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3/5/1982

OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS

State of Oregon
Department of Environmental Quality

OREGON ENVIRONMENTAL QUALITY COMMISSION MEETING

March 5, 1982

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

AGENDA

9:00 am CONSENT ITEMS

These routine items are usually acted on without public discussion. If any item is of special interest to the Commission or sufficient need for public comment is indicated, the Chairman may hold any item over for discussion.

APPROVED A. Minutes of the January 22, 1982, EQC meeting.

APPROVED B. Monthly Activity Reports for December 1981 and January 1982.

APPROVED* C. Tax Credits. [*T-1360 (Boise Cascade) was disallowed; to be reconsidered 4/16.]

9:05 am D. PUBLIC FORUM

This is an opportunity for citizens to speak to the Commission on environmental issues and concerns not a part of this scheduled meeting. The Commission may discontinue this forum after a reasonable time if an exceptionally large number of speakers wish to appear.

HEARING AUTHORIZATIONS

Public testimony will be accepted on the advisability of scheduling a public hearing but not on the substance of the rule.

APPROVED E. (1) Request for authorization to hold a public hearing on revisions to specific air pollution control rules for Benton, Linn, Marion, Polk, and Yamhill Counties, OAR 340-29-001 to 010.

APPROVED (2) Request for authorization to conduct a public hearing on the adoption of amendments to Hazardous Waste Management Rule, OAR 340-63-125.

ACTION AND INFORMATIONAL ITEMS

Public testimony will be accepted on the following except items for which a public hearing has previously been held. Testimony will not be taken on items marked with an asterisk (*). However, the Commission may choose to question interested parties present at the meeting.

GRANTED F. Larry Bissett: Request for variance to on-site sewage disposal rules.

DENIED G. Request from Jackson County appealing the variance approval granted to Dr. James Perry.

APPROVED H. Petition to amend noise regulations pertaining to the sale of new school buses.

POSTPONED ~~I. Request by City of Portland to amend revenue bond purchase agreement (Item H, December 4, 1981, EQC agenda), including review and recommendations by bond counsel on the form of agreement used by the Department.~~

ACCEPTED * J. Informational report: Supplemental material concerning Attorney General's Opinion on resource recovery from solid waste.

TEMP. RULE EXTENDED TO 4/16/82. K. Sewage disposal in East Multnomah County: Status report and proposed action regarding on-site systems.

UPHELD L. DEQ v. Carl Jensen

SEE E(2) ~~* M. Proposed adoption of amendments to Hazardous Waste Management Rules, OAR 340-63-125.~~

APPROVED w/portions deferred * N. Adoption of proposed amendments to rules governing on-site sewage disposal, OAR 340-71-100 to 340-71-600 and OAR 340-73-025 to 340-73-085.

WORK SESSION

The Commission reserves this time, if needed, for further consideration of any item on the agenda.

Because of the uncertain length of time needed, the Commission may deal with any item at any time in the meeting except those set for a specific time. Anyone wishing to be heard on an item not having a set time should arrive at 9:00 am to avoid missing any item of interest.

The Commission will breakfast (7:30 am) at the *Portland Motor Hotel*, 1414 S. W. Sixth Avenue, Portland; and will lunch at DEQ Headquarters, 522 S. W. Fifth Avenue, Portland.

OREGON ENVIRONMENTAL QUALITY COMMISSION MEETING

March 5, 1982

BREAKFAST AGENDA

1.	Public notice procedures for hearings for variances to on-site sewage disposal rules	Young
2.	Legislative wrap-up	Biles/Downs
3.	Local impact of proposed EPA budget reductions	Young
4.	Noise problems at Portland International Airport	Hector

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Breakfast Agenda Item, March 5, 1982, EQC Meeting

Public Notice Procedures for Hearings for Variances to On-Site Sewage Disposal Rules.

Background

During a recent appeal of a granted variance, the question of adequacy of variance hearings notice was raised. The Commission requested that the hearing notice procedures be reviewed and a report prepared for their March 5, 1982 breakfast meeting.

Oregon law contains provision for granting variances from rules and standards pertaining to subsurface sewage disposal systems where strict compliance is inappropriate for cause, in situations of extreme and unusual hardship, or because special physical conditions render strict compliance unreasonable, burdensome or impractical. ORS 454.657. The Commission is required to delegate, on such general conditions as it finds appropriate, the power to grant variances to special variance officers. ORS 454.660. These variance officers are required to be persons qualified in soil sciences and possessing knowledge and experience in subsurface sewage disposal methods. ORS 454.660(2). Variance review is required by law to be concluded promptly. The law requires that every variance request be heard within 30 days from the date on which a completed variance application is received, and requires that the variance officer's decision be made within 45 days after completion of the hearing on the variance request. ORS 454.660. Agency rule is even more restrictive, requiring a decision within 30 days. There is no statutory guidance or restriction on the type of hearing that must be provided. By rule the Commission has established requirements that must be met with regard to variance hearings. OAR 340-71-430.

When the variance procedure was established in 1975, Department's then legal counsel, Ray Underwood, provided guidance in development of hearing procedures. Mr. Underwood interpreted the word "hearing" as used in ORS 454.657 to mean a "public informational hearing" as set forth in OAR 340-11-007. Further, Mr. Underwood was of the opinion that the public informational hearing could be informal in nature, held in the field if necessary, and without the need to "swear" witnesses. The hearing would be "tape-recorded" to ensure a complete record.

In addition, the variance officer was to notify all known parties interested in the hearing proceeding, of the time, place and date of the hearing. Specific parties to be notified were:

- The applicant
- Contract County or DEQ Branch Office
- Department Regional Personnel
- Any other known party of interest.

A typical variance hearing follows the above format. Anyone at the hearing who expresses an interest is allowed to testify.

Upon completion, the hearing is closed and a decision rendered. In the event the variance is approved, the contract county or DEQ office is instructed to issue the construction permit in accordance with variance conditions.

The permit may not be issued for 20 days in order to allow any interested party to appeal the decision to the Commission.

During the past seven months the following number of variance applications have been received and acted upon:

1981	July	6
	August	4
	September	4
	October	7
	November	2
	December	2
1982	January	1

These 26 variance hearings, as well as approximately 900 variance hearings held prior to July 1981 followed essentially the procedures set forth above.

The hardship provision was added by the 1979 legislature. The Department has not yet received any request based upon hardship.

Comment

It is important to remember that the variance officer, at the hearing, is gathering information to assist him in making a technical decision: whether the proposed system will function properly on the subject property without creating health hazards or water pollution. The parcel of land has already been determined by local authorities to be a buildable site in terms of land use, planning, and zoning requirements. Arguments by adjacent property owners on aesthetics or land use are immaterial in

the variance decision making process. We would not expect very many cases where a neighbor could provide meaningful evidence in a variance hearing which would assist the variance officer in evaluating whether the system will operate properly or fail. That evaluation is a technical one. It is made upon consideration of soil conditions studied on site, landscape positions, proximity to surface public waters, depth to groundwater, location and construction of nearby wells, among other considerations. Neighbors seldom have any higher or greater interest than the public at large in the decision to grant or deny a variance. Neighbors do not have access to the site, and therefore cannot gather and analyze technical information of the kinds cited which would be useful or instructive to the variance officer in his review.

Agency rules for on-site sewage disposal systems are written with measurable standards. These standards produce reasonably reliable site evaluations in 95-98% or more of properties studied. On the remaining properties which do not meet standard site criteria there may, nonetheless, be some beneficial or redeeming factor which would permit a functional system with all the intended safeguards. The variance process allows a soil expert to analyze site conditions, employing the most current available technology, and approve sites and systems which will provide a durable, effective level of treatment even if the site does not comply with exact rule measurement standards.

Sites should be approved where there is a reasonably reliable expectation of effective function. The agency is charged with the obligation to make it possible to install systems where they will work. Agency rules are designed to achieve that goal. In unusual circumstances the goal can be achieved by varying from the rule. Variances allow modifications of typical methods, but do not allow departure from the goal of installing systems which will work without risk to the public health and welfare. The extent of required public notice should reflect the safeguards contained in the variance law. Under the law there is minimal risk of disadvantaging neighbors because variances from particular standards or rules cannot be authorized unless the public health and welfare and state waters are protected. The variance officer has oversight of this protection. Because the variance officer is already limited in his discretion by considerations of health and safety, further formality in the variance process would increase the administrative burden and cost, without adding any particular public protection. The variance process seeks to assure that the requirements of law are satisfied. They do not provide an exemption from the purpose of on-site regulation.

Alternatives and evaluation

The following are possible alternatives for providing notice of variance hearings.

(1) Require the variance applicant to demonstrate notice had been given to adjacent property owners within 300 feet of subject property.

This procedure would put the burden for notice to adjacent property owners on the applicant and would be in addition to notice now provided by the Department to other interested parties. This procedure would result in little or no additional notification expense to the Department. It would, however, make the variance application process more burdensome and costly[1]. At present, applicants are required to submit a considerable amount of evidence or information ahead of or at the hearing.

(2) Require the variance applicant to search records and provide names and addresses of property owners within 300 feet of subject property as part of the application. The Department would then routinely notify these property owners of the hearing in the same manner as other interested parties are notified. The notice could be mailed by regular or certified mail.

This procedure would be less burdensome to the applicant than alternative (1) but would add to the Department's costs in the variance process. The applicant and the Department would share the burden of notice to adjacent property owners.

In either alternative (1) or (2) there will often be instances where these requirements would be excessive. A large percentage of variance applications are for small lots within moderate to high density areas. Also, it is not uncommon that variances are proposed for large tracts, such as a recent application for the Siuslaw National Forest. The number of property owners within 300 feet of the subject property can be comparatively large in both situations. This could be minimized if the notification were required only to owners of property within 300 feet of the system, rather than the property line.

(3) Require the Department to search records and obtain names and addresses of property owners within 300 feet of subject property and notify adjacent property owners as set forth in alternative (2) above.

This procedure would add considerably to the Department's hearing expenses and add a great deal of time to the entire variance process.

(4) Require that a notice be posted at the property, a given number of days in advance of the hearing, notifying anyone who happened to read it, that a variance hearing is to be held.

This procedure would be relatively inexpensive and may be effective in certain locations but completely ineffective in others. For example, it is unlikely that motorists would stop to read a notice posted on a large parcel of ground in open country.

[1]It is estimated that a scheduled off-site hearing would double the time a variance officer must spend on the site visit and hearing.

(5) Require that the applicant or Department place a notice in a local newspaper.

This procedure would likely be more expensive than alternative (4) above. The problems are that additional time would be added to the hearing procedure, in order to get the notice published an appropriate amount of time in advance of the hearing.

(6) Require that the existing procedures be continued, but modified to require adjacent property owner notification in two specific situations. The first situation is where the proposed variance drainfield would come within 100 feet of a well on adjacent property, and the second situation is where the proposed variance drainfield would come within 10 feet of the property line. These two distances (100' and 10') are standards required to be met for all systems. The applicant would be required to provide names and addresses of the parties concerned.

Director's Recommendation

Based upon an evaluation of alternatives, it is the Director's Recommendation that the Commission approve alternative No. 6 as the standard procedure for public notice for variance hearings.

Michael Downs
for
William H. Young

Sherman O. Olson:k
229-6443
HKD600 (2)

VICTOR ATIYEH
GOVERNOR

Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

MEMORANDUM

To: Bill Young/Division Administrators

From: Stan Biles SB

Subject: Final Legislative Report
January - March 1982 Special Legislative Session

Date: March 4, 1982

The Special Legislative Session adjourned late Monday evening after 37 days of caucuses, hearings, partisan debates, and inter-chamber conflict. In the end, the state's budget was balanced, an Economic Recovery Program was authorized and a few bills of relatively minor importance were adopted. A short summary of items with a direct impact on the Department follows:

The State Budget

A combination of four major strategies was utilized in the final weeks of the session to overcome the projected state deficit:

- A three cents per pack increase in the cigarette tax; expected to produce $11.3 million;
- A reduction in state agency budgets totaling $87 million;
- A reduction in property tax relief by limiting the maximum payment to $287 rather than $355; producing a savings of $17.8 million; and
- Increasing state income tax revenues by 7.9 percent through a restructuring of the income tax rate upward by half a percentage point, producing $79 million.

A listing of all budget balancing decisions made throughout the Special Session follows:

Reductions

State Agencies	$ 87.0 million	
Property Tax Relief	17.8 million	
Basic School Support	16.3 million	
Emergency Fund	15.0 million	
Subtotal		$136.1 million

Revenue Increases

Income Tax	$ 79.0 million	
Accelerated Employer Withholding Tax	68.0 million	
Delinquent Tax Collections	23.8 million	
Cigarette Tax	11.3 million	
Advance Payment of Disputed Tax	8.0 million	
Miscellaneous	3.8 million	
Subtotal		$193.9 million
TOTAL		$330.0 million

DEQ Budget

The Department's budget was reduced by three separate Legislative decisions.

- o $1.5 million was reduced from debt service on the Pollution Control Bond Fund. No operational impacts are anticipated.

- o Roughly $150,000 was reduced from the agency's operating budget, including:

* Hazardous Waste Fees	$ 43,808
* Noise Control, Fringe Benefits	426
* L-RAPA Contribution	10,000
* Noise Control-Regional Content	27,779
* Noise Control-Clerical Position	20,855
* Noise Control-Engineering Position	48,546
TOTAL	$151,414

- Each agency will contribute toward an additional $2.0 million reduction during the remainder of the biennium. Departmental contributions will be determined by the percentage of the state's total General Fund which is allocated to each agency. Our contribution is anticipated at less than $10,000.

Non-Budgetary Issues

- As previously discussed, the Metropolitan Service District was granted an exemption from the EFSC siting process for the garbage burning facility proposed for Oregon City. As a result, our permit processes will receive considerably more public attention.

- All state regulatory agencies are now "strongly encouraged" to act on permit requests within sixty days of the receipt of a completed application. Agencies are required to notify the applicant if this deadline cannot be achieved and provide a substitute schedule.

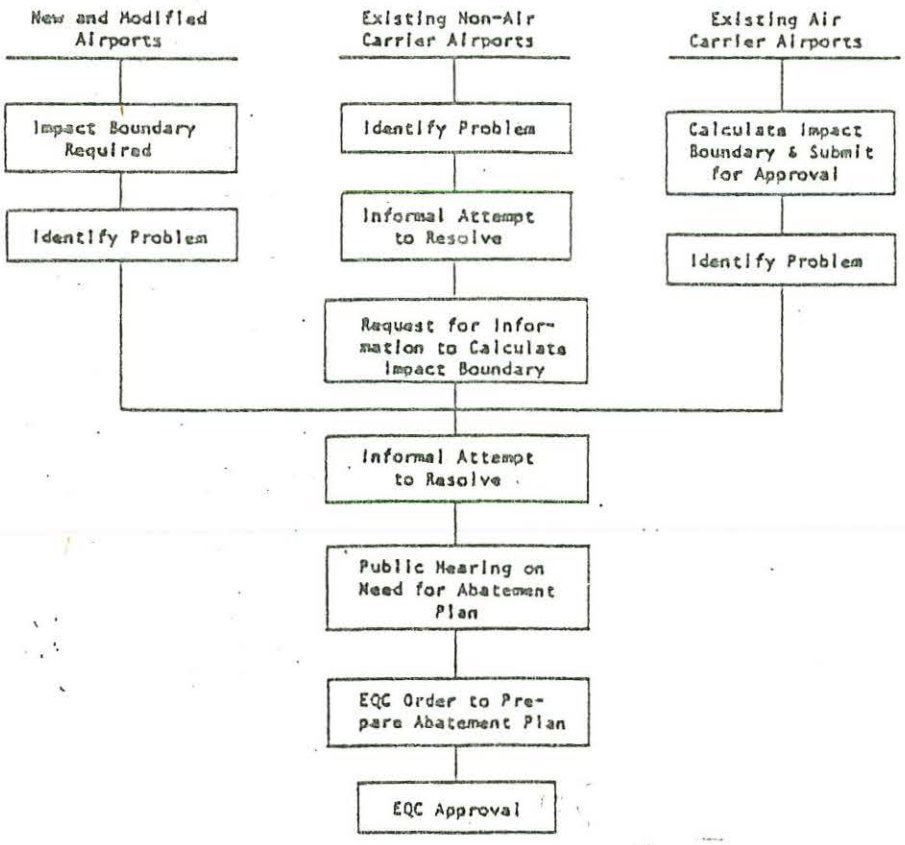
Looking to the Future

There is growing concern that the State's Econometric Modeling has been overly optimistic. Many contend that housing starts, interest rates, and unemployment will not improve as rapidly as has been projected. As a result, the State's Budget may remain in a deficit forcast thus requiring another Special Legislative Session as early as this summer. Since most of the one-time revenue producing mechanisms have already been tapped, it is likely that another Special Session would concentrate on agency cuts as the primary method to balance the budget.

SB:k
MK694 (2)

FLOW CHART

EQC NOISE CONTROL RULES FOR AIRPORTS



OREGON ENVIRONMENTAL COUNCIL

2637 S.W. WATER AVENUE, PORTLAND, OREGON 97201 / PHONE: 503/222-1963

September 8, 1981

Mr. William Young, Director
Department of Environmental Quality
522 SW 5th, Box 1760
Portland, Oregon 97207

Dear Mr. Young,

In 1979 the Oregon Environmental Council and other Portland residents petitioned the Environmental Quality Commission to develop airport noise rules. After much public testimony, the EQC adopted rules that provide a mechanism for dealing with excessive airport noise. We are asking you now to use that mechanism.

According to several Portland residents, noise from aircraft flying in and out of Portland International Airport has been increasing. There is reasonable cause to believe that a noise abatement program is needed, thus we are requesting that you schedule a hearing on the subject, pursuant to OAR 340-35-045 (4)(a).

Flights over Portland neighborhoods frequently interfere with communication, sleep, church services and other noise sensitive activities. Noise may be exceeding the noise contours set forth in the Port of Portland's master plan. Gary Gregory, 3542 NE 131st Place, measured aircraft noise at his home and found it to be about 68 Ldn, with peak levels as high as 94-98 Ldn (these peaks at times continued for 2-3 minutes). Steve Morrison, 4431 NE Alameda, complains of noise 24 hours a day from corporate, commercial and military aircraft that frequently wakes his family and disrupts conversation. He claims jet liners fly so low over his neighborhood that the lettering on the planes is easily readable.

It appears likely that a feasible noise abatement program can be developed for the airport. Some area residents who have long followed the airport noise issue suggest modifications to existing approach and departure flight tracks. Some say pilots are now allowed to choose their tracks, which frequently cross residential areas. Perhaps requiring more "instrument approaches" would bring flights across industrial property and the river rather than noise sensitive residential neighborhoods.

Homeowners we have talked to say they have complained many times to the Port of Portland, but to no avail. Mr. Morrison, for example, has met with both the Port and the FAA, written more than 50 letters to various public officials, and circulated an anti-noise petition in his neighborhood. The Port knows of the problem, has hired people to work on it, yet no progress is apparent. That is why we make our request. A hearing on the need for a noise abatement program will not only give the public a chance to voice its concerns, but allow the Port to make its case as well.

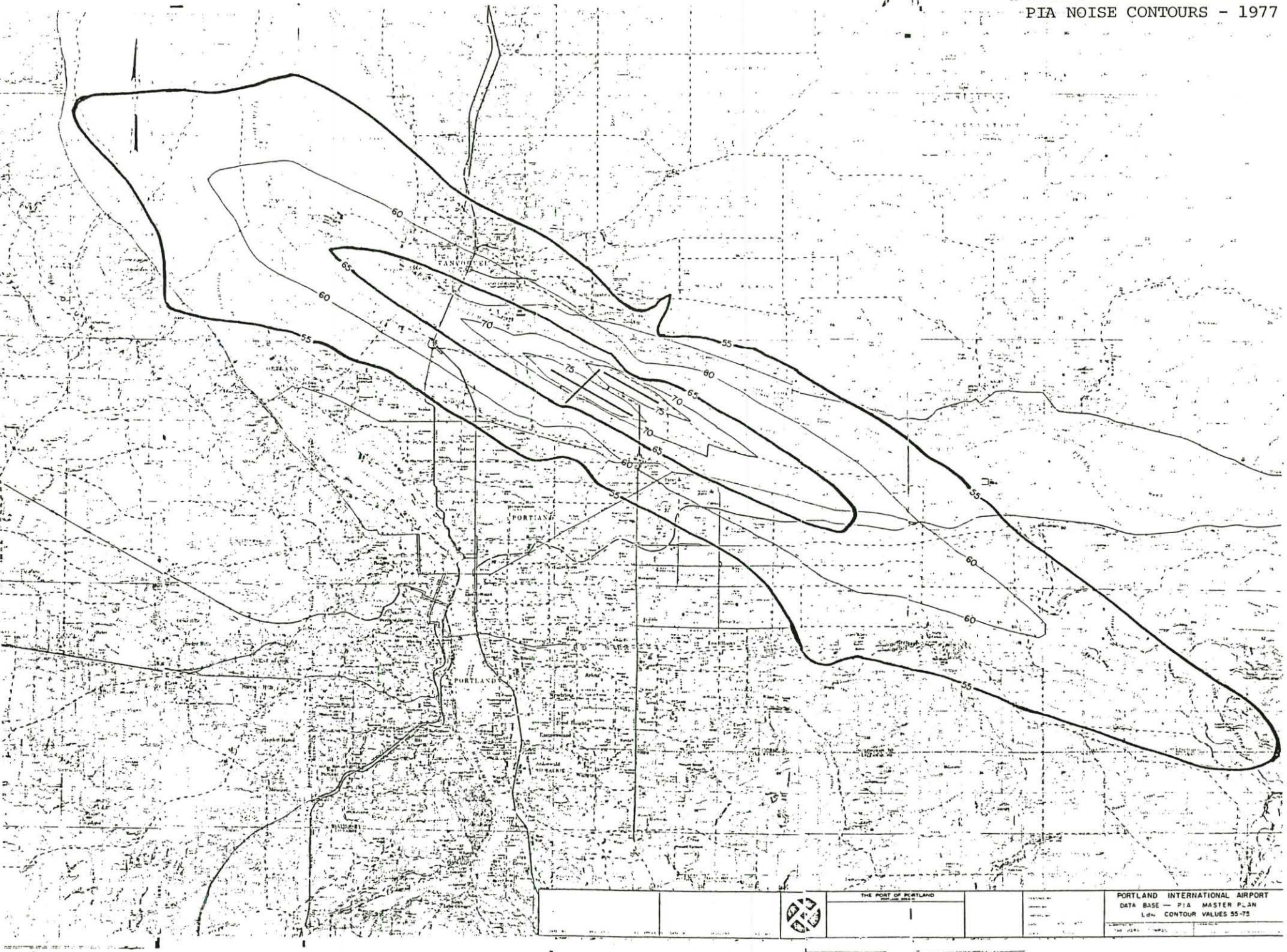
Yours very truly,

John A. Charles

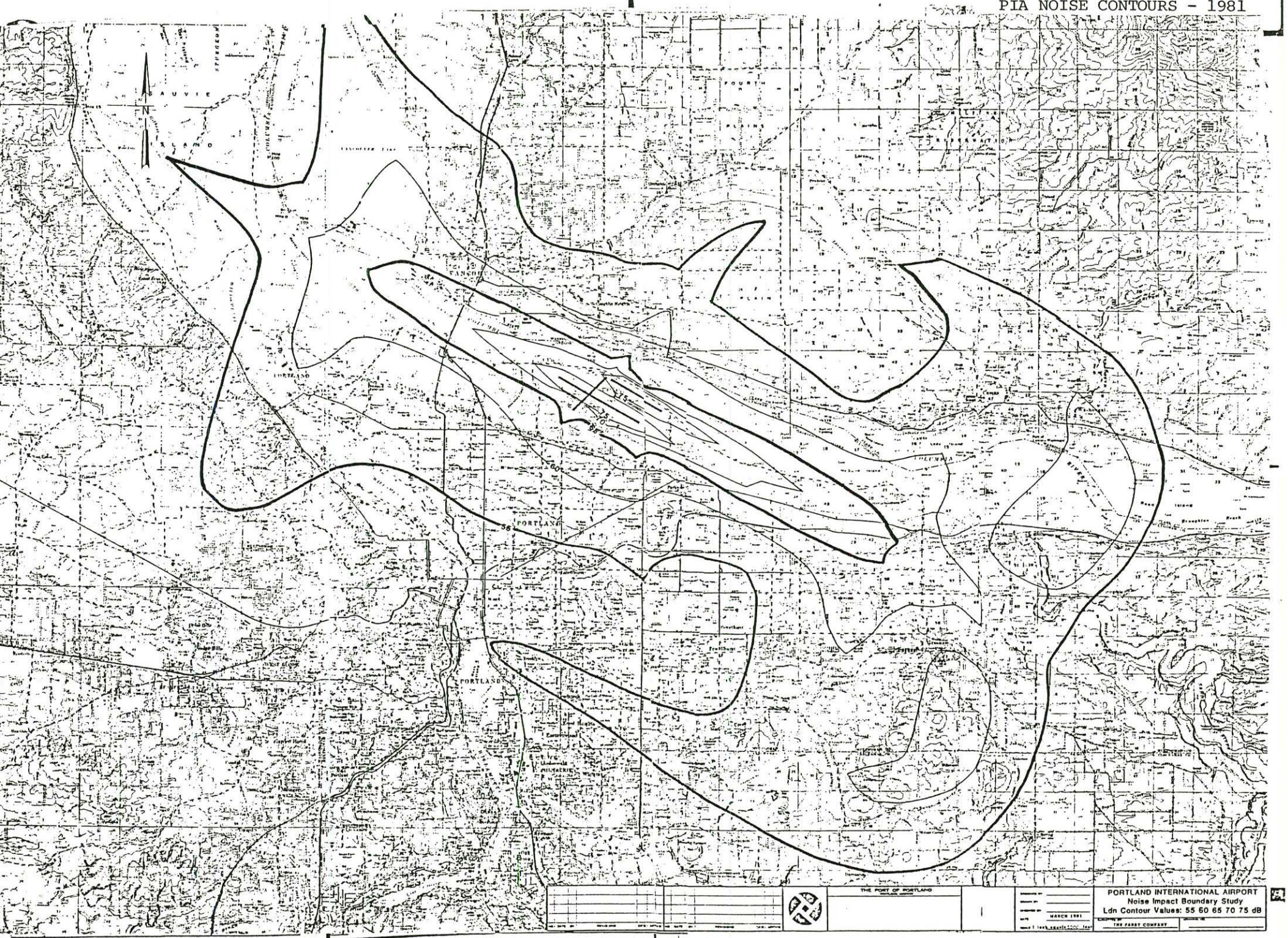
John A. Charles
Executive Director

JAC/jah

PIA NOISE CONTOURS - 1977



PIA NOISE CONTOURS - 1981



Port of Portland
Box 3529 Portland, Oregon 97208
503/231-5000
TWX: 910-464-6151

February 19, 1982

John Hector, Program Manager
Noise Pollution Control
Department of Environmental Quality
522 S.W. 5th
Portland, OR 97207

Dear John:

The purpose of this letter is to reiterate the commitments I made at our January 25 meeting with regard to noise abatement at Portland International Airport. Specifically, the Port of Portland is committed to the following actions:

- We will prepare a comprehensive airport noise abatement plan that will consist of all of the elements in the Oregon Noise Control Regulations for Airports. The study will be officially underway following formal Port of Portland Commission approval of a consultant contract at the June 9, 1982, Commission meeting. We intend to submit a completed plan to DEQ within 12 months of startup.

- We have already begun the consultant selection process and expect to select a firm by early April. Following consultant selection, we will prepare a detailed scope of work that will outline a study schedule, specific technical elements to be studied, and a citizen involvement program. As the scope of work and the citizen involvement program begin to take shape, we will be talking with you to get your comments. Both should be complete within the next several weeks.

- Evaluation of the military jet formation take-off procedure has begun and we expect to complete our analyses by about May 1. If the testing shows that there is an opportunity to reduce noise, we will work with the military to implement the new procedure as soon as possible. We will keep you informed of progress.

As you can see, there is a great deal of work ahead. However, we feel we can meet the time estimates suggested at the recent meeting. The success of the study will depend on the cooperative involvement of a number of groups in the community.

Our goal is to operate the best airport in the country . . . one that responds to those who use the airport, to those who provide its services, and to the neighboring community. Managing noise is one element of operating such an airport, and we intend to do whatever possible to accomplish that goal.

Sincerely,

Bill Supak
Aviation Director

03B312

THESE MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

MINUTES OF THE ONE HUNDRED THIRTY-EIGHTH MEETING

OF THE

OREGON ENVIRONMENTAL QUALITY COMMISSION

March 5, 1982

On Friday, March 5, 1982, the one hundred thirty-eighth meeting of the Oregon Environmental Quality Commission convened at the Department of Environmental Quality, Portland, Oregon. Present were Commission members Mr. Joe B. Richards, Chairman; Mr. Fred J. Burgess; Mr. Ronald M. Somers; Mr. Wallace B. Brill; and Mrs. Mary V. Bishop. Present on behalf of the Department were its Director, William H. Young, and several members of the Department staff.

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

BREAKFAST MEETING

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

The following items were discussed:

1. Public notice procedures for hearings for variances to on-site sewage disposal rules: The Director reviewed the written report for the Commission. The Commission members had no objections to the proposed policy.

2. Legislative wrap-up: Stan Biles, Assistant to the Director, reviewed the written report on action the Legislature took in the Special Session which affect our agency, including budget reductions.

3. METRO air permit application: The Commission asked only to review the draft permit.

4. Noise problems at Portland International Airport: John Hector, Manager of the Noise Pollution Control Division, reviewed the written report, and the Commission accepted the staff's proposed course of action.

FORMAL MEETING

Commissioners Richards, Somers, Burgess, and Bishop were present for the formal meeting. Commissioner Brill was absent for a short time.

AGENDA ITEM A - MINUTES OF THE JANUARY 22, 1982 MEETING.

It was MOVED by Commissioner Somers, seconded by Commissioner Bishop, and carried unanimously that the Minutes be approved as submitted.

AGENDA ITEM B - MONTHLY ACTIVITY REPORT FOR DECEMBER, 1981 AND JANUARY 1982.

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

AGENDA ITEM C - TAX CREDITS.

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

> Tax credit T-1360 (Boise Cascade) was not approved. It was delayed for reconsideration at the next meeting.

AGENDA ITEM D - PUBLIC FORUM.

Linore Allison, Irvington Community Association, appeared to urge that the DEQ noise program not be the subject of extreme budget cuts because of the severity of the noise problems in some inner-city neighborhoods.

George Ward, George Ward & Associates, appeared to invite the Commission members to view a federally-funded film, "Affluent Effluent," dealing with sewage treatment processes and alternatives. He also urged establishment of innovative on-site disposal and on-site management processes for the state of Oregon.

AGENDA ITEM E(1) and (2) -

E(1) REQUEST FOR AUTHORIZATION TO HOLD A HEARING ON REVISIONS TO SPECIFIC AIR POLLUTION CONTROL RULES FOR BENTON, LINN, MARION, POLK AND YAMHILL COUNTIES. OAR 340-29-001 TO 340-29-010, AND AMENDING THE STATE IMPLEMENTATION PLAN.

In July of 1975, the Mid-Willamette Valley Air Pollution Authority (MWVAPA) ceased to exist. The Department assumed administration of the program in this area and had the Secretary of State publish all the Mid-Willamette rules as Oregon Administrative Rules (OAR), effective July 2, 1975. The Department, since that time, has had a low-priority task to integrate, as appropriate, appropriate Mid-Willamette rules into Oregon Administrative Rules. Staff now proposes to complete this task.

Director's Recommendation

It is recommended that the Commission authorize the Department to hold a hearing to repeal OAR 340 Division 29 and replace it with the attached three state OAR's on odors, nuisance, and large particle fallout. The repealed Division 29 would be removed from the Oregon Clean Air State Implementation Plan.

E(2) REQUEST FOR AUTHORIZATION TO CONDUCT A PUBLIC HEARING ON THE ADOPTION OF AMENDMENTS TO HAZARDOUS WASTE MANAGEMENT RULE, OAR 340-63-125.

At the December 4, 1981, Commission meeting, the staff proposed amendments to those portions of the Hazardous Waste Management Rules dealing with waste pesticide and empty (hazardous material) containers. The Commission adopted the proposed amendments but instructed the Department to propose the performance standards and application procedures as Administrative Rules at the March Commission meeting (Appendices A & B, respectively, of Attachment I).

Prior to submitting these proposed Administrative Rules to the Commission, the staff felt it should first seek authorization to hold a public hearing (Attachment IV).

Director's Recommendation

Based upon the Summation, it is recommended that the Commission authorize a public hearing to take testimony on proposed amendments to Hazardous Waste Management Rule, OAR 340-63-125.

It was MOVED by Commissioner Somers, seconded by Commissioner Bishop, and passed unanimously that the Director's Recommendations be approved. (Commissioner Brill was present from this time on.)

AGENDA ITEM F - LARRY BISSETT - REQUEST FOR VARIANCE TO ON-SITE SEWAGE DISPOSAL RULES.

Mr. Bissett is applying for an on-site sewage disposal variance. Specifically, Mr. Bissett is requesting a variance to allow installation of up to a four-bedroom residence on a 1.3 acre lot within the Clatsop Plains moratorium area. The property is located just north of Gearhart.

Director's Recommendation

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

Mr. Bissett appeared to request the use of a standard system rather than a pressurized system on his property.

It was MOVED by Commissioner Somers, seconded by Commissioner Bishop, and passed unanimously that the variance be granted as set forth in the Director's Recommendation.

AGENDA ITEM G - REQUEST FROM JACKSON COUNTY APPEALING THE VARIANCE APPROVAL GRANTED DR. JAMES PERRY.

Mr. Bradley Prior, representing the Jackson County Department of Planning and Development, is appealing the decision of Mr. Greg Farrell, Department Variance Officer, to grant to Dr. Perry variances from the on-site sewage disposal rules. Mr. Prior asks that the Commission modify the conditions of the variance to include use of a sand filter.

Bradley Prior, Supervising Sanitarian for Jackson County, described for the Commission the poor soil and weather conditions existing in Jackson County and requested a reinstatement of the sand filter system requirement in the granted variance.

James Perry, applicant, spoke of concerns about the attitude of the Jackson County staff.

Greg Farrell, DEQ Roseburg office, appeared to answer questions from the Commission.

Director's Recommendation

Based upon the findings in the summation, it is recommended the Commission adopt the findings of the variance officer as the Commission's findings (to grant variances to OAR 340-71: 150 (4)(a); 220(2)(a); 265(2)(b); 275(4)(b)(C); and 290(3)(a)(A)), and affirm his decision to approve the variance with such conditions as specified in the November 18, 1981 approval letter.

It was MOVED by Commissioner Somers, seconded by Commissioner Burgess and passed that the Director's Recommendation be approved. Chairman Richards voted no; Commissioner Brill abstained.

AGENDA ITEM H - PETITION TO AMEND NOISE REGULATIONS FOR THE SALE OF NEW SCHOOL BUSES.

The Commission's noise emission limits controlling the sale of new buses has been set at 80 dBA since 1979. Recently, General Motors Corporation petitioned to amend this rule to exclude school buses from the 80 dBA limit and establish an 83 dBA limit, the same standard as for heavy trucks.

General Motors believes this is necessary as they are proposing to manufacture diesel-powered school buses, and without additional noise controls, these buses would not meet the 80 dBA limit. Staff believes the General Motors petition has enough merit to warrant the scheduling of a public hearing.

Director's Recommendation

It is the Director's Recommendation that the Commission authorize the Department to hold a public hearing, before a hearings officer, at a time and location to be set by the Director. Notification should be given that any school bus manufacturers or manufacturer

associations interested in filing similar petitions, may in lieu thereof, be heard at this public hearing. The hearings officer will receive testimony limited to amendments to the noise rules pertaining to the sale of new school buses.

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

AGENDA ITEM J - INFORMATION REPORT: SUPPLEMENTAL MATERIAL CONCERNING ATTORNEY GENERAL'S OPINION ON RESOURCE RECOVERY FROM SOLID WASTE.

At the Commission's January 22, 1982 meeting, the staff reported on a recent Attorney General's opinion concerning resource recovery from solid waste. The Commission accepted the staff's report and asked the staff to report back at this meeting with more detailed information on the potential implications of this legal opinion.

The report was accepted by the Commission.

AGENDA ITEM K - SEWAGE DISPOSAL IN EAST MULTNOMAH COUNTY: STATUS REPORT AND PROPOSED ACTION REGARDING ON-SITE SYSTEMS.

Agenda Item K proposes a course of action to deal with cesspools in East Multnomah County.

Rules adopted by the Commission in March 1981 prohibited the installation of new cesspools after October 1st of that year. Under the rule, seepage pit systems would be allowed as interim systems on small lots in areas where sewers were planned. Other types of on-site systems would also be allowed pursuant to the Commission's rules. At its August 28th meeting, the Commission, at Multnomah County's request, adopted a temporary rule which delayed the October 1st date to March 1, 1982. That temporary rule expired on February 27th.

The effect of the expiration of the temporary rule on February 27th was to make the cesspool prohibition effective on that date.

Multnomah County has made considerable progress in its attempts to provide sewer service to the cesspool area. However, additional time is necessary for coordination with other affected public entities and development of specific plans, schedules, and financing for the project. In addition the METRO Master Sewerage Plan which has been approved by the Department calls for the entire cesspool area to be sewered.

In the event the Commission approves the Director's Recommendation, the following would be expected to occur:

- Installation of cesspools to serve new development would be prohibited immediately.

- Cesspools could be authorized only to replace existing failing cesspools.

- Seepage pit systems would be allowed throughout the cesspool area, until January 1, 1985.

- Multnomah County and other affected public entities would be required to submit, by July 1, 1984, detailed plans, schedules, priorities, phasing and financing mechanisms for sewering the entire cesspool area.

Dick Cooley, Oregon Homebuilders Association, appeared to urge the Commission not to require additional septic tanks ahead of cesspools and instead require Multnomah County to adopt and implement a systems development charge, effective September 1, 1982. He also suggested that Multnomah County investigate the adoption of a users fee for all cesspool users.

Roy Asbahr, Oregon Homebuilders Association, complained that the builders and homeowners were being unfairly penalized in a "contest between two government agencies."

Kevin Hanway, attorney for Oregon Homebuilders Association, appeared to answer questions.

George Ward, George Ward & Assoc., appeared to describe a national on-site sewage disposal insurance program.

Burke Raymond, Multnomah County Sewer Development manager, also appeared.

Director's Recommendation

Based upon the evaluation of alternatives, it is recommended that the Commission approve alternative (1) above; allow the temporary rule to expire without further action, thus implementing the provisions of OAR 340-71-335(2)(a).

It was MOVED by Commissioner Somers, seconded by Commissioner Burgess, and passed unanimously that the Commission adopt a temporary rule on the findings of extreme economic circumstances resulting in little construction of new houses and little further contamination of the aquifer as a result, for the near future, and that this new temporary rule contain language identical to the just-expired temporary rule but expire on April 16, 1982, at which time the Commission will consider the matter further.

AGENDA ITEM L - DEQ V. JENSEN, CARL F.

Carl Jensen has appealed the decision of the hearings officer which found him to have violated an administrative rule by failing to use a radio monitor while field burning.

Mr. Jensen has asked the Commission to mitigate the $4,000 penalty levied by the Department.

Carl Jensen, respondent, appealed to the Commission to impose no fine.

It was MOVED by Commissioner Bishop, seconded by Commissioner Burgess, and passed unanimously that he hearing officer's decision be upheld.

AGENDA ITEM N - ADOPTION OF PROPOSED AMENDMENTS TO RULES GOVERNING ON-SITE SEWAGE DISPOSAL. OAR 340-71-100 TO 340-71-600 AND OAR 340-73-025 TO 340-73-085.

At the January 22, 1982 meeting, the Commission authorized public hearings to be held on proposed amendments to the On-Site Sewage Disposal Rules. Four hearings were held on February 2, 1982, in Bend, Medford, Newport, and Portland.

Staff proposed amendments to the rules that include an affidavit requirement when a system and the facility it serves are on separate lots with the same ownership; imposition of surcharges on two additional activities; and other substantive and housekeeping issues.

Doug Marshall, Tillamook County Senior Sanitarian, requested some changes in the proposed rule.

Director's Recommendation

Based upon the summation, it is recommended that the Commission adopt the proposed amendments to OAR 340-71-100 to 340-71-600 and OAR 340-73-025 to, as set forth in Attachment "E."

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

340-71-355 and 340-73-060(2) (gravel-less trenches) would be deferred to the next regular EQC meeting (April 16, 1982) for further consideration.

There being no further business, the meeting was adjourned.

LUNCH MEETING

A review of the impact of President Reagan's proposed budget cuts was presented for the Commission. John Vlastelicia, EPA, Oregon Operations, gave an overview of the effect of the president's proposed budget reductions on his agency; and DEQ's division administrators reviewed the effect of proposed program grant budget reductions on the air, water and hazardous waste programs.

Respectfully submitted,

Jan Shaw

Jan Shaw
Commission Assistant

THESE MINUTES ARE NOT FINAL UNTIL APPROVED BY THE EQC

MINUTES OF THE ONE HUNDRED THIRTY-SEVENTH MEETING

OF THE

OREGON ENVIRONMENTAL QUALITY COMMISSION

January 22, 1981

On Friday, January 22, 1982, the one hundred thirty-seventh meeting of the Oregon Environmental Quality Commission convened at the Department of Environmental Quality, Portland, Oregon. Present were Commission members Mr. Joe B. Richards, Chairman; Mr. Fred J. Burgess; Mr. Ronald M. Somers; Mr. Wallace B. Brill; and Mrs. Mary V. Bishop. Present on behalf of the Department were its Director, William H. Young, and several members of the Department staff.

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

BREAKFAST MEETING

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

The following items were discussed:

1. Agenda Format: The Commission expressed satisfaction with the new format of the agenda. They further suggested scheduling at the end of the meeting those items where no public testimony would be accepted. In that way, interested citizens would not need to wait throughout an entire meeting for any item of interest.

2. Budget Update: Mike Downs, Management Services Administrator, reviewed the status of the budget. The Director added that layoff letters have been sent to those employees listed in the first 10% reduction package and that layoffs are being made in the subsurface program because of reduction in fee revenues.

3. Legislative update: Stan Biles, Assistant to the Director, summarized the following information from his attendance at the Special Session:

1. Governor's economic recovery program;
2. Proposed bill exempting METRO's resource recovery facility from EFSEC review;
3. Proposed bill which would require all state agencies to complete permit reviews within 60 days.

FORMAL MEETING

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

AGENDA ITEM A - MINUTES OF THE DECEMBER 4, 1981 MEETING.

It was MOVED by Commissioner Somers, seconded by Commissioner Brill, and carried unanimously that the Minutes be approved as submitted.

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

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

AGENDA ITEM C - TAX CREDITS.

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

> T-1466, Chembond Corporation's application for tax credit, was withdrawn at the request of the company.

PUBLIC FORUM:

Dr. Robert Paeth, DEQ Soil Scientist, was honored with a Certificate of Appreciation from the Oregon Environmental Health Association for his outstanding contribution to the continuing education of Oregon sanitarians. Kathy Morris and Bob Wilson from OEHA presented the award to Dr. Paeth.

AGENDA ITEM D - REQUEST FOR AUTHORIZATION TO CONDUCT PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO RULES GOVERNING ON-SITE SEWAGE DISPOSAL, OAR 340-71-100 to 340-71-600, OAR 340-73-025 to 340-73-085.

This Item was a request for authorization to conduct public hearings on the matter of amending the On-Site Sewage Disposal Rules. Testimony would

be received on several substantive and housekeeping amendments. Hearings are proposed to be held in four locations throughout the state on February 2, 1982.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission authorize public hearings, to take testimony on the question of amending OAR 340-71-100 to 340-71-600, and OAR 340-73-025 to 340-73-085, as presented in Attachment "C", "D", and "E".

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

AGENDA ITEM E - CHARLES MERSEREAU - REQUEST FOR VARIANCE TO ON-SITE SEWAGE DISPOSAL RULES

Agenda Item E concerns a request from Mr. Charles Mersereau for variance from the On-Site Sewage Disposal Rules. Mr. Mersereau's property is located within the Clatsop Plains Moratorium area.

Director's Recommendation

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

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

AGENDA ITEM F - MR. AND MRS. RONALD WALTERS--APPEAL OF VARIANCE APPROVAL GRANTED TO MR. MARVIN PETERS.

Mr. and Mrs. Ronald Walters are appealing the decision of Mr. Gary Messer, a Department Variance Officer, to grant a variance to the On-Site Sewage Disposal Rules. The variance was granted to Mr. Marvin Peters. Mr. and Mrs. Walters own property near that of Mr. Peters.

Director's Recommendation

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

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

AGENDA ITEM H - PROPOSED ADOPTION OF GEOGRAPHIC AREA RULE FOR CHRISTMAS VALLEY TOWNSITE, LAKE COUNTY, OAR 340-71-400(4).

At the October 9, 1981 meeting, the Commission authorized a public hearing to be held on the question of adopting a geographic area rule for the Christmas Valley Townsite. A hearing was held at the Christmas Valley Community Hall on November 19, 1981.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission adopt the proposed geographic area rule for the Christmas Valley Townsite, OAR 340-71-400(4), as set forth in Attachment "D".

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

AGENDA ITEM J - ADOPTION OF AMENDMENTS TO SULFUR CONTENT OF FUELS, COAL, RULE, OAR 340-22-020, TO LIMIT SULFUR AND VOLATILE CONTENT OF COAL USED FOR DIRECT RESIDENTIAL SPACE HEATING.

The Department has investigated the potential air quality impacts that may occur if coal came into widespread use as a residential heating fuel. The Portland Air Quality Advisory Committee and a Special Health Effects Review Committee, composed of prominent medical officials, aided in this review. There was general consensus that coal should be restricted as a preventive control measure, and the Department is now proposing a "clean coal" rule for adoption which would become effective July 1, 1983. Public hearings and all other necessary legal notices have been given on this matter.

Director's Recommendation

Based on the Summation, it is the Director's Recommendation that the proposed residential coal rule OAR 340-22-020 (Attachment A) be adopted with amendments as shown which would:

1. Provide a means for existing coal users to apply for an exemption,

2. Provide that the sulfur limit for devolatized coal could be measured prior to devolatilization, and

3. Provide for application of the rule to fuels manufactured with coal as an additive.

It was MOVED by Commissioner Bishop, seconded by Commissioner Brill, and passed that the Director's Recommendation be approved with the following amendment:

Delete Section 4(b), Page 2, Attachment A.

Commissioner Somers voted no.

AGENDA ITEM K - ADOPTION OF AMENDMENTS TO THE STATE PHOTOCHEMICAL OXIDANT AMBIENT AIR QUALITY STANDARD (OAR 340-31-030) AS A REVISION TO THE STATE IMPLEMENTATION PLAN.

In 1971, the Federal Environmental Protection Agency, acting on limited data, set the National Ambient Air Quality Standard for photochemical oxidant at 0.08 ppm of total oxidants.

In 1979, acting on more data, much of which was conflicting as to result, and after long and bitter debate, the Environmental Protection Agency revised its standard upward to 0.12 ppm as ozone. Also in 1979, the Environmental Quality Commission authorized hearings to consider similar changes to the state standard but after hearing the testimony, voted to retain the 0.08 ppm standard but measured as ozone.

To facilitate complying with the Clean Air Act, the Commission directed the Department to develop attainment strategies to achieve compliance with the 0.12 ppm standard until 1985, at which time, strategies would then be considered for attaining the 0.08 ppm standard by 1992.

In October, 1981, the Department requested and received authorization to hold formal public hearings to again consider revising the state standard to conform with the federal standard and thereby help resolve the uncertainties relative to control strategies imposed by the dual standard.

Public hearings were held in Portland on November 18, 1981, and in Medford on November 23, 1981.

No new, compelling data resulted from these hearings, and the Commission was presented a report which contains a recommendation to revise the state standard to conform to the federal standard.

Director's Recommendation

Based on the Summation, it is recommended that the Commission adopt 0.12 ppm ozone, 1 hour average, as the state's ozone standard (Amended OAR 340-31-030).

It was MOVED by Commissioner Somers, seconded by Commissioner Burgess, and passed that the Director's Recommendation be amended and adopted, to read as follows:

Director's Recommendation

Based on the Summation, it is recommended that the Commission adopt 0.12 ppm ozone, 1 hour average, as the state's ozone standard (Amended OAR 340-31-030), and that the 0.12 ppm standard be submitted to EPA as a revision to the Oregon Clean Air Act Implementation Plan.

[Underlined language to be added]

Commissioner Bishop voted no.

AGENDA ITEM L - RECONSIDERATION OF APPROVAL OF LANE REGIONAL AIR POLLUTION AUTHORITY (LRAPA) TO ADMINISTER NEW SOURCE PERFORMANCE STANDARDS (NSPS) FOR KRAFT PULP MILLS.

At the October 9, 1981 EQC meeting, the Commission approved the Director's Recommendation approving LRAPA rules for 15 New Source Performance Standards and authorized delegation of authority to LRAPA to implement the rules. Included in that group of sources was a NSPS for kraft mills. Historically, by action of the Sanitary Authority when Regional Authorities were formed and approved, kraft pulp mills were retained under jurisdiction of the Sanitary Authority and subsequently the DEQ. This report addresses the continued retention of the kraft mill sources by DEQ until such time as LRAPA may petition for delegation of authority pursuant to statute ORS 468.540.

Director's Recommendation

Based on the above Summation, the Director recommends the Commission amend its action of October 9, 1981, to withdraw delegation for administering the new source performance standards for kraft pulp mills to LRAPA.

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

AGENDA ITEM M - PROPOSED ADOPTION OF A HAZARDOUS WASTE SCHEDULE OF CIVIL PENALTIES, OAR CHAPTER 340, DIVISION 12.

Because of its high potential for human health and environmental damage, hazardous waste requires special management controls. This need has been recognized since 1971 when Oregon first adopted hazardous waste legislation, so that today we have a comprehensive management program that controls hazardous waste from the time of generation through transportation, storage, treatment and disposal. However, until action was taken by the 1981 Legislature (Chapter 709 - 1981 Laws), hazardous waste was the only major DEQ program without full authority to assess civil penalties covering all phases of its concern.

Although the authorizing statute by itself is adequate, it does not serve to reflect program priorities or guide in setting penalty levels for specific violations. The schedule proposed for adoption is intended to achieve these ends by establishing minimum fines which penalize most heavily those program violations which may lead to the most serious consequences. We believe it clearly indicates DEQ's intent to keep hazardous waste out of the environment.

Director's Recommendation

Based upon the summation, it is recommended that the Commission adopt

the proposed amendments to the civil penalty rules, OAR Chapter 340, Division 12.

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

AGENDA ITEM N - STATUS REPORT ON THE TOTAL SUSPENDED PARTICULATE STRATEGY FOR THE MEDFORD/ASHLAND AQMA.

A revised particulate control strategy is needed to meet the primary and secondary particulate standards in the Medford - White City area. Major particulate sources and potential control measures were reviewed in a report to the Commission at the June 5, 1981 meeting in Medford. Since June, 1981, the Air Quality Advisory Committee and the Jackson County Commissioners have completed their recommendations for a particulate control strategy. This status report outlines the proposed schedule for completion of the Medford TSP SIP.

Director's Recommendation

This status report is submitted to the Commission primarily for information purposes. It is recommended that the Commission schedule its June 4, 1982 EQC meeting in Medford to consider adoption of a Total Suspended Particulate standard attainment strategy for that area.

The Commission accepted this report.

AGENDA ITEM O - INFORMATIONAL REPORT: ATTORNEY GENERAL'S OPINION CONCERNING SOLID WASTE DISPOSAL AND RESOURCE RECOVERY FROM SOLID WASTE.

The Department recently received a formal legal opinion from the Attorney General concerning our authority to regulate resource recovery from solid waste. This opinion was requested in order to clarify legislative intent in this area generally and specifically as it relates to recycling operations and to the use of used motor vehicle tires for various purposes.

The Department has received complaints concerning the construction of a tire fence by an individual in Yamhill County and has received inquiries regarding other uses of tires and the operation of recycling centers. In addition, there is a wide range of commercial activities involving used materials that could be construed to be resource recovery as defined in the statutes.

The Attorney General's Opinion confirms that the Department has broad potential regulatory authority in this area. The Department is proposing, however, to exercise discretion and to limit its regulatory activities to only those cases where there is a clear potential threat to public health or the environment. The Commission's concurrence in this matter is requested.

Director's Recommendation

It is recommended that the Commission concur in the following course of action to be pursued by the Department:

1. Continue to regulate solid waste disposal in its traditional sense, including but not limited to landfilling, open burning, incineration and composting.

2. Continue to regulate "Resource Recovery" as defined in ORS 459.005 only where there is a potential threat to public health or the environment.

3. Not initiate any enforcement action at this time against Mr. William C. Remoir for construction of a tire fence, based on the information currently available to the Department.

4. Continue to regulate the storage of solid waste in cases where waste is stored for more than six months or where the nature, amount, or location of the stored waste is such that, in the Department's opinion, it constitutes a potential environmental problem.

5. Explore the concept of prohibiting the disposal of certain readily recyclable materials at landfill sites with affected parties and report back to the Commission in the future.

Mr. W. C. Remior appeared in support of the staff report. The following people appeared in opposition:

Merrill K. Haddon	3021 Industrial Way, Salem
Jacque Wagner	Route 1, Box 63, Yamhill
Nellie Raineri	Route 1, Box 84, Yamhill

The Commission concurred with the Director's Recommendation. In addition, the Commission asked staff to report back to them as to what extent of involvement would exist if it were determined that facilities such as this should be subject to permits and potential enforcement action.

AGENDA ITEM I - CITY OF SEASIDE--APPROVAL OF SEWERAGE SYSTEM IMPROVEMENT PROGRAM.

The City of Seaside has submitted a proposed program for sewerage system improvements. They propose to proceed without federal funds to reduce inflow into the sewer system, improve the existing treatment plant, and construct the first phase of a new treatment plant. Their proposal is the first such program submitted for your approval pursuant to the Sewerage Works Planning and Construction Policy adopted by you on October 9, 1981.

Staff recommended that the Commission approve the City's program in concept and authorize the Department to enter into a revised implementation agreement with the City to reflect the overall program, allow up to 300 additional sewer connections based on initial improvements, and provide for authorization of further connections as further improvements are made.

Director's Recommendation

1. Based on the Summation, it is recommended that the Commission approve in concept the sewerage system improvement program proposed by the City of Seaside; and

2. Authorize the Department to enter into a revised stipulated agreement with the City to reflect this overall program, allow up to 300 additional connections to the sewer system as initial improvements are made, and provide for re-evaluation and authorization of further connections as significant progress occurs to accomplish the following:

   a. Development and approval of a long-range sewerage system financing plan,

   b. Passage of a bond issue for Phase 1 work, and

   c. Award of construction contract.

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

There being no further business, the meeting was adjourned.

LUNCH MEETING

The staff reviewed for the Commission the draft Goals and Objectives of the Department. The Commission was asked to review the document at their leisure and respond within two weeks with any comments they might have.

Respectfully submitted,

Jan Shaw

Jan Shaw
Commission Assistant

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. B, March 5, 1982, EQC Meeting

December, 1981 and January, 1982 Program Activity Reports

Discussion

Attached are the December, 1981 and January, 1982 Program Activity Reports.

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

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

The purposes of this report are:

1) to provide information to the Commission regarding the status of reported activities and an historical record of project plan and permit actions;

2) to obtain confirming approval from the Commission on actions taken by the Department relative to air contaminant source plans and specifications; and

3) to provide logs of civil penalties assessed and status of DEQ/EQC contested cases.

Recommendation

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

Bill

William H. Young
Director

M. Downs:k
229-6485
February 10, 1982
Attachments
MK616 (2)

DEQ-46

DEPARTMENT OF ENVIRONMENTAL QUALITY

Monthly Activity Report

December, 1981 and January, 1982

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DECEMBER, 1981
MONTHLY ACTIVITY REPORT

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

SUMMARY OF PLAN ACTIONS

	Plans Received		Plans Approved		Plans Disapproved		Plans Pending
	Month	FY	Month	FY	Month	FY	
Air							
Direct Sources	9	46	17	60	0	0	32
Small Gasoline Storage Tanks Vapor Controls	0	0	0	0	0	0	0
TOTAL	9	46	17	60	0	0	32
Water							
Municipal	4	166	10	145	0	0	14
Industrial	3	24	3	28	0	0	11
TOTAL	7	190	13	173	0	0	25
Solid Waste							
Gen. Refuse	2	31	1	25	0	0	14
Demolition	0	6	0	7	0	0	2
Industrial	2	9	1	11	0	1	4
Sludge	0	3	0	3	0	0	0
TOTAL	4	49	2	46	0	1	20
Hazardous Wastes	-	-	-	-	-	-	-
GRAND TOTAL	20	285	32	279	0	1	77

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
MONTHLY ACTIVITY REPORT

PLAN ACTIONS COMPLETED

Direct Sources

County	Number	Source	Process Description	Date of Action	Action
JACKSON	668	CULBERTSON ORCHARDS	OVERTREE SPRINKLER SYSTEM	12/02/81	APPROVED
MULTNOMAH	798	OWENS-ILLINOIS	BAGHOUSE & REAGENT GAS SYS	12/07/81	APPROVED
HOOD RIVER	659	MERZ ORCHARDS	WIND MACHINES	09/16/80	APPROVED
LANE	672	W W LUMBER CO., INC.	PAVING, LOG YARD, LRAPA	12/16/81	APPROVED
JACKSON	679	GERALD & MERILEE STEPHENS	WIND MACHINE	03/23/81	APPROVED
JACKSON	680	ASSOCIATED FRUIT CO.	WIND MACHINE	11/05/80	APPROVED
JACKSON	681	HIGHCROFT ORCHARDS	WIND MACHINE	11/05/80	APPROVED
LANE	686	ALPINE VENEERS INC	PAVING (LRAPA)	12/17/81	APPROVED
JACKSON	690	MEDFORD PEAR CORP	WIND MACHINE	12/23/80	APPROVED
LINN	724	WILLAMETTE INDUSTRIES	WELLONS CONV	03/06/81	APPROVED
UNION	744	AMER CAPITOL ETHANOL CORP	ETHANOL FUEL PLANT	12/18/81	APPROVED
DOUGLAS	774	MT. MAZAMA PLYWOOD	BAGHOUSE INSTAL	12/23/81	APPROVED
KLAMATH	779	WEYERHAEUSER COMPANY	CYC & LOW-PRESS CONVEY SYS	12/21/81	APPROVED
JACKSON	780	TIMBER PRODUCTS CO.	REPL. EXIST. CONT. EQUIP.	11/30/81	APPROVED
JACKSON	783	BOISE CASCADE CORP	SEAL THREE VENEER DRYERS	12/23/81	APPROVED
MULTNOMAH	797	COLUMBIA GRAIN, INC.	GRAIN ELEVATOR EXPANSION	12/24/81	APPROVED
LINN	800	OREMET	SMOKE CONTROL	12/23/81	APPROVED

TOTAL NUMBER QUICK LOOK REPORT LINES 17

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
MONTHLY ACTIVITY REPORT

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

COUNTY	I.D. NUMBER		OWNER/OPERATOR	TANK NO.	EXPIRATION DATE
MULTNOMAH	26	V057	ARROW TRANSPORTATION CO.	734	11/19/82
				725	11/20/82
				826	11/20/82
				667	12/03/82
				822	12/03/82
MULTNOMAH	26	V512	LEE & EASTES TANK LINES	167	12/02/82
LANE	20	V002	WEST COAST TRUCK LINES	60T	12/03/82
				186	12/03/82

TOTAL NUMBER QUICK LOOK REPORT LINES 8

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

SUMMARY OF AIR PERMIT ACTIONS

	Permit Actions Received Month	Permit Actions Received FY	Permit Actions Completed Month	Permit Actions Completed FY	Permit Actions Pending	Sources Under Permits	Sources Reqr'g Permits
Direct Sources							
New	3	18	4	9	23		
Existing	1	14	4	13	16		
Renewals	15	71	32	56	63		
Modifications	0	8	1	17	8		
Total	19	111	41	95	110	1849	1888
Indirect Sources							
New	1	7	0	7	3		
Existing	0	0	0	0	0		
Renewals	0	0	0	0	0		
Modifications	0	3	0	3	0		
Total	1	10	0	10	3	197	200
GRAND TOTALS	20	121	41	105	113	2159	2088

Number of Pending Permits	Comments
23	To be drafted by Northwest Region
17	To be drafted by Willamette Valley Region
2	To be drafted by Southwest Region
4	To be drafted by Central Region
5	To be drafted by Eastern Region
5	To be drafted by Program Planning Division
27	To be drafted by Program Operations
13	Awaiting Public Notice
14	Awaiting the end of the 30-day period
110	TOTAL

MAR.5 (8/79) AA1556 (1)(a)

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION

MONTHLY ACTIVITY REPORT
PERMITS ISSUED

DIRECT STATIONARY SOURCES

COUNTY	SOURCE	PERMIT NUMBER	APPLIC. RECEIVED	STATUS	DATE ACHIEVED	TYPE OF APPLICATION
BENTON	GREEN & WHITE ROCK PROD	02 2125	07/14/81	PERMIT ISSUED	12/01/81	RNW
BENTON	WILDISH CORVALLIS S & G	02 2518	07/24/81	PERMIT ISSUED	12/01/81	RNW
BENTON	BUILDER'S SUPPLY CO.	02 2555	02/18/81	PERMIT ISSUED	12/01/81	RNW
BENTON	WILDISH CORVALLIS S & G	02 2557	07/24/81	PERMIT ISSUED	12/01/81	RNW
BENTON	WILDISH CORVALLIS S & G	02 2558	07/24/81	PERMIT ISSUED	12/01/81	RNW
CLACKAMAS	WILLAMETTE VIEW MANOR	03 2684	04/09/81	PERMIT ISSUED	12/01/81	EXT
COLUMBIA	CEDARWOOD TIMBER COMPANY	05 1775	12/08/80	PERMIT ISSUED	12/01/81	RNW
CURRY	TED L FREEMAN ROCK ENTERP	08 0042	04/09/81	PERMIT ISSUED	12/01/81	RNW
DESCHUTES	BEND MILL WORKS CO.	09 0015	06/01/81	PERMIT ISSUED	12/01/81	RNW
DOUGLAS	TRI CITY READY MIX, INC.	10 0117	06/17/81	PERMIT ISSUED	12/01/81	RNW
MALHEUR	AMALGAMATED SUGAR CO	23 0002	06/01/81	PERMIT ISSUED	12/01/81	RNW
MARION	SHINY ROCK MINING CORP	24 2316	04/09/81	PERMIT ISSUED	12/01/81	RNW
MARION	CASTLE & COOKE, INC.	24 4424	07/21/81	PERMIT ISSUED	12/01/81	RNW
MARION	OREGON STATE HOSPITAL	24 5145	06/25/81	PERMIT ISSUED	12/01/81	RNW
MARION	OREGON STATE PENITENTIARY	24 5155	06/25/81	PERMIT ISSUED	12/01/81	RNW
MARION	MACLAREN SCHOOL	24 9167	07/07/81	PERMIT ISSUED	12/01/81	RNW
MULTNOMAH	ALBERS MILLING	26 2008	06/01/81	PERMIT ISSUED	12/01/81	RNW
MULTNOMAH	VANRICH CASTING CORP.	26 2016	06/01/81	PERMIT ISSUED	12/01/81	RNW
MULTNOMAH	UNIVERSITY HOSPITAL NORTH	26 2050	07/23/81	PERMIT ISSUED	12/01/81	RNW
MULTNOMAH	LITTLE CHAPEL OF CHIMES	26 2969	06/30/81	PERMIT ISSUED	12/01/81	RNW
MULTNOMAH	OWENS-CORNING FIBERGLAS	26 3067	04/13/81	PERMIT ISSUED	12/01/81	NEW
TILLAMOOK	S-C PAVING COMPANY	29 0060	06/17/81	PERMIT ISSUED	12/01/81	RNW
PORT.SOURCE	BOHEMIA UMPQUA DIVISION	37 0063	00/00/00	PERMIT ISSUED	12/01/81	EXT
PORT.SOURCE	NORTH SANTIAM SAND & GRAV	37 0143	09/14/81	PERMIT ISSUED	12/01/81	RNW
PORT.SOURCE	IDAHO SAND & GRAVEL CO IN	37 0253	06/29/81	PERMIT ISSUED	12/01/81	EXT
PORT.SOURCE	HI-LAND CONSTRUCTION, IN	37 0276	06/01/81	PERMIT ISSUED	12/01/81	RNW
BENTON	OREGON STATE UNIVERSITY	02 2298	06/29/81	PERMIT ISSUED	12/23/81	RNW
COLUMBIA	OWENS-CORNING FIBERGLAS	05 2085	08/25/81	PERMIT ISSUED	12/23/81	MOD
DESCHUTES	LAPINE REDI MIX	09 0059	09/29/81	PERMIT ISSUED	12/23/81	RNW
JOSEPHINE	DIAMOND INDUSTRIES	17 0046	07/14/81	PERMIT ISSUED	12/23/81	RNW
KLAMATH	ALPINE VENEERS INC.	18 0010	07/21/81	PERMIT ISSUED	12/23/81	RNW
LINN	ALBANY TITANIUM INC	22 0286	09/22/81	PERMIT ISSUED	12/23/81	NEW
LINN	WILLAMETTE INDUSTRIES	22 3010	07/07/80	PERMIT ISSUED	12/23/81	RNW
LINN	VAN LEE CONTRACTING	22 3526	07/21/81	PERMIT ISSUED	12/23/81	NEW
LINN	WILLAMETTE INDUSTRIES	22 5193	04/09/81	PERMIT ISSUED	12/23/81	RNW
LINN	LYONS VENEER	22 6008	12/01/81	PERMIT ISSUED	12/23/81	NEW
MORROW	EASTERN OREGON FARMING CO	25 0012	09/09/80	PERMIT ISSUED	12/23/81	RNW
MULTNOMAH	WESTERN STEEL CASTING CO	26 1863	08/03/81	PERMIT ISSUED	12/23/81	RNW
MULTNOMAH	MALARKEY ROOFING CO	26 1894	02/18/81	PERMIT ISSUED	12/23/81	RNW
TILLAMOOK	COAST WIDE READY MIX S&G	29 0057	01/16/81	PERMIT ISSUED	12/23/81	RNW
PORT.SOURCE	MOBILE CRUSHING CO., INC.	37 0261	08/05/80	PERMIT ISSUED	12/23/81	EXT

TOTAL NUMBER QUICK LOOK REPORT LINES 41

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

PERMIT ACTIONS COMPLETED

Indirect Source

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

MAR.6 (5/79) AA1557 (1)(a)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

PLAN ACTIONS COMPLETED 13

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
MUNICIPAL WASTE SOURCES (10)			
Malheur	Young Field Subdivision Jordan Valley	11-20-81	PA
Columbia	Cooley Moorage Pump Station, Septic Tank Low Pressure Distribution	12-4-81	Letter to Engineer
Columbia	South Scappoose LID City of Scappoose	12-14-81	PA
Malheur	282' Baskin Robbins Ext. Ontario	12-14-81	PA
Coos	Sewer District "K" Myrtle Point	12-15-81	Returned project to Engineer with comments at his request
Benton	Lagoon Expansion Monroe	12-21-81	Comments to Engineer
Benton	North Monroe Sewers Monroe	12-21-81	Comments to Engineer
Benton	Sanitary Sewers Rehab Monroe	12-21-81	Comments to Engineer
Tillamook	Sewer Extension Bay City	12-21-81	Approval
Lane	Side Hill Screen Oakridge	12-22-81	Letter to Public Works Director

P.A. - Provisional Approval

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

PLAN ACTIONS COMPLETED 13

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
INDUSTRIAL WASTE SOURCES 3			
Jackson	Boise Cascade, White City, modifications to anti-stain dip tank	12/23/81	Approved
Clackamas	Western Rock Products Eagle Creek Recirculation Ponds	12/24/81	Withdrawn
Clackamas	Carlton Co., Milwaukie Settling Tank for pH Adjustment	12/24/81	Withdrawn

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

SUMMARY OF WATER PERMIT ACTIONS

	Permit Actions Received				Permit Actions Completed				Permit Actions Pending		Sources Under Permits	Sources Reqr'g Permits
	Month		Fis.Yr.		Month		Fis.Yr.					
	*	/**	*	/**	*	/**	*	/**	*	/**	* /**	* /**
Municipal												
New	0	/0	1	/8	0	/1	1	/7	3	/8		
Existing	0	/0	0	/0	0	/0	0	/0	0	/0		
Renewals	6	/1	33	/11	1	/0	24	/15	27	/8		
Modifications	0	/0	1	/0	0	/0	4	/1	2	/0		
Total	6	/1	35	/19	1	/1	29	/23	32	/16	240/101	243/109
Industrial												
New	0	/0	2	/4	0	/0	3	/10	1	/18		
Existing	0	/0	0	/0	0	/0	0	/0	2	/1		
Renewals	6	/1	41	/16	1	/0	11	/11	53	/20		
Modifications	2	/0	7	/0	1	/0	7	/2	3	/0		
Total	8	/1	50	/20	2	/0	21	/23	59	/39	367/176	370/195
Agricultural (Hatcheries, Dairies, etc.)												
New	0	/0	0	/0	0	/0	0	/0	1	/0		
Existing	0	/0	0	/0	0	/0	0	/0	0	/0		
Renewals	0	/0	1	/0	0	/0	1	/0	0	/0		
Modifications	0	/0	0	/0	0	/0	0	/0	0	/0		
Total	0	/0	1	/0	0	/0	1	/0	1	/0	54 /18	55 /18
GRAND TOTALS	14	/2	86	/39	3	/1	51	/46	92	/55	661/295	668/322

* NPDES Permits
** State Permits

Five NPDES permits dropped from Pending List.
Seven General Permits Granted.

