture the banks and streams strewn with cans, papers and picnic remains; with unwanted, smoking garbage, sewage and other wastes that people no longer want or need. Multiply the imagined result by thousands, and see the picture of pollution uncontrolled.

Note that throughout this dissertation the keyword is people. People are polluters. Yes, each and every person contributes to the mass pollution which enters the air or water courses. Each beer can, paper, piece of food, cigarette or other matter thrown from a vehicle or left at a campsite is pollution. The drainage from a septic tank or from a barnyard is pollution. The accumulated wastes from a city or from an industry constitute pollution. Smoke from burning, acrid fumes from chemicals or fumes from motor vehicles are pollution loads. People do not want to be bothered with taking care of items that they no longer need. Therefore, pollution will always be a problem.

Imagination has carried us from the pristine conditions of virgin forest days to the desolation of pollution uncontrolled. Pollution is proportional to the number of people in an area, and population is increasing at a rapid rate. It can readily be seen, then, that pristine conditions can probably never be regained except in isolated instances, but that pollution control can and will contain most of the wanton disregard for others that has been displayed through the past several generations. The need for education of the people to entice them to voluntarily control isolated pollution is evident. Public support is also needed to ensure financing for constructing, operating, and checking results of waste disposal systems. It is a pioneer job as important as the one that faced the early settlers who fought the elements rather than their fellow man. We have generations of unthinking pollution behind us. Can we provide in a generation of thinking pollution the cooperative effort needed to keep our air and our streams clean enough for us to live around?

POLLUTION CONTROL

There is time to reflect and time to think
Of the air we breathe and the water we drink.
There is time to think of protection past
And to design a protection that will last.

In the past few years changes have occurred
From public apathy to a public stirred.
From a wanton disregard of here to fore
The public now cries "Pollution, never more!"

Just what pollution is the public is not sure
But they don't want to see, touch or smell it anymore.
They don't want fumes or smogs or steams
Or debris or odors in air or streams.

Look back on the habits of civilized man
He discards his wastes wherever he can
Provide a garbage can; it's close but seldom in it.
Look at the highways. Litterbugs? They take a minute!

Private home, store, industry, city and farm
Provide the pollution that is viewed with alarm.
By citizen, city, county, state and United States
Who singly and collectively decide polluttional fates.

The foe is pollution. The war is not new.
Previous battles have been fought by the few.
Laws have been made. Battles have been won.
Work is progressing and much has been done.

Political pressure has stirred and boiled the pot
Politicians say much has been done and much has not.
They point to solution in laws and money
Which they state will make everything cozy and sunny.

Laws and money are needed, it's true
There is much in pollution control they can do.
But technological knowledge, and public demand
Are all that will keep pollution control in hand.

March 10, 1966

* * * * *

URBANIZATION

In the valley so peaceful and rural
With scenery like a Grandma Moses mural
Sits a sprawling house lone and serene
Surrounded by lawns and fields of green.

(cont.)

On the hill above, on the other hand,
Houses by the dozens cover the land.
The surging tide of urban dwellers
Urged on by hungry real-estate sellers
Is pushing its split-levels down the hill,
Taking each fence, chicken coop and mill,
Encroaching on garden, orchard and field
Forcing and pushing all that will yield
Guttering, sewerage and paving each pathway
Adding a household by the end of each day.

The sprawling house among the green
Beautiful before, now an eyesore is seen.
The newly formed urbanized-neighbors
Carefully sharpen their eyesore sabers
To rid the area of the messy space
And put a modern unit in its place.

December 1965

* * * * *

CREDIBILITY GAP

The sequential proliferation of pretentious enumeration
of disassociated technical allegations combined inferentially
with hypothetical suppositions designed to bias the thinking
of both public and technical participants can neither be
assimilated or rejected.

1964

DAMPENED CHRISTMAS SPIRIT

by Warren C. Westgarth

12/28/64

Ode of the Month

It was Christmas of Nineteen Sixty-Four
The floods were licking at the door.
The highest waters in Oregon's years
Caused untold devastation, death and tears.

People homeless, heartsick and weary
Looked to a Christmas bleak and dreary
As they moved to temporary shelter or dwelling
with refugees whose ranks were swelling.

It started more than a week ago
With a cold snap, wind and snow,
which brought on antifreeze and chains
But was followed soon by torrential rains.

Warm rains falling on melting snow
Caused little streams to grow and grow.
Rivulets grew to streams to form the river.
With power to make strong men shiver.

The river spreads and rolls across the lands
Carrying, pushing and mangling all that stands.
In its on-rushing path, destruction thrives
Threatening homes, property and lives.

But Oregon despite its losses can look with pride
On its ability to bounce back and ride the tide.
Its people will take the losers by the hand
And help them build and restore the land.

Amid the terrible hardships from above
Blossoms the true spirit of brotherly love,
Which adds a touch of Christmas cheer
And assures us of a happier New Year.

The Professor

Though he's retiring from the academic race,
It's really just a little change of pace.
A professor is a person ten-feet high
Who has taught and counseled such as you and I.

