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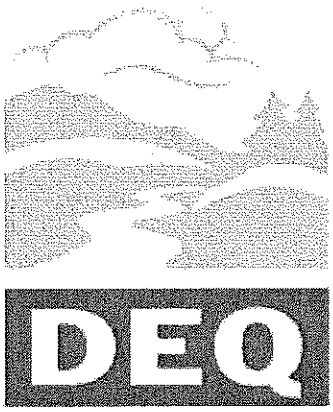
10/9/1981

OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS



State of Oregon
Department of Environmental Quality

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.

~~J. Appeal of subsurface variance approval granted to Mr. Marvin Peters. Mr. and Mrs. Ronald G. 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.

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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.

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; Mr. 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 reallotted 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 S - 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

Jan Shaw
Commission Assistant

JS:k

THESE MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

MINUTES OF THE ONE HUNDRED THIRTY-FOURTH MEETING

OF THE

OREGON ENVIRONMENTAL QUALITY COMMISSION

August 28, 1981

On Friday, August 28, 1981, the one hundred thirty-fourth meeting of the Oregon Environmental Commission convened at the Department of Environmental Quality, Portland, Oregon. Present were Commission members Mr. Joe B. Richards, Chairman; Mr. 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. All five of the Commissioners were present, as were several members of the Department staff.

The following items were discussed:

1. EQC attendance at Goals & Objectives sessions: The Director listed for the Commission the tentative dates and locations of the Department's Goals & Objectives sessions, scheduled to occur throughout the fall of this year. The Commission members were invited to attend any session of interest to them. It was suggested that staff send a memo with the final dates and locations of each session, and the Commissioners would confirm with the Department their attendance at any session.

2. Discussion of OAR 340-71-130(11). (Case of home on one lot and sewage system on adjoining lot under same ownership.) Commissioner Somers presented specific examples of problems in light of the fact that this rule does not require the granting of an easement and proposed readoption of the old rule language. Assistant AG Ray Underwood replied that the rule change did not actually affect the way in which the rule is interpreted. He indicated that an owner cannot have an easement on his own property, and that it must be established when the property is sold. Chairman Richards suggested a requirement of notice that would appear in the property deed, and staff was asked to prepare a proposal for the next EQC meeting.

3. Superfund - briefing: Rich Reiter, Hazardous Waste Division, provided a written report. Staff proposes to bring a list of those sites needing cleanup to the November 20 EQC meeting.

4. Field burning update: Jack Weathersbee, Air Quality administrator, passed out a written report of DEQ's progress this year in the smoke management program. Staff agreed to supply the Commissioners with copies of the Director's weekly field burning report to the Governor.

FORMAL MEETING

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

AGENDA ITEM A - MINUTES OF THE JULY 17, 1981 MEETING.

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

AGENDA ITEM C - TAX CREDIT APPLICATIONS.

AGENDA ITEM D - REQUEST FOR AUTHORIZATION TO HOLD A PUBLIC HEARING ON PROPOSED REVISIONS TO OREGON ADMINISTRATIVE RULES CHAPTER 340, STATE FINANCIAL ASSISTANCE TO PUBLIC AGENCIES FOR POLLUTION CONTROL FACILITIES.

AGENDA ITEM E - REQUEST FOR AUTHORIZATION TO CONDUCT A PUBLIC HEARING ON HOUSEKEEPING MODIFICATIONS TO NOISE CONTROL RELATED RULES; OAR 340-35-015, 35-025, 35-030, 35-035, 35-040 and 35-045 AND PROCEDURE MANUALS; NPCS-1, 2 and 21.

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

There was some discussion regarding the length of the last meeting's minutes. It was suggested by the Commission that it might be reduced in some way. The Commissioners will review the minutes and provide guidance on this subject at the breakfast meeting on October 9, 1981.

AGENDA ITEM M - REQUEST FOR VARIANCE FROM OAR 340-30-015, MEDFORD-ASHLAND AQMA HOGGED FUEL BOILER EMISSION LIMITATION, BY TIMBER PRODUCTS COMPANY.

Timber Products Company installed a wet scrubber on their hogged fuel boiler in North Medford. Both Timber Products Company and the Department's Air Quality staff anticipated that the boiler would meet the Medford-

Ashland AQMA hogged fuel boiler emission limit of 0.05 grains/standard cubic foot. Source testing shows that the boiler cannot meet the Medford rule and attempts to modify the scrubber to achieve compliance have failed.

This variance is necessary to allow operation of the boiler while Timber Products Company implements another control strategy to bring it into compliance. Since preparation of the staff report, the boiler has been tested. Preliminary evaluation of the data reveals an emission rate of 0.055 grains/standard cubic foot or an estimated 5-10 ton/year increase in emissions over the time period of this variance.

The staff report is supportive of Timber Products' request with the standard proviso that the company operate the existing equipment at its highest efficiency level.

Summation

1. The current emission limit for hogged fuel boilers in the Medford-Ashland AQMA with BTU input greater than 35 million BTU's per hour is 0.05 grains/standard cubic foot of air corrected to 12% CO_2. Compliance for existing sources was to have been by January 1, 1980.

2. Timber Products Company purchased, installed, and is operating a medium pressure drop wet scrubber on its boiler in North Medford to meet the emission limitation rule.

3. Source testing to date has shown the boiler/scrubber cannot operate in compliance with the emission limitation rule.

4. Engineering and source test data reveals that the main emission problem is created by salt residues in the dry particleboard (wastes) fuel.

5. Timber Products Company has initiated a formulation change in the resins used in particleboard production allowing them to remove the salt.

6. The effectiveness of reducing the emission levels through removal of the salt will be ascertained by source test in mid-August, 1981. The results of this test will be available in September, 1981.

7. Timber Products Company has requested that the EQC grant them a variance pursuant to ORS 468.345(b) and (c) citing that special circumstances and conditions exist and strict compliance would result in substantial curtailment or closure of a plant(s).

8. Timber Products Company has proposed a compliance schedule for bringing the boiler into compliance coincidental with the schedule on its two (2) particleboard dryers.

9. The EQC has the authority pursuant to ORS 468.345 to grant specific variances where certain conditions exist as defined by law and may condition such variances as appropriate.

Director's Recommendation

Based on the findings of the summation, the Director recommends that the Commission:

Grant a variance from OAR 340-30-015, Medford-Ashland AQMA Hogged Fuel Boiler Emission Limitations, to Timber Products Company conditional upon the Company's adherence to the following increments of progress towards compliance:

1. By no later than October 30, 1981, the permittee shall submit a final control strategy, including detailed plans and specifications, to the Department of Environmental Quality for review and approval.

2. By no later than January 1, 1982, the permittee shall issue purchase orders for the major components of emission control equipment and/or for process modification work.

3. By no later than May 1, 1982, the permittee shall initiate the installation of emission control equipment and/or on-site construction or process modification work.

4. By no later than January 1, 1983, the permittee shall complete the installation of emission control equipment and/or on-site construction or process modification work.

5. By no later than June 30, 1983, the permittee shall demonstrate that the boiler is capable of operating in compliance with the applicable Air Quality Rules and Standards.

6. Within seven (7) days after each item, number 2 through 5 above, is completed the permittee will inform the Department in writing that the respective item has been accomplished.

Further, it is understood that a condition of the variance will be that the existing boiler scrubber be operated and maintained at peak efficiency levels throughout the period of variance, including the use of "salt-free" resins.

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

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

Mr. Gary T. Hubbard appealed a variance officer's decision that his property is unsuitable for placement of an on-site sewage disposal system.

Summation

1. The pertinent legal authorities are summarized in Attachment "A".

2. On June 25, 1979, Mr. Ken Kimsey evaluated lot 6, Myers Addition, Tierra Del Mar Subdivision and determined that a standard subsurface sewage disposal system to serve a triplex could be installed. Mr. Kimsey issued a Certificate of Favorable Site Evaluation the same day.

3. The Environmental Quality Commission adopted a temporary rule on March 21, 1980, that voided all Certificates of Favorable Site Evaluation issued in Tillamook County from January 1, 1974 through December 31, 1979.

4. At the request of Mr. Hubbard, the property was reevaluated on July 14, 1980, by Department staff. The site was found not to meet the Department's minimum standards to install an on-site sewage disposal system because of insufficient area on the small lot to place a drainfield, with future replacement, to serve a triplex. The property also has a fluctuating permanent groundwater table, as indicated by mottling, that comes within thirty-six (36) inches of the ground surface. The installation of a sand filter system was prevented for the same reasons. Mr. Smits also determined the areas of highest ground would comply with the Department's minimum standards if a single family dwelling with not more than three (3) bedrooms had been proposed. Mr. Hubbard was notified of the reevaluation denial by letter.

5. A variance application submitted by Mr. Hubbard was assigned to Mr. Michael Ebeling, variance officer. On July 23, 1980, Mr. Ebeling examined the property, and conducted a public information gathering hearing. After closing the hearing, Mr. Ebeling received the variance record and found the testimony did not support a favorable decision. Mr. Hubbard was notified by letter that the variance request was denied. He was also informed that the decision could be reconsidered if monitoring of groundwater levels by Tillamook County during the winter and spring would so warrant.

6. In June, 1981, Mr. Hubbard inquired about the results of the ground water monitoring. Department staff contacted Tillamook County and learned that due to workloads the County had inadvertently failed to do the monitoring. Mr. Hubbard was then informed that there was no basis for reconsideration of the denial.

7. A letter appealing the variance denial was received by the Department on July 13, 1981.

8. Staff considered other possible options available to Mr. Hubbard as a consequence of recent rule adoption. No other option appears feasible to serve a triplex.

9. Mr. Hubbard was notified by letter dated July 16, 1981, that his request for appeal would be scheduled for the August 28, 1981 Commission meeting.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission adopt the findings of the variance officer as the

Commission's findings and uphold the decision to deny the variance.

The following appeared on behalf of Mr. Hubbard:

Gary Hubbard, property owner.
Nicholas E. Bailey, attorney, Rid-Waste Environmental Systems.
James F. Nims, civil engineer, representing Mr. Hubbard.
Thomas Graham, inventor, Rid-Waste Environmental Systems.

It was MOVED by Commissioner Burgess, seconded by Commissioner Brill, and passed that this item be referred back to the variance officer for consideration of further information and to return to the Commission at their October 9 meeting. Commissioner Somers voted no.

AGENDA ITEM F - PUBLIC FORUM.

Bill Whiteman, Mayor of Cottage Grove, spoke on the grants priority list.

James L. Johnson, Oregon City Commissioner, spoke regarding the METRO resource recovery plant in Oregon City. He is concerned about potential air pollution from the proposed facility.

Jeanne Roy, Portland AQMA, submitted testimony which was read into the record.

No one else appeared at Public Forum.

AGENDA ITEM H - WELDON LEE--REQUEST FOR VARIANCE TO ON-SITE SEWAGE DISPOSAL RULES.

Mr. Weldon Lee applied for a variance to on-site sewage disposal rules for a 7.2 acre parcel of land located in Warrenton, Oregon. His property is located within the Clatsop Plains moratorium boundaries which prohibits issuance of on-site sewage disposal permits. Mr. Lee is requesting the variance to allow construction of a three-bedroom house.

Summation

1. The pertinent legal authorities are summarized in Attachment "A".

2. Mr. Lee submitted an application for site evaluation to the Department's Astoria Office. Mr. Gerald Campbell evaluated the property and determined the site did not comply with the Department's minimum standards for issuance of a construction installation permit because of a setback requirement to a roadside ditch, and because the property is within an area within the Commission-authorized Clatsop Plains Moratorium. Mr. Campbell advised that a variance application be made to the Department, with specific suggestions.

3. The Department received a variance application from Mr. Lee, which was reviewed for completeness and assigned to a variance officer, Mr. Charles Gray.

4. Mr. Gray examined the proposed site and conducted a public information-gathering hearing. After closing the hearing, Mr. Gray evaluated the record and found that an on-site sewage disposal system, limited to a maximum daily sewage flow of three hundred seventy-five (375) gallons, and installed pursuant to specific conditions, could be expected to function property at the site. Mr. Gray recommends the Commission find that strict compliance with OAR 340-71-220(2)(i)(Table 1)(6) and OAR 340-71-460(6)(e), as they pertain to Mr. Lee's proposed drainfield site, are inappropriate for cause, and authorize a construction installation permit be issued subject to special conditions.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission adopt the recommendation of the variance officer as the Commission's findings, and grant variances from OAR 340-71-220(2)(i)(Table 1)(6) and OAR 340-71-460(6)(e).

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

AGENDA ITEM L:

L(2) - REQUEST FOR A VARIANCE FROM THE GENERAL EMISSION VOLATILE ORGANIC COMPOUNDS, OAR 340-22-107 & 110(3), FIRE DISTRICT 10, PORTLAND.

L(3) - REQUEST FOR A VARIANCE FROM GENERAL EMISSION STANDARDS FOR VOLATILE ORGANIC COMPOUND FOR DELIVERY VESSELS, OAR 340-22-107, 120(1)(b), 120(3), 120(4) & 137(1), FOR THE ARROW TRANSPORTATION COMPANY, PORTLAND.

When the Commission extended the compliance dates for gasoline facilities by temporary rule at its April 24, 1981 meeting, the Department indicated that some facilities would still need additional time.

ITEM L contains two requests for variances from the VOC rules. Both are recommended for approval.

Summation - L(2)

1. Fire District 10 operates six fire stations with gasoline storage tanks in east Multnomah County. The fire district has requested a variance to operate these fire stations without controls until January 1, 1983.

2. The estimated emissions from this source are 0.2 tons per year. Installation of vapor controls is estimated at $2,500.

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

Director's Recommendation

Based upon the findings in the Summation, it is recommended that a variance from OAR 340-22-107(3), VOC Emission Standards for Small Gasoline Storage Tanks, be granted to Fire District 10, for operation of gasoline storage tanks at six fire stations in east Multnomah County without controls until January 1, 1983.

Summation - L(3)

1) Arrow Transportation Company operates a bulk petroleum products transporting business in Oregon, Washington and Idaho with a terminal at 3125 NW 35th Avenue, Portland. The company requests a variance from VOC controls for its non-Oregon based tank truck units until January 31, 1982.

2) The necessary equipment was ordered on February 24, 1981, but the company has only received enough equipment to be able to have their Oregon based units brought into compliance.

3) The tank truck loads affected are less than 5% of their Oregon business or 10 tank truck unit loads per month.

4) The Department agrees that conditions beyond the company's control prevented the company from bringing all units into compliance.

5) The Commission is authorized by ORS 468.345 to grant variances from Department rules if it finds that conditions exist that are beyond the control of the person granted the variance.

Director's Recommendation

Based upon the findings in the summation, it is recommended that a variance from OAR 340-22-107, 120(1)(b), 120(3), 120(4) & 137(1) be granted to Arrow Transportation Company for its non-Oregon based tank truck units to onload and offload gasoline until January 31, 1982. This variance shall be subject to the limit of no more than 10 tank truck units per month onloadings of gasoline.

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

AGENDA ITEM N - REQUEST FOR CONCURRENCE IN APPROVAL OF A SOLID WASTE DISPOSAL PERMIT FOR THE TROUTDALE LANDFILL.

The City of Troutdale has applied for a Solid Waste Disposal Permit to reopen a partially completed landfill on city property. Additional

filling, while not absolutely necessary, would facilitate proper closure of the site. Proper closure is required under the Department's rules.

The Commission's concurrence is requested in this matter, since the Department is proposing to require less than the highest and best practicable measures to control leachate at the site.

Summation

1. The existing, inactive Troutdale Landfill cannot be economically closed without additional filling. Proper closure is needed to minimize leachate generation and prevent the off-site migration of methane gas. The City of Troutdale "inherited" this problem and does not have money to correct it. Also, closure without additional filling would result in contours that would limit future land use.

2. Requesting the highest and best practical leachate control strategy, in strict compliance with the Department's proposed Groundwater Quality Protection Policy, would cause economic hardship to the city and would be difficult to implement. (Refer to Attachment D for review of 340-41-029 as proposed.)

3. Staff, with the support of the Water Resources Department, believes that less stringent controls than those identified in the proposed Groundwater Protection Policy are prudent and will adequately protect the underlying groundwater. Adoption of less stringent controls is referenced in the proposed policy as an alternative which the EQC may approve.

4. The approval of proper landfill closure at this site does not seem inconsistent with the Commission's earlier denial of a proposed new landfill with similar potential environmental problems.

5. A proposed solid waste disposal facility permit (Attachment E) has been drafted which addresses the important environmental issues.

Director's Recommendation

Based upon the summation, it is requested that the Commission concur with the Department's intent to approve the proposed plan and issue a permit to allow interim operation and proper closure of the Troutdale Landfill.

Kent Mathiot, consulting hydrologist, recommended that the Commission deny the permit.

Dalton Williams, Troutdale City Council, concurred with the permit issuance.

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

AGENDA ITEM J - APPEAL OF HEARING OFFICER'S DECISION IN DEQ v. FAYDREX.

DEQ has acted to revoke 63 permits for subsurface systems to avoid a health hazard.

DEQ's action has been challenged by Faydrex, the permit holder, in a lengthy administrative hearing process, which culminated in a Hearing Officer's decision supporting the revocation.

The Commission was asked to review the Hearing Officer's decision.

Karen Allan, attorney, appeared for Faydrex.

Robb Haskins, Assistant Attorney General, appeared on behalf of the Department.

It was MOVED by Commissioner Burgess, seconded by Commissioner Bishop, and passed unanimously that the Hearing Officer's findings be upheld.

AGENDA ITEM T - REQUEST BY THE LANE BOARD OF COMMISSIONERS TO POSTPONE PROGRESS UNDER CERTAIN CONDITIONS OF THE RIVER ROAD/ SANTA CLARA INTERGOVERNMENTAL AGREEMENT.

The Lane Board of Commissioners has requested a postponement of progress until January, 1982 under the Board-EQC Intergovernmental Agreement for River Road/Santa Clara. Their request was based on county fiscal constraints, pending LCDC action on the local comprehensive plan, and HB 2521 regarding incorporation of cities. The staff report analyzes these factors and recommends time extensions and coordination with LCDC rather than postponement of all activity.

Summation

1. On June 3, 1981, the Lane Board of Commissioners requested a postponement of progress under the River Road/Santa Clara Intergovernmental Agreement until January, 1982.

2. This request has been impacted by recent events, most particularly a Compliance Order from LCDC which would affect the subject area and require compliance with Statewide Planning Goals by March, 1982.

3. Condition VII of the Intergovernmental Agreement states that the EQC will conduct a public hearing to review progress by no later than January 1, 1982. To ensure coordination with the LCDC Continuance Order, this public hearing should be postponed until May, 1982.

Director's Recommendation

Based upon the Summation:

1. It is recommended that the Commission extend or waive dates in Conditions II, (III would remain dependent upon II), VI and VII

of the Intergovernmental Agreement and amend those Conditions as follows:

(a) Condition II: Lane County agrees to adopt a long-term urban master sewerage plan for the River Road/Santa Clara area no later than the compliance date in the September, 1981 LCDC Compliance Order or March 26, 1982, whichever comes first. Such plan shall utilize or amend the existing "Eugene-Springfield Metropolitan Area Treatment Alternatives 208 Plan" of April, 1977. This master sewerage plan shall specify the method of management, collection, treatment and disposal of sewage.

(b) Condition III: Compliance date remains dependent upon Condition II.

(c) Condition VI: The July 1, 1981 progress report is hereby waived.

(d) Condition VII: The EQC will review the semi-annual progress reports mentioned in paragraph VI, above. The EQC shall conduct a public hearing by no later than May 15, 1982 to evaluate progress. Upon review of said progress reports, at the public hearing, or at any other time the EQC may comment, assist, or take action outside the Intergovernmental Agreement including but not limited to that described in Oregon Revised Statutes (ORS) 222.850 through 222.915, ORS 454.235(2), and/or ORS 454.685.

2. It is further recommended that the Commission seek concurrence by the Lane Board of Commissioners regarding the extension of Condition VII. If such concurrence is not received, then the extension of Condition VII should not be made.

Roy Burns, Lane County, appeared and spoke on this matter.

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

AGENDA ITEM U - PROPOSED ADOPTION OF TEMPORARY RULE AMENDING RULES FOR ON-SITE SEWAGE DISPOSAL, OAR 340-73-055.

The Department was informed that a recent interpretation from the Office of the State Fire Marshall to the Chief Electrical Inspector had placed the on-site materials specifications for pumps and switches at odds with the State Electrical Code. To alleviate the conflict, staff have proposed changes in the standards.

Summation

1. The Commission adopted OAR 340-73-055, which sets standards for pumps, alarms and controls.

2. Some of the requirements of Appendix E conflict with the State Electrical Code for explosive atmospheres.

3. The conflict between the Department's rules, OAR 340-73-055 and the State Electrical Code, can be resolved by adoption of a temporary rule.

Findings

The Environmental Quality Commission finds that failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned, in that on-site sewage disposal systems utilizing electrical components cannot be approved without being in conflict with the State Electrical Code.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission adopt the proposed temporary rule amending OAR 340-73-055 as set forth in Attachment C.

Jerry Ross Hydronix, Inc., suggested some amendments to the temporary rule. Staff incorporated those changes into "Attachment C" to this staff report.

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

AGENDA ITEM I - CONSIDERATION OF ADOPTING PROPOSED PLANT SITE EMISSION LIMIT AND NEW SOURCE REVIEW RULES AND PROPOSED REVOCATION OF THE FOLLOWING EXISTING RULES:

a. Special Permit Requirement for Sources Locating In or Near Nonattainment Areas, OAR 340-20-190 through 198.

b. Criteria for Approval of New Sources in the Portland Special AQMA, OAR 340-30-005 through 025.

c. Specific Air Pollution Control Rules for the Medford-Ashland AQMA, OAR 340-30-60 and 110.

d. Prevention of Significant Deterioration, OAR 340-31-105, definitions 1 through 11, 13, 14, and 17 through 22; OAR 340-31-125; 340-31-125 through 195.

A public hearing was held on the proposed plant site emission limit and new source review rules before the Commission on April 24, 1981.

The issues raised at the public hearing and in subsequent written testimony were addressed in a staff report prepared for the June 5, 1981 EQC meeting.

Subsequently, a workshop was held by the Commission on June 30 and July 1, 1981. The rules were discussed further at the last commission meeting on July 17, 1981, and a number of issues were raised. At that meeting, the Commission agreed to continue discussion of the tax credit issue and the remaining issues that were not addressed at the last meeting prior to considering the Director's recommendation to adopt these rules.

The staff has prepared a report which was provided to the Commission in response to the issues raised at the last Commission meeting.

Summary

1. At the July 17, 1981 EQC Meeting, the Commission approved several changes to the proposed PSEL and NSR rules and identified five areas for further discussion at the August 28, 1981 EQC Meeting.

2. It appears that the tax credit motion adopted at the last meeting should be reconsidered in light of legal, equity, and administrative problems concerning this motion.

3. The application of the Plant Site Emission Limit Rule to Martin-Marietta and Oregon Steel was found not to create particular problems for those sources.

4. The Department has clarified, in response to several commentors, that the proposed rules allow specific control strategy regulations to be used as the baseline in establishing Plant Site Emission Limits.

5. The Commission indicated at its July 17, 1981 meeting, its intent to continue discussion of the remaining issues in the Addendum Report to the July 17, 1981 Staff Report, and to discuss staff responses to comments from EPA as set forth in the July 17, 1981 Staff Report.

Director's Recommendation

Based on the above Summary and the Summaries of the June 5, 1981 and July 17, 1981 Staff Reports, it is recommended that the Commission adopt the proposed rules (OAR 340-20-220 through 275 and OAR 340-20-300 through 320) as amended and attached hereto and revoke the existing rules for Plant Site Emission Limits and New Source Review.

Jack Weathersbee, Air Quality Administrator, explained to the Commission how the tax credit issue could be treated differently if not included as a part of this rule.

After discussion, it was MOVED by Commissioner Burgess, seconded by Commissioner Brill, and passed that the Commission delete language adopted at the last meeting, included as "Background, No. 1" in the Staff Report, and reading,

> "...except any such emission reduction attributable to facilities for which tax credit has been received on or after January 1, 1981, may be banked or used for contemporaneous offsets but may not be sold without reimbursement of the tax credit."

and further asked staff to return to an EQC meeting in two or three months with a fairly comprehensive review and assessment of the tax credit program, including the need for regulation, possible abuses, etc.

Commissioner Somers voted no.

It was MOVED by Commissioner Burgess, seconded by Commissioner Bishop, and passed to add to 340-20-320(d) suggested language from page 2 of Northwest Pulp & Paper's August 25 letter, as follows:

> "...When such demonstration is being made for changes to the PSEL, it shall be presumed that ambient air quality monitoring shall not be required of the applicant for changes in hours of operation, changes in production levels, voluntary fuel switching or for cogeneration project unless, in the opinion of DEQ, extraordinary circumstances exist..."

Commissioner Somers voted no.

After the Commission was assured that all of EPA's concerns had been considered in formation of this rule, it was MOVED by Commissioner Burgess, seconded by Commissioner Bishop, and passed that this rule be adopted, incorporating all amendments recently made.

Commissioner Somers voted no.

AGENDA ITEM K - PROPOSED ADOPTION OF OPEN BURNING RULES, OAR 340-23-022 THROUGH OAR 340-23-080:

a. Make extensive structural and language changes to make rules easier to understand and use.

b. Establish a schedule pursuant to ORS 468.450 for regulation of open burning on a statewide basis.

c. Delete provisions establishing a permanent prohibition on domestic burning within the Willamette Valley.

ITEM K proposes a revised set of general open burning rules for the state. These rules have been under development for two years. Conferences have been held with a number of public agencies and extensive hearings were held throughout the state. The public testimony gained through this process has resulted in a number of changes in some areas of the proposed rule.

Significant regulatory elements of the proposed rules are:

1. Establish spring and fall backyard burning seasons in the Willamette Valley, including Portland.

2. Establishment of a "schedule" for classifying burning days statewide for all open burning.

3. Exempting agricultural burning east of the Cascade Mountains.

4. Allowing LRAPA to set backyard burning seasons and hours specific for Lane County.

The proposed rules are compatible with the new legislation requiring allowances for backyard burning throughout the state.

Summation

1. The Department has proposed a revised structuring and wording for administering open burning in the state. This effort clarifies the effects of the rules and simplifies application of the rule to specific locations and specific types of burning.

2. Hearings were held in eight locations throughout the state to receive public testimony.

3. A ban on backyard burning, which has been a part of the rules in the past, has been abandoned for the present because:

   (a) New legislation precludes a ban without certain findings by the Commission.

   (b) Some local governments were having difficulty in providing alternatives for their constituents.

   (c) Strong public demand.

4. Changes have been made to reflect public testimony, clarify the language of the rules and streamline their use.

Director's Recommendation

Based upon the Summation it is recommended that the Commission adopt the proposed open burning rules, OAR 340-23-022 through 340-23-080, in Attachment E.

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

AGENDA ITEM O - PROPOSED ADOPTION OF AMENDMENTS TO SOLID WASTE MANAGEMENT RULES, OAR 340-61-005, 010, 020 AND 025 THROUGH 040.

Last month, the Commission considered proposed amendments to the Department's Solid Waste Management Rules. Testimony was presented by the staff and by Mr. Roger Emmons, representing Oregon Sanitary Service Institute. Because of the large number of changes requested by Mr. Emmons, the Commission voted to carry the matter over to this meeting.

Staff has done some redrafting of the rules, in response to the comments by Mr. Emmons and the Commission.

Summation

1. The staff presented proposed amendments to the Department's solid waste management rules at the July 17, 1981, Commission meeting.

2. The Commission voted to delay action on the proposed rules, due to a large number of changes requested by Oregon Sanitary Service Institute and because of Commission concern about the regulation of residential composting.

3. Staff has made some revisions to the proposed rules in response to comments made at the July meeting and is again seeking adoption.

4. The Commission is authorized to adopt solid waste management rules by ORS 459.045.

Director's Recommendation

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

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

AGENDA ITEM P - REQUEST FROM MULTNOMAH COUNTY FOR A SIX (6) MONTH DELAY IN IMPLEMENTING THE PROVISIONS OF OAR 340-71-335(2)(a), CESSPOOL PROHIBITIONS.

On-site sewage disposal rules prohibit installation of cesspools to serve new construction after October 1, 1981. Multnomah County has requested that the October 1 date be delayed for a period of 6 months to allow the County to develop a complete implementation plan and schedule for constructing sewers in East Multnomah County. The delay is proposed to be accomplished by adoption of a temporary rule.

Summation

1. The Commission has adopted a rule, 340-71-335, which prohibits cesspools to serve new construction after October 1, 1981.

2. Multnomah County has requested a six month delay in implementing the provisions of OAR 340-71-335(2)(a) while the County develops a plan to sewer most of the areas of East Multnomah County now served by cesspools.

3. The delay sought by the County may be accomplished by adoption of a temporary rule.

4. Findings

The Environmental Quality Commission finds that failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned, in that after October 1, 1981 the installation of more costly seepage pit sewage disposal systems will be required during a short term interim period (six months) while Multnomah County develops a more acceptable long range solution to the problem of cesspool and seepage pit sewage disposal.

Director's Recommendation

Based upon the findings in the summation, it is recommended that the Commission adopt the proposed temporary rule, Attachment C, which delays implementation of the provisions of OAR 340-71-335(2)(a) until March 1, 1982; the rule to be effective upon filing with the Secretary of State.

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

AGENDA ITEM Q - WATER QUALITY RULE ADOPTION--HOUSEKEEPING AMENDMENTS TO OAR CHAPTER 340, DIVISIONS 44, 45, AND 52; AND REPEAL OF DIVISIONS 42 AND 43.

ITEM Q relates to the adoption of housekeeping amendments to Water Quality Rules, Divisions 44, 45, and 52, and the repeal of Divisions 42 and 43.

During the public participation process, two additional changes were recommended which were not included at the time these amendments were authorized for hearing. One change in Division 44 would allow discharge of certain non-sewage waste waters down waste disposal wells after a case-by-case determination. Current rules restrict it to non-contact cooling waters.

The other change is a revision of the sewer-water separation diagram in Appendix A of Division 52. The old diagram is very difficult to interpret. These rule changes were before the Commission for final action.

Summation

1. ORS 468.020 grants the Commission authority to adopt rules and standards as it considers necessary in performing the functions vested by law.

2. Periodically rules need to be revised or repealed as they fail to address current policy and procedure.

3. The Department is proposing repeal of OAR Chapter 340 Divisions 42 and 43 and minor modification to Divisions 44, 45, and 52.

4. Public notice was issued and hearing held on the proposed rule changes. No testimony was received in opposition. Some written testimony was received in support of additional changes in Division 44. These changes are reflected in the rules proposed for adoption today.

Director's Recommendation

Based on the Summation, the Director recommends that the Commission repeal Divisions 42 and 43, and adopt the recommended modifications to Divisions 44, 45, and 52.

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

AGENDA ITEM R - PROPOSED ADOPTION OF ADDITIONS TO OAR CHAPTER 340, DIVISION 41, STATEWIDE WATER QUALITY MANAGEMENT PLAN.

The Commission has dealt with several different groundwater issues in the past several years including Clatsop Plains moratorium, North Florence special area rules, and River Road-Santa Clara moratorium. Because groundwater issues were being approached on a piecemeal basis, the staff developed an interim statewide groundwater protection policy.

The Commission approved the interim policy in April 1980. The staff took the interim policy through an extensive public involvement process and prepared a revised groundwater quality protection policy. In March, 1981, the Commission reviewed the revised policy and authorized the Department to hold a public hearing. A hearing was held on June 30, 1981. Several changes were made to the proposed policy as a result of written and oral testimony. Pertinent testimony and an analysis of the testimony are included in Agenda Item R, along with the proposed groundwater quality protection policy.

Summation

1. In April 1980, the Commission approved a staff prepared proposed policy for the protection of groundwater quality as an interim statement of policy, pending broad public review and consideration of their input.

2. In December 1980, the Department distributed to the public 1,400 copies of a background report containing the proposed policy. Nine public meetings were held statewide in January 1981, to discuss the report and proposed policy; eight of the meetings were chaired by the Department's PAC.

3. The Department evaluated the comments received, revised the statements of policy accordingly, proposed additional actions for the Commission to consider, and requested and was granted authorization in March 1981, to hold a public hearing with the intent

to codify the proposed definition for nonpoint sources and the final Groundwater Quality Protection Policy into Oregon Administrative Rules.

4. On June 10, 1981, a public hearing was held in Portland to receive testimony on the revised policy.

5. Both oral and written comments received from the public hearing were evaluated, leading to revisions of language for the following items:

   (a) Nonpoint source definition

   (b) Opening statement of the General Groundwater Quality Protection Policy.

   (c) Proposed Planning Policy statements 1, 2, 4, and 5.

   (d) Proposed Program Policy statements 7, 8, 9, 10, and 11.

Director's Recommendation

Based upon the summation, it is recommended that the Commission adopt the definition of Nonpoint Sources and the General Groundwater Quality Protection Policy, as proposed in Attachment 4, as administrative rules to be added to OAR Chapter 340, Division 41.

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

AGENDA ITEM S - 208 NONPOINT SOURCE PROJECT--PROPOSED ADDITIONS TO STATEWIDE WATER QUALITY MANAGEMENT PLAN.

At the November 1978 and August 1979 Commission Meetings, several "208" projects were added to the Statewide Water Quality Management Plan. The Commission was advised that the new 208 projects would be routinely added to the Plan. Three such projects are now complete, pending Commission approval:

1. Fecal Waste Management Plan for the Tillamook Drainage.

2. Statewide Framework Plan for Agriculture.

3. Conservation practices to protect water quality in the lower Malheur-Owyhee Drainages.

Summation

1. The Commission approved nonpoint source pollution control elements to the Statewide Water Quality Management Plan in November 1978 and August 1979.

2. New nonpoint source control plans have now been completed.

3. A substantial public involvement program was undertaken as a part of each plan.

4. The Exhibits S, T, U, are additions to the Volume VI - Nonpoint Source Action Program.

5. The Commission must approve the plan prior to submittal to EPA.

6. The Department requests that the proposed additions to Volume VI be approved.

Director's Recommendation

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

1. Approve Exhibits S, T, U, as additions to Volume VI of the Statewide Water Quality Management Plan.

2. Authorize the Director to transmit Exhibits S, T, U, to EPA for approval.

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

AGENDA ITEM V - REQUEST FOR A VARIANCE FROM OAR 340-15-315(1)(b), VENEER DRYER VISIBLE EMISSIONS; AND OAR 340-21-015 AND 340-21-020(1), FUEL BURNING EQUIPMENT VISIBLE EMISSIONS AND PARTICULATE EMISSIONS, FOR ROSEBURG LUMBER COMPANY'S DILLARD MILL COMPLEX NEAR DILLARD.

Roseburg Lumber Company has requested a variance from the rules on emission limits on veneer dryers and hogged fuel boilers because extremely low flows in the South Umpqua River have resulted in reduction of their normal water withdrawal allocation. The company advises that this leaves them with insufficient water to operate all process and wet scrubber air emission control units. The variance is requested for a period until river flows return to normal and water rights are reinstated.

Summation

1. Roseburg Lumber Company has requested a temporary variance from Visible Air Contaminant Limitations OAR 340-21-015 and OAR 340-25-315(1) and Particulate Matter Limitations OAR 340-21-020(1) for the Dillard mill complex located near Dillard in Douglas County.

2. Normal water withdrawals from the South Umpqua River, necessary for mill process operations and wet scrubber air emission control units, have been reduced as a result of the river dropping below the minimum flows established by the State Water Resources Board.

3. A recent observation of visible emissions from boiler no. 1 while operating without the benefit of wet scrubber emission controls demonstrated about 30% opacity. Based on experience of a similar conditional variance granted to the plant in 1977, the Department does not expect a critical air degredation situation or any public complaints.

4. Roseburg Lumber Company reports that strict compliance with air control standards would result in drastically curtailing operations.

5. The Commission has the authority under ORS 468.345 to grant a variance from a rule if conditions exist beyond the control of a company or if strict compliance would cause a substantial curtailment or closing of a plant.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission grant a variance to Roseburg Lumber Company from OAR 340-15-315(1)(b), Veneer Dryer Visible Air Contaminant Emissions; and OAR 340-21-015, Visible Air Contaminant Emissions (Fuel Burning Equipment) and OAR 340-21-020(1), Particulate Matter Emissions for Fuel Burning Equipment, for the Dillard mill complex subject to the following conditions:

1. The variance is valid, for whichever occurs first, 120 days commencing on August 28, 1981 or until flow conditions of the South Umpqua River are sufficient to allow full operation of the boiler and veneer dryer scrubbers.

2. Visible emissions from the boilers shall not exceed 40% opacity for more than three minutes in any one hour.

3. If the Department determines that emissions from the now uncontrolled boilers or veneer dryers are causing a significant adverse impact on the community or airshed, this variance may be revoked.

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

In connection with a discussion on future emergency situations regarding low river flows, it was MOVED by Commissioner Somers, seconded by Commissioner Bishop, and plassed unanimously that the following language be adopted as an informal Commission policy and be returned for hearing at the next regular meeting:

"In future emergency situations caused by low river flows, the Commission authorizes the Department to refrain from enforcement for any violation so caused until the Commisison can consider the situation at its next regular meeting, provided an appropriate variance application has been timely filed with the Department which it would recomend for approval by the Commission at its next regular meeting"

Ray Underwood, Assistant AG, suggested to staff that language such as "Hearing closed" be noted on those agenda items in which no more testimony will be accepted by the Commission. The Director will make a recommendation of suitable language at breakfast or at a work session during the next EQC meeting.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jan Shaw

Jan Shaw
EQC Assistant

JS:k

OREGON ENVIRONMENTAL QUALITY COMMISSION

October 9, 1981

BREAKFAST AGENDA

1.	Style of Minutes - length and contents	Richards
2.	Location of November 20 meeting	Weathersbee
3.	Manner in which testimony before the Commission can be accepted	Young
4.	Note of substitute language on page 21 of August 28 Minutes	Underwood
5.	EQC clarification regarding scope of tax credit program review requested by Comm. Burgess at August 28 meeting.	Weathersbee
6.	Secretary of State's Audit Report	Downs

AGENDA ITEM J
December 4, 1981, EQC Meeting

STATE OF OREGON

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 membersof 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 usefullness 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.

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

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. B, October 9, 1981, EQC Meeting

July, August, 1981, Program Activity Reports

Discussion

Attached are the July and August, 1981, Program Activity Report.

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

Water Quality and Solid Waste facility plans and specifications approvals or disapprovals and issuance, denials, modifications and revocations of 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.

Bill

William H. Young

M. Downs:k
229-6485
September 14, 1981
Attachments
MA98 (2)

DEPARTMENT OF ENVIRONMENTAL QUALITY

Monthly Activity Report

July, August, 1981

Table of Contents

AUGUST 1981 MONTHLY ACTIVITY REPORT

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

SUMMARY OF PLAN ACTIONS

	Plans Received		Plans Approved		Plans Disapproved		Plans Pending
	Month	FY	Month	FY	Month	FY	
Air							
Direct Sources	11	24	15	24	0	0	46
Small Gasoline Storage Tanks Vapor Controls	0	0	0	0	0	0	0
Total:	11	24	15	24	0	0	46
Water							
Municipal	23	600	19	638	0	0	18
Industrial	2	93	4	89	0	0	12
Total:	25	693	23	727	0	0	30
Solid Waste							
Gen. Refuse	2	23	1	19	0	0	14
Demolition	0	1	1	5	0	0	0
Industrial	1	7	0	10	0	1	3
Sludge	0	3	0	3	0	0	0
Total:	3	34	2	37	0	1	17
Hazardous Wastes	-	-	-	-	-	-	-
GRAND TOTAL	39	751	40	788	0	1	93

MAR.2 AA1335.2K

MAR.2 (4/79)

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
MONTHLY ACTIVITY REPORT

PLAN ACTIONS COMPLETED

Direct Sources

County	Number	Source	Process Description	Date of Action	Action
LANE	504	TRUS JOIST CORP.	YARD PAVING	10/24/79	APPROVED
JACKSON	555	M C LININGER & SONS INC	YARD PAVING	04/09/80	APPROVED
JACKSON	556	ROGUE RIVER PAVING	YARD PAVING	04/09/80	APPROVED
COLUMBIA	714	BERGSOE METAL CORP	GAS & FUME CONTROL EQUIP.	08/06/81	APPROVED
JACKSON	735	SPRA-MULCH INDUSTRIES	BAGHOUSE INSTAL.	07/29/81	APPROVED
JACKSON	736	MINNESOTA MNG & MFG	THERMAL OXIDIZER INSTAL	08/03/81	APPROVED
MARION	756	GREEN VENEER INC	HOGGED FUEL BOILER	07/28/81	APPROVED
LINN	761	OREMET	DUST COLLECTOR SYS MOD	07/28/81	APPROVED
DOUGLAS	768	INTERNATIONAL PAPER	UPGRADE ESP CONT. SYS.	08/12/81	APPROVED
LANE	770	THE RIDGE COMPANY	DUST COLLECTION SYSTEM	07/30/81	APPROVED
MULTNOMAH	778	B W FEED COMPANY	CYC & SCRUBBER (IF REQD)	08/12/81	APPROVED
MULTNOMAH	781	ZUSMAN METALS COMPANY	VOC CONTROLS	08/07/81	APPROVED
MULTNOMAH	785	NICOLAI COMPANY	CONVEY SYS & BAGHOUSE INSTAL	08/18/81	APPROVED
	786		TRUCK LOAD DISCHARGE MECH	08/18/81	APPROVED
BENTON	788	WILLAMETTE FEED & GRAIN	BULK FERTILIZER FACILITY	08/20/81	APPROVED

TOTAL NUMBER QUICK LOOK REPORT LINES 15

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

SUMMARY OF AIR PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions	Sources Under	Sources Reqr'g
	Month	FY	Month	FY	Pending	Permits	Permits
Direct Sources							
New	0	2	2	3	16		
Existing	0	4	3	3	15		
Renewals	3	22	17	28	78		
Modifications	0	1	5	9	4		
Total	3	29	27	43	113	2000	2031
Indirect Sources							
New	3	5	0	0	8		
Existing	0	0	0	0	0		
Renewals	0	0	0	0	0		
Modifications	1	2	1	1	1		
Total	4	7	1	1	9	190	0
GRAND TOTALS	7	36	28	44	122	2190	2031

Number of Pending Permits	Comments
23	To be drafted by Northwest Region
8	To be drafted by Willamette Valley Region
4	To be drafted by Southwest Region
3	To be drafted by Central Region
4	To be drafted by Eastern Region
1	To be drafted by Program Planning Divison
7	To be drafted by Program Operations
27	Awaiting Public Notice
36	Awaiting the end of the 30-day period
113	TOTAL

MAR.5 (8/79) AA1335 (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
BAKER	OREGON PORTLAND CEMENT	01 0015	10/16/80	PERMIT ISSUED	07/30/81	RNW
DESCHUTES	WICKIUP MFG	09 0066	02/10/81	PERMIT ISSUED	07/30/81	EXT
DOUGLAS	RALF HAKANSON	10 0113	02/23/81	PERMIT ISSUED	07/30/81	RNW
GRANT	BLUE MT FOREST PRODUCTS	12 0022	06/12/80	PERMIT ISSUED	07/30/81	RNW
JACKSON	LITWILLER FUNERAL HOME	15 0163	03/26/81	PERMIT ISSUED	07/30/81	NEW
BAKER	OREGON PORTLAND CEMENT	01 0010	11/10/80	PERMIT ISSUED	08/01/81	RNW
COLUMBIA	FOSTER CEDAR INC RIDGE	05 2578	11/21/80	PERMIT ISSUED	08/01/81	EXT
CURRY	TIDEWATER CONTRACTORS INC	08 0041	06/24/80	PERMIT ISSUED	08/01/81	NEW
DOUGLAS	UMPQUA SAND & GRAVEL INC	10 0116	02/07/80	PERMIT ISSUED	08/01/81	MOD
PORT.SOURCE	L W VAIL CO	37 0076	00/00/00	PERMIT ISSUED	08/10/81	MOD
LINN	TELEDYNE WAH CHANG	22 0547	00/00/00	PERMIT ISSUED	08/12/81	MOD
BAKER	ELLINGSON LUMBER COMPANY	01 0003	01/21/80	PERMIT ISSUED	08/14/81	RNW
COOS	WESTBROOK WOOD PRODUCTS	06 0032	04/09/81	PERMIT ISSUED	08/14/81	RNW
JACKSON	PEAR VALLEY WOOD PRODUCTS	15 0148	00/00/00	PERMIT ISSUED	08/14/81	EXT
MALHEUR	ORE-IDA FOODS INC.	23 0003	09/16/80	PERMIT ISSUED	08/14/81	RNW
MALHEUR	ONTARIO ASPHALT PAVING	23 0016	10/06/80	PERMIT ISSUED	08/14/81	RNW
UMATILLA	GENERAL FOODS CORP	30 0064	02/18/81	PERMIT ISSUED	08/14/81	RNW
UMATILLA	PIONEER ASPHALT, INC.	30 0067	01/05/81	PERMIT ISSUED	08/14/81	RNW
WASHINGTON	VAANDERING CRUSHED ROCK	34 2621	03/05/81	PERMIT ISSUED	08/14/81	RNW
WASHINGTON	OREGON ASPHALTIC PAVING	34 2636	04/09/81	PERMIT ISSUED	08/14/81	RNW
WASHINGTON	TUALATIN VALLEY PAVING 2	34 2637	04/08/81	PERMIT ISSUED	08/14/81	RNW
YAMHILL	MCMINNVILLE ROCK PRODUCTS	36 0027	04/09/81	PERMIT ISSUED	08/14/81	RNW
YAMHILL	KAMPH ROCK CRUSHING	36 7023	04/09/81	PERMIT ISSUED	08/14/81	RNW
DOUGLAS	THE ROBERT DOLLAR CO	10 0045	00/00/00	PERMIT ISSUED	08/19/81	MOD
DOUGLAS	GLENDALE PLYWOOD COMPANY	10 0055	00/00/00	PERMIT ISSUED	08/19/81	MOD
UNION	BOISE CASCADE CORP	31 0011	06/11/80	PERMIT ISSUED	08/19/81	RNW
			00/00/00	PERMIT ISSUED	08/19/81	RNW

TOTAL NUMBER QUICK LOOK REPORT LINES 27

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Indirect Sources			
Washington	Park 217 729 Spaces File No. 34-8023 (Modification)	8/21/81	Final Permit Issued

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit) — August 1981 (Month and Year)

PLAN ACTIONS COMPLETED - 23

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
MUNICIPAL WASTE SOURCES 19			
Clackamas	S.E. 40th Ave. & S.E. Wister St. Sanitary Sewers Milwaukie	8/11/81	P.A.
Malheur	L.I.D. No. 37 Sanitary Sewers Ontario	8/11/81	P.A.
Yamhill	Sitka Avenue L.I.D. Sanitary Sewers Newberg	8/11/81	P.A.
Douglas	Denn Nora L.I.D. Sanitary Sewers Roseburg	8/11/81	P.A.
Multnomah	Rivergate Interceptor Sanitary Sewers Portland	8/11/81	P.A.
Marion	Norway St. S.S. Sanitary Sewers Silverton	8/12/81	P.A.
Marion	Steelhammer Area SS Sanitary Sewers Silverton	8/12/81	P.A.
Marion	Sanitary Sewer Rehab Sanitary Sewers Silverton	8/12/81	P.A.
Gilliam	Secondary Clarifier Sanitary Sewers Condon	8/13/81	P.A.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit) — August 1981 (Month and Year)

PLAN ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
MUNICIPAL WASTE SOURCES Continued			
Lincoln	STP Improvements Sanitary Sewers Inn at Ottercrest	8/19/81	P.A.
Coos	Suntop Mobile Park Sanitary Sewers Lakeside	8/21/81	P.A.
Multnomah	S.W. Sweeney St. & S.W. Corbett Ave. Sanitary Sewers Portland	8/21/81	P.A.
Multnomah	S.W. 29th & Stephensen Sanitary Sewers Portland	8/21/81	P.A.
Josephine	Harbeck-Fruitdale S.D. Morris Lane Extension Grants Pass	8/21/81	P.A.
Umatilla	L.D.S. Church Connection Sanitary Sewers Umatilla	8/21/81	P.A.
Umatilla	E. Gladys Ave. Sanitary Sewers Hermiston	8/21/81	P.A.
Douglas	Roseburg Municipal Airport Industrial Park Sanitary Sewer Roseburg	8/21/81	P.A.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit) — August 1981 (Month and Year)

PLAN ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
MUNICIPAL WASTE SOURCES Continued			
Coos	1981 Storm Sewer Separation Project Commercial Ave. & 12th St. - 12th St. North Coos Bay	8/21/81	P.A.
Benton	North 12th St. & Houser Lane L.I.D. Sanitary Sewers Philomath	8/21/81	P.A.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

PLAN ACTIONS COMPLETED - 23

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
INDUSTRIAL WASTE SOURCES 4			
Marion	George Mohring Animal Waste Lagoon	8/4/81	Approved
Marion	Robert Niehus St. Paul, Animal Waste Tank and Irrigation System	8/11/81	Approved
Yamhill	Gray & Company Dayton, Holding Tank Piping and Pumps	8/12/81	Approved
Multnomah	Pacific Coatings Electroplating Pretreatment System	8/20/81	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

SUMMARY OF WATER PERMIT ACTIONS

	Permit Actions Received				Permit Actions Completed				Permit Actions Pending		Sources Under Permits		Sources Reqr'g Permits	
	Month		Fis.Yr.		Month		Fis.Yr.							
	*	/**	*	/**	*	/**	*	/**	*	/**	*	/**	*	/**
Municipal														
New	0	/0	0	/2	0	/1	0	/3	3	/5				
Existing	0	/0	0	/0	0	/0	0	/0	0	/0				
Renewals	3	/1	16	/5	0	/5	1	/5	34	/13				
Modifications	0	/0	0	/0	0	/0	1	/1	3	/0				
Total	3	/1	16	/7	0	/6	2	/9	40	/18	264	/95	267	/100
Industrial														
New	2	/0	2	/2	0	/2	0	/4	6	/19				
Existing	0	/0	0	/0	0	/0	0	/0	0	/1				
Renewals	2	/1	19	/10	0	/4	3	/6	49	/19				
Modifications	3	/0	3	/0	2	/1	5	/1	2	/1				
Total	7	/1	24	/12	2	/7	8	/11	57	/40	372	/161	378	/181
Agricultural (Hatcheries, Dairies, etc.)														
New	0	/0	0	/0	0	/0	0	/0	1	/1				
Existing	0	/0	0	/0	0	/0	0	/0	0	/0				
Renewals	0	/0	1	/0	0	/0	0	/0	1	/1				
Modifications	0	/0	0	/0	0	/0	0	/0	0	/0				
Total	0	/0	1	/0	0	/0	0	/0	2	/2	54	/20	55	/21
GRAND TOTALS	10	/2	41	/19	2	/13	10	/20	99	/60	690	/276	700	/302

NOTE: 1. Eight general permits granted.

2. Report indicates four general permits granted earlier but not reported.

3. One NPDES Permit cancelled.

4. PGE, Pebble Springs dropped from report until activity begins.

* NPDES Permits
** State Permits

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit) — August, 1981 (Month and Year)

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Municipal and Industrial Sources - State Permits (12)			
Morrow	Portland General Electric Boardman (Coal Plant) STP & chemical Ponds	8-14-81	Permit Renewed
Deschutes	Burton's Inn & Motel STP - Sisters Area	8-14-81	Permit Issued
Josephine	Thomas Dorough (Viking Exploration) Thefthen Placer Mine	8-14-81	Permit Issued
Benton	Brand S Corporation Leading Plywood, Corvallis	8-14-81	Permit Renewed
Morrow	Oregon Dept. of Trans. STP, Boardman Rest Area	8-14-81	Permit Renewed
Malheur	City of Vale, STP	8-14-81	Permit Renewed
Umatilla	Ready Mix Sand & Gravel Milton-Freewater	8-14-81	Permit Renewed
Union	R-D MAC, Inc. LaGrande	8-14-81	Permit Renewed
Baker	City of Richland STP	8-14-81	Permit Renewal
Malheur	City of Jordan Valley STP	8-14-81	Permit Renewed
Grant	City of Long Creek STP	8-14-81	Permit Renewed
Lane	Springfield Creamery	8-14-81	Permit Issued

MAR.6 (5/79) WG393

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit) — August, 1981 (Month and Year)

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
MUNICIPAL & INDUSTRIAL SOURCES - MODIFICATIONS (3)			
Multnomah	Port of Portland Ship Repair Yard Swan Island	8-7-81	Addendum #1 Issued
Coos	Coos Head Tmbr. Co. McKenna Operations	8-14-81	Addendum #2 Issued
Marion	Mt. Jefferson Woolens, Inc.	8-14-81	Modification Issued
Municipal and Industrial Sources General Permits Cooling Water - New Permits No. 0100-J, File 32539 (2)			
Coos	Georgia Pacific Coos Bay 2235J/32665	6-81	Transferred to General Permit
Curry	Swan Lmbr. Co. Pistol River	7-16-81	General Permit Issued
Municipal and Industrial Sources General Permits Filter Backwash - New Permits No. 0200-J, File 32540 (1)			
Clackamas	South Fork Water Board Oregon City 2391J/83240	8-5-81	Permit Expired General Permit Issued
Aquatic animal Production - New Permit No. 0300-J, File 32542 (2)			
Linn	Oregon Dept. of F & W Stayton 320J/64565	4-24-81	Transferred to General Permit
Tillamook	Hanson, Lee Whiskey Creek Oyster Farm Tillamook 2798J/36390	6-3-81	Transferred to General Permit

MAR.6 (5/79) WG393

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit) — August, 1981 (Month and Year)

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Municipal and Industrial Sources General Permits			
Log Ponds - New Permits No. 0400-J, File No. 32544			(7)
Douglas	Roseburg Lmbr. Co.		
	Dixonville 2744J/76795	8-12-81	Transferred to General Permit
	Sutherlin Log Pond 3316J/76824	8-12-81	Transferred to General Permit
	Green 3059J/76809	8-12-81	Transferred to General Permit
	Riddle 3058J/76812	8-12-81	Transferred to General Permit
	Dillard 2680J/76790	8-12-81	Transferred to General Permit *
Coos	Roseburg Lmbr. Co. Coquille 2547J/76780	8-12-81	Transferred to General Permit *
Benton	Northside Lmbr. Co. Philomath 3009J/61762	8-25-81	Transferred to General Permit

* NOTE: Also a permit for 0100-J

MAR.6 (5/79) WG393

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

SUMMARY OF SOLID AND HAZARDOUS WASTE PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions Pending	Sites Under Permits	Sites Reqr'g Permits
	Month	FY	Month	FY			
General Refuse							
New	-	7	-	5	1		
Existing	-	2	-	4	2		
Renewals	1	69	12	54	22		
Modifications	-	6	1	19	1		
Total	1	84	13	82	26	166	166
Demolition							
New	-	4	-	7	-		
Existing	-	2	-	-	1		
Renewals	-	3	-	4	1		
Modifications	-	2	1	4	-		
Total	-	11	1	15	2	21	21
Industrial							
New	-	14	-	15	2		
Existing	-	3	-	-	-		
Renewals	-	29	4	36	13		
Modifications	-	3	-	4	-		
Total	-	49	4	55	15	101	101
Sludge Disposal							
New	-	5	-	6	-		
Existing	-	-	-	1	-		
Renewals	-	3	-	2	1		
Modifications	-	-	1	1	-		
Total	-	8	1	10	1	15	15
Hazardous Waste							
New	36	425	36	425	-		
Authorizations	-	-	-	-	-		
Renewals	-	-	-	-	-		
Modifications	-	-	-	-	-		
Total	36	425	36	425	-	1	1
GRAND TOTALS	37	577	55	587	44	304	304

SC424.A
MAR.5S (4/79)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
General Refuse Facilities			
Josephine	Grants Pass Existing Site	8/3/81	Permit Issued
Hood River	Hood River Existing Site	8/3/81	Permit Amended
Douglas	Canyonville Transfer Stn. Existing Site	8/27/81	Permit Issued
Deschutes	Alfalfa Existing Site	8/28/81	Permit Issued
Harney	Crane Existing Site	8/28/81	Permit Issued
Klamath	Fort Klamath Transfer Stn. Existing Site	8/28/81	Permit Issued
Lane	Glenwood Receiving Station Existing Site	8/28/81	Permit Issued
Harney	Lawen Existing Site	8/28/81	Permit Issued
Lane	Low Pass Transfer Station Existing Site	8/28/81	Permit Issued
Lane	Mapleton Transfer Station Existing Site	8/28/81	Permit Issued
Wasco	Northern Wasco County Existing Site	8/28/81	Permit Issued
Lane	Oakridge Existing Site	8/28/81	Permit Issued
Lane	Walton Transfer Station Existing Site	8/28/81	Permit Issued

SC424.B
MAR.6 (5/79)

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Demolition Waste Facilities			
Washington	Hillsboro Existing Facility	8/3/81	Permit Amended
Industrial Waste Facilities			
Tillamook	Aufdermauer Existing Site	8/28/81	Permit Issued
Linn	Cedar Lumber Existing Site	8/28/81	Permit Issued
Douglas	International Paper-Gardiner Existing Site	8/28/81	Permit Issued
Benton	Nizich Forest Products Existing Site	8/28/81	Permit Issued
Sludge Facilities			
Lincoln	John Clark Existing Site	8/19/81	Permit Withdrawn

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

WASTE DESCRIPTION

Date	Type	Source	Quantity Present	Quantity Future
DISPOSAL REQUESTS GRANTED (36)				
OREGON (10)				
8/11	Toluene-contaminated soil, rust and water	Plywood mill	7 drums	0
8/11	Heavy metals-contaminated towels, gloves, paper, etc.	Electrn. co.	0	5 drums
8/11	PCB transformer	Federal agcy.	9.6 ft^3	0
8/11	Colloidal silica polishing compound	Electrn. co.	26 drums	0
8/11	Heavy metals sludge	Construction tools	0	750 ft^3
8/11	Mixed laboratory chemicals	Non-ferrous metal prod.	500 gal.	500 gal.
8/11	Crude wood oil	Research	112 drums	0
8/13	Paint sludges, solvents and dichloromethane	Furniture finishing	18 drums	0
8/17	Spent carbon contaminated with IOA, 2,4-D, chlorophenol, IBA, MCPA and bromoxynil	Chemical co.	48,420 lb.	0
8/17	2,4-DCP distillation still flushes containing IBA, 2,4-D, bromoxynil, etc.	Chemical co.	30 drums	30 drums

Date	Type	Source	Quantity	
			Present	Future
WASHINGTON (18)				
8/3	Heavy metals sludge and blasting booth dust	Federal agcy.	0	325 drums
8/11	37% formaldehyde solution	Chemical co.	6 drums	0
8/11	Solvent still bottoms	Solvent processor	80 drums	960 drums
8/11	Leaded gasoline tank bottoms	Oil co.	27,100 gal.	19,000 gal.
8/11	Melted plastic sealer product	Shipyard	15 yd^3	0
8/11	Leaded tank bottoms	Oil terminal	1,400 gal.	5,000 gal.
8/11	Paint booth filters	Aerospace co.	387 ft^3	2,150 ft^3
8/11	Phenolic resin sludge	Chemical co.	50 drums	10 drums
8/11	Sulfuric acid	Steel co.	4,000 gal.	48,000 gal.
8/11	Aluminum chromate/HNO_3	Chemical co.	350 gal.	0
8/11	PCB-contaminated materials	Electrical equipment	3 drums	0
8/11	API separator sludge	Oil co.	80 drums	300 drums
8/11	Acids, caustics, paint sludges, pesticides, PCB transformers	Federal agcy.	--	30,718 ft^3
8/17	PCB-contaminated solids	Steel foundry	4 drums	0
8/17	Cyanide-contaminated tanks	Aerospace co.	0	330 ft^3
8/17	Paint stripper containing phenol, methylene chloride and stripped paints	Aerospace co.	0	200,000 gal.
8/17	Chromic acid-, nitric acid- and plating solutions-soaked absorbent materials	Aerospace co.	65 ft^3	3,750 ft^3

Date	Type	Source	Quantity Present	Quantity Future
8/17	Methanol with water, rust and dirt	Pipeline construction	0	70,000 gal.
OTHER STATES (8)				
8/3	Corrosive liquids, petroleum distillate, kerosene, IPA, alcohols, toluene (Billings, MT)	Oil co.	13 drums	26 drums
8/11	Leaded gasoline tank bottoms (MT)	Oil co.	41,300 gal.	26,000 gal.
8/11	Cured asphalt, empty caustic drums and spent carbon filters (MT)	Oil co.	1,600 ft^3	2,175 ft^3
8/11	Otto fuel II-contaminated clothing and articles (HI)	Federal agcy.	80 drums	150 drums
8/11	Oily metallic sludge (B.C.)	Machine shop	400 gal.	0
8/11	Gelled paint products (B.C.)	Metal fab.	9 drums	0
8/11	Heavy metals sludge (B.C.)	Government agency	6,000 gal.	1,800 gal.
8/17	Paint sludge (B.C.)	Paint manuf.	30 drums	100 drums

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program (Reporting Unit) — August 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	2	2	0	0	63	63
Airports			0	2		

MONTHLY ACTIVITY REPORT

Noise Control Program — August 1981

(Reporting Unit) — (Month and Year)

FINAL NOISE CONTROL ACTIONS COMPLETED

* County *	Name of Source and Location *	Date *	Action *
N/A		8/81	

CIVIL PENALTY ASSESSMENTS

Department of Environmental Quality
1981

CIVIL PENALTIES ASSESSED DURING MONTH OF AUGUST, 1981:

Name and Location of Violation	Case No. & Type of Violation	Date Issued	Amount	Status
Western Surfacing, Inc. Clackamas	AQ-NWR-81-79 Excessive opacity emissions from portable asphalt plant	8/24/81	$1000	Hearing request filed on 9/4/81
Glen Arden Harms Clackamas	AQOB-NWR-81-75 Open burned asphalt shingles	8/24/81	$100	Penalty payment or hearing request due by 9/18/81

MJ129

ACTIONS	LAST MONTH	PRESENT
Preliminary Issues	2	1
Discovery	2	2
Settlement Action	4	4
Hearing to be scheduled	4	5
Hearing scheduled	1	0
HO's Decision Due	5	6
Briefing	1	0
Inactive	1	3
SUBTOTAL of Active Files	23	21
HO's Decision Out/Option for EQC Appeal	2	2
Appealed to EQC	1	0
EQC Appeal Complete/Option for Court Review	0	1
Court Review Option Pending or Taken	1	1
Case Closed	3	3
TOTAL Cases	30	28

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	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

CONTES.B (1)

August 1981
DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrrl	DEQ Atty	Hrng Date	Resp Code	Case Type & No.	Case Status
FAYDREX, INC.	05/75	05/75	RLH	11/77	Resp.	03-SS-SWR-75-02 64 SSD Permits	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	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 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	Resp	19-P-SW-329-NWR-79 Permit Denial	Court of Appeals dismissed appeal 8/10/81. Respondent may file completed application
FORRETTE, Gary	12/20/79	12/21/79	RLH	10/21/80	Resp	20-SS-NWR-79-146 Permit Revocation	Decision issued 8/28/81.
MEDFORD CORPORATION	02/25/80	02/29/80		05/16/80	Prtys	07-AQ-SNR-80 Request for Declaratory Ruling	Parties attempting to effect compromise
~~J.R. SIMPLOT COMPANY~~	~~04/15/80~~	~~04/16/80~~	~~RLH~~	~~08/3/81~~	~~Prtys~~	~~12-WQ-ER-80-41-Civil~~	~~Case closed by stipulated order approved by EQC 8/20/81, reducing assessed penalty from $20,000 to $12,500.~~
BROWN, Victor	11/05/80	11/12/80	LMS	03/27/81	Hrgs	29-AQ-WVR-80-163 Civil Penalty of $1,800	Decision drafted.
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		Hrgs	31-SS-CR-80 Permit revocation	Oral argument on Motion for Partial Summary Judgment to be scheduled.
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 E.	12/08/80	12/09/80	RLH		Dept	35-SS-NWR-80-196 Permit denial	Discovery
HOPPER, Harold	12/09/80	12/09/80	RLH		Dept	36-SS-NWR-80-197 Permit revocation	Discovery
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	Record closed 04/30/81. Decision drafted.
~~SEVERA, Frank~~	~~12/27/80~~	~~01/05/81~~	~~CLR~~	~~05-14-81~~	~~Resp~~	~~01-AQ-NWR-80-199 Open burning civil penalty of $500~~	~~No appeal. Case closed.~~
GINTER, Lloyd M.	01/02/81	01/05/81	CLR		Hrgs	02-SS-SWR-80-205 Subsurface sewage Civil penalty of $100	Delay in personal service of hearings officer's order
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

August 1981
DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrrl	DEQ Atty	Hrng Date	Resp Code	Case Type & No.	Case Status
OREGON SHORES ASSOCIATES, LTD.	02/11/81	03/09/81	RLH		Prtys	09-WQ-NWR-81	Amended Answer filed 7/27/81.
MAIN ROCK PRODUCTS, INC	03-11-81	03-16-81	CLR		Prtys	10-WQ-SWR-81-16 Water Quality civil	Settlement effort continues.
~~MONTGOMERY, Clyde~~		~~04-08-81--CLR~~			~~Hrgs~~	~~12-AQ-WVR-80-166 Field burning civil penalty of $500~~	~~Case closed by stipulated order approved by EQC 8/20/81, reducing civil penalty from $500 to $100.~~
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.

JULY 1981 MONTHLY ACTIVITY REPORT

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

SUMMARY OF PLAN ACTIONS

	Plans Received		Plans Approved		Plans Disapproved		Plans Pending
	Month	FY	Month	FY	Month	FY	
Air							
Direct Sources	13	13	9	9	0	0	50
Small Gasoline Storage Tanks Vapor Controls	0	0	0	0	0	0	0
Total:	13	13	9	9	0	0	50
Water							
Municipal	64	577	40	619	0	0	13
Industrial	6	91	8	85	0	0	17
Total:	70	668	48	704	0	0	30
Solid Waste							
Gen. Refuse	3	21	1	18	0	0	13
Demolition	0	1	0	4	0	0	0
Industrial	0	6	0	10	0	1	3
Sludge	0	3	0	3	0	0	0
Total:	3	31	1	35	0	1	16
Hazardous Wastes	-	-	-	-	-	-	-
GRAND TOTAL	86	712	58	748	0	1	96

MAR.2 (AA217.3K)(2)

MAR.2 (4/79)

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
MONTHLY ACTIVITY REPORT
PLAN ACTIONS COMPLETED FOR DIRECT SOURCES

County	Number	Source	Process Description	Date	Action
POLK	726	PRAEGITZER INDUSTRIES INC	BAGHOUSE	06/30/81	APPROVED
YAMHILL	749	SUNSHINE CLEANERS	SELF-CONTAINED PERC. PLANT	07/09/81	APPROVED
LANE	751	WEYERHAEUSER CO. PPRBRD M	(2) NEW ELECTROSTATIC PRECIO	07/17/81	APPROVED
MALHEUR	753	AMALGAMATED SUGAR CO	FLUE GAS RECIRCULATION SYS	07/17/81	APPROVED
MARION	760	WEST COAST BEET SEED	DUST COLLECTION SYSTEM	07/20/81	APPROVED
DOUGLAS	762	TYEE TIMBERS, INC	DUST COLLECTION SYSTEM	07/23/81	APPROVED
CLACKAMAS	763	FOSECO, INC.	SLEEVE LINE DUST COLL SYS	07/16/81	APPROVED
LANE	766	REAL WOOD PRODUCTS	DUST COLLECTION SYSTEM	07/02/81	APPROVED
LINN	750	WOODEX INC.	STEAM RECIRCULATION SYSTEM	06/01/81	APPROVED

TOTAL NUMBER QUICK LOOK REPORT LINES 9

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.	288	07/09/82
			84T	07/09/82
MULTNOMAH	26 V057	ARROW TRANSPORTATION CO.	655	07/20/82
			778	07/20/82
			491	07/09/82
			670	07/13/82
			79A	07/20/82
			182	07/21/82
			776	07/20/82
			663	07/09/82
			661	06/30/82
			716	06/30/82
MULTNOMAH	26 V056	ASBURY TRANSPORTATION CO.	962	07/16/82
MARION	24 V043	CAPITAL CITY TRANSFER	7	07/20/82
			6	07/20/82
MULTNOMAH	26 V332	CHEVRON U. S. A., INC.	491	07/16/82
			491	07/16/82
LINN	22 V002	CUMMINGS TRANSFER	18T	07/02/82
			118	07/02/82
			124	07/10/82
			24T	07/13/82
MULTNOMAH	26 V511	FRED SIMMONS		07/02/82
MARION	24 V010	MERRITT TRUAX INC.	68A	07/12/82
			68	07/16/82
MULTNOMAH	26 V414	PIE	326	07/17/82
			202	07/17/82
MULTNOMAH	26 V508	PORTLAND MOTOR TRANSPORT	12	07/01/82
			18A	06/30/82
MULTNOMAH	26 V415	PREMIUM OIL CO.	4A	06/30/82
			4	06/30/82
MARION	24 V039	PTI	P10	07/08/82
MULTNOMAH	26 V337	UNION OIL CO. CALIFORNIA	788	07/20/82
			195	07/02/82
			194	07/02/82

TOTAL NUMBER QUICK LOOK REPORT LINES 34

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division (Reporting Unit) — July, 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			
Direct Sources							
New	2	2	1	1	18		
Existing	4	4	0	0	18		
Renewals	19	19	11	11	93		
Modifications	1	1	4	4	5		
Total	26	26	16	16	134	1994	2030
Indirect Sources							
New	2	2	0	0	5 *		
Existing	0	0	0	0	0		
Renewals	0	0	0	0	0		
Modifications	1	1	0	0	1		
Total	3	3	0	0	6	190	0
GRAND TOTALS	30	30	16	16	140	2184	2030

* 82nd & King Rd. multi-family project deleted due to change from apartment units to single family units.

