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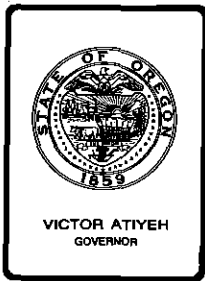
OREGON  
ENVIRONMENTAL QUALITY  
COMMISSION MEETING  
MATERIALS



State of Oregon  
Department of  
Environmental  
Quality

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## *Environmental Quality Commission*

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

### MEMORANDUM

To: Environmental Quality Commission

From: Director

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

Petition to Amend OAR, Chapter 340, Divison 71,  
Appendix A(9), Bedroom Definition

### Background and Problem Statement

OAR 340-11-047 provides that any person may petition the Commission requesting adoption, amendment, or repeal of a rule.

Mr. Douglas Marshall, R.S. Senior Sanitarian, Tillamook County has petitioned the Commission to amend the current definition of a "bedroom" OAR 340-71 Appendix A(9). The petition is Attachment "A".

The current definition of a bedroom, adopted in 1978, is as follows:

- (9) "Bedroom" means any room within a dwelling which is accepted as such by the State of Oregon Department of Commerce Building Codes Representative or the local authorized building official having jurisdiction.

Mr. Marshall proposes to return to the definition that existed prior to the present definition, which reads as follows:

A "bedroom" means any portion of a dwelling which is so designed as to furnish the minimum isolation necessary for use as a sleeping area and includes but is not limited to a den, study, sewing room, sleeping loft or enclosed porch.

### Alternatives and Evaluation

The Commission appears to have two alternatives available:

- (1) Deny the petition and continue use of the present definition.

- (2) Require that rulemaking proceedings be initiated which could result in a rule amendment.

The reason the "bedroom" definition is important is that on-site systems are sized on the number of bedrooms in a dwelling. Generally, the number of bedrooms tends to control the number of individuals who may reside in a dwelling.

The old definition was replaced for three reasons. The definition was too broad and all inclusive. It was too open to abuse by regulators who wished to identify excessive numbers of bedrooms in a dwelling. Most field personnel had problems attempting to equitably define bedrooms under this definition.

The second reason the old definition was dropped in favor of the new was to place the determination of bedrooms in the hands of one agency rather than two, so that citizens are not faced with conflicting determinations by different governmental entities.

The third reason the old definition was dropped was because a minimum sized system to serve a dwelling was adopted into the rules. The rules now provide that the minimum system for a dwelling be sized for 4 bedrooms. With this rule amendment (minimum system) the definition of bedroom becomes less critical.

Department program staff are not aware of other contract counties or Department offices that have the same problem alluded to by Mr. Marshall, or would favor a modification of the definition. Program staff believe the reasons for modifying the old definition remain valid.

The Department is attempting to reduce the frequency of on-site rule changes to once per year and presently proposes to move to public hearings with a rule amendment and correction package in January, 1982.

#### Summation

1. OAR 340-71-047 provides that any person may petition the Commission requesting amendment of a rule.
2. A petition to amend OAR 340-71 Appendix A(9), definition of a bedroom, has been received from Mr. Douglas Marshall, Senior Sanitarian, Tillamook County.
3. Program staff believe the reasons for establishing the present definition remain valid.
4. The Department proposes to hold public hearings on a general rule amendment package in January 1982.
5. The Commission may deny the petition or require that rulemaking proceedings be initiated.

EQC Agenda Item No. N  
October 9, 1981  
Page 3

Directors 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.



William H. Young

Attachments: A - Petition to Amend OAR 340-71 Appendix A(9).

T.J. Osborne:g  
229-6218  
September 8, 1981

XG410 (1)



# Tillamook County Health Department

ATTACHMENT A

September 10, 1981

COURTHOUSE  
TILLAMOOK, OREGON 97141  
842-5511 • EXT. 354

Environmental Quality Commission  
% DEQ Headquarters  
522 S.W. Fifth  
Portland, Or 97207

Re: Petition to Amend Oregon  
Administrative Rule (OAR)  
340-71-Appendix A (9), De-  
finition of a bedroom

Dear Commissioners:

The current OAR (January 31, 1981, page Appendix A-1) definition of a bedroom is shown in brackets and the proposed changes are underlined.

(9) "Bedroom" means any [room within a dwelling which is accepted as such by the State of Oregon Department of Commerce building codes representative or the local authorized building official having jurisdiction] portion of a dwelling which is so designated as to furnish the minimum isolation necessary for use as a sleeping area and includes but is not limited to a den, study, sewing room, sleeping loft or enclosed porch.

As the Senior Sanitarian in Tillamook County, I am encountering problems with the current definition of a bedroom. Our county has instituted a one-stop permit (copy enclosed) and I must rely on the building official for final determination of a bedroom. The building official looks at the blueprint from a structural point of view, ie: the building code specifies varying window heights and area in sewing rooms as opposed to bedrooms. As a sanitarian I am concerned with peak loading and long term life of the sewage disposal system. A den, hobby or sewing room, recreational room or study, with a door and closet should be counted as a bedroom when designing the drainfield.

This discrepancy occurs on new construction and remodeling of older homes. To do my job properly I need authority in determining what is a bedroom. I have requested that this item be placed on the agenda of the next regular Commission meeting. The Tillamook County Board of Commissioners are aware of the problem and supports this request. We are currently in contract negotiations with the Department of Environmental Quality and have unsuccessfully attempted to include an amended definition of a bedroom into the new contract (copy of DEQ August 11, 1981 letter enclosed). Should the commission feel a state-wide rule amendment is unwarranted, I would recommend a Geographic Area Special Consideration Rule 340-71400(3) specifically for Tillamook County that amends the definition of a bedroom.

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**RECEIVED**  
SEP 14 1981

**OFFICE OF THE DIRECTOR**

Page 2 Contd.  
Environmental Quality Commission  
September 10, 1981

I feel that this petition affects all Senior Sanitarians in the contract counties and the Supervising Sanitarians in all other counties. A list of these persons and their addresses should be readily available at DEQ Headquarters so that all of the above mentioned sanitarians can be notified.

Respectfully,



Douglas Marshall, R.S.  
Senior Sanitarian

cc: Roger Pease, Administrative Assistant  
Tillamook County Commissioners

Enclosures

STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO



TO: Doug Marshall, Tillamook County

DATE: August 11, 1981

FROM: <sup>TJO</sup> Jack Osborne

SUBJECT: Item 26 in Tillamook County's Proposed Contract -  
Who Determines What Constitutes a Bedroom

Doug, we have reviewed this proposal with Legal Counsel, Ray Underwood. Ray is of the opinion that this item is inappropriate because the current rules identifies the Department of Commerce, or their agent, as the agency to make this interpretation. To allow this provision in the contract would be a violation of the rules.

What constitutes a bedroom may be a problem for existing approved lots, but for future approvals it should be less of a problem because of the minimum 4 bedroom system size requirement.

TJO:1  
XL451 (1)

RECEIVED

AUG 13 1981

TILLAMOOK COUNTY  
ENVIRONMENTAL HEALTH  
DEPARTMENT

# TILLAMOOK COUNTY PERMIT APPLICATION for Building, Planning, and Sanitation

APPLICANT \_\_\_\_\_ PERMIT # \_\_\_\_\_

Legally Recorded Owner \_\_\_\_\_  
 Mailing Address \_\_\_\_\_ Phone \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**CONTRACTOR/INSTALLER**  
 Building Contractor \_\_\_\_\_ Reg. No. \_\_\_\_\_  
 Sanitation Installer \_\_\_\_\_ Reg. No. \_\_\_\_\_  
 Mobile Home Installer \_\_\_\_\_ Reg. No. \_\_\_\_\_

**LOCATION INFORMATION**  
 Area \_\_\_\_\_ Tax Code \_\_\_\_\_  
 Tax Lot \_\_\_\_\_ Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ WWM  
 Lot \_\_\_\_\_ Block \_\_\_\_\_ Addition \_\_\_\_\_  
 Zone \_\_\_\_\_ Lot Size \_\_\_\_\_ x \_\_\_\_\_ Or \_\_\_\_\_ Acres

\*\*\*\*\*

<b>PROPOSED USE</b> _____ Single/Multi/Mobile Home/Rec Veh _____ Accessory Structure/Temp RV or MH _____ Addition/Alteration _____ Public/Industrial/Commercial _____ Move/Demolish/Replacement	<b>UNITS/ROOMS</b> _____ Units _____ Bedrooms	<b>VARIANCE/CONDITIONAL USE</b> Date of Approval _____ _____ _____
<b>SIZE OF STRUCTURE</b> _____ Dimensions _____ Square Feet _____ Stories _____ Height	<b>WASTE DISPOSAL</b> _____ Sewer District _____ Septic Tank/Drainfield _____ Garbage Disposal _____ Other	<b>ROAD ACCESS</b> _____ State Highway _____ County Road/Public Way _____ Private Road _____ Other
<b>MOBILE HOME/RECREATION VEHICLE</b> _____ License Number _____ Make _____ Year _____ State Insignia	<b>WATER SUPPLY</b> _____ Private/Public _____ Creek/Spring/Well _____ Other	<b>COMMENTS:</b> _____ _____ _____

SEPARATE STATE OF OREGON PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING AND MOBILE HOME INSTALLATION WORK AND BUILDINGS DESCRIBED IN SECTION 301. (e) OF THE U.B.C. 1979 EDITION, WHICH REQUIRE A PERMIT BY THE OREGON STATE FIRE MARSHALL.

APPROVED PERMIT INCLUDES ONLY WORK DESCRIBED ABOVE AND/OR PLANS AND SPECIFICATIONS BEARING THE SAME PERMIT NUMBER AND WILL COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES GOVERNING ZONING, SANITATION AND CONSTRUCTION THROUGH OUT TILLAMOOK COUNTY.

THE GRANTING OF THIS PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

THIS PERMIT BECOMES NULL AND VOID IF CONSTRUCTION, INSTALLATION AND/OR PLACEMENT AS AUTHORIZED IS NOT COMMENCED WITHIN 180 DAYS OR DISCONTINUED.

THIS PERMIT IS ISSUED ACCORDING TO CURRENT STATE AND COUNTY CODES. PRIOR TO CONSTRUCTION OR PLACEMENT IT IS ADVISABLE THAT YOU CHECK THE DEED FOR THE PROPERTY IN CASE OTHER RESTRICTIONS APPLY.

**FEEES ARE NOT REFUNDABLE**

APPLICANT: \_\_\_\_\_ DATE \_\_\_\_\_  
SIGN IN OWN HANDWRITING

\*\*\*\*\*

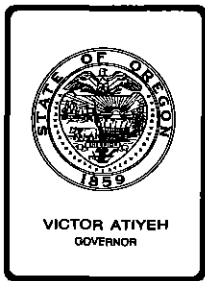
**CONDITIONAL/COMMENTS**

*White/Office-Pink/Building-Green/Sanitation-Blue/Planning-Yellow/Applicant-Gold/Assessor*

ITEM	APPROVED BY	DATE	RECEIPT #
1 ZONING			CONSTRUCTION COST \$
2 SANITATION			BUILDING FEE \$
3 HOUSE NUMBER			SANITARIAN FEE \$
4 PLAN CHECK			MOBILE HOME FEE \$
5 ACCESS			RECREATION VEHICLE \$
6 MOBILE HOME			PLAN CHECK FEE \$
RECREATION VEHICLE			SUR CHARGE \$
7 BUILDING OFFICIAL			TOTAL FEE \$

NAME

PERMIT NO.



## *Environmental Quality Commission*

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

### MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. 0, October 9, 1981, EQC Meeting

Proposed Adoption of (1) Policy on Sewerage Works Planning and Construction (OAR 340-41-034); and (2) Sewerage Works Construction Grant Priority List for FY 82.

### Background and Problem Statement

Annually the Department must compile a priority list for allocating federal grants for construction of municipal sewerage treatment works. The task for FY 82 is particularly difficult because (1) federal funds were rescinded from the FY 81 program, resulting in the rescheduling of many projects that were originally scheduled for FY 81; (2) grant awards have been delayed since March 1981, when EPA's review procedures were changed and (3) proposed statutory reforms which broadly alter program direction and Oregon's funding levels are being considered by Congress. Present state rules also mandate implementation of new provisions which result in changes in the 1982 priority list.

Early in June, Congress rescinded \$1.7 billion nationally from unobligated FY 80 and 81 construction grant funds. For Oregon, \$11.5 million was lost, consisting of all unobligated FY 80 funds and a percentage of the unobligated FY 81 funds. The rescinded funds had been, in effect, removed by EPA from the program in March in anticipation of Congressional action.

In addition, EPA has limited the authority of Regional Administrators to award grants, resulting in further potential delays of projects. As a result of these actions, processing of grants scheduled for funding has been delayed for about 90 days.

The President's proposed FY 82 budget, presently being considered by Congress, contains zero funding for construction grants. The President has indicated that he would propose a \$2.4 billion appropriation for FY 82 if program reforms were enacted. Considering the nature of proposed reforms, it seems unlikely that funds could be available before mid-FY 82, if at all. In any event, very few projects are likely to receive federal funds in the next few years.

It is apparent that needed sewerage facilities will not be constructed in a timely manner if Oregon continues the past practice of reliance on

federal funds. Policy guidance is needed to channel the efforts of Department staff and sewerage utilities in a long-range position direction.

At its July 17, 1981 meeting, the EQC authorized a hearing on (1) a statement of policy regarding sewerage works planning and construction, and (2) two alternatives for a FY 82 sewerage works construction grants priority list. This hearing was conducted on September 8, 1981. A summary of oral testimony is included as Attachment A, Hearing Officer's Report. Written testimony submitted through September 11, 1981, at 5 p.m., is indexed and included as Attachment B. A summary evaluation and response to testimony is included as Attachment C.

Hearing participants were notified that EQC action would be based on the written record to be completed and closed on September 24, 1981, and that no testimony would be received after September 24, 1981, or at the EQC meeting on October 9, 1981.

#### Discussion of Proposed Policy on Sewerage Works Planning and Construction

The proposed policy (see Attachment J) was intended to recognize the problems which exist because of historic sewerage works funding practices, establish a goal at overcoming those financing problems while maintaining long-range water quality goals, and provide guidance for negotiating long-range correction programs which may involve interim periods where progress is being made but full compliance is not expected.

Testimony generally supported the intent of the policy. A number of comments suggested additions to the policy. While some of the suggestions are appropriate areas for staff effort, they are not considered appropriate or necessary for inclusion in the policy statement.

The most significant comments were offered by the League of Oregon Cities. The League questions the legal authority and advisability of any effort to mandate or regulate local government financing practices. The League, as well as the Homebuilders, and City of Albany, seem to interpret the proposed policy as mandating systems development charges.

While the staff generally believes that user charges should be used to finance sewerage system construction and operation, and that federal grants and property taxes should not be relied upon, the intent was not to impose restrictions on any viable and predictable method of system financing. The emphasis was intended to be on a locally developed financing plan which provides reasonable assurance that adequate funds will be available to meet ongoing construction, maintenance, operation, replacement and expansion needs.

The Department would conclude that it has not given adequate attention to the basic adequacy of sewerage facility financing. Numerous water quality problems exist primarily as a result of failure to develop local funds to properly operate and maintain facilities once constructed.

The Department also believes that requiring sewerage utilities to demonstrate that they are financially, as well as technically, able to assure compliance with environmental standards is consistent with statutory authority and policy. (See in particular ORS 454.010 to 060)

Attachment E contains the proposed policy as modified to further clarify the intent and hopefully, eliminate misinterpretation.

Discussion of Proposed Priority List for FY 82

Two FY 82 priority list alternatives were presented for consideration at the hearing:

1. Implement the September 19, 1980 rules in full including the elimination of transitioning; and
2. Modify the September 19, 1980 rules to assure funding of the highest priority segments of projects transitioned and under Step III construction in FY 81, by continuing transitioning in FY 82 and beyond for the operationally dependent segments only.

These alternatives are discussed in detail in the July 17, 1981 EQC Agenda Item No. E(1) which is included as Attachment I.

A third alternative became possible a few days before the hearing when EPA granted a class deviation (variance) from its rules which would allow (but not require) states to extend their FY 81 list into FY 82 and continue to fund projects from that list with carryover FY 81 funds and reallocated funds. EPA's intent is to issue new guidance on FY 82 priority list development once Congress has acted to enact reforms and appropriate funds. This action also recognizes that Congressional and EPA actions have impaired timely obligation of available FY 81 funds consistent with the intent of FY 81 priority lists. This new possible alternative was announced at the beginning of the hearing.

Testimony was presented by a number of potential grantees regarding classification or point assignment for their projects. Attachment C contains an evaluation of these comments. Attachment D presents technical corrections to priority list entries based on an evaluation of new information provided.

Testimony was presented on the operational dependency of segments for the MPMC and Tri City projects. Staff evaluation is contained in Attachment C. New information was not presented which would cause staff to change its original determination.

Testimony was presented on several miscellaneous items. Evaluation is included in Attachment C.

Testimony generally supported either Alternative 1, which gives highest priority to correction of certified health hazards or Alternative 3 which would extend the FY 81 list. Two supported Alternative 2, with one of these indicating support only if Alternative 3 was not selected.

Those supporting Alternative 3 suggest that adoption of new criteria and a new list would be necessary once Congress has enacted program reforms. It certainly is possible that present prioritizing criteria would not be consistent with finally enacted Congressional reforms. It is also possible that present criteria (which contain numerous provisions that allow adjustment to new federal requirements) will not conflict with final Congressional actions. If Congress acts and the state has no FY 82 list, several months delay in initiating construction of fundable projects could needlessly result while new criteria and list adoption procedures are followed. To minimize delay, it seems desirable to adopt a list for FY 82 that reflects the preferred method of operation for the state--and modify it after Congress acts, if such modification is essential.

The Department believes it appropriate to consider extending the FY 81 list for 90 days into FY 82 (until Dec. 31, 1981) or until FY 82 appropriations are made, whichever occurs first. This will give additional time for processing to projects intended to be funded from FY 81 and prior year reallocated funds to compensate for federally induced program delays during the year.

The Department proposes that priority list Alternative 1 as modified by technical corrections, be adopted to become effective January 1, 1982 or as soon as FY 82 appropriations are made, whichever is sooner. Any funds remaining unobligated as of December 31, 1981, or when the FY 82 appropriations are made, would then be available for obligation to the Certified Health Hazard projects.

If applications and supporting documents are submitted and awarded in a timely manner, the most critical operationally dependent segments of the MWMC project would be funded with FY 81 and prior year funds. Final Effluent Disposal for Bend could be funded if ready; however, it would remain as number 3 priority for funding on the FY 82 list in the event it is not ready before termination of the FY 81 list. The Portland Southeast Relieving Interceptor project Phases 3 and 4 which are necessary to place the interceptor into operation, would not receive funding under the proposed FY 82 list until FY 87 or beyond.

In order to extend the FY 81 priority list for a maximum of 90 days into FY 82, a temporary rule will be necessary to modify provisions of existing rule. This temporary rule is proposed in Attachment F.

#### Summation

1. Sewerage works construction progress is rapidly approaching a standstill as a result of the changing federal funding practice.



2. Policy guidance for sewerage utilities and Department staff is needed to channel existing capabilities in a long-range positive direction.
3. The Department must compile and adopt a state priority list for each fiscal year, prior to award of grants from funds made available for that year.
4. EPA has granted a class deviation to its rules to allow extension of the FY 81 priority list into FY 82 for purposes of allocating carryover FY 81 and prior year reallocated funds. A new list must be adopted before any funds appropriated for FY 82 can be obligated.
5. The staff prepared two separate priority lists, Alternative 1 and 2. Alternative 1 was developed in accordance with the criteria and management system adopted on September 19, 1980. Alternative 2 was developed on a minor modification of the management system rules which would continue limited transitioning for certain operationally dependent segments of projects under construction. Under both alternatives, project segments are ranked separately on the list unless they have been sufficiently documented to be operationally dependent. A zero funding level assumption, consistent with the President's budget proposal, has been used for FY 82. An assumption of \$2.4 billion nationally has been estimated for succeeding years. Thus, it is a planning list. EQC's adopted rules permit the modifications to establish the fundable list once appropriations are known. Attachment I contains the full discussion of the alternatives. Interim extension of the FY 81 list was added as a third alternative at the hearing.
6. A public hearing was held on September 8, 1981, pursuant to public notice, to receive testimony on the proposed policy on sewerage works planning and construction and alternative priority lists for FY 82.  
  
The record of the hearing was held open until 5 p.m. on September 11, 1981, to receive additional written testimony.
7. Hearing participants were notified both in prehearing documents and at the hearing, that EQC action on October 9, 1981, would be based on the written record developed in accordance with the following procedure:
  - a. Public Hearing on September 8, 1981
  - b. Hearing record closed at 5 p.m. September 11, 1981.
  - c. Department analysis and recommendations to be completed and mailed to hearing participants and interested persons on September 14, 1981.
  - d. Further written comments regarding Department analysis and recommendations will be received until 5 p.m. on September 24, 1981.

- e. Department recommendation and further written comments will be forwarded to EQC on September 25, 1981.
  - f. No additional testimony will be received after September 24, 1981, or at the EQC meeting on October 9, 1981.
10. Predominant testimony supported either Alternative 3 (Extension of the FY 81 Priority List into FY 82), or Alternative 1 (Highest Priority to Funding of Health Hazards).
11. A temporary rule is proposed (see Attachment F) for the purpose of extending the FY 81 list for 90 days into FY 82, or until FY 82 appropriations are made by Congress, whichever occurs first.
- Finding: This temporary rule is necessary to prevent potential loss of funds to projects scheduled for funding but delayed in part as a result of federal actions beyond their control. Failure to act will seriously prejudice the public's interest by impairing progress on needed sewerage projects.
12. A proposed priority list for use with FY 82 funds, consisting of Alternative 1, as amended by individual entry technical corrections (shown in Attachment D) is presented in Attachment G.

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 to permit additional time for obligation of carryover FY 81 and reallocated prior year funds. The FY 81 list will remain in effect until December 31, 1981, or until Congress appropriates funds for FY 82, whichever occurs first.
- 3. Adopt the priority list as contained in Attachment G as the FY 82 priority list, such list to become effective not later than January 1, 1982, and to be used for obligation of any FY 81 and prior year funds remaining unobligated and new FY 82 funds after the termination of the interim FY 81 list. It is understood that the FY 82 list is subject to modification following appropriate procedures if necessary to remove any conflicts with future federal legislative acts.

*Bill*

William H. Young

Attachments: 10

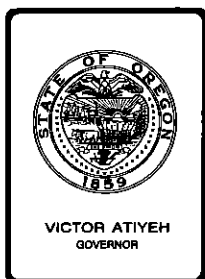
- A. Hearing Officer's Report
- \* B. Record and Copies of Written Testimony
- C. Summary Evaluation and Response to Testimony
- D. Technical Corrections to Priority List Entries
- E. Proposed Policy on Sewerage Works Planning and Construction
- F. Proposed Temporary Rule to Extend FY 81 Priority List
- \* G. Proposed Priority List for FY 82
- H. Statement of Need
- \* I. July 17, 1981, EQC Agenda Item E(1)
- \* J. July 17, 1981, EQC Agenda Item E(2)

\* NOTE: Copies of written testimony included in Attachment B are available upon request from the Construction Grants Unit.

Attachment G is reproduced, in part, in this material for those projects with target certification dates between FY 83 and FY 87. Attachment D contains all Technical Corrections to the entire Alternative I list, which was previously distributed to interested parties. A complete proposed FY 82 priority list is available upon request.

Attachments I and J were previously distributed to interested parties in August. Additional copies are available upon request.

HLS:1  
229-5324  
WL1057 (1)  
September 16, 1981



## *Environmental Quality Commission*

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

### MEMORANDUM

**To:** Environmental Quality Commission

**From:** Harold L. Sawyer, Hearing Officer

**Subject:** Public Hearing on (1) Sewage Construction Grants Priority List for FY 82 and (2) Proposed Policy on Sewage Works Planning and Construction

Pursuant to notice published in the Secretary of State's Bulletin and mailed to all known interested parties, a public hearing on the above referenced subjects was convened in Portland City Council Chamber beginning at 10:05 a.m. on September 8, 1981. By way of introduction, attendees were advised of the following:

1. The Construction Grants Priority List is adopted each year by the Commission pursuant to existing rules. The priority list itself is not adopted as a rule. The staff has prepared two alternatives and circulated them for consideration. One of the alternatives, if adopted by the Commission, would require a modification of existing rules which govern the development of the priority list.
2. The policy on sewage works planning and construction is proposed to be adopted as an administrative rule.
3. The procedure to be followed in adopting the priority list differs from the procedure followed in the past and is as follows:
  - a. Oral testimony would be completed on September 8, 1981.
  - b. The hearing record would remain open for submittal of written testimony until 5 p.m. on September 11, 1981. (Conflicting deadlines for submittal of written testimony were included in material mailed out, therefore the legal hearing notice which was the later of two dates, governed.)
  - c. The staff would then summarize and evaluate testimony, prepare recommendations and mail the resulting materials to persons testifying and others known to be interested, by September 14, 1981.
  - d. Additional written comments regarding the staff evaluation and recommendations would then be received until 5 p.m. September 24, 1981.

- e. The hearing summary, Department recommendations and further responses to the Department recommendations, would be mailed to the Environmental Quality Commission members on September 25, 1981, for their evaluation and study prior to the Commission meeting.
- f. On October 9, 1981, final action would be taken by the Commission. Commission consideration would be based on the written record mailed September 25, 1981. No public testimony would be received at that time.

B. J. Smith, Chief of DEQ's Construction Grant Unit, then advised hearing participants of a recent change in federal requirements which would have a bearing on the priority list discussion. On September 1, 1981, EPA advised the Department that it had granted a class deviation (variance) to three regulations dealing with priority list development and state management of the grant program. The first regulation for which a deviation was granted is the rule requiring state submittal of a priority list by a specified date. EPA's intent is to establish new priority list submittal dates for FY 82 once Congress acts to appropriate funds for FY 82. The second deviation granted allows (but does not require) states to continue to use their FY 81 priority list in FY 82 as the basis for allocating FY 81 carryover funds or other reallocated funds pending action by Congress to appropriate funds for FY 82. The third deviation authorizes the state to fund projects on the FY 81 priority list that were targeted to be funded prior to the rescission of funds providing funds are available and the state wishes to do so.

In general, these deviations permit, but do not require, the state to continue to use FY 81 priority list until Congress enacts legislation and appropriations for FY 82. Projects originally scheduled for FY 81 funds could be funded if any unspent funds are carried forward into the next fiscal year. The amount of carryover funds, if any, cannot be determined until October 1, 1981.

These changes in federal requirements create another option for EQC consideration, namely, the interim use of FY 81 priority list until FY 82 appropriations become known. Temporary modification of state administrative rules may be needed to implement this alternative. The EQC also has the option to establish a new FY 82 priority list at this time. In any event a new priority list for FY 82 must be adopted prior to use of any funds appropriated for FY 82.

The following summarizes public testimony received:

1. Arthur R. Johnson, City Manager, City of Bend.

Mr. Johnson submitted a letter from the Mayor of Bend for the record. Mr. Johnson indicated that Bend, Eugene, Springfield, Cottage Grove, Oregon City, West Linn and Gladstone had been active on the national scene in trying to secure funding for the grants program for FY 82.

Due to the fragmented nature of the activity at the federal level and the unpredictability of Congressional action at this time, he supported continuing the FY 81 priority list for existing funds carried forward into FY 82. Once Congress acts to appropriate funds for FY 82, state priority criteria and a priority list should then be developed, consistent with that legislation. This action would allow existing projects to continue forward with a minimum of disruption pending Congressional action. Mr. Johnson further requested that public testimony be allowed at the October 9 meeting of the Commission to allow consideration of any changes that may occur between the closing of the record and the hearing. Mr. Johnson also indicated that the dollar amount shown on the draft FY 82 list for their project should identify sufficient funds to permit them to award a contract should funds become available.

2. Melva Barnes, Eugene, Oregon

Ms. Barnes opposed the use of federal funds by the MWMC project for purchase of land outside the urban growth boundary for disposal of wastes from the cities. She also opposed use of federal funds to benefit the Agripac food processing plant, particularly without agreement and assurance of repayment. Concern was expressed regarding the potential for the Agripac and sludge disposal segments of the MWMC project to adversely impact groundwater and wells in the area.

3. Amanda Marker, Eugene, Oregon

Ms. Marker appeared to oppose the MWMC project in Eugene and in particular the use of federal funds for the Agripac and sludge disposal segments of the project. She opposed the use of county-wide general obligation bonds (not just Eugene and Springfield) to finance the nonfederal share of the Agripac segment, as well as the sludge segment. She also urged an audit be conducted of the MWMC project.

4. Richard Miller, General Manager, Bear Creek Valley Sanitary Authority

Mr. Miller submitted for the record a written statement from the Board of Directors of the Bear Creek Valley Sanitary Authority. Mr. Miller expressed concern with the priority point assignment for the Whetstone Creek project for Bear Creek Valley Sanitary Authority. Mr. Miller indicated that information provided in the testimony should adequately document the water quality problems sufficient to restore the project to Letter Class B from the Letter Class D identified on the draft FY 82 priority list. Mr. Miller opposed any change in the priority criteria rules--particularly the priority level assigned to health hazard projects. He expressed support to the proposed policy statement on sewage works planning and construction.

5. Lloyd Walker, Charleston Sanitary District

Mr. Walker read a letter into the record on behalf of Charleston

Sanitary District. The district criticized the DEQ Central Office staff and noted particularly the failure of Harold Sawyer to keep an appointment with the district's president and attorney on May 5, 1981. The district continues to urge that Department rules which severely limit the grant eligibility for collector sewers are inappropriate. They assert that failing subsurface systems in Charleston Sanitary District are creating health hazards and water quality problems. The district expressed concern that current rules on collection system eligibility may adversely affect their application for State Pollution Control Bond Fund financing assistance.

6. Jack McFadden, Stanfield

Mr. McFadden, a former mayor of Stanfield, represented Mayor John Perkins who was unable to attend.

Mr. McFadden expressed support for Alternative 1 as the preferred alternative priority list, because it evaluates each project independently and gives communities an equal chance for funding for some segment of their overall project. He expressed the view that without outside funding assistance, small communities particularly in Eastern Oregon would be unable to bear the burden of meeting water quality requirements. Stanfield recently increased their minimum sewage service charge from \$6 a month to \$12 a month. Even with this amount of money, their system in the City of Stanfield is failing. Extra funds raised by the higher user charge do not even adequately fund extraordinary costs associated with the equipment breakdown.

Mr. McFadden expressed concern that the priority points for Stanfield were lowered from prior year lists because they did not have a signed stipulated consent agreement. He expressed concern that the Department had not made them aware of the importance of such a document with respect to project priority. He requested an opportunity to again address the issue of the stipulated agreement.

Mr. McFadden expressed the view as a citizen, that the FY 81 priority list should be continued until Congress appropriates funds for FY 82. With respect to the proposed policy statement, Mr. McFadden indicated that in these times of decreased federal funding, standards must be changed. He supported different standards for different areas of the state. He indicated that a treatment plant meeting current standards for the existing residents at Stanfield assuming a 12 percent interest rate on the bonds would require a monthly charge of \$36 a month to meet the principal and interest with \$4 per month added to fund operation and maintenance. The minimum bill would be \$40 per month per resident. Such rates would approach 10 percent of median income of the residents. He indicated simply that the citizens of Stanfield could not afford it, that assistance from the outside was essential.

7. William Barons, City Manager, City of Albany

Mr. Barons presented a statement on behalf of the Mayor and City Council of the City of Albany. Mr. Barons read a statement into record. This statement generally indicated that Albany's interest occurs as a result of the Health Division order requiring the City to annex a health hazard area and install sewers to correct the problem. The estimated cost of the project to eliminate the health hazard is \$3.2 million or about \$12,800 each for the existing 250 dwelling units in the area. Such costs are considered prohibitive without grant assistance. The City statement expressed recognition of the importance of all construction projects to the citizens of each affected community. They expressed the view that a decision to revise the rules governing the project priority list before federal policy is clarified will not permit the Commission to weigh full consequences of the decision. In addition new federal policy and new Commission rules will require complete reevaluation at the local level of all capital improvement priorities and funding. The City urged that new and imaginative leadership by the Environmental Quality Commission in a creative partnership with local governments will be required if Oregon is going to progress with the job of protecting waters of the state and health of the citizens. They expressed the view that the Commission should carefully study the feasibility of seeking authority to institute a state matching grant assistance program.

8. Harold Derrah, City of Klamath Falls

Mr. Derrah presented testimony on behalf of the City of Klamath Falls relative to the Stewart-Lennox area which has been certified as a health hazard and which the City of Klamath Falls must annex and provide sewer service to. Mr. Derrah submitted for the record, letters from the Mayor of Klamath Falls, Senate President Fred Heard, State Representative Robert B. Kennedy, the Klamath County Board of Commissioners and indicated that a letter from Senator Lenn Hannon would be arriving soon. Support was indicated for the priority assigned to the project in Alternative 1 of the Department's proposal. Mr. Derrah indicated that the estimated project cost to correct the health hazard is approximately \$2-1/2 million, as compared to the total assessed value of the area of \$3 million. Considering that most people in the area are on fixed income and the assessed valuation is relatively low, correction of the health hazard will require outside funding assistance. The City therefore supports Alternative 1 which assures highest priority for correction of all certified health hazards.

9. David Abraham, Utilities Director, Clackamas County

Mr. Abraham appeared representing the Tri-City Service District which serves Oregon City, West Linn and Gladstone. (Hopefully, some day.) Mr. Abraham submitted a letter for the record which echoed the testimony of Art Johnson from the City of Bend and urged extension of



FY 81 priority list into FY 82. He urged deferral of adoption of a new priority list until Congress has acted on legislation and appropriations for FY 82 and further urged that the Commission accept testimony at its October 9 meeting. Mr. Abraham also expressed their continuing support for project segmenting, for ranking of operable segments on the basis of water pollution abatement, for elimination of funding of collector sewers--all of which are included in the current prioritizing criteria. Mr. Abraham further questioned whether or not criteria used to establish health hazards were clearly defined and uniformly applied to all projects.

10. Thomas Meek, Oregon State Homebuilders Association

Mr. Meek offered comments on the proposed policy on sewage works planning and construction. Mr. Meek expressed the view that the proposed policy was based on the report prepared for the Department Pacific Economica, and that they interpreted the report as encouraging the use of systems development charges. He expressed the view that the policy statement should be expanded to include standards for when and where systems development charges would be appropriate for funding sewerage systems so as to prevent abuse of this potential method of funding.

11. William Pye, Metropolitan Wastewater Management Commission, Eugene, Oregon

Mr. Pye expressed support of the Metropolitan Wastewater Management Commission for continuing the FY 81 priority list into FY 82 pending action by Congress to amend the law and appropriate funds. Mr. Pye submitted for the record a letter from D. Michael Wells of the Metropolitan Wastewater Management Commission advisory committee regarding the committee's view of operational dependency of the Sludge segment and other segments of the MWMC project. Mr. Pye then asked Mr. Dave Jewitt, Legal Counsel for MWMC, to present testimony regarding the FY 82 priority list and operational dependency of project segments.

Mr. Jewitt pointed out that the notice of public hearing set September 11 at at 5 p.m. as the closing date for submission of written testimony rather than noon September 9, as was indicated in the Commission agenda item, and recited by the hearing officer. (Based on this information, attendees were advised that testimony would be received until September 11 at 5 p.m.) Mr. Jewitt indicated that MWMC had made plans to submit further written testimony prior to 5 p.m. on September 11. Mr. Jewitt also requested that the staff reevaluate the amount of money shown in priority list Alternative 1 for the General Account for Step 3 for FY 86. He indicated that his math indicated that the list shows an availability of \$2.348 million in Step 3 funds for FY 86 and he felt this was in error.

Mr. Jewitt then presented testimony on the operational dependency of various components of the MWMC project. Mr. Jewitt cited two

published documents which elaborate on the policy of the Department in determining operational dependency of components; the first being a Department memo dated October 30, 1980 and the second being the explanatory documents which were circulated preparatory to the holding of the public hearing on FY 82 priority list. He cited an MWMC staff study submitted to the Department in June, which discussed the operational dependency of various components of the MWMC project. He acknowledged that the staff's response to MWMC study was contained in the documentation submitted with the draft priority list. He further indicated agreement on some points but disagreement on the Department's conclusions regarding the Sludge Management component of the project.

Mr. Jewitt indicated their views were set out in the original report and that further documentation would be provided for the record of this hearing. They believe there is no substantial evidence to support the Department's conclusion that the treatment plant can be operational without the ultimate sludge management system. He indicated that the existing interim sludge disposal system is only sized to handle the existing Eugene treatment plant and would not be adequate for the new plant. MWMC estimates that the volume of sludge to be disposed of will increase four fold when the new plant is placed on line. He indicated that additional storage lagoons at the plant site cannot be constructed, that additional trucks for transporting sludge off-site cannot be added because they are too costly, that equipment purchased to date for interim sludge disposal is part of the permanent backup for the ultimate sludge disposal program, and purchase of additional equipment would not be cost-effective and is not possible.

He indicated that eight-month storage capacity exists for the Eugene waste in the existing interim facilities and that would be reduced to fifty-seven days upon startup of the new plant. Mr. Jewitt indicated that wet weather application of sludge on land was probably not possible since in 1980 they were limited to application for three months by environmental regulations. He cited the reluctance of landowners to allow equipment for sludge spreading on their land when the soil is wet and compaction will occur, and that runoff control requirements will otherwise preclude wet weather application.

He also expressed the view that the interim sludge storage lagoon on the plant site could be loaded to the point when odors would be generated, thus impacting adjacent residents. He expressed the concluding view that given the above comments, the treatment plant and sludge disposal system were operationally dependent.

Mr. Jewitt noted that the MWMC has previously given testimony regarding the transition policy. He indicated that continuation of the transition policy, in their view, remains valid; that elimination may violate federal regulations and that transition is necessary to minimize disruption of the planning and construction of projects.

He expressed the view that transitioning is necessary to assure completion of the MPMC project and that other projects should not be started unless there was assurance of sufficient funding to complete them.

12. Bruce Peet, Coordinator, Oregon Rural Community Assistance Program

Mr. Peet offered comments regarding the policy statement on behalf of smaller communities on the priority list. He expressed general support for the proposed policy on sewage works planning and construction but believes it hasn't gone far enough. Small communities need on-site technical assistance and the Commission should make a more formal commitment to such on-site technical assistance in a policy statement. While local self-sufficiency is supported, small communities will continue to need outside assistance to address water quality problems. Mr. Peet also proposed that the Department conduct an inventory of small community capacity, both in terms of their needs and their capabilities for meeting those needs. He urged the Department to deliver technical assistance to small communities either through its regional offices or by contract with other agencies.

13. Douglas K. Robinson, City Manager, City of Silverton

Mr. Robinson indicated support of the City of Silverton for Alternative 1 and opposition to continuing the existing priority list if that meant continuation of transitioning. He expressed the belief that previously transitioned projects have had adequate opportunity to adjust their planning based on the elimination of transitioning beginning with FY 82.

14. John Middlemiss, Mayor, City of Silverton

Mayor Middlemiss indicated that the City is currently under a partial building moratorium which impacts their ability to generate monies for system improvement. Portions of their existing treatment plant were constructed in 1934. Under the state's mandatory annexation law for health hazards, the City was required to annex an area and provide sewer service. Financing the facilities is dependent on grant funds. Step 2 design of the facilities for the City of Silverton is nearly complete. The City is considering submitting a \$2 million bond issue to finance the local share of a \$6 million project to the voters in November. The project would be implemented in three phases beginning with the sewage treatment plant improvements, a new transmission line to the treatment plant, and rehabilitation of existing system lines. The City estimates that if the project were totally locally funded the monthly sewer bill would have to be in the order of \$30 per month in order to finance the cost.

15. Wesley A. Wilson, Silverton Chamber of Commerce

Mr. Wilson characterized the sewerage situation in Silverton as serious. Raw sewage is being bypassed into Silver Creek in the area. Mr. Wilson expressed the opinion that grants have primarily been going to the bigger cities and that small communities are not getting a fair return on the tax monies that they pay in. He further indicated that present water and sewer rates in Silverton are three times the comparable rates in the City of Portland. Silverton needs sewerage system improvements regardless of whether it experiences no growth, limited growth or totally uncontrolled growth.

16. Donald Lowe, City of Silverton Planning Commission

Mr. Lowe indicated that the City of Silverton is not an average community within Marion County. The average income in Silverton is lower than the average income per household in Marion County, and the average age of the population is higher than the average age in Marion County. These factors make it more difficult for the City to address its sewerage needs without assistance through a grant program.

17. Ron Hall, Oregon State Health Division

Mr. Hall submitted for the record, a letter from Christine Gebbie, Administrator of the Health Division, expressing support for Alternative 1, which would give priority to the declared health hazard areas.

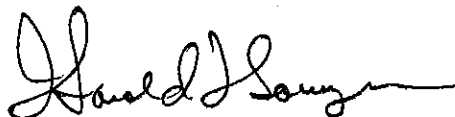
18. Bill Sobolewski, U.S. Environmental Protection Agency

Mr. Sobolewski read into the record three comments from EPA regarding the draft priority list for FY 82. EPA noted that several projects were identified on the list for immediate award of Step 2 grants where Step 3 grant awards were not anticipated for several years. EPA suggested it may be advisable to delay the award of Step 2 grants and instead focus funding on Step 3 construction for projects already designed. The second EPA comment expressed the view that clarification was needed regarding procedures for funding Step 1 and Step 2 projects. EPA interprets that only Step 1 and Step 2 projects of an emergency nature would be funded from the Step 1 Step 2 reserve account, with all others competing for funding from the general account with Step 3 projects. If this interpretation is correct, the public should be made more clearly aware of it. Finally, EPA indicated that projects targeted for utilization of small community alternative reserve funds should be identified on the priority list.

Pursuant to a request from EPA, B. J. Smith responded for the record to the EPA comments, as follows: First, projects identified as high priority for award of Step 2 grants in FY 81 priority list are projects which need to move forward with or without federal funds and are thus being certified for

Step 2 grant award from the Step 1 Step 2 reserve. In the future the Department will attempt to better coordinate Step 2 and Step 3 grant awards, however, limitations on available funds will make this difficult to accomplish. Second, the state's criteria provide for set-aside of 10 percent of available funds to the Step 1 Step 2 reserve. Funds in this reserve may be used to fund Step 1 or Step 2 projects, or they may be transferred to the grant increase reserve or used to fund the conventional components of projects funded from the alternative small community reserve. Once funds are available and reserve levels are established, it is the Department's intent to certify Step 1 or Step 2 applications only where the projects are of an emergency nature or circumstances require an immediate certification. Third, projects intended to be funded from small community alternative set-aside are identified on the draft priority list by an asterisk following the grant amount.

There being no further testimony, the hearing was adjourned.

A handwritten signature in cursive script, appearing to read "Harold L. Sawyer".

Harold L. Sawyer, Hearing Officer

HLS:l  
WL1043 (1)

## RECORD OF WRITTEN TESTIMONY

1. Letter of 7/16/81 from John Amundson, President, Eugene Area Chamber of Commerce
2. Letter of 7/23/81 from Douglas D. Robinson, City Manager, City of Silverton
3. Letter of 7/30/81 from Helen D. Schauermann, Private Citizen, Portland
4. Letter of 8/11/81 from Anthony H. Krutsch, Consultant, Consultants Northwest, Inc.
5. Letter of 8/18/81 from Bruce Peet, Oregon Rural Community Assistance program, Mid-Willamette Valley Community Action Agency, Inc.
6. Letter of 8/21/81 from Rick Gustafson, Executive Officer, Metropolitan Service District
7. Letter of 8/27/81 from Roy L. Ellerman, Chief, Municipal Branch, EPA, Region X
8. Letter of 8/31/81 from Shirley McLaughlin, Chairman, Roseburg Regional Wastewater Facilities Advisory Committee
9. Letter of 9/1/81 from Joel D. Fosdick, Jr., Dave Cooper and Patricia Tollisen, Linn County Board of Commissioners
10. Letter of 9/1/81 from Harold Larkin, Mayor, City of Monroe
11. Letter of 9/1/81 from Russ Mull, Director, Environmental Health Division, Klamath County Department of Health Services
12. Letter of 9/2/81 from James F. Buckley, Chairman, Conference of Local Environmental Health Supervisors
13. Letter of 9/2/81 from Kristine M. Gebbie, Administrator, health Division, Oregon Department of Human Resources
14. Letter of 9/2/81 from George C. Stubbert, City Manager, City of Roseburg
15. Letter of 9/3/81 from D. Michael Wells, Chairperson, Metropolitan Wastewater Management Commission Advisory Committee
16. Letter of 9/3/81 from Richard O. Miller, Manager of the Board of Directors, Bear Creek Valley Sanitary Authority
17. Letter of 9/3/81 from Don Walker, City Engineer, City of Medford

## Record of Written Testimony - continued

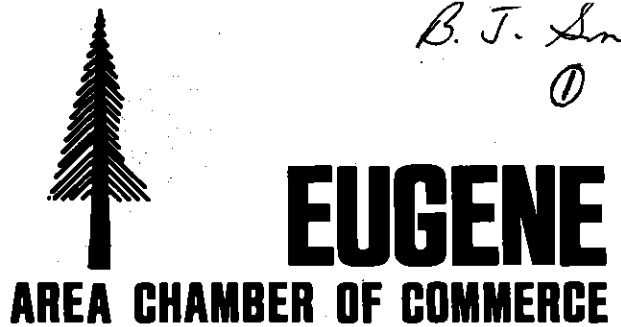
18. Letter of 9/4/81 from Lewis N. Powell, Public Works Director, City of Medford
19. Letter of 9/4/81 from Ruth Burleigh, Mayor, City of Bend
20. Letter of 9/4/81 from Lloyd Walker, Charleston Sanitary District
21. Letter of 9/8/81 from George C. Flitcraft, Mayor, City of Klamath Falls, accompanied by letters from Fred W. Heard, President, Oregon State Senate; Robert B. Kennedy, Oregon State Representative; Nell Kuonen, Floyd L. Wynne and Alvin A. Cheyne, Klamath County Board of Commissioners
22. Letter of 9/8/81 from David J. Abraham, Utilities Director, Department of Environmental Services, Clackamas County
23. Letter of 9/8/81 from William B. Barrons, City Manager, City of Albany
24. Information delivered 9/8/81 from Betty Donaldson, Eugene
25. Information delivered 9/8/81 from Melva Barnes, Eugene
26. Information delivered 9/8/81 from Amanda Marker and Melva Barnes, Eugene
27. Letter of 9/9/81 from Gerritt Rosenthal, 208 Program Manager, Lane Council of Governments
28. Letter of 9/9/81 from Nancy L. Davis, Mayor, City of Lowell
29. Letter of 9/10/81 from David J. Abraham, Utilities Manager, Clackamas County
30. Letter of 9/11/81 from Michael B. Huston, Senior Staff Associate, League of Oregon Cities
31. Letter of 9/11/81 from Arl A. Altman, Deputy Project Manager, BCS
32. Letter of 9/11/81 from G. David Jewett, Wiswall, Svoboda, Thorp and Dennett Law Offices
33. Letter of 9/8/81 from Gary E. Krahmer, General Manager, Unified Sewerage Agency of Washington County
34. Letter of 9/11/81 from Mike Lindberg, City of Portland
35. Letter of 9/4/81 from Lenn L. Hannon, State Senator, District 26, Jackson and Klamath Counties.

MMH:l

WL1043.B (1)

9/14/81

B. J. Smith  
①



July 16, 1981

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

Subject: Eugene-Springfield Water Treatment Facility

Dear Mr. Young:

We wish to express our concern for the uncertainty which presently surrounds the continued funding of this area's regional sewage treatment plant. We urge you to take whatever action you can to ensure that this plant can be made operational in the manner which was originally anticipated.

Federal funding problems aside, it is our understanding that the Department of Environmental Quality may not allocate whatever funds it does receive this year in a manner consistent with past practice. As you know, the citizens of Eugene and Springfield have exercised diligence in the construction of the plant to date, and have committed themselves to a local funding share of 25 percent of the estimated project cost. Present treatment systems are at or near capacity, and the area's comprehensive plan was based upon the assumption that the new facility would be built. The new plant is essential to maintaining the quality of the main stem of the Willamette River at its headwaters.

Funding difficulties have already upset the construction schedule, but the plant is, in fact over half finished. Because we at the local level have acted in good faith, we strongly believe that the state and federal governments have an obligation to satisfy their part of the original understanding, also. Specifically, this means continued 75 percent funding, and top project priority.

We appreciate the fact that funds are limited and wastewater problems exist elsewhere in the state. It is our opinion, however, that committed, partially built projects should be completed before commitments (which may become increasingly more difficult to fulfill) are made to other communities.

Therefore, we request that you continue to recognize our facility as a top priority project, and that you allocate federal funds as originally expected.

Sincerely,

John Amundson  
President

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**RECEIVED**  
JUL 20 1981

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**RECEIVED**  
JUL 20 1981

OFFICE OF THE DIRECTOR 107  
Eugene, Oregon 97440  
WATER QUALITY CONTROL  
503/484-1314

cc: Waste Water Management Commission





# CITY OF SILVERTON

306 SOUTH WATER STREET

SILVERTON, OREGON 97381

(503) 873-6321

*W. Young*  
*B.J. Smith*  
②

July 23, 1981

Mr. William Young, Director  
Department of Environmental Quality  
PO Box 1760  
Portland, Oregon 97207

Dear Mr. Young:

The City of Silverton recently received information concerning the two alternative sewer construction grant priority lists being considered for fiscal year 1982. The first alternative does not allow continuation of the transitioning for certain projects and separately prioritizes the segments or components of treatment system needs being considered unless the segments can be documented to be operationally dependent upon one another.

The second alternative allows a continuation of transitioning for certain projects in order to complete projects currently under construction. This is being offered once again as a result of federal grant reductions anticipated in fiscal year 1982 and possibly through fiscal year 1986.

Under alternative one, the City of Silverton's health hazard and various other city project are ranked number six behind Medford, Dechutes County, Bend, Albany and Portland, SW 45th. Anticipating a general allotment of \$11.14 million during fiscal year 1982 or 1983 and assuming that the ranking stays as proposed in alternative one, the City of Silverton's project would be funded in fiscal year 1983. The effluent disposal segment and the W. Main interceptor segment would not be funded until 1987 or the City would have to totally fund these components itself.

Under the second alternative, no part of the City's sewage construction program could begin until 1986 at the earliest.

Obviously, the City of Silverton favors alternative number one and also obviously favors the previously adopted policy of the Environmental Quality Commission of terminating the transitioning of projects as of fiscal year 1982.

The City of Silverton has participated in previous public hearings concerning transitioning and segmenting of projects and we fail to see any new compelling reasons to continue the transitioning policies.

DEPARTMENT OF ENVIRONMENTAL QUALITY State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
RECEIVED  
JUL 27 1981  
WATER QUALITY CONTROL  
OFFICE OF THE DIRECTOR

William Young, July 23, 1981

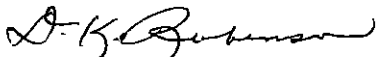
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The reasons offered for continuing transitioning appear to be weak as availability of money has been a problem that DEQ and Communities, including those on the second alternative list, have been keenly aware of for some time. All were also keenly aware of more stringent rules and regulations regarding eligibility for these funds. Also, the likelihood of suit against the DEQ commission's previously adopted policies regarding transitioning are no more or less likely now as compared to when public hearings were being held regarding the termination of this policy. Finally there is no less need now for these funds to assist cities such as Roseberg, Madras, Klamath Falls, Monroe, Cottage Grove, Silverton and many others. Returning to the transitioning at this point in time would create a disproportionate fiscal impact on communities such as Silverton, as opposed to the impact on large population centers that are better able to fund their sewage construction needs as they have access to funding sources unavailable to small communities such as Community Block Grants.

We encourage the EQC to reject the rule changes allowing a continuation of transitioning for selected projects and we question the rule giving direction to the construction of sewage facilities where insufficient federal grant funds are available to construct all needed facilities. We feel a rule is needed, however, we do not feel that this rule should benefit only the large urban population centers.

We thank you for your consideration of our request concerning transitioning. With best regards, I am

Sincerely,



Douglas K. Robinson  
City Manager

cc: Construction Grant Unit  
Mayor Middlemiss, Silverton

July 30, 1971

DEPARTMENT OF ENVIROMENTAL QUALITY  
522 S. W. FIFTH St.  
Portland, Or 97201

RE: HEARING SEPTEMBER 10, 1981 FEDERAL SEWER GRANTS

I WOULD LIKE TO REQUEST THAT THE COUNTY SANATARIAN OF LINCOLN COUNTY, COURT HOUSE NEWPORT, OREGON BE SENT INFORMATION ON AVAILABLE FEDERAL SEWER GRANTS FOR THE HEARING.

DEVILS LAKE WAS DECLARED A NAVAGIBLE WATERWAY BY THE STATE OF OREGON IN 1973, EVIDENCE OF LETTER SENT TO ALL OWNERS OF PROPERTY FRONTING THE LAKE.

THE LAKE HAS NUMEROUS SUBDIVISIONS WITH HOMES RANGING FROM 60 YEARS OR MORE TO CURRENT CONSTRUCTION WITH ~~NO SEWER~~ AVAILABLE. WE HAVE OWNED A LOT SINCE JANUARY OF 1959 AND WERE THE ONLY ONE OF OUR FRIENDS WHO DID NOT BUILD BEFORE DEQ MORATORIUM, HOWEVER MANY PEOPLE RECEIVED PERMITS ONE ADJOINING OUR LOT LINE RECEIVED SAME IN 1974 YEAR WE WERE FIRST DENIED.

THIS LAKE SHOULD CERTAINLY RECEIVED SOME PUBLIC ATTENTION BEFORE NOW AS TO THE POLUTION WITH SEPTIC TANKS AND THE FACT THAT THE LAKE IS ONLY 12ft. deep IN MANY AREAS. THE LAKE WAS POISENED AND STOCKED WITH TROUT ABOUT 16 YEARS AGO WHICH RESULTED IN THE LAKE REQUIRING ACTUAL MOWING OF THE ALGAE IN THE NORTHWEST FINGER SINCE THE TRASH FISH HAD BEEN KILLED.

THIS IS ONE OF THE FEW RECREATION LAKES IN THE STATE WITH CLOSE ACCESS TO THE CITIES AND JUST ACROSS THE STREET FROM THE OCEAN INTO WHICH IT EMPTIES. A FEDERAL GRANT COULD BE OF NO BETTER USE THAN ONE WHICH PROVIDES PROTECTION OF CLEAN WATER FOR PUBLIC USE. A STATE PARK WITH BOAT DOCK ALSO FRONTS THE LAKE AS DOES 3 OTHER PUBLIC PARKS ON THE EAST SIDE, WEST SIDE, AND ON THE SOUTH SIDE. A PUBLIC BOAT RAMP IS LOCATED AT TWO AREAS.

Very truly yours,

*Helen D. Schauermann*

HELEN D. SCHAUERMANN (MRS. ARTHUR E.) ONWER OF LOT #10 VIECREST ADDITION  
790 SE WEBBER ST. #20a TAX LOT #73.12  
PORTLAND, OR 97202

*cc Hurson of Lands letter enclosed*

*If this should go to Seattle please forward a copy*

RECEIVED

AUG 3 1981

Water Quality Division  
Dept. of Environmental Quality



# DIVISION OF STATE LANDS

## OFFICE OF THE DIRECTOR

502 WINTER STREET NE. • SALEM, OREGON • 97310 • Phone 378-3805

June 6, 1973

### OREGON STATE LAND BOARD

TOM McCALL  
Governor

CLAY MYERS  
Secretary of State

JAMES A. REDDEN  
State Treasurer

WILLIAM S. COX  
Director

Mr. and Mrs. A. E. Schauerermann  
~~2738 16th~~  
Forest Grove, Oregon

ARTHUR E. SCHAUERMANN  
790 SE WEBBER #203  
PORTLAND OR 97202

Dear Mr. and Mrs. Schauerermann:

The purpose of this letter is to advise you that the State of Oregon claims title to the unsold submerged and submersible lands underlying Devils Lake. The basis of this claim is that Devils Lake is a navigable body of water and was navigable at the time the state was admitted into the Union in 1859.

The Oregon Division of State Lands has just completed an investigation into the navigability of Devils Lake pursuant to instructions of the Oregon Legislature as contained in Senate Joint Resolution 3 (Attachment 1). The purpose of this study was to determine who owns the bed and banks of Devils Lake.

The Division's investigation shows that Devils Lake is a navigable body of water - navigable in fact and therefore navigable at law - and therefore concludes that the bed and shore lands lying below the line of ordinary high water <sup>1/</sup> are owned by the State of Oregon and under the jurisdiction of the State Land Board.

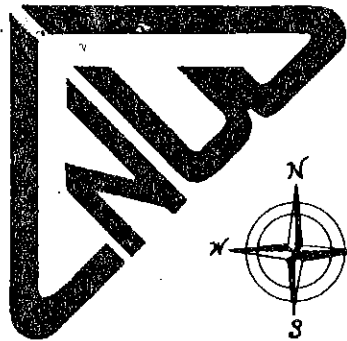
Devils Lake is a large fresh water lake located on the Oregon coast at Lincoln City, Oregon (Attachment 2 - map). This lake is a typical "drowned valley" system so commonly found on the Oregon coast where sand dunes have formed a barrier across the mouth of a drainage system and impounded water to form a lake. A brief table describing physical characteristics of the lake is shown in Attachment 3.

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<sup>1/</sup> Oregon law defines the line of ordinary high water [ORS 273.005 (3)] as "the line on the beach or shore to which the high water ordinarily rises in season."

RECEIVED  
AUG 3 1981





# CONSULTANTS NORTHWEST, INC.

907 W. Highland Avenue

P.O. Box 759, Redmond, OR 97756

tele: (503) 548-6136

August 11, 1981

81-00.0

Young  
EQC  
B.J. Smith  
(4)

Environmental Quality Commission  
Box 1760  
Portland, OR 97207

Subject: Agenda Item No. E (1) & E (2)  
July 17, 1981, EQC Meeting

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**RECEIVED**  
AUG 12 1981

Gentlemen:

**OFFICE OF THE DIRECTOR**

The following written comments are being submitted for your consideration at the 8 September 1981 public hearing as per the Department's recent notice.

Agenda Item No. E. (1)

In the immortal words of one of this country's great leaders, the proposed modification of the September 19, 1980 Rules, "SUCKS." We strenuously object to modification of this rule in favor of the City of Bend, City of Portland and MWMC projects. Except for some token consideration for the remainder of the State, grant funds for other than these three areas would be non-existent for 5 to 6 years (depending on cost overruns on these projects). In fact, if one were to delete the (81) funds and the set aside funds (MWMC hasn't figured out how to get their hands on these funds YET), other than the three communities mentioned above, the entire State would be void of grant funds until FY 86 which is over 4 years from this date.

Adoption of this policy is in complete conflict with Agenda Item No. E (2) which we will comment on later in this report. Which communities have the ability to construct facilities over an appropriate time span with 100% local funds? Is it the community with over 50,000 population or under?

The adoption of this revised policy would also serve to eliminate small contracting firms, suppliers and consulting engineering firms. Many of these businesses are versatile, and may be able to change direction or emphasis with a minimum of employee layoff and financial turmoil. For those that can't make the change, they can close their doors and look elsewhere. After all, who cares?

**WATER QUALITY CONTROL**

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**RECEIVED**  
AUG 13 1981

We believe that during FY 82, in which no funds are expected, the EQC should suspend all design work on the Portland, Albany, Madras, Cottage Grove, Corvallis, Deschutes Co./Terrebonne, Klamath Falls, Tri-City, and MWMC projects and request that these communities develop "a financing plan which will assure that future sewerage works construction and operation needs can be fully financed by local revenues." We would suggest that all the (81) funds on these projects which have been withheld be utilized by the Department to finance the construction of the Monroe, Silverton and Rhodo-Welch projects which are now ready to proceed, and as a result of previous EQC action on the Bend project, including the award of a "hardship grant", we would suggest the final funding of this project. If the Medford/Foothills and Roseburg/Rifle Range projects do not involve the extension of an interceptor to serve "new development", these two projects (interceptors only) could also proceed to construction.

All of these projects would result in the expenditure of \$4,370,000 versus the \$5,099,000 now planned which would allow for some cost overrun and/or additional projects, or the possible funding of the "financial planning studies".

In particular, we believe the expenditure of grant funds for design of any project at this time with construction not planned for 4, 5 or 6 years or more down the road is ridiculous. A design document which is 3 months old often needs substantial revision, let alone one that is 6 years old.

The following table indicates the affects of the adoption of the proposed Alternate I & II funding list in their current form:

	ALT. I						ALT. 2					
	SMALL CITY <sup>1</sup>			BIG CITY <sup>2</sup>			SMALL CITY <sup>1</sup>			BIG CITY <sup>2</sup>		
	81	83	86	81	83	86	81	83	86	81	83	86
STUDY	2	0	0	0	0	0	2	0	0	0	0	0
DESIGN	8	1	0	14	0	0	8	0	1	14	0	0
CONSTRUCTION	0	17	5	1	1	5	0	1	14	1	3	5

FOOTNOTE:

- 1. Small cities include entire State except for communities listed in footnote 2.
- 2. Big cities include MWMC, Portland & Tri-City only.

As one will note, the modification of the September 19, 1980 rule entirely favors the big cities. We would ask that you consider whether this policy would truly be in the best interest of the citizens of Oregon.

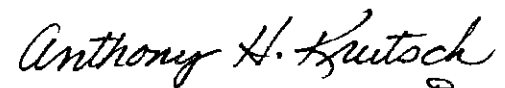
Agenda Item No. E (2)

We would concur in the basic philosophy of this proposed statement, but believe that all projects not mentioned for (81) funds in our previous discussion, be required to comply. We would also suggest the following additions and/or directions be initiated by the EQC:

1. Investigate grant funding criteria similar to that utilized by the Farmers Home Administration in which grant funds are based on a State-wide average of the citizen's actual costs. In this case, the Department would review past per capita local share costs which could be adjusted by an established inflation rate to today's equivalent cost. Each project could be broken down by dividing the project cost by population benefitted and the resulting difference between these two figures would be considered eligible for a 100 percent grant. Needless to say, the idea needs refinement, but we feel deserves investigation.
2. Direct the staff to prepare a State-wide sewer user ordinance and financial plan in which a community may insert its name and/or costs for each variable to come up with a standardized Oregon system. In this way, each community can be operating with the same set of rules and regulations, and develop a comparable cost analysis.

We appreciate your consideration of our comments and look forward to your decisions in these matters.

Sincerely,



Anthony H. Krutsch  
Consultant

AHK:pr  
cc: Mike Henry  
File







METROPOLITAN SERVICE DISTRICT  
527 S.W. HALL ST., PORTLAND, OR. 97201, 503/221-1646

EQC  
B.J. Smit  
Young  
⑥

Rick Gustafson  
EXECUTIVE OFFICER

Metro Council

Jack Deines  
PRESIDING OFFICER  
DISTRICT 5

Betty Schedeen  
DEPUTY PRESIDING  
OFFICER  
DISTRICT 7

Bob Ofeson  
DISTRICT 1

Charlie Williamson  
DISTRICT 2

Craig Berkman  
DISTRICT 3

Corky Kirkpatrick  
DISTRICT 4

Jane Rhodes  
DISTRICT 6

Ernie Bonner  
DISTRICT 8

Cindy Banzer  
DISTRICT 9

Bruce Ellinger  
DISTRICT 10

Marge Kafoury  
DISTRICT 11

Mike Burton  
DISTRICT 12

August 21, 1981

RECEIVED

AUG 23 1981

Water Quality Division  
Dept. of Environmental Quality

Mr. Joe B. Richards, Chairman  
Environmental Quality Commission  
P.O. Box 1760  
Portland OR 97207

Dear Joe:

Re: Construction Grants Priority List for FY 82.

The task of maintaining the State's Sewerage Works Construction Grant Program, given the uncertainties of funding and the efforts to reform the program at the federal level, is extremely difficult. The Department of Environmental Quality staff should be commended for their efforts to keep the program operational, so in the event of renewed funding, monies can be transferred to local projects as quickly as possible.

Two alternatives have been proposed: 1) based on the criteria adopted by Environmental Quality Commission (EQC) on September 19, 1980, including revised policies on transitioning and segmentation; 2) based on the September 19, 1980, criteria but with modification to the transition policy.

The September 19, 1980, criteria were based on the best knowledge and assumptions concerning continuing "201" funds available at that time. They were the topic of several public hearings and received considerable testimony, pro and con, prior to adoption by the EQC. Unfortunately, these assumptions appear to be incorrect. The second alternative is an attempt to modify the criteria based on new assumptions.

Both alternatives proposed are an attempt to second guess the federal reform legislation currently proposed and both

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
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OFFICE OF THE DIRECTOR

Mr. Joe B. Richards  
August 21, 1981  
Page Two

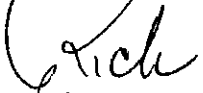
may prove wrong. As a third alternative, I would like to offer the following recommendations developed by Metro's Water Resource Policy Alternatives Committee:

1. Postpone action on Alternatives 1 and 2.
2. Extend the current (FY 81) priority list and criteria until federal reform legislation has been adopted and future funding levels established.
3. Develop new criteria and list as appropriate based on the revised legislation and funding appropriations and hold new public hearings at that time.

In any event, new hearings should be held concerning any revisions to the priority list which may result from legislation or program funding changes.

Thank you for your consideration of these recommendations. We welcome your questions or comments.

Sincerely,



Rick Gustafson  
Executive Officer

RG:JL:srb  
3986B:D3

cc: Bill Young, DEQ

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X

1200 SIXTH AVENUE  
SEATTLE, WASHINGTON 98101



REPLY TO  
ATTN OF: M/S 429

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**RECEIVED**  
AUG 31 1981

**WATER QUALITY CONTROL**

August 27, 1981

Mr. Harold L. Sawyer  
Department of Environmental Quality  
P. O. Box 1760  
Portland, Oregon 97207

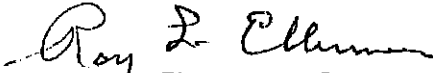
Dear Mr. Sawyer:

The Draft Construction Grants Priority List for FY 1982 and the changes proposed to the Priority Criteria have been reviewed and the following comments are made for your consideration.

1. Several Step 2 projects appear on the priority list for immediate grant awards, while the subsequent Step 3 grants have target certification dates three or more years in the future. This is a long interval between design and construction for changes to occur which could require design changes. It may be advisable to delay the award of the Step 2 grants and fund Step 3 grants that are already designed if they have sufficient priority. Please give us an explanation.
2. The criteria and attendant information is not clear as to accounting procedures proposed for funding Step 1 and Step 2 projects. It appears that Step 1 and Step 2 projects are rated and rank with Step 3 projects and will be funded from the general account and only unidentified Step 1 and Step 2 projects of an emergency nature will be funded from the reserve account. (See Section 340-53-030 (2) and (3) and Item 4 of Attachment No. 5). It is important that the information to the public is clear on this matter.
3. Attachments 5 and 6 show \$610,000 in set-asides for alternative systems for small communities and \$450,000 in the I/A set-asides. I/A projects and alternative projects for small communities may receive higher priority and should be identified on the priority list prior to public hearing.

Please incorporate the above comments into your priority list prior to the public hearing. If you would like to discuss this, please call me or Carl Nadler at (206) 442-1266.

Sincerely,



Roy W. Ellerman, P.E.  
Chief, Municipal Assistance Branch

cc: OR Op. Of.

# CITY OF ROSEBURG

900 S. E. Douglas Avenue  
ROSEBURG, OREGON 97470

August 31, 1981

Environmental Quality Commission  
P. O. Box 1760  
Portland, Oregon

Ref: Public Hearing/Proposed Policy on Sewer Work Construction

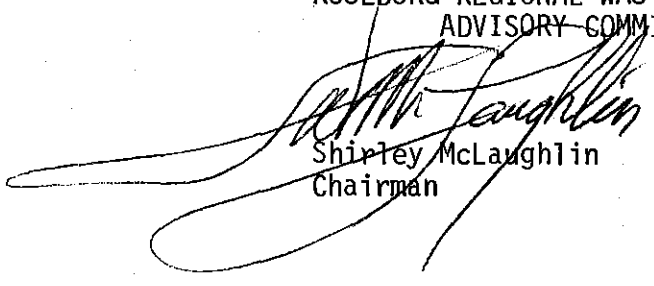
Dear Sir:

We have reviewed your proposed policies on Sewerage Works Construction and feel that in general the rules are realistic. We feel that it is extremely important that the EQC recognizes the dependency the cities and districts have placed upon the Federal program and the difficulty they will face funding immediate construction needs without this program. Any interim measures which will enable temporary increases in discharge loading or temporary treatment works that will provide an order transaction to a new program is strongly recommended.

We are naturally interested in the federal grant program and funding lists but can add very little that will help you in your consideration of this issue.

Yours very truly,

ROSEBURG REGIONAL WASTEWATER FACILITIES  
ADVISORY COMMITTEE



Shirley McLaughlin  
Chairman



**LINN COUNTY  
BOARD OF COMMISSIONERS**

P.O. Box 100, Albany, Oregon 97321  
Telephone 967-3825

*William Young*  
*B. J. Smith*

COMMISSIONERS

JOEL D. FOSDICK, JR.  
DAVE COOPER  
PATRICIA TOLLISEN

ADMINISTRATIVE  
OFFICER

WILLIAM L. OFFUTT

September 1, 1981

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

Subject: Proposed Rule Change  
"Sewage Works Construction Program"

Dear Mr. Young:

The Linn County Board of Commissioners understands that DEQ is holding a public hearing to modify rules that could significantly change the currently adopted Sewage Construction Grant Priority List. The proposed "alternative No. 2" would fund projects in Bend, Eugene, Springfield and Portland. As a result, no monies would be available to fund elimination of health hazard areas throughout the state until, at best, 1986.

We understand the dilemma you face in light of federal funding reductions. However, we urge the Department to maintain its current public health oriented priority list. As you know the Drapersville-Century Drive area in Linn County is number two on the list. With the adoption of Alternative 2 this demonstrated health hazard area will continue to be unresolved for several more years. Due to the cost of the project the residents cannot fund it totally on their own.

Sincerely,

Linn County Board of Commissioners

*Joel D. Fosdick Jr.*  
Joel D. Fosdick Jr., Chairman

*Dave Cooper*  
Dave Cooper, Commissioner

*Patricia Tollisen*  
Patricia Tollisen, Commissioner

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

**RECEIVED**

SEP 2 1981

OFFICE OF THE DIRECTOR

cc: City of Albany

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

**RECEIVED**

SEP 4 1981

**WATER QUALITY CONTROL**

CITY OF MONROE  
MONROE, OREGON 97456

September 1, 1981

EQC  
Young  
B. J. Smith  
⑩

Environmental Quality Commission  
Box 1760  
Portland, Oregon 97207

Re: Agenda Item #E  
July 17 EQC meeting  
Public Grants Priority '82

Dear EQC Members:

The City understands that due to cutbacks in federal funding, the DEQ is proposing two alternatives for allocation of the available funds. The City of Monroe wishes to register their support of alternative #1, that health hazard areas be given top priority.

Since a health hazard area without a sewer system exists in the city limits and there is a serious need to serve these people immediately, there is a vital need for federal grant funds if this sewer system is to be constructed.

Sincerely,

*Harold Larkin*  
Harold Larkin  
Mayor, City of Monroe

RECEIVED  
SEP 9 1981

Water Quality Division  
Dept. of Environmental Quality

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
RECEIVED  
SEP 4 1981

OFFICE OF THE DIRECTOR



EQC  
Young  
B. J. Smith  
①

# Klamath County Department of Health Services

3300 VANDENBERG ROAD  
KLAMATH FALLS, OREGON 97601  
Telephone: (503) 882-8846  
September 1, 1981

RECEIVED  
SEP 9 1981

Environmental Quality Commission  
P.O. Box 1760  
Portland OR 97201

Water Quality Division  
Dept. of Environmental Quality

To Whom it May Concern:

It is our understanding that Agenda Item #E from the July 17th EQC meeting will be considered at a public hearing September 8th in Portland. This item involving priorities in distributing reduced federal sewage funds.

Since the ramifications of any action taken on this subject could have dramatic health and financial impacts on all residents of Klamath County, as well as the rest of the state, we would like to make our feelings known.

As the two options for funding appear, it would seem that the commission will be deciding between help for many smaller areas of Oregon or to continue dumping millions of dollars into large metropolitan projects.

It would seem that the intention of federal monies for sewer projects would be best utilized in helping the health hazard areas that have neither the bonding capacity nor financial resources to solve their own critical health problems.

By funding the few large projects you are giving monies to solve problems of course, but you are also giving monies to areas capable of generating their own.

With limited resources it only makes sense to help those who need help the most. This can be done by funding a priority list of health hazard areas that do not have any financial capabilities themselves.

If the commission decides to fund large projects, it could very well be another slap in the face to already overburdened small communities.

Sincerely,

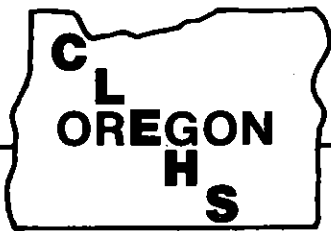


Russ Mull, R.S.  
Director  
Environmental Health Division

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
RECEIVED  
SEP 4 1981

EQUAL OPPORTUNITY EMPLOYER

OFFICE OF THE DIRECTOR



CONFERENCE OF  
LOCAL ENVIRONMENTAL HEALTH SUPERVISORS

EWC  
B.J. Smith

(12)

*Clackamas Co Health Dept.  
1425 S. KAEN RD.  
ORO CITY, OR 97045  
695-8385*

September 2, 1981

Joe Richards, Chairman  
Environmental Quality Commission  
PO Box 1760  
Portland, OR 97207

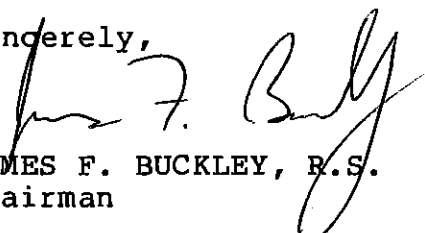
Re: PROPOSED SEWAGE CONSTRUCTION GRANT RULE CHANGE

Our organization understands that you are proposing to modify rules relating to Sewage Construction Grants.

We strongly recommend that alternative number 1 (based on current rules) be adopted, as that proposal continues to place priority for funding on projects that alleviate documented health hazards.

Thank you for the opportunity to comment on this proposal.

Sincerely,

  
JAMES F. BUCKLEY, R.S.  
Chairman

/lo

cc: Dick Swenson  
Bill Young

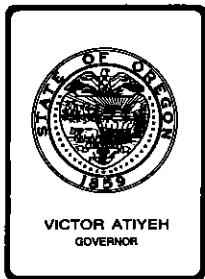
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SEP 9 1981

Water Quality Division  
Dept. of Environmental Quality

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
RECEIVED  
SEP 8 1981

OFFICE OF THE DIRECTOR



*Department of Human Resources*  
**HEALTH DIVISION**

1400 S.W. 5th AVENUE, PORTLAND, OREGON 97201 PHONE 229-5954

September 2, 1981

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

Dear Mr. Richards:

Re: Agenda items No. E, July 17, 1981, EQC meeting on the  
Construction Grants Priority List for Fiscal Year 1982.

It has come to my attention that due to projected cuts in federal funding for sewer projects in Oregon, the Department of Environmental Quality is considering two alternatives for the FY 82 Priority List.

Both of the alternatives have demonstrable merit and the choice between the two is a difficult one.

I'm writing to express my support for alternative I which would give priority to the declared health hazard areas. Most of these projects have waited years for funding while the conditions causing a danger to public health have gone unabated. The fact that most of these areas are located in or adjacent to cities with resources clearly inadequate to effect correction on a local level and since the conditions affect the general public outside the annexation area, I would urge the Commission to choose Alternative I as best serving the interests of the citizens of Oregon.

Sincerely,

*Max Baderms for Kristine M. Gebbie*

Kristine M. Gebbie  
Assistant Director, Human Resources  
Administrator, Health Division

KG:ho

**AN EQUAL OPPORTUNITY EMPLOYER**

Mailing Address: P.O. Box 231, Portland, Oregon 97207  
EMERGENCY PHONE (503) 229-5599

# CITY OF ROSEBURG

900 S. E. Douglas Avenue  
ROSEBURG, OREGON 97470

September 2, 1981

Environmental Quality Commission  
P. O. Box 1760  
Portland, Oregon 97204

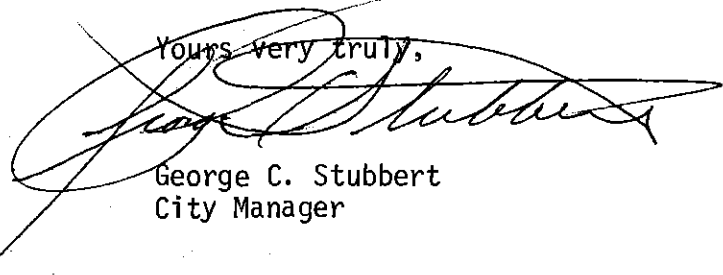
Ref: Public Hearing/Proposed Policy on Sewer Work Construction

Dear Sir:

We have reviewed your proposed funding allocation and would strongly recommend Alternative No. 1. We cannot see the advisability of lengthy delays in funding of health hazard annexation projects. These programs have been mandated by the state and deserve all the funding consideration possible. In many cases these projects will place an unreasonable financial burden on individuals if grant funds are not made available. Lengthy delays only add to health problems of the areas effected.

Your adoption and continued support of Alternate No. 1 is strongly urged.

Yours very truly,



George C. Stubbert  
City Manager

ENO:GCS:dw

- x.c. Mayor Dunn
- G. Fields
- B. Long
- D. Robertson
- B. Vian

State Health Dept.  
(Div. of Health Hazard Annex.)

# Metropolitan Wastewater Management Commission

(15)  
COMMISSION MEMBERS  
Don Carler—Springfield Councilperson  
Vance Freeman—Lane County Commissioner  
Pat Hocken—Eugene Lay Representative  
Betty Smith—Eugene Councilperson  
Steve Allen—Springfield Lay Representative  
Mark Westling—Eugene Lay Representative  
Gary Wright—Lane County Lay Representative

899 PEARL STREET — P.O. BOX 1463 — PEOPLES BANK BUILDING — EUGENE, OR 97401 — PHONE (503) 687-3974

September 3, 1981

Mr. Joe Richards  
Chairperson  
Environmental Quality Commission  
522 S.W. 5th Avenue  
Portland, OR 97204

SUBJECT: TESTIMONY FOR EQC SEPTEMBER 8, 1981 PUBLIC HEARING ON FY82  
PRIORITY LIST

Dear Mr. Richards and Members of the Commission:

We object most strenuously to the placement of the MWMC sludge handling facilities construction grant at the year 1987 and beyond on the FY82 funding Priority List. As members of the MWMC's Advisory Committee, we have worked diligently over the past two years to develop the best possible sludge management options for this metropolitan community. After considering all possible alternatives, we recommended to the Commission that it pursue facultative lagoon storage and air drying of sludge at Site C north of Eugene. Our reasons for this recommendation were numerous, not the least of which were cost considerations and environmental impact. This recommendation was adopted by the MWMC, and subsequently approved by the DEQ (see March 13, 1981 letter from Harold Sawyer, attached).

This advisory committee is composed of 15 citizens from Eugene, Springfield and Lane County. We represent industry, economic interest, private citizens, environmental groups, farming, and citizen activist groups. Our advisory committee also includes elected officials from the City Councils of Eugene and Springfield. Although our backgrounds and orientations differ, we are united in our support for the adopted sludge management program.

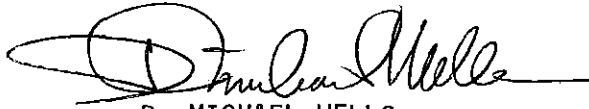
We believe it is unrealistic and unacceptable to expect us to complete a liquid process train without making provisions to responsibly handle the solids extracted from that liquid treatment process. Without a means to dispose of the sludge solids, it will be impossible to start the new plant. It is a fact that as soon as the regional plant becomes operational--even without any additional population growth--the sludge production will increase to the extent that the existing temporary lagoon will be incapable of handling the new volumes. This increased sludge production will be a result of the following three factors: (1) treatment of two cities' waste; (2) an activated sludge

Mr. Joe Richards  
September 3, 1981  
Page 2.

process which will yield increased volumes of sludge due to the lower solids content (ie., a "soupier" sludge); and (3) the increased efficiency of the new facilities. In short, the existing interim sludge management program is just that--interim. It simply cannot accommodate the increased sludge production of the new regional facilities.

Expecting us to "make do" with a temporary sludge management program is not only unrealistic--it is impossible. Sludge management is an integral part of the wastewater management process and must be provided funding in FY82.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Michael Wells". The signature is fluid and cursive, with a large initial "D" and a long horizontal flourish extending to the right.

D. MICHAEL WELLS  
Chairperson  
MWMC Advisory Committee

DMW:SAB:sab

Enc.



COPY

Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

March 13, 1981



Metropolitan Wastewater Management Commission  
899 Pearl St.  
Eugene, OR 97401

Attention Mr. William V. Pye

Re: MWMC Sludge  
Management Program

Gentlemen:

We have received and reviewed copies of the Sludge Management Program prepared for MWMC by Brown and Caldwell, Engineers. We have limited our in-depth review to the recommended alternative after going through the initial screening process of considering all the alternatives presented. The report provides an excellent analysis of the technology presently available for this activity.

The recommended alternative is whole-heartedly supported by the DEQ on the basis that it provides a fully reliable, long-range program for sludge management.

If the recommended alternative, or portions of it, cannot be implemented for any reason, other alternatives, many of which may be approvable, would require an in-depth review to determine their acceptability.

The following comments are offered with respect to the recommended alternative:

1. We fully support the concept of off-site facilities with pipeline transmission, facultative sludge storage lagoons for further stabilization and consolidation of the digested sludge, and agricultural utilization.
2. The proposed site must conform with the adopted land use plan. It is technically acceptable from the standpoint of topography, drainage and accessibility to agricultural farmland.
3. An extensive groundwater monitoring program should be established at an early date in order to acquire a background data base on existing groundwater quality in proximity to the proposed sludge handling and storage site.

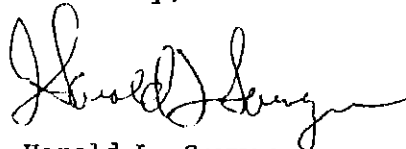
Metropolitan Wastewater Management Commission

March 13, 1981

Page 2

4. Alternative IIa suggests that as much as 80 percent of the thickened sludge from the storage lagoons will be air dried for farmland or landfill use. For ultimate utilization, we would urge that maximum use be made of liquid application to farmland. Also, is it necessary to acquire specially designed equipment at this time for land-fill application of dried sludge?
5. The methods and program for agricultural land application are in agreement with our guidelines for digested sludge utilization.

Sincerely,



Harold L. Sawyer  
Administration  
Water Quality Division

ERL:l

WL671 (1)

cc: Brown and Caldwell  
US EPA, Oregon Operations Office  
Eugene Branch Office, DEQ





# BEAR CREEK VALLEY SANITARY AUTHORITY

PHONE (503) 779-4144 3915 SOUTH PACIFIC HWY. • MEDFORD, OREGON 97501

September 3, 1981

Environmental Quality Commission  
P. O. Box 1760  
522 Southwest Fifth Avenue  
Portland, OR 97204

Dear Commissioners:

We appreciate the opportunity to comment on the following items:

1. The proposed FY-82 Construction Grants Priority List.
2. The modification to the construction grant criteria rules.
3. The proposed EQC rules regarding construction of sewage works without federal funds.

The following comments are submitted concerning the items noted above and in the same order:

1. Project No. 607-BCVSA/Whetstone Creek, was Priority Number 34 and in Project Class B on the FY-81 Priority Listing. It was scheduled for Step 1 funding in the Spring of 1981 but was not funded because of the withdrawal of funds by the Congress on June 5, 1981. This occurred after a considerable amount of work updating the grant application which had been originally submitted in 1977. No written information was received on the project status standing until August 6, 1981, when the proposed FY-82 listing was received and on August 24, 1981, when the DEQ letter of August 17, 1981, gave formal notice of the rescheduling of the project because of reductions in federal grant amounts.

We had been given earlier verbal information on the lack of funds but no notice was given to us of the reclassification of the project from Class B to Class D until the proposed FY -82 Priority List was received on August 6, 1981. The reason for reclassification is given on page 10 of the Priority List Alternative 1; namely, that the project was re-evaluated during the FY-81 priority list development with the expectation that the project class would be further evaluated during facilities planning which, of course, never occurred because of the reduction of federal funds. It also mentioned that the original basis for ranking in Project Class B was a stream monitoring report on samples taken during March 1980.

We strongly object to the arbitrary re-evaluation of this project from Class B to Class D for the following reasons:

a. No notice was given until August 6 which has given us an extremely short period in which to submit additional data.

b. No consideration is given to the data on stream quality submitted with our letter of April 14, 1980, which lists monitoring results on samples taken from October 1976 to November 1977, showing many violations of stream quality standards.

c. The re-evaluation drops the project from Priority Number 34 on the FY-81 list to Priority Number 143 on Alternative 1 and 140 on Alternative 2. This is completely unfair because monitoring data definitely justifies placement in Project Class B. Water quality standards are violated repeatedly and beneficial uses may be damaged irreparably.

As noted in a. above, we were given late notification of the re-evaluation but we have been able to accomplish additional sampling, a file search for subsurface system violations by Jackson County Sanitarians, and additional monitoring results from the City of Medford noted in b. above. The following data gives additional conclusive justification for placement of this project in Class B, i.e.:

Sampling Results, Fecal Coliform Count in MPN/100 ML

	<u>Date</u>	<u>1W</u>	<u>1E</u>	<u>2E</u>	<u>3E</u>	<u>4E</u>	<u>5E</u>
	( 10/22/79	440		300			
	( 10/26/79	1400		1100			
	( 11/8/79	200		1000			
City of	( 11/14/79			300			
Medford	( 11/20/79	400		300			
Lab	( 11/26/79	850		1300			
	( 12/11/79	<100		1000			
	( 12/20/79	150		100			
	( 2/14/80	100		< 50			
BCVSA	( 8/13/81	1000	100	3700	4300	*	1500
	( 8/26/81	200	1000	1600	6000	100	*

\*Samples Unreadable

A map is attached (Attachment 1) showing the sampling locations, 1W to 5E. The results of the file search by Jackson County Sanitarians is also attached (Attachment 2). There is not sufficient

time available to indicate the properties on a plat mat but a review of Attachment 2 will substantiate the fact that systems operate marginally or have failed and that area soils are not conducive to proper operation of subsurface disposal systems. Drainage in the area is toward Whetstone Creek which accounts for water quality standards being exceeded. It should also be noted that the decrease in fecal coliform count downstream of the file search area is caused by the Denman Game Refuge acting as a lagoon. As pollution continues to increase, the beneficial use as a game refuge may very well be lessened and in the long run damaged irreparably.

In summary, we strongly believe that a mistake was made in the re-evaluation of this project. We request that the originally-submitted data be again reviewed along with the data submitted with this letter and another determination be made regarding Project Classification. In our opinion, the data submitted exactly meets the requirements for classification of the Whetstone Project in Class B and we request that it be done and the Project Priority Number be raised on the FY-82 list.

2. Re the modification to the construction grant criteria rules:

We do not believe that the criteria rules should again be modified to allow limited transitioning. Health hazard projects should be funded. We suggest that MWMC, Bend and Portland use local funding for the segments. The cities of Medford, Central Point, Phoenix and Jacksonville and the Bear Creek Valley Sanitary Authority are using local funding for the Regional Treatment Plant expansion because we do not want the plant to become overloaded. In other words, we have given up on getting federal assistance because we would not allow a problem to occur. We believe that the three entities named above should also be required to locally fund the segments if a sufficiently high priority ranking is not justified under present criteria.

3. Re the proposed EQC rules for construction of sewage works without federal funds: For the Commission's information, the Special Districts Association of Oregon (SDAO) is fulfilling the same role for the 920 special districts in Oregon as the League of Oregon Cities is providing for the cities in Oregon. The SDAO will assist the Commission in its contacts with sanitary districts and sanitary authorities.

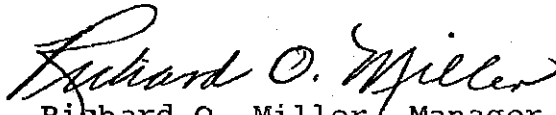
We agree with the proposed policy statement.

Environmental Quality Commission  
September 3, 1981  
Page Four

Again, we appreciate the opportunity to comment on the noted items. We trust that there will be a review of previously submitted data as well as that submitted with this letter. Thank you.

Yours very truly,

BEAR CREEK VALLEY SANITARY AUTHORITY

  
Richard O. Miller, Manager  
For the Board of Directors

ROM:gj

Encl.

INTEROFFICE MEMORANDUM - JACKSON COUNTY

TO: BCVSA, Dick Miller and Gary Miner  
FROM: Ken Cote and Kathie Dye  
DATE: August 28, 1981  
SUBJECT: Whetstone Creek Project

A search through our files on the area immediately surrounding Corey Road and Crater Lake Highway from Vilas Road to Gregory Road, revealed many failing septic systems and soils that are unsuitable for standard and most alternative subsurface sewage disposal systems. We are enclosing a list of the problems for your use. Please keep in mind that our files are incomplete as some septic systems may have been installed previous to our record keeping system, and we do not have files on systems that may have been illegally installed, that the Department of Environmental Quality is responsible for issuing holding tank permits, and that we were unable to research information for the entire project area due to time restrictions.

Soil Conservation Service soil mapping show the following soil conditions to exist in the Whetstone Project Area:

18B Brader-Debenger Loams, 1-7 percent slope

The Brader series consists of well drained loam over clay loam soils. Depth to weathered sedimentary rock is 12 to 20 inches. The Debenger series consists of well drained loam soils. Depth to weathered sedimentary rock is 20 to 40 inches.

18D Brader-Debenger Loams, 7-20 percent slope

See Above

32A Agate-Winlo Complex, 0-3 percent slope

The Agate series consists of well drained loam over clay loam soils abruptly over a hardpan. These soils are in the mound area of patterned ground on fan terraces. Depth to hardpan is typically 20 to 30 inches. The Winlo series consists of somewhat poorly or poorly drained gravelly clay loam and gravelly clay soils abruptly over a hardpan. They are in the intermound area of patterned ground. Depth to Hardpan is typically 7 to 15. Permeability is slow to very slow in the pan.

39A Cove Clay, 0-3 percent slope

The Cove series consists of poorly drained silty clay loam over silty clay soils. Permeability is very slow. The effective rooting depth is less than 20 inches due to high seasonal water. Runoff is very slow to ponded. Mottled clay depth extends to a depth of more than 60 inches.

41A Winlo Gravelly Clay Loam, 0-3 percent slope

See Agate-Winlo Description

61A Coker Clay, wet variant, 0-3 percent slope

The Coker wet variant consists of poorly drained clay soils on nearly level depressions and drainages. Depth to bedrock is more than 60 inches. Runoff is slow to ponded. Permeability is very slow.

62A Coker Clay, 0-3 percent slope

The Coker series consists of somewhat poorly drained clay soils. Depth to bedrock is more than 60 inches. Permeability is very slow.

63A Phoenix Clay, 0-3 percent slope

The Phoenix series consists of poorly drained clay soils on nearly level fans. Depth to sandstone bedrock is 20 to 40 inches. Permeability is slow. Runoff is slow.

70B Manita Loam, 2-7 percent slope

The Manita series consists of well drained loam over clay loam or clay soils. Depth to weathered sandstone or metamorphic rock is 40 to 60 inches. Permeability is moderately slow.

70D Manita Loam, 7-20 percent slope

See above

71B Selmac Silty Clay Loam, 3-7 percent slope, dry variant

The Selmac consists of well drained silty clay loam over clay soils. Depth to bedrock is over 60 inches. Permeability is very slow.

All of these soils are rated as severe for use with septic system absorption fields.

- 36-1W-27-701 - Site evaluation of 1971 denied due to severe soil conditions.
- 36-1W-27-700 - System permit issued as "Prior Approval" (substandard). Installed 11/74 not to permit specs.
- 36-1W-27-800 - Existing system failing. Repair permit issued for substantial system in unacceptable soils. No record of installation.
- 36-1W-27-900 - Existing system failing in 1978. Repair system permit issued for substandard system due to soils. Installed 1978.
- 36-1W-28-102 - Site evaluation of 6/12/80 denied due to severe soil conditions.
- 36-1W-28-100 - Hook-up approved for marginal system. May not function satisfactorily in periods of heavy precipitation.
- 36-1W-28-200 - Apparent failure noted by Jackson County sanitarians 5/1/80. No record of repair.
- 36-1W-28-302 - Repair installed. Approved 3/25/75.
- 36-1W-28-500 - Site evaluation denied due to severe soil conditions. Owner threatened to install illegal system.
- 36-1W-28-501 - Site evaluation of 8/12/80 denied due to severe soil conditions.
- 36-1W-28-1500 - Site evaluation of 6/21/72 denied due to severe soil conditions.
- 36-1W-28-2500 - Site evaluation denied due to severe soil conditions.
- 36-1W-28-2400 - Approved for ETA bed 6/25/79.
- 36-1W-28-2300 - Site evaluation denied due to severe soil conditions 6/7/76. Illegal system noted.
- 36-1W-28-2301 - Approved for sand filter only 5/19/81.
- 36-1W-28-2200A - Site evaluation of 10/13/77 denied due to severe soil conditions.
- 36-1W-28-2200B,C - Site evaluation denied due to severe soil conditions.
- 36-1W-29A-800 - Site evaluation of 4/25/77 denied due to severe soil conditions.
- 36-1W-29A-600 - System repaired 5/4/79.
- 36-1W-29A-501 - Site evaluation of 12/29/72 denied due to severe soil conditions.
- 36-1W-29A-1500 - Site evaluation of 4/16/72 denied due to severe soil conditions.
- 36-1W-29A-1600 - Site evaluation of 4/7/81 denied due to severe soil conditions and high water table.
- 36-1W-29A-1701 - Failing system noted 3/10/81. No records of repair.
- 36-1W-29A-1800 - Failing system noted, sewage surfacing. Repair permit issued 7/24/78, no records of installation.
- 36-1W-29A-1900 - Failing System discharging effluent to ground surface and into road ditch on Domino Road. Repair permit issued 7/11/79, no records of installation.
- 36-1W-29A-701 - Site evaluation of 7/24/73 denied due to severe soil conditions.
- 36-1W-29B-312 - Illegal residence; no system. Record of sewage on the ground.
- 36-1W-29B-1201 - Site evaluation of 8/19/75 denied due to severe soil conditions.
- 36-1W-29B-1000 - Repair installed 11/19/76.
- 36-1W-29B-800 - Site evaluation denied. Holding tank permit issued for commercial use 11/29/79.