While many people tread in a revolving door,
There are those who search for myriads more.
A professor is one who searches the soul of man,
To help guide his life wherever he can.

We remember the Prof for many years,
As one who caused us blood, sweat and tears.
But most of all we remember learning,
As he helped fulfill our intellectual yearning.

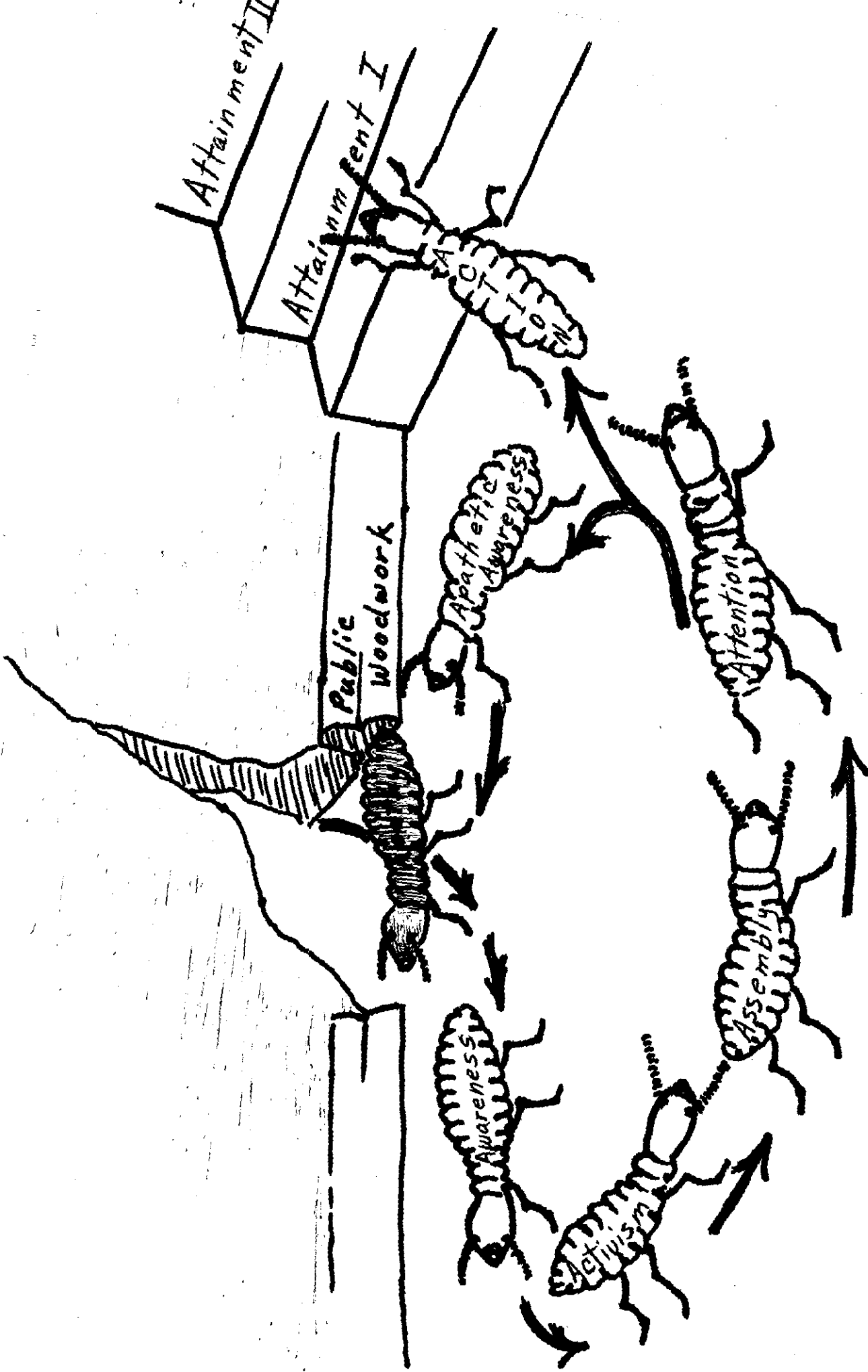
A youth is the old man of tomorrow.
He is the sole heir to today's sorrow.
But, remember that the old man today
Was a youth who felt the self same way.
He predicted the coming of our doom
Never expecting an affluence boom.
Now, he sits and sneers at youth
Thinking of him as dirty and uncouth.
Youth sneers back and says you're lost
And we will now have to pay the cost.
Truth and consequence is the game we play
And its outcome we cannot guess or say.

1971 WCV

Teenager

Sprawled across the family easy chair
With sloppy shoes up in the air.
Some books, a snack, the telephone
Are things she seems to own.
Pop and bop blare from somewhere near
So mother's voice is hard to hear.
The setting of this scene is study.
If you criticize, you're a fuddy-duddy.
She tells her mamma she's a square.
She answers daddy with a glare.
She's not a little girl anymore
And wants us all to know the score.
She's always going real steady
With either Tom, Bill, or Teddy.
She gets her way with tears or devious means
This bundle of energy in shirt and jeans.
We watch her play and dance and whirl
And are thankful for our teenage girl.

WCV
1953



Chapman