Number of Pending Permits	Comments
30	To be drafted by Northwest Region
27	To be drafted by Willamette Valley Region
12	To be drafted by Southwest Region
4	To be drafted by Central Region
7	To be drafted by Eastern Region
0	To be drafted by Program Planning Division
8	To be drafted by Program Operations
26	Awaiting Public Notice
20	Awaiting the end of the 30-day period
134	TOTAL

MAR.5 (8/79) AA217

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
LAKE	OIL-DRI PRODUCTION CO.	19 0018	00/00/00	PERMIT ISSUED	07/07/81	MOD
PORT.SOURCE	TONQUIN QUARRY COMPANY	37 0130	00/00/00	PERMIT ISSUED	07/15/81	MOD
BAKER	ELLINGSON TIMBER COMPANY	01 0004	07/08/80	PERMIT ISSUED	07/23/81	RNW
COLUMBIA	PORTLAND GENERAL ELECTRIC	05 2520	11/17/80	PERMIT ISSUED	07/23/81	MOD
DOUGLAS	HANNA NICKEL SMELTING	10 0007	09/15/80	PERMIT ISSUED	07/23/81	RNW
GRANT	HUDSPETH SAWMILL CO.	12 0004	04/09/81	PERMIT ISSUED	07/23/81	RNW
LINN	NORMARC INC	22 8035	01/21/81	PERMIT ISSUED	07/23/81	RNW
MULTNOMAH	GEORGIA PACIFIC CORP	26 2911	00/00/00	PERMIT ISSUED	07/23/81	MOD
PORT.SOURCE	R.S. BURCH CO	37 0066	11/14/80	PERMIT ISSUED	07/23/81	RNW
PORT.SOURCE	JARL CONSTRUCTION INC.	37 0069	10/02/80	PERMIT ISSUED	07/23/81	RNW
PORT.SOURCE	SUN STUDS INC.	37 0089	09/04/80	PERMIT ISSUED	07/23/81	RNW
PORT.SOURCE	NORTH SANTIAM SAND & GRAV	37 0122	12/19/80	PERMIT ISSUED	07/23/81	NEW
PORT.SOURCE	CAPITOL CRUSHING CO.	37 0131	01/16/81	PERMIT ISSUED	07/23/81	RNW
PORT.SOURCE	M E MAIN & SONS	37 0136	02/23/81	PERMIT ISSUED	07/23/81	RNW
PORT.SOURCE	MORSE BROS INC	37 0138	02/18/81	PERMIT ISSUED	07/23/81	RNW
PORT.SOURCE	EUCON CORP	37 0192	01/12/81	PERMIT ISSUED	07/23/81	RNW

TOTAL NUMBER QUICK LOOK REPORT LINES 16

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

WaterQuality Division (Reporting Unit) — July 1981 (Month and Year)

PLAN ACTIONS COMPLETED - 48

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
INDUSTRIAL WASTE SOURCES 8			
Clatsop	Pacific Poiwer & Light Astor St. Substation Astoria, Oil Spill Collection Ditch & Tank	7/15/81	Approved
Clackamas	ITT, Phillips Drill Division, Milwaukie Heavy Metal Pretreatment System	7/17/81	Approved
Jackson	Pacific Power & Light Lone Pine Substation Oil Spill Containment Berm	7/17/81	Approved
Jackson	Pacific Power & Light Prospect #3, Oil Spill Containment Tank	7/17/81	Approved
Jackson	Pacific Power & Light Prospect #2, Oil Spill Containment Tank	7/17/81	Approved
Josephine	Pacific Power & Light Grants Pass Substation Creek Diversion Around Substation	7/17/81	Approved
Klamath	Weyerhaeuser Co., Klamath Falls, Culverting Ditch for Separation of Wood Chips	7/23/81	Approved
Coos	Weyerhaeuser Co. Pentachlorophenate Control System	7/23/71	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

PLAN ACTIONS COMPLETED - 48

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Municipal Waste Sources - 40			
Jackson	Rogue Valley Mall Sanitary Sewers Medford	7/6/81	P.A.
Coos	Las Brisas Mob. Home Pk. Sanitary Sewers Coos Bay	7/7/81	P.A.
Lincoln	Shore Pine Hills, 1st Add. Sanitary Sewers Newport	7/7/81	P.A.
Lincoln	Eastside Terrace, Phase I Sanitary Sewers Toledo	7/7/81	P.A.
Marion	Land Req. Evaluation Donald	7/8/81	Letter to City Engineer
Tillamook	Wheeler Heights Estates Dichter Drive Sanitary Sewers - NTCSA Wheeler	7/9/81	P.A.
Tillamook	Rosenbergs Bld. Sup. Ext. (Lateral 91A)- Sanitary Sewers Netarts-Oceanside	7/9/81	P.A.
Clackamas	Hoodland STP Hoodland Service Dist.	7/9/81	P.A.
Marion	Santiam Safety Rest Area Sewer System Jefferson	7/13/81	P.A.
Benton	Philomath Ind. Park Sanitary Sewers Philomath	7/13/81	P.A.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

PLAN ACTIONS COMPLETED - 48

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Municipal Waste Sources - 40			
Morrow	Pump Station #4 (old #1) replacement Boardman	7/13/81	P.A.
Clackamas	West Lake Phase 1B Sanitary Sewers Lake Oswego	7/15/81	P.A.
Multnomah	Lutzenburg Subdivision Sanitary Sewers Multnomah County	7/15/81	P.A.
Tillamook	U-2 Extension Sanitary Sewers - NTSCA Tillamook	7/15/81	P.A.
Tillamook	0-1-1 Sanitary Sewers - NTSCA Tillamook	7/15/81	P.A.
Tillamook	1.4 Extension Sanitary Sewers Rockaway	7/15/81	P.A.
Linn	Public Sewer - Joe Folz South Main Road Lebanon	7/16/81	P.A.
Clackamas	Clackamas Indus. Area L.I.D.	7/16/81	P.A.
Lane	Munsel Lake Road Sanitary Sewer and 31st Street Pump Station Florence	7/16/81	P. A.
Linn	Jones Lift Station - Service Connection Albany	7/16/81	P.A.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

PLAN ACTIONS COMPLETED - 48

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Municipal Waste Sources - 40			
Clatsop	Carlson (Glen) Extension Sewers Hammond	7/16/81	P.A.
Clatsop	Castle Rock Estates Sanitary Sewers Arch Cape Co. Ser. Dist.	7/16/81	P.A.
Josephine	Highway Missionary Soc. SSD	7/16/81	Comments Sent to County
Douglas	Replacement and Rehabilitation of sewers Roseburg	7/21/81	P.A.
Clatsop	Trail's End I-A Seaside	7/24/81	P.A.
Clackamas	Down Way Extension Sanitary Sewers CCSD #1	7/27/81	P.A.
Coos	Lentz Subdivision Sanitary Sewers Charleston Sanitary Dist.	7/17/81	P.A.
Multnomah	North Arlington Place Wabash Ave to North Washburne Ave Sanitary Sewers Portland	7/27/81	P.A.
Lincoln	Otter Village, Phase II Inn at Otter Crest	7/27/81	P.A.
Marion	Octoberfest to Academy St. Sanitary Sewers Mt. Angel	7/29/81	P.A.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

PLAN ACTIONS COMPLETED - 48

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Municipal Waste Sources - 40			
Lincoln	NA-AH-SO Sanitary Sewers Lincoln City	7/29/81	P.A.
Baker	Grove Street Extension Sanitary Sewers Baker	7/29/81	P.A.
Jackson	Rainbow Gardens Parkview Subdivision Sanitary Sewers B.C.V.S.A	7/29/81	P.A.
Multnomah	SW 2nd & Columbia Reloc. Fountain Plaza Sanitary Sewers Portland Sanitary District Columbia Blvd STP	7/29/81	P.A.
Tillamook	Thousand Trails Sewer Availability Pacific City	7/29/81	Letter to Engineer
Sherman	Sherman Co. High School Sanitary Sewer Connection Moro	7/30/81	P.A.
Clackamas	Oak Lodge STP Mod. Clackamas	7/30/81	P.A.
Jackson	Jacksonville Trunk Ext. B.C.V.S.A.	7/30/81	P.A.
Tillamook	Twin Rocks STP Mod. Twin Rocks San. Dist.	7/31/81	P.A.
Josephine	Sanitary Sewer Expansion to serve Manzanita S.R.A. Hidden Valley H.S. Josephine Co. School Dist.	7/31/81	P.A.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

SUMMARY OF WATER PERMIT ACTIONS

	Permit Actions Received Month		Permit Actions Received Fis.Yr.		Permit Actions Completed Month		Permit Actions Completed Fis.Yr.		Permit Actions Pending		Sources Under Permits	Sources Reqr'g Permits
	*	/**	*	/**	*	/**	*	/**	*	/**	* /**	* /**
Municipal												
New	0	/2	0	/2	0	/2	0	/2	3	/7		
Existing	0	/0	0	/0	0	/0	0	/0	0	/0		
Renewals	13	/4	13	/4	1	/0	1	/0	30	16		
Modifications	0	/0	0	/0	1	/1	1	/1	3	/0		
Total	13	/6	13	/6	2	/3	2	/3	36	/23	264/94	267/101
Industrial												
New	0	/2	0	/2	0	/2	0	/2	6	/21		
Existing	0	/0	0	/0	0	/0	0	/0	0	/2		
Renewals	17	/9	17	/9	3	/2	3	/2	48	/24		
Modifications	0	/0	0	/0	3	/0	3	/0	0	/2		
Total	17	/11	17	/11	6	/4	6	/4	55	/49	372/159	378/182
Agricultural (Hatcheries, Dairies, etc.)												
New	0	/0	0	/0	0	/0	0	/0	1	/0		
Existing	0	/0	0	/0	0	/0	0	/0	0	/0		
Renewals	1	/0	1	/0	0	/0	0	/0	2	/0		
Modifications	0	/0	0	/0	0	/0	0	/0	0	/0		
Total	1	/0	1	/0	0	/0	0	/0	3	/0	54/20	55/20
GRAND TOTALS	31	/17	31	/17	8	/7	8	/7	94	/72	690/273	700/303

NOTE: 1. Three general Industrial Permits granted.

2. One NPDES Permit transferred to WPCF Permit.

3. One NPDES Permit (N) cancelled application as waste handled by public sewer

* NPDES Permits

** State Permits

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit) — July 1981 (Month and Year)

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
MUNICIPAL & INDUSTRIAL SOURCES - PERMITS (4)			
Klamath	Merle West Medical Center Klamath Falls	7/23/81	Permit Renewed
Coos	North Bend STP	7/23/81	Permit Renewed
Josephine	Timber Products Co. Plywood Division Grants Pass	7/23/81	Permit Renewed
Lane	Willamette Poultry Co. Cresswell	7/23/81	Permit Renewed
MUNICIPAL & INDUSTRIAL SOURCES - STATE PERMITS (6)			
Lincoln	L.D. Emersum Cherry Hill Mobile Home Pk. Otis, STP	7/22/81	Permit Issued
Lane	Widing Transportation, Inc. Springfield	7/23/81	Permit Issued
Deschutes	Mt. Bachelor, Inc. Fly Creek Lodge, STP	7/23/81	Permit Issued
Jefferson	U & I Inc. Metolius	7/23/81	Permit Renewed
Linn	Wyne Poultry Farms, Inc. Brownsville	7/23/81	Permit Renewed
Lane	States Industries, Inc. States Veneer, Eugene	7/23/81	Permit Issued

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit) — July 1981 (Month and Year)

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
MUNICIPAL & INDUSTRIAL SOURCES - MODIFICATIONS (5)			
Columbia	PGE - Trojan Plant Prescott	7/8/81	Addendum No. 1
Multnomah	Parkrose Water District	7/8/81	" "
Coos	Main Quarry North Bend	7/8/81	" "
Deschutes	Bend, McGrath Road, STP	7/8/81	" "
Grant	John Day, STP	7/8/81	" "
MUNICIPAL & INDUSTRIAL SOURCES GENERAL PERMITS (3)			
Filter Backwash - New Permit No. 0220 J		File 32540 (1)	
Jackson	Medford Water Commission 3010 J/55370	7/2/81	Transferred to General Permit
Aquatic Animal Production - New Permit No. 0330J		File 31542 (2)	
Columbia	Oregon Dept. F & W, Trojan Rainier, 2507 J/64573	7/12/81	Transferred to General Permit
Hood River	Oregon Dept. F & W, Herman Creek, Cascade Locks 2527 J/64477	7/12/81	Transferred to General Permit

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

SUMMARY OF SOLID AND HAZARDOUS WASTE PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions Pending	Sites Under Permits	Sites Reqr'g Permits
	Month	FY	Month	FY			
General Refuse							
New	-	7	-	5	1		
Existing	1	2	-	4	2		
Renewals	-	68	2	42	34		
Modifications	1	6	2	18	1		
Total	2	83	4	69	38	166	166
Demolition							
New	-	4	-	7	-		
Existing	-	2	-	-	1		
Renewals	-	3	-	4	3		
Modifications	-	2	-	3	1		
Total	-	11	-	14	5	21	21
Industrial							
New	4	14	4	15	1		
Existing	-	3	-	-	1		
Renewals	1	29	-	32	18		
Modifications	-	3	1	4	-		
Total	5	49	5	51	20	101	101
Sludge Disposal							
New	-	5	-	6	1		
Existing	-	-	-	1	-		
Renewals	-	3	-	2	1		
Modifications	-	-	-	-	-		
Total	-	8	-	9	2	15	15
Hazardous Waste							
New	38	389	38	389	-		
Authorizations	-	-	-	-	-		
Renewals	-	-	-	-	-		
Modifications	-	-	-	-	-		
Total	38	389	38	389	-	1	1
GRAND TOTALS	45	540	47	532	65	304	304

SC394.A
MAR.5S (4/79)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
General Refuse Facilities			
Curry	Wridge Creek Existing Facility	7/1/81	Permit Amended
Multnomah	Alexander's Dispos-Haul Systems Existing Facility	7/22/81	Permit Amended
Douglas	Glendale Transfer Station Existing Facility	7/22/81	Permit Issued
Lane	Vida Transfer Station Existing Facility	7/22/81	Permit Issued
Industrial Waste Facilities			
Lane	B. W. La Forge New Facility	7/10/81	Letter Authorization Issued
Linn	W.I.--Forest New Facility	7/13/81	Letter Authorization Issued
Linn	W.I.--Hanks New Facility	7/13/81	Letter Authorization Issued
Linn	Marion Forks Hatchery New Facility	7/14/81	Letter Authorization Issued
Douglas	Gregory Timber Existing Facility	7/22/81	Permit Amended

SC394.B
MAR.6 (5/79)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

WASTE DESCRIPTION

Date	Type	Source	Quantity Present	Quantity Future
DISPOSAL REQUESTS GRANTED (38)				
OREGON (13)				
6/30	Cyanide-contaminated heat treatment salt	Metal shop	1,000 lb.	1,500 lb.
7/8	Pentachlorophenol sludge	Pesticide formulator	5 drums	12 drums
7/8	PCB-contaminated oil	Electric util.	2 drums	8 drums
7/13	PCB-contaminated sawdust	Electric util.	10 drums	0
7/13	Lead oxide-contaminated raw sewage	Battery manuf.	5,400 gal.	0
7/15	Chlorinated solvents process bottoms and sludge	Chemical co.	100 drums	400 drums
7/22	Kester rosin flux in IPA	Printed circuits	2 drums	8 drums
7/22	Lacquer, paint remover and paint sludge	State agency	60 drums	20 drums
7/22	Diesel fuel tank bottoms	Oil co.	2,400 gal.	0
7/22	Heavy metals sludge, caustic and acids	Printed circuits	86 drums	37 drums

Date	Type	Source	Quantity Present	Quantity Future
7/22	Methylene diisocyanate and polyol	Chemical co.	7 drums	0
7/22	Concrete curing product containing toluene and xylene	Transport. co.	20 drums	0
7/23	Cyanide-contaminated sodium carbonate	Electroplating	90 ft^3	2,816 ft^3
WASHINGTON (16)				
6/29	Neutralized acids	Waste treat. facility	5,000 gal.	300,000 gal.
6/29	Laboratory chemicals	Paper co.	8 drums	0
6/29	Caustic wastewater	Federal agcy.	5,000 gal.	30,000 gal.
6/30	Lime sludge with heavy metals	Waste treat. facility	15 drums	300 drums
7/2	Hardened urethane roof coating	Building contractor	7 drums	0
7/2	Acids, nickel chloride and paint booth filters	Electroplating shop	16 drums	1,910 gal.
7/2	PCB-contaminated articles	Oil refinery	1 drum	5 drums
7/8	Pesticide-contaminated materials	Lumber co.	768 ft^3	0
7/8	Empty pesticide containers and pesticide wastes	Pesticide formulator	283 ft^3	283 ft^3
7/13	Penta-contaminated wood pitch, water, oil	Electric util.	60 drums	60 drums
7/13	Acids and lead fluoborate	Electronics	0	150 drums
7/13	Heavy metals sludge	Electroplating shop	550 yd^3	100 yd^3

Date	Type	Source	Quantity Present	Quantity Future
7/22	Paint emission control dust and contaminated water	Paint manuf.	0	6,500 gal.
7/22	Chromic acid neutralized with lime	Spill cleanup	14 yd^3	0
7/22	Solvents, caustic, acids and urethane coating	Plywood mill	95 drums	0
7/22	Xylene, methylene chloride, urethane and paint	Foam insulation manuf.	26 drums	2,000 lb.
OTHER STATES (9)				
6/29	Mixed laboratory solvents and asbestos (Utah)	Federal agcy.	0	300 ft^3
6/29	Out-dated pesticides (Marianas Islands)	State agency	63.5 ft^3	0
7/8	Sodium cyanide, zinc plating solution, acids and caustics (British Columbia)	Metal shop	13 drums	0
7/8	PCB transformers and contaminated soil (MT)	Metal recycler	125 ft^3	0
7/13	Graphite mud (British Columbia)	Chemical co.	15,000 gal.	44,000 gal.
7/13	Paint-contaminated wastewater and phosphate solution (British Columbia)	Truck manuf.	10,000 gal.	5,000 gal.
7/13	PCB-contaminated water (Saskatchewan)	Spill cleanup	10,000 gal.	5,000 gal.
7/13	PCB transformers and contaminated articles (Wyoming)	School	2,126 ft^3	2,201 ft^3
7/22	Halogenated solvents and paint sludge (Hawaii)	Federal agcy.	15 drums	45 drums

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program (Reporting Unit) — July 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	0	0	0	0	63	63
Airports			2	2		

MONTHLY ACTIVITY REPORT

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

FINAL NOISE CONTROL ACTIONS COMPLETED

County	Name of Source and Location	Date	Action
Lane	McKenzie-Willamette Hospital Springfield	7/81	Exception Granted
Marion	McGee Airport	7/81	Boundary Approved

CIVIL PENALTY ASSESSMENTS

Department of Environmental Quality
1981

CIVIL PENALTIES ASSESSED DURING MONTH OF JULY 1981:

Name and Location of Violation	Case No. & Type of Violation	Date Issued	Amount	Status
CWS Investments, Inc. DBA/Polar Roofing & Insulating, Clackamas County.	AQOB-NWR-81-55 Open burning of trash, tarpaper and polyurethane foam.	7/7/81	$200.00	Refused certified mail service. Sent to Sheriff for personal service.
Dale Dollarhide, DBA/Dale Dollarhide Construction Company, Lane County	SS-WVR-81-58 Installed 2 on-site sewage systems without being licensed; installed 1 system without first obtaining a permit.	7/7/81	$300.00	Certified mail returned unclaimed. Sent to Sheriff for personal service.

OTHER CONTESTABLE ACTIONS ISSUED IN JULY:

Name and Location	Case No. & Type	Date Issued	Amount	Status
Leilla Ellsworth and John Ellsworth DBA/Willamette Valley Sanitation, Clackamas County	WQ-PR-ENF-76-48 and WQ-PR-76-196 Notice of Intent to Suspend Right to Apply for Sewage Disposal License (for 1,030 consecutive days.)	7/27/81	N/A	Sent to Sheriff for personal service

GO171 (2)

ACTIONS	LAST MONTH	PRESENT
Preliminary Issues	3	2
Discovery	2	2
Settlement Action	6	4
Hearing to be scheduled	4	4
Hearing scheduled	1	1
HO's Decision Due	7	5
Briefing	1	1
Inactive	1	4
SUBTOTAL of Active Files	25	23
HO's Decision Out/Option for EQC Appeal	2	2
Appealed to EQC	1	1
EQC Appeal Complete/Option for Court Review	0	0
Court Review Option Pending or Taken	1	1
Case Closed	0	3
TOTAL Cases	29	30

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

July 1981
DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrrl	DEQ Atty	Hrng Date	Resp Code	Case Type & No.	Case Status
FAYDREX, INC.	05/75	05/75	RLH	11/77	Prtys	03-SS-SWR-75-02 64 SSD Permits	EQC review of hearing officer's Order scheduled for 8/28/81.
MEAD and JOHNS, et al	05/75	05/75	RLH		All	04-SS-SWR-75-03 3 SSD Permits	Awaiting completion of EQC Faydrex review
POWELL, Ronald	11/77	11/77	RLH	01/23/80	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		Resp	17-WQ-NWR-79-127 Oil Spill Civil Penalty of $5,000	Respondent's memo in opposition to summary judgment on all issues due 8/10/81.
LAND RECLAMATION, INC., et al	12/12/79	12/14/79	FWO	05/16/80		19-P-SW-329-NWR-79 Permit Denial	Awaiting Court of Appeals decision.
FORRETTE, Gary	12/20/79	12/21/79	RLH	10/21/80	Hrgs	20-SS-NWR-79-146 Permit Revocation	Record closed 03-18-81. Decision drafted.
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
J.R. SIMPLOT COMPANY	04/15/80	04/16/80	RLH	08/3/81	Prtys	12-WQ-ER-80-41 Civil Penalty of $20,000	Hearing postponed. Settlement proposed.
BROWN, Victor	11/05/80	11/12/80	LMS	03/27/81	Hrgs	29-AQ-WVR-80-163 Civil Penalty of $1,800	Record closed 03/27/81. Decision due.
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		Hrgs	31-SS-CR-80 Permit revocation	Oral argument on Motion for Partial Summary Judgment to be scheduled.
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	Being transcribed.
ROGERS, Donald E.	12/08/80	12/09/80	RLH		Dept	35-SS-NWR-80-196 Permit denial	Discovery
HOPPER, Harold	12/09/80	12/09/80	RLH		Dept	36-SS-NWR-80-197 Permit revocation	Discovery
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	Record closed 04/30/81. Decision drafted.
SETERA, Frank	12/27/80	01/05/81	CLR	05-14-81	Resp	01-AQ-NWR-80-199 Open burning civil penalty of $500	Hearing officer's Final Order served 7/15/81.
GINTER, Lloyd M.	01/02/81	01/05/81	CLR		Resp	02-SS-SWR-80-205 Subsurface sewage Civil penalty of $100	Personal service of hearing officer's order arranged.
~~BROOKINGS ENERGY FACILITY, INC.~~	~~12/10/80~~	~~01/14/81~~	~~CLR~~		~~Prtys~~	~~05-SW-316-SWR-80 Solid waste facility permit modification~~	~~Stipulation drafted. Negotiations ongoing Permit modified without objection. 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.
CURL, James H., et al	02/09/81	02/12/81			Prtys	07-SS-CR-81 Request for Declaratory Ruling	Attempting informal resolution

July 1981
DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrrl	DEQ Atty	Hrng Date	Resp Code	Case Type & No.	Case Status
OREGON SHORES ASSOCIATES,LTD.	02/11/81	03/09/81	RLH		Prtys	09-WQ-NWR-81	Amended Answer filed 7/27/81.
MAIN ROCK PRODUCTS,INC	03-11-81	03-16-81	CLR		Prtys	10-WQ-SWR-81-16 Water Quality civil penalty of $6,000	Attempting informal resolution
~~MID-OREGON CRUSHING COMPANY, INC.~~	~~03-18-81~~	~~3-23-81~~	~~R&H~~		EQC	~~11-AQ-CR-81-19 Air Contaminant Discharge Permit application denial.~~	Department withdrew its denial of Resp's permit application.--Case closed ~~8/3/81.~~
MONTGOMERY, Clyde		04-08-81	CLR		Hrgs	12-AQ-WVR-80-166 Field burning civil penalty of $500	To be scheduled
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	Preliminary matters.
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.
~~Blevins, Mearl W. Patty L.~~		~~08-03-81~~	~~R&H~~			~~17-SS-CR-81~~	~~Case closed by Stipulation and Final Order, 7/17/81.~~

STATE OF OREGON

ROUTE SLIP

Date 10-13-81

TO HMP

FROM: OE

CHECK

____ Approval	____ Investigate
____ Necessary Action	____ Confer
____ Prepare Reply	____ Per Telephone Conversation
____ For My Signature	____ For Your Information
____ Your Signature	____ As Requested
____ Comment	____ Note and File
____ Initial and Return	____ Return With More Details

COMMENTS: Corrected sheets for direct sources permit

81-125-1569

Contains Recycled Materials

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			
Direct Sources							
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
Indirect Sources							
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
GRAND TOTALS	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 Divison
6	To be drafted by Program Operations
20	Awaiting Public Notice
27	Awaiting the end of the 30-day period
107	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 2067	08/26/81	PERMIT ISSUED	08/27/81	MOD
MULTNOMAH	ESCO CORPORATION PLANT 1	26 2068	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

PERMIT APPLICATIONS PENDING
AIR QUALITY DIVISION

DIRECT SOURCES

COUNTY	SOURCE	PERMIT NUMBER	APPLIC. RECEIVED	STATUS	DATE ACHIEVED	TYPE OF APPLICATION
BAKER	BAKER REDI-MIX INC.	01 0022	06/01/81	APPL SUB- RO	/ /	RNW
BENTON	GREEN & WHITE ROCK PROD	02 2125	07/14/81	PMT DRFTD-NPN	09/08/81	RNW
BENTON	OREGON STATE UNIVERSITY	02 2298	06/29/81	PMT DRFTD-NPN	08/17/81	RNW
BENTON	EVANS PRODUCTS CO.	02 2366	06/02/81	PUB NOT ISSUEDP	08/03/81	EXT
BENTON	BOISE CASCADE CORP	02 2478	06/26/81	APPL SUB- RO	/ /	RNW
BENTON	LEADING PLYWOOD CORP	02 2479	04/09/81	PUB NOT ISSUEDP	08/03/81	RNW
BENTON	WILDISH CORVALLIS S & G	02 2518	07/24/81	PMT DRFTD-NPN	09/10/81	RNW
BENTON	BUILDER'S SUPPLY CO.	02 2555	02/18/81	PMT DRFTD-NPN	09/01/81	RNW
BENTON	WILDISH CORVALLIS S & G	02 2557	07/24/81	PMT DRFTD-NPN	09/10/81	RNW
BENTON	WILDISH CORVALLIS S & G	02 2558	07/24/81	PMT DRFTD-NPN	08/14/81	RNW
BENTON	WILLAMETTE INDUSTRIES	02 7070	06/10/81	PUB NOT ISSUEDP	09/16/81	RNW
BENTON	PUBLISHERS PAPER CO	02 7091	06/01/81	PUB NOT ISSUEDP	08/03/81	RNW
CLACKAMAS	KAISER FOUNDATION REG LAB	03 2640	03/12/81	PUB NOT ISSUEDP	08/03/81	RNW
CLACKAMAS	JOE BERNERT TOWING CO	03 2657	09/28/81	APPL SUB- RO	/ /	EXT
CLACKAMAS	METROPOLITAN SER. DISTRIC	03 2667	06/08/81	APPL SUB- PP&DA	/ /	NEW
CLACKAMAS	WILLAMETTE VIEW MANOR	03 2684	04/09/81	PMT DRFTD-NPN	06/30/81	EXT
CLACKAMAS	SOUTHGATE ANIMAL CLINIC	03 2686	06/25/81	APPL SUB- RO	/ /	NEW
CLATSOP	NORM SAARHEIM	04 0048	06/25/81	PUB NOT ISSUEDP	09/16/81	RNW
COLUMBIA	CEDARWOOD TIMBER COMPANY	05 1775	12/08/80	PMT DRFTD-NPN	08/01/81	RNW
COLUMBIA	BOISE CASCADE PAPERS	05 1849	08/27/81	APPL SUB-PP & DA		MOD
COLUMBIA	MULTNOMAH PLYWOOD CORP	05 2076	01/16/81	PUB NOT ISSUEDP	08/19/81	RNW
COLUMBIA	LITTLE D LUMBER CO. INC.	05 2551	06/29/81	PUB NOT ISSUEDP	09/16/81	EXT
COLUMBIA	NIEDERMEYER-MARTIN CO.	05 2579	12/19/80	APPL SUB- RO	/ /	NEW
CURRY	TED L FREEMAN ROCK ENTERP	08 0042	04/09/81	PMT DRFTD-NPN	09/01/81	RNW
DESCHUTES	BEND MILL WORKS CO.	09 0015	06/01/81	PMT DRFTD-NPN	09/03/81	RNW
DOUGLAS	LONE STAR MINERALS INC	10 0066	11/10/80	PMT DRFTD-NPN	09/11/81	RNW
DOUGLAS	TRI CITY REDY MIX	10 0117	06/17/81	PMT DRFTD-NPN	09/11/81	RNW
DOUGLAS	TYEE TIMBERS, INC	10 0124	06/25/81	APPL SUB- RO	/ /	EXT
JACKSON	MEDFORD CORP.	15 0014	09/11/81	APPL SUB- RO	/ /	MOD
JACKSON	SOUTHWEST FOREST INDUSTR.	15 0039	04/09/81	PUB NOT ISSUEDP	08/03/81	RNW
JACKSON	REICHHOLD CHEMICALS	15 0041	04/11/79	PUB NOT ISSUEDP	08/01/81	RNW
JACKSON	BOISE CASCADE CORP	15 0046	06/01/81	PUB NOT ISSUEDP	08/19/81	RNW
JACKSON	MEDFORD CORP	15 0048	04/09/81	APPL SUB- RO	/ /	RNW
JACKSON	GRANGE COOP SUPPLY ASSN.	15 0166	09/22/81	APPL SUB- PO	/ /	NEW
JOSEPHINE	DIAMOND INDUSTRIES	17 0046	07/14/81	APPL SUB- RO	/ /	RNW
KLAMATH	ALPINE VENEERS INC.	18 0010	07/21/81	APPL SUB- RO	/ /	RNW
KLAMATH	WEYERHAEUSER COMPANY	18 0013	06/30/81	APPL SUB- RO	/ /	RNW
KLAMATH	MAYWOOD INDUSTRIES	18 0063	06/01/81	PUB NOT ISSUEDP	08/19/81	RNW
LINN	ALBANY TITANIUM INC	22 0286	09/22/81	APPL SUB- PO	/ /	NEW
LINN	COMMONS SAND AND GRAVEL H	22 1031	09/11/81	APPL SUB- RO	/ /	NEW
LINN	YOUNG & MORGAN LUMBER CO	22 2520	06/03/81	PUB NOT ISSUEDP	09/16/81	RNW
LINN	WILLAMETTE INDUSTRIES	22 3010	07/07/80	APPL SUB- RO	/ /	RNW
LINN	VAN LEE CONTRACTING	22 3526	07/21/81	PMT DRFTD-NPN	09/16/81	NEW
LINN	HAYWORTH SEED WHSE. INC.	22 4017	00/00/00	PUB NOT ISSUEDP	09/19/80	EXT
LINN	WILLAMETTE INDUSTRIES	22 5193	04/09/81	PMT DRFTD-NPN	07/19/81	RNW

DEPARTMENT OF ENVIRONMENTAL QUALITY
MONTHLY ACTIVITY REPORT

PERMIT APPLICATIONS PENDING
AIR QUALITY DIVISION

DIRECT SOURCES

COUNTY	SOURCE	PERMIT NUMBER	APPLIC. RECEIVED	STATUS	DATE ACHIEVED	TYPE OF APPLICATION
LINN	WILLAMETTE INDUSTRIES	22 7128	08/15/80	PUB NOT ISSUEDP	08/03/81	RNW
MALHEUR	AMALGAMATED SUGAR CO	23 0002	06/01/81	PMT DRFTD-NPN	08/23/81	RNW
MARION	SHINY ROCK MINING CORP	24 2316	04/09/81	PMT DRFTD-NPN	09/08/81	RNW
MARION	CASTLE & COOKE, INC.	24 4424	07/21/81	PMT DRFTD-NPN	09/02/81	RNW
MARION	OREGON STATE CAPITOL MALL	24 5131	09/10/81	APPL SUB- RO	/ /	RNW
MARION	OREGON STATE HOSPITAL	24 5145	06/25/81	PMT DRFTD-NPN	09/10/81	RNW
MARION	OREGON STATE PENITENTIARY	24 5155	06/25/81	PMT DRFTD-NPN	09/10/81	RNW
MARION	MERRITT TRUAX OIL CO	24 5323	08/14/81	APPL SUB- PO	/ /	RNW
MARION	OREGON STATE DEAF SCHOOL	24 5508	06/30/81	APPL SUB- RO	/ /	RNW
MARION	WILLAMETTE UNIVERSTY	24 5790	06/24/81	APPL SUB- RO	/ /	RNW
MARION	OREGON STATE CORRECTIONAL	24 5835	06/01/81	PMT DRFTD-NPN	08/17/81	RNW
MARION	MACLAREN SCHOOL	24 9167	07/07/81	PMT DRFTD-NPN	08/19/81	RNW
MORROW	EASTERN OREGON FARMING CO	25 0012	09/09/80	PMT DRFTD-NPN	09/14/81	RNW
MULTNOMAH	WESTERN STEEL CASTING CO	26 1863	08/03/81	PMT DRFTD-NPN	09/15/81	RNW
MULTNOMAH	OWENS-ILLINOIS	26 1876	06/10/81	PMT DRFTD-NPN	08/01/81	RNW
MULTNOMAH	MALARKEY ROOFING CO	26 1894	02/18/81	PMT DRFTD-NPN	09/11/81	RNW
MULTNOMAH	ALBERS MILLING	26 2008	06/01/81	PMT DRFTD-NPN	09/10/81	RNW
MULTNOMAH	CARGILL CO INC	26 2009	07/08/81	APPL SUB- RO	/ /	RNW
MULTNOMAH	VANRICH CASTING CORP.	26 2016	06/01/81	PMT DRFTD-NPN	08/01/81	RNW
MULTNOMAH	MOBIL OIL CORP	26 2029	02/17/81	PUB NOT ISSUEDP	06/01/81	NEW
MULTNOMAH	UNIVERSITY HOSPITAL NORTH	26 2050	07/23/81	PMT DRFTD-NPN	09/10/81	RNW
MULTNOMAH	PORTLAND WIRE & IRON WKS	26 2486	06/01/81	APPL SUB- RO	/ /	EXT
MULTNOMAH	REIMANN & MCKENNEY INC	26 2572	09/18/81	APPL SUB- RO	/ /	RNW
MULTNOMAH	NORTHWEST MARINE IRON WKS	26 2592	02/18/81	PUB NOT ISSUEDP	08/03/81	MOD
MULTNOMAH	CROWN ZELLERBACH PKG DIV	26 2777	09/16/81	APPL SUB- PP&DA	/ /	EXT
MULTNOMAH	CONREY ELECTRIC MTR RPAIR	26 2963	09/18/81	APPL SUB- RO	/ /	RNW
MULTNOMAH	PORTLAND TERMINALS, INC.	26 2966	06/10/81	APPL SUB- RO	/ /	RNW
MULTNOMAH	LITTLE CHAPEL OF CHIMES	26 2969	06/30/81	PMT DRFTD-NPN	09/11/81	RNW
MULTNOMAH	CHAPPELL MFG CO	26 3005	00/00/00	PMT DRFTD-NPN	07/01/81	NEW
MULTNOMAH	BIRKENWALD SYSTEMS INC	26 3030	09/22/81	APPL SUB- RO	/ /	EXT
MULTNOMAH	AMCOAT	26 3036	06/29/81	APPL SUB- RO	/ /	RNW
MULTNOMAH	WAGNER MINING EQUIPMENT	26 3039	07/09/81	APPL SUB- RO	/ /	EXT
MULTNOMAH	CARNATION CO.	26 3062	06/03/81	PMT DRFTD-NPN	07/14/81	NEW
MULTNOMAH	OWENS-CORNING FIBERGLAS	26 3067	04/13/81	PMT DRFTD-NPN	09/15/81	NEW
MULTNOMAH	MARTIN MARIETTA ALUMINUM	26 3069	00/00/00	PMT DRFTD-NPN	09/11/81	NEW
MULTNOMAH	PORT OF PORTLAND	26 3071	06/01/81	PUB NOT ISSUEDP	07/17/81	NEW
MULTNOMAH	COFFEE BEAN DIST. INC	26 3088	09/18/81	APPL SUB- RO	/ /	EXT
MULTNOMAH	ROSS HOLLYWOOD CHAPEL	26 3091	09/22/81	APPL SUB- RO	/ /	NEW
POLK	BOISE CASCADE CORP	27 4078	12/08/80	PUB NOT ISSUEDP	09/16/81	RNW
POLK	STUIVENGA BOX MILL	27 8005	06/09/81	PUB NOT ISSUEDP	09/16/81	RNW
TILLAMOOK	ERICKSON LUMBER COMPANY	29 0011	05/05/81	PUB NOT ISSUEDP	08/03/81	RNW
TILLAMOOK	COAST WIDE READY MIX S&G	29 0057	01/16/81	PMT DRFTD-NPN	02/10/81	RNW
TILLAMOOK	S-C PAVING COMPANY	29 0060	06/17/81	PMT DRFTD-NPN	07/14/81	RNW
TILLAMOOK	NOBLE & BITTNER PLUG CO.	29 0072	07/01/80	PUB NOT ISSUEDP	08/03/81	NEW
UMATILLA	PRECISION WOOD PRODUCTS	30 0094	10/09/79	PUB NOT ISSUEDP	01/15/80	EXT
UMATILLA	HERMISTON READY MIX	30 0095	01/08/81	APPL SUB- RO	/ /	NEW

DEPARTMENT OF E..VIRONMENTAL QUALITY
MONTHLY ACTIVITY REPORT

PERMIT APPLICATIONS PENDING
AIR QUALITY DIVISION

DIRECT SOURCES

COUNTY	SOURCE	PERMIT NUMBER	APPLIC. RECEIVED	STATUS	DATE ACHIEVED	TYPE OF APPLICATION
UMATILLA	HERMISTON READY MIX	30	0096 01/08/81	APPL SUB- RO	/ /	NEW
WASCO	ROCKLINE INC	33	0026 09/18/81	APPL SUB- RO	/ /	NEW
WASHINGTON	WADE MANUFACTURING CO	34	2667 09/18/81	APPL SUB- RO	/ /	EXT
WASHINGTON	LEAR SIEGLER PEERLESS DIV	34	2670 09/10/81	APPL SUB- RO	/ /	RNW
WASHINGTON	PACIFIC FIREPLACE FURNISH	34	2676 06/05/81	APPL SUB- RO	/ /	EXT
YAMHILL	DATON SAND AND GRAVEL CO	36	2010 09/10/81	APPL SUB- RO	/ /	RNW
YAMHILL	CASCADE STEEL MILLS	36	5034 12/11/80	PUB NOT ISSUEDP	08/03/81	MOD
PORT.SOURCE	CH STINSON INC	37	0047 06/26/81	PUB NOT ISSUEDP	08/03/81	RNW
PORT.SOURCE	S D SPENCER & SON	37	0052 12/11/79	APPL SUB- PO	/ /	RNW
PORT.SOURCE	BOHEMIA UMPQUA DIVISION	37	0063 00/00/00	PMT DRFTD-NPN	09/10/81	EXT
PORT.SOURCE	GRANT I SHARP CO	37	0099 12/05/80	APPL SUB- PO	/ /	RNW
PORT.SOURCE	TONQUIN QUARRY COMPANY	37	0130 06/30/81	PMT DRFTD-NPN	07/01/81	MOD
PORT.SOURCE	NORTH SANTIAM SAND & GRAV	37	0143 09/14/81	PMT DRFTD-NPN	09/02/81	RNW
PORT.SOURCE	MID-OREGON CRUSHING CO	37	0174 11/27/79	PUB NOT ISSUEDP	08/19/81	RNW
PORT.SOURCE	IDAHO SAND & GRAVEL CO IN	37	0253 06/29/81	APPL SUB- PO	/ /	EXT
PORT.SOURCE	MOBILE CRUSHING CO., INC.	37	0261 08/05/80	PMT DRFTD-NPN	12/03/80	EXT
PORT.SOURCE	HI-LAND CONSTRUCTION, IN	37	0276 06/01/81	PMT DRFTD-NPN	09/10/81	RNW

TOTAL NUMBER QUICK LOOK REPORT LINES 107

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item C, October 9, 1981, EQC Meeting

TAX CREDIT APPLICATIONS

Director's Recommendation

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

Appl. No.	Applicant	Facility
T-1362	Rogue River Orchards	13 wind machines
T-1364	Vern Loree	Gasoline vapor return system
T-1376	Vanrich Casting Corporation	2 baghouses
T-1378	J. M. Bernard's Garage	Gasoline vapor return system
T-1382	Merz Orchards, Inc.	2 wind machines
T-1385	Roseburg Lumber Company	Steam generating facility
T-1386	Roseburg Lumber Company	Steam generating facility
T-1389	Nicolas Kamlade, Sr.	Animal waste collection and disposal facility
T-1391	Teledyne Wah Chang Albany	Chloride monitors
T-1392	Teledyne Wah Chang Albany	Stack gas sampling units
T-1395	Teledyne Wah Chang Albany	Ducting
T-1419	Hawk Transportation, Ltd.	Gasoline vapor return system
T-1420	Hawk Oil Company	Gasoline vapor return system
T-1429	Kenneth and Sharon McGrady	Manure collection and disposal facility

Bill

William H. Young

CASplettstaszer
229-6484
9/17/81
Attachments

Contains Recycled Materials

DEQ-46

PROPOSED OCTOBER 1981 TOTALS

Air Quality	$ 392,016
Water Quality	187,496
Solid Waste	3,562,819
Noise	-0-
	$ 4,142,331

CALENDAR YEAR TOTALS TO DATE

Air Quality	$10,189,226
Water Quality	3,315,076
Solid Waste	1,431,892
Noise	172,821
	$15,109,015

Application No. T-1362

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Rogue River Orchards, Oreg. Ltd. III
1311 North Central Ave., P.O. Box 249
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 consists of thirteen (13) propane powered orchard rite wind machines.

Request for Preliminary Certification for Tax Credit was made on 9-8-80, and approved on 9-17-80.

Construction was initiated on the claimed facility on 10-5-80, completed on 2-4-81, and the facility was placed into operation on 3-1-81.

Facility Cost: $175,500.00 (Accountant's Certification was provided).

3. Evaluation of Application

The claimed facility consisting of thirteen (13) propane powered wind machines was installed to reduce air pollution in the Medford area. The claimed facility replaced 3,428 of 5,000 diesel heaters which previously were exclusively used for orchard heating.

The claimed facility has been inspected by Department personnel.

The cost of operating the claimed facility for sixty hours (50 hrs + 10 hrs start up) during the critical heating period based on a fuel cost of $7.80 per hour per wind machine is $6,086. The cost of operation of the replaced heaters based on fifty hours of operation at a fuel cost of $1.05 per gallon is $134,977.00. This represents an annual savings of $128,893. The corresponding rate of return on the

investment in the wind machines is 73.4%. Therefore, the portion of the facility cost allocable to pollution control is less than 20% as noted in the tax credit guidelines.

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 $175,500 with less than 20% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1362.

F.S. Skirvin:a
AA1370 (1)
(503) 229-6414
9-16-81

Application No. T-1364

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Vern Loree
2280 Lansing Avenue N.E.
Salem, OR 97030

The applicant owns and operates Vern's Chevron gasoline service station at 4803 Portland Rd., N.E., 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 a gasoline vapor return system.

Request for Preliminary Certification for Tax Credit was made on 9-15-80, and approved on 1-7-81.

Construction was initiated on the claimed facility on 9-23-80, completed on 9-25-80, and the facility was placed into operation on 6-1-81.

Facility Cost: $1,344.00 (Receipt was provided).

3. Evaluation of Application

A two point gasoline vapor return system was installed on two underground storage tanks as required by the Department.

The tanks previously had submerged fill; therefore, there is no reduction in vapor loss to the applicant. 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 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 $1,344.00 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1364

F.A. Skirvin;a
AA1638 (1)
(503) 229-6414
9-16-81

Application No. T-1376

State of Oregon
Department of Environmental Quality

@TAX RELIEF APPLICATION REVIEW REPORT@

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1. Applicant

Vanrich Casting Corp.
866 N. Columbia Blvd.
P.O. Box 17216
Portland, OR 97217

The applicant owns and operates a gray iron foundry at 866 N. Columbia Blvd., Portland, Oregon.

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

2. Description of Claimed Facility

The facility described in this application consists of two (2) baghouses, side draft hoods, ducting and associated equipment.

Request for Preliminary Certification for Tax Credit was made on 8/7/78, and approved on 9/18/78.

Construction was initiated on the claimed facility on 10/1/78, completed on 3/20/79, and the facility was placed into operation on 3/30/79.

Facility Cost: $137,708 (Accountant's Certification was provided).

3. Evaluation of Application

Installation of the facility, which was partially due to public complaints, was required to control emissions from the shotblasting and grinding operations. The installation has been inspected by Department personnel and has been found to be operating in compliance with regulations and permit conditions. Additionally, no further public complaints have been received.

The baghouses collect approximately 8000 lbs. of dust and airborne material monthly which is disposed of at a suitable landfill. Since there is no return on the investment, 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.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of $137,708 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1376.

F.A. Skirvin:inb
(503) 229-6414
August 4, 1981
AI1240

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

J. M. Bernard's Garage
2036 S. E. Washington Street
Milwaukie, OR 97222

The applicant owns and operates an automobile repair and service station at 2036 S. E. Washington Street, Milwaukie, 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 recovery equipment (submerged fill tubes and vapor return fittings) on three underground storage tanks.

Request for Preliminary Certification for Tax Credit was made on January 21, 1981, and approved on March 24, 1981.

Construction was initiated on the claimed facility on March 25, 1981, completed on April 1, 1981, and the facility was placed into operation on April 1, 1981.

Facility Cost: $1,950 (copy of invoice was provided).

3. Evaluation of Application

Gasoline service stations in the Portland, Salem, and Medford areas that are supplied directly from a gasoline terminal are required to install vapor recovery equipment in accordance with OAR 340-22-110. Vapor recovery equipment returns the vapors displaced by filling the storage tank back to the delivery truck. The applicant installed the two point system required by his supplier, Texaco, Incorporated. The gasoline is filled through a special submerged fill tube and the vapors are returned through a separate connection two feet away.

Submerged fill tubes reduce the amount of vapors lost by about 37% compared to splash fill. This results in a gasoline savings of 0.68 gallons per 1000 gallons of gasoline transferred. At a cost to the dealer of $1.24 per gallon this is a savings of 85 cents per 1000 gallons transferred. As shown on the attachment, "Allocable Cost Calculation," there is a less than 1% return on investment in this case and 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 $1,950 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1378.

Attachment:

1. Allocable Cost Calculation

FASkirvin:ahe
(503) 229-6414
September 8, 1981

Attachment 1

ALLOCABLE COST CALCULATION
for
Application No. T-1378

* $\frac{11.5 \text{ lb.}}{1000 \text{ gal. trans.}}$ Splash loading emission factor

* $\frac{7.3 \text{ lb.}}{1000 \text{ gal. trans.}}$ Uncontrolled submerged loading emission factor

$\frac{4.2 \text{ lb.}}{1000 \text{ gal. trans.}}$ Saved

gasoline = $6.2 \frac{\text{lb.}}{\text{gal.}}$ Density

$$\frac{4.2 \text{ lb.}}{1000 \text{ gas. trans.}} \times \frac{\text{gal. saved}}{6.2 \text{ lb.}} = \frac{0.68 \text{ gal. saved}}{1000 \text{ gal. trans.}}$$

$$144{,}000 \frac{\text{gal. trans.}}{\text{yr.}}\text{**} \times \frac{0.68 \text{ gal. saved}}{1000 \text{ gal. trans.}} \times \frac{\$1.24}{\text{gal.}} = \$121.00$$

* Compilation of Air Pollution Emission Factors (AP-42), U. S. Environmental Protection Agency.

** Previously splash filled tank

Operating Expenses per year:

Labor	0
Utilities	0
Maintenance	0
Property Tax	0
Insurance	5
TOTAL	5

Net Income = \$121.00 - %5.00 = $ 116.00

Facility Cost = $1,950

*** Factor of internal rate of return = $\frac{1{,}950}{116} = 16.810$

*** Rate of Return (10 years) = Less than 1%

*** Pollution Control Facilities Tax Credit Program Guidance Handbook, State of Oregon, Department of Environmental Quality

Application No. T-1382

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Merz Orchards, Inc.
8160 Clear Creek Rd.
Parkdale, OR 97041

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

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

2. Description of Claimed Facility

The facility described in this application is two "Tropic Breeze" electric powered wind machines for frost control.

Request for Preliminary Certification for Tax Credit was made on 8-20-80, and on 2-6-81 and approved on 9-16-80 and on 2-10-81.

Construction was initiated on the claimed facility on 2-1-81 , completed on 4-15-81, and the facility was placed into operation on 4-15-81.

Facility Cost: $31,270.96 (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 is becoming a good financial investment.

The applicant in the Parkdale area uses open buckets for orchard heaters and in an average season requires four nights of frost protection. The savings in heater fuel cost on the 10 acres protected by a fan is $6,610. The rate of return on investment determined in accordance with the Department's Pollution Control Facilities Tax Credit Program Guidance Handbook is 38%. The percent of actual cost 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%.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of $31,270.96 with less than 20% allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1382.

F.A. Skirvin:a
AA1369 (1)
(503) 229-6484
9-16-81

Application No. T-1385

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

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

The applicant owns and operates a green veneer plant at Dixonville, 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 Wellons Cyclo-Blast wood fuel fired steam generating facility, including wood fuel storage and conveying equipment, the boiler and boilerhouse and the fly ash collection system.

Request for Preliminary Certification for Tax Credit was received on December 14, 1979, and approved on February, 1980.

Construction was initiated on the claimed facility on April 7, 1980, completed on September 29, 1980, and the facility was placed into operation on October 13, 1980.

Facility Cost: $1,939,328 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to installation of this facility, approximately 10,300 cubic yards of wood wastes were disposed of into industrial landfills. Completion of this facility (and the facility at Green District) caused the applicant to contract for delivery of wood wastes from other wood products firms as well as using internally generated wastes as fuels. Department region staff confirmed the absence of wood waste disposal at applicants's landfill since the boiler became operational.

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 to produce steam.

(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 $1,939,328.00 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1385.

R.L. Brown:o
(503) 229-5157
SO371 (1)
September 15, 1981

Application No. T-1386

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

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

The applicant owns and operates a plywood plant producing sanded and unsanded panels at Green District, Roseburg.

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 Wellons Cyclo-Blast wood-fired steam generating plant, including wood waste storage and conveying equipment, the boiler and building and the fly ash collection system.

Request for Preliminary Certification for Tax Credit was received on December 14, 1978, and approved on February 20, 1979.

Construction was initiated on the claimed facility on November 5, 1979, completed on June 13, 1980 and the facility was placed into operation on June 16, 1980

Facility Cost: $1,633,491.00 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to installation of this facility, approximately 8,600 cubic yards of wood wastes were disposed of in industrial landfills each month. Completion of this facility (and the similar facility at Dixonville) caused the applicant to contract with small wood products facilities in Douglas and Coos Counties for delivery of their wood waste materials as well as using applicant generated wastes as boiler fuel. Department region staff have confirmed the absence of wood wastes at the applicant's disposal site since the boiler became operational in June, 1980.

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 use of materials for their heat content to produce steam.

(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 $1,623,491.00 with 100 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1386.

R.L. Brown:o
(503) 229-5157
SO372 (1)
September 15, 1981

Application No. T-1389

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Nicolas Kamlade Sr.
14380 Skelton Rd. S.E.
Jefferson, Oregon 97352

The applicant owns and operates a dairy farm at Jefferson.

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

2. Description of Claimed Facility

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

a. 26 Ac. Ft. earthen lagoon
b 30,000 gallon concrete tank and 15 hp pump
c Agpro Hydrosieve screen
d. 50 hp Berkely pump
e. 3 hp. Cornell flush pump
f. 300 foot concrete manure collection ditch
g. 9,375 square feet of concrete slab
h. Two Nelson 150 manure disposal guns, and
i. Vaughn Model 200 Transport pump.

Request for Preliminary Certification for Tax Credit was made September 2, 1977, and approved September 13, 1977. Construction was initiated on the claimed facility October 12, 1978, completed September 30, 1979, and the facility was placed into operation October 31, 1979.

Facility Cost: $57,758 (Accountant's Certification was provided).

3. Evaluation of Application

The animal waste disposal system is adequately handling manure from the Morning Mist Dairy. Manure is flushed to the 30,000 gallon tank where it is pumped over a hydrosieve for solids separation. The solids are disposed of on land while the liquids flow to the earthen lagoon. The 50 hp Berkely pump periodically pumps the lagoon's contents through the irrigation disposal system. A 3 hp pump also recycles a portion of the lagoon water to the barns for flushing manure. A 300 foot long concrete ditch carries the flushed manure to the concrete tank. A concrete slab was also poured to store the screened solids on.

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 $57,758 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1389.

CKA:l
WL1048 (1)
(503) 229-5325
September 9, 1981

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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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. Application was received July 30, 1981.

2. Description of Claimed Facility

The facility described in this application consists of two Orion chloride monitors, one to continuously monitor and record chlorine and chloride ion in the sand chlorination area stack and one to be used as a spare.

Notice of Intent to Construct and Preliminary Certification for Tax Credit are not required.

Construction was initiated on the claimed facility in August 1973, completed in August 1974, and the facility was placed into operation in August 1974.

Facility Cost: $14,847.00 (Accountant's Certification was provided).

3. Evaluation of Application

Installation of the facility was required to monitor concentrations of chlorine (Cl_2) and chloride ion (Cl^-) in the sand chlorination area stack to determine relative efficiency of the caustic scrubber and pre-treatment devices. This information is used to identify malfuntioning pumps, electrodes, etc., to allow necessary lead time for adjustments or repairs before an upset occurs. The facility has been 94% effective in reducing upsets from 15 per week to less than one per week thereby reducing emissions.

The sand chlorination facility was inspected by Department personnel and has been found to be operating in compliance with regulations and permit conditions.

The facility, which was required to meet emissions standards, has no return on the investment and 80 percent or more of the cost is allocable to pollution control.

4. Summation

a. Facility was not required to have prior approval to construct or 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 $14,847.00 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1391.

FAS:a
AA1266 (1)
(503) 229-6414
August 19, 1981

Application No. T-1392

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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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.

Application was made for tax credit for an air pollution control facility. The application was received July 31, 1981.

2. Description of Claimed Facility

The facility described in this application consists of four (4) portable, EPA approved stack gas sampling units with support equipment.

Notice of Intent to Construct and Preliminary Certification for Tax Credit are not required.

Construction was initiated on the claimed facility in September 1973, completed in September 1973, and the facility was placed into operation in September 1973.

Facility Cost: $5,353 (Accountant's Certification was provided).

3. Evaluation of Application

This facility consisting of source test equipment was required to monitor gaseous emissions to determine compliance of air emissions.

Inspections by Department personnel verified that the above gaseous emissions are in compliance with permit conditions and regulations. Additionally, the source test equipment and the sampling procedures used conform to EPA requirements and permit conditions.

This facility which was required to monitor emissions subject to permit conditions has no return on investment, therefore, 80 percent or more of the cost is allocable to pollution control.

4. Summation

a. Facility was not required to have prior approval to construct or 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 $5,353 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1392.

F.A. Skirvin:inb
(503) 229-6414
AI1271
August 19, 1981

Application No. T-1395

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

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

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

Application was made for tax credit for an air pollution control facility. Application was received July 31, 1981.

2. Description of Claimed Facility

The facility described in this application consists of ducting leading from the hafnium sublimer and fluid bed condenser to existing scrubber.

Request for Preliminary Certification for Tax Credit was made on 11-22-76 and approved on 12-23-76.

Construction was initiated on the claimed facility in January 1977, completed in December 1977 and the facility was placed into operation in December 1977.

Facility Cost: $2,693.00 (Accountant's Certification was provided).

3. Evaluation of Application

The facility was required to prevent sublimer and condenser off-gas from escaping unchecked. This has resulted in a significant reduction of fugitive emissions of HCl gas.

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

The installation which was required to reduce fugitive emissions has no return on the investment in the facility and 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% 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 $2,693.00 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1395.

WF:a
AA1276 (1)
(503) 229-6414
August 19, 1981

Application No. T-1419

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Hawk Transportation, Ltd.
P.O. lBox 1388
Medford, OR 97501

The applicant owns and operates gasoline transport (delivery) service 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 modification of two tank truck and trailer gasoline delivery units to facilitate vapor return.

Request for Preliminary Certification for Tax Credit was made on 4-07-80 and approved on 4-18-80.

Construction was initiated on the claimed facility on 12-02-80, completed on 1-05-81, and the facility was placed into operation on 1-05-81.

Facility Cost: $5,797.65 (Paid invoices were provided).

3. Evaluation of Application

Gas stations and bulk plants that are supplied gasoline from a terminal are required to transfer the vapors displaced during the filling of the storage tanks to the delivery truck in the Medford area. The claimed facility is for that portion of the vapor return system that is installed on the gasoline delivery truck. The two claimed delivery tank truck-trailer units were existing units which had basic bottom loading already built in. The applicant had to add the hoses and couplings necessary to make an operating system.

Installation of vapor control does not reduce gasoline vapor lost to the applicant because the trucks are onloaded in Crescent City, California by submerged fill (top onloading with extension tubes). 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 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 $5,797.65 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1419

FAS:a
AA1342 (1)
(503) 229-6414
9/09/81

Application No. T-1420

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Hawk Oil Company
P.O. Box 1388
Medford, OR 97501

The applicant owns and operates Exxon gasoline stations and an Exxon gasoline bulk plant located inside the Medford-Ashland Air Quality Maintenance 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 the Emco Wheaton Coaxial gasoline vapor recovery system on all underground storage tanks. The claimed facility is at nine locations. Upon approval of this Tax Relief Application, the Department will issue a Pollution Control Facility Certificate for each location. The location and cost is itemized on an attached sheet.

Request for Preliminary Certification for Tax Credit was made on - See Item A on Attached Sheet - and approved on - See Item A on Attached Sheet.

Construction was initiated on the claimed facility on - See Item B on Attached Sheet, completed on - See Item B on Attached Sheet, and the facility was placed into operation on - See Item B on Attached Sheet.

Facility Cost: $15,554.15 (Paid invoices were provided).

3. Evaluation of Application

Gas stations and bulk plants that are supplied gasoline from a terminal are required to transfer the vapors displaced during the filling of storage tanks to the delivery truck in the Medford area. The claimed facility is for that portion of the vapor return system that is installed on the underground storage tanks. The installed single point vapor return system is approved by the Department. In this application the bulk plant has underground storage tanks like a gas station.

Since all gasoline storage tanks had submerged fill prior to conversion to vapor control, there is no reduction in gasoline vapor loss to the applicant and 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 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 Pollution Control Facility Certificates bearing a total cost of $15,554.15 with 80% or more allocated to pollution control, be issued for the facilities claimed in Tax Credit Application No. T-1420

FAK:a
AA1340 (1)
(503) 229-6414
9/9/82

Attachment to Application No. T-1420

Station Location	A Request for Preliminary Certification for Tax Credit: Made On	A: Approved On	B Construction: Initiated On	B: Completed On	B: Placed Into Operation On	No. of Tanks	Cost
1. 2300 Crater Lake Ave., Medford	5-01-79	2-08-80	After 11-21-80	3-6-81	3-06-81	3	$1,291.05
2. 951 E. Barnett Rd., Medford	4-27-79	1-31-80	After 11-21-80	3-06-81	3-06-81	4	992.40
3. 1058 S. Riverside Medford	4-27-79	1-31-80	After 11-21-80	3-31-81	3-31-81	3	1,549.95
4. 800 N. Main Phoenix	5-01-79	2-13-80	After 11-21-80	2-27-81	2-27-81	4	2,653.25
5. 1765 Siskiyou Blvd., Ashland	5-01-79	2-08-80	After 11-21-80	2-20-81	2-20-81	4	2,076.30
6. I-5 and Valley View Rd., Ashland	5-01-79	2-13-80	After 11-21-80	3-09-81	3-09-81	3	3,255.70
7. 81 Freeman Rd. Central Point	4-27-79	1-31-80	After 11-21-80	3-31-80	3-31-80	4	984.90
8. 75 "C" Street Ashland	4-27-79	1-31-81	After 11-21-80	3-06-81	3-06-81	4	2,076.30
Bulk Plant Location							
9. 1050 S. Riverside Medford	4-30-79	5-06-80	After 11-21-80	3-31-81	3-31-81	3	674.30
					Total		$15,554.15

AA1340.1 (1)

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Kenneth K. and Sharon E. McGrady
12285 Elkins Rd.
Monmouth, OR 97361

The applicant owns and operates a dairy at Monmouth.

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 manure collection and disposal facility consisting of:

a. A 40-foot diameter concrete collection tank, and
b. A manure pump, distribution pipes, and manure gun.

Request for Preliminary Certification for Tax Credit was made November 9, 1979, and approved November 16, 1979. Construction was initiated on the claimed facility August 1980, completed August 1980, and the facility was placed into operation September 1980.

Facility Cost: $47,205.56 (Accountant's Certification was provided).

3. Evaluation of Application

This installation is for a new dairy operation. The facility is designed to collect and hold manure from the dairy until it can be properly distributed on land. The holding tank eliminates the need to sprinkle manure during periods of heavy runoff. The system is operating as approved.

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 $47,205.56 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1429.

CKA:l
(503) 229-5325
WL1058 (1)
September 14, 1981

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. D, October 9, 1981, EQC Meeting

Request for Authorization to Conduct Public Hearings on the Adoption of a Hazardous Waste Schedule of Civil Penalties, OAR Chapter 340, Division 12

Background

Due to a high potential for human health and environmental damage, hazardous wastes require special management controls. This need has been recognized since 1971 when Oregon adopted its first hazardous waste legislation so that today we have a comprehensive hazardous waste management program that controls hazardous waste from the time of generation through transportation, storage, treatment and disposal.

Concurrently, the U.S. Environmental Protection Agency, under Subtitle C of the Resource Conservation and Recovery Act (1976), has developed a national program for the management of hazardous waste. The Act places hazardous waste management in the federal province but includes provisions for the EPA to authorize a state program to operate in lieu of the federal program.

Recognizing Oregon's program, the EPA, on July 16, 1981, granted the Department Phase I Interim Authorization to manage hazardous waste in Oregon. The practical result of this action is that, in most cases, Oregon's rules for generators, transporters, storers, treaters and disposers are enforceable and the federal rules have been suspended.

However, during the authorization process, certain deficiencies in the state program were identified. Remedial legislation was adopted by the 1981 Legislature (SB146, HB2301) and the Department now believes that it has sufficient legislative authority to operate a program fully equivalent to and consistent with the federal program (Full Authorization).

The main rule proposed for hearing at this time, OAR 340-12-068, is to remedy the lack of a schedule of civil penalties for violations of the hazardous waste program. The Department intends to address the other program deficiencies over the next 12 - 18 months and anticipates bringing further rules amendments before the Commission at a later date.

Legal basis for this action may be found in ORS Chapter 459 and SB146.

Alternatives and Evaluation

The alternatives are either to adopt or not adopt the rules. At present, the hazardous waste program is the only major Department program without a schedule of civil penalties. Although it is possible to operate directly under the authorizing statute, ORS 459.995, such a procedure does not serve to reflect program priorities or give guidance in setting penalty levels for specific violations.

The proposed schedule achieves this end by establishing levels of penalties which penalize most heavily those activities for which program violations are believed to lead to the most serious consequences. It is intended to clearly indicate the Department's primary concern with keeping hazardous wastes out of the environment.

OAR 340-12-065 is also proposed for modification to maintain the internal consistency of the civil penalty rules. The Public Utility Commissioner regulates transportation under an agreement with the Department and will propose similar penalties under his own rulemaking procedures.

Summation

1) The Department currently operates a comprehensive hazardous waste management program that controls hazardous waste from the time of generation through transportation, storage, treatment and disposal.

2) Although the Department has adequate civil penalty authority, it believes that the statutory language neither reflects program priorities nor gives guidance in setting penalty levels.

3) The proposed rule, OAR 340-12-068, is intended to remedy this program deficiency by establishing a schedule of civil penalties set at levels commensurate with the consequences of the program violations.

4) OAR 340-12-065 is also proposed for modification to maintain internal consistency of Division 12. Transportation civil penalties will be adopted by the PUC.

Director's Recommendation

Based upon the summation, it is recommended that the Commission authorize public hearings to take testimony on the proposed revisions to the civil penalty rules, OAR Chapter 340, Division 12.

Bill

William H. Young

Attachments: I. Statement of Need for Rule
II. Statement of Land Use Consistency
III. Draft Public Notice of Rules Adoption
IV. Proposed Revisions to OAR Chapter 340, Division 12

Fred S. Bromfeld:h
229-6210
September 2, 1981

ATTACHMENT NO. I
Agenda Item No.
October 9, 1981, EQC Meeting

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF THE ADOPTION OF
AMENDMENTS TO CIVIL PENALTY RULES,
OAR CHAPTER 340, DIVISION 12. STATEMENT OF NEED FOR RULES.

(1) STATUTORY AUTHORITY:

ORS Chapter 459, and SB 146 (1981 Legislature) authorizing a civil penalty of up to $10,000 per day for each day of violation of ORS 459.410 to 459.690, a license condition, or any Commission rule or order pertaining to the generation, treatment, storage or disposal of hazardous wastes.

(2) NEED FOR THE RULES:

The need for the schedule of civil penalties is to reflect program priorities and give guidance in setting penalty levels for specific violations.

The proposed schedule is intended to achieve this end by establishing levels of penalties which penalize most heavily those activities for which program violations may lead to the most serious consequences.

(3) PRINCIPAL DOCUMENTS RELIED UPON:

Existing schedules of civil penalties for other programs and hazardous waste management rules.

(4) FISCAL IMPACT:

Adoption of these rules will have no fiscal impact on any person operating in compliance with the Department's hazardous waste management program.

ZO339 (1)

Attachment II
Agenda Item No.
October 9, 1981, EQC Meeting

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

OF THE STATE OF OREGON

IN THE MATTER OF THE ADOPTION OF AMENDMENTS TO CIVIL PENALTY RULES, CHAPTER 340, DIVISION 12	)))	LAND USE CONSISTENCY

The proposal described appears to be consistent with all statewide planning goals.

Public comment on this proposal is invited and may be submitted in the manner described in the accompanying Public Notice of Rules Adoption.

It is requested that local, state and federal agencies review the proposal and comment on possible conflicts with their programs affecting land use and with statewide planning goals within their jurisdiction. The Department of Environmental Quality intends to ask the Department of Land Conservation and Development to mediate any apparent conflicts thereby brought to its attention.