- 36-1W-29B-500 - Site evaluation of 5/24/74 denied due to severe soil conditions.
- 36-1W-29B-1800 - ETA permit approved 9/28/73. Not installed, as owner is awaiting sewer.
- 36-1W-29B-2300 - Conditional sewage disposal permit: restriction on number of employees.
- 36-1W-29B-301 - Site evaluation denied 8/30/78 due to severe soil conditions.
- 36-1W-29B-2900 - Failing system, sewage surfacing 1/24/74. Repair permit issued, no record of installation.
- 36-1W-29B-2700 - Failure noted on illegal system 1/25/74. Legal action had mobile home removed.
- 36-1W-29B-4700 - Failure of system. Repair permit approved, no records of installation.
- 36-1W-29B-4400/4500 - Failing system noted. Repair requested by this office, no records of installation.
- 36-1W-29C-601 - Site evaluation of 6/10/76 denied due to severe soil conditions.
- 36-1W-29C-700 - Site evaluation of 2/23/76 denied due to severe soil conditions.
- 36-1W-29C-1704 - Site evaluation of 11/6/72 denied due to severe soil conditions.
- 36-1W-29C-1700/1702/1704 - Vault privies with past problems of backing up.
- 36-1W-29C-801 - Site evaluation of 7/17/72 denied due to severe soil conditions.
- 36-1W-29D-228 - Failing septic system noted 1/6/81, no records of repair.
- 36-1W-29D-218 - Failing septic system noted 11/6/72, no records of repair.
- 36-1W-30-900 - Site evaluation denied due to severe soils conditions. Holding tank permit approved 8/17/77.
- 36-1W-30-1101 - Raw sewage discharged on ground. No repair site available.
- 36-1W-30-1103 - Complaint of an illegal system 6/12/80.
- 36-1W-30-602 - Holding tank approved.
- 36-1W-30-603 - Site evaluation denied due to severe soil conditions. Holding tank permit approved 12/6/79.
- 36-1W-30-600 - Site evaluation denied due to severe soil conditions. Holding tank installed 10/27/80.
- 36-1W-30-500 - Permit approved for holding tank 4/16/80.
- 36-1W-30-1105 - Poned sewage noted 6/12/80; repair permit issued, no report of installation.
- 36-1W-30-400 - History of surfacing sewage noted from existing system installed in substandard soils.
- 36-1W-30-100 - Site evaluation of 10/11/73 denied due to severe soil conditions.
- 36-1W-31-400 - Holding tank permit issued 9/11/78. Illegal mobile home discharging sewage on ground, noted 7/27/81.
- 36-1W-31-700/800 - Failure of septic system noted 9/15/77. Holding tank permit issued 10/20/78.
- 36-1W-31-900 - Site evaluations of 10/17/63 and 5/30/73 denied due to severe soil conditions.
- 36-1W-31-1400 - Marginal system, has a record of sewage backing up into the house 2/6/80.

- 36-1W-31-3200 - Failure of septic system noted 1/6/78. No repair permit issued.
- 36-1W-31-3100 - Site evaluation of 2/15/77 denied due to severe soil conditions.
- 36-1W-31-1800 - No system on site, holding tank recommended 8/9/78.
- 36-1W-31-2900 - Site evaluation of 4/16/79 denied due to severe soil conditions.
- 36-1W-31-3217 - Failure of septic system noted 1/19/78. Owner states that he made repairs 1/27/78; no repair permit issued.
- 36-1W-31-2600 - Sewage discharged on ground surface. Temporary hook-up (45 days) until connection can be made to BCVSA sewer.
- 36-1W-32-1402 - System failing 1977 - repair permit issued for substandard system due to soils. No record of installation.
- 36-1W-32-1403 - Installation record for expansion of existing drainfield in 1969 - noted that excessively high water table conditions would not allow proper operation of this system for any great length of time.
- 36-1W-32-1404/1407/1411 - No file.
- 36-1W-32-1408 - Drainfield noted as failing 1977; site evaluation denial 1977, holding tank permit issued 1977, installed holding tank 1977, alteration permit for holding tank issued 1980.
- 36-1W-32-1409 - No file.
- 36-1W-32-1410 - No record of existing system.
- 36-1W-32-1412 - Engineered system installed 1973.
- 36-1W-32-1413 - Existing system failing 1979 - repair permit issued for substandard system - installed 1979.
- 36-1W-32-1417 - Installation record for standard system 1967.
- 36-1W-32-1420 - No system record.
- 36-1W-32-1422 - Existing holding tank noted 1981.
- 36-1W-32-1500/1600 - Holding tank installed 1980-81 without inspection.
- 36-1W-32-1700 - Site denied 1973 due to poor soil conditions. Standard system installation record of 1970.



PUBLIC WORKS DEPARTMENT

CITY OF MEDFORD  
MEDFORD, OREGON

TELEPHONE: (503) 776-7485

September 3, 1981

Environmental Quality Commission  
P. O. Box 1760  
Portland, Oregon 97207

Reference: Agenda Item "E" from Meeting of July 17, 1981

Gentlemen:

The City of Medford is strongly opposed to any actions that would change the priority system as now established for projects expecting federal aid for sewer treatment plant planning or construction. Two years ago, DEQ held public hearings for the very purpose of recognizing reduced federal funding and its impact upon pending projects. After careful and full consideration, a priority system was adopted. The City of Medford was not immediately benefited by that decision, but we realized that funding was limited and we adjusted schedules and plans to fit the situation. In other words, our city, like many other jurisdictions, relied and planned based on that decision, which, by the way, allocated the major funding into two major projects and was not geographically spaced across the State. Alternate #2 of the presently proposed systems is the same thing again, i.e., allocate funding into two major projects and leave the rest of the State waiting. This is not an equitable or fair proposal.

The City of Medford urges the EQC/DEQ to address existing problems as a first priority and fund health hazard associated projects with the first available money. Secondary consideration should be given to projects which plan to prevent problems.

The City of Medford believes that fair distribution and proper planning is the best direction; therefore, we endorse Alternate #1 which is to maintain the present order of priorities.

Sincerely,

A handwritten signature in cursive script that reads "Don Walker".

Don Walker, P.E.  
City Engineer

ahf

RECEIVED  
SEP 8 1981

Water Quality Division  
Dept. of Environmental Quality



PUBLIC WORKS DEPARTMENT

CITY OF MEDFORD  
MEDFORD, OREGON

TELEPHONE: (503) 776-7485

September 4, 1981

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

Subject: September 8, 1981 Public Hearing

Gentlemen:

Attached is a letter from the Medford City Engineer urging adoption of Alternate Priority List No. 1. This is particularly important to Medford so that our Health Hazard sewers (Project 627 - Medford/Foothills) can proceed as mandated by your Department.

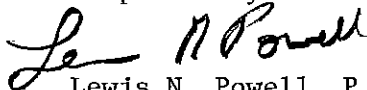
As far as treatment capacity of the Medford Regional Water Quality Control Plant is concerned, the City is proceeding with local funding with improvements to continue to provide good effluent quality. This local funding is not easy in that the growth of the Medford area brings about a need for funding of many other municipal service improvements. These improvements seeking funding include (not necessarily in order of local priority):

1. Arterial Streets
2. Central Library
3. County Exposition Center
4. New High School and Other Improvements
5. Transit System
6. Storm Drainage
7. Cultural and Civic Center
8. Downtown Revitalization
9. Parking Structure(s)

These needs total in excess of \$100,000,000 and show the potential strain on the local taxpayer, local budgets and local bonding capability.

DEQ should continue to develop strategies to assist cities with local funding of sewage treatment capacity. In the meantime, your best efforts to allow us to construct the Medford/Foothills sewers to alleviate a real health hazard will be appreciated.

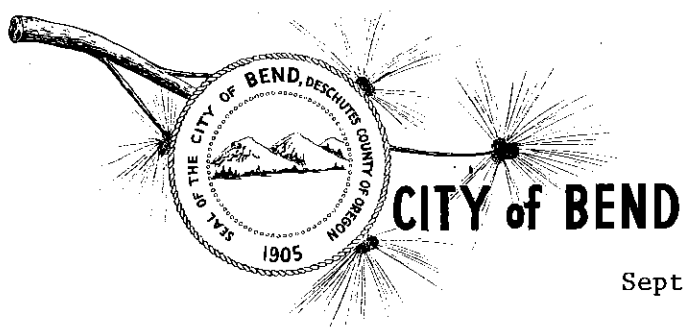
Respectfully submitted,

  
Lewis N. Powell, P.E.  
Public Works Director

ahf  
CC: City Manager  
Encl.

RECEIVED  
SEP 8 1981

Water Quality Division  
Dept. of Environmental Quality



# CITY of BEND

P.O. BOX 431 • BEND, OREGON 97709

September 4, 1981

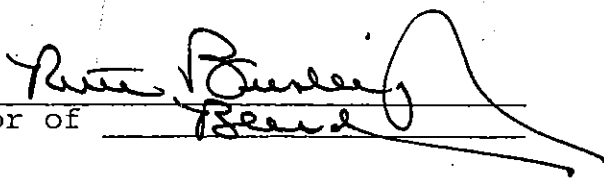
Environmental Quality Commission  
Box 1760  
Portland, Oregon 97207

As was noted at the August 27 EQC meeting by Mayor William A. Whiteman of Cottage Grove, the cities of Cottage Grove, Bend, Eugene/Springfield, and Oregon City, West Linn and Gladstone represented by Tri-City Service District are unanimous in their support of the following comments. This group has attempted to review all pertinent information related to the construction grants program as it exists today and as it may exist in the future. We hope that you will respond in a positive manner to our proposal.

The current construction grants legislative process in Washington, DC, is fragmented and unpredictable. We, therefore, believe the criteria adopted for the State's 1981 priority list should be extended to funds carried over into 1982. At such time that new federal legislation is passed and funding levels are established, we request that new state priority ranking criteria be formulated, thereafter that public hearings be held for the purpose of amending and adopting the new program for Fiscal Year 1982. The extension of the 1981 criteria will allow us to continue our respective projects with a minimum of disruption until such time that the State's program, based on the new federal legislation can be implemented.

We further would request that public testimony be allowed at the October 9 meeting scheduled for adoption of the Grant Priority List. Although we recognize the additional burden placed upon yourselves, we feel that the rapid changes occurring within construction grants program requires keeping the door open until the last possible moment.

In conclusion, we would like to emphasize that we recommend revisions be drafted for the FY 82 construction grants program criteria after enactment of new federal legislation and funding levels, and that the Public Hearing procedure be followed in adopting these revisions.

  
Mayor of Bend

September 4, 1981

Department of Environmental Quality  
Construction Grants Unit  
Post Office Box 1760  
Portland, Oregon 97207

Re: Charleston Sanitary District  
DEQ FY - 82

Gentlemen:

At your July 17, 1981 E Q C meeting you discussed as agenda items E (1) and E (2) a proposed policy on sewerage works construction grants priority list for fiscal year 1982 and a proposed policy on sewerage works construction in the absence of sufficient federal funds.

While we realize that you established two separate meeting dates and submittal deadlines for these agenda items, time and financial limitations do not permit our attendance of both hearings and we hope that you will consider this as responsive to the issues raised under these two related policy propositions. As you know the Charleston Sanitary District has for several years been critical of the Environmental Quality Commission's apparent failure to address its construction grants priority criteria to the accomplishment of goal two of the Clean Water Act, specifically the goal of restoring and maintaining the chemical, physical, and biological integrity of the nation's waters so as to provide for the protection and propagation of fish, shellfish, and wildlife and provide for recreation in and on the water.

First, we would like to point out that our criticism is a criticism of the central office and not of the local office of the Department of Environmental Quality. Local staff persons of the Department of Environmental Quality have been helpful, cooperative, and courteous in their interaction with the Charleston Sanitary District.

*[Handwritten mark]*

On the other hand, staff persons from the central office have been particularly discourteous. The Charleston Sanitary District's Board of Directors is particularly disturbed by discourtesy shown them by Harold Sawyer. From April 6, 1981 through April 24, 1981 the Sanitary District made repeated telephone calls to the Portland office in order to arrange for an in person conference with Mr. Sawyer and Mr. F. W. O'Donnell. Mr. Sawyer's secretary did confirm an appointment with Mr. Sawyer on May 5, 1981 at 11:00 A.M. and the Sanitary District's President and attorney traveled to Portland to meet with Mr. Sawyer and Mr. O'Donnell on the agreed date and at the agreed time. Mr. Sawyer chose not to be present in the Portland office on the date and on the time of this meeting and not to advise the Sanitary District of his planned absence. He also failed to apologize to the Sanitary District for causing the Sanitary District to unnecessarily incur air fare and ground transportation expense as well as the time of its' attorney in traveling to Portland for this prearranged meeting.

Mr. Sawyer has visited the Coos Bay area at least one time subsequent to this aborted meeting and has apparently elected not to apologize for the expense and inconvenience to which he put the Sanitary District. This indifference is difficult for the Sanitary District to understand.

The Charleston Sanitary District continues to urge that O A R 340-53-020 (3) (a) is inappropriate. Collection systems are discussed in attachment 4-2, table 1 to agenda item number E (1). The principal need for sewage construction in Charleston is a need for a collection system to service health hazard areas where failing subsurface sewage disposal systems are causing water quality problems. The difficulty with the regulation is that these areas are already within the legal boundaries of the Charleston Sanitary District and annexation of these areas to the City of Coos Bay would present complicated legal questions - is an area within a sanitary district subject to mandatory health hazard annexation into an adjacent city and if so to what extent should the city take on the burden of the sanitary district's bonded debt and to what extent should the sanitary district be compensated for the physical improvements already made by the sanitary district within the annexed area? Further annexation would be enormously unpopular both to the residents of the City of Coos Bay and especially to the people of Charleston. The apparent intention

of the regulation is to avoid funding collectors needed to allow for growth and development while permitting funding of collectors/interceptors necessary to correct a health problem. A clarification of O A R 340-53-020 so as to permit funding where a certifiable health hazard exists would satisfy the objections of the Charleston Sanitary District and be within the appropriate scope of responsibilities for the Department of Environmental Quality. Aside from issues concerning financial integrity it does not seem to the Charleston Sanitary District that it is appropriate for the Department of Environmental Quality to involve itself in political issues of annexation-even health hazard annexations. The appropriate limit of concern for the Department of Environmental Quality is whether a health hazard in fact exists.

As noted in the discussion of agenda item number E (2) the occasional bypass of raw sewage and overloading resulting from combined sewers are problems of increasing concern to the Environmental Quality Commission. The Charleston Sanitary District believes that of equal or greater concern is the type of situation presented by the Charleston Sanitary District's need for collector systems to serve areas where failing subsurface sewage disposal systems are causing water quality problems. The wording of O A R 340-53-020 (3) (a) prevents ranking of the Charleston Sanitary District's application for grant assistance and may adversely affect its application for pollution control bond fund and pollution control sinking fund assistance.

The Charleston Sanitary District understands that a material aspect of the Environmental Quality Commission's proposals is that the Department will continue to assist cities and sewerage utilities in their efforts to secure financing for essential construction. The Charleston Sanitary District is preparing a capital improvement/financing plan that will assure future sewerage works construction and operation over an appropriate time span. Given the Sanitary District's thirteen per cent (13%) bonding limitation, the enormous construction cost, and the impoverished condition of the Sanitary District's residents this is a tall order. We sincerely hope that we will receive more cooperation and assistance from the Environmental Quality Commission and Department of Environmental Quality in the future. The Sanitary District will



Department of Environmental Quality  
Construction Grants Unit  
September 4, 1981  
Page 4.

continue to exert its best efforts to the accomplishment of the state  
and federal Clean Water Act goals notwithstanding its substantial financial  
and manpower limitations.

Respectfully submitted,

  
\_\_\_\_\_  
LOYD WALKER  
Charleston Sanitary District

LW:s  
cc: Representative Bill Grannel



# CITY OF KLAMATH FALLS, OREGON

AN EQUAL OPPORTUNITY EMPLOYER

P.O. Box 237

97601



ROTORUA, NEW ZEALAND

21

September 8, 1981

TO: Environmental Quality Commission

FROM: City of Klamath Falls

SUBJECT: Klamath Falls/Stewart-Lennox EPA Priority Allocation

The City of Klamath Falls would like to take this opportunity to express its opinion regarding the priority recommendations of the DEQ for EPA funded projects. As the commission is aware, the City of Klamath Falls has recently initiated annexation proceedings for the area generally known as Stewart-Lennox. The annexation proceedings are initiated under the procedures and statutes of the Oregon Revised Statutes concerning health hazard annexation.

With completion of the annexation, the City of Klamath Falls will be required, according to statute, to complete a sewage collection project to alleviate the health hazard. In completing the project, it will be necessary to construct 14,150 feet of interceptor line and 28,720 lineal feet of collection system. The estimated project cost at this time is \$2,363,375. With the recent annexation, the City has submitted application for Step 2 design financing.

The City of Klamath Falls and other entities feel that it would be very important that the Environmental Quality Commission at least maintain the priority recommended by Mr. Bill Young to the Environmental Quality Commission as Alternate 1 of agenda item #E (1), July 17, 1981.

We have attached, and hereby submit as part of the record, the recommendations concerning such priority of Senator Fred Heard - Exhibit "A", Representative Robert Kennedy - Exhibit "B", and the Board of Commissioners of Klamath County - Exhibit "C". Additionally, the City and the above referenced individuals feel it also important that the Environmental Quality Commission establish, if necessary to provide adequate funding, a higher priority for the Stewart-Lennox project. These recommendations are based on the economic hardships that will follow the project if funding is not available.

**500 KLAMATH AVENUE**  
 MAYOR  
 CITY MANAGER  
 883-8318  
 ASST. CITY MANAGER  
 883-5317

**CITY ATTORNEY**  
 883-5323

**FINANCE**  
 (Muni Court, Licenses,  
 Water Service, Book-  
 keeping)  
 883-5301

**MEMORIAL DRIVE**  
 ANIMAL CONTROL  
 883-5379

**AIRPORT**  
 MUNICIPAL AIRPORT  
 883-5372

**425 WALNUT STREET**  
 POLICE DEPARTMENT  
 883-5334

**143 BROAD STREET**  
 FIRE DEPARTMENT  
 883-5351

**226 SOUTH FIFTH STREET**  
 PARKS, RECREATION  
 AND CEMETERIES  
 883-5363

**PUBLIC WORKS**  
 883-5363

**WATER & SEWER  
 UTILITIES DEPARTMENT**  
 883-5366

**CODE ENFORCEMENT/  
 BUILDING INSPECTION**  
 883-5371

**PLANNING/BUS SYSTEM**  
 883-5360

Page: 2  
To: Environmental Quality Commission  
From: City of Klamath Falls

The following is a brief sampling of the economic hardship associated with this project should EPA funding not be available:

<u>TAX CODE</u>	<u>TAX LOT</u>	<u>ASSESSED VALUE</u>	<u>ESTIMATED ASSESSMENT</u>
101/3909	12000	\$ 3,920	\$ 26,480
101/3909	7900	7,405	7,500
101/3909	7400	13,090	4,730
101/3909	9400	3,270	8,900
101/3909	13100	16,135	8,000
101/3909	400	8,995	4,730

It should be noted that not all, but a majority of the figures above the assessed value includes the value for improvements. As is demonstrated above, the assessment will run from approximately 50% in assessed value to a high in examples used above of 676% of the assessed value. In many cases, the assessment without EPA funding approaches 100% or more of assessed value. An additional factor to be considered is that a substantial number of residents in the area are individuals who are on fixed incomes and have no means of paying such an assessment.

As the Commission is aware, this project has been very involved and there have been numerous contacts and conversations between the DEQ, the City of Klamath Falls, the West Side Sanitary District and the residents of the health hazard area. One of the continuing statements made throughout the discussions and decisions regarding the health hazard area is that the health hazard area would receive a high priority on the EQC funding list.

Attached we reference the letter of April 10, 1979 of Mr. Bill Young - Exhibit "D", to the City of Klamath Falls indicating the DEQ's interest in the high priority of the Stewart-Lennox health hazard and their statements regarding a high priority and subsequent EPA funding.

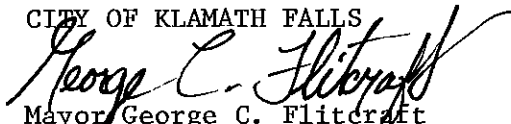
In conclusion, the City believes that the State's actions in this matter, and the necessary end result, are of utmost importance. However, considering the financial abilities of the residents of the area and the City of Klamath Falls, the City feels it of utmost importance that in the area of health hazard annexation, and specifically one with the underlying economic constraints of the Stewart-Lennox area, that a high priority should be established guaranteeing

Page: 3  
To: Environmental Quality Commission  
From: City of Klamath Falls

funds to assist in eliminating health hazard conditions. Your consideration in this matter is of extreme importance to the City of Klamath Falls, Klamath County, and the future ability to alleviate health hazard and life-threatening conditions throughout the State of Oregon.

Sincerely,

CITY OF KLAMATH FALLS

  
Mayor George C. Flitcraft  
Presented By: Harold Derrah

dw

Encl. - Exhibits A, B, C, & D



OREGON STATE SENATE  
STATE CAPITOL  
SALEM 97310  
(503) 378-8700

*Exhibit A*

FRED W. HEARD  
PRESIDENT

September 4, 1981

MEMO

TO: Environmental Quality Commission

FROM: Fred W. Heard,  
Senate President

*F. Heard*

I support maintaining the priority as recommended by the Department of Environmental Quality to the EQC in the July 17th, 1981 memo from Bill Young. Furthermore, I support the adoption of the priority as recommended in alternative number one of Mr. Young's memorandum. As the Commission is aware, the Stewart-Lennox Sewer Project has developed through the state statute providing for health hazard annexation.

There are owners of several parcels of property within the health hazard area that will not be able to meet the financial commitments or assessments that will be levied as a result of the project. Because of that situation, I see this as an important issue.

I feel it would be very unfortunate not only for the residents of the area but also for the citizens of Klamath Falls should foreclosure action be required for the collection of outstanding assessments.

I would also recommend that the EQC consider the possibility of increasing the priority of this project because of the economic hardships that may result if this project cannot be funded with EPA resources.

Your consideration in this matter will be greatly appreciated.

**Robert B. Kennedy**

605 Hillside, Klamath Falls, Oregon 97601  
September 4, 1981

503-882-4843

Environmental Quality Commission  
522 SW Fifth Avenue  
P. O. Box 1760  
Portland, Oregon, 97207

Dear Members:

My Purpose in writing to you is to point out some of the problems connected with the annexation of the Stewart Lennox District by the City of Klamath Falls for health reasons.

As you know, the area must have a sewer system, but how this was to be brought about has been argued for some four years. The residents being violently opposed to annexation. During that time Federal grants have become unavailable. Because of the low property values and the high cost of sewer construction, Bancroft bonds seem to be unavailable.

Along with the loss of these sources of funding it appears the limited State help will be in other areas.

To further compound the problem the Klamath Falls area is severely distressed economically. It would be impossible to impose full funding of the project on only the residents of the Stewart Lennox area. It would be nearly impossible to impose full funding on the residents who use the entire Klamath Falls Sewer system. At last accounting the unemployment rate was 12.8% and will probably be higher with the next report.

So I would urge you to work with the city officials of Klamath Falls on a plan that will be acceptable to the residents. Allowing a longer time for completion of the project with the expectation of help from the state or an economic recovery in the area.

It is a project that must be done. I hope it can be done with solid financial planning.

Sincerely,

*Bob Kennedy*  
Dist. 53 Rep.



# Klamath County - Board of Commissioners

COURTHOUSE ANNEX — 503-882-2501 — KLAMATH FALLS, OREGON 97601

September 4, 1981

TO: Environmental Quality Commission  
 FROM: The Board of Klamath County Commissioners  
 SUBJECT: Klamath Falls/Stewart Lennox Priority Funding

As the Commission is no doubt aware, the above-referenced project has been initiated through the State Statutes governing the identification of health hazard situations. The City of Klamath Falls has recently initiated annexation proceedings as provided for by State Statutes to annex the area and initiate construction to alleviate the health hazard. The area in question is of low assessed value and the residents of lower economic status.

In order that the project be completed in a timely manner and without undue hardship, not only on the residents of the area, but also the residents of the City of Klamath Falls, outside funding must be received.

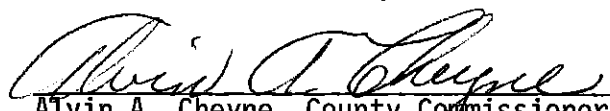
Some of the property, including property with structures, will not be able to support the sewer project without outside funding. If funding is not obtained, the City of Klamath Falls will be placed in the unfortunate position of having to foreclose on many pieces of property to meet the assessed obligations for the construction of the sewer project.

The Klamath County Board of Commissioners would highly recommend that the Environmental Quality Commission maintain at least the priority authorization recommended by the Director of the Department of Environmental Quality in his recommendations to the Commission under Alternative 1; and if at all possible, the County Commissioners hereby recommend, because of the economic conditions of the Stewart Lennox area, that a higher priority be established to facilitate alleviation of the health hazard problem without causing some of the residents to being forced into foreclosure because of the high cost of the project.

BOARD OF COUNTY COMMISSIONERS

  
 (Mrs.) Nell Kuonen, Chairman

  
 Floyd L. Wynne, County Commissioner

  
 Atvin A. Cheyne, County Commissioner



# Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

April 10, 1979

City of Klamath Falls  
P. O. Box 237  
Klamath Falls, Oregon 97601

Attention: Mr. Jim Watson, City Manager

Re: S - Stewart-Lennox  
Klamath County

Gentlemen:

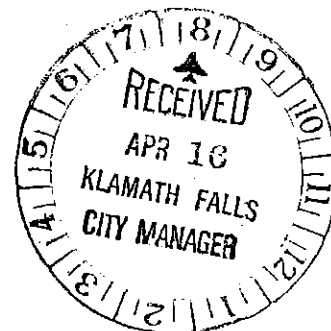
Relative to federal funding of the sewerage facilities to serve the Stewart-Lennox area, the Department has a reserve of unspecified funds which I can allocate to specific projects for planning and/or design work. Sewering Stewart-Lennox is a very important project and I have set aside a portion of the unspecified funds for designing the Stewart-Lennox system. Please submit a grant application to this office when you are ready.

Concerning federal monies for construction, as you should know, Congress may cut back its appropriation of sewage work construction grant funds for FY 1980. How this will impact funding in Oregon is yet unknown. This summer the Environmental Quality Commission will establish a priority list for dispensing Oregon's FY 1980 Federal sewerage grant funds. Based upon previous Commission action in matters such as these, I believe high priority will be given to funding sewerage facilities for mandated health hazard annexations. Consequently, assuming that Congress appropriates sufficient monies for sewage works construction, I am confident that the Department should have funding available to the City of Klamath Falls for construction of sewerage facilities to service Stewart-Lennox.

If you have questions on this matter, please call either Mr. Dick Nichols in Bend (382-6446) or Mr. Tom Blankenship in Portland (229-5314).

Very truly yours,

WILLIAM H. YOUNG  
Director



RJN:gcs

cc: Bend Office - DEQ  
Klamath Falls Office - DEQ



September 8, 1981



UTILITIES DIVISION

JOHN C. McINTYRE      DAVID J. ABRAHAM  
Director                      Utilities Director

Environmental Quality Commission  
Box 1760  
Portland, Oregon 97207

As was noted at the August 27 EQC meeting by Mayor William A. Whiteman of Cottage Grove, the cities of Cottage Grove, Bend, Eugene/Springfield, and Oregon City, West Linn and Gladstone represented by Tri-City Service District are unanimous in their support of the following comments. This group has attempted to review all pertinent information related to the construction grants program as it exists today and as it may exist in the future. We hope that you will respond in a positive manner to our proposal.

The current construction grants legislative process in Washington, DC, is fragmented and unpredictable. We, therefore, believe the criteria adopted for the State's 1981 priority list should be extended to funds carried over into 1982. At such time that new federal legislation is passed and funding levels are established, we request that new state priority ranking criteria be formulated, thereafter that public hearings be held for the purpose of amending and adopting the new program for Fiscal Year 1982. The extension of the 1981 criteria will allow us to continue our respective projects with a minimum of disruption until such time that the State's program, based on the new federal legislation can be implemented.

We further would request that public testimony be allowed at the October 9 meeting scheduled for adoption of the Grant Priority List. Although we recognize the additional burden placed upon yourselves, we feel that the rapid changes occurring within construction grants program requires keeping the door open until the last possible moment.

In conclusion, we would like to emphasize that we recommend revisions be drafted for the FY 82 construction grants program criteria after enactment of new federal legislation and funding levels, and that the Public Hearing procedure be followed in adopting these revisions.

DAVID J. ABRAHAM, Utilities Director

/ro





# City of Albany

ADMINISTRATION & PERSONNEL

STATEMENT BY WILLIAM B. BARRONS, CITY MANAGER  
TO THE ENVIRONMENTAL QUALITY COMMISSION HEARINGS OFFICER SEPTEMBER 8, 1981

SUBJECT: Construction Grants Priority List

The City of Albany fully appreciates the statement in a recent memorandum about the Sewerage Construction Grants Program from the Director of Environmental Quality to the Commission which reads "The current combination of requirements, funding problems, and changing conditions, leave both sewerage utilities and the Department's staff feeling somewhat helpless." If the Director and the department he administers feel somewhat helpless, I am certain that the members of the Commission can understand the feeling of the City of Albany that it is nearly impotent to deal with the situation.

The City feels that a public hearing on an important issue such as a new project priority list deserves participation, thus, this statement today. At the same time, it recognizes that the Environmental Quality Commission may have less than full control over the outcome.

The City of Albany's interest in the deliberations occur as a result of a health hazard annexation order issued by the Administrator of the State Health Division approximately two years ago. Since that time, the City and the residents and property owners in the area affected by the health hazard have been working towards an effective solution within the Construction Grants Program. This month approval of a Step II Grant for the project is expected. For two years, this date has been eagerly awaited as the beginning of the end of a real community problem. There is irony and not a bit of humor in the situation which we now face. Like many health hazard areas, Albany's began, grew, and developed to full blown into a public problem outside the jurisdiction of the City. It remains there today waiting for a positive step towards a solution when annexation will occur. When will it happen? It seems today that we do not know.

What will happen if the Commission amends the rules and adopts a new project priority list? Albany's project will be moved from almost certain funding in Fiscal Year 1983 to possibly 1986 or maybe beyond. It is doubtful that proper public response to the health hazard can wait upon such a timetable. If department rules are amended, Albany will have to reconsider its decision to push forward with the construction of the sewage collection system to serve the area. Alternatives will no doubt range from do nothing, to requiring individual property owners to undertake expensive rehabilitation of private treatment facilities, to burdening property owners with what may be confiscatory assessments for the construction of sewers. Confiscatory may be a strong word, but the expenditure of \$3.2 million to solve a sewerage problem affecting about 250 dwelling units is \$12,800 a piece. Market values of properties in the area barely exceed three times that amount.

All public hearings and discussions to date regarding this project have considered that approximately \$2.0 million of the total project cost or nearly 66% would be available from grant sources. With this in mind, local residents and property owners have been supportive of the project. It is possible that the loss of funds will significantly erode this support.

It is not clear to the City of Albany that a change in the rules governing the establishment of project priorities is absolutely necessary at this time. Certainly, projects under construction need to be completed. To do less would be to waste the public investment already committed.

More importantly, the Commission needs to weigh the public question of using available federal funds to benefit the taxpayers and customers of a few communities with transition projects versus using the same funds to assist many more communities which also have critical needs. Until Congress sets a new course, there seems to be a real risk in the adoption of a new priority policy; in effect, transferring the cost of completing the transition projects to other communities which may then have to finance 100% of their own improvements. I know that people in communities with transition projects feel that a commitment of funds was made for their project. I can assure you that the people of Albany feel no less strongly that they, too, have received a commitment and have proceeded to plan to solve a real health hazard in reliance upon that commitment.

Maintenance of the existing rules until federal policy is clear is probably the wise course. To act otherwise is to make a decision without a full understanding of its consequences.

The Director has stated to the Commission support for efforts at the federal level to control expenditures, but "There must be lead time to adjust to federal funding changes--There must be orderly transition." The City supports the efforts at the state and the federal levels and asks the Commission to recognize that there must be orderly transition at the local level, too. Plans at the state and local levels which have gone forward in anticipation of substantial grant funds must now be completely and thoroughly re-examined.

Should the Commission decide to amend the construction grant rules and to adopt Priority List Alternative 2, it must further examine its rules and policies affecting the projects being delayed. Everyone of the governments on the new list will need to fully re-evaluate its priorities and funding mechanisms.

I believe that Albany, for example, can probably justify \$25-\$30 million in community improvements in the next five years. Financing for \$5-\$10 million may be possible. With the sewerage grant program, most of these funds could be directed at streets and storm drainage. Without grant funds, it becomes necessary to re-evaluate the importance of alternatives such as reducing serious and repetitive flooding of private property or the correction of highway safety hazards against the reduction of treatment plant overflows to the river. The answer is not simple nor will it be speedily determined.

As the state-wide agency coordinating water quality standards, the EQC must begin now to take a more active role in developing a new program and to work closely with local governments which are directly responsible for the treatment of wastewater. The recent EPA Needs Survey, which identified \$500-\$900 million in expenditures clearly indicates that this is not a problem which will go away nor will it be solved by easy solutions. Leadership of the highest quality is going to be required if we are to successfully protect the waters of the state and, in fact, the health of our citizens. This is a legitimate problem of state-wide interest. Oregon's waters are an important resource. What happens in one portion of a drainage basin affects all persons downstream. The dollar magnitude of the problem indicates that it may be more than some communities can effectively manage. There may be a role for more than regulatory and technical assistance from the State if we are not to fall behind in our efforts to maintain this resource.

I hesitate to suggest that a new grant program should be considered at this time at the state level. There is a pattern, a history, of grant programs which I find unacceptable. Much preferable is the acceptance of responsibility for one's own problems and their solutions. I do not know if that is entirely realistic today. The Commission should carefully study the feasibility of seeking authority to issue general obligations of the State of Oregon the proceeds of which could be used to perhaps match local expenditures for wastewater treatment facilities.

I am reluctant to suggest such a state grant program because that leads to a shift of responsibility from local government to the state government. Responsibility for a local problem should remain with the city councils across the state. The recent study by Pacific Economica for the EQC contains some recommendations which I think are contrary to the effective exercise of local responsibility. Recommendations, for example, that public utilities be required to operate on an enterprise basis and that capital improvement programs be part of comprehensive plans with post-acknowledgement review all tend to eliminate flexibility and, I think, responsibility at the local government level.

I acknowledge that not all local governments operate with full responsibility. Nonetheless, it is important that great care be taken by local governments and the State to avoid shifting responsibility to the higher level of government. Such an action will quickly remove the opportunity that Oregon residents have to participate personally and regularly in the control of their destiny. This is not a problem of wastewater treatment but one of effective government. The Commission needs to be fully cognizant of the difference between its role and responsibility for protecting the environment and the role and responsibility of local government as a partner in achieving that objective.

In summary:

First, all construction projects which have met the Commission's existing criteria are important to the protection of the State's waters and are of equal importance to citizens of each affected community.

Second, a decision to revise the rules governing the project priority list before federal policy is clarified will not permit the Commission to weigh the full consequences of the decision.

Third, new federal policy and new Commission rules will dictate a time-consuming and complete re-evaluation at the local level of all capital improvement priorities and funding.

Finally, new and imaginative leadership by the Environmental Quality Commission and a creative partnership with local governments will be required if Oregon is going to progress with the job of protecting the waters of our state and the health of our citizens.

ldh  
D7:EQC

AUDIT--WHY?

WHAT DO YOU WANT TO DO ?

HOW DO YOU GO ABOUT IT ?

WHEN IS THE TIME ?

WHY ?

- 1.-- One million dollars for one year for MWMC expenses
- 2.-- 84% personal service increase services cost.
- 3.-- 76% Staff increase. Is it needed? Why?
- 4.-- \$20,000 for professional Development and travel.
- 5.-- \$33,000 increase in salary ? Who ? Management? This does not include 10% adjustment salary.
- 6.-- County is paying for the Owasso Crossing design. Why not use design of other 2 bridges?
- 7.-- Beverley Park pump station has been listed under how many grants? Why now is it being called rehab to the city for funding?
- 8.-- Does Public law 95-217 section 7B limitation on sewer collection systems total \$2,800,000 and only if project is overfunded by Govt.
- 9.-- Why is it they are trying to swap funds from East Bank interceptor to get money for site for sludge ponds.
- 10.-- Where are the plans for the under river crossing and how do they figure 5% saving if they don't know what the cost is of the under river crossing if no plans or cost figures are available? In comparison to county paying the bike Bridge Tab.
- 11.-- Why is the trickle filter system being removed?
- 12.-- What are they going to use to remove heavy metals?
- 13.-- Why was third stage treatment removed for the existing plant when no money appears to be saved?
- 14.-- What happened to two secondary clarifiers and effluent Pump station?
- 15.-- When the plant is at full capacity or breaks down in one of the units, where is the effluent placed? What is done with it? If put into ponds or lagoon is the lagoon sealed? How? Show cost of sealer. (River Ave) Does this pollute the northerly flow of the underground water? Where did they put the clay that was removed

from the River Ave. ponds, at a cost of estimated \$90,000 but when they ran into silt (clay like material) and the cost of removing this was an additional \$105,000 for a total of \$195,000? Did they seal the ponds up? Why not? What is the depth of the winter water table, below the surface? Is bar run gravel a good sealer? Is it rodent proof?

- 16.- Why does the MWMC say they have spent \$105,000,000 to \$108,000,000 when in actuality the cost has been estimated at \$154,000,000 plus?
- 17.- How come the former owners have not been paid, for their property and still are getting tax bills for said property?
- 18.- Was the permit to put lagoon on the River Ave. site ever obtained? When was the approval date given to build the plant at River Ave. Site by whom?
- 19.- How come the MWMC can build on these sites when they do not have title to it?
- 20.- Why is Agripac being asked to share  $\frac{1}{4}$  of the cost of a site construction by MWMC when they could have built their own disposal plant for far less and not be regulated by MWMC, when DEQ is pushing for Agripac to move off the sewer system by 1983? (Eugene Register Guard, dated Aug 27, 1981 Page 18C)
- 21.- Is there any truth to the fact that Agripac can no longer accept crops grown on farm land, that sludge has been put on? Has this happened in the Salem Area?
- 22.- Is there any provisions for monitoring these situations? Such as informing the farmers that regulations concerning treatment of ground when sludge is used? Such as bringing the PH of the soil up to 6.5 by adding lime and how much?
- 23.- Why does the 208 plan map of CH2M Hill's study describe and outline 10,000 acres as an irrigation site potential, for effluent disposal of a 49,000,000 gal a day plant, (sludge) at the same time overlap into the 280 acre Agripac waste water site? Why do they say that the two are not tied together

yet MWMC is trying to get Agripac to pay for financing of the lagoon site?

- 24.- Has the DEQ ever estimated for the users of the MWMC plant a per household sewer connection cost and a monthly rate sewer charge and published them?
- 25.- Who are the farming people who are going to use the sludge since 500 area tax payers, including farmers, surrounding the sludge site signed a petition that they would not use the sludge?
- 26.- If there is a list where is it or is this mostly a fabrication on the part of the MWMC to get the 10% innovative funding? Or is the list the innovative part of it?
- 27.- If there is such a list, where and how much acreage? Would it be more economical to place the sewerage lagoons in the direction in which that acreage is located, rather than toward acreage that the owners are on record as not going to use the sludge?
- 28.- Why does the DEQ provide that Agripac be separated from the local MWMC sewerage plant when Agripac must be considered to have wastes which contribute to diluting the industrial toxic chemicals and heavy metals concentration?  
The result must be higher concentration of industrial pollutants wherever the sewage is dumped to pollute the aquifer?
- 29.- Why does DEQ allow the plans for Agripac to include such long pipelines and create the long anaerobic conditions which lead to strong odors and require more chlorine and caustic to mix with the otherwise harmless organic chemicals and thus form high concentrations of trihalomethanes: carcinogenic substance?
- 30.- Why does DEQ provide/allow the MWMC to also install long anaerobic sewer, East Bank Interceptor, line and nearly as long pipeline to the lagoons for the MWMC treatment plant and in so doing require need for more chlorine, again, to reduce odors and produce more trihalomethanes with which to pollute



the aquifer?

- 31.- Would the DEQ actively participate in finding out the full potentials in
  - 1.- The pulse-sound sewage sludge drying method to have the sludge dried-pellets become useable in burning to provide heat energy and use the ash content for reclaiming the heavy metals and such toxic chemicals not broken down with the burning temperature?
  - 2.- The use of negative ions in speeding the biodegrading of sewage and industrial wastes and seasonal wastes?

Remarks

- 1.- Your organization could even build pilot plants and actually do the testing, rather than finance or lead to the financing with public funds the very marginally efficient treating plants being installed using the activated sludge process.
- 2.- The old, trickling filter sewerage systems reason to need to be retained in the second stage new treatment plants to be used as a semi-tertiary systems in separating much of the heavy metals, rather than have those heavy metals and toxic chemicals be allowed to be placed on land and then go to the aquifer and pollute it.
- 3.- Substantial difference exists between two-compartment septic tanks and raw sewage.

AC RRAAP

Betty Donaldson  
398 Hawthorne  
Eugene, Oregon

Stated A-1

What Happens

Nutrients are recycled

2 million gallons per day- Agripac farmers couldn't using that much and raise a crop.

Nearly a mile from urban density

2,500 feet from Bell Estates housing development

Little or no odor potential (DEQ & EPA responsible odor control) Little or no groundwater contamination

reason given at River Ave for smell is Agripac

(according to Connors = Agripac engineer - 2 mil gal a day is a lot of water)

Our wells are good now - Junction City on wells= 2 mil gal per day - runoff or penetration. (MuMC meeting Aug 27, 1981 = mention was made that other industry might be added to site - wastewater or waste from other industry would have heavy metal in it, not as being food wastewater disposal site. (Please see map of 10,000 acres described on 208 Map - see description effluent - page E-3 land irrigation requirements - 49 mgd - 1.5 inches per week - buffer - swell the acreage requirement to approximately 10,000 acres.) (49 mgd plant - sewage plant on River Avenue - not Agripac.) CH2M Hill said cost too high to consider. Tell me why this map for irrigation of sewage would tie into the Agripac site A-1 irrigation?? Telling the people you are getting land for one purpose and maps and plans stating other thoughts. Constantly remarks made in minutes referring to 208 Plan - this is the only map in that book.

(bacteria & virus filtered out in first few inches of soil)???

(it was stated before that no Agripac wastes would be put on A-1 site - look on 208 Map - area described for seasonal industrial waste) (left part of map describes Agripac- right part SLUDGE.)

Possible higher cost

Referring to MuMC meeting May 6, 1981 - it would take 20 to 30 thousand dollar engineering study to really find out what the cost would be to Agripac to use the existing trickling filter system at River Ave plant - since that study wasn't done - how can cost be given as being 3 1/2 times more to be treated at regional plant than A-1. Trickling filters are to be demolished.

49% more energy required

Greater energy used - for an industry working 3 months instead of a full year business. Federal money provided to a private industry - when the 25% money down is paid for by the people, but MuMC said 25% up front to be paid by Agripac - not so! Federal money secured with - Agripac not putting cash 25% down - no collateral - no bonding - no guarantee they will be on site- or be only Agripac wastewater ever put on that land, through irrigation.

Eugene, MuMC to put the wastes created in the cities on an area outside their urban growth boundary - making this area a junkyard for their city growth. At no time would any of you agree to be your neighbor's trash can! Agripac wastewater? - odor, contamination of wells, devaluation of our land, attract rats, snakes, bees, predatory birds - thus Aircraft bird strike hazard! If no food particles, the build-up of starch, sugar thick drying on ground - would be attractant.

(Mentioned in meeting MuMC Aug 27, 1981 - Mr. Pye - if an audit in several years showed some of these costs were not grant eligible that they had received. Cost on pumps estimate - \$7 MILLION - as of 8/27/81 meeting BCS estimate \$1.5 MILLION. MuMC meeting May 6, 1981 - Pye mentions 208 Plan and him saving money - removed tertiary treatment, 2 secondary clarifiers and effluent pump station. Telling that if they declare RR/SC a Forced Annexation Health Hazard, they could get enough money for a new project. - "Oh, we'll blow 'em right out of the water!" "Bill, we're applying for the engineer's

estimate?" "No, we're applying ("yes, he is") for budget estimates." ("O.K. so what happens when they come in 30 percent under? What happens to those dollars can we spend those?") "We immediately apply for a scope change and add the necessary cost to the grant." ("All right!") ("Brains instead of work") Ha.Ha. "We're going to buy all the equipment packages for the treatment plant for East Bank Interceptor cost increases." ("Fantastic") ("I love it") "All right, so what we've done then is one of the things that the commission is continuously asked - is how much is this project going to cost? And back in 1978 in January we were very positive that it was going to cost a hundred and four point 99 million (104.99 Million) dollars." ("Did we cut it back from 143?") "No, Later on we brought it up to 143 but based on that 104.99 million dollars which we went to the public and we said "public the EPA is going to supply 75% money and they're going to make all this facilities plan grant eligible and we need 29 and a half million dollars to pay for the 25% local share and some pieces of land and so on that are not grant eligible." "The public said "'O.K. go get 'em'" and they passed the bond authorization measure. 3 months later inflation had really struck and the project cost estimate was 134 million dollars and we wondered what in the heck is happening."

If you would go to the 208 Plan book page E-7 alternative 2 seems to follow the plans of regional plant, EBI, Rehab, tertiary, River Road/Santa Clara Interceptors, solids handling and disposal - not taking out the parts that Pye did - as I understand the total cost of all that ----- \$67,286,000 - also says on it support systems, administration Legal and professional Services, and contingencies. - - - - quite a difference from the paragraph above.

MuMC meeting Aug 27, 1981

County to pay for Owosso bike bridge - suspend EBI under it - saving 5% costs??

Mr. Pye stated that with the rapidity of changes he can't call meeting everytime they change their minds.

7 Million estimate - 1.5 million estimate - BCS "whole thing" purchase & install pumps  
Woods, attorney Agripac - Connors, engineer. (quite a difference between 7 mill & 1.5)

"at later date - other users - not built just for Agripac."

"on written agreement only to extend local share 20 years"

"if we did decide to move - contractual agreement pledges all faith"  
subsidized by local bond revenue?

Budget discussed at meeting 8/27/81

76% increase in staff a million dollars for one year for MuMC expenses?

84% increase in personal services

\$20,500 professional & travel

\$33,000 salary adjustment - not including 10% - 7% to 24% increases

(If there is no audit of such financial changes, grant swapping funds, projects over-running their costs 105,000, when the original estimate for project was 90,000 thus totaling 195,000?????) Please don't let them destroy our land, our wells, when they can no longer handle their own wastes - not ours! God knows we are not making that waste - why should our land be used to hold it??

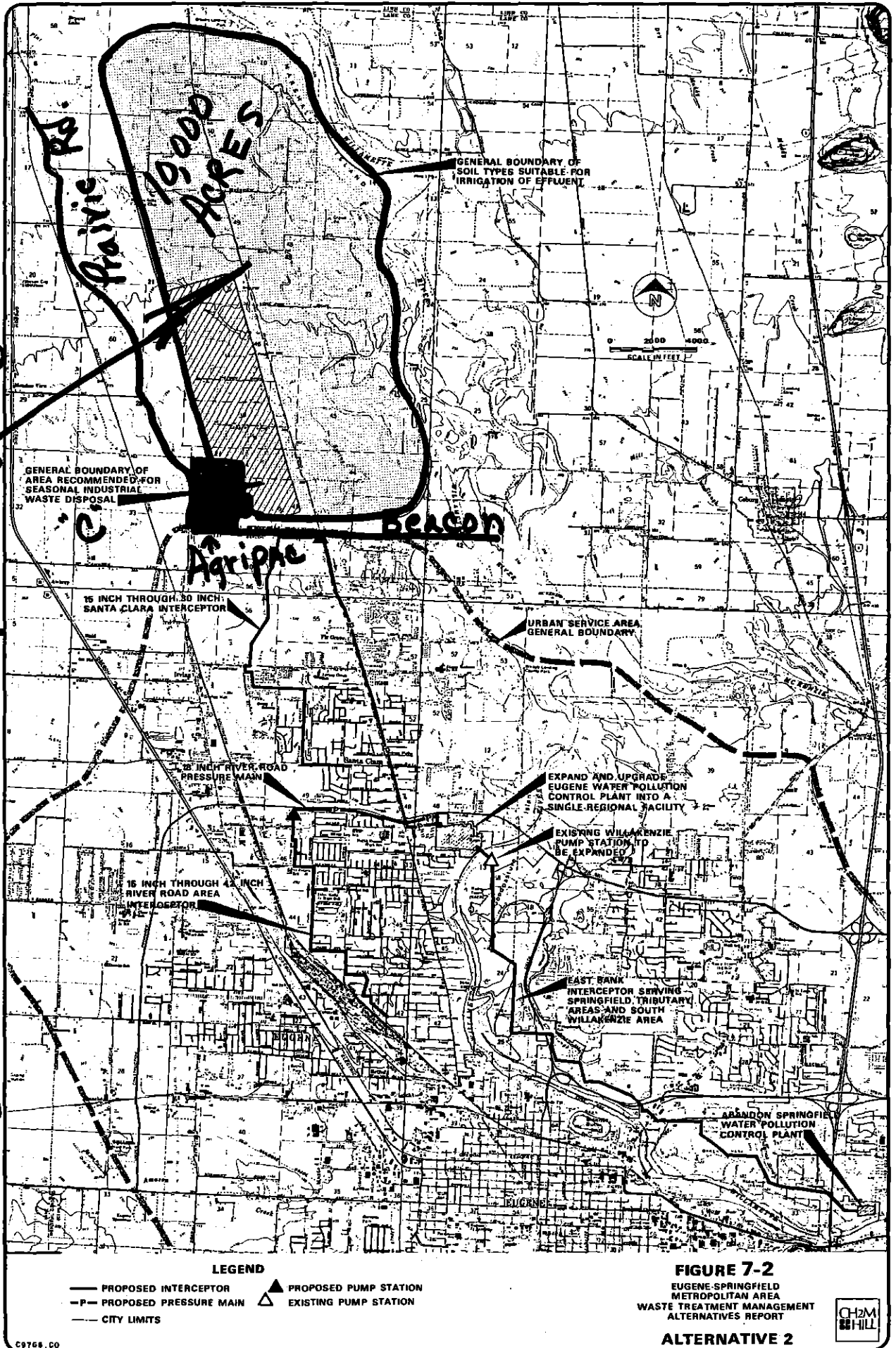
Dewater at treatment plant was given as an alternative in 1979 B&C study, also in letter to cover bird studies, stating dewater at treatment plant - yet Pye says that is not possible - decision would have to have been made June, 1978 - almost a year before the original 1979 B&C study came out for the public to know what was happening.

MuMC got 10% inovative extra funding by having a lot of farmers ready to use sludge on their land (3 farmers have agreed) 2 petitions have been presented showing over 1,000 tax payers in this area not wanting sludge on their land.

It is much like watching them build a scaffold to hang you, and allowing the one that actually did the murder to build the scaffold to hang you. We have worked a lifetime to get our land and now without choice - they are coming to destroy our land & lives.

Melva Barnes  
29943 Aubrey Lane  
Eugene, Oregon 97402

208 Plan  
 Planned  
 destruction  
 of  
 10,000 Acres  
 No dairy  
 Cattle or  
 Vegetables  
 Can be  
 grown on  
 Sludged  
 land.  
 (MVMC  
 report)



This is what MWMC plans  
to do to US!

# Sewer lagoons play spoiler role

TOUCHET, Wash. (AP) — Sometimes the smell gets so strong, Norman Ritchie gets up at 3 a.m. and closes all the windows of his home. His wife, Jodie, says she practically has to go around with a clothespin stuck to her nose.

"You couldn't give this property away. I'd hate to try to sell my house right now," said Ritchie.

Their problem is the 24-hour stench of an open sewer. It takes away their appetites and keeps them awake at night.

The Ritchies and their three children live on 3½ acres that abut the two Touchet sewer lagoons. In 1978, the \$640,000 system was heralded as a breakthrough for residents of this southeastern Washington community near the Oregon border. It was supposed to replace septic tanks and drainfields.

The Ritchies came in 1977, trying to escape the hectic life of Seattle. They were renting on a lease-option when work started on the lagoons in 1978.

They were assured, they said, the "odor-free" lagoons wouldn't detract from the property. In fact, Mrs. Ritchie said representatives of the sewer district claimed the lagoons would raise property values. But it hasn't worked that way. They didn't bargain for mosquitoes, rats and the stink.

Now, she doesn't enjoy the swimming pool. The lagoon is a breeding ground for mosquitoes and, along with the smell, it's enough to keep the Ritchies inside all the time.

Her husband packs a shotgun when he waters the garden. He spotted the first rat this summer, and picked up six dead ones the first time he put out poison. Several days ago, they found a rat in the pool.

She said she has called the Department of Ecology, a state senator, a county commissioner and the health department, but was told that, yes, things aren't right, but the sewer district is broke.

Now, engineers are making tests to determine if the lagoons should be sealed with clay or divided into smaller units.



STAGGERING STENCH — Norman Ritchie of Touchet, Wash., plugs nose while holding dead rat he found in his swimming pool recently. Ritchie says problems — mosquitoes, rats and the stench — come from nearby sewer lagoons.

Help US stop them!

# Junction City Says No To Sludge

RE: Request For Passage of HB 2521

Dear Senator,

We request your personal attention to the passage of HB 2521 for the following primary reasons:

I. The City of Eugene and the Metropolitan Wastewater Management Commission's plan to appropriate a huge portion (208 Plan) of our residential and prime agricultural land for sewage, wastewater, and solid waste disposal (SLUDGE) will present the following problems:

- a) Contamination of vital ground water supply for residential and agricultural use in our own area and adjoining Junction City.
- b) The land itself will be rendered unfit for both food and livestock production. (See: M.W.M.C. Long-term Land Treatment Report; Brown & Caldwell Report - both 1979 and 1980; Washington State Univ. Report; Oregon State Univ. Report)
- c) The proposed sewage site (Site C) is in the direct flight path of Eugene Municipal Airport, creating a bird hazard and the very real potential for aircraft disaster. (See: Corvallis Bird Study; Sacramento Bird Study)

We would like to remind you that America is suffering from the annual destruction of its prime farm land by various developments. The proposed 10,000 acres of the 208 Plan, which will be permanently destroyed by sludge from Eugene and Springfield, is part of Oregon's precious "banana belt" and is some of the finest farm land in our country.

II. In our opinion, the taxes which will be imposed upon the residents and business owners of River Road/Santa Clara are

- a) the principal motivation for Eugene's desire for annexation. Such tax revenue is obviously intended to alleviate Eugene's own financial mistakes.
- b) The financial tax burden that will accompany annexation (city-initiated sidewalks, sewers, community service, etc.) will, as usual, be most devastating to our senior citizens and young families.
- c) The River Road/Santa Clara area presently has all that is necessary to function efficiently. Septic tanks have been cited by the GAO as the most economical and viable method of waste disposal. Our septic tank system is working at maximum efficiency and presents no health hazard. (See: Oregon Environmental Quality Control Report; 3/31/78) Our community emergency services are excellent. Our Park and Recreation Dept. is one of the best in the area. In other words, the City of Eugene has nothing to offer our community, except an undesired tax burden and a health hazard that is DEFINITELY unwelcome.

We, the citizens of River Road/Santa Clara, wish to make our own decisions regarding our way of life. Due to the City of Eugene's determination to annex our area, it is apparent that INCORPORATION is the only way feasible to maintain our civil rights.

Again, we request your support and passage of HB 2521.

Signed,

Tri-County News, Junction City - Sewage processed through the new regional treatment plant could present serious hazards to health and aircraft navigation and should not be dumped at "Site C" south of Junction City, the City Council concluded Tuesday night.

Council members unanimously passed a resolution opposing a proposal by the Metropolitan Wastewater Management Commission (MWMC) to dump treated sludge on a 200-acre parcel, Site C, between Awbrey Lane and Meadow View Road.

The vote was cast at the request of Amanda Marker on behalf of a coalition of citizen groups hoping to stop the commission. During a council meeting last month, Marker and

others had cited research which pointed to a number of serious biological hazards associated with treated sewage.

Marker warned that the MWMC would be creating the circumstances for another Love Canal. Waters normally fit for consumption by humans or animals, or for irrigation, might well be contaminated as they flow across the sludge dump, Marker said.

Mayor Chuck Ivey said he had met with two members of the commission's staff and they had declined his invitation to attend Tuesday night's council meeting, fearing it would appear they were lobbying.

Reviving an argument raised by Marker, Ivey spoke of a Kansas man killed when a bird struck the windshield of his aircraft, causing the plane to crash. Site C is close to Mahlon Sweet Airport and it would attract many birds, Marker had said.

Councilman Bob Fountain said he had some reservations about a resolution opposing actions to be taken outside the jurisdiction of the council, but he voted to condemn the commission's plans.

# AGENDA

## LANE COUNTY BOARD OF COMMISSIONERS

→ Wednesday, June 10, 1981 - REGULAR MEETING

1:30 p.m.

(Harris Hall)

- ★
1. SECOND READING, PUBLIC HEARING AND ACTION/Ordinance No. 12-81/In the Matter of Amending Lane Code Chapter 10 (Zoning) to Revise the Use, Criteria, Minimum Area, and Procedural Requirements of the EFU, A-1, A-2, FM, F-1, F-2, and FF-20 Districts; and Related Changes to Other Portions of Chapter 10

Orange Coast DAILY PILOT/Monday, May 11, 1981

L A3

## Valley bugged by flies

### Sewage treatment plant insects sparks suit

A group of Fountain Valley residents is claiming it is bugged — by “many million, perhaps billions” of flies around the Orange County Sanitation District’s sewage treatment plant.

In a class action lawsuit filed in Orange County Superior Court, the residents claim they have been victims of disease, lowered property values and disturbances to their living patterns as a result of flies.

“The flies fly over practically everything in the house in their desperate search for whatever flies search for,” Santa Ana attorney Robert Sassone said in the lawsuit filed Friday. “It is impossible to catch all of the flies.

“Because of their breeding place, these flies are exceptionally dirty and germ carrying,” the attorney said.

Sassone estimated that as many as 100 flies could be found in any house at any given time in the one-mile radius surrounding the plant at 10844 Ellis Ave.

According to the lawsuit, the flies began breeding in July, 1980 when plant operations were altered during a maintenance project. At that time, sludge — “human manure” as Sassone termed it — was neither properly treated nor covered, Sassone alleged.

He said the fly infestation continued for about six weeks. But Sassone said a court order should be issued to prevent future fly infestations.

In the lawsuit, the residents

also complain of odors of “human manure” and chlorine and release of chemicals into the air, and noise.

One hundred forty-four persons are named as plaintiffs in the action, Sassone said, however, that more than 10,000 people live within the one-mile radius of the plant.

Also named as defendants in the lengthy action are the cities of Fountain Valley, Costa Mesa, Huntington Beach and Santa Ana. It is claimed the cities have taken no action to protect residents from the alleged nuisances.

Each resident, according to the suit, is demanding \$100 for

increased medical expenses, \$100 for pesticide expenses, \$8,000 for reduced enjoyment of his residence, \$500 for alleged damage from odors, \$10,000 for reduction of property value, and \$25 for each time he was awakened by noise.

Superior Court Judge Edward Wallin scheduled a hearing on the plaintiffs’ application for an injunction for June 6.

The sanitation district has referred inquiries on the flies suit to its attorney, Thomas Woodruff, who also works as city attorney of Fountain Valley. Woodruff was unavailable for comment on the case today.



Serving northern Lane  
and southern Linn  
and Benton counties

## News



Vol. 4, No. 40

3 sections, 36 pages

Junction City, OR 97448

May 28, 1981

# Sewage plant tax bite could be heavy

BY SHARON MARZANO  
Special for The News

**JUNCTION CITY**—The whole truth about the new regional wastewater treatment plant would "scare people to death," says a county commissioner who believes the project could double property taxes.

Although the Metropolitan Wastewater Management Commission (MWMC) has been awarded \$29.5 million in voter-authorized bonds to help finance the plant's construction, the commission may have to ask Lane County voters to approve another \$30 to \$75-million bond issue to keep the project alive.

County Commissioner Scott Liewallen says a tight budget, a soft economy and a variety of outstanding bonds make this proposal "simply unacceptable."

"We are all going to the same well. All of these bonds are paid out of the property taxes," Liewallen said.

MWMC Director William Pye says "little is left wanting except the grant monies to finance the project's requirements."

Federal construction grants were to pay 75 percent of the plant's \$105-million price tag, but the MWMC financial administrator, Susan Racette, says the commission has received only half of the grant money.

Federal funding freezes associated with a tighter federal budget are the reason for this revenue shortfall, says Racette. "We just don't know what to expect in the way of federal or

state revenues."

Although contractors faced with a listless economy have turned in low bids, the commission has had to boost estimated costs for the plant by nearly \$35 million, Racette said.

Liewallen said he disagrees with MWMC management's projection that an additional \$30 million bond levy is needed to balance the commission's financial situation.

Liewallen said the \$30 million bond estimate was not "even in the ball park."

"I think the bond request could eventually go as high as \$75 million," he said, adding that such a bond request, if passed, could double property taxes.

Junction City residents now pay an average of \$20 per \$1,000 of assessed property value. Such an increase in property taxes would mean a person who annually pays \$1,500 for \$75,000 worth of assessed property may have to pay double that amount if MWMC's financial health continues to decline.

Liewallen says he believes MWMC's administration is taking a "piecemeal approach" and is not showing county residents the whole picture.

"They don't want to come out and say what it is really going to mean because they know it would scare people to death."

This year a nationwide reduction of \$1.7 billion in Environmental Protection Agency funding reduced MWMC's expected income by more than 30 percent, but next year the

funding could stop completely, EPA project director Ron Culver said.

According to Culver, the Reagan administration has announced a freeze on all of EPA's fiscal year 1982 grants until the Clean Water Act of 1970 has been rewritten and simplified.

"This is a horrendous task. I don't know how long it will take," Culver said.

Racette said the commission simply will have to wait for a decision on its federal funding and will have to compensate for any shortfalls by seeking further bond authorization, increasing the user fee for persons who live inside its service boundaries or modifying the design of the plant to reduce expenses.

"These are the only options a utility has to fund capital expenditures," said Racette.

Liewallen says he believes it is time for the Lane County Commissioners to become more active in MWMC, which is an intergovernmental agency under the commissioners' authority.

"We've had our nose buried in the budget for the past three months, but when that is over I'm going to spend some time digging into it," Liewallen said. It might become necessary to drop the idea of a regional plant and return to individual wastewater plants for each city.

Reprinted from Tri-County News, May 28, 1981, page 1.  
(Emphasis added.)

# Sewage lagoons may be new neighbors to south

## Residents struggle to stop Eugene waste dumping near their homes

BY SHARON MARZANO  
Special for The News

**JUNCTION CITY**—Five lagoons of murky green sewage 12 feet deep and five acres wide will be only seven miles south of Junction City if the Metropolitan Wastewater Management Commission has its way.

Two Junction City residents are struggling to prevent the 150-acre site between Awbrey Lane and Meadowview Road from becoming a dump for domestic and industrial waste from Eugene and Springfield.

Melva Barnes and Amanda Marker say they have spent countless hours during the past two years trying to get officials to respond to their concerns regarding the site's selection for sewage storage.

"We've gotten very little response to our letters," says Barnes with frustration.

"I just don't see how the city can ask an area that is always denied septic tank approval to be the sewage dump for Eugene and Springfield," Barnes said.

Marker, who raises 40 head of white-faced Herefords only half a mile from the proposed sewage site, which is now lined with neat rows of rye grass, says she is desperately afraid of run-off from the site.

She said the sludge is known to contain traces of bacteria, cancer-producing heavy metals and pathogens that eventually might migrate to her land and harm her cattle.

"The land is filled with streams which run constantly during the winter, and some of it flows into this drainage ditch," she said, pointing to a stream of muddy water on the edge of her land.

Growing populations, bringing Eugene and Springfield's existing wastewater treatment plants to near-capacity, coupled with more stringent EPA guidelines, led to the formation of MWMC in 1977. The commission was granted the authority to build and operate a regional wastewater treatment plant.

The commission quickly moved to reclassify sewage sludge, which is the solid material extracted from raw sewage. It became "biocycle" and a resource.

MWMC plans to store the sludge in lagoons, spread it in drying beds and then distribute it to farmers as fertilizer.

MWMC Director William Pye says the sludge stored in the lagoons will not seep into the water supplies of nearby residences.

The lagoons will be lined with a clay substance to separate the sludge from groundwater. Test wells around the site will be checked frequently for seepage from the lagoons, Pye said.

"Suppose a muskrat bores up from the bottom and breaks the lining," he said. "Our wells would pick this up and we would drain the thing and repair it."

MWMC also expects to locate 60 acres of asphalt-covered drying beds on the site. Solids would be dredged from the bottoms of the lagoons and would be layered one foot deep on the drying beds to concentrate and dry the solids.

Pye said run-off from the drying beds would collect in the drains that surround the beds and would be pumped back to the regional plant, five and a half miles away on River Road.

Jeff Siegel, an analytical chemist and MWMC citizen advisory board member, says the potential for groundwater contamination "depends on whether or not you buy the notion that the facilities won't break or leak."

Siegel said the site's location "is not compatible with the county's concern over the quality of groundwater in those areas."

The Del Monte Corporation in 1980 refused for the first

time to take vegetables from farmers who used sludge on their fields, claiming the U.S. Food and Drug Administration had yet to rule on the potential hazards.

A Seattle based FDA official said the agency still has not issued a definitive opinion on the matter and it remains a "use at your own risk" situation.

Siegel said the sludge is applied to the land after removal of the water and concentration of "the toxins and whatever else is in it 100 fold. Then you take it and plow it into the ground and this is where your danger starts."

Pye said no sludge will be applied to the land until MWMC engineers have measured the permeability of the soil and have determined the application rate with the State Department of Environmental Quality, which is monitoring the process.

Although Pye said every precaution would be taken, said he "can't guarantee that there won't be a contamination or pollution of the groundwater."

Siegel likens the situation to a shell game. "You have sewage waste which contains concentrated toxins in small amounts. You can haul them to the dump, flush them in the sewer or store them in a lagoon. Yet you have not changed the material composition of it."

"The best protection is to spread the sludge as thin as possible, yet spreading it too thin would cancel the fertilizing potential of the sewage."

"Maybe we will spread it so thin that the toxins cannot be monitored, but they aren't going to disappear, it will just take a few more years before the concentration levels will reach the hazardous level," said Siegel.

An Oregon State University study of sludge management warned that long-term heavy use of sludge can lead to excessive nitrogen loading, salinity problems and accumulation of heavy metals in the soil and in the crops grown on it.

Sludge application entails changes in cultural practices, timing, additional weed control and increases in operator's production costs. Consequently, "evaluating sludge only by its nutrient composition will overstate its value to the farm operator," the OSU study said.

The study concluded that more research is needed to determine the full potential for health problems.

Legal responsibility for problems caused by the sludge remains ambiguous. The city of Eugene gives away small amounts of it to people for use in their gardens. The small plastic bags of dried waste come with a legal release form that recipients are required to sign. The form renders the city blameless for any adverse effects on first, second or third parties.

Pye says that the sludge will not be used on food chain crops and that MWMC is not "forcing them (the farmers) to use it." Marker spoke of neighbors who nearly had finalized the sale of their home when a banner headline in the Register-Guard announced the selection of the site. That night the would-be buyers cancelled the deal.

Pye does not think locating a sludge dump next to a residential area will decrease property values.

"I don't think with the market place today, anyone can prove that one way or another," he said.

Pye added, "all those things are ideas, so whatever people want to blow it up to in their minds is entirely up to them."

The sewage lagoons will be approximately 9,000 feet from a Mahlon Sweet Airport runway. According to FAA guidelines, the site should be at least 10,000 feet from all runways to ensure that birds do not collide with ascending and descending planes.

Airport Manager Bob Shelby says he is comfortable with the site's location. MWMC's engineers have assured Shelby that the bird-attracting solids in the lagoons are kept on the bottoms of the ponds.

Shelby said the runway is not used frequently. It is 1,000 feet shorter than the others and is not equipped with an instrument landing system.

But FAA's Northwest Regional Senior Planning Officer, Mark Beisse, disagreed with Shelby.

"We let MWMC know in no uncertain terms that the FAA doesn't want the site located there," Beisse said. "It is an extremely legitimate problem since bird strikes have occurred and caused fatalities nationally."

FAA considers any standing water involving sewage wastes a potential bird strike hazard, Beisse said. He said the airport already has a well-documented problem with birds.

Shelby said the problem is common to the entire Willamette Valley, and involves the twice-a-year hatching of starlings that are too little to be a threat.

Beisse said the FAA has no authority over the situation until an incident occurs. Should one occur, FAA could withdraw certification of the airport, prohibiting commercial airlines from using it.

The FAA also has informed MWMC management that it and the city of Eugene would be held liable if a bird problem develops, Beisse said.

"This should be taken seriously. The topic is brand-new. Sludge lagoons and their location have surfaced only during the past three or four years, so we don't have a history on it," Beisse said.

Locating the sewage site next to properties that are not within MWMC's service boundaries and therefore are not a part of the regional wastewater plant's district, may be the most controversial question of all.

Siegel said if he were choosing the site, he would "hide it somewhere rather than stick it in the middle of an area which is hostile to its coming."

Locating the lagoons near industry would enable MWMC to buy waste heat from plants and to use it to dry the sludge, Siegel said. "You could buy the steam, cool it down to 50 degrees C and use it to speed up the drying and evaporation process."

Pye disagrees with the notion that the people who will be living next to the site don't contribute to the need for it. "Don't these people ever come to Eugene to shop or see a movie?"

"The real reason they are against it is that they don't want it located next to their homes," Pye said.

"I understand that they are polluting the groundwater with septic tanks. That's what a septic tank does, you know. But whether they are producing it or not is immaterial. They just don't want it located next to their houses."

Meanwhile, lack of federal funding and a lawsuit filed by the owners of the proposed sludge site have delayed construction. If the EPA calls for an Environment Impact Survey, it will mean a further delay of one or two years.

The controversy promises to continue in any event.

"We've got a problem," said Siegel. "We have a material which we will continue producing that contains a certain level of toxins. Whether or not they are high enough to worry about, I don't think anyone really knows yet."

Reprinted from Tri-County News, June 4, 1981, page 3.  
(Emphasis added.)



# LCOG Lane Council of Governments

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

September 9, 1981

Construction Grants Unit  
D.E.Q.  
P.O. Box 1760  
Portland, OR 97207

RE: Policy on Sewerage Works Construction

The comments following did not receive either L-COG 208 AAC nor L-COG Board review due to time constraints and conflicts with staff vacation scheduling, hence they are only L-COG 208 Program comments and not endorsed by the L-COG Board.

"The proposed policy appears to a positive step in the direction of a realization that local funding alternatives for sewerage facility construction are an essential for continued facility planning. Likewise, the policy is a strong reaffirmation that degradation of water quality is not an acceptable option.

There are, however, several areas where the policy would appear to be strengthenable. Perhaps the most noticeable omission is the lack of policy commitment by the EQC to its historic role of coordination, mediation and technical assistance in the development of local plans and financial options. The EQC and DEQ have been and should remain in a pivotal position in terms of the review of alternatives and in presentation of information on technological innovations, particularly to smaller cities that lack planning resources.

Likewise, there appears in the policy no commitment from the EQC to mobilize whatever financial resources the state may have at its disposal both to assist communities in need as well as directly attack the more serious water quality problems resulting from facility inadequacies. If, as it appears, the EQC policy will be one of "total local self-sufficiency" in planning, design and construction, then perhaps, this should be more clearly stated.

A second concern deals with a lack of specific policy on the development of "noncritical" situation definitions that may affect designs and hence costs. For example, the 1 in 10 year summer storm is not as likely to result in design alteration as is the 1 in 10 year winter storm. Policy in this area could at least define the EQC posture in terms of flexibility for such considerations as shortened lagoon storage periods, methods and periods of land application, relaxation of discharge time constraints based on flow or monitoring, etc. The proposed policy hints of a flexible system without indicating the policy toward developing a formal system. All these flexibilities may be critical for jurisdictions in determining treatment configurations and plant costs.

Finally, the policy apparently does not recognize the accumulative loadings (flow and quality) from storms and sanitary systems and indeed, provides little guidance on the policy limits to cost/effectiveness of storm-sanitary separations. Policies on compensatory load reductions through cost effective storm load reductions and on design limitations for handling infiltration and inflow could prove useful in reducing design costs.

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SEP 11 1981

In sum, the basic thrust of the proposed policy, that agencies will have to develop sewerage funding locally and self-sufficiently, seems to be a correct statement of current trends but does not appear to obligate the EQC to its historical role as an active and assisting participant and hence may signal more dramatic changes in the facility planning processes than anticipated.

Respectfully,



Gerritt Rosenthal  
208 Program Manager

GR:db

# City of Lowell

## O R E G O N

(503) 937-2157 • 107 E. Third • P.O. Box 347 • 97452

September 9, 1981

Mr. Harold Sawyer  
Environmental Quality Commission  
P. O. Box 1760  
Portland, Oregon 97207

Dear Mr. Sawyer:

The City of Lowell is a small town of 800 people, located on Dexter Lake, 22 miles east of Eugene.

At least one-third of our families are on public assistance or are retired. We have no industry. Our businesses consist of two small grocery stores and a service station. 40% of the land in town is either publicly owned or has been tax deferred.

Last November, we passed our first tax base in 26 years of incorporation. This gives us \$44,000 a year providing everyone pays their taxes. Out of this \$44,000 comes a \$10,000 bonded debt payment.

Each month our expenditures are \$2,000 more than our income. We are living on reserves until November.

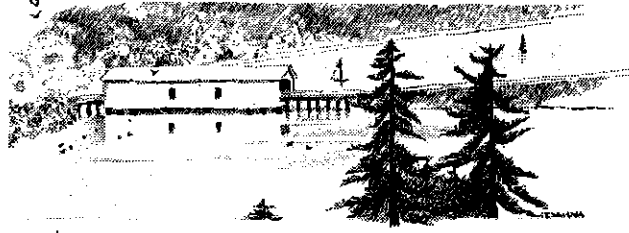
Each winter during heavy rain, our wast treatment facility is overwhelmed by surface infiltration. When this happens we have no choice but to pollute the lake with untreated waste. This is very upsetting to your department.

We are now in the process of replacing the worst of our sewer lines by means of a grant from HUD. This will help the problem but not totally eliminate it.

Larry Lowenkron of your department has in the past mentioned fines that his office in empowered to impose, and which we couldn't begin to pay. When we asked why we were not put on the priority list to be in a position to receive help, we were told that Lowell already had received too much federal money and should help itself. It seems to us that grants of tax money should be awarded on the basis of need not one person's political bias.

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SEP 11 1981

48/



Mr. Harold Sawyer  
September 9, 1981  
Page 2

The Corps of Engineers has a lagoon system close to our western city limits. This lagoon presently serves a county park and a fish hatchery at Dexter Dam. There is an 8" line that comes from the lagoon to lagoon to within 500 feet of our present system. The Corps has offered Lowell the lagoon and enough land to build another lagoon to accomodate our present needs and future growth. In order to take advantage of this offer we need approximately \$1,000,000.

With what I have just described to you, we have no way of funding this project and really do need assistance.

Sincerely,

*Nancy L. Davis*

Nancy L. Davis, Mayor  
Lowell, Oregon

September 10, 1981

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SEP 11 1981



Water Quality Division  
Dept. of Environmental Quality

UTILITIES DIVISION  
JOHN C. McINTYRE    DAVID J. ABRAHAM  
Director              Utilities Director

B. J. Smith  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
P.O. Box 1760  
Portland, OR 97207

CONSTRUCTION GRANTS PRIORITY LIST

We have reviewed the above referenced list and accompanying comments and feel that the proposed segmenting will severely restrict the implementation of the Tri-City Service District program, and more specifically not meet the adopted water quality objectives for the Willamette and Clackamas Rivers. We can offer a firm commitment that inclusion of the proposed lower ranked projects, discussed below, will eliminate raw sewage discharges immediately, with the storm sewer separation element being funded with local funds over a ten year period. We further feel that continuous funding of the program will have less impact financially than a start and stop approach which has been proposed. Finally, the Step 2, design for the treatment plant includes an update for the sewer system, to take into account modifications which have occurred within the last few years. We concur with the rankings given for all projects except those listed below and will establish a funding schedule which meets with DEQ's approval.

1. Tualatin Pump Station and Force Main. - This project is the most critical in meeting the overall Facility Plan objectives. Without removal of the Willamette Treatment Plant, the district will be left with a portion of the program implemented and an additional portion which creates major operability problems.

The plant sludge handling is inadequate and due to lack of redundancy creates the potential for a major spill. Also, since the plant does not meet the Water Quality Standards as adopted by the EQC, a limited connection ban has been imposed. The current NPDES permit recognizes this by requiring connection to the proposed regional plant as soon as possible.

2. River Street Interceptor and Gladstone Interceptors. - Due to existing overflows into the Willamette and Clackamas Rivers, the projects are needed to divert flows to the treatment plant from areas which are served by combined sewers. Predesign work will specifically analyze capacities in existing lines to

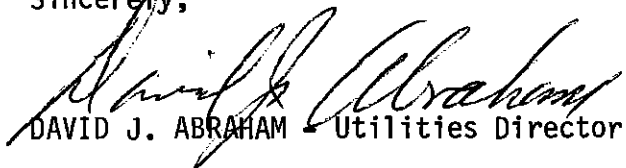


determine if flows can be diverted without moving the overflow to another point along the river. The results which could result in a lower priority in the future.

3. Abernethy and Newell Interceptors. - These two projects will divert a substantial flow from the hilltop area of Oregon City, which currently magnifies the problems of overflows to the Willamette in downtown Oregon City. This project is also scheduled for construction in conjunction with the Oregon City Highway Bypass in order to minimize costs.

Based on the above information, we request that the projects be included with the Tri-City Regional Segment on the proposed list. We will continue to work with DEQ in further refinements as the program is developed.

Sincerely,

  
DAVID J. ABRAHAM - Utilities Director

DJA/mb



# League of Oregon Cities

SALEM: Local Government Center, 1201 Court Street N.E., P.O. Box 928, Salem 97308, Telephone: (503) 588-6466

EUGENE: Hendricks Hall, University of Oregon, P.O. Box 3177, Eugene 97403, Telephone: (503) 686-5232

Salem, Oregon  
September 11, 1981

RECEIVED  
SEP 11 1981

Water Quality Division  
Dept. of Environmental Quality

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

Attention: Construction Grants Unit

Subject: Proposed Policy on Sewerage Works Construction in the Absence  
of Sufficient Federal Funds

Ladies and Gentlemen:

The purpose of this letter is to offer comments and suggestions about the above proposed policy. While we support the department's desire to provide some guidance in the current sewer financing dilemma, we have some serious reservations about the breadth and value of the policy as presently framed.

By way of background, we should note our disappointment that the department did not consult with cities at an earlier stage in the development of the policy. The League's strong interest in the financing of sewerage works construction is well known. We have invested enormous time and energy working with both staff of your agency and federal officials on the subject. In addition, we specifically helped in the development of and consultant selection for the Pacific Economica study.

Despite this involvement, we were unaware that a policy of this nature and magnitude was under consideration. We would have been interested and willing to work with the department on such a policy and still hope there will be an opportunity to do so.

With respect to the merits of the policy, our primary concern goes to the level of state involvement in local budgeting and financing practices that the policy seems to represent. From the perspective of cities, the proposed policy presents a "double whammy" -- not only must they solely finance their projects, but they will also be told how to do so. Cities have certainly objected to some of the strings that accompanied the grant programs, but they may be expected to object much more vehemently to new strings without the benefit of grants.

More specifically, we question both the legal authority and policy wisdom of the proposal to require sewerage works facility planning "which assures self-sufficient construction and operation from local sewerage revenues". As to the question of legal authority, we are unaware of any statutory authorization for the agency to impose this type of requirement. Indeed, the proposed policy is attempting to enact by administrative rule what the Pacific Economica study acknowledges would have to be effected by revision of the Oregon Local Budget Law (page 4, recommendation #1).

As to the policy question, many cities would agree with the study's conclusion that waste treatment services should be provided on a "self-sufficient basis, relying predominantly on user fees and charges." This does not mean, however, that it is advisable for the department to dictate a particular financing practice for all communities. At a minimum, the proposal is insensitive to the difficult policy considerations, such as the impact on housing costs, a community must weigh in determining how much reliance to place on user fees and development charges versus other financing mechanisms. It is particularly frustrating to have one state agency demanding a practice that another state agency has been criticizing -- as has been the case with the State Housing Council and systems development charges.

We do not mean to suggest that the department has no legitimate interest in the subject at hand. In fact, we have urged the department to help in responding to the growing crisis in the financing of sewerage works, and we respect the proposed policy as a good faith effort in this direction. Nonetheless, we believe the policy should be cast in more positive terms and tailored to the department's clear statutory responsibilities, such as the following:

1. Technical assistance and advice.

A consistent theme of ORS 468.035 is the department's responsibility to consult with and assist local governments with respect to pollution control. It is certainly a demanding occasion for the department to provide such advice and assistance as cities seek to adapt to the new financial realities for sewerage works construction. While the proposed policy contains some elements of a cooperative, advisory approach to the problem, they are overshadowed by the mandatory and directive aspects of the policy.

We would also suggest that a cooperative, advisory approach is more likely to produce the results desired by the department. The tragic lesson of relying upon an unfilled federal grant commitment has already hit most cities in Oregon. Of course, as long as any federal monies are available, some cities will continue to compete for them, particularly in light of prior commitments and expectations. The remaining cities, however, are by necessity adjusting to the need to assume the full financial burden of their projects. They do not need to be told to do so. What they need is some constructive assistance and advice in making the difficult adjustment.

2. Compliance with water quality standards.

The department also has a legitimate statutory role under ORS Chapters 454



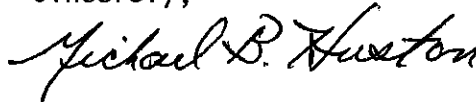
September 11, 1981

Page 3

and 468 to prevent violations of state and federal water quality standards. To the extent that a city is, for example, under a compliance schedule to overcome deficiencies in a sewer system, we can see a legitimate agency interest in seeing that the steps proposed to be taken are financially realistic. Yet, to broaden this statutory function into control of financing practices for all systems is unjustified.

In closing, the League and its member cities have generally enjoyed a good working relationship with the Department and we believe this relationship can be brought to bear in a cooperative approach to the problem. We reiterate our judgment that, if revised to provide technical assistance rather than mandate local budgeting procedures, the proposed policy could become a positive step for the state and its cities, and we are prepared to assist in such an effort.

Sincerely,



Michael B. Huston  
Senior Staff Associate

MBH:sar



A JOINT VENTURE OF

**BROWN AND CALDWELL & SPCM, INC., A SVERDRUP CORPORATION COMPANY**

132 East Broadway, Room 343  
Eugene, Oregon 97401  
Telephone (503) 683-1500

September 11, 1981

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SEP 11 1981

Water Quality Division  
Dept. of Environmental Quality

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

TESTIMONY FOR FY 82 CONSTRUCTION GRANTS PRIORITY LIST

The following testimony and supportive exhibits are relative to the sludge and rehabilitation components of the overall MWMC project. This letter supplements testimony and material provided DEQ at the public hearing held December 4, 1980, at a meeting with DEQ on April 20, 1981, in the Operational Interdependence Study, June 1981, and testimony given on behalf of MWMC on September 8, 1981. BCS, which is a joint venture of Brown and Caldwell and Sverdrup Corporation, is project manager for MWMC on the regional wastewater treatment program. BCS is a consultant to MWMC, and has been hired for program management services, which include scheduling and planning the program. BCS makes detailed schedules for planning purposes, coordinates consultant activities and does other program management functions. BCS prepares schedules based on technical review of the construction program and the interrelationship of projects to operational interdependence of process units and the overall program.

OAR 340-53-015 (5) (a) (B) requires that the Department of Environmental Quality (DEQ) and the Environmental Quality Commission (EQC) consider the interdependence of the various components of an overall project when assigning priority rankings. The policy implementing this rule has been expressed in two published documents, the first of which was the DEQ inter-office memorandum of October 30, 1980. While the applicable factors were not entirely clear, it appeared that the ultimate conclusion depended on whether the components of the projects were so interrelated that water quality benefits could not be achieved unless the components were built in tandem. The most recent policy statement by DEQ on this issue is consistent with this approach and was incorporated in Attachment 4-1 to the documents circulated in preparation for the September 8 public hearing.

It provides as follows:

"Generally, elevating appropriate components and segments is considered necessary when:

- A. A segment if constructed by itself will not resolve a specific identified problem for which it is intended..."

The rules and regulations allow projects that are operationally interdependent to prove interdependency with technical backup. BCS feels without doubt the wastewater treatment plant is operationally dependent upon the sludge and rehab components. The following paragraphs describe and discuss the DEQ's position and then are followed by BCS' technical review of the arguments and supportive material.

#### SLUDGE

The DEQ discusses MWMC's sludge component in the FY 82 priority list and states:

"A delay in the development of the off-site sludge storage basins will not immediately impact the treatment facility. Liquid sludge transport and land spreading equipment have already been purchased. Increased digestion capacity plus the temporary storage pond at the plant site will permit continued operation even though there may be some loss of plant efficiency during part of the year. The big sludge gun will permit field application during some wet weather months. This segment has therefore not been elevated to the priority of the regional STP."

In reviewing this statement we are not sure how to interpret the "plant efficiency" clause. Obviously, the necessity for removal of sludge is paramount to the successful operation of any wastewater treatment plant. As the byproduct of the wastewater treatment plant, sludge must be removed at the production rates and then disposed of. It would appear that DEQ is suggesting there may be future leeway for plant efficiency regarding the NPDES permit. This item needs to be further clarified by DEQ and the impact upon the wastewater treatment plant to be assessed, if in fact there is room for negotiation on the effluent quality. BCS feels that the reason relied upon by DEQ in reaching its initial conclusion that sludge is not operationally interdependent to the WWTP, are technically unsound. BCS gave testimony on December 4, 1980 regarding MWMC's sludge program and operational interdependence. BCS has also included a copy of MWMC's "Operational Interdependence Study" June 1981, which was discussed with DEQ on April 20, 1981 and transmitted to DEQ in June 1981. Additional details on the sludge program are in Appendix A.

BCS feels that the DEQ's arguments for keeping sludge separate from the WWTP are not supported by any substantial evidence. BCS feels that EPA rules and regulations require MWMC to select the cost effective solution to sludge. An extended interim program of the nature suggested by DEQ is not cost effective nor can it be easily implemented.

#### REHABILITATION

DEQ has listed Eugene and Springfield Rehabilitation as components that are not considered operationally interdependent to the WWTP with the following explanation:

"The increase in sewage pumping and treatment capacity as a result of implementing other segments should insure that no bypassing of raw sewage will occur from the sewer system during dry weather months. A program of sewer maintenance and rehabilitation can systematically be undertaken to address the needs of capacity constraints due to extraneous flows into the sewer system."

BCS has presented additional details on the rehab programs as included in Appendix B.

BCS also must ask the question of why the Tri-City Rehab project received 120 Regulatory Emphasis Points and Eugene/Springfield Rehab received only 90 Regulatory Emphasis Points.

#### MWMC'S RECOMMENDATION

Based on all of the testimony and other evidence submitted, BCS, on behalf of MWMC, respectfully submits that DEQ should modify its initial determination and find that the regional treatment plant is operationally dependent upon both the permanent sludge and rehabilitation components. Accordingly, BCS, on behalf of MWMC, urges the DEQ to revise its Alternative 1 and 2 priority lists to reflect a confined ranking for these components with the treatment plant.

It is important to note that this would not result in any increase in the total grant dollars in a fiscal year over the amounts already earmarked for MWMC on the draft priority list.

BCS has recently reviewed and refined cost estimates for the remaining project components. The general results reflect a substantial reduction in costs from the original budget level estimates. The results are most clearly demonstrated by revising the appropriate priority list pages to reflect them. Therefore the revised priority list sheets are shown in Appendix C and D for DEQ's Alternative 1 and 2, respectively.

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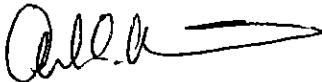
We recommend that DEQ adopt the changes noted herein and in DEQ's final recommendation to the EQC.

SUMMARY

1. BCS has presented evidence to show the WWTP is operationally dependent upon sludge and the rehabilitation projects.
2. The DEQ's suggested sludge program is not cost effective nor can it be easily implemented.
3. All of MWMC's remaining components can be completely funded from DEQ's proposed FY 82 priority list within the heading designated "MWMC/Regional".

We appreciate the opportunity to testify and look forward to your concurrence.

BCS



Arl A. Altman  
Deputy Project Manager

AAA:ln

Enclosure: Operational Interdependence Study, June 1981

cc: MWMW (w/o enc.)  
WST&D (w/o enc.)  
DC (w/enc.)

BCS

APPENDIX A

This discussion was prepared to present additional detailed material to the "Operational Interdependence Study" prepared by BCS in June 1981. The same reference material was used to prepare this addition with the exception of some new material, which is noted.

### INTERIM SLUDGE MANAGEMENT PROGRAM

In 1979 construction began on the new regional wastewater treatment plant at the site of the existing Eugene Sewage Treatment Plant (STP). 4.5 acres of earthen drying beds were removed to facilitate construction of the primary clarifiers. To allow for continued operation of the existing Eugene Wastewater Treatment Plant, an 8.5 million gallon temporary storage lagoon was constructed which was to store the sludge produced through the fall of 1980. It was at this time, according to original project scheduling, that the first off-site facultative sludge lagoon (FSL) would have been ready to receive digested sludge. The temporary lagoon was never intended or designed for long term use or for use with the new regional treatment plant. The sludge production quantities for the existing Eugene Wastewater Treatment Plant and the expected temporary lagoon life are shown on Exhibit A.

### Facilities

With the delay in construction, MWMC was forced into instituting an interim sludge management program solely for the sludge produced at the Eugene Wastewater Treatment Plant. The interim facilities are shown schematically in Figure 1. The program called for storing sludge during the wet months with subsequent hauling of liquid sludge during the summer since the worst case shows the temporary lagoon storage capacity to be approximately 21 months. MWMC was authorized by DEQ/EPA to purchase the liquid hauling and spreading equipment only because it would eventually be the back-up system for the permanent system, which called for stabilization in FSL's and air drying 80% of the harvested sludge with subsequent agricultural utilization. MWMC has taken delivery of a dredge, two truck tractors and a flotation tire sludge injector. MWMC expects delivery of two 6,000 gallon trailers and a sludge sprinkler in the near future. According to the "Sludge Management Program" by Brown and Caldwell, no more liquid sludge equipment is recommended for the permanent system.

### Operation

Digested sludge at about 3.9 percent solids is pumped to the temporary lagoon for storage prior to ultimate removal. The lagoon is not aerated and has a surface area of slightly less than 123,000 ft<sup>2</sup>. In the lagoon the sludge undergoes compaction and some additional volatile reduction. (The sludge feed is only about 46 percent volatile based on treatment plant records, so actual total reduction is minor.) Supernatant pumps can return part of the clarified upper layer of the lagoon contents to the headworks.

It has been MWMC's experience that compacted sludge at about 8 percent solids is removed from the temporary lagoon. The sludge is pumped to tanker trucks for transport. For the 1981 summer sludge hauling season, MWMC has contracted with a private hauler and leased an additional tanker trailer which is

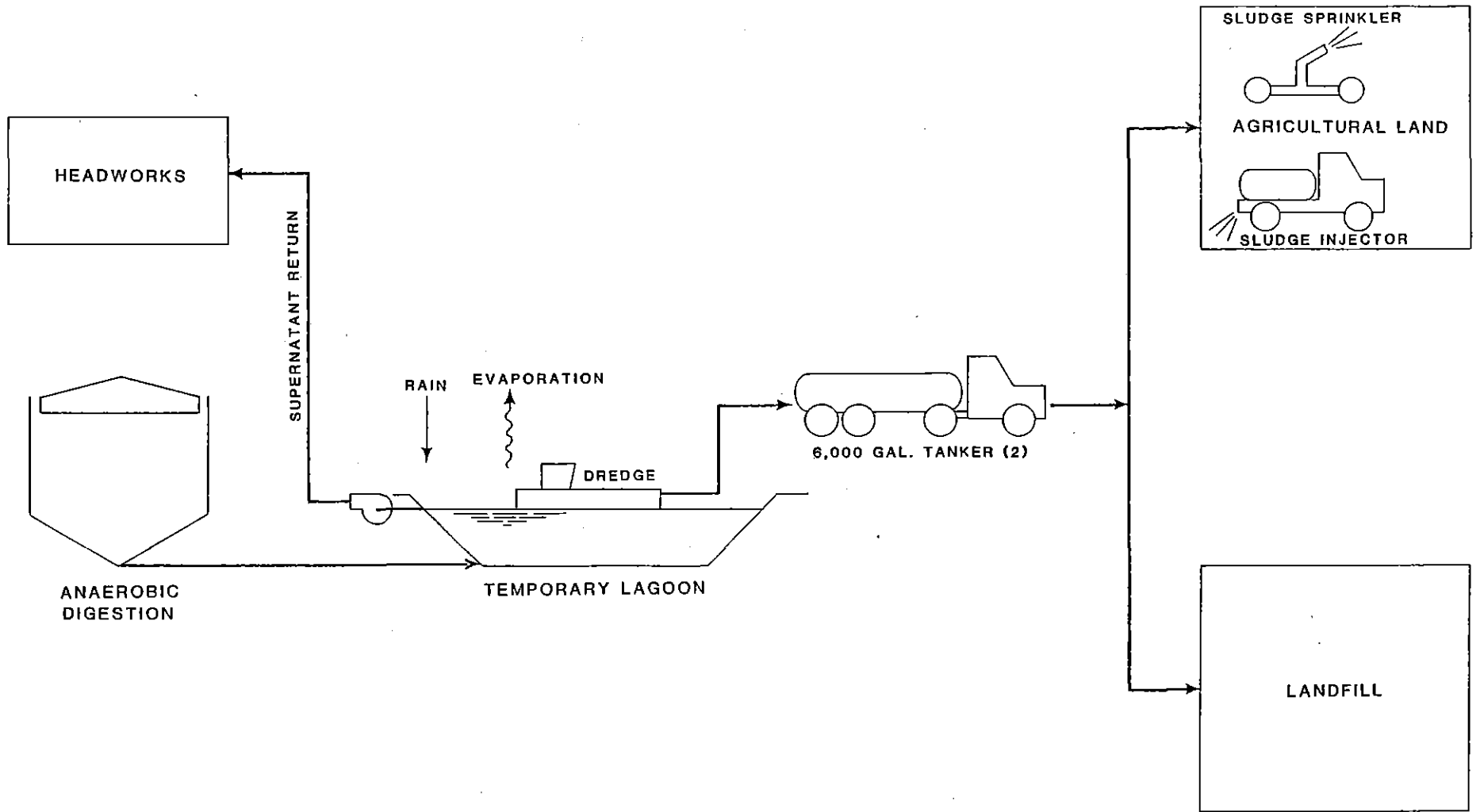


FIGURE 1 INTERIM SLUDGE MANAGEMENT PROGRAM



transported by one of MWMC's tractors. Private hauling is projected to be \$75,000 for two million gallons. Liquid sludge is spread by the tankers at Lane County's Short Mountain Landfill and approved agricultural sites. Spreading will also be accomplished by the sludge injection equipment and sludge sprinkler upon their delivery and acceptance.