MAR.5W (8/79) WG781

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
MUNICIPAL AND INDUSTRIAL SOURCES - NPDES PERMITS (2)			
Coos	Georgia Pacific Cor. Coquille Plywood Operations	12/10/81	Permit Renewed
Lincoln	Siletz, City of STP	12/10/81	Permit Renewed
MUNICIPAL AND INDUSTRIAL SOURCES - STATE PERMITS (1)			
Umatilla	Barnhart Properties, Inc. Pendleton Area, Ranch Motel, truck Stop and Restaurant, STP	12/10/81	Permit Issued
MUNICIPAL AND INDUSTRIAL SOURCES - MODIFICATIONS (1)			
Coos	Weyerhaeuser Co. Oregon Aqua Foods, Inc.	12/8/81	Letter Modification

MAR.6 (5/79) WG693 (1)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
MUNICIPAL & INDUSTRIAL SOURCES GENERAL PERMITS (7)			
Cooling Water - New Permit No. 0100-J, File 32539 (1)			
Hood River	Cascade Locks Lmbr. Co. 21188J/14830	12/28/81	Transferred to General Permit
Log Ponds - New Permit No. 0400-J, File No. 32544 (5)			
Douglas	Douglas County Lumber Roseburg, 3319J/24985	112/3/81	Transferred to General Permit
Linn	Clear Lumber Co. Sweethome, 3274J/17180	12/28/81	Transferred to General Permit
Polk	Ostrom Lumber Co. Pedee, 3251J/65600	12/28/81	Transferred to General Permit
Linn	Simpson Timber Co. Millersburg, 3159J/81694	12/28/81	Transferred to General Permit
Douglas	Superior Lumber Co. Glendale, 3021J/8656	12/28/81	Transferred to General Permit
Small Mines - New Permit No. 0600-J, File No. 34545 (1)			
Baker	Flack, Jane D. S. Tom Claim - Pine Creek	12/8/81	General Permit Issued

MAR.6 (5/79) WG693 (1)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

SUMMARY OF SOLID AND HAZARDOUS WASTE PERMIT ACTIONS

	Permit Actions Received Month	Permit Actions Received FY	Permit Actions Completed Month	Permit Actions Completed FY	Permit Actions Pending	Sites Under Permits	Sites Reqr'g Permits
General Refuse							
New	1	13	2	8	4		
Existing	-	2	1	5	-		
Renewals	3	75	5	66	15		
Modifications	1	10	3	22	1		
Total	5	100	11	100	20	166	166
Demolition							
New	-	4	-	7	-		
Existing	-	2	-	-	2		
Renewals	-	4	-	5	1		
Modifications	-	2	-	4	-		
Total	-	12	-	16	3	21	21
Industrial							
New	-	15	-	15	3		
Existing	-	3	-	-	-		
Renewals	-	31	2	39	10		
Modifications	-	4	-	5	-		
Total	-	53	2	59	13	101	101
Sludge Disposal							
New	-	5	-	6	1		
Existing	-	-	-	1	-		
Renewals	-	4	1	3	1		
Modifications	1	1	1	2	-		
Total	1	10	2	12	2	15	15
Hazardous Waste							
New	69	614	69	614	-		
Authorizations	-	-	-	-	-		
Renewals	-	-	-	-	-		
Modifications	-	-	-	-	-		
Total	69	614	69	614	-	1	1
GRAND TOTALS	75	789	84	801	38	304	304

SC176.A
MAR.5S (4/79)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Yamhill	River Bend Landfill New Site	11/25/81	Permit Issued
Hood River	Hood River Transfer Station New Site	12/7/81	Permit Issued
Clatsop	Seaside Existing Site	12/16/81	Permit Amended
Clatsop	Cannon Beach Existing Site	12/16/81	Permit Amended
Clatsop	Elsie Existing Site	12/16/81	Permit Amended
Klamath	J.N.S. Lagoon Existing Site	12/16/81	Permit Amended
Union	Elgin Transfer Station New Facility	12/22/81	Letter Authorization Issued
Wheeler	Mitchell Disposal Site Existing Site	12/23/81	Permit Renewed
Clackamas	Clackamas Sorting Yard Existing Site	12/29/81	Permit Renewed
Klamath	Crescent Landfill Existing Site	12/29/81	Permit Renewed
Umatilla	Rahn's Sanitary Service Existing Site	12/29/81	Permit Renewed
Josephine	Marlson Sludge Lagoon Existing Site	12/29/81	Permit Renewed
Lane	G.P.--Irving Road Existing Site	12/29/81	Permit Renewed
Harney	Burns-Hines Landfill Existing Site	12/29/81	Permit Renewed
Multnomah	Sunflower Recycling Existing Composting Facility	12/29/81	Permit Issued

SC176.D
MAR.6 (5/79)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-SECURITY SYSTEMS, GILLIAM CO.

WASTE DESCRIPTION

Date	Type	Source	Quantity Present	Quantity Future
DISPOSAL REQUESTS GRANTED (69)				
OREGON (13)				
11/30	Ignitable paint sludge	Particle board manuf.	0	48 drums
11/30	Paint by-products	Paint manuf.	1200 gal.	200 drums
11/30	Acid flux solution	Car radiator manuf.	0	34 drums
11/30	Phenolic resins	Resins manuf.	0	10,000 cu.ft.
11/30	Chromic acid solution	Ind. clean. service	0	13,500 gal.
11/30	Dimethyl glutarate, sodium bisulfate, ethylene glycol, lead acetate paint pigment, lead acetate oil based paint	Resin manuf.	40 drums	0
11/30	Off-grade sulfur fungicide products	Pesticide formulator	3200 lb.	2500 lb.
12/3	Washwater containing gasoline	Storage facility	0	1600 gal.
12/3	PCB-contaminated wood and debris	Railroad co.	0	100 drums

SC171
MAR.15 (4/79)

Date	Type	Source	Quantity Present	Quantity Future
12/3	Paint sludge	Sporting equip. manuf.	12 drums	22 drums
12/15	PCB transformers	Rubber co.	50 cu.ft.	0
12/15	PCB transformers	Industrial gases	0	4000 gal.
12/21	Washwater containing diesel oil	Storage facility	0	1600 gal.
WASHINGTON (48)				
11/25	Paint spray booth rinse water	Fed. agency	0	10,000 gal.
11/25	1,1,1-Trichloroethane	Fed. agency	0	16 drums
11/25	Methyl ethyl ketone	Fed. agency	0	20 drums
11/25	Petroleum naphta with aliphatic hydrocarbon solvents, surfactants and lanolin	Fed. agency	0	10 drums
11/25	Paint sludge	Fed. agency	0	50 drums
11/25	Coating compounds, sealants, epoxy products, etc.	Fed. agency	0	200 cu.ft.
11/25	Trichlorotrifluoro-ethane	Fed. agency	0	50 gal.
11/25	Xylene	Fed. agency	0	100 gal.
11/25	Mercuric nitrate reagent	Fed. agency	0	3 drums
11/25	Warfin pesticide	Fed. agency	100 lb.	0
11/25	MEK/methanol with paint pigments and rags	Fed. agency	0	5 drums
11/25	Toluene	Fed. agency	0	6 drums

Date	Type	Source	Quantity	
			Present	Future
11/25	Mineral spirits contaminated with paint pigments	Fed. agency	0	4 drums
11/25	Paint stripping solvents	Fed. agency	0	8 drums
11/30	PCB waste	Aluminum co.	0	1330 gal.
11/30	Fumigant-contaminated soil	Ship terminal	30 drums	50 drums
11/30	Fumigant-contaminated water	Ship terminal	30 drums	50 drums
11/30	Herbicide, frozen paint and pesticides	State agency	0	200 gal.
12/3	Sulfamic acid solution	Chemical co.	0	3 drums
12/3	0-phenyl phenol solutn.	Chemical co.	21 drums	5 drums
12/3	Alkyl aryl sulfonate cleaning compound	Chemical co.	21 drums	5 drums
12/3	Sodium hydrogen sulfite	Chemical co.	60 gal.	1 drum
12/3	Mineral oil, wax and emulsifier	Chemical co.	5 drums	5 drums
12/3	Boiler ash contaminated with fuel oil	Chemical co.	0	2000 cu.ft.
12/15	PCB transformers	Retail store	240 cu.ft.	0
12/15	Paint sludge	Paint manuf.	0	12 drums
12/15	Chromic acid-contaminated soil	Aerospace co.	40 cu.yd.	50 cu.yd.
12/15	Heavy metals sludge	Electroplating	0	60 drums
12/15	Paint sludge	Fed. agency	0	1440 gal.
12/15	Dichloromethane paint-stripping compound	Fed. agency	0	600 gal.
12/15	Trichloroethane and dichlorobenzene	Fed. agency	300 gal.	36 gal.

SC171
MAR.15 (4/79)

Date	Type	Source	Quantity Present	Quantity Future
12/15	Caustic soda, cleaning solution, alkaline powder strypp and water wash chemical	Fed. agency	4 drums	0
12/15	Penta-contaminated rags, cadmium-contaminated solution, cyclohexylamine and mercury-contaminated rags	Fed. agency	4 drums	0
12/15	Empty chemical containers	Fed. agency	24 cu.ft.	0
12/21	Dinitro herbicide and fungicide rinse water	State agency	0	700 gal.
12/21	Copper electroplating bath	Electroplating	0	1200 gal.
12/21	Paint sludge	Fed. agency	0	960 drums
12/21	Mixed solvents with paint sludge	Fed. agency	0	480 drums
12/21	Oil tank sludge	Fed. agency	0	200 drums
12/21	Oil booms and sludge	Foundry co.	0	20 drums
12/21	Asbestos cement bottom boards	Foundry co.	0	25 drums
12/22	Latex paint washwater	Paint manuf.	0	20,000 gal.
12/22	Spent chromic acid solution	Pulp mill	0	12,000 gal.
12/24	Lithium bromide air conditioning refrigerant	Fed. agency	0	20 drums
12/24	Hydrazine solution	Fed. agency	0	60 drums
12/24	Ethylene glycol, hydraulic lift fluid	Fed. agency	0	30 drums
12/24	Pesticides	Fed. agency	0	276 lb.
12/24	Boric acid neutralized with lime	Waste treatment	0	1400 gal.

SC171
MAR.15 (4/79)

Date	Type	Source	Quantity Present	Quantity Future
OTHER STATES (8)				
12/3	Chlorinated hydrocarbons, pesticide-contaminated water and talc contaminated with chlorinated hydrocarbon (British Columbia)	Pesticide formulator	73 drums	25 drums
12/15	Insecticide products (B.C.)	Pesticide manuf.	2100 lb.	0
12/22	PCB-contaminated material (Idaho)	Electric util.	415 cu.ft.	20,000 lb.
12/16	Debris contaminated with chromic acid, arsenic pentoxide-cupric oxide solution (Manitoba)	Chemical co.	20 drums	0
12/16	Highly caustic oily sludge (B.C.)	Drum recond.	0	180 drums
12/16	Oily sludge with heavy metals (Utah)	Fed. agency	0	2000 cu.yd.
12/24	Pentachlorophenol (Montana)	Wood treat.	16 drums	0
12/24	Pentachlorophenate (Montana)	Wood treat.	8 drums	0

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

SUMMARY OF NOISE CONTROL ACTIONS

Source Category	New Actions Initiated		Final Actions Completed		Actions Pending	
	Mo.	FY	Mo.	FY	Mo.	Last Mo.
Industrial/ Commercial	2	9	1	6	64	64
Airports			0	6		

CIVIL PENALTY ASSESSMENTS

DEPARTMENT OF ENVIRONMENTAL QUALITY
1981

CIVIL PENALTIES ASSESSED DURING MONTH OF DECEMBER, 1981:

Name and Location of Violation	Case No. & Type of Violation	Date Issued	Amount	Status
James Scott	AQOB-SWR-81-124 Open burned 2 tires.	12-8-81	$ 150	Withdrawn.
Leo Nofziger	AQ-FB-81-18 Burned a ryegrass field without a permit.	12-8-81	$1,500	Filed hearing request and answer on 12-15-81.
Phillip Porter dba/ The Potty Wagon, Pooper Scooper and Casper's Septic Tank Service	SS-SWR-81-134 Disposed of a number of truckloads of septage at an unauthorized site.	12-21-81	$ 500	Awaiting response to notice.
R. G. DePriest dba/ DePriest Farm Equipment	WQ-CR-81-121 Discharged fertilizer washwater into Pine Creek.	12-29-81	$ 500	Paid 1-5-82

GO638 (1)

MONTHLY ACTIVITY REPORT

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

FINAL NOISE CONTROL ACTIONS COMPLETED

County	Name of Source and Location	Date	Action
Clatsop	Wild Mouse Seaside	12/81	In Compliance

December 1981

DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrrl	DEQ Atty	Hrng Date	Resp Code	Case Type & No.	Case Status
~~MEAB and JOHNS, et al~~	~~05/75~~	~~05/75~~	~~RLH~~		~~All~~	~~04-SS-SWR-75-03 3-SSB-Permits~~	~~Resp. withdrew notice of appeal. Order of dismissal issued 12/16/81. Case closed.~~
POWELL, Ronald	11/77	11/77	RLH	01/23/80	Hrgs	$10,000 Fld Brn 12-AQ-MWR-77-241	Decision drafted.
WAH CHANG	04/78	04/78	RLH		Prtys	16-P-WQ-WVR-78-2849-J NPDES Permit Modification	Current permit in force. Hearing deferred.
WAH CHANG	04/78	04/78	RLH		Prtys	08-P-WQ-WVR-78-2012-J NPDES Permit Modification	Current permit in force. Hearing deferred.
M/V TOYOTA MARU No. 10	12/10/79	12/12/79	RLH		Hrgs	17-WQ-NWR-79-127 Oil Spill Civil Penalty of $5,000	Ruling due on requests for partial summary judgment.
LAND RECLAMATION, INC., et al	12/12/79	12/14/79	FWO	05/16/80		19-P-SW-329-NWR-79 Permit Denial	Supreme Court reversed & remanded to Ct. of A.
MEDFORD CORPORATION	02/25/80	02/29/80		05/16/80	Prtys	07-AQ-SWR-80 Request for Declaratory Ruling	Parties attempting to effect compromise
~~LOGSDON, Elton~~	~~11/12/80~~	~~11/14/80~~	~~CLR~~	~~02/26/81~~	~~Resp~~	~~30-AQ-WVR-80-164 Field Burning Civil Penalty of $950~~	~~Case closed w/out appeal.~~
MORRIS, Robert	11/10/80	11/14/80	RLH		Resp	31-SS-CR-80 Permit revocation	Resp. to amend application.
HAYWORTH, John W. dba/HAYWORTH FARMS INC.	12/02/80	12/08/80	LMS	04/28/81	Hrgs	33-AQ-WVR-80-187 Field burning civil penalty of $4,660	Record closed. Decision due.
HOPPER, Harold	12/09/80	12/09/80	RLH		All	36-SS-NWR-80-197 Permit revocation	Preliminary issues.
JENSEN, Carl F. dba/JENSEN SEED & GRAIN INC.	12/19/80	12/24/80	CLR	04/16/81	Dept	37-AQ-WVR-80-181 Field burning civil penalty of $4,000	Resp.'s Exceptions & brief filed 12/21/81.
JAL CONSTRUCTION, INC.	02/06/81	02/09/81	LMS	06/12/81	Hrgs	06-AQOB-NWR-81-02 Open burning civil penalty of $3000	Decision drafted.
CURL, James H., et al	02/09/81	02/12/81			Prtys	07-SS-CR-81 Request for Declaratory Ruling	Attempting informal resolution.
OREGON SHORES ASSOCIATES, LTD.	02/11/81	03/09/81	RLH		Prtys	09-WQ-NWR-81	Preliminary issues.
MAIN ROCK PRODUCTS, INC	03-11-81	03-16-81	CLR		Prtys	10-WQ-SWR-81-16 Water Quality civil penalty of $6,000	Settlement effort continues.
MEAD, Mel	04-04-81	04-08-81	LMS		Prtys	13-SS-SWR-81-25 14-SS-SWR-81-26 Subsurface sewage permit denial	Not at issue.
Pullen, Arthur W. dba/Lakes Mobile Home Park	07-15-81	07-15-81	CLR		Hrgs	16-WQ-CR-81-60	To be scheduled
WESTERN SURFACING, INC.	09-09-81	09-09-81	LMS		Prtys	18-AQ-NWR-81-79	Preliminary issues.
FRANK, Victor	09-23-81	09-23-81	CLR		Prtys	19-AQ-FB-81-05 FB civil penalty of $1,000	Preliminary issues.
GATES, Clifford	10-06-81		CLR		Hrgs	21-SS-SWR-81-90	To be scheduled.
LANGDON, George	10-13-81		CLR		Hrgs	22-AQ-FB-81-04	To be scheduled.
SPERLING, Wendell dba/Sperling Farms	11-25-81	11-25-81	CLR		Prtys	23-AQ-FB-81-15 FB Civil Penalty of $3,000	Preliminary issues.

ACTIONS	LAST MONTH	PRESENT
Preliminary Issues	7	11
Discovery	0	0
Settlement Action	3	3
Hearing to be scheduled	5	3
Hearing scheduled	0	0
HO's Decision Due	3	3
Briefing	0	0
Inactive	2	2
SUBTOTAL of Active Files	20	22
HO's Decision Out/Option for EQC Appeal	1	0
Appealed to EQC	1	1
EQC Appeal Complete/Option for Court Review	0	0
Court Review Option Pending or Taken	1	1
Case Closed	1	2
TOTAL Cases	24	26

15-AQ-NWR-76-178	15th Hearing Section case in 1976 involving Air Quality Division violation in Northwest Region jurisdiction in 1976; 178th enforcement action in Northwest Region in 1976.
ACDP	Air Contaminant Discharge Permit
AQ	Air Quality
CLR	Chris Reive, Enforcement Section
DEC Date	Date of either a proposed decision of hearings officer or a decision by Commission
$	Civil Penalty Amount
ER	Eastern Region
Fld Brn	Field Burning incident
RLH	Robb Haskins, Assistant Attorney General
Hrngs	Hearings Section
Hrng Rfrl	Date when Enforcement Section requests Hearing Section schedule a hearing
VAK	Van Kollias, Enforcement Section
LMS	Larry Schurr, Enforcement Section
MWR	Midwest Region (now WVR)
NP	Noise Pollution
NPDES	National Pollutant Discharge Elimination System wastewater discharge permit.
NWR	Northwest Region
FWO	Frank Ostrander, Assistant Attorney General
OSS	On-Site Sewage
P	Litigation over permit or its conditions
Prtys	All parties involved
Rem Order	Remedial Action Order
Resp Code	Source of next expected activity in case
SW	Solid Waste Division
SWR	Southwest Region
T	Litigation over tax credit matter
Transcr	Transcript being made of case
Underlining	New status or new case since last month's contested case log
WVR	Willamette Valley Region
WQ	Water Quality Division

JANUARY 1982
MONTHLY ACTIVITY REPORT

December 1981

DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrrl	DEQ Atty	Hrng Date	Resp Code	Case Type & No.	Case Status
Delplanche, Eugene	12-10-81	12-08-81	LMS		Resp	24-AQ-FB-81-13 FB Civil Penalty of $1,500.	Preliminary issues.
DeRaeve, Marvin	12-11-81	12-10-81	LMS		Resp	25-AQ-FB-81-17 FB Civil Penalty of $3,000.	Preliminary issues.
Nofziger, Leo	12-15-81		LMS		Prtys	26-AQ-FB-81-18 FB Civil Penalty of $1,500.	Preliminary issues.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

AQ, WQ, SW Divisions (Reporting Unit) — January, 1982 (Month and Year)

SUMMARY OF PLAN ACTIONS

	Plans Received		Plans Approved		Plans Disapproved		Plans Pending
	Month	FY	Month	FY	Month	FY	
Air							
Direct Sources	5	51	7	67	0	0	30
Small Gasoline Storage Tanks Vapor Controls	0	0	0	0	0	0	0
TOTAL	5	51	7	67	0	0	30
Water							
Municipal	8	174	11	156	0	0	13
Industrial	3	27	4	32	0	0	10
TOTAL	11	201	15	188	0	0	23
Solid Waste							
Gen. Refuse	0	31	3	28	0	0	11
Demolition	0	6	0	7	0	0	2
Industrial	2	2	0	11	0	1	4
Sludge	0	3	0	3	0	0	0
TOTAL	2	51	3	49	0	1	17
Hazardous Wastes	-	-	-	-	-	-	-
GRAND TOTAL	18	303	25	304	0	1	70

MAR.2 (4/79) (MK615)(2)

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION

MONTHLY ACTIVITY REPORT
DIRECT SOURCES
PLAN ACTIONS COMPLETED

COUNTY	NUMBER	SOURCE	PROCESS DESCRIPTION	DATE OF ACTION	ACTION
LANE	790	KINGSFORD CORPORATION	STAGE ONE AP EQUIP MOD	01/21/82	APPROVED
LANE	791	STATES VENEER UNISPH	REPLACE EXIST VENEER DRYER	01/14/82	APPROVED
MULTNOMAH	801	PREMIER MANUFACTURING	DUST COLLECTION SYSTEM	01/11/82	APPROVED
MULTNOMAH	802	ESCO CORPORATION PLANT 1	REVISE HOODING	01/14/82	APPROVED
	803		REVERSE-PULSE BAG CLEAN ADD	01/14/82	APPROVED
MULTNOMAH	804	W R GRACE & CO CONSTR DIV	VERMICULITE FACTORY EXP	01/19/82	APPROVED
CURRY	806	CHAMPION BUILDING PRODUCT	DRYER GAS COLL & TRANSPORT	01/14/82	APPROVED

TOTAL NUMBER QUICK LOOK REPORT LINES 7

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division (Reporting Unit) — January, 1982 (Month and Year)

SUMMARY OF AIR PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions	Sources Under	Sources Reqr'g
	Month	FY	Month	FY	Pending	Permits	Permits
Direct Sources							
New	4	22	3	12	25		
Existing	1	15	1	14	16		
Renewals	12	83	6	62	70		
Modifications	1	9	2	19	7		
Total	18	129	12	107	118	1861	1892
Indirect Sources							
New	1	8	1	8	3		
Existing	0	0	0	0	0		
Renewals	0	0	0	0	0		
Modifications	0	3	0	3	0		
Total	1	11	1	11	3	198	201
GRAND TOTALS	19	140	13	118	121	2059	2093

Number of Pending Permits	Comments
23	To be drafted by Northwest Region
10	To be drafted by Willamette Valley Region
2	To be drafted by Southwest Region
5	To be drafted by Central Region
1	To be drafted by Eastern Region
10	To be drafted by Program Planning Division
27	To be drafted by Program Operations
18	Awaiting Public Notice
32	Awaiting the end of the 30-day period
118	TOTAL

MAR.5 (8/79) AA1556 (1)(a)

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION

MONTHLY ACTIVITY REPORT
DIRECT SOURCES
PERMITS ISSUED

COUNTY	SOURCE	PERMIT NUMBER	APPL. RECEIVED	STATUS	DATE ACHIEVED	TYPE OF APPLICATION
COOS	COOS CNTY SOLID WASTE DPT	06 0099	00/00/00	PERMIT ISSUED	12/28/81	RNW
MULTNOMAH	ESCO CORPORATION PLANT 3	26 2067	12/14/81	PERMIT ISSUED	12/29/81	MOD
MULTNOMAH	ESCO CORPORATION PLANT 1	26 2063	12/14/81	PERMIT ISSUED	12/29/81	MOD
CLACKAMAS	SOUTHGATE ANIMAL CLINIC	03 2686	06/25/81	PERMIT ISSUED	01/06/82	NEW
KLAMATH	GEORGIA PACIFIC	18 0019	11/05/81	PERMIT ISSUED	01/06/82	RNW
LINN	COMMONS SAND AND GRAVEL H	22 1031	09/11/81	PERMIT ISSUED	01/06/82	EXT
MARION	OREGON STATE CORRECTIONAL	24 5835	06/01/81	PERMIT ISSUED	01/06/82	RNW
MULTNOMAH	CONREY ELECTRIC MTR RPAIR	26 2963	09/18/81	PERMIT ISSUED	01/06/82	RNW
MULTNOMAH	ROSS HOLLYWOOD CHAPEL	26 3091	09/22/81	PERMIT ISSUED	01/06/82	NEW
WASHINGTON	WILSONVILLE CONCRETE PROD	34 2640	00/00/00	PERMIT ISSUED	01/06/82	RNW
PORT.SOURCE	PENDLETON READY MIX	37 0149	10/07/81	PERMIT ISSUED	01/06/82	RNW
PORT.SOURCE	SHIELDS AND LE MI CONT	37 0279	10/20/81	PERMIT ISSUED	01/06/82	NEW

TOTAL NUMBER QUICK LOOK REPORT LINES 12

22

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division (Reporting Unit) — January, 1982 (Month and Year)

PERMIT ACTIONS COMPLETED

Indirect Source

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Washington	Beaverton Technology Center 387 Spaces File No. 34-8112	1/20/82	Final Permit Issued

MAR.6 (5/79) AA1557 (1)(a)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit) — January 1982 (Month and Year)

PLAN ACTIONS COMPLETED - 15

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
MUNICIPAL WASTE SOURCES (11)			
Deschutes	Three Winds Development RIP's Ranch House Restaurant SSD System Sisters	1-15-82	Comments to CRO
Multnomah	Inverness Interim Exp. Preliminary Design Report Multnomah County	1-20-82	Approved
Lane	Sludge Storage Lagoon Preliminary design Oakridge	1-8-82	Comment to Eugene Office
Marion	Gravity Thickner Pump Station changes Salem	12-24-81	Approved
Yamhill	Extensions, Crestview Dr., Villa Road & Deskins St. Newberg	1-20-82	Approved
Lincoln	West Devils Lake Apt. (Revised) Lincoln City	1-20-82	Approved
Malheur	Ontario Airport Ind. Park Ontario	1-20-82	Approved
Clackamas	Stevens Road realignment project Clackamas County	1-20-82	Approved
Jackson	Relocation of Calif. St. at East Main Ashland	1-20-82	Approved
Josephine	Allen Cr. Estates PUD Harbeck-Fruitdale S.D.	1-20-82	Approved
Lincoln	DEVCO (Cutler Realty and Jon Lynch Property) Roads End S.D.	1-20-82	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit) — January 1982 (Month and Year)

PLAN ACTIONS COMPLETED 15

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
INDUSTRIAL WASTE SOURCES 4			
Morrow	Oregon Potato Company Conversion from caustic peel to steam peel	1/4/82	Approved
Clackamas	Western Surfacing Inc. Recirculation Ponds for Scrubber Water	1/4/82	Approved
Multnomah	Widing Transportation Truck Wash Water Recycle System	1/19/82	Approved
Lane	Chembond Urea Resin Wash Water Recycle System	1/22/82	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit) — January, 1982 (Month and Year)

SUMMARY OF WATER PERMIT ACTIONS

	Permit Actions Received				Permit Actions Completed				Permit Actions Pending		Sources Under Permits	Sources Reqr'g Permits
	Month		Fis.Yr.		Month		Fis.Yr.					
	*	/**	*	/**	*	/**	*	/**	*	/**	* /**	* /**
Municipal												
New	0	/0	1	/ 8	1	/1	2	/ 8	2	/ 7		
Existing	0	/0	0	/ 0	0	/0	0	/ 0	0	/ 0		
Renewals	3	/4	36	/15	8	/1	32	/16	21	/11		
Modifications	0	/0	1	/ 0	1	/0	5	/ 1	1	/ 0		
Total	3	/4	38	/23	10	/2	39	/25	24	/18	241/102	243/109
Industrial												
New	1	/0	3	/ 4	0	/3	3	/13	2	/15		
Existing	0	/0	0	/ 0	0	/0	0	/ 0	1	/ 1		
Renewals	3	/1	44	/17	7	/4	18	/15	49	/17		
Modifications	2	/0	9	/ 0	3	/0	10	/ 2	2	/ 0		
Total	6	/1	56	/21	10	/7	31	/30	54	/33	367 /179	370/195
Agricultural (Hatcheries, Dairies, etc.)												
New	1	/0	1	/0	0	/0	0	/0	2	/0		
Existing	0	/0	0	/0	0	/0	0	/0	0	/0		
Renewals	0	/0	1	/0	0	/0	1	/0	0	/0		
Modifications	0	/0	0	/0	0	/0	0	/0	0	/0		
Total	1	/0	2	/0	0	/0	1	/0	2	/0	54/18	56/18
GRAND TOTALS	10	/5	96	/44	20	/9	71	/55	80	/51	662/299	669/322

* NPDES Permits
** State Permits

42 General Permits Granted

LLB:l
WL1395 (1)

MAR.5W (8/79)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit) — January 1982 (Month and Year)

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
MUNICIPAL AND INDUSTRIAL SOURCES - NPDES PERMITS (16)			
Douglas	Daniel Webb Rice Hill - STP	1/4/82	Permit Renewed
Coos	Weyerhaeuser Co. North Bend, Sawmill	1/5/82	Permit Renewed
Clackamas	Happy Valley Mobile Park STP	1/7/82	Permit Renewed
Lane	Springfield Public School Goshen Elementary - STP	1/7/82	Permit Renewed
Klamath	Weyerhaeuser Co. Klamath Falls	1/7/82	Permit Renewed
Washington	USA - Hillsboro STP	1/7/82	Permit Renewed
Douglas	Bohemia, Inc. Veneer and Plywood Drain	1/7/82	Permit Renewed
Lincoln	Bumble Bee Seafoods Newport	1/7/82	Permit Renewed
Linn	Crown Zellerbach Lebanon	1/7/82	Permit Renewed
Wallowa	Idaho Power (Hells Canyon Dam)	1/7/82	Permit Renewed
Baker	Idaho Power Oxbow Powerhouse	1/7/82	Permit Renewed
Lincoln	Bank of Newport Kernville Tavern	1/26/82	Permit Issued
Clackamas	Molalla STP	1/26/82	Permit Renewed
Tillamook	Port of Tillamook Bay STP	1/26/82	Permit Renewed
Clackamas	Timberline Rim Recreation STP	1/26/82	Permit Renewed
Clackamas	Willow Islands Mobile Estates - STP - Canby	1/26/82	Permit Renewed

MAR.6 (5/79) WG693 (1)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit) — January 1982 (Month and Year)

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
MUNICIPAL AND INDUSTRIAL SOURCES - STATE PERMITS (9)			
Morrow	J. R. Simplot Co., Boardman	1/5/82	Permit Issued
Umatilla	Columbia Sun, Inc. Hermiston	1/7/82	Permit Issued
Tillamook	Thousand Trails, Inc. Pacific City Preserve, STP	1/7/82	Permit Issued
Clackamas	Western Surfacing (Orbist Rock Quarry)	1/7/82	Permit Issued
Yamhill	Carlton Packing Co.	1/26/82	Permit Renewed
Polk	Dessert Seed Co. Inc. Independence	1/26/82	Permit Renewed
Lane	Springfield Packing	1/26/82	Permit Renewed
Jackson	Jackson Co. Parks & Rec. Willow Lake - STP	1/26/82	Permit Renewed
Lane	Tri-Valley Meat Co. Eugene	1/26/82	Permit Renewed
MUNICIPAL AND INDUSTRIAL SOURCES - MODIFICATIONS (4)			
Columbia	PGE Co., Trojan Plant	1/7/82	Addendum #2
Washington	USA - Durham STP	1/7/82	Addendum #1
Deschutes	Diamond International Bend Sawmill	1/26/82	Addendum #1
Lane	Widing Transportation Springfield	1/26/82	Letter Modification
MUNICIPAL & INDUSTRIAL SOURCES GENERAL PERMITS (42)			
Cooling Water - New Permit No. 0100-J, File No. 32539 (2)			
Multnomah	Simpson Timber Co. Chem. Div., Portland	1/28/82	Transferred to General Permit
Multnomah	Ollie Welch Meat Co. Portland 2935-J/94350	1/28/82	Transferred to General Permit

MAR.6 (5/79) WG693 (1)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit) — January 1982 (Month and Year)

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Filter Backwash - New Permit No. 0200-J, File No. 32540 (8)			
Yamhill	City of Willamina WTP File No. 97402	1/4/82	General Permit Issued
Douglas	City of Sutherlin Cooper Creek WTP 3243-J/86664	1/12/82	Transferred to General Permit
Polk	City of Dallas, WTP File No. 22550	1/14/82	General Permit Issued
Josephine	City of Grants Pass, WTP 2641-J/34631	1/14/82	Transferred to General Permit
Benton	City of Corvallis Taylor WTP 3257-J/20165	1/18/82	Transferred to General Permit
Benton	City of Corvallis Rock Creek WTP 3258-J/20160	1/18/82	Transferred to General Permit
Marion	City of Silverton, WTP File No. 81398	1/19/82	General Permit Issued
Douglas	City of Yoncalla, WTP 2827/99493	1/28/82	Transferred to General Permit
Aquatic Animal Production - New Permit No. 0300-J, File No. 32542 (1)			
Lincoln	Benson, Scott Newport File No. 7722	1/19/82	General Permit Issued
Sea Food Processing - New Permit 0900-J, File No. 32585 (6)			
Lincoln	Newport Seafood Co. 2897-J/60740	1/11/82	Transferred to General Permit
Clatsop	Warrenton Deep Sea, Inc. 2620-J/93787	1/15/82	Transferred to General Permit
Hood River	Allied Fisheries, Inc. Cascade Locks 2574-J/1600	1/18/82	Transferred to General Permit

MAR.6 (5/79) WG693 (1)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit) — January 1982 (Month and Year)

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Seafood Processing Cont'd.			
Curry	Meredith Fish Co. Brookings 3396-J/55842	1/18/82	Transferred to General Permit
Coos	Tap Fisheries, Inc. Charleston 2705-J/87444	1/19/82	Transferred to General Permit
Coos	Eureka Fisheries, Inc. Coos Bay 2583-J/28402	1/19/82	Transferred to General Permit
Gravel Mining - New Permit No. 1000, File No. 32565 (1)			
Lane	Delta Sand & Gravel Co. Eugene 2512-J/23825	1/26/82	Transferred to General Permit
Sewer Systems - New Permit No. 1100, File No. 32590 (24)			
Coos	Bunker Hill S. D.	1/13/82	General Permit Issued
Jackson	BCVSA Medford	1/13/82	General Permit Issued
Washington	Beaverton	1/13/82	General Permit Issued
Washington	Cornelius	1/13/82	General Permit Issued
Columbia	Columbia City	1/13/82	General Permit Issued
Coos	Eastside	1/13/82	General Permit Issued
Washington	Forest Grove	1/13/82	General Permit Issued
Douglas	Gardiner S. D.	1/13/82	General Permit Issued
Clatsop	Warrenton (Hammond)	1/13/82	General Permit Issued

MAR.6 (5/79) WG693 (1)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit) — January 1982 (Month and Year)

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Sewer Systems Cont'd.			
Washington	Hillsboro	1/13/82	General Permit Issued
Jackson	Jacksonville	1/13/82	General Permit Issued
Clackamas	Lake Oswego	1/13/82	General Permit Issued
Marion	Labish Village Sewage & Drainage District	1/13/82	General Permit Issued
Clackamas	Milwaukie	1/13/82	General Permit Issued
Linn	Millersburg	1/13/82	General Permit Issued
Jackson	Phoenix	1/13/82	General Permit Issued
Washington	Sherwood	1/13/82	General Permit Issued
Marion	Sublimity	1/13/82	General Permit Issued
Jackson	BCVSA (Talent)	1/13/82	General Permit Issued
Washington	Tigard	1/13/82	General Permit Issued
Washington	Tualatin	1/13/82	General Permit Issued
Douglas	Winston	1/13/82	General Permit Issued
Gresham	City of Wood Village	1/13/82	General Permit Issued
Jackson	City of Central Point 2606 /15631	1/14/82	Transferred to General Permit

MAR.6 (5/79) WG693 (1)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division (Reporting Unit) — January 1982 (Month and Year)

SUMMARY OF SOLID AND HAZARDOUS WASTE PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions Pending	Sites Under Permits	Sites Reqr'g Permits
	Month	FY	Month	FY			
General Refuse							
New	1	14	1	9	3		
Existing	-	2	-	5	1		
Renewals	5	80	-	66	18		
Modifications	-	10	1	23	1		
Total	6	106	2	102	23	166	166
Demolition							
New	-	4	1	8	-		
Existing	-	2	-	-	2		
Renewals	-	4	-	5	2		
Modifications	-	2	-	4	-		
Total	-	12	1	17	4	21	21
Industrial							
New	1	16	1	16	2		
Existing	1	4	-	-	2		
Renewals	4	35	2	41	11		
Modifications	-	4	-	5	-		
Total	6	59	3	62	15	101	101
Sludge Disposal							
New	-	5	-	6	-		
Existing	-	-	-	1	-		
Renewals	1	5	-	3	1		
Modifications	-	1	-	2	-		
Total	1	11	-	12	1	15	15
Hazardous Waste							
New	22	636	22	636	-		
Authorizations	-	-	-	-	-		
Renewals	-	-	-	-	-		
Modifications	-	-	-	-	-		
Total	22	636	22	636	-	1	1
GRAND TOTALS	35	824	28	829	43	304	304

SC236.A
MAR.5S (4/79)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division (Reporting Unit) — January 1982 (Month and Year)

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Tillamook	Port of Tillamook Existing Site	1/4/82	Permit Renewed
Lane	Georgia Pacific-Springfield Existing Site	1/12/82	Permit Renewed
Marion	Crown Zellerbach-Krupicka New Site	1/19/82	Letter Authorization
Columbia	Vernonia Existing Site	1/25/82	Permit Amended
Multnomah	Barstad Sand Pit New Site	1/25/82	Permit Issued
Klamath	Bonanza Transfer Station New Site	1/29/82	Permit Issued

SC236.D
MAR.6 (5/79)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division (Reporting Unit) — January 1982 (Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-SECURITY SYSTEMS, INC., GILLIAM CO.

WASTE DESCRIPTION

Date	Type	Source	Quantity Present	Quantity Future
DISPOSAL REQUESTS GRANTED (22)				
OREGON (8)				
12/31	Caustic sludge	Resin manuf.	0	5,000 lb.
12/31	Formaldehyde solution	Resin manuf.	0	5,000 lb.
1/12	Battery acid	Telephone co.	0	24,000 gal.
1/12	PCB capacitors	Electronic co.	7 units	0
1/12	Paint sludge	Shipyard	0	150 drums
1/12	PCB-contaminated soil	Spill cleanup	8.25 cu.yd.	0
1/12	Caustic cleaning solution	Car radiator manuf.	0	15 drums
1/12	Ferric chloride with lead	Chainsaw manuf.	0	6 tons
WASHINGTON (5)				
12/30	Heavy metals sludge	Waste trmt.	0	60,000 gal.
1/7	PCB transformers and contaminated filters	Electrical maintenance	200 gal.	1,300 gal.
1/12	Battery acid	Telephone co.	0	24,000 gal.
1/21	Tricresyl phosphate hydraulic fluid with sawdust	Shipyard	0	120 drums

SC236.E
MAR.15 (1/82)

1/21	Tributyl tin oxide with rubber solids	Shipyard	0	200 drums

OTHER STATES (9)

1/4	Miscellaneous lab chemicals (Utah)	University research fac.	175 cu.ft.	500 cu.ft.
1/6	Sodium tetrachloro-phenate sludge (B.C.)	Wood treatmt.	12 drums	20 drums
1/6	Leaded petroleum tank bottom (Alaska)	Oil terminal	0	42 drums
1/7	Various lab chemicals (Hawaii)	State agency	1,500 lb.	400 lb.
1/7	Petroleum products-soaked sorbent material (Alaska)	Oil co.	0	20 drums
1/12	PCB transformers (Alaska)	Utility	0	1,280 cu.ft.
1/12	Obsolete lab chemicals (B.C.)	Chemical co.	20 drums	5 drums
1/18	Nitric acid/aluminum nitrate solution (Idaho)	Utility co.	0	14,000 gal.
1/21	Rubber cement adhesives	Chemical co.	6 drums	25 drums

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Noise Control Program (Reporting Unit) — January, 1982 (Month and Year)

SUMMARY OF NOISE CONTROL ACTIONS

Source Category	New Actions Initiated		Final Actions Completed		Actions Pending	
	Mo.	FY	Mo.	FY	Mo.	Last Mo.
Industrial/ Commercial	0	9	1	7	74*	64
Airports			2	8		

* Added active sources not previously accounted for.

MONTHLY ACTIVITY REPORT

Noise Control Program (Reporting Unit) — January, 1982 (Month and Year)

FINAL NOISE CONTROL ACTIONS COMPLETED

County	Name of Source and Location	Date	Action
Linn	John Deere Implements Albany	1/82	No violation noted in survey.
Lane	Saxon Heliport Springfield	1/82	Boundary Approved
Lane	Heli-Jet Heliport Eugene	1/82	Boundary Approved

CIVIL PENALTY ASSESSMENTS

DEPARTMENT OF ENVIRONMENTAL QUALITY
1982

CIVIL PENALTIES ASSESSED DURING MONTH OF JANUARY, 1982:

Name and Location of Violation	Case No. & Type of Violation	Date Issued	Amount	Status
Ray Campeau Clackamas County	AQOB-NWR-81-138 Open burned trash	1/5/82	$50	Paid
Old Mill Marina, Inc. Tillamook County	AQOB-NWR-82-01	1/18/82	$150	Time extension until 3/3/82 given to file hearing request and answer

GC241

ACTIONS	LAST MONTH	PRESENT
Preliminary Issues	11	5
Discovery	0	1
Settlement Action	3	3
Hearing to be scheduled	3	7
Hearing scheduled	0	0
HO's Decision Due	3	2
Briefing	0	0
Inactive	2	2
SUBTOTAL of Active Files	22	20
HO's Decision Out/Option for EQC Appeal	0	1
Appealed to EQC	1	1
EQC Appeal Complete/Option for Court Review	0	0
Court Review Option Pending or Taken	1	1
Case Closed	2	1
TOTAL Cases	26	24

15-AQ-NWR-76-178	15th Hearing Section case in 1976 involving Air Quality Division violation in Northwest Region jurisdiction in 1976; 178th enforcement action in Northwest Region in 1976.
ACDP	Air Contaminant Discharge Permit
AQ	Air Quality
CLR	Chris Reive, Enforcement Section
DEC Date	Date of either a proposed decision of hearings officer or a decision by Commission
$	Civil Penalty Amount
ER	Eastern Region
Fld Brn	Field Burning incident
RLH	Robb Haskins, Assistant Attorney General
Hrngs	Hearings Section
Hrng Rfrl	Date when Enforcement Section requests Hearing Section schedule a hearing
VAK	Van Kollias, Enforcement Section
LMS	Larry Schurr, Enforcement Section
MWR	Midwest Region (now WVR)
NP	Noise Pollution
NPDES	National Pollutant Discharge Elimination System wastewater discharge permit.
NWR	Northwest Region
FWO	Frank Ostrander, Assistant Attorney General
OSS	On-Site Sewage
P	Litigation over permit or its conditions
Prtys	All parties involved
Rem Order	Remedial Action Order
Resp Code	Source of next expected activity in case
SW	Solid Waste Division
SWR	Southwest Region
T	Litigation over tax credit matter
Transcr	Transcript being made of case
Underlining	New status or new case since last month's contested case log
WVR	Willamette Valley Region
WQ	Water Quality Division

January 1982

DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrrl	DEQ Atty	Hrng Date	Resp Code	Case Type & No.	Case Status
POWELL, Ronald	11/77	11/77	RLH	01/23/80	Hrgs	$10,000 Fld Brn 12-AQ-MWR-77-241	Decision drafted.
WAH CHANG	04/78	04/78	RLH		Prtys	16-P-WQ-WVR-78-2849-J NPDES Permit Modification	Current permit in force. Hearing deferred.
WAH CHANG	04/78	04/78	RLH		Prtys	08-P-WQ-WVR-78-2012-J NPDES Permit Modification	Current permit in force. Hearing deferred.
M/V TOYOTA MARU No. 10	12/10/79	12/12/79	RLH		Hrgs	17-WQ-NWR-79-127 Oil Spill Civil Penalty of $5,000	Ruling due on requests for partial summary judgment.
LAND RECLAMATION, INC., et al	12/12/79	12/14/79	FWO	05/16/80		19-P-SW-329-NWR-79 Permit Denial	Supreme Court reversed & remanded to Ct. of A.
MEDFORD CORPORATION	02/25/80	02/29/80		05/16/80	Prtys	07-AQ-SWR-80 Request for Declaratory Ruling	Inquiry on resolution progress issued 2-8-82.
MORRIS, Robert	11/10/80	11/14/80	RLH		Resp	31-SS-CR-80 Permit revocation	Resp. to amend application.
HAYWORTH, John W. dba/HAYWORTH FARMS INC.	12/02/80	12/08/80	LMS	04/28/81	Hrgs	33-AQ-WVR-80-187 Field burning civil penalty of $4,660	Record closed. Decision due.
HOPPER, Harold	12/09/80	12/09/80	RLH		Resp	36-SS-NWR-80-197 Permit revocation	Resp. to file Motion to Amend Answer.
JENSEN, Carl F. dba/JENSEN SEED & GRAIN INC.	12/19/80	12/24/80	CLR	04/16/81	Prtys	37-AQ-WVR-80-181 Field burning civil penalty of $4,000	Scheduled for EQC review of H.O.'s decision 3-5-82.
JAL CONSTRUCTION, INC.	02/06/81	02/09/81	LMS	06/12/81	Resp	06-AQOB-NWR-81-02 Open burning civil penalty of $3000	Decision issued 1-14-82.
CURL, James H., et al	02/09/81	02/12/81			Prtys	07-SS-CR-81 Request for Declaratory Ruling	Inquiry on settlement progress mailed 1-29-82.
OREGON SHORES ASSOCIATES,LTD.	02/11/81	03/09/81	RLH		Prtys	09-WQ-NWR-81	Preliminary issues.
MAIN ROCK PRODUCTS,INC	03-11-81	03-16-81	CLR		Prtys	10-WQ-SWR-81-16 Water Quality civil penalty of $6,000	Settlement effort continues, resolution anticipated by 3-31-82.
MEAD, Mel	04-04-81	04-08-81	LMS		Prtys	13-SS-SWR-81-25 14-SS-SWR-81-26 Subsurface sewage permit denial	Discovery.
Pullen, Arthur W. dba/Lakes Mobile Home Park	07-15-81	07-15-81	CLR		Hrgs	16-WQ-CR-81-60	To be scheduled.
WESTERN SURFACING, INC.	09-09-81	09-09-81	LMS		Hrgs	18-AQ-NWR-81-79	To be scheduled.
FRANK, Victor	09-23-81	09-23-81	CLR		Hrgs	19-AQ-FB-81-05 FB civil penalty of $1,000	To be scheduled.
GATES, Clifford	10-06-81		CLR		Hrgs	21-SS-SWR-81-90	To be scheduled.
LANGDON, George	10-13-81		CLR		Hrgs	22-AQ-FB-81-04	To be scheduled.
SPERLING, Wendell dba/Sperling Farms	11-25-81	11-25-81	CLR		Hrgs	23-AQ-FB-81-15 FB Civil Penalty of $3,000	To be scheduled.
~~Delplanche, Eugene~~	~~12-10-81~~	~~12-08-81~~	~~LMS~~		~~Resp~~	~~24-AQ-FB-81-13 FB Civil Penalty of $1,500~~	~~Penalty paid, Case closed~~

January 1982

DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrrl	DEQ Atty	Hrng Date	Resp Code	Case Type & No.	Case Status
DeRaeve, Marvin	12-11-81	12-10-81	LMS		Prtys	25-AQ-FB-81-17 FB Civil Penalty of $3,000.	Answer filed 2-4-82.
Nofziger, Leo	12-15-81	1-6-82	LMS		Hrgs	26-AQ-FB-81-18 FB Civil Penalty of $1,500.	To be scheduled.

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Addendum 1, Agenda Item C, March 5, 1982, EQC Meeting

TAX CREDIT APPLICATIONS

Director's Recommendation

It is recommended that the Commission take action to approve the following requests for certification for pollution control tax relief.

Appl No.	Applicant	Facility
T-1344	Mid-Valley Glass Co.	Wood dust collection system
T-1486	Willamette Industries, Inc.	Installation of a sanderdust burner and wet scrubber

Bill

William H. Young

CASplettstaszer
229-6484
February 11, 1982
Attachments

PROPOSED MARCH 1982 TOTALS (REVISED)

Air Quality	$ 258,582
Water Quality	4,822,367
Solid Waste	-0-
Noise	7,742
	$5,088,691

CALENDAR YEAR TOTALS TO DATE

Air Quality	$ -0-
Water Quality	99,821
Solid Waste	-0-
Noise	17,104
	$ 115,926

Application No. T-1344

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Mid-Valley Glass Co.
2630 West Seventh Place
Eugene, OR 97402

The applicant leases and operates a wood door & window manufacturing facility at Eugene, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is a wood dust collection system incorporating a bag filter air emission control device.

Plans and specifications were reviewed and approved by Lane Regional Air Pollution Authority.

Request for Preliminary Certification for Tax Credit was made on October 6, 1978, and approved on November 16, 1978. Construction was initiated on the claimed facility on October 28, 1978, completed on November 17, 1978, and the facility was placed into operation on November 17, 1978.

Facility Cost: $21,955.00 (Accountant's Certification was provided).

3. Evaluation of Application

Mid-Valley Glass Company installed a vacuum pick-up system to collect dust from various wood cutting equipment. A bag filter controls emissions at the end of the collection system.

Although the facility was completed and placed in operation in November 1978, Application for Tax Credit Certification was not made until March 1981. Further delays in application processing occurred until necessary information on cost breakdown and the property lease agreement were received.

The company leases the building facilities from Chaka Land Co. A copy of the lease agreement was received as part of the application. The lessor authorizes the lessee to take any allowable credit.

In their claim for pollution control facilities tax credit request, the company included the cost of the basic vacuum wood dust collection system, the bag filter and the common motor-fan for the collector and filter. The Department judged that the dust pick-up nozzles and ducting inside the building are not discrete parts of the pollution control facility. These costs are deducted from the claimed costs ($21,955.00 - $2,626.63 = $19,328.37) for an adjusted pollution control facility cost of $19,328.37.

Based on pressure drop across the bag filter, only 25% of the motor-fan cost should be allocated to pollution control. The percent allocation to pollution control is calculated to be 81%. (($19,328.37 - 0.75 x $4930)/$19,328.37 ≈ 81%). Therefore, 80% or more of the adjusted project cost is allocable to pollution control.

There are no significant economic benefits realized as a result of operating the bag filter system.

Lane Regional Air Pollution Authority advises that the system is operating satisfactorily.

4. Summation

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

b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).

c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.

d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.

e. The portion of the facility cost that is properly allocable to pollution control is 80% or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of $19,328.37 with 80% or more allocated to pollution control. be issued for the facility claimed in Tax Credit Application No. T-1344.

F.A. Skirvin:a
AA1776 (1)
(503) 229-6414
January 27, 1982

Application No. T-1486

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Willamette Industries, Inc.
Duraflake Division
3800 First Interstate Tower
Portland, OR 97201

The applicant owns and operates a particleboard manufacturing plant at Albany (Millersburg).

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

2. Description of Claimed Facility

The facility described in this application includes the installation of a Coen sanderdust burner on No. 1 boiler and an Airpol wet scrubber on the 105 green wood dryer.

Request for Preliminary Certification for Tax Credit was made on June 27, 1978, and approved on July 7, 1978.
Construction was initiated on the claimed facility in November 1978 completed in September 1980, and the facility was placed into operation in September 1980.

Facility Cost: $241,254.31 (Accountant's Certification was provided).

3. Evaluation of Application

Willamette Industries, Inc., modified the heat source and added a wet scrubber to control emissions from the 105 green wood dryer.

Exhaust from a boiler is passed to the 105 dryer to supply part of the drying energy. In this original configuration the dryer exhaust would not meet the required air emission standard. In order to improve burning and efficiency of the boiler the simple sander dust fuel supply tube was replaced with a Coen Scroll Fuel Burner.

At the same time, an Airpol low energy scrubber was installed to control the combined boiler and wood dryer contaminated air emissions. These measures resulted in a reduction of emissions but proved to be inadequate to meet state emissions standards.

Modifications were subsequently made by replacing the scrubber with a high energy venturi unit.

The present system has demonstrated significant emission reduction but is unable to comply with the standards at all times. The Department and the company are evaluating the problem and will initiate corrective action.

The claimed facility cost of $241,254.31 included the low pressure venturi scrubber and its replacement high pressure venturi scrubber less a $2,000 salvage value of the removed low pressure unit. The Department has judged that the total cost of the low pressure scrubber should be disallowed since it was never accepted by the company or the Department during its trial runs in the pollution control facility. The $4,000 estimated total cost of the low pressure scrubber reduces the eligible facility cost to $239,254.31. No prior request for pollution control tax credit certification for any items or portion of this project had been made.

Any fuel savings resulting from the more efficient burner is estimated to result in a return on investment of less than 7%. Therefore, the adjusted facility cost allocation is not decreased by any operational economic benefits and is 100% eligible for pollution control tax credit certification.

4. Summation

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

b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).

c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing air pollution.

d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468, and the rules adopted under that chapter.

e. The portion of the facility cost that is properly allocable to pollution control is 80% or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of $239,254.31 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1486.

F.A. Skirvin:a
AA1809 (1)
(503) 229-6480
February 8, 1982

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item C, March 5, 1982, EQC Meeting

TAX CREDIT APPLICATIONS

Director's Recommendation

It is recommended the Commission take the following actions:

1. Issue Pollution Control Facility Certificates to:

Appl No.	Applicant	Facility
T-1360	Boise Cascade Corporation	Air-cooled transformer
T-1452	Avison Lumber Company	Modification of lumber mill to dry feed from a log deck
T-1466	Chembond Corporation	Lignin liquor transfer system
T-1473	#1 Boardman Station	Liquid waste control system
T-1479	Stayton Canning Company	Two Bauer hydrosieve screens
T-1480	Avison Lumber Company	Modification to existing anti-stain chemical application system
T-1483	Avison Lumber Company	Noise control enclosure
T-1487	Willamette Industries, Inc.	System to recirculate cooling water and a system to reuse process water
T-1488	Cascade Forest Products	Installation of sound dampening material
T-1491	Carson Oil Company	5,000 gallon oil/water separator

2. Deny request for certification for pollution control tax relief to Grant & Roth Plastics, Inc., Application No. T-1484 (see review report).

3. Revoke and reissue Pollution Control Facility Certificates 1341 and 1195, issued to D & E Wood Products and Spear Beverage Company (see review reports).

Bill

William H. Young

CASplettstaszer
229-6484
2/10/82
Attachments

Contains Recycled Materials

DEQ-46

PROPOSED MARCH 1982 TOTALS

Air Quality	$ -0-
Water Quality	4,822,367
Solid Waste	-0-
Noise	7,742
	$4,830,109

CLAENDAR YEAR TOTALS TO DATE

Air Quality	-0-
Water Quality	99,821
Solid Waste	-0-
Noise	17,104
	$ 115,926

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Boise Cascade Corporation
Paper Group
PO Box 1201
Salem, OR 97309

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

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

2. Description of Claimed Facility

The facility described in this application is an air cooled transformer which replaced the No. 86 oil cooled transformer near Pringle Creek.

Request for Preliminary Certification for Tax Credit was made May 18, 1978, and approved July 13, 1978. Construction was initiated on the claimed facility May 1979, completed December 1979, and the facility was placed into operation December 1979.

Facility Cost: $81,619.62 (Accountant's Certification was provided).

The Accountant certified a facility cost of $95,333.70. This not only included the cost of installing a new transformer ($81,619.62), but also included costs for relocating an old transformer within the mill. Since the new transformer is the pollution control facility, only those costs directly associated with its installation are considered as the facility cost. It has been agreed upon with the company to reduce the facility cost to $81,619.62.

3. Evaluation of Application

The No. 86 transformer is a 1000 KVA transformer which contains 193 gallons of PCB based cooling oil. Since the unit was located over Pringle Creek where a containment berm could not be constructed, Boise Cascade decided to replace it with an air cooled transformer. The new unit is a 1500 KVA transformer (50 percent larger) with a purchase price of $57,965. The No. 86 transformer was relocated over a concrete containment berm inside the

mill. It was used to replace an older unit which was discarded. The facility cost break down is as follows:

Electrical Supplies and Labor	$22,751.08
1500 KVA Transformer	57,964.99
Engineering	903.55
	$81,619.62

The same pollution control objective could have been achieved by relocating the No. 86 transformer to a safe location within the mill. Boise Cascade has estimated this cost to be $13,714.08. Only 17 percent ($13,714.08 ÷ $81,619.62) of the cost of the new facility is allocable to pollution control. This methodology has been discussed and agreed upon with the company.

4. Summation

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

b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).

c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing water pollution.

d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.

e. The portion of the facility cost that is properly allocable to pollution control is less than 20 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of $81,619.62 with less than 20 percent allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1360.

CKA:hl
WH185 (1)
(503) 229-5325
January 15, 1982

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Avison Lumber Co.
P.O. Box 419
Molalla, Oregon 97038

The applicant owns and operates a lumber mill at Molalla.

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

2. Description of Claimed Facility

The facility described in this application is the modification of the lumber mill from a wet log pond feed to a dry feed from a log deck. The project consists of:

a. A knuckleboom log loader for placing logs on a conveyor;
b. conveyors and drive mechanisms;
c. two 72 inch circular chop saws; and
d. associated foundation and support work.

Request for Preliminary Certification for Tax Credit was received October 1, 1979, and approved October 18, 1979. Construction was initiated on the claimed facility August 1, 1977, completed August 21, 1981, and the facility was placed into operation August 21, 1981.

The company claims to have submitted a Request for Preliminary Certification in June 1977. Although the Department has no record of receiving a request at that time, one was logged in on November 29, 1977. However, no copies can be found of this request nor did the Department act upon it. The request submitted on October 1, 1979, was dated as being signed on June 22, 1977. The company claims this to be a photocopy of the original request.

Facility Cost: $1,018,377.26 (Accountant's Certification was provided).

The Accountant's certification showed a facility cost of $1,128,916.26. The company purchased a new debarker for $110,539.00 when the existing debarker could have been relocated. It has been agreed upon with the company to subtract this cost from the certified facility cost.

3. Evaluation of Application

Prior to installation of the facility, the log pond was used to store logs and floating saws were used to cut the logs prior to debarking. A chain conveyor transported the logs from the pond to the debarker.

The debarked logs were placed back into the pond where they were fed into the mill by a knuckleboom loader. The log pond overflows to Bear Creek which often resulted in citizen complaints due to the dark color of the discharge. The claimed facility has eliminated the need for the log pond. This system has only changed the feed to the mill. It has not resulted in any increased capacity at the mill and the company claims the cost of handling the logs to be equivalent to the old wet system. Both the old and new debarkers have the same log diameter capacity of 28 inches. The old pond saws have been junked at the site. The claimed facility has significantly improved the quality of Bear Creek by the elimination of the log pond. There is no return on investment from the facility.

The first Request for Preliminary Certification was logged in by the Department after the initiation of construction. The company claims to have submitted one approximately 5 months earlier (one month prior to the start of construction). A staff member of the Department had several discussions with the company regarding the need for the project prior to the start of construction but does not recall if the tax credit program was discussed in those meetings. Staff considers this a valid application for Preliminary Certification under the Statute in effect prior to 1979. Construction began on the facility in 1977. Therefore no waiver of the Preliminary Certification requirement is necessary.

4. Summation

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

b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).

c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing water pollution.

d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.

e. The portion of the facility cost that is properly allocable to pollution control is 80 percent or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of $1,018,377.26 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1452.

Charles K. Ashbaker:l
WL1333 (1)
(503) 229-5325
February 17, 1982

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Chembond Corporation
475 N. 28th St.
Springfield, OR 97477

The applicant owns and operates a synthetic resin (plywood and particleboard adhesives) manufacturing facility at Springfield.

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

2. Description of Claimed Facility

The facility described in this application is a lignin liquor transfer system consisting of 200 feet of 3-inch steel pipe, a control panel, and associated electrical wiring to operate pipe valves and an existing pump.

Request for Preliminary Certification for Tax Credit was made April 24, 1981, and approved May 26, 1981. Construction was initiated on the claimed facility May 26, 1981, completed September 24, 1981, and the facility was placed into operation September 24, 1981.

Facility Cost: $4,458.00.

3. Evaluation of Application

Prior to installation of the claimed system, one chemical transfer pipe was used to transfer lignin liquor and melamine resin. After pumping melamine resin from a reactor tank the line was flushed with water to clean it prior to pumping lignin liquor through it. To eliminate the contaminated wash water, a new transfer pipe was installed which completely separated the two chemical systems. Since the installation of the new transfer pipe, there has been no discharge of contaminated wash water. There is no return on investment from this facility.

4. Summation

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

b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).

c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing water pollution.

d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.

e. The portion of the facility cost that is properly allocable to pollution control is 80 percent or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of $4,458.00 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1466.

CKA:l
WL1299 (1)
(503) 229-5325
February 17, 1982

Application No. T-1473

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Number One Boardman Station
121 S.W. Salmon St.
Portland, Oregon 97204

The applicant owns and operates a coal burning steam electric generating facility at Boardman.

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

2. Description of Claimed Facility

The facility described in this application is a miscellaneous liquid waste control system consisting of sumps, settling ponds, lined and unlined evaporation ponds, a neutralization system, and an oil/water separator.

Request for Preliminary Certification for Tax Credit was made November 22, 1976. Construction was initiated on the claimed facility March 1977, completed September 1979, and the facility was placed into operation August 3, 1980. Although the request for preliminary certification was submitted as required, the Department did not act upon it due to an apparent oversight. Construction plans were submitted to the Department on February 3, 1978, and approved on March 1, 1978.

Facility Cost: $3,567,692 (Accountant's Certification was provided).

3. Evaluation of Application

Caustic and acid solutions used at the plant are collected and neutralized prior to discharge. Waters with high dissolved solids and no toxicity are routed to the unlined evaporation pond. Waste waters with noxious or toxic chemicals are pumped to the hypolon lined evaporation pond. An oil/water separator collects oil that accumulates in the plant sumps and the clear water drains to Carty Reservoir. The value of the collected oil is insignificant. This facility operates in accordance with the approved plans and prevents the discharge of contaminated waste to the Carty Reservoir recycle cooling system, and provides containment of toxic and noxious waste waters. There is no return on investment from this facility.

Since the company complied with the requirements of the Oregon Revised Statutes, the facility should be considered for issuance of a Pollution Control Facility Certificate.

4. Summation

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

b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).

c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing water pollution.

d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.

e. The portion of the facility cost that is properly allocable to pollution control is 80 percent or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of $3,567,692 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1473.

Charles K. Ashbaker:l
WL1327 (1)
(503) 229-5325
January 14, 1982

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Stayton Canning Company, Cooperative, Inc.
Liberty Plant #4
930 W. Washington Street
Stayton, OR 97383

The applicant owns and operates a food processing plant (frozen and canned vegetables) at Salem.

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

2. Description of Claimed Facility

The facility described in this application consists of two six foot wide Bauer Hydrosieve screens.

Request for Preliminary Certification for Tax Credit was made February 19, 1980, and approved April 9, 1981. Construction was initiated on the claimed facility April 1, 1981, completed July 6, 1981 and the facility was placed into operation July 14, 1981.

Facility Cost: $29,714.50 (Accountant's Certification was provided).

The Accountant certified a facility cost of $30,014.50. A letter from the company indicated that certain equipment removed from service to facilitate the installation of the new screens was salvaged for other uses within the plant. The estimated salvage value of a 5 Hp electric motor and drive sheaves is $300.00. It was agreed upon with the company to subtract the salvage value from the Accountant's certified facility cost.