After public hearing, the Commission may adopt permanent rules identical to the proposal, adopt modified rules on the same subject matter, or decline to act. The Commission's deliberation should come in January 1982 as part of the agenda of a regularly scheduled Commission meeting.

ZC803

Attachment III
Agenda Item No.
October 9, 1981, EQC Meeting

October 12, 1981

PUBLIC NOTICE OF RULES ADOPTION

A CHANCE TO COMMENT ON

THE ADOPTION OF A HAZARDOUS WASTE SCHEDULE OF CIVIL PENALTIES.

The Department of Environmental Quality is proposing to establish a schedule of civil penalties for violations of its hazardous waste management program. At present, the DEQ has adequate statutory authority for assessing such penalties but there is no delineation of penalty levels commensurate with the severity of the infraction. It is intended with this schedule to penalize most heavily those activities for which program violations may lead to the most serious consequences.

WHAT ARE THE KEY PROVISIONS?

The schedule of penalties will range between $100 and $10,000. Those violations penalized most heavily are:

- A minimum penalty of $2,500 will be established for the dumping or unlicensed disposal of hazardous waste, or the failure to clean-up a spill of a hazardous waste or substance.

- A minimum penalty of $1,000 will be established for the mismanagement of hazardous waste including unlicensed storage or treatment, inadequate packaging, shipping to an unlicensed site or by an unregistered hauler, evading regulation by diluting the waste, or failing to report a spill.

WHO IS AFFECTED BY THIS PROPOSAL?

This proposal will not affect any person who manages hazardous waste in accordance with Oregon's hazardous waste management program.

HOW TO COMMENT ON THE PROPOSAL.

Copies of the draft schedule are available from:

Fred Bromfeld
Hazardous Waste Section
DEQ
Box 1760
Portland, OR 97207
Tel.: (503) 229-6210
1-800-452-7813 (toll free)

Written or oral comments should be provided by FRIDAY, DECEMBER 4, 1981. These may be presented at the following public hearings:

December 1, 1981
9:00 a.m.
Room 300
Courthouse
10 S. Oakdale
MEDFORD, OR 97501

December 2, 1981
9:00 a.m.
Conference Room
DEQ Offices
1244 Walnut Street
EUGENE, OR 97403

December 3, 1981
9:00 a.m.
Room 1400
DEQ Offices
522 S.W. 5th Avenue
PORTLAND, OR 97204

WHERE TO OBTAIN ADDITIONAL INFORMATION.

Additional information may be obtained from Fred Bromfeld at the above address.

A Statement of Need including Fiscal Impact is on file with the Secretary of State.

LEGAL REFERENCES.

This proposal amends the DEQ civil penalty rules, OAR Chapter 340, Division 12. It is authorized under ORS Chapter 459 and SB 146 (1981 Legislature).

There is no conflict with any statewide land use planning goals.

FURTHER PROCEEDINGS.

After the public hearing, the Environmental Quality Commission may adopt a penalty schedule identical to that proposed, modify the schedule, or decline to act. The Commission's deliberations should come on January 8, 1982 as part of the agenda of a regularly scheduled Commission meeting.

FSB:o
ZO806 (1)

ATTACHMENT IV. AGENDA ITEM NO. _____ .

OCTOBER 9, 1981 EQC MEETING

Solid Waste Management Schedule of Civil Penalties

340-12-065 In addition to any liability, duty, or other penalty provided by law, the Director may assess a civil penalty for any violation pertaining to solid waste management by service of a written notice of assessment of civil penalty upon the respondent. The amount of such civil penalty shall be determined consistent with the following schedule:

(1) Not less than one hundred dollars ($100) nor more than five hundred dollars ($500) for violation of an order of the Commission or Department.

(2) Not less than fifty dollars ($50) nor more than five hundred dollars ($500) for any violation which causes, contributes to, or threatens:

(a) A hazard to the public health or safety;

(b) Damage to a natural resource, including aesthetic damage and radioactive irradiation;

(c) Air contamination;

(d) Vector production;

[(e) Exposure to any part of an ecosystem to environmentally hazardous wastes, as defined by statute or rule of the Commission;] or

(e) [(f)]A common law public nuisance.

(3) Not less than twenty-five dollars ($25) nor more than three hundred dollars ($300) for any other violation.

Hazardous Waste Management Schedule of Civil Penalties

340-12-068 In addition to any liability, duty, or other penalty provided by law, the Director may assess a civil penalty for any violation pertaining to hazardous waste management by service of a written Notice of Assessment of Civil Penalty upon the respondent. The amount of such civil penalty shall be determined consistent with the following schedule:

(1) Not less than two thousand five hundred dollars ($2,500) nor more than ten thousand dollars ($10,000) upon any person who:

(a) Establishes, constructs or operates a geographical site in which or upon which hazardous wastes are disposed without first obtaining a license from the Commission.

(b) Disposes of a hazardous waste at any location other than at a hazardous waste disposal site.

(c) Fails to immediately collect, remove or treat a hazardous waste or substance as required by ORS 459.685.

(2) Not less than one thousand dollars ($1,000) nor more than ten thousand dollars ($10,000) upon any person who:

(a) Establishes, constructs or operates a geographical site upon which hazardous wastes are stored or treated without first obtaining a license from the Department.

(b) Violates a Special Condition or Environmental Monitoring Condition of a hazardous waste management facility license.

(c) Dilutes a hazardous waste so as to declassify it.

(d) Ships hazardous waste with a transporter that is not in compliance with OAR Chapter 860, Division 36, or to a hazardous waste management facility that is not in compliance with OAR Chapter 340, Division 63.

(e) Ships hazardous waste without a manifest.

(f) Ships hazardous waste without containerizing and marking or labeling such waste in compliance with OAR Chapter 340, Division 63.

(g) Fails to immediately report to the Oregon Accident Response System (Oregon Emergency Management Division) all accidents or other occurrences which may result in a discharge or other disposal of hazardous waste.

(3) Not less than one hundred dollars ($100) nor more than ten thousand dollars ($10,000) upon any person who:

(a) Violates an order of the Commission or Department.

(b) Violates any other condition of a license or written authorization or violates any other rule or statute.

Statutory authority: ORS 459.995

NOTE: Underlined _____ material is new.

Bracketed [ ] material is deleted.

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Amendment No. 1 to Agenda Item No. E, October 20, 1981, EQC Meeting

Request for Hearing Authorization to Amend the State Ozone Ambient Air Quality Standard (OAR 340-31-030) as a Revision to the State Implementation Plan

PURPOSE OF AMENDMENT

After completion of the staff report, the Department learned that the District of Columbia Court of Appeals has ruled in favor of the Environmental Protection Agency in the NRDC vs. EPA lawsuit involving the ozone standard. Attorneys revising the September 3, 1981 decision noted two key items: 1) a stated reluctance of the court to "second guess" the Administrator in all but clear cases of "arbitrary and capricious" decisions; and 2) implicit support of the use of risk assessment in determining rational standards in the absence of clear evidence on the presence of threshold effects. The court went on to conclude that the Administrator has jurisdiction in defining a reasonable ambient air standard and in the absence of evidence the decision was irrational, it would not overrule.

Addressing the issue of the margin of safety, the court rejected arguments by NRDC that EPA acted irrationally in acknowledging the calibration error as an added factor in setting the margin of safety while at the same time reducing the margin from a proposed 0.05 to 0.03 parts per million. Further the court stated "Where the Administrator bases his conclusion as to an adequate margin of safety on a reasoned analysis and evidence of risk, the court will not reverse."

EVALUATION AND ALTERNATIVES

This new information effectively eliminates the first alternative in the staff report of waiting until the court suit is settled, and reinforces the proposed action of making the State standard consistent with the Federal standard.

DIRECTOR's RECOMMENDATION

It is recommended that the subject staff report be amended to include the discussions presented in the above section and that the same action proposed be followed.

William H. Young

SLErickson:h
229-6458
September 24, 1981

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. E , October 9, 1981, EQC Meeting

Request for Hearing Authorization to Amend the State Ozone Ambient Air Quality Standard (OAR-340-31-030) As a Revision to the State Implementation Plan

Background and Problem Statement

On February 8, 1979 the Environmental Protection Agency adopted a new ambient air quality standard for ozone. EPA set the new standard level based on extensive review of older health and welfare studies and on evaluation of studies completed since the original standard was adopted in 1970. The new standard was set at 0.12 ppm, 50% higher than the old standard. It is based on ozone rather than total photochemical oxidant.

After reviewing the EPA promulgation, the Department requested EQC authorization to conduct public hearings to consider the adoption of the new Federal standard by the state. Testimony was also solicited concerning the appropriateness of adopting a secondary (welfare) standard at a level different from the primary standard. The Department felt that the responsibility for setting primary standards should rest with the federal agency, in as much as the resources of the state agency were inadequate to properly interpret health studies of this type. Other options for oxidant standards were proposed for consideration along with the request for hearings authorization. Hearings were authorized by the Commission, and were held in Medford on May 3, 1979, and in Portland on May 7, 1979.

The testimony received at the public hearings was evenly distributed between those in favor of the proposed standard and those desiring to retain the present standard.

On June 8, 1979 the Commission heard testimony from several individuals opposed to the change in the state standard and voted to retain the 0.08 ppm standard. The EQC adopted a schedule to develop a plan by January 1985

to meet the state standard and to attain it by December 1992. The Department was also directed to submit to EPA current plans developed to meet the Federal .12 standard.

On November 20, 1979 the Department received a letter from Mr. Jan Sokol, representing the Oregon Student Public Interest Research Group (OSPIRG), indicating that his and OSPIRG's opinion was that the Commission had directed the Department to include both the standard and a time table for attainment in the State Implementation Plan. The Department responded that it disagreed with that opinion but planned to bring the matter to the attention of the Commission to assure that there was no misrepresentation of its intent.

On June 20, 1980 the Department asked the Commission for clarification on the point of inclusion of the 0.08 ppm standard in the SIP. Upon receiving testimony from two parties, Mr. Jan Sokol in favor of and Mr. Tom Donaca, Associated Oregon Industries (AOI), opposed to, the Commission authorized the Department to hold public hearings to determine if 1) the state standard should be changed and 2) the standard should be submitted as a SIP.

On August 21 and 22, 1980 public hearings were held in Portland and Medford. The hearing notices are included as Attachment 1. Again, little new testimony was received and roughly half the testimony was in favor of adopting 0.12 ppm as the state standard. A summary of testimony (Attachment 2) and Department comments (Attachment 3) are included.

The Department intended to bring the results of the public hearings before the Commission at its October, 1980 meeting when it learned of a lawsuit that had been filed against EPA by the National Resource Defense Council (NRDC). Several points were presented in the case which were thought to have some bearing on the final Commission's decision, namely:

1) A change in ozone calibration methods incorporated in 1979 by EPA yields data that may be 15-25% lower than that collected using the previous calibration method.

2) Health effect studies used the old calibration method so, relative to the new method, the ozone levels reported for threshhold health effects are actually 15-25% lower.

3) EPA did not consider these changes when setting the new (0.12 ppm) standard and thus in effect adopted a .14 to .15 ppm standard.

The Department was led to understand that a decision in the case being heard by the Washington, D.C. Circuit Court would be reached in a few months, and elected to delay final recommendation to the Commission until after a final decision had been rendered. The EQC was apprised of this position at a breakfast meeting. After almost a year's wait, a decision in the case still has not been reached. This delay is considered highly

unusual. EPA speculation is that if for some reason the court did rule in favor of the plaintiff, they would not direct a change in the standard but direct EPA to review the standard taking into account the new calibration procedure. Final outcome would thus be another year or more away considering the process, EPA must follow. This process also may or may not result in a change to the .12 standard.

In the recently adopted state new source review rules and SIP's, growth margins are proposed for ozone strategies based on the Federal standard of 0.12 ppm. Since the current state standard of 0.08 ppm may require use of some or all of this growth margin to attain standards, some local governments and industrial representatives have urged final resolution of the state standard so that the uncertainty of how much future control may be needed is clarified.

Authority to Act and Statement of Need

The Authority to Act and Statement of Need are included with this report as Attachment 4.

Alternatives and Evaluations

Three primary alternatives exist for the consideration of the Commission. They are as follows:

1) Continue to wait for the Federal court case decision.

2) Retain the current state standard of 0.08 ppm, measured as ozone.

3) Conduct a hearing to consider adoption of a new state primary and secondary standard of 0.12 ppm, measured as ozone.

The consequences of adopting the above alternatives are as follows:

1) Even if the court acts shortly on the pending case, final resolution of the Federal standard may be a year or more away. The EQC would always have the option to revise the state standard if EPA changes this standard in the future.

2) Retention of the current 0.08 ppm state ozone standard would require ultimate changes in the control strategies and growth margins. These changes will limit growth and increase strategy costs. Also EPA has indicated that it would not supply funds for transportation control plans to attain standards below the Federal standard so additional control costs will rest entirely within the state. No compelling evidence exists which justifies such a standard to protect health and welfare.

3) Adoption of 0.12 ppm as the state's new ozone standard would allow final resolution of the growth margin and future control requirement issues. Furthermore, adoption of the 0.12 ppm level

as the state standard would provide uniformity with the national standard. It would be necessary to change the alert level for ozone episodes to 0.20 ppm since the current alert level (0.1 ppm) is lower than the proposed standard.

Discussion

The Department has concluded that it is not sufficiently staffed with the necessary expertise to evaluate the health effect studies for the purpose of establishing a primary (health) standard and it should rely on the judgment of the EPA. Furthermore, the Department feels that, given the technical guidance at the disposal of the EPA, separate state standards should only be considered if clear and convincing evidence supports it. While some evidence exists suggesting health effects below the Federal standard, there is opposing evidence that indicates no health effects occur below values twice the federal standard. In the Department's limited review, there appears to be no conclusive evidence indicating the federal standard is not sufficiently protective of human health.

Considering the NRDC vs EPA suit, a ruling in favor of NRDC would probably result in a new evaluation of the health effects studies and possibly still no change in the standard. Should a change occur, the state's ozone standard could at that time be altered to again coincide with the federal standard.

Summation

1) EPA has concluded that a standard of 0.12 ppm as ozone is adequate for protection of public health and welfare. The Department believes that state standards should be consistent with federal standards to the extent practicable.

2) No conclusive evidence was presented during the testimony taken at the public informational hearings in support of retention of the 0.08 ppm standard for ozone.

3) The suit filed against EPA by the NRDC regarding validity of the standard and failure to consider a calibration change in setting the new standard has not yet been decided. Should a decision be handed down in favor of the NRDC, a reevaluation of the health effects data would probably result with no certainty that the standard would be changed in any event.

4) Should the federal standard be changed in the future, the state standard could also be changed at that time.

5) Resolution of the state ozone standard needs to be made in order to solidify control strategies and growth margins in the SIP's and give local governments and industry some confidence that control requirements will not be continually changing.

6) The state alert level must also be changed to 0.20 ppm as ozone to coincide with the recommended Federal alert level if the state standard is changed to .12.

Director's Recommendation

Based on the Summation, it is recommended that the Commission authorize a public hearing before a hearings officer to consider adoption of 0.12 ppm ozone, 1 hour average, as the state's ozone standard (Amended OAR 340-31-OAR 340-31-030) and to change the alert level in OAR 340-27-010(2) to .20 ppm as ozone.

It is further recommended that testimony from the informational public hearings in August 1980 be included and only new testimony be received at the formal public hearing.

William H. Young

Attachments 1. Public Hearing Notices
2. Summary of Testimony
3. Department Comments
4. Statement of Need
5. Proposed Rule
6. Proposed Public Hearing Notice

SLE:a
AAD133.9 (1)
229-6458
September 4, 1981

ATTACHMENT 1

VICTOR ATIYEH
GOVERNOR

Department of Environmental Quality

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

NOTICE OF PUBLIC INFORMATIONAL HEARING ON THE STATE OZONE AMBIENT AIR QUALITY STANDARD AND THE OREGON STATE IMPLEMENTATION PLAN

The Department of Environmental Quality will conduct public informational hearings on August 21, and 22, 1980, to solicit testimony on whether to revise the State ozone Ambient Air Quality Standard. At the same time, the Department is soliciting testimony on whether the current state standard or a revised standard should be included in the Oregon State Clean Air Act Implementation Plan. The Department will use the testimony presented at the informational hearings to recommend a course of action to the Environmental Quality Commission on whether further hearings, rulemaking, and State Implementation Plan revision procedures are necessary.

WHAT ARE THE ISSUES?

The issues the Department would like the public to comment on include, but are not limited to:

** Is the current State Ozone Standard of .08 parts per million (ppm), or some other level adequate to protect the public health and welfare?

** Would separate primary and secondary standards be appropriate to protect the public health and welfare?

** If the State retains a more stringent State Ozone Standard than the Federal .12 ppm standard, should it be included in the State Implementation Plan and be subject to federal enforcement?

** Plans are being prepared for reducing emissions to meet the Federal .12 ppm Ozone Standard in the nonattainment areas of the State by December 31, 1987. If the State retains a more stringent standard, should a schedule of adopting plans by January 1, 1985, to meet the state standard by December 31, 1992, be included in the Federally enforceable State Implementation Plan? Should those plans to meet the state standard be included in the State Implementation Plan?

WHO IS AFFECTED BY THESE ISSUES?

To some extent all persons in the state would be affected by these issues. Currently, the Portland-Vancouver, Salem, and Medford-Ashland areas exceed both the Federal .12 ppm and State .08 ppm ozone standards. The Eugene-Springfield area exceeds only the State ozone Standard. Local governments, businesses, industries, and citizens of those areas would be directly affected by additional stationary source and transportation control measures that may be required to meet a more stringent state standard.

WHERE TO OBTAIN ADDITIONAL INFORMATION:

Information on ozone and photochemical oxidants is available for public review at the Department of Environmental Quality's Air Quality Division Library, 522 Southwest Fifth Avenue, Portland, Oregon. Background information and testimony from hearings held in Oregon in May, 1979, are available by writing or phoning Marianne Fitzgerald, DEQ Air Quality Division, P.O. Box 1760, Portland, OR 97207, (503) 229-5353. You can call toll-free from anywhere in Oregon by calling 1-800-452-7813 and asking for the Department of Environmental Quality.

HOW TO PROVIDE YOUR COMMENTS AND INFORMATION:

Written comments may be sent to Marianne Fitzgerald, DEQ Air Quality Division, P.O. Box 1760, Portland, OR 97207, and should be received no later than August 22, 1980.

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

CITY	DATE	TIME	LOCATION
Portland	Thursday, August 21, 1980	10:00 a.m.	DEQ 522 SW Fifth Yeon Bldg. Room 511
Medford	Friday, August 22, 1980	10:00 a.m.	Medford City Hall Eighth & Oakdale Room 340

Any health-related, scientific, and economic data, as well as other testimony, will be welcome.

VICTOR ATIYEH
GOVERNOR

ATTACHMENT 2

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Hearings Officer

Subject: Hearing Report on the State Ozone Ambient Air Quality Standard and the Oregon State Implementation Plan.

SUMMARY OF PROCEDURE

Commencing at 10:00 a.m. on Thursday, August 21, 1980, a public informational hearing was held in Room 511, 522 Southwest Fifth Avenue, Portland, Oregon regarding the state ozone ambient air quality standard and the Oregon State Implementation Plan. A second hearing was held in Medford, Oregon on August 22, 1980 in the Medford City Hall, City Council Chambers. The oral and written testimony received at these hearings is summarized below.

Persons Presenting Oral and Written Testimony

Storrs Waterman	Portland Chamber of Commerce
Candice Hatch	Seton, Johnson & Odell, Inc.
James E. Walther	Crown Zellerbach Corp.
Cynthia J. Kurtz	City of Portland
Thomas C. Donaca	Associated Oregon Industries
John A. Charles	Oregon Environmental Council
Carol Edwards	Port of Portland
Vera A. Morrell	Rogue Valley League of Women Voters
Lynn Newbry	Medford Corp.
Stuart Foster	Greater Medford Chamber of Commerce
Peter Sage	-

Persons Presenting Oral Testimony

Llewellyn Matthews	Northwest Pulp and Paper Association
Hayes H. Rossman	Medford Planning Commission
John L. Smith	Southern Oregon Timber Industries Association

Persons Presenting Written Testimony

D. J. Fogelquist	Western Oil & Gas Association
Jan D. Sokol	Oregon Student Public Interest Research Group (OSPIRG)
Albert G. Lucas	General Motors Corp.
Giles Larrabee	-
Jeffry C. Muffat	3M Corp.
Anonymous	(Portland) Growth Management Project Steering Committee
Genevieve Sage	Oregon Lung Assn., Southern Region
Janet Calvert	League of Women Voters of Oregon
Lou Hannum	Jackson County City/County Air Quality Liaison Committee
Patricia P. Kuhn	-
Donald R. Arkell	LRAPA
David Lawrence, M.D.	Multnomah County

SUMMARY OF TESTIMONY

Carol Edwards presented testimony for Ken Johnsen of the Port of Portland opposing inclusion of the current .08 ppm state ozone standard in the Oregon State Implementation Plan, as well as the schedule and plans for attaining this standard. The Port feels this matter should be controlled and enforced by the state and not by the Environmental Protection Agency. Since the Environmental Protection Agency has stated they will not provide funds for preparing or implementing plans to meet a more stringent state standard, there appears to be no benefit to the state for including it in the SIP. Also, because of the difficulty in reducing emissions to meet even the .12 ppm standard, the Port feels it is not appropriate to adopt a more stringent standard.

Cynthia J. Kurtz of the City of Portland presented testimony recommending adoption of .12 ppm as the state ozone standard, and including this standard, along with the controls necessary to meet it in 1987, in the Oregon State Implementation Plan. She finds no justification at this time for believing that .12 ppm is not adequate to protect the public health. She said the current two-tiered approach of attaining the .12 ppm standard by 1987 and attaining the .08 ppm standard by 1992 is unfair and confusing to both industry and the public; it will cause industry to stall and delay in applying pollution control equipment. She said the two-tiered approach also makes it difficult to make good decisions regarding industrial growth in the nonattainment area.

Storrs Waterman of the Portland Chamber of Commerce recommended revising the state ozone standard from .08 ppm to .12 ppm. He feels that .12 ppm is an adequate level to protect the public health and welfare, and until it is demonstrated that a more restrictive level is necessary, the standard should be no less than .12 ppm. He said it is questionable at this time whether separate primary and secondary standards are appropriate. He

questioned the cost-effectiveness of meeting a standard below that necessary to protect the public health. He said the Bio-Mass task force report indicates that retention of the .08 ppm standard will jeopardize the use of existing and future hog fuel boilers, at a time when we need bio-mass as a suitable source of energy. Mr. Waterman feels that if the state retains a standard more stringent than the federal .12 ppm standard it should not be included in the State Implementation Plan, nor should the schedule for adopting plans or the plans to meet the state standard by included in the SIP because of the difficulty of revising the SIP, and the difficulty of achieving a more stringent standard. He also pointed out the difficulty in enforcing a .08 ppm standard in the Portland-Vancouver Interstate Air Quality Maintenance Area while the State of Washington enforces this state standard of .12 ppm.

Candice L. Hatch presented testimony for F. Glen Odell of Seton, Johnson & Odell, Inc., in support of revising the state ozone standard to .12 ppm. Mr. Odell believes the State of Oregon should rely on the expertise and judgement of the federal government in setting air quality standards. He questioned the practicality of achieving a standard more stringent than .12 ppm because, according to DEQ and Metro staff reports, it is problematical whether the most stringent control measures capable of implementation in the Portland area will achieve the level of emission reduction believed necessary to achieve the .12 ppm standard. His firm is currently publishing the final report of the Portland Growth Management Study for the City of Portland, and he provided information on the cost of growth in the Portland region because it is a nonattainment area for ozone and must provide offsetting emissions for major new or modified sources of volatile organic compounds. The study estimates that Portland area industries will have to spend about $31,000,000 on emission reductions from existing sources, in addition to providing lowest achievable emission rates on new sources, to support new industrial growth between now and 1987. The study estimates that these costs will prevent the creation of between 500 and 1400 new jobs that would otherwise be developed between now and 1987. Thus, Portland industry faces a very substantial cost to achieve and maintain the .12 ppm ozone standard and will certainly face much greater costs to meet a .08 ppm standard. Therefore, in the absence of clear and incontrovertible evidence that the .12 ppm ozone standard is inadequate to protect health, he believes it is highly inappropriate to maintain or adopt a more stringent state standard.

Dr. James E. Walther of the Crown-Zellerbach Corp. submitted testimony in support of a change in the state ozone standard from .08 ppm to .12 ppm because the basis for the .08 ppm standard has not been substantiated by definitive studies. He said the available health effects data indicates no effects of clinical significance occur below .25 ppm, so a standard of .12 ppm provides more than an adequate margin of safety. He submitted a statement by Dr. Phyllis Mullenix of the Harvard Medical School into the record, which critiques the medical evidence EPA relied upon in setting

the .12 ppm standard. He said there is no evidence that a secondary standard more stringent than a primary standard of .12 ppm is necessary to protect vegetation. He cited examples where natural background levels of ozone approached or exceeded .08 ppm. Therefore he recommends revising the primary and secondary ozone standard to agree with the federal standard, but if a lower standard were selected, such standard should not be in the State Implementation Plan and subject to federal enforcement.

Llewellyn Matthews of the Northwest Pulp and Paper Association agreed with much of the prior testimony and adopted by reference Dr. Walther's testimony regarding the technical basis for the .12 ppm standard. She said NWPPA supports a revision of the state standard to be consistent with the federal standard because there is an inadequate inventory of data to justify a standard different from the federal standard. Also, because the state standard is exceeded for short periods of time on some days and the federal ozone standard was exceeded only once in 1979, she questions whether the planning efforts and stringency of the control strategies which would be required justify attaining an objective for which there is not an adequate basis. Finally, if the EQC decides to retain the more stringent standard, she recommends the standard not be included in the SIP to yield greater control to the state until such time as there is conclusive evidence to support the more stringent standard.

Tom Donaca of Associated Oregon Industries presented testimony recommending adoption of 0.12 ppm as the single enforceable ozone standard for Oregon. He stated that the present federal rule set that level to protect public welfare as well as public health and that since the Environmental Protection Agency was unable to determine the epidemiological and toxicological effects of ozone, the state should support such a level. He pointed out that this standard should be soundly based because there is only an indirect correlation between emission of volatile organic carbon and ozone formation.

Mr. Donaca also stated that the AQMA advisory committees of both Medford and Portland have struggled to devise strategies for attainment of the 0.12 ppm standard and neither have practical solutions for attaining the 0.08 ppm standard. Finally, he said that the emissions from vehicles in the Vancouver area, not under control of the Portland vehicle inspection program, represents of source without a clear method of control.

Written testimony from the (Portland) Growth Management Steering Committee stated that if a 0.12 ppm standard were adopted, a growth cushion could likely be developed while retention of the 0.08 ppm standard may totally remove the possibility of a growth cushion as an option for new growth and severely limit the availability of offsets.

Mr. John Charles of the Oregon Environmental Council pointed out that the United States Congress found the margins of safety supposedly ensured by national standards "seem to have vanished in the face of new data" (H. Rept. No. 94-1175 at 85) and that the "standard of 0.08 ppm for ozone had little on no margin of safety" (H. Rept. No. 94-1175 at 86-88). He also pointed out that the Environmental Protection Agency, in declaring the national ozone standard to 0.12 ppm admitted that a no effects threshold concentration cannot be identified without uncertainty.

Mr. Charles maintained that since the establishment of a standard with an adequate margin of safety is "the purest form of guesswork - it is no better than a shot in the dark," the traditional economic framework of analysis be modified to take the uncertainty into account. He contends that the incremental cost of additional pollution control measures is likely low relative to the possible health costs that would be imposed on the public by adoption of the 0.12 ppm standard.

Mr. Charles concluded that the Oregon Environmental Council is in favor of retaining the current state standard of 0.08 ppm and including this standard in the Oregon State Implementation Plan to reduce administrative cost of enforcement because of the more liberal provisions for citizen enforcement in the federal act.

The Western Oil and Gas Association presented written testimony in support of adopting 0.12 ppm as the state's ozone standard for both primary, health effects, and secondary welfare effects. They point out that the current Environmental Protection Agency standard of 0.12 ppm ozone is currently being legally challenged in the U.S. Court of Appeals for the D.C. Circuit. As part of the testimony, a statement from Dr. Phyllis J. Mullenix of the Harvard Medical School which was presented before the Air Quality Conference in San Francisco, California on January 16, 1979 was presented. Dr. Mullenix states that the Environmental Protection Agency ignored the advice of the Science Advisory Board in proposing the 0.12 ppm standard in that the Science Advisory Board felt that the Environmental Protection Agency attributed too much significance to certain studies that indicated health effects at levels near 0.15 ppm. Further quotes in the paper from the President's Regulatory Analysis Review Group indicate they felt that evidence of health effects below 0.25 ppm is quite sparse, that evidence of health effects at 0.15 ppm is weak and that the ozone-related health effects appear short-term and reversible.

Jan D. Sokol presented testimony for the Oregon Student Public Interest Research Group (OSPIRG) in support of retaining the 0.08 ppm standard and making it part of the Oregon's State Implementation Plan. Mr. Sokol presented a letter dated June 19, 1980 to the Environmental Quality Commission and last year's testimony on the proposed ozone standard. In his letter, Mr. Sokol indicates that while Environmental Protection Agency funding may not be available for preparation or implementation of control strategies for the 0.08 ppm standard, transportation planning funds may be available.

Last year's OSPIRG testimony indicated that there was some question concerning the margin of safety and that the larger margin provided by the 0.08 ppm standard was suggested. He concluded that inadequate evidence had been presented to justify a change in the standard.

Mr. Albert Lucas representing General Motors presented testimony in favor of adopting the 0.12 ppm level as the state standard. Mr. Lucas presented a paper submitted to the Environmental Protection Agency in September, 1978 as a support document. This paper contends that significant concentrations of ozone can be attributed to stratospheric downwash and that remote monitoring by the Environmental Protection Agency has measured up to 0.12 ppm in some cases in the eastern U.S. and General Motors measured concentrations of up to 0.066 ppm ozone (one hour average) at a remote site in South Dakota, virtually all of which is attributable to stratospheric downwash. He also contends that a re-examination of Environmental Protection Agency smog chamber studies indicate an upper limit of 0.042 ppm ozone could be formed by reaction of terpenes from natural sources, especially when mixed with biogenic sources of oxides of nitrogen. Further, he states that the highest emissions of terpenes, (days of highest temperatures) occur at times when the stratospheric contribution is large.

Through a fairly lengthy discourse of control strategy costs versus health benefits, General Motors indicates that the net cost-effectiveness ratio for tightening the standard from 0.10 to 0.08 ppm is $1900 per person day of discomfort (defined as ranging from cough or headache to heart and lung disease in the elderly.).

Ms. Genevieve Sage representing the Oregon Lung Association, Southern Region, gave testimony in support of retaining the 0.08 ppm standard because it is adequate to protect public health and is attainable in southern Oregon. She stated that the Oregon Lung Association does not take any position on separate primary and secondary standards or inclusion of the 0.08 ppm standard in Oregon's State Implementation Plan.

Ms. Janet Calvert representing the League of Women Voters of Oregon presented testimony in favor of retaining the 0.08 ppm standard. She stated that should the standard be raised, it should be no higher than 0.10 ppm and that if it is raised to 0.12 ppm, the secondary standard should remain at 0.08 ppm. Ms. Calvert cites the DeLucia and Adams study showing adverse effects on health young people at 0.15 ppm ozone while exercising at 65% maximum oxygen intake level and suggests that susceptible individuals would suffer effects at lower levels. She also quoted the Environmental Protection Agency Risk Assessment panel estimate that an increase in ozone concentration from 0.08 to 0.10 ppm increases the risk of susceptibility to respiratory disease and aggravation of asthma, emphysema and bronchitis by 93%.

A final quote from the National Academy of Sciences released in 1974 stated that the 0.08 ppm ozone standard had little margin of safety.

Mr. Lou Hannum presented testimony representing the views of the Jackson County City/County Air Quality Liaison Committee. Mr. Hannum reported that the Committee is in favor of retaining the 0.08 ppm standard, did not feel that a secondary standard was warranted, and did not take a position on inclusion of the standard into Oregon's State Implementation Plan.

Mr. Donald Arkell of the Lane Regional Air Pollution Authority presented testimony in favor of adopting a state ozone standard of 0.12 ppm and revising the State Implementation Plan accordingly. Mr. Arkell feels that a standard of 0.12 provides a margin of safety and that unless data is available to suggest that public health is adversely affected at concentrations below the 0.12 ppm federal standard, there is no basis for maintaining the current 0.08 ppm standard.

He further stated that a more restrictive welfare standard should be adopted only after full consideration of the benefits versus the costs of reducing hydrocarbon and nitrogen oxide emissions. Furthermore, if a secondary standard is adopted, he felt that it would be appropriate for the state to establish its own priorities to meet the goal and thus it should not be included in the State Implementation Plan.

Finally, he recommended that the alert level in the Emergency Episode Plan be changed from 0.1 to 0.2 ppm to restore consistancy with the federal standard.

Dr. David Lawrence of the Multnomah County Department of Human Services recommended retention of the current 0.08 ppm ozone standard because it appears to provide the most definite margin of safety below the lowest adverse ozone health effects reported. He said that the 0.12 ppm standard had little if any margin of safety but that a 0.10 ppm standard should also be considered since it is probably more reflective of the Environmental Protection Agency's interpretations considering health benefits versus economic concerns and some margin of safety is provided.

However, Dr. Lawrence pointed out that the congressional intent of the Clean Air Act was to set fully protective health standards without influence of cost consideration and then provide flexibility into the cost of implementation of the standard.

Finally, he advised that the standard be included into the State Implementation Plan to assure substantive compliance planning effort.

Mr. Giles Larrabee representing himself commented that the Department should recommend a standard and ask for comments. He made no recommendations on the existing 0.08 ppm standard, the proposed standard or inclusion in the State Implementation Plan.

Ms. Patricia Kuhn representing herself presented testimony in favor of retaining the current state ozone standard of 0.08 ppm and that it be included in the State Implementation Plan as a single standard (not primary and secondary). She indicated that several people in southern Oregon including several physicians and they were in favor of retaining the current standard.

Ms. Vera Morrell presented testimony in behalf of the Rogue Valley League of Women Voters in support of a single state standard of 0.08 ppm and inclusion of this standard into the State Implementation Plan. She noted that Federal standards should be viewed as a minimum below which states may not set their standards but that the state has the right to set higher standards. Further, she said that the unique weather and topography in the Rogue Valley warrants the strongest standards possible.

Mr. Lynn Newbry of the Medford Corporation presented testimony in favor of adopting 0.12 ppm as the states primary ozone standard. Mr. Newbry states that no one in Oregon has done sufficient research or has obtained enough data to challenge the validity of the 0.12 ppm federal standard. He states to achieve air quality levels in excess of the 0.12 ppm standard could significantly impact the states economy, and that attempts to bring photochemical oxidants within the 0.12 ppm standard have not been notably successful even with large expenditures of capital and research.

Mr. Stuart Foster presented testimony for the Greater Medford Chamber of Commerce in favor of adopting the federal 0.12 ppm ozone standard as the state's primary standard and sees no need for a secondary standard. He also stated that if the current standard is maintained, it should not be included in Oregon's State Implementation Plan. Mr. Foster indicated that the chamber of commerce commissioned Mr. R.L. Gatenbein, P.E., of Marquiss and Associates to do a study of Clean Air Acts effects in the Medford AQMA. One of Mr. Gatenbein's conclusions was that Oregon did not have sufficient data to justify a standard different than that adopted by the Environmental Protection Agency.

Mr. Foster feels that proponents of a more stringent standard should be required to present clear and convincing scientific evidence showing the federal standard to be insufficient for the protection of public health.

Finally, Mr. Foster remarked that there is a the question of whether local emissions or ozone transport was the cause of ozone standard exceedences in the area.

Mr. Peter Sage representing himself gave testimony in favor of retaining the current state standard. He stated that the way to solve the air quality problem was not to change the standard but to clean the air. Mr. Sage stated that most people in Jackson County are committed to cleaning up the air and that the livability of the Rogue Valley is one of the greatest drawing cards for attracting new clean industry.

Mr. Hayes H. Rossman of the Medford Planning Commission presented testimony favoring retention of the 0.08 ppm ozone standard. Mr. Rossman expressed his concern that since the major source of ozone precursors is the automobile, a change in ozone standard from 0.08 to 0.12 ppm may lead to difficulties in meeting the carbon monoxide standard.

Mr. John L. Smith of the Southern Oregon Timber Industries Association presented testimony in favor of adopting a 0.12 ppm ozone standard, not considering a secondary standard and not including control strategies for a more stringent standard, if retained, in the Oregon State Implementation Plan.

Mr. Smith indicated that he felt the 0.08 ppm standard was far beyond the level needed to protect public health and welfare and quoted a Harvard university study which said a level of 0.25 ppm was adequate to protect public health with a danger level occuring at 0.32 ppm. Also, he said that he understood the federal standard was scheduled for review in 1982 and indications are that consideration will be given to revising it upward.

Mr. Smith said he could see no justification for a separate secondary standard at this time but that should a higher primary standard be adopted such as 0.25 ppm, a lower secondary standard may be considered. He also pointed out that achievement of the 0.08 ppm standard is difficult especially in view of the background levels of 0.05 ppm.

In conclusion, Mr. Smith said that considering the economy both locally and nationally, "it is clear the time for environmental realism has arrived."

Mr. Jerry Muffat of 3M presented testimony in favor of adopting 0.12 ppm as the state's primary and secondary standard and inclusion of only that standard into the State Implementation Plan.

Mr. Muffat cited statements from the recent U.S. Supreme Court case involving the benzene standard which said standards cannot be envoked without convincing evidence showing that a "significant risk" is being eliminated. He concludes that since there is not adequate scientific justification to demonstrate such risk at the 0.08 ppm level and that since there is no findings of respiratory ailments having been caused by exposure to 0.12 ppm levels, the state should adopt the federal level.

3M recommends that Oregon begin detailed studies on the welfare effects in the state with an accompanying cost/benefit analysis. Until the results of those studies are available, they believe that the 0.12 ppm level is adequately protective for a secondary standard.

Finally, Mr. Muffat recommends that no ozone standard other than the federal standard of 0.12 ppm be included is the Oregon State Implementation Plan because: 1) any decision to go beyond the federal standard is not

a concern of the federal government, 2) flexibility to change the standard would be maintained, 3) unnecessary federal enforcement would result, 4) federal funds are being provided only for achievement of the federal standard and 5) a different state and federal standard would lead to unnecessary complications with neighboring states (i.e. the Portland-Vancouver AQMA).

AQ449

Department Comments on Testimony Received
at Informational Hearings on August 21 and 22
Concerning the Proposed Change in the State Ozone Standard
and its Inclusion in the State Implementation Plan

Included in arguments against changing the state standard from 0.08 to 0.12 ppm were several statements that the higher level provided either an inadequate or no margin of safety to the protection of public health. The principal study relied upon in these testimonies was the study of De Lucia and Adams in which approximately half of the subjects tested showed an impairment of performance when subjected to 0.12 ppm levels of ozone. Dr. DeLucia's report was one of many reviewed by the Environmental Protection Agency's Scientific Advisory Board before the 0.12 ppm federal standard was set. Other reports, notably those of Dr. Phyllis Mullenix, examined by the board indicated that standards even above the adopted 0.12 ppm level were adequate to protect public health. It is clear from a review of the studies that no compelling evidence of human health effects at levels below 0.12 ppm were presented to the Environmental Protection Agency.

It was noted by several testifiers that in order to adopt the lower level, clear evidence must be presented that showed the higher level is inadequate to protect public health and Mr. Muffat of 3M went further in citing a statement made by the U.S. Supreme Court stating that without convincing evidence that a significant risk is being eliminated, standards cannot be evoked. It is the Department's view that in light of studies showing no human health effects below 0.12 ppm ozone or higher, clear evidence in support of the 0.08 ppm standards was not presented. The President's Regulatory Analysis Review Group indicated that evidence of health effects below 0.25 ppm is sparse and those showing effects below 0.15 ppm are weak.

The question of how much of a safety margin is adequate was raised by several people including Mr. John Charles of the Oregon Environmental Council who cited a House Report stating that the 0.08 ppm standard had little or no margin of safety and that the Environmental Protection Agency admitted that a no effects threshold concentration for ozone cannot be identified with certainty.

In consideration of this statement, the setting of a standard with a proven margin of safety would seem to rely on the best available evidence of effects levels, which the Environmental Protection Agency took to be somewhere above the 0.12 ppm standard, in agreement with the Mullenix and Harvard reports. In this respect the Department agrees with testimony of Mr. Odell's and others that the state with its limited expertise should rely on the judgement of the Environmental Protection Agency in adopting a primary ozone standard of 0.12 ppm.

Attachment 4

STATEMENT OF NEED FOR RULEMAKING

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

Legal Authority

The legal authority for adoption of these rule changes lies in ORS 468.020, Rules and Standards; and 468.295, Air Purity Standards, Air Quality Standards. The present ambient air standard for ozone is in OAR 340-31-030. The present Emergency Episode Criteria for photochemical oxidants is in OAR 340-27-010.

Need for the Rule

Since adoption of the current state ozone standard of 0.08 ppm, the U. S. Environmental Protection Agency has adopted a less stringent ozone standard of 0.12 ppm. The state needs to reevaluate its standard in light of the federal standard to assure uniformity of standards and allow final resolution of the growth margin and future control requirement issues.

Principal Documents Relied Upon

The following documents have been considered in this proposed rule adoption:

1. Federal Register Vol. 44, No. 28, February 8, 1979, "National Primary and Secondary Ambient Air Standards" Chapter 1, Subchapter C, Part 50 and Part 51, "Revisions to Implementation Procedures Related to Photochemical Oxidants."

2. "Revision of the National Ambient Air Quality Standard for Photochemical Oxidants" January 6, 1978, Staff Summary Paper, External Review Draft, Strategies and Air Standards Division, Office of Air Quality Planning and Standards Division, U. S. Environmental Protection Agency, Research Triangle Park, North Carolina.

3. "A Method for Assessing the Health Risks Associated with Alternative Air Quality Standards for Photochemical Oxidants," External Review Draft, loc. cit.

4. "Alternate Forms of the Ambient Air Quality Standard for Photochemi Oxidants," U. S. Environmental Protection Agency Staff Paper, January 1978, (Preliminary draft).

5. "Summary Statement from the EPA Advisory Panel on Health Effects of Photochemical Oxidants," prepared for U. S. EPA by the Institute of Environmental Studies at the University of North Carolina at Chapel Hill; January 1978.

6. "Air Quality Criteria for Photochemical Oxidant and Oxidant Precursors" Vols. I & II, Preliminary Drafts, U. S. Environmental Protection Agency, Office of Research and Development, Washington, DC, September 1977.

7. "Preamble and Proposed Revision to the National Ambient Air Quality Standard for Ozone;" U. S. Environmental Protection Agency; June 1978.

8. "Ozone and Other Photochemical Oxidants;" Committee on Medical and Biological Effects of Environmental Pollutants; Division of Medical Sciences, Assembly of Life Sciences, National Research Council; National Academy of Sciences; Washington, DC, 1977.

9. Public Hearings Testimony from the Hearings to Consider Changes in the Ambient Air Standard for Photochemical Oxidant, Medford, Oregon, May 3, 1979, and Portland, Oregon, May 7, 1979. Includes all testimony received by the Department as of May 25, 1979.

Fiscal Impact Statement

Adoption of 0.12 ppm as the state ozone standard will have a cost savings to industry and other agencies because of a lesser level of control required. The amount of savings is not calculable at this time because actual control strategies have not been developed for a standard lower than 0.12 ppm.

AH45

[~~Photochemical-Oxidant~~] Ozone

340-31-030 Concentrations of ozone at a primary air mass station, as measured by a method approved by and on file with the Department of Environmental Quality, or by an equivalent method, shall not exceed [~~160~~] 235 micrograms per cubic meter ([~~0.08~~] 0.12 ppm), maximum 1-hour average. This standard is attained when the expected number of days per calendar year with maximum hourly concentrations greater than [~~160~~] 235 micrograms per cubic meter is equal to or less than one as determined by Appendix H, CFR 40, Part 50.9 (page 8220) Federal Register 44 No. 28, February 8, 1979.

Stat. Auth.: ORS Ch. 468

Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 15-1979, f. & ef. 6-22-79; DEQ 7-1980, f. & ef. 3-5-80.

Episode Criteria

340-27-010 Conditions justifying the proclamation of an air pollution alert, air pollution warning, or air pollution emergency shall be deemed to exist whenever the Department determines that the accumulation of air contaminants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a threat to the health of the public. In making this determination, the Department will be guided by the following criteria:

(1) "Air pollution forecast": An internal watch be the Department of Environmental Quality shall be actuated by a National Weather Service advisory that atmospheric stagnation advisory is in effect or by the equivalent local forecast of stagnant atmospheric conditions.

(2) "Alert": The alert level is that concentration of pollutants at which first stage control action is to begin. An alert will be declared when any one of the following levels is reached at any monitoring site:

(a) Sulfur dioxide - 800 ug/m^3 (0.3 ppm) - 24 hour average.

(b) Particulate - 3.0 COHs or 375 ug/m^3 - 24 hour average.

(c) Sulfur dioxide and particulate combined - 24 hour average-product of sulfur dioxide and particulate equal to:

(A) 525 (ug/m^3) (COH); or

(B) 0.2 (ppm) (COH); or

(C) 65 x 10^3 (ug/m^3) (ug/m^3).

(d) Carbon monoxide - 17 mg/m^3 (15 ppm) - 8 hour average.

(e) [~~Photochemical oxidant~~] Ozone - [~~200~~] 400 ug/m ([~~0.1~~] 0.2 ppm) - 1 hour averge.

(f) Nitrogen dioxide:

(A) 1130 ug/m^3 (0.6 ppm), - 1 hour average; or

(B) 282 ug/m^3 (0.15 ppm), - 24 hour average and meteorological conditions are such that this condition can be expected to continue for twelve (12) or more hours.

(3) "Warning": The warning level indicates that air quality is continuing to degrade and that additional abatement actions are necessary. A warning will be declared when any one of the following levels is reached at any monitoring site:

(a) Sulfur dioxide - 1600 ug/m^3 (0.6 ppm) - 24 hour average.

(b) Particulate - 5.0 COHs or 625 ug/m^3 - 24 hour average.

(c) Combined sulfur dioxide and COHs - 24 hour average, product of sulfur dioxide and particulate equal to:

(A) 2100 (ug/m^3) (COH); or

(B) 0.8 (ppm) (COH); or

(C) 261 x 10^3 (ug/m^3)(ug/m^3).

(d) Carbon monoxide - 34 mg/m (30 ppm) - 8 hour average.

(e) [~~Photochemical oxidant~~] Ozone - 800 ug/m^3 (0.4 ppm) - 1 hour average.

(f) Nitrogen dioxide:

(A) 2260 ug/m^3 (1.2 ppm) - 1 hour average; or

(B) 565 ug/m^3 (0.3 ppm) - 24 hour average and meteorological conditions are such that this condition can be expected to continue for twelve (12) or more hours.

(4) "Emergency": The emergency level indicates that air quality is continuing to degrade toward a level of significant harm to the health of persons and that the most stringent control actions are necessary. An emergency will be declared when any

one of the following levels is reached at any monitoring site:

(a) Sulfur dioxide - 2100 ug/m^3 (0.8 ppm) - 24 hour average.

(b) Particulate - 7 COH or 875 ug/m^3 - 24 hour average.

(c) Combined sulfur dioxide and particulate - 24 hour average, product of sulfur dioxide and particulate equal to:

(A) 3144 (ug/m^3) (COH);

(B) 1.2 (ppm)(COH); or

(C) 393 x 10^3 (ug/m^3)(ug/m^3).

(d) Carbon monoxide:

(A) 46 mg/m^3 (40 ppm) - 8 hour average; or

(B) 69 mg/m^3 (60 ppm) - 4 hour average; or

(C) 115 mg/m^3 (100 ppm) - 1 hour average.

(e) [~~Photochemical-oxidant~~] Ozone :

(A) 1200 ug/m^3 (0.60 ppm) - 1 hour average; or

(B) 960 ug/m^3 (0.48 ppm) - 2 hour average; or

(C) 640 ug/m^3 (9.032 ppm) - 4 hour average.

(f) Nitrogen dioxide:

(A) 3000 ug/m^3 (1.6 ppm) - 1 hour average; or

(B) 750 ug/m^3 (0.4 ppm) - 24 hour average and meterological conditions are such that this condition can be expected to remain at the above levels for twelve (12) or more hours.

(5) "Termination": Once declared, any status reached by application of these criteria will remain in effect until the criteria for that level are no longer met, at which time the next lower status will be assumed, until termination is declared.

Stat. Auth.: ORS Ch.

Hist: DEQ 37, f. 2-15-72, ef. 9-1-72

ATTACHMENT 6

VICTOR ATIYEH
GOVERNOR

Department of Environmental Quality

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Prepared: September 24, 1981
Hearing Date:

NOTICE OF PUBLIC HEARING

A CHANCE TO BE HEARD ABOUT:

PROPOSED CHANGES IN THE AMBIENT AIR QUALITY
STANDARD FOR PHOTOCHEMICAL OXIDANT

Information developed since the photochemical oxidant standard was adopted by the Environmental Protection Agency (EPA) in 1970 indicates that changes in the standard should be considered. EPA has adopted a new standard substantially higher than the present state standard. Subsequently, a suit was filed against EPA concerning the appropriateness of the new standard. The court has since rendered a decision upholding EPA's actions in setting the standard. The Department of Environmental Quality has reviewed the evidence presented by EPA, and is proposing changes in the state standard to make it consistent with the federal standard.

WHAT IS THE DEQ PROPOSING?

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

** DEQ proposes to adopt the new federal ambient air quality standard of 0.12 ppm ozone, one hour average, as a state primary and secondary standard.

WHO IS AFFECTED BY THIS PROPOSAL:

To some extent, all persons in the state, but particularly those in the metropolitan areas where oxidant violations are common during summer months. Substantial economic impact may be associated with control program requirements.

HOW TO PROVIDE YOUR INFORMATION:

Written comments should be sent to the Department of Environmental Quality, Air Quality Division, Box 1760, Portland, Oregon 97207, and should be received by November 20, 1980.

Testimony presented at the informational hearing held in Portland on August 21, 1980, and Medford on August 22, 1980, will be included in the record for this formal public hearing.

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

City	Time	Date	Location
To be arranged			

WHERE TO OBTAIN ADDITIONAL INFORMATION:

Copies of the proposed rules may be obtained from:

Mr. Spencer Erickson
DEQ Air Quality Division
Box 1760
Portland, Oregon 97207
(503) 229-6458

LEGAL REFERENCES FOR THIS PROPOSAL:

This proposal amends OAR 340-31-030. It is proposed under authority of ORS Chapter 468 including Section 020, 295 and 900 and the Clean Air Act as amended (P.L. 95-95).

LAND USE PLANNING CONSISTENCY:

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

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

Goal 11 (public facilities and services) is deemed unaffected by the proposals.

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

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

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

FURTHER PROCEEDINGS:

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

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

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. F , October 9, 1981, EQC Meeting

Request for Authorization to Hold a Public Hearing to add Amendments to Sulfur Content of Fuels, Coal, Rule, 340-22-020, to Limit Sulfur & Volatile Content of Coal Used for Residential Space Heating

Background

The recent increase in use of wood as a residential heating fuel and the associated air quality impacts have led the Department to an in-depth study of the potential impact of similar increases in coal use. This matter has been researched by the Department for over 1 year, aided by the input of a Coal Health Effects Review Committee. This committee was composed of doctors and medical officials representing prominent national, state and local health agencies. The findings and recommendations of the Health Committee are contained in Attachment 1. The Portland Air Quality Advisory Committee also studied this issue and their recommendations are contained in Attachment 2. Both groups recommended banning use of coal as a residential heating fuel in problem airsheds.

Evaluation

The findings of the Health Committee and the Department may be summarized and evaluated as follows.

Coal Use Potential

A. Coal is presently being imported to Oregon from western and eastern states and almost 1% of Oregon households now use it as a space heating stove fuel.

B. The potential for much greater use of coal as a residential space heating fuel in Oregon exists considering:

1. Many Oregonians are recognizing solid fuel space heating as a desirable practice with 15% of households burning wood as a primary heat source and another 39% as a secondary heat source.

2. Readily available wood fuel is becoming scarce with prices topping $100 per cord in the Portland area and cutting permits backlogged or not available in several areas including the Mt. Hood & Zig Zag Districts.

3. Coal, as a residential heating fuel, is becoming more attractive than wood because of its low price, availability, low chimney fire potential, and far less bulkiness and ability to burn numerous hours without recharging when compared to wood.

4. Coal conversion units for wood stoves are starting to be marketed along with new coal stoves and, for example, 27 of 36 stove ads in the nationally acclaimed Wood and Energy Journal were for combination coal/wood heaters. The largest Oregon wood stove manufacturer, in fact, now markets a coal stove model, and several others are developing coal grate inserts for existing wood stoves. See Attachment 3.

5. Coal is projected to be entering Oregon in much larger quantities in the near future with imminent construction of coal export terminals and conversion of large pulp mill power plants to coal firing.

6. Future pricing of space heating fuels is expected to significantly increase the shift towards solid fuels as a residential heat source, considering 1) natural gas deregulation is expected to raise Oregon rates 66%; 2) inverted electric rates will provide a major incentive to cut down electrical consumption; 3) present oil prices make it the highest cost fossil fuel with no price reduction expected in the future.

7. Coal developers are searching out means to expand the residential coal supply in consideration of abundant domestic coal reserves. Residential coal prices are also expected to remain substantially below other conventional energy sources because of the abundant reserves.

Air Quality Impacts

A. Available information on residential coal heaters indicate total particulate emissions are as high as present wood heaters. Sulphur dioxide emissions from coal burning are much greater than from wood and can be about 3 times those allowed by Oregon rules for residential fuel oil. Polycyclic organic matter, which includes potential carcinogens, from residential coal units is higher than from wood burning units and up to 4 orders of magnitude greater than from industrial and electric generating facilities which have optimum combustion conditions and control equipment.

B. Detailed projections of air quality impacts from various residential coal use scenarios were developed for the Health Effects Advisory Committee (Appendix 2 of Attachment 1) based on present 1% household coal use, a nominal 5% household use, and a 54% household use based on all projected wood heating households in 1987 converting to coal. The results, using the Portland airshed as a model, indicated:

1) Total particulate and SO_2 impacts due to plume downwash in neighboring property could substantially contribute to violation of national health standards.

2) Areas of existing high air pollution could experience unacceptable increases of total particulate, sulphur dioxides, sulfates and polycyclic organic matter in the middle to high range of projected coal use.

3) Significant increases in soiling, odors and visibility loss and other nuisance conditions would be expected to occur.

Health Effects

A. Residential coal burning has been associated with the most severe air pollution episode in the world, the notable London "smog" of 1952.

B. Although not posing nearly the threat to health as cigarette smoking, the Coal Health Effects Review Committee concluded that increased residential coal burning would: 1) hinder efforts to attain existing health standards; 2) cause acute lung symptoms for some citizens; 3) cause an unacceptable increase in polycyclic organic matter (potential carcinogens).

C. The Health Effects Review Committee unanimously recommended that DEQ prohibit coal burning in residential urban areas, especially those experiencing poor ventilation. The Portland Air Quality Advisory Committee made a similar recommendation.

Control Alternatives

A. Do nothing until problem actually becomes severe. This was considered unacceptable to the Committees' and the Department since it was considered preferable to prevent new air quality problems and to lessen the economic impact on small businesses and individuals by imposing regulations before major investments in equipment and marketing systems for residential coal use were developed.

B. Ban residential coal use. This was considered unacceptable to the Department since it would provide no incentive or latitude for industry to develop clean burning residential coal which didn't excessively pollute. Outright banning of residential coal use may also be subject to legal challenge considering present statutory provisions.

C. Develop emission standards for new coal burning devices. This was considered unacceptable by the Department since it could not address the use of coal in existing stoves and would not address the sulphur dioxide problem in the near future because of lack of promising sulphur dioxide control technology. In addition, DEQ is prohibited by statute from embarking on such a program.

D. Develop coal-sulphur regulations. This was considered unacceptable in and by itself by the Department on the grounds it would not address the smoke and POM emission problem associated with residential coal burning.

E. Develop a volatile content of coal regulation. This was considered unacceptable in and by itself by the Department on the grounds it would not address the sulphur dioxide emission problem associated with residential coal burning.

F. Develop a "clean coal regulation" based on a 0.3% sulphur and 5% volatile content. This was considered by the Department as the most desirable approach to the issue considering that technology is available to desulphurize and devolatilize coal to these levels. Such coal would have emissions in the range of those from light distillate residential fuel oil allowed under Department rules. Such a regulation would have the immediate effect of a spaceheating coal use ban but would provide a means to utilize "clean" coal as a residential heating fuel in the future if energy & economic conditions otherwise warrant it. The most logical areas to apply such a regulation to would be the state's four air quality maintenance areas. Other areas which might be considered in the future would include Bend and Pendleton where wood space heating is beginning to cause significant air quality problems.

Summation

1. Oregonians have demonstrated a significant shift towards solid fuel stove heating as exemplified by the massive increase in wood space heating.

2. The potential exists for major increases in use of coal as a residential solid heating fuel considering: 1) wood is becoming more expensive and more difficult to obtain; 2) coal is becoming more attractive as a residential solid heating fuel, considering its cost, availability, handling and burning characteristics; 3) coal shipments to Oregon will substantially increase in the near future as coal export terminals and industrial coal conversions are constructed; 4) manufacturers are rapidly tooling up to increase marketing of

residential coal burning devices; 5) present and future energy prices will continue to accelerate pressures towards increased residential solid fuel use.

3. Projected air quality impacts from residential coal burning indicate: 1) achieving and maintaining compliance with air quality standards would be more difficult; 2) sulphur dioxide, sulfates and carcinogens would be increased in areas like Portland to a point considered unacceptable by local health experts; 3) nuisance conditions such as smoke, odor, soiling and visibility loss would be greatly accentuated.

4. The Health Effects Review Committee and Portland Air Quality Advisory Committee recommended banning of residential coal use in urban areas. Waiting to regulate after a serious problem occurred was considered unwise by the Committees' on the grounds that adverse health effects should not be allowed to occur and significant economic hardship would result by regulating after a major market had been developed.

5. The Department believes the most prudent approach to the residential coal burning issue is to take preventative control measures and develop a clean coal regulation based on a 0.3% sulphur, 5% volatile content limit. While such coal is presently not available in this country, technology exists to meet these requirements. This technology might be applied if energy and economic conditions become more favorable toward residential coal use. Emissions from coal meeting these specifications would be in the same range as those of residential heating oil. Making such a rule effective by July 1, 1983 in air quality maintenance areas should allow those small number of existing coal users adequate time to develop alternative heating systems.

Director's Recommendations

Based on the Summation, it is recommended that EQC authorize a public hearing on the attached amendments to the Deparment's coal rule OAR 340-22-020 Attachment 4.

Bill

William H. Young

Attachments: 1. Coal Health Effects Review Committee Report
2. Portland Air Quality Advisory Recommendations
3. Typical Journal Advertising/Articles On Coal Heating
4. Proposed Amendment to OAR 340-22-020
5. Statement of Need for Rulemaking
6. Public Notice

JFK:a
AAD135.2 (1)
229-6459
9/10/81

Attachment 1

COAL HEALTH EFFECTS REVIEW COMMITTEE

SUMMARY REPORT

To The

OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY

April 21, 1981

Chairman: Dr. Max Bader

Members: Dr. John Aitchison
Ms. Frances Costikyan
Dr. Miles Edwards
Dr. Larry Foster
Dr. James F. Morris
Dr. Edward Press
Dr. Charles P. Schade
Prof. Trygve P. Steen

SUMMARY REPORT

TO THE

OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY

COAL HEALTH EFFECTS REVIEW COMMITTEE*

In October, 1980, the Committee was organized to examine and make recommendations on the risks to health of Oregonians which might result from coal combustion products in the ambient air due to increased coal use in home stoves. The Committee met on 9 occasions to review technical information supplied by its membership and by the Department of Environmental Quality (DEQ).

SUMMARY OF FINDINGS

GENERAL OVERVIEW

Specific recommendations of the Committee should be considered within the following context:

1. Contrary to the general perception of Oregon as an area with remarkably pure air, many parts of the state are more prone to atmospheric conditions (air stagnation) which can result in pollution build-up than many other parts of the world where serious problems have developed. These areas in Oregon include the Portland, Eugene-Springfield, and Medford-Ashland areas. The inhabitants in these regions are already subject to increased health risks due to air pollution. Therefore, these areas need to continue efforts to improve air quality.

2. Coal burning in hand-fired household stoves and fireplaces discharges sulfur dioxide, sulfates, particulates, and benzo(a)pyrene and other polycyclic organic material into the atmosphere. More residential coal burning would increase the concentration of these chemicals in the ambient air and result in their inhalation and deposition into the bronchi and the lungs, and for some materials, absorption and spread through the blood vessels.

3. Polluting agents in the air may interact to create a health hazard, even though taken individually they are not a hazard at a given concentration.

4. Time, dose, and host susceptibility factors are critical to the ability of agents to cause cancer and other illness. Young children are particularly vulnerable to low doses and because they are young,

*Membership of the Committee is presented in Appendix 1.

will be exposed over long periods of time. Even more than adults they should not be subjected unnecessarily to agents which may result in later development of disease.

5. Home stove and fireplace use increases the risk of fire and other safety problems.

6. Aesthetic factors, impaired visibility, acid rain, vegetation destruction, and odor affect the quality of life and can impact on health by affecting mental outlook, the food chain, and recreational activities.

7. Alternatives to burning coal in residential units are available. Large scale boilers or furnaces can burn coal much more efficiently than hand-fired units and reduce the formation rate of B(a)P and other POMs by several orders of magnitude, and with effective pollution control devices can reduce the release of other pollutants such as sulfur dioxide, sulfates, and particulates. Thus there is no reason to expose the general public unnecessarily to increased health risks which may result from increased residential coal burning.

SPECIFIC FINDINGS AND RECOMMENDATIONS

The committee recommends that residential coal burning should not be allowed in densely populated areas of Oregon with pollution problems. The basis for this recommendation is the Committee's concern for adverse health impacts from increased levels of sulfur dioxide, sulfates, total suspended particulates, and polycyclic organic materials. Projections of pollutant increases are presented in the DEQ report entitled "Range of Concentrations to be Analyzed as Part of the Assessment of Health Impacts Due to Residential Coal Burning," which is included in Appendix 2.

1. Sulfur Dioxide (SO_2) - The D.E.Q. 24-hour standard of 260 micrograms/cubic meter (ug/m^3)* and the 60 ug/m^3 annual standard should not be exceeded; levels as low as 100 ug/m^3 for a 24-hour period can cause acute respiratory effects in some people.(1)

* Many pollutant concentrations are expressed in the form of micrograms, or one-millionth of a gram (454 grams = 1 pound), per cubic meter of air. The abbreviated notation which will be used throughout this report is ug/m^3.

(1) Stebbings, J., and C. Hayes. Panel Studies of acute health effects of air pollution. I. Cardiopulmonary symptoms in adults, New York, 1971-1972. Environ. Res. 11:89-111, 1976

2. Sulfates (SO_4) - The level should be kept below a 24-hour average of 15 ug/m^3. Asthmatics and the elderly may develop respiratory symptoms at 24 hour average levels of 6-10 ug/m^3.(2) Long term exposure to the latter concentrations probably contributes to chronic lung disease.

3. Total Suspended Particulates (TSP) - The 24-hour standard of 150 ug/m^3 and the annual standard of 60 ug/m^3 should be maintained to avoid known and potential interactions with other agents in the air which adversely affect health. Particulates from residential coal burning may also create aesthetic problems by reducing visibility and depositing soot.

4. Benzo(a)pyrene (B(a)P) - This known cancer causing agent is an index for similar agents in the air. No exposure standard has been established. Coal burned in residential units is especially likely to be a major source of B(a)P.

5. Carbon Monoxide - Residential coal use, as a replacement for wood, would not significantly affect carbon monoxide concentrations which have been decreasing over the last five years.

6. Ozone - This is a summer problem that would not be affected by residential coal burning.

7. Nitrogen oxides -Residential coal burning produces about the same amount of nitrogen dioxide per BTU as residential oil or gas combustion and thus is not likely to cause any significant increases in concentrations.

ADDITIONAL RECOMMENDATIONS

1. Coal use in Oregon should be restricted to low sulfur and low ash content coals. Preferably, coal use should be limited to electricity generating plants and industrial users which employ adequate pollution controls.

2. D.E.Q. should undertake further B(a)P monitoring to update its information base for both indoor and outdoor B(a)P levels and for residential heating device emission rates.

3. D.E.Q. should encourage the public to increase energy conservation efforts and to stop cigarette smoking.

(2) U.S.E.P.A., Position Paper on Regulation of Atmospheric Sulfates. Research Triangle Park. Publication Number EPA - 450/2-75-007. September, 1975.

COAL HEALTH EFFECTS REVIEW COMMITTEE

Introduction

Oregon may soon become a major western United States terminus for coal shipments to Asia. This may make coal much more available in this state. As a result, it may become a less expensive alternative to other fuels for home heating.

Stoves used for home heating generally do not burn coal cleanly. Use of coal for home heating in a significant number of urban homes could lead to substantial deterioration in air quality. This deterioration would be most serious in areas, such as Portland, Eugene, and Medford, where meteorologic inversions are common.

Among coal combustion products of concern to the Oregon department of Environmental Quality (DEQ) are total suspended particulates, sulfur dioxide, sulfates, carbon monoxide, ozone, nitrogen oxides, and benzo(a)pyrene and other polycylic aromatic hydrocarbons. These agents can harm both the liveability of an area and the health of people living there.

To help the Environmental Quality Commission reach its determination on what, if anything, should be done to regulate coal usage in Oregon, D.E.Q. formed a Coal Health Effects Review Committee. The Committee's task was to define the known and potential health effects which might result from acute and long-term exposure to these coal combustion products in the

ambient air. The committee considered health effects of different concentrations of coal combustion products upon both healthy people and "high risk" groups including the very young, the elderly, asthmatics and others with very vulnerable lungs, and persons with underlying diseases such as chronic bronchitis and emphysema. The Committee's findings are provided in this report along with several suggestions which it feels deserve consideration.

Overview

The Coal Health Effects Review Committee provides the following general context for its specific findings concerning the known and potential health effects of those air quality factors which it has reviewed. First, it is important for the citizens of Oregon to recognize that many parts of the State are just as prone, if not more prone, to adverse atmospheric conditions that can result in pollution build-up as others areas of the world which have suffered serious pollution problems. Among areas which are already subject to increased risks to health from air pollution during their frequent meteorologic inversions, are Portland, Eugene, and Medford. Air quality in those areas still needs to be improved and must not be permitted to decrease significantly without a most compelling justification. The Committee is aware of no such justification. The

Committee believes that even in a severe national energy shortage, there are preferable alternatives to burning coal in individual dwellings. One alternative is use of coal in large industrial boilers which can burn it more cleanly and control the emissions more efficiently. Gas and oil fuels used by those mid-range industrial boilers could then be diverted to residential heating usage. Another option, given construction time, is burning the coal in large heat and electricity generating plants, where polluting emissions can also be much more effectively controlled. Home coal use is clearly not necessary to serve as an energy source for heating during short term crisis situations such as those which may follow ice storms.

Second, the Committee underscores the need to recognize that there may be interaction between polluting chemicals in the air which may either increase or reduce their effects on health. For example, airborne particulates significantly increase the adverse health impacts of both sulfur oxides and polycyclic organic materials. Although all interactions are not fully understood the Committee considers it prudent to take a conservative approach to protecting human health.

Third, the Committee has considered the present biologic controversy over whether a threshold exposure to an agent must be exceeded for it to cause cancer or other illnesses. Although no clear answers exist to the threshold question, time-dose-host susceptibility factors all affect the ability of agents to cause disease. Young children are the most susceptible to eventually developing chronic illness due to air pollution, because they are likely to be exposed to low doses acting over very long periods of time and because of their vulnerability to lung damage during growth and development of the respiratory system. Therefore, common sense suggests avoidance of unnecessary build-up of air pollutants which, in higher concentrations, are known to affect health, and which at low doses clearly affect aesthetic qualities, if not health. In that context the threshold question becomes largely academic.

The effects of agents which cause cancer and chronic obstructive pulmonary disease are cumulative. Therefore, if prolonged (over 1 year) excessive levels of air pollutants are forecast, a long term strategy aimed at keeping pollutant concentrations down to acceptable levels is essential. However, the Committee does not wish to preclude the option of using low sulfur coal in areas where allowing that freedom of choice will not significantly affect air quality that already meets State standards.