### TREATMENT PLANT START UP

In its draft FY 82 Priority List, DEQ denied MWMC's contention that permanent sludge facilities are operationally interdependent with the main treatment plant and continued to give it a much lower priority rating (WWTP rank = 12, sludge rank = 67). By so doing, DEQ has in effect stated that MWMC will startup the treatment plant while maintaining the interim sludge management program.

### Facilities

No new facilities or equipment purchases have been approved by EPA prior to the construction of the permanent sludge facilities. DEQ has made allusions to use of additional temporary lagoons and liquid transport vehicles. Additional lagoons are not feasible due to lack of available space and additional tankers (at about \$50,000 each) are not cost-effective and are not part of the approved permanent sludge management program.

### Operations

The most significant impact of bringing the regional plant on-line will be the dramatic increase in daily sludge production. The temporary sludge lagoon was designed to handle the existing Eugene Wastewater Treatment Plant's sludge production. At start up of MWMC's regional wastewater treatment plant, sludge production will more than quadruple to 148,000 gallons per day. Several factors cause this increase and also decrease the stability of the digested sludge. At start up the regional plant will be receiving not only Eugene's sewage but all of the sewage that presently goes to the Springfield Wastewater Treatment Plant. The new treatment plant is designed with the activated sludge process which produces more sludge per pound of BOD destroyed than the present trickling filter process. The more stringent discharge permit requirements will mean increased pollutant removals. The new solids processing train will utilize the high-rate digestion process without decanting, consequently producing thinner, less stabilized sludge than the presently utilized low-rate process with decanting.

Projected digested sludge production upon plant startup is approximately 148,000 gallons per day with an average solids content of 3 percent. This is more than four times greater than the present daily average. If one assumes the digested sludge to be 40 percent volatile solids (VS) (Wastewater Engineering, Metcalf & Eddy Inc., 1972) this gives an area loading rate to the lagoon of about 121 lbs. VS per 1000 ft<sup>2</sup> per day. The EPA Process Design Manual, Sludge Treatment and Disposal, states that the area loading rate for an FSL should not exceed 20 lbs. VS per 1000 ft<sup>2</sup> per day to maintain the aerobic surface layer required to prevent odors. Maintenance of an aerobic surface layer also requires daily mechanical surface agitation to break up the scum layer that hinders oxygen assimilation. If the lagoon were to receive the

full daily sludge production at such an excessive loading rate the odors produced would be intolerable. The lagoon is located less than 1,000 feet away from homes and businesses and there have been frequent phone calls regarding odors when the existing trickling filters are overloaded.

Also, with the projected loading of 148,000 gallons per day, the anticipated holding capacity is approximately 57 days without decanting. Supernatant pumps are available and MWMC's operational experience indicates that capacity is approximately doubled by decanting under the present loading. However, if the lagoon were to receive the full daily sludge production (i.e. 148,000 gallons per day), decanting would probably not be possible because stratification, as exists in a facultative environment, would be minimal, if any. Excessive anaerobic activity and subsequent gas production will also keep the lagoon in a reasonably well mixed state. While the supernatant may be of better quality than the subnatant, it would most probably cause severe plant upsets similar to those caused by digester supernating.

MWMC's sludge spreading has been limited primarily to the summer months in 1980 and 1981. However, if the regional treatment plant is brought on-line prior to construction of permanent sludge handling facilities, MWMC would need to begin trucking liquid digested sludge on a daily basis year round. MWMC's present fleet of sludge hauling and spreading equipment cannot keep pace with the expected sludge production.

(2 trucks @ 6,000 gallons X 8 trips/day = 96,000 gallons/day)

#### EXTENDED-INTERIM SLUDGE MANAGEMENT PROGRAM

If MWMC was required to start the regional plant without the approved permanent sludge handling facilities, there are still minimum requirements that must be met to prevent excessive nuisances. These minimum requirements would become part of the "extended-interim sludge management program", hereafter called the extended program. BCS has presented the extended program as a hypothetical case to demonstrate the consequences of implementing DEQ's suggested use of an interim program.

#### Facilities

Minimum facility requirements were determined by using guidelines for sludge handling facilities as stated in the EPA Process Design Manual, Sludge Treatment and Disposal. These facilities are shown schematically in Figure 2.

Maximum lagoon loading, recommended by EPA, is 20 lbs. VS per 1000 ft<sup>2</sup> per day. Once again, assuming the digested sludge to be 40 percent volatile, this yields a lagoon loading of 24,500 gallons per day. Assume that sludge in the temporary lagoon is decanted and therefore approximately halved in volume. With a daily average production of 148,000 gallons per day and the decant reduction, this yields a total daily volume of 136,000 gallons per day that requires trucking to land disposal sites.

MWMC will need to haul and dispose of large amounts of liquid sludge on a daily basis. During the wet months the large tankers will be incapable of spreading sludge. Operational experience with the flotation vehicles has shown that despite the low ground pressure exerted by the vehicles, ground

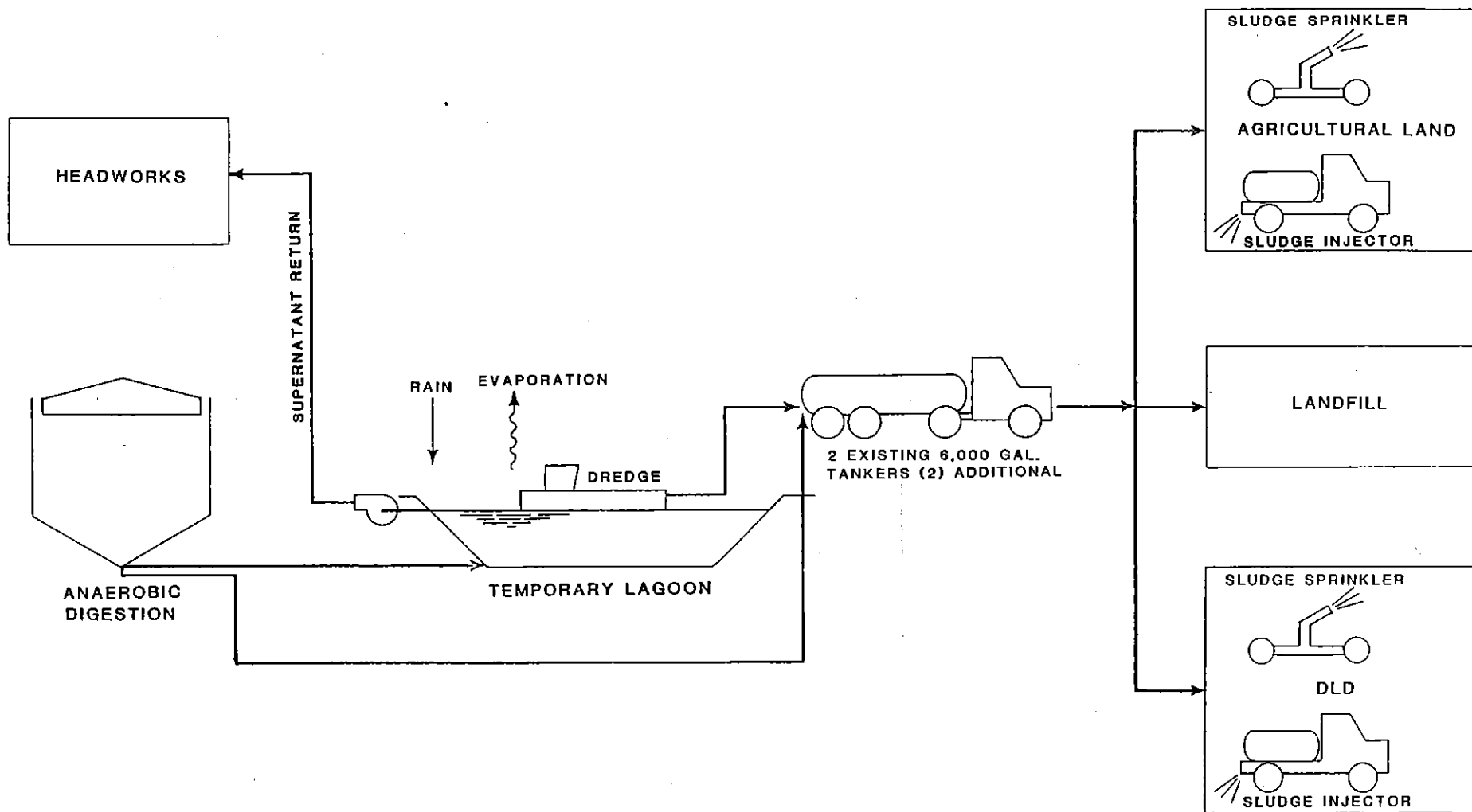


FIGURE 2 EXTENDED INTERIM SLUDGE MANAGEMENT PROGRAM

compaction still occurs and farmers are reluctant to allow injection of sludge during the wet months. Runoff control is a problem during the rainy season with the sludge sprinkler. Also, consecutive cycles of drying and wetting of digested sludge is known to cause excessive odors.

With the above problems and limitations in mind, MWMC would need to purchase some land to maintain reasonable continuity of the sludge disposal process. The cheapest way to achieve this would be through use of a "dedicated land disposal" system or DLD. This system allows injection (or spreading) rates far in excess of any agricultural uptake rates. Loadings of up to 100 tons of sludge per acre per year can be used. Problems associated with this system are runoff control requirements, groundwater protection requirements and energy inefficiency. Also valuable resources (fertilizer value of sludge) are not used and the land cannot be returned to productive use for an indefinite period of time.

It is reasonable to assume that the DLD would be in use an average of six months in any given year. With a loading of 100 tons per acre per year and including an allowance for roads, barriers and buffers, about 50 acres of land are required.

### Operations

Since the extended program could be in existence for some time, a regular work schedule would be instituted with tankers operating on a 5-day, 40-hour week. This 5-day work week would require 32 loads per day with a 6,000 gallon tanker. Experience for the 1981 season has been about 8 loads per day per truck with a 12 hour day. MWMC would need a minimum of four tankers in operation constantly with overtime. A fifth tanker would add reliability and reduce overtime. MWMC could either buy two or three additional tankers or go to a continuous contract hauling system.

MWMC would have three possible locations for sludge disposal; landfill, agricultural land and DLD. Sludge would be surface spread at the landfill but only a small amount of the total could be taken there. Sludge could be injected or surface spread on agricultural land and the DLD. Injection is however, much more desirable than surface spreading because it has less problems with puddling, insects and odors. For this analysis, it was assumed that for the six dryer months, half the sludge would be injected and half will be surface spread. During the wetter months, 75 percent of the sludge would be injected and 25 percent would be surface spread.

### Cost-effective Analysis

MWMC has actual cost figures for the last two years of sludge hauling. The 1980 figure is based on hauling with subsequent injection and the 1981 figure is based on hauling with subsequent surface spreading. The figures are:

1980 (w/injection)	\$.0557/gallon
1981 (surface spread)	\$.0375/gallon

The figures include all operational costs so no further equipment, labor or related cost need be included. By multiplying the gallons disposed of by their respective costs, an annual disposal cost (which does not include land

costs) of \$2,426,000 was calculated. The present worth of the operating cost for the "apparent best alternative" as reported in the December 1980, "Sludge Management Program" by Brown and Caldwell is \$1,853,000. The extended program is almost one third more costly on an operational basis alone. 40 CFR 35.918-1(b) states that

"...the grant applicant shall: demonstrate ... that the solution chosen is cost-effective and selected in accordance with the cost-effectiveness guidelines for the construction grants program (see appendix A to this subpart)."

The suggested interim program by DEQ is not cost effective.

### Further Discussion

Even this cursory review shows the extended program to be impractical, non cost-effective, and has some very serious drawbacks. They are:

1. The system is not approved by EPA and an Environmental Impact Statement may be required for its implementation.
2. During a time when energy conservation is such an important national issue, this system is extremely inefficient in its energy use.
3. The fertilizer value of the sludge, a potentially valuable resource, is not used to its fullest.
4. Useful land is taken out of service for an indefinite period.

Since the feed sludge is less stable and the loadings are so high, the supernatant will be of poor quality at best. This would most likely cause upsets in the activated sludge process with the resultant degradation in effluent quality.

MWMC will have two pieces of equipment that may be capable of working a portion of the wet season; the injector and the sprinkler. However since MWMC has no dedicated land for injection of sludge, private agricultural land must be used. Even with the flotation tires, some ground compaction occurs with use of the injector rig and local farmers are reluctant to allow injection during the winter. The sprinkler is more limited in that environmental regulations place severe limitations on surface sludge spreading in the area of runoff control. Once again, since MWMC has no dedicated land, runoff control would be difficult.

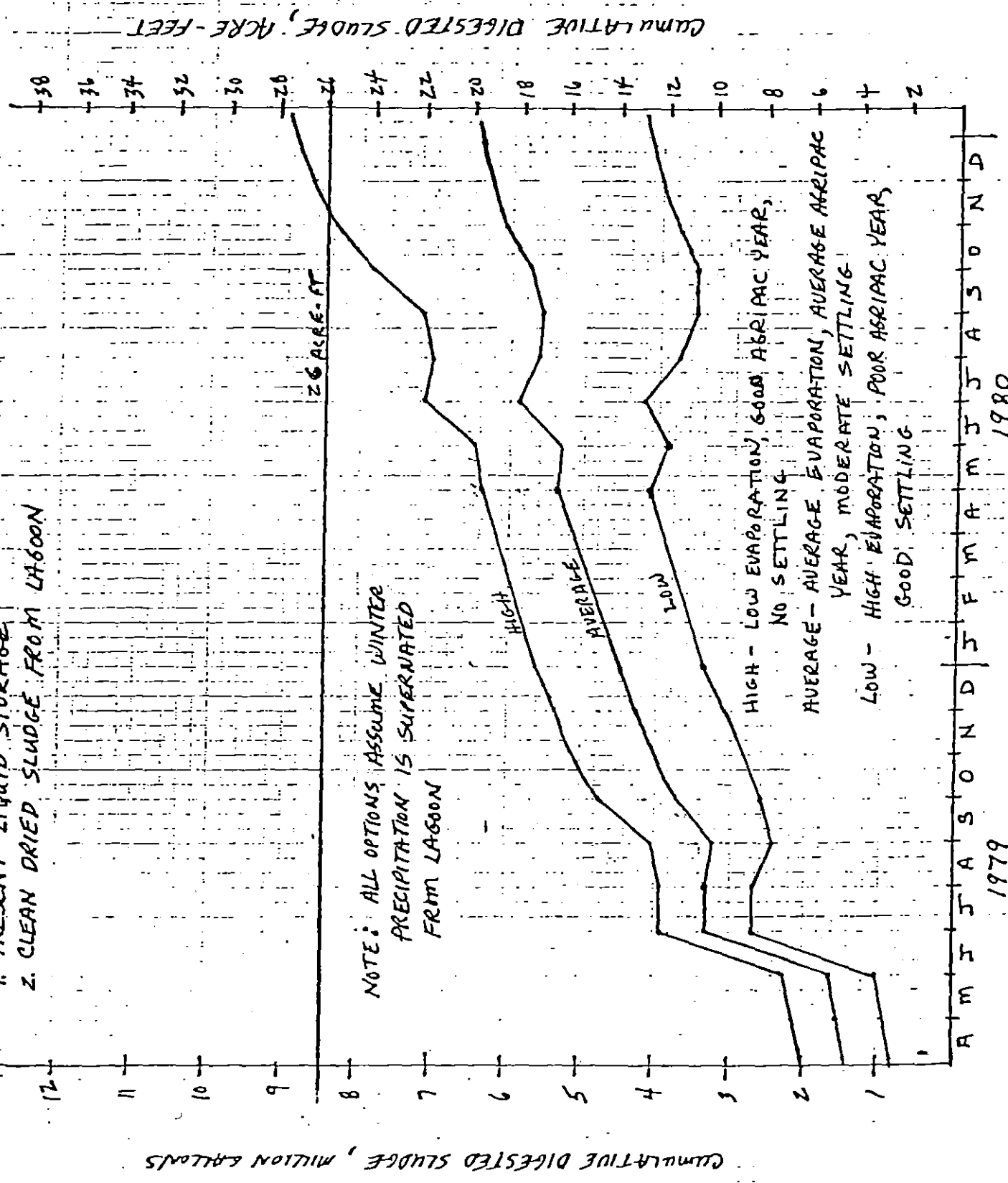
### Summary

MWMC cannot startup the new regional treatment plant without the use of the permanent sludge facilities. The interim program could not come close to handling the amount of sewage to be produced. Heavy loadings would cause foul odors in a residential area and cause treatment upsets.

ALTERNATIVE I

1. PRESENT LIQUID STORAGE
2. CLEAN DRIED SLUDGE FROM LAGOON

NOTE: ALL OPTIONS ASSUME WINTER PRECIPITATION IS SUPERNATED FROM LAGOON



APPENDIX B

## REHABILITATION

The Eugene and Springfield rehabilitation programs are of great importance since all pumping and treatment processes are based on estimated minimum inflow/infiltration (I/I) removals. As stated previously in the original "Operational Interdependence Study", hereafter referred to as the original study, the Willakenzie Pump Station and the raw sewage pump station would be hydraulically overloaded if the rehabilitation program is not carried out. Besides the fact that overflows will occur, significant physical damage can be done to the stations if flooding should occur.

In an effort to make a quantitative analysis of overflows and resultant effects, the following assumptions were made:

1. Time of concentration is negligible.
2. Peak events have a 2-hour duration.
3. BOD and suspended solids remain constant in mass regardless of dilution (i.e. total pounds of BOD in system will not change between 175 mgd and 264 mgd, rather concentration will decrease).

The total effect of not performing rehabilitation is best described by looking at the collection system and treatment process as a whole. During the peak event (5-year, 2-hour storm) the peak flow to the system will be 264 mgd (See original study, pages 3-2). At the treatment plant flows in excess of 103 mgd will bypass secondary treatment prior to chlorination. However, the pump stations can only deliver 218 mgd. The plant's influent design capacity is 175 mgd and process units are designed on that basis. To prevent flooding the pretreatment structure operators will need to throttle the influent pumps back to 175 mgd.

The resultant situation is that a flow of 89 mgd or 34 percent of the total flow is bypassed to the Willamette River during the peak. Approximately 2,200 lbs of BOD and 2,600 lbs of suspended solids reach the receiving waters without any treatment whatsoever. The bypasses are not diffused throughout the width of the river but rather stay along the shorelines (Springfield Treatment Plant records). Also, especially in the case of the Q Street Floodway, the bypasses are to dead end creeks and ditches that receive little or no flushing action.

Bypasses are not the only problems associated with non-rehabilitation. The durations of excessive flows at the treatment plant will be significantly lengthened. Due to leaking pipes, infiltration will stay at a high level as long as the groundwater level remains up. These excessive flows greatly enhance the chance of "washout" of the biological treatment process.



## APPENDIX C

ALTERNATIVE 1

DRAFT CONSTRUCTION GRANTS FISCAL YEAR 1982 PRIORITY LIST

PROJECT RANK	PROJECT NO.	GRANTEE/ PROJECT NAME	SEGMENT/ COMPONENT	STEP	READY TO PROCEED	TARGET CERT.	EST. GRANT AMOUNT*	PRIORITY POINTS
10	665	CORVALLIS/SW ANNEXATION	INT	2	FY 81	(81)	38	A200.96
			INT	3	FY 82	FY 84	465	A200.96
			COLL	2	FY 81	(81)	33	A195.96
			COLL	3	FY 82	FY 84	423	A195.96
11	569	MONROE/NORTH /CITY	INT	3	FY 81	FY 84	70	A194.51
			REHAB	3	FY 81	FY 84	300	B159.22
12	624	MWMC/REGIONAL	SEA IND W P2	3	FY 82	FY 82	3,121	C256.58
			STP P6	3	FY 82	FY 83	5,804	B261.51
			PS1 P1	3	FY 81	(81)	1,125	B198.68
			SLUDGE	3	FY 82	FY 83	6,393	C201.51
			SEA IND W	2	FY 81	(81)	339	C256.58
			PS2	3	FY 82	FY 84	750	C197.70
			PS2/REHAB	3	FY 82	FY 84	6,345	C197.70/C199.43
			PS 2	2	FY 81	(81)	243	C197.70
			NOT NEEDED	3	FY 82	FY 87	3,639	
13	467	SILVERTON/CITY	EFF DISP	3	FY 82	FY 87	100	B249.57
14	467	SILVERTON/CITY	W MN INT	3	FY 81	FY 87	164	B246.44
15	512	COTTAGE GROVE/CITY	STP IMP	3	FY 81	FY 87	4,178	B240.74
			INT	3	FY 81	FY 87	645	B238.74
			I/I CORR	3	FY 81	FY 87	319	B237.74
16	493	TRI-CITY CO./REGIONAL	STP	2	FY 81	(81)	1,551	B232.55
			STP	3	FY 83	87-87+	24,119	B232.55
16	604	CLACK CO./KELLOGG /(TRI-CITY CO.)	SLG DISP	2	FY 81	(81)	61	B232.55
			SLG DISP	3	FY 83	FY 87+	247	B232.55
			SLG DIGT	2	FY 81	(81)	340	B232.55
			SLG DISP	3	FY 83	FY 87+	1,300	B232.55
16	493	TRICITY CO./REGIONAL	WIL INT 1	2	FY 81	(81)	96	B230.55
			WIL INT 1	3	FY 83	FY 87+	1,638	B230.55
		/OR CITY	OC INT	2	FY 81	(81)	18	B229.78
			OC INT	3	FY 83	FY 87+	299	B229.78

\*ESTIMATED GRANT AMOUNTS ARE INFLATED TO TARGET CERTIFICATION YEAR.

APPENDIX D

## ALTERNATIVE 2

## DRAFT CONSTRUCTION GRANTS FISCAL YEAR 1982 PRIORITY LIST

PROJECT RANK	PROJECT NO.	GRANTEE/ PROJECT NAME	SEGMENT/ COMPONENT	STEP	READY TO PROCEED	TARGET CERT.	EST. GRANT AMOUNT	PRIORITY POINTS
T	486	BEND/CITY	EFF DISP	3	FY 82	FY 83	750	A227.97
T	624	MMMC/REGIONAL	SEA IND W P2	3	FY 82	FY 82	3,121	C256.58
			STP P6	3	FY 82	FY 82	5,804	B261.51
			PS1 P1	3	FY 81	(81)	1,125	B198.68
			SLUDGE	3	FY 82	FY 82-83	6,393	C201.51
			SEA IND W	3	FY 81	(81)	339	C256.58
			PS 2 1	3	FY 82	FY 83	750	C197.70
			PS 2/REHAB	3	FY 82	FY 83	4,280	C197.70/C199.43
			PS 2	2	FY 81	(81)	243	C197.70
			NOT NEEDED	3	FY 82	FY 85	3,639	
T	342	PORTLAND/SE REL.	INT P 3	3	FY 80	FY 85	6,900	C201.86
			INT P 4	3	FY 81	FY 85	2,400	C201.86
1	622	PORTLAND/SW 45TH	INT	3	FY 80	FY 86	405	A237.29
2	664	ALBANY/DRAPERVILLE	INT	2	FY 81	(81)	66	A232.74
				3	FY 82	FY 86	1,300	A232.74
			COLL	2	FY 81	(81)	66	A227.74
				3	FY 82	FY 86	1,300	A227.74
3	464	DESCHUTES CO/TERREBONNE	SYSTEM	1	FY 81	(81)	38	A224.45
			SYSTEM	2	FY 82	FY 86	188	A224.45
				3	FY 82	FY 87	563	A224.45
4	627	MEDFORD/FOOTHILLS	INT	3	FY 81	FY 86	389	A223.66
			COLL	3	FY 81	FY 86	38	A218.66
5	467	SILVERTON/NORWAY /CITY	INT	3	FY 81	FY 86	220	A222.25
			STP IMP	3	FY 81	FY 86	1,575	B249.57
			REHAB	3	FY 81	FY 86	209	B248.57
			PUMP STS	3	FY 81	FY 86	70	B247.57
			TRNK INT	3	FY 81	FY 86	131	B247.57
			WT ST INT	3	FY 81	FY 86	781	B247.57

\*ESTIMATED GRANT AMOUNTS ARE INFLATED TO TARGET CERTIFICATION YEAR.

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

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(1912-1977)  
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September 11, 1981

Mr. William H. Young  
Department of Environmental Quality  
Construction grants Unit  
P. O. Box 1760  
Portland, Oregon 97207

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**RECEIVED**  
SEP 11 1981

Re: Testimony for FY82 Construction  
Grants Priority List Hearing

**WATER QUALITY CONTROL**

Dear Mr. Young:

On Tuesday, September 8, 1981, Mr. William V. Pye and I submitted testimony at the above-referenced hearing on behalf of MWMC. Since the hearing record is open through 5:00 p.m., September 11, 1981, I would like to take this opportunity to submit additional testimony regarding Alternative 2 - the proposed continuation of the transition policy. I have also included a letter with appropriate references and attachments from BCS, the project manager for MWMC. This letter more fully addresses and supports the testimony I gave on September 8 with respect to the operational dependence of the new regional treatment plant upon the permanent sludge management and sewer rehabilitation components.

If the Department of Environmental Quality (Department) and the Environmental Quality Commission (Commission) elect not to extend the FY81 Priority List on an interim basis pursuant to the recent EPA directive, it is MWMC's position that the Alternative 2 priority list should be adopted for FY82.

In Alternative 2, the Department has proposed a continuation of the transition policy for the operationally dependent components of previously transitioned projects. OAR 340-53-015(8) has been amended to accomplish the necessary rule change. For reasons stated to the Department and Commission before, MWMC has supported and continues to support the transition policy because it is consistent with the letter and spirit of the federal regulations governing the development and management of priority lists. Last year MWMC articulated two major reasons for not abandoning the transition policy. These reasons are now not only still relevant, but more persuasive in view of the current unpredictability of the level of future federal funding.

The first reason to continue transition is that its termination may violate the federal regulations governing priority list management. 40 CFR §35.915(a)(1)(IV)(2) provides that:

"[a] project on the Priority List shall generally retain its priority rating until an award is made."

The second reason for not abandoning this policy is the rationale which underlies this regulation. The regulation and the transition policy are both designed to minimize the disruption of projects which have been in the planning and construction stages under and in reliance upon preexisting procedures. Program stability is necessary to ensure the timely completion of projects. Most sewerage construction projects and certainly all such projects of any significant size require years of work in organizing, planning, design, and construction. Local, state and federal efforts must be coordinated. Recurrent policy changes complicate this already difficult task. More importantly, since the successful completion of a project ultimately depends on the willingness of the local citizenry to approve bonding authority to support the local share of construction costs, the credibility of the grantee agency must be protected and preserved.

Over the years, the need for program stability has been recognized by both the Department and the Commission. Prior to 1979, projects with Step 2 grants awarded or which were ready for Step 3 grants were automatically placed at the top of the succeeding year's priority list in order to minimize any delays in project construction completion. The growing scarcity of federal funds forced a reconsideration of this policy in 1979. Total abandonment of the policy was considered, but the policy finally recommended and adopted was one of transition.

Under the transition policy, the preexisting rules were continued for projects which had progressed to the construction stage under them. Projects at the facilities planning or design stage were subject to the change in policy. In recommending the adoption of this transition policy, the Department reasoned as follows:

"The major advantage of this option is that projects which were scheduled for funding during FY-79 would be 'transitioned' into FY-80 Step 3 funds. However, projects started with similar expectations but where Step 2 work was completed during FY-79 [were] not transitioned. Communities in the former class are distinguishable because bond issues and/or construction financing arrangements already have been negotiated; communities in the latter class should have more ability to

reconsider construction scheduling and financing." Emphasis added.

Last year when the Department and the Commission were reconsidering the transition policy, MWMC urged that it not be cast aside because the need for it was more acute then than before. It was argued that transition should be continued because

"[p]rojects which were not far enough along to be transitioned have had even more time to reconsider construction scheduling. On the other hand, those that were transitioned are even farther along now with the result that reconsideration of construction scheduling and financing is even more difficult. Bond issues and/or construction financing arrangements have been voted on and approved. Untold hours have been spent establishing the most cost-effective means of construction scheduling. All that will have been wasted if the transition policy is abandoned. Moreover, promises about scheduling and cost levels have been made to the voters and must be kept. Accordingly, the reasons that supported the adoption of the transition policy originally are equally persuasive for its continuance now."

The situation has not changed since that time. To the contrary, the current uncertainty in federal funding policy makes transition even more important. Last year, when the Commission decided to abandon the transition policy effective with FY82, the expected federal funding level for Oregon for FY82 was approximately \$40,000,000. In recommending the abandonment of the transition policy to the Commission, the Department assumed funds would be available for the segments necessary to achieve operational facilities for projects then under construction. This is no longer the case. There is no assurance that any federal funds will be available from and after FY82 and if funds are available, Oregon's forecasted allotment is no more than \$15,000,000. This represents only about 37.5% of the allotment which was expected at the time the Commission decided to abandon the transition policy. The Department has recognized that

[w]ith [this] further reduction in available funds and other proposed federal program changes, the remaining minimum operationally dependent segments for projects under con-

[w]ith [this] further reduction in available funds and other proposed federal program changes, the remaining minimum operationally dependent segments for projects under construction would not be funded for several years." EQC Agenda Item No. E(1) July 17, 1981 Background and Problem Statement, Page 4.

It is painfully clear to see that absent a return to transition and given the likelihood of dramatically reduced federal funding, moneys barely sufficient to complete much needed existing projects will be diverted and used to start many other communities down the same uncertain path trod by their predecessors. The end result could be disastrous. The problems now being faced by communities currently under construction - constant reorganizing, replanning, redesign, and concern as to the adequacy of long-standing financing plans - will be visited upon even more communities.

One can hardly escape the sense that sewerage works construction progress is not only in disarray but is rapidly approaching a standstill as a result of the constant fluctuations in federal funding policy. Something can and should be done at the state level. The transition policy should be continued in order to bring to completion as many projects currently under construction as possible. Since it is obvious that sufficient funds will not be available to commence and complete the many other needed projects throughout the state, there must be a period of retrenchment and replanning. This process should take place without falsely raising the hopes and expectations of these communities by providing them with seed money that may turn out to be the last of the federal largesse. The Commission should continue transition, finish the construction of current projects, and pursue the goal recommended by the Department of having each sewerage utility in Oregon develop, within three years, a financing plan which will assure that future sewerage works construction and operation needs can be financed by local revenues. Reliance on federal matching funds at any significant level no longer appears reasonable.

As I mentioned above, included with this letter is a letter and supporting data compiled by BCS with respect to the regional treatment plants operational dependence upon the sludge and rehabilitation components. MWMC urges the Department to modify its initial conclusions and recommend that all MWMC components are



William Young  
September 11, 1981  
Page 5

operationally interdependent. It is important to note that, due to revised cost estimates which are reflected in the attached letter from BCS, this would not result in any increase in the total grant dollars in any fiscal year - over the amounts already earmarked for MWMC on the draft priority lists. Accordingly, lower ranked projects will not be adversely affected.

Very truly yours,

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



G. David Jewett

DGJ:mm

cc: William V. Pye  
Arl Altman



# Unified Sewerage Agency of Washington County

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

September 8, 1981

Department of Environmental Quality  
Construction Grants Unit  
Box 1760  
Portland, Oregon 97201

Dear Sir:

SUBJECT: FY 1982 PRIORITY LIST

At the September 8, 1981, public hearing on development of the FY 1982 Construction Grants priority list, B.J. Smith indicated a recent change in position by EPA. As I understand this change, it would now allow DEQ to extend the FY 1981 priority list and criteria. Unified Sewerage Agency would support this position as being both logical and necessary during this time of uncertainty in the grants program. Adoption of a new list and/or criteria could be a waste of time for all concerned, until the new guidelines have been established.

At such time as the new guidelines and regulations are available a public hearing should be held based on facts rather than assumptions.

Two projects showing on the priority list have been constructed with local funds and therefore should be removed. These are the Cedar Mill Trunk and the Reedville Trunk.

Thank you for the opportunity to have input into this process.

Sincerely,

*Gary F. Kraemer*  
Gary F. Kraemer  
General Manager

GFK: km

RECEIVED  
SEP 11 1981



CITY OF

**PORTLAND, OREGON**

OFFICE OF PUBLIC WORKS

**Mike Lindberg, Commissioner**  
1220 S.W. Fifth Ave.  
Portland, OR 97204  
(503) 248-4145

September 11, 1981

**RECEIVED**  
SEP 11 1981

Environmental Quality Commission  
522 SW 5th Avenue  
Portland, Oregon 97204

Water Quality Division  
Dept. of Environmental Quality

Subject: Construction Grants Priority List for FY '82

The City of Portland strongly recommends that the Commission adopt Alternative 2 of the Construction Grants Priority List for fiscal year '82.

In the late 1960's the need for increased capacity in Portland's Southeast Interceptor System was identified. Due to insufficient capacity of the existing system Portland is unable to pass the flow required by the NPDES permit. As a result a 5 1/3 mile interceptor project was developed to satisfy needs of the area and comply with the requirements. The project was broken into four phases allowing bidding by smaller contractors and spreading of the project's cash demand over a number of years.

Portland and EPA have invested over 10 million dollars in a project that is only half complete and not fully functional. Phase 3 and 4 have been ready for construction, awaiting EPA funding.

With inflation eroding away the buying power and diminishing Federal funds, it is our belief that it is in the best interests of the citizens of Oregon to complete projects that have been started before investing in new ones.

Portland's SW 45th Drive Sanitary Sewer System can be removed from the priority lists inasmuch as a contract has been awarded and the construction is nearing completion.

Thank you for your consideration.

Very truly yours,

*Mike Lindberg*

Mike Lindberg  
Commissioner of Public Works

LENN L. HANNON  
JACKSON AND KLAMATH COUNTIES  
DISTRICT 26



REPLY TO ADDRESS INDICATED:

- Senate Chamber  
Salem, Oregon 97310
- 240 Scenic Drive  
Ashtand, Oregon 97520

(35) Young  
B.J. Smith  
COMMITTEES  
Vice-Chairperson:  
Labor  
Member:  
Human Resources/Aging  
Insurance/Banking/Retirement  
Local Government/  
Urban Affairs/Housing  
Assistant Minority Leader

OREGON STATE SENATE  
SALEM, OREGON  
97310

September 4, 1981

RECEIVED  
SEP 16 1981

Water Quality Division  
Dept. of Environ. Quality

Commissioners  
Environmental Quality Commission  
522 S.W 5th Avenue  
Portland, Oregon 97207

Dear Commissioners:

I am writing this letter in regards to the funding priority for the City of Klamath Falls and the area to be served by annexation.

For the last seven years I have been working with the people of the Stewart-Lennox area in trying to find a solution to their sewer problem.

It is my understanding that the project is currently listed as eighth on your projected list for funding. I would like to respectfully add my strong support and urge that this project be retained on your list for future funding. The economic hardship that would be caused if this project were not funded would be considerable.

Again I would urge you to keep this project on your funding list in its position.

Thank you for your consideration of this request.

Sincerely,

LENN L. HANNON  
State Senator  
District 26

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
RECEIVED  
SEP 11 1981

OFFICE OF THE DIRECTOR

## SUMMARY, EVALUATION AND RESPONSE TO ORAL AND WRITTEN TESTIMONY

The following five sections present summaries and responses to relevant public hearing testimony on the proposed alternative FY 82 Sewerage Works Construction Grant Priority Lists and the proposed policy on Sewerage Works Planning and Construction. A summary of the September 8, 1981 public hearing and the record of the written testimony on the above referenced subjects appear in Attachments A and B, respectively. Copies of the actual written testimony (part of Attachment B) are available upon request.

The summaries and responses to the testimony are organized as follows:

1. Testimony Relative to Individual Project and Segment Classification and Ranking
2. Testimony Relative to Operational Dependency Determinations
3. Testimony Relative to the proposed Alternative 1 and 2 FY 82 Priority Lists and the Continuation of the FY 81 Priority List
4. Testimony Relative to the Proposed Policy on Sewerage Works Planning and Construction.
5. Additional Issues
  1. Testimony Relative to Individual Project and Segment Classification and Ranking
    - a. The Oregon Rural Community Assistance Program (ORCAP) on behalf of the City of Sheridan, requested reconsideration of the point ranking determinations for the City of Sheridan. They noted that: (a) the West Main Area is a formally declared health hazard (b) a collection system project segment for West Sheridan should be added to the list and (c) the City's existing facilities must be rehabilitated to accommodate the increase waste loads from the West Main Area.

#### Response

At the time the draft 1982 Alternative 1 and 2 priority lists were being prepared, the State Health Division's Findings of Fact and Health Hazard Annexation Order were under petition for judicial review. Since that time, however, the Annexation Order has been made final. Because the Findings of Fact conclude that water pollution and a hazard to public health exist, reclassification of the West Sheridan interceptor project intended to service the health hazard is warranted. Assignment of Letter Class A and 130 Regulatory Emphasis points will be made to the FY 82 Sewerage Works Construction Grant Priority List.

With respect to their request for addition of a collection system project segment, OAR 340-53-020 states that such

costs are eligible for state certification where mandatory health hazard annexation is required pursuant to ORS 222.850 and where a Step 1 grant for the project has been certified prior to September 30, 1979. A collection system project segment for West Sheridan is grant eligible under these criteria and will be added to the list.

To assess the need for integrating the City of Sheridan's STP improvement project segment with the West Main project segments, the Department needs more information. A treatment works segment is deemed operationally dependent on a higher priority segment, only if construction of a higher priority segment would cause dry weather raw sewage bypasses at the plant because of inadequate capacity. The Department cannot make this determination until the facility plan has been completed. At that time, should elevating the STP improvement segment be warranted, the Department has the ability to revise the priority of the project if sufficient funds are available.

- b. Bear Creek Valley Sanitary Authority objected to the lowering of the BCVSA Whetstone project from Letter Class B to D. In addition, they felt the Department provided insufficient notice regarding the project reclassification on the draft priority lists.

Response

Notice of project reclassification and the preparation of the draft 1982 priority lists were provided and made according to rules on Priority List Development contained in OAR 340-53-015.

The staff, however, has reconsidered the priority of the BCVSA Whetstone project based on written testimony submitted by BCVSA and recent discussions with DEQ's Southwest Regional Office Manager relative to beneficial use impairment of Whetstone Creek. The staff feels that information is now sufficient to warrant project ranking in Letter Class B.

- c. The City of Stanfield expressed concern that the priority points for their project were lowered from prior years lists because they did not have a Stipulated Consent Agreement. In addition, they felt they had not been made aware of the importance of the document with respect to project priority.

Response

As indicated in staff comments which accompanied the draft 1982 priority lists, Stanfield's prior years assignment of 150 Regulatory Emphasis points was in error. However, negotiating and signing a Stipulated Consent Agreement in the interim would not have raised Stanfield's priority ranking. Pursuant to the priority list criteria contained in OAR-53-015, a project qualifies for 150 points regulatory emphasis only if the project received a time extension to

meet the 1977 secondary treatment goals (through a permit addendum or Stipulated Consent Agreement) prior to January 1, 1978. These criteria were adopted by the EQC on August 31, 1979.

2. Testimony Relative to Operational Dependency Determination Made on Certain Projects

- a. Mr. Abraham, Utilities Director for Clackamas County, on behalf of the Tri City County project, requested the staff reconsider the priority ranking of six project segments and include them with the Tri City Regional treatment plant project segment on the proposed list. The segments include the Tualatin Pump Station and Force Main, the Riverstreet and Gladstone Interceptors and the Abernethy and Newell Interceptors.

Response

The staff acknowledges the treatment facility and sewerage problems which are intended to be addressed through implementation of the above referenced project segments. However, the basis for the ranking of Tri City County's highest priority project segment is the elimination of water quality problems associated with facilities at Oregon City and West Linn-Bolton. Correction of these problems will primarily occur as a result of construction of the regional sewage treatment and the dependent segments shown on the FY 82 draft list. The plant and the combined related segments can be operational without the project segments related to the West Linn-Willamette system. In addition, Tri City County has not shown that delayed construction of the Riverstreet, Gladstone, Abernethy and Newell Interceptors would result in summer bypasses or surcharges affecting public health.

- b. Mr. Jewitt, Attorney, and Mr. Altman, Deputy Project Manager with BCS, on behalf of MWMC, presented detailed testimony in support of their argument that the permanent sludge disposal and sewer rehabilitation project segments be elevated to the priority of the wastewater treatment plant. BCS feels that DEQ's rationale for prioritizing these segments separately is technically unsound and further indicates that "all of MWMC's remaining components can be completely funded from DEQ's proposed FY 82 priority list within the heading designated "MWMC/Regional."

A summary of their testimony is outlined below, followed by staff response.

- i. The interim temporary lagoon was never intended nor is it capable of handling the volume of sludge which will be produced when the treatment plant goes on-line.
- ii. The new solids processing train within the wastewater treatment plant will utilize a high-rate digestion process without decanting, and will produce a thinner, less

stabilized sludge. This along with other factors relative to increased sludge production will increase the volatile solids loading rate to the existing interim sludge lagoon six times beyond the surface area loading rate recommended by the EPA Process Design Manual. Consequently, the excessive loadings would cause intolerable odors.

- iii. The anticipated holding capacity of the interim lagoon is approximately 57 days without decanting and approximately 114 days with decanting. However, decanting probably will not be possible because stratification of the sludge would be minimal. Decanting of poor quality supernatant probably would cause severe plant upset.
- iv. If the treatment plant is brought on-line prior to construction of permanent sludge handling facilities, MWMC would need to begin trucking liquid digested sludge on a daily basis. The present fleet of sludge hauling and spreading vehicles cannot keep pace with the expected sludge production.
- v. Extended use of interim facilities would necessitate MWMC purchase of two or three additional tankers or contracting for continuous hauling.
- vi. With the problems and limitations of liquid sludge disposal during wet months, MWMC would need to purchase land for dedicated land disposal (approximately 50 acres) to maintain continuity of the sludge disposal process.
- vii. The operational cost for the "apparent best alternative" is \$1,853,000, whereas the extended interim sludge disposal program would be \$2,426,000 annually, not including land costs. Thus, the suggested interim program is not cost-effective.
- viii. BCS further lists drawbacks to the extended-interim sludge disposal program, including comments that the extended-interim system is not approved by EPA and an EIS may be required for its implementation; this system is extremely inefficient in its energy use; the fertilizer value of sludge is not used to its fullest; land is taken out of service for an indefinite period of time; and return of the sludge supernatant to the wastewater treatment plant would likely cause degradation in effluent quality.
- ix. If the sewer rehabilitation project is not carried out the Willakenzie pump station and raw sewage pump station will be hydraulically overloaded during the peak storm event (5-year, 2-hour storm). In addition, flows in excess of 218 mgd will bypass the influent plant pump stations. Effluent quality will be degraded.



## Response

DEQ staff acknowledges that the interim temporary sludge lagoon may not be able to handle the volume of sludge under current operating procedure after the expected increase in sludge volume when the treatment plant goes on-line. The staff does not feel, however, that acceptable operation of the treatment plant is dependent upon the immediate implementation of the long-term sludge disposal project segment.

As BCS acknowledges, delayed funding of the permanent sludge disposal project segment does not preclude alternative interim arrangements (different from those currently utilized) for handling and disposing of the total volume of sludge.

The staff has observed other municipalities, and agencies, including USA, and the City of Portland, operating interim sludge disposal programs on a year-round basis without causing serious environmental problems from runoff. Agricultural sludge application programs which utilize spray systems with ordinary irrigation pipe are employed for application on wet land. With good management, land for wet weather application is selected so as to minimize runoff and ponding. As BCS recognizes, additional trucks can be leased, rented, or purchased (and resold) if needed.

Contract hauling is also a possibility that should be considered as an interim measure. With the ability to haul and apply sludge on a nearly year-round basis, existing on-site sludge storage facilities should be adequate. Experience has shown that with well digested sludge (45% volatile solids or less) a film of water will stand on the surface of the lagoon which reduces the possibility of odor. The thickened sludge is removed from the bottom.

Unrelated to the operational dependency determination: (1) the permanent sludge disposal program has not received final approval by DEQ or EPA and (2) local opposition towards the proposed permanent sludge program exists and was subject of testimony at this hearing. It therefore appears advisable to investigate the operation of an interim sludge disposal program immediately.

In addition, the staff does not feel the issue of operational cost-effectiveness is relevant when comparing an interim program to a long-term permanent sludge disposal program. Lower operational costs at a permanent site is accompanied by substantial initial capital investment. This capital investment amortized over the

design life of the facility, when added to operation and maintenance costs, should be cost-effective. Indeed, all projects selected for funding must be cost-effective, but economic circumstances necessitate that operationally dependent segments are funded first. Operational costs anticipated at an interim facility may be higher than those associated with the long-range program. However, through careful management, an acceptable interim alternative to the long-range program can be implemented so as to keep costs to a minimum.

With respect to MWMC's suggestion that the sewer rehabilitation project be elevated to the priority of the regional treatment plant, DEQ must reference Table 1 in the July 17, 1981 EQC Agenda Item E. MWMC has not provided evidence that construction of the treatment plant, without simultaneously implementing rehabilitation would result in increase summer bypasses or surcharging of sewers. Instead, the testimony deals with bypass occurrences that are possible during the 5-year peak storm event.

Finally, in response to the comment that all remaining segments can be completely funded from DEQ's proposed FY 82 priority list within the heading MWMC/Regional, the Department does not consider this a relevant factor in determining the operational dependency of higher prioritized segments to those with a lower priority.

Similarly, a reduction from original budget level estimates shown on the FY 81 list, does not affect project priority. Cost estimates are vital only insofar as they are reasonable and establish the number of high priority projects which may proceed within a given year's estimated funding.

BCS also revised DEQ's Alternative 1 priority list to reflect substantial reductions in budget cost estimates for their projects on the FY 81 list. Subsequent clarification obtained from BCS staff on September 15 changed 5 of the grant estimates and the phasing of 2 project segments from those submitted for the record. For details, see Attachment D.

BCS's list shows the project segment in order of preferred funding. The FY 82 list has been adjusted accordingly for projects expected to be funded in FY 82 and beyond.

### 3. Testimony Relative to the Proposed Alternative Priority Lists for FY 82

Most of the testimony received was in response to the alternative priority lists proposed for consideration at the September 8 public hearing. Alternative 1 list was prepared consistent with the existing rules governing the development of the priority list. These rules specified that the transition status of projects which were carried forward to the top of the FY 81 priority list would be eliminated for FY 82.

Alternative 2 would require a modification of the existing rule to allow funding of the highest priority segments of projects previously transitioned and under Step III construction in FY 81. Transitioning in FY 82 and beyond would be limited to their operationally dependent segments only.

At the public hearing on September 8, participants were advised of a recent change in federal requirements which could affect the priority list. DEQ was recently advised that the states can continue to use their FY 81 priority list in FY 82, as the basis for allocating FY 81 carryover funds until Congress appropriates funds for 1982. This means that any unspent funds carried forward would be available for unfunded projects according to their standing on the FY 81 priority list. When Congress enacts legislation and appropriations for FY 82, DEQ would submit a new FY 82 priority list for EPA's approval.

The majority of the testimony favored Alternative 1. The basis for this support centered on the respondents' preference to have certified health hazard area projects funded first. Many of the respondents represent health hazard project areas and smaller communities.

Testimony received from those representing Bend, Tri City S.D. (Oregon City, West Linn and Gladstone), MWMC, Albany, Unified Sewerage Agency of Washington County, and METRO, supported continuing the FY 81 priority list for funds carried forward into FY 82. In general, they comment that once Congress has acted on appropriations and legislation for FY 82, a new list should be developed consistent with the legislation.

Comment was also received in support of Alternative 2. The City of Portland detailed the consequences of delayed funding for remaining phases of the Portland SE Relieving project. A second letter from MWMC expressed support for Alternative 2 should the Commission elect not to extend the FY 81 priority list on an interim basis.

#### Response

The Department acknowledges that reform legislation may revise the eligibility for certain project types, level of grant participation and reserve capacity eligibility. However, the present criteria contain numerous provisions that allow adjustment to new federal requirements to avoid conflict with final Congressional actions. If Congress acts and the state has no FY 82 list, several months delay in initiating construction of fundable projects could result, while new criteria and list adoption procedures are followed. It therefore, seems desirable to adopt a list for FY 82 that reflects the preferred method of operation for Oregon--the previously proposed Alternative 1 priority list. If modification is essential, it could be done after Congress acts.

Considering the federally induced program delays during the year, the Department believes it is also appropriate to consider extending the FY 81 priority list for a maximum of 90 days or until FY 82 appropriations are allocated, if done so before

December 31, 1981. This would give additional time for processing grant project applications and grant awards intended to be funded from FY 81 and prior year reallocated funds. If Congress has not appropriated funds by December 31, 1981, the FY 82 list could then go immediately into effect and any remaining unobligated funds would then be available for obligation to the certified health hazard projects.

Continuation of the FY 81 list (if applications are submitted so that awards can be made in a timely manner) would result in funding the most critical operationally dependent segments of the MWMC project with FY 81 and prior year funds. If ready, the final effluent disposal project for Bend could be funded. However, it would remain as a number 3 priority for funding on the FY 82 list. The Portland Southeast Relieving Interceptor project Phases 3 and 4, would not receive funding under this scenario until FY 87 or beyond.

In order to extend the FY 81 priority list for a limited period of time, a temporary rule would be needed to modify OAR 340-53-005 through 035 in order to postpone provisions of the rules which were to become effective October 1, 1981. Priority rating criteria is unchanged.

4. Testimony Relative to the Proposed Policy On Sewerage Works Planning and Construction

Several items of testimony dealt specifically with the proposed policy. Two respondents appeared to indicate that the policy lacks enough detail and EQC commitment to assist local government in the development and evaluation of technical and financial alternatives; other respondents were concerned that the policy was too prescriptive. The latter appeared to interpret the policy as dictating how projects should be financed. In particular, the League of Oregon Cities expressed concern that the EQC may be overstepping its authority to require local financing plans.

Response

In response to those proposing additions to the policy, the Department believes that the suggestions are appropriate for staff effort rather than for inclusion in the policy statement, particularly in light of other testimony received.

The need to clarify the intent of the policy is apparent, however. The purpose of the proposed policy is to encourage locally developed financing plans which provide reasonable assurance that funds be available to meet on-going construction, operation, maintenance, replacement and expansion needs, not to dictate how the funds should be derived. The policy language will be modified to reflect this point.

Secondly, the policy is intended to recognize that long-range correction to meet water quality goals may involve interim

periods where progress is being made, but full compliance cannot be expected. The Department recognizes that interim corrective measures can vary with the water quality and sewerage facility problems that need to be addressed.

The Department believes that requiring sewerage utilities to demonstrate that they are financially as well as technically able to assure compliance with environmental standards is consistent with statutory authority and policy contained in ORS 454.010 - 454.060. The staff is persuaded that all utilities should not be required to develop such a plan within three years. Therefore, language of the proposed policy will be modified to reflect when such plans are appropriate.

A modified proposed policy will be incorporated into this document and appear as Attachment E.

#### 5. Additional Issues Raised In the Testimony

- a. Several respondents requested that public testimony be taken at the October 9, 1981 EQC meeting to allow consideration of any changes relative to federal legislation between the closing of the hearing record and the EQC meeting.

The hearing procedure was explained both in the public notice and at the hearing on September 8, 1981. The staff will provide the EQC with the October 9, 1981 Agenda Item, and public responses to the recommendation received by September 24. The staff feels that it is unlikely that between now and the time of the EQC meeting, both Houses of Congress could resolve their differences and enact reforms and funding legislation.

- b. Two respondents expressed concern over the Agripac and sludge disposal segments of the MWMC project. The use of federal funds to benefit the Agripac food processing plant and to purchase land outside the urban growth boundary for waste disposal were opposed. Financing the non-federal share of these segments with county-wide obligation bonds was also questioned. In addition, concern was expressed over the potential environmental impact on these segments and the financial management of the MWMC project.

#### Response

Under federal funding eligibility requirements both the permanent sludge disposal and the Agripac effluent disposal system segments are eligible for grants if they are cost-effective and environmentally sound and meaningful opportunities for public comment have been accorded. Although Congress recently phased out grant eligibility for industrial capacity in municipal systems. According to EPA's proposed regulations, projects with industrial capacity which had a Step 2 grant by May 14, 1980, received Step 3 grant by November 15, 1981, are not adversely affected. Industrial capacity eligibility for Agripac therefore would not be affected.

In addition, it is the Department's understanding that bonds used for financing the non-federal share of the project are not county-wide bonds, but rather they are bonds to be paid for by the county service district whose boundaries are the city limits of Eugene and Springfield.

Although the staff can acknowledge the expressed environmental concerns, the forum for addressing these issues is the public participation and hearing process which must be conducted by each grantee, pursuant to 40 CFR 6.512(b). In addition, prior to Step 2 funding of proposed projects EPA considers public comment and either issues a Finding of No Significant Impact (FONSI) statement, or recommends that an Environmental Impact Statement (EIS) be performed. Public comment can be presented in response to either one. With respect to the Agripac segment, EPA recently issued a FONSI which is available for additional review and comment. EPA has not yet issued a finding on the environmental effects of the permanent sludge disposal project.

Every grant is audited by the Inspector General's Office at least once before final project closeout. Large projects, such as MPMC, usually are audited more than once while the project is under construction.

- c. Concern was expressed about whether the criteria used to establish health hazards are clearly defined and uniformly applied to all projects.

Response

The staff recognizes that many sewerage and sewage treatment needs identified on the list will prevent potential health hazards, or will, in part, address health hazard situations. However, only those projects which will correct identified health hazards pursuant to priority criteria are listed in Letter Code A. (Construction Grants Priority Criteria, Table 1, OAR 340-53-015). Certified Findings of Fact which have been issued by the Health Division or EQC must conclude that water pollution or beneficial use impairment and a hazard to public health exist.

Field investigations, public notice and hearing and written findings of fact are required documentation.

- d. Testimony noted that several projects are identified on the priority list for immediate award of Step 2 grants where Step 3 grant awards are not anticipated for several years. It was suggested that Step 2 awards be delayed and funding should be focused on Step 3 construction projects. Further clarification on procedures for funding Step 1 and Step 2 projects was requested.

### Response

Projects identified as high priority for Step 2 grants in FY 81 are projects which need to move forward with or without grants and are thus being certified for Step 2 grant award from Step 1 and 2 reserve. The Department is attempting to better coordinate Step 2 and Step 3 grant awards to prevent delays between design and construction but limitations on available funds make it difficult to accomplish.

The State's criteria provide for a set-aside of 10 percent of the total allotment to the Step 1 and 2 reserve. Funds in this reserve may be used for Step 1 or 2 grant projects, or they may be transferred to the grant increase reserve or used to fund the conventional components of projects funded from the alternative small community reserve. Once funds are available and reserve levels are established, it is the Department's intent to certify Step 1 or Step 2 applications only where the projects are urgently needed.

- e. Testimony was received suggesting the EQC carefully study the feasibility of seeking authority to institute a state matching grant assistance program.

### Response

Statutory authority exists for the sale of state general obligation bonds from the Pollution Control Bond Fund and for hardship grants. However, the Legislature has decided to use this bond fund for loans rather than for grants.

- f. Mr. Johnson, City Manager of Bend, noted that the amount shown on the draft FY 82 list for their project is low and not sufficient to permit them to award a contract should funds become available.

### Response

The Step 3 estimate for Bend's permanent effluent disposal system has been revised to \$2.5 million instead of \$.75 million shown on the draft list. This project is at this time in the planning stage, with estimates widely ranging from 0 to \$2.5 million for construction. As the facilities plan progresses, it is probable that an adjustment will be required to the grant estimate during the course of the fiscal year. It is intended that Step 3 projects contain one or more discrete contracts in each project segment.

- g. Testimony was received on behalf of MWMC requesting that the staff reevaluate the amount of money shown on priority list Alternative 1 for the General Account Step 3 projects for FY 86. There appears to be some question as to the dollar amount shown available in Step 3 funds for FY 86.

Response

A typographical correction is required to demonstrate full utilization of FY 86 funds on the planning list. Please refer to Attachment D, Technical Corrections to Priority List Entries and Attachment G, Proposed Priority List for FY 82.

- h. Charleston Sanitary District expressed concern that the wording of OAR 340-53-020(3)(a) relative to grant eligibility for collection systems prevents the District from obtaining additional grant assistance and may adversely affect its application for pollution control bond fund and sinking fund assistance.

Response

Current rules limit funding eligibility for the Pollution Control Bond to projects eligible for federal grant funds. DEQ is in the process of drafting revisions to modify this criterion. A basis for prioritizing projects for access to the Bond Fund, different from the federal construction grant criteria, may be established. Financial need is likely to be a significant factor in the criteria for use of bond funds. It is anticipated that these revisions will be proposed for EQC consideration in 2 or 3 months.

- i. Testimony from the City of Lowell suggests that they believe their project does not appear on the FY 82 list.

Response

Three project segments for the City of Lowell are identified on the priority list within Letter Class C.

- j. One respondent expressed interest in Lincoln County pursuing federal grants to correct poor water quality conditions in Devil's Lake.

Response

Moneys have been directed towards the study of Devil's Lake through the Federal Clean Lakes program. It is expected that study will be completed in 1982. The local sponsor for the project is Lincoln City. They can be contacted for further information.



### Technical Corrections to Alternative 1 Priority List

The following corrections have been made to the recommended priority list Alternative 1, as a result of testimony discussed in Attachment C or from administrative corrections. They are listed according to the relative project ranking they had on the Alternative 1 priority list which was distributed prior to the September 8 public hearing.

This Attachment updates the Alternative 1 priority list which was mailed to interested parties as a part of Agenda Item E (1), July 17, 1981.

<u>Grantee/ Project</u>	<u>Technical Correction</u>	<u>Comment</u>
Portland/SW 45th	Delete entry	Project is being constructed
Albany/Draperville	Delete Step 2 for Interceptor and collector	Grant award in process
Bend	Change estimated grant to \$2.53 million	Recent information supplied by grantee
Deschutes Co./ Terrebonne	Change Estimated Grants to \$28,000 for Step 1; \$101,000 for Step 2; \$1.12 M for Step 3	Recent information supplied by grantee
Silverton/Norway	Add Collection System to project description; revise estimated grants for interceptor and collection	Typographical correction; recent information supplied by grantee
K Falls/Stew-Lenn	Change Grant No. to 516	Typographical correction
Monroe	Add Collection System to project description; revise estimated grants for interceptor and collection	Typographical correction; staff's cost estimate
MWMC/Regional	Ordering of segments at this priority is changed	Requested by grantee
	STP P5 is now designated as (81) and grant estimates changed to \$1.417 M	Project has been certified for funding
	P.S. 1 Phases 1 and 2 combined and grant estimates changed to \$1.766 M	This reflects elimination of Phase 2, based on material submitted by MWMC on 8-31-81. This grant estimate is used instead of MWMC's 9-11-81 estimate which was submitted as testimony.

	SEA IND W P1 and P2 grant estimates changed to \$2.030 M and \$3.281 M	This reflects anticipated potential FY 81 grant for Phase 1 of \$2.19 M for land, M41 and E41. DEQ estimates differ from the grantee's request in that E42 for \$160,000 is included in Phase 2 instead of Phase 1.
	Delete PS 2, Step 2	Grant awarded
	Change estimated Step 3 grant for PS 2 to \$4.599 M	This differs from testimony submitted on 9-11 but was confirmed by the grantee by phone on 9-15
Clack. Co./Kellog (Tri City Co.)	Delete SLDG DISP Steps 2 and 3	Included in STP project.
Tri City Co/Regional	Change "Co." to S.D.	Typographical correction
Hammond (Wrntn)	Change estimated grant for Step 1 to \$30,000	Recent information supplied by grantee
USA/Hillsboro	Delete entry	This project is entered at B204.55 points. Typographical correction
Portland/SE REL.	Change grant estimates to \$9.2 M for Phase 3 and \$3.2 M for Phase 4	Recent information supplied by grantee
MWMC/Sludge	Combine into one phase and change estimated grant to \$6.393 M for Step 3	Recent information supplied by grantee
MWMC/Eugene	Delete Step 2; change Step 3 target cert to (81)	Grant not needed according to grantee; Step 3 is on fundable part of FY 81 list.
USA/Cedar Mill	Delete	Project under construction

MWMC/Springfield

Change estimated grant  
to \$150,000 for Step 2

Although testimony  
did not indicate  
a grant need this  
amount was estimated  
in a phone conver-  
sation with grantee  
on 9-15-81.

Change grant estimate  
to \$1.745 M for Step 3

Testimony submitted  
on 9-11-81 indicated  
that a portion of  
Eugene's PS 2 and  
Springfield's rehab-  
ilitation would to-  
gether cost \$6.345 M  
in grant funds. This  
was revised on 9-15-81  
by phone with the  
grantee.

Sheridan/West Area

Change Letter class to  
A and regulatory  
emphasis to 190 (A229.51);  
Add collection system and  
rank with interceptor

Refer to Attachment C

BCVSA/Whetstone

Change priority points score  
to B 150.60

Refer to Attachment C

USA/Reedville

Delete

Project being  
constructed

WG426 (1)

The following is proposed for adoption as OAR 340-41-034:

POLICY ON SEWERAGE WORKS PLANNING AND CONSTRUCTION

Oregon's publicly owned sewerage utilities have since 1956 developed an increasing reliance on federal sewerage works construction grant funds to meet a major portion of the cost of their sewerage works construction needs. This reliance did not appear unreasonable based on federal legislation passed up through 1978. Indeed, the Environmental Quality Commission (EQC) has routinely approved compliance schedules with deadlines contingent on federal funding. This reliance no longer appears reasonable based on recent and proposed legislative actions and appropriations and the general state of the nation's economy.

The federal funds expected for future years will address a small percentage of Oregon's sewerage works construction needs. Thus, continued reliance by DEQ and public agencies on federal funding for sewerage works construction will not assure that sewage from a growing Oregon population will be adequately treated and disposed of so that health hazards and nuisance conditions are prevented and beneficial uses of public waters are not threatened or impaired by quality degradation.

Therefore, [the EQC proposes] the following statements of policy are established to guide future sewerage works planning and construction:

1. The EQC remains strongly committed to its historic program of preventing water quality problems by requiring control facilities to be provided prior to the connection of new or increased waste loads.
2. [The goal of the EQC is to have each sewerage utility in Oregon develop, within 3 years, a financing plan which will assure that future sewerage works construction and operation needs can be fully financed by local revenues. The Department will work with the League of Oregon Cities and others as necessary to aid in the development of such plans.]

The EQC urges each sewerage utility in Oregon to develop, as soon as practicable, a financing plan which will assure that future sewerage works construction, operation, maintenance and replacement needs can be met in a timely manner. Such financing plans will be a prerequisite to Department issuance of permits for new or significantly modified sewerage facilities, for approval of plans for new or significantly modified sewerage facilities, or for access to funding assistance from the state pollution control bond fund. The Department may accept assurance of development of such financing plan if necessary to prevent delay in projects already planned and in the process of implementation. The Department will work with the League of Oregon Cities and others as necessary to aid in the development of financing plans.

3. No sewerage utility should assume that it will receive grant assistance to aid in addressing its planning and construction needs.
4. Existing sewerage facility plans which are awaiting design and construction should be updated where necessary to include:
  - a. Evaluation of additional alternatives where appropriate, and re-evaluation of costs of existing alternatives;
  - b. Identification and delineation of phased construction alternatives; and
  - c. A financing plan which will assure ability to construct facilities over an appropriate time span with [100% local] locally derived funds.
5. New sewerage works facility planning initiated after [this date] Oct. 1, 1981 should not be approved without adequate consideration of alternatives and phased construction options, and without a financing plan which assures [self-sufficient] adequate funding for construction, [and] operation, maintenance and replacement of sewerage facilities. [from local sewerage revenues.]
6. The EQC recognizes that many cities in need of immediate sewerage works construction have completed planning and are awaiting design or construction funding. These cities have developed their program relying on 75% federal grants. They will have difficulty developing and implementing alternatives to fund immediate construction needs. Many are, or will be, under moratoriums on new connections because existing facilities are at, or near, capacity. The EQC will consider the following interim measures as a means of assisting these cities to get on a self-supporting basis provided that an approvable long-range program is presented:
  - a. Temporary increases in waste discharge loading may be approved provided a minimum of secondary treatment, or equivalent control is maintained and beneficial uses of the receiving waterway are not impaired.
  - b. Installation and operation of temporary treatment works may be approved providing:
    - (i) The area served is inside an approved urban growth boundary and the proposal is consistent with State Land Use Planning laws.
    - (ii) A master sewerage plan is adopted which shows how and when the temporary facilities will be phased out.
    - (iii) The public agency responsible for implementing the master plan is the owner and operator of the temporary facilities.

- (iv) Sewerage service to the area served by the temporary facility is necessary as part of the [revenue base and] financing program for master plan implementation and no other option for service is practicably available.
- (v) An acceptable receiving stream or method of effluent disposal is available for the temporary facility.

Compliance schedules and other permit requirements may be modified to incorporate an approved interim program. Compliance with a permit so modified will be required at all times.

- 7. Sewerage Construction programs should be designed to eliminate raw sewage bypassing during the summer recreation season (except for a storm event greater than the 1 in 10 year 24 hour storm) as soon as practicable. A program and timetable should be developed through negotiation with each affected source. Bypasses which occur during the remainder of the year should be eliminated in accordance with an approved longer term maintenance based correction program. More stringent schedules may be imposed as necessary to protect drinking water supplies and shellfish growing areas.
- 8. Any sewerage utility that is presently in compliance and foresees a need to plan for future expansion to accommodate growth but elects to wait for federal funds for planning and construction will make such election with full knowledge that if existing facilities reach capacity before new facilities are completed, a moratorium on new connections will be imposed. Such moratorium will not qualify them for any special consideration since its presence is deemed a matter of their choice.
- 9. The Department will continue to assist cities to develop interim and long-range programs, and construction schedules and to secure financing for essential construction.

HLS:g  
WLL057.A (1)

The following is proposed for adoption as a Temporary Rule.

Add a new paragraph to OAR 340-53-015 as follows:

340-53-015 (12) Notwithstanding the provisions of OAR 340-53-005 through 035, the priority list adopted on September 19, 1980 for FY 81 shall be used to obligate carryover FY 81 and prior year reallocated funds until December 31, 1981 or until Congress allocates FY 82 funds, whichever first occurs. The FY 82 priority list shall then become effective.

WL1057.B (1)



ATTACHMENT G

PROPOSED MUNICIPAL WASTEWATER TREATMENT WORKS CONSTRUCTION GRANTS FY 82 PRIORITY LIST

Federal regulations governing the Federal Municipal Wastewater Treatments Works Construction Grants Program require that grants be awarded from an approved statewide priority list. This draft FY 82 priority list is intended to satisfy those requirements and was developed in accordance with OAR 340-53-005 et seq., Development and Management of the Statewide Sewerage Works Construction Grants Priority List. The draft priority list includes all known projects potentially eligible for a grant, the estimated grant amount, and estimated target certification date. Since Congressional action affecting this program is expected to occur after adoption of this list, many planning assumptions were made to develop this draft list.

Priority List - Alternative 1 is based on OAR 340-53-005. These rules specify that the FY82 list shows (1) separate priority rating points for each component or segment of the proposed treatment works based on priority criteria unless components or segments were operationally dependent upon other components or segments (In the latter case, the higher priority ranking would be given to operationally dependent units); and (2) priority ranking is assigned to all segments or components based on priority criteria, thus eliminating the transition status.

Funding Assumptions

1. No funds will be appropriated in FY 82.
2. FY 83 through FY 86 appropriation will be based on \$2.4 billion nationally, \$15.26 million for Oregon.
3. The \$15.26 million will be separated into the following reserves:

	<u>Million \$</u>
General Allotment (73%)	11.14
Reserve for Grant Increases (10%)	1.53
Reserve for Step 1 and 2 Projects (10%)	1.53
I/A Reserve (3%)	0.45
Small Community Alternative Reserve (4%)	0.61

4. No projects will be scheduled for funding from the reserve for Step 1 and 2 projects. However, any Step 1 or 2 project not funded from the general allotment could be a candidate for funding from this reserve. Funding from this reserve is offered to projects in priority order, to the limit of the funds available. See OAR 340-53-025(6).

### Scheduling Assumptions

1. Projects are scheduled to utilize the general allotment funds available each year, according to priority ranking order.
2. The list includes some projects which are expected to be certified in FY 81. The grant amount for these projects was not included in projecting how far funding will extend in subsequent years. Should the FY81 projects not be certified this year, funding projections for subsequent years may be adjusted. These projects are identified by (81) in the target certification date column.
3. Step 2 or 3 projects for small communities utilizing alternative technology were scheduled according to the funds available in a special reserve and in accordance with the priority ranking for projects known to be eligible for that reserve. These projects are noted by asterisk.
4. When a project could not be fully funded in a given year, it was scheduled for two or more years. This information will be refined for development of the final list.
5. EPA requires that the priority list show projects which may be funded over a five-year period. Projects scheduled for funding after FY 87 will be designated as "FY 87+".

### Other Assumptions

1. If funds become available in FY 82 or actual appropriations differ from the "funding assumptions", more or fewer projects may be certified in a given year without additional public hearing or initiation of bypass procedures. See OAR 340-53-015(3) (h).
2. If federal eligibility criteria is modified, appropriate deletions can be made without priority list modification or bypass.
3. Minor modifications as a result of updated project information can be made to the list without additional public hearing.

RTE:g  
WL883 (1)  
9/16/81

## PROPOSED CONSTRUCTION GRANTS FISCAL YEAR 1982 PRIORITY LIST

PROJECT RANK	PROJECT NO.	GRANTEE/ PROJECT NAME	SEGMENT/ COMPONENT	STEP	READY TO PROCEED	TARGET CERT.	EST. GRANT AMOUNT	PRIORITY POINTS
664		ALBANY / DRAPERVILLE	INT	3	FY 82	FY 83	1,300	A232.74
			COLL	3	FY 82	FY 83	1,300	A227.74
506		SHERIDAN / WEST AREA	INT	2	FY 82	FY 83	36	A229.51
				3	FY 83	FY 84	360	A229.51
			COLL	2	FY 82	FY 83	95	A224.51
				3	FY 83	FY 84	630	A224.51
486		BEND/CITY	EFF DISP	3	FY 82	FY 83	2,530	A227.97
464		DESCHUTES CO / TERREBONNE	SYSTEM	1	FY 81	(81)	28	A224.45
			SYSTEM	2	FY 82	FY 83	101	A224.45
				3	FY 82	FY 84	1,121	A224.45
627		MEDFORD / FOOTHILLS	INT	3	FY 81	FY 83	389	A223.66
			COLL	3	FY 81	FY 83	38	A218.66
467		SILVERTON / NORWAY	INT	3	FY 81	FY 83	111	A222.25
			COLL	3	FY 81	FY 83	78	A217.25
		/ CITY	STP IMP	3	FY 81	FY 83	1,575	B249.57
			REHAB	3	FY 81	FY 83	209	B248.57
			PUMP STS	3	FY 81	FY 83	70	B247.57
			TRNK INT	3	FY 81	FY 83	131	B247.57
			WF ST INT	3	FY 81	FY 83	781	B247.57
560		ROSEBURG / RIFLE RANGE	INT	3	FY 81	FY 83	180	A217.68
			COLL	3	FY 81	FY 83	23	A212.68
579		MADRAS / FRINGE	INT	2	FY 81	(81)	45	A208.40
			INT	3	FY 82	FY 83	405	A208.40
			COLL	2	FY 81	(81)	130	A203.40
			COLL	3	FY 82	FY 83	1,882	A203.40
516		K FALLS / STEWART-LENNOX	INT	2	FY 81	(81)	75	A208.00
			INT	3	FY 82	FY 84	659	A208.00
			COLL	2	FY 81	(81)	130	A203.00
			COLL	3	FY 82	FY 84	1,431	A203.00

PROPOSED CONSTRUCTION GRANTS FISCAL YEAR 1982 PRIORITY LIST

PROJECT RANK	PROJECT NO.	GRANTEE/ PROJECT NAME	SEGMENT/ COMPONENT	STEP	READY TO PROCEED	TARGET CERT.	EST. GRANT AMOUNT	PRIORITY POINTS
665		CORVALLIS / SW ANNEXATION	INT	2	FY 81	(81)	38	A200.96
			INT	3	FY 82	FY 84	465	A200.96
			COLL	2	FY 81	(81)	33	A195.96
			COLL	3	FY 82	FY 84	423	A195.96
569	MONROE / NORTH  / CITY	INT	3	FY 81	FY 84	46	A194.51	
		COLL	3	FY 81	FY 84	110	A189.51	
		REHAB	3	FY 81	FY 84	426	B159.22	
624	MWM / REGIONAL	STP P5	3	FY 81	(81)	1,417	B261.51	
		PS1	3	FY 81	(81)	1,766	B198.68	
		SEA IND W	2	FY 81	(81)	339	C256.58	
		SEA IND W P 1	3	FY 81	(81)	2,030	C256.58	
		SEA IND W P 2	3	FY 82	FY 84	3,281	C256.58	
		STP P6	3	FY 82	FY 84-85	5,804	B261.51	
		PS 2	3	FY 82	FY 85	4,599	C197.70	
467	SILVERTON / CITY	EFF DISP	3	FY 82	FY 85	100	B249.57	
467	SILVERTON / CITY	W MN INT	3	FY 81	FY 85	164	B246.44	
512	COTTAGE GROVE / CITY	STP IMP	3	FY 81	FY 85-86	4,178	B240.74	
		INT	3	FY 81	FY 86	645	B238.74	
		I/I CORR	3	FY 81	FY 86	319	B237.74	
493	TRI-CITY SD / REGIONAL	STP	2	FY 81	(81)	1,551	B232.55	
		STP	3	FY 83	86-87 +	24,119	B232.55	
604	CLACK CO. / KELLOGG / (TRI-CITY SD)	SDG DISP	2	FY 81	(81)	61	B232.55	
		SDG DISP	3	FY 83	FY 87 +	247	B232.55	
493	TRI-CITY SD / REGIONAL  / OR CITY	WIL INT 1	2	FY 81	(81)	96	B230.55	
		WIL INT 1	3	FY 83	FY 87 +	1,638	B230.55	
		OC INT	2	FY 81	(81)	18	B229.78	
		OC INT	3	FY 83	FY 87 +	299	B229.78	

PROPOSED CONSTRUCTION GRANTS FISCAL YEAR 1982 PRIORITY LIST

PROJECT RANK	PROJECT NO.	GRANTEE/ PROJECT NAME	SEGMENT/ COMPONENT	STEP	READY TO PROCEED	TARGET CERT.	EST. GRANT AMOUNT	PRIORITY POINTS
493	TRI-CITY SD / W LN BOLIN		RVR ST FM	2	FY 81	(81)	17	B229.20
			RVR ST FM	3	FY 83	FY 87 +	273	B229.20
			BOLIN FM	2	FY 81	(81)	8	B228.76
			BOLIN FM	3	FY 83	FY 87 +	95	B228.76
			BOLIN PS	2	FY 81	(81)	34	B228.76
			BOLIN PS	3	FY 83	FY 87 +	592	B228.76
			RVR ST PS	2	FY 81	(81)	86	B228.76
			RVR ST PS	3	FY 83	FY 87 +	1,445	B228.76
485	USA / ROCK CR		INT	2	FY 81	FY 87 +	300	B231.63
				3	FY 82	FY 87 +	2,025	B231.63
493	TRI-CITY SD / REGIONAL		WIL INT 2	2	FY 81	(81)	19	B230.55
				3	FY 83	FY 87 +	398	B230.55
493	TRI-CITY SD / GLADSTONE		PS	2	FY 81	(81)	28	B229.39
				3	FY 83	FY 87 +	524	B229.39
431	BAKER / CITY		STP IMP	2	FY 80	FY 87 +	250	B216.87
				3	FY 81	FY 87 +	3,225	B216.87
487	DOUG CO / N BANK / METRO		INT	2	FY 82	FY 87 +	45	B213.84
				3	FY 83	FY 87 +	3,503	B213.84
				2	FY 82	FY 87 +	650	C181.29
				3	FY 83	FY 87 +	3,276	C181.29
681	SEASIDE / CITY		STP IMP	2	FY 80	FY 87 +	651	B213.68
				3	FY 81	FY 87 +	3,077	B213.68
681	SEASIDE / CITY		REHAB	2	FY 80	FY 87 +	94	B212.68
				3	FY 81	FY 87 +	521	B212.68
682	USA / HILLSBORO		STP EXP	2	FY 81	FY 87 +	113	B204.55
				3	FY 81	FY 87 +	2,420	B204.55
682	USA / HILLSBORO		I/I CORR	2	FY 81	FY 87 +	78	B201.55
				3	FY 81	FY 87 +	576	B201.55
646	SALEM / CITY		FPR	1	FY 80	FY 87 +	750	B203.36

PROPOSED CONSTRUCTION GRANTS FISCAL YEAR 1982 PRIORITY LIST

PROJECT RANK	PROJECT NO.	GRANTEE/ PROJECT NAME	SEGMENT/ COMPONENT	STEP	READY TO PROCEED	TARGET CERT.	EST. GRANT AMOUNT	PRIORITY POINTS
494		NEWBERG / CITY	STP IMP	2	FY 80	FY 87 +	324	B201.57
				3	FY 82	FY 87 +	2,969	B201.57
494		NEWBERG / CITY	REHAB	2	FY 80	FY 87 +	59	B200.57
				3	FY 82	FY 87 +	537	B200.57
494		NEWBERG / CITY	I/I CORR	2	FY 82	FY 87 +	42	B198.57
				3	FY 83	FY 87 +	383	B198.57
642		GRAND RONDE / AREA	SYSTEM	2	FY 82	FY 87 +	54	B194.02
				3	FY 83	FY 87 +	840	B194.02
426		MULT CO. / INVERNESS	INT 8A	2	FY 80	FY 87 +	105	B192.56
				3	FY 81	FY 87 +	527	B192.56
653		/ EAST CONSORTIUM	FPR	1	FY 80	FY 87 +	220	C187.68
426		MULT CO. / INVERNESS	INT 8F	2	FY 80	FY 87 +	165	B192.40
				3	FY 81	FY 87 +	826	B192.40
			INT 8B	2	FY 80	FY 87 +	68	B192.06
				3	FY 81	FY 87 +	346	B192.06
			INT 8C	2	FY 80	FY 87 +	30	B191.80
				3	FY 81	FY 87 +	163	B191.80
			INT 8H	2	FY 81	FY 87 +	23	B191.38
				3	FY 81	FY 87 +	114	B191.38
426		MULT CO. / INVERNESS	INT 8D	2	FY 80	FY 87 +	34	B190.89
				3	FY 81	FY 87 +	169	B190.89
			INT 8G	2	FY 80	FY 87 +	45	B190.51
				3	FY 81	FY 87 +	217	B190.51
567		HAPPY VALLEY / CITY	INT	2	FY 82	FY 87 +	42	B190.32
				3	FY 83	FY 87 +	375	B190.32
426		MULT CO. / INVERNESS	INT 8E	2	FY 80	FY 87 +	30	B190.00
				3	FY 81	FY 87 +	137	B190.00

PROPOSED CONSTRUCTION GRANTS FISCAL YEAR 1982 PRIORITY LIST

PROJECT RANK	PROJECT NO.	GRANTEE/ PROJECT NAME	SEGMENT/ COMPONENT	STEP	READY TO PROCEED	TARGET CERT.	EST. GRANT AMOUNT	PRIORITY POINTS
628	COOS BAY / CITY NO. 1	STP IMP	1	FY 80	FY 87 +	98	B187.91	
			2	FY 81	FY 87 +	219	B187.91	
			3	FY 82	FY 87 +	949	B187.91	
502	HAMMOND (WRNVN) / CITY	FPR	1	FY 81	(81)	30	B184.97	
628	COOS BAY / CITY NO. 1	I/I CORR	2	FY 81	FY 87 +	44	B184.91	
			3	FY 82	FY 87 +	173	B184.91	
616	ROSEBURG / CITY	REHAB	3	FY 82	FY 87 +	1,682	B184.84	
619	ASTORIA / WILLIAMSPORT	INT	2	FY 79	FY 87 +	182	B178.60	
			3	FY 80	FY 87 +	548	B178.60	
638	CLATSOP PL / AREA	INT	2	FY 82	FY 87 +	150	B170.49	
			3	FY 83	FY 87 +	1,875	B170.49	
449	FALLS CITY / CITY	SYSTEM	1	FY 80	FY 87 +	33	B167.52	
			2	FY 81	FY 87 +	64	B167.52	
			3	FY 82	FY 87 +	563	B167.52	
639	YAMHILL CO / COVE ORCHARD	SYSTEM	2	FY 82	FY 83*	31	B152.08	
			3	FY 83	FY 83*	250	B152.08	
607	BCVSA / WHEATSTONE	INT	1	FY 81	FY 87 +	52	B150.60	
			2	FY 82	FY 87 +	225	B150.60	
			3	FY 83	FY 87 +	900	B150.60	
629	DRAIN / CITY	STP IMP	1	FY 80	FY 87 +	23	B150.23	
			2	FY 80	FY 87 +	54	B150.23	
			3	FY 81	FY 87 +	1,050	B150.23	
629	DRAIN / CITY	REHAB	2	FY 80	FY 87 +	19	B149.23	
			3	FY 81	FY 87 +	375	B149.23	

PROPOSED CONSTRUCTION GRANTS FISCAL YEAR 1982 PRIORITY LIST

PROJECT RANK	PROJECT NO.	GRANTEE/ PROJECT NAME	SEGMENT/ COMPONENT	STEP	READY TO PROCEED	TARGET CERT.	EST. GRANT AMOUNT	PRIORITY POINTS
629		DRAIN / CITY	I/I CORR	2	FY 80	FY 87 +	19	B147.23
				3	FY 81	FY 87 +	375	B147.23
683		WAUNA-WESTPORT / SAN. DIST.	SYSTEM	2	FY 81	FY 83*	68	B143.69
				3	FY 81	FY 83*	700	B143.69
526		CLACKAMAS CO. / RHODO-WELCH	RHOD INT	3	FY 81	FY 87 +	173	B140.86
537		SW LINCOLN / SAN. DIST.	SYSTEM	1	FY 81	FY 87 +	40	B138.62
				2	FY 82	FY 87 +	240	B138.62
				3	FY 83	FY 87 +	675	B138.62
583		IONE / CITY	SYSTEM	2	FY 80	FY 87 +	56	B125.27
				3	FY 82	FY 87 +	369	B125.27
588		MT. ANGEL / CITY	STP IMP	2	FY 80	FY 87 +	15	C248.92
				3	FY 81	FY 87 +	144	C248.92
588		MT. ANGEL / CITY	I/I CORR	2	FY 80	FY 87 +	69	C245.92
				3	FY 81	FY 87 +	146	C245.92
667		S. SUBURBAN / SAN. DIST.	STP IMP	2	FY 80	FY 87 +	64	C234.53
				3	FY 81	FY 87 +	641	C234.53
493		TRI CY SD / REGIONAL	REHAB	2	FY 81	FY 87 +	79	C231.55
				3	FY 82	FY 87 +	929	C231.55
472		ELGIN / CITY	STP IMP	2	FY 80	FY 87 +	34	C227.81
				3	FY 81	FY 87 +	356	C227.81
472		ELGIN / CITY	REHAB	2	FY 80	FY 87 +	23	C226.81
				3	FY 81	FY 87 +	124	C226.81
472		ELGIN / CITY	I/I CORR	2	FY 80	FY 87 +	6	C224.81
				3	FY 81	FY 87 +	15	C224.81



PROPOSED CONSTRUCTION GRANTS FISCAL YEAR 1982 PRIORITY LIST

PROJECT RANK	PROJECT NO.	GRANTEE/ PROJECT NAME	SEGMENT/ COMPONENT	STEP	READY TO PROCEED	TARGET CERT.	EST. GRANT AMOUNT	PRIORITY POINTS
615		CARLTON / CITY	STP IMP	2	FY 79	FY 87 +	45	C222.93
				3	FY 80	FY 87 +	587	C222.93
515		SCIO / CITY	STP IMP	2	FY 81	FY 87 +	22	C215.75
				3	FY 82	FY 87 +	368	C215.75
515		SCIO / CITY	I/I CORR	2	FY 81	FY 87 +	10	C212.75
				3	FY 82	FY 87 +	41	C212.75
631		VERONIA / CITY	STP IMP	1	FY 80	FY 87 +	41	C205.06
				2	FY 81	FY 87 +	71	C205.06
				3	FY 81	FY 87 +	638	C205.06
511		CANNON BEACH / CITY	STP IMP	2	FY 82	FY 84*	100	C204.08
				3	FY 83	FY 84*	890	C204.08
604		CLACK CO / KELLOGG	SLG DIGT	2	FY 81	(81)	335	C202.56
				3	FY 82	FY 87 +	998	C202.56
655		PORTLAND / CO.BLVD.REL.	INT	1	FY 80	FY 87 +	30	C202.05
				2	FY 80	FY 87 +	120	C202.05
				3	FY 81	FY 87 +	1,650	C202.05
342		PORTLAND / SE REL.	INT P 3	3	FY 80	FY 87 +	9,200	C201.86
			INT P 4	3	FY 81	FY 87 +	3,200	C201.86
624		MMC / REGIONAL	SLUDGE	2	FY 81	(81)	513	C201.51
			SLUDGE	3	FY 82	FY 87 +	6,393	C201.51
624		MMC / EUGENE	REHAB	3	FY 82	(81)	1,130	C200.21
493		TRI CY SD / W LINN	RVR ST INT	2	FY 81	FY 87 +	47	C199.80
				3	FY 82	FY 87 +	726	C199.80

PROPOSED CONSTRUCTION GRANTS FISCAL YEAR 1982 PRIORITY LIST

PROJECT RANK	PROJECT NO.	GRANTEE/ PROJECT NAME	SEGMENT/ COMPONENT	STEP	READY TO PROCEED	TARGET CERT.	EST. GRANT AMOUNT	PRIORITY POINTS
624		MAMC / SPRINGFIELD	REHAB	2	FY 81	FY 87 +	150	C199.43
			REHAB P 1	3	FY 81	(81)	1,130	C199.43
			REHAB P 2	3	FY 81	FY 87 +	1,745	C199.43
493		TRI CY SD / GLADSTONE	FM	2	FY 81	FY 87 +	8	C199.39
				3	FY 82	FY 87 +	107	C199.39
493		TRI CY SD / GLADSTONE	INT	2	FY 81	FY 87 +	8	C199.39
				3	FY 82	FY 87 +	144	C199.39
493		TRI CY SD / ORE CITY	ABNIV INT	2	FY 81	FY 87 +	57	C199.08
				3	FY 82	FY 87 +	879	C199.08
493		TRI CY SD / ORE CITY	NEWL INT	2	FY 81	FY 87 +	60	C198.76
				3	FY 82	FY 87 +	899	C198.76
493		TRI CY SD / W LN WILMT	TUAL PS	2	FY 81	FY 87 +	38	C198.54
				3	FY 82	FY 87 +	663	C198.54
			W LN FM	2	FY 82	FY 87 +	23	C198.54
				3	FY 82	FY 87 +	367	C198.54
575		USA/GASTON	INT	2	FY 80	FY 87 +	83	C197.73
				3	FY 81	FY 87 +	910	C197.73
513		CRESWELL / CITY	STP IMP	2	FY 80	FY 87 +	77	C197.69
				3	FY 81	FY 87 +	970	C197.69
506		SHERIDAN / CITY	REHAB	2	FY 80	FY 87 +	30	C194.62
				3	FY 81	FY 87 +	105	C194.62
513		CRESWELL	INT	2	FY 80	FY 87 +	45	C193.69
				3	FY 81	FY 87 +	160	C193.69
668		CORVALLIS / CITY	CSO	1	FY 80	FY 87 +	83	C192.66
				2	FY 81	FY 87 +	400	C192.66
				3	FY 81	FY 87 +	2,600	C192.66

PROPOSED CONSTRUCTION GRANTS FISCAL YEAR 1982 PRIORITY LIST

PROJECT RANK	PROJECT NO.	GRANTEE/ PROJECT NAME	SEGMENT/ COMPONENT	STEP	READY TO PROCEED	TARGET CERT.	EST. GRANT AMOUNT	PRIORITY POINTS
506		SHERIDAN / CITY	I/I CORR	2	FY 81	FY 87 +	8	C192.62
				3	FY 82	FY 87 +	129	C192.62
615		CARLTON / CITY	I/I CORR	2	FY 79	FY 87 +	15	C189.93
				3	FY 80	FY 87 +	110	C189.93
554		ENTERPRISE / CITY	STP IMP	2	FY 80	FY 87 +	46	C181.27
				3	FY 81	FY 87 +	138	C181.27
429		EAGLE POINT / CITY	INT	2	FY 80	FY 87 +	38	C180.86
				3	FY 81	FY 87 +	563	C180.86
554		ENTERPRISE / CITY	I/I CORR	2	FY 80	FY 87 +	23	C178.27
				3	FY 81	FY 87 +	71	C178.27
514		OAKRIDGE / CITY	STP IMP	2	FY 80	FY 87 +	60	C178.00
				3	FY 81	FY 87 +	764	C178.00
573		LOWELL / CITY	STP IMP	2	FY 80	FY 87 +	15	C176.42
				3	FY 81	FY 87 +	188	C176.42
514		OAKRIDGE / CITY	I/I CORR	2	FY 80	FY 87 +	10	C175.00
				3	FY 81	FY 87 +	100	C175.00
594		ESTACADA / CITY	STP IMP	2	FY 80	FY 87 +	45	C174.61
				3	FY 81	FY 87 +	632	C174.61
516		K FALLS / REGIONAL	STP EXP	2	FY 80	FY 87 +	170	C174.52
				3	FY 81	FY 87 +	560	C174.52
565		STANFIELD / CITY	STP IMP	2	FY 81	FY 87 +	32	C173.59
				3	FY 82	FY 87 +	401	C173.59
594		ESTACADA / CITY	I/I CORR	2	FY 80	FY 87 +	30	C171.61
				3	FY 81	FY 87 +	120	C171.61

PROPOSED CONSTRUCTION GRANTS FISCAL YEAR 1982 PRIORITY LIST

PROJECT RANK	PROJECT NO.	GRANTEE/ PROJECT NAME	SEGMENT/ COMPONENT	STEP	READY TO PROCEED	TARGET CERT.	EST. GRANT AMOUNT	PRIORITY POINTS
516		K FALLS / REGIONAL	I/I CORR	2	FY 80	FY 87 +	70	C171.52
				3	FY 81	FY 87 +	360	C171.52
565		STANFIELD / CITY	I/I CORR	2	FY 81	FY 87 +	8	C170.59
				3	FY 82	FY 87 +	62	C170.59
592		DALLAS / CITY	I/I CORR	2	FY 80	FY 87 +	19	C168.82
				3	FY 81	FY 87 +	204	C168.82
661		GRANTS PASS / CITY	STP IMP	1	FY 80	FY 87 +	25	C167.70
661		GRANTS PASS / CITY	REHAB	2	FY 81	FY 87 +	60	C166.70
				3	FY 82	FY 87 +	460	C166.70
620		PHILOMATH / CITY	STP IMP	1	FY 80	FY 87 +	22	C166.12
				2	FY 81	FY 87 +	63	C166.12
				3	FY 82	FY 87 +	578	C166.12
661		GRANTS PASS / CITY	I/I CORR	1	FY 81	FY 87 +	9	C164.70
				2	FY 82	FY 87 +	8	C164.70
				3	FY 83	FY 87 +	15	C164.78
569		MONROE / CITY	STP EXP	3	FY 81	FY 87 +	148	C160.32
533		FLORENCE / CITY	STP IMP	2	FY 81	FY 87 +	67	C159.48
				3	FY 82	FY 87 +	2,028	C159.48
557		PORTLAND / CITY	SL GAS U	2	FY 81	FY 87 +	256	C159.40
				3	FY 82	FY 87 +	2,720	C159.40
557		PORTLAND / CITY	SL DISP	2	FY 81	FY 87 +	500	C159.40
				3	FY 82	FY 87 +	7,268	C159.40
533		FLORENCE / CITY	I/I CORR	2	FY 81	FY 87 +	30	C156.48
				3	FY 82	FY 87 +	194	C156.48