3. Evaluation of Application

Prior to installation of the two sidehill screens, the plant waste waters were pretreated through a vibrating screen prior to discharge to the City of Salem's sewerage system. Stayton Canning decided to replace the vibrating screen with the stationary screens to (1) reduce energy costs (through elimination of the electric vibrator drive motor), and (2) to reduce the extra strength sewer charge through increased removal of solids and BOD. Stayton Canning has estimated the utility savings of the new system (by not running the

electric motor) to be approximately $400.00 per year. Although a reduction of sewer charges from the City of Salem was anticipated, records have shown the solids and BOD removal efficiency to be about the same as the old system. There has been no reduction of sewer charges. The old screen that was removed from service has been scrapped. Although the new screens do not operate up to the full expectation of the Company, they do remove a significant quantity of solids and BOD. There is no significant return on investment from this facility.

4. Summation

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

b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).

c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing water pollution.

d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.

e. The portion of the facility cost that is properly allocable to pollution control is 80 percent or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of $29,714.50 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1479

CKA:g
WG847 (1)
(503) 229-5325
January 22, 1982

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Avison Lumber Co.
P. O. Box 419
Molalla, OR 97038

The applicant owns and operates a lumber mill at Molalla.

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

2. Description of Claimed Facility

The facility described in this application is a modification to an existing anti-stain chemical application system. The facility consists of a hydraulically operated hoist, electrical timer, pumps, valves, and hydraulic hoses.

Request for Preliminary Certification for Tax Credit was made February 21, 1980, and approved April 23, 1980. Construction was initiated on the claimed facility February 25, 1980, completed August 18, 1981, and the facility was placed into operation August 18, 1981.

Facility Cost: $21,053.95 (Accountant's Certification was provided).

The Accountant's certified facility cost was $25,393.66. This included $4,339.71 for the replacement of the chemical dip tank. Although the new dip tank is larger and in much better condition than the old tank, it does not provide any improved collection of drippings. It has been agreed upon with the company to subtract $4,339.71 from the certified facility cost.

3. Evaluation of Application

Prior to installation of the claimed facility, lumber was dipped into an anti-stain (pentachlorophenate) tank with a fork lift truck. Upon removal from the tank, chemical dripped onto the ground as the fork lift carried the treated lumber to a storage site. The new system has a hydraulically operated hoist with a timer which clamps the lumber on the hoist, dips it into the tank, and raises the lumber above the tank. The timer keeps the lumber clamped on the hoist for several minutes to provide for collection of the drippings. Upon release of

the clamp, a fork lift operator can remove the lumber from the hoist. The claimed facility significantly reduces the amount of chemical dripped onto the ground. The value of the recovered drippings is insignificant. There is no return on investment from the claimed facility.

4. Summation

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

b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).

c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing water pollution.

d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.

e. The portion of the facility cost that is properly allocable to pollution control is 80 percent or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of $21,053.95 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1480.

CKA:g
WG809 (1)
(503) 229-5374
January 11, 1982

Application No. T-1483

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Avison Lumber Company
P.O. Box 419
Fifth & Lola St.
Molalla, OR 97038

The applicant owns and operates a lumber mill at Molalla.

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

2. Description of Claimed Facility

The facility described in this application is a noise control enclosure for the wood chipper at mill No. 1 in Molalla.

Request for Preliminary Certification for Tax Credit was made on August 24, 1979, and approved on September 21, 1979.

Construction was initiated on the claimed facility on October 15, 1979, completed on February 4, 1980, and the facility was placed into operation on February 4, 1980.

Facility Cost: $3,092.79 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to construction, the wood chipper was found to exceed the daytime noise limits by more than 8 dBA. Construction of the acoustical enclosure has brought the wood chipper into compliance with the daytime noise standards. The enclosure was constructed entirely for the purpose of noise control. Therefore, 80% or more of the cost is allocable to pollution control.

4. Summation

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

b. Facility was constructed on or after January 1, 1977, as required by ORS 468.165(1)(b).

c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing noise pollution.

d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 467, and the rules adopted under that chapter.

e. The portion of the facility cost that is properly allocable to pollution control is 80% or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of $3092.79 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1483

John Hector:a
NA1716 (1)
(503) 229-6085
January 11, 1982

Application No. T-1487

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Willamette Industries, Inc.
Kor Pine Division
3800 First Interstate Tower
Portland, OR 97201

The applicant owns and operates a particleboard manufacturing facility.

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

2. Description of Claimed Facility

The facility described in this application is a system to recirculate non-contact cooling water and a system to reuse process water. The process water reuse facility consists of two 63,600 gallon concrete settling basins, two PACO recirculation pumps, two 5,000 gallon holding tanks, piping, valves, and miscellaneous fittings. Also included in the process water system is a length of PVC pipe and four sprinkler heads to dispose of excess water by land irrigation. The non-contact cooling water system consists of one 3,000 gallon holding tank, one PACO recirculation pump, piping, valves, and miscellaneous fittings.

Request for Preliminary Certification for Tax Credit was made June 6, 1977 and approved June 27, 1977. Construction was initiated on the claimed facility March 1, 1979, completed October 24, 1980, and the facility was placed into operation October 24, 1980.

Facility Cost: $93,071.69 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to installation of the claimed facilities, waste process and cooling waters were discharged to a disposal well on the property site. The company was required through its WPCF permit to eliminate the discharge of industrial wastes to the disposal well. The recirculation and disposal systems have eliminated the discharge of industrial wastes to the well thus protecting the quality of the groundwater. The reduced water consumption has resulted in only negligible savings in pumping costs of river water. There is no return on investment from these facilities.

4. Summation

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

b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).

c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing water pollution.

d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.

e. The portion of the facility cost that is properly allocable to pollution control is 80 percent or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of $93,071.69 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1487.

C. K. Ashbaker:g
(503) 229-5325
January 14, 1982

WG821 (1)

Application No. T-1488

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Cascade Forest Products, Inc.
201 N.E. 2nd Street
Bend, OR 97001

The applicant owns and operates a wood products manufacturing company at Bend.

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

2. Description of Claimed Facility

The facility described in this application is the installation of sound dampening material on the exterior of an existing blowpipe, fan, and cyclone system.

Request for Preliminary Certification for Tax Credit was made on April 13, 1981, and approved on April 20, 1981.

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

Facility Cost: $4,650.00

3. Evaluation of Application

In May 1980, the fan and cyclone system at Cascade Forest Products in Bend was found to exceed the Department's Noise Regulations by 18 dBA at a nearby motel. Various noise control measures were evaluated by Cascade. The only option found to be cost beneficial by the company was to apply sound damping material to the exterior of the cyclone system. Although DEQ analysis showed that this project would not bring the source into compliance, Cascade Forest Products requested a Preliminary Certificate for tax credit for the damping materials. A Preliminary Certificate was issued to Cascade, since this project would provide some beneficial noise reduction.

After construction, Cascade Forest Products was found to exceed the noise standards by 15 dBA, thus the damping material provided a 3 dBA reduction. A 3 dBA reduction has been determined by the Department to meet the "substantial reduction" requirement of the tax credit statute (3 dBA corresponds to a reduction in acoustic energy by

one-half). In addition, this project was conducted for the "substantial purpose" of environmental noise control with 80% or more of the cost allocated to pollution control. Therefore, a Pollution Control Facility Certificate should be issued to Cascade Forest Products.

4. Summation

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

b. Facility was constructed on or after January 1, 1977, as required by ORS 468.165(1)(b).

c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing noise pollution.

d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 467, and the rules adopted under that chapter.

e. The portion of the facility cost that is properly allocable to pollution control is 80% or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of $4,650.00 with 80% or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1488.

John Hector:o
(503) 229-6085
January 14, 1982
NO632 (1)

Application No. T-1491

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Carson Oil Co.
2191 N.W. Savier Street
Portland, OR 97210

The applicant owns and operates a bulk petroleum loading facility at Portland.

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

2. Description of Claimed Facility

The facility described in this application is a 5,000 gallon oil/water separator.

Request for Preliminary Certification for Tax Credit was made July 28, 1981, and approved September 14, 1981. Construction was initiated on the claimed facility July 30, 1981, completed September 21, 1981, and the facility was placed into operation September 22, 1981.

Facility Cost: $6,383.00 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to installation of the claimed facility, petroleum leaks and spills, and contaminated storm runoff could flow to the Willamette River via a City of Portland storm sewer. The oil/water separator has been placed such that any contaminants spilled at the site will flow into it. The facility is part of a petroleum spill containment plan required for bulk petroleum storage facilities by the federal government. As yet the separator has not collected a significant quantity of petroleum products. There has been no return on investment from the claimed facility.

4. Summation

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

b. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).

c. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing water pollution.

d. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.

e. The portion of the facility cost that is properly allocable to pollution control is 80 percent or more.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of $6,383 with 80 percent or more allocated to pollution control, be issued for the facility claimed in Tax Credit Application No. T-1491.

CKA:g
WG874 (1)

(503) 229-5325
February 2, 1982

Application No. T-1484

State of Oregon
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Grant & Roth Plastics, Inc.
1600 N.E. 25th Avenue
Hillsboro, OR 97123

The applicant owns and operates a plastic injection molding company at Hillsboro.

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

2. Description of Claimed Facility

The facility described in this application consists of a machine to grind various rejected plastic parts into pellets suitable to rerun through injection machines. Unit consists of a hopper, cutter, screen and storage bin.

Machinery is a Cumberland Granulator Model 484.

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

Construction was initiated on the claimed facility on June 27, 1980, completed on June 27, 1980, and the facility was placed into operation on June 27, 1980.

Facility Cost: $10,170.00.

3. Evaluation of Application

Applicant was notified on December 28, 1981 by letter (enclosed) to submit a letter stating reasons for failure to submit for preliminary certification. No response has been received.

Had the applicant filed a request for preliminary certification, the project would have qualified for tax credit certification. The process reclaims approximately 95% of waste plastics which had formerly been disposed in area landfills. Approximately $50,000 of plastics are reclaimed yearly producing a return on investment of 310%.

4. Summation

a. Applicant failed to supply special circumstances which made filing of preliminary certification unreasonable. The facility would otherwise qualify for tax credit under ORS 468.150 to 468.190.

b. As required by ORS 468.165, the facility was under construction on or after January 1, 1973, and

(1) The substantial purpose of the facility is to utilize material that would otherwise be solid waste, by mechanical process; through the production, processing, or use of materials for their heat content or other forms of energy or materials which have useful chemical or physical properties;

(2) The end product of the utilization is a usable source of power or other item of real economic value;

(3) The end product of the utilization, other than a usable source of power, is competitive with an end product produced in another state; and

(4) The Oregon law regulating solid waste imposes standards at least substantially equivalent to the federal law.

c. The portion of the facility cost that is properly allocable to pollution control is 100 percent.

5. Director's Recommendation

Based upon the findings in the Summation, it is recommended that Tax Credit Application No. T-1484 be denied.

R. L. Brown:o
(503) 229-5157
February 9, 1982
SO770

VICTOR ATIYEH
GOVERNOR

Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

December 28, 1981

Merrill R. Roth, President
Grant & Roth Plastics, Inc.
1600 NE 25th Ave.
Hillsboro, OR 97123

Re: SW - Tax Credit
T-1484

Dear Mr. Roth:

Your application for a Pollution Control Tax Credit was received December 14, 1981 by the Department and has been reviewed.

Since a Preliminary Certification was not submitted prior to start of construction, the certification must fall under ORS 468.175(1) "...For facilities constructed on or after October 3, 1979, the Commission may waive the filing of the application if it finds the filing inappropriate because special circumstances render the filing unreasonable..." In this case it will be necessary for you to submit a letter of justification containing the reason(s) for failure to file for such preliminary certification.

You should be aware that at the December 4, 1981 Environmental Quality Commission meeting, the Commission ruled that ignorance of the requirement was not sufficient to qualify as a "special circumstance."

If you have any questions, please contact me at 229-5913 in Portland.

Sincerely,

Robert L. Brown
Solid Waste Section
Solid Waste Division

RLB:h
SH203
cc: Management Services

D & E Wood Products, Inc.
P.O. Box 327
Prineville, Oregon 97754

December 23, 1981

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

Dear Ms. Splettstaszer:

On December 4, 1981 the Polution Control Facility Certificate #1341 was issued to D & E Wood Products, a partnership. The partnership was incorporated May 1, 1981 as D & E Wood Products, Inc. and the corporation is making application for all unused credit allowed by the original application.

Attached you will find the Notice of Election to take the tax relief under ORS 317.072 (corporation excise).

Sincerely,

Donald C. Smith

enclosure

DCS/tac

Certificate No. 1341

Date of Issue 12/4/81

Application No. T-1435

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

POLLUTION CONTROL FACILITY CERTIFICATE

Issued To: D & E Wood Products P. O. Box 327 Prineville, OR 97754	Location of Pollution Control Facility: Prineville, OR
As: ☐ Lessee ☒ Owner	

Description of Pollution Control Facility:

Conveyors and processing equipment for remanufacture and fuel production.

Type of Pollution Control Facility: ☐ Air ☐ Noise ☐ Water ☒ Solid Waste ☐ Hazardous Waste ☐ Used Oil

Date Pollution Control Facility was completed: Dec. 1, 1980 Placed into operation: Dec. 1, 1980

Actual Cost of Pollution Control Facility: $ 75,085.98

Percent of actual cost properly allocable to pollution control: 100%

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

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

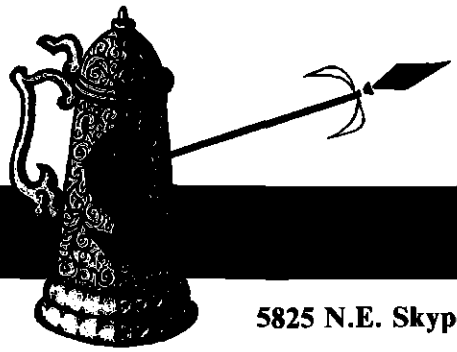
1. The facility shall be continuously operated at maximum efficiency for the designed purpose of preventing, controlling, and reducing the type of pollution as indicated above.
2. The Department of Environmental Quality shall be immediately notified of any proposed change in use or method of operation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

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

Signed _____

Title Joe B. Richards, Chairman

Approved by the Environmental Quality Commission on the 4th day of December, 1981



Colony Wines	Heublein Imported Wines	Burgermeister
Inglenook Wines	Miller High Life	Champale 7%
Mogen David Wines	Miller Lite	Löwenbräu Beer
Honeywood Wines	Tribuno Vermouth	San Miguel

5825 N.E. Skyport Way / Portland, Oregon 97218 / 503-288-8831

January 11, 1982

Dept. of Envirnmental Quality
P.O. Box 1760
Portland, Or. 97207

Attn. Carol Splettstaszer

Spear Beverage Company has a certificate allowing it to apply a tax credit for a noise control wall it erected in 1980. On Dec. 5, 1981 Spear Beverage was sold to Miller Brands, Inc. I am requesting that the Department re-issue this certificate to Miller Brands as of that date.

Respectfully,

Jack C. Griffin

Jack C. Griffin
Office Mgr.

Certificate No. 1195

Date of Issue 12/19/80

Application No. T-1314

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

POLLUTION CONTROL FACILITY CERTIFICATE

Issued To:	Location of Pollution Control Facility:
Spear Beverage Company 5825 N. E. Skyport Way Portland, Oregon 97218	5825 N. E. Skyport Way Portland, Oregon
As: ☐ Lessee ☒ Owner	

Description of Pollution Control Facility:

A concrete block sound wall with vinyl sound curtain.

Type of Pollution Control Facility: ☐ Air ☒ Noise ☐ Water ☐ Solid Waste ☐ Hazardous Waste ☐ Used Oil

Date Pollution Control Facility was completed: 12/79 Placed into operation: 12/79

Actual Cost of Pollution Control Facility: $ 10,528.93

Percent of actual cost properly allocable to pollution control: 80% or more

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

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

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

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

Signed Joe B. Richards

Title Joe B. Richards, Chairman

Approved by the Environmental Quality Commission on the 19th day of December, 1980.

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. E (1), March 5, 1982, EQC Meeting

Request for Authorization To Hold A Hearing On Revisions To Specific Air Pollution Control Rules For Benton, Linn, Marion, Polk and Yamhill Counties, OAR 340-29-001 to 340-29-010, and Amending the State Implementation Plan

Background

In July of 1975, the Mid-Willamette Valley Air Pollution Authority (MWVAPA) ceased to exist. The Department assumed administration of the program in this area and had the Secretary of State publish all the Mid-Willamette rules as Oregon Administrative Rules (OAR), effective July 2, 1975. The Department, since that time, has had a low priority task to integrate, as appropriate, appropriate Mid-Willamette rules into Oregon Administrative rules. We are now proposing to complete this task.

Statement of Need for Rulemaking

Most of the Mid-Willamette Valley APA rules are duplicated in the OARs and only a few unique Mid-Willamette rules are needed and useful. As a housekeeping measure, most of the Mid-Willamette rules need to be repealed and only those parts of the rules which are needed in the Mid-Willamette counties above and beyond the generally applicable OARs should be integrated into the OAR. This was done in the past when the Columbia-Willamette Air Pollution Authority ceased to exist.

Statutory Authority

The statutory authority is ORS 468.295(3) where the Commission is authorized to establish different rules for different areas of the state.

Principal Documents Relied Upon:

1. OAR 340 Division 29, Specific Air Pollution Control Rules for Benton, Linn, Marion, Polk, and Yamhill Counties.

2. Rules and Regulations of the Mid-Willamette Valley Air Pollution Authority, date of last revision, December 1974.

3. Interoffice Memos dated May 23, 1980 and September 19, 1980 between E.J. Weathersbee and John E. Borden/David St. Louis on proposed MWVAPA rules.

Fiscal and Economic Impacts On Small Business and Others

There is negligible fiscal and economic impact. What is being considered is the deletion of redundant rules or rules that are obsolete and no longer needed.

Land Use Compatability

Not applicable as this is partly housekeeping and partly a simplification of air contaminant rules.

Alternatives and Evaluation

These are the only three Mid-Willamette Valley APA rules recommended for separate incorporation in OAR Chapter 340, Division 29. They are odor, nuisance, and large particulate fallout rules. Note that the following matrix shows the same type of rules in place for the Portland and Eugene areas; people have historically desired and needed the protection afforded by these kinds of administrative rules in the densely populated counties of the Willamette Valley.

Comparison of Administrative Rules By Area

	Subject		
Area	Odor	Nuisance	250 Fallout
Portland Area Counties	340-28-090	None	340-28-080
Mid-Willamette Counties MWVAPA Rule	31-020	32-045	32-080
Eugene (Lane County) LRAPA Rules	31-020	32-990	32-055
Proposed OAR	340-29-011	340-29-020	340-27-030

Odor The alternative of having no odor rules in the Mid-Willamette area would be to try and control odor problems from certain industries like Wah Chang in Millersburg, vegetable processing plants in Woodburn, and rendering plants in Harrisburg and Donald with persuasion instead of quantifiable performance standards.

Nuisance The alternative of having no nuisance rule would be to rely on specific source rules which in some cases may not exist for all the types of operations in an urban area. Nuisance rules can be used to abate semicommercial fish-smokehouses in residential neighborhoods, to pave truck haul roads where it is impractical to gather particle fallout data, to control restaurant kitchen smoke being vented toward apartment house windows, etc.

Large Particle Fallout The alternative of having no 250 micron fallout rule would be to rely on existing concentration and mass emission rules. There are instances where sources may meet these limits but still have large particle fallout problems which can cause a nuisance. This rule also provides a much quicker and simpler method of enforcement.

Board Plants

Mid-Willamette process weight rate rule was used on plywood and particleboard plants. The DEQ board products plant rule has been found to be more stringent and has been incorporated into the plants' Air Contaminant Discharge Permits, and the plants are meeting these limits. Therefore, the Mid-Willamette rule is not needed because existing permits and the Department's new plant site emission limit rule require and will maintain the needed control level.

Ambient, Ammonia, Chlorine and Chloride Standards : These unique Mid-Willamette Valley Air Pollution Authority rules are ambient air standards setting allowable levels of ammonia, chlorine, and chlorides (31-050, 31-055, 31-060). They were meant as regulatory tools for such unique Mid-Willamette Valley sources as zirconium, titanium, and other exotic metal plants. Unfortunately, they have been useless tools to solve problems as the standards were met but other contaminants were found to cause problems, and these problems are being addressed thru specific permit conditions.

State Implementation Plan

These rules are currently part of the Oregon State Implementation Plan (SIP). If and when these rules are adopted, the Oregon SIP would be revised to remove these rules from the SIP as they are not needed in the SIP to attain and maintain federal standards.

Summarization

1. Almost all of the former Mid-Willamette Valley Air Pollution Authority rules in Chapter 340 Division 29 are duplicated elsewhere in Chapter 340. They need to be repealed to reduce the bulk of Chapter 340 and to eliminate confusion on which rules (State or MWVAPA) may apply to sources.

2. Rules for odors, nuisance, and 250 micron and larger particle fallout, are needed to cover special problems in the densly populated Willamette Valley area and are recommended to be kept in place in the Mid-Willamette counties of Benton (Corvallis), Linn (Albany), Marion (Salem), Polk and Yamhill.

3. Other unique Mid-Willamette rules need not be continued because of obsolescence or non-use or non-applicability.

4. The Mid-Willamette Valley rules do not need to be in the Oregon State Implementation Plan as attainment and maintenance of federal standards can be achieved using existing OAR's.

Director's Recommendation

It is recommended that the Commission authorize the Department to hold a hearing to repeal OAR 340 Division 29 and replace it with the attached three state OAR's on odors, nuisance, and large particle fallout. The repealed Division 29 would be removed from the Oregon Clean Air State Implementation Plan.

Bill

William H. Young

Attachments:
1. Proposed Rules 340-29-002 to 340-29-030
2. Present Rule 340-29-001 to 340-29-010 for deletion
3. Table of Contents of Mid-Willamette Valley Air Pollution Authority rules
4. Notice of Public Hearing

JFK:a
AA1690 (1)
(503) 229-6459
February 11, 1982

DIVISION 29

Specific Air Pollution Control Rules For Benton, Linn, Marion, Polk, and Yamhill Counties

Purposes and Application

340-29-002 The rules in this subdivision shall apply in Benton, Linn, Marion, Polk and Yamhill Counties. The purposes of these rules are to deal specifically with the air quality control needs of the five county area. These rules shall apply in addition to all other rules of the Environmental Quality Commission. The adoption of these rules shall not, in any way, affect the applicability in the five county area of all other rules of the Environmental Quality Commission and the latter shall remain in full force and effect, except as expressly provided otherwise. In cases of apparent duplication, the most stringent rule shall apply.

Definitions

340-29-006 As used in this Division

(1) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(2) "Emission" means the release into the outdoor atmosphere of air contaminants.

(3) "Odor" means that property of an air contaminant that affects the sense of smell.

(4) "Particulate matter" means any matter, except uncombined water, which exists as a solid or liquid at standard conditions.

(5) "Person" or "Persons" means any individual, public or private corporation, political subdivision, agency, board, department, or bureau of the state, municipality, partnership, association, firm, trust, estate or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

Odors

340-29-011

(1) Unless otherwise regulated by specific odor regulation or standard, no person shall cause or permit the emission of odorous matter in such a manner as to cause a public nuisance or:

(a) that occurs for sufficient duration or frequency so that two measurements made within a period of one (1) hour, separated by 15 minutes, off the property surrounding the emission point, that is equal to or greater than a Scentometer No. 0 or equivalent dilutions in areas used for residential, recreational, educational, institutional, hotel, retail sales or other similar purposes.

(2) In all land use areas other than (1) (a) above, release of odorous matter shall be prohibited if equal to or greater than a Scentometer No. 2 odor strength, or equivalent dilutions.

Other Emissions

340-29-020 It shall be unlawful for any person to cause or permit the emission of an air contaminant including an air contaminant or emission that is not otherwise covered by these regulations, if the air contaminant causes or tends to cause injury, detriment, nuisance or annoyance to any considerable number of people or to the public or which causes or has a natural tendency to cause injury or damage to business or property so as to constitute a public nuisance.

Emission Restrictions - Large Particulate Matter

340-29-030 No person shall cause or permit the emission of any particulate matter which is larger than 250 microns in size provided such particulate matter does or will deposit upon real property or another person.

DIVISION 29

SPECIFIC AIR POLLUTION CONTROL RULES FOR BENTON, LINN, MARION, POLK, AND YAMHILL COUNTIES

Purposes and Application

340-29-001 The rules in this division shall apply in Benton, Linn, Marion, Polk, and Yamhill Counties. The purposes of these open burning rules are to provide continuity of air quality control program previously administered by the Mid-Willamette Valley Air Pollution Authority and to deal specifically with the air quality control needs of the five county area. These rules shall apply in addition to all other rules of the Environmental Quality Commission. The adoption of these rules shall not, in any way, affect the applicability in the five county area of all other rules of the Environmental Quality Commission and the latter shall remain in full force and effect, except as expressly provided otherwise. In cases of apparent duplication, the most stringent rule shall apply.

Stat. Auth.: ORS Ch. 468
Hist: DEQ 109, f. 3-15-76, ef. 3-25-76

Definitions

340-29-005 As used in this Division:

(1) "Air contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon, acid, or particulate matter or any combination thereof.

(2) "Air contamination source" means any source at, from, or by reason of which there is emitted into the atmosphere any air contaminant, regardless of who the person may be who owns or operates the building, premises, or other property in, at, or on which such source is located, or the facility, equipment, or other property by which the emission is caused or from which the emission comes.

(3) "Domestic waste" means any non-putrescible waste consisting of combustible materials such as paper, cardboard, yard clippings, wood, or similar materials generated in a dwelling, including the real property on which it is situated, containing four (4) living units or less.

(4) "Industrial waste" means liquid or solid waste resulting from any process or activity of industry or manufacturing.

(5) "Land clearing debris" means waste generated in clearing any site.

(6) "Mid-Willamette Valley area" means the five counties of Benton, Linn, Marion, Polk, and Yamhill.

(7) "Open burning" means any burning conducted in such a manner that combustion air is not effectively controlled and that combustion products are not vented through a stack or chimney, including, but not limited to, burning conducted in open outdoor fires and backyard incinerators.

Stat. Auth.: ORS Ch. 468
Hist: DEQ 109, f. 3-15-76, ef. 3-25-76

Rules and Regulations of the Mid-Willamette Valley Air Pollution Authority

340-29-010 The Department of Environmental Quality adopts, by reference, the Rules and Regulations of the Mid-Willamette Valley Air Pollution Authority.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the office of the Department of Environmental Quality.]

Stat. Auth.: ORS Ch.
Hist: DEQ 29-1979, f. & ef. 7-6-79

Open Burning

340-29-055 [DEQ 109, f. 3-15-76, ef. 3-25-76; Repealed by DEQ 123, f. & ef. 10-20-76]

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VICTOR ATIYEH
GOVERNOR

Department of Environmental Quality

Attachment 4

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

Prepared: 02/11/82
Hearing Date: 04/20/82

NOTICE OF PUBLIC HEARING

A CHANCE TO BE HEARD ABOUT:

Specific Air Pollution Rules For The Area That Includes Salem, Corvallis, Albany, and the Counties of Benton, Linn, Marion, Polk, and Yamhill.

Former Mid-Willamette Valley Air Pollution Authority Rules are proposed to be repealed, except for rules on odors, nuisance, and large particle fallout (similar to existing rules covering Portland and Eugene) which would be retained.

The Oregon Department of Environmental Quality is holding a hearing to take testimony on this action. The hearing will be held in Salem at 3 p.m. on April 20, 1982.

WHAT IS THE DEQ PROPOSING?

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

** Three rules proposed to be retained are detailed scientific, and specific ways to handle air pollution problems caused by odors, nuisance (miscellaneous), and large particle fallout.

** The proposed rules to be repealed would include ambient air standards for Ammonia, Chlorine, and Chlorides, which have not been useful regulatory tools. Other rules are duplicated in Oregon Administrative Rules and enforcement would remain the same.

*** The present OAR 340 Chapter 29 is proposed to be dropped from the State Implementation Plan. The three retained rules (odor, nuisance, fallout) would not be federally enforceable.

WHO IS AFFECTED BY THIS PROPOSAL:

People residing in the cited cities and counties, and the commerce and industry located there.

HOW TO PROVIDE YOUR INFORMATION:

Written comments should be sent to the Department of Environmental Quality, Willamette Valley Region, 895 Summer N.E., Salem, OR 97310, and should be received by April 20, 1982, 4:30 p.m.

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

City	Time	Date	Location
Salem	3:00 p.m.	April 20, 1982	DEQ Salem Office 895 Summer N.E. Salem, Oregon

WHERE TO OBTAIN ADDITIONAL INFORMATION:

Copies of the proposed rules may be obtained from:

David St. Louis or Terri Sylvester (phone 378-8240)
DEQ Willamette Valley Region
895 Summer N.E.
Salem, Oregon 97310
Call Toll-Free 1-800-452-7813

LEGAL REFERENCES FOR THIS PROPOSAL:

This proposal amends OAR 340, Division 29. It is proposed under authority of ORS 468.295(3).

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

FURTHER PROCEEDINGS:

After public hearing the Commission may adopt rule amendments identical to the proposed amendments, adopt modified rule amendments on the same subject matter, or decline to act. The Commission's deliberation should come on June 4, 1982 as part of the agenda of a regularly scheduled Commission meeting.

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

STATEMENT OF NEED FOR RULEMAKING

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

Legal Authority

The statutory authority is ORS 468.295(3) where the Commission is authorized to establish different rules for different areas of the state.

Need For The Rule

Most of the Mid-Willamette Valley APA rules are duplicated in the Oregon Administrative Rules (OAR) and only a few unique Mid-Willamette rules are needed and useful. As a housekeeping measure, bulky existing Mid-Willamette rules need to be repealed and only those part of these rules which are needed above and beyond existing OARs should be integrated into the OAR.

Principal Documents Relied Upon

1. OAR 340, Division 29, Specific Air Pollution Control Rules for Benton, Linn, Marion, Polk, and Yamhill Counties.

2. Rules and Regulations of the Mid-Willamette Valley Air Pollution Authority, date of last revision, December 1974.

3. Interoffice Memos dated May 23, 1980 and September 19, 1980 between E.J. Weathersbee and John E. Borden/David St. Louis on proposed MWVAPA rules.

Fiscal and Economic Impacts On Small Business and Others

There is negligible fiscal and economic impact. What is being considered is the deletion of redundant rules or rules that are obsolete and no longer needed.

Land Use Compatability

Not applicable as this is partly housekeeping and partly a simplification of air contaminant rules.

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. E(2), March 5, 1982, EQC Meeting

Request for Authorization to Conduct a Public Hearing on the Adoption of Amendments to Hazardous Waste Management Rule, OAR 340-63-125

Background and Problem Statement

At the December 4, 1981, Commission meeting, the staff proposed amendments to those portions of the Hazardous Waste Management Rules dealing with waste pesticides and empty (hazardous material) container management. Although the majority of the proposed rule changes were adopted, reservations existed as to the adequacy of the design guidelines the Department proposed to use in approving plans for waste pesticide management facilities required by the new rules. As a result of those reservations, the proposed rules were amended to require Commission adoption of the design standards. The subject of the proposed public hearing would be the staff's recommended design performance standards.

Authority to adopt Hazardous Waste Management Rules is ORS 459.440.

Alternatives and Evaluation

As the staff originally considered this matter, three alternatives were discussed:

1. No design guidelines or standards would be provided to the regulated community.

2. Detailed technical design standards would be developed.

3. Generalized performance standards would be developed.

After evaluating all the pros and cons, the staff decided on generalized performance standards because they would be flexible enough to account for the variety of site conditions, types of waste pesticides and differing waste volumes that would be experienced at the 50 or so facilities to be constructed. Furthermore, the staff proposed the performance standards as

guidelines rather than rules since the initially installed facilities will demonstrate the probable state-of-the-art controls for this class of pollution-abatement facilities.

Throughout the public involvement process supporting the rules adopted on December 4, 1981, the staff received positive comments on its decision to propose for adoption guidelines for the design of waste pesticide management facilities.

Subsequent to the December 4, 1981, Commission meeting, the staff met with representatives of the Department of Transportation - Division of Aeronautics and the Oregon Agricultural Aviation Association on January 14, 1982. It was again concluded that generalized performance standards would provide specific enough design objectives while retaining flexibility to account for specific site conditions. It was based on this recent meeting that the staff concluded that our original guidelines and application procedures should be proposed as administrative rules (Appendices A and B, respectively, of Attachment I).

Summation

1. At its December 4, 1981, meeting, the Commission adopted revisions to the Department's waste pesticide and empty container management rules. At the same time, the Commission directed the staff to develop for adoption design standards for pesticide waste management facilities.

2. On January 14, 1982, the staff met with the State Division of Aeronautics and the Oregon Agricultural Aviation Association to discuss a set of design standards. Consensus was reached that any standards adopted should be flexible enough to account for a variety of site conditions, types of waste pesticides and differing waste flows.

3. Purpose of the proposed public hearing would be to receive public testimony on the staff's recommendation to adopt as administrative rules generalized performance standards and application procedures that previously were proposed as guidelines.

Director's Recommendation

Based upon the Summation, it is recommended that the Commission authorize a public hearing to take testimony on proposed amendments to Hazardous Waste Management Rule, OAR 340-63-125.

William H. Young

Attachments
I - Proposed Revisions to OAR Chapter 340-63-125
II - Statement of Need for Rule
III - Statement of Land Use Consistency
IV - Public Notice of Rules Adoption

Richard P. Reiter:c
ZC242
229-6434
February 18, 1982

PROPOSED REVISION TO OREGON ADMINSTRATIVE RULE

OAR 340-63-125

DEFINITIONS

340-63-011 As used in these rules unless otherwise specified:

(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 "aquatic median tolerance limit" and "Aquatic LC_{50}" 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. Aquatic TLm and aquatic LC_{50} are expressed in milligrams of the substance per liter of water.

(3) "Authorized container disposal site" means a solid waste disposal site that 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. If the container has a detachable liner or several separate inner containers, only those liners and containers contaminated by the hazardous material or waste shall be considered for the purposes of these rules.

(5) "Department" means the Department of Environmental

Quality.

(6) "Dermal LD_{50}" and "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. Dermal LD_{50} 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, causes or 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 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 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 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_{50}" and "median inhalation lethal concentration" means 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. Inhalation

LC_{50} 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 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 rinsed using an appropriate diluent.

(19) "Manifest" means the document 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) "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 is agitated 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 LD_{50}" and "median oral lethal dose" means a calculated oral dose of a substance that is expected to kill 50 percent of a population of experimental laboratory animals within a specified time. Oral LD_{50} is expressed in milligrams of the substance per kilogram of body weight.

(22) "Person" means the federal government, 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 where hazardous waste generation occurs. Two or more parcels of real property which are geographically contiguous and are divided only by a right-of-way are considered a single site.

(26) "Polychlorinated biphenyl" or "PCB" means the class of chlorinated biphenyl, terphenyl, higher polyphenyl, or mixtures of these compounds, produced by replacing two or more hydrogen atoms on the biphenyl, terphenyl, or higher polyphenyl molecule with chlorine atoms. PCB does not include chlorinated biphenyls, terphenyls, higher polyphenyls, or mixtures of these compounds, that have functional groups other than chlorine unless that functional group is determined to make the compound dangerous to the public health.

(27) "Public-use airport" means an airport open to the flying public considering performance and weight of the aircraft being

used, which may or may not be attended or have service available.

(28) "Store" or "storage" means the containment of hazardous waste for a temporary specified period of time, in such a manner as not to constitute disposal of such hazardous waste.

(29) "Transporter" means any motor carrier engaged in the transportation of hazardous waste.

(30) "Treatment" means any method, technique, activity, or process, including but not limited to neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste or to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume.

(31) "Volatile" means having an absolute vapor pressure of greater than 78 mm Hg at 25 C^{O}. For the purpose of these rules, all fumigants are considered to be volatile.

(32) "Waste pesticide" means discarded, useless or unwanted materials or residues including, but not limited to, spray mixtures, diluted pesticide formulations, container rinsings and pesticide equipment washings.

340-63-125 Toxic Waste.

(1) Pesticides and Pesticide Manufacturing Residues.

(a) Waste containing pesticide or pesticide manufacturing residue is toxic if it has any of the following properties:

(i) Oral toxicity: Material with a 14-day oral LD_{50} equal to or less than 500 mg/kg.

(ii) Inhalation toxicity: Material with a one-hour inhalation LC_{50} equal to or less than 2 mg/l as a gas or vapor or a one-hour inhalation LC_{50} equal to or less than 200 mg/m^3 as a dust or mist.

(iii) Dermal penetration toxicity: Material with a 14-day dermal LD_{50} equal to or less than 200 mg/kg.

(iv) Aquatic toxicity: Material with 96-hour aquatic TLm or 96-hour aquatic LC_{50} 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) [Subsequent to March 1, 1982, waste] Waste pesticide generated at a "Public-use Airport," distributorship or other permanent base of operation, (excluding temporary heliport), shall be discharged to a permitted facility or as otherwise approved by the Department, pursuant to performance standards [adopted by the Commission.] in Appendix A and application procedures in Appendix B.

(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 C 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 for domestic purpose may be disposed with other household refuse.

(3) Empty rigid containers, including but not limited to cans, pails, buckets or drums constructed of metal, plastic, glass, or fiber need not be managed as hazardous if they are

decontaminated, verified, and recovered or disposed as follows:

(a) Decontamination consists of OAR 340-63-130(3)(a)(i) and (ii):

(i) Removal of residual material by:

(A) Jet or multiple rinsing at the time of emptying.

(B) Aeration of volatile materials from fumigant containers;

(C) Chemical washing methods such as those used to recondition metal drums, or to remove ultra low volume (ULV) residues;

(D) Other industry recommended procedures as may be approved by the Department.

(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).

(b) 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 dilutent, 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.

(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.

(B) Containers from WARNING or CAUTION label pesticides may be taken to any solid waste landfill that has not been prohibited by the Department from accepting such waste.

(4) Empty non-rigid containers, including paper, paper-laminated and paper-laminated foil bags, need not be decontaminated provided they are disposed of in accordance with the following methods:

(A) Taken to an authorized solid waste landfill; or

(B) Burned in an incinerator or solid fuel fired furnace which has been certified by the Department; or

(C) Open burning in less than 50 pound lots (excepting organometallics) is permitted at the site on the same day of generation or as soon as feasible provided the site is not a "Public-use Airport," distributorship or permanent base of operation and the burning does not emit dense smoke, noxious odor or creates a public nuisance. This activity shall be in compliance with rules in OAR Chapter 340, Division 23, 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) Farmers may bury empty non-rigid or decontaminated rigid pesticide containers on their own farm provided that:

(i) the containers were generated from their own use.

(ii) the burial location is on flat ground, and not in a swale, and that the site is at least 500 feet from surface waters or any well.

(5) No person shall use or provide for use empty or decontaminated hazardous material/waste containers to store food or fiber intended for human or animal 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 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 and from 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 for alternative disposal instructions.

(3) The waste must be taken to a state-permitted waste disposal site.

Appendix A

Performance Standards for
Waste Pesticide Management Systems

A. System Design Objectives:

All waste pesticide management systems must satisfy the following three objectives to the greatest extent possible:

(a) Containment of the waste solution to protect groundwater and surface waters.
(b) Detoxification of the waste solution.
(c) Reduction of the volume of the waste solution.

B. System Design Performance Standards:

1. Containment may be demonstrated through any one or combination of:

(a) Physical means (natural or man-made liners).
(b) Chemical means (adsorption-absorption layers).
(c) Other equivalent means.

2. Detoxification may be demonstrated through any one or combination of:

(a) Physical means (solar radiation).
(b) Chemical means (hydrolysis).
(c) Biological means (microbial degradation).
(d) Other equivalent means.

3. Volume reduction may be demonstrated through any one or combination of:

(a) Evaporation.
(b) Evapo-transpiration.
(c) Diversion of surface waters.
(d) Use of dilute solution for product makeup water.
(e) Other equivalent means.

4. Groundwater protection may be demonstrated through any one or combination of:

(a) System design.
(b) Construction materials.
(c) Groundwater monitoring program.

Appendix B

Application Procedures

A. A completed application consists of:

1. A complete set of engineering plans and specifications, or their equivalent.

2. County tax lot map showing ownership, zoning, use of adjacent lands, proposed facility location and its relation to residence and domestic water supplies within one-half (1/2) mile.

3. Topographic map showing natural drainage patterns, proposed surface water diversion methods and soil profile evaluation, if applicable.

4. Climatological data of proposed site describing normal annual and seasonal precipitation quantities and patterns, evaporation rates and prevailing wind direction.

5. Hydrogeological data of proposed site describing groundwater depth, gradient and geological formations (well logs are helpful).

6. Types and quantities of pesticides used on an annual basis.

7. Types and volumes of waste pesticides generated during the spraying season (to include equipment washings).

8. Detailed plans, specifications, procedures and methods for collection, distributing and containing the waste solution, if applicable.

9. Detailed explanation of expected waste solution containment, volume reduction, and detoxification mechanisms, if applicable.

10. Detailed explanation of the method for removing accumulated sludges from the containment system and the proposed method of disposal, if applicable.

11. Detailed explanation of the method for detecting subsurface pesticide movement (monitoring well or lysimeter).

12. A completed copy of DEQ's Land Use Compatibility Requirements and Statement.

13. Any additional information which the Department deems necessary for review of the application.

B. DEQ's processing consists of:

1. Written acknowledgement of the receipt of an application and its completeness shall be made by the Department within 14 days to an applicant.

2. Written notice of proposed action (i.e., approval of plans or issuance of permit) will be issued by the Department to the applicant within 45 days of receipt of completed application.

SSD165(1)

APPENDIX C

The following regulations appear in condensed form and are presented for guidance only. The reader is referred to the appropriate Code of Federal Regulations for the full text.

(1) CFR Title 29, Labor, Part 1910, Occupational Safety and Health Administration, U.S. Department of Labor.

(2) CFR Title 40, Polychlorinated Biphenyls (PCBs), Part 761, U.S. Environmental Protection Agency.

(3) CFR Title 49, Transportation, Parts 100 - 199, U.S. Department of Transportation.

29 CFR 1910.xxxx Carcinogens: A carcinogen means any of the substances listed below, or compositions containing such substances, but does not include compositions containing less than the hazardous concentration of the listed substance.

Section	Substance	Hazardous Concentration (%)
1910.1003	4-Nitrobiphenyl	0.1
1910.1004	alpha-Naphthylamine	1.0
1910.1006	Methyl Chloromethyl ether	0.1
1910.1007	3,3'-Dichlorobenzidine (and salts)	1.0
1910.1008	bis-Chloromethyl ether	0.1
1910.1009	beta-Naphthylamine	0.1
1910.1010	Benzidine (and salts)	0.1
1910.1011	4-Aminodiphenyl	0.1
1910.1012	Ethyleneimine	1.0
1910.1013	beta-Propiolactone	1.0
1910.1014	2-Acetylaminofluorene	1.0
1910.1015	4-Dimethylaminoazobenzene	1.0
1910.1016	N-Nitrosodimethylamine	1.0
1910.1017	Vinyl chloride	1.0
1910.1028	Benzene	0.5
1910.1045	Acrylonitrile (non-polymeric)	1.0

49 CFR 173.24 Standard Requirements for all Packages.

(a) Each package used for shipping hazardous materials shall be so designed and constructed, and its contents so limited, that under conditions normally incident to transportation:
   (1) There will be no significant release of the hazardous materials to the environment;
   (2) The effectiveness of the packaging will not be substantially reduced; and
   (3) There will be no mixture of gases or vapors in the package which could, through any credible spontaneous increase of heat or pressure, or through an explosion, significantly reduce the effectiveness of the packaging.

(b) Materials must be securely packaged in strong, tight packages meeting the requirements of this section.

HP5903

(c) Packaging used for the shipment of hazardous materials shall, unless otherwise specified or exempted, meet all of the following design and construction criteria:
(1) Steel used shall be low-carbon, commercial quality steel. Stainless, open hearth electric, basic oxygen, or other similaquality steels are acceptable.
(2) Lumber used shall be well seasoned, commercially dry, and free from decay, loose knots, knots that would interfere with nailing and other defects that would materially lessen the strength.
(3) Welding and brazing shall be performed in a workmanlike manner using suitable and appropriate techniques, materials, and equipment.
(4) Packaging materials and contents shall be such that there will be no significant chemical or galvanic reaction among any of the materials in the package.
(5) Closures shall be adequate to prevent inadvertent leakage of the contents under normal conditions incident to transportation. Gasketed closures shall be fitted with gaskets of efficient material will not be deteriorated by the contents of the container.
(6) Nails, staples, and other metallic devices shall not protrude into the interior of the outer packaging in such a manner as to be likely to cause failures.
(7) The nature and thickness of the packaging shall be such that friction during transport does not generate any heating likely to decrease the chemical stability of the contents.
(8) Polyethylene used must be of a type compatible with the lading and must not be permeable to an extent that a hazardous condition be caused during transportation and handling.

(d) For specification containers, compliance with the applicable specifications of 49 CFR Parts 178 and 179 shall be required in all details except as otherwise specified or exempted.

49 CFR 173.151 Oxidizer. An oxidizer is a substance such as a chlorate, permanganate, inorganic peroxide, or nitrate, that yields oxygen readily to stimulate the combustion of organic matter.

49 CFR 173.151a Organic Peroxide. An organic peroxide is a substance containing the bivalent -O-O- structure and which may be considered a derivative of hydrogen peroxide where one or more of the hydrogen atoms have been replaced by organic radicals. This excludes Forbidden, Class A or Class B explosive or materials specifically exempted by the DOT.

49 CFR 173.240 Corrosive Material. A corrosive material is a liquid or solid that causes visible destruction or irreversible alterations in human skin tissue at the site of contact, or in the case of leakage from its packaging, a liquid that has a severe corrosion rate on steel.
(a) A material is considered to be destructive to or cause irreversible alteration in human skin tissue if, when tested on the intact skin of the albino rabbit, the structure of the tissue at the site of contact is destroyed or changed irreversibly after an exposure period of 4 hours or less.

(b) A liquid is considered to be corrosive if its corrosion rate exceeds 0.250 inch per year on steel (SAE 1020) at a test temperature of 130°F.

49 CFR 173.300 Gases.
(a) A compressed gas is any contained material or mixture having a pressure exceeding 40 p.s.i.a. at 70°F. or, regardless of the pressure at 70°F., having a pressure exceeding 104 p.s.i.a. at 130°F.; or any liquid flammable material having a vapor pressure exceeding 40 p.s.i.a. at 100°F.
(b) A compressed gas is flammable if a mixture of 13 percent or less (by volume) with air forms a flammable mixture or the flammable range with air is wider than 12 percent regardless of the lower limit. These limits shall be determined at atmospheric temperature and pressure.

Attachment II
Agenda Item No. E(2)
March 5, 1982, EQC Meeting

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

OF THE STATE OF OREGON

IN THE MATTER OF THE ADOPTION OF AMENDMENTS TO HAZARDOUS WASTE MANAGEMENT RULE, OAR 340-63-125	))))	STATUTORY AUTHORITY, STATEMENT OF NEED, PRINCIPAL DOCUMENTS RELIED UPON AND STATEMENT OF FISCAL AND ECONOMIC IMPACT

1. Statutory Authority: ORS 459.440, which requires the Environmental Quality Commission to adopt rules pertaining to hazardous waste management.

2. Need for the Rule: At its December 4, 1981, meeting, the Commission directed the staff to propose for adoption specific design standards for construction of waste pesticide management facilities.

3. Principal Documents Relied Upon:

   a. The existing Hazardous Waste Management Rule.

   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

   c. EQC Staff Report entitled "Agenda Item No. G, December 4, 1981, EQC Meeting"

4. Fiscal and Economic Impact

   Adoption of the proposed design performance standards and permit application procedures should have either no economic impact or a positive economic impact because they will define more clearly the Department's criteria for reviewing engineering plans and permit applications for waste pesticide management facilities. To the degree that the Department's performance standards and application procedures are more clearly understood by the regulated community, the ability to comply with previously adopted pollution control requirements should be made easier. Conversely, in the absence of these performance standards and permit application procedures, the submission of incomplete and/or inadequate engineering drawings and permit applications is more likely. Submission of revised plans or permit applications increases the cost of doing business.

ZC242.B

Attachment III
Agenda Item No. E(2)
March 5, 1982, EQC Meeting

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

OF THE STATE OF OREGON

IN THE MATTER OF THE ADOPTION OF AMENDMENTS TO HAZARDOUS WASTE MANAGEMENT RULE, OAR 340-63-125	)))	LAND USE CONSISTENCY

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

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

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

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

ZC242.B

Attachment IV
Agenda Item No. E(2)
March 5, 1982, EQC Meeting

PUBLIC NOTICE OF RULES ADOPTION

A chance to comment on

The Adoption of Amendments to Hazardous Waste Management Rule, OAR 340-63-125

The Department of Environmental Quality is proposing to amend Hazardous Waste Management Rules on the disposal of waste pesticides. The DEQ was instructed by the Environmental Quality Commission to propose design standards for waste pesticide management facilities to be constructed at "public-use airports," distributorships or other permanent bases of operation (excluding temporary heliports).

What are the key provisions?

A. System Design Objectives:

Containment of waste pesticide to protect surface water and groundwater, detoxification of the waste pesticide and reduction of waste pesticide volume.

B. System Design Performance Standards:

1. Containment may be demonstrated by physical, chemical or other equivalent means.

2. Detoxification may be demonstrated by physical, chemical, biological or other equivalent means.

3. Volume reduction may be demonstrated by evaporation, evapo-transpiration, diversion, reuse or other equivalent means.

4. Groundwater protection may be demonstrated by system design, construction materials or groundwater monitoring.

Who is affected by this proposal?

Any "public-use airport," distributorship or permanent base of operation where waste pesticides are generated.

How to comment on the proposal

Copies of the proposed amendments are available from:

Michael Ebeling
Hazardous Waste Operations
Department of Environmental Quality
P.O. Box 1760
Portland, OR 97207

Tel: (503) 229-5953
1-800-452-7813 (toll-free)

Written comments should be provided by noon on Monday, March 21, 1982.

Written or oral comments may be provided at the public hearing:

March 18, 1982
10:00 a.m.
Room 1400
DEQ Offices
522 SW 5th Ave.
Portland, OR 97204

Where to obtain additional information

Additional information may be obtained from Michael Ebeling at the above address.

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

Legal Reference

The proposal to amend Hazardous Waste Management Rule OAR 340-63-125 is authorized under ORS 459.440.

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

Further Proceeding

After the public hearing, the Environmental Quality Commission may adopt amendments identical to that proposed, modify the amendments, or decline to act. The Commission deliberation should come on April 16, 1982, as part of a regularly scheduled Commission meeting.

ZC242.A

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. F, March 5, 1982, EQC Meeting

Larry Bissett - Request for Variance to On-Site Sewage Disposal Rules

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

Mr. Larry Bissett applied to the Department of Environmental Quality, Astoria Branch Office, for a site evaluation for an on-site sewage disposal system on December 7, 1981. The property is identified as Tax Lot 2700, Section 4, Township 6 North, Range 10 West, Willamette Meridian, Clatsop County, and is located just north of the City of Gearhart, within the city's urban growth boundary.

Mr. Gerald R. Campbell, Waste Management Specialist, DEQ Astoria Branch, evaluated the property on December 9, 1981. Two backhoe pits at the proposed site were examined and observed to contain clean dunal sand to a depth of 9 feet. No evidence of a past or current water table was noted in the soil profile. The westerly portion of the tax lot is located in an active dune area designated as such by Clatsop County. The proposed location of the house and on-site sewage disposal system is not within the active dune area.

Mr. Bissett was notified that the proposed site did not comply with the Administrative Rules because it is located within the Clatsop Plains Moratorium area. The moratorium was decreed by the Commission preventing the issuance of either construction permits or favorable reports of evaluation. Mr. Bissett applied for a variance from the Clatsop Plains Moratorium (OAR 340-71-460(6)(e)) to allow issuance of an on-site sewage disposal system permit for a maximum of 450 gallons sewage flow per day (4 bedroom single family residence). The application was found to be complete and was assigned to Mr. Charles H. Gray, variance officer. Mr. Gray scheduled a visit to the proposed site and the variance hearing for January 14, 1982. After closing the hearing, Mr. Gray evaluated the information provided by Mr. Bissett and others.

Evaluation

The property was found to be 1.31 acres in size. The applicant is petitioning for relief under the variance process on the basis that no adverse environmental impacts will occur if the variance is granted. Further grounds for petition are that the continuation of the moratorium is "inappropriate for cause" since R. W. Beck and Associates in their Clatsop Plains Groundwater Protection Plan (preliminary draft) find the following: (1) there is no need for centralized wastewater treatment facilities to protect the Clatsop Plains Aquifer; (2) existing on-site systems appear to be doing an adequate job where densities are kept low; (3) current regulations allow the usage of standard gravity on-site systems for lots of one acre and larger; and (4) some areas within the City of Gearhart will exceed the nitrate planning limit of 5 mg/l under maximum density with full year-round occupancy. However, this conservative prediction does not warrant a continued moratorium.

The property sets immediately adjacent to the Pacific Ocean. The soil profile is clean dunal sand without any evidence of a water table within 9 feet as described by Mr. Campbell. Mr. Gray determined there was sufficient area with suitable soils to install an on-site sewage disposal system with equal area for future replacement to serve up to 450 gallons per day sewage flow.

The Department recently received the preliminary draft on the Clatsop Plains Groundwater Protection Plan. The report indicates that projected housing densities and resultant sewage flows in the area of this property would not result in exceeding the 5 mg/l nitrate planning limit. The plan recommends that future development with on-site sewage disposal systems utilizing low pressure distribution/sand filter systems can occur on lot sizes of less than one acre in this area.

Although the property is within the Clatsop Plains Moratorium boundary, the installation of an on-site sewage disposal low pressure distribution system to serve up to a four bedroom single family residence would not degrade the groundwater. Since the lot size is 1.31 acres, disposal of up to 450 gallons of sewage flow per day is an application rate below the maximum recommended in the Clatsop Plains Groundwater Protection Plan Report.

After evaluating this site and after holding a public information hearing to gather testimony relevant to the requested variance, Mr. Gray finds that the proposed location and type of on-site sewage disposal system to be used would function properly and not create a public health hazard or cause pollution of public waters, or degrade the Clatsop Plains aquifer.

Variance Officer's Recommendation

Mr. Gray recommends the EQC find that strict compliance with OAR 340-71-460(6)(e), as it pertains to Mr. Bissett's proposed seepage bed site, is inappropriate for cause. Special conditions to be imposed upon granting variance from the rule include:

1. The on-site system shall be located within the areas identified on the enclosed plan, Attachment "B".

2. The on-site system shall be constructed in accordance with all of the conditions listed in Attachment "C".

3. Before system construction begins, a complete application for a construction installation permit must be submitted to the Department's Astoria Branch Office, and personnel from that office shall issue the permit.

Summation

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

2. Mr. Bissett submitted an application for site evaluation to the Department's Astoria Office. Mr. Gerald Campbell evaluated the property and determined the property complies with the Department's minimum standards for issuance of a construction installation permit. The property, however, cannot be granted a favorable site evaluation or permit since it is located within the Commission authorized Clatsop Plains Moratorium.

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

4. Mr. Gray examined the proposed site and conducted a public information gathering hearing. After closing the hearing, Mr. Gray evaluated the record and found that an on-site sewage disposal system, limited to a maximum daily sewage flow of four hundred fifty (450) gallons, and installed pursuant to specific conditions, could be expected to function properly at the site. Mr. Gray recommends the Commission find that strict compliance with OAR 340-71-460(6)(e), as it pertains to Mr. Bissett's proposed seepage bed site, is inappropriate for cause, and authorize a construction installation permit be issued subject to special conditions.

Director's Recommendation

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

Bill

William H. Young

Attachments 3

Attachment "A" - Pertinent Legal Authorities
Attachment "B" - Proposed Plan
Attachment "C" - Proposed Conditions for Granting Variance

Charles H. Gray:c
229-5288
February 5, 1982
RC173

ATTACHMENT A
EQC Agenda Item No. F
March 5, 1982

1. Administrative rules governing on-site sewage disposal are provided for by Statute: ORS 454.625.

2. The EQC has been given statutory authority to grant variances from the particular requirements of any rule or standard pertaining to on-site sewage disposal system if, after hearing, it finds that strict complicance with the rule or standard is inappropriate for cause or because special physical conditions render strict compliance unreasonable, burdensome or impractical: ORS 454.657.

3. Variance from any rule or standard for on-site systems may be granted to applicants by the Environmental Quality Commission after a hearing before a variance officer.

4. Mr. Gray was appointed as a variance officer pursuant to the Oregon Administrative Rules: OAR 340-71-425.

RO165.A (1)

ATTACHMENT B
page 1

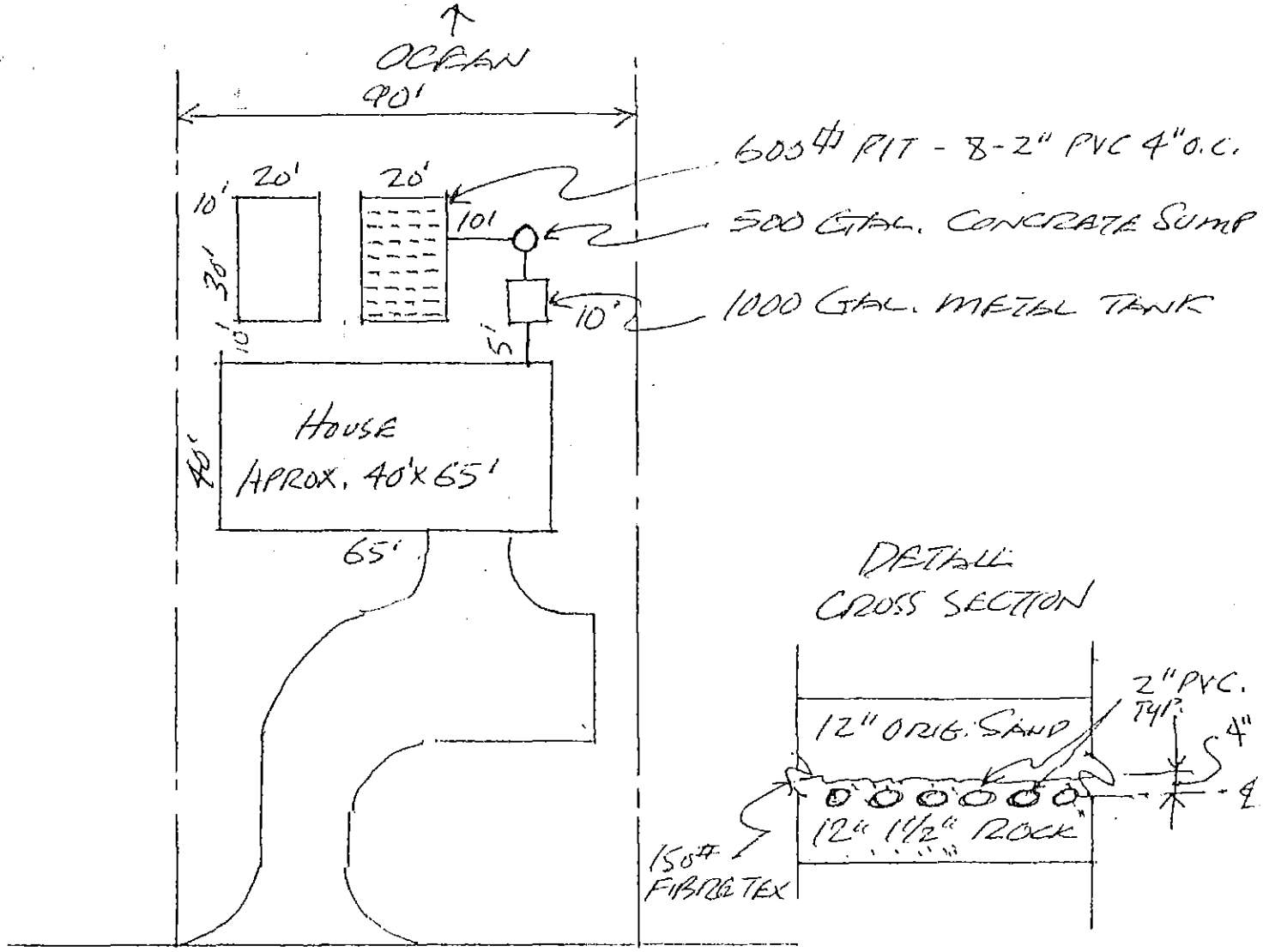
STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY

PROPOSED SUBSURFACE SEWAGE DISPOSAL SYSTEM

PLOT PLAN

Property Owner LARRY & NANCY BISSETT Date DEC. 3, 1981

Location: T. 6N R. 10W Sec. 4 Tax Lot/Accl. No. 2700



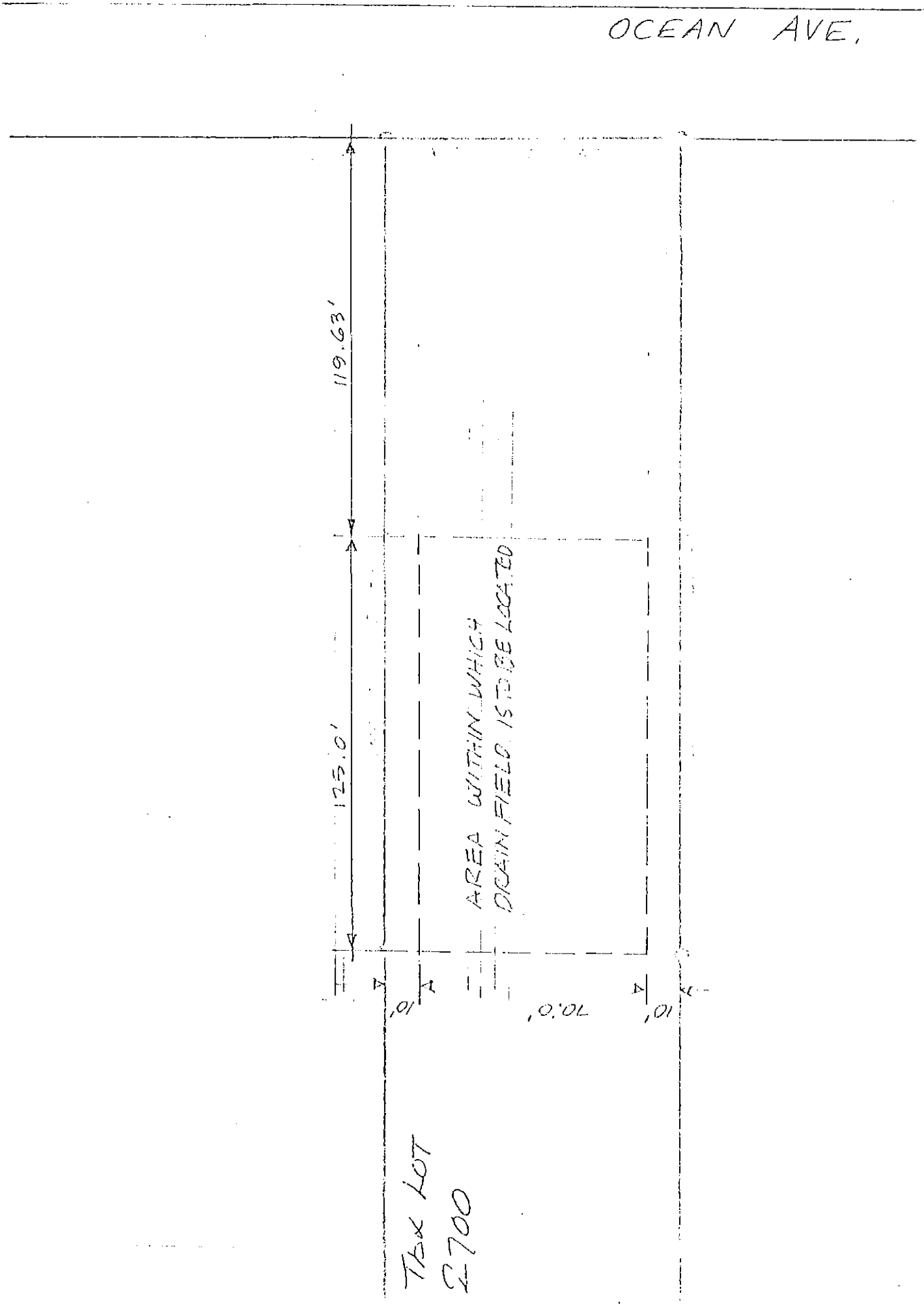
OCEAN AVE.

REMARKS: SINGLE FAMILY DWELLING - CLATSOP COUNTY - LOT SIZE = 633' x 90' = 1.3 ACRES IN R-1 LOW DENSITY RESIDENTIAL ZONE

FOR DEQ USE ONLY

☐ Approved Permit Number _____

☐ Disapproved By: _____ (SANITARIAN SIGNATURE) (DATE)


OCEAN AVE.
119.93'
125.0'
AREA WITHIN WHICH
OCEANFIELD IS TO BE LOCATED
.01
10.0'
.01
TAX LOT
2700

ATTACHMENT C
EQC Agenda Item No.
March 5, 1982

PROPOSED CONDITIONS FOR GRANTING VARIANCE

1. This on-site sewage disposal system shall serve one (1) single family dwelling having an estimated sewage flow not to exceed four hundred fifty (450) gallons per day and no more than four (4) bedrooms.

2. An alternative subsurface sewage disposal system, consisting of a 1000 gallon (minimum capacity) septic tank, 450 gallon dosing tank, and a 20 foot by 30 foot pressurized seepage bed, shall be installed within the area identified on the system plan (Attachment B). The seepage bed shall be dug to twenty-four (24) inches depth, maximum.

3. Except as authorized by specific variance, all requirements of the Oregon Administrative Rules, Chapter 340-71-100 through 71-600 shall be met.

4. Astoria Branch staff shall inspect the installation of this system at those stages of construction they identify as appropriate to insure proper installation.

5. The permittee shall comply with all local planning, zoning, and building ordinances.

RO165.A (1)

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. G, March 5, 1982, EQC Meeting

Request from Jackson County appealing the Variance Approval Granted Dr. James Perry

Background

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

A preliminary site inspection application for property owned by Dr. Perry was submitted to Jackson County on July 31, 1981. The property is identified as Tax Lot 403, Section 24, Township 36 South, Range 1 West, and contains approximately ten (10) acres. County staff visited the property and found undulating, typical "Agate-Winlo" soil composed of mounds and lower water-collecting intermounds. On-site sewage disposal did not appear feasible. Dr. Perry was advised to contact the Department's Medford Branch Office to discuss the use of a sewage stabilization pond.