Finally, the Committee wishes to call attention to fire, safety, and aesthetics issues which it has not specifically addressed. Increased residential use of stoves and fireplaces which are fueled by wood or coal significantly raises the risk of fire in those homes, a risk to health which is probably greater than that from carcinogens in the air. In addition, as homes are sealed tighter for weatherization, the hazard of carbon monoxide poisoning and other indoor air pollution increases. Also, aesthetic factors, impaired visibility, effects of acid rain, destruction of vegetation, and odors can affect health indirectly.

The Committee wishes that it could base all of its specific findings and recommendations on solid, irrefutable facts. In environmental health, this is often not possible and best judgments must therefore be made. The Committee's findings with respect to sulfur dioxide have extensive support in the medical literature. Its findings concerning benzo(a)pyrene and similar agents are substantially based upon deductive reasoning using studies reported in the medical literature that were not specifically related to the problem at hand. Nevertheless, the lack of better information is not justification for ignoring that which is available. The additional information would merely be helpful in establishing more precise limits.

FINDINGS AND RECOMMENDATIONS

I. Findings and Recommendations Regarding Specific Pollutants

Total Suspended Particulates -- TSP are a mixture of manmade and natural materials that contain silicon, sulfur, nitrogen, carbon, and lead and vary from area to area. Particulates with a diameter less than 10 micrometers will enter the lower airways of the lungs.[3,4] TSP represents an index of pollution rather than a specific pollutant. Twenty-four hour concentrations are usually safe below 150 ug/m^3 for the general population.

The committee endorses the Oregon particulate standards of 150 ug/m^3 on a 24-hour basis and 60 ug/m^3 on an annual basis and urges DEQ to continue in its attempts to attain and maintain TSP standards. The committee notes that although the relative amounts of particulates as expressed as mass per BTU of wood or coal burned are approximately the same, particulates resulting from residential coal combustion can be expected to be more hazardous to health due to much higher levels of benzo(a)pyrene, sulfur dioxide, sulfates and heavy metals such as mercury. Since the Portland, Medford/Ashland, and Eugene/Springfield areas already exceed particulate standards, the introduction into these airsheds of an additional source of harmful particulates would make future efforts to attain standards even more difficult.

Sulfur Dioxide - Standards are difficult to establish because of the complex chemistry of sulfur oxides (SO_2) and the variablility of human response to them. SO_2 can be transformed into other forms such as particulate aerosols which may be biologically more damaging than SO_2. Thus like TSP, SO_2 levels serve as indices of pollution.

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(3) International Radiological Protection Commission, Deposition and Retention Models for Internal Dosimetry of the Human Respitatory Tract, Task Group on Lung Dynamics. Health Physics 12:173-207, 1966.

(4) Stuart, Bruce O., Deposition and Clearance of Inhaled Particulates. Environmental Health Perspectives 16:46, 1976.

The committee recommends that the present Oregon SO_2 standards of 260 ug/m^3 over a 24 hour period and 60 ug/m^3 annual average be maintained. Because exposure to SO_2 causes adverse physiological effects to the respiratory system and impairs ventilation at levels as low as 100 ug/m^3,[5] the DEQ is encouraged to take preventive actions to ensure that the 24-hour Oregon SO_2 standard is not exceeded even during episodic conditions.

Twenty-four hour SO_2 concentrations in the Portland area already exceed 200 ug/m^3 on some peak days. The increased SO_2 concentrations which could occur with heavy coal burning or from internal smoke leaks or downwash conditions (from an individual unit) combined with already existing ambient levels on peak days would cause acute lung symptoms for some citizens whose airways are especially sensitive to SO_2.

Sulfates - The Committee recommends that DEQ should attempt to manage the airshed such that peak 24-hour SO_4 concentrations are maintained below 15 ug/m^3. The Committee adopts this position with the knowledge that there is currently no Oregon or Federal SO_4 standard, and on the basis that some adverse health effects have been observed to occur at concentrations below 15 ug/m^3. For example, effects on the elderly have been reported at 24-hour concentrations of 8-10 ug/m^3 and effects on asthmatics at 6-10 ug/m^3.[6] The Portland area already experiences winter monthly average sulfate concentrations of 7 ug/m^3; sulfates from residential coal burning would be concentrated in populated areas.

Carbon Monoxide - The amount of carbon monoxide (CO) which would enter the atmosphere is about the same whether coal or wood is burned. CO levels have been decreasing despite increased wood usage in recent years. Thus, carbon monoxide is not considered to be a problem affected by coal use in residences.

Ozone - This is a summer pollutant problem which would not be affected by residential coal use.

Nitrogen oxides - Residential coal burning produces about the same amount of nitrogen dioxide (NO_2) per BTU as residential oil or gas combustion and thus is not likely to cause any significant increases in NO_2 concentrations.

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(5) Stebbings, J., and C. Hayes. Panel Studies of acute health effects of air pollution. I. Cardiopulmonary symptoms in adults, New York, 1971-1972. Environ. Res. 11:89-111, 1976.

(6) EPA Position Paper on Atmospheric Sulfates. 1975. (See Footnote 2.)

Benzo(a)pyrene and Polycyclic Organic Materials - Polycyclic organic matter (POM) includes benzo(a)pyrene (B(a)P) and other polycyclic aromatic hydrocarbons. B(a)P is an indicator, or marker for the presence of POM in air. B(a)P, as well as some other polycyclic aromatic hydrocarbons included in POM, act as initiating agents for cancer in animals[7] and man.[8]

In the late 1960's, annual average concentrations of B(a)P generally ranged from 2.3 to 4.8 nanograms/cubic meter (ng/m^3)* in Portland, Eugene, and Medford.[9] A high value of 8.2 ng/m^3 B(a)P was recorded in Medford in 1968. Although annual average B(a)P concentration data are not available in Oregon after 1970, nationally the average of 28 urban sites for which such data are available (including some Pacific Northwest locations, i.e. Seattle) dropped from 2.4 ng/m^3 to .6 ng/m between 1970 and 1976.[10] Current levels in Oregon are not known but there is evidence[11,12] to suggest B(a)P concentrations have climbed since 1976 and that they may be as high as or higher

* Concentrations of benzo(a)pyrene are commonly expressed in units of nanograms per cubic meter (ng/m^3) or one-billionth of a gram per cubic meter.

(7) Health Assessment Document for Polycyclic Organic Matter. U.S. Environmental Protection Agency. Research Triangle Park, North Carolina. Publication No. EPA-600/9-79-008. Pages 6-85 to 6-133, 1979.

(8) Health Assessment Document for Polycyclic Organic Matter. Pages 6-186 to 6-220. 1979. (See Footnote 7.)

(9) Scientific and Technical Assessment Report on Particulate Polycyclic Organic Matter (PPOM). U.S. Environmental Protection Agency. Washington, D.C. Publication No. EPA-600/6-75-001. 1975. In: Health Assessment Document for Polycyclic Organic Matter, pages 5-9, 1979.

(10) Health Assessment Document for Polycyclic Organic Materials. Pages 5-13 to 5-14. 1979. (See Footnote 7.)

(11) Nilsson, Jan, Combustion of Wood/Environmental Restrictions in Sweden. National Swedish Environmental Protection Board. February, 1980. The report states that typical B(a)P levels within 30 meters of a wood stove are 10-20 ng/m^3.

(12) Fajer, Mike, Summary of Medford Historical Benzene-Soluble Organic Data, Oregon Department of Environmental Quality, 5-13-80. Data shows a 102% increase in annual average Medford levels of benzene-soluble organics between 1971 and 1979.

than 1968 levels due to significant increases in residential woodburning. If the medium projected level of residential coal burning were to occur in the Portland airshed, the annual average B(a)P air concentration would increase by 3.9 ng/m^3 in the highest concentration 2x2 kilometer grid in which 9,000 people reside* (see Appendix 2). Where residences are close together and because of local downdraft conditions or indoor smoke leaks, concentrations could be much higher.

The Committee cannot predict precisely what health impacts would result from B(a)P and other POMs introduced by increased residential coal burning. The Committee recognizes the complexity of analyzing environmental causes of cancer and dose response factors.[13] The absence of an association of lung cancer with past levels of B(a)P and POMs may be due to masking of their effects by the much larger effect of cigarette smoking. However, it is known that persons who smoke a few cigarettes daily, each of which may result in B(a)P exposure equivalent to an annual average exposure of .67 ng/m^3 of B(a)P[14] (as well as other cancer causing agents) experience higher lung cancer rates than non-smokers. People exposed to annual average B(a)P levels of 3.9 ng/m^3 would be exposed to the same amount of B(a)P as individuals smoking 6 cigarettes per day. This raises the concern that a carcinogenic effect might occur from the residential coal burning; however, because other POM's and their interactions may be different for cigarette smoking and residential coal burning, and because the POM levels actually reaching lung tissue may be different, it is probable that equivalent dosages of B(a)P from cigarette smoking and residential coal burning would not result in a cancer-causing effect to the same degree.

The Committee, recognizing that no national exposure standard has been established for B(a)P and POMs despite their known cancer causing capabilities, therefore recommends that B(a)P in the ambient air not be permitted to increase above current levels.

(13) Maclure, K.M. and MacMahan, G: An epidemiologic perspective of environmental carcinogenisis. In: Epidemiologic Reviews. Sartwell, P.E. and Nathanson, N. (ed.) 2:12-48 Johns Hopkins Univ. Press. Baltimore, MD. 1980.

(14) Bridbord, K. et al., Human Exposure to Polynuclear Aromatic Hydrocarbons. In: Carcinogenisis, Vol. 1. R. I. Freudenthal and P. W. Jones (ed.), Raven Press, New York, 1976.

*The 260,000 people in the densest 50 square miles of the region would be exposed to average additional levels of 2.5 ng/m^3 of B(a)P from this amount of coal burning.

II. Recommendations for Action Regarding Coal Burning

1. DEQ should restrict coal use in Oregon to the lowest sulfur content coals on a B.T.U. basis. Low ash coal is also desirable.

2. DEQ should prohibit coal burning in individual dwellings in all urban areas of Oregon and additionally in those areas where stagnant air is common. The preferred use of coal is in large industrial boilers and relatively clean burning, coal-fired plants which generate electrical power and can be located outside of areas that are subject to serious air pollution e.g., Boardman. Such energy sources can be equipped with adequate pollution controls and when combined with use of existing fuels, heat pumps, solar power and wind power should obviate most, if not all, need to use coal in home stoves and fireplaces.

GENERAL AIR POLLUTION SUGGESTIONS

1. DEQ should encourage increased energy conservation efforts by the general public and industry in order to lessen future reliance for energy upon fuels which pollute the air.

2. DEQ should recognize that the long-term health effects of cigarette smoking are of far greater significance than home stove and fireplace coal burning under most foreseeable scenarios. Consequently, in its public pronouncements on air quality, DEQ would be well advised to encourage people to stop smoking whenever the opportunity presents itself.

3. The DEQ should undertake additional measurements of indoor and outdoor B(a)P levels. These recommendations should not be interpreted as a statement by the Committee that no action on residential coal burning is justifiable until such additional information has been gathered. Rather the Committee urges that DEQ attempt to improve its information base on likely and potential future B(a)P levels such that health effects from such compounds may be better understood in the future.

   a. DEQ should undertake emission factor studies to determine whether the mid-range B(a)P emission factors it has provided to the Committee are realistic.

   b. DEQ should undertake representative periodic ambient air B(a)P monitoring to help determine whether potential coal-related increase in B(a)P emissions would raise ambient levels to concentrations of concern.

   c. DEQ should attempt to verify whether its estimates of B(a)P concentrations from down wash situations or internal smoke leaks are realistic in order to help determine whether these situations pose a risk to health. This can be done by either DEQ source testing or by reviewing monitoring work being done by other researchers.

APPENDIX 1

Membership of
COAL HEALTH EFFECTS REVIEW COMMITTEE

Dr. John Aitchison
Chief, Toxicology Section
Department of Clinical Pathology
University of Oregon Health Sciences Center

Dr. Max Bader (Chairman: Coal Health Effects Review Committee)
Oregon State Health Officer
Oregon State Health Division

Ms. Frances Costikyan
Executive Director
Oregon Lung Association

Dr. Miles Edwards
Head, Division of Chest Diseases
Department of Medicine
University of Oregon Health Sciences Center

Dr. Larry Foster
Communicable Disease Control Officer
and Assistant State Epidemiologist
Oregon State Health Division

Dr. James F. Morris
Chief, Pulmonary Disease Section
Portland Veterans Administration Medical Center

Dr. William Morton
Head, Division of Environmental Medicine
University of Oregon Health Sciences Center

Dr. Edward Press (Retired Oregon State Health Officer)
Chairman, Public Health Committee
Oregon Medical Association

Dr. Charles P. Schade
Multnomah County Health Officer
Multnomah County

Mr. William Shafer
American Cancer Society

Prof. Trygve P. Steen, M.P.H., Ph.D
Department of Biology
Portland State University

The Coal Health Effects Review Committee was initially formed by DEQ. Members with specific expertise were added upon suggestion. Members representing specific interest groups gave their personal opinions which are reflected in the policy recommendations. Although the report did not receive formal clearance or approval to date by the governing bodies of the organizations represented, the individuals involved did attempt to forward the position of the organization they represented to the best of their ability.

RANGE OF CONCENTRATIONS TO BE ANALYZED AS PART OF THE ASSESSMENT OF HEALTH IMPACTS DUE TO RESIDENTIAL COAL BURNING**

The low, intermediate, and high estimates of concentrations were derived via different emission factors and assumptions about residential coal usages rates. The basis for these calculations are presented in explanatory footnotes on pages 9 through 11.

I. 24-Hour Impacts Summary

	Highest Grid* 24-Hour Ambient Concentrations+ ug/m^3	24-Hour Concentrations Due to Downwash+ ug/m^3	24-Hour Concentrations Due to Indoor+ Smoke Leaks ug/m^3
TSP			
Low	.08	3.1	.4
Intermediate	2.0	26.4	3.0
High	73.6	85.8	9.7
SO_2			
Low	.6	40.	6.4
Intermediate	5.9	126.	20.2
High	110.	251.	40.4
SO_4			
Low	.04	N.E. ***	N.E. ***
Intermediate	.72	N.E.	N.E.
High	33.	N.E.	N.E.
B(a)P	ng/m^3	ng/m^3	ng/m^3
Low	-.06	-3.8	.55
Intermediate	22.2	467	55
High	2158.	4957	1034

* These values represent concentrations in the highest 2 x 2 kilometer grid in the DEQ's Portland area modelling network.

**Values have been adjusted to account for reduced wood impacts when coal replaces wood.

***Not estimable because it is not known how much sulfur dioxide converts to sulfates in very short time periods.

+Concentrations are additive and do not include background or other impacts from sources other than residential coal burning. Downwash and smoke leak impacts are attributable to an individual unit. Ambient impacts represent the impact of dispersed emissions from multiple sources.

NOTE: For Comparison, Oregon and Federal Ambient Air Quality Standards and Portland Area Levels are Shown in Appendix A.

Oregon Department of Environmental Quality
William T. Greene
April, 1981

II. Annual Impacts Summary

	Highest Grid* Annual Ambient Concentrations+ ug/m^3	Annual Concentrations Due to Downwash+ ug/m^3	Annual Concentrations Due to Indoor+ Smoke Leaks ug/m^3
TSP			
Low	.01	.27	.13
Intermediate	.34	2.2	1.0
High	12.9	7.2	3.2
SO_2			
Low	.1	3.3	2.1
Intermediate	1.0	10.5	6.7
High	19.2	20.9	13.3
SO_4			
Low	.006	N.E. ***	N.E. ***
Intermediate	.13	N.E.	N.E.
High	5.8	N.E.	N.E.
B(a)P	ng/m^3	ng/m^3	ng/m^3
Low	-.01	-.3	.18
Intermediate	3.9	38.9	18
High	376	413	345

---

* These values represent concentrations in the highest 2 x 2 kilometer grid in the DEQ's Portland area modelling network.

**Values have been adjusted to account for reduced wood impacts when coal replaces wood.

***Not estimable because it is not known how much sulfur dioxide converts to sulfates in very short time periods.

+Concentrations are additive and do not include background or other impacts from sources other than residential coal burning. Downwash and smoke leak impacts are attributable to an individual unit. Ambient impacts represent the impact of dispersed emissions from multiple sources.

NOTE: For Comparison, Oregon and Federal Ambient Air Quality Standards and Portland Area Levels are Shown in Appendix A.

III. AMBIENT IMPACTS

	Low	Medium	High	Footnote
TSP				
Coal Usage	4,000 T/yr	40,000 T/yr	740,000 T/yr	1.
Emission Factors	5.3 lb/ton	12.6 lb/ton	25.4 lb/ton	2.
Annual Tons Emissions	45 T/yr	592 T/yr	15,320 T/yr	
24-Hour Maximum TSP Impacts	Impacts in Micrograms/Cubic Meter			
- Highest grid	.08	2.0	73.6	3.
- Densest 50 sq. mi.	.05	1.1	42.9	3.
- Region	.01	.3	12.9	3.
Annual TSP Impacts				
- Highest grid	.01	.34	12.9	3.
- Densest 50 sq. mi.	.01	.22	8.3	3.
- Region	.005	.09	3.4	3
SO_2 Impacts				
Coal Usage	4,000 T/yr	40,000 T/yr	740,000 T/yr	1
Emission Factors	38 lb/ton	38 lb/ton	38 lb/ton	4.
Annual Tons Emissions	76 T/yr	760 T/yr	14,060 T/yr	
24-Hour Maximum Impacts	Impacts in Micrograms/Cubic Meter			
- Highest grid	.59	5.9	110.	3.
- Densest 50 sq. mi.	.35	3.5	64.	3.
- Region	.1	1.0	19.2	3.
Annual Impacts				
Highest grid	.1	1.0	19.2	3.
- Densest 50 sq. mi.	.07	.7	12.4	3.
- Region	.03	.3	5.1	3.

	Low	Medium	High	Footnote
SO_4 Impacts				
Coal Usage	4,000 T/yr	40,000 T/yr	740,000 T/yr	
Emission Factors	2.3	4.6	11.4	4., 5.
Annual Tons Emissions	4.6	92	4218	
24-Hour Maximum Impacts	Impacts in Micrograms/Cubic Meter			
- Highest grid	.04	.72	33	3.
- Densest 50 sq. mi.	.02	.42	19	3.
- Region	.006	.13	5.8	3.
Annual Impacts				
- Highest Grid	.006	.13	5.8	3.
- Densest 50 sq. mi.	.004	.08	3.7	3.
- Region	.002	.03	1.5	3.
B(a)P Impacts				
Coal Usage	4,000 T/yr	40,000 T/yr	740,000 T/yr	
Emission Factors	-.061 g/10^6 BTU	2.365 g/10^6BTU	12.56 g/10^6 BTU	6.
Annual Tons Emissions	.009 T/yr	3.0 T/yr	279 T/yr	7.
24-Hour Maximum Impacts	Impacts in Nanograms/Cubic Meter *			
- Highest grid	-.06	22.2	2158	3.
- Densest 50 sq. mi.	-.03	12.9	1255	3.
- Region	-.01	3.9	376	3.
Annual Impacts				
- Highest grid	-.008	3.9	376	3.
- Densest 50 sq. mi.	-.007	2.5	243	3.
- Region	-.002	1.0	100	3.

* A nanogram is one billionth of a gram.

IV. IMPACTS ON HOUSEHOLDS DUE TO DOWNWASH

This analysis calculates plume impacts on adjacent houses due to downwash conditions, and assumes that the indoor concentrations equal one-half of the concentrations on the outside wall of a house.

	Low	Medium	High	Footnote
TSP Downwash Impacts				
Coal Usage	7 lb/day	22 lb/day	44 lb/day	
TSP Emission Factor	3 lb/ton	8 lb/ton	13 lb/ton	6.
Twelve-Hour Emission Rate	1.1×10^{-4} g/sec	9.22×10^{-4} g/sec	3.0×10^{-3} g/sec	7.
24-Hour Impact on Adjacent House 10 meters Downwind Due to Downwash	3.1 ug/m^3	26.4 ug/m^3	85.8 ug/m^3	8.
Annual Impact on Adjacent House 10 meters Downwind Due to Downwash	.27 ug/m^3	2.2 ug/m^3	7.2 ug/m^3	9.
SO_2 Downwash Impacts				
Coal Usage	7 lb/day	22 lb/day	44 lb/day	
SO_2 Emission Factor	38 lb/ton	38 lb/ton	38/lb ton	10.
Twelve-Hour Emission Rate	1.4×10^{-3} g/sec	4.39×10^{-3} g/sec	8.78×10^{-3} g/sec	7.
24-Hour Impact on Adjacent House 10 Meters Downwind Due to Downwash	40 ug/m^3	126 ug/m^3	251 ug/m^3	8.
Annual Impact on Adjacent House 10 Meters Downwind Due to Downwash	3.3 ug/m^3	10.5 ug/m^3	20.9 ug/m^3	9.

	Low	Medium	High	Footnote
Benzo(a)Pyrene Downwash Impacts				
Daily Coal Usage	7 lb	22 lb	44 lb	
B(a)P Emission Factor	$-.061$ g/10^6 BTU	2.365 g/10^6 BTU	12.56 g/10^6 BTU	11.
Twelve-Hour Emission Rate	-1.33×10^{-7} g/sec	1.63×10^{-5} g/sec	1.73×10^{-4} g/sec	7.
24-Hour Impact on adjacent House 20 meters downwind due to downwash	-3.8 ng/m^3	467 ng/m^3	4957 ng/m^3	8.
Indoor = 50% outside Wall Impacts				
Annual Impact on Adjacent House 20 Meters Downwind Due to Downwash	$-.3$ ng/m^3	38.9 ng/m^3	413 ng/m^3	9.

V. Impacts on Households Due to Internal Smoke Leaks

Benzo(a)Pyrene Indoor Smoke Leak Impacts

	Low	Medium	High	Footnote
Known B(a)P Concentrations due to Wood-burning Fireplaces	1 ng/m^3	3 ng/m^3	11 ng/m^3	12.
Assumed 24-Hour Concentration due to Fireplaces	.33 ng/m^3	1 ng/m^3	3.67 ng/m^3	13.
Multiplier by Which Coal B(a)P Emission Rate Exceeds Fireplace B(a)P Emission Rate from Wood	1.67	55	282	14.
Assumed 24-Hour Indoor B(a)P Concentrations Due to Smoke Leaks from Residential Coal Burning.	.55 ng/m^3	55 ng/m^3	1034 ng/m^3	15.
24-Hour Indoor B(a)P Concentrations from Smoke Leaks Less Reduced Wood Impacts	.22 ng/m^3	54 ng/m^3	1030 ng/m^3	16.
Assumed Annual Average B(a)P Levels From Smoke Leaks	.09 ng/m^3	14 ng/m^3	257 ng/m^3	

	Low	Medium	High	Footnote
TSP Indoor Smoke Leak Impacts				
Coal Usage	7 lb/day	22 lb/day	44 lb/day	6.
TSP Emission Factor	3 lb/ton	8 lb/ton	13 lb/ton	6.
Emission Rate in Grams/10^6 BTU	50.4 g/10^6BTU	134.5 g/10^6 BTU	218.6 g/10^6 BTU	7.
Multiplier by Which Coal TSP Emission Rate Exceeds Fireplace B(a)P Emission Rate from Wood	1120	2990	4860	6.,18.
Assumed 24-Hour Indoor TSP Concentrations due to Smoke Leaks From Burning Coal	.36 ug/m^3	3.0 ug/m^3	9.7 ug/m^3	19.
Assumed Annual Indoor TSP Concentrations due to Smoke Leaks From Coal Burning	.12 ug/m^3	1.0 ug/m^3	3.2 ug/m^3	20.
SO_2 Indoor Smoke Leak Impacts				
Coal Usage	7 lb/day	22 lb/day	44 lb/day	
SO_2	38 lb/ton	38 lb/ton	38 lb/ton	10.
Multiplier by Which Coal SO_2 Emission Rate Exceeds Fireplace B(a)P Emission Rate from Wood	20180	20180	20180	6.,11.
Assumed 24-Hour Indoor SO_2 Concentrations Due to Smoke Leaks from Burning Coal	6.4 ug/m^3	20.2 ug/m^3	40.4 ug/m^3	21.
Assumed Annual Indoor SO_2 Concentrations Due to Smoke Leaks from Coal Burning	2.1 ug/m^3	6.7 ug/m^3	13.5 ug/m^3	20.

FOOTNOTES:

1. If 1% of households burn 1 ton/year, annual tons of coal are 4000. With 5% burning 2 T/yr, the rate is 40,000. As an upper limit value, if all households projected to burn wood in 1987 burned the equivalent amount of coal, 740,000 tons/year would be burned.

2. EPA's emission factor (Compilation of Air Pollutant Emission Factors, U.S.E.P.A., 1975) is 20 lb/ton direct TSP for hand-fired stoves and 30 lb/ton for fireplaces. Thus 3 values of 20, 25 and 30 were assumed for direct particulate. Secondary sulfates must be added. Since the SO_2 emission factor is 38 lb/ton for 1% sulfur coal, the sulfate would range from 2.3 lb/ton to 4.6 lb/ton to 11.4 lb/ton if it is assumed that either 4%, 8%, or 20% is converted in the atmosphere to sulfates. The 8% conversion factor is the mean value derived from the PACS study, and observed sulfate concentrations.

Example:

$$\frac{38 \text{ lb } SO_2}{\text{ton}} \times .08 \text{ Conversion of } SO_2 \text{ to } SO_4 \times \frac{1.5 \text{ wt } SO_4}{\text{wt } SO_2} = 4.6 \text{ lb } SO_4/\text{ton coal}$$

Low	Medium	High
20	25	30
2.3	4.6	11.4
22.3	29.6	41.4

These values must be discounted by 17 lb/ton (AP-42) to account for wood burning TSP emissions reduced by wood replacement with coal.

3. The DEQ's 1980 computer modelling work on particulates provides information on what the daily and annual impacts of 11,000 tons of wood burning emissions would be for different areas. This data is shown below. The impact on other emission sources that have a geographical distribution similar to population or households can be calculated by scaling.

	Daily Maximum Impact of 11,000 annual Tons of Residential Wood Burning Emissions in 1987	Annual Average Impact of 11,000 tons of Residential Wood Burning Emissions in 1987
Highest grid (9,000 people)	86 ug/m^3	15 ug/m^3
Worst 50 sq. mi. (260,000 people)	50	9.7
Region (800,000 people)	15	4.

4. A 1% sulfur coal has been assumed for all cases. Wood SO_2 emissions are only 1% of the coal SO_2 emissions and have therefore been neglected.

5. As discussed in Footnote 2, this assumes either 4% or 8% or 20% of SO_2 converts to SO_4 within the region. The 8% value is the best estimate.

6. The three coal emission factors cited in Footnote 2. of 20, 25, and 30 lb/ton were reduced by the wood emission factor of 17 lb/ton to account for reduced wood burning impacts if wood replaces coal. Sulfate impacts not included since the amount of sulfur dioxide to sulfate conversion is unknown for short time periods.

7. Coal BTU content of 27×10^6 BTU/ton assumed.

8. Calculations based on Workbook of Atmospheric Dispersion Estimates, D. Bruce Turner, U.S.D.H.E.W., 1969, pp. 5-9. Assumptions used include a) a 12-hour burn period b) Class C stability c) impact on an adjacent house 10 meters distant and d) indoor concentrations of impacted house assumed to be 50% of outdoor concentrations. Thus the 12-hour impact on the outside structure of the impacted house would be four times as great as the value shown.

9. Based on 24-hour calculations as explained in Footnote 7 above, it was assumed that the heating season is 4 months long and that downwash conditions occur on one quarter of the heating season days.

10. Compilation of Air Pollutant Emission Factors, U.S.E.P.A., 1975.

11. Sources include those listed below. Emission factors for B(a)P from coal (.074, 2.5, and 12.7 g/10^6 BTU) were reduced by the available B(a)P emission factor for wood in wood stoves (.135 g/10^6 BTU)

    a. Beine, Dr. Helmut, Level of 3,4 - Benzopyrene in the Waste Gasses of Domestic Stoves Using Solid Fuels. Staub-Reinhalt. Luft 30,8:23-26, August 1970.

    b. Hangebrauck, R.P., et al, Sources of Polynuclear Hydrocarbons in the Atmosphere, U.S.D.H.E.W., Public Health Service, AP-33, PB 174-706, Washington, DC, 1967. In: Particulate Polycyclic Organic Matter, National Research Council, National Academy of Sciences, Washington, DC, 1972.

12. Geomet's Dr. Demetrios Moschandreas, cited in the September 1980 Environmental Science and Technology article entitled "Indoor Air Pollution", has recorded B(a)P levels in rooms with wood-burning fireplaces of over 11 ng/m^3. In an 11/13/80 phone conversation, he estimated average B(a)P levels in such locations at 2 to 4 ng/m^3.

13. An 8-hour burn period was assumed.

14. The range in B(a)P levels discussed in Footnote 11 were divided by a wood fireplace B(a)P emission rate of .045 g/10^6 BTU's which data is from Table 3 in DEQ's draft research paper.

15. This row of values is the product of the two above rows.

16. Values were reduced by .33/.55, 1/55 and 3.67/1034 to account for the B(a)P indoor concentrations from wood which were assumed to have been replaced by coal.

17. Values based on burning 4 of 12 months per year.

18. The range in TSP levels discussed in Footnote 6 were divided by a wood fireplace B(a)P emission rate of .045 g/10^6 BTU which data is from sources cited in Footnote 11.

19. If burning wood with a .045 g B(a)P 10^6 BTU emission factor results in 24-hour B(a)P concentrations of 1 ng/m^3 (.001 ug/m^3), and if a 35 pound charge of wood was assumed, then an equivalent amount of coal (22 pounds) which has a TSP emission factor which is 2990 times as great is estimated to produce TSP concentrations of 2.99 ug/m^3.

    The low value is derived from assuming a lesser charge of 7 pounds coal and a lesser net TSP emission factor of 3 lb/ton (2.99 x 7/22 x 3/8 = .36 ug/m^3). The high value is derived from assuming a greater day's charge of 44 pounds coal and a higher net TSP emission factor of 13 lb/ton (3.0 x 44/22 x 13/8 = 9.7 ug/m^3).

20. A 4-month heating was assumed

21. A methodology similar to that cited in Footnote 19 was used.

APPENDIX A

Summary of Oregon and Federal Air Quality Standards for Various Pollutants and Recent Portland Area Concentrations

	ug/m^3 Annual	ug/m^3 24-Hour Maximum	ug/m^3 3-Hour
TSP			
- Primary Standard	75	260	N.A.
- Secondary Standard	60	150	N.A.
- Oregon Standard	60	150	N.A.
- Portland Area 1987 Max.	84	254	N.A.
SO_2			
- Primary Standard	80	365	N.A.
- Secondary Standard	N.A.	N.A.	1300
- Oregon Standard	60	260	1300
- Portland Area Current Max.	32	217	N.A.
SO_4			
- California Standard	N.A.	25	N.A.
- Portland Area Recent Max.	3-6	12	N.A.
B(a)P	Nanograms/cubic meter		
- Portland Area (1969 single site values	2.6	N.A.	N.A.
- Average U.S. 1966 levels	3.2	N.A.	N.A.
- Averate U.S. 1975 levels	.5	N.A.	N.A.

WTG:g
AG963 (1)

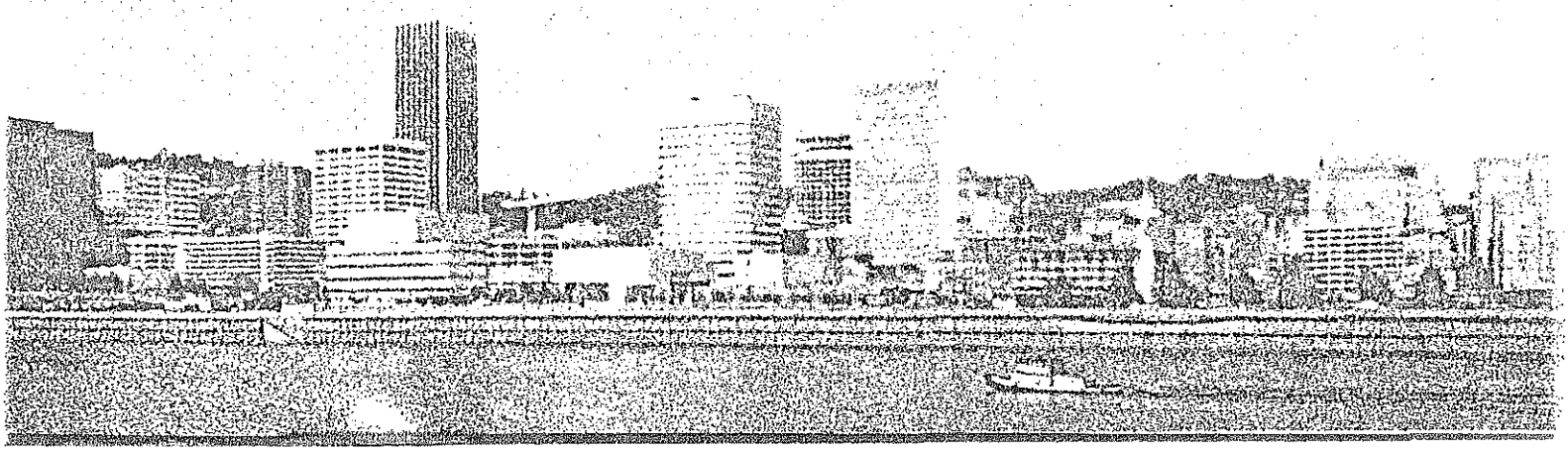
ATTACHMENT 2

Portland Air Quality Advisory Committee

P.O. Box 1760
Portland, Oregon 97207
(503) 229-6092

1. The DEQ should adopt a strategy to ban the sale of residential coal in the Portland AQMA to users, with the exception of current home users, who use it as a primary source of heat. Existing residential users shall be allowed to burn coal in residences for five years, after which they should not be allowed to burn coal unless they obtain a hardship variance.

AQ0099.A



Statement of Need for Rulemaking

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

Legal Authority

ORS Chapter 468, including 468.020 and OAR 340-22-020

Need For The Rule

To prevent increased difficulty in meeting ambient air standard, protect the public against potential adverse health affects and avoid severe nusiance conditions including soiling, odors, and visibility loss.

Principal Documents Relied Upon

Coal Health Effects Review Committee Summary Report to the DEQ
April 21, 1981

Fiscal Impact Statement

Potentially $400,000 in annual lost business to present coal suppliers which may be offset by increased business for cleaner energy sources. Investments up to approximately $500 for those households of the approximately 2,000 that heat with coal and will need to provide a new heating system by no later than July 1, 1983.

PROPOSED RULES TO LIMIT THE SULFUR AND VOLATILE MATTER OF COAL SOLD FOR DIRECT SPACE HEATING

COAL

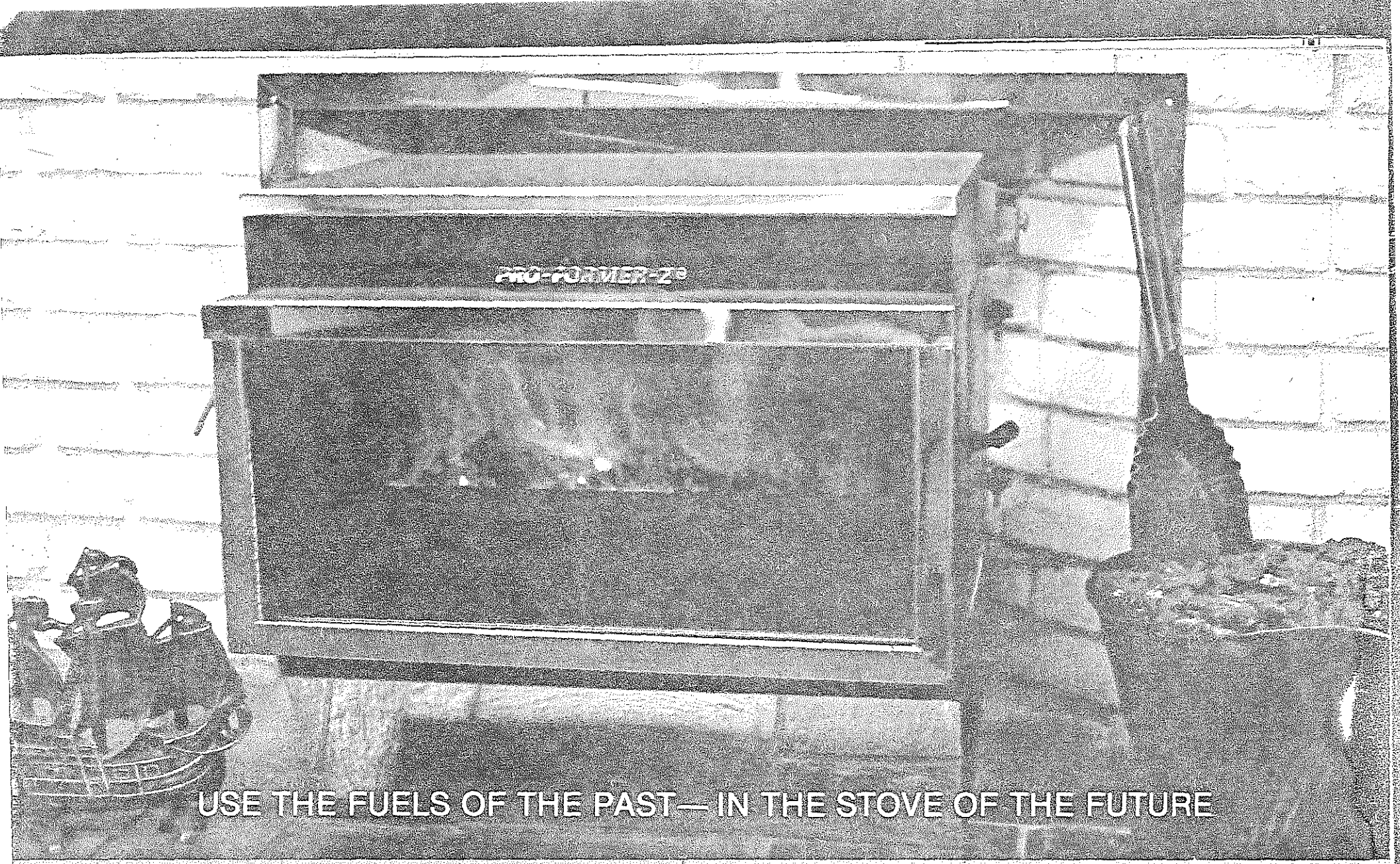
340-22-020 (1) After July 1, 1972, no person shall sell, distribute use, or make available for use, any coal containing greater than 1.0 percent sulfur by weight.

(2) After July 1, 1983, no person shall sell, distribute, use or make available for use, any coal containing greater than 0.3% sulfur and 5% volatile matter as defined in ASTM Method D3175 for direct space heating within the Portland, Salem, Eugene-Springfield, and Medford-Ashland Air Quality Maintenance Areas.

Attachmmnt 5

TYPICAL JOURNAL ADVERTISEMENTS/ARTICLES

ON COAL HEATING



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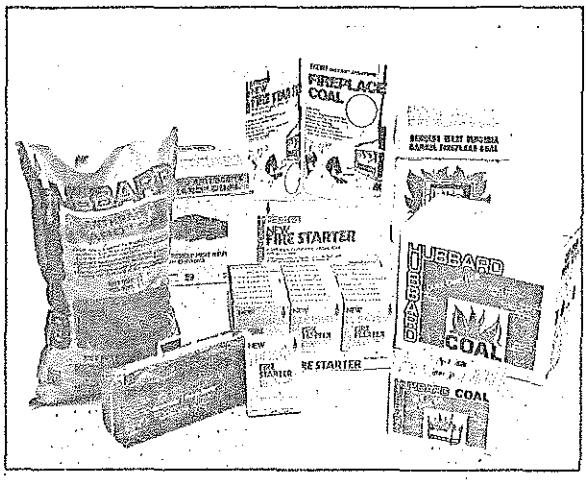

Hubbard Coal pioneered the prepackage concept in coal distribution. We offer anthracite packaged in heavy poly bags or corrugated boxes. Cannel coal, bituminous lump coal and lignite briquettes are available in clean prepackaged units. Two fire-starters are available to ignite the coals: One is a convenient kerosene base product; the other, a hand split natural pitch pine.

Hubbard Coals have been picked because of their low ash and sulphur content. Don't be fooled in buying anything but clean burning, freshly mined coals produced by the energy people at Hubbard Coal.

HUBBARD Coal and Mining Companies Produce the Finest Fresh Mined Anthracite and Bituminous Coals Available.

Don't be left out in the cold. Last year's production of anthracite coals for heating units in stove, nut, pea, buckwheat and barley hardly met the requirements for the coal dealers in the Northeast New England marketplace. This season's sales of stoves in this marketplace alone will reach 270,000. With three tons average usage per season the market needs over 700,000 tons of stove, nut and pea alone. The present production facilities in the anthracite fields cannot meet this demand. If you wish to join a growing field with a growth company contact Hubbard Coal and Mining Companies.

Educational pamphlets, photos, ad slicks, vendors liability insurance, national advertising, point of purchase displays, four color posters, trade advertising included in Dealer/Distributor program.

Hubbard Coal is looking for purchasers of additional tonnage in anthracite and bituminous production.* Mines are located in Kentucky, Virginia, West Virginia, Pennsylvania and Utah.

***FOR INFORMATION** on becoming a Hubbard Coal Dealer/Distributor please write to us at P.O. Box 1216, Birmingham, Michigan 48012. Call 717/ 824-7505 for Barbara Bowen or 313/ 645-1937 for Red Phillips.

HUBBARD COAL

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Circle Reader Service No. 004

The Rush Continues...

15 bags (1 pickup load) could heat an Oregon Home →

Coal dealers—and consumers—who lack yard space for bulk tons (above), have the option of bagged coal (right). Photos by John Florian.

By Jack Goldberg
Associate Editor

Using coal is the American way to heat a home.

That appears to be the thinking of millions of Americans seeking to keep warm this winter while trying to make oil-rich OPEC go hungry.

Coal, which has been receiving a bum rap ever since Tiny Tim found a lump of it in his Christmas stocking, continues its modern-day rush as a home heating fuel. And industry experts predict the best years for coal are still ahead.

"We see a continuing increase in the use of coal," says Paul Merritt, managing editor of Coal Age, a respected trade publication. "The rise will not be as fast or as dramatic as has been the case five years ago but it will be more steady, consistent and long-lasting."

One big snag — distribution — is starting to smooth out.

"The retail distribution market pretty much gave in 1965," says Tony Anthony, associate director of public and media affairs for the National Coal Association. "It is starting to turn around and build up quickly."

It has to. Coal use in Connecticut alone this winter is expected to soar more than 300 percent from the '79-'80 season, predicts Connecticut's energy office director, Joseph A. Belanger.

And where are we going to get this coal? From Pennsylvania, answers that state's Lt. Gov. William Scranton III, who recently toured Connecticut, Massachusetts and Rhode Island, promising that no one who uses coal there as primary heat this winter will go cold.

Tight, not critical

Scranton, of course, is speaking about anthracite, the hard coal that heats homes in the northeast — the nation's major coal burning region.

"It will be a tight market," Scranton says of this season, but it will "not be a critical situation."

He blames the 30-day anthracite coal strike earlier this year and evironmental factors for spot shortages which may appear this season in New England, New York and New Jersey. He urges consumers to buy coal now to avoid dealer's empty bins later.

Last year, coal shortages put a damper on coal stove sales and raised consumer and industry skepticism over the realistic potential of coal's deliverance of America from the OPEC age.

Blaming distribution problems for last season's woes, Scranton warns that while shortages won't be as dramatic this winter, they will occur in certain areas.

"I think what you've seen is an industry that was lively for a number of years, then died, and now we've come to the problem of resurrecting it," he said. "The demand has been greater than had been expected."

More severe

However, the New England Congressional Caucus is predicting a more severe shortage of anthracite than Scranton's estimate.

"If we have even a moderately cold winter, we'll have a shortage this winter," said Robert Pratt, executive director of the caucus.

After surveying the energy offices in Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire and Maine, the caucus concluded there will be a 54 percent increase in anthracite coal consumption this winter.

Pratt said the difference between an expected increase in production of about 20 percent and of more than 50 percent in demand means a shortage in inevitable.

"I don't see significant progress since last year because the producers are so conservative," he said.

Pratt said it's understandable that the producers do not want to increase production when they are not receiving large orders now and it's equally understandable that the dealers do not want to place large orders when it's off season for their customers.

Most of the dealers are 'Mom and Pop' operations and do not have well-established sources of capitol. They say, 'Why should we trust that the orders will be there?'" he said.

The energy offices in New England have projected that homeowners will need more coal in every

NATURAL GAS

Deregulation could spark a boom for solid fuel sales

by Steve Maviglio

IF THE regulatory reform dreams of the Reagan Administration come true, the average American family's annual gas heating bill will jump a whopping 86 percent next year, according to the Energy Action Foundation. Such an increase, many industry experts believe, will spark record levels of solid fuel equipment sales.

According to the American Gas Association, natural gas accounts for 26 percent of all energy consumed in the United States and about 30 percent of the energy produced in the nation. Gas also keeps about half of America's households warm.

In the next few months, these residential users may be in for an unpleasant shock. Under the National Gas Policy Act (NGPA) of 1978, prices of old gas (previously discovered) will climb gradually until Jan. 1, 1985, softening the impact of a sudden price boost on the fragile economy. (Newly discovered gas is already decontrolled.) For example, next year's schedule calls for a 14 percent price hike.

However, President Reagan has hinted that controls may be lifted as early as December. This action would boost the gas heating bill of the average family from $505 in 1981 to $940 in 1982, according to the Energy Action Foundation.

"Consumers will face price increases that make OPEC hikes look small," says Energy Action Director Edwin Rothschild. "These kinds of increases," he notes, "will make it even harder for middle-income American families to stay even with inflation."

The industry's powerful trade group, the American Gas Association (AGA), also warns of the effects of a swift end to controls. In a recent report, AGA warns that "immediate total decontrol of natural gas wellhead pricing would increase both inflation and oil imports."

The report goes on to say that gas prices paid by users in all sectors would nearly double, resulting in a first-year

AVERAGE ANNUAL GAS UTILITY BILLS FOR HOUSE HEATING CUSTOMERS

	1981 Cost	1982 with NGPA Plan	1982 with Reagan Plan	1982 Difference between Reagan Acceleration and NGPA Plan	Pct. Increase over 1981 Cost with Reagan Acceleration
UNITED STATES	$505	$575	$ 940	$365	86%
NORTHEAST					
Connecticut	$740	$835	$1180	$345	59%
Delaware	680	770	1145	375	68
Dist. of Columbia	670	760	1145	385	71
Maine	500	560	740	180	48
Maryland	580	660	1000	340	72
Massachusetts	665	750	1075	325	62
New Hampshire	530	600	895	295	69
New Jersey	680	765	1115	350	64
New York	770	870	1280	410	66
Pennsylvania	680	775	1230	455	81
Rhode Island	580	660	1005	345	73
Vermont	610	690	1045	355	71
NORTH CENTRAL					
Illinois	$750	$855	$1385	$530	85%
Indiana	585	670	1135	465	94
Iowa	540	620	1045	425	94
Kansas	420	485	920	435	119
Michigan	640	735	1245	510	95
Minnesota	620	710	1170	460	89
Missouri	545	620	1040	420	91
Nebraska	470	545	970	425	106
North Dakota	625	715	1185	470	90
Ohio	555	635	1055	420	90
South Dakota	475	545	925	380	95
Wisconsin	595	680	1095	415	84
SOUTH					
Alabama	$400	$455	$ 710	$255	78%
Arkansas	315	365	685	320	117
Florida	215	245	370	125	72
Georgia	390	450	740	290	90
Kentucky	440	505	890	385	102
Louisiana	345	395	660	265	91
Mississippi	335	385	635	250	90
North Carolina	450	515	790	275	76
Oklahoma	370	425	775	350	109
South Carolina	335	380	585	205	75
Tennessee	345	400	705	305	104
Texas	360	410	650	240	81
Virginia	620	700	1060	360	71
West Virginia	520	595	975	380	88
WEST					
Alaska	$495	$580	$1160	$580	134%
Arizona	260	295	450	155	73
California	300	345	595	250	98
Colorado	440	505	875	370	99
Idaho	495	560	845	285	71
Montana	420	485	880	395	110
Nevada	355	405	660	255	86
New Mexico	370	425	710	285	92
Oregon	500	565	830	265	66
Utah	510	585	1060	475	108
Washington	520	590	875	285	68
Wyoming	500	575	995	420	99

Courtesy of Energy Action Foundation, Washington, D.C.

direct cost to U.S. consumers of more than $60 billion. Besides that, the group fears that a windfall profits tax on gas could arise.

Economists at the Natural Gas Supply Association (NGSA) believe otherwise. In a contrasting study, NGSA predicts that immediate decontrol would "stimulate exploration and production of natural gas, which in turn would cut imports of foreign oil."

Even if the administration holds off on the immediate lifting of controls, gas prices are expected to climb 15 percent next year anyway. But the cost of gas still will remain at nearly half that of oil. All told, natural gas prices have risen 42 percent since 1977, compared to oil's 105 percent increase.

That may be the prime reason behind the nearly 910,000 oil-to-gas-heat conversions recorded over the past three years. Similar rates of fuel switching are expected to continue, since nearly a third of the 16 million oil-heated homes in the United States already have gas hookups for cooking or water heating.

BUT THE oil industry is not taking this rapid loss of business sitting down. Several metropolitan areas have been flooded with ads warning about the pitfalls of rising gas prices. One commercial, funded by the New England Fuel Institute (an oil dealers trade group), lectures: "The more you know about gas, the more comfortable you'll feel about oil heat."

"Natural gas is the most ridiculous bargain on the market," a leading gas industry analyst recently told *The Wall Street Journal*. "The average price of gas is about $2 per 1,000 cubic feet. That equals $12-a-barrel oil. John Q. Public waits until he can't pay the bills. Apparently the price isn't high enough to hurt yet."

Current consumption figures prove him wrong. Despite the addition of some 400,000 households to the gas list this year, consumption remained flat. Average consumption is down too, from 107,000 cubic feet in 1974 to 90,000 today.

But today's conservation will bring tomorrow's good times to the gas industry. Many analysts are wary of obtaining future supplies. They warn that this year's gas shortage in Massachusetts may be a grim sign of things to come.

Just 25 years ago, oil companies flared gas because it was so cheap and available. One gas company executive believes that several trillion tons were burned indiscriminately.

After World War II, pipeline construction picked up, linking the gas-rich Southwest with the energy-starved Midwest and Northeast. The Southwest continues to dominate gas production, though Alaska should provide the bulk of natural gas output through the year 2020.

Canada holds significant gas reserves as well. Currently meeting five percent of U.S. demand, that nation's exports are limited to what the government feels is "excess" to their needs. According to the Canadian Petroleum Association, Canada holds gas reserves of 89 trillion cubic feet—not to mention untapped deposits in the far north and offshore.

South of the border, Mexico already has begun to meet U.S. shortfalls. Today it sends us several million cubic feet. By 2000, that figure should rise to two trillion cubic feet annually.

Other exploration possibilities include coal, peat and oil shale gasification, methane, biomass conversion, and development of western tight sands and Devonian shale.

Questions about future natural gas availability and an immediate price shock can only mean good news for the solid fuel industry. As with the oil price hike in 1978, sales of wood and coal-heating equipment may shoot upward.

Several industry sources say that deregulation of natural gas will have a "booming" effect on the industry, "opening new markets for stoves that never existed or were latent before."

Some manufacturers believe that fireplace inserts will be especially big sellers. Urban and suburban homes heated by gas in the Northeast and Midwest are likely to turn to wood and coal for auxiliary heat, resulting in insert sales. Smaller stoves also should become sales leaders.

The White House has not set a time frame for ending controls, so it is still too early to predict any effect on this season's sales. Senate Energy Committee Chairman Jim McClure (R-Idaho) forecasts a vote by the end of the year. Others predict quicker action. *SM*

For a state-by-state analysis of the projected price increases under complete deregulation if approved this June, see the accompanying table.

Attachment 6

VICTOR ATIYEH
GOVERNOR

Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

Prepared:
Hearing Date:

NOTICE OF PUBLIC HEARING

A CHANCE TO BE HEARD ABOUT:

Proposed Rules to Limit the Sulfur and Volatile Matter of Fuel Coal For Direct Space Heating

WHAT IS THE DEQ PROPOSING?

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

** Coal sold & used for direct space heating in the Portland, Salem, Eugene and Medford airsheds would be restricted to a 0.3% sulfur content and a 5% volatile content.

** The restriction would be effective after July 1, 1983.

** The rule is considered a preventive measure necessary to avoid interference with attainment of air quality standards and to avoid potential adverse health effects and nuisance conditions.

WHO IS AFFECTED BY THIS PROPOSAL:

Distributors and users of coal for direct space heating.

HOW TO PROVIDE YOUR INFORMATION:

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

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

City	Time	Date	Location

HOW TO PROVIDE YOUR INFORMATION:

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

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

City	Time	Date	Location

WHERE TO OBTAIN ADDITIONAL INFORMATION:

Copies of the proposed rules may be obtained from:

DEQ Air Quality Division
Box 1760
Portland, Oregon 97207

LEGAL REFERENCES FOR THIS PROPOSAL:

This proposal amends OAR 340-22-020.
It is proposed under authority of ORS 468.295.

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

FURTHER PROCEEDINGS:

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

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

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. G, October 9, 1981, EQC Meeting

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.

Background and Problem Statement

Oregon Administrative Rule 340-25-26(5) requires the Commission to review by December 31, 1981 the feasibility of applying "new plant" emission limits (OAR 340-25-265(1) to "existing plants." Elements of this review are set forth in OAR 340-25-265(5)(a)(b)&(c). (See Attachment 1.) The Department is proposing to hold a hearing relative to these elements as a means of obtaining information necessary to complete the review.

Alternatives and Evaluation

The only alternative identified would be for the staff to accumulate the pertinent information for the EQC review. An informational hearing is considered to be the best means of obtaining data based upon input from all interested parties.

Upon receiving authorization, from the Commission, the Department would conduct a hearing in Portland before a hearings officer during the second week in November. The hearing notice is included herein as Attachment 2.

Summation

1. The Commission is required to review by December 31,1981, the feasibility of applying state emission standards for new aluminum plants (OAR 340-25-265(1)) to existing plants.

2. An informational public hearing is considered the best means of obtaining pertinent information from all interested parties.

3. Subsequent to authorization by the Commission, the Department would hold a hearing before a hearings officer in Portland on November 9, 1981.

Director's Recommendation

Based upon the summation, it is recommended that the Commission authorize the Department to hold a public hearing to develop information on the feasibility of existing aluminum plants complying with state emission limits for new plants. Such information shall be pertinent to OAR 340-25-265(5).

Bill

William H. Young

Attachments : 1. Primary Aluminum Plant regulations, OAR 340-25-255 through -285.
2. Informational Public Hearing Notice

FAS:h
AH46 (1)
(503)229-6414
September 17, 1981

Primary Aluminum Plants

[ED. NOTE: Administrative Order DEQ 60 repealed previous rules 340-25-255 through 340-25-290 (consisting of DEQ 19, filed 7-14-70 and effective 8-10-70).]

Statement of Purpose

340-25-255 In furtherance of the public policy of the state as set forth in ORS 449.765, it is hereby declared to be the purpose of the Commission in adopting the following regulations to:

(1) Require, in accordance with a specific program and time table for each operating primary aluminum plant, the highest and best practicable collection, treatment, and control of atmospheric pollutants emitted from primary aluminum plants through the utilization of technically feasible equipment, devices, and procedures necessary to attain and maintain desired air quality.

(2) Require effective monitoring and reporting of emissions, ambient air levels of fluorides, fluoride content of forage, and other pertinent data, The Department will use these data, in conjunction with observation of conditions in the surrounding areas, to develop emission and ambient air standards and to determine compliance therewith.

(3) Encourage and assist the aluminum industry to conduct a research and technological development program designed to reduce emissions, in accordance with a definite program, including specified objectives and time schedules.

(4) Establish standards which, based upon presently available technology, are reasonably attainable with the intent of revising the standards as needed when new information and better technology are developed.

Stat. Auth.: ORS Ch.
Hist: DEQ 60, f. 12-5-73, ef. 12-25-73

Definitions

340-25-260 (1) "All Sources" means sources including, but not limited to, the reduction process, alumina plant, anode plant, anode baking plant, cast house, and collection, treatment, and recovery systems.

(2) "Ambient Air". The air that surrounds the earth, excluding the general volume of gases contained within any building or structure.

(3) "Annual Average" means the arithmetic average of the twelve most recent consecutive monthly averages reported to the Department.

(4) "Anode Baking Plant" means the heating and sintering of pressed anode blocks in oven-like devices, including the loading and unloading of the oven-like devices.

(5) "Anode Plant" means all operations directly associated with the preparation of anode carbon except the anode baking operation.

(6) "Commission" means Environmental Quality Commission.

(7) "Cured Forage" means hay, straw, ensilage that is consumed or is intended to be consumed by livestock.

(8) "Department" means Department of Environmental Quality.

(9) "Emission" means a release into the outdoor atmosphere of air contaminants.

(10) "Emission Standards" means the limitation on the release of contaminant or multiple contaminants to the ambient air.

(11) "Fluorides" means matter containing fluoride ion.

(12) "Forage" means grasses, pasture, and other vegetation that is consumed or is intended to be consumed by livestock.

(13) "Monthly Average" means the arithmetic average of three test results obtained during any calendar month, utilizing test methods and procedures approved by the Department.

(14) "Opacity" means the degree to which an emission reduces transmission of light or obscures the view of an object in the background.

(15) "Particulate Matter" means a small discrete mass of solid or liquid matter, but not including uncombined water.

(16) "Primary Aluminum Plant" means those plants which will or do operate for the purpose of, or related to, producing aluminum metal from aluminum oxide (alumina).

(17) "Pot Line Primary Emission Control Systems" means the system which collects and removes contaminants prior to the emission point. If there is more than one such system, the primary system is that system which is most directly related to the aluminum reduction cell.

(18) "Regularly Scheduled Monitoring" means sampling and analyses in compliance with a program and schedule approved pursuant to rule 340-25-280.

(19) "Ringlemann Smoke Chart" means the Ringlemann Smoke Chart with instructions for use as published in May, 1967, by the U.S. Department of Interior, Bureau of Mines.

(20) "Standard Dry Cubic Root of Gas" means that amount of the gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor at a pressure of 14.7 P.S.I.A. and a temperature of 60°F.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the office of the the Department of Environmental Quality.]

Stat. Auth.: ORS Ch.
Hist: DEQ 60, f. 12-5-73, ef. 12-25-73

Emission Standards

340-25-265 (1) The exhaust gases from each primary aluminum plant constructed on or after January 1, 1973, shall be collected and treated as necessary so as not to exceed the following minimum requirements:

(a) Total fluoride emissions from all sources shall not exceed:

(A) a monthly average of 1.3 pounds of fluoride ion per ton of aluminum produced; and

(B) an annual average of 1.0 pound of fluoride ion per ton of aluminum produced; and

(C) 12.5 tons of fluoride ion per month from any single aluminum plant without prior written approval by the Department.

(b) The total of organic and inorganic particulate matter emissions from all sources shall not exceed:

(A) a monthly average of 7.0 pounds of particulate per ton of aluminum produced; and

(B) an annual average of 5.0 pounds of particulate per ton of aluminum produced.

(c) Visible emissions from any source shall not exceed ten (10) percent opacity or 0.5 on the Ringlemann Smoke Chart at any time.

(2) Each primary aluminum plant constructed and operated after January 1, 1973, shall be in full compliance with these regulations no later than 180 days after completing potroom start-up and shall maintain full compliance thereafter.

(3) The exhaust gases from each primary aluminum plant constructed on or before January 1, 1973, shall be collected and treated as necessary so as not to exceed the following minimum requirements:

(a) Total fluoride emissions from all sources shall not exceed:

(A) a monthly average of 3.5 pounds of fluoride ion per ton of aluminum produced; and

(B) an annual average of 2.5 pounds of fluoride ion per ton of aluminum produced; and

(C) 22.0 tons of fluoride ion per month from any single aluminum plant without prior written approval by the Department.

(b) The total organic and inorganic particulate matter emissions from all sources shall not exceed:

(A) a monthly average of 13.0 pounds of particulate per ton of aluminum produced; and

(B) an annual average of 10.0 pounds of particulate per ton of aluminum produced.

(c) Visible emissions from any source shall not exceed 20 percent opacity or 1.0 on the Ringlemann Smoke Chart at any time.

(4) Each existing primary aluminum plant shall proceed promptly with a program to comply as soon as practicable with these regulations. A proposed program and implementation plan shall be submitted by each plant to the Department not later than 180 days after the effective date of these amended regulations.

The Department shall establish a schedule of compliance for each existing primary aluminum plant. Each schedule shall include the dates by which compliance shall be achieved, but in no case, shall full compliance be later than the following dates:

(a) Existing plants shall comply with emission standards in section 340-25-265(3) by January 1, 1977;

(b) Existing plants shall comply with emission standards in section 340-25-265(1) by no later than January 1, 1986, pending a review by the Commission as described in section 340-25-265(5).

(5) The Commission shall review, by no later than December 31, 1981, the feasibility of applying subsection 340-25-265(4)(b) based on their conclusions regarding:

(a) The then current state of the art of controlling emissions from primary aluminum plants;

(b) The progress in controlling and reducing emissions exhibited at that time by then existing aluminum plants;

(c) The need for further emissions control at those facilities based on discernible environmental impact of emissions up to that time.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the office of the the Department of Environmental Quality.]

Stat. Auth.: ORS Ch. 468
Hist: DEQ 60, f. 12-5-73, ef. 12-25-73; DEQ 4-1980, f. & ef. 1-28-80

Special Problem Areas

340-25-270 The Department may require more restrictive emission limits than the numerical emission standards contained in rule 340-25-265 for an individual plant upon a finding by the Commission that the individual plant is located, or is proposed to be located, in a special problem area. Such more restrictive emission limits for special problem areas may be established on the basis of allowable emissions per ton of aluminum produced or total maximum daily emissions to the atmosphere, or a combination thereof, and may be applied on a seasonal or year-round basis.

Stat. Auth.: ORS Ch.
Hist: DEQ 60, f. 12-5-73, ef. 12-25-73

Highest and Best Practicable Treatment and Control Requirement

340-25-275 In order to maintain the lowest possible emissions of air contaminants, the highest and best practicable treatment and control currently available shall in every case be provided, but this section shall not be construed to allow emissions to exceed the specific emission limits set forth in rule 340-25-265.

Stat. Auth.: ORS Ch.
Hist: DEQ 60, f. 12-5-73, ef. 12-25-73

Monitoring

340-25-280 (1) Each primary aluminum plant constructed and operated on or before January 1, 1973, shall submit, within sixty (60) days after the effective date of these amended regulations, a detailed, effective monitoring program. The program shall include regularly scheduled monitoring and testing by the plant of emissions of gaseous and particulate fluorides and total particulates. The plant shall take and test a minimum of three (3) representative emission samples each calendar month. The samples shall be taken at specified intervals. A schedule for measurement of fluoride levels in forage and ambient air shall be submitted. The Department shall establish a monitoring program for the plant which shall be placed in effective operation within ninety (90) days after written notice to the plant by the Department of the established monitoring program.

(2) Each primary aluminum plant proposed to be constructed and operated after January 1, 1973, shall submit a detailed preconstruction of post-construction monitoring program as a part of the air contaminant discharge permit application.

Stat. Auth.: ORS Ch.
Hist: DEQ 60, f. 12-5-73, ef. 12-25-73

Reporting

340-25-285 (1) Unless otherwise authorized in writing by the Department, data shall be reported by each primary aluminum plant within thirty (30) days of the end of each calendar month for each source and station included in the approved monitoring program as follows:

(a) Ambient air: Twelve-hour concentrations of gaseous fluoride in ambient air expressed in micrograms per cubic meter of air, and in parts per billion (ppb); also 28-day test results using calcium formate ("limed") paper expressed in micrograms of fluoride per centimeter squared per cubic meter ($ug/-cm^2/m^3$).

(b) Forage: Concentrations of fluoride in forage expressed in parts per million (ppm) of fluoride on a dried weight basis.

(c) Particulate emissions: Results of all emission sampling conducted during the month for particulates, expressed in grains per standard dry cubic foot, in pounds per day, and in pounds per ton of aluminum produced. The method of calculating pounds per ton shall be as specified in the approved monitoring programs. Particulate data shall be reported as total particulates and percentage of fluoride ion contained therein.

(d) Gaseous emissions: Results of all sampling conducted during the month for gaseous fluorides. All results shall be expressed as hydrogen fluoride in micrograms per cubic meter and pounds per day of hydrogen fluoride, and in pounds per ton of aluminum produced.

(e) Other emission and ambient air data as specified in the approved monitoring program.

(f) Changes in collection efficiency of any portion of the collection or control system that resulted from equipment or process changes.

(2) Each primary aluminum plant shall furnish, upon request of the Department, such other data as the Department may require to evaluate the plant's emission control program. Each primary aluminum plant shall report the value of each emission test performed during that reporting period, and shall also immediately report abnormal plant operations which result in increased emission of air contaminants.

(3) No person shall construct, install, establish, or operate a primary aluminum plant without first applying for and obtaining an air contaminant discharge permit from the Department. Addition to, or enlargement or replacement of, a primary aluminum plant or any major alteration thereof shall be construed as construction, installation, or establishment.

Stat. Auth.: ORS Ch.
Hist: DEQ 60, f. 12-5-73, ef. 12-25-73

Revision of Emission Standards

340-25-290 [DEQ 19, f. 7-14-70, ef. 8-10-70; Repealed by DEQ 60, f. 12-5-73, ef. 12-25-73]

ATTACHMENT 2

VICTOR ATIYEH
GOVERNOR

Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

Prepared: September 17, 1981

Hearing Date: November 9, 1981

NOTICE OF INFORMATIONAL PUBLIC HEARING

A CHANCE TO BE HEARD ABOUT:

FEASIBILITY OF APPLYING STATE EMISSION STANDARDS FOR NEW ALUMINUM PLANTS (OAR 340-25-265(1)) TO EXISTING ALUMINUM PLANTS

The Department of Environmental Quality is seeking information relative to the feasibility of applying state emission standards for new aluminum plants (OAR 340-25-265(1) to existing plants. An information gathering hearing will be held in Portland on November 9, 1981 for this purpose. The Department is not proposing any rule amendments at this time.

WHAT IS THE DEQ PROPOSING?

The Environmental Quality Commisssion is required by OAR340-25-265(5) to review the feasibility of applying state new plant emission standards to existing plants based on its conclusions regarding:

a. the current state of the art of controlling emissions from primary aluminum plants;
b. the progress in controlling and reducing emissions exhibited by existing aluminum plants; and
c. the need for further emissions control at those facilities based on discernible environmental impact of emissions to date.

The DEQ will conduct a public hearing to gather information relative to the areas of consideration cited above.

WHO IS AFFECTED BY THIS PROPOSAL:

Owners and operators of existing aluminum plants and citizens who reside near these plants.

HOW TO PROVIDE YOUR INFORMATION:

Written comments should be sent to the Department of Environmental Quality, Air Quality Division, Box 1760, Portland, Oregon 97207, and should be received by November 9, 1981.

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

City	Time	Date	Location
Portland	10:00	November 9, 1981	Department of Environmental Quality Yeon Building, Rm. 1400 522 SW 5th Avenue

WHERE TO OBTAIN ADDITIONAL INFORMATION:

Copies of the existing rules may be obtained from:

Fredric A. Skirvin
Department of Environmental Quality
Air Quality Division
PO Box 1760
Portland, Oregon 97207
phone: 229-6414

LEGAL REFERENCES FOR THIS PROPOSAL:

This proposal is to obtain information relative to OAR 340-25-265(5)(a),(b) and (c).

There is no effect on land use.

FURTHER PROCEEDINGS:

Subsequent to this hearing, the DEQ will prepare a report on the information received to the EQC at its January 8, 1982 meeting. The EQC will then conclude whether or not it is feasible to apply new plant limits to existing plants. A conclusion that such action is not feasible would require a revision to existing regulations. Any revisions would be subject to additional public notice and hearings.

A statement of Need and a Fiscal Impact Statement are not required herein since the subject hearing is not a rule making proceeding.

FAS:h
AH47 (1)

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. I, October 9, 1981, EQC Meeting

Mr. Gary T. Hubbard--Appeal of Subsurface Variance Denial

Background

The pertinent legal authorities are summarized in Attachment "A".