PROPOSED CONSTRUCTION GRANTS FISCAL YEAR 1982 PRIORITY LIST

PROJECT RANK	PROJECT NO.	GRANTEE/ PROJECT NAME	SEGMENT/ COMPONENT	STEP	READY TO PROCEED	TARGET CERT.	EST. GRANT AMOUNT	PRIORITY POINTS
576		USA / BANKS	INT	2	FY 80	FY 87 +	185	C151.31
				3	FY 81	FY 87 +	1,309	C151.31
617		OAKLAND / CITY	STP IMP	2	FY 81	FY 87 +	56	C150.09
				3	FY 82	FY 87 +	302	C150.09
643		HUBBARD / CITY	STP IMP	2	FY 81	FY 87 +	57	C148.44
				3	FY 82	FY 87 +	546	C148.44
672		BROOKINGS / CITY	STP IMP	1	FY 80	FY 87 +	41	C147.09
				2	FY 81	FY 87 +	94	C147.09
				3	FY 82	FY 87 +	488	C147.09
539		ST HELENS / CITY	STP IMP	2	FY 81	FY 87 +	447	C145.82
				3	FY 82	FY 87 +	2,931	C145.82
672		BROOKINGS / CITY	I/I CORR	2	FY 83	FY 87 +	82	C144.09
				3	FY 84	FY 87 +	273	C144.09
539		ST HELENS / CITY	I/I CORR	2	FY 81	FY 87 +	60	C142.82
				3	FY 82	FY 87 +	1,125	C142.82
586		RAINIER / CITY	I/I CORR	2	FY 82	FY 87 +	113	C141.61
				3	FY 81	FY 87 +	796	C141.61
511		CANNON BCH / CITY	I/I CORR	3	FY 82	FY 87 +	90	C141.08
648		HEPPNER / CITY	STP IMP	1	FY 80	FY 87 +	26	C140.48
				2	FY 80	FY 87 +	270	C140.48
				3	FY 81	FY 87 +	1,005	C140.48
559		LINCOLN CITY / CITY	INT P 2	3	FY 81	FY 87 +	250	C140.15
618		NEWPORT / CITY	STP IMP	2	FY 82	FY 87 +	100	C139.71
				3	FY 83	FY 87 +	2,000	C139.71

PROPOSED CONSTRUCTION GRANTS FISCAL YEAR 1982 PRIORITY LIST

PROJECT RANK	PROJECT NO.	GRANTEE/ PROJECT NAME	SEGMENT/ COMPONENT	STEP	READY TO PROCEED	TARGET CERT.	EST. GRANT AMOUNT	PRIORITY POINTS
469		KLAM CO. / MODOC POINT	SYSTEM	1	FY 82	FY 87 +	25	C139.40
				2	FY 83	FY 87 +	61	C139.40
				3	FY 84	FY 87 +	430	C139.40
618		NEWPORT / CITY	I/I CORR	3	FY 83	FY 87 +	60	C136.71
473		DUFUR / CITY	STP IMP	2	FY 80	FY 87 +	38	C135.56
				3	FY 81	FY 87 +	250	C135.56
519		JOSEPH / CITY	STP IMP	2	FY 80	FY 87 +	75	C133.96
				3	FY 81	FY 87 +	315	C133.96
518		ONTARIO / CITY	STP IMP	2	FY 80	FY 87 +	164	C133.90
				3	FY 81	FY 87 +	656	C133.90
473		DUFUR / CITY	I/I CORR	2	FY 80	FY 87 +	18	C132.56
				3	FY 81	FY 87 +	33	C132.56
572		THE DALLES / FOLEY LAKES	INT	2	FY 83	FY 87 +	92	C131.75
				3	FY 84	FY 87 +	366	C131.75
651		FOSSIL / CITY	STP IMP	1	FY 80	FY 87 +	20	C125.63
				2	FY 81	FY 87 +	255	C125.63
				3	FY 82	FY 87 +	945	C125.63
589		MILTON-FREEWATER / CITY	STP IMP	2	FY 80	FY 87 +	265	C125.33
				3	FY 81	FY 87 +	1,322	C125.33
589		MILTON-FREEWATER / CITY	INT	2	FY 80	FY 87 +	12	C123.33
				3	FY 81	FY 87 +	78	C123.33
595		HALSEY / CITY	STP IMP	1	FY 80	FY 87 +	35	C113.72
				2	FY 81	FY 87 +	62	C113.72
				3	FY 82	FY 87 +	868	C113.72

PROPOSED CONSTRUCTION GRANTS FISCAL YEAR 1982 PRIORITY LIST

PROJECT RANK	PROJECT NO.	GRANTEE/ PROJECT NAME	SEGMENT/ COMPONENT	STEP	READY TO PROCEED	TARGET CERT.	EST. GRANT AMOUNT	PRIORITY POINTS
635	ATHENA / CITY	STP IMP		1	FY 80	FY 87 +	15	C100.00
				2	FY 81	FY 87 +	150	C100.00
				3	FY 82	FY 87 +	600	C100.00
582	IRRIGON / CITY	SYSTEM		2	FY 81	FY 85*	64	D196.09
				3	FY 81	FY 85*	1,275	D196.09
670	TRI CITY S.D. / MYRTLE CR	STP IMP		2	FY 81	FY 87 +	74	D184.89
				3	FY 82	FY 87 +	668	D184.89
670	TRI CITY S.D. / MYRTLE CR	I/I CORR		1	FY 81	FY 87 +	52	D181.89
				2	FY 82	FY 87 +	75	D181.89
				3	FY 83	FY 87 +	100	D181.89
467	SILVERTON / CITY	STHR INT		3	FY 81	FY 87 +	71	D181.49
673	GREEN S.D. / LANDERS LANE	INT		1	FY 80	FY 87 +	9	D177.56
				2/3	FY 81	FY 87 +	124	D177.56
674	BORING / AREA	SYSTEM		1	FY 80	FY 87 +	32	D173.85
				2	FY 81	FY 87 +	65	D173.85
				3	FY 82	FY 87 +	375	D173.85
516	K FALLS / PELICAN CITY	INT		2/3	FY 80	FY 87 +	510	D167.91
592	DALLAS / NORTHEAST	INT		2	FY 81	FY 87 +	100	D165.47
				3	FY 81	FY 87 +	1,200	D165.47
371	USA / DURHAM	SLUDGE		2	FY 80	FY 87 +	450	D163.89
				3	FY 81	FY 87 +	6,300	D163.89
662	SODAVILLE / CITY	SYSTEM		1	FY 80	FY 87 +	21	D161.65
				2	FY 81	FY 87 +	46	D161.65
				3	FY 82	FY 87 +	506	D161.65

PROPOSED CONSTRUCTION GRANTS FISCAL YEAR 1982 PRIORITY LIST

PROJECT RANK	PROJECT NO.	GRANTEE/ PROJECT NAME	SEGMENT/ COMPONENT	STEP	READY TO PROCEED	TARGET CERT.	EST. GRANT AMOUNT	PRIORITY POINTS
564		N. POWDER / CITY	STP IMP	2	FY 80	FY 87 +	34	D154.29
				3	FY 81	FY 87 +	81	D154.29
675		WALLOWA / CITY	STP IMP	1	FY 80	FY 87 +	15	D150.66
				2	FY 81	FY 87 +	113	D150.66
				3	FY 82	FY 87 +	450	D150.66
597		YONCALLA / CITY	STP IMP	1	FY 80	FY 87 +	26	D149.86
				2	FY 81	FY 87 +	47	D149.86
				3	FY 83	FY 87 +	574	D149.86
597		YONCALLA / CITY	REHAB	2	FY 81	FY 87 +	2	D148.86
				3	FY 83	FY 87 +	15	D148.86
541		SISTERS / CITY	SYSTEM	2	FY 80	FY 86*	200	D147.81
				3	FY 80	FY 86*	1,600	D147.81
597		YONCALLA / CITY	I/I CORR	2	FY 80	FY 87 +	2	D146.86
				3	FY 81	FY 87 +	23	D146.86
617		OAKLAND / UNION GAP	INT	2	FY 80	FY 87 +	21	D144.56
				3	FY 81	FY 87 +	77	D144.56
666		CAMAS VALLEY / AREA	SYSTEM	1	FY 80	FY 87 +	15	D144.35
				2	FY 81	FY 87 +	55	D144.35
				3	FY 81	FY 87 +	600	D144.35
602		NESKOWIN / SAN AUTH	SYSTEM	2	FY 81	FY 87*	600	D142.80
				3	FY 82	FY 87*	3,000	D142.80
447		MILL CITY / CITY	SYSTEM	1	FY 80	FY 87 +	23	D141.73
				2	FY 81	FY 87 +	49	D141.73
				3	FY 82	FY 87 +	698	D141.73
536		DESCHUTES CO / LAPINE	SYSTEM	1	FY 81	FY 87 +	45	D129.95
				2	FY 82	FY 87 +	225	D129.95
				3	FY 83	FY 87 +	675	D129.95



PROPOSED CONSTRUCTION GRANTS FISCAL YEAR 1982 PRIORITY LIST

PROJECT RANK	PROJECT NO.	GRANTEE/ PROJECT NAME	SEGMENT/ COMPONENT	STEP	READY TO PROCEED	TARGET CERT.	EST. GRANT AMOUNT	PRIORITY POINTS
456		JOSEPHINE CO/MERLIN (Col Vly) SYSTEM		1	FY 80	FY 87 +	17	D126.71
				2	FY 81	FY 87 +	56	D126.71
				3	FY 82	FY 87 +	695	D126.71
521		N. ALBANY S.D. / N AREA	INT	1	FY 81	FY 87 +	28	D103.34
				2	FY 82	FY 87 +	97	D103.34
				3	FY 83	FY 87 +	900	D103.34
443		TURNER / CITY	INT	2	FY 82	FY 87 +	56	D103.30
				3	FY 83	FY 87 +	656	D103.30
671		PILOT ROCK / CITY	STP IMP	1	FY 80	FY 87 +	15	D100.50
				2	FY 81	FY 87 +	300	D100.50
				3	FY 81	FY 87 +	900	D100.50
645		PRINEVILLE / CITY	STP IMP	2	FY 80	FY 87 +	188	D97.06
				3	FY 81	FY 87 +	563	D97.06
442		LANE CO. / MAPLETON	SYSTEM	1	FY 80	FY 87 +	38	D67.83
				2	FY 81	FY 87 +	75	D67.83
				3	FY 82	FY 87 +	713	D67.83
592		DALLAS / CITY	STP EXP	2	FY 81	FY 87 +	131	E171.82
				3	FY 82	FY 87 +	1,436	E171.82
660		VENETA / CITY	STP EXP	1	FY 80	FY 87 +	18	E161.42
				2	FY 81	FY 87 +	38	E161.42
				3	FY 82	FY 87 +	512	E161.42
522		USA / N. PLAINS	INT	1	FY 80	FY 87 +	25	E157.63
				2	FY 81	FY 87 +	62	E157.63
				3	FY 82	FY 87 +	678	E157.63
458		CORVALLIS / AIRPORT	STP EXP	2	FY 80	FY 87 +	49	E153.09
				3	FY 81	FY 87 +	450	E153.09

PROPOSED CONSTRUCTION GRANTS FISCAL YEAR 1982 PRIORITY LIST

PROJECT RANK	PROJECT NO.	GRANTEE/ PROJECT NAME	SEGMENT/ COMPONENT	STEP	READY TO PROCEED	TARGET CERT.	EST. GRANT AMOUNT	PRIORITY POINTS
542		CARMEL FOULWIER / SAN.DIST.	SYSTEM	2	FY 80	FY 87 +	101	E144.00
				3	FY 81	FY 87 +	676	E144.00
647		TWIN ROCKS / SAN.DIST.	STP EXP	2	FY 80	FY 87 +	75	E143.63
				3	FY 81	FY 87 +	300	E143.63
516		K FALLS / RIVERSIDE	INT	2	FY 80	FY 87 +	120	E127.81
				3	FY 80	FY 87 +	975	E127.81
601		WALLOWA LAKE / SAN.AUTH.	SYSTEM	1	FY 80	FY 87 +	20	E110.67
				2	FY 81	FY 87 +	60	E110.67
				3	FY 81	FY 87 +	450	E110.67
676		ADAIR VILLAGE / CITY	STP IMP	1	FY 80	FY 87 +	14	E106.66
				2	FY 81	FY 87 +	35	E106.66
				3	FY 81	FY 87 +	338	E106.66
637		MARION CO. / BROOKS	SYSTEM	1	FY 80	FY 87 +	9	E105.78
				2	FY 81	FY 87 +	17	E105.78
				3	FY 81	FY 87 +	375	E105.78
485		USA / SUNSET	INT	2	FY 80	FY 87 +	54	E104.08
				3	FY 81	FY 87 +	482	E104.08
460		ALBANY / NE KNOX BUTTE	INT	1	FY 80	FY 87 +	23	E102.27
				2	FY 81	FY 87 +	86	E102.27
				3	FY 81	FY 87 +	713	E102.27
644		ODELL / SAN DIST	STP EXP	1	FY 80	FY 87 +	19	E96.16
				2	FY 81	FY 87 +	60	E96.16
				3	FY 81	FY 87 +	675	E96.16
540		MERRILL / CITY	STP EXP	1	FY 80	FY 87 +	19	E91.91
				2	FY 81	FY 87 +	95	E91.91
				3	FY 81	FY 87 +	675	E91.91

PROPOSED CONSTRUCTION GRANTS FISCAL YEAR 1982 PRIORITY LIST

PROJECT RANK	PROJECT NO.	GRANTEE/ PROJECT NAME	SEGMENT/ COMPONENT	STEP	READY TO PROCEED	TARGET CERT.	EST. GRANT AMOUNT	PRIORITY POINTS
678		LYONS-MEHAMA / REGIONAL	SYSTEM	1	FY 80	FY 87 +	26	E91.48
				2	FY 81	FY 87 +	49	E91.48
				3	FY 81	FY 87 +	563	E91.48
477		DETROIT / CITY	SYSTEM	1	FY 80	FY 87 +	26	E90.85
				2	FY 81	FY 87 +	150	E90.85
				3	FY 81	FY 87 +	900	E90.85
679		IDANHA / CITY	SYSTEM	1	FY 80	FY 87 +	11	E90.41
				2	FY 81	FY 87 +	30	E90.41
				3	FY 81	FY 87 +	581	E90.41
680		GATES / CITY	SYSTEM	1	FY 80	FY 87 +	9	E90.22
				2	FY 81	FY 87 +	21	E90.22
				3	FY 81	FY 87 +	489	E90.22
551		SANDY / CITY	STP EXP	1	FY 80	FY 87 +	16	E85.36
				2	FY 81	FY 87 +	46	E85.36
				3	FY 81	FY 87 +	945	E85.36
471		TANGENT / CITY	SYSTEM	1	FY 80	FY 87 +	40	E72.54
				2	FY 81	FY 87 +	113	E72.54
				3	FY 81	FY 87 +	1,125	E72.54
663		SCAPPOOSE / CITY	STP EXP	1	FY 80	FY 87 +	30	E65.00
				2	FY 81	FY 87 +	75	E65.00
				3	FY 81	FY 87 +	765	E65.00
546		CRESCENT / SAN.DIST.	SYSTEM	1	FY 80	FY 87 +	20	E56.08
				2	FY 81	FY 87 +	60	E56.08
				3	FY 81	FY 87 +	563	E56.08

BJS:1

WI799.A (1)

Revised September 14, 1981

Agenda Item \_\_\_\_\_, October 9, 1981, EQC Meeting.

STATEMENT OF NEED FOR RULEMAKING

Pursuant to ORS 183.335(7), this statement provides information on the Environmental Quality Commission's intended actions to adopt a new rule 340-41-034.

(1) Legal Authority.

ORS 468.020 authorizes the Environmental Quality Commission to adopt rules and standards in accordance with ORS Chapter 183.

(2) Statement of Need.

The rulemaking action is to add a Commission policy on sewage works construction to a State-Wide Water Quality Management Plan. This is necessary in order to give direction in the construction of sewerage facilities where there are insufficient federal grant funds to construct all needed facilities.

(3) Principal Documents Relied Upon in This Rulemaking.

- (a) Public Law 95-217
- (b) 40 CFR Parts 25 and 35
- (c) OAR 340 Division 53
- (d) OAR 340 Division 41

Fiscal Impact of Rulemaking

The fiscal impact of this rulemaking is upon sewerage utilities which will be required to have sewerage works financing plans prior to the Department issuance of permits for new or significantly modified sewerage facilities, for approval of plans for new or significantly modified sewerage facilities, or for access to funding assistance from the state pollution control bond fund. The Department may accept assurance of development of such financing plan if necessary to prevent delay in projects already planned and in the process of implementation.

The proposed rule should have no fiscal impact on the Department of Environmental Quality or other state agencies.

Land Use Consistency statement

The proposed rule appears to be consistent with statewide planning goals.

Harold L. Sawyer:g  
229-5324  
September 16, 1981

WG435 (1)

Agenda Item \_\_\_\_\_, October 9, 1981, EQC Meeting.

STATEMENT OF NEED FOR RULEMAKING

Pursuant to ORS 183.335(7), this statement provides information on the Environmental Quality Commission's intended actions to adopt a temporary rule 340-53-015(12).

(1) Statement of Findings.

A few days before the public hearing on proposals for adoption of an FY 82 Sewerage Works Construction Grants Priority List, the Department was informed by EPA of variances from its rules which would allow states to extend their FY 81 list into FY 82 and continue to fund projects from that list with carryover FY 81 and reallotted funds. This possible alternative was announced at the beginning of the hearing on September 9, 1981. In order to implement this alternative, it is necessary to modify OAR 340-53-005 through 035 to postpone provisions of the rules which were to become effective during federal FY 82.

Failure to act promptly on this matter will seriously prejudice the public's interest by impairing progress on needed sewerage projects.

(2) Legal Authority.

ORS 468.020 authorizes the Environmental Quality Commission to adopt rules and standards in accordance with ORS Chapter 183.

(3) Statement of Need.

The rulemaking action is needed to modify provisions of OAR 340-53-005 through 035 to allow extending the FY 81 sewerage works construction grants priority list for 90 days (until December 31, 1981) or until Congress appropriates funding allocations for FY 82, whichever first occurs. This will give additional time for processing projects intended to be funded from FY 81 and prior year reallotted funds to compensate for federally induced program delays during the year.

(3) Principal Documents Relied Upon in This Rulemaking.

- (a) Public Law 95-217
- (b) 40 CFR Parts 25 and 35
- (c) OAR 340 Division 53
- (d) OAR 340 Division 41

### Fiscal Impact of Rulemaking

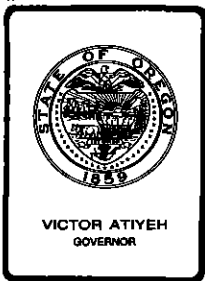
The fiscal impact of this rulemaking is upon municipalities and special districts seeking federal financial assistance for sewerage projects. Since there are not sufficient federal funds to aid in the construction of all needed facilities only a few will receive federal grants. Others will probably have to use locally derived funds. The rules do affect the distribution of these federal funds.

The proposed temporary rule should have no fiscal impact on the Department of Environmental Quality or other state agencies.

### Land Use Consistency statement

The proposed temporary rule appears to be consistent with statewide planning goals. The scope of the rule is very narrow in that the adoption is for the purpose of providing necessary sewerage facilities in a timely way.

Harold L. Sawyer:g  
229-5324  
September 16, 1981  
WG436 (1)



## *Environmental Quality Commission*

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

### MEMORANDUM

To: Environmental Quality Commission  
From: Director  
Subject: Addendum to Agenda Item No. O,  
October 9, 1981, EQC Meeting

PROPOSED ADOPTION OF (1) ADMINISTRATIVE RULES ESTABLISHING  
POLICY ON SEWAGE WORKS PLANNING AND CONSTRUCTION; AND  
(2) SEWAGE WORKS CONSTRUCTION GRANT PRIORITY LIST FOR  
FY 82.

Since the original staff report was written, several letters have been submitted for Commission consideration in the above matter, and they are attached to this Addendum. Following is a list of those letters:

	<u>Date of letter</u>
O. J. Torske	September 3, 1981
Wm. Whiteman, City of Cottage Grove	September 10, 1981
Tom Meek, Oregon Home Builders Assn.	September 10, 1981
Taira Eukushima, Jackson Co. Health Officer	September 10, 1981
Jerald Shanbeck, City of Oakridge	September 16, 1981
G. David Jewett, representing MPMC	September 23, 1981

*Michael Young*  
for  
William H. Young  
Director

JAShaw  
229-5300  
September 25, 1981

✓ FHB Bolton  
CC WQ  
CC MUR →  
Fax Reply

3 September 1981

FROM: Mr. Orvin J. Torske  
3610 N. E. Earl Avenue  
Albany, Or. 97321

RE: Draperville Health Hazard Area

Dear Sir:

I have just read that the E.Q.C. is short of money. I am writing you in regards to the so-called Draperville "health hazard" area.

I am one of many who live and own property in this area and I do not believe that a health hazard exists. My reasons are based on the following:

- 1) During 1978, the Health Department Director, Mr. Swenson, held so-called public hearings "where the public was not allowed to speak up". It was stated that over one hundred people were sick due to the the area health hazard. However, following the hearings these same people were now well. *there has been no sickness since & that is 3 years.* Between 1975 and 1978 no one was sick. In six years people in this area were sick an average of ten days. This certainly does not confirm a "health hazard".
- 2) If a true "health hazard" exists, why are only some of the property owners stuck with the expense of correcting the problem? There is a large area of land in the middle of this area and the owner of this property is exempt from such expense. If there was a health hazard, all property owners should have to share the burden of the expense to correct the situation, not just some of the property owners.

I say that to finish what has been started would be using common sense. Then if the new president doesn't put a halt to this foolish spending, start new projects.

*The jobs I refer to are the ones in Bend & Eugene.*

Sincerely,  
*Orvin J. Torske*  
O.J. TORSKE

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SEP 21 1981





CITY OF  
**COTTAGE  
GROVE**

400 E. Main Street, Cottage Grove, Oregon 97424

EQC  
Young  
B.J. Smith

September 10, 1981

OFFICE OF THE MAYOR

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SEP 16 1981

Environmental Quality Commission  
Box 1760  
Portland, Oregon 97207

Water Quality Division  
Dept. of Environmental Quality

SUBJECT: Public Hearing Comments  
regarding Construction Grant  
Priority List for FY 82

Gentlemen:

As I noted at the August 27 EQC meeting, the cities of Cottage Grove, Bend, Eugene/Springfield, and Oregon City, West Linn and Gladstone represented by Tri-City Service District are unanimous in their support of the following comments. This group has attempted to review all pertinent information related to the construction grants program as it exists today and as it may exist in the future. We hope that you will respond in a positive manner to our proposal.

The current construction grants legislative process in Washington, DC, is fragmented and unpredictable. We, therefore, believe the criteria adopted for the State's 1981 priority list should be extended to funds carried over into 1982. At such time that new federal legislation is passed and funding levels are established, we request that new state priority ranking criteria be formulated, thereafter that public hearings be held for the purpose of amending and adopting the new program for Fiscal Year 1982. The extension of the 1981 criteria will allow us to continue our respective projects with a minimum of disruption until such time that the State's program, based on the new federal legislation can be implemented.

We further would request that public testimony be allowed at the October 9 meeting scheduled for adoption of the Grant Priority List should Federal Legislation be more clear. Although we recognize the additional burden placed upon yourselves, we feel that the rapid changes occurring within construction grants program requires keeping the door open until the last possible moment.

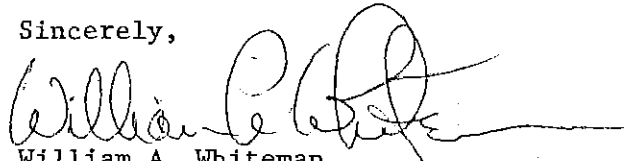
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Page 2  
Environmental Quality Commission  
September 10, 1981

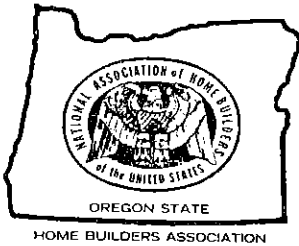
In conclusion, we would like to emphasize that we recommend revisions be drafted for the FY 82 construction grants program criteria after enactment of new federal legislation and funding levels, and that the Public Hearing procedure be followed in adopting these revisions.

Sincerely,

A handwritten signature in cursive script, appearing to read "William A. Whiteman". The signature is written in dark ink and is positioned above the printed name.

William A. Whiteman  
Mayor

WAW:jw



OREGON STATE  
HOME BUILDERS ASSOCIATION

565 UNION STREET/SALEM, OREGON 97301

TELEPHONE 378-9066

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SEP 16 1981



EQC  
Young  
B.J. J.

September 10, 1981

Water Quality Division  
Dept. of Environ. Quality

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

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Environmental Quality Commission  
Box 1760  
Portland, OR 97208

OFFICE OF THE DIRECTOR

Gentlemen:

I request that the following comment be included in the record of the September 8 hearing:

Proposed Policy on Sewerage Works Construction In  
Absence of Sufficient Federal Funds

The proposed policy calls for each local government to devise a sewerage works construction plan. However, the policy also states that no local government may rely on grant assistance in developing such plans.

It is our understanding that the source for the proposed policy is the May, 1981 report by Pacific Economica, Sewage Treatment And Solid Waste Disposal Facility Financing Study. We believe that interpreting the proposed policy in light of Economica's study will lead most local governments to finance sewage construction through System Development Charges.

The Economica study at page 67 recommends "that all operating revenue should come from user fees, charges, or assessments, unless special considerations warrant partial reliance upon tax levies." This conclusion is not warranted. The report's discussion of "Direct Local Funding Options," beginning at page 39, does not support the finding that SDC's are the only viable financing mechanism.

Apparently, Economica's conclusion is based on its finding at page 12 that the size of State bonding decreases the value of local issues. This finding in turn is based on Public Programs in Housing Finance in Oregon by Moore Breithaupt and Associates.

We consider the Moore-Breithaupt report to be of questionable value. Its recommendation, that the Oregon veterans home and farm loan program must be scaled down, has been the traditional doctrine of the interest groups which financed it. Its premise, that it will always be cheaper to build in the future what may be built today, defies common sense and experience. Its conclusion,

Environmental Quality Commission

Page 2

September 10, 1981

that the size of State indebtedness decreases the value of local issuances, was not supported by testimony before the Bonded Debt Advisory Panel or the Ad Hoc Legislative Committee.

Thus, the Moore-Breithaupt and the Pacific Economica conclusions on the value of local issuances are of questionable validity.

System Development Charges are an added up-front housing cost, increasing a home buyer's mortgage principal. Thus, SDC's chill Oregon's public policy of providing affordable housing.

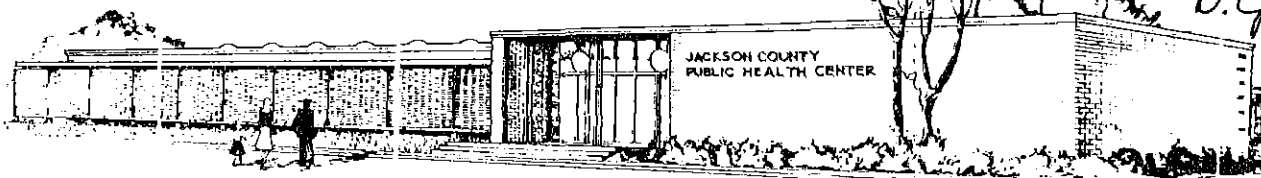
We believe the proposed policy should be reformed to discourage the use of System Development Charges.

Sincerely,



Tom Meek  
Legislative Assistant

TM:ja



EQC  
Young  
B.J. Smith

1313 MAPLE GROVE DRIVE, MEDFORD, OREGON 97501

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PHONE 776-7300

September 10, 1981

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State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Chairman  
Environmental Quality Commission  
C/O Env. Quality Commission  
Box 1760  
Portland, Or. 97207

Water Quality Division  
Dept. of Environmental Quality

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SEP 16 1981

OFFICE OF THE DIRECTOR

RE: Funding of Health Hazard Area  
solutions -

Dear Mr. Chairman:

I would like at this time to submit this letter as testimony in regards to the July 17th, 1981 Environmental Quality Commission meeting dealing with the alternatives available for funding certain sewer or water quality projects.

It is our understanding that presently, there are two (2) alternatives being discussed - the first alternative would be to fund large projects already initiated, and this funding would in theory, finish these large sewer treatment projects. The other alternative would be to fund projects based on a priority list with those projects designed to solve health hazard problem areas obtaining higher priority. From a local standpoint, we can see the benefits in funding in either direction, but find ourselves sensitive to funding large projects serving municipalities, etc. with more of a funding base when small projects designed to alleviate immediate health hazards still go unresolved. In Jackson County, we have such a project which is declared a health hazard. This project was initiated in 1974, pursuant to ORS Chapter 222 and was formally declared a health hazard by the Oregon State Health Division after due process, on March 22nd, 1977. As a result of this declaration of a health hazard, this area was formally annexed into the City of Medford, but construction has not been initiated as of this date. The failing septic systems identified since 1974, continue to fail and discharge sewage to the ground surface, roadside ditches, and in one case on the school grounds property. This situation is an obvious health hazard, but continues to be unresolved due to lack of funding for these projects.

We can only assume that other projects throughout the State are on hold similar to this project and creating a real and continuous health hazard.

We appreciate any action the Commission may take in resolving these issues, both in Jackson County and throughout the State of Oregon. We must conclude that immediate problems must be resolved in these times of limited funds. Priorities must be set and we feel strongly that priority of the resolution of these particular problems, is foremost.

We appreciate the opportunity to testify on this matter and my staff and I are

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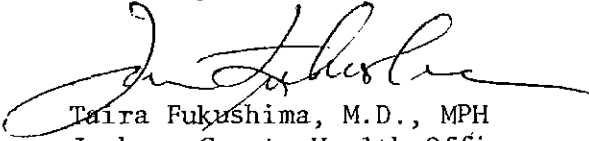
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Water Quality Division

Funding of Health Hazard area  
solutions -  
Page -2-

available to provide additional information if you deem it necessary.

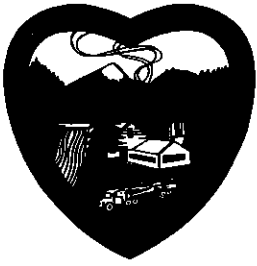
Sincerely,

A handwritten signature in black ink, appearing to read 'Taira Fukushima', written in a cursive style.

Taira Fukushima, M.D., MPH  
Jackson County Health Officer

TF/ac

cc: John Huffman, Oregon State Health Division



# CITY OF OAKRIDGE

OAKRIDGE, OREGON 97463

782-2258

September 16, 1981

Department of Environmental Quality  
Public Affairs Division  
Construction Grants Unit  
P.O. Box 1760  
Portland, Oregon 97207

RE: TESTIMONY FOR PROPOSED POLICY ON  
SEWAGE WORKS CONSTRUCTION IN AB-  
SENCE OF SUFFICIENT FEDERAL FUNDS

Dear Sirs:

The City of Oakridge is well aware of the lack of Federal Funding for construction grants, as the City has been on the priority list for several years and has not moved up in priority, and is not likely to. The City is willing to accept its responsibility in improving water quality standards without relying on Federal Funds and, in fact, is making improvements in our own funding abilities.

However, the major capital expenses involved for improvements make implementation questionable. Therefore, the City urges reasonable extensions of time limits to continue the status quo. This will allow a transition to "local source only" financing plans.

However, the City will not accept any relaxation of water quality standards that would cause degradation of streams. We believe that protection of the environment can still be maintained while financing plans are implemented.

Please keep us informed on the status of the proposed policies.

Sincerely,

Jerald A. Shanbeck  
Public Works Director

JAS/ssk

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Dept. of Environmental Quality

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

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

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

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

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

September 23, 1981

Members of Environmental Quality Commission  
c/o Department of Environmental Quality  
522 Southwest Fifth Avenue  
Portland, Oregon 97207

Re: Comments Regarding DEQ Recommendation With  
Respect to Proposed FY 82 Priority List

Dear Members of the Commission:

This letter is submitted on behalf of the Metropolitan Wastewater Management Commission (MWWC) in response to the DEQ staff evaluation of written and oral testimony submitted for the public hearing held September 8, 1981 regarding the adoption of FY 82 sewerage treatment works construction grants priority list. Since extensive evidence has been submitted on behalf of MWWC both orally and in writing to the staff related to the priority list on at least three other occasions beginning in April, 1981, I will not try to fully reiterate that in this letter. Rather, my comments will be limited to the two largest remaining areas of disagreement - the propriety of abandoning the transition policy and the operational dependence of MWWC's regional sewage treatment plant upon the other components of the MWWC project.

**I. TRANSITION**

In response to ever greater reductions in federal funding, staff proposed a return to the transition policy of one of the two alternative priority lists to be considered for FY 82. In recommending the abandonment of the transition policy last year, staff admittedly assumed sufficient federal funds would be available for the construction of the segments necessary to achieve operational facilities for projects then under construction (about \$40,000,000 annually). This is no longer the case. In fact, staff now projects that no federal funds will be available in FY 82 and that thereafter Oregon's allotment will be not more than \$15,000,000 annually. In proposing the return to transition, staff recognized that with this:

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"further reduction in available funds and other proposed federal program changes, the remaining minimum operationally dependent segments for projects under construction would not be funded for several years." EQC Addenda Item No. E(1) July 17, 1981 Background and Problem Statement, page 4.

Even though staff recognized this situation exists, no explanation was given in its response to the testimony submitted at the public hearing. Rather, staff merely stated its conclusion that Alternative 1 was the "preferred method of operation for Oregon... ." Using the staff's funding projections, absent a return to transition, there will not be enough money to finish the operationally dependent portions of MWMC's project until after 1987. In addition, various segments of the Portland Southeast Relieving Interceptor project would also not receive funding until after 1987. This creates an intolerable situation for the two most populous areas and one of the two most important rivers in the state.

Moreover, the limited moneys available will be used to start other communities down the same uncertain path trod by their predecessors. One can hardly escape the sense that sewerage work construction progress is not only in disarray, but is rapidly approaching a standstill as a result of the constant fluctuations in federal funding policy. Something must be done at the state level. The transition policy should be continued in order to bring to completion as many projects currently under construction as possible. Since it is obvious that sufficient funds will not be available to commence and complete other projects, there must be a period of replanning. This process should take place without falsely raising the expectations of communities by providing them with seed money that may turn out to be the last of the federal largesse. The Commission should continue transition, finish the construction of current projects, and pursue the goal recommended by staff of having each sewerage utility in Oregon develop a financing plan which will assure that future sewerage works construction and operation needs can be financed by local revenues.

## II. OPERATIONAL DEPENDENCE

The concept of operational dependence is governed by OAR 340-53-015(5)(a)(B) which requires the various components of a project to be ranked together on the Priority List if they must

be constructed together to achieve water quality benefits. In interpreting this rule recently, staff stated:

"Generally, elevating appropriate components and segments is considered necessary when:

A. A segment, if constructed by itself will not resolve a specific identified problem for which it is intended ... ."

In June, 1981, MWMC submitted to staff a detailed study, with supporting technical data which demonstrated the operational interdependence of the components of the MWMC project. The study was supplemented by oral and written testimony submitted for the public hearing on September 8, 1981. In essence, this evidence shows that the regional treatment plant will not, if constructed by itself, resolve the pollution problem it was designed to alleviate. While the staff found the necessary dependency to elevate the seasonal industrial waste program and pumping stations, staff rejected MWMC's contention that the sludge management and sewer rehabilitation components are necessary for the operation of the treatment plant.<sup>1/</sup>

Before commenting on the staff's response, there are certain facts which should be recognized. Sludge is the basic by-product of the sewage treatment process. Staff recognizes that one cannot operate a sewage treatment plant without a sludge handling capability. MWMC implemented an interim program to handle the sludge created by the existing Eugene plant during construction of the new regional facilities. The lagoon, space and equipment available for this program cannot possibly cope with the quantities of sludge which will be generated upon start up of the new regional plant. At that time, sludge production will more than

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<sup>1/</sup> The operational dependence of MWMC's rehabilitation component is not discussed herein. Due to the nature of the staff response, the Commission is simply referred to the Operational Interdependence Study and the written testimony submitted by MWMC for the public hearing. It remains MWMC's position that the treatment plant is operationally dependent on sewer rehabilitation because the plant design is dependent upon the removal of excessive inflow and infiltration. Failure to do the corrective work substantially increases the possibility of flooded pump stations, overflows and washout of the biological treatment process.

quadruple from approximately 36,000 gallons to 148,000 gallons daily.

Staff does not dispute these basic facts. To the contrary, in the first paragraph of the response, staff admits that the temporary facilities are inadequate and acknowledges that acceptable operation of the treatment plant is dependent upon the implementation of a sludge management program. Nevertheless staff concluded that it

"does not feel, however, that acceptable operation of the treatment plant is dependent upon the immediate implementation of the long-term sludge disposal project segment."  
Emphasis added.

Staff concluded there is no dependency because there may exist some alternative as an "interim" solution.<sup>2/</sup> There are a number of problems with this approach. First, immediacy is irrelevant to the dependency determination. The applicable administrative rule and the only published interpretations thereof speak only to the question of whether the construction of one segment can solve the problem for which it was designed without the construction of other segments. In this case it is clear that sludge handling capability is absolutely necessary for the operation of the treatment plant. Therefore, the construction of the treatment plant is operationally dependent upon the sludge component and they should be ranked together. The question of what form the sludge component should take is a separate and unrelated issue. Secondly, while the staff suggestion is that some alternative program is available, it is undefined, uninvestigated, unapproved and unsubstantiated - in essence, there is no available alternative program.

A number of the other staff comments deserve a response. Staff indicated that BCS acknowledged that delayed funding of the permanent sludge project did not preclude alternative interim arrangements. This is not true. In its presentations to staff, BCS, as well as MWMC, has steadfastly maintained that MWMC cannot

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<sup>2/</sup> It should be noted that given the staff's funding projections, MWMC's sludge component would not be funded until some unpredicted year beyond 1987. Under these circumstances the suggestion that the alternative is temporary is illusory at best.

start up the new regional treatment plant without adequate sludge facilities. In support of this conclusion, BCS analyzed both the capacity of the present interim sludge management program and the possibility of an extended interim sludge management program. Everyone agrees that the present system is woefully inadequate to the task. In looking at an extended program, BCS examined the possibility of some form of liquid sludge hauling to alleviate the problem on an interim basis. The conclusion reached was that this "interim" program would be dramatically more costly to the taxpayers on an operational basis alone than the proposed sludge program. In addition, because of the magnitude of the program and the need for dedicated land, it was concluded that an environmental impact statement might well be required for its implementation. Other problems were also noted such as the extreme inefficiency in energy use, loss of the soil amendment value of sludge as a potentially valuable resource, and the removal of agricultural land from production for an indefinite period. In short, the BCS review concluded that this extended program would be impractical, not cost-effective and plagued by other serious drawbacks. This hardly constitutes an acknowledgment that an alternative interim arrangement is available. No evidence to contradict these conclusions has been cited by the staff.

Staff also commented that it has observed other municipalities operating interim sludge disposal programs on a year-round basis without serious problems. However, there was no evidence offered showing any similarity between the circumstances cited and those faced by MWMC. In fact, this comment is somewhat surprising in light of the whole-hearted support previously given MWMC's sludge program by DEQ staff. The sludge management program is the product of an exhaustive study prepared for MWMC by Brown & Caldwell, Consulting Engineers. Various alternatives were considered in arriving at its recommendation of the "apparent best alternative" which is the permanent sludge program at issue here. After reviewing the Brown & Caldwell report, staff gave its unqualified support to the permanent sludge program. It came in the form of a letter to MWMC signed by Mr. Harold Sawyer and dated March 13, 1981. Review of a few comments from that letter is instructive.

"We have received and reviewed copies of the Sludge Management Program prepared for MWMC by Brown and Caldwell, Engineers. We have limited our in-depth review to the recommended alternative after going through the initial

screening process of considering all the alternatives presented. The report provides an excellent analysis of the technology presently available for this activity.

"The recommended alternative is wholeheartedly supported by the DEQ on the basis that it provides a fully reliable, long-range program for sludge management.

"If the recommended alternative, or portions of it, cannot be implemented for any reason, other alternatives, many of which may be approvable, would require an in-depth review to determine their acceptability."

A copy of the full text of the letter is included herewith for your review.

Despite the comments in the March 13 letter, staff now responds that some undefined, uninvestigated and unapproved interim program is available and further comments that its cost is irrelevant. This presents something of a paradox. First, staff acknowledges that acceptable operation of MWMC's new regional plant depends on some sludge program and gives its unqualified support to the proposed program. Then staff ultimately recommends to EQC that there is no dependency relationship because of some unexplained alternative "interim" program and further suggests that the cost of the alternative makes no difference.

With respect to the cost of an interim program, staff merely comments that "through careful management, an acceptable interim alternative to the long-range program can be implemented so as to keep costs to a minimum." However, no facts, set of assumptions, or other evidence is presented by staff to support this conclusion. In fact, the only evidence with respect to sludge program costs has been submitted by MWMC. The evidence shows, among other things, that the hypothetical extended program would have an annual operation cost of approximately \$2,426,000. This compares to an estimated annual operation cost of \$1,853,000 for the program on the Priority List. In other words, the extended program is one-third more costly on an operational basis alone. Although costs for land acquisition have not been included, they would have to be added since dedicated land would in all likelihood have to be acquired for any extended interim program.

Finally, although admitting that it is unrelated to the operational dependency determination, staff comments that immediate investigation of an interim sludge program is necessary because the permanent program has neither received final approval by DEQ or EPA and some local opposition exists toward the program.<sup>3/</sup> Indeed, since it is irrelevant to the operational dependency inquiry, this response serves no purpose. In addition, any "interim" program of the magnitude necessary would undoubtedly require both DEQ and EPA approval, which approval would be no less easy to obtain. In fact, it might be harder to obtain. The sludge program has already undergone exhaustive study, environmental assessment, was selected from the numerous alternatives reviewed, and has received the whole-hearted support of staff "on the basis that it provides a fully reliable, long-range program for sludge management." Moreover, some local opposition can be expected to any management alternative. If freedom from public controversy were a requirement, no sludge program would ever be implemented.

### III. CONCLUSION

In light of the overwhelming evidence submitted on behalf of MWMC, it is respectfully submitted that there is no substantial basis to support the staff's conclusion that MWMC's regional sewage treatment plant is not dependent on the sludge management program. Moreover, it is submitted that the staff acknowledges dependency of the sludge program in the first paragraph of its response to the public testimony submitted for the September 8, 1981 hearing. Nevertheless, without articulating any evidentiary support therefor, staff suggests that the treatment plant is not dependent on the sludge disposal segment because some other unexplained sludge management alternative may be available for an indefinite period of time and at an unquantified cost. This is despite the staff's previous whole-hearted support to the sludge management alternative which appears on the priority list. Each comment made by the staff is rebutted in the documented materials previously presented on behalf of MWMC. Only one conclusion can reasonably be reached and that is the regional treatment plant

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<sup>3/</sup> The "local opposition" expressed at the public hearing was limited to the comments of two persons who complained about virtually every aspect of the MWMC program including budgetary allocations. No scientific or technical information was presented in support of their view.

Members of Environmental Quality Commission  
September 23, 1981  
Page 8

cannot be operated without a sludge management capability and the alternative on the priority list has, after exhaustive study, been demonstrated to be the most desirable and cost-effective alternative. Accordingly, it is respectfully submitted that the Commission should reject the staff recommendation and find the new regional treatment plant is operationally dependent upon the implementation of the proposed sludge management program.

Very truly yours,

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



G. David Jewett

GDJ:mm

cc: William V. Pye  
BCS  
Brian Hansen, EPA Regional Counsel



COPY

Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

March 13, 1981



Metropolitan Wastewater Management Commission  
899 Pearl St.  
Eugene, OR 97401

Attention Mr. William V. Pye

Re: MPMC Sludge  
Management Program

Gentlemen:

We have received and reviewed copies of the Sludge Management Program prepared for MPMC by Brown and Caldwell, Engineers. We have limited our in-depth review to the recommended alternative after going through the initial screening process of considering all the alternatives presented. The report provides an excellent analysis of the technology presently available for this activity.

The recommended alternative is whole-heartedly supported by the DEQ on the basis that it provides a fully reliable, long-range program for sludge management.

If the recommended alternative, or portions of it, cannot be implemented for any reason, other alternatives, many of which may be approvable, would require an in-depth review to determine their acceptability.

The following comments are offered with respect to the recommended alternative:

1. We fully support the concept of off-site facilities with pipeline transmission, facultative sludge storage lagoons for further stabilization and consolidation of the digested sludge, and agricultural utilization.
2. The proposed site must conform with the adopted land use plan. It is technically acceptable from the standpoint of topography, drainage and accessibility to agricultural farmland.
3. An extensive groundwater monitoring program should be established at an early date in order to acquire a background data base on existing groundwater quality in proximity to the proposed sludge handling and storage site.



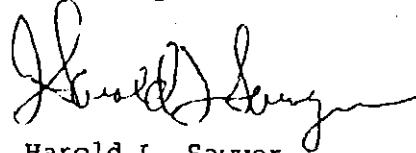
Metropolitan Wastewater Management Commission

March 13, 1981

Page 2

4. Alternative IIa suggests that as much as 80 percent of the thickened sludge from the storage lagoons will be air dried for farmland or landfill use. For ultimate utilization, we would urge that maximum use be made of liquid application to farmland. Also, is it necessary to acquire specially designed equipment at this time for land-fill application of dried sludge?
5. The methods and program for agricultural land application are in agreement with our guidelines for digested sludge utilization.

Sincerely,

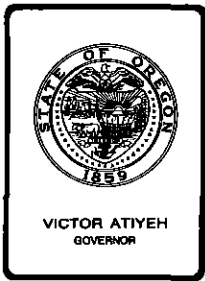


Harold L. Sawyer  
Administration  
Water Quality Division

ERL:1

WL671 (1)

cc: Brown and Caldwell  
US EPA, Oregon Operations Office  
Eugene Branch Office, DEQ



## *Environmental Quality Commission*

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

### MEMORANDUM

To: Environmental Quality Commission

From: Director

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

Request for Concurrence: Purchase of Yamhill County Revenue Bonds for Construction of Sanitary Landfill

### Background

The Environmental Quality Commission has adhered to the policy of requiring bonds for loans over \$50,000 from the Pollution Control Bond Fund. While the statute and the policy make no specific reference to general obligation bonds, the Department has generally required this type security. Only two revenue bond issues have been purchased by the Department (for municipal sewage works projects).

Yamhill County has taken formal action to issue revenue bonds under ORS 468.263-468.272 for the purpose of financing construction of a new sanitary landfill. Funds from the sale would be loaned by the County by contract to a private firm to develop the landfill. The Department has received an application from Yamhill County for financial assistance (copy attached). The Department has also received an informal legal opinion from counsel that the Department can legally make such a purchase (copy attached).

Alternative methods of funding pollution control facilities have been discussed with the EQC informally. As a result of the discussion, the Department contracted with Pacific Economica, Inc., to prepare a report on the Bond Fund and alternatives to funding. The report was published in May 1981.

A major recommendation of the report (#6, page 5) states:

6. The Department should, under specific guidelines and with appropriate conditions of sale, use proceeds from the Pollution Control Fund to purchase locally issued revenue bonds and should continue its practice of purchasing locally issued general obligation bonds.

The report also states (#6, page 4):

6. The State Pollution Control Fund can and should be used to reduce interest costs to local governments by using, under certain circumstances, the credit available to the state to purchase local indebtedness.

The Department is, at present, not prepared to request blanket approval from the EQC for the purchase of revenue bonds with Pollution Control Funds. Factors such as risk evaluation, differential rate of interest and repayment guarantee (other than from revenue), and other factors must be considered. Yamhill County Revenue Bonds do, however, seem to be a good risk for the following reasons:

1. The operators of the present landfill have developed operating experience in the same type of location (soils, haul distance, weather conditions, volumes, etc.) over the past eight years. Projections for future volumes and operational costs can thus be closely calculated to develop an accurate revenue schedule.
2. The major portion of the volume at the site is hauled by City Sanitary Service (under the same ownership as the landfill). The county also has a franchise ordinance and can control flow to the site.
3. The private operators of the site are willing to guarantee repayment to the County through personal assets.
4. The Department will require the establishment and maintenance of a debt service reserve equalled to the maximum annual debt service - (\$50,000).
5. The project (\$475,000) appears to be of a size which could be easily handled by Department staff and would provide valuable experience in processing revenue bond issues.

#### Alternatives and Evaluation

The Department is recommending that it be allowed to proceed with the revenue bond purchase from Yamhill County, making it clear that this does not establish a new general policy and that any other requests would require specific EQC approval. At a later date, the Department would present a set of guidelines or rules governing future bond purchases based on this experience.

Other alternatives available to the EQC are:

1. Denial of the request for purchase of revenue bonds until such time as complete guidelines or rules are prepared. This would force Yamhill County to seek other funding as construction must proceed shortly.

2. Continuation of the present policy of requesting general obligation bonds only. This option would limit bond purchase to those projects voted by the general public and may deter a number of needed future projects.

Summation

1. Present EQC policy requires general obligation bonds to secure loans of over \$50,000 from the Pollution Control Fund.
2. Yamhill County has requested that the Department purchase \$475,000 in county-issued revenue bonds to finance construction of a new sanitary landfill.
3. The project appears secure, revenue projections are adequate and private operators can guarantee repayment.
4. Purchase of revenue bond issues under certain conditions is a major recommendation of the Pacific Economica report to the Department on developing alternative financing approaches for local government.

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.

*Bill*

William H. Young

Attachments

- I. Yamhill County application
- II. Letter from legal counsel

R. L. Brown:c  
SC5  
229-5157  
September 17, 1981



DEPARTMENT OF JUSTICE

PORTLAND DIVISION  
500 Pacific Building  
520 S.W. Yamhill  
Portland, Oregon 97204  
Telephone: (503) 229-5725

September 10, 1981

Mr. Bob Brown  
Solid Waste Division  
Department of Environmental Quality  
522 S.W. Fifth Avenue  
Portland, Oregon 97204

Re: Yamhill County Revenue Bond Issue

Dear Bob:

In reply to your September 3, 1981 memorandum, it is my informal opinion that the Department has the statutory authority (ORS 468.220(1)(f)) to purchase, with moneys from the Pollution Control Fund, revenue bonds issued by Yamhill County, Oregon, pursuant to ORS 468.263 to 468.272 for the purpose of financing construction of a new sanitary landfill for solid waste. This opinion, of course, does not purport to deal with the economic risks which may or may not be involved in this particular bond purchase.

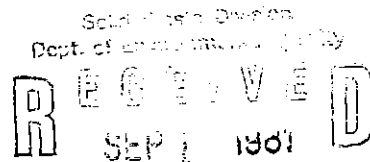
Because your memorandum indicates that this bond purchase proposal will be taken to the Commission for prior approval, any previous pertinent Commission policy or Department practice can be reviewed in conjunction with this proposal.

Please let me know if you have further questions regarding this matter.

Sincerely,

*Raymond P. Underwood*  
Raymond P. Underwood  
Chief Counsel

RPU/bc



# YAMHILL COUNTY

Oregon



OFFICE OF COUNTY COUNSEL  
September 15, 1981

Bob Brown  
Department of Environmental Quality  
Solid Waste Division  
525 SW Fifth Street  
Portland, Oregon 97401

Re: Purchase of Pollution Control Bonds

Dear Bob:

Attached please find the application for purchase of County Pollution Control Bonds for the new Riverbend Landfill located in South-central Yamhill County.

As we have discussed, this application is for the purchase of County Pollution Control Bonds which will be issued by Yamhill County for the financing of the landfill and not for a loan or grant from DEQ. It is my further understanding that if this application is granted, the only security for the funds will be the bonds themselves.

If you have any questions, please contact me.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Darrel S. Garrettson'. The signature is written over the typed name and title.

DARREL S. GARRETTSON  
Yamhill County Counsel

DSG:enc  
cc: Ezra Koch

Department of Environmental Quality  
 Box 1760  
 Portland, Oregon 97207

Project Number	Date Received
Approval Action	
Signature of Authorizing Official	

GRANT-LOAN APPLICATION  
 Solid Waste Management Projects  
 (Pursuant to ORS 468.220 and 459.015)

Acquisition  
 Development  Combination

## SECTION I - REQUEST FOR GRANT-LOAN

Location of Project (County or City)

YAMHILL COUNTY

Grant-Loan Request

\$425,000

Legal Name of Applicant

YAMHILL COUNTY - RIVERBEND LANDFILL COMPANY, INC.

Address (street, city, state, zip code)

Yamhill County Courthouse  
 McMinnville, OR 97128

P.O. Box 509

McMinnville, OR 97128

(herein called the "Applicant") hereby makes application to the Department of Environmental Quality (herein called the "Department") for State assistance as above indicated for the development of facilities or acquisition of real property

(herein called the "Project").


The attached statements and exhibits are hereby made part of this application and the undersigned representative of the Applicant certifies that the information in the application and in the attached statements and exhibits is true, correct, and complete to the best of his knowledge and belief. He further certifies that: He has been authorized to file this application by formal action of the governing body of the Applicant as is evidenced by the ATTACHED CERTIFIED COPY OF AUTHORIZATION MADE BY THE APPLICANT'S GOVERNING BODY; the governing body of the Applicant agrees that if a State grant-loan for the Project is made pursuant to the ORS 468.220, the Applicant will pay the remaining cost of the approved Project; and, the Applicant will provide proper and efficient operation and maintenance of the approved Project after completion of construction thereof. Further, the undersigned agrees to comply with ORS Chapter 459 and the Regulation issued pursuant thereto and states that the Assurance of Compliance with such Regulation which is attached, applies to this project. The undersigned also agrees to comply with requirements of applicable State and Federal laws pertaining to equal employment opportunity, etc.

Name and Title of Representative

COLIN ARMSTRONG, Chairman

BY:

Signature of Representative

  
 Acting Chairman

Date

September 15, 1981

## SECTION II - PROJECT JUSTIFICATION

A. Outline the public interest and public necessity for the Project. Attach comments and recommendations of the appropriate State, metropolitan, or regional planning authority, concerning the project.

See Attached Addendum

B. Describe briefly how the proposed Project will meet criteria for determining the propriety of State aid. These criteria are:

1. Cost/Benefits--Why is the project needed. Relate cost of project to public benefit.
2. Effective Control--Whether the project effectively contributes to the control of solid waste disposal.
3. Public Health Necessity--Whether the project involves solid waste disposal facilities required to abate a public health hazard.
4. Financial Burden--Whether the applicant can demonstrate that the facility or acquisition involves an extraordinary and excessive financial burden in relation to the applicant's economic resources.

C. Provide documentation showing that the proposed project is included in or not in conflict with a solid waste management plan for the region or county. See Attached Addendum.

SECTION III - LEGAL INFORMATION

- A. Classification of Applicant: County  
(e.g., State, interstate or intermunicipal agency, city, town, borough, county, parish, district, etc.)
- B. Describe legal authority for development/acquisition, financing, and operation of proposed Project. ORS Chapters 459, 468 & Yamhill Co. Solid Waste Ordinance
- C. State whether an election is required before Project may be undertaken. Describe purpose of election, i.e., to authorize Project, construction, issue of bonds, levy of taxes; etc. If such election has already been held, state result and date. If such election has not been held, describe plans and proposed date. No election required.

D. Population:

	<u>POPULATION</u>	
	<u>Region, County or City</u>	<u>Served by Project</u>
1970 Census. . . . .	<u>40,213</u>	<u>24,100</u>
Present Population; Estimate . . . . . (Give Basis of Estimate)	<u>55,700</u>	<u>33,400</u>
Design Population. . . . . (Give Design Year _____)	<u>80,196</u>	<u>48,100</u>

SECTION IV - FINANCIAL INFORMATION AS OF DATE OF APPLICATION

A. Funds to be made available by Applicant for the Project:

<u>SOURCE</u>	<u>AMOUNT</u>	<u>DATE AVAILABLE</u>
Cash . . . . . \$		No funds from County other than Pollution Control Bonds in the amount of \$425,000.
General Obligation Bonds. . . . . \$		
Revenue Bonds or Certificates. . . . . \$		
Other (Specify). Equipment and Labor . . \$		
TOTAL . . . . . \$		

B. State Aid . . . . . \$



- B .
1. The present regional landfill is full and needs to be replaced. As the public ultimately pays the bill, it is to the public's best interest to keep costs low.
  2. The site is a regional site and is the only one in the area designed to meet the areas' waste disposal needs.
  3. As no other waste disposal facility is available this site becomes a vital factor in the abatement of health hazards.
  4. While normal financial resources may be available the terms of payment and cost of money would render the project economically non-feasible.

C. Are there any contracts with any Federal agency in connection with this Project?

Yes  No If "Yes" provide details with application.

D. Funds to be made available by Applicant for operation and maintenance of Project. Periodic evaluation will be made by Department representatives to determine compliance with provision of efficient operations and maintenance of the facilities after completion of Project.

OPERATION AND MAINTENANCE ACTIVITIES TO BE COVERED: (Itemize number and type of employees to be hired, as well as amount per year for labor, chemicals, utilities, supplies, including those associated with laboratory operations, etc.)

See Pro-Forma

SOURCES OF FUNDS: Revenue from Disposal Fees

SECTION V - ENGINEERING INFORMATION

1. Development Projects Only:

A. Description of Project. (Attach copies of detailed preliminary engineering reports and available plans and specifications.)

B. Project Cost Estimate Summary. Provide a detailed breakdown of all elements of development contemplated under this application, including cost estimates and how construction will be undertaken (contract or force account) using the outline below as a guide.

ESTIMATE TOTAL PROJECT COST  
Disposal Site    Transfer Station

(1) Disposal and Transfer Facilities

(a) Site Development

Additional Surveys . . . . .	\$ 3,500	
Clearing & Grubbing. . . . .	\$	
Excavation & Berm Storage. . . . .	\$30,000	
Retaining Wall . . . . .	\$	
Concrete Slab. . . . .	\$15,000	
Access Roads . . . . .	\$30,000	
Drainage . . . . .	\$12,000	
Office . . . . .	\$ 5,000	
Toll Booth . . . . .	\$	
Scale . . . . .	\$	
Water Supply . . . . .	\$ 3,500	
Power Supply. . . . .	\$ 2,500	
Fencing . . . . .	\$ 1,000	
Landscaping Signs . . . . .	\$ 500	
Other Irrigation & Monitoring. . . . .	\$ 3,900	106,900
Sub-Total	\$106,900	

(b) Equipment

(2) 1975 Int. TD 25C Dozers . . . . .	\$ 118,500
Intl. 180 Payhauler. . . . .	\$ 80,000
Insley H2250 Backhoe . . . . .	\$ 50,000

_____	.....\$	_____
_____	.....\$	248,500
<b>Sub-Total</b>		

(c) Technical Services.....	\$ 35,000	\$
(d) Legal and Fiscal.....	\$ 16,500	\$
(e) Administrative.....	\$	\$
(f) Contingency.....	\$	\$
(g) Other (specify)... <u>Recycling facilities</u> .....	\$ 50,000	\$ 101,500
<b>(TOTAL)</b>		

C. Is the site to be developed contiguous to a body of water?  Yes  No  
 Name of body of water \_\_\_\_\_

D. Indicate whether the site plan has been officially adopted by the governing body of your city, county, or region. Yes - County & D.E.Q.

E. Attach copy of the deed or other instrument of title to the subject property(ies) held by the applicant, or copies of appropriate leases or use agreements. Copy of Lease Attached.

F. Project Construction Schedule. Have any construction contracts been awarded?  
 Yes  No

The Applicant is prepared to maintain the following schedule:

- (1) Plans and specifications will be ready for advertising for bids within \_\_\_\_\_ calendar days after the grant offer is accepted. Now underway.
- (2) Contract will be let ~~within~~ immediately after the grant offer is accepted.
- (3) Estimated construction time to complete and place the Project in operation is 60 calendar days. (Any grant offer made will be predicated upon reasonable compliance with this time schedule.)

G. Engineering Services (Name, address and telephone number of Applicant's engineer).  
 Boatwright Engineering, Inc. 2613 12th Street SE; Salem, OR 97302  
 363-9225

2. Acquisition Projects Only:

Agencies must comply with applicable provisions of law regarding real property acquisition. (relocation assistance for displaced persons) relating to uniform relocation assistance and real property acquisition.

A. Has any interest in the site been obtained to date by the applicant?

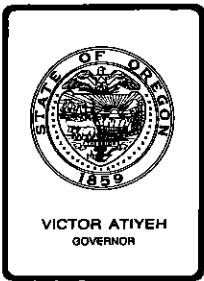
Yes  No

If "yes", what interest? Lease only

B. Does the applicant hold an option on the property?  Yes  No

Expiration Date We have long-term lease with option to buy.





## *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. Q, October 9, 1981, EQC Meeting

Request by Clatsop County for Extension of Variances from Rules Prohibiting Open Burning Dumps, OAR 340-61-040(3)

### Background and Problem Statement

A series of variances have been granted to disposal sites in Clatsop County to allow continued operation of open burning dumps at Cannon Beach, Elsie, and Seaside. The most recent variance was granted in November 1980 (copy of staff report attached). At that time, the County was hoping to obtain property owned by Bonneville Power Administration (BPA) for a regional sanitary landfill. As a condition of the variance, the County was directed to report on their progress by July 1, 1981, and the facility operators were to explore the possibility of using the Astoria Landfill as an interim measure. The variance expires on November 1, 1981.

The proposed regional landfill site on BPA property did become available to the County in the spring of 1981. However, the previous owner of the property challenged the County in its bid for the site and threatened to engage them in a potentially lengthy legal battle (copy of letter from John H. Tuthill is attached). Faced with this new obstacle, the County decided to abandon the BPA site and pursue the No. 2 site on its list. Development of this site is proceeding in a satisfactory manner, but the County estimates that it may take up to two years before the facility is ready to open.

Also in the spring of 1981, the County met with the City of Astoria to explore the possible use of the City's landfill as an interim regional site. The City was very strongly opposed to this idea and it is no longer considered an option.

In view of the above, the County is again requesting a two-year variance for its disposal site at Elsie and for the privately operated sites at Cannon Beach and Seaside (copy of letter attached). The Commission may grant such variances in accordance with ORS 459.225(3).

### Alternatives and Evaluation

The staff feels some frustration at having to again support requests for variances in Clatsop County. Clearly, these open burning dumps should have been closed by now. It would be unfair, however, to hold the County and the other site operators responsible for the setbacks which have occurred. In any event, the County is clearly moving ahead with good intentions at this point and denying the variances would only serve to worsen the situation.

The three open burning sites do not have sufficient suitable area to allow continued operation without open burning, and currently there is no alternative site available. Therefore, denial of a variance extension at this time would quickly result in closure of the sites.

The current candidate site for a regional landfill is owned primarily by Crown Zellerbach Corporation. The County has begun negotiations and the company seems to be receptive. Based on the limited information available to date, the staff believes the site can be reasonably developed as an acceptable landfill. The County's consultants have nearly completed a geotechnical report which the staff expects to receive during the week of September 20th. Barring unforeseen delays, the staff should be prepared to comment on this report by the time the Commission meets.

The County predicts that it may take up to two years to get this site operational. The biggest delays would be in trying to get voter approval for funding and in possible condemnation procedures to acquire some small parcels of property which adjoin the Crown Zellerbach property. On the other hand, if everything went smoothly, the site could conceivably be available for use as early as next summer (i.e., final engineering and construction could easily be completed within six months).

In order to emphasize the Department's position that open burning dumps are an unacceptable means of solid waste disposal and that such facilities should be closed at the earliest possible date, it is recommended that the variances be extended only for a period of one year.

### Summation

1. The lack of suitable area at each of the three open burning site in Clatsop County prevents their conversion to landfills. Denial of the variance extension would result in closure of the sites and there is currently no alternative site available.
2. A proposed regional landfill site has been identified and the County has initiated action to acquire and develop the site.
3. Clatsop County, on behalf of its open dump at Elsie and privately operated dumps at Seaside and Cannon Beach, has requested a two-year variance extension.
4. As an alternative, the Commission could limit the variance to one year since the new landfill could conceivably be available within that time.

5. The Department finds that the applicants' request meets the requirements of ORS 459.225(3), by which the Commission may grant a variance, as follows:
- a. Conditions exist that are beyond the control of the applicants.
  - b. Special conditions exist that render strict compliance unreasonable, burdensome, or impractical.
  - c. Strict compliance would result in substantial curtailment or closing of the disposal sites and no alternative facility or alternative method of solid waste management is available at this time.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission grant an extension of variances to OAR 340-61-040(3), until November 1, 1982, for the Cannon Beach, Elsie, and Seaside disposal sites.

*Bill*

William H. Young

Attachments

- I. Agenda Item No. I, November 21, 1980, EQC Meeting
- II. Letter dated April 2, 1981, from John H. Tuthill
- III. Letter dated September 10, 1981, from John Dooley

W. H. Dana:c  
SC15  
229-6266  
September 17, 1981



## *Environmental Quality Commission*

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

### MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. I, November 21, 1980, EQC Meeting

Request by Clatsop County for Extension of Variances from  
Rules Prohibiting Open Burning Dumps, OAR 340-61-040(2)(c)

### Background and Problem Statement

At its February 22, 1980, meeting (Agenda Item H is attached), the Commission granted a variance extension from OAR 340-61-040(2)(c) for continued operation of open burning dumps at Seaside, Cannon Beach, and Elsie in Clatsop County. This extension, which is now expiring, was granted on the basis that the County had retained a consultant to find an acceptable regional landfill site and that the Department anticipated that such a facility would be ready for operation by this date.

The consultant did indeed identify several potential sites. However, the top-rated site is presently owned by Bonneville Power Administration (BPA) and, for reasons beyond its control, the County has been delayed in securing it. BPA is in the process of declaring the property surplus. Once this action is taken, the property will come under the control of the General Services Administration, which will put it out for bid. At that time Clatsop County would be eligible to acquire the property.

Regrettably, this process may take from four (4) months to six (6) months. Even then, the County will have to complete additional geotechnical work, preliminary design and operational plans, and secure voter approval for funding. At best, this entire procedure will require at least one and one-half years and possibly more, depending on the length of the construction season. Accordingly, the County has requested a two-year extension of the variances. The Commission may grant variances in accordance with ORS 459.225(3).



Alternatives and Evaluation

The three open burning sites do not have sufficient suitable area to allow continued operation without open burning, and currently there is no alternative site available. Therefore, denial of a variance extension at this time would quickly result in closure of the sites.

Based upon information available to date, the Department agrees with the County's consultant that the BPA site is the best yet identified, and that the County should not attempt to secure and develop some other site unless it becomes clear that attainment of the BPA site is not likely.

In accordance with the above, the Department supports a variance extension; however, not for the time period proposed by the County. Recently the Commission denied a similar request for a variance extension by two landfill operators in Lincoln County partly because a landfill near Agate Beach was potentially available as an interim regional site. For this reason, the Department believes it is reasonable to request that the operators in Clatsop County be required to stop burning and haul to the existing Astoria Landfill, by not later than November 1, 1981.

The Department recommends that by June 1, 1981: (1) the operators be required to submit a progress report detailing their plans of hauling to the Astoria Landfill as an interim measure as soon as practicable but by no later than November 1, 1981; and (2) the County submit a report identifying which site, either the BPA site or some alternative, it has secured including a time schedule for constructing the selected site.

Summation:

1. Several alternative landfill sites have been identified and the County has initiated action to acquire the top-rated site. The process is now in the hands of the federal government and beyond the County's control.
2. The lack of suitable area at each of the three open burning sites prevents their conversion to modified landfills. Denial of the variance extension would result in closure of the sites.
3. There is currently no alternative site available, although the Astoria site could be operated as a modified landfill until construction is completed on the new county-wide landfill.
4. Clatsop County, on behalf of its open dump at Elsie and privately operated dumps at Seaside and Cannon Beach, has requested a two-year variance extension.
5. As an alternative, the Commission could require that the applicants cease burning and haul to the Astoria Landfill by not later than November 1, 1981.

6. The Commission recently denied a similar request for a variance extension partly because an interim regional landfill was potentially available.
7. The Department finds that the applicant's request meets the requirements of ORS 459.225(3), by which the Commission may grant a variance, as follows:
  - a. Conditions exist that are beyond the control of the applicant.
  - b. Special conditions exist that render strict compliance unreasonable, burdensome, or impractical.
  - c. Strict compliance would result in substantial curtailment or closing of a disposal site and no alternative facility or alternative method of solid waste management is available at this time.

Director's Recommendation

Based on the findings in the Summation, it is recommended that the Commission grant an extension of variances to OAR 340-61-040(2), until November 1, 1981, for the Cannon Beach, Elsie, and Seaside disposal sites, subject to the following condition:

"By not later than June 1, 1981, Clatsop County shall report to the Department the identity of the regional landfill site it has secured including a time schedule to complete final engineering plans and specifications, start construction, and complete construction. In addition, the operators of the above open dumps shall submit a progress report on June 1, 1981, detailing their plans of hauling to the Astoria Landfill as an interim measure as soon as practicable but by no later than November 1, 1981."

William H. Young

Attachment: Agenda Item H

William H. Dana:wec  
229-6266  
November 6, 1980

RW56 (1)

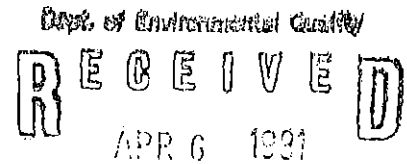
JOHNSON & HANTKE  
ATTORNEYS AT LAW  
309 LAUREL AVENUE • P. O. BOX 272  
TILLAMOOK, OREGON 97141  
TELEPHONE (503) 842-2553

C. RAY JOHNSON

DAVID W. HANTKE

Attachment 2  
Agenda Item No. Q  
10/9/81 EQC Meeting

April 2, 1981



NORTHWEST REGION

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

Re: Proposed Clatsop County Regional Landfill  
Site

Dear Mr. Gray:

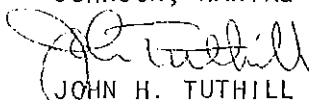
I enjoyed having the opportunity of discussing with you the aforementioned matter. As you will recall, this office represents Mr. Robert Tagg in matters relating to the 40 acre site located on the Clatsop Plains and currently being reviewed by Clatsop County Solid Waste Advisory Committee for the purpose of placing a Regional Landfill on the site. The property was originally owned by the Tagg family and in 1970 was purchased under threat of condemnation by the Bonneville Power Administration for the purpose of locating an electrical substation on the acreage. Mr. Tagg and his family own the land that surrounds the Bonneville Power Administration property. It is Mr. Tagg's intent to make every effort to repurchase this property inasmuch as the Bonneville Power Administration no longer desires it for a substation.

Mr. Tagg also believes that the location of a Regional Landfill on this site would cause irreparable damage to the adjoining property and is environmentally unsound. I appreciate the fact that the Department of Environmental Quality has identified this as a possible site but it is also my understanding that no feasibility studies of any depth have taken place to date to substantiate the Department's initial findings.

As I indicated to you on the telephone, I would request any and all materials that you have available that has been prepared by the Department of Environmental Quality relating to the Bonneville Power Administration property. In addition, it is requested that we be kept informed of all meetings in which the DEQ participates in relation to this site. I realize that in making this request, there are certain costs that will be incurred by your staff in meeting our demands. Please feel free to submit any and all bills to me associated with meeting our requests.

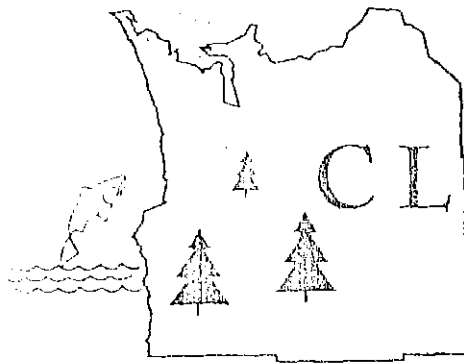
Thank you in advance for your assistance in this matter.

JOHNSON, HANTKE & TUTHILL

  
JOHN H. TUTHILL

JHT:jm

cc: Mr. and Mrs. Robert Tagg



# CLATSOP COUNTY

Courthouse . . . . . Astoria, Oregon 97103

SEPTEMBER 10, 1981 Dept. of Environmental Quality

**R E C E I V E D**  
SEP 17 1981

TO: DEPT. OF ENVIROMENTAL QUALITY  
BOX 1760  
PORTLAND, OR. 97207  
ATTN: MR. CHARLIE GREY

NORTHWEST REGION

FROM: JOHN DOOLEY-ROADMASTER  
P.O. BOX 179  
ASTORIA, OR. 97103

SUBJECT: EXTENSION OF PERMIT #73 - SOLID WASTE

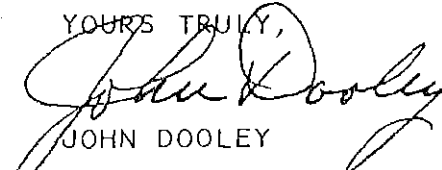
DEAR SIRs:

THIS IS A REQUEST FOR THE EXTENSION OF THE CLATSOP COUNTY PERMIT #73 AND ALL OTHER PERMITS ISSUED FOR SOLID WASTE IN CLATSOP COUNTY.

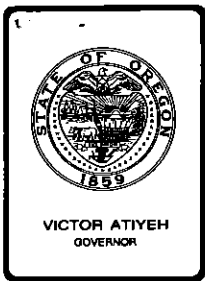
THIS REQUEST IS FOR AN EXTENSION OF TWO YEARS. CLATSOP COUNTY'S GEOTECHNICAL FEASIBILITY REPORT SHOULD BE FINISHED NEXT WEEK, THE WEEK OF SEPT. 20TH. THIS WILL BE FORWARDED TO YOUR DEPARTMENT FOR APPROVAL OR COMMENTS. UPON YOUR ACCEPTANCE OF REPORT CLATSOP COUNTY WILL FOLLOW UP BY PROCURING THE PROPERTY, HOLDING THE NECESSARY HEARINGS. HOLDING AN ELECTION TO RAISE THE MONEY TO CONSTRUCT THE FACILITY AND WILL THEN GO TO CONTRACT FOR THE CONSTRUCTION OF SAME.

IT SEEMS VERY REASONABLE THAT IN ORDER TO BRING THIS FACILITY TO COMPLETION WE ARE LOOKING AT ABOUT TWO YEARS DOWN THE ROAD. THANKS FOR YOUR PATIENCE AND HELP.

YOURS TRULY,

  
JOHN DOOLEY  
ROADMASTER

CC: TED BUGAS



## *Environmental Quality Commission*

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

### MEMORANDUM

To: Environmental Quality Commission

From: Director

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

Proposed Adoption of Amendments to Hazardous Waste  
Management Rules, OAR 340-63-011, 63-125, 63-130 and 63-135

### Background

The Department's current hazardous waste management rules were adopted in May 1979 and amended in April 1980. A portion of those rules identified standards and best management practices for the disposal of waste pesticides and empty hazardous material containers.

It is reported that some 1,500 different pesticide compounds are formulated into 35,000 commercially salable pesticide products. These pesticide products are in turn diluted into spray solutions of various concentrations depending on application requirements.

Because of the differences in degree of dilution, variability in toxicity and large number of persons regulated, it is necessary that the rules be clear enough to foster a high level of self-regulation. We have found in the last 2½ years of implementation, however, that the pesticide portion of the rules is sometimes difficult to interpret, which is leading to inadequate compliance in some instances. Furthermore, inadequate guidance was provided on acceptable management alternatives to disposal at a hazardous waste disposal site. To improve opportunities for self-regulation and compliance on the one hand, and for enforceability on the other, we are proposing these modified rules.

Authority to adopt these revised rules is ORS 459.440.

### Alternatives and Evaluations

The alternative to amending these rules is to leave the existing rules as is. This alternative was rejected, because the Department believes that an effective program requires rules that are clear, reflect best management practices, and yet address known environmental concerns.

The failure to adopt amended rules may possibly cause some operations which generate waste pesticides and their empty containers to unintentionally be in violation of the Department's existing rules. The Department may also lose some rapport developed with the following agencies and organizations who have spent numerous hours reviewing, critiquing and commenting on our revisions: Department of Agriculture, Oregon Agricultural Chemical Association, Oregon State University Extension Service, Oregon Agricultural Aviation Association and the Committee on Synthetic Chemicals in the Environment (COSITE).

Following the July 17, 1981, Commission meeting, at which authorization to conduct public hearings was granted, 1,200 hearing notices were mailed to known interested parties, including news media. Some 50 copies of the proposed rules were mailed to individuals upon request. On August 19, 1981, in The Dalles, and August 20, 1981, in Salem, public hearings were conducted.

Written and oral comments were received from 7 individuals. The staff evaluated these comments and several changes have been made in the proposed rules. The attached "Hearings Officer's Report" and "Response to Public Comment" summarize the staff's response (see Attachments II and III).

The proposed rule amendments include the following major provisions:

1. The addition of a new definition for "waste pesticide" and the clarification of some of the existing definitions.
2. Waste pesticide generated at a permanent base of operation will need to be disposed of at a facility permitted by the Department. Those wastes generated away from a permanent base of operation may be discharged to a permitted facility or sprayed on the ground under certain specific conditions.
3. Expand and clarify the procedures involved in decontamination (which includes the destroying of the containers' structure by crushing or cutting off both ends), verification, recovery and disposal of rigid containers.
4. Clarifies the procedures involved in disposal of empty non-rigid containers.
5. Allow farmers to bury their empty non-rigid and decontaminated rigid containers on their own property under certain conditions.
6. Allows the disposal of small quantities of hazardous waste in state-permitted solid waste disposal sites.

In addition to the proposed rule modifications, the Department has also developed a set of criteria for design of pesticide waste management systems. We are proposing these as guidelines at this time because the state-of-the-art is not well developed at this time. After we've been able to monitor the operation of some facilities, we'll be in a better position to propose more specific performance standards.

Summation

1. Existing rules adopted in 1979 no longer adequately reflect current policy and best management practices for the disposal of waste pesticides and empty containers.
2. It is necessary to develop regulations that are clear, which identify best management practices for dealing with the complexity of the waste pesticide problem and yet address known environmental concerns.
3. The staff drafted amendments to the rules which are intended to overcome current deficiencies.
4. The Commission is authorized to adopt hazardous waste management rules by ORS 459.440.

Director's Recommendation

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

*Bill*

William H. Young

Attachments

- I Statement of Need for Rulemaking
- II Hearing Officer's Report
- III Department's Response to Public Comment
- IV Proposed Rules OAR 340-63-011, 63-125, 63-130 and 63-135
- V Waste Pesticide Management Systems Guidelines and Basic Design Criteria

Michael G. Ebeling:c  
ZC673  
229-5953  
September 17, 1981

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION  
OF THE STATE OF OREGON

IN THE MATTER OF THE ADOPTION OF ) STATUTORY AUTHORITY, STATEMENT  
AMENDMENTS TO HAZARDOUS WASTE ) OF NEED, PRINCIPAL DOCUMENTS  
MANAGEMENT RULES, CHAPTER 340, ) RELIED UPON AND STATEMENT OF  
SECTIONS 63-011, 63-125, 63-130 AND ) FISCAL IMPACT  
63-135 )

1. Statutory Authority: ORS 459.440, which requires the Environmental Quality Commission to adopt rules pertaining to hazardous waste management rules.
2. Need for the Rule: The current rules, adopted in May 1979, no longer reflect Departmental policy, or address the complexity of the problems with waste pesticides that exist today. Nor do they clearly establish best management practices for the disposal of or reuse of waste pesticide and empty containers.
3. Principal Documents Relied Upon:
  - a. The existing hazardous waste management rules.
  - b. Pesticide survey reports:
    - i. "A Survey of Pesticide Use and Waste Disposal in Multnomah, Clackamas and Washington Counties," by Gary Hahn
    - ii. "Lane County Pesticide Report," by Gary Morse
    - iii. "Special Project (Container Survey)," by Cathy Cartmill
4. Fiscal Impact:

Positive impacts would result from the implementation of safer management practices which, if undertaken, would result in reduced risk to the environment and reduced cost in clean-up. Many of these practices have already been instituted into everyday operational procedures in the agricultural community. Even though the proposed revisions would provide a public benefit to all, they will result in increased costs to public and private operations which generate waste pesticides and empty containers. Some of the increased costs would be due to permits, plan reviews and annual inspection fees. The actual costs for development, design and construction can only be estimated. A recently approved installation cost \$22,000. Keep in mind that these systems are site-specific and may vary due to geographical



locations, quantity of waste pesticide generated and type of operation. There is a possibility that federal money may be available for some airport operations.

It should be noted that there are 2,120 commercial operators, governmental applicators and dealers licensed by the Oregon Department of Agriculture. However, this large number does not suggest that each licensed applicator will need to be permitted. The Oregon Aeronautics Division licenses 403 public and private airports, heliports and airstrips, some of which are used by commercial operators. Many of the commercial operators use several different airports, heliports and airstrips during their yearly operation. It can be estimated that only 10 to 15 percent of these operations will need to develop some kind of facility for the management of waste pesticide and empty containers.

2C673.A

MEMORANDUM

To: Environmental Quality Commission

From: Gayla Reese, Hearings Officer

Subject: Public Hearing on Amendments to Hazardous Waste Rules  
(Management of Waste Pesticides and Empty Hazardous Waste Containers)

On August 19 and 20, 1981, public hearings were held pursuant to a notice issued July 27, 1981. The meetings were held at 10:00 a.m. at the Wasco County Courthouse, Annex A, 400 E. 5th Street, The Dalles, and the Marion County Courthouse, Room 129, 148 High Street, Salem, respectively.

Seven persons were present at the meeting in The Dalles, and fifteen persons were present at the meeting in Salem. After explaining the purpose of the meeting and answering questions, six persons gave testimony at the hearings: Calvin Butler, Butler Farm Air Co.; Jim Ossman, Agri-Chem Wasco-Dufur; Donald Robinson, Stokley-Van Camp; Craig Eagleson, Oregon Agricultural Chemical Association; Bill Welter, Cascade Farm Service; and Erle Parker, Chem-Spray.

Others who attended the sessions were: John Zalawih, Farm Chemicals, Dufur; D. Hlolykill, Interior Elmor Co.; Dennis Illingworth, Wasco-Sherman Public Health Department; Bill Martin, Wasco Sherman Public Health Division; Ken Cowdrey, Wilbur Ellis Company; Fritz Heider, Farmers' Co-op Oil; Tom Barrows, Capital Building Landscape Maintenance; Phil Berthe; William Schlitt, Sanitary Service Co; Evan Lidity, Wilco Farmers; Ray Costello, Oregon Aeronautics Division; Ray Rozzina, Oregon Aeronautics Division; Craig Hall, Lincoln County Courthouse; Dale Rhodes, Oregon Workers' Comp.; Allen Willis, Boise Cascade Corporation; and Scott Burlingham, Woodburn Fertilizer and Grain, Inc.

Major points from the hearings were:

1. The amended pesticide rules are more understandable and readable.
2. Rules are too subjective when DEQ staff determines violation.
3. Small companies should not be expected to know all the rules and regulations; DEQ should make a special effort to contact everyone on the rules.
4. Farmers will not want to bury empty containers on their own land.

Attachment II

Page 2

5. Farmers should not be allowed to bury empty containers on their property since lowlands are typically used for burial lands where water could be affected. All containers should be disposed of at landfills.
6. Disposal of containers having poisonous or toxic residues needs to be addressed further.
7. Liability of generator for containers in landfills 15 years after disposal is unfair.
8. Taking properly handled waste to a state-permitted waste disposal site should be an option, not a requirement.
9. Fines and penalties for not properly disposing of waste pesticide and empty containers need to be spelled out in rules.
10. The cost to dispose of empty containers at licensed disposal sites is prohibitive.
11. Rules need to differentiate between (a) containers and equipment and (b) rinsate from diluted spray or leftover pesticide.
12. Rules need to address treatment of different types of pesticides with a hierarchy of risks and corresponding compliance requirements.
13. A problem exists with requiring rinsing immediately after application. It is not always feasible to carry rinsing apparatus or rinse water for rinsing containers after application.
14. Rinsing of containers that have dinitro needs to be addressed in rules.
15. Pesticide applicators should not be required to obtain authorization to spray waste pesticide onto the owner's property.
16. "Airport" is too broad of a term. Need to be more specific since "airport" can mean anywhere an airplane lands, including the duster strips.
17. "Soon as possible" pertaining to open burning needs to be more specific.
18. Burning of toxic packaging should be prohibited.

The record was left open until 5:00 p.m., August 31, 1981. Additional written comments were received from two persons, Rodger Emmons and Craig Eagleson, which are included in the Department's Response to Public Comment.

GR:o  
Z0368 (1)

Department's Response to Public Comment

The following is a summary of comments received in response to proposed amendments to administrative rules for hazardous waste management (OAR 340-63-011, 63-125, 63-130 and 63-135) and the Department's responses to those comments:

Comment: Pesticide applicators feel there is no need to obtain authorization to spray waste pesticide onto the owner's property.

Response: The Department feels it is only reasonable to obtain permission from the owner or controller of the property before spraying the waste pesticide because of the potential for crop or environmental damage through misapplication.

Comment: The use of the word "airport" is too broad a term when restricting the open burning of 50 pounds or less of empty non-rigid containers. The term needs to be more specific since an "airport" can mean anywhere an airplane lands including an agricultural air strip.

Response: The Department agrees that the term "airport" was too encompassing. The language of the rule has been changed to be more specific in regards to the type of "airport" where the Department feels open burning should not be permitted.

Comment: Disposal of containers having "danger" or "poison" labels need to be addressed further.

Response: The Department feels that all containers, if properly decontaminated, may be recovered or taken to an authorized solid waste landfill.

Comment: It is not always feasible to carry rinsing apparatus or water to the application site for the rinsing of empty containers.

Response: Comments from the agricultural industry supported the Department's opinion that the container should be rinsed when it is emptied and the rinsate used as make up for the next application. Having missed the easiest opportunity to reuse the rinsate may mean the container will not be rinsed, the rinsate will be indiscriminately dumped or a waste management facility will need to be constructed.

Comment: The concern of a generator's liability for disposal of hazardous waste containers at a state-approved landfill.

Response: The question of liability is one which ultimately will be determined by the courts. However, if all rules in effect at the time pertaining to decontamination and disposal of hazardous waste containers are followed, little liability is likely.

Comment: Farmers should not be allowed to bury empty containers on their own property. All containers should be disposed of at state-permitted landfills.

Response: There are several reasons for allowing farmers to bury their own empty decontaminated containers on their own property. From an enforcement standpoint, the Department does not have the resources or manpower to carry out such a task. Pollution of surface and ground water should be minimal if the containers are properly decontaminated and buried according to the proposed rules.

Comment: Fines and penalties for not properly disposing of waste pesticides or their empty containers should be addressed in the rules.

Response: Oregon Revised Statutes 459.992 and 459.995 address criminal and civil penalties, respectively. The criminal penalties and fines are not more than \$3,000 or by imprisonment in the county jail for not more than one year. Civil penalties incur fines not to exceed \$500 a day for each day of the violation. The passage of Senate Bill 146 will give the Department some additional civil and criminal penalty authority including raising the fine to \$10,000.

Comment: The cost of disposal of empty containers is prohibitive.

Response: Yes, the disposal of empty containers is costly. However, the rules do provide for recycling or reuse at scrap metal collection sites, metal remelting plants, drum reconditioning firms, and the return of the containers to chemical manufacturers, distributorship or other retail facilities who, in some cases, will pay you for the empty decontaminated containers.

Comment: On small quantity management, both the collector and landfill site should give permission.

Response: The Department has modified the proposed rules to reflect this comment.

Comment: The landfill operator should reserve the right to require written certification at the landfill for disposal of decontaminated empty hazardous waste containers.

Response: The Department has no objections to a landfill operation having a receipt or certification form for the disposal of decontaminated empty hazardous waste containers. It is our feeling that the verification process adequately addresses the Department concerns while allowing industry a method of self-policing.

Comment: The agricultural chemical industry has repeatedly urged the Department to change its dosage limits for oral toxicity from 500 mg/kg to 50 mg/kg.

Response: The question of toxic waste does not just relate to pesticides but other hazardous wastes. The Department will be looking at all the Hazardous Waste Rules in the next year in order that our state can achieve final authorization under the federal government's RCRA program. At that time we will be reviewing all the toxic waste toxicity tests.

Comment: The agricultural chemical industry objects to a definition of "Waste Pesticide" which includes container rinsate and application equipment wash water with spray mixture and dilute pesticide formulations.

Response: Pesticides by their chemical makeup are toxic. Although we can agree that rinsate and equipment washwaters will normally be of low toxicity, until tested their toxicity is unknown. The rules therefore provide two alternatives: testing or management according to the proposed rules. If testing is conducted, it may in fact show a particular waste pesticide to be non-hazardous.

Comment: Small quantity management requires that the waste must be taken to a state permitted waste disposal site. We feel this rule conflicts with 63-125(1) (d).

Response: A small quantity generator may dispose of up to 10 pounds or one gallon of waste containing pesticide or pesticide manufacturing residue per month. All other quantities must either be managed as a waste pesticide or disposed of at Arlington hazardous waste disposal site. The two rules cited are expected to be used jointly.

Comment: Recommend the substitution of the word "substance" in place of "material/waste" or "material or residue."

Response: We purposely used "material/waste" to emphasize that we were concerned about containers holding either. Further, "hazardous material" and "hazardous waste" are defined in the regulations while "substance" is not. To substitute the word "substance" for "material or residue" in Definition No. 11 would require a change in ORS 459.400 which the Department feels is not justified at this time.

PROPOSED REVISION TO OREGON ADMINISTRATIVE RULES  
CHAPTER 340, DIVISION 63, RULES 011, 125, 130 AND 135

DEFINITIONS

340-63-011 As used in these rules unless otherwise  
specified [required by context:]

(1) "Aeration" means a specific treatment for an empty volatile material container consisting of removing the closure and placing in an inverted position for at least 5 days.

(2) "Aquatic TLm" and [or] "aquatic median tolerance limit" and "Aquatic LC50" and "median aquatic lethal concentration" means that concentration of a substance which is expected in a specified time to kill 50 percent of an aquatic test population. [including, but not limited to, indigenous fish or their food supply.] Aquatic TLm and aquatic LC50 are expressed in milligrams of the substance per liter of water.

(3) "Authorized container disposal site" means a solid waste disposal site that [is] the Department has authorized by permit to accept all decontaminated hazardous material or waste containers for disposal.

(4) "Container" means any package, can, bottle, bag, barrel, drum, tank or any other enclosure which contains a hazardous material or waste [substance]. If the container has a

detachable liner or several separate inner containers, only those liners and containers contaminated by the hazardous material or waste [substance] shall be considered for the purposes of these rules.

(5) "Department" means the Department of Environmental Quality.

(6) "Dermal LD50" and [or] "median dermal lethal dose" means a measure of dermal penetration toxicity of a substance for which a calculated dermal dose is expected in a specified time to kill 50 percent of a population of experimental laboratory animals. [including but not limited to mice, rats, or rabbits.] Dermal LD50 is expressed in milligrams of the substance per kilogram of body weight.

(7) "Dispose" or "disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous waste into or on any land or water so that such hazardous waste or any hazardous constituent thereof may enter the environment or be emitted into the air or discharged into any waters of the State as defined in ORS 468.700. NOTE: The foregoing is not to be interpreted to authorize any violation of ORS Chapter 459 and these rules.

(8) "Domestic use" or "household use" means use in or around homes, backyards and offices; but excludes commercial pest control operations.

(9) "Empty container" means a container whose contents have been removed except for the residual material retained on the interior surfaces.



(10) "Generator" means the person who, by virtue of ownership, management or control, [is responsible for causing] causes or [allowing] allows to be caused the creation of a hazardous waste.

(11) "Hazardous waste" means discarded, useless or unwanted materials or residues in solid, liquid, or gaseous state and their empty containers which are classified as hazardous pursuant to ORS 459.410 and these rules. A "hazardous material" is a substance that meets this same definition except that it is not a waste.

(12) "Hazardous waste collection site" means the real property [geographical site] upon which hazardous wastes are stored in accordance with a license issued pursuant to ORS Chapter 459 and OAR Chapter 340, Divisions 62 and 63.

(13) "Hazardous waste disposal site" means the real property [a geographical site in which or] upon which hazardous wastes are disposed in accordance with a license issued pursuant to ORS Chapter 459 and OAR Chapter 340, Divisions 62 and 63.

(14) "Hazardous waste management facility" means a hazardous waste collection, treatment, or disposal site; or the solid waste landfill that the Department has authorized by permit [has been permitted] to dispose of a specified hazardous waste pursuant to ORS 459.510(3) and OAR Chapter 340, Divisions 62 and 63.

(15) "Hazardous waste treatment site" means a facility or operation, other than a hazardous waste disposal site, at which hazardous waste is treated in accordance with a license issued pursuant to ORS Chapter 459 and OAR Chapter 340, Divisions 62

and 63.

(16) "Hydrocarbon" means any compound composed solely of hydrogen and carbon.

(17) "Inhalation LC<sub>50</sub>" and [or] "median inhalation lethal concentration" means [a measure of inhalation toxicity of a substance for which] a calculated inhalation concentration of a substance that is expected in a specified time to kill 50 percent of a population of experimental laboratory animals[, including but not limited to mice, rats, or rabbits]. Inhalation LC<sub>50</sub> is expressed in milligrams per liter of air for gas or vapor and in milligrams per cubic meter for a dust or mist.

(18) "Jet rinsing" means a specific treatment for an empty [pesticide] container using the following procedure:

(a) A nozzle is inserted into the container, or the empty container is inverted over a nozzle such that all interior surfaces of the container can be washed.

(b) The container is [flushed] rinsed using an appropriate diluent [for at least 30 seconds].

(19) "Manifest" means the document [form] used for identifying the quantity, composition, and the origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of storage, treatment, or disposal.

(20) ["Triple rinsing"] "Multiple rinsing" means a specific treatment for an empty container, repeating the following procedure a minimum of three times.[:]

(a) A volume of an appropriate diluent is placed in the

container in an amount equal to at least 10 percent of the container volume.

(b) The container [closure] is agitated [replaced and the container is upended] to rinse all interior surfaces.

(c) The container is opened and the rinse solution drained, allowing at least 30 seconds after drips start.

(21) "Oral LD50" and [or] "median oral lethal dose" means [a measure of oral toxicity of a substance for which] a calculated oral dose of a substance that is expected [in a specified time] to kill 50 percent of a population of experimental laboratory animals within a specified time. [including but not limited to mice, rats, or rabbits.] Oral LD50 is expressed in milligrams of the substance per kilogram of body weight.

(22) "Person" means the federal government [United States], the State or public or private corporation, local government unit, public agency, individual, partnership, association, firm, trust, estate, or any other legal entity.

(23) "Pesticide" means any substance or combination of substances intended for the purpose of defoliating plants or for the preventing, destroying, repelling, or mitigating of insects, fungi, weeds, rodents, or predatory animals; including but not limited to defoliants, desiccants, fungicides, herbicides, insecticides, and nematocides as defined by ORS 634.006.

(24) "Phenol" means any mono- or polyhydric derivative of an aromatic hydrocarbon.