An application for variance from the on-site sewage disposal rules was received by the Department, found to be complete, and was assigned to Mr. Gregory J. Farrell, variance officer. On October 27, 1981, Mr. Farrell examined the proposed site and held a public information type hearing. The proposed disposal site is described within the record as being a relatively level area slightly higher than the surrounding land. The soils are mottled at ground surface, and a clay pan was observed at depths ranging from thirteen (13) to nineteen (19) inches. Dr. Perry's consultant, Mr. Daniel Frank, proposed to overcome the site limitations through the use of a system composed of a septic tank, two dosing tanks, a sand filter, and a pressurized drainfield. The drainfield would be a shallow installation (thus requiring a capping fill), and would have a tile dewatering system surrounding it. After closing the hearing, Mr. Farrell evaluated the information provided by Dr. Perry and others. He determined the use of a tile dewatering system, given the shallow soil depth, would not be worthwhile. He judged that a pressurized drainfield with capping fill was a reasonable system for the proposed site. The

future replacement system, if needed, was designated to be a sand filter, as originally proposed by Mr. Frank, but without the use of a tile dewatering system. Mr. Farrell notified Dr. Perry of the favorable variance decision, with the conditions of approval, by letter dated November 18, 1981 (Attachment"B"). A typographical error in the letter indicates a variance granted from OAR Chapter 340, Division 72. Division 72 contains the fee schedules for Lane and Clackamas Counties. Mr. Farrell intended to grant variances from OAR 340, Division 71, Rules: 150(4)(a); 220(2)(a); 220(2)(b); 265(2)(b); 275(4)(b)(C); and 290(3)(a)(A).

The Department received a letter dated December 7, 1981, from Mr. Bradley Prior, Supervising Sanitarian, Jackson County Department of Planning & Development, appealing Mr. Farrell's decision. Mr. Prior stated that the site is hummocky (clay loam soils occurring in low mounds about 12 to 18 inches high), poorly drained, and underlain by an abrupt impermeable hardpan. The area is affected by a seasonal perched water table from November to May, with ponded water on the surface between the mounds. Within the mounds, water has been observed within six (6) inches of the surface. Because of these conditions this soil has generally been considered unsuitable for any type of on-site system, including sand filters. Mr. Prior was in favor of granting variances to allow installation of the system proposed by Mr. Frank, which included use of a sand filter. It is Mr. Prior's opinion that without sand filter pre-treatment, septic tank effluent discharged into an absorption field, even with pressurized distribution, will result in a failure of the system. He requests the variance approval be modified to require use of a sand filter (Attachment "C").

The Department provided notice to all concerned parties that an appeal had been received, and indicated the matter would be brought before the Commission on March 5, 1982 (Attachment "D").

Evaluation

Mr. Farrell evaluated Dr. Perry's proposed site, and conducted a public information type hearing. After closing the hearing, Mr. Farrell evaluated the record. He determined that although the proposed site had development limitations, it was not so severely limited as to require the use of a sand filter to pre-treat septic tank effluent before discharge into the pressurized absorption field. He also found, given the shallow soils, a tile dewatering system would have an insignificant effect on the seasonal perched water table. He felt the replacement system, if needed, would require the use of a sand filter to pre-treat septic tank effluent before discharge into a shallow pressurized absorption system.

The Commission appears to have two alternatives:

1. Amend the variance officers letter of November 18, 1981 by requiring the use of a sand filter to pre-treat septic tank effluent before discharge into the pressurized absorption system.

2. Let the variance officer's decision stand without modification.

It is staff's opinion that the initial system authorized by Mr. Farrell will function without use of a sand filter. The cost to Dr. Perry would be increased considerably if a sand filter were required, yet the benefit may not be significant. Should the initial system malfunction, a sand filter would provide adequate treatment for the disposal of septic tank effluent at the site.

Summation

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

2. Upon receipt of a preliminary site inspection application, Jackson County staff determined that on-site sewage disposal did not appear feasible for Dr. Perry's property.

3. Dr. Perry submitted a variance application to the Department. It was assigned to Mr. Farrell for hearing.

4. Mr. Farrell visited the proposed site and conducted a public information gathering hearing on October 27, 1981.

5. After closing the hearing, Mr. Farrell evaluated the variance record. He found the proposal could be modified by deleting use of a sand filter and tile dewatering system from the initial system, and still reasonably provide for a properly functioning on-site system. Mr. Farrell granted variances from the on-site rules ((OAR 340-71: 150(4)(a); 220(2)(a); 220(2)(b); 265(2)(b); 275(4)(b)(C); and 290(3)(a)(A)), and authorized Jackson County to issue a construction installation permit, subject to conditions within the November 18, 1981 approval letter.

6. Mr. Prior submitted a letter, dated December 7, 1981, appealing Mr. Farrell's decision, and requested the Commission amend the decision by requiring a sand filter within the initial system.

7. The Department provided notice to all parties that an appeal had been received, and would be considered by the Commission on March 5, 1982.

Directors Recommendation

Based upon the findings in the summation, it is recommended the Commission adopt the findings of the variance officer as the Commission's findings (to grant variances to OAR 340-71: 150(4)(a); 220(2)(a); 220(2)(b); 265(2)(b); 275(4)(b)(C); and 290(3)(a)(A)), and affirm his

decision to approve the variance with such conditions as specified in the November 18, 1981 approval letter.

Bill

William H. Young

Attachments: 4
Attachment A - Pertinent Legal Authorities
Attachment B - Variance Approval Letter
Attachment C - Letter Appealing Decision
Attachment D - Letter Scheduling Commission Review

Sherman O. Olson, Jr.:g
229-6443
February 10, 1982

XG911 (2)

ATTACHMENT "A"

1. Administrative rules governing subsurface sewage disposal are provided for by Statute: ORS 454.625.

2. The Environmental Quality Commission has been given statutory authority to grant variances from the particular requirements of any rule or standard pertaining to subsurface sewage disposal systems if after hearing, it finds that strict compliance with the rule or standard is inappropriate for cause or because special physical conditions render strict compliance unreasonable, burdensome or impractical: ORS 454.657.

3. The Commission has been given statutory authority to delegate the power to grant variances to special variance officers appointed by the Director of the Department of Environmental Quality: ORS 454.660

4. Decisions of the variance officers to grant variances may be appealed to the Commission: ORS 454.660.

5. Mr. Farrell was appointed as a variance officer pursuant to the Oregon Administrative Rules: OAR 340-71-425.

P22 5554840

ATTACHMENT "B"

VICTOR ATIYEH
GOVERNOR

Department of Environmental Quality

SOUTHWEST REGION

1937 W. HARVARD BLVD., ROSEBURG, OREGON 97470 PHONE (503) 440-3338

November 18, 1981

James E. Perry
Effluent Pump Specialties
PO Box 636
Medford, OR 97301

RE: WQ-SS-Jackson County
VARIANCE APPROVAL
Twp. 36S, R. 1W, Sec. 24
Tax Lot #403

Dear Mr. Perry:

This correspondence will serve to verify that your requested variance hearing, as provided for in Oregon Adminsitrative Rules, Chapter 340, Section 75-045 was hald on October 27, 1981.

Based on my evaluation of the verbal and written testimony contained in the record, it is my opinion that a health hazard will not be created nor will degradation of public waters occur provided the subsurface sewage disposal system hereto authorized is constructed in accordance with all of the conditions listed in Schedule A, enclosed.

A Certificate of Satisfactory Completion shall be issued only if all conditions stipulated in Schedule A are met. Failure to meet such compliance shall nullify this authorization.

The request for a variance from OAR Chapter 340, Division 72 is hereby granted upon the conditions stipulated above.

Pursuant to OAR 340-75-050, my decision to approve your variance request with such conditions may be appealed to the Environmental Quality Commission. Requests for appeal must be made by letter, stating the grounds for appeal, and addressed to the Environmental Quality Commission in care of Mr. William H. Young, Director, Department of Environmental Quality, Box 1760, Portland Oregon 97207, within twenty (20) days of the date of the certified mailing of this letter. If no letter of appeal is received at the above address within that time period, Jackson County Planning and Development Department will be authorized to issue a septic tank construction permit subject to all of the above conditions.

Please feel free to contact me at 440-3338 if you have questions regarding this decision.

Sincerely,

Gregory Farrell, R. S.
Waste Management Specialist
Variance Officer, Roseburg

GJF:ml
cc: David Couch, DEQ-Medford
Dan Frank
Jackson County Planning & Development
Enclosures

DEQ RO-601

SCHEDULE A

1. All work done on this subsurface sewage disposal system shall be done by a person or business licensed through the Department of Environmental Quality (hereafter referred to as "Department") in accordance to Oregon Revised Statutes, Chapter 454.695.

2. Before starting with the actual construction of this subsurface system, the septic tank installer shall, through written statement to James Perry, acknowledge that he has thoroughly reviewed the conditions of this variance approval with personnel from Jackson County and that he understands and will comply with all conditions associated with this permit authorization.

3. The installion of this subsurface system shall be completed within thirty (30) days after construction has begun, unless otherwise authorized by the Department.

4. This subsurface system shall serve one (1) single family dwelling having an estimated sewage flow not to exceen 450 gallons per day and no more than four (4) bedrooms.

5. All construction of this subsurface system shall occur only under optimum soil moisture conditions. As these soils must be nearly dry, construction is limited to the period from June 1 through September 30 unless otherwise authorized by the Department.

6. A one-thousand (1000) gallon (minimum) septic tank shall be installed near the dwelling.

7. A sewage lift pump and 450 gallon (minimum) sump shall be placed at least five (5) feet from the septic tank. The sump shall be placed so that all ground and surface waters are excluded, with the maintenance access manhole at the ground surface or above. The mercury float switches controlling the pump shall be positioned so the approximately 90 gallons of effluent will be dishcarged to the drainfield each cycle. To insure proper venting of the sump, the inlet fitting on the septic tank shall be replaced with a "sanitary tee." The "sanitary tee" shall extend at least six (6) inches below the liquid level. A two compartment tank may be used in place of two separate tanks as shown on the plans.

8. Heavy gauge plastic screening shall be positioned to enclose the effluent pump. Screen openings shall be small enough to remove 1/8 inch spheres. See Schedule C.

9. The pressure pipe from the pump shall have a minimum diameter of two (2) inches. It shall meet or exceed the minimum requirements for Class 160 PVC 1120 pressure pipe as identified in ASTM designation D2241.

10. Four (4) disposal trenches, each being one (1) foot wide, seventy (70) feet long, and twelve (12) inches deep into the natural soil profile and shall be located as shown on Schedule B. It is very important that the trenches be nearly level throughout their length as well as from trench to trench. The ends of the lines shall also be connected and rocked as shown.

11. The ends of the lateral piping shall be provided with threaded plugs or caps.

12. Eight (8) inches of clean washed gravel of proper size shall be placed in the bottom of each disposal trench. At this time the 1½ or 2 inch diameter perforated pressure pipe (Class 160 PVC 1120 or equal) shall be placed within each disposal trench, taking care to ensure that they are level from end to end. The elevation of the pipe in each trench must also be the same. The Orifices shall have a diameter of one-eighth (1/8) inch, spaced thirty-six (36) inches apart, and be placed on the bottom of the pipe. One line shall have the holes temporarily turned up for the pressure test. The system shall be water-tested at this stage to verify equal distribution and minimum head. After successful testing the remaining gravel shall be placed in the trenches so as to provide a total gravel depth of twelve (12) inches. Filter fabric shall be placed above the gravel to the full width of the trench. Personnel from Jackson County shall be notified of the day and time this system is ready to be water-tested so that they can observe the test and inspect the system for correct installation and operation.

13. The capping topsoil must be of the same textural class or of one textural class finer as the natural topsoil. The soil to be used must be examined and approved for this proposed use by Jackson County prior to placement.

14. The drainfield site and borrow area shall be scarified to destroy the vegetative mat.

15. After the disposal field is installed, but prior to capping, the installation shall be inspected by Jackson County to determine that the construction conforms to the requirements of this variance authorization.

16. Sixteen (16) inches of topsoil shall be placed over the disposal field in two lifts. After the first six (6) inch lift is placed the site must be rototilled to sufficient depth to ensure mixing of the fill with the soil between and around the trenches. The remaining topsoil shall then be placed in one lift without rototilling.

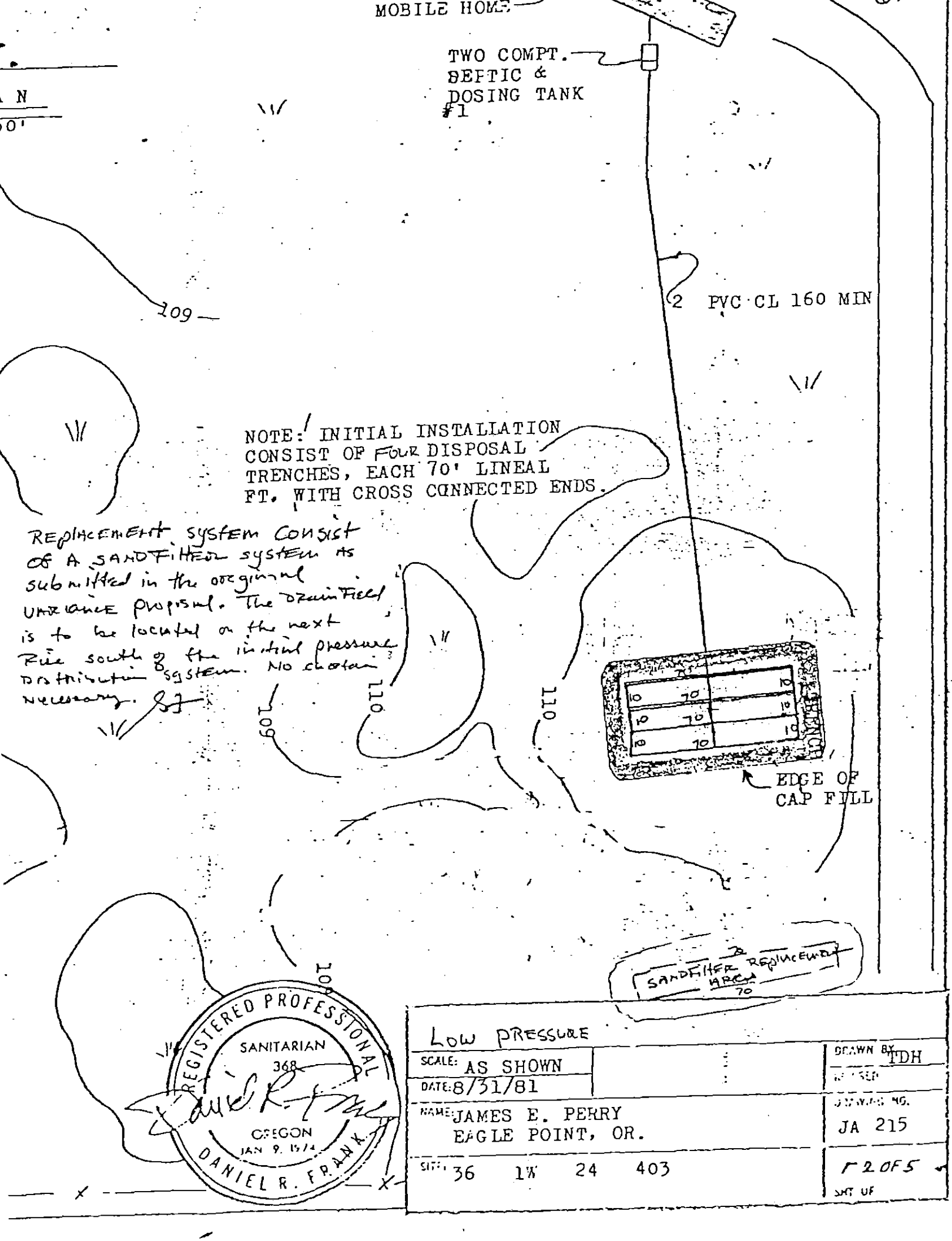
17. The fill shall extend ten (10) feet beyond the drainfield and be graded so as to prevent the accumulation of surface water. Deep rooted grasses shall be planted over the fill to aid in stabilization and reduce the potential for erosion.

18. All activities which tend to compact the soils shall be prohibited over the entire area of the drainfield site. If livestock are placed within the parcel a fence must be constructed around the system.

19. Unless otherwise authorized, all requirements of the Oregon Administrative Rules, Chapter 340, 71-100 through 71-600 shall be met.

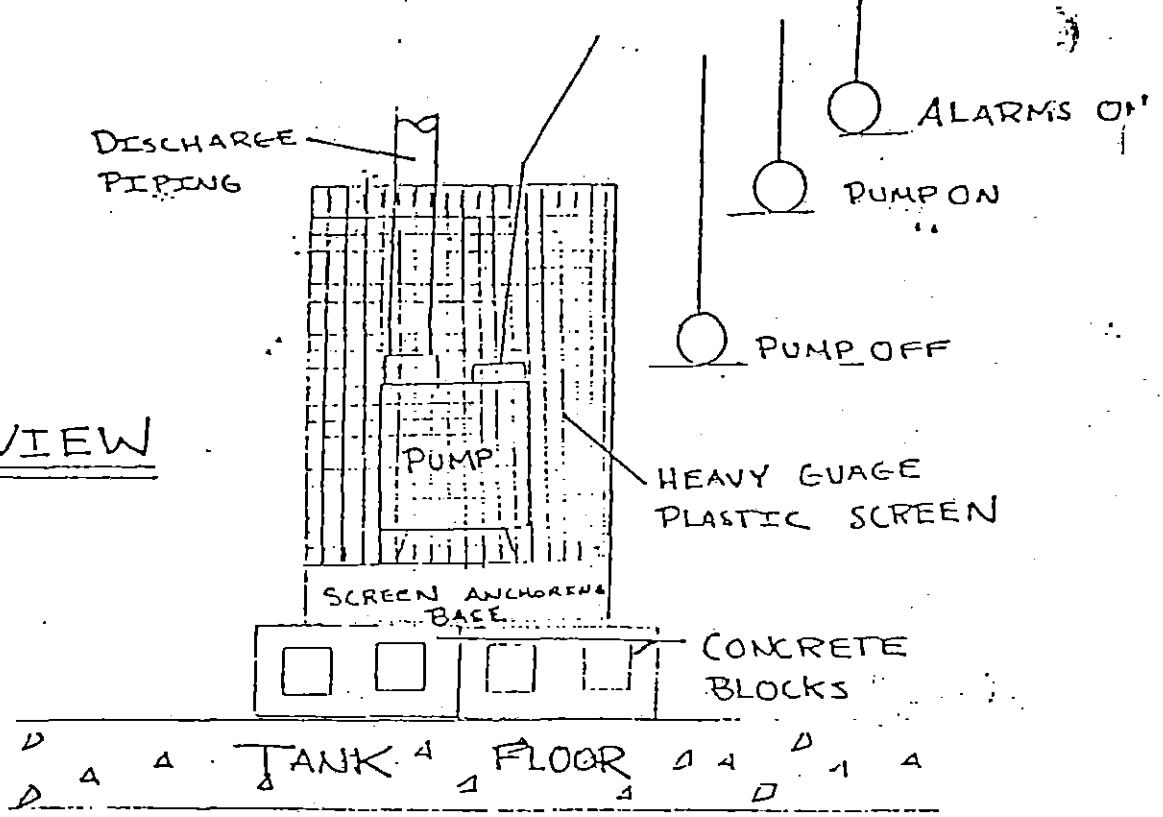
20. The permittee shall comply with all local planning, zoning, and building ordinances. Otherwise this variance approval is void.

21. Personnel from the Jackson County Planning and Development Department and DEQ Personnel must be allowed to monitor this system to insure that it is functioning for a period not to exceed five (5) years and not less than two (2) years. The monitoring is to occur once in the months of December, January, February and March.

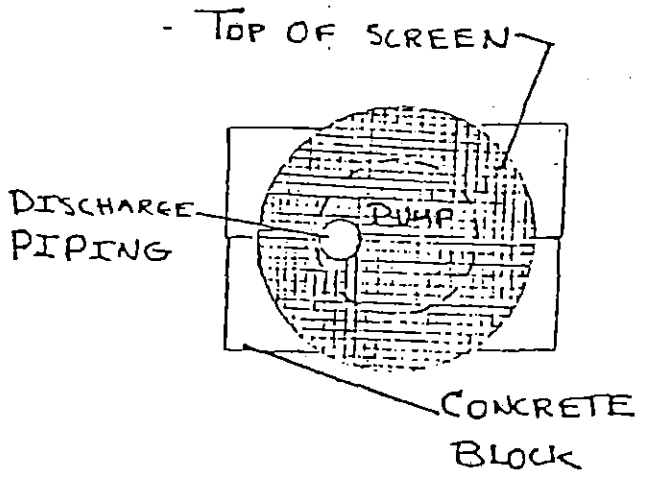


Low PRESSURE

SCALE: AS SHOWN		DRAWN BY TDH
DATE: 8/31/81		
NAME: JAMES E. PERRY EAGLE POINT, OR.		DRAWING NO. JA 215
SITE: 36 1W 24 403		SHT 2 OF 5 SHT OF



SIDE VIEW



TOP VIEW

NOTE: SCREEN OPENINGS TO BE SMALL ENOUGH TO BLOCK PASSAGE OF 1/8" SOLID SPHERE

Kerry L. Lay, Administrator

ATTACHMENT "C"

DEPARTMENT OF PLANNING & DEVELOPMENT

December 7, 1981

Environmental Quality Commission
c/o William A. Young, Director
Department of Environmental Quality
P. O. Box 1760
Portland, OR 97207

RE: Appeal of Variance Approval for James E. Perry
Twp. 36S, Range 1 West, Section 24, Tax lot 403

Dear Mr. Young:

I am writing to formally appeal the decision, by Variance Officer Greg Farrell, to grant the variance request submitted by Dr. James E. Perry on his property described above. The variance approval letter signed by Greg is dated November 18, 1981.

In support of this appeal I would like to make the following points:

1. The soil on Dr. Perry's property is classified as an Agate-Winlo complex. The area is flat, poorly drained, and underlain by an abrupt impermeable hardpan. The ground surface is hummocky with clay loam soils occurring in low mounds about 12-18 inches high. Very little or no soil is found in the low areas separating the mounds.

2. The area is affected by a perched water table from November to May; ponded water is found on the ground surface in the low areas during these months. Within the soil mounds, a perched water table within six inches of the ground surface has been observed by members of my staff. We have also noted that mottling is not a reliable water table indicator in these soils.

3. Because of the shallow soils, undulating topography, and severe perched water table problem Agate-Winlo soils have been considered unsuitable for any type of subsurface sewage disposal system. This includes sand filter systems. Recent changes in the sand filter rules may allow certain

32 W. Sixth St. / Medford, Oregon 97501 / (503) 776-7554

Agate-Winlo sites to be approved if the water table problems are found to be not too severe. During the coming months, our office plans to monitor a number of Agate-Winlo sites to determine whether and where sand filter systems can be approved.

4. Dr. Perry's variance application was prepared by his consultant, Dan Frank. The original proposal included a standard sand filter system with the drainfield being installed on a relatively large mound. To minimize the perched water table problem, the design included low-pressure distribution within the drainfield, covering the site with a twelve-inch-deep soil cap, and a perimeter agricultural drain.

5. During the formal variance hearing, I testified in favor of approving the variance as proposed. I asked that Jackson County be allowed to monitor the operation of the system as a part of our Agate-Winlo soils study. The applicant had no objection to this request. There was some discussion about the agricultural drain being unnecessary and the variance officer indicated he would not require it. No other major modifications of the variance proposal were discussed.

6. In his variance approval, Mr. Farrell deleted not only the agricultural drain but also the sand filter. At no time did Greg discuss the elimination of the sand filter with me or any members of my staff. Had he done so, we would have objected strenuously. All of our considerable experience with Agate-Winlo soils indicates that septic tank effluent systems will not function satisfactorily on these sites.

7. There were heavy rains throughout Jackson County during the last week in November. On December 1st and 3rd members of my staff visited the Perry site to determine water table depths. Measurements were taken from the four open test pits on the site and from four holes dug by auger. Water was found at from two to eight inches below ground surface on December 1st and at from five to ten inches on December 3rd. The uneven ground surface will require the drainfield trenches to be installed at depths of twelve to eighteen inches into the native soil. The trenches would therefore be partially or completely inundated by the observed water table.

8. I contacted Mr. Farrell to discuss the results of our water table observations on December 4th. I asked him to modify his variance approval by either a) reinstating the sand filter requirement, or b) keeping the record open until Spring, 1982 to give my staff the opportunity to monitor water table depths on the site throughout the winter. Greg refused to alter his decision.

9. Mr. Farrell's approval of this variance includes a requirement that all construction take place between June 1 and September 30 to insure a dry-soil installation. Therefore, no construction delay would result from a monitoring program lasting through April of 1982.

At this point I am asking the EQC to modify this variance approval by reinstating the sand filter, as originally proposed by the applicant.

Please call me if you have any questions.

Sincerely,

Bradley W. H. Prior, R.S.

Bradley W. H. Prior, R.S.
Supervising Sanitarian

cc: Greg Farrell, DEQ, Roseburg
Dave Couch, DEQ, Medford

kk

ATTACHMENT "D"

VICTOR ATIYEH
GOVERNOR

Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

December 18, 1981

Mr. James E. Perry
60 West Dutton Road
Eagle Point, OR 97524

Re: WQ-SSS-Variance
Appeal of Decision

Dear Mr. Perry:

The Department of Environmental Quality has received a letter appealing Mr. Gregory Farrell's recent variance decision concerning your property adjacent to Antelope Road in Jackson County. The appeal will be considered by the Environmental Quality Commission at their regularly scheduled meeting on March 5, 1982. The Commission will meeet within the 14th Floor Conference Room of the Yeon Building, 522 S.W. Fifth Avenue, Portland, Oregon. I will provide you with the tentative agenda and staff report as soon as they are available.

By receipt of a copy of this letter, Jackson County Department of Planning and Development is directed to refrain from issuing your construction installation permit until the appeal is resolved.

Please feel free to contact me if you have questions. My telephone number is 229-6443, or toll free, 1-800-452-781 .

Sincerely,

Sherman O. Olson, Jr.

Sherman O. Olson, Jr.
Assistant Supervisor
On-Site Sewage Systems Section
Water Quality Division

SOO:g
XG744 (1)

cc: Effluent Pump Specialties
Greg Farrell
Jackson County
Southwest Region Office, DEQ

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item No. H, March 5, 1982, EQC Meeting

Petition to Amend Noise Regulations for the Sale of New School Buses

Background

Oregon Revised Statute Chapter 467 directs the Environmental Quality Commission to "investigate and after appropriate public hearing, establish maximum permissible levels of noise emission for each category . . ." In the fall of 1973, the Department proposed rules establishing maximum permissible levels of noise emission for various categories of sources, and held public hearings on the proposed rules throughout the state.

Subsequent to public informational hearings, the Commission held a formal hearing to consider the noise rules for adoption. At the July 19, 1974 EQC meeting in Portland, the Commission approved and adopted the motor vehicle noise rules and associated procedure manuals.

The Department has received a petition from General Motors Corporation to amend OAR Chapter 340, Section 35-025, Noise Control Regulations for the Sale of New Motor Vehicles. This petition addresses proposed amendments to the rules as they relate to the sale of new school buses. The petition would have the Commission rescind the existing 80 dBA standard for 1979 and subsequent models.

Options

If the Commission deems it necessary to deny the petition, the specific reasons should be given therefor so that these reasons may be included in a written order to be signed by the Commission and served to the petitioner.

Should the Commission adopt the Director's recommendation to entertain the petition, implicit in this decision would be the authorization and direction for the Department to give public notice and conduct a public hearing in accordance with the Department's Administrative Procedures Rules.

Evaluation

The petition submitted by General Motors Corporation requests the deletion of the 80 dBA standard for 1979 and subsequent model school buses and proposes regulation of this vehicle category to the same schedule and noise emission levels as trucks over 10,000 pounds GVWR. The truck standards, which are pre-empted by federal rules, currently are held to 83 dBA until January 1, 1983, at which time the emission limit drops to 80 dBA. GMC suggests that the 80 dBA truck standard may be delayed until 1986 by EPA due to technology concerns of the vehicle industry.

The petitioner provided the following justification to support rescission of the 80 dBA standard for school buses:

a) As school buses share the same chassis and power-train with medium duty trucks, the noise emission standards should be identical.

b) With the increased demand for diesel-powered school buses, it is increasingly difficult to achieve the 80 dBA emission limit due to the higher noise output of the diesel engine over the gasoline engine.

c) No major noise control technology has been developed for diesel-powered vehicles since the federal standards were established in 1976.

d) The increased customer cost of achieving an 80 dBA standard for a naturally-aspirated, diesel-powered school bus would approach $1,000 per unit. Similarly, a turbo-charged diesel-powered school bus meeting an 80 dBA limit would have an estimated increased customer cost of $800.

e) Increased maintenance costs for an 80 dBA school bus are estimated at $200 to $400 per year by the petitioner.

f) The environmental benefit of controlling school buses to 80 dBA is minimal.

Summation

The Department has received a petition from General Motors Corporation to amend the standards for new school buses. The petitioner proposes that school buses as a vehicle category be on the same schedule and noise emission levels as trucks over 10,000 pounds GVWR. The Department concludes that the petition contains sufficient justification to warrant the holding of a public hearing on the proposal. Inherent in the process would be the seeking of additional information for approval or disapproval of the rule change.

Director's Recommendation

It is the Director's recommendation that the Commission authorize the Department to hold a public hearing, before a hearings officer, at a time and location to

be set by the Director. Notification should be given that any school bus manufacturers or manufacturer associations interested in filing similar petitions, may in lieu thereof, be heard at this public hearing. The hearings officer will receive testimony limited to amendments to the noise rules pertaining to the sale of new school buses.

Bill

WILLIAM H. YOUNG

Attachments

1. General Motors Corporation Petition
2. Proposed Rule Amendment
3. Draft Hearings Notice
4. Draft Statement of Need

John Hector:dj
January 9, 1982
229-5989

Attachment 1
Agenda Item H
March 5, 1982
EQC Meeting

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

February 3, 1982

Mr. Joe B. Richards, Chairman
Environmental Quality Commission
State of Oregon
P. O. Box 10747
Eugene, Oregon 97401

Dear Mr. Richards:

Attached for filing with the Commission are five (5) copies of a Petition by General Motors Corporation to amend noise control regulations adopted by the Department of Environmental Quality. The Petition is filed in accordance with Oregon Administrative Rules, Chapter 340.

The Petition addresses the matter of noise regulations for school buses as previously presented by General Motors in testimony at the Commission's public hearing on November 17, 1981. Inasmuch as noise regulations for school buses can have a direct impact on General Motors product offerings in the State of Oregon, it is requested that the Commission give this matter its immediate attention.

An additional five (5) copies of this Petition are being furnished to the Department of Environmental Quality.

Sincerely yours,

Paul P. Pataky

Paul P. Pataky
Assistant Staff Engineer
International Regulations

attachments (5)

cc: Mr. John M. Hector, Program Manager (5)
Noise Pollution Control
State of Oregon
Department of Environmental Quality
Box 1760
522 S.W. 5th Avenue
Portland, OR 97207

PETITION OF GENERAL MOTORS CORPORATION
TO
THE ENVIRONMENTAL QUALITY COMMISSION
TO
AMEND
DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 340, OREGON ADMINISTRATIVE RULES
DIVISION 35
NOISE CONTROL REGULATIONS

February 3, 1982

In accordance with Chapter 340, Division 1, Subdivision 1, Oregon Administrative Rules, petition is hereby made under Section 11-045 of those rules to amend Department of Environmental Quality Noise Control Regulations for the Sale of New Motor Vehicles, Chapter 35, of those rules, as adopted by the Department of Environmental Quality in July, 1974 and last amended in April, 1980.

The objective of this petition is to amend Chapter 340, Division 35, of the Oregon Administrative Rules, Noise Control Regulations, to regulate school buses to the same schedule and sound levels as trucks over 10,000 pounds GVWR.

BACKGROUND

The State of Oregon adopted noise regulations, including motor vehicle noise regulations, in July, 1974. At that time, trucks and buses according to ORS 481.035 and 481.030 were included as a single class of (heavy duty) vehicles.

In April 1976, the U.S. EPA promulgated noise regulations for new medium and heavy trucks over 10,000 pounds GVWR. In August of 1976, the Oregon regulations were amended to adopt the 10,000 pound breakpoint for trucks and to establish buses, as defined in ORS 481.030, as a separate class of vehicles for purposes of noise regulation. The regulatory schedule for trucks incorporated sound levels the same as the federal regulations, i.e., 83dB in effect on January 1, 1978 with a step reduction to 80dB set for January 1, 1982. For buses, an 80dB standard became effective on January 1, 1979.

Subsequently, motor vehicle fuel price increases have accelerated dieselization of the medium duty truck fleet. In 1980, this development, coupled with the technological problems of quieting today's medium and heavy diesel trucks, resulted in motor vehicle manufacturers petitioning the federal EPA for either a delay in the effective date of the 80dB regulated level, scheduled to take effect on January 1, 1982, or its outright rescission.

In January, 1981, the federal EPA announced a one year delay in the effective date of the 80dB medium and heavy truck regulated noise level to January 1, 1983. The EPA deferral action was also accompanied by the opening of a comment period with respect to the 80dB regulated level. This gave motor vehicle manufacturers an opportunity to input technological concerns relating to noise control of today's diesel trucks as well as more far-reaching concerns of new engine technology applications resulting from fuel economy needs and future exhaust emissions

regulations. It now appears that the effective date of the 80dB truck regulation will be delayed until 1986 or beyond.

The federal medium and heavy truck regulation preempts non-identical state and local regulations and, therefore, the delay to 1983 (or 1986) in implementation of the 80dB regulated level will override state and local regulations which have an earlier (1982) effective date.

In addition, federal EPA spokesmen have stated publicly that proposed federal bus noise regulations will not be promulgated. Therefore, the DOT transit coach specification at 83 dB with a +2dB tolerance is the sole federal criterion for bus exterior noise. The DOT specification also defers to state and local regulations so that without federal EPA exterior noise regulations for buses, more stringent state and local standards will apply.

FACTS SHOWING REASONS FOR AMENDMENT OF RULES

School buses, if noise regulations are determined to be necessary, should be subject to exterior noise regulations according to the schedule and sound levels for medium duty trucks because of the identical nature of medium truck and school bus technology, i.e., chassis and power-train construction, the adverse economic impact of an 80dB regulation for diesel-powered school buses and the minimal environmental impact of such a regulatory approach.

Technology Considerations

General Motors submitted testimony concerning this issue at a public hearing called by the Oregon Environmental Quality Commission on November 17, 1981. A copy of the General Motors statement is attached (Attachment 1). Part of the technology material previously presented at the hearing is restated here.

Basically, the technology needed to meet national fuel economy and exhaust emissions priorities will result in new engines. This new technology includes application of such concepts as charge air cooling, electronic fuel controls, by-pass blowers and exhaust gas recirculation. These changes will affect heavy duty engines as well as new engines presently being used in medium duty vehicles.

While the effects of future technology on truck noise are not yet evaluated and fully understood, there are immediate concerns relating to an 80dB standard with current engines. When the U.S. EPA established the 80dB standard back in 1976, the decision was based in part on the presumption that quieter diesel engines would be developed, thus obviating the need for such noise reduction techniques as acoustical belly pans and side shields. There have been some improvements in engine noise reduction but no major breakthrough has occurred to permit the elimination of extensive acoustical shielding. Also, new medium duty diesel engines have recently become available. Vehicles equipped with these engines, which were not even considered at the time federal truck regulations were developed, require extensive noise reduction work. These engines are available in

school buses as well as medium duty trucks. In fact, with the exceptions of some items such as frame length, and front end sheet metal, the school bus chassis is virtually identical to a medium duty truck. For noise related equipment, i.e., radiator and fan, engine, transmission, exhaust system (tailpipe length excepted) and axles, the school bus and medium truck are the same. Therefore, the technical problems of noise reduction are the same for both vehicles and it is appropriate that school buses be regulated for noise along with trucks over 10,000 pounds GVWR, i.e., at the same sound levels and according to the same regulatory schedule.

Of special concern is the diesel powered school bus. These buses require significant noise reduction treatment to meet a level of 80dB which could either result in a significant cost penalty for, or preclude their sale in, Oregon.

Economic Considerations

A discussion of the economic factors related to vehicle designs to comply with an 80dB regulated level as opposed to the 83dB regulated level currently in effect for medium and heavy trucks is contained in the attached document entitled "General Motors Position Re: Uniform Motor Vehicle Noise Regulations (Attachment 2)." The information applies to both medium and heavy trucks, with the medium duty truck factors being identical to school buses.

There are two major costs associated with reducing the noise level of a truck (or school bus) from compliance with an 83dB standard to compliance with an 80dB standard. The first is the initial cost of added hardware and the second is the increased cost of vehicle maintenance.

While the attached information cites an estimated sales-weighted average increased customer cost of $400 for all medium and heavy trucks, it has been further estimated that the customer cost of an 80dB naturally-aspirated diesel powered medium truck, and, thus, a like equipped school bus would approach $1000 per unit. Similarly, a turbo-charged diesel powered medium truck or school bus would approach an estimated $800 in increased customer cost. These estimates are based on the need for belly pans (including acoustical lining for the naturally-aspirated version), possible new transmission design and acoustical shield and double-wall exhaust pipe for the naturally aspirated version.

Increased maintenance costs for the 80dB school buses are estimated at $200 to $400 per year by General Motors. These additional costs are the result of noise reduction hardware removal and reinstallation to perform routine vehicle maintenance service. (Note: United Parcel Service experienced increased first year maintenance costs for quieted heavy truck tractors of $305 to $312. While these are not identical to diesel school buses, noise reduction technology is similar enough that this information closely supports the General Motors increased maintenance cost estimates.) Note also that maintenance costs generally increase with vehicle age and use so that first year maintenance costs may not be representative of subsequent year maintenance costs.

Environmental Considerations

The environmental impact of regulating school buses at 83dB instead of 80dB is expected to be minimal based on limited use in residential areas (typically appearing briefly twice a day and not in the summer).

Other Considerations

The U.S. EPA, though not promulgating final bus noise regulations, recognized the similarities of medium trucks and school buses in the final draft of the federal bus noise regulations by setting the regulatory schedule and levels for school buses to the medium and heavy truck schedule and levels.

Also, the definition of bus in ORS 481.030 is sufficiently ambiguous as to leave some doubt about its applicability to school buses.

2KDC/0121
2/02/82

ATTACHMENT 1

Statement of General Motors Corporation
to the
Environmental Quality Commission
of the
State of Oregon
On Proposed Amendments to Noise Control Regulation

November 17, 1981

Oregon - Nov. 17, 1981

My name is Keith Cherne. I am a senior project engineer with the Environmental Activities Staff of General Motors Corporation.

I am here today in response to the Oregon Environmental Quality Commission's notice of hearing regarding proposed amendments to the Oregon Noise Control Regulations. Specifically, I would like to address the noise regulations for new motor vehicles according to Section 340-35-025 and Table 1 of the Oregon Administrative Rules.

I'd like to briefly discuss two items.

First, the proposed amendments would delay the effective date for an 80 dB standard for trucks in excess of 10,000 pounds GVWR for one year to January 1, 1983. This schedule agrees with the one year delay announced by the US EPA on January 19, 1981. However, EPA spokesmen have publicly announced the intent (and the attendant draft action) to further delay this effective date to January 1, 1986.

Therefore, it is suggested that the Oregon amendments either be finalized when the revised federal regulatory schedule is formally published in the Federal Register or otherwise identify the effective date for an 80 dB standard for trucks such that effectivity in Oregon becomes concurrent with the effective date for the federal standard.

A discussion of the technical and economic issues demonstrating a need for delaying the 80 dB truck standard is contained in a separate written submittal entitled "General Motors Position re: Uniform Motor Vehicle Noise Regulations." Basically, the technology needed to meet national fuel economy and exhaust emissions priorities will result in new engines. This new technology includes application of such concepts as charge air cooling, electronic fuel controls, by-pass blowers and exhaust gas recirculation. These changes will affect heavy duty engines as well

as new engines presently being used in medium duty vehicles.

While the effects of future technology on truck noise are not yet evaluated and fully understood, there are immediate concerns relating to an 80 dB standard with current engines. When the US EPA established the 80 dB standard back in 1976, the decision was based in part on the presumption that quieter diesel engines would be developed thus obviating the need for such noise reduction techniques as acoustical belly pans and side shields. There have been some improvements in engine noise reduction but no major break through has occurred to permit the elimination of extensive acoustical shielding. Also, new medium duty diesel engines have recently become available. These engines require extensive noise reduction work and were not even considered at the time federal truck regulations were developed. Note that these engines are available in school buses as well as medium duty trucks.

It is for these technical reasons and the economic ramifications of them that the US EPA has elected to defer the effective date of the 80 dB truck standard to, we believe, January 1, 1986.

This brings us to the second item of discussion, buses, and, in particular school buses. Simply stated, with the exceptions of some items such as frame length, and front end sheet metal, the school bus chassis is virtually identical to a medium duty truck. For noise related equipment, i.e., radiator and fan, engine, transmission, exhaust system (tail pipe length excepted) and axles, the school bus and medium truck are the same. Therefore, the technical problems of noise reduction are the same for both vehicles and it is General Motors recommendation that school buses be regulated for noise along with trucks over 10,000 pounds GVWR, i.e., at the same sound levels and according to the same regulatory schedule.

Though final federal bus regulations have not, and most likely will not, be promulgated, the final regulation, as drafted, recognizes

the similarity of medium trucks and school buses and contains just such a regulatory program.

In summary, General Motors recommendations concerning amendments to the Oregon Noise Control Regulations are:

- Delay the effective data of the 80 dB standard for trucks over 10,000 pounds GVWR to January 1, 1986 or invoke the federal schedule when it is finalized.

- Because of the basic similarity of medium truck and school bus chassis, regulate school buses along with trucks over 10,000 pounds GVWR.

One further comment, relating to the requirements of Section 340-35-025(1) of the Oregon Administrative Rules, requiring assessment of light vehicle noise control and and test procedures in 1982, General Motors will participate to the extent that information is available to assist in this assessment.

Thank you, and I will answer any questions you might have.

4KDC/1112
11/13/81

General Motors Position RE: Uniform Motor Vehicle Noise Regulations

Introduction

As a motor vehicle manufacturer, General Motors is subject to compliance with a variety of motor vehicle noise regulations. Federal truck noise regulations have brought nationwide uniformity in noise standards for trucks over 10,000 pounds GVWR. General Motors also seeks nationwide uniformity for buses and light vehicles (passenger cars and light trucks of 10,000 pounds GVWR or less). Based on usage and design characteristics, General Motors recommends the following vehicle classes and regulated noise levels:

Vehicle Class	Manufactured on/after Effective Date	Sound Level
Vehicles over 10,000 pounds GVWR except transit coaches.	January 1, 1978	83dB
Transit coaches	January 1, 1981	83dB
Passenger cars and light trucks 10,000 pounds GVWR or less	January 1, 1975	80dB

Discussion

According to the present Administration, noise is a local problem. In keeping with this philosophy, there is activity in Washington that would minimize (or perhaps eliminate) the federal role in environmental noise programs. Included in programs that might be curtailed are new product noise regulations, specifically those for motor vehicles.

The present situation with respect to new product noise regulations for three classes of vehicles of interest is explained in the following material:

1. Medium and heavy trucks over 10,000 pounds GVWR

Federal regulations have been in effect since January 1, 1978 with a sound level standard of 83 dB. A step reduction to 80 dB was originally scheduled to become effective January 1, 1982. On January 19, 1981, that effective date was deferred by EPA to January 1, 1983.

It is expected that the federal medium and heavy truck regulation will remain in effect with some changes. Basically, the changes are expected to relieve the manufacturers' administrative burdens with respect to compliance and/or certification. In addition, a further delay in the effective date of the 80 dB level is possible. It is also possible that the 80 dB level effective date may be postponed indefinitely.

Technical Issues - Trucks over 10,000 pounds GVWR

The near term picture on the economics and technology of noise control of medium and heavy trucks at the 80 dB level is obviously clearer now than it was during federal rulemaking five or six years ago. However, requirements for diesel engines in years immediately subsequent to 1983 (current effectivity for the 80 dB level) tend to obscure the exact nature of technology and economics required to attain the 80 dB level for medium and heavy trucks. This is so because there are major engine changes required to meet more demanding exhaust emission standards and to improve fuel economy in accordance with consumer demand. These redesigned engines are currently scheduled for the product line in 1986. They will incorporate new features to meet exhaust emission standards and the objective of improved fuel economy. It is our judgment at this time that

these same features will complicate the technology and, therefore, the cost of noise control.

Unfortunately, even to this day, the technology required to control sound levels on these engines has not been evaluated or demonstrated. This is, in large part, because neither the industry nor regulators could foresee, much less consider, the changes to diesel engines that would be required to meet exhaust emissions and fuel economy objectives.

In spite of major engineering programs on the part of industry and government, there have been no substantial breakthroughs regarding reduced engine noise. Although changes to the engines have resulted in some reduction of basic engine noise, the need for shields and underpans has not been eliminated. Extended side shields, fender shields, transmission shields and belly pans not required today are commonly required for noise control at the 80 dB level of regulation. There is no newly developed engine noise control technology that will obviate the use of these measures. To the contrary, there are indications that changes being made to engines in order to achieve better fuel economy and lower exhaust emissions may exacerbate the problems of noise control.

The 80 dB standard should be reconsidered on the basis of the actual technology available today. General Motors has completed the production design for 80 dB medium and heavy trucks. These designs are based on actual prototype tests and will be released for production in order to meet an 80 dB noise standard if required by federal regulations. If federal regulations are rescinded, these designs will become optional equipment for 80 dB regulated state and local jurisdictions with localized cost penalties and the potential loss of sales in these jurisdictions.

The following is a summary of further changes required to meet the 80 dB level of regulation which are in addition to those changes already made to meet the 83 dB level:

Medium Duty Truck

Engine Type	Added Treatment
Gasoline	Viscous Fan Drive. Low overshoot governor.
Diesel	Belly pan with absorptive material.
	Transmission shield.
	Redesigned air cleaner.
	Fender shields.
	Double wall exhaust pipe.
	Improved muffler.
	Improved transmissions: more gear teeth, finer tooth surface finish, stiffer casings.
	Engine treatment: isolated air intake manifold, dampened front cover plate, cast front mount, treated or isolated valve covers, treated or isolated oil pan, reduced rpm.

Heavy Duty Truck (Over 26,000 lbs. GVWR)

Engine Type	Added Treatment
Gasoline	Gasoline engines are being eliminated from the heavy duty trucks in the transition to more fuel efficient diesel engines.
Diesel	Expanded use of fender shields.
	Lower cab shields. *
	Double wall exhaust pipe. *
	Improved exhaust muffler.
	Improved transmissions: more gear teeth, finer tooth surface finish, stiffer casings.
	Belly pan.*
	Transmission shield.*

Back of cab enclosure.*

Engine treatment: isolated oil pan, exhaust manifold cover, cylinder block cover, stiffened block, anti-slap pistons, blower housing cover.

*Required on some models.

As it turns out, the new class of diesel engines that will be used widely in medium duty trucks and in school buses pose significant engineering difficulties in reducing noise levels. These engines were not even considered by government, or for that matter by GM, in its evaluation of technology during federal regulatory activities in 1975 and 1976 because they were not in existence as production engines.

We do not contend that the current line of engines and trucks cannot be made to comply with an 80 dB noise standard, but it is apparent that the treatment required is much more extensive than what had been predicted.

Future Engine Changes

During the 1975 evaluation of noise control technology upon which the 80 dB standard is based, neither government nor industry gave any consideration to changes that might occur in future engines. The impact of higher oil prices had not become fully apparent and the standards for future exhaust emissions were not yet established.

There are changes planned for future diesel engines for the purposes of improved fuel economy and emissions control which we believe will increase the noise level of the engines and also possibly change the technology that may be used to reduce overall truck noise. That is not to say that the noise levels cannot be controlled, but it should be recognized that the technology and therefore the costs of noise control are not defined at this point in time.

Engine Revisions for Fuel Economy and Emissions

Charge Air Cooling

Perhaps the most far reaching change planned for future diesel engines is the concept of charge air cooling.

Air compressed by the turbocharger for combustion has a nominal temperature of 310°F. In order to achieve better engine efficiency and lower emissions, the temperature of this air must be reduced substantially (to 125°F) before the cylinders are "charged" with air. This is accomplished with an inter-cooler which is essentially an air-to-air or air-to-liquid cooling radiator designed to extract heat from the charge air.

The intercooler may be located in front of the engine cooling radiator in the engine compartment. Given that no other changes are made, this will restrict the flow of air to the engine cooling radiator and also increase the temperature of the air for engine cooling purposes. Therefore, it may be necessary to increase the size of the fan and/or the drive ratio. Fan clutch devices are used on all these vehicles and it is predictable that the duty cycle of the fan will increase which may increase vehicle sound levels. It will be necessary to run tests with these very new engines installed in vehicles in order to determine the extent of any problems with cooling or fan duty cycles.

Reduction of the temperature of charge air is critical to achieving the desired fuel economy and emissions control. It follows that the flow of cooling air for the intercooler and the engine radiator is critical also. The effect of engine noise shields and belly pans on this air flow has yet to be determined.

Combustion noise in an engine generally increases with decreasing charge air temperature. Higher pressures are generated within the engine. The

phenomenon of increased noise levels on some engines when testing on very cold days has been observed. The effect of charge air cooling is likely to be similar and may even be more significant when operating in frigid weather.

We do not portray the above as insurmountable problems, but clearly the technology to control noise on these engines has not yet been demonstrated nor can costs be predicted at this time.

Electronic Control System

Electronic control systems will be applied to diesel engines which will provide optimum injection timing. Electronic control may provide more overall advance and would tend to increase combustion noise.

Better control of fuel input during engine acceleration may provide higher transient fuel rates with better vehicle performance and potentially higher transient exhaust noise.

As newly developed engines become available, they must be tested and evaluated as to the impact on noise.

Exhaust Gas Recirculation (EGR) 4 Cycle 8.2L Engine

It is expected that the higher cylinder air inlet temperatures associated with exhaust gas recirculation (EGR) will tend to lower the combustion and exhaust noise. The effect on engine mechanical noise is unknown.

By-Pass Blower - 2 Cycle Engine

The use of a controlled by-pass around the Roots-type scavenging blowers on the 2-cycle turbocharged engines is planned. This permits the engine-driven blower to provide scavenging and combustion air during light load and transient operations while exhaust energy to the turbocharger is low.

At higher loads, the by-pass opens, reducing blower parasitic load and excess combustion air to the engine, both of which benefit the brake specific NOx emissions (g/bhp-hr).

The by-pass mode may result in more mechanical engine noise, but it may lower combustion noise due to the resultant lower peak cylinder pressures. The blower by-pass effect on exhaust noise is not known.

In summary, it is quite probable that the changes made on engines to improve fuel economy and reduce emissions will have an impact on truck passby noise. It is our contention that the 83 dB truck standard should be retained until such time that these new engines have been evaluated and the technology to reduce noise is developed.

Maintenance and Serviceability

Addition of noise control hardware to trucks affects maintenance costs because of the additional cost of these components when it is necessary to replace them, and also because of the interference of these components with routine maintenance actions.

The addition of engine and transmission shields typically interferes with routine inspection, lubrication and maintenance actions. It may be necessary to remove shields in order to perform maintenance actions and time spent removing and replacing shields is an additional cost to the user and ultimately to the consumer. Such routines as servicing brake plumbing, draining the radiator core or checking transmission lubrication levels will take more time.

Shields and belly pans do not form a functional part of the vehicle and, in fact, will most likely be perceived by maintenance personnel as an impediment. It will be a natural reaction on the part of some maintenance personnel to discard these parts the first time they are removed for a maintenance action. Even during a well disciplined experimental program

conducted by the government and industry, there were problems keeping the shielding installed. Aside from the penalty of significantly increased maintenance costs if the vehicle is maintained properly, there is this valid concern that if the engine and transmission shields are removed for maintenance operations, they will not be replaced. This may be done deliberately or accidentally. Regardless of the reason, the result will be the same. The truck buyer and his customer will have paid the price for noise control but society will not have received the benefit.

At the time the federal 80 dB standard was established, it was believed that development of "quiet engines" would obviate the use of removable engine shields. This has not proved to be the case and therefore the requirement for the 80 dB standard should be reexamined.

United Parcel Service Quiet Tractors

The United Parcel Service (UPS) "Quiet Truck Program" is a joint venture that has involved the main truck suppliers for UPS (GMC and Mack) and the main engine suppliers (Cummins and Mack). The purpose of this program was to develop a practical quiet diesel tractor with a noise level approaching 75 db.

Two prototypes built to UPS specifications by GMC and Mack were put into service in early 1979 and in 1980, five Mack and five GMC "second generation" quiet tractors were put into service.

The UPS service organization has kept detailed records of the additional service costs experienced because of noise control features that were designed to cause minimum interference with service.

UPS reported that in the first year of service, the added maintenance cost for the Mack tractor was $305 and the GMC tractor $312. They expect these costs to increase dramatically in subsequent years as very little maintenance is performed on an engine in the first year. UPS used a labor

cost of $25 per hour which is a nominal present day figure. These figures apply to cab-over-engine vehicles.

General Motors has estimated the increased service costs to be expected on 80 dB vehicles over a seven-year period. These costs range from a $10 to $2687 increase for seven years, depending upon the engine and truck model. Those trucks requiring engine belly pans and/or back-of-cab engine enclosures will experience very substantial increases in maintenance costs. GM estimates an average increase in service costs of $200 to $400 per year, depending upon the model. This compares favorably with the costs actually experienced by UPS on their "quiet" trucks.

The GM estimates are conservative in that the cost of cleaning debris from belly pans is not included and increased cost due to accident damage of noise control parts is not included. Experience has shown that belly pans are susceptible to accident damage. There will also be lost time when mechanics drop tools and parts in the belly pan necessitating removal. This cost has not been calculated. These factors are among the reasons we believe that in many cases belly pans will be permanently removed from vehicles so equipped.

Economic Impact of 80 dB Noise Standard

There are two major costs associated with reducing the noise level of a truck from 83 dB to 80 dB. The first is the added hardware cost and the second, as previously discussed, is the increased cost of maintenance during the life of the truck.

The cost of hardware to reduce noise levels of trucks varies considerably depending upon the power train and the truck model. General Motors estimated costs for various models in our current product line and then developed a single sales weighted average figure for the cost of noise control hardware.

We estimate the average increase in price to the new truck purchaser for all medium and heavy trucks will be $400 (1982 economics) if an 80 dB standard is to be met. If federal standards are rescinded, this is the approximate cost penalty that will have to be borne by truck purchasers in 80 dB regulated jurisdictions. It should be noted that the $400 average price increase is based on all vehicle production at 80 dB. This price may increase substantially if only vehicles produced for selected jurisdictions are affected due to economies of scale. Clearly, it would be to the advantage of purchasers to buy new trucks in unregulated areas thus putting dealers in regulated areas at an economic disadvantage.

Conclusions

It is quite probable that changes to medium and heavy truck engines for improved fuel economy and reduced exhaust emissions will have an impact on truck passby noise. General Motors recommends retention of the 83 dB truck standard until such time as the new engines have been evaluated and noise reduction technology becomes available.

Further, if federal truck noise regulations are rescinded, state and local jurisdictions with an 80 dB standard may be faced with an economic disadvantage due to the increased equipment and customer cost requirements of meeting the 80 dB regulation.

2. Buses over 10,000 pounds GVWR

The federal EPA proposed bus noise regulations but never promulgated them. In the absence of EPA new product regulations, the U.S. Department of Transportation (DOT) transit coach specification at 83 dB with a +2 dB tolerance is the sole federal criterion for bus exterior noise. The DOT specification defers to state and local jurisdictions such that states and local jurisdictions may adopt regulations more stringent than 83 dB.

During the federal EPA regulatory process on bus noise regulations, General Motors proposed a voluntary compliance plan for buses. The plan had two aspects. In the case of transit coaches, GM proposed to voluntarily meet regulated levels of 83dB as of January 1, 1981 and then 80dB as of January 1, 1983. This proposal has not been acted upon by the federal EPA. The second aspect of the GM proposal is to regulate school buses on a schedule of sound levels and effective dates the same as for medium trucks. This is a rational approach inasmuch as school buses are built from medium duty truck drivelines and chassis.

Technical Issues - Buses

Buses are classified as three basic types; intercity coaches, school buses and transit coaches. General Motors is currently a manufacturer of school bus chassis and transit coaches. In considering the three types of buses as "noise types," the intercity coach appears much as a truck in interstate commerce with primary service on highways; the school bus is basically the same as a medium duty truck with limited service in populated areas; and, the transit coach is highly visible in essentially continuous service in more densely populated areas.

School Buses

School buses are built on medium truck chassis and include drive trains identical to medium trucks. The foregoing discussion of truck noise reduction technology and economics bears directly on school buses. As a result, jurisdictions that have an 80 dB bus regulation in effect will face a substantial cost penalty associated with the purchase of fuel-efficient diesel school buses. Further, maintenance costs will be increased as a result of noise reduction hardware as discussed for trucks.

Transit Coaches

Transit coach noise reduction has been the object of an ongoing development program for several years. The present General Motors RTS-04 model represents the current state of noise reduction development work which has been impacted by other major product programs. Changes for the 1981 model year include replacement of the 8V-7IN engine with the 6V-92TA engine to meet exhaust emission requirements and refinements to the air conditioning system which removed major components from the engine compartment.

Subsequent to the incorporation of these design elements, the RTS coach has been the subject of an engineering noise source analysis program. Based on program results, dominant components have been identified and efforts to redesign them are currently in process. This program is on schedule and, depending upon adoption of final design concepts, all or part of developed design releases may be introduced by the mid- to late 1982 model year.

For the near term, based on current test data, the RTS coach mean sound level is approximately 80 dB with no production units exceeding 82 dB to date. The incorporation of design concepts from the development program should achieve the objective of meeting an 80 dB not-to-exceed regulated level. However, the national priorities of fuel economy and exhaust emissions will have a significant impact on the transit bus as presented in the technical discussion of diesel engines for medium and heavy trucks. In fact, transit buses, which do not have the advantage of ram air to aid in engine cooling as on trucks, may be more seriously impacted by the increased heat dissipation required by the new engines. For example, the transit bus may require a larger, higher speed, direct-drive cooling fan to meet such increased heat rejection requirements.

The transit bus may be impacted by these changes as early as model year 1983 or 1984. Therefore, an 83 dB regulated level should be retained for

transit coaches until the new engines are evaluated and noise reduction technology is developed.

Conclusions

Because of basic similarities in operational use and forthcoming diesel engine technology, the intercity coach should be regulated at the 83 dB standard applicable to medium and heavy trucks. School buses, because of chassis and drivelines identical to medium trucks and the offering of a diesel engine option, should be regulated at the 83 dB standard applicable to medium trucks.

Transit coaches should be regulated as a separate class of vehicles based on test procedures, typical usage and high visibility in regular service in population centers. At the present time, it is recommended that an 83 dB standard be applied to transit buses until new diesel engines are evaluated and noise control technology is developed.

3. Passenger cars and light trucks, 10,000 pounds GVWR or less

The federal EPA gathered information, performed testing and developed and evaluated test procedures for light vehicles. However, light vehicles have not been identified by the EPA as a major source; that is, except for initial data-gathering, the federal regulatory process was never started.

The federal EPA did develop a complex test procedure to determine vehicle noise under part throttle operating conditions. The goal of this effort, as well as a parallel effort by General Motors, was to develop a test procedure that would evaluate light vehicle noise levels under operating conditions representative of community operation. The EPA planned to use the part throttle test for a new vehicle noise compliance test procedure.

Some jurisdictions have shown considerable interest in such a test procedure. However, attempts to harmonize test procedures with other nations were fruitless and the part throttle test procedure was summarily rejected.

Therefore, where it once appeared that by 1985 there would be a preemptive federal regulation in effect for passenger cars and light trucks, along with a new part throttle test procedure, it is now apparent that this will not be the case. In fact, state and local jurisdictions will continue to set regulatory limits for new light motor vehicles using the SAE J986a test procedure as is the present situation.

Rational support for an 80 dB regulated level for light vehicles derives from the discussion that follows.

A. An estimated 50 to 60% of General Motors current production light vehicles are expected to meet a 75 dB level under the wide open throttle (SAE J986a) test. These vehicles are the result of designing to meet a 78 dB level for the "worst case" noise configurations to assure compliance with an 80 dB regulation. (The 78 dB level provides a 2 dB design margin to account for production variability.) In order to comply with a 75 dB regulation, the design goal would be set at 73 dB. Currently, an estimated 75% of GM production vehicles would require further noise reduction to meet the 73 dB design goal.

B. Extensive empirical studies and computer modeling have shown that the urban community benefit, in terms of equivalent sound level (Leq), from replacing a population of vehicles designed to comply with an 80 dB regulation with a 75 dB-designed population, is on the order of 1 dB or less. This change is imperceptible to the human ear. This miniscule benefit is attributable to the combination of traffic flow and tire noise plus the fact that part throttle sound

levels of 75 dB vehicles are not correlatable nor readily discernable from part throttle sound levels of vehicles designed to meet 80 dB.

Therefore, reducing the regulated sound level below 80 dB will produce no noticeable benefit; however, there will be a considerable cost penalty associated with it.

C. Light vehicle manufacturers are currently placing primary emphasis on the national priorities of fuel economy and exhaust emissions. As a result, there is a rapid movement toward smaller vehicles, more and smaller four- and six-cylinder engines, more diesel engines and increasingly complex emissions control technology. Predictions of increased vehicle sound levels with decreasing vehicle and engine size and power have not been realized to date. With an increasing percentage of General Motors' production devoted to smaller vehicles over the past five or six years, and with an 80 dB standard first becoming effective for light vehicles in the 1975 model year, the estimated sales-weighted mean sound level of the General Motors model year light vehicle production population remains in the range of 75 to 76 dB according to the SAE J986 test.

The 80 dB light vehicle noise standard and attendant 78 dB design goal provide the necessary freedom for product design for noise, as an adjunct to fuel economy and emissions priorities, such that new light vehicles continue to be quiet in community operation.

Conclusion

General Motors recommends a regulated sound level of 80 dB for passenger cars and light trucks under 10,000 pounds GVWR according to the SAE J986a test.

3KDC/520
6/09/81

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

February 10, 1982

Mr. Joe B. Richards, Chairman
Environmental Quality Commission
State of Oregon
P.O. Box 10747
Eugene, Oregon 97401

Dear Mr. Richards:

Ref: General Motors Petition, February 3, 1982, to Amend OAR Chapter 340, Division 35, Noise Control Regulations

Attached for filing with the commission are five (5) copies of information supplementary to the referenced General Motors Petition seeking to amend the Oregon Motor Vehicle Noise Regulations. This information is filed in accordance with the provisions of the Oregon Administrative Rules relating to the filing of a petition to amend a rule.

Therefore, the following are hereby submitted for filing:

Item 1: Attachment 1 is a copy of the Rule (340-35-025) to be amended with proposed additions underlined.

Item 2: Attachment 2 is a list of other persons with a special interest in the Rule that is proposed to be amended.

Item 3: General Motors hereby waives the time requirements as specified in OAR 340-11-047(b) and OAR 340-11-047(d) with the understanding that the Department of Environmental Quality will bring this matter to the Commission at the earliest opportunity, i.e., at the scheduled meeting of the Commission March 5, 1982.

This letter and attachments constitute a part of the General Motors Petition package in accordance with Oregon Administrative Rules.

Sincerely yours,

Paul P. Pataky

Paul P. Pataky
Assistant Staff Engineer
International Regulations

2KDC/0209a

Attachments (5)

cc: Mr. John M. Hector, Program Manager (5)
Noise Pollution Control
State of Oregon
Department of Environmental Quality
Box 1760
522 S.W. 5th Avenue
Portland, OR 97207

ATTACHMENT 1

TABLE 1

(340-035-025)

New Motor Vehicle Standards

Moving Test at 50 Feet (15.2 Meters)

Vehicle Type	Effective For	Maximum Noise Level, dBA
Motorcycles	1975 Model	86
	1976 Model	83
	1977-1982 Models	81
	1983-1987 Models	78
	Models after 1987	75
Snowmobiles as defined in ORS 481.048	1975 Model	82
	Models after 1975	78
(a) Trucks and school buses in excess of 10,000 pounds (4536 Kg) GVWR	1975 Model	86
	1976-1981 Models or Models manufactured after January 1, 1978 and before January 1, [1982] 1983	83
	Models manufactured after January 1, [1982] 1983 , and before January 1, 1985	80
	Models manufactured after January 1, 1985	(Reserved)
Automobiles, Light Trucks, and All Other Road Vehicles	1975 Model	83
	Models after 1975	80
Buses as defined under ORS 481.030	1975 Model	86
	1976-1978 Models	83
(a) (Except school buses)	Models after 1978	80
Motorboats	Models offered for sale after June 30, 1980	82

(a) Proposed additions are underlined.

ATTACHMENT 2

Other Persons With Special Interest in the Rule Change
(OAR Chapter 340, Division 35, Section 025)

School Bus Chassis Manufacturers & Dealers *

Mr. R. J. Genik, Manager
Vehicle Noise Planning
Ford Motor Co.
The American Road - Room 234
Dearborn, MI 48121

Mr. W. J. Martin
Legislative Engineer
International Harvester
P.O. Box 1109
Fort Wayne, IN 46801

* Dealers represented by the Oregon Automobile Dealers Association.

School Bus Body Builders

Mr. R. Dumond
Bluebird Body Co.
P.O. Box 937
Fort Valley, GA 31030

Mr. L. Daulton
Carpenter Body Co.
Highway Rte. 37
Mitchell, IN 47446

Mr. M. B. Mathieson
Thomas Built Buses, Inc.