On June 19, 1979, the Taiyo Corporation submitted a site evaluation application to Tillamook County for property identified as Lot 6, Myers Addition, Tierra Del Mar Subdivision. The property is also known as Tax Lot 3600, Section 6, Township 4 South, Range 10 West, and is approximately 12,600 square feet in size. On June 25, 1979, Mr. Ken Kimsey, Tillamook County Sanitarian, evaluated the property for subsurface sewage disposal suitability, and on the same day issued a Certificate of Favorable Site Evaluation for a system to serve a triplex with up to six (6) bedrooms.

On March 2, 1980, the Environmental Quality Commission adopted a temporary rule that voided all Certificates of Favorable Site Evaluation issued in Tillamook County from January 1, 1974 through December 31, 1979. The temporary rule provided that each property owner may request the property be reevaluated without fee.

Mr. Gary T. Hubbard, President, Taiyo Corporation, submitted a request for reevaluation, dated July 14, 1980. The request indicated a triplex with two (2) bedrooms per unit was proposed to be constructed. Mr. John Smits of Department staff, examined the property the same day and determined it did not comply with the Department's minimum standards for installation of either a standard or alternative sewage disposal system to serve a triplex. He found the soil profile to be mottled as close as thirty-six (36) inches from the ground surface (the presence of mottling is indicative of the high fluctuating permanent water table expected during the winter and spring in years of normal precipitation). Free water was observed at seventy-seven (77) inches from ground surface. The size of the property does not provide sufficient area for installation of a full-size initial

drainfield with room for future replacement. The sand filter alternative system was considered, but because of the small lot size, future replacement area was not available. Although the property did not meet the Department's siting criteria when considering a system to serve a triplex, Mr. Smits determined that the area of highest ground was acceptable for installation of a standard system to serve a three (3) bedroom dwelling. Because of the smaller system size, the area of higher ground could accommodate both initial and replacement drainfields while maintaining the minimum four (4) feet of separation to the high permanent groundwater levels. Mr. Hubbard was notified of the denial by letter dated July 18, 1980 (Attachment "B").

An application for a variance from the subsurface rules was received by the Department, and assigned to Mr. Michael G. Ebeling, variance officer. On July 23, 1980, Mr. Ebeling examined the proposed site and held a public information gathering hearing. After closing the hearing, Mr. Ebeling evaluated the information provided by Mr. Hubbard and others. Mr. Ebeling found the site to be located on a deflation plain, with the triplex proposed to be built on the foredune. Two (2) backhoe pits dug in the deflation plain exhibited unconsolidated sand with mottling observed at depths of twenty (20) inches and forty (40) inches, respectively. Fifteen (15) inches of siltstone fill was observed at one pit. The undulating land surface at the proposed drainfield site would require some cutting and filling. Given an estimated peak daily sewage flow of up to nine hundred (900) gallons, disposed of onto a small lot with rapidly drained sandy soil, Mr. Ebeling was not convinced that the sewage effluent would be sufficiently treated to prevent degradation of the shallow permanent groundwater. Mr. Hubbard was notified of the variance denial by letter dated November 18, 1980 (Attachment "C"). Provision was made for reconsideration of this decision based upon the monitoring of water levels during the winter and spring by Tillamook County staff. Tillamook County had agreed to perform the monitoring, record their observations, and forward the data to Mr. Ebeling at the end of the study period.

Mr. Hubbard contacted the Department by letter dated June 5, 1981, inquiring about the results of the water level monitoring (Attachment "D"). Department staff spoke to Tillamook County personnel and was informed that due to workloads caused by reevaluation of sites in the County, they had inadvertently overlooked this commitment. Mr. Hubbard was informed by letter (dated June 9, 1981) that monitoring was not performed, and there was no basis for reconsideration of Mr. Ebeling's decision (Attachment "E").

On June 12, 1981, Water Quality Division received a new plan, prepared by Mr. James F. Nims, P.E., for an alternative system proposed to be installed on Mr. Hubbard's property. Mr. Sherman Olson, Variance Coordinator, informed Mr. Nims the new plan could not be introduced into the existing variance record because the hearing process was closed, and the variance decision issued. Mr. Nims was advised that Mr. Hubbard had at least two options: the variance denial could be appealed to the Commission, or a new

variance application and proposal could be submitted for Department action.

On July 13, 1981, the Department received a letter from Mr. Hubbard appealing the variance officer's decision (Attachment "F"). The Department notified Mr. Hubbard that his appeal would be scheduled for the August 28, 1981 Commission meeting (Attachment "G").

At their meeting on August 28, 1981, the Commission directed the variance be returned to the variance officer to reopen the hearing and allow a new or revised proposal be submitted for consideration.

Reconsideration by Variance Officer

As Mr. Ebeling is no longer involved with the on-site program, it was assigned to Mr. Olson. Mr. Olson notified Mr. Hubbard and his consultants by letter that a hearing to allow them to submit new information into the variance record was scheduled for September 8, 1981 (Attachment "H"). The letter also contained a list of questions that evolved after preliminary review of material submitted by Mr. Thomas S. Graham, President, Rid-Waste Environmental Systems, Inc.

Mr. Olson visited the property on September 3, 1981 and found it to be located between Sand Lake Woods Road and the Pacific Ocean. Sears Lake was estimated to be located approximately one hundred yards to the southeast. With the use of a dumpy level, Mr. Olson determined the area proposed for the absorption system varied in elevation by approximately two feet. He further found the winter water level of Sears Lake to be approximately two and one half feet lower than the eastern portion of the property. The site limitations were found to be as described previously by Mr. Smits and Mr. Ebeling.

On September 8, 1981 the variance hearing was reopened. Mr. Hubbard submitted, through Mr. Graham and Mr. Nims, revised plans and a written response to the questions attached to the hearing notice (Attachment "I"). The proposed system will serve a triplex with one ownership rather than a three unit condominium complex with separate unit owners.

Sewage would flow into a Rid-Waste aerobic sewage treatment unit. The variance officer requested information that use of this unit would comply with Department rules. Mr. Hubbard provided several items, and assurances that the rules that regulate aerobic units would be complied with. The variance officer was particularly interested in the rated hydraulic capacity of the Rid-Waste unit proposed to be used. Mr. Graham stated that the Rid-Waste unit was tested pursuant to the National Sanitation Foundation Standard No. 40 for a minimum six month period at a loading rate of 1500 gallons per day, as certified by Dr. Keith Knutson, Professor of Microbiology at the University of Minnesota. He further stated that in seven years of testing, the loading rate varies from 52 gallons per person per day, with some systems receiving a peak flow of up to 1500 gallons per day. Mr. Graham did not provide sufficient documentation to support this

claim. The variance officer reviewed the Department's Rid-Waste file and was unable to locate information to support Mr. Graham's statement. Lacking such documentation, if a Rid-Waste unit is used, a variance from the Department's rule that requires the unit have a rated hydraulic capacity equal to the daily sewage flow [OAR 340-71-345 (3)(b)] would need to be granted.

After the sewage has been treated within the aerobic unit, the effluent is pumped into a pressurized distribution system that Mr. Graham insists is a non-conventional sand filter. The plan specifies that a 1/4 horsepower Little Giant Pump be used to pressurize the distribution system in the sand filter. Although the revised plan shows a Filterite Filter System on the pressure transport pipe, Mr. Graham deleted its use in this proposal, but requested its use in this system be discussed at a later date. The pressurized system consists of two inch diameter piping placed into fourteen trenches, the trenches being one foot wide, forty feet long, and three feet apart, center to center. As the pipe ends are inter-connected, the system contains approximately 638 linear feet of pipe and approximately 612 square feet of trench bottom surface area. Sewage effluent would be applied at a rate of 1.47 gallons per square foot per day, given the projected daily sewage flow of 900 gallons. The pipe will have 1/8 inch diameter orifices spaced every five inches along the bottom of the pipe. With the proposed spacing, the pipe will have approximately 1500 holes. As pressurized systems are required by rule to have a minimum pressure head of five feet at the remotest orifice, the discharge demand of this plan is approximately 615 gallons per minute. The Little Giant Pump specified in the plan is not capable of delivering even fifty gallons per minute at five feet of pressure head. The variance officer suggests the orifice spacing be two feet apart, the maximum allowed by rule, the system demand would then be lowered to approximately 130 gallons per minute. Although this is beyond the Little Giant pump capacity, many other pumps with this capacity are available. Locating the orifices on the bottom of the pipe would require variance from the Department's rule requiring they be located on top [OAR 340-71-275(4)(b)(C)]. The variance officer suggests the orifices be positioned on top of the pipe. Pressurized systems are required to have no more than fifteen percent variation in pressure head between the nearest and remotest orifices from the pump [OAR 340-71-275(5)(a)(A)(iii)]. The system proposed is not within this tolerance and would therefore require either a revision of the hydraulic design or a variance from the rule. The variance officer suggests the hydraulic design be changed to comply with the rule.

Because this proposal includes a non-conventional sand filter design, the variance officer requested that information be provided to show that the nitrate-nitrogen concentration beneath the site would not be increased above five milligrams per liter, as the loading rate proposed is greater than 450 gallons of effluent per 1/2 acre per day. The Department's rule [OAR 340-71-290(3)(c)(C)] requires this information be in the form of a detailed hydrogeological study. Mr. Nims called the variance officer before the hearing and asked how the study should be done. The variance officer indicated he had not personally seen a study of this type, and did

not know how to do such a study. Mr. Nims was advised that this type of study is performed by qualified hydrogeologists, and that similar studies were underway in the Clatsop Plans and North Florence areas. Mr. Nims asked if the Department had a hydrogeologist on staff to interpret a study, the variance officer stated that if a question of interpretation of the study occurred, the Department would probably confer with a hydrogeologist from the Oregon Department of Water Resources. As Mr. Hubbard did not provide information to address the nitrate-nitrogen question, either a hydrogeological study would need to be provided, or a variance from the Department's rule would be necessary.

All sand filter systems are also required to maintain a minimum separation of two feet between the highest level attained by a permanent water table and the bottom of the effective seepage area. The permanent groundwater levels at this site are expected to rise to approximately thirty inches from ground surface. The proposed plan suggests the effective seepage area for the alternative sand filter will be at a depth of eighteen inches below the ground line. It appears that either the sand filter would need to be installed at a shallower depth, similar to an above ground conventional sand filter, or a variance from the rule [OAR 340-290(3)(b)] must be granted. Non-conventional sand filter designs may be authorized by the Department if they can be demonstrated to produce comparable effluent quality. To be allowed, effluent quality data gathered in testing similar non-conventional sand filters must be submitted to the Department. The effluent quality data must address BOD-5, suspended solids, and Fecal coliform. Conventional sand filters in Oregon have the following effluent quality: BOD-5 of 3 mg/l, suspended solids of 7 mg/l, and Fecal coliform count of 278 organisms per 100 ml. Non-conventional sand filter proposals must also include: a description of unique technical features and process advantages; design criteria and loading rates; filter media characteristics; and a description of operation and maintenance details and requirements. The variance officer requested this information be provided. Mr. Graham supplied some laboratory data gathered in the study of effluent quality from three Rid-Waste units. Samples were gathered on six days in 1979 from two systems, and six days from one system in 1980. The periods of testing, in the variance officer's judgement, were not of sufficient length to establish a long term history of their treatment capacity or operation and maintenance requirements. In addition, data on daily loading rates into the systems was missing. Essentially none of the information needed to consider a non-conventional sand filter design was provided. Either the missing information needs to be furnished, or a variance from the Department's rule [OAR 340-71-300(2)] must be granted.

Although some modification (cutting and filling) at the proposed site is needed, the variance officer feels this would not adversely affect system operation. The area proposed for the future replacement system is located in the dunal area between the carport and the triplex. It is the variance officer's opinion that installation of the non-conventional sand filter, as illustrated on the proposed plan, with narrow trenches located three feet apart into beach sand will be most difficult to accomplish. As a substitute, Mr. Olson considered two options that would provide equal or

better treatment, and would be capable of installation into sand.

The option of a bottomless conventional sand filter was considered because of the high level of treatment it is capable of providing. It can be used where permanent water levels rise as close as twenty-four inches from the ground surface. But, as a sand filter does not totally remove all nitrates from the effluent discharged, its use in rapid and very rapidly draining soils is usually limited to properties where the projected daily sewage flow does not exceed four hundred fifty gallons per one-half acre. Given the small lot size and the projected sewage flow from the triplex (equivalent to approximately 1,500 gallons per one-half acre), Mr. Olson asked that information be provided to show that at the proposed loading rate, nitrate-nitrogen concentration in the groundwater beneath the site or any down gradient location would not increase above five milligrams per liter (OAR 340-71-290(3)(c)(C)). This requested information was not provided.

The use of a pressurized distribution system within a seepage bed was also examined. Seepage beds are allowed for use in sands and loamy sands, and are preferred over trench installation because of the difficulty of digging narrow trenches in these less cohesive soils. Their use is usually limited to sites where the loading rate does not exceed four hundred fifty gallons per one half acre, and where permanent groundwater levels do not rise closer than six feet below ground surface. Treatment of effluent in this system occurs within the sandy soils laying under the seepage bed, and thus is dependent on having at least four feet of unsaturated soil below the seepage bed to provide treatment. Recognizing a variance would need to be granted to the shallow depth to groundwater [OAR 340-71-220(2)(b)(A)], Mr. Olson asked that information be provided to show that at the proposed loading rate, nitrate-nitrogen concentration in groundwater beneath the site or any down gradient location would not increase above five milligrams per liter [OAR 340-71-275(3)(c)]. This requested information was not provided.

Mr. Olson further considered the option of allowing groundwater monitoring, as had previously been allowed but not accomplished. Mr. Olson found that mottling in the eastern most pit was at nearly the same elevation as the seasonal high water level of Sears Lake, therefore mottling would appear to be an accurate indicator of groundwater levels. The primary issue is not depth to groundwater, but rather the small lot size and the anticipated sewage loading rate upon it.

Hearing Officer's Evaluation

After evaluating the site and after holding a public information type hearing to gather testimony relevant to the requested variance, Mr. Ebeling was not able to find that an on-site sewage disposal system would function in a satisfactory manner. Mr. Ebeling provided for reconsideration of his decision upon receipt of water table monitoring data to be collected by Tillamook County staff. Groundwater monitoring was not accomplished and

therefore did not provide data to the variance officer that would allow the decision to be reconsidered.

At the direction of the Commission, Mr. Olson reopened the hearing process and received additional information into the variance record. After closing the hearing he evaluated the complete record. He considered modifications of the proposal. Mr. Olson found that because information he had requested was not furnished, he had no basis to determine that strict compliance with the rules is inappropriate. He was also unable to find that special physical conditions render strict compliance unreasonable.

Variance Officer's Recommendation

Mr. Olson recommends the Commision find Mr. Hubbard has failed to establish that strict compliance with the Department's rules is inappropriate or that special physical conditions render strict compliance unreasonable, and thereby deny Mr. Hubbard's most recent variance proposal. He also recommends the Commission uphold Mr. Ebeling's decision to deny the variance.

Department Program Evaluation

Recognizing that the variance officer's authority to grant variances is restricted by the provisions of OAR 340-71-415(2), while the Commission has no such restriction; Department On-Site Sewage System Staff, after reviewing Mr. Olson's recommendations, evaluated Mr. Hubbard's situation and proposal in greater depth to determine whether additional options might be available to the Commission. The following facts were considered in that evaluation:

(a) Tillamook County granted an approval for an on-site system to serve a triplex. This approval was subsequently rescinded by the Commission.

(b) The lot in question is in a platted subdivision with some lots developed and others undeveloped.

(c) Domestic water supply is by a public water system. There is no reliance on wells.

(d) In the event an on-site sewage system is approved the system is not likely to fail by discharging sewage to the surface of the ground; therefore no direct health hazard is expected to occur.

(e) The Department's concern is potential degradation of a groundwater resource. One additional system is not likely to have a significant impact on the groundwater aquifer.

(f) The Department is interested in getting a Rid-Waste Aerobic Unit installed so that it can be observed, data gathered, and experience gained.

(g) The Department's Experimental Systems Program is being phased out. However, given the interest in gaining additional data on such systems as the Rid-Waste Unit, we can perform limited monitoring.

(h) In the event the system is approved as an experimental system, variances to two experimental system rules would be necessary.

Alternatives Available to the Commission

There appear to be two options available to the Commission.

1. Accept the variance officer's recommendation and uphold the earlier decision to deny the variance and also deny a variance based on the most recent revised proposal involving the Rid-Waste Environmental System.

   This option would still allow Mr. Hubbard the opportunity to obtain a construction-installation permit for a system to serve a single family dwelling. Tillamook County Staff could issue the permit based on Mr. Smits' July 18, 1980 letter, providing a completed application is submitted to the County.

The Commission has broader authority to grant variances than does a Variance Officer whose authority is limited by specific procedural rules. Therefore, an additional alternative may be considered.

2. Grant a variance to selected provisions of OAR 340-71-450 dealing with experimental systems to allow an aerobic treatment/pressure distribution disposal system and allow its use for a triplex with a design waste flow of 900 gallons/day. The pressurized distribution disposal system could consist of a seepage bed, bottomless sand filter, trenches, or modification thereof. In general, trench construction would require the largest area, while a bottomless sand filter would require the least area for installation.

   Variance of the following rules would be required:

   OAR 340-71-450(4)(f)and (k) which are criteria for approval of experimental systems. Subsection (f) limits experimental systems to single family dwellings, and subsection (k) requires a parcel size of one acre for an experimental system.

   The nitrate nitrogen concentration in groundwater in the area is unknown. In addition the nitrogen levels in the effluent from aerobic systems are unknown. The Department can only estimate the increase that may occur if this variance is granted. Assuming the average total nitrogen levels in septic tank effluent (sewage) (60 mg/l total Nitrogen) would not be exceeded, and assuming conversion to nitrate in the soil, the staff

estimates that nitrate nitrogen levels in groundwater could be increased by 14 mg/l for a septic tank/pressurized distribution system. Nitrogen levels from an aerobic system may be less due to volatilization in the treatment unit, however specific data is not available to staff upon which to base calculations.

It should be noted that the 14 mg/l increase assumes continuous loading at 900 gal/day for the triplex. The probable actual loading would be less than this since units would probably not be occupied full time.

If a variance to the Experimental System rule is granted, it should be conditioned upon conformance with all other applicable rules that control experimental systems, including provision for allowing system and groundwater monitoring by the Department.

Assurance of compliance with LCDC goals would be required before the Department could issue a permit based on such a variance.

Summation

1. The pertinent legal authorities relative to variances are summarized in Attachment "A".

2. On June 25, 1979, Mr. Ken Kimsey evaluated lot 6, Myers Addition, Tierra Del Mar Subdivision and determined that a standard subsurface sewage disposal system to serve a triplex could be installed. Mr. Kimsey issued a Certificate of Favorable Site Evaluation the same day.

3. The Environmental Quality Commission adopted a temporary rule on March 21, 1980, that voided all Certificates of Favorable Site Evaluation issued in Tillamook County from January 1, 1974 through December 31, 1979.

4. At the request of Mr. Hubbard, the property was reevaluated on July 14, 1980, by Department staff. The site was found not to meet the Department's minimum standards to install an on-site sewage disposal system because of insufficient area on the small lot to place a drainfield, with future replacement, to serve a triplex. The property also has a fluctuating permanent groundwater table, as indicated by mottling, that comes within thirty-six (36) inches of the ground surface. The installation of a sand filter system was prevented for the same reasons. Mr. Smits also determined the areas of highest ground would comply with the Department's minimum standards if a single family dwelling with not more than three (3) bedrooms had been proposed. Mr. Hubbard was notified of the reevaluation denial by letter.

5. A variance application submitted by Mr. Hubbard was assigned to Mr. Michael Ebeling, variance officer. On July 23, 1980, Mr. Ebeling

examined the property, and conducted a public information gathering hearing. After closing the hearing, Mr. Ebeling reviewed the variance record and found the testimony did not support a favorable decision. Mr. Hubbard was notified by letter that the variance request was denied. He was also informed that the decision could be reconsidered if monitoring of groundwater levels by Tillamook County during the winter and spring would so warrant.

6. In June, 1981, Mr. Hubbard inquired about the results of the groundwater monitoring. Department staff contacted Tillamook County and learned that due to workloads the County had inadvertently failed to do the monitoring. Mr. Hubbard was then informed that there was no basis for reconsideration of the denial.

7. Water Quality Division received a new proposal from Mr. James Nims on June 12, 1981. Mr. Nims was informed that because the variance record was closed and the decision issued, the new plan could not be introduced into the existing variance record.

8. A letter appealing the variance denial was received by the Department on July 13, 1981.

9. At their scheduled meeting on August 28, 1981, the Commission directed the variance be returned to the variance officer to allow additional information to be entered into the variance record.

10. Mr. Sherman Olson provided notice that a continuation of the variance hearing was scheduled for September 8, 1981. Notice was also provided that an attached list of questions would be asked at the hearing.

11. On September 8, 1981, Mr. Olson reopened the variance hearing and received new information. Upon completion of the information gathering process Mr. Olson closed the hearing. After evaluating the entire variance record he found Mr. Hubbard had not established that strict compliance with OAR 340-71-275(3)(c); 71-290(3)(c)(C); 71-300(2)(a,b,c,d, and e); and 71-345(3)(b) was inappropriate for cause or that special physical conditions render strict compliance unreasonable. Mr. Olson recommends the variance denial issued by Mr. Ebeling be upheld, and that the variance requested in the most recent proposal be denied.

12. The Commission may grant variances to rules that are beyond the authority of the variance officer. A system consisting of an aerobic treatment unit with a pressurized distribution disposal system may be authorized by granting a variance to selective provisions of the Experimental System rules as outlined in the alternatives presented on page 8.

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.

Bill

William H. Young

Attachments: 7
Attachment "A"
Attachment "B"
Attachment "C"
Attachment "D"
Attachment "E"
Attachment "F"
Attachment "G"
Attachment "H"
Attachment "I"

T. J. Osborne:g
229-6218
XG434 (1)
August 12, 1981

ATTACHMENT "A"

1. Administrative rules governing subsurface sewage disposal are provided for by Statute: ORS 454.625.

2. The Environmental Quality Commission has been given statutory authority to grant variances from the particular requirements of any rule or standard pertaining to subsurface sewage disposal systems if after hearing, it finds that strict compliance with the rule or standard is inappropriate for cause or because special physical conditions render strict compliance unreasonable, burdensome or impractical: ORS 454.657.

3. The Commission has been given statutory authority to delegate the power to grant variances to special variance officers appointed by the Director of the Department of Environmental Quality: ORS 454.660.

4. Decisions of the variance officers may be appealed to the Commission: ORS 454.660.

6. Mr. Ebeling was appointed as a variance officer pursuant to the Oregon Administrative Rules: OAR 340-71-415.

7. Mr. Olson was appointed as a variance officer pursuant to the Oregon Administrative Rules: OAR 340-71-415.

ATTACHMENT B

VICTOR ATIYEH
GOVERNOR

Department of Environmental Quality

522 S.W. 5th AVENUE, BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5209

July 18, 1980

Mr. Gary T. Hubbard
Taiyo Corporation ET AL
2340 S. W. Hoffman Street
Portland, OR 97201

RE: SS-Re-evaluation Denial, T4S
T4S, R11W, Sec 1DD, Tax Lot #3600
Myers Addition, Lot No. 6
Sandlake Road - Tierra Del Mar Ar
Orig. Site Approval: 6-25-79
Tillamook County
North Coast Branch Office

Dear Mr. Hubbard:

On July 14, 1980, your property described above was re-evaluated at your request to determine its suitability for subsurface sewage disposal. Unfortunately, the site does not meet the rules in effect in June 1979, or the following current rules for standard or alternative septic tank systems to serve your proposed six (6) bedroom tri-plex:

Site Conditions	Oregon Administrative Rules Not Met
A permanently perched water table as indicated by soil mottling was observed at 36 inches below the surface of the ground, with free water at 77 inches.	OAR 340-71-030(1)(c) (Sand Filter 340-71-037(4)(e)(B))
Insufficient area exists for full initial and replacement drainfield areas due to required setbacks. 10 feet to property lines and water lines and 100 feet from mean high tide of Pacific Ocean on the 60'x210' parcel.	OAR 340-71-020(1)(b) and (2)(d)(B)(h)(i)(j) (Sand Filter 340-71-037(4)(b))
No site exists on the parcel where the system can be repaired in the future when necessary.	OAR 340-71-020(3)(a) (Sand Filter 340-71-037(4)(b))

The above cited rules are enclosed for your information.

DEQ-1

Please note that the area of high ground is currently acceptable for installation of a standard subsurface system to serve a three (3) bedroom dwelling. It is understood however, that you plan to construct a tri-plex if possible and have secured a construction loan for the structure. Therefore, you wish to pursue a variance to allow construction of the tri-plex.

Although your proposed site does not meet current rules for standard disposal systems to serve the proposed use, it may be possible to approve specific rule variances that would allow development.

To assist in the variance application, it would help if you could provide the following:

1. Review your building plans and determine what location and dimension limitations you can live with regarding west setback and the farthest west the structure could be located.

2. Please bring your plans to the variance hearing on July 23, 1980 (a copy for our files would be helpful).

The Department will likely consider variances to allow installation of a sand-on-sand fill at least 14 to 24 inches deep. The design may be a system of shallow, narrow, pressurized disposal trenches.

The variance officer may consider the depth to the permanent water table to be a condition that must be monitored through the next winter season. It is difficult to predict the highest level the water table will reach. Therefore, you must be advised that the chances of the variance being granted are 50-50 at this time. It is my understanding you wish to proceed anyway.

When the variance officer is assigned the completed application, he has by statute thirty (30) days to schedule the hearing and forty-five (45) days after the hearing to reach a decision. After the decision has been made, if approved, a permit cannot be issued for an additional twenty (20) days to allow for possible appeals. It could take this long, but usually doesn't.

If you have any questions regarding this letter or your property, please feel free to contact me at our North Coast Branch Office at 3600 E. Third Street, Tillamook, Oregon 97141; or you may call me at 842-6637.

Sincerely,

John L. Smits, R.S.
Environmental Analyst

JLS:lmm
Enclosures

cc: C. H. Gray, Northwest Region, DEQ
T. J. Osborne, Subsurface Section, DEQ
Doug Marshall, Tillamook County
Assessor's Office, Tillamook County

bcc: Ken Kimsey, Lincoln County

VICTOR ATIYEH
GOVERNOR

Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

November 18, 1980

CERTIFIED MAIL

Mr. Gary T. Hubbard
Taiyo Corporation Etal
2340 S. W. Hoffman Street
Portland, OR 97201

Re: WQ-SSS-Variance Denial
T.L. 3600; Sec. 1DD;
T. 4S; R. 11W, W.M.;
Tillamook County

Dear Mr. Hubbard

This correspondence will serve to verify that your requested variance hearing, as provided for in Oregon Administrative Rules, Chapter 340, Section 75-045 was held July 23, 1980.

You have requested variance from the Oregon Administrative Rules, Chapter 340, Sections 71-020(1)(i), 71-020(3)(a), 71-030(1)(c), 71-030(1)(h), and 71-030(4)(f)(F).

Just prior to the public information gathering hearing I visited the proposed site to gather soils and topographical information relevant to your variance proposal. The proposed drainfield site is located on a deflation plain. Two (2) test pits were provided for my review. The first pit's profile exhibited twenty (20) inches of unconsolidated sand, twenty-two (22) inches of mottled unconsolidated sand over unconsolidated black sand. The second pit exhibited fifteen (15) inches of siltstone fill, twenty-five (25) inches of unconsolidated sand with mottling occurring at forty (40) inches, over unconsolidated black sand. Water was observed at seventy-seven (77) inches below ground surface. Mottling is used to estimate the depth of the seasonal high groundwater level expected during the winter and spring months. The natural ground slope of the property was nearly level. A permanently perched water table may come as close as twenty-two (22) inches from ground surface.

To overcome the site development limitations you, with the aid of Mr. John Smits our the North Coast Branch Office, have proposed to remove fifteen (15) to eighteen (18) inches of siltstone fill and replace it with twenty-four (24) inches of sand fill. A low-pressure distribution system with six hundred (600) lineal feet of lateral piping, one foot wide trenches, eighteen (18) inches deep and three feet (3') apart would then be installed in the sand fill. This system was designed to serve a triplex with a maximum daily sewage flow of six hundred (600) gallons.

Variance from particular requirements of the rules or standards pertaining to subsurface sewage disposal systems may be granted if it is found that the proposed subsurface sewage disposal system will function in a satisfactory manner so as not to create a public health hazard or to cause pollution of public waters, and special physical conditions exist which render strict compliance unreasonable, burdensome, or impractical.

Your proposal, although well prepared, does not give assurance that it will overcome the limitations present at the site. Sand is a very rapidly draining material, its ability to remove pathogenic agents from the sewage effluent before discharging into the shallow permanent groundwater is questionable. I am not yet convinced that a modified sewage system (pressure seepage trenches) can be installed so as to provide sufficient depth of unsaturated sand above the permanently perched water table to prevent degradation.

Therefore, based on my evaluation of the verbal and written testimony contained in the record, I am not convinced that the proposed drainfield will function in a satisfactory manner so as not to cause pollution of public waters of the state. Your variance request is regretfully denied.

As discussed with you, Tillamook County personnel will monitor water levels on your property through the winter and spring months. The monitoring would normally be completed on or before April 30. Tillamook County staff must keep a record of their observations, and when complete provide me with a copy of their monitoring data. A forthcoming report from Mr. Kent Mathiot, of the Department of Water Resources, on the Tierra Del Mar's aquifer may be of some help. I will review this data, and may reconsider this decision if the data so warrants.

Pursuant to OAR 340-75-050, my decision to deny your variance request may be appealed to the Environmental Quality Commission. Requests for appeal must be made by letter, stating the grounds for appeal, and addressed to the Environmental Quality Commission, in care of Mr. William H. Young, Director, Department of Environmental Quality, Box 1760, Portland, Oregon 97207, within twenty (20) days of the date of the certified mailing of this letter.

Please feel free to contact me at 229-5289 if you have questions regarding this decision.

Sincerely,

Michael G. Boeling
Subsurface Sewage Systems Specialist
Subsurface and Alternative
Sewage Systems Section
Water Quality Division

MB:d
XDD18
cc: Douglas Marshall, Tillamook County
John Smits, North Coast Branch Office
Greg Baesler, Northwest Region

ATTACHMENT D

TAIYO
CORPORATION
BUILDERS / DEVELOPERS
2000 SOUTHWEST HOFFMAN • PORTLAND, OREGON 97201 • TELEPHONE (503) 223-1123

June 5, 1981

Mr. Michael G. Ebeling
Subsurface Sewage Systems Specialist
Subsurface and Alternative
Sewage Systems Section
Water Supply Division
Department of Environmental Quality
P. O. Box 1760
Portland, Oregon 97207

Re: WQ-SSS-Variance Denial
T.L. 3600; Sec. 1DD;
T. 4S; R.11W, W.M.;
Tillamook County

Dear Mr. Ebeling:

Regarding your letter of November 18, 1980, I am anxiously awaiting the results of your winter and spring ~~mottling~~ MONITORING of my triplex lot as I am hoping to build soon.

I will not detail here all the money I have lost due to D.E.Q.'s stance in this matter, especially now that it seems certain you will be approving our proposal for variance. My optimism is based on that fact that I, my soils engineer, my septic engineer, and other co-owners of the property visited the site many times during the past several months to find that there never was any water in the holes.

Please reply as soon as possible.

Most sincerely,

GARY T. HUBBARD
President, Taiyo Corporation
Managing Partner, Tierra Del
Mar, Joint Venture

GTH:eb

VICTOR ATIYEH
GOVERNOR

Department of Environmental Quality

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

June 9, 1981

Mr. Gary T. Hubbard, President
TAIYO CORPORATION
2000 S.W. Hoffman
Portland, OR 97201

Re: WQ-OSS-Variance
Tillamook County

Dear Mr. Hubbard:

In response to your June 5, 1981 letter to Mr. Ebeling, I have contacted Tillamook County Health Department staff to determine if water levels were monitored on your property (T.L. 3600, Sec. 1 DD, T.4.S., R. 11 W.) during the past winter and spring months. I've been informed that such monitoring was not done.

Mr. Ebeling's November 18, 1980 letter states that he would review the monitoring data collected and recorded by Tillamook County staff once it was provided to him. He indicated the variance denial may be reconsidered based on what the data showed.

As Tillamook County staff did not monitor water levels on your property and therefore did not record or provide this office with such data, I find there is no basis for reconsideration of Mr. Ebeling's decision to deny your variance request.

Please feel free to contact me if you have additional questions. My telephone number is 229-6443.

Sincerely,

Sherman O. Olson, Jr.

Sherman O. Olson, Jr.
Assistant Supervisor
On-Site Sewage Systems Section
Water Quality Division

SOO:ak

cc: Tillamook County
Northwest Region, DEQ
North Coast Branch, DEQ

ATTACHMENT F

TAIYO

CORPORATION BUILDERS / DEVELOPERS

2000 SOUTHWEST HOFFMAN • PORTLAND, OREGON 97201 • TELEPHONE (503) 223-1123

July 7, 1981

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

ATTENTION: Environmental Quality Commissioner

Re: WQ-OSS-Variance
Tillamook County

Dear Mr. Young:

I received a letter from Mr. Sherman Olson dated June 9, 1981 stating that my request for variance has been denied.

Please be advised I would like to exercise my option of a hearing before the Environmental Council to appeal the Hearings Officer's denial.

The areas of concern are:

(1) Site conditions -- no test or proof is or has been furnished to actually determine what table elevation other than 77" under the surface.
(2) Sufficient area does exist for a replacement drainfield;
(3) No basis in fact has been furnished for the revocation of the existing approval except being in Tillamook County;
(4) The favorable reports that have allowed drainfields north and south of this property have experienced no repair problems, and therefore, the removal of my previously existing site evaluation is a violation of my Civil Rights with due process.

If you are willing to issue my permit for installation of the Rid-Waste System as proposed or other approved aerobic waste system etc., I will drop all appeals and claims.

Sincerely,

GARY T. HUBBARD

GTH:hi
cc: Governor Victor Atiyeh
Senator Charles Hanlon
Senator Dick Groener
Representative Caroline Magruder
Representative Ted Bugas
Mr. Jack Cox

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JUL 14 1981
WATER QUALITY CONTROL

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JUL 13 1981
OFFICE OF THE DIRECTOR

Same letter to the below listed Senators:

Northwest Region, DEQ
Sherman O. Olson, Jr.
Fred W. Heard
Ted Hallock
George Wingard
Tom Hartung
John Kitzhaber
Rodney Munroe
Ted Kulongoski
Gene Wyers
E.D. Potts
L. B. Day
Ed Fadley
Wayne Fawbuch
Tom Throop
Verner Anderson
Rick Bauman
Billy Bellamy
Bill Grannell
Tretchen Kafoury
Al Riebel
Liz VanLeeuwen
James F. Nims
(Civil Engineer)

VICTOR ATIYEH
GOVERNOR

Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

July 16, 1981

Mr. Gary T. Hubbard
TAIYO Corporation
2000 S.W. Hoffman
Portland, OR 97201

Re: WQ-SSS-Variance Appeal
Tillamook County

Dear Mr. Hubbard:

The Department is in receipt of your July 7, 1981 letter. There appears to be some confusion with respect to the variance proposal you provided to Mr. Ebeling. After reviewing the variance file and taped hearing record, I find no written or verbal comments suggesting that an aerobic system, such as manufactured by Rid-Waste Environmental Systems, Inc., be considered to overcome the difficult situation observed at your small lot. As the use of an aerobic system would most likely require the installation of an absorption facility to treat and dispose of the effluent discharged, the site limitations identified in the enclosed letters from Mr. Smits (dated July 18, 1980) and Mr. Ebeling (dated November 18, 1980) are still applicable.

Your request for appeal of Mr. Ebeling's decision has been scheduled for review and consideration by the Environmental Quality Commission at their regularly scheduled meeting on August 28, 1981. The meeting will be held in Portland. I will notify you of the exact location and approximate time after they are established. You will also be provided a copy of the staff report.

Please contact me at 229-6443 if you need additional information about your appeal.

Sincerely,

Sherman O. Olson Jr.

Sherman O. Olson, Jr.
Assistant Supervisor
On-Site Sewage Systems Section
Water Quality Division

SOO:l
XL411 (1)

Enclosures

cc: Governor Victor Atiyeh
Senator Charles Hanlon
Senator Dick Groener
Mr. Jack Cox
Senator Fred Heard
Senator Ted Hallock
Senator George Wingard
Senator Tom Hartung
Senator John Kitzhaber
Senator Ted Kulongoski
Senator Jan Wyers
Senator E. D. Potts
Senator L. B. Day
Senator Edward Fadeley
Senator Rod Monroe

Representative Ted Bugas
Representative Wayne Fawbush
Representative Tom Throop
Representative Verner Anderson
Representative Rick Bauman
Representative Billy Bellamy
Representative Bill Grannell
Representative Gretchen Kafoury
Representative Al Riebel
Representative Liz Van Leeuwen
Representative Caroline Magruder

Northwest Region Office, DEQ

ATTACHMENT H

VICTOR ATIYEH
GOVERNOR

Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

September 2, 1981

Mr. Gary T. Hubbard
TAIYO Corporation
2000 S.W. Hoffman
Portland, OR 97210

Re: WQ-SSS-Variance

Dear Mr. Hubbard:

The Environmental Quality Commission, at their August 28, 1981 meeting, has directed your variance hearing be reopened to allow you the opportunity to submit a new or revised proposal for consideration by a Department variance officer. A public information hearing to receive testimony has been scheduled for September 8, 1981. The hearing will begin at 10 a.m. in the EPA Conference Room on the second floor of the Yeon Building, located at 522 S.W. Fifth Avenue, Portland, Oregon. You are invited to have your attorney, consultant, and any other interested person present. The Department considers the hearing in Portland to be a continuation of the hearing process initiated in Tillamook County.

On August 28, 1981, Mr. Thomas S. Graham provided the Department with a proposed plan, laboratory reports, and cover letter. The submitted material has been preliminarily reviewed, resulting in the attached list of questions. At the hearing you will be asked to respond to each question, and also provide the missing technical information.

Please contact me at 229-6443 if you have questions.

Sincerely,

9-2-81 10AM - THE ENTIRE LETTER, AND QUESTIONS WERE READ TO MR GRAHAM, BY TELEPHONE. S.O.

Sherman O. Olson, Jr.
Assistant Supervisor
On-Site Sewage Systems Section
Water Quality Division

SOO:l
XL1025 (1)
Enclosure
cc: Tillamook County
North Coast Branch
James F. Nims
Thomas S. Graham

1. Will each unit of the triplex be owned individually as a condominium unit?

2. Does the Rid-Waste unit contain a Go-Catch-It filter?

3. Provide the design and performance data for the following:

   a. Gaft air compressor
   b. Little Giant pump
   c. Ellner Model EP-6 UV Purification System
   d. Filterite Filter System, Model IPS.

4. Mr. Graham's August 28, 1981 letter suggests the plan illustrates a nonconventional sand filter design. My interpretation of the plan is that the system consists of an aerobic sewage treatment facility (Rid-Waste unit) that discharges effluent into pressurized drainfield trenches. The drainfield trenches are narrower than standard, located on 3-foot spacing, and covered with a capping fill. You must determine if the plan accurately represents the kind of system you wish to propose. If revisions are necessary, provide 2 copies of the revised plan.

5. Provide information to show the ability to comply with all requirements of OAR 340-71-345: (2)(d,e,f); (3)(a,b); and (5) (a copy of the rule is enclosed).

6. On the submitted plan, the calculation to determine projected sewage flow is in error. Using a flow rate of 300 gallons per unit, a triplex containing three units has a projected sewage flow of 900 gallons per day. Errors of this magnitude usually require adjustments within the system design. Please determine if a plan revision is needed, and if so, provide 2 copies of the revised plan.

7. The submitted plan illustrates the use of pressurized trenches. The trench profile shows a trench width of 12 inches. Standard trench construction requires a width of 24 inches. Tables 4 and 5 of the Department's rules are based on standard trench construction when determining the linear footage required for a projected daily sewage flow. With installation of trenches into sandy soils the trench bottom becomes the absorption surface. Please determine if a plan revision is needed, and if so, provide 2 copies of the revised plan.

8. If the proposal includes the installation of a pressurized drainfield, provide information to show the ability to comply with OAR 340-71-275(3)(c). (A copy of the rule is enclosed).

9. If your proposal includes the installation of a sand filter, provide information to show the ability to comply with all requirements of OAR 340-71-290(3)(c)(C). (A copy of the rule is enclosed.)

10. The laboratory reports provided by Mr. Graham appear to reflect water quality tests performed on 2 aerobic systems during the period of July 9 through 16, 1979, and for one aerobic system during the period of October 8 through 14, 1980. If you plan to use the Rid-Waste unit, please provide a certified laboratory report that identifies the amount of time and frequency the Rid-Waste unit was aerated during the October 8 through 14 study. If your proposal is for a nonconventional sand filter system, you must supply information gathered in the study of similar nonconventional sand filter systems that address the requirements in OAR 340-71-300(2)(a,b,c,d, and e). (A copy of the rule is enclosed.)

SOO:1
XL1025 (1)
9/2/81

OAR 340-275

(3) Pressurized distribution systems installed in soil as defined in Appendix A, 107(a) and (b) in areas with permanent water tables shall not discharge more than four hundred fifty (450) gallons of effluent per one-half (1/2) acre per day except where:

(a) A gray water system is proposed for lots of record existing prior to January 1, 1974, which have sufficient area to accomodate a gray water pressurized distribution system; or

(b) Groundwater is degraded and designated as a nondevelopable resource by the State Department of Water Resources; or

✓(c) A detailed hydrogeological study discloses loading rates exceeding four hundred fifty (450) gallons per one-half (1/2) acre per day would not increase the nitrate-nitrogen concentration in the groundwater beneath the site, or at any down gradient location, above five (5) milligrams per liter.

(4) Materials and Construction.

(a) General.

(A) All materials used in pressurized systems shall be structurally sound, durable, and capable of withstanding normal stresses incidental to installation and operation.

(B) Nothing in these rules shall be construed to set aside applicable building, electrical, or other codes. An electrical permit and inspection from the Department of Commerce or the municipality with jurisdiction [as defined in ORS 456.750(5)] is required for pump wiring installation.

(b) Pressurized Drainfield Piping. Piping, valves and fittings for pressurized systems shall meet the following minimum requirements:

(A) All pressure transport, manifold, lateral piping, and fittings shall meet or exceed the requirements for Class 160 PVC 1120 pressure pipe as identified in ASTM Specification D2241.

OAR 340-290(3)

(c) Permanent water table levels shall be determined in accordance with methods contained in subsection 340-71-220(1)(d). Sand filters installed in soils as defined in Appendix A, 107, in areas with permanent water tables shall not discharge more than four hundred fifty (450) gallons of effluent per one-half (1/2) acre per day except where:

(A) A gray water system is proposed for lots of record existing prior to January 1, 1974, which have sufficient area to accommodate a gray water sand filter system, or

(B) Groundwater is degraded and designated as a non-developable resource by the State Department of Water Resources, or

✓ (C) A detailed hydrogeological study discloses loading rates exceeding four hundred fifty (450) gallons per one-half (1/2) acre per day would not increase nitrate-nitrogen concentration in the groundwater beneath the site, or any down gradient location, above five (5) milligrams per liter.

(d) Soils, fractured bedrock or saprolite diggable with a backhoe occur such that a standard twenty-four (24) inch deep trench can be installed.

(e) Where slope is thirty (30) percent or less.

(4) Minimum Length Disposal Trench Required. The recommended and minimum seepage area required for sand filter absorption facilities is indicated in the following table:

Soil Groups	Minimum Length (Linear Feet) Disposal Trench Per One Hundred Fifty (150) Gallons Projected Daily Sewage Flow
	Minimum
Gravel, sand, loamy sand, sandy loam	35
Loam, silt loam, sandy clay loam, clay loam	45
Silty clay loam, silty clay, sandy clay, clay	50
Saprolite or fractured bedrock	50
High shrink-swell clays (Vertisols)	75

(2) Minimum Filter Area. Sand filters shall be sized based on an application rate of no more than one and twenty-three hundredths (1.23) gallons septic tank effluent per square foot medium sand surface per day.

(3) General Details.

(a) Sand filter container, piping, medium sand, gravel, gravel cover, and soil crown material for a sand filter system discharging to disposal trenches shall meet minimum specifications indicated in Diagrams 8 and 9 unless otherwise authorized by the Department.

(b) Filter containers shall be constructed of reinforced concrete, a thirty (30) mil liner or other membrance liners acceptable to the Department which will effectively exclude groundwater and will contain the sand, gravel, septic tank effluent and soil crown cover for at least a twenty (20) year service life.

340-71-300 Other Sand Filter Designs.

(1) Other sand filters which vary in design from the conventional sand filter may be authorized by the Department if they can be demonstrated to produce comparable effluent quality.

(2) Pre-Application Submittal. Prior to applying for a construction permit for a variation to the conventional sand filter the Department must approve the design. To receive approval the applicant shall submit the following required information to the Department:

(a) Effluent quality data. Filter effluent quality samples shall be collected and analyzed by a testing agency acceptable to the Department using procedures identified in the latest edition of "Standard Methods for the Examination of Wastewater," published by the American Public Health Association, Inc. The duration of filter effluent testing shall be sufficient to ensure results are reliable and applicable to anticipated field operating conditions. The length of the evaluation period and number of data points shall be specified in the test report. The following parameters shall be addressed:

(A) BOD_5

(B) Suspended solids

(C) Fecal coliform

(b) A description of unique technical features and process advantages.

(c) Design criteria, loading rates, etc.

(d) Filter media characteristics.

(e) A description of operation and maintenance details and requirements.

(f) Any additional information specifically requested by the Department.

(3) Construction Procedure. Following pre-application approval, a permit application shall be submitted in the usual manner. Applications shall include applicable drawings, details and written specifications to fully describe proposed construction and allow system construction by contractors. Included must be the specific site details peculiar to that application, including soils data, groundwater type and depth, slope, setbacks, existing structures, wells, roads, streams, etc. Applications shall include a manual for homeowner operation and maintenance of the system.

340-71-305 Sand Filter System Operation and Maintenance.

(1) Sand filter operation and maintenance tasks and requirements shall be as specified on the Certificate of Satisfactory Completion. Where a conventional sand filter system or other sand filter system with comparable operation and maintenance requirements is used, the system owner shall be responsible for the continuous operation and maintenance of the system.

(2) The owner of any sand filter system shall provide the Agent written verification that the system's septic tank has been pumped at least once each forty-eight (48) months by a licensed sewage disposal service business. Service start date shall be assumed to be the date of issuance of the Certificate of Satisfactory Completion. The owner shall provide the Agent certification of tank pumping within two (2) months of the date required for pumping.

(D) Have no overflow vent at an elevation lower than the overflow level of the lowest fixture served.

(E) Be designed for antibuoyancy if test hole examination or other observations inidicate seasonally high groundwater may float the tank when empty.

(5) Special Requirements. The application for an installation permit shall contain:

(a) A copy of a contract with a licensed sewage disposal service company which shows the tank will be pumped periodically, at regular intervals or as needed, and the contents disposed of in a manner and at a facility approved by the Department.

(b) Evidence that the owner or operator of the proposed disposal facility will accept the pumpings for treatment and disposal.

(c) A record of pumping dates and amounts pumped shall be maintained by both the treatment facility owner and the sewage disposal service, and upon request, made available to the Agent.

(6) Inspection Requirements. Each holding tank installed under this rule, and those tanks installed under OAR 340-71-037(3), shall be inspected annually. An alternative system evaluation fee shall be charged for each annual inspection.

340-71-345 Aerobic Systems.

(1) For the purpose of these rules:

(a) "Aerobic Sewage Treatment Facility" means a sewage treatment plant which incorporates a means of introducing air (oxygen) into the sewage so as to provide aerobic biochemical stabilization during a detention period.

(b) "Mechanical Oxidation Sewage Treatment Facility" means an aerobic sewage treatment facility.

(2) Criteria For Approval. Aerobic sewage treatment facilities may be approved for a construction installation permit provided all the following criteria are met:

(a) The daily sewage flow to be treated is less than five thousand (5000) gallons.

(b) The aerobic sewage treatment facility (plant) is part of an approved on-site sewage disposal system.

(c) The plant conforms to Class I or Class II and other requirements of the current version of Standard No. 40, relating to Individual Aerobic Wastewater Treatment Plants, adopted by the National Sanitation Foundation (NSF). In lieu of NSF Class I or Class II certification, the Department may accept testing by another agency which it considers to be equivalent.

✓(d) The property owner records a Department approved affidavit which notifies prospective property purchasers of the existence of an aerobic sewage treatment facility.

✓(e) The owner acknowledges that proper operation and maintenance of the plant is essential to prevent failure of the entire sewage disposal system and agrees, in writing, to hold the State of Oregon, its officers, employees, and agents harmless of any and all loss and damage caused by defective installation or operation of the system.

✓(f) The rules for Community System contained in OAR 340-71-500 shall apply where applicable.

(3) The plant shall:

✓(a) Have a visual and audible alarm, placed at a location acceptable to the Agent, which are activated upon an electrical or mechanical malfunction.

✓(b) Have a minimum rated hydraulic capacity equal to the daily sewage flow or five hundred (500) gallons per day, whichever is greater.

(c) Have aeration and settling compartments constructed of durable material not subject to excessive corrosion or decay.

(d) Have raw sewage screening or its equivalent.

(e) Have provisions to prevent surging of flow through the aeration and settling compartments.

(f) Have access to each compartment for inspection and maintenance.

(g) Have provisions for convenient removal of solids.

(h) Be designed to prevent:

(A) Short circuiting of flow.

(B) Deposition of sludge in the aeration compartment.

(C) Excessive accumulation of scum in the settling compartment.

(4) Drainfield Sizing. Drainfields serving systems employing aerobic sewage treatment facilities shall be sized according to Tables 4 and 5 of these rules. Where a NSF Class I plant is installed, the linear footage of drainfield installed may be reduced by twenty (20) percent, provided a full sized standard system replacement area is available.

✓(5) Operation and Maintenance.

(a) The supply of parts must by locally available for the expected life of the unit.

(b) The supplier of the plant shall be responsible for providing operation training to the owner.

(c) The supplier of the plant shall provide the owner with an operation and maintenance (O & M) manual for the specific plant installed.

(d) The owner shall remove excess solids from the plant at least once per year, or more frequently if recommended by the O & M manual.

(6) Inspection Requirements. Each aerobic sewage treatment facility installed under this rule shall be inspected by the Agent at least once per year [See OAR 340-71-260(4)(a)]

340-71-350 Low-Flush Toilets.

Permits issued for installation of an on-site system shall allow a reduction of twenty-five (25) percent in the seepage area provided:

(1) The single family dwelling or commercial facility utilizes two (2) quarts or less low volume flush toilets approved by the State Department of Commerce; and

ATTACHMENT I

RID-WASTE ENVIRONMENTAL SYSTEMS INC.
Post Office Box 344
5820 Horseshoe Bar Road • Loomis, California 95650
(916) 652-2700

September 5, 1981

Department of Environmental Quality
522 Southwest 5th Avenue
Portland, Oregon 97207

Attention: Sherman O. Olson, Jr.
Assistant Supervisor
On-Site Sewage Systems Section
Water Quality Division

Re: Gary T. Hubbard
Taiyo Corporation
WQ-SSS-Variance

Dear Mr. Olson,

Pursuant to your inquiry dated September 2, 1981, we are confident that the following material and enclosures, together with details of the Rid-Waste Treatment System submitted to your Department prior to October 23, 1980 and the information on the Hubbard application submitted to your Department June 4, 1981, and resubmitted on August 28, 1981, fully answer your concerns.

The information supplied is submitted in sequence to your referenced inquiry.

1. No, the ownership of the entire property is held in one parcel.

2. All Rid-Waste Environmental Systems contain a Go-Catch-It filter.

3. Performance data - See attached specifications which were submitted in March of 1980 to your Department.

4. Perhaps the difficulty of your interpretation of the plan is that it attempts to categorize the design and to place it into one or another "Square Hole", without reference to all of the characteristics of design. Please note that the plan describes the drain field cross section as having the sand filter composed "trenches" and having a sand absorption bed above and below the pressure distribution system. The purpose of this design is to employ the Rid-Waste treatment unit (which incorporates extended areation as only one of its polyphasic treatment means) to provide an influent to the sand filter certified to your Department as meeting Class I effluent standards. The design then evenly distributes this Class I influent throughout at least 600 lineal feet of clean sand in an 1,800 square foot bed at the rate of 900 gallons per day. That clean sand completely surrounds each pressure dosing line to provide a filter medium for .5 gallons per square foot per day. Please note that this dosing rate is approximately 41% of the rate prescribed in your regulation 340-71-295 (2) for septic tanks and conventional sand filter.

RID-WASTE ENVIRONMENTAL SYSTEMS INC.
Post Office Box 344
5820 Horseshoe Bar Road • Loomis, California 95650
(916) 652-2700

In addition, your regulation 340-71-300 (1) prescribes that effluent comparable to a conventional sand filter's quality allows the use of alternative sand filter design. Although your Department has not prescribed standards for your conventional sand filter performance, EPA publication MCD 60 figures 7 and 11 (copies enclosed) documents that the "expected" effluent quality from a sand filter of 15 mg/l BOD and Suspended Solids is less clean than the influent quality from the Rid-Waste treatment system alone. Please see attached testing which was approved by your Department in October of 1980 which documents that the influent quality in this design (e.g. the effluent from the Rid-Waste treatment unit is 12.3 mg/l Suspended Solids and 9.3 mg/l BOD. Clearly, the additional filtration provided by this plan will produce a final effluent better than the 15 mg/l BOD and Suspended Solids to be produced from a conventional sand filter.

In addition, the plan also incorporates a capping fill to insure the native sand below the design disposal field will be employed as a bottomless sand filter on this particular site.

5. Enclosed please find your Department's letter of October 23, 1980 approving the Rid-Waste System for both subsurface and alternative sewage disposal. In accordance with the other requirements of 340-71-345, enclosed please find the affidavit and acknowledge of receipt of the Operation and Maintenance Manuels previously submitted to your Department on June 4, 1981.

6. We agree that the projected sewage flow of 900 gallons per day is correct and that that figure is reflected on the submitted plans for an 1,800 square feet/600 lineal foot sand filter.

7. No plan revision is needed. This plan describes a pressurized sand system employing "trenches" to evenly distribute the effluent throughout the sand filter. The "trenches" exist only to hold the pipe. Therefore, reference to Tables 4 and 5 of the Department's rules, which illustrate standard trench construction are inappropriate to describe this sand filter.

8. Likewise, this designed system employes pressure distribution to insure even distribution of influent throughout the sand filter. Therefore, reference 340-71-275 (3) (c) is inappropriate.

RID-WASTE ENVIRONMENTAL SYSTEMS INC.
Post Office Box 344
5820 Horseshoe Bar Road • Loomis, California 95650
(916) 652-2700

9. Enclosed please find the documentation for the biochemistry involved in nitrification control employed by the Rid-Waste System. Enclosed also please find the Certified Testing of Rid-Waste System's nitrogen effluent quality which has been in your Department's records since March of 1980. As you discussed with the design engineer, James F. Nims, P.E., by telephone on Thursday, your Department has never required nor evaluated a single "detail hydrogeological study". There is certainly no information which would suggest the Rid-Waste System would have any difficulty in preventing an increase in nitrate nitrogen concentration above 5 mg/l. If anything, the additional water produced by the design system might reasonably be expected to dilute any native ground water having a nitrate nitrogen concentration approaching 5 mg/l. Therefore, full compliance with your regulation 340-71-290 (3) (c) (C) is established by this proposal employing the Rid-Waste treatment unit, because your Department has already determined that this site is acceptable for a septic tank and conventional sand filter for a single family home without having done such a hydrogeological study.

10. Your request for certified laboratory records of the aeration frequency and duration for the October 8-14, 1980 test period is outside the parameters of the testing prescribed by your Department and the testing done during that period. Therefore, because your regulations do not provide any standards to be met and since your Department properly did not request that information, no record was made to you. This request for information is therefore outside the legitimate scope of any information required to be evaluated by you. It also appears to be irrelevant to any standards which exists under your statutes, regulations or rules. In regard to the "non-conventional" system, the information herewith answers all the data prescribed in Section 340-71-300 (2) (a) (b) (c) (d) and (e). The operations and maintenance details concerning the sand filter do not vary from that of a conventional sand filter except that the Class I influent eliminates the accumulation of solids which would occur from a septic tank influent thereby eliminating the necessity of the periodic removal of those accumulated solids. The Rid-Waste System requires pumping of less frequent intervals than a conventional septic tank (which under section 340-71-305 (2) must be done every 2 years) although section 340-71-345 (5) (d) requires the removal of "excess solids" from an aerobic system at least once per year. In actual experience Rid-Waste Systems installed and tested for over 7 years have not accumulated enough solids to be considered as excess.

RID-WASTE ENVIRONMENTAL SYSTEMS INC.
Post Office Box 344
5820 Horseshoe Bar Road • Loomis, California 95650
(916) 652-2700

If I can be of any further assistance to you in this matter please feel free to call on me.

Sincerely,

Thomas S. Graham
President

TSG/mj

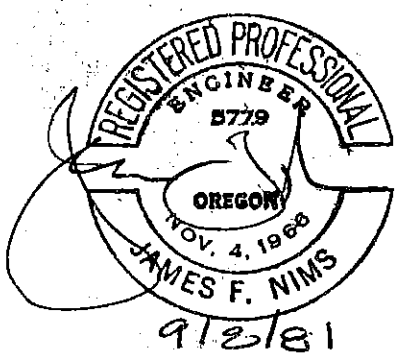
Response to OAR 340-71-290(3)(c)

In lieu of a detailed Hydrogeological Study for the Hubbard property, concerning the Nitrate- Nitrogen concentrations in th groundwater beneathe the site, I would like to present the following facts and opinions.

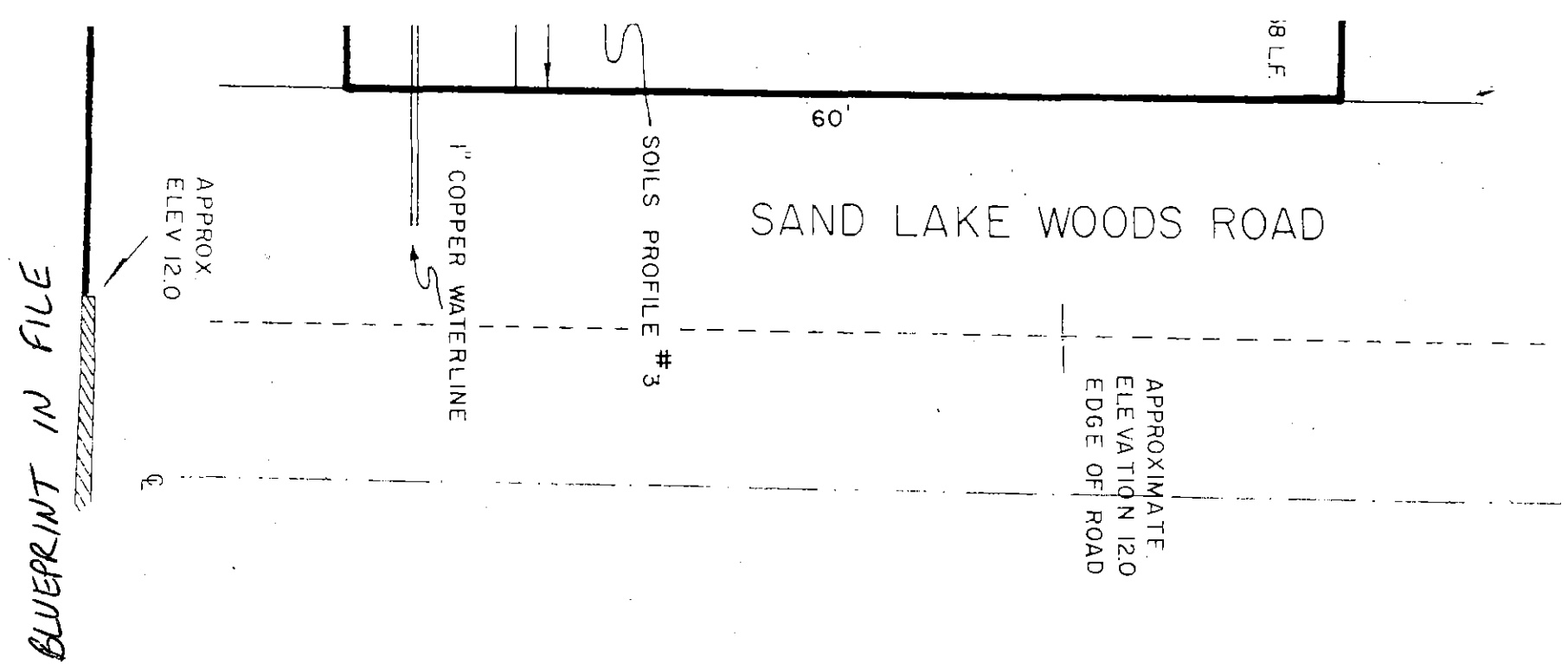
1. No parameters for the conditions of the study could be obtained from the Hearings officer, such as Testing requirements, on specific locations, interval of testing, duration of testing, or specific facility requirements.
2. No report of a similiar study was available for study.
3. No record exists of any study done in the past for the Nitrate Nitrogen concentrations for the Department for either Single family or multiple housing.
4. The Department does not have a Microbiologist for the purpose of the interpretation of such a study.
5. The interpretation of the Water table by the Department of being at a level of 40", does prove that there is water flow from the site and changing at least 37" in depth, constitutes a flow which would cause any concentration from building to a level of 5 M/L for the amount of discharge of 0.04 M/L.
6. If a rule exists that does not clearly define the scope or intent, so that the interpretation is left up in individuals, then the rule should be amended, or deleted.

As a conclusion,I would suggest that this proposal of the Rid-Waste Envirnomental system, poses no threat to the envirnoment.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
SEP 8 1981
WATER QUALITY CONTROL



9/2/81



DEVELOPER:
TAIYO CORPORATION
2000 S.W. HOFFMAN AVENUE
PORTLAND, OREGON 97201

ENGINEER:
JAMES F. NIMS
704 NE 148TH AVENUE
VANCOUVER, WASHINGTON
(206) 892-9125 98664

RID – WASTE ALTERNATE SEWAGE SYSTEM

REVISIONS:
6/2/81 A.A.L.
9/8/81 J.F.N., T.G.

DRAWN BY	SHEET NO.
A.A.L.	1 OF 1

5/28/81

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. K, October 9, 1981, EQC Meeting

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

Background

ORS 468.535(2) requires that regional authorities must submit rules related to air quality standards to the Environmental Quality Commission for approval. After approval, the Department forwards them as a State Implementation Plan revision to the Environmental Protection Agency.

At their June 9, 1981, meeting, LRAPA adopted the following rules:

1. Section 11-015 Definitions, amended
2. Title 22: Permits, fees amended
3. Section 32-800 Air Conveying Systems, new rule
4. Title 35: Emission Standards for Hazardous Air Contaminants, new rule
5. Title 37: Standards of Performance for New Stationary Sources, new rule

The LRAPA Board adopted additional definitions in rule section 11-015 to support the new rules.

Permit fees in Title 22 were raised to equal DEQ permit fees which took effect on July 1, 1981.

Section 32-800, Air Contaminant Systems, requires dry conveying systems with emissions of 3 tons/year or more to reduce emissions to less than 1 ton/year by January 1, 1984.

Title 35: Emission standards for Hazardous Air Contaminants is a rule exactly like the Department's OAR 340-25-450 to -480. LRAPA adopted this rule and requested delegation of authority. Since it includes control of asbestos fibers during demolition, jurisdiction by LRAPA's staff is appropriate. Other portions of the rule dealing with beryllium and mercury are for future, potential situations.

Title 37: Standards of Performance for New Stationary Sources is a rule exactly like OAR 340-25-535, but six of the least encountered new sources of OAR 340-25-535 were not included. LRAPA adopted 14 standards of this rule, gave a negative declaration for the other six, and requested delegation of authority.

Evaluation

Delegation to administer Hazardous Air Contaminant rules and the Standards of Performance for New Stationary Sources to LRAPA for Lane County will prevent dual review of these sources by both LRAPA and the DEQ staff, and should improve administration of these rules since the field staff with sole responsibility will be the closest to the sources.

The Air Conveying Systems rule offers emission reductions of about 150 tons/year which will help to bring the Eugene-Springfield AQMA into attainment with particulate standards.

LRAPA requested that these rule changes, upon approval by the Commission, be submitted to EPA as a SIP revision. Public hearings were held before the LRAPA Board of Directors prior to adoption of the rules. Adequate public notice for SIP revisions was given prior to the hearings. The Air Quality staff has verified that these rules are as stringent or more stringent than the Department's rules.

Summation

1. The Lane Regional Air Pollution Authority has modified some, and adopted other new rules, all of which are at least as stringent as Department rules:

   Section 11-015 Definitions
   Title 22: Permits
   Sections 32-800: Air Conveying Systems
   Title 35: Emission Standards for Hazardous Air Contaminants
   Title 37: Standards of Performance for New-Stationary Sources

2. LRAPA requests the Commission to approve these rules, transmit these rules to EPA as an amendment to the Oregon State Implementation Plan and seek EPA's delegation for administering Title 35 and Title 37 in Lane County.

3. Public hearings were held before the LRAPA Board of Directors prior to adoption of the rules. Adequate public notice for SIP revisions was given prior to the hearings.

Director's Recommendation

Based on the above 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 35 and 37 to LRAPA.

Bill

William H. Young

Attachment: New and Modified LRAPA Rules
J.F. Kowalczyk:inb
(503) 229-6278
August 6, 1981
AI1239

LANE REGIONAL

AIR POLLUTION AUTHORITY

(503) 686-7618
1244 Walnut Street, Eugene, Oregon 97403

Donald R. Arkell, Director

June 23, 1981

Mr. H. M. Patterson
Air Quality Division
Department of Environmental Quality
P. O. Box 1760
Portland, OR 97207

RE: Recently Adopted LRAPA Rules

Dear Mr. Patterson:

Enclosed are copies of:

Annotated Agenda, LRAPA Board Meeting, 02/10/81
Minutes: LRAPA Board Meeting, 02/10/81
Proposed Rule for Air Conveying Systems: Staff Report, 02/10/81
Statement of Need for Rulemaking: Air Conveying Systems
Section 32-800 Air Conveying Systems: Revised draft, 03/03/81
Annotated Agenda, LRAPA Board Meeting, 03/10/81
Minutes: LRAPA Board Meeting, 03/10/81
Eugene Register-Guard Notice of Public Hearing (Air Conveying Systems)
Proposed Rule for Air Conveying Systems: Staff Report, 03/10/81
Section 32-800 Air Conveying Systems: Revisions introduced at March Public Hearing
Proposed Regulations Pertaining to Air Conveying Systems: Testimony by Ron Dersham, Weyerhaeuser Company.
Section 32-800 Air Conveying Systems: Recommended for adoption at June meeting.

Annotated Agenda, LRAPA Board Meeting, 06/09/81
Amended Proposed Rules for Air Conveying Systems: Staff Report, 06/09/81
Minutes: LRAPA Board Meeting, 06/09/81
Annotated Agenda, LRAPA Board Meeting, 05/12/81
Eugene Register-Guard Notice of Public Hearing (NSPS, NESHAPS, Proposed Modification of Air Contaminant Discharge Permit Fee Schedule).
Staff Report, 06/09/81: Proposed Modification of Air Contaminant Discharge Permit Fee Schedule
Staff Report, 06/09/81: Proposed NESHAPS Rule
Staff Report, 06/09/81: Proposed NSPS Rule

LRAPA Rules and Regulations: Section 11-015 Definitions
LRAPA Rules and Regulations: Title 22: Permits
LRAPA Rules and Regulations: Title 32: Emission Standards (includes Section 32-800 Air Conveying Systems)
LRAPA Rules and Regulations: Title 35: Emission Standards for Hazardous Air Contaminants
LRAPA Rules and Regulations: Title 37: Standards of Performance for New Stationary Sources.

It is requested that the adopted definitions and rules for Air Conveying Systems, NSPS, NESHAPS and Permit Fees be incorporated into the State of Oregon State Implementation Plan for the Eugene-Springfield AQMA. It is further requested that LRAPA be delegated authority for NSPS and NESHAPS for Lane County.

Sincerely,

Donald R. Arkell
Director

DRA/ec

Enclosures

A G E N D A

LANE REGIONAL AIR POLLUTION AUTHORITY

MONTHLY BOARD MEETING

TUESDAY--FEBRUARY 10, 1981

12:15 P.M.