(25) "Plant site" means the real property [geographical

area] where hazardous waste generation occurs. Two or more parcels [pieces] of real property which are geographically contiguous and are divided only by a right-of-way are considered a single site.

(26) "Polychlorinated biphenyl" or "PCB" means the class of chlorinated biphenyl, terphenyl, higher polyphenyl, or mixtures of these compounds, produced by replacing two or more hydrogen atoms on the biphenyl, terphenyl, or higher polyphenyl molecule with chlorine atoms. PCB does not include chlorinated biphenyls, terphenyls, higher polyphenyls, or mixtures of these compounds, that have functional groups other than chlorine unless that functional group is determined to make the compound dangerous to the public health.

(27) "Store" or "storage" means the containment of hazardous waste for a temporary specified period of time, in such a manner as not to constitute disposal of such hazardous waste.

(28) "Transporter" means any motor carrier engaged in the transportation of hazardous waste.

(29) "Treatment" means any method, technique, activity, or process, including but not limited to neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste or to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume.

(30) "Volatile" means having an absolute vapor pressure of greater than 78 mm Hg at 25° C. For the purpose of these

rules, all fumigants are considered to be volatile.

(31) "Waste pesticide" means discarded, useless or unwanted materials or residues including, but not limited to, spray mixtures, diluted pesticide formulations, container rinsings and pesticide equipment washings.

340-63-125 Toxic Waste.

(1) Pesticides and Pesticide Manufacturing Residues.

(a) Waste containing pesticide or pesticide manufacturing residue is toxic if it has any of the following properties:

(i) Oral toxicity: Material with a 14-day oral LD<sub>50</sub> equal to or less than 500 mg/kg.

(ii) Inhalation toxicity: Material with a one-hour inhalation LC<sub>50</sub> equal to or less than 2 mg/l as a gas or vapor or a one-hour inhalation LC<sub>50</sub> equal to or less than 200 mg/m<sup>3</sup> as a dust or mist.

(iii) Dermal penetration toxicity: Material with a 14-day dermal LD<sub>50</sub> equal to or less than 200 mg/kg.

(iv) Aquatic toxicity: Material with 96-hour aquatic TLm or 96-hour aquatic LC<sub>50</sub> equal to or less than 250 mg/l.

(b) A generator may dispose of up to 10 pounds or one gallon of waste containing pesticide or pesticide manufacturing residue per month in accordance with Section 63-135 of this part.

(c) Waste pesticide generated at an airport, distributorship or other permanent base of operation, (excluding temporary heliport), shall be discharged to a permitted facility

or as otherwise approved by the Department.

(d) Waste pesticide generated at a site other than provided in OAR 340-63-125(1)(c) may be discharged to a permitted facility or sprayed on the ground, provided:

(A) It is sprayed through a nozzle under pressure and is moving at a sufficient rate so as not to saturate the ground;

(B) The generator owns or controls the management of the ground, or receives permission from the manager, owner, or controller of the ground;

(C) The spray site location will not endanger ground or surface waters, or pose a hazard to humans, wildlife (game and non-game animals) or domestic animals; and

(D) If applied to agriculture land, the pesticide deposit will not result in excessive residual amounts or prohibited types of residues in current or subsequent crops.

(2) Halogenated Hydrocarbons and Phenols (excluding polymeric solids).

(a) Waste containing halogenated hydrocarbons (excluding polychlorinated biphenyls) or halogenated phenols is toxic if it contains 1% or greater of such substances.

(b) A generator may dispose of up to 200 pounds of waste containing halogenated hydrocarbons or halogenated phenols per month (excluding polychlorinated biphenyls and pesticides) in accordance with Section 63-135 of this Part.

(c) Waste containing polychlorinated biphenyls is toxic and shall be managed in accordance with 40 CFR 761.

(3) Inorganics

(a) (i) Waste containing cyanide, arsenic, cadmium or mercury is toxic if it contains 100 ppm or greater of such substance or 200 ppm or greater of the sum of such substances.

(ii) Waste containing hexavalent chromium or lead is toxic if it contains 500 ppm or greater of such substance or 1000 ppm or greater of the sum of such substances.

(iii) The Department may exempt certain inert materials containing these substances (e.g.: leaded glass, foundry sands) on a case-by-case basis.

(b) A generator may dispose of up to 10 pounds of waste containing cyanide, arsenic, cadmium or mercury or up to 200 pounds of waste containing hexavalent chromium or lead per month in accordance with Section 63-135 of this Part.

(c) Mining wastes are exempt from the rules of this Division.

(4) Carcinogens.

(a) Waste containing carcinogens as identified by OSHA in 29 CFR 1910 is toxic. NOTE: See Appendix for specific compounds and concentrations.

(b) The identified carcinogenic wastes shall be managed as hazardous or as otherwise approved by the Department.

NOTE: Several of the above wastes have relatively low acute toxicity but are classified hazardous because of their persistence and propensity toward bioaccumulation in the environment.

340-63-130 EMPTY CONTAINERS

(1) Except as provided in Sections (2) and (3) discarded, useless or unwanted empty containers are hazardous if they were used in the transportation, storage, or use of a hazardous material or hazardous waste.

(2) Empty containers from hazardous materials or hazardous wastes that have been used [employed] for domestic purpose [use] may be disposed with other household refuse.

[(3) Empty hazardous waste and hazardous material containers need not be disposed at a hazardous waste disposal site if they are handled in accordance with the following procedures:]

[(a)] (3) Empty [Noncombustible] rigid containers, including but not limited to cans, pails, buckets or drums constructed of metal, plastic, [or] glass, or fiber need not be managed as hazardous if they are [shall be] decontaminated, [certified] verified, and [disposed] recovered or disposed as follows:

[(i)] (a) Decontamination consists of[:] OAR 340-63-130(3)(a)(i) and (ii):

[(A)] (i) Removal of residual material by:

[(I)] (A) Jet or [triple] multiple rinsing at the time of emptying.

[(II)] (B) Aeration of volatile materials from fumigant containers;

[(III)] (C) Chemical washing methods such as those used to recondition metal drums, or to remove ultra low volume (ULV)



residues;

[(IV)] (D) Other industry recommended procedures as may be approved by the Department. [If the rinsings cannot be used for the same purpose as the substance being rinsed, it shall be considered a hazardous waste unless exempted under Part B of these rules. In particular, pesticide rinsings shall be added to the spray or mix tank; ULV container rinsings shall be used to clean equipment or otherwise disposed as instructed on the container label. NOTE: It is recommended that the bottom of small containers (5 gal. and under) be punched to prevent their reuse for storage.]

[(B)] (ii) Altering the container structure before recovery or disposal by puncturing or removing both ends and crushing (multi-trip containers recovered for reconditioning or reuse are exempted from this part).

[(ii)] (b) [Certifying consists of providing a signed and dated statement to the disposal site or recycle facility operator that the containers have been decontaminated] Verification consists of no observable residue on the interior of the container, and no observable turbidity (less than 5 Nephelometric turbidity units) in a sample rinse when a diluent, which does not solubilize the residue, is placed in the container to fill 2 to 5 percent of its volume and is agitated for at least 30 seconds.

[(A)] [This statement may be made by means of the Pesticide Container Disposal Certificate, the Pesticide Container Disposal Record, or any similar written declaration.]

[(B) The Department may waive the certification requirement for a specific landfill if it determines that the characteristics of the landfill are such that there will be no threat to the public health or the environment and that the waiver is necessary for the operation of a local pesticide container management program.]

(c) Recovery consists of:

(A) Recycling or reuse at scrap metal collection, metal remelting, drum reconditioning, chemical manufacturing, distributing or retailing facility or as otherwise approved by the Department.

(d) Disposal consists of:

(A) Containers from DANGER or POISON label pesticides or other materials or wastes identified as POISON by 49 CFR 172.101, if not recovered, shall be taken to an authorized solid waste landfill. [These containers may not be recycled without specific permission from the Department. Such permission will be granted only if the proposed recycle does not endanger the public health or the environment.]

(B) Containers from WARNING or CAUTION label pesticides [or other [non-poison] hazardous material] may be taken to any [recycle facility or] solid waste landfill that has not been prohibited by the Department from accepting such waste.

[however, acceptance of such containers is at the discretion of the facility operator or landfill permittee]

[NOTE: In certain instances the Department may prohibit a specific disposal site or recycle recovery facility from

accepting hazardous containers if it determines that such action would endanger the public health or environment.]

[(C)] (4) [Combustible] Empty non-rigid containers, including paper, paper-laminated and paper-laminated foil bags, [and drums] need not be decontaminated [or certified but shall be disposed by:] provided they are disposed of in accordance with the following methods:

[(I)] (A) [Taking] Taken to an authorized solid waste landfill; or [however, acceptance of such containers is at the discretion of the landfill permittee]

[(II)] (B) [Burning] Burned in an incinerator or solid fuel fired furnace which has been certified by the Department; or [to comply with applicable air emission limits.]

[(III)] (C) Open burning in less than 50 pound lots (excepting organometallics) is permitted at the site on the same day of generation or as soon as feasible provided the site is not a "Public-use Airport" or "Limited Public-use" as defined by the Aeronautic Division, distributorship or permanent base of operation and the burning does not emit dense smoke, noxious odor or creates a public nuisance. [if conducted] This acti ity shall be in compliance with [open burning] rules in OAR Chapter 340, Division 23, [the requirements of the] local fire districts' requirements, and in such a manner as to protect the public health and the environment. The ash and foil liners must be buried after burning.

(D) [Persons engaged in agricultural operations] Farmers may bury [combustible] empty non-rigid or decontaminated [non-

combustible] rigid pesticide containers on [the] their own farm [to which the pesticide was applied] provided that:

(i) the containers were generated from their own use.

(ii) [that] the burial location [surface and groundwater are not endangered] is on flat ground, and not in a swale, and that the site is at least 500 feet from surface waters or any well.

[NOTE: This generally means not in a drainage way and above groundwater at least 500 feet from surface water or drinking water well.]

[(4)] (5) No person shall use or provide for use empty or decontaminated hazardous material/waste containers [shall not be used] to store food or fiber intended for human or animal [use.] consumption.

340-63-135 SMALL QUANTITY MANAGEMENT

Small quantities of hazardous material or wastes, as specified in Rules 340-63-110, 340-63-115, and 340-63-125, need not be transported to and disposed in [through] a hazardous waste management facility if they are handled in accordance with the following procedure:

(1) The waste shall be securely contained to minimize the possibility of waste release prior to burial.

(2) Persons disposing of hazardous waste from other than domestic or household use shall obtain permission from the waste collector [or] and from [landfill] permittee before depositing the waste in any container or landfill for subsequent collection or

in any landfill disposal. In the event that the waste collector or landfill permittee refuses acceptance, the person disposing of the waste shall contact the Department [shall be contacted] for alternative disposal instructions.

(3) The waste must be taken to a state-permitted waste disposal site.

OA6301.1

## Waste Pesticide Management Systems

### Scope

These guidelines suggest basic criteria for designing waste pesticide management systems. The Department of Environmental Quality considers these criteria to conform to current best methods for achieving the system design objectives. Alternative criteria will be reviewed by the Department if it is demonstrated that the criteria will effect the same design objectives.

### System Design Objectives

All waste pesticide management systems must satisfy the following three objectives to the greatest extent possible:

1. Containment of the waste solution.
2. Detoxification of the waste solution.
3. Reduction of the volume of the waste solution.

### System Design Criteria

Containment may be demonstrated through any one or combination of:

1. Physical means (natural or man-made liners).
2. Chemical means (adsorption-absorption layers).
3. Other equivalent means.

Detoxification may be demonstrated through any one or combination of:

1. Physical means (solar radiation).
2. Chemical means (hydrolysis).
3. Biological means (microbial degradation).
4. Other equivalent means.

Volume reduction may be demonstrated through any one or combination of:

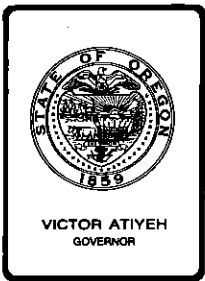
1. Evaporation.
2. Evapo-transpiration.
3. Diversion of surface waters.
4. Use of dilute solution for product makeup water.
5. Other equivalent means.

Information Which May Be Required by the Department  
for Waste Pesticide Management Systems

A complete set of engineering plans and specifications, or their equivalent, should include:

1. Location map showing ownership, zoning, use of adjacent lands, proposed facility location and its relation to residence and domestic water supplies.
2. Topographic map showing natural drainage patterns and proposed surface water diversion methods, if applicable.
3. Climatological data of proposed site describing normal annual and seasonal precipitation quantities and patterns, evaporation rates and prevailing wind direction.
4. Hydrogeological data of proposed site describing groundwater depth, gradient and geological formations.
5. Types and quantities of pesticides used on an annual basis.
6. Types and volumes of waste pesticides generated during the spraying season.
7. Detailed plans, specifications, procedures and methods for collection, distributing and containing the waste solution.
8. Detailed explanation of expected waste solution containment, volume reduction, and detoxification mechanisms.
9. Detailed explanation of the method for removing accumulated sludges from the containment system and the proposed method of disposal.
10. Detailed explanation of the method for detecting subsurface pesticide movement.
11. Construction of a waste pesticide management system shall be compatible with the local comprehensive plan and zoning requirements or Land Conservation and Development Commission's (LCDC) goals.
12. All waste pesticide management systems require a water pollution control facility (WPCF) permit.
13. Any additional information which the Department deems necessary for review of the application.

Written acknowledgement of the receipt of an application and its completeness shall be made by the Department within 14 days to an applicant. Written notice of approval or disapproval will be issued by the Department to the applicant within 45 days of receipt of completed plans and specifications.



## *Environmental Quality Commission*

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

### MEMORANDUM

To: Environmental Quality Commission

From: Director

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

Proposed Adoption of Rules for Pollution Control Facility  
Tax Credit Fees, OAR 340-11-200

### Background and Problem Statement

Under ORS 468.155 through 468.190, the Department of Environmental Quality is responsible for reviewing and certifying pollution control facilities as to their eligibility for tax credit. The program has been in operation since 1967 and benefits to Oregon business and industry have been and continue to be substantial.

On July 18, 1981 HB 2288 (Chapter 359, Oregon Laws 1981) was signed by the Governor and will become law November 1, 1981. The purpose of this bill was to remove or reduce the cost to the General Fund of administering the tax credit program. The Department has estimated that for the 1981-83 biennium administration costs would be approximately \$172,000. HB 2288 allows the Department to require those businesses and industries which monetarily benefit from the tax credit program to pay a fee to cover the agency's cost of administering it.

On September 1, 1981, the Department held a public hearing on the proposed rule. Mr. Tom Donaca, Associated Oregon Industries, and Mr. Pete Schnell, Publishers Paper Company testified at the hearing and proposed changes to the rule (see attached Hearing Officer's report). Some revisions in the proposed rule have been made in response to the comments made at the hearing. The Department is now seeking adoption of the rule. HB 2288 authorizes the Commission to adopt this proposed rule. A Statement of Need for Rulemaking is attached.

### Alternatives and Evaluation

The General Fund support for the Governor's Recommended Budget has been reduced \$172,031 on the assumption that fees for tax credits will be levied. Without the fee the Department would have the following alternatives:



1. Because of no budgeted funds, not administer the program at all.
2. Reduce environmental program efforts in other parts of the Department to provide resources to administer the program.

The first alternative is not very practical since it conflicts with the legislative mandate to implement the program. It would likely require Emergency Board approval.

After reviewing testimony received at the public hearing, the following changes have been made in the proposed rule:

1. Mr. Donaca suggested that the application processing fee not be collected until the facility has actually been certified. HB 2288 requires that fees accompany the application. The rule has been changed to allow partial refund of that fee if the certified cost differs from the cost claimed in the original application (see new section (5) of the proposed rule, attached).
2. Mr. Schnell suggested that an additional category be added to section (3) of the rule to provide for a refund of the application processing fee if the application is withdrawn by the applicant. Such a section has been added (see (3) (d) of the proposed rule, attached).

HB 2288 requires that before adoption of any fees the Commission estimate the total cost of the program to the Department. Based upon the Department's 1981-83 budget, it estimates the cost of the program for the 1981-83 biennium to be \$172,031.

#### Summation

1. The total cost of the tax credit program to the Department for the 1981-83 biennium is \$172,031, based on the 1981-83 budget.
2. The Commission authorized the Department to conduct a public hearing on the proposed rules for tax credit fees at its July 17, 1981 meeting.
3. A public hearing was held, after proper public notice, September 1, 1981.
4. As a result of testimony at the public hearing, changes to the proposed rule have been made and the Department now seeks adoption of the proposed rule.
5. The Commission is authorized to adopt rules for tax credit fees by HB 2288.

EQC Agenda Item No. 5  
October 9, 1981  
Page 3

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 340-11-200.

*Bill*

William H. Young

- Attachments (1) Statement of Need for Rulemaking  
(2) Hearing Officer's Report  
(3) Proposed Rule, OAR 340-11-200  
(4) HB 2288

C.A. Splettstaszer:o  
229-5484  
MO380 (1)  
September 16, 1981

STATEMENT OF NEED FOR RULEMAKING

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

Legal Authority:

Legal authority for this action is HB2288, 1981 Legislative Session, ORS Chapter 468, and ORS Chapter 183.

Need For the Rule:

Legislation (HB2288), if enacted, allows the establishment of a fee. The proposed rule establishes fees. The Department's 1981-83 budget is predicated upon adoption of a fee schedule.

Principal Documents Relied Upon:

HB2288, 1981 Oregon Legislative Session.

FISCAL IMPACT STATEMENT

Applicants for Pollution Control Facility Tax Credits will experience fees of a \$50 filing fee, and one-half of one percent of the claimed cost of the facility, for each application.



## *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: Michael Downs, Hearing Officer

Subject: Proposed adoption of rules providing for fees to cover administrative costs of the Pollution Control Facilities Tax Credit Program, OAR Chapter 340, Section 11-200.

### PROCEDURE

Pursuant to public notice, a hearing was convened on September 1, 1981, at 10:15 a.m., in Room 1400 of the Yeon Building, 522 S. W. Fifth Avenue, Portland, Oregon. The purpose of the hearing was to consider the adoption, by the Environmental Quality Commission, of proposed rule 340-11-200 establishing fees to be charged applicants for pollution control facility tax credits to recover the costs of processing applications and administering the program.

The proceedings of this hearing were recorded on tape which is on file at the DEQ office in Portland, Oregon.

Two persons attended the hearing and presented oral testimony. In addition, one person submitted written comments prior to the hearing, and a copy is attached.


### SUMMARY OF TESTIMONY

Mr. Tom Donaca, Associated Oregon Industries, presented oral testimony. Mr. Donaca pointed out that the statute requires the EQC to make a finding of the estimated cost of the tax credit program to the Department prior to the adoption of fees. He further suggested that the non-refundable \$50 application fee be paid at the time of application and the remainder of the fee, based on the certified cost of the facility, be paid after the EQC has approved issuance of the certificate and before the applicant makes its election on the type of tax relief to be taken. Alternatively, Mr. Donaca suggested the rule specifically state that any refund of the application processing fee be made within 30 days of the receipt of the tax credit certificate by the applicant.

MEMORANDUM

Page 2

Mr. Pete Schnell, Publishers Paper Company, recommended a fourth category be added to section (3) of the rule which provides for refund of the entire application processing fee in certain situations. Mr. Schnell would add a category to refund the fee when the application is withdrawn by the applicant.

  
Michael Downs  
Hearing Officer

MJD:k  
MK144 (2)



**OREGON PORTLAND CEMENT COMPANY**  
INCORPORATED 1915

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

August 10, 1981

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

Gentlemen:

RE: Proposed fees for the Pollution Control Tax Credit Program

We offer the following two comments relative to the proposed fee system:

- Because taxpayers have the full burden of proof and incur substantial costs in preparing filings, they should be assessed the percentage fee only on approval of their application.
- The Department's costs incurred in processing applications are not a function of the claimed cost of the facility. This fact should be considered in both establishing the fixed and percent portions of the fees. Certainly the \$50 proposed fee covers little in the way of department costs yet the one-half of one percent fee would likely be higher than the cost of processing applications in excess of, say, \$1,000,000. The percentage fee portion should be graduated downward to one-tenth of one percent.

Thank you for this opportunity to respond.

Very truly yours,

OREGON PORTLAND CEMENT COMPANY

*Paul D. Livesay*  
Paul D. Livesay  
Controller

Management Services Div.  
Dept. of Environmental Quality  
**RECEIVED**  
AUG 11 1981

*Just proposed Rule  
and HB 2288 8/18*

PROPOSED RULE

OAR 340-11-200  
TAX CREDIT FEES

- (1) Beginning November 1, 1981, all persons applying for Pollution Control Facilities Tax Credits pursuant to ORS 468.170 shall be subject to a two-part fee consisting of a non-refundable filing fee of \$50.00 per application, and an application processing fee of one-half of one percent of the cost claimed in the application of the pollution control facility to a maximum of \$5,000. An amount equal to the filing fee and processing fee shall be submitted as a required part of any application for a pollution control facility tax credit.
- (2) Upon the Department's acceptance of an application as complete, the filing fee becomes non-refundable.
- (3) The application processing fee shall be refunded in whole when submitted with an application if:
  - (a) The Department determines the application is incomplete for processing, or
  - (b) The Commission finds that the facility is ineligible for tax credit, or
  - (c) The Commission issues an order denying the pollution control facility tax credit, or
  - (d) Applicant withdraws application before final certification by the Commission.
- (4) The application processing fee shall be refunded in part if the final certified cost is less than the facility cost claimed in the original application. The refund amount shall be calculated by subtracting one-half of one percent of the actual certified cost of the facility from the amount of the application processing fee submitted with the application. If that calculation yields zero or a negative number, no refund shall be made.
- (5) The fees shall not be considered by the Environmental Quality Commission as part of the cost of the facility to be certified.
- (6) All fees shall be made payable to the Department of Environmental Quality.

MA144.1 (1)

OREGON LEGISLATIVE ASSEMBLY--1981 Regular Session

Enrolled

House Bill 2288

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Department of Environmental Quality)

CHAPTER.....359.....

AN ACT

Relating to pollution control; amending ORS 468.165.

Be It Enacted by the People of the State of Oregon:

Section 1. ORS 468.165 is amended to read:

468.165. (1) Any person may apply to the commission for certification under ORS 468.170 of a pollution control facility or facilities or portion thereof erected, constructed or installed by [him] the person in Oregon if:

(a) The air or water pollution control facility was erected, constructed or installed on or after January 1, 1967.

(b) The noise pollution control facility was erected, constructed or installed on or after January 1, 1977.

(c) The solid waste, hazardous wastes or used oil facility was under construction on or after January 1, 1973, and if:

(A) The substantial purpose of the facility is to utilize material that would otherwise be solid waste as defined in ORS 459.005, hazardous wastes as defined in ORS 459.410 or used oil as defined in ORS 468.850 by burning, mechanical process or chemical process or through the production, processing including pre-segregation or otherwise, or use of materials for their heat content or other forms of energy of or from the material, or the use of materials which have useful chemical or physical properties and which may be used for the same or other purposes, or materials which may be used in the same kind of application as its prior use without change in identity;

(B) The end product of the utilization is a usable source of power or other item of real economic value;

(C) The end product of the utilization, other than a usable source of power, is competitive with an end product produced in another state; and

(D) The Oregon law regulating solid waste imposes standards at least substantially equivalent to the federal law.

(2) The applications shall be made in writing in a form prescribed by the department and shall contain information on the actual cost of the facility or facilities, a description of the materials incorporated therein, all machinery and equipment made a part thereof, the existing or proposed operational procedure thereof, and a statement of the purpose of prevention, control or reduction of air, water or noise pollution or solid waste, hazardous wastes or used oil served or to be served by the facility or facilities and, for a facility qualifying under paragraph (a) or (b) of subsection (1) of this section, the portion of the actual cost properly allocable to the prevention, control or reduction of air, water or noise pollution as set forth in ORS 468.190 (2).



(3) The director may require such further information as [he] the director considers necessary prior to issuance of a certificate.

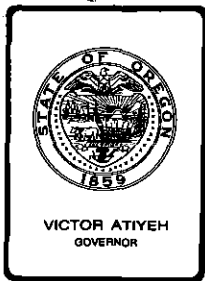
(4) The application shall be accompanied by a fee established under subsection (5) of this section. The fee may be refunded if the application for certification is rejected.

(5) By rule and after hearing the commission may adopt a schedule of reasonable fees which the department may require of applicants for certificates issued under ORS 468.170. Prior to the adoption or revision of any such fees the commission shall estimate the total cost of the program to the department. The fees shall be based on the anticipated cost of filing, investigating, granting and rejecting the applications and shall be designed not to exceed the total cost estimated by the commission. Any excess fees shall be held by the department and shall be used by the commission to reduce any future fee increases. The fee may vary according to the size and complexity of the facility. The fees shall not be considered by the commission as part of the cost of the facility to be certified.

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Approved by the Governor July 18, 1981.

Filed in the office of Secretary of State July 20, 1981.



## *Environmental Quality Commission*

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

### MEMORANDUM

To: Environmental Quality Commission

From: Director

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

Proposed Adoption of Revisions to Oregon Administrative Rules Chapter 340, State Financial Assistance to Public Agencies for Pollution Control Facilities.

### Background and Problem Statement

The Department of Environmental Quality administers the Pollution Control Bond Fund and the related Sinking Fund under ORS 468.195 through 468.260 and corresponding Administrative Rules Chapter 340 Divisions 81 and 82.

SB142 (Chapter 312 Oregon Laws 1981) increased the principal amount of Pollution Control Bonds outstanding from \$160 million to \$260 million. Other provisions which require rule changes are:

- (1) The increase in the percentage of eligible project costs (from 70% to 100%) that can be financed by loans from the Bond Fund. This change recognizes the current reduction and possible elimination of federal and state grants for pollution control facilities.
- (2) The Department may assess those entities to whom grants and loans are made to recover expenses incurred in administering the Bond Fund program.

This administrative responsibility covers all aspects of the purchase of the bonds of cities and other entities and management of fund assets. Engineers and technicians at headquarters and in the regions review facility plans, eligibility of project costs, relation to federal grants and priority listing. Program and business Office staff give advice to applicants on handling of bond sales, preparation of necessary financial and other documents and prepare bond purchase agreements. Accounting, financial reporting, auditing, and legal expenses are sizable for the program. Cash and receivables amount to approximately \$62 million and \$42 million respectively at this time.

Until now, this administrative cost has been paid from the General Fund. The Department's 1981-83 budget provides for charging \$116,000 to the Pollution Control Sinking Fund and reduction of the General Fund Appropriation by this amount.

Evaluation and Alternatives

- (1) Increasing the percentage of eligible project costs (from 70% to 100%) that can be financed by loans from the Pollution Control Bond Fund should result in more loans as cities and counties seek ways to offset the loss of federal and state grants for pollution control facilities. The increased ceiling on bonds outstanding is also designed to accomodate more loans. However, it is not practical to make any estimate of the additional loan volume that might be generated.
- (2) The Department proposes to recover expenses incurred in administering the Pollution Control Bond Fund program by slightly adding to the interest rate it charges on new loans or new purchases of obligations. Over time the additional revenue thus credited to the Sinking Fund will offset the Department's expenses which will be charged to the Sinking Fund.

Specifically, the Department estimates that a surcharge of one tenth of one percent should be sufficient to fund administrative costs over the years. The impact on a sample loan or bond purchase is illustrated below:

\$1 million 20 year bond issue	
Interest rate	7.4366%
Surcharge	<u>0.1000%</u>
Effective rate	<u>7.5366%</u>
Average annual interest cost	\$47,743.
Average annual surcharge	<u>\$ 642.</u>
Total Annual Cost	<u>\$48,385.</u>
Total 20 year interest cost	\$954,860.
Total 20 year surcharge	<u>\$ 12,840.</u>
Total Cost	<u>\$967,700.</u>

Alternatively, fees could be charged upon application and granting of loans. The Department does not recommend the creation of additional fees which are cumbersome and expensive to administer.

No one appeared to testify at the Public Hearing on September 4, 1981. The Hearing Officer's Report is attached.

Summation

- (1) 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.
- (2) The Department's 1981-83 budget was amended to include \$116,000 of Bond Fund administrative expense recovery.
- (3) No one appeared to testify at the Public Hearing on September 4, 1981.

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.

*Bill*

William H. Young

Attachments (5)

1. Draft rule, Division 81
2. Draft rule, Division 82
3. Hearing Officer's Report
4. Statement of Need and Fiscal Impact
5. SB142

BK102 (2)  
FWO:k  
229-6270  
September 16, 1981

DEPARTMENT OF ENVIRONMENTAL QUALITY

## STATE FINANCIAL ASSISTANCE

## DIVISION 81

STATE FINANCIAL ASSISTANCE TO PUBLIC AGENCIES  
FOR POLLUTION CONTROL FACILITIES

## Purpose

340-81-005 The purpose of these regulations is to prescribe requirements and procedures for obtaining state financial assistance for planning and construction of pollution control facilities pursuant to Article XI-H of the Oregon constitution.

## Statutory Authority:

Hist.: Filed and Eff. 2-11-71 as DEQ 25

## Definitions

340-81-010 As used in these regulations unless otherwise required by context:

- (1) "Department" means Department of Environmental Quality. Department actions shall be taken by the Director as defined herein.
- (2) "Commission" means Environmental Quality Commission.
- (3) "Director" means Director of the Department of Environmental Quality or his authorized deputies or officers.
- (4) "Agency" means municipal corporation, city, county, or agency of the State of Oregon, or combinations thereof, applying or contracting for state financial assistance under these regulations.
- (5) "EPA" means U.S. Environmental Protection Agency.

## Statutory Authority:

Hist.: Filed and Eff. 2-11-71 as DEQ 25

## WATER POLLUTION CONTROL FACILITIES

## Eligible Projects

340-81-015 Projects eligible for state financial assistance under these regulations are defined in ORS 449.455. Priority ranking of eligible projects for each fiscal year will be established by the Department, approved by the Commission, and will be based on published criteria approved by the Commission.

## Statutory Authority:

Hist.: Filed and Eff. 2-11-71 as DEQ 25

## Eligible Costs

340-81-020 Eligible costs for water pollution control facilities shall include: construction and materials costs; planning;

DEPARTMENT OF ENVIRONMENTAL QUALITY

engineering design and inspection costs; and project related legal and fiscal costs, except those costs related to land acquisition. The Department shall have discretion in the final eligibility determination of specific expenditures.

Statutory Authority:

Hist.: Filed and Eff. 2-11-71 as DEQ 25

Application Documents

340-81-025 The representative of an agency wishing to apply for state financial assistance under these regulations shall complete, sign, and submit to the Department three copies each of the following documents:

- (1) Federal sewage treatment works construction grant application form currently in use by the EPA at the time of the application for state assistance. This form will be provided by the Department upon request.
- (2) Resolution of the agency's governing body authorizing an official of the agency to apply for state and federal financial assistance and to act in behalf of the agency in all matters pertaining to any agreements which may be consummated with the Department or with EPA.
- (3) Five year projection of the agency's estimated revenues and expenses (on forms provided by the Department).
- (4) An ordinance or resolution of the agency's governing body establishing sewer user rates, connection, and other charges for the facilities to be constructed.
- (5) A legal opinion of the agency's attorney establishing the legal authority of the agency to enter into a loan or bond purchase agreement, together with copies of applicable agency ordinance and charter sections.

Applications must be filed with the Department not later than thirty (30) days prior to the fiscal year commencing July 1 for which financial assistance is requested.

An application is not deemed to be complete until any additional information requested by the Department is submitted by the agency.

Applications for planning loans shall be on special forms provided by the Department and shall be accompanied by a resolution of the agency's governing body and a projection of estimated revenues and expenses as outlined in subsections (2) and (3) of this section.

Statutory Authority:

Hist.: Filed and Eff. 2-11-71 as DEQ 25

Application Review

340-81-030 Application documents will be reviewed by the department staff to determine that: the proposed facilities for which state funds are requested are eligible under these regulations and applicable Oregon statutes; the proposed sources of local revenue to be pledged to the retirement of state loans are acceptable and adequate under the statutes; the facilities for which state financing is requested will be [not less than 70%] self-supporting and self-liquidating from approved revenues, gifts, user charges, assessments, and other fees; and federal or state grant funds are assured, or local funds are available, for the completion of the project.

Statutory Authority:

Hist.: Filed and Eff. 2-11-71 as DEQ 25

Loan or Bond Purchase Agreement

340-81-035

- (1) Following review and approval of the application documents and final construction plans and specifications by the Department and legal authorization by the governing body of the agency or its electorate, if necessary, to enter into a loan agreement with the state or to sell general obligation or revenue bonds, the Department may enter into such loan or bond purchase agreement in a principal amount [not to exceed 70%] up to 100% of the eligible project cost including the construction bid accepted, estimated engineering and inspection costs, eligible legal and fiscal costs and a contingency allowance to be established by the Department. Combinations of funds granted and loaned by whatever means shall not total more than 100% of the eligible project costs.
- (2) The loan or bond purchase agreement shall identify sources and amounts of revenue, to be dedicated to loan or bond retirement, sufficient to demonstrate that the facilities to be constructed will be [not less than 70%] self-supporting and self-liquidating. The agency will be required to furnish an annual audit report to the Department to show that adequate and acceptable revenues continue to be available for loan retirement.
- [ (3) The Department must be assured that at least 30% federal or state grant funds, other funds or combinations thereof are available to complete the total project.]
- (3) [(4)] When the state is requested to purchase local bonds and a bond purchase agreement is entered into, the local bonds will be purchased at par to an even multiple of \$5,000, [in an amount not to exceed 70% of the total eligible project cost as determined in subsection (1) of this section]; except that when the amount of local bonds to be purchased by the state is less than \$100,000 they may be purchased at par to a multiple of \$1,000 [in an amount not to exceed 70% of the total eligible project cost].

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- (4) [(5)] The loan or bond interest rate to be paid by the agency shall be equal to the interest rate on the state bonds from which the project is funded, except as provided in [subsection] subsections [(6)] 5 and 6 of this section.
- (5) The Department shall add to the rate of interest otherwise to be charged on loans or obligations a surcharge not to exceed an annual rate of one-tenth of one percent to be applied to the outstanding principal balances in order to offset the Department's expenses of administering the Bond Fund program.
- (6) The loan or bond retirement schedule of the agency must retire its debt obligation to the state at least as rapidly as the state bonds from which the loan funds are derived are scheduled to be retired; except that when a debt retirement schedule longer than the state's bond repayment schedule is legally required, special debt service requirements on the agency's loan will be established by the Department.
- (7) Loan or bond interest and principal payments shall be due at least thirty days prior to the interest and principal payment dates established for the state bonds from which the loan is advanced.

Statutory Authority:

Hist: Filed 2-11-71 as DEQ 25

Construction Bid Documents Required

340-81-040 Following receipt of construction bids, the agency shall submit three copies each of the following documents to the Department for review and approval of contract award: tabulation of all bids received; engineers' analysis of bids; engineer's recommendations; low bidder's proposal; publisher's affidavits of advertising; and Part B of the loan or bond purchase agreement.

Statutory Authority:

Hist.: Filed and Eff. 2-11-71 as DEQ 25

Advancement of Loan Funds

340-81-045

- (1) Upon receipt of three copies of the executed construction contract and Part B of the loan or bond purchase agreement, the Department will approve the final loan amount and authorize the Treasury Department to advance the full amount of the loan to the agency.
- (2) If the funds are advanced under the terms of a previously executed bond purchase agreement, the agreement will specify a period of time, not to exceed six months, following the advancement of funds by the state during which the agency agrees to offer its bonds for public sale. The terms and conditions of the Department's bid offer for the agency's bonds will be made available to other prospective bidders when the notice of sale of the agency's bonds is published. If the state is



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the successful bidder for the agency's bonds, the state will receive the bonds and the bonds will be retired under the terms of the bond purchase agreement. If a private purchaser is the successful bidder, the state will receive reimbursement of the loan funds previously advanced plus interest at the interest rate on the state bonds from which the project would have been funded if the state had been the successful bidder.

- (3) Any excess loan funds held by the agency following completion of the project must be used for the payment of loan principal and interest.

Statutory Authority:

Hist.: Filed and Eff. 2-11-71 as DEQ 25

Advancement of State Grant Funds

340-81-050 Depending on priority ranking as determined by the Department and the current availability of EPA grant funds, a project may receive a state grant in an amount not to exceed 30% of the total eligible project cost under the terms of a separate grant agreement. Grant payments will be advanced during construction, if requested by the agency, in increments of approximately 25% of the total eligible project cost as the work is completed. Each payment will be based on the consulting engineer's latest cost estimate of the completed work in place, plus materials purchased and delivered at the time the payment request is submitted to the Department, and expenditures for engineering, legal and fiscal services that have been documented by the agency to date.

Statutory Authority:

Hist.: Filed and Eff. 2-11-71 as DEQ 25

DEPARTMENT OF ENVIRONMENTAL QUALITY

## DIVISION 82

STATE FINANCIAL ASSISTANCE TO PUBLIC AGENCIES FOR POLLUTION CONTROL  
FACILITIES FOR THE DISPOSAL OF SOLID WASTE

## Purpose

340-82-005 The purpose of these rules is to prescribe requirements and procedures for obtaining state financial assistance for planning and construction of pollution control facilities for the disposal of solid waste pursuant to Article XI-H of the Oregon Constitution, and to provide for pass-through of federal funds to designated agencies.

Stat. Auth: ORS Ch.

Hist. DEQ 76, f. 7-29-74, ef. 8-25-74; DEQ 20-1980, f. & ef. 8-1-80; DEQ 31-1980, f. & ef. 11-10-80

## Definitions

340-82-010 As used in these rules unless otherwise required by context:

- (1) "Department" means Department of Environmental Quality. Department actions shall be taken by the Director as defined herein.
- (2) "Commission" means Environmental Quality Commission.
- (3) "Director" means Director of the Department of Environmental Quality or his authorized deputies or officers.
- (4) "Agency" means municipal corporation, city, county, or agency of the State of Oregon, or combination thereof, applying or contracting for state financial assistance under these rules.
- (5) "EPA" means U.S. Environmental Protection Agency.
- (6) "Designated Agency" means a governmental unit designated by the State as a planning or implementing solid waste agency, or both.

Stat. Auth.: ORS Ch.

Hist: DEQ 76, f. 7-29-74, ef. 8-25-74; DEQ 20-1980, f. & ef. 8-1-80; DEQ 31-1980, f. & ef. 11-10-80

## Solid Waste Disposal Pollution Control Facilities

## Eligible Projects and Project Priorities

340-82-015 Projects eligible for state financial assistance under ORS 468.220 and priority ranking of such eligible projects will be based on the following criteria approved by the Commission.

- (1) Projects eligible for state financial assistance for pollution control facilities for the disposal of solid waste as authorized in ORS 468.220 shall meet the following criteria:
  - (a) The project or facility is part or parcel of or complementary to a Department approved and locally adopted Solid Waste Management Plan.

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- (b) The project or facility has proven or demonstrated technical feasibility.
- (c) The project or facility is within local economic constraints and abilities to administer.
- (d) The project or facility must be approved by the Department.
- (2) Priority of eligible projects for state assistance for planning and construction of pollution control facilities for the disposal of solid waste shall be based upon the following criteria:
  - (a) The project or facility is replacing existing inadequate or unacceptable methods of solid waste disposal and thereby results in improved environmental quality.
  - (b) The project or facility recovers resources from solid wastes.
  - (c) The projected facility will establish improved solid waste management practices.
  - (d) The need for state assistance is demonstrated.

Stat. Auth.: ORS Ch.

Hist.: DEQ 76, f. 7-29-74, ef. 8-25-74

Eligible Costs

340-82-020 Eligible costs for state assistance for planning and construction of pollution control facilities for the disposal of solid wastes shall include but not necessarily be limited to:

- (1) Land acquisition limited to that minimum amount of land necessary to the project.
- (2) Engineering costs for design and supervision.
- (3) Legal assistance directly related to project.
- (4) Construction:
  - (a) Site development;
  - (b) Structures (including earth structures);
  - (c) Fixed utilities.
- (5) Major equipment (initial purchase only):
  - (a) Solid waste processing and handling equipment;
  - (b) Landfill operation equipment;
  - (c) Rolling stock;
  - (d) Miscellaneous equipment under \$1,500.

Stat. Auth.: ORS Ch.

Hist.: DEQ 76, f. 7-29-74, ef. 8-25-74

Special Considerations on Eligible Costs for Equipment

340-82-025 Equipment purchases for solid waste disposal facilities with state assistance shall be given special consideration. Intended equipment purchases shall be itemized in the grant-loan application and the applicability of each individual piece of equipment to the project or facility clearly outlined for Department review. The following criteria shall be applied by the Department to equipment purchases.

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- (1) Equipment purchases shall be limited to initial purchases only and eligibility restricted to only that equipment necessary to sustain the performance of the project or facility.
- (2) Equipment required, whether for processing or landfilling of solid wastes, that has an expected useful or mechanical life less than the anticipated life of the project will require a sinking fund or equivalent replacement fund in the submitted project budget for such equipment replacement throughout the life of the project.
- (3) All major equipment purchases shall be done through open bidding on specified types or equivalents of equipment. Specifications on major equipment needs shall be reviewed by the Department prior to purchase.
- (4) Equipment purchases less than \$1,500 (small tools, office equipment, etc.) do not require specifications but must be reviewed and approved by the Department.

Stat. Auth.: ORS Ch.

Hist.: DEQ 76, f. 7-29-74, ef. 8-25-74

Application Documents

340-82-030 The representative of an agency wishing to apply for state financial assistance under these regulations shall submit to the Department three signed copies of each of the following completed documents:

- (1) Department Solid Waste Management Projects Grant-Loan application form currently in use by the Department at the time of the application for state financial assistance. This form will be provided by the Department upon request.
- (2) All applications for federal financial assistance to the solid waste projects for which state financial assistance is being requested.
- (3) Resolution of the agency's governing body authorizing an official of the agency to apply for state and federal financial assistance and to act in behalf of the agency in all matters pertaining to any agreements which may be consummated with the Department or with EPA or other federal agencies.
- (4) Five year projection of the agency's estimated revenues and expenses related to the project (on forms provided by the Department).
- (5) An ordinance or resolution of the agency's governing body establishing solid waste disposal user rates, and other charges for the facilities to be constructed.
- (6) A legal opinion of the agency's attorney establishing the legal authority of the agency to enter into a financial assistance agreement together with copies of applicable agency ordinance and charter sections.
- (7) A waste reduction plan which is consistent with ORS 459.055(2) (a) through (e).

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An application is not deemed to be completed until any additional information requested by the Department is submitted by the agency.

Applications for financial assistance for planning under ORS 468.220(1)(e) shall be on special forms provided by the Department and shall be accompanied by a resolution of the agency's governing body.

Stat. Auth.: ORS Ch.

Hist.: DEQ 76, f. 7-29-74, ef. 8-25-74; DEQ 20-1980, f. & ef. 8-1-80;  
DEQ 31-1980, f. & ef. 11-10-80

Application Review

340-82-035 Application documents will be reviewed by the Department staff to determine that: the proposed facilities for which state funds are requested are eligible under these regulations and applicable Oregon statutes; the proposed sources of local revenue to be pledged to the retirement of state loans are acceptable and adequate under the statutes; the facilities for which state financing is requested will be [not less than 70%] self-supporting and self-liquidating from approved revenues, gifts, user charges, assessments, and other fees; and federal or state assistance funds are assured, or local funds are available, for the completion of the project.

Stat. Auth.: ORS Ch.

Hist.: DEQ 76, f. 7-29-74, ef. 8-25-74

Loan or Obligation Purchase Agreement

340-82-040

- (1) Following review and approval of the application documents and final construction plans and specifications by the Department and legal authorization by the governing body of the agency or its electorate, if necessary, to enter into a loan agreement with the state or an agreement to sell its general obligation bonds or other obligations to the state, the Department may enter into such loan or purchase agreement in a principal amount [not to exceed 70%] up to 100% of the eligible project cost including the construction bid accepted, estimated engineering and inspection costs, eligible legal and fiscal costs and a contingency allowance to be established by the Department.  
Combinations of funds granted and loaned by whatever means shall not total more than 100% of the eligible project costs.
- (2) The loan or purchase agreement shall identify sources and amounts of revenue, to be dedicated to loan or obligation retirement sufficient to demonstrate that the facilities to be constructed will be [not less than 70%] self-supporting and self-liquidating. The agency will be required to furnish an annual audit report to the Department to show that adequate and acceptable revenues continue to be available for loan obligation retirement.

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- [ (3) The Department must be assured that at least 30% federal or state grant funds, other funds, or combinations thereof are available to complete the total project.]
- (3) [(4)] When the state is requested to purchase local obligations and a bond purchase agreement is entered into, the local obligations will be purchased at par to an even multiple of \$5,000, [in an amount not to exceed 70% of the total eligible project cost as determined in section (1) of this rule] except that when the amount of local obligations to be purchased by the state is less than \$100,000 they may be purchased at par to a multiple of \$1,000 [in an amount not to exceed 70% of the total eligible project cost].
- (4) [5] The loan or obligation interest rate to be paid by the agency shall be equal to the interest rate on the state bonds from which the project is funded, except as provided in sections 5 & 6 [(6)] of this rule.
- (5) The Department shall add to the rate of interest otherwise to be charged on loans or obligations a surcharge not to exceed an annual rate of one-tenth of one percent to be applied to the outstanding principal balances in order to offset the Department's expenses of administering the Bond Fund program.
- (6) The loan or obligation retirement schedule of the agency must retire its debt obligation to the state at least as rapidly as the state bonds from which the loan funds are derived are scheduled to be retired except that when a debt retirement schedule longer than the state's bond repayment schedule is legally required, special debt service requirements on the agency's loan or obligation purchase will be established by the Department.
- (7) Loan or obligation interest and principal payments shall be due at least thirty days prior to the interest and principal payment dates established for the state bonds from which the loan or obligation purchase is advanced.

Stat. Auth.: ORS Ch.

Hist.: DEQ 76, f. 7-29-74, ef. 8-25-74

Construction Bid Documents Required

340-82-045 Following receipt of construction bids, the agency shall submit three copies each of the following documents to the Department for review and approval of contract award: tabulation of all bids received; engineer's analysis of bids; engineer's recommendations; low bidder's proposal; publisher's affidavits of advertising; and a current project cost estimate summary including an estimate of funds available for the project.

Stat. Auth.: ORS Ch.

Hist.: DEQ 76, f. 7-29-74, ef. 8-25-74

DEPARTMENT OF ENVIRONMENTAL QUALITY

Advancement of Loan or Obligation Purchase Funds  
340-82-050

- (1) Upon receipt of three copies of the executed construction contract and the loan or obligation purchase agreement, the Department will approve the final loan amount and authorize the Treasury Department to advance the full amount of the loan or obligation purchase price to the agency.
- (2) If the funds are advanced under the terms of a previously executed obligation purchase agreement, the agreement will specify a period of time, not to exceed six months, following the advancement of funds by the state during which the agency agrees to offer its obligations for public sale. The terms and conditions of the Department's bid offer for the agency's obligations will be made available to other prospective bidders when the notice of sale of the agency's obligations is published. If the state is the successful bidder for the agency's obligations, the state will receive the obligation and the obligations will be retired under the terms of the obligation purchase agreement. If a private purchaser is the successful bidder, the state will receive reimbursement of the loan or obligation purchase funds previously advanced plus interest at the interest rate on the state bonds from which the project would have been funded if the state had been the successful bidder.
- (3) Any excess loan or obligation purchase funds held by the agency following completion of the project must be used for the payment of loan or obligation principal and interest.

Stat. Auth.: ORS Ch.

Hist.: DEQ 76.f. 7-29-74, ef. 8-25-74

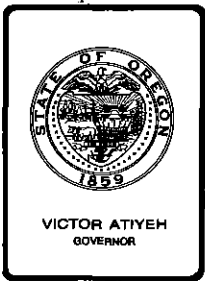
Advancement of State Grant Funds

340-82-055 Depending on priority ranking as determined by the Department and the current availability of EPA or other federal grant funds, a project may receive a state grant in an amount not to exceed 30% of the total eligible project cost under the terms of a separate grant agreement. Grant payments will be advanced during construction, if requested by the agency, in increments of approximately 25% of the total eligible grant project costs as the work is completed. Each payment will be based on the consulting engineer's latest cost estimate of the completed work in place, plus materials purchased and delivered at the time the payment request is submitted to the Department, and expenditures for engineering, legal, and fiscal services that have been documented by the agency to date.

Stat. Auth.: ORS Ch.

Hist.: DEQ 76, f. 7-29-74, ef. 8-25-74

(August 4, 1981)



## *Environmental Quality Commission*

Mailing Address: BOX 1760, PORTLAND, OR 97207

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

### MEMORANDUM

Attachment 3

TO: Environmental Quality Commission      DATE: September 17, 1981

FROM: Harold Sawyer, Hearing Officer

SUBJECT: Proposed Adoption of Revisions to Oregon Administrative Rules  
Chapter 340, State Financial Assistance to Public Agencies for  
Pollution Control Facilities.

### PROCEDURE:

Pursuant to public notice, a hearing was convened on September 4, 1981 at 10:00 a.m. in Room 1400 of the Yeon Building, 522 S. W. Fifth Avenue, Portland, Oregon.

The purpose of the hearing was to consider the adoption by the Environmental Quality Commission of proposed revisions to Oregon Administrative Rules Chapter 340, Divisions 81 and 82. The revisions would increase the percentage of eligible project costs (from 70% to 100%) that can be financed by loans from the Pollution Control Bond Fund and establish an interest surcharge to recover the Department's expenses of administering the Bond Fund.

No one appeared to testify.

Harold Sawyer  
Hearing Officer

FO:k  
BK180 (2)



## STATEMENT OF NEED FOR RULEMAKING

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

Legal Authority:

The Department administers the Pollution Control Bond Fund and Pollution Control Sinking Fund under ORS 468.195 through 468.260.

Need for the Rule:

SB 142 (Chapter 312 Oregon Laws 1981) changes existing laws; existing rules Chapter 340 divisions 81 and 82 need to reflect these changes.

The Department's 1981-83 budget contains revenue to be provided by the assessment of entities to whom loans are made from the Pollution Control Bond Fund to recover expenses incurred in administering the program.

Principal Documents Relied Upon:

SB 142 (Chapter 312, Oregon Laws 1981).

## FISCAL IMPACT STATEMENT

- (1) Increasing the percentage of eligible project costs (from 70% to 100%) that can be financed by loans from the Pollution Control Bond Fund should result in more loans as cities and counties seek ways to offset the loss of federal and state grants. It is not practical to make any estimate of additional loan volume.
- (2) The Department proposes to recover expenses incurred in administering the Pollution Control Bond Fund program by slightly adding to the interest rate it charges on new loans or new obligations. Over time the additional revenue thus credited to the Pollution Control Sinking Fund will offset the Department's expenses which will be charged to the Sinking Fund.

The Department estimates that a surcharge of one-tenth of one percent should be sufficient to fund administrative costs over the years. The impact on a sample loan or bond purchase is illustrated below:

\$1 million 20 year bond issue

Interest rate	7.4366%
Surcharge	<u>0.1000%</u>
Effective rate	<u>7.5366%</u>
Average annual interest cost	\$47,743
Average annual surcharge	<u>642</u>
Total Annual Cost	<u>\$48,385</u>
Total 20 year interest cost	\$954,860
Total 20 year surcharge	<u>12,840</u>
Total Cost	<u>\$967,700</u>

OREGON LEGISLATIVE ASSEMBLY--1981 Regular Session

Enrolled

## Senate Bill 142

PRINTED PURSUANT TO ORS 171.130 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Department of Environmental Quality)

CHAPTER.....<sup>312</sup>.....

AN ACT

Relating to pollution; amending ORS 468.195, 468.220, 468.230 and 468.255.

Be It Enacted by the People of the State of Oregon:

Section 1. ORS 468.195 is amended to read:

468.195. In order to provide funds for the purposes specified in Article XI-H of the Constitution of Oregon, the commission, with the approval of the State Treasurer, is authorized to issue and sell such general obligation bonds of the State of Oregon, of the kind and character and within the limits prescribed by Article XI-H of the Constitution of Oregon as, in the judgment of the commission, shall be necessary. The bonds shall be authorized by resolution duly adopted by a majority of the members of the commission at a regular or special meeting of the commission. The principal amount of the bonds outstanding at any one time, issued under authority of this section, shall not exceed [~~\$160~~] \$260 million par value.

Section 2. ORS 468.220 is amended to read:

468.220. (1) The department shall be the agency for the State of Oregon for the administration of the Pollution Control Fund. The department is hereby authorized to use the Pollution Control Fund for one or more of the following purposes:

(a) To grant funds not to exceed 30 percent of total project costs for eligible projects as defined in ORS 454.505 or sewerage systems as defined in ORS 468.700. [*A grant may be made under this paragraph only with the prior approval of the Joint Committee on Ways and Means during the period when the Legislative Assembly is in session or the Emergency Board during the interim period between sessions.*]

(b) To acquire, by purchase, or otherwise, general obligation bonds or other obligations of any municipal corporation, city, county, or agency of the State of Oregon, or combinations thereof, issued or made for the purpose of paragraph (a) of this subsection in an amount not to exceed [~~70~~] 100 percent of the total project costs for eligible projects.

(c) To acquire, by purchase, or otherwise, other obligations of any city that are authorized by its charter in an amount not to exceed [~~70~~] 100 percent of the total project costs for eligible projects.

(d) To grant funds not to exceed 30 percent of the total project costs for facilities for the disposal of solid waste, including without being limited to, transfer and resource recovery facilities.

(e) To make loans or grants to any municipal corporation, city, county, or agency of the State of Oregon, or combinations thereof, for planning of eligible projects as defined in ORS 454.505, sewerage systems as defined by ORS 468.700 or facilities for the disposal of solid waste, including without being limited to, transfer

and resource recovery facilities. Grants made under this paragraph shall be considered a part of any grant authorized by paragraph (a) or (d) of this subsection if the project is approved.

(f) To acquire, by purchase, or otherwise, general obligation bonds or other obligations of any municipal corporation, city, county, or agency of the State of Oregon, or combinations thereof, issued or made for the purpose of paragraph (d) of this subsection in an amount not to exceed [70] 100 percent of the total project costs.

(g) To advance funds by contract, loan or otherwise, to any municipal corporation, city, county or agency of the State of Oregon, or combination thereof, for the purpose of paragraphs (a) and (d) of this subsection in an amount not to exceed [70] 100 percent of the total project costs.

(h) To pay compensation required by law to be paid by the state for the acquisition of real property for the disposal by storage of environmentally hazardous wastes.

(i) To dispose of environmentally hazardous wastes by the Department of Environmental Quality whenever the department finds that an emergency exists requiring such disposal.

(j) To acquire for the state real property and facilities for the disposal by landfill, storage or otherwise of solid waste, including but not limited to, transfer and resource recovery facilities.

(2) The facilities referred to in paragraphs (a) to (c) of subsection (1) of this section shall be only such as conservatively appear to the department to be not less than 70 percent self-supporting and self-liquidating from revenues, gifts, grants from the Federal Government, user charges, assessments and other fees.

(3) The facilities referred to in paragraphs (d), (f) and (g) of subsection (1) of this section shall be only such as conservatively appear to the department to be not less than 70 percent self-supporting and self-liquidating from revenues, gifts, grants from the Federal Government, user charges, assessments and other fees.

(4) The real property and facilities referred to in paragraph (j) of subsection (1) of this section shall be only such as conservatively appear to the department to be not less than 70 percent self-supporting and self-liquidating from revenues, gifts, grants from the Federal Government, user charges, assessments and other fees.

(5) The department may sell or pledge any bonds, notes or other obligations acquired under paragraph (b) of subsection (1) of this section.

(6) Before making a loan or grant to or acquiring general obligation bonds or other obligations of a municipal corporation, city, county or agency for facilities for the disposal of solid waste or planning for such facilities, the department shall require the applicant to demonstrate that it has adopted a solid waste management plan that has been approved by the department. The plan must include a waste reduction program.

(7) Any grant authorized by this section shall be made only with the prior approval of the Joint Committee on Ways and Means during the legislative sessions or the Emergency Board during the interim period between sessions.

(8) The department may assess those entities to whom grants and loans are made under this section to recover expenses incurred in administering this section.

Section 3. ORS 468.230 is amended to read:

468.230. (1) The commission shall maintain, with the State Treasurer, a Pollution Control Sinking Fund, separate and distinct from the General Fund. The Pollution Control Sinking Fund shall provide for the payment of the principal and interest upon bonds issued under authority of Article XI-H of the Constitution of Oregon and ORS 468.195 to 468.260 and administrative expenses incurred in issuing the bonds. Moneys of the sinking fund are hereby appropriated for such purpose. With the approval of the commission, the moneys in the Pollution Control Sinking Fund may be invested as provided by ORS 293.701 to 293.776, and earnings from such investment shall be credited to the Pollution Control Sinking Fund.

(2) The Pollution Control Sinking Fund shall consist of all moneys received from ad valorem taxes levied pursuant to ORS 468.195 to 468.260 and assessments collected under ORS 468.220 (8), all moneys that the Legislative Assembly may provide in lieu of such taxes, all earnings on the Pollution Control Fund, Pollution Control Sinking Fund, and all other revenues derived from contracts, bonds, notes or other obligations, acquired, by the commission by purchase, loan or otherwise, as provided by Article XI-H of the Constitution of Oregon and by ORS 468.195 to 468.260.

(3) The Pollution Control Sinking Fund shall not be used for any purpose other than that for which the fund was created. Should a balance remain therein after the purposes for which the fund was created have been

fulfilled or after a reserve sufficient to meet all existing obligations and liabilities of the fund has been set aside, the surplus remaining may be transferred to the Pollution Control Fund at the direction of the commission.

Section 4. ORS 468.255 is amended to read:

468.255. Any funds advanced by the commission by grant shall not exceed 30 percent of the total project costs for eligible projects or for facilities related to disposal of solid wastes, and any obligation acquired by the commission by purchase, contract, loan, or otherwise, shall not exceed ~~[70]~~ 100 percent of the total project costs for eligible projects or for facilities related to disposal of solid wastes. Combinations of funds granted and loaned by whatever means shall not total more than 100 percent of the eligible project costs.

Passed by Senate May 13, 1981

Repassed by Senate June 30, 1981

.....  
Secretary of Senate

.....  
President of Senate

Passed by House June 26, 1981

.....  
Speaker of House

Received by Governor:

..... M., 1981

Approved:

..... M., 1981

.....  
Governor

Filed in Office of Secretary of State:

..... M., 1981

.....  
Secretary of State



## *Environmental Quality Commission*

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

### MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item U, October 9, 1981 Environmental Quality Commission Meeting. Informational Report: Marion County Solid Waste Program.

### Background

The Brown's Island Sanitary Landfill is the major regional site serving the waste disposal needs of most Marion County residents, eastern Polk County, and some portions of Linn County.

Marion County has been on notice to locate a new regional landfill since January, 1974 when portions of Brown's Island washed out and when monitoring data started to show groundwater degradation was occurring beyond the fill boundaries. At that time, Marion County had already commenced an engineering study which proposed to burn refuse and sell steam to Salem industries. In order to allow for completion of the study, authorization to expand Brown's Island onto 21 acres of adjacent county-owned land was granted.

While the study looked promising during the planning stages, it later failed to identify a steam plant location, and no one expressed an interest in contracting for steam purchase. When these findings came to light, the Marion County Commissioners immediately launched an active program to site a new landfill. They appointed a special "Site Search Committee" comprised of representatives from USDA Soil Conservation Service, State Water Resources Department, private landfill operators, Marion County, and DEQ Solid Waste staff.

Based on soil, geology, and groundwater maps of the county, this Committee field reviewed over 30 potential sites. The "Site Search Committee" list was screened by the County Solid Waste Committee, and the top three sites were listed for the County Commissioners. The Commissioners directed a public meeting be held on these sites to assist them in making a final selection. Public turnout was heavy with estimates ranging from 900-1200 persons. Strong opposition was voiced because in-depth studies were not completed on each site, the land owners in question (and their neighbors) were strongly opposed to forced condemnation of property, and alternative methods for handling solid waste in Marion County had not been adequately researched.



Contains  
Recycled  
Materials

In the face of such strong opposition, local interest in siting a new landfill died, and the matter was brought before the Environmental Quality Commission at their April, 1978, meeting.

Upon request by Marion County, the Commission authorized a 5-year extension of the Brown's Island Sanitary Landfill Permit. The purpose in granting this extension was to provide Marion County ample time to phase out Brown's Island in an orderly way, and implement a long-range solid waste management program. As a condition for granting the 5-year extension, the Commission directed Marion County to submit annual reports to the Department so progress could be monitored.

Subsequent to the Commission's action, the site was inventoried in accordance with EPA RCRA criteria. The site was found unsuitable for continued operation as a sanitary landfill based on monitoring well data which confirmed ground-water degradation was occurring beyond the fill boundaries. Accordingly, the site was classified as an "open dump", and a July 1, 1983 closure date was established to complement previous Commission action. Since this year marks roughly the "halfway" point, staff felt the Commission should be formally updated on the County's actions and accomplishments.

#### Evaluation

Following the 1978 Commission action, Marion County took significant steps to change and upgrade their solid waste program. These included:

1. Hiring a full time Solid Waste Director.
2. Creating a Solid Waste Department and staffing it with four full-time positions.
3. Formation of the Marion County Solid Waste Advisory Council (SWAC).
4. Hiring qualified consulting firms (4) to develop programs and plans recommended by SWAC.
5. Appointment of a Technical Advisory Group (TAG) to review and assist in development of proposals submitted by SWAC.

The above groups were very active, and citizen participation involved over 250 persons during various planning stages. By September, 1980, SWAC published their first report, "Putting The Pieces Together" (Attachment 1).

This document recommended goals for Marion County and suggested methods for attaining them. After acceptance of this report, Marion County spent the remainder of 1980 and the first half of 1981 working with engineering and consulting firms to develop implementation plans that would reflect SWAC's recommendations.

As recommended by SWAC, considerable time and emphasis was placed on development of a densified refuse derived fuel (dRDF) facility that would produce pelletized fuel for sale to State institutions in Salem. During negotiations with the State and private industry, many technical and administrative problems arose. To partially address these, Oregon legislative action was required.

Accordingly, Marion County authored and obtained passage of SB479 (Attachment 2). This Bill has statewide impact and basically sets the framework for Marion County to:

1. Enter into long-term contracts with the State for sales of alternative fuels. (The state can contract with anyone for this purpose.)
2. Maintain and direct solid waste flow control.
3. Establish franchises and control fees.

After passage of SB479, the consulting firms of Merrill Lynch (finance) and Brown and Caldwell (engineering) completed their research to determine if the proposed dRDF project would be feasible and cost effective for Marion County.

Their final report concluded the project would not be economically competitive with conventional landfilling options for at least another eight to ten years. As such, they recommended postponing the project until the economic climate is more favorable and additional fuel markets are developed. In the interim, they advised Marion County to obtain a new landfill as soon as possible.

Though disappointed with the findings on the energy recovery option, Marion County had completed sufficient planning to implement siting of a new landfill. Of twenty potential sites evaluated by SWAC and/or the Marion County Solid Waste Department, the selection process has now been narrowed down to the top two sites, both located southeast of Salem.

The I-5 Landfill Site is a 467-acre parcel that private industry (Brown's Island, Inc.) has obtained a long-term lease-option on. The site received extensive review by DEQ, and a preliminary feasibility approval has been issued. Final design plans and land use hearings are now pending.

The O-W Landfill Site is a 596-acre parcel that the County Solid Waste Department is pursuing in cooperation with the property owner. Geotechnical and engineering studies are in progress, but have not been forwarded to DEQ for review as of this writing.

According to a revised time schedule released by the Marion County Board of Commissioners on August 27, 1981 (Attachment 3), land use hearings will be held on the above sites before November 1, 1981. Upon completion of these hearings, Marion County will make a final site selection and apply for a DEQ Solid Waste Permit on or before December 15, 1981. If this schedule is maintained, the new landfill site should be operational prior to the July 1, 1983 closure of Brown's Island.

In conjunction with the landfill option, SWAC recommended establishment of a central receiving facility so only large transfer vehicles would be allowed access to the new landfill. Private industry does not concur with this recommendation. Their proposal calls for establishment of a smaller transfer station to serve the public, while private and commercial haulers would be allowed direct access to the landfill. Locations have been identified for these facilities; however, the County has not committed to either recommendation at this time.

Several additional developments have occurred which deserve Commission notice:

1. On July 22, 1981, SWAC presented their final report and recommendations (Attachment 4) to the Marion County Board of Commissioners and indicated they had completed all of their assigned tasks. As such, the Board accepted their report and officially disbanded SWAC. All actions toward implementation of SWAC's recommendations are now vested with the Board.
2. Rather than just writing off the possibility for an energy project, the Marion County Board of Commissioners has directed their staff to actively pursue opportunities that may be available under the recently passed Northwest Power Bill. The need for additional sources of electrical energy has prompted Bonneville Power Administration (BPA) to offer planning and implementation grants for projects that could generate alternative sources of electricity. Marion County has filed (with the personal endorsement of Governor Atiyeh) an application (Attachment 5) for funds to develop a co-generation facility that would burn refuse to produce electricity and steam. As proposed, electricity would be sold to BPA and residual steam may be available for use by the State institutions. As a point of information, DEQ has encouraged Marion County to increase the scope of their energy proposal to include examination of electrical power generation alone as contrasted to cogeneration in case the rate of return might be more favorable. BPA has not responded to Marion County's request as of this writing.
3. Staff has received informal inquiries regarding future use of the Brown's Island Sanitary Landfill. Due to reduced solid waste volumes during the past 2 years and perhaps an "over-design", the Brown's Island Sanitary Landfill expansion area will not be filled by July 1, 1983. Questions have been raised regarding the potential to re-open this facility after July 1, 1983 as a demolition landfill to facilitate proper final closure. Staff feels it is premature to commit to any future use of this site until a new regional facility has been sited. After establishment of a new facility, if interests are still expressed, the matter can then be brought before the Commission for consideration.



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.

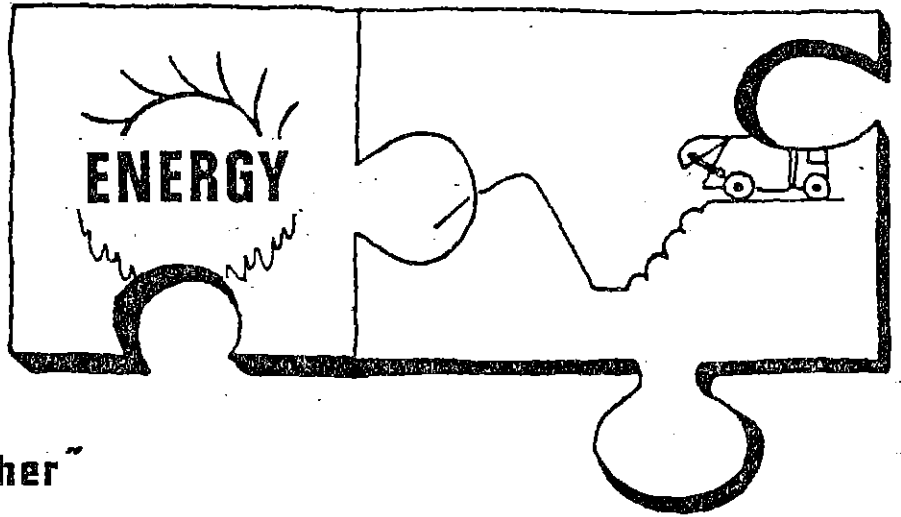
*Bill*

William H. Young

Attachments:

1. September, 1980, SWAC Report.
2. SB479.
3. Marion County time schedule for siting a new landfill.
4. Final SWAC report.
5. August, 1981, BPA Grant Proposal.

Gary Messer:ts  
378-8240  
September 3, 1981

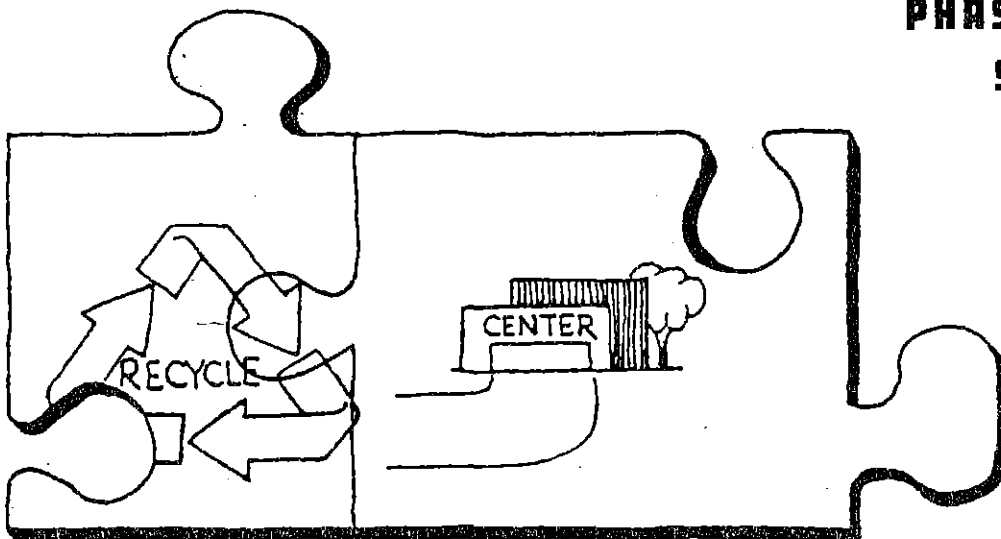


**"Putting the Pieces Together"**

# **A SOLID WASTE SYSTEM for MARION/POLK COUNTIES**

**PHASE I SUMMARY**

**Sept. 1980**



Design and Editing: Dena Sweeney

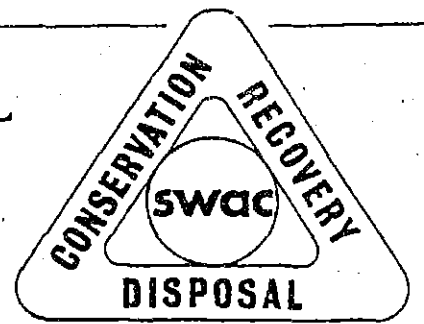
Typing: Bill Bearden

With a  
Special "thanks"  
to  
Terry Fristad  
for  
complimenting this report  
with his outstanding graphics.

# SOLID WASTE ADVISORY COUNCIL

MARION COUNTY

September 1, 1980



To the Residents of Marion & Polk Counties:

This report has been prepared to outline the process that was followed by the members of the Solid Waste Advisory Council (SWAC) in arriving at the recommendations for the proposed total solid waste system for Marion and parts of Polk County.

An engineering report recommended a "lead time" of three years and 10 months in order to have a landfill "on line" by 1983, when Brown's Island is scheduled to be closed permanently. Keeping that in mind SWAC members set a time frame which included realizing a solid waste management proposal by August 1980.

SWAC participants are to be commended for their unswerving perseverance in meeting that time commitment. These citizens spent thousands of hours in weekly meetings over the past year, refining the various aspects of managing our garbage.

The Solid Waste Advisory Council has been one of the finest examples of citizen participation that I have ever seen. The composition of the Council has afforded any interested party an opportunity to represent "a point of view". Our public information program has gone out into the community to encourage participation. I want to thank each and every one who has given time and attention to the development of these proposed recommendations.

When I volunteered to serve on Marion County's SWAC in June of 1979, I recognized that the task before us was to develop for the Board of Commissioners, "recommendations on the methods for an economical total system of solid waste management." This report represents our best effort to do just that.

Sincerely,

*Sharon Fatland*

Sharon Fatland  
Chairman  
Marion County Solid Waste  
Advisory Council

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## **Marion County Board of Commissioners**

*Chairman Randall Franke  
Commissioner Harry Carson  
Commissioner Pat McCarthy*

## **Polk County Board of Commissioners**

*Chairman Lyn Hardy  
Commissioner Ben Magill  
Commissioner Henry Dougherty*

## **Solid Waste Advisory Council**

*Sharon Fatland, Chairman  
Don Paluska, MD, Vice-Chairman*

## **Department of Solid Waste**

*Larry E. Trumbull, Director  
Jerry E. Carter, Coordinator  
Terry Fristad, Specialist  
Bill Bearden, Secretary  
Dena Sweeney, Consultant*

SOLID WASTE ADVISORY COUNCIL  
SENATOR BLDG.  
220 HIGH ST.  
SALEM, OR 97301  
(503) 588-5169

September, 1980

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*INTRODUCTION*

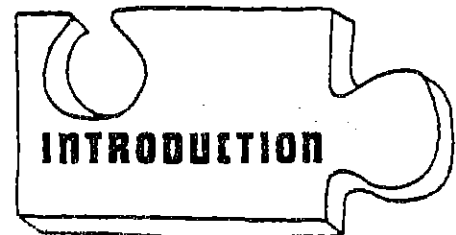
Each day, an astonishing 720 tons of solid waste are produced by the citizens in this area. If these wastes were to be collected in McCulloch Stadium at Willamette University, the garbage would cover the entire field and engulf the light poles, in just one year.

*"out of sight...out of mind"*

Most people say that once they've placed the garbage in the sack, can, bag or box, where it is "out of sight"--it is easy to put it "out of mind". But that kind of attitude might have to change.

Brown's Island, the major landfill for Marion and portions of Polk County is scheduled to close, by State order on July 1, 1983. What then do we do with 133,500 tons of garbage that is presently being buried, each year, in this area. An alternative to the present system for solid waste must be in operation by that date. If the system is not on line by the time the gates close permanently, one could hardly put that much garbage "out of sight", let alone "out of mind".

In June 1979, the Marion County Board of Commissioners established the Solid Waste Advisory Council (SWAC) and charged the members to investigate several possible alternative methods to solid waste disposal. The citizens were asked to return with their recommendations in a timely fashion. This summary outlines the work of the citizens in "carrying out that charge."



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**BACKGROUND**

Some form of regulation on solid waste dates as far back as 1939 in the City of Salem. Some ten years later, the first regulation in Marion County appeared. A variety of prescribed rules and regulation for the operation of garbage and refuse disposal sites have emerged since then.

A Marion County "Solid Waste Collection and Disposal Ordinance" was adopted in 1969 with the responsibility and program supervision assigned to the County's Public Works Department:

The first solid waste ordinance for Polk County was adopted in 1970. That was the same year that efforts for the Chemeketa Region began.

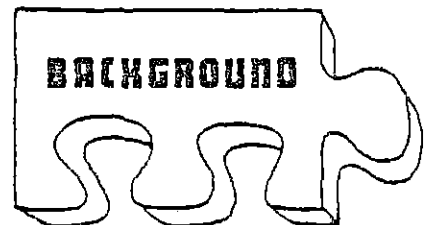
**CHEMEKETA REGION PROGRAM**

By this time public concerns had become regional in nature. More and more communities were having to face the problem of replacing their small open-burning dumps with larger regional landfills.

Tons of solid waste were mounting more rapidly than the necessary expertise or funds to handle them.

*"the formation of the Chemeketa Region grew out of interest that was spurred by Marion County citizens..."*

In April 1970, five counties that shared a rather natural physical basin, known as the Mid-Willamette Valley, undertook a unique project of intergovernmental cooperation.





---

EPA funded the initial model project with a sixteen month grant. In order to incorporate additional data, tide-over grants from the Department of Environmental Quality (DEQ) supplemented the project. By 1973 the five counties Benton, Linn, Marion, Polk and Yamhill had signed agreements which established the region. In 1974, the Chemeketa Region Solid Waste Management Program was adopted with a 13-member Board of Directors. Following that time, the handling of problems on a regional basis seemed to become more cumbersome...

*...interest in continuing intergovernmental cooperation waned...*

In spite of the lack of leadership direction of the municipal governments in the project, the Chemeketa Region Board has continued to serve in a coordinating role on all matters of solid waste.

Any recommendations passed by county commissioners, must be approved by the Chemeketa Region Board. Eventually those recommendations must be amended into the Marion or Polk County portion of the five-county Solid Waste Management Program. Commissioner Randall Franke (Marion County) serves as the Board's elected chairman presently.

*Marion and Polk County strike out alone.*

Acting in response to a closure notice of Brown's Island, from DEQ, Marion County struck out on its own in 1976. The County Commissioners formed a Technical Site Search Committee on October 25, 1976.

---

At that time the Commissioners experienced massive opposition to each of the three alternative sites that had been identified.

Technical efforts were sound and thorough, however critics have blamed the "single purpose approach" along with the "lack of public involvement as major reasons for the failure.

Costly emergency measures were implemented, as a result of the failure. Brown's Island had a longer life expectancy, but DEQ would be knocking on Marion County's door again.

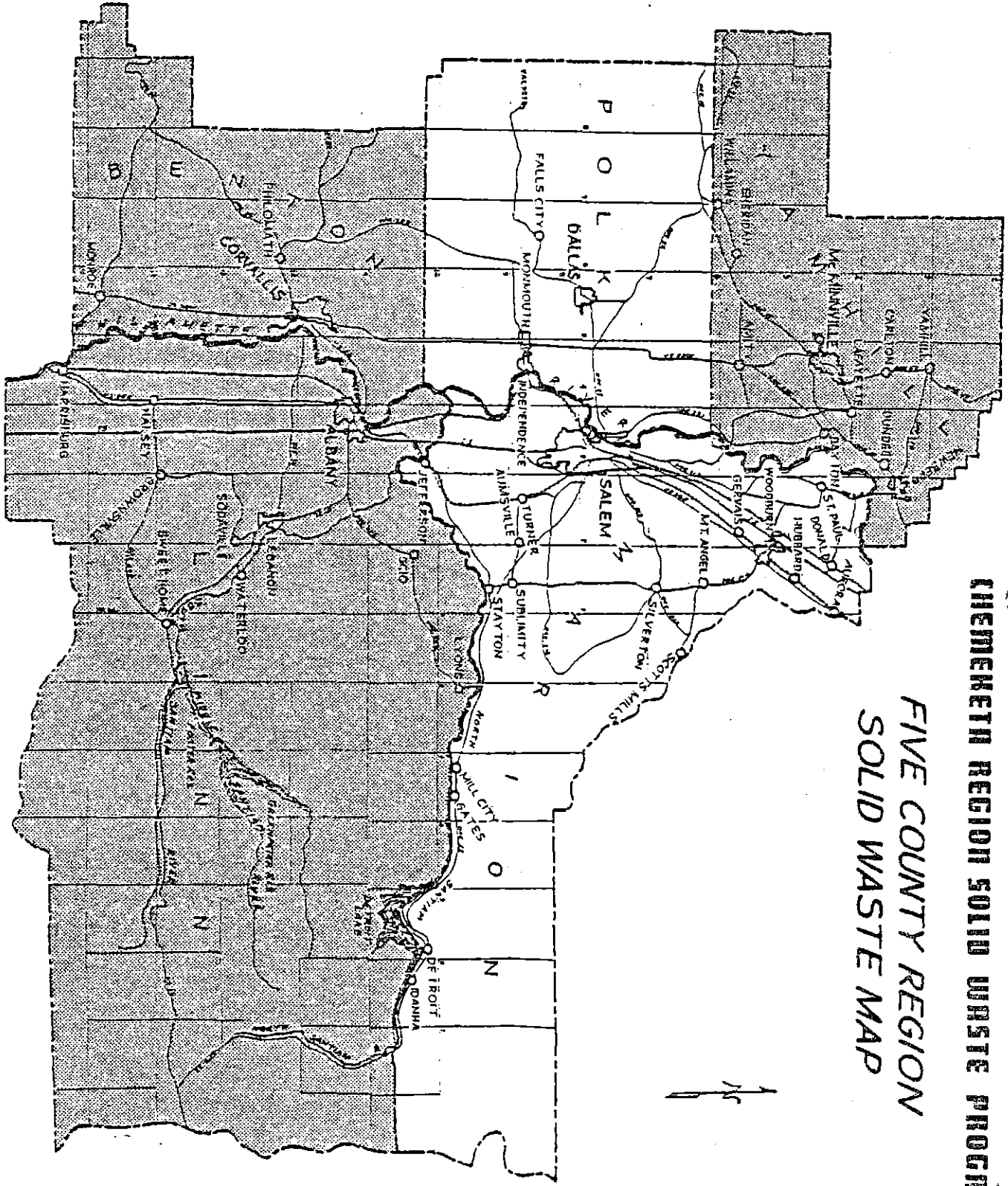
In 1979 Senate Bill 925 was introduced as a result of Marion County and other local government's problems in failing to site landfills. Although SB925 underwent considerable changes, it passed into law. DEQ was granted more power over local government, primarily those experiencing disposal crises. Simply, SB925 provides that if counties fail to site a landfill, the EQC (Environmental Quality Commission) can order DEQ to step in and site one.

Experience had taught Marion County that decisions that take time to get acceptance and understanding, must have the public involved from the beginning.

On June 20th, 1979, the Marion County Board of Commissioners officially established the Solid Waste Advisory Council (SWAC). (Appendix 1)

**KIHEHEHEIN REGION SOLID WASTE PROGRAM**

**FIVE COUNTY REGION  
SOLID WASTE MAP**



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SOLID WASTE ADVISORY COUNCIL

The Marion County Commissioners also established an official Technical Advisory Group (TAG) to assist the members of SWAC. The group was to be made-up of professional and experienced persons in the field of solid waste and allied fields and sciences. Because of the possibility of "special interests", it was suggested that the TAG members refrain from voting on the citizen recommendation issues.

Polk County entered into an intergovernmental agreement with Marion County on August 15, 1979 to allow for a common planning effort on solid waste matters. However, Polk County reserved the right to carry out individual solid waste planning efforts, but under the agreement would consider material and recommendations submitted by the SWAC. It should be pointed out that Polk County has a separate Solid Waste Advisory Council, however the membership has equal voting rights at the SWAC meetings.

Volunteers who serve Marion County's SWAC are representatives of government, business and anyone who is an interested citizen. At the first meeting on July 12, 1979, Sharon Fatland was elected Chairman and Don Paluska, vice-chairman. (Both have continued to serve in those roles over the months of work.)

The initial meeting opened with a statement of objectives and time limits as set forth by the County Commissioners. By-laws were adopted and work began on the action committees. (Appendix 2)

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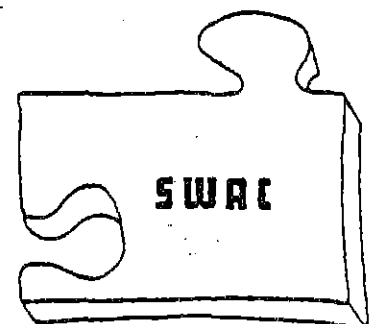
SWAC GOALS AND OBJECTIVES AUG. 9, 1979

GOAL

To recommend a solid waste program to the Marion County Board of Commissioners by or before August, 1980, that provides for safe, efficient, sanitary, esthetic, and economic, quantity reduction, transport, resource recovery, and disposal of solid waste.

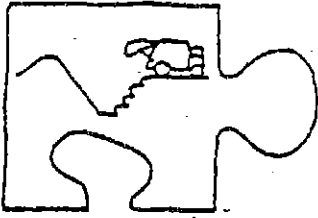
OBJECTIVES

1. Provide for a maximum of economy by considering gains from area-wide systems; and by minimizing risk on capital investments.
2. Provide for conservation and reclamation of resources. (other than land)
3. Provide for conservation and reclamation of land resources
4. Insure public awareness, inputs and acceptance of program at all stages of development.
5. Provide for a minimum of adverse environmental impacts.
6. Provide a solid waste program with a maximum of flexibility to accomodate future changes in regulations, waste composition, recycle markets, etc.
7. Provide a program which considers, and sets opportunities for, private industry.



# COMMITTEES 1979

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## LANDFILL ACTION COMMITTEE

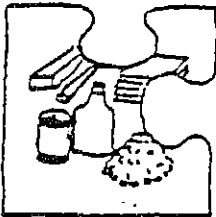
*Don Paluska, Chairman*

### LANDFILL SITE

*Selection Section*

### LANDFILL SITE

*Criteria Section*

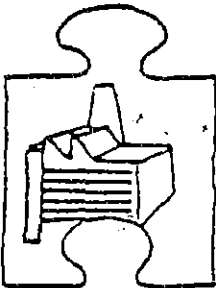
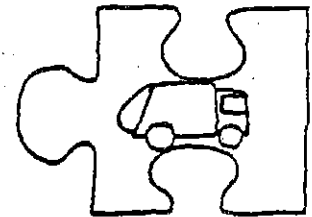


## SOLID WASTE CHARACTERISTICS TASK FORCE

*Tom Pilcher, Chairman*

## TRANSPORTATION TASK FORCE

*Paul Grizzard, Chairman*

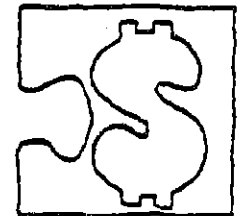


## ALTERNATIVE DISPOSAL METHODS TASK FORCE

*Pat LaRock, Chairman*

## FINANCE TASK FORCE

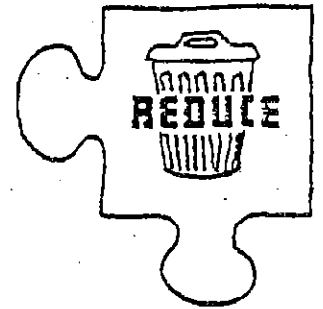
*Dianne Oliver, Chairman*



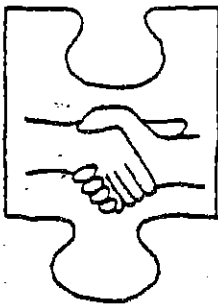
LANDFILL ACTION COMMITTEE GOAL: *To recommend a site for landfiling solid waste residues remaining after material and energy values are removed where technologically and economically feasible.*

WASTE REDUCTION ACTION COMMITTEE

Sharon Fatland, Chairman



WASTE REDUCTION COMMITTEE GOAL: To recommend a Solid Waste Program to the Marion County Board of Commissioners by or before August, 1980, that provides for safe, efficient, sanitary, esthetic, and economic; quantity reduction, transport, recycling, resource recovery, and disposal of solid waste.

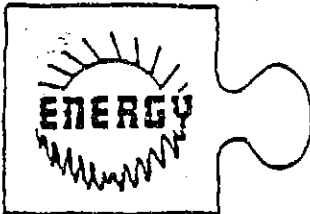
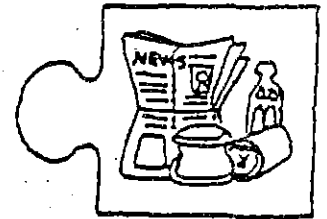


PUBLIC AWARENESS TASK FORCE

Sharon Gray, Chairman

SOURCE REDUCTION

Section

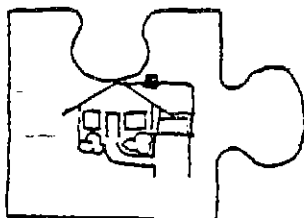
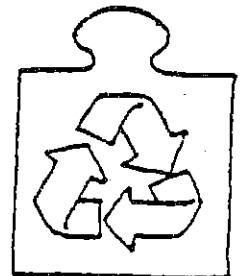


ENERGY RECOVERY TASK FORCE

Leo Chaffin, Chairman

MATERIAL REDUCTION TASK FORCE

Jerry Willis, Chairman



HOME SEPARATION

Section

# GOALS & OBJECTIVES

## LANDFILL ACTION COMMITTEE

### GOAL:

To recommend a site for landfilling solid waste residues remaining after material and energy values are removed where technologically and economically feasible.

OBJECTIVES: 1) To minimize environmental impacts by thorough appraisal and review of any proposal site.

2) To identify alternatives which can reduce the area of land required for landfilling; and to recommend selected systems where technically, socially and economically feasible.

3) To provide the best available assessment of current volume and characteristics of solid waste and the expected change in these characteristics in the period ending 1990.

4) To provide an evaluation of transportation methods sufficient to recommend an efficient, economic and socially acceptable means of transporting solid waste.

5) To evaluate the several available systems for acquiring funds to construct and operate solid waste facilities; and to recommend a financing method for whatever system may be proposed by the Land Action Committee.

### TASK FORCE OBJECTIVES

#### Solid Waste Characteristics

##### ● Goal:

To identify current, and estimate future, amounts and composition of Solid Waste, including household, demolition, commercial and industrial wastes.

##### ● Objectives:

1) To contact waste sources to develop information on current and future amount and composition of wastes.

2) To contact current landfill operators for information on waste amounts.

3) To utilize energy and other resource experts to estimate trends in waste composition and amounts.

4) To provide a formal set of data on current and future solid waste characteristics sufficient for the achievement of the objectives of the other SWAC Task Force Groups.

#### Finance Committee

##### ● Goal:

To recommend a funding method or methods which best meet the needs of the public.

##### ● Objectives:

1) To identify and review the various alternative financing methods available to provide capital and/or operating funds for solid waste program.

2) To enumerate the legal, political, social and time considerations with each alternative.

3) To set out criteria against which a funding method can be weighed in terms of "pro's & con's".

4) To advise other task force groups on limits and capabilities of funding methods for candidate systems.

5) To recommend one or more financing system(s)

6) To keep in mind the economy, efficiency & flexibility possible through funding by industry.

#### Transportation Task Force

##### ● Goal:

To recommend transportation methods which best meet the social, environmental, and economic needs of the people.

##### ● Objectives:

1) To provide for an energy efficient transport system.

2) To provide for a transport system which minimizes adverse environmental impacts in the area of noise, litter, odor and scenic values.

3) To provide for convenience, sanitary and safe conditions and economy in waste transport and tipping.

4) To provide selection criteria which will aid other task force groups to choose a mode of transportation compatible with a candidate solid waste program.

#### Alternative Disposal

##### ● Goal:

To recommend a method or methods, of reducing the volume of wastes after receipt but before landfilling.

##### ● Objectives:

1) To identify alternative disposal methods available and their characteristics.

2) To determine specific criteria for evaluating the methods, in the context of a Marion County location.

3) To evaluate alternative disposal methods by the agreed upon criteria (#2 above).

4) To prioritize acceptable alternative disposal methods.



WASTE REDUCTION COMMITTEE

- **GOAL:** To recommend a Solid Waste Program to the Marion County Board of Commissioners by or before August, 1980, that provides for safe, efficient, sanitary, esthetic, and economic; quantity reduction, transport, recycling, resource recovery, and disposal of solid waste.
- **OBJECTIVES:**
  - 1) Provide for a maximum of economy by considering gains from area wide systems; and by minimizing risk on capital investments.
  - 2) Provide for conservation and recovery of resources. (other than land)
  - 3) Provide for the conservation and reclamation of land resources.
  - 4) Promote public awareness, comments and acceptance of program at all stages of development.
  - 5) Provide for a minimum of adverse environmental impacts.
  - 6) Provide a Solid Waste Program with flexibility to accommodate future changes in regulations, waste composition, recycle markets, etc.
  - 7) Provide a program which considers, and sets opportunities for, private industry.
  - 8) To provide for the reduction of volume of solid waste through source reduction.
  - 9) Promote acceptance by local governments of their responsibilities in implementing any adopted Solid Waste Program.

MATERIAL REDUCTION      TASK FORCE OBJECTIVES

- **Goal:** To minimize waste volume going to landfills.
- **Objectives:**
  - 1) To identify materials potentially recoverable (except energy)
  - 2) To project quantities of recoverable materials over the next ten years (to 1990)
  - 3) To identify markets, & values today and projected to 1990.
  - 4) To identify methods and means of promoting, securing, and compensating material recovery.
  - 5) To encourage market development in order to provide a market place for materials.

Energy Recovery

- **Goal:** To evaluate and recommend energy recovery, if appropriate, and to recommend a system or systems, if found possible.
- **Objectives:**
  - 1) To identify energy content of wastes potentially available from Marion and Polk Counties.
  - 2) To project energy content of these wastes over the next ten years (to 1990).
  - 3) To list existing and known energy recovery methods, and be aware of their limits and capabilities.
  - 4) To evaluate the list of alternatives and reduce to those systems reasonably applicable to the study area.
  - 5) To prioritize alternatives and to recommend one or more, including no energy facility, if applicable.

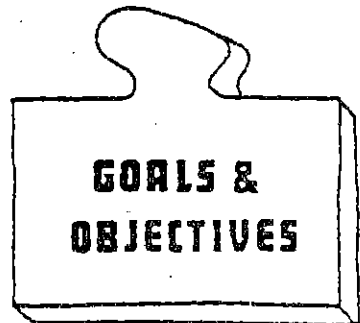
Public Awareness

- **Goal:** To promote public support for the plan as recommended to the Board of Commissioners.
- **Objectives:**
  - 1) To inform the public of the need for Council work.
  - 2) To develop methods to accomplish the above #1.
  - 3) To organize public hearings and testimony sessions as required.
  - 4) To recommend to, and guide and assist staff in implementing public awareness practices.

Source Reduction

- **Goal:** To set forth a program which provides for waste reduction at its source.
- **Objectives:**
  - 1) To suggest legislative programs leading to source reduction.
  - 2) To promote citizen and business awareness of community recycling opportunities.

\*\*\*\*\*  
\* GOALS and OBJECTIVES both prevent \*  
\* duplication of efforts and allow \*  
\* exchange of useful information \*  
\* between Task Force Groups. \*  
\*\*\*\*\*



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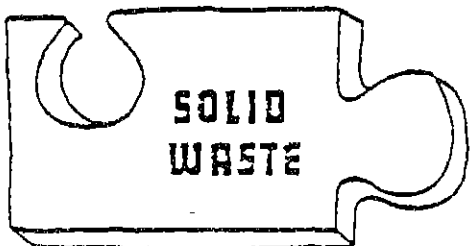
**SOLID WASTE - What is it?**

Simply put, it's the throw aways that you can't store or flush away. It's garbage, yard cleanings, industrial and commercial wastes, construction debris, kitchen and household wastes.

Oregon State Statute defines solid waste as, "all putrescible and nonputrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, waste, paper and cardboard; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction wastes; discarded or abandoned vehicles or parts thereof; discarded home or industrial appliances; manure; vegetable or animal solid or semi-solid wastes; dead animals and other wastes."