P.O. Box 2450
High Point, NC 27261

Mr. T. Herril
American
Transportation Co.
P.O. Box 311
Conway, AR 72032

Mr. R. Meadows
Wayne Corp.
P.O. Box 908
Richmond, IN 47374

Purchasers, Users, Owners and Operators of School Buses

Oregon School Districts*

* Contact:

Mr. J. W. Sperr
Director of Public Transportation
Oregon Department of Education
700 Pringle Parkway S.E.
Salem, OR 97310
503/378-3577

Oregon School
Bus Contractors*

* Contact:

Mr. D. Flatt
Mid-Columbia Bus Co.
P.O. Box 635
Condon, OR 97823
503/384-2292
(Detailed list included on pp. 1-3, 1-4)

Organizations and Associations

Mr. N. Fabian
Motor Vehicle Manufacturers Association

300 New Center Building
Detroit, MI 48202

Mr. Jim Forester
School Bus Manufacturers Institute

5530 Wisconsin Ave. - Suite 1220
Washington, D.C. 22015

Mr. D. Flatt, President
Oregon School Transporation Assoc.
c/o Mid-Columbia Bus Co.
P.O. Box 635
Condon, OR 97823
503/384-2292

Mr. W. E. Peters, Executive VP
Oregon Automobile Dealers Assoc.
P.O. Box 14460
Portland, OR 97232
503/233-5044

2KDC/0209
2/10/82

OREGON DEPARTMENT OF EDUCATION
700 Pringle Parkway S.E.
Salem, OR 97310

SCHOOL BUS CONTRACTORS

BAKER

Otis Frost
Box 336
Huntington, OR 97907
(Huntington #16)

BENTON

Chester Crowson
Route 1, Box 715
Monroe, OR 97456
(Irish Bend #24, Monroe #25 and UHI, Bellfountain #23, Alpine #26)

Dorsey Bus Company
1500 N.W. 9th Street
Corvallis, OR 97330
(Corvallis #509)

Olsen Transportation Company
Route 2, Box 162
Philomath, OR 97370
(Philomath #17)

CLACKAMAS

Mrs. Rose Chancellor
631 W. Main
Molalla, OR 97038
(Molalla #35)

United Buses
1660 S.W. Bertha Boulevard
Portland, OR 97219
(West Linn #3, Redland #116)

Bob Rinkes
1200 - 82nd Drive
Gladstone, OR 97027
(Gladstone #115)

Marcus Dugan
Route 2, Box 155
Molalla, OR 97038
(Dickey Prairie #25)

School Bus Services
770 S.W. 4th
Canby, OR 97013
(Canby UH #1 and #86, Carus #29)

School Bus Services
311 N.E. 2nd Street
Gresham, OR 97030
(Damascus Union #26, Cottrell #107)

COLUMBIA

Robert Curl
875 Park Drive
Vernonia, OR 97064
(Vernonia #47)

Don Jensen
P.O. Box 569
St. Helens, OR 97051
(St. Helens #502)

Edward F. Havlik
Route 1, Box 200
Scappoose, OR 97056
(Scappoose #1)

COOS

North Bend Bus Company
P.O. Box 375
North Bend, OR 97459
(North Bend #13)

CURRY

Patricia Cox
Route 3, Box 125
Brookings, OR 97415
(Upper Chetco #23)

Robert Lund
Box B
Gold Beach, OR 97444
(Agness #4)

DOUGLAS

William Grice
1144 Winchester Avenue
Reedsport, OR 97467
(Reedsport #105)

Ellison Transportation Co.
P.O. Box 636
Roseburg, OR 97470
(Roseburg #4, Riddle #70

Jim Fleming
North Douglas Trans. Co.
P.O. Box 502
Drain, OR 97435
(North Douglas #22)

Richard & Nelda Slater
P.O. Box 58
Days Creek, OR 97429
(Days Creek #15)

GILLIAM

Mid-Columbia Bus Company
401 S. Main
Condon, OR 97823
(Condon #25)

JOSEPHINE

Columbia Bus Service
126 Ringuette Street
Grants Pass, OR 97526
(Josephine County Unit)

LANE

Dorsey Bus Company
3590 Bove Lane
Eugene, OR 97402
(Bethel #52, Fern Ridge

Dorsey Bus Company
160 S.W. Kalmia
Junction City, OR 974
(Junction City #69)

LINCOLN

Dorsey Bus Company
(Equipment and Maintenance)
360 Burgess Road
Toledo, OR 97391
(Lincoln County School District)

LINN

Gene Bradley
P.O. Box 621
Albany, OR 97321
(Scio #95)

Dorsey Bus Company
1500 N.W. 9th Street
Corvallis, OR 97330
(Oak Creek #15, Sandridge #30)

Jerry Crowson
Monroe, OR 97456
(Wyatt #63)

MARION

Gene Bradley
Route 1, Box 213
Jefferson, OR 97352
(Jefferson #14)

Dorsey Bus Company
P.O. Box 708
Dallas, OR 97338
(Gervais UH #1, Woodburn #103)

John Friend
P.O. Box 6
Hubbard, OR 97032
(North Marion #15)

MULTNOMAH

Columbia Bus Service
6755 N.E. Columbia Boulevard
Portland, OR 97218
(Portland #1)

Evergreen Stages
9038 N. Denver Avenue
Portland, OR 97217

Raz Transportation Company
1660 S.W. Bertha Boulevard
Portland, OR 97219

School Bus Services
311 N.E. 2nd Street
Gresham, OR 97030
(Gresham UH #2 & 4, Orient #6)

POLK

Dorsey Bus Company
P.O. Box 708
Dallas, OR 97338
(Dallas #2)

Harry Fast
Route 1
Rickreall, OR 97371
(Dallas #2)

SHERMAN

Mid-Columbia Bus Company
401 S. Main
Condon, OR 97823
(Rufus #3, Wasco #7, Fossil #21,
Sherman UH #1)

TILLAMOOK

Wayne Sours
Box 175
Garibaldi, OR 97118
(Neah-Kah-Nie #56)

UMATILLA

Fowler Transportation Co.
Box 175
Hermiston, OR 97838
(Hermiston #8)

Terry Martin
Hermiston OR 97838
(Hermiston #8)

Mid-Columbia Bus Company
313 Klickitat Street
Umatilla, OR 97882
(Umatilla #5)

Pendleton Bus Company
Route 1, Box 117
Pendleton, OR 97801
(Pendleton #16)

Burl Wattenberger
Echo, OR 97826
(Echo #5)

WALLOWA

Moffit Brothers
P.O. Box 156
Lostine, OR 97857
(Enterprise #21,
Wallowa #12)

WASHINGTON

L. Max Shafer
125 Sunset Avenue
Banks, OR 97106
(Banks #13)

Richard Hendricks
1837 "D" Street
Forest Grove, OR 97116
(Forest Grove #15,
Reedville #29)

Columbia Bus Service
6755 N.E. Columbia Bou
Portland, OR 97227
(Tigard 23)

Itel and Itel
12150 S.E. Tualatin-
Sherwood Road
Sherwood, OR 97140

YAMHILL

Don Jernstedt
P.O. Box 468
Carlton, OR 97111
(Yamhill-Carlton UH #1
Yamhill #16, Carlton #

Jim Claus
415 S.W. Chapman
Sheridan, OR 97378
(Sheridan #48, Amity #

Bill Heveron
Route 2, Box 176M
Dayton, OR 97114
(Dayton #8)

Attachment 2
Agenda Item H
March 5, 1982
EQC Meeting

RULE AMENDMENT AS PROPOSED BY PETITIONER

TABLE 1

(340-035-025)

New Motor Vehicle Standards

Moving Test at 50 Feet (15.2 Meters)

Vehicle Type	Effective For	Maximum Noise Level, dBA
Motorcycles	1975 Model	86
	1976 Model	83
	1977-1982 Models	81
	1983-1987 Models	78
	Models after 1987	75
Snowmobiles as defined in ORS 481.048	1975 Model	82
	Models after 1975	78
Trucks in excess of 10,000 pounds (4536 kg) GVWR and School Buses	1975 Model	86
	1976-1981 Models or Models manufactured after January 1, 1978, and before January 1, 1982	83
	Models manufactured after January 1, 1982, and before January 1, 1985	80
	Models manufactured after January 1, 1985	(Reserved)
Automobiles, Light Trucks, and all Other Road Vehicles	1975 Model	83
	Models after 1975	80
Buses as defined under ORS 481.030 except School Buses	1975 Model	86
	1976-1978 Models	83
	Models after 1978	80
Motorboats	Models offered for sale after June 30, 1980	82

Attachment 3
Agenda Item H
March 5, 1982
EQC Meeting

Draft Hearings Notice

****
* *
* NOTICE OF PUBLIC HEARING *
* *
****

EQC SOLICITS TESTIMONY ON PETITION TO AMEND NOISE CONTROL REGULATIONS

The Oregon Department of Environmental Quality (DEQ) has scheduled public hearings to consider testimony on a petition submitted by General Motors Corporation to amend the existing noise emission standards for new school buses from 80 decibels to 83 decibels. Hearings will be held on this proposal on ____ _____.

WHAT IT PROPOSED?

General Motors Corporation is proposing to have the Commission rescind the 80 decibel standard for new school buses that has been in effect since 1979. Instead, they propose that school buses meet the same schedule as specified for heavy duty trucks. The heavy truck schedule, as approved by the federal EPA, establishes an 83 decibel standard until 1983 and then reducing to an 80 decibel standard.

WHO IS AFFECTED BY THIS PROPOSAL?

The public is affected by excessive noise emissions. The motor vehicle industry is directly affected by this proposal. School districts may also be affected by the proposal in the availability and cost of new school buses.

HOW TO SUBMIT YOUR INFORMATION

Written comments should be sent to the Department of Environmental Quality, Noise Control Section, P.O. Box 1760, Portland, Oregon 97207 and should be received by _____.

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

WHERE TO OBTAIN ADDITIONAL INFORMATION

Copies of the proposed regulations may be obtained from:

Department of Environmental Quality

Noise Control Section

P.O. Box 1760

Portland, OR 97207

or phone:

503-229-6085, or

1-800-452-7813 (within Oregon only)

LEGAL REFERENCES FOR THIS PROPOSAL

This proposal may amend OAR Chapter 340 Section 35-025 under authority of ORS Chapter 467.

This proposal does not appear to conflict with Land Use Goals. Public comment on land use issues involved is welcome, and may be submitted in the same fashions as are indicated for testimony in this Public Notice of Hearing. The Department of Environmental Quality intends to ask the Department of Land Conservation and Development to mediate any apparent conflicts brought to our attention by local, state or federal authorities.

FISCAL AND ECONOMIC IMPACT

As this petition proposes to reduce the stringency of existing standards, it is expected that minimal beneficial fiscal or economic impacts may result in the adoption of the General Motors Corporation proposal.

FINAL ACTION

After public hearing, the Commission may adopt a rule identical to the one proposed in the petition, adopt a modified rule on the same subject, or decline to act. The Commission's deliberation should come in June or July, 1982 as part of the agenda of a regularly scheduled Commission meeting.

John Hector:dj
January 9, 1982

Attachment 4
Agenda Item H
March 5, 1982
EQC Meeting

Draft Statement of Need for Rulemaking

STATEMENT OF NEED FOR RULEMAKING

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

(1) Legal Authority

This proposal may be adopted under authority of ORS 467.030.

(2) Need for the Rule

Excessive emissions of noise cause impacts detrimental to the health, safety or welfare of Oregon citizens.

(3) Principal documents relied upon in this rulemaking:

a) General Motors Corporation petition for the rulemaking dated February 3, 1982.

b) Existing noise control regulations OAR 340-35-025.

The above documents may be reviewed at the Department's offices at 522 S.W. Fifth Avenue, Portland, Oregon.

(4) Statement of Fiscal and Economic Impact

As this petition proposes to reduce the stringency of existing standards, it is expected that minimal beneficial fiscal or economic impacts may result in the adoption of the General Motors Corporation proposal.

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. J, March 5, 1982, EQC Meeting

Information Report: Supplemental Material Concerning Attorney General's Opinion on Resource Recovery from Solid Waste.

Background

At the Commission's January 22, 1982 meeting, the staff reported on a recent Attorney General's opinion concerning resource recovery from solid waste.

The staff described the possible implications of this opinion and presented a proposed course of action for dealing with small scale resource recovery/recycling activities. Because of the wide range of activities and facilities that could fall within this broad definition, the staff proposed that the Department would normally regulate only those practices and facilities which clearly posed a potential threat to public health or the environment. In addition, several citizens testified to the Commission and requested that the Department take action against an individual who had constructed a fence from used automobile and truck tires.

The Commission accepted the staff's report and asked the staff to report back at this meeting with more detailed information on the implications of attempting to regulate resource recovery facilities.

Discussion

Under Oregon law (ORS 459.005), "Solid Waste Disposal Site" means "land and facilities used for the disposal, handling or transfer of, or resource recovery from solid wastes . . . " Under the same statute, "Resource Recovery" is defined to include:

(a) "Energy recovery," which means "recovery in which all or a part of the solid waste materials are processed to utilize the heat content, or other forms of energy, of or from the material."

(b) "Material recovery," which means "any process of obtaining from solid waste, by presegregation or otherwise, materials which still have useful physical or chemical properties after serving a specific purpose and can, therefore, be reused or recycled for the same or other purpose."

(c) "Recycling," which means "any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity;" and,

(d) "Reuse," which means "the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity."

ORS 459.205, requires that no person shall establish, operate or maintain a "Solid Waste Disposal Site" without first obtaining a permit from the Department. Accordingly, the Department could initiate enforcement action against a wide range of individuals and facilities who are using or dealing in used goods. In an attempt to quantify the potential impact of such action, the staff has made a brief survey of known low technology "Resource Recovery" facilities. The results of that survey are as follows:

1. There are currently 267 recycling depots and markets around the state registered with the Department's Recycling Information Office, including 157 in the Portland metropolitan area. In addition, there are innumerable newpaper drop-off boxes located around the state.

2. Statewide there are five firms, three in Portland, one in Eugene and one in the Coos Bay area that receive scrap tires and process them into fuel or other usable products.

3. The Oregon Gasoline Dealer's Association estimates that there are between 1,800 and 1,900 service stations statewide. Pacific Northwest Bell's Business to Business Yellow Pages lists 102 tire dealers in Oregon. It is the staff's experience that virtually all such facilities have accumulations of scrap tires that range in number from a few to several hundred. At least two of the larger tire centers, the Les Schwab facility in Prineville and the Steve Wilson facility in White City, have accumulations substantially greater than 10,000.

4. Tires are commonly used by farmers statewide as weights to hold down silage covers and as barriers around corrals and livestock holding areas. The number of tires used on a farm may vary from a few to several hundred. As reported to the Commission in January, one farmer in Yamhill County has constructed a livestock control fence involving 30,000 or more tires. Staff has also observed similar, but less extensive fences, on farms in Benton and Clatsop Counties. An article in the December 1981 issue of Solid Waste Management magazine reports that the Oklahoma Rubber Fence Company, Inc. has installed 350,000 feet of rubber fencing, consisting of strips cut from old tires, in six states since October 1980.

5. Staff has observed two auto wrecking yards, one near Hillsboro and one near Willamina, that have fences constructed from old automobile wheels and tires, respectively. Also, near Hermiston, a farmer has constructed a fence out of old appliances (stoves, refrigerators, etc.)

6. An article in the fall 1981, issue of Exxon USA magazine reports that Tire Playground, Inc., a New Jersey firm, has placed approximately 60,000 scrap tires in 200 playgrounds around the country. In Oregon, innumerable playgrounds, school yards and parks use tires as part of their recreational equipment.

7. Klamath County operates a large tire storage site in an isolated cinder pit. Many thousands of tires are involved. The county has been trying to find a productive use for the tires, but is prepared to bury them if necessary.

8. Tires are commonly used around the state at marinas, wharfs, loading docks, auto race tracks, etc. as bumpers and barriers.

Clearly, there are thousands of "Resource Recovery Facilities" in Oregon, if one wishes to strictly interpret the law. The staff, however, believes that DEQ regulation of more than a few such facilities is not practicable. Facilities which receive mixed municipal refuse (containing food wastes, hospital wastes, small quantities of chemicals, etc.) obviously should be regulated. These wastes clearly constitute a potential threat to public health and the environment if improperly managed.

Other wastes, such as wood, glass, metals, rubber, plastics, etc. are essentially inert, except that bark and some metals may leach in a saturated environment. Accordingly, the staff believes that accumulations or reuse of such materials should not be a matter of DEQ concern, except where there may be a threat to water quality. It is a fact that these relatively inert materials may, because of their shape or form, trap rain water and, therefore, serve as a medium for mosquito breeding or may provide incidental harborage (not a food source) for rodents. There are innumerable structures, man-made and natural, which also serve as breeding places for mosquitoes or harborage for rodents. In the staff's opinion, however, vector control should be a priority concern of this Department only where putrescible wastes (rapidly decomposing organic matter, such as food scraps, animal waste, sewage sludge, etc.) are involved.

This discussion of the Department's appropriate regulatory role in the area of resource recovery was precipitated largely because of the persistent complaints we have received concerning one tire fence in Yamhill County. In this regard, it is important to note that the Department has received virtually no complaints about any of the other Resource Recovery Facilities described above, including the other tire fences which were observed.

As the Commission is well aware, the Department's budget has been substantially reduced and we are now facing further reductions. As a result, we have had to eliminate many worthwhile activities which we were doing or would like to do. In view of all these facts, we do not believe that there is sufficient justification for taking on the additional burden of routinely regulating small scale Resource Recovery Facilities at this time.

Conclusion

At the Commission's request, the staff has further evaluated and reconsidered the proposed policy which was presented at the Commission's January 22, 1982 meeting. As a result of this additional study, the staff continues to believe that the regulation of Resource Recovery Facilities should be on a case-by-case basis only, due to the large number of facilities which potentially could be involved, the apparent lack of public concern about all but a few such facilities and the recent reductions in the Department's staff and budget. Therefore, the Department again proposes the following course of action:

1. Continue to regulate solid waste disposal in its traditional sense, including but not limited to landfilling, open burning, incineration and composting.

2. Continue to regulate "Resource Recovery" as defined in ORS 459.005 only where there is a potential threat to public health or the environment and leave the regulation of vector control, aesthetic nuisances and land use to local agencies.

3. Continue to regulate the storage of solid waste in cases where waste is stored for more than six months and there is no clear evidence that the waste will be used productively or where the nature, amount or location of the stored waste is such that, in the Department's opinion, it constitutes a potential environmental problem.

Bill

William H. Young

William H. Dana:o
229-6266
February 11, 1982
SO202 (2)

Agenda Item L

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

February 11, 1982

Joe B. Richards
P.O. Box 10747
Eugene, OR 97401

Fred J. Burgess
Dean's Office, Engineering
Oregon State University
Corvallis, OR 97330

Ronald M. Somers
106 East Fourth St.
The Dalles, OR 97058

Mary V. Bishop
01520 S.W. Mary Failing Dr.
Portland, OR 97219

Wallace B. Brill
75 Lozier Lane
Medford, OR 97501

Re: DEQ v. Jensen, Carl F.
Case No. 37-AQ-WVR-80-181
Linn County

Respondent has appealed the hearing officer's decision in DEQ v. Jensen and the matter is scheduled for commission review at its March 5, 1982 meeting.

I have enclosed the following documents for your review:

1. Hearings Officer's Findings of Fact, Conclusions of Law and Order;
2. Respondent's motion to supplement the record by inclusion of financial information; letter from a United States National Bank of Oregon agricultural representative addressing aspects of Respondent's financial condition;
3. Respondent Brief and Exceptions; and
4. Department's Reply to Respondent's Appeal.

Very truly yours,

Linda K. Zucker
Hearings Officer

LKZ:pc
Attachments
cc: Robert L. Haskins, Department of Justice
Carl F. Jensen, Respondent

DEQ-46
DEQ-46

file copy

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

OF THE STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY OF THE STATE OF OREGON, Department, v. CARL F. JENSEN, Respondent.	)	HEARING OFFICER'S FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER No. 37-AQ-WVR-80-181

FINDINGS OF FACT

On August 27, 1980, Respondent received valid verbal authorization to open field burn a 150 acre cereal grain field, described as T.L. 100, Sec. 4, T 15S, R 4W, Willamette Meridian, Linn County, Oregon, about a mile from the Harrisburg fire station, an area in which field burning is regulated by the Department.

The fire district clerk who issued the permit did not inform him of the specific burning termination time, and Respondent assumed, without asking, that the termination time would be 5:00 p.m., as was usual.

No one informed Respondent that burning regulations require each farmer to monitor Department's radio broadcast during burning, and Respondent did not inquire.

Respondent arranged for assistance and proceeded to light his field. He did not use a radio monitor. On a previous occasion, a Harrisburg fire official had come personally to inform him that burning was being terminated. Because Respondent speculated that this might again occur, his wife stayed available nearby to receive such a caller. Many farmers were burning that day.

At 4:15 p.m. prohibition conditions went into effect. A "fires out" order was issued over Department's radio frequency. Respondent did not learn of the "fires out" requirement, and he continued to burn the field. While there is some disagreement about the time burning was complete and the time Department's representative arrived at Respondent's field, Respondent acknowledged that he was still lighting some portions of the field at 4:30 p.m. Most of the field had been burned prior to the "fires-out" announcement.

Respondent attends the German Apostolic Christian Church. Respondent interpreted church doctrine to forbid its disciples the use of radios. Recently informed of the agency regulation requiring radio monitoring, church officials have authorized the use of radios in connection with field burning during the prospective burning season. Respondent had not previously sought such dispensation.

On three previous occasions, Respondent was cited for violation of field burning rules. These matters were concluded by a stipulation requiring, inter alia, that:

> D. Respondent shall not commit any violation of any statute, rule, order or permit within in the jurisdiction of the Department or Commission during the period commencing on February 1, 1980, and terminating on February 1, 1982. DEQ v. Jensen, Stipulation and Final Order p. 4, (January 15, 1980).

The stipulated order also recites:

> H. Respondent agrees that he has actual knowledge of the contents and requirements of this stipulated final order and that failure to fulfill any of the requirements of paragraph D hereof would constitute a violation of this stipulated final order and could subject Respondent to liability for additional and

> independent penalties in amounts as great as the statutory maximum and which would not be limited in amount by this stipulated final order. Should Respondent commit any such violation, Respondent hereby consents to the assessment of the maximum civil penalties under the applicable schedules for each such violation. Should Respondent commit any such violation, Respondent hereby waives any rights he then might have to any and all ORS 468.125(1) and OAR 340-12-040 advance notices prior to the assessment of civil penalties for any and all such violations of this stipulated final order. Id. at 5.

CONCLUSIONS OF LAW

The Commission has personal and subject jurisdiction.

Respondent open field burned portions of a cereal field during prohibition conditions in violation of OAR 340-26-010(5).

During burning, Respondent failed to monitor Department's field burning broadcast and failed to conduct his burning operation in accordance with the announced burning schedule in violation of OAR 340-26-010(4)(b). Respondent's religious beliefs were not causally related to his failure to monitor, or his failure to conduct the burning operation in accordance with the announced schedule. Consequently, constitutionally protected freedom of religious exercise is not an issue in this case.

Respondent is liable for a civil penalty of $4,000.

OPINION

Respondent stated that he was unaware of the requirement that a radio monitor was to be used. Lacking knowledge of the requirement, he could not have been impeded in its satisfaction by ecclesiastical constraints. Religion was not a factor in past monitoring failures. It should be possible for Respondent to make satisfactory future arrangements for obtaining timely warning of early burning termination.

Respondent believed he acted responsibly, conscientiously, and in good faith in carrying out his obligations under the field burning program. He reported that at the time the citation was issued, he could observe a number of fires still burning to the north, southwest, and east of his property. Some were just being started. Yet there were no other citations issued on that date. It is not clear whether Respondent's violation record was a factor in his receipt of a citation. He had complied with permit requirements and there was no criticism of his burning method.

Respondent went to some effort to prepare for the hearing. He examined fire district records and discussed smoke management practices generally and his particular situation with several people involved in the field burning program. At the hearing, Respondent related the results of his investigations. He expressed his suspicions that he had been singled out for enforcement attention because of a grudge held by a program employee. Invited to support his suspicions by some evidence of improper motive or conduct on the part of regulatory authorities, Respondent failed to do so, although the hearing record was left open for that purpose.

His testimony did suggest that his burning activities might have been of special interest to the regulatory authorities. However, he did not support his testimony by independent witnesses or official records. Standing alone, his hearsay testimony did not warrant a finding of any circumstance which would, under applicable law, relieve him of liability for the violation which occurred.

In this respect the present case differs from recent cases in which the testimony of fire district officials detailed and confirmed the casualness characterizing some fire districts' implementation of certain

field burning regulations. See , e.g. DEQ v. Brown , Slip Opinion (EQC Hearings Section, September 29, 1981); DEQ v. Glaser , Slip Opinion (EQC Hearings Section, April 7, 1980).

Ordinarily, in establishing the amount of the civil penalty to be assessed, the Director considers various aggravating and mitigating factors. OAR 340-12-045. Aggravation was present in the instant case due to prior violations. Mitigation was present in Respondent's arranging to have his wife receive and communicate a "fires-out" notice, the minimal injury resulting from his late burning (the late burning involved a modest portion of the field and there was no evidence of harm to the airshed), and the rather technical nature of the violation. In any case, the stipulated order herein allows imposition of the maximum statutory penalty with or without aggravating factors.

The penalty imposed, while less than the maximum allowed, is nonetheless substantial. Respondent was invited to provide evidence documenting economic hardship, but failed to do so. He has paid a cumulative $6,500 civil penalty for past violations and reported that the anticipated cost of defense precluded attorney representation in this proceeding and sustained representation in the prior matters.

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Farming in the Willamette Valley is now a highly regulated business. Respondent's prior dealings with the Department should have educated him to the numerous strictures and responsibilities attached to field burning privileges. Effective compliance with the law rather than a good faith effort to comply is the regulatory standard. Penalties are the risk of compliance failure.

IT IS ORDERED THAT Respondent, Carl F. Jensen, is liable for a penalty of $4,000 and the State of Oregon have judgment therefore.

Dated this 30th day of September, 1981.

Respectfully submitted,

Linda K. Zucker
Hearings Officer

NOTICE: Review of this order is by appeal to the Environmental Quality Commission pursuant to OAR 340-11-132 et seq. Judicial review may be obtained thereafter pursuant to ORS 183.482.

Dept of Environmental Quality
522 S.W. Fifth Avenue
Portland, Oregon - 97204

R.E.: D.E.Q. v Jensen, Carl F.
dba / Jensen Sand and Gravel Inc
No. 37-AQ-WVR-80-181
Linn County - Or.

Dear Environmental Quality Commission Members:
and Others:

Motion

I Carl F. Jensen request that the Commission include in the records of this case the attached letter from my bank.

I did not present this information at the hearing because I didn't know I should to and some of the landslip came after the hearing.

Very Truly Yours,
Carl F Jensen.

EQC
Hearing Section

DEC 21 1981

UNITED STATES NATIONAL BANK OF OREGON
A Subsidiary of U.S. Bancorp

CENTRAL REGION
302 STATE STREET
P.O. BOX 14444, SALEM, OREGON 97309
HEAD OFFICE—PORTLAND

December 11, 1981

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

Re: DEQ vs. Jensen, Carl F.
dba Jensen Seed & Grain, Inc.
#37-AQ-WVR-80-181
Linn County

Gentlemen:

Mr. Jensen has requested that I provide information concerning his present financial status and particularly so with this bank.

In 1980 Mr. Jensen's farming operation resulted in a deficit situation primarily as a result of a loss of a large acreage of Combie ryegrass. That deficit was carried forward into the 1981 production year. At the end of the current production year, we once again find a rather serious deficit situation due primarily to the extremely poor wheat crop that was produced here in the valley with Mr. Jensen's wheat crop being no exception. Also, his yields on early harvested grass seeds were down quite dramatically as well. It has been that kind of a production year here in the Willamette Valley and a number of farmers have experienced rather mediocre results.

As a result of these crop losses or decreases in yields, whichever the case may be, we presently find Mr. Jensen with a deficit or carryover situation of about $285,000. This figure increases daily as the interest on outstanding loans accrue. Crop sales are slow and resultingly the income to pay down the loan lines that we presently hold also appears to be slow, consequently it appears that this deficit carryover could substantially exceed $300,000 prior to the receipt of much of the income that will reduce it to that approximate level.

Mr. Jensen's annual credit production needs are great and in looking at the present loan request plus the serious deficit, the totals represent a credit problem that we have not at this point in time

completely resolved with him. Consequently he presently does not have additional funds available to him at this time from this source.

Respectfully,

Glenn H. Wilson
Agricultural Representative

GHW/abc

12-17-81

Dept of Environmental Quality
522 So. 5th Avenue
Portland, Oregon - 97204

Re: DEQ v Inman, Case 7
dba / Inman Shed and Barn 2.
No. 37-AQ-NWR-80-181
Linn County - Lbr. -

Dear Environmental Quality Commission members
and others:

Brief and Exceptions

I request that the Commission reduce the amount of the penalty assessed against me in this case.

The past season I was able to burn approx 1762 acres without any claims at all. Including in this was custom burning paid for others.

But I had a very bad season financially. The attached letter from my bank shows that I am unable to pay this penalty.

It seems unfair to make me pay "Exc." when your new rules limit the penalty for not having a permit to $2.00

I intend to show them that I was burning with a fire permit from Harrisburg District Aug. 27 - 1980 with a go ahead from the Harrisburg district - to burn the 150 acres of cereal grains. It was OK'd by DEQ to burn at said time also. I was not told when fires were to be out, but I assumed as in prior days around 5:00 pm. This was what I was counting on. If there were any problems with an early start I had my wife stay close & keep an eye by building. In case one got from the dept in person of burning until one

Page 1

out & let us know the charge. This had been done in previous years & my field burning expenses and we put out fires as soon as we could.

I still feel you folks are at error not to advise and instruct the Fire Dept and field burning permit writers. It not state that you cannot burn any fields unless you have a monitoring system. I've never been told by any person that it was a law - if it have a monitoring system.

Because of your error in instructing field burning personel that you law if you burn & have a monitoring device, It Came to a head in 1981 and you did instruct them that the law - re field burning unless you have a monitor system. Which was the first time it was brought out & be instructed to me field burners. You then came out in 1981 - assessing a fine of $300.00 if no monitor was used. I am asking again to release me of the $400.00 penalty because of no instruction. Given I have a monitor and because of the hardship of finance I am in.

Yours Very Truly

Carl J Jensen

VICTOR ATIYEH
GOVERNOR

Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

FEB 2 1982

MEMORANDUM

TO: The Environmental Quality Commission

FROM: Christopher L. Reive, Special Investigator
Enforcement Section, DEQ

SUBJECT: Reply to Respondent's Appeal
DEQ v. Jensen, Carl F.
Case No. 37-AQ-WVR-80-181

Background

Carl Jensen has appealed a proposed Final Order issued on September 30, 1981 by hearings officer Linda K. Zucker. That Order found Mr. Jensen liable for a $4,000 civil penalty that had been assessed on November 5, 1980. The penalty followed Mr. Jensen's failure to monitor the Department's field burning schedule broadcast during the 1980 burning season and subsequent late field burn.

Mr. Jensen's appeal is, in effect, a request for mitigation of the civil penalty. In support of that request, he itemizes four reasons that he feels justify his claim. With one exception, those reasons were before both the hearing's officer and the Director when the $4,000 penalty was assessed. Yet, the penalty was deemed appropriate in spite of those claims.

Mr. Jensen's claims are outlined below along with a summary of Department's position on each. However, before they are considered in detail, it is appropriate to restate the primary factor supporting Department's strong enforcement position, Mr. Jensen's extensive enforcement history. That history was alleged and proven at the hearing, is a part of the Commission's record, and deserves a brief review here.

During 1976 and 1977, Mr. Jensen was a party in three separate civil penalty actions following violations of the Commission's field burning rules. Those actions represented a combined total of $21,300 in assessed penalties. One of those actions resulted in a full contested case hearing with a Final Order in favor of the Department. To avoid further litigation, all three actions were combined and settled by Stipulation and Final Order. In exchange for a reduction of his penalty by $14,800, Mr. Jensen agreed to pay a mitigated penalty of $6,500. He also agreed that the Department could assess any penalty, up to the statutory maximum of $10,000, without objection if he committed any violation within two years of the settlement.

It should be noted that in this case the Department chose to proceed only on Mr. Jensen's failure to monitor the field burning broadcasts. That violation was subject to a potential assessment of $10,000. However, the proposed Final Order also finds as a fact that Mr. Jensen's field burned after the fires out order. In fact, Mr. Jensen was still lighting the field 15 minutes after prohibition conditions had been announced. This violation, had the Department chosen to allege it within the assessment notice, could have given rise to an additional $10,000 penalty.

The reduction in assessable and collectable penalties against Mr. Jensen is substantial. Department gave up $14,800 ($21,300 - $6,500) in a settlement action to obtain Mr. Jensen's promise to burn his fields in accord with state law. Department then exercised further discretion by choosing not to assess $16,000 ($20,000 - $4,000) in additional penalties that Mr. Jensen, in advance of the subject violation, had agreed would be appropriate.

This represents a total of $30,800 that the Department has chosen to neither assess nor collect. Based on Mr. Jensen's past activities and his legally binding commitment to the Department, we believe this choice demonstrates considerable restraint. We further believe that a closer look at Mr. Jensen's claims supports our view that the $4,000 civil penalty is appropriate and should be upheld.

Rebuttal

Mr. Jensen's four claims in support of his mitigation request are detailed below along with Department's response to each:

(1) "I was not told when fires were to be out, but I assumed as in prior days around 5:00 p.m... If there were any problems with an early shut off, I had my wife to stay close to the highway by building in case someone from fire department ... would come out to let us know the change."

The only reasonable and reliable method for notifying the many farmers burning throughout the Valley that field burning conditions are changing is their continuous monitoring of a radio network dedicated to that sole purpose. In fact, prior to the 1978 field burning season, the Commission adopted a rule requiring that this special radio network be monitored during open burning. That rule has never been altered since the date of adoption and remains in force today. Mr. Jensen's monitoring method, described above, was not reasonable. It provided for only one method of contact, and that method was the most difficult. The only way the Department's agent could contact Mr. Jensen during burning was to leave the office and contact Jensen face to face. On an active burn day within the Valley, hundreds of growers may be burning thousands of acres. Such a contact mechanism is obviously ineffective and to rely on it as the only method of contact is patently irresponsible.

(2) "I was never told by any personnel that it was a law to have a monitoring system."

Agricultural open field burning is, and has been for several years, a highly regulated industry within this state. Mr. Jensen has been active within this industry throughout this period of regulation. Based upon his extensive enforcement history with this Department, detailed above, Mr. Jensen was certainly aware of the extent of this regulation and its direct impact on his activities. Department maintains that his statement is frivolous.

(3) "It seems unfair to me to pay $4,000 when your new rules limit the penalty for not having a monitor to $300."

Mr. Jensen's action was a violation of a Commission Order. The civil penalty assessment schedule appropriate for such a violation is outlined in OAR 340-12-050(1). That schedule establishes a penalty limit of $10,000 per violation. Mr. Jensen is apparently referring to OAR 340-26-025(2)(d)(A), establishing a $300 civil penalty for failure to demonstrate the capability to monitor the field burning schedule broadcasts during the burn operation. This $300 penalty is the minimum civil penalty assessment for a first time violation. Subsection (f) of that same rule provides that, at a minimum, the penalty be doubled for each repeat offense that occurs within five years of the previous offense, and establishes the limit at the statutory maximum of $10,000.

(4) "But I had a very bad season financially... I am unable to pay this penalty."

This claim is new to both the Director and the hearings officer. It was not made at anytime prior to the hearing nor was any documentation offered during the hearing. Yet Mr. Jensen was given ample opportunity to make such a claim. The Department acknowledges that a penalty of $4,000, even if justified, is quite substantial. However, for the civil penalty to be an effective enforcement tool, it must be upheld when wielded with discretion and care. We believe that is the case here. The current enforcement posture is appropriate in light of all of the relevant circumstances and the penalty should be upheld. Payment of the penalty may require some innovation and flexibility on Mr. Jensen's part. The Department is also willing to be reasonable in establishing some form of enforceable collection schedule.

Summary

After a full contested case hearing and a review of all relevant facts, Respondent, Carl F. Jensen, was found liable for a $4,000 civil penalty for his violation of Department's field burning rules and a Commission Order. The civil penalty remains appropriate in light of all the relevant circumstances brought to the attention of the Commission during this appeal. The penalty should not be mitigated and appropriate actions for collection should begin.

Christopher L. Reive
Regional Operations
(503) 229-6007

CLR:h
GA0181.M1 (o) (h)

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. N , March 5, 1982, EQC Meeting

Adoption of Proposed Amendments to Rules Governing On-Site Sewage Disposal, OAR 340-71-100 to 340-71-600 and OAR 340-73-025 to 340-73-085.

Background and Problem Statement

ORS 454.625 provides that the Commission, after hearing, may adopt rules for on-site sewage disposal.

At its March 13, 1981 meeting the Commission adopted rules for On-Site Sewage Disposal to replace rules governing Subsurface and Alternative Sewage Disposal. Since then the On-Site Sewage Disposal rules have been amended several times through the adoption of both permanent and temporary rules. Two (2) of the temporary rules need to be processed through the permanent rule making procedures. They are concerned with amendments to the sewage disposal service bonding provisions, and elimination of conflicts between the state electrical code and the materials standard for pumps and switches.

On October 9, 1981 the Commission reviewed a petition from Mr. Douglas Marshall, Senior Sanitarian with Tillamook County, requesting the definition of "bedroom" be amended. The Commission instructed staff to include Mr. Marshall's proposed definition in this rule amendment package in order to elicit testimony.

Program staff have received requests for rule amendments from the following:

1. Mr. M. W. Whitfield, Permit Manager, Multnomah County Environmental services Section, requesting amendments to the Multnomah County Fee Schedule.

2. Ms. Gail Forsyth, Roto-Foam Division, Norwesco, Inc. requesting an examination of the standards for septic tank construction as they relate to the access cover dimension above the inlet and outlet fittings.

3. Mr. Timothy J. Lang, Product Manager, Advanced Drainage Systems, Inc., requesting adoption of proposed gravel-less disposal system rules.

In addition, staff have found some of the rules to be illogically located within the overall rule structure, poorly worded and difficult to interpret. Several technical rule amendments have been proposed to correct these problems.

On June 5, 1981, the Commission adopted rules providing for surcharges on new site evaluations and new construction installation permits. The fees generated by these surcharges are used to fund positions within the Department to provide technical assistance to contract counties and to the public. A considerable amount of time is spent by Department staff in providing technical assistance in the activity categories of alteration permits and authorization notices for which no surcharge has yet been established. It is appropriate to levy a surcharge on each of these activities to help defray the costs of providing technical assistance.

At its January 22, 1982 meeting, the Commission authorized public hearings on the proposed amendments. Notice of public hearing was provided by publication of notice in the Secretary of State's Bulletin, and mailing to: Public Affairs statewide "Media" list; the On-Site mailing list; all DEQ Regional, Branch, and agreement county offices; and the on-site sewage consultants list. Four public hearings were held at various locations around the state (Portland, Bend, Newport, and Medford). The Hearings Officers' reports are enclosed as Attachment "A". Upon completion of the hearings, staff reviewed the Hearings Officers' reports and revised several of the proposed rule amendments.

Testimony was generally opposed to the proposed amendments to modify the bedroom definition, and to impose a surcharge on repair permits. Mixed comments were received concerning the proposed amendments addressing permit renewals, disbursement of part of the variance application fee back to agreement counties, and the gravel-less disposal trench systems. Other proposed amendments received little or no significant comment.

The "Statement of Need," "Statutory Authority," "Principal Documents Relied Upon," and "Statement of Fiscal Impact" are addressed within Attachment "B".

Alternatives and Evaluation

A discussion of the proposed amendments is contained in Attachments "C" and "D", while the proposed rule amendments are within Attachment "E".

The alternatives appear to be as follows:

1. Adopt the proposed substantive and housekeeping technical rule amendments, including the proposed amendments to the Multnomah County fee schedule, as identified in Attachment "E".

2. Adopt all or a part of the proposed substantive and/or housekeeping technical rule amendments, including or excluding all or a part of the proposed amendments to the Multnomah County fee schedule.

3. Do not adopt the proposed amendments.

It is staff's opinion the logical alternative is to adopt the proposed amendments identified in Attachment "E".

Summation

1. ORS 454.625 provides that the Commission, after hearing, may adopt rules for on-site sewage disposal.

2. The Commission has adopted two temporary rules that must be processed through the permanent rule making procedure.

3. A petition to amend the definition of "bedroom" was received by the Commission. Staff was instructed to include the proposed definition as part of the proposed amendments for hearing.

4. Staff received a request to amend portions of the minimum septic tank standards.

5. Staff received a request to amend the rules to allow installation of gravel-less disposal trench systems.

6. A number of technical rule amendments are necessary to provide for smoother rule administration.

7. To help defray the costs of providing technical assistance, in the categories of alteration permits and authorization notices, it is appropriate to impose a surcharge on these activities.

8. On January 22, 1982 the Commission authorized public hearings on the proposed rule amendments.

9. After proper notice, four public hearings were held at various locations around the state on February 2, 1982.

Directors Recommendation

Based upon the summation, it is recommended that the Commission adopt the proposed amendments to OAR 340-71-100 to 340-71-600 and OAR 340-73-025 to 340-73-085, as set forth in Attachment "E".

Bill
William H. Young

Attachments 5

"A" Hearings Officers' Reports
"B" Statement of Need
"C" Presentation of Issue, Problem, and Discussion of Proposed Substantive Amendments
"D" Explanation of Proposed Housekeeping Amendments
"E" Proposed Rule Amendments

Sherman O. Olson, Jr.
229-6443
February 4, 1982

XG889 (1)

ATTACHMENT A

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

TO: Environmental Quality Commission DATE: February 3, 1982

FROM: Sherman O. Olson, Jr., Hearings Officer

SUBJECT: Report on Public Hearing Held February 2, 1982, in Portland, on Proposed On-Site Sewage Disposal Rule Amendments.

Summary of Procedure

Pursuant to public notice, a public hearing was convened in Room 1400 of the Yeon Building, 522 S.W. Fifth Avenue, Portland, Oregon, on February 2, 1982, at 10 a.m. The purpose of the hearing was to receive testimony regarding proposed amendments to the On-Site Sewage Disposal Rules. Four persons attended the hearing. A copy of the attendance list is attached.

Summary of Testimony

Mr. Stanley E. Petrasek, Field Services Supervisor, Lane County, provided a memorandum from Mr. Roy Burns, Director, Water Pollution Control, outlining his staff's comments. They do not support an ammendment to the current bedroom definition. Alternative language was suggested for the proposed amendment addressing "Property Line Crossed," and the renewal of construction-installation permits. The surcharge for alteration permits and repair permits was opposed because Lane County staff have not requested nor received technical assistance in these areas. They agree with the other proposed substantive and housekeeping amendments, and suggest the term "tax lot" be replaced by "parcel" with the proposed amendments for holding tanks. A copy of the memorandum is attached to this report.

Mr. Daniel M. Bush, Soil Scientist, Clackamas County Department of Environmental Services, indicates his office opposes the following: The proposed change to the bedroom definition; a surcharge for repair permits; and the 24 inch minimum trench depth for pressurized systems. His office supports the proposed amendments allowing latitude in repairing failing systems and the flexible membrane liner specifications. Constructive

comments were offered about the following: the "affidavit" for Property Line Crossed; renewal of construction installation permits; direct clarification that allows the county to charge the appropriate permit fee when variances are granted; the requirement for a corrosion resistant screen; pump controls; gravel-less disposal trench pipe fittings; and the proposed revisions to the sand filter diagram number 9. A copy of his testimony is attached to this report.

Mr. Steven A. Wilson, Consulting Environmental Sanitarians, expressed his concern there was not sufficient background or history to support the use of the gravel-less disposal trench system as a standard alternative. He also offered comments about the proposed minimum depth for pressure systems.

Mr. Richard L. Polson, Chief Soil Scientist, Clackamas County Department of Environmental Services, indicates support of the existing bedroom definition. He suggested that repair permits not be subject to surcharge. The "affidavit" for Property Line Crossed should include language allowing access for operation and maintenance. He feels the proposed amendment addressing renewal of permits is excessive. The minimum eighteen inch depth for a seepage bed should be retained. A discrepancy exists between Table 1 and Diagrams 18 and 19. The switches controlling pumps should be of the mercury float type only. Mr. Polson states the proposed fee schedule for Multnomah County appears to be self-contradictory, that it could be written with greater clarity. A copy of his testimony is attached to this report.

Mr. Gene Clemens, Supervising Sanitarian, Polk County, states the current bedroom definition should be retained. He does not agree that surcharges should be imposed on repair permits, and feels the permit renewal language should not be amended. Mr. Clemens supports adoption of the other proposed amendments. A copy of his testimony is attached to this report.

Mr. Dan P. Norris, P.E., Vice President, Brown and Cauldwell, does not support the adoption of the gravel-less disposal trench system amendments. He states a typical drainfield trench contains four square feet of infiltrative surface per linear foot, while a gravel-less trench has 570 times less infiltrative surface. Mr. Norris believes it would be a serious error to incorporate this concept into the rules as use of such a system would result in early and total failure. A copy of his testimony is attached to this report.

Mr. D. B. Trask, Director of Engineering, U. S. Forest Service, Pacific Northwest Region, commented that the rules are too complex and contain excessive technical detail. He and his staff commented that the depth of sand bedding below the sand filter membrane liner could reasonably be reduced to two inches. Several specific recommendations pertaining to pump motors, control switches and alarms, and the benefits of an electrical inspection were also offered. A copy of the testimony is attached to this report.

Mr. Harding Chin, Multnomah County Department of Environmental Services, opposed the proposed amendment to the bedroom definition. A copy of his memorandum is attached to this report.

Mr. Tyrone Welty, Supervising Sanitarian, Curry County Environmental Sanitation Office, supports the proposed amendment to the bedroom definition. A copy of his testimony is attached to this report.

XG883 (1)

ATTENDANCE LIST
PORTLAND

Date: 2 FEB. 82

PUBLIC HEARING ON THE MATTER OF AMENDMENT TO THE RULES, OAR 340-71-100 TO 71-600, AND OAR 340-73-025 TO 73-085

NAME AND ADDRESS	REPRESENTING
STANLEY E PETRASEK	LANE COUNTY
CAL SENNETT	A.D.S., INC.
STEVE WILSON	CES ltd.
DAN BUSH	Clackamas County

MEMORANDUM

lane county

TO Environmental Quality Commission

FROM Roy Burns, Lane County

SUBJECT Proposed On-Site Rule Amendments DATE January 29, 1982

Lane County Sanitation staff have reviewed the proposed amendments and generally concur with the DEQ staff recommendations. We have some suggested changes to the amendments suggested by DEQ staff which will follow in Part 1 of this submittal. Part II of this submittal will contain additional comments not addressed by DEQ staff.

Part I - Review of DEQ Recommendation

1. The definition of bedroom.

   Lane County staff concur with DEQ staff that the current bedroom definition not be amended.

2. Affidavit required when system and facility it serves are on separate lots with the same ownership.

   Lane County staff concur that amendement is necessary however do not concur that a recorded affidavit is sufficient protection for subsequent property owners.

   It is therefore recommended that OAR 340-71-130 (11) be amended as follows:

   (11) Property Line Crossed. A recorded utility easement is required whenever a system crossed a property line separating [properties under different ownership.] separate parcels. The easement must accommodate that part of the system, including setbacks, which lies beyond the property line, and must allow entry to instill, maintain and repair the system.

   NOTE: Add following definition to OAR 340-71-105
   GLOSSARY OF TERMS
   "Separate Parcel" means any parcel of land to which title may be legally transferred.
   (Assign number as appropriate.)

3. Renewal of construction - installation permits.

   County staff agree that amendment is necessary however the following amended wording is suggested.

   Amend OAR 340-71-140(1)(b)(E) by adding a "note" to read as follows:

   NOTE: Renewal of a permit may be granted to the original permittee provided an application for permit renewal is filed on or before the original permit expiration date. Requests for final installation inspection may be accepted provided work on the on-site system was commenced on or before the expiration date and the work is completed within five (5) working days of the expiration date. Expired permits require new application.

NOTE: Underlined _____ material is new. Bracketed [ ] material is deleted.

4. Surcharges:

   County staff do not concur with the addition of new subsections (c) and (d).

   Contrary to the DEQ staff comments under the discussion portion of this issue. Lane County staff have not requested nor received technical assistance from DEQ in the following activity categories.

   - alteration permits
   - repair permits.

   Lane County staff do not feel that it would be appropriate to levey a surcharge on those activities. Of special concern is the proposed addition of a $5.00 surcharge to repair permits. DEQ rules allow a reasonable amount of latitude for the authorized agent to take in designing repair of failing sewage systems including the use of alternative systems, therefore it is felt that minimal technical assistance from DEQ staff would be required. Additional charges for repair permits will tend to deter persons from filing for a permit which may lead to unauthorized inadequate repair and a greater potential of health hazard.

5. Abandoment of systems.

   County staff agree with DEQ staff.

6. Construction type chemical toilets.

   County staff agree with proposed amendment.

7. Gravel-less disposal trench system rules.

   County staff agree with proposed amendment.

   Note: Rules need to state minimum pipe size.

8. Require a site evaluation report with each variance application.

   County staff agree with the proposed amendment.

9. Waive of variance application fee.

   County staff agree with the proposed amendment.

10. Disbursement of portion of variance fee.

    County staff agree with the proposed amendment.

11. Forms of security for sewage disposal service.

    County staff agree with the proposed amendment.

12. Multnomah County fee schedule.

    No comment

13. Standard for effluent pumps, controls and _____ and dosing syphons.

County staff agree with proposed amendment.

14. Sand filter membrane liner.

County staff agree with proposed amendment however a procedure needs to be established whereby the field inspectors can recognize that a particular liner meets the standards established by this regulation.

County staff concur with the housekeeping amendments as per attachment "D" accept OAR 340-71-340(3)b. We request deleting the words [tax lot] and add in its place parcel.

Part II

We request deletion of appendix 1c Lane County Fee Schedule. This schedule was superceded by State fee activity including surcharges and is not being utilized. In order to prevent confusion including fee surcharge requirements.

A number of staff suggestions have been developed which are not germane to the hearing since they are not a portion of the rule changes contained in the public hearing notice. We present them in brief topical order for consideration in future action on rule changes.

1. RE: OAR 340-71-220 (2) (b) (B) and OAR 340-71-265 (2) (b).
There appears to be a conflict with the standard rules and the capping fill rules in that a 6 inch separation from the temporary water table is required between the bottom of the disposal trench in the capping fill rule and the standard system rule allows the trench bottom to come in contact with the temporary water.

2. Staff suggests that a minimum separation distance be established between sand filter unit and 1) drainfield 2) distribution box.

3. Staff suggest that contruction specifications be prepared for the installation of pressure and gravity effluent lines under 1) roads and driveways, and 2) for stream crossings.

4. Staff requests that seapage bed design be considered in sandy loam soil.

5. Consider expanding the table of contents by subject section of the rules.

6. Consider discussion on the reasoning that sand filter systems and low pressure systems having a nitrate loading factor (450 g/ .5A/day) and standard systems do not.

January 28, 1982

Mr. Sherman Olson
c/o Department of Environmental Quality
PO Box 1760
Portland, Oregon 97207

DEPARTMENT OF ENVIRONMENTAL SERVICES
COUNTY OF CLACKAMAS STATE OF OREGON
DEVELOPMENT SERVICES DIVISION
JOHN C. McINTYRE Director
RICHARD L. DOPP Development Services Administrator

RE: PROPOSED AMENDMENTS TO RULE OAR 340-71-100 to 71-600 AND OAR 340-73-025 to 73-085, ON-SITE SEWAGE DISPOSAL RULES

I have reviewed the proposed amendments to the On-Site Sewage Disposal Rules as per your amended rules package of January, 1982. The following comments pertain to attachment (c).

The definition of "bedroom" should not be changed as being petitioned. The current definition has been most workable within this County. It effectively avoid the conflict between rule disparity from one State agency to another. In this way, confusion is eliminated for both the industry and the general public. In addition the current rule better allows for dwellings to provide accommodations for "todays family", in light of the fact that families are not as large as in the past and it is not necessarily the case that the greater number of bedrooms beyond four, results in a significant increase in the sewage waste load. To change the bedroom definition as proposed would further create an administrative problem and necessitate a rule rewrite of the current rules for existing disposal systems. For these reasons, I support the Departments' position to not amend the definition of "bedrooms".

Regarding the proposed amendment to Rule 71-130 (11) further clarification of what an "affidavit" can consist of and provisions for entrance to the other property for operation and maintenance need to be included. A recorded utility easement has sufficed for this office regarding this very same problem. If provisions are not made for the property owner to enter onto the "other" property for operation and maintenance, the rule really does not serve an adequate purpose.

For permit renewal it is suggested to revise the proposed rule to read "system has commenced and/or an application for permit". To require the work to already have begun on the system can result in the situation where a property owner is forced to install part of the system in order to avoid expiration of his construction permit and then allow that portion of the system to remain exposed to the elements which can be disadvantageous for the life and operation of that system. It is understood that it is not necessary to renew the permit if work has not begun, but in reality once a permit is issued most permittees do not want to let it expire. Requiring that once a permit expires that a new application and property evaluation need to be done is contradictory to the provisions within the rules that a site evaluation remains perpetual unless and until the site conditions are altered such that it does not meet the rules under which that approval was granted. The policy of this office is to allow

permit renewal without fee where no further field work is necessary if the application if filed within 30 days of the expiration date. If renewal is made after that date then a new fee is charged due to administrative costs and in all cases a new application and signature with new permit number issued is made. The proposed rule appears to create a possible problem rather than fully solving one.

This office is not in support of the proposal to include a $5.00 surcharge for Repair Permits. It would be in the best interest of the program and enforcement procedures if Repair Permits can be kept at a minimum charge. In many cases certainly more expense is incurred by the agent and the State in dealing and administering with a party where a repair of a system is required. However, the main responsibility is with the health and welfare of the public and we should not invoke rules which only hamper our efforts at achieving compliance.

Under the proposed revision for Rule 71-435 (4) it is suggested to include direct clarification that the County can charge the appropriate fee from its fee schedule for the type of system authorized by the Variance if granted. Variance systems notoriously involve considerable time and effort subsequently expense to the County for administration of the permit and the inspections. The Counties should have the right to secure fees for the required services rendered.

The following comments pertain to attachment (E).

The proposed amendment to Rule 71-215 (2) is welcome. With this amendment the County can better serve the needs of an individual site and arrive at a more satisfactory product without being party technically to a violation. This office is in full support of this proposed "allowance".

As an equal distribution type system it appears contradictory to require a seepage bed to be construction with a minimum trench depth of 24 inches but allow a trench to be constructed 18 inches minimum in depth. This office has experienced no problems installing seepage beds with a minimum 18 inch depth using a "splash plate" over the distribution lines to provide insurance against the potential of "jetting" of the discharged effluent onto the ground surface. Further with an 18 inch to 36 inch maximum range it is feasible on many sites to install a seepage bed in lieu of the trenches further reducing the cost of the system and easing the construction difficulties. For these reasons this office sees no need to change this minimum trench depth requirement for seepage bed rather the other rule portions addressing pressure distribution should be revised accordingly.

Under 71-295 (4-b-A) the proposed specifications for flexible membrane liners is welcome.

Regarding the proposed requirement for corrosion resistent screen for effluent pumps under 73-055, the rule as written restricts the method of screen placement. It is also feasible to utilize effluent sewer construction and screen buckets beneath the effluent flow from the sewer line to achieve the same affect. Greater flexibility is asked to be considered. With the pump encased in a screen, should the screen become heavily clogged, damage to the pump could occur. Further cleaning would be hampered by the fact that the pump and pressure line apparatus would be in the way. Since this is a relatively new concept greater flexibility in the use of various protection methods based upon the screening idea is suggested.

In this same proposed rule package the statement "or by an approved equivalently

reliable system" leaves too much of an opening for problems. Personally I believe there are other switching mechanisms (e.g. mercury displacement switches) that have proven to be reliable and effective. However, as written this rule could lead to conflicts in the field between an inspector and contractor over what is "approved". In the past this office has experienced communication problems at both the local and state level regarding "approvals" of new products, materials etc. Clarification of how a switching mechanism becomes "approved" or rewording of the provision for technological advancement should be considered.

Within the specifications for the gravel-less piping, Rule 73-060, it is suggested to include a provision or rule that describes the requirement for the pipe manufactures to provide a workable and satisfactory means of connecting a four inch P.V.C et.al. pipe in a water tight secure fashion to the ten inch material and be able to meet the criteria for equal, loop, and serial distribution practices.

The rule 73-085 for flexible membrane liners again is welcome. Some of the installation standards under Subsection 2 appear to be repetitive and rather extensive. However, it appears prudent at this time to include as much information as reasonably necessary in order to insure proper installation of liners. As experience and time pass, changes, revisions, etc. will be necessary and these standards will likely need revision.

The change to diagram 9 raises the question whether the intention is to have the entire base of the sand filter unit imbedded in 6 inches of gravel or to correct the diagram but still continuing to allow a 6 inch mound around and above the underdrain. If the change is to the gravel bed over the entire basal area, this will result in increasing the construction cost of sand filter units due to the additional height required on the perimeter walls to still allow a minimum 24 inch depth of the medium sand media from the interface of the gravel at the distribution point to the gravel at the collection point. Clarification on this matter appears necessary. It would be suggested to include a cross sectional diagram on this specific construction item.

This information has been presented for your consideration. Many of the items not addressed in this letter are seen to benefit the reading and interpretation of the Departments' Rules. Thank you for your time.

Daniel M. Bush

DANIEL M. BUSH - Soil Scientist
Development Services Division

/fh

DEPARTMENT OF ENVIRONMENTAL SERVICES
COUNTY OF CLACKAMAS STATE OF OREGON

DEVELOPMENT SERVICES DIVISION

JOHN C. McINTYRE
Director

RICHARD L. DOPP
Development Services
Administrator

January 26, 1982

Sherman O. Olson
c/o Dept. of Environmental Quality
PO Box 1760
Portland, Oregon 97207

RE: PROPOSED AMENDMENTS TO RULE OAR 340-71-100 to 71-600 and OAR 340-73-025 to 73-085, ON-SITE SEWAGE DISPOSAL RULES

I have reviewed the proposed amendments to the On-Site Sewage Disposal Rules, as per your amended rules package of January, 1982. Reference is made to attachment "C" of that package. Since I may not be able to attend your public hearing of February 2, 1982, I hereby submit my comments with regard to the rule revisions through this letter. Attachment "C" refers to fourteen different items that are changed in the proposed rule revisions. I will comment only upon those items where I would differ with your proposal with the exception of Item 1. This office supports maintaining the existing definition for bedrooms. A return to the older definition as proposed would be cumbersome and be of no real service to our constituency. We agree with the Department's recommendation that the existing definition not be revised.

Item Number 2 refers to the requirement for affidavit when drainfield systems and the facility they serve are on separate lots with the same ownership. If the intent of your revision is to protect the drainfield from damage in the future, it does not appear that your procedure will facilitate the matter. Your proposed rule revision would only require that the owner of the property file an Affidavit of Notification. Unless language is included in this affidavit that allows for the perpetual operation and maintenance of this system, such notification appears to be of little value. The current language of your revision does not make it clear as to the intent of your notification. Some changes in this regard might be beneficial.

Item Number 3 of your attachment indicates that Septic Permits could be renewed only if the permitee had begun work on the system and that the permit renewal application was filed prior to the expiration date of the original permit. This proposal appears to be somewhat excessive. In the past our policy has been to allow renewals of permits within 30 days of the expiration date at no fee as long as no field work is involved in renewing the permit. We often find that people have been delayed in their construction plans due to unforeseen financial or personal changes. We see no reason to further penalize them by charging additional fees if they have not yet begun to construct the system. This policy appears to work well and be within the intent of the regulations. I feel that a similar proposal would be in the best interest of all concerned.

902 ABERNETHY ROAD ★ OREGON CITY, OREGON 97045 ★ (503) 655-8521

Item Number 4 refers to additional surcharges for Existing Disposal System Reviews, Repair Permits, or Alteration Permits. It is our opinion that surcharges should not be imposed upon Repair Permits. Fees for Repair Permits should be kept as low as possible in order to encourage the rapid completion of the necessary repairs. To this end, the additional $5.00 surcharge serves virtually no purpose. The amount of monies collected from such a fee is likely to be insignificant, compared to other revenue sources. Therefore, we would recommend that the surcharge not be placed on Repair Permits.

Item Number 10 refers to disbursement of a portion of the Variance Application fee. It is my understanding that the D.E.Q. cannot reimburse the County for permits issued under the D.E.Q. Variance Program. Thus OAR 340-71-435 is being modified to eliminate Subsection 4. Thus I assume the intent is to allow the County to charge a fee in accordance with its own schedule for the type of system that most closely resembles the system to be constructed under the Variance. If this is so, this office feels that a step has been taken in the proper direction.

Item Number 12 refers to the proposed fee schedule revisions for Multnomah County. Their fee schedule appears to be self-contradictory in places. Under construction installation permits, (c) appears to be redundant with item (f) since the fee for alternative systems other than capping fills is $100.00. Item (f) is also in direct conflict with item (g), since a cesspool or seepage pit system is also considered an alternative system. This fee schedule could be written with much greater clarity.

Item Number 13 refers to standards for effluent pumps, controls and alarms, and dosing syphens. OAR 340-73-055 (1) (e) refers to the kinds of switches to be used to control the pump system. Reference is made to field mercury float switches or "an approved equally reliable switching mechanism". At this moment, we are unaware of any mechanism that functions as well under the conditions normally associated with effluent lift pumps. Unless some new type of switching mechanism is currently on the market, it does not appear that inclusion of this phrase in the regulations is of any benefit. In fact, it may weaken the regulations by confusing the issue as to what kinds of switches could or should be used. I would recommend that it be deleted.

It is still noted that there is a discrepancy between Table 1 of the Rules Appendix and the Diagram 18 and 19. Table 1 refers to setbacks from cutbanks and escarpments, where the height of the cut or escarpment is in excess of 30 inches or more. The two diagrams refer to setbacks from the same cuts or escarpments where the minimum height of the cut or escarpment is 72 inches or more. These drawings or the table need to be corrected so that there is no misunderstanding as to which standard should be enforced.

The final comment needs to be made concerning proposed changes in OAR 340-71-275 (4) (d) (C). This office sees no difficulty with maintaining the current minimum seepage bed depth at 18 inches. Since these systems are essentially equal distribution systems, and since normally such systems can be installed as shallow as 18 inches below grade, allowing the bed to be not less than 18 inches or deeper than 36 inches below the natural grade appears to be a reasonable requirement. I see no reason to limit bed depth to 24 to 36 inches.

This ends my comments concerning the proposed revisions to Oregons' Administrative Rules on On-Site Sewage Disposal. In general, I find the rule revision package to be well written and workable. It is my hope that this package is passed, subject to the changes I have noted above. I thank you for your time and consideration.

Richard L. Polson

RICHARD L. POLSON - Chief Soil Scientist
Development Services Division

/fh

POLK COUNTY DEPARTMENT OF COUNTY DEVELOPMENT
planning • transportation • building • environmental health

County Court House Room 203 Dallas, Oregon 97338

Telephone: 623 9237
370 2503
838 0580

January 28, 1982

Sherman Olson
P.O. Box 1760
Portland, Oregon 97207

Re: Proposed Rule Amendments

Dear Mr. Olson:

Thank you for the opportunity to offer the following comments on proposed rule amendments:

1. Definition of bedroom: I support the staff proposal of keeping the current definition of bedroom. This revision has been effective in that we do not have to decide what is a sleeping room. This is the task of the building department and it eliminates the possibility of conflict between agency rules. I also feel that the 450 gallons per day sewage flow minimum system designs has alleviated the vast majority of problems with room conversions.
2. Permit renewal: I feel this decision should be left to the Agent. This rule would require the permittee to pay a higher fee. If the original permittee is renewing, in most cases, an office review of file would be adequate.
3. Surcharge additions: I do not support the additional fee on repair permits. These are frequently issued under enforcement action and the fees should be kept at a minimum to encourage the permittee to obtain a permit and not to impede through additional expense.

I support adoption of the other rule change proposed.

Sincerely,

Gene Clemens, R.S.
Supervising Sanitarian

GC:sj

BROWN AND CALDWELL

CONSULTING ENGINEERS

D. H. CALDWELL, PE Chairman
T. V. LUTGE, PE President
E. F. MISCHE, PE Exec Vice Pres
D. P. NORRIS, PE Vice Pres

January 27, 1982

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

013-A23/1

Subject: On-site Sewage Disposal Rule Changes

Dear Mr. Olson:

Brown and Caldwell has been notified that public hearings will be held on February 2, 1982, to consider the adoption of amendments to OAR 340-71 and 340-73, On-Site Sewage Disposal Rules. I will be unavailable at the time the public hearings are scheduled, and I am therefore submitting the following testimony in written form.

My particular concern is with the proposed new rule, OAR 340-71-355, providing criteria for a gravel-less disposal trench system. To understand the implications of this rule change, it is necessary to review briefly the well-documented factors which affect the operation of a disposal trench.

Twenty-five years of technical research into the factors which affect drainfield trench failure have established beyond any doubt the fact that the controlling factor in drainfield performance is the rate of infiltration of the septic tank effluent from the disposal trench into the undisturbed soil. In a gravel-filled trench, the infiltrative surface, where the effluent passes into the soil, is the undisturbed soil surrounding the gravel fill. Drainfield failure occurs when the infiltrative surface becomes clogged with biologic slimes which reduce the rate of infiltration from the trench into the surrounding soil. One of the primary factors involved in clogging and failure of the infiltrative surface is overloading the infiltrative surface by applying septic tank effluent to the surface at too high a rate. Assuming that all other site factors are suited to the installation of a drainfield trench, the success or failure of the system depends almost entirely on the amount of infiltrative surface available.

A drainfield trench 2 feet wide and 2 feet deep with a gravel depth of 1 foot, constructed in accordance with the present rules, will have an infiltrative surface of 4 square feet per foot of trench length. Using perforated polyethylene pipe in a gravel-less trench backfilled with native soil, the infiltrative surface will be limited to the soil surface immediately adjacent to the holes in the pipe. The material specifications for polyethylene pipe in gravel-less trenches, set forth in the proposed amendment to OAR 340-73-060, permit a minimum outlet area of 1 square inch per foot of trench. This is 570 times less infiltrative surface than that provided in a gravel-filled trench. This massive reduction in the available infiltrative surface area will certainly result in early and total failure of the gravel-less trench systems. Based on my many years of work in the evaluation of subsurface disposal systems, I would confidently expect that the average life of a gravel-less trench system constructed in accordance with the proposed rules will be substantially less than 5 years. I believe it would be a serious error to permit such a radical change to the present rules, which were promulgated in accordance with the best technical information currently available and which have proved their value over a period of many years.

Very truly yours,

BROWN AND CALDWELL

Dan P. Norris

Dan P. Norris, P.E.
Vice President

BROWN AND CALDWELL
P.O. BOX 11680 EUGENE, OREGON 97440
2300 OAKMONT WAY SUITE 100 EUGENE, OREGON 97401 (503) 686-9915

ATLANTA □ DALLAS-FT. WORTH □ DENVER □ EUGENE □ PASADENA □ SACRAMENTO □ SEATTLE □ TUCSON □ WALNUT CREEK □ WESTWOOD

United States Department of Agriculture
Forest Service
Pacific Northwest Region
319 S.W. Pine
P.O. Box 3623
Portland, OR 97208

Reply to: 7430

Date: January 27, 1982

Department of Environmental Quality
Attn: Sherman Olson
PO Box 1760
Portland, OR 97207

Dear Mr. Olson:

We have reviewed the proposed amendments to the State of Oregon "On-Site Sewage Disposal Rules," and offer general comments regarding the rules and the enclosed technical comments.

We feel the rules are too complex and contain excessive technical detail. They should consist of guidelines or parameters that lead to the result intended, and allow for good environmental engineering judgement based on facts related to the individual site or situation. Currently, any deviation from a detail in the rules requires a lengthy and complicated variance procedure to be followed. Our experience has shown that this has resulted in unnecessary and costly project delays. We therefore suggest that you reconsider continuing with the detailed technical rules and variance procedures that are costly to administer at your agency as well as ours.

We thank you for the opportunity to comment on the proposed amendments and request that our name be included on your mailing list for any future amendments or hearings.