LRAPA CONFERENCE ROOM
(1244 Walnut Street, Eugene)

TITLE	BACKUP MATERIAL	BOARD ACTION
1. Call Meeting to Order	TAB: I. Notice of Meeting	
2. Approval of Minutes of Last Meeting	II. Minutes of January 1981 Meeting	2--APPROVED
3. Expense Report	III. Expense Report for January 1981	3--APPROVED
4. Appointment of Budget Committee Member		4--APPOINTMENT OF BOB ADAMS APPROVED
5. Resolution Authorizing Transfer of Non-Contingency Appropriations Within a Given Fund	V. Resolution	5--APPROVED
6. Request for Authorization for Public Hearing: LRAPA Rules and Regulations Section 32-800 Air Conveying Systems	VI. a) LRAPA Staff Report b) LRAPA Staff Draft Rule	6--APPROVED
7. Proposal to Request Removing the Prohibition of Residential Open Burning during the Period from December 16 through February 29	VII. LRAPA Staff Report	7--DIRECTED that a study committee be formed to develop proposed regulations for Lane County. DIRECTED letter be sent to DEQ requesting action on state rules affecting Lane County be withheld pending report and recommendations.
8. Director's Report	VIII. a) Director's Report for January 1981	8--RESOLUTION to authorize expenditure of public funds.
9. Public Participation *(Note: This is an opportunity for public to bring up unscheduled items. The Board may not act at this time but may, if it deems necessary, place such items on future agendas.)*		
10. Adjournment		

M I N U T E S

LANE REGIONAL AIR POLLUTION AUTHORITY
MONTHLY BOARD MEETING
TUESDAY--FEBRUARY 10, 1981

ATTENDANCE

BOARD: Bill Hamel, Chairman - City of Eugene; Otto t'Hooft - Lane County; Bill Whiteman - City of Cottage Grove; Emily Schue - City of Eugene; Cynthia Wooten - City of Eugene.
(ABSENT: John Lively - City of Springfield; Sandra Rennie - City of Springfield)

STAFF: Don Arkell - Director; Joyce Benjamin - Legal Counsel; Ralph Johnston; Marty Douglass; Millie Watson; Merrie Dinteman - Recording Secretary.

OPENING: The meeting was called to order by Chairman Hamel at 12:15 p.m.

MINUTES: Otto t'Hooft MOVED to approve the minutes of the January 1981 meeting as presented. Bill Whiteman SECONDED, and the MOTION was APPROVED UNANIMOUSLY.

EXPENSE REPORT: Otto t'Hooft MOVED to approve the expense report for January 1981 as submitted. Bill Whiteman SECONDED, and the MOTION was APPROVED UNANIMOUSLY.

APPOINTMENT OF BUDGET COMMITTEE MEMBER: Chairman Hamel informed the Board members that Sandra Rennie had nominated Bob Adams to serve on the Budget Committee. Bill Whiteman MOVED that Bob Adams be appointed to the LRAPA Budget Committee. Otto t'Hooft SECONDED, and the MOTION was APPROVED UNANIMOUSLY.

RESOLUTION AUTHORIZING TRANSFER OF NON-CONTINGENCY APPROPRIATIONS WITHIN A GIVEN FUND: Staff review of the current budget revealed a need to transfer some contingency funds into several of the line item categories to keep those line items solvent through the rest of the fiscal year. The Local Government Budgeting Act requires that this transfer be authorized by the Board. Otto t'Hooft MOVED to approve the transfer of funds as requested. Bill Whiteman SECONDED, and the MOTION was APPROVED UNANIMOUSLY

REQUEST FOR AUTHORIZATION FOR PUBLIC HEARING ON LRAPA RULES AND REGULATIONS, SECTION 32-800 AIR CONVEYING SYSTEMS: The AQMA Plan adopted by the Board in November 1980 included a strategy requiring increased controls on air conveying systems, commonly known as cyclones. Staff requested Board authorization to hold a public hearing on a draft rule at the March Board meeting and to adopt the rule after that meeting. Emily Schue MOVED to authorize the public hearing in March. Otto t'Hooft SECONDED, and the MOTION was APPROVED UNANIMOUSLY.

PROPOSAL TO REQUEST REMOVING THE PROHIBITION OF RESIDENTIAL OPEN BURNING DURING THE PERIOD FROM DECEMBER 16 THROUGH FEBRUARY 29: Bill Whiteman's letter of December 22, 1980 raised two concerns: the proposal to remove the ban on wintertime burning in areas outside the Eugene/Springfield Metropolitan Area; and reevaluation of the control area boundaries established in LRAPA Rules and Regulations. Doug Brannock, Staff Meteorologist for Portland DEQ, discussed DEQ's current reevaluation of its open burning rules and its proposed rule changes, as they might affect Lane County. Mr. Brannock explained that the purpose of this reevaluation of the State's rules is to improve clarity and understandability. The rules apply statewide but seek to define various areas within the State that require different open burning rules. He described the two domestic burning seasons contained in the current rules, explaining that those dates were not rigidly set and could be

altered, if necessary, for certain areas. Mr. Brannock stated that control area boundaries can also be changed, as had been done in Portland In that instance, the DEQ and fire districts had agreed upon boundaries which generally follow fire district lines or major geographical features, instead of using the general definition of miles distance from a point in establishing those lines. He said that proposed changes submitted by LRAPA would be considered by the EQC. Because enforcement of open burning rules is the responsibility not only of LRAPA, but also of local fire districts and departments throughout Lane County, Board opinion was that the agencies involved in enforcing the rules should also be involved in any decision regarding changes to burning season dates or control area boundary lines.

MOTION: Bill Whiteman MOVED that the Board authorize formation of a committee made up of representatives of the agencies who issue burning permits and enforce regulations to review the DEQ regulations as they apply to the area administered by LRAPA, for the purposes of offering testimony to DEQ rule changes affecting open burning in this area. Otto t'Hooft SECONDED, and the MOTION was APPROVED UNANIMOUSLY.

MOTION: Bill Whiteman then MOVED to direct staff to write a letter to the EQC asking that any consideration of open burning rule changes in the LRAPA control areas be held until the Board received recommendations from committee for changes. Otto t'Hooft SECONDED, and the MOTION was APPROVED UNANIMOUSLY.

In addition to making recommendations to DEQ regarding the enforcement aspect of open burning, the Board also expressed a desire to see greater staff effort devoted to a public education program, as a means to encourage cooperation with the Rules.

DIRECTOR'S REPORT: Don Arkell reported on staff activities during the month of January, stating that work had begun on the 1981/82 budget. He said the emphasis for the next year will be to improve intergovernmental cooperation, particularly with regard to economic development. Along that same line, the LRAPA Advisory Committee is working on recommendations for a controlled trading program for Lane County. In order to acquaint the Board with these activities and to get Board input into setting of goals for the Agency, Arkell requested that the Board meet in a work session in mid-March. The Board agreed to such a session, and Arkell said Board members would be contacted to establish a date and time for the workshop.

Arkell stated that LRAPA had received notice that it had been awarded $29,500 in supplemental federal funds, of which $11,000 would be used for monitoring equipment and data processing for quality assurance. The remainder of the funds would be directed to a joint traffic and circulation study with the City of Eugene.

MOTION: Bill Whiteman MOVED to authorize expenditure of the federal funds for purposes as outlined. Otto t'Hooft SECONDED, and the MOTION was APPROVED UNANIMOUSLY.

ADJOURNMENT: There being no further business, the meeting adjourned at 1:40 p.m.

Respectfully submitted,
Merrie Dinteman, Recording Secretary

Agenda Item No. 6

LRAPA Board of Directors Meeting

February 10, 1981

TO: Board of Directors

FROM: Donald R. Arkell

SUBJ: Proposed Rule for Air Conveying Systems, Request for Public Hearing

Background

On November 6, 1980, the Board of Directors adopted the Air Quality Maintenance Area Plan for the Eugene/Springfield AQMA. The purpose of the Plan is to explain how air quality standards for particulates will be met within the AQMA. The Plan contained elements providing for certain control strategies to reduce emission of particulates. One of the control strategies adopted was reduction of emissions from dry material handling systems. The Plan was endorsed by the AQMA Citizen's Advisory Committee, the Cities of Eugene and Springfield, and Lane County. In order to implement this strategy, a rule should be adopted by the LRAPA Board which identifies the affected sources and details the exact requirements. Although the Plan calls for controls on dry material handling systems, the rule, as proposed, will affect all air conveying systems which emit more than one metric ton. The inclusion of all air conveying systems is proposed because of difficulty in defining "dry materials" and because some systems may handle wet and dry material. This will add approximately 10 systems to the 53 which were identified in the SIP change. This number may be reduced as those systems are reviewed for type of material and operating schedules and have their permits adjusted accordingly.

Staff Analysis

The proposed rule will require additional air pollution control incorporating fabric filtration or equivalent on approximately 60 air conveying systems in Lane County. The proposed rule implements a strategy which has been approved by the LRAPA Board of Directors and endorsed by the Citizen's Advisory Committee and the Cities of Eugene and Springfield and Lane County.

The proposed rule will result in emissions reduction and improvement of air quality in areas which exceed air quality standards for particulate matter. The proposed rule contains a time schedule which allows for compliance schedule development. It requires larger sources (five metric tons and over) to be controlled by January 1, 1983 and the smaller (one ton and over) must be controlled two and one-half years later, July 1, 1985.

Alternatives

Alternatives, such as boiler controls, improved street cleaning, trackout regulations, asphalt concrete batch plants, particleboard dryers, pulp mills, rock crushers were considered and not selected as viable strategies at this time. Reasons are contained in Section 4.6.5 of the AQMA Plan, attached.

Director's Recommendation

That the Board authorize public hearing on the proposed rule at its regular Board meeting on March 10, 1981.

DRA/mjd
Attachment: Section 4.6.5, AQMA Plan

STATEMENT OF NEED FOR RULEMAKING

Pursuant to ORS 183.335(2), the following statement provides information on the proposed action to adopt Lane Regional Air Pollution Authority Rules and Regulations Section 32-800 Air Conveying Systems.

Legal Authority

ORS 468.020, ORS 468.505, ORS 468.535, and the Federal Clean Air Act Amendments of 1977 (PL 95-95)

Need for the Rule

To satisfy requirements of the Oregon State Implementation Plan for Particulate Matter for the Eugene/Springfield Air Quality Maintenance Area, adopted by the Lane Regional Air Pollution Authority Board of Directors on November 6, 1980, and approved by the Oregon Environmental Quality Commission on January 30, 1981.

Principal Documents Relied Upon

1. Oregon State Implementation Plan for Particulate Matter for the Eugene/Springfield Air Quality Maintenance Area.

Revised - 3/3/81

Section 32-800 Air Conveying Systems (staff changes introduced at March hearing) LRAPA Staff Draft

A. Air conveying systems which use a cyclone or other mechanical separating device and which emitted one (1) Metric Ton or more of particulate matter during the baseline year are affected sources.

B. Notwithstanding the general and specific emission standards and regulations contained in these Rules, affected sources shall not emit particulate matter to the atmosphere in excess of the following amounts:

One (1) Metric Ton/year (1.10 Tons/year)

0.12 kg/hour (0.26 lbs/hour)

C. Air conveying systems having annual emission rates of five (5) Metric Ton/year or more in the baseline year, as determined by the Director shall comply with this rule as soon as practicable, but no later than January 1, 1983 or eighteen months after the State of Oregon State Implementation Plan for the Eugene/Springfield AQMA is approved by the U.S. Environmental Protection Agency, whichever is later.

D. Air conveying systems having annual emission rates of one (1) Metric Ton/year in the baseline year, as determined by the Director shall comply with this rule as soon as practicable, but no later than July 1, 1985.

E. Applicability of Parts C and D to affected sources shall be based on calculated actual emissions during the baseline year. The Authority may require source test to determine actual emissions.

F. Upon the affective date of this rule, the Director shall compile a list of permitted air conveying systems and their respective emission rates, and shall issue a notice of applicability to each affected source.

G. Affected sources shall submit compliance schedules to the Director for approval within ninety (90) days after a notice of determination of applicability is issued by the Director. Compliance schedules shall contain reasonable periodic increments of progress dates for:

1) Submittal of source's final control plan;
2) Award of emission control system or process modification contract; or issuance of orders for purchase of component parts to accomplish emission control or process modification;
3) Initiation of on-site construction or installation of emission control equipment or process change;
4) Completion of on-site construction or installation of emission control equipment or process change;
5) Final compliance demonstration.

H. Consistent with Sections 21-010 and 22-010, sources under one (1) Metric Ton/year in the baseline year shall notify the Authority when emission rates change such that this rule applies.

Definitions

.013 "Air Conveying System" means an air moving device such as a fan or blower, and associated ductwork, the purpose of which is to move material from one point to another by entrainment in a moving airstream.

.a "Actual Emission" means the estimated rate of emissions, based upon operation schedule reported by the source in its application for permit to discharge air contaminants, and emission factors or source tests, calculated according to good engineering practice.

.b "Baseline Year" means the calendary year 1978.

A N N O T A T E D

A G E N D A

LANE REGIONAL AIR POLLUTION AUTHORITY

MONTHLY BOARD MEETING
TUESDAY--MARCH 10, 1981
12:15 P.M.
LRAPA CONFERENCE ROOM
(1244 Walnut Street, Eugene)

TITLE	BACKUP MATERIAL	BOARD ACTION
1. Call Meeting to Order	TAB: I. Notice of Meeting	
2. Approval of Minutes of Last Meeting	II. Minutes of February 1981 Meeting	2. Approved
3. Expense Report	III. Expense Report for February 1981	3. Approved
4. Ad-Hoc Committee on Open Burning Rules, Report	IV.a)Committee Report b)Staff Report	4.-Accepted Report of Ad-Hoc Committee and Directed Staff to Write Letter to Fire Defense Board Expressing Appreciation for their Assistance -Adopted Items 1, 2, and 4 of Committee's Recommendations as LRAPA Board Policy Regarding Open Burning Regulations
5. Public Hearing: LRAPA Rules and Regulations Section 32-800 Air Conveying Systems	V.a)Draft Rule b)Staff Report c)Revised Staff Report	-Adopted as Board Policy Staff Recommendation to Support Fee Schedule as Outlined in State Rule
6. Discussion of Workshop Agenda	VI. Proposed Workshop Agenda	
7. Director's Report	VII.a)Director's Report for February 1981 b)Quarterly Air Quality Summary	
8. Public Participation *(Note: This is an opportunity for public to bring up unscheduled items. The Board may not act at this time but may, if it deems necessary, place such items on future agendas.)*		5. Action Postponed Until June 1981 Meeting to Allow Time for Additional Study
9. Adjournment		9. Meeting Adjourned at 1:43 p.m.
		NEXT REGULAR MEETING SCHEDULE FOR APRIL 14, 1981

M I N U T E S

LANE REGIONAL AIR POLLUTION AUTHORITY
MONTHLY BOARD MEETING
TUESDAY--MARCH 10, 1981

ATTENDANCE:

BOARD - Bill Hamel, Chairman - City of Eugene; Sandra Rennie - City of Springfield; Emily Schue - City of Eugene; Bill Whiteman - City of Cottage Grove.
(ABSENT: John Lively - City of Springfield; Otto t'Hooft - Lane County; Cynthia Wooten - City of Eugene)

STAFF - Don Arkell - Director; Tim Sercombe - Legal Counsel; Joe Lassiter; Ralph Johnston; Earl Seip; Dick Ruth; Marty Douglass; Millie Watson; Merrie Dinteman - Recording Secretary.

OPENING: The meeting was called to order by Chairman Hamel at 12:15 p.m.

MINUTES: Bill Whiteman MOVED to approve the minutes of the February 1981 meeting as presented. Sandra Rennie SECONDED, and the MOTION was APPROVED UNANIMOUSLY.

EXPENSE REPORT: Bill Whiteman MOVED to approve the expense report for February 1981 as submitted. Sandra Rennie SECONDED, and the MOTION was APPROVED UNANIMOUSLY.

AD-HOC COMMITTEE ON OPEN BURNING RULES, REPORT: *(Note: A copy of the report of the Ad-Hoc Committee is a part of these minutes by reference.)*

Ray Gregory of the Western Lane Forest Protection District was present as spokesman for the Ad-Hoc Committee to study the State's proposed open burning rules, which was formed at the LRAPA Board's request. Mr. Gregory presented the Committee's recommendations to the Board:

1. Eliminate the mid-Winter closure on open backyard burning and extend the season through June 30th.

2. Oppose the revised daily burning hours as proposed by the State.

3. Oppose the establishment of a fee schedule for letter permits as proposed by the State.

4. Change the boundaries of the Special Control Areas in Lane County to coincide with Fire District boundaries.

Don Arkell summaried staff review of the Committee's findings and make the following recommendations to the Board for presentation to the DEQ at its March 12th hearing on the rule:

1. Support the Committee's recommendation that burning be allowed through the Winter months, only on allowed burning days, based on minimal air quality impact and fewer violations of burning rules.

2. Support the Committee's opposition to the proposal that fires be extinguished two hours before sunset, based on difficulty of enforcement for the Fire Districts.

3. Support the DEQ proposal to establish a fee schedule for letter permits, based on need to offset costs of issuing permits.

4. Support the Committee's recommendation that the restricted burning areas be the same as the boundaries of Fire Districts, as listed in the Committee's report.

5. Reserve LRAPA's option to review and amend local regulations as deemed necessary.

MOTION: Bill Whiteman MOVED to accept the report from the Ad-Hoc Committee and that a letter be sent to the Fire Defense Board expressing appreciation for its efforts on this matter. Emily Schue SECONDED, and the MOTION was APPROVED UNANIMOUSLY.

MOTION: Bill Whiteman MOVED to adopt items 1, 2, and 4 of the Ad-Hoc Committee's report as accepted Board Policy regarding open burning regulations, including the Director's statement that LRAPA still reserves its authority to make local rules for air quality reasons. Emily Schue SECONDED, and the MOTION was APPROVED UNANIMOUSLY.

MOTION: Bill Whiteman MOVED to accept as Board Policy the staff's recommendati to support the fee schedule for the types of burning as proposed in th State's regulations. Sandra Rennie SECONDED, and the MOTION was APPROVED UNANIMOUSLY.

PUBLIC HEARING: LRAPA RULES AND REGULATIONS, SECTION 32-800 AIR CONVEYING SYSTEMS

Don Arkell presented background material and staff report on the proposed rule. The draft rule was presented to the Board at its February meeting; however, since that time, some changes had been made in the proposal, as follows: 1) restore the original provision of applicability to dry systems only, as stated in the AQMA Plan approved by the Board; and 2) change the new proposal to apply only to those systems within the Air Quality Maintenance Area, since the data that supports the need for the rule is not sufficient to address those cyclones located outside the AQMA at this time. Other changes were in the definitions section of the proposed rule, regarding those systems not to be included in the rule.

Chairman Hamel opened the public hearing at 12:50 p.m. and called for public testimony. The first to testify was Ron Dersham, Panel Products and Business Operations Manager with Weyerhaeuser Company in Springfield. *(Note: A copy of Mr. Dersham's prepared testimony is a part of these minutes by reference.)*
Mr. Dersham explained that Weyerhaeuser Company was not aware of the changes to the proposed rule and, as a result, part of his prepared testimony no longer applied (Items No.'s 1 and 2 on Page 1). Weyerhaeuser requested that the one to five ton source requirement be deleted from the proposed rule. A computer modeling study recently done by Weyerhaeuser predicted that insignificant benefits will result from controls on cyclone sources that emit less than five metric tons per year. Because these findings do not coincide with those of the model used by LRAPA, Weyerhaeuser felt that more time should be allowed for further study before major expenditures are made on equipment which might not achieve the desired air quality benefits.

PUBLIC HEARING: AIR CONVEYING SYSTEMS (cont.)

Randall Hledik, Corporate Land Supervisor for Wildish Sand and Gravel, stated that he inferred from the Strategy Alternatives information included in the background material for this proposal that asphaltic concrete batch plants and rock crushers would be exempt from the rule. Mr. Arkell explained that, when the strategies were studied as part of the AQMA Plan, it was determined that the four asphaltic concrete batch plants within the AQMA were already operating at Reasonably Available Control Technology, referring generally to dryer stack emissions in the batch plant. This determination did not refer to any other particular source within the gravel batch plant, and if there is an air conveying system, it may fall under the proposed rule. This would apply also to rock crushers. Mr. Hledik said a considerable amount of effort and money had already been spent to comply with the present standards and that Wildish had not yet had a chance to analyze the costs associated with retrofitting its present equipment to comply with new standards. He suggested that the new rule be applied only to new, rather than existing, plants.

Hal McCall of Bohemia, Inc. asked whether, in the course of the development of strategies, thought had been given to cost/benefit ratio, stating that he believed this information was required by the Board before it could make any decision on the proposed rule. Arkell replied that cost/benefit ratio had been considered, but that staff could not define cost per ton or per microgram, because the data changes too quickly. McCall inquired as to the reason for setting the particular dates for achieving final compliance with the proposed rule and was told that, under the terms of the Clean Air Act Amendments and the development of the State Implementation Plan, LRAPA is required to show reasonable further progress toward meeting the standards. Since LRAPA has some compliance schedules under way which have earlier dates of completion, a total emissions at or below the reasonable further progress line should be maintained. The second reason for selecting the proposed dates, which are much longer than those which would be considered in an expeditious schedule, was to accommodate the current economic situation in the wood products industry and give companies ample opportunity to plan for meeting these rules. McCall wanted to know whether the cost of source testing necessary to determine applicability of the rule had been considered. He was concerned about the expense involved in source testing, particularly if the stack being tested was not straight and had to be altered in order to perform the test. Arkell explained that an abbreviated source test using a Hi-Vol Sampler could be accepted for those sources where standard source testing methods cannot be used at a reasonable cost. McCall suggested extending the compliance date for one to five ton sources at least six months and possibly a year after that.

The basic concern expressed by industry representatives present was the economic situation. The Wood Products Industry has had a year of bad conditions and sees another year at least before it will be able to pull itself out of the current slump. There are many companies in Lane County which will not be in a position to be able to purchase the equipment necessary to achieve compliance with the rule.

PUBLIC HEARING: AIR CONVEYING SYSTEMS (cont.)

Arkell responded by stating the Air Conveying Systems Rule was developed to carry out part of the AQMA Plan which was adopted by the Board in November 1980. The AQMA Plan was developed by the AQMA Citizen's Advisory Committee over a two-year period, during which time there were many opportunities for industry and any other interested parties to provide input. The proposed rule is almost exactly what was contained in the AQMA Plan which was approved at a public hearing at which Mr. Dersham, and other industry representatives, were present.

Board consensus was that all available information must be studied before a decision is made on the proposed rule. Weyerhaeuser Company's report from its environmental technology group in Tacoma is to be provided for Board review, along with any other new information which industry or staff develops during the next 90 days.

Chairman Hamel closed the public hearing at 1:30 p.m. Further discussion on the matter was postponed until the regular meeting of June 9, 1981.

DISCUSSION OF WORKSHOP AGENDA:

Mr. Arkell presented the agenda for the Board Workshop planned for March 19th. Items to be discussed at the workshop include the budget process for the coming year, where the Agency is now and what some of its concerns are; how the Agency functions - what activities it performs in accomplishing its assigned duties in the Community; and procedures - how the Board feels the Agency functioned the past year and what Board members might think needs changing or improving. Arkell told the Board that he would send additional information to them prior to the workshop.

DIRECTOR'S REPORT:

Mr. Arkell reported the activities of the LRAPA staff during the month of February, as well as general air quality evaluation from the Technical Services Division. Copies of the quarterly report on air quality for the last quarter of calendar year 1980 were distributed to Board members, and Arkell informed the Board that the annual report for 1980 should be available by April or May.

The Budget Committee is scheduled to meet March 24th for its first session to discuss the no-growth budget being proposed for FY 81/82.

ADJOURNMENT:

There being no further business, the meeting adjourned at 1:43 p.m. The next regular meeting of the Board is scheduled for Tuesday, April 14, 1981, 12:15 p.m.

Respectfully submitted,

Merrie Dinteman

Merrie Dinteman
Recording Secretary

EUGENE REGISTER-GUARD, Eugene, Oregon, Thursday, February 12, 1981

PUBLIC HEARING

Your opportunity to comment on proposed regulation for air conveying systems.

The proposed regulation would set emission standards for air conveying systems in Lane County and establish deadline dates for achieving compliance with those standards.

A public hearing will be held before the Lane Regional Air Pollution Authority Board of Directors at its regular meeting on March 10, 1981.
Location: 1244 Walnut Street, Eugene, Oregon

Time: 12:15 p.m.

Copies of the proposed regulation are available for review and comment by contacting the Lane Regional Air Pollution Authority office or by calling 686-7618.

Written comment may be submitted until March 9, 1981 to the above LRAPA address.

EUGENE REGISTER-GUARD, Eugene, Oregon, Thursday, February 19, 1981

PUBLIC HEARING

Your opportunity to comment on proposed regulation for air conveying systems.

The proposed regulation would set emission standards for air conveying systems in Lane County and establish deadline dates for achieving compliance with those standards.

A public hearing will be held before the Lane Regional Air Pollution Authority Board of Directors at its regular meeting on March 10, 1981.
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Time: 12:15 p.m.

Copies of the proposed regulation are available for review and comment by contacting the Lane Regional Air Pollution Authority office or by calling 686-7618.

Written comment may be submitted until March 9, 1981 to the above LRAPA address.

Agenda Item No. 5

LRAPA Board of Directors' Meeting

March 10, 1981

TO: Board of Directors

FROM: Donald R. Arkell

SUBJECT: Proposed Rule for Air Conveying Systems; Public Hearing and Adoption

Summary

On February 10, 1981 the Board of Directors authorized a public hearing on a proposed Air Conveying System Rule. The staff report and draft rule for that request is attached for your information. The rule, as proposed here, will affect dry material handling systems inside the AQMA which have a baseline year emission rate of one (1) metric ton or more.

Systems which have a baseline year emission rate of five (5) metric tons or more must comply by January 1, 1983 or eighteen (18) months after EPA approval of the SIP, whichever is later.

Systems which have a baseline year emission rate of one (1) to five (5) metric tons must comply by July 1, 1985.

Systems which have a current baseline year emission rate of less than one (1) metric ton must notify the Authority, through the Notice of Construction procedure, when emission rates change such that the rule applies.

The rule, as proposed in the "Request for Hearing" package, addressed all Air Conveying Systems because of difficulties with the "Dry Material" definition. Those difficulties have been resolved, for the most part.

An additional change is to provide for use of source testing to determine applicability of the rule in cases of doubt.

Director's Recommendation

That the Board of Directors adopt the Rule as proposed.

DRA/mjd/ec 03/04/81

LRAPA *Revised* Staff Draft

Section 32-800 Air Conveying Systems

Revisions introduced at March Public hearing.

Affected Sources

A. *Dry material* air conveying systems *located within the Eugene/Springfield Air Quality Maintenance Area (AQMA)* which use a cyclone or other mechanical separating device and which *have a baseline for emission rate of* one (1) Metric Ton or more of particulate matter are affected sources.

Emission Limits for Affected Sources

B. Notwithstanding the general and specific emission standards and regulations contained in these Rules, affected sources shall not emit particulate matter to the atmosphere in excess of the following amounts:

One (1) Metric Ton/year (1.10 Tons/year)

0.12 kg/hour (0.26 lbs./hour)

Compliance Schedules

C. *Dry material* air conveying systems having *baseline year* as determined by the Director shall comply with this rule as soon as practicable, but no later than January 1, 1983 or eighteen months after the State of Oregon State Implementation Plan for the Eugene/Springfield AQMA is approved by the U. S. Environmental Protection Agency, whichever is later.

D. *Dry material* air conveying systems having *baseline year* emission rates of one (1) *to five (5)* Metric Tons/year as determined by the Director shall comply with this rule as soon as practicable, but no later than July 1, 1985.

E. Applicability of Parts C and D to affected sources shall be based on calculated actual emissions.

F. Upon the affective date of this rule, the Director shall compile a list of permitted air conveying systems and their respective emission rates, and shall issue a notice of *determination of* applicability to each affected source. *In cases of doubt as to applicability, the Director may require source tests prior to final determinations.*

G. Affected sources shall submit compliance schedules to the Director for approval within ninety (90) days after a notice of determination of applicability is issued by the Director. Compliance schedules shall contain reasonable periodic increments of progress dates for:

1) Submittal of source's final control plan;
2) Award of emission control system or process modification contract; or issuance of orders for purchase of component parts to accomplish emission control or process modification;
3) Initiation of on-site construction or installation of emission control equipment or process change;
4) Completion of on-site construction or installation of emission control equipment or process change;
5) Final compliance demonstration.

H. Consistent with Sections 21-010 and 22-010, sources under one (1) Metric Ton/year in the baseline year shall notify the Authority when emission rates change such that this rule applies.

Definitions

.013 "Air Conveying System" means an air moving device such as a fan or blower, and associated ductwork, *and a cyclone or other collection device,* the purpose of which is to move material from one point to another by entrainment in a moving airstream. *It does not include particle dryers.*

.a "Actual Emission" means the estimated rate of emissions, based upon operation schedule reported by the source in its application for permit to discharge air contaminants, and emission factors or source tests, calculated according to good engineering practice.

.b "Baseline Year" means the calendar year 1978.

.c *"Dry Material" includes, but is not limited to, sanderdust, shavings from kiln or air dried wood, sawdust from kiln or air dried wood, or material from any other size-reduction equipment which processes kiln or air dried wood, rock, feed, seed, or other.*

.d *"Eugene/Springfield Air Quality Maintenance Area" means that area described in Section 4.6.2.1 and Figure 4.6.2.1--1 of the State of Oregon State Implementation Plan Revision - Eugene/Springfield AQMA as approved by the Board on November 6, 1980.*

To: BOARD OF DIRECTORS, LANE REGIONAL AIR POLLUTION AUTHORITY

SUBJECT: PROPOSED REGULATIONS PERTAINING TO AIR CONVEYING SYSTEMS

I AM RON DERSHAM, PANEL PRODUCTS AND BUSINESS OPERATIONS MANAGER WITH WEYERHAEUSER COMPANY IN SPRINGFIELD, OREGON. I APPRECIATE THIS OPPORTUNITY ON BEHALF OF OUR COMPANY TO COMMENT ON THE REGULATIONS THAT ARE BEING PROPOSED FOR AIR CONVEYING SYSTEMS WHICH USE A CYCLONE OR OTHER MECHANICAL SEPARATING DEVICES.

AS WAS STATED IN OUR TESTIMONY THAT WAS PRESENTED LAST NOVEMBER ON THE PROPOSED STATE IMPLEMENTATION PLAN REVISIONS, IT WILL REQUIRE, BASED ON CONSERVATIVE ESTIMATES, A CAPITAL INVESTMENT OF $1,639,619 AT THE SPRINGFIELD WOOD PRODUCTS COMPLEX TO COMPLY WITH THE REGULATIONS AS THEY ARE CURRENTLY PROPOSED. IT SHOULD BE NOTED THAT THIS REQUIRED INVESTMENT DOES NOT INCLUDE OUR COTTAGE GROVE FACILITY.

PARTICULARLY WITH THE EXTREMELY DIFFICULT ECONOMIC CONDITIONS THAT FACE THE NORTHWEST FOREST PRODUCTS INDUSTRY, IT IS ABSOLUTELY ESSENTIAL THAT AIR QUALITY IMPROVEMENT BE ASSURED AS A RESULT OF THIS MAJOR CAPITAL INVESTMENT. FOR THIS REASON, WE WANT TO EXPRESS THE FOLLOWING CONCERNS AND RECOMMENDATIONS WITH RESPECT TO THE PROPOSED REGULATIONS:

This was revised, not included in actual testimony

1. AS CURRENTLY WRITTEN, THE REGULATIONS WOULD APPLY TO ALL OF LANE COUNTY AND NOT JUST THE NON-ATTAINMENT AREA. IN OUR OPINION, THIS IS NOT JUSTIFIED.

2. FIRST, THE ADDITIONAL CONTROLS IN AREAS OUTSIDE THE NON-ATTAINMENT AREA WOULD HAVE NEGLIGIBLE IMPACT ON AIRSHEDS THAT ARE ALREADY IN COMPLIANCE WITH THE AMBIENT AIR QUALITY STANDARDS. SECONDLY, ENFORCEMENT OF THE EXISTING GRAIN LOADING STANDARDS WILL PREVENT THE OCCURRENCE OF LOCALIZED NUISANCE CONDITIONS.

   FOR THESE REASONS, WE WOULD ASK THAT THE REGULATIONS BE MODIFIED SO THEY CLEARLY APPLY ONLY TO THE NON-ATTAINMENT AREA.

2. THE REGULATIONS REQUIRE THAT AIR CONVEYING SOURCES THAT EMIT ONE TO FIVE METRIC TONS PER YEAR BE CONTROLLED BY NO LATER THAN JULY 1, 1985. AS YOU KNOW, THESE ARE EXTREMELY SMALL SOURCES.

FOR WEYERHAEUSER COMPANY'S SPRINGFIELD COMPLEX, COMPLIANCE WITH THIS PROVISION WILL NECESSITATE A CAPITAL EXPENDITURE OF APPROXIMATELY $500,000 AS WELL AS A SUBSTANTIAL ANNUAL OPERATING COST. THESE COSTS DO NOT CONSIDER REPLACEMENT FOLLOWING FIRE OR EXPLOSION, BOTH OF WHICH ARE COMMON FOR BAGHOUSE INSTALLATIONS ON DRY SOURCES.

AT THE NOVEMBER HEARING, WE ASKED THAT THE CONTROL OF THESE SOURCES BE BASED ON THE DEMONSTRATED NEED FOR ADDITIONAL AIR QUALITY IMPROVEMENT AND ON MORE RELIABLE MODEL PREDICTIONS OF AIR QUALITY IMPACT. THIS REQUEST IS NOT REFLECTED IN THE PROPOSED REGULATIONS.

MORE IMPORTANTLY, HOWEVER, WE RECENTLY ASKED OUR ENVIRONMENTAL TECHNOLOGY GROUP IN TACOMA TO CONDUCT A THOROUGH ANALYSIS OF CYCLONE EMISSION SOURCES AT OUR SPRINGFIELD FACILITY AND ESTIMATE THE IMPACT ON THE SURROUNDING AIRSHED. AS PART OF THIS ANALYSIS, THE INDUSTRIAL SOURCE COMPLEX MODEL, AN EPA APPROVED METHOD WAS USED TO PREDICT AIR QUALITY INFLUENCES. THE RESULTS OF THIS ANALYSIS, WHICH JUST BECAME AVAILABLE A FEW DAYS AGO, CLEARLY SHOWS THAT FOR CYCLONE SOURCES THAT EMIT LESS THAN FIVE METRIC TONS PER YEAR, INSIGNIFICANT BENEFITS WILL RESULT FROM PROVIDING ADDITIONAL CONTROLS.

IF YOU SO DESIRE, WE WOULD BE PLEASED TO ARRANGE A MEETING WITH YOUR STAFF TO DISCUSS THE RESULTS OF

THIS STUDY. IN ANY EVENT, HOWEVER, BASED ON THE MAJOR INVESTMENT THAT WOULD BE REQUIRED AND THE RESULTING NEGLIGIBLE BENEFIT TO AIR QUALITY, WE URGE YOU TO DELETE THE ONE TO FIVE TON SOURCE REQUIREMENT FROM THE PROPOSED REGULATIONS.

WE FEEL THAT THE REVISIONS THAT WE HAVE RECOMMENDED ARE NOT ONLY IMPORTANT BUT ARE FULLY JUSTIFIED FROM AN ENVIRONMENTAL STANDPOINT AND ARE CRITICAL TO THE AREA'S INDUSTRIAL OPERATIONS.

IN CLOSING, WE FEEL THAT IT IS IMPORTANT TO NOTE THAT THE CONTROL OF FIVE TON AND GREATER SOURCES WILL REQUIRE A MAJOR CAPITAL INVESTMENT THAT WILL ADD NOTHING TO MILL PRODUCTIVITY. AS YOU ARE AWARE, THE REGION'S MILLS ARE ALREADY UNDER A STRONG COMPETITIVE DISADVANTAGE WITH THE SOUTH AND BRITISH COLUMBIA IN THE DOMESTIC MARKET BECAUSE OF TRANSPORTATION, LABOR, AND OTHER COSTS. THESE REGULATIONS WILL ADD TO THAT DISADVANTAGE BECAUSE OF THE EXPENDITURES AND OPERATING COSTS THAT WILL BE REQUIRED. THE POTENTIAL IMPACT OF THESE ADDED COSTS WILL REQUIRE US TO REEXAMINE THE OPERATING POSTURES OF OUR MILLS IN SPRINGFIELD.

WE APPRECIATE YOUR CONSIDERATION OF OUR COMMENTS AND RECOMMENDATIONS AND WOULD BE PLEASED TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE.

Section 32-800 Air Conveying Systems

~~PUBLIC HEARING~~ Recommended for adoption at June Meeting

Affected Sources

A. Dry material air conveying systems located within the Eugene/Springfield Air Quality Maintenance Area (AQMA) which use a cyclone or other mechanical separating device and which have a baseline year emission rate of [~~one~~] three (3) Metric Tons or more of particulate matter are affected sources.

Emission Limits for Affected Sources

B. Notwithstanding the general and specific emission standards and regulations contained in these Rules, affected sources shall not emit particulate matter to the atmosphere in excess of the following amounts:

One (1) Metric Ton/year (1.10 Tons/year)

0.12 kg/hour (0.26 lbs./hour)

Compliance Schedules

C. Dry material air conveying systems having baseline year emission rates of three (3) Tons/year, as determined by the Director, shall comply with this rule as soon as practicable, but no later than [~~January 1, 1983 or eighteen months after the State of Oregon State Implementation Plan for the Eugene/Springfield AQMA is approved by the U. S. Environmental Protection Agency, whichever is later.~~] January 1, 1984.

[~~D. Dry material air conveying systems having baseline year emission rates of one (1) to five (5) Metric Tons/year as determined by the Director shall comply with this rule as soon as practicable, but no later than July 1, 1985.~~]

[E.] D. Applicability of Part[s] C [and D] to affected sources shall be based on calculated actual emissions.

[F.] E. Upon the affective date of this rule, the Director shall compile a list of permitted air conveying systems and their respective emission rates, and shall issue a notice of determination of applicability, the Director may require source tests prior to final determination.

[G.] F. Affected sources shall submit compliance schedules to the Director for approval within ninety (90) days after a notice of determination of applicability is issued by the Director. Compliance schedules shall contain reasonable periodic increments of progress dates for:

1) Submittal of source's final control plan;
2) Award of emission control system or process modification contract; or issuance of orders for purchase of component parts to accomplish emission control or process modification;
3) Initiation of on-site construction or installation of emission control equipment or process change;
4) Completion of on-site construction or installation of emission control equipment or process change;
5) Final compliance demonstration.

PUBLIC HEARING

[~~H.~~] G. Consistent with Sections 21-010 and 22-010, sources [~~under one (1)~~] with a baseline year emission rate of less than three (3) Metric Ton/year [~~in the baseline year~~] shall notify the Authority when emission rates change such that this rule applies.

Definitions

.013 "Air Conveying System: means an air moving device such as a fan or blower, and associated ductwork, and a cyclone or other collection device, the purpose of which is to move material from one point to another by entrainment in a moving airstream. It does not include particle dryers.

.a "Actual Emission" means the estimated rate of emissions, based upon operation schedule reported by the source in its application for permit to discharge air contaminants, and emission factors or source tests, calculated according to good engineering practice.

.b "Baseline Year" means the calendar year 1978.

.c "Dry Material" includes, but is not limited to, sanderdust, shavings from kiln or air dried wood, sawdust from kiln or air dried wood, or material from any other size-reduction equipment which processes kiln or air dried wood, rock, feed, seed, or other.

.d "Eugene/Springfield Air Quality Maintenance Area" means that area described in Section 4.6.2.1 and Figure 4.6.2.1--1 of the State of Oregon State Implementation Plan Revision - Eugene/ Springfield AQMA as approved by the Board on November 6, 1980.

A N N O T A T E D
A G E N D A

LANE REGIONAL AIR POLLUTION AUTHORITY
MONTHLY BOARD MEETING
TUESDAY--JUNE 9, 1981
12:15 P.M.
LRAPA CONFERENCE ROOM
(1244 Walnut Street, Eugene)

TITLE	BACKUP MATERIAL	BOARD ACTION
	TAB NO.	
1. Call Meeting to Order	I. Notice of Meeting	1. 12:15 p.m.
2. Approval of Minutes of Last Meeting	II. Minutes of May 1981 Meeting	2. APPROVED
3. Expense Report	III. Expense Report for May 1981	3. APPROVED
4. Eugene Water & Electric Board: Request to Extend Date of Submittal of Feasibility Study Report	IV. a) EWEB Request for Extension of Report Date b) LRAPA Staff Report	4. APPROVED
5. Action of Proposed Rules Section 32-800, Air Conveying Systems	V. a) Summary, Public Hearing, March 10, 1981 b) LRAPA Staff Report c) Revised Rule Draft	5. ADOPTED, Board to Review at its July Meeting in 1982.
6. PUBLIC HEARING: Proposed Modification of Air Contaminant Discharge Permit Fee Schedule	VI. a) LRAPA Staff Report b) Draft of Proposed Rule Change	6. ADOPTED
7. PUBLIC HEARING: Proposed Title 35 - National Emissions Standards for Hazardous Air Pollutants (NESHAPS)	VII. a) LRAPA Staff Report b) Proposed Rule Draft	7. ADOPTED
8. PUBLIC HEARING: Proposed Title 37 - New Source Performance Standards (NSPS)	VIII. a) LRAPA Staff Report b) Proposed Rule Draft	8. ADOPTED
9. Director's Report	IX. Director's Report for May 1981	9. No action
10. Public Participation *(Note: This is an opportunity for public to bring up unscheduled items. The Board may not act at this time but may, if it deems necessary, place such items on future agendas.)*		10. None
11. Adjournment		11. 1:05 p.m. THE NEXT REGULARLY SCHEDULED BOARD MEETING WILL BE TUESDAY,

Agenda Item No. 5

LRAPA Board of Directors Meeting

June 9, 1981

TO: Board of Directors

FROM: Donald R. Arkell

SUBJ: Proposed Rules for Air Conveying Systems

Background

On November 6, 1980, the Board of Directors adopted the Air Quality Maintenance Area Plan for the Eugene/Springfield AQMA. The purpose of the Plan is to explain how air quality standards for particulates will be met within the AQMA. The Plan contained elements providing for certain control strategies to reduce emission of particulates. One of the control strategies adopted was reduction of emissions from dry material handling systems. The Plan was endorsed by the AQMA Citizen's Advisory Committee, the Cities of Eugene and Springfield, and Lane County. In order to implement this strategy, a rule should be adopted by the LRAPA Board which identifies the affected sources and details the exact requirements.

Public hearing was conducted on March 10, 1981 on the proposed rule. The proposal included all dry material handling systems over one (1) metric ton in the AQMA. The proposed rule also provided for deferred compliance for systems between one (1) and five (5) tons/year after Weyerhaeuser testimony at the hearing on the SIP revision. The number of systems affected was forty-five (45) with total emissions of 295 T/Y, a reduction of eight (8) systems and 45 T/Y from the original SIP proposal.

Weyerhaeuser officials testified at the March 10 hearing that modeling performed by their Tacoma staff predicted that insignificant benefit would result from control of systems that emit less than five (5) metric T/Y.

Agreeing that all available information must be reviewed before deciding on the proposed rule, the LRAPA Board instructed staff to review the Weyerhaeuser data and to provide that data to the Board, along with any new information developed, at the June Board meeting.

Exchange of data with Weyerhaeuser staff revealed that the Weyerhaeuser data base (Weyerhaeuser cyclones only) had approximately the same total emissions as the LRAPA data base which was used to model the Air Conveyer Strategies, but the number of tons being emitted from "one to five ton systems" was roughly 50%. Table I shows the comparison.

TABLE I

Analysis of Weyerhaeuser Co. Cyclones

LRAPA Data Base			Weyco Data Base		
> 5 T/Y	>1 <5 T/Y	<1 T/Y	> 5 T/Y	>1 <5 T/Y	<1 T/Y
10 Cyclones 127.2 T/Y	10 Cyclones 30.1 T/Y	22 Cyclones 5.4 T/Y	13 Cyclones 145.06 T/Y	8 Cyclones 15.7 T/Y	10 Cyclones 4.67 T/Y
Affected Total Over 1 T/Y 157.3 T/Y			Affected Total Over 1 T/Y 160.76 T/Y		

After investigation, staff concurs with the Weyco data base. The most significant difference involved two cyclones which LRAPA had in the "one to five" group at 3 T/Y total, and which Weyco had in the "over five" group at 15.6 T/Y. Staff also found one 3.9 T/Y system in Grid 52 to be a green handling system and not subject to the proposed rule.

Modeling runs were made using the grid model, the updated 1978 data base, and the 1979 "worst case" met day. The data is expressed in terms of impact in relation to the 24-hour Standard. One run used all Weyco cyclones over 1 T/Y. The 24-hour impact is significant in Grids 53 and 55 (Springfield area). Another run used Weyco cyclones in the "one to five" group. The impact is not significant in terms of the annual standard where Springfield Grids need the improvement. Another run used all cyclones in the AQMA over 1 T/Y. The 24-hour impact is significant at Springfield Library, City Shops, PNB, DMV, Fire Station #2, Thurston School (Springfield area), and Citizen's Bank in Grid 60 (Eugene area). Another run used all cyclones in the "one to five" group in the AQMA. The impact is not as significant in Springfield as in Eugene, again

because Springfield is predicted to have difficulty meeting the annual standard and Eugene is predicted to have more difficulty with the 24-hour standard. Still, small cyclones have an impact in the AQMA. Staff analysis for the SIP Revision concluded that paved road dust strategies must be very effective in order to achieve compliance. Cost comparison data was/is difficult to develop because of the unknowns about street cleaning equipment and processes, but enough was done to show that the cost will be essentially the same per ug/m^3 for non-traditional and point sources. It becomes a matter of who pays. Every ug/m^3 counts if the AQMA is to achieve and maintain compliance with the provisions of the Clean Air Act. It is clear that the small cyclones have impact in the AQMA. However, the intent of the SIP strategy can be satisfied if the "affected source" cutoff is set at 3 metric T/Y instead of 1 metric T/Y. That cutoff would affect 7 systems in the "one to five" group instead of 18. Total tons emitted from the 18 systems is 45.29 metric T/Y. Total tons emitted from the three to five T/Y (7 systems) is 27.73 metric T/Y. In addition, after industry expressed concern about the projected slow recovery of the economy, the compliance date was changed to January, 1984 for all systems over 3 metric T/Y. The resultant effectiveness of the strategy would be close enough so as not to require a significant change in the SIP planning.

Therefore, this proposal is changed from the March 10, 1981 submittal as follows:

(1) It requires control of air conveying systems over 3 metric T/Y.

(2) It requires that all systems over 3 metric T/Y be in compliance by January 1, 1984.

Staff Analysis

The proposed rule will require additional air pollution control incorporating fabric filtration of equivalent on approximately 27 air conveying systems in Lane County. The proposed rule implements a strategy which has been approved by the LRAPA Board of Directors and endorsed by the Citizen's Advisory Committee and the Cities of Eugene and Springfield and Lane County. The proposed rule will result in emissions reduction and improvement of air quality in areas which exceed air quality standards for particulate matter. The proposed rule contains a time schedule which allows for compliance schedule development.

Alternatives

Alternatives, such as boiler controls, improved street cleaning, trackout regulations, asphalt concrete batch plants, particleboard dryers, pulp mills, rock crushers were considered and not selected as viable strategies at this time. Reasons are contained in Section 4.6.5. of the AQMA Plan, attached.

Director's Recommendation

That the Board adopt the amended proposed rule.

DRA/JAL/mjd
Attachment: Section 4.6.5, AQMA Plan

M I N U T E S

LANE REGIONAL AIR POLLUTION AUTHORITY
MONTHLY BOARD MEETING
TUESDAY--JUNE 9, 1981

ATTENDANCE:

BOARD -- Bill Hamel, Chairman - City of Eugene; John Lively - City of Springfield; Sandra Rennie - City of Springfield; Otto t'Hooft - Lane County; Bill Whiteman - City of Cottage Grove (ABSENT: Emily Schue - City of Eugene; Cynthia Wooten - City of Eugene)

STAFF -- Don Arkell - Director; Joyce Benjamin - Legal Counsel; Joe Lassiter; Earl Seip; Marty Douglass, Millie Watson; Merrie Dinteman - Recording Secretary.

OPENING: The meeting was called to order by Chairman Hamel at 12:15 p.m.

MINUTES: Bill Whiteman MOVED to approve the minutes of the May 1981 meeting as presented. Otto t'Hooft SECONDED, and the MOTION was APPROVED UNANIMOUSLY.

EXPENSE REPORT: Bill Whiteman MOVED to approve the expense report for May 1981 as submitted. Otto t'Hooft SECONDED, and the MOTION was APPROVED UNANIMOUSLY.

EUGENE WATER & ELECTRIC BOARD--REQUEST TO EXTEND DATE OF SUBMITTAL OF FEASIBILITY STUDY REPORT: Chairman Hamel indicated that Ken Rinard of EWEB was present to respond to questions. There were none. Don Arkell summarized the EWEB request for a three-month extension of the date of submittal of its feasibility study. The study is one of the requirements of the variance granted by the LRAPA Board in June 1980 to allow EWEB to supplement hogged fuel with coal. Arkell stated that LRAPA staff believes the importance of EWEB's decision, both to its customers and to the City of Eugene, warrants consideration. Staff opinion is that it would be better to allow the EWEB study to be completed and a determination made by the EWEB Board with respect to the boiler system, than to base the LRAPA review on an interim decision which may be changed. Arkell recommended that the Board grant the EWEB request for extension for submittal of the report and schedule review of the findings and the associated emission compliance plan at its meeting in October.

MOTION: After brief discussion, Bill Whiteman MOVED that the Board accept the Director's recommendation, approving the request for extension of date for submittal of the report, and scheduling a review of the findings and associated emission compliance plan at its October meeting. Otto t'Hooft SECONDED, and the MOTION was APPROVED UNANIMOUSLY.

ACTION ON PROPOSED RULES, SECTION 32-800 AIR CONVEYING SYSTEMS: Public Hearing on the proposed rule was conducted by the Board in March of this year. At that meeting there was some testimony from Weyerhaeuser and Bohemia regarding the effectiveness of certain parts of the rule as it pertains to smaller emission sources that would be affected. The Weyerhaeuser representative pointed out some discrepancies between the data from the LRAPA model used to develop the rule

and the data from a model run by Weyerhaeuser. The Board directed staff to review with Weyerhaeuser the technical basis for developing the rule as it was originally proposed.

Don Arkell reported that the review with Weyerhaeuser had been concluded and that staff and Weyerhaeuser had reached an agreement on the data base on the Weyerhaeuser cyclones. Based on that information and on discussions with other industry representatives, staff made two modifications in the proposed rule:

1) Change the size of affected facilities from one (1) ton/year or more to three (3) tons/year or more;

2) Establish one compliance date for all affected facilities of January 1, 1984. The original proposal would have required sources with emissions of one to five tons/year to be in compliance by July 1, 1985; and, sources over five tons/year to be in compliance by January 1, 1983 or eighteen months after EPA approval of the SIP, whichever is later.

Otto t'Hooft asked whether the date might have to be changed again if the economic climate continued as it is now for the wood products industry. Arkell stated that the Board always has the option of changing a rule, if necessary. He recommended that the Board adopt the rule now in order to have an approvable SIP Revision, adding that with the compliance date several years away, most companies probably would not have to actually commit the funding for equipment much before 1983.

MOTION: Otto t'Hooft MOVED to adopt the proposed Rules and Regulations, Section 32-800, for Air Conveying Systems with the condition that the Board review the requirement in July 1982 to see if it still should be implemented. Bill Whiteman SECONDED the MOTION.

Chairman Hamel re-opened the public hearing and asked if anyone wished to testify regarding the proposed rule. Hal McCall of Bohemia, Inc. spoke in favor of the proposed change. He appreciated staff review of the proposal, indicating that this cooperative approach to the problems of industry was beneficial. He stated the year 1984 looks very good to industry at this time, although no one can tell what will happen in the next few years. Arkell stated that, by adopting this rule, the Board would be preserving the Reasonable Further Progress requirement in the SIP to reduce emissions and would recognize the current economic situation with affected industry. There being no further testimony, the public hearing was closed.

ACTION ON THE MOTION: The MOTION was APPROVED UNANIMOUSLY.

PUBLIC HEARING--PROPOSED MODIFICATION OF AIR CONTAMINANT DISCHARGE PERMIT FEE: Don Arkell presented background information on the proposed modification to the fee schedule, stating that it is based on the current estimate of the cost involved in carrying out the permit program. The sechedule is reviewed every few years with DEQ and the Statewide Air Permit Fees Task Force. The proposed fee schedule is an adjustment for inflation. The proposed increase would be approximately 14%, overall, and would make LRAPA's fee schedule the same as the DEQ fee schedule which takes effect July 1, 1981.

Chairman Hamel opened the public hearing at 12:35 p.m. There was no testimony, and the hearing was closed at 12:36 p.m.

MOTION: Sandra Rennie MOVED to approve the amended fee schedule as presented. Bill Whiteman SECONDED, and the MOTION was APPROVED UNANIMOUSLY.

PUBLIC HEARING--PROPOSED TITLE 35, NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS): In his background statement, Arkell said the EPA grant to LRAPA specifies that LRAPA assume jurisdiction for NESHAPS in Lane County and that proposed rule would provide the basis for delegation of that responsibility to LRAPA. The proposed rules are those which have been adopted by the State of Oregon. There is no demonstrated need at this time for the Lane Regional Air Pollution Authority to adopt rules that are broader in scope or more stringent than those in effect for the remainder of the state. Arkell stated that of the three NESHAPS pollutants now regulated by the State (Asbestos, Beryllium and Mercury), sources of Asbestos affected by the rules are the only types now located in Lane County, and that the sources of Asbestos in Lane County are now operating in compliance with the rules. The proposed addition of NESHAPS rules would not present further restriction of those sources.

Chairman Hamel opened the public hearing at 12:40 p.m. There was no testimony for or against the proposed rule. The hearing was closed at 12:41 p.m.

MOTION: John Lively MOVED to adopt National Emissions Standards for Hazardous Air Pollutants (NESHAPS), LRAPA Rules and Regulations Title 35. Bill Whiteman SECONDED, and the MOTION was APPROVED UNANIMOUSLY.

PUBLIC HEARING--PROPOSED TITLE 37, NEW SOURCE PERFORMANCE STANDARDS (NSPS): Arkell explained that the performance standards reflect the best adequately demonstrated technology for emission control for selected sources. The standards were mandated by the Clean Air Act and have been in effect at state and federal levels for several years. LRAPA staff proposes to adopt the same rules as the State of Oregon which would provide the basis for delegation of NSPS responsibility to LRAPA. The EPA grant to LRAPA specifies that LRAPA assume jurisdiction for NSPS for those sources in Lane County. The rules would apply only to new or modified industrial sources. Not all of the sources for which standards have been proposed in the rule currently exist in Lane County; however, adoption of the rule would mean the Authority would have the rule in place if those sources did locate in Lane County.

Chairman Hamel opened the public hearing at 12:48 p.m. Henry Wohlers, Chairman of the LRAPA Advisory Committee, asked whether there are currently any industrial operations located in Lane County which are controlled by DEQ instead of LRAPA. Arkell explained that the kraft pulp operation at Weyerhaeuser's Springfield plant is currently under the jurisdiction of the DEQ. There was no further testimony, and the public hearing was closed at 12:50 p.m.

MOTION: Bill Whiteman MOVED to adopt Standards of Performance for New Stationary Sources (NSPS), LRAPA Rules and Regulations Title 37. Sandra Rennie SECONDED, and the MOTION was APPROVED UNANIMOUSLY.

DIRECTOR'S REPORT: With the beginning of greater activity in slash burning, LRAPA is now spending more time on complaints and on dealing with the State Forestry Department. Arkell stated staff has improved its communication with Forestry agencies and is getting the information we need in order to provide timely information when smoke intrusions occur. The improved communications with the Forestry Department, particularly with the local Forestry staff, has already resulted in the Authority's being informed recently that slash fires had not gone as planned and that smoke was heading toward the Eugene/Springfield area. This advance information should enable media alert when a smoke intrusion is expected.

Arkell told the Board that LRAPA Advisory Committee has had a number of meetings and has arrived at some recommendations for the Board. Staff is preparing summary for the next Board meeting which will indicate the Advisory Committee recommendations to establish an emissions banking program for Lane County and a prioritization of special projects to implement the SIP Revision.

The Lane Boiler Owners Association and State Department of Energy held the planned boiler operators' seminar in May to improve the understanding of boiler operators about how boiler operation affects fuel use and emissions. Most of the LRAPA staff attended, and it was considered to be a worthwhile and informative seminar.

The Lane County Resource Recovery Facility in Glenwood was discussed briefly. Arkell stated that Lane County has acquired the facility and that the University of Oregon has expressed interest in using Refuse Derived Fuel (RDF) from the Glenwood Facility as a fuel in its boilers. LRAPA staff is working with U of O and Lane County officials to set up test conditions to see if it is feasible. There have been problems with existing systems which have tried this type of fuel, and there are many things to consider and work out before the RDF could be used on a regular basis.

Otto t'Hooft stated that the representatives of a Mid-West company who had contacted Bill Hamel and been referred to Lane County have submitted information to Lane County regarding cleaning up the Glenwood Facility operation. The Board of Commissioners is reviewing the information and will have a work session on June 22nd to decide whether to close the facility completely, contract its operation out to someone else, or have the county operate it.

There was discussion of a legal opinion regarding setting of a special Board meeting in response to a recent request to be allowed to operate the plywood mill at Westfir without a compliance schedule. The opinion indicated that such matters must be handled through the prescribed procedure and that the Board's decision would not be legal if procedure were not followed. Arkell will keep the Board informed of further developments in the matter.

ADJOURNMENT: There being no further business, the meeting adjourned at 1:05 p.m.

Respectfully submitted,

Merrie Dinteman

Merrie Dinteman
Recording Secretary

A G E N D A

LANE REGIONAL AIR POLLUTION AUTHORITY
MONTHLY BOARD MEETING
TUESDAY--MAY 12, 1981
12:15 P.M.
LRAPA CONFERENCE ROOM
(1244 Walnut Street, Eugene)

TITLE	BACKUP MATERIAL	BOARD ACTION
	TAB NO.	
1. Call Meeting to Order	I. Notice of Meeting	1. 12:20 p.m.
2. Approval of Minutes of Last Meeting	II. Minutes of April 1981 Meeting	2. APPROVED
3. Expense Report	III. Expense Report for April 1981	3. APPROVED
4. Request for Authorization for Public Hearing:		
a) Proposed Modification of Air Contaminant Discharge Permit Fee Schedule	IV. a-1) Staff Report a-2) Proposed Rule Change Draft	4.a) APPROVED Request for Public Hearing (June 9, 1981)
b) Proposed Title 35 - National Emissions Standards for Hazardous Air Pollutants (NESHAPS)	b-1) Staff Report b-2) Proposed Rule Draft, Title 35	b) APPROVED Request for Public Hearing (June 9, 1981)
c) Proposed Title 37 - New Source Performance Standards (NSPS)	c-1) Staff Report c-2) Proposed Rule Draft, Title 37	c) APPROVED Request for Public Hearing (June 9, 1981)
5. Director's Report	V. a) Director's Report for April 1981 b) Air Quality Quarterly Report for January, February and March 1981	5. No Action
6. Public Participation *(Note: This is an opportunity for public to bring up unscheduled items. The Board may not act at this time but may, if it deems necessary, place such items on future agendas.)*		6. None
7. Adjournment		7. 1:00 p.m.
		THE NEXT REGULARLY SCHEDULED BOARD MEETING WILL BE TUESDAY, JUNE 9, 1981, 12:15 p.m.

YOUR OPPORTUNITY TO COMMENT ON PROPOSED REGULATIONS FOR NEW SOURCE PERFORMANCE STANDARDS (NSPS), NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS), AND PROPOSED MODIFICATION OF AIR CONTAMINANT DISCHARGE PERMIT FEE SCHEDULE

The proposed regulation for New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants would make LRAPA's regulations consistent with federal requirements and allow designation of LRAPA as the agency responsible for enforcement of these programs in Lane County.

The Proposed Modification of Air Contaminant Discharge Permit Fee Schedule would make LRAPA's regulations consistent with those of the State of Oregon Department of Environmental Quality and would result in an average of 14% increase in fees charged by the Agency for the processing and issuance of Air Contaminant Discharge Permits.

PUBLIC HEARING

A public hearing will be held before the Lane Regional Air Pollution Authority Board of Directors at its regular meeting on June 9, 1981.

Location: 1244 Walnut Street
Eugene, Oregon (97403)

Time: 12:15 p.m.

Copies of the proposed regulations are available for review and comment by contacting the Lane Regional Air Pollution Authority office or by calling 686-7618.

Written comment may be submitted until June 8, 1981 at the above LRAPA address.

LANE REGIONAL AIR POLLUTION AUTHORITY

Eugene Reg. Gd. – May 8, 1981

YOUR OPPORTUNITY TO COMMENT ON PROPOSED REGULATIONS FOR NEW SOURCE PERFORMANCE STANDARDS (NSPS), NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS), AND PROPOSED MODIFICATION OF AIR CONTAMINANT DISCHARGE PERMIT FEE SCHEDULE

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LANE REGIONAL AIR POLLUTION AUTHORITY

Eugene Reg. Gd. – May 13, 1981

Agenda Item No. 6

LRAPA Board of Directors Meeting

June 9, 1981

TO: Board of Directors

FROM: Donald R. Arkell

SUBJECT: Proposed Modification of Air Contaminant Discharge Permit Fee Schedule.

Background:

Periodically, the schedule of fees for Air Contaminant Discharge Permits is reviewed and adjusted, as necessary, to keep pace with the cost of operating the Air Contaminant Discharge Permit system. In December, 1980 LRAPA conducted a review in conjunction with DEQ and the Statewide Air Permit Fees Task Force. The proportional increase in cost is approximately the same as it is statewide. LRAPA has traditionally kept its fee schedule the same as the State's.

On April 24, the Environmental Quality Commission adopted a new fee schedule which increases the State's permit fees by an average of 14% (this represents a biennial adjustment at the state level). The proposed change would simply incorporate the State fee schedule into LRAPA's rule. This requires a rulemaking procedure.

Evaluation:

The proposed fee schedule would generate approximately $35,000 for the coming fiscal year, compared with $30,000 estimated revenue under the present schedule. The fee schedule would be effective on July 1, 1981.

Agenda Item No. 7

LRAPA Board of Directors Meeting

June 9, 1981

TO: Board of Directors

FROM: Donald R. Arkell

SUBJECT: Proposed National Emissions Standards for Hazardous Air Pollutants (NESHAPS) Rule, LRAPA Rules and Regulations, Title 35

Background

Most of the activities of the Authority pertain to minimizing the concentrations of specific air contaminants called Criteria Air Pollutants. Federal and state ambient standards are established, based upon the criteria of human health and welfare. The criteria pollutants are Suspended Particulate Matter, Sulfur Dioxide, Ozone, Carbon Monoxide, Hydrocarbons, Nitrogen Dioxide, and Lead. These pollutants were chosen because they are common to many urbanized or industrialized regions of the Nation.

It has been recognized that the above criteria pollutants do not constitute the whole air quality problem in some areas, and particular attention has been focused on other substances which, because of demonstrated health effect, should also be controlled to the maximum extent practicable. This category is called Hazardous Air Pollutants. Federal Standards which regulate the processing and handling practices have been established for three substances: Asbestos, Beryllium, and Mercury. These National Emission Standards for Hazardous Air Pollutants (NESHAPS) have been in effect for several years, and have been administered at federal and state levels.

The EPA grant to LRAPA specifies that LRAPA assume jurisdiction for NESHAPS in Lane County. The proposed rules, if adopted, will provide the basis for delegation of NESHAPS responsibility to LRAPA.

B. The Rules regulating beryllium emissions apply to:

1. Extraction plants, ceramic plants, foundries, incinerators, and propellant plants which process beryllium, beryllium ore, oxides, alloys or beryllium-containing wastes. None of these are known to exist in Lane County.

2. Machine shops which process beryllium, beryllium oxides, or any alloy which contains more than 5% by weight. There are no known sources of this type in Lane County.

C. The Rules which regulate mercury emissions apply to:

1. Sources which process cinnebar ore to recover mercury.

2. Sources using mercury chlor-alkali cells to produce chlorine gas and alkali metal hydroxide.

3. Any other source, the operation of which results or may result in the emission of mercury to the Ambient Air.

There are no known sources of mercury in Lane County.

Summary

A. NESHAPS Rules have been in effect for several years and have been administered at federal and state levels.

B. The State/EPA agreement for FY/81 anticipates the Authority's adopting rules and assuming responsibility for these sources of hazardous pollutants.

C. Public hearing must be conducted to adopt Rules.

Director's Recommendation

Based on summary, it is recommended that the Board take testimony regarding adoption of the Hazardous Pollutant Rule and adopt the rule unless there is sufficient testimony to suggest addtional review.

DRA/mjd/ec

Agenda Item No. 8

LRAPA Board of Directors Meeting

June 9, 1981

TO: Board of Directors

FROM: Donald R. Arkell

SUBJECT: Proposed Standards of Performance for New Stationary Sources (NSPS), LRAPA Rules and Regulations, Title 37

Background

The EPA adopted new source standards for several source categories in the early Seventies in response to Section 111 of the Clean Air Act, which requires EPA to establish performance standards reflecting the best adequately demonstrated technology for emission control, taking into account cost. Since that time, several more source categories have been added to the EPA list, bringing the total to twenty-nine (29).

State and local authorities are delegated to enforce the federal standards, provided rules are adopted which are equal to or more stringent than the federal rules. The State of Oregon chose to adopt twenty (20) of the standards, postpone one (1) because it is in litigation, and provide negative declaration for eight (8). The EPA procedure for delegation of authority allows states to provide a negative declaration where the state believes a need for one or more of the standards will not exist.

LRAPA staff proposes to adopt the same rules as the State of Oregon. The proposed rules, if adopted, will provide the basis for delegation of NSPS responsibility to LRAPA. The EPA grant to LRAPA specifies that LRAPA assume jurisdiction for NSPS for those sources in Lane County.

Oregon Department of Geology and Mineral Industries does not see any real likelihood of primary smelters for these ever being built in Oregon.

C. NSPS source categories (7) which are not likely to locate in Lane County and for which LRAPA should provide negative declaration to the fedral and state levels are:

1. Portland Cement Plants
2. Nitric Acid Plants
3. Sulfuric Acid Plants
4. Petroleum Refineries
5. Secondary Lead Smelters
6. Secondary Brass Plants
7. Primary Aluminum Smelters

Summary

A. NSPS rules have been in effect for several years and have been administered at federal and state levels.

B. The State/EPA Agreement for FY/81 anticipates the Authority adopting rules and assuming responsibility for these sources.

C. Public hearing must be conducted to adopt these rules.

Director's Recommendation

Based on summary, it is recommended that the Board take testimony regarding adoption of the NSPS rules applicable to Lane County and adopt those rules unless there is sufficient negative testimony to suggest the need for additional staff review.

LANE REGIONAL AIR POLLUTION AUTHORITY
1244 Walnut Street
Eugene, Oregon 97403

TITLE 22

PERMITS

Section 22-001 Permit Policy

1. Air contaminant discharge permits within the jurisdiction of this Authority shall be obtained for all air contaminant sources specified, defined, or referred to in Section 22-010 hereof.

2. The fees required to obtain permits shall be in accordance with the amounts, terms, and conditions set forth in Section 22-010 hereof and Table A.

Section 22-005 Notice Policy

It shall be the policy of the Authority to issue public notice as to the intent to issue an Air Contaminant Discharge Permit. The public notice shall allow 30 days for written comment from the public and from interested State and Federal agencies prior to issuance of the permit.

Section 22-010 Permit Required

1. No person shall construct, install, establish, modify or enlarge, develop, or operate any air contaminant source, including those processes and activities directly related or associated thereto which are listed in Table A, appended hereto and incorporated herein by reference, without first obtaining a permit from the Authority.

2. No person shall modify any source covered by a permit under these rules such that the emissions are significantly increased without first applying for, and obtaining, a modified permit.

3. Any source listed in Table A may apply to the Authority for a special letter permit if operating a facility with no, or insignificant, air contaminant discharges. The determination of applicability of this special permit shall be made solely by the Authority. If issued a special permit, the Application Processing Fee and/or Annual Compliance Determination Fee, provided by Section 22-020 may be waived by the Regional Authority.