**SOLID WASTE - Who produces it?**

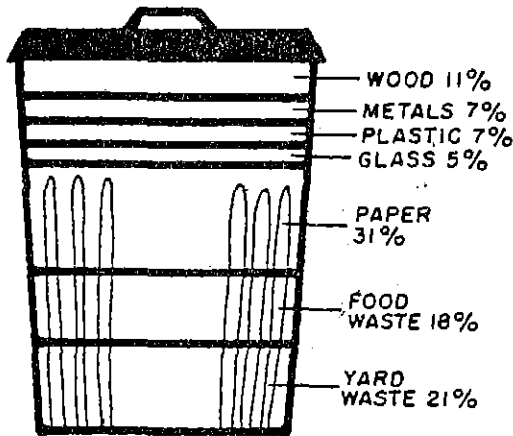
Approximately 720 tons of wastes is produced in this area each day by households, businesses and industries. For the most part, canneries in Marion County lead the way in waste recovery. Aluminum and iron are recovered in significant quantities. The Oregon bottle bill has reduced the amount of aluminum and glass throw-aways. Cardboard, wood, and paper products show about 25% reuse. All of these products total up to 223 tons of material reduction, however we find that approximately 497 tons per day still arrive at the Solid Waste sites of Marion County.



WASTE COMPOSITION

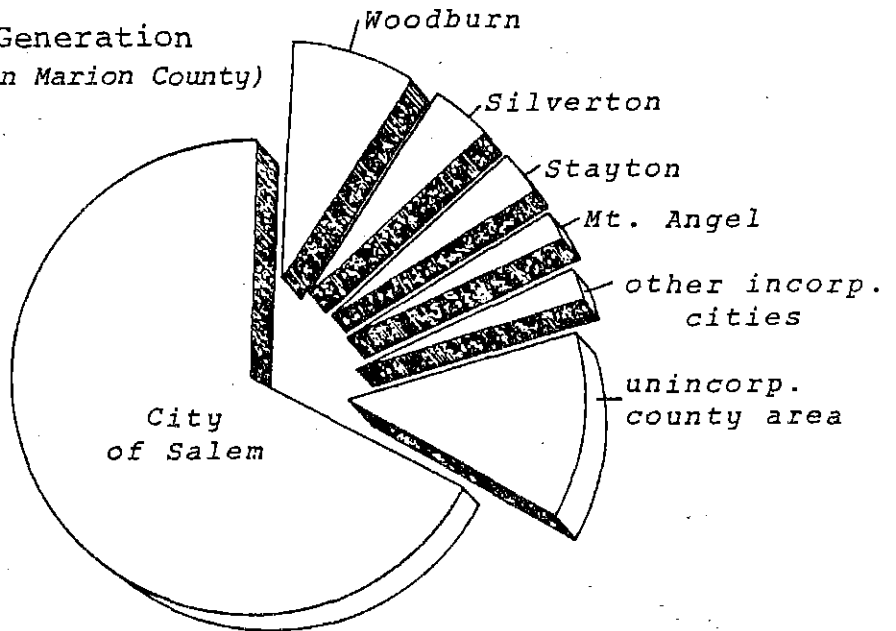
Oct. 1979

<u>1979</u>		<u>1990</u>
31%	Paper	15%
18%	Wood, Cloth	14%
18%	Food Waste	27%
21%	Yard Waste	34%
12%	Other	10%
4800	Energy; BTU/Pound	2800
440	Tons per day	500

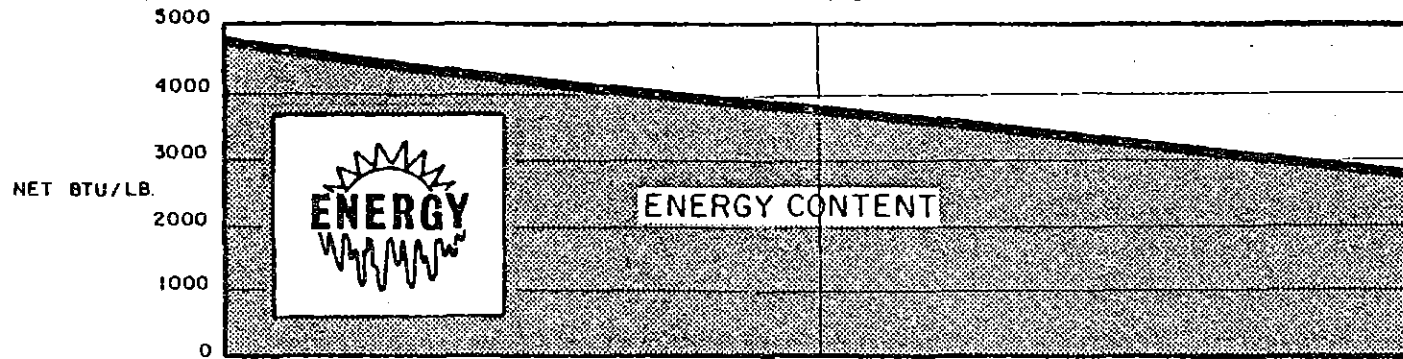
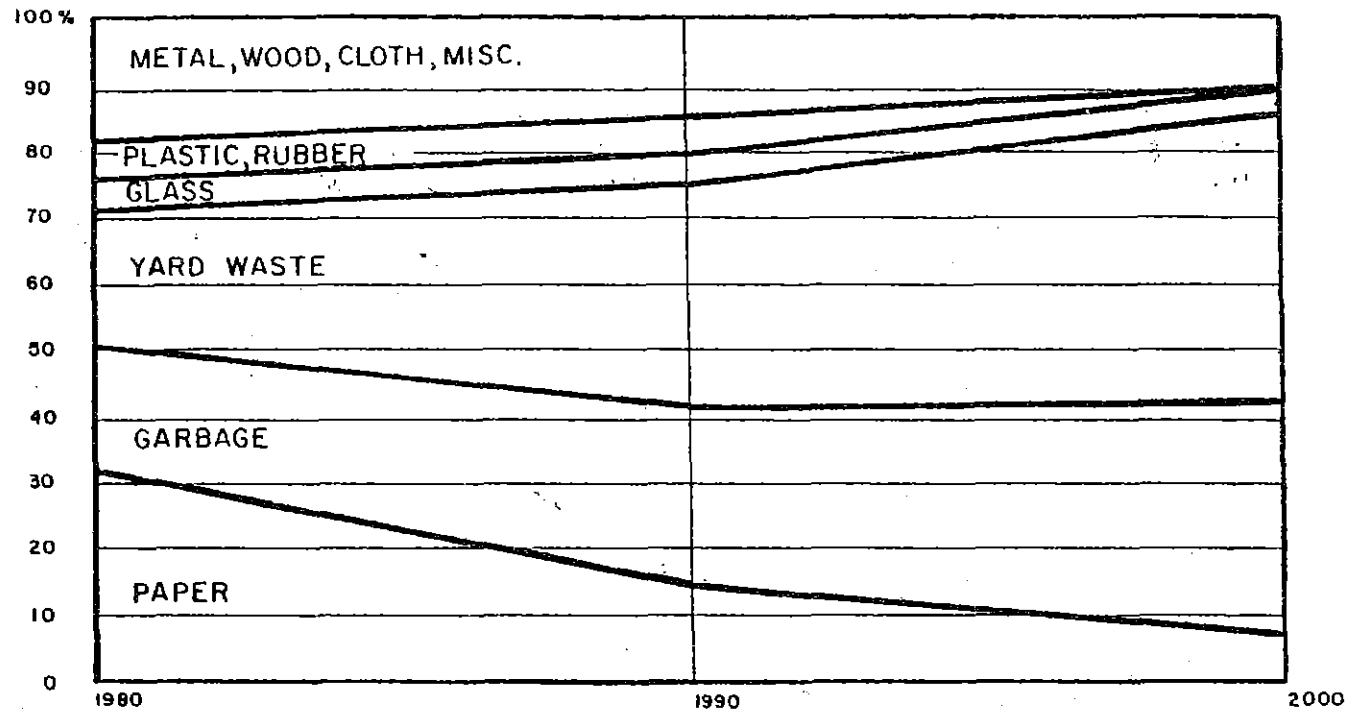


Household Garbage  
 (Each household produces  
 about 1 ton of garbage  
 per year)

Solid Waste Generation  
 (by community in Marion County)



# WASTE COMPOSITION



---

The Solid Waste Characteristics Task Force developed information early so that the data could be utilized throughout all other SWAC studies.

Studies from the prior Chemeketa Solid Waste Plan along with current landfill volume reports were examined. Business, residential demolition and industrial waste sources, output; composition and trends for the area were studied.

Solid wastes studied include:

- RESIDENTIAL AND COMMERCIAL (MIXED) WASTES
- INDUSTRIAL AND INSTITUTIONAL WASTES
- DEMOLITION WASTES
- MISCELLANEOUS WASTES
- INDUSTRIAL WOOD RESIDUES
- SPECIAL WASTES
- OIL AND OIL SLUDGES
- INDUSTRIAL AND OTHER SLUDGES
- CANNERY WASTES
- SEPTIC TANK PUMPINGS
- HOSPITAL WASTES
- ENVIRONMENTALLY HAZARDOUS WASTES
- TIRES
- BULKY WASTES
- AGRICULTURAL WASTES
- DEAD ANIMALS

Summaries of the committee findings include:

- 1) the quantity of waste per person will decline; but increase in population will keep the waste volume constant over the next 20 years.
- 2) composition will change to show a lower percentage of combustible products. Energy costs will reduce oil-based and paper product throw-aways. Yard waste will increase, partly due to stricter D.E.Q. burning regulations.
- 3) the energy content (btu) will decline as large volumes of combustible materials are funneled to the recycle stream.

## INDUSTRY

Private refuse collection companies are franchised by 19 cities in Marion County including the City of Salem and five cities in Polk County. All the rest outside of these incorporated cities are franchised by the two county governments.

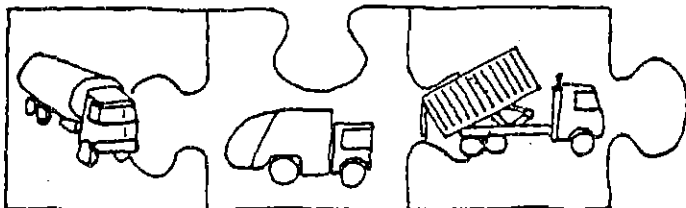
Non-sewerable waste haulers and debris box service operators can be added to the familiar garbage truck brigade. Most of these refuse collection vehicles travel directly to the landfill sites, however two transfer stations exist in Marion County. Stayton Transfer station is located on Fernridge Road and Macleay is located east of Salem.

Marion County has three landfill sites in operation. These include: Brown's Island, Woodburn and McCoy Creek, which are all managed by the solid waste industry.

Polk County sites include a one-acre site near Valsetz and Fowler Demolition site, located in West Salem. Valsetz, a non-putrescible landfill, is owned and operated by Boise Cascade Corporation.

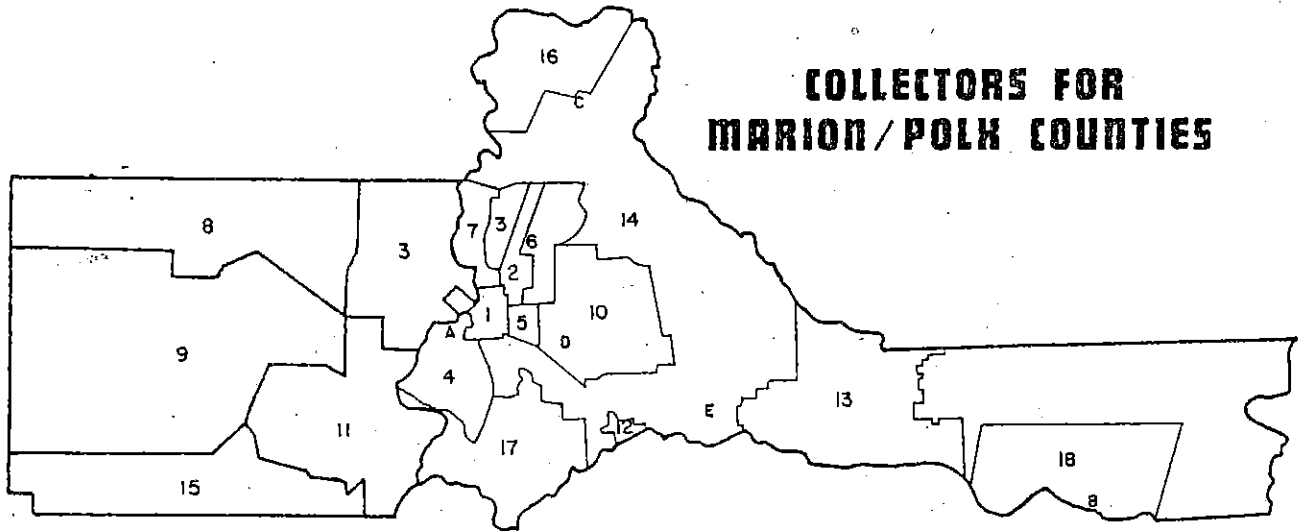
Fowler's Demolition site, which is owned and operated by the solid waste industry, accepts inert material from building demolition and debris from land clearing.

In some communities in Marion County, industry members are participating in on-route recycling programs. These include monthly curbside pickup of residential recyclables. (glass, tin & newspaper)



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**COLLECTORS FOR  
MARION/POLK COUNTIES**



1. Sanitary Service Co., Inc.

10. East Side Disposal, Inc.

2. Ralph's Sanitation Service

11. Brandt Sanitary Service

3. Valley Garbage

12. Stayton Sanitary Service, Inc.

4. D & O Garbage

13. Mill City Disposal Service

5. Suburban Garbage

14. United Disposal Service, Inc.

6. Mike's Sanitation Service

15. Corvallis Disposal

7. Loren's Sanitation Service

16. Lindy Phillips Garbage

8. Willamina-Grand Ronde

17. Pacific Sanitation

9. Dallas Garbage Disposal

18. Canyon Collection Service

# 1980

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Members of the two major 1979 SWAC Committees met regularly on alternate weeks thru July, August, September, October and into November to study almost every conceivable topic affecting disposal of solid waste.

The eleven task force groups developed goals and objectives. They met independently, and almost weekly to fulfill these goals. Respective task force findings were presented periodically to the parent committee for approval. All findings were brought to the general membership meetings of SWAC.

In November 1979 SWAC identified the major alternatives to be pursued. By January 1980 new planning committees were formed to study in depth the alternatives that appeared to be most suitable for Marion/Polk counties. Full citizen committees on priority concepts included: *resource recovery, central receiving, landfilling.*

The Energy and Finance task forces from 1979 were designated to carry on, at full committee status and were directed to coordinate with the three concept committees.

The SWAC membership desired a strong public information and involvement effort. Thus a Public Involvement Committee was formed to work closely with all SWAC committees, the citizens in the two county area and the media.

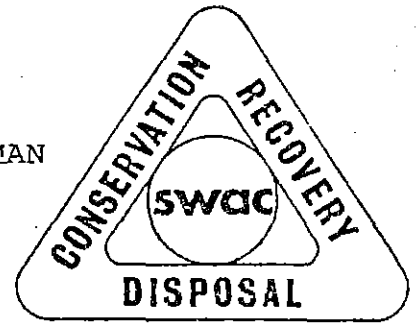
Each committee developed its goals and objectives seeking to stay consistent with the County Commissioners original "charge" to the SWAC members.



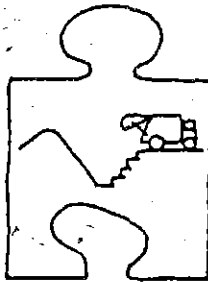
# SOLID WASTE ADVISORY COUNCIL

SHARON FATLAND, CHAIRMAN  
DR. DON PALUSKA, VICE-CHAIRMAN

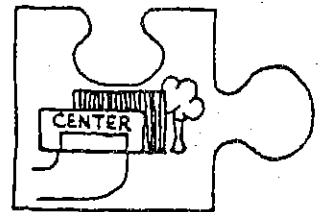
1980



RESOURCE RECOVERY COMMITTEE  
*Dick & Jan Denton Co-Chairmen*

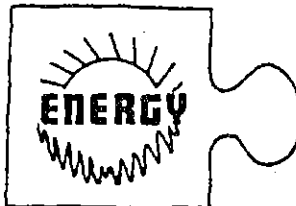
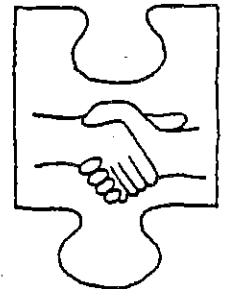


CENTRAL RECEIVING COMMITTEE  
*Garry Kanz, Chairman*  
*Eric Davenport, Vice-Chairman*



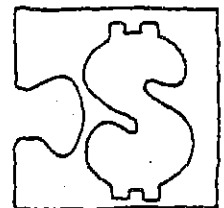
LANDFILL ACTION COMMITTEE  
*Dr. Don Paluska, Chairman*  
*Slim Simmons, Vice-Chairman*

PUBLIC INVOLVEMENT COMMITTEE  
*Sharon Fatland, Chairman*



ENERGY COMMITTEE  
*Jim Cape, Chairman*

FINANCE COMMITTEE  
*Dianne Oliver, Chairman*

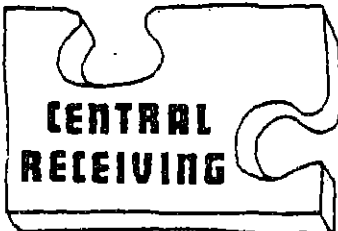


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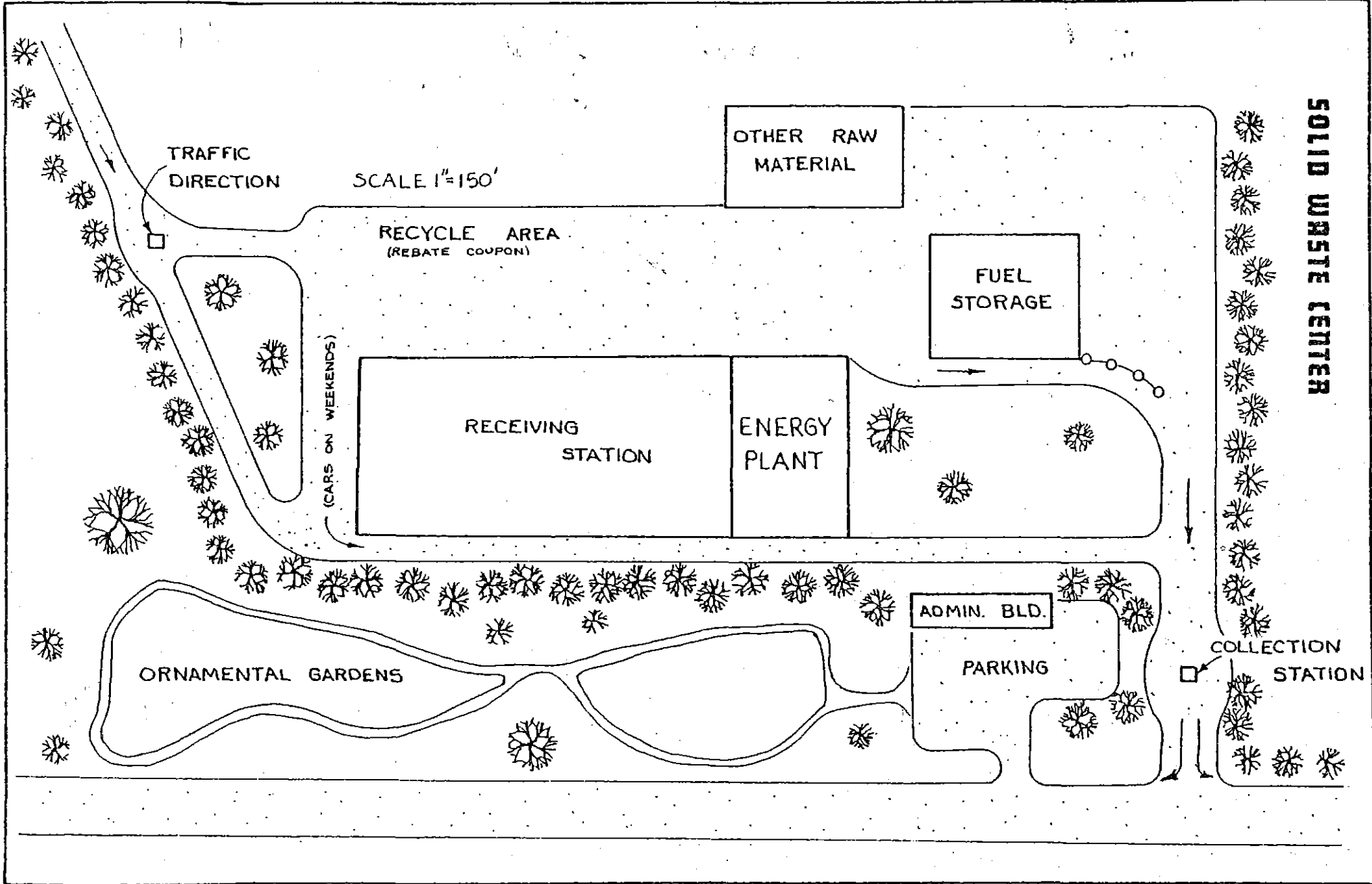
The Central Receiving Committee emerged from the 1979 Transportation Task Force findings. On February 14th, 1980 the Central Receiving Committee identified the following goal: "to set forth an implementable plan for a central receiving station and/or transfer station(s)."

Committee objectives include:

1. Confirm need for central receiving stations (CRS) and/or transfer stations (TS).
2. Specify the initial and future activities to be carried out at the CRS site
3. Recommend estimated size and configuration of facilities, drawing upon Lane County and other experiences.
4. Identify acreage of ground needed for the CRS, both for minimum acceptability and at desired level allowing room for contemplated future activities.
5. Locate at least 2 possible sites for the receiving station, taking into account traffic, city growth, energy, and convenience considerations.
6. Show how facilities permit and lead to eventual energy recovery and/or enhanced material recoveries.
7. From above considerations to prepare a program for implementing the central receiving station (also described as Resource Recovery Center in the current Marion County Solid Waste Plan) including the following:
  - a. 2 or more recommended sites, including a relative rating with committee preference indicated.
  - b. Description of recommended facilities
  - c. Estimated capital cost of facilities
  - d. Estimated annual cost, including maintenance and operation, with a projection of initial per/ton tipping fees.
  - e. Suggest how facilities might best be owned operated and controlled to best provide for the needs of county citizens
  - f. A listing of benefits, both monetary and intangible, arising from the implementation of the CRS (or TS)



**SOLID WASTE CENTER**



TRAFFIC DIRECTION

SCALE 1" = 150'

OTHER RAW MATERIAL

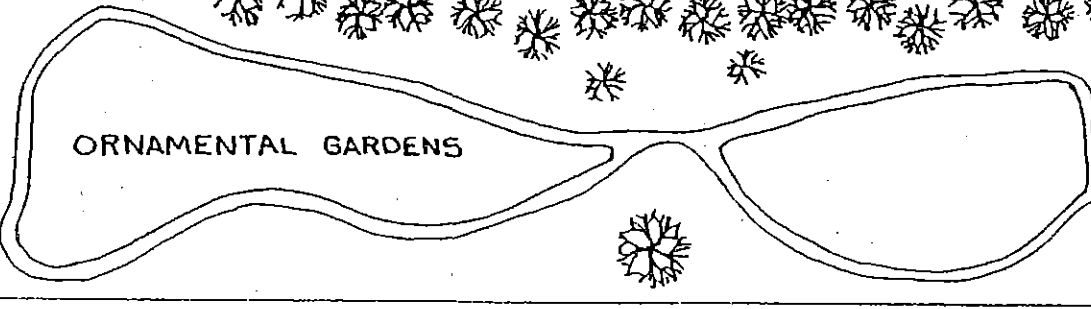
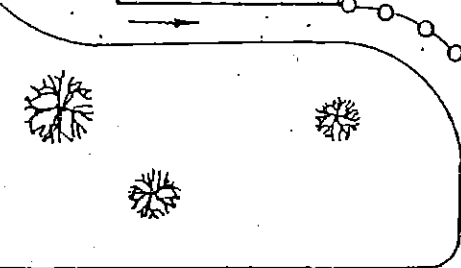
RECYCLE AREA  
(REBATE COUPON)

FUEL STORAGE

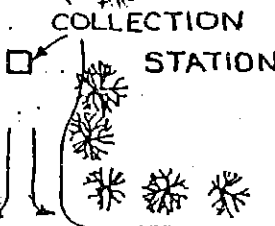
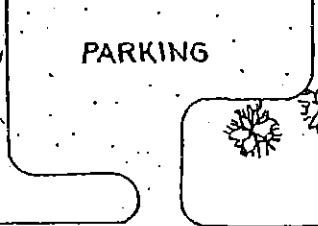
(CARS ON WEEKENDS)

RECEIVING STATION

ENERGY PLANT



ADMIN. BLD.



ORNAMENTAL GARDENS

PARKING

COLLECTION STATION

---

An on-site visit was made to the Lane County central receiving facility. Central Receiving Committee members listed energy savings, convenience for the public and possible significant material recovery, as high priorities for warranting a receiving station.

If farm land is used for the landfill site central receiving is mandated by SB925. Central Receiving could be an integral part of a solid waste center, if an energy system were to be selected.

With these concepts in mind, the committee produced 22 (twenty-two) criteria to measure site suitability. Preliminary concepts of size (20 acres) and operations were set down. (see illustration.)

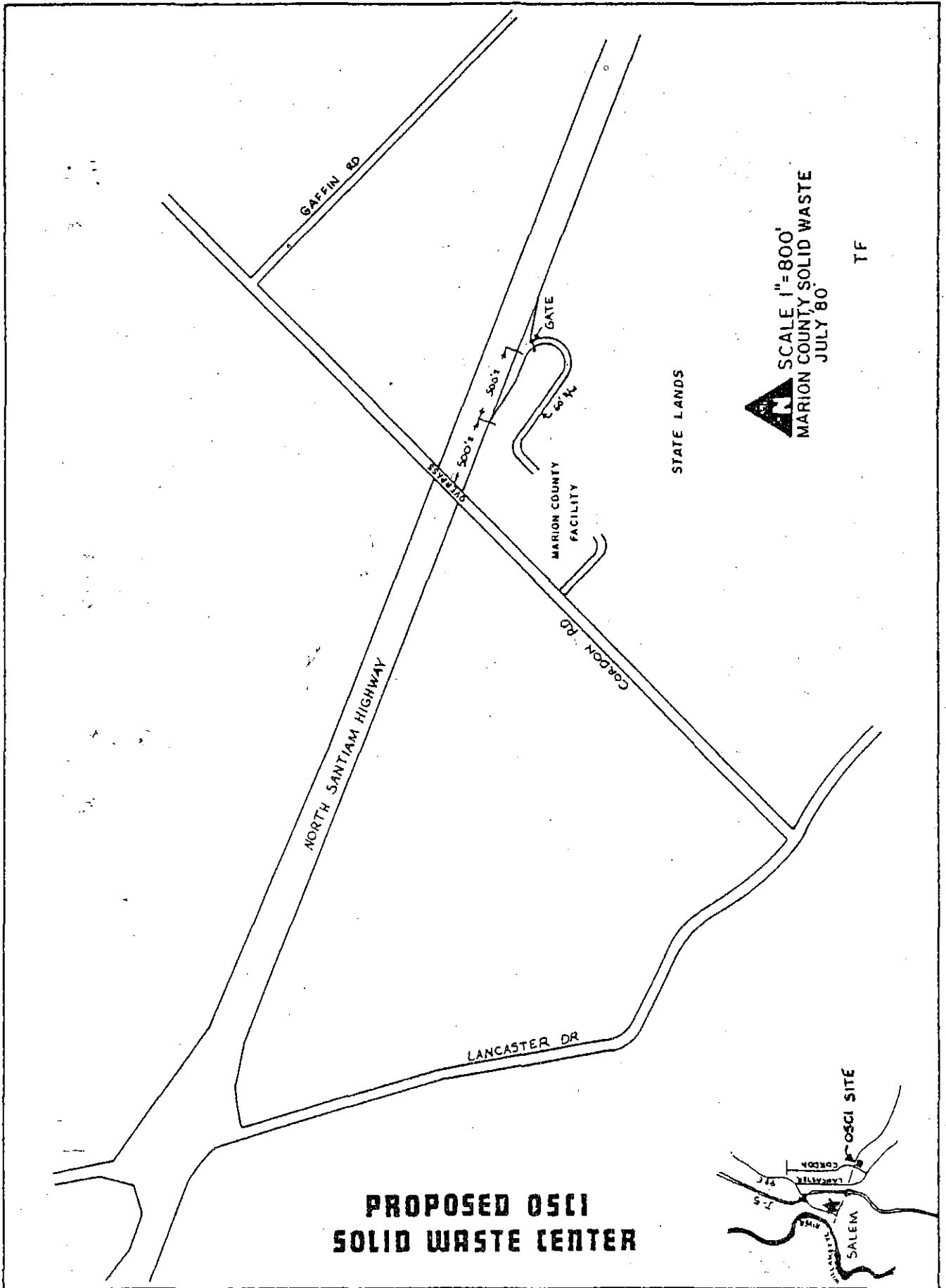
Eight potential sites were visited and criteria applied to each. Two sites emerged as best suited for a central receiving station. The City of Salem planning and administrative staff also chose these two sites "as best suited for the intended purpose".

*Recommended site #1: OSCI property off Cordon Road.*

*Recommended site #2: OSP property off Hawthorne Road.*

Note: these sites are consistent with the Chemeketa Region Solid Waste Program recommendations.

The Chemeketa Region Solid Waste Program recommendations for transfer stations were found to be suitable. If a Central Receiving Station is built, the transfer station at Woodburn and Rickreall must be added and the Macleay Transfer Station closed. An existing transfer station at Stayton would remain, and a drop box facility at Mill City should be added.



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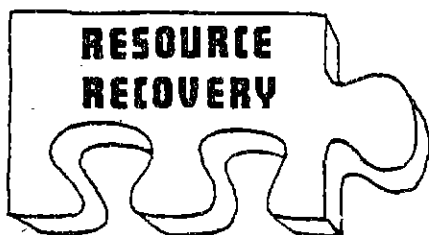
The Resource Recovery Committee which formed in January, is the outgrowth of the Waste Reduction Committee and two of its task forces- *Material Reduction and Source Reduction*.

The goal of this committee was to recommend a Solid Waste program that "provides for safe, efficient sanitary, esthetic, and economic system for quantity reduction, transport, recycling, resource recovery and disposal of solid waste".

If Marion/Polk County were to request funding, technical or landfill assistance from the D.E.Q., then a waste reduction program must be developed. With this SB-925 requirement in mind, the Resource Recovery Committee started working on a draft "waste reduction program" in order to comply.

Much of the data that had been accumulated from the 1979 task force work was needed to assist this committee. With all of the information gathered, members found themselves caught up in the details of trying to make a recycling program work, because the element of "recycle" was the easiest to understand.

However, once recycling was identified as only a part of the whole resource recovery picture, members said that it was easier to get "back on target." They recognized that the waste reduction component had to be written with individual communities in mind. The waste stream and the resources are indigenous to each community. Measures had to be designed to assist each community in achieving a 40% reduction in solid waste generation, in its own way.



---

SWAC adopted the Waste Reduction Component on June 5, 1980. The component received a public hearing on July 9th and was made an official part of Marion County's portion of the Chemeketa Program by the Board of Commissioners on July 16, 1980. (Appendix 3 )

A summary of the Component elements include:

- A. *Solid Waste Reduction Councils shall be maintained by City of Salem and Polk and Marion Counties at a minimum. Some of the duties are to consider, develop and advise on educational and promotional measures to assist in solid waste reduction; to recommend desirable modifications in procedures, laws, rules etc. to achieve the waste reduction objective.*
- B. *A Resource Recovery Coordinator shall be maintained by the City of Salem and Polk and Marion Counties.*
- C. *The collection of source separated materials, in at least 3 categories of glass, paper, and metal shall be on regular basis.*
- D. *Those required to provide collection of source separated materials shall be expected to do so with fair compensation.*
- E. *Incentives shall be provided as an inducement to source separation.*
- F. *Persons, groups or firms whose activities serve to reduce the amount of wastes disposed of and which recover resources and monetary values, shall be encouraged to the extent that such activities do not impair the program set forth in the Waste Reduction Component.*
- G. *Exception may be taken to any of the elements upon demonstration that significant losses of energy or monies would result from compliance with the element.*

A sub-committee of the Resource Recovery group designed an outstanding proposal for "public information on recycling". It was suggested that the program begin in the fall of 1980 with a primary target audience at the school level. This group has expressed that volunteer efforts will continue.

## **LANDFILL**

---

Brown's Island gates close permanently on July 1, 1983.

Marion and parts of Polk County are under fire from D.E.Q. to do something about the major sanitary land-fill in the area. Brown's Island has been operating under emergency use since the 1977 failure to site a new landfill for the area. Even with an aggressive recycle program or an energy facility there will be a need for a landfill to handle the left-over ash, waste that cannot be recycled or burned.

That is a general concensus of the experts. The Landfill Action Committee recommended a need for a landfill at the November SWAC meeting.

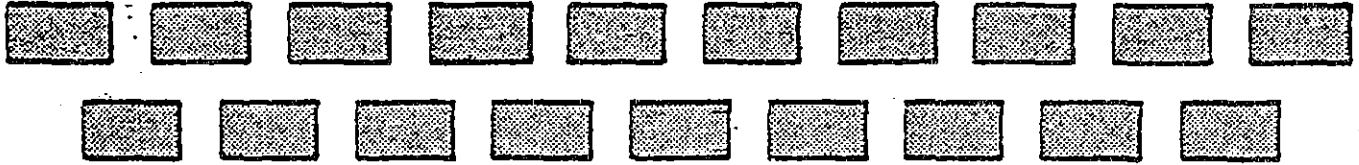
The thrust of the 1980 Committee, by the same name was to identify a variety of sites, each best suited for the amounts and kinds of wastes to be deposited.

In order to do this, the committee had to keep the alternatives to a total solid waste system in mind.

The restrictions set down by SB-925 had to be kept in mind, also. Although the bill provided for the use of exclusive farm land (EFU) it also imposed many environmental requirements to protect the neighbors and the land. More importantly it reaffirmed that... *"local government has the primary responsibility for planning solid waste management..."* and raised to a matter of state-wide concern *"the planning, location, acquisition, development, and operation of landfill disposal sites."*



Landfill Site Selection  
19 sites investigate 2



5 sites were dug up for  
soil and water data

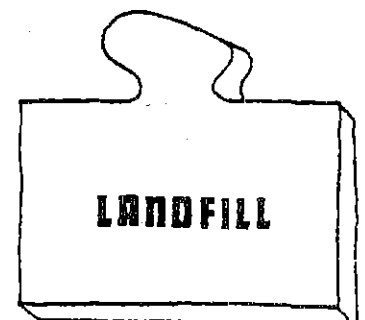


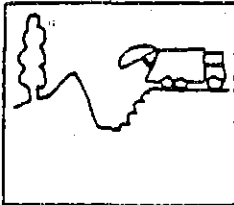
4 sites were selected as finalists

Description	Current Zoning	Location
L-640 Acres	EFU	Northwest Polk County
H-525 Acres	EFU	Northwest Polk County
W-138 Acres	EFU	Extension of Woodburn Landfill
I-5-467 Acres	AR	South Marion County

\*Woodburn site 96 Acres P (Public) Northwest of Woodburn

\*Note: If Energy process selected, then this site can be used





WORKSHEET FOR LANDFILL SITE SUITABILITY RATING

Marion County Solid Waste Advisory Council

Rev. January 31, 1980

Site Code \_\_\_\_\_

Category I. Access	Importance/ Factor A	Impact Factor B	Mitigation Factor C	Criteria Value = A x (B+C)
1. Proximity to S.W. Sources	1.0			
2. Proximity to arterials	0.5			
3. Access road considerations	0.5			
Sub-total				
<b>Category II. PHYS. PROP</b>				
1. No. of Acres	0.8			
2. Soil Texture	0.5			
3. Soil Depth	1.0			
4. Surf. Drain	0.8			
5. Ground water hazards	1.0			
6. Nat. Screen	1.0			
Sub-total				
<b>III. ENV. CONCERNS</b>				
1. Adj. Land Use	0.5			
2. Current Zoning of site	1.0			
3. Ult. Land Use	0.5			
4. Potent. Noise	0.1			
5. Potent. Dust	0.1			
6. Vector/Disease	1.0			
7. Potent. Odor	0.1			
8. Endang. Species	1.0			
9. Unique Site	1.0			
10. Traffic Impact	1.0			
11. Birds	0.8			
12. Pub. Reaction	1.0			
Sub-total				
<b>IV. ECONOMIC</b>				
1. Coop. Landowner	1.0			
2. Cap. Cost	0.5			
3. M & O Cost	0.5			
4. Ult. Land Worth	1.0			
Sub-total				
<b>TOTAL RATING</b>				

NOTE: Use back side for additional comments

NAME \_\_\_\_\_ OF \_\_\_\_\_ RATER \_\_\_\_\_

---

A first step and one to overcome future problems, included developing a set of standards by which to measure potential sites. Each site would be rated based on this criteria. However another important factor included having a public hearing on the criteria. Four categories with twenty-five (25) sub-sections were identified and an "importance rating" was equated.

The set of criteria was adopted by the Board of Commissioners on April 30, 1980.

Advertisements went out to the area newspapers and agriculture publications for suitable lease or purchase land. The effort generated minimal results. The committee determined that a consultant should be retained.

---

This effort produced a variety of sites. The Landfill Action Committee investigated 19 sites. The preliminary data, including field-team photographs and other visual allowed the committee to narrow the selection to eight (8). These eight (8) were then investigated by a team consisting of a geohydrologist, a soil scientist and an environmental specialist, and three more sites were eliminated. The remaining five (5) sites were tested for soil depth and water table location. *Four (4) sites were recommended to the Solid Waste Advisory Council (see illustration).*

Both the I-5 and the Woodburn sites which are in Marion County offer potential ground water problems. The Polk County sites do not have these problems. Other findings included the possible extended use of the Woodburn landfill, if an energy facility were to be selected.

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The Energy Task Force originally served under the Waste Reduction Committee, with a major goal of "reducing the amount of material going to landfills"

Under the leadership of the 1979 chairman, the committee projected energy content trends.

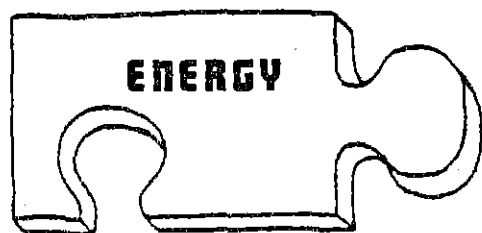
Briefly, the basis to the estimates show that energy content might drop by half over 20 years, but the worth of contained energy would probably increase 5-fold. An example shows \$6 million in 1980 dollars would become \$15 million in the year 2000.

The early task force recommended that if "burning garbage for energy generation" was to become a reality the following was needed:

- a) a large amount of waste, and a continual supply;
- 2) a guaranteed buyer of the energy (preferably to sign a 20 year contract);
- 3) an energy facility to be established in tandem with a solid waste center in an acceptable area; and
- 4) a landfill, to handle residue (ash) and other non-combustible materials.

Although a number of garbage-to-energy projects were identified around the country, (including one in the Portland area that was being discussed) the 1979 Task Force members were not able to find a buyer for their garbage in the area.

However, the idea of converting the garbage was not laid to rest. The Energy Committee emerged with several ideas to be explored.



---

After much study, concepts of modular incineration, electrical power generation and densified storable fuel appeared most suitable for this area. The committee recommended a technical and economic feasibility study be conducted. Monies for the study were contributed by the two counties, the City of Salem and the Salem Area Collectors.

Trans Energy Systems, Inc. a Bellevue, Washington firm was selected from the seven (7) engineering firms bidding for the study. A four-member panel consisting of a representative from Marion and Polk Counties Board of Commissioners the State of Oregon Department of Human Resources and the Department of General Services reviewed the applications, conducted interviews and made the final selection. An Overview Committee was selected to review two interim reports and a final draft recommendation. The Overview Committee consisted of SWAC Chairman and elected officials.

Simultaneously a Technical Review Panel was appointed to identify critical issues of concern.

Technical Review Panel members:

*Bruce Bailey, Brown's Island Inc.*  
*John Borden, Sanitary Engineer*  
*Tim Davison, D.E.Q.*  
*Ed Greenwood, Oregon General Services*  
*George Hall, Civil Engineer*  
*Tom LaBerge, Electrical Engineer*  
*Darrell Palmer, City of Salem*  
*Bill Spurgeon, Env. Engineer*  
*Larry Trumbull, Staff & Chemical Engineer*  
*Tom Villman, Industrial Engineer*  
*Bud Werner, Oregon State Correctional Instit.*

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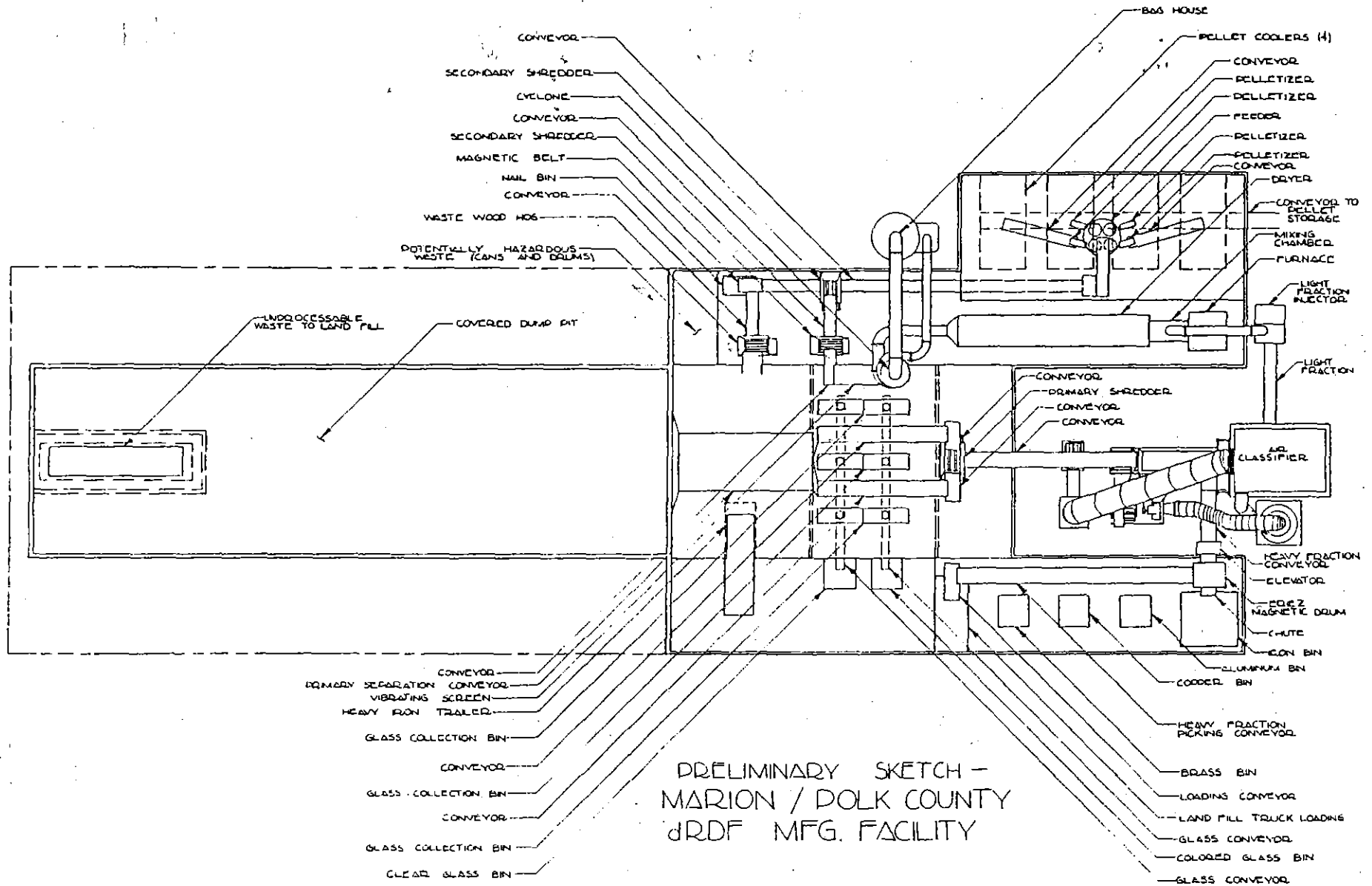
The selection of energy concepts including modular incineration, bulk burning, RDF steam production, electrical generation, cogeneration and densified Refuse Derived Fuel (d-RDF) production was narrowed through a step by step process. The final selection for intensive study settled on the production of pelletized fuel. (d-RDF)

Four local state institutions including the Oregon State Prison, Oregon State Hospital, Fairview Hospital and the Oregon State Correctional Institution expressed an interest in purchasing the fuel to produce steam. The ability to store the pellets is a unique feature for this area that needs to produce heat approximately 9 of the 12 months of the year.

With a potential buyer in the area the benefits to the public for an energy recovery plant to produce pelletized solid fuel include:

1. *The requirements for landfill disposal acreage will be reduced by 85% extending current facility life six-fold.*
2. *The revenue from the sale of fuel will allow the d-RDF facility to be financially self-sustaining and achieve a six-year payback period.*
3. *The sale of low cost fuel to the state institutions will significantly reduce the consumption of oil and natural gas (250,000 barrels equivalent) and provide a tax savings for all the citizens of Oregon.*

The energy proposal includes the retrofitting of the State institutions boilers to be compatible with a multiple fuel system. The proposed project site will be on the OSCI grounds. Revenue for the d-RDF facility would come from the sale of pelletized fuel and the refuse tipping fee, along with resource recovery income from paper, glass and metals.



PRELIMINARY SKETCH -  
MARION / POLK COUNTY  
MRF MFG. FACILITY

---

The Public Awareness Task Force, one of the 1979 working groups identified as a priority, "the need for continued public education and involvement."

An important information event occurred in October 1979. The Public Awareness Task Force, with the assistance of all the SWAC members organized the "Solid Waste Information Fair." This unique format of exhibits, person-to-person contacts, graphic displays and materials created an excellent environment to add interested citizens to the SWAC Committee.

In January the Public Involvement Committee evolved with the goal slated to be: "to promote public support for the plan as recommended to the Board of Commissioners." The objectives of the goal included finding ways to inform and involve the general public in making the recommendation. A consultant was retained in February to assist SWAC in developing better educational methods and tools. Everyone involved with SWAC is considered a member of the Public Involvement Committee.

A "focus group" of volunteer citizens served in a steering capacity to this committee. Through the "steering committee", a fifteen minute slide presentation entitled "What's Next For Your Garbage" was developed. Seven SWAC volunteers served on a speakers bureau taking "What's Next" to over 40 organizations in the two county area including neighborhood associations, civic and fraternal clubs, the Chamber of Commerce, several city councils, high school students, apartment owners, the Polk County Solid Waste Advisory Committee, the League of Women Voters and agricultural groups.





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Nearly 700 people viewed the slide show and received "Fact Sheet" handouts. The flyer included a sign-up form for anyone interested in getting more active with SWAC. For those individual who were unable to get involved, speakers encouraged having them sign-up to receive any or all of the nineteen (19) SWAC newsletters.

SWAC Chairman Sharon Fatland donned a second hat, that of Chairman of the Public Involvement Committee, and personally visited radio stations and newspaper in the surrounding communities. She appeared as a talk-show guest on several radio shows including Albany and Corvallis stations. (Linn and Benton counties) Each show concluded with an open invitation from the Chairman to "get involved".

Other SWAC public involvement effort include activities such as the "Garbage Day" exhibit at the civic center; the designing and submitting of paid ads along with regular notices to the area newspapers about public hearings; providing a continual flow of newsreleases to the media; and newsstories to trade publications; having meetings with editorial boards of both the major newspaper and major radio stations in the area; briefing public office candidates or individual citizens upon request; and the creating of the graphic representations of what might have been otherwise considered a complex idea.

The public education function of this committee will continue, even after the Board of Commissioners determine which solid waste system is best suited for the area.

## **FINANCE**

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The SWAC Finance Task Force which began in August 1979, was designated full committee status in January 1980. Members of the committee were charged to "recommend a funding method or methods which best meet the needs of the public."

Some 25 (twenty-five) financing methods were reviewed in detail including general obligation bonds, municipal revenue bonds, bank loans, revenue sharing, private financing, grants, user charges and a variety of tax levies, to name a few.

At the same time members examined six possible organizational systems, keeping the committees objectives in mind.

### Finance Objectives include:

1. To identify and review the various alternative financing methods available to provide capital and/or operating funds for solid waste programs.
2. To enumerate the legal, political, social and time considerations with each alternative.
3. To set out criteria against which a funding method can be weighed in terms of "pro's & con's".
4. To advise other task force groups on limits and capabilities of funding methods for candidate systems.

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5. To recommend one or more financing system(s).

6. To keep in mind the economy, efficiency and flexibility possible through funding by industry.

By the end of March SWAC determined that the committee should investigate more thoroughly a solid waste resource recovery facility. The Finance Committee identified that these facilities have common features and requirements including:

1. Adequate capital must be acquired to design, to construct and to bring the facility into operation.
2. A continued source of solid waste, and disposal fees over the life of the indebtedness must be guaranteed.
3. The facility will be operated and maintained over the life of the indebtedness.
4. A sure market for the recycled materials and energy, secured by "take or pay" contracts for a term equivalent to the term of the debt, should be established.
5. A stand-by facility, or landfill, to accept residue from the facility as well as to provide a source of disposal in the contingency of a facility outage, must be available. (Alternative energy sources should be available if contract requirements call for guaranteed delivery of energy.)
6. The dual revenues derived from the sales of recycled materials and energy and the disposal charge must be at least sufficient to pay for the operation and maintenance of the facility and the amortization of debt.



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With these features in mind the Finance Committee set about exploring the pros and cons of some 28 separate finance and technical risks which range from changes in waste composition to complete failure of a facility. This area was considered high priority as risks can translate into costs.

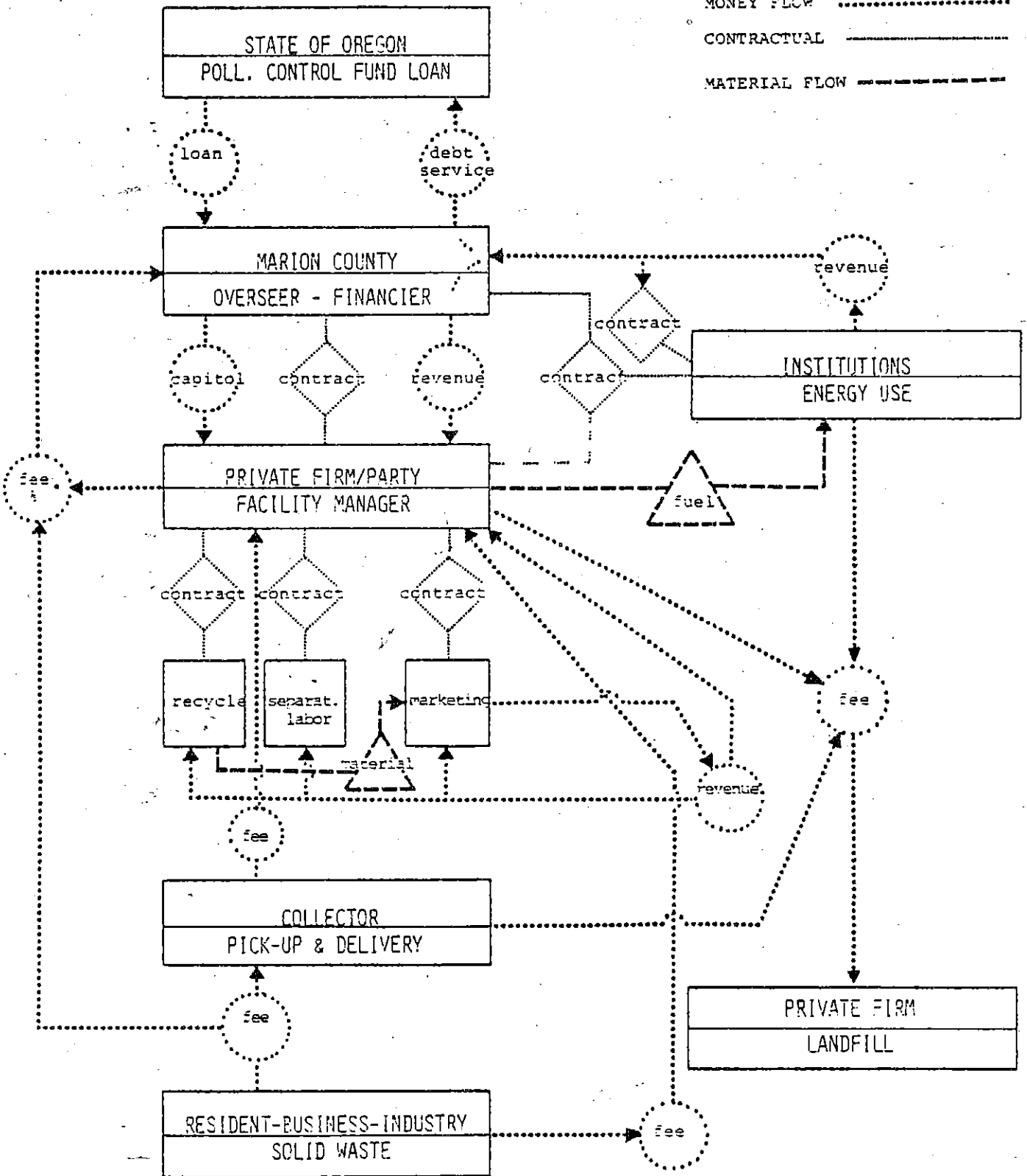
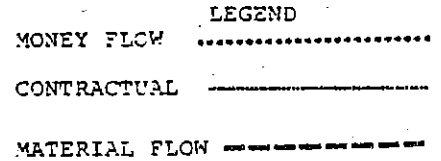
The committee recommended the use of the State Pollution Fund with security for that loan to be provided by the commitment of franchise fees. This resolution was adopted by the Marion County Board of Commissioners. (Appendix 4)

The chart (opposite page) shows the organizational scheme recommended jointly by the Finance Committee and Central Receiving. Throughout the chart there is indicated a maximum use of private companies. This is keeping with the intent to retain private industry to the maximum, in the business of solid waste disposal.

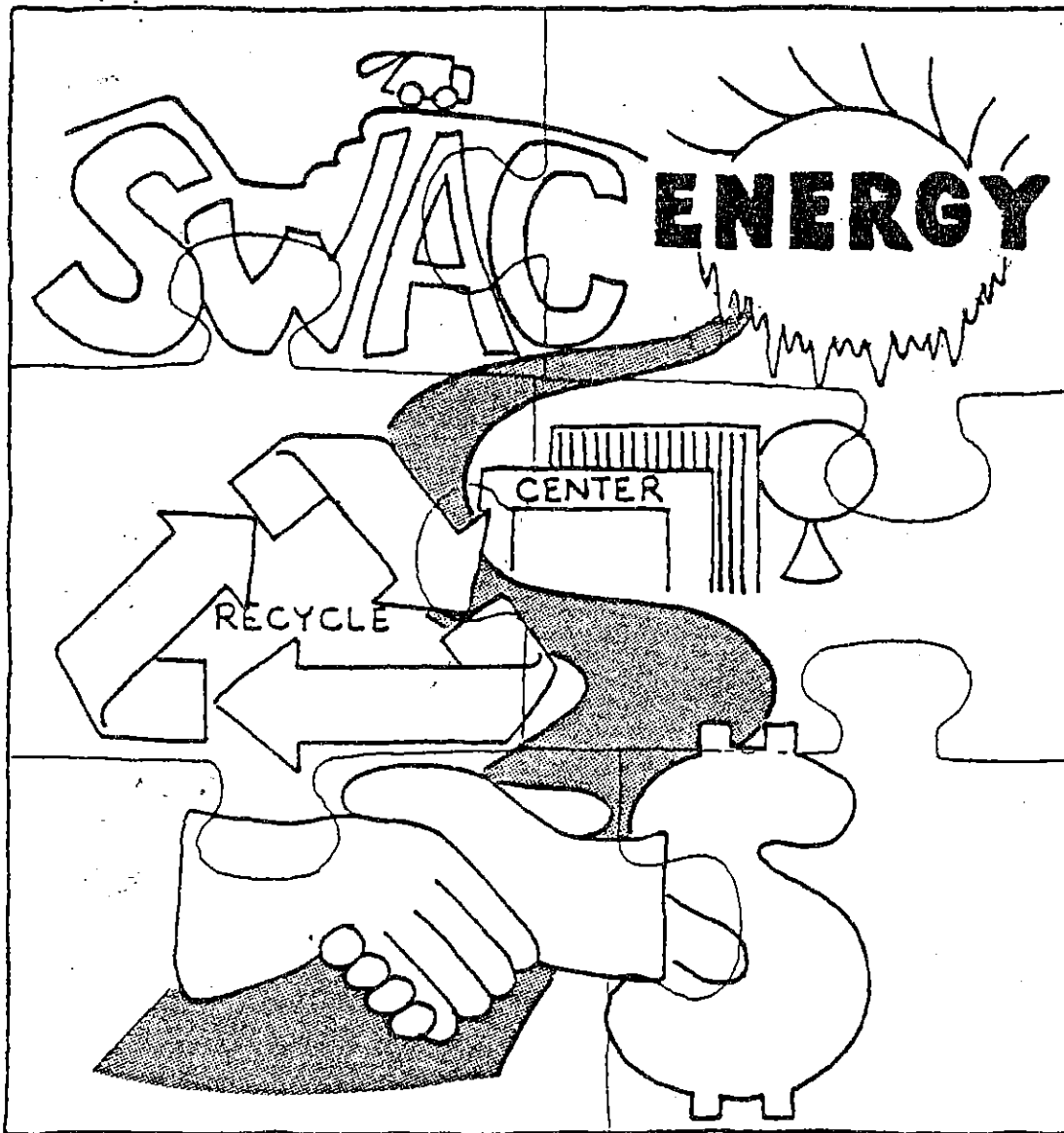
NOTE: *No funding requests or grant proposals can be submitted until the County Commissioners take action on the solid waste recommendations.*

# ORGANIZATION AND FINANCE

MARION COUNTY SOLID WASTE  
JULY 1980



**"a total system"**



**Putting the pieces together..**

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On July 31, 1980 the Solid Waste Advisory Committee held a general membership meeting to vote on the recommendations of each of the working committees.

The SWAC recommendations include:

- 1) *Implement a Waste Reduction Program by adoption through the Chemeketa Region plan.*
- 2) *Proceed with steps to procure an operating energy recovery facility. (d-RDF plant preferred)*
- 3) *Proceed with plans for a Central Receiving Facility. (adjacent to Hiway 22 on State property bounded by Cordon Rd. preferred)*
- 4) *Provide for transfer stations at Woodburn and Rickreall. (phased in as follow-up to item 1 through 3)*
- 5) *Proceed to develop leases, purchase agreements, operating concepts, cost data and permits on the four identified landfill sites.*

The Marion County Board of Commissioners have scheduled a public hearing on these recommendations for September 25, 1980.

The Solid Waste Advisory Council members, having given conservatively 5,000 hours of volunteer time over the past year on this project, have fulfilled their charge.

The decision for putting the pieces together for a total solid waste system rests in the hands of the Board of County Commissioners.

*...time is running out...*

**SWAC  
RECOMMENDATIONS**

# ROSTER

---

Russ Aboldt, Salem  
Kent Aldrich, Salem  
Stanley Ausmus, Salem  
Ken Battaile, Salem  
Charles Battin, Salem  
Rick Bauman, Portland  
Gerald Beach, Salem  
Billy Bellamy, Culver  
Linda Berman, Salem  
John Borden, DEQ, Salem  
Gwen Van Den Bosch, Dallas  
Quentin, Bowman, Salem  
Bill Bree, DEQ, Portland  
Darrell Brandt, Monmouth  
Rich Brentano, Woodburn  
Tim Brown, Salem  
Leo Buchheit, Salem  
Floyd Bunn, Grande Ronde  
John Burt, Dallas  
Larry Campbell, Eugene  
Jim Cape, Salem  
Manton Carl, Hubbard  
Julie Carpentier, Turner  
Leo Chaffin, Salem  
Gene Clemens, Dallas  
Ann Cline, Detroit  
Maury Cohn, Salem  
Sid Coleman, Salem  
Dennis Colgan, Woodburn  
Jack Condon, Dallas  
Del Cornutt, Salem  
Ian Cordner, Rickreall  
William Costine, Woodburn  
Vern Cox, Salem  
Bruce Bailey, Salem  
Eric Davenport, Silverton  
Deane Davis, Donald  
Tim Davison, Portland  
Donald Davidson, St. Paul  
Dick Denton, Salem  
Jan Denton, Salem  
Rod Durham, Turner  
Connell Dyer, Salem  
Richard Dyer, Portland  
Sallee Dyer, Salem  
Pat Ebner, Salem  
Dick Eisenbrandt, Corvallis  
Roger Emmons, Salem  
Nancia Fadeley, Eugene  
Sharon Fatland, Salem  
Wayne Fawbush, Hood River  
Joe Fowler, Salem  
John Hepler, Salem  
Earl Hoffman, Gervais  
John Holley, Salem  
William Horner, Monmouth  
Cub Houck, Salem  
Bob House, Salem  
Jody Houghton, Salem  
Stanley Ichofield, Salem  
Lyle Johnson, Salem  
Jack Johnston, Salem  
Marjorie Jones, Salem  
Garry Kanz, Salem  
Fred King, Salem  
Mura Sue King, Salem  
Wayne S. Klem, Salem  
Dick Knowles, Salem  
Imogene Koch, Salem  
David A. Kromer, Dallas  
Lowell Kuenzi, Turner  
Fay Ladd, Gervais  
Thomas E. LaBerge, Portland  
Pat LaRock, Salem  
Walter Lawson, Woodburn  
Valeria Lee, DEQ, Portland  
John Fowler, Salem  
Randall Franke, Salem  
Pete Fredrickson, Salem  
Bob French, Salem  
Darol Funk, Sheridan  
John Funk, Sheridan  
Lyndon Gabriel, Turner  
Ken Gardner, Dallas  
Dick Gautier, Silverton  
Fred Gelderman, Salem  
Linda Gephardt, Salem  
Dr. Roger Gertenrich, Salem  
Brett Gilnour, Salem  
Jon Gjertsen, Salem  
Larry Glasscock, Salem  
Ann Glaze, Salem  
Dan Goffin, Aunsville  
George Gordon, Monmouth  
Sharon Gray, Salem  
Jack Graw, Woodburn  
Bobbie Greenlick, Salem  
Ed Greenwood, Salem  
Ken Hackwell, Salem  
George Hall, Stayton  
Ralph Hanley, Salem  
Betty Hart, Salem  
Bill Hayden, Salem  
Gary Haer, Salem



Jack Lingaas, Mehama  
Roger Loe, Silverton  
Daniel Loumena, Aurora  
Gerald Lundeen, Salem  
Kitty Lundberg, Salem  
Walter Mangerich, Woodburn  
G.E. Marcott, Sublimity  
Ed Marges, Salem  
Elizabeth Marsh, Salem  
Ron Martinson, Salem  
Emil Marx, Rickreall  
Richard Mather, Salem  
John Matthews, Salem  
Bob McGauhy, Salem  
John McGee, Falls City  
Jan C. McMillin, Salem  
Dave/Nancy McMullen, Salem  
Aaron Mercer, Dallas  
Gary Messer, DEQ, Salem  
Becky Metzger, Albany  
Larry Mickey, Turner  
Tom Miles, Salem  
William Mooney, Woodburn  
Dick Murphy, Woodburn  
Dale Neliton, Salem  
Steve, Neuvendorf, Salem  
V. L. Newell, Salem  
Sid Newton, Independence  
Denny Nielsen, Salem  
Perry Morris, Salem  
Arlene Van Note, Salem  
Walter Nichols, Woodburn  
JoAnn Notsund, Salem  
Floyd Oar, Salem  
Tom O'Brien, Salem  
Dianne Oliver, Salem  
Shari Page, Salem  
Darrell Palmer, Salem  
Don Paluska, Salem  
Rick Partipilo, Dallas  
Mary Payton, Salem  
Bruce Peet, Falls City  
James Pense, Salem  
Chuck Pietrok, Salem  
Jay Phillips, St. Paul  
Lindy Phillips, St. Paul  
Tom Pilcher, Jefferson  
Harley Piper, Woodburn  
Dan Postrel, Salem  
Larry Pound, Salem  
Victor H. Prudehl, Salem  
Gary Pullman, Salem

William Puntney Sr., Salem  
Sharon Rader, Salem  
Doug Rasar, Salem  
Marjorie Reuling, Salem  
Jolene Richards, Silverton  
Jack Riches, Salem  
Chris Robbins, Salem  
D. K. Robinson, Silverton  
David Robinson, Silverton  
Marion Rossi, Independence  
Robert Roth, Silverton  
Vivian Royer, Salem  
Ronald G. Rubel, Salem  
John Russell, Salem  
Gail Ryder, Salem  
Dave Saunders, Salem  
Bill Saur, Salem  
Bruce Schafer, Salem  
Walter Schutt, Salem  
Robert Schiopen, Dallas  
Bill Schlitt Jr., Salem  
Ernie Schmidt, Portland  
John Schoon, Rickreall  
Richard Scott, Monmouth  
Dick Seideman, Salem  
Clarence Simmons, Silverton  
Evelyn Smith, Salem  
Anne Sondgroth, Salem  
William R. Spurgeon, Salem  
Ed Stillings, Salem  
Mary Stillings, Salem  
Dena Sweeney, Salem  
Jackie Thackery, Salem  
Ralph Thackery, Salem  
Lois Thackery, Salem  
Jim Thompson, Salem  
Tom Throop, Bend  
Greg Tillson, Salem  
Dick Togni, Salem  
Joe Tompkin, Salem  
Jay Tormollen, Salem  
Amy Vandegrift, Salem  
Ellis Vandehey, Stayton  
Tom Villman, Stayton  
Scott Waldron, Silverton  
Mrs. Lillie M. Ward, Salem  
Bill Webber, Corvallis  
Bud Werner, Salem  
David Whitlock, Salem  
Betty Wiese, Seattle  
Jerry Willis, Sr., Salem  
Jerry Willis, Jr., Salem  
Rick Wilson, Salem  
Henry Wood, Salem  
Eileen Zielinski, Salem

FILED

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MARION COUNTY, OREGON

1979 JUN 21 AM 11:46

EDWIN P. MORGAN, CLERK

*dr*  
DEPUTY

1  
2  
3 In the matter of the appointment of a )  
4 Citizen Advisory Group to be known as )  
5 the Marion County Solid Waste Advisory )  
6 Council, and of establishing the )  
7 purpose and duties of the Council. )

8  
9  
10 ORDER

11 This matter came on before the Marion County Board of Commissioners, herein  
12 after called "Board", on the recommendation of the Department of Community  
13 Development; and

14 IT APPEARING that there is a need to consider methods and facilities to  
15 allow for the orderly, efficient and economic disposition of solid wastes gener-  
16 ated in Marion County; and

17 IT APPEARING that the planning, coordination and implementation of a solid  
18 waste disposal system should properly consider the concerns of interested citizens  
19 and representatives of affected communities, agencies, and organizations; and

20 IT APPEARING that it is in the public interest to form a council to formulate  
21 and prepare recommendations and alternatives to be presented to the Board and  
22 that said council should be provided with technical assistance; and

23 IT FURTHER APPEARING that such council should have presented its recommen-  
24 dations no later than September 15, 1982; NOW, THEREFORE,

25 BE IT AND IT IS HEREBY ORDERED that a Solid Waste Advisory Council is  
26 established and appointments to the Council shall be made according to the  
categories set out in Exhibit "A", which is attached hereto and by this reference  
made a part hereof.

1 IT IS FURTHER ORDERED that the duties of the Council shall include but  
2 not limited to:

- 3 1. Identification of problems of solid waste disposal in Marion County;
- 4 2. Categorization of alternative solutions and establishment of priority
- 5 work schedules on these alternatives;
- 6 3. Recommendations of alternatives and methods of implementation;
- 7 4. Assistance, as requested, in implementation.

8 IT IS FURTHER ORDERED that the Marion County Solid Waste Council be provide  
9 staff assistance by the Marion County Solid Waste Administrator through the  
10 Department of Community Development. Said administrator is directed to report  
11 to the Board from time to time, on the progress of the Council.

12 IT IS FURTHER ORDERED that the Council shall conform progress to the time-  
13 table set out in Exhibit "B", a copy of which is attached hereto and by this  
14 reference made a part hereof, and that the Council shall continue in existence  
15 until September 15, 1982, unless dissolved by the Board of an earlier date.

16 Dated at Salem, Oregon, this 20<sup>th</sup> day of June, 1979.

MARION COUNTY BOARD OF COMMISSIONERS

18 *Shelley Wilson*  
19 Chairman

20 *Ronald Franklin*  
21 Commissioner

22 *Patricia Costello*  
23 Commissioner

FOR YOUR CONVENIENCE  
SALEM, OREGON 97301  
TELEPHONE 588-9230

COMPOSITION  
of the  
MARION COUNTY  
SOLID WASTE ADVISORY COUNCIL

COUNCIL MEMBERS

Marion County  
City of Salem  
City of Woodburn  
City of Silverton  
City of Stayton  
City of Mount Angel  
Small Cities  
Nine Area Advisory Committees  
Farm Bureau  
Women for Agriculture  
League of Women Voters  
Oregon Environmental Council  
Economic Development Commission  
Industry  
Interested Citizens  
Other Organizations

TECHNICAL ASSISTANCE GROUP

Salem Area Collectors  
Oregon Recycling Association  
Landfill Operators  
Polk County Staff  
City of Salem Staff  
Oregon Sanitary Service, Inc.  
EPA  
DEQ  
Other Interested Experts  
AOI

## SOLID WASTE DISPOSAL

## TIMETABLE FOR MARION COUNTY SOLID WASTE ADVISORY COUNCIL

<u>Date(s)</u>	<u>Activity</u>	<u>Responsible Party</u>
1/20/79	Adopt Resolution forming the Marion County Solid Waste Advisory Council	Board
1/27/79	Appointment of SWAC members	Board
1/27 to 1/10	Selection of Technical Advisory Group	Administrator
1/12 to 1/9	Assess problems and identify alternative solutions	Administrator
1/9/79 to 1/8/80	Committees at work on assigned alternative solutions	Administrator
1/21/80	Recommendation to Board on selected solution	Administrator
1/1/80	Board authorization to proceed on approved method(s) and/or facility(ies)	Board
1/19/80 to	Funding development, Site acquisition, Plan Development	Assigned County Departments
1/19/82	Construction to start	County and/or Industry
1/19/82	Selected method and facility ready for service	County and/or Industry
1/19/82	Council work completed and Council dissolved unless continued by new Board action.	Board

EXHIBIT B

MARION COUNTY  
SOLID WASTE ADVISORY COUNCIL

## BY-LAWS

7-12-79

ARTICLE I-NAME

The Solid Waste Advisory Council, officially established by the Marion County Board of Commissioners, shall be known either by the full title or the acronym "SWAC".

The Technical Advisory Group officially established with SWAC, shall be known by the full title or the acronym "TAG".

ARTICLE II-GOAL

To consider and recommend methods and facilities for the orderly, efficient and economic disposition of solid wastes generated in Marion County.

ARTICLE III-OBJECTIVES

Objectives for SWAC, as established in the Order of the Commission, shall be:

1. Identification of problems of solid waste disposal in Marion County;
2. Categorization of alternative solutions and establishment of priority work schedules on these alternatives.
3. Recommendations of alternatives and methods of implementation.
4. Assistance, as requested, in implementation.

ARTICLE IV-MEMBERSHIP

Members shall consist of representatives of governmental, citizen and other organizations, plus interested citizens. There shall be no limit on the number of Council members.

TAG members shall consist of specially qualified persons in solid waste or allied fields.

ARTICLE VI-OFFICERS

The officers shall consist of a Chairman and a Vice-Chairman. Secretarial and other services shall be provided by the Marion County Solid Waste Administrator and/or his staff. Officers shall be elected annually on the anniversary date of the initial election.

ARTICLE VII-MEETINGS

Meetings shall be called by the Chairman, or the Vice-Chairman in his absence, at such times as there is sufficient SWAC business to justify such meeting.

ARTICLE VIII-BUSINESS

Business of SWAC shall be conducted on an informal concensus basis, insofar as possible.

ARTICLE IX-COMMITTEES

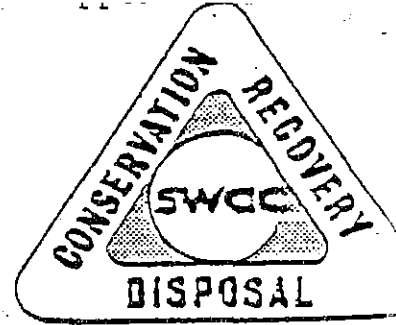
The Chairman may appoint such committees and committee chairmen as may be required in order to achieve the goal of SWAC. Services shall be provided to each such Committee by the Marion County Solid Waste Administrator and/or his staff. In particular, resource materials and resource persons, primarily from TAG, shall be made available as required.

ARTICLE X-AMENDMENTS

Additional Articles may be added to these By-Laws when needed, using the concensus process described in Article VIII.

# SOLID WASTE ADVISORY COUNCIL

MARION COUNTY



## WASTE REDUCTION COMPONENT

of the

## CHEMEKETA SOLID WASTE MANAGEMENT PROGRAM

as adopted on July 16, 1980

by the

Marion County Board of Commissioners

### I. POLICY

The reduction of solid waste via resource conservation, reuse, recycling and other resource recovery techniques will be supported and encouraged.

### II. OBJECTIVE

Waste reduction shall be assured and encouraged to achieve a minimum of 40% reduction of solid wastes generated from industrial, commercial and residential sources.

### III. TERMINOLOGY

Terms used in this report are as defined in the Federal Resource Conservation and Recovery Act, and shall further carry the same meaning as do identical terms used in Oregon Statutes.

### IV. ELEMENTS

A. Solid Waste Reduction Councils, consisting of appointed citizens shall be maintained by, at a minimum, the City of Salem and Polk and Marion Counties. Duties of these Councils may be assumed by other bodies of public citizens



who have been assigned solid waste responsibilities.

Duties of the SWRC shall include:

1. Meet at least 4 times a year to review and be informed on resource recovery and waste reduction operations, or as often as needed.
  2. Submit an annual report reviewing resource recovery and waste reduction activities and their effectiveness; report to be presented to the governing body of that jurisdiction, with a copy to the Oregon Department of Environmental Quality.
  3. Consider, develop and advise on educational and promotional measures to assist in solid waste reduction.
  4. Consider citizen and business complaints, suggestions, and proposals for enhancing effectiveness of waste reduction programs. Council meetings to be announced in advance and open to the public, with particular emphasis on advice and/or criticism relative to the conduct of the waste reduction program.
  5. Recommend desirable modifications in procedures, laws, rules, etc. to the governing authority where necessary for the achievement of waste reduction objectives.
- B. Resource Recovery Coordinators shall be maintained in Marion and Polk Counties, and in the City of Salem, whose duties shall include assisting in the development and implementation of solid waste reduction programs, including but not limited to: advice on recycle issues; assist in recycle education through schools, clubs, groups, etc.;

provide staff service to the Solid Waste Reduction Council including drafting of the annual SWRC report; advise authorities on necessary ordinances and rules; surveillance and improvement of recycling activities; and enforcement of applicable regulations. Where initial requirements may require full time efforts in this activity, reduced input with part time work may be possible when the program is fully implemented and is achieving the desired goals.

Resource Recovery Coordinators will promote public awareness and provide for educational programs on waste reduction in order to:

1. Assure program visibility;
  2. Develop and maintain a high level of participation in source separation and other waste reduction program.
  3. Develop public awareness of the importance and rewards of source separation and other waste reduction measures.
  4. Provide clear and accurate information to residents, businesses and industries on how to participate in source separation and other waste reduction program.
- C. Collection of source separated materials, in at least the 3 categories of glass, paper, and metal, shall be provided on a regular basis at a frequency that encourages and sustains source separation.
- D. Those required to provide collection of source separated materials shall be expected to do so with fair compensation. Income realized from prudent marketing of such materials shall be reported in the usual fashion as other incomes are reported by franchisees, and such incomes shall be applied to reduce the level of compensation for collection of the source separated materials.

In the event income exceeds the cost, such excess income may be applied to reduce the collection charges.

- E. Incentives shall be provided as an inducement to source separation. Monetary rewards to source separators can be derived from market revenues, from landfill costs foregone, or from other sources. Rewards in terms of the development of personal satisfaction, community achievement and patriotic duty through conservation of resources and energy, saving of land, creation of jobs, etc. will be pursued through all available channels, primarily under the direction of the Resource Recovery Coordinator.
- F. Persons, groups or firms whose activities serve to reduce the amount of wastes disposed of and which recover resources and monetary values, shall be encouraged to the extent that such activities do not impair the programs set forth in the foregoing elements; and providing that such activities are in compliance with established ordinances.
- G. Exception may be taken to any of the elements upon demonstration that significant losses of energy or monies would result from compliance with the element.

*...Nothing happens unless  
first a dream...*

*Carl Sandberg*

OREGON LEGISLATIVE ASSEMBLY--1981 Regular Session

Enrolled

**Senate Bill 479**

Sponsored by Senators DAY, BURBIDGE, Representatives RIEBEL, ZAJONC (at the request of Marion County Solid Waste Advisory Council)

CHAPTER.....

AN ACT

Relating to solid waste control; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2 to 5 of this Act are added to and made a part of ORS 459.005 to 459.285.

SECTION 2. (1) Subject to section 4 of this 1981 Act and the requirements of ORS 459.005 to 459.285, the board of county commissioners of Marion County may:

(a) Sell, enter into short or long-term contracts, solicit bids, enter into direct negotiations, deal with brokers or use other methods of sale or disposal for the products or by-products of the disposal sites of the county.

(b) Require any person or class of persons who generate solid or liquid wastes to make use of the disposal, transfer or resource recovery sites or facilities of the county or disposal, transfer or resource recovery sites or facilities designated by the county.

(c) Require any person or class of persons who pick up, collect or transport solid or liquid wastes to make use of the disposal, transfer or resource recovery sites or facilities of the county or disposal, transfer or resource recovery sites or facilities designated by the county.

(d) Regulate, license, franchise and certify disposal, transfer and resource recovery sites or facilities; establish, maintain and amend rates charged by disposal, transfer and resource recovery sites or facilities; establish and collect license or franchise fees; and otherwise control and regulate the establishment and operation of all public or private disposal, transfer and resource recovery sites or facilities located within the county. Licenses or franchises granted by the board may be exclusive.

(e) Cause solid wastes received and accepted at the disposal sites of the county to be processed, recycled or reused.

(2) Contracts and other agreements authorized under subsection (1) of this section may be for terms not longer than 20 years.

SECTION 3. Subject to section 4 of this 1981 Act and the requirements of ORS 459.005 to 459.285, a public or private disposal, transfer or resource recovery site or facility shall not be established, modified or extended in Marion County without the prior approval of the board of county commissioners. The board may deny an application for the establishment, modification or extension of a site or facility if pursuant to its solid waste management plan the county has either:

(1) Entered into contracts obligating the county to supply or direct minimum quantities of solid wastes to sites or facilities designated in the contract in order that those sites or facilities will operate economically and

generate sufficient revenues to liquidate any bonded or other indebtedness incurred by reason of those sites or facilities; or

(2) Adopted a franchise system for the disposal of solid or liquid wastes.

SECTION 4. Sections 2 and 3 of this 1981 Act do not apply to, or grant to Marion County any authority over:

(1) Material kept separate from waste material for the purpose of recycling or reuse by persons who generate solid waste and which is handled separately from waste material.

(2) Resource recovery involving the collection, storage, processing or use of materials kept separate from waste material for the purpose of recycling or reuse by persons who generate solid waste.

SECTION 5. It is not the intent of the Legislative Assembly that Marion County, under sections 2 and 3 of this 1981 Act, take any action that would hinder or discourage recycling activities in the county.

SECTION 6. (1) Any state agency, board, commission, department or division that is authorized to purchase or otherwise acquire fuel for the systems providing heating, air conditioning, lighting and the supply of domestic hot water for public buildings and grounds may enter into long-term contracts for the purchase of alternative fuels. Such contracts may be for terms not longer than 20 years.

(2) As used in this section:

(a) "Alternative fuels" includes all fuels other than petroleum, natural gas, coal and products derived therefrom. The term includes, but is not limited to, solid wastes or fuels derived from solid wastes.

(b) "Public buildings and grounds" has the meaning given that term in ORS 276.210.

SECTION 7. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act takes effect on its passage.

Passed by Senate May 6, 1981

Repassed by Senate June 29, 1981

.....  
Secretary of Senate

.....  
President of Senate

Passed by House June 25, 1981

.....  
Speaker of House

Received by Governor:

..... M., ..... 1981

Approved:

..... M., ..... 1981

.....  
Governor

Filed in Office of Secretary of State:

..... M., ..... 1981

.....  
Secretary of State

# MARION COUNTY LANDFILL SITING PROCESS

ATTACHMENT 3

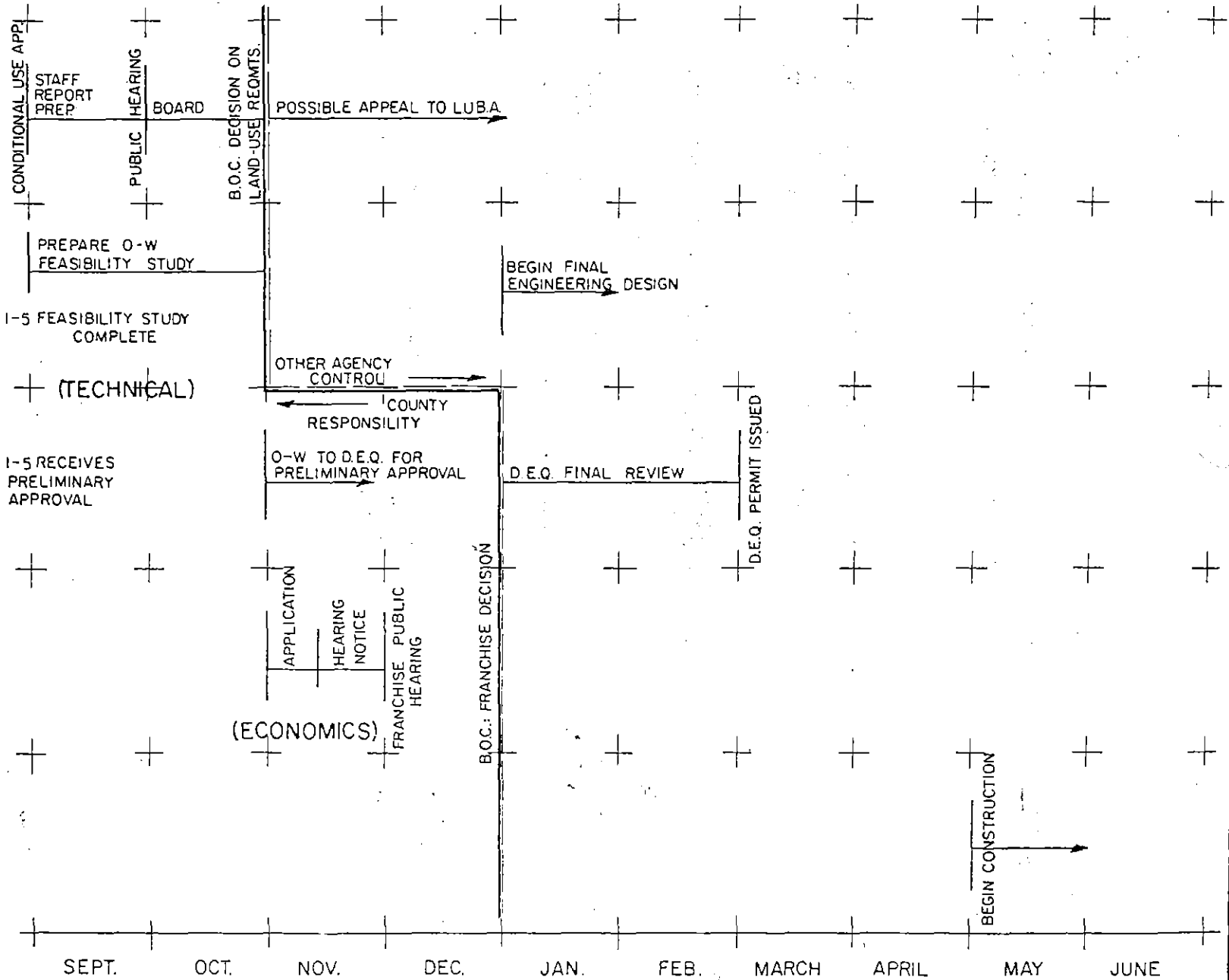
**PLANNING**  
(LAND-USE)

**ENGINEERING**

**PERMIT: D.E.Q.**

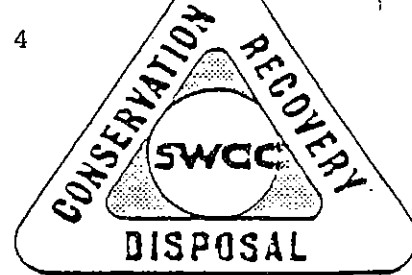
**FRANCHISE**

**CONSTRUCTION.**



# SOLID WASTE ADVISORY COUNCIL

MARION COUNTY



FINAL REPORT  
of the  
SOLID WASTE ADVISORY COUNCIL  
July 22, 1981

Co-Chairman  
Garry Kanz  
Clarence 'Slim' Simmons

Vice-Chairman  
Dr. Don Paluska

## SUMMARY

SWAC, formed by Commission Order in June, 1979, was directed to:

1. Identify solid waste problems
  2. Identify alternative solutions
  3. Recommend selected solutions
- and
4. Assist in implementation

SWAC accomplished tasks 1, 2, and 3 by July 31, 1980, and presented its work to the Marion County Commissioners at a public hearing on September 25, 1980. The SWAC report "Putting the Pieces Together" was presented at that time.

Since then, SWAC has been at work on Task 4 - Implementation.

Today, Marion County has a special law giving the County authority over wastes, and authority to contract for a garbage-derived fuel with the State of Oregon.

Marion County has three landfill sites upon which preliminary economic and technical feasibility studies have been performed. All three appear usable.

Marion County has an energy option, a system that prepares a solid fuel from garbage; that saves money for Marion County citizens, and that promises to save the State millions of dollars in fuel costs.

Marion County further has an adopted Resource Recovery Policy that sets forth a full program for recycle and conservation of resources.



With the development of these options, the new law, and the Policies, SWAC has completed its volunteer efforts.

Action on appropriate alternatives rests with elected officials; including the elected leaders of Salem and other communities, whose supporting actions are equally important with those of the Marion County Commissioners.

On the following pages are briefly listed the achievements of SWAC since the issuance of the report "Putting the Pieces Together".

Taken together with that Report, the leaders of SWAC feel that this is an impressive story of study - coordination - cooperation - development, and finally presentation of a planned action program to elected officials.

We, the 1981 leaders of SWAC, are acutely aware of the energy and dedication of former leaders and participants in this program. We are proud to have been a part of this effort, and we are very concerned that the devoted citizens, who have been involved, have not spent their time in vain.

On their behalf, and on behalf of all citizens of Marion County, we urge that this Board of Commissioners carry the work forward in a timely fashion. Our dedication was born from the knowledge of how critical a clean, safe and economical solid waste system is to our welfare. Through contact with the citizens over the two years, it has become apparent that there is strong community support for a unified solid waste system utilizing some form of energy recovery.

We trust you, our elected Commissioners, to carry this dedication on until that system is indeed a reality.

---

Garry Kanz  
1981 Co-Chairman

---

Clarence Slim Simmons  
1981 Co-Chairman

July 22, 1981

Appendix to  
SWAC Final Report of July 22, 1981

SWAC Landfill Program

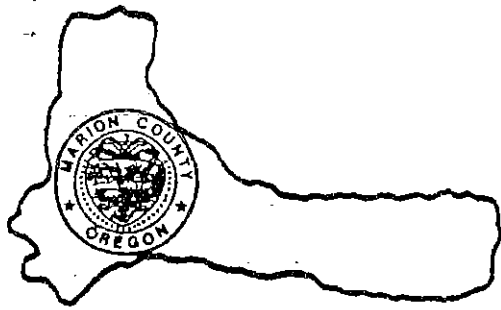
- Advised on site review; on further potential site development
- Reviewed I-5, Woodburn, L and H sites at a public forum;
- explained development of O-W site as an extension of the siting system developed by SWAC, and adopted by Marion County as public policy.

SWAC Resource Recovery Program

- Worked on implementation of Marion County Resource Recovery Policy
- Urged and advised on educational program carried out by the Marion County Solid Waste Staff.
- Participated in public displays of recycling and conservation methods.
- Developed base concepts of a County-wide committee to coordinate and expand these efforts, including developing responsible leadership therefore.

SWAC Energy Program

- Initiated early supportive action by State officials when SWAC Chairman briefed Governor Atiyeh on the SWAC program.
- Governor Atiyeh, as a result, assigned a coordinating role to Bill Young of DEQ.
- Initiated an interest in L. B. Day to see the energy project, who then called a high level officials meeting. Result was an agreement by all agencies to support an application for a DOE implementation grant.
- Initiated legislative action through L. B. Day, resulting in drafting of SB 479.
- Followed, lobbied, and testified in support of SB 479 before both Senate and House committees.
- Briefed various legislators and other important people as to the benefits of an energy recovery system, and as to the critical need for authorities provided by SB 479.
- Promoted legislator - elected officials briefing on benefits of an energy project, utilizing the findings of Merrill Lynch and Brown & Caldwell Engineers.
- Participated in the ceremonial signing of SB 479, which is now in effect and provides basic authorities to Marion County in waste flow control, franchise adoption, and fee imposition. This bill may also provide security for future funding of solid waste projects.



**MARION COUNTY**  
**DEPARTMENT OF SOLIDWASTE**  
Senator Building, 220 High St. NE  
SALEM, OREGON 97301  
PHONE (503) 588-5056

Larry E. Trumbull, PE  
Director  
Jerry Carler  
Coordinator

Solid Waste Management

Status Report as of August 1, 1981

by

Larry E. Trumbull & Staff

Prologue: Marion County began an intensive development program for a replacement disposal system in June, 1979. At that time, a citizen Solid Waste Advisory Council "SWAC" was delegated specific objectives, a time table, and provided with staff to achieve both of these.

The last half of 1979, and most of 1980, could be termed the "SWAC" phase, when most of our effort was put into education, identification, selecting, re-defining, and finally recommending a complete program. That program was formally presented to Marion County in September, 1980. A report of this work entitled, "Putting the Pieces Together" has been distributed.

1980-81 Review

I Solid Waste Advisory Council (SWAC)

Following up on the recommendations, SWAC recognized that new directions were now involved. All of the earlier committees were dissolved, new officers were elected, and the Council then proceeded to assist the County in implementing the recommended program. This work was described in the "Final Report" of SWAC issued on July 22, 1981, copy of which is appended.

On July 22, 1981, the Marion County Board of Commissioners gave a public, and well deserved, commendation to SWAC officers and participants, and proclaimed that SWAC had indeed fulfilled the assigned objectives. With that, the Board officially dissolved SWAC.

Among the outstanding achievements of SWAC were:

- 1) Advised and assisted in developing the I-5, O-W, and WX landfill site options.
- 2) Developed further concepts on implementation of the adopted Resource Recovery Policy.
- 3) Assisted in developing support from the Governor and legislators in implementing an energy recovery program.

4. Initiated and pursued legislative action leading to the passage, and signing, of SB 479, which provides the statutory foundations for:

- A) Solid Waste Flow Control
- B) Franchises & fees
- C) Long-term contracts between the State and County for alternative fuels.

## II Landfill Sites

Of the four sites recommended by SWAC, two of the owners, both in Polk County, withdrew their property from further consideration. To the remaining two, staff added a further possibility when a 596-acre site, advertised in a local paper, was found to be quite suitable.

All three sites have now been reviewed by professional engineers under contract to Marion County. A privately financed engineering study on the I-5 site is to be reported on early in August, 1981.

Marion County, using its legal and accounting staffs, as well as the Solid Waste staff, are negotiating preliminary use options with each landowner. Terms of such use will be added into other cost and risk appraisals, with a final choice of a future regional landfill site to be made preferably in September, or by the end of October.

## III Energy Recovery

Pursuing the energy option, Marion County advertised for a financial advisor in early 1981; received seven applications, and interviewed five applicants. All applicants were most qualified for this task, with Merrill Lynch emerging as the final choice.

Thus Merrill Lynch has been under contract with Marion County since February, 1981, and currently is continuing to serve under that contract.

Following the recommendations of SWAC, made at a public hearing held on September 25, 1981; a technical review was ordered of the Marion County energy recovery proposal. DEQ, under request of the Commissioners and the City of Salem, provided for a "Technical Appraisal" to be made by EPA.

Mr. Jim Anderson of RAS Assoc., New Jersey, visited the area; collected data, and finally rendered a report in January 1981. Exchanges of information continued into March 1981 when this office requested that the matter be concluded. In essence, the Technical Appraisal found that a d-RDF process was best suited for Marion County. The pre-conditions for moving into construction were supportive of the earlier recommendations of Trans Energy Systems, Inc. and of SWAC.

Re-confirmation of the process suitability did represent a material set-back in the SWAC time-table, and did serve to eliminate a potential landfill site choice. SWAC had recommended that an extension of the Woodburn site, coupled with early implementation of an energy recovery facility, could be a preferred solution to Marion County solid waste problems. As originally programmed, the July 31, 1980 recommendations of SWAC, if supported by City and County officials, could have resulted in a possible E-Board allocation of design funds by December, 1980. Under this approach, the financial advisor and technical review teams would have begun work 6 months earlier than the March 1981 date.

Rapid escalation of interest rates over the past year have contributed heavily to current high cost projections, while new estimates of expected conservation of fuel have further contributed to reduced contractual capabilities. A more positive side of the delay is that a new Pacific Northwest Power Bill, with supportive programs, may now make a simpler, better established, system of energy recovery (co-generation) possible.

Attached find minutes of two meetings analyzing the current status of energy recovery in Marion County.

At this time, Marion County is contemplating moving ahead on the "Implementation Committee" or Management Committee approach as shown in those minutes.

Under this procedure, the following approximate time-table is envisioned:

August 10, 1981 Marion County files the request for implementation funds from BPA.

by Sept., 1981 Management Committee (MC) is formed, with working agreements under draft. County will consider initial funding of staff support.