Sincerely,

D. B. TRASK
Director of Engineering

Enclosure

Comments Regarding Proposed Amendments
"On-Site Sewage Disposal Rules"

OAR 340-71-295

Reference 4(b)(A) - We believe a 2-inch bed of clean sand would be adequate protection and less costly than the proposed 4 inches.

OAR 340-73-055

Reference 1(A) - This requires motors to be single-phase with built-in automatic reset overload protection (on a separate starting winding).

A. Either single-phase or three-phase motors should be allowed. Single-phase motors are much more prone to fail, usually due to the start capacitors and relay. We utilize three-phase motors wherever power is available.

B. We disagree on the requirement that motors should have automatic reset overload protection. When sewage pump motors get overloaded as a result of a clogged impeller, they will shutoff or overload and recycle on-off when the motor cools down. After a number of cycles the pump may burn out. This overload requirement should allow either manual or automatic reset. Our systems have a light that indicates pump overload; then operation is transferred to an alternate pump.

Reference 1(c) - This requires an easy, readily accessible means of electrical and plumbing disconnect. Disconnect is not defined. Does this mean a disconnect switch, plug and receptacle, or a junction box? Where can the disconnect be located; in the wet well or above grade? If the disconnect is located in the pump pit, does it have to be submersible and explosion-proof to meet Class 1 Group D electrical requirements?

Our systems have the main disconnect in the control panel with an explosion-proof submersible plug receptacle either in the wet well or above it.

Reference 1(d) - The use of a large screen on pumps that discharge into a pressurized distribution system is not practical and will lead to a maintenance headache. Other options such as grinder pumps should be allowed.

Reference 1(e) - This requires a sealed mercury float switch rated at 12 amps at 115 volts AC or an approved equivalently reliable switching mechanism.

The current and voltage requirements are misleading. The State of Oregon Fire Marshall and Electrical Inspector have ruled that control circuits to the well must be either explosion-proof or intrinsically safe. A typical mercury float switch is not explosion-proof, and if used at 115 volts is not intrinsically safe. In addition, the only way float switches can be used and meet NEC (National Electrical Code) is to be intrinsically safe. In these circuits the voltage and current levels are 24 volts at less than 0.005 amp. The section should either be clarified or eliminated and just referenced to meet NEC and State electrical requirements.

Reference 1(f)(g) - This requires alarm and pump controls to be on separate circuits.

This should be clarified to show that the intent is to separate the alarm control power from the pump motor circuit breaker, so the alarm still operates in the event of a motor short-circuit causing its' breaker to trip. The normal level control circuits and alarm circuits should be allowed to use the same power source. The State Electrical Section also requires a redundant "off" control if the pumps are not explosion-proof.

Reference 1(h) - This removes the requirement for a State electrical permit and inspection.

Even though an electrical permit may be obtained on a project, many pump, electrical, and control systems do not obtain this inspection. As a result many systems have been installed which may not meet NEC and State electrical safety laws.

We feel the inspection by a qualified electrical inspector results in safer systems by requiring that the control systems be designed for their intended use in accordance with the class of hazard involved, and that they are installed in accordance with code requirements.

OAR 340-71-295

Reference 2(e)(A)(i) - We believe a 2-inch sand subgrade would be adequate protection and less costly than the proposed 4 inches.

Submitted by: US Forest Service
PO Box 3623
Portland, OR 97208
January 27, 1982

OFFICE MEMORANDUM · · · DEPARTMENT OF ENVIRONMENTAL SERVICES

TO: JACK OSBORNE, SUPERVISOR TSO 9/28/81
Date

FROM: HARDING CHINN, MULTNOMAH COUNTY HC.

SUBJECT: COMMENTS ON PROPOSED CHANGE OF OAR CHAPTER 340, DIVISION 71, APPENDIX A (9), BEDROOM DEFINITION

Unless the proposed definition of a bedroom as requested by Tillamook County is acceptable to the State Department of Commerce and is made a part of their code a rule amendment will create two definitions of a bedroom, D.E.Q.'s and Commerce's.

Two definitions will lead to more abuse and confusion than less.

HC/bm

Mack Arch on the Curry Coast
COUNTY OF CURRY
ENVIRONMENTAL SANITATION
OFFICE
POST OFFICE BOX 1277
GOLD BEACH, OREGON
97444
PHONE NO. 247-7011, EXT. 311 OR 321

TO: Sherman Olsen, Jr.

FROM: Tyrone L. Welty, R.S., Supervising Sanitarian

DATE: October 6, 1981

SUBJECT: Definition of bedroom

We recommend that the pre-1978 definition of bedroom be adopted, to wit:

"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."

We agree that the minimum 4 bedroom dwelling will solve most single family residence sizing problems. However, we may have homes with more than 4 bedrooms. Also we may design some on-site sewage waste systems for 2 bedrooms on lots created prior to March 1, 1978. Under this circumstance, a 2 bedroom house with a den, a study and a sewing room could be constructed. This, in my opinion, violates the intent of this rule to provide an adequate sewage disposal system for the (5 bedroom) dwelling.

ROBERT W. STRAUB
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: David H. Couch, Hearings Officer

Subject: Report on Public Hearing Held February 2, 1982 in Medford on Proposed On-Site Sewage Disposal Rule Amendments

Summary of Procedure

Pursuant to public notice, a public hearing was convened in the 2nd floor conference room of Park Place Building, 201 W. Main Street, Medford, Oregon on February 2, 1982 at 10:00 a.m.. The purpose of the hearing was to receive testimony regarding proposed amendments to the on-site sewage disposal rules. Four (4) persons attended the hearing. Three (3) persons presented testimony.

Summary of Testimony

Bradley W.H. Prior, Jackson County Department of Planning and Development, in general supported proposed changes except as follows:

1. Attachment "C", page 2 - agreed, but the Department should develop a standard form and standard language for the affidavit.
2. Attachment "C", page 5 - disagreed; did not feel a time limit was necessary. The proposed rule change would be an additional burden to applicants. The public will be better served by leaving the permit renewal procedure unchanged. Most sites have been unchanged and therefore the permit renewal is an easy administrative process.
3. Attachment "C", page 6 - disagreed; feels the Department provides very little assistance to contract counties in the area of alterations, repair permits and authorization notices. A surcharge is therefore not appropriate. Recommend not adding section (c), (d) and (e).
4. Attachment "C", page 9 - agreed; recommends allowing use of gravel-less disposal trenches on steep slopes. Increase linear feet required to compensate for loss of filter material depth.
5. Attachment "C", page 10 - agreed with proposal with the exception of times when County has reviewed all available options with applicant and agrees the evaluation should be waived.

6. Attachment "C", page 12 - agrees with the concept that the rule goes further than the statute allows, but feel the County should be reimbursed for their activities. The County should receive a minimum of $100 or at least the appropriate permit fee.

7. OAR 340-71-220(4)(d) should provide for use of multiple tanks in series (i.e. Hancor 750+500 gallon tank, effective capacity 1250 gallons).

John W. Blanchard, Josephine County Environmental Health Services, submitted a written statement, which is attached. He felt the proposed changes were a "good package", with a few comments:

1. Attachment "C", page 5 - unreasonable; a renewal could come at anytime. Sites are generally not modified and all that is required for permit renewal is a limited site check. Having to go through the entire process again, including property evaluation, is not reasonable.

2. Attachment "C", page 9 - recommend allowing gravel-less disposal trenches as an option to standard disposal trenches. Should be a second type of standard disposal trench.

3. Attachment "C", page 10 - recommend leaving in the variance officers option to waive site evaluation.

4. Attachment "C", page 12 - needs to be clarified; specify that variance approvals must pay County permit fee.

Daniel R. Frank, Effluent Pump Specialties, agreed with the majority of changes except as follows:

1. Attachment "C", page 10 - strongly disagrees; applicants should be allowed this option. Adds to "overlapping government". The practical side is that costs are already high and this adds more. Time constraints of applicants should allow for waiving of evaluation to speed up process. OAR 340-71-150(3) specified what is contained in site evaluation report. The report is subject to interpretation but is easily checked.

The hearing was adjourned at 11:00 a.m..

Respectfully submitted,

David H. Couch
Hearings Officer

Attachments:

1) Attendance List

2) Josephine County Environmental Health Services
Written Statement dated January 28, 1982

OREGON
DEPT. OF ENV. QUALITY
D. H. COUCH

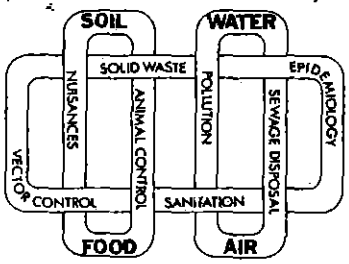
ATTENDANCE LIST

Date: 2/2/82

HEARING TO AMEND ON-SITE SEWAGE DISPOSAL RULES

MEDFORD, 201 W. MAIN – 2ND FLOOR Conf. ROOM

NAME AND ADDRESS	REPRESENTING
John W Blanchard	Josephine Co.
Bradley W. H. Prior	Jackson Co.
Casey Grimes	DEQ - SWR
Dan Frank	EPS



C. William Olson, M.P.H.
Health Department Administrator

JOSEPHINE COUNTY HEALTH DEPARTMENT

ENVIRONMENTAL HEALTH SERVICES

Mailing Address: *Josephine County Court House*
Grants Pass, Oregon 97526

Telephone: 474-5431 or 474-5432

Location: *Corner of 4th & C Streets*

January 28, 1982

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

Dear Sherm,

Before I list our comments I would like to commend you and the others who worked on this amendment package. I think the format is excellent, the explanations are clear, concise, and understandable. It just makes it that much easier to get right to the meat of the issue, learn the reason for the amendment and look at a few pros and cons. I would hope that this format would be used in future proposed amendment packages.

Here are our comments on the current rule change package:

1. Bedroom definition.

We are quite satisfied with the current setup for determining whether or not a room is a bedroom. We do not feel that problems in one county should cause the entire state to change. We strongly feel the present bedroom definition is the most workable and we feel there should be no changes made.

2. Separate lots under common ownership.

We agree with the affadavit requirement. We currently use this type of arrangement but it would be nice to have a standardized format to record them.

3. Permit Renewal.

We can't see any difference between a permit which has expired without any construction undertaken and a site evaluation which has not had a permit issued yet. Why should someone who purchased a permit but for some reason or other did not commence construction be required to have a new property evaluation when a person who has never applied for a permit can apply for one without a new property evaluation?

It would seem more appropriate to have some type of time limit after expiration before requiring a new property evaluation or some type of statement

.... continued ....

to sign that no development had taken place on that lot or adjacent lots since the original site evaluation. And rather than tie it to a renewal, tie it to the date of the original site evaluation.

4. Surcharges.

We can see some reasoning for a surcharge for alteration because some on site work is required after issuance of the permit. However, most authorization notices require only a field visit to determine if a system is working and if there is a large enough replacement area. We can't see the need for much consultation on these matters and therefore can't see the need for a surcharge.

With repair permits we don't want to see a surcharge added because it tends to discourage people from even applying. If you can keep the permit costs down, there will be more voluntary applications.

7. Gravel-less disposal trench.

We feel this system should be allowed for use. We should be keeping up with new developments. However, since the rule amendment only appears to allow the system on sites meeting standard requirements, wouldn't it be better to designate it as an optional method for standard trenches rather than an alternative system. i.e., all alternative systems although allowed on standard sites overcome some type of site limitation which prevents installation of a standard system, this one apparently does not.

Variance requirement for Site Evaluation. Appears to be a good idea to require a Site Evaluation, not just a denied Site Evaluation in view of all the alternative systems available. However, there should still be some discretion allowed the variance officer for those cases where a Site Evaluation may not really be necessary.

Variance reimbursement to county. In the past, we have not charged for a permit under variance since we received a reimbursement. We would just like a clarification that we could charge for those permits if we lose the reimbursement.

Hope these comments are helpful Sherm. Let us hear from you.

Sincerely,

CHARLES D. COSTANZO, R.S., DIRECTOR

John W. Blanchard

John W. Blanchard, R.S.

JWB:bh

VICTOR ATIYEH
GOVERNOR

Department of Environmental Quality
CENTRAL REGION

2150 N.E. STUDIO ROAD, BEND, OREGON 97701 PHONE (503) 388-6146

MEMORANDUM

To: Environmental Quality Commission

From: Donald L. Bramhall, Hearing Officer

Subject: Report on Public Hearing Held February 2, 1982, concerning proposed amendments to OAR 340-71-100 to 71-600 and OAR 340-73-025 to 73-085

Summary of Procedure

Pursuant to Public Notice, a public hearing was convened in the City of Bend on February 2, 1982, at 10:15 a.m. The purpose of the hearing was to receive testimony concerning several amendments to rules governing on-site sewage disposal.

Summary of Oral Testimony

Mike Kment, representing the Central Oregon Home Builders Association, commented on five of the issues under consideration. His organization supports maintaining the current bedroom definition. They do not support the surcharge concept or the proposed surcharge additions. They do not support requiring a site evaluation report as part of a variance application. They do support allowing other forms of security for sewage disposal services and Mr. Kment recommended that the approved list of acceptable negotiable securities be mailed to all existing licensees so that they can choose the form of security they wish to file. His Association also supports the continued disbursement of the variance application fee to the local agent in order to help keep local costs down.

Summary of Written Testimony

No written testimony was received.

Respectfully submitted,

Donald L. Bramhall

Donald L. Bramhall
Hearing Officer
February 3, 1982

VICTOR ATIYEH
GOVERNOR

Environmental Quality Commission

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

February 10, 1982

MEMORANDUM

To: Environmental Quality Commission

From: John L. Smits, Hearings Officer

Subject: Report on Public Hearing Held February 2, 1982, in Newport, on Proposed On-Site Sewage Disposal Rule Amendments

Pursuant to Public Notice, a public hearing was convened at Naterlin Center, Room 6, Highway 101, Newport, Oregon on February 2, 1982 at 10:00 a.m. Three persons attended the hearing. The attendance list and written testimony is attached.

Summary of Testimony, Issue by Issue

1. The "bedroom" definition:

Doug Marshall - Concerned with the number of approvals on file that limit discharge (number of bedrooms). Many old lots 'exempt' from rules on system sizing related to bedrooms.

Mr. Marshall's written comments on this issue are attached.

Bill Zekan - Lincoln County - Problem with building department, mix-up with determining number of bedrooms: Wants sanitarians to have more say in review of building plans.

Ken Kimsey - Lincoln County - Previous definition replaced for three reasons but Building Department seems to have no criteria either. Recently Building Department allowed owner to cross out word bedroom and replace it with study room, but it does have a closet. Main problem is with older lots.

2. Disposal system and served facility on separate parcels:

Marshall, Tillamook County - Supports change, has had problems with existing rule. Suggest include replacement area language.

Zekan - Favors amendment

3. Renewal of Permits:

Marshall - No comment

Zekan - No comment

Kimsey - Sees big problems with proposed amendment if permittee gets site approval - permit - permit expires then required to start again with new fees whereas same date of approval but waits years for permit application - may still need to revisit site. Suggests raising special renewal fee to cover short visit.

4. Issue: New surcharges for other activities i.e., alteration, repair permits, authorization notices.

Marshall - Objects to surcharges.

Zekan - Objects to new surcharges - rarely asks for assistance on these items. Suggest collect surcharge only if technical assistance is provided.

Kimsey - Favors adding new section.

5. Issue: Conditions when system must be abandoned.

Marshall - question - favors

Zekan - Favors

Kimsey - Favors

6. Issue: Locations where chemical toilets may be used.

Marshall - Favors changes

Zekan - Favors

Kimsey - Favors

7. Issue: Alternate gravel-less disposal trench.

Marshall - Experimental nature? Hesitant to use system with no data. Potential damage. Standard system bedded in rock pack, this system will be unbedded.

Zekan - Also concerned - no information.

Kimsey - No comment

8. Issue: Site evaluation required prior to variance.

Marshall - Favors

Zekan - Favors

Kimsey - No comment

9. Issue: Waiver of variance application fee

Marshall - Favors as written

Zekan - Favors as written

Kimsey - No comment

10. Issue: Disbursement of a portion of the variance application fee to the Agreement County.

Marshall - Additional permit fee - already collects due to special variance. Personally disagrees. Objects to collecting additional fees especially surcharge at permit stage.

Kimsey - Department raising fee by abandoning current policy - opposes change. Can't believe variance costs $250 to collect. Suggests reducing the variance fee by the amount of construction permit fee if the variance is granted. Kimsey suggests that the public is being denied due process.

11. Issue: Surety bond sewage disposal services

Marshall - Favors

Zekan - Favors

Kimsey - Favors

12. Issue: Multnomah County Fee Schedule

No comments

13. Issue: Standards for pumps, controls, etc.

Marshall - Favors

Zekan - Favors

Kimsey - Favors

14. Issue: Sand filter membrane liners

Marshall - Favors

Zekan - Favors

Kimsey - Favors

15. Attachment "D" housekeeping changes

Marshall - Zekan - Kimsey

All made various comments are are also covered in written information attached.

Marshall wants flexibility on depth of seepage bed for hummocky topography

16. Marshall suggests that - seepage trench - alternative - steep slope alternative to looked at closely. Inequity occurs. Steep slope seepage trenches are grossly over-sized - instead use formula similar to that for seepage trenches.

All want rule change information sooner!

XG910 (2)

ATTENDANCE LIST
NEWPORT

Date: 2 FEB 82

PUBLIC HEARING ON THE MATTER OF AMENDMENT TO THE RULES, OAR 340-71-100 TO 340-71-600, AND OAR 340-73-025 TO 340-73-085

NAME AND ADDRESS	REPRESENTING
Doug Marshall	Tillamook County
Ken Kinney R.S.	Lincoln County
William J. Zelenka R.S.	Lincoln Co.

Tillamook County Environmental Health

201 Laurel Avenue
Tillamook, Oregon 97141
842-5511 • Ext. 354

February 2, 1982

TO: Environmental Quality Commission

FROM: Tillamook County Environmental Health

RE: Proposed Rule Amendments to OAR Ch. 340, dated January 1982.

Dear Sirs:

This office has reviewed the suggested rule changes and we wish to have the following comments read into the record:

(1) Changes proposed in OAR 340-71-275(4)(d)(C) and Diagram 12 would limit the minimum depth on seepage beds and pressure distribution systems to 24". In Tillamook County we utilize both systems. Most are located on the lee side of a fore dune, which is very hummocky, so we need the flexibility of varying system depths the full 18" to 36". In this case we request that the existing rule not be changed.

(2) This office strongly opposes the suggested surcharges on Alterations, Repairs and Authorization Notices (OAR CH. 340-71-140(4)(c),(d) and (e)). These charges amount to a tax paid to the Department over which the general public or elected legislators have little or no control. It becomes harder and harder to justify increased charges to Tillamook County customers in light of the reduction of service to those same citizens. This county occasional utilizes Bob Paeth for consultations on new sites (approximately 1 day every 3-4 months) so a surcharge on new sites and permits is understandable but we do not receive assistance on residential Alterations, Repairs or Authorization Notices. We do request assistance on repairs for commercial establishments, and I would support a surcharge for commercial repair or alteration permits.

(3) My third comment concerns metrics. Would it be possible to add metric equivalents in paranthesis after measurements? ie: 100 feet (30.5 M), 30 inches (75 CM) or 450 gallon (1703 L). Are agencies still required to "phase-in" metrics?

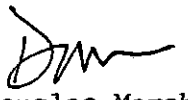
(4) We are encountering problems in calculating anti-bouancy for septic tanks. Is it possible to require tank manufactures to supply that data or, could a DEQ engineer work out a chart or nomograph to be included in the rules?

(5) Table 4 contains what appears to be a typographical error. Soil group C with a soil depth of 48" inches or more should logically be 100 (lineal feet) rather than 125. Silty clay loams are probably the most common soil type in Oregon and in those cases of 48" inches or greater effective soil depth 125 is unwarranted. Clays and heavy silty clays are generally restrictive at those depths, so oversizing will not save a "marginal" approval. This change would be in the economic interest of the general public.

(6) Our final proposal deals with horizontal setbacks. Currently Table 1 requires various setbacks for common topographical conditions. I propose that setbacks should be keyed to soil groups a,b and c, much like Table 4. For example: A disposal field must be 100' feet from a well (OAR 340-71-022(2)(i)(1)). In heavy silty clay soils (group c) this setback is probably excessive and in sandy, gravelly soils (group A) this setback might not be sufficient to protect the water supply. This situation was mentioned to us by Bob Paeth several years ago and we feel it should be incorporated into the current rules.

In closing, we wish to protest the short notice of this years rules changes. We have had no chance for input during the preliminary stages. The proposed rules were received on January 20, 1982 for a scheduled hearing on February 2 (12 days). My personal opinion is that this entire rule package was drawn up by one or two Headquarters Staff people with little or no input from field personnel.

Respectfully,



Douglas Marshall, R.S.
Senior Sanitarian

cc: Bill Zekan, Lincoln County

Tillamook County Environmental Health

February 2, 1982

201 Laurel Avenue
Tillamook, Oregon 97141
842-5511 • Ext. 354

TO: Environmental Quality Commission

FROM: Doug Marshall, Tillamook County

RE: Request to amend definition of "Bedroom".

The staff report lists three reasons favoring the current rule definition. I disagree with all three.

At Tillamook County we have instituted a one-stop permit system. When I review building plans, any room with a door and a clothes closet that looks like a bedroom is counted as a bedroom. It is not uncommon to see building plans on which the word "bedroom" is crossed out and replaced with "hobby room".

A building official looks at plans from a structural point of view. He is concerned with window height and floor area in each room but has no interest in drainfield loading rates or long term functioning of the disposal field. A den, hobby room, sewing room, recreation room or study with a door and closet should be considered when designing a drainfield.

New systems on large parcels are sized for a four bedroom dwelling. In Tillamook County we have many old subdivision lots that are too small to accommodate a four bedroom system. Utilizing the current rules we restrict the number of bedrooms (2 generally) so that an initial and replacement system will fit. It is discouraging to see a 2000+ square foot house with two bedrooms plus hobby room plus sewing room plus den being erected on the lot. I estimate that we have 200-250 approvals on file (including DEQ re-evaluations) that limit the number of bedrooms as a condition of approval. We also encounter problems with remodels, where peak loading of a marginal system is important.

Thank you for your consideration.

Respectfully,

Douglas Marshall, R.S.
Senior Sanitarian

cc: Bill Zekon, Lincoln County
Brent Ressina, Lane County
Ty Welty, Coos County

County of Lincoln

Sub-Surface Section

Public Service Building
210 S.W. 2nd Street
Newport, Oregon 97365
(503) 265-6611, Ext. 253

January 28, 1982

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

For the attention of Sherm Olson.

Dear Sherm:

I wish to take the opportunity to submit my recommendations and comments concerning amendments to the rules governing on-site sewage disposal. These comments and recommendations are as follows:

ISSUE: Petition to change bedroom definition.

DISCUSSION: Granted the current method of determining the number of bedrooms a dwelling has creates few conflicts for lots created after March 1, 1978 which must be served by a minimum four bedroom system. This, method, by which the local building departments determine bedroom number, has not however proven realistic for small lots created prior to March 1, 1978, which may be served by two bedroom systems if there is inadequate room for larger systems. Much too often the building department issues building permits for dwellings on these lots showing dens, sewing rooms, or storage rooms which would require very little modification to become additional bedrooms. Conversion to additional bedrooms could obviously result in overloading of these existing systems which were not sized to accept the added burden. It appears far wiser to me to allow local sanitarians to judge the total bedroom capacity of dwellings to be built on small lots created prior to March 1,1978. I am therefore strongly in favor of the proposed rule change being submitted by Doug Marshall of Tillamook County.

contd.

Sherm Olson
Oregon Department of Environmental Quality

ISSUE: Renewal of construction - installation permits. .

DISCUSSION: I feel the problem could best be addressed by raising the special renewal fee for expired permits to cover the cost of a revisit to the property. This revisit would be made to ensure conditions had not changed on the property that would prevent issuance of a new permit. I see major problems in requiring expired permit holders to start back at square one with a new site evaluation application.

ISSUE: Disbursement of a portion of the variance application fee to agreement counties to defray costs of permit, certificate issuances, and inspections.

DISCUSSION: If I understand this proposed amendment correctly, the department is raising its variance application fee by abandoning the current policy and requiring separate fees for construction permits. Since the variance fee was raised not too long ago, I must oppose this new proposed amendment. I strongly feel that it should not cost the department $250.00 to conduct a variance hearing.

To eliminate the problem that brought forth this amendment, I suggest reducing the variance application fee the amount of a construction permit. Successful applicants would then submit another fee for the permit and unsucessful applicatns would not be paying for services never rendered.

ITEM: Filter material.

DISCUSSION: The current definition of filter material specifies (clean) washed gravel or crushed rock. (Clean) is a relative term and should be defined for enforcement purposes. A solution might be to specify the required size range with the added requirements that there shall be no more than a certain percentage of (fines) by weight.

ITEM: Redundant and seepage trench systems.

DISCUSSION: Current rules do not place a limit on the gallons per day flow these second choice systems may serve. It is thus possible for a three, four, or five bedroom home to utilize these systems when a two bedroom home on the same property could utilize a preferred standard system.

contd.

Sherm Olson
Oregon Department of Environmental Quality.

It is my opinion that both the redundant and seepage trench systems not be allowed for flows in excess of 300 gallons per day except as repairs.

ISSUE: Required setback from unstable land forms.

DISCUSSION: The current rules omit a required setback from a subsurface sewage disposal system to an unstable land form. Clearly a setback is needed.

ISSUE: Access to septic tanks.

DISCUSSION: Some currently approved septic tanks provide only one point of access into the tank. Two points of access are needed for inspection purposes and should be located over the inlet and outlet fittings. If only one point of access is to be required it should be located over the outlet fitting because; 1. The outlet fitting is the most important part of a septic tank and; 2. Sludge and scum levels should be measured at the outlet end of septic tanks.

ITEM: OAR 340-71-220 2 (c)

DISCUSSION: The exception under this section in effect totally disregards other siting criteria such as depth to water tables and setbacks. The exception should be concluded "if any of the following conditions occur and all other requirements of this section can be met."

ITEM: OAR 340-71-290 (3) (a) (A)

DISCUSSION: This rule allows installation of drainlines in a temporary water table when clearly a capping fill system should be required to keep the drainlines above that temporary water table.

ITEM: Site criteria for areas with undevelopable aquifers.

DISCUSSION: Current rules allow lessening of site criteria for lands overlying aquifers designated undevelopable by the State Department of Water Resources only if pressure distribution or sand filters are used. This seems illogical to me as why should property owners be burdened with the added expense these systems entail when the groundwater is undevelopable.

contd.

Sherm Olson
Oregon Department of Environmental Quality.

Wouldn't standard systems be appropriate in these situations since treatment obviously does not require top priority?

Also, Should not the permanent water table separation distance exemption be allowed for areas with aquifers designated undevelopable by the State Department of Water Resources. This exemption in my opinion would allow the substitution of the temporary water table rule for the permanent water table rule as currently allowed by Oregon OAR 340-71-220 (2) (6) (A).

ITEM: Reducing drainfield size requirements in exchange for pressurizing drainlines.

DISCUSSION: Since pressurizing drainlines increases treatment, system life-spans, and provides uniform distribution. I feel their optional installation should be encouraged reducing the drainfield length requirements. Personally, I would much prefer a pressurized drainfield at 75 feet per bedroom on a slope rather than a serial system at 100 feet per bedroom with a series of 30 or 40 foot lines.

ITEM: Setbacks to public waters for lots created prior to May 1, 1973.

DISCUSSION: These lots were created when the required setback from surface public water to the disposal area was 50 feet. I am in full favor of retaining this special exemption and, in fact, feel it should be logically expanded to allow for a reduced separation distance for septic tanks, sumps, and other type treatment units.

The intent of the exemption was to allow for development on legally created lots if the required setbacks in force at the time of their creation could be met. The required setback from public water to septic tanks (logically other similar units) prior to May 1, 1973, was 25 feet. I feel this reduced setback would not cause problems since it would almost exclusively be utilized with pressure systems and should be stated in the rules.

contd.

Sherm Olson
Oregon Department of Environmental Quality

ITEM: Separation distances between water lines and pressure lines.

DISCUSSION: I feel it is especially important to require and maintain a 10 foot horizontal separation distance between a water line and a pressure sewer line. A special note to current setback requirements might lead some to allow the State Plumbing Code to prevail in all instances. Since the code would in fact allow the laying of the two lines in question side-by-side in some instances, I feel clarification is definitely needed. I feel non-pressurized sewer lines do not pose near the potential threat as pressurized lines and I am in favor of allowing the State Plumbing Code to prevail in instances involving them.

ITEM: Licensed pumper service trucks.

DISCUSSION: Pumper trucks should all be equipped with devices to indicate the amount pumped at each occurrence. At present, holding tank owners are being charged based on their tanks capacity and not on the actua amount pumped, which may be considerably less.

ITEM: Licensed pumper service records.

DISCUSSION: Appropriate records should be required and these records should at all times be available for inspection by D.E.Q. personnel and agents. Record could prove invaluable when investigating failing systems, cases of fraud, deceit, or illegal dumpings.

ITEM: Holding tanks.

DISCUSSION: Holding tanks should not be allowed which have seams below the bottom of the inlet for the obvious reason of increased risk of leakage.

ITEM: OAR 340-71-295 (1) (b)

DISCUSSION: The reason eludes me for not allowing sand filters with design capacities of 300 and 375 gallons per day. I do know that the Alsea Dunal Aquifer Geographic Rule allows these filters and so far no problems have arisen. In fact, these allowances have proven very valuable in developing lots with limited usable area.

contd.

Sherm Olson
Oregon Department of Environmental Quality.

ITEM: Incompetent system installers.

DISCUSSION: As the rule stands, incompetent installers can monopolize a department's resources with the necessary corrective measures and re-inspections they require. OAR 340-71-600 (7) should provide for license revocation for installers who exhibit repeated and widespread inability to follow the rules.

ITEM: OAR 340-71-275 (4) (d) (C)

DISCUSSION: I wish to express my opposition to the requirement that seepage beds be placed only into natural soil. Single grain soils stabilize rapidly upon placement and there would not be adverse effects to seepage beds. I would much rather allow six inches of sand fill to meet the separation distance from the permanent water table than require the installation of an expensive and unsightly sand filter.

ITEM: OAR 340-71-275 (4) (d) (F)

DISCUSSION: This rule needs work as although it allows a seepage bed only 4 feet 4 inches wide it would require the pressure lines of that bed to be laid side-by-side.

ITEM: OAR 340-73-055 (1) (d)

DISCUSSION: The requirement of 12 square feet of screen surface area does not specify where the surface area should be located. The 12 square feet of screen should be located below the high water level (pump "on" level.)

ITEM: Yearly inspections of pump systems.

DISCUSSION: All pump systems should be inspected yearly. This requirement should be written into the rules along with a yearly inspection fee required to cover the cost of the inspection.

ITEM: 340-71-160 (9)

DISCUSSION: This rule says permits are not transferable. Does it mean permits cannot be transferred between consecutive property owners, between licensed installers, or from one piece of property to another? Only the last item should be forbidden in my opinion.

contd.

Sherm Olson.
Oregon Department of Environmental Quality.

ITEM: 340-71-205(7)
340-71-210(1)(b)

DISCUSSION: These two rules allow an increase of more than 300 gallons per day with only the requirements that an alteration permit be obtained. These rules do not require actual expansion of the existing system before the flow rate is increased. Clearly rewording of these rules is needed to require the expansion of the existing system before the flow rate is increased.

ITEM: 340-71-215 Repairs of existing systems.

DISCUSSION: I believe that there should be a condition added that a repair permit shall not be issued if in the opinion of the agent the repair would result in the creation or perpetration of a public health hazard.

I am confident you will carefully consider my recommendations which I have just listed. I assure you almost all are the results of actual occurrences during my employment regulating subsurface sewage disposal. Please feel free to call me if you have any questions. The office telephone number is 265-6611, ext. 253. My office hours are 8:30 - 10:00 a.m. weekdays.

Respectfully,

Ken Kimsey

KENNETH W, KIMSEY, R.S.
LINCOLN COUNTY SANITARIAN.

KWK/jl

ATTACHMENT "B"

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

In the Matter of Amendment to Rules OAR 340-71-100 to 71-600 and OAR 340-73-025 to 73-085, On-Site Sewage Disposal Rules	))))	Statutory Authority, Statement of Need, Principal Documents Relied Upon and Statement of Fiscal Impact

1. Citation of Statutory Authority:

ORS 454.625, which requires the Environmental Quality Commission to adopt rules pertaining to On-Site Sewage Disposal.

2. Statement of Need:

The Environmental Quality Commission has adopted temporary rules pertaining to sewage disposal service businesses, and pumps & switches, that will expire if not adopted as permanent rules. The temporary rules provided immediate remedy to bring portions of the On-Site Sewage Disposal rules into compliance with the State Electrical Code, and to implement the provision of Chapter 148, Oregon Laws 1981. Some of the rules have been found to be illogically located within the overall rule structure, poorly worded and difficult to interpret and administer, overly restrictive, or in conflict with other rules. The proposed amendments are intended to correct these problems. Multnomah County has requested an adjustment in some application fees because their costs in providing service have been higher than the fee received. The Department of Environmental Quality spends considerable time in providing technical assistance to contract counties and the public within the activity categories of alteration permits and authorization notices, and finds it necessary to levy a surcharge on these activites to help defray the costs of providing this assistance.

3. Documents Relied Upon in Proposal of the Rule Amendments:

1. Agenda Item F, a Staff Report for the Environmental Quality Commission meeting on December 4, 1981.

2. Agenda Item U, a Staff Report for the Environmental Quality Commission meeting on August 28, 1981.

3. Agenda Item N, a Staff Report for the Environmental Quality Commission meeting on October 9, 1981.

4. Letter of December 16, 1981 to Sherman Olson (Department of Environmental Quality) from Timothy J. Lang (Advanced Drainage Systems, Inc.).

5. Letter of November 9, 1981 to Sherman Olson (Department of Environmental Quality) from Robert L. Haskins (Assistant Attorney General).

6. Interoffice Memo of September 24, 1981 to Sherman Olson (Department of Environmental Quality) from Dick Nichols (Department of Environmental Quality).

7. Letter of August 27, 1981 to Sherman Olson (Department of Environmental Quality) from Gail Forsyth (Norwesco, Inc.).

8. Memorandum of June 15, 1981 to Environmental Quality Commission from Roy Burns (Lane County).

9. Letter of October 9, 1981 to Jack Osborne (Department of Environmental Quality) from M. W. Whitfield (Multnomah County).

The above documents are available for public inspection at the Office of the Department of Environmental Quality, 522 S.W. Fifth Avenue, Portland, Oregon, during regular business hours, 8 am to 5 pm, Monday through Friday.

4. Fiscal and Economic Impacts:

Imposition of a five dollar ($5) surcharge on two (2) additional activities will raise the costs to applicants and provide additional revenue to fund portions of the On-Site Sewage Disposal Program administration. Amendments to the Multnomah County fee schedule will raise the cost of some permits and result in additional revenue for the Multnomah County program. Other rule amendments should have little or no economic impacts. There should be no significant economic impact upon small businesses, although sewage disposal service businesses will be allowed the flexibility to post alternative forms of security in lieu of a bond.

William H. Young, Director
Department of Environmental Quality

March 5, 1982
XG724 (1)

ATTACHMENT "C"

DEPARTMENT OF ENVIRONMENTAL QUALITY

Presentation of Issue, Problem, Discussion and Proposal of Substantive Amendments for the following:

1. The definition of "bedroom".

2. Affidavit required when system and facility it serves are on separate lots with the same ownership.

3. Renewal of construction-installation permits.

4. Surcharges.

5. Abandonment of Systems.

6. Construction type chemical toilets.

7. Gravel-less disposal trench system rules.

8. Require a site evaluation report with each variance application.

9. Waiver of variance application fee.

10. Disbursement of portion of variance application fee.

11. Forms of security for sewage disposal services.

12. Multnomah County Fee Schedule.

13. Standards for Effluent Pumps, Controls & Alarms, and Dosing Siphons.

14. Sand Filter Membrane Liners.

January 1982

ISSUE

A petition, presented to the Commission, to amend the "bedroom" definition.

PROBLEM

Other rooms, in addition to bedrooms, have the potential to be used as bedrooms. In the current "bedroom" definition, either the Department of Commerce building codes representative or the authorized building official determines if a room is a bedroom. The petition would allow the determination to be made by Department or Agreement County staff. The number of bedrooms a new dwelling has, beyond four bedrooms, are used as a design parameter in projecting daily sewage flows to properly size an on-site system.

DISCUSSION

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 limit the number of individuals who may reside in a dwelling.

The current definition of a bedroom 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.

The petition proposes to return to the definition that existed prior to the present definition, and 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.

The previous (proposed) definition was replaced for three reasons. It was too broad and all inclusive, and difficult to interpret accurately. It provided no criteria to serve as a guide for determining whether a given room is indeed a bedroom, and as such was open to abuse by regulators who wished to identify excessive numbers of bedrooms in a dwelling.

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 minimum size system rule the definition of bedroom becomes less critical.

PROPOSAL — The current bedroom definition not be amended.

ISSUE

The sewage disposal system and the facility it serves located on separate lots or parcels.

PROBLEM

Present rules, [OAR 340-71-130(11)], require a recorded utility easement when a sewage disposal system and the facility it serves are located on separate lots or parcels, under different ownership. This easement assures the system owner access to maintain or repair the system.

The rule does not address the situation where the system is on one lot or parcel and the facility it serves is on another lot or parcel, both under the same ownership. In this situation one or another of the lots or parcels may be sold and the facility owner may not be able to enter the other lot or parcel to maintain or repair the system.

DISCUSSION

In the event a system owner is unable to maintain or repair a failing system, health hazards or water pollution may occur. It is essential that the system owner have access to the system at all times. The proposed amendment to OAR 340-71-130(11) adds a new subsection (b) requiring the filing of an affidavit which would provide legal access (easement), to maintain or repair the system.

PROPOSAL

Amend OAR 340-71-130(11) by adding a new subsection (b), as follows:

(b) Whenever an on-site system is located on one lot or parcel and the facility it serves is on a contiguous or adjacent lot or parcel under the same ownership, the owner shall execute and record in the county land title records an affidavit which notifies prospective property purchasers of this fact in a form approved by the Department.

(Underlined _____ material is new)

ISSUE — Renewal of construction-installation permits.

PROBLEM — Construction permits are valid for one year from date of issuance. Present rules provide for renewal of construction permits upon payment of the appropriate fee. The rules do not provide time limits within which a permit may be renewed.

DISCUSSION — Under present rules a person may renew a permit at any time by paying the appropriate fee. Often a permit is renewed several years after its expiration. It is felt that the public can best be protected by requiring that permits may be renewed only prior to their expiration. Once a permit expires, a new application and property evaluation should occur.

PROPOSAL — Amend OAR 340-71-140(1)(b)(E) by adding a <u>"note"</u> to read as follows:

> <u>NOTE: Renewal of a permit may be granted to the original permittee if an application for permit renewal is filed prior to the original permit expiration date.</u>
>
> (Underlined <u>_____</u> material is new)

ISSUE

Surcharges on fees for certain activities.

PROBLEM

Present rules provide for surcharges on site evaluations and permits. The fees generated by these surcharges are used to fund positions within the Department to provide technical assistance to contract counties and to the public. There are other activities which utilize technical assistance time for which no surcharge is levied.

DISCUSSION

A considerable amount of time is spent by Department personnel in providing technical assistance in the following activity categories.

- alteration permits
- authorization notices

It is felt it would be appropriate to levy a surcharge on each of these activities, to help defray costs of providing technical assistance.

PROPOSAL

Amend OAR 340-71-140(4), by adding new subsections (c), (d), and (e) to read as follows:

(Bracketed [ ] material is deleted, underlined ___ material is new.)

(4) Surcharge. In order to offset a portion of the administrative costs of the statewide on-site sewage disposal program, a surcharge for each activity, as set forth in the following schedule, shall be levied by the Department and by each Agreement County. Proceeds from surcharges collected by the Department and Agreement Counties shall be accounted for separately. Each Agreement County shall forward the proceeds to the Department as negotiated in the memorandum of agreement (contract) between the County and the Department.

	Activity	Surcharge
(a)	Site evaluation: per lot or site; or for each 1,000 gallons projected daily sewage flow or part thereof, whichever is greater up to 5,000 gallons	$ 15
(b)	New construction Installation Permit	$ 5
(c)	Alteration permit	$ 5
(d)	Authorization Notice	$ 5

ISSUE

Conditions under which an on-site system must be abandoned. (Abandonment of Systems)

PROBLEM

Present rules specify conditions under which an on-site sewage disposal system must be abandoned. Legal counsel advises that some of these conditions are improperly worded and will not achieve the desired result.

DISCUSSION

In the rewrite of the rules, adopted March 13, 1981, language on "abandonment of systems" was amended from previous language which in legal counsel's opinion achieved the desired results while protecting the systems owner. The present wording is faulty and needs to be corrected.

PROPOSAL

Amend OAR 340-71-185 as follows:

(Bracketed [ ] material is deleted, underlined ___ material is new.)

340-71-185 ABANDONMENT OF SYSTEMS.

(1) The owner shall abandon a system when:
  (a) A sewerage system becomes available and the building sewer has been connected thereto; or
  (b) The source of sewage has been permanently eliminated; or
  (c) The system [is failing and cannot be repaired; or] <u>has been operated in violation of OAR 340-71-130-(13), unless and until a repair permit and Certificate of Satisfactory completion are subsequently issued therefor; or</u>
  (d) The system has been constructed [without a permit and cannot be brought into compliance with these rules; or] <u>installed, altered, or repaired without a required permit authorizing same, unless and until a permit is subsequently issued therefor; or</u>
  (e) The system has been <u>operated or</u> used without a required Certificate of Satisfactory Completion[,] or Authorization Notice <u>authorizing same</u> , [and cannot be brought into conformance with these rules.] <u>unless and until a Certificate of Satisfactory Completion or Authorization Notice is subsequently issued therefor.</u>

ISSUE

Locations where construction type chemical toilets may be used.

PROBLEM

The rule for nonwater-carried disposal systems (including chemical toilets) lists a number of locations where these facilities may be used. The listing is too broad and allows use of construction type chemical toilets at inappropriate locations such as at seasonal dwellings.

DISCUSSION

In locations such as dwellings, these facilities are not maintained properly and may cause health hazards as well as result in improper disposal of contents. The proposed amendment would narrow the use of construction type chemical toilets to those uses for which they were designed.

PROPOSAL

Amend OAR 340-71-330(2)(b) to provide an exception as follows:

(Bracketed [ ] material is deleted, underlined ___ material is new.)

(b) Nonwater-carried waste disposal facilities may be approved for temporary or limited use areas, such as recreation parks, camp sites, seasonal dwellings, farm labor camps or construction sites, provided all liquid wastes can be handled in a manner to prevent a public health hazard and separation distances in Table 8 can be met.

Exception: The use of self-contained construction type chemical toilets is limited to construction sites, farm labor camps, county fairs and rodeos, or similar uses.

ISSUE

Request to adopt rules pertaining to an alternative on-site sewage disposal system called a Gravel-Less Disposal Trench System.

PROBLEM

The specifications for trench construction require the trenches to be two feet wide, with filter material (gravel or crushed rock) placed six inches below and two inches above the distribution pipe, and extend the full length and width of the trench.

DISCUSSION

The proposed gravel-less disposal trench system would use large diameter corrugated polyethylene pipe (minimum inside diameter of ten inches) wrapped in a factory-installed spun-bonded nylon filter fabric. The wrapped pipe would be placed in trenches at least eighteen inches wide and eighteen to thirty six inches deep. Filter material would not be used in this system. A gravel-less disposal trench system would function in the same manner as a standard system.

PROPOSAL

Amend OAR 340 Division 71 as follows:

(1) Add a new rule, OAR 340-71-355, that provides the criteria for use of a gravel-less disposal trench system.

(2) Amend OAR 340-71-415 by allowing a variance officer the ability to consider granting variances from 340-71-355.

(3) Amend OAR 340-71-Diagram 12 by adding a cross-section illustration of a gravel-less trench.

(4) Amend OAR 340-73-060(2) by adding a new subsection that lists the materials criteria for pipe used within a gravel-less disposal trench system.

(The above amendments are found in Attachment E)

ISSUE

Require a site evaluation report be provided with each variance application.

PROBLEM

The current rule requires each application be accompanied by a site evaluation denial, if the property has been denied, unless waived by the variance officer. With the numbers and kinds of on-site systems available today sites are not usually denied.

DISCUSSION

The language in the existing rule was adopted when there were very few alternative systems available, and consequently a higher percentage of sites evaluated were denied. But now most sites are found suitable for placement of either a standard system or one or more of the several alternative systems. Many variance applications today are for sites that meet the requirements for an alternative system, and therefore are not denied. The intent of the rule has been that the potential sites be evaluated for suitability by Department or Agreement County staff, and based upon their evaluation report, the applicant would decide if proceeding through the formal variance process was warranted. That evaluation report is used by the variance officer when a variance applicant goes to hearing.

PROPOSAL

Amend OAR 340-71-415(3) as follows:
(Bracketed [ ] material is deleted, Underlined _____ material is new.)

(4) [(3)] Applications.

(a) Applications shall be made to the Department or Agreement County as appropriate. A separate application must be filed for each site considered for a variance.

(b) Each application shall be accompanied by:

(A) A site evaluation report. [denial, if the parcel has been denied, (]unless waived by the variance officer[)]; and

(B) Plans and specifications for the proposed system; and

(C) The appropriate fee; and

(D) Other information necessary for rendering a proper decision; and

(E) The application shall be signed by the property owner.

ISSUE

Waiver of variance application fee.

PROBLEM

ORS 454.662 allows a variance applicant that meets each of three conditions to file a variance application without paying a fee. The conditions are:

1. The applicant must be 65 years of age or older.
2. The applicant must be a resident of this state.
3. The applicant has an annual household income, as defined in ORS 310.630, of $15,000 or less.

Applicants that meet these conditions could go beyond legislative intent by developing more than one site through the variance provisions without paying for the additional administrative costs incurred by the Department.

DISCUSSION

The intent of the waiver of variance application fee was to allow an individual meeting the qualifications to develop a homesite on property that was not suited for a standard system and live on the property. This is abused by individuals that are applying for more than one site.

PROPOSAL

Amend OAR 340-71-415(4) as follows:

(Bracked [ ] material is deleted, Underlined ____ material is new.)

(4) An applicant for a variance under this rule is not required to pay the application fee, if at the time of filing, the applicant:

(a) Is sixty-five (65) years of age or older; and
(b) Is a resident of the State of Oregon; and
(c) Has an annual household income, as defined in ORS 310.030, of $15,000 or less[.] ; and
(d) Has not previously applied under the provisions of this section.

ISSUE

Disbursement of a portion of the variance application fee to the Agreement County to defray costs of permit, certificate issuance, and inspections.

PROBLEM

The variance application fee is appropriated to meet administrative expenses of the hearings.

DISCUSSION

ORS 454.662 provides that each application for a variance submitted pursuant to ORS 454.657 must be accompanied by a fee, with one exception. It further provides that the monies received are continuously appropriated to meet administrative expenses of the hearings. The costs for the construction-installation permit, certificate issuance and inspections are not administrative expenses of the hearing. The rule goes further than the statute allows.

PROPOSAL

Amend OAR 340-71-435 as follows:

(Bracketed [ ] material is deleted.)

(1) After a variance is granted the appropriate Agent shall be notified in writing.

(2) In nonagreement counties the Department shall issue system construction installation permits, perform necessary inspections and issue Certificates of Satisfactory Completion.

(3) In agreement counties, the county shall issue system construction installation permits, perform necessary inspections and issue Certificates of Satisfactory Completion.

[(4) The Department shall disburse forty (40) dollars of the variance fee per granted variance to the agreement county, in which the property is located, to defray costs of permit and certificate issuance and inspections.]

ISSUE

Other forms of security in lieu of a surety bond for sewage disposal service.

PROBLEM

Applicants for sewage disposal service licenses have been required by statute to obtain a surety bond executed in favor of the State of Oregon. Such applicants were not allowed to tender other security in lieu of the surety bond, as is allowed with other licenses or permits. This requirement prevented some applicants who could not obtain a bond from becoming licensed.

DISCUSSION

Chapter 148, Oregon laws 1981, amended statutes (ORS 454.695) to provide for other security in lieu of surety bonds. The other types of acceptable security were to be determined by the Environmental Quality Commission and adopted by rule. In addition to the surety bond, the following types of security were found acceptable to the Commission.

(a) Insured savings account assigned to the Department.
(b) Negotiable securities approved by the State Treasurer.

PROPOSAL

Amend OAR 340-71-600, as appropriate, to provide other security approved by the Commission.

(The proposed amendments may be found in Attachment "E").

ISSUE — Multnomah County Fee Schedule

PROBLEM — Multnomah County feels that the fee category of "repair" should not apply to cesspools. In addition two other systems have inadequate fees.

DISCUSSION — Multnomah County states that cesspools are not "repaired", they are replaced. When a cesspool fails and work is necessary to correct the situation, it is not repaired but is replaced with a completely new cesspool at a different location. With this in mind, the County is of the opinion that a separate fee, "replacement of a cesspool" fee is appropriate.

In addition, the County proposes two other fees, "repair of septic tank/drainfield with lift pump" and "septic tank/drainfield lift pump system" construction permit. The County finds that more time and fields visits are required to inspect these systems than conventional ones thereby increasing their costs.

PROPOSAL — Amend Multnomah County's Fee Schedule, OAR 340-71-140(2)(c) Appendix M as follows:

(Underlined ____ material is new.)

Septic tank/drainfield lift pump system $85.00
Replacement of cesspool $65.00
Repair of septic/tank drainfield with lift pump $55.00

ISSUE	Standards for Effluent Pumps, Controls & Alarms, and Dosing Siphons.
PROBLEMS	The Department was informed that some provisions of the rule establishing minimum standards for effluent pumps, controls, alarms, and dosing siphons were in conflict with the explosion-proof requirements of the State of Oregon electrical code. Further, some requirements would prevent the use of some equally reliable pumps and switches.
DISCUSSION	On August 28, 1981 the Commission adopted a temporary rule amending the existing rule. The temporary rule eliminated the conflicts with the electrical code, and allowed the use of other types of pumps and switches that otherwise could not have been used. The temporary rule will expire and must therefore be replaced by a permanent rule.
PROPOSAL	Amend OAR 340-73-055 as proposed in Attachment "E".

ISSUE	Sand filter membrane liners.
PROBLEM	On wet sites, present rules permit sand filters to be contained within 30 mil membrane liners to protect them against groundwater infiltration. However, aside from a minimum material thickness, rules fail to specify physical and chemical properties which require identification before the Department can determine if a liner is suitable for field use. Rules also do not specify appropriate methods for liner installation and maintenance.
DISCUSSION	If membrane liners fail to prevent groundwater from entering sand filters, filter sands may become saturated. This would significantly interfere with the filter's capacity to purify septic tank effluent and could cause the filter or the drainfield receiving filtered effluent to hydraulically fail. The proposed rule amendments and additions would specify minimum standards for unsupported membrane liner properties, liner installation and liner operation and maintenance.
PROPOSAL	Amend OAR 340-71-295 as appropriate and add new rule OAR 340-73-085. Proposed amendments and additions are found in Appendix E.

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ATTACHMENT "D"

DEPARTMENT OF ENVIRONMENTAL QUALITY

Explanation of proposed technical rule amendments considered by staff to be housekeeping in nature.

January 1982

OAR 340-71-100(18). The term "owner", defined in this section and also in the Glossary of Terms, OAR 340-71-105(71), is not defined the same. The proposed amendment to this section would use similar language from the Glossary of Terms, while retaining much of the present language.

OAR 340-71-105. This rule lists the "Glossary of Terms." It also repeats all of the definitions found in OAR 340-71-100. The proposed amendments would delete from the "Glossary of Terms" the duplicate definitions found in OAR 340-71-100, and renumber accordingly. In addition, the term "Family member" is added, and the terms "conditions associated with saturation," "Disposal area", "cut-manmade", "Distribution box", and "Diversion valve" are amended to clarify the term, eliminate a conflict with other portions of the rules, or to delete inappropriate references. Reference to old term numbers within other portions of the rules must also be amended accordingly.

OAR 340-71-120(1)(a). This rule addresses jurisdiction and policy, in terms of projected daily sewage flows. It conflicts with other portions of the rules dealing with sand filters. Conventional sand filters with projected sewage flows greater than six hundred (600) gallons per day, and other sand filter designs, must receive Department authorization. The proposed amendment would eliminate this conflict.

OAR 340-71-140(1)(b)(C). The plan review fee for systems serving commercial facilities with projected sewage flows greater than 5,000 gallons per day has been confusing because such systems are subject to Water Pollution Control Facilities (WPCF) controls, and are issued WPCF permits. Plan review is a part of the WPCF process. Therefor, an on-site sewage disposal systems plan review fee is not appropriate. The proposed amendments provide clarification.

OAR 340-71-150(4). When a potential site is evaluated for placement of an on-site system, specific siting criteria for standard and/or alternative systems is used. As currently written, reference to the specific criteria for each alternative system is missing. The proposed amendment would correct this omission.

OAR 340-71-150(5). This rule provides for site evaluation denial review after a site has been found unsuitable for placement of an on-site system. As originally adopted, the rule does not identify a time interval by which an application for denial review must be submitted, nor does it indicate a report would be prepared. The rule intent was that a denial review would be done soon after Agent denial, and that a report of the review would be written. The proposed amendments correct for these oversights.

OAR 340-71-165(1). This rule provides for permit denial review after a permit has been denied by an Agent. As originally adopted, the rules does not identify a time interval by which an application for denial review must be submitted. The rule intent was that a denial review would be done soon after Agent denial. The proposed amendment corrects for this oversight.

OAR 340-71-205(1). As adopted, the application procedures to be followed to obtain an Authorization Notice are not clear. It was assumed the permit application procedure would be followed. The proposed amendment would clarify this omission.

OAR 340-71-205(6). As originally adopted, this section of the rules pertaining to authorization notices is inconsistent with other sections of the same rule. The other sections use an increased projected flow rate limit of three hundred (300) gallons beyond the design capacity, or not more than fifty (50) percent, whichever is less. Through oversight the same limit was left out. The proposed amendment would provide consistency.

OAR 340-71-215(2). As written, this section of the Repair of Existing System rule could be applied more strictly than is warranted. When on-site systems placed in severe soils fail during the winter, it is often difficult if not impossible to effect a repair. Innovative design and/or frequent use of capping fills are needed. Due to soil moisture, some types of systems should not be installed until the soil is dry. The proposed rule would allow more flexibility for the Agent by allowing repairs to be made as the site conditions improve, and provides a mechanism to insure repairs will be made.

OAR 340-71-220. This rule addresses criteria for approval, design, and construction of standard systems. The proposed housekeeping amendments would correct the use of misleading terminology by replacing the term "absorption facility" with "disposal field" in subsection (1)(a), and substituting the term "absorption facility" for "disposal trench", "disposal system," and "drainfield" in sections 2 and 4. The proposed changes clarify without changing the standards or intent.

OAR 340-71-220(1)(d). Some soils that remain saturated become gray, without the presence of red, yellowish red, or brown mottles. The proposed amendment would correct for this oversight within the original rule.

OAR 340-71-220(2)(i). Reference to minimum setback requirements are found in two portions of the same rule. This is confusing for the Agent when referring to the rules. The proposed amendment would combine the information into one subsection, while deleting the other subsection (OAR 340-71-220(13).

OAR 340-71-220(4)(d). The construction standards for septic tanks have been written in an inflexible way. This has caused difficulty in being able to approve some tanks that because of a minor technicality do not fully comply with the written standard, even though they will function equally as well than tanks that fully comply with the standards. As proposed, the amendment would provide flexibility, and would allow the Department to recognize new advances in design technology as they are proposed. When this flexibility is exercised, the Department would plan to amend the standard through rulemaking procedures.

OAR 340-71-220(8)(a). The minimum trench depth allowed with pressurized distribution, as identified in this subsection, is in conflict with other portions of the rules. The proposed amendment would correct this.

OAR 340-71-220(8)(g). As adopted, this subsection is inconsistent with other portions of the rules. The soil texture (sandy loam) should be loamy sand. Further, because granular soils of this texture and coarser will slough into the trench, a permeable barrier along the sidewall is needed to prevent sloughing. The proposed amendment would correct this inconsistency.

OAR 340-71-220(9)(b). The minimum depth of backfill to be placed over a pressurized system conflicts with other portions of the rules. The proposed amendment would correct this.

OAR 340-71-220(12). With regard to materials used within on-site systems, Division 71 specifically addresses installation requirements, while Division 73 identifies the standard or criteria the material is manufactured to. As adopted, the installation requirement for effluent sewer pipe was illogically located in Division 73. The proposed amendment would place the installation requirements into Division 71.

OAR 340-71-220(13). Reference to minimum setback requirements are found in two portions of the same rule. This oversight is confusing to the Agent. The proposed amendment would combine the information into one subsection, and delete this section completely. The following section would be renumbered.

340-71-275. There are several minor amendments needed for this rule on pressurized distribution systems. An improper term, "drainfield," is used in referring to pressurized piping. The correct term is "distribution." Also, the reference to filter fabric states that soil particles will not pass through. Because filter fabrics are permeable to fluids, small soil particles (clay and silt) are capable of passing through. The original intent here was to prevent coarse textured soil particles within less cohesive soils from passing through. The filter fabrics being used in pressure systems are capable of preventing the passage of soil particles coarser than very fine sand. The use of seepage beds was intended to be limited to soils that were rapidly or very rapidly drained. They were not intended for use in finer textured soils. The language relating to seepage bed use was not clear as to the intent. The minimum gravel depth specified above the pressurized pipe has been found to be technically flawed. Effluent jetting from the pipe occasionally impacts upon the filter fabric barrier above the gravel, causing fine soil particles to be washed through the filter fabric. By increasing the gravel depth above the pipe, jetting should not reach the filter fabric. Gravel depth below the pipe would be decreased accordingly. The proposed amendments would correct for these deficiencies.

OAR 340-71-290(4). This rule deals with minimum seepage area requirements for soil absorption fields following sand filters and special site conditions where bottomless sand filters may be used instead of a standard soil absorption field. A housekeeping change is required in the table heading because it was overlooked when recommended seepage area was dropped from the table. The footnotes were difficult to understand and were not interpreted consistently. The proposed substitution is intended to clarify this part of the rule without changing the original intent.

OAR 340-71-295(1). This section dealing with conventional sand filter design is confusing, awkwardly written and inconsistent with other portions of the rules. The proposed amendment clarifies the language while keeping with the same intent, and corrects the minimum flow criteria for gray-water sand filters.

OAR 340-71-340(3). The proposed amendments correct grammatical errors.

OAR 340-71-345. Within the criteria for approval of aerobic sewage treatment facilities, reference is made to the National Sanitation Foundation (NSF) Standard No. 40 in that the treatment plants must conform to Class I or II and other requirements of the standard. The language would imply that the treatment plants would be tested pursuant to that standard, but is confusing in that it does not specifically require that testing. Staff have reasoned that if a plant must conform to performance requirements of a standard, the plant should be tested according to that standard. The proposed amendments would clearly require a standard testing procedure. Subsection (f) of section (2) has been found to be confusing and unnecessary. When an aerobic treatment plant is used in a situation that conforms with the community systems definition, then the rules for community systems apply. The confusion would be eliminated by deleting subsection (f).

OAR 340-71-500(7). Legal council has advised this section requires denials to be conducted under formal contested case procedures. Many community systems serve commercial facilities and parcels larger than 10 acres, and therefore permit denials are by statute and rule required to be contested cases. There are also other community systems which do not serve such activities or parcels. Denials of permits for such systems are not required by statute to be contested cases. It was through oversight this section was placed into the community systems rule. If this section is deleted as proposed, it will affect only those few community system permit denials that are not otherwise provided the right of a contested case hearing.

OAR 340-71 - Diagram 9. The diagram of a typical sand filter was inadvertently drawn with a gravel mound around the underdrain pipe. It should have illustrated a gravel bed instead.

OAR 340-71 - Diagram 12. The pressure distribution trench illustration is in conflict with other portions of the rules. The proposed amendment corrects for this discrepancy.

OAR 340-71 - Diagrams 18 and 19. The references to man-made cut is proposed to be deleted because the diagrams do not illustrate a man-made cut.

OAR 340-73-025(5). Subsection (h) of this section requires the access cover above a septic tank fitting to be at least eight inches across. The intent was to allow access to the fitting should it become blocked. The Department received a request from a polyethylene septic tank manufacturer for approval of their septic tank, which complies with all construction requirements, except their access is only six inches across. It does meet the intent of the requirement. Staff feels the eight inch dimension is too restrictive and therefor is in support of the proposed amendment. Diagram 1 would also be revised.

OAR 340-73-035(4). As adopted the sump within the distribution box must be two inches deep. This is too restrictive in that no latitude is allowed. The proposed amendment would provide for a minimum sump depth.

OAR 340-73-050(3) has been found by staff to be awkwardly worded, and unreasonable in requiring a dosing tank volume that may be as much as three times larger than the system design flow. The proposed amendments would clarify the language, and allow for lower volume dosing tanks for design flows less than four hundred fifty gallons per day.

OAR 340-73-060. With regard to materials used within on-site systems, Division 71 specifically addresses installation requirements, while Divison 73 identifies the standard or criteria the material is manufactured to. As currently adopted the installation requirement for effluent sewer pipe is illogically located in Division 73. The proposed amendments would relocate the installation requirements into Division 71 and delete them from this rule.

ATTACHMENT "E"

DEPARTMENT OF ENVIRONMENTAL QUALITY

Proposed Rule Amendments

OAR 340-71-100 to OAR 340-71-600

and

OAR 340-73-025 to OAR 340-73-085

March 5, 1982

Amend OAR 340-71-100(18) as follows:

(18) "Owner" means any person who [:] alone, or jointly, or severally with others:

(a)[(A)] Has legal title to any single lot, dwelling, dwelling unit, or commercial facility; or

(b)[(B)] Has care, charge, or control of any real property as agent, executor, executrix, administrator, administratrix, trustee, commercial lessee, or guardian of the estate of the holder of legal title; or

(c)[(C)] Is the contract purchaser of real property.

NOTE: [(b)] Each such person as described in [paragraphs (B) and (C) above] subsections (b) and (c) , thus presenting the legal title holder, is bound to comply with the provisions of these rules as if he were the legal title holder.

Amend OAR 340-71-105 as follows:

340-71-105 GLOSSARY OF TERMS

(1) "Absorption Facility" means a system of open-jointed or perforated piping, alternative distribution units, or other seepage systems for receiving the flow from septic tanks or other treatment facilities and designed to distribute effluent for oxidation and absorption by the soil within the zone of aeration. (See Diagrams 1 through 7 and 14 through 17)

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

(2) "Aerobic Sewage Treatment Facility" means a sewage treatment plant which incorporates a means of introducing air and oxygen into the sewage so as to provide aerobic biochemical stabilization during a detention period.

[(3) "Agent" means the Director or his authorized representative.]

[(4) "Alteration" means expansion and/or change in location of an existing system, or any part thereof.]

(3) [(5)] "Alternative System" means any Commission approved on-site sewage disposal system used in lieu of, including modifications of, the standard subsurface system.

(4) [(6)] "Authorization Notice" means a written document issued by the Agent which establishes that an on-site sewage disposal system appears adequate to serve the purpose for which a particular application is made.

[(7) "Authorized representative" means the staff of the Department of Environmental Quality or the staff of the local unit of government performing duties for and under agreement with the Department of Environmental Quality.]

(5) [(8)] "Automatic Siphon" means a hydraulic device designed to rapidly discharge the contents of a dosing tank between predetermined water or sewage levels.

(6) [(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.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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(7) [(10)]"Black Waste" means human body wastes including feces, urine, other extraneous substances of body origin and toilet paper.

(8) [(11)]"Building Sewer" means that part of the system of drainage piping which conveys sewage into a septic tank, cesspool or other treatment facility that begins five feet (5) outside the building or structure within which the sewage originates. (See Diagrams 1, 2, 3, and 16)

(9) [(12)]"Cesspool" means a lined pit which receives raw sewage, allows separation of solids and liquids, retains the solids and allows liquids to seep into the surrounding soil through perforations in the lining. (See Diagram 16)

(10) [(13)]"Chemical Recirculating Toilet Facility" means a toilet facility wherein black wastes are deposited and carried from the bowl by a combination of liquid waste and water which has been chemically treated and filtered.

(11) [(14)]"Chemical Toilet Facility" means a non-flushing, non-recirculating toilet facility wherein black wastes are deposited directly into a chamber containing a solution of water and chemical.

(12) [(15)]"Clayey Soil" means mineral soil that is over forty (40) percent clay that shrinks and develops wide cracks when dry and swells and shears when rewet forming slickensides and wedge-shaped structure. Clayey soil is very hard or extremely hard when dry, very firm when moist, and very sticky and very plastic when wet.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

(13) [(16)]"Claypan" means a dense, compact clay layer in the subsoil. It has a much higher clay content than the overlying soil horizon from which it is separated by an abrupt boundary. Claypans are hard when dry and very sticky and very plastic when wet. They impede movement of water and air and growth of plant roots.

(14) [(17)]"Combustion or Incineration Toilet Facility" means a toilet facility wherein black wastes are deposited directly into a combustion chamber for incineration.

[(18) "Commercial Facility" means any structure or building, or any portion thereof, other than a single family dwelling.]

[(19) "Commission" means the Environmental Quality Commission.]

[(20) "Community System" means an on-site system which will serve more than one (1) lot or parcel, or more than one (1) condominium unit; or more than one (1) unit of a planned unit development.]

(15) [(21)]"Completed Application" means one in which the application form is completed in full, is signed by the owner, is accompanied by all required exhibits and required fee, and is correct.

(16) [(22)]"Conditions Associated With Saturation" means:

(a) Reddish brown or brown soil horizons with gray (chromas of 2 or less) and red or yellowish red mottles; or

(b) Gray soil horizons, or gray soil horizons with red, yellowish red, or brown mottles; or

(c) Dark colored highly organic soil horizons; or

(d) Soil profiles with concentrations of soluble salt at or near the ground surface.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

(17) [(23)]"Confining Layer" means a layer associated with an aquifer that because of its low permeability does not allow water to move through it perceptibly under head differences occuring in the groundwater system.

[(24) "Construction" means installation of a new system.]

(18) [(25)]"Conventional Sand Filter" means a filter with two(2) feet of medium sand designed to filter and biologically treat septic tank or other treatment unit effluent from a pressure distribution system at an application rate not to exceed one and twenty-three hundredths (1.23) gallons per square foot sand surface area per day applied at a dose not to exceed twenty (20) percent of the projected daily sewage flow per cycle.

(19) [(26)]"Curtain Drain" (in excess of thirty (30) inches) means a groundwater interceptor introduced upslope from a disposal field to intercept and divert groundwater or surface water from the absorption facility, which may be required to be installed as a condition for approval of a system.