4. No person shall modify any source covered by a permit under rules such that, (A) the process equipment is substantially changed or added to or (B) the emissions are significantly changed without first notifying the Authority.

5. The Lane Regional Air Pollution Authority may designate any source as a "minimal source" based upon the following criteria:

   (a) Quantity and quality of emissions,
   (b) Type of operation,
   (c) Compliance with Agency regulations,
   (d) Minimal impact on the air quality of the surrounding region.

   If a source is designated as a minimal source, the annual compliance determination fee, provided by Section 22-020, will be collected in conjunction with plant site compliance inspections which will occur no less frequently than every five (5) years.

Section 22-015 Multiple Source Permit

1. When a single site includes more than one of the air contaminant sources referred to in Section 22-010, a single permit may be issued including all sources located at the site. Such applications shall separately identify by subsection each air contaminant source included from Section 22-010.

   (a) When a single air contaminant source, which is included in a multiple-source permit, is subject to permit modification, revocation, suspension, or denial, such action by the Authority shall only affect that individual source without thereby affecting any other source subject to that permit.

   (b) When a multiple-source permit includes air contaminant sources subject to the jurisdiction of the Department of Environmental Quality and a Regional Authority, the Department of Environmental Quality may require that it be the permit issuing agency. The Department and the Authority shall otherwise maintain and exercise all other aspects of their respective jurisdictions over the permittee.

Section 22-020 Fees

1. All persons required to obtain a permit shall be subject to a three-part fee consisting of a uniform non-refundable Filing Fee of $50.00, and application processing fee and an annual compliance determination fee which are determined by applying Table A. The amount equal to the filing fee, application processing fee, and the annual compliance determination fee shall be submitted as a required part of any application for a new permit. The amount equal to the filing fee and the application processing fee shall be submitted with an application for modification of a permit. The amount equal to the filing fee and the annual compliance determination fee shall be submitted with any application for a renewed permit.

2. The fee schedule contained in the listing of air contaminant sources listed in Table A hereof, shall be applied to determine the permit fees on a standard industrial classification (SIC) plant site basis.

3. Modifications of existing, unexpired permits which are instituted by the Authority due to changing conditions or standards, receipts of additional information or any other reason pursuant to applicable statutes and do not require re-filing or review of an application or plans and specifications shall not require submission of the Filing Fee or the Application Processing Fee.

4. Applications for multiple-source permits received pursuant to Section 22-010 shall be subject to a single $50.00 Filing Fee. The Application Processing Fee and Annual Compliance Determination Fee for multiple-source permits shall be equal to the total amounts required by the individual source involved, as listed in Table A hereof.

5. The Annual Compliance Determination Fee shall be paid at least 30 days prior to the start of each subsequent permit year. Failure to timely remit the Annual Compliance Determination Fee in accordance with the above shall be considered grounds for not issuing a permit or revoking an existing permit.

6. If a permit is issued for a period less than one (1) year, the applicable Annual Compliance Determination Fee shall be equal to the full annual fee. If a permit is issued for a period greater than 12 months, the applicable Annual Compliance Determination Fee shall be prorated by multiplying the Annual Compliance Determination Fee by the number of months covered by the permit and dividing by twelve (12).

7. In no case shall a permit be issued for more than ten (10) years.

8. Upon accepting an application for filing, the Filing Fee shall be non-refundable.

9. When an air contaminant source which is in compliance with the rules of a permit issuing agency relocates or proposes to relocate its operation to a site in the jurisdiction of this Authority, application may be made and approval may be given for exemption of the Application Processing Fee. The permit application and the request for such fee reduction shall be accompanied by (1) a copy of the permit issued for the previous conditions at the new or porposed location. Certification by the agency previously having jurisdiction that the source was operated in compliance with all rules and regulations will be acceptable should the previous permit not indicate such compliance.

10. If a temporary or conditional permit is issued in accordance with adopted procedures, fees submitted with the application for an air contaminant discharge permit shall be retained and be applicable to the regular permit when it is granted or denied.

11. All fees shall be made payable to the permit issuing agency.

Section 22-025 Procedures for Obtaining Permits

Submission and processing of applications for permits and issuance, denial, modification, and revocation of permits shall be in accordance with duly adopted procedures of this Authority.

Section 22-030 Other Requirements

Prior to construction, installation, establishment, modification, or enlargement of any air contaminant source referred to in Section 22-010 or facilities for controlling, treating, or otherwise limiting air contaminant emissions from air contaminant sources referred to in Section 22-010, detailed plans and specifications shall be submitted to and approved in writing by the Authority upon request as required by Title 21 of these Rules and Regulations.

Section 22-035 Registration Exemption

Air contaminant sources constructed and operated under a permit issued pursuant to these regulations may be exempted from Registration as required by Title 21 of these Rules and Regulations.

Section 22-040 Regional's Permit Program

1. Subject to the provisions of this section, the Commission authorizes the Regional Authority to issue, modify, renew, suspend, and revoke air contaminant discharge permits for air contamination sources within its jurisdiction.

2. Each permit proposed to be issued or revised by this Authority shall be submitted to the Department of Environmental Quality at least thirty (30) days prior to the proposed issuance date.

3. A copy of each permit issued, modified, or revoked by the Authority pursuant to this section shall be promptly submitted to the Department.

Section 22-045 Issuance, Renewal, or Modification of a Permit

1. No permit will be issued to an air contaminant source which is not in compliance with applicable rules unless a compliance schedule is made a condition of the permit.

2. The procedure for issuance of a permit shall apply to renewal of a permit.

3. The Authority may institute modification of a permit due to changing conditions or standards, receipt of additional information, or any other reason, by notifying the permittee by registered or certified mail of its intention to modify the permit. Such notification shall include the proposed modification and the reasons for modification. The modifications shall become effective 20 days from the date of mailing of such notice unless, within the time, the permittee requests a hearing. Such a request for hearing

shall be made in writing and shall be conducted pursuant to the regulations of the Authority. A copy of the modified permit shall be forwarded to the permittee as soon as the modification becomes effective. The existing permit shall remain in effect until the modified permit is issued.

Section 22-050 Denial of a Permit

If the Authority proposed to deny issuance of a permit, it shall notify the applicant by registered or certified mail of the intent to deny and the reasons for denial. The denial shall become effective 20 days from the date of mailing of such notice unless, within that time, the applicant requests a hearing. Such a request for hearing shall be made in writing and shall state the grounds for the request. Any hearing held shall be conducted pursuant to the Rules of the Authority.

Section 22-055 Suspension or Revocation of a Permit

1. In the event that it becomes necessary to suspend or revoke a permit due to non-compliance with the terms of the permit, unapproved changes in operation, false information submitted in the application, or any other cause, the Agency shall notify the permittee by registered or certified mail of its intent to suspend or revoke the permit. Such notification shall include the reasons for the suspension or revocation. The suspension or revocation shall become effective 20 days from the date of mailing of such notice unless, within that time, the permittee requests a hearing. Such a request for hearing shall be made in writing and shall state the grounds for the request.

2. If the Board finds that there is a serious danger to the public health or safety or that irreparable damage to a resource will occur, it may suspend or revoke a permit effective immediately. Notice of such suspension or revocation must state the reasons for such action and advise the permittee that he may request a hearing. Such a request for hearing shall be made in writing within 90 days of the date of suspension and shall state the grounds for the request.

3. Any hearing requested under this Chapter shall be conducted pursuant to the rules of the Authority.

TABLE A

AIR CONTAMINANT SOURCES AND
ASSOCIATED FEE SCHEDULE

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

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be submitted with Application to Modify Permit
1. Seed cleaning located in special control areas, commercial operations only (not elsewhere included)	0723	50	100	175	325	225	150
2. Smoke houses with 5 or more employees	2013	50	100	125	275	175	150
3. Flour and other grain mill products in special control areas	2041						
a) 10,000 or more t/y		50	325	350	725	400	375
b) Less than 10,000 t/y		50	250	150	450	200	300
4. Cereal preparations in special control areas	2043	50	325	250	625	300	375
5. Blended and prepared flour in special control areas	2045						
a) 10,000 or more t/y		50	325	250	625	300	375
b) Less than 10,000 t/y		50	250	125	425	175	300
6. Prepared feeds for animals and fowl in special control areas	2048						
a) 10,000 or more t/y		50	325	350	725	400	375
b) Less than 10,000 t/y		50	200	275	525	325	250
7. Beet sugar manufacturing	2063	50	425	1725	2200	1775	475

TABLE A (Continued)

AIR CONTAMINANT SOURCES AND
ASSOCIATED FEE SCHEDULE

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

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

TABLE A (Continued)

AIR CONTAMINANT SOURCES AND
ASSOCIATED FEE SCHEDULE

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

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be submitted with Application to Modify Permit
18. Hardboard manufacturing	2499	50	625	675	1350	725	675
19. Battery separator mfg.	2499	50	100	500	650	550	150
20. Furniture and fixtures	2511						
a) 100 or more employees		50	200	350	600	400	250
b) 10 employees or more but less than 100 employees		50	125	225	400	275	175
21. Pulp mills, paper mills, and paperboard mills	2611 2621 2631	50	1250	3000	4300	3050	1300
22. Building paper and buildingboard mills	2661	50	200	225	475	275	250
23. Alkalies and chlorine mfg.	2812	50	350	600	1000	650	400
24. Calcium carbide manufacturing	2819	50	375	600	1025	650	425
25. Nitric acid manufacturing	2819	50	250	300	600	350	300
26. Ammonia manufacturing	2819	50	250	350	650	400	300
27. Industrial inorganic and organic chemicals manufacturing (not elsewhere included)	2819	50	325	425	800	475	375
28. Synthetic resin manufacturing	2819	50	250	350	650	400	300
29. Charcoal manufacturing	2861	50	350	725	1125	775	400
30. Herbicide manufacturing	2879	50	625	3000	3675	3050	675

TABLE A (Continued)

AIR CONTAMINANT SOURCES AND
ASSOCIATED FEE SCHEDULE

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

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be submitted with Application to Modify Permit
31. Petroleum refining	2911	50	1250	3000	4300	3050	1300
32. Asphalt production by distillation	2951	50	250	350	650	400	300
33. Asphalt blowing plants	2951	50	250	450	750	500	300
34. Asphaltic concrete paving plants	2951						
a) Stationary		50	250	275	575	325	300
b) Portable		50	250	350	650	400	300
35. Asphalt felts and coating	2952	50	250	525	825	575	300
36. Blending, compounding, or refining of lubricating oils and greases	2992	50	225	325	600	375	275
37. Glass container manufacturing	3221	50	250	425	725	475	300
38. Cement manufacturing	3241	50	800	2200	3050	2250	850
39. Redimix concrete	3273	50	100	150	300	200	150
40. Lime manufacturing	3274	50	375	225	650	275	425
41. Gypsum products	3275	50	200	250	500	300	250
42. Rock crusher	3295						
a) Stationary		50	225	275	550	325	275
b) Portable		50	225	350	625	400	275

TABLE A (Continued)

AIR CONTAMINANT SOURCES AND
ASSOCIATED FEE SCHEDULE

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

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be submitted with Application to Modify Permi
43. Steel works, rolling and finishing mills, electro-metallurgical products	3312 & 3313	50	625	600	1275	650	675
44. Incinerators							
a) 1000 lbs/hr and greater capacity		50	375	225	650	275	425
b) 40 lbs/hr to 1000 lbs/hr capacity		50	125	175	350	225	175
45. Gray iron and steel foundries	3321						
Malleable iron foundries	3322						
Steel investment foundries	3324						
Steel foundries (not elsewhere classified)	3325						
a) 3,500 or more t/y production		50	625	525	1200	575	675
b) Less than 3,500 t/y production		50	150	275	475	325	200
46. Primary aluminum production	3334	50	1250	3000	4300	3050	1300
47. Primary smelting of zirconium or hafnium	3339	50	6250	3000	9300	3050	6300
48. Primary smelting and refining of ferrous and nonferrous metals (not elsewhere classified)	3339						
a) 2,000 or more t/y production		50	625	1300	1975	1350	675
b) Less than 2,000 t/y production		50	125	500	675	550	175
49. Secondary smelting and refining of nonferrous metals	3341	50	300	350	700	400	350

TABLE A (Continued)

AIR CONTAMINANT SOURCES AND
ASSOCIATED FEE SCHEDULE

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

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be submitted with Application to Modify Permit
50. Nonferrous metals foundries	3361 3362	50	150	300	500	350	200
51. Electroplating, polishing, and anodizing with 5 or more employees	3471	50	125	225	400	275	175
52. Galvanizing and pipe coating--exclude all other activities	3479	50	125	225	400	275	175
53. Battery manufacturing	3691	50	150	300	500	350	200
54. Grain elevators--intermediate storage only, located in special control areas	4221						
a) 20,000 or more t/y		50	225	475	750	525	275
b) Less than 20,000 t/y		50	125	225	400	275	175
55. Electric power generation	4911						
a) Wood or coal fired--Greater than 25MW		50	5000	3000	8050	3050	5050
b) Wood or Coal Fired--Less than 25MW		50	3000	1500	4550	1550	3050
c) Oil Fired		50	450	725	1225	775	500
56. Gas production and/or mfg.	4925	50	475	350	875	400	525
57. Grain elevators--terminal elevators primarily engaged in buying and/or marketing grain--in special control areas	5153						
a) 20,000 or more t/y		50	625	600	1275	650	675
b) less than 20,000 t/y		50	175	225	450	275	225

TABLE A (Continued)

AIR CONTAMINANT SOURCES AND
ASSOCIATED FEE SCHEDULE

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

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

* Excluding hydroelectric and nuclear generating projects, and limited to utilities.
** Including fuel burning equipment generating steam for process or for sale but excluding power generation (SIC 4911)
*** Maps of these areas are attached. Legal descriptions are on file in the Department.

TABLE A (Continued)

AIR CONTAMINANT SOURCES AND
ASSOCIATED FEE SCHEDULE

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

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be submitted with Application to Modify Permit
a) Wood or coal fired, 35 million or more btu/hr (heat input)		50	200	225	475	275	250
b) Wood or coal fired, less than 35 million btu/hr (heat input)		50	50	125	225	175	100
60. Fuel burning equipment outside the boundaries of the Portland, Eugene-Springfield and Medford-Ashland Air Quality Maintenance Areas and the Salem Urban Growth Area.	4961**	(Fees will be based on the total aggregate heat input of all boilers at the site.)					
All wood, coal and oil fired greater than 30 x 10^6 btu/hr (heat input)		50	125	125	300	175	175
61. New sources not listed herein which would emit 10 or more tons per year of any air contaminants including but not limited to particulates, SO_x, or NO_x or hydrocarbons, if the source were to operate uncontrolled.		****	****	****	****	****	****
62. New sources not listed herein which would emit significant malodorous emissions, as determined by Departmental or Regional Authority review of sources which are known to similar air contaminant emissions.		****	****	****	****	****	****

TABLE A (Continued)

AIR CONTAMINANT SOURCES AND
ASSOCIATED FEE SCHEDULE

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

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be submitted with Application to Modify Permit
63. Existing sources not listed herein for which an air quality problem is identified by the Department or Regional Authority		****	****	****	****	****	****
64. Bulk Gasoline Plants	5100	50	55	150	255	200	105
65. Bulk Gasoline Terminals	5171	50	1000	500	1550	550	1050
66. Liquid Storage Tanks, 39,000 gallons or more capacity, not elsewhere included	4200	50	50/tank	100/tank			
67. Can Coating	3411	50	1500	900	2450	950	1550
68. Paper Coating	2641 or 3861	50	500	300	850	350	550
69. Coating Flat Wood	2400	50	500	300	850	350	550
70. Surface Coating, Manufacturing	3300, 3400						
a) 1-20 tons VOC/yr	3500, 3600	50	25	85	160	135	75
b) 20-100 tons VOC/yr	3700, 3800	50	100	200	350	250	150
c) over 100 tons VOC/yr	3900, 2500	50	500	400	950	450	550
71. Flexographic or Rotograveure Printing over 60 tons VOC/yr per plant	2751, 2754	50	50/press	150/press			

TABLE A (Continued)

AIR CONTAMINANT SOURCES AND
ASSOCIATED FEE SCHEDULE

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

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

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

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

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

Section 11-015 Definitions

When used in these rules:

.005 "Agricultural Operation" means the growing of crops, the raising of fowls, animals, or bees as a gainful operation, or an activity which is necessary to that purpose; it does not include the construction and use of human dwellings customarily provided in conjunction with the agricultural operation.

.010 "Air Contaminant" means the dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon, acid or particulate matter or any combination thereof.

.013 "Air Conveying System" means an air moving device such as a fan or blower, and associated ductwork, and a cyclone or other collection device, the purpose of which is to move material from one point to another by entrainment in a moving airstream. It does not include particle dryers.

(a) "Actual Emission" means the estimated rate of emissions, based upon operation schedule reported by the source in its application for permit to discharge air contaminants, and emission factors or source tests, calculated according to good engineering practice.

(b) "Baseline Year" means the calendar year 1978.

(c) "Dry Material" includes, but is not limited to, sanderdust, shavings from kiln or air dried wood, sawdust from kiln or air dried wood, or material from any other size-reduction equipment which processes kiln or air dried wood, rock, feed, seed, or other.

(d) Eugene/Springfield Air Quality Maintenance Area" means that area described in Section 4.6.2.1 and Figrue 4.6.2.1--1 of the State of Oregon State Implementation Plan Revision - Eugene/Springfield AQMA as approved by the Board on November 6, 1980.

.015 "Aircraft Operations" means any aircraft landing or takeoff.

.020 "Air Pollution" means the presence in the outdoor atmosphere of one or more air contaminants or any combination thereof in sufficient quantities and of such characteristics and of a duration as are, or are likely to be, injurious to the public welfare, to the health of human, plant or animal life or to property or which unreasonably interfere with enjoyment of life and property throughout the territory or throughout such area of the territory as shall be affected thereby.

.025 "Air Pollution Control Area" means a special area within the territory of the Authority established to control specific practices or to maintain specific standards.

1. Air Pollution Control Area "A" includes all areas within the bounds beginning at the intersection of the Lane County boundary line and the Western bounds of Section 12, T15S, R5W; extending South to the Southwest corner of Section 13, T15S, R5W; thence West to the Northwest corner of Section 23, T15S, R5W; thence South to the Southwest corner of Section 26, T15S, R5W; thence West to the Northwest corner of Section 34, T15S, R5W; thence to the Southwest corner of Section 3, S16S, R5W; thence West to the Northwest corner of Section 9, T16S, R5W; thence South to the Southwest corner of Section 9, T16S, R5W; thence West to the Northwest corner of Section 17, T16S, R5W; thence South to the Southwest corner of Section 29, T16S, R5W; thence West to the Northwest corner of Section 36, T16S, R6W; thence South to the Southwest corner of Section 36, T16S, R6W; thence West to the Northwest corner of Section 2, T17S, R6@; thence South to the Southwest corner of Section 2, T17S, R6W; thence West to the Northwest corner of Section 9, T17S, R6W; thence South to the Southwest corner of Section 16, T17S, R6W; thence West to the Northwest corner of Section 19, T17S, R6W; thence South to the Southwest corner of Section 31, T17S, R6W; thence East to the Southeast corner of Section 32, T17S, R6W; thence South to the Southwest corner of Section 9, T18S, R6W; thence East to the Southeast corner of Section 9, T18S, R6W; thence South to the Southwest corner of Section 15, T18S, R6W; thence East to the Southeast corner of Section 15, T18S, R6W; thence South to the Southwest corner of Section 26, T18S, R6W; thence East to the Southeast corner of Section 26, T18S, R6W; thence South to the Southwest corner of Section 36, T18S, R6W; thence East to the Northeast corner of Section 6, T19S, R3W; thence South to the Southeast corner of Section 30, T19S, R3W; thence West to the Northwest corner of Section 31, T19S, R3W; thence, South to the Southeast corner of Section 1, T20S, R4W; thence West to the Northwest corner of Section 11, T20S, R4W; thence South to the Lane County boundary line continuing Easterly and Southerly along said boundary line to the Southern bounds of Section 23, T21S, R4W; thence East to the Southeast corner of Section 19, T21S, R2W; thence North to the Northwest corner of Section 20, T19S, R2W; thence East to the Northeast corner of Section 24, T19S, R2W; thence South to the Southeast corner of Section 36, T19S, R2W; thence East to the Southeast corner of Section 36, T19S, R1W; thence North to the Northeast corner of Section 25, T18S, R1W; thence West to the Northwest corner of Section 30, T18S, R1W; thence North to the Northwest corner of Section 7, T18S, R1W; thence East to the Southeast corner of Section 2, T18S, R1W; thence North to the Northeast corner of Section 23, T17S, R1W; thence West to the Northwest corner of Section 21, T17S, R1W; thence North to

North to the Northeast corner of Section 17, T17S, R1W; thence West to the Southwest corner of Section 12, T17S, R2W; thence North to the Northease corner of Section 26, T16S, R2W; thence West to the Northwest corner of Section 28, T16S, R2W; thence South to the Southwest corner of Section 4, T17S, R2W; thence West to the Southwest corner of Section 4, T17S, R2W; thence West to the Southwest corner of Section 1, T17S, R3W, thence North to the Lane County boundary line continuing along such line in a Westerly and Northerly direction to the point of beginning.

2. Air Pollution Control Area "B" includes all areas within the jurisdictional bounds of the Lane Regional Air Pollution Authority not covered by Control Area "A" or Control Area "C."

3. Air Pollution Control Area "C" (Core area) includes all areas within the bounds beginning at the Northwest corner of T17S, R4W; extending South to the Southwest corner of Section 6, T17S, R4W; thence East to the Northwest corner of Section 8, T17S, R4W; thence South to the Southwest corner of Section 32, T17S, R4W; thence East to the Northeast corner of Section 4, T18S, R4W; thence South to the Southwest corner of Section 3, T18S, R4W; thence East to the Northwest corner of Section 12, T18S, R4W; thence South to the Southwest corner of Section 13, T18S, R4W; thence East to the Northeast corner of Section 24, T18S, R4W; thence South to the Southeast corner of Section 24, T18S, R4W; thence East to the Southeast corner of Section 21, T18S, R3W; thence North to the Northeast corner of Section 21, T18S, R3W; thence East to the Northeast corner of Section 22, T18S, R3W; thence South to the Southwest corner of Section 23, T18S, R3W; thence East to the Southeast corner of Section 24, T18S, R3W; thence North to the Southeast corner of Section 1, T18S, R3W; thence East to the Southeast corner of Section 2, T18S, R2W; thence North to the Northeast corner of Section 26, T17S, R2W; thence West to the Southwest corner of Section 20, T17S, R2W; thence North to the Northwest corner of Section 20, T17S, R2W; thence West to the Southwest corner of Section 13, T17S, R3W; thence North to the Northwest corner of Section 13, T17S, R3W, thence West to the Southwest corner of Section 11, T17S, R3W; thence North to the Northwest corner of Section 11, T17S, R3W; thence West to the Southwest corner of Section 6, T17S, R3W; thence North to the Northwest corner of Section 31, T16S, R3W; thence West to the Northwest corner of Section 34, T16S, R4W; thence South to the Southwest corner of Section 34, T16S, R4W; thence West to the point of beginning. Control Area "C" also includes all area within the bounds of the City limits of the City of Coburg, the City of Junction City and all area within 3 miles of an incorporated city having a population of 4000 or more and being East of Range 7 West.

.030 "Air Pollution Control Equipment" means any equipment which has as its essential purpose a reduction (1) in the emissions of air contaminants, or (2) in the effect of such emission.

.035 "Airport" means any area of land or water which is used or intended for use for the landing and takeoff of aircraft, or any appurtenant areas , facilities, or rights-of-way, such as terminal facilities, parking lots, roadways, and aircraft maintenance and repair facilities.

.040 "Air Quality Maintenance Area (AQMA)," means any area that has been identified by the Department having the potential for exceeding any State ambient air quality standard.

.045 "Air Quality Maintenance Area (AQMA) Analysis," means an analysis of the impact on air quality in an AQMA of emissions from existing air contaminant sources and emissions associated with projected growth and development.

.050 "Ambient Air" means the air that surrounds the earth excluding the general volume of gases contained within any building or structure.

.051 "Asbestos" means actinolite, amosite, anthophyllite, crysotile, crocidolite, or tremolite.

.052 "Asbestos Manufacturing Operation" means the combining of commercial asbestos with any other material(s) including commercial and the processing of this combination into a product as specified in rule 35-015.

.053 "Asbestos Material" means asbestos or any material containing at least 1% asbestos by weight, including particulate asbestos material.

.054 "Asbestos Mill" means any facility engaged in the conversion or any intermediate step in the conversion of asbestos ore into commercial asbestos.

.055 "Asbestos Tailings" means any solid waste product of asbestos mining or milling operations which contains asbestos.

.056 "Associated Parking" means a discrete parking facility or facilities owned, operated and/or used in conjunction with an Indirect Source.

.060 "ASTM" means the American Society for Testing Materials.

.065 "Authority" means the Lane Regional Air Pollution Authority.

.070 "Average Daily Traffic" means the total traffic volume during a given time period in whole days greater than one day and less than one year divided by the number of days in that time period, commonly abbreviated as ADT.

.071 "Beryllium" means the element beryllium. Where weight or concentrations are specified in these rules, such weights or concentrations apply to beryllium only, excluding any associated elements.

.072 "Beryllium Alloy" means any metal to which beryllium has been added in order to increase its beryllium content, and which contains more than 0.1 percent beryllium by weight.

.073 "Beryllium Containing Waste" means any material contaminanted with beryllium and/or beryllium compounds used or generated during any process or operation performed by a source subject to these rules.

.074 "Beryllium Ore" means any naturally occurring material mined or gathered for its beryllium content.

.075 "Board" means the Board of Directors of the Lane Regional Air Pollution Authority.

.077 "Charcoal Producing" Plant means an industrial operation which uses the destructive distillation of wood to obtain the fixed carbon in the wood.

.080 "Commence Construction" means to begin to engage in a continuous program of on-site construction or on-site modifications, including site clearance, grading, dredging, or landfilling in preparation for the fabrication, erection, installation or modification of an indirect source. Interruptions and delays resulting from acts of God, strikes, litigation or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

.085 "Commercial Area" means land which is designated or used for commercial operations including retail sales and services.

.087 "Commercial Asbestos" means any variety of asbestos which is produced by extracting asbestos from asbestos ore.

.090 "Commerical Waste" means combustible waste which is generated by any activity of wholesale or retail commercial offices or facilities, or by industrial, governmental, institutional, or charitable organization offices and facilities, or by housing facilities with more than four living units including but not limited to apartments, hotels, motels, dormitories and mobile home parks, but does not include any waste which is defined as industrial waste under subsection .225 of this Section or which is prohibited in Section 36-005.

.095 "Commission" means the Environmental Quality Commission.

.100 "Construction and Demolition Waste" means combustible waste which is generated by the removal of debris, logs, trees, brush, or demolition material from any site in preparation for land improvement or a construction project; any waste occurring as the result of a construction project; or any waste resulting from the complete or partial destruction of any man-made structures such as houses, apartments, commercial buildings, or industrial buildings.

.105 "Contested Case" means a proceeding before the Board:

(a) In which the individual legal rights, duties or privileges of specific parties are required by statute or Constitution to be determined only after an agency hearing at which such specific parties are entitled to appear and be heard; or

(b) Where the Agency has discretion to suspend or revoke a right or privilege of a person; or

(c) For the suspension, revocation or refusal to renew or issue a permit where the licensee or applicant for a license demands such hearing; or

(d) Where Agency rule or order provides for hearings substantially of the character required by ORS 183.415, 183.425 and 183.450 to 183.470.

.110 "Debris Clearing" means the removal of wood, trees, brush or grass in preparation for a land improvement or construction project.

.112 "Demolition" means the wrecking or removal of any boiler, pipe or load supporting structural member insulated or fireproofed with asbestos material.

.115 "Department" means the Department of Environmental Quality.

.120 "Distillate Fuel Oil" means any oil meeting the specifications of ASTM Grade 1 or Grade 2 fuel oils.

.125 "Domestic Rubbish" means rubbish as defined herein generated by a private dwelling.

.130 "Domestic Waste" means combustible household waste, other than wet garbage, such as paper, cardboard, leaves, yard clippings, wood, or similar materials generated in a dwelling housing four (4) families or less, or on the real property on which the dwelling is situated.

.135 "Emission" means a release into the outdoor atmosphere of air contaminants.

.140 "Emission Point" means the location, place in horizontal plane and vertical elevation at which an emission enters the outdoor atmosphere.

.145 "Existing Source" means any air contaminant source in existence prior to the date of adoption of these rules.

.150 "Expressway" means a divided arterial highway for through traffic with full or partial control of access and generally with grade separations at major intersections.

.155 "Fire Hazard" means the presence or accumulation of combustible material of such nature and in sufficient quantity that its continued existence constitutes an imminent and substantial danger to life, property, public welfare, or to adjacent lands.

.160 "Fire Permit Issuing Agency" means any governmental fire permit issuing agency, such as city fire department, rural fire protection district, water district, forest protection district or county court or board of county commissioners or their designated representative, as applicable.

.165 "Forced-air Incineration" means any method or device by which burning of waste is done in a subsurface pit or above ground enclosure with combustion air supplied under positive draft of air curtain, and controlled in such a manner as to optimize combustion efficiency and minimize the emission of air contaminants.

.170 "Freeway" means an Expressway full control of access.

.172 "Friable Asbestos Material" means any asbestos material easily crumbled or pulverized by hand, resulting in the release of particulate asbestos material. This definition shall include any friable asbestos debris.

.175 "Fugitive Emissions" means dust, fumes, gases, mists, odorous matter, vapor or any combination thereof, not easily given to measurement, collection and treatment by conventional pollution control methods.

.180 "Garbage" means putrescible animal and vegetable wastes resulting from handling, preparation, cooking and serving of food.

.185 "Gasoline" means any petroleum distillate having a Reid vapor pressure of four pounds per square inch or greater.

.190 "General Combustion Operation" means any operation in which combustion is carried on, exclusive of heat transfer operations, incineration operations and salvage operations.

.195 "Hardboard means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhesive properties under pressure.

.197 "Hazardous Air Contaminant" means any air contaminant considered by the Authority to cause or contribute to an identifiable and significant increase in mortality or to an increase in serious irreversible or incapacitating reversible illness and for which no ambient air standard exists.

.200 "Highway Section" means a highway of substantial length between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study or multi-year highway improvement program.

.205 "Incineration Operation" means any operation in which combustion is carried on in an incinerator, for the principal purpose or with the principal result, of oxidizing wastes to reduce their bulk and/or facilitate disposal.

.210 "Incinerator" means a combustion device specifically for the destruction, by high temperature burning, of solid, semi-solid, liquid, or gaseous combustible wastes. The term "incinerator" does not include devices such as open or screened barrels, drums, or process broilers.

.215 "Indirect Source" means a facility, building, structure, or installation, or any portion or combination thereof, which indirectly causes or may cause mobile source activity that results in emissions of an air contaminant for which there is a state standard. Such Indirect Sources shall include, but shall not be limited to:

(a) Highways and roads
(b) Parking Facilities
(c) Retail, commercial and industrial facilities
(d) Recreation, amusement, sports and entertainment facilities
(e) Airports
(f) Office and Government buildings
(g) Apartment and mobile home parks
(h) Educational facilities
(i) Hospital facilities
(j) Religious facilities

.220 "Industrial Area" means land which is designated or used for industrial operations, including manufacturing.

.225 "Industrial Waste" means combustion waste produced as the direct result of any manufacturing or industrial process.

.226 "Mercury" means the element mercury, excluding any associated elements and includes mercury in particulates, vapors, aerosols, and compounds.

.227 "Mercury Ore" means any mineral mined specifically for its mercury content.

.228 "Mercury Ore Processing Facility" means a facility processing mercury ore to obtain mercury.

.229 "Mercury Chlor-Alkalai Cell" means a device which is basically composed of an electrolyzer section and a denuder (decomposer) section, and utilizes mercury to produce chlorine gas, hydrogen gas, and alkali metal hydroxide.

.230 "Minimum Source" means any source designated under Section 22-010(5) as a minimal source.

.235 "Mobile Source" means self-propoelled vehicles, powered by internal combustion engines, including but not limited to automobiles, trucks, motorcycles and aircraft.

.240 "Motor Vehicle" means any self-propelled vehicle designed for transporting persons or property on a public street or highway.

.245 "New Source" means any air contamination source installed, constructed, or modified after June 1, 1970.

.250 "Nuisance to the Public or Public Nuisance" means an interference, through human activity or physical conditions, with a right or privilege common to members of the public. In evaluating wherher an activity or condition constitutes a public nuisance, the Board will consider each of the elements below.

(a) The physical conditions which may constitute a public nuisance including air contaminants.

(b) The activity or condition

(1) Will be dangerous to life, health or safety of individuals; or
(2) Will obstruct, impair or interfere with the use and enjoyment of land; or
(3) Will interfere with protected environmental rights or privileges.

(c) The activity or condition will affect

(1) A considerable number of persons in a similar manner, though it may vary in effect upon individuals; or
(2) An open class of the public at large which comes within its sphere of operation.

(d) The magnitude of the nuisance, as determined by

(1) The quantity of the particulate emitted.
(2) The pattern of distribution.
(3) The nature of the surrounding area, including reference to the comprehensive plan for the area.
(4) The applicable air quality standards in effect, if any.
(5) The frequency of occurrence; but the activity or occurrence need not be continuing--it may occur at intervals.
(6) The characterization of the surrounding area as an Air Quality Maintenance Area.

.255 "Odor" means the property of a substance which allows its detection by the sense of smell.

.260 "Off-Street Area or Space" means any area or space not located on a public road dedicated for public use.

.265 "Opacity" means the degree to which an emission reduces transmission of light or obscures the view of an object in the background.

.270 "Opacity Readings" are the individual readings which comprise a visual opacity determination.

.275 "Open Burning" means burning conducted in such a manner that combustion air and combustion products may not be effectively controlled, including but not limited to burning conducted in open outdoor fires, burn barrels, and backyard incinerators.

.280 "Operations" include activities at plant, mill or facility.

.285 "Parking and Traffic Circulation Plan" means a plan developed by a city, county or regional government or Regional Planning Agency, the implementation of which assures the attainment and maintenance of the state's ambient air quality standards.

.290 "Parking Facility" means any building, structure, lot or portion thereof, designed and used primarily for the temporary storage of motor vehicles in designated parking spaces.

.295 "Parking Space" means any off-street area of space below, above or at ground level, open or enclosed, that is used for parking one motor vehicle at a time.

.300 "Particleboard" means mat-formed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder.

.305 "Particle Fallout Rate" means the weight of particulate matter which settles out of the air in a given length of time over a given area.

.307 "Particulate Asbestos Material" means any finely divided particles of asbestos material.

.310 "Particulate Matter" means any matter except uncombined water which exists as a liquid or solid at standard conditions.

.315 "Permit" or "Air Contaminant Discharge Permit" means a written permit issued by the Authority in accordance with duly adopted procedures, which by its conditions authorizes the permittee to construct, install, modify or operate specified facilities, conduct specified activities, or emit, discharge or dispose of air contaminants in accordance with specified practices, limitations, or prohibitions.

.320 "Person" means any individual, public or private corporation, political subdivision, agency, board, department, or bureau of the state, municipality, partnership, association, firm trust, estate, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

.325 "p.p.m." (parts per million) means parts of air contaminant per million parts of air by volume.

.330 "Plywood" means a flat panel built generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it.

.335 "Population" means that population estimate most recently published by the Center for Population Research and Census, Portland State University, or any other population estimate approved by the Department.

.340 "Primary Air Mass Station" (PAMS) means a station designed to measure contamination in an air mass and represent a relatively broad area. The sampling site shall be a minimum of 15 feet and a maximum of 150 feet above ground level. Actual elevations should vary to prevent adverse exposure conditions caused by surrounding buildings and terrain. The probe inlet for sampling gaseous contaminants shall be placed approximately 20 feet above the roof top, or not less than 2 feet from any wall. Suspended particulate filters shall be mounted on the sampler and placed not less than 3 feet, and particulate fallout jar openings not less than 5 feet, above the roof top.

.345 "Priamary Ground Level Monitoring Station" (PGLMS) means a station designed to provide information on contaminant concentrations near the ground. The sampling site shall be representative of the immediate area. The sample shall be taken from a minimum of 10 feet and a maximum of 15 feet above ground level, with a desired optimum height of 12 feet. The probe inlet for sampling gaseous contaminants shall be placed not less than two feet from any building or wall. Suspended particulate filters shall be mounted on the sampler and placed not less than 3 feet or particle fallout jar openings not less than 5 feet, above the supporting roof top.

.350 "Process Unit" - A process unit will include all equipment and appurtenances for the processing of bulk material which are united physically by conveyor or chute or pipe or hose for the movement of product material provided that no portion or item of the group will operate separately with product material not common to the group operation. Such a grouping is considered as encompassing all the equipment used from the point of initial charging or feed to the point or points of discharge of material where such discharge will (1) be stored, or (2) proceed to a separate process, or (3) be physically separated from the equipment comprising the group.

.355 "Process Weight" means total weight of the materials, including solid fuels but not including liquid and gaseous fuels and combustion air, introduced into any process unit which may cause any emission into the atmosphere.

.360 "Program Director" means the Program Director of the Lane Regional Air Pollution Authority, or his deputy acting in his capacity as such deputy or any staff member acting under orders of the Program Director.

.361 "Propellant" means a fuel and oxidizer physically or chemically combined containing beryllium or beryllium compounds, which undergoes combustion to provide rocket propulsion.

.362 "Propellant Plant" means any facility engaged in the mixing, casting or machining of propellant.

.365 "p.s.i.a." (pounds per square inch absolute) means intensity of pressure referred to vacuum as zero.

.370 "Reasonable Receptor and Exposure Sites" means locations where people might reasonably be expected to be exposed to air contaminants generated in whole or in part by the Indirect Source in Question. Location of ambient air sampling sites and methods of sample collection shall conform to criteria on file with the Department of Environmental Quality.

.375 "Refuse" means unwanted matter.

.380 "Refuse Burning Equipment" means a device designed to reduce the volume of solid, liquid or gaseous refuse by combustion.

.385 "Regional Planning Agency" means any planning agency which has been recognized as a substate-clearinghouse for the purposes of conducting project review under the United States Office of Management and Budget Circular Number A-95, or other governmental agency having planning authority.

.390 "Residential Area" means land which is designated or used for single or multiple family or suburban residential purposes.

.395 "Residual Fuel Oil" means any oil meeting the specifications of ASTM Grade 4, Grade 5 or Grade 6 fuel oils.

.400 "Ringelmann Chart" means the Ringelmann Smoke Chart with instructions for use as published in May, 1967, by the United States Bureau of Mines.

.405 "Rubbish" means non-putrescible wastes consisting of both combustible and non-combustible wastes, such as but not limited to ashes, paper, cardboard, glass, cans, bedding, household articles and similar materials.

.410 "Rule" means any agency directive, regulation or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirement of any agency. The term includes the amendment or repeal of a prior rule, but does not include:

(a) Internal management directives, regulations or statements betwen agencies, or their officers or their employees, or within an agency, between its officers or between employees, unless hearing is required by statute, or action by agencies directed to other agencies or other units of government.

(b) Declaratory rulings issued pursuant to ORS 183.410 or 305.105.

.415 "Salvage Operation" means any operation in which combustion is carried on for the principal purpose, or with the principal result, of salvaging metals which are introduced into the operation as essentially pure metals, or alloys thereof, by oxidation of physically intermingled combustible materials; but excludes operations in which there is complete fusion of all such metals.

.420 "Smoke" means small gas-borne particles resulting from incomplete combustion, consisting predominantly of carbon, ash and other combustible materials present in sufficient quantity to be observable, or, as suspension in a gas of solid particles in sufficient quantity to be observable.

.425 "Special Problem Area" means the formally designated Eugene-Springfield AQMA and other specifically defined areas that the Environmental Quality Commission may formally designate in the future. The purpose of such designation will be to assign more stringent emission limits as may be necessary to attain and maintain ambient air standards or to protect the public health or welfare.

.430 "Special Station" means any station that does not meet the criteria or purpose of a primary air mass station or a primary ground level monitoring station.

.435 "Standard Conditions" means a gas temperature of 70 degrees Fahrenheit and gas pressure of 14.7 pounds per square inch absolute.

.440 "Standard Cubic Foot" (SCF) means that amount of gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor at standard conditions.

.442 "Startup" means commencement of operation of a new or modified source resulting in release of contaminants to the ambient air.

.445 "Suspended Particulate Matter" means that particulate matter which remains suspended in the atmosphere for a significant length of time.

.450 "Tempering Oven" means any facility used to bake hardboard following on oil treatment process.

.455 "Territory" means all areas within the boundaries of Lane Regional Air Pollution Authority.

.460 "Threshold Level of Olfactory Detection" means the odor perception threshold for 50 percent of the odor panel as determined by the ASTM procedure DI 391-57 Standard Method of Measurement of Odor in Atmospheres (Dilution method), or an equivalent method.

.465 "Uncombined Water" means water which is not chemically bound to a substance.

.470 "Vehicle Trip" means a single movement by a motor vehicle which originates or terminates at or uses an Indirect Source.

.475 "Veneer" means a single flat panel of wood not exceeding 1/4 inch in thickness, formed by slicing or peeling from a log.

.480 "Visual Opacity" determination consists of a minimum of twenty-five opacity readings recording every fifteen to thirty seconds and taken by a trained observer.

.485 "Waste" means any useless or discarded materials.

.490 "Wigwam Waste Burner" means a burner which consists of a single combustion chamber, has the general features of a truncated cone, and is used for incineration of wastes.

LANE REGIONAL AIR POLLUTION AUTHORITY

1244 WALNUT STREET, EUGENE, OREGON 97403

TITLE 32

EMISSION STANDARDS

Section 32-005 General

A. Notwithstanding emission standards of these rules and regulations, no person shall cause or permit emissions from any air contaminant source whatsoever which cause or are likely to cause injury or detriment or nuisance to the public or which have a natural tendency to cause injury or damage to business or property whatsoever.

B. Notwithstanding the general and specific emission standards and regulations contained in these rules, the highest and best practicable treatment and control of air contaminant emissions shall in every case be provided so as to maintain overall air quality at the purest possible levels, and to maintain contaminant concentrations, visibility reduction, odors, soiling and other deleterious factors at the lowest possible levels.

In the case of new sources of air contamination, particularly those located in areas of existing high air quality, the degree of treatment and control provided shall be such the degradation of existing air quality is minimized to the greatest extent possible.

C. Compliance with a specific emission standard in these rules does not preclude the required compliance with any other applicable emission standard.

Section 32-010 Restriction on Emission of Visible Air Contaminants; including Veneer Dryers

1. All sources other than existing fuel-burning equipment utilizing wood wastes and veneer dryers. Except as provided in Subsections 2 and 3, no person maintaining, owning or operating any source of emission shall discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour, except for incinerators which shall not be more than one minute in any one hour, which is:

a. As dark or darker in shade than that designated as No. 1 on the Ringelmann Chart; or

b. Equal to or greater than 20 percent opacity.

2. Existing Fuel Burning Equipment Utilizing Wood Wastes. A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

a. As dark or darker in shade than that designated as No. 2 on the Ringelmann Chart; or

b. Equal to or greater than 40 percent opacity.

3. Veneer Dryers

a. Consistent with Section 33-060 A, it is the objective of this section to control air contaminant emissions, including, but not limited to, condensible hydrocarbons such that visible emissions from each veneer dryer are limited to a level which does not cause a characteristic "blue haze" to be observable.

b. After Dec. 31, 1980 no person shall operate any veneer dryer such that visible air contaminants emitted from any dryer stack or emission point exceed:

1. a design opacity of 10%,

2. an average operating opacity of 10%, and

3. a maximum opacity of 20%.

Where the presence of uncombined water is the only reason for the failure to meet the above requirement, this requirement shall not apply.

c. After 90 days following adoption of this regulation by the Board of Directors, no person shall operate a veneer dryer unless:

1. The owner or operator has submitted a program and time schedule for installing an approved emission control system which has been approved in writing by the Authority as being capable of complying with Section 32-010 3b, (2) or (3) as applicable,

2. The veneer dryer is equipped with an emission control system which has been approved in writing by the Authority and is capable of complying with the opacity requirements of Section 32-010 3b(2), or (3) as applicable, or

3. The owner or operator has demonstrated and the Authority has agreed in writing that the design is capable of being operated in continuous compliance with the opacity requirements of Section 32-010 3b, (2) or (3) as applicable.

d. Each veneer dryer shall be maintained and operated at all times such that air contaminant generating processes and all contaminant control equipment shall be at full efficiency and effectiveness so that the emissions of air contaminants are kept at the lowest practicable levels.

e. No person shall willfully cause or permit the installation or use of any means, such as dilution, which without resulting in a reduction in the total amount of air contaminants emitted, conceals an emission which would otherwise violate this regulation.

f. Where effective measures are not taken to minimize fugitive emissions, the Authority may require that the equipment or structures in which processing, handling and storage are done be tightly closed, modified, or operated in such a way that air contaminants are minimized, controlled, or removed before discharge to the open air.

g. The Authority may require more restrictive emission limits than provided in Section 32-010 3a or b for an individual plant upon finding by the Board of Directors that the individual plant is located or is proposed to be located in a special problem area. The more restrictive emission limits for special problem areas may be established on the basis of allowable emission expressed in opacity, pounds per hour, or total maximum daily emissions to the atmosphere, or a combination thereof.

h. The Authority may require any veneer dryer facility to establish an effective program for monitoring the visible air contaminant emissions from each veneer dryer emission point. The program shall be subject to review and approval by the Authority and shall consist of the following:

1. A specified minimum frequency for performing visual opacity determinations on each dryer emission point;

2. All data obtained shall be recorded on copies of a "Veneer Dryer Visual Emission Monitoring Form" which shall be provided by the Authority or on an alternate form which is approved by the Authority; and

3. A specified period during which all records shall be maintained at the plant site for inspection by authorized representatives of the Authority.

Section 32-025 Exception - Visible Air Contaminant Standards

Uncombined Water. Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of Section 32-010 1, 2, or 3, such section shall not apply.

Section 32-030 Particulate Matter Weight Standards

Notwithstanding emission limits of Section 32-045, 32-035, 32-040 particulate emission from any existing source shall not exceed 0.2 grain per cubic foot or 0.1 grain per cubic foot for new sources, corrected to standard conditions of temperature and pressure.

Section 32-035 Particulate Matter Weight Standards - Existing Sources

The maximum allowable emission of particulate matter from any existing combustion source shall not exceed 0.2 grain per cubic foot of exhaust gas, adjusted to 50 percent excess air or calculated to 12 percent carbon dioxide.

Section 32-040 Particulate Matter Weight Standards - New Sources

The maximum allowable emission of particulate matter from any new combustion source shall not exceed 0.1 grain per cubic foot of exhaust gas, adjusted to 50 percent excess air or calculated to 12 percent carbon dioxide.

Section 32-045 Process Weight Emission Limitations

A. The maximum allowable emissions of particulate matter for specific processes shall be a function of process weight and shall be determined from Table 1.

B. The maximum allowable emissions of particulate matter from hot mix asphalt plants shall be determined from Table 1 except that the maximum allowable particulate emissions from processes greater than 60,000 pounds per hour shall be limited to 40 pounds per hour.

Section 32-055 Particulate Matter Size Standard

No person shall cause or permit the emissions of any particulate matter which is greater than 250 microns in size provided such particulate matter does or will deposit upon the real property of another person.

Section 32-060 Airborne Particulate Matter

A. No person shall cause or permit particulate matter to be handled, transported, or stored without taking necessary precautions to prevent particulate matter from becoming airborne to the outdoor atmosphere.

B. No person shall cause or permit a building or its appurtenances or a road to be constructed, altered, repaired or demolished without taking necessary precautions to prevent particulate matter from becoming airborne to the outdoor atmosphere if such release becomes a public nuisance.

C. No person shall cause or permit particulate matter from becoming airborne, from open areas located within a private lot or private roadway if such release becomes a public nuisance.

Section 32-065 Sulfur Dioxide Emission Limitations

A. Fuel Burning Equipment: The following emission standards are applicable to new sources only:

1. For fuel burning equipment having more than 150 million BTU per hour heat input, but not more than 250 million BTU per hour input, no person shall cause, suffer, allow or permit the emission into the atmosphere of sulfur dioxide in excess of:

a. 1.4 lb. per million BTU heat input, maximum 2-hour average, when liquid fuel is burned.

b. 1.6 lb. per million BTU heat input, maximum 2-hour average, when solid fuel is burned.

2. For fuel burning equipment having more than 250 million BTU per hour heat input, no person shall cause, suffer, allow or permit the emission into the atmosphere of sulfur dioxide in excess of:

a. 0.8 lb. per million BTU heat input, maximum 2-hour average, when liquid fuel is burned.

b. 1.2 lb. per million BTU heat input, maximum 2-hour average, when solid fuel is burned.

B. No person shall cause or permit emission of sulfur dioxide in excess of 1000 ppm from any air contamination source.

Section 32-800 Air Conveying Systems

Affected Sources

A. Dry material air conveying systems located within the Eugene/Springfield Air Quality Maintenance Area (AQMA) which use a cyclone or other mechanical separating device and which have a baseline year emission rate of three (3) Metric Tons or more of particulate matter are affected sources.

Emission Limits for Affected Sources

B. Notwithstanding the general and specific emission standards and regulations contained in the Rules, affected sources shall not emit particulate matter to the atmosphere in excess of the following amounts:

One (1) Metric Ton/year (1.10 Tons/year)

0.12 kg/hour (0.26 lbs./hour)

Compliance Schedules

C. Dry material air conveying systems having baseline year emission rates of three (3) Tons/year, as determined by the Director, shall comply with this rule as soon as practicable, but no later than January 1, 1984.

D. Applicability of Part C to affected sources shall be based on calculated actual emissions.

E. Upon the effective date of this rule, the Director shall compile a list of permitted air conveying systems and their respective emission rates, and shall issue a notice of determination of applicability, the Director may require source tests prior to final determination.

F. Affected sources shall submit compliance schedules to the Director for approval within ninety (90) days after a notice of determination of applicability is issued by the Director. Compliance schedules shall contain reasonable periodic increments of progress dates for:

1) Submittal of source's final control plan;

2) Award of emission control system or process modification contract; or issuance of orders for purchase of component parts to accomplish emission control or process modification;

3) Initiation of on-site construction or installation of emission control equipment or process change;

4) Completion of on-site construction or installation of emission control equipment or process change;

5) Final compliance demonstration.

G. Consistent with Sections 21-010 and 22-010, sources with a baseline year emission rate of less than three (3) Metric Ton/year shall notify the Authority when emission rates change such that this rule applies.

Section 32-990 Other Emissions

A. No person shall discharge from any source whatsoever such quantities of air contaminants which cause injury, detriment, public nuisance or annoyance to any persons or to the public or which cause injury or damage to business or property; such determination to be made by the Authority.

B. No person shall cause or permit emission of water vapor if the water vapor causes or tends to cause detriment to the health, safety or welfare of any person or causes, or tends to cause damage to property or business.

TABLE 1

Table of Allowable Rate of Particulate Emissions - Based on Process Weight

Process Lbs/Hr.	Emission Lbs/Hr.	Process Lbs/Hr.	Emission Lbs/Hr.	Process Lbs/Hr.	Emission Lbs/Hr.
50	0.24	2300	4.44	7500	8.39
100	0.46	2400	4.55	8000	8.71
150	0.66	2500	4.64	8500	9.03
200	0.85	2600	4.74	9000	9.36
250	1.03	2700	4.84	9500	9.67
300	1.20	2800	4.92	10000	10.00
350	1.35	2900	5.02	11000	10.63
400	1.50	3000	5.10	12000	11.28
450	1.63	3100	5.18	13000	11.89
500	1.77	3200	5.27	14000	12.50
550	1.85	3300	5.36	15000	13.13
600	2.01	3400	5.44	16000	13.74
650	2.12	3500	5.52	17000	14.36
700	2.24	3600	5.61	18000	14.97
750	2.34	3700	5.69	19000	15.58
800	2.43	3800	5.77	20000	16.19
850	2.53	3900	5.85	30000	22.22
900	2.62	4000	5.93	40000	28.30
950	2.72	4100	6.01	50000	34.30
1000	2.80	4200	6.08	60000	40.00
1100	2.97	4300	6.15	70000	41.30
1200	3.12	4400	6.22	80000	42.50
1300	3.26	4500	6.30	90000	43.60
1400	3.40	4600	6.37	100000	44.60
1500	3.54	4700	6.45	120000	47.30
1600	3.66	4800	6.52	140000	47.80
1700	3.79	4900	6.60	160000	49.00
1800	3.91	5000	6.67	200000	51.20
1900	4.03	5500	7.03	1000000	69.00
2000	4.14	6000	7.37	2000000	77.60
2100	4.24	6500	7.71	6000000	92.70
2200	4.34	7000	8.05		

Interpolation and extrapolation of emissions above a process weight of 60,000 pounds per hour shall be accomplished by use of this equation:

$E = (55.0 \times P^{0.11}) - 40$, where P = process weight in tons per hour and E = emission rate in pounds per hour.

LANE REGIONAL AIR POLLUTION AUTHORITY
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TITLE 35

EMISSION STANDARDS FOR HAZARDOUS AIR CONTAMINANTS

Section 35-005 Policy

The Board herewith finds and declares that certain air contaminants for which there is no ambient air standard may cause or contribute to an identifiable and significant increase in mortality or to an increase in serious irreversible or incapacitating reversible illness, and are therefore considered to be hazardous air contaminants. Air contaminants currently considered to be in this category are asbestos, beryllium, and mercury. Additional air contaminants may be added to this category provided that no ambient air standard exists for the contaminant, and evidence is presented which demonstrates that the particular contaminant may be considered as hazardous. It is hereby declared the policy of the Lane Regional Air Pollution Authority that the standards contained herein and applicable to operators are to be minimum standards, and as technology advances, conditions warrant, and Authority rules require or permit, more stringent standards shall be applied.

Section 35-010 General Provisions

(1) Applicability. The provisions of these rules shall apply to any source which emits air contaminants for which a hazardous air contaminant standard is prescribed. Compliance with the provisions of these rules shall not relieve the source from compliance with other applicable rules of the Authority or with applicable provisions of the Oregon Clean Air Act Implementation Plan.

(2) Prohibited activities:

(a) No person shall operate any source of emissions subject to these rules without first registering such source with the Authority following procedures established by ORS 468.320 and Title 21 of the Lane Regional Air Pollution Authority Rules and Regulations. Such registration shall be accomplished within ninety (90) days following the effective date of these rules.

(b) After the effective date of these rules, no person shall construct a new source or modify any existing source so as to cause or increase emissions of contaminants subject to these rules without first obtaining written approval from the Authority.

(c) No person subject to the provisions of these emission standards shall fail to provide reports or report revisions as required in these rules.

(3) Application for approval of construction or modification. All applications for construction or modification shall comply with the requirements for construction or modification shall comply with the requirements of rules 21-010, 21-035 and the requirements of the standards set forth in these rules.

(4) Notification of startup. Notwithstanding the requirements of rules 21-010 through 21-035, any person owning or operating a new source of emissions subject to these emission standards shall furnish the Authority written notification as follows:

(a) Notification of the anticipated date of startup of the source not more than sixty (60) days no less than thirty (30) days prior to the anticipated date.

(b) Notification of the actual startup date of the source within fifteen (15) days after the actual date.

(5) Source reporting and approval request. Any person operating any existing source, or any new source for which a standard is prescribed in these rules which had an initial startup which preceded the effective date of these rules shall provide the following information to the Authority within ninety (90) days of the effective date of these rules:

(a) Name and address of the owner or operator.

(b) Location of the source.

(c) A brief description of the source, including nature, size, design, method of operations, design capacity, and identification of emission points of hazardous contaminants.

(d) The average weight per month of materials being processed by the source and percentage by weight of hazardous contaminate contained in the processed materials, including yearly information as available.

(e) A description of existing control equipment for each emission point, including primary and secondary control devices and estimated control efficiency of each control device.

(6) Source emission tests and ambient air monitoring:

(a) Emission tests and monitoring shall be conducted using methods set forth in 40 CFR, Part 61, Appendix B, as published in the Federal Register, Volume 38, No. 66, Friday, April 6, 1973. The methods described in 40 CFR, Part 61, Appendix B are adopted by reference and made a part of these rules. Copies of these methods are on file at the Lane Regional Air Pollution Authority.

(b) At the request of the Authority, any source subject to standards set forth in these rules may be required to provide emission testing facilities as follows:

(A) Sampling ports, safe sampling platforms, and access to sampling platforms adequate for test methods applicable to such source.

(B) Utilities for sampling and testing equipment.

(c) Emission tests may be deferred if the Authority determines that the source is meeting the standard as proposed in these rules. If such a deferral of emission tests is requested, information supporting the request shall be submitted with the request for written approval of operation. Approval of a deferral of emission tests shall not in any way prohibit the Authority from canceling the deferral if further information indicates that such testing may be necessary to insure compliance with these rules.

Section 35-015 Emission Standards for Asbestos

(1) Emission standard for asbestos mills. There shall be no visible emissions to the outside air from any asbestos milling operation except as provided under section (7) of this rule. For purposes of these rules, the presence of uncombined water in the emission plume shall not be cause for failure to meet the visible emission requirement. Outside storage of asbestos materials is not considered a part of an asbestos mill.

(2) Roadways. The surfacing of roadways with asbestos tailings is prohibited, except for temporary roadways on an area of asbestos ore deposits. For purposes of these rules, the deposition of asbestos tailings on roadways covered by snow or ice is considered surfacing.

(3) Manufacturing. There shall be no visible emissions to the outside air, except as provided in section (7) of this rule. From any building or structure in which manufacturing operations utilizing asbestos are conducted, or directly from any such manufacturing operations if they are conducted outside buildings or structures. Visible emissions from boilers or other points not producing emissions directly from the material in the exhaust gases shall not be considered for purposes of this rule. The presence of uncombined water in the exhaust plume shall not be cause for failure to meet the visible emission requirements. Manufacturing operations considered for purposes of these rules are as follows:

(a) The manufacture of cloth, cord, wicks, tubing, tape, twine, rope, thread, yarn, roving, lap, or other textile materials.

(b) The manufacture of fireproofing and insulating materials.

(c) The manufacture of cement products.

(d) The manufacture of friction products.

(3) The manufacture of paper, millboard, and felt.

(f) The manufacture of floor tile.

(g) The manufacture of paints, coatings, caulks, adhesives, or sealants.

(h) The manufacture of plastics and rubber materials.

(i) The manufacture of chlorine.

(j) Any other manufacturing operation which results or may result in the release of asbestos material to the ambient air.

(4) Demolition. All persons intending to demolish any institutional, commercial, or industrial building, including apartment buildings having four or more dwelling units, structure, facility, installation, or any vehicle or vessel including, but not limited to, ships; or any portion thereof which contains any boiler, pipe, or load supporting structural member that is insulated or fireproofed with friable asbestos material shall comply with the requirements set forth in this rule:

(a) Notice of intention to demolish shall be provided to the Authority at least ten (10) days prior to commencement of such demolition, or at any time prior to commencement of demolition covered under subsection (4)(c) of this rule. Such notice shall include the following information:

(A) Name and address of person intending to engage in demolition.

(B) Description of building, structure, facility, installation, vehicle, or vessel to be demolished, including address or location where the demolition is to be accomplished.

(C) Schedule starting and completion dates of demolition.

(D) Method of demolition to be employed.

(E) Procedures to be employed to insure compliance with provisions of this section.

(b) The following procedures shall be employed to prevent emissions of particulate asbestos material into the ambient air:

(A) Friable asbestos materials used to insulate or fireproof any boiler, pipe, or load supporting structural member shall be wetted and removed from any building, structure, facility, installation, or vehicle or vessel before demolition of load supporting structural members is commenced. Boilers, pipe, or load supporting structural

members that are insulated or fireproofed with friable asbestos materials may be removed as units or in sections without stripping or wetting, except that where the boiler, pipe, or structural member is cut or disjointed the exposed friable asbestos material shall be wetted. Friable asbestos debris shall be wetted adequately to insure that such debris remains wet during all stages of demolition and related handling operations.

(B) No pipe or load supporting structural member that is covered with asbestos material shall be dropped or thrown to the ground from any building structure, facility, installation, vehicle, or vessel subject to this section, but shall be carefully lowered or taken to ground level in such a manner as to insure that no particulate asbestos material is released to the ambient air.

(C) No friable asbestos debris shall be dropped or thrown to the ground from any building structure, facility, installation, vehicle, or vessel subject to this section, or from any floor to any floor below. Any debris generated as a result of demolition occurring fifty (50) feet (15.24 meters) or greater above ground level shall be transported to the ground via dust-tight chutes or containers.

(c) Any person intending to demolish a building, structure, facility, or installation subject to the provisions of this section, but which has been declared by proper state or local authorities to be structurally unsound and which is in danger of imminent collapse is exempt from the requirements of this section, other than the reporting requirements specified in subsection (4)(a) of this rule, and the wetting of friable asbestos debris as specified in paragraph (4)(b)(A) of this rule.

(d) Sources located in cities or other areas of local jurisdiction having demolition regulations of ordinances no less restrictive than those of this rule may be exempted from the revisions of this section. Such local ordinance or regulation must be filed with and approved by the Authority before an exemption from these rules may be issued. Any authority having such local jurisdiction shall annually submit to the Authority a list of all sources subject to this section operating with the local jurisdictional area and a list of those sources observed by the local authority during demolition operations.

(5) Spraying:

(a) There shall be no visible emissions to the ambient air from any spray-on application of materials containing more than one (1) percent asbestos on a dry weight basis used to insulate

or fireproof equipment or machinery, except as provided in section (7) of this rule. Spray-on materials used to insulate or fireproof buildings, structures, pipes, and conduits shall contain less than one (1) percent asbestos on a dry weight basis. In the case of any city or area of local jurisdiction having ordinances or regulations for spray application materials more stringent than those in this section, the provisions of such ordinances or regulations shall apply.

(b) Any person intending to spray asbestos materials to insulate or fireproof buildings, structures, pipes, conduits, equipment, or machinery shall report such intention to the Authority at least twenty (20) days prior to the commencement of the spraying operation. Such report shall contain the following information:

(A) Name and address of person intending to conduct the spraying operation.

(B) Address or location of the spraying operation.

(6) Options for air cleaning. Rather than meet the no visible emissions requirements of sections (1), (2), and (4) of this rule, owners and operators may elect to use methods specified in section (7) of this rule.

(7) Air cleaning. All persons electing to use air cleaning methods rather than comply with the no visible emission requirements must meet all provisions of this section:

(a) Fabric filter collection devices must be used, except as provided in subsections (b) and (c) of this section. Such devices must be operated at a pressure drop of no more than four (4) inches (10.16 cm) water gauge as measured across the filter fabric. The air flow permeability, as determined by ASTM Method D737-69 must not exceed 30 $ft.^3/min./ft.^2$ (9.144 $m^3/min./m^2$) for woven fabrics or 35 $ft.^3/min./ft^2$ (10.67 $m^3/min./m^2$) for felted fabrics with the exception that airflow permeability for 40 $ft.^3/min./ft.^2$ (12.19 $m^3/min./m^2$) for woven and 45 $ft.^3/min./ft.^2$ (13.72 $m^3/min./m^2$) for felted fabrics shall be allowed for filtering air emissions from asbestos ore dryers. Each square yard (square meter) of felted fabric must weigh at least 14 ounces (396.9 grams) and be at least one-sixteenth (1/16) inch (1.59 mm) thick throughout. Any synthetic fabrics used must not contain fill yarn other than that which is spun.

(b) If the use of fabric filters creates a fire or explosion hazard, the Authority may authorize the use of wet collectors designed to operate with a unit contacting energy of at least forty (40) inches (101.6 cm) of water gauge pressure.

(c) The Authority may authorize the use of filtering equipment other than that described in subsections (7)(a) and (b) of

this rule if such filtering equipment is satisfactorily demonstrated to provide filtering of asbestos material equivalent to that of the described equipment.

(d) All air cleaning devices authorized by this section must be properly installed, operated, and maintained. Devices to bypass the air cleaning equipment may be used only during upset and emergency conditions, and then only for such time as is necessary to shut down the operation generating the particulate asbestos material.

(e) All persons operating any existing source using air cleaning devices shall, within ninety (90) days of the effective date of these rules provide the following information to the Authority:

(A) A description of the emission control equipment used for each process.

(B) If a fabric is utilized, the following information shall be reported:

(i) The pressure drop across the fabric filter in inches water gauge and the airflow permeability in $ft.^3/min./ft.^2$ ($m^3/min./m^2$).

(ii) For woven fabrics, indicate whether the fill yarn is spun or not spun.

(iii) For felted fabrics, the density in $ounces/yard^3$ (gms/m^3) and the minimum thickness in inches (centimeters).

(C) If a wet collector is used the unit contact energy shall be reported in inches of pressure, water gauge.

(D) All reported information shall accompany the information required in section 35-010.

Section 35-020 Emission Standard for Beryllium

(1) Applicability. The provisions of this rule are applicable to the following emission sources of beryllium:

(a) Extraction plants, ceramic plants, foundries, incinerators, and propellant plants which process beryllium, beryllium ore, oxides, alloys, or beryllium containing waste.

(b) Machine shops which process beryllium, beryllium oxides, or any alloy when such alloy contains more than five percent (5%) beryllium by weight.

(c) Other sources, the operation of which results or may result in the emission of beryllium to the outside air.

(2) Emission limit:

(a) Emissions to the ambient air from any source shall not exceed 10 grams of beryllium for any 24 hour period, except as provided in subsection (2)(b) of this rule.

(b) Rather than meet the requirements of subsection (a) of this section, persons operating sources of beryllium emissions may request approval from the Authority to comply with an ambient air concentration limit for beryllium emissions in the vicinity of the source. The ambient concentration shall not exceed 0.0 micrograms per cubic meter as an average of all samples taken during any one month period. Approval of such requests may be granted by the Director provided that:

(A) At least three (3) years of ambient sampling data is available which demonstrates that the future ambient concentrations of beryllium will not exceed this standard concentration in the vicinity of the source. Such three (3) year period shall be the three years ending thirty (30) days before the effective date of this rule.

(B) The person requesting this approval makes such request in writing to the Authority within thirty (30) days after the effective date of this standard.

(C) The person making such request shall submit a report to the Authority within forty-five (45) days after the effective date of these rules, including the following information:

(i) A description of the sampling procedures, including methods of sampling, method and frequency of calibration and averaging technique for determining monthly concentrations.

(ii) Identification of sampling sites, including number of stations, distance, and heading from the source, ground elevations, and height above ground of sampling inlets.

(iii) Plots of source and surrounding area, including emission points, sampling sites, and topographic features significantly affecting dispersion of contaminants.

(iv) Information necessary for estimating dispersion, including stack height and inside diameter, exit gas temperature and velocity or flow rate, and beryllium concentration in exit gases.

(v) Air sampling data as required in subsection (2)(b) of this rule, including data for individual samples

and site locations used to develop the one month average concentrations; and a description of data and procedures (methods or models) used to design the air sampling network.

(c) Within sixty (60) days of receipt of such report, the Authority will notify persons making the request of the decision to approve or deny the request. Prior to denying apporval of provisions of subsection (2)(b) of this rule, the Authority will consult with representatives of the source for which the report was submitted.

(d) The burning of beryllium and/or beryllium containing waste except propellants is prohibited except in incinerators, emissions from which must comply with the standard.

(e) Stack sampling:

(A) Unless a deferral of emission testing is obtained under the provisions of section 35-010(6)(c), each person operating a source subject to the provisions of this standard shall test emissions from this source subject to the following schedule:

(i) Within ninety (90) days of the effective date of these rules for existing sources or for new sources having startup dates prior to the effective date of this standard.

(ii) Within ninety (90) days of startup in the case of a new source having a startup date after the effective date of this standard.

(B) The Authority shall be notified at least thirty (30) days prior to an emission test so that they may, at their option, observe the test.

(C) Samples shall be taken over such periods and frequencies as necessary to determine the maximum emissions occurring during any 24 hour period. Calculations of maximum 24 hour emissions shall be based on that combination of process operating hours and any variation in capacities or processes that will result in maximum emissions. No changes in operation which may be expected to increase total emissions over those determined by the most recent stack test shall be made until estimates of the increased emissions have been calculated,

and have been reported to and approved in writing by the Authority.

(D) All samples shall be analyzed and beryllium emissions shall be determined and reported to the Authority within thirty (30) days following the stack test. Records of emission test results and other data needed to determine beryllium emissions shall be retained at the source and made available for inspection by the Authority for a minimum of two (2) years following such determination.