Commissioner Franke will coordinate this work.

by October 1, 1981 Management Committee has a director, and an operating agreement. Merrill Lynch continues under County Contract as advisor to the (MC). Brown and Caldwell continue as Engineering Consultants.

by October 15, 1981 Bonneville Power Admin. grant may be available. If so, Brown & Caldwell is directed to proceed with the Study.

If not, alternative actions will be considered.

by March 1982                      Final report and recommendations expected on the BPA grant. If the report is favorable, the following program could be followed:

by January 1983

1. Develop builder/operator specification
2. Develop draft contracts
3. receive proposals/bids from prospective builder/operators
4. Select builder/operator
5. Initiate bonding activities

by March 1983                      Conclude bonding - construction funds are on hand

Design and construction under way

mid - 1985                          start-up and performance testing

early 1986                          project in operation

#### IV Resource Recovery

The Solid Waste Advisory Council developed a Waste Reduction Program which was adopted after being heard at a formal public hearing. This program has a County-wide objective of 40% reduction of solid wastes, to be achieved via ongoing programs involving:

1) A Resource Recovery Coordinator position to be established to assist in development and implementation of waste reduction program.

Marion County has employed Terry Fristad; in the Solid Waste Department, to provide those services listed in the adopted policy.

2) A Resource Reduction Council to guide, review, and report on waste reduction activities.

SWAC developed, in its implementation phase, further outlines of this Council. Terry Fristad has served as project manager in this endeavor. Several very competent and knowledgeable leaders have been contacted and found willing to serve.

It is important to realize that this Council must seek to develop and foster waste reduction in 18 communities (Salem is to develop its own program) as well as provide for rural programs. As perhaps 85% of waste is produced inside corporate limits, it is readily apparent that the Council must be effective inside those limits.

Marion County will implement the Council, with official city representatives included, along with a technical advisory group. It is expected that this Council may be functioning by fall of 1981.

X X X X X

~~CONFIDENTIAL~~

To sum up, Marion County intends to have a new landfill in service by July 1983. It is also our intent to pursue an energy recovery process, first as to feasibility, and then to follow through with funding, construction, and operation, if found feasible. Simultaneously, and at a secondary priority level (the above pursuits are primary) we will pursue waste reduction at the source.

Taken all-in-all, Marion County is pursuing a complete program for its citizens, one that the cities, the citizens, and the State of Oregon can be proud of.

Polk County wastes, as currently received, are planned to be accommodated in the program set forth in the foregoing pages.

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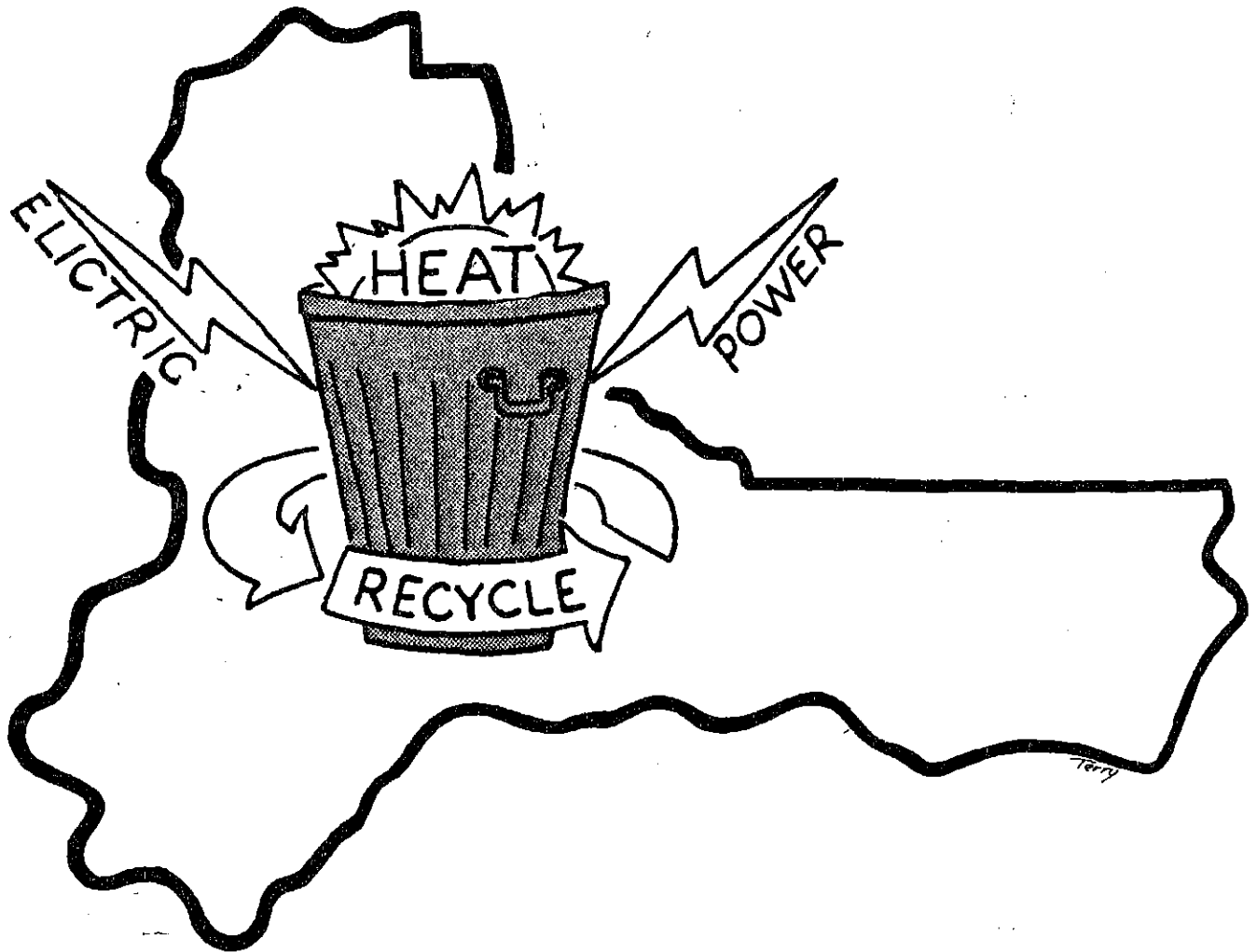
Larry E. Trumbull, Director  
Marion County Solid Waste Department

cc: Mayor Kent Aldrich, City of Salem  
Chairman Ben Magill, Polk County  
Senator L. B. Day  
Darrell Ralls, Department of General Services  
Representative Peter Courtney

# Marion County, Oregon

# PROPOSAL

## Planning Study for a Solid Waste Cogeneration Project for Marion County



Program Solicitation Number DE-RP79-81BP29202

Aug. 1981



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Table follows page number listed

## ABSTRACT

The public agencies of the Salem subregion are planning solutions for solid waste disposal. One possible solution is to minimize disposal by using solid waste as a fuel in a cogeneration facility. This grant application is a request for partial funding of a prefeasibility cogeneration study.

Marion County, through its Board of Commissioners, is the applicant. The proposed project includes the work tasks necessary to identify and roughly develop the sites, technologies, institutions, and economics for a facility that will receive solid wastes, burn those wastes, and use the heat to develop steam. The steam could either be routed first into steam turbine generators and then to a second use as steam or heat for building spaces or processes or be routed directly to the second use. Other agencies participating in the project are Polk County, the cities of Marion County, the State of Oregon, and the Portland General Electric Company.

This prefeasibility study is one element of comprehensive planning activity. The principal study objectives are as follows:

1. To look at municipal solid waste characteristics (quality, quantity, availability).
2. To look at cogeneration technologies.
3. To look at the requirements of potential steam markets and determine if waste heat from the plant can meet them.
4. To look at environmental concerns surrounding waste transportation to the plant site and operation of the cogeneration plant.
5. To look at potential plant siting problems.
6. To look at the rough project economics

The study will be completed by a combination of local agency staff work and contracted assistance from consultants. The work can be completed in 6 months from the time of grant award. Total costs are estimated to be \$98,300, of which \$58,100 is requested as a grant and \$40,200 is to be provided as in-kind services.

The contact person for Marion County is Walter Kluver. Inquiries and other requests should be directed to him.

<b>FEDERAL ASSISTANCE</b>		2. APPLICANT'S APPLICATION	a. NUMBER 135-17-40A	3. STATE APPLICATION IDENTIFIER	a. NUMBER
1. TYPE OF ACTION (Mark appropriate box)	<input type="checkbox"/> PREAPPLICATION <input checked="" type="checkbox"/> APPLICATION <input type="checkbox"/> NOTIFICATION OF INTENT (Opt.) <input type="checkbox"/> REPORT OF FEDERAL ACTION	Leave Blank	b. DATE 19 81 8 13		b. DATE ASSIGNED Year month day 19

4. LEGAL APPLICANT/RECIPIENT	5. FEDERAL EMPLOYER IDENTIFICATION NO.
a. Applicant Name: Marion County, Oregon	93-6002307
b. Organization Unit: Board of County Commissioners	6. Not in federal catalog
c. Street/P.O. Box: 220 High Street, N.E.	a. NUMBER
d. City: Salem	b. Financial Assistance For Resource Development Planning
e. County: Marion	
f. State: Oregon	
g. ZIP Code: 97301	
h. Contact Person (Name & telephone No.): Randall Franke, (503) 588-5212	

SECTION I - APPLICANT/RECIPIENT DATA

7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT	8. TYPE OF APPLICANT/RECIPIENT
PLANNING STUDY FOR A SOLID WASTE COGENERATION PROJECT FOR MARION COUNTY OREGON. Evaluation of the resources available for a solid waste fueled cogeneration facility in Marion County, Oregon. Available solid waste, steam and electrical markets, and facility sites will be evaluated to develop project alternatives. Institutional and regulatory constraints and ownership and financing options will be identified.	A-State B-Interstate C-Substate District D-County E-City F-School District G-Special Purpose District H-Community Action Agency I-Higher Educational Institution J-Indian Tribe K-Other (Specify)
	Enter appropriate letter <input checked="" type="checkbox"/> D
	9. TYPE OF ASSISTANCE
	A-Basic Grant B-Supplemental Grant C-Loan D-Insurance E-Other
	Enter appropriate letter(s) <input type="checkbox"/> A

10. AREA OF PROJECT IMPACT (Names of cities, counties, States, etc.)	11. ESTIMATED NUMBER OF PERSONS BENEFITING	12. TYPE OF APPLICATION
Marion County, Oregon	240,000	A-New B-Renewal C-Revision D-Continuation E-Augmentation
		Enter appropriate letter <input checked="" type="checkbox"/> A

13. PROPOSED FUNDING	14. CONGRESSIONAL DISTRICTS OF:	15. TYPE OF CHANGE (For 18a or 18c)
a. FEDERAL \$ 58,100.00 b. APPLICANT 40,200.00 c. STATE ---.00 d. LOCAL ---.00 e. OTHER ---.00 f. TOTAL \$ 98,300.00	a. APPLICANT 2 b. PROJECT 2	A-Increase Dollars B-Decrease Dollars C-Increase Duration D-Decrease Duration E-Cancellation F-Other (Specify)
	16. PROJECT START DATE Year month day 19 81 10 19	17. PROJECT DURATION 6 Months
	18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY Year month day 19 81 8 14	19. EXISTING FEDERAL IDENTIFICATION NUMBER DE-RP79-81BP29202

20. FEDERAL AGENCY TO RECEIVE REQUEST (Name, City, State, ZIP code)	21. REMARKS ADDED
Bonneville Power Administration, Portland, OR 97208	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

SECTION II - CERTIFICATION

22. THE APPLICANT CERTIFIES THAT	a. To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached insurance if the assistance is approved.	b. If required by OMB Circular A-95 this application was submitted pursuant to its instructions therein, to appropriate clearinghouses and all responses are attached: sponsor	Response attached
	(1) <input type="checkbox"/>	(2) <input type="checkbox"/>	(3) <input type="checkbox"/>
23. CERTIFYING REPRESENTATIVE	a. TYPED NAME AND TITLE Randall Franke, County Commissioner	b. SIGNATURE	c. DATE SIGNED Year month day 19

SECTION III - FEDERAL AGENCY ACTION

24. AGENCY NAME	25. APPLICATION RECEIVED		
	Year month day 19		
26. ORGANIZATIONAL UNIT	27. ADMINISTRATIVE OFFICE		
29. ADDRESS	30. FEDERAL GRANT IDENTIFICATION		
31. ACTION TAKEN	32. FUNDING	33. ACTION DATE Year month day	34. STARTING DATE Year month day
<input type="checkbox"/> a. AWARDED <input type="checkbox"/> b. REJECTED <input type="checkbox"/> c. RETURNED FOR AMENDMENT <input type="checkbox"/> d. DEFERRED <input type="checkbox"/> e. WITHDRAWN	a. FEDERAL \$ .00 b. APPLICANT .00 c. STATE .00 d. LOCAL .00 e. OTHER .00 f. TOTAL \$ .00	19	19
		35. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)	36. ENDING DATE Year month day
			19
			37. REMARKS ADDED
			<input type="checkbox"/> Yes <input type="checkbox"/> No

38. FEDERAL AGENCY A-95 ACTION	a. In taking above action, any comments received from clearinghouses were considered. If agency response is due under provisions of Part 1, OMB Circular A-95, it has been or is being made.	b. FEDERAL AGENCY A-95 OFFICIAL (Name and telephone no.)
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## SECTION 1

### DESCRIPTION OF THE PROPOSED ACTIVITY

This section summarizes the proposed activity of performing a planning study to evaluate the resources available for a solid-waste-fueled cogeneration facility. The order of presentation in this section follows the order set forth in Section A-1-(c) of the program solicitation. References are made in the following summaries to subsequent sections of this proposal that contain detailed supporting information.

#### Proposed Activity and Need for the Activity

The proposed activity involves the evaluation of resources available for a solid-waste-fueled cogeneration project. Electricity and steam/heat are the expected energy products. Steam markets are known but electricity use is unknown. Two or more state institutions (Oregon State Hospital and Oregon State Penitentiary) located in the Salem area might use steam and electricity and the Portland General Electric Company (PGE) grid might receive electricity. Other electrical energy users might be identified if there is enough solid waste fuel in the Salem subregion to supply them.

The project will help plan solutions to several pressing needs of the area:

1. Problem--Impending Closure of Existing Landfill. The Commissioners of Marion County are faced with an emergency situation regarding disposal of solid waste generated within the county because of impending closure of an existing major landfill, the greatly increased costs for replacement site development, social barriers to siting new landfills, and rapidly escalating costs of solid waste transportation and landfill disposal operations.

Need--Planning to Show Costs of Alternatives to Landfill. Revenue from waste-to-energy facilities may be one of the best alternatives for controlling the spiraling costs of solid waste management.

2. Problem--Aging Boilers and High Energy Costs at Some State of Oregon Institutions. The State of Oregon operates several major institutions in Marion County. Steam boilers now in place are old, and energy costs are rapidly escalating.

Need--Planning to Show Costs of New Boilers Versus New Fuels. Replacement of the existing steam production facilities may be beneficial; steam sale to the State of Oregon might reduce the cost of electricity to meet firm load obligations. Also, a cogeneration plant at or near state institutions might provide electricity to meet institutional loadings.

3. Problem--Insufficient Data on Waste Quantity and Heat Value. Major landfills in Marion County do not weigh the solid wastes. Accurate weight data are not available to develop alternatives and plan future facilities.

Need--Planning That Includes an Assessment of Waste Quantities and Composition. Data to satisfy the accuracy of planning are needed. Waste quantity and heat value data will help define the amount of energy output available in planning the project. It may be possible to expand cogeneration sites and supply energy to more users if sufficient solid waste fuel is available.

#### Objectives and Expected Benefits of Proposed Activity

The specific objectives of the proposed solid-waste-fueled cogeneration project resources planning are listed below:

1. Determine the state institution steam and electricity market that can be served by a cogeneration project processing an estimated 180,000 tons of solid waste per year (1986 quantity) and generating steam and electricity.
2. Identify and evaluate use conditions for other users of energy products from a cogeneration project.
3. Select and evaluate sites for the waste receiving and processing facility and the cogeneration facility.
4. Refine solid waste quantity and heat value projections.
5. List the two or three most viable options along with the economic and environmental data for each option. Develop criteria for determining project feasibility and an implementation plan for further actions if one or more of the options is selected.

Expected benefits of the proposed cogeneration project follow:

1. Assist BPA in meeting its firm load obligation by providing an average electrical output of 6.5 MW (56 million kWhr per year) over a 20-year operating period. Start-up could be as early as the first or second quarter of 1986.

2. Meet steam demands of state institutions and other potential users.
3. If delivery to the state is the selected option, it would reduce the State of Oregon's reliance on fossil fuels by replacing 85 percent of the projected fuel use at the Oregon State Penitentiary and the Oregon State Hospital with cogenerated steam (replace 300 trillion Btu per year fuel use).
4. Provide new steam generating capacity for state institutions and eliminate the need for boiler replacement over the life of the project.
5. Reduce the quantity of solid waste requiring landfilling. Unverified quantities of up to 180,000 tons per year might be available for fuel, thereby reducing the amount of land needed for landfills.
6. Reduce fuel use that would be required for transporting solid waste for disposal outside the Salem area by providing a waste receiving/processing facility near the center of solid waste generation.

The possibility of this leading to an implementable project is exceptionally good because of the urgent need for a long-term solution to Marion County's solid waste disposal problem, the legal ability of the county to control the waste stream and serve as project proponent, the commitment from the state to find the most cost-effective fuel, and the interest of PGE in increasing its power base.

#### Coordination Activities

As explained in Section 2, numerous individuals and entities have provided assistance in planning the Marion County resource recovery program to date. Statements of support from the following agencies are included at the end of this section.

Portland General Electric Company

State of Oregon Governor's Office

Polk County Board of Commissioners

Section 5 describes the present formation of a Joint Powers Agreement (JPA). JPA members and others will be active in development of the proposed project. Project coordination during planning will be accomplished by periodic review meetings as described in Section 3.

Marion County has taken the lead in developing this proposal. Proposal input has been received from the Department of Human Resources, DEQ, Oregon Department of Energy, and PGE.

### Program Approach and Methodology

Because of the emergency situation existing within Marion County with regard to waste management, an early decision about the feasibility and implementation of new facilities is urgently needed. The planning decisions will provide the direction of waste management in Marion County for many years. Grossly simplified, planning must establish the economic basis and timing for a choice between resource recovery and landfill disposal.

The approach to be used is oriented to the primary objective of providing project definition sufficient to serve as the basis for a decision to proceed with determination of feasibility. The program builds on the data base from other recently completed investigations, which also serve as a basis for life-cycle economic comparisons between project alternatives. The proposed work scope is presented in more detail in Section 3. Prior work on which it is based is described in Section 2. Existing information and data are updated where possible to minimize duplication of effort. The quality and level of development of new work is commensurate with the comparison and decision-making objectives.

Because the project involves a large number of possible sites, processes, and facility configurations, a cogeneration project in the Salem area could take many forms. Planning of the many possible alternatives is very costly in both time and money. The methodology to be used recognizes both the urgency of the needed decisions and the limited funds available.

The methodology used in this program employs step-by-step decision making and progressive project definition. The work is divided into discrete elements (tasks and subtasks) integrated in time to provide the necessary information when and as needed for later tasks. Within tasks where numerous options must be considered, preliminary screening analysis is completed to eliminate less desirable alternatives. Work efforts can then focus on alternatives which offer greater potential for economic viability. In the use of screening, the alternatives are evaluated using several criteria which ultimately result in a comparison of energy output and economics. Only the best alternatives are selected for additional planning.

Project milestones are listed in Table 1-1 to show the progressive definition of the project leading to the objective of a go/no-go decision regarding proceeding with project feasibility and implementation.



Table 1-1 Project Milestone Schedule

Milestone No.	Description	Time (months)
1	Preliminary Project Description and Site Selection	2.5
2	Completion of Waste Quantity and Characterization	3
3	Identification of Alternative Plans	3.5
4	Selection of a Preferred Plan	4
5	Results and Recommended Actions (Report)	5
6	Decision on Implementation	6

The work program will be completed in a 6-month period. In accordance with provisions of the program solicitation, two quarterly progress reports will be submitted. The first quarterly report, presented to BPA at the end of the third month, will occur shortly after the preliminary project definition milestone and will be a timely, midproject summary of progress. The second quarterly report will summarize the completed project and discuss achievement of objectives and plans for project implementation. In addition to these formal progress reports, BPA will be advised of and invited to attend major project review meetings scheduled by Marion County.

### Project Funding

Proposed funding sources for the planning activities during the 6-month project period are summarized in Table 1-2. Expenditures projected during the 6-month project period are \$98,300. Of this amount, \$58,100 (59 percent) is requested as a grant from BPA.

Assuming a positive decision to proceed with feasibility evaluation and implementation of the solid-waste-fueled cogeneration facility, feasibility and implementation costs will be funded from a combination of the following sources:

1. Monies from participants of JPA.
2. Solid Waste Department surcharge on franchisees (increased tipping fees).
3. In-kind effort of project participants.
4. Federal grant(s).

Funding of the costs for design and construction of the project could come from the following:

1. Complete private financing.
2. Project-backed revenue bonds.
3. Partial state funding.
4. Partial PGE funding.
5. BPA grants or loan.

Table 1-2 Project Cost and Funding  
(Six-Month Project Period),  
Dollars

Cost category	Marion County and cities <sup>a</sup>	State of Oregon <sup>a</sup>	PGE	Contractors
Labor	29,700	6,100	1,200	--
Direct expenses	3,200	--	--	--
Contracts	--	--	--	58,100 <sup>b</sup>
Total	32,900	6,100	1,200	58,100

<sup>a</sup>In-kind effort.

<sup>b</sup>BPA grant.

VICTOR ATIYEH  
GOVERNOR

RECEIVED  
AUG 13 1981



G-4-4

MARION COUNTY  
BOARD OF COMMISSIONERS

OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

August 12, 1981

John Merrill  
Bonneville Power Administration  
Lloyd Center Tower  
825 NE Multnomah St  
Portland, OR 97232

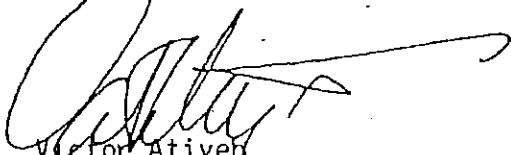
Dear Mr. Merrill:

I am writing regarding the Marion County proposal to study opportunities for using electricity produced from municipal solid waste in a proposed cogeneration plant in Salem. The alternatives this offers to the State institutions in terms of less expensive resources for space heating, and to BPA for reducing its firm load electrical requirements makes the project very exciting.

State agencies have been working with the County in project planning to date and the next step will allow all parties to evaluate more fully the constraints and activities remaining for completion of the project.

I am pleased to recommend this project for your approval.

Sincerely,



Victor Atiyeh  
Governor

VA:kg



Portland General Electric Company

August 12, 1981

Commissioner Randall Franke  
Marion County Courthouse  
Salem, OR 97301

Dear Commissioner Franke:

We are very pleased to know that Marion County plans to submit a grant application to the Bonneville Power Administration to fund a review of a solid waste cogeneration project. The proposed project has merit; its success could encourage many other communities to consider similar alternatives.

The critical problem of locating landfill areas for refuse disposal is shared with many other communities. Coupled with the need to utilize every form of energy source available, the alternative of burning our waste materials to provide electricity and steam for space heating is most appealing, and we encourage you in your efforts.

Solid waste disposal problems are one of the most serious and complex dilemmas that confront local jurisdiction today. An early solution which involves the substantial benefit of reduced reliance on imported oil and natural gas must be considered.

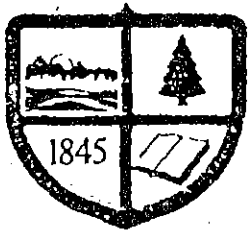
We look forward to working with you on this planning project. Please let me know if we can be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. E. Dyer', written over a horizontal line.

R. E. Dyer  
Manager, Resource Planning

RED/SA/1sm6A29



POLK COUNTY BOARD OF COMMISSIONERS

HENRY A. (HANK) DOUGHERTY  
COMMISSIONER

LYN HARDY  
COMMISSIONER

BENJ. F. MAGILL  
COMMISSIONER

TELEPHONE: 623-8171, EXTENSION 221

Room 104  
COUNTY COURTHOUSE  
DALLAS, OREGON 97338

RECEIVED  
AUG 13 1981

MARION COUNTY  
BOARD OF COMMISSIONERS

August 13, 1981

Commissioner Randall Franke  
Marion County Courthouse  
220 High Street N.E.  
Salem, Oregon 97301

Re: Bonneville Power Administration  
Resource Development Grant

Dear Commissioner Franke:

The Polk County Board of Commissioners appreciate your efforts to solve the pressing solid waste disposal problem confronting you.

The task of siting a new landfill is a difficult one due to increased development costs, local opposition, and ultimately, increased garbage collection rates.

If it is possible to mitigate the negative impacts of these factors through alternative disposal methods, your decision may be made easier and more readily acceptable.

We understand that additional investigation is required to determine the feasibility of a co-generation project. Therefore, we, support your request for a planning grant from the Bonneville Power Administration.

At this time, we cannot commit additional financial assistance to conduct further studies. However, depending on workloads in the Environmental Health Division, one or two personnel could be committed for short-time periods for waste quantity and composition studies or similar work as needed.

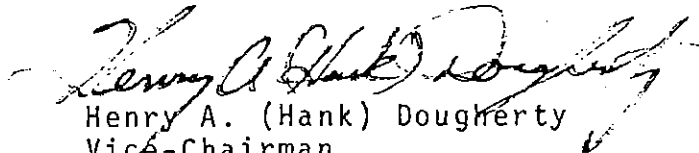
Thank you for the opportunity to comment on your application and we urge approval by Bonneville Power Administration.

Commissioner Randall Ranke  
Page 2  
August 13, 1981

If we can be of further assistance do not hesitate to  
contact us and, we will provide what support we can.

Sincerely,

POLK COUNTY BOARD OF COMMISSIONERS

  
Henry A. (Hank) Dougherty  
Vice-Chairman

HD:GC:sj

## SECTION 2

### HISTORY OF SUPPORTING PRIOR WORK

A substantial amount of current and prior work done by Marion County and others provides the basis for the proposed activities. Work done directly by county staff or by consulting engineers and other private contractors includes numerous solid waste management and resource recovery investigations, ranging from initial planning studies in 1974 through a proposal for construction in 1980. This work is supplemented by the efforts of the Oregon State Departments of Energy, Environmental Quality, Human Resources, and General Services, provided in support of Marion County as the lead agency. The counties have also benefited from extensive original work and review effort provided by a Solid Waste Advisory Council (SWAC), which widely represents the total community and includes members from most city, county, and state agencies; numerous local private industries and community groups; and many interested private citizens.

The production of steam or electrical energy, or cogeneration of both, has been considered since 1979. At that time, a number of individuals and agencies were interested in resource recovery as a viable and responsible long-term solution to the county's waste management needs. Numerous specific factors contributed to this interest:

1. Growing public concern about loss of resources and the potential for pollution from landfilling of refuse.
2. Decreasing capacity in existing landfills and the escalating costs and problems associated with the development and operation of replacement sites, usually with greater transportation distances.
3. Growing public interest in conservation of energy resources and diversification of the energy production base.
4. Incentives from recent statutes and resulting regulations, some of which have the effect of further escalating landfill costs while others increase the marketability of and revenues from electrical power generation.

Increasing concerns on the part of the county supervisors about waste management issues and increased interest in resource recovery by both the public and local and state agencies led Marion County to create the Solid Waste Advisory Council (SWAC) in 1979. SWAC receives direct support and supervision of staff from the Marion County Solid Waste Department. SWAC undertook the task of examining current waste management issues, developing and reviewing alternatives, and providing recommendations for future waste



management planning. Reviews of prior studies and numerous new investigations by SWAC, supported by staff from Marion County and several agencies of the State of Oregon, resulted in the following:

1. Waste quantity and composition base data compiled from existing records, local surveys, and comparisons with information from other Oregon communities.
2. Identification of a number of private steam users in the Salem area as potential markets for energy.
3. Preliminary indication of interest by the State of Oregon for purchase of refuse derived fuel (RDF) or steam to supply energy to major facilities operated by several state agencies in Salem.
4. Preliminary quantification of the energy market represented by the state institutions.
5. Identification of several facility configurations and possible site locations for resource recovery.
6. Commitment to resource recovery as the preferred direction of long-term waste management and general consensus concerning the criteria for planning its development.

On the basis of this initial work by SWAC, contracts were made with several consultants for performance of specific planning work tasks. These included the following:

1. John Matthews, evaluation of materials recoverable from a solid waste center and projection of potential revenues resulting from their sale.
2. Trans-Energy Systems, a preliminary feasibility analysis of the resource recovery alternatives.

After evaluation of the results of this work by SWAC and the county, a final report was prepared by Trans-Energy Systems which incorporated the three preliminary documents and included planning details for a central receiving and processing facility providing extensive materials recovery, production and storage of densified refuse derived fuel (d-RDF), and new fluidized bed boilers for d-RDF-fired steam generation located at each of four major state institutions. This facility configuration was chosen for development primarily because of the lack of a sufficiently large committed steam market serviceable from a central steam generating facility, the significant interest in purchasing steam for its institutions indicated by the State of Oregon and insufficient revenues for a central electricity-generating facility due to low purchase prices prevailing during major parts of the year.

Based on the initial planning, the county continued step-by-step planning to develop and implement a project. Marion County requested review of the report by the Oregon DEQ, which provided review comments and also arranged for outside review of the report through the USEPA's Technical Assistance Program. In February 1981, Marion County engaged Brown and Caldwell to provide planning assistance and Merrill Lynch to provide financial evaluation and arrangement of financing.

During the period from February through April 1981, Brown and Caldwell reviewed the planning of the proposed d-RDF project, including an analysis of economic and technical risks and constraints, a review of data on waste quantities and steam markets, and an assessment of planning cost estimates. Based on this work, Merrill Lynch and Brown and Caldwell prepared a planning report assessing the economic viability of the proposed d-RDF project. This preliminary assessment indicated a need for better definition of the market for d-RDF at the state institutions.

Marion County and the state agencies were also busy during this period. At the request of Marion County, and the Marion County SWAC, the Oregon State Legislative Assembly enacted a bill authorizing the county commissioners to enter into long-term contracts related to waste disposal and broadening their powers with regard to waste control and required use of county facilities. This legislation, enacted as Senate Bill 479, also allows state agencies to enter into long-term purchase agreements for alternative fuels including but not limited to fuels derived from solid wastes. The term of contracts allowed by SB 479 can be for any period not exceeding 20 years.

Also at the request of Marion County, considerable effort was made by the State of Oregon to more accurately forecast the energy needs of the various state institutions. In cooperation with several other state agencies, the Oregon State DEQ compiled energy use records and operational commentary on the existing boiler facilities at five major institutions in and around Salem. The resulting report included monthly and quarterly summaries of fuel use for the 2-year period through 1980, and average energy use projections including various scenarios for planned conservation.

This more detailed study of the energy needs of the state institutions showed a considerably smaller market for fuel from the proposed project. A revised planning report was prepared by Merrill Lynch and Brown and Caldwell, and presented to Marion County and representatives of the various city, county, and state agencies on July 29, 1981.

On the basis of the projected lower quantities needed for fuel from wastes at the selected state institutions, the project costs considerably exceed the economic criteria of the plan. The next step in planning is to identify the options for using more wastes

to develop more energy. The potential of the project to provide cogeneration of electrical power to Portland General Electric Company (PGE), while continuing to supply steam to two or more of the larger state institutions, represents the most feasible option now available to the county.

SECTION 3  
SCOPE OF WORK

The detailed work plan is presented in the following work tasks. The tasks include all in-kind as well as grant-funded work. Please note that the level of work is at a preliminary or prefeasibility stage. The workhours and direct costs for each tasks are presented in Section 4.

Task 1--Refine Waste Quantity Information

- 1.1 Update from previous planning the waste quantity and population information.
- 1.2 Conduct a weighing program to refine quantities.
- 1.3 Conduct a waste characterization study.
- 1.4 Identify and quantify potentially available wastes from commercial sources.
- 1.5 Project processable solid waste quantities (tonnage) and heat value.

Task 2--Develop Energy Markets/Users

- 2.1 Refine previous data on steam demand at state institutions.
- 2.2 Investigate supplemental steam markets.
- 2.3 Evaluate existing boiler systems for energy conservation possibilities, backup use, or retrofit.
- 2.4 Determine energy market considerations for electricity sales to PGE.
- 2.5 Select and evaluate options for cogeneration.
- 2.6 Determine and develop best options for meeting criteria of energy output and economics.
- 2.7 Solicit letters of intent from energy users.

Task 3--Select and Evaluate Sites

- 3.1 Identify sites for receiving and cogeneration facilities. Screen sites for ownership and availability.

- 3.2 Review land use and environmental factors for site use.
- 3.3 Evaluate and rank sites.

#### Task 4--Define Regulatory Requirements

- 4.1 Identify responsible agencies and their permit requirements.
- 4.2 Define regulatory requirements for air emissions.

#### Task 5--Develop Cogeneration Facility Concepts

- 5.1 Prepare preliminary alternatives and costs for the following:
  - A. Single semisuspension fired boiler and turbo-generator.
  - B. Two smaller semisuspension fired boilers with single turbogenerator.
  - C. Multiple fluidized-bed boilers with single turbogenerator.
  - D. Mass-fired boilers with single turbogenerator.
- 5.2 Combine Task 2.5 options with Task 5.1 to compare cogeneration facilities.
- 5.3 Prepare process schematic and mass and energy balances for best two alternatives
- 5.4 Prepare conceptual type capital cost estimates.

#### Task 6--Evaluate the Use of Transfer Stations

- 6.1 Determine transport requirements for fuel delivery and residue disposal.
- 6.2 Conceptually develop waste transfer facilities.
- 6.3 Prepare conceptual type capital and operating cost estimates.

#### Task 7--Evaluate Institutional Arrangements

- 7.1 Define participant involvement and interests.

- 7.2 Evaluate legal requirements and constraints (including SB479 as it relates to the state contracting for fuel but not steam).
- 7.3 Review financing alternatives and the role of each participant.
- 7.4 Evaluate ownership of facilities.
- 7.5 Evaluate procurement options.
- 7.6 Select preferred institutional arrangements for project development and implementation.

Task 8--Perform Planning Level Economic Analysis of Selected Options

- 8.1 Select project alternatives for analysis and determine total capital requirements.
- 8.2 Project annualized operations and maintenance costs.
- 8.3 Project annualized revenues.
- 8.4 Prepare sensitivity analysis for important parameters.
- 8.5 Summarize project(s) viability and compare with land-fill alternatives.

Task 9--Develop Future Action Needs

- 9.1 Identify further requirements for feasibility assessment and project implementation.
- 9.2 Scope major work items necessary to establish project feasibility.
- 9.3 Prepare preliminary plan for feasibility assessment and implementation of project.

Task 10--Prepare Study Report

- 10.1 Prepare initial chapters for input to selection of institutional arrangements.
- 10.2 Prepare final report including conclusions and recommendations.

## Task 11--Project Management

Project management functions during the project will include the following activities:

- a. Maintain liaison with the BPA project manager and state and local agencies.
- b. Prepare and maintain project schedule.
- c. Maintain project technical quality and control.
- d. Prepare progress reports for submittal to BPA, as required.
- e. Prepare and coordinate presentation of results.
- f. Maintain budget control and approve all project invoices.
- f. Supervise the mobilization and assignment of staff resources for each project task and coordinate team work efforts to meet schedule and scope demands.

## SECTION 4

### LEVEL OF EFFORT AND COST ESTIMATE

Part II of Standard Form 424 (Table 4-1) includes a summary of the cost estimate for performing the proposed scope of work described in Section 3. Detailed cost estimate breakdowns are included in Table 4-2. Level of effort estimates are listed in Table 4-3. Detailed direct cost estimates are presented in Table 4-4.



Table 4-1

OMB NO 50-10105

APPLICATION FOR FEDERAL ASSISTANCE (Short Form)			
PART II - BUDGET DATA		DE-RP79-81BP29202	
Object Class Category	Current Approved Budget (a)	Change Requested (b)	New or Revised Budget (c)
1. Personnel <sup>a</sup>			37,000
2. Fringe Benefits <sup>b</sup>			--
3. Travel			700
4. Equipment			1,500
5. Supplies			1,000
6. Contractual			58,100
7. Construction: none			--
8. Other: none			--
9. Total Direct Charges			98,300
10. Indirect Charges <sup>c</sup>			--
11. TOTAL			98,300
12. Federal Share/BPA			58,100
13. Non-Federal Share /in kind			40,200
14. Program Income: NA			--
15. Detail on Indirect Costs: Included in 1 and 6 above.			
Type of Rate (Mark one box)			
<input type="checkbox"/> Provisional <input type="checkbox"/> Pradetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed			
Rate _____ % Base \$ _____ Total Amount \$ _____			

<sup>a</sup>Includes labor for all participants except the contractors.

<sup>b</sup>34 percent for personnel; included in 1.

<sup>c</sup>Indirect charges are included in 1. Personnel and 6. Contractual.

Table 4-2 Detailed Cost Estimate, Dollars

Task number	Agency				Contractors			Total
	Marion County and cities		State of Oregon	PGE	Brown and Caldwell		Dena Sweeney	
	Labor	Direct costs	Labor	Labor	Labor	Direct costs	Labor	
1	11,700	1,500	1,000	--	1,600	--	--	15,800
2	800	--	500	600	10,600	600	--	13,100
3	2,200	--	--	--	500	--	600	3,300
4	900	--	500	--	1,000	--	--	2,400
5	700	--	1,200	600	4,600	--	--	7,100
6	800	--	200	--	4,400	100	--	5,500
7	3,400	--	500	--	2,400	500	1,200	8,000
8	200	--	1,700	--	5,200	--	--	7,100
9	4,400	--	500	--	7,900	500	--	13,300
10	1,100	1,700	--	--	7,300	--	--	10,100
11	3,500	--	--	--	7,700	1,400	--	12,600
Total								98,300

Note: See Table 4-3 breakdown of work hours. Labor costs were calculated using an average hourly cost for each labor category: professional, legal, technical, and clerical. The detailed direct costs are presented in Table 4-4.

Table 4-3 JPA Members and Consultants--Estimated Level of Effort

Task number	Workhours										Total
	Agency					Contractors					
	Marion County/cities				PGE	State of Oregon	Brown and Caldwell			Dena Sweeney	
	JPA/Prof.	Tech.	Legal	Clerical	Prof.	Prof.	Prof.	Tech.	Clerical		
1	120	400	--	90	--	40	30	--	10	--	690
2	40	--	--	--	20	20	160	70	70	--	380
3	40	40	20	10	--	--	10	--	--	40	160
4	20	20	--	10	--	20	20	--	--	--	90
5	30	--	--	10	20	50	60	50	20	--	240
6	20	20	--	--	--	10	90	--	20	--	160
7	30	120	10	--	--	20	50	--	10	80	320
8	10	--	--	--	--	70	100	10	20	--	210
9	20	180	--	20	--	20	140	40	20	--	440
10	30	20	--	10	--	--	80	70	90	--	300
11	160	--	--	30	--	--	160	--	30	--	380
<b>Total</b>	<b>520</b>	<b>800</b>	<b>30</b>	<b>180</b>	<b>40</b>	<b>250</b>	<b>900</b>	<b>240</b>	<b>290</b>	<b>120</b>	<b>3,370</b>

Table 4-4 Breakdown of Direct Costs

	Task		Cost, dollars
1	Agencies--equipment for waste weighing and characterization. Scale rental, purchase of gloves, bags, shovels, etc.		1,500
2	Contractor--four round trips by car from Eugene, Oregon, to Salem, Oregon. 4 @ 140 miles = 560 miles @ \$.25/mile 1 round trip airfare from Walnut Creek, California, to Salem, Oregon, @ \$300 Subsistence for 3 days @ \$50/day	140 300 150	590
6	Contractor--two round trips by car from Eugene, Oregon, to Salem, Oregon. 2 @ 140 miles = 280 miles @ \$.25/mile		70
7	Contractor--one round trip airfare from Walnut Creek, California, to Salem, Oregon. 1 @ \$300 Subsistence for 4 days @ \$50/day	300 200	500
9	Contractor--one round trip airfare from Walnut Creek, California, to Salem, Oregon. 1 @ \$300 Subsistence for 4 days @ \$50/day	300 200	500
10	Agencies--two round trip airfares from Salem, Oregon, to San Francisco. 2 @ \$300 Subsistence for 2 days @ \$70/day Printing final report	600 140 1,000	1,740
11	Contractor--two round trip airfares from Walnut Creek, California, to Salem, Oregon. 2 @ \$300 Subsistence for 6 days @ \$50/day	600 300	900
Miscellaneous contractor costs Printing of progress reports, communications, etc.			500

## SECTION 5

### PROJECT ORGANIZATION AND KEY PERSONNEL

This section describes the organization proposed for the project and identifies key personnel who will be responsible for major project activities.

#### Project Organization

The board of county commissioners of Marion County through the Marion County Solid Waste Department has responsibility for franchising solid waste disposal operations in the county. The Solid Waste Department also franchises solid waste collection in the unincorporated areas of the county. Incorporated municipalities franchise solid waste collection operations within their respective jurisdictions. The recently enacted Senate Bill 479 expands the powers of the board of county commissioners of Marion County by granting them the authority to designate the site for depositing collected solid waste.

Implementation of solid waste energy recovery requires an assured source of solid waste and guaranteed energy sales. In Marion County this involves various entities, each necessary for an implementable project. In recognition of this, a Joint Powers Agreement (JPA) is presently being formulated.

The JPA is being formulated with representation from each major entity of state and local governments anticipated to be a participant in the solid-waste-fueled cogeneration project. These include the following:

1. Marion County Board of Commissioners. To serve as the lead agency and administrator during project development and as the project proponent for project implementation.
2. State of Oregon, Department of Human Resources. (The department administers the correctional institutions in Oregon.) To provide a member to the JPA committee and to provide assistance in additional definition of the steam demand at the institutions and site investigation for the cogeneration facility if on state land. To aid in seeking amendment of SB 479 in relation to purchasing steam as well as fuel from resource recovery projects during project development. To lease the site(s) to the project and purchase steam if the planning results are favorable.

3. Municipalities (Salem and others). To provide members to the JPA committee and provide assistance in establishing contract principles for their respective collector franchises to control the flow of solid waste. To guarantee delivery of solid waste and payment of tipping fees.

In addition to the JPA member participants, Portland General Electric Company (PGE) and Oregon Department of Environmental Quality (DEQ) will participate in the project activities.

PGE will actively participate in planning by defining their electricity (or steam) purchase requirements and prices and by evaluating institutional options, including PGE ownership of the electric generating equipment, during project development.

DEQ will actively participate during planning by providing review of plans for the solid waste inventory and the report, and by providing interpretation of environmental issues, especially air emission control requirements. Project participant roles are summarized in Table 5-1.

Marion County presently has agreements with Merrill Lynch, White Weld for bond underwriting (financial assistance), and with Brown and Caldwell for technical consultation. These agreements will be expanded to include the performance of work necessary for the proposed project activities.

#### Personnel

The people who will work on the project will come from several agencies and two contractors (consultants). All assignments will be coordinated by the JPA coordinator. The key personnel and their percent time commitment to the cogeneration project are listed in this section.

Randall Franke. Marion County Commissioner authorized to sign the grant application. He has no work assignment, but he will follow the progress of work closely.

Walter Kluver. Mr. Kluver is the JPA coordinator and manager of this project. He is a full-time employee of the Marion County Buildings Department. Mr. Kluver will be working on the project about 15 percent of his time.

Jerry Carter. Mr. Carter is the Solid Waste Coordinator for Marion County. He has been intimately involved in guiding and working on past resource recovery and waste management activities in the Salem area. Mr. Carter will be working on the project about 20 percent of his time.

Table 5-1 Organization/Role Matrix

Participant	Role during planning/implementation
JPA participants	
Marion County	Serve as lead agency Provide JPA coordinator Provide JPA committee member Retain consultants Provide funding Provide legal staff
Polk County (if part.)	Provide JPA committee member Provide funding
Major cities	Same as Polk County
State of Oregon	Same as Polk County
Department of Human Resources	Provide steam or fuel market Provide site alternatives
Other participants	
PGE	Participate in planning Provide energy market
State of Oregon DEQ	Provide advice

Robert Cannon. Mr. Cannon is legal counsel for Marion County. He will guide and participate in legal matters. Mr. Cannon will be working on the project on an as-needed basis.

Timothy Davison. Mr. Davison is a resource recovery specialist with the State of Oregon Department of Environmental Quality. He has first-hand knowledge of waste management in Oregon with an emphasis on waste-to-energy activities. Mr. Davison will assist in waste characterization studies and in the evaluation of cogeneration facilities, particularly air emissions. He will be working on the project about 5 percent of his time.

Hilary Theisen. Mr. Theisen is the principal-in-charge of Brown and Caldwell work. He will ensure the assignment of staff as well as serve as an adviser and reviewer for work activities. His extensive waste management and resource recovery experience includes first-hand work on the past Marion County resource recovery program. Mr. Theisen will be working on the project about 5 percent of his time.

Ervin Nesheim. Mr. Nesheim is a supervising engineer with Brown and Caldwell. He is the project manager for all Brown and Caldwell work. In addition to management, he will draw upon an extensive resource recovery experience to complete much of the work. He is intimately familiar with past Marion County resource recovery work and state-of-the-art resource recovery technology. Mr. Nesheim will be working on the project about 40 percent of his time.

Bill Meloy. Mr. Meloy is a principal engineer with Brown and Caldwell. He has extensive experience in industrial boiler and heat use and first-hand knowledge of the Marion County resource recovery programs. His responsibility on this project will be in cogeneration siting and technology evaluation and in coordination of work with Portland General Electric. Mr. Meloy will be working on the project about 20 percent of his time.

Patrick Maroney. Mr. Maroney is a senior engineer with Brown and Caldwell. He has extensive power plant and resource recovery experience. He is available to this project as a reviewer and adviser. Mr. Maroney will be working on the project on an as-needed basis.

Dena Sweeney. Ms. Sweeney is a legislative consultant in Salem. She has worked extensively on previous Marion County resource recovery programs. Her work will center on institutional and public roles during the planning period. Ms. Sweeney will be working on the project about 5 percent of her time.

Others. Additional personnel will be assigned as necessary.





# MARION COUNTY BOARD OF COMMISSIONERS

COURTHOUSE, SALEM, OREGON 97301

August 1981

COMMISSIONERS  
Harry Carson, Jr., Chairman  
Gary Heer  
Randall Franke

ADMINISTRATIVE OFFICER  
Ken Roudybush

TELEPHONE (503) 588-5212

LEGAL COUNSEL  
Robert C. Cannon

TELEPHONE (503) 588-5220

## CAREER-RESUME

Commissioner Randall Franke

Date of birth: November 25, 1946

Wife: Jacqueline (Jackie)

Children: Two daughters, Coral (7 years); Amber (16 months)

Residence: 4472 Hayesville Drive NE, Salem

Grew up on family farm in Marion County approximately 10 miles north of Salem. Attended and graduated from Gervais Union High School. Graduated in 1969 from University of Oregon with B.S. in General Social Science. Served in U.S. Navy flight program at rank of Lieutenant j.g.; received Honorable Discharge.

Attended Oregon College of Education Graduate School and received Masters Degree in Corrections, 1973. Served as Marion County Safety Officer from February 1973 to December 1978. Elected to office of Marion County Commissioner in November 1978; assumed office in January 1979.

### Solid Waste Committee Assignments:

Chairman, Marion County Solid Waste Action Committee - 1981

Chairman, Chemeketa Regional Solid Waste Advisory Committee, 1979-81

Chairman, Marion County Solid Waste Advisory Committee, 1979 (disbanded)

In addition to representing the Marion County Board of Commissioners on the various solid waste committees, Commissioner Franke has attended several EPA sponsored solid waste seminars and conferences, as well as traveling to New York in March 1981 to review solid waste treatment facilities located in Albany and Rochester, New York.

Commissioner Franke has also served as the Board of Commissioners' liaison with the citizens advisory committee (SWAC), attending many of their meetings and special events. Further, he participated in the development of SB 479 as well as testifying on it before the Oregon State Legislature. Commissioner Franke will be the Marion County Board of Commissioners' representative on the joint coordinating committee to oversee the implementation of the eventual energy program.

RESUME: Walter H. Kluver

EDUCATION: University of Maryland/M.I.T. 1952  
B.S. Engineering/Engineering Economics

University of Maryland 1963  
Economics/Statistical Analysis

1953 - 1974

Project Engineer - Coordinator for the World Health Organization and the United Nations Commission for Human Development projects. Projects included but were not limited to planning, development and implementation of World Health needs such as hospitals, clinics, relocation of villages and towns from high pestilence areas. The Commission for Human Development projects were designed primarily as self-help projects and included planning and implementation of projects, utilizing local area resources in developing an agricultural and industrial base that would result in the elevation of the standard of living for the local inhabitants. These projects were usually handled in conjunction with the World Health projects and required a very high level of coordinating efforts, with the use of innovative planning and procedures due to the unique resource problems and human elements common to the African Continent.

1974 - 1976

Project Coordinator for ALCOA Aluminum. Duties included coordinating efforts of ALCOA staff, Consultants, Municipal Building Departments, Architects and Engineers on the use and acceptance of aluminum structural components.

1976 - Present

Marion County. Duties include Building Administration, Project Engineer/Coordinator and assigned tasks.

RESUME: Jerry E. Carter

Jerry E. Carter born 1937 in Northern Missouri, moved to Oregon in 1946 and graduated from Salem schools. Attended Oregon College of Education (OCE) before beginning employment with Marion County Public Works in July 1957. In February 1974 joined the Marion County Solid Waste Division as a full time staff member. Presently serves as Solid Waste Coordinator with responsibility for the Department of Solid Waste.

Since 1977 has served as Director of the Chemeketa Regional Solid Waste Program, which involves a five-county adopted solid waste plan. Received additional credits in Solid Waste Disposal Management from the University of Wisconsin.

Community activities include: serving as a Director from 1969-73 for the Credit Union National Association (CUNA); past President of the SESNA Neighborhood Association. Presently serves as Chairman of Mid-Willamette Valley Community Action Agency and current Chairman of the Governmental Refuse Collection and Disposal Association (GRCDA) Oregon Chapter.

HILARY M. THEISEN

Education:

B.S., Civil Engineering, University of Minnesota, 1960  
M.B.A., Business Administration, University of Santa Clara,  
1973

Registration:

Registered Civil Engineer 18711, California  
Registered Professional Engineer 7682, Oregon  
Registered Professional Engineer 03006, Hawaii  
Registered Professional Engineer 13906, Washington

Experience:

1977-Present

Joined Brown and Caldwell as a managing engineer. Appointed vice president and manager of the Resource Recovery and Energy Conservation Division in October 1978.

1974-1977

Employed by the County of Sacramento, Department of Public Works, as chief of Solid Waste Management Division. The position included full management responsibility for a 256-man organization which provided solid waste collection, transfer, recovery, and disposal services to an unincorporated area of about 400,000 people. Responsibilities included an annual budget of about \$8,000,000 and the construction of a \$1,000,000 transfer station. Typical activities covered were:

- Two transfer stations handling 600 tons/day.
- Residential collection routes picking up 500 tons/day.
- Sanitary landfills receiving approximately 1,100 tons/day.
- Development of a solid waste management plan for Sacramento County (population 700,000).
- Planning and implementation of waste newspaper collection on all residential collection routes.

Coauthored a text on solid wastes which brings together a wide body of knowledge concerning the rapidly changing and expanding field of solid waste management. The book is organized into three parts that deal with perspectives, engineering principles, and management issues. It has already been adopted by numerous colleges and universities around the world. It is also intended to be used as a reference work for practicing professionals in a variety of fields.

1965-1973

Employed by Metcalf & Eddy, Inc., consulting engineers. Project director and manager responsible for the development of solid waste management plans for the following communities:

- Region comprising Multnomah, Clackamas, Washington, and Columbia counties, Oregon.

- Anchorage, Alaska.
- Honolulu, Hawaii.
- Contra Costa County.
- San Francisco International Airport.
- State of California.

Other solid wastes experience included work as a project engineer on the development of operating plans for landfills in Monterey County and the City of Antioch, California.

Additionally, project manager for a study of water resources for Atlantic Richfield Company oil shale developments in western Colorado. Project cost of about \$400,000.

Other experience during this period included work as a project engineer on sewerage and industrial waste system designs, water system designs, and water resources planning.

1960-1964

Public works assignments as an officer with the U.S. Navy, Civil Engineer Corps.

Membership:

American Society of Civil Engineers  
American Public Works Association  
California Water Pollution Control Association  
Governmental Refuse Collection and Disposal Association

Publications:

1. Solid Wastes-Engineering Principles and Management Issues, with H.M. Tchobanoglous and R. Eliasser, McGraw-Hill, New York, 1977.
2. "Solid Waste Management Planning: A Methodology," with P.L. Maxfield, and G.E. Lynch, Journal of Environmental Health, Vol. 38, No. 3, 1975.
3. "Planning Solid Waste Systems - A Public Works Challenge or Crisis," Proceedings, 27th California Transportation and Public Works Conference, The Institute of Transportation and Traffic Engineering, University of California, 1975.
4. "Hawaii's Environmental Planning Aims at Flexibility for Solid Waste Management," with M. Brown Public Works, Vol. 103, No. 9, 1972.
5. "Pragmatic Approaches to Regulation and Control," Proceedings, 28th California Transportation and Public Works Conference, 1976.

ERVIN E. NESHEIM

Education:

B.S., Mechanical Engineering, South Dakota School Of Mines and Technology, 1967

M.S., Civil Engineering (Environmental Engineering and Water Resources), South Dakota School of Mines and Technology, 1972

Registration:

Registered Civil Engineer 9137, Iowa

Registered Professional Engineer 2222, South Dakota

Registered Professional Engineer 42769, Ohio

Experience:

1979-Present

Joined Brown and Caldwell as a supervising engineer in the Resource Recovery and Energy Conservation Division. Appointed supervisor of the Resource Recovery/Solid Waste Management Department in October 1980.

Presently project manager for the procurement of the San Juan Metro waste-to-energy project, a 1,560-ton-per-day solid waste mass-fired electrical generating facility. The project is being procured from full-service (design, construction, and operation) firms. Revenue bond financing will be used. Procurement activities include:

- Site evaluation, including preliminary geotechnical investigations.
- Preparation of a preliminary management plan which includes evaluations of management, institutional, legal, and financial aspects of the project.
- Preparation of a permitting and approval plan.
- Prequalifications of potential full-service contractors.
- Contract preparation and negotiations, including full-service contracts, waste delivery contracts, and electricity sales contracts.

Served as technical coordinator for Phase 2 of the Hillsborough County, Florida, resource recovery project development and procurement planning. Activities included energy market evaluations and preliminary engineering evaluations; cost estimates, and economics evaluations of steam-producing modular combustion units, conversion of an existing unit to an electricity generating facility, and electricity-producing facilities using semi-suspension and mass-fired waterwall combustion units.

1975-1979

Employed by Stanley Consultants, Inc., consulting engineers, as technical manager and head of water and waste systems

planning department. Responsible for a wide variety of solid waste-related projects. Served as technical manager for:

- Development of a solid waste resource recovery implementation plan for Cuyahoga County (Cleveland area), Ohio. The key facility in the plan is a 2,000 ton-per-day waterwall combustion unit for producing steam from solid waste.
- Development of Phase I (resource recovery) of the Ohio Statewide Solid Waste Management Plan.
- Study of intergovernmental cooperation in wastewater sludge energy recovery and conservation for U. S. ERDA (Department of Energy).

Lead engineer and consultant on various coal combustion residue disposal projects including:

- Treatment, truck transportation, and landfill disposal of combined fly ash and oxidized flue gas desulfurization sludge and other ash from a 250-MW power plant in Iowa.
- Rail transport and landfill disposal of combined fly ash and unoxidized flue gas desulfurization sludge for an 850-MW power plant in Kentucky.

1971-1975

Employed by Utilities Engineering Corporation, Consulting Engineers. Project responsibilities included a 201 Facilities Plan for the Rapid City, South Dakota, wastewater treatment plant, a water pollution control plan for a cement manufacturing plant, and the development of basin water quality management plans.

1967-1970

Reactor engineer and reactor supervisor for Idaho Nuclear Corporation, a contractor for operating Atomic Energy Commission (Department of Energy) nuclear test reactors.

Membership:

National Society of Professional Engineers  
American Society of Mechanical Engineers  
Water Pollution Control Federation

Publications:

1. "Resource Recovery from Municipal Solid Waste in Ohio," Ohio Cities and Villages, 1978.
2. "Cuyahoga County Resource Recovery Implementation Plan Development," with P. Holland and G.C. Stotler, Ohio Cities and Villages, 1978.
3. "Land Application of Wastewater Sludge," Public Works, 1978.
4. Demonstration of a Nonaqueous Sewage Disposal System, with F. Matthew, U.S. Environmental Protection Agency, 1973.



BILL R. MELOY

Education:

B.S., Mechanical Engineering, Oregon State University, 1963

Registration:

Registered Mechanical Engineer 6830, Oregon

Registered Mechanical Engineer 18794, Washington

Experience:

1977-Present

As project manager for industrial and energy conservation services, directed the performance of the following projects:

- Technical assistance audit for Tacoma Community College, Tacoma, Washington; Clark College, Vancouver, Washington; and City Hall, Medford, Oregon.
- Preliminary energy survey for a large petrochemical plant in Texas.
- Two studies of the feasibility of using methane as vehicle fuel, cogenerating it for electricity, or selling it.
- Analysis of uses of cogenerated steam for a large winery.
- Energy survey and audit for all Portland foundry facilities of ESCO Corporation, a large steel-casting firm.
- Design of energy conservation projects involving use of waste heat from large heat-treating furnaces and other processes.
- Two energy surveys and audits for Naval Air Rework Facility, San Diego, California.
- Study of waste heat recovery and use for space heating for a large forging shop.
- Design of digester gas system for City of Portland, Oregon, 100-mgd wastewater treatment plant.

1974-1977

Joined Brown and Caldwell as a project engineer. Principal assignments have included the following:

- Design of 5-mgd sewage pumping station with 4,000 feet of force main.
- Preparation of operation and maintenance manual for the City of Grants Pass, Oregon, wastewater treatment plant.
- Supervision of design of mechanical systems for City of Corvallis, Oregon, 10-mgd wastewater treatment plant.

BILL R. MELOY

Page 2

- Project manager for construction of the Corvallis wastewater treatment plant.

1966-1973

Employed by ESCO Corporation as plant engineer responsible for the planning, design, specification, and construction of major new air pollution control and plant improvement projects at the company's main steel foundry in Portland, Oregon.

1963-1964

Employed by Keystone Machine Works, Inc., at Roseburg, Oregon, as designer of sawmill machinery.

Membership:

Professional Engineers of Oregon  
Pacific Northwest Pollution Control Association  
American Institute of Plant Engineers

PATRICK M. MARONEY

Education:

B.A., Biology and Physics, University of California, 1972  
M.S., Civil Engineering, University of California, 1973

Registration:

Registered Civil Engineer 28075, California

Experience:

1976-Present

Joined Brown and Caldwell in November 1976. Has been assigned major responsibilities in diverse water, wastewater, and solid waste projects including the following:

- Project manager on a treatment study of oil shale wastewaters. Conducted a series of bench' scale tests to determine the effectiveness of various unit treatment processes.
- Project engineer for the evaluation of a new treatment process to remove trace soluble metals from power plant waste streams.
- Project manager for the preliminary design of three resource recovery facilities in northern Santa Clara County, California.
- Project manager for the Alameda County, California, solid waste management plan.
- Project engineer for the Hillsborough County, Florida, resource recovery feasibility study.
- Project engineer on a study to determine the feasibility of using reclaimed wastewater for cooling tower makeup for a 400-MW combined cycle power plant at three different sites in the San Francisco Bay Area.
- Project engineer for the preliminary design of the treatment system for using reclaimed wastewater as cooling tower makeup for the combined cycle plant.
- Project engineer for the Alameda County, California, medium- and long-term solid waste facilities plan.
- Project engineer for the evaluation of alternative sources of supply for process water for a gas turbine power plant. Process water uses included combustion cooling and NO<sub>x</sub> control. Plant sites were in the San Joaquin Valley and San Francisco Bay Area. Report was submitted to the California Energy Commission by the client to satisfy NOI hearing requirements.

1974-1976

Project engineer, Kaiser Engineers, Oakland, California. Responsibilities included environmental and engineering studies for a variety of projects. Principal assignments included:

- Project engineer on a study of treatment processes for waste streams at three electric power plants. The

systems were designed to meet proposed USEPA effluent guidelines and included provisions to treat low level radioactive waste streams at the Diablo Canyon Nuclear Power Plant.

- Project engineer on an environmental impact assessment of a surface coal mine on the North Slope of Alaska.
- Project engineer on a preliminary environmental impact assessment of a 3-million-ton-per-year surface coal mine in British Columbia.
- Project engineer for selection of treatment process for potable water system at a steel plant in California.
- Construction inspector of a 70-mgd stormwater pumping station and storm drains, Vallejo, California.
- Lead man for home office support for construction of a 12-mgd wastewater treatment plant, Vallejo, California.

1972-1973

Graduate student in M.S. program at University of California, Berkeley. Assisted in studies of toxicity and biostimulation of municipal wastes in San Francisco Bay, engaged in a study to assess the toxicity of refinery effluents discharged to San Francisco Bay, constructed a model of Truckee River to investigate the effect of municipal waste discharged to an alpine stream.

Membership:

American Society of Civil Engineers  
California Water Pollution Control Association

Publication:

"Incineration-Pyrolysis of Wastewater Treatment Plant Sludges," with R. B. Sieger, presented at Sludge Treatment and Disposal Seminars sponsored by the U.S. Environmental Protection Agency, 1977. Updated in 1978.

RESUME: Dena E. Sweeney

Dena E. Sweeney, 41, serves as president of Lawrence Dean Ltd., a public relations and public affairs company she reestablished in 1976 after a 9 year hiatus. The company specializes in consulting in intergovernmental relations, print and electronic media communications, lobbying, public relations and citizen involvement strategy. Accounts include several merit shop construction trades, the rental housing industry, a broadcaster association, an alternative energy supplier, several solid waste projects and until recently the hotel and resort industry.

Selected by Oregon Magazine, June 1981, as one of "100 Most Powerful Women in Oregon".

Formerly administered National Model Project and served as consultant to Mayor of Phoenix, Arizona on all matters relating to city policy (including a major study on solid waste for the Public Works Division.)

Served as consultant to National Conference of State Legislators and U.S., Conference of Mayors in Washington, D.C.

Other experience includes Director of Public Affairs for Ada Council of Governments, Boise, Idaho and Citizen Participation Consultant for the State of Oregon, Dept. of Human Resources.

Founder and publisher of "Idaho Heritage, a 15,000 circ. magazine. President of CAMPRO, Capitol Area Media and Public Relations Organization, member of Salem Convention Boosters and Capitol Club. (lobby organization).

Education includes: B.S., Journalism and Public Relations; M.I.S., Public Administration, Urban Planning and Political Science, University of Oregon.



In the face of such strong opposition, local interest in siting a new landfill died, and the matter was brought before the Environmental Quality Commission at their April, 1978, meeting.

Upon request by Marion County, the Commission authorized a 5-year extension of the Brown's Island Sanitary Landfill Permit. The purpose in granting this extension was to provide Marion County ample time to phase out Brown's Island in an orderly way, and implement a long-range solid waste management program. As a condition for granting the 5-year extension, the Commission directed Marion County to submit annual reports to the Department so progress could be monitored.

Subsequent to the Commission's action, the site was inventoried in accordance with EPA RCRA criteria. The site was found unsuitable for continued operation as a sanitary landfill based on monitoring well data which confirmed ground-water degradation was occurring beyond the fill boundaries. Accordingly, the site was classified as an "open dump", and a July 1, 1983 closure date was established to complement previous Commission action. Since this year marks roughly the "halfway" point, staff felt the Commission should be formally updated on the County's actions and accomplishments.

#### Evaluation

Following the 1978 Commission action, Marion County took significant steps to change and upgrade their solid waste program. These included:

1. Hiring a full time Solid Waste Director.
2. Creating a Solid Waste Department and staffing it with four full-time positions.
3. Formation of the Marion County Solid Waste Advisory Council (SWAC).
4. Hiring qualified consulting firms (4) to develop programs and plans recommended by SWAC.
5. Appointment of a Technical Advisory Group (TAG) to review and assist in development of proposals submitted by SWAC.

The above groups were very active, and citizen participation involved over 250 persons during various planning stages. By September, 1980, SWAC published their first report, "Putting The Pieces Together" (Attachment 1).

This document recommended goals for Marion County and suggested methods for attaining them. After acceptance of this report, Marion County spent the remainder of 1980 and the first half of 1981 working with engineering and consulting firms to develop implementation plans that would reflect SWAC's recommendations.

As recommended by SWAC, considerable time and emphasis was placed on development of a densified refuse derived fuel (dRDF) facility that would produce pelletized fuel for sale to State institutions in Salem. During negotiations with the State and private industry, many technical and administrative problems arose. To partially address these, Oregon legislative action was required.

Accordingly, Marion County authored and obtained passage of SB479 (Attachment 2). This Bill has statewide impact and basically sets the framework for Marion County to:

1. Enter into long-term contracts with the State for sales of alternative fuels. (The state can contract with anyone for this purpose.)
2. Maintain and direct solid waste flow control.
3. Establish franchises and control fees.

After passage of SB479, the consulting firms of Merrill Lynch (finance) and Brown and Caldwell (engineering) completed their research to determine if the proposed dRDF project would be feasible and cost effective for Marion County.

Their final report concluded the project would not be economically competitive with conventional landfilling options for at least another eight to ten years. As such, they recommended postponing the project until the economic climate is more favorable and additional fuel markets are developed. In the interim, they advised Marion County to obtain a new landfill as soon as possible.

Though disappointed with the findings on the energy recovery option, Marion County had completed sufficient planning to implement siting of a new landfill. Of twenty potential sites evaluated by SWAC and/or the Marion County Solid Waste Department, the selection process has now been narrowed down to the top two sites, both located southeast of Salem.

The I-5 Landfill Site is a 467-acre parcel that private industry (Brown's Island, Inc.) has obtained a long-term lease-option on. The site received extensive review by DEQ, and a preliminary feasibility approval has been issued. Final design plans and land use hearings are now pending.

The O-W Landfill Site is a 596-acre parcel that the County Solid Waste Department is pursuing in cooperation with the property owner. Geotechnical and engineering studies are in progress, but have not been forwarded to DEQ for review as of this writing.

According to a revised time schedule released by the Marion County Board of Commissioners on August 27, 1981 (Attachment 3), land use hearings will be held on the above sites before November 1, 1981. Upon completion of these hearings, Marion County will make a final site selection and apply for a DEQ Solid Waste Permit on or before December 15, 1981. If this schedule is maintained, the new landfill site should be operational prior to the July 1, 1983 closure of Brown's Island.



In conjunction with the landfill option, SWAC recommended establishment of a central receiving facility so only large transfer vehicles would be allowed access to the new landfill. Private industry does not concur with this recommendation. Their proposal calls for establishment of a smaller transfer station to serve the public, while private and commercial haulers would be allowed direct access to the landfill. Locations have been identified for these facilities; however, the County has not committed to either recommendation at this time.

Several additional developments have occurred which deserve Commission notice:

1. On July 22, 1981, SWAC presented their final report and recommendations (Attachment 4) to the Marion County Board of Commissioners and indicated they had completed all of their assigned tasks. As such, the Board accepted their report and officially disbanded SWAC. All actions toward implementation of SWAC's recommendations are now vested with the Board.
2. Rather than just writing off the possibility for an energy project, the Marion County Board of Commissioners has directed their staff to actively pursue opportunities that may be available under the recently passed Northwest Power Bill. The need for additional sources of electrical energy has prompted Bonneville Power Administration (BPA) to offer planning and implementation grants for projects that could generate alternative sources of electricity. Marion County has filed (with the personal endorsement of Governor Atiyeh) an application (Attachment 5) for funds to develop a co-generation facility that would burn refuse to produce electricity and steam. As proposed, electricity would be sold to BPA and residual steam may be available for use by the State institutions. As a point of information, DEQ has encouraged Marion County to increase the scope of their energy proposal to include examination of electrical power generation alone as contrasted to cogeneration in case the rate of return might be more favorable. BPA has not responded to Marion County's request as of this writing.
3. Staff has received informal inquiries regarding future use of the Brown's Island Sanitary Landfill. Due to reduced solid waste volumes during the past 2 years and perhaps an "over-design", the Brown's Island Sanitary Landfill expansion area will not be filled by July 1, 1983. Questions have been raised regarding the potential to re-open this facility after July 1, 1983 as a demolition landfill to facilitate proper final closure. Staff feels it is premature to commit to any future use of this site until a new regional facility has been sited. After establishment of a new facility, if interests are still expressed, the matter can then be brought before the Commission for consideration.

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.

  
William H. Young

Attachments:

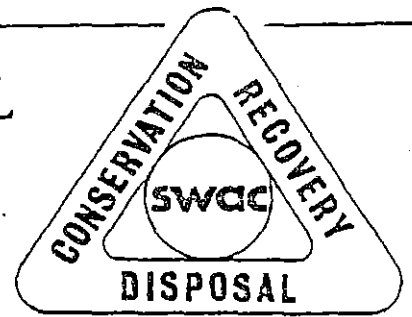
1. September, 1980, SWAC Report.
2. SB479.
3. Marion County time schedule for siting a new landfill.
4. Final SWAC report.
5. August, 1981, BPA Grant Proposal.

Gary Messer:ts  
378-8240  
September 3, 1981

# SOLID WASTE ADVISORY COUNCIL

MARION COUNTY

September 1, 1980



To the Residents of Marion & Polk Counties:

This report has been prepared to outline the process that was followed by the members of the Solid Waste Advisory Council (SWAC) in arriving at the recommendations for the proposed total solid waste system for Marion and parts of Polk County.

An engineering report recommended a "lead time" of three years and 10 months in order to have a landfill "on line" by 1983, when Brown's Island is scheduled to be closed permanently. Keeping that in mind SWAC members set a time frame which included realizing a solid waste management proposal by August 1980.

SWAC participants are to be commended for their unswerving perserverance in meeting that time committment. These citizens spent thousands of hours in weekly meetings over the past year, refining the various aspects of managing our garbage.

The Solid Waste Advisory Council has been one of the finest examples of citizen participation that I have ever seen. The composition of the Council has afforded any interested party an opportunity to represent "a point of view". Our public information program has gone out into the community to encourage participation. I want to thank each and every one who has given time and attention to the development of these proposed recommendations.

When I volunteered to serve on Marion County's SWAC in June of 1979, I recognized that the task before us was to develop for the Board of Commissioners, "recommendations on the methods for an economical total system of solid waste management." This report represents our best effort to do just that.

Sincerely,

*Sharon Fatland*

Sharon Fatland  
Chairman  
Marion County Solid Waste  
Advisory Council

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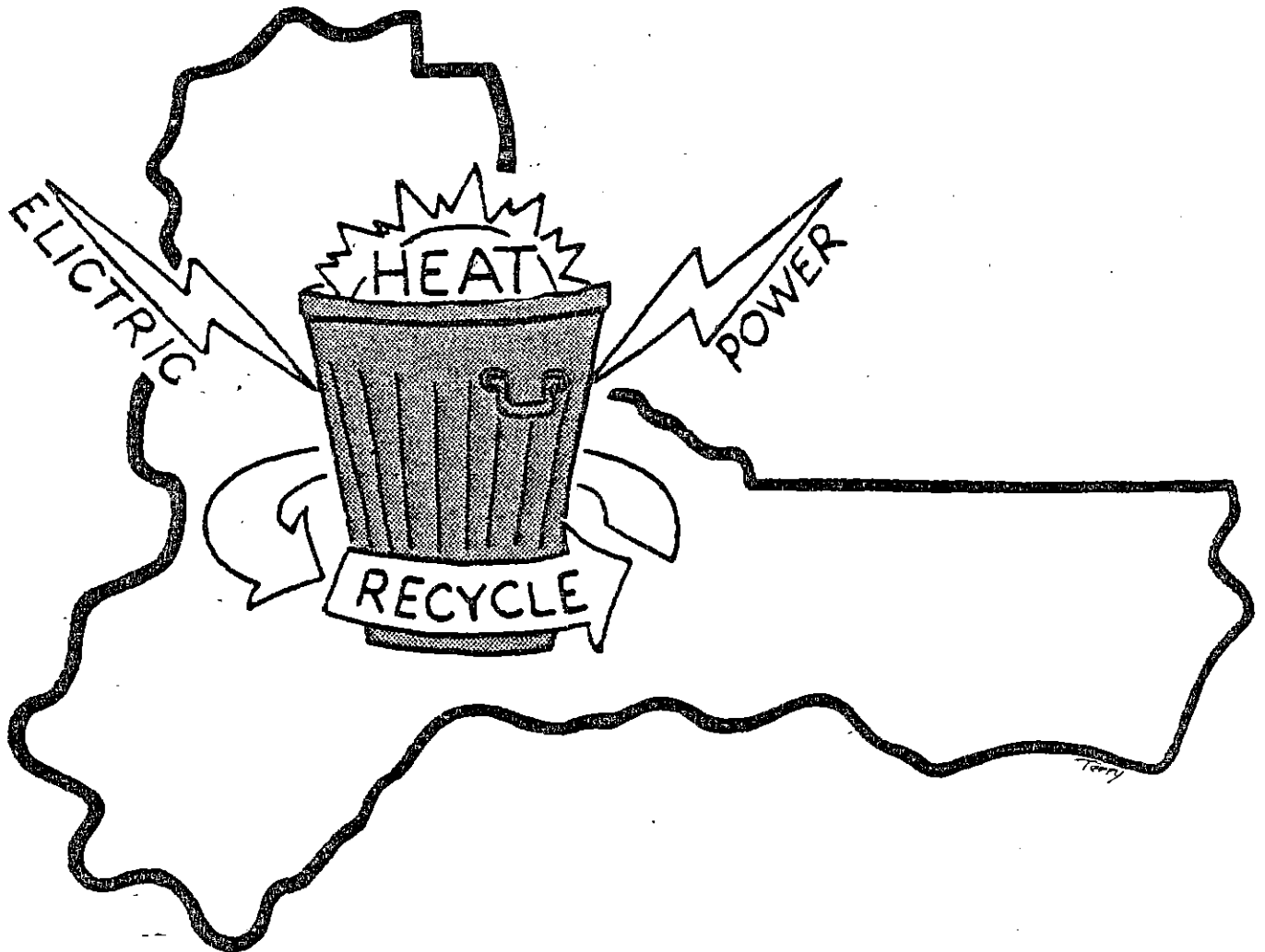
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# Marion County, Oregon

## PROPOSAL

Planning Study for a Solid Waste  
Cogeneration Project for Marion County



Program Solicitation Number DE-RP79-81BP29202

Aug. 1981

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## ABSTRACT

The public agencies of the Salem subregion are planning solutions for solid waste disposal. One possible solution is to minimize disposal by using solid waste as a fuel in a cogeneration facility. This grant application is a request for partial funding of a prefeasibility cogeneration study.

Marion County, through its Board of Commissioners, is the applicant. The proposed project includes the work tasks necessary to identify and roughly develop the sites, technologies, institutions, and economics for a facility that will receive solid wastes, burn those wastes, and use the heat to develop steam. The steam could either be routed first into steam turbine generators and then to a second use as steam or heat for building spaces or processes or be routed directly to the second use. Other agencies participating in the project are Polk County, the cities of Marion County, the State of Oregon, and the Portland General Electric Company.

This prefeasibility study is one element of comprehensive planning activity. The principal study objectives are as follows:

1. To look at municipal solid waste characteristics (quality, quantity, availability).
2. To look at cogeneration technologies.
3. To look at the requirements of potential steam markets and determine if waste heat from the plant can meet them.
4. To look at environmental concerns surrounding waste transportation to the plant site and operation of the cogeneration plant.
5. To look at potential plant siting problems.
6. To look at the rough project economics

The study will be completed by a combination of local agency staff work and contracted assistance from consultants. The work can be completed in 6 months from the time of grant award. Total costs are estimated to be \$98,300, of which \$58,100 is requested as a grant and \$40,200 is to be provided as in-kind services.

The contact person for Marion County is Walter Kluver. Inquiries and other requests should be directed to him.





# Jackson County Oregon

COUNTY COURTHOUSE / MEDFORD, OREGON 97501

Item E

BOARD OF  
COUNTY COMMISSIONERS  
Jon Deason 776-7234  
Don Schofield 776-7235  
Pete Sage 776-7236

WJ Young  
EQC  
Weatherbee

October 5, 1981

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

OCT 8 1981

OFFICE OF THE DIRECTOR

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

RE: Agenda Item E, October 20,  
1981, EQC Meeting.

Dear Bill:

As one of the fourteen or so people who presented oral testimony at the August 22, 1980, hearing at Medford City Hall on retention of 0.08 standards for ozone, I am one of the people being kept up to date on whether the state will adopt the 0.12 standard for ozone levels.

At the time I first made the testimony in August, 1980, I had no affiliation other than that of a concerned citizen. As you know, I was subsequently elected Jackson County Commissioner. I believe there is basic community support for progress in cleaning up our air in Jackson County. This belief is confirmed in recent polls taken in Jackson County of 300 citizens. The poll was taken by the professional polling firm Survey Research Institute in September, 1981, which questioned the support of people on a variety of subjects. One of the questions asks: "As far as you are concerned, what are the two or three most serious problems facing Jackson County today?" The number one listed item mentioned by 47% of the people polled was air pollution. The number two listed item mentioned by 46% of the people was unemployment. All of the other potential issues and problems were listed by relatively small numbers of people. Air quality and unemployment stood way out above the rest.

As you know, the Jackson County Commissioners are now grappling with two very difficult clean-up measures: mandatory weatherization prior to wood stove installation as part of our efforts to reduce particulates, and Inspection/Maintenance as part of the effort to clean-up carbon monoxide and ozone levels. A key ingredient in Jackson County's ability to make progress in implementing these measures will be a clear, decisive, unwaivering support from the state and federal governments in stating clean air requirements. We are hampered in this when the federal and state governments fail to establish certain clean air standards and present those as standards we must meet.

William H. Young  
October 5, 1981  
Page Two

Also complicating the issue has been industry's very natural desire to minimize clear strategies which add to the cost of doing business. The result in Jackson County has been significant public question and suspicion of the facts underlying air quality issues. Relatively few people seem convinced that the solution to the problem is anyone's but industry's. Again and again, I hear citizens saying, "Why pick on my car and why go after my wood stove? The whole problem is the big polluter, and if they didn't like what you recommend they will just change the rules to suit themselves."

I would like, therefore, to reiterate my support for Oregon keeping the 0.08 standard. If we are to make progress here in Jackson County in fulfilling the public's desire for clean air, it will be essential that local government be supported by a statewide standard that confirms the average citizen's observation: the yellow smog in the air is not natural and is not safe.

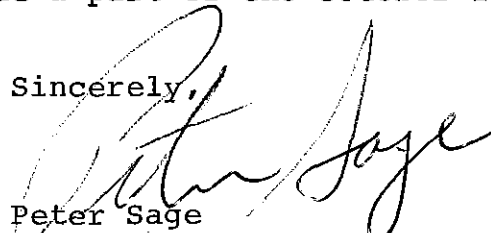
If the EQC is to assist Jackson County in helping us pull together the community consensus necessary to implement clean-up measures, a vital ingredient will be the State of Oregon holding the line in its definition of what is clean air and what is not. What the state decides to do with ozone standards will affect what the public can expect the state to do on particulate pollution from woodstoves and CO pollution from badly-tuned cars. I believe the public has a right to know that clean air standards are real base lines with some margin of safety. And they have a right to know standards won't bow to political pressure of industry.

Relaxing the ozone standard now to the 0.12 level will send a message to Jackson County citizens that standards can indeed be moved when implementation becomes difficult. How can we hope to gain public support for I/M or woodstove controls within a context of relaxation for ozone standards under the heavy lobbying of industry?

I urge the 0.08 standard be maintained. Its continuation will help Jackson County implement a fair, balanced clean-up program that involves all segments of the community, industry and private citizens, with each bearing a fair part of the clean-up job.

I would like this letter to be made a part of the October 20, 1981, EQC meeting record.

Sincerely,



Peter Sage  
Commissioner

Item I

**RID-WASTE ENVIRONMENTAL SYSTEMS INC.**

Post Office Box 344  
5820 Horseshoe Bar Road • Loomis, California 95650  
(916) 652-2700



October 9, 1981

TO: THE ENVIRONMENTAL QUALITY COMMISSION

RE: Appeal of Gary Hubbard (EQC Agenda Item No. 1)

Mr. Chairman and Members of the Commission:

This matter is again before you from your August 28, 1981 meeting, concerning the Tillamook County Property of Mr. Gary Hubbard, et al, appealing from the denial of sewage disposal permit for that property. The Director has recommended that a variance be granted to allow the installation of a system consisting of an aerobic treatment unit followed by a pressurized distribution disposal system, contingent upon compliance with remaining applicable experimental system rules, and the approval of plans and specifications by the Department.

Notwithstanding the Director's recommendation for approval, the application for variance has not yet been granted; as the appeal is therefore still being considered by the EQC, the Commission is respectfully requested to consider the following issues pertinent to that appeal:

1. PROCEDURE

Mr. Somers emphasized at the August 28, 1981 hearing of the EQC that these appeals are not hearings de novo, but instead a review of the administrative record. Upon that ground, the Department has failed to provide the Commission with all of the evidence submitted to hearings, with transcripts or tapes of the testimony, or otherwise to provide the Commission with any basis to determine whether the conclusions of the Hearing Officer supported by substantial evidence. The Commission does not even have the benefit of a formal decision by the Hearing Officer, but is only presented with a Memorandum from the Director of the Department and summarizing his impression of the recommendations of the Hearing Officer.

2. ADEQUACY OF INFORMATION ON RID-WASTE TREATMENT UNIT

The Hearing Officer abused his discretion in questioning the adequacy of the testing of the Rid-Waste Environmental Systems Treatment Unit, or its meeting all of the Departments rules, in light of the uncontradicted evidence presented at the hearing in the form of the October 23, 1980 letter from the Department certifying that all of the Department's rules had been met and that the Rid-Waste System was approved

for use in either underground or alternative disposal fields in the State of Oregon. The law recognizes that a Hearing Officer is not free to disregard uncontradicted evidence, and base his decision on some personal belief, prejudice or preconception; for that reason, in the absence of any contradictory evidence presented during the scope of the hearing, or question about the validity of the Department's certification of the Rid-Waste System, the determination of the Hearing Officer that "information has not been supplied" about hydraulic load ratings and other features of the Rid-Waste System is not based on any substantial evidence: that determination is therefore invalid.

### 3. INAPPLICABILITY OF RULES FOR PRESSURIZED DISTRIBUTION SYSTEM TO "ALTERNATIVE AND FILTER" DESIGN

The Hearing Officer determined that variances were needed to OAR Sections 340-71-275(4)(b)(C), and 340-71-275(5)(a)(A)(iii). However the uncontradicted testimony (reflected in Attachment I, Items No. 7 and 8) established that the Hearing Officer inappropriately applied regulations applying to "pressurized distribution systems" to a special engineered design "Alternative Sand Filter". The Hearing Officer abused his discretion in failing to accept the uncontroverted evidence before the hearing that the engineer's orientation of the orifices in the pipe and low pressure is necessary to prevent erosion and displacement of the sand filter, leading to a failure of the system. Because the Hearing Officer was not an engineer, and did not have any evidence presented during the hearing that was inconsistent with the engineer's testimony, the Hearing Officer abused his discretion in using inapplicable rules as a basis of rejecting the proposed design, and his determination therefore is not based upon any substantial evidence.

### 4. ADEQUACY OF INFORMATION REGARDING SAND FILTER SYSTEMS

The Hearing Officer determined that "conventional sand filters in Oregon have the following effluent quality: BOD-5 of 3mg/L, suspended solids of 7mg/L and Fecal Coliform count of 278 organisms per 100ml". No evidence of such performance was introduced during the course of the hearing, and is not a standard established by any Rule Regulation or Ordinance. Furthermore, we have repeatedly requested that the Department provide results of their half million dollar "experimental program", for public analysis and use, without a single document having been provided. Therefore, the only evidence before the hearing was from the Federal Environmental Protection Agency publication MCD-60, which establishes that sand filters in conjunction with septic tanks are capable of achieving 15mg/L of suspended solids and 15mg/L BOD-5; there is no information in the Hearing Record to substantiate or to validate the 500% increase in efficiency from "conventional

sand filters" over EPA's testing. The Hearing Officer's "information" was not presented during the hearing, was not available prior to the hearing, and the Hearing Officer therefore abused his discretion in considering such "evidence", denying Appellant an opportunity to cross-examine or otherwise test the validity of that "evidence".

#### 5. POTENTIAL NITRIFICATION IMPACT

The Hearing Officer abused his discretion in ignoring the evidence submitted to hearing, including laboratory testing, dealing with the nitrification question. The Hearing Officer's determination that "Mr. Hubbard did not provide information to address the nitrate-nitrogen question..." when Attachment I, Item 9 reflects such information was submitted as evidence during the hearing is therefore a misrepresentation of the record, and the determination is therefore devoid of any evidentiary support.

#### 6. STANDARD FOR DETERMINATION OF "PERMANENT GROUND WATER"

The Director and the Hearing Officer both ignore the definition of "permanent ground water table" established by the Department's rule, Appendix A, No. 72 Onsite Sewage Disposal Rules (OAR Chapter 340, Division 71, March 13, 1981 Rev.) Those Rules establish the following definition: "permanent ground water table" means the upper surface of a saturated zone that exists year-round. The thickness of the saturated zone and, as a result the evaluation of the permanent ground water table may fluctuate as much as twenty (20') feet or more annually; but the saturated zone and associated permanent ground water table will be present at some depth between land surface throughout the year." (emphasis added)

The Hearing Officer referred to "permanent water levels which rise as close as twenty-four (24") inches from the ground surface." The "Directors Summation, Item No. 4" notes that "the fluctuating permanent groundwater table...that comes within thirty-six (36) inches of the ground surface ...(prevents) (t)he installation of a sand filter system." All of these interpretations however, completely ignore the definition of "permanent ground water" established by the Rules, which expressly provide that the permanent ground water table is that level at which the water appears year round. The uncontradicted evidence establishes that there was no water observed in either of two seventy-seven (77") inch deep pits dug on the property in 1980, and there is no evidence that water has ever appeared in those pits, despite the "mottling" observed. At this particular site and its proximity to the ocean, mottling can be attributed to many factors other than to a "fluctuating permanent ground water table"; in the absence of some evidence of water being in those seventy-seven (77") inch deep test pits, the Hearing

Officer abused his discretion in conclusively presuming that mottling establishes the presence of ground water. The law establishes that a conclusive presumption cannot be validly drawn from circumstantial evidence, unless the circumstances "invariably, or universally, without exception" coincide with the facts to be presumed to be true. The Hearing Officer's determination of the existence of "fluctuating ground water table" is therefore an abuse of discretion, since that determination ignores the Department's Rules, and is not based upon any substantial evidence.

#### 7. INAPPLICABILITY OF NITRATE-NITROGEN TESTING REGULATION

The Hearing Officer abused his discretion in determining that the provisions of OAR 340-71-290(3)(c)(C) require a hydrogeological study.

1. The express provisions of the Rules specify that:

"Sand filters in areas with permanent ground water tables shall not discharge more than four hundred fifty (450) gallons of effluent per one-half (1/2) acre per day except where... (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 ground water beneath the site, or any down gradient location, above five (5) miligrams per liter."

The Hearing Officer erroneously determined that his presumption of the existence of the shallow "permanent water table" conformed to the regulations, and that the above section was therefore applicable. The record clearly establishes however that the Hearing Officer's presumptions violate the Rules and were not based upon any substantial evidence, and that no "permanent water table" in fact has been located at the site. In such instance, the "detailed hydrogeological study" regulation is not even applicable.

2. The Hearing Officer further abused his discretion in determining that "...Mr. Hubbard did not provide information to address the nitrate-nitrogen question..." because detailed evidence was submitted in the hearing, as established by Attachment I, Item #9, which incorporates by reference certain documents and records providing that nitrate-nitrogen information, which records are not provided to the Commission as part of the Hearing record. Such documents include certified testing from the treatment system of only .44 mg/l, which is less than ten percent of the level referred to in the Rules as "the threshold". Therefore, the Director's summation is also incorrect, because detailed information was

provided to allow qualified Departmental Personnel to determine what nitrate-nitrogen were to be introduced to the site. The Commission is therefore being misled both by the Hearing Officer and by the Director, because their own Exhibit I clearly establishes that detailed information was provided, and is being ignored by the Hearing Officer and Director, and being withheld from the Commission.

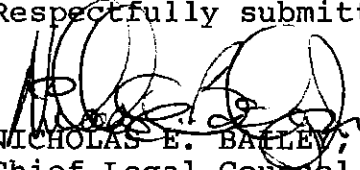
3. The Director's own formula "establishes" that 23.33 percent of the total nitrogen levels in septic tank effluent is converted to nitrate-nitrogen level in groundwater (pages 8 and 9, Director's Memo) using the certified testing of the Rid-Waste nitrate-nitrogen to establish that Rid-Waste effluent content of nitrate-nitrogen is .44 mg/l, the Director's formula establishes that a .10266 mg/l increase in nitrate-nitrogen levels in the groundwater could be expected. This information was all available to the Hearing Officer and has been in the Director's personal possession since March 1980; the information is also contained in the record of the hearing, and includes copies of EPA publication 625/4-73-004A ("Nitrification and Denitrification Facilities Wastewater Treatment") and portions of the textbook Industrial Water Pollution Control (McGraw Hill, 1966) (written by W. Wesley Eckenfelder, Jr., Ph.D, Professor of Civil Engineering, University of Texas) which studied aerobic system's nitrification. Pages 147 et seq establish the reasons that nitrification "...is rarely observed in aerobic systems...", is due to the relatively short period of treatment retention (less than five days) and dissolved oxygen of less than .5 mg/l in the effluent. Additionally, EPA publication 625/5-76-012 ("Environmental Pollution Control Alternatives; Municipal Wastewater") at pages 38 et seq provides further amplification of the denitrification processes incorporated into the Rid-Waste Treatment System. None of that portion of the record is provided to the Commission, although it is referred to by Attachment I, and was submitted as evidence to the Hearing Officer. In the absence of any contrary evidence, the Hearing Officer and Director have abused their discretion in rejecting that evidence; their misrepresentations about the alleged "failure" to supply any information clearly establishes their prejudice and bias against Mr. Hubbard's application.

#### SUMMARY

That portion of the record selectively supplied to the Commission by the Director, by itself establishes that no "hearing" meeting the minimum Constitutional requirements for due process has been provided. Furthermore, the record establishes that neither the Director nor the Hearing Officer have followed the rules established by the Commission for evaluating projects, and have ignored uncontroverted evidence establishing that, in fact, Mr. Hubbard's project does meet all those regulations. Evidence will be introduced that

establishes in fact that virtually identical installations have been approved by Regional DEQ, because of the conformity of this design to the Regulations established by the Commission, which the Department is charged merely to administer. The inconsistency between interpretation of these regulations, the lack of objective standards contained within those regulations, and the subjective opinions of the individuals administering the program are all conclusive evidence of poor management by the Department. However, the applicant-- who has complied with those Regulations--is entitled to a permit from the Department, regardless of incompetent administration. The Commission is therefore respectfully requested to order that a Permit be approved for the construction of Mr. Hubbard's property in accordance with the engineered design submitted on June 4, 1981 by James F. Nims, Engineer, which was the subject of the "hearing" of September 8, 1981.

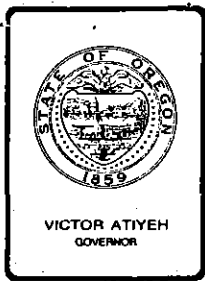
Respectfully submitted,



NICHOLAS E. BAILEY, JR.  
Chief Legal Counsel

NEB/ds





## Department of Land Conservation and Development

1175 COURT STREET N.E., SALEM, OREGON 97310 PHONE (503) 378-4926

October 8, 1981

Environmental Quality Commission  
P.O. Box 1760  
Portland, OR 97207

Dear Commissioners:

Item I: Appeal of Subsurface Variance Denial: Mr. Gary Hubbard,  
Tillamook County

Mr. Gary Hubbard's request for a subsurface rule variance has recently come to our attention.

Although Tillamook County has received a septic permit request from Mr. Hubbard, no building permit has been applied for. Consequently, Tillamook County has not reviewed this development for compliance with Goal 18, and location of the dwellings and drainfield have not been checked for Goal compliance.

This is especially important in this case for two reasons:

First, Mr. Hubbard's property is in an area of active foredunes and subject to ocean flooding. Goal 18 prohibits new residential development (including drainfields) in these areas.

Second, to approve Mr. Hubbard's development, Tillamook County may need to take an exception to Goal 18's development prohibition. To justify an exception, there must be no reasonable alternatives. In this case, there are alternatives. Reducing the intensity of development (i.e., the number of units), relocating the disposal system and the dwellings are all reasonable alternatives that would reduce the extent of departure from Goal 18's requirements. An experimental system variance would likely not be needed if this were done. According to Mr. Smits' initial denial, "...the area of high ground is currently acceptable for installation of a standard subsurface system to serve a three (3) bedroom dwelling" (letter to Hubbard, July 18, 1980).

### Recommendation

If the Commission intends to act favorably on this request, the Department recommends one of the following actions:

1. Continuance of consideration of this variance pending review of Mr. Hubbard's development by Tillamook County for compliance with Goal 18; or,

October 8, 1981

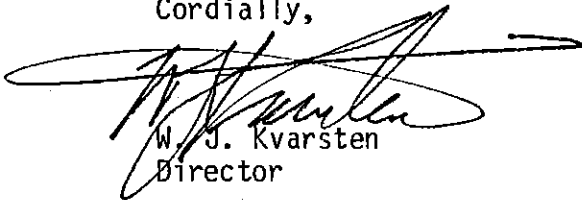
2. Conditional approval of Mr. Hubbard's proposal subject to his development being reviewed for and found compliant with Goal 18 requirements (including, if necessary, a Goal exception).