(20) [(27)]"Cut-Manmade" (in excess of thirty (30) inches) means a land surface resulting from mechanical land shaping operations where one (1) or more layers that limit effective soil depth intersect the cut surface and where the modified slope is greater than fifty (50) percent, or any other man formed slopes in excess of fifty (50) percent which do not intersect one or more layers that limit effective soil depth. [See Diagrams 18 and 19.]

[(28) "Department" means the Department of Environmental Quality.]

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

[(29) "Director" means the Director of the Department of Environmental Quality.]

(21) [(30)]"Disposal area" means the entire area used for underground dispersion of the liquid portion of sewage. It may consist of a seepage pit or of a disposal field or of a combination of the two. It may also consist of a cesspool, seepage bed, bottomless sand filter, or evapotranspiration system.

(22) [(31)]"Disposal Field" means a system of disposal trenches or a seepage trench or system of seepage trenches.

(23) [(32)]"Disposal Trench" means a ditch or trench with vertical sides and substantially flat bottom with a minimum of twelve (12) inches of clean, coarse filter material into which a single distribution line has been laid, the trench then being backfilled with a minimum of six (6) inches of soil. (See Diagram 12)

(24) [(33)]"Distribution Box" means a watertight structure which receives septic tank or other treatment facility effluent and distributes it concurrently into two (2) or more header pipes leading to the disposal area. (See Rule[s] 340-73-035 [through 340-73-045].)

(25) [(34)]"Distribution Pipe or Lateral Pipe" means an open-jointed or perforated pipe used in the dispersion of septic tank or other treatment facility effluent into disposal trenches, seepage trenches, or seepage beds. (See Diagrams 1 through 7 and 11)

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

(26) [(35)]"Distribution Unit" means a distribution box, dosing tank, diversion valve or box, header pipe, or other means of transmitting septic tank or other treatment unit effluent from the effluent sewer to the distribution pipes. (See Diagrams 1 through 7 and 11)

(27) [(36)]"Diversion Valve" means a watertight structure which receives septic tank or other treatment facility effluent through one (1) inlet, distributes it to two (2) outlets, only one (1) of which is utilized at a given time (See Diagram 11 and Rule[s 340-73-035 through] 340-73-045.)

(28) [(37)]"Dosing Tank" means a watertight receptacle placed after a septic tank or other treatment facility equipped with an automatic siphon or pump designed to discharge treated effluent at a rate not to exceed twenty (20) percent of the projected daily sewage flow.

(29) [(38)]"Dosing Septic Tank" means a[s] unitized device performing functions of both a septic tank and a dosing tank.

[(39) "Dwelling" means any structure or building, or any portion thereof which is used, intended, or designed to be occupied for human living purposes including, but not limited to, houses, houseboats, boathouses, float houses, mobile homes, hotels, motels, and apartments.]

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

(30) [(40)]"Effective Seepage Area" means the sidewall area within a disposal trench or a seepage trench from the bottom of the trench to a level two (2) inches above the distribution pipes, or the sidewall area of any cesspool, seepage pit, unsealed earth pit privy, or gray water waste disposal sump seepage chamber; or the bottom area of a seepage bed. (See Diagrams 12, 14, 15, 16, and 17)

(31) [(41)]"Effective Soil Depth" means the depth of soil material above a layer that impedes movement of water, air, and growth of plant roots. Layers that differ from overlying soil material enough to limit effective soil depth are hardpans, claypans, fragipans, compacted soil, bedrock, saprolite, and clayey soil.

(32) [(42)]"Effluent Lift Pump" means a pump used to lift septic tank or other treatment facility effluent to a higher elevation. (See Rule 340-73-055.)

(33) [(43)]"Effluent Sewer" means that part of the system of drainage piping that conveys treated sewage from a septic tank or other treatment facility into a distribution unit or an absorption facility. (See Diagrams 1 through 7, 11, and 17, and Rule 340-73-060.)

(34) [(44)]"Emergency Repairs" means repair of a failing system where immediate action is necessary to relieve a situation in which sewage is backing up into a dwelling or building, or repair of a broken pressure sewer line.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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(35) [(45)]"Escarpment" means any naturally occurring slope greater than fifty (50) percent which extends vertically six (6) feet or more as measured from toe to top, and which is characterized by a long cliff or steep slope which separates two (2) or more comparatively level or gently sloping surfaces, and may intercept one (1) or more layers that limit effective soil depth. (See Diagrams 18 and 19)

(36) [(46)]"Evapotranspiration-Absorption (ETA) system" means an alternative system consisting of a septic tank or other treatment facility, effluent sewer and a disposal bed or disposal trenches, designed to distribute effluent for evaporation, transpiration by plants, and by absorption into the underlying soil. (See Diagrams 6 and 7)

[(47) "Existing On-Site Sewage Disposal System" (existing system) means any installed on-site sewage disposal systems constructed in conformance with the rules, laws and local ordinances in effect at the time of construction, or which would have conformed substantially with system design provided for in Commission, State Health Division, or State Board of Health Rules.]

(37) "FAMILY MEMBER" means any one (1) of two (2) or more persons related by blood or marriage.

[(48) "Failing System" means any system which discharges untreated or incompletely treated sewage or septic tank effluent directly or indirectly onto the ground surface or into public waters.]

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

(38) [(49)]"Filter Material" means clean, washed gravel ranging from three quarters (3/4) to two and one-half (2 1/2) inches in size, or clean crushed rock ranging in size from one and one-half (1-1/2) to two and one-half (2-1/2) inches. (See Diagrams 6, 7, 9, 12, 14, 15, 16, and 17)

(39) [(50)]"Five-Day Biochemical Oxygen Demand" (5 day BOD) means the quantity of oxygen used in the biochemical oxidation of organic matter in five days at twenty (20) degrees centigrade under specified conditions and reported as milligrams per liter (mg/l).

(40) [(51)]"Fragipan" means a loamy subsurface horizon with high bulk density relative to the horizon above, seemingly cemented when dry, and weakly to moderately brittle when moist. Fragipans are mottled and low in organic matter. They impede movement of water, air, and growth or plant roots.

[(52) "Governmental Unit" means the state or any county, municipality, or political subdivision, or any agency thereof.]

(41) [(53)]"Grade" means the rate of fall or drop in inches per foot or percentage of fall of a pipe.

(42) [(54)]"Gray Water" means household sewage other than "black wastes", such as bath water, kitchen waste water and laundry wastes.

(43) [(55)]"Groundwater Interceptor" means any natural or artificial groundwater drainage system including agricultural drain tile, cut banks, and ditches. (See Diagram 13)

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

(44) [(56)]"Hardpan" means a hardened layer in soil caused by cementation of soil particles with either silica, calcium carbonate, magnesium carbonate, or iron and/or organic matter. The hardness does not change appreciably with changes in moisture content. Hardpans impede movement of water and air and growth of plant roots.

(45) [(57)]"Header Pipe" means a tight jointed part of the sewage drainage conduit which receives septic tank effluent from the distribution box, or drop box, or effluent sewer and conveys it to the disposal area. (See Diagrams 1 through 5, 7, 11, and 17)

(46) [(58)]"Headwall" means a steep slope at the head or upper end of a land slump block or unstable landform. (See Diagrams 22 and 23)

(47) [(59)]"Holding Tank" means a watertight receptacle designed to receive and store sewage to facilitate disposal at another location.

[(60) "Individual system" means a system that is not a community system.]

(48) [(61)]"Individual Water Supply" means a source of water and a distribution system which serves a single residence or user for the purpose of supplying water for drinking, culinary, or household uses and which is not a public water supply system.

(49) [(62)]"Industrial Waste" means any liquid, gaseous, radioactive, or solid waste substance or a combination thereof resulting from any process of industry, manufacturing, trade, or business, or from the development or recovery of any natural resources.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

(50) [(63)]"Intermittent Stream" means any surface public water or groundwater interceptor that continuously flows water for a period of greater than two months in any one year, but not continuously for that year.

(51) [(64)]"Invert" is the lowest portion of the internal cross section of a pipe or fitting. (See Diagram 12)

[(65) "Large System" means any on-site system with a daily sewage flow greater than two thousand five hundred (2,500) gallons.]

(52) [(66)]"Mechanical Oxidation Sewage Treatment Facility" means an aerobic sewage treatment facility.

(53) [(67)]"Medium Sand" means a mixture of sand with 100 percent passing the 3/8 inch sieve, 90 percent to 100 percent passing the No. 4 sieve, 62 percent to 100 percent passing the No. 10 sieve, 45 percent to 82 percent passing the No. 16 sieve, 25 percent to 55 percent passing the No. 30 sieve, 5 percent to 20 percent passing the No. 50 sieve, 10 percent or less passing the No. 60 sieve, and 4 percent or less passing the No. 100 sieve.

(54) [(68)]"Nonwater-Carried Waste Disposal Facility" means any toilet facility which has no direct water connection, including pit privies, vault privies and self-contained construction type chemical toilets.

[(69) "Occupant" means any person living or sleeping in a dwelling.]

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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[(70) "On-Site Sewage Disposal System (system) "means any installed or proposed sewage disposal facility including, but not limited to a standard subsurface, alternative, experimental or non-water carried sewage disposal system, installed or proposed to be installed on land of the owner of the system or on other land as to which the owner of the system has the legal right to install the system.]

[(71) "Owner" means any person who alone, or jointly, or severally with others:

(a) Has legal title to any lot, dwelling, or dwelling unit; or

(b) Has care, charge, or control of any real property as agent, executor, executrix, administrator, administratrix, trustee, leasee, or guardian of the estate of the holder of legal title; or

(c) Is the contract purchaser of real property.]

(55) [(72)]"Permanent Groundwater Table" means the upper surface of a saturated zone that exists year-round. The thickness of the saturated zone, and, as a result, the elevation of the permanent groundwater table may fluctuate as much as twenty (20) feet or more annually; but the saturated zone and associated permanent groundwater table will be present at some depth beneath land surface throughout the year.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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[(73) "Permit" means the written permit issued by the Agent bearing the signature of the Agent which by its conditions authorizes the permittee to construct, install, alter, repair, or extend a subsurface or alternative sewage disposal system.]

[(74) "Person" includes individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the State and any agencies thereof, and the federal government and any agencies thereof.]

(56) [(75)]"Pollution" or "Water Pollution" means such alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, silt or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state, which will or tends to, either by itself or in connection with any other substance, create a public nuisance or which will or tends to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses or to livestock, wildlife, fish or other aquatic life or the habitat thereof.

(57) [(76)]"Portable Toilet Shelter" means any readily relocatable structure built to house a toilet facility.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

(58) [(77)]"Pressure Distribution Lateral" means piping and fittings in pressure distribution systems which distribute septic tank or other treatment unit effluent to filter material through small diameter orifices. (See Diagrams 8, 9, and 12)

(59) [(78)]"Pressure Distribution Manifold" means piping and fittings in a pressure distribution system which supply effluent from pressure transport piping to pressure distribution laterals. (See Diagrams 8 and 9)

(60) [(79)]"Pressure Distribution System" means any system designed to uniformly distribute septic tank or other treatment unit effluent under pressure in an absorption facility or sand filter. (See Diagrams 8 and 9)

(61) [(80)]"Pressure Transport Piping" means piping which conveys septic tank or other treatment unit effluent to a pressure distribution manifold by means of a pump. (See Diagrams 8 and 9)

(62) [(81)]"Prior Approval" means a written approval for on-site sewage disposal, for a specific lot, issued prior to January 1, 1974.

(63) [(82)]"Prior Construction Permit" means a subsurface sewage disposal system construction permit issued prior to January 1, 1974, by a county that had an ordinance requiring construction permits for subsurface sewage disposal systems.

(64) [(83)]"Privy" means a structure used for disposal of human waste without the aid of water. It consists of a shelter built above a pit or vault in the ground into which human waste falls.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

[(84) "Public Health Hazard" means a condition whereby there are sufficient types and amounts of biological, chemical, or physical, including radiological, agents relating to water or sewage which are likely to cause human illness, disorders, or disability. These include, but are not limited to, pathogenic viruses, bacteria, parasites, toxic chemicals, and radioactive isotopes.]

[(85) "Public Waters" means lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the State or within its jurisdiction.]

[(86) "Repair" means installation of all portions of a system necessary to eliminate a public health hazard or pollution of public waters created by a failing system.]

(65) [(87)]"Redundant Disposal Field System" means a system in which two complete disposal systems are installed, the disposal trenches of each system alternate with each other and only one system operates at a given time. (See Diagram 11)

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

(66) [(88)]"Sand Filter System" means the combination of septic tank or other treatment unit, dosing system with effluent pump(s) and controls, or dosing siphons piping and fittings, sand filter, absorption facility or effluent reuse method used to treat sewage. (See Diagrams 8 and 9)

(67) [(89)]"Sanitary Drainage System" means that part of the system of drainage piping that conveys untreated sewage from a building or structure to a septic tank or other treatment facility, service lateral at the curb or in the street or alley, or other disposal terminal holding human or domestic sewage. The sanitary drainage system consists of a building drain or building drain and building sewer. (See Diagrams 1, 2, 3, and 16)

(68) [(90)]"Saprolite" means weathered material underlying the soil that grades from soft thoroughly decomposed rock to rock that has been weathered sufficiently so that it can be broken in the hands or cut with a knife. It does not include hard bedrock or hard fractured bedrock. It has rock structure instead of soil structure.

(69) [(91)]"Saturated Zone" means a three (3) dimensional layer, lens, or other section of the subsurface in which all open spaces including joints, fractures, interstitial voids, pores, etc. are filled with groundwater. The thickness and extent of a saturated zone may vary seasonally or periodically in response to changes in the rate or amount of groundwater recharge or discharge. (See Diagram 20)

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

(70) [(92)]"Scum" means a mass of sewage solids floating at the surface of sewage which is buoyed up by entrained gas, grease, or other substances.

(71) [(93)]"Seepage Area" see "effective seepage area."

(72) [(94)]"Seepage Bed" means an absorption system having disposal trenches wider than three (3) feet.

(73) [(95)]"Seepage Pit" means a "cesspool" which has a treatment facility such as a septic tank ahead of it. (See Diagram 17)

(74) [(96)]"Seepage Trench System" means a system with disposal trenches with more than six (6) inches of filter material below the distribution pipe.

(75) [(97)]"Self-Contained Nonwater-Carried Waste Disposal Facility" includes, but is not limited to, vault privies, chemical toilets, combustion toilets, recirculating toilets, and portable toilets, in which all waste is contained in a watertight receptacle.

(76) [(98)]"Septic Tank" means a watertight receptacle which receives sewage from a sanitary drainage system, is designed to separate solids from liquids, digest organic matter during a period of detention, and allow the liquids to discharge to a second treatment unit or to a soil absorption facility [disposal system]. (See Rules 340-73-025 and 340-73-030.)

(77) [(99)]"Septic Tank Effluent" means partially treated sewage which is discharged from a septic tank.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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[(100)"Sewage" means water-carried human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments, or other places, together with such groundwater infiltration, surface waters, or industrial waste as may be present.]

(78) [(101)]"Sewage Disposal Service" means:

(a) The installation of on-site sewage disposal systems, or any part thereof; or

(b) The pumping out or cleaning of on-site sewage disposal systems, or any part thereof; or

(c) The disposal of material derived from the pumping out or cleaning of on-site sewage disposal systems; or

(d) Grading, excavating, and earth-moving work connected with the operations described in subsection (a) of this section, except streets, highways, dams, airports or other heavy construction projects and except earth-moving work performed under the supervision of a builder or contractor in connection with and at the time of the construction of a building or structure; or

(e) The construction of drain and sewage lines from five (5) feet outside a building or structure to the service lateral at the curb or in the street or alley or other disposal terminal holding human or domestic sewage.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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(79) [(102)]"Sewage Stabilization Pond" means a pond designed to receive the raw sewage flow from a dwelling or other building and retain that flow for treatment without discharge.

(80) [(103)]"Slope" means the rate of fall or drop in feet per one hundred (100) feet of the ground surface. It is expressed as percent of grade.

(81) [(104)]"Soil Permeability Rating" refers to that quality of the soil that enables it to transmit water or air, as outlined in the United States Department of Agriculture Handbook, Number 18, entitled Soil Survey Manual.

(82) [(105)]"Soil Separate" means the size of soil particles according to Table 7.

(83) [(106)]"Soil Texture" means the amount of each soil separate in a soil mixture. Field methods for judging the texture of a soil consist of forming a cast of soil, both dry and moist, in the hand and pressing a ball of moist soil between thumb and finger.

(a) The major textural classifications are defined as follows: (See Table 6.)

(A) Sand: Individual grains can be seen and felt readily. Squeezed in the hand when dry, this soil will fall apart when the pressure is released. Squeezed when moist, it will form a cast that will hold its shape when the pressure is released, but will crumble when touched.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

(B) Sandy loam: Consists largely of sand, but has enough silt and clay present to give it a small amount of stability. Individual sand grains can be readily seen and felt. Squeezed in the hand when dry, this soil will readily fall apart when the pressure is released. Squeezed when moist, it forms a cast that will not only hold its shape when the pressure is released, but will withstand careful handling without breaking. The stability of the moist cast differentiates this soil from sand.

(C) Loam: Consists of an even mixture of sand and of silt and a small amount of clay. It is easily crumbled when dry and has a slightly gritty yet fairly smooth feel. It is slightly plastic. Squeezed when moist, it forms a cast that will not only hold its shape when the pressure is released, but will withstand careful handling without breaking. The stability of the moist cast differentiates this soil from sand.

(D) Silt loam: Consists of a moderate amount of fine grades of sand, a small amount of clay, and a large quantity of silt particles. Lumps in a dry, undisturbed state appear quite cloddy, but they can be pulverized readily; the soil then feels soft and floury. When wet, silt loam runs together in puddles.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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Either dry or moist, casts can be handled freely without breaking. When a ball of moist soil is pressed between thumb and finger, it will not press out into a smooth, unbroken ribbon, but will have a broken appearance.

(E) Clay loam: Consists of an even mixture of sand, silt, and clay, which breaks into clods or lumps when dry. When a ball of moist soil is pressed between the thumb and finger, it will form a thin ribbon that will readily break, barely sustaining its own weight. The moist soil is plastic and will form a cast that will withstand considerable handling.

(F) Silty clay loam: Consists of a moderate amount of clay, a large amount of silt, and a small amount of sand. It breaks into moderately hard clods or lumps when dry. When moist, a thin ribbon or one-eighth (1/8) inch wire can be formed between thumb and finger that will sustain its weight and will withstand gentle movement.

(G) Silty clay: Consists of even amounts of silt and clay and very small amounts of sand. It breaks into hard clods or lumps when dry. When moist, a thin ribbon or one-eighth (1/8) inch or less sized wire formed between thumb and finger will withstand considerable movement and deformation.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

(H) Clay: Consists of large amounts of clay and moderate to small amounts of sand. It breaks into very hard clods or lumps when dry. When moist, a thin, long ribbon or one-sixteenth (1/16) inch wire can be molded with ease. Fingerprints will show on the soil, and a dull to bright polish is made on the soil by a shovel.

(b) These and other soil textural characteristics are also defined as shown in the United States Department of Agriculture Textural Classification Chart which is hereby adopted as part of these rules. This textural classification chart is based on the Standard Pipette Analysis as defined in the United States Department of Agriculture, Soil Conservation Service Soil Survey Investigations Report No. 1. (See Table 6)

(84) [(107)] "Soil With Rapid or Very Rapid Permeability" means:

(a) Soil which contains thirty-five (35) percent or more of coarse fragments two (2) millimeters in diameter or larger by volume with intersticial soil of sandy loam texture or coarser as defined in subsection [(106)] (83) (a) of this rule and as classified in Soil Textural Classification Chart, Table 6; or

(b) Coarse textured soil (loamy sand or sand as defined in section [(106)] (83) of this rule and as classified in Soil Textural Classification Chart, Table 6); or

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

(c) Stones, cobbles, gravel, and rock fragments with too little soil material to fill interstices larger than one (1) millimeter in diameter.

(85) [(108)] "Standard Subsurface System" means an on-site sewage disposal system consisting of a septic tank, distribution unit and gravity-fed [absorption facility] disposal field constructed in accordance with OAR 340-71-220(2), using six (6) inches of filter material below the distribution pipe, and maintaining not less than eight (8) feet of undisturbed earth between disposal trenches.

(86) [(109)] "Subsurface Sewage Disposal" means the physical, chemical or bacteriological breakdown and aerobic treatment of sewage in the unsaturated zone of the soil above any temporarily perched groundwater body.

(87) [(110)] "Subsurface Disposal System" means a cesspool or the combination of a septic tank or other treatment unit and effluent sewer and absorption facility. (See Diagrams 1, through 6, 11, 16, and 17)

(88) [(111)]"Suspended Solids" means solids in sewage that can be removed readily by standard filtering procedures in a laboratory and reported as milligrams per liter (mg/l).

[(112) "System" see "On-site Sewage Disposal System".]

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

(89) [(113)] "Temporary Groundwater Table" means the upper surface of a saturated zone that exists only on a seasonal or periodic basis. Like a permanent groundwater table, the elevation of a temporary groundwater table may fluctuate. However, a temporary groundwater table and associated saturated zone will dissipate (dry up) for a period of at least three (3) months each year.

(90) [(114)] "Test Pit" means an open pit dug to sufficient size and depth to permit thorough examination of the soil to evaluate its suitability for subsurface sewage disposal.

(91) [(115)] "Toilet Facility" means a fixture housed within a toilet room or shelter for the purpose of receiving black waste.

(92) [(116)] "Unstable Landforms" means areas showing evidence of mass downslope movement such as debris flow, landslides, rockfalls, and hummocky hillslopes with undrained depressions upslope. Unstable landforms may exhibit slip surfaces roughly parallel to the hillside; landslide scars and curving debris ridges; fences, trees, and telephone poles which appear tilted; or tree trunks which bend uniformly as they enter the ground. Active sand dunes are unstable landforms. (See Diagrams 21, 22, and 23)

(93) [(117)] "Zone of Aeration" means the unsaturated zone that occurs below the ground surface and above the point at which the upper limit of the water table exists. (See Diagram 20)

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

Amend OAR 340-71-120(1)(a) as follows:

340-71-120 JURISDICTION AND POLICY.

(a) Systems of twenty five hundred (2500) gallons or less shall have site evaluations, plan review, permits and inspections conducted or processed by the Agent, unless otherwise required within these rules. Plan review may be done by the Department at Agent's request.

Amend OAR 340-71-130(11) as follows:

340-71-130 GENERAL STANDARDS, PROHIBITIONS AND REQUIREMENTS.

(11) Property Line Crossed.

(a) A recorded utility easement is required whenever a system crosses a property line separating properties under different ownership. The easement must accommodate that part of the system, including setbacks, which lies beyond the property line, and must allow entry to install, maintain and repair the system.

(b) Whenever an on-site system is located on one lot or parcel and the facility it serves is on a contiguous or adjacent lot or parcel under the same ownership, the owner shall execute and record in the county land title records an affidavit which notifies prospective property purchasers of this fact in a form approved by the Department.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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Amend OAR 340-71-140(1)(b)(C) as follows:

ON-SITE SEWAGE DISPOSAL SYSTEMS	MAXIMUM FEE
(C) Commercial Facility System, Plan Review:	
(i) For first 1000 gallons projected daily sewage flow	$ 50
(ii) Plus for each 500 gallons or part thereof above 1000 gallons <u>, to a maximum sewage flow limit of 5,000 gallons per day</u>	$ 10
<u>(iii)Plan review for systems with projected sewage flows greater than 5,000 gallons per day shall be pursuant to OAR 340, Division 52.</u>	

Amend OAR 340-71-140(1)(b)(E) as follows:

(E) Construction-Installation Permit Renewal:

(i) If Field Visit Required..... $ 50

(ii) No Field Visit Required..... $ 10

<u>NOTE: Renewal of a permit may be granted to the original permittee if an application for permit renewal is filed prior to the original permit expiration date.</u>

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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Amend OAR 340-71-140(4) as follows:

(4) Surcharge. In order to offset a portion of the administrative costs of the statewide on-site sewage disposal program, a surcharge for each activity, as set forth in the following schedule, shall be levied by the Department and by each Agreement County. Proceeds from surcharges collected by the Department and Agreement Counties shall be accounted for separately. Each Agreement County shall forward the proceeds to the Department as negotiated in the memorandum of agreement (contract) between the county and the Department.

Activity	Surcharge
(a) Site evaluation: per lot or site ; or for each 1,000 gallons projected daily sewage flow or part thereof, whichever is greater, up to 5,000 gallons	$ 15
(b) New Construction Installation Permit	$ 5
(c) Alteration permit	$ 5
(d) Authorization Notice	$ 5

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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Amend OAR 340-71-150(4) as follows:

340-71-150 SITE EVALUATION PROCEDURES.

(4) Approval or Denial.

(a) In order to obtain an approved site evaluation report the following conditions shall be met:

(A) All criteria for approval as outlined in Rules 340-71-220 and/or 340-71-260 <u>through 340-71-355</u> shall be met.

Amend OAR 340-71-150(5) as follows:

(5) Site Evaluation Denial Review. A site evaluation denied by the Agent shall be reviewed at the request of the applicant. The application for review shall be submitted to the Department in writing, <u>within thirty (30) days of the site evaluation report issue date,</u> and be accompanied by the denial review fee. The review shall be conducted <u>and a report prepared</u> by the Department.

Amend OAR 340-71-165(1) as follows:

340-71-165 PERMIT DENIAL REVIEW.

(1) A permit denied by the Agent shall be reviewed at the request of the applicant. The application for review shall be submitted to the Department in writing, <u>within thirty (30) days of the permit denial notice from the Agent,</u> and be accompanied by the denial review fee. The denial review shall be conducted and a report prepared by the Department.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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Amend OAR 340-71-185 as follows:

(1) The owner shall abandon a system when:

(a) A sewerage system becomes available and the building sewer has been connected thereto; or

(b) The source of sewage has been permanently eliminated; or

(c) The system [is failing and cannot be repaired; or] has been operated in violation of OAR 340-71-130(13), unless and until a repair permit and Certificate of Satisfactory Completion are subsequently issued therefor; or

(d) The system has been constructed [without a permit and cannot be brought into compliance with these rules; or] ,installed, altered, or repaired without a required permit authorizing same, unless and until a permit is subsequently issued therefor; or

(e) The system has been operated or used without a required Certificate of Satisfactory Completion[,] or Authorization Notice authorizing same , [and cannot be brought into conformance with these rules.] unless and until a Certificate of Satisfactory Completion or Authorization Notice is subsequently issued therefor.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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Amend OAR 340-71-205(1) as follows:

(1) For the purpose of these rules, "Authorization Notice" means a written document issued by the Agent which establishes that an on-site sewage disposal system appears adequate to serve the purpose for which a particular application is made. Applications for Authorization Notices shall conform to requirements of OAR 340-71-160(2) and (4).

Amend OAR 340-71-205(6) as follows:

(6) Only one (1) Authorization Notice for an increase up to three hundred (300) gallons beyond the design capacity, or increased by not more than fifty (50) percent of the design capacity, whichever is less, [per system] will be allowed[.] per system.

Amend OAR 340-71-215(2) as follows:

(2) A failing system shall be immediately repaired.

Exception: If in the opinion of the Agent adverse soil conditions exist due to climatic conditions that would likely preclude a successful repair, the Agent may allow a delay in commencing repairs until the soil conditions improve. If this exception is exercised, a compliance date shall be specified in a Notice of Violation to the system owner.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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Amend OAR 340-71-220 as follows:

(1) For the purpose of these rules:

(a) "Standard Subsurface System" means an on-site sewage disposal system consisting of a septic tank, distribution unit and gravity-fed [absorption facility] <u>disposal field</u> constructed in accordance with section (2) of this rule, using six (6) inches of filter material below the distribution pipe, and maintaining not less than eight (8) feet of undisturbed earth between disposal trenches.

(b) "Effective Soil Depth" means the depth of soil material above a layer that impedes movement of water, air, or growth of plant roots. Layers that differ from overlying soil material enough to limit effective soil depths are hardpans, claypans, fragipans, compacted soil, bedrock, saprolite and clayey soil.

(c) "Large System" means any on-site system with a daily sewage flow greater than two thousand five hundred (2,500) gallons.

(d) "Conditions Associated with Saturation" means:

(A) Reddish brown or brown soil horizons with gray (chromas of two or less) and red or yellowish red mottles; or

(B) Gray soil horizons <u>, or gray soil horizons</u> with red, yellowish red or brown mottles; or

(C) Dark colored highly organic soil horizons; or

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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(D) Soil profiles with concentrations of soluable salts at or near the ground surface.

(2) Criteria For Standard Subsurface System Approval. In order to be approved for a standard subsurface system each site must meet all the following conditions:

(a) Effective soil depth shall extend thirty (30) inches or more from the ground surface as shown in Table 3. A minimum six (6) inch separation shall be maintained between the layer that limits effective soil depth and the bottom of the [disposal trench.] <u>absorption facility.</u>

(b) Water table levels shall be predicted using "conditions associated with saturation." If conditions associated with saturation do not occur in soil with rapid or very rapid permeability, predictions of the highest level of the water table shall be based on past recorded observations of the Agent. If such observations have not been made, or are inconclusive, the application shall be denied until observations can be made. Groundwater level determinations

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

shall be made during the period of the year in which high groundwater normally occurs in that area.

(A) A permanent water table shall be four (4) feet or more from the bottom of the [disposal trench.] absorption facility.

Exception: In defined geographic areas where the Department has determined through a groundwater study that degradation of groundwater would not be caused nor public health hazards created. In the event this exception is allowed, the rule pertaining to a temporary water table shall apply.

(B) A temporary water table shall be twenty-four (24) inches or more below the ground surface. An [disposal trench] absorption facility shall not be installed deeper than the level of the temporary water table.

(C) Curtain Drains. (Diagram 13) A curtain drain may be used to intercept and/or drain temporary water from a disposal area, however, it may be required to demonstrate that the site can be de-watered prior to issuing a construction installation permit. Curtain drains may be used only on sites with adequate slope to permit proper drainage. Where required, curtain drains are an integral part of the disposal system.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

(c) Soil with rapid or very rapid permeability shall be thirty six (36) inches or more below the ground surface. A minimum eighteen (18) inch separation shall be maintained between soil with rapid or very rapid permeability and the bottom of disposal trenches.

Exception: Sites may be approved with no separation between the bottom of disposal trenches and soil as defined in OAR 340-71-105 [107] (84) (a) and (b), with rapid or very rapid permeability, and disposal trenches may be placed into soil as defined in OAR 340-71-105 [107] (84) (a) and (b), with rapid or very rapid permeability if any of the following conditions occur:

-a- A confining layer occurs between the bottom of disposal trenches and the ground water table. A minimum six (6) inch separation shall be maintained between the bottom of disposal trenches and the top of the confining layer; or

-b- A layer of soil with sandy loam texture or finer at least eighteen (18) inches thick occurs between the bottom of the disposal trenches and the ground water table; or

-c- The projected daily sewage flow does not exceed a loading rate of four hundred fifty (450) gallons per acre per day.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

(d) Slopes shall not exceed thirty (30) percent and the slope/depth relationship set forth in Table 3.

(e) The site has not been filled or the soil has not been modified in a way that would, in the opinion of the Agent, adversely affect functioning of the system.

(f) The site shall not be on an unstable land form, where operation of the system may be adversely affected.

(g) The site of the initial and replacement [drainfield] absorption facility shall not be covered by asphalt or concrete, or subject to vehicular traffic, livestock, or other activity which would adversely affect the soil.

(h) The site of the initial and replacement [drainfield] absorption facility will not be subjected to excessive saturation due to, but not limited to, artificial drainage of ground surfaces, driveways, roads, and roof drains.

(i) Setbacks in Table 1 can be met.

(A) Stream Setbacks. Setback from streams shall be measured from bank drop-off or mean yearly highwater mark, whichever provides the greatest separation distance.

(B) Lots Created Prior to May 1, 1973. For lots or parcels legally created prior to May 1, 1973, the Agent may approve installation of a standard or alternative system with a setback from surface public waters of

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

less than one hundred (100) feet but not less than fifty (50) feet, provided all other provisions of these rules can be met.

(C) Water Lines and Sewer Lines Cross. Where water lines and building or effluent sewer lines cross, separation distances shall be as required in the State Plumbing Code.

(D) Septic Tank Setbacks. The Agent shall encourage the placement of septic tanks and other treatment units as close as feasible to the minimum separation from the building foundation in order to minimize clogging of the building sewer.

Amend OAR 340-71-220(4)(a) as follows:

(4) Septic Tanks

(a) For the purpose of these rules, "Septic Tank" means a watertight receptacle which receives sewage from a sanitary drainage system, is designed to separate solids from liquids, digest organic matter during a period of detention, and allow the liquids to discharge to a second treatment unit or to a soil [disposal system.] absorption facility.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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Amend OAR 340-71-220(8)(a) as follows:

(8) Disposal Trenches. Diagrams 1, 2, 3, 4, 5 11, 12)

(a) Disposal trenches shall be constructed in accordance with the standards contained in the following table, unless otherwise allowed or required within a specific rule of this division:

Maximum length of trench	125 feet
Minimum bottom width of trench	24 inches
Minimum depth of trench, using:	
Equal or loop distribution	18 inches
Serial distribution	24 inches
Pressure Distribution	18 [24] inches
Maximum depth of trench	36
Minimum distance of undisturbed earth between disposal trenches	8 feet

Amend OAR 340-71-220(4)(d) as follows:

(d) Construction. Septic tank construction shall comply with minimum standards set forth in Rules 340-73-025 and 340-73-030[.] ,unless otherwise authorized in writing by the Department.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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Amend OAR 340-71-220(8)(g) as follows:

(g) Where trenches are installed in [sandy loam] loamy sand or coarser soils, [the filter material shall be covered with] filter fabric or other non-degradable material approved by the Agent[.] shall be used to line the trench sidewall and cover the filter material.

Amend OAR 340-71-220(9)(b) as follows:

(b) A minimum of six (6) inches of backfill is required, except in serial [and pressure] systems where twelve (12) inches is required.

Amend 340-71-220(12) as follows:

(12) Effluent Sewer. (Rule 340-73-060) The effluent sewer shall extend at least five (5) feet beyond the septic tank before connecting to the distribution unit. It shall be installed with a minimum fall of four (4) inches per one hundred (100) feet, but in no instance shall there be less than two (2) inches of fall from one end of the pipe to the other.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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Amend OAR 340-71-220(13) by deleting the entire subsection as follows:

[(13) Minimum Separation Distances.

(a) On-site systems or parts thereof shall not be installed closer than the indicated distances from the items in Table 1.

(b) Stream Setbacks. (Table 1) Setback from streams shall be measured from bank drop-off or mean yearly high water mark, whichever provides the greatest separation distance.

(c) Lots Created Prior to May 1, 1973. For lots or parcels legally created prior to May 1, 1973, the Agent may approve installation of a standard or alternative system with a setback from surface public waters of less than one hundred (100) feet but not less than fifty (50) feet, provided all other provisions of these rules can be met.

(d) Water Lines and Sewer Lines Cross. Where water lines and building or effluent sewer lines cross, separation distances shall be as required in the State Plumbing Code.

(e) Septic Tank Setbacks. (Table 1) The Agent shall encourage the placement of septic tanks and other treatment units as close as feasible to the minimum separation from the building foundation in order to minimize clogging of the building sewer.]

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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Amend OAR 340-71-220(14) as follows:

13 [(14)]Large Systems. Systems with a projected daily sewage flow greater than two thousand five hundred (2,500) gallons shall be designed in accordance with requirements set forth in Rule 340-71-520.

Amend OAR 340-71-275(2) and (3) as follows:

(2) Except as provided in OAR 340-71-220(2)(c), pressurized distribution systems shall be used where depth to soil as defined in OAR 340-71-105 [107] (84) (a) and (b) is less than thirty six (36) inches and the minimum separation distance between the bottom of the disposal trench and soil as defined in OAR 340-71-105 [107] (84) (a) and (b) is less than eighteen (18) inches.

(3) Pressurized distribution systems installed in soil as defined in OAR 340-71-105 [107] (84) (a) and (b) in areas with permanent water tables shall not discharge more than four hundred fifty (450) gallons of effluent per one-half (1/2) acre per day except where:

Amend OAR 340-71-275(4)(b) as follows:

(b) Pressurized [Drainfield] Distribution Piping. Piping, valves and fittings for pressurized systems shall meet the following minimum requirements:

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

Amend OAR 340-71-275(4)(c)(C) and (D) as follows:

(C) Pressure lateral piping shall have not less than [eight (8)] <u>six (6)</u> inches of filter material below, nor less than <u>four (4)</u> [two (2)] inches of filter material above the piping.

(D) The sides of the trench and top of the filter material shall be lined or covered with filter fabric, or other nondegradable material permeable to fluids that will not allow passage of soil particles[.] <u>coarser than very fine sand.</u> In soils finer textured than loamy sand, lining the sidewall may not be required.

Amend OAR 340-71-275(4)(d) as follows:

(d) Seepage Bed Construction.

(A) Seepage beds may <u>only</u> be used in soil as defined in OAR 340-71-105 [107] <u>(84)</u> (a) and (b) as an alternative to the use of disposal trenches.

(B) The effective seepage area shall be based on the bottom area of the seepage bed. The minimum area shall be not less than that specified in Table 9.

(C) Beds shall be installed not less than eighteen (18) inches (twelve (12) inches with a capping fill) nor deeper than thirty six (36) inches into the natural soil. The seepage bed bottom shall be level.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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(D) The top of the filter material shall be lined or covered with filter fabric, or other nondegradable material that is permeable to fluids but will not allow passage of soil particles[.] coarser than very fine sand.

(E) Pressurized distribution piping shall have not less than [eight (8)] six (6) inches of filter material below, nor less than [two (2)] four (4) inches of filter material above the piping.

(F) Pressurized distribution piping shall be horizontally spaced not more than four (4) feet apart, and not more than two (2) feet away from the seepage bed sidewall. At least two (2) parallel pressurized distribution pipes shall be placed in the seepage bed.

(G) A minimum of ten (10) feet of undisturbed earth shall be maintained between seepage beds.

Amend OAR 340-71-290(3)(c) as follows:

(c) Permanent water table levels shall be determined in accordance with methods contained in subsection 340-71-220(1)(d). Sand filters installed in soils as defined in OAR 340-71-105 (84) , [107,] in areas with

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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permanent water tables shall not discharge more than four hundred fifty (450) gallons of effluent per one-half (1/2) acre per day except where:

Amend OAR 340-71-290(4) as follows:

(4) Minimum Length Disposal Trench Required. The [recommended and] minimum seepage area required for sand filter absorption facilities is indicated in the following table:

Soil Groups	Minimum Length (Linear Feet) Disposal Trench Per One Hundred Fifty (150) Gallons Projected Daily Sewage Flow
	Minimum
Gravel, sand, loamy sand, sandy loam	35
Loam, silt loam, sandy clay loam, clay loam	45
Silty clay loam, silty clay, sandy clay, clay	50
Saprolite or fractured bedrock	50
High shrink-swell clays (Vertisols)	75

NOTE [S]:

[(1) Sites with gravel or soil textures of sand, loamy sand, or sandy loam to the ground surface, that meet all other requirements of sections 340-71-290(3) and (4) and have the water table twenty-four (24) inches or more below ground surface, may utilize a sand filter without a bottom that discharges treated effluent directly into these materials. A minimum twenty-four (24) inch

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

separation must be maintained between the water table and the bottom of the sand filter.]

[(2) Sites with saprolite or fractured bedrock where groundwater is six (6) feet or greater below ground surface may utilize a sand filter consisting of a trench four (4) feet deep with two (2) feet of medium sand to filter and biologically treat septic tank effluent from a pressure distribution system at an application rate not to exceed one and twenty-three hundredths (1.23) gallons per square foot sand surface area per day applied at a dose not to exceed twenty (20) percent of the projected daily sewage flow. A two (2) foot separation shall be maintained between the bottom of the sand filter and the upper surface of ground water. Slope shall not exceed thirty (30) percent.]

Sites with saprolite, fractured bedrock, gravel or soil textures of sand, loamy sand, or sandy loam in a continuous section at least two (2) feet thick in contact with and below the bottom of the sand filter, that meet all other requirements of section 340-71-290(3), may utilize either a conventional sand filter without a bottom or a sand filter in a trench that discharges biologically treated effluent directly into those materials. The application rate shall be based on the design sewage flow in OAR 340-71-295(1) and the basal area of the sand in either type of

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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sand filter. A minimum twenty-four (24) inch separation shall be maintained between a water table and the bottom of the sand filter.

Amend OAR 340-71-295 as follows:

340-71-295 CONVENTIONAL SAND FILTER DESIGN AND CONSTRUCTION.

(Diagrams 8 and 9)

(1) Sewage Flows:

(a) [Conventional sand filter systems shall be designed to serve sewage flows of] Design sewage flows for a system proposed to serve a commercial facility shall be limited to six hundred (600) gallons or less per day unless otherwise authorized in writing by the Department.

(b) [Flows of four hundred fifty (450) gallons per day shall be used in determining the minimum sand surface area required for a single-family dwelling.]
Design sewage flows for a system proposed to serve a single family dwelling shall not be less than four hundred fifty (450) gallons per day, except as provided in subsection (c).

(c) [Flows of two hundred (200) gallons per day shall be used in determining minimum sand surface area required for individual residential gray-water filters.]
Design sewage flows for a system proposed to receive gray water only from a single family dwelling shall not be less than three hundred (300) gallons per day.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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(2) Minimum Filter Area. Sand filters shall be sized based on an application rate of no more than one and twenty-three hundredths (1.23) gallons septic tank effluent per square foot medium sand surface per day.

[(3) General Details.]

(3) [(a)] Sand filter container, piping, medium sand, gravel, gravel cover, and soil crown material for a sand filter system discharging to disposal trenches shall meet minimum specifications indicated in Diagrams 8 and 9 unless otherwise authorized by the Department.

[(b) Filter containers shall be constructed of reinforced concrete, a thirty (30) mil liner or other membrane liners acceptable to the Department which will effectively exclude groundwater and will contain the sand, gravel, septic tank effluent and soil crown cover for at least a twenty (20) year service life.]

(4) Container Design and Construction.

(a) A reinforced concrete container consisting of floor and walls as shown in Diagrams 8 and 9 is required where water tightness is necessary to prevent groundwater from infiltrating into the filter.

(b) Container may be constructed of materials other than concrete where equivalent function, workmanship,

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

watertightness and at least a twenty (20) year service life can be documented.

(A) Flexible membrane liner (FML) materials must have properties which are at least equivalent to thirty (30) mil unreinforced polyvinyl chloride (PVC) described in OAR 340-73-085. To be approved for filter installation, FML materials must:

(i) Have field repair instructions and materials which are provided to the purchaser with the liner; and

(ii) Have factory fabricated "boots" suitable for field bonding onto the liner to facilitate the passage of piping through the liner in a waterproof manner.

(B) Where accepted for use, flexible sheet membrane liners shall be placed against relatively smooth, regular surfaces. Surfaces shall be free of sharp edges, corners, roots, nails, wire, splinters and other projections which might puncture, tear, or cut the liner. Where a smooth, uniform surface cannot be assured in the field, filter system plans must include specifications for liner protection. A four (4) inch bed of clean sand or a non-degradable filter fabric acceptable to the Agent, shall be used to provide liner protection.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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Amend OAR 340-71-330(2) as follows:

(2) Criteria for approval.

(a) Nonwater-carried waste disposal facilities shall not be installed or used without prior written approval of the Agent.

Exception: Temporary use pit privies used on farms for farm labor shall be exempt from approval requirements.

(b) Nonwater-carried waste disposal facilities may be approved for temporary or limited use areas, such as recreation parks, camp sites, seasonal dwellings, farm labor camps or construction sites, provided all liquid wastes can be handled in a manner to prevent a public health hazard and to protect public waters, provided further that the separation distances in Table 8 can be met.

Exception: The use of self-contained construction type chemical toilets shall not be allowed for seasonal dwellings.

Amend OAR 340-71-340(3) as follows:

(3) General.

(a) No building may be served by more than one (1) holding tank.

(b) A single tax lot may be served by no more than one (1) holding tank unless the holding tanks [is] are under control of a municipality as defined in ORS 454.010(3).

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

XG720 (1) 12-08-81

Amend OAR 340-71-345(2) as follows:

340-71-345 AEROBIC SYSTEMS.

(1) For the purpose of these rules:

(a) "Aerobic Sewage Treatment Facility" means a sewage treatment plant which incorporates a means of introducing air (oxygen) into the sewage so as to provide aerobic biochemical stabilization during a detention period.

(b) "Mechanical Oxidation Sewage Treatment Facility" means an aerobic sewage treatment facility.

(2) Criteria For Approval. Aerobic sewage treatment facilities may be approved for a construction installation permit provided all the following criteria are met:

(a) The daily sewage flow to be treated is less than five thousand (5000) gallons.

(b) The aerobic sewage treatment facility (plant) is part of an approved on-site sewage disposal system.

(c) The plant <u>has been tested pursuant to</u> [conforms to Class I or Class II and other requirements of] the current version of <u>the National Sanitation Foundation (NSF)</u> Standard No. 40, relating to Individual Aerobic Wastewater Treatment Plants, [adopted by the National Sanitation Foundation (NSF).] <u>and been found to conform with Class I or Class II and other requirements of the standard.</u> In lieu of NSF <u>testing.</u> [Class I or Class II certification,] the

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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Department may accept testing by another agency which it considers to be equivalent.

(d) The property owner records a Department approved affidavit which notifies prospective property purchasers of the existence of an aerobic sewage treatment facility.

(e) The owner acknowledges that proper operation and maintenance of the plant is essential to prevent failure of the entire sewage disposal system and agrees, in writing, to hold the State of Oregon, its officers, employees, and agents harmless of any and all loss and damage caused by defective installation or operation of the system.

[(f) The rules for Community System contained in OAR 340-71-500 shall apply where applicable.]

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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Amend OAR 340 Division 71 by adding a new rule 340-71-355 as follows:

340-71-355 Gravel-less Disposal Trench Systems.

(1) Gravel-less disposal trench systems may be permitted on any site meeting the requirements for installation of standard subsurface systems.

(2) Distribution pipes for gravel-less disposal trench systems shall conform to the requirements in OAR 340-73-060(2)(f).

(3) Gravel-less disposal trench systems shall be constructed pursuant to the standards identified in OAR 340-71-220.

Exceptions:

(a) The bottom trench width shall not be less than eighteen (18) inches wide; and

(b) The provisions of OAR 340-71-220(8)(e), (f), and (g) are not applicable.

Amend OAR 340-71-415 as follows:

(1) Variances from any rule or standard for on-site sewage systems, contained in these rules, may be granted to applicants for permits by the Commission after a hearing before a special variance officer. The variance officer shall make a recommendation to the Commission for or against the variance.

(2) Variances from any standard contained in Rules 340-71-220 and 340-71-260 through 340-71-315 and 340-71-355 may be granted to

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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applicants for permits by special variance officers appointed by the Director.

(3) No variance may be granted unless the special variance officer finds, or in the case of an appeal to the Commission, the Commission finds that:

(a) Strict compliance with the rule or standard is inappropriate for cause; or

(b) Special physical conditions render strict compliance unreasonable, burdensome, or impractical.

(4) [(3)] Applications.

(a) Applications shall be made to the Department or Agreement County as appropriate. A separate application must be filed for each site considered for a variance.

(b) Each application shall by accompanied by:

(A) A site evaluation report, [denial, if the parcel has been denied, (]unless waived by the variance officer[)]; and

(B) Plans and specifications for the proposed system; and

(C) The appropriate fee; and

(D) Other information necessary for rendering a proper decision; and

(E) The application shall be signed by the property owner.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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(5) [(4)] An applicant for a variance under this rule is not required to pay the application fee, if at the time of filing, the applicant:

(a) Is sixty-five (65) years of age or older; and

(b) Is a resident of the State of Oregon; and

(c) Has an annual household income, as defined in ORS 310.030, of $15,000 or less[.] ; and

(d) Has not previously applied under the provisions of this section.

Amend OAR 340-71-435 as follows:

(1) After a variance is granted the appropriate Agent shall be notified in writing.

(2) In nonagreement counties the Department shall issue system construction installation permits, perform necessary inspections and issue Certificates of Satisfactory Completion.

(3) In agreement counties, the county shall issue system construction installation permits, perform necessary inspections and issue Certificates of Satisfactory Completion.

[(4) The Department shall disburse forty (40) dollars of the variance fee per granted variance to the agreement county, in which the property is located, to defray costs of permit and certificate issuance and inspections.]

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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Amend OAR 340-71-500 as follows:

(1) For the purpose of these rules:

(a) "Community System" means an on-site system which will serve more than one (1) lot or parcel; or more than one (1) condominium unit; or more that one (1) unit of a planned unit development.

(b) "Person" means individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the State and any agencies thereof, and the federal government and any agencies thereof.

(2) Without first applying for and obtaining a construction installation permit, no person shall install a community on-site system.

(3) Proposed community systems with projected sewage flows greater than two thousand five hundred (2,500) gallons per day shall have plans reviewed and approved by the Department prior to construction permit issuance.

(4) Plans for all community systems shall include operation and maintenance details including details for financing system operation and maintenance.

(5) The site criteria for approval of community systems shall be the same as required for standard subsurface systems contained

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

in section 340-71-220(2), or in the case of community alternative systems, the specific site conditions for that system contained in rules 340-71-260 through 340-71-[345.] 355.

(6) Operation Responsibility.

(a) Responsibility for operation and maintenance of community systems shall be vested in a municipality as defined in ORS 454.010(3), or an Association of Unit Owners as defined in ORS 91.500 and ORS 91.527.

(b) Unless otherwise required by permit, community systems shall be inspected at least annually by the responsible entity.

[(7) Denial of construction installation permits for community systems may be appealed through the contested case procedure set forth in ORS 183.]

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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Proposed Amendments to OAR 340-71-600

340-71-600 SEWAGE DISPOSAL SERVICE.

(1) For the purpose of these rules "Sewage Disposal Service" means:

(a) The installation of on-site sewage disposal systems, or any part thereof; or

(b) The pumping out or cleaning of on-site sewage disposal systems, or any part thereof; or

(c) The disposal of material derived from the pumping out or cleaning of on-site sewage disposal systems; or

(d) Grading, excavating, and earth-moving work connected with the operations described in subsection (1) (a) of this rule, except streets, highways, dams, airports or other heavy construction projects and except earth-moving work performed under the supervision of a builder or contractor in connection with and at the time of the construction of a building or structure; or

(e) The construction of drain and sewage lines from five (5) feet outside a building or structure to the service lateral at the curb or in the street or alley or other disposal terminal holding human or domestic sewage.

(2) No person shall perform sewage disposal services or advertise or represent himself/herself as being in the business of performing such services without first obtaining a license from the Department. Licenses are not transferable.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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(3) Those persons making application for a sewage disposal service license shall:

(a) Complete an application form supplied by the Department; and

(b) [Execute a surety bond in the penal sum of two thousand five hundred ($2500) dollars in favor of the State of Oregon, on forms supplied by the Department. Bonds shall be written to coincide with the licensing period; and]
File and maintain with the Department original evidence of surety bond, or other approved equivalent security, in the penal sum of two thousand five hundred dollars ($2,500); and

(c) Shall have pumping equipment inspected by the Agent annually if intending to pump out or clean systems and shall complete the "Sewage Pumping Equipment Description/Inspection" form supplied by the Department. An inspection performed after January 1st shall be accepted for licensing the following July 1st; and

(d) Provide evidence of registration of business name with State Department of Commerce.

(e) Submit the appropriate fee as set forth in Subsection 340-71-140(1)(k).

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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(4) The type of security to be furnished pursuant to OAR 340-71-600(3)(b) may be:

(a) Surety bond executed in favor of the State of Oregon on a form approved by the Attorney General and provided by the Department. The bond shall be issued by a surety company licensed by the Insurance Commissioner of Oregon. Any surety bond shall be so conditioned that it may be cancelled only after forty five (45) days notice to the Department, and to otherwise remain in effect for not less than two (2) years following termination of the sewage disposal service license, except as provided in subsection (e) of this section; or

(b) Insured savings account irrevocably assigned to the Department, with interest earned by such account made payable to the depositor; or

(c) Negotiable securities of a character approved by the State Treasurer, irrevocably assigned to the Department, with interest earned on deposited securities made payable to the depositor.

(d) Any deposit of cash or negotiable securities under ORS 454.705 shall remain in effect for not less than two (2) years following termination of the sewage disposal service license except as provided in subsection (e) of this section. A claim against such security deposits must be

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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submitted in writing to the Department, together with an authenticiated copy of:

(A) The court judgment or order requiring payment of the claim; or

(B) Written authority by the depositor for the Department to pay the claim.

(e) When proceedings under ORS 454.705 have been commenced while the security required is in effect, such security shall be held until final disposition of the proceedings is made. At that time claims will be referred for consideration of payment from the security so held.

(5) [(4)] Each licensee shall:

(a) Be responsible for any violation of any statute, rule, or order of the Commission or Department pertaining to his licensed business.

(b) Be responsible for any act or omission of any servant, agent, employee, or representative of such licensee in violation of any statute, rule, or order pertaining to his license privileges.

(c) Deliver to each person for whom he performs services requiring such license, prior to completion of services, a written notice which contains:

[(A) Name and address of his bonding company; and]

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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(A) [(B)] A list of rights of the recipient of such services which are contained in ORS 454.705(2)[.] ; and

(B) Name and address of the surety company which has executed the bond required by ORS 454.705(1); or

(C) A statement that the licensee has deposited cash or negotiable securities for the benefit of the Department in compensating any person injured by failure of the licensee to comply with ORS 454.605 to 454.745 and with OAR Chapter 340, Divisions 71 and 73.

(d) Keep the Department informed on company changes that affect the license, such as, name change, change from individual to partnership, change from partnership to corporation, etc.

(6) [(5)] Misuse of License.

(a) No licensee shall permit anyone to operate under his license, except a person who is working under supervision of the licensee.

(b) No person shall:

(A) Display or cause or permit to be displayed, or have in his possession any license, knowing it to be fictitious, revoked, suspended or fraudulently altered.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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(B) Fail or refuse to surrender to the Department, upon demand, any license which has been suspended or revoked.

(C) Give false or fictitious information or knowingly conceal a material fact or otherwise commit a fraud in any license application.

(7) [(6)] Personnel Reponsibilities.

(a) Persons performing the service of pumping or cleaning of sewage disposal facilities shall avoid spilling of sewage while pumping or while in transport for disposal.

(b) Any accidental spillage of sewage shall be immediately cleaned up by the operator and the spill area shall be disinfected.

(8) [(7)] License Suspension or Revocation.

(a) The Department may suspend, revoke, or refuse to grant, or refuse to renew, any sewage disposal service license if it finds:

(A) A material misrepresentation or false statement in connection with a license application; or

(B) Failure to comply with any provisions of ORS 454.605 through 454.785, the rules of this Division, or an order of the Commission or Department; or

(C) Failure to maintain in effect at all times the required bond or other approved equivalent security, in the

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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full amount specified in ORS 454.705; or

(D) Nonpayment by drawee of any instrument tendered by applicant as payment of license fee.

(b) Whenever a license is revoked or expires, the operator shall remove the license from display and remove all Department identifying labels from equipment.

(c) A sewage disposal service may not be considered for re-licensure for a period of at least one (1) year after revocation of its license.

(9) [(8)] Equipment Minimum Specifications.

(a) Tanks for pumping out of sewage disposal facilities shall comply with the following:

(A) Have a liquid capacity of at least five hundred fifty (550) gallons.

Exception. Tanks for equipment used exclusively for pumping chemical toilets not exceeding fifty (50) gallons capacity, shall have a liquid capacity of at least one hundred fifty (150) gallons.

(B) Be of watertight metal construction;

(C) Be fully enclosed;

(D) Have suitable covers to prevent spillage.

(b) The vehicle shall be equipped with either a vacuum or other type pump which will not allow seepage from the diaphragm or other packing glands and which is self priming.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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(c) The sewage hose on vehicles shall be drained, capped, and stored in a manner that will not create a public health hazard or nuisance.

(d) The discharge nozzle shall be:

(A) Provided with either a camlock quick coupling or threaded screw cap.

(B) Sealed by threaded cap or quick coupling when not in use.

(C) Located so that there is no flow or drip onto any portion of the vehicle.

(D) Protected from accidental damage or breakage.

(e) No pumping equipment shall have spreader gates.

(f) Each vehicle shall at all times be supplied with a pressurized wash water tank, disinfectant, and implements for cleanup.

(g) Pumping equipment shall be used for pumping sewage disposal facilities exclusively unless otherwise authorized in writing by the Agent.

(h) Chemical toilet cleaning equipment shall not be used for any other purpose.

(10) [(9)] Equipment Operation and Maintenance.

(a) When in use, pumping equipment shall be operated in a manner so as not to create public health hazards or nuisances.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

(b) Equipment shall be maintained in a reasonably clean condition at all times.

(11) [(10)] Vehicles shall be identified as follows:

(a) Display the name or assumed business name on each vehicle cab and on each side of a tank trailer:

(A) In letters at least three (3) inches in height; and

(B) In a color contrasting with the background.

(b) Tank capacity shall be printed on both sides of the tank:

(A) In letters at least three (3) inches in height; and

(B) In a color contrasting with the background.

(c) Labels issued by the Department for each current license period shall be displayed at all times at the front, rear, and on each side of the "motor vehicle" as defined by United States Department of Transportation Regulations, Title 49 U.S.C.

(12) [(11)] Disposal of Pumpings.

Each licensee shall:

(a) Discharge no part of the pumpings upon the surface of the ground unless approved by the Department in writing.

(b) Dispose of pumpings only in disposal facilities approved by the Department.

(c) Possess at all times during pumping, transport or disposal of pumpings, origin-destination records for sewage disposal services rendered.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

(d) Maintain on file complete origin-destination records for sewage disposal services rendered. Origin-Destination records shall include:

(A) Source of pumpings on each occurrence, including name and address.

(B) Specific type of material pumped on each occurrence.

(C) Quantity of material pumped on each occurrence.

(D) Name and location of authorized disposal site, where pumpings were deposited on each occurrence.

(E) Quantity of material deposited on each occurrence.

(e) Transport pumpings in a manner that will not create a public health hazard or nuisance.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

Amend OAR 340-71-140(2)(c), Appendix M, as follows:

340-71-140(2)(c) APPENDIX M

MULTNOMAH COUNTY FEE SCHEDULE

(1)	Septic Tank and Disposal Field's	
	(a) New site evaluation, 1st lot	$120.00
	(b) Each additional lot evaluation while on site	120.00
(2)	Seepage Pits, Cesspools or Holding Tanks	
	(New Site Evaluation)	
	(a) Commercial site	120.00
	(b) Industrial site	120.00
	(c) Multiple residential site, 1st system	70.00
	Each additional system	50.00
	(d) Single family residential site	70.00
(3)	Construction Installation Permit	
	(a) Standard septic tank/drainfield, with daily flow of 450 gallons per day maximum	65.00
	(b) Septic tank capping fill on disposal areas	75.00
	(c) Sand filter system	100.00
	(d) Septic tank/drainfield system in excess of 450 gallons per day	65.00
	Plus $20.00 for each increment of 450 gal/day	
	<u>(e) Septic tank/drainfield lift pump system</u>	<u>85.00</u>
	<u>(f)</u> [(e)] All alternative systems other than capping fill and sand filter systems	100.00
	<u>(g)</u> [(f)] Cesspool	65.00

(XG720.A March 5, 1982)

(h) [(g)]	Cesspool excess of 20' of rings	100.00
(i) [(h)]	Septic tank (maximum capacity 2500 gallons) and one 15' or 20' seepage pit	65.00
(j) [(i)]	Septic tank (maximum capacity 2500 gallons) and two 15' x 20' seepage pits	100.00
(k) [(j)]	System with septic tank larger than 3000 gallons shall be prorated at increments of $50.00/1000 gal. capacity. $50.00 for each increment of 1000 gallons of capacity	100.00
(l) [(k)]	Holding tank permits	100.00
(4)	Replacement of Cesspool	65.00
(5) [(4)]	Alteration of septic tank and drainfield	40.00
(6) [(5)]	Extension of septic tank and drainfield	40.00
(7) [(6)]	Repair of septic tank and drainfield	40.00
(8)	Repair of Septic tank/drainfield with lift pump	55.00
(9) [(7)]	Inspection of sewage disposal pump truck	25.00
	Each additional licensed truck on premises	10.00
(10) [(8)]	Evaluation of existing system adequacy	30.00
(11) [(9)]	Annual evaluation of alternative system (When required including holding tank)	40.00
(12) [(10)]	Annual evaluation of temporary mobile homes	25.00
(13) [(11)]	Abandonment of subsurface system	35.00

Amend OAR 340-73-025(5) as follows:

(5) The inlet and outlet fittings shall be of cast iron, Schedule 40 P.V.C. plastic, Schedule 40 ABS plastic, or other materials approved by the Department, with a minimum diameter of four (4) inches:

(a) The distance between the inlet and outlet fittings shall be equal to, or greater than, the liquid depth of the tank.

(b) The inlet and outlet fittings shall be located at opposite ends of the tank. They shall be attached in a water tight manner approved by the Department.

(c) The inlet fitting shall be a "sanitary tee" extending at least six (6) inches above and below the liquid level.

(d) The outlet fitting shall be a "tee" extending below liquid level a distance equal to not less than thirty-five (35) percent nor greater than fifty (50) percent of the liquid depth, and at least six (6) inches above the liquid depth in order to provide scum storage. When the tank is used as a holding tank, the outlet fitting shall be provided with a watertight plug.

(e) Ventilation shall be provided through the fittings by means of a two (2) inch minimum space between the underside of the top of the tank and the top of the "tee" fitting.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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(f) The invert of the inlet fitting shall be not less than one (1) inch and preferably three (3) inches above the invert of the outlet fitting.

(g) The septic tank manufacturer shall provide with each fitting a rubber or neoprene rubber gasket meeting ASTM Specification C-564, or an appropriate coupler which the Department determines will provide a water tight connection between the fittings and the building and effluent sewer pipes.

(h) An access cover of not less than [eight (8)] <u>six (6)</u> inches across shall be provided above each fitting.

Amend OAR 340-73-035 (4) as follows:

(4) Each distribution box shall be provided with a sump extending <u>at least</u> two (2) inches below the invert of the outlet<u>s</u>.

Amend OAR 340-73-050(3) as follows:

(3) Each dosing tank[, except those] employing [siphons] <u>one (1) or more pumps</u> shall have a minimum liquid capacity equal to the projected daily sewage flow [or four hundred fifty (450) gallons, whichever is greater,] for [projected] flows up to twelve hundred (1200) gallons per day. The Department may use its discretion in sizing dosing tanks when the projected daily sewage flow is greater than twelve hundred (1200) gallons per day. The liquid capacity shall be as measured from the invert elevation of the inlet fitting.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

Proposed Amendments to OAR 340-73-055

EFFLUENT PUMPS, CONTROLS & ALARMS, AND DOSING SIPHONS

OAR 340-73-055

(1) Pumps, Controls, and Alarms: Electrical components used in on-site sewage disposal systems shall comply with State of Oregon Electrical Code, and the following provisions:

(a) Motors shall be continuous-duty, [single-phase] with [built-in automatic reset-] overload protection . [on a separate starting winding.]

(b) Pumps shall have durable impellers of bronze, cast iron, or other materials approved by the Department.

(c) Submersible pumps shall be provided with an easy, readily accessible means of electrical and plumbing disconnect, and a noncorrosive lifting device as a means of removal for servicing.

(d) Except where specifically authorized in writing by the Director, the pump shall be placed within a corrosion-resistant screen that extends above the maximum effluent level within the pump chamber. The screen shall have at least twelve (12) square feet of surface area, with one-eighth (1/8) inch openings. The use of a screen is not required if the pump does not discharge into a pressurized distribution system, and the pump has a nonclog impeller capable of passing a 3/4 inch diameter solid sphere.

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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[(d) Pumps shall be capable of passing a three-quarter (3/4) inch solid sphere, and have a minimum one and one-quarter (1 1/4) inch discharge.]

[(e) Pumps shall be placed a minimum of six (6) inches above the dosing tank bottom.]

(e) [(f)] Pumps shall be automatically controlled by sealed mercury float switches with a minimum mercury tube rating of twelve (12) amps at one hundred fifteen (115) volts A.C. or by a Department approved equivalently reliable switching mechanism. The switches shall be installed so that approximately twenty (20) percent of the projected daily sewage flow is discharged each cycle.

(f) [(g)] An audible[.] and visual high water level alarm with manual silence switch shall be located in or near the building served by the pump. The audible alarm only may be user cancelable. [Alarm and pump controls shall be on separate circuits. If the alarm is located inside the building it shall be an audio-visual type of silence switch.] The [mercury float switch] switching mechanism controlling the high water level alarm shall be located so that at time of activation the dosing tank has at least one-third (1/3) of its capacity remaining for effluent storage.

[(h) An electrical permit is required for all electrical connections and components.]

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

[(i) When the projected sewage flow for the system exceeds twelve hundred (1200) gallons per day, or when the static lift is greater than one hundred (100) feet, the Department may exercise reasonable judgment in varying from the minimum pump requirements identified in this rule.]

(2) Dosing Siphons. Dosing siphons used in on-site sewage disposal systems shall comply with all of the following minimum requirements:

(a) Shall be constructed of corrosion-resistant materials.

(b) Shall be installed in accordance with the manufacturer's recommendations.

Amend 340-73-060(1) as follows:

(1) EFFLUENT SEWER PIPE:

The effluent sewer shall be constructed with materials in conformance to building sewer standards, as identified in the Oregon State Plumbing Laws and Administrative Rules. The effluent sewer pipe shall have a minimum diameter of three (3) inches . [and extend not less than five (5) feet beyond the septic tank. It shall be installed with a minimum fall of six (6) inches per one hundred (100) feet, but in no instance shall there be less than two (2) inches of fall from one end of the pipe to the other.]

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

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Amend OAR 340-73-060(2) by adding a new Subsection (f) as follows:

(f) Gravel-less disposal trench systems shall be constructed using corrugated polyethylene pipe fittings and couplings that comply with the requirements of ASTM F 667. The pipe shall have two rows of holes spaced approximately one hundred twenty (120) degrees apart, and approximately one hundred twenty (120) degrees apart each from the location stripe which shall be a contrasting color. The drain holes shall be a minimum of one-half (1/2) inch diameter. The minimum outlet area shall be one (1) square inch per lineal foot of pipe. There shall be at least one (1) drain hole present in the valley of each corrugation. The gravel-less disposal trench pipe shall have a minimum inside diameter of ten (10) inches, and be encased in a factory-installed spun-bonded nylon filter fabric meeting the following requirements:

(A) Weight (ounce per square yard) Per ASTM D 1910 - 0.85 ounces (nominal)

(B) Fiber Size, Denier per Filament (dpf) 4.7 (nominal value)

NOTE: Underlined _____ material is new.
Bracketed [ ] material is deleted.