(f) Ambient air sampling:

(A) Sources subject to the provisions of this section shall locate and operate ambient air sampling sites in accordance with a plan submitted to and approved in writing by the Authority. Such sites shall be located in such a manner as to detect maximum ambient air concentrations in the vicinity of the source.

(B) All monitoring sites shall be operated in such a manner as to provide continuous samples, except for a reasonable time allowed for instrument calibration and repair, or for replacement of equipment needing repair.

(C) Filters shall be analyzed and contaminant concentrations calculated within thirty (30) days of the date they are collected. Concentrations of contaminants at all sampling sites shall be reported to the Authority each calendar month. Records of concentrations and other data necessary to determine concentrations shall be retained at the source and made available for inspection by the Authority for a minimum of two (2) years after determinations have been made.

(D) The Authority may require changes in the sampling network at any time in order to insure that the maximum ambient air concentrations of beryllium in the area of the source are being measured.

Section 35-025 Emission Standard for Beryllium Rocket Motor Firing

The emission standard for Beryllium Rocket Motor Firing, 40 CFR, Part 61, Section 61.40 through 61.44, adopted Friday, April 6, 1973, is adopted by reference and made a part of these rules. A copy of this emission standard is on file at the Lane Regional Air Pollution Authority.

Section 35-030 Emission Standard for Mercury

(1) Applicability. The provisions of this rule are applicable to sources which process mercury ore to recover mercury, sources using mercury chlor-alkali cells to produce chlorine gas and alkali metal hydroxide, and to any other source, the operation of which results or may result in the emission of mercury to the ambient air.

(2) Emission Standard. Emissions to the ambient air from any source shall not exceed 2,300 grams of mercury during any 24 hour period.

(3) Stack sampling:

(a) Mercury ore processing facility:

(A) Unless a deferral of emission testing is obtained under subsection 35-010 of these rules, each person operating a source processing mercury ore shall test emissions from his source, subject to the following:

(i) Within ninety (90) days of the effective date of these rules for existing sources or for new sources having startup dates prior to the effective date of this standard.

(ii) Within ninety (90) days of startup in the case of a new source having a startup date after the effective date of this standard.

(B) The Authority shall be notified at least thirty (30) days prior to an emission test so that they may, at their option, observe the test.

(C) Samples shall be taken over such periods and frequencies as necessary to determine the maximum emissions occuring during any 24 hour period. Calculations of maximum 24 hour emissions shall be based on that combination of process operating hours and any variation in capacities or processes that will result in maximum emissions. No changes in operation which may be expected to increase total emissions over those determined by the most recent stack test shall be made until estimates of the increased emissions have been calculated, and have been reported to and approved in writing by the Authority.

(D) All samples shall be analyzed and mercury emissions shall be determined and reported to the Authority within thirty (30) days following the stack test. Records of emission test results and other data needed to determine mercury emissions shall be retained at the source and made available for inspection by the Authority for a minimum of two (2) years following such determination.

(b) Mercury chlor-alkali plant:

(A) Hydrogen and end-box ventilation gas streams. Unless a deferral of emission testing is obtained under subsection 35-010 (6)(c), each person operating a source of this type shall test emissions from his source following the provisions of subsection (3)(a) of this rule.

(B) Room ventilation system:

(i) Unless a deferral of emission testing is obtained under subsection 35-010(6)(c), all persons operating mercury chlor-alkali plants shall pass all cell room air in forced gas streams through stacks suitable for testing.

(ii) Emissions from cell rooms may be tested in accordance with provisions of paragraph (3)(b)(A) of this rule or may demonstrate compliance with paragraph (3)(b)(B)(iii) of this rule and assume ventilation emissions of 1,300 grams/day of mercury.

(iii) If no deferral of emission testing is requested, each person testing emissions shall follow the provisions of subsection (3)(a) of this rule.

(c) Any person operating a mercury chlor-alkali plant may elect to comply with room ventilation sampling requirements by carrying out approved design, maintenance, and housekeeping practices. A summary of these approved practices shall be available from the Authority.

LANE REGIONAL AIR POLLUTION AUTHORITY
1244 Walnut Street
Eugene, Oregon 97403

TITLE 37

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Section 37-005 Applicability

This rule shall be applicable to stationary sources identified in Rule 37-020 for which construction or modification has been commenced after the effective dates of these rules.

Section 37-010 General Provisions

Title 40, CFR, Part 60, Subpart A, as promulgated prior to October 8, 1980, is by this reference adopted and incorporated herein. Subpart A includes paragraphs 60.1 to 60.16 which address, among other things, definitions, performance tests, monitoring requirements, and modification.

Section 37-020 Performance Standards

Title 40, CFR, Parts 60.40 through 60.154, and 60.250 through 60.335, as established as final rules prior to October 8, 1980, is by this reference adopted and incorporated herein. As of October 8, 1980, the Federal Regulations adopted by reference set the following emission standards for the following new stationary source categories (these are summarized here for easy screening, but testing conditions, the actual standards, and other details will be found in the Code of Federal Regulations):

(1) Standards of Performance for Fossil Fuel-Fired Steam Generators. The pertinent Federal rules are 40 CFR 60.40 to 60.46, also known as Subpart D. The following emission standards, summarizing the Federal standards set forth in Subpart D, apply to each fossil fuel-fired and to each combination wood-residue fossil fuel-fired generating unit of more than 73 megawatts (250 million Btu/hr) heat input.

(a) Standards for Particulate Matter. No owner or operator subject to the provision of this rule shall cause to be discharged into the atmosphere from any affected facility any gases which:

(A) Contain particulate matter in excess of 43 nanograms per joule heat input (0.10 lb per million Btu) derived from fossil fuel or fossil fuel and wood residue.

(B) Exhibit greater than 20 percent opacity except for one six-minute period per hour of not more than 27 percent opacity.

(b) Standards for Sulfur Dioxide. No owner or operator subject to the provisions of this rule shall cause to be discharged into the atmosphere from any affected facility any gases which contain sulfur dioxide in excess of:

(A) 340 nanograms per joule heat input (0.80 lb. per million Btu) derived from liquid fossil fuel or liquid fossil fuel and wood residue.

(B) 520 nanograms per joule heat input (1.2 lb. per million Btu) derived from solid fossil fuel or solid fossil fuel and wood residue.

(C) When different fossil fuels are burned simultaneously in any combination, the applicable standard shall be determined by proration using the following formula:

$$SO_2 = \frac{y\ (340) + z\ (520)}{y + z}$$

where:

(i) y is the percentage of total heat input derived from liquid fossil fuel; and

(ii) z is the percentage of total heat input derived from solid fossil fuel and

(iii) SO_2 is the prorated standard for sulfur dioxide when burning different fuels simultaneously, in nanograms per joule heat input derived from all fossil fuels and wood residue fired.

(D) Compliance shall be based on the total heat input from all fossil fuels burned, including gaseous fuels.

(c) Standards for Nitrogen Oxides. No owner or operator subject to the provisions of this rule shall cause to be discharged into the atmosphere from any affected facility any gases which contain nitrogen oxides, expressed as NO_2 in excess of:

(A) 86 nanograms per joule heat input (0.20 lb. per million Btu) derived from gaseous fossil fuel or gaseous fossil fuel and wood residue.

(B) 130 nanograms per joule heat input (0.30 lb. per million Btu) derived from liquid fossil fuel or liquid fossil fuel and wood residue.

(C) 300 nanograms per joule heat input (0.70 lb. per million Btu) derived from solid fossil fuel or solid fossil fuel and wood residue (except lignite or a solid fossil fuel constaining 25 percent, by weight, or more of coal refuse).

(D) When different fossil fuels are burned simultaneously in any combination the applicable standard shall be determined by proration using the following formula:

$$PNO_x = \frac{w(260) + x(86) + y(130) + z(300)}{w + x + y + z}$$

Where

(i) PNO_x is the prorated standard for nitrogen oxides when burning different fuels simultaneously, in nanograms per joule heat input derived from all fossil fuels and wood residue fired; and

(ii) w is the percentage of total heat input derived from lignite; and

(iii) x is the percentage of total heat input derived from gaseous fossil fuel; and

(iv) y is the percentage of total heat input derived from liquid fossil fuel; and

(v) z is the percentage of total heat input derived from solid fossil fuel (except lignite)

(E) When a fossil fuel containing at least 25 percent, by weight, of coal refuse is burned in combination with gaseous, liquid or other solid fuel or wood residue, 37-020(1)(c) does not apply.

(F) Rule 37-020(1) does not apply to Electric Utility Steam Generating Units for which construction is commenced after September 18, 1978. These units must comply with more stringent 37-020(7).

(2) Standards of Performance for Incinerators. The pertinent Federal rules are 40 CFR 60.50 to 60.54, also known as Subpart E. The following emission standards, summarizing the Federal standards set forth in Subpart E, apply to each incinerator whose charging rate is more than 45.36 metric tons (50 tons) per day: Standards for Particulate Matter. No owner or operator subject to the provisions of this rule shall cause to be discharged into the atmosphere any gases which contain particulate matter in excess of 0.18 g/dscm (0.080 gr/dscf) corrected to 12 percent CO_2.

(3) Standards of Performance for Asphalt Concrete Plants. The pertinent Federal rules are 40 CFR 60.90 to 60.93, also known as Subpart I. The following emission standards, summarizing the federal standards set forth in Subpart I, apply to each asphalt concrete plant: Standards for Particulate Matter. No owner or operator subject to the provisions of this rule shall discharge or cause the discharge into the atmosphere from any affected facility any gases which:

(a) Contain particulate matter in excess of 90 mg/dscm (0.040 gr/dscf).

(b) Exhibit 20 percent opacity or greater.

(4) Standards of Performance for Storage Vessels for Petroleum Liquids. The pertinent Federal rules are 40 CFR 60.110 to 60.115a, also known as Subparts K and Ka. The following requirements, summarizing the Federal requirements set forth in Subparts K and Ka, apply to each storage vessel for petroleum liquids which has a storage capacity greater than 151,412 liters (40,000 gallons). These requirements do not apply to storage vessels for petroleum or condensate stored, processed and/or treated at a drilling and production facility prior to custody transfer. "Petroleum liquids" means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery but does not mean Number 2 through Number 6 fuel oils as specified in ASTM-D-396-69, gas turbine fuel oils Numbers 2-GT through 4-GT as specified in ASTM-D 2880-71, or diesel fuel oils Numbers 2-D and 4-D as specified in ASTM-D-975-68. Standard for Hydrocarbons. The owner or operator of any storage vessel to which this section applies shall store petroleum liquids as follows:

(a) If the true vapor pressure of the petroleum liquid as stored is equal to or greater than 78 mm Hg (1.5 psia), the storage vessel shall be equipped with a floating roof, a vapor recovery system, or an equivalent.

(b) If the true vapor pressure of the petroleum liquid as stored is greater than 570 mm Hg (11.1 psia), the storage vessel shall be equipped with a vapor recovery system or its equivalent.

(c) If construction is commenced after May 18, 1978, vessels in category 37-020(4)(a) above shall have double seals if external floating roof vessels, and comply with 40 CFR 60.110a to 115a.

(d) If construction is commenced after May 18, 1978, vapor recovery systems allowed by (a) and (c) above, and required by (b) above shall be designed so as to reduce Volatile Organic Compounds emissions to the atmosphere by at least 95 percent by weight.

(5) Standards of Performance for Iron and Steel Plants. The pertinent Federal rules are 40 CFR 60.140 to 60.144, also known as Subpart N. The following emission standards, summarizing the Federal Standards set forth in Subpart N, apply to each basic oxygen process furnace in iron and steel plants subject to this rule: Standards for Particulate Matter. No owner or operator subject to the provisions of this rule shall discharge or cause the discharge into the atmosphere from any affected facility any gases which:

(a) Contain particulate matter in excess of 50 mg/dscm (0.022 gr/dscf), and

(b) Exit from a control device and exhibit 10 percent opacity or greater, except that an opacity of greater than 10 percent but less than 20 percent may occur once per steel production cycle.

(6) Standards of Performance for Sewage Treatment Plants. The pertinent Federal rules are 40 CFR 60.150 to 60.154, also known as Subpart O. The following emission standards, summarizing the Federal standards set forth in Subpart O, apply to each incinerator which burns the sludge produced by municipal sewage treatment facilities: Standards for Particulate Matter. No owner or operator of any sewage sludge incinerator subject to the provisions of this rule shall discharge or cause the discharge into the atmosphere of:

(a) Particulate matter at a rate in excess of 0.65 g/Kg (1.30 lb./ton) dry sludge input.

(b) Any gases which exhibit 20 percent opacity or greater.

(7) Standards of Performance for Electric Utility Steam Generating Units. The pertinent Federal rules are 40 CFR 60.40a to 60.49a, also known as Subpart Da. The following emission standards, summarizing the Federal standards set forth in Subpart Da, apply to each electric utility steam generating unit that is capable of combusting more than 73 megawatts (250 million Btu/hour) heat input of fossil fuel (either alone or in combination with any other fuel) and for which construction commenced after September 18, 1978.

(a) Standards for Particulate Matter. No owner or operator subject to the provision of this rule shall cause to be discharged into the atmosphere from any affected facility any gases which contain particulate matter in excess of:

(A) 13 ng/J (0.030 lb/million Btu) heat input derived from the combustion of solid, liquid, or gaseous fuel,

(B) 1.00 percent of the potential combustion concentration when combusting solid fuel, and

(C) 30 percent of the potential combustion concentration when combusting liquid fuel;

(D) an opacity of 20 percent, except for one 6-minute period per hour of not more than 27 percent opacity.

(b) Standards for Sulfur Dioxide. No owner or operator subject to the provisions of this rule shall cause to be discharged into the atmosphere from any affected facility any gases which contain sulfur dioxide in excess of:

(A) 520 ng/J (1.20 lb. per million Btu) heat input for solid fuel or solid-derived fuel and 10 percent of the potential combustion concentration (90 percent reduction), or

(B) 30 percent of the potential combustion concentration (70 percent reduction), when emissions are less than 260 ng/J (0.60 lb. per million Btu) heat input for solid fuel or solid-derived fuel.

(C) 340 ng/J (0.80 lb. per million Btu) heat input from liquid or gaseous fuels and 10 percent of the potential combustion concentration (90 percent reduction), or

(D) when emissions are less than 80 ng/J (0.20 lb. per million Btu) heat input from liquid or gaseous fuels, 100 percent of the potential combustion concentration (zero percent reduction).

(E) 520 ng/J (1.20 lb. per million Btu) heat input from any affected facility which combusts 100 percent anthracite or is classified as a resource recovery facility.

(c) Standards for Nitrogen Oxides. No owner or operator subject to the provisions of this rule shall cause to be discharged into the atmosphere from any affected facility any gases which contain nitrogen oxides in excess of:

(A) 86 ng/J heat input for gaseous fuels except for coal-derived gaseous fuels,

(B) 130 ng/J heat input for liquid fuels except for coal-derived or shale oil,

(C) 210 ng/J heat input for coal-derived gaseous, liquid, and solid fuels; for shale oil; or for subbituminous coal,

(D) 260 ng/J heat input from bituminous and anthracite coal; from lignite except as noted in (E) below; from all other solid fossil fuels not specified elsewhere in this rule,

(E) 340 ng/J heat input from any solid fuel containing more than 25 percent by weight of lignite mined in the Dakotas or Montana, and is combusted in a slag tap furnace,

(F) no limit for any solid fuel containing more than 25 percent by weight of coal refuse.

(8) Standards of Performance for Coal Preparation Plants. The pertinent Federal rules are 40 CFR 60.250 to 60.254, also known as Subpart Y. These standards, summarizing the Federal standards set forth in Subpart Y, for Particulate Matter and for Visible Emissions apply only to coal preparation plants which process more than 200 tons of coal per day. An owner or operator shall not cause to be discharged into the atmosphere from

(a) any thermal dryer gases which:

(A) contain particulate matter in excess of 0.070 g/dscm (0.031 gr/dscf);

(B) exhibit 20 percent opacity or greater;

(b) any pneumatic coal cleaning equipment, gases which

(A) contain particulate matter in excess of 0.040 g/dscm (0.018 gr/dscf),

(B) exhibit 10 percent opacity or greater.

(9) Standards of Performance for Ferroalloy Production Facilities. The pertinent Federal rules are 40 CFR 60.260 to 60.266, also known as Subpart Z. These standards, summarizing the Federal standards set forth in Subpart Z, for Ferroalloy plants are applicable only to electric submerged arc furnaces and to dust handling equipment, built or modified after October 21, 1974.

(a) Standard for Particulate Matter and Visible Emissions from Electric Arc Furnaces. No owner or operator shall cause to be discharged into the atmosphere from any electric submerged arc furnace any gases which:

(A) exit from a control device and contain particulate matter in excess of 0.45 Kg/MW-hr (0.99 lb/MW-hr) while silicon metal, ferrosilicon, calcium silicon, or silicomanganese zirconium is being produced;

(B) exit from a control device and contain particulate matter in excess of 0.23 Kg/MW-hr (0.51 lb/MW-hr) while high-carbon ferrochrome, charge chrome, standard ferromanganese, silicomanganese, calcium carbide, ferrochrome silicon, ferromanganese silicon, or silvery iron is being produced;

(C) exit from a control device and exhibit 15 percent opacity or greater;

(D) escape the capture system at the tapping station and are visible for more than 40 percent of each tapping period, except a blowing tap is exempted.

(b) Standard for Visible Emissions from Dust Handling Equipment. No owner or operator shall cause to be discharged into the atmosphere from any dust-handling equipment any gases which exhibit 10 percent opacity or greater.

(c) Standard for Carbon Monoxide. No owner or operator shall cause to be discharged into the atmosphere from any electric submerged arc furnace any gases which contain, on a dry basis, 20 or greater volume percent of carbon monoxide.

(10) Standards of Performance for Steel Plants: Electric Arc Furnaces. The pertinent Federal rules are 40 CFR 60.270 to 60.275, also known as Subpart AA. These standards, summarizing the Federal standards set forth in Subpart AA, for Steel Plants are applicable

only to electric arc furnaces and dust-handling equipment, built or modified after October 21, 1974.

(a) No owner or operator shall cause to be discharged into the atmosphere from an electric arc furnace any gases which:

(A) exit from a control device and contain particulate matter in excess of 12 mg/dscm (0.0052 gr/dscf);

(B) exit from a control device and exhibit 3.0 percent opacity or greater;

(C) exit from a shop and, due solely to operations of any electric arc furnaces, exhibit greater than zero percent shop opacity, except that shop opacity must be only less than 20 percent during charging periods and only less than 40 percent during tapping periods.

(b) No owner or operator shall cause to be discharged into the atmosphere from dust-handling equipment any gases which exhibit 10 percent opacity or greater.

(11) Standards of Performance for Kraft Pulp Mills. The pertinent Federal rules are 40 CFR 60.280 to 60.285, also known as Subpart BB. The standards for kraft pulp mills' facilities, summarizing the Federal standards set forth in Subpart BB, are applicable only to a recovery furnace, smelt dissolving tank, lime kiln, digester system, brown stock washer system, multiple-effect evaporator system, black liquor oxidation system, and condensate stripper system built or modified after September 24, 1976.

(a) No owner or operator shall cause to be discharged into the atmosphere particulate matter:

(A) from any recovery furnace:

(i) in excess of 0.10 g/dscm (0.044 gr/dscf) corrected to 8 percent oxygen or

(ii) exhibit 35 percent opacity or greater;

(B) from any smelt dissolving tank in excess of 0.10 g/Kg black liquor solids, dry weight, (0.20 lb/ton);

(C) from any lime kiln:

(i) in excess of 0.15 g/dscm (0.067 gr/dscf) corrected to 10 percent oxygen, when gaseous fossil fuel is burned;

(ii) in excess of 0.30 g/dscm (0.13 gr/dscf) corrected to 10 percent oxygen, when liquid fossil fuel is burned.

(b) No owner or operator shall cause to be discharged in the atmosphere Total Reduced Sulfur compounds, (TRS), which are hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide:

(A) from any digester system, brown stock washer system, multiple-effect evaporator system, black liquor oxidation system, or condensate stripper system in excess of 5.0 ppm by volume on a dry basis, corrected to the actual oxygen content of the untreated gas stream.

(B) from any straight kraft recovery furnace in excess of 5.0 ppm by volume on a dry basis, corrected to 8 percent oxygen.

(C) from any cross recovery furnace in excess of 25 ppm by volume on a dry basis, corrected to 8.0 percent oxygen,

(D) from any smelt dissolving tank in excess of 0.0084 g/Kg black liquor solids, dry weight, (0.0168 lb/ton),

(E) from any lime kiln in excess of 8.0 ppm by volume on a dry basis, corrected to 10 percent oxygen.

(12) Standards of Performance for Glass Manufacturing Plants. The pertinent Federal rules are 40 CFR 60.290 to 60.296, also known as Subpart CC. The following particulate matter standard, summarizing the Federal standards set forth in Subpart CC, applies to each glass melting furnace which commenced construction or modification after June 16, 1979, at glass manufacturing plants but does not apply to hand glass melting furnaces, furnaces with a design capacity of less than 4,550 kilograms of glass per day, or to all-electric melters. Standard for Particulate Matter:

(a) No owner or operator of a glass melting furnace subject to this rule shall cause to be discharged into the atmosphere from a glass melting furnace particulate matter exceeding the rates specified in 40 CFR 60.292.

(13) Standards of Performance for Grain Elevators. The pertinent Federal rules are 40 CFR 60.300 to 60.304, also known as Subpart DD. The following emission standards, summarizing the Federal standards set forth in Subpart DD, apply to any grain terminal elevator (over 2.5 million bushel storage capacity) or any grain storage elevator (over 1 million bushel storage capacity) which commenced construction, modification, or reconstruction after August 3, 1978. Standards for Particulate Matter:

(a) On and after the 60th day of achieving the maximum production rate, but no later than 180 days after initial startup, no owner or operator shall cause to be discharged into the atmosphere any gases or fugitive dusts which exhibit opacity greater than:

(A) zero percent opacity from any column dryer with column plate perforation exceeding 2.4 mm (0.094 inch) diameter,

(B) zero percent opacity from any rack dryer in which exhaust gases pass through a screen filter coarser than 50 mesh,

(C) 5.0 percent opacity from any individual truck unloading station, railcar unloading station, or railcar loading station,

(D) zero percent opacity from any grain handling operation,

(E) 10.0 percent opacity from any truck loading station,

(F) Any barge or ship loading station which exhibits greater than 20 percent opacity.

(b) After initial startup, no owner or operator shall cause to be discharged into the atmosphere from any affected facility, except a grain dryer, any process emission which:

(A) contains particulate matter in excess of 0.023 g/dscm (0.010 gr/dscf),

(B) exhibits greater than zero percent opacity.

(c) The owner or operator of any barge or ship unloading station shall operate as follows:

(A) The unloading leg shall be enclosed from the top (including the receiving hopper) to the center line of the bottom pulley and ventilation to a control device shall be maintained on both sides of the leg and the grain receiving hopper.

(B) The total rate of air ventilated shall be at least 32.1 actual cubic meters per cubic meter of grain handling capacity (ca. 40 ft^3/bu).

(C) Rather than meet the requirements of subparagraphs (A) and (B) of this paragraph the owner or operator may use other methods of emission control if it is demonstrated to the Authority's satisfaction that they would reduce emissions of particulate matter to the same level or less.

(14) Standards of Performance for Gas Turbines. The pertinent Federal rules are 40 CFR 60.330 to 60.335, also known as Subpart GG. The following emission standards, summarizing the Federal standards set forth in Subpart GG, apply to any stationary gas turbine with a heat input at peak load equal to or greater than 10.7 gigajoules per hour (1,000 HP) for which construction was commenced after October 3, 1977, except as noted in (a)(C) below.

(a) Standard for Nitrogen Oxides. No owner or operator subject to the provisions of this rule shall cause to be discharged into the atmosphere from any stationary gas turbine, nitrogen oxides in excess of:

(A) 75 ppm for units greater than or equal to 107.2 gigajoules/hour,, which is located in a Metropolitan Statistical Area and is in gas and oil transportation or production, or used for other purposes;

(B) 150 ppm for units greater than or equal to 107.2 gigajoules/hour, which is located outside a Metropolitan Statistical Area and is in gas and oil transportation or production;

(C) 150 ppm for units between 10.7 and 107.2 gigajoules/hour that commence construction, modification, or reconstruction after October 3, 1982.

(D) Exempt from the Nitrogen Oxide standards are units used for emergency standby, firefighting, military (except for garrison facility), military training, and research and development turbines.

(b) Standard for Sulfur Dioxide. Owners or operators shall:

(A) not cause to be discharged into the atmosphere from any gas turbine any gases which contain sulfur dioxide in excess of 150 ppm by volume at 15 percent oxygen, on a dry basis; or

(B) not burn in any gas turbine any fuel which contains sulfur in excess of 0.80 percent by weight.

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item L, October 9, 1981, EQC Meeting

Request by Coos County for a Variance from Refuse Burning Limitations, OAR 340-21-025(2)(b), at the Beaver Hill Disposal Site

Background

The Coos County Solid Waste Department operates the Beaver Hill Disposal site located between Coos Bay and Bandon, Oregon. The disposal site utilizes two (2) Model C760M Consumat incinerators and two (2) Model CS2000 Consumat incinerators for volume reduction of solid wastes. Ash residue from the incinerator units is disposed of in a nearby modified landfill. Source test information obtained from both models of the Consumat modular incinerators indicates a failure to demonstrate compliance with Refuse Burning Equipment Limitations for new sources as defined in OAR 340-21-025(2)(b).

Coos County's former approach to solid waste management was landfill disposal at sites located throughout the County. Due to geological and climatic conditions of Oregon's Southern Coast, leachate contamination of surface waters and open burning of refuse continued to present problems. The concept of volume reduction by incineration was adopted by the County in its Solid Waste Management Plan as a method to adequately address and satisfy the requirements of proper solid waste disposal. The first site established for incineration was located near Bandon and later relocated to the Beaver Hill site which is more centrally located. The Beaver Hill facility, which includes all four of the Consumat incinerators, was placed into operation August 12, 1980.

The energy producing revenue potential of these refuse combustion units is being evaluated by the County. Rising energy costs and the escalating rate utilities pay for new power are enhancing the feasibility of such a program. The County is increasingly optimistic over the energy production potential.

Coos County has requested this variance through the provisions of

ORS 468.345 which provides authority for the Commission to grant variances from Air Quality regulations; the specific conditions for this variance request being:

"468.345(1)(b) Special circumstances render strict compliance unreasonable, burdensome or impractical due to special physical conditions or cause; or

(c) Strict compliance would result in substantial curtailment or closing down of a business, plant or operation; or

(d) No other alternative facility or method of handling is yet available."

Alternatives and Evaluation

The development and operation of the Beaver Hill Disposal Site has minimized landfill leachate problems and eliminated open burning of municipal garbage within Coos County, with one exception being the landfill at Powers presently under EQC variance through 1984. The Beaver Hill Disposal Site is situated in a rural area. No dwellings or population centers exist within a three mile radius. Impact on the populace from particulate matter in the immediate vicinity of the facility appears to be minimal. The variance, if approved, would consist of a net increase above the present allowable limitations of less than 10 tons per year for the entire source. Aesthetically, plume opacity evaluations support the County's contention that there is little or no offsite visual impact.

Included in Coos County's variance request (attached) is an expressed concern that the acquisition of control equipment would be impossible to fund due to severe County budgetary restrictions. Presently, the County charges a gate fee that constitutes approximately 38% of the annual operating budget. The facility is presently experiencing decreased usage; particularly since the adoption of a dumping charge by the County. The County is also concerned that increasing the dumping fee to offset the cost of control equipment could have a further detrimental effect on incoming revenue. The decreased volume complimented with increasing labor costs has raised the expense of disposal from an estimated $20 per ton in 1980 to $24 per ton in 1981.

At the present time, the County is evaluating energy recovery by retrofitting equipment on the incinerators. This equipment will utilize heat to produce steam for electrical generation. The attached variance request contends that the installation of air pollution control equipment

on the incinerators would alter the gas stream making it incompatible with an energy recovery system. Therefore, special circumstances exist that render strict compliance unreasonable, burdensome or impractical due to special physical conditions or cause.

The County further contends that closure of the Beaver Hill Site would not be a feasible alternative because it receives and disposes of the majority of the County's municipal garbage. No other alternative facility or method of handling exists. The Myrtle Point and Coquille open burning dumps have been closed, and that refuse is now handled at Beaver Hill. The Joe Ney Disposal Site, formerly serving the greater Coos Bay, Charleston and North Bend areas, has been converted to a modified landfill receiving demolition and land clearing debris only.

Summation

1) The Beaver Hill Disposal Site is owned and operated by Coos County as an integral part of the County's Solid Waste Management Plan. The facility is centrally located and serves the majority of Coos County residents for the disposal of municipal garbage.

2) Coos County, by letter dated August 6, 1981, has requested a variance from the particulate emission limitations of OAR 340-21-025(2) for the four incinerators located at the Beaver Hill site.

3) The facility is located in a rural area of the County. The impact of particulate matter in the immediate vicinity appears to be minimal. The net quantity of particulate matter discharged in excess of the allowable limits would be less than 10 tons per year total. There is no history of adverse visual impact.

4) Due to economic conditions in Coos County, tax revenues and dumping fee income have decreased. The cost of control equipment would place a financial burden on the County government and residents of Coos County.

5) The feasibility of energy recovery from the incinerators is presently being evaluated by Coos County. Economic and technical considerations indicate that air pollution control equipment installed now may be incompatible with an eventual energy recovery system.

6) No alternative method of disposal of municipal wastes exists within Coos County.

7) The Commission is authorized by ORS 468.345(1)(b) to grant variances if it finds that special circumstances render strict compliance unreasonable, burdensome, or impractical. The cost of air pollution control equipment, in the absence of heat recovery, is considered to be impractical for the anticipated emission reductions.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission grant a variance from the particlate 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.

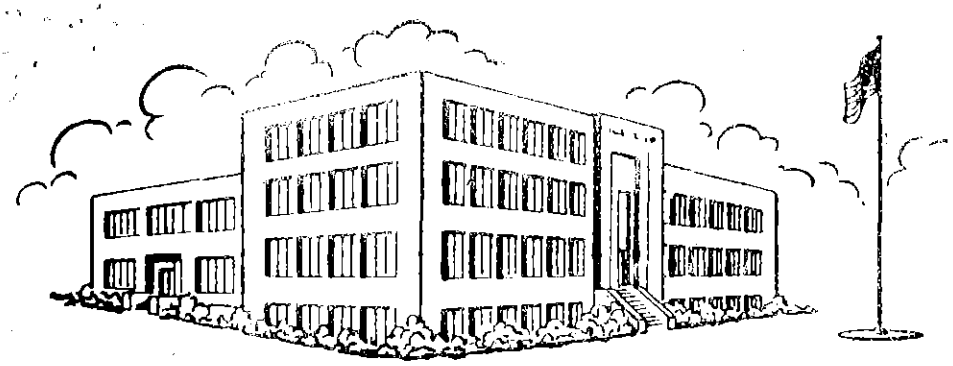
Bill

William H. Young
Director

Attachments:

1) Coos County variance request letter

BHammon:fs
(503) 269-2721
September 17, 1981



COOS COUNTY

HIGHWAY DEPARTMENT

COQUILLE, OREGON
97423

August 6, 1981

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
AUG 12 1981
COOS BAY BRANCH OFFICE

Mr. Reuben Kretzschmar
Department of Environmental Quality
490 N. Second
Coos Bay Or 97420

Dear Mr. Kretzschmar:

Coos County now has at the Beaver Hill Disposal Site two Consumat C-760 modular incinerators and two Consumat CS 2000 modular incinerators.

The two C 760 models previously were located at a different site which was discontinued as of August of 1980, and operated under an air contaiminant discharge permit #06-0095, which expired February 1, 1981. The two CS 2000 models are operating under air contaminant discharge permit #06-0099, which is current.

The results of source tests indicate that these units do not demonstrate complete compliance with particulate emission standards as set forth in OAR 340-21-025 for new sources.

Coos County is therefore requesting a variance to these standards for the four units mentioned above. The request is intended to address the variances from air contamination rules and standards as provided in ORS 468.345 subsections (b), (c) and (d).

> *"468.345 (b) Special circumstances render strict compliance unreasonable, burdensome or impractical due to special physical conditions or cause;"*

The design and operation of these units create special circunstances in that to reduce the particulate emissions it would be necessary to purchase and install special equipment such as bag houses. The extremely high temperature of the gases from the stacks (1700° F) would also require additional equipment such as quench tanks to cool the gases to a temperature of less than 500° F before they could be routed into a bag house. The best estimate we have been able to attain for cost of the quench tanks and bag houses is approximately $550,000.00.

In these times of severe budgetary restrictions it would be impossible for Coos County to provide funds for such equipment.

> *"468.345 (c) Strict compliance would result in substantial curtailment or closing down of a business, plant or operation;"*

In addition to the high cost of the above mentioned equipment, such an installation would not be compatible with energy recovery units which we hope to install as soon as possible after a determination is made as to the most efficient types of energy recovery equipment available with a proven design which will satisfactorily operate with incinerator units such as we have in operation.

The average particulate emission grain loading during the two test runs recommended for use by Omni Environmental Services to obtain these results, was 0.115 which is very near the 0.10 required for compliance. We feel the additional high cost of equipment to accomplish such a slight correction and the strong possibility of curtailment of energy production would not be justified.

> *"468.345 (d) No other alternative facility or method of handling is yet available."*

There is no alternate facility in Coos County for handling solid waste inasmuch as there are no suitable sites available for landfills. Because of our soil conditions and annual rainfall, a leachate problem with landfills is very difficult if not impossible to correct.

FOOTNOTE:

> This site is isolated in an unpopulated area on county owned land. The area encompasses approximately 40 acres and it is questionable that very little of the particulate leaves the area. The nearest dwelling is approximately 3 miles from the site. There is no adverse impact from these units. The opacity reading is consistently less than half of the 20% allowed in our permit.

In view of the above we feel a request for variance is justified. We appreciate your consideration in this matter.

Sincerely,
COOS COUNTY SOLID WASTE DEPT.

Wesley Clark

Wesley Clark, Coos County Roadmaster/
Public Works Director

WC/de

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. M , October 9, 1981, EQC Meeting

Request for Relief from On-Site Sewage Disposal Requirements, (Petition for Rulemaking), in Christmas Valley Townsite, Lake County.

Background and Problem Statement

The Department has received a request, signed by 47 persons, "for relief from present evaluation requirements for subsurface sewage systems" for Christmas Valley Townsite, Lake County. The request is considered, in effect, to be a petition for rulemaking (Attachment A). Christmas Valley Townsite was platted in the early 1960's on 3,000 acres in northern Lake County. The townsite population is approximately 400 and has a public domestic water supply system. There is a permanent water table near the surface which precludes approvals for standard on-site systems in much of the area. This permanent water is very saline and unsuitable for domestic, industrial or agricultural use. Domestic water is obtained from wells 300 to 600 feet deep. The Department's Central Region has prepared a detailed report on the groundwater situation in Christmas Valley. (Attachment B).

Alternatives and Evaluation

There appear to be two alternatives:

(1) The Commission may reject the petition and require that the present rules be applied in Christmas Valley as they have in the past.

(2) The second alternative is to authorize a public hearing, to be held in Christmas Valley, to take testimony on the question of adopting a regional rule to provide the relief requested in the petition.

Since the shallow groundwater in Christmas Valley is saline and unusable for either domestic, industrial or agricultural purposes, there is little,

if any, need to try to protect it from contamination from on-site sewage disposal systems. The vertical separation between the bottom of the disposal trench and the water table required for permanent water does not appear appropriate for this situation.

Summation

1. A petition for rulemaking has been received from residents of Christmas Valley, Lake County.

2. Shallow groundwater in Christmas Valley is saline and unusable.

3. Rules on permanent water may be relaxed in a specified area by adoption of a regional rule.

Directors 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 340-71-400(4), as set forth in Attachment E.

Bill

William H. Young

Attachments: A - Petition
B - Evaluation Report with Attachments
C - Draft Statement of Need
D - Draft Hearing Notice
E - Draft Rule - OAR 340-71-400(4) 2 options

T. J. Osborne:g
229-6218
September 8, 1981

XG406 (1)

Attachment A

File
5550 - Christmas Valley Ground
Lake

Box 210
Christmas Valley, Or.
97638

July 2,1981

AUG 3 1981

Department of Environmental Quality

403 Pine
Box L
Klamath Falls, Oregon

Dear Sir;

Iam requesting a blanket variance for evaluation methods concerning sub-surface sewage systems in the Christmas Valley townsite.

I realize substantially the same request has been written up by the Klamath Falls DEQ. branch. However, the Commission will not be able to act on it until late this fall.

Our reasons for this request are as follows; In a two year study the lake level has been held at a reduced elevation. The results were an immediate drop in our ground water table to an average depth of eight feet. This level has not varied in two years. The Gypsum line that the DEQ. checks is still there, the water table is not.

The Park and Recreation Board of Directors , at the June meeting, set the present lake elevation as the maximun allowable water level. We therefore feel this is a permanent cure to our water table problem.

In addition it is my understanding that your own ground water study shows a salinity content that would make developement of this resourse undesirable.

The entire area in question is served by the city water supply so there should be no question of well contamination.

We are experiencing the largest growth year in the history of Christmas Valley and do not feel that we can have an orderly and progressive expansion with this problem in the central area of town.

Due to the areas urgent needs, I hope you will give our request very serious and prompt consideration.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
AUG 1981
WATER QUALITY CONTROL

Sincerely
Tom Lambeth

DEQ

REQUESTING RELIEF FROM PRESENT EVALUATION REQUIREMENTS FOR SUBSURFACE SEWAGE SYSTEMS

1 Julie Malchow C.V. OR.
2 Ruth Williardt P.O. Box # 173 C.V. Oregon
3 Charles W. Williardt, Jr P.O. Box 173 C.V. OR.
4 James Olson Box ~~504~~ 502 C.V. Or
5 [illegible] CV ORE
6 Al [illegible] P.O. 163 C.V.
7 Virginia Salisbury P.O. Box 195 C.V.
8 Clarence Conn P.O. BOX 553 C.V
9 Dolores M. Scurlock P.O. Box 210 C.V.
10 Phyllis A. Brown P.O. Box 426 C.V.
11 John A. Pettus P.O. Box 173 C.V.
12 Barbara Conwin P.O. Box 553 C.V.
13 May H. Mays POB 575 C.V.
14 Nelda Turnbow P.O. 305 C.V.
15 Laurie Schrock Box 254 C.V.
16 Earl Schrock Jr Box 254 C.V.
17 Earl Schrock Sr. Box 254 C.V.
18 Ina K. Proctor Christmas Vally Trailer Ct. C.V.
19 Lloyd L. Robert Box 142 Christmas Valley
20 Donald L. Huffman Box 411 C.V. Ore.
21 Joann E. Huffman " " "
22 Ralph O. Huffman " " "
23 S.K. Mulch Box 535 C.V., OR.
24 Wm L. Gallier Box 407 Xmas Valley OR.
25 Joyce E. Gallier Box 407 Christmas Valley
26 Stephen C. Earl " 206 " "
27 Myron [illegible] Box 600 C.V. OR.

28 Tony Scuback
29 Russell D. Moran PO BOX 274 XMAS VLY
30 Muriel D. Flores P.O. Box 362 X-mas Vly
31 Kathy St. Clair Gen. Del. Fort Rock
32 Matt Steele " " Xmas Valley
33 Esther Chambers PO Box 283 Xmas Valley
34 Linda M. Sandstrom Star Route Silver Lake
35 Alan H. Parment P.O. Box 190 XMAS VAlley
36 Ralph Crompelly PO Box 504 " "
37. Timothy [illegible]
38. Jack Parker PO BOX 244 XMAS VALLEY
39. Gary H. Sparks. P.O. Box 236 C.V. ORE. 97638.
40. Wendy Bedinger P.O. Box 236 C.V. ORE. 97638.
41 Betty L. Turnham PO Box 408 Christmas Valley 97638
42. Melvin Search Christmas Valley
43. Evelyn D. [illegible] P.O. Box 575 Christmas Valley Oregon 97638
44. Linda Parmenter P.O. Box 190 Christmas Valley, OR 97638
45 Ruth Baker P.O. Box 124 Xmas Valley ORE 97638
46 Matthew Johnson General Delivery Xmas Valley Ore 97638
47 Pamela A. Morse PO Box 270 C.V. Ore 97638

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
AUG 4 1981
WATER QUALITY CONTROL

ATTACHMENT B

EVALUATION REPORT OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY ON-SITE SEWAGE DISPOSAL RULES IN RELATION TO THE GROUNDWATER SITUATION AT CHRISTMAS VALLEY TOWNSITE, LAKE COUNTY

Prepared by
Central Region Staff
Dept. of Environmental Quality

Background

The Department has received a request "for relief from present evaluation requirements for subsurface sewage systems" for Christmas Valley Townsite, Lake County. The request is considered, in effect, to be a petition for rulemaking, therefore the provisions of OAR 340-11-047 apply.

In the early 1960's, the Christmas Valley Townsite was platted on 3000 acres in Northern Lake County (see Appendix A for a map of the townsite). The townsite is located within sections 9, 10, 11, 14, 15 and 16 of T.27S, R. 17E, W.M. Currently, the townsite is sparsely populated (estimated population is 400). Water is provided to each lot in the townsite by Christmas Valley Water District.

Inspection of well logs (Appendix B) and water quality data indicates that the groundwater near the surface is very saline and unsuitable for domestic, industrial or agricultural use. Water obtained from deeper wells is relatively good. For example, the Christmas Valley Water District obtains its water from two relatively deep wells. The district's main well is 650 feet deep and the auxiliary well is 302 feet deep.

While one might conclude that poor quality groundwater at shallow depths is separate from the deeper good quality groundwater, they are probably not. The Christmas Valley area is a groundwater discharge site for water entering from surrounding mountains. Therefore, the groundwater in this area is moving up towards the surface. As it reaches or nears the surface, evaporation concentrates the salts that are dissolved in the water. Over centuries, this process has caused the shallow groundwater to become very saline. Fortunately, since the groundwater flow is up, the saline water near the ground surface is prevented from moving down.

As part of the Development a Lake was constructed. Because of the man-made lake, the shallow groundwater is mounded in this area. Up until about the middle of 1979, almost all of the lots around the lake were approved for subsurface sewage disposal. Apparently this was because salt-affected soils do not display mottling, which is the normal indication of high groundwater levels. The only denials that were issued were based on actual observation of the water table. After working the area for awhile, Ron

Smith, Department Sanitarian from Klamath Falls, realized that there was a high groundwater problem around the lake, despite the absence of mottles.

In September 1979, Dr. Robert Paeth and Steve Wilson, both Department soil scientists, and Ken Mathiot, hydrogeologist with the Water Resources Department, met in Christmas Valley with department field staff. Based upon investigation of soil profiles and geologic and water well data, it was determined that the lower boundary of the horizon of soluble salt accumulation would be used to indicate the highest level of the fluctuating groundwater. (See Dr. Paeth's memo, Appendix C.) It was also decided that

Kent Mathiot would further investigate local groundwater conditions to see if less restrictive subsurface sewage disposal standards would be appropriate.

In a July 18, 1980 memo (Appendix D) to Randy Rees, Department Waste Management Specialist in the Klamath Falls Office, Kent Mathiot suggested that the subsurface sewage disposal rules be relaxed in the Christmas Valley Townsite area. He proposed drainfields be allowed with only an 18-inch minimum vertical separation distance between high groundwater and the bottom of the disposal trench. A 48-inch separation distance is currently specified in the Department's On-site sewage disposal rules for permanent water.

The 48-inch vertical separation between disposal trench and permanent groundwater was established in the on-site sewage disposal rules to assure adequate treatment of sewage, to protect the quality of the groundwater and preserve existing and potential beneficial uses. Reducing the minimum separation distance to 18 inches in Christmas Valley could reduce the level of treatment. Nevertheless, even if treatment is reduced and the shallow groundwater at Christmas Valley Townsite is contaminated with effluent, recognized beneficial uses will not be impacted because of the present poor quality of the shallow groundwater.

Public health would not be affected if the separation distance were reduced to 18 inches. This is because the shallow groundwater quality is not suitable for domestic uses.

The mounding of the water table caused by the artificial lake causes the groundwater to flow away from the lake. This would prevent sewage effluent from contaminating the lake.

An 18-inch separation would be more than adequate to prevent hydraulic failure of drainfields through localized mounding of the water table under the drainfield.

Another way to relax the rules for Christmas Valley Townsite would be to apply the subsurface sewage disposal rules as if the water table were temporary, rather than permanent. If this were done, standard drainfields could be installed where the water table would be at least 24 inches below the ground surface. Considering the permanent water table as temporary

would be consistent with the provisions of OAR 340-71-220(2)(b)(A). The disadvantage with this alternative is that it would further reduce the amount of treatment the effluent receives because of the shorter distance between the disposal trench and the water table. However, because of the natural quality of the groundwater, the advantages of higher levels of treatment are questionable.

An important advantage of the temporary water table alternative is the existing alternative systems in the on-site sewage disposal rules would be more conveniently available. Considering the water table to be temporary for purposes of applying the on-site sewage disposal rules would allow consideration of alternative systems for a site that would not meet the standard rule requirements. Otherwise, if a parcel failed to meet the proposed 18-inch separation requirement, the only alternative would be for the owner to apply for a variance. This immediately increases his cost and causes delays in his development plans.

In order to relax the on-site sewage disposal requirements for the Christmas Valley Townsite, the rules must be amended. The best way to do this is to adopt a geographic rule for the townsite. For purpose of holding a public hearing on the issue, the Department should consider both the 18-inch separation alternative and the temporary water table alternative. After the hearing, based upon public testimony, the best alternative can be determined and proposed to the Environmental Quality Commission for adoption.

Conclusions

The shallow groundwater at Christmas Valley is poor quality and unsuitable for domestic, industrial and agricultural uses. Relatively good water is available from deeper wells. Current on-site sewage disposal rules are resulting in site denials and are limiting development in Christmas Valley Townsite. Relaxing these rules would not impact recognized beneficial uses or public health. A geographic rule could be adopted that either reduces the minimum separation between the bottom of the disposal trench and high permanent groundwater or allows the Department to apply the rules as if the water table were temporary instead of permanent.

Recommendation

The Department recommends that the Environmental Quality Commission authorize a public hearing to consider adopting a geographic rule for Christmas Valley Townsite in response to the citizens' request.

Christmas Valley
TOWNSITE

Appendix B - Page 1

Main Well

RECEIVED

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report are to be filed with the STATE ENGINEER, SALEM 10, OREGON within 30 days from the date of well completion.

9

WATER WELL REPORT

STATE OF OREGON
(Please type or print)
WATER QUALITY CONTROL

State Well No. 27/17-17G

State Permit No. G-2433

(1) OWNER:

Name M. Penn Phillips Co.

Address Christmas Valley
Silver Lake, Oregon

(2) LOCATION OF WELL:

County Lake Driller's well number City No. 3

¼ ¼ Section T. R. W.M.

Bearing and distance from section or subdivision corner

Easterly 100', Lot 18, Block 6, Unit 5
Christmas Valley, Section 17, TS27S,
R17EWM

(3) TYPE OF WORK (check):

Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☒
Irrigation ☐ Test Well ☐ Other ☐

(5) TYPE OF WELL:

Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(6) CASING INSTALLED:

Threaded ☐ Welded ☒

12" Diam. from 0 ft. to 631'3" ft. Gage ¼

" Diam. from ft. to ft. Gage

" Diam. from ft. to ft. Gage

(7) PERFORATIONS:

Perforated? ☐ Yes ☒ No

Type of perforator used

Size of perforations in. by in.

perforations from ft. to ft.

perforations from ft. to ft.

perforations from ft. to ft.

perforations from ft. to ft.

perforations from ft. to ft.

(8) SCREENS:

Well screen installed ☐ Yes ☒ No

Manufacturer's Name

Model No.

Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

(9) CONSTRUCTION:

Well seal—Material used in seal

Depth of seal 63 & 30 ft. Was a packer used? no

Diameter of well bore to bottom of seal 12 in.

Were any loose strata cemented off? ☒ Yes ☐ No Depth 30

Was a drive shoe used? ☐ Yes ☒ No

Was well gravel packed? ☐ Yes ☒ No Size of gravel:

Gravel placed from ft. to ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? Depth of strata

Method of sealing strata off cement @ 30', Bentonite at 60'

(10) WATER LEVELS:

Static level 24 ft. below land surface Date Mar 20, 63

Artesian pressure lbs. per square inch Date

(11) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? J. Pettus

Yield: 500 gal./min. with 80 ft. drawdown after 6 hrs.

no change in static level after test

" " " "

Bailer test 5 bbl/hr. gal./min. with ft. drawdown after 3 hrs.

Artesian flow g.p.m. Date

Temperature of water? Was a chemical analysis made? ☐ Yes ☒ No

(12) WELL LOG:

Diameter of well below casing 12

Depth drilled 650 ft. Depth of completed well 650 ft.

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
top soil	0	2
light brown clay	2	20
tuff brown clay	20	50
tuff bed rock		
dark brown with some		
black cinders	50	250
light brownish gray, fine clay	250	385
light brownish gray with clay		
some pumice	385	460
soft hard rock, pourous	460	470
clay with some pumice gravel	470	625
pourous rock	625	640
very hard tight rock	640	650

Work started Jan 20 1963. Completed Mar 20 1963

Date well drilling machine moved off of well Mar 25 1963

(13) PUMP:

Manufacturer's Name

Type: H.P.

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME Gordon Goeres
(Person, firm or corporation) (Type or print)

Address Christmas Valley, Silver Lake, Ore.

Drilling Machine Operator's License No. 136

[Signed] Gordon Goeres
(Water Well Contractor)

Contractor's License No. 305 Date Apr 23, 1963

(USE ADDITIONAL SHEETS IF NECESSARY)

Auxiliary Well

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report are to be filed with the STATE ENGINEER, SALEM 10, OREGON within 30 days from the date of well completion.

WATER WELL REPORT
STATE OF OREGON
(Please type or print)

State Well No. 27/18-14C
State Permit No. 3-267

(1) OWNER:
Name M Penn Phillips Co.
Address Christmas Valley R.S.
Silver Lake Oregon

(2) LOCATION OF WELL:
County Lake Driller's well number 1
SW ¼ NE ¼ Section 14 T. 27S R. 18 W.M.
Bearing and distance from section or subdivision corner
North 100 ft. - Lot 26
Block 3 - Unit 1 SW/NE

) TYPE OF WORK (check):
New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(4) PROPOSED USE (check):
Domestic ☐ Industrial ☐ Municipal ☒
Irrigation ☐ Test Well ☐ Other ☐

(5) TYPE OF WELL:
Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(6) CASING INSTALLED:
Threaded ☐ Welded ☒
12" Diam. from 0 ft. to 120 ft. Gage ¼
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(7) PERFORATIONS:
Perforated? ☐ Yes ☒ No
Type of perforator used
Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(8) SCREENS:
Well screen installed ☐ Yes ☒ No
Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(9) CONSTRUCTION:
Well seal—Material used in seal Bentonite
Depth of seal 120 ft. Was a packer used? No
Diameter of well bore to bottom of seal 12 in.
Were any loose strata cemented off? ☐ Yes ☒ No Depth
Was a drive shoe used? ☐ Yes ☒ No
Was well gravel packed? ☐ Yes ☒ No Size of gravel:
Gravel placed from ft. to ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? Depth of strata
Method of sealing strata off

(10) WATER LEVELS:
Static level 19 ft. below land surface Date 1/5-63
Artesian pressure lbs. per square inch Date

(11) WELL TESTS:
Drawdown is amount water level is lowered below static level
Was a pump test made? ☒ Yes ☐ No If yes, by whom? Owner
Yield: 2 300 gal./min. with 34 ft. drawdown after 6 hrs.
" " " "
" " " "
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m. Date
Temperature of water 50 Was a chemical analysis made? ☐ Yes ☐ No

(12) WELL LOG:
Diameter of well below casing
Depth drilled ft. Depth of completed well ft.
Formation: *Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.*

MATERIAL	FROM	TO
Brown Clay	0	30
Gray Clay	30	225
Gray Clay - Swelling pumice	225	235
Lava Rock - very hard	235	302
Lost 30 ft - pumice		
Gray in color		

Work started May 10 1963 Completed June 3 1963
Date well drilling machine moved off of well June 5 1963

(13) PUMP:
Manufacturer's Name
Type: H.P.

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME Gordon Goers (Person, firm or corporation) (Type or print)
Address Box 202 Christmas Valley R.S., Silver Lake, Ore
Drilling Machine Operator's License No. 136
[Signed] Gordon Goers (Water Well Contractor)
Contractor's License No. 305 Date June 16, 1963

(USE ADDITIONAL SHEETS IF NECESSARY)

RECEIVED
JUL 2 1981
WATER QUALITY CONTROL

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report are to be filed with the STATE ENGINEER, SALEM, OREGON 97310 within 30 days from the date of well completion.

WATER WELL REPORT

STATE OF OREGON (Please type or print)

State Well No. 27/17-15 B

State Permit No.

(1) OWNER:

Name JOHN A. PETTUS

Address BOX 273 CHRISTMAS VALLEY R.STA. SILVER LAKE, ORE

(2) LOCATION OF WELL:

County LAKE Driller's well number PETTUS #4

NW ¼ NE ¼ Section 15 T. 27S R. 17E W.M.

Bearing and distance from section or subdivision corner

LOT 3 UNIT 7 CHRISTMAS VALLEY TOWNSITE

(3) TYPE OF WORK (check):

New Well ☑ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(4) PROPOSED USE (check):

Domestic ☑ Industrial ☐ Municipal ☐

Irrigation ☐ Test Well ☐ Other ☐

(5) TYPE OF WELL:

Rotary ☐ Driven ☐

Cable ☑ Jetted ☐

Dug ☐ Bored ☐

(6) CASING INSTALLED:

Threaded ☐ Welded ☐

5" Diam. from 0 ft. to 16 ft. Gage 1/4"

" Diam. from ft. to ft. Gage

" Diam. from ft. to ft. Gage

(7) PERFORATIONS:

Perforated? ☐ Yes ☑ No

Type of perforator used

Size of perforations in. by in.

perforations from ft. to ft.

perforations from ft. to ft.

perforations from ft. to ft.

perforations from ft. to ft.

perforations from ft. to ft.

(8) SCREENS:

Well screen installed? ☐ Yes ☑ No

Manufacturer's Name

Model No.

Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

(9) CONSTRUCTION:

Well seal—Material used in seal CEMENT

Depth of seal 16 ft. Was a packer used? NO

Diameter of well bore to bottom of seal in.

Were any loose strata cemented off? ☐ Yes ☑ No Depth

Was a drive shoe used? ☐ Yes ☐ No

Was well gravel packed? ☐ Yes ☐ No Size of gravel:

Gravel placed from ft. to ft.

Did any strata contain unusable water? ☑ Yes ☐ No

Type of water? BAD depth of strata 5'

Method of sealing strata off CEMENT

(10) WATER LEVELS:

Static level 5 ft. below land surface Date 4-2-64

Artesian pressure lbs. per square inch Date

(11) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☐ Yes ☑ No If yes, by whom?

Yield: gal./min. with ft. drawdown after hrs.

" " " "

" " " "

Bailer test 10 gal./min. with 6 ft. drawdown after 1 hrs.

Artesian flow g.p.m. Date

Temperature of water 56° Was a chemical analysis made? ☑ Yes ☐ No

(12) WELL LOG:

Diameter of well below casing 5"

Depth drilled 75' ft. Depth of completed well 75' ft.

Formation: *Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.*

MATERIAL	FROM	TO
SANDY LOAM, TOP SOIL	0'	5'
SANDY LOAM, WITH ALKALI SOIL MIXED IN	5'	10'
CLAY, GREY - DIATOMACEOUS EARTH. HIT WATER WAS FOAMY HAD TEST MADE & IT WAS BAD WATER STATIC LEVEL 5'	10'	20'
CLAY, LOAM, GREY - HARD PAN	20'	25'
CLAY, BLUE - HARD	25'	30'
CLAY, BLUE	30'	55'
MED BLACK SAND & MED. WHITE GRAVEL. WATER BEARING	55'	60'

Work started 4-2 1964 Completed 4-4 1964

Date well drilling machine moved off of well 4-4 1964

(13) PUMP:

Manufacturer's Name

Type: H.P.

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME JOHN A. PETTUS (Person, firm or corporation) (Type or print)

Address CHRISTMAS VALLEY SILVER LAKE, ORE

Drilling Machine Operator's License No. 287

[Signed] John A. Pettus (Water Well Contractor)

Contractor's License No. 461 Date 4-18-, 1964

(USE ADDITIONAL SHEETS IF NECESSARY)

Appendix C

STATE OF OREGON

INTEROFFICE MEMO

DEQ Regional Operations (DEPT.) 229-6933 (TELEPHONE)

TO: Don Bramhall, CRO Bend

DATE: OCT 9-25-1979

FROM: Bob Paeth, Soil Scientist

cc: Kent Mathiot, Ron Smith, Steve Wilson, Gil Hargreaves, Dick Nichols, Randy Rees, Tom Hall

SUBJECT: Evaluation of Salt-affected Soils

Last week we looked at a number of deep soil pits in Christmas Lake Valley. Some of these pits were not effected by a ground water table above six (6) feet. Others had observed water tables as shallow as four (4) feet. There were distinct differences in soil morphology associated with these two (2) populations of pits that can be used to evaluate occurrence and depth to ground water. These morphological features are based on the assumptions (1) that the ground water is the source of the soluble salt, (2) salt accumulates in the capillary fringe above the highest level attained by the water table, and (3) the water table fluctuates seasonally.

Soil profiles not effected by fluctuating ground water had gray brown non-calcareous sandy loam surface soils about 12 inches thick. Subsoils consisted of pale brown to brown, moderately calcareous sandy loam to a depth of about 28 inches. Substratum below this depth consisted of light olive brown, weakly calcareous tuffaceous clay stone that contained occasional nodules of gypsum ($CaSO_4 \cdot 2H_2O$). Soil profiles effected by fluctuating ground water had similar surface soils and subsoils but observable differences within the substratum. In all soil profiles observed, there was a pale brown horizon in which crystalline soluble salt had accumulated. In pits that had been exposed for several days, the sidewall was whitish where this horizon occurred. This horizon of soluble salt accumulation rests rather abruptly on substratum consisting of light olive brown, weakly calcareous tuffaceous clay stone with occasional nodules of gypsum.

I suggested that this soil profile was formed by cyclic movement of calcium in the upper part of the soil profile and accumulation of soluble salt from saline ground water below. The tuffaceous clay stone was light olive brown, weakly calcareous and showed no visual evidence of salt accumulation in the zone of ground water fluctuation. Above this zone of ground water fluctuation, capillary rise and evapotranspiration have caused soluble salt to accumulate in the form of small crystals and nodules.

We will use the lower boundary of the horizon of soluble salt accumulation as an indicator of the highest level attained by fluctuating ground water. You should keep good profile notes and observations on actual ground water levels. Those taken during the wet season will be the most useful. Further observation may indicate that the highest level attained by ground water is the top of the horizon of salt accumulation and profile dry out allows crystallization to occur. For the present, we should take the least restrictive approach.

Hopefully, Kent Mathiot will be able to undertake a study involving ground water gradients, quality, and monitoring that will allow a more liberal approach.

STATE OF OREGON

INTEROFFICE MEMO

DEQ Regional Operations (DEPT.) 229-6933 (TELEPHONE)

TO: Don Bramhall, CRO Bend

DATE: 9-25-79

FROM: Bob Paeth, Soil Scientist

cc: Kent Mathiot, Steve Wilson, Dick Nichols, Tom Hall, Ron Smith, Gil Hargreaves, Randy Rees

SUBJECT: Evaluation of Salt-affected Soils

Last week we looked at a number of deep soil pits in Christmas Lake Valley. Some of these pits were not effected by a ground water table above six (6) feet. Others had observed water tables as shallow as four (4) feet. There were distinct differences in soil morphology associated with these two (2) populations of pits that can be used to evaluate occurrence and depth to ground water. These morphological features are based on the assumptions (1) that the ground water is the source of the soluble salt, (2) salt accumulates in the capillary fringe above the highest level attained by the water table, and (3) the water table fluctuates seasonally.

Soil profiles not effected by fluctuating ground water had gray brown non-calcareous sandy loam surface soils about 12 inches thick. Subsoils consisted of pale brown to brown, moderately calcareous sandy loam to a depth of about 28 inches. Substratum below this depth consisted of light olive brown, weakly calcareous tuffaceous clay stone that contained occasional nodules of gypsum ($CaSO_4 \cdot 2H_2O$). Soil profiles effected by fluctuating ground water had similar surface soils and subsoils but observable differences within the substratum. In all soil profiles observed, there was a pale brown horizon in which crystalline soluble salt had accumulated. In pits that had been exposed for several days, the sidewall was whitish where this horizon occurred. This horizon of soluble salt accumulation rests rather abruptly on substratum consisting of light olive brown, weakly calcareous tuffaceous clay stone with occasional nodules of gypsum.

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We will use the lower boundary of the horizon of soluble salt accumulation as an indicator of the highest level attained by fluctuating ground water. You should keep good profile notes and observations on actual ground water levels. Those taken during the wet season will be the most useful. Further observation may indicate that the highest level attained by ground water is the top of the horizon of salt accumulation and profile dry out allows crystallization to occur. For the present, we should take the least restrictive approach.

Hopefully, Kent Mathiot will be able to undertake a study involving ground water gradients, quality, and monitoring that will allow a more liberal approach.

VICTOR ATIYEH
GOVERNOR

Water Resources Department
MILL CREEK OFFICE PARK
555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-8455 or
1-800-452-7813

MEMORANDUM

Date: July 18, 1980

To: RANDY REESE

From: KENT MATHIOT

Subject: CHRISTMAS VALLEY

At your request, I have been reviewing the information available on ground water and soil conditions in the area of the Christmas Valley subdivision. The purpose of this review has been to determine whether or not subsurface waste disposal system regulations could be made less restrictive in this area without causing ground water quality degradation or endangering public health or safety.

The work done to date has not been complete enough to provide a detailed description of all aspects of the ground water system in the area of the Christmas Valley subdivision. However, certain important characteristics have been determined. They include:

1. The ground water table in the region is commonly 20 to 30 feet below land surface.
2. The man-made lake at the resort discharges water to the ground water system.
3. Ground water levels in the immediate area of the development are commonly between 4 and 7 feet below land surface. These levels are higher than those of the region in general, and may reflect the influence of the lake on the local ground water table.
4. Shallow ground water quality in the area of the subdivision is poor, and generally does not meet minimum drinking water quality standards.
5. The subdivision water supply comes from deep wells, is of significantly better quality than the shallow ground water, and does meet minimum drinking water quality standards.

6. Soils in the area commonly consist of 24 to 28 inches of sandy loam underlain by a tuffaceous claystone subsoil.
7. The area has a precipitation deficit, with annual potential evaporation exceeding annual precipitation by approximately 15 inches.

Given these conditions, I feel that the subsurface regulations could be made somewhat less restrictive without resulting in ground water quality degradation, or threatening the health or safety of the general public. I would suggest that you allow the installation of subsurface sewage treatment systems in those areas served by a public water supply, and where soil profile characteristics (see Bob Paeth memo to Don Bramhall of September 25, 1979), indicate that there will be at least 18 inches of unsaturated soil material between the bottom of the drain field trench and the ground water table. This would require a minimum water table depth of 42 inches when a 24-inch trench was installed, or a 36-inch depth with an 18-inch trench.

I would suggest that you disucss this recommendation with Jack Osborne to determine whether or not such a program modification would be within the legal limit of the Department.

KM:wpc

cc: Dick Nichols
Bob Paeth

ATTACHMENT C

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

OF THE STATE OF OREGON

IN THE MATTER OF	)	STATUTORY AUTHORITY
THE PROPOSED ADOPTION	)	STATEMENT OF NEED
OF GEOGRAPHIC RULE	)	PRINCIPAL DOCUMENTS RELIED UPON
FOR CHRISTMAS VALLEY,	)	AND STATEMENT OF FISCAL IMPACT
OAR 340-71-400(4)	)	

1. Citation of Statutory Authority: ORS 454.625, which requires the Environmental Quality Commission to adopt rules for the purpose of carrying out ORS 454.605 to 454.745.

2. Need for the Rule: Present rules, OAR 340-71-220(2)(b)(A), require a vertical separation of 4 feet between the bottom of a disposal trench and permanent groundwater. Shallow permanent groundwater in Christmas Valley is saline and unusable, therefore the 4 foot separation is unreasonable. Adoption of the proposed rule would allow approvals and subsequent development of many lots that are now being denied for on-site sewage disposal.

3. Documents, reports and studies relied upon in proposing the rule:

   Evaluation Report of the Department of Environmental Quality,

   On-Site Sewage Disposal Rules in Relation to the Groundwater Situation at Christmas Valley Townsite, Lake County.

   The above report is available from the following Department of Environmental Quality Offices:

   522 S.W. Fifth Ave., Portland
   2150 N.E. Studio Rd., Bend
   403 Pine St., Klamath Falls

4. Fiscal and economic impact: A positive fiscal impact will accrue to the owners of lots in Christmas Valley Townsite that may be approved under the new rule that would have otherwise been denied on-site sewage disposal systems. With the development of these lots, there will be an increased valuation.

William H. Young, Director
Department of Environmental Quality

XG408 (1)
October 9, 1981

ATTACHMENT D

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

OF THE STATE OF OREGON

IN THE MATTER OF	)	
THE PROPOSED ADOPTION	)	NOTICE OF
OF GEOGRAPHIC RULE	)	PUBLIC HEARING
FOR CHRISTMAS VALLEY,	)	
OAR 340-71-400(4)	)	

1. On November 19, 1981, at 7 p.m., a public hearing will be held in Christmas Valley Community Hall, Christmas Valley, Lake County, Oregon to take testimony on the proposed adoption of an on-site sewage disposal geographic rule (OAR 340-71-400(4)) for Christmas Valley Townsite.

2. The proposed rule provides for less separation between the bottom of an on-site sewage system disposal trench and the shallow groundwater than is allowed in present rules.

3. Among the issues to be considered at the hearing is whether the shallow saline groundwater is worthy of the protection from contamination that is provided in existing rules or whether this already unusable resource may be further degraded.

4. Interested persons may present data, views or arguments orally or in writing at the hearing or in writing to Mr. Donald Bramhall, Hearing Officer, 2150 N.E. Studio Rd., Bend, OR 97701, not later than November 20, 1981.

5. Land use consistency: The proposal described herein appears to be consistent with statewide planning goals. The proposal appears to conform with Goal No. 6 (Air, Water and Land Resources Quality). The proposal does not relate to Goal No. 11 (Public Facilities and Services).

6. Citation of Statutory Authority, Statement of Need, Principal Documents Relied upon and Statement of Fiscal Impact are filed with the Secretary of State.

7. A Department of Environmental Quality staff member will be designated to preside over and conduct the hearing.

William H. Young, Director
Dept. of Environmental Quality

XG409 (1)
October 9, 1981

ALTERNATIVE (A)--FOLLOWING WATER RESOURCES DEPARTMENT RECOMMENDATION

340-71-400

(4) Christmas Valley Townsite, Lake County

(a) Within the area set forth in Subsection (c) of this section, the Agent may issue construction permits for new on-site sewage disposal systems or favorable reports of evaluation of site suitability to construct on-site systems provided groundwater levels as determined by OAR 340-71-220(2)(b) shall come no closer than eighteen (18) inches from the bottom of the disposal trench.

(b) A standard subsurface system or an alternative capping fill system may be used to meet the eighteen (18) inch separation from the groundwater table as long as all other site criteria of OAR 340-71-220 or OAR 340-71-265 can be met.

(c) Subsection (a) of this section shall apply to that portion of the Christmas Valley Townsite plat located within sections 9, 10, 11, 14, 15 and 16 of T 27S, R 17 E, W.M.

ALTERNATIVE (B)--FOLLOWING PROVISIONS OF OAR340-71-220(2)(b)

340-71-400

(4) Christmas Valley Townsite, Lake County

(a) Within the area set forth in Subsection (b), of this section, the Agent may issue construction permits for new on-site sewage disposal systems or favorable reports of evaluation of site suitability to construct on-site systems provided:

(A) Groundwater levels as determined by OAR 340-71-220(2)(b) shall come no closer than twenty-four (24) inches of the ground surface; and

(B) All other requirements of OAR 340-71-220 or 340-71-260 through 340-71-330 or 340-71-340 through 340-71-350, as appropriate, can be met.

(b) Subsection (a) of this section shall apply to that portion of the Christmas Valley Townsite plat located within sections 9, 10, 11, 14, 15 and 16 of T 27 S, R 17 E, W.M.

TJO:l
XL1027 (1)
9/3/81