In either case, the Department recommends the following findings be added to the Commission's record in this case:

1. The affected property is located in an area of active foredunes, according to the U.S. Soil Conservation Service's study, "Beaches and Dunes of the Oregon Coast, March 1975.
2. Statewide Planning Goal 18, Beaches and Dunes, restricts building in active and conditionally stable dunes and requires counties to review developments for compliance with Goal 18 requirements. In addition, the property may be subject to ocean flooding (Flood Insurance Rate Maps for Tillamook County; Flood Insurance Administration; Department of Housing and Urban Development, August 1978).
3. Further, Goal 18, Implementation Requirement 2, prohibits residential developments on active foredunes, on other foredunes which are conditionally stable and that are subject to wave overtopping or ocean undercutting, and on deflation plains that are subject to ocean flooding. To allow residential development in these areas, a Goal 18 exception would be required.
4. As of October 6, 1981, according to Paul Benson, County Planning Director, Tillamook County had not received an application from Mr. Hubbard for a building permit. Before a building permit is issued, Tillamook County would require a site investigation report be conducted. The purpose of this report would be to determine whether Mr. Hubbard's development could be constructed in compliance with Statewide Planning Goal 18.

Thank you for your consideration in this matter.

Cordially,



W. J. Kvarsten  
Director

WJK:BC:kg  
6875A/10B

Attachment: A. Map, Beaches and Dunes of the Oregon Coast  
B. Flood Insurance Rate Map for Tierra Del Mar Area  
C. Letter from Paul Benson to William M. Young,  
October 6, 1981

cc: Bill Young  
Paul Benson  
Gary T. Hubbard



**NATIONAL FLOOD INSURANCE PROGRAM**

**FLOOD INSURANCE RATE MAP**

**TILLAMOOK COUNTY,  
OREGON**

**(UNINCORPORATED AREAS)**

**COMMUNITY-PANEL NUMBER  
410196 0305 A**

**PAGE 305 OF 425**


(SEE MAP INDEX FOR PAGES NOT PRINTED)

**EFFECTIVE  
AUGUST 1, 1978**



**U.S. DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT  
FEDERAL INSURANCE ADMINISTRATION**

**KEY TO MAP**

- 500-Year Flood Boundary —————→
- 100-Year Flood Boundary —————→
- Zone Designations\* With  
Date of Identification  
e.g., 12/2/74 
- 100-Year Flood Boundary —————→
- 500-Year Flood Boundary —————→
- Base Flood Elevation Line  
With Elevation In Feet\*\* ~~~~~ 513 ~~~~~
- Base Flood Elevation in Feet  
Where Uniform Within Zone\*\* (EL 987)
- Elevation Reference Mark RM7<sub>x</sub>
- River Mile • M1.5

\*\*Referenced to the National Geodetic Vertical Datum of 1929

**\*EXPLANATION OF ZONE DESIGNATIONS**

ZONE	EXPLANATION
A	Areas of 100-year flood; base flood elevations and flood hazard factors not determined.
A0	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.
AH	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.
A1-A30	Areas of 100-year flood; base flood elevations and flood hazard factors determined.
A99	Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.
B	Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. (Medium shading)
C	Areas of minimal flooding. (No shading)
D	Areas of undetermined, but possible, flood hazards.
V	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.
V1-V30	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.

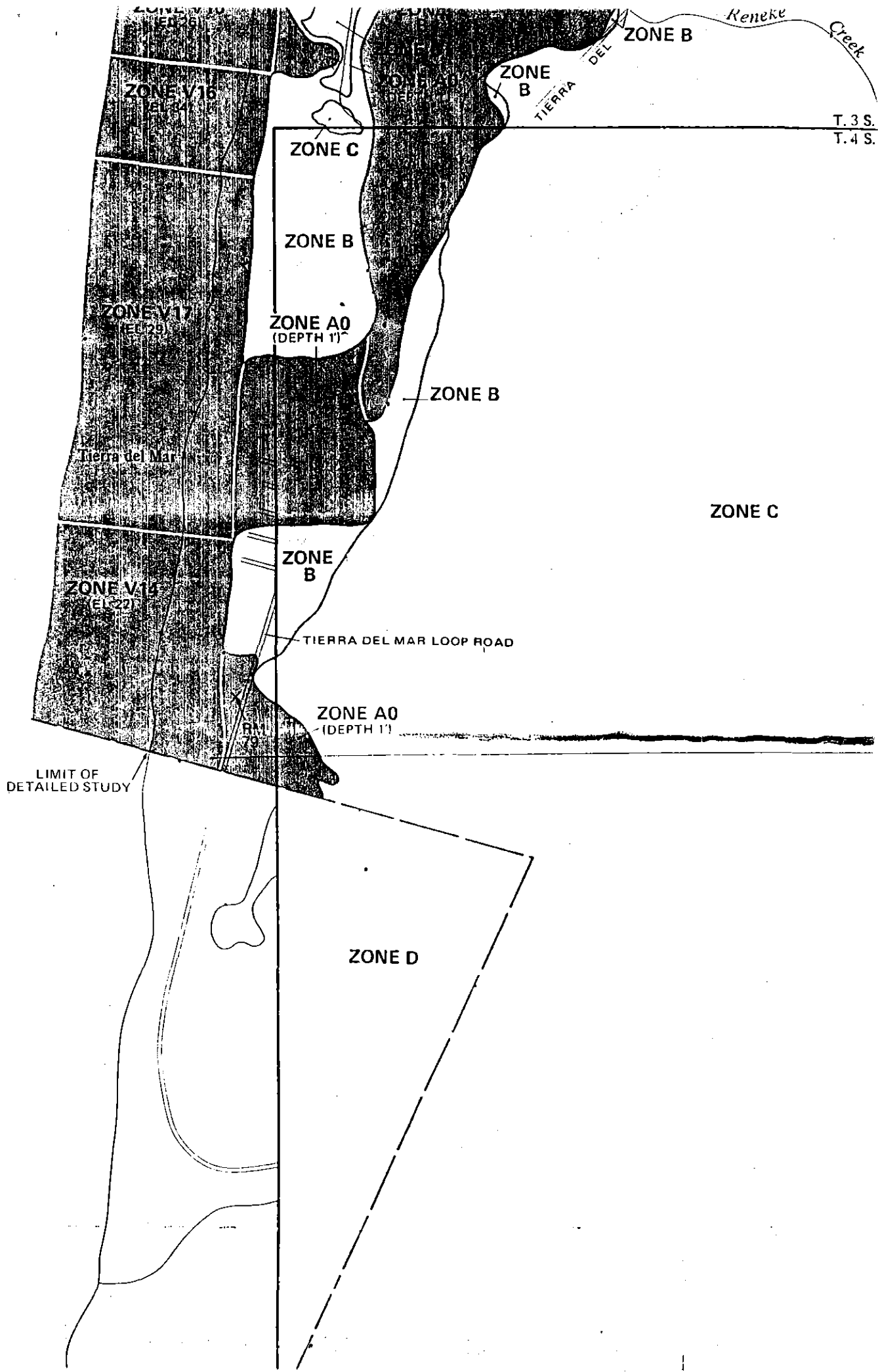
**NOTES TO USER**

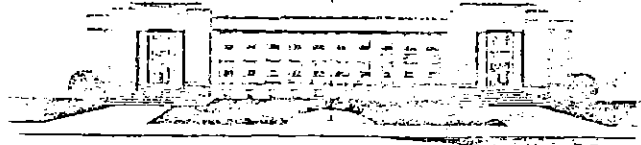
Certain areas not in the special flood hazard areas (zones A and V) may be protected by flood control structures.

This map is for flood insurance purposes only; it does not necessarily show all areas subject to flooding in the community or all planimetric features outside special flood hazard areas.

For adjoining map panels, see separately printed Index To Map Panels.

**INITIAL IDENTIFICATION  
AUGUST 1, 1978**





TILLAMOOK COUNTY  
PLANNING COMMISSION

DEPARTMENT OF  
LAND CONSERVATION  
AND DEVELOPMENT

October 6, 1981

OCT 7 1981

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

Dear Mr. Young,

At the request of Mr. Robert Cortright, North Coast Field Representative for the Department of Land Conservation and Development, I am writing to you concerning the development proposal in Tillamook County of Mr. Gary Hubbard, your action item I. before the Environmental Quality Commission on October 9, 1981.

Although Mr. Hubbard's proposal does meet present County Zoning regulations, before a building permit could be issued it would also have to be found to meet the requirements of the County's special ordinance number 27 which has been enacted to ensure compliance with statewide planning goal number 18 for beaches and dunes as promulgated by the Land Conservation and Development Commission. Mr. Hubbard's site is in the active dune area and under ordinance number 27 would require a dune site investigation report before a building permit could be issued. The purpose of the report would be to determine where on the site construction could take place without being in violation of goal 18.

Mr. Hubbard has not applied for a building permit so the site investigation report has not been requested. However, it is felt that knowledge of this requirement should be brought to your attention in case it could have a bearing on the Commission's decision concerning Mr. Hubbard's variance request.

Sincerely yours,

  
Paul T. Benson  
Planning Director

cc: Robert Cortright  
Mr. Gary T. Hubbard

RID WASTE -- QUESTIONABLE INFORMATION

1. According to laws of physics, matter cannot be destroyed.

Rid-Waste representatives contend that the Rid-Waste sewage treatment unit does not produce sludge. Neither is there a carry-over of excessive suspended solids to the drainfield.

If this is true, this has to be the only treatment unit that accepts solids, treats it and produces no residue. The system must be completely unique in that it destroys matter.

BILL-  
SEE STATEMENT ON  
PAGE 14 - (AT BOTTOM OF PAGE)

TJO:g  
XG553 (1)

TJB

RID-WASTE--POSSIBLE CONFLICTING INFORMATION

1. The Department has two laboratory reports regarding an analysis of samples gathered from a plant serving a residence in Nevada County, California.

One report signed by Harry H. Bailey, has July 20, 1979, as the date reported. The second report is signed by Paul N. Wilcox, and has July 26, 1979, as the date reported. The two reports are identical except for the date and signature. (Pages 1 and 2).

2. On September 8, 1981, at a variance hearing for Gary T. Hubbard, Mr. Graham was asked what the hydraulic loading rate was for the Rid-Waste System tested for six days at the Department's request. Mr. Graham stated "That tank at that time was a year and a half old, is loaded at a little better than 1400 gallons per day." The laboratory reports for this particular system are dated October 8, 9, 10, 11, 12, and 14, 1980. The samples were identified as being from the Smith tank. Jack Osborne and Fred Bolton visited this site with Tom Graham on March 26, 1981 and recall that the Smith tank serves a mobile home having two or possibly three occupants. The loading rate of this system is unlikely to exceed 300 gallons per day. (Pages 3, 4, 5, and 7.)
3. Dr. Keith Khutson reports the first Rid-Waste unit was installed and tested in St. Cloud, Minnesota, in the fall of 1975 to July 1976. Fall of 1975 was six years ago. Mr. Graham states in a letter dated September 5, 1981, "In actual experience Rid-Waste Systems installed and tested for over seven years have not accumulated enough solids to be considered as excess." An information packet prepared by James F. Nims, Civil Engineer, Advance Engineering, states under operating characteristics, that Rid-Waste units have not needed pumping in nine years. (Pages 8, 14, and 16.)

SOO:1  
XL1125 (1)  
10/2/81



LABORATORY REPORT

SAMPLE IDENTIFICATION Raw and processed water from Rid-Waste system

DATE REPORTED July 20, 1979

DATE RECEIVED ---

LAB. NO. ---

Rid-Waste Environmental Systems, Ltd.  
2515 Grass Valley Highway, Suite F  
Auburn, California 95603

Sample Location: Influent (T-1)  
Aerobic cell (T-2)  
Effluent (T-3)

Sample Collection: By Dr. Keith Knutson, microbiologist, field testing consultant for Rid-Waste.

Sample Site: Rid-Waste system pilot plant for a private residence, Nevada County, California

Installation: July, 1978; 1 year continuous operation

Analysis requested:

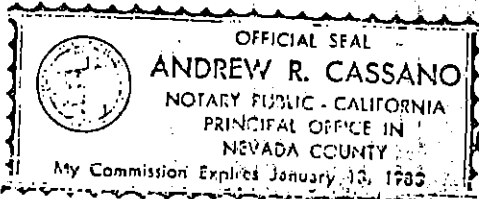
Lab #	Date	Time	Aeration Period min/hour (1)	Nitrate Nitrogen as N, mg/l		
				T-1	T-2	T-3
9978	7/9/79	09:40	15	0.22	--	0.15
9988	7/10/79	08:50	15	0.23	0.20	0.22
91004	7/11/79	09:10	30	0.23	0.20	0.26
91016	7/12/79	10:30	30	0.15	0.14	0.13
91018	7/12/79	15:45	30	0.23	0.16	0.15
91020	7/13/79	08:45	30	0.28	0.49	0.44
91025	7/13/79	16:00	30	0.13	0.48	0.27
91032	7/16/79	09:00- 11:00 (2)	45	--	--	0.69
91032	7/16/79	11:00- 13:00 (2)	45	--	--	0.44

average .21

average .3

Notes

- (1) Represents full range of aeration settings - all cells being aerated.
- (2) Aeration discontinued in Tank 3.



*Andrew R. Cassano*  
7-20-79

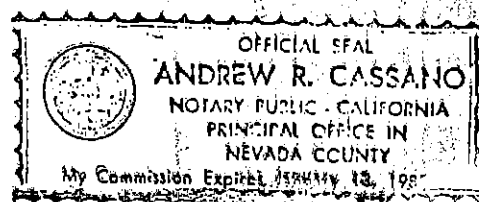
CRANMER ENGINEERING, INC.  
BY *Harry H. Bailey*

STATE OF CALIFORNIA  
COUNTY OF NEVADA

On this 20th day of July in the year one thousand nine hundred and 79 before me, Andrew R. Cassano, a Notary Public, State of California, duly commissioned and sworn, personally appeared Harry H. Bailey

known to me to be the person..... whose name is..... subscribed to the within instrument and acknowledged to me that.....he..... executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the Said County of Nevada the day and year in this certificate first above written.



*Andrew R. Cassano*  
Notary Public, State of California

# CRANMER ENGINEERING, INC.

Consulting Engineers

(916) 273-7284

## LABORATORY REPORT

SAMPLE IDENTIFICATION Raw and processed  
water from Rid-Waste system

DATE REPORTED July 26, 1979

DATE RECEIVED -----

LAB. NO. -----

Rid-Waste Environmental Systems, Ltd.  
515 Grass Valley Highway, Suite F  
Dubuque, California 95603

Sample Location: Influent (T-1)  
Aerobic cell (T-2)  
Effluent (T-3)

Sample Collection: By Dr. Keith Knutson, microbiologist, field testing consultant  
for Rid-Waste.

Sample Site: Rid-Waste system pilot plant for a private residence, Nevada County, California  
Installation: July, 1978; 1 year continuous operation  
Analysis requested:

Lab #	Date	Time	Aeration Period min/hour (1)	Nitrate Nitrogen as N, mg/l		
				T-1	T-2	T-3
078	7/9/79	09:40	15	0.22	-	0.15
088	7/10/79	08:50	15	0.23	0.20	0.22
004	7/11/79	09:10	30	0.23	0.20	0.26
016	7/12/79	10:30	30	0.15	0.14	0.13
018	7/12/79	15:45	30	0.23	0.16	0.15
020	7/13/79	08:45	30	0.28	0.49	0.44
025	7/13/79	16:00	30	0.13	0.48	0.27
032	7/16/79	09:00- 11:00 (2)	45	-	-	0.69
032	7/16/79	11:00- 13:00 (2)	45	-	-	0.44

Notes

- ) Represents full range of aeration settings - all cells being aerated.
- ) Aeration discontinued in Tank 3.

CRANMER ENGINEERING, INC.

BY

*Paul H. Wilcox*

PAGE 2

# CRANMER ENGINEERING, INC.

Consulting Engineers

1188 EAST MAIN ST.  
P.O. BOX 943  
GRASS VALLEY, CA 95945

(916) 273-7284

## LABORATORY REPORT

SAMPLE IDENTIFICATION Smith Tank Effluent  
sampled by N. Wilcox

DATE REPORTED October 21, 1980  
DATE RECEIVED October 8, 9, 1980  
LAB. NO. ---

Rid-Waste Environmental Systems, Inc.  
4005 Auburn-Folsom Road  
Loomis, California 95650  
ATTN: Mr. Tom Graham

<u>Parameter</u>	<u>Sample Identity</u>	
	<u>Lab #101849</u> <u>10/8/80</u>	<u>Lab #101869</u> <u>10/9/80</u>
20°C BOD <sub>5</sub> , mg/l	13	13
COD, mg/l	57	54
Suspended Solids, mg/l	16	16
Volatile Suspended Solids, mg/l	11	12
Settleable Solids, ml/l	0.7	0.7
Specific Conductivity, micromhos/cm at 25° C.	618	596
pH	7.4	7.6

CRANMER ENGINEERING, INC.

BY Harry H Bailey

PAGE 3

# CRANMER ENGINEERING, INC.

Consulting Engineers

1188 EAST MAIN ST.  
P.O. BOX 943  
GRASS VALLEY, CA 95945

(916) 273-7284

## LABORATORY REPORT

SAMPLE IDENTIFICATION Smith Tank Effluent  
sampled by N. Wilcox

DATE REPORTED October 21, 1980

DATE RECEIVED October 10, 11, 1980

LAB. NO. \_\_\_\_\_

Rid-Waste Environmental Systems, Inc.  
4005 Auburn-Folsom Road  
Loomis, California 95650  
ATTN: Mr. Tom Graham

<u>Parameter</u>	<u>Sample Identity</u>	
	<u>Lab # 101882</u> <u>10/10/80</u>	<u>Lab # 101889</u> <u>10/11/80</u>
20°C BOD <sub>5</sub> , mg/l	7	9
COD, mg/l	43	46
Suspended Solids, mg/l	9	13
Volatile Suspended Solids, mg/l	7	9
Settleable Solids, ml/l	< 0.1	0.2
Specific Conductivity, micromhos/cm at 25° C.	594	568
pH	7.9	7.5

CRANMER ENGINEERING, INC.

BY Harry H. Bailey

PAGE 4

# CRANMER ENGINEERING, INC.

Consulting Engineers

1188 EAST MAIN ST.  
P.O. BOX 943  
GRASS VALLEY, CA 95945

(916) 273-7284

## LABORATORY REPORT

SAMPLE IDENTIFICATION Smith Tank Effluent  
sampled by N. Wilcox

DATE REPORTED October 21, 1980

DATE RECEIVED October 12, 14, 1980

LAB. NO.       

Rid-Waste Environmental Systems, Inc.  
4005 Auburn-Folsom Road  
Loomis, California 95650  
ATTN: Mr. Tom Graham

Parameter	Sample Identity	
	Lab #101891 <u>10/12/80</u>	Lab #101896 <u>10/14/80</u>
20°C BOD <sub>5</sub> , mg/l	10	4
COD, mg/l	46	41
Suspended Solids, mg/l	14	6
Volatile Suspended Solids, mg/l	10	4
Settleable Solids, ml/l	0.1	< 0.1
Specific Conductivity, micromhos/cm at 25° C.	560	585
pH	7.4	7.3

CRANMER ENGINEERING, INC.

BY Harry H. Bailey

PAGE 5

Partial Transcript from Gary T. Hubbard Variance Hearing

- Mr. Olson: What is the hydraulic rating of this unit as it has been tested previously?
- Mr. Graham: 1500 gallons in a 24-hour period.
- Mr. Olson: The rules in effect at the time your unit was accepted by the Department did address concurrence with the NSF Standard No. 40, would typically require testing pursuant to that standard. Was your unit tested pursuant to NSF Standard No.40 for the minimum 6 month period at a loading rate of the hydraulic capacity you claim?
- Mr. Graham: Yes, it's certified by Dr. Keith Knudson, a professor of microbiology at the University of Minnesota in St. Cloud, in testing that I have given you.
- Mr. Olson: It's been tested for a period of not less than 6 months at a daily loading rate of 1500 gallons per day?
- Mr. Graham: Not on the test data submitted to you, no.
- Mr. Olson: What loading rate was it tested at for the 6 month period?
- Mr. Graham: The 7 years of testing that was submitted to you varies from 52 gallons per person per day, which is half the loading rate, that this state goes by, of 100 gallons per person per day. Over a 7 year period some systems are still on test at this time, maxing out on daily flows of up to 1500 gallons per day. The NSF test is 7 months long. It loading rates only at 300 mg/l of suspended solids. Our loading rates are up to 2630 mg/l. We do meet Class I effluent discharge requirement on the testing data that you have, enclosed, under Standard 40 rules and regulations as stated by Dr. Knudson.
- Mr. Olson: The testing material that I do have, and I will get to it in a question, it is the last question that was enclosed with the notification letter, goes into the fact that the test period was for a period of approximately 6 days, not a 6 month period of testing to gather certain information. Do you have information which apparently I don't have, that would indicate a 6 month period of testing?
- Mr. Graham: We have submitted 7 years of testing and the particular test that was done for the State of Oregon on a 6 day period was done at the request of your Department. That we were to show a Class I effluent discharge. Length of test, hydraulic loading aeration frequencies were not mentioned at that time, only the things required under the Federal Law 92-500, which is Suspended Solids, BOD removal and pH.
- Mr. Olson: OK, now, the information then that you are referring to, what was the hydraulic loading rate used within that system on a per day amount?

Mr. Graham: On the particular test that I submitted to the State, it was not submitted, it was not asked for. Loading rate was not the issue, the issue was can you come to Class I. That tank at that time was a year and a half old, is loaded at a little better than 1400 gallons per day. And the Doctor felt that this was an adequate test, through his years of experience.

SOO:1  
XL1125.A  
10/2/81



# ST. CLOUD STATE UNIVERSITY

## COLLEGE OF LIBERAL ARTS AND SCIENCES

Department of Biological Sciences  
St. Cloud, Minnesota 56301  
(612) 255-2036

### I. History--Objectives of Rid-Waste Design.

A. The first unit was installed and tested in St. Cloud, Minnesota, in the fall of 1975 to July 1976.

*1975-  
First unit*

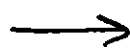
1. The unit was installed on private property to serve a new home with five family members.
2. A septic system permit was issued for the 1250 gallon tank January 26, 1976, that was to operate aerobically.
3. Loading was measured by watermeter to be 52 gallons per person per day.
4. The tank was divided into three compartments, the first being to receive influent, second to aerate influent waste water, and third to clarify waste to be pumped to drainfield... Air was added 15 minutes per hour except during heavy use. At breakfast and dinner hours, it was 30 minutes per hour. Air was off from 10 p.m. to 5 a.m.
5. The field testing period covered seven months, and during that time composite samples were collected over a 24 hour period of raw influent, aerated influent (mixed liquor) and clarified effluent.
6. Laboratory tests followed the Standard Methods, UPHS, and included dissolved oxygen (DO); biochemical oxygen demand (BOD<sub>5</sub> at 20°C), suspended solids, volatile suspended solids, pH, temperature, Nitrates, phosphates, conductivity, total dissolved solids, chemical oxygen demand, and fecal coliform test.

*average loading  
of 260 gal/day*

*7 months testing*

a. Effluent quality of the first unit over 7 months:

	Average	Best
BOD <sub>5</sub> mg/l	69	60
Suspended Solids, mg/l	73	26



b. This unit under best operation met Class II NSF plant specifications, but under overall operation did not.

c. Stress Testing was done to determine shock temperature effects on the biota of the central aerobic chamber. Influent temperature ranged 10-30°C with a 10°C increase occurring on the typical Monday (morning wash day. Microscopic examination of

*50°F TO 86°F*

*PAGE 8*



biota indicated better growth (great density) with no reduction after the shock load. Frozen soil cooled the unit to 10°C <sup>50°F</sup> during winter months, reducing biota efficiency, making warm water from household use a benefit to the system in cold weather. Average summer tank temperature was 20°C. <sup>68°F</sup>

- 7. Field percolation rates were determined to 91 minutes/inch with a field range of 18.5 to 240. 1200' of 1 inch perforated PVC was laid in ditchwrench trenches with natural backfill and no rockbed. Sample collection tubes were installed to extract percolated effluent and soil. Fall and winter operation of the pressure dosed field was good with no surfacing of effluent.

B. The second unit was installed for a new home of an eleven member family in August, 1976. Testing lasted from November, 1976 to July, 1977.

*9 mo. Testing*

- 1. This unit was modified to include aeration of two chambers: 1) central and 2) final effluent, to improve upon the BOD<sub>5</sub> removal. Other design and operation changes were minor but done to improve upon operation and maintenance. Aeration was set on 30 minutes per hour all day and night.

- 2. Loading was measured to be 48 gallons per person per day.

- 3. The same tests were run on this second 1250 gallon unit.

*average loading of 52.8 gal/day*

- a. Effluent quality of the second unit over nine months of testing:

	<u>Average</u>	<u>Best</u>
BOD <sub>5</sub> mg/l	56	48
Suspended Solids mg/l	52	48

- b. The second unit under best operation met Class II NSF plant effluent specifications. Improvement was about 20% over unit one, even though the BOD<sub>5</sub> loading was 2.2x greater (1.87 lbs. BOD<sub>5</sub>/day, vs. 0.85 lbs. BOD<sub>5</sub>/day for first unit.)

C. The third unit was installed on July 28, 1978, at a family residence in Grass Valley, California. After one year of operation it was tested in July, 1979.

*Tested in July 1979  
3 people →*

- 1. This unit served a three member family.
- 2. Several changes were made in the design to handle larger BOD and hydraulic loading. Aeration was added to the influent chamber so all three were aerated.
- 3. Testing of this unit yielded the answer to the final modification needed to achieve a better effluent. Rather than modify this third unit, several others were installed in the final and present Rid-Waste unit. Several modifications needed were:

- a. Add air to all chambers 24 hours per day.

- b. Position perforated pipe air diffusers to cause greater air/water exchange and double the number in central mixed liquor chamber.
- c. Increase the size of the tank to 1500 gallons.
- d. Add go-catch-it filter between the second and third chamber to return solids and produce a clearer effluent.

D. The modified fourth (Kusian) and fifth (the current design Smith tank [installed 9/10/79]) units were installed in the Nevada City and Placer-ville, California, area. They were tested as indicated below:

1. Testing in August, 1980, on unit 4 with all modifications were:

*Tested Aug 1980*

	<u>Average</u>	<u>Maximum</u>	<u>Best</u>
BOD <sub>5</sub> mg/l	10	12	8
Suspended Solids mg/l	9	10	8

2. Tests repeated in October, 1980, on unit 5, with six continuous days of testing, 100 milliliter/20 minutes for 24 hours composited.

*Tested for six days - Oct 1980*

	<u>Average</u>	<u>Maximum</u>	<u>Best</u>
BOD <sub>5</sub> mg/l	9.3	13	4
Suspended Solids mg/l	12.3	16	6

3. This testing program yielded results that meet Class I NSF plant effluent specifications 100% of the time.

E. The testing program from 1975-1980 involved five field units and 534 samples of waste water analyzed for BOD<sub>5</sub>, suspended solids, plus other essential chemistry to evaluate the units' performance.

1. The U.S. EPA, National Pollution Discharge Elimination System (NPDES) program requires large municipal wastewater plants to test wastewater daily and report monthly. Smaller units in small communities test weekly to monthly for reports. Our testing program integrated the test frequency from monthly 24 hour composite samples to weekly or continuous testing for a full week. NSF testing schedule is one single unit for 5 days for 26 weeks, or 130 samples. Our program ran over 6 years, using 5 units and 534 samples.

*Stress Testing*

2. Stress testing was done that parallels the NSF program. Our testing was completed before NSF included stress in their program and was completed under actual field conditions, not simulation.

a. Wash day effects of hot soapy water surging into the unit. Our results: heat was beneficial (always less than 30°C) to organism growth, and did not affect efficiency of the mixed liquor tank.

b. Working mother stress, or reduced loading 5 days/week from 8:00 a.m. to 5:00 p.m. Our results showed no change in BOD<sub>5</sub> reduction or biota of mixed liquor tank.

- c. Equipment or power failure. Our first unit in 1975 experienced air compressor and pump failure as well as automatic timer failure. With timer and air compressor failure the unit went septic but returned to aerobic 24 hours after corrections. Pump screen clogging with hair prevented discharge. The effluent waste volume rose in fluid tank and set off the alarm. The pump was pulled, cleaned, and put back in service that day. Conclusions: pump now utilized has 3/4" opening, not 1/8". Compressor could not be in tank.
- d. Vacation effects on unit operation were evaluated when the families using our first two tanks left for two weeks. All aerated tanks reached a state of uniform oxygen concentration, 7.5 mg/l DO and suspended solids (bacteria cells). Upon their return biota in mixed liquor (aerated chamber tank) increased with increased loading. No affects were noted one or two weeks after their return.

II. Materials, Design and Construction (See NSF standard 40 and literature accompanying product specifications.)

A. Materials

Durability 3.1-3.6

B. Design

Watertight 4.2

Soundness 4.3

Operation under load condition 4.5

- C. Technical specification--size--volume compressor size for 1-2 families size, etc. 24 hour air operation. Larger volume requires larger compressor with increased air capabilities.

III. Service--Maintenance--Warranty

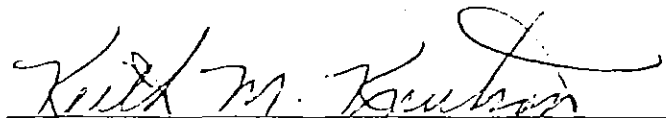
A. Indication of failure 4.1

Inspection

B. Serviceability 4.6, 4.8

Energy requirements 4.7

C. Warranty 4.9, 4.10



KEITH M. KNUTSON, Ph.D.

Professor of Biology, Microbiologist,  
Lake Hydrologist.

RID-WASTE ENVIRONMENTAL SYSTEMS INC.

Post Office Box 344  
5820 Horseshoe Bar Road • Loomis, California 95650  
(916) 652-2700



RECEIVED

SEP 8 - 1981

Water Quality Division  
Dept. of Environmental Quality  
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 aeration 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.

PAGE # 12



DEQ/Olson/Hubbard  
September 5, 1981  
Page 2

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 Manuals 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 employs pressure distribution to insure even distribution of influent throughout the sand filter. Therefore, reference 340-71-275 (3) (c) is inappropriate.

PMBE 8/13



DEQ/Olson/Hubbard  
September 5, 1981  
Page 3

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 exist 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



DEQ/Olson/Hubbard  
September 5, 1981  
Page 4

If I can be of any further assistance to you in this matter please  
feel free to call on me.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Thomas S. Graham'. The signature is written in dark ink and is positioned above the typed name.

Thomas S. Graham  
President

TSG/mj

YOUR RID-WASTE UNIT WILL HANDLE:

All waste water from your home and with a few exceptions, anything normally disposed of by the home plumbing system, can be handled by your Rid-Waste unit.

We do recommend the use of biodegradable detergents where ever possible to insure plant efficiency. For proper plant operation, keep the following items out of your unit.

UNDISPOSABLES

- 1) Plastic products-Rubber products-Towells and cloth objects-Sanitary napkins-Mop strings.
- 2) Grease-Pour grease into a container and throw it away when solidified. Do not pour down sink.
- 3) Lint-Lint from dryers should be disposed of in your trash. Not down the sink.
- 4) Rags and scouring pads-Rags and scouring pads should be disposed of in trash. Not down the drain.
- 5) Disposable Diapers-All diapers can be rinsed out in your toilet, however do not flush regular or disposable diapers down the toilet.

TO THE HOME OWNER

- = End septic pollution & odors
- = Raise health standards
- = No hassle maintenance

Rid-Waste over Septic

Operating Characteristics		Rid-Waste	Septic Tank
ODOR		NO ODOR	EXTREMELY BAD ODOR
PUMPING		NOT NEEDED IN 9 YEARS	USUALLY 6-24 MONTHS
GARBAGE DISPOSAL		NO PROBLEM	PROBLEMS
DISHWASHER		NO PROBLEM	NEGATIVE EFFECT X
CLOTHES WASHER		NO PROBLEM	NEGATIVE EFFECT X
STRESS LOADS		NO PROBLEM +	CAUSES PROBLEMS X
EFFLUENT QUALITY	Federal Standards	Rid-Waste	Septic Tank
BoD (Reduction)	85%	Usually 90%	Usually 10%
Suspended Solids	85%	Usually 95%	Usually 40%
PH	6-9	Usually 7%	Usually 7%



PHOTOS IN FILE

PHOTOGRAPHS SUBMITTED BY GARY HUBBARD --

AGENDA ITEM I, OCTOBER 9, 1981, EQC

MEETING.

Item 0

SENT  
3 Oct 81

October 2, 1981

Mr. Joe Richards, Chairman  
Environmental Quality Commission  
Box 1760  
Portland, Oregon 97207

Dear Mr. Richards:

SUBJECT: Proposed Adoption of Sewerage Works Planning and Construction Policy

This letter is to request that the EQC allow additional public comment on the proposed policy OAR-340-41-034 at the EQC meeting on October 9.

The proposed policy, although not entirely unexpected, has been proposed, revised and is scheduled for adoption in a total time period of less than three months (July 17, 1981 - October 9, 1981). For a policy of lesser impact, this would be quite acceptable; but it appears that the subject policy may have significant impact on the course of sewerage facility planning and financing in our area and the rest of the state. As such, the proposed policy represents a major EQC statement and a change from the philosophy of the past and should receive a thorough consideration from affected jurisdictions. Coming as it did in mid-summer, we find that many of our member jurisdictions have not had adequate opportunity to seriously consider the ramifications of this policy.

Since it does not appear that there is an urgent need to adopt this policy on a tight time schedule, we would respectfully request that your Commission postpone adoption of the policy for 30 days; or, if that is not feasible, at least consider additional testimony that may be available at the October 9 meeting.

Sincerely,

Emily Schue, Chairman  
L-COG Board of Directors

ES:GR:GK;jt/db/Th3

# ICOG Lane Council of Governments

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

September 29, 1981

Mr. Fred J. Burgess  
Environmental Quality Commission  
c/o Dean's Office  
Engineering Department  
Oregon State University  
Corvallis, OR 97331

Dear Mr. Burgess:

RE: Eugene-Springfield Wastewater Treatment Facility

We wish to express our concern for the changes being proposed by the Department of Environmental Quality regarding funding and priorities for wastewater treatment projects. We request the Eugene-Springfield regional facility be kept at the top of the list to complete this partially finished plant in a timely manner.

Several years ago, the citizens of the Eugene-Springfield metropolitan area recognized this area's existing plants would not be able to treat sewage flows in a manner which would adequately protect water quality in the Willamette River in accordance with Federal and State water quality standards. Subsequently, the community chose to support a regional system. This was based on the promise that the federal government would fund 75 percent of the total project cost. To date, local voters have kept our part of the understanding by passing a \$29.5 million general obligation bond.

As the citizens' advisory group responsible for the metropolitan area's comprehensive land use plan, we are keenly aware of the ramifications which will occur should completion of this plant be delayed indefinitely. We are also aware of the frustrations associated with developing a plan in the face of a myriad of changing circumstances. Because the treatment facility is such an integral part of maintaining both the economic viability and general environmental quality of this community, we request the Department of Environmental Quality and Environmental Quality Commission not create another drastic change which a reduction in funding or change in priorities would cause.

Your consideration of this request is appreciated.

Respectfully,



Charles Cole  
Chairperson MAPAC

CC: SG:db  
cc: MWMC



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

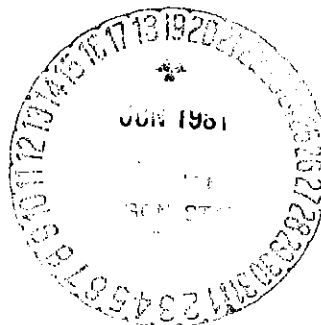
**LAW OFFICES**  
644 North A Street  
Springfield, Oregon 97477  
(503) 747-3354

William Wiswall  
John L. Svoboda  
Laurence E. Thorp  
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G. David Jewett  
Robert A. Thrall  
James M. O'Kief  
Karen Hendricks  
Jeffrey D. Herman

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

June 17, 1981



Mr. Fred J. Burgess  
c/o Dean's Office  
Engineering Department  
Oregon State University  
Corvallis, Oregon 97331

Re: Oregon's FY82 Priority List/OAR 340-53-015(5)/  
Operational Interdependence of MWMC's Project Components

Dear Mr. Burgess:

On March 13, 1981, I appeared before the Environmental Quality Commission on behalf of the Metropolitan Wastewater Management Commission with respect to the proposed adoption of three administrative rules as part of the criteria in Oregon's EPA mandated priority system. This system provides the basis for establishing the relative importance of Oregon's various sewage treatment works construction projects for purposes of allocating federal grant funds. One of the rules then under consideration pertains to whether separate priority rankings should be given to individual components of projects as opposed to simply assigning one ranking to each project as a whole. As you will recall, the EQC adopted that rule in part because of the exception contained therein with respect to projects in which the components are operationally interdependent. At that time, the Commission suggested that MWMC and other concerned projects present to EQC and DEQ the facts which are felt justify the invocation of the interdependence exception.

Since the March EQC meeting, representatives of MWMC have met personally with members of the DEQ staff and representatives of EPA regarding this issue. A by-product of that meeting was the development of a written report, together with background information which, in our opinion, establish that the components of MWMC's project are operationally interdependent within the meaning of OAR 340-53-015(5). This report and supporting data

June 17, 1981

Page 2

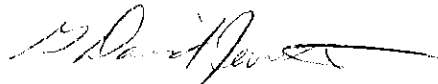
have now been transmitted to DEQ for use in developing the draft FY82 Priority List.

For your information, I am including herewith a copy of my letter to Director Young and a copy of that report. I have, however, excluded the background data as it is rather voluminous. This letter is merely intended to keep you apprised of MWMC's continuing interest in this matter.

We will, of course, promptly respond to any questions or concerns raised by the DEQ. Moreover, we plan to appear at the public hearing on the priority list and will also be prepared to appear before EQC when it subsequently considers this matter. In the meantime, I would simply like to express my appreciation on behalf of MWMC for your continuing concern.

Very truly yours,

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



G. David Jewett

GDJ:mm  
Enclosure

cc: Mr. Joe Richards  
Mr. Ronald Somers  
Ms. Mary Bishop  
Mr. William V. Pye  
BCS Project Managers  
Mr. William H. Young

Metropolitan Wastewater Management Commission

Eugene/Springfield Regional Wastewater  
Management Program

# OPERATIONAL INTERDEPENDENCE STUDY

JUNE 1981

**BCS**

A JOINT VENTURE OF

---

BROWN AND CALDWELL & SPCM, INC., A SVERDRUP CORPORATION COMPANY

**METROPOLITAN WASTEWATER MANAGEMENT COMMISSION**

**OPERATIONAL INTERDEPENDENCE  
STUDY**

**June 1981**

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## FOREWORD

On April 20, 1981 Metropolitan Wastewater Management Commission (MWMC) Staff and its consultants met with staff of Department of Environmental Quality (DEQ) and Environmental Protection Agency (EPA), in Portland to discuss preliminary information to be used by DEQ in preparing its fiscal year 1982 Priority List. This report summarizes information presented at that meeting and presents additional supporting material.

## CHAPTER 1 - INTRODUCTION

In April 1977, the 208 Plan for the Eugene-Springfield Metropolitan Area was submitted to DEQ by CH2M Hill and subsequently approved. The 208 Plan called for regionalization of sewage treatment with separate off-site facilities for seasonal industrial waste (Agripac) and sludge disposal. The plan also called for cost-effective inflow/infiltration (I/I) removal from which ultimate plant hydraulic loadings were based.

### Present Situation

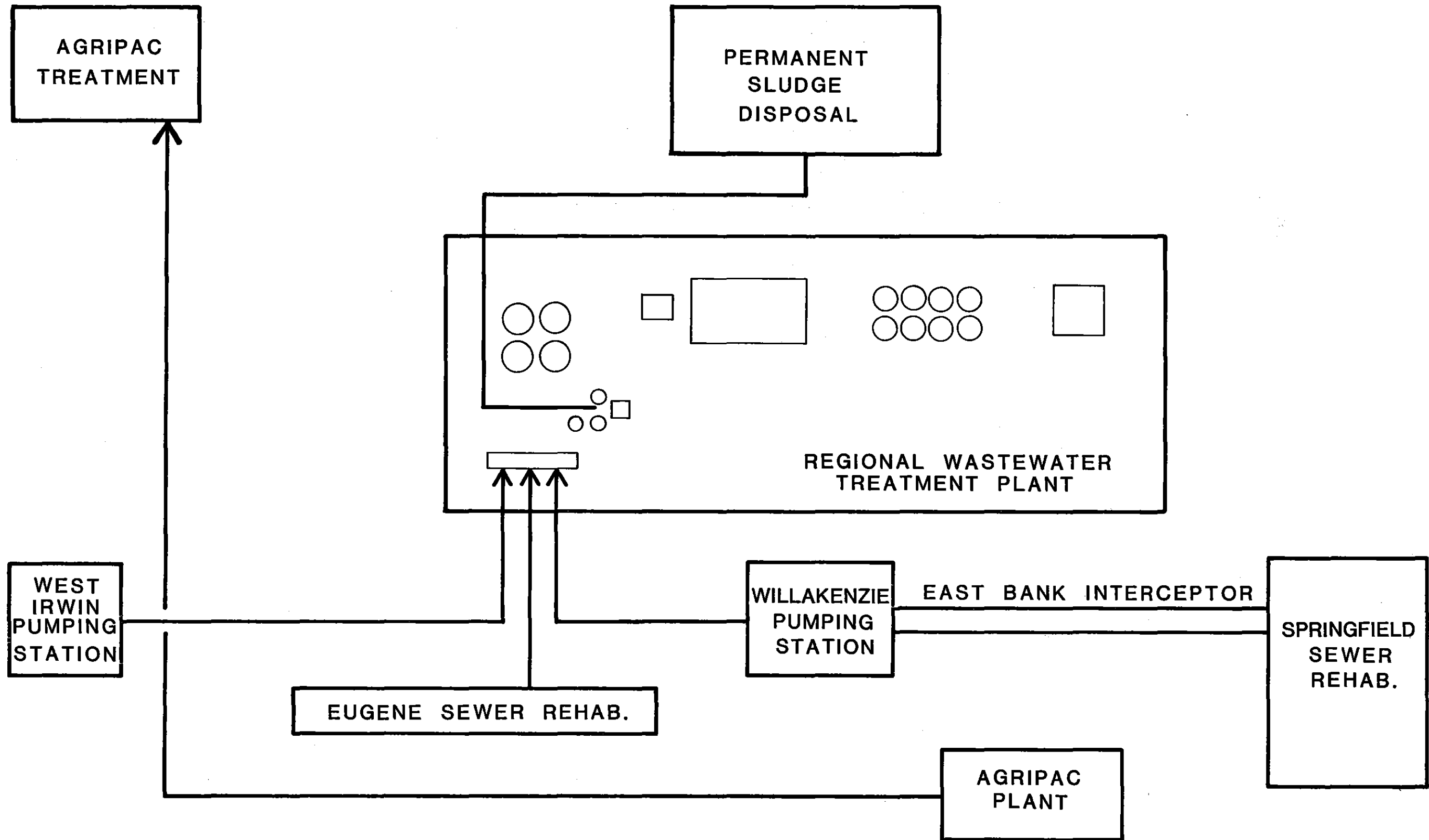
Regulations mandate that individual states must prepare a priority list for all projects requesting Federal funds. The preparation of the list is the state's responsibility but must be approved by the EPA. Regulations state further that projects receiving grants must be funded for at least 75 percent of the eligible costs. With the advent of Federal budget cuts many states have found themselves in a financial shortfall.

### Purpose of Study

Due to the projected financial shortfall and a statewide need for Federal funds, DEQ has divided some projects, including MWMC's into segments having on the priority list. However, only the segments of MWMC's project were assigned separate ratings. This difference in rating subsequently places elements of a single project in different funding years. In fact the present rating system places various components of MWMC's overall system in fiscal year 1985 and beyond.

The project component criteria presently adopted by DEQ does not prohibit combining of components where they are needed to provide an operable facility. OAR 340-53-015(5) states that ". . . When determining the treatment works components or segment to be included in a single project, the Department will consider. . . (b) The operational dependency of other components or segments on the components or segments being considered. . ." Interdependent components of a single system could then receive the same priority score and would thus occur together on the priority list even though not combined. Present DEQ policy provides there were "a community can substantiate that components are interrelated and are therefore needed to achieve any water quality benefits the ranking of those components will be modified accordingly by DEQ." DEQ Interoffice Memo of October 30, 1980, page four.

MWMC does not consider it wise to segment the system because water quality improvements will not be realized until the entire system is brought on-line. The purpose of this study is to examine the impacts of segmental construction of various plant elements as they relate to the achievement of water quality objectives.



**FIGURE 1**  
**APPROVED REGIONAL SYSTEM**

## CHAPTER 2 - APPROVED REGIONAL SYSTEM

DEQ certified the Eugene-Springfield Area 208 Plan which recommended the regionalization of sewage treatment at the site of the existing Eugene Sewage Treatment Plant as the most cost-effective method of treating Metro Area wastes. The plan further recommended the use of separate off-site facilities for seasonal industrial waste treatment and sludge disposal.

Sewer system evaluation surveys were conducted for the cities of Eugene and Springfield and cost-effective I/I removals were determined. Hydraulic loadings to the system pump stations, East Bank Interceptor and treatment plant were subsequently determined by the various design consultants.

Several in-depth reports on process selection, sludge management, seasonal industrial waste and other system aspects have been prepared by various consultants and agencies which have resulted in specific recommendations for treatment methods and system component design.

The Commission has run a full scale public participation process throughout the planning process.

Figure 1 shows the regional system as proposed in the 208 Plan.

### Discharge Permit

DEQ has set the following effluent discharge limits for the Eugene and Springfield treatment plants. It would appear, since an NPDES has not been issued, that the same effluent criteria will be imposed on the new regional plant.

	BOD (mg/l)	SS (mg/l)
Summer	10	10
Winter	30 (or 85% Removal)	30 (or 85% Removal)

On the winter limit, the most stringent condition shall apply. However, current legislation may remove the "or 85%".

Furthermore, the DEQ has mandated land disposal or equivalent treatment for the Agripac seasonal industrial waste flow. In discussion with DEQ staff, equivalent treatment has been further outlined as:

No discharge of Agripac's waste to the municipal wastewater treatment plant during the low flow period from June 1 through October 31.

No discharge of Agripac's waste to surface waters during the low-flow period from June 1 through October 31.

Treatment of any wastes which are discharged to surface waters to a level at least equal to current best practical treatment (BPT). By 1983, best available treatment (BAT) will be required.

### Wastewater Treatment Plant

The new treatment plant design provides secondary treatment utilizing the activated sludge process. Influent will be preaerated, comminuted, degrittied and sent to four circular clarifiers for primary treatment. After primary clarification, sewage flow less than 103 mgd is routed to eight square aeration basins utilizing coarse bubble aerator mechanisms. Flows in excess of 103 mgd can be diverted around secondary treatment prior to final treatment. Design peak plant flow is 175 mgd. The plant was designed based on exclusion of waste from Agripac and exclusion of excessive I/I.

### Sludge Management Program

Sludge produced at the plant will be stabilized by digestion in three anaerobic digesters. Digested sludge will then be pumped off-site to facultative storage lagoons (FSL's) where it will undergo further volatile solids reduction. The stabilized sludge will be removed from the FSL's by a dredge, whence it can be air-dried for application to agricultural or silvicultural lands or applied in a liquid form. The dried sludge can be given away to local farmers or disposed of in the Lane County Landfill (Short Mountain).

MWMC will operate a fleet of sludge haul trucks and sludge equipment. Spreading equipment will be capable of handling liquid or air-dried sludge.

### Seasonal Industrial Waste (Agripac)

The 208 Plan and further related studies have identified that the Agripac process wastewater should be land treated to cost-effectively comply with DEQ discharge requirements. The recommended system developed by Brown and Caldwell is described.

After screening at the cannery, Agripac's waste will be pumped via dual 10-inch force main to an off-site treatment facility northeast of Eugene. The treatment system will consist of a two-cell, aerated storage lagoon and a spray irrigation system. The storage lagoon provides initial waste reduction prior to discharge to the spray irrigation system. Chlorine and caustic can be added at the cannery to prevent slime buildups in the pipeline and objectionable odors at the lagoon. The aerated waste is pumped to a 220 acre spray irrigation system. Major crops will be grass and corn. There is no discharge to surface waters with this system.

### Willakenzie Pump Station

The Willakenzie Pump Station will pump all wastewater flows from the northeast bank of the Willamette River to the top of the pretreatment structure on the southwest bank of the river. Major flows will originate from the East Bank Interceptor, which carries the entire flow from the City of Springfield, and the Willakenzie area of Eugene. The station is being designed for an hydraulic peak of 125 mgd. This component and the river crossing is essential to the regional treatment concept.

### West Irwin Pump Station

The West Irwin Pump Station is located in west Eugene and pumps via forcemain, wastewater flows from that area. Capacity of the existing pump and forcemain will be impacted adversely by the change in hydraulics at the new plant headworks. The station must be redesigned to pump to the top of the plant headworks and will have a hydraulic capacity of 25 mgd. CH2M Hill performed a cost-effective analysis of pumping to the top or the bottom of the new pretreatment structure. The analysis showed that it was more cost-effective pumping to the top of the new structure.

There is a considerable amount of I/I that flows to the West Irwin Pump Station. CH2M Hill's SSES report determined that it was more cost-effective to transport and treat all flows rather than removing it from the system. A cost analysis was also performed to determine advantages of flow equalization at the pump station. The study determined that it was cost-effective to size the pumps to handle the peaks.

### East Bank Interceptor

The East Bank Interceptor will carry flows that are presently discharged to the Springfield sewage treatment plant along the northeast bank of the Willamette River to the Willakenzie Pump Station. Capacities are 90 mgd at the Springfield end and 106 mgd at the Willakenzie Pump Station. This pipeline is the link used in regionalizing sewage treatment in the Eugene-Springfield area.

### Sewer Rehabilitation - Eugene and Springfield

Approximately 126 mgd of I/I was determined to be the cost-effective removal in SSES reports prepared for the cities of Eugene and Springfield. According to studies by CH2M Hill, most of the cost-effective removal is rainfall related as opposed to high groundwater related. The repairs to be made consist mainly of disconnecting catch basins and roof drains and raising manhole rims. The rehabilitation does not call for a major grouting program of lateral sewers.



## CHAPTER 3 - SYSTEM AS PRESENTLY FUNDED

Figure 2 shows schematically the regional system as funded through fiscal year 1981. The outfall and final treatment contracts are considered part of the wastewater treatment plant and will therefore probably maintain their high position on the Priority List. The Willakenzie Pump Station has a design grant but not a construction grant. The West Irwin Pump Station, Permanent Sludge Facilities, Seasonal Industrial Waste (Agripac) Facilities and Sewer Rehabilitation do not have design grants.

The operational interdependence of the regional system is best described through an analysis of three parameters:

- Seasonal Industrial Waste (Agripac) Loading
- Hydraulic Loading on Treatment Plant and Collection System
- Sludge Loading on Interim System

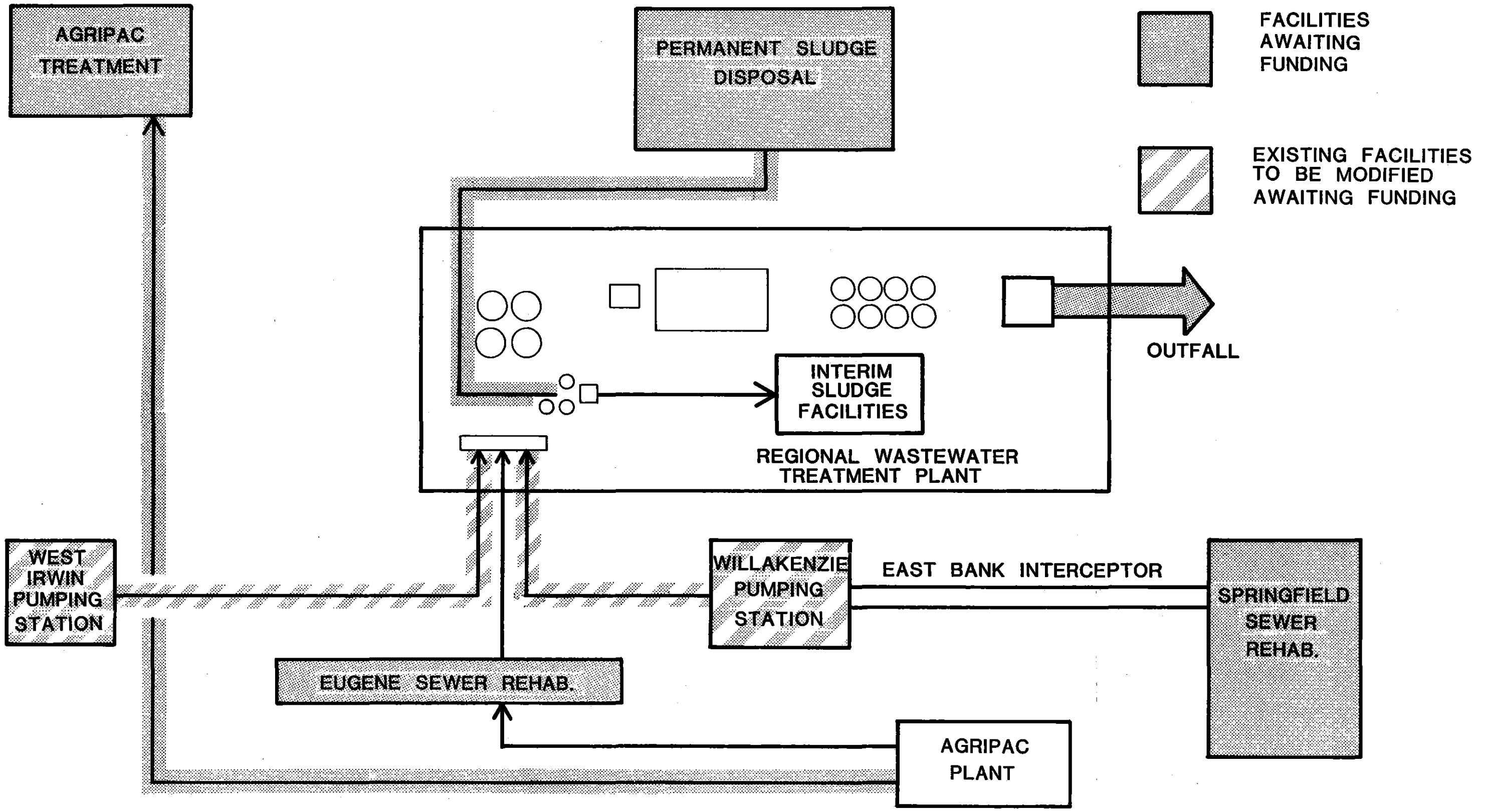
### Seasonal Industrial Waste (Agripac)

The 208 Plan determined that the Agripac waste was most cost-effectively treated at a separate facility because of the nature of the waste and the rates at which it is generated. The waste is generated primarily during a 6 month period with daily BOD peaks that are highly variable and range from about 12,000 lbs/day in July to greater than 55,000 lbs/day in mid-September. The Process Selection Study prepared by CH2M Hill determined that the waste is also very soluble and conventional primary treatment removes only about 2 percent of the BOD. The regional wastewater treatment facility is therefore designed with the assumption of exclusion of Agripac's wastes from plant influent.

On the other hand, if the Agripac waste is not separately treated substantial treatment capacity will be used up during the canning season. This would cause overloading of the aeration capacity of the activated sludge system during peak loading even during the first years of plant operation.

In an effort to determine how much capacity is used up in aeration system, CH2M Hill forwarded their design criteria for oxygen requirements. MWMC has used this information to calculate actual field oxygen requirements versus availability as shown in Appendix A. The analysis shows an inability to maintain a desired minimum of 1 mg/l average D.O. in the aeration basins during peak 6 hour BOD loadings in 1982 if Agripac remains on line. Inability to maintain an adequate D.O. can cause large scale operational problems such as sludge bulking, development of anaerobic conditions in portions of the unit, and possibly failure of the biological system.

It is the opinion of MWMC that the plant would not be able to maintain effluent quality and may experience periods of complete system upset if Agripac's waste is not removed from the plant influent.



**FIGURE 2**  
**SYSTEM AS PRESENTLY FUNDED**

### Hydraulic Loading on Collection System and Treatment Plant

Figure 3 shows schematically the various hydraulic elements of the regional system. Peak flows depicted are based on 1982 sanitary flows and the 5-year 2-hour storm as reported in the Sewer System Evaluation Survey (SSES). Cost-effective I/I removals predicted a system peak of 139 mgd in 1978. However, without rehabilitation, 264 mgd is the anticipated 5-year peak; 310 mgd in year 2000. If the I/I removal program is not initiated this overload will result in various overflows as shown.

#### West Irwin Pump Station

The West Irwin Pump Station presently has a capacity of approximately 16 mgd. However, when the new treatment plant is commissioned with its elevated pretreatment structure, capacity will be reduced to about 12.8 mgd. Peak flows to the station are 21 mgd. Overflows presently occur during peak storm events and would be expected to increase in frequency and duration after construction of the new pretreatment structure if station capacity is not increased to the proposed 25 mgd.

#### East Bank Interceptor (EBI)

If I/I reduction measures are not completed in Springfield, during the 5-year, 2-hour storm, the East Bank Interceptor would be surcharged and overflows would occur. However, the Willakenzie Pump Station will likely be throttled due to lack of sufficient hydraulic capacity at the treatment plant. This throttling will accentuate the surcharge and increase the frequency and magnitude of overflows.

#### Willakenzie Pump Station

The Willakenzie Pump Station has an existing capacity of 26 mgd and a proposed design capacity of 125 mgd. Without sewer rehabilitation, the 5-year, 2-hour design flow in 1982 is 111 mgd which exceeds the existing capacity. The new design will have the required capacity but as stated above, there will be instances where throttling will be required to prevent flooding the treatment plant.

#### Treatment Plant

The E/SMWTP has a design wet weather capacity of 175 mgd. The original design called for bypassing flow in excess of 103 mgd around secondary treatment prior to final treatment. MWMC and CH2M Hill later performed an analysis to determine the impact of putting all flows through secondary treatment. The studies showed that a better effluent may be obtained by use of complete secondary treatment without bypass. The plant will probably be operated in this non-bypass mode.

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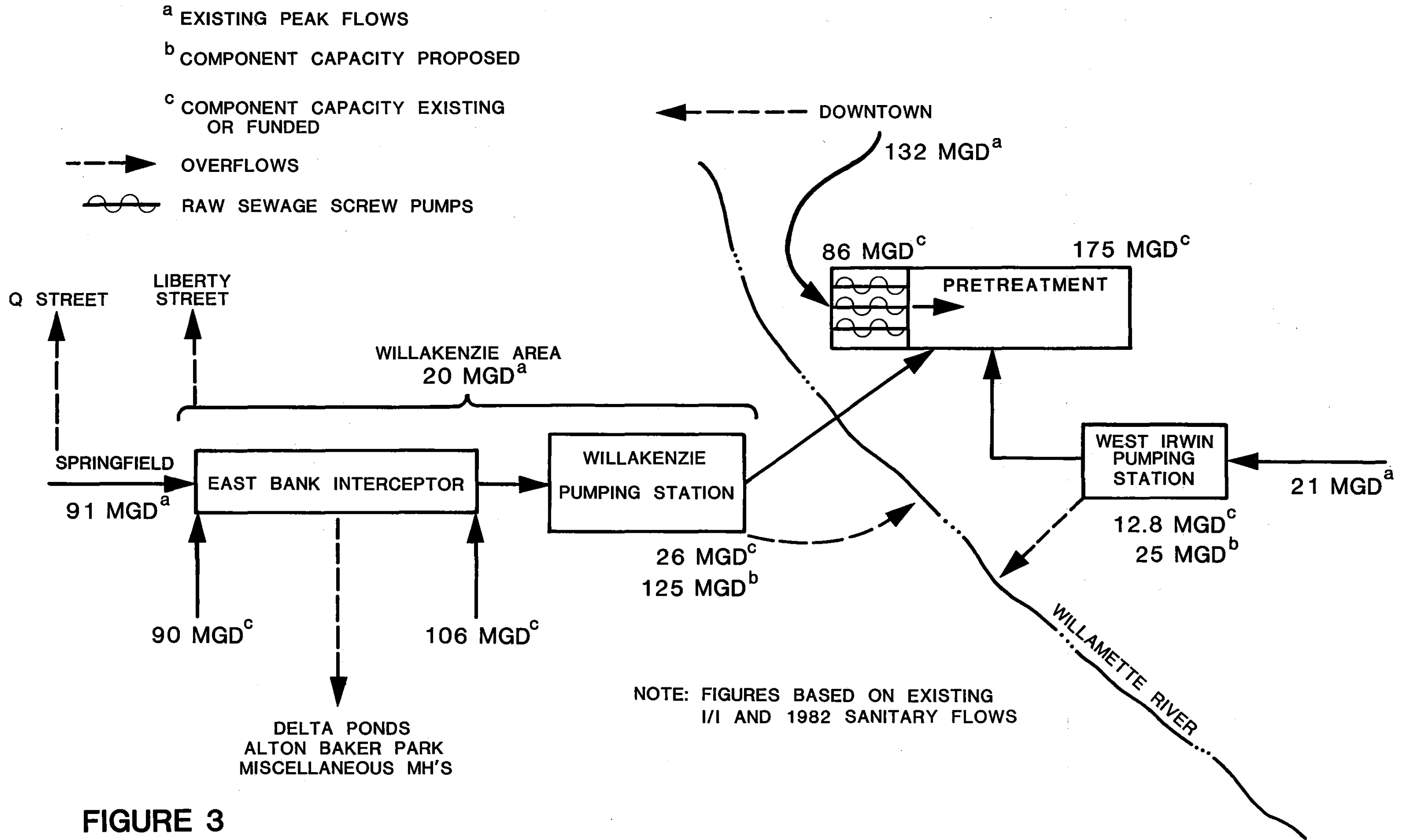
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**FIGURE 3**  
**WET WEATHER FLOW SCHEMATIC**

## Total Effect

The basic operational parameter is where to bypass during the 5-year, 2-hour storm. As stated earlier, during this peak period, between 80\* and 90 mgd will need to be bypassed to prevent flooding the treatment plant.

Wastewater from the downtown Eugene area flows by gravity to the lower portion of the pretreatment structure and is subsequently pumped to the top of the pretreatment structure where it is mixed with flows from the Willakenzie and West Irwin Pump Stations. The pumps in the lower part of the structure have a capacity of 86 mgd while the peak flow from downtown Eugene is 132 mgd. This means at least 46 mgd will overflow at and/or upstream of the raw sewage pumps if downtown Eugene's sewers are not rehabilitated.

The West Irwin Pump Station has a pre-modification capacity of 12.8 mgd and a peak flow of 21 mgd. The proposed design capacity is 25 mgd which will handle the flow but without the design modifications, approximately 8 mgd will overflow at and/or upstream of the pump station.

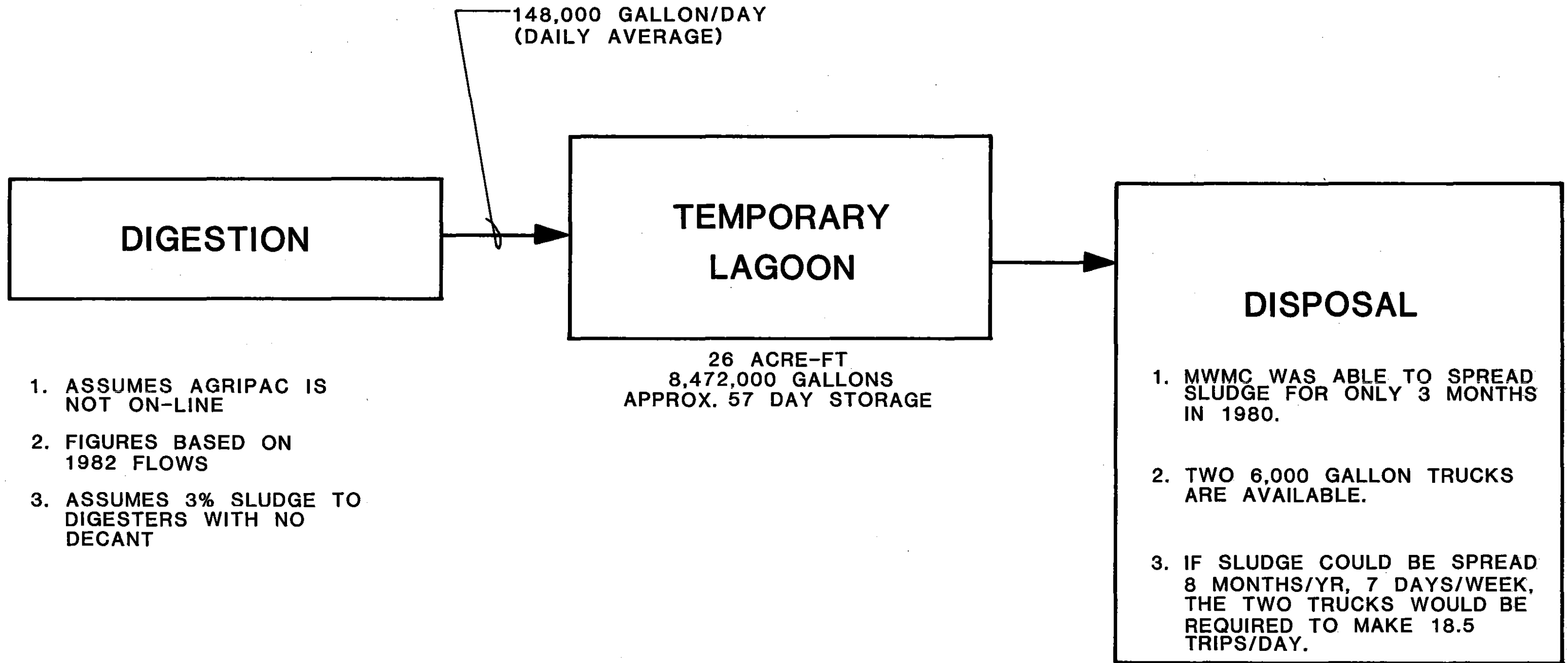
Now, if for example, all the pump station modifications are built and no rehabilitation is performed, the maximum peak deliverable to the treatment plant is 111 mgd + 86 mgd + 21 mgd or 218 mgd, which exceeds the plant capacity of 175 mgd. System operators now have the choice of trying to force all flow through the treatment plant or throttle the influent pumps and allow the excess to overflow.

MWMC with CH2M Hill performed a hydraulic analysis of treatment efficiencies at high flows (See Appendix B). In the complete mix and non-bypass mode, the weirs in the primary clarifiers are submerged at flows of 175 mgd. The contract stabilization mode will, however, be in the unflooded condition at 175 mgd. If in fact, the high I/I is not removed from the system, and the hydraulic peaks can be expected on a regular basis, the contact stabilization mode is desirable to use because it allows the plant operator to maintain a high mass of microorganisms in the aeration system which helps prevent "washout" of the system during high flows. The major drawback with the contact stabilization is that it does not deliver as good an effluent as the complete-mix mode on average basis. Therefore, plant operators will need to weigh the advantages and disadvantages of either mode in maintaining effluent quality during average and peak periods. If the system was built as planned, plant operators will not need to cause overflows to the Willamette River at flows exceeding plant capacity.

## Sludge Loading on Interim System

Due to construction of the new regional treatment facility, the sludge drying beds at the existing Eugene STP were destroyed. The Eugene STP has instituted an interim sludge management program to handle its digested sludge production until completion of the regional facility. The program is based on lagoon

\*Author's Note: 80 mgd is a flow rate.



**FIGURE 4**  
**EXISTING AND/OR FUNDED**  
**SLUDGE SYSTEM SCHEMATIC**

storage of digested sludge and agricultural application of sludge during the dry weather months. The system basically consists of a 26 acre-foot (8.5 million gallon) sludge storage lagoon, two 6,000 gallon liquid sludge hauling trucks, a 3,000 gallon sludge injection vehicle and a sludge sprinkling system. The system is designed to handle the load from the Eugene Sewage Treatment Plant alone, which in 1981-82 is expected to be about 36,000 gallons/day.

The anticipated digested sludge flow after startup of the regional facility is 148,000 gallon/day which is about four times the expected 1981 average. The increased production is a result of:

- Treating both city's waste,
- Activated sludge yields more sludge than trickling filters,
- Digesters will not be decanted to produce thicker sludge.

At the startup sludge production rate, the temporary lagoon has a holding capacity of 57 days without decant. Decant pumps are available but it is not expected that decanting would increase the holding capacity to more than about 4 months which will not allow enough storage for the wet weather period.

Also, the available liquid sludge haul trucks could not handle the high volume of sludge produced. The trucks are expected to have a haul capacity to just handle the Eugene sludge during the sludge spread season. In order to handle the amount of sludge produced at start up of the regional facility, about four times the number of trucks and associated spreading equipment would be needed to keep up with production. The cost and public nuisance of such an operation makes sludge disposal in this manner impractical.

No calculations were made as to the effect of having Agripac on-system on the sludge production. The waste activated sludge load would be increased and would make a bad situation more unmanageable.



## CHAPTER 4 - SUMMARY

Due to the time constraints encountered in providing this information to DEQ in a timely fashion, this report was based on information readily available. It is an overview to demonstrate the difficulties which would be encountered should a segmented construction program be adopted. Sufficient information has been presented to demonstrate the operational interdependence of the various system elements. Specifically, the following problems can be expected to occur, should construction be undertaken segmentally over the next few years:

Secondary treatment facilities at the regional plant will be severely taxed and attainment of discharge requirements would not be possible during the canning season. (July 1 through December 31).

Raw sewage overflows would occur at several points during wet weather.

The interim sludge management system cannot cope with the sludge load which would occur.

Continuous attainment of water quality objectives is not possible until the entire system is operational.

APPENDIX A

Analysis of O<sub>2</sub> Requirements and Availability

ANALYSIS OF O<sub>2</sub> REQUIREMENT AND AVAILABILITY1982 BOD LoadingMunicipal

1982 Avg. 24-hr. municipal BOD<sub>5</sub> loading = 35,100 lb/day

Peak day factor = 1.25 (from existing plant data)

6-hr. peak factor = 1.33 (from literature sources)

Removal across primaries = 25%

1982 24-hr. peak municipal BOD<sub>5</sub> loading to secondaries =  
35,100 x 1.25 x .75 = 32,906 lbs/day

1982 6-hr. peak municipal BOD<sub>5</sub> loading to secondaries =  
35,100 x 1.25 x 1.33 x .75 = 43,765 lbs/day

Agripac

1982 peak week BOD<sub>5</sub> loading = 46,000 lbs/day

Peak day factor = 2 mgd/1.6 mgd = 1.25 (EID)

Instantaneous peak factor = 2.3 mgd/1.6 mgd = 1.44 (EID)

Removal across primaries = 2%

1982 24-hr. peak Agripac BOD<sub>5</sub> loading to secondaries =  
46,000 x 1.25 x .98 = 56,350 lbs/day

1982 Instantaneous peak Agripac BOD<sub>5</sub> loading to secondaries =  
46,000 x 1.44 x .98 = 64,803 lbs/day

Total Loading to Secondaries

1982 Peak 24-hr. municipal + peak 24-hr. Agripac  
= 32,906 + 56,350 = 89,260 lbs/day

1982 Peak 6-hr. municipal + peak instantaneous Agripac  
= 43,765 + 64,803 = 108,568 lbs/day

Oxygen Required

From B10-TREAT CMAS Program (CH2M-Hill)

89,260 lbs/day BOD<sub>5</sub> requires 87,033 lbs/day O<sub>2</sub>

Extrapolating from above,

108,568 lbs/day BOD<sub>5</sub> requires 105,860 lbs/day O<sub>2</sub>

Blower Air Supply

Design blower flow rate at design discharge pressure

= 13,600 incfm at 100°F (38°C)

Correcting to scfm by temperature correction and ideal gas law,

$$13,600 \frac{T_2}{T_1} = 13,600 \frac{273.15^\circ + 20^\circ}{273.15^\circ + 38^\circ}$$

$$= 12,800 \text{ scfm}$$

Assuming 5 blowers in operation, total air available  
= 5 x 12,800 = 64,000 scfm

Aerator O<sub>2</sub> Supply

Sanitaire clean water O<sub>2</sub> transfer efficiency = 9-10%

Standard O<sub>2</sub> transfer rate = SOTR =  
SCFM x transfer eff. x % O<sub>2</sub> in air x lbs air/ft<sup>3</sup> x 1,440 min/day  
= 64,000 x .095 x .23 x .0737 x 1,440  
= 148,409 lbs/day

Actual field oxygen transfer rate = FOTR =

$$SOTR \times \alpha \left[ \frac{\beta (C_{wsat} - C_{min.})}{9.17} \right] 1.024^{T-20} \quad (\text{Metcalf \& Eddy})$$

$$\alpha = .85$$

$$\beta = .90$$

T = 22°C (summertime temp STP records)

C<sub>wsat</sub> = 8.6 mg/l at 22°C

C<sub>min</sub> = 2.0 mg/l (need to keep avg. 2.0 - MOP11, WPCF)

$$FOTR = 148,409 \times .85 \frac{.90(8.6 - 2.0)}{9.17} 1.024^{22-20}$$

$$= 148,409 \times .58$$
$$= 86,000 \text{ lbs/day}$$

Requirement vs. Availability

1982 Max 24-hr. O<sub>2</sub> requirement = 87,033 lbs/day > 86,000 lbs/day  
1982 Peak instantaneous O<sub>2</sub> requirement = 105,860 lbs/day >> 86,000 lbs/day

**APPENDIX B**

**E/SMWTP Treatment Efficiencies and Bypass  
During Wet Weather Flows**



COPY

# Metropolitan Wastewater Management Commission

## MEMORANDUM

DATE: June 16, 1981

TO: Memo to File

FROM: Alan Peroutka - Environmental Engineer  
AP

SUBJECT: HYDRAULIC CAPACITY AND TREATMENT EFFICIENCY OF THE TREATMENT PLANT  
(REVISION AND UPDATE OF DENNIS EARLY 1/30/80 REPORT)

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The MWMC staff and its design consultants have performed analyses of the hydraulic capacity and treatment efficiency of the Eugene/Springfield Metropolitan Wastewater Treatment Plant (ESMWT) under high flow conditions in order to address questions raised during EPA review of the plant design. The main questions addressed center on the desirability or necessity of the proposed bypass of peak wet weather flows (greater than 103 mgd) around the secondary treatment process and the effect the bypass would have on overall plant treatment efficiencies during high flow periods.

The Eugene/Springfield Plant is an activated sludge treatment plant designed to accommodate the flows and loadings listed in Table 1. A peak flow bypass was included in the plant design in an effort to avoid problems with washout of the activated sludge system. With the bypass in effect, flows greater than 103 mgd would receive primary treatment, bypass secondary treatment, and be recombined with the secondary treated wastewater for disinfection. Since the design year maximum wet weather daily flow for the plant was estimated at 98 mgd, use of the bypass would be expected to occur infrequently during the design life of the plant.

In review of the plant design, EPA Region X expressed a concern that perhaps a higher degree of treatment could be provided for peak flows if all flows up to 175 mgd were passed through secondary treatment. They asked that this possibility be investigated.

Subsequent to this, our design consultants CH2M Hill performed an analysis of plant hydraulics under peak flow conditions (175 mgd) without bypass to investigate the possibility of hydraulically accommodating this flow in the secondary units. Analysis of the plant running at 175 mgd plus recycles shows the ability of the plant to handle 175 mgd hydraulically in the contact stabilization mode. The resulting profile is shown in Figure 1. The hydraulic analysis for the plant operating in the complete mix mode at 175 mgd (see Figure 2) showed that the plant could handle the flow hydraulically in this mode if modifications were made to the bypass weir to allow it to completely shut off bypass flow. Without these modifications, the weir would bypass approximately 30 mgd at peak flow even when in its highest position. Redesign and additional construction costs for raising the weir have been estimated by the designers and are listed in Table 2. The primary clarifier weirs would be submerged by about four inches with the plant at peak flow in the complete mix mode, but this should be acceptable.

Since the plant has been found to be able to hydraulically handle the peak flow of 175 mgd in the C-S mode and also, with slight modification, in the C-M mode, the questions revolve around what kind of treatment efficiency can be expected

under these two modes of operation and how utilization of the bypass would affect overall treatment efficiency. The ability of the plant to meet 85 percent average monthly removal requirements for BOD and SS during extreme wet weather periods has also been investigated.

[NOTE: Meeting the 85 percent removal requirements at peak flow is made difficult not only due to operational difficulties caused by shock hydraulics loading and decreased settling basin efficiency but also because influent BOD and SS concentrations are lowered during peak inflow-infiltration periods. With lower influent concentrations, the required effluent concentration to meet 85 percent removal requirements is also lowered. As an example, estimated BOD's and SS influent concentrations at various flows are given below along with the required effluent concentrations to meet 85 percent removal requirements.

Flow (mgd)	Influent Conc. (mg/l)		Effluent Conc. at 85% Removal (mg/l)	
	BODS	SS	BODS	SS
49 (avg. dry weather daily)	193	225	29	34
70 (avg. wet weather daily)	135	157	20	24
98 (max. wet weather daily)	96	112	14	17
103 (initiation of diversion)	92	107	14	16
175 (peak wet weather)	54	63	8	9

Thus, it can be seen that during times of peak infiltration/inflow and, presumably, high river flows, the effluent requirements of 85 percent removal may actually be more stringent than the summer 10/10 limits.

The rest of this analysis will assume an 85 percent removal requirement, and it will be seen that meeting the 30/30 limits would be much easier to accomplish.]

In order to address questions regarding expected effluent quality with or without use of the peak flow bypass, the MWMC staff has performed a mathematical analysis of treatment efficiencies at various flow rates which may be encountered during the wet weather period and with the plant operating in the complete mix mode. Treatment efficiencies for the diurnal peak flow during the maximum wet weather day (118 mgd) and the peak wet weather flow (175 mgd) have been calculated with and without bypass of flows greater than 103 mgd for comparison purposes. The results of these analyses are summarized in Table 3.

The methodology used in the above analysis is summarized below:

1. Suspended solids removal efficiency across primary clarifiers was estimated from information in Wastewater Engineering, 2nd edition, by Metcalf & Eddy, Inc.
2. BOD removal efficiency of biological treatment system was estimated using Monod Kinetics as presented by Christensen and McCarty in "Biotreat: A Multi-Process Biological Treatment Model" (presented at the Annual Conference of the Water Pollution Control Federation, 1974).

3. Effluent suspended solids from secondary clarifiers was estimated using A Mathematical Model of a Final Clarifier (U. S. Environmental Protection Agency, 1972).

From examination of Table 3, it can be seen that the use of the secondary bypass has an adverse effect on BOD removal efficiencies, whereas it may actually increase suspended solids removal efficiencies at peak flows. This is due to the expected improvement in settling of the mixed liquor suspended solids in the secondary clarifiers with bypass of peak flows.

Theoretical treatment efficiencies of the secondary units running in the contact stabilization mode should be equivalent to complete mix treatment if equivalent sludge ages are maintained. In reality, treatment efficiencies reported for the C-S process have been less than C-M operations (WPCF, MOP/8, 1977, pg. 268). This may be due to incomplete biosorption of substrate during the contact period or differences in floc settling characteristics. Therefore, it will be assumed that at any given flow rate treatment efficiencies for the C-S process will be less than or equal to efficiencies obtained using C-M treatment as analyzed above.

The second part of the analysis of plant efficiencies builds on the above estimates for various flow rates and superimposes a diurnal peaking factor to analyze the average daily performance of the plant during extreme wet weather conditions. Also, the effect of a peak flow was investigated. A diurnal peaking factor of 1.2 was used which was derived from a review of Eugene's flow data during the wet weather months of December 1977 and January-February 1978. Overall plant efficiency was evaluated on a daily basis with and without use of the secondary bypass. Several different assumed average daily flow conditions were analyzed and the results are summarized in Table 4.

Item 1 of Table 4 shows overall treatment efficiencies for the plant assuming an average daily flow equal to the estimated design year average wet weather daily flow (70 mgd). Applying the 1.2 peaking factor, the diurnal peak flow would equal 84 mgd and, therefore, no diversion would occur. Items 2 and 3 of Table 4 show treatment efficiencies for the plant assuming an average daily flow equal to the design year maximum average daily flow of 98 mgd. The peak diurnal flow equals 118 mgd, which implies a possibility of secondary bypass and Items 2 and 3 show the calculated removal efficiencies with and without use of the secondary bypass, respectively. Items 4 and 5 of Table 4 duplicate the conditions of Items 2 and 3 but include a two-hour peak flow of 175 mgd (maximum peak flow for two-hour, five-year storm).

Examination of data in Tables 3 and 4 shows that overall plant treatment efficiencies would theoretically be higher without use of the secondary bypass. It should be realized, however, that operational benefits of bypass use during peak flow conditions may be found to be greater than as analyzed by steady-state calculations such as above. The steady-state flow conditions assumed here may be most nearly approximated in actual operation only if there are none of the operational difficulties which are commonly encountered during peak



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flows. These problems include lagging response of sludge recycle rates, solids build-up in the final settling tanks, and sludge bulking, all leading to an inability to maintain sufficient solids in the aerators and keep efficient floc settling characteristics. These problems will be minimized by automatic sensing of sludge blanket levels and adjustment of sludge recycles and perhaps by use of the C-S mode of operation, but they may become critical in true peak flow situations. Operational experience will ultimately determine the most efficient method of treating peak flows.

Furthermore, as stated earlier, use of the bypass should be infrequent in any case and should not significantly affect monthly average BOD and SS removals. During the average wet weather period, the bypass would not be used even in the design year.

Analysis of a worst case situation will show under what conditions bypass use would contribute to a violation of 85 percent BOD and SS removal requirements. A worst case situation can be described for the design year (2000) as one in which all rain during a wet weather month falls during the most critical time (peak diurnal wastewater flow, maximum infiltration, peak BOD and SS loading) and in intensities and duration equal to the five-year, two-hour storm (0.46 inches/hour), thus creating two-hour peak flows of 175 mgd. The performance data suggest that even with secondary bypass, 15 days containing a two-hour peak of 175 mgd (Item 4, Table 4) in conjunction with 15 days at the average wet weather flow rate (Item 1, Table 4) would be required in order to violate the 85 percent removal criterion for SS over the 30-day period. This would amount to a total rainfall of 13.8 inches for one month.

In the past 75 years of record, there has been greater than 13.8 inches total precipitation in only six months. This would lead to the conclusion that even if the timing and intensity of rain during a wet month were "worst case" as considered above, the effluent limits of monthly average BOD and SS would be violated only about once or twice in the 20-year design period. The chance of this occurrence is actually less than as determined above because the peak flows will be less than design flow initially and gradually build to design flow.

The results of the analyses presented in this report support the conclusion that maximum process flexibility is the best assurance of maximum treatment efficiency. The ability to treat the peak flows by secondary treatment is available in the present design in the C-S mode and is available in the C-M at minimal additional cost. Operational experience will determine the best mode of operation for peak flow treatment.

Attachments

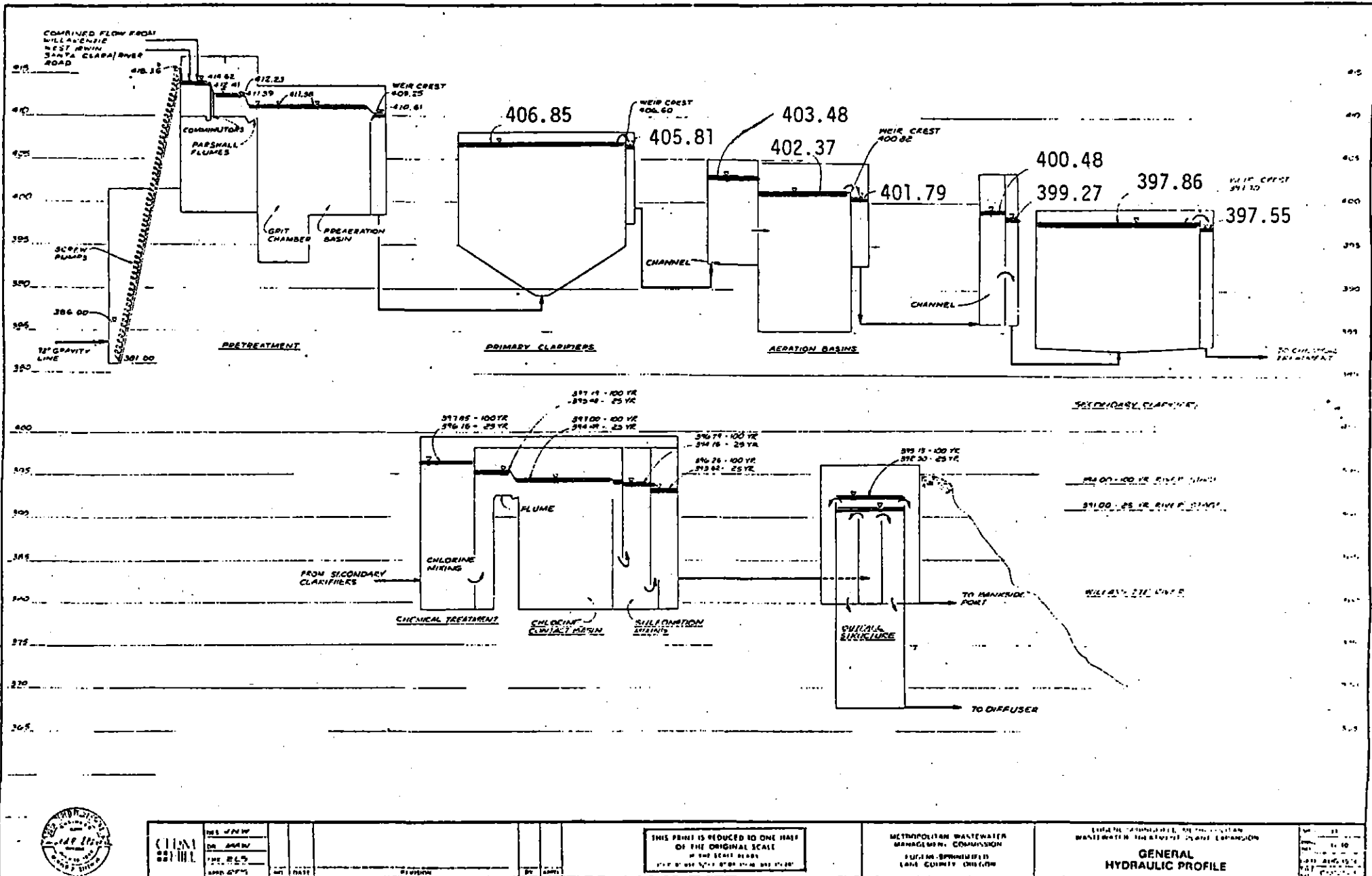
AGP:mjb

Table 1  
ESMWTB Design Flows & Loadings

Design Flows	MGD
Average Dry Weather Day	49
Maximum Dry Weather Day	68
Peak Dry Weather Flow	103
Average Wet Weather Day	70
Maximum Wet Weather Day	98
Peak Wet Weather Flow	175
Design Loadings	Lb/Day
Average BOD <sub>5</sub>	66,000
Peak BOD <sub>5</sub>	79,000
Average SS	71,600
Peak SS	92,000
Design Year	2000

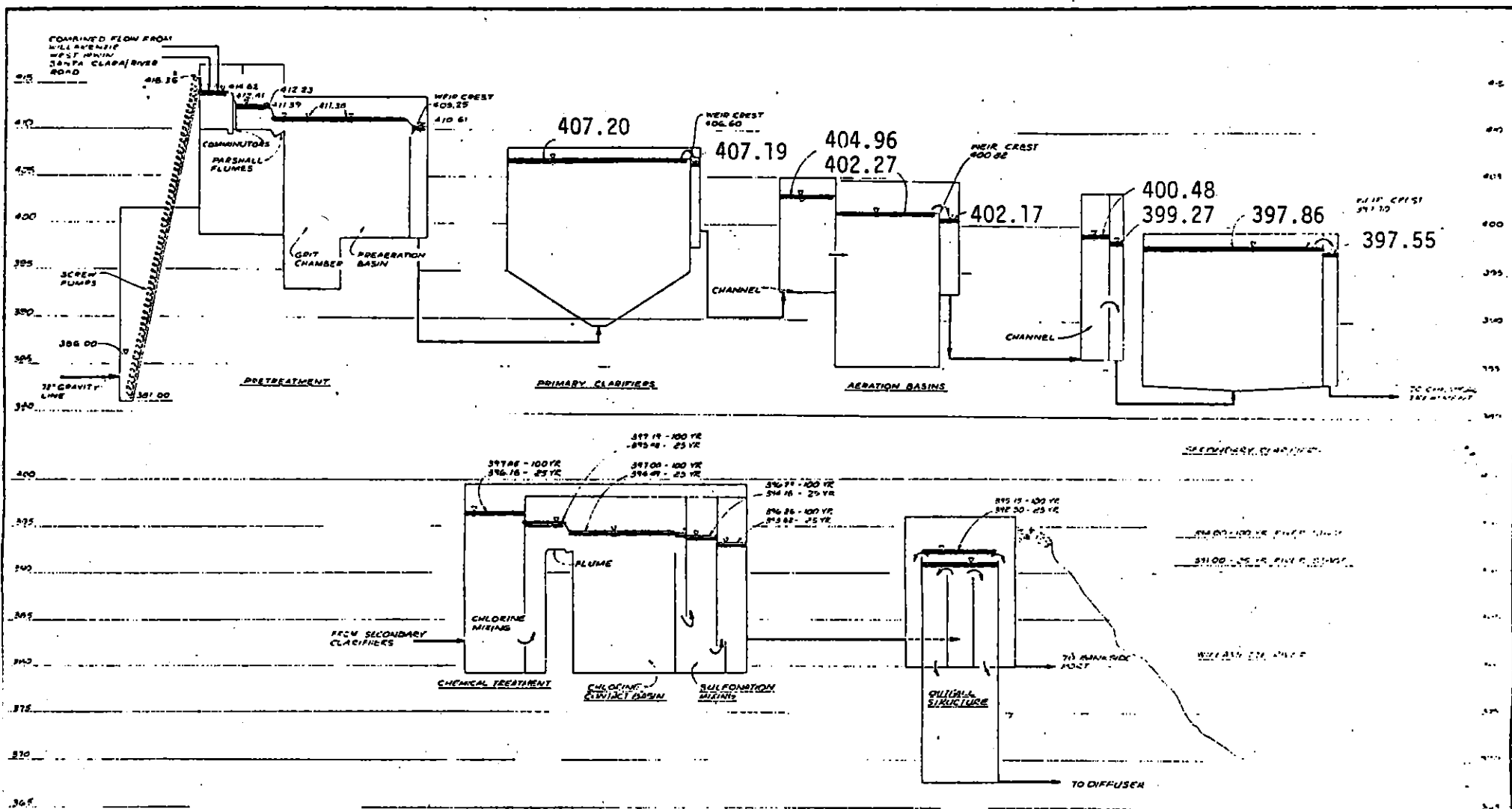
**FIGURE 1  
HYDRAULIC PROFILE**

Plant influent flow = 175 mgd  
 Flow to receive secondary treatment is 175 mgd + RAS + miscellaneous recycles.  
 Operational mode is contact stabilization.



# HYDRAULIC PROFILE

Plant influent flow = 175 mgd  
 Flow to receive secondary treatment is 175 mgd + RAS + miscellaneous recycles.  
 Operational mode is complete mix.



CHAM  
 HILL

DESIGNED BY	DATE	REVISION	BY	APP'D
DR. JAW				
FOR ELD				
APP'D				

THIS PRINT IS REDUCED TO ONE HALF OF THE ORIGINAL SCALE OF THE SCALE PLANS.

METROPOLITAN WASTEWATER MANAGEMENT COMMISSION  
 PUBLIC SPONSORSHIP  
 LOCAL GOVERNMENT

GENERAL  
 HYDRAULIC PROFILE

DATE: 10/15/70  
 SHEET: 10 OF 10

Table 2  
COST ESTIMATE  
MODIFICATION OF BYPASS WIER

CONSTRUCTION	\$20,000
REDESIGN	10,000
ADMINISTRATION, LEGAL & CONTINGENCIES (20% of capital construction cost)	<u>4,000</u>
TOTAL*	\$34,000

\*January 1980 dollars

Table 3  
 ESMWTP  
 EXPECTED EFFLUENT QUALITY  
 FOR CONSTANT FLOWS

Constant Flow (mgd)	Parameter	Waste Loading (lb/day)	Effluent (lb/day) (mg/l)		% Removal
70	BOD	79,000	4,000	7	95
	SS	92,000	6,400	11	93
98	BOD	79,000	6,900	8	91
	SS	92,000	13,000	16	86
103	BOD	79,000	7,300	9	91
	SS	92,000	14,000	17	85
118-Blend Effluent	BOD	79,000	17,000	18	78
	SS	92,000	37,000	37	60
118*	BOD	79,000	12,000	12	85
	SS	92,000	18,000	18	80
175-Blend Effluent	BOD	79,000	30,000	21	62
	SS	92,000	33,000	22	64
175*	BOD	79,000	17,000	12	78
	SS	92,000	42,000	29	54

\*Assumes entire plant flow receives secondary treatment.

Table 4  
 ESMWTP  
 EXPECTED EFFLUENT QUALITY  
 FOR DIURNAL FLOWS

ITEM	AVERAGE DAILY FLOW (mgd)	PARAMETER	WASTE LOADING (Lb/Day)	EFFLUENT (Lb/Day) (mg/l)		% REMOVAL
1	70	BOD	79,000	4,000	8	94
		SS	92,000	7,000	13	92
2	98*	BOD	79,000	8,000	10	90
		SS	92,000	13,000	16	85
3	98**	BOD	79,000	10,000	12	88
		SS	92,000	20,000	24	79
4	98***	BOD	79,000	12,000	14	85
		SS	92,000	21,000	26	77
5	98****	BOD	79,000	8,500	10	89
		SS	92,000	14,000	17	85

Note: Diurnal peaking factor equals 1.2.

\*All flows receive secondary treatment.

\*\*Flows in excess of 103 mgd receive primary treatment and are blended with secondary effluent.

\*\*\*Two-hour peak flow of 175 mgd, flows in excess of 103 mgd receive primary treatment and are blended with secondary effluent.

\*\*\*\*Two-hour peak flow of 175 mgd, all flows receive secondary treatment.

**APPENDIX C**

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