Amend OAR 340 Division 73 by adding a new rule OAR 340-73-085 as follows:

340-73-085 FLEXIBLE MEMBRANE LINERS FOR SAND FILTERS TREATING SEPTIC TANK EFFLUENT

(1) Unsupported polyvinyl chloride (PVC) shall have the following properties:

Property	Test Method	
(a) Thickness	ASTM D1593 Para 8.1.3	30 mil, minimum
(b) Specific Gravity (minimum)	ASTM D792 Method A	
(c) Minimum Tensile Properties (each direction)	ASTM D882	
(A) Breaking Factor (pounds/inch width)	Method A or B (1 inch wide)	69
(B) Elongation at Break (percent)	Method A or B	300
(C) Modulus (force) at 100% Elongation (pounds/inch width)	Method A or B	27
(d) Tear Resistance (pounds, minimum)	ASTM D1004 Die C	8
(e) Low Temperature	ASTM D1790	-20°F

NOTE: Underlined _____ material is new.
Bracketed material is deleted.

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(f)	Dimensional Stability (each direction, percent change maximum)	ASTM D1204 212°F, 15 min.	±5
(g)	Water Extraction	ASTM D1239	-0.35% max.
(h)	Volatile Loss	ASTM D1203 Method A	0.7% max.
(i)	Resistance to Soil Burial (percent change maximum in original value)	ASTM D3083	
	(A) Breaking Factor		-5
	(B) Elongation at Break		-20
	(C) Modulus at 100% Elongation		±10
(j)	Bonded Seam Strength (factory seam, breaking factor, ppi width)	ASTM D3083	55.2
(k)	Hydrostatic Resistance	ASTM D751 Method A	82

(2) Installation Standards.

(a) Patches, repairs and seams shall have the same physical properties as the parent material.

(b) Site considerations and preparation.

(A) The supporting surface slopes and foundation to accept the liner shall be stable and structurally sound including

NOTE: Underlined _____ material is new.
Bracketed material is deleted.

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appropriate compaction. Particular attention shall be paid to the potential of sink hole development and differential settlement.

(B) Soil stabilizers such as cementations or chemical binding agents shall not adversely affect the membrane; cementations and chemical binding agents may be potentially abrasive agents.

(c) Only fully buried membrane liner installation shall be considered to avoid weathering.

(d) Unreinforced liners have high elongation and can conform to irregular surfaces and follow settlements within limits. Unreasonable strain reduces effective thickness and may reduce life expectancy by lessening the chemical resistance of the thinner (stretched) material. Every effort shall be made to minimize the strain (or elongation) anywhere in the flexible membrane liner.

(e) Construction of site:

(A) Surface condition.

(i) Preparation of earth subgrade. The prepared subgrade shall be of soil types no larger than Unified Soil Classification System (USCS) sand (SP) to a minimum of four (4) inches below the surface and free from loose earth, rock, fractured stone, debris, cobbles, rubbish and roots. The surface of the completed subgrade shall

NOTE: Underlined _____ material is new.
Bracketed material is deleted.

be properly compacted, smooth, uniform and free from sudden changes in grade. Importing suitable soil may be required.

(ii) Maintenance of subgrade. The earth subgrade shall be maintained in a smooth, uniform and compacted condition during installation of the lining.

(B) Climatic conditions.

(i) Temperature. The desirable temperature range for membrane installation is 42°F ~~to 78°F~~. Lower or higher temperatures may have an adverse effect on transportation, storage, field handling and placement, seaming and backfilling and attaching boots and patches may be difficult. Placing liner outside the desirable temperature range shall be avoided.

(ii) Wind. Wind may have an adverse effect on liner installation such as interfering with liner placement. Mechanical damage may result. Cleanliness of areas for boot connection and patching may not be possible. Alignment of seams and cleanliness may not be possible. Placing the liner in high wind shall be avoided.

(iii) Precipitation. When field seaming is adversely affected by moisture, portable protective structures and/or other methods shall be used to maintain a dry sealing surface. Proper surface preparation for

NOTE: Underlined _____ material is new.
Bracketed material is deleted.

bonding boots and patches may not be possible. Seaming, patching and attaching 'boots' shall be done under dry conditions.

(C) Structures. Penetration of a flexible liner by any designed means shall be avoided. Where penetrations are necessary, such as horizontal and vertical pipes, it is essential to obtain a secure, liquid-tight seal between the pipes and the flexible liner. Liners shall be attached to pipes with a mechanical type seal supplemented by a chemically compatible caulking or adhesives to effect a liquid-tight seal. The highest order of compaction shall be provided in the area adjacent to pipes to compensate for any settlement.

(D) Liner Placement.

(i) Size. The final cut size of the liner shall be carefully determined and ordered to generously fit the container geometry without field seaming or excess straining of the liner material.

(ii) Transportation, handling and storage. Transportation, handling and storage procedures shall be planned to prevent material damage. Material shall be stored in a secured area and protected from adverse weather.

(iii) Site inspection. A site inspection shall be carried out by the Agent and the installer prior to liner

NOTE: Underlined _____ material is new.
Bracketed material is deleted.

installation to verify surface conditions, etc.

(iv) Deployment. Panels shall be positioned to minimize handling. Seaming should not be necessary. Bridging or stressed conditions shall be avoided with proper slack allowances for shrinkage. The liner shall be secured to prevent movement and promptly backfilled.

(v) Anchoring trenches. The liner edges should be secured frequently in a backfilled trench.

(vi) Field seaming. Field seaming, if absolutely necessary, shall only be attempted when weather conditions are favorable. The contact surfaces of the materials should be clean of dirt, dust, moisture, or other foreign materials. The contact surfaces shall be aligned with sufficient overlap and bonded in accordance with the suppliers recommended procedures. Wrinkles shall be smoothed out and seams should be inspected by nondestructive testing techniques to verify their integrity. As seaming occurs during installation, the field seams shall be inspected continuously and any faulty area repaired immediately.

(vii) Field repairs. It is important that traffic on the lined area be minimized. Any necessary repairs to the liner shall be patched using the same lining material

NOTE: Underlined _____ material is new.
Bracketed material is deleted.

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and following the recommended procedure of the supplier.

(viii) Final inspection and acceptance. As completed, the liner installation should be tested for functional integrity. All joints, seams and mechanical seals should be checked both during and after installation. Hydrostatic testing to evaluate watertightness of the completed liner installation before placement of any backfill may be required at the discretion of either the Agent or the owner/purchaser. The lined basin shall be filled to the four (4) foot level with water after the pipe inlets and outlets have been fitted with temporary plugs. Acceptance of workmanship shall be based upon a leakage rate of no more than 0.25 inches in a 24 hour period. Virtually no leakage should result from good workmanship, however.

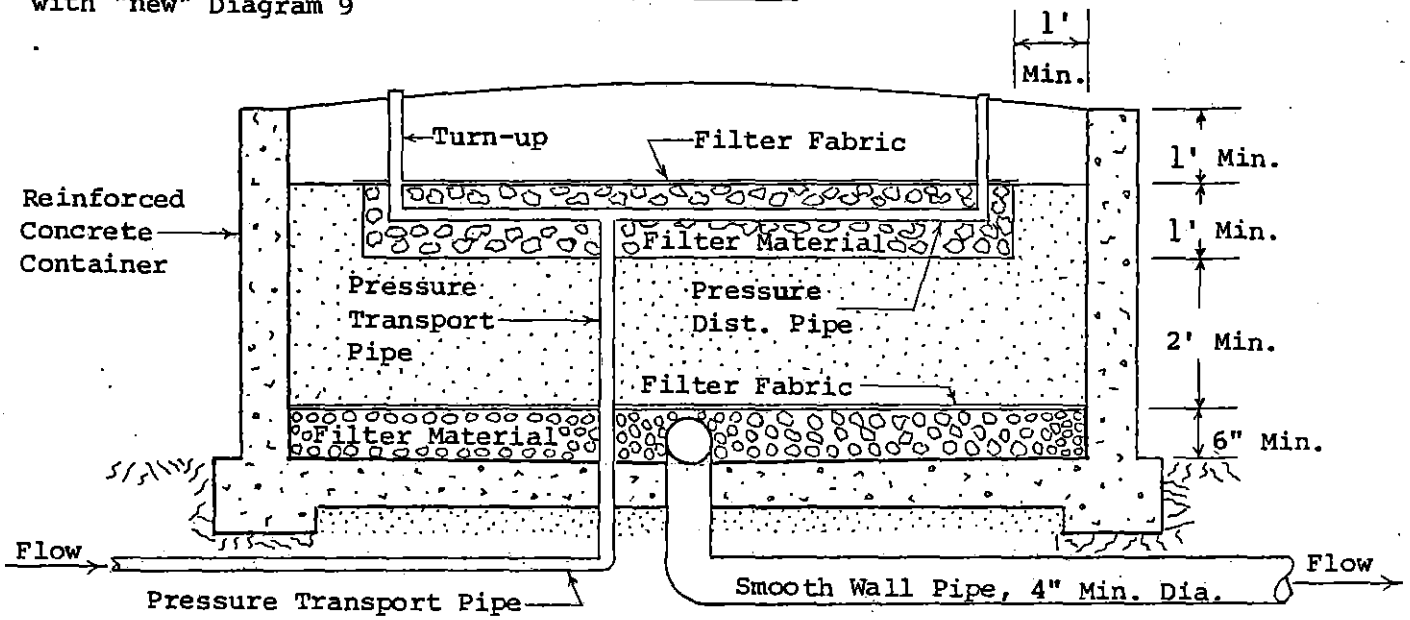
(3) Operation and Maintenance Standards. The owner/purchaser of a sand filter system must recognize that he assumes the continuous responsibility to preserve the installation as near as practical in its "as built" state. This responsibility includes the control or erosion of any "mound," the control and removal of large perennial plants, the fencing out of livestock and the control of burrowing animals.

NOTE: Underlined _____ material is new.
Bracketed material is deleted.

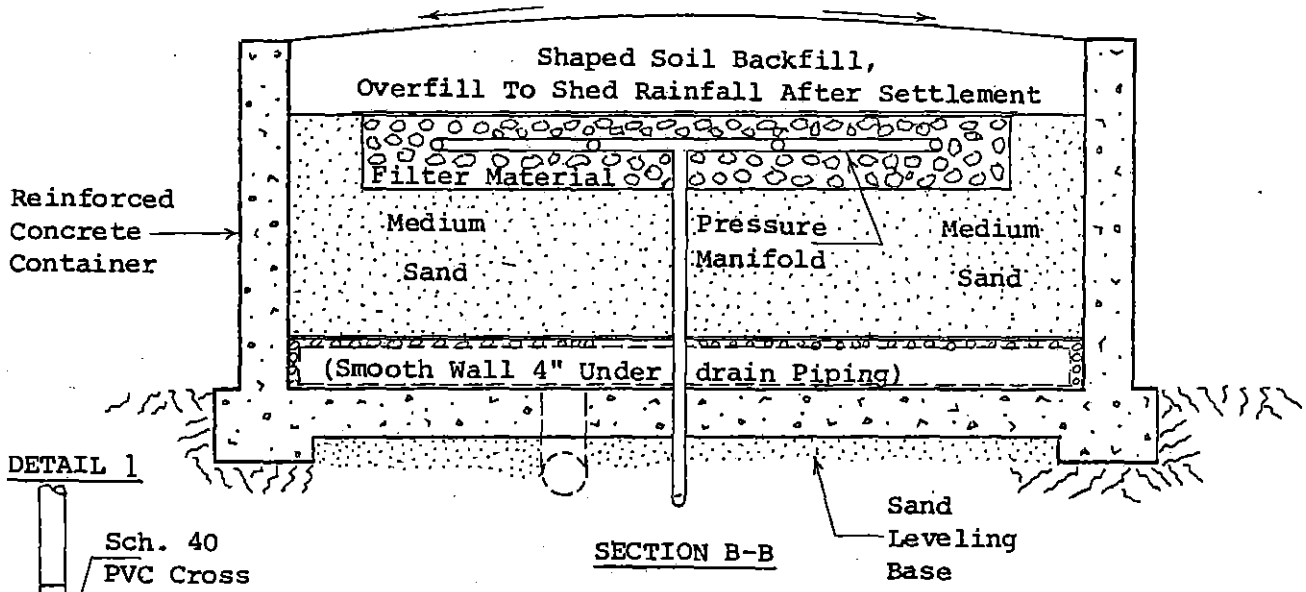
Amend OAR 340-71-Diagram 9
by replacing "old" Diagram 9
with "new" Diagram 9

DIAGRAM 9

SAND FILTER

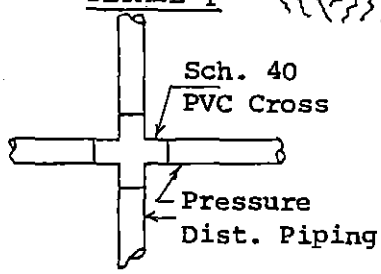


SECTION A-A

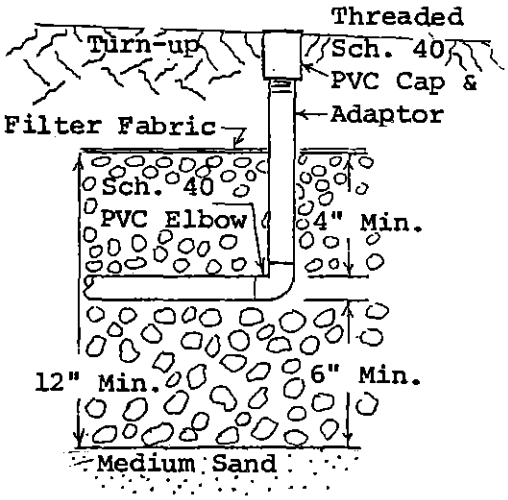


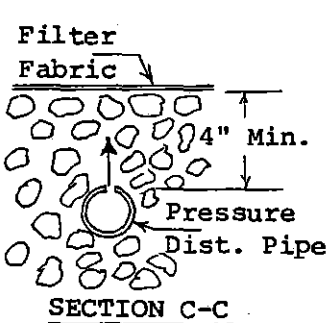
SECTION B-B

DETAIL 1



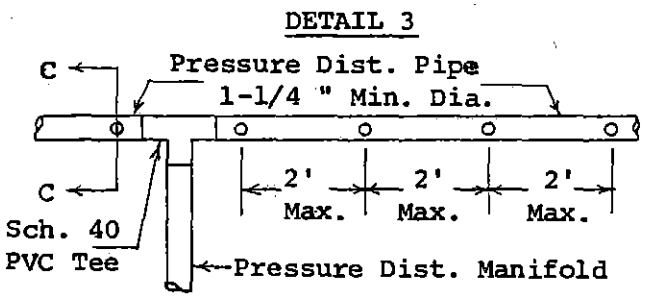
DETAIL 2





SECTION C-C

DETAIL 3

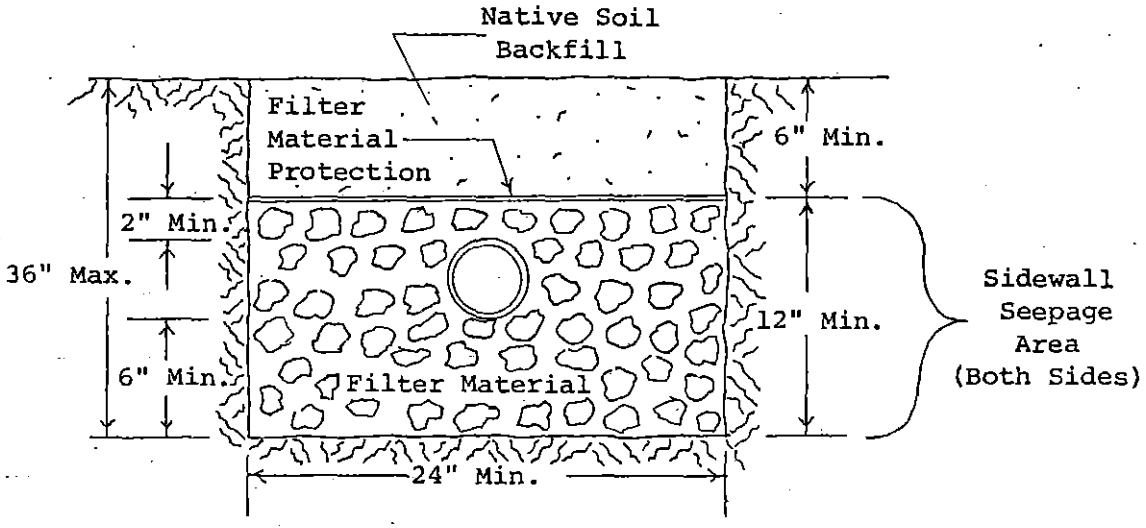


Amend OAR 340-71-Diagram 12
by replacing "old" Diagram 12
with "new" Diagram 12

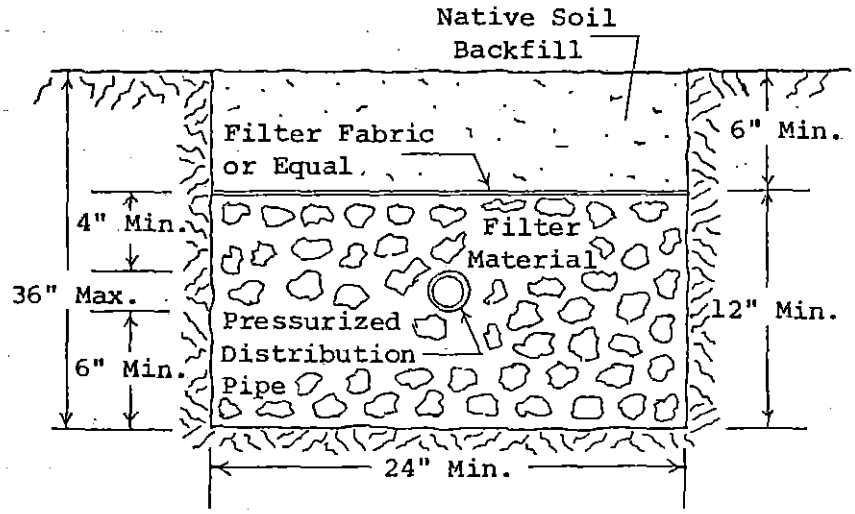
DIAGRAM 12

DISPOSAL TRENCH CROSS-SECTIONS

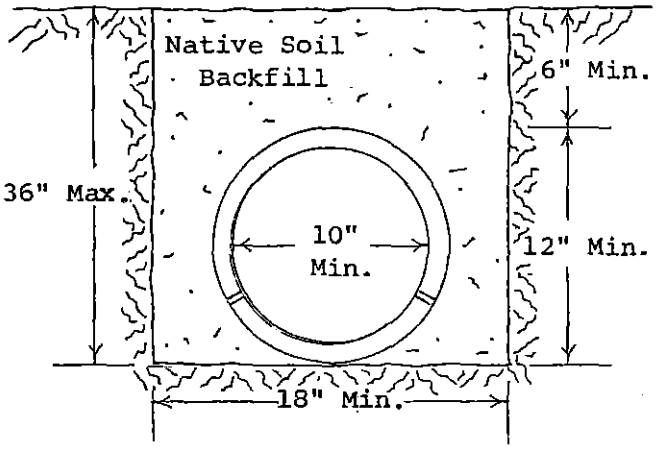
GRAVITY-FED TRENCH



PRESSURIZED TRENCH



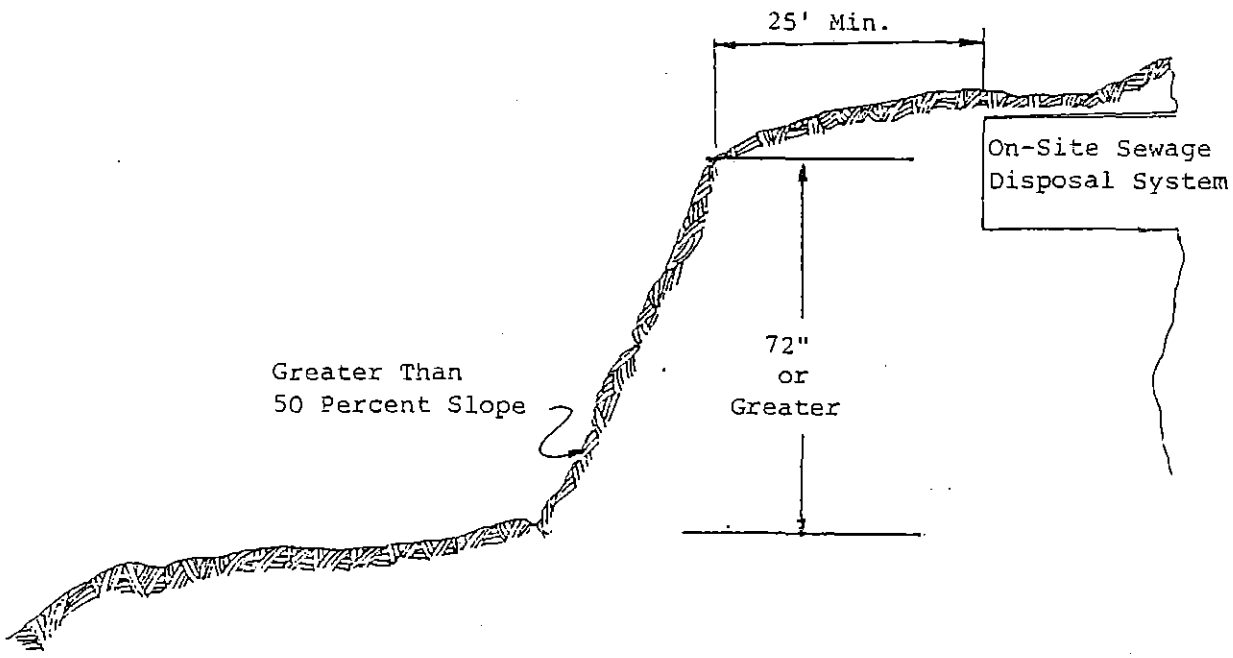
GRAVEL-LESS TRENCH



Amend OAR 340-71 - Diagram 18 as follows:

DIAGRAM 18

IDEALIZED CROSS SECTION OF ESCARPMENT [OR MAN-MADE CUT]
(Without a Layer That Limits Effective Soil Depth)

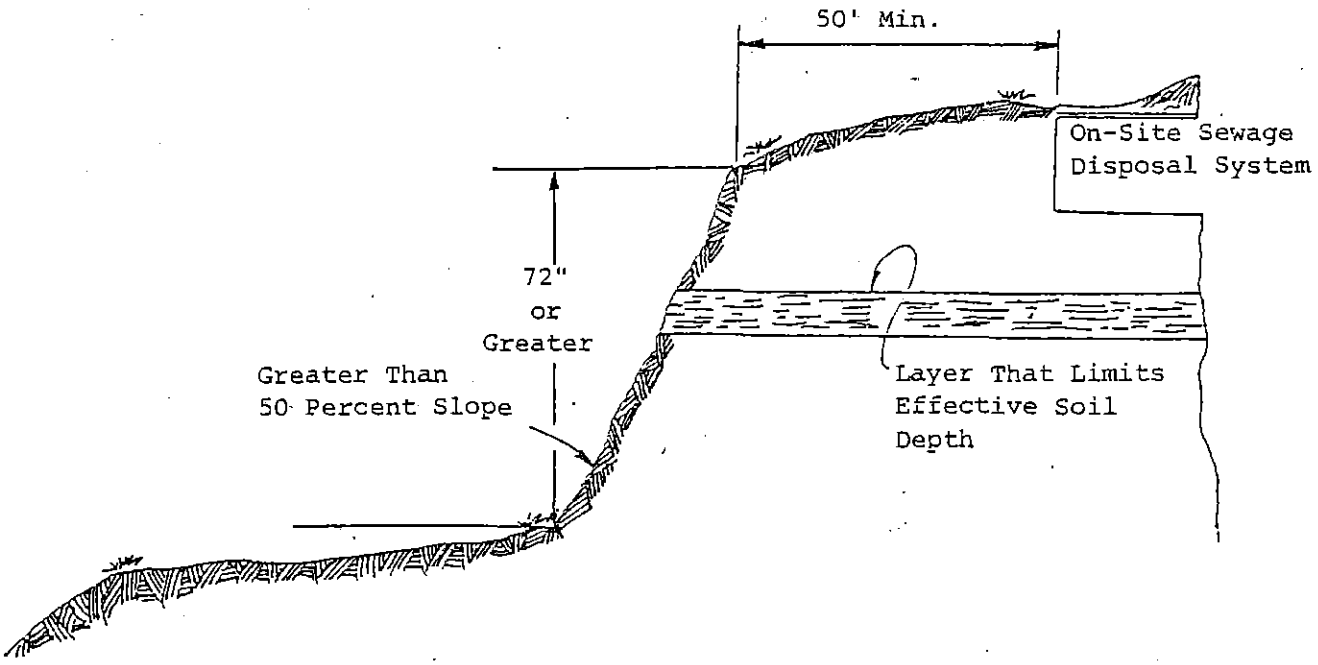


Bracketed [ ] material is deleted.

Amend OAR 340-71 - Diagram 19 as follows:

DIAGRAM 19

IDEALIZED CROSS SECTION OF ESCARPMENT [OR MAN-MADE CUT]
(With a Layer That Limits Effective Soil Depth)



Bracketed [ ] material is deleted.

Amend Diagram 1 as follows:

Diagram 1
(340-73-025(8))

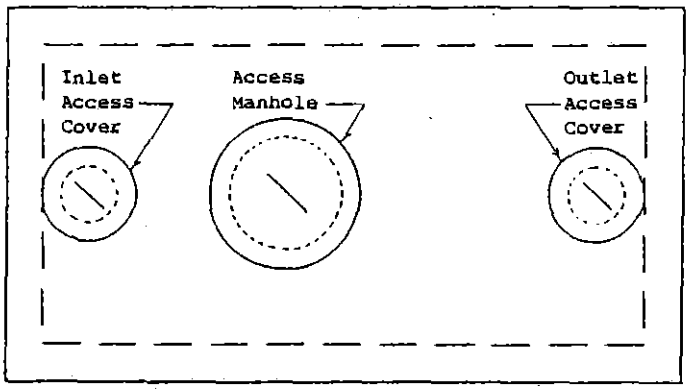
TYPICAL CAST-IN-PLACE CONCRETE SEPTIC TANK SPECIFICATIONS

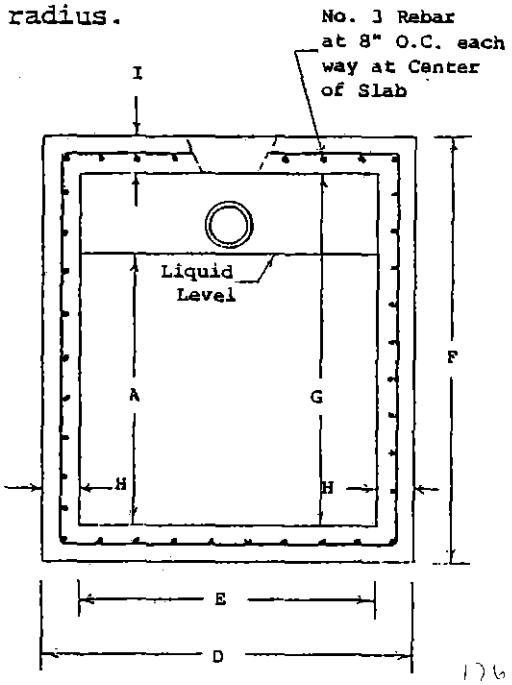
Working Capacity (gallons)		Working Capacity (cubic feet)	Liquid Depth	Tank Length		Tank Width		Tank Depth		Concrete Thickness		
Min. Required	Calculated			Outside	Inside	Outside	Inside	Outside	Inside	Side	Top	Bottom
			A	B	C	D	E	F	G	H	I	J
1000	1017	136	4'-3"	9'	8'	5'	4'	5'-11"	4'-11"	6"	6"	6"
1250	1256	168	4'-8"	9'	8'	5'-5"	4'-6"	6'-4"	5'-4"	6"	6"	6"
1500	1503	201	5'-7"	9'	8'	5'-6"	4'-6"	7'-3"	6'-3"	8"	6"	6"

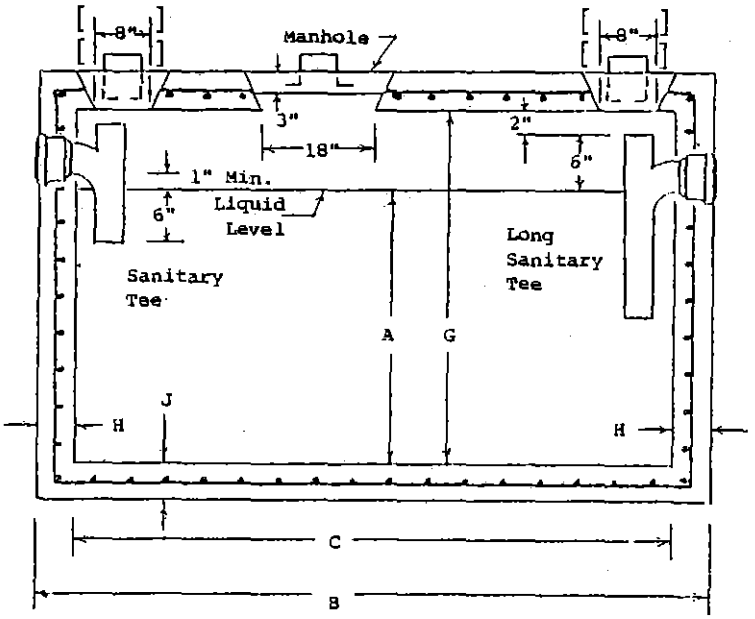
Note:

1. Mix shall be at least 5 1/2 sacks cement per cubic yard.
2. Mix shall be vibrated or tamped to fill all voids.
3. Work shall be continuously wet cured for seven days after placement.
4. All reinforcing steel mats shall be centered in respective slabs and walls.
5. Reinforcing steel shall be lapped 12 inches minimum at all corners and splices.
6. Bar shall be cold-bent with not less than a 2 1/4 inch radius.

Bracketed [ ] Material is deleted.







Public Form

ANNUAL REPORT

MANAGEMENT OF DECENTRALIZED, ON-SITE SYSTEMS FOR TREATMENT OF DOMESTIC WASTES

by

Robert C. Ward
and
James D. Englehardt

Agricultural and Chemical Engineering Department
Colorado State University

December 1981

Research Supported by
NATIONAL SCIENCE FOUNDATION

Program Official
Edward H. Bryan
Water Resources and Environmental Engineering
Grant Number ISP-8018279

Department of Agricultural and Chemical Engineering
(303) 491-5252

Colorado State University
Fort Collins, Colorado
80523

January 6, 1982

To:
W. C. Boyle
G. Broetzman
S. P. Dix
A. E. Dollase
J. Ellison
J. F. Kreissl
N. I. McClelland
R. F. Nelson
D. C. Niehus
L. Puleo
D. Schler
L. Silverman
S. Smith
D. M. Sorenson
G. D. Ward

From: Robert C. Ward, Project Director RCW
National Science Foundation Project No. ISP-8018279
"Management of Decentralized, On-site Systems for Treatment of Domestic Wastes"

Subject: Annual Report

Remarks:

Enclosed is a copy of the annual report describing the results of the project thus far. The section of the report entitled "On-site Management Functions" describes the current status of on-site system management and the need for enhanced operation and maintenance. This discussion, therefore, places the contributions of the project's results in perspective of the current situation.

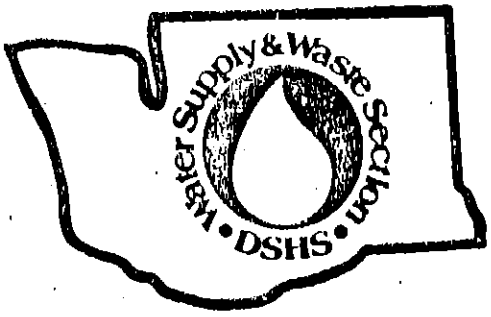
The section of the report entitled "Operation and Maintenance Activity Definition" describes the framework established to compile the large amounts of operation and maintenance data collected to date. The major task remaining is to actually place the data for the various on-site technologies into the framework and develop the means of readily accessing the information via a computer program. This will be a very time consuming task, as the data collected is from many sources and has little uniformity.

Any comments or suggestions regarding the current status of the project would be welcomed.

RCW:jf
Enclosure
cc: Edward H. Bryan

Public Forum

GUIDELINES FOR THE FORMATION AND OPERATION OF ON-SITE WASTE MANAGEMENT SYSTEMS



WASHINGTON STATE
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
OFFICE OF ENVIRONMENTAL HEALTH PROGRAMS

November, 1976

State of Washington
Department of Social & Health Services

GUIDELINES FOR THE FORMATION AND OPERATION OF ON-SITE WASTE MANAGEMENT SYSTEMS

In accordance with the provisions of WAC 248-96-070(4) the following Guidelines set forth the minimum provisions to be incorporated into any On-site Waste Management System established in satisfaction of the requirements of WAC 248-96-070(3). Unless authorized by the Washington State Department of Ecology, these guidelines shall not apply to facilities constructed or operated in accordance with a waste discharge permit issued by that Department.

****

A. Definitions: In addition to those definitions set forth in WAC 248-96-020, and by this reference made a part hereof, the following terms shall have the meaning indicated:

(1) "Developer" - Any person, or the heirs, successors, or assigns of such person, who owns and/or proposes or intends to develop a subdivision or multiple housing unit project designed to exceed the unit or population densities or flows set forth in WAC 248-96-070(1).

(2) "Purchaser" - Any person, or the heirs, successors or assigns of such person, who purchases and/or leases one or more units in a subdivision or multiple housing unit project from developer as herein defined.

(3) "Management" - Any person who forms and operates an on-site waste management system for the purposes of and under the provisions of these guidelines, or the heirs successors or assigns of such person.

B. Management - Eligible Persons: Management systems may be formed by a metropolitan municipal corporation operating a sewage utility; by an incorporated city or town operating a sewage utility; by a county government through the County Area Services Act (Chapter 36.94 RCW) or through any appropriate agency or department of county government; by a sewer district; or by a water or public utility district operating a sewer district. If no municipal agency is able or willing to operate such a management corporation, a special management corporation may be organized to serve as a management system subject to the special provisions of these guidelines.

C. Continuity: Once established, the management system must continue to function until all on-site sewage systems under its management have been abandoned and the dwelling units or other buildings served by such on-site systems have been connected to an approved sewerage system.

D. Existing Statutes, Rules and Regulations, etc. - Conflicts: The waste management system must be set up in conformance with existing statutes and the rules and regulations of any applicable regulatory agencies. Any portions of these guidelines in conflict with statutes limiting the authority of any management will not be applicable; however, management may be required to find a substitute for the non-applicable requirement.

E. Management System Contract: The management system shall operate through a contract between management and developer. The contract must contain, but need not be limited to, a complete description of all rights, duties, obligations, and commitments of management, developer, and purchaser; a description of all maintenance and operations requirements; and, otherwise, all of the elements set forth in these guidelines.

The contract must provide:

(1) Agreement by management to provide maintenance and operation of on-site sewerage systems, provide surveillance of functioning of on-site sewerage systems, keep records, collect fees, disburse funds, and perform all other duties set forth in these guidelines as are assigned to management.

(2) Agreement by developer that, when selling or leasing property, as a condition of sale or lease he will require the contract of sale, property deed or lease to include a clause wherein the purchaser agrees to conform to the provisions of the management system contract.

(3) That developer shall agree to provide each purchaser a full and complete copy of the management system contract prior to purchaser's signing of purchase contract.

(4) That, in the event the developer retains possession of individual lots which contribute sewage to an on-site sewerage system, the developer's obligations will include those of a purchaser with respect to those individual lots.

(5) Means of making amendments, additions, or deletions by mutual agreement of management, developer, and purchaser, and as approved by the local health officer and other applicable regulatory agencies.

(6) The right of management to contract with public or private agencies for labor and other services.

(7) That management shall employ competent personnel, as determined by the local health officer and other applicable regulatory agencies, familiar with the maintenance and operation of the types of on-site sewerage systems under its management.

(8) An identification of the portion of the sewerage system for which management shall exercise responsibility (e.g., "commencing at the first point of connection to a treatment device, or, at a point two feet outside the structure being served").

(9) A complete identification and definition of all rights of purchaser, management, and developer; and compliance with regulations of applicable regulatory agencies.

(10) Establish a method for the transfer of authority to another entity, acceptable to the regulatory agencies in the event that such transfer is necessary.

(11) Provision for allocation of restoration costs as required in Section I, Restoration.

(12) Provision for purchaser's right to perform work, if such work is permitted by management.

(13) The contract shall clearly state that in the event the properties are connected to an alternate sewage disposal system, the costs of such connection, if any, shall be the obligation of the property owner.

F. Financial Solvency: Management shall assure financial solvency of its management responsibilities. Financial arrangements shall include, but not be limited to the following considerations:

(1) An accounting and audit system in accordance with any applicable statutes.

(2) A standard maintenance and operation fee.

(3) Fees for initial installation of on-site sewerage systems.

(4) Establishment of an emergency fund.

(5) Preparation of a rate structure for various services that may be entailed beyond routine operation and maintenance due to variations in on-site sewerage systems being serviced.

(6) Permit billing purchaser for any routine repair work, replacement, emergency work or modifications undertaken on behalf of purchaser's installation to cover costs of materials and labor, and other valid associated costs.

(7) Establishment of a method of rate adjustment to maintain adequate funds. Rates shall be reviewed annually and adjusted accordingly.

(8) Provide for the collection of delinquent payments through property lien or other acceptable method.

(9) Establishment of a method of final disbursement of funds on hand and collectable at such time as the management system is dissolved.

(10) Establishment of a method of transfer of funds at such time as the management responsibilities are transferred.

(11) Assurance that adequate operation and maintenance funds are available from the initiation of sewage system operation.

G. Maintenance and Operation - Management and Purchaser: A maintenance and operation manual, specifically suited to the nature of the on-site sewerage system for which management will be responsible, shall be prepared. A copy of the manual shall be submitted to the local health officer and other applicable regulatory agencies. The manual shall include, but need not be limited to, schedules and/or procedures for the following items.

(1) Periodic inspection of facilities to ascertain efficiency of operation and general condition of equipment.

(2) Record keeping of inspections, monitoring, work done, conditions found, etc. Records shall be available for inspection by the regulatory agencies.

(3) Periodic pumping of septic tanks or other storage tanks by licensed septic tank pumpers.

(4) Periodic maintenance of motors, pumps, etc.

(5) Replacement or repair of worn or damaged equipment.

(6) Responding to emergencies. Emergency procedures shall include provisions for:

(a) Notifying users and applicable regulatory agencies of the emergency.

(b) Determining cause of any major breakdown or of any essentially complete failure of any on-site sewerage system to function as designed. The findings shall be submitted in writing to the applicable regulatory agencies.

(c) Making repairs or replacements or modifications of design as required to restore functioning of system.

(d) Working with purchaser and regulatory agency to prepare and install substitute system, in the event of irreparable failure of system to meet design requirements.

(7) Annual reporting of system maintenance and operation to applicable regulatory agencies.

H. Right to Enter on Purchaser's Property: Management shall have the right to enter upon purchaser's property to perform routine inspections or work and to respond to emergency conditions.

I. Restoration: Whenever work is performed by management on purchaser's property, management shall restore all paving, planting, and other features of purchaser's property to its original condition as nearly as possible. Provision for allocation of restoration costs shall be included in the management contract.

J. Purchaser's Right to Perform Work: Except in the event of an emergency that demands immediate action, upon notification to the management by the puchaser, management may permit purchaser to perform repairs, replacements, and other work other than routine maintenance and operation on those portions of the sewerage system located on purchaser's property. If management permits such work by purchaser, it shall be provided for in the management contract, and shall be performed under the following conditions:

(1) Design, materials, work to be performed, and time for completion shall be as directed by management, and shall comply with local health department and other applicable local regulations.

(2) Cost of labor and materials shall be borne by purchaser.

(3) Completed work shall be inspected and approved in writing by management before being placed in service.

(4) Management may correct any improper construction performed by purchaser or require purchaser to make such corrections, and may complete any work not finished by purchaser within the time limit set by management, and may bill purchaser for all labor and materials.

(5) Management shall enter such work into the maintenance and operation record.

K. Special Management Corporation: In the event no municipal corporation, as identified in Section B., is able or willing to serve in a management capacity and has indicated this decision in writing, a special private corporation may be established to serve this purpose.

(1) Structure and Criteria - In addition to meeting the foregoing criteria and requirements, such a corporation must meet the following conditions:

(a) It must be incorporated.

(b) It must have elected officers.

(c) It must have a constitution and by-laws.

(d) There must be financial solvency on a continuous basis through a method of financing construction, maintenance, operation and emergency work related to the sewerage system to the exclusion or whatever other obligations the corporation may assume in other fields. Rates must be set at a level which will provide ample funds for all sewerage operation and maintenance costs and cover emergencies as they occur.

(e) There must be permanency; i.e., the corporation must be continuously in operation with regard to its sewerage activities so long as there is a need for such management service. There must be built into the organization a provision to eventually transfer its sewerage responsibilities to a municipal corporation, as identified in Section B, should such a transfer become feasible.

(f) There must be a municipal corporation, as identified in Section B., to whom control and operation of the management corporation will pass in trusteeship in the event that no persons are willing to serve as officers of the corporation. In the event that no municipal corporation is able or willing to serve as a trustee,

a private organization, acceptable to the regulatory agencies, may serve in this capacity. The municipal corporation or the private organization shall have the opportunity to review and comment on plans and specifications and perform inspections during construction. They shall also be notified of any future construction or major repairs.

(g) Funds collected for sewerage purposes must be kept in an account to be used for the sole purpose of carrying out the functions of the sewerage management system.

(h) There shall be lien powers to assure the collection of delinquent sewerage debts, and provisions for adjustment of rates from time to time to meet the costs of operation.

(i) In the event the corporation is initially run by a board of trustees, provision should be made for an election of corporate officers at the first annual meeting and transfer of control from the initial trustees to the newly elected board of trustees or corporate officers. Membership of these groups shall be from among the residents of the community served.

(1) Elections may be delayed beyond the first annual meeting until at least some stated number of voters are actually resident in the community.

(2) The intent of this subsection is to assure control of the management system passing to the residents of the community as soon as possible.

(j) There must be assurance of good communication between the corporate leadership and the resident population. There must be adequate notice of meetings, positive service of such notice, and meetings must be held at times and places convenient to the residents and adequate space provided.

(k) A review board shall be established. The responsibilities of the review board shall include mediation and review of appeals regarding disputes arising on any matter relating to the relationship between purchaser and management. Decisions of the review board shall be final and binding on all parties involved.

(2) Implementation - The implementation of the special management corporation shall include, but need not be limited to, the following considerations.

(a) The developer shall assume complete responsibility for financing and managing the operation of the on-site sewage disposal systems during the period of development prior to transfer of the management responsibilities to the special management corporation.

(b) During the period of developer involvement with the on-site sewage disposal systems, there shall be an entity, as defined in subsection 1.f above, to whom control and operation of the systems will pass in trusteeship in the event that the developer becomes unable to meet his responsibilities.

(c) A two year performance bond, of an amount adequate to provide operation and management for that period, and in favor of the

entity identified in (b) above or another entity acceptable to the regulatory agencies, shall be posted by the developer.

(d) A method of transfer of the management functions from the developer to the special management corporation shall be provided. Transfer of the management functions shall be completed within two years, unless otherwise authorized by the approval authority.

L. Approval of Management Systems: All management systems that are proposed for specific developments must be reviewed and approved by the health officer and where necessary, by the Department of Ecology and/or the Department of Social and Health Services. If special services, such as financial review by a Certified Public Accountant, are required in the review of a management system by the health officer, the cost of such services shall be borne by the developer. Approval will take into consideration the size of the development and the extent to which the management system conforms to the requirements of any existing comprehensive land use plan for the jurisdictional area involved.

Public Forum

IRVINGTON COMMUNITY ASSOCIATION
2607 NE 20th
Portland, Oregon 97212

March 4, 1982

Oregon Environmental Quality Commission
Box 1760
Portland, Oregon 97207

Dear Commissioners:

The IRVINGTON COMMUNITY ASSOCIATION of outer northeast Portland has learned that a 33% cut was made in the Oregon State Noise Abatement Program. Noise control projects are seriously hampered, and the program will not: 1) be responsive to the public's complaints; 2) be able to implement noise abatement programs for industrial and commercial noise sources; 3) be able to implement new motor vehicle noise rules or train local police in enforcement of those rules. Perhaps the greatest loss to Portland and Oregon will be preventive noise control through careful land use planning review.

Our environment suffers from nerve-jarring, peace-wrecking noise which promises to increase without adequate monitoring. In Portland and cities all over the country neighborhoods have defined noise as a major problem in their communities. We in the Irvington neighborhood consider a strong noise abatement program vital to preserve a decent quality of life, and intend to press for enforcement of Oregon's noise abatement laws which require a strong statewide noise abatement program.

Sincerely,

IRVINGTON COMMUNITY ASSOCIATION

Linore Allison, Board Member

Linore Allison

Fran Ariniello, President

Fran Ariniello

Item N EQC

United States Department of Agriculture
Forest Service
Pacific Northwest Region
319 S.W. Pine
P.O. Box 3623
Portland, OR 97208

Reply to: 7430

Date: January 27, 1982

Department of Environmental Quality
Attn: Sherman Olson
PO Box 1760
Portland, OR 97207

Dear Mr. Olson:

We have reviewed the proposed amendments to the State of Oregon "On-Site Sewage Disposal Rules," and offer general comments regarding the rules and the enclosed technical comments.

We feel the rules are too complex and contain excessive technical detail. They should consist of guidelines or parameters that lead to the result intended, and allow for good environmental engineering judgement based on facts related to the individual site or situation. Currently, any deviation from a detail in the rules requires a lengthy and complicated variance procedure to be followed. Our experience has shown that this has resulted in unnecessary and costly project delays. We therefore suggest that you reconsider continuing with the detailed technical rules and variance procedures that are costly to administer at your agency as well as ours.

We thank you for the opportunity to comment on the proposed amendments and request that our name be included on your mailing list for any future amendments or hearings.

Sincerely,

D B Trask

D. B. TRASK
Director of Engineering

Enclosure

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JAN 29 1982
OFFICE OF THE DIRECTOR

FS-6200-11(8-80)

Comments Regarding Proposed Amendments
"On-Site Sewage Disposal Rules"

OAR 340-71-295

Reference 4(b)(A) - We believe a 2-inch bed of clean sand would be adequate protection and less costly than the proposed 4 inches.

OAR 340-73-055

Reference 1(A) - This requires motors to be single-phase with built-in automatic reset overload protection (on a separate starting winding).

A. Either single-phase or three-phase motors should be allowed. Single-phase motors are much more prone to fail, usually due to the start capacitors and relay. We utilize three-phase motors wherever power is available.

B. We disagree on the requirement that motors should have automatic reset overload protection. When sewage pump motors get overloaded as a result of a clogged impeller, they will shutoff or overload and recycle on-off when the motor cools down. After a number of cycles the pump may burn out. This overload requirement should allow either manual or automatic reset. Our systems have a light that indicates pump overload; then operation is transferred to an alternate pump.

Reference 1(c) - This requires an easy, readily accessible means of electrical and plumbing disconnect. Disconnect is not defined. Does this mean a disconnect switch, plug and receptacle, or a junction box? Where can the disconnect be located; in the wet well or above grade? If the disconnect is located in the pump pit, does it have to be submersible and explosion-proof to meet Class 1 Group D electrical requirements?

Our systems have the main disconnect in the control panel with an explosion-proof submersible plug receptacle either in the wet well or above it.

Reference 1(d) - The use of a large screen on pumps that discharge into a pressurized distribution system is not practical and will lead to a maintenance headache. Other options such as grinder pumps should be allowed.

Reference 1(e) - This requires a sealed mercury float switch rated at 12 amps at 115 volts AC or an approved equivalently reliable switching mechanism.

The current and voltage requirements are misleading. The State of Oregon Fire Marshall and Electrical Inspector have ruled that control circuits to the well must be either explosion-proof or intrinsically safe. A typical mercury float switch is not explosion-proof, and if used at 115 volts is not intrinsically safe. In addition, the only way float switches can be used and meet NEC (National Electrical Code) is to be intrinsically safe. In these circuits the voltage and current levels are 24 volts at less than 0.005 amp. The section should either be clarified or eliminated and just referenced to meet NEC and State electrical requirements.

Reference 1(f)(g) - This requires alarm and pump controls to be on separate circuits.

This should be clarified to show that the intent is to separate the alarm control power from the pump motor circuit breaker, so the alarm still operates in the event of a motor short-circuit causing its' breaker to trip. The normal level control circuits and alarm circuits should be allowed to use the same power source. The State Electrical Section also requires a redundant "off" control if the pumps are not explosion-proof.

Reference 1(h) - This removes the requirement for a State electrical permit and inspection.

Even though an electrical permit may be obtained on a project, many pump, electrical, and control systems do not obtain this inspection. As a result many systems have been installed which may not meet NEC and State electrical safety laws.

We feel the inspection by a qualified electrical inspector results in safer systems by requiring that the control systems be designed for their intended use in accordance with the class of hazard involved, and that they are installed in accordance with code requirements.

OAR 340-71-295

Reference 2(e)(A)(i) - We believe a 2-inch sand subgrade would be adequate protection and less costly than the proposed 4 inches.

Submitted by: US Forest Service
PO Box 3623
Portland, OR 97208
January 27, 1982

EQC
by Young
Osborne
Olson

Mack Arch on the Curry Coast
COUNTY OF CURRY
ENVIRONMENTAL SANITATION
OFFICE
POST OFFICE BOX ~~XXX~~ 746
GOLD BEACH, OREGON
97444
PHONE NO. 247-7011, EXT. 311 OR 321

February 8, 1982

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

Dear Sirs:

Although the time to comment on the proposed rule changes has passed, I request consideration on the following points because of the limited time for responding to the lengthy document changes:

1. A compromise of the bedroom definition is in order. This is primarily to deal with the rule allowing two bedroom dwellings on lots created prior to March,1978 if they can't accept a four bedroom on-site sewage disposal system. Also, by calling bedrooms "dens, sewing rooms, studies or similar misleading terms",the initial and/or repair systems may be underdesigned for reasonable occupancy potential.

2. The present system of renewing permits without a time limit is adequate. The only real function for mandating annual renewals is for additional revenue to compensate for additional filing or site review which is not necessary.

3. We are opposed to surcharges for Alterations, Repairs and Authorization Notices. If D.E.Q. needs more money for these activities, then they should raise their fees, not the delegate county fees by issuance of another surcharge. We rarely require consultation on these permits from D.E.Q., except for commercial facilities. Further, consultation is part of our delegate agreement, not the rules.

4. What criteria was developed in the gravel-less disposal trench proposal? Why was an 18 inch wide trench proposed instead of a 24 inch wide trench? Was the filter material volume the same for gravel and gravel-less systems? Why?

5. Drop the waiver of Variance application fee. It could take as much or more time to factually verify than studying the variance request. It subjects the individual to auditing and the Department personnel to being tax auditors and vital statistic investigators.

Please call me if you have any questions or comments in conducting your review of the above proposals.

Respectfully,

Tyrone L. Welty

Tyrone L. Welty, R.S.
Supervising Sanitarian
Curry County

TLW:sll
file

Kerry L. Lay, Administrator

DEPARTMENT OF PLANNING & DEVELOPMENT

March 1, 1982

Environmental Quality Commission
c/o William H. Young, Director
Department of Environmental Quality
P. O. Box 1760
Portland, OR 97207

RE: Appeal of Variance Approval for Dr. James E. Perry
Twp. 36S, Range 1W, Section 24, Tax lot 403

Dear Mr. Young:

I would like to begin by stating that my decision to appeal this variance approval was not made lightly or without regard for the possible consequences. Rather, I filed the appeal based on my conviction (and that of every member of my staff) that the septic system approved by Variance Officer Greg Farrell will not function satisfactorily. I feel there are a number of conditions on Dr. Perry's property which will adversely affect the system. These include very shallow soils over clay and hardpan, uneven topography, very poor drainage, and a perched water table which persists near the ground surface for several months at a time. Also, I believe that the Variance Officer reached his decision without adequate information on the true site conditions and, therefore, his system design does not compensate for the extreme limitations of this site. My final concern is that when this system fails and repair is necessary, such repair is likely to involve considerable delay and expense which could be avoided by installing the sand filter in the first place.

The proposed installation site has already been described both in my initial appeal letter and in the D.E.Q. staff report. However, before going any further, I would like to briefly describe the site limitations once more. These can be divided into three general categories:

1. Shallow soils - this site is a typical Agate-Winlo soil with depths in the mound of 10 to 20 inches. The clay loam surface soil is underlain by a dense, impermeable claypan about two to three inches thick. Underlying the clay is an impervious hardpan several feet in thickness. An evaluation by my staff of the four test pits provided by the

applicant found effective soil depths of 10, 13, 15, and 20 inches (average depth is 15 inches). In themselves, these shallow soil depths make this site unapprovable for any type of septic system other than a sand filter.

2. Uneven ground surface and limited installation area - the mound chosen by the applicant for the drainfield installation is somewhat larger and marginally higher than normal. Even so, the length of drainfield trenches which can be installed is somewhat limited. The system's repair area had to be located on another mound some distance away (200±). Also, the uneven nature of the ground surface on the mound will make it impossible to both install the trenches on level and maintain their depth at twelve inches. Trench depths will have to vary from twelve to eighteen inches or more if their bottoms are to remain on level.

3. A persistent temporarily perched water table - this is by far the worst problem. Water movement on the site is highly restricted both vertically (by the clay and hardpan layers) and horizontally (by the flat topography). The consequent very poor drainage characteristics of this area result in a perched water table at or near the ground surface throughout the winter and spring months. In the low inter-mound areas water ponds on the ground surface. In the mounds, the water table is found between six and twelve inches below the ground surface. These water tables do <u>not</u> dissipate between storm events, even in low rainfall years. The presence of this temporary water table makes Agate-Winlo sites unapprovable for any type of septic system including sand filters.

Dr. Perry's variance proposal was prepared by Daniel Frank, a registered sanitarian and former DEQ Variance Officer. Recognizing the site limitations, Mr. Frank designed a septic system incorporating a number of compensating features. Among these were a sand filter, low pressure distribution in the drainfield, a capping fill over the drainfield, and an extensive surface water diversion system. The sand filter is the most important of these design features. In contrast to septic tank effluent, sand filter effluent requires very little treatment in the soil. This overcomes many of the problems with shallow soils and high water tables, such as are found on Dr. Perry's property. It also allows use of a smaller drainfield which fits into the limited useable area on this site. The Variance Officer's decision to delete the sand filter means we can no longer compensate for the limitations of this site.

After reading the Variance Officer's approval report, I directed my staff to conduct an intensive monitoring program of the ground water

levels on Dr. Perry's site. Weekly inspections were made over a period of two and a half months. The monitoring results, along with local rainfall data, are shown on the attached chart. As you can see, the water table was consistently observed at closer than twelve inches to the ground surface. An interesting and significant point is that the upper soil layer on this site is not mottled. This fact led Mr. Farrell to believe that a water table would not persist on this site throughout the winter months. Obviously, this belief was mistaken as was the decision to delete the sand filter component of Dr. Perry's system.

The system actually approved by the Variance Officer is a combination of a capping fill and pressurized distribution. It is specified that the drainfield trenches be installed on level with trench depths being maintained at twelve inches below the natural ground surface. This is standard practice. Unfortunately, Dr. Perry's site is so uneven that such precise trench construction will not be possible.

In order to keep the trench bottoms level, the trench depths will have to vary between twelve and eighteen inches or more. The effective soil depth on this site varies from ten to twenty inches and averages fifteen inches below the natural surface. Therefore, a considerable portion of each trench bottom will be in contact with the clay layer or hardpan. Also, with the groundwater level persisting at depths of between six and twelve inches, the trenches will be partially or completely inundated along their entire lengths.

The current rules pertaining to capping fill system (OAR 340-71-265) require approvable sites to have a minimum effective soil depth of eighteen inches and not have a temporary water table which rises closer than eighteen inches to the ground surface at any time during the year. A further requirement is that there be a minimum separation distance of six inches between the bottom of the disposal trench and 1) temporary water table, and 2) the layer that limits effective soil depths. The reason for these required separations is to maintain a certain minimum amount of unsaturated soil around the trenches in which effective sewage treatment can occur. The results of our monitoring program show that the soil and groundwater conditions required by a capping fill system do not occur on Dr. Perry's property.

Another problem is that the proposed drainfield is undersized. There is only enough area for a limited amount of drainfield. This would not be a problem with the originally proposed sand filter system due to the reduced drainfield size requirements of sand filter systems. However, the capping fill system approved in the variance is a different matter. Even if this site met the minimum standards for a capping fill system (and it does not), a minimum of 450 lineal feet of drainfield trench would be required. The current design calls for 328 lineal feet of trench; instead of oversizing the drainfield to

compensate for the site limitations, it has been undersized by 27%. This can only increase the probability that the system will fail.

When the system does fail, the only repair option will be the installation of a sand filter. There are numerous problems with this concept of a sand filter being a certain cure-all. Aside from the expense and inconvenience to the property owners, there are the issues of the water pollution and public health hazards associated with a failing system. There are also certain technical problems such as the likelihood that failure will occur in the winter when the ground is too wet to construct the repair system. This means allowing the failure to continue until the soil dries out in the spring. Finally, a new drainfield will probably be necessary since the original trenches will have been flooded for several months, allowing them to be clogged with anaerobic bacterial slimes.

In closing, I would like to present a brief summary of my objections to the septic system approved by the Variance Officer.

1. The site is exceptionally poor, having shallow soils underlain by an impervious claypan which in turn rests on an impervious hardpan.

2. The site is very poorly drained and is affected by a persistent high temporarily perched water table between November and May.

3. The undulating topography of the site will require the drainfield trenches to be installed into, the clay and hardpan layers. The trenches will be intermittently inundated by the perched water table for five to six months at a time.

4. The system is severely undersized even if the installation site was suitable for a capping fill system (which it is not).

5. Installation of a sand filter only after the system has failed will certainly involve considerable expense, inconvenience, delay, and toleration of a water pollution and public health hazard for several months.

My staff and I have had a great deal of experience with septic systems on Agate-Winlo sites. It is our unanimous opinion that the system as currently designed is inappropriate for Dr. Perry's site and that it will fail. I urgently request that you reinstate the sand

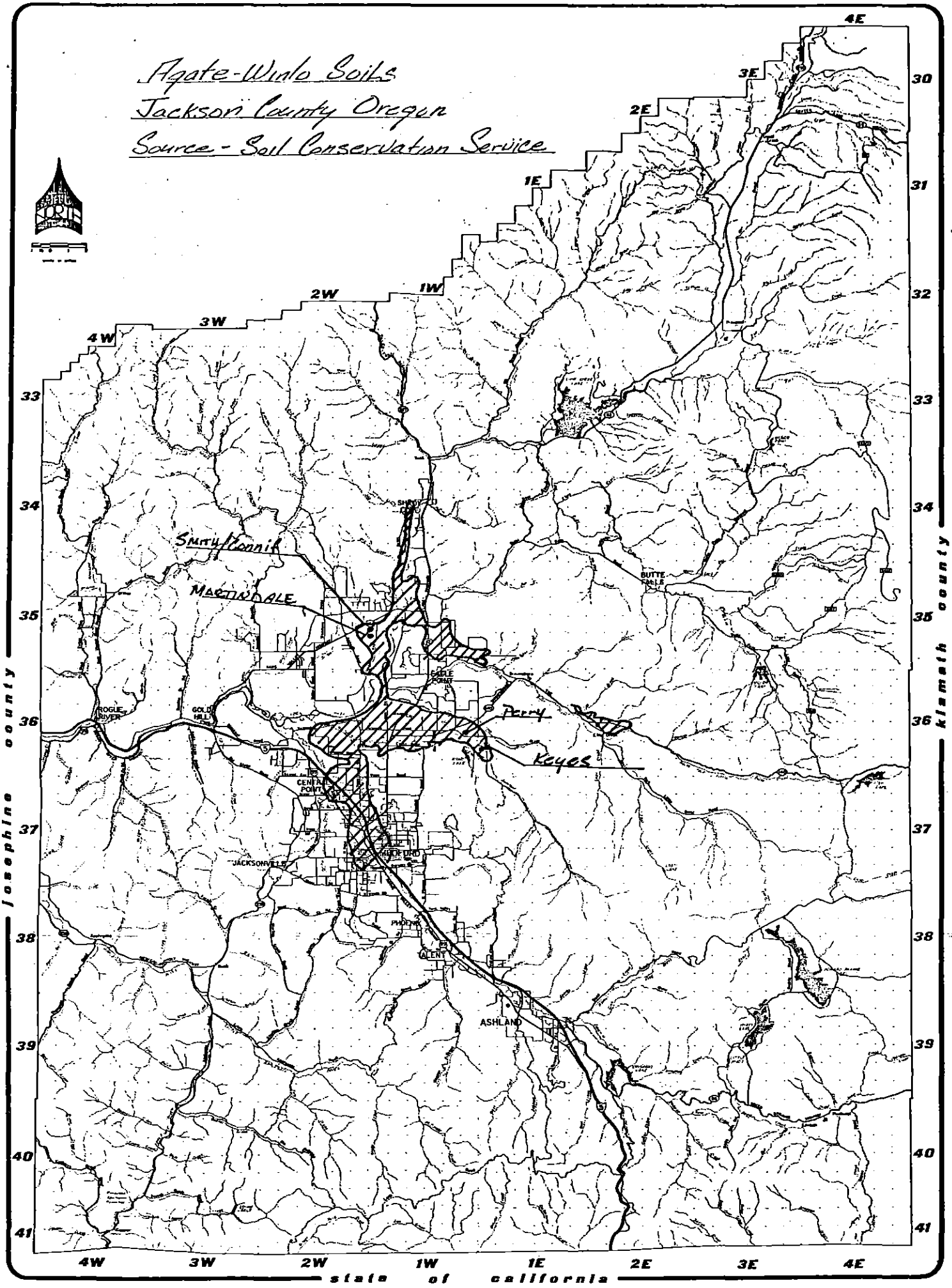
filter requirement for this system.

Sincerely,

Bradley W. H. Prior, R.S.

Bradley W. H. Prior, R.S.
Supervising Sanitarian

cc: Greg Farrell, DEQ, Roseburg
Dave Couch, DEQ, Medford

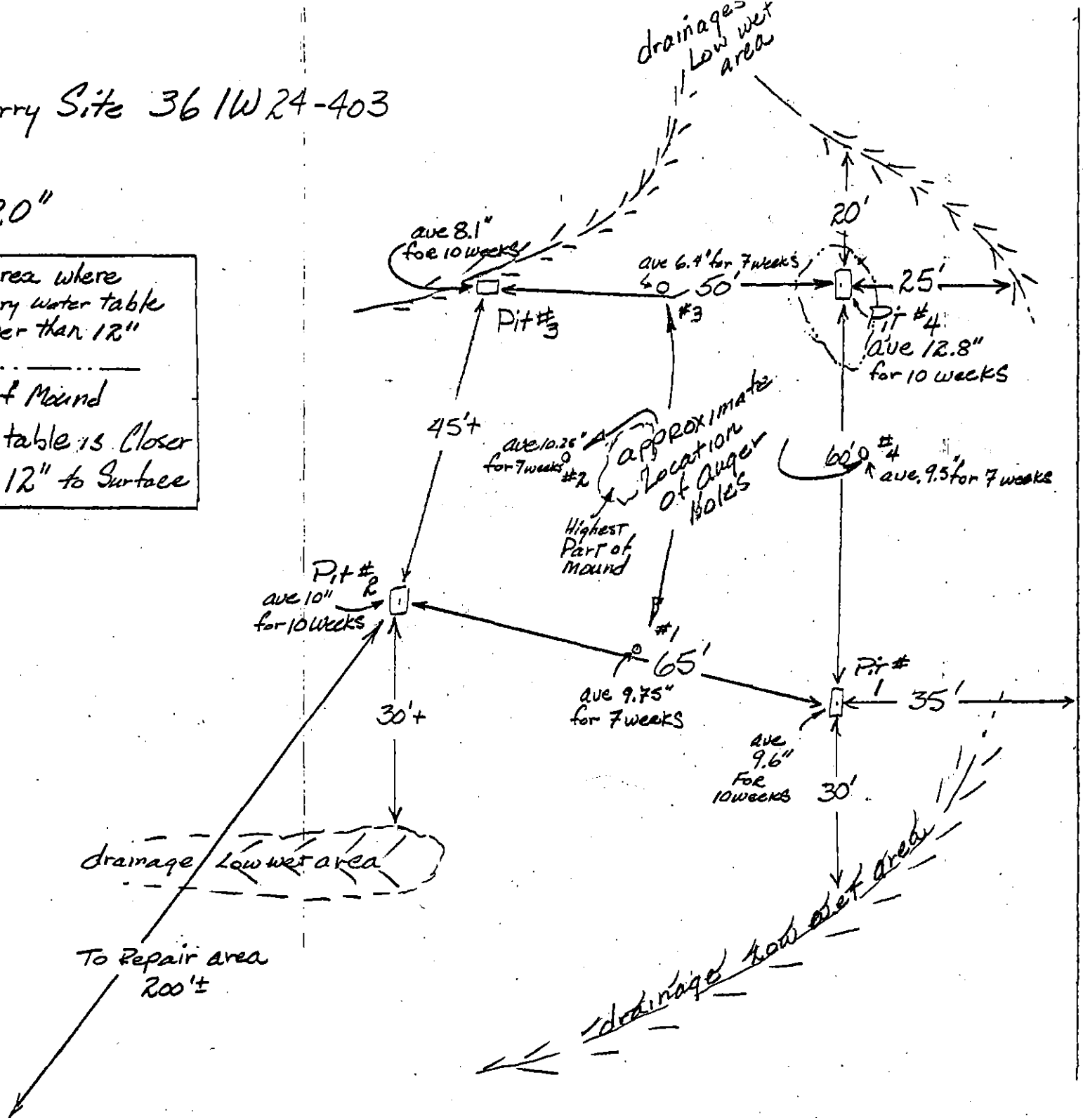

Agate-Winlo Soils
Jackson County Oregon
Source - Soil Conservation Service
Smullin
Macdale
Perry
Keyes
ROGUE RIVER
GOLD HILL
CENTRAL POINT
JACKSONVILLE
MEDFORD
PHOENIX
TALENT
ASHLAND
BUTTE FALLS
EAGLE POINT
4W
3W
2W
1W
1E
2E
3E
4E
30
31
32
33
34
35
36
37
38
39
40
41
josephine county
klamath county
state of california

Perry Site 36 1W 24-403

1"=20"

ONLY area where temporary water table is deeper than 12"

Rest of Mound Water table is Closer Than 12" to Surface



BY..... DATE.....

CHKD. BY..... DATE..... SUBJECT.....

SHEET NO..... OF.....

JOB NO.....

LEGAL 36 1W 24-403

PERRY WATER TABLES WINTER 1981